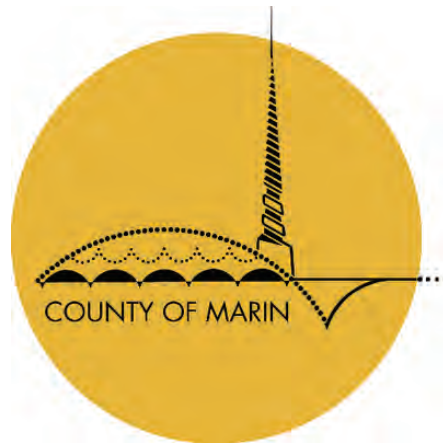


Housing & Safety Element Update to the Marin Countywide Plan

Final Environmental Impact Report

County of Marin



December 2022

State Clearinghouse No. 2021120123

Prepared with the assistance of
MIG, Inc.

**MARIN COUNTY HOUSING AND SAFETY ELEMENTS UPDATE PROJECT
FINAL ENVIRONMENTAL IMPACT REPORT**

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1. INTRODUCTION

This document is the Final Environmental Impact Report and responses to comments volume of the environmental impact report (EIR) for the proposed Housing and Safety Element Update to the 2007 Marin Countywide Plan (the 2007 CWP or CWP) (the Project) and has been prepared as an informational document for consideration by the County of Marin (County) prior to taking action on the Project.

1.1 RELATIONSHIP BETWEEN DRAFT EIR AND FINAL EIR

The Final EIR for the Housing and Safety Element Update Project has been prepared by Marin County, the Lead Agency, in compliance with State environmental documentation requirements set forth in the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (CEQA Guidelines). The County has prepared the Final EIR, defined below, consistent with the CEQA Guidelines, including sections 15086 (Consultation Concerning Draft EIR), 15087 (Public Review of Draft EIR), 15088 (Evaluation of and Responses to Comments), 15089 (Preparation of Final EIR), and 15132 (Contents of Final Environmental Impact Report).

The “Final EIR” consists of the following **two volumes** pursuant to State CEQA Guidelines section 15132:

(1) The **Draft EIR volume**, which was circulated for a 45-day agency and public review and comment period beginning on October 7, 2022 and ending on November 21, 2022; and

(2) The **Final EIR volume** which, consists of:

- Comments and recommendations received on the Draft EIR either verbatim or in summary.
- A list of persons, organizations, and public agencies commenting on the Draft EIR.
- The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- Revisions to the text of the Draft EIR as a result of the comments received or new information that was not known at the time the Draft EIR was published.
- Any other information added by the Lead Agency.

None of the revisions to the Draft EIR would result in a new significant impact, a substantial increase in the severity of a previously identified significant impact, or a feasible mitigation measure or alternative considerably different from those already considered in the Draft EIR. Therefore, recirculation of the Draft EIR pursuant to CEQA Guidelines section 15088.5 is not required.

Both volumes of the EIR are available for public review at the County offices at: **Marin County Community Development Agency, 3501 Civic Center Drive, Room 308, San Rafael, CA 94903** during regular business hours. The Final EIR and all documents referenced in the EIR are posted on the County’s website at:

<https://housingelementsmarin.org/marin-county-environmental-review>

The Housing and Safety Elements and other information about the County’s Housing and Safety Elements update process are also available online at the following web addresses:

<https://www.marincounty.org/depts/cd/divisions/planning/housing-and-safety-elements>

<https://housingelements Marin.org/marin-county-environmental-review>

Certification of this Final EIR by the Marin County Board of Supervisors must occur prior to approval of the Housing and Safety Element Update Project.

1.2 SUMMARY OF PROPOSED PROJECT

1.2.1 Overview

The proposed Project is comprised of updates to the Housing Element and Safety Element of the Marin Countywide Plan (CWP) in compliance with the requirements for General Plans in State Planning and Zoning Law; associated amendments to other elements in the CWP as necessary to ensure consistency; and amendments to the Marin County Code to provide for effective implementation of the project (collectively the “Project”), and is described in more detail in Chapter 3, Project Description of this EIR.

The Project proposes goals, policies, and programs that will provide County staff and discretionary bodies with a foundation for decisions related to long-range planning for housing development and safety, including the effects of climate change. The goals of the Project are to revise the adopted Housing and Safety Elements to create a policy framework for:

1. Facilitating new housing growth throughout the unincorporated County area in response to the region’s need for more affordable and market rate housing, and meeting the County’s 2023-2031 Regional Housing Needs Allocation (RHNA);
2. Responding to the broad range of housing needs in Marin County by supporting a mix of housing types, densities, affordability levels, and designs;
3. Promoting healthy neighborhoods that incorporate best practices related to land use, racial equity, mobility, housing, affordability, safety, environmental justice, community services, and design;
4. Combating housing discrimination, eliminating racial bias, undoing historic patterns of segregation, and lifting barriers that restrict access in order to foster inclusive communities and achieve racial equity;
5. Engaging residents and stakeholders to ensure equitable and inclusive processes, policies, investments, and service systems;
6. Establishing new CWP goals, policies, and programs to include climate change adaptation and resiliency planning, sea level rise, and additional wildfire measures, and providing direction to improve emergency preparedness, response, and recovery; developing strategies that help people, infrastructure, and community assets adapt to and recover from evolving climate threats and vulnerabilities, and from natural and human-caused hazards;
7. Developing a Safety Element that meets all the requirements of Government Code section 65302(g), and which reflects State and local regulations for specific hazards, with the intent of protecting people and key infrastructure from damage resulting from an environmental hazard;
8. Identifying communities most vulnerable to climate change impacts and establish new goals, policies, and programs for equitable public safety, emergency preparedness, response and recovery; and
9. Embracing technology and innovative practices to create smart, sustainable cities and adaptable infrastructure systems.

1.2.2 Project Background

The County began the process of updating the Housing and Safety Elements in late summer/early fall 2021. The initial site identification process studied over 150 possible candidate housing sites and included opportunity sites suitable for residential development, including vacant sites and sites having the potential for redevelopment that can be developed for housing within the Housing Element planning period of 2023 through 2031. The 150 candidate housing sites contained a development potential that would allow up to 10,993 units that the Marin County Planning Commission and Board of Supervisors could select from to identify sites that could be used to meet the County's RHNA of 3,569 units.

The Planning Commission and Board of Supervisors hosted a series of workshops to develop guiding principles that would direct the site selection process, evaluate scenarios that tested how well different approaches addressed guiding principles, receive input on the issues and merits of specific sites, and collect feedback on proposed policies and programs. Existing environmental conditions and likely constraints were considered. Sites were also identified throughout the community to address fair housing and to address historic patterns of segregation. In addition, State law considerations were included in the evaluation, such as lot size, default density, development trends and potential, reusing of prior sites, development on non-vacant sites, and "no net loss" requirements that ensure development opportunities remain available throughout the planning period to accommodate a jurisdiction's RHNA by providing additional sites for lower and moderate-income categories.

In April 2022, after conducting workshops in November 2021, January 2022, and March 2022, the Planning Commission and Board of Supervisors endorsed the proposed "Project Sites" identified in Figure 3.5 and Table 3-2 and Table 3-3 in the Draft EIR. The Marin County Board of Supervisors held a meeting on December 6, 2022, to provide input and direction on the final site selection as part of the Housing and Safety Element adoption process. New information regarding some of the Project Sites that was not available at the time the Draft EIR was published has resulted in revisions to Tables 3-2 and Table 3-3. Please see the discussions in Chapter 2.1 and Topical Response 2 in Chapter 4 of this Final EIR for a description of the final housing site list, as well as text revisions to the Draft EIR Project Description presented in Chapter 5.

As shown in Table 3-2 of the Draft EIR, the proposed "Project Sites" identified by the County would be sufficient to meet the County's RHNA of 3,569 units and also would provide for extra units to create a buffer in the housing inventory of at least 15 to 30 percent more capacity than required, as recommended by the California Department of Housing and Community Development to ensure that the County maintains adequate sites at all income levels throughout the Housing Element planning period. An additional 1,286 units are included for applicants requesting a 35 percent density bonus, bringing the total proposed units for the Project to 5,214 units. The revisions to the final Project Sites list described above has resulted in an increase in the number of housing units from 5,214 to 5,231.

During the Housing Element Update process discussed above, the County also coordinated preparation of the updates to the Safety Element, which included public workshops to present countywide safety issues and collect community feedback. The Safety Element Update is required by new State laws for local governments to update their safety elements at the same time as their housing element updates. State law requires safety elements to address protection of people from unreasonable risks associated with environmental hazards, including geology and seismicity, flooding, and wildfires. New state laws also require safety elements to address climate change resilience including extreme weather events and sea level rise.

The Safety Element lays the groundwork for countywide hazard planning and programming and identifies measures to minimize impacts of environmental hazards. Consistent with State guidance on incorporating climate adaptation strategies and implementation measures into safety elements, Marin County has prepared a vulnerability assessment to determine public safety risks from climate change, including flooding, wildfire, drought, extreme heat, sea level rise, and storm activity.

The draft Safety Element Update was circulated for public comment on June 1, 2022 and the comment period closed on June 30, 2022. The draft Safety Element Update was also sent to the State Department of Forestry for review and approval on June 2, 2022. It was approved with edits by the Board of Forestry on September 22, 2022.

1.2.3 Housing Element Update

The Housing Element Update consists of five chapters, summarized below, and four appendices:¹

Chapter 1, Introduction, provides an overview of the Housing Element and its purpose, housing element law, housing element information requirements, and a summary of the community involvement and decision-making processes and techniques used.

Chapter 2, Housing Needs Analysis, provides a description of the County and its population and employment trends, household characteristics, and housing stock characteristics. The chapter also describes the RHNA, housing costs, household income, the ability to pay for housing, and specific housing issues such as overcrowding, habitability, and others.

Chapter 3, Housing Constraints, discusses nongovernmental constraints to the development of housing such as available vacant land, construction costs and financing, community resistance to new housing, and availability of infrastructure, and governmental constraints including regulatory standards presenting possible conflicts with each other, permit processing timelines, and planning application review and fees.

Chapter 4, Resources, discusses land characteristics; development policy and objectives focusing residential development within the City-Centered Corridor; affordable housing in the county and the populations it serves; housing strategies for meeting the RHNA; the process for identifying potential housing sites; local funding opportunities; and opportunities for energy conservation.

Chapter 5, Goals, Policies, and Programs, contains the Housing Element Update policies and programs, and describes the County's commitment to address current and future housing needs, including examining policies and programs under AB 686 (described in Housing Element Update Appendix D: Affirmatively Furthering Fair Housing).

1.2.4 Safety Element Update

As discussed above, the 2007 CWP does not contain an adopted "Safety Element" as a standalone document but does contain policies and programs that address the required contents of a safety element, in compliance with State law. These policies and programs are contained in The Natural Systems and Agriculture, The Built Environment, and The Socioeconomic Elements. The currently adopted policies and programs in CWP section 2.6 – Environmental Hazards address geologic, flooding, and wildfire hazards and are being updated

¹The four Housing Element Update appendices are: Appendix A, community outreach efforts conducted; Appendix B, review of the 2015 Housing Element; Appendix C, sites inventory; and Appendix D, a comprehensive discussion of the County's commitment to specific meaningful actions to affirmatively furthering fair housing.

to comply with new State requirements to include climate change and resiliency planning, as well as new requirements to further address sea level rise, flooding, and wildfire hazards, and disaster preparedness, response, and recovery. The proposed “Safety Element Update” includes new policies and programs, and revisions to current Environmental Hazards policies and programs, in compliance with new State laws. Collectively, this content comprises the Safety Element Update, which is part of the Project being evaluated in this EIR. The updated section 2.6 of the CWP is now considered the County’s “Safety Element,” as explained in the first paragraph of that section. The Safety Element Update is comprised of the following sections:

Background, which explains the context of the Safety Element in the CWP and how the Safety Element is intended to provide an understanding of the hazards that could threaten unincorporated Marin County, plus practices and policies that will enable continued prosperity and resilience in the county.

What is a Safety Element?, which describes the Safety Element as one of the State-mandated elements of the CWP and identifies and discusses State requirements for equitable community safety planning; disaster preparedness, response and recovery; geology and seismicity; flooding; wildfire; and climate change and resiliency planning.

Documents Incorporated by Reference, which identifies key documents relied on during preparation of the Safety Element.

Additional Reference Documents, which identifies other relevant documents related to wildfire protection, sea level rise, and adaptation.

Marin County Hazards, which discusses environmental hazards from geology and seismicity, flooding, wildfire, and climate change. Other topics discussed include resiliency planning; disaster preparedness, response, and recovery; the changing regulatory environment and approach to climate planning; equitable community safety planning and vulnerable populations; and hazard recovery planning.

1.2.5 Amendments to the CWP and County Code

As discussed in Chapter 3, Project Description, amendments to other elements of the CWP and County Code would be necessary to implement the programs identified in the Housing Element Update and Safety Element Update. These would include the following:

- Changes to the land use designations (where needed) to accommodate the development intensity needed to satisfy the RHNA;
- Changes to policies that limit development to the lowest end of the density range to allow residential densities necessary to implement the Housing Element;
- Changes to policies and programs to remove barriers to residential development (adjustment to the City-Center/Inland Rural boundaries, modify policies related to density limitations, modify text to clarify the relationship between the CWP and community plans, replace the Housing Overlay District with a Housing Element Overlay, etc.);
- Changes to policies specific to regional sites to accommodate increased densities on sites such as the St. Vincent’s/Silveira and the Buck Center sites;
- Changes to policies related to community plans (to clarify that the CWP would govern if there are differences with respect to standards in community plans that are inconsistent with state law);

- Changes to transportation policy to eliminate restrictions on residential development based on LOS standards;
- Changes to the zoning map land use designations where needed to accommodate the development intensity needed to satisfy the RHNA;
- Rezoning of properties to achieve consistency with the 2007 CWP;
- Zoning text amendments and Development Code amendments to ensure procedures and standards are in place to support development needed to satisfy the RHNA in compliance with State Law (Objective Development Standards); and
- Adoption of a Form Based Code with objective development standards into the County's zoning framework.

1.3 ENVIRONMENTAL REVIEW PROCESS

1.3.1 Public Scoping of the Draft EIR

On December 8, 2021, the County issued a Notice of Preparation (NOP) of an EIR and Notice of Public Scoping Session for the Project as required by State CEQA Guidelines section 15082. A scoping session was held on January 11, 2022 to provide responsible, trustee, and federal agencies and members of the public, including organizations and individuals, the opportunity to comment on the scope and content of the environmental analysis to be included in the EIR. Written agency and public comments were accepted during the 45-day scoping period that ended at 4:00 p.m. on January 24, 2022. Scoping comments received as a result of public outreach were taken into consideration during the preparation of the Draft EIR. The summary of comments received at the scoping meeting and the written comments received on the NOP are included in Appendix A of the Draft EIR. Additional information on the public outreach conducted for the project and identified concerns is further discussed in Draft EIR section 2.5 Areas of Known Controversy and Issues to be Resolved.

1.3.2 Public Review of the Draft EIR

On October 7, 2022 the Housing & Safety Element Update to the Marin Countywide Plan Draft Environmental Impact Report ("Draft EIR") (State Clearinghouse No. 2021120123) and a Notice of Completion of the Draft EIR and Notice of Public Hearing to be held on November 16, 2022 were transmitted to the State Clearinghouse, distributed to the environmental mailing list including the email subscriber list, and published in a newspaper of general circulation, the Marin Independent Journal, to begin a 45-day public review and comment period which concluded at 4:00 p.m. on November 21, 2022. Postcards providing notice of the updated public hearing date and time were subsequently published on the project webpage on November 3, 2022, and published in the Marin Independent Journal.

A total of 62 letters and emails containing comments ("comment letters") on the Draft EIR were received as of the publication of this Final EIR. These included two comment letters from State agencies, the California Office of Emergency Services (Cal OES) and California Department of Fish and Wildlife (CDFW), two comment letters from local agencies, 10 comment letters from groups or organizations, and 48 letters from individuals. All comment letters received on the Draft EIR during the public comment period are provided in Chapter 4 Responses to Comments. The County also received 29 comment letters from individuals after the close of the comment period at 4:00 P.M. on November 21, 2022. These comment letters are provided in Attachment 1 to this Final EIR.

The County held a joint Planning Commission/Board of Supervisors public hearing to receive comments on the adequacy of the Draft EIR on November 16, 2022. A transcript of the entire hearing and the public and Planning Commission/Board of Supervisors comments on the Draft EIR are provided in Chapter 4 Response to Comments.

1.3.3 Response to Agency Comments

The Lead Agency is required to provide written responses to public agency comments at least 10 days prior to certifying the Final EIR. The County provided all agency commenters on the Draft EIR with proposed responses to their comment letters by email on December 20, 2022; the emails included notification of the public hearing date for certification of the EIR on January 24, 2023 at a Board of Supervisors meeting.

1.3.4 Text Revisions to Draft EIR

CEQA anticipates that the public review process will elicit information that can result in modification of the project design and refined impact analysis to reduce potential environmental effects of the project. As provided in CEQA Guidelines section 15088.5, when “significant new information,” as defined in CEQA Guidelines section 15088.5(a), is added to the EIR after public noticing of the Draft EIR but before certification, the EIR must be recirculated to give the public a meaningful opportunity for review. Significant new information is defined as 1) a new significant environmental impact, 2) a substantial increase in the severity of an environmental impact requiring new mitigation, or 3) a feasible project alternative or mitigation measure considerably different from those previously analyzed that would clearly reduce environmental impacts. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. CEQA Guidelines section 15088.5(b).

This Final EIR includes the following modifications to the Draft EIR:

- Additional information regarding the environmental and regulatory setting, project description details, and new analysis.
- Text changes to provide clarity to the analysis, make minor text corrections, or fix grammatical or typographic errors.
- Text changes in response to comments received on the Draft EIR.
- Text changes to biological resource mitigation measures in Draft EIR Chapter 7 to better reflect the County’s existing processes.

These revisions do not constitute significant new information regarding the project description, environmental and regulatory setting, conclusions of the environmental analysis, or in the mitigation measures or requirements incorporated into the project to mitigate impacts, or otherwise provide significant new information that would require recirculation of the Draft EIR pursuant to CEQA Guidelines section 15088.5.

1.4 ACTIONS COVERED BY THIS EIR

Marin County is the lead agency for the proposed Project. A lead agency, as defined in section 15367 of the State CEQA Guidelines, is “the public agency that has the principal responsibility for carrying out or approving a project.”

The Housing and Safety Elements Update project will be considered by the Marin County Board of Supervisors for adoption. As the Lead Agency, the County also intends this Final EIR to serve as the CEQA-required environmental documentation for consideration by Responsible Agencies

and Trustee Agencies that may have discretionary authority over future projects affected by the Housing and Safety Elements Update (such as the California Coastal Commission,² California Department of Fish and Wildlife, California Department of Transportation, Regional Water Quality Control Board, Bay Area Air Quality Management District, San Francisco Bay Conservation and Development Commission).

The Marin County Planning Commission will make a recommendation regarding Final EIR certification to the Board of Supervisors prior to the Board of Supervisors' action on the Final EIR and on the proposed Housing and Safety Elements Update Project. Following Marin County approval, the County will provide the State Department of Housing and Community Development (HCD) the Housing Element Update for review and certification.

Amendments to the CWP and County Code

The Project includes programs that require amendments to the Development Code and conforming amendments to other elements of the CWP to remove impediments to housing, clarify development potential, and provide internal consistency between various elements of the CWP to be adopted following adoption of the Housing and Safety Elements Update project. This EIR analyzes these actions as implementing programs and activities of the Project. The purpose of the amendments is to implement the CWP and ensure Development Code consistency with the goals, policies, and programs of the Project. The proposed CWP and Development Code amendments include:

Countywide Plan

- Adjust the Inland Rural/City-Center corridor boundary at the northern edge of the County adjacent to the Buck Center site.
- Eliminate or modify policies limiting development to the lowest end of the density range to accommodate residential density necessary to satisfy the RHNA.
- Modify discussion of policies for the St. Vincent property.
- Clarify the relationship between the CWP and Community Plans.

Marin County Code

- Redesignation/rezoning for adequate sites as needed to fully accommodate the RHNA.
- Amend the Development Code to address by-right approval requirements.
- Amend the Development Code to establish minimum and maximum densities for multi-unit and mixed-use zones.
- Amend the Development Code to establish Objective Design Standards contained within the Form Based Code.
- Amend the Development Code to increase the height limit of residential structures from 30 feet to 45 feet.
- Amend the Accessory Dwelling Units regulations to be consistent with State law.
- Amend agricultural worker provisions in the Development Code to be consistent with the State Employee Housing Act.

²Proposed rezonings in the coastal zone and some of the proposed code changes will require CCC approval and possibly updates to the Local Coastal Program (LCP).

- Amend the Development Code to permit or conditionally permit large residential care facilities in all zones that permit residential uses, as similar uses in the same zone, and ensure the required conditions for large facilities are objective to provide certainty in outcomes.
- Amend the Development Code to comply with state laws related to supportive housing, emergency shelters, and Low Barrier Navigation Centers.
- Amend the Development Code to reduce parking requirements for multi-unit housing, and to revise parking requirements for supportive housing meeting certain criteria and emergency shelters.

1.5 RESPONSES TO COMMENTS

Under CEQA, the responses to comments on a Draft EIR must include good faith, well-reasoned responses to all comments received on the Draft EIR that raise significant environmental issues related to the project under review. If a comment does not relate to the Draft EIR or does not raise a significant environmental issue related to the project, there is no need for a response under CEQA.

In responding to comments, CEQA does not require the EIR authors to conduct every test or perform all research or studies suggested by commenters. Rather, the EIR authors need only respond to significant environmental issues and need not provide all of the information requested by the reviewers, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines sections 15088, 15132, and 15204(a)).

Many of the comments received during the Draft EIR circulation period pertain to the Housing Element and Safety Element Update, not to the content or adequacy of the EIR. The Inclusion of these comments in the Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project.

1.6 FINAL EIR ORGANIZATION

The Final EIR for the Housing and Safety Element Update Project is organized as follows:

- Chapter 1** **Introduction.** This chapter explains the contents of a Final EIR and the environmental review process for the Housing and Safety Element Update Project.
- Chapter 2** **Supplemental Information.** This chapter describes and summarizes additional information related to the environmental analysis of the Housing and Safety Element Update Project and the effect this information has on the discussions contained in the Draft EIR.
- Chapter 3** **Public Comment on Draft EIR.** This chapter contains the transcript of the November 16, 2022 public hearing on the Draft EIR and copies of the comment letters received on the Draft EIR during the public review period. The comment letters have been individually numbered. A list of those who commented is provided at the front of the chapter.
- Chapter 4** **Responses to Draft EIR Comments.** This chapter provides the written comments received on the Draft EIR and provides a written response to each comment submitted on the Draft EIR that raises a significant environmental issue.

Chapter 5 Text Revisions to Draft EIR. This chapter includes the changes to the Draft EIR in response to comments and to clarify or amplify the information provided in the Draft EIR. The changes correct inaccuracies and clarify the analysis in the EIR.

Attachment 1: Comment Letters Receive After Close of Comment Period

2. SUPPLEMENTAL INFORMATION

This chapter presents supplemental information relevant to the environmental analysis of the Housing and Safety Element Update Project. As discussed below, this new information clarifies and amplifies the information provided in the Draft EIR. None of the new information resulted in identifying new significant environmental impacts or substantial increases in the severity of the environmental impacts evaluated in the Draft EIR, and the new information does not involve feasible mitigation measures or new project alternatives that the County is electing to implement. Therefore, this new information is not considered significant new information pursuant to CEQA Guidelines section 15088.5(a) and does not require recirculation of the Draft Program EIR.

Supplemental and clarifying text has been added to the Draft EIR text as presented in this Final EIR Chapter 4, Responses to Draft EIR Comments, and Chapter 5, Text Revisions to Draft EIR, to clarify existing language within the document and to address comments received.

2.1 REVISIONS TO PROJECT SITES LIST (TABLE 3-3)

Subsequent to public review of the Draft EIR, County staff and decision makers refined the Project Sites list that comprises the “proposed Project”, including during a December 6, 2022, County Board of Supervisors meeting. Changes were made to the proposed Project Site Inventory presented in Table 3-3 of the Draft EIR which are also reflected in Table 3-2. These changes are necessary because, over time, new information has become available, and circumstances have changed on some of the sites. Therefore, staff recommended additional changes to the Candidate Housing Sites list and the proposed Project Sites list. Between April and November 2022, some sites in the inventory have changed status. Specifically, 10 sites have been removed, or had units reduced or adjustments made to the assumed affordability levels. Sites in Inverness were removed due to uncertain access to water, even in non-drought years. Based on these changes staff recommended adding a site from the Candidate Housing Sites list Holiday Inn, in unincorporated Mill Valley (72 lower income units) and adding units to the Marinwood Plaza site (additional 35 lower income units).

These changes were presented to the Board of Supervisors on December 6, 2022, which accepted staff recommendations for the revisions. As a result of these revisions to the Project Site list, the total number of units presented in Table 3-3 has increased from 5,214 units to 5,231 units. All references in the Draft EIR to the number of project sites as 5,214 are globally changed to 5,231

All the replacement sites were selected from the Candidate Housing Sites list. The changes to the proposed Project Sites list are also described in Topical Response 2 (Final Housing Site List) of this Final EIR and in revised Tables 3-2 and 3-3, which are presented in Chapter 5 (Text Revisions to Draft EIR) of this Final EIR.

The potential for refining the proposed Project Site Inventory over time has been anticipated since the beginning of the Draft EIR process, as described below, with information taken from Draft EIR Chapter 3 (Project Description). Because the Draft EIR analyzed all the Candidate Housing Sites at a program level, this change in the Project Site list does not constitute a change in the project requiring recirculation of the EIR.

Project Site Inventory. The Project Site Inventory described in Draft EIR Section 3.4.2(d) presents the proposed Project Sites that meet the Regional Housing Needs Allocation (RHNA)

as well as a reasonably foreseeable number of density bonus units and a buffer number of additional units recommended by the California Department of Housing and Community Development (HCD); this is the proposed Project. The original inventory of Project Sites was selected in April 2022, after conducting workshops in November of 2021, January 2022, and March of 2022. The Planning Commission and Board of Supervisors endorsed the proposed “Project Sites” for analysis in the Draft EIR.

Candidate Housing Sites. The initial housing site identification process studied up to 150 possible Candidate Housing Sites that were suitable for residential development within the Housing Element planning period of 2023 through 2031. The Candidate Housing Sites contain a development potential of up to 10,993 units, including Accessory Dwelling Units (ADUs) and Density Bonus allowances. This Candidate Housing Site list presents a greater number of sites than required by the RHNA to allow for reductions to reflect project objectives, policy considerations, and environmental issues.

The final Project Sites selection was most recently refined at the December 6, 2022, Board of Supervisors meeting. Anticipating this decision-making process, the Draft EIR evaluated environmental issues associated with the larger inventory of Candidate Housing Sites to allow for informed consideration of alternative approaches to satisfying the RHNA in the event that “Project Sites” proved infeasible or undesirable due to potential impacts. It is this comprehensiveness and flexibility in the Draft EIR that allows for the Planning Commission and Board of Supervisors to refine the Project Site Inventory, while still utilizing the Draft EIR and Final EIR for their CEQA decisions. For the reasons described above, the impact conclusions and mitigation recommendations of the Draft EIR remain unchanged.

2.2 CHANGES TO MITIGATION MEASURES PRESENTED IN THE SUMMARY TABLE

Marin County has clarified and amplified the following mitigation measures:

- Mitigation Measure 7-1: Impacts to Special Status Species to clarify that the measure applies to public works projects and development applications which involve Safety Element activities that entail substantial ground disturbance or vegetation removal where sensitive biological resources may occur, to specify County information requirements for ministerial projects related to sensitive species found on a project site, and implementation of a County standard checklist or procedure to document its review, and to determine whether the project qualifies as a ministerial project or requires additional CEQA review.
- Mitigation Measure 7-2.1: Best Management Practices for vegetation management in riparian areas, wetlands, and sensitive natural communities to clarify what types of projects the mitigation measure applies to, identification of when a biological evaluation would be necessary, and implementation of a County standard checklist or procedure described in Mitigation Measure 7-1 to document its review.
- Mitigation Measure 7-3.1: Revise Definition of the Nesting Season to clarify that the measure applies to development applications for housing development projects that are facilitated by the Housing and Safety Elements Update, which the County determines may result in significant impacts to nesting birds.
- Mitigation Measure 7-3.2: Bird-Safe Design to clarify that design standards for bird strike glass shall be the Marin County Building Code.

- Mitigation Measure 7-3.3: Implement Protective Buffers During Vegetation Management to clarify that the measure shall apply to development applications for housing development projects that are facilitated by the Housing and Safety Elements Update, which the County determines may result in significant impacts to wildlife movement corridors.
- Mitigation Measure 8-1: Destruction/Degradation of Historical Resources to clarify that the measure shall apply to development applications for housing development projects that are facilitated by the Housing and Safety Elements Update.
- Mitigation Measure 18-4: Impacts Related to Vehicle Miles Traveled (as well Mitigation Measures 6-1, Mitigation Measure 10-1C, and Mitigation Measure 15-1, all of which reference Mitigation Measure 18-4 to reduce vehicle miles traveled) to clarify that the mitigation measures apply to development applications for housing development projects that are facilitated by the Housing and Safety Elements Update and that the County determines may result in significant impacts to vehicle miles traveled.

Changes to these mitigation measures are presented in Chapter 5, Text Revisions to Draft EIR. The edits to the mitigation measures appear in the Summary table, in each impact section, and in Chapter 23 Mitigation Monitoring and Reporting Plan.

2.3 AMPLIFICATION AND CLARIFICATION OF TEXT IN THE BIOLOGY CHAPTER

Amplification and clarification of text in Chapter 7, Biological Resources has been made to provide the following:

- Clear definitions of special-status animal and plant species;
- A description of biological resources protection measures that will be incorporated into the Objective Design Standards contained in the Form Based Code that will be adopted as part of the proposed project;
- A description of Fully Protected Species and California Species of Special Concern, Nesting Birds, Non-Game Mammals, and Sensitive Natural Communities under the California Department Fish and Game Code;
- Clarification of how discretionary and ministerial projects must comply with both the Marin Development Code and the CWP policies and implementation programs to avoid or reduce impacts to biological resources;
- A discussion of how ministerial projects must comply with federal and state laws and regulations related to the protection of biological resources, and must obtain all required permits if a project would impact a regulated biological resource;
- A discussion of how vegetation management activities being carried out to create defensible space must comply with federal and state regulations for the protection of biological resources;
- A discussion of the biological resources protection measures that are included in the Objective Design Standards as specified in SB 35; and
- Clarification and amplification of mitigation measure language.

None of the new information would result in a new significant environmental impact or a substantial increase in the severity of a significant environmental impact evaluated in the Draft

Program EIR. Therefore, this new information is not considered significant pursuant to CEQA Guidelines section 15088.5(a) and recirculation of the Draft Program EIR is not required.

These text revisions are presented in Chapter 5, Text Revisions to Draft EIR.

2.4 NORTH MARIN WATER DISTRICT - NEW URBAN WATER MASTER PLAN INFORMATION

The comment letter on the Draft EIR that was submitted by the North Marin Water District (NMWD) contains new information about cumulative water impacts to the district that was not available at the time the Draft EIR was being prepared. The NMWD prepared an update to its Urban Water Master Plan and has new information on cumulative water impacts within the District. Relevant sections of Draft EIR Chapter 19 Utilities have been updated. The new information is presented in Chapter 5, Text Revisions to Draft EIR, but does not result in identification of a new or substantially more significant environmental impact that was not analyzed in the Draft EIR.

2.5 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE COMMENT LETTER

The California Department of Fish and Wildlife (CDFW) submitted a comment letter on the Draft EIR requesting clarification and amplification of Mitigation Measure 7-1 and 7-2 to describe the procedure or checklist that the County will use to ensure subsequent potential impacts to fish and wildlife resources from future projects are appropriately evaluated in compliance with CEQA and impacts are mitigated to less-than-significant. Revisions have been made to the text of the Draft EIR Biology chapter to reflect CDFW's comments. These text revisions are presented in Chapter 5, Text Revisions to Draft EIR.

2.6 NEW INFORMATION - ALTERNATIVE 2 AND ALTERNATIVE 3

Some oral comments made at the November 16, 2022 public hearing on the Draft EIR indicated interest in information on the housing sites that would be relocated under both Alternative 2 Reduced VMT and Alternative 3 Reduced Utility Impacts. A new table listing the sites that would be relocated under both alternatives is presented in Chapter of this Final EIR as Topical Response 4.

3. PUBLIC COMMENT ON DRAFT EIR

This chapter contains copies of the transcript from the November 16, 2022 public hearing to receive comments on the adequacy of the Draft EIR and the written comments (both letters and emails, referred to hereinafter as “comment letters”) received on the Draft EIR during the public review period. The transcript and the comment letters have been individually numbered and are reproduced on the following pages in the order presented below. It is acknowledged that the translation of the oral discussion in the public hearing into a written transcript resulted in many incorrect words and incomplete sentences; however, the transcript still records the speakers comments accurately enough to enable an appropriate written response.

Written comments were received from the following agencies, individuals, and organizations:

Table 3-1: Public Comments Received on Draft EIR

Letter Number	Date Received	Organization	Commenter Name	Title (If Applicable)	City
State Agencies					
A1	11/18/22	Cal OES	Jared Peri	Senior Emergency Services Coordinator	
A4	12/07/22	California Dept. of Fish and Wildlife	Erin Chappell	Regional Manager Bay Delta Region	
Local/Regional Agencies					
A2	11/15/22	City of Novato - Planning Division	Steve Marshall	Planning Manager	Novato
A3	11/10/22	North Marin Water District	Anthony Williams	General Manager	
Local Groups					
O1	11/15/22	Marin Conservation League	Bob Miller / Paul Jensen	President / Board Member	
O2	11/15/22	Marin Organizing Committee	Jeff Bialik, Judith Bloomberg, Ron Brown, Linda Haumann, Victoria Holdridge, Bob Pendoley, John Reynolds	N/A	
O3	10/24/22	Spirit Living Group	Amir Kia	N/A	San Anselmo
O4	11/21/22	Environmental Action Committee of West Marin	Morgan Patton	Executive Director	West Marin
O5	11/21/22	Lucas Valley Homeowners Association	Ken Drisdell, Laura Drossman,	Board President Board Vice President	Lucas Valley

Table 3-1: Public Comments Received on Draft EIR

Letter Number	Date Received	Organization	Commenter Name	Title (If Applicable)	City
			Mark Kemler, Scott Takaoka, Mark Mokolke Meehyun Kurtzman, Kelby Jones, Ted von Glahn, Ginny Pheatt, Susan Morgan	Board Treasurer Board Secretary Board Member-at- Large Ad Hoc Committee	
O6	11/21/22	Marin Audubon Society	Barbara Salzman	Conservation Committee Member	
O7	11/21/22	Ragghianti Freitas LLP	Riley Hurd	Attorney	
O8	11/21/22	Santa Venetia Neighborhood Association			Santa Venetia
O9	11/21/22	Citizen Marin –	Amy Kalish	Director	
O10	11/21/22	Northbridge Homeowners Association –			Santa Venetia
Individuals					
I1	11/15/22		Alina Wright		Lucas Valley
I2	11/15/22		Amber & Matthew Jarvis		Novato
I3	11/15/22		Ann Allen		Lucas Valley
I4	11/15/22		Bradley Haas		Novato
I5	11/13/22		Chad & Sarah MacLachlan (1 of 2 letters)		Novato
I6	11/15/22		Chris Winkler		Novato
I7	11/16/22		Frank Cioffi		Novato
I8	11/15/22		Isabel Campoy		San Rafael
I9	11/15/22		Janet Coyne (1 of 2 letters)		Lucas Valley

Table 3-1: Public Comments Received on Draft EIR

Letter Number	Date Received	Organization	Commenter Name	Title (If Applicable)	City
I10	11/15/22		Jared Wright		Lucas Valley
I11	11/16/22		Jerry Draper		
I12	11/13/22		Joan Gray		Lucas Valley
I13	11/13/22		John McDonough		San Rafael
I14	11/15/22		John Michael		Lucas Valley
I15	11/04/22		Joy Sidon		
I16	11/11/22		Kate Powers		
I17	11/14/22		Kevin Lara & Gitte Johansen		Novato
I18	10/31/22		Leah Tuffanelli		Novato Area
I19	11/12/22		Nina & Casey Blair		Novato
I20	11/16/22		Robert Flagg		Lucas Valley
I21	11/15/22		Todd Dayton		Lucas Valley
I22	11/15/22		Vincent Baldino		Novato
I23	11/21/22		Alex Stadtner		San Rafael
I24	11/20/22		Amy Powers		San Rafael
I25	11/18/22		Amy Skewes-Cox		
I26	11/21/22		Bruce Corcoran		
I27	11/21/22		Carole Bigot		Lucas Valley
I28	11/20/22		Chad & Sarah MacLachlan (2 of 2 letters)		Novato
I29	11/21/22		Christina Mangurian		Lucas Valley
I30	11/19/22		Erin Krueger		Marinwood

Table 3-1: Public Comments Received on Draft EIR

Letter Number	Date Received	Organization	Commenter Name	Title (If Applicable)	City
I31	11/21/22		Eva Cheer		Lucas Valley
I32	11/21/22		H. Andrew Gray & Michele Jimenez		Lucas Valley
I33	11/21/22		Janet Coyne (2 of 2 letters)		Lucas Valley
I34	11/21/22		Jonathan Krotinger		San Rafael
I35	11/21/22		Judith de Vito		Lucas Valley
I36	11/21/22		Karen Flagg		Lucas Valley
I37	11/21/22		Kelby Jones		San Rafael
I38	11/21/22		Michelle Rutledge		Nicasio
I39	11/21/22		Ryan Brumley		Novato
I40	11/18/22		Sarah King		Lucas Valley
I41	11/21/22		Stephanie Jones		Lucas Valley
I42	11/21/22		Ted von Glahn		Lucas Valley
I43	11/20/22		Terri Geck		Lucas Valley
I44	11/21/22		Terri Leker & Mark Wallace		Santa Venetia
I45	11/21/22		The Blair Family		Novato
I46	11/19/22		Carolyn Longstreth		Inverness
I47	11/19/22		Carter Aronson		San Anselmo

148	11/19/22		Joe Fitzpatrick		San Anselmo
Letters Received After the Close of the Comment Period (Presented in Attachment 1 to the Final EIR)					
1	11/21/22		(Unknown)		Lucas Valley
1	11/21/22		Jack Krystal		
1	11/22/22		Alan Andreini		San Anselmo
1	11/22/22		Colleen Mackie		
1	11/22/22		Kimberly Kumiega		Lucas Valley
1	11/22/22		Brandon Duisenberg		San Anselmo
1	11/22/22		Gene Moore		San Anselmo
1	11/22/22		Jamie Mackie		San Anselmo
1	11/23/22		Diane Coughtry		San Anselmo
1	11/24/22		Margie Schwartz		San Anselmo
1	11/24/22		Susan Chipman		San Anselmo
1	11/24/22		Marcus Yamane		San Anselmo
1	11/24/22		Brian Crawford		San Anselmo
1	11/25/22		Michael McKee		San Anselmo
1	11/25/22		Kathleen Franks		San Anselmo
1	11/25/22		O. Desertman		San Anselmo
1	11/25/22		Peggy Nicholson		San Anselmo
1	11/25/22		John Herr		San Anselmo
1	11/25/22		Fernanda		San Anselmo
1	11/25/22		Richard Crotti		San Anselmo

1	11/25/22		Mike & Lynn Velloza		San Anselmo
1	11/25/22		Rebecca Aguilar		San Anselmo
1	11/25/22		Patricia Bates		San Anselmo
1	11/25/22		Gillian Firestone		San Anselmo
1	11/25/22		Carleton Watson		San Anselmo
1	11/26/22		Elizabeth Huntington		San Anselmo
1	11/27/22		Lynette Carlton		San Anselmo
1	11/28/22		Ethan Mantle		Novato
1	11/29/22		Tom Peacock		San Anselmo

The County held a joint Planning Commission/Board of Supervisors public hearing to receive comments on the adequacy of the Draft EIR on November 16, 2022. A transcript of the entire hearing, which includes the public and Planning Commission/Board of Supervisors comments on the Draft EIR, is provided below with comment numbering indicated in the left margin. Written comment letters received are also provided below following the transcript. Responses to comments on the Draft EIR are provided in Chapter 4.

COUNTY OF
MARIN
Meeting Transcript

11/16/2022

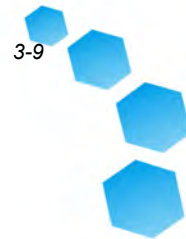


1 SPECIAL JOINT MEETING OF THE MARIN COUNTY BOARD OF SUPERVISORS
2 AND THE MARIN COUNTY PLANNING COMMISSION
3 WEDNESDAY, NOVEMBER 16, 2022
4

5 **STEPHANIE MOULTON-PETERS:** GOOD EVENING, EVERYONE. I WANT TO
6 WELCOME EVERYONE TO THE SPECIAL JOINT MEETING OF THE BOARD OF
7 SUPERVISORS AND THE MARIN COUNTY PLANNING COMMISSION
8 ENVIRONMENTAL THE DRAFT MORTGAGE HOUSING AND SAFETY
9 ENVIRONMENTAL IMPACT REPORT ELEMENT UPDATE TO THE MARIN
10 COUNTYWIDE PLAN. THIS IS A PUBLIC HEARING AND THE PURPOSE OF
11 TONIGHT IS TO GATHER PUBLIC COMMENT ON THE PLAN AND THEN
12 PROVIDE DIRECTION TO STAFF. SO WE'LL HAVE STAFF PRESENTATIONS,
13 STARTING IN JUST THE PUBLIC COMMENT. AFTER I A MOMENT, AND
14 THEN WE'LL OPEN CLOSE THE PUBLIC COMMENT, EVERYONE WILL HAVE
15 TWO MINUTES TO SPEAK, AND THEN WE'LL BRING IT BACK TO THE
16 PLANNING COMMISSIONERS AND THE BOARD OF SUPERVISORS FOR ANY
17 CLARIFYING QUESTIONS AND ALSO TO IDENTIFY KEY ISSUES THAT THEY
18 SEE IN THE COME BACK IN WITH NEXT STEPS IN DEIR, AND THEN
19 WE'LL HAVE RACHEL THIS PROCESS, AND THEN FINALLY WE'LL DIRECT
20 STAFF ON STEPS GOING FORWARD. SO WITH THAT, RACHEL, I'M GOING
21 TO TURN IT OVER TO YOU.

22
23 **RACHEL REID:** GREAT, THANK YOU, SUPERVISOR MOULTON-PETERS.
24 SARAH IS GOING TO PROVIDE SOME
25

11/16/2022



3-9

1 **STEPHANIE MOULTON-PETERS:** INTRODUCTORY COMMENTS. FORGIVE ME.
2 SARAH JONES, I'LL TURN IT OVER TO YOU.
3
4 **SARAH JONES:** GREAT. THANK YOU AND WELCOME BE EVERYBODY. I'M
5 SARAH JONES, AND MY TEXT JUST WENT CRAZY. OKAY. SARAH JONES,
6 ACTING DIRECTOR OF THE COMMUNITY DEVELOPMENT AGENCY. FOR OUR
7 PUBLIC COMMENT HEARING REALLY HAPPY TO BE HERE TONIGHT ON THE
8 DRAFT ENVIRONMENTAL IMPACT REPORT. THIS IS A VERY IMPORTANT
9 MILESTONE IN THIS EFFORT THAT WE'VE BEEN INVOLVED IN. SO THIS
10 IS A SOMEWHAT DIFFERENT KIND OF HEARING TONIGHT COMPARED TO
11 THE WORKSHOPS THAT WE'VE HAD PREVIOUSLY IN THIS PROCESS.
12 SPECIFICALLY TO, AS I SAY, TAKE COMMENT ON THE DRAFT
13 ENVIRONMENTAL IMPACT REPORT FOR THE HOUSING ELEMENT, THE
14 SAFETY ELEMENT AND ASSOCIATED REZONING AND DEVELOPMENT CODE
15 CHANGES. THIS IS NOT SOMETHING A TYPE OF DOCUMENT OR A TYPE
16 HEARING THAT USUALLY HAPPENS BEFORE THE BOARD OF SUPERVISORS,
17 BUT IN THIS CASE WITH THIS EFFORT WE DID FEEL LINING THE
18 COMPLEXITY, THE IMPORTANCE, AND ALSO THE TIMELINE THAT WE'RE
19 WORKING UNDER MADE IT USEFUL FOR YOUR BOARD TO JOIN THE
20 PLANNING COMMISSION AND HEAR COMMENTS, ASK QUESTIONS, AND HAVE
21 A CHANCE TO ADDRESS THE DRAFT DEIR SO THIS HEARING IS PART OF
22 A DIRECTLY. PUBLIC COMMENT PERIOD WHICH IS A STANDARD PART OF
23 THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OR CEQA PROCESS. SO
24 TONIGHT WE WILL BE AS STAFF ANSWERING QUESTIONS OF
25 CLARIFICATION BUT WE WON'T BE RESPONDING TO SUBSTANTIVE POINTS



11/16/2022

1 MADE IN THE WAY THAT WE TYPICALLY DO IN A HEARING BECAUSE WE
2 WILL BE RESPONDING IN THE FINAL EIR IN WRITING TO ALL COMMENTS
3 THAT ARE MADE ABOUT THE ADEQUACY AND ACCURACY OF THE EIR THAT
4 TAKE PLACE IN THIS COMMENT PERIOD. SO NOTHING IS BEING DECIDED
5 TONIGHT. THERE'S NO VOTE. IT'S REALLY ABOUT HEARING
6 EVERYBODY'S SO JUST A QUICK REMINDER BEFORE TAKE ON THE EIR
7 ITSELF. WE DIVE IN ON WHAT AN EIR MEANS AND WHAT IT'S FOR. I'D
8 SAY ONE OF THE MOST IMPORTANT PURPOSES OF AN EIR IS THAT IT'S
9 A SOURCE OF INFORMATION THAT GIVES THE PUBLIC, THAT GIVES
10 DECISION-MAKERS UNDERSTANDING OF THE POTENTIAL IMPLICATIONS OF
11 IT GIVES TOOLS TO A PATH FOR DECISIONS. MINIMIZING IMPACTS ON
12 PHYSICAL ENVIRONMENT WHEN AN ACTION IS TAKEN TO IMPLEMENT A
13 PROJECT AND THEREBY ACHIEVE ITS OBJECTIVES. SO IT'S REALLY
14 IMPORTANT TO NOTE HERE THAT THE EIR IS GOING TO COMPEL US ON
15 THE STAFF SIDE TO IMPLEMENT ITS MITIGATION WHAT IT DOESN'T DO
16 IS COMPEL THE MEASURES THAT IT CALLS FOR. BUT PLANNING
17 COMMISSION OR THE BOARD TO TAKE ANY PARTICULAR ACTION OR
18 APPROVE ANY ALTERNATIVE TO THE PROJECT. CEQA ACKNOWLEDGES THAT
19 THERE MIGHT BE IMPORTANT REASONS TO APPROVE A PROJECT OR TO
20 ADOPT A PLAN THAT WILL RESULT IN SIGNIFICANT IMPACTS, AND IT
21 LETS DECISION-MAKERS ADOPT FINDINGS THAT SET OUT THEIR REASONS
22 FOR ACTING AS THEY DO. SO IN THIS CASE IT'S REALLY IMPORTANT
23 TO UNDERSTAND THAT BECAUSE THIS ENVIRONMENTAL IMPACT REPORT
24 CONCLUDED THAT SIGNIFICANT IMPACTS CAN'T BE AVOIDED IF WE ARE
25 TO HAVE A COMPLIANT HOUSING EVEN THE NO PROJECT ALTERNATIVE,

11/16/2022

3-11



1 ELEMENT IN MARIN COUNTY. WHICH WOULD INVOLVE NOT ADOPTING A
2 NEW HOUSING OR SAFETY ELEMENT, WOULD NOT COMPLY WITH STATE
3 LAW, AND THAT WOULD BE A SIGNIFICANT DISADVANTAGE TO THE
4 COUNTY. SO AT THIS POINT I'M GOING TO TURN IT OVER TO RACHEL
5 TO GO THROUGH THE EIR AND WHAT IT COMMENTS. FOUND AND GET
6 READY FOR THE

7

8 **RACHEL REID:** THANK YOU, SARAH. GOOD EVENING, SUPERVISORS,
9 COMMISSIONERS AND OTHERS JOINING. RACHEL REID, ENVIRONMENTAL
10 COORDINATOR. MY PLEASURE TO BRING YOU TONIGHT THE DRAFT EIR
11 FOR THE HOUSING AND SAFETY ELEMENT. MY DOLE IS OR SO WHEN YOU
12 COUNT THE APPEND TO DISTILL OVER A THOUSAND PAGES I SEES OF
13 DENSE MATERIAL INTO A PRESENTATION THAT HIGHLIGHTS THE KEY
14 POINT OF THE EIR AND THE FUNDAMENTALS IN TERMS OF PROCESS AND
15 CONTENT, AND THEN IT HOPEFULLY KEEPS YOU ALSO AWAKE FOR AT
16 LEAST THE NEXT COUPLE HOURS. SO AS I TELL MY KIDS, PUT ON YOUR
17 SUPER SPEED HELMETS AND FASTEN YOUR SAFETY BELTS. WE ARE GOING
18 TO JUMP IN HERE. SO CHELSEA IS GOING TO GUIDE THE POWERPOINT
19 PRESENTATION. NEXT SLIDE. TO OFF WITH SOME INTRODUCTIONS, I AM
20 JOINED IN THE PRESENTATION BY LEELEE THOMAS AND LESLIE
21 CONSULTANT TEAM WHO PREPARED THE LACKO AND THEN OUR CEQA EIR,
22 MIG, THEY'RE ACTUALLY NOT PRESENTING BUT THEY WILL BE HERE TO
23 ANSWER ANY KIND OF CLARIFYING QUESTIONS AROUND APPROACH AND
24 METHODOLOGY WITH THE ANALYSIS. AND BARBARA BEARD IS THE LEAD
25 ON THE EIR AND SHE'LL BE JOINED BY PHIL GLEASON AND ZACK

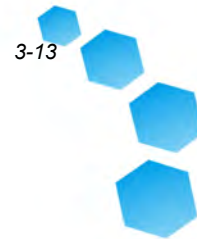


11/16/2022

1 MATLEY. OUR AGENDA THIS EVENING, I'LL GO NEXT SLIDE, PLEASE.
2 OVER THE PURPOSE OF THE MEETING AND THE MEETING PROCEDURES,
3 AND THEN AN EIR AND SPECIFICALLY A PROGRAM EIR AND HOW IT
4 FUNCTIONS WHEN WE CONSIDER FUTURE SITE DEVELOPMENT, PROJECT
5 OVERVIEW, WHICH LEELEE AND LESLIE WILL HELP ME WITH THE
6 DETAILS THERE, THE MAJOR CONCLUSIONS. AND THEN THE DRAFT EIR
7 FINDING, THE BULK OF THE MEETING WILL BE SPENT ON RECEIVING
8 PUBLIC COMMENT. AND THAT INCLUDES AT THE END OF THAT, COMMENTS
9 OF PARTICULAR CONCERN FROM YOUR COMMISSION AND BOARD, AND THEN
10 YOU WILL ADJOURN AT THE END OF THAT. NEXT SLIDE, PLEASE. SO
11 THE FINDINGS OF THE DRAFT EIR OUR MEETING PURPOSE. TO PRESENT
12 TONIGHT, TO RECEIVE THE PUBLIC COMMENT ON THE ADEQUACY OF THE
13 DRAFT. SO THIS HEARING IS NOT MEANT TO BE A QUESTION-ANSWER
14 SESSION BUT RATHER A TIME FOR INTERESTED PARTIES TO PROVIDE
15 ORAL COMMENT ON THE ADEQUACY OF THE DRAFT EIR. FOR STAFF AND
16 COMMENTS ACCURATELY, AND THEN TO OUR CONSULTANTS TO CAPTURE
17 YOUR PROVIDE A RESPONSE AND A FINAL EIR WHERE EVERYBODY IS
18 PRIVY TO THAT RESPONSE. WE MAY RESPOND TO SOME SPECIFIC
19 QUESTIONS, AGAIN ON APPROACHING METHODS OF TO THE EXTENT THAT
20 THOSE ANSWERS PROVIDE FOR MORE INFORMED CONTENT. THE PURPOSE
21 OF THE EIR. AND NEXT SLIDE, PLEASE. SARAH HIGHLIGHTED SOME OF
22 THESE, SOME OF THESE DETAILS HERE. CEQA'S GOALS AND PURPOSE.
23 TO ANALYZE AND DISCLOSE THE POTENTIAL RANGE OF PHYSICAL
24 ENVIRONMENTAL EFFECTS OF THE PROJECT, BEING BOTH THE HOUSING
25 AND SAFETY ELEMENT UPDATES. THE SIGNIFICANT AND UNAVOIDABLE TO

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3-13



1 PRESENT CUMULATIVE, IMPACT AND ALTERNATIVES TO PROPOSED
2 PROJECT. AND TO RECOMMEND MITIGATION MEASURES FOR THE
3 SIGNIFICANT ADVERSE IMPACTS. AN EIR IS AN IMPORTANT OBJECTIVE
4 DISCLOSURE DOCUMENT. I ALWAYS NOTE THAT IT DOES NOT ITSELF
5 PROJECT. IT DOES NOT IN THIS ADVOCATE FOR OR AGAINST A CONTEXT
6 OF THE HOUSING ELEMENT RUBBER STAMP ANY SITES, IT DOES NOT
7 REJECT ANY SITES OUTRIGHT. SIMILARLY WITH THE SAFETY ELEMENT,
8 IT IS NOT SAYING TO APPROVE OR HAVE DISAPPROVE ANY PARTS OF
9 THE SAFETY ELEMENT. THE EIR IS ONE SOURCE OF TO CONSIDER WHEN
10 THEY MACK A INFORMATION FOR DECISION-MAKERS DECISION ON
11 PROJECT APPROVAL. NEXT SLIDE, PLEASE. INTENDED USES OF THE
12 EIR. THIS EIR PROVIDES THE ENVIRONMENTAL REVIEW REQUIRED TO
13 THE COUNTY TO APPROVE THE PROJECT. WE'LL GO OVER THE DETAILS
14 OF WHAT THE PROJECT CONSISTS OF IN THE NEXT THE PROJECT, THEY
15 BOARD -- NUMBER OF SLIDES. TO APPROVE

16

17 **DON DICKENSON:** RACHEL.

18

19 **RACHEL REID:** SORRY, YEAH.

20

21 **DON DICKENSON:** BEFORE YOU CONTINUE WE PROBABLY SHOULD DO THE
22 ROLL CALL.

23

24 **RACHEL REID:** FAIR POINT, COMMISSIONER.

25



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1 **STEPHANIE MOULTON-PETERS:** COULD TAKE THE ROLL, PLEASE, THANK
2 YOU, DON. IF ANA HILDA STARTING WITH THE BOARD OF SUPS AND
3 THEN THE PLANNING SESSION COMMISSION.

4

5 **ANA HILDA:** SUPERVISOR ARNOLD.

6

7 **JUDY ARNOLD:** SUPERVISOR ARNOLD IS HERE.

8

9 **ANA HILDA:** SUPERVISOR

10

11 **DENNIS RODONI:** HERE. RODONI.

12

13 **ANA HILDA:** SUPERVISOR RICE. SUPERVISOR MOULTON-PETERS.

14

15 **STEPHANIE MOULTON-PETERS:** HERE.

16

17 **ANA HILDA:** COMMISSIONER BIEHLE.

18

19 **MARGOT BIEHLE:** HERE.

20

21 **SPEAKER:** COMMISSIONER

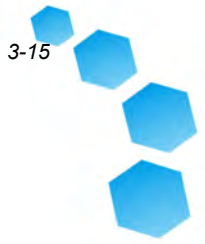
22

23 **CHRIS DESSER:** HERE. CURRAN. COMMISSIONER DESSER.

24

25 **ANA HILDA:** COMMISSIONER LIND.

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1

2 **REBECCA LIND:** HERE.

3

4 **ANA HILDA:** COMMISSIONER MONTALBANO.

5

6 **ANDREA MONTALBANO:** HERE.

7

8 **ANA HILDA:** COMMISSIONER THERAN.

9

10 **PETER THERAN:** HERE. DICKENSON.

11

12 **SPEAKER:** COMMISSIONER

13

14 **DON DICKENSON:** HERE.

15

16 **STEPHANIE MOULTON-PETERS:** THANK VERY MUCH, REBECCA. EXCUSE ME,
17 GO RIGHT AHEAD AND CONTINUE NOW.

18

19 **RACHEL REID:** NO PROBLEM. GAVE ME A LITTLE WATER BREAK. BACK TO
20 OUR REGULARLY SCHEDULED SO TO APPROVE THE PROJECT, THE
21 PROGRAMMING. BOARD WILL NEED TO CERTIFY THAT THE FINAL EIR
22 COMPLIES WITH CEQA, THE CALIFORNIA ENVIRONMENTAL QUALITY ACT,
23 MAKE FINDINGS FOR EACH SIGNIFICANT IMPACT, WHETHER IT WAS
24 MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT OR NOT, ADOPT A
25 RECORDING PROGRAM, THAT'S PART MITIGATION MONITORING AND OF

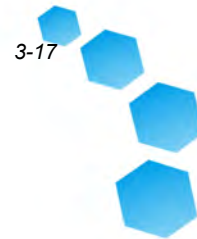


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1 PROJECT APPROVAL. AND ADOPT A STATEMENT OF OVERRIDING
2 CONSIDERATIONS. AND THIS STATEMENT OF OVERRIDING
3 CONSIDERATIONS IS FOR SIGNIFICANT UNAVOIDABLE IMPACTS, AND
4 IT'S ESSENTIALLY DETERMINING THAT THE BENEFITS OF THE PROJECT
5 IMPACTS. OUTWEIGH THE UNMITIGATABLE NEXT SLIDE, PLEASE. SO THE
6 TYPE OF EIR WE PREPARED IS A LITTLE BIT DIFFERENT THAN MOST
7 THAT WE BRING BEFORE YOU, WHICH IS A PROJECT EIR. THIS IS
8 CALLED A PROGRAM EIR, AND JUST A BIT OF THE DETAILS ON HOW
9 THAT FUNCTIONS, A PROGRAM EIR IS A THE ENVIRONMENTAL IMPACTS
10 OF TYPE OF EIR TO USE TO DOCUMENT COMMUNITY GENERAL PLANS,
11 SPECIFIC PLANS, PRECISE PLANS, AND OTHER PLANNING PROGRAMS.
12 THAT ACTION OR SERIES ACTIONS ADDRESSED IN A RAM EIR CAN BE
13 CHARACTERIZED AS ONE LARGE PROJECT AND CAN BE RELATED, ONE,
14 GEOGRAPHICALLY, TWO, AS LOGICAL CONTEMPLATED ACTIONS, THREE,
15 IN PARTS IN THE CHAIN OF CONNECTION WITH ISSUANCE OF RULES,
16 REGS, PLANS ORE OTHER GENERAL CRITERIA TO GOVERN THE CONDUCT
17 OFF CONTINUING PROGRAM, AND THEN NUMBER 4 IS REGARDING
18 INDIVIDUAL ACTIVITIES THAT ARE COVERED KIND OF BY THE SAME
19 REGULATORY AUTHORITY AND HAVE MITIGATIONS. SIMILAR EFFECTS AND
20 SIMILAR NEXT SLIDE, PLEASE. THE ADVANTAGES OF A PROGRAM EIR.
21 IT'S MORE COMPREHENSIVE WITH CONSIDERATION OF EFFECTS AND
22 ALTERNATIVES THAT CANNOT PRACTICALLY BE REVIEWED AT THE LEVEL
23 OF AN INDIVIDUAL DEVELOPMENT PROJECT. CUMULATIVE IMPACTS THAT
24 MAY NOT ADDITIONALLY, CONSIDERATION OF BE APPARENT ON A
25 PROJECT-BY-PROJECT BASIS, AND THE ABILITY TO ENACT COUNTYWIDE

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3-17



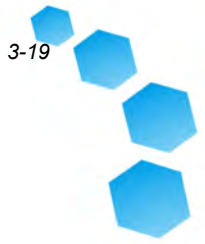
1 MITIGATION MEASURES. AND FINALLY, THE POSSIBLE REDUCTION IN
2 THE NEED FOR FUTURE CEQA WORK, AND THAT COMES THROUGH
3 STREAMLINING AND NEXT SLIDE, PLEASE. TIERING. IN TERMS OF THE
4 PROGRAM'S EIR ANALYSIS, THE EIR EVALUATES THE POTENTIAL
5 ENVIRONMENTAL IMPACTS OF THE COLLECTIVE, OVERALL DEVELOPMENT
6 POTENTIAL OF THE PROPOSED PROJECT. IT PRESENTS ANALYSIS
7 CONSIST WITH THE PROGRAMMATIC LEVEL OF DETAIL OF DISCUSSES
8 IMPACTS AND THE PROPOSED PROJECT AND MITIGATIONS AT THE LEVEL
9 OF DETAIL SUFFICIENT TO ALLOW A REASONED DECISION ABOUT THE
10 PROJECT. AND LASTLY, THE PROGRAM EIR DOES NOT EVALUATE FUTURE
11 SITE-SPECIFIC IMPACTS OF ANY INDIVIDUAL DEVELOPMENT PROJECT
12 BECAUSE THE DETAILS ARE FURTHER, WE DON'T HAVE THE THOSE NOT
13 KNOWN AT THIS TIME. AND DEVELOPMENT APPLICATIONS BEFORE US.
14 NEXT SLIDE, PLEASE. SO IT'S IMPORTANT TO RECOGNIZE THAT FUTURE
15 PROJECTS WILL REQUIRE VARIED REGULATORY APPROACHES FOR
16 PROCESSING OR CARRYING OUT. IT WILL HAVE TO EXAMINE FUTURE
17 LET'S SEE HERE. DEVELOPMENT PROJECTS FOR CONSISTENCY WITH THE
18 PROGRAM EIR TO DETERMINE THE APPROPRIATE LEVEL OF
19 ENVIRONMENTAL REVIEW REQUIRED UNDER CEQA. THIS PROGRAM LEVEL
20 INFORMATION AND DATA ABOUT THE HOUSING SITES AND THE
21 IDENTIFIED IMPACTS AND FOR THE STREAMLINING FUTURE CEQA
22 MITIGATION MEASURES WILL ALLOW COMPLIANCE. SO, FOR EXAMPLE,
23 THE EIR INCLUDES MITIGATION MEASURES THAT CONTAIN SPECIFIC
24 ACTIONS AND PERFORMANCE STANDARDS THAT MUST BE IMPLEMENTED FOR
25 SITE-SPECIFIC, INDIVIDUAL DEVELOPMENT PROJECTS AND PUBLIC



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1 IMPROVEMENTS. MITIGATION MEASURES MAY BE AND THEN IN SOME
2 INSTANCES THESE CODIFIED SO THEY WOULD APPLY EVEN TO FUTURE
3 MINISTERIAL PROJECTS. NEXT SLIDE, PLEASE. AGAIN, WHEN I
4 MENTIONED THE VARIED TREATMENT AND THE TYPES OF PROJECTS, WHEN
5 WE LOOK AT DISCRETIONARY PROJECTS IN THE SITE-SPECIFIC
6 APPLICATIONS FUTURE, THEY WILL REQUIRE SUBJECT TO THE COUNTY'S
7 DEVELOPMENT REVIEW AND APPROVAL PROCESS, INCLUDING CEQA
8 COMPLIANCE WERE APPLICABLE AND OTHER ENVIRONMENTAL
9 REQUIREMENTS, COUNTY, STATE AND FEDERAL. FOR NON-DISCRETIONARY
10 WHICH WE MUST BE CONSISTENT WITH STATE, CALL MINISTERIAL
11 PROJECTS, THEY COUNTY AND FEDERAL REQUIREMENTS. AND THEN
12 PUBLIC PROJECTS MUST BE CONSIST WITH COUNTYWIDE POLICIES AND
13 COMPLY WITH CEQA. AND THOSE ARE JUST KIND OF THE BROAD STROKES
14 IN TERMS OF THE VARIED REGULATORY APPROACHES. NEXT SLIDE,
15 PLEASE. LITTLE BIT ABOUT THE PROJECT NOW WE'RE GOING TO COVER
16 A DESCRIPTION. I KNOW MANY FOLKS ON HERE ARE VERY FAMILIAR
17 WITH THE HOUSING ELEMENT AND SAFETY ELEMENT UPDATE, BUT FOR
18 THOSE WHO AREN'T, IT'S IMPORTANT TO COVER IT. I WILL DO THIS
19 FIRST SLIDE, THEN HAND IT OFF TO LEELEE. SO WHEN FOR PURPOSES
20 OF WHAT'S COVERED WE'RE TALKING ABOUT THE PROJECT IN THIS
21 PROGRAMMING EIR, IT INCLUDES -- IT UPDATES TO THE HOUSING
22 ELEMENT, IT UPDATES THE SAFETY ELEMENT, IT MAKES AMENDMENTS TO
23 OTHER ELEMENTS ON THE COUNTYWIDE PLAN AS NECESSARY TO ENSURE
24 CONSISTENCY, AND THEN IT ANTICIPATES AMENDMENTS TO THE
25 EFFECTIVE IMPLEMENTATION OF THE COUNTY CODE TO PROVIDE FOR

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1 PROJECT. NOW I'M GOING TO TURN IT OVER TO LEELEE TO GO OVER
2 THE HOUSING ELEMENT PROJECT DESCRIPTION.

3

4 **LEELEE THOMAS:** THANK YOU, RAINFALL. GOOD EVENING, EVERYBODY.
5 AS MANY OF YOU KNOW, THE HOUSING THE GENERAL PLAN AND MUST BE
6 ELEMENT IS A REQUIRED PART OF UPDATED EVERY EIGHT YEARS. AND
7 THE HOUSING ELEMENT IN FRONT OF US IS FOR THE PLANNING PERIOD
8 OF 2023 THROUGH 2031. ONE OF THE REQUIREMENTS IN THE HOUSING
9 ELEMENT IS TO IDENTIFY SITES TO ACCOMMODATE OUR SHARE OF THE
10 REASONABLE HOUSING NEED AFFORDABLE TO ALL INCOME LEVELS.
11 ALLOCATION OR RHNA FOR HOUSING, AND WE HAVE IDENTIFIED SITES
12 THROUGHOUT UNINCORPORATED COUNTY AREAS NEARED TO MEET OUR
13 GOALS OF AFFIRMATIVELY FURTHERING FAIR HOUSING, WHICH I'LL
14 TALK ABOUT A LITTLE LATER. THE HOUSING ELEMENT ALSO HAS
15 POLICIES AND PROGRAMS WHICH ARE INTENDED TO PROMOTE HOUSING
16 THAT ADDRESSES REMOVE HOUSING CONSTRAINTS AND OUR NEEDS. NEXT
17 SLIDE, PLEASE. THE PROPOSED PROJECT INCLUDES THE CANDIDATE
18 SITES, WHICH MEET THE RHNA AS WELL AS A REASONABLY FORESEEABLE
19 NUMBER OF DENSITY BONUS UNITS AND A BUFFER, WHICH IS TO
20 PROVIDE FOR SOME OF OUR OR DIFFERENT AFFORDABILITIES SITES
21 DEVELOPED WITH FEWER UNITS THAN ANTICIPATED IN HOUSING
22 ELEMENT. AND THE CANDIDATE SITES WERE SELECTED FROM THE
23 UNIVERSAL LIST OF SITES BY THE PLANNING COMMISSION AND YOUR
24 BOARD BASED ON INPUT AT A SERIES OF PUBLIC HEARINGS AND
25 MEETINGS AND IN COMPLIANCE WITH STATE NEXT SLIDE, PLEASE.

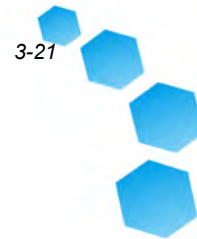


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1 HOUSING ELEMENT LEGISLATION. IN ADDITION TO THE PROPOSED
2 PROJECT, THE EIR ALSO ANALYZES THE ADDITIONAL UNIVERSAL SITES,
3 AND THIS IS TO ALLOW SOME FLEXIBILITY WHEN THERE IS CHANGES TO
4 PROJECT SITES OR IF ANY OF THEM ARE DEEMED INFEASIBLE DUE TO
5 ENVIRONMENTAL CIRCUMSTANCES. A IMPACTS OR CHANGED NEXT SLIDE,
6 PLEASE. HOUSING ELEMENT IS MADE UP OF FIVE MAIN COMPONENTS.
7 THE FIRST PART OF IT IS THE NEEDS ASSESSMENT WHERE WE DO
8 SIGNIFICANT COMMUNITY ENGAGEMENT TO HEAR FROM OUR COMMUNITY
9 WHAT OUR SPECIFIC HOUSING NEEDS ARE. TRENDS AND HOUSING MARKET
10 TRENDS WE ALSO LOOK AT DEMOGRAPHIC AND PARTICULARLY FOCUS ON
11 SPECIAL NEEDS HOUSING, FOR EXAMPLE, SENIORS, PEOPLE WHO ARE
12 EXPERIENCING HOMELESSNESS OR AGRICULTURAL WORKERS COULD BE
13 SOME OF THOSE EXAMPLES. WE ALSO LOOK AT THE ACCOMPLISHMENTS OR
14 ANY PREVIOUS HOUSING ELEMENT, AND WE CHALLENGES WE HAVE IN OUR
15 ANALYZE CONSTRAINTS TO HOUSING DEVELOPMENT BOTH THAT ARE
16 WITHIN GOVERNMENTAL FIELDS AND KIND OF WITHIN THE MARKET AND
17 ENVIRONMENTAL AS WELL AS INFRASTRUCTURE CONSTRAINTS THAT COULD
18 BE -- THAT COULD ACT AS CONSTRAINTS FOR OUR HOUSING THE
19 RESOURCES AND SITES DEVELOPMENT. INVENTORY I MENTIONED EARLIER
20 IS WHERE WE IDENTIFY SPECIFIC SITES THAT CAN ACCOMMODATE THE
21 HOUSING NEEDS THAT WERE IDENTIFIED. AND THEN IN A NEW SECTION
22 OF THE HOUSING ELEMENT IS THE AFFIRMATIVELY FURTHERING FAIR
23 HOUSING REQUIREMENT, AND THAT ALL ASPECTS OF THE HOUSING HAS
24 NOW BEEN INCORPORATED INTO ELEMENT BEGINNING WITH OUR PUBLIC
25 ENGAGEMENT, SO WE NEED TO DO A MUCH MORE ROBUST PUBLIC

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3-21



1 ENGAGEMENT PROCESS THAT ENSURES THAT WE ARE REACHING OUT TO
2 PROTECTED CLASSES UNDER FAIR HOUSING. WE NEED TO ANALYZE AND
3 LOOK AT OUR PATTERNS OF MAKE SURE THAT OUR HOUSING SEGREGATION
4 IN OUR COMMUNITY AND ELEMENT IS ADDRESSING THOSE, AS WELL AS
5 ENSURING THAT HOUSING, PARTICULARLY FOR LOWER-INCOME, IS IN
6 AREAS OF OPPORTUNITY THROW IT OUR COUNTY. NEXT SLIDE, PLEASE.
7 SO THESE ARE THE CHAPTERS OF THE HOUSING ELEMENT TO INCLUDE
8 THE ELEMENT AND AS WELL AS FIVE CHAPTERS OF THE HOUSING
9 APPENDICES THAT INCLUDE AN ADDITION TO A SUMMARY OF OUR
10 COMMUNITY OUTREACH, THE REVIEW OF OUR PAST HOUSING ELEMENT,
11 AND THEN SITES INVENTORY AND MEANINGFUL ACTIONS RELATED TO
12 THAT AFFIRMATIVELY FURTHERING FAIR HOUSING REQUIREMENT THAT I
13 NEXT SLIDE, PLEASE. TALKED ABOUT. AND AS MENTIONED EARLIER,
14 THE UNINCORPORATED COUNTY NEEDS TO PLAN FURTHER REGIONAL
15 HOUSING NEED ALLOCATION OF 3,569 HOUSING UNITS AT ALL INCOME
16 LEVELS, AND IT'S WORTH NOTING THAT EVERY CITY AND TOWN IN THE
17 COUNTY IS ALSO PLANNING FOR HOUSING AS EVERY COUNTY, CITY AND
18 TOWN WELL AS EVERY JURISDICTION, THROUGHOUT THE STATE OF
19 CALIFORNIA, SO WE'RE NOT ALONE IN THIS. OUR REGIONAL HOUSING
20 NEED ALLOCATION IS MADE UP OF 1100 UNITS FOR VERY LOW INCOME,
21 AND THAT'S ACTUALLY DIVIDED, HALF OF THAT IS EXTREMELY LOW
22 INCOME, SO OF THE AREA INCOME OR LESS, LOW THAT'S FOLKS AT
23 THERE'S EVER 30% INCOME 634 UNITS, AS WELL AS MODERATE INCOME
24 AND ABOVE MODERATE. NEXT SLIDE, PLEASE. SO THE WAY -- THIS IS
25 A SLIDE THAT JUST SUMMARIZES KINDS OF HOW WE ARE PROPOSING TO



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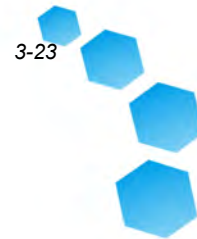
1 MEET HOUSING IN A VARIETY OF WAYS, SO SELECTED PROJECT SITES
2 THAT WE WE'LL BE DOING IT ON THE TALKED ABOUT AS WELL AS
3 THROUGH IDENTIFYING ACCESSORY DWELLING UNITS OR ADUS, SO WE'RE
4 ABLE TO PROJECT THOSE BASED ON HOW MANY WE DEVELOPED IN THE
5 LAST CYCLE. AND ANY PROJECTS THAT MAY BE CURRENTLY IN OUR
6 PIPELINES. AND THEN ERR AWAY BONUS CONSIST WITH STATE LAW AND
7 ALSO ANTICIPATING 35% DENSITY OUR INCLUSIONARY REQUIREMENT.
8 NEXT SLIDE, PLEASE. SO AS YOU'LL SEE, IT'S A LITTLE DIFFICULT
9 BUT YOU CAN SEE THAT THERE'S HOUSING SITES THROUGHOUT THE
10 COUNTY, AND THIS AGAIN IS TO MEET THAT GOAL OF AFFIRMATIVELY
11 FURTHERING FAIR HOUSING AND IT OF OUR COMMUNITIES HAVE ALSO
12 ADDRESSES THE FACT THAT ALL IDENTIFIED THAT THERE'S HOUSING
13 NEEDS AND THEN PARTICULARLY FOR LOWER AND MODERATE INCOME
14 HOUSEHOLDS. NEXT SLIDE, PLEASE. AND THIS IS JUST A SUMMARY.
15 THIS IS -- IT SHOWS A SECTION OF THE EIR WHERE YOU CAN SEE
16 KIND OF A MORE DETAILED ANALYSIS OF GOING TO TURN IT OVER TO
17 LESLIE, WHAT THE SITES ARE. AND NOW I'M IF YOU'LL GO TO THE
18 NEXT SLIDE, PLEASE, AND SHE'S GOING TO GIVE AN UPDATE OR
19 SHE'LL GIVE A DESCRIPTION OF THE SAFETY ELEMENT.

20

21 **LESLIE LACKO:** THANKS, LEELEE. THE SAFETY ELEMENT IS CONTAINED
22 AGRICULTURAL ELEMENT OF THE IN THE NATURAL SYSTEMS AND
23 COUNTYWIDE PLAN AS IT CURRENTLY STANDS, THAT PLAN, THAT PART
24 OF THE PLAN CONTAINS PROGRAMS AND POLICIES RELATED TO
25 GEOLOGICAL SEISMICITY, FLOODING, AND WILDFIRE. AND WE ARE

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3-23



1 UPDATING IT TO INCLUDE PROGRAMS AND POLICIES FOR CLIMATE
2 CHANGE CONSIST WITH GOVERNMENT CODE ADAPTATION AND RESILIENCE
3 SECTION 65304G WHICH WAS FORMERLY KNOWN AS SB379. SO NEXT
4 SLIDE, PLEASE. SO AS PART OF THIS UPDATE, WE CONDUCTED A
5 VULNERABILITY ASSESSMENT THAT IDENTIFIES THE RISKS OF CLIMATE
6 CHANGE TO UNINCORPORATED MARIN COUNTY. OF ADAPTATION AND
7 RESILIENCY THAT LED TO THE IDENTIFICATION GOALS, POLICIES AND
8 FEASIBLE IMPLEMENTATION PROGRAMS. AND IT ALSO ADDRESSED OTHER
9 LEGISLATIVE MANDATES IN ADDITION TO SB 379 TO REDUCE FIRE AND
10 FLOOD RISK AND PLAN FOR EMERGENCY EVACUATION AND RESULTED IN
11 AN EXPANSION AND POLICIES IN A MORE CONSOLIDATED CONSOLIDATION
12 OF PROGRAMS AND SAFETY ELEMENT, WHICH WE WERE LACKING BEFORE.
13 NEXT SLIDE. SO IN THE PAST WE HAVE THE GEOLOGY AND SEISMICITY
14 SECTION, THE FLOODING AND THE WILDFIRE SECTION SHOWN HERE ON
15 LEFT, AND WHAT WE HAVE ADDED TO THE SAFETY ELEMENTS ARE NEW
16 PROGRAMS AND ADAPTATION AND RESILIENCY, AND POLICIES FOR
17 CLIMATE CHANGE THOSE COVER EXTREME WEATHER, DROUGHT, EXTREME
18 HEAT AND SEA LEVEL RISE. WE HAVE ADDED A NEW SECTION ON
19 DISASTER MITIGATION, PREPAREDNESS RESPONSE AND RECOVERY. AND A
20 NEW SECTION ON EQUITABLE COMMUNITY SAFETY PLANNING AND AND
21 THAT NEW SECTION IS ALSO VULNERABLE POPULATIONS. REQUIRED BY
22 NEW STATE LAWS AND ALSO BECAME VERY APPARENT AS NECESSARY WHEN
23 WE DID THE VULNERABILITY ASSESSMENT. NEXT SLIDE, AND I'LL HAND
24 IT BACK TO THE EIR TEAM.
25

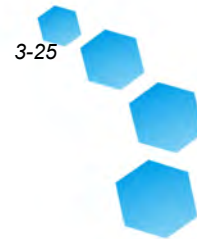


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1 **RACHEL REID:** GREAT. THANK YOU BOTH, LEELEE AND START THAT THE
2 PROJECT LESLIE. I MENTIONED AT THE DESCRIPTION, IT ALSO
3 INCLUDES ADDITIONAL ACTIONS, SO THE EIR ALSO CONTEMPLATES
4 CHANGES TO THE COUNTYWIDE PLAN AND ZONING CODE AS NECESSARY TO
5 IMPLEMENT THE PROGRAM IDENTIFIED IN THE HOUSING AND SAFETY
6 ELEMENTS. AND SO LISTED HERE ARE SOME OF ARE COVERED. THE EIR
7 HAD TO THOSE ADDITIONAL ACTIONS THAT CONSIDER KIND OF THE --
8 WITH THE IMPLEMENTATION OF THOSE, WHAT WOULD THE POTENTIAL
9 ENVIRONMENTAL IMPACTS BE. NEXT SLIDE, PLEASE. SO DIGGING A
10 LITTLE MORE INTO PROCESS, WE NEGOTIATED THE EIR PROCESS FOR
11 THE HOUSING AND A NOTICE OF PREPARATION. THE SAFETY ELEMENT
12 WHEN WE RELEASED PUBLIC HAD AN OPPORTUNITY TO INFORM THE
13 CONTENT OF THE EIR DURING THE 45-DAY NOTICE OF PREPARATION AND
14 COMMENT PERIOD ENDING ON JANUARY 24TH, EARLIER THIS YEAR. WE
15 HELD A PUBLIC SCOPING MEETING ON JANUARY 11TH, AND THEN TO
16 SUBMIT COMMENTS ON ISSUES INTERESTED PARTIES WERE INVITED THAT
17 SHOULD BE INCLUDED IN THE SCOPE OF THE EIR ANALYSIS. AND
18 YOU'LL FIND A COMPILATION OF THOSE COMMENTS RECEIVED DURING
19 THE SCOPING PERIOD IN CHAPTER 2, WHICH IS THE SUMMARY OF THE
20 DRAFT EIR. AND I WOULD ALSO RECOMMEND IF YOU ARE NOT INTENDING
21 ON LOOKING AT THAT SUMMARY CHAPTER LOOKING AT THE ENTIRETY OF
22 THE EIR. I THINK THE SUMMARY CHAPTER HITS A PRETTY -- HITS A
23 PRETTY SWEET SPOT. NEXT SLIDE, PLEASE. SO THIS TYPE OF EIR IS
24 WHAT WE CALL WHOLE SCOPE. THAT MEANS THAT IT INCLUDES ALL OF
25 THE YOU'LL FIND IN THE EIR THAT THESE IMPACT TOPICS UNDER

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3-25



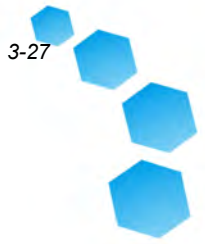
1 CEQA. THERE IS A CHAPTER ON EACH OF THESE AND DISCUSSES THE
2 IMPACTS OF THE PROJECT IN THESE AREAS AS WELL AS THE
3 MITIGATION MEASURES. WE'LL DIG INTO SOME OF THESE ISSUES A
4 LITTLE DEEPER IN A MINUTE. NEXT SLIDE, PLEASE. OF THE DRAFT
5 EIR, WE IDENTIFIED SO IN TERMS OF THE MAIN FINDINGS 18 PROJECT
6 IMPACTS AS SIGNIFICANT OR POTENTIALLY SIGNIFICANT, INCLUDING
7 19 PROJECT IMPACTS THAT WERE ALSO DETERMINED TO BE CUMULATIVE
8 IMPACTS. MANY IMPACTS WERE FOUND LESS THAN SIGNIFICANT BECAUSE
9 FUTURE PERMITTED COORDINATING TO PROJECTS WOULD BE DEVELOPED
10 AND FEDERAL AND STATE REGULATIONS, THE COUNTYWIDE PLAN, THE
11 COUNTY DEVELOPMENT CODE AND ALL ADOPTED POLICIES AND
12 REGULATIONS. SIGNIFICANT IMPACT WERE REDUCED TO LESS THAN
13 SIGNIFICANT BY MITIGATION IN THESE TOPICAL AREAS, BIOLOGICAL
14 RESOURCES AND HISTORIC RESOURCES. NEXT SLIDE, PLEASE. IN TERMS
15 OF THE MAJOR FINDINGS HERE, THE EIR IDENTIFIED 15 IMPACTS THAT
16 ARE SIGNIFICANT AND UNAVOIDABLE. THOSE TOPICS ARE LISTED HERE,
17 ESTHETICS, SCENIC VISTAS AND VIRTUAL CHARACTER. AIR QUALITY,
18 CONFLICTS WITH THE LOCAL AIR QUALITY PLAN AND INCREASE IN
19 CRITERIA POLLUTANTS. GREENHOUSE GASES, CONFLICTS WITH
20 APPLICABLE PLAN AND INCREASE IN EMISSIONS. HISTORIC RESOURCES,
21 DESTRUCTION/DEGRADATION OF HISTORIC RESOURCES. NOISE, TRAFFIC
22 LEVEL NOISE. TRANSPORTATION, VEHICLE MILES TRAVELED BEING
23 ABOVE THE REGIONAL PER CAPITA THRESHOLD. AND THEN UTILITIES,
24 IN TERMS OF WATER SUPPLY AND WASTEWATER TREATMENT CAPACITY. I
25 SHOULD NOTE THAT IT'S NOT UNCOMMON FOR EIRS IN PARTICULAR



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1 LARGE DRAFT EIRS TO HAVE MULTIPLE SIGNIFICANT UNAVOIDABLE
2 IMPACTS. AND OFTEN WHEN YOU'RE THINKING OF IN TERMS OF THE
3 ANALYSIS AND DRAWING THE CONCLUSIONS IN THE FACE OF
4 UNCERTAINTY, WHICH CERTAIN IS HERE AROUND FUTURE DEVELOPMENT
5 AND CONDITIONS, YOU WOULD ERR ON THE SIDE OF BEING
6 CONSERVATIVE. SINCE IT'S UNCLEAR IF THE IMPACTS WILL ACTUALLY
7 BE MITIGATED TO LESS THAN SIGNIFICANT. IF MITIGATION IS INDEED
8 POSSIBLE. WE ALSO HAVE SOME CONSTRAINTS AROUND MODELING WITH
9 THE VEHICLE MILES TRAVELED, AIR QUALITY AND NOISE. AND SO THAT
10 ALSO WAS A CAUTION TO KIND OF ERR ON THE SIDE OF BEING
11 CONSERVATIVE. IN TERMS OF DRAWING THOSE CONCLUSIONS. NEXT
12 SLIDE, PLEASE. MORE ON THE DRAFT EIR FINDINGS, CUMULATIVE
13 IMPACTS. I KNOW THAT WATER SUPPLY IS A BIG CONCERN. WE'VE
14 HEARD A LOT ABOUT IT ALREADY. AND SO I'M GOING TO DRILL DOWN A
15 BIT HERE. WILL WERE THREE IMPACTS RELATED TO WATER SUPPLY THAT
16 WERE FOUND TO BE SIGNIFICANT AND UNAVOIDABLE ON BOTH A PROJECT
17 AND CUMULATIVE LEVEL. NO FEASIBLE MITIGATION WAS AVAILABLE FOR
18 THESE IMPACTS DURING THE PLANNING TIME PERIOD FOR THE PROJECT.
19 NOW, WHEN WE TALK ABOUT THE PLANNING TIME PERIOD, WE CAN'T
20 ACCOMPLISH IT WITHIN THIS HOUSING ELEMENT CYCLE WITHIN EIGHT
21 YEARS, SO WE DO KNOW THAT THERE ARE WATER DISTRICTS IN EARLY
22 STAGES OF SEEKING NEW WATER SOURCES AND LOOKING AT WAYS OF
23 WATER REUSE, BUT THOSE COULD NOT -- WE COULD NOT SAY WITH ANY
24 CERTAINTY THAT THOSE WOULD REDUCE THE IMPACTS TO LESS THAN
25 SIGNIFICANT. THE IMPACTS RELATED TO WATER SUPPLY HERE, WE HAVE

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1 PROJECT CUMULATIVE WATER SUPPLY IMPACTS, WEST MARIN COMMUNITY
2 SERVICE DISTRICTS AND NORTH MARIN WATER DISTRICT. FOR WEST
3 MARIN. SO LIKE BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT,
4 INVERNESS DISTRICT CAN RESULT IN DEMANDS AND EXCESS OF SUPPLY.
5 THAT WAS A SIGNIFICANT UNAVOIDABLE. IN ADDITION, PROJECT AND
6 CUMULATIVE WATER SUPPLY IMPACTS FOR THE NORTH MARIN WATER
7 DISTRICT AND MARIN MUNICIPAL WATER DISTRICT, NOW MARIN WATER.
8 WITH THE DROUGHT, NORTH MARIN WATER DISTRICT CAN'T RECEIVE ITS
9 FULL ENTITLEMENTS FROM THE SONOMA COUNTY WATER AGENCY. IN
10 ADDITION YOU HAVE MARIN WATER RELYING ON RESERVOIRS, AND WE
11 HAVE HAD MULTIPLE DROUGHT YEARS, SO THERE IS NO GUARANTEE OF A
12 SUPPLY THERE. THERE ARE DEFINITELY CUMULATIVE IMPACTS WITH
13 WATER SUPPLY THROUGHOUT THE COUNTY. AND THEN LASTLY, PROJECT
14 CUMULATIVE WATER SUPPLY IMPACTS RELATED TO INDIVIDUAL WATER
15 SUPPLY SYSTEMS. SO HERE WE'RE TALKING ABOUT OUTSIDE OF
16 COMMUNITY SERVICE AND WATER DISTRICTS WHERE GROUND WATER CAN'T
17 SUSTAIN DEVELOPMENT WITHOUT THE ONGOING DROUGHT CONDITIONS. SO
18 THESE WERE JUST THREE OF THE BOTH PROJECT AND CUMULATIVE
19 SIGNIFICANT UNAVOIDABLE IMPACTS. NEXT SLIDE, PLEASE. SO WE ARE
20 GOING TO JUMP FROM IMPACTS TO PROJECT ALTERNATIVES, WHICH ARE
21 REALLY A CORE COMPONENT OF AN EIR. CEQA REQUIRES AN EIR TO
22 DESCRIBE A RANGE OF REASONABLE ALTERNATIVES TO THE PROJECT OR
23 TO THE LOCATION OF THE PROJECT WHICH WOULD FEASIBLY ATTAIN
24 MOST OF THE BASIC OBJECTIVES OF THE PROJECT BUT WOULD AVOID OR
25 SUBSTANTIALLY LESSEN ANY OF THE SIGNIFICANT EFFECTS OF THE

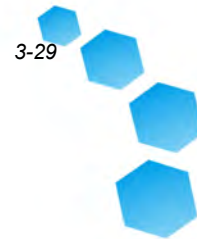


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1 PROJECT AND EVALUATE THE COMPARATIVE MERITS OF THE
2 ALTERNATIVES. AGAIN, A CORE COMPONENT OF AN EIR AS IT RELATES
3 TO PROJECT APPROVAL LETTER, ULTIMATELY A PROJECT CAN BE
4 APPROVED AS IT WAS PROPOSED OR AN ALTERNATIVE OR A HYBRID OF
5 ALTERNATIVES CAN ULTIMATELY BE APPROVED. NEXT SLIDE, PLEASE.
6 HERE ARE THE THREE ALTERNATIVES THAT WE LOOKED AT IN THE EIR.
7 THE FIRST ONE IS THE NO PROJECT, WHICH IS WHAT WOULD HAPPEN
8 UNDER THE EXISTING COUNTYWIDE PLAN AND HOUSING ELEMENT. THIS
9 IS AN ALTERNATIVE THAT CEQA REQUIRES LEGAL TO ANALYZE. FROM
10 THE START WE KNOW THAT WE WOULD NOT MEET THE HOUSING ELEMENT
11 OBJECTIVES, WE WOULD NOT ATTAIN THE RHNA, IT WOULD NOT COMPLY
12 WITH STATE LAW, AND SO IT'S -- IT'S INFEASIBLE BUT WE STILL
13 WENT THROUGH THE ANALYSIS OF WHAT THAT WOULD LOOK LIKE.
14 ALTERNATIVE 2, THE REDUCED VEHICLE MILES TRAVELED ALTERNATIVE.
15 THE IDEA WITH THIS ALTERNATIVE IS THAT THE LOCATE MOST OF THE
16 HOW LONG WITHIN A 2-MILE RADIUS ALONG THE BY 101 CORRIDOR AND
17 SIR FRANCIS DRAKE, THE IDEA BEING YOU'RE REDUCING THE VEHICLE
18 MILES TRAVELED AND ASSOCIATED GREENHOUSE GAS. YOU HOUSE PEOPLE
19 NEAR TRANSIT, NEAR EMPLOYMENT, NEAR THE URBAN CORE, SO THAT
20 WAS ALTERNATIVE 2. AND ALTERNATIVE 3, THE REDUCED UTILITY
21 IMPACT ALTERNATIVE REGARDING WATER AND WASTEWATER. WITH THIS
22 ALTERNATIVE, WE WOULD RELOCATE SITES FROM SERVICE DISTRICTS
23 THAT DON'T HAVE THE CAPACITY TO SERVE NEW DEVELOPMENT. DUE TO
24 THE CITY CENTER AND BAY LANDS CORRIDOR WHERE THERE'S GREATER
25 CAPACITY. WITH THIS ALTERNATIVE IT AVOIDS SIGNIFICANT

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3-29



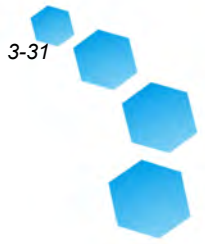
1 INFRASTRUCTURE IMPROVEMENTS WITH CONSTRUCTION IMPACTS FOR
2 PUBLIC UTILITY DISTRICTS PROVIDING WATER OR WASTEWATER
3 TREATMENT IN UNINCORPORATED AREAS. IT ESSENTIALLY HAS THE SAME
4 SIGNIFICANT UNAVOIDABLE IMPACTS AS THE PROPOSED PROJECT. AND
5 IN ADDITION, AND YOU'LL SEE FROM THE VISUALS THAT WE GO
6 THROUGH NEXT, ALTERNATIVE 2 AND 3, THEY -- WHILE THEY MAY
7 LESSEN SOME OF THE ENVIRONMENTAL IMPACTS, THEY STILL HAVE
8 SIGNIFICANT UNAVOIDABLE IMPACTS, AND THEY DON'T MEET THE
9 OBJECTIVE OF PROVIDING HOUSING SITES THROUGHOUT THE COUNTY AND
10 HOUSING PEOPLE OUT PERHAPS IN WEST MARIN WHERE THERE NEEDS TO
11 BE HOUSING. NEXT SLIDE, PLEASE. SO THESE WERE VISUALS. THESE
12 ARE IN CHAPTER 22, THE ALTERNATIVES CHAPTER OF THE EIR. I
13 REALIZE THAT THEY'RE PROBABLY DIFFICULT TO READ HERE, SO IF
14 YOU WANT TO GO TAKE A CLOSER LOOK, AGAIN, CHAPTER 22. THIS IS
15 AGAIN ALTERNATIVE 2, THE REDUCED VMT. THE BLUE DOTS ARE SITES
16 THAT ARE INCLUDED IN ALTERNATIVE 2, SO THOSE WOULD ESSENTIALLY
17 BE SITES THAT WOULD STAY. AND THEN THE RED DOTS ARE SITES THAT
18 WOULD BE RELOCATED. AND THE DARK GREEN LINES YOU'LL SEE ARE
19 THE HIGHWAY 101 CORRIDOR AND SIR FRANCIS DRAKE, AND THE
20 YELLOW-ISH-ORANGISH DISCOLORATION IS THAT BUFFER FROM THE 2-
21 MILE RADIUS FROM THOSE MAJOR TRANSPORTATION CORRIDORS. THIS
22 WOULD REMOVE 479 TOTAL UNITS. IT DOESN'T -- THE ALTERNATIVE
23 ITSELF DOES NOT IDENTIFY RELOCATION SITES. OTHER SITES IN THE
24 PROJECT DESCRIPTION WOULD ACCOMMODATE THESE REMOTE UNITS. NEXT
25 SLIDE, PLEASE. SO ALTERNATIVE 3, THE REDUCED UTILITY IMPACT.



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1 SO WHEN WE LOOK SPECIFICALLY AT WATER SERVICE, THE BLUE ARE
2 THE SITES WITH WATER SERVICE, WITH ADEQUATE WATER SERVICE. THE
3 RED ARE THE SITES WITH WATER SERVICE CONSTRAINTS. WE WOULD
4 LOOK AT ABOUT 766 UNITS BEING RELOCATED TO HAVE GREATER WATER
5 SERVICE CAPABILITIES. NEXT SLIDE, PLEASE. CONTINUING WITH
6 ALTERNATIVE 3, THE PRIOR ONE LOOKED AT WATER SAVERS SERVICE.
7 THIS IS WASTED WATER SERVICE. BLUE SITES AGAIN WITH
8 WASTEWATER, AND THE RED ARE THE SITES WITH THE WASTEWATER
9 SERVICE CONSTRAINTS. 130 UNITS WOULD BE RELOCATED BASED ON THE
10 WASTEWATER SERVICE CONSTRAINTS. AND THEN JUST ONE LAST VISUAL,
11 PLEASE. THE ALTERNATIVE 3 AS IT RELATES TO REDUCED UTILITY
12 IMPACT WITH INFRASTRUCTURE. THE RED IS SANITARY RELATED
13 UTILITY IMPACTS. BLUE, WATER RELATED UTILITY. AND PURPLE HAS
14 BOTH WART AND SANITARY IMPACTS RELATED TO IT. WHEN WE TALK
15 WITH INFRASTRUCTURE, WE'RE TALKING ABOUT UTILITY PIPELINES,
16 PUMP STATIONS, WATER TANKS, EXPANDED WASTEWATER TREATMENT
17 PLANTS. THIS WOULD RELOCATE 277 UNITS. THEY COULD STILL BE
18 ELIMINATED AND WE WOULD STILL BE ABLE TO MEET THE RHNA. SO
19 OVERALL WITH ALTERNATIVE 3 WE WON TALKING ABOUT RELOCATING A
20 TOTAL OF 896 UNITS. ON THE HOUSING SITE THAT ARE IDENTIFIED IN
21 THE EIR IS THE MOST LIKELY TO ABSORB THOSE UNITS SINCE
22 JUVENILE HALL AND BUCK SITE. AND AGAIN THAT'S VERY
23 PRELIMINARY. IT'S NOT SAYING THAT THAT IN ANY WAY IS A
24 COMMITMENT TO THAT DIRECTION. NEXT SLIDE, PLEASE. SO CEQA DOES
25 REQUIRE AS PART OF THE ALTERNATIVE ANALYSIS TO IDENTIFY THE

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1 ENVIRONMENTALLY SUPERIOR ALTERNATIVE, AND THAT IS ALTERNATIVE
2 2, REDUCED VEHICLE MILES TRAVELED. IT WOULD ALLOW THE COUNTY
3 TO OBTAIN MOST OF THE HOUSING ELEMENT UPDATE OBJECTIVES, ALL
4 OF THE SAFETY ELEMENT UPDATE OPERATIVES. IT REDUCES THE MOST
5 IMPACTS BY REDUCING THE PER CAPITA VEHICLE MILES TRAVELED. SO
6 THOSE AGAIN ARE THE IMPACTS RELATED TO VMT AIR QUALITY,
7 GREENHOUSE GAS. NEXT SLIDE, PLEASE. HOWEVER, IT WOULD NOT
8 FULLY MEET THE OBJECTIVE OF PROVIDING HOUSING THROUGHOUT THE
9 UNINCORPORATED COUNTY COMMUNITY BECAUSE IT WOULD REDUCE THE
10 NUMBER OF UNITS IN THE PROJECT SITE INVENTORY BY APPROXIMATELY
11 479 BY ELIMINATING A LARGER HOUSING SITE IN THE MORE RURAL
12 COMMUNITIES AND THE PERSON PART OF THE COUNTY. THE TOTAL
13 NUMBER OF HOUSING UNDERSTAND UNDER THE ALTERNATIVE WOULD STILL
14 MEET THE COUNTY'S RHNA. THE SMALLER SITE THAT CAN SCREENED OUT
15 OF CEQA VMT ANALYSIS WOULD STILL BE PART OF THE ALTERNATIVE.
16 UNDER THE TIGHT SCREENING THRESHOLD, IF A PROJECT GENERATES
17 LESS THAN 100 ADDITIONAL TRIPS A DAY, IT CAN EFFECTIVELY BE
18 SCREENED OUT FROM REQUIREMENT OF VMT ANALYSIS. THEN
19 ALTERNATIVE 2 REDUCES THE PROJECT VMT BY 10 TO 15% PERCENT.
20 THE VMT AIR QUALITY AND GREENHOUSE GAS IMPACT WOULD REMAIN
21 UNAVOIDABLE. SO YOU'RE NOT ESCAPING THE SIGNIFICANT
22 UNAVOIDABLE IMPACTS. NEXT SLIDE, PLEASE. HERE IS A LOOK AT
23 WHERE WE'VE BEEN, WHERE WE'RE GOING, PROCESS MILESTONES.
24 AGAIN, WE CHECKED OFF THIS EIR BACK IN JANUARY. WE'RE
25 CURRENTLY IN THE 45-DAY COMMENT PERIOD, WHICH ENDS ON NOVEMBER

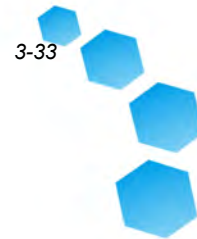


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1 21ST, AND THAT AGAIN IS ON THE ADEQUACY OF THE EIR. TONIGHT'S
2 HEARING TO PROVIDE ORAL COMMENT. AND THEN IN EARLY DECEMBER WE
3 WILL BE PREPARING THE FINAL EIR. WE INTEND TO RELEASE THAT
4 AROUND DECEMBER 19TH. WE'RE DOING OUR BEST UNDER A VERY
5 COMPRESSED SCHEDULE. THERE WILL BE TWO HEARINGS IN JANUARY.
6 THE FIRST ONE, AND THESE ARE STRICT LIMB L. I'M TAJ EIR, WILL
7 BE THE PLANNING COMMISSION RECOMMENDATION CERTIFICATION OR NOT
8 TO THE BOARD. THAT WILL BE COMBINED WITH PROJECT APPROVAL
9 RECOMMENDATION. AND THEN THE BOARD WILL ULTIMATELY CONSIDER
10 EIR CERTIFICATION AND THE PROJECT DECISION. SO I THINK THE
11 LARGER TAKEAWAY FROM THE EIR CONCLUSIONS IS THAT THERE IS NO
12 VERSION OF THE PROJECT AS PROPOSED OR WITH ALTERNATIVES THAT
13 THE BOARD CAN APPROVE THAT DOESN'T HAVE SIGNIFICANT
14 UNAVOIDABLE IMPACT. AND AT THE SAME TIME, THE PROJECT OR SOME
15 VARIATION MUST BE APPROVED TO COMPLY WITH STATE LAW. SO THAT
16 STATEMENT OF OVERRIDING CONSIDERATIONS, DETERMINING THAT THE
17 BULLET HEADS OF THE PROJECT OUTWEIGH THE, WILL BE REQUIRED FOR
18 ANY FUTURE ACTION. HEARING OPPORTUNITIES. AND I RAISE THIS
19 JUST BECAUSE CEQA DOES HIGHLIGHT THE EMPHASIS FOR PUBLIC
20 PARTICIPATION, SO I WANTED MEMBERS OF THE PUBLIC TO KNOW THAT
21 THESE ARE ALL THE MILESTONES, I CONSIDER THEM, FOR PUBLIC
22 PARTICIPATION. SO WE'RE HERE AT THE DRAFT PUBLIC HEARING, AND
23 THEN AS I MENTIONED WE'LL HAVE A HEARING AT THE PLANNING
24 COMMISSION AND THE BOARD WHERE WE DO WELCOME PUBLIC PARDON
25 PARKINSON'S AND COMMENT. NEXT SLIDE, PLEASE. SO IN TERMS OF

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3-33



1 WHAT TO COMMENT ON TONIGHT, THE ADEQUACY OF THE DRAFT EIR,
2 AGAIN WE WON'T REALLY BE PROVIDING RESPONSES. COMMENTS SHOULD
3 BE FOCUSED ON THE ANALYSIS AND CONCLUSIONS OF THE DRAFT AND
4 NOT ON THE HOUSING AND SAFETY ELEMENT CONTENT. SO IT'S NOT
5 REALLY RELEVANT FOR TONIGHT TO SAY, I LIKE THIS PART OF THE
6 HOUSING ELEMENT OR I DIDN'T LIKE THIS PART OF THE SAFETY
7 ELEMENT. THOSE ARE IMPORTANT BUT JUST NOT RELEVANT FOR
8 TONIGHT. AND THEN AGAIN FOR COMMENTS SPECIFIC ON HOUSING AND
9 SAFETY ELEMENT, PLEASE CHECK THOSE WEBSITES FOR THE SPECIFIC
10 OPPORTUNITIES. NEXT SLIDE, PLEASE. IF INTERESTED PARTIES WANT
11 TO SUBMIT WRITTEN COMMENT AND/OR ADD TO ORAL COMMENTS PROVIDED
12 TONIGHT, WE WELCOME THOSE. HERE AGAIN, THE COMMENT DEADLINE,
13 NOVEMBER 21ST. YOU CAN SNAIL MAIL IT TO ME OR EMAIL IT, EITHER
14 WAY IT WILL REACH US. AND THEN WE HAVE OUR WEB PAGE WITH EIR
15 AND ALL UPDATES IF YOU SUBSCRIBE TO THOSE, YOU'LL BE
16 IDENTIFIED OF THE PROCESS WITH THE EIR PROCESS. THE NEXT
17 SLIDE, PLEASE. AND FINALLY STAFF RECOMMENDATION FOR THE BOARD
18 AND PZ TO OPEN THE PUBLIC HEARING TO COMMENT ON THE ADEQUACY
19 OF THE DRAFT EIR AND TO DISCUSS ITS I REGARDING THE PROJECT'S
20 IMPACTS THAT ARE OF PRIMARY CONCERN TO YOUR BOARD AND
21 COMMISSION, AND THEN MAKE A MOTION TO INSTRUCT THE EIR
22 CONSULTANT TO PREPARE THE FINAL EIR BASED UPON THE WRITTEN
23 RESPONSES TO ALL COMMENTS RECEIVED DURING THE 45-DAY PUBLIC
24 REVIEW PERIOD. THAT COLLUDES ZACK'S PRESENTATION. THANK YOU.
25



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1 **STEPHANIE MOULTON-PETERS:** THANK YOU, RACHEL AND EVERYONE. AND
2 WITH THAT, WE'RE GOING TO GO DIRECTLY TO PUBLIC COMMENT NOW,
3 SO PLEASE GO AHEAD AND RAISE YOUR HAND AND GET IN THE QUEUE.
4 EVERYONE WILL HAVE TWO MINUTES, AND I SEE WE'VE GOT AT LEAST
5 ONE HAND UP. AL, WILL YOU BE HELPING RECOGNIZE PUBLIC
6 COMMENTERS?

7

8 **MODERATOR:** YES. WOULD YOU LIKE TO START NOW?

9

10 **STEPHANIE MOULTON-PETERS:** LET'S START NOW.

11

12 **MODERATOR:** STEVEN, PLEASE UNMUTE.

13

14 **SPEAKER:** HELLO. GOOD EVENING, EVERYBODY. DO YOU HEAR ME?

15

16 **STEPHANIE MOULTON-PETERS:** WE DO.

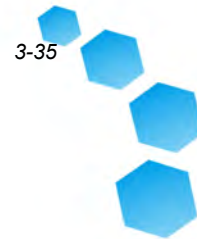
17

18 **SPEAKER:** OKAY, GREAT. SO I LIVE IN MARINWOOD LUCAS VALLEY, AND
19 WE HAVE 2300 HOMES HERE CURRENTLY OR HOUSING UNITS. WE HAVE
20 BEEN IDENTIFIED AS AN AREA OF OPPORTUNITY, AND IT APPEARS THAT
21 ABOUT 1,000 UNITS HAVE BEEN APPROVED FOR OUR NEIGHBORHOOD,
22 WHICH COULD TURN INTO 2,000 VERY EASILY WITH THE BONUS, THE
23 BONUS BUILDING. MY CONCERN IS A COUPLE THINGS. WE HAVE
24 MINISTERIAL PROJECTS THAT WOULD BE QUALIFIED FOR MARINWOOD
25 PLAZA. NOW, THAT HAS A SIGNIFICANT TOXIC WASTE PROBLEM THAT

PC-1

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3-35



PC-1

1 HAS NOT BEEN ADDRESSED, AND I'M CONCERNED THAT BECAUSE IT'S
2 MINISTERIAL, DEVELOPERS WILL AVOID CLEANUP OF THE PROPERTY AND
3 COMPLYING WITH ANY EIR REQUIREMENTS. WE'RE GOING TO HAVE TO
4 BUILD NEW SCHOOLS. WE'RE GOING TO HAVE VERY SIGNIFICANT
5 IMPACTS IN OUR COMMUNITY. SO IT'S PARTLY A COMMENT, PARTLY A
6 QUESTION, AND I'VE NEVER BEEN ABLE TO GET A RESPONSE TO THIS,
7 BUT I THINK THERE'S SO MUCH HERE COMMUNITY-WIDE IMPACTS, IT
8 REALLY NEEDS TO BE DISCUSSED AND PERHAPS RE-EXAMINED. THANK
9 YOU.

10

11 **STEPHANIE MOULTON-PETERS:** YEAH, THANK YOU. NEXT COMMENTER,
12 PLEASE.

13

14 **MODERATOR:** THE NEXT SPEAKER IS RILEY HURD. PLEASE UNMUTE.

15

16 **SPEAKER:** GOOD EVENING, MEMBERS OF THE BOARD AND PLANNING
17 COMMISSION. HURD.

18

19 **MODERATOR:** MR. HURD, PLEASE START AGAIN.

20

21 **SPEAKER:** GOOD EVENING. I JUST WANT TO THANK YOU GUYS FOR
22 HAVING THIS HEARING. I THINK IT'S GOING TO DEMONSTRATE TO THIS
23 STATE THAT ON THE OUTREACH CONTINUUM THE COUNTY IS FAR AHEAD
24 OF PERHAPS CERTAIN OTHER JURISDICTIONS. I WANTED TO MAKE A
25 COMMENT ABOUT THE DRAFT EIR AND IN PARTICULAR THE REDUCED VMT

PC-2



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PC-2

1 ALTERNATIVE AS IT RELATES TO THE SAN DOMENICO SCHOOL SITE. I
2 THINK IT WOULD BE A VERY BIG MISTAKE TO ELIMINATE HOUSING AT
3 THAT PROPERTY, AND, IN FACT, IT'S PROBABLY DUE TO A
4 MISCHARACTERIZATION OF THE VEHICLE MILES TRAVELED AND FOR
5 HOUSING AT THAT SITE, AND HERE'S WHAT I MEAN. IF YOU DIDN'T
6 KNOW THAT THE HOUSING THERE IS DESIGNED FOR TEACHERS WHO WILL
7 WORK AT SAN DOMENICO, WHICH IS ONE OF THE LARGEST EMPLOYERS IN
8 THAT SUBREGION OF MARIN, YOU MIGHT THINK, HEY, THIS IS AT THE
9 END OF BUTTERFIELD. THIS IS TOO FAR AWAY. LET'S NOT PUT
10 HOUSING HERE. BUT IT'S EXACTLY OPPOSITE. THIS WOULD GIVE THE
11 OPPORTUNITY FOR THE SCHOOL TO HOUSE EMPLOYEES, TEACHERS, STAFF
12 ON-SITE AND KEEP THEM FROM DRIVING THROUGH THE HUB AND DRIVING
13 DOWN BUTTERFIELD. ALSO, ON THAT CORRIDOR IS THE BROOKSIDE
14 SCHOOL AND ALSO ARCHIE WILLIAMS HIGH SCHOOL, EACH OF WHICH
15 WOULD BE EXCELLENT CANDIDATES FOR TEACHERS TO RESIDE AT THE
16 SAN DOMENICO CAMPUS, THEREBY KEEPING PEOPLE OFF THE SIR

PC-2

17 FRANCIS DRAKE CORRIDOR. SO I KNOW THE VMT ALTERNATIVE LOOKS
18 VERY APPEALING, AND IT MIGHT BE THE WAY TO GO. I JUST WANT TO
19 HIGHLIGHT THAT IT WOULD BE A BIG MISTAKE TO ADOPT IT AS
20 PROPOSED BECAUSE IT ACTUALLY DOESN'T REDUCE VMT TO TAKE ON IT
21 FROM SAN DOMENICO. THANK YOU.

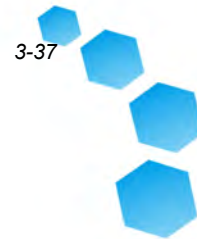
22

23 **STEPHANIE MOULTON-PETERS:** THANK YOU. NEXT SPEAKER, PLEASE.

24

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3-37



1 **MODERATOR:** NEXT SPEAKER IS JACK CRYSTAL. PLEASE UNMUTE. MR.
2 CRYSTAL, PLEASE UNMUTE.

3

4 **SPEAKER:** CAN YOU HEAR ME OKAY?

5

6 **MODERATOR:** YES. GO AHEAD, SIR.

7

8 **SPEAKER:** OH, GOOD. THANKS FOR ALLOWING ME TO PROVIDE YOU WITH
9 MY POINT OF VIEW. WE'RE ALL IN THIS WONDERFUL COUNTY, AND
10 THERE ARE THINGS THAT ARE GOING ON THAT ARE NOT BEING ATTENDED
11 TO AND YET ACTIVELY GOING ON IN THE MARIN COUNTY CODE, AND
12 IT'S NOT BEING ADDRESSED. IT'S NOT BEING DISCUSSED. AND YET
13 THERE ARE CHAPTER 22.14, WHICH IS SPECIAL PURPOSE AND
14 COMBINING DISTRICTS. THERE ARE SOME VERY, VERY IMPORTANT AND
15 CRITICAL REVISIONS THAT ARE TAKING PLACE HAVING TO DO WITH THE
16 BAYFRONT CONSERVATION, COMBINING DISTRICTS, HAVING TO DO WITH
17 FORCING PROPERTY OWNERS IN THE FUTURE TO SIGN DEEDS ON THEIR
18 PROPERTY THAT WOULD BE IN CONFLICT WITH WHAT THEY THEMSELVES,
19 INCLUDING ME AND LENDERS, WOULD BE -- WOULD BE ABLE TO LIVE
20 WITH AS IT REALLY TAKES AWAY PROPERTY RIGHTS IN CONFLICT WITH
21 WHAT OTHERWISE NEIGHBORING PROPERTIES, SAME USE, WOULD BE THEN
22 NOT ABLE TO DO, NOT ABLE TO HANDLE, AND THEY COME LIABILITIES
23 THAT ANY ONE OF YOU, ME, AND OTHERS WOULD SIMPLY GO TO A
24 LAWYER AND SAY, WHAT'S GOING ON? WHAT'S TAKING PLACE? AND
25 INFRINGING. AND I DON'T BELIEVE THAT THIS IS BEING STUDIED BY

PC-3

PC-4

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PC-4

1 THE EIR CONSULTANTS AS IT'S MOVING ALONG, AND THERE ARE PAGES,
2 MAJOR, MAJOR ASPECTS OF THAT WHICH NEEDS TO BE STUDIED AND
3 NEEDS TO BE CHANGED AND NEEDS TO BE THROWN AWAY. AND SO THAT'S
4 VERY IMPORTANT. AND HOPEFULLY I DON'T HAVE TO SUBMIT A WRITTEN
5 REQUEST FOR THIS TO BE ADDRESSED AND REVISED AND CORRECTED.
6 THANK YOU.

7

8 **STEPHANIE MOULTON-PETERS:** YOU'RE WELCOME, MR. KRYSTAL. ALL
9 COMMENTS OLDER AND WRITTEN WILL BE ADDRESSED.

10

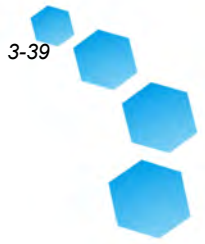
11 **MODERATOR:** THE NEXT SPEAKER IS CLAYTON SMITH. PLEASE UNMUTE.

12

PC-5

13 **SPEAKER:** I THINK IT'S IMPORTANT TO NOTE THAT THIS HOUSING
14 ELEMENT ISSUE WAS BROUGHT FORWARD RIGHT AT THE ONSET OF THE
15 COVID UPHEAVAL. WHEN IT WOULD HAVE BEEN OF MINIMAL INTEREST TO
16 THE GENERAL AND IN-PERSON MEETING WERE PROHIBITED AND HAVE
17 RARELY, I THINK IF EVER, OCCURRED IN THE INTERVENING PERIOD
18 SINCE THEN. IT HAS BABY CLEARLY GOVERNMENT BY STEALTH. AND
19 THIS HAS BEEN REINFORCED RIGHT HERE NOW WITH THE LIMITATION OF
20 SPEECH RECOMMENDED BY RACHEL, WHICH IS A HOSTILITY EXPRESSING
21 A WHO IS BUILT TO THE PUBLIC BEING ABLE TO SPEAK ITS MIND
22 FREELY IN THIS MEETING IN WHICH THERE IS A QUORUM OF THE
23 SUPERVISORS IN ATTENDANCE. AND I THINK THAT THE LIMITATION OF
24 THE TIME TO TWO MINUTES IS UNCONSCIONABLE, PARTICULARLY IN
25 LIGHT OF THE FACT THAT AT EVERY PRIOR MEETING THERE WAS A 3

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1 MINUTE ALLOWANCE OF TIME AND PEOPLE SUCH AS MYSELF, WHO WOULD
2 HAVE COME FORWARD WITH PREPARED STATEMENTS, NOW BASICALLY HAVE
3 TO FORFEIT THE OPPORTUNITY OF BEING ABLE TO EXPRESS THEIR
4 PREPARED STATEMENTS, AND SO THAT WE FEEL THAT OUR INPUT INTO
5 THIS PROCESS IS BASICALLY BEEN INTERFERED WITH UNJUSTLY. WHAT
6 IT SEEMS WE HAVE GOING ON HERE IS A PSEUDODEMOCRATIC PROCESS.
7 IT'S FAKE DEMOCRACY, AND IT'S BEEN FAKE DEMOCRACY FROM THE
8 VERY BEGINNING. AND I THINK PEOPLE WHO LABEL THEMSELVES AS
9 MEMBERS OF THE A PARTY THAT CALLED ITSELF THE DEMOCRAT PARTY,
10 THE PARTY OF JACK KENNEDY AND BOBBY KENNEDY, PEOPLE WHO GAVE
11 THEIR LIVES FOR FREEDOM IN THIS COUNTRY, PEOPLE WHO SPOKE FOR
12 FREEDOM WOULD BE BASICALLY SILENCED BY MEMBERS OF THIS BOARD
13 WHO ARE CLAIMING TO BE MEMBERS THAT OF PARTY.

14

15 **STEPHANIE MOULTON-PETERS:** MR. SMITH, YOUR TWO MINUTES ARE UP.
16 NEXT, PLEASE.

17

18 **MODERATOR:** THE NEXT SPEAKER IS ALAN WHALER. PLEASE UNMUTE.

19

20 **SPEAKER:** YES, HE'LL HELLO, EVERYONE. AND THANK YOU FOR YOUR
21 TIME AND ALL YOUR HARD WORK ON THIS. I'VE GOT A COUPLE
22 COMMENTS AND I JUST WANT TO SAY, FIRST OF ALL, THAT I DON'T
23 THINK I'M ALONE IN HOPING THAT THE PROCESS DOES NOT SIMPLY
24 RESULT IN THE HOUSING ELEMENT BUT ACTUALLY RESULTS IN SOME
25 HOUSING, AND I DON'T THINK THAT'S A FOREGONE CONCLUSION. WE



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PC-6

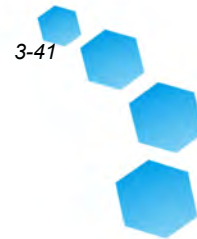
1 KNOW WHAT'S HAPPENED IN THE PAST. AND, OF COURSE, THERE'S A
2 LOT OF SERIOUS CONSEQUENCES THIS TIME, BUT, YOU KNOW, THINGS
3 CAN DEVOLVE INTO LAWSUITS AND DRAG ON, AND EVEN THOUGH THEY
4 WOULD EVENTUALLY GET REINVOLVED, IN THE MEANTIME I THINK WE
5 CAN ALL AGREE THAT THERE'S A LOT OF PEOPLE, TEACHERS, NURSES,
6 FIRE, POLICE, ET CETERA, THAT REALLY NEED AN OPPORTUNITY TO
7 HAVE A FAIR AND AFFORDABLE HOUSING IN MARIN, AND EVERYONE
8 BENEFITS FROM THAT, EVEN IF YOU CAN AFFORD A MARKET RATE HOUSE
9 AT THIS TIME. SO I'M LOOKING -- I'VE BROUGHT THIS FORWARD

PC-7

10 BEFORE, BUT I WANT TO BRING IT FORWARD AGAIN BECAUSE I DO FEEL
11 IT'S KEY. I'M LOOKING AT THE DRAFT EIR, THE DRAFT THAT I HAVE,
12 SECTION 1.2.1, AND IT'S 9, SAYING THIS A GOAL IS THAT WE WILL
13 BE EMBRACING TECHNOLOGY AND INNOVATIVE PRACTICES TO CREATE
14 SMART, SUSTAINABLE CITIES AND ADAPTABLE INFRASTRUCTURE
15 SYSTEMS. AND I'D LIKE TO SUGGEST THAT THAT BE BROUGHT FORWARD
16 AS A MUCH GREATER EMPHASIS AND MUCH MORE DETAIL ON HOW THAT'S
17 GOING TO BE DONE. IMAGINE IF WE WERE TRYING TO SOLVE ANY OF
18 OUR OTHER PROBLEMS WITH SUSTAINABILITY, WITHOUT APPLYING THE
19 LATEST TECHNOLOGY. WE DON'T HAVE SOME TIME TO GET INTO IT
20 TODAY, BUT I BELIEVE THAT TECHNOLOGY IS NOT THE ONLY SOLUTION.
21 THERE'S A LOT OF OTHER FACTORS. BUT WITHOUT TECHNOLOGY, WE
22 REALLY CAN'T GET TO THE AFFORDABILITY THAT EVERYBODY WOULD
23 LIKE TO SEE. THANK YOU.

24
25 **STEPHANIE MOULTON-PETERS:** THANK YOU.

11/16/2022



3-41

1

2 **MODERATOR:** THE NEXT SPEAKER IS BRUCE CORCORAN. PLEASE UNMUTE.

3

4 **SPEAKER:** BRUCE CORCORAN. [INDECIPHERABLE]. I'D LIKE TO ADDRESS

PC-8

5 THE ONE IMPACT THAT I DON'T THINK IS ADEQUATELY STUDIED AND

6 THAT'S UNFETTERED ILLEGAL IMMIGRATION. APPARENTLY THAT'S RIGHT

7 NOW OVER 2 MILLION PEOPLE THAT ARE ENTERING OUR COUNTRY --

8 [INDECIPHERABLE]. NOT INCLUDING -- [INDECIPHERABLE] ABOUT 2.8

9 MILLION. THERE ARE OTHER -- [INDECIPHERABLE] ILLEGAL

10 IMMIGRATION SUPPLIES 5 MILLION PEOPLE. NOW, IF WE CAN'T EVEN

11 ACCOMMODATE OUR OWN NEEDS, HOW ARE WE GOING TO ACCOMMODATE ALL

12 THIS INFLUX OF PEOPLE COMING INTO OUR COUNTRY? I THINK THAT

13 SHOULD BE UPSETTING AND -- [INDECIPHERABLE] I'D LIKE ALSO TO

14 MENTION THE IMPACT IN CERTAIN AREAS. [INDECIPHERABLE] BUT THE

PC-9

15 TRAFFIC THAT COMES FROM TIBURON, BELVEDERE, AND A LARGE PART

16 OF MILL VALLEY ALL GOES THROUGH THE INTERCHANGE AT 101, AND I

17 DON'T THINK THAT THE IMPACTS OF TRAFFIC CONGESTION AT THAT

18 INTERSECTION, WHICH IS ALREADY -- VERY LOW LEVELS, TACK ON THE

19 P.M. COMMUTE, THAT HAS NOT BEEN ADDRESSED ADEQUATELY. IT

20 IMPACTS ALL OF THE TRAFFIC ON THE 101 CORRIDOR. AND I'D ALSO

21 LIKE TO SAY THAT I'D LIKE TO ENDORSE -- [INDECIPHERABLE] AND

22 URGE YOU TO JOIN THE LAWSUIT AGAINST -- I THINK YOU CAN DO

23 BOTH. JUNIOR RIVAS. BUT YOU WOULD ALSO JOIN THE LAWSUIT. ALL

24 IT TAKES IS A LITTLE COURAGE. SOMETIMES YOU HAVE TO GET OUT OF

25 THE SLOW LANE, DO WHAT'S RIGHT. [INDECIPHERABLE] THANK YOU.



11/16/2022

1

2 **STEPHANIE MOULTON-PETERS:** THANK YOU.

3

4 **SARAH JONES:** BRUCE, CAN I SUGGEST THAT YOU SUBMIT YOUR
5 COMMENTS IN WRITING BECAUSE YOUR CONNECTION WASN'T GREAT AND
6 I'M NOT SURE WE GOT EVERYTHING.

7

8 **MODERATOR:** THE NEXT SPEAKER IS TED VON DELONG. PLEASE UNMUTE.

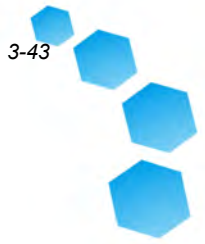
9

10 **SPEAKER:** HELLO. IT'S TED VON DELONG. THANK YOU, AND TO BE
11 CLEAR, I LIVE IN LUCAS VALLEY AND I SUPPORT THE GOALS OF THIS
12 WORK, INCLUDING DEVELOPING AFFORDABLE HOUSING HERE RIGHT DOWN
13 THE STREET, SO I WANT TO MAKE SURE I'M CLEAR ABOUT THAT
14 BECAUSE I DO HAVE SOME CRITICISM OF THE EIR. I THINK IT'S A
15 REAL PARADOX THAT ALL OF THE STAFF WORKED TO SEEK PUBLIC
16 INPUT, BUT AN EIR THAT IS PROGRAM WIDE IS JUST NOT CONSIST
17 WITH WHAT THE PUBLIC CAN PROVIDE TO ALL OF YOU. IT'S HARD
18 ENOUGH FOR ANY SINGLE CITIZEN HERE IN MARIN TO GRASP WHAT'S
19 HAPPENING AT A SITE LEVEL. AND, OF COURSE, WHEN YOU WRITE AN
20 EIR AT A PROGRAM LEVEL, SEE YOU LATER. I MEAN, I JUST -- I
21 DON'T -- IT MAY MEET THE LETTER OF THE LAW BUT IT DOESN'T MEET
22 THE SPIRIT AND I DON'T THINK ANY OF YOU AROUND THIS TABLE
23 SHOULD KID YOURSELF ABOUT THAT. I'VE CAREFULLY READ SOME
24 SECTIONS OF THE EIR, SO I'VE TRIED TO MAKE AN INVESTMENT IN
25 THE GOOD WORK THAT YOU'RE DOING, BUT I CAN JUST TELL YOU THAT

PC-10

PC-10

11/16/2022



3-43

PC-10 | 1 IT'S -- IT'S A TREMENDOUS CHALLENGE TO ANY INDIVIDUAL PERSON
2 TO DO THIS. AND WHEN IT'S NOT SITE-SPECIFIC, YOU SORT OF THROW
3 UP YOUR HANDS. SO I JUST -- I DON'T THINK YOU CAN WALK AWAY
4 FROM THAT ISSUE BECAUSE IT'S -- WHEN YOU'RE TRYING TO SEEK OUR
5 PUBLIC INPUT. LET ME BE SPECIFIC IN A COUPLE OF AREAS THAT I
6 WOULD ENCOURAGE SOME MORE WORK AND I WILL SUBMIT WRITTEN

PC-11 | 7 COMMENTS. AS AN EXAMPLE, IN THE -- MY READING OF THE EIR WAS
8 THAT THE VMT WORK INCLUDED AGGREGATING SITE-SPECIFIC, ALL OF
9 THE SITES IN THE COUNTY WERE INCLUDED IN THE VMT ANALYSIS. SO
10 WHY NOT PARSE OUT THE INDIVIDUAL SITES AND SERVE THAT UP?
11 BECAUSE AGAIN WE COULD CONSUME THAT, WE BEING LOCAL
12 NEIGHBORHOODS COULD CONSUME THAT MUCH MORE READILY.

PC-12 | 13 EVACUATION. THERE'S A LOT OF DISCUSSION ABOUT IT. THERE'S NO
14 EVACUATION PLANNING FOR LUCAS VALLEY, AND GIVEN THE HUGE
15 NUMBER OF UNITS BEING PROPOSED, YOU'VE GOT TO SCRATCH YOUR
16 HEAD WHEN -- WHEN YOU SEE THAT DISH WENT TO FIRESAFE MARIN, I
17 ACTUALLY SPOKE WITH THEM. THEY HAVE NO PLAN, AS YOU KNOW, FOR
18 LUCAS VALLEY. I WENT TO THE ZONEHAVEN, AS YOU ALL RECOMMEND IN
19 THE EIR. THERE'S NO MENTION OF LUCAS VALLEY. SO AGAIN, AS AN
20 INDIVIDUAL CITIZEN INTERESTED IN LUCAS VALLEY, I HAVE TO SAY
21 THE EIR LEFT ME SHORT WHEN I WAS TRYING TO TRANSLATE IT TO
22 THINGS ON THE GROUND IN OUR COMMUNITY. THANK YOU VERY MUCH.

23

24 **STEPHANIE MOULTON-PETERS:** THANK YOU.

25



11/16/2022

1 **MODERATOR:** THE NEXT SPEAKER IS SHARON RUSHTON. PLEASE UNMUTE.

2

3 **SPEAKER:** GOOD EVENING. CAN YOU HEAR ME?

4

5 **MODERATOR:** YES, GO AHEAD.

6

7 **SPEAKER:** OKAY, THANK YOU. I'M SHARON RUSHTON, PRESIDENT OF

8 SUSTAINABLE TAM ALMONTE. CALIFORNIA AND MARIN HAVE SERIOUS

9 HOUSING AFFORDABILITY ISSUES WHICH ARE COMPLEX. HOWEVER, THE

10 STATE'S APPROACH TO DEALING WITH THESE ISSUES IS FLAWED. ONCE

11 AGAIN, WE'D LIKE TO URGE TO YOU JOIN THE LAWSUIT AGAINST THE

12 STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR

13 VIOLATIONS OF STATE STATUTES AND OTHER ACTIONS THAT ARE

14 PLACING I WILL LEGITIMATE HOUSING QUOTA BURDENS ON CALIFORNIA

15 CITIES AND COUNTIES, QUOTAS THAT ARE UNSUPPORTED BY FACTS AND

16 AVAILABLE DATA ON FUTURE NEEDS. WE SENT YOU A LETTER WITH

17 DETAILS REGARDING THIS LEGAL AVENUE. IF HRD DOES NOT CORRECT

18 ITS RHNA DETERMINATIONS, THEN THE CURRENT HOUSING CYCLE WILL

19 CONTINUE WITH INACCURATE HOUSING NEEDS WITHIN EACH REGION. THE

20 FAILURE TO CORRECT THE PROCESS WILL POUND THE INACCURACIES IN

21 FUTURE HOUSING CYCLES AS FUTURE RHNA DETERMINATIONS WILL BE

22 BASED ON NOT ONLY INACCURATE DATA BUT IMPROPER METHODOLOGY

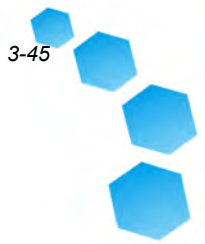
23 FROM THE CURRENT HOUSING CYCLE. AND ONCE AGAIN I'D LIKE TO

24 BRING ATTENTION TO THE RESULTS OF THE DRAFT EIR FOR THE DRAFT

25 MARIN COUNTY HOUSING ELEMENT WHICH FOUND THAT THE PROJECT

PC-13

PC-14



PC-14

1 WOULD RESULT IN 15 SIGNIFICANT ADVERSE AND UNAVOIDABLE
2 IMPACTS. THIS INCLUDES TALKS OF AIR CONTAMINANTS, DANGEROUS
3 TRAFFIC CONGESTIONS, HAZARDOUS GREENHOUSE GAS EMISSIONS,
4 INSUFFICIENT WATER SUPPLY, INSUFFICIENT WASTEWATER TREATMENT
5 CAPACITY, AND MUCH MORE. TO GET AN IDEA OF WHAT JUST ONE OF
6 THE ABOVE ADVERSE IMPACTS COULD DO, WE WISH TO BRING TO YOUR
7 ATTENTION THE EFFECTS OF TOXIC AIR CONTAMINANTS ON HUMAN
8 HEALTH. CHILDREN, PREGNANT WOMEN AND THE ELDERLY AND THOSE
9 WITH EXISTING HEALTH PROBLEMS ARE ESPECIALLY VULNERABLE TO AIR

PC-15

10 POLLUTANTS. SINCE THE LATE 1990S, RESEARCH STUDIES HAVE
11 INCREASINGLY AND CONSISTENTLY SHOWN AN ASSOCIATION BETWEEN
12 LIFE-THREATENING RESPIRATORY DISEASE SUCH AS CARDIOVASCULAR
13 MORTALITY, CHRONIC OBSTRUCTIVE PULMONARY DISEASE AND OTHER
14 HEALTH EFFECTS SUCH AS CANCER, AND THE PROXIMITY OF SENSITIVE
15 POPULATIONS TO HIGH TRAFFIC ROADWAYS WHERE CARS AND TRUCKS
16 EMIT TOXIC AIR CONTAMINANTS IN LARGE QUANTITIES OVER EXTENDED
17 PERIODS OF TIME. I'D LIKE TO ASK WHAT GOOD IS HOUSING AND
18 ENGAGERS NOT ONLY THE NEW RESIDENTS THAT WOULD LIVE IN HOUSING
19 BUT ALSO EXISTING RESIDENTS AND THE ENVIRONMENT. MARIN COUNTY
20 PAYING \$1.6 MILLION TO MIG AND VERONICA TAM & ASSOCIATES TO
21 CITY THE COUNTY'S REGIONAL HOUSING NEEDS ALLOCATION AND \$1.14
22 MILLION TO OPTICS TO CREATE OBJECTIVE DESIGN STANDARDS. IF THE
23 COUNTY CAN AFFORD THESE CONSULTANT FEES, THEN IT SURELY CAN
24 AFFORD THE COST OF LEGAL COUNSEL TO SAFEGUARD MARIN. PLEASE
25 PROTECT US. PUT MARIN COUNTY'S SAFETY ABOVE THE FLAWED HOUSING



11/16/2022

1 QUOTA AND JOIN THE LAWSUIT. THANK YOU VERY MUCH FOR YOUR
2 CONSCIENTIOUS CONSIDERATION.

3

4 **MODERATOR:** THE NEXT SPEAKER IS SUSAN MORGAN. PLEASE UNMUTE.

5

6 **SPEAKER:** YES, GOOD EVENING. I ALSO LIVE IN THE LUCAS VALLEY
7 AND WOULD LIKE TO SECOND THE COMMENTS OF TED VON GLAHN. I
8 SUPPORT INCREASED AFFORDABLE HOUSING AND WITHIN OUR COMMUNITY.

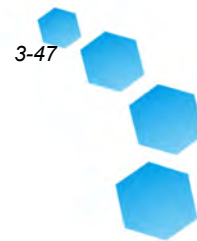
9 I'VE ALSO SPENT QUITE A BIT OF TIME TRYING TO STUDY THIS
10 ISSUE, READING THE DRAFT ENVIRONMENTAL REPORT, ET CETERA. THIS
11 IS NOT AN AREA OF SPECIALIZATION OF MINE, AND I HAVE FOUND IT
12 NEAR INCOMPREHENSIBLE. I WOULD LIKE TO SEE SOME SPECIFIC
13 INFORMATION ABOUT THE ENVIRONMENTAL IMPACT IN LUCAS VALLEY,
14 NOT THE PROGRAM-WIDE REPORT BECAUSE IT GIVES US NO INFORMATION
15 ABOUT SOME OF THE THINGS THAT WE'RE VERY CONCERNED ABOUT. FOR
16 ME PERSONALLY AND I THINK MANY PEOPLE, THE FIRE EVACUATION IS
17 A HUGE CONCERN. WE HAD A FIRE HERE IN LUCAS VALLEY SIX MONTHS
18 OR SO AGO. THERE WAS AN EVACUATION. IT WAS SCARY THEN. IT WAS
19 A VERY SMALL FIRE, VERY FEW PEOPLE EVACUATED, AND EVEN THEN IT
20 RAISED A LOT OF QUESTIONS. SO I JUST FEEL THAT THE REPORT AS
21 IT STAND IS INSUFFICIENT AND WOULD REALLY LIKE FOR MORE
22 INFORMATION TO BE FORTHCOMING. AND I GUESS THAT'S THE END OF
23 MY COMMENTS. THANK YOU VERY MUCH.

24

PC-16

11/16/2022

3-47



1 **MODERATOR:** SUPERVISOR MOULTON-PETERS, THERE ARE NO ADDITIONAL
2 SPEAKERS IN THE QUEUE.

3

4 **STEPHANIE MOULTON-PETERS:** OKAY. I'M GOING TO GIVE A LAST CALL
5 FOR PUBLIC SPEAKERS.

6

7 **MODERATOR:** WE HAVE ONE MORE.

8

9 **STEPHANIE MOULTON-PETERS:** OKAY.

10

11 **SARAH JONES:** BEFORE WE DO THAT CAN I JUST ASK A COUPLE PEOPLE
12 DID GO PRETTY SIGNIFICANTLY OVER THE TWO MINUTES. I'D LIKE TO
13 ASK THAT YOU SUBMIT YOUR COMMENTS IN WRITING BECAUSE WE JUST
14 NEED TO BE -- WE JUST NEED TO BE SURE THAT EVERYBODY HAS EQUAL
15 TIME FOR THEIR ORAL COMMENTS, BUT YOU CAN GO TO TOWN ON THE
16 LENGTH YOUR WRITTEN COMMENTS.

17

18 **STEPHANIE MOULTON-PETERS:** PLEASE GO AHEAD.

19

20 **MODERATOR:** THE FIRST SPEAKER IS KEVIN -- EXCUSE ME -- KEN
21 LEVIN. PLEASE UNMUTE.

22

23 **SPEAKER:** THANK YOU, SUPERVISORS AND PLANNING COMMISSIONERS,
24 FOR HAVING THIS PUBLIC HEARING. IN SPITE OF IT I ECHO A COUPLE
25 OF COMMENTS THAT HAVE BEEN MADE THAT LAYPERSONS IN THE

PC-17



11/16/2022

PC-17

1 COMMUNITY WHO ARE BEING EXPECTED TO COMMENT ON THIS DOCUMENT
2 ARE REALLY AT A DISADVANTAGE BECAUSE OF ITS LENGTH, ITS
3 DIFFICULTY IN UNDERSTANDING. I THINK THAT YOU SHOULD REQUIRE
4 MIG TO EITHER PUBLISH A SECOND ABBREVIATED VERSION MEANT FOR
5 PUBLIC CONSUMPTION AND UNDERSTANDING TO GO ALONG WITH THE MAIN
6 DOCUMENT OR MAKE MIG HOLD PUBLIC HEARINGS SO THAT THEY CAN
7 EXPLAIN THE DOCUMENT TO THE PUBLIC BEFORE THE THIS ROUND OF
8 DEIR HEARINGS. I THINK IT'S JUST -- I MEAN, YOU KNOW IF YOU'VE

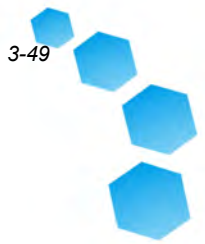
PC-17

9 LOOKED AT IT, IF YOU'RE NOT A PROFESSIONAL PLANNER OR IF
10 YOU'RE NOT BEING PAID A LOT OF MONEY TO SPEND YOUR HOURS
11 LOOKING AT A, IT'S REALLY HARD TO GET YOUR HEAD AROUND IT TO
12 UNDERSTAND WHAT IT'S SAYING. AND I THINK IT'S A LOSS, AND I
13 THINK IT LOOKS ELITIST TO ME, AND I DON'T THINK IT'S MEANT TO
14 BE. I KNOW YOU'RE ALL UNDER THE GUN. BUT THAT'S THE WAY IT
15 COMES OFF, AND IT'S A SHAME BECAUSE IF MORE PEOPLE IN OUR
16 COMMUNITIES UNDERSTOOD WHAT'S BEING SAID, YOU WOULD BE HEARING
17 MORE COMMENTS. FROM WHAT I CAN TELL IN MY HOURS OF STUDYING
18 THIS THING, I THINK MY CONCERNS HAVE BEEN ADDRESSED AND I
19 APPRECIATE THAT. AND IF I COME UP WITH ANY OTHER CONCERNS THAT
20 I UNEARTH, I WILL SUBMIT MY CONCERNS IN WRITING. THANK YOU FOR
21 YOUR HARD WORK. I WOULD LIKE IT TO BE DIRECTED MORE TOWARDS
22 PUBLIC UNDERSTANDING IN THE FUTURE.

23

24 **STEPHANIE MOULTON-PETERS:** THANK YOU.

25



1 **MODERATOR:** THE NEXT SPEAKER IS ROBERT FLAGG. PLEASE UNMUTE.

2

3 **SPEAKER:** HELLO. I SENT YOU GUYS A LETTER TODAY TO RACHEL. IT'S

4 REGARDS TO PRANDI WAY IN LUCAS VALLEY. I NOTICE THERE'S AN

5 ADDRESS CORRECTION NEEDED ON THE EIR. UNDER THE CURRENT DRAFT

6 EIR OF MARIN COUNTY HOUSING ELEMENT TABLE 3-3 PROPOSED PROJECT

7 SITE MARIN COUNTY JUVENILE HALL, 220 PRANDI WAY, PARCEL NUMBER

8 16 OR 6400. IT'S DESIGNATED 33-ACRE DENSITY ALLOWANCE, 30 PER

PC-18 9 ACRE, TOTAL 80 UNITS. THE CORRECT ADDRESS IS AS FOLLOWS:

10 JEANETTE PRANDI CHILDREN'S CENTER AND COUNTY TRAINING ROOM ARE

11 AT 2J PRANDI WAY. JUVENILE SERVICE IS AT 14 J. PRANDI WAY AND

12 6 J. PRANDI WAY. A STORAGE BUILDING, THE ADDRESS OF THE

13 JUVENILE HALL IS 6 PRANDI WAY AND IS 2.5 MILES FROM THE

14 HIGHWAY. I WAS UNDER THE IMPRESSION AND IT WAS ALSO -- RACHEL

15 ALSO BROUGHT IT UP TONIGHT ABOUT THE DRAFT EIR PROJECT

PC-19 16 ALTERNATIVES NUMBER 2 ABOUT THE 2-MILE RADIUS AND I'M

17 CONCERNED BECAUSE THIS IS NOT CLEAR. IT'S 2.5 MILES FROM THE

18 FREEWAY. THE OTHER THING I WANTED TO POINT OUT IS IN THE

19 PROPOSED FOR 80 LOW INCOME HOUSING UNIT EITHER 2 OR 16

20 JEANETTE PRANDI WAY, IT'S MY UNDERSTANDING THAT IF THE

21 DEVELOPER BUILT 6% OR MORE LOW INCOME HOUSING UNITS, THEY CAN

PC-20 22 REQUEST ACD FOR GREATER DENSITY THAN 30 UNITS PER ACRE IS

23 ELIGIBLE FOR A DENSITY BONUS UNDER THE BONUS LAW. THIS WILL

24 MAKE THE PROJECT MUCH LARGER AND ALSO HAPPEN IF THE HOUSING

25 ELEMENT BECOMES NON-COMPLIANT WITH HCD AND BUILDERS CREATE THE



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1 SAME OUTCOME. I KNOW RACHEL MENTIONED 35% DENSITY BONUSES AND
2 I DON'T KNOW HOW YOU'RE EQUATING THAT WITH THE 2 J. PRANDY WAY
3 PROJECT.

4

5 **STEPHANIE MOULTON-PETERS:** THANK YOU.

6

7 **MODERATOR:** THE NEXT SPEAKER IS THE MACLACHLAN FAMILY. PLEASE
8 UNMUTE. YOU MUST UNMUTE YOUR DEVICE. MCLACHLAN FAMILY, YOU'RE
9 NEXT. WE'LL COME BACK TO YOU. THE NEXT SPEAKER IS VICTORIA T.
10 HOLDRIDGE. PLEASE UNMUTE.

11

12 **SPEAKER:** GOOD EVENING. I WILL KEEP MY COMMENTS BRIEF. I WANTED
13 TO THANK YOU FOR ALL YOUR HARD WORK IN GETTING THIS DRAFT EIR
14 PUBLISHED, AND I AM IN FAVOR OF ADDING HOUSING OF ALL KINDS
15 ALL AROUND OUR BEAUTIFUL COUNTY, AND SO THANK YOU FOR -- THANK
16 YOU FOR A GOOD JOB. I'M LOOKING FORWARD SOME MORE SITE-
17 SPECIFIC INFORMATION BUT I'M THRILLED THAT WE HAVE COME THIS
18 FAR. THANK YOU.

19

20 **STEPHANIE MOULTON-PETERS:** YOU'RE WELCOME.

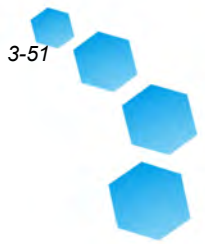
21

22 **MODERATOR:** THE NEXT SPEAKER IS THE MACLAUGHLIN FAMILY. PLEASE
23 UNMUTE.

24

25 **SPEAKER:** HELLO. YOU CAN HEAR ME? [ECHOING]

PC-21



11/16/2022

1

2 **MODERATOR:** YOU HAVE TWO DEVICES THAT ARE COMPETING WITH EACH
3 OTHER. PLEASE TURN ONE OFF OR MUTE YOUR OTHER DEVICE.

4

5 **SPEAKER:** ARE YOU ABLE TO HEAR ME NOW?

6

7 **MODERATOR:** GO RIGHT AHEAD.

8

9 **SPEAKER:** I THINK. MY NAME IS SARAH MCLACHLAN. I LIVE ALONG THE

PC-22

10 ATHERTON CORRIDOR. I BELIEVE THERE ARE ABOUT SIX SITES THAT
11 ARE LOOKING TO BE ON THIS PROPOSED LIST HERE, AND OUR CONCERN
12 IS SOME OF THESE SITES HAVE BEEN PREVIOUSLY LOOKED AT TO BE
13 BUILT ON, AND IT'S BEEN SHOWN THAT THERE'S AN INABILITY TO
14 SERVE THE PROPOSED PROJECT. THIS WAS IN A CHART TITLED
15 "HOUSING SITE REMOVED FROM UTILITY SERVICE PROVIDERS." THE
16 WATER DISTRICT ESSENTIALLY WAS SAYING THAT THEY CANNOT PROVIDE
17 WATER TO THESE SITES WITHOUT IMPACTING THEIR ABILITY TO
18 PROVIDE WATER WITH THE SUFFICIENT RESERVE TO THE ENTIRE
19 COMMUNITY DURING THE DRY YEARS THAT WE'VE BEEN HAVING. ANOTHER

PC-23

20 CONCERN IS THAT ALL OF THESE SITES ARE ALSO LISTED UNDER THE
21 MODERATE AND HIGH FIRE DANGER CATEGORY, WHICH BRINGS THE
22 CONCERN OF EVACUATION TO POINT. WHEN 37 WAS FLOODED, ATHERTON
23 WAS JUST A PARKING LOT, AND DURING A CRISIS SITUATION, I CAN'T
24 -- THIS COULD BE A POTENTIALLY CATASTROPHIC SITUATION IF



11/16/2022

PC-23

1 PEOPLE ARE TRYING TO GET OUT. AND THOSE ARE JUST SOME OF OUR
2 CONCERNS. THANK YOU.

3

4 **STEPHANIE MOULTON-PETERS:** THANK YOU.

5

6 **MODERATOR:** THE NEXT SPEAKER IS MORGAN PATTON. PLEASE UNMUTE.

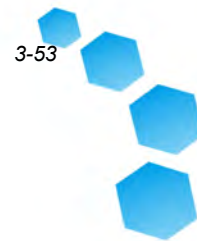
7

8 **SPEAKER:** HELLO. MORNING PATTON EXECUTIVE DIRECTOR OF THE
9 ENVIRONMENTAL ACTION COMMUNITY OF WEST MARIN. I JUST HAVE A
10 VERY IN THE WEEDS QUESTION AND MORE OF A LONG-TERM HIGHER
11 LEVEL QUESTION. READING THROUGH THE DEIR THERE'S, IN THE
12 IMPACTS TABLE, A FEW AREAS THAT INDICATE THAT, AND I'LL TAKE
13 SPECIAL STATUS SPECIES AS THE EXAMPLE, THAT THEY WILL ONLY
14 REQUIRE A FUTURE STUDY OF A PROPOSED LOCATION IF THERE'S A
15 POTENTIAL IMPACT. THE COUNTY SHALL REVIEW THE RESULTS OF THE
16 BIOLOGICAL RESOURCES SITE ASSESSMENT TO DETERMINE WHETHER
17 IMPACTS TO SPECIAL STATUS SEIZES ARE LIKELY TO OCCUR AND THE
18 ACTIONS NEEDED TO AVOID POTENTIAL IMPACTS OR IDENTIFIED
19 IMPACTS AS WELL AS TO DETERMINE IF THE COUNTY PERMITS ARE
20 REQUIRED IN THE APPROPRIATE LEVEL OF CEQA REVIEW. MY HIGHER
21 LEVEL QUESTION HAS TO DO WITH BY RATE DEVELOPMENT IN
22 MINISTERIAL PERMITTING. SO WE HAVE FIVE SITES ON THIS LIST
23 THAT ARE NOT DEVELOPED OUT IN EIGHT YEARS, THE PROPOSED
24 MITIGATION OR ASSESSMENT OF IMPACTS, WHAT DOES THAT MEAN FOR
25 THE COUNTY? AND DOES THIS STILL APPLY? THANK YOU.

PC-24

11/16/2022

3-53



1

2 **STEPHANIE MOULTON-PETERS:** OKAY. THANK YOU.

3

4 **MODERATOR:** SUPERVISOR MOULTON-PETERS, WE DO HAVE ONE MORE
5 SPEAKER. ROBERT FLAGG, BUT HE ALREADY SPOKE. DO YOU WANT TO
6 CALL HIM AGAIN?

7

8 **STEPHANIE MOULTON-PETERS:** NO. MR. FLAGG CAN SUBMIT WRITTEN
9 COMMENTS. SO THANK YOU FOR THAT, AL.

10

11 **MODERATOR:** THERE ARE NO ADDITIONAL SPEAKERS IN THE QUEUE.

12

13 **STEPHANIE MOULTON-PETERS:** OKAY. THANK YOU. WE'RE GOING TO
14 CLOSE THE PUBLIC COMMENT NOW. I'M GOING TO BRING IT BACK TO
15 STAFF TO SEE, RACHEL, IF THERE'S ANYTHING YOU OR OTHERS WOULD
16 LIKE TO COMMENT ON, AND THEN WE'LL MOVE TO COMMISSIONER
17 QUESTIONS AND COMMENTS.

18

19 **RACHEL REID:** THANK YOU, SUPERVISOR MOULTON-PETERS. JUST ONE
20 GENERAL COMMENT. AGAIN, AND IT GOES TO I HEAR THE FRUSTRATION
21 WITH THE LACK OF SITE-SPECIFIC DETAIL, AND JUST TO REITERATE,
22 THE FUNCTION OF THIS EIR IS NOT TO BE SITE-SPECIFIC. IT IS
23 PROGRAMMATIC IN NATURE. AND IF AND WHEN FUTURE PROJECTS COME
24 FORWARD, WE WILL GET MOO THE SPECIFICS.

25



11/16/2022

1 **STEPHANIE MOULTON-PETERS:** AND THERE WOULD BE A SPECIFIC
2 PROJECT EIR, IS THAT CORRECT RACHEL?

3

4 **RACHEL REID:** THAT DEPENDS. KIND OF WENT OVER THE DIFFERENT
5 POTENTIAL REGULATORY PATHS THAT PROJECTS WOULD FLOW THROUGH,
6 SO SOME COULD REQUIRE MORE CEQA, SOME WOULD NOT. SOME ARE
7 MINISTERIAL. BUT COMPLIANCE, FOR EXAMPLE, WITH COUNTY CODE,
8 WITH FEDERAL, STATE AND COUNTY REQUIREMENTS, YES.

9

10 **STEPHANIE MOULTON-PETERS:** NEXT STEPS TOWARD PROJECTS, SPECIFIC
11 PROJECTS. GREAT. ALL RIGHT. IF THERE'S NO OTHER POINTS OF
12 CLARIFICATION FROM STAFF, WE'LL MOVE NOW TO BOARD AND
13 COMMISSION COMMENTS. I SEE DON DICKINSON HAS HIS HAND UP.
14 COMMISSIONER DICKINSON, PLEASE.

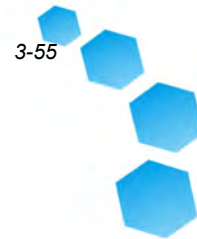
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16 **DON DICKENSON:** I HAVE A NUMBER OF COMMENTS. AND FIRST OF ALL I
17 UNDERSTAND THE PURPOSE FOR A PROGRAM EIR, AND IT IS NOT SITE-
18 SPECIFIC, BUT A PROGRAM EIR GIVES YOU THE ABILITY TO LOOK AT
19 CUMULATIVE IMPACTS AS WELL AS TO MAKE AN INFORMED DECISION ON
20 ALTERNATIVES. AND FIRST OF ALL, FROM WHAT I UNDERSTAND, THE
21 PROJECT IS 5214 UNITS, WHICH IS THE HYBRID LIST THAT WE CAME
22 UP WITH BACK IN THE SPRING AS WELL AS ADUS AND THE DENSITY
23 BONUS. MY QUESTION IS, THOUGH, IT LOOKS LIKE FROM THE CHART IN
24 THE APPENDIX, WHICH IS THE ONLY PLACE THAT IT OCCURRED, IS IN
25 APPENDIX B, THAT THE PROGRAM EIR IS LOOKING AT ALL OF THE

PC-25

11/16/2022

3-55



PC-25

1 SITES, WHICH I GATHER AT UP TO ABOUT 1100 UNITS, AND, FOR
2 INSTANCE, THE JUVENILE HALL SITE IS 343, SO ST. VINCENTS HAS
3 2430, AND MY UNDERSTANDING IS THAT ANYTHING LIKE UP TO THOSE
4 MAXIMUMS WOULD BE COVERED BY THE PROGRAM EIR BECAUSE THAT'S
5 ACTUALLY WHAT IT LOOKED AT. YOU CAN'T, THEORETICALLY YOU CAN'T
6 GO ABOVE THE 5200 BUT IF YOU TAKE SITES OFF, WHICH IS GOING TO
7 HAPPEN AND INCLUDE IT IN THE ALTERNATIVE, IN THE ALTERNATIVES,
8 THAT YOU THEN HAVE TO MOVE THEM SOMEWHERE ELSE, AND
9 THEORETICALLY THEN IT LOOKS LIKE SOMETHING LIKE 3,000 UNITS
10 COULD POTENTIALLY BE MOVED TO THE FIRST DISTRICT, THE
11 MARINWOOD/LUCAS VALLEY AREA BECAUSE THAT'S WHAT THE EIR IS
12 ACTUALLY LOOKING AT. IS THAT NOT CORRECT?

13

14 **RACHEL REID:** YOU ARE CORRECT IN THAT THE EIR LOOKED AT THE
15 TOTAL UNIVERSE OF SITES. LEELEE, I DON'T KNOW IF YOU WANT TO
16 ADD CLARIFICATION AROUND THE SITES OR PERHAPS IF BARBARA FROM
17 MIG WANTS TO SPEAK TO THE LARGER EIR ANALYSIS.

18

19 **LEELEE THOMAS:** I CAN START JUST SAYING THE GOAL IS EXACTLY
20 WHAT YOU SAID, IS COMMISSIONER DICKINSON, SO THAT THE BOARD,
21 WHEN THEY REVIEW BOTH THE EIR, THAT COMMENTS FROM THE STATE
22 AND CHANGED CIRCUMSTANCES THAT WE HAVE ON OUR SITES, THAT THEY
23 CAN MOVE SITES WITHIN THAT VENUE THAT WAS STUDIED, WITHIN THAT
24 MENU OF OPTIONS THAT WAS STUDIED, AND SO THAT IS THE GOAL, AND
25 THEY COULD -- THAT WILL BE CONSIDERED AT THE MEETING IN



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1 DECEMBER. I DON'T KNOW, BARBARA, IF YOU WANTED TO ADD ANYTHING
2 SPECIFIC.

3

4 **BARBARA BEARD:** IT TOOK ME JUST A MOMENT TO UNMUTE. THE POST
5 PROJECT SITES ARE CERTAINLY IDENTIFIED IN THE PROJECT
6 DESCRIPTION, AND I THINK THERE'S A CLEAR DISCUSSION ON THE
7 UNIVERSE OF SITES OR THE CANDIDATE SITES THAT APPEAR AND
8 DESCRIBE HOW THE INTENTION IS TO HAVE THOSE IN THE EVENT THAT
9 THE PROPOSED PROJECT SITES ARE NO LONGER VIABLE AND THAT THE
10 EIR TRIES TO COVER THEM TO THE GREATEST EXTENT FEASIBLE AT
11 THIS TIME.

12

13 **DON DICKENSON:** LET ME JUST ASK WHETHER IT'S REASONABLE TO
14 ASSUME THAT EVERY SITE ON THE LIST, POTENTIAL SITE ON THE LIST
15 WOULD APPLY FOR MAXIMUM 35% DENSITY BONUS. I MEAN, IT SEEMS TO
16 ME SOME ARE BUT CERTAINLY NOT EVERY PROPERTY, AND SOME OF THEM
17 ARE LIKE TWO UNITS WHERE THEY END UP WITH THREE UNITS.

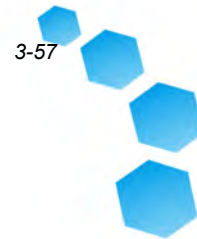
18

19 **SARAH JONES:** I THINK I CAN WEIGH INTO THAT. WE DON'T KNOW WHAT
20 PEOPLE WILL -- HOW MANY UNITS WILL BE APPLIED FOR, WILL PEOPLE
21 GO FOR A DENSITY BONUS. PEOPLE WILL SHAPE THEIR PROJECTS AS
22 THEY SEE FIT AND BRING THOSE PROPOSALS FORWARD, BUT FOR THE
23 PURPOSES OF DOING THE ENVIRONMENTAL ANALYSIS, WE HAD TO
24 ANALYZE WHAT COULD HAPPEN UNDER THE LAW AND UNDER THE PROPOSED
25 ZONING, AND THE ZONING WOULD ALLOW FOR THAT PROPOSAL AROUND

PC-26

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1 THE DENSITY BONUS, SO IN ORDER TO PICK UP ON ALL OF THE
2 POTENTIAL IMPACTS, THAT'S WHAT THE EIR ASSUMED WOULD HAPPEN.

3

4 **DON DICKENSON:** OKAY. THE PURPOSE FOR THE EIR IS OBVIOUSLY TO
5 ALLOW THE DECISION-MAKERS TO MAKE AN INFORMED DECISION ON THE
6 PROJECT. AND AS I UNDERSTAND IT, SELECTION OF THE FINAL SITES
7 WILL ACTUALLY ONLY OCCUR AT THE BOARD LEVEL. IT ACTUALLY WILL
8 NOT COME BACK TO THE PLANNING COMMISSION, ALTHOUGH WHEN WE
9 HAVE HEARINGS, I GUESS A HEARING IN JANUARY, WE WILL BE IN A
10 POSITION TO EITHER APPROVE OR MODIFY IT, BUT THE SITE DECISION
11 WILL BE MADE BY THE BOARD. WHAT I WAS LOOKING FOR IN THE EIR
12 IS THAT I DIDN'T FIND WHERE I THINK IT'S NOT ADEQUATE IS
13 ENOUGH DECISION TO BE ABLE TO MAKE SOME JUDGMENT ABOUT
14 SHIFTING SITES AROUND AND THE ALTERNATIVES. I MEAN, THERE'S A
15 CERTAIN ATTRACTION TO THE VEHICLE MILE TRAVELED ALTERNATIVE.
16 THERE I WAS LOT OF INFORMATION IN THE EIR ABOUT UTILITIES. AND
17 WHEN YOU START READING ABOUT 2,000-FOOT LOANING WATER MAIN
18 EXTENSIONS, 800,000-GALLON WATER TANKS ALL OVER THE COUNTY, IT
19 MAKES SENSE TO INCLUDE THAT INFORMATION IN THE JUDGMENT ABOUT
20 WHICH SITES ARE REALLY FEASIBLE AND WHICH ONES, WHILE THEY'RE
21 POSSIBLE, AREN'T. AND THOSE ALTERNATIVES KIND OF PICK THAT UP.
22 BUT WHAT STRUCK ME IS, I AM I KNOW MOST OF THE PROPERTIES. THE
23 BUXTON PROPERTY IS ONE I'M VERY FAMILIAR WITH. THAT WHOLE
24 MOUNTAIN HAS A HISTORY OF LANDSLIDES AS WAS EVIDENCED BY WHAT
25 HAPPENED AT THE BUCK CENTER. THE BUCK CENTER WAS BUILT ON

PC-27



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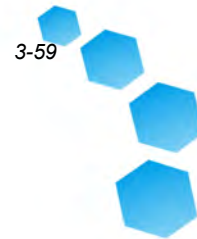
1 BEDROCK BUT THEY BUILT A BERM TO SCREEN THE BUILDINGS AND THE
2 BERM CAUSED THE HOUSES DOWN MILLION TO SLIP BECAUSE OF THE
3 MASSIVE LANDSLIDES THAT ARE ON THAT MOUNTAIN. AND I REALIZE
4 IT'S NOT THE PURPOSE OF A PROGRAM EIR TO LOOK AT SITE-SPECIFIC
5 INFORMATION, BUT IF WE START LOOKING AT WHETHER THE BUCK
6 CENTER PROPERTY IS APPROPRIATE, AND I MEAN I LOOKED AT THE
7 MARIN MAP AND IT SHOWS A VAST MAJORITY OF THAT PROPERTY IS
8 EITHER LANDSLIDE OR REFLOW, AND THERE'S A LITTLE TRIANGLE AT
9 THE BOTTOM CORNER OF THE PROPERTY THAT IS NOT CONSTRAINED BY
10 THAT. I ALSO REALIZE FROM OUR PAST HISTORY DEALING WITH THE
11 AIRPORT LAND USE COMMISSION THAT IT IS ACTUALLY -- AND IT'S
12 REFLECTED IN THE MAP IN THE EIR -- IT IS WITHIN THE SAFETY
13 ZONE. IT'S WITHIN THE TRAFFIC PATTERN ZONE, WHICH IS A ZONE 3.
14 AND THE EIR REFERS TO A LUCK WILL HAVE REVIEW OVER ANY
15 PROPOSED DEVELOPMENT ON THAT SITE. WELL, ONLINE I WENT AND
16 LOOKED AT THE AIRPORT LAND USE KAPLAN, AND IT SAYS,

PC-28

17 RESIDENTIAL USE IN TRAFFIC PATTERN ZONE. NO NEW RESIDENTIAL
18 DEVELOPMENT SHALL BE ALLOWED WITHIN THE TRAFFIC PATTERN ZONE.
19 SEE MAP 31 WHICH IS A MAP IN THE EIR. THEN IT GOES ON TO SAY,
20 ANY DEVELOPMENT WHICH IS PERMITTED, WHICH IS ONLY PERMITTED IF
21 THERE'S NO OTHER ECONOMIC USE OF THE PROPERTY, SHALL BE
22 LIMITED TO TWO UNITS PER ACRE OF LAND WITHIN THE PROJECT
23 DEVELOPMENT AREA OR DENSITY ALLOWED BY ZONING, WHICHEVER IS
24 LESS. THE PROJECT DEVELOPMENT AREA WILL BE DEFINED AS LANDS
25 WHICH ARE PRIMARILY LAND FOR DEVELOPMENT AND EXCLUDES AREAS

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PC-28

1 NOT PLANNED FOR DEVELOPMENT. AND THAT'S CERTAINLY NOT WHAT THE
2 EIR IS PROPOSING. THE CONCLUSION IN THE EIR IS IN TERMS OF
3 AIRPORT SAFETY, ON ITS A LESS THAN SIGNIFICANT IMPACT WHEN IT
4 SEEMS TO ME THAT THAT WHOLE CONSTRAINT IS NOT REALLY
5 ADEQUATELY ADDRESSED IN THE EIR. AND LIKEWISE IN TERMS OF

PC-29

6 EVENTUALLY MAKING DECISIONS ON ALTERNATIVES, WHEN YOU START
7 MOVING UNITS AROUND AND THE EIR IDENTIFIES THE JUVENILE HALL
8 SITE AND THE ST. VINCENTS SITE AS LIKELY TARGETS TO MAKE UP
9 THE EITHER 500 OR 900 UNITS THAT WOULD BE ELIMINATED IN THE
10 ALTERNATIVES, THE JUVENILE HALL SITE IS, IN FACT, MORE THAN 2
11 MILES AWAY FROM HIGHWAY 101, SO BASED ON THAT CRITERIA, IT
12 ACTUALLY WOULDN'T EVEN BE INCLUDED IN THE VEHICLE MILES
13 TRAVELED, BUT I THINK SOMEONE DIDN'T REALIZE THAT. BUT WHEN

PC-30

14 YOU START LOOKING AT THE IMPACTS OF THOSE SHIFTING AROUND OF
15 UNITS TO PROBABLY LOCATIONS IN THE 1ST DISTRICT, THE
16 DISCUSSION OF SERVICE IMPACTS IS REALLY INADEQUATE. I MEAN, IT
17 ASSUMES THERE'S NO IMPACT ON SCHOOLS. AND CUMULATIVELY,
18 BETWEEN THE POTENTIAL UNITS IN THE UNINCORPORATED AREA AND THE
19 POTENTIAL UNITS IN THE CITY OF SAN RAFAEL WITHIN THE MILLER
20 CREEK SCHOOL DISTRICT, WHICH IS A SMALL DISTRICT, YOU END UP
21 WITH UP TO 4,000 UNITS, AND I DON'T THINK ANYONE REASONABLY
22 WOULD BELIEVE THAT THERE WOULD BE NO IMPACT ON SCHOOLS IF YOU
23 ADDED 4,000 UNITS TO A DISTRICT THAT PROBABLY DOESN'T HAVE ANY
24 MORE THAN THAT NUMBER OF HOUSING UNITS AS IT EXISTS NOW. SO I
25 THOUGHT THAT ANALYSIS WAS REALLY INADEQUATE, AND I KIND OF



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PC-30

1 LUMPED ALL THE SCHOOLS TOGETHER. FOR SOME REASON IT SAYS
2 STRAWBERRY POINT SCHOOL HAS A CAPACITY -- CURRENTLY HAS A
3 POPULATION OF 2600 STUDENTS WHICH IS ABSOLUTELY TOTAL WRONG.
4 IT DOESN'T HAVE 2600 STUDENTS A STRAWBERRY POINT SCHOOL. BUT
5 IT DOESN'T LOOK AT THE IMPACT ON CERTAIN DISTRICTS, AND MOST
6 DISTRICTS WOULDN'T BE IMPACTED, BUT PARTICULARLY WHEN YOU
7 START SHIFTING HUNDREDS OF UNITS AROUND, THERE WILL BE AN
8 IMPACT. AND LIKEWISE, OVER THE YEARS WE'VE TALKED A LOT ABOUT

PC-31

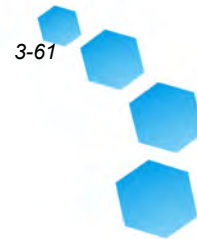
9 TRAFFIC IMPACTS AND THE FREEWAY INTERCHANGES AND THE FACT THAT
10 THERE IS A PLANNED IMPROVEMENT TO SMITH RANCH, LUCAS VALLEY
11 ROAD TO BUILD A NEW OFF-RAMP AND ALL OF THAT, WHICH IS
12 MILLIONS OF DOLLARS, AND AT SOME POINT YOU KICK IN ALL THOSE
13 REQUIREMENTS, WHICH BECOME A CONSTRAINT JUST LIKE THE OTHER
14 UTILITY CONSTRAINTS, BUT IT'S KIND OF LOOKED AT GLOBALLY AND
15 NOT CONSIDERED TO BE A SIGNIFICANT IMPACT. I WOULD JUST FIND
16 IT VERY DIFFICULT TO BE ABLE TO MAKE AN INFORMED DECISION
17 BASED ON THE LIMITED INFORMATION THAT IS ACTUALLY IN THERE.

PC-32

18 THE OTHER COMMENT I GUESS I HAD IS THAT I DON'T THINK THE EIR
19 IS REALLY CLEAR ABOUT WHAT HAPPENS WITH BUY RIGHT PROJECTS. I
20 MEAN, WE TALK ABOUT MITIGATION, REFORM BASE CODES AND ALL OF
21 THAT, BUT AS WE HAVE SEEN IN THE CITY OF SAN RAFAEL, THERE ARE
22 THREE DEVELOPERS NOW WHO ARE REQUESTING CONCESSIONS AND
23 WAIVERS FROM THE FORM BASED CODE REQUIREMENT SO CAN HAVE CODE
24 THAT REQUIRES SETBACKS AND LIMITS HEIGHTS AND ALL THE REST OF
25 IT, BUT UNDER STATED LAW THEY HAVE THE ABILITY TO REQUEST

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PC-32

1 CONCESSIONS AND WAIVERS, AND IT'S NOT -- IT HAS TO BE
2 APPROVED. IT SEEMS TO ME LIKE THOSE REQUESTS ARE JUST GRANTED,
3 ARE ENTITLED BY THE STATE. AND I THINK THE SECTION THAT DEALS
4 WITH AESTHETIC CONCERNS AND IMPACTS AND REALLY DOWN PLAYS THE

PC-33

5 FACT THAT A LOT OF PROJECTS MAY NOT BE SUBJECT TO ANY
6 DISCRETIONARY REVIEW AT ALL? AND I THINK THE CONSULTANT THAT
7 WORKED ON THE FORM BASED DESIGN INDICATED AT THE TIME THAT HE
8 WAGS CONCERNED ABOUT HOW THAT -- HOW THAT MIGHT PLAY OUT. AND
9 ACTUALLY THE FINAL COMMENT I OPTION 1, IT APPEARED TO ME THAT
10 HAVE HERE IN MY NOTES WAS UNDER THE ANALYSIS WASN'T CORRECT IN
11 THAT THE STATE LAW REQUIRES THAT AN AMENDMENT TO A GENERAL
12 PLAN OR HOUSING ELEMENT PART OF THE GENERAL PLAN LOOK AT THE
13 POTENTIAL BUILD-OUT UNDER THE EXISTING PLAN IN COMPARISON TO
14 WHAT COULD HAPPEN UNDER THE ASSUMES 185 UNITS OR 800 UNITS.

PC-34

15 AMENDMENT. AND EIR EITHER IT'S NOT CLEAR TO ME WHICH ONE,
16 WHICH IS A NUMBER FROM THE PREVIOUS HOUSING ELEMENT, BUT
17 DOESN'T TAKE INTO CONSIDERATION THE FACT THAT OUR NUMBERS WERE
18 SO LOW, WE DIDN'T HAVE TO GO AROUND TRYING TO FIND A LOT OF
19 SITES, AND THERE WERE A LOT OF THE EXISTING PLAN, AND THOSE
20 SITES THAT HAD POTENTIAL UNDER AREN'T BEING CHANGED. IT SEEMS
21 TO ME THE COMPARE SON OF BETWEEN THE NO PROJECT ALTERNATIVE
22 AND THE PROJECT ALTERNATIVE SHOULD BE THE NET INCREASE IN
23 UNITS, AND IT'S GOING TO BE A LOT LESS THAN 5,214. WHICH WILL
24 ACTUALLY BE BENEFICIAL IN TERMS OF THE ON OUR LIST ALREADY
25 WERE ALLOWED IMPACT. BUT MANY OF THE SITES TO BE DEVELOPED.



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PC-34

1 IT'S ONLY ONES THAT WE'RE CHANGING THE ZONING ON THAT THE
2 DEVELOPABLE POTENTIAL WAS ACTUALLY BEING INCREASED. SO I THINK
3 THAT WAS A FLAW THAT IN THAT COMPARISON ANALYSIS. BUT THOSE
4 WERE MY COMMENTS. THANK YOU, COMMISSIONER

5

6 **STEPHANIE MOULTON-PETERS:** DICKINSON. I'M GOING TO GO TO
7 COMMISSIONER MONTALBANO AND THEN COMMISSIONER CURRAN.

8

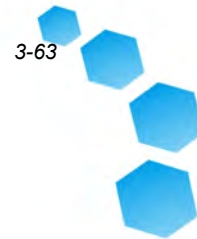
9 **ANDREA MONTALBANO:** THANK YOU. THOSE WERE GREAT COMMENTS,
10 COMMISSIONER DICKINSON. GREAT. OKAY. SO I HAVE A FEW QUESTIONS
11 ABOUT LOOKING AT THESE -- THE THE VEHICLE MILES TRAVELED, YOU

PC-35

12 ALTERNATIVES. NUMBER ONE IS FOR KNOW, THE ASSUMPTION IS THAT,
13 OH, THE GREENHOUSE GASES ARE GOING TO BE GREATLY REDUCED, BUT
14 THE REALITY IS THAT OVER TIME, AS MORE -- I MEAN WE'RE NOT
15 GOING TO HAVE GAS-POWERED VEHICLES FOREVER -- THAT THE
16 GREENHOUSE GAS EMISSIONS VEHICLE MILES TRAVELED, SO I
17 COMPLETELY GOES AWAY WITH DON'T KNOW WHY THAT IS CONSIDERED,
18 YOU KNOW, AUTOMATICALLY SO MUCH BETTER. THAT'S ONE THING THAT
19 I WANT TO BRING UP. THE SECOND THING IS A QUESTION, AND I
20 DON'T KNOW IF YOU GUYS KNOW THIS OFFHAND, BUT I WAS OLOMPALI

PC-36

21 STATE PARK AND THE READING BUT THE HISTORY OF THE ORIGINAL
22 LAND GRANT TO THE NATIVE AMERICANS WAS I BELIEVE 9,000 ACRES,
23 AND ALL THAT LAND WAS STOLEN, AND NOW IT'S DOWN TO 900 ACRES,
24 AND THE TWO BUCK CENTER SITES ARE PRESSED RIGHT UP AGAINST
25 THAT LAND. AND SO WHAT I'M THINKING IS THAT IT IS ACREAGE IS



PC-36

1 GOING TO HAVE NATIVE VERY, VERY LIKELY THAT THAT AMERICAN
2 CULTURAL HISTORICAL SITES ON IT, AND I ALSO QUESTION THE

3 ANALYSIS OF THE CONVERSION OF LOSS OF THE AG 60 HAND AND
4 SOMETHING DOESN'T MAKE SENSE TO ME BECAUSE IT SAYS THAT THE

5 CONVERSION OF THE AG60 LAND, THE LOSS OF THAT AGRICULTURAL
6 LAND, OF THE POLICIES THAT ARE IN IS LESS THAN SIGNIFICANT

PC-37

7 BECAUSE PLACE THROUGH THE DEVELOPMENT CODE, THE COUNTYWIDE
8 PLAN. BUT THOSE POLICIES ARE LIMIT RESIDENTIAL USE, PRESERVE

9 AGRICULTURAL SPACE, LIMIT NON-AGRICULTURAL USE, RESTRICT

10 SUBDIVISIONS, YET THE AG60, ESPECIALLY AT THE BUCK SITE, I 16,
11 20 AND 57, THEY ARE BEING THINK THERE'S THREE SITES, SITE

12 CONVERTED TO LIKE 20 DWELLING UNITS PER ACRE. SO IT SEEMS TO

PC-38

13 ME THAT THOSE TWO THINGS CONFLICT, THE POLICIES DO NOT PROTECT
14 -- THEY DON'T PROTECT THE LOSS OF THE GRAZING LANDS. I DON'T I

15 THINK YOU CAN SAY THAT THAT'S A LESS THAN SIGNIFICANT AND I
16 ALSO READ THE LETTER FROM IMPACT. LEAH TWO FAN ELLIE BUT

17 ATHERTON CORRIDOR SITES, SIMMONS SLEW. IT SOUNDED PRETTY

18 CONVINCING ABOUT THESE SITES BEING VERY, VERY WET AND

19 WETLANDS, AND IF THAT IS THE CASE, IF IT'S WETLANDS, THOSE

20 SITES ARE NOT GOING TO BE ABLE TO BE LIKE IF WE KNOW THAT SOME
21 SITES DEVELOPED, AND IT JUST SEEMS ARE MOST LIKELY

PC-38

22 UNDEVELOPABLE, AND AGAIN I'M BRINGING UP THE BUCK SITE BECAUSE
23 IT PROBABLY HAS STRONG HISTORICAL CONTENT, AND THE SIMMONS

24 SLEW SITE, WHAT I NOTICE IS THAT THOSE TWO SITES ARE SITES

25 THAT WOULD BE REMOVED UNDER ALTERNATIVE 3 BECAUSE THEY SO MY

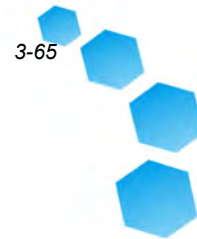


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PC-38 | 1 WHOLE QUESTION ABOUT THIS DON'T HAVE WATER ACCESS. IS BETWEEN
2 ALTERNATIVE 2 AND ALTERNATIVE 3, I'M NOT REALLY CONVINCED THAT
3 ALTERNATIVE 2 IS SUPERIOR BECAUSE I FEEL LIKE IF THERE IS A
4 BLEND SOMEHOW BETWEEN -- I MEAN, ALTERNATIVE 2, IF YOU GO ONLY
5 WITH ALTERNATIVE 2 AS IT WAS POINTED HOUSING DISTRIBUTED
PC-39 | 6 THROUGHOUT OUT, YOU ALL KNOW THAT WE NEED THE COUNTY, BUT
7 ALTERNATIVE 3 ACTUALLY REMOVES FEWER HOUSES FROM REST OF THE
8 COUNTY, BUT IT ALSO HAS THESE BENEFICIAL IMPACTS OF AVOIDING
9 THE TRANSFORMATION OF AGRICULTURAL LAND, AVOIDING OF WETLANDS,
10 AVOIDING, AS DON DICKINSON SAID, LANDSLIDE. I ALSO KNOW IT HAS
11 THE, YOU KNOW, THE LAND THAT IS PURPLE NEEDLE GRASS ON THAT
PC-40 | 12 PROPERTY. I'M JUST WONDERING IF IT MIGHT BE WISE FOR US TO
13 CONSIDER A LITTLE BIT OF RESHUFFLING BETWEEN ALTERNATIVES 2
14 AND 3 TO COME UP WITH SOMETHING THAT'S PROBABLY MORE BUILDABLE
15 AND MORE LIKELY TO BE ALTERNATIVES. A COMPROMISE BETWEEN THOSE
16 THAT IS ONE THING I HAVE TO SAY. AND THE OTHER THING I WAS
17 ALSO CONCERNED ABOUT THE LETTER THAT WE GOT FROM SPIRIT LIVING
18 GROUP BECAUSE THEY SAID THAT THEY ARE READY TO BUILD 108
19 SENIOR HOUSING UNITS DOWN IN STRAWBERRY BUT THEY FOUND -- THEY
PC-41 | 20 FOUND THE PROCESS IT SOUNDS LIKE, THAT OUT, YOU KNOW, A LITTLE
21 LATE IN ONLY PART OF THE SITE IS BEING -- IS PLANNED FOR
22 REZONING. AND IS THAT BECAUSE IT IS IN THE RUG OR IT IS TOO
23 STEEP OR WHAT IS THE REASON THAT THAT IS NOT BEING REZONED TO
24 A CAPACITY THAT THESE PEOPLE ARE READY TO BUILD WITH? DOES
25

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3-65



1 **STEPHANIE MOULTON-PETERS:** ANYONE KNOW? WOULD STAFF LIKE TO
2 RESPOND TO THAT OR SHALL WE JUST LEAVE THAT AS A QUESTION FOR
3 THE RECORD?

4

5 **RACHEL REID:** I THINK WE'LL PROVIDE THAT CLARIFICATION IN THE
6 FINAL EIR.

7

8 **ANDREA MONTALBANO:** OKAY. AND I JUST HAVE ONE OTHER THING
9 APPRECIATED THE COMMENTS BY KEN TO SAY, WHICH IS THAT I REALLY
10 LEVIN, AND I THINK IT REALLY WOULD BE A FANTASTIC THING IF MIG
11 COULD MAYBE CREATE LITTLE BITE SIZE PIECES AND PUT THEM OUT,
12 EVEN IF IT'S NOT EVEN A BACK-AND-FORTH, BUT MAYBE LIKE A SHORT
13 SUMMARY OF DIFFERENT PARTS FOR PEOPLE TO BE ABLE TO YOU THE
14 COMMENT PERIOD IS ENDING KNOW UNDERSTAND, AND I KNOW THAT
15 SOON, BUT IT DOESN'T MEAN THAT UNTIL THE PLANNING COMMISSION
16 ACTUALLY VOTES ON THIS, LIKE WE ALL COULD AT LEAST READ
17 LETTERS AND RECEIVE COMMENTS AND THEN MAYBE INCORPORATE THOSE
18 INTO A FINAL ANALYSIS. IT IS A THOUSAND PAGES. IT'S A LOT TO
19 SO IF THAT'S POSSIBLE, THAT UNDERSTAND. WOULD BE GREAT.

PC-42

20

21 **STEPHANIE MOULTON-PETERS:** THANK YOU FOR YOUR COMMENTS,
22 COMMISSIONER. WE'LL MOVE TO COMMISSIONER THERAN.

23

24 **PETER THERAN:** THOSE ARE VERY THOROUGH COMMENTS BY BOTH OF YOU.
25 YOU COVERED MUCH MORE I LOT OF WHAT I INTENDED TO HAD INTENDED

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PC-43

1 TO COMMENT ON BUT A COMMENT ON. ONE QUESTION I HAD ABOUT
2 REDUCED ABILITY TO PROVIDE WATER SERVICES UNDER PRESENT
3 CIRCUMSTANCES IN ALTERNATIVE 3, IF -- IF AN INDIVIDUAL
4 PROPOSES TO DEVELOP A HOME IN AN AREA THAT DOESN'T HAVE
5 ADEQUATE WATER MIGHT, BUT DOES THAT PERSON HAVE RIGHT NOW, AT
6 SOME POINT IT TO DEMONSTRATE THAT THERE IS WATER AND SEWAGE
7 AVAILABLE TO THAT SITE OR A SEWAGE SYSTEM AVAILABLE BEFORE AN
8 INDIVIDUAL PROJECT CAN BE APPROVED? I'M ASSUMING IT WOULD.
9 OKAY.

10

11 **SARAH JONES:** THAT'S A QUESTION OF CLARIFICATION THAT QUESTION
12 -- THAT SOUNDS LIKE A WE CAN RESPOND TO, AND IT'S NOT A GREAT
13 RESPONSE. THE RESPONSE IS THAT IT'S REALLY DEPENDENT ON THEIR
14 WATER DISTRICT AND THEIR UTILITY DISTRICT AS TO HOW THAT GETS
15 MANAGED AND ADDRESSED.

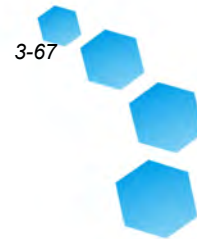
16

17 **PETER THERAN:** AND THE CIRCUMSTANCE THAT EXIST WHEN FORWARD.
18 MAYBE IT'S FIVE YEARS THEY DO BRING THE PROJECT FROM NOW.
19 MAYBE WE WILL ACTUALLY HAVE HAD SOME RAIN BY THEN. I HAD
20 ANOTHER VERY SPECIFIC LITTLE QUESTION ABOUT -- I DIDN'T

PC-44

21 UNDERSTAND. WHAT DOES IT MEAN IN ALTERNATIVE 2 WHEN IT SAYS,
22 THOSE -- THOSE AREAS OFFICE OF PLANNING AND RESEARCH? SCREENED
23 OUT BY THE GOVERNOR'S HOW ARE THEY SCREENED OUT? I NOTICED
24 THEY WERE SCREENED OUT IN THE GRAPH THAT SHOWED WHERE THE
25 SITES WERE. WHY ARE THEY SCREENED OUT?

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1

2 **RACHEL REID:** I CAN ANSWER THAT, COMMISSIONER THEY ARE THERAN.
3 I THINK WE ARE TALKING PLANNING AND RESEARCH, THEY ABOUT -- I
4 MENTIONED OFFICE OF PUBLISH A TECHNICAL ADVISORY ON HOW TO
5 IMPLEMENT WHAT IS KIND OF THE VMT ANALYSIS, THE LEGISLATION
6 AROUND THAT. AND FOR A PARTICULAR SCREEN THRESHOLD IS THAT IF
7 A PROJECT IS GOING TO GENERATE FEWER THAN 100 ADDITIONAL DAILY
8 TRIPS, IT YEAH. SO THAT WAS THAT POINT IS ESSENTIALLY SCREENED
9 OUT. MILLIONS PHIL OR BARBARA, YOU HAVE ANYTHING ADDITIONAL TO
10 ADD TO THAT THEM, THANK YOU, RACHEL. AND ONE OTHER LITTLE
11 QUESTION I HAD, JUST MY ENDS UNDERSTANDING IS TABLE 2.2
12 UNDERSTAND THE SUMMARY OF IMPACTS AND RECOMMENDED MITIGATION
13 MEASURES, UNBUNDLING THE PARKING SPACES OF THEY TALK ABOUT
14 UNBUNDLE -- THE COST OF THE HOUSE, AND THEY SAID, WHERE
15 APPROPRIATE ON STREET MANAGEMENT IS PRESENT. DOES THAT MEAN ON
16 STREET PARKING? WHAT DOES THAT MEAN?

17

18 **SARAH JONES:** SO UNBUNDLING OF PARKING MEANS THAT ESSENTIALLY
19 YOU HAVE TO PURCHASE IS PROVIDED ON-SITE. YOU HAVE OR OBTAIN A
20 PARKING SPACE THAT TO PAY SEPARATELY FOR THE PARKING THAN FOR
21 THE HOUSING. SO IT PULLS APART THE COST OF PARKING FROM THE
22 COST OF HOUSING. AND THEN THE ON STREET L. STREET PARKING
23 MANAGEMENT WOULD BE THAT THE, YOU KNOW, THE PARKING ON FOR,
24 YOU KNOW, PEOPLE WHO CAN STREET ISN'T JUST A FREE-FOR-ALL TAKE
25 IT UP AT ANY TIME. THERE MIGHT BE PERMITS. THERE MIGHT BE TIME



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1 LIMITS, SOMETHING LIKE THAT, SO YOU MAKE SURE THAT THERE ARE
2 SPACES AVAILABLE ON THE STREET.

3

4 **PETER THERAN:** OKAY. THANK YOU. AND OTHER QUESTION I HAD,
5 APPEARED TO ME, ANYWAY -- I THERE WERE SOME SITES THAT DIDN'T
6 READ THIS AS THOROUGHLY AS THE ONE WHO KNOWS EVERYTHING, I
7 GUESS DONALD. I DEPEND ON HIM. BUT IT APPEARS THAT SOME OF THE
8 SITES OVERLAP BETWEEN ALTERNATIVE 2 AND ALTERNATIVE 3. IN
9 WHICH CASE YOU WOULD GET A LITTLE MORE BENEFIT FROM ONE OF
10 WOULD BE MOVING HOMES OR SITES THE ALTERNATIVES BECAUSE THEY
11 THAT WOULD BE MOVED -- WOULD HAVE A PROBLEM IN ALTERNATIVE 3.
12 THEY WOULD BE MOVING THAT HOUSE OUT OF THAT SITE. SO THAT
13 SEEMED LIKE AN ADVANTAGE. AND BEYOND THAT I DON'T HAVE ANY
14 FURTHER COMMENTS BECAUSE I JUST HAVEN'T HAD TIME TO STUDDED IT
15 WELL. ENOUGH AND UNDERSTAND IT AS

PC-45

16

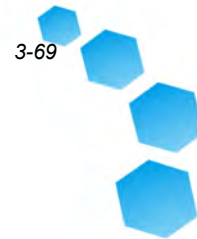
17 **STEPHANIE MOULTON-PETERS:**, COMMISSIONER. WE'LL MOVE NOW TO
18 COMMISSIONER BIEHLE AND THEN COMMISSIONER DESSER.

19

20 **MARGOT BIEHLE:** THINGS. YEAH, I THINK THAT MOST OF MY QUESTIONS
21 HAVE BEEN COVERED. BUT I LIKE COMMISSIONER THERAN'S BECAUSE
22 THAT SEEMS TO ME LIKE USE OF THE WORD "UNBUNGLING" THE KIND OF
23 DIRECTION THAT WE WANT TO GO IN. AND I'M JUST NOT SURE THAT
24 IT'S POSSIBLE, YOU KNOW. I MEAN, I FEEL LIKE WE'RE CAUGHT ON
25 THE TWIN HORNS OF STATE MANDATES. YOU KNOW, WE'VE GOT THE RHNA

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3-69



1 NUMBER ON THE ONE HAND AND CEQA ON THE OTHER, AND, HOUSING
2 ELEMENT WITH THIS NEEDS YOU KNOW, WE HAVE TO DO THE ASSESSMENT
3 THAT THE COUNTY DOES, BUT THE STATE SETS, BASICALLY SETS ASIDE
4 OUR NEEDS ASSESSMENT AND SAYS, WE DON'T CARE WHAT YOU THINK
5 YOU NEED. WE THINK THAT YOU NEED 3700 PLUS UNITS. THERE'S JUST
6 -- THERE'S NO QUESTION THAT WE NEED AFFORDABLE IN MARIN. AND,
7 YOU KNOW, WE HOUSING, MORE AFFORDABLE HOUSING CAN'T SAY NO TO
8 THE RHNA NUMBERS OR WE LOSE STATE FUNDING AND WE LOSE STATE
9 GRACE AND WHAT LITTLE CONTROL AND DISCRETION THAT WE MIGHT
10 STILL YET HAVE OVER THE UNITS THAT MIGHT GET BUILT. SO, YOU
11 KNOW -- AND YET THERE ARE SO MANY UNAVOIDABLE ENVIRONMENTAL
12 BEING MITIGATED THAT HAVE IMPACTS THAT ARE INCAPABLE OF
13 IMPACTS ON PUBLIC HEALTH AND THE ENVIRONMENT. SO, YOU KNOW,
14 WHERE DO WE GO? I MEAN, IT'S JUST -- IT'S KIND OF A MORASS. SO
15 WE BUILD ON SITES THAT ARE COMPROMISED, EITHER DUE TO THEY ARE
16 SUBJECT TO FLOODING OR INGRESS AND EGRESS ISSUES, THEY THEY'RE
17 A FIRE RISK, THERE ARE ARE SUBJECT TO LANDSLIDE, AS DON
18 POINTED OUT, OR THERE'S NO WATER OR SEWER, AND, YOU KNOW, SO I
19 UNDERSTAND THAT WE ARE ENGAGING IN THIS EXERCISE OF TRYING TO
20 FIND THE RIGHT SITES, AND IT JUST SEEMS ALL A LITTLE BANANAS
21 TO ME. LIKE HOW ARE GOING TO ALTERNATIVE 2 IS WE CONCENTRATE
22 FIND OUR WAY THROUGH? BUILDING ON THE CENTER CORRIDOR WHICH IS
23 KIND OF WHAT WE'VE DONE FOR THE LAST 50 YEARS, AND THAT LEAVES
24 LOTS OF COMMUNITIES WITHOUT DESPERATELY NEEDED HOUSING AND
25 AFFORDABLE HOUSING ESPECIALLY. ALTERNATIVE 3 HAS ITS OTHER

PC-46



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1 KIND OF SUFFER WITH 1,000 AGES ISSUES. AND I, YOU KNOW, WE ALL
2 OF EIR. NONE OF -- I YOU SHOULDN'T SAY NONE OF US BUT I DON'T
3 WE WILL PARTICULARLY TECHNICALLY SAVVY TO DIGEST IT ALL IN A
4 WAY, BUT I'M LOOKING AT IT FROM THE 10,000 AND 20,000-FOOT
5 VIEW AND GOING, I JUST -- THIS IS, YOU KNOW, I MORE GUIDANCE
6 BECAUSE IT JUST FEEL LIKE I JUST NEED A LITTLE SEEMS LIKE
7 WE'RE STUCK BETWEEN A ROCK AND A HARD PLACE HERE. THAT'S ALL.

8

9 **STEPHANIE MOULTON-PETERS:** THANK YOU, COMMISSIONER. SARAH OR
10 ANYBODY WANT TO RESPOND?

11

12 **SARAH JONES:** I THINK THAT'S AN IMPORTANT -- I APPRECIATE
13 IMPORTANT CONVERSATION. IT'S YOUR POINTS AND I THINK IT'S AN
14 NOT ONE THAT THIS HEARING IS REALLY DESIGNED FOR, BUT IT'S ONE
15 WE'LL TAKE UP IN THE FUTURE AND, YOU KNOW, SPECIFICALLY ON
16 YOUR POINTS ABOUT GUIDANCE, WE WANT TO BE SURE WE CAN SUPPORT
17 YOUR WORK, AND SO WE CAN THINK MORE ABOUT HOW TO DO THAT.

18 SARAH.

19

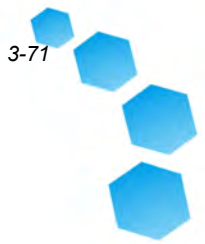
20 **MARGOT BIEHLE:** THANKS,

21

22 **STEPHANIE MOULTON-PETERS:** THANK YOU. COMMISSIONER DESSER.

23

24 **CHRIS DESSER:** THANK YOU. I ACTUALLY THINK THIS WHOLE PROCESS
25 IS A KIND OF DASTARDLY ATTEMPT TO UNDERMINE CEQA ALTOGETHER. I



PC-47

1 DON'T MEAN IN EACH INDIVIDUAL CASE COUNTY BY JURISDICTION.
2 THIS FEELS MORE COUNTY, JURISDICTION BY LIKE A PIECEMEAL
3 IRRELEVANT EVER EIR WHICH IS NOT ALLOWED UNDER CEQA, NOT THIS
4 PARTICULAR EIR WHICH I, TOO, HAVE NOT HAD A CHANCE TO
5 THOROUGHLY READ SINCE I ONLY GOT IT YESTERDAY AFTERNOON, BUT
6 BECAUSE THE SAME PROCESS IS HAPPENING NEVER AND I'VE ASKED
7 BEFORE, AND I'M COUNTY AND EVERY JURISDICTION. NOT BEING
8 CRITICAL OF OUR STAFF OR MIG. I'M SORT OF ECHOING I THINK A
9 FRUSTRATION THAT MARGO HAS EXPRESSED AND ALSO SOMETHING THAT

PC-47

10 RELATES A BIT TO WHAT DON SAID WHICH IS THAT WE CAN'T REALLY
11 UNDERSTAND THESE CUMULATIVE IMPACTS BECAUSE WE'RE ARE --
12 LOOKING AT THE PROJECTS ONLY ALONG AT THE PROJECTS THAT THAT
13 ARE WITHIN OUR JURISDICTION AND IN FACT, TRAFFIC AND OTHER
14 THINGS ARE AFFECTED BY WHAT GOES ON IN CERTAINLY OF SAN RAFAEL
15 OR TIBURON OR MILL VALLEY OR SAUSALITO, AND WE HAVEN'T --
16 CORRECT ME IF I'M WRONG OR IF I'VE MISSED SOMETHING, BUT AS A
17 THOUSAND PAGES YET -- WE HAVEN'T SAID I HAVEN'T READ THE WHOLE
18 ACTUALLY HAD AN OPPORTUNITY TO UNDERSTAND THE IMPACTS ON A
19 COUNTYWIDE BASES THAT ACTUALLY INCLUDES THOSE JURISDICTIONS
20 THAT ARE NOT JUST THE UNINCORPORATED AREAS. AND SO FOR ME I
21 THINK THAT IT'S JUST VERY FRUSTRATING AND VERY GOING TO GIVE
22 US USEFUL EXPENSIVE PROCESS THAT ISN'T INFORMATION. AGAIN, I
23 MEAN, I GUESS I'M SORT OF VENTING BECAUSE I KNOW THAT THERE
24 ISN'T SOMETHING THAT STAFF CAN DO TO RECTAL FI THAT, AND YOU

PC-48

25 CAN JUST TELL ME THAT I'M WRONG. AND WHILE I THINK THE



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PC-48

1 SUGGESTION OF MIG DOING A HIGHLIGHTS IS IT'S A REALLY
2 IMPORTANT IDEA AND INTERESTING, I ACTUALLY THINK I THINK IT
3 NEEDS TO BE DONE BY STAFF, NOT BY MIG BECAUSE IT NEEDS TO BE
4 DONE BY PEOPLE THERE'LL UNDERSTAND WHAT SHOULD BE HIGHLIGHTED
5 WITH REGARD TO THE VERY SPECIFIC CONCERNS OF THE PEOPLE IN OUR
6 COMMUNITY. AND WHILE MIG HAS DONE A FINE THEIR JOB TO
7 HIGHLIGHT THE JOB, I'M NOT -- IT HASN'T BEEN CONCERNS, PER SE.
8 IT'S BEEN THEIR JOB TO DELIVER A DOCUMENT THAT COMPLIED WITH
9 THE STATE REQUIREMENTS. SO THANK YOU.

10

11 **SARAH JONES:** SO I DON'T WANT TO SAY YOUR YOU'RE WRONG ON THE
12 CUMULATIVE IMPACTS, BUT MAYBE SPEAK A LITTLE BIT TO HOW THE
13 RACHEL AND OUR CONSULTANTS CAN CUMULATIVE ASPECTS OF THIS WAS
14 CAPTURED.

15

16 **CHRIS DESSER:** IF I'M WRONG, TELL ME.

17

18 **SARAH JONES:** YOU'RE NOT.

19

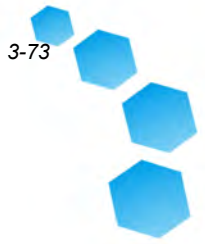
20 **CHRIS DESSER:** TELL ME I'M WRONG. I CAN TAKE IT.

21

22 **SARAH JONES:** LET ME SAY IT IMPACT ANALYSIS AND WE CAN THIS
23 WAY. THERE IS CUMULATIVE DESCRIBE THAT A LITTLE BIT RIGHT NOW.

24

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1 **RACHEL REID:** YEAH, I'M GOING TO ASK BARBARA TO SPEAK TO THAT.
2 WE DID IDENTIFY I THINK IT WAS 14 CUMULATIVE IMPACTS THAT WERE
3 CONSIDERED SIGNIFICANT, UNAVOIDABLE. THEY WERE ALSO

4

5 **CHRIS DESSER:** BUT I'M -- I PROJECT IMPACTS. THINK I'VE SAID MY
6 CONCERNS ARE NOT THE ONES THAT YOU'VE IDENTIFIED. I MEAN, I
7 THINK THAT GIVEN WHAT OUR MANDATE WAS AND LOOKING AT THE
8 SPECIFIC POSSIBLE PROJECTS. BUT MY CONCERN IS WHAT HAPPENS
9 WITH ALL THE NEIGHBORING

10

11 **RACHEL REID:** RIGHT. THAT'S JURISDICTIONS. CONSIDERED
12 CUMULATIVE. I'M GOING TO SEE IF WE CAN ANSWER YOUR QUESTION.

13

14 **BARBARA BEARD:** YES. SPECIFICALLY TO THIS QUESTION, THE UTILITY
15 CHAPTER IS ABLE TO CAPTURE THE CUMULATIVE DEVELOPMENT THAT
16 WOULD OCCUR WATER SERVICE AND WASTEWATER WITHIN THE SERVICE
17 PROVIDERS FOR TREATMENT FROM THE OTHER JURISDICTIONS WITHIN
18 THEIR SERVICE BOUNDARIES. THEY LOOKED AT THE TRUE CUMULATIVE
19 SCENARIO FOR WATER AND WASTEWATER SUPPLY, DEMAND, AND
20 CUMULATIVE IMPACTS. IT'S ONE OF THE FEW THAT WE CAN ACTUALLY
21 QUANTIFY WITH NUMBERS BE DONE ON WHAT THE RHNA BECAUSE THE
22 RESEARCH WAS ABLE TO ASSIGNMENTS WERE FOR THE OTHER
23 JURISDICTIONS WITHIN EACH INDIVIDUAL SERVICE PROVIDER'S
24 BOUNDARIES, AND THEN WE COULD CREATE THOSE TABLES. SO THAT IS
25 IN THE UTILITIES CHAPTER. AND IT IS ABLE TO QUANTIFY WITH



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1 NUMBERS THE CUMULATIVE IMPACT OF THOSE PROVIDERS. IN TERMS OF
2 ALL THE RHNA ASSIGNMENTS ON OTHERS CUMULATIVE IMPACTS, THEY
3 ARE MUCH MORE GENERAL IN THE SENSE THAT THE NUMBERS ARE VERY
4 DIFFICULT TO GENERATE AT THIS LEVEL AT THE PROGRAMMATIC -- THE
5 PROGRAMMATIC LEVEL. EACH JURISDICTION --

6

PC-49

7 **CHRIS DESSER:** TRAFFIC IS A ABLE -- AGAIN, I MAY HAVE NOT MAJOR
8 ONE TO ME, AND WERE YOU GOTTEN TO THAT. IS TRAFFIC SOMETHING
9 YOU WERE ABLE TO DEAL WITH?

10

11 **SARAH JONES:** SO THE TRANSPORTATION AND THEN THE IMPACTS THAT
12 ARE RELATED TO VEHICLE TRAVEL, LIKE NOISE, GREENHOUSE GASES,
13 AIR GRADUATE BASIS OF MODELING THAT GOES PAST U. QUALITY,
14 THAT'S DONE ON THE THE EIGHT-YEAR PROJECT PERIOD AND ALSO DOES
15 TAKE INTO ACCOUNT PROJECTED GROWTH THAT'S HAPPENING COUNTYWIDE
16 AND NOT JUST WITHIN THE YOU CAN INCORPORATED PARTS OF THE
17 COUNTY. SO I -- I HAVE OUR TECHNICAL I'M NOT SURE ANYBODY
18 WANTS TO EXPERTS AROUND THAT RIGHT NOW. HEAR THE NITTY-GRITTY
19 OF THAT, ALTHOUGH WE CAN GET INTO IT, BUT THAT'S BASICALLY
20 KIND OF IN A VERY BROADBRUSH WAY, THOSE IMPACT ANALYSES ARE
21 BASED ON MODELING THAT DOES CAPTURE THE FULL -- THE FULL
22 COUNTYWIDE GROWTH. SPEAK TO THE MODELING?

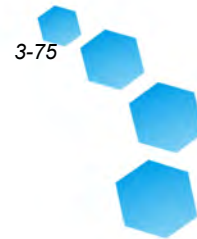
23

24 **SPEAKER:** ARE YOU ABLE TO

25

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3-75



1 **ZACK MATLEY:** YES. SO ON THE TRANSPORTATION MODELING, WHICH AS
2 SARAH MENTIONED DOES FEED INTO OTHER DISCIPLINES, INCLUDING
3 THE NOISE AND GHG AND AIR QUALITY AND THE LIKE, THAT WAS ALL
4 CONDUCTED WITHIN THE TRANSPORTATION FOR THE YEAR 2040, SO IT
5 DOES AUTHORITY OF MARIN, TAM'S MODEL INCLUDE NOT ONLY THE
6 GROWTH END SPRIGGED THROUGH -- BY THE COUNTY OF MARIN NOT ONLY
7 THROUGH THIS HOUSING ELEMENT BUT ALSO THROUGH OTHER LAND USE
8 GROSSES AS WELL AS GENERAL PLAN BUILD-OUT AMONGST OTHER
9 JURISDICTIONS WITHIN THE COUNTY THE MODEL ACTUALLY INCLUDES
10 THE OF MARIN, AND FOR THAT MATTER ENTIRE NINE-COUNTY BAY AREA
11 SO IT DOES TAKE INTO ACCOUNT THOSE INFLUENCES OF REGIONAL JOBS
12 HOUSING BALANCE AND AFFORDABILITY AND THE LIKE. SO I FEEL LIKE
13 ON THE TRANSPORTATION SIDE, THE CUMULATIVE IS FAIR WELL DIALED
14 IT, WHICH ISN'T PERFECT BUT IT'S IN, AS GOOD AS MODELS CAN GET
15 REASONABLE. ALSO JUST AS A QUICK POINT, IN TERMS OF CEQA AND
16 HOW THE TRANSPORTATION ANALYSIS WAS CONDUCTED, THE METRIC
17 REALLY IS ALL ABOUT VMT, AND YOU'VE BEEN HANK A LOT ABOUT VMT
18 TONIGHT. THAT'S THE DISTANCES THAT PEOPLE CONGESTION AND THE
19 LOS THAT ERR ARE TRAVELING RATHER THAN THE PEOPLE EXPERIENCE.
20 SO THERE'S NOT REALLY -- WE'RE NOT REALLY DYING INTO THOSE LOS
21 AND CONGESTION RELATED THINS BUT THE TRAFFIC VOLUMES INSOFAR
22 AS THEY TAKE THE VMT AND NOISE AND GHG ARE ANNUAL DONE AT A
23 CUMULATIVE MODEL THAT INCLUDES WHAT OTHER
24



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1 **STEPHANIE MOULTON-PETERS:** JURISDICTIONS ARE DOING. OKAY. THANK
2 YOU. AND ZACK, I'M SORRY, IS THAT INFORMATION AVAILABLE IN THE
3 CURRENT DEIR OR THAT COMES OUT LATER IN THE FINAL EIR?

4

5 **ZACK MATLEY:** THAT'S ALL THE METHODOLOGY DESCRIBING HOW THAT
6 WAS ALL DEVELOPED IS IN THE DEIR. TRANSPORTATION CHAPTER OF
7 THE

8

9 **STEPHANIE MOULTON-PETERS:** GREAT, WHICH CLEARLY I HAVE NOT READ
10 YET.

11

12 **ZACK MATLEY:** I DON'T BLAME YOU.

13

14 **STEPHANIE MOULTON-PETERS:** OKAY. THANK YOU, COMMISSIONER LIND,
15 PATIENT COMMISSIONER LIND. FEW QUESTIONS AFTER ALL OF THIS

16

17 **REBECCA LIND:** I JUST HAVE A INTERESTING DISCUSSION, BUT I DID
18 WANT TO JUST DO A LITTLE FOLLOW-UP ON THIS LAST CONVERSATION
19 ABOUT TRANSPORTATION. I HAVEN'T READ THE TRANSPORTATION
20 CHAPTER, EITHER, BUT I WANTED TO CONFIRM THE POINT THAT WAS

PC-51

21 MADE JUST AT WE'RE NOT -- WE'RE NO LONGER THE END OF THE
22 CONVERSATION THAT LOOKING ANOTHER CONGESTION BUT ALL OF THIS
23 ANALYSIS THAT WILL BE IN THE TRANSPORTATION CHAPTER IS
24 BASICALLY BASED ON TRIP GENERATION. THAT'S MY UNDERSTANDING.
25 IS THAT CORRECT? SO THAT YOU WOULD GET -- SO IT BECOMES A

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PC-52

1 PROXY FOR WHAT WE HAVE CONGESTION BUT IT'S NOT AN
2 CONVENTIONALLY THOUGHT OF AS ACTUALLY MESH OF CONGESTION IN
3 TERMS OF THE LEVEL SURFERS ANALYSIS. ANYWAY, THAT'S CORRECT?
4 I'LL READ --

5

6 **RACHEL REID:** CORRECT.

7

8 **MARGOT BIEHLE:** ANYWAY, MY OTHER QUESTIONS WERE, FIRST OF
9 COMMISSIONER DICKINSON AT THE ALL, I'M VERY CURIOUS, BEGINNING
10 OF THE CONVERSATION WAS TALKING ABOUT THE ADDITIONAL CAPACITY
11 BEYOND THE 500, 214 UNITS, SO THE ADDITIONAL SITES, SO MY
12 QUESTION IS WERE THEY INCLUDED IN THIS CUMULATIVE ANALYSIS. SO
13 IS THE CUMULATIVE ANALYSIS REALLY AN ADDITIONAL

PC-53

14

15 **RACHEL REID:** BARBARA, DO YOU 3,000 UNITS OF CAPACITY? WANT TO
16 SPEAK TO THE CUMULATIVE?

17

18 **BARBARA BEARD:** SO THE PROJECT DESCRIPTION HAS SEVERAL TABLES
19 IN THEM. ONE OF THE PROJECTS IS PRESENTING THE RHNA NUMBERS,
20 AND SO THAT'S THE 3,569 UNIT NUMBER THAT'S YOUR ASSIGNMENT.
21 THEN THERE'S DENSITY BONUSES, ADUS. IT SUBSEQUENT TABLES THAT
22 BRING IN WOULD BE TABLE 3-2 IN PROJECT DESCRIPTION IF YOU
23 WANTED TO REFER TO IT AFTER THE HEARING. BUT IT BRINGS IN ALL
24 THESE OTHER FACTORS, THE BUFFER THAT HCD REQUIRES, AND IT
25 LOOKS AT 5,214 UNITS. THAT IS CONSIDERED THE PROPOSED PROJECT.



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1 THAT'S THE THE IMPACT ANALYSIS TO ADDRESS NUMBER THAT IS USED
2 IN ALL OF IMPACTS OF THE PROPOSED PROJECT IN THE CONTEXT OF
3 CEQA.

4

5 **MARGOT BIEHLE:** SO THE OTHER SITES THAT ARE ON THE MASTER LIST
6 THAT ARE NOT INCLUDED IN THE 5,214, THOSE HAVE NOT BEEN
7 ACCOUNTED FOR IN THE CUMULATIVE ANALYSIS, SO MOVING FORWARD IN
8 IMPLEMENTATION OF THE PLAN AND TIME SAY IN YEAR FOUR OF THE WE
9 FALL SHORT AND HAVE TO REASSIGN UNITS, UNITS ASSIGNED CAPACITY
10 OFF OF THE LIST, IS THE ASSUMPTION THAT THE CEILING FOR THE
11 ANALYSIS WAS 5,214, THAT THAT WOULD BE THE MAXIMUM NUMBER OF
12 UNITS THAT WERE EVER IN PLAY UNDER THE CEQA ANALYSIS? THE
13 MAXIMUM NUMBER OF UNITS THAT

14

15 **BARBARA BEARD:** IT WOULD BE THE HOUSING ELEMENT FOR THIS
16 SPECIFIC HOUSING CYCLE IS CONSIDERING AS THE NUMBER OF UNITS
17 THAT COULD POTENTIALLY BE DEVELOPED. IT DOESN'T MEAN THAT
18 YOU'LL RECEIVE APPLICATIONS FOR THOSE, FOR THAT NUMBER OF
19 UNITS WITHIN THIS EIGHT-YEAR HOUSING APPLICATIONS FOR MORE OR
20 LESS CYCLE. YOU COULD RECEIVE NUMBER OF UNITS. IT JUST MEANS
21 THIS IS WHAT THE HOUSING ELEMENT IS PLANNING FOR AND CREATING
22 A HOUSING ELEMENT THAT HCD WILL APPROVE.

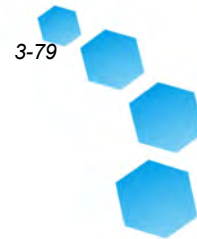
23

24 **REBECCA LIND:** SO WHAT YOU'RE SAYING -- COULD I --

25

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3-79



1 **PHIL GLEASON:** SORRY, I DON'T ADD CLARIFICATION. THERE ARE MEAN
2 TO INTERRUPT BUT I WANT TO FOUR CHAPTERS WITHIN THE EIR, THE
3 AIR QUALITY, GREENHOUSE GAS AND ENERGY CHAPTER, NOISE CHAPTER
4 AND THE TRANSPORTATION CHAPTER THAT ARE ALL BASED ON THE
5 EVALUATION OF 11,000. BECAUSE WE NEEDED TO GIVE THAT
6 FLEXIBILITY IF HOUSING UNITS WANT TO MAKE THAT POINT OF NEEDED
7 TO BE SHIFTED. SO I DO CLARIFICATION, THAT THOSE FOUR CHAPTERS
8 ARE BASED ON THE APPROXIMATELY 11,000.

9

PC-55

10 **REBECCA LIND:** THAT'S REALLY, REALLY HELPFUL. THAT WAS
11 ESSENTIALLY PART OF WHAT I WAS ASKING ABOUT BECAUSE IF IN THE
12 FUTURE -- IT'S NOT SITE-SPECIFIC THOSE SITES WERE TO -- JUST A
13 BUT IF IN THE FUTURE ONE OF SECOND. I HAVE TO MOVE MY CAT AND
14 DOG. THEY ARE FIGHTING.

15

16 **RACHEL REID:** PHIL, CAN YOU INTRODUCE YOURSELF FOR THE RECORD.

17

18 **PHIL GLEASON:** HELLO, EVERYONE. MY NAME IS PHIL GLEASON. I AM A
19 SENIOR ANALYST AT MIG AND I GREENHOUSE GAS AND NOISE QUALIFY
20 IN AIR QUALITY, ANALYSES.

21

22 **REBECCA LIND:** SO WHAT I WAS WONDERING ABOUT WAS THAT, AND I
23 EXPRESS DOLLARS IT AS CUMULATIVE ANALYSIS, SO I'M WONDERING
24 WHAT THE STATUS -- I KNOW IT'S NOT SITE SPECIFIC, BUT WHAT IS
25 THE STATUS OF THOSE SITES? SO IF IN CAME INTO DEVELOPMENT, THE

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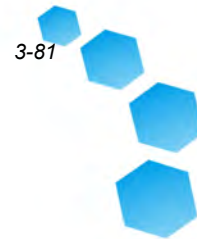
1 -- THE FUTURE ONE OF THOSE SITES AND SAY IT SCREENED OUT UNDER
2 THE VMT, AND IT WAS A SITE THAT WAS BEING DEVELOPED THROUGH A
3 MINISTERIAL PROCESS, WE WOULD NOT BE ABLE TO DO A SITE
4 SPECIFIC CEQA ON A SITE LIKE THAT, SO BASICALLY THE ONLY --
5 WHAT I'M UNDERSTANDING -- AND SO FIGURE INTO THIS WHOLE
6 ANALYSIS THE ONLY WAY THAT SITE WOULD WOULD BE THROUGH THOSE
7 FOUR CHAPTERS THAT YOU JUST REFERENCED. BECAUSE IT ISN'T
8 INCLUDED IN THE OTHER -- THE OTHER PARTS, THE OTHER CHAPTERS
9 THAT ONLY ANALYZE THE 5,214.

10

11 **RACHEL REID:** SO ON THAT, THAT, AND THIS CAPTURES THE JUST KIND
12 OF A CLARIFICATION ON DIFFERENCE BETWEEN THE MINISTERIAL OR IN
13 OTHER WORDS BY RIGHT PROJECTS AND ONES THAT AREN'T PROCEEDING
14 IN THAT WAY, SO A MINISTERIAL PROJECT IS NOT SUBJECT TO ANY
15 FURTHER CEQA REVIEW, BUT WE CAN APPLY, YOU KNOW, REQUIREMENTS,
16 CODES, THE THINGS THAT GET CODIFIED, OBJECTIVE STANDARDS, SO
17 ALL OF THAT ARE EITHER IN OUR EXISTING CODES, AND THAT
18 INCLUDES BUILDING CODE, THAT INCLUDES ALL OF OUR APPLICATION
19 REQUIREMENTS. THOSE CAN ALL BE APPLIED. AND ANYTHING THAT WE
20 FURTHER CODIFY THAT IS CALLED OUT IN THIS EIR, THAT CAN BE
21 APPLIED TO DON'T DO NEW CEQA THAT'S MAYBE MINISTERIAL
22 PROJECTS. SO WE APPLYING FURTHER MITIGATIONS OR CONSIDERING
23 THE SITE SPECIFIC ENVIRONMENTAL IMPACTS, BUT WE DO MAKE SURE
24 THAT WE ARE APPLYING OUR EXISTING CODES, AND THAT'S WHY IT'S
25 REALLY, REALLY IMPORTANT WHEN WE POINT BACK TO THOSE CODES,

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3-81



1 THOSE ARE GOING TO THE SITUATION OF SITES THAT ARE BE
2 UNIVERSALLY APPLICABLE. NOT SPECIFICALLY SORT OF CAPTURED IN
3 THE PROJECT DESCRIPTION IN THIS EIR BUT WHERE HOUSING WOULD
4 GET PROPOSED, IF THAT'S NOT PROCEEDING AS A BUY RIGHT BY RIGHT
5 PROJECT IF A THAN THE COMING UNDER IN SB35 OR DOESN'T
6 CONSIDERATION, THEN WHAT WE DO OTHERWISE BEFORE FOR BY RIGHT
7 IS WE LOOK TO THIS PROGRAMMATIC EIR, SEE THE DEGREE TO WHICH
8 THE IMPACTS ARE COVERED JUST BY THIS KIND OF OVERALL NUMBER
9 AND THE AREAS, AND THEN WE WOULD NEED TO CONSIDER WHAT FURTHER
10 ENVIRONMENTAL REVIEW WE COULD DO. STILL TIER OFF OF THIS EIR,
11 BUT, IT'S POSSIBLE THAT WE COULD YOU KNOW, THAT WOULD BE LESS
12 LIKELY THAN IF IT'S A SITE THAT IS SPECIFICALLY CALLED OUT IN
13 THE INVENTORY. SO IT'S KIND OF -- THE SHORT ANSWER TO ALL OF
14 THIS IS IT DEPENDS, BUT YES, IT DOES MAKE IT MORE COMPLEX IF
15 IT'S A SITE OUT IN THIS EIR. THAT IS NOT SPECIFICALLY CALLED
16

PC-57

17 **REBECCA LIND:** IT WOULD BE REALLY ON A CASE-BY-CASE BASIS,
18 WHICH YOU COULD EVEN TIER OFF OF THIS CEQA DOCUMENT FOR A
19 FUTURE DEVELOPMENT PROJECT ON ONE OF THOSE SITES.

20

21 **RACHEL REID:** YES, ALTHOUGH, YOU KNOW, AS -- ALL OF THAT HAVE
22 DONE OVER THE LAST MANY CAREFUL CONSIDERATION THAT YOU MONTHS
23 WAS GEARED TOWARDS IDENTIFYING SITES THAT WOULD BE THE MOST
24 VIABLE AND APPROPRIATE AND THEREFORE MOST LIKELY TO BE
25 PROPOSED FOR HOUSING.



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1

2 **REBECCA LIND:** OKAY. THANK YOU FOR ALL OF THAT. THAT WAS
3 HELPFUL. QUESTIONS. I'M ALSO INTERESTED SO I HAVE A COUPLE
4 OTHER IN THE OVERLAP BETWEEN THE POTENTIAL OVERLAP BETWEEN
5 ALTERNATIVE 2 AND ALTERNATIVE 3 THAT COMMISSIONER CURRAN WAS
6 DISCUSSING EARLIER, AND I -- WHEN I WOOS LOOKING AT THE MAPS,
7 IT'S NOT REALLY SITE SPECIFIC. THEY'RE JUST BLOBS ON THE MAPS.

8 WONDERING IF IT HAD COULD BE I HAVE A QUESTION. I WAS
9 CLARIFIED IN THE RESPONSE TO THE COMMENTS, IF THERE COULD BE A
10 LIST OF SITES THAT ARE -- THAT ARE -- REMOVED IN BOTH OF THOSE
11 ALTERNATIVES. I IMAGINE THAT THERE'S SOME SITES THAT ARE
12 AFFECTED BY BOTH, AND THAT WOULD BE AN INTERESTING --
13 INTERESTING DELIBERATION PROCESS. FOR US AS WE MOVE ON INTO
14 THE

15

16 **SPEAKER:** I DO BELIEVE THESE LISTS ARE IN THERE.

17

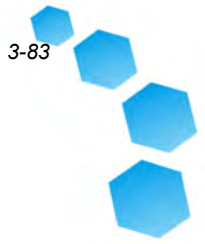
18 **REBECCA LIND:** WHERE WOULD I FIND THAT LIST?

19

20 **RACHEL REID:** SPECIFIC TO THE OVERLAP PROBABLY NOT.

21

22 **REBECCA LIND:** I KNOW THE LIST OF THE ALTERNATIVES WERE ABOUT
23 THE OVERLAP. IF YOU COULD THERE BUT I WAS JUST WONDERING
24 IDENTIFY THE OVERLAP, THAT WOULD BE I THINK A USEFUL THING FOR
25 DISCUSSION LATER. AND THEN I HAD A FURTHER QUESTION ABOUT,



PC-60

1 UNDER THE ALTERNATIVE 2, THE VMT, AGAIN, MORE ELABORATION ON
2 THIS SMALL SITE EXCLUSION DISCUSSION. THRESHOLD OF THE 100
3 TRIPS SO I UNDERSTAND WITH THE SCREENING OUT FOR VMT, BUT ARE
4 THE SITES THAT ARE BEING REMOVED BECAUSE THEY'RE CONSIDERED
5 SMALL, IS IT BASED ON AN ASSUMPTION ABOUT THE VMT OR IS IT THE
6 PHYSICAL SIZE OF SITES AND THE NUMBER OF UNITS? AND IF THERE
7 IS -- IS THERE -- WHAT BEING REMOVED? WOULD THE THRESHOLD BE
8 FOR THOSE

9

10 **SARAH JONES:** SO THAT COMES FROM THE STATE GUIDANCE ON DOING
11 VMT ANALYSIS AND IT'S BASICALLY THAT PROJECTS THAT ARE GOING
12 TO GENERATE FEWER THAN 100 TRIPS PER DAY JUST AREN'T GOING TO
13 BE ABLE TO CONTRIBUTE IN ANY KIND OF CONSIDERABLE OR
14 MEANINGFUL VEHICLE MILES TRAVELED THAT WAY TO SORT OF THE
15 OVERALL HAPPEN, SO IT'S KIND OF -- IT'S KIND OF LIKE -- IT'S
16 KIND LIKE AN EXEMPTION FROM CEQA IN A WAY WHERE IT'S JUST
17 ASSUMED THAT IT'S SOMETHING THAT IS TOO SMALL TO CONTRIBUTE IN
18 A MEANINGFUL WAY, SO THAT'S WHY WE ASSUME THAT THEY DON'T --
19 WONG WHAT YOUR THRESHOLD WAS. I

20

21 **REBECCA LIND:** I'M JUST-UNDER UNDERSTAND THAT. BUT WHAT I'M
22 WONDERING ABOUT IS HOW, WHEN YOU MAY -- WHEN THERE'S A

23 RECOMMENDATION IN THE CEQA DOCUMENT, WHEN THERE'S A

24 RECOMMENDING THAT ONE OF THOSE SITES BE REMOVED, IS IT BASED

25 ON THE PROJECTED DENSITY THAT WAS

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1

2 **SARAH JONES:** THE PROJECTED ASSIGNED TO THAT SITE THEN? NUMBER
3 OF UNITS, YES.

4

5 **REBECCA LIND:** OKAY. THAT WAS MY QUESTION. I WASN'T ASKING THE
6 QUESTION THE RIGHT WAY. AND THAT'S ALL I HAD. THANK YOU.
7 THAT'S VERY, VERY INSTRUCTIVE DISCUSSION. THANK YOU VERY MUCH.
8 THANK YOU, COMMISSIONER LIND.

9

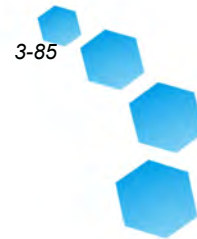
10 **STEPHANIE MOULTON-PETERS:** ALL RIGHT. I'M GOING TO TURN TO MY
11 BOARD OF SUPERVISOR COLLEAGUES. I SEE SUPERVISOR RODONI HAS
12 HIS HAND UP.

13

14 **DENNIS RODONI:** YEAH, THANK YOU. THANKS TO STAFF FOR THE REPORT
15 TONIGHT. AND REALLY, REALLY GOOD QUESTIONS BY ALL THE YOU.
16 PLANNING COMMISSIONERS. THANK I THINK A COUPLE THINGS THAT
17 STAND OUTED FOR ME ARE WE -- OUT FOR ME IS WE DO NEED WAY TO
18 EXPLAIN THIS ON TO THE PUBLIC AND THE ELECTED OFFICIALS IN A
19 SIMPLER WAY. I THINK STAFF HAS BEEN CHALLENGED AND MIG HAS
20 BEEN CHALLENGED TO FIGURE OUT HOW TO COMPLEX DOCUMENT. DO THAT
21 BECAUSE IT IS A VERY AND TOTALLY GET WERE IT'S A PROGRAM EIR.
22 I MEAN, YOU COULDN'T -- YOU COULDN'T DO ANYTHING OTHER THAN
23 THIS AT THIS POINT WITH THE INFORMATION WE'RE DEALING WITH,
24 BUT IT DOES LEAVE PEOPLE SPECIFIC LACK OF INFORMATION AT
25 SPECIFIC SITES THIS WILL BE DONE AT A LATER THAT WE'RE KIND OF

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3-85



PC-62

1 TRUSTING THAT POINT, WHICH IS SOMETHING I DON'T THINK WE CAN
2 AVOID. BUT GETTING BACK TO THE QUESTION THAT SARAH JUST
3 ANSWERED, I WANTED TO ASK SARAH AND RACHEL ABOUT THE
4 ALTERNATIVE MAPS THAT WE HAVE BECAUSE I WAS TRYING TO FIGURE
5 OUT I THINK THAT SAME ANSWERED, FOR EXAMPLE, TOMALES QUESTION
6 SARAH MAY HAVE JUST HAS IT LOOKS LIKE THREE SITES THAT -- THIS
7 IS ON THE ALTERNATIVE 2, REDUCED VMT -- THREE SITES THAT WERE
8 RELOCATED AND TWO SITES THAT WEREN'T, AND SO YOU KNOW TRYING
9 TO FIGURE OUT THAT RATIONALITY WITH TOMALES BEING THE FURTHEST
10 LOCATION IN CORRIDOR, HOW DOES THAT -- HOW MARIN AWAY FROM THE
11 101 DOES THAT -- HOW DO YOU RATIONALIZE THAT? AND I THINK
12 SARAH MAY HAVE JUST ANSWER THAT HAD BASED ON DENSITY AND
13 STUFF. IT HAD JUST DOESN'T TRIGGER THAT TRAVEL MILE, THAT
14 TRIGGERS TO KICK ON IT, SO I APPRECIATE THAT ANSWER AND I
15 THINK THAT HELPS TO AND SO IF THAT MAP YOU SHOW MAKE IT CLEAR.
16 SITES THAT ARE INCLUDED IN ALTERNATIVE 2 AND SITES THAT ARE
17 RELOCATED. AND AS A FLIP THE PAGE TO ALTERNATE 2, YOU USED THE
18 SAME COLOR CODE, BUT THE KEY CHANGES, AND SO THAT MAKES IT A
19 LITTLE MORE DIFFICULT TO UNDERSTAND. NOW AT ALTERNATE 3
20 LOOKING A SITES WITH WATER RELATED TO WATER SERVICE, YOU'RE
21 SERVICE AND SITES WITH WATER SERVICE CONSTRAINTS. AND I JUST
22 THINK FOR CLARITY IT WOULD BE NICE IF THE KEY SORT OF DID THE
23 SAME, SAME SORT OF RECOGNITION. BUT THEN WHEN YOU LOOK AT
24 THOSE SITES, IT'S INTERESTING BECAUSE ALL THE RED SITES ON
25 THAT, WHICH GOING TO BE RELOCATED, BUT I I ASSUME ARE SITES

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PC-64

1 THAT MAY BE DON'T KNOW BECAUSE THE KEY DOESN'T TELL ME THAT,
2 THOSE ARE ALL SITES THAT ACTUALLY HAVE PUBLIC UTILITY
3 DISTRICTS PROVIDING WATER. AND THEN YOU AGAIN GO TO TOMALES
4 AND THE NICASIO, THEY DON'T HAVE PUBLIC UTILITY DISTRICTS
5 ACTUALLY ON WELLS, WELL WATER PROVIDING WATER. THEY'RE AND
6 THEY'RE ACTUALLY SITES WITH WATER SERVICE. SO I JUST -- I
7 DON'T KNOW IF YOU COULD HELP ME UNDERSTAND THAT OR AT SOME
8 POINT EXPLAIN THAT. AND LIKewise, JUMP TO ALTERNATIVE 3

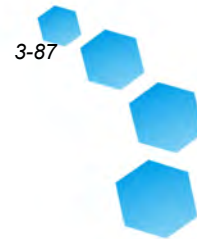
PC-65

9 RELATED TO WASTEWATER, THE LOCATIONS THAT WASTEWATER SYSTEM,
10 WHICH WOULD HAVE ACTUALLY A COMMUNITY BE BOLINAS AND TOMALES,
11 ARE RED DOTS, WHICH HAVE CONSTRAINTS, AND THE ONES THAT ARE
12 BLUE ALL THROUGHOUT WEST MARIN ARE ALL SITES THAT HAVE ON-SITE
13 SEPTIC. AND AGAIN, I'M TRYING TO RATIONALIZE WHAT THEY'RE
14 ANALYZING HERE AND WHY THEY SHOW AND AGAIN, THIS MAP,
15 ALTERNATIVE UP IN THAT WAY. 3, RELATED TO WASTEWATER AND
16 ALTERNATIVE 3 RELATED TO INFRASTRUCTURE, THEY USE THE SAME
17 COLORS, BUT THE KEY IS DIFFERENT. THEY'RE DESCRIBING DIFFERENT
18 THINGS. I THINK IT WOULD BE HELPFUL IF RED IS WHAT WE'RE
19 RELOCATING, IT'S AND IF BLUE IS WHAT'S INCLUDED CONSISTENT
20 WITH ALL THE MAPS, IN THE ALTERNATIVE, IT'S CONSISTENT WITH
21 ALL THE MAPS. JUST FOR TRYING TO UNDERSTAND THOSE. AND I DON'T
22 KNOW IF ANYONE WANTS TO ANSWER EITHER ONE OF THOSE QUESTIONS.

PC-66

23 IT'S FINE TO ANSWER THEM LATER. QUESTION I HAVE THIS TIME
24 AROUND AND THEN THE FINAL SORT OF REALLY IS, AS I UNDERSTAND
25 IT, WE HAVE ALTERNATIVE 2 OR 3 WE'RE LOOKING AT, AND I THINK

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1 I'M HEARING THAT A BLENDED ALTERNATIVE BETWEEN 2 AND 3 WOULD
2 BE AN ACCEPTABLE CHOICE HERE. AND THAT'S PROBABLY WHERE
3 REBECCA LIND'S COMMENT MIGHT WHICH SITES ARE IN BOTH PLAY A
4 RESOLVE UNDERSTANDING ALTERNATIVES. ALL RIGHT. THANK YOU.

5

6 **STEPHANIE MOULTON-PETERS:** THANK YOU, DENNIS.

7

8 **SARAH JONES:** SO WE WILL RESPONDS TO THE -- TO THOSE QUESTIONS,
9 AND IT TIES BACK TO THE CAPACITY OF THE PROVIDERS, SUPERVISOR
10 RODONI, CEQA DOES BUT ON YOUR THIRD POINT, ALLOW FOR US TO
11 WORK WITHIN THE RANGE OF ALTERNATIVES ANALYZED SO YOU DO NOT
12 HAVE TO STICK WITH EXACTLY ONE ALTERNATIVE OR EXACTLY ANOTHER.

13

14 **STEPHANIE MOULTON-PETERS:** OKAY. THERE'S CLARIFICATION.
15 SUPERVISOR ARNOLD. AS NOTED IN THE STAFF REPORT AND

16

17 **JUDY ARNOLD:** YES, THANK YOU. IN THE LETTER FROM MMWD, WE DO
18 FAUST CONCERNS ABOUT WATER SUPPLY. CAN YOU PLEASE ELABORATE ON
19 THE -- WHAT THE EIR CONCLUDED ABOUT WATER SUPPLY IN MMWD
20 SERVICE AREA AND COUNTYWIDE AND WHAT ARE THE STRATEGIES THAT
21 ARE TO ADDRESS THIS CONCERN. SUPERVISOR ARNOLD. I CAN START

22

23 **RACHEL REID:** SURE, YOU OF OFF AND THEN I'M GOING TO PASS IT
24 HAD OFF TO OUR CONSULTANT TEAM TO EXPAND ON THAT. I SOMEWHAT
25 HIGHLIGHTED IT AS PART OF THE PRESENTATION BUT THERE ARE

PC-67



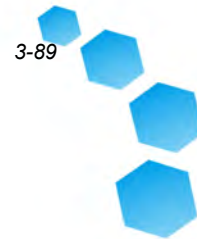
11/16/2022

1 SIGNIFICANT UNAVOIDABLE IMPACTS RELATED TO DISTRICT AS WELL AS
2 OTHERS. IN WATER SUPPLY FOR THAT PARTICULAR TERMS OF WHAT
3 THEY'RE DOING, WE -- THEY ARE LOOKING INTO MORE LONG-TERM
4 STRATEGIES, ACQUIRING NEW SOURCES. THEY'RE LOOKING INTO WATER
5 REUSE. BUT AGAIN, THEY'RE IN THE EARLY STAGES OF THAT AND
6 REALLY FOR PURPOSES OF THIS EIR, WE ARE JUST LOOKING AT CYCLE,
7 AND SO WE'RE KIND OF THIS EIGHT-YEAR HOUSING ELEMENT CONFINED
8 TO, WELL, WHAT IS ACTUALLY, YOU KNOW, FORESEEABLE, WHAT IS
9 REASONABLY -- YOU KNOW, WHAT POTENTIAL MITIGATION MIGHT COME
10 ABOUT. AND THERE'S SO MUCH UNCERTAINTY AROUND THAT AND, OF
11 COURSE, WE HAVE CONTINUING DROUGHT CONDITIONS. THERE'S NO IN
12 TERMS OF A CONCLUSION OTHER OTHER DETERMINATION WE CAN MAKE
13 THAN SIGNIFICANT UNAVOIDABLE. BARBARA, DO YOU WANT TO CHIME IN
14 ON THINKING?

15

16 **BARBARA BEARD:** THANK YOU, RACHEL. BEING AWARE OF THIS
17 SITUATION FOR MANY YEARS, BOTH THE HOUSING ELEMENT AND THE
18 SAFETY ELEMENT CONTAIN POLICIES DIRECTING THE COUNTY TO WORK
19 AND THEN IMPLEMENTING PROGRAMS, WITH THE WATER SERVICE
20 PROVIDERS IN, YOU KNOW, SEARCHING AND LOOKING AND ADDRESSING -
21 - LOOKING FOR WATER SUPPLIES AND ADDRESSING THIS ISSUE. THE
22 COUNTY ISN'T IN THE BUSINESS OF PROVIDING WATER SERVICE AND
23 THE POLICIES CAN ONLY GO SO FAR IN COORDINATE WITH THE WATER
24 TERMS OF DIRECTING THE COUNTY TO SERVICE PROVIDERS, BUT EACH

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1 OF THE TWO ELEMENTS DO CONTAIN NEW POLICIES TO HELP FACILITATE
2 THE SEARCH FOR WATER AND THE PROVISION WATER TO NEW HOUSING.

3

PC-68 | 4 **JUDY ARNOLD:** OKAY. MIGHT THAT CHANGE DOWN THE ROAD AS WE GET
5 MORE INTO THIS? LOOKS AT THE CURRENT PROJECT IN

6

7 **BARBARA BEARD:** THE EIR ONLY FRONT OF IT. AND SO THAT WOULD BE
8 OUTSIDE OF THE SCOPE OF THIS PROJECT.

9

PC-68 | 10 **JUDY ARNOLD:** RIGHT. I UNDERSTAND. I WAS THINKING ABOUT, YOU
11 KNOW, OTHER PROJECTS THAT MIGHT BE INCLUDED AT SOME POINT IN
12 TIME, MAYBE. BUT WHO KNOWS. SARAH IS NODDING

13

14 **SARAH JONES:** WELL, IN THAT WHOLE DISCUSSION OF CUMULATIVE
15 PROJECTS, THAT INCLUDES REASONABLE FORESEEABLE PROJECTS AND
16 IT'S NOT JUST HOUSING PROJECTS. IT'S OTHER TYPES OF RELEVANT
17 PROJECTS, WHICH WOULD INCLUDE A REASONABLY FORESEEABLE
18 PROJECT. SO WHAT IS KNOWN HAS WATER OR UTILITY INFRASTRUCTURE
19 BEEN TAKEN INTO ACCOUNT, BUT THE THINGS THAT ARE KIND OF OUT
20 THERE FLOATING AROUND, WE CAN'T CAPTURE WITHIN THIS EIR.

21

22 **JUDY ARNOLD:** GOT IT. THANK YOU.

23

24 **STEPHANIE MOULTON-PETERS:** ANY FURTHER COMMENTS, SUPERVISOR

25



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1 **JUDY ARNOLD:** NO. THANK YOU. ARNOLD?

2

3 **STEPHANIE MOULTON-PETERS:** GREAT. THANK YOU. SO I'LL JUST ADD

4 MY OWN. SIMILAR WATER RELATED COMMENT, WHICH IS THAT I

5 UNDERSTAND THAT FOR THOSE HOMES OR THOSE SITES WHICH MAY NOT

6 HAVE ADEQUATE WATER IN WEST MARIN, THE OPTION IS TO MOVE THAT

7 MMWD WILL BE ABLE TO THEM TO EAST MARIN AND ASSUME PROVIDE THE

8 WATER, AND SO THAT IS A CONCERN THAT AS MMWD OR MARIN WATER IS

9 BEING ASKED TO PROVIDE ADDITIONAL SERVICE, I ASSUME TO THE

10 CITIES AND COUNCIL TOWNS ALONG THE 101 CORRIDOR, HAVE THEM

11 WEIGH IN ON WHETHER THERE IS ADEQUATE WATER TO UNITS BEING

12 MOVED FROM WEST ACCOMMODATED THE ADDITIONAL MARIN. SO JUST A

13 QUESTION THAT CAN BE ANSWERED IN FINAL EIR. AND THEN FINALLY,

14 AS WAS RAISED TONIGHT, THOUGH WE HAVE GOT SORT OF A LIMITED

15 WAY TO LOOK AT CUMULATIVE IMPACT FOR TRAFFIC, IT IS CERTAINLY

16 THE CASE THAT THE TIBURON BOULEVARD, WEST JURISDICTION OF MANY

17 CITIES WITH BLITHEDALE CORRIDOR IS ONE INTERCHANGE THAT

18 ALREADY IS PRESSED TO SERVE THE CURRENT TRAFFIC THAT IT HAS,

19 AND SO I UNDERSTAND THERE'S MODELING THAT TRACKS THIS BUT

20 THAT'S AN ISSUE FOR ME, IS HOW ALL OF THIS IS BEING

21 CONSIDERED, HOW CLOSELY AND WHAT THAT LOOKS LIKE. AND I SEE TO

22 THAT COMMISSIONER SO THOSE ARE MY TWO COMMENTS. DICKINSON HAS

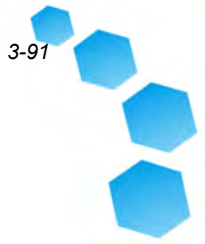
23 A FURTHER QUESTION, SO, DON, PLEASE.

24

PC-69

PC-70

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3-91

PC-71

1 **DON DICKENSON:** SOMETHING THAT I FORGOT TO MENTION IS THAT THE
2 PROJECT, THE PROPOSED PROJECT SITE'S TABLE 3-3 NEEDS SOMEONE
3 ON STAFF TO GO THROUGH IT BECAUSE THERE ARE A LOT OF THROUGH
4 THEM. BUT, FOR EXAMPLE, MISTAKES. I'M NOT GOING TO GO THE BUCK
5 CENTER IS LISTED AS BEING IN BLACK POINT. WELL, IT'S MILES
6 AWAY. BLACK POINT IS ON THE SOUTH SIDE OF HIGHWAY 37. CARMEL
7 MONASTERY IS LISTED AS SANTA VENETIA. IT'S MILES AWAY. IT'S IN
8 MARINWOOD. THE PROPERTY AT 150 SHORELINE HIGHWAY IS TAM. AND
9 THERE ARE A LOT OF LISTED IN STRAWBERRY. IT'S IN MISTAKES LIKE
10 THAT, AND SOMEONE ON STAFF CAN JUST GO THROUGH THE CHART AND
11 CORRECT THE DESCRIPTION SO THAT THAT'S ACCURATE. AND THEN THE

PC-72

12 FINAL COMMENT IN RESPONSE TO THE WATER DISCUSSION THAT HAS
13 OCCURRED IS THAT THE WHILE SONOMA COUNTY WATER TIE IS EIR
14 SEEMS TO MISS THE FACT THAT AN ISSUE WITH NORTH MARIN, 25% OF
15 THE MMWD WATER COMES FROM THE SONOMA COUNTY WATERSIDE TIDE,
16 AND AS I HAVE UNDERSTOOD IT OVER THE YEARS, ROUGHLY ALL OF THE
17 SERVICE CONNECTIONS NORTH OF PORT SWALLOW HILL OR NORTH OF
18 CIVIC CENTER GET THEIR WATER THE WAY THE PIPING SYSTEM IS SET
19 FROM SONOMA COUNTY BECAUSE OF UP. AND THAT DOESN'T SEEM TO BE
20 CLEAR IN THE DISCUSSION OF THE WATER SECTION OF THE EIR. THE
21 SAME ISSUES THAT APPLY TO NORTH MARIN ALSO APPLY TO A LESSER
22 PERCENTAGE DEGREE TO MARIN MUNICIPAL, AND THOSE ARE

23

24 **STEPHANIE MOULTON-PETERS:** MY FINAL COMMENTS. THANK YOU,
25 COMMISSIONER DICKINSON. AND THANKS TO EVERYONE FOR YOUR



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1 COMMENTS TONIGHT AND TO OUR STAFF FOR TAKING THEM DOWN. I
2 THINK WE'RE NOW AT THE POINT TO CLOSE IT OUT, AND I WOULD BE -
3 - WITH ALL OF THESE COMMENTS IN MIND AND COMMENT IS IN
4 WRITING, IT'S THE UNDERSTANDING THAT PUBLIC STILL OPEN THROUGH
5 NOVEMBER 21ST, I WOULD APPRECIATE A MOTION THAT WOULD INSTRUCT
6 THE EIR CONSULTANT TO PREPARE THE FINAL EIR BASED ON THE
7 WRITTEN RESPONSES TO ALL COMMENTS RECEIVED DURING THE 45-DAY
8 PUBLIC REVIEW PERIOD THAT THERE SOMEONE WHO WOULD BE ENDS ON
9 NOVEMBER 21ST. SO IS WILLING TO MAKE THAT MOTION AND A SECOND
10 TO DIRECT OUR STAFF TO GO FORWARD?

11

12 **DON DICKENSON:** IS THIS A SINGLE VOTE OR A VOTE OF EACH BODY?

13

14 **MODERATOR:** DON, THAT IS A VERY GOOD QUESTION. I DON'T YOU
15 COULD OPINE, THAT WOULD BE KNOW. SO, SARAH OR RACHEL, IF
16 HELPFUL.

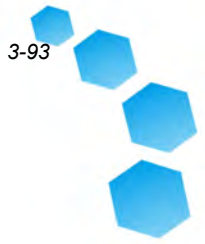
17

18 **SARAH JONES:** I THINK WE'LL ASK COUNSEL TO WEIGH IN ON THAT. AS
19 WE MENTIONED AT THE BEGINNING, IT'S UNUSUAL FOR A DRAFT EIR,
20 BUT I WILL ASK BRIAN OR BRANDON TO WEIGH IN ON THAT PROCEDURAL
21 MATTER. SORRY FOR THE DELAY. THIS IS

22

23 **BRANDON HALTER, COUNSEL:** BRANDON HALTER, DEPUTY COUNTY
24 COUNSEL. I THINK WE CAN TAKE A VOTE OF THE ENTIRE GROUP. I
25 EXPECT THE MATTER WILL BE SOMEWHAT MOOT. I THINK WE CAN CROSS

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1 THE ISSUE OF WHETHER OR NOT WE NEED TO CARVE UP THE BODY
2 SEPARATELY IF IT BECOMES

3

4 **STEPHANIE MOULTON-PETERS:** NECESSARY. OKAY. WITH THAT IN MIND,
5 I'D ACTUALLY APPRECIATE IF A MEMBER OF THE PLANNING COMMISSION
6 WOULD MAKE THE MOTION AND SECOND IT, WE'LL HAVE A LITTLE
7 CONSISTENCY INTERNALLY THAT WAY. SO IS THERE A COMMISSIONER
8 WILLING TO DO THAT? I MOVE THAT WE INSTRUCT THE EIR

9

10 **MARGOT BIEHLE:** YES. CONSULTANT TO PREPARE THE FINAL EIR BASED
11 UPON THE WRITTEN RESPONSES AND ALL OF THE ORAL COMMENTS
12 RECEIVED AT THE DRAFT EIR HEARING AS WELL AS ALL THE WRITTEN
13 COMMENTS RECEIVED DURING THE PUBLIC REVIEW AND THE COMMENT
14 PERIOD.

15

16 **PETER THERAN:** SECOND.

17

18 **STEPHANIE MOULTON-PETERS:** THANK YOU, COMMISSIONER BIEHLE, AND
19 THANK YOU, COMMISSIONER THERAN, WHO SECONDED IT. I THINK WE
20 CAN ALL SAY ALL IN FAVOR. ANA HILDA IS HERE AND CAN TAKE THE
21 ROLL. SO IF YOU PLEASE.

22

23 **ANA HILDA:** SUPERVISOR

24

25 **DENNIS RODONI:** AYE. RODONI.



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1

2 **STEPHANIE MOULTON-PETERS:** YES.

3

4 **MARGOT BIEHLE:** AYE.

5

6 **CHRIS DESSER:** AYE.

7

8 **REBECCA LIND:** AYE.

9

10 **ANDREA MONTALBANO:** AYE.

11

12 **PETER THERAN:** AYE.

13

14 **DON DICKENSON:** AYE.

15

16 **STEPHANIE MOULTON-PETERS:** WONDERFUL. SO THAT PASSES

17 UNANIMOUSLY. I WANT TO THANK ALL OF OUR COMMISSIONERS AND

18 BOARD MEMBERS, ALL OF OUR STAFF MEMBERS AND THE CONSULTANTS

19 AND, MOST IMPORTANTLY, THE MEMBERS OF THE PUBLIC WHO WE'D IN

20 TONIGHT, AND WITH THAT, WE ARE ADJOURNED FOR THIS EVENING.

21 THANK YOU, GOOD NIGHT. EVERYONE.

22



Broadcasting Government

From: Peri_Jared@CalOES
To: [EnvPlanning](#)
Cc: Boemecke_Wendy@CalOES; LaMar-Haas_Victoria@CalOES
Subject: Safety Element Update Comments- Marin County
Date: Friday, November 18, 2022 3:08:47 PM
Attachments: [image001.png](#)

You don't often get email from jared.peri@caloes.ca.gov. [Learn why this is important](#)

Cal OES has reviewed the Safety Element Update to the General Plan. Our office has a couple of comments.

The Safety Element addresses the following hazards: Climate Change, Flooding, Geologic, Sea Level Rise, Wildfire

When reviewing your last FEMA adopted Local Hazard Mitigation Plan we find that the identified hazards are as follows: Earthquake and Liquefaction, Dam Failure, Severe Storm, Debris Flow (Landslide), Flooding, Wind, Tsunami, Wildfire, Post-Fire Debris Flow

Below is the link to the California Office of Planning and Research Safety Element Guidelines

[General Plan Guidelines, Chapter 4: Required Elements \(ca.gov\)](#)

Required Contents the safety element must, consistent with Government Code Section 65302(g), provide for the protection of the community from any unreasonable risks associated with the effects of:

- Seismically induced surface rupture, ground shaking, ground failure
- Tsunami, seiche, and dam failure
- Slope instability leading to mudslides and landslides
- Subsidence
- Liquefaction
- Other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body
- Flooding
- Wildland and urban fires
- Climate change

A1-1

Thank you for the opportunity to review and comment.

Jared Peri, Senior Emergency Services Coordinator
Hazard Mitigation Planning Division
California Governor's Office of Emergency Services



Mobile: (916) 524-3470

Email: Jared.Peri@caloes.ca.gov

Program Email: mitigationplanning@caloes.ca.gov

From: [EnvPlanning](#)
To: [EnvPlanning](#)
Subject: FW: Housing Element Update - Candidate Sites v. Project Sites
Date: Tuesday, November 15, 2022 4:29:07 PM
Attachments: [image003.png](#)

From: Steve Marshall <smarshall@novato.org>
Sent: Tuesday, November 15, 2022 9:49:22 AM
To: Zeiger, Jillian <JZeiger@marincounty.org>
Subject: Housing Element Update - Candidate Sites v. Project Sites

Hi Jillian,

I am reviewing the EIR for the County’s housing element update. I am having some difficulty understanding the discussion surrounding “candidate sites” versus “project sites.” I am hoping you can confirm a few points.

A2-1

I understand the “project sites” are those selected from the “candidate sites” to satisfy the County’s RHNA. The EIR indicates there are 150 project sites with a development capacity of 5,214 units. However, the EIR also states there are 150 candidate sites with a total development capacity of 10,993 units. In another section of the EIR it states there are 10,993 candidate housing sites (See Item E on p. 128 of the EIR .pdf)

For clarity, are the project sites and candidate sites one and the same or different? If the same, how do the candidate sites calculate to a unit yield of 10,993 units?

Thanks, Steve

Steve Marshall
Planning Manager

Main: (415) 899-8989 | Direct: (415) 899-8942
922 Machin Avenue, Novato, CA 94945

www.novato.org





999 Rush Creek Place
P.O. Box 146
Novato, CA 94948-0146

PHONE
415-897-4133

EMAIL
info@nmwd.com

WEB
www.nmwd.com

November 10, 2022

Rachel Reid, Environmental Planning Manager
County of Marin, Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903-4157

Re: Draft Environmental Impact Report
County of Marin Housing Element Update, October 2022
NMWD File: 1 4095.00

Dear Mrs. Reid:

Thank you for the opportunity to comment on the subject Draft EIR. North Marin Water District (NMWD) has reviewed the Draft EIR and the County of Marin Housing Element 2023-2031 review draft dated July 19, 2022. NMWD has the following comments on the Draft EIR:

- A3-1 1) Page 2-13, first bullet point within subsection Areas of Known Controversy and Issues to be Resolved: NMWD would like to reiterate the importance of the following statement, *“Water suppliers in the county experience supply deficits during extended drought periods, and the total number of housing units proposed under the Project would increase demands in some areas of the county that already are experiencing supply deficits.”*
- A3-2 2) Page 4-1, summary table for Environmental Issue Area, *d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the Project Area?*: For NMWD to provide water service to project site no. 16, Atherton Corridor (listed on page 3-18), a storage tank up to 200,000 gallons, 35-foot diameter by 35-foot tall, will need to be installed at elevation 200 feet mean-sea-level. The storage tank would be situated along the Cherry Hill ridge line or Pinheiro ridge line overlooking Rush Creek, Gness Field and Valley Memorial Park. NMWD current practice is to prioritize the use of stainless steel for new tank construction which could lead to glare to the surrounding area.
 - a. Other tank site appurtenances that could have adverse impacts on the scenic vista includes: a ten-foot high antenna installed atop the tank, chain-link fencing surrounding the reservoir, and a paved access road with no more than a 15% grade constructed from the development to the reservoir.
- A3-3 3) Page 4-1, summary table for Environmental Issue Area, *d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the Project Area?*: For NMWD to provide water service to project site no. 20, Buck Center Vacant Property (listed on page 3-19), a storage tank up to 400,000 gallons, 45-foot diameter by 35-foot tall, will need to be installed on the eastern slope of Mount Burdell and situated approximately 110 feet higher than the highest development unit. NMWD current practice is to prioritize the use of stainless steel for new tank construction which could lead to glare to the surrounding area.

- A3-3** a. Other tank site appurtenances that could have adverse impacts on the scenic vista includes: a ten-foot high antenna installed atop the tank, chain-link fencing surrounding the reservoir, and a paved access road with no more than a 15% grade constructed from the development to the reservoir.
- 4) Page 19-1, Section 19.1.1-A. Existing Domestic Water Supply: NMWD suggests the following text changes for improved accuracy:
- A3-4** a. *“Marin County’s water supplies include surface water, groundwater, recycled water, and imported water. Surface water is the main source of supply for urban areas in the **central and southeastern** portion of the County, while both groundwater and surface water are the primary sources for rural areas. **The majority of water supply in the northeastern portion of the County (Novato and surrounding areas) is imported water...**”*
- 5) Page 19-2, fourth paragraph, North Marin Water District: NMWD suggests the following text changes for improved accuracy:
- A3-5** a. *“The North Marin Water District (NMWD) serves the City of Novato **including the adjacent unincorporated areas**, and the Point Reyes, Inverness Park, Olema, and Oceana Marin areas of West Marin. In the Novato Service Area NMWD serves a population of approximately 61,655 people and encompasses an area of approximately 75 square miles. In the West Marin Service Area, NMWD serves a population of approximately 1,800 people and encompasses an area of approximately 24 square miles. **NMWD only provides sanitary sewer service to Oceana Marin, while water service in this area is provided by Cal Water and Estero Mutual Water Company.**”*
- 6) Page 19-3, Figure 19.1 Water Service Districts and Providers: NMWD is inaccurately shown as a water service provider to the Oceana Marin area in the referenced figure. NMWD only provides sanitary sewer service to Oceana Marin, while water service in this area is provided by Cal Water and Estero Mutual Water Company.
- A3-6**
- 7) Page 19-4, third paragraph: Water demand projections from the District’s 2020 Urban Water Management Plan were recently revised to reflect the most current housing site inventories from the City of Novato and Marin County housing element updates. As a result, the projected water demand in NMWD’s Novato service area is 10,564 acre-feet per year (approx. 9.4 MGD) for planning year 2035, which represents a 319 acre-feet per year (+3%) increase from the previous housing inventory potable water demand projections. See Attachment by EKI.
- A3-7** a. The College of Marin Educational Master Plan (2019-2025) & Strategic Plan (2019-2022) identify a plan to design and construct an on-campus housing facility project. Potable water demands for this development were not included in the District’s 2020 Urban Water Management Plan. Depending on the size of the project, future dry year supply will be lower than that shown in Table 19-2.
- b. The potable water demand increase in the Draft EIR is inaccurately shown as 10,463 acre-feet per year when the District’s 2020 Urban Water Management Plan actually indicates a **potable water** demand increase of 10,245 acre-feet per year for planning year 2035.

Draft Environmental Impact Report
 County of Marin Housing Element Update, October 2022
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- A3-8 8) Page 19-9, Table 19-2 District Capacity for New Development: NMWD would like to emphasize the implications of the results related to the cumulative (Project and Districts' commitments outside of the Project) scenarios which are represented by the middle and right columns in the referenced table. As indicated by negative values for "Remaining Distribution Capacity" (which will worsen after the previous comment is addressed), NMWD **does not** have adequate capacity in "dry years" to serve the new connections proposed for the District's Novato service area in cumulative scenarios.
- A3-9 9) Page 19-13, Table 19-4 Infrastructure Needs: North Marin Water District (Preliminary): NMWD generally does not have distribution infrastructure in-place for areas north of the City of Novato limits. New housing development proposed north of this extent will require substantial distribution infrastructure be constructed to allow for water service by NMWD. The "Infrastructure Needs" shown in the referenced table carry approximate costs upwards of several millions of dollars, which may be cost prohibitive for the size of developments being proposed.
- A3-10 10) Page 19-52 & 19-53, Impact 19-2b: Project and Cumulative Water Supply Impacts: North Marin Water District and Marin Municipal Water District: It is important to note that much of the proposed project's site inventory in the District's Novato service area is within the existing footprint of our recycled water distribution system, which makes recycled water usage feasible at most of the proposed sites. Consistent with NMWD Regulation 18: Recycled Water Service, when the District determines that recycled water service is feasible, written notification will be provided to the applicant that recycled water use is required to the maximum extent permitted.

If you have any questions, please contact me at 1-415-761-8947 or emiller@nmwd.com.

Sincerely,



Anthony Williams
 General Manager



Eric Miller
 Assistant General Manager

Attachment: Water Demand and Expansion Analysis by EKI, DRAFT dated October 21, 2022

DRAFT - 21 October 2022

MEMORANDUM

To: Tony Williams, PE, QSD, North Marin Water District

From: C. David Umezaki, PE, EKI Environment & Water, Inc.
Drew Bost, EKI Environment & Water, Inc.

Subject: **Recycled Water Demand and Expansion Analysis**
North Marin Water District, Novato, California
(EKI C00096.01)

At North Marin Water District's (NMWD's) request, EKI has updated water demands from the 2020 Urban Water Management Plan (UWMP; EKI, 2021) and its supporting document, the 2020 Water Demand Analysis and Water Conservation Measure Update (Water Demand Report; EKI, 2020) to reflect new housing site inventories from the City of Novato and Marin County. As you know, the new housing inventories reflect more extensive housing growth than was anticipated at the time of the UWMP and Water Demand Report preparation, and so an update to the water demands was needed in order for them to reflect the increased population growth.

Included in this memorandum are the following tables:

- Updated tables from the Water Demand Report, including:
 - Table 4-1: Population and Employment Growth Projections
 - Table 4-2: Historical and Projected Account Growth Rate by Customer Sector
 - Table 4-3: Change in Number of Accounts Based on Projected Growth, and
 - Table 4-6: Projected Water Demand
- Updated 2020 UWMP Table 4-4: Use for Potable and Non-Potable Water – Projected

APPROACH

EKI's approach to the update was as follows:

- New housing units were summarized from the provided County and City data tables provided to EKI on 12 August 2022.
 - Assessors Parcel Numbers (APNs) associated with each development were cross-referenced with Table 4-5 of the 2018 Water Master Plan (NMWD, 2019) to confirm that projects were not being double-counted and that the number of new units was accurate.
 - For County data, only projects that were highlighted by the District in the transmitted file were included (i.e., a total of 507 units)

- Based on the number of new housing units and an assumption of 2.57 persons per household, a total of 2,904 new units were added to the District's population projections, corresponding to a total population increase of 7,463 people through 2035.
- The revised population growth rate was then applied to the District's residential account projections from the Water Demand Report, which were then used to calculate revised water demand estimates and estimated passive savings using the same methodology that was used in the original Water Demand Report.

RESULTS

As shown in the updated Table 4-6, the total potable water demands for 2045 increased to 10,610 AFY, which represents a 327 AFY increase (i.e., a 3.2% increase) from the 10,284 AFY amount shown in the original Water Demand Report. Adding in the 218 AFY of raw water use shown in UWMP Table 4-4, that results in a total potable and non-potable water use of 10,828 AFY by 2045.

Please contact us with any questions.

REFERENCES

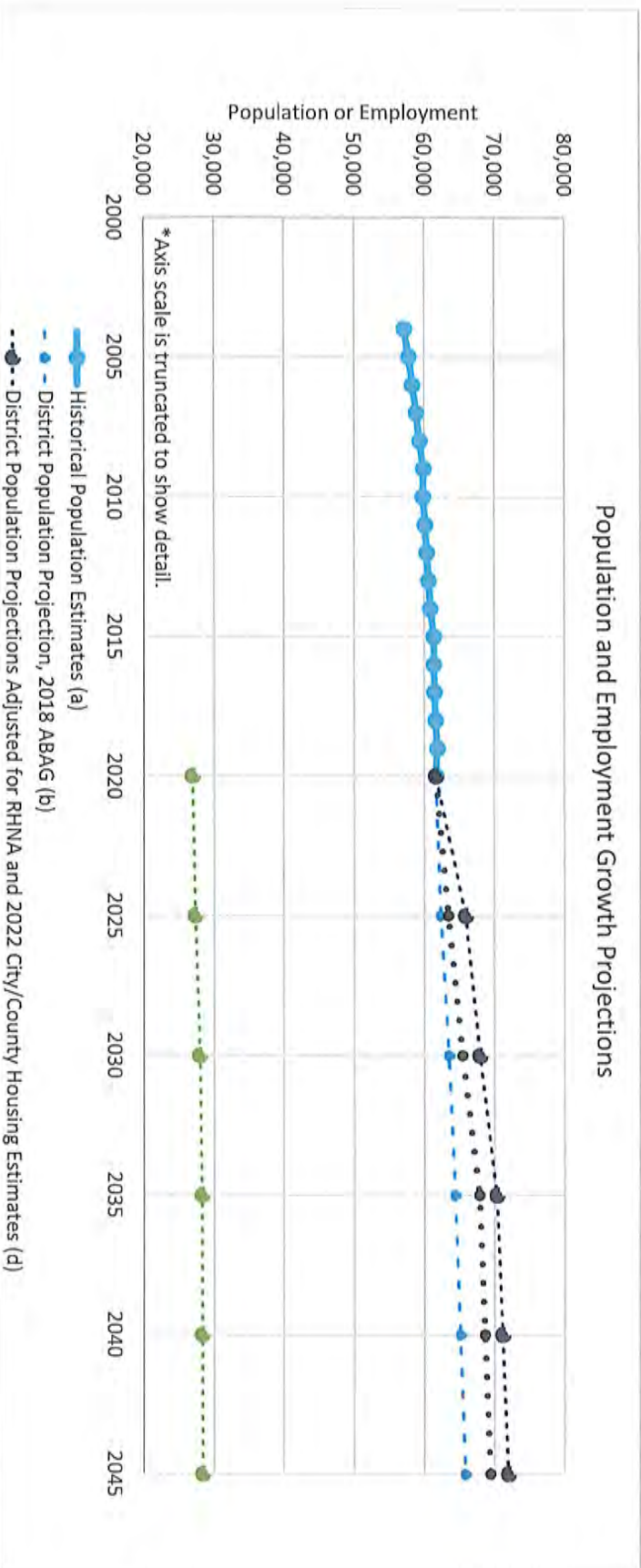
EKI, 2020. EKI Environment & Water, Inc., *2020 Water Demand Analysis and Water Conservation Update*, December 2020.

EKI, 2021. EKI Environment & Water, Inc., *2020 Urban Water Management Plan, North Marin Water District*, June 2021.

NMWD, 2019. 2018 Novato Water System Master Plan Update, prepared by North Marin Water District, dated September 2019.

Table 4-1 (Demand/Conservation Report)
Population and Employment Growth Projections
North Marin Water District

Category	Growth Projections											Total Growth Rate 2020-2045	Average Annual Growth Rate 2020-2045	
	2015	2016	2017	2018	2019	2020	2025	2030	2035	2040	2045 (f)			
Population														
Historical Population Estimates (a)	61,381	61,386	61,470	61,616	61,857	61,658	--	--	--	--	--	--	--	--
District Population Projection, 2018 ABAG (b)	--	--	--	--	--	--	62,352	63,485	64,341	65,092	65,852	6.8%	0.27%	
District Population Projections Adjusted for RHNA (c)	--	--	--	--	--	--	63,389	65,440	67,838	68,631	69,432	13%	0.50%	
District Population Projections Adjusted for RHNA and 2022 City/County Housing Estimates (d)	--	--	--	--	--	--	65,877	67,928	70,326	71,147	71,978	17%	0.67%	
Employment														
2018 ABAG Employment Projections (e)	--	--	--	--	--	--	26,910	27,290	27,915	28,225	28,290	28,355	5.4%	0.27%



**Table 4-1 (Demand/Conservation Report)
Population and Employment Growth Projections
North Marin Water District**

<u>Abbreviations:</u>	
– = not available	HCD = California Department of Housing and Community Development
ABAG = Association of Bay Area Governments	RHNA = Required Housing Needs Allocation
District = North Marin Water District	

Notes:

- (a) Historical population estimates for 2015 per Reference 3, 2020 per Reference 5, and all other years per Reference 4.
- (b) District population projections are calculated by applying the City of Novato 2018 ABAG growth rates to the current 2020 population estimate of 61,658 per Reference 5.
- (c) The City of Novato is required to provide 2,107 housing units by 2035 based on the RHNA (Reference 2), which is higher than the growth anticipated in the General Plan 2035 and by ABAG 2018. Assuming 2.57 persons per household and a linear increase in future housing units, the population growth from 2025 to 2035 is adjusted by adding the customers of the new housing units to the District population projection (2018 ABAG). Population growth rate beyond 2035 is assumed to be the same as the ABAG 2018 projection.
- (d) The District population projections were updated in October 2022 to include a total of 2,904 additional housing units required by Marin County for their 6th cycle Housing Element update, as well as new housing requirements from HCD for the City of Novato (Reference 6). Assuming 2.57 persons per household and a linear increase in future housing units, the population growth from 2025 to 2035 is adjusted by adding the customers of the new housing units to the District's population projection. Population growth rate beyond 2035 is assumed to be the same as the ABAG 2018 projection.
- (e) 2018 ABAG population and employment projections per Reference 1. Projections shown reflect the City of Novato, and not the entirety of the District service area. The growth rate reflected by this projection was applied to the current estimated 2020 population of 61,658 to extrapolate growth for the District service area.
- (f) ABAG 2018 includes projections through 2040. 2045 employment projections are calculated based on the 2035-2040 growth rate (0.23%).

References:

1. ABAG, 2018. Association of Bay Area Governments, Plan Bay Area Projections 2040, released on November 2018.
2. ABAG, 2020. Association of Bay Area Governments, Regional Housing Needs Allocation Proposed Methodology: San Francisco Bay Area, 2023-2031, released on October 2020.
3. North Marin Water District, 2016. 2015 Urban Water Management Plan, prepared by North Marin Water District, dated June 2016.
4. North Marin Water District, 2020a. NMWD Historical Population.xlsx, provided by North Marin Water District on 6 April 2020.
5. North Marin Water District, 2020b. Information provided by North Marin Water District via email, received 22 July 2020.
6. North Marin Water District, 2022. Information provided by North Marin Water District via email, received 12 August 2022.

Table 4-2 (Demand/Conservation Report)
Historical and Projected Account Growth Rate by Customer Sector
 North Marin Water District

Water Use Sector	Basis for Account Growth	Average Annual Growth (a)	
		Historic (2010-2019)	Projected (2020-2045)
Single Family Residential	population	0.082%	0.67%
Existing Accounts			
New Accounts			
Apartment	population	0.075%	0.67%
Townhouse/Condo	population	-0.0036%	0.67%
Mobile Home	population	0%	0.67%
Commercial	employment	-0.25%	0.27%
Government	employment	0.59%	0.27%
Irrigation	employment	-1.9%	0.27%
Pool	population	0.12%	0.67%
Other	employment	1.1%	0.27%

Notes:

(a) Growth is presented on an average annual basis over the indicated period.

Table 4-3 (Demand/Conservation Report)
Change in Number of Accounts based on Projected Growth
 North Marin Water District

Projected Number of Accounts

Water Use Sector	Number of Accounts (a)				
	2025	2030	2035	2040	2045 (b)
Single Family Residential	15,880	16,374	16,952	17,150	17,351
Apartment	634	653	676	684	692
Townhouse/Condo	3,324	3,427	3,548	3,590	3,632
Mobile Home	109	112	116	118	119
Commercial (c)	821	840	850	852	853
Government	100	103	104	104	104
Irrigation	361	369	373	374	375
Pool	98	101	105	106	107
Other (d)	476	487	492	493	494
Total Accounts	21,803	22,468	23,217	23,471	23,728

Incremental Increase in Accounts from 2019

Water Use Sector	Number of Accounts				
	2025	2030	2035	2040	2045
Single Family Residential	1,017	1,511	2,089	2,287	2,488
Apartment	41	60	83	91	99
Townhouse/Condo	213	316	437	479	521
Mobile Home	7	10	14	16	17
Commercial (c)	11	30	40	42	43
Government	1	4	5	5	5
Irrigation	5	13	17	18	19
Pool	6	9	13	14	15
Other (d)	7	18	23	24	25
Total New Accounts	1,308	1,973	2,722	2,976	3,233

Abbreviations:

ABAG = Association of Bay Area Governments
 CII = commercial, industrial and governmental/institutional
 RHNA = Required Housing Needs Allocation

Notes:

- (a) Growth in number of accounts is estimated based on ABAG 2018 projected growth rates for population and employment, adjusted for updated RHNA requirements. Residential and "pool" sectors are estimated relative to population growth, while CII, irrigation, "other" and recycled water accounts are estimated relative to employment growth.
- (b) ABAG 2018 includes projections through 2040. For the purposes of demand and account projections, it is assumed that the growth rate remains constant from 2036 through 2045.
- (c) Commercial includes combined commercial/residential accounts.
- (d) Other includes livestock, hydrants, other fire services.

References:

1. ABAG, 2018. Association of Bay Area Governments, Plan Bay Area Projections 2040, released on November 2018.

**Table 4-6 (Demand/Conservation Report)
Projected Water Demand
North Marin Water District**

Water Use Sector	Projected Demand (AFY) (a)				
	2025	2030	2035	2040	2045
Potable Water					
Single Family Residential					
Existing Accounts	5,839	5,839	5,839	5,839	5,839
New Accounts (b)	486	722	998	1,092	1,188
Apartment	710	732	758	767	775
Townhouse/Condo	578	596	617	624	632
Mobile Home	113	116	120	122	123
Commercial	961	983	993	996	998
Government	302	309	312	313	313
Irrigation	1,001	1,024	1,035	1,038	1,040
Pool	88	91	94	95	97
Other	44	45	45	46	46
Non-revenue Water (c)	3.0%	3.0%	3.0%	3.0%	3.0%
	311	321	332	336	340
Estimated Passive Savings (d)	-247	-427	-581	-690	-781
Total Potable Demand	10,185	10,351	10,564	10,577	10,610
Recycled Water					
Recycled Water (e)	595	608	622	636	650
Total Recycled Water Demand	595	608	622	636	650

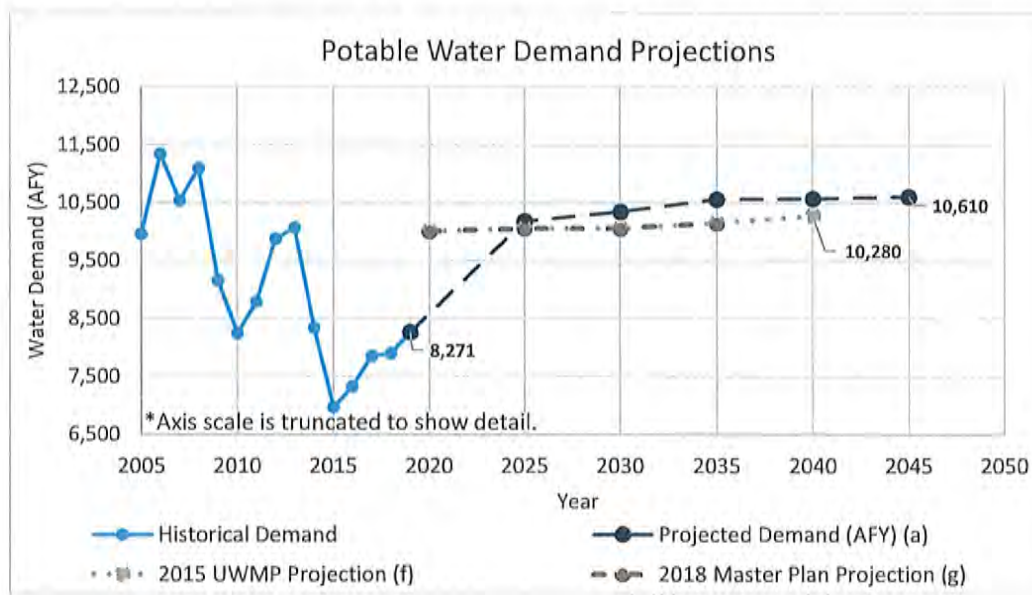
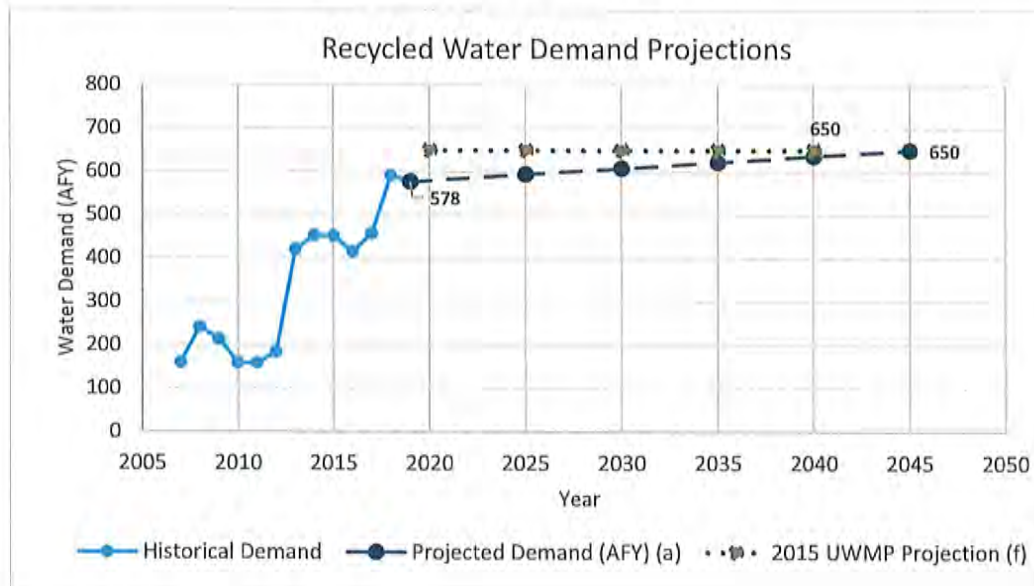


Table 4-6 (Demand/Conservation Report)
Projected Water Demand
 North Marin Water District



Abbreviations:

ABAG = Association of Bay Area Governments
 AFY = acre-feet per year
 AWE = Alliance for Water Efficiency
 UWMP = Urban Water Management Plan

Notes:

- (a) Water demand projections are estimated based on pre-drought demand factors, based on recent historical use. Growth in accounts is based on ABAG 2018 projections, as identified in Table 4-1.
- (b) Water demand factors for new single family residential accounts are based on water use per dwelling unit for buildings constructed in 1994 and later.
- (c) Estimates of non-revenue water are based on the average percentage of water loss reported for 2017 through 2019, per Table 3-2.
- (d) Passive water savings are based on the AWE Conservation Tracking Tool.
- (e) Recycled water projections per Reference 2.
- (f) 2015 UWMP projections per Reference 2.
- (g) 2018 Master Plan projections per Reference 3.

References:

1. ABAG, 2018. Association of Bay Area Governments, Plan Bay Area Projections 2040, released on November 2018.
2. North Marin Water District, 2016. 2015 Urban Water Management Plan, prepared by North Marin Water District, dated June 2016.
3. North Marin Water District, 2019. 2018 Novato Water System Master Plan Update, prepared by North Marin Water District, dated September 2019.

Table 4-4 (2020 UWMP)
Use for Potable and Non-Potable Water - Projected (DWR Table 4-2)
 North Marin Water District

Use Type	Additional Description (as needed)	Projected Water Use (a) (b)				
		2025	2030	2035	2040	2045
Single Family		6,197	6,341	6,540	6,580	6,631
Multi-Family	Apartments, condos, mobile homes	1,323	1,307	1,308	1,288	1,275
Commercial		926	923	912	899	889
Institutional/ Governmental		295	298	297	295	294
Landscape		1,001	1,024	1,035	1,038	1,040
Other Potable	Pools, fire services	132	136	140	141	142
Losses	(c)	311	321	332	336	340
Other Non-Potable	Raw Water (d)	218	218	218	218	218
TOTAL		10,403	10,569	10,782	10,795	10,828
NOTES:						
(a) Volumes are in units of AF.						
(b) Projected water demands were updated to account for additional anticipated housing needs for the District. Passive conservation savings were applied to each respective sector.						
(c) Losses represent all non-revenue water, which includes both real and apparent losses, including unauthorized consumption.						
(d) Raw water projections are based on past raw water usage.						



Letter A4

December 7, 2022

Rachel Reid, Environmental Planning Manager
County of Marin, Environmental Planning
3501 Civic Center Drive, Room 308
San Rafael, CA 94903
envplanning@marincounty.org

Subject: Housing and Safety Element Update to the Marin Countywide Plan, Draft Program Environmental Impact Report, SCH No. 2021120123, Marin County

Dear Ms. Reid

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of Draft Program Environmental Impact Report (DEIR) from the County of Marin (County) for the Housing and Safety Element Update to the Marin Countywide Plan (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW previously submitted comments in response to the Notice of Preparation of the DEIR on January 20, 2022.

CDFW is submitting comments on the DEIR to inform the County, as the Lead Agency, of potentially significant impacts to biological resources associated with the Project.

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA for commenting on projects that could impact fish, plant, and wildlife resources (Pub. Resources Code, § 21000 et seq.; Cal. Code Regs., tit. 14, § 15386). CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as a California Endangered Species Act (CESA) Incidental Take Permit (ITP), a Native Plant Protection Act (NPPA) Permit, a Lake and Streambed Alteration (LSA) Agreement, or approval under other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources. Pursuant to our authority, CDFW has the following concerns, comments, and recommendations regarding the Project.

PROJECT DESCRIPTION SUMMARY

The Project would update the Housing Element and the Safety Element within the County's General Plan. The Housing Element would identify locations in unincorporated Marin County to meet the need for 3,569 housing units and present programs and

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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policies to meet the housing needs of unincorporated Marin County. The timeframe for the Housing Element update would be 2022 through 2030. The Safety Element would be amended to address climate change resiliency, including fire risk reduction, emergency evacuation plans, and flood risk reduction. The Safety Element update would also include a vulnerability assessment identifying climate change risks to communities; a list of climate change adaptation and resiliency goals, policies, and objectives; and potential implementation measures. The Project is located in unincorporated Marin County.

REGULATORY AUTHORITY

California Endangered Species Act

Please be advised that a CESA ITP must be obtained if the Project has the potential to result in “take” of plants or animals listed under CESA either during construction or over the life of the Project. **The Project has the potential to impact CESA-listed species including but not limited to northern spotted owl (*Strix occidentalis caurina*), a CESA listed as threatened species, as further described below.** Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain an ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, & 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with CESA.

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to LSA Notification requirements. CDFW would consider the CEQA document for the Project and may issue an LSA Agreement.

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CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

Raptors and Other Nesting Birds

CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

Fully Protected Species

Fully Protected species may not be taken or possessed at any time (Fish & G. Code, §§ 3511, 4700, 5050, & 5515) except for collecting these species for necessary scientific research, relocation of the bird species for the protection of livestock, or if they are a covered species whose conservation and management is provided for in an NCCP.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those recommended by CDFW below, CDFW concludes that a Program EIR is appropriate for the Project.

I. Subsequent Project CEQA Evaluation

COMMENT 1: The DEIR identifies that "future site-specific development facilitated by the Project, but which has not yet been described at a project-specific level of detail, will be evaluated for consistency with this DEIR if and when the development is proposed" (DEIR, page 2-4). CDFW provided comments on the NOP for the DEIR in a letter dated January 20, 2022 and recommended providing a clear checklist or procedure for evaluating subsequent Project impacts and clearly citing the portions of the DEIR, including page and section references, containing the analysis of the subsequent Project activities' potentially significant effects. The DEIR does not include the checklist and CDFW strongly recommends that the DEIR include a procedure or checklist for subsequent projects in an appendix to ensure subsequent project impacts to fish and wildlife resources are appropriately evaluated in compliance with CEQA and impacts are mitigated to less-than-significant.

A4-1

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II. Mitigation Measures and Related Impact Shortcomings

Mandatory Findings of Significance: Does the Project have the potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species?

And,

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or U.S Fish and Wildlife Service (USFWS)?

COMMENT 2: Deferred Mitigation, Pages 2-18, 2-19, 2-20

Issue, specific impacts, why they may occur and be potentially significant: The DEIR identifies that development facilitated by the Project could have a substantial adverse effect, either directly or through habitat modifications, on candidate, sensitive, or special-status species (DEIR pages 2-18 and 7-26). The DEIR identifies five candidate housing sites (Bowman Canyon, Buck Center, San Domenico School, 6760 Sir Francis Drake Boulevard, and Vacant Point Reyes Station) which have a moderate to high potential to support special-status species and acknowledges that developed and disturbed sides may also support special-status species (DEIR page 7-26).

Mitigation Measure 7-1 proposes to mitigate this impact by requiring that a biological resources site assessment be prepared to address the presence or absence of biological resources, make recommendations for protocol-level surveys, provide an impact assessment of the proposed activities on biological resources, create mitigation measures for avoidance of harm, and determine compensation for the loss of sensitive biological resources (DEIR pages 2-19 and 2-20). Mitigation Measure 7-1 then states: “the County shall review the results of the biological resources site assessment to determine whether impacts to Special-Status Species are likely to occur and the actions needed to avoid identified impacts, as well as to determine if additional County permits are required, and the appropriate level of CEQA review” (DEIR page 2-20).

CDFW does not consider the biological resources site assessment’s “mitigation measures” a mitigation measures under CEQA, as mitigation measures must be included in the CEQA environmental document, in this case the DEIR (CEQA Guidelines, §§ 15126.4). CEQA Guidelines section 15126.4, subdivision (b) states: “The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project’s environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and

A4-2

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that will be considered, analyzed, and potentially incorporated in the mitigation measure. Compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards.”

Mitigation Measure 7-1 does not adopt specific performance standards, nor does it identify types of actions² that could meet these standards.

Further, the County reviewing subsequent projects does not provide certainty that impacts to special-status species would be reduced to the level of less-than-significant. Mitigation Measure 7-1 states that the County will determine actions needed to avoid impacts, but there is no requirement that any action would be taken. A potential outcome based on the text of Mitigation Measure 7-1 is that subsequent Project impacts to the state and federally threatened Northern spotted owl, or other special-status species, would not be appropriately evaluated or identified in the biological resources site assessment, and appropriate mitigation measures to reduce impacts to less-than-significant would not be implemented.

Without specific performance standards CDFW considers impacts to special-status species as potentially significant (CEQA Guidelines, §§ 15065, 15380).

A4-2

Recommended Mitigation Measure: To reduce potential impacts to special-status species to less-than-significant, CDFW recommends the DEIR evaluate potential Project impacts and include specific mitigation measures for foreseeable potentially significant impacts. Where future site-specific impacts may not be presently foreseeable based on the Project’s broad scope, the checklist discussed in Comment 1 above should be used to determine if a future CEQA environmental document is required. CDFW would appreciate the opportunity to review the revised DEIR and may have further comments once more specific species information is provided.

For example, CDFW recommends including the below mitigation measure in the DEIR:

Northern Spotted Owl Habitat Assessment and Surveys. If forest or woodland habitat is present within 0.25 mile of the project area, a qualified biologist shall prepare an assessment of potential Northern spotted owl (NSO) nesting habitat within the project area and a 0.25 mile radius and obtain CDFW’s written acceptance of the assessment. Alternatively, if the assessment is not completed, or if it concludes that NSO nesting habitat is present, then no project activities within 0.25 miles of potential NSO nesting habitat shall occur between March 15 and August 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the USFWS Protocol for

² Examples of actions that could meet performance standards include conduction work outside of nesting seasons and avoiding individual special-status plants or requiring compensatory mitigation for habitat loss.

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A4-2

Surveying Proposed Management Activities That May Impact Northern Spotted Owls, dated (revised) January 9, 2012. Surveys shall be conducted in accordance with Section 9 of the survey protocol, Surveys for Disturbance-Only Projects. If breeding NSO are detected during surveys, a 0.25 mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to project construction occurring between March 15 and August 31 each year.

Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.

If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP, and also consult with USFWS pursuant to the federal Endangered Species Act.

Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by CDFW or the USFWS?

Comment 3: Measures to Reduce Impacts to Sensitive Natural Communities, Riparian Habitat, and Wetlands, and LSA Notification and Clean Water Act compliance, Pages 2-20, 2-21, 2-22, 7-29, 7-30, 7-31, and 7-32

A4-3

Issue, specific impacts, why they may occur and be potentially significant: The DEIR identifies that, without mitigation incorporated, the Project is likely to have significant impacts to sensitive natural communities, riparian habitat, and wetlands (pages 7-29, 7-30, 7-31, and 7-32).

Mitigation Measure 7-2 (DEIR pages 2-20, 2-21, and 2-22) proposes to reduce this impact by requiring the County and/or contractors to prepare a Construction Management Plan (CMP) including best management practices for subsequent Projects that involve vegetation removal within or in proximity to riparian areas, wetlands, and sensitive natural communities. The best management practices may include but are not limited to setbacks from riparian areas and wetlands, identification and delineation of sensitive areas, erosion control measures, and measures to control pollutants (DEIR page 7-32). Mitigation Measure 7-2 does not include mitigation for temporary or permanent impacts to sensitive natural communities, riparian habitat, or wetlands resulting from subsequent Project activities, require subsequent Projects to submit an

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LSA Notification to CDFW and comply with the LSA Agreement pursuant to Fish and Game Code section 1602 et seq., or require obtaining permits for impacts to waters and wetlands pursuant to the Clean Water Act.

CDFW does not consider preparation of a CMP to be a mitigation measure under CEQA. While Mitigation Measure 7-2 identifies types of actions, it does not adopt specific performance standards, as outlined in Comment 2.

Further, the County and/or contractors preparing a CMP would not provide certainty that impacts to sensitive natural communities, riparian habitat, and wetlands would be reduced to the level of less-than-significant. Mitigation Measure 7-2 states that the County and/or contractors shall prepare a CMP including best management practices but makes the best management practices optional and does not state that the best management practices shall be implemented. A potential outcome based on the text of Mitigation Measure 7-2 is that best management practices would not be appropriately evaluated or identified in the CMP to reduce impacts to less-than-significant and the CMP would not be implemented.

Without specific performance standards and ensuring compliance with LSA Notification requirements, CDFW considers impacts to sensitive natural communities, riparian habitat, and wetlands as potentially significant.

A4-3

Recommended Mitigation Measure: To reduce impacts to sensitive riparian habitat to less-than-significant and comply with Fish and Game Code section 1602 et seq., CDFW recommends that Mitigation Measure 7-2 clearly require: 1) subsequent Projects to submit an LSA notification to CDFW prior to construction and comply with the LSA Agreement, if issued, if the Project may substantially impact a stream or lake; 2) preparation and implementation of a restoration plan to restore all temporarily impacted areas on-site, and to offset permanent impacts, restore riparian habitat on-site or off-site at a minimum 3:1 mitigation to impact ratio for acreage and linear distance of impacts; 3) the restoration plan to include the below minimum tree replacement to removal ratios; and 4) the restoration plan and any reduction from the ratios to be approved by CDFW in writing. Restoration shall occur as close to the Project site as possible and within the same watershed and same year of the impacts.

- 1:1 for removal of non-native trees;
- 1:1 for removal of native trees other than oak (*Quercus* sp.) up to 3 inches DBH (diameter at breast height);
- 3:1 for removal of native trees other than oak 4 to 6 inches DBH;
- 6:1 for removal of native trees other than oak greater than 6 inches DBH;

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- 4:1 for removal of oak trees up to 6 inches DBH;
- 5:1 for removal of oak trees greater than 6 inches to 15 inches DBH; and
- 10:1 for removal of oak trees greater than 15 inches DBH.

Planted trees shall be monitored for a minimum of five years to ensure survival. The trees must survive the last two years of the minimum five-year monitoring period without irrigation. Replanted trees shall have the same five-year monitoring requirements.

A4-3

Additionally, Mitigation Measure 7-2 should require restoration on-site or off-site to mitigate temporary or permanent subsequent Project impacts to sensitive natural communities at a minimum 1:1 (restore onsite temporary impacts) or 3:1 (permanent impacts) mitigation to impact ratio for acres of impacts, or habitat compensation including permanent protection of habitat at the same ratio through a conservation easement and preparing and funding implementation of a long-term management plan. Mitigation Measure 7-2 should also require habitat compensation for permanent wetland impacts and obtaining permits from the Regional Water Quality Control Board and Army Corps of Engineers pursuant to the Clean Water Act.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

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CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the County in identifying and mitigating Project impacts on biological resources. Due to the issues presented in this letter, CDFW concludes that DEIR does not adequately identify or mitigate the Project's significant, or potentially significant, impacts on biological resources. Deficiencies in the Lead Agency CEQA document can affect later project approvals by CDFW in its role as a Responsible Agency. In addition, because of these issues, CDFW has concerns that the County may not have the basis to approve the Project or make "findings" as required by CEQA unless the environmental document is modified to eliminate and/or mitigate significant impacts, as reasonably feasible (CEQA Guidelines, §§ 15074, 15091 & 15092).

Questions regarding this letter or further coordination should be directed to Alex Single, Environmental Scientist, at (707) 799-4210 or Alex.Single@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at Melanie.Day@wildlife.ca.gov or (707) 210-4415.

Sincerely,

DocuSigned by:

B77E9A6211EF486...
Erin Chappell
Regional Manager
Bay Delta Region

cc: Office of Planning and Research, State Clearinghouse (SCH No. 2021120123)

From: [MCL](#)
To: [EnvPlanning](#)
Subject: MCL: Marin County Housing Safety Element_DEIR_ Comment Letter
Date: Tuesday, November 15, 2022 3:39:50 PM
Attachments: [MCL_Marin Co_Housing SafetyElement_DEIR_11.15.22.pdf](#)

You don't often get email from mcl@marinconservationleague.org. [Learn why this is important](#)

Dear Ms. Reid,

Please find attached a comment letter from the Marin Conservation League dated November 15th, 2022 regarding the Marin County Housing Safety Element DEIR.

If you have any issues with downloading the document, please let me know.

Kind regards,

Martha Richter Smith
Office Administrator

Marin Conservation League

175 N. Redwood Dr. Suite 135
San Rafael, CA 94903
415-485-6257



November 15th, 2022



Marin County Community Development Agency
 Planning Division - Housing
 Attn: Rachel Reid, Environmental Planning Manager
 3501 Civic Center Drive, Suite 308
 San Rafael, CA 94903
 Email: envplanning@marincounty.org

Subject: Marin County Housing & Safety Elements Update – Draft Environmental Impact Report; SCH# 2021120123

Dear Ms. Reid:

Thank you for the opportunity to review and submit comments on the Draft Environmental Impact Report (DEIR) prepared for the Marin County Draft Housing & Safety Elements Update. Marin Conservation League (MCL) acknowledges that the draft policy documents and supportive DEIR are critical and important in this pivotal time of balancing the need for housing and the growing consequences of climate change. Secondly, MCL would like to thank County staff for completing a DEIR that covers both draft policy documents. In particular, the draft goals, policies and programs presented in the Draft Safety Element have a direct and indirect environmental linkage and provide support to the Draft Housing Element.

MCL has reviewed the DEIR for alignment with its adopted policy positions on, among others, housing, flooding/sea level rise, and wildfire management. Further, the DEIR has also been reviewed for alignment with MCL's longstanding mission, which is, *"To preserve, protect and enhance the natural assets of Marin in a changing environment."* With this, MCL respectfully submits the following comments, requests, and suggestions:

- O1-1** | 1. General Comment. MCL compliments the County staff for preparing a well written and thorough DEIR. The analysis is supported by detailed studies, technical and quantitative information, and credible substantial evidence (within the DEIR text sections and as standalone appendices).
- O1-2** | 2. Expand "Program EIR" Information. The DEIR is appropriately prepared as a "Program EIR" for the two policy documents in that the impacts are studied and presented at a high level of review that is not "site-specific." It is expected that future actions such as individual housing projects and site rezonings will "tier" from this EIR for site development review. Section 3 of the Draft Housing Element addresses constraints, which include, among others, known environmental factors and conditions. Section 3 acknowledges environmental resources and challenges such as stream conservation, flooding/sea level rise, and fire hazards. In our June 24,

175 N. Redwood Dr., Ste. 135, San Rafael, CA 94903 | 415.485.6257 |
mcl@marinconservationleague.org

Marin Conservation League was founded in 1934 to preserve, protect and enhance the natural assets of Marin County.

O1-2

2022, comment letter on the Draft Housing and Safety Elements, MCL recommended that the Appendix C - Sites Inventory table be revised to include known environmental conditions and constraints for the individual housing sites. Adding this information to the Sites Inventory table will assist the public and decision-makers in better understanding these conditions and challenges of certain sites. MCL continues to urge the County to include known, site-specific environmental conditions and constraints in the Appendix C Site Inventory table. This information will also guide needed analyses for future, individual housing site development review. The Final EIR should acknowledge and clearly reference Section 3 of the Draft Housing Element and the suggested revisions to the Site Inventory table.

O1-3

3. Clarify “scope” of Project Description Related to Draft Housing Element. Consistent with the CEQA Guidelines, the “scope” of the project description and DEIR takes a conservative approach for analysis purposes. For the Housing Element, the County identified “candidate housing sites” (Sites Inventory table) to consider for the 2023 to 2031 planning period for the Housing Element Update, with a potential of up to approximately 10,993 housing units. As noted in the DEIR project description, these candidate housing sites represent a greater number of sites than required by the County’s RHNA (3,569 units) and serve as the inventory from which the County’s actual RHNA requirement will be selected. For a conservative environmental analysis, this larger number of sites is evaluated in this EIR, while the "proposed Project" comprises a total inventory of 5,214 residential units (which accounts for potential density bonuses, the inclusion of a State-encouraged “buffer,” and projections for new Accessory Dwelling Units [ADUs]). This approach is a bit confusing and difficult to follow. Please provide a clearer explanation of these assumptions, as they could have a notable influence on the DEIR impact findings.

O1-4

4. Analysis of Draft Safety Element. In certain topic sections of the DEIR, there is either minimal reference to or no discussion of the Draft Safety Element (e.g., Aesthetics and Air Quality topic sections). In these specific topic areas, it may have been determined that the Draft Safety Element and its implementing programs would result in no impact in that topic area. If this is the case, the Draft Safety Element should be clearly discussed and dismissed in that topic area section. If it was determined during the Notice of Preparation process that the Draft Safety Element would result in no impact to a specific topic area, then it should be reiterated in Final EIR text. This additional note will acknowledge that the topic area was not overlooked but considered and dismissed.

O1-5

The Draft Safety Element includes excellent policies and programs that would facilitate reduction in fire hazard and address/combat increased flooding/projected sea level rise. Two factors should be considered and discussed in the Final EIR. First, the DEIR presents no discussion about the beneficial environmental impacts of the Draft Safety Element—they should be spotlighted, particularly since the DEIR cites a number of its policies and programs to reduce the Draft Housing Element impacts associated with individual housing site development. The beneficial environmental impacts could be used to: a) offset the significant, unavoidable impacts determined by the DEIR; and b) assist in bolstering the findings of overriding consideration that must be made to adopt the two policy documents. The second factor is the need to highlight the

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mcl@marinconservationleague.org

O1-6 specific value and use of these Draft Safety Element policies and programs in guiding, carefully planning, and minimizing housing sites in high hazard areas (e.g., specifically areas vulnerable to increased flooding/projected sea level rise in the Baylands Corridor and very high fire hazard zones).

O1-7 5. Significant, Unavoidable Impacts. The DEIR concludes that the “project,” which is the implementation of the Housing and Safety Elements, and cumulative analysis of the candidate housing sites would result in significant, unavoidable impacts (SUI), which cannot be mitigated even with, in some cases, the imposing of recommended mitigation measures. The SUI impacts are found for the topic areas of aesthetics, air quality, historic resources, GHG emissions, noise, transportation (vehicle miles traveled (VMT)) and utilities (water supply and wastewater service capacity). For some of these topic areas, mitigation measures are identified (e.g., for air quality and transportation impacts performance standard-based measures are recommended for VMT reduction), but several topic areas are void of potential measures. The CEQA Guidelines recommends that when an impact is determined to be significant and unavoidable, feasible mitigation measures should be considered and presented, even if the impact cannot be reduced to a less-than-significant level. It is intended to provide a “good faith effort” to reduce impacts, even if the project impacts cannot be reduced to acceptable levels. It would be valuable to include this discussion for the relevant topic areas in the Final EIR text.

O1-8 6. Addressing “By-Right” Review for Eligible Housing Sites. The DEIR briefly acknowledges the “by-right” review process and ministerial projects. However, there is no detailed discussion of which housing sites may be eligible for this review, or how this process interfaces with the DEIR review of the Draft Housing Element. While, per State law, housing projects subject to the “by-right” review would be exempt from CEQA review, such projects could still result in site-specific environmental impacts. The State law also assumes that environmental issues are addressed at the “front-end” of the process when property zoning decisions are made.

O1-9 The State laws covering by-right review (SB35 and SB9) acknowledge that the presence of certain environmental conditions and constraints on a housing site influence by-right review eligibility. Housing sites are not eligible for the by-right review if the site: a) contains and impacts wetlands; b) is located within a FEMA designated flood plain or floodway; c) is within the CalFire very high fire hazard zone; d) is a hazardous waste site; e) is within a delineated earthquake hazard zone; and f) contains habitat for protected species. These exceptions are clearly and adequately covered in the County’s recently adopted Ordinances 3765, 3766, and 3767 establishing the “by-right” review process for SB35 and SB9 projects. However, as presented in the DEIR, there are other environmental topic areas for which the DEIR recommends future, site-specific study/analysis when an individual housing site is proposed for development. Two examples of other impacts not addressed by SB35 and SB9 that require mitigation at the time of site development review include transportation (Mitigation Measure 6-1 and 18-4 recommends a Vehicle Miles Traveled [VMT] analysis) and air quality (Mitigation Measure 6-2 recommends an air quality analysis). This approach works for future projects that are subject to the conventional planning review process and CEQA review clearance, but do not

cover the housing project seeking “by-right” review. To address this void, MCL suggests the Final EIR include the following:

- a. A more detailed discussion of the “by-right” process and its relationship to this EIR. The discussion should acknowledge and discuss that “by-right” review is covered by County Ordinances 3765, 3766, and 3767, and that the presence of certain environmental conditions make sites ineligible for this review.
- b. As recommended in #5 above, acknowledge and cite self-mitigating measures and tools that the County automatically requires and implements through the provisions of the Marin Title 22 Development Code for site-specific development.
- c. Acknowledge the draft “objective design standards” required to implement “by-right” review. These standards incorporate, among others, the Multiple Family Design Guidelines, which include measures to reduce aesthetic impacts resulting from building height and bulk.
- d. Consider amending Ordinances 3765, 3766, and 3767 and the draft “objective design standards” to incorporate DEIR mitigation measures for impacts not addressed under SB 35 and SB9.

O1-9

7. Air Quality – Sensitive Receptors. The air quality topic section includes a detailed discussion of “sensitive receptors,” or land uses that are subject to air-pollutant related health risks. Low-, medium-, and high-density residential uses are considered sensitive receptors. Sensitive receptors are subject to air-pollutant related health risks. A number of the candidate housing sites on the Site Inventory are within 500 feet of US 101, which is a source of cancer-causing pollutants. To address exposure of “new receptors” (e.g., housing) to air quality risks and hazards, a number of air quality programs from the Marin Countywide Plan are cited to trigger a review of this potential impact. The air quality programs include requirements to study/analyze the potential impacts at the time of housing development review. As these are adopted programs, they negate the need for the DEIR to incorporate specific mitigation measures. As noted above, this approach is appropriate for future housing projects that are subject to the conventional planning and CEQA review clearance process. However, it does not address a project that requests “by-right” review as this is not an environmental topic area that is covered in the State laws (SB35 and SB9). The Final EIR should discuss how this situation would be addressed for the “by-right” process.

O1-10

8. Hydrology and Water Quality. The Hydrology/Water Quality topic area section is comprehensive. This section includes a detailed analysis of flooding (FEMA flood zone regulations) as well as a high-level review of groundwater recharge/groundwater management. However, the analysis does not address and integrate potential increases in the extent, depth and frequency of receptive flooding and flood hazards due to the secondary effects of climate change. Of notable concern is projected sea level rise, its impacts from increased flooding and accompanying rising groundwater near baylands. The Final EIR should reference the Draft Safety Element Programs EHS-4.1.a. and EHS-4.1.e., which specifically address regulating and restricting new development in flood prone and areas subject to inundation particularly in the Baylands Corridor.

O1-11

175 N. Redwood Dr., Ste. 135, San Rafael, CA 94903 | 415.485.6257 |
mcl@marinconservationleague.org

Marin Conservation League was founded in 1934 to preserve, protect and enhance the natural assets of Marin County.

O1-12

9. Wildfire. The wildfire topic section provides a showcase for the many good wildfire-related policies and programs presented in the Draft Safety Element. Subsequent to the completion of the DEIR, the State Attorney's Office released "Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the CEQA." Best practices include, among others: a) analyzing land scope and exposure to people; b) increasing density of buildings to lower fire spread risk in fire prone areas (clustering of structures vs. dispersed development); and c) analyzing project impacts on emergency access and evacuation (evacuation modeling). Please confirm if these best practices have been included in the Draft Safety Element and are adequately covered by the DEIR.

O1-13

10. Protecting and Preserving the Existing Housing Stock. The Draft Housing Element includes a key goal and supportive policies and programs intended to protect and preserve the existing housing stock. The DEIR does not address this housing topic. Protecting and preserving the existing housing stock, particularly for the low-wage-earning workforce allows the workforce to continue to live locally. Removing and/or replacing the existing housing stock typically results in resident relocation to areas further from work. Therefore, preserving existing housing have beneficial environmental impacts associated with transportation (VMT) and greenhouse gas emissions. The Final EIR should acknowledge and include a discussion of this specific housing topic and its benefits including housing protection tools such as Measure W (contribution of some of the short-term rental/hotel tax to the County's affordable housing trust fund), the County's interest free ADU loan program, and West Marin CLAM's "age-in-place" program.

Again, thank you for this opportunity to comment on the Draft Housing and Safety Elements DEIR. We look forward to reviewing the Final EIR when it is completed and published.

Yours truly,



Bob Miller
President



Paul Jensen
Board Member

From: jvbialik@gmail.com
To: [EnvPlanning](#)
Subject: Marin County 2023 Housing and Safety Element Update DEIR
Date: Tuesday, November 15, 2022 10:47:19 AM
Attachments: [MOC AHT Marin DEIR Comments Letter 20221115.docx](#)

You don't often get email from jvbialik@gmail.com. [Learn why this is important](#)



November 15, 2022

Marin County Board of Supervisors:

RE: Marin County 2023 Housing and Safety Element Update DEIR

On behalf of the Marin Organizing Committee's Affordable Housing Team, thank you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the Marin County 2023 Housing and Safety Element Update.

Kudos to the County staff and consultants for preparing an excellent DEIR that is comprehensive in scope and conservative in its analysis of the potential cumulative impacts of the housing and safety elements.

The DEIR provides a framework for an objective analysis of the potential environmental impact of constructing new housing in Marin, and the policy and site selection implications inherent in mitigating these impacts. The draft EIR analyzed the potential cumulative impact and related mitigation measures for 17 environmental topics and identified 15 significant unavoidable impacts. For example, an aesthetic impact is the inevitable result of building a new unit of housing where one did not previously exist. Air quality and transportation impacts occur when housing is far removed from freeway and transit corridors; and a utilities and service systems impact is created when new housing is located away from water and sewer infrastructure. Many of these identified impacts are unavoidable in part because the infrastructure and/or policy solutions required to address them are necessarily outside the scope of the DEIR.

The decision for the Board of Supervisors, as noted in the DEIR, is to determine whether addressing Marin County's housing crisis overrides consideration for the possible environmental impact. We believe that it does.

The DEIR also analyses three alternative projects, including a no project alternative, and we encourage the Board of Supervisors to carefully consider the environmentally superior reduced VMT alternative. This alternative would allocate fewer units of housing in West Marin in favor of more housing units within the Highway 101 corridor to reduce the air quality, greenhouse gas emissions, transportation, and utilities and service systems impacts related to vehicle miles traveled (VMT). We prefer this alternative provided that critical affordable housing needs for people who work in West Marin are not sacrificed, only that density in the Highway 101 corridor is maximized.

We are eager for the housing and safety element process to move forward without delay and believe that the benefits of addressing Marin's housing crisis outweigh the significant unavoidable impacts identified in the DEIR. We urge the Board of Supervisors to make the applicable findings of overriding consideration and certify the DEIR as soon as practical.

Sincerely,

O2-1

Jeff Bialik, Marin Interfaith Council
Judith Bloomberg, Congregation Rodef Sholom
Ron Brown, Congregation Kol Shofar
Linda Haumann, Unitarian Universalist Congregation of Marin
Victoria Holdridge, Unitarian Universalist Congregation of Marin
Bob Pendoley, Marin Environmental Housing Collaborative
John Reynolds, San Rafael First United Methodist Church



October 24, 2022

RE: 70 North Knoll Road, Mill Valley
Comment on Housing Element and Draft EIR

Dear Housing Element Team,

For the last 6 months, we have been in the predevelopment and planning stage to develop senior housing at the housing element site located at 70 North Knoll Road in Mill Valley. All of our conversations with various planning staff, and all of the related Housing Element documents up until very recently, have indicated that the anticipated density for the entirety of this 6.7 acre site is 16 units per acre and we have been using this information in working with our civil engineers, architects and other consultants, and have confirmed that we are able to reasonably develop 108 senior housing units for this site.

O3-1

However, it has recently come to our attention for the very first time that the County may be intending to rezone only 1.5 acres of the property as opposed to the full 6.7 acres. This would yield only 26 units, and would essentially render the property undevelopable because the infrastructure and construction costs require more units to make a project financially feasible. Also, we are unclear how this would work. Which 1.5 acres would be rezoned? How would this be reflected on a zoning map? Why would the County split zone a parcel?

As will be discussed below, it appears the County's assumptions for the site and its potential lower yield are based on incorrect data regarding utility access and other issues. Accordingly, the purpose of our letter is to:

- 1) clarify the proposed upzoning of 16 units/acre – is it all or some?
- 2) present information that supports development of 108 senior housing units
- 3) comment on and correct the draft EIR as it relates to the site.

Clarify Rezoning of 16 units/acre

O3-1

We are unable to reference any Housing Element documentation to date other than 16 units/acre for this property. Multiple iterations of the Housing Element Table along with public comments and study sessions leading to the latest Housing Element Update dated July 19 seem to confirm this density. We have not seen any written reference to a rezoning of only 1.5 acres. Limiting the upzoning to just 1.5 acres presents numerous problems, makes the site infeasible to develop economically and eliminates much needed seniors housing units that this site can accommodate. We would ask that the County please clarify the intentions for this property.

O3-1

It appears that the reason for this potential reduction of density to only 1.5 acres is based on the fact that 70 North Knoll Road is in the Ridge and Upland Greenbelt zone and that a consultant for the County of Marin has advised or recommended reducing the available housing on this site to 1.5 acres. It is our understanding that one of the Housing Element policy changes is supposed to be removing the language that RUG sites can only be developed at the lowest end of the density range. It is also our understanding that the RUG map goes all the way down to the freeway which is hardly a "Ridge and Upland Greenbelt". In fact, one of the favorable characteristics of 70 North Knoll as a housing site is that it sits next to Highway 101, is near public transportation, and provides easy to access for the community (which may explain why there are other existing multifamily projects adjacent to the site).

While the RUG zone overlay is pretty broad, when looking at the parcel itself, it's almost wholly outside of both the vertical and horizontal exclusion distances from the nearest prominent ridge. Furthermore, there is already existing development higher up from the parcel. The neighborhood already has several parcels at a similar density to the 16 units/acre that is being proposed. For example, there are dense apartment buildings directly adjacent to this parcel. Given this precedence, keeping the entire parcel at 16 units per acre would match the existing character of the neighborhood and would allow for a financially feasible housing project.

The Housing Element and the corresponding upzoning tables have gone through a long collaborative public process to get to this point. Many people, including us, have looked to this information for guidance in committing resources and effort to create new housing. The potential of restricting or downzoning the density in these tables based on other information that is not clearly explained or defined within the Housing Element at this late in the process takes the wind out of many sails (especially at a time when development is increasingly challenging). If one of the goals of the Housing Element is to give the Department of Housing and Community Development a viable and realistic stock of new potential housing sites, we believe restrictions to the published zoning tables will substantially reduce the units that HCD is expecting because sites like 70 North Knoll will not be developed. This leaves Marin County with the same housing shortages as before.

The Full 6.7 Acre Site at 70 North Knoll Can Support 16 Units/Acre of Housing

O3-2

We have worked closely with our civil engineers and architects to develop a site plan and massing studies that can support at least 108 units of senior housing on this site. We have focused on concentrating the density on the lower portion of the site which does not have a significant impact on someone's view and is consistent with the existing development pattern of the apartment building directly in front of the parcel. The topography lends itself to a beautiful multi-tiered community that sets back with ample outdoor spaces, natural light and open views. In addition, we have had preliminary meetings with the Southern Marin Fire District to address issues of access and accessibility. Contrary to the "site restriction" analysis in the most recent draft EIR, the site is already within the Alto Sanitary District and a fire hydrant is located directly at the entrance of the property. The property has a will-serve letter from PG&E for both gas and electric. In addition, the Marin Municipal Water District currently maintains a 12" water main line under Thomas Drive that serves water to 35 Thomas Drive, the property

O3-2 | directly below and adjacent to 70 North Knoll Road. The water pressure to 35 Thomas Drive is over 100 psi, which is considered high and more than sufficient to serve 70 North Knoll Road.

The site itself is large and centrally located which makes it a good site for multifamily and senior housing. The site is about 7 acres, it is right next to Hwy 101 in an urban zone, it has easy access from Redwood Highway Frontage Road and Thomas Drive, it is near public transportation, shopping and restaurants and next to several other multifamily housing projects. Senior housing generates less traffic for the area and has much lower parking needs than traditional housing. In addition, senior housing units are typically smaller in size which supports higher density. If the entirety of the 6.7 acre property is not scheduled to be rezoned, it should be.

Comment and Clarify the Draft EIR

O3-3 | The draft EIR states that 70 North Knoll Road requires annexation into a sanitary district. This is not correct. The EIR needs to be corrected to reflect that the site received LAFCO annexation February 13, 2020 (please see attached). As such, the site is already in the Alto Sanitary District.

O3-4 | The draft EIR also suggests a 750-foot expansion of the water main is necessary even though there is a fire hydrant at the entrance of the site. The EIR should consider 108 units at this site instead of the 26 that is currently in the draft, because the supposed “constraints” aren’t actually in place.

According to the Marin County Housing Survey, Marin has one of the oldest populations in the State and senior housing is among the most needed. Our intention for this site is to develop 108 units of senior housing. Many of the units will be fully independent with private bathrooms and kitchens (similar to apartments) and will contribute to the County’s RHNA allocation. A portion of the project will be for residents with higher care needs to allow seniors to age in place. We plan to license the building as a Residential Care Facility for the Elderly so that care and services can be provided in the independent apartments and throughout the building as the care needs of residents increase which would help prevent the displacement of seniors.

This project supports the Marin Countywide Plan goals to 1) encourage senior housing 2) enable group residential care facilities and 3) encourage “aging in place.”

We would like to share our findings with the County and its consultant(s) and to show the work we have done so far to create housing for this site. This is a very unique opportunity at a unique moment of time to develop much needed senior housing in an ideal location. This chance will be lost if the density is reduced.

Warm regards,



Amir Kia
415-377-0919
amir@spiritlivinggroup.com

8
FD
MM

Record Requested by and
When Recorded Return to:

Record without Fee per GC27383



Marin County
Local Agency Formation Commission
1401 Los Gatos Drive, Suite 220
San Rafael, California 94903
marinlafco.org / 415-448-5877

Public Comment on Draft EIR

2020-0007368

Recorded
Official Records
County of
Marin
SHELLY SCOTT
Assessor-Recorder
County Clerk

REC FEE 0.00

11:48AM 25-Feb-2020

Page 1 of 8

CERTIFICATE OF COMPLETION

THIS CERTIFICATE INDICATES COMPLETION OF ONE OR MORE BOUNDARY CHANGES AFFECTING ONE OR MORE CITIES AND/OR SPECIAL DISTRICTS IN MARIN COUNTY. PLEASE CHANGE YOUR RECORDS ACCORDINGLY.

Pursuant to Government Code Sections 57200-57204, this Certificate of Completion is hereby issued by the Executive Officer of the Marin Local Agency Formation Commission (LAFCo) and serves as legal notice of one or more boundary changes as described.

- Short-form designation, as designated by Marin LAFCo, is:
Reorganization of 70 Knoll Road (APN 034-012-26 and 034-061-09), Including Detachment from the Richardson Bay Sanitary District and Annexation to the Alto Sanitary District (File #1345).
- Each special district or city involved in this change of reorganization and associated action is as follows:

City or District

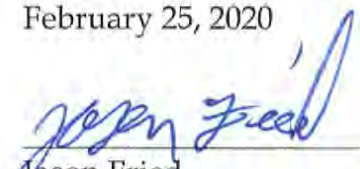
- (a) Alto Sanitary District
- (b) Richardson Bay Sanitary District

Type of Change of Organization

- Annexation
- Detachment

- The above-listed cities and/or districts are located within Marin County.
- A description of the boundaries of the above-cited change of reorganization is described as "Exhibit A" to the attached Resolution No. 20-08, which was approved by the Commission at a public meeting held on February 13, 2020.
- Conducting authority proceedings for this change of reorganization were waived under Government Code Section 56663.
- I certify under the penalty of perjury that the foregoing is true.

Effective Date: February 25, 2020


Jason Fried
Executive Officer



STATE OF CALIFORNIA

STATE BOARD OF EQUALIZATION
PROPERTY TAX DEPARTMENT
TAX AREA SERVICES SECTION, MIC: 59
450 N STREET, SACRAMENTO, CALIFORNIA
PO BOX 942879, SACRAMENTO CALIFORNIA, 94279-0059
1-916-274-3250, FAX 1-916-285-0130
www.boe.ca.gov
TASS@boe.ca.gov

TED GAINES
First District, Sacramento

MALIA M. COHEN
Second District, San Francisco

ANTONIO VAZQUEZ, CHAIRMAN
Third District, Santa Monica

MIKE SCHAEFER, VICE CHAIR
Fourth District, San Diego

BETTY T. YEE
State Controller

BRENDA FLEMING
Executive Director

Mr. Jason Fried, Interim Executive Officer
Marin County LAFCo
1401 Los Gamos Drive, Suite 220
San Rafael, CA 94903

This is to acknowledge receipt of the statement(s) required by Section 54900, et seq., of the Government Code for the action described below. Copies of your documents will be forwarded by us to other agencies. You are required by Section 54902 of the Government Code to file a complete set of documents, except for the processing fee, with the County Assessor and Auditor affected by this action.

Tax rate area boundaries and property tax allocations will become effective for the assesment roll indicated below.

Assessment Roll: **2021/22**

County: **21 Marin**

District: **60 [0107] SANITARY - ALTO**

Conducting Authority: **LAFCo**

Short Title: **REORGANIZATION OF 70 KNOLL ROAD**

Type of Action: **12 Reorganization**

Resolution/Ord. No.:

LAFCo Res. No.: **20-08**

Effective Date: **02/13/2020**

Fee: **\$500.00**

Acreage: **6.2**

City Boundary Change

Estimated Population: **0**

Total assessed value of all property in subject territory: **0**

BOE File No.: **2021-006**
Received at BOE: **05/26/2020**
Date of Acknowledgement: **06/12/2020**
Distribution: **1**

Ric Schwarting
Research Manager (GIS)
State-Assessed Properties Division
Tax Area Services Section



November 21, 2022

County of Marin
 Attention: Rachel Reid
 Environmental Planning Manager
 3501 Civic Center Drive, Suite 308
 San Rafael CA 94903

Board of Directors

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Legal and Policy Director

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Jessica Reynolds Taylor
Development Director

Grace Milstein
Communications Associate

Patricia Wimpfheimer
Bookkeeper

Submitted via email to Rachel Reid at envplanning@marincounty.org, Supervisor Dennis Rodoni at DRodoni@marincounty.org, and the Marin County Board of Supervisors at bos@marincounty.org

RE: Housing and Safety Element Update Draft Environmental Impact Report

Dear Ms. Reid,

The Environmental Action Committee of West Marin (EAC) is based in Point Reyes Station and has been working to protect the unique lands, waters, and biodiversity of West Marin since 1971. We appreciate the opportunity to comment on the Housing and Safety Element Update Draft Environmental Impact Report (DEIR).

We have been engaged in the Housing and Safety Element Update public process since January 2022, submitted multiple written comments, and attended all 2022 Planning Commission and Board of Supervisors Workshops on this topic. While we reviewed the DEIR with a focus on West Marin, we also reviewed it for some county-wide impacts.

Since EAC’s founding, we have been committed to the health of West Marin’s lands, estuaries, bays, watersheds, and coastal communities and throughout this process have remained focused on key areas as this project has moved forward:

1. Protecting Sensitive Habitats

The impacts on critical habitat areas, listed and special status species, water quality, and wastewater development within 100 feet of sensitive habitat areas would be significant and potentially unavoidable.

2. Supporting Smart Growth Aligned with Plan Bay Area 2050 and Marin’s Countywide Plan

Supporting high-density infill, redevelopment, and rezoning of commercial areas near job centers and transit corridors, maintaining A-60 zoning to protect the inland and coastal corridors from urban sprawl development and reducing greenhouse gas (GHG) emissions to meet local, regional, and state reduction goals.

3. Upholding the Integrity of Community Planning

Honoring local community plans and updating sections that are out of alignment with the Countywide Plan.

4. Supporting the Integrity of Adaptive Planning

Supporting projects that allow Marin County to meet the Climate Action Plan 2030 reduction targets and avoid and plan for environmental hazards related to climate change including drought, wildfire, rising sea levels, and groundwater intrusion as site locations are identified and selected.

5. Supporting Residential Housing

Supporting policies that ensure that future development of residential housing will support the residential community. Second homes and short-term rentals severely deplete Coastal Marin County's primary residential housing stock. This includes our support for a short-term rental ban, vacancy tax, and supporting community land trusts to ensure dedicated long-term affordable housing and solutions to these complex problems.

6. Supporting Proactive and Long-Term Planning for the 2030 Housing Element Update

The County is making dramatic and precedent-setting changes to the Countywide Plan to meet the Regional Housing Needs Allocation. Changing the primary planning corridors and rezoning A-60 parcels are significant. We are concerned that the County may be placing too many sites in this update that will become by-right development projects in 8 years and undermine the last 50 years of proactive community planning.

While we understand the complex challenge the County is facing to meet the significant Regional Housing Needs Allocation in a timely manner, we do raise several significant concerns. Our concerns are followed by additional questions and specific concerns organized by the chapter.

As a general comment, we are concerned that the structure of the DEIR is very challenging for the public to follow and understand. We explore this in detail below, as well as provide some suggestions where possible.

In the conclusion of our letter, we recommend the County create a **new** alternative that would incorporate aspects of Alternative 2 to reduce VMT and Alternative 3 to reduce impacts on water resources and wastewater that is balanced by overlaying specific project feasibility. However, we have significant concerns with the DEIR that should be considered and resolved prior to issuing the Final Environmental Impact Report.

Summary of our Concerns

- The DEIR is an inadequate and defective analysis. Information, analysis, and mitigations are missing or incomplete in several areas. Details are noted below in our comments by chapter.
- The DEIR fails to provide a framework for decision-making on site selection or clear alternatives.
- The DEIR does not include enough information to identify protect and mitigate impacts from future by-right development projects.
- The DEIR fails to provide a way to identify a specific site and understand how a parcel may be used in the future due to the split programmatic analysis of the Proposed Project Sites and Candidate Housing Sites that fail to identify potential impacts to the Project Planning Area and foreseeable impacts with neighboring communities.

General Questions and Concerns

- O4-1** | 1. *It is unclear which policies will be applicable to by-right development projects for the final list of sites. Will all the listed mitigations within the DEIR be applicable to by-right development?*
- O4-2** | 2. *Are all the Candidate Housing Sites (more than 10,993 locations) included and applicable in this DEIR? If so, are all the Candidate Housing Sites eligible for by-right development in 8 years?*
- O4-3** | 3. *The DEIR refers to “inventory sites.” Does that refer to the third list of sites that are also included?*
- O4-4** | 4. *The policies of the Countywide Plan, local ordinances, and other land-use plans are presented as binding mitigation measures for the identified impacts within the planning area; however, it is not clear if these mitigation measures are binding in the event there are amendments to these plans and ordinances in the foreseeable future.*
- O4-5** | 5. *How will the County ensure that mitigation measures are implemented as planned?*
- O4-6** | 6. *Does the County of Marin Community Development Agency have the budget and staff to support development proposals for more than 750 units¹ per year?*

Specific Comments by Chapter

1. Chapter 1: Introduction

- O4-7** | a. We do not understand the equal distribution model for housing sites as a programmatic goal in unincorporated Marin County when there are significant and unavoidable impacts related to water availability, environmental hazards, wastewater, and the lack of job and transportation centers.

This decision has resulted in the Housing Element exceeding Vehicle Miles Traveled (VMT) thresholds causing the County’s proposal to be inconsistent with the Plan Bay Area 2050, BAAQMD 2017 Clean Air Plan, and the County of Marin Climate Action Plan 2030.

2. Chapter 3: Project Description

- O4-8** | a. The final list of Candidate Housing Sites was not included in the DEIR². The only table of sites in the DEIR is within Table 3-3 and is labeled Proposed Project Sites.
- b. *Where can the public find the Candidate Housing Sites list? There are multiple versions of lists online, and it is not clear which list to reference.*

Why was it not included in the DEIR when there are references to these sites throughout the document?

¹ A rough estimate calculated at 6,000 units divided by 8 years = 750 units per year.

² County of Marin, *Housing and Safety Element, Draft Environmental Impact Report*. Chapter 3, Page 30, Section E indicates the initial study included 10,993 possible “Candidate Housing Sites” and 150 sites contained development potential to allow 10,993 units, including Accessory Dwelling Units, and Density Bonus Allowances. A link or appendix reference to this list of 150 sites is not contained in the DEIR.

O4-8 | *Why do some chapters analyze the full list of Candidate Housing Sites while others only analyze the Potential Project Sites?*

3. Chapter 4: Aesthetics

- a. There are inconsistencies in the DEIR related to the policies of the Countywide Plan to address design and resource protection at the community level, promote infill, preserve visual quality, direct land uses to appropriate areas, concentrate urban development in the City-Center Corridor, etc.³

O4-9 | Decisions for future development should be directed by the Countywide Plan, as it has been upheld and strengthened by more than 40 years of case law.

How is the County reconciling these inconsistencies within the DEIR where the Countywide policies have not been applied as guidance for site selection?

What is the County's justification for failing to apply the planning guidance of the Countywide Plan in the site selection process?

4. Chapter 5: Agricultural Impacts

- a. The DEIR notes that there are no significant impacts related to agriculture as the only Project impact is related to the conversion of farmland to non-agricultural use⁴ and that agricultural zoning allows for residential development. The problem with this conclusion is that agricultural zoning allows for farmworker housing development, not conversion to multi-unit market-rate housing on agricultural lands.

O4-10 | *Can the County explain this interpretation of agricultural land-use zoning and how the allowance for much-needed farmworker housing is being redefined as allowing market-rate housing on agricultural lands?*

- b. To mitigate the conversion of A-60 zoning to urban sprawl, the County proposes to change the zoning on parcels and expand the City-Center Corridor.

O4-11 | *This fails to honor the Countywide Plan's mandate and the public's desire to limit development to the City-Center Corridor near job and transportation corridors.*

- c. In past meetings of the Planning Commission and Board of Supervisors, the Lucas Valley A-60 site (Site ID: 53) was requested to be removed from the Candidate Housing List by Supervisors Connelly and Rodoni; however, this site remains on the Proposed Project Site List. This could have significant negative precedent-setting impacts and reduce the carbon sequestration goals provided by fallow or working lands.

O4-12 | *Why is the Lucas Valley, Site ID 53 still listed? Is this location being considered for rezoning?*

³ Chapter 3, Page 7. Example Policies DES-1.1, DES-3.1, DES-4.1

⁴ Chapter 5, Page 13.

5. Chapter 6: Air Quality

- a. The intent of SB 375 is for Metropolitan Planning Organizations (MPOs) like the Association of Bay Area Governments (ABAG) to develop a sustainable communities strategy (SCS) to meet the air resources board standards with land-use and transportation policies to reduce the number of vehicle miles traveled (VMT) that ultimately assist the State of California in meeting (GHG) emissions reduction targets.⁵

ABAG developed Plan Bay Area 2050 that outlines Priority Development Areas which are areas that are not located in the unincorporated areas of Marin County. Following the general guidance of Plan Bay Area 2050 and the Countywide Plan, site selection should have been consistent along the 101 corridors promoting infill and redevelopment of commercial areas to accommodate potential housing. Instead of following this planning guidance, the County of Marin has spread potential housing sites across rural unincorporated areas creating VMT growth at a faster rate than the population.⁶

The DEIR states in Chapter 6, page 35:

The growth that could be facilitated by adoption of the proposed Housing Element Update would be inconsistent with the BAAQMD 2017 Clean Air Plan (see Impact 6-1) and, as discussed under Impact 6-2, could facilitate future development projects that generate construction emissions in excess of the BAAQMD's recommended regional CEQA thresholds, despite the implementation of Mitigation Measure 6-2.

Mitigation measures in the DEIR fail to change this impact making it significant and unavoidable⁷. Transportation and traffic congestion impacts are not analyzed in the DEIR for the Project areas and the nearby communities that would experience increased traffic from rural areas in maps or information that could be in the DEIR packet.

Why and how were the sites selected for this Project outside of the guidance of Plan Bay Area 2050 and the primary planning policies of the Countywide Plan?

Did the County analyze impacts on VMT compared to Sonoma County? The 118 units in Tomales and the 160 units in Point Reyes listed in the Proposed Project Sites are more likely to commute to Petaluma as a job center or access to the 101 Corridor.

If VMT was analyzed on impacts to Sonoma County, what impact does this have on Sonoma County's Climate Action Plans and their Regional Housing Needs Assessment?

O4-13

6. Chapter 7: Biological Resources

- a. The Planning Area includes 140 special status plant species⁸, 109 special status animals, 8 natural communities and vegetation alliances as classified by the California Department of Fish and Wildlife, and 11 Critical Habitat Areas.

The DEIR notes multiple potential impacts to 20 threatened or endangered species and 11 Critical Habitat Areas that are included in the *site inventory* (emphasis added) and that sensitive

⁵ Fulton, William. *A Guide to Planning in California*, 5th ed., Solano Press Books, Point Arena, CA, 95468, pp. 105–106.

⁶ Chapter 6, Page 23.

⁷ Chapter 6, Page 35.

⁸ Chapter 7, Page 3.

vegetation alliances and associations may be present in the Planning Area, and a detailed analysis for these communities would be required on a project-by-project basis.

O4-14

What is the site inventory? Is this the Candidate Housing Site, Proposed Project Site List, or another list?

Will a site-level analysis be required on a project-by-project basis for future by-right development projects? If not, those sites should be removed from all lists the County is including in the Housing Element.

O4-15

- b. The DEIR is inconsistent with Countywide Plan Biological resources chapter related to site selection and potential for development to limit development impacts and fails to provide a site-by-site inventory of direct conflicts with the biological policies of the Countywide plan for impacts to special status and endangered species, critical habitat areas, wetlands, and coastal resources.

The kitchen sink approach to the site selection places habitat and species in direct risk as the programmatic DEIR is missing any site-specific details and mitigation to address these impacts.

O4-16

- c. The DEIR fails to provide mapping of the Potential Project Sites or Candidate Housing Sites with biological resource overlays to understand where biological resources may be located with project densities or potential impacts to species and habitats.

Where can the public locate information about a specific site within the DEIR to understand the potential impacts or additional requirements for mitigations and environmental reporting?

- i. Special Status Species and Sensitive Habitats. Projects that may have a potential impact with a special status species require a biological resources site assessment. However, special-status species will only require a future study of a proposed location if there is a potential impact and the DEIR notes:

The County shall review the results of the biological resources site assessment to determine whether impacts to Special-Status Species are likely to occur and the actions needed to avoid identified impacts, as well as to determine if additional County permits are required, and the appropriate level of CEQA review.⁹

O4-17

Do these mitigation measures apply to projects after 8 years when they are deemed by-right?

7. Chapter 9: Geology and Soils

O4-18

- a. The DEIR notes Impact 9-5 potential impacts related to soil incompatibility for use of septic tanks or alternative wastewater disposal systems.

As a precautionary measure, areas that are near shorelines should be removed from all site selection lists, as it is not realistic to add new onsite wastewater treatment based on sea level rise projections.

⁹ Chapter 2, Pages 19-20.

8. Chapter 10: Greenhouse Gas Emissions and Energy

- a. Impact 10-1 highlights that the housing growth associated with the Project would generate GHG emissions in significant quantities and would be inconsistent with the CARB 2017 Scoping Plan, MTC/ABAG Plan Bay Area 2050, and County 2030 CAP.¹⁰

The DEIR notes, it is possible that the implementation of the Project could impede the ability to meet regional transportation GHG reduction goals established by Plan Bay Area 2050...this would be a potentially significant impact.¹¹

The methodology in this chapter indicates that the GHG emissions in the Project Area were estimated using the emissions inventories and forecasts contained in the County 2030 CAP¹² and specifically notes that the 2040 land-use data projections: 40,811 housing units/population of 90,170,¹³ yet the Project exceeds the County 2030 CAP goals by almost 13,000 units that are adding emissions to energy, natural gas, consumption, mobile source emissions, and other emission sectors.¹⁴

It is unclear how the Project is in alignment with the County's growth projections or how the growth rate has been determined that has far-reaching implications on GHG emissions.

O4-19

If Marin County is unable to meet the regional and local goals for GHG reduction in emissions due to this Project, are other jurisdictions also out of compliance with the MOP regional plans like Plan Bay Area 2050 and the CARB 2017 Scoping Plan?

What are the implications of the Project on the County 2030 CAP? It seems like the goals and projects identified in the CAP must be updated if the County is able to meet emission reduction goals.

What are the short-term and long-term implications of failing to meet the GHG emission reduction goals? Does this place California's GHG reduction goals at risk?

O4-20

- b. Plan Bay Area 2050 includes strategies to reach 20% GHG reduction goals to spur housing development at all income levels, including allowing a greater mix of housing densities in growth geographies; building affordable housing; integrating affordable housing into all major housing projects; and transforming aging malls and office parks into neighborhoods.¹⁵

It is unclear whether Marin County applied these strategies in developing the Candidate Housing Sites or Proposed Project Sites lists based on some of the site selections in the Coastal Corridor that identified single-family home parcels for development in rural areas away from public transportation and job centers.

O4-21

- c. The Plan relies on a variety of mitigation measures to reduce the VMT of the Project, including requirements that residential development be able to achieve specific VMT significance thresholds 15% below the regional average VMT through strategies depending on the site and availability of nearby transportation services through the utilization of Transportation Demand

¹⁰ Chapter 10, Page 36.

¹¹ Chapter 10, Page 36.

¹² Chapter 10, Page 36.

¹³ Chapter 10, Pages 38.

¹⁴ Chapter 10, Page 42, See Table 10-9.

¹⁵ Chapter 10, Pages 20-21.

Management (TMD) strategies to play a major role.¹⁶

Based on the site lists,¹⁷ areas that are identified for development that are outside of the City-Center Corridor are not near adequate public transportation or job centers will be difficult to reduce VMT. Furthermore, reliance on bike travel is not feasible where there are no dedicated bike lanes on narrow and winding roads. In short, it is dangerous. Most cycling that occurs in the Coastal Corridor is not for the commute but for recreational cycling.

Is the County considering improving roadways for bike lanes in Coastal Areas targeted for residential commute use? For example, are bike lanes and roadway improvements from Inverness to Point Reyes Station or San Geronimo Valley to Fairfax or Point Reyes being considered to make commuter bike travel safer?

How can the County rely on Safe Routes to Schools as a mitigation measure in Coastal Corridor communities where students may reside miles from their local school? For example, students in Inverness and Point Reyes Station attend Tomales High School, and many students reside on ranches typically traveling a significant distance by bus.

O4-21

Alternative 2, removes 354 units, leaving 482 units in the Coastal Corridor. The site removal seems only based on a specific methodology and not in alignment with projects on the ground or realistic travel. For example, Alternative 2 removes the Coast Guard Site from inclusion in the Project while leaving small residential sites in Inverness and more challenging development projects like the Grandi Building.

It would be helpful to have a new Alternative presented that took into account the reduction of VMT and realistic site selection based on project readiness to ultimately remove additional sites from the Coastal Corridor to reduce the overall VMT threshold.

If an additional 200 units within the Coastal Corridor were removed¹⁸ and replaced with sites within the City Center Corridor, would this significantly reduce the VMT total?

Are lands identified in the County 2030 CAP for carbon sequestration included in the Proposed Project Site list or Candidate Site List? If so, why are those not removed since the County 2030 CAP relies so heavily on soil sequestration?

9. Chapter 11: Hazards and Hazardous Materials

O4-22

- a. It is a concern that it was not analyzed the potential consequences of unbundling parking units¹⁹ that could allow increases in street parking and how this may impact evacuation routes and emergency vehicle access on narrow roads.

¹⁶ Chapter 10, Page 46.

¹⁷ List implied to include, Proposed Project Sites, Candidate Sites, and Inventory Sites

¹⁸ Leaving project ready sites like the Coast Guard Housing in Point Reyes Station.

¹⁹ Chapter 6, Page 27, Mitigation Measure 6-1; and Chapter 10, Page 48; Mitigation Measure 10-1.

10. Chapter 12: Hydrology and Water Quality

- a. The beauty of Marin’s Countywide Plan is that it applies a precautionary approach to planning, which now more than the last 50 years, is crucial as the impacts of climate change are just being understood and the modeling improves each year. As an example, the County has included an update to the Safety Element to study the impacts of groundwater intrusion. This was not considered only a few years ago.

O4-23

To continue with this precautionary planning, the County should remove sites that are within 100 feet of shoreline, wetland, or creek. Otherwise, projects could be approved to provide new residential housing that will be at risk of flooding events in the foreseeable future placing strain on emergency and community services programs.

- b. The DEIR relies completely on mitigation measures to protect freshwater resources and water quality based on existing federal and state environmental regulations that would fully mitigate impacts deeming the impacts from this project as less than significant.

O4-24

However, multiple sites identified in the Coastal Corridor are near creeks, wetlands, and shorelines that will be subject to flooding and environmental hazards associated with rising sea levels and groundwater intrusion. If the existing regulatory framework fully mitigates impacts, why are sites in flooding areas on the lists? It does not make good sense to include sites in Olema (wetland) or the shorelines of Tomales Bay.

11. Chapter 13: Land Use and Planning

- a. Rather than repeating ourselves, see our comments related to the VMT, inconsistencies with regional and local plans, and general questions regarding site selection and equal distribution of sites. Ultimately, the site selection process was not informed by these regional and local planning efforts and has resulted in multiple inconsistencies in public planning including MTC/ABAG Plan Bay Area 2050, the CARB 2017 Scoping Plan, the Marin County 2030 Climate Action Plan (CAP), sections of the Marin Countywide Plan that the County has not identified for an amendment to meet the Project goals.

O4-25

The selection of more than 830 units in the Coastal Corridor is interesting because this is not a major job center. People would need to work locally, remotely, or commute an hour or more to existing job centers that increase VMT.

It is also concerning that new housing could be converted to second homes and vacation rentals, exacerbating the existing problem of lack of residential housing in coastal communities.

What policies are included in the Housing Element or adjacent planning document to protect potential housing from being removed from the residential housing stock?

12. Chapter 16: Housing & Population

O4-26

- a. The tables and information on housing and population indicate a 12% growth that was assigned to Marin County from ABAG. Looking at historic census data, the growth rate from 2000-2010 was 3% and from 2010-2020 was also 3%.²⁰

It is unclear where the 12% expected growth rate is being calculated and if this figure includes new population totals, existing residents who are unable to afford housing in Marin, and individuals who are inadequately housed. What does the growth rate include?

13. Chapter 17: Public Services

O4-27

- a. The analysis of the impacts on public schools is incomplete. Table 17-1 is missing school enrollment information for 41% of the schools, and school capacity is missing from 76% of the sites. The DEIR also notes that there would be a 13% increase in students in the unincorporated area, which may impact school enrollment and facilities.²¹

The DEIR is missing critical information on school capacity limits and current enrollment to analyze the impact on schools.

Has the County conducted outreach directly to the school district boards that may be impacted by this Project? Some schools are discussing downsizing programs in unincorporated areas due to low enrollment. If school districts have not been notified, why not?

- b. This growth plan is out of alignment with the school district's plans and projections on enrollment in the coming years. If school districts are making the decision to reduce staff based on current population totals and enrollment, there will be another impact in the next 8 years on the ability of schools to provide educational services to the new populations based on housing growth plans and there may be challenges in obtaining adequate staffing as there is currently a teacher shortage.

Did the County analyze the potential impacts of new residential housing against congestion models near public parks, recreational areas, and beaches?

14. Chapter 18: Transportation Services

O4-28

- a. The VMT with this Project is significant and unavoidable, even with mitigations. Sites in the Coastal Corridor are not near transit or job centers and create impacts.

As mentioned above, are there plans by the County to upgrade public services or bike lanes in the Coastal Corridor to reduce VMT?

- b. The DEIR notes that emergency access is deemed less than significant, as “all potential housing sites are located on or adjacent to public streets that are sufficient width to support two-way traffic and accommodate emergency response vehicle circulation.”²²

²⁰ Census Totals, USAFacts.org. Available at www.usafacts.org/data/topics/people-society/population-and-demographics/our-changing-population/state/california/county/marin-county.

²¹ Chapter 17, Pages 8. Table 17-1.

²² Chapter 19, Page 32.

O4-28

This is a factual misrepresentation; first, it is unclear what sites are analyzed in this Chapter of the DEIR (the Proposed Project Sites, the Candidate Sites, or the Site Inventory). Second, even with the constrained Proposed Project Site list locations like Balmoral Drive in Inverness are located up a narrow road with blind corners, no sidewalks, and could be blocked by traffic or hazards in an emergency. Many of West Marin's villages are only accessible by one way.

Furthermore, the Coastal Communities receive more than 2.5 million visitors to the area annually. It is common for roads to be blocked by illegally parked vehicles that prevent emergency access. Adding more housing, and thus parking needs, in already congested areas is problematic.

15. Chapter 19: Utilities and Service Systems

- a. The impacts on public services that supply freshwater and provide sewage treatment are potentially significant and unavoidable. The growth projections in the DEIR exceed freshwater resource availability, areas with well water may not be able to find water to service the parcel, and wastewater processing exceeds the capacity of some districts and may trigger capacity updates.

The impacts on the water supply could exceed resource availability and the mitigation measures list requirements for holding tanks, expansion of water lines, dependency upon outside water suppliers, etc. This places pressure on already strained water resource districts, as we are in the middle of a long-term moderate to severe drought.

O4-29

Strategic removal of sites that do not have access to water connection hookups, are in water districts that are on a moratorium, or lack the ability to provide water resources, and have overlapping impacts to other areas (critical habitat areas, impacts to species, not connected to wastewater treatment, etc.) should be prioritized.

- b. Impacts on wastewater processing and the uncertainty that a given parcel can accommodate a proposed housing site's wastewater treatment needs create cumulative significant and unavoidable impacts.²³

O4-30

Due to the inability of the Project to analyze wastewater processing, we recommend the strategic removal of sites that are not connected to existing wastewater processing facilities. Identifying sites with inadequate resources is speculative at best. At worst, it sets the County up for a failure to meet its mandate.

O4-31

- c. As is true in other sections, it is unclear whether this evaluates the Potential Project Site List or the Candidate Site List. Please clarify in a summary table which chapters of the DEIR analyze each list for the public.

See our list of questions 1.a. Regarding the equal distribution of housing sites. It again highlights the problem of expanding development on this scale in rural areas due to the lack of public infrastructure and services available to meet these needs. Many of these areas are struggling to meet existing demand.

²³ Chapter 19, Page 57.

16. Chapter 22: Alternative 2

- O4-32** | a. This alternative seeks to improve VMT to benefit air quality and GHG emission reductions. However, even with the proposed mitigations and modified site selection to remove 354 units from the Project Area, it still results in significant and unavoidable impacts.
- b. Alternative 2 removes the Coast Guard Property from development consideration, leaving smaller sites in the Coastal Corridor. This is an illogical choice since the Coast Guard Housing project is well into the planning phase. In other words, these 50 units are highly likely to be developed in the next 8 years.

Was the site selection in Alternative 2 guided only by the VMT screening methodology removing larger in-fill development sites based on size rather than project feasibility.

- O4-33** | c. Table 22-1: Reduced VMT Alternative²⁴, is difficult for the public to read and understand what is being proposed as the Housing Site names identified on this table do not reference the Site ID or Site Location Name from Table 3-3.

To figure out which locations were being removed, we had to manually match against Table 3-3 and make our best guesses at which site was being referenced.

- O4-34** | d. Specific issues or questions Table 22-1
- *Housing Site “6750 Sir Francis Drake” does this match Table 3-3: Site ID: 61, Site Name: Office - Lagunitas (upper floors and rear property)?*
 - *Is Site ID: 126 in Tomales still included as a potential development in Alternative 2? We had to match parcel numbers that were listed back to Table 3-3 and are unsure if it leaves 4 units in “Vacant Tomales” as potential development in Alternative 2.*

17. Chapter 22: Alternative 3

- O4-35** | a. This alternative seeks to reduce impacts on water and wastewater impact, but again it screens based on the location and scope of the project and not on project feasibility for development. For example, Bolinas Land Trust projects are removed from this alternative while the Coast Guard Housing site is not. This appears illogical since the Coast Guard project is already well underway in the planning phase.

- O4-36** | b. Table 22-2: Housing Site Removed from Utility Service Providers²⁵ is difficult for the public to read and understand what is being proposed, as the Housing Site names identified in this table do not reference the Site ID or Site Location Name from Table 3-3.

To figure out which locations were being removed, we had to manually match against Table 3-3 and make our best guesses at which site was being referenced.

- O4-37** | c. Specific issues or questions Table 22-2

²⁴ Chapter 22, Pages 19-20.

²⁵ Chapter 22, Pages 32-33.

O4-37

- *Housing Site: “534 Overlook” is this matched to 530 Overlook noted in Table 3-3 as Site ID: J, Site Name: 530 Overlook in Bolinas?*
- *Housing Site “13270 Sir Francis Drake” is this matched to Table 3-3: Site ID: 33, Site Name: Inverness County Site?*
- *As noted in Alternative 2, Site ID: 126 in Tomales still included as a potential development in Alternative 2? We had to match parcel numbers that were listed back to Table 3-3 and are unsure if it leaves 4 units in “Vacant Tomales” as potential development in Alternative 2.*
- *There are 8 sites that are not listed in Table 3-3 that we assume are part of the Candidate Housing Site List that is not included in the DEIR. We listed those in the table below. It is unclear why these sites are in Alternative 3 and which list they come from.*

Site ID	Site Location / Name	Village	RHNA	Alt 2	Alt 3	Notes
?	102-062-01 Dillon Beach Road	Tomales	?		-4	Site not on Proposed Project List
?	29 John Street	Tomales	?		-5	Site not on Proposed Project List
?	102-080-19/10/20 State Rte 1	Tomales	?		-58	Site not on Proposed Project List
?	209 Dillon Beach Rd	Tomales	?		-13	Site not on Proposed Project List
?	26825 State Rte 1	Tomales	?		-13	Site not on Proposed Project List
?	26845 State Rte 1	Tomales	?		-3	Site not on Proposed Project List
?	200 Valley Ave	Tomales	?		-6	Site not on Proposed Project List
?	27275 State Rte 1	Tomales	?		-3	Site not on Proposed Project List

- *If these are on the Proposed Project Site list, please provide the Site ID for these. Ultimately, this is confusing to understand which sites are included in the DEIR based on the changes in the alternatives.*
- *Why do the alternatives include sites that are not listed in the Proposed Project List?*

18. Suggestions to Improve Readability for the Public in the Final EIR

O4-38

- a. Update to include the entire list of Candidate Housing Sites, as there is missing incomplete information in the DEIR to understand the entire scope of this project.

Alternatives 2 and 3 reference sites that would be removed from the project plan, however, multiple sites are not included in the DEIR Proposed Project Sites list in Table 3-3. They are most likely from the Candidate Housing Site list that is not included in the DEIR for public review.

O4-39

Improve Site List Reference Organization. Table 3-3 includes the Proposed Project Sites with a Site ID and Site Name that are not used in Alternatives 2 and 3. This makes it difficult for the public to know which locations are being removed in both Alternatives. The Site ID and Site Name are helpful and should be used throughout the document, in applicable tables, and in the alternatives.

O4-40

- b. The DEIR is almost 800 pages long (without the appendices) and costs more than \$150 to print.²⁶ It is important to ensure the online readability of PDF files for the public.

Please add PDF chapter bookmarks and hyperlinks in the Table of Contents and Lists of Tables for the public to navigate by chapter through the document to make reading easier.

- c. The DEIR includes tables that fail to carry forward headings and consistent formatting (centering numbers) throughout.

Please ensure formatting consistency in tables and keep table headings and columns with the next to ease readability.

Conclusion

In conclusion, we recommend the creation of a **new** combined alternative that would incorporate aspects of Alternative 2 to reduce VMT and Alternative 3 to reduce impacts on water resources and wastewater that is balanced overlaying a project feasibility overlay that retains sites that are currently moving forward with development plans or are highly likely to be developed.

O4-41

For example, in the Coastal Corridor, we recommend retaining the Coast Guard Property and Bolinas Land Trust projects while removing single-family home locations that lack access to water and would have wastewater processing issues and possibly other biological resource impacts.

This will hopefully ensure that appropriate sites are developed in 8 years before by-right sets in, losing local control and oversight.

Thank you for the consideration of our comments and your work on this challenging project.

Sincerely,



Morgan Patton
Executive Director

²⁶ Quote from Kinkos printers for two-sided black and white printing.

From: [Lucas Valley Homeowners Assc.](#)
To: [EnvPlanning](#)
Cc: [Sackett, Mary](#); [Connolly, Damon](#)
Subject: LVHA Comment on the DEIR
Date: Monday, November 21, 2022 3:57:51 PM
Attachments: [LVHA Board response to DEIR 2022.11.21.pdf](#)

Dear Marin County Planning Commission and Board of Supervisors,

This email with the attached letter constitutes an official comment on the Draft Environmental Impact Report (DEIR) related to Marin County's draft 2023 - 2031 Housing Element. It is submitted by the Board of Directors of the Lucas Valley Homeowners Association (LVHA), consisting of 538 homes in Lucas Valley, as well as by members of an ad hoc committee of homeowners with related expertise.

Thank you,
Lucas Valley Homeowners Association Board of Directors



Lucas Valley Home Owners Association, Inc.
1201 Idylberry Road, San Rafael, CA 94903
Tel: (415) 472-3202 lvha@lvha.net

November 21, 2022

Dear Marin County Planning Commission and Board of Supervisors,

This email constitutes an official comment on the Draft Environmental Impact Report (DEIR) related to Marin County's draft 2023 - 2031 Housing Element. It is submitted by the Board of Directors of the Lucas Valley Homeowners Association (LVHA), consisting of 538 homes in Lucas Valley, as well as by members of an ad hoc committee of homeowners with related expertise.

The LVHA Board recognizes the need to increase the quantity of housing within unincorporated Marin County and identify potentially suitable development sites to the State of California. However, we believe that the site selection completely disregards a range of material project-specific negative impacts in Lucas Valley that would compromise the health, safety and welfare of its residents and community. The concentration of proposed sites in our community makes the need for project specific EIRs even more critical.

Our concerns that the DEIR provides inadequate information for county officials to make informed decisions were mirrored by Marin County Planning Commissioners at a recent public meeting, which was reported last week in the Marin Independent Journal, "Marin officials pan environmental report on housing element." Commissioner Don Dickenson cited insufficient information and substantive errors in the DEIR. "I would find it very difficult to make an informed decision based on the limited information that is actually in the EIR," he said. Per the article:

"Dickenson said that the county's 1st District, which includes Marinwood and Lucas Valley, could end up with as many as 3,000 new dwellings if the homes recommended for relocation under the two options were added to the housing already slated for the district. Dickenson said the EIR's assessment of service impacts to the 1st District, particularly to school districts, is inadequate."

Mr. Dickenson's assessment corresponds with our own understanding of the current allocation in the Draft Environmental Impact Report which has 80 lower income units slated for Juvenile Hall at 2 Jeannette Prandi Way, 58 lower income units slated for the Office Park at 7 Mt. Lassen Drive, and 26 above-moderate income homes proposed for 1501 Lucas Valley Road. Using these proposed baseline counts, the number of nearby homes to be evacuated in an emergency increase by 27%. This figure could greatly increase based on the California bonus density regulation which gives developers leeway to build additional units. The bonus density allowance could potentially add up to 80% more units from the County-approved baseline since two of these sites are zoned for affordable housing. Additionally, Marin County adds another 10% bonus density,

so a total of 90% more units could be built on the two affordable housing sites and adding the 1501 Lucas Valley Road site brings the total to 288 units. Bonus density adjustments also apply to other sites in the Lucas Valley corridor – including St. Vincent’s and Marinwood Plaza – though at lower percentages given the proposed housing mix.

In this scenario, our relatively small community of Lucas Valley will be absorbing the second highest allocation of units in all of unincorporated Marin, exceeded only by the St. Vincent’s site. The proposed baseline units plus the bonus density allowances mean that several thousand housing units could be developed in the 3-mile span between the Mt. Lassen sites and the St. Vincent’s site.

O5-1

For the following reasons, LVHA requests that Marin County’s Board of Supervisors and Planning Commission mandate project-specific EIRs in addition to the Countywide program level assessment to identify and address such impacts. Otherwise, the County will be authorizing irresponsible development that will have irreversible consequences for our community. We further ask that promptly following the December 6, 2022 meeting, the County publish a site list with both baseline number of units and maximum allowable number per bonus density and any other allowances.

O5-2

Insufficiencies of Housing Element Level DEIR. The program-level DEIR fails to address or study: 1) emergency evacuation challenges along the two-lane Lucas Valley Road in the event of a wildfire or other disaster; 2) infrastructure capacity for water supply, sewer, and utilities; 3) transportation limitations given the three-mile travel distance to the nearest commercial center, and lack of bus transit and sidewalks on Lucas Valley Road; 4) capacity at schools within the Miller Creek School District; and 5) local traffic congestion and air quality impact.

O5-3

Emergency Evacuation Risks. A project specific EIR is essential to gather and study full information on the resources and infrastructure required to assure public safety during widespread emergencies and ensure public safety. The Housing Element level DEIR cannot determine the infrastructure and public resources required for fire protection, evacuation, traffic management, and community refuge.

Project-specific evaluation, using tools such as the Evacuation Ingress/Egress Risk Assessment being developed by the Marin Wildfire Prevention Authority, is essential to assure an acceptable level of public safety in worst-case conditions, and a prerequisite to responsible development, particularly for communities in the Wildland Urban Interface, as we face increased risks of wildfire throughout Marin County.

Together, the Lucas Valley Homeowners Association and Rotary Valley Senior Village communities comprise 618 residential units. The proposed Housing Element allocations at Jeannette Prandi Way, 7 Mt. Lassen Drive, and 1501 Lucas Valley Road would increase the number of local residential units to be evacuated by at least 27%, and up to 47% if the bonus density is applied.

Existing challenges to safe evacuation in our community were recently demonstrated by the conditions on Lucas Valley Road following evacuations prompted by the Lassen wildfire that

occurred on Sept. 1, 2021. Although just a fraction of residents evacuated, Lucas Valley Road quickly became gridlocked. The proposed Housing Element allocations at Jeannette Prandi Way, 7 Mt. Lassen Drive, and 1501 Lucas Valley Road would dangerously increase the number of local residential units to be evacuated.

O5-4 Conditions for safe evacuation by our community are already lacking - without appropriate planning in the development process, we face far greater challenges to safe evacuation, with dire consequences. Our worst-case wildfire scenario is a fire from the north, driven by 60 mph Diablo winds. Smoke and embers from a fire in the Ignacio Valley Preserve would engulf Lucas Valley on both sides of Lucas Valley Road. The south side is lightly cleared and infrequently maintained except for cutting of annual grasses along the roadside. High fuel-load from extensive deadwood, and toxic smoke from thick poison oak along Lucas Valley Road to its intersection with Las Gallinas Avenue present substantial risk to safe evacuation in such conditions.

O5-5 **Infrastructure Capacity.** The DEIR is silent on who has the authority to determine and oversee infrastructure improvements – such as lane widening, turn lanes, traffic control systems – and who pays for such infrastructure. New water and sewer services are at or near capacity, and the DEIR does not address the feasibility of expansion of infrastructure or how it will be developed or paid for. Widening of Lucas Valley Road, which abuts the creek and residences, is a formidable challenge, functionally and environmentally, a fact that responsible development studies cannot ignore.

O5-6 **Transportation.** Housing sites located near Lucas Valley Road and Mt. Lassen Drive exceed the vehicle miles traveled (VMT) per capita criteria of two miles radius from Highway 101. The draft DEIR appears to err in this regard as it includes these sites in the Highway 101 corridor. The suggested mitigation options for auto congestion and air quality impacts in the DEIR are not feasible or are immaterial in Lucas Valley. As an example, incentivizing subsidized transit passes for new residents is irrelevant here given the nearly non-existent bus service.

O5-7 **Education.** The DEIR fails to address the impact on the Miller Creek School District by new development in and around Lucas Valley. The number of homes proposed by the DEIR will dramatically increase enrollment at Lucas Valley Elementary School as well as at Miller Creek Middle School. To provide adequate classroom space at the schools serving any proposed development, the schools would need to plan for creating additional permanent classrooms to house its future students. The impact of additional students is not limited to building and classroom capacity, but also to the need for additional outdoor space appropriate for students. Also, parents traveling to and from these schools will generate greatly increased traffic on Lucas Valley Road, again raising safety concerns in an emergency.

O5-8 **Project-Specific EIRs are Critical to Responsible Development.** LVHA requests that Marin County's Board of Supervisors and Planning Commission assure responsible development by requiring project-specific EIRs in addition to the Countywide program-level assessment prior to any acceptance of the subject site selection in our community. If this is not done, development may take place without regard to the welfare of our community. We ask that the Board of Supervisors consider foregoing the state funding tied to compliance with its requirements, rather

05-8 | than accept development based on the DEIR, which we feel is irresponsible, and threatens resident safety and community well-being.

Sincerely,

LVHA Board Members:

Ken Drisdell, Board President

Laura Drossman, Board Vice President

Mark Kemler, Board Treasurer

Scott Takaoka, Board Secretary

Mark Mokolke, Board Member-at-Large

LVHA Ad Hoc Committee on Housing Element:

Meehyun Kurtzman, Member, LVHA Zoning Committee

Kelby Jones, LVHA Firewise representative

Ted von Glahn

Ginny Pheatt

Susan Morgan

From: [Barbara](#)
To: [EnvPlanning](#)
Subject: Fwd: Automatic reply: MAS comments on DEIR for Housing and Safety Elements
Date: Monday, November 21, 2022 4:25:57 PM
Attachments: [Housing & Safety Elements DEIR comments MAS.pdf](#)

You don't often get email from bsalzman48@gmail.com. [Learn why this is important](#)

Please accept our comments.

I sent our comment letter to R Reid at 4PM - - thought she was the right person - please accept them

----- Forwarded Message -----

Subject: Automatic reply: MAS comments on DEIR for Housing and Safety Elements
Date: Tue, 22 Nov 2022 00:05:12 +0000
From: Reid, Rachel <rreid@marincounty.org>
To: Barbara <bsalzman48@gmail.com>

I am out of the office until my return on November 28. For Environmental Planning matters, please contact Chelsea Hall, Environmental Planning & Housing Aide, at chall@marincounty.org

Best,
Rachel Reid

Email Disclaimer: <https://www.marincounty.org/main/disclaimers>



Marin Audubon Society

P.O. Box 599 | MILL VALLEY, CA 94942-0599 | MARINAUDUBON.ORG

November 21, 2022

Rachael Reid, Environmental Coordinator
 Marin Community Development Agency
 Civic Center Drive
 San Rafael, CA 94902

RE COMMENTS ON THE CWP HOUSING AND SAFETY ELEMENTS DEIR

Dear Ms Reid:

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Housing and Safety Element of the CWP. Our comments focus on protecting biological resources because they are essential to the health and well-being of wildlife and people. Clean air, water and healthy ecosystems support all life.

Please address our requests, questions and comments:

- O6-1** | Discuss by-right housing sites. What criteria is used to define them, and how they have been chosen? Include the list if by-right sites. Will they be subject to any environmental review, if sensitive environmental resources are found?
- O6-2** | Describe the environmental review process that would occur with housing opportunity sites listed on Table 3.3. How would the process differ from sites that may be proposed for housing that are not on the list?
- O6-3** | Being listed as a housing site conveys that the site is somehow appropriate or suitable for housing, which would give it a standing not shared by properties not on the list. Wouldn't this, combined with possible reduced environmental review, give these sites a priority? If not, explain why not.
- O6-4** | Explain how the number of units per site was arrived at? How was it determined that there is sufficient space on each site for the proposed number of units without impacting resources where wetlands or other natural resources, are present?
- O6-5** | The state-assigned number of dwelling units to Marin County is 3,569. With an additional 10% to buffer potential failure to develop sites on the original list plus a potential density bonus, it would appear that the county is planning for more than 10,000 total units. This is far in excess

- O6-5** | of what is needed. We recommend the number of projected dwelling units be reduced. If that will not be done, explain why.
- O6-6** | Describe the process that was used to identify the number of units assigned to a site. To understand how a specific density can be accomplished, it is necessary to know whether single family homes, town houses, multistory units, etc. are considered and also know where the unbuildable areas of the site (streams, wetlands etc.) are.
- O6-7** | The Housing Element states that vacant sites that were excluded as potential housing sites includes "sites with extensive environmental resources." (Page 193). The following paragraph just below appears to contradict that, indicating instead that sites with environmental resources are still included: "Sites with significant constraints were reduced in development capacity by removing the constrained areas and identifying developable portions that could accommodate clustering of housing units."
- O6-8** | The reference materials consulted for wetland and bayland information is incomplete. Maps showing historic bay margins should have been consulted because some of the sites are former tidal marsh. Attached are historic bayland maps showing several of the properties discussed below. Knowing whether sites were once subject to tidal action is important because, unless developed, such sites retain wetland characteristics, i.e., hydric soil persists, water ponds in winter, and often at least remnants of wetland vegetation persists. This is a serious deficiency that could lead to assigning development potential to wetlands and excessive numbers of units to inappropriate sites. Secondly, the county's own records should be consulted.
- Please discuss how the sites below were assessed, identify the wetland portions of the sites if available and the portions of each site on which development was assigned. We would expect that classification for all of the sites will change and that most will be removed from the Proposed Project Site list.
- O6-9** | 300 Olive Avenue, unincorporated Novato
This 55-acre site, identified for 58 units, is a parcel we have been trying to purchase since 2003 because of its resource values. We have made three attempts to acquire it. The property consists of a hillside slope with a seasonal stream that forms the headwaters of Simmons Slough, an historic tidal slough. The Slough now flows from the 300 Olive Avenue site, under Olive Avenue in a culvert, through Marin Audubon property bounded by Olive and Atherton Avenues, through the Sanitary District's diked baylands, then under SR 37 and through Marin County diked baylands to Novato Creek.
- At the base of the hill, the land flattens and the runoff collects and supports what is now a diked wetland. This wetland expands onto adjacent property that Marin Audubon purchased in 2005 with Coastal Conservancy funds and later transferred title to the Marin County Open Space District (OSD) and which continues to own it. The water flows through a culvert under Olive Avenue onto the Country Club property where it supports a pond adjacent to the

entrance to that subdivision and also flows onto MAS diked bayland property. In summary, runoff from 300 Olive supports diked wetlands on that site, on OSD property and MAS property. A wetland delineation has identified most of MAS' Olive and Atherton diked bayland property as jurisdictional wetlands.

The hillside slope might be able to accommodate a few units, but hardly the 58 assigned to it. Currently there is one dilapidated small house, a remnant of a small farm that once existed on the site. Much of the land consists of saturated soils. Perk tests have been done multiple times for development proposals on the site. It is our understanding that the perk tests allowed only a few leach systems, far fewer than developers had wanted. The county has extensive files on developments proposed on the property in the past.

Any development on 300 Olive would adversely impact wetlands on-site and on OSD, Country Club and Marin Audubon's adjacent wetland properties, and would have to be approved by the Regional Water Quality Control Board. Water quality on adjacent properties would be adversely impacted by urban runoff resulting from development.

The site is not appropriate for the number of housing units assigned and it should be deleted from the list. We have attached a map of historic baylands on circled this property, in case there is question about its historic status.

O6-9

Greenpoint Nursery, corner of Olive and Atherton Avenues, unincorporated Novato
This site is 19.6 acres and is identified for 53 units. However, much of that acreage is not developable. The land where the nursery is located has been filled. Because of its higher elevation and lack of other natural resources can accommodate some units, while the remainder of the property is low lying diked historic baylands that have never been filled. Accommodating 53 units would probably require them to be townhouses or multistory units.

The unfilled lands are seasonal wetlands, the same as MAS' adjacent 144 acres, and flood basin. The unfilled portions surround the filled section occupied by the nursery. The unfilled portion is floodplain that is probably encumbered by a flood easement as is Marin Audubon's property. As noted above, a jurisdictional delineation defines most of the MAS property as wetlands, except for a few hills further east. This delineation would undoubtedly also apply to areas of the Greenpoint nursery site that have not been filled.

On this property, only the filled area at the intersection of Olive and Atherton Aves. should be assigned development units.

Cal Park, unincorporated San Rafael

Cal Park, parcels of concern consist of approximately four acres that are designated for 70 to 90 units. The section of Cal Park we are concerned about is lowlying, flat and surrounded by hills that form a bowl. This low-flat area is a diked historic tidal marsh, once part of San Francisco Bay, and most is currently seasonal wetlands. The site is also

encircled on the attached on the historic baylands map demonstrating that it was once part of San Francisco Bay.

The baylands were divided into many small parcels by a 1907 subdivision. All or most of the parcels were too small to be developed without being combined with adjacent parcels. PierceCo, the current owner of most of the parcels, has done just that, consolidated many small parcels into six larger ones (018-08-04, 018-083-01, 018-083,09, 018-082-12, 018-084-12 and possibly portions of 018-085-23). We do not have concern about development along Woodland except that consolidated parcel 018-085-23 now includes 11 previous small parcels and extends well into the undeveloped bayland portion of the property. We are concerned that sections may retain wetland characteristics. Marin Audubon owns one of the parcels that is near the center of the diked baylands and is surrounded by PierceCo parcels.

To comply with policies of the Housing Plan, the parcels in parentheses above should be removed from the housing opportunity list. While the parcels may include some land that may be developable, to determine the location and amount that is developable will involve extensive review to locate and evaluate the wetlands, adjacent buffer/ecotone areas that are part of wetland habitats, as well as to identify water sources that sustain the wetlands, and ensure all are protected. The seasonal wetlands must be avoided in planning any development. Also note neighbor reports of flooding and extensive bird use by native birds..

For the above reasons, the above parcels should not be removed from the Proposed Project Site list. Our organizations may be interested in purchasing other seasonal wetlands at Cal Park to permanently protect them.

Saint Vincent's Property

Six hundred eighty-eight units are designated for this large property that the environmental community has been wanting to protect for many years. The property consists of oak-wooded hills, diked baylands, seasonal ponded areas and adjacent uplands some of which are developed with a church and associated buildings. Natural resource areas, including diked wetlands and native trees on the property, must be protected.

The property will need an extensive environmental review including current identification of natural resources and their location. There is extensive history on this site that has identified some developable areas.

Jack Krystal Hotel Parcel

This 1.5-acre property on Richardson Bay is designated for 36 units. This property is former bay and a wide area tidal marsh still exists along the bay edge. A much larger portion of the site will soon be under water due to sea level rise. This site also has been of acquisition interest with the intent to restore it to tidal marsh. There is also an extensive county file on this property.

This property should be removed from the Proposed Project Site list.

O6-9

We emphasize that for this and other properties proposed for housing that are also in the path of sea level rise, extraordinary measures would have to be taken, at great public expense, to protect residents from risks of sea level rise. How has the county factored this in to assigning housing sites and numbers?

Draft EIR - Biological Resources

Our comments are based on our involvement with FERN and ESP over the last several years. The Environment discussion in the Plan should also recognize that native vegetation is critically important to our survival on a daily basis providing us with clean air, absorbing carbon, stabilizing slopes, moderating climate, and improving water quality in addition to providing habitat for wildlife and places for humans to enjoy and study. We lose these services when vegetation is removed. Removing vegetation should be minimized, development should be located away from WUI's and the focus should be on hardening structures to fire.

We realize that some vegetation needs to be removed for defensible space and access routes for fire prevention. We agree that existing and proposed policies will not reduce impacts to less than significant. The new and revised policies will mitigate the potential significant loss of habitat that has the potential to occur with fire prevention measures.

O6-10

We recommend a new policy be added:

Immediately outside of immediate defensible space around structures, that some understory vegetation remain to provide for nesting, foraging and movement corridors for birds and other wildlife.

Policies to protect streams already provide for retaining natural vegetation and promoting nature-based measures both provide flood and habitat benefits.

O6-11

Mitigation Measure 7-1 — requires that a qualified biologist prepare a biological resources site assessment in compliance with the Safety Element – CWP policies call for County to hire consultant. This is to overcome the possibility of applicant's hiring consultants who would report in their favor. This requirement should be added to this policy.

- Second bullet – It is not just special status species that need to be identified by surveys. Species that are protected by state and federal laws also should be identified and protected. A full list of these laws should be provided. The laws include the Migratory bird Act, and the other regulatory laws listed in this section..
- Third bullet -who or what entity would make the recommendations for protocol level surveys and what conditions would trigger a requirement for the surveys? –
- Fourth bullet – identify the biological resources that are considered sensitive other the- Last bullet – identifying modifications to a project that would avoid harm to sensitive biological resources should not only be during breeding season but should protect movement corridors important during other times of the year.

O6-11

Compensation for loss of habitat should be conditioned on being located at or close to the project site and other mitigation conditions in the CWP.

Without the above changes, impacts would not be less than significant

Comments on specific sections of SAFETY Element:

Safety from WILDFIRE policies

EH 5.3 d. RESTRICT LAND DIVISION. This policy would restrict land divisions unless there is reliable water, adequate access and structures comply with codes. We agree and suggest the location adjacent to WUI restrict land divisions

EH 5.4 a. WILDLAND URBAN INTERFACE. WUI's are the most dangerous place to locate development. We suggest the policy be strengthened to not allow new development in these risky locations.

Also, the county should make use of maps showing the areas at most risk of fire from historic occurrences

Policies EH 5.4 d. through 5.5-b address aspects of home hardening, sprinkler systems, roofing building materials, etc. We recommend a new policy on HOME HARDENING that emphasizes the critical importance of focusing first on structures. In addition to the aspects mentioned, include defensible space around homes, and other structural measures that are recommended by fire agencies

O6-12

EH 5.5 b. IMPLEMENT ECOLOGICAL SOUND METHODS FOR VEGETATION REMOVAL Rather than methods for removal, which would be cutting, burning, etc., what is meant here is practices. We suggest that avoiding nesting season and leaving some understory vegetation to provide movement corridors and other habitat for ground dwelling species be added

EH 5.5 c. DEVELOP AND MAINTAIN FUEL BREAKS AND VEGETATION ON ACCESS ROUTES. The focus is now on maintaining Defensible Space around structures, not on maintaining fuel breaks.

SAFETY FROM FLOODING POLICIES:

This section contains many additional policies that would benefit wildlife and human communities. We suggest the following changes:

EHS 4.1.a REGULATE DEVELOPMENT IN FLOOD AND INUNDATION AREAS. Add diked historic baylands and lands in the baylands corridor to this list. Lands that are former tidal marsh retain hydric soils, usually subside when tidal water is removed, and usually pond water and are

subject to flooding. They are generally poor sites for development because of flooding and subsidence and other risks. Their greatest benefit is to be retained as flood basins,.


O6-12

EHS 4.2.a. RETAIN PONDING AREAS. This policy concerns retaining publicly controlled flood ponding areas. Why should only publicly controlled lands be protected. It should be recognized that flood ponding areas, these also include wetlands, or at least ponding capacity, should be protected. It is not in the public interest to do otherwise. Furthermore, to restrict such protections to only public lands would also conflict with policy 4.3.a that calls for "regulating development in flood prone areas to ensure public health and safety. "

EHS 6.3.c. EXPLORE FUTURE BAYLAND CORRIDOR AMENDMENT The policy should be revised to amending the Baylands corridor as stated, not just exploring amending. Additionally, the boundaries should be reviewed and revised to include all undeveloped diked historic baylands some of which are west of highway 101.

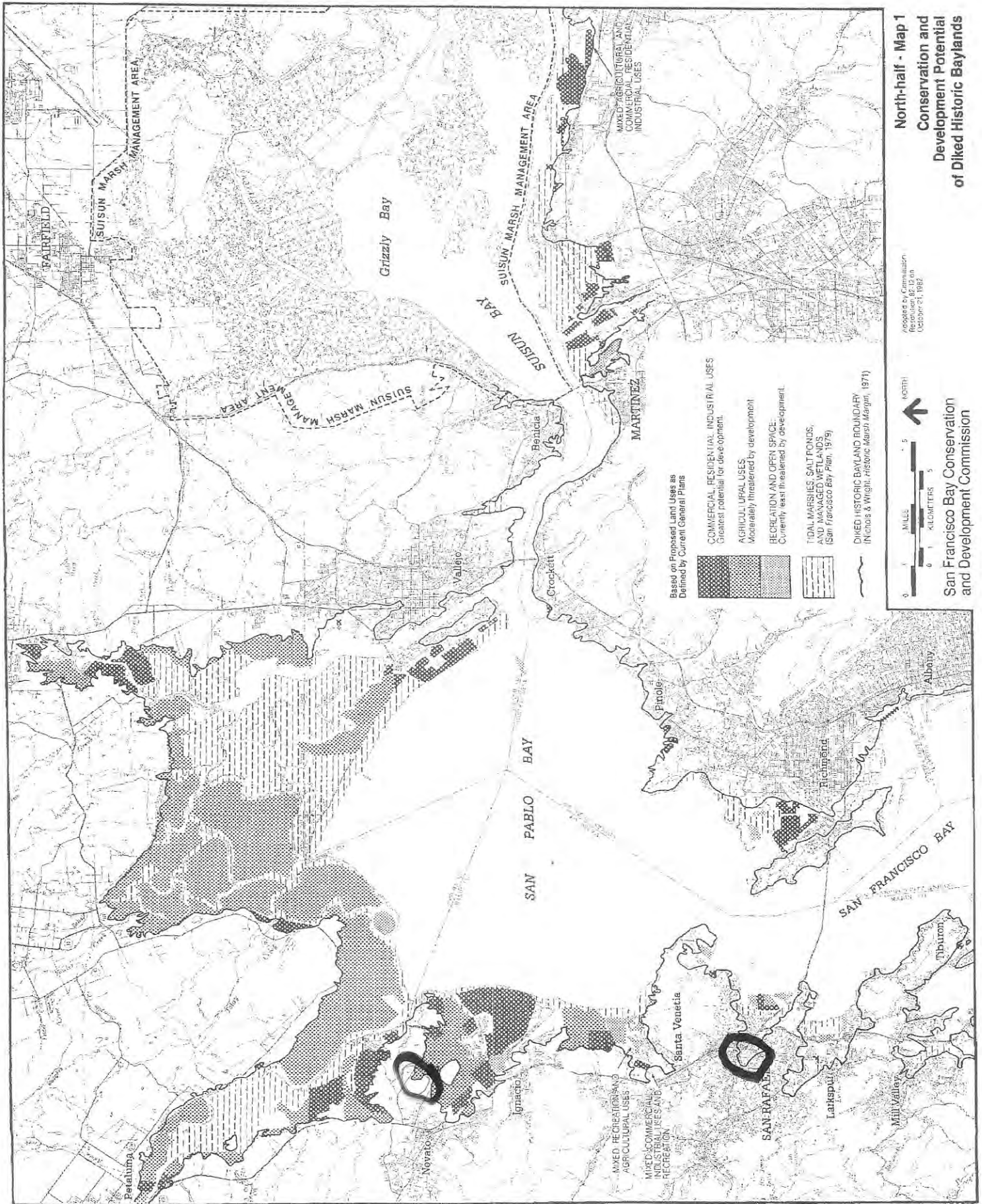
Thank you for responding to our comments.

Sincerely,



Barbara Salzman

Conservation Committee



From: [Riley Hurd](#)
To: [EnvPlanning](#)
Subject: Housing Element DEIR comment - San Domenico
Date: Monday, November 21, 2022 3:50:11 PM
Attachments: [Ltr - County re EIR - 11.21.22.pdf](#)

Hello,

Please see attached DEIR comment, thank you.

Riley F. Hurd III, Esq.
RAGGHIANI | FREITAS LLP
1101 5th Avenue, Suite 100
San Rafael, CA 94901
Tel: 415.453.9433 ext. 126
Fax: 415.453.8269
Email: rhurd@rflawllp.com
Website: <http://www.rflawllp.com/>

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Ragghianti | Freitas LLP

Attorneys at Law

1101 5th Avenue, Suite 100
 San Rafael, CA 94901
 telephone 415.453.9433
 facsimile 415.453.8269
 www.rflawllp.com

Riley F. Hurd III
 rhurd@rflawllp.com

November 21, 2022

Via E-Mail Only

Rachel Reid
 Environmental Planning Manager
 County of Marin
 3501 Civic Center Drive, Suite 308
 San Rafael, CA 94903

Re: Comment on Housing Element EIR – San Domenico School

Dear Ms. Reid:

07-1

Our office represents the San Domenico School in connection with the update of the Marin County Housing Element. We are writing to follow up on the oral comments we provided at the November 16, 2022, hearing regarding the draft EIR for the Housing Element. Specifically, we would request that the County not remove the proposed housing at San Domenico School as part of the reduced VMT alternative. The reason for this is that new housing at the school property would actually *reduce* VMT, not increase it.

San Domenico, along with other nearby schools such as Brookside and Archie Williams, have an incredible need for faculty and staff housing. Currently, nearly all faculty and staff at these schools drive to work from areas well outside of this particular transportation corridor. For this reason, it was welcome news that San Domenico was proposed as one of the sites in the Housing Element. This would give the school the optionality to construct housing that would allow for faculty and staff to live on site, and to perhaps partner with other nearby schools to offer the same.

07-2

The Draft EIR for the Housing Element presented a project alternative that purported to reduce VMT by removing particular properties, including the San Domenico School. The concept behind the site selection for the reduced-VMT alternative appears to be removing properties that seem geographically distanced from city-centers. While San Domenico may seem to fit this criteria, it would actually backfire for this site to be removed, as faculty and staff would still have to travel inordinate distances to get to work as opposed to being housed on site.



Ragghianti | Freitas LLP

Page 2 of 2

O7-2

The purpose of the shift to VMT was to use land use planning to reduce greenhouse gas emissions and air pollution. Nothing achieves this goal better than letting employees live where they work. We strongly encourage the County to retain the housing site shown at San Domenico School.

Thank you.

Very Truly Yours,

A handwritten signature in blue ink that reads "Riley F. Hurd III".

Riley F. Hurd III

CC: Client

From: [SVNA](#)
To: [EnvPlanning; housingelement](#)
Cc: [Connolly, Damon](#); [Goncalves, Gustavo](#); [Sackett, Mary](#); [LINDA LEVEY](#); ["CATHERINE LAGARDE"](#); ["DENNIS BORTOLI"](#); ["GARY ROBARDS"](#); ["GINA TUOSTO HAGEN"](#); ["JOHN DENIGRIS"](#); ["MARK WALLACE"](#); ["RODERICK CASTRO"](#); ["TERRI LEKER"](#); ["MARY HANLEY"](#)
Subject: Marin County Housing and Safety Element Updates - DEIR Comments
Date: Monday, November 21, 2022 3:41:16 PM
Attachments: [2022.11.21-SVNA Letter Re Housing Element DEIR.pdf](#)
[Sustainable TamAlmonte letter to Marin BOS & PC re- Request to join lawsuit against HCD 11-12-22.pdf](#)

Attached please find our comment letter for the Marin County Housing and Safety Elements Environmental Review.

As well, we are including a comment letter from Sustainable TamAlmonte that we would like to endorse.

Thank you for the opportunity to comment.

cc: SVNA Board and Land Use Committee, District 1 Supervisor's Office and Staff

Santa Venetia Neighborhood Association
P.O. Box 4047 · San Rafael · CA · 94913-4047
phone: 415.499.3411 · fax: 415.795.4680
email: SVNA@santavenetia.org · www.thesvna.org



Santa Venetia Neighborhood Association

P.O. Box 4047 · San Rafael · CA · 94913-4047

November 21, 2022

Attn: Rachel Reid, Environmental Planning Manager
County of Marin, Community Development Agency, Planning Division
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903-4157

Attention: Rachel Reid: envplanning@marincounty.org
Attention: Housing Element County Staff: housingelement@marincounty.org

Re: Marin County Housing and Safety Element Updates - DEIR Comments

The Santa Venetia Neighborhood Association (SVNA) is an organization representing the interests of 1,700 – 1,800 households (4,474 residents per the 2019 census figures) who live in Santa Venetia. As an organization, we are dedicated to the enhancement and preservation of the character and quality of life of the Santa Venetia neighborhood. We do our best to represent our community and have an established reputation to be a voice for proper development. And in accordance with our mission statement, we, the Board Members of the SVNA, feel compelled to comment on this issue.

First, we would like to thank County Staff, especially our Supervisors and Planners, for being partners in this fraught process. You have gone above and beyond during a period of extreme duress, always mindful of the best interests of our community.

In reading the 700-page DEIR, we are troubled by how frequently the report glosses over the profound safety concerns and ecological burdens that will be shifted onto existing neighborhoods, both here in Marin and throughout the state.

We read with interest the Marin IJ's 11/18 article about the DEIR and community response at the 11/16 public meeting:

08-1

(www.marinij.com/2022/11/18/marin-officials-pan-environmental-report-on-housing-mandate). In particular, we agree with Planner Christina Desser's concern about the siloed nature of the mandated development: "We can't really understand the cumulative impacts because we're only looking at the projects within our jurisdiction. It's a very frustrating and expensive process that isn't going to give useful information." Commissioner Margot Biehle's statement resonates as well: "So we build on sites that are subject to flooding or wildfires or landslides, that have no access to water or sewer service, or have ingress and egress issues. It just seems all a little bananas to me."

Santa Venetia Neighborhood Association

Page 2 of 3

November 21, 2022

With regard to areas at risk of extreme fire danger, such as the WUI, we wish to highlight comments made by Governor Newsom on 8/21/20— barely two years ago — about the critical issue of building new homes in the WUI. Below is the transcript from the 57:03 mark in Governor Newsom’s 8/21/20 Wildfire Update (www.youtube.com/watch?v=pBzQaQt2W00):

“There’s a question here about development and building of homes in areas that are particularly prone to fire. Is it time to consider statewide zoning regulations . . . that prohibit development in severe fire risk areas?”

The Governor’s response:

"Well, **localism is determinative** and we’ve not only considered it, we’ve put out a number of papers, a number or reports, we actually put out a number of statements and guidelines in this space regarding the Wildland Urban Interface, the WUI, here in the state of California . . . well established. I have a family home that was built around the gold rush, in the WUI. Well established in the founding in this state, not just new developments that are more contemporary in that mindset. And so this is a unique challenge, particularly in western states, not just the state of California, but **we have very specifically put out guidelines and recommendations to local planning officials to consider the applications of new development in light of evacuation plans, in light of setback strategies, fire suppression strategies, in relationship to the new normal as it relates to the fire acuity and a season that no longer is** [unintelligible] a universal fire year here in the state of California. More will be done in this space, and we are working with local officials to continue to highlight this space.”

O8-2 | We ask what has changed since this news conference, given during what CalFire describes as “the largest wildfire season recorded in California’s modern history.”

From the CalFire website:

The 2020 California wildfire season was characterized by a record-setting year of wildfires that burned across the state of California as measured during the modern era of wildfire management and record keeping. As of the end of the year, nearly 10,000 fires had burned over 4.2 million acres, more than 4% of the state’s roughly 100 million acres of land, making 2020 the largest wildfire season recorded in California’s modern history.

O8-3 | Catastrophic fire is by no means our only concern. As is well-documented, much of Santa Venetia is at severe risk of flooding, yet the Draft Housing Element proposes to add 205 additional units to our already overburdened infrastructure without mandating safe evacuation routes. North San Pedro Road remains the neighborhood’s only route in and out, with multiple existing chokepoints, including the intersections of North San Pedro and Civic Center Drive, and North San Pedro and Oxford Drive (at the 7-11). Adding upwards of 800 or more residents to Santa Venetia will demonstrably endanger the lives of all neighbors.

As we noted in our 10/24/22 letter regarding HCD’s comments to Marin County’s DHE, Santa Venetia has, by far, the highest percentage of disabled residents across all seven

Santa Venetia Neighborhood Association

Page 3 of 3

November 21, 2022

08-4 | disability types. Nearly ten percent of residents are defined as having “an independent living difficulty,” which puts them at greater evacuation risk during any type of emergency, even before considering our overburdened one-lane exit route, North San Pedro Road. Yet, Santa Venetia is slated for a disproportionate number of new homes. Has SB 812 been considered in their siting and density? The state’s determination to build — regardless of consequence — puts every resident at risk, particularly our most vulnerable neighbors. The DHE also states that the population in unincorporated Marin County/Marin County has steadily decreased since 2016, with the sharpest drop (2.6%) in 2021. During this period, risks from climate change have greatly increased, in the form of drought, catastrophic fire, and flooding.

By now, the county has been forced to spend millions of dollars merely to satisfy state demands that seem, from a legal standpoint, wholly unenforceable. To quote from the County’s 7/9/21 appeal, unincorporated Marin County (lacks) “Availability of land suitable for urban development or for conversion to residential use.” That this and nearly every other statewide appeal was denied proves that the entire process needs further scrutiny.

SB 9 began as an emergency measure to address the state’s dire need for affordable housing, yet the bill contains no language that actually requires or enforces affordability. We again urge you to fight for our voices to be heard in local planning by joining the SB 9 lawsuit. As Governor Newsom stated in August 2020, “localism is determinative.” We could not agree more.

08-5 | As we stated in a past letter, we urge you to leave the CWP and zoning intact, as any proposed changes subvert their intended purpose: to safeguard our natural resources and enable sustainable communities by addressing the climate change crisis. As well, changes to the CWP render the SVNA and other essential Community Plans obsolete and create a one-way gate to dense overdevelopment that undermines the safety of all Marin residents.

And as we have in our past letters, we will close by paraphrasing one of our SVNA members, who stated: “The County’s first responsibility is for the health and safety of the existing residents of our neighborhood.” We ask that you once again consider your constituents, and fight for our safety.

These are just a few of the concerns that we have. The SVNA always encourages our members to send comment letters as well, citing their concerns about community issues. Please include those concerns as concerns of the SVNA. As well, we have attached a copy of Sustainable TamAlmote’s letter which we would like to endorse; please include their concerns as concerns of the SVNA.

Thank you, SVNA Board of Directors and Land Use Committee

cc: Damon Connolly, District 1 Supervisor
Mary Sackett, District 1 Aide
Gustavo Gonçalves, District 1 Aide

Attachment to SVNA Email: Legal challenge request from Sustainable TamAlmonte



**215 Julia Ave
Mill Valley, CA 94941**

November 12, 2022

Marin County Board of Supervisors
Marin County Planning Commission
3501 Civic Center Drive, Suite 329
San Rafael, CA 94903
bos@marincounty.org
planningcommission@marincounty.org

Re: Request for Marin County to join the legal challenge against HCD

Dear Marin County Board of Supervisors and Planning Commission,

We request that you authorize Marin County to take legal action against the California Department of Housing and Community Development (HCD) and contact Attorney Pam Lee at the law firm of Aleshire & Wynder LLP.

Attorney Pam Lee's email: plee@awattorneys.com
Attorney Pam Lee's telephone number: (949) 250-5415
Aleshire & Wynder LLP's address:

Aleshire & Wynder LLP Attorneys at Law
18881 Von Karman Avenue, Suite 1700
Irvine, CA 92612

Aleshire & Wynder is seeking petitioners (cities, counties, and government agencies) to jointly file a legal action against the Department of Housing and Community Development for violations of state statutes and other actions that are placing illegitimate housing quota burdens on California cities and counties, quotas that are unsupported by fact and available data on future housing needs.

Message from Attorney Pam Lee:

“It is clear that California has serious housing issues, with housing becoming less affordable for even the average, moderate-income family. The short- and long-term solutions are complex, but it involves participation and funding from all levels including communities, cities, counties, and the State. Unfortunately, the State is trying to implement solutions that ignore unique factors within each community and does not account for the local government’s ability to provide meaningful solutions to these housing issues. The State is also ignoring the fact that affordable housing solutions require subsidies.

The prime example is the State’s RHNA numbers generated by HCD (Dept. of Housing and Community Development), which significantly over-projected future housing needs in the State. In some cases, the State ignored housing projections of the Dept. of Finance or wrongly calculated them, and failed to consider factors outlined by statute. The State is now forcing local communities to dramatically change many of its neighborhoods without proper justification that their RHNA numbers are accurate. Local governments are being strong-armed into planning for hundreds of thousands of additional housing units without the State’s help to address the lack of infrastructure, water, public safety, and utilities in many of these neighborhoods to accommodate such growth. This puts public health and safety at risk.

Local governments want to work with the State to address these housing issues. HCD’s flawed RHNA determinations have caused the public to lose confidence in the overall RHNA process. Additionally, if the State continues to dismiss the realities that communities have to deal with, the State will only create more problems, exacerbate housing issues and inequities, and cause irreversible damage.

On March 17th, Michael S. Tilden, the Acting California State Auditor, [issued a blistering critique of the Department of Housing and Community Development \(HCD\)](#) and its Regional Housing Needs Assessments (RHNA). The Auditor found problems in the HCD methodology that inflated RHNA requirements potentially by hundreds of thousands of housing units out of the State’s total of 2.3 million units, overshadowing the smaller cases of undercounting in the report. The only remedy that cities have is through the courts to sue HCD to down-project the proven inaccurate RHNA numbers.

TAKE ACTION**Why should your city/ county get involved?****HCD violated Government Code § 65584.01(b)(1)**

HCD was required to “meet and consult with the council of governments regarding the assumptions and methodology to be used...”. But HCD did not review or verify much of its data with the councils of governments.

HCD failed to consider several of the factors listed in Government Code § 65584.01(b)(1)

The law requires HCD to review data and assumptions that councils of governments submit for the factors considered in housing needs assessments, and it allows HCD to make adjustments to the needs assessments after this consideration.

Again, HCD did not specifically request such information in order to determine those needs assessments. HCD did not adequately consider the jobs/housing balance factor or the housing lost during emergencies factor. The result is an under-assessment of housing needs in certain regions, while other regions have an over-assessment of housing needs.

HCD’s use of a 5% total vacancy rate is wholly unsupported by any data and completely unreasonable.

HCD did not provide adequate support for a critical determination it made about the healthy housing vacancy rate that it used.

HCD utilized unreasonable comparison points to evaluate healthy market vacancy, in that it utilized a 5% total vacancy rate, rather than a 5% rate for the rental housing market and a more realistic standard for the for-sale housing vacancy rate. HCD’s 5% total vacancy rate contradicts Government Code section 65584.01(b)(1)(E), which specifically states that “the vacancy rate for a healthy *rental housing market* shall be considered no less than 5 percent.” (Emphasis added.)

In addition, a 5% vacancy rate for owner-occupied homes is an unhealthy rate, as homeowner vacancy in the U.S. has been around 1.5% since the 1970s. Thus, HCD’s use of a 5% total vacancy rate is both contrary to the law and unreasonable.

HCD failed to consider appropriate comparable regions

HCD did not sufficiently review the regions that councils of governments compared themselves to as part of the needs assessment process. HCD’s reviews of comparable regions selected by councils of government have been inconsistent, causing inconsistent, overlapping, and under-counted data to be used, resulting in errors that are inaccurate to account for future housing needs.

HCD’s failure to re-assess the RHNA determinations and make corrections will impact the current and potentially all future housing cycles

If HCD does not correct its RHNA determinations, as recommended by the State Audit, then the current housing cycle will contain inaccurate housing needs within each region. The failure to correct the process will compound the inaccuracies in future housing cycles, as future RHNA determinations will be based on not only inaccurate data but also improper methodology from the current housing cycle.

Important Note: A lawsuit to challenge the RHNA determinations, based on the findings of the State Audit, may cost between \$200,000-\$235,000 through the end of trial. If 6 cities join the lawsuit, the costs will be approximately \$33,000-\$40,000 per city for the entirety of trial. If 10 cities join, the costs will be approximately \$20,000-\$23,500 per city. Having more cities join will dramatically reduce costs per city.”

The DRAFT Environmental Impact Report for the DRAFT Marin County Housing Element finds that the project would result in **15 significant, adverse, and unavoidable environmental impacts.**

This includes:

- Toxic Air Contaminants,
- Dangerous Traffic Congestion,
- Hazardous Greenhouse Gas Emissions,
- Insufficient Water Supply, and
- Insufficient Wastewater Treatment Capacity

To give an idea of what just one of the above adverse impacts could do, we wish to bring to your attention the effects of Toxic Air Contaminants (TACs) on human health. Children, pregnant women, the elderly, and those with existing health problems are especially vulnerable to air pollutants.

Effects of Toxic Air Contaminants (TACs):

Since the late 1990s, research studies have increasingly and consistently shown an association between respiratory disease (E.g. cardiovascular mortality, chronic obstructive pulmonary disease) and other health effects (E.g. cancer) and the proximity of sensitive populations to high-traffic roadways where cars and trucks emit toxic air contaminants (TACs) in large quantities over extended periods of time. Diesel exhaust, in particular, has been found to be responsible for much of the overall cancer risk from TACs in California. Other TACs emitted by mobile and stationary sources also contribute substantially to the health burden (e.g., perchloroethylene, a solvent most commonly used by dry cleaners, has been identified as a potential cancer-causing compound).

Among the pioneering studies that have led to an increasing focus on TAC exposure abatement in statewide air quality improvement programs are the following:

O8-6

- Brunekreef, B. et al. Air pollution from truck traffic and lung function in children living near motorways. *Epidemiology*. 1997; 8:298-303
- Lin, S. et al. Childhood asthma hospitalization and residential exposure to state route traffic. *Environ Res*. 2002;88:73-81
- Venn et al. Living near a main road and the risk of wheezing illness in children. *American Journal of Respiratory and Critical Care Medicine*. 2001; Vol.164, pp. 2177-2180 2
- Kim, J. et al. Traffic-related air pollution and respiratory health: East Bay Children's Respiratory Health Study. *American Journal of Respiratory and Critical Care Medicine* 2004; Vol. 170. pp. 520-526

A cursory search of the National Center for Biotechnology Information's PubMed database brought up the following sample of research papers that continue to raise and deepen concerns about TACs:

- Patel, MM et al. Traffic-related air pollutants and exhaled markers of airway inflammation and oxidative stress in New York City adolescents. *Environ Res*. 2012 Nov 22
- Dadvand, P et al. Maternal Exposure to Particulate Air Pollution and Term Birth Weight: A Multi-Country Evaluation of Effect and Heterogeneity. *Environ Health Perspect*. 2012 Feb 6.
- Brunekreef, B et al. Effects of long-term exposure to traffic-related air pollution on respiratory and cardiovascular mortality in the Netherlands: the NLCS-AIR study. *Res Rep Health Eff Inst*. 2009 Mar.
- Padula, AM et al, Exposure to traffic-related air pollution during pregnancy and term low birth weight: estimation of causal associations in a semiparametric model. *Am J Epidemiol*. 2012 Nov.
- Gan, WQ at el. Associations of Ambient Air Pollution with Chronic Obstructive Pulmonary Disease Hospitalization and Mortality. *Am J Respir Crit Care Med*. 2013 Feb 7.
- Yackerson, NS et al. The influence of air-suspended particulate concentration on the incidence of suicide attempts and exacerbation of schizophrenia. *Int J Biometeorol*. 2013 Jan 16.
- Faustini, A et al. Air pollution and multiple acute respiratory outcomes. *Eur Respir J*. 2013 Jan 11.
- Zora, JE et al. Associations between urban air pollution and pediatric asthma control in El Paso, Texas. *Sci Total Environ*. 2013 Jan 8.
- Willers, SM et al. Fine and coarse particulate air pollution in relation to respiratory health in Sweden. *Eur Respir J*. 2013 Jan 11.
- Lewis, TC et al. Air pollution and respiratory symptoms among children with asthma: Vulnerability by corticosteroid use and residence area. *Sci Total Environ*. 2012 Dec 26.

O8-6

What good is housing if it endangers not only the new residents that would live in the housing but also existing residents and the environment?

O8-6

Marin County is paying \$1.6 million to MIG and Veronica Tam Associates to satisfy the County's Regional Housing Needs Allocation (RHNA) and \$1.14 million to Optics to create objective design standards. If the County can afford these consultant fees, then it surely can afford the cost of legal counsel to safeguard Marin.

Please protect us and put Marin County's safety above the flawed housing allocation and join the legal challenge against the State Department of Housing and Community Development (HCD) for violations of state statutes and other actions that are placing illegitimate housing quota burdens on California cities and counties, quotas that are unsupported by fact and available data on future housing needs.

Thank you in advance for your conscientious consideration.

Very truly yours,

/s/

Sharon Rushton, President
Sustainable TamAlmonte

From: [Taylor, Tammy](#)
To: [Hall, Chelsea](#)
Subject: FW: Regarding the Marin County DEIR
Date: Tuesday, November 29, 2022 9:31:00 AM
Attachments: [SB9-03.29.2022-RB-Lawsuit-re-SB-9.pdf](#)

From: housingelement <housingelement@marincounty.org>
Sent: Tuesday, November 29, 2022 9:07 AM
To: Taylor, Tammy <TTaylor@marincounty.org>; Reid, Rachel <rreid@marincounty.org>
Subject: FW: Regarding the Marin County DEIR

Aline Tanielian
 Planner
 Housing and Federal Grants Division
 (she/her/hers)

From: Amy Kalish <amykalish@gmail.com>
Sent: Monday, November 21, 2022 3:12 PM
To: housingelement <housingelement@marincounty.org>
Cc: Amy Kalish <amykalish@gmail.com>
Subject: Regarding the Marin County DEIR

You don't often get email from amykalish@gmail.com. [Learn why this is important](#)

To the Planning Department and Marin County Board of Supervisors:

O9-1

I am writing to comment on the DEIR prepared for the Marin Unincorporated Area Housing Element. Unfortunately, comments cannot be made on that subject in a vacuum. The report summary says it all; there are 15 identified impacts that are significant and unavoidable. Yet the State makes no adjustment in RHNA.

O9-2

Basically, the County is just supposed to push any basic, responsible planning process aside — avoidance of hazards and environmental impacts — and proceed with the Housing Element as if the hazards and impacts did not exist. This was also true of the Safety and other Elements, and it will be true in two years when AB 1445 requires yet another report to be created — impacts of climate change — and again leaves the County with no avenues of avoidance.

The problem exists at the State level. Areas with hazards and environmental concerns as widespread and literally dangerous as the ones we are contending with should have their RHNA reduced.

O9-3 Housing at all costs — especially when so much of it will be market rate — defies common sense. The County will suffer deterioration of the environment, and increased threat of harm to life and property from fire and flooding, among other avoidable risks.

The County has paid millions of tax dollars to find out what we already know, just to satisfy State demands for report production that have no meaningful effect on housing allocations.

The drought is ignored by the State in terms of housing, yet the nine page letter the County recently received from the HCD requires yet another report, this one regarding our water supply.

We rely on our county government to undertake reflective, integrative, and careful planning for the safety and well being of all residents — including new ones. This function is being taken from you, and it affects all of us. I have often heard Planners' and Supervisors' comments while attending your meetings that truly show the depth of concern at this erosion. The recent IJ article made this even more evident. <https://www.marinij.com/2022/11/18/marin-officials-pan-environmental-report-on-housing-mandate/>

O9-4 None of the reports, including the DEIR, are able to address the cumulative effects of the massive housing influx. The unincorporated area does not have a hard boundary; we are all affected by the HCD demands of the adjacent city lands of Marin.

O9-5 At what point does the County push back? If we don't, the State can only conclude that we accept the new status quo, in which totally irresponsible high-level decisions are allowed to degrade our county, in the name of an affordable housing crisis. Yet it is clear that the housing laws are designed to stimulate for-profit development that will largely yield expensive housing.

The more massive apartment complexes planned in the City of San Rafael planned will unduly impact specific unincorporated areas. Hundreds of units sited in Los Ranchitos and Santa Venetia will combine with and San Rafael controlled Northgate to concentrate a huge new population in a small area.

This process has cost millions of taxpayer dollars. Money that could have gone into affordable housing. For a fraction of that amount, about \$25,000, the county can join a lawsuit based on the failed HCD/RHNA audit currently under review at the

Department of Finance.

If the HCD is not challenged, they could effectively ignore the audit results. With HCD, there is no channel of oversight or remedy beside a lawsuit, even if the audit shows gross overcounting. Last week Governor Newsom acknowledged that 2.5 million units was an “aspirational number.” What is the correct number?

There is another lawsuit regarding SB 9 that the county could join, and should. SB 9 was put forward as an emergency measure to address the lack of affordable housing. But nowhere in SB 9 is there any language regarding affordability.

Marin should be able to balance its housing needs with safety and sustainability. Your constituents deserve local government that can plan for that on their behalf. The CountyWide Plan has successfully done that for many years. This entire stressful Housing Elements exercise produces nothing but thousands of pages of data points that are then (mostly) ignored.

That said, I very much appreciate the tremendous efforts that have gone into the preparation of all mandated documentation, including the FBC, and it is clear that public comments have been read and integrated when possible. I am appalled that the state requirements have overloaded the important agendas and regular workloads of staff, Planners, and Supervisors. Thank you all for taking your jobs so seriously.

Sincerely,

Amy Kalish
Director, Citizen Marin
citizenmarin.org
7 Walsh Drive, MV, CA 94941
415-383-9115

Lawsuit information, attorney Pam Lee

<http://www.awattorneys.com/our-team/attorneys/pam-k-lee>

The general law cities SB9 lawsuit

<https://www.livablecalifornia.org/wp-content/uploads/2022/04/SB9-03.29.2022-RB-Lawsuit-re-SB-9.pdf>

These lawsuits can be amended for counties. Please contact Pam Lee for more information.

3-184

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Mary Stiles Ochoa

Exempt From Filing Fee
Government Code § 6103]

Attachment to Citizen Marin Email

1 ALESHIRE & WYNDER, LLP
SUNNY K. SOLTANI, State Bar No. 209774
2 *ssoltani@awattotnrays.com*
PAM K. LEE, State Bar No. 246369
3 *plee@awattorneys.com*
18881 Von Karman Avenue, Suite 1700
4 Irvine, California 92612
Telephone: (949) 223-1170
5 Facsimile: (949) 223-1180

6 Attorneys for Petitioners
7 Michael W. Webb (133414)
Office of the City Attorney
8 City of Redondo Beach
415 Diamond Street
9 Redondo Beach, CA 90277
(310) 318-0655
10 *michael.webb@redondo.org*

11 Attorney for Petitioner City of Redondo Beach

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**
14

15 **CITY OF REDONDO BEACH**, a California
charter city; **CITY OF CARSON**, a California
16 charter city; **CITY OF TORRANCE**, a
California charter city; **CITY OF WHITTIER**,
17 a California charter city

18 Petitioners/Plaintiffs,

19 v.

20 **ROB BONTA**, in his official capacity as
California Attorney-General, **STATE OF**
21 **CALIFORNIA**; and **DOES 1** through **50**,
inclusive,
22

23 Respondents/Defendants.
24

Case No. **22STCP01143**

**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

(Civ. Proc. Code, §§ 526, 1060, 1085)

25 This Verified Petition for Writ of Mandate and Complaint for Injunctive and Declaratory
26 Relief (“Petition”) is brought by Petitioners/Plaintiffs City of Redondo Beach, City of Carson, City
27 of Torrance, and City of Whittier and directed to Respondents/Defendants Rob Bonta, in his official
28 capacity as California Attorney-General, and the State of California.

ALESHIRE &
WYNDER LLP
ATTORNEYS AT LAW



INTRODUCTION

1
2 1. Petitioners/Plaintiffs **City of Redondo Beach**, City of Carson, City of Torrance, and
3 City of Whittier bring this action to uphold the California Constitution and prevent the State of
4 California from usurping a **charter city’s land use authority**, which is a **uniquely municipal affair**.
5 As the California Supreme Court has opined: “*Charter cities are specifically authorized by our*
6 *state Constitution to govern themselves, free of state legislative intrusion, as to those matters*
7 *deemed municipal affairs.*” (*State Building & Construction Trades Council of California, AFL-*
8 *CIO v. City of Vista* (2012) 54 Cal.4th 547, 555 (“*City of Vista*”).) As to municipal affairs, “charter
9 cities are ‘supreme and beyond the reach of legislative enactment.’” (*California Fed. Savings &*
10 *Loan Ass’n v. City of Los Angeles* (1991) 54 Cal.3d 1, 12 (“*Cal Fed Savings*”).)

11 2. It is **undisputed** that **planning and zoning laws are matters of municipal affairs**. The
12 constitutional right of municipalities to zone single-family residential districts and the sanctioning
13 principle upon which that right is founded has been well settled law for almost 100 years. (*Miller*
14 *v. Bd. of Public Works of City of Los Angeles* (1925) 195 Cal. 477, 486.)¹ Likewise, the **right of**
15 **housing development approvals** has historically been a **municipal affair**.

16 3. Thus, any legislative enactment to curtail a matter of municipal affair must be a
17 **subject of statewide concern**, and such enactment must be “‘**reasonably related to...resolution**’ of
18 that concern” and “‘**narrowly tailored**’ to avoid unnecessary interference in local governance.” (*City*
19 *of Vista, supra*, 54 Cal.4th at 556.)

20 4. In enacting **Senate Bill 9 (“SB 9”)** in 2021, the State of California eviscerated a city’s
21 local control over land use decisions and a community-tailored zoning process. SB 9 provides a
22

23 _____
24 ¹ The California Supreme Court went even further to add: “The establishment of single family
25 residence districts offers inducements not only to the wealthy but to those of moderate means to
26 own their own homes. ... With ownership of one’s home comes recognition of the individual’s
27 responsibility for his share in the safeguarding of the welfare of the community and increased
28 pride in personal achievement which must come from personal participation in projects looking
toward community betterment. [¶] It is needless to further analyze and enumerate all of the factors
which make a **single family home** more desirable for the promotion and perpetuation of family life
than an **apartment, hotel, or flat**. It will suffice to say that there is a sentiment practically universal,
that this is so.” (*Id.* at 493.)

1 ministerial approval process, without any discretionary review or hearings, for property owners to
 2 subdivide a residential parcel into two lots and to build up to two primary homes on each resulting
 3 lot. With the combination of SB 9 and/or previously adopted accessory dwelling unit (“ADU”)
 4 laws, one single-family parcel may now have up to four homes, notwithstanding any city’s general
 5 plan or local zoning laws prohibiting otherwise. In essence, SB 9 eliminates local authority to create
 6 single-family zoning districts and approve housing developments, a right that has existed for
 7 practically a century.

8 5. Through SB 9 the State has impinged upon local control in a manner that is not
 9 reasonably related to its stated State interest. SB 9 cites ensuring access to affordable housing as a
 10 matter of statewide concern that justifies its applicability to charter cities, but the bill does not
 11 require the newly created homes or the lots to have any affordability covenants or to be restricted to
 12 moderate- or lower-income households. Thus, in very urbanized areas where housing demand and
 13 prices are high, SB 9 housing developments could be sold or leased at market rate prices, which
 14 would do nothing to address housing affordability, and could exacerbate unaffordability by taking
 15 away potential affordable housing locations.

16 6. SB 9 also intended to allow the average single-family homeowner to split their lot
 17 and create duplexes and ADUs. Instead, developers and institutional investors with deep pockets
 18 are more likely to take advantage of SB 9. The new bill will raise land and home values, particularly
 19 in already very urbanized areas, making it harder for first-time homebuyers to get their foothold on
 20 the American Dream and further alienating lower-income households. Additionally, some advocacy
 21 groups claim that developers are likely to target communities of color, in areas where land is
 22 relatively cheaper, and demolish houses to build high-cost rentals that would limit the ability of
 23 minorities to build wealth, exacerbating inequalities and promoting gentrification.

24 7. In addition, the State has impinged upon local control in a manner that is not
 25 narrowly tailored to avoid unnecessary interference in local governance. With the addition of up
 26 to four times as many homes in an existing neighborhood under SB 9, the threat of adverse impacts
 27 is imminent. Although SB 9 allows a city to deny a project that would have specific and significant
 28 adverse impacts, such impacts are limited only to objective public health or safety concerns.

1 However, there are many environmental and community concerns that are not considered “objective
2 public health or safety concerns” under SB 9. For example, local ordinances – such as those that
3 preserve trees or views or create bike paths or open space – address important climate change,
4 greenhouse gases, and community concerns but do not rise to the level of objective public health or
5 safety concerns as contemplated under SB 9.

6 8. Even if an adverse impact is considered an “objective public health or safety
7 concern,” one housing project built under SB 9 may not have a significant enough impact on an
8 individual basis, such that it could be denied in accordance with the bill. Nonetheless, the
9 cumulative impacts of several housing projects within a single neighborhood on public health or
10 safety could still be significant. Specifically, the addition of up to four times as many families in
11 existing neighborhoods will undoubtedly impact schools with increased class sizes, exacerbate
12 traffic congestion, and create parking deficiencies. There will also be increased need for water and
13 sewer capacity, use of utilities, maintenance and replacement of physical infrastructure, and demand
14 for emergency access and response. Petitioners cannot address these cumulative impacts under SB 9
15 on an individual basis for each housing project.

16 9. Petitioners recognize that housing, including housing affordability, are serious issues
17 that must be addressed at both the State and local levels. In fact, Petitioners have been proactive in
18 finding ways to provide more housing and affordable housing for residents. For example, the Cities
19 of Redondo Beach and Torrance sponsor a Section 8 Housing Program and an Emergency Housing
20 Vouchers Program, and the City of Redondo Beach is in process to adopt an inclusionary housing
21 ordinance for affordable housing that mandates affordable housing be constructed for projects over
22 10 units. The City of Whittier too has an existing inclusionary housing ordinance for affordable
23 housing for housing projects over 7 units. Also, the City of Carson is in the process of adopting a
24 below market rate housing ordinance with an inclusionary housing component to increase affordable
25 housing stock within its community. Over the past two decades, the City of Carson, through the
26 Carson Housing Authority, assisted in the development of almost 1,000 affordable housing units,
27 and over 900 housing units are currently under construction or approved within the community.

28

1 10. Petitioners are partners with the State and will continue to cooperate with the State
 2 to find comprehensive and creative solutions to the lack of housing and affordable housing, but this
 3 must be done in a way that addresses each community’s unique needs and opportunities that provide
 4 solutions tailored for each community. SB 9, however, is **overly broad** and therefore ignores
 5 communities and their single-family residents and by impeding local and well-thought out responses
 6 to the lack of affordable housing.. The bill is short-sighted, counter-productive to the State’s
 7 housing goals and objectives, and hinders the role of charter cities such as Petitioners in effectively
 8 and efficiently creating and promoting opportunities for affordable housing development.

9 11. Accordingly, this lawsuit is necessary to protect the rights of charter cities to
 10 **maintain local land use and zoning control** for the benefit of their communities without the State’s
 11 intervention on a matter that may be of statewide concern but whose legislative enactments under
 12 SB 9 are not reasonably related to resolving those interests nor narrowly tailored to avoid
 13 interference with local government.

PARTIES

14
 15 12. Petitioner/Plaintiff City of Redondo Beach (“Redondo Beach”) is a charter city, duly
 16 organized under the Constitution and the laws of the State of California. Redondo Beach is the **43rd**
 17 **most dense city in the country** with a population over 50,000, with a population density of **11,000**
 18 **residents per square mile**. As a result of such densities, Redondo Beach has **11 traffic intersections**
 19 **with level of service F**, the worst measurement of traffic congestion, and similar parking challenges.

20 13. With respect to affordable housing, **Redondo Beach sponsors two affordable housing**
 21 **programs: a Section 8 Housing Program and an Emergency Housing Vouchers Program**. Redondo
 22 Beach also is in process to adopt an **inclusionary housing ordinance** that mandates affordable
 23 housing for lower income households be constructed for projects over 10 units.. Over the past eight
 24 years, Redondo Beach has financially assisted, constructed, rehabilitated, or preserved the
 25 **affordability of 688 housing units**.

26 14. Petitioner/Plaintiff City of Carson (“Carson”) is a charter city, duly organized under
 27 the Constitution and the laws of the State of California. The City of Carson has a population density
 28 of nearly 5,000 people per square mile, while the State average is only 232.5 residents per square

1 mile. Over 75% of the City's population is comprised of minorities. The community is impacted by freight, port, rail, and automobile traffic congestion, as well as poor air quality and pollution due to oil and gas production and refinery uses.

15. With respect to affordable housing, Carson is in the process of adopting a below market rate housing ordinance with an inclusionary housing component to increase affordable housing stock within its community. Carson, through the Carson Housing Authority, has developed or assisted in the development of almost 1,000 affordable housing units in its community over the past two decades.

16. Petitioner/Plaintiff City of Torrance ("Torrance") is a charter city, duly organized under the Constitution and the laws of the State of California. The City of Torrance has a population density of 7,160 residents per square mile. Traffic and congestion on major thoroughfares and traffic safety are one of the biggest concerns of many residents, which is exacerbated by the high influx of daily workers and visitors into the City.

17. With respect to affordable housing, Torrance also sponsors a Section 8 Housing Program and an Emergency Housing Vouchers Program. Torrance has 659 affordable rental housing units in its community and is planning for an additional 2,467 affordable housing units in the next eight years.

18. Petitioner/Plaintiff City of Whittier ("Whittier") is a charter city, duly organized under the Constitution and the laws of the State of California. Whittier has a population density of 5,667 people per square mile. Approximately 75% of the City's population is comprised of minorities.

19. With respect to affordable housing, Whittier has implemented the Affordable Home Ownership Program and the Housing Rehabilitation Program, as well as being a participant in the federal HOME Program to assist low and very low income families secure affordable housing. The City further established a Housing Rights Center to support tenants and landlords regarding their rights and responsibilities on rental housing.

20. Redondo Beach, Carson, Torrance, and Whittier are collectively referred to herein as "Petitioners."

1 21. Respondent/Defendant Rob Bonta (“Bonta”) is the California Attorney-General and
 2 is named herein at all times in his official capacity as such. Bonta, as the California Attorney-
 3 General, is the chief law officer of the State. The Attorney-General has the duty to see that the laws
 4 of the State are uniformly and adequately enforced.

5 22. Respondent/Defendant State of California (“State”) is and at all times mentioned
 6 herein is a State of the United States of America. Lawsuits may be brought against the State under
 7 Article III, Section 5 of the California Constitution.

8 23. Bonta and the State are collectively referred to herein as “Respondent”.

9 24. The true names and capacities, whether individual, corporate, or otherwise, of
 10 Respondent/Defendant DOES 1 through 50, inclusive, are unknown to Petitioners at this time, and
 11 such Respondents/Defendants are, therefore, sued by fictitious names. Petitioners will seek leave of
 12 court to amend this Petition to reflect the true names and capacities of these fictitiously named
 13 Respondents/Defendants when they have been ascertained. Petitioners are informed and believe,
 14 and based thereon allege, that each of the Respondents/Defendants named herein as DOES 1 through
 15 50, inclusive, is legally responsible in some manner for the actions challenged herein and, therefore,
 16 should be bound by the relief sought herein.

17 **JURISDICTION AND VENUE**

18 25. This Court has original jurisdiction over this matter pursuant to Article VI, Section
 19 10 of the California Constitution, and Section 1085 of the Code of Civil Procedure.

20 26. Venue is proper in this Court pursuant to Code of Civil Procedure Section 401,
 21 subdivision (l), because the Attorney-General maintains an office in Los Angeles County.

22 **FACTUAL ALLEGATIONS**

23 **California Constitution and Existing Statutory Law**

24 27. Article XI, Section 5, subdivision (a) of the California Constitution provides: “It shall
 25 be competent in any city charter to provide that the city governed thereunder may make and enforce
 26 all ordinances and regulations in respect to municipal affairs, subject only to restrictions and
 27 limitations provided in their several charters and in respect to other matters they shall be subject to
 28 general laws. City charters adopted pursuant to this Constitution shall supersede any existing charter,

1 and with respect to municipal affairs shall supersede all laws inconsistent therewith.”

2 **SB 9**

3 28. SB 9 was signed into law by Governor Gavin Newsom, filed with the Secretary of
4 State on September 16, 2021, and became effective on January 1, 2022. Attached as Exhibit A is a
5 true and correct copy of SB 9, as chaptered and enrolled.

6 29. SB 9 added Government Code Sections 65852.21 and 66411.7 and amended
7 Government Code Section 66452.6.

8 **SB 9: Development of Two Residences on One Lot**

9 30. Government Code Section 65852.21, subdivision (a) provides that “no more than
10 two residential units within a single-family residential zone shall be considered ministerially,
11 without discretionary review or a hearing,” if the housing project meets certain requirements.

12 31. Government Code Section 65852.21, subdivision (b) provides that only objective
13 zoning, subdivision, and design review standards may be imposed upon any housing unit created
14 under SB 9, and such standards cannot preclude the creation of two units that are at least 800 square
15 feet each.

16 32. Government Code Section 65852.21, subdivision (c) allows a local agency to require
17 up to one off-street parking space per unit, but no parking shall be imposed if the parcel is located
18 within one-half mile walking distance of a high-quality transit corridor or a major transit stop, or if
19 there is a car share vehicle located within one block of the parcel.

20 33. Government Code Section 65852.21, subdivision (d) allows a local agency to deny
21 a housing project under SB 9 only if it would have a specific, adverse impact, as defined in
22 Government Code Section 65589.5 subdivision (d) paragraph (2), upon public health and safety, or
23 the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid
24 the specific, adverse impact. Government Code Section 65589.5 subdivision (d) paragraph (2)
25 defines “specific, adverse impact” as “a significant, quantifiable, direct, and unavoidable impact,
26 based on objective, identified written public health or safety standards, policies, or conditions as
27 they existed on the date the application was deemed complete.”

28

1 34. Government Code Section 65852.21, subdivision (k) further provides that a local
2 agency shall not be required to hold public hearings for coastal development permit applications
3 under the California Coastal Act of 1976 for housing developments under SB 9.

4 35. Government Code Section 65852.21, subdivision (e), prohibits short-term rentals of
5 30 days or less, but there are no other occupancy restrictions under Section 65852.21.

6 **SB 9: Lot Splits**

7 36. Government Code Section 66411.7, subdivision (a) requires a local agency to
8 ministerially approve, without discretionary review or a hearing, the splitting of one single-family
9 residential parcel into two lots, provided that each lot is located in an urbanized area (as designated
10 by the US Census Bureau), no smaller than 40% of the original parcel, and at least 1,200 square
11 feet, among other requirements.

12 37. Government Code Section 66411.7, subdivision (c) provides that only objective
13 zoning, subdivision, and design review standards may be imposed upon any lot split, and such
14 standards cannot preclude the creation of two units that are at least 800 square feet each.

15 38. Government Code Section 66411.7, subdivision (d) allows a local agency to deny a
16 proposed lot split under SB 9 only if it would have a specific, adverse impact, as defined in
17 Government Code Section 65589.5 subdivision (d) paragraph (2), upon public health and safety, or
18 the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid
19 the specific, adverse impact.

20 39. Government Code Section 666411.7, subdivision (o) further provides that a local
21 agency shall not be required to hold public hearings for coastal development permit applications
22 under the California Coastal Act of 1976 for lot splits under SB 9.

23 40. Government Code Section 666411.7, subdivision (g) requires the owner to sign an
24 affidavit of their intent to principally occupy one of the lots for at least three years after the lot split
25 is approved, and subdivision (h) prohibits short-term rentals of 30 days or less. There are no other
26 occupancy restrictions under Government Code Section 66411.7.

27 **SB 9: Matter of Statewide Concern**

28 41. In enacting SB 9, the State Legislature specifically found and declared that “ensuring

1 access to **affordable housing** is a matter of statewide concern and not a municipal affair as that term
2 is used in Section 5 of Article XI of the California Constitution.” (Emphasis added.) Accordingly,
3 SB 9 applies to both general law and charter cities.

4 42. However, nowhere in the statutory text of SB 9 is there a requirement that any
5 housing or lot split created under SB 9 be available at an affordable housing cost, as defined in State
6 law, or restricted to moderate-income or lower-income households, as defined in State law, thereby
7 allowing the housing units and the lots to be sold or leased at market rates.

8 **SB 9: Procedural History**

9 43. Prior to the introduction of SB 9 to the State Senate on December 7, 2020, the bill
10 existed in virtually identical form in the prior year’s (2019/2020) legislative session as Senate Bill
11 (SB) 1120. Petitioners Redondo Beach and Torrance provided comment letters on SB 1120. The
12 thrust of their concern was that SB 1120 unconstitutionally preempted a charter city’s regulation of
13 zoning and housing regulations that address adverse impacts of an overly dense and crowded
14 community and improperly planned housing and infrastructure. Attached as Exhibit B is a true and
15 correct copy of the City of Redondo Beach comment letter dated June 7, 2020 to the State Senate
16 and Assembly Members. Attached as Exhibit C is a true and correct copy of the City of Torrance
17 comment letter dated June 18, 2020 to the Senator Toni G. Atkins.

18 44. Petitioners are informed and believe that SB 1120 failed to be adopted because it was
19 not submitted for final voting prior to a legislative floor deadline.

20 45. After SB 9 was introduced to the State Legislature on December 7, 2020, Petitioners
21 provided comment letters on SB 9 for similar reasons. Attached as Exhibit D-1 is a true and correct
22 copy of the South Bay Cities Council of Governments comment letter dated June 18, 2021 to the
23 Honorable David Chiu, Chair of the Assembly Committee on Housing and Community
24 Development. Attached as Exhibit D-2 is a true and correct copy of the City of Whittier comment
25 letter dated June 8, 2021 to the Honorable Cecilia Aguilar-Curry, Chair of the Assembly Committee
26 on Local Government.

27 46. Throughout the legislative process prior to SB 9’s passage, Petitioners and others
28 commented on SB 9’s removal of local land use and zoning control from cities and its replacement

1 with a one-size-fits-all approach throughout the State, notwithstanding each community's varying
 2 needs and unique natural and physical environment. Attached as Exhibit E is a true and correct
 3 copy of SB 9 Unfinished Business Analysis of the Senate Rules Committee dated August 28, 2021.

4 47. SB 9 contains no severability clause.

5 **FIRST CAUSE OF ACTION**

6 **(Petition for Writ of Mandate – Code of Civil Procedure § 1085)**

7 48. Petitioners hereby re-allege paragraphs 1 through 47, inclusive, and incorporate them
 8 herein by reference as if fully set forth below.

9 49. As set forth in this Petition, **SB 9 violates the California Constitution**. Therefore,
 10 Petitioners seek a peremptory writ of mandate under Code of Civil Procedure section 1085,
 11 compelling Respondent to cease enforcement of SB 9.

12 50. Respondents have a clear, present, and ministerial duty to administer the laws of the
 13 State of California, such as the Government Code provisions adopted or amended under SB 9,
 14 without violating the provisions of the California Constitution. Respondent's adoption and
 15 enactment of SB 9 is clearly unconstitutional for the reasons set forth below.

16 51. Cities throughout California have already established residential land use and zoning
 17 regulations with respect to the densities, types, locations, and standards for housing developments,
 18 and such regulations have been found to be **municipal affairs, as guaranteed under Article XI,**
 19 **Section 5 of the California Constitution**. However, the enactment of SB 9 to allow for multiple
 20 homes on property that has been zoned by a city for only one single-family home and to permit the
 21 splitting of a single-family residentially zoned parcel into two lots, all subject to ministerial review
 22 and approval, **usurps a charter city's authority over its own municipal affairs**.

23 52. SB 9 specifically cited to and found that **"ensuring access to affordable housing"** –
 24 rather than just any housing – is a matter of statewide concern and not a municipal affair. However,
 25 **SB 9 is not reasonably related to this stated goal**.

26 53. **First**, nowhere in the text of SB 9 is there a provision to improve or increase the
 27 State's or a city's affordable housing stock. SB 9 contains no restriction or limitation of any new
 28 housing or lot split created under SB 9 to be available at an affordable housing cost, as that is defined

1 in State law, or to be sold or leased to moderate- or lower-income households, as those terms are
2 defined in State law. Any and all new housing and lot splits under SB 9 can be sold or leased at
3 market rates. Considering the already high cost of land and housing units, as well as the high costs
4 of labor and materials, within urban areas of the State, it is unlikely that most of the new housing
5 created under SB 9 will be financially affordable to moderate- or lower-income households. Rather,
6 SB 9 will exacerbate unaffordability by taking away potential affordable housing locations. In some
7 dense urban areas where Petitioners are located, residential parcels valued at \$1.5 million may result
8 in a lot split with new housing units valued at \$1.0 to \$1.2 million each. With a surplus of high
9 market rate units and not enough affordable homes, SB 9 does nothing to alleviate the housing
10 affordability issue and may, in fact, further alienate lower income households and threaten those
11 looking to achieve the American Dream.

12 54. The State knows how to write a law that will meaningfully and truly impact the lack
13 of affordable housing. SB 9 is not such a law. The only mention of affordability, other than in its
14 purported justification for applying it to charter cities, is that the developments and lot splits
15 authorized by SB 9 not require demolition or alteration of housing that was already otherwise
16 restricted as affordable. Not creating more harm does not come close to meeting the standard of
17 being reasonably related to the stated goal of increasing access to affordable housing. In comparison,
18 AB 83 and AB 140, for example, establishing Project Homekey Part 1 and 2 are replete with
19 restrictions that will actually create affordable housing. Although those laws also provide
20 exemptions from city planning and zoning laws, the Plaintiffs did not challenge them as being
21 unconstitutional. In fact, Redondo Beach recently partnered with the County of Los Angeles and a
22 developer of low income housing to obtain \$7.3 million to acquire and rehabilitate a former hotel
23 in Redondo Beach, providing permanent supportive housing to chronically homeless households
24 even though the location is not zoned for residential under the Redondo Beach Municipal Code.
25 This is because those laws have sufficient restrictions to ensure the housing will actually be
26 affordable and not market rate. SB 9 has no such restrictions and therefore is not reasonably related
27 to the specified state interest due to its failure to address the purported concern of lack of affordable
28 housing.

1 55. Even if SB 9 were reasonably related to its stated goal it would still be
2 unconstitutional because it is not narrowly tailored to avoid unnecessary interference in local
3 governance, for several reasons. First, SB 9 does not allow a city to adequately address public health
4 or safety concerns of the cumulative impacts of multiple SB 9 housing projects in a neighborhood
5 or community. Although SB 9 allows a city to deny a housing project based on objective public
6 health or safety concerns, the public health or safety impact must be significant. Although a single
7 SB 9 housing project may not have a significant public health or safety impact, the *cumulative*
8 *impacts of several projects within a single neighborhood* on public health or safety could be
9 significant.

10 56. For example, SB 9 allows local ordinances to require up to one space of off-street
11 parking per unit, but prohibits the application of a parking requirement when a housing project is
12 within one-half mile walking distance of a high-quality transit corridor or major transit stop or within
13 one block of a car share vehicle. Since SB 9 allows up to four houses on one parcel (with a lot split),
14 a single SB 9 housing project could create parking demand for at least four to eight vehicles while
15 supplying none, resulting in adverse parking and traffic issues, and hampering fire or emergency
16 access where needed, particularly in neighborhoods where streets are narrow.

17 57. Likewise, one SB 9 housing project would not likely affect an existing water line or
18 sewer capacity, but a 15% increase in housing projects could overwhelm the water or sewer system
19 built to the capacity of an existing, non-growing neighborhood. None of these concerns could be
20 addressed under SB 9 because the impact of one housing project would not meet the definition of a
21 “significant impact” on an individual basis, and SB 9 does not allow a city to address the cumulative
22 impacts of such housing projects.

23 58. Charter cities such as Petitioners have enacted ordinances to address their localities’
24 specific concerns regarding traffic, parking, community character, and infrastructure, many of
25 which were designed decades ago for a suburban density. Moreover, land use decisions oftentimes
26 are required to take into account school capacity, financial sustainability, park and open space, air
27 pollution, physical infrastructure and utility needs, and access to emergency services. None of these
28 can be considered under SB 9 in denying a project unless they are significant enough on an

1 individual project basis. Therefore, SB 9 is overbroad and not narrowly tailored due to its intrusion
2 in the city's authority to regulate for the public health, safety, and welfare of its community.

3 59. **Second**, SB 9 disrupts a city's housing element and the State's housing laws
4 (Government Code Section 65580 *et seq.*) by **eliminating single-family zoning**, which make up two-
5 thirds of all residences in California. By allowing multiple houses on one lot without having to re-
6 zone such lots from single-family to multi-family uses, a city's zoning districts and thereby its
7 **housing element will become outdated and inaccurate by failing to adequately account for certain**
8 **population increases, housing supply and demand, infrastructure needs, parks, emergency services,**
9 **and other related service levels.** As a result, cities will **not be able to accurately plan for future**
10 **housing**, as contemplated and required under the Government Code. This is contrary to the purposes
11 of SB 9 and significantly reduces the ability for cities to adopt complete and accurate housing
12 elements in the future.

13 60. Moreover, uneven development of housing density will put further strain on a city's
14 infrastructure, public utilities, and local services without adequate planning and control to address
15 the resulting impacts. Increasing by right the densities, population, and housing units by up to four
16 times within existing neighborhoods, without allowing a city to review the potential adverse impacts
17 of such developments on traffic, noise, greenhouse gases, water and sewer systems, and other
18 concerns within its community on a cumulative level, is unsustainable and potentially disastrous.
19 As a result, SB 9 is overbroad and not narrowly tailored to avoid unnecessary interference in local
20 governance over its housing elements and local planning and zoning laws.

21 61. **Third**, SB 9 excludes certain areas subject to the California Coastal Act, which may
22 leave **large swaths of coastal cities such as Petitioners exempt from SB 9**, while other portions of
23 the same cities are not exempt, thereby **disproportionately gentrifying** parts of a community and **not**
24 **affirmatively furthering fair housing.** Petitioners and other cities are already working to create more
25 opportunities for affordable and fair housing, but certain exemptions under SB 9 hinder these goals.

26 62. **Fourth**, SB 9 removes any public engagement and review of land use decisions that
27 affect neighboring homeowners by requiring a ministerial approval process. Particularly when a
28 housing project is subject to the California Coastal Act where public hearings would normally be

1 required, ministerial review of a housing development jeopardizes the ability for the applicant,
 2 residents, other local agencies, and stakeholders to voice legitimate public health, safety, and other
 3 community concerns that may be resolved through the city's local authority over land use and zoning
 4 decisions.

5 63. SB 9 is non-democratic in that it prohibits any due process for the affected housing
 6 applicant or neighbors and closes off any public accountability of public officials for their actions
 7 in approving SB 9 housing projects. Again, SB 9 is overbroad and not narrowly tailored to avoid
 8 unnecessary interference in local governance and accountability in land use and zoning decisions
 9 and housing development approvals.

10 64. Petitioners are beneficially interested in Respondent's duties to uphold the California
 11 Constitution and not to enforce any law, statute, or regulation that is in violation thereof. The
 12 enactment of SB 9 constitutes an abuse of discretion and is unconstitutional.

13 65. Petitioners have no adequate remedy at law to redress the constitutional and statutory
 14 violations described herein other than through a petition for writ of mandate.

15 66. Therefore, Petitioners request and pray that a writ of mandate be issued by this Court
 16 overturning or invalidating SB 9, due to its unconstitutional violations as set forth herein.

17 67. It is important to note that overturning or invalidating SB 9 will not eliminate the
 18 ability of the State to address the lack of housing and housing affordability issues. The State will
 19 continue to have a plethora of recently enacted housing legislation to tackle the housing crisis,
 20 including SB 330, SB 35, AB 447, AB 634, and AB 787, as well a slew of existing tools localities
 21 can use to create housing and improve housing affordability.

SECOND CAUSE OF ACTION

(Declaratory/Injunctive Relief – Code of Civ. Proc. §§ 526, 1060)

24 68. Petitioners hereby re-allege paragraphs 1 through 67, inclusive, and incorporate them
 25 herein by reference as if fully set forth below.

26 69. Petitioners and Respondent are each interested in the legal validity of SB 9, and there
 27 is an actual and present controversy between the parties. Petitioners seek to determine that the
 28 enactment of SB 9 and the various provisions of the Government Code contained therein,

1 unconstitutionally violate a charter city’s authority over matters concerning municipal affairs and is
2 neither reasonably related to resolution of the specified statewide interest of access to affordable
3 housing nor narrowly tailored to avoid unnecessary interference in local governance. Respondent
4 is obliged by statute to implement and enforce SB 9.

5 70. A judicial declaration is appropriate and necessary at this time under the
6 circumstances to resolve the Parties’ controversy and determine the constitutionality of SB 9,
7 whether Petitioners and other charter cities are required to comply with SB 9, and whether
8 Respondent can properly enforce the bill.

9 71. Petitioners are presently and continuously injured by Respondent’s enactment of SB
10 9, insofar as they violate Petitioner’s rights under the California Constitution. Petitioners have no
11 plain, speedy, and adequate remedy at law, and damages are indeterminate or unascertainable, and
12 in any event, would not fully redress any harm suffered by Petitioners. Accordingly, the Court must
13 enjoin Respondent from enforcing the provisions of SB 9.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Petitioners pray for judgment as follows:

- 16 1. For a peremptory writ of mandate **invalidating SB 9 and** directing Respondent to
- 17 cease implementation and enforcement of SB 9, and all provisions that violate the State Constitution
- 18 and statutory law;
- 19 2. For a declaration that SB 9 is unconstitutional, and that Respondent be enjoined from
- 20 implementing or enforcing SB 9;
- 21 3. For Petitioners’ costs of suit;
- 22 4. For an award of **attorneys’ fees** pursuant to Code of Civil Procedure section 1021.5
- 23 or other applicable law; and
- 24 5. For such other and further relief as the Court may deem just and proper.

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ALESHIRE &
WYNDER LLP
ATTORNEYS AT LAW



1 DATED: March 29, 2022

ALESHIRE & WYNDER, LLP

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By: _____

SUNNY K. SOLTANI
Attorneys for Petitioners CITY OF REDONDO
BEACH, CITY OF CARSON, CITY OF
TORRANCE, and CITY OF WHITTIER

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VERIFIED PURSUANT TO CODE OF CIVIL PROCEDURE § 446

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ALESHIRE &
WYNDER^{LLP}
ATTORNEYS AT LAW



EXHIBIT A

Senate Bill No. 9

CHAPTER 162

An act to amend Section 66452.6 of, and to add Sections 65852.21 and 66411.7 to, the Government Code, relating to land use.

[Approved by Governor September 16, 2021. Filed with
Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 9, Atkins. Housing development: approvals.

The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions.

This bill, among other things, would require a proposed housing development containing no more than 2 residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including, but not limited to, that the proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving the construction of 2 residential units, including, but not limited to, authorizing a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of up to 2 units or physically precluding either of the 2 units from being at least 800 square feet in floor area, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances.

The Subdivision Map Act vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps, and the modification of those maps. Under the Subdivision Map Act, an approved or conditionally approved tentative map expires 24



months after its approval or conditional approval or after any additional period of time as prescribed by local ordinance, not to exceed an additional 12 months, except as provided.

This bill, among other things, would require a local agency to ministerially approve a parcel map for an urban lot split that meets certain requirements, including, but not limited to, that the urban lot split would not require the demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the parcel is located within a single-family residential zone, and that the parcel is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving an urban lot split, including, but not limited to, authorizing a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of 2 units, as defined, on either of the resulting parcels or physically precluding either of the 2 units from being at least 800 square feet in floor area, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances. The bill would require an applicant to sign an affidavit stating that they intend to occupy one of the housing units as their principal residence for a minimum of 3 years from the date of the approval of the urban lot split, unless the applicant is a community land trust or a qualified nonprofit corporation, as specified. The bill would prohibit a local agency from imposing any additional owner occupancy standards on applicants. By requiring applicants to sign affidavits, thereby expanding the crime of perjury, the bill would impose a state-mandated local program.

The bill would also extend the limit on the additional period that may be provided by ordinance, as described above, from 12 months to 24 months and would make other conforming or nonsubstantive changes.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment. CEQA does not apply to the approval of ministerial projects.

This bill, by establishing the ministerial review processes described above, would thereby exempt the approval of projects subject to those processes from CEQA.

The California Coastal Act of 1976 provides for the planning and regulation of development, under a coastal development permit process, within the coastal zone, as defined, that shall be based on various coastal resources planning and management policies set forth in the act.



This bill would exempt a local agency from being required to hold public hearings for coastal development permit applications for housing developments and urban lot splits pursuant to the above provisions.

By increasing the duties of local agencies with respect to land use regulations, the bill would impose a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

The people of the State of California do enact as follows:

SECTION 1. Section 65852.21 is added to the Government Code, to read:

65852.21. (a) A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:

(1) The parcel subject to the proposed housing development is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(3) Notwithstanding any provision of this section or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:

(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(C) Housing that has been occupied by a tenant in the last three years.

(4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.



(5) The proposed housing development does not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development meets at least one of the following conditions:

(A) If a local ordinance so allows.

(B) The site has not been occupied by a tenant in the last three years.

(6) The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(b) (1) Notwithstanding any local law and except as provided in paragraph (2), a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this section.

(2) (A) The local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area.

(B) (i) Notwithstanding subparagraph (A), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(ii) Notwithstanding subparagraph (A), in all other circumstances not described in clause (i), a local agency may require a setback of up to four feet from the side and rear lot lines.

(c) In addition to any conditions established in accordance with subdivision (b), a local agency may require any of the following conditions when considering an application for two residential units as provided for in this section:

(1) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(2) For residential units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.

(d) Notwithstanding subdivision (a), a local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is



no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(f) Notwithstanding Section 65852.2 or 65852.22, a local agency shall not be required to permit an accessory dwelling unit or a junior accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 66411.7.

(g) Notwithstanding subparagraph (B) of paragraph (2) of subdivision (b), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(h) Local agencies shall include units constructed pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(i) For purposes of this section, all of the following apply:

(1) A housing development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing unit.

(2) The terms “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(3) “Local agency” means a city, county, or city and county, whether general law or chartered.

(j) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(k) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section.

SEC. 2. Section 66411.7 is added to the Government Code, to read:

66411.7. (a) Notwithstanding any other provision of this division and any local law, a local agency shall ministerially approve, as set forth in this section, a parcel map for an urban lot split only if the local agency determines that the parcel map for the urban lot split meets all the following requirements:



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(1) The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

(2) (A) Except as provided in subparagraph (B), both newly created parcels are no smaller than 1,200 square feet.

(B) A local agency may by ordinance adopt a smaller minimum lot size subject to ministerial approval under this subdivision.

(3) The parcel being subdivided meets all the following requirements:

(A) The parcel is located within a single-family residential zone.

(B) The parcel subject to the proposed urban lot split is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(C) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(D) The proposed urban lot split would not require demolition or alteration of any of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(iv) Housing that has been occupied by a tenant in the last three years.

(E) The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(F) The parcel has not been established through prior exercise of an urban lot split as provided for in this section.

(G) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.

(b) An application for a parcel map for an urban lot split shall be approved in accordance with the following requirements:

(1) A local agency shall approve or deny an application for a parcel map for an urban lot split ministerially without discretionary review.

(2) A local agency shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act (Division

2 (commencing with Section 66410)), except as otherwise expressly provided in this section.

(3) Notwithstanding Section 66411.1, a local agency shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split pursuant to this section.

(c) (1) Except as provided in paragraph (2), notwithstanding any local law, a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards applicable to a parcel created by an urban lot split that do not conflict with this section.

(2) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.

(3) (A) Notwithstanding paragraph (2), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(B) Notwithstanding paragraph (2), in all other circumstances not described in subparagraph (A), a local agency may require a setback of up to four feet from the side and rear lot lines.

(d) Notwithstanding subdivision (a), a local agency may deny an urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) In addition to any conditions established in accordance with this section, a local agency may require any of the following conditions when considering an application for a parcel map for an urban lot split:

(1) Easements required for the provision of public services and facilities.

(2) A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.

(3) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(f) A local agency shall require that the uses allowed on a lot created by this section be limited to residential uses.

(g) (1) A local agency shall require an applicant for an urban lot split to sign an affidavit stating that the applicant intends to occupy one of the



housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.

(2) This subdivision shall not apply to an applicant that is a “community land trust,” as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a “qualified nonprofit corporation” as described in Section 214.15 of the Revenue and Taxation Code.

(3) A local agency shall not impose additional owner occupancy standards, other than provided for in this subdivision, on an urban lot split pursuant to this section.

(h) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(i) A local agency shall not require, as a condition for ministerial approval of a parcel map application for the creation of an urban lot split, the correction of nonconforming zoning conditions.

(j) (1) Notwithstanding any provision of Section 65852.2, 65852.21, 65852.22, 65915, or this section, a local agency shall not be required to permit more than two units on a parcel created through the exercise of the authority contained within this section.

(2) For the purposes of this section, “unit” means any dwelling unit, including, but not limited to, a unit or units created pursuant to Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in Section 65852.2, or a junior accessory dwelling unit as defined in Section 65852.22.

(k) Notwithstanding paragraph (3) of subdivision (c), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(l) Local agencies shall include the number of applications for parcel maps for urban lot splits pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(m) For purposes of this section, both of the following shall apply:

(1) “Objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

(n) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be



considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(o) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for urban lot splits pursuant to this section.

SEC. 3. Section 66452.6 of the Government Code is amended to read:

66452.6. (a) (1) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 24 months. However, if the subdivider is required to expend two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way that abut the boundary of the property to be subdivided and that are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 48 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map.

(2) Commencing January 1, 2012, and each calendar year thereafter, the amount of two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) shall be annually increased by operation of law according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The effective date of each annual adjustment shall be March 1. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

(3) "Public improvements," as used in this subdivision, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

(b) (1) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.



(2) The length of time specified in paragraph (1) shall be extended for up to three years, but in no event beyond January 1, 1992, during the pendency of any lawsuit in which the subdivider asserts, and the local agency that approved or conditionally approved the tentative map denies, the existence or application of a development moratorium to the tentative map.

(3) Once a development moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

(c) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

(d) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the legislative body without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

(e) Upon application of the subdivider filed before the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Before the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.



(f) For purposes of this section, a development moratorium includes a water or sewer moratorium, or a water and sewer moratorium, as well as other actions of public agencies that regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map. A development moratorium shall also be deemed to exist for purposes of this section for any period of time during which a condition imposed by the city or county could not be satisfied because of either of the following:

(1) The condition was one that, by its nature, necessitated action by the city or county, and the city or county either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action before expiration of the tentative map.

(2) The condition necessitates acquisition of real property or any interest in real property from a public agency, other than the city or county that approved or conditionally approved the tentative map, and that other public agency fails or refuses to convey the property interest necessary to satisfy the condition. However, nothing in this subdivision shall be construed to require any public agency to convey any interest in real property owned by it. A development moratorium specified in this paragraph shall be deemed to have been imposed either on the date of approval or conditional approval of the tentative map, if evidence was included in the public record that the public agency that owns or controls the real property or any interest therein may refuse to convey that property or interest, or on the date that the public agency that owns or controls the real property or any interest therein receives an offer by the subdivider to purchase that property or interest for fair market value, whichever is later. A development moratorium specified in this paragraph shall extend the tentative map up to the maximum period as set forth in subdivision (b), but not later than January 1, 1992, so long as the public agency that owns or controls the real property or any interest therein fails or refuses to convey the necessary property interest, regardless of the reason for the failure or refusal, except that the development moratorium shall be deemed to terminate 60 days after the public agency has officially made, and communicated to the subdivider, a written offer or commitment binding on the agency to convey the necessary property interest for a fair market value, paid in a reasonable time and manner.

SEC. 4. The Legislature finds and declares that ensuring access to affordable housing is a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Sections 1 and 2 of this act adding Sections 65852.21 and 66411.7 to the Government Code and Section 3 of this act amending Section 66452.6 of the Government Code apply to all cities, including charter cities.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or



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because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

O



EXHIBIT B



Bill Brand
Mayor

415 Diamond Street, P.O. BOX 270
Redondo Beach, California 90277-0270
www.redondobeach.org

tel 310 372-1171
ext. 2260
fax 310 374-2039

July 7, 2020

RE: CITY OF REDONDO BEACH OPPOSES HOUSING BILLS THAT PREEMPT LOCAL REGULATORY CONTROLS

Dear State Senate and Assembly Members:

There are several bills that have been introduced in the Senate and Assembly this year related to housing and affordable housing. Although the City of Redondo Beach understands the intent to address the shortage of housing and affordable housing in the State of California, there are concerns with the potential consequences of many of these bills. The list of applicable bills is as follows:

- SB 902 Planning and zoning: housing development: density
- SB 995 Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2011: housing projects
- SB 1085 Density Bonus Law: qualifications for incentives or concessions: student housing for lower income students: moderate-income persons and families: local government constraints
- SB 1120 Subdivisions: tentative maps
- SB 1299 Housing development: incentives: rezoning of idle retail sites
- AB 725 General Plans: housing element: moderate-income and above moderate-income housing: suburban and metropolitan jurisdictions
- AB 1279 Planning and zoning: housing development: high-opportunity areas
- AB 2345 Planning and zoning: density bonuses: annual report: affordable housing
- AB 3040 Local planning: regional housing needs assessment
- AB 3107 Planning and zoning: general plan: housing development

Local Controls and Planning

Existing State law leaves zoning decisions exclusively to local governments-this is a major part of the home rule doctrine. Several of the housing bills proposed in the Senate and Assembly preempt local regulation for housing.

Our City is currently updating its General Plan to address many local housing related concerns. Since spring 2017, a 27-member citizens General Plan Advisory Committee has conducted 21 meetings, with 6 more scheduled, many where the focus has been on housing in Redondo Beach. The intent is to ensure that a broad range of housing



types and densities are available. However, under numerous proposed housing bills this year, these robust planning efforts specific to our City would not be taken into consideration.

Redondo Beach provides for a broad range of housing types and densities. The City has also taken action to zone for higher densities around high quality transit nodes and to some extent along transit corridors. The City's certified Housing Element identifies specific sites in strategic locations and includes specific programs for ensuring housing goals as required are achieved. Every area identified in the Housing Element has distinct challenges that require different approaches.

Redondo Beach is a perfect example of a medium size coastal city striving to meet and address the housing needs of Southern California. We have every level and type of housing; singles, 1 bedroom, 2 bedrooms, 3 bedrooms, multi-family housing, single-family housing, accessory dwelling units, and multi-million-dollar coastal homes. Fifty percent of the housing units in the community is rental. We also have a Housing Authority with over 500 vouchers issued for Section 8 housing. We have numerous senior living complexes in all areas of town.

Like many communities in California, Redondo Beach is largely 'built-out' with worsening traffic, impacted schools, and water shortages. However, Redondo Beach's population continues to grow, along with average household size and the number of households. We have been averaging an additional 60 units per year for the last 15 years.

Redondo Beach's population density is 11,000 residents per square mile. Our city is one of the most densely populated areas in California. Demographia.com rated Redondo Beach as 43rd in population density for U.S. Cities over 50,000 people after the 2000 census. With this population density, the City as a result has 11 Level of Service 'F' intersections and similar parking challenges. Nonetheless, the City of Redondo Beach is producing a wide variety of housing after carefully considering the suitability and impacts of each housing project.

Many of the outlying cities in the LA area such as ours have a severe housing/jobs imbalance where over 90% of the residents leave their town in the morning to go to work (recognizing that during the LA County Safer at Home Order addressing the public health emergency related to COVID-19 and the curfews implemented recently this has been temporarily suspended but will return once orders are lifted). This creates huge impacts to our transportation sectors in one direction in the morning, to only reverse that impact during the evening commute. What these areas need is more job creating business centers to reverse some of that flow, not more housing that will only worsen the problem.



Yet, again, many of the proposed housing and affordable housing bills would exempt projects from local controls to appropriately plan, regulate, and provide infrastructure for housing in our community based on the community's needs and circumstances.

One Size Does Not Fit All

Despite the city's contemporary land-use planning policies and zoning designations, the proposed legislation would replace our strategically planned, locally appropriate areas of housing intensification with a blanket policy. This one size fits all approach to local land use regulation would have significant adverse impacts on our established community and its character, many bills having significant implications regarding traffic, parking, and other infrastructure that was designed decades ago for a suburban density.

Land use decisions by communities and local officials are complex and take into account many different issues such as school capacity, financial sustainability, available park space, traffic, air pollution, water needs, sewer capacity, parking, affordability, street maintenance, commercial needs, industrial needs, access to emergency services, etc.

A one size fits all approach dictated from the State will be a disaster for many communities by exacerbating impacts that will also have consequences with State-wide interest. Water needs will increase and student/teacher ratios will deteriorate just to name two. Legislation that creates even bigger problems with State-wide interests will demand more rules and regulations to fix the problems they create.

State legislation should not interfere with complex decisions best handled at the local level. Local land-use decisions should be left to local communities who must manage and maintain the towns they create. To address this concern, on July 7, 2020 the Redondo Beach City Council received a report and authorized this response to the housing bills listed above that propose significant detrimental impacts on local control.

In conclusion, although it is important to make housing development a priority in today's climate, housing development regulations and approvals should be left to the local agencies that are best equipped to evaluate the impacts of projects, and can require mitigations to protect the health and safety of the residents they serve. We oppose home rule preemption.

Sincerely,



William Brand

CC: Senator Benjamin Allen, 26th State Senate District
Assembly Member Al Muratsuchi, 66th Assembly District
Michael J. Arnold, Michael J. Arnold & Associates
City Council Members, City of Redondo Beach



EXHIBIT C



T O R R A N C E
CITY OF

PATRICK J. FUREY
MAYOR

June 18, 2020

Senator Toni G Atkins
Senator President Pro Tempore
Capitol Office
State Capitol, Room 20S
Sacramento, CA 95814

CITY COUNCIL MEMBERS

HEIDI ANN ASHCRAFT
GEORGE CHEN
TIM GOODRICH
MIKE GRIFFITHS
SHARON KALANI
AURELIO MATTUCCI

RE: SB 1120 (Atkins) Subdivisions: tentative maps
Notice of Opposition

Dear Senator Atkins,

The City of Torrance is **opposed** to SB 1120, which would require a proposed housing development containing two (2) residential units to be considered ministerially and would be without discretionary review or hearing in zones where allowable uses are limited to single-family, residential development, if the proposed housing development meets certain requirements.

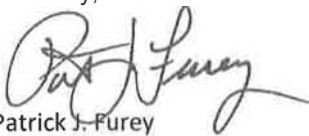
SB 1120 lets cities apply local ADU laws, to double its envisioned four units to eight luxury units per single-family lot, further spurring speculation and destabilizing homeownership in California. At the same time, the bill requires just one parking space per home in most communities.

Specifically, the City of Torrance opposes the following provisions in SB 1120:

- Requires a housing development containing two units to be considered ministerially in single family zones if the development meets certain conditions.
- Requires a city or county to ministerially approve or deny a parcel map for an urban lot split that meets specified requirements, in addition to the requirements for eligible parcels that apply to both duplexes and urban lot splits.
- Prohibits a local agency from imposing regulations that require dedications of rights-of-way or the construction of reasonable offsite and onsite improvements for parcels created through an urban lot split.
- Prohibits the development of ADUs on parcels that use both the urban lot split and duplex provisions of the bill, and it applies the limitations on parking requirements from ADU law to both duplexes and urban lot splits under the bill.

For these reasons, the City of Torrance **Strongly Opposes** SB 1120.

Sincerely,


Patrick J. Furey
Mayor, City of Torrance

cc. Senator Ben Allen & Assemblyman Al Muratsuchi
Jeff Kiernan, League Regional Public Affairs Manager (via email)
Meg Desmond, League of California Cities, cityletters@cacities.org

3031 Torrance Boulevard • Torrance, California 90503 • 310/618-2801 • FAX 310/618-5841

(800) 666-1917

LEGISLATIVE INTENT SERVICE



EXHIBIT D-1



SOUTH BAY CITIES
COUNCIL OF GOVERNMENTS

2355 Crenshaw Blvd., #125
Torrance, CA 90501
(310) 371-7222
sbccog@southbaycities.org
www.southbaycities.org

June 18, 2021

The Honorable David Chiu
Chair, Assembly Committee on Housing and Community Development
1020 N Street, Room 156
Sacramento, CA 95814

RE: SB 9 (Atkins) Increased Density in Single-Family Zones – Notice of Opposition

Dear Assemblymember Chiu,

On behalf of the South Bay Cities Council of Governments (SBCCOG), I am writing to express our continued opposition to SB 9, which would require a local government to ministerially approve a housing development containing two residential units in single-family residential zones. Additionally, this measure would require local governments to ministerially approve urban lot splits.

The SBCCOG agrees that housing affordability and homelessness continue to be among the most critical issues facing California cities. Affordably priced homes are out of reach for many people and housing is not being built fast enough to meet the current or projected needs of people living in the state. Cities lay the groundwork for housing production by planning and zoning new projects in their communities based on extensive public input and engagement, state housing laws, and the needs of the building industry.

While the desire to pursue a housing production proposal is appreciated, unfortunately, SB 9 as currently drafted would not spur much needed housing construction in a manner that supports local control, decision-making, and community input. State driven ministerial or by-right housing approval processes fail to recognize the extensive public engagement associated with developing and adopting zoning ordinances and housing elements that are certified by the California Department of Housing and Community Development (HCD).

The SBCCOG is committed to being part of the solution to the housing shortfall across all income levels and will continue to work collaboratively with the Legislature and League of California Cities to spur much needed housing construction while maintaining local control and helping the State towards more sustainable development. The SBCCOG has previously shared with you our December 2018 and February 2019 White Papers on housing to achieve zero emission housing in suburban cities. Those papers are available on our website here: <https://www.southbaycities.org/news/response-sb-50-resolving-housing-carbon-dilemma-state-policy-role-local-government>

LOCAL GOVERNMENTS IN ACTION

Carson El Segundo Gardena Hawthorne Hermosa Beach Inglewood Lawndale Lomita
Manhattan Beach Palos Verdes Estates Rancho Palos Verdes Redondo Beach Rolling Hills
Rolling Hills Estates Torrance Los Angeles District #15 Los Angeles County



For these reasons, the SBCCOG continues to oppose SB 9. Should you have any questions, please contact SBCCOG Executive Director, Jacki Bacharach, at (310) 371-7222.

Sincerely,



Olivia Valentine, SBCCOG Chair
Mayor Pro Tem, City of Hawthorne

- cc. South Bay Senators: Bradford, Kamlager
South Bay Assembly Members: Burke, Muratsuchi, Gipson, O'Donnell
Jeff Kiernan, Regional Affairs Manager, League of CA Cities, LA Division (via email)
League of California Cities (Via email: cityletters@cacities.org)
Bill Higgins, Executive Director, CALCOG



EXHIBIT D-2



City of Whittier

13230 Penn Street, Whittier, California 90602-1772
(562) 567-9999 www.cityofwhittier.org

Joe Vinatieri
Mayor

Cathy Warner
Mayor Pro Tem

Jessica Martinez
Council Member

Fernando Dutra
Council Member

Henry Bouchot
Council Member

Brian Saeki
City Manager

June 8, 2021

The Honorable Cecilia Aguiar-Curry
Chair, Assembly Committee on Local Government
State Capitol, Room 5155
Sacramento, CA 95814

**RE: SB 9 (Atkins) Increased Density in Single-Family Zones
Oppose (As amended 04/27/2021)**

Dear Assembly Member Aguiar-Curry:

The City of Whittier writes to express our opposition to SB 9 (Atkins). SB 9 would require cities and counties to ministerially approve, without condition or discretion, a housing development containing two residential units on an individual parcel in single-family zones. Additionally, this measure would require local governments to ministerially approve an urban lot split, thus creating two independent lots that may be sold separately and contain a total of four dwelling units.

Housing affordability and homelessness are among the most critical issues facing California cities. Affordably priced homes are out of reach for many people and housing is not being built fast enough to meet the current or projected needs of people living in the state. Cities lay the groundwork for housing production by planning and zoning new projects in their communities based on extensive public input and engagement, state housing laws, and the needs of the building industry.

While the City of Whittier appreciates President pro Tempore Atkins' desire to pursue a housing production proposal, unfortunately, SB 9 as currently drafted will not spur much needed housing construction in a manner that supports local flexibility, decision making, and community input. State-driven ministerial or by-right housing approval processes fail to recognize the extensive public engagement associated with developing and adopting zoning ordinances and housing elements that are certified by the California Department of Housing and Community Development (HCD).

The City of Whittier understands that the housing supply and affordability are among the most poignant issues facing California cities. The COVID-19 pandemic has only intensified and highlighted this urgent issue. As



Page Two

The Honorable Cecilia Aguiar-Curry
June 8, 2021

such, the City of Whittier is in the midst of updating the Housing Plan Element to identify sites for additional housing. SB 9 (Atkins) would disregard this process and mandate more housing in existing single-family zones due to its top-down, one-size fits all approach. SB 9 (Atkins) does not acknowledge that each city is unique and the local agency is better equipped to understand the individual needs of the community.

California cities are committed to being part of the solution to the housing shortfall across all income levels and will continue to work collaboratively with you, the author, and other stakeholders on legislative proposals that will actually spur much needed housing construction.

For these reasons, the City of Whittier opposes SB 9 (Atkins).

Sincerely,



Joe Vinatieri
Mayor

cc. The Honorable Senate President pro Tempore Toni Atkins
Senator Bob Archuleta, District 32
Assembly Member Lisa Calderon, 57th District
Whittier City Council
Kristine Guerrero, League of California Cities



EXHIBIT E

SENATE RULES COMMITTEE
Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

UNFINISHED BUSINESS

Bill No: SB 9
Author: Atkins (D), Caballero (D), Rubio (D) and Wiener (D), et al.
Amended: 8/16/21
Vote: 21

SENATE HOUSING COMMITTEE: 7-2, 4/15/21
AYES: Wiener, Caballero, Cortese, McGuire, Skinner, Umberg, Wieckowski
NOES: Bates, Ochoa Bogh

SENATE GOVERNANCE & FIN. COMMITTEE: 5-0, 4/22/21
AYES: McGuire, Nielsen, Durazo, Hertzberg, Wiener

SENATE APPROPRIATIONS COMMITTEE: 5-2, 5/20/21
AYES: Portantino, Bradford, Kamlager, Laird, Wieckowski
NOES: Bates, Jones

SENATE FLOOR: 28-6, 5/26/21
AYES: Archuleta, Atkins, Becker, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Laird, Leyva, McGuire, Min, Nielsen, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, Wiener
NOES: Bates, Borgeas, Jones, Melendez, Ochoa Bogh, Wilk
NO VOTE RECORDED: Allen, Glazer, Kamlager, Limón, Newman, Stern

ASSEMBLY FLOOR: 45-19, 8/26/21 - See last page for vote

SUBJECT: Housing development: approvals

SOURCE: Author

DIGEST: This bill requires ministerial approval of a housing development of no more than two units in a single-family zone (duplex), the subdivision of a parcel zoned for residential use into two parcels (lot split), or both.



Assembly Amendments provide that a local agency may deny a housing project otherwise authorized by this bill if the building official makes a written finding based upon the preponderance of the evidence that the housing development project would have a specific, adverse impact upon health and safety or the physical environment and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; provides that a local agency shall require an applicant for an urban lot split to sign an affidavit stating that they intent to occupy one of the housing units as their principle residence for a minimum of three years, unless the applicant is a community land trust or a qualified nonprofit corporation; and removes the sunset.

ANALYSIS:

Existing law:

- 1) Governs, pursuant to the Subdivision Map Act, how local officials regulate the division of real property into smaller parcels for sale, lease, or financing.
- 2) Authorizes local governments to impose a wide variety of conditions on subdivision maps.
- 3) Requires a local jurisdiction to give public notice of a hearing whenever a person applies for a zoning variance, special use permit, conditional use permit, zoning ordinance amendment, or general or specific plan amendment.
- 4) Requires the board of zoning adjustment or zoning administrator to hear and decide applications for conditional uses or other permits when the zoning ordinance provides therefor and establishes criteria for determining those matters, and applications for variances from the terms of the zoning ordinance.
- 5) Establishes the California Environmental Quality Act (CEQA), which generally requires state and local government agencies to inform decision makers and the public about the potential environmental impacts of proposed projects, and to reduce those impacts to the extent feasible. CEQA applies when a development project requires discretionary approval from a local government. (See “Comments” below for more information.)
- 6) Requires ministerial approval by a local agency for a building permit to create an accessory dwelling unit (ADU) provided the ADU was contained within an existing single-family home and met other specified requirements. Requires a local agency to ministerially approve an ADU or junior accessory dwelling unit (JADU), or both, as specified, within a proposed or existing structure or



within the same footprint of the existing structure, provided certain requirements are met.

- 7) Requires each city and county to submit an annual progress report (APR) to the Department of Housing and Community Development (HCD) and the Office of Planning and Research that provides specified data related to housing development.

This bill:

- 1) Requires a city or county to ministerially approve either or both of the following, as specified:
 - a) A housing development of no more than two units (duplex) in a single-family zone.
 - b) The subdivision of a parcel zoned for residential use, into two approximately equal parcels (lot split), as specified.
- 2) Requires that a development or parcel to be subdivided must be located within an urbanized area or urban cluster and prohibits it from being located on any of the following:
 - a) Prime farmland or farmland of statewide importance;
 - b) Wetlands;
 - c) Land within the very high fire hazard severity zone, unless the development complies with state mitigation requirements;
 - d) A hazardous waste site;
 - e) An earthquake fault zone;
 - f) Land within the 100-year floodplain or a floodway;
 - g) Land identified for conservation under a natural community conservation plan, or lands under conservation easement;
 - h) Habitat for protected species; or
 - i) A site located within a historic or landmark district, or a site that has a historic property or landmark under state or local law, as specified.
- 3) Prohibits demolition or alteration of an existing unit of rent-restricted housing, housing that has been the subject of an Ellis Act eviction within the past 15 years, or that has been occupied by a tenant in the last three years.
- 4) Prohibits demolition of more than 25% of the exterior walls of an existing structure unless the local ordinance allows greater demolition or if the site has not been occupied by a tenant in the last three years.



- 5) Authorizes a city or county to impose objective zoning, subdivision, and design review standards that do not conflict with this bill, except:
 - a) A city or county shall not impose objective standards that would physically preclude the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area. A city or county may, however, require a setback of up to four feet from the side and rear lot lines.
 - b) A city or county shall not require a setback for an existing structure or a structure constructed in the same location and to the same dimensions as the existing structure.
- 6) Prohibits a city or county from requiring more than one parking space per unit for either a proposed duplex or a proposed lot split. Prohibits a city or county from imposing any parking requirements if the parcel is located within one-half mile walking distance of either a high-quality transit corridor or a major transit stop, or if there is a car share vehicle located within one block of the parcel.
- 7) Authorizes a city or county to require a percolation test completed within the last five years or, if the test has been recertified, within the last 10 years, as part of the application for a permit to create a duplex connected to an onsite wastewater treatment system.
- 8) Authorizes a local agency to deny a housing project otherwise authorized by this bill if the building official makes a written finding based upon the preponderance of the evidence that the housing development project would have a specific, adverse impact upon health and safety or the physical environment and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact
- 9) Requires a city or county to prohibit rentals of less than 30 days.
- 10) Prohibits a city or county from rejecting an application solely because it proposes adjacent or connected structures, provided the structures meet building code safety standards and are sufficient to allow separate conveyance.
- 11) Provides that a city or county shall not be required to permit an ADU or JADU in addition to units approved under this bill.
- 12) Requires a city or county to include the number of units constructed and the number of applications for lot splits under this bill, in its APR.



- 13) Requires a city or county to ministerially approve a parcel map for a lot split only if the local agency determines that the parcel map for the urban lot split meets the following requirements, in addition to the requirements for eligible parcels that apply to both duplexes and lot splits:
 - a) The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal size, provided that one parcel shall not be smaller than 40% of the lot area of the original parcel.
 - b) Both newly created parcels are at least 1,200 square feet, unless the city or county adopts a small minimum lot size by ordinance.
 - c) The parcel does not contain rent-restricted housing, housing where an owner has exercised their rights under the Ellis Act within the past 15 years, or has been occupied by tenants in the past three years.
 - d) The parcel has not been established through prior exercise of an urban lot split.
 - e) Neither the owner of the parcel, or any person acting in concert with the owner, has previously subdivided an adjacent parcel using an urban lot split.
- 14) Requires a city or county to approve a lot split if it conforms to all applicable objective requirements of the Subdivision Map Act not except as otherwise expressly provided in this bill. Prohibits a city or county from imposing regulations that require dedicated rights-of-way or the construction of offsite improvements for the parcels being created, as a condition of approval.
- 15) Authorizes a city or county to impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this bill. A city or county may, however, require easements or that the parcel have access to, provide access to, or adjoin the public right-of-way.
- 16) Provides that a local government shall not be required to permit more than two units on a parcel.
- 17) Prohibits a city or county from requiring, as a condition for ministerial approval of a lot split, the correction of nonconforming zoning conditions.
- 18) Requires a local government to require an applicant for an urban lot split to sign an affidavit stating that the applicant intends to occupy one of the housing units as their principle residence for a minimum of three years from the date of the approval of lot split, unless the applicant is a community land trust, as defined, or a qualified nonprofit corporation, as defined.



- 19) Provides that no additional owner occupancy standards may be imposed other than those contained within 18) above, and that requirement expires after five years.
- 20) Allows a city or county to adopt an ordinance to implement the urban lot split requirements and duplex provisions, and provides that those ordinances are not a project under CEQA.
- 21) Allows a city or county to extend the life of subdivision maps by one year, up to a total of four years.
- 22) Provides that nothing in this bill shall be construed to supersede the California Coastal Act of 1976, except that a local government shall not be required to hold public hearings for a coastal development permit applications under this bill.

Background

Cities and counties enact zoning ordinances to implement their general plans. Zoning determines the type of housing that can be built. In addition, before building new housing, housing developers must obtain one or more permits from local planning departments and must also obtain approval from local planning commissions, city councils, or county board of supervisors. Some housing projects can be permitted by city or county planning staff ministerially, or without further approval from elected officials. Projects reviewed ministerially require only an administrative review designed to ensure they are consistent with existing general plan and zoning rules, as well as meeting standards for building quality, health, and safety. Most large housing projects are not allowed ministerial review; instead, these projects are vetted through both public hearings and administrative review. Most housing projects that require discretionary review and approval are subject to review under CEQA, while projects permitted ministerially generally are not.

Comments

- 1) *Modest density can result in large-scale housing production.* This bill could lead to up to four homes on lots where currently only one exists. It would do so by allowing existing single-family homes to be converted into duplexes; it would also allow single-family parcels to be subdivided into two lots, while allowing for a new two-unit building to be constructed on the newly formed lot. According to the University of California, Berkeley Turner Center for Housing Innovation, this bill has the potential to allow for the development of nearly 6 million new housing units. Assuming only five percent of the parcels impacted



by this bill created new two-unit structures, this bill would result in nearly 600,000 new homes.

- 2) *Historic preservation versus housing production.* As part of their general police powers, local governments have the authority to designate historic districts, which set specific regulations and conditions to protect property and areas of historical and aesthetic significance. While well-intentioned, academics and others have pointed out that there are negative impacts of historic districts on housing supply and racial equity. For example, in 2017, the Sightline Institute noted that, in relation to Seattle’s historic preservation efforts, “rules for historic preservation can sabotage housing affordability just like any other cost, red tape, permitting delay, or capacity limits imposed on homebuilding.” It made recommendations such as educating historic preservation board members on how the historic review process and resulting preservation mandates can impede homebuilding and harm affordability; raising the bar for justifying landmark designations in order to counteract local anti-development sentiment; and even prohibiting historic preservation restrictions from limiting new construction to less than the height or capacity that zoning allows.

Sites within a historic district are categorically exempt from the provisions of this bill. While the committee understands the desire to protect the integrity of historic districts from an aesthetic perspective, it is unclear that allowing small multi-unit construction in historic districts — which would be subject to objective historic design standards — would undermine the integrity of the historic districts. In addition, exempting historic districts from bills designed to increase multi-unit housing supply could lead to fair housing challenges. This committee is aware of several California cities — including neighborhoods in Eastern San Francisco, Los Angeles, and San Jose — that have not excluded historic districts when performing rezonings.

This bill also contains a very broad definition of what kinds of historic districts are automatically exempt from this bill. The historic district exemption, similar to exemptions included in other pending bills in the Senate, does not require a historic district to be on a federal or state historic registry. Instead, a city can designate a zone as historic without the typical rigorous historic designation process required for a historic district to be placed on a federal or state registry. Certain NIMBY groups are already discussing use of this broad exemption as a tool to exempt communities from state housing laws. If a historic district exemption is needed, a more focused and rigorous exemption — for example,



similar to what the Governance and Finance Committee placed in SB 50 (Wiener, 2019) — should be considered.

- 3) *Senate's 2021 Housing Production Package*. This bill has been included in the Senate's 2021 Housing Production Package and is virtually identical to SB 1120 (Atkins, 2020). For key differences, see the Senate Housing Committee analysis.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Assembly Appropriations Committee:

- 1) HCD estimates costs of \$89,000 (General Fund) annually for 0.5 Personnel Years of staff time to provide technical assistance and outreach education to local agencies and affordable housing developers.
- 2) Unknown state-mandated local costs to establish streamlined project review processes for proposed duplex housing developments and tentative maps for urban lot splits, and to conduct expedited design reviews of these proposals. These costs are not state-reimbursable because local agencies have general authority to charge and adjust planning and permitting fees to cover their administrative expenses associated with new planning mandates.

SUPPORT: (Verified 8/27/21)

AARP

Abundant Housing LA

ADU Task Force East Bay

All Home

American Planning Association, California Chapter
Bay Area Council

Bridge Housing Corporation

Cal Asian Chamber of Commerce

California Apartment Association

California Asian Pacific Chamber of Commerce

California Association of Realtors

California Building Industry Association

California Chamber of Commerce

California Hispanic Chamber of Commerce

California YIMBY

Casita Coalition

Central Valley Urban Institute



Chan Zuckerberg Initiative
Circulate San Diego
Cities of Alameda, Oakland, San Diego
Council Member Jon Wizard, City of Seaside
Council Member Zach Hilton, City of Gilroy
Council of Infill Builders
County of Monterey
East Bay for Everyone
Eden Housing
Facebook, INC.
Fathers and Families of San Joaquin
Fieldstead and Company, INC.
Generation Housing
Greenbelt Alliance
Habitat for Humanity California
Hello Housing
Hollywood Chamber of Commerce
Housing Action Coalition
Inland Empire Regional Chamber of Commerce
Innercity Struggle
League of Women Voters of California
LISC San Diego
Livable Sunnyvale
Local Government Commission
Long Beach YIMBY
Los Angeles Business Council
Los Feliz Neighborhood Council
Mayor Darrell Steinberg, City of Sacramento
Midpen Housing
Midpen Housing Corporation
Modular Building Institute
Mountain View YIMBY
National Association of Hispanic Real Estate Professionals
Natural Resources Defense Council
Non-profit Housing Association of Northern California
North Bay Leadership Council
Northern Neighbors
Orange County Business Council
Palo Alto Forward
Peninsula for Everyone



People for Housing - Orange County
Pierre Charles General Construction
Plus Home Housing Solutions
San Diego Housing Commission
San Diego Regional Chamber of Commerce
San Fernando Valley YIMBY
San Francisco Bay Area Planning and Research Association
San Francisco YIMBY
Sand Hill Property Company
Santa Barbara Women's Political Committee
Santa Cruz YIMBY
Schneider Electric
Share Sonoma County
Silicon Valley @ Home
Silicon Valley Leadership Group
South Bay YIMBY
South Pasadena Residents for Responsible Growth
Streets for People Bay Area
TechEquity Collaborative
Tent Makers
Turner Center for Housing Innovation at the University of California, Berkeley
The Greater Oxnard Organization of Democrats
The Two Hundred
TMG Partners
United Way of Greater Los Angeles
Urban Environmentalists
YIMBY Action
YIMBY Democrats of San Diego County
Zillow Group
94 Individuals

OPPOSITION: (Verified 8/27/21)

Adams Hill Neighborhood Association
Aids Healthcare Foundation
Alameda Citizens Task Force
Albany Neighbors United
Berkeley Associated Neighbors Against Non-affordable Housing
Brentwood Homeowners Association
Burton Valley Neighborhoods Group
California Alliance of Local Electeds



California Cities for Local Control
California Contract Cities Association
Catalysts
Cities Association of Santa Clara County
Citizens Preserving Venice
Cities of Arcata, Azusa, Bellflower, Belmont, Beverly Hills, Brea, Brentwood, Burbank, Calabasas, Camarillo, Carpinteria, Carson, Cerritos, Chino, Chino Hills, Clayton, Clearlake, Clovis, Colton, Corona, Costa Mesa, Cupertino, Cypress, Del Mar, Diamond Bar, Dorris, Downey, Dublin, Eastvale, El Segundo, Escalon, Fillmore, Fortuna, Foster City, Fountain Valley, Garden Grove, Glendora, Grand Terrace, Half Moon Bay, Hesperia, Hidden Hills, Huntington Beach, Indian Wells, Inglewood, Irvine, Irwindale, Kerman, King, La Canada Flintridge, La Habra, La Habra Heights, La Mirada, La Palma, La Quinta, La Verne, Lafayette, Laguna Beach, Laguna Niguel, Lakeport, Lakewood, Lancaster, Lawndale, Lomita, Los Alamitos, Los Altos, Malibu, Martinez, Maywood, Menifee, Merced, Mission Viejo, Montclair, Monterey, Moorpark, Murrieta, Newman, Newport Beach, Norwalk, Novato, Oakdale, Ontario, Orinda, Pacifica, Palm Desert, Palo Alto, Palos Verdes Estates, Paramount, Pasadena, Pinole, Pismo Beach, Placentia, Pleasanton, Poway, Rancho Cucamonga, Rancho Palos Verdes, Rancho Santa Margarita, Redding, Redondo Beach, Ripon, Rocklin, Rohnert Park, Rolling Hills, Rolling Hills Estates, Rosemead, San Buenaventura, San Carlos, San Clemente, San Dimas, San Fernando, San Gabriel, San Jacinto, San Marcos, San Marino, Santa Clara, Santa Clarita, Santa Monica, Santa Paula, Saratoga, Signal Hill, Simi Valley, South Gate, South Pasadena, Stanton, Sunnyvale, Temecula, Thousand Oaks, Torrance, Tracy, Upland, Vacaville, Ventura, Visalia, Vista, West Covina, Westlake Village, Whittier, Yorba Linda, Yuba City
Coalition for San Francisco Neighborhoods
Coalition to Save Ocean Beach
College Street Neighborhood Group
College Terrace Residents Association
Committee to Save the Hollywoodland Specific Plan
Community Associations Institute - California Legislative Action Committee
Comstock Hills Homeowners Association
Culver City Neighbors United
D4ward
Durand Ridge United
Encinitas Neighbors Coalition
Friends of Sutro Park
Grayburn Avenue Block Club



Hidden Hill Community Association
Hills 2000 Friends of The Hills
Hollywood Knolls Community Club
Hollywoodland Homeowners Association
Howard Jarvis Taxpayers Association
Kensington Property Owners Association
LA Brea Hancock Homeowners Association
Lafayette Homeowners Council
Lakewood Village Neighborhood Association
Las Virgenes-Malibu Council of Governments
Latino Alliance for Community Engagement
League of California Cities
League of California Cities Central Valley Division
Linda Vista-Annandale Association
Livable California
Livable Pasadena
Los Altos Residents
Los Angeles County Division, League of California Cities
Los Feliz Improvement Association
Marin County Council of Mayors and Councilmembers
Menlo Park United Neighbors
Miracle Mile Residential Association
Miraloma Park Improvement Club
Mission Street Neighbors
Montecito Association
Mountain View United Neighbors
Neighborhood Council Sustainability Alliance Trees Committee
North of Montana Association
Northeast Neighbors of Santa Monica
Pacific Palisades Community Council
Planning Association for The Richmond
Riviera Homeowners Association
San Gabriel Valley Council of Governments
Save Lafayette
Seaside Neighborhood Association
Shadow Hills Property Owners Association
Sherman Oaks Homeowners Association
South Bay Cities Council of Governments
South Bay Residents for Responsible Development
South Shores Community Association



Southwood Homeowners Association
Sunnyvale United Neighbors
Sunset-Parkside Education and Action Committee
Sustainable Tamalmonite
Tahoe Donner Association
Temecula Valley Neighborhood Coalition
Towns of Apple Valley, Colma, Fairfax, Los Altos Hills, Mammoth Lakes, Ross,
Truckee, Woodside
Tri-Valley Cities of Dublin, Livermore, Pleasanton, San Ramon, and Town of
Danville
United Neighbors of Assembly District 24
United Neighbors of Senate District 13
Ventura Council of Governments
Verdugo Woodlands West Homeowners Association
West Pasadena Residents' Association
West Torrance Homeowners Association
West Wood Highlands Neighborhood Association
Westside Regional Alliance of Councils
Westwood Hills Property Owners Association
Westwood Homeowners Association
Wilshire Montana Neighborhood Coalition
Windsor Square Association
290 Individuals

ARGUMENTS IN SUPPORT: According to the author, “Senate Bill 9 promotes small-scale neighborhood residential development by streamlining the process for a homeowner to create a duplex or subdivide an existing lot. SB 9 strikes an appropriate balance between respecting local control and creating an environment and opportunity for neighborhood scale development that benefits the broader community. To that end, the bill includes numerous safeguards to ensure that it responsibly creates duplexes and strategically increases housing opportunities for homeowners, renters, and families alike. At a time when many Californians are experiencing economic insecurity caused by the pandemic, this bill will provide more options for families to maintain and build intergenerational wealth – a currency we know is crucial to combatting inequity and creating social mobility. SB 9 provides flexibility for multigenerational housing by allowing homeowners to build a modest unit on their property so that their aging parent or adult child can have an affordable place to live. Building off the successes of ADU law, SB 9 offers solutions that work in partnership with a number bills included in the Senate’s Housing Package, ‘Building Opportunities For All’ aimed at combating the State’s housing crisis.”



ARGUMENTS IN OPPOSITION: According to the League of California Cities, “SB 9 as currently drafted will not spur much needed housing construction in a manner that supports local flexibility, decision making, and community input. State-driven ministerial or by-right housing approval processes fail to recognize the extensive public engagement associated with developing and adopting zoning ordinances and housing elements that are certified by [HCD].”

ASSEMBLY FLOOR: 45-19, 8/26/21

AYES: Aguiar-Curry, Arambula, Berman, Calderon, Carrillo, Cervantes, Chiu, Cooley, Cooper, Megan Dahle, Flora, Fong, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Jones-Sawyer, Kalra, Lackey, Lee, Low, Mathis, Mayes, Medina, Mullin, Quirk, Quirk-Silva, Ramos, Reyes, Robert Rivas, Rodriguez, Salas, Stone, Ting, Valladares, Villapudua, Ward, Akilah Weber, Wicks, Wood, Rendon

NOES: Bauer-Kahan, Bigelow, Bloom, Boerner Horvath, Daly, Davies, Frazier, Friedman, Gabriel, Irwin, Levine, Muratsuchi, Nazarian, O'Donnell, Petrie-Norris, Seyarto, Smith, Voepel, Waldron

NO VOTE RECORDED: Bennett, Bryan, Burke, Chau, Chen, Choi, Cunningham, Kiley, Maienschein, McCarty, Nguyen, Patterson, Luz Rivas, Blanca Rubio, Santiago

Prepared by: Alison Hughes / HOUSING / (916) 651-4124
8/28/21 11:32:51

**** END ****



From: [Taylor, Tammy](#)
To: [Hall, Chelsea](#)
Subject: FW: Comments for 6/14/22 BOS/PC Meeting
Date: Tuesday, November 29, 2022 9:30:36 AM
Attachments: [Northbridge Comments for 6.14.22 BOS PC Meeting.pdf](#)

From: housingelement <housingelement@marincounty.org>
Sent: Tuesday, November 29, 2022 9:06 AM
To: Taylor, Tammy <TTaylor@marincounty.org>; Reid, Rachel <rreid@marincounty.org>
Subject: FW: Comments for 6/14/22 BOS/PC Meeting

Aline Tanielian
 Planner
 Housing and Federal Grants Division
 (she/her/hers)

From: Northbridge Homeowners Assn NHA <northbridgehomeowners@yahoo.com>
Sent: Monday, November 21, 2022 4:54 AM
To: BOS <BOS@marincounty.org>; housingelement <housingelement@marincounty.org>
Cc: Goncalves, Gustavo <GGoncalves@marincounty.org>; [nortbridgehomeowners@yahoo.com](mailto:northbridgehomeowners@yahoo.com)
Subject: Fw: Comments for 6/14/22 BOS/PC Meeting

Please see the attached comments from the Northbridge Homeowners Association regarding the DEIR. These comments were previously submitted in connection with a prior meeting, but they continue to apply to the DEIR, which does not properly or realistically assess the cumulative impacts of the proposed additional housing sites on our Northbridge community or Santa Venetia more generally. In particular, as discussed in the attached comments, the list of sites includes several sites that are essentially right next to each other on N. San Pedro Rd, directly in front of our neighborhood. Collectively, if the amount of housing proposed for these sites were to come to fruition, that would seriously exacerbate an already very bad traffic and safety evacuation problem for our neighborhood.

O10-1

The evaluation completed for the DEIR is completely unrealistic, both in terms of current conditions and future projections. Among other problems, the DEIR does not account for the planned increased enrollment at Venetia Valley School, which the County has little or no control over and which, even without the proposed added housing, will make a bad traffic and safety situation much worse.

O10-2

The number of units for Santa Venetia, and in particular for the multiple adjacent or near adjacent sites along NSP, should be reduced considerably (including the currently designated 50 units for Old Galinas School) to reduce the cumulative impact of additional housing.

O10-3

Please review the attached comments (including the chart highlighting the concentration of proposed added housing on N. San Pedro Rd) and take them into consideration.

Thank you.

[Sent from Yahoo Mail for iPhone](#)

Begin forwarded message:

On Sunday, June 12, 2022, 1:38 PM, Northbridge Homeowners Assn NHA
<northbridgehomeowners@yahoo.com> wrote:

Please see the attached comments from the Northbridge Homeowners' Association in connection with the June 14, 2022 BOS/PC meeting re the Marin Housing Element.

(Prior email inadvertently referred to the April meeting)

Thank you.

TO: Marin County Board of Supervisors
FROM: Northbridge Homeowners Association
DATE: June 12, 2022
RE: Comments Re Draft Housing Element: 6/14/22 BOS/PC Meeting

In connection with the upcoming June 14, 2022 Board of Supervisors/Planning Commission meeting, the Northbridge Homeowners Association (“NHA”) respectfully submits these comments regarding the Draft Housing Element.

The Cumulative Impact of Concentrating 134 Additional Units Along a Small Stretch of North San Pedro Rd. Would Be Devastating

O10-4 While maybe not apparent upon a quick view of the list of proposed sites in the Draft Housing Element, the current list provides for far too much concentration of additional units in a very small area along North San Pedro Rd that is adjacent to our Northbridge neighborhood. The cumulative impact of adding this much additional housing in such a small area would be, frankly, devastating to our community. Specifically, sorting the list by address, the current draft list of sites includes *all* of the following:

Site	Address	Units Proposed	Site Name
1	220 N. San Pedro Rd.	35 units Lower-income (20 units per acre density)	The Church of Jesus Christ
2	210 N. San Pedro Rd. 200 N. San Pedro Rd. 180 N. San Pedro Rd.	36 units Lower-income (20 units per acre density)	Bernard Osher Marin JCC
3	170 N. San Pedro Rd	13 units Moderate-income housing	Congregation Rodef Shalom Marin
4	251 N. San Pedro Rd.	50 units Lower-income (super-dense 30	Old Galinas School

		units per acre density)	
Total		134 units	

O10-4 That adds up to whopping **134 additional housing units** in a *very small stretch* along North San Pedro Rd. right next to our neighborhood, a grossly disproportionate concentration of the overall additional housing burden countywide. If this is adopted as part of the ultimate plan, that would be seriously unfair to the Northbridge neighborhood and to the surrounding neighborhoods in Santa Venetia, just as it would be if all 134 additional units were proposed for to be added to any one of those essentially adjacent sites.

O10-5 Indeed, Sites 1, 2, and 3 listed above are literally **right next to one another**, and Site 4 listed above is just a few parcels down and directly on the other side of our Northbridge Neighborhood. Among other consequences, adding this many units to this small area would exacerbate an already very bad traffic situation, compound our residents’ serious concerns regarding emergency evacuation of the neighborhood, and drastically change the character of our community and the surrounding neighborhood.

O10-6 We ask that the BOS/PC please not just consider these sites individually in their own vacuums, but instead consider the **aggregate** number of units proposed for such a small area, the very real and practical **cumulative** impacts this would have on our Northbridge neighborhood, and the inequity of having so much of this additional housing so concentrated in these four essentially adjacent lots. At least some of these adjacent sites should be removed, and the maximum numbers of units provided for the remaining sites should be reduced substantially.

Old Galinas School Site

O10-7 Additionally, with respect to Site 4 listed above (Old Galinas School), that site currently serves as a vital resource for our community—a child care center that is used and relied upon by Santa Venetia families and other families throughout the county. Eliminating this important resource would be a terrible loss for our community, and we would ask that you please remove this site from the list entirely.

Additional General Comments

O10-8 More generally, while the current draft list of sites has reduced the overall number of proposed additional sites for Santa Venetia, the current list still calls for far too many additional units for Santa Venetia. Some neighborhoods just cannot accommodate that much additional housing, and Santa Venetia is one such neighborhood. There is only one street in and out of the neighborhood, with one lane in each direction. The traffic situation on North San Pedro Rd. is already very bad, particularly during school rush hours, even without any additional housing units being added. Moreover, the residents of Northbridge have significant concerns about the ability to evacuate the neighborhood in an emergency. The addition of hundreds of housing units to Santa Venetia, and the corresponding additional residents and their vehicles, would greatly exacerbate both problems. That would be on top of the additional traffic and related problems

O10-9

O10-9 | that would flow from the planned expansion of school facilities at the Osher Marin JCC and Venetia Valley School, the latter of which is largely or entirely beyond the County's control and oversight.

We very much appreciate the Board's and the Planning Commission's consideration of the above comments and greatly appreciate your hard work on these issues.

From: [Alina Wright](#)
To: [EnvPlanning](#)
Subject: County of Marin's draft plan for responding to its local long-term housing needs
Date: Tuesday, November 15, 2022 10:48:27 AM

You don't often get email from alinawright03@gmail.com. [Learn why this is important](#)

Hi,

I'm writing to voice my opinion on the plans for housing in unincorporated Marin, Lucas Valley housing developments. **I am writing to oppose** additional housing units in the Lucas Valley area for fire safety evacuation.

My family of 3 moved to Mt. Wittenburg in August of 2021. That month, [we had a fire that burned 44 acres in the upper hills of Lucas Valley.](#) We packed up as much as we could within 30 minutes of the blaze visible from our home. We were one of the first people out the door driving onto Lucas Valley road towards 101 and the traffic was already backed up, bumper to bumper. It was absolutely terrifying to be in a car, stuck, with our 1 year old and dog in the car imagining what that scene would look like if that fire had truly gotten out of control.

I1-1 | With fire season an inevitable part of our lives now, what are the plans to ensure proper and safe evacuation routes for all the residents of Lucas Valley (and above toward Nicasio)? How do we ensure that additional housing units do not further entrap the residents that are living here? Are there plans for additional roads? Routes?

I1-2 | **I am writing to oppose** additional housing units in the Lucas Valley area for fire safety evacuation.

Thank you for your consideration.

From: [Amber Gurney](mailto:Amber.Gurney@gmail.com)
To: [Arnold, Judy](mailto:eric@ericlucan.com); eric@ericlucan.com; elucan@novato.org; [Albert, Tanya](mailto:Albert.Tanya@novato.org); [Weber, Leslie](mailto:Weber.Leslie@novato.org)
Subject: Request to remove Atherton Avenue sites from high-density housing list
Date: Tuesday, November 15, 2022 5:13:30 PM

Some people who received this message don't often get email from ambergurney@gmail.com. [Learn why this is important](#)

Dear Supervisor Arnold and Supervisor-Elect Lucan:

I2-1

Thank you for your service to our County and our town of Novato. We are reaching out to request removal of 791 Atherton Avenue and 805 Atherton Avenue from your site list for the County as potential sites to build high-density housing. We had previously heard that the Atherton sites were removed, but apparently, that was only the case for select sites along this corridor. For a number of reasons, we are respectfully asking that you strongly consider removing these two sites from the list of potential housing projects.

I am a construction industry professional with a firm with deep-rooted local history building affordable, multi-family housing and understand both the need and positive and negative implications of high-density housing. These two properties are not within easy walking distance and are not safely walkable to any amenities or public transportation. We also already have affordable housing within the Novato RV Park off Armstrong. My husband and I moved to this area from San Francisco to get away from the frenetic, noisy, crowded urban environment to raise our son in a less stressful, more rural, laid-back lifestyle with preserved nature areas, more space, less pollution. High-density housing here will directly and negatively impact that, and only increase vehicular traffic to our narrow thoroughfares and burden our access to infrastructure and resources in the event of a disaster.

We truly hope that you will strongly consider taking the properties at 791 and 805 Atherton off of the housing program list for Marin County. We understand, and respect, the need for housing in California, and more specifically Marin County. I do not want to be a “not-in-my-backyard” problem person to you. I know you have a difficult job with difficult decisions to make.

I2-2

I do feel strongly that a high-density housing project in this particular neighborhood, and on these lots, would do a lot of damage to this beautiful remote part of Novato. Not only does this type of housing project not fit in at all in this landscape, but the increased traffic along the two-lane Atherton Avenue – where so many of us ride our bikes and walk with our families and pets – would be quite disruptive. Furthermore, the beautiful wildlife along the Atherton Avenue Corridor would be significantly impacted. It is not uncommon for me to see a deer or other wildlife in the road along Atherton Avenue that has been hit by a car – and I can only imagine how much more frequently this will happen with a high-density housing project at these proposed properties. It will also be a shame for the numerous wildlife calling this open area home to lose their land to high-density housing. Finally, with the beautiful open land around this neighborhood, we have significant concerns about the increased fire hazard, and the ability to evacuate hundreds of families from this area down a two-lane road should a fire occur.

I2-3

We thank you for considering our request, Supervisor Arnold and Supervisor-Elect Lucan. We look forward to the opportunity to explain our concerns in more detail.

Sincerely,

Amber & Matthew Jarvis at 4 Equestrian Court, Novato on behalf of the neighborhood

From: [Ann Allen](#)
To: [EnvPlanning](#)
Subject: Lucas Valley DEIR Report
Date: Tuesday, November 15, 2022 4:43:44 PM

[You don't often get email from ann4cats@comcast.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Board of Supervisors,

It is daunting to think of adding 250 people with a bonus density allowance to this small high risk fire area. Evacuation would be life threatening in case of major fire on a limited 2 lane road. Last summer many of us were evacuated due to a small fire behind Rotary Valley Senior Housing. The fire did reignite and since it was quiet time and there were no other competing fires the trucks and fireman stayed in place for 5 days.

We have many elderly in the area and we would like to be able to help them but may not be able to with the reality of how fast fires move.

I3-1

Removing fire potential from the equation just that many more people using the 2 lane road would be a nightmare. Also, we don't have the infrastructure schools etc to support this number of people. Please reduce the density it is not reasonable.

We thank you for reconsidering.
Ann A. Allen
846 Greenberry Lane

From: [Bradley Haas](#)
To: [elucan@novato.org](#); [eric@ericlucan.com](#); [Arnold, Judy](#)
Cc: [Albert, Tanya](#); [Weber, Leslie](#); [Sarah MacLachlan](#); [ashleyrenee2626@icloud.com](#); [Glombardi0710@gmail.com](#); [Dhodes@woodrufflawyer.com](#); [bleizo22@yahoo.com](#); [sargonmichael@yahoo.com](#); [marlinemichael@yahoo.com](#); [N Blair, james](#); [Mary Turri](#); [ethanjoshiah@gmail.com](#); [tmantle@gmail.com](#); [mwgj15@gmail.com](#); [ambergurney@gmail.com](#); [Hellofillys@gmail.com](#); [Dyeguy@aol.com](#); [Mgarrison74@gmail.com](#); [Debi George](#); [Kira Haas](#)
Subject: Atherton Corridor - Marin Housing and Safety Element
Date: Tuesday, November 15, 2022 10:19:08 PM

Some people who received this message don't often get email from bradleyhaas@gmail.com. [Learn why this is important](#)

Dear Supervisor Arnold and Supervisor-Elect Lucan,

As a third generation Novato resident with deep and extensive family ties to the community, I wanted to add my thoughts and observations regarding the housing and safety element of the countywide plan.

My wife and I chose to live and raise our two children in Novato because of the amazing experience we both had enjoying the open and rural areas near our childhood homes. In my opinion, one of the biggest differentiators in the Novato community compared to other cities in Marin is the semi-rural feel, larger properties and less dense housing. I truly believe this is what attracts a large number of residents to the area. Adding hundreds of potential homes along the Atherton Avenue corridor doesn't fit with this at all. The six identified parcels on the housing element list along the Atherton Corridor all have something in common...they are bordered or are adjacent to homes of at least 1/2 to 1 acre each. Adding up to 20 units per acre would drastically change the look, feel and identity of a precious rural area so close to the city itself.

In addition to more objective reasoning, I have several other concerns from the Draft Environmental Report (DEIR). They are the following:

-All six sites are listed in a chart titled "***Housing Site Removed from Utility Service Providers***" (Table 22-2/Page 22-32 of the DEIR) because of an "**Inability to serve the Proposed Project.**" In other words, the water district has responded saying they can't provide water to these sites without impacting their ability to provide water with a sufficient reserve for the entire community during dry years. It would also necessitate significant infrastructure upgrades even if they did have enough water. With ever increasing and severe droughts, the biggest and most important commodity will be water. Adding hundreds of new homes will put a further strain on an already precarious water supply that is heavily reliant on out-of-county water sources to provide basic needs for the service area. The sites along Olive avenue would also have significant challenges to connecting to the sewer system, especially since the fire station just down the road (to the best of my current knowledge) still hasn't been able to connect to the sanitary sewer and, like all homes in the area, relies on a septic system.

-All six sites are listed under the "moderate" or "high" fire danger category. This impacts insurance availability and rates, and will make it more expensive for residents to live in their homes regardless of income level, but particularly those that are in the lower or moderate income categories. In addition to insurance challenges, evacuation is also a concern. As a former Marin County Firefighter, I am well aware of the challenges of evacuation during vegetation fires in more urban areas. Having the potential of several hundred extra cars trying

to evacuate on the two lane Atherton Avenue will further delay evacuation while also inhibiting fire equipment response. This will be a dangerous and potentially catastrophic event that will only be compounded by extra vehicles.

I4-3

-I also have deep concerns over the methodology and awareness of each sites unique terrain. For example, one of the candidate sites (805 Atherton Avenue), previously had an application submitted to subdivide the property into six lots. This however, was denied by the planning commission for several reasons. What it does tell me is that the slope calculations that are listed on the current housing element site list are incorrect and also don't recognize that 1.5 acres of the "buildable area" identified, was actually surveyed as wetlands in 2018. Both the Olive avenue sites also have significant wetlands surrounding them which make them difficult or impossible to meet the numbers identified in the housing element site list.

I4-4

I am fully aware of the state requirements as well as the need for equitable housing access in Marin. I respect the difficult position that you are in and ask that you take a closer look at the sites along the Atherton Avenue corridor. I personally don't think high density housing has any place here. Fire safety, water supply, traffic and a complete change in the look and feel of this community are all extreme challenges and obstacles to building here. I urge you to reconsider these sites.

Thank you for your time.

Sincerely,
Bradley Haas
140 Churchill Ln.
415-847-1440

PS - All the "cc'd" emails are neighbors that are immediately adjacent to, or in very close proximity to the potential housing sites listed in the housing element and were cc'd with permission

From: [Chad E MacLachlan](#)
To: [sarah.mccarthy](#); [bradleyjhaas@gmail.com](#); [ashleyrenee2626@icloud.com](#); [Glombardi0710@gmail.com](#); [Dhodes@woodrufflaw.com](#); [bleizo22@yahoo.com](#); [sargonmichael@yahoo.com](#); [marlinemichael@yahoo.com](#); [N Blair](#); [james](#); [Mary Turri](#); [Arnold, Judy](#); [eric@ericlucan.com](#); [Albert, Tanya](#); [Weber, Leslie](#); [elucan@novato.org](#)
Subject: Atherton Corridor Housing: Request for a meeting, please.
Date: Sunday, November 13, 2022 8:31:57 AM

Some people who received this message don't often get email from chad.e.maclachlan@kp.org. [Learn why this is important](#)

Dear Supervisor Arnold and Supervisor-Elect Lucan:

We hope that this email finds you both doing well. Thank you for your service to our County and our town of Novato. We are reaching out to request a meeting at your earliest convenience to discuss the Housing Element before you finalize the site inventory list.

First, we respect the position that you are in with the State's RHNA requirements and the difficult decisions you face on a daily basis. Recently, it was brought to our attention, as well as a number of our neighbors included on this email, that the properties located at [791 Atherton Avenue](#) and [805 Atherton Avenue](#) in unincorporated Novato remain on the list for the County as potential sites to build high-density housing with a total of 105 housing units (not including the likely state density bonus that would be applied). We had previously heard that the Atherton sites were removed, but apparently, that was only the case for select sites along this corridor. For a number of reasons, we are respectfully asking that you strongly consider removing these two sites from the list of potential housing projects.

I5-1

Personally, I (Chad) am a professional who is in a high-ranking administrative and leadership position at Kaiser Permanente. I have to listen and respond to many people who come to me with their issues – just like you. I have a plaque on my office wall from Teddy Roosevelt that reads, “Complaining about a problem without posing a solution is called whining.” I don’t want to be a whiner to you, and as someone who loves Novato and is active in the local community, I want to continue to raise my three children here in my forever home. I would love to work with you and your office to consider alternative sites, or at the very least request a lower-density allocation that would be more reasonable at this location. I don’t have the answers right now, but I would appreciate the chance to meet on this topic.

When we settled in Novato, we specifically chose this part of town due to its beautiful countryside and open landscape. Given the fact that these two properties are not within easy walking distance of any amenities or public transportation, it is more than likely that any development that occurs will not be geared toward the County's affordable housing goals. One could assume that these will likely be luxury townhomes or larger homes with small lots along with a large number of cars (and parking) to get around given our remote location.

We truly hope that you will strongly consider taking the properties at 791 and 805 Atherton off of the housing program list for Marin County. We understand, and respect, the need for

I5-2 | housing in California, and more specifically Marin County. I do not want to be a “not-in-my-backyard” problem person to you. I know you have a difficult job with difficult decisions to make. I do feel strongly that a high-density housing project in this particular neighborhood, and on these lots, would do a lot of damage to this beautiful part of Novato. Not only does this type of housing project not fit in at all in this landscape, but the increased traffic along the two-lane Atherton Avenue – where so many of us ride our bikes and walk with our families and pets – would be quite disruptive. Furthermore, the beautiful wildlife along the Atherton Avenue Corridor would be significantly impacted. Already during my morning runs along Atherton Avenue, it is not uncommon for me to see a deer or other wildlife in the road along Atherton Avenue that has been hit by a car – and I can only imagine how much more frequently this will happen with a high-density housing project at these proposed properties. It will also be a shame for the numerous wildlife calling this open area home to lose their land to high-density housing. Finally, with the beautiful open land around this neighborhood, I5-3 | we have significant concerns about the increased fire hazard, and the ability to evacuate hundreds of families from this area down a two-lane road should a fire occur.

We thank you for considering our request, Supervisor Arnold and Supervisor-Elect Lucan. We sincerely hope that we can meet in person so that we can explain our concerns in more detail.

Chad and Sarah MacLachlan
[120 Churchill Lane](#)
[Novato, CA](#)
(707) 761-7333

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Thank you.

From: [Chris Winkler](#)
To: [Arnold, Judy](#); eric@ericlucan.com; elucan@novato.org
Cc: [Albert, Tanya](#); [Weber, Leslie](#)
Subject: High Density Development Concerns
Date: Tuesday, November 15, 2022 11:22:58 AM

Some people who received this message don't often get email from chris@aspirean.com. [Learn why this is important](#)

Good morning Judy & Eric,

My name is Chris Winkler. I recently moved to Novato with my wife & twin 6-year-olds from the Midwest. We are delighted to have landed in this special place.

I'd like to thank you all for your service to our community. The important work you and your teams do help bring a more assured future for those of us who aspire to make Marin home for long into the future. I also do understand the constraints on the County & State for affordable housing having recently experienced the daunting pressures of buying in Marin as a first timer.

I understand there are only a few targeted areas being considered for development in all of Marin. I have conscientious concerns about concentrating numerous high-density developments on the Atherton corridor. Amongst my concerns are the disruption of the sensitive wildlife environment as well as the safety of traffic speeds and concentration on Atherton for the children of the surrounding communities. Because this part of Marin is already seeing numerous development sites, I don't believe the community would benefit from having sites developed haphazardly just for the sake of mandate. Being respectful of the natural environmental protections and the preservation of safety remains a greater priority for our community.

My appreciation & best regards,

Chris Winkler
 50 Oak Shade Lane

I6-1



Chris Winkler
 Principal | Founder
 P/F 844-687-5342 x702
 W aspirean.com E chris@aspirean.com

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From: [Frank Cioffi](#)
To: [Arnold, Judy](#); eric@ericlucan.com; elucan@novato.org
Cc: [Albert, Tanya](#); [Weber, Leslie](#)
Subject: Excessive Density Planned for Atherton Avenue
Date: Wednesday, November 16, 2022 2:52:34 PM

[Some people who received this message don't often get email from frank.connected@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Hello all,

Respectfully, I and many of my neighbors were disappointed to discover that the current proposal for the Atherton Corridor calls for 110 homes at the 791 and 805 Atherton Avenue addresses, as well as 58 homes at 300 Olive Avenue.

I7-1

This is excessive, especially when combined with the homes planned for the former Firemen's Fund property.

Increased traffic in a high fire danger area, wildlife access, water supply issues and a complete change in the complexion of our Atherton neighborhood are among the many issues involved.

I request you take another look at the proposal and revise. This level of development is too much for one small area.

Thank you,

Frank Cioffi

70 Oak Shade Lane
Novato, CA 94945
415-893-1450 landline

From: [Isabel Campoy](#)
To: [EnvPlanning](#)
Subject: New Housing
Date: Tuesday, November 15, 2022 8:54:59 AM

You don't often get email from fisabelcampoy@yahoo.com. [Learn why this is important](#)

I8-1

Please take into consideration in your new housing plans the already difficult traffic in the area. Expanding the road should be a **MUST** to cope with added circulation. There are many reasons to oppose your proposal as there are **no business centers** near the proposed sites.

I here present my opposition to the proposal.

F. Isabel Campoy
65 Mt. Tenaya Dr.

From: [Janet Coyne](#)
To: [EnvPlanning](#)
Subject: DEIR Environmental review comments for upcoming meeting
Date: Tuesday, November 15, 2022 10:55:40 PM

You don't often get email from jcoyne820@gmail.com. [Learn why this is important](#)

While I support affordable housing in our neighborhood, I am concerned about the huge number of units proposed for the Lucas valley/Marinwood/St Vincents area and the impact this will have to our schools, roadways, open spaces, and environment. Thank you for reading the below comments and I hope that at the meeting 11/16, several of these can be addressed to allow the public to give feedback, especially a layman's written summary of the DEIR.

Janet Coyne
 Marinwood resident

DEIR comments: specifically addressed regarding Lucas valley/Marinwood/St Vincents areas but applies to all areas.

- The county needs to provide a layman's summary of this 738 page document.

I9-1

This document does NOT adequately inform the public of any environmental concerns- how many residents will read/understand 738 pages?. My hopes would be at the upcoming meeting, that a short, written summary of this document is presented so that the community can be engaged in this process and provide actual feedback prior to the deadline. Included with this, there needs to be a simple grid explanation of the proposed AND maximum number and types of units that can be built at each site, along with estimated population, student generation, and automobile addition.

-The DEIR is a county-wide program level assessment and does NOT assess site specific issues.

I9-2

This report is inadequate in informing Lucas valley/Marinwood residents (who are slated for the majority of the affordable housing sites) and all Marin County residents about the potential local impact of this development. It is a disservice to the community if the County's response is to reiterate that its intent is to produce a high-level, countywide EIR and that site-specific interest of Lucas valley/Marinwood or any other area are irrelevant.

I9-3

- Site authorized units. Specifically looking at Lucas Valley Affordable housing sites, it is confusing regarding the maximum number of units that can be built (bonus density/ ?up to 90% additional units) vs what is being proposed. Are these sites categorized as "ministerial" applications- a fast

- 19-3** | track mechanism that gives developers discretion to add more units with limited county approval or public role in this process? These numbers will affect the environmental report. The proposed numbers vs maximum units needs to be transparent at all the sites and factored into the county environmental report.
- 19-4** | - **Transportation.** The EIR states that “all candidate sites were analyzed to conservatively assess worst-case VMT and traffic volume projections, which affect EIR topic areas in addition to transportation (including air quality, noise, & greenhouse gases). The county needs to publish the Lucas valley site-specific Vehicle Miles Traveled VMT analysis and the transportation agency’s conclusions per that analysis. This needs to be published at both proposed units in Lucas valley/Marinwood/St Vincents AND maximum potential units. Lucas valley does not have public transportation, therefore additional autos (1.5 per household) would add up to potentially a 50% increase of autos in this area. There is no infrastructure to support this in Lucas valley. In addition, St Vincents property development will add more traffic to highway 101, Lucas valley Rd and surrounding neighborhoods because of transportation to work & local schools.
- 19-5** | -**Wildfire/Emergency Evacuation.**
Is there a FireSafe Marin evacuation map for the Lucas valley corridor? The EIR states “Risk to People and/or structures from exposure to wildfire is 'less than significant'”. How is this assessment made when there is an overall increase in wildfire hazard in Lucas valley and countywide. Lucas valley is a 2-lane road and is the single roadway to exit the area in an emergency. It’s already hard to cross this road with present traffic, but even worse during school times.
- 19-6** | - **Wildlife.** The juvenile Hall/jeanette Prandi property is home to many types of wildlife; birds, owls, coyotes, deer. Many animals use this as an access point to get to the creek for water. The area also provides a park and walkway loop for the community, especially the seniors at the Rotary Village.
Expanding housing for the already existing Rotary Senior Village in a similar style would be a good use of this space, as long as it preserves some of the open space that could be used for a walkway and access for wildlife to get to the creek.
- 19-7** | **NOT ADDRESSED IN THE REPORT:** (or at least in the part I was able to review-)Water shortage/drought and local school expansion, both of which impact the environment and need to be addressed.

From: [Jared Wright](#)
To: [EnvPlanning](#)
Subject: Lucas Valley Road Development
Date: Tuesday, November 15, 2022 8:16:26 AM

You don't often get email from jaredwright14@gmail.com. [Learn why this is important](#)

Dear County,

I10-1

I am writing as a concerned resident about the plans for housing development near the Juvenile Hall and 7 Mt. Lassen Drive. I am concerned that the added density will further congest the 2 lane roads including Lucas Valley and will create hazardous conditions at the corner of Mt. Lassen and Lucas Valley Road. As an evacuee of last year's fire on the HOA hillside, I am very concerned about the impact this will have on evacuation routes, including the route through the Juvenile Hall and Parks Department. Our evacuation last year was dramatically slowed by traffic on Lucas valley road and many cars were forcibly stuck near Mt. Lassen. Adding such dense housing to the community creates further risks.

I10-2

I am further concerned about the impact on wildlife in the open space near the Juvenile Hall, the only open space area in our neighborhood. Furthermore, I am concerned about the impact on the Miller Park Watershed, the creek, and efforts to protect the Steelhead run up Miller Creek. Additional housing developments in this area will further pollute an essential Marin County watershed area. This includes further strain on our water resources within our community, already under duress from year on year drought conditions.

Thank you for your consideration to deny zoning rights for developers in the Lucas Valley area.

best,
Jared

--
Jared Wright
(707) 321-4073

From: [Jerry Draper](#)
To: [EnvPlanning](#)
Cc: [Rice, Katie](#)
Subject: DEIR comment for the Housing Element and Safety Elements
Date: Wednesday, November 16, 2022 10:49:53 AM

Some people who received this message don't often get email from jdraper@draperplangroup.com. [Learn why this is important](#)

Please accept these comments with regard to rezoning of these properties in unincorporated San Anselmo (Sorich Park area):

The parcels are 177-203-03, 177-203-04, 177-203-09, 177-220-41 all of which are currently zoned R1.

These properties are in the City Centered Corridor and in the Upper Ross Valley planning area.

Despite efforts by the CDA residents of the Sorich Park neighborhood are generally completely unaware of the potential impact of the proposal to up-zone the above properties to 64 units.

After reviewing the DEIR we make comments on the following specific impacts for this project.

I11-1

Impact 7-2: Impacts on Riparian Habitat, Sensitive Natural Communities, and Wetlands.

There are two creeks (East and West tributaries of Sorich Creek) (already partially culverted) on the above properties that would be further impacted by the zoning change.

I11-2

Impact 12-3: Stormwater Runoff and Drainage Impacts.
 Impact 19-1g: Project and Cumulative Need for Storm Water Drainage Infrastructure.

An increase in stormwater runoff will impact downstream culverts that are not designed for the increased water flow.

I11-3

Impact 15-1: Substantial Permanent Increases in Traffic Noise Levels.
 Impact 18-4: Impacts Related to Vehicle Miles Traveled.
 Impact 20-1: Emergency Response and/or Emergency Evacuation Plan Impacts.

This is elephant-in-the-room significant and unavoidable impact for the Sorich Park

- I11-3** | neighborhood.
There is only one direct way out of the Sorich Park neighborhood (San Francisco Blvd) and this proposal could add 480 new car trips per day which would be overwhelming.
The properties are adjacent to a light industrial use and an open space park both of which experience significant daily use.

Currently there are some 15 low/moderate rental units on the properties in a legal non-conforming zoning status.

- I11-4** | A reasonable alternative would be to reduce the proposed density from the proposed 64 units to a more reasonable 32 units which would be more than double the existing use.

Thank you for the opportunity to provide comments.

Regards,

Jerry Draper
Planner

--
Jerry Draper, Draper Planning Group
Land Use and Environmental Planning Services
415 457-3431 . www.draperplangroup.com

From: [Joan Gray](#)
To: [EnvPlanning](#)
Subject: Planned housing development
Date: Sunday, November 13, 2022 5:17:17 PM

[You don't often get email from joangk@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Marin County Environmental Planning,

I am writing to express my concern for the planned housing development on Lucas Valley Road. I think there are way too many units planned for such a small area with fragile environmental concerns. There is a creek on one side and a tall (flammable) ridge on the other. Lucas Valley Road is only one lane each way so that if there were an emergency evacuation, the ensuing traffic could be catastrophic. We saw how quickly wildfire spread just 2 summers ago, when the entire valley either had to evacuate or was ready to.

Perhaps a smaller housing development might work, but the burden of many more cars, people, and dogs on this area would be disastrous. I hope you will reconsider.

Thank you,
Joan Gray

I12-1

From: [John McDonough](#)
To: [EnvPlanning](#)
Subject: Comments on DEIR re 2 Jeannette Prandi Way and 7 Mt. Lassen Drive, Lucas Valley 94903
Date: Sunday, November 13, 2022 6:30:35 PM

You don't often get email from monk74@sbcglobal.net. [Learn why this is important](#)

- I13-1** | I am very concerned that so many housing units are proposed for 2 Jeannette Prandi Way (80 units) and 7 Mt. Lassen Drive (58 units) in Lucas Valley (zip code 94903). Currently Lucas Valley Road is the only avenue for an evacuation of the residents of Lucas Valley from a wildfire. Last September 2021 there was a fire on the hill adjacent to 2 Jeannette Prandi Way. The fire department was able to conduct a controlled evacuation on a street by street basis: even so Lucas Valley Road became gridlocked at places and it was difficult for motorists to enter from Huckleberry Road and Sequeira Road. In the event of a wildfire starting near Highway 101 and proceeding West, residents would have to flee up Lucas Valley Road towards Nicasio. Lucas Valley Road with its narrow winding turns can not accommodate 3,000 residents fleeing in an emergency. Has the Marin County Fire Marshall been asked for his comments upon this proposed site?
- I13-2** | I am also concerned that Marin County does not have an adequate water supply to accommodate so much new housing. In 2021 we were asked to reduce our water consumption by 40 percent. Most of California and the Western United States is still suffering from drought conditions.
- I13-3** | I urge the Board of Supervisors to reduce the number of proposed houses for 2 Jeannette Prandi Way and 7 Mt. Lassen Drive. Respectfully, John Kirk McDonough, resident since 1959 at 827 Greenberry Lane, San Rafael (Lucas Valley) 94903.

From: [michaelcats michaelcats](#)
To: [EnvPlanning](#)
Cc: [Lucas Valley Homeowners Assc.](#)
Subject: RE: The county plan to build homes on or near Lucas Valley Road
Date: Tuesday, November 15, 2022 2:19:20 PM

You don't often get email from michaelcats3@outlook.com. [Learn why this is important](#)

RE: The county plan to build 80 homes on or near Lucas Valley Road.

1. The homes will be away from transportation and from commercial areas.
2. The people in those homes will require a car for transportation. That means at least 80 more cars.
3. The cars will travel on Lucas Valley Road, a two-lane road, not suitable for high level traffic.
4. Electricity and plumbing and sewerage will be needed.
5. Many of these homes will house families with children. That means other services will also be needed as well.

This is not the proper place for more families and more cars.

John D. Michael
Resident of Lucas Valley

I14-1

From: [send message](#)
To: [EnvPlanning](#)
Subject: development
Date: Friday, November 4, 2022 10:03:18 AM

You don't often get email from joysdn1@gmail.com. [Learn why this is important](#)

I15-1

I have never heard any of the supervisors or government officials say how the traffic problem or water shortage is going to be resolved, not even once, to accommodate development. I am positive these questions will be ignored as usual.

Joy Sidon

Sent from [Mail](#) for Windows

From: [Reid, Rachel](#)
To: [EnvPlanning](#)
Subject: Fw: Question on how Baylands Corridor will be impacted by H&S Elements and related code changes
Date: Monday, November 14, 2022 12:37:51 PM

Draft EIR comment below.

-----Original Message-----

From: kate powers <kpmarin@yahoo.com>
Sent: Friday, November 11, 2022 9:48 AM
To: Thomas, Leelee <LThomas@marincounty.org>; Zeiger, Jillian <JZeiger@marincounty.org>; Lacko, Leslie <LLacko@marincounty.org>
Cc: KATHERINE POWERS <kpmarin@yahoo.com>
Subject: Question on how Baylands Corridor will be impacted by H&S Elements and related code changes

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Hi all -

I am a member of MCL's subcommittee that is reviewing the County's EIR for the Housing and Safety Elements.

I16-1

I am wondering if someone could answer how the proposed updates to both Elements and the proposed changes in Development codes (and Zoning codes?) will impact the County's Baylands Corridor policies and programs.

I appreciate the County's additions to the Safety Element and Development Codes on sea level rise.

I realized in reviewing documents that I am in over my head.

Thank you for any specific info you can share.

Kate Powers

From: [Kevin Lara](#)
To: [EnvPlanning](#)
Subject: Fwd: Atherton Corridor
Date: Monday, November 14, 2022 9:42:32 PM

You don't often get email from kevinlara100@gmail.com. [Learn why this is important](#)

Dear Supervisors and county employees,

We are Kevin Lara and Gitte Johansen, and live at 15 Oak Shade Ln, Novato, CA 94945, on Atherton Avenue. It has come to our attention that the county is considering rezoning of certain parcels just across the street from our home, including the following locations:

805 Atherton Avenue and 791 Atherton avenue.

This proposed rezoning would result in the building of 110 homes between Equestrian Court and Churchill Lane. This in addition to the already in progress or recently completed developments on Redwood Blvd and the planned redevelopment of Fireman's Fund - ALL located in North Novato. We understand these numbers could swell even further based on developer bonuses available to builders.

I17-1

We are deeply considered and would like to request you vote against the rezoning. The addition of high density homes on these parcels will lead to significantly increased traffic in our high fire danger area. For many of us, this means congestion on the only exit out in the event of a wildfire. High density urban development also creates obstacles for wildlife to access food and water, while more vehicles lead to significantly increased animal strikes on the road (recall we are directly adjacent to Rush Creek park, a protected area). People drive too fast along Atherton Avenue as it is, and we have significant traffic concerns not only for our wildlife, but for our families and pets as well, who use Atherton and the surrounding streets and trails for outdoor activities. We moved to this part of Novato to enjoy the open space and lower-density housing. We understood that SOME development on the larger empty lots might be possible, but that zoning required a minimum of one acre lots per home - in other words, high density development was not permitted. Surely that is because our planners always understood the area meritted protection given its' sensitive ecological needs. Stuffing a 100+ high density development project into the two lots between Equestrian Court and Churchill Lane would significantly decrease the beauty of the neighborhood, increase traffic, damage our ecosystem, and significantly negatively impact the value of our homes resulting in a transfer of value to developers who will come and go and never have to live with the consequences of any rezoning. I urge you to join the many others vehemently fighting this development in every way possible.

I17-2

Respectfully Submitted,
 Kevin Lara and Gitte Johansen
 415 299 1485

From: [LTB](#)
To: [EnvPlanning](#)
Subject: 300 Olive Avenue, parcel 141-110-31; 275 Olive Greenpoint Nursery, parcel 153-190-24; 350 Atherton parcel 143-360-04
Date: Monday, October 31, 2022 2:49:48 PM
Attachments: [image002.png](#)
[image004.png](#)
[RE Proposed sites in the Greenpoint and Blackpoint corridor areas of District 5 .msg](#)

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Dear Sir or Madam,

I am a resident of Marin County. I live in the area just East of the City of Novato, in the Atherton/Greenpoint corridor which is part of the county of Marin. My family has lived in Marin County since 1963, and I have spent most of my life here. I moved into my current home in 1997.

I18-1 I did not find any reference in the draft Environmental Impact Report specifically to the **federal regulations** mandating the protection of wetlands issued under Executive Order No. 11990, as amended by Order No. 12608, nor federal regulations mandating the evaluation of flood hazards in floodplains under Executive Order No. 11988, as amended by Order No. 12608. The above-referenced parcels are within areas identified as **wetlands** (specifically "Simmons Slough"), either in whole or in part. The three parcels also flood every winter, in whole or in part.

I18-2 On April 7, 2022, I sent the attached email to the housing element email address. I did not receive a reply regarding the environmental issues I raised. I have reviewed the most recent draft EIR, and I do not think that it sufficiently addresses the significance of developing these three parcels considering their location as wetlands within floodplains. Not only do the maps and **references linked below** establish that these parcels should be considered within protected wetlands and floodplain territories (at least in part), but my own knowledge of the area also leaves me no room to doubt. As mentioned, each winter, significant portions of the land around 300 Olive, 275 Olive, and 350 Atherton are covered with water, not just for a day, but for weeks at a time. "Deer Island," which is close to all three parcels, was an actual island long ago and it looks like an actual island at certain times of the year.

I18-3 One additional concern I have is about protected species, namely certain frogs, which occupy 350 Atherton Ave. Years ago, I recall that there was a significant grant provided to the owners of the existing Sonoma marina, just over the Petaluma River (less than a mile away), to ascertain the feasibility of putting a Golden Gate Ferry stop there. I also recall that all work had to stop at that marina because of a protected species of frog found there. In the years since the marina has been filled with silt and boats can't even use the marina anymore. I don't know what type of frog it was, or whether my recollection tells the full story. But I do wonder about the frogs which hibernate every year in mass on the property at 350 Atherton, and then come to life again every winter, creating a cacophony of sound which is louder than any other frog song I have ever heard. How would one identify those frogs to ascertain if they are protected? Will the county investigate to see if these frogs are also on the endangered list like the ones in the nearby marina? I would think the only time to identify them is during the winter when the area becomes wetlands again and they come out of hibernation.

I18-3 At present 350 Atherton is within the list of possible sites reviewed in the EIR for 26

I18-4

I18-4 | homes, but 0 units were slated for development initially by the housing authorities. I am concerned that the plan could change without a further investigation being done, so I raise the issue now.

Thank you. Sincerely,

Leah Tuffanelli

P.S. For ease of reference, I have cut and pasted the below excerpts regarding environmental issues from the attached April 7 email to the county:

Environmental Issues:

1. The Three Parcels are within Simmons Slough. First, please consider the information identified in the document produced in 2019 entitled *Simmons Slough Water Management and Seasonal Wetlands Enhancement Project*.

https://scc.ca.gov/webmaster/ftp/pdf/sccb/2019/1912/20191219Board11_Simmons_Slough.pdf

It reflects a recommendation from the Coastal Conservancy regarding the lands identified as Simmons Slough. You will see that significant resources have already been spent in the area for purposes of flood protection and to enhance seasonal wetlands. The area designated as Simmons Slough is reflected in a map within the report at **Exhibit 2**. You can see that each of the Three Parcels identified above are within the boundaries of Simmons Slough, in whole or in part.

- The "Vacant Blackpoint" lot abuts (and environmentally is the same as) much of the Simmons Slough parcel **already protected** by the Audubon Society on Olive Avenue. Although there is some hillside adjacent to the wetlands within the parcel, much of the acreage identified in the housing list for the parcel is wetlands, so any density plan would have to account for that fact. Furthermore, I fear homes on the hillside would create inorganic (likely harmful) landscaping runoff into the wetlands.
- The Green Point Nursery is on the other side of the street on Olive, separated only by landfill used to create Olive Avenue itself, as well as landfill used to create the nursery. The parcel is essentially a patch of wetlands, which has been filled for purposes of the nursery, but could easily be returned to wetlands. Note it's inclusion in the map identified in the Conservation Lands Report (below) as partly "**essential**" for the protection of biodiversity.
- The parcel at 350 Atherton is less than one city block away from the nursery, is seasonal wetlands and is across the street from additional land all along Atherton Avenue **protected already** by the Audubon Society as part of the **Novato Creek Simmons Slough Flood Reduction and Wetlands Enhancement Project**. There is a even a county issued sign on Atherton Avenue identifying the area of 350 Atherton as "Simmons Slough" as you pass the parcel. The parcel currently has one residence and the majority of the property is used for grazing sheep until the winter comes, then the sheep retreat to the hillside above. Very loud frogs, that hibernate in the summer, come to life in the winter on this patch of land/wetland. Much of the "acreage" is actually wetlands and I fear that if the hill is developed, inorganic, harmful landscaping runoff will go into the wetlands.

I18-5

2. "Essential", "Important" and "Connector" wetlands within and around Simmons Slough should be protected because they are irreplaceable. Next, please consider the *Conservation Lands Network 2.0 Report* (Bay Area Open Space Council.2019. The Conservation Lands Network 2.0 Report, Berkeley. CA). [The Conservation Lands Network 2.0 Report \(bayarealands.org\)](http://bayarealands.org) reflects thousands of hours of research and study regarding the protection of lands designated as "essential", "important" and "connector" lands required to protect irreplaceable habitat, meet the required goals of biodiversity, protect the landscape and reach long term habitat and species goals. The report was funded by the California State Coastal Conservancy, the Bay Area Open Space Council and others, and had participants from the Nature Conservancy, the Marin Agricultural Land Trust, the California Department of Fish and Wildlife, Audubon California, the San Francisco Bird Observatory and others. You will see that the Three Parcels identified above are, in whole or in part, "essential," "important" or "connector" land under the report.

I18-6

Traffic Issues:

- I18-7** **3. Flooding on Highway 37 is a proven concern, and that same flooding must be considered by housing planners for land developed in/near Simmons Slough.** As we all know, Highway 37 floods, and when it does, there are significant consequences in terms of traffic. Therefore, a lot of work has already been done by many agencies to consider what should be done to resolve the problems caused by flooding. Highway 37 runs across *Simmons Slough*, which is the same wetlands where the Three Parcels identified above are located (in whole or in part). When thinking about housing developments within or around Simmons Slough, one cannot ignore the research that has been done by government agencies regarding the same area, albeit for considerations about traffic rather than the environment or housing. Consider the document produced for the Transportation Authority of Marin in *State Route 37 – Segment A Sea Level Rise Corridor Improvement Study*, dated June 18, 2018 [SR37 SLR-Study-Report Final-Approved 20181114_reduced-v2.pdf \(ca.gov\)](#). First, please consider the map at Figure 1, on page 9, which highlights an area identified as **historical tidal marsh**. The report indicates that these areas are highly susceptible to the impacts of future flooding and global sea rise. Each of the Three Parcels are within this tidal marsh, in whole or in part. Why put new high density housing in areas that will face significant flooding challenges in the future, and render homeowners susceptible to flooding? Another report states: “State Route 37 is protected by a complex system of interconnected levee which makes the corridor vulnerable to Sea Level Rise inundation and flooding now and in the future.” [Highway 37 - Sonoma County Transportation Authority \(ca.gov\)](#) This same “complex system of interconnected levee” includes the lands around the areas of the Three Parcels. If flooding, tides, storm surges and sea rise demand that drastic measures are taken to raise, move or fix Highway 37, how can the county decide to put high density housing in lands that may themselves be prone to flooding and or impact the vital work that must be done for Highway 37?
- I18-8** **4. Atherton Avenue is a vital alternative transportation route for Highway 37.** When the 37 floods, commuters and truckers use Atherton Avenue to make their way from the 101 to the 80, 580 and all roads East. Something must be done to fix Highway 37, and there are proposals and plans in place, but they have not been implemented or finalized. Until they are implemented, Atherton remains a critical path for commerce going East and West, linking Marin to commerce East. The typical speed is 45+ MPH on Atherton Avenue. **Commerce moves without a single stop sign or stop light between the 101 and Highway 37.** All of that will have to change if the County decides to put density housing, particularly 3 significant developments, within the area which is currently between H Lane, Olive and School Road along Atherton. There will have to be stop lights in order to protect new residents, the significant increase of new drivers, slowing commerce, creating more traffic, significantly impacting current homeowners as well as those trying to navigate problems on Highway 37.
- I18-9** **5. There is no public transportation access out here.** There is not a single bus route to this area. There is not a train station for miles. There are no shops, no coffee places, no restaurants, no grocery stores, nothing, aside from Rossi’s Deli on the other side of Highway 37. This is a rural area which is not going to be much fun for anyone who does not have their own car and plenty of gas money to spend commuting. This is just not an area where I can reasonably see high density housing make sense. I hope you agree.
- I18-10** I have spent just a short amount of time looking online to find the above reports, and I am sure there are many more that can be cited. I agree that we must have more housing in Marin, but it should not be placed in wetlands and tidal marsh areas which are already identified as subject to flooding and essential, important or connector lands important for the environment and the flow of traffic.

From: LTB
To: [housingelement](#); BOS
Cc: "BPIC"
Subject: RE: Proposed sites in the Greenpoint and Blackpoint corridor areas of District 5

Dear Sir or Madam,

I am a resident of Marin County. I live in the area just East of the City of Novato, in the Atherton/Greenpoint corridor. My family has lived in Marin County since 1963, and I have spent most of my life here. I moved into my current home in 1997.

I am writing to ask whether Marin County housing authorities have considered the **5 issues identified below**, 2 about the environment and 3 about traffic associated with the proposed development of three parcels of land identified in the March 2022 revised list of sites for housing development. The "**Three Parcels**" are:

- Parcel identified as "Vacant Blackpoint (Olive Ave, 55 acre site)", 300 Olive Avenue, parcel 141-110-31
- Greenpoint Nursery, parcel 153-190-24
- 350 Atherton Avenue, parcel 143-360-04

Are you aware that these Three Parcels are in whole, or in part, included officially in the watershed basin area known as "Simmons Slough"? Simmons Slough is an area of seasonal wetlands which has been designated as important by the California Department of Fish and Wildlife, the State of California Department of Water Resources, the Coastal Conservancy, the Audubon Society, the Nature Conservancy and many other governmental and non-governmental organizations. A brief search for information on Google led me to the reports identified below.

-
Environmental Issues:

1. The Three Parcels are within Simmons Slough. First, please consider the information identified in the document produced in 2019 entitled *Simmons Slough Water Management and Seasonal Wetlands Enhancement Project*.

https://scc.ca.gov/webmaster/ftp/pdf/sccb/2019/1912/20191219Board11_Simmons_Slough.pdf

It reflects a recommendation from the Coastal Conservancy regarding the lands identified as Simmons Slough. You will see that significant resources have already been spent in the area for purposes of flood protection and to enhance seasonal wetlands. The area designated as Simmons Slough is reflected in a map within the report at **Exhibit 2**. You can see that each of the Three Parcels identified above are within the boundaries of Simmons Slough, in whole or in part.

- The "Vacant Blackpoint" lot abuts (and environmentally is the same as) much of the Simmons Slough parcel **already protected** by the Audubon Society on Olive Avenue. Although there is some hillside adjacent to the wetlands within the parcel, much of the acreage identified in the housing list for the parcel is wetlands, so any density plan would have to account for that fact. Furthermore, I fear homes on the hillside would create inorganic (likely harmful) landscaping runoff into the wetlands.

- The Green Point Nursery is on the other side of the street on Olive, separated only by landfill used to create Olive Avenue itself, as well as landfill used to create the nursery. The parcel is essentially a patch of wetlands, which has been filled for purposes of the nursery, but could easily be returned to wetlands. Note it's inclusion in the map identified in the Conservation Lands Report (below) as partly "**essential**" for the protection of biodiversity.
- The parcel at 350 Atherton is less than one city block away from the nursery, is seasonal wetlands and is across the street from additional land all along Atherton Avenue **protected already** by the Audubon Society as part of the **Novato Creek Simmons Slough Flood Reduction and Wetlands Enhancement Project**. There is a even a county issued sign on Atherton Avenue identifying the area of 350 Atherton as "Simmons Slough" as you pass the parcel. The parcel currently has one residence and the majority of the property is used for grazing sheep until the winter comes, then the sheep retreat to the hillside above. Very loud frogs, that hibernate in the summer, come to life in the winter on this patch of land/wetland. Much of the "acreage" is actually wetlands and I fear that if the hill is developed, inorganic, harmful landscaping runoff will go into the wetlands.

2. "Essential", "Important" and "Connector" wetlands within and around Simmons Slough should be protected because they are irreplaceable. Next, please consider the **Conservation Lands Network 2.0 Report** (Bay Area Open Space Council.2019. The Conservation Lands Network 2.0 Report, Berkeley. CA).

[The Conservation Lands Network 2.0 Report \(bayarealands.org\)](http://bayarealands.org) reflects thousands of hours of research and study regarding the protection of lands designated as "essential", "important" and "connector" lands required to protect irreplaceable habitat, meet the required goals of biodiversity, protect the landscape and reach long term habitat and species goals. The report was funded by the California State Coastal Conservancy, the Bay Area Open Space Council and others, and had participants from the Nature Conservancy, the Marin Agricultural Land Trust, the California Department of Fish and Wildlife, Audubon California, the San Francisco Bird Observatory and others. You will see that the Three Parcels identified above are, in whole or in part, "essential," "important" or "connector" land under the report.

The environmental issues of creating dense housing developments in and around sensitive wetlands are significant. I am not an expert in this area, so I shall simply leave you with the citations above and ask you to do your own research as well. I ask whether it is wise to risk the environmental consequences of development in wetland areas that others are trying so hard to protect elsewhere around the Bay Area and the rest of the world.

Traffic Issues:

3. Flooding on Highway 37 is a proven concern, and that same flooding must be considered by housing planners for land developed in/near Simmons Slough. As we all know, Highway 37 floods, and when it does, there are significant consequences in terms of traffic. Therefore, a lot of work has already been done by many agencies to consider what should be done to resolve the problems

caused by flooding. Highway 37 runs across **Simmons Slough**, which is the same wetlands where the Three Parcels identified above are located (in whole or in part). When thinking about housing developments within or around Simmons Slough, one cannot ignore the research that has been done by government agencies regarding the same area, albeit for considerations about traffic rather than the environment or housing. Consider the document produced for the Transportation Authority of Marin in *State Route 37 – Segment A Sea Level Rise Corridor Improvement Study*, dated June 18, 2018 [SR37_SLR-Study-Report_Final-Approved_20181114_reduced-v2.pdf \(ca.gov\)](#). First, please consider the map at Figure 1, on page 9, which highlights an area identified as **historical tidal marsh**. The report indicates that these areas are highly susceptible to the impacts of future flooding and global sea rise. Each of the Three Parcels are within this tidal marsh, in whole or in part. Why put new high density housing in areas that will face significant flooding challenges in the future, and render homeowners susceptible to flooding? Another report states: “State Route 37 is protected by a complex system of interconnected levee which makes the corridor vulnerable to Sea Level Rise inundation and flooding now and in the future.” [Highway 37 - Sonoma County Transportation Authority \(ca.gov\)](#) This same “complex system of interconnected levee” includes the lands around the areas of the Three Parcels. If flooding, tides, storm surges and sea rise demand that drastic measures are taken to raise, move or fix Highway 37, how can the county decide to put high density housing in lands that may themselves be prone to flooding and or impact the vital work that must be done for Highway 37?

4. Atherton Avenue is a vital alternative transportation route for Highway 37. When the 37 floods, commuters and truckers use Atherton Avenue to make their way from the 101 to the 80, 580 and all roads East. Something must be done to fix Highway 37, and there are proposals and plans in place, but they have not been implemented or finalized. Until they are implemented, Atherton remains a critical path for commerce going East and West, linking Marin to commerce East. The typical speed is 45+ MPH on Atherton Avenue. **Commerce moves without a single stop sign or stop light between the 101 and Highway 37.** All of that will have to change if the County decides to put density housing, particularly 3 significant developments, within the area which is currently between H Lane, Olive and School Road along Atherton. There will have to be stop lights in order to protect new residents, the significant increase of new drivers, slowing commerce, creating more traffic, significantly impacting current homeowners as well as those trying to navigate problems on Highway 37.

5. There is no public transportation access out here. There is not a single bus route to this area. There is not a train station for miles. There are no shops, no coffee places, no restaurants, no grocery stores, nothing, aside from Rossi’s Deli on the other side of Highway 37. This is a rural area which is not going to be much fun for anyone who does not have their own car and plenty of gas money to spend commuting. This is just not an area where I can reasonably see high density housing make sense. I hope you agree.

I have spent just a short amount of time looking online to find the above reports, and I am sure there are many more that can be cited. I agree that we must have more housing in Marin, but it should not be placed in wetlands and tidal marsh areas which are already identified as subject to flooding and essential, important or connector lands important for the environment and the flow of traffic.

Conclusion:

The majority of the homes in the immediate area of the Three Parcels have minimum acre requirements. Many are on septic. There is no public transportation out here. This is, and has for 100+ years been, a rural area surrounded by wetlands that look like lakes every winter because the flooding can be so significant. For the county to propose this area for high density housing, given the area's role in the long term overall environmental and other plans, seems very wrong to me. Have all the other county planners for decades been so wrong about what to do with this area? The Three Parcels are not vacant parcels that are ripe for development. They are either wetlands or adjacent wetlands worthy of protection.

I look forward to attending the meeting on the 12th of April and look forward to receiving a link to join the call.

Sincerely,

Leah Tuffanelli, Esq.

From: [N Blair](#)
To: elucan@novato.org; eric@ericlucan.com
Cc: [Albert, Tanya](#); [Weber, Leslie](#)
Subject: Atherton Corridor
Date: Saturday, November 12, 2022 7:02:43 PM

Some people who received this message don't often get email from nblair9999@gmail.com. [Learn why this is important](#)

Dear Eric Lucan,

Thank you for taking the time to read this letter. We would like to first congratulate you on your new position as the District 5 supervisor. We have faith that you will put your best foot forward in serving our community. [REDACTED]

My husband and I moved to Novato along the Atherton Corridor in 2014. We chose to purchase our home because we loved the rural feel of this corridor and because of our love for nature and wildlife. There is something very special about what the previous generations understood early on. These sensitive wildlife corridors are worth preserving. [REDACTED]

I19-1

We are extremely disappointed to hear about the proposed housing development that is planned to take place along the Atherton Corridor in Novato. We understand and fully support the development of affordable housing and recognize the necessity, but we cannot support the development of housing in a fragile and diverse ecosystem such as Rush Creek. Rush Creek is a critical wetland ecosystem year-round, it supports multiple habitats such as the Saltwater Marsh habitat and Brackish water marsh habitats. Development in this area would cause irreparable damage to this ecosystem by increasing water runoff, increasing light pollution, and increasing traffic. The plots outlined in the proposal are part of the rush creek watershed. That means that development directly affects the rush creek watershed and adjoining waterways such as the Petaluma River. I implore you to look at other spaces in Novato that are available and are already viable to hold large volume housing.

I19-2

Rush Creek would greatly suffer if impervious pavement and surfaces were to be added to the water shed. Impervious pavement increases water runoff and pollutants that would then end up in Rush creek which then flows into the Petaluma River or Deer Island Basin. In the Biological Resources of the City of Novato, published on Novato.org highlights the Federal Regulation in regard to endangered species. It states: "The federal Endangered Species Act (ESA) is a complex law enacted in 1973 to protect and recover plant and animal species in danger of becoming extinct and to conserve their ecosystems, with the ultimate goal being the recovery of a species to the point where it is no longer in need of protection. An "endangered" plant or animal species is one that is considered in danger of becoming extinct throughout all or a significant portion of its range. A "threatened" species is one that is likely to become endangered within the foreseeable future. The ESA prohibits the "take" of protected species. "Take," as defined by the federal ESA, means to "harass, harm, pursue, hunt, shoot, kill, trap, capture, or collect" a threatened or endangered species. "Harm" is further defined by the U.S. Fish and Wildlife Service (USFWS) to include the killing or harming of wildlife due to significant obstruction of essential behavior patterns (i.e., breeding, feeding, or sheltering) through significant habitat modifications or degradation." In proposing this housing Development along the Atherton Corridor, the city of Novato is causing direct harm of wildlife by significantly degrading and modifying the habitat as well as creating ecological implications that significantly obstruct essential behavior patterns. Light pollution has been scientifically proven to disturb circadian rhythms, and nesting behaviors in birds. One bird that is directly affected by development is the endangered

- I19-2** | Ridgeway's Rail formerly known as the California Clapper Rail. The San Rafael Gallinas Watershed Council had renowned expert on local endangered species, Jules Evans, speak and share his research on how nearby construction projects have impacted the Ridgeway's Rail. Evans found that the creation of the smart train Rail crossing in 2012 had completely disrupted the nesting region of the Ridgeway Rail along the Gallinas Creek. Two years after the addition of the rail crossing, he and his team found that no birds were using that area during breeding season a place that prior was an essential space for the Ridgeways' breeding and nesting. If the addition of a rail crossing can cause this irreparable damage to an ecosystem one can only image the damage the addition of high-density housing can cause to the ecosystem of Rush creek. I ask you to please reconsider development in the Atherton Corridor. The ecological implications and destruction that will come from this project are far too great. The Rush creek Ecosystem would be overloaded with increased water runoff, light pollution, noise pollution, increased traffic among many other factors with detrimental effects to all species. It is essentially for the city of Novato to respect the species that call Rush Creek Home.
- I19-3** |
- I19-4** | The Western Monarch butterfly is also on the verge of extinction with the loss of habitat. Atherton Corridor is a vital breeding ground for the Monarchs who rely on milkweed as their food source. The rural lots here provide the critical plant species that are crucial to the Monarch's survival. These food sources will be depleted if we allow high-density development. What scares us most is that the Environmental Impact Report will not address our threatened and endangered species or the loss of their habitat.
- I19-5** | Lastly, we live in a Wildland Urban Interface. Droughts are common in California, leaving us with serious risks. Many of us along the Atherton Corridor only have one way in and out. When the 37 flooded, many of us couldn't leave our streets and turn onto Atherton Ave because of the traffic. We can only imagine how bad it would be in the event of a fire. Many lost their lives in the Paradise fire trying to flee on the only road available to them. Developing high-density homes along Atherton Ave. will certainly put us in the same position.
- I19-6** | We urge you to remove 791 Atherton and 805 Atherton from the proposed list of lots on the Housing Element. Please support the preservation of our sensitive wildlife corridor and fire safety.

Kind regards,
Nina and Casey Blair
15 Equestrian Ct

From: [Robert Flagg](#)
To: [EnvPlanning](#)
Subject: Fwd: 2 Jeannette Prandi Way
Date: Wednesday, November 16, 2022 9:09:58 AM
Attachments: [Screen Shot 2022-11-14 at 11.55.35 AM.png](#)
[Screen Shot 2022-11-12 at 12.41.24 PM.png](#)

You don't often get email from krflagg@gmail.com. [Learn why this is important](#)

----- Forwarded message -----

From: **Robert Flagg** <krflagg@gmail.com>
Date: Wed, Nov 16, 2022 at 7:06 AM
Subject: 2 Jeannette Prandi Way
To: <smpeters@marincounty.or>

Hello Supervisors, Mary Sackett, Att.Rachel Reid,

I want to share my concerns regarding the proposed building site at 2 J. Prandi Way before the meeting on Wednesday.

I20-1

Regarding 2 J Prandi Way. Address correction needed on EIR.
 Current Draft EIR Marin County Housing Element Table 3-3
 Proposed Project Sites: #5 Marin County Juvenile Hall, 2 Jeannette Prandi Way, APN 164-640-01
 33 acres density allowance 30 per acre total 80 units

Correct addresses are as follows:

Jeannette Prandi Children's Center and County Training Room are at 2 J. Prandi Way. Juvenile Services Center is at 4 J. Prandi Way, and 6 J. Prandi Way is a storage building.

I20-2

The address of the Juvenile Hall is 16 J. Prandi Way and is 2.5 miles from Hwy 101. I was under the impression that the proposed housing sites should not be located more than 2 miles from Hwy 101. The difference between 2 J. Prandi Way and 16 J. Prandi Way is that it is .3 of a mile further from the fwy.

I20-3

I am hoping that the figure 8 walking path part of Lucas Valley Park will remain as is. This park was established in 1994 and is approx. 7 acres—county ordinance no. 3193. The residents at Rotary Valley Senior Village use this path often, as it is the only level walking area for them. They are not able to walk in the surrounding hills because many of the residents are elderly and some have to use walkers. The park and walking path is also used by the residents of upper and lower Lucas Valley for daily exercise and to walk their dogs.

I20-4

In the proposed development for 80 low income housing units at 2 or 16 Jeannette Prandi Way, it is my understanding that if a developer builds 50% or more low income housing units they may make a request to HCD for a greater density than 30 units per acre if eligible for a density bonus under "Density Bonus Law." This would make the project much larger and could also happen if Marin County's Housing Element becomes "non-compliant" with HCD and "Builders Remedy" could be used to create the same outcome.

I20-5

HCD will look at the county's permit data annually making sure we are compliant with our Housing Element. It seems to me that Marin county could become non-compliant very easily if some of the proposed privately owned housing sites for unincorporated Marin become non-viable during the next RHNA cycle starting in January 2023.

Sincerely,

Robert Flagg RVSV 10 Jeannette Prandi Way Lucas Valley 415 456-8289



MARIN COUNTY
P A R K S
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LUCAS VALLEY PARK

[OVERVIEW](#) [DIRECTIONS](#) [RULES](#)

An easy access neighborhood park near Lucas Valley's open spaces.

Rangers Recommend

- A level asphalt path provides a walking loop for residents of nearby Rotary Valley Senior Village, and adjacent neighborhoods.
- Scenic grasslands are dotted with old oaks, surrounded by open space hills.
- Have lunch on one of the shaded benches.
- The park is adjacent to Parks' Lucas Valley field office and other county facilities.
- Dogs are welcome on leash.

Activities

- Dogs On Leash
- Hike
- Wheelchair Accessible

LOCATION
2169 Jeanette Prandi Way, San Rafael, CA
[Get Directions](#)

HOURS
Open sunrise to sunset.

ALERTS & CLOSURES
There are no closures at this location.
[View All Alerts & Closures](#)

RELATED INFO

From: [Todd Dayton](#)
To: [EnvPlanning](#)
Subject: Comments on Housing Element additions in Lucas Valley
Date: Tuesday, November 15, 2022 8:53:39 AM

You don't often get email from dayton75@gmail.com. [Learn why this is important](#)

Dear Commissioners and Supervisors,

I21-1

I'm writing with some comments on the Housing Element plans to add housing to 2 locations in Lucas Valley. I understand the need to add affordable housing and I am supportive of the effort to construct new housing in Lucas Valley. It's a great place to live, and I think would be attractive for younger families who might be eligible for the housing units. The site on Mt. Lassen is quite close to where I live, and aside from impact on traffic, seems suitable for housing as the office park is quite underused. Similarly, the Juvenile Hall location seems promising, provided that Juvenile Hall itself is decommissioned and removed.

I21-2

One important note on this location is that it is a very popular wildlife corridor between the hills and the creek, where animals go for water. Because there are dense neighborhoods on either side of the Juvenile Hall/walking path area, this section gets a lot of animal traffic, especially at night. If housing is built at the Juvenile Hall location, attention must be paid to preserving the wildlife corridor.

Best of luck in the process. I expect you'll get an earful of negative comments from my neighbors.

Regards,

Todd Dayton
21 Mount Lassen Dr.

From: [Vincent Baldino](#)
To: [EnvPlanning](#)
Subject: Atherton Corridor - DO NOT BUILD HERE
Date: Tuesday, November 15, 2022 12:46:24 PM

You don't often get email from vin_dino@yahoo.com. [Learn why this is important](#)

To whom it may concern,

I22-1

I am writing this email in response to the proposal to build low income housing at the locations referenced for [site 16 - Atherton Corridor](#) in Novato, CA. These lots are already surrounded by an abundance of homes and therefore the wildlife in this area is already infringed upon. To add another 140+ units is pure insanity. In addition, the increased traffic that these units will create will cause more traffic accidents than necessary due to the deer population being forced out of their natural habitat. Lastly, water usage in Novato is already at a premium. Adding this many units will increase the water usage therefore limiting the supply of water to the existing homes even more. Please DO NOT BUILD these homes on these lots. it will create more harm than good.

Sincerely,

Vincent Baldino
414 Olive Ave, Novato, CA 94945

From: [Alex Stadtner](#)
To: [EnvPlanning](#)
Subject: DEIR for more housing in Lucas Valley
Date: Monday, November 21, 2022 9:01:00 AM

You don't often get email from astadtner@gmail.com. [Learn why this is important](#)

To Whom It May Concern,

We are YIMBY's in support of more local workforce housing.

Please consider the following in your evaluation:

I23-1

- Financial cost to businesses (and schools) districts who must “import” workers who cannot afford to live here
- Emissions impact from worker commutes from afar
- Avoided costs to community from reduced local homelessness
- Inflationary pressures on rental properties due to low inventory and high number of people who cannot afford to buy
- Lack of diversity in local school district (94903)

I23-2

No property will ever be perfect, but the property located on Lucas Valley Road near Jannette Prandi seems about as good as it's going to get.

I23-3

Please consider additional resources for purple pipe (reclaimed water) in the neighborhood to help offset new water demands. In concert with the LVHOA reclaimed water could be delivered from the hills to homes adjacent to open space.

I23-4

Please consider additional renewable energy and the idea of a distributed power or “micro-grid” solutions that could benefit the community during extended power outages. Any new facility could become an intentional refuge in times of natural disaster, and be an outpost a little further west of the existing Fire House.

Best of luck finding our community more housing. We need it, and I know it aint easy.

Sincerely,
Alex Stadtner

San Rafael, CA 94903

From: [Amy Powers](#)
To: [EnvPlanning](#)
Subject: State Housing Mandate
Date: Sunday, November 20, 2022 3:13:15 PM

You don't often get email from amy.powers@aol.com. [Learn why this is important](#)

I24-1

I am in favor of more affordable housing in Marin County but after seeing the Zoom meetings on the Mandated housing I am in opposition of the amount being proposed for the Lucas Valley area. The amount being talked about will impact our schools, evacuation in event of a fire, traffic, water supply, wastewater treatment, etc.

It is unfortunate that more people don't know a thing about this as it will negatively affect the residents of Lucas Valley..

I feel the Board of Supervisors need to consider other areas to spread out the impact of this housing.

Thank you,

Amy Powers
90 Mt. Lassen Drive
San Rafael, CA 04903

From: [Amy Skewes-Cox](#)
To: [EnvPlanning](#)
Cc: [Rice, Katie](#); [Riley Hurd](#); [Cecily Stock](#); [Richie Goldman](#); [David Wise](#); [Angela Bauman](#)
Subject: Comments on County Housing Element EIR re: San Domenico site
Date: Friday, November 18, 2022 3:39:19 PM
Attachments: [Letter on County Hsg Element EIR by Skewes-Cox.docx](#)

You don't often get email from amysc@rtasc.com. [Learn why this is important](#)

Rachel: Please see my comment letter attached. Many thanks. Amy Skewes-Cox

--

Amy Skewes-Cox, AICP, Environmental Planning
Cellphone 415-203-0454
Website: www.rtasc.com

AMY SKEWES-COX, AICP

PO Box 422, Ross, CA 94957

amysc@rtasc.com

415-203-0454

15 November, 2022

Ms. Rachel Reid
 Marin County Environmental Planning Manager
 3501 Civic Center Drive, Suite 308
 San Rafael, CA 94903

Dear Rachel:

As a previous Chair of the Board of Trustees of San Domenico School, I'm writing today to comment on the EIR recently published for the County's proposed Housing Element (SCH No. 2021120123). The San Domenico campus at the end of Butterfield Road was shown to possibly include 50 units of housing in the "Lower Income" category. Given the school's strong need for more on-campus housing for both faculty and staff, we were glad to see the County including this location. However, the "Reduced VMT Alternative" (Alternative 2) removed the San Domenico units from consideration due to the goal of putting more units within a two-mile radius of US Hwy. 101. We would like to provide some reasons below of why San Domenico units should remain in the County's Housing Element.

I25-1

1. Housing on the campus would serve faculty/staff and thus the usual VMT analysis is not appropriate for this location. Very few trips off the campus would be required. If one assumed 4 trips per unit and the VMT "threshold" of 110 trips per day, you could place at least 27 multi-family units (MFD) on the campus and be under the VMT threshold of 110 trips/day.
2. If 27 units (vs. 50) were located on the campus, this would be a huge benefit for the community, as fewer trips would occur on Butterfield Road. As you know, San Domenico has worked for many years to finally get an updated Traffic Plan adopted that benefitted both the school and the community. Putting housing on the campus would not significantly impact that plan. In fact, the opposite would occur as fewer faculty/staff would be driving down Butterfield Road. San Domenico is one of the largest employers in Ross Valley; thus, removing some of the employee-related traffic during the morning and afternoon commute would be a significant benefit to the surrounding community.
3. The site for housing would be most ideal where a previous stable and barns were located, close to the school entrance and within an easy walk to the central campus. This site has few environmental constraints. It is out of the public view corridor (e.g., no visual impacts) and has limited natural vegetation. It is basically a "bowl" with hillsides on 3 sides of the site, where little grading would be required with good site planning. Access from the main school driveway is easily available. Drainage would need to be studied as this area collects rainfall from the surrounding hills and runoff would have to be directed and detained. Noise would not be of concern.

I25-2**I25-3**

I25-4

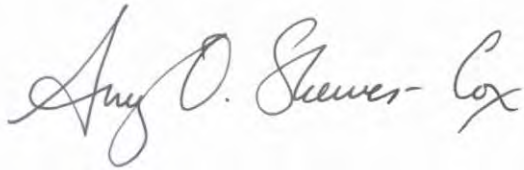
4. If the County leaves in at least 27 units of MFD housing, it would be beneficial to have a mix of housing types with about 50% Lower Income and 50% Moderate Income. The school could discuss average salaries with the county to see if faculty/staff would qualify as that would be the main goal of the school encouraging housing on the campus.

I25-5

5. The EIR shows the "Environmentally Superior" alternative as being the Reduced VMT Alternative. However, if this were selected by the County, San Domenico would not have any housing shown on the campus and we would continue to have a difficult time attracting faculty given the long distance to/from more affordable housing locations in Sonoma County and outlying areas.

For the above reasons, we strongly encourage the County to retain the housing site shown at San Domenico and hope that you will seriously consider our concerns. Thank you for allowing us to comment on the EIR.

Sincerely,

A handwritten signature in cursive script that reads "Amy O. Skewes-Cox". The signature is written in black ink on a light-colored background.

Amy Skewes-Cox, AICP
Former Chair and Member of the San Domenico Board of Trustees

Cc: Katie Rice
Riley Hurd
Cecily Stock
Richie Goldman
David Wise
Angela Bauman

From: [Jones, Sarah](#)
To: [Hall, Chelsea](#)
Subject: FW: Marin County Housing and Safety Elements, Comments on DEIR
Date: Monday, November 21, 2022 4:39:51 PM

Hi Chelsea-

In case this didn't come through.

-Sarah

From: John Bruce Corcoran <brucecorcoran@msn.com>
Sent: Monday, November 21, 2022 4:15 PM
To: Jones, Sarah <sbjones@marincounty.org>
Subject: Fw: Marin County Housing and Safety Elements, Comments on DEIR

You don't often get email from brucecorcoran@msn.com. [Learn why this is important](#)

Dear Sarah Jones,

I'm forwarding my comments to you because a notice from my Internet service indicated that a problem may have occurred in delivering my comments to envplanning@marincounty.org.

Sincerely,
 Bruce Corcoran
 415-383-5340 (H)

From: John Bruce Corcoran
Sent: Monday, November 21, 2022 3:59 PM
To: envplanning@maincounty.org <envplanning@maincounty.org>
Subject: Marin County Housing and Safety Elements, Comments on DEIR

Dear Rachel Reid, Environmental Planning Manager,

I am submitting the following comments about the DEIR:

Environmental Topic: Transportation

A detailed VMT analysis of the Highway 101/SR 131 (Tiburon Boulevard) is lacking.

In a letter dated January 20, 2022, in response to the NOP, Caltrans' District 4 Branch Chief Mark Leong required of Environmental Planning a detailed analysis of VMT. That requirement has not been fulfilled for the Highway 101/SR131 interchange. This interchange lies completely within the boundaries of the unincorporated area of Strawberry-Alto. Therefore, "As the Lead Agency, the County of Marin is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all

proposed mitigation measures."

I26-1

The RHNA allocations for Belvedere (160), Tiburon (639), Mill Valley (865), and the pending NCLH project in Strawberry (E 350 new units) will add over 2,000 housing units to the area served by the Highway 101/SR131 interchange. Using the average of 10 trips per day per housing unit, this will add 20,000 trips per day. The cumulative impacts of these additional trips have not been analyzed.

Environmental Topic: Population and Housing**I26-2**

An analysis of the impacts of open borders and unfettered illegal immigration has been ignored. We cannot even house our own citizens. Homeless people, including our military veterans, are living in tents. Illegal immigrants compete directly with low-income US citizens for housing, jobs, education, and healthcare. We will never succeed in building enough affordable housing if unfettered illegal immigration continues.

Sincerely,

Bruce Corcoran

Letter I27

From: [Carole Bigot](#)
To: [EnvPlanning](#)
Subject: Housing Element EIR - Nov. 18th, 2022
Date: Monday, November 21, 2022 8:35:45 AM

[You don't often get email from carolebigot1@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Ms. Reid,

I am a resident of Lucas Valley and am concerned about the lack of clarity regarding the proposed development of the Jeanette Prandi site. I was unable to attend the zoom meeting on Nov. 18th regarding the development, but friends who had attended found it more confounding than helpful.

I27-1

The size and scope of the development is very unclear. How can supervisors vote on projects that are this vague? With county supervisors transitioning into and out of their newly elected positions, will there be community representation available under the current approval timeline? How can the public weigh in on this development without more detail of the plans and time to consider those plans. Is the planning commission taking into consideration the sites which are currently slated for development (Marinwood Market, Talus Reserve, Northgate Mall, Nazareth House and Los Gamos)? Is the EIR available to all stakeholders?

I27-2

It would be my hope that there would be ample opportunity to fully review a more clarified process. The scope of the proposed plans should be made available so citizens impacted would have a legitimate voice in this entire process. Please consider requesting a delay from the state rather than moving forward without clarity for us. The community deserves a timeline that takes into consideration our opinions. This less than transparent timeline seems to be all too short and designed to proceed without the complication of opinions from the citizenry.

Sincerely,
Carole Bigot

From: [Chad E MacLachlan](#)
To: [EnvPlanning](#)
Cc: [sarah mccarthy](#); [Chad E MacLachlan](#)
Subject: Comments on DEIR
Date: Sunday, November 20, 2022 8:42:08 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
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You don't often get email from chad.e.maclachlan@kp.org. [Learn why this is important](#)

I28-1

Thank you for the opportunity to give input on the DEIR and the proposed 3,569 housing units in unincorporated Marin County as part of the RHNA set by the ABAG. We fully support a well thought out affordable housing plan in Marin County. The California Environmental Quality Act (CEQA) clearly states: “CEQA requires public agencies to “look before they leap” and consider the environmental consequences of their discretionary actions, and is intended to inform government decisionmakers and the public about the potential environmental effects of proposed activities and to prevent significant, avoidable environmental damage.” While I respect the work that MIG put into preparing the DEIR, I am in alignment with the Planning Commissioners, our County Supervisors, and the Marin County public that this report has fallen significantly short of a well thought out plan to add affordable housing in Marin County, while still maintaining the beauty and character of our wonderful County and protecting Novato’s open land lots that are home to native wildlife. I do hope that our esteemed Planning Commissioners and County Supervisors will consider select sections of the DEIR when making their decisions, but will also rely more strongly on their support for the aesthetic Marin County landscape and its constituents who live there when making the final decision on building sites.

I28-2

Our family, along with hundreds of other families, specifically chose to live in the Atherton Avenue area of Novato due to its single-family homes on larger lots, with beautiful countryside and abundant natural wildlife. This is such a beautiful part of Novato and Marin County. If done correctly, we have the opportunity to improve and beautify run-down parts of Novato and Marin County with well-built affordable housing units – but high-density housing units should not just be plopped down on any open lot where it clearly does not fit in and would clearly decrease the beauty and character of the surrounding neighborhood instead of improving it. I can assure you that building high-density housing in the countryside of the Atherton Avenue Corridor is clearly out of place, and is fraught with numerous other issues that should not be ignored. I would love to work with the Planning Commission and our County Supervisors to identify sites that fit within this plan. We can turn this State mandate into an opportunity to 1) provide affordable housing in Marin County, 2) beautify run

I28-2

down parts of Marin County, 3) preserve the beauty and charm of single-family country neighborhoods around Novato and Marin County.

My sincere request to take the Atherton Avenue sites off of the final housing unit sites:

Aesthetics:

As listed on the DEIR. Hundreds of families chose to live and raise children in the Atherton Avenue area of Novato because of the open and rural areas. One of the biggest differentiators in the Novato community compared to other cities in Marin County is the semi-rural feel, larger properties, and less dense housing. Adding hundreds of potential homes along the Atherton Avenue corridor does not fit with this at all. The six identified parcels on the housing element list along the Atherton Avenue Corridor all have something in common...they are bordered or are adjacent to homes of at least 1/2 to 1 acre each. Adding up to 20 units per acre would drastically change the look, feel, and identity of a precious rural area so close to the city itself.

Table 2-2 from the DEIR:

Significant with no Mitigation Measures

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
AESTHETICS				
Impact 4-1: Effects on Scenic Vistas. [Threshold of Significance (a)]	S	No feasible mitigation is available. This impact would remain significant and unavoidable .	County	SU
Impact 4-2: Impacts on Existing Visual Character and Quality. [Threshold of Significance (c)]	S	No feasible mitigation is available. This impact would remain significant and unavoidable .	County	SU

I28-3

4. AESTHETICS

Environmental Issue Area	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
Aesthetics. <i>Except as provided in Public Resources Code Section 21099, would the project:</i>				
a) <i>Have a substantial adverse effect on a scenic vista?</i>	X			
b) <i>Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?</i>				X
c) <i>In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?</i>	X			
d) <i>Create a new source of substantial light or glare which would adversely affect day or nighttime views in the Project Area?</i>			X	

4.3.1 Thresholds of Significance

Based on Appendix G of the State CEQA Guidelines, implementation of the Project would have a significant impact related to aesthetics and visual resources if it would:

- A. Have a substantial adverse effect on a scenic vista;
- B. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway;
- C. Substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those experienced from publicly accessible vantage point); If the project is in an urbanized area and would conflict with applicable zoning and other regulations governing scenic quality; or

I28-3

Impact 4-1: Effects on Scenic Vistas. *[Threshold of Significance (a)]* Potential housing facilitated by the Housing Element Update would include development on vacant sites and also replacing existing developed areas with new development, which could substantially adversely affect a scenic vista due to changes in densities and building heights that could potentially obscure or degrade scenic vistas and substantially adversely affect a scenic vista. This would be a **significant impact**.

Impact 4-2: Impacts on Existing Visual Character and Quality. *[Threshold of Significance (c)]* Potential housing facilitated by the Housing Element Update, including development on vacant sites and also replacing existing developed areas with new development, could degrade the existing visual character or quality of public views of the site and its surroundings resulting from densities, building heights, building massing, and other types of exterior building materials and elements that could occur with new development. These effects could degrade the existing visual character or quality of public views of the site, and would be a **significant impact**.

Mitigation. No feasible mitigation is available. This impact would remain **significant and unavoidable**.

I28-4

Safety and Evacuation:

When Highway 37 recently flooded and traffic was re-routed to Atherton Avenue, Atherton Avenue became a parking lot. It took almost 30 minutes to go a half mile to Highway 101. Evacuations along the two-lane Atherton Avenue would be a disaster. All six sites along Atherton Avenue are listed under the "moderate" or "high" fire danger category. This significantly impacts insurance availability and rates, and will make it much more expensive for residents to live in their homes regardless of income level - but particularly those that are in the lower or moderate income categories. In addition to insurance challenges, evacuation is also a concern. This will be a dangerous and potentially catastrophic event that will only be compounded by extra vehicles. Having the potential of several hundred extra cars trying to evacuate on the two-lane Atherton Avenue will further delay evacuation

I28-4

while also inhibiting fire equipment response. In addition to insurance challenges, evacuation is also a concern.

I28-5

Ability to build on the Atherton Avenue sites to fulfil the State mandate:

Deep concerns over the methodology and awareness of each site’s unique terrain. This is where the DEIR really falls short, and this was clearly recognized in the meeting on Nov 16th, 2022. For example, one of the candidate sites (805 Atherton Avenue), previously had an application submitted to subdivide the property into six lots. This application, however, was denied by the planning commission for several reasons. What it does tell me is that the slope calculations that are listed on the current housing element site list are incorrect and also don’t recognize that 1.5 acres of the “buildable area” identified, was actually surveyed as wetlands in 2018. Furthermore, both of the Olive Avenue sites also have significant wetlands surrounding them which make them difficult or impossible to meet the numbers identified in the housing element site list.

I28-6

Environmental Impacts:

During a previous 2018 application to the County to build just SIX units on 805 Atherton Avenue, 1.5 acres of the “buildable area” identified was actually surveyed as wetlands. Furthermore, both of the Olive Avenue sites also have significant wetlands surrounding them, which make them difficult or impossible to meet the numbers identified in the housing element site list. Furthermore, not a week goes by that deer and other wildlife are found dead along Atherton Avenue after being hit by cars driving along Atherton Avenue and the surrounding neighborhoods. The potential damage to wildlife by drastically increasing vehicle traffic along Atherton Avenue and the surrounding streets is no doubt significant, and not something to be taken lightly. This is completely avoidable. The lots listed along Atherton Avenue are also home to a large number of beautiful native wildlife, including a large herd of deer and flock of wild turkeys.

Table 2-2 from the DEIR:

<p>Impact 7-2: Impacts on Riparian Habitat, Sensitive Natural Communities, and Wetlands. [Thresholds of Significance (b) and (c)]</p>	<p>S</p>	<p>Mitigation Measure 7-2: Best Management Practices for vegetation management in riparian areas, wetlands, and sensitive natural communities. For fire safety implementation projects (e.g., fuel load reduction) of any size where sensitive biological resources may occur, the County and/or contractors shall prepare a Construction Management Plan (CMP) for projects that involve vegetation removal within or in proximity to riparian areas, wetlands, and sensitive natural communities. The CMP shall include Best Management Practices (BMPS) that protect these habitats. The CMPs may include, but are not limited to, the following BMPs:</p>	<p>Project applicants; County</p>	<p>LS</p>
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I28-6

		<ul style="list-style-type: none"> ▪ Setbacks from riparian areas, wetlands, and other sensitive areas where work should be avoided. ▪ Field delineation of sensitive habitats as Environmentally Sensitive Areas to avoid. ▪ Identification of sensitive areas where work should be done by hand rather than with heavy machinery ▪ Measures to control and prevent the discharge of potential pollutants, including solid wastes, paints, concrete, petroleum products, chemicals, wash water or sediment and non-stormwater discharges to storm drains and water courses. ▪ Restrictions on cleaning, fueling, or maintaining vehicles on site, except in a designated area in which run-off is contained and treated. ▪ Erosion control measures for wet season work (October 15 through April 15). ▪ Measures to store, handle, and dispose of construction materials and wastes properly, so as to prevent their contact with stormwater. ▪ Measures to avoid the invasion and/or spread of noxious weeds. 		
		Implementation of this mitigation measure would reduce impacts of the Safety Element Update on riparian habitat, state or federally-protected wetlands, or other sensitive natural communities to a <i>less-than-significant level</i> .		
<p>Impact 7-3: Impacts on Wildlife Movement Corridors and Wildlife Nursery Sites. [Threshold of Significance (d)]</p>	S	<p>Mitigation Measure 7-3.1. Revise Definition of the Nesting Season</p> <p>Adopted Policy BIO-2.5 in the Natural Systems and Agriculture Element of the 2007 CWP defines the avian nesting season as March 1 through August 1. However, the nesting season in Marin County is generally defined as February 1 through August 31. Unless this policy is amended, future individual development projects resulting from the Housing Element Update have the potential to take active nests of birds protected by the Migratory Bird Treaty Act and California Fish and Game Code. Therefore, the County shall revise this policy as follows:</p> <p>Policy BIO-2.5 (revised) Restrict Disturbance in Sensitive Habitat During the Nesting Season. Limit construction and other sources of potential disturbance in sensitive riparian corridors, wetlands, and Baylands to protect bird nesting activities. Disturbance should generally be set back from sensitive habitat during the nesting season from <u>February 1 through August 31</u> to protect bird nesting, rearing, and fledging activities. Preconstruction surveys should be conducted by a qualified professional where development is proposed in sensitive habitat areas during the nesting</p>	County	LS

I28-6

		<p>season, and appropriate restrictions should be defined to protect nests in active use and ensure that any young have fledged before construction proceeds.</p> <p>Mitigation Measure 7-3.2 Bird-Safe Design. The County shall establish design standards for new construction and redevelopment projects to implement bird-safe features to prevent or reduce avian collision risks with glass windows. Consistent with the American Bird Conservancy recommendations, the County shall specify thresholds when standards would apply, such as site location relative to avian habitat and amount of contiguous glass proposed on building facades. If projects meet or exceed the thresholds, the County shall require application of bird-safe design features including, but not limited to, window treatments, glass treatments, and landscaping and lighting modifications. The County or project applicants shall obtain a qualified biologist, with experience in avian ecology, to evaluate proposed building plans and bird-safe design features, where applicable. If the proposed bird-safe design does not sufficiently address collision risks, the biologist shall provide additional bird-safe design recommendations that shall be incorporated.</p>		
		<p>Mitigation Measure 7-3.3. Implement Protective Buffers During Vegetation Management.</p> <p>To protect wildlife movement corridors and wildlife nursery sites from removal, degradation, or substantial long-term disturbance, the County shall minimize vegetation management activities to the greatest extent feasible and implement protective buffers, or specify vegetation management and removal methods to protect wildlife movement corridors and avoid disturbance of wildlife nursery sites.</p> <p>With implementation of Mitigation Measures 7-3.1, 7-3.2, and 7-3.3, impacts of the Housing and Safety Element Update would be <i>less than significant</i>.</p>		

Atherton Avenue Lots are not near public transportation and not near supermarkets and amenities:

Due to the more remote location of the Atherton Avenue sites, individual transportation by the hundreds of families would be required. The Atherton Avenue sites are not within walking distance of public transportation, food markets, or eating amenities.

Table 2-2 from the DEIR:

Significant with no Mitigation Measures

I28-7

<p>Impact 15-1: Substantial Permanent Increases in Traffic Noise Levels. [Threshold of Significance (a)] The implementation of the proposed Project could result in a substantial permanent increase in noise levels. This would be a <i>potentially significant impact</i>.</p>	S	<p>Mitigation Measure 15-1. Reduce VMT from New Residential Development. Implement Mitigation Measure 18-4 (Transportation).</p> <p>Mitigation Measure 18-4. Residential development projects shall be required to achieve a VMT significance threshold of 15 percent below the regional average residential VMT per capita. The methodologies and screening parameters used to determine VMT significance shall be consistent with the guidance provided in the <i>Technical Advisory on Evaluating Transportation Impacts in CEQA</i>.</p>	Project applicants; County	SU
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I28-7

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<p>OPR, 2018 (or subsequent updates), or future VMT policies adopted by the County of Marin, provided that such policies have been shown through evidence to support the legislative intent of SB 743. Output from the TAMDM travel demand model shall be the source of the regional VMT per capita performance metric used to establish the significance threshold and shall be used in residential development project VMT assessments. For individual residential development projects that do not achieve VMT significance thresholds, applicants shall submit documentation that demonstrates how the necessary VMT per capita reductions will be achieved, relying on available research and evidence to support findings. VMT reduction techniques will vary depending on the location of each development site and the availability of nearby transportation services though utilization of TDM strategies will play a major role in most cases. Following are TDM and other strategies that may be applied; additional measures beyond those provided in this list may be allowed if supported by evidence.</p> <ul style="list-style-type: none"> ▪ Subsidize resident transit passes ▪ Provide or participate in established ride-matching program(s) 		

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<ul style="list-style-type: none"> ▪ Provide information, educational, and marketing resources for residents and visitors managed by a TDM Coordinator ▪ Complete bus stop improvements or on-site mobility hubs ▪ Construct off-site pedestrian and/or bicycle network improvements, particularly those that fill gaps and/or connect the project and surrounding neighborhood to transit ▪ Reduce parking supply at affordable or senior projects and projects that are well-served by transit ▪ Unbundle parking costs (sell or lease parking separately from the housing unit) where appropriate on-street management is present ▪ Provide or participate in car-sharing, bike sharing, or scooter sharing program(s) ▪ Contribute to future VMT mitigation fee programs, banks, or exchanges as they become available. <p>Even with implementation of this mitigation measure, this impact would remain significant and unavoidable.</p>		

I28-8

Significant Impact of Providing Utilities with no Mitigation:

All six sites are listed in a chart titled **“Housing Site Removed from Utility Service Providers”** (Table 22-2/Page 22-32 of the DEIR) because of an **“Inability to Serve the Proposed Project.”** In other words, the water district has responded saying they can’t provide water to these sites without impacting their ability to provide water with a sufficient reserve for the entire community during dry years. It would also necessitate significant infrastructure upgrades even if they did have enough water. With ever increasing and severe droughts, the biggest and most important commodity will be water. Adding hundreds of new homes will put a further strain on an already precarious water supply that is heavily reliant on out-of-county water sources to provide basic needs for the service area. The sites along Atherton Avenue and Olive Avenue would also have significant challenges to connecting to the sewer system, especially since the fire station just down the road (to the best of my current

knowledge) still hasn't been able to connect to the sanitary sewer and, like all homes in the area, relies on a septic system.

I28-8

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
<p>Impact 19-2b: Project and Cumulative Water Supply Impacts: North Marin Water District and Marin Municipal Water District. [Threshold of Significance (b)] Parts of the unincorporated County are served by North Marin Water District (NMWD), the majority of whose supplies are dependent upon water purchased from Sonoma County Water Agency and piped into the County. Other parts of the unincorporated County are served by Marin Municipal Water District (MMWD), the majority of whose supplies are dependent upon water stored in Marin County reservoirs. When these Districts have access to full annual water entitlements and full reservoir capacity, they are able to accommodate population growth as indicated in their "2020 Urban Water Management Plan for North Marin Water District" and "MMWD Water Resources Plan 2040."</p> <p>However, due to drought impacts in Sonoma County, NMWD is not able to receive its full annual entitlement from Sonoma County Water Agency and has adopted an ordinance imposing moratoriums on new connections in order to work within its restricted supply. Additionally, until recently MMWD had imposed restrictions on</p>	<p>S</p>	<p>No feasible mitigation is available. This impact would remain <i>significant and unavoidable</i>.</p>	<p>Project applicants; County; NMWD; MMWD</p>	<p>SU</p>
<p>connections for irrigation for new development due to water shortages in its reservoirs as a result of multiple years of less than average rainfall. MMWD's restriction on irrigation connections was lifted in 2022 because large storm events in the winter of 2021-2022 filled the reservoirs. Because there is uncertainty in the future about the amount of water that would be available for the Districts to supply to customers during the current, ongoing drought, and the Districts are in the early stages of seeking alternate water sources, possible multiple new connections proposed in the Project and cumulative (Project and Districts' commitments outside of the Project) scenarios could result in demands in excess of available supply during dry and multiple dry years, which would be a <i>potentially significant impact</i>.</p>				
<p>Impact 19-2c: Project and Cumulative Water Supply Impacts: Individual Water Supply Systems. [Threshold of Significance (b)] Parts of the unincorporated County are outside of community service and water district service areas, and developed parcels need to rely on private, individual water supply systems with water obtained from wells and local streams. The Project includes sites which will need to rely on individual water systems. State and local requirements for small water systems will help ensure that the number of units in a development do not exceed the capacity of new or existing wells to supply water. System capacity will be based on the water supply</p>	<p>S</p>	<p>No feasible mitigation is available. This impact would remain <i>significant and unavoidable</i>.</p>	<p>County; project applicants</p>	<p>SU</p>
<p>investigations required for individual developments at the time they are proposed. Under drought conditions, groundwater can decrease to levels below the supply needed to sustain development. This could result in demands in excess of available supply during normal, dry, and multiple dry years, which would be a <i>potentially significant impact</i>.</p>				

I28-8

<p>Impact 19-3a: Wastewater Treatment Capacity Impacts: Community Service Districts Providing Sewage Treatment. [Threshold of Significance (c)] Parts of the unincorporated County are served by small community service districts that are in need of infrastructure upgrades and expansion in order to collect and treat wastewater from new development.</p> <p>Possible multiple new connections discharging an increased amount of waste to existing infrastructure and facilities could exceed the system's capacity for conveyance and treatment, which would be a <i>potentially significant impact</i>.</p>	<p>S</p>	<p>No feasible mitigation is available. This impact would remain <i>significant and unavoidable</i>.</p>	<p>County; community service districts</p>	<p>SU</p>
<p>Impact 19-3b: Wastewater Treatment Capacity Impacts: Sanitary Districts. [Threshold of Significance (c)] Parts of the unincorporated County are served by large sewer</p>	<p>S</p>	<p>No feasible mitigation is available. This impact would remain <i>significant and unavoidable</i>.</p>	<p>County; project applicants; sewer districts</p>	<p>SU</p>
<p>districts, some for which future treatment capacity is unknown and which may need infrastructure upgrades and expansion in order to collect and treat wastewater from the Project. Possible multiple new connections discharging an increased amount of wastewater to existing infrastructure and facilities could exceed the system's capacity for conveyance and treatment, which would be a <i>potentially significant impact</i>.</p>				
<p>Impact 19-3c: Wastewater Treatment Capacity Impacts Outside of Sanitary Districts and Community Service Districts Providing Sewage Treatment. [Threshold of Significance (c)] Parts of the unincorporated County are outside of sanitary district service areas and community service districts providing wastewater treatment. These areas rely on individual septic systems to treat wastewater on developed parcels. The potential for an individual septic system to have capacity to serve a development's demand depends on the specific soil conditions and existence of natural and built features within the parcel proposed for development. Until site-specific investigations are completed, uncertainty exists on any given parcel regarding the capacity of the existing soil to treat wastewater from a proposed development. Due to this uncertainty in the ability of the parcel to serve a development's wastewater treatment needs, this would be a <i>potentially significant impact</i>.</p>	<p>S</p>	<p>No feasible mitigation is available. This impact would remain <i>significant and unavoidable</i>.</p>	<p>County; project applicants</p>	<p>SU</p>

Chad and Sarah MacLachlan
 Novato, CA
 (707) 761-7333

Chad E. MacLachlan, MD
 APIC of Surgical Specialties, NSA
 Sports Medicine Orthopedic Surgeon



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Thank you.

From: [Mangurian, Christina](#)
To: [EnvPlanning](#)
Subject: allocation for Lucas Valley in the Draft Environmental Impact Report
Date: Monday, November 21, 2022 8:49:05 AM

You don't often get email from christina.mangurian@ucsf.edu. [Learn why this is important](#)

To whom it may concern,

I29-1

I'm writing about the plan to slate 80 lower income units in Lucas Valley. I very much am in favor of low-income housing. My main concern is our safety with increased density given our fire risk. We only have one way out of the valley (Lucas valley road). I'm very concerned about the safety of my family. If there were plans to create new roads to improve our access out of the Valley in case of emergencies, I would be in favor of this expansion.

Thank you,
Christina Mangurian, MD
21 Mt. Lassen Drive.
San Rafael, CA 94903

From: [Erin Krueger](#)
To: [EnvPlanning](#)
Subject: Thank you for adding more housing to Marin
Date: Saturday, November 19, 2022 2:41:58 PM

You don't often get email from ekrueger@gmail.com. [Learn why this is important](#)

Dear supervisor,

I30-1 | Thank you so much for your work to increase housing in Marin. I am sure you are up against a lot of opposition, but creating more housing is so important in the fight against homelessness.

I am grateful to live in Marin and hope we are able have many more people enjoy it too!

Sincerely

Erin Krueger
Marinwood resident

From: [Eva Cheer](#)
To: [EnvPlanning](#); [Connolly, Damon](#); [Sackett, Mary](#)
Subject: Marin County Housing and Safety Elements Environmental Review
Date: Monday, November 21, 2022 4:01:30 PM

Some people who received this message don't often get email from 4echeer@gmail.com. [Learn why this is important](#)

I31-1

As a long time resident of Lucas Valley, I support responsible development of affordable housing in my community. However, I strongly oppose approval of the Housing Element based Draft Environmental Impact Report. I urge you to reject the DEIR, or amend it to require project-specific environmental impact reports. Project-specific EIRs are critical for safe and responsible development. The Housing Element level Draft Environmental Impact Report does not meet this need.

I31-2

The Sept. 2021 Lassen wildfire underscores the need for major improvements in wildfire evacuation. The fire occurred in ideal conditions: clear visibility and light winds. My community was ordered to evacuate. Though few residents followed the order right away, traffic on Lucas Valley Rd. was at a standstill.

I urge you to act in the interest of public safety by requiring that project-specific EIRs provide the basis for responsible development decisions.

Thank you.

Eva Cheer

34 Mt. Rainier Dr. San Rafael

From: [M. Jimenez](#)
 To: [EnvPlanning](#)
 Subject: DEIR
 Date: Monday, November 21, 2022 3:44:51 PM

You don't often get email from michele.mjimenez@gmail.com. [Learn why this is important](#)

We have seen the preliminary list of potential housing sites for Marin County, including in unincorporated areas such as Marinwood/Lucas Valley, as developed by the ABAG (Regional Housing Needs Allocation Plan), and approved by the California Department of Housing and Community Development. The plan includes 2,412 units within the Lucas Valley / Marinwood area (accounting for 68% of the 3,569 units within unincorporated Marin County).

Sites under consideration in the Marinwood / Lucas Valley areas include St Vincent's School, Marinwood Market, 7 Mt Lassen, Jeannette Prandi Way among others.

We are not opposed to some moderate increase of housing units in the area. However, we have some serious concerns regarding these potential sites:

I32-1

(1) The Lucas Valley / Marinwood area currently has less than roughly 1,750 homes, spread across a roughly 3.5 mile valley corridor, almost all of which are single family dwellings, and the overwhelming majority of which are one or two story homes. There are no large multi-unit apartment buildings in this area. The overall magnitude of the increase in units in this area (2,412 units) is disproportionately large compared to the current housing density of the area. The proposed increase would more than **double** the overall number of housing units in the area.

I32-2

(2) The area to the south and west of St. Vincent's School (east of HWY 101) has been discussed as a potential development site for some time. Although multi-unit housing could easily be developed there, adding 1,800 units would completely overwhelm the property and this very large number of additional units represents an enormous growth for the area, on the same order of units as currently exist in all of Lucas Valley / Marinwood. To fit this large number of units, the development would likely include large three (or more) story structures, which do not currently exist anywhere in this area.

I32-3

(3) The site at 7 Mt. Lassen Drive (currently two relatively small two-story office buildings) is far too small to fit 58 housing units without the new structure extending to three or more stories.

I32-4

(4) The site at 2 Jeannette Prandi Way (south of the Juvenile Hall) is currently an open space area with a loop path that is regularly used by nearby residents (including residents of the nearby senior housing development) as a recreational walking, bike riding, etc. area (and dog walking area). This open space area has been in existence for well over thirty years and is a very popular area regularly used by many residents of the adjoining neighborhoods. A potential development consisting of hundreds of units on this site would completely eliminate a treasured and much-used open space area and would likely require a multi-story (three or more stories) structure. Very few of the homes in this area of Lucas Valley / Marinwood are more than one story (almost all are one-story Eichler homes). Such a large development is completely out of character with the current land use in this area and should absolutely not be allowed to be developed on this site.

I32-5

(5) These potential new housing units would represent an extremely large additional burden to traffic density in the area. Which in turn increases the risk for wildfire evacuations.

I32-6

(6) These potential new housing units would overwhelm the current capacity at our three elementary schools and one middle school.

I32-7

(7) These potential new housing units would create a very large additional demand for water resources in the Lucas Valley / Marinwood area which are currently very limited.

I32-8

The simple number (2,412) of potential additional housing units in the Lucas Valley / Marinwood area is much too large and would represent an approximate doubling of the current housing density in the area. Each of the proposed developments presents issues regarding the size of new structures (including constructing multi-story structures in areas where there are currently none), and would present issues concerning current resource capacities (including traffic, schools, and water).

Thank you for your consideration of these issues when making decisions regarding potential new housing developments in the Lucas Valley / Marinwood area.

Sincerely,

H. Andrew Gray
Michele M. Jimenez
900 Appleberry Drive
Residents of Marinwood for forty years

From: [Janet Coyne](#)
To: [EnvPlanning](#); [Sackett, Mary](#)
Subject: DEIR
Date: Monday, November 21, 2022 2:00:56 PM

Some people who received this message don't often get email from jcoyne820@gmail.com. [Learn why this is important](#)

After reading the IJ article this weekend, I have a better grasp on the DEIR and wanted to offer my comments.

Below is a summary of my understanding of the alternatives proposed from the environmental report.

Both of these alternatives relocate the majority of the housing to the Marinwood/Lucas valley unincorporated areas. Out of 79 potential sites to locate 3569 dwellings, over 3000 of these will be in one area.

I33-1

Does this not increase environmental impact overall? If we are mandated by the state to build more housing (the amount that is out of proportion to our resources), then doesn't it make better sense to spread it over the entire county....

ALTERNATIVE #2: Reduce air pollution by cutting vehicle miles traveled, VMT.

Solution: relocating proposed housing sites within 2 mile radius of 101, or 1/2 mile of Sir Francis Drake, reducing impacts of air quality by 10-15%. Proposes shifting 479 units from San Domenico/Pt Reyes Coast Guard property to Marinwood/LucasValley corridor.

I33-2

Not sure how these reduction impact percentages are obtained. Highway 101 and Sir Francis Drake are both heavily impacted with traffic and adding more cars to these corridors will cause more traffic congestion, vehicular emissions, and impact air quality at least equally or maybe more so than spreading out the housing sites. Public transportation may help with this, but at present, there are no buses along Lucas valley road and Marinwood. Cars would need to drive to the nearest bus stops on 101. Even if public transportation is more readily available, the number of cars in this area will significantly increase, to bring kids to school, shopping, etc.

ALTERNATIVE #3: relocate housing sites from NMWD/Bolinas/Tomales water districts to districts where water & wastewater service providers have greater capacity-

WATER Sources in Marin County:

MMWD: water from 75% MMWD lakes/reservoirs, 25% Sonoma County/Russian River water system

NMWD: serves Novato and a portion of west Marin: water from 20% Stafford Lake & 80%Sonoma County/Russian River water system.

NMWD is under emergency water conservation ordinance that prohibits new water service. (MMWD doesn't have this ordinance but also faces same issues as NMWD)

I33-3

Not sure how relocating 896 units from Novato/WMarin-Pt Reyes to Marinwood/Lucas Valley is going to solve this problem. Adding potentially 3000 more units to Marinwood/Lucas Valley (in the MMWD with most of its water coming from Sonoma County/Russian River) is obviously going to overwhelm MMWD's water supply. Our Sonoma County neighbors are under the same mandates for housing and may not be able to continue supplying 25% of water to MMWD or 80% NMWD. Are East Bay neighbors will not be keen on building a pipeline to service Marin when we are all short of water.

Do either of these alternative solutions make sense?? I agree with commissioner Margot Biehle. " It just seems all a little bananas to me"

Thanks for taking comments..
 Much appreciated.

Janet Coyne
 Marinwood resident

From: [Jonathan Krotinger](#)
To: [EnvPlanning](#)
Subject: Lucas Valley DEIR
Date: Monday, November 21, 2022 2:21:02 PM

You don't often get email from krotinger@yahoo.com. [Learn why this is important](#)

To whom it may concern:

I live at 160 Mount Lassen Drive, San Rafael, about two blocks away from the proposed siting of 80 low-income housing units at 2 Jeannette Prandi Way and another 58 units at 7 Mount Lassen Drive, San Rafael. I have lived at 160 Mount Lassen Drive for over twenty years.

I34-1

I write to express my very strong opposition to the proposed construction of these new housing units. I believe this construction would over-stress already strained infrastructure in Lucas Valley. Lucas Valley Road is only two lanes wide and already experiences heavy traffic at peak hours, which poses hazards to other motorists as well as to cyclists (of which I am one). The proposed housing units would increase congestion on Lucas Valley Road as well as on adjoining side streets. Those streets provide limited access to the proposed sites. In addition, if an emergency, such as wildfire, flood or earthquake were to occur (as all have occurred here in the past) already limited exit routes from the neighborhood could be crowded to the point of impassability by the addition of hundreds of new residents in close proximity to one another and to existing homes. In the same way, emergency responders would have severely limited ability to gain access to the area if a multitude of new residents were simultaneously trying to leave. This prospect poses a real danger to the hundreds of existing residents of this area, not to mention the hundreds of new residents who could occupy the 138 proposed units.

I34-2

I34-3

I am also very concerned about the prospect of increased non-emergency traffic in the neighborhood, with possible attendant noise, litter and even crime. When water is in short supply in Marin County generally, the prospect of 138 new households tapping into that supply also concerns me greatly.

Thanks in advance for your consideration.

Jonathan Krotinger
160 Mount Lassen Drive
San Rafael, CA 94903

home: (415) 479-5066

From: [Judith de Vito](#)
To: [EnvPlanning](#)
Cc: [Judith de Vito](#)
Subject: Comments in regard to DEIR
Date: Monday, November 21, 2022 1:48:03 PM
Attachments: [November 21, 2022 Housing Element letter.docx](#)

[You don't often get email from jdevito@lvha.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

To: Rachel Reid
Environmental Planning Manager

Please accept my comments about the DEIR. Your task at hand is complicated and I'm sure frustrating. I appreciated being able to express my thoughts.

Thank you very much,

Judith de Vito

November 21, 2022

To: Rachel Reid
Environmental Planning Manager

Comments in regard to the DEIR

- I live in the proposed development area of Marinwood, Lucas Valley, and Prandi Way.
- I35-1** My home is located adjacent to the open space area. Every year I am required to cut the grasses behind my home, and remove the cuttings. That is because this community is in a high-risk fire area. My out-of-pocket cost is now close to \$1,000. Every year as I complete this task, I am reminded of how vulnerable this community of houses is to fire. It is so disturbing to imagine the number of units the DEIR is proposing, and how many more units will be compromised. I wonder if insurance companies would be even more reluctant to insure homes in this area due to over-density with the infrastructure we have in place?
- I35-2**
- I35-3** Due to the severe drought we continue to experience now and into the future, I have been following the guidance of the Marin Municipal District. That is to reduce my water usage. I have installed recirculating pumps in two areas of my home to reduce wasting water. I perform other mitigating practices in my home and garden. It is so disturbing to imagine the greatly increased water needs of homes the DEIR is proposing. If Marin's water sources are so limited as to require us to conserve, where will the water come from to accommodate all of the proposed multiple units? Marin has been rationed in the past.
- I35-4** We had a small grass fire here in 2021. I evacuated as was required. Lucas Valley Road consists of two lanes. Presently, if there were a huge fire, which is entirely possible, the people serviced by this two-lane road would be hard-pressed to have a safe passage out of the area.
- I35-5** A disturbing factor I learned at the zoom meeting on November 16, 2022 is that if other areas in Marin are deemed to be untenable for building, there could be even more units shifted to the Marinwood, Lucas Valley, and Prandi Way to fulfill the number of mandated units. It is so disturbing to realize that development here could be even more dense and impactful. My quality of life will certainly be substantially affected in so many ways.
- I35-6** My impression of the present DEIR is that it is an idealized one. It has not taken into consideration the stark realities of the present unsuitable hazard conditions, and seemingly ignored the lack of existing infrastructure for the density proposed.

Thank you for the opportunity to express my thoughts.

Judith de Vito

From: [karen flagg](mailto:karen.flagg@gmail.com)
To: [EnvPlanning](#); [Connolly, Damon](#); [Rice, Katie](#); [Moulton-Peters, Stephanie](#); [Rodoni, Dennis](#); [Arnold, Judy](#); [Sackett, Mary](#); [Goncalves, Gustavo](#); [PlanningCommission](#)
Subject: Comment on EIR
Date: Monday, November 21, 2022 9:30:48 AM
Attachments: [Screen Shot 2022-11-14 at 11.55.35 AM.png](#)
[Screen Shot 2022-11-12 at 12.41.24 PM.png](#)
[Conditions of Approval Rotary Valley Master Plan.pdf](#)

Some people who received this message don't often get email from karen.flagg@gmail.com. [Learn why this is important](#)

Draft EIR comment, Marin County Housing Element/Safety Element, Marin County Board of Supervisors, Marin County Planning Commission, Attn. Rachel Reid, Environmental Planning manager, Mary Sackett, Gustavo Goncalves.

Chapter 2

2.2 Type and Purpose of EIR

2.2.1 Type of EIR

The EIR has been prepared as a program EIR for the Housing Element update and Safety Element Update to the CWP which is the County's general plan. A program EIR is a type of EIR authorized by Section 15168 (Program EIR) of the State CEQA Guidelines for use in documenting the environmental impacts of community general plans, specific plans, precise plans, and other planning 'programs'.

I36-1

CEQA distinguishes between project and program EIRs, defining a program EIR as one that addresses a series of actions that can be characterized as one large project and can be related geographically, etc.

In accordance with the definition of a 'program EIR' (State CEQA Guidelines Section 15168), the EIR evaluates the *potential environmental impacts of the collective, overall development potential and not the future site-specific impacts of any individual development project, the details of which are not known at this time.*

This is why I ask the Marin County Board of Supervisors to delay voting on the Juvenile Hall as a Candidate Site until a 'Site-Specific EIR' can be done to address all areas of concern that relate to developing the Juvenile Hall site for high density housing. Rotary Valley Senior Village and upper and lower Lucas Valley residents have many concerns regarding the development of the Juvenile Hall property into high density housing. The program EIR does not look at the future site-specific impacts of any individual project.

I36-2

We were never notified by the county regarding the possible housing development at the Juvenile Hall, even though we live right across the street from it at 10 J. Prandfi Way. We first found out about it by reading an article in the Marin IJ on Aug. 11th titled "Major housing change considered".

An additional concern is the location of the proposed site at Juvenile Hall.

Ch. 2 2.4 "Summary of Alternatives".

I36-3

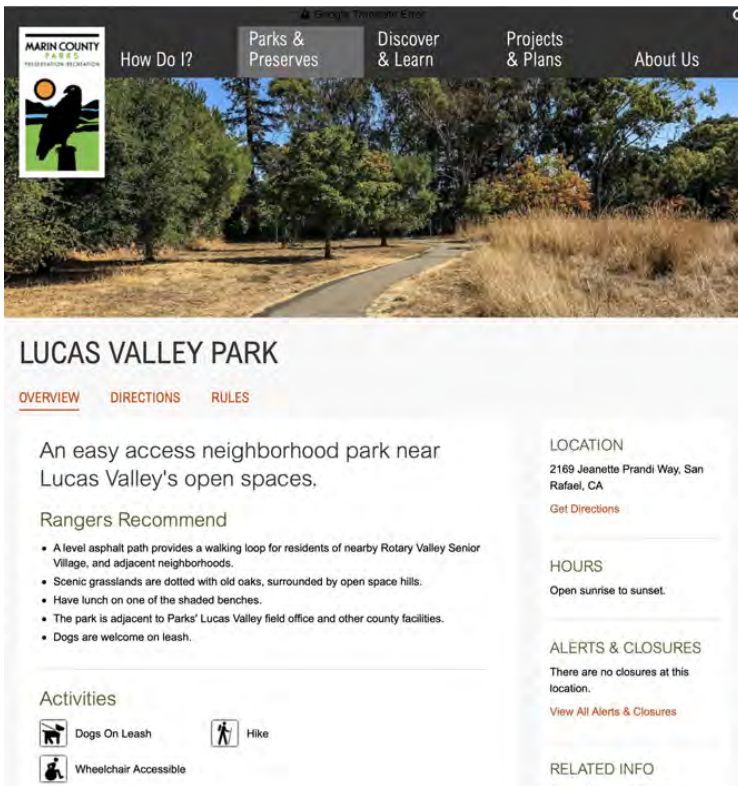
The Reduced VMT Alternative would locate most of the proposed housing sites, except those screened out by the Governor's Office of Planning and Research "Technical Advisory on Evaluating Transportation Impacts in CEQA (December 2018)," to within an approximate two mile radius of the U.S.101 corridor.

The intent of the Alternative is to reduce the significant unavoidable vehicle miles traveled (VMT) impact, and the resulting significant unavoidable air quality and GHG impacts, by lowering the average per capita

- I36-3** VMT. This alternative would place more housing sites nearer to the urban core of Marin County and closer to transit and employment, and remove some potential housing sites that are in the more rural areas of the unincorporated county.
- The proposed VMT will be exceeded, as Juvenile Hall at 16 J. Prandi Way is 2.5 miles from the U.S. 101 corridor. (See attached google map.)
- I36-4** In the meeting on 11/16/22 with the County Board of Supervisors and Planning Commission, commissioner Andrea Montalbano asked about the necessity of VMT restraints when everyone will be driving electric cars in the future. If the proposed building is for low income or low, low income housing at the Juvenile Hall site, the demographic suggests that most of the new residents will not be able to afford an electric car. Also, a ‘traffic analysis’ is still necessary, because there will be an increase in traffic in the Lucas Valley corridor affecting both air quality as well as noise pollution.
- I36-5** Also, during the meeting on 11/16/22 commissioner Don Dickensen said, ‘there is not enough information to be able to make judgements about shifting sites around in the alternatives.’ (See email below to Mary Sackett 11/3/22 from my husband Robert). Commissioner Dickensen also said that the county’s 1st District, which includes Marinwood and Lucas Valley, could end up with as many as 3,000 new dwellings.
- I36-6** Adjacent to the Juvenile Hall site is the Lucas Valley Park which was established in 1994 ord.# 3193. (See att.) This park is approx. 7 acres (see att. Rotary Valley Master Plan) and the residents of upper and lower Lucas Valley use this path often, as do the residents at RVSV who use the level walking path for exercise, as opposed to walking in the neighborhood streets.
- I36-7** Other impacts: utilities, water, sewer, parking, fire egress, living in a wildland-urban interface, and noise and air quality issues specifically related to the close proximity of RVSV and Lucas Valley neighborhoods to the new housing development.

Again, we urge the Board of Supervisors to delay voting on the Juvenile Hall site on December 7th, and to wait until a site-specific EIR can be completed to address all the issues related above.

Thank you,
Karen Flagg, RVSV, 10 Jeannette Prandi Way, Lucas Valley



Hi Mary,

Thank you for taking the time to talk with me on Tuesday. I think you have helped me to understand how you are calculating the numbers and locations of new housing sites on privately and county owned land in unincorporated Marin.

Before this next 8 year RHNA cycle starts in 2023, Marin County is tasked with finding enough housing sites in the unincorporated areas of Marin in excess of 3500. Most of the sites which have been found are owned privately, while some are owned by the county.

In the allocation of private sites, if any become non-viable in the next 8 years, I am assuming that it will fall upon the county owned sites to make up the difference. This is what concerns me most, because if you don't have an iron clad contract with these private owners, and they in turn are not yet in contract with a developer, how can we know for certain what might happen in the next 8 years?

While you say that there will be 80 housing units at 2 Jeannette Prandi Way, if some of the privately owned building sites fall through during the 8 year cycle, I am assuming that the county will have to relocate them to the larger county owned sites such as 2 J. Prandi Way to make up the difference.

When I'm given a number of units for a proposed housing site I am very sceptical. This is because of the unpredictable way of projecting which private owners will actually build their designated number of housing sites, and the number of housing sites which will still be needed for RHNA compliance within this next 8 year period.

Please clarify my thought process if the county would have a different way of meeting their housing requirements if privately owned land previously counted upon, would not be developed as anticipated.

Sincerely,

Robert Flagg 10 Jeannette Prandi Way, Lucas Valley, San Rafael

I36-8

MARIN COUNTY BOARD OF SUPERVISORS

ORDINANCE NO. 3193

AN ORDINANCE APPROVING THE ROTARY VALLEY MASTER PLAN
ASSESSOR'S PARCEL NO. 164-290-22 AND 23

SECTION I: FINDINGS

- I. WHEREAS on May 18, 1993, the Board of Supervisors approved an overall site development concept for an 87 acre parcel of land known as the County Juvenile Hall property following three years of planning with the Lucas Valley and Marinwood communities that resulted in the development of the following goals to: (1) preserve pedestrian access through the site; (2) provide community-serving recreational uses; (3) study the impacts of any proposed housing on traffic, noise and views; (4) dedicate the hill area for public open space and allow only passive recreational uses; (5) retain open views of the site and surrounding hills from existing residences and Lucas Valley Road; (6) allow existing uses which are compatible with the neighborhood, to remain on the site; (7) buffer existing residential areas from structures while retaining an open feeling with visual access through the site; (8) establish no new access points to the site; (9) develop in locations which minimize impacts on existing neighborhoods; (10) limit new development to the scale of existing structures on the site; and (11) allow uses which do not add jobs off Lucas Valley Road and which serve local residents such as senior housing or family housing affordable to Marin residents. Based on these community goals, the land use concept proposed the construction of 80 units of affordable senior housing, community recreation facilities, the consolidation of the Juvenile Hall functions, and the preservation of the majority of the property as open space. The property is located at 1450 Lucas Valley Road, San Rafael, and further identified as Assessor's Parcel Number 164-290-22 and 23.
- II. WHEREAS on December 14, 1993, the Board of Supervisors entered into a Memorandum of Understanding with the Bridge Housing Corporation and the Terra Linda Rotary Club which provided for the joint development of detailed plans for construction and management of the senior housing units, in conjunction with an overall Master Plan for the entire property, with the technical assistance of the Marin County Redevelopment Agency and the Community Development Agency.
- III. WHEREAS Bridge Housing Corporation and the Terra Linda Rotary Club, on behalf of themselves and the County of Marin, have applied for a Master Plan on the Juvenile Hall property seeking approval: (1) to construct 80 new residential units of affordable housing for seniors; (2) to reserve 11.8 acres for future development of community-serving recreational uses; (3) to establish an overall plan for the continuation of existing public facilities at the site; and (4) to preserve 55.5 acres of hillside land for open space.
- IV. WHEREAS the Marin County Planning Commission held a duly noticed public hearing on December 5, 1994 to review and consider testimony in favor of, and against, a Negative Declaration of Environmental Impact and recommended that the Board of Supervisors adopt a Negative Declaration of Environmental Impact for the proposed Master Plan pursuant to the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the County CEQA process.
- V. WHEREAS the Marin County Planning Commission held a duly noticed public hearing on December 5, 1994 to consider the merits of the proposed Master Plan and unanimously recommended that the Marin County Board of Supervisors approve the proposed Master Plan.

- VI. WHEREAS the Marin County Board of Supervisors finds that the proposed project would substantially meet the community goals contained in the overall site development concept that was adopted by the Board of Supervisors following substantial community input because the project would: (1) construct affordable housing that would serve seniors; (2) result in low-lying development that would retain existing views of the site and surrounding hills; (3) provide for future development of community-serving recreational uses; (4) preserve pedestrian access across the property and reduce circulation conflicts between vehicular and pedestrian traffic; (5) maintain existing public facilities; (6) dedicate the hillside areas for public open space; (7) provide ample landscape buffers to surrounding residential areas; and (8) minimize access points by consolidating vehicular access to a new entry roadway.
- VII. WHEREAS the Marin County Board of Supervisors finds that the proposed project is consistent with the Marin Countywide Plan (CWP) because the project would: (1) result in infill urban development within the City-Centered Corridor in an area that is already served by existing infrastructure and facilities; (2) result in land uses that are consistent with the land use designations established by the CWP for the subject property; (3) avoid improvements within the Miller Creek Stream Conservation Area (SCA) and preserve existing natural vegetation and drainage channels within the SCA; (4) would not impact wetlands, sensitive habitat areas, or special status species of plants or animals; (5) propose development that would neither generate significant air, water, or noise pollution nor affect existing archaeological sites and environmental hazards; (6) provide adequate building setbacks from surrounding roads and existing trees to minimize tree removal and preserve the visual qualities of the site through predominantly single-story residential development; (7) preserve the Ridge and Upland Greenbelt portions of the property as open space with appropriate pedestrian and bicycle access; (8) propose the creation of parks, recreation and open space facilities; and (9) would not degrade the level of any intersection in the project vicinity below a Level of Service (LOS) D, and would not change the LOS at any intersection which is already below a LOS D.
- VIII. WHEREAS the Marin County Board of Supervisors finds that the proposed project would be compatible with the surrounding neighborhood character and would not result in land use conflicts because: (1) the project would result in the development of medium density, multiple-family residential development designed and sited to maintain substantial setbacks to surrounding roadways and to utilize existing and proposed landscaping for screening from surrounding neighborhoods; (2) the project would preserve and maintain existing County facilities in their existing locations with minor expansions which are consistent with the design and scale of existing facilities; (3) the project would provide for future community-serving recreational areas and uses that are compatible with the Lucas Valley and Marinwood communities; and (4) the project would result in the dedication of the balance of the undeveloped portions on the subject property for permanent open space uses that are consistent with surrounding hillside areas and the ridge and upland greenbelt policies contained in the Marin Countywide Plan.
- IX. WHEREAS the Marin County Board of Supervisors finds that construction of the 80 senior housing units would not cause substantial detriment to the neighboring residential communities by diminishing the light, air, privacy, or views because the project would incorporate predominantly low-level, single-story buildings that incorporate a rural architectural vernacular, that are clustered in a village-like setting in a manner that is in keeping with the surrounding, low-density residential development, and that would be screened by existing and proposed landscaping.
- X. WHEREAS the Marin County Board of Supervisors finds that adequate water, sewer, fire protection, and public infrastructure services are available to service the existing and proposed development.
- XI. WHEREAS the Marin County Board of Supervisors finds that the proposed project would have a beneficial effect on the County's housing stock by increasing the supply of affordable housing by 80

units that would be made affordable to senior households at 60% of the County's median income or less. The units would meet a significant portion of the County's regional fair share of low income units as identified in the Housing Element of the Marin Countywide Plan.

XII. WHEREAS the Marin County Board of Supervisors finds that the proposed improvements along the Idylberry Corridor represent a public benefit that is consistent with the goals and objectives of the community to enhance the corridor's function as a pedestrian connector between the Lucas Valley and Marinwood communities and to secure vehicle-free access across the property.

SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT ORDAINED that the Marin County Board of Supervisors approves the Rotary Valley Master Plan subject to the following conditions of approval:

Note: Unless otherwise noted, the term "applicant" shall refer to Bridge Housing Corporation and the Terra Linda Rotary Club.

Marin County Community Development Agency - Planning Division

1. Pursuant to Marin County Code Section 22.45.050, The Rotary Valley Master Plan No. 95-003 is hereby approved to establish a Master Plan on an 87.2 acre property located at 1450 Lucas Valley Road, San Rafael, and further identified as Assessor's Parcel No. 164-290-22 and 23 for the following:
 - a. The development of 80 new residential units of affordable housing for seniors;
 - b. The reservation of 11.2 acres of land in the southeast corner of the property and 0.6 acres of land east of the Office of Education Print Shop for future community-recreational uses and facilities;
 - c. The preservation of existing County facilities for the Juvenile Hall, Juvenile Services, Center, Open Space District, and Office of Education;
 - d. Future expansion of the Open Space District facilities for development of up to 3,000 square feet of office space, 400 square feet for a green house, and 800 square feet for a lath house; and
 - e. The preservation of 55.5 acres of land north of the Idylberry Corridor for open space.
2. EXCEPT AS MODIFIED HEREIN, subsequent development and use of the subject property shall be in substantial conformance with application materials on file with the Marin County Development Agency - Planning Division consisting of:
 - a. "The Rotary Valley Senior Housing Master Plan and Precise Development Plan," prepared by Backen Arrigoni and Associates, Architects, Oberkamper and Associates, Civil Engineers, and SWA Group, Landscape Architect, consisting of 23 sheets, dated September 26 and October 11, 1994, and further identified as "Exhibit A" which consists of the following.
 1. "Boundary Survey," consisting of one sheet (page 1 of 23), contained within the above dated October 11, 1994.
 2. "Existing Facilities," consisting of one sheet (page 2 of 23), contained within the above dated October 11, 1994.

3. "Existing Utilities," consisting of one sheet (page 3 of 23), contained within the above dated October 11, 1994.
 4. "Existing Hydrology," consisting of one sheet (page 4 of 23), contained within the above dated October 11, 1994.
 5. "Rotary Valley Senior Housing - Master Plan Diagram," consisting of one sheet (page 5 of 23), contained within the above and dated October 11, 1994.
 6. "Master Landscape Concept," prepared by SWA Group, Landscape Architects, consisting of one sheet (page 6 of 23), contained within the above dated October 11, 1994.
 7. "Master Plan and Precise Development Plan, Site Plan/Site Section," consisting of 13 sheets (pages 7 through 19), contained within the above dated October 11, 1994; and September 26, 1994.
 8. "Senior Housing Landscape Plan," prepared by SWA Group, Landscape Architects, consisting of two sheets (pages 20 and 21), contained within the above dated October 11, 1994.
 9. "Grading and Drainage Plan," consisting of one sheet (page 22), contained within the above dated October 11, 1994.
 10. "Utility Plan," consisting of one sheet (page 23), contained within the above dated October 11, 1994.
 11. "Idylberry Corridor Concept Plan," consisting of one separate sheet, dated December 2, 1994.
- b. "Rotary Valley Master/Precise Development Plan Administrative Draft," containing text and maps, submitted by Bridge Housing Corporation and Terra Linda Rotary Club, dated October 12, 1994, and further identified as "Exhibit B."
 - c. "Vesting Tentative Parcel Map of Rotary Valley Senior Housing," consisting of two sheets, prepared by Oberkamper and Associates, Civil Engineers, Inc., and further identified as "Exhibit C."
 - d. Color and Materials Board, prepared by Backen, Arrigoni and Ross, Inc., Architecture, and further identified as "Exhibit D."
3. Pursuant to Chapter 22.45 of Marin County Code, subsequent development of all components conceptually approved by this Master Plan shall be subject to Development Plan/Design Review approval by the Community Development Agency - Planning Division.
 4. All stages of project development shall conform with the adopted Mitigation Monitoring Program, and the applicant shall verify compliance with each of the required mitigations. As required by the Mitigation Monitoring Program identified as "Exhibit 1" and any modification, the project sponsor shall submit a detailed written plan for mitigation measure compliance for review and approval by the Marin County Community Development Agency Director prior to each subsequent stage of project approval and development. The mitigation compliance plan shall serve a dual purpose of verifying compliance with required mitigation measures for the approved project and of generating information on the effectiveness of the mitigation measures. This plan should describe the steps the project sponsor (and project contractor) will take to assure compliance with project conditions and shall include the reporting checklist verifying compliance with required mitigation measures. County staff and/or a hired consultant under contract to the County shall verify mitigation measure compliance through the reporting checklist. If necessary, the

project sponsor shall agree to fund any additional County costs for mitigation compliance verification by registered professionals.

Senior Housing

5. Specific plans for construction of the senior housing component shall be in substantial conformance with the Master Plan approved herein and shall be subject to specific conditions of project approval contained in the approved Precise Development Plan.

Community Recreation

6. The determination of specific recreational improvements and uses shall involve a community-based planning process and shall involve input from the Lucas Valley and Marinwood Communities, the Marinwood Community Services District, and existing County users of the Juvenile Hall property.
7. Future use and development of the 11.2 acre recreation site located adjacent to the Lucas Valley Road shall be limited to a combination of active and/or passive recreational uses including playing fields for soccer and/or softball, multi-use pathways, picnic benches, barbecue facilities, drinking fountains, restrooms, community gardens, or similar uses as proposed by the community and approved by the Community Development Director. The recreational improvements on Figures 2.1 and 2.2 of "Exhibit A" depict potential uses of the site, and are not specifically authorized by this approval.
8. Future use and development of the 0.6 acre recreation site located adjacent to the Office of Education Print Shop shall be limited to passive recreational uses including picnic benches, barbecue facilities, drinking fountains, community gardens, or equivalent uses as proposed by the community and approved by the Community Development Director.
9. Concession uses may be permitted on the 11.2 acre site, subject to Precise Development Plan approval, provided the uses are clearly incidental to the primary activity or function, such as organized youth sports or community fund-raising events and provided that concession sales do not involve permanent structures.
10. The "Future Parking for Recreation" area depicted on Figures 2.1 and 2.2 of "Exhibit A" is not approved. In conjunction with specific plans for the recreation fields, the County shall coordinate review of all parking-related facilities with the Lucas Valley and Marinwood communities to ensure that the extent of parking is the minimum necessary to accommodate the proposed uses and to reduce the potential for on-street parking impacts to the surrounding residences, including the senior housing project.
11. In order to restrict the two residential sites for community-recreational purposes, the County should consider alternative lease arrangements with the community, including an easement or an option to lease, that would provide a mechanism for the community to design and fund specific recreational improvements through a responsible entity, such as the Marinwood Community Services District.
12. Future development of the community-recreational facilities shall be subject to Marin County Code Development Plan and the California Environmental Quality Act environmental review requirements. The following development guidelines shall govern review of recreational facilities:
 - a. The design, height, mass, and location of any structures shall be evaluated through the Development Plan review process to ensure that the low-lying character of the area and the open vistas to the surrounding hillsides and ridges are preserved. The design, bulk, mass and other architectural considerations of potential structures must focus on blending the future development into the natural setting through the use of natural exterior colors, materials, and/or landscaping and through the

preservation of architectural consistency with the surrounding community. Natural colors and finishing materials are strongly recommended. Light-colored or reflective roofing materials shall not be permitted.

- b. In order to minimize potential noise impacts to surrounding residential areas, future structures and activity areas which tend to generate the loudest noises shall be oriented away from existing residences. An acoustical analysis may be required to ensure that recreational uses do not generate significant noise impacts to residential uses.
- c. A detailed list of proposed recreational uses, anticipated hours of use, and potential numbers of users shall be submitted in conjunction with the Development Plan application.
- d. With the exception of the landscaping associated with the Senior Housing site, a detailed landscaping plan, incorporating native, drought-tolerant, and fire-resistant species, shall be submitted for future recreational facilities that depict all proposed plantings by name, size at the time of planting and at maturity, and the method and general location of irrigation. The landscaping shall provide adequate visual screening from off-site locations, including Lucas Valley Road and the Marinwood subdivision. In addition, the plan shall provide for landscape screening and buffering of recreational areas from the Juvenile Hall facility, subject to coordination with Juvenile Hall staff to ensure that adequate setbacks to the common fence are provided to ensure adequate visual and physical separation for security purposes.
- e. Maximum retention of trees and other significant vegetation shall be required. Tree removal shall only be allowed if it is determined to be the minimum necessary for construction, health and fire safety purposes. Any tree proposed for removal with a six-inch or greater trunk diameter must be shown on the site and/or landscape plan. The site and/or landscape plan must indicate a three for one replacement of any tree proposed for removal with compatible, native species. No tree removal shall occur unless and until a precise landscape plan has been reviewed and approved by the Community Development Director.
- f. Grading must be minimized and natural topographic features must be retained to the extent possible. All cut and fill slopes must be reseeded and/or replanted with native, drought-tolerant, and fire-resistant plant materials.
- g. Minimal exterior lighting shall be permitted, preferably using light fixtures that are hooded, directed downward, low level, and of a low wattage to ensure that no lighting impacts to surrounding residences and roadways will result. Proposals for night-time lighting of fields shall be reviewed to ensure that no adverse lighting impact to surrounding homes and Lucas Valley Road would result.
- h. Prior to issuance of a building or grading permit for the proposed recreation area, the applicant shall submit detailed drainage plans, for review and approval by the Marin County Public Services Agency, which have been designed to either accommodate minor overflow from the drainage swale which crosses this site, or to increase the capacity of the drainage swale so that it would accommodate peak flow. The site improvement drainage plans shall be certified by a hydrologist or qualified engineer, based on a full hydraulic/hydrologic analysis, and include engineered calculations. (WATER 4.a-1)

Public Facilities

13. Future use of the Juvenile Hall and Juvenile Services Center by the County of Marin or its lessee shall be in substantial conformance with those uses depicted in "Exhibit B." These include public administrative, judicial, educational, residential, support functions substantially conforming to the existing governmental

uses. Significant modifications or expansions to the existing types and levels of use, involving the addition of more than 25 percent of the floor area or occupancy, shall be subject to Master Plan and/or Development Plan Amendment review.

14. Future use of the facilities now occupied by the Office of Education shall be in substantial conformance with those depicted in "Exhibit B." These include public administrative, print shop document production, educational, and support functions substantially conforming to the existing governmental uses. No expansion to these facilities are permitted without an amendment to the Master Plan, although minor maintenance and repair, and replacement of any building within the existing footprint may be permitted, subject to review and approval by the Community Development Director and the express consent of the Board of Supervisors.
15. Future use of the Open Space District facilities by the County of Marin or its lessee shall be in substantial conformance with those depicted in "Exhibit B." These include public administrative, storage, and support functions substantially conforming to the existing governmental uses. With the exception of the development of up to 3,000 square feet of office space, 400 square feet for a green house, and 800 square feet for a lath house that is authorized in concept by this Master Plan, significant modifications or expansions to the existing types and levels of use, involving the addition of more than 25 percent of the floor area or occupancy, shall be subject to Master Plan and/or Development Plan Amendment review. Specific plans for the office, green house, and lath house shall be subject to Design Review requirements of Marin County Code.
16. Use of an existing, one-story, 960 square foot temporary office trailer is permitted within the Open Space District facility fencing until completion of the future permanent Open Space District office structure(s), at which time the existing trailer shall be removed.
17. The following development guidelines shall govern review of all development within the Open Space District facility.
 - a. The design, height, mass, and location of any structures shall be evaluated during Design Review. In order to preserve the low-lying development character of surrounding residential areas, all structures shall not exceed a maximum height of 25 feet. New development shall be clustered with existing structures to the extent feasible. The design, bulk, mass and other architectural considerations must focus on blending the future development into the natural setting through the use of natural exterior colors, materials, and/or landscaping and through the preservation of architectural consistency with the surrounding community. Natural colors and finishing materials are strongly recommended. Light-colored or reflective roofing materials shall not be permitted.
 - b. A detailed landscaping plan, incorporating native, drought-tolerant, and fire-resistant species, shall be submitted as part of the Design Review submittal and shall depict all proposed plantings by name, size at the time of planting and at maturity, and the method and general location of irrigation. The landscaping shall ensure adequate visual and noise buffers between future Open Space District facilities and surrounding areas. The plan shall specifically provide sufficient visual and noise buffer for the adjoining residences in the Marinwood subdivision to the east. Structures located to the south of the existing compound of buildings shall be accompanied with proposed landscaping that would screen the structures from Lucas Valley Road and future recreational uses between the Open Space District boundaries and Lucas Valley Road.
 - c. Maximum retention of trees and other significant vegetation shall be required. Tree removal shall only be allowed if it is determined to be the minimum necessary for construction, health and fire safety purposes. Any tree proposed for removal with a 6-inch or greater trunk diameter must be shown on

the site and/or landscape plan. The site and/or landscape plan must indicate a three for one replacement of any tree proposed for removal with compatible, native species. No tree removal shall occur unless and until a precise landscape plan has been reviewed and approved by the Community Development Director.

- d. Grading must be minimized and natural topographic features must be retained. All cut and fill slopes must be reseeded and/or replanted with native type plant materials.
- e. Minimal exterior lighting shall be permitted when the light fixtures are hooded, directed downward, low level, and of a low wattage so that no direct lighting will be visible from off-site vantage points.

Open Space

18. The County shall dedicate fee interest in the 47.8 acre, undeveloped, hillside portion of the Juvenile Hall property comprising Assessor's Parcel 164-290-23 to the Marin County Open Space District. A Parcel Map shall be filed to recognize this parcel pursuant to requirements contained in the State Subdivision Map Act and Title 20 (Subdivision) of the Marin County Code.
19. The County shall record an open space easement benefiting the Marin County Open Space District over the 7.7 acre portion of land north of the Idylberry Corridor which is currently developed with the existing Office of Education facilities, basketball court, former fire station, and cemetery, as generally depicted in "Figure 2." The easement shall incorporate a provision to allow the County, or its lessee, to continue use of the Office of Education facilities. Review of this easement shall be coordinated with the Office of Education.
20. This Master Plan maintains the existing conditions along the Idylberry Corridor and specifically obstructs and prevents any vehicular connections through Idylberry Road from the Upper Lucas Valley to the Marinwood communities.

SECTION III: VESTING AND PERMIT DURATION

NOW, THEREFORE, BE IT FURTHER ORDAINED that the Rotary Valley Master Plan shall be valid for a period of two years from the date of approval. The Master Plan shall not expire if prior to the expiration date, a Precise Development Plan or a Tentative Subdivision Map is approved in accordance with County Code. An approved Master Plan may be extended by the Community Development Director for a maximum period of four years beyond the initial period of approval provided the applicant files an extension application, accompanied by the filing fee, prior to the expiration of the Master Plan, and provided the Master Plan remains consistent with the Countywide Plan.

SECTION III:

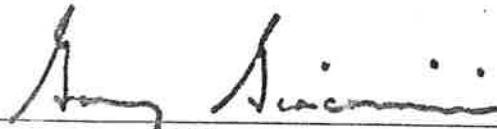
This Ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage, and shall be published once before the expiration date of fifteen (15) days after its passage, with the names of the Supervisors voting for and against the same in the Marin Independent Journal, a newspaper of general circulation published in the County of Marin.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 20th day of December, 1994, by the following vote to wit:

AYES: SUPERVISORS Annette Rose, Bob Rouniguiere, Harold Brown, Brady Bevis, Gary Giacomini

NOES: None

ABSENT: None



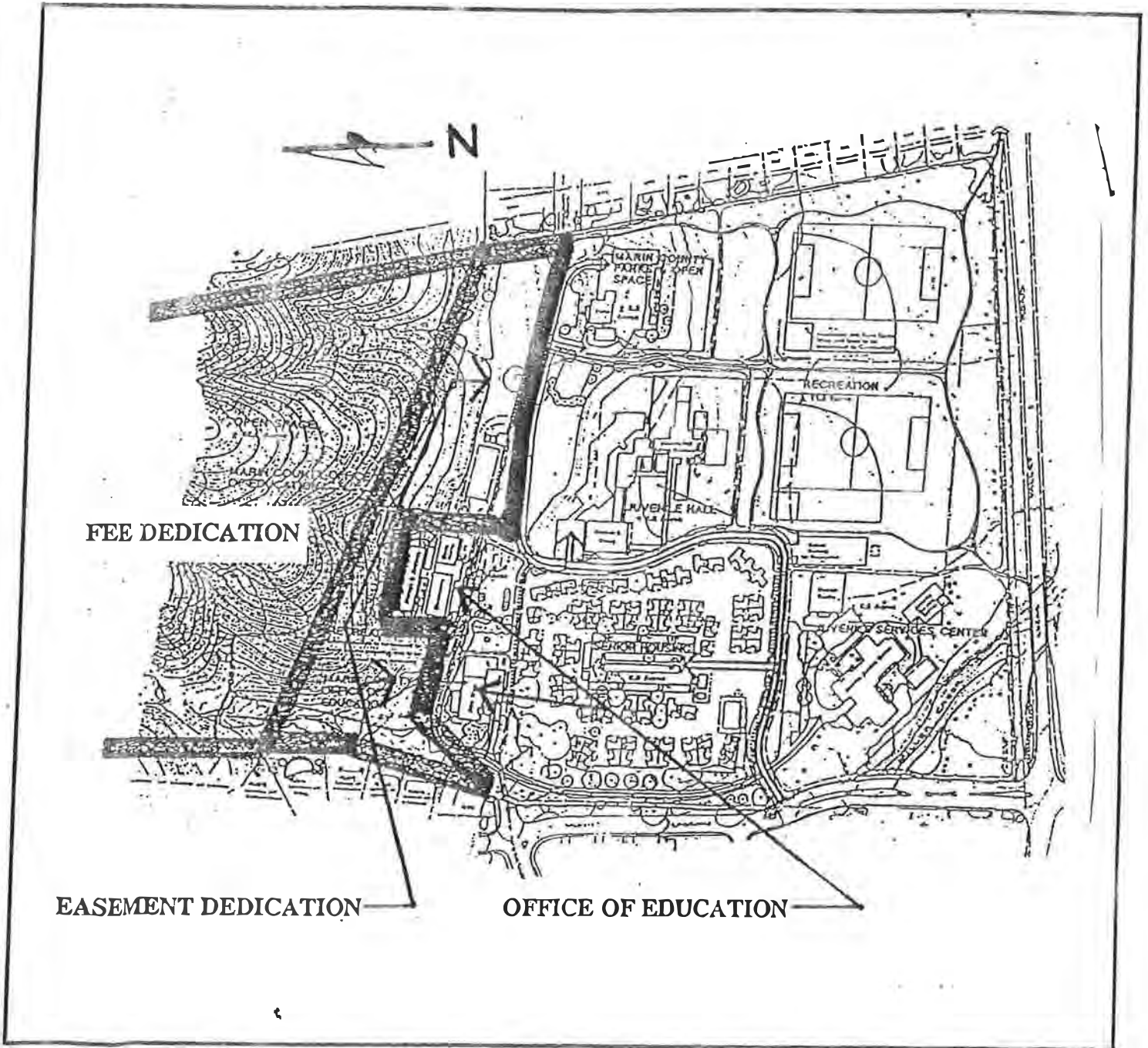
SUPERVISOR GARY GIACOMINI
CHAIRPERSON OF THE BOARD OF SUPERVISORS
COUNTY OF MARIN

Attest:



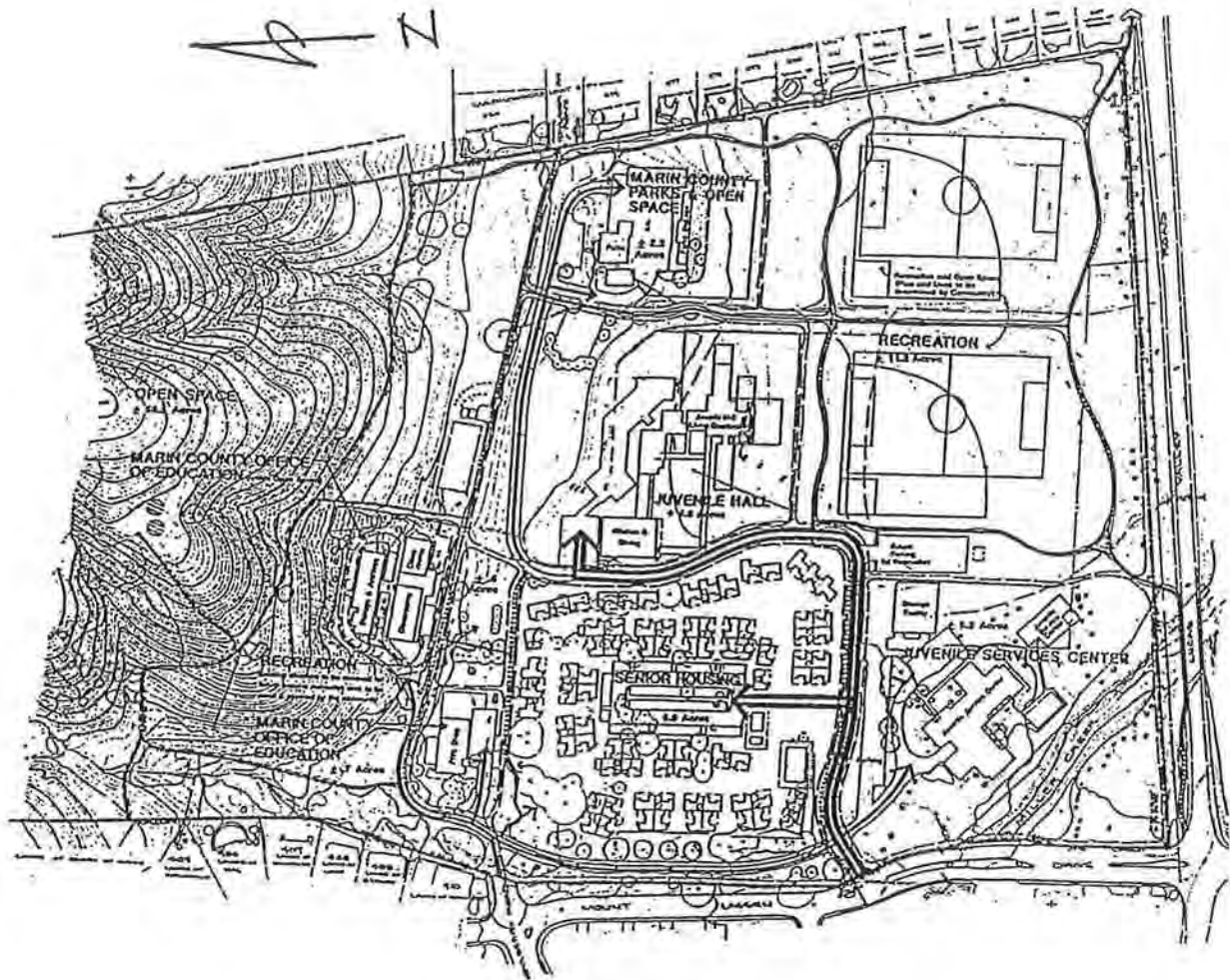
acting Clerk of the Board of Supervisors

Marin County
Community Development Agency
Figure 2: Open Space Dedications (Revised)



ROTARY VALLEY MASTER PLAN/REZONING
PRECISE DEVELOPMENT PLAN/LAND DIVISION
1450 Lucas Valley Road, San Rafael
Assessor's Parcel #164-290-22, 23
December 20, 1994
Not to Scale

Marin County Community Development Agency Master Plan Site Diagram



**ROTARY VALLEY REZONING/MASTER PLAN
PRECISE DEVELOPMENT PLAN/LAND DIVISION
1450 LUCAS VALLEY ROAD, SAN RAFAEL
ASSESSOR'S PARCEL NUMBER 164-290-22, 23**

December 5, 1994
Not to Scale

Lai, Thomas

From: Lai, Thomas
Sent: Thursday, December 15, 2005 7:13 AM
To: Bramham, Chris
Cc: Paolini, Ronald; Miska, Ron
Subject: RE: Open Space District Facilities - Lucas Valley Field Offices

Tracking: **Recipient** **Delivery**
Bramham, Chris Delivered: 12/15/2005 7:13 AM
Paolini, Ronald Delivered: 12/15/2005 7:13 AM
Miska, Ron Delivered: 12/15/2005 7:13 AM

Good morning Chris,

If the 560 sq. ft. addition is part of the work we approved in 2001, and it was not built, then certainly that square footage could be added to the unbuilt square footage, providing you with a total of 1,245 square feet of additional space that could be added. If the overall net increase in building floor area exceeds 3,000 square feet, we'll need to take a closer look at the Master Plan to see if there is any wiggle room to allow for the increase without having to amend the Master Plan.

-Tom

From: Bramham, Chris
Sent: Thursday, December 15, 2005 6:39 AM
To: Lai, Thomas
Cc: Paolini, Ronald; Miska, Ron
Subject: RE: Open Space District Facilities - Lucas Valley Field Offices

Tom,

One last question – as I remember though we had approval for a 560 ft office addition to the side of the existing building we have never built it. If that is the case can that be added to the office space available?

Chris

Chris Bramham, Superintendent
Marin County Open Space District
3501 Civic Center Drive Room 415
San Rafael, CA 94903-4155
(415) 507-2816
cbramham@co.marin.ca.us

-----Original Message-----

From: Lai, Thomas
Sent: Wednesday, December 14, 2005 7:27 PM
To: Bramham, Chris
Subject: Open Space District Facilities - Lucas Valley Field Offices

12/15/2005

Hi Chris,

In response to your recent inquiry about additional office space that the District is interested in at your Lucas Valley facility, here's what I found.

The Rotary Valley Master Plan limited future expansion of the District facilities to an additional 3,000 square feet of floor area.

In 1996, we approved a new 1,440 square foot prefabricated office to replace a 1,080 square foot office, resulting in a net increase of 360 square feet.

In 2001, we approved a new 4,420 square foot storage facility and a 560 square foot office addition along with removal of a 3,025 square foot storage building, resulting in a net increase of 1,955 square feet.

Overall, there has been a net increase of 2,315 square feet, meaning there is an additional 685 square feet of floor area that could be added under the Master Plan.

Hope this helps. Please call me if you have any questions.

Regards,
-Tom Lai
Ext. 6292

From: [Kelby Jones](#)
To: [EnvPlanning](#); [Connolly, Damon](#); [Sackett, Mary](#)
Subject: Marin County Housing and Safety Elements Environmental Review
Date: Monday, November 21, 2022 3:34:39 PM

I37-1

I have lived in Lucas Valley for more than 30 years and firmly support responsible development of affordable housing in and around my community. I adamantly oppose approval of the proposed Housing Element based on the Draft Environmental Impact Report. I urge you to reject the DEIR, or amend it to require project-specific environmental impact reports. The question is not whether development takes place, but how it can be achieved in a manner that assures public safety, which should be your first priority.

Project-specific EIRs are essential to determine the conditions required for safe and responsible development. The Housing Element level Draft Environmental Impact Report is totally inadequate for this purpose.

I37-2

There are many factors to consider in evaluating public safety needs and wildfire is one of great concern to my community. The Sept. 1, 2021 Lassen wildfire demonstrates the inadequacy of wildfire evacuation planning and execution for this area of Marin. The Lassen fire started at the eastern edge of my community on a weekday afternoon, a time of light traffic, with clear visibility, light winds and no impediments to the aerial firefighting which was essential for containment.

The fire was well underway before an evacuation order was issued for our community. No evacuations were ordered in communities to our west. To our east, Rotary Valley Senior Village was not ordered to evacuate, though many of its residents chose to leave or called friends and relatives to help with transportation. Drivers arriving to assist them were instructed to park on the south side of Lucas Valley Rd., walk across to collect their family members, and cross again to their vehicles, causing delay and confusion. Although just a fraction of our residents followed the evacuation order, Lucas Valley Rd. became gridlocked. The alarming outcome observed in this event underscores the grave threat to life and property posed by an extreme wildfire event - fire from the north after nightfall, driven by 60 mph Diablo winds in the peak of our fire season – that should be reflected in planning for new development.

I urge you to act in the interest of public safety by requiring that project-specific EIRs provide the basis for responsible development decisions.

Thank you.

Kelby Jones

34 Mount Rainier Drive, San Rafael

From: [Michelle Rutledge](#)
To: [EnvPlanning](#)
Subject: DEIR comments
Date: Monday, November 21, 2022 2:55:57 PM

You don't often get email from michellerutledge@live.com. [Learn why this is important](#)

Hi there, just a few comments. I apologize if any of these are off-base or if I'm misunderstanding the DEIR.

I38-1

1. Mitigation recommendations for reducing air pollution and traffic from cars includes, basically, restricting the number of people who can drive by reducing parking spaces, etc. as well as reduction in VMT. For those in West Marin, relying solely on public transportation (or even more hilariously on bikes) is unrealistic. West Marin is simply too far (and too hilly) for the vast majority of people to live out there without a vehicle -- regardless of how close the units are to SFD.

That not only increases air pollution, it also increases heavy traffic on a two-lane road with no alternate streets... as is the case in most Marin towns... but especially the farther west.

I38-2

2. All-electric requirement for new housing is misguided and less green than it seems. Please do well-rounded research on this topic. Also further research how all electric (vehicles and appliances and heat etc) will affect costs as electricity costs skyrocket. And what about all of

I38-3

the rolling blackouts either by intentional shut down or storms?

I38-4

3. West Marin is already under tremendous water stress regardless of new housing and drought. There are many homes that have to truck in water annually. I appreciate that this is generally noted, but please be aware that it is a problem even in good years.

I38-5

4. Unsure how is it considered LS for wildfire evacuation and risk...?

Thank you
Michelle Rutledge
Nicasio

From: [Ryan Brumley](#)
 To: [EnvPlanning](#)
 Subject: Proposed Housing Plan/Atherton Ave
 Date: Monday, November 21, 2022 2:36:10 PM

You don't often get email from ryan.brumley@gmail.com. [Learn why this is important](#)

Hello, I am contacting you in regard to the proposed Housing plan on Atherton Avenue in Novato. As a resident of this area I am very concerned about the environmental impacts of such a development and the increased traffic and congestion that it will cause. This is a terrible area for this type of development for several reasons:

- I39-1 • When Highway 37 flooded and traffic was rerouted to Atherton, Atherton became a parking lot. It took almost 30 minutes to go a half mile to Highway 101! Imagine trying to evacuate in an emergency, with HUNDREDS of new houses and families! Atherton Corridor is listed as a moderate-to-high fire risk area. Evacuations along two lane Atherton would be a disaster.
- I39-2 • Aesthetics. This is listed on the DEIR. Many of us chose to live and raise children in Novato because of the open and rural areas. One of the biggest differentiators in the Novato community compared to other cities in Marin is the semi-rural feel, larger properties and less dense housing. Adding hundreds of potential homes along the Atherton Avenue corridor doesn't fit with this at all. The six identified parcels on the housing element list along the Atherton Corridor all have something in common...they are bordered or are adjacent to homes of at least 1/2 to 1 acre each. Adding up to 20 units per acre would drastically change the look, feel and identity of a precious rural area so close to the city itself.
- I39-3 • The potential damage to wildlife by drastically increasing vehicle traffic along Atherton Avenue and the surrounding streets.
- I39-4 • Lots not near public transportation and not near supermarkets and amenities.
- I39-5 • The Only school in close proximity is Olive Elementary – which is already over-crowded.
- I39-6 • Wetlands.
- I39-7 • All six sites are listed in a chart titled "**Housing Site Removed from Utility Service Providers**" (Table 22-2/Page 22-32 of the DEIR) because of an "**Inability to serve the Proposed Project.**" In other words, the water district has responded saying they can't provide water to these sites without impacting their ability to provide water with a sufficient reserve for the entire community during dry years. It would also necessitate significant infrastructure upgrades even if they did have enough water. With ever increasing and severe droughts, the biggest and most important commodity will be water. Adding hundreds of new homes will put a further strain on an already precarious water supply that is heavily reliant on out-of-county water sources to provide basic needs for the service area. The sites along Olive Avenue would also have significant challenges to connect to the sewer system, especially since the fire station just down the road (to the best of my current knowledge) still hasn't been able to connect to the sanitary sewer and, like all homes in the area, relies on a septic system.
- I39-8 • All six sites are listed under the "moderate" or "high" fire danger category. This impacts insurance availability and rates, and will make it more expensive for residents to live in their homes regardless of income level, but particularly those that are in the lower or moderate income categories. In addition to insurance challenges, evacuation is also a concern. Having the potential of several hundred extra cars trying to evacuate on the two lane Atherton Avenue will further delay evacuation while also inhibiting fire equipment response. This will

- I39-8** | be a dangerous and potentially catastrophic event that will only be compounded by extra vehicles.
- I39-9** | • Deep concerns over the methodology and awareness of each site's unique terrain. For example, one of the candidate sites (805 Atherton Avenue), previously had an application submitted to subdivide the property into six lots. This however, was denied by the planning commission for several reasons. What it does tell me is that the slope calculations that are listed on the current housing element site list are incorrect and also don't recognize that 1.5 acres of the "buildable area" identified, was actually surveyed as wetlands in 2018. Both the Olive Avenue sites also have significant wetlands surrounding them which make them difficult or impossible to meet the numbers identified in the housing element site list.

Please do not go forward with this plan and deny it on 12/6/22. It is bad for the Green Point Area and it is bad for Novato. Thank you.

- Ryan Brumley

From: [Sarah King](#)
 To: [EnvPlanning](#)
 Subject: Affordable housing in Marinwood
 Date: Friday, November 18, 2022 8:24:36 AM

You don't often get email from swellking7@gmail.com. [Learn why this is important](#)

Greetings.

I40-1

My neighbor Janet Coyne expressed my concerns eloquently in her missive to you, and I'd like to reiterate her statements. It is highly unfair to ask one small community to shoulder the brunt of the impacts that should be distributed more evenly. In particular, the impacts on traffic and the elimination of a vital wildlife corridor will have negative impacts. I do support SOME housing on this sight, but completely paving over vital part of our community open space will place undue burdens on the ecology of the area.

I40-2

While I support affordable housing in our neighborhood, I am concerned about the huge number of units proposed for the Lucas valley/Marinwood/St Vincents area and the impact this will have to our schools, roadways, open spaces, and environment.
 Thank you for reading the below comments and I hope that at the meeting 11/16, several of these can be addressed to allow the public to give feedback, especially a layman's written summary of the DEIR.

Janet Coyne
 Marinwood resident

I40-3

DEIR comments: specifically addressed regarding Lucas valley/Marinwood/St Vincents areas but applies to all areas.

- The county needs to provide a layman's summary of this 738 page document.

This document does NOT adequately inform the public of any environmental concerns- how many residents will read/understand 738 pages?. My hopes would be at the upcoming meeting, that a short, written summary of this document is presented so that the community can be engaged in this process and provide actual feedback prior to the deadline. Included with this, there needs to be a simple grid explanation of the proposed AND maximum number and types of units that can be built at each site, along with estimated population, student generation, and automobile addition.

-The DEIR is a county-wide program level assessment and does NOT assess site specific issues.

This report is inadequate in informing Lucas valley/Marinwood residents (who are slated for the majority of the affordable housing sites) and all Marin County residents about the potential local impact of this development. It is a disservice to the community if the County's response

is to reiterate that its intent is to produce a high-level, countywide EIR and that site-specific interest of Lucas valley/Marinwood or any other area are irrelevant.

- **Site authorized units.** Specifically looking at Lucas Valley Affordable housing sites, it is confusing regarding the maximum number of units that can be built (bonus density/ ?up to 90% additional units) vs what is being proposed. Are these sites categorized as "ministerial" applications- a fast track mechanism that gives developers discretion to add more units with limited county approval or public role in this process. These numbers will affect the environmental report. This needs to be transparent at all the sites and factored into the county environmental report.

- **Transportation.** The EIR states that "all candidate sites were analyzed to conservatively assess worst-case VMT and traffic volume projections, which affect EIR topic areas in addition to transportation (including air quality, noise, & greenhouse gases). The county needs to publish the Lucas valley site-specific Vehicle Miles Traveled VMT analysis and the transportation agency's conclusions per that analysis. This needs to be published at both proposed units in Lucas valley/Marinwood/St Vincents AND maximum potential units. Lucas valley does not have public transportation, therefore additional autos (1.5 per household) would add up to potentially a 50% increase of autos in this area. There is no infrastructure to support this in Lucas valley. In addition, St Vincents property development will add more traffic to highway 101, Lucas valley Rd and surrounding neighborhoods because of transportation to work & local schools.

I40-3

-Wildfire/Emergency Evacuation.

Is there a FireSafe Marin evacuation map for the Lucas valley corridor? The EIR states "Risk to People and/or structures from exposure to wildfire is 'less than significant'". How is this assessment made when there is an overall increase in wildfire hazard in Lucas valley and countywide. Lucas valley is a 2-lane road and is the single roadway to exit the area in an emergency. It's already hard to cross this road with present traffic, but even worse during school times.

- **Wildlife.** The juvenile Hall/jeanette Prandi property is home to many types of wildlife; birds, owls, coyotes, deer. Many animals use this as an access point to get to the creek for water. The area also provides a park and walkway loop for the community, especially the seniors at the Rotary Village.

Expanding housing for the already existing Rotary Senior Village in a similar style would be a good use of this space, as long as it preserves some of the open space that could be used for a walkway and access for wildlife to get to the creek.

NOT ADDRESSED IN THE REPORT: (or at least in the part I was able to

I40-3 | review-)Water shortage/drought and local school expansion, both of which impact the environment and need to be addressed.

From mobile device, please excuse auto correct and typs!

From: [Stephanie Jones](#)
To: [EnvPlanning](#)
Subject: Opposition to building in Lucas valley.
Date: Monday, November 21, 2022 2:33:08 PM

[You don't often get email from kayaker56@aol.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

I41-1 | Please keep in mind adding new homes in Lucas valley will diminish the quality of our environment (where is all that water going to come from?) It's a 2 lane road, what a traffic nightmare if 5000 homes are added. How are
I41-2 | people going to evacuate in a timely manner during a fire or other natural disaster? Taking away the open space by
I41-3 | juvenile hall for housing; people walk in that area daily. The seniors walk around that from their senior housing next
I41-4 | door. We all enjoy that space. Additional homes would diminish the quality of life I have always appreciated since moving to Lucas valley in the 80's. Too many people concentrated in one spot with no water resource is not a viable plan.
Stephanie Jones
850 Idylberry

Sent from my iPhone

From: [Ted von Glahn](#)
To: [EnvPlanning](#)
Subject: Housing Element EIR Feedback
Date: Monday, November 21, 2022 1:13:58 PM
Attachments: [Marin Housing EIR Comments von Glahn 1121022.docx](#)

You don't often get email from tedvong@gmail.com. [Learn why this is important](#)

My feedback is attached. Thanks, Ted von Glahn

--

Ted von Glahn
Consultant, Performance Information and Consumer Engagement
415-378-7467
tedvong@gmail.com

Marin Affordable Housing EIR Comments

Ted von Glahn, 60 Mt. Lassen Drive 94903

I42-1

As the Environmental Impact Report (EIR) is a County-wide program-level assessment that does not address site-specific issues, it is startlingly inadequate in informing Lucas Valley residents who support affordable housing about the potential local impact and could harden the resistance of any who are not supporters today. It would be a disservice to the community if the County's response is to reiterate that its intent is to produce a high-level, Countywide EIR and the site-specific interests of Lucas Valley or any other area are irrelevant.

My comments below are based on a reading of select sections of the EIR and the Countywide Plan (CWP) – I'd be delighted if the County staff would read and correct any errors of mine as I don't pretend to fully grasp the myriad elements of this work and may have misinterpreted some aspects. And, several of my comments reach beyond the EIR CEQA scope in an effort to capture a broader set of issues of interest to the Lucas Valley community.

General

Request that the County provide a layman's summary of the proposed Juvenile Hall, 7 Mt. Lassen Office Building and 1501 Lucas Valley Rd sites to include an explanation of the maximum number and types of units per the following example:

Site Authorized Units**I42-2**

Lucas Valley Affordable Housing Sites	Total Units	Lower Income	Moderate Income	Above Moderate Income	Added Units Full Density Bonus*	Developable Acreage Maximum
Juvenile Hall 2 Jeanette Prandi	152	80			72	9.9 acres
7 Mt. Lassen Office Building	110	58			52	2.4 acres
Lucas Valley Environs 1501 Lucas Valley Rd	26			26	0	?
Total	288	138		26	124.2	
Estimated Population (2.7 person per unit)	778	373		70	335	
Student Generation Count (.2 per multi-family unit)	58	28		5	25	
Automobile Add (1.5 per unit)	432	207		39	186	

*up to 90% additional units for 100% affordable housing sites

Decision-Making Process**I42-3**

The layman's summary should answer the following questions:

- Are these sites categorized as "ministerial" applications – a fast-track mechanism that gives developers greater certainty about site proposals by limiting the County's approval discretion – guided by design standards -- and no public role in the approval process? Alternatively, are the

- I42-3** | Juvenile Hall and 7 Mt. Lassen sites governed by a different fast-track application process -- “by-right approval” – as these are 100% affordable housing sites?
- I42-4** | • As the Juvenile Hall and Office Building sites are designated for lower income/affordable housing only does the bonus density rule automatically apply – the County does not have discretion to constrain any proposed unit increase up to the bonus rule maximum?
- I42-5** | • Who will decide if the Juvenile Hall site ~ 10 acres of park and walkway will be preserved and what criteria will be applied in that decision-making? The Countywide Plan states that “There are nearly 10 acres on the southern site that are vacant, but is recognized as a recreational amenity by the community.”
- I42-6** | • Who is responsible for deciding on and paying for off-site infrastructure like Lucas Valley Rd traffic management systems for new auto traffic or roadway improvements to improve evacuation routing?
- I42-7** | • As the Juvenile Hall land is County property does the County charge a developer a land acquisition fee or is the land gratis/funded by the taxpayer?

Transportation

- I42-8** | The County should publish the Lucas Valley site-specific Vehicle Miles Traveled (VMT) analysis and the transportation agency’s conclusions per that analysis. If that requires the agency to parse its EIR analysis to report site-specific information that would be a highly valued use of the EIR planning resources:
- The EIR states that “All candidate sites were analyzed to conservatively assess worst-case Vehicle Miles Traveled (VMT) and traffic volume projections, which affect EIR topic areas in addition to transportation (including air quality, noise, and greenhouse gases).”
- I42-9** | The EIR-cited vehicle miles traveled reduction techniques generally are not applicable/feasible for Lucas Valley given no real mass transit options, 3+ mile travel to shopping/other commercial centers and no pedestrian options along Lucas Valley Road.
- I42-10** | Per table above, if 1.5 autos per household is a reasonable factor, then up to ~ 432 additional autos would be in use here. That equates to roughly 50% increase in autos specific to the area bounded by the Lucas Valley Homeowners Association, the area that these 3 sites most directly impact, given it’s ~535 households.
- I42-11** | A Lucas Valley site-specific EIR should address traffic congestion as that’s a significant quality of life issue for many residents. I infer from the EIR transportation section that the affordable housing plan would have material impacts on congestion and travel time throughout the County including Lucas Valley. And, these impacts are accepted as unavoidable and/or set aside as exempted from the plan:
- “Even with implementation of these (VMT) mitigation measure, this impact would remain significant and unavoidable.”
 - “Congestion based Level of Service (LOS) The proposed Housing Element Update would amend Implementing Program TR-1.e of the 2007 CWP to exempt residential development needed to meet the County’s RHNA from being limited to the lowest end of the applicable density range.” ...it is clear that it may be impossible to maintain the LOS D target for traffic operation established in the Countywide Plan over a long-range horizon. Nonetheless, the proposed plan’s

I42-11

- contributions to existing and cumulative traffic congestion would not be considered an adverse environmental impact, so are not further analyzed in this EIR.
- The TAMDM model estimates the population in unincorporated Marin County to increase by 39 percent with development of all candidate sites. Comparing the same two scenarios, the total VMT generated by single-occupant vehicles with all candidate sites is estimated to increase by 29 percent. Since the increase in single-occupant vehicle VMT would be less than the increase in population, there would be no conflict with adopted Policy TR-1.8.

Wildfire/Emergency Evacuation

I42-12

The County should clarify what wildfire/emergency risk assessment has been/will be done for the Lucas Valley corridor.

Lucas Valley has some advantages in minimizing harm due to wildfire/other emergencies as the vast bulk of the housing is on the Valley floor, not up higher where fire heat travels, and the neighborhood roadways are well-maintained including recent work to reduce some vegetation along Lucas Valley Rd. But, the two-lane Lucas Valley Rd. is the single, only roadway to exit the area in an emergency. Seems a risk assessment should consider various scenarios like a blockage on Lucas Valley Rd. whether due to debris, stalled autos, congestion etc. – what is Plan B?

The Countywide Plan includes adoption of a number of new policies, not actions, including:

- Program EHS-5.1.d Identify Areas with Insufficient Evacuation Opportunities. Continue to collaborate with Marin Fire Agencies in the identification and mapping of areas with only one point of ingress or egress and roads that do not meet current emergency access and evacuation standards and the preparation of a program that prioritizes corrective actions.

I42-13

The EIR points readers to other resources including FireSafe Marin evacuation maps and the Marin Wildfire Prevention Agency (MWPA) but...

- There is no FireSafe Marin evacuation map for the Lucas Valley corridor
- I read MWPA website materials including the Zonehaven evacuation map information and plans to conduct road-level evacuation risk assessments but could find no information for Lucas Valley?

I42-14

The EIR states: Impact 20-1: Emergency Response and/or Emergency Evacuation Plan Impacts and Impact 20-5: Risk to People and/or Structures from Exposure to Wildfire “Less Than Significant”

- It’s hard to take the County’s “less than significant” assessment at face value in the context of the overall increase in wildfire hazard in Lucas Valley and Countywide (including the Lucas Valley north slope wildfire in September 2021) and the growing wildland-urban interface per the projected population increase.

From: [Theresa Geck](#)
To: [EnvPlanning](#)
Subject: Housing Element DEIR presented on November 18, 2022
Date: Sunday, November 20, 2022 11:30:40 AM

[You don't often get email from terri.geck5@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Ms. Reid,

I am a resident of Marin County and I attended the meeting on Wednesday evening regarding the DEIR presented to the Board of Supervisors and the Planning Commission by MIG. I live in Lucas Valley and am concerned about the size of a possible development project at the Jeannette Prandi Site. I realize that development will most likely take place at this location, and could support a reasonably sized project due to the need for housing in the County.

I43-1

However, I was disappointed that the criteria of MIG's recommendations did not appear to include consideration of areas in the districts that are already being queued up for development. How are the multiple projects coordinated in considering development? For example, in District 1, the list contains five project sites that I am aware of:

- 1) Marinwood Market Site
- 2) Los Gamos Site
- 3) Talus Reserve, near the corner of Lucas Valley Road and Las Gallinas Avenue
- 4) Northgate Mall Site
- 5) Nazareth House Site

I43-2

I had so many questions after this meeting - what were the parameters provided to MIG for preparation of the DEIR? When was the DEIR report delivered to the Planning Commission - the day before the meeting? What will the Planning Commission do with the DEIR and how will it impact decisions? Where was my supervisor, Damon Connolly? His district, my district, have two of the largest sites slated for possible development. When and how will recommendations and decisions be made, and by whom, for the development of any particular project?

I43-3

It is my hope that the county will request a delay from the state and a more realistic DEIR can be certified and submitted.

Thank you,

Terri Geck

From: [Terri Leker](#)
To: [EnvPlanning](#); [housingelement](#)
Cc: [Terri Leker](#); [Connolly, Damon](#)
Subject: Marin County Housing and Safety Element Updates - DEIR Comments
Date: Monday, November 21, 2022 3:56:48 PM

To the Marin County Board of Supervisors and Marin County Planning Commission,

My husband and I are longtime residents of Santa Venetia in unincorporated Marin County, and members of the Santa Venetia Neighborhood Association (SVNA). We are writing today with comments to the Draft Environmental Impact Report (DEIR). First, we wish to recognize the sustained effort you have put into the DHE process, and for your 7/9/21 appeal on behalf of unincorporated Marin County. As you wrote then, our county lacks “Availability of land suitable for urban development or for conversion to residential use.”

I44-1

As you are aware, the DEIR identified 15 significant, adverse, and unavoidable environmental impacts, including toxic air contaminants, dangerous traffic congestion, insufficient water supply, hazardous greenhouse gas emissions, insufficient wastewater treatment, noise, and tribal resources. We object to the disproportionate burden these impacts place on all Marin County residents. To restate past letters, the state has placed the onus squarely on Marin County staff to meet unrealistic mandates developed by politicians who have not set foot in the communities they plan to permanently degrade. HCD simply insists that space exists for housing, even in areas deep in the WUI that lack safe evacuation routes. We again urge the County to join a legal challenge to the severely flawed SB 9, which proposes to address the housing crisis but lacks any language requiring that housing be affordable.

I44-2

According to the DHE, Santa Venetia has, by far, the highest percentage of disabled residents across all seven disability types. Nearly ten percent of residents are defined as having “an independent living difficulty,” which puts them at greater evacuation risk during any type of emergency. Has SB 812 been thoroughly considered? The state’s determination to build at all costs puts every resident at risk, particularly those most vulnerable. The DHE also states that the population in unincorporated Marin County/Marin County has steadily decreased since 2016, with the sharpest drop (2.6%) in 2021. During this period, risks from climate change have greatly increased, in the form of drought, catastrophic fire, and flooding. It is well known that Santa Venetia relies solely on North San Pedro, a single one-lane road for ingress and egress.

I44-3

At this moment, there are tens of thousands (if not more) square feet of unused office space here in Marin County that could be repurposed for workforce housing. Companies like Autodesk have left and will not be replaced. The shift toward remote work is permanent. I ask that you once again raise the question of repurposing the space that we already have before developing new land to satisfy for-profit development. Lost in the talk of adding 2.5 million units to California is the toll that such massive development places on those who now work from home and will have no respite from years of unending construction noise, traffic, and air and light pollution. We recall the pride we felt at the beginning of the pandemic, when Governor Newsom worked so diligently to house the homeless in motels, hotels, and apartments, and pledged that such solutions would be permanent. How have we traveled from that place of empathy to today, where we are absolutely giving away our state to for-profit developers?

Thank you once again for your efforts.

Sincerely,

Terri Leker and Mark Wallace
10 Bayhills Drive
San Rafael, CA 94903

From: [Weber, Leslie](#)
To: [Hall, Chelsea](#)
Subject: FW: Safety Element
Date: Monday, November 21, 2022 8:57:26 AM
Attachments: [Safety Element Questions.xlsx](#)

Hi Chelsea,
 An additional comment email.
 Thank you,
 Leslie

From: CB Blair <cblairsquared@gmail.com>
Sent: Monday, November 21, 2022 7:21 AM
To: Arnold, Judy <JArnold@marincounty.org>
Subject: Fwd: Safety Element

You don't often get email from cblairsquared@gmail.com. [Learn why this is important](#)

Hello,

I45-1 Thank you for taking the time to consider my commentary regarding the Safety Element DEIR. My family and I live along the Atherton Corridor. The DEIR was not an easy read and as noted in the meeting by many, it was great in length at nearly 800 pages. For members of the community who have full time jobs, it was a bit absurd to expect us to read through this document in time for the meeting to be able to make comments. What was really disheartening, was that many of our elected county leaders did not take the time to read the document either.

I45-2 The DEIR shows many areas where risks are serious and unavoidable. It is our feeling that the county should join other cities in California and sue the State of California. Whats been proposed as
I45-3 the Housing and Safety Elements cannot be reasonably applied here in Marin. Our county struggles
I45-4 with water supply and we have a high wildfire risk. For many of us along the Atherton Corridor, we only have one exit out in the event of fire and nothing the county does will remediate this danger.

I45-5 Furthermore, the Atherton Corridor borders Rush Creek which is a protected area and home to various endangered and threatened species. Studies have shown that development around protected sites undermines conservation. Marin County should act to preserve its biodiversity.

I45-6 Please find the attached spreadsheet which references sections of the safety element Impact table and our questions. We sincerely ask that you remove the lots along the Atherton Corridor off of the final housing units sites. The sites along this corridor have previously been identified as wetlands and thus cannot be built upon in the manner in which the Housing and Safety element detail.

Thank you,
 The Blair family

	Section	Issues	Question
I45-7	Table 2-2 Aesthetics	Impact 4-1: Effects on Scenic Vistas	Why is there no mitigation measure in place? Does this mean we have no recourse over the destruction of Scenic Vistas?
I45-8	Table 2-2 Aesthetics	Impact 4-2: Impacts on Existing Visual Charcter and Quality	Why is there no mitigation measure in place? Often times, homeowners purchase a home in a neighborhood because they have fallen in love with the Visual Character and Quality of a neighborhood. Communities like Atherton Corridor have a rural aesthetic with many agriculturally zoned properties. There has to be some rules in place to prevent placing something as out of place as a complex of condos in a rural area.
I45-9	Table 2-2 Agricultural and Forestry Resources	Impact 5-2: Conflicts with Agricultural Use Zoning / Impact 5-5: Conversion of or Change in Farmland to Non-Agricultural use	Why is mitigation labeled 'NA'? In Agriculturally zoned communities like Atherton Corridor, changes to the zoning with impact surrounding homeowners who make use of their rural lots to raise livestock. It would be unfair to existing homeowners if they are subjected to noise complaints because their roosters or horses are too loud.
I45-10	Table 2-2 Agricultural and Forestry Resources	Impact 5-3: Loss or Conversion of Forest Land to Non-Forest Use.	Why is mitigation labeled 'NA'? In communities like Atherton Corridor, high density development would mean that developers push further cut back at the forest that moves down and along Cherry Hill. This impacts the natural wildlife in an area that borders the protected Rush Creek Preserve. Studies have shown that development around protected areas undermines conservation. Native plant species have also been found to help mitigage the effects of climate change and support a greater diversity of bees, butterflies, and wildlife. High density development means habitat loss and fuels climate change.
I45-11	Table 2-2 Biological Resources	Impact 7-1 , 7-2, 7-3	Birds aren't the only migratory species that should be considered. There are also federally endangered species such as the Monarch butterfly that lives and breeds in areas like Atherton Corridor. Also, how does the mitigation take into account that many lots are not fully fenced in, which allows wildlife to move freely. Unfortunately, the less rural this area becomes, the more people will begin to trespass upon the properties of others. This will lead to more of the acerage being fenced in and impeding the movement of wildlife.
I45-12	Table 2-2 Geology and soils	Impact 9-3	Why is mitigation labeled 'NA'? Loss of top soil creates new deserts, pollutes waterways, and alters how water flows through the landscape. Loss of top soil by way of development means creating impermeable surfaces that prevent aquifers from being replenished.
I45-13	Table 2-2 Hazards and Hazardous Material, WildFire	Impact 11-8, Impact 20-1	Why is there nothing in place in relation to emergency response and evacuation?

I45-14	Table 2-2 Hydrology and water quality	Impact 12-1, 12-2, 12-3	Why are no mitigation measures in place when our water resources are dwindling and scarce? Especially when impermeable the surfaces created by development amplify the current situation Marin County is in in terms of water scarcity due to droughts?
I45-15	Table 2-2 Land Use and Planning	Impact 13-1, 13-2	Why are there no mitigation measures in place to protect an established community? Placing a large subdivision in the center of rural properties physically divides a community that shares the same values as stewards of the land. In terms of project consistency with land use plans, high density development does appear to be consistent with what was originally intended for Atherton Corridor.
I45-16	Table 2-2: Transportation	Impact 18-5	Hazards due to design features really need a mitigation measure. Look at what happened in Petaluma when the City Council decided to remove a full car lane in favor of a biking lane as a step towards 'net zero carbon'. Unfortunately, the bike lane created far more congestion and thus air pollution because small towns like Petaluma and Novato are typically cities in which people commute for work.

Carolyn K. Longstreth

*P.O. Box 657, Inverness CA 94937
(415) 669-7514; (415) 233-2777 [cell]
cklongstreth@gmail.com*

November 19, 2022

County of Marin
Housing Planning Division
housingelement@marincounty.org

CC: Supervisor Rodoni

Re: Housing-Safety Element Draft PEIR

Hello Housing Element Planners

I46-1

As you know, I and several of my neighbors on Balmoral Way are opposed to the designation for new housing units of our private, narrow, dead-end, unpaved street, lacking in adequate emergency access, water and sewer. Below, I have outlined comments pertaining to the Program Environmental Impact Report (PEIR) for the update to the Housing and Safety elements of the Countywide Plan.

I46-2

First, the PEIR concedes that the Project will have a shocking number and type of unavoidable impacts that, according to the PEIR, cannot be mitigated: aesthetics, air quality, biological resources, greenhouse gases (including climate), noise, water supply in Inverness and wastewater treatment. Taken together, the significance and number of these impacts suggests that the plan is too seriously flawed to be considered further.

I46-3

If, despite its glaring deficiencies, the Project or one of its two alternatives is nevertheless to be considered for certification, we urge you to adopt Alternative 2—the one that would most reduce daily vehicle miles.¹ This is because emissions and climate considerations outweigh all others, as indeed the PEIR states. We do, however, request that Alternative 2 be modified so as to reverse the plans for the two proposed Inverness sites: in other words, Balmoral Way should be removed from Alternative 2 while the County site on Ottinger Hill should instead be included and designated for 14 units. As explained below, the County site is significantly more suitable for housing than Balmoral Way under the stated requirements and priorities outlined in the PEIR.

¹ The two very limited alternatives articulated in the document are poorly thought out. Instead of offering only two Alternatives-- one contemplating the greatest reduction in vehicle miles traveled and the other offering the maximum reduction in demands for water and sewer/septic services-- the PEIR should have set forth several more alternatives that combine different benefits in different proportions.

First, the emergency access on Balmoral falls far short of the applicable state and county requirements. Contrary to the out-of-date map shown in Figure 6, Page 127, **Balmoral Way dead-ends at the top of a cliff overhanging Sir Francis Drake Boulevard**. At the end of the block, there is insufficient space for fire trucks or emergency vehicles to turn around. Indeed, delivery trucks, visitors and residents' guests routinely back down the street in order to avoid the tight parking area.

County planners have apparently failed to conduct even a rudimentary review of emergency ingress and egress on Balmoral Way. While the PEIR calls on the County and emergency services agencies to confirm that emergency access for a given project is adequate, this presupposes that the County planners have found it adequate in the first instance:

I46-4

Marin, responsible emergency service agencies, and Caltrans (for projects affecting the State highway system) will review individual development projects to **confirm** that they conform to applicable regulations as governed by State laws, including the 2019 California Building Code, as well as local requirements, including the Marin County Urban Wildland Interface Ordinance which contains specific access requirements for development in these areas. During such development reviews, responsible agencies will **confirm** that emergency vehicle access is adequate, including **access from public streets** to sites, **internal circulation**, and **maneuverability** at intersections. Proposed development projects that do not meet required standards and codes would not be permitted. **All potential housing sites are [required to be] located on or adjacent to public streets that are of sufficient width to support two-way traffic and accommodate emergency response vehicle circulation**. New streets may need to be constructed to provide or improve access to certain sites.

PEIR at 550. There is no access to the Balmoral sites from a public road, since, as stated above, Balmoral is a private, dead-end street. Internal circulation and maneuverability are both lacking and two-way traffic is not feasible on most of the road's length. Anyone who has visited the site can see that none of these requirements is satisfied. Additionally, due to the topography (cliff), it is not feasible to modify the road in such a way that it would intersect with Sir Francis Drake Boulevard in order to provide safe ingress and egress from the east end of the road. Not to mention the legal issues surrounding the County acting to mandate extensive changes to a private road.

The County site, in contrast, is situated directly on Sir Francis Drake Boulevard. Since it is undeveloped, there are no existing obstacles to designing a project that would comply with laws and regulations governing emergency access.

I46-5

Second, there is the critical issue of water supply, which applies to both Balmoral Way and the County site. As previously explained by the Inverness Public Utility District, Inverness relies on a limited quantity of local surface water for its supply. The ongoing drought conditions are severely straining our supply such that there is often insufficient water for the residences already here. A moratorium is in place. Furthermore, the PEIR

- I46-5 states that 550 feet of water main on Balmoral would need to be enlarged to accommodate the new dwellings. And given Balmoral's status as a private road, the current residents would have to agree to form a Benefit Assessment District for this work to occur. Table 19-5, page 566. This outcome seems unlikely.
- The Site Inventory Guidebook, issued by the CA Department of Housing and Community Development on June 10, 2020, states that if it is not possible to provide the necessary water to support housing development in time to make housing development realistic during the planning period, the site is not suitable for inclusion in the site inventory. The water supply issue in Inverness has no ready solution.
- I46-6 Emergency access and water supply are only the most obvious of Balmoral Way's deficiencies. The designation would also plainly violate the Countywide Plan Policy PA-7.5, which calls on planners to avoid "large scale development within villages that would rapidly or drastically change the character of the village or require expensive new urban services." Page 148. The addition of 14 new housing units to Balmoral Way will both require expensive upgrades to the road and water facilities, septic systems or sewers and fundamentally alter the character of the neighborhood and street—currently a dead-end country lane in an older neighborhood on the historic mesa. Page 148.
- I46-7 Furthermore, the Project and Alternative 2 both violate Policy BIO-1.1, which requires development projects to protect wetlands, sensitive biological communities and special status species. Balmoral Way is situated parallel to and above Second Valley Creek, a year-round stream, and its floodplain. This floodplain, which lies about 80 feet north of the entire length of Balmoral Way, served as a critical overflow basin during the 1982 flood. Where the creek approaches Tomales Bay, there is an extensive freshwater marsh that includes brackish areas. The creek and floodplain are very likely a corridor for wildlife movement. All of these are sensitive biological communities specifically named in the PEIR. Page 216, 226.
- I46-8 Virtually all of Inverness is occupied by northern spotted owls, a state and federally threatened species. Residents on Balmoral Way hear and see the owls on a regular basis, particular in the riparian corridor. The noise, increased sedimentation and ongoing disturbance associated with both construction and occupation of 14 additional housing units will undoubtedly disturb and/or displace wildlife, including spotted owls. Septic effluent may well drain down to the creek and marsh, affecting water quality and biotic life.
- I46-9 In contrast, the County site on Ottinger Hill is less endowed with sensitive biological communities than Balmoral. It is further away from any year-round creek and currently surrounded by non-native vegetation.² The County site is isolated from any established

² The presence or absence of spotted owls on and around the County site is unknown, at least to this writer.

I46-9 | neighborhood in Inverness and instead, lies along an unoccupied stretch of Sir Francis Drake Boulevard. Improvements to the road, the addition of septic systems and water infrastructure would not “urbanize” the area to the degree or in the way that such changes on Balmoral would.³

For all these reasons, the sites on Balmoral do not qualify for inclusion in the RHNA and should be removed from both the Project and Alternative 2.

Sincerely,



Carolyn K. Longstreth

³ Direct access to a bus route could be made available at the County site much more readily than it could on Balmoral, which lies a half-mile from the village of Inverness and up a steep, windy road (Argyle) from Sir Francis Drake.

From: [Thomas, Leelee](#)
To: [EnvPlanning](#)
Subject: FW: Development at 404 SF Blvd
Date: Tuesday, November 29, 2022 11:32:03 AM

From: Carter Aronson <carteraronson@gmail.com>
Sent: Saturday, November 19, 2022 1:44 PM
To: Thomas, Leelee <LThomas@marincounty.org>
Subject: Development at 404 SF Blvd

You don't often get email from carteraronson@gmail.com. [Learn why this is important](#)

Hi Leelee,

My name is Carter. I live at 400 San Francisco Blvd with my wife, Kathleen, and 3-year-old daughter, Evie. We have another daughter on the way, coming this March.

We love this neighborhood for its proximity to nature, Memorial Park, and its quiet and safe streets. We moved from Oakland, and part of our move was for peace of mind when we're out walking with Evie on her scooter or bike.

I completely understand the need for affordable housing in Marin, and **I support additional development** to that end. I even support some of that development happening behind our house on SF Blvd. We moved to the neighborhood in August of this year, so we heard about the development when we were considering purchasing the house.

For us, this was actually a selling point. The idea that our neighborhood might become more diverse—especially after our time in Oakland—gave me confidence that we could move here and raise our daughters with the perspective one can only gain from spending time around people with different backgrounds, beliefs, and stories.

I47-1 That said, *I did not know* that the development could be as many as 64 units. I do not believe that our neighborhood can support this many units without materially changing the nature of the area. To be clear, I *want* our neighborhood to support people of varying socioeconomic levels, but I do not want SF Blvd to become a high traffic street.

I47-2 **It seems to me that this level of development is not fit for a dead end with only one access point.** I worry about the number of cars. I worry about speeding. I worry about the traffic that could form should we all need to evacuate (we're in a high fire zone).

I47-3 In the spirit of not complaining without offering an alternative, **I'd ask that the county consider moving this development forward, but limiting the number of units to half that which is proposed to date: 15 dwelling units per acre or 32 total dwelling units.** This would represent a roughly 2x increase in the units 404 SF Blvd currently supports, and I believe that, at this size, the development will make our wonderful neighborhood even better.

Thank you so much for your time and consideration.

Happy holidays!

Carter

From: [Thomas, Leelee](#)
To: [EnvPlanning](#)
Subject: FW: 404 San Francisco Proposed Development - Opposition Considerations
Date: Tuesday, November 29, 2022 11:31:37 AM

From: Joe Fitzpatrick <joe.fitzpatrick@gmail.com>
Sent: Saturday, November 19, 2022 11:29 AM
To: Thomas, Leelee <LThomas@marincounty.org>
Subject: 404 San Francisco Proposed Development - Opposition Considerations

You don't often get email from joe.fitzpatrick@gmail.com. [Learn why this is important](#)

Hello Leelee.

I own the home at 58 Sacramento and share a border with the proposed development at 404 San Francisco.

First of all, I support responsible development and growth. 404 San Francisco is an obvious choice for new development and the addition of additional housing to Unincorporated Marin.

I48-1

However, I want to see the data that supports the county's recommendation of 64 units on this site. I can't imagine any plan that size and will provide some rationales in this email for my opposition. Anything more than 30 units (almost double the current site) is unacceptable.

Here are some of the considerations that seem to be missed in the proposed 64 units.

I48-2

Density in Sorich Park.

There is only one way in and out of Sorich Park neighborhood, San Francisco Ave. The amount of traffic on San Francisco is already significant and adding 47 (17 existing from the proposed 64) puts 100 extra cars on this road multiple times per day.

For a street with no sidewalks for a large percentage, San Francisco is already extremely busy. 100 new cars multiple times per day create safety concerns, and certainly will constrain access to Sir Francis Drake Blvd.

I48-3

Emergency Exit

As you know, the hillside at the end of San Francisco is considered high risk in terms of fire. In the event of a fire the emergency evacuation of this neighborhood (already a concern) would be dramatically worsened by the scale of this project. The light at Sir Francis Drake would be a huge bottleneck and the additional capacity of the proposed development would add to the potential for a catastrophe.

I48-4

Fire Risk

More people, more risk. Adding 47 additional units at 404 San Francisco increases the potential risk of fire and the devastating implications on this neighborhood.

404 San Francisco is certainly going to happen, and rightly so. As a direct neighbor to this project I am strongly opposed to 64 units and see this proposal as reckless, unsafe and a bad decision for this neighborhood.

As stated previously, please provide your data that rationalizes the number of 64. Any more than half of that number is going to create significant problems in this neighborhood.

Thanks.

Joe

4. RESPONSES TO DRAFT EIR COMMENTS

This chapter provides written response to each written comment on the Draft EIR raising a significant environmental issue that was submitted during the public review period from October 7 through November 21, 2022. This chapter also provides a written response to oral comments made by the public and members of the Planning Commission and the Board of Supervisors at the November 16, 2022, public hearing to receive comments on the Draft EIR.

The County received 62 comment letters and emails (hereinafter referred to as comment letters) on the Draft Program EIR during the comment period, including four comment letters from agencies (Cal OES, California Department of Fish and Wildlife, North Marin Water District, and City of Novato), 10 comment letters from organizations, and 48 comment letters from members of the public. Oral comments were made on the adequacy of the Draft EIR by both the public and members of the Planning Commission and Board of Supervisors at the November 16, 2022, public hearing. These comments are provided in the transcript of the hearing, which is Chapter 3 of this Final EIR volume. After the close of the comment period on the Draft EIR, the County received 29 late comment letters that are provided in Attachment 1 to this Final EIR volume. These comment letters were reviewed for any new comments not already made.

The transcript of the November 16, 2022 public hearing on the Draft EIR is provided in its entirety in Chapter 3. Because the transcript contains many translation anomalies, and to reduce the length of oral comments, the comments are paraphrased in this Chapter 4. The reader can cross-reference the paraphrased comment in this chapter to the fully transcribed comment in the transcript in Chapter 3. Each oral comment made on the Draft EIR, whether by the public or by a member of the Planning Commission or the Board of Supervisor, is numbered and a written response to each significant environmental issue raised is provided.

Each written comment letter received has been assigned a grouping label depending on whether the comment letter is from an agency (“A”), an organization (“O”), or an individual (“I”), and a number (i.e., “A1”, “O1”, “I1” etc.) and each specific comment was assigned an alphanumeric identification number.

As stated previously in Chapter 1, the County provided a response letter to all agencies who submitted comments on the Draft EIR at least 10 days prior to the Board of Supervisors hearing on certification of the EIR, which response letters included a notification of the anticipated public hearing date for certification of the EIR on January 24, 2023 at a Board of Supervisors meeting.

4.1 TOPICAL RESPONSES

This section presents responses to environmental issues raised in multiple comments. Rather than responding individually and repetitively, Topical Responses have been prepared to address such comments comprehensively. The Topical Responses are then cross-referenced by number in each applicable individual response on the applicable topic so reviewers can readily locate the Topical Responses addressing the issues of concern.

Topical Response 1 – Use of Program EIR

Several comments expressed confusion as to how the Program EIR will be used to review the environmental impacts of future projects facilitated by the Housing and Safety Elements Update Project.

Chapter 1 Introduction of the Draft EIR explains that this EIR has been prepared as a program EIR. CEQA allows for the preparation of multiple types of EIRs. The level of detail in an EIR

should correspond to the level of detail of the project, regardless of the type of EIR. An EIR should “be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences.” (State CEQA Guidelines section 15151). At the same time, the level of detail in an EIR should “correspond to the degree of specificity involved in the underlying activity which is described in the EIR.” (State CEQA Guidelines section 15146). Thus, an EIR for a development project will necessarily be more detailed than an EIR prepared for a large-scale plan (e.g., the housing element update), “because the effects of the construction can be predicted with greater accuracy.”

A programmatic analysis is appropriate for a project that will involve a series of actions that are (1) related geographically, (2) logical parts in a chain of contemplated actions, (3) connected as part of a continuing program, and (4) carried out under the same authorizing statute or regulatory authority, with similar environmental impacts that can be mitigated in similar ways, such as adopting of rules, regulations, plans, or other general criteria to govern the conduct of an ongoing program. CEQA Guidelines section 15168(a)(1)-(4).

As discussed in Draft EIR Chapter 1, section 1.3 beginning on page 1-7, this EIR analyzes the proposed action at a programmatic level, in accordance with State CEQA Guidelines section 15168. To the extent that any future changes to land use controls could result in significant adverse effects on the physical environment that were not anticipated in the Housing and Safety Elements Update Project EIR, those changes would require further environmental review. CEQA Guidelines section 15168 states that the use of a programmatic analysis “ensure[s] consideration of cumulative impacts that might be slighted in a case-by-case analysis; avoid[s] duplicative reconsideration of basic policy considerations; allow[s] the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time, when the agency has greater flexibility to deal with basic problems or cumulative impacts; and allow[s] a reduction in paperwork.” The Project analyzed in this EIR, which consists of updates to the Housing and Safety Elements of the CWP, does not involve approval of any specific development proposal. Accordingly, preparation of a program EIR is the appropriate approach for environmental review. Please see discussion in Chapter 2, Summary, section 2.2.2 Purpose of the EIR.

Future site-specific development facilitated by the Project, but which has not yet been described at a site-specific or project-specific level of detail, will be evaluated by the County for consistency with the EIR if and when development is proposed (Draft EIR p. 1-9). As with all projects proposed in the unincorporated areas of the County, projects will be reviewed to determine whether they are subject to CEQA compliance at such time as the County receives a permit application for the project and the details of the individual project are defined.

If the County, in its review of a future site-specific development, determines that no subsequent EIR or supplemental EIR or other environmental review document would be required pursuant to CEQA Guidelines sections 15162 and 15163, then the County could approve the site-specific project as being within the scope of the Project evaluated in this Program EIR. The project would be subject to applicable mitigation measures identified in this Program EIR and adopted and incorporated into the Project, which mitigation measures would be included in the Mitigation Monitoring and Reporting Program. This determination is required to be based on substantial evidence in the record and could include, but not necessarily be limited to, consistency of the site-specific project activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure described in the EIR. As recommended by State CEQA Guidelines section 15168, the County would be anticipated to use a written checklist or similar device to document the

evaluation of the site and/or activity to determine whether the environmental effects were within the scope of the EIR.

If the County, in its review of a future site-specific development, determines the effects of a proposed site-specific project were not analyzed in this EIR, and that additional environmental review would be necessary, then typically the first step would be to prepare an Initial Study to determine whether an EIR, Mitigated Negative Declaration, or Negative Declaration would need to be prepared.

Non-discretionary (ministerial) projects such as “by right” housing projects and projects consistent with the County’s proposed Objective Design Standards contained in the Form Based Code, as well as Safety Element-related ministerial projects, must comply with Federal and State laws (U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Air Resources Board/Bay Area Air Quality Management District, California Department of Fish and Wildlife, State Water Resources Control Board/San Francisco Bay Regional Water Quality Control Board, State Lands Commission, Bay Conservation and Development Commission, etc.). All ministerial projects also must be consistent with (or receive a variance from) all relevant County Development Code, Building Code, and Fire Code requirements.

By-right housing projects must be consistent with County Ordinance No 3765 implementing SB 35, as amended by SB168, and any housing development project applying for approval under Government Code section 65913.4 must submit information on the project parcel as specified in Ordinance 3765 and as specified in proposed amendments to Marin Development Code section 22.32.184 Senate Bill 9 Housing Development and Section 22.64.060 Application Review for Type 3 Projects (SB 35), and as listed below: These requirements will become part of the Marin Development upon adoption by the Board of Supervisors. The revisions to the Marin County Code, Title 22, Section 22.32.184 includes the following language:

“D. The development is not located on a site that is any of the following:

1. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.
2. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
3. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
4. A hazardous waste site that is listed pursuant to section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to section 25356 of the Health and Safety Code, unless either of the following apply: 1) The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses (this section does not alter or change the conditions to remove a site from the list of hazardous waste sites

listed pursuant to section 65962.5); or 2) The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable for residential use or residential mixed uses.

5. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with section 8875) of Division 1 of Title 2.

6. Within a special flood hazard area subject to inundation by the one percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subsection and is otherwise eligible for streamlined approval under this section, the County shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the County that is applicable to the site. A development may be located on a site described in this subparagraph if either of the following are met:

(a) The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued by the County,

(b) The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with section 59.1) and Part 60 (commencing with section 60.1) of Subchapter B of Chapter 1 of Title 44 of the Code of Federal Regulations.

7. Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subsection and is otherwise eligible for streamlined approval under this section, the County shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the County that is applicable to the site.

8. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with section 1900) of Division 2 of the Fish and Game Code).

9. Lands under conservation easement.”

Topical Response 2 – Final Housing Site List

The Draft EIR Project Description, section 3.4.2(d) Project Site Inventory Details, describes the County’s approach to identifying housing sites that are a combination of vacant or underutilized residential, mixed-use, publicly owned, and/or other nonresidential sites that can support development of the County’s Regional Housing Needs Allocation (RHNA), as defined by the California Department of Housing and Community Development (HCD), of 3,928 units. The

RHNA includes 1,849 lower income units, 517 moderate income units, 1,306 above moderate income units, and 256 Accessory Dwelling Units (ADUs), as shown in Table 3-2 on page 3-14 of the Draft EIR. The proposed Project housing sites were selected in April 2022, after conducting workshops in November 2021, January 2022, and March 2022, when the Planning Commission and Board of Supervisors endorsed the proposed “Project Sites” identified in Figure 3-5 and Table 3-2 for analysis in the Draft EIR.

Consistent with HCD recommendations, the County has also proposed housing sites that support more units than required by the RHNA to provide a “buffer” should sites develop at less than the assumed density or not at all. The proposed buffer for lower income units (very low- and low-income categories) and moderate-income units are 15 percent and 16 percent, respectively, which is consistent with the HCD recommended buffer of between 15 and 30 percent to ensure that the County maintains adequate sites at all income levels throughout the Housing Element planning period. The Project Sites plus units for applicants requesting a 35 percent density bonus and the HCD recommended buffer totals 5,214 units, which is the proposed Project (“Project”) analyzed in the EIR. The Project Sites that will accommodate 5,214 units, and associated development assumptions, are listed in Table 3-2 and Table 3-3 and shown on Figure 3-5 in the Draft EIR Project Description. Please see Chapter 2 (Supplemental Information) of this Final EIR for an update on the Project Sites list subsequent to the December 6, 2022, Board of Supervisors meeting. The updated Tables 3-2 and 3-3 are included in Chapter 5 (Text Revisions to Draft EIR, Project Description) of this Final EIR.

To develop the original list of Project Sites for 5,214 units as presented in Table 3-3 in the Draft EIR, the County initially studied approximately 150 housing sites that could provide up to 10,993 possible units, called “Candidate Housing Sites,” that are suitable for residential development within the Housing Element planning period of 2023 through 2031. The 150 Candidate Housing Sites have a development potential that would allow up to 10,993 units, including Accessory Dwelling Units and Density Bonus allowances. See page 3-30 of the Draft EIR Project Description for a detailed discussion of the Candidate Housing Sites.

The Marin County Planning Commission and Board of Supervisors selected sites from the Candidate Housing Sites list to identify the Project Sites described in section 3.4.2(d) that are proposed to meet the County’s RHNA of 3,569 units, plus the buffer units and density bonus units, as updated on December 6, 2022, and described in Section 2 (Supplemental Information) of this Final EIR.

The County will rely on this Candidate Housing Site list to provide a list of pre-screened sites should any of the proposed Project Sites listed in updated Table 3-3 need to be eliminated from the Housing Element as a potential housing site due to HCD comments, legal, policy, or environmental concerns. The County will replace housing sites that need to be removed from the list of Project Sites (as listed in updated Table 3-3) with sites from the Candidate Housing Sites list to maintain the HCD recommended buffer of between 15 and 30 percent units above RHNA requirements.

This EIR includes a countywide program level assessment of environmental impacts associated with housing development of both the Project Sites and the Candidate Housing Sites to allow for informed consideration of alternative sites that satisfy the RHNA in the event certain housing sites identified in updated Table 3-3 prove to be infeasible or undesirable. For example, the analyses in the Air Quality, Greenhouse Gas and Energy, Noise, and Transportation Chapters contain cumulative analyses based on the evaluation of the 10,993 units on the Candidate Housing Sites list.

Final Housing Site List

Over time, since the candidate list was developed, new information has become available, and circumstances have changed on some of the sites. Therefore, staff recommended additional changes to the sites list. Between April and November 2022, some sites in the inventory have changed status. Specifically, 10 sites have been removed, or had units reduced or adjustments made to the assumed affordability levels. Sites in Inverness were removed due to uncertain access to water, even in non-drought years. Based on these changes staff recommended adding a site from the Candidate Housing Sites list and adding units to one site:

- Holiday Inn, in unincorporated Mill Valley (72 lower income units)
- Marinwood Plaza (additional 35 lower)

The net result of these changes is an increase of 10 moderate income units, for the following totals:

- 1,850 lower income units (one additional lower income unit, was 1,849)
- 527 moderate income units (10 additional moderate- income units, was 517)
- 1,305 above moderate income units (one fewer above moderate income unit, was 1,306)

On December 6, 2022, the Board of Supervisors reviewed and provided feedback on staff's recommendations.

All the replacement sites were selected from the Candidate Housing Sites list. The revised Project Site list is in Chapter 5 (Text Revisions to the Draft EIR, Project Description) of this Final EIR. Because the Draft EIR analyzed all the Candidate Housing Sites at a program level, this change in the Project Site list does not constitute a change in the project requiring recirculation of the EIR.

Topical Response 3 – Comments on the Merits of the Project (Content of the Housing Element Update or Safety Element Update) and not the Adequacy of the EIR

A number of comments were received that focused on particular housing sites identified in the Housing Element, made comments on specific aspects of either the Housing Element Update or the Safety Element Update, or expressed a commenter's support or opposition to the Project or the commenter's opinion on the desirability of the Project. However, these comments did not address the adequacy or content of the environmental analysis in the Draft EIR.

As stated in the CEQA Statute, "The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided." [CEQA section 21002.1(a)]. Following public review of an EIR, lead agencies are directed to "evaluate comments on environmental issues received from persons who reviewed the draft EIR and prepare a written response to comments raising significant environmental issues . . ." [CEQA Guidelines section 15088(a)] Many of the comments that were received on the Draft EIR did not address specific environmental issues associated with the Project. These comments also did not address the adequacy of the analysis contained in the Draft EIR. Rather, these comments asserted the opinions of the commenters on the merits of the Housing and/or Safety Elements, and therefore do not present comments on the EIR analysis. No additional analysis or response is required for these types of comments. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project.

Topical Response 4 –Sites Common to Alternative 2 and Alternative 3 (“Blended Alternative”)

Planning Commissioner Montalbano and others made comments during the November 16, 2022 public hearing to receive comments on the Draft EIR about wishing to see information that would support a “blending” of Alternative 2 Reduced VMT Alternative and Alternative 3 Reduced Utility Impact. Please see page 57, lines 1 – 16 of the public hearing transcript. This comment is interpreted to be a request by Commissioner Montalbano for information on the sites that are identified in both alternatives for relocation.

Draft EIR Chapter 22 Alternatives discusses each alternative in detail. The goal of Alternative 2, the Reduced VMT Alternative, is to reduce the VMT associated with the more remote West Marin housing sites and concentrate housing opportunity sites near the Highway 101 corridor and public transit. Draft EIR Table 22-1 lists the housing sites that would be relocated under this Alternative compared to the Project. Figure 22-1 shows the area defined by this alternative and identifies which housing sites would be included in this alternative and which would be relocated compared to the Project.

Draft EIR Alternative 3, the Reduced Utility Impact Alternative, would result in the relocation of housing sites from service districts that do not have the capacity to serve new development to other areas of the County where water and wastewater service providers have greater capacity to serve new development. This alternative also includes relocating housing sites that would require significant infrastructure improvements. Please see Draft EIR Table 22-2 and Figures 22.2 and 22.3.

Table 4-1: Sites Removed under both Alternatives 2 and 3, below, which was prepared for this response, presents the housing sites that are identified for relocation in Alternative 2 because of high VMT generation rates and in Alternative 3 because they are located in water and sanitary service districts that currently do not have capacity to serve new development. The sites that were removed in these alternatives would have the greatest environmental impacts because they have significant and unavoidable VMT and Utility impacts. Relocation of the sites presented in Table 4-1: Sites Removed under both Alternatives 2 and Alternative 3 to the Baylands/City Centered Corridor and into service districts with the current ability to serve new development would meet the objectives of both alternatives. The sites identified in Table 4-1 would result in the combined benefits of reducing VMT and reducing utility impacts if they are relocated closer to the Bayland/City-Centered Corridor as proposed under each alternative.

Table 4-1: Sites Removed under both Alternatives 2 and 3

Site Name	Address	Total Units to be Relocated
North Marin Water District		
Olema	9840 State Route 1	10
Olema Catholic Church	10189 State Route 1	24
Tomales Village Community Service District		
Vacant Tomales	102-075-06 (Shoreline Hwy)	6
Vacant Tomales	102-075-07 (Shoreline Hwy)	2
Tomales	29 John St	5
Tomales Joint Union High School District	102-080-10 (State Route 1)	14

Site Name	Address	Total Units to be Relocated
Vacant Tomales	102-075-02 (Shoreline Hwy)	5
Vacant Tomales	290 Dillon Beach Rd	13
Tomales Catholic Church	26825 State Route 1	13
Tomales Nursery	27235 State Route 1	3
Tomales	200 Valley Ave	6
Tomales Nursery	27275 State Route 1	3
Total Units		104
Source: MIG		

The Draft EIR discussion of each alternative presents program level information on where the sites could be relocated within the unincorporated County. When considering this alternative, the Board of Supervisors has the ability to adjust the list of housing sites presented in Table 4-1 to meet project objectives. If the Board of Supervisors would like to consider adopting a blending of Alternatives 2 and 3, the blended alternative would not have new impacts or substantially more severe significant impacts that were not previously analyzed in the EIR.

Topical Response 5 – Wildfire Evacuation

Numerous comments were provided on the Housing Element Update's effects on emergency evacuation in the County, particularly in the Lucas Valley area and the Atherton Avenue corridor. Commenters expressed general concerns about existing constraints on evacuation and the impact on evacuation times that could occur because of housing development facilitated by the Housing Element Update.

The topic of fire protection services and emergency evacuation was analyzed in both Chapter 17 Public Services under Fire Protection, and Chapter 20 Wildfire, of the Draft EIR³. In Chapter 17, the *Environmental Setting* subsection (17.1.1) describes the existing fire protection services within the County and emergency evacuation planning efforts. Section 17.3.2 *Proposed Policies and Actions to Avoid or Reduce Significant Impacts* starting on page 17-17 lists new Safety Element Update policies and implementation programs that focus on fire protection services and safety. Several new Safety Element Update policies address fire protection and critical services capacity, of which the following policies specifically direct the County to ensure that adequate fire protection is provided.

Policy EH-5.2 Ensure Adequate Fire Protection. Ensure that adequate fire protection, including adequate evacuation routes, is provided in new development and when modifications are made to existing development.

Implementing Program EHS-2.5.a Assess Critical Services Capacity. Conduct an assessment of existing critical services for adequate capacity considering the projected scale of new development and climate change-induced increases in the severity of hazards. Use the service capacity assessment to create or update minimum standards for existing

³ The CEQA Checklist questions in the CEQA Guidelines Appendix G essentially ask the same question about emergency evacuation in both the Hazards and Hazardous Materials and the Wildfire sections. To consolidate the discussion, the question in the Hazards and Hazardous Materials section of the Checklist is addressed in Chapter 20 Wildfire.

and future development to meet current and future anticipated demands for infrastructure (e.g., water, sewer, roads), privately provided services (e.g., telecommunications, gas, electricity), and County provided services (e.g., police, fire). Purchase permanent and/or portable generators for critical facilities, infrastructure, and services that lack adequate backup power.

Implementing Program EHS-5.2.b Consider Development Impacts to Fire Service. Consider additional impact or mitigation fees, or a benefit assessment, to offset the impact of new development on fire services.

In the *Environmental Setting* subsection of Chapter 20 Wildfire (section 20.1), the Draft EIR presents information and maps on the Wildland Urban Interface and Fire Hazard Severity Zones in unincorporated Marin County and the varying levels of risk, state and local Wildfire Responsibility Areas (SRAs and LRAs), wildfire planning efforts within the County being carried out through the Marin County Community Wildfire Protection Plan (CWPP) and the Marin Wildfire Protection Authority (MWWPA). The MWWPA is made up of 17 member agencies (including Marin County) and was formed to develop, and now implement, a comprehensive wildfire prevention and emergency preparedness plan for most cities and unincorporated areas within Marin County. Section 20.1.1.C on page 20-6 of the Draft EIR describes the County's emergency evacuation resources consisting of FireSAFE Marin's website with interactive evacuation route maps. These FireClear maps, funded by fire agencies, cities and towns, and a grant from CAL FIRE, were published as they were completed over the course of 2020. FireClear maps for East Corte Madera, Fairfax, Greenbrae, Inverness, Nicasio, Panoramic, Ross Valley, San Geronimo, and Novato are compiled in Draft EIR Appendix I to provide examples of the evacuation maps available to the community.

As part of the County's evacuation planning and response efforts, the entire county has been divided into individual evacuation zones. Marin County is using ZoneHaven, a community evacuation interface that allows the public access to real-time status updates and instructions for their property and neighborhood evacuation zones and provides County municipalities and fire responders with an evacuation planning application. The County can use ZoneHaven to issue evacuation, shelter in place, and other emergency orders.

Section 20.1.3 *Access and Evacuation Setting* provides information on the County Road System, describing the narrow and winding roads that provide access to some communities in unincorporated Marin. Section 20.1.3.B (page 20-9) describes the Marin Operational Area (OA) Emergency Operations Plan (EOP) that addresses the planned response to extraordinary emergency situations associated with large-scale disasters affecting Marin County. The Marin OA consists of the cities/towns, special districts, and the unincorporated areas within the County. The EOP establishes the emergency management organization required to mitigate any significant emergency or disaster affecting the Marin OA and establishes the overall operational concepts associated with Marin County's Emergency Operations Center (EOC) activities and the recovery process. The Marin Sheriff's Office of Emergency Services (OES) is responsible for periodic review, updates, and re-publishing and re-distribution of the EOP.

As the Draft EIR explains, beginning in 2022 MWWPA is undertaking a new project to develop a comprehensive and interactive evacuation/ingress/egress risk assessment. The envisioned final product will create a rating system of roads, presenting a visual Risk Assessment of the County's roadways at various levels of aggregation (geographic areas, evacuation zones, and other). The user interface should allow registered users to easily identify which Risk Factors contribute to risk by area, and modify the scoring of each Risk Factor as improvements are either proposed or completed in a manner that is minimally subjective. In addition to the software platform, the list of project deliverables includes a report that reviews prior studies on

evacuation to identify the reasons for casualties, fatalities, and disorder. The report is expected to present an initial list of Risk Factors for improvement, by area, by risk category, and by responsible agency.

The Risk Factors to be considered include, but are not limited to, road conditions and capacity, intersection functionality, observed traffic behavior, constraints and impediments, access from a fire response perspective, presence of vulnerable populations, vegetation impacts to roadways, defensible space conditions, structural vulnerability, and locations and capacity of temporary refuge areas. The assessment will integrate the data and findings of Marin's CWPP with Risk Factors related to evacuation. The Transportation Authority of Marin's TAMDM model provides traffic simulations using observed population and behavioral patterns for the County.

Following the description of the *Environmental Setting*, section 20.2 of the Draft EIR then describes the laws, regulations, and General Plan policies that apply to wildfire planning and management plus requirements that new development must meet. Section 20.3.2 starting on page 20-22 presents new policies and implementing programs from the Safety Element Update that focus on: 1) reducing wildfire hazard and improving evacuation, 2) specifically address evacuation routes to new development, 3) assessment of existing critical services for adequate capacity considering the projected scale of new development, and 4) committing funding for evacuation safety:

Policy EH-5.1 Implement a Regional Fire Management Plan with Marin Fire Agencies: the Marin Wildfire Prevention Authority, County Fire, and FireSAFE Marin. Develop a collaborative, proactive approach to manage wildfire losses by identifying hazard risks and enacting effective mitigation strategies.

Implementation Program EHS-5.1.d Identify Areas with Insufficient Evacuation Opportunities. Continue to collaborate with Marin Fire Agencies in the identification and mapping of areas with only one point of ingress or egress and roads that do not meet current emergency access and evacuation standards and the preparation of a program that prioritizes corrective actions.

EHS-5.1.e Commit Funding for Evacuation Safety. Commit funding for projects identified by the Marin Fire Agencies and the Department of Public Works, that enhance evacuation safety, spanning road improvement, signage, and notification systems. Ensure identified improvements can be funded in areas identified as having deficient evacuation routes as new development occurs.

The environmental effects of the Housing and Safety Element Update Project as it relates to emergency evacuation are evaluated in section 20.3 of the Draft EIR, *Impacts and Mitigation Measures*. The discussion began with a description of the thresholds of significance related to the topic, as defined in the CEQA Guidelines. As presented in the Draft EIR, the specific threshold question that is asked is whether the project would "substantially impair an adopted emergency response plan or emergency evacuation plan". As is clearly identified in the threshold, the key question for the EIR and in determining the level of impact is whether the proposed Project, primarily the Housing Element Update, would interfere with or impair implementation of a *plan*.

The impact analysis (pages 20-29 through 20-31) in the Draft EIR concludes that the Project, including the addition of housing facilitated by the Housing Element Update, does not require changes to the Emergency Operations Plan. Other issues of concern to residents include: (1) limited egress (e.g., one way in and out) if a wildfire spreads into or near their community; (2) narrow, winding, and steep roads leading to and from residences; and (3) delays from traffic congestion during an evacuation.

As of the writing of this Final EIR volume, Marin County has not adopted a countywide emergency evacuation plan. Chapter 4 of the Marin Fire Code addresses fire safety and evacuation plans for specific types of buildings, but not for a communitywide evacuation plan. Programs currently being implemented include those described in sections 20.1 and 20.2 of the Draft EIR, such as Fire Safe Marin, Ready Marin, ZoneHaven, and the Marin Operational Area (OA) Emergency Operations Plan (EOP).

Many proposed implementing programs included in the Safety Element Update are designed to create safe evacuation processes and outcomes. These proposed programs are listed in the Draft EIR. Their full text is included in the Draft EIR subsection 20.3.2 (Proposed Policies and Actions to Avoid or Reduce Significant Impacts).

Development facilitated by the Housing Element Update would increase the population of the county, which in turn may exacerbate existing evacuation deficiencies by increasing the number of vehicles utilizing evacuation routes. However, the Safety Element Update implementing programs would reduce potential impacts because the programs would improve evacuation and emergency response compared to existing conditions. Further, the development projects facilitated by the Housing Element Update would be sited such that new housing would not be located in areas that would interfere with emergency response or evacuation procedures and planning.

As a result of the proposed Safety Element Update implementing programs, ongoing countywide developments in evacuation planning, and the selection of housing sites in locations that would not impair emergency response or evacuation efforts, the Project would not impair emergency response or emergency evacuation plans; therefore, the Draft EIR concludes that this impact would be less than significant.

Future housing development projects going through the discretionary permitting process would be subject to site-specific CEQA review and would address the CEQA thresholds of significance at the project level. By-right projects and ministerial projects must be consistent with the County Development Code and Fire Department requirements for emergency access and evacuation.

Topical Response 6 – Water Supply

Numerous comments were provided on the Housing Element Update's effects on water supply and the ability of water service providers to serve the housing growth facilitated by the Housing Element, along with growth in other communities in the water service providers service boundaries. One resident commented (Letter I4) that with ever increasing and severe droughts, the biggest and most important commodity will be water. Adding hundreds of new homes will put a further strain on an already precarious water supply that is heavily reliant on out-of-county water sources to provide basic needs for the service area.

The West Marin Environmental Action Committee (Letter O4) made a comment that is similar to many other comments stating that:

“The growth projections in the DEIR exceed freshwater resource availability, areas with well water may not be able to find water to service the parcel, and wastewater processing exceeds the capacity of some districts and may trigger capacity updates.

The impacts on the water supply could exceed resource availability and the mitigation measures list requirements for holding tanks, expansion of water lines, dependency upon outside water suppliers, etc. This places pressure on already strained water resource districts, as we are in the middle of a long-term moderate to severe drought”.

The EIR provides a detailed discussion of the county's water supply and water service providers (Draft EIR pp. 19-1 through 19-10). The discussion includes the capacity for new development, broken down by water service provider (and identifying that areas in the county are not served by a water supplier and need to provide a private water system or well). The EIR also discusses the current statewide drought and its effects on water suppliers in the county (Draft EIR pp. 19-4 through 19-7). Further, the EIR provides an analysis of water supply availability as indicated by each water supplier (Draft EIR pp. 19-8 through 19-10, and 19-50 through 19-54) but does not include future "potential" water sources, unless they are under contract or the water supplier otherwise demonstrates a commitment of resources, because they would be considered speculative for projected water supply needs.

The Draft EIR provides a discussion of some alternative water supply measures that are being investigated by water service providers within the County, such as expanding recycled water use, expanding reservoir capacity, obtaining winter water from the Sonoma County Water Agency, constructing infrastructure to import water purchased from third parties, and obtaining water from potential future permanent local or regional desalination facilities (page 19-6). The Housing Element Update and Safety Element Update also include programs to help mitigate water supply constraints by promoting sustainability strategies (Safety Element Program EHS-6.5.a) and commission a water reuse study in 2023 (Housing Element Update Program 11)

In adopting the Housing Element Update, the Board of Supervisors would approve a plan for housing development to meet its RHNA requirements; however, approval of the Housing Element Update will not convey rights to construct housing. A housing development application must be submitted and approved, and construction permits (e.g., building permit, grading permit, etc.) issued in order to construct housing. The Housing Element Update and the Draft EIR identify the main steps that must be completed, including the provision of water service to a site before housing construction is allowed. The applicant must receive a commitment from a water service provider to provide water service to the property or demonstrate that private water supplies are sufficient to serve the project. Without such a commitment or demonstration, a building permit will not be issued. The Housing Element Update does not propose changes to these requirements.

The Housing Element Update is required by State housing law to identify actions necessary to address issues (e.g., infrastructure capacity) that inhibit housing development. Because water supply issues need to be addressed to support housing development in Marin County, the Housing Element includes Program 11 to increase the likelihood that water supply solutions may be identified and implemented to support housing development planned for in the Housing Element.

Program 11: Water Availability. Availability of water is a significant constraint to housing development in the County and beyond. The County will pursue several strategies to mitigate this constraint to the extent feasible.

- Continue to promote sustainability strategies (such as water conservation and recycling).
- Beginning in 2023, collaborate with water service providers to conduct a strategic water supply assessment in 2023 to evaluate increased supply within Marin (e.g., increased reservoir capacity, new reservoir(s), increase use of recycled water, desalinization plant) and external to Marin (e.g., EBMUD, Russian River water).
- Upon adoption of the Housing Element, submit it to all water districts and notify all water districts of the requirement to prioritize water allocation for new affordable housing development (Government Code section 65589.7).

The Safety Element contains the following policy and implementation programs aimed at increasing water supply. (Underlined text indicates new policies/programs being added to the existing Safety Element by the proposed Project):

EHS-6.5 Adapt Water Supply. Prepare for a reduced, long-term water supply resulting from more frequent and/or severe drought events.

Implementing Programs for EHS-6.5 Adapt Water Supply.

EHS-6.5.a Plan for Drought. Prepare for a reduced, long-term water supply resulting from more frequent and severe drought events, including working with regional water providers to implement extensive water conservation measures and ensure sustainable water supplies including increasing recycled water infrastructure and capacity.

EHS-6.5.b Partner with Water Providers to Improve Water Storage and Efficiency. Improve water storage and efficiency by partnering with the following water managers: water agencies and irrigation districts to explore ways to improve and increase storage capacity and generation efficiency; utility providers to upgrade water systems to accommodate projected changes in water quality and availability; and local water providers in the county to increase participation in water conservation programs to reduce water use throughout Marin County.

The EIR describes the reasonably foreseeable countywide cumulative impacts of the Project. Table 19-2 on page 19-8 of the Draft EIR presents the capacity for water service providers within the County to serve new development, by stating the ability of water service providers to serve the proposed Project as shown in Table 3-3 of the Draft EIR Project Description (5,214 units), as well as the “other city and town RHNA” within each service providers boundary. The right-hand column of Table 19-2, which is titled “*Remaining Distribution Capacity after Development of County “Candidate Housing Sites” and other City and Town RHNA*”, indicates each water service providers ability to serve cumulative growth within their service boundaries, including growth facilitated by the number of units on the Candidate Housing Site list (10,993 units). Impacts 19-2a through 19-2c described on pages 19-50 through 19-54 of the Draft EIR describe the Project and cumulative impacts on water supply. As a result of the Draft EIR analysis the County has revised the Project Sites housing list presented in Table 3-3 to remove housing sites proposed in the Inverness area because the potential to provide water to those units is not likely during this housing cycle. Please see the discussion in the Chapter 1 Introduction, Chapter 2 Supplemental Information, Chapter 4, Topical Response 2, and Chapter 5 for information on revisions to the Project Sites list (Table 3-3).

Because water supplies are expected to be deficient in the cumulative condition, particularly due to the potential for drought (Utility Threshold of Significance B), and improvements needed to expand water supply (e.g., desalinization, increased storage capacity) could result in significant environmental impacts (Utility Threshold of Significance A), the EIR identifies a significant unavoidable cumulative impact to water supply for which no mitigation is available.

The County is not a water service provider, and it need not identify sources of water to serve new development. The County’s role as Lead Agency for the Housing and Safety Elements Update Project is to ensure that the program EIR for the Project analyzes the potential impacts to water service providers and water supply by applying the CEQA Thresholds of Significance for water supply (Appendix G to the 2022 State CEQA Guidelines, XIX Utilities and Service Systems) in its EIR environmental analysis:

- A. Require or result in the relocation or construction of new or expanded water, wastewater or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.

While there are differences in the water supply capacity in different regions of the County, every development scenario that complies with the RHNA will require an expansion of water supply to address deficiencies in at least two water districts as well as cumulative impacts.

Topical Response 7 – Cumulative Impacts

State CEQA Guidelines Section 15355 defines "cumulative impacts" as "...two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." See also State CEQA Guidelines Section 15130(a)(1). Consistent with Sections 15130 and 15355, the Draft EIR analyzes whether the "incremental effect" of the proposed Project, "when added to other closely related past, present, and reasonably foreseeable probable future projects," is "cumulatively considerable." Section 15130(a). When evaluating cumulative impacts, CEQA allows the use of either a list of past, present, and probable future projects producing related effects or a summary of projections in an adopted planning document. Section 15130(b)(1)(A)-(B). The EIR uses the projections approach, as described below.

At a program level consistent with the level of analysis in this EIR, the Draft EIR considers the impacts of development of the proposed Project Housing Sites list (5,214 units), as well as the potential development of the units on the Candidate Housing Sites list (10,994 units) over the eight-year housing cycle. The consideration of the proposed Project is itself a cumulative project because the Project would be implemented over the eight-year planning horizon and the cumulative analysis identifies potentially significant impacts in relation to whether they would make a cumulatively considerable contribution to any significant cumulative impact with respect to the individual topic area.

The Draft EIR provides a program level quantitative analysis of cumulative impacts based on regional models and Association of Bay Area Governments (ABAG) or other appropriate growth projections through the consideration of impacts that would occur if the 10,993 units on the Candidate Housing Site list were developed in the Air Quality, Greenhouse Gas Emissions and Energy, Noise, Transportation, and Utilities (water supply and wastewater treatment) chapters. The Transportation, Air Quality, Greenhouse Gas and Energy, and Noise chapters are based on vehicle miles traveled (VMT) estimates based on modeling using the Transportation Authority of Marin Demand Model (TAMDM) which forecasts regional travel by various modes and regional average VMT per capita values. Specifically for impacts to water and wastewater service providers, Draft EIR Chapter 19, Utilities and Service Systems, includes Tables 19-2 and 19-9 that present information on cumulative impacts for both the proposed Project and for the proposed Project with the anticipated development from other city RHNA.

Because of the nature of the topic areas, other chapters of the Draft EIR provide a qualitative cumulative impact analysis. These chapters are Aesthetics, Agriculture, Biology, Cultural and Tribal Cultural and Historic Resources, Geology, Hazards, Hydrology, Land Use, Minerals, Population and Housing, Public Services, and Wildfire.

Cumulative impacts are discussed in EIR Chapter 21, Other CEQA and Social-Economic Analysis (Draft EIR pp. 21-1 through 21-3). Cumulative analysis for the individual topical areas is included in each topical chapter as follows: Aesthetics (Draft EIR p. 4-14); Agricultural and Forestry Resources (Draft EIR p. 5-13); Air Quality (Draft EIR p. 6-35); Biological Resources (Draft EIR pp. 7-37 and 7-38); Cultural, Tribal Cultural, and Historical Resources (Draft EIR pp. 8-22 and 8-23); Geology and Soils (Draft EIR pp. 9-18- and 9-19); Greenhouse Gas Emissions and Energy (Draft EIR p. 10-52); Hazards and Hazardous Materials (Draft EIR p. 11-23);

Hydrology and Water Quality (Draft EIR p. 12-29); Land Use and Planning (Draft EIR pp. 13-14 and 13-15); Mineral Resources (Draft EIR p. 14-6); Noise (Draft EIR pp. 15-50 and 15-51); Population and Housing (Draft EIR 16-12 and 16-13); Public Services (Draft EIR p. 17-25); Transportation (Draft EIR pp. 18-22 through 18-24 and pp. 18-28 and 18-29); Utilities and Service Systems (Draft EIR pp. 19-46 through 19-57 and pp. 19-61 and 19-62); and Wildfire (Draft EIR p. 20-38).

The Draft EIR identified significant and unavoidable cumulative impacts in the following areas: Aesthetics (Impacts 4-1, and 4-2), Air Quality (Impacts 6-1, 6-2, and 6-3), Cultural and Tribal Cultural Resources (Impact 8-1), GHG (Impact 10-1), Noise (Impact 15-1), Transportation (Impact 18-4), and Utilities (Impacts 19-2a, 19-2b, 19-2c, 19-3a, 19-3b, and 19-3c).

4.2 RESPONSES TO ORAL COMMENTS MADE AT PUBLIC HEARING

Oral Comments from the public hearing on November 16, 2022 are summarized from the full translation presented in Chapter 3. The speaker's name and the relevant line numbers of the translation are identified in this chapter for easy reference. Please refer Chapter 3 for the full discussion and context of the comment.

4.2.1 Stephen Nestel

Comment PC-1 (Stephen Nestel – p. 27 line 23-25; p. 28 line 1 -9): Toxic Waste.

- Significant toxic waste problem that has not been addressed
- (Will) Ministerial approval allow developers to avoid cleanup of the property and avoid complying with EIR requirements?

Response to Comment PC-1: Draft EIR Chapter 11 (Hazards and Hazardous Materials) evaluates toxic waste potential at a program level, consistent with the California Environmental Quality Act; please see Topical Response 1 Use of Program EIR. The oversight of remediation of toxic waste where present on an individual project site would be performed pursuant to all applicable federal and states laws and regulations by the appropriate regulatory agency – such as the Bay Area Quality Management District (BAAQMD), the United States Environmental Protection Agency (USEPA), the California Department of Toxic Substances Control (DTSC), and the Regional Quality Control Board (RWQCB), and/or the Marin County Certified Unified Programs Agency (CUPA), among other federal statewide, regional, and local agencies - regardless of whether the proposed project is ministerial or discretionary. Application and enforcement of hazardous materials laws and regulations is not dependent on whether CEQA analysis is required.

4.2.2 Riley Hurd

Comment PC-2 (Riley Hurd – p. 28 line 24-25; p. 29 line 1-21): Reduced VMT Alternative

- Big mistake to eliminate housing on the San Domenico School Site in the Reduced VMT Alternative; may be due to mischaracterization of vehicle miles traveled and for housing at the site
- Housing on this site would provide accommodation for teachers, staff, and school employees and keep people off the Sir Francis Drake corridor.

Response to Comment PC-2: Please see Response to Comment Letter O7, below. Please see also Draft EIR Chapter 22 (Alternatives), which discusses each alternative in detail.

4.2.3 Jack Krystal

Comment PC-3 (Jack Krystal – p. 30 line 8-24): Property Deeds.

- Revisions to the Marin County Development Code re. bayfront conservation and combining districts are forcing property owners to sign deeds that take away property rights in conflict with neighboring properties

Response to Comment PC-3: The comment does not pertain to the adequacy or content of the Draft EIR, nor does the commenter provide details about his concerns. No further response is required.

Comment PC-4 (Jack Krystal p. 31 line 1-6): Unspecified “Major Aspects” Related to Previous Comment PC-3.

- Major aspects of Chapter 22.14 need to be studied, changed, and thrown away

Response to Comment PC-4: Although the commenter mentions the “EIR consultants,” he makes no reference to any particular content of the Draft EIR or what the “major aspects” are. Please see Response PC-3.

4.2.4 Clayton Smith

Comment PC-5 (Clayton Smith – p. 31 line 13-25; p. 32 line 1-13): “Limitation of Speech.”

- Housing Element update was brought forward during COVID where it would garner minimal interest and prohibit in-person meetings
- Resulted in stealth and limitation of speech
- Two-minute time limit on the public comment period during the meeting is unconscionable and results in a pseudo-democratic process

Response to Comment PC-5: The commenter makes no reference to the adequacy or content of the Draft EIR. The timing of submittal of the Housing Element Update is based on State requirements. The Project process has included extensive community outreach consistent with COVID-19 protocols, including remote meetings, which allow members of the public – including those who cannot or do not drive – to participate remotely either by Zoom or by calling in to the Zoom meeting. The Draft EIR was made available for public review and comments for 45 days beginning October 7, 2022 and ending November 21, 2022. The commenter also refers to adopted and posted County of Marin meeting protocols, such as a two-minute speaker’s time limit, which allows all attendees who wish to speak an equal opportunity to do so within a timely manner. Also, all written comments delivered to the County during the Draft EIR’s public review period are responded to in this Final EIR.

4.2.5 Alan Whaler

Comment PC-6 (Alan Whaler – p. 33 line 4-9): Actual Housing.

- People (teachers, nurses, fire, police, etc.) need housing
- Marin county needs an opportunity to have fair and affordable housing

Response to Comment PC-6: The comment is consistent with goals, policies, and implementation programs of the Housing Element Update. It does not raise issues about the adequacy or content of the EIR.

Comment PC-7 (Alan Whaler – p. 33 line 11-23): Technology and Innovation.

- Bring forward and emphasize section 1.2.1, Goal 9, of the Draft EIR
- Provide more detail on how technology and innovative practices will be implemented, and how it can help solve the issue of sustainability

Response to Comment PC-7: Draft EIR section 1.2.1 is an introduction and overview of the policy framework for the Housing and Safety Elements Update. The Elements Update and Program EIR do not presuppose design details of future, individual project proposals. The Update and EIR will guide County staff and decision makers in evaluating future proposals for specific parcels.

4.2.6 Bruce Corcoran**Comment PC-8 (Bruce Corcoran – p. 34 line 5-8): Illegal Immigration.**

- Unfettered illegal immigration is an impact that is not adequately studied
- How can we accommodate the influx of people coming into the country?

Response to Comment PC-8: The comment does not pertain to the content or adequacy of the EIR. “Illegal immigration” is not a CEQA environmental issue (see CEQA Guidelines section 15378 and Appendix G). No further response is required.

Comment PC-9 (Bruce Corcoran – p. 34 line 15-18): Traffic.

- Traffic and the P.M. commute from Tiburon, Belvedere, and a large part of Mill Valley goes through the Interchange at 101; traffic congestion is an impact that has not been adequately addressed

Response to Comment PC-9: Draft EIR Chapter 18 (Transportation) evaluates traffic consistent with CEQA. Under CEQA, “traffic congestion” in itself is expressly prohibited from being considered a significant environmental impact. Please see the response to Comment PC-49 regarding vehicle miles traveled (VMT).

4.2.7 Ted Von Delong**Comment PC-10 (Ted Von Delong – p. 35 line 14-19): Program EIR.**

- An EIR that is program-wide is hard for any single citizen in Marin to grasp what’s happening at a site level

Response to Comment PC-10: “Program EIR” refers to the level of detail of analysis in the EIR, which CEQA requires to be consistent with the level of detail of the underlying project. In this case, the Project consists of amendments to the Housing Element and Safety Element of the CWP and to the County Code to facilitate the future development of housing and to update the Safety Element to meet state requirements for addressing climate change, resiliency, sea level rise, wildfire, emergency preparedness, and other environmental hazards. Since the Housing Element Update and Safety Element Update are plan-level documents and not site-specific development proposals, a “Program EIR” is the mandated CEQA document under CEQA Guidelines section 15168. Please see Topical Response 1 Use of Program EIR.

Comment PC-11 (Ted Von Delong – p. 36 line 7-12): Vehicle Miles Traveled (VMT).

- The VMT work/analysis included all of the sites in the county so why not parse out the individual sites?
- Neighborhoods would consume that much more readily

Response to Comment PC-11: VMT is defined and evaluated as a cumulative, areawide comparison in response to the State of California’s goals for reducing greenhouse gas emissions (GHGs). A site-specific VMT forecast would not estimate traffic congestion or delay at intersections, which are prohibited from being considered significant impacts under CEQA.

Comment PC-12 (Ted Von Delong – p. 36 line 13-19): Evacuation.

- Evacuation planning for Lucas Valley not mentioned in EIR analysis

Response to Comment PC-12: Please see Topical Response 1 Use of Program EIR and Topical Response 5 Wildfire. Evacuation is addressed in Draft EIR Chapter 20 (Wildfire), consistent with CEQA requirements for Program EIRs.

4.2.8 Sharon Rushton**Comment PC-13 (Sharon Rushton – p. 37 line 8 -16): State Department of Housing and Community Development (HCD).**

- The state’s approach to dealing with housing affordability issues are flawed and state statutes place illegitimate housing quota burdens on California cities and counties

Response to Comment PC-13: The comment is related to HCD’s allocation of a Regional Housing Needs Allocation (RHNA) for each jurisdiction in California, not to the content or adequacy of the Draft EIR.

Comment PC-14 (Sharon Rushton – p. 37 line 23-25; p. 38 line 1-5): Significant Unavoidable Adverse Impacts.

- The Draft EIR finds that the project would result in 15 significant adverse and unavoidable impacts, which includes talk of air contaminants, traffic congestion, greenhouse gas emissions, insufficient water supply and insufficient wastewater treatment capacity

Response to Comment PC-14: The commenter reiterates information from the Draft EIR and does not raise issues with regard to the adequacy or content of the Draft EIR. No further response is required.

Comment PC-15 (Sharon Rushton – p. 38 line 8 – 17): Toxic Air Contaminants (TACs).

- Children, pregnant women, the elderly, and those with existing health problems are especially vulnerable to air pollutants
- Studies show association between respiratory diseases and the proximity of sensitive populations to high traffic roadways

Response to Comment PC-15: Draft EIR Chapters 6 (Air Quality) and 10 (Greenhouse Gas Emissions and Energy) identify and address the issues raised by the commenter.

4.2.9 Susan Morgan

Comment PC-16 (Susan Morgan – p. 39 line 9 -17): EIR Difficult to Understand plus Lucas Valley Specifics.

- Draft EIR is near incomprehensible
- Would like to see specific information about the environmental impact in Lucas Valley instead of the program-wide report
- Fire evacuation is a huge concern
- Report feels insufficient and would like for more information to be forthcoming

Response to Comment PC-16: Please see Topical Response 1 Use of Program EIR and Topical Response 5 Wildfire Evacuation. The Draft EIR has been prepared under the requirements of the California Environmental Quality Act (CEQA) in close collaboration between County of Marin staff, environmental consultants under contract to the County, and attorneys under contract to the County. This collaborative process enabled the EIR team to prepare, review, revise, and approve the Draft EIR collectively, with final decision-making authority by the County of Marin.

By law, any EIR must evaluate a wide range of environmental topics, which are listed in the Draft EIR Table of Contents. As part of this required content, the EIR must answer, at a minimum, the 86 individual environmental topic questions in CEQA Guidelines Appendix G (Environmental Checklist Form), and provide substantial evidence for each of the answers. These 86 questions are assigned accordingly among the Draft EIR environmental topic chapters 4 (Aesthetics) through 20 (Wildfire) with the measures of significance identified as the “Thresholds of Significance” listed in each of those chapters. Technical reports used to prepare the analysis in the EIR are cited in the discussion of impacts, listed as reference documents, and are available on the Marin County Housing Element Update website at <https://housingelements Marin.org/marin-county-environmental-review>.

As CEQA has become more complex over its more than 50 years of existence – through new and revised statutes, legislation, and court decisions – an EIR must try to balance its mandates for comprehensive evaluation of impacts, technical data, substantial evidence, and public review. For example, the original technical reports prepared for the Draft EIR have been summarized in the document, with the original reports presented in the Draft EIR appendices. An EIR that does not comprehensively address all the requirements of CEQA could be challenged in court.

It is suggested that the reader who wants an overall summary of the Draft EIR should read the Introduction (Chapter 1) and the Summary (Chapter 2) of the Draft EIR, which includes a table of environmental impacts and mitigation measures for identified significant impacts. The Summary directs the reader to the individual Draft EIR chapters for further detail. Updates to the Summary are included in this Final EIR, Chapter 2 Supplemental Information and Chapter 5 Text Revisions to Draft EIR.

The PowerPoint presentation from the November 16, 2022 meeting also provides a summary of the EIR, with more maps and illustrations than the Draft EIR Summary. The PowerPoint presentation is available on the Marin County Housing Element Update website at <https://housingelements Marin.org/marin-county-environmental-review>.

4.2.10 Ken Levin

Comment PC-17 (Ken Levin – p. 40 line 24-25; p. 41 line 1-22): EIR Difficult to Understand.

- Laypersons in the community at a disadvantage due to length of EIR and difficulty in understanding
- Suggest MIG to either publish a second abbreviated version meant for public consumption and understanding to go along with the main document or make MIG hold public hearings so that they can explain the document to the public
- Feels like the document is elitist; would like for it to be directed more towards public understanding in the future

Response to Comment PC-17: Please see Response PC-16 directly above.

4.2.11 Robert Flagg

Comment PC-18 (Robert Flagg – p. 42 line 4-14):

- Address correction needed on the Draft EIR
 - 2 Jeannette Prandi Way: Jeannette Prandi Children’s Center and County Training Room
 - 6, 14 Jeannette Prandi Way: Juvenile Service
 - 6 Jeannette Prandi Way: Storage Building

Response to Comment PC-18: The address listed in Table 3-3 of the EIR for the Marin County Juvenile Hall site is correct. The address 2 Jeannette Prandi Way refers to the general area of Juvenile Hall and includes several different buildings. In this case, the address is more of an approximation of a larger site rather than a specific building. As such, the Children’s Center and County Training Room, Juvenile Services Center, and the storage building referenced in this comment are included under the address 2 Jeannette Prandi Way. No revisions to the EIR are necessary.

Comment PC-19 (Robert Flagg – p. 42 line 15-18)

- 6 Jeannette Prandi Way is 2.5 miles from the highway
- Make this clear in Alternatives 2 and the 2-mile buffer

Response to Comment PC-19: The 2-mile buffer was chosen as a general parameter for defining the boundary of Alternative 2 in order to depict the proximity of the Project Alternatives to US 101 and public transit opportunities while still meeting the County’s RHNA. The conclusions of the Draft EIR remain the same.

Comment PC-20 (Robert Flagg – p. 42 line 19 -25)

- 80 low-income units are proposed on either 2 or 16 Jeannette Prandi Way
- Will the project exceed 80 units if the developer obtains density bonuses or if the Housing Element falls out of compliance and the developer adopts builder’s remedy?

Response to Comment PC-20: Please see Topical Response 1 Use of Program EIR. By State law, future applicants are permitted to apply for density bonuses, as described in the Housing Element Update. However, the Housing Element Update is a plan, not a site-specific

development proposal, so details of future, individual development proposals will be provided and evaluated when project applications for specific projects are submitted to the County.

4.2.12 Victoria Holdrige

Comment PC-21 (Victoria T. Holdrige – p. 43 line 12-18)

- In favor of adding housing
- Looking forward to more site-specific information but is thrilled that we have come this far

Response to Comment PC-21: The commenter is in favor of new housing in Marin County. The commenter does not address content or adequacy of the Draft EIR. No response is required.

4.2.13 Sarah Mclachlan

Comment PC-22 (Sarah Mclachlan – p. 44 line 10-19)

- Atherton Corridor sites show that there's an inability to serve the proposed project
- Water district says they can't provide water to new sites without impacting their ability to provide water to the rest of the community

Response to Comment PC-22: Draft EIR Chapter 19 (Utilities and Service Systems), section 19.1.1 (Water) evaluates water supply and demand in Marin County. Topical Response 6 Water Supply also addresses the issue, with accompanying revisions to the utilities chapter text in Chapter 5 Text Revisions to Draft EIR of this Final EIR.

Comment PC-23 (Sarah Mclachlan – p. 44 line 20 -24; p. 45 line 1-2)

- Atherton Corridor sites are listed under the moderate and high fire danger category, which brings the concern of evacuation

Response to Comment PC-23: Please see Topical Response 5 Wildfire Evacuation of this Final EIR.

4.2.14 Morgan Patton

Comment PC-24 (Morgan Patton – p. 45 line 20-25)

- With respect to by-right development in ministerial planning, if certain sites are not developed in eight years, what does that mean for the county? Will the county still require additional environmental studies if potential impacts may occur from a project?

Response to Comment PC-24: Although the HCD-defined "housing cycle" is defined as eight years, that does not mean that all the Housing Element sites must be developed within that timeframe. The rate of housing development will depend on specific development proposals submitted to the County. Also, please see Topical Response 1 Use of Program EIR, which addresses both by-right development and the use of the EIR for future discretionary projects. The EIR does not have an automatic "sunset" date of eight years if it still can be applied to future projects, nor does housing law restrict ministerial approvals to the current Housing Element planning period.

4.2.15 Don Dickenson

Comment PC-25 (Don Dickenson – p. 47 line 23-25; p. 48 line 1-12)

- If sites are being taken out of the DEIR total number of units to be included in the Alternatives, then could up to 3,000 units potentially be moved to the first district?

Response to Comment PC-25: Please see Topical Response 4 Sites Common to Alternative 2 and Alternative 3 (Blended Alternative). Draft EIR Chapter 22 (Alternatives to the Proposed Project) evaluates the Reduced VMT Alternative (#2) and the Reduced Utility Impact Alternative (#3), which would involve some relocation of sites available for housing. As a countywide Program EIR, the EIR evaluates potential environmental impacts countywide, not by individual Board of Supervisor districts.

Rachel Reid and Leelee Thomas of County staff, and Barbara Beard of the County's EIR consultant MIG, also replied at the meeting, (transcript, p. 48), clarifying the distinction in the Draft between the housing sites selected for the Project and additional sites identified for potential development on the Candidate Housing Sites list, which provides flexibility should some Project housing sites not be developed.

Comment PC-26 (Don Dickenson – p. 49 line 13-17)

- Is it reasonable to assume that every site on the list would apply for a 35% density bonus?

Response to Comment PC-26: This comment was responded to by Sarah Jones of County staff (transcript, p. 49). In part, "People will shape their projects as they see fit and bring those proposals forward, but for the purposes of doing the environmental analysis [EIR], we had to analyze what could happen under the law and under proposed zoning." Therefore, the Draft EIR assumes a density bonus for each housing site as a conservative analysis under CEQA.

Comment PC-27 (Don Dickenson – p. 50 line 11-25)

- Though the EIR is meant to be programmatic, it doesn't feel adequate enough to make a decision or judgement around shifting sites and the alternatives

Response to Comment PC-27: Please see Topical Response 1 Use of Program EIR, Topical Response 2 (Final Housing Site List), and Topical Response 4 Sites Common to Alternative 2 and Alternative 3 (Blended Alternative). Also, please see Response PC-16 above.

Comment PC-28 (Don Dickenson – p. 51 line 11-25; p. 52 line 1-5)

- Airport Land Use Commission (ALUC) constraints in the Traffic Pattern Zone are not addressed in the EIR

Response to Comment PC-28: Three candidate housing sites are located within the Gross Field "Referral Area Boundary," which encompasses generally a two-mile radius from airport activity. For example, almost all of downtown Novato is included in the same Referral Area Boundary; please see Draft EIR Figure 11.1.

ALUC requirements are evaluated in detail in Draft EIR Chapter 11 (Hazards and Hazardous Materials) in section 11.1.2 (Airport Hazards), section 11.2.3 (Regional/Local Regulations), and under Impact 11-7 (Potential Airport Hazards); in Chapter 15 (Noise) in section 15.2.3.1 (Marin County Airport Land Use Commission) and under Impact 15-5 (Exposure to Airport-Related Noise Levels); and in Chapter 13 (Land Use and Planning). All future development will be

subject to and comply with ALUC standards and regulations. The comment does not alter the conclusions in the Draft EIR.

Comment PC-29 (Don Dickenson – p. 52 line 6 – 13)

- Juvenile Hall site is more than 2 miles away from Highway 101 and would be excluded from the Reduced VMT alternative
- Juvenile Hall can't absorb units in the Reduced VMT alternative

Response to Comment PC-29: Alternatives are evaluated in Draft EIR Chapter 22 (Alternatives to the Proposed Project). Please see Topical Response 4 Sites Common to Alternative 2 and Alternative 3 (Blended Alternative) and Response PC-19. The commenter does not explain his conclusion of why the Juvenile Hall and St. Vincent's sites would need to accommodate 500 to 900 units under the Project alternatives.

Comment PC-30 (Don Dickenson – p. 52 line 14-25; p. 53 line 1-8)

- Discussion of service impacts is inadequate; assumes there are no impact on schools
- 4,000 units to the Miller Creek School district would have an impact
- Strawberry Point School does not have 2,600 students

Response to Comment PC-30: Strawberry Point School has approximately 260 students (Google search 11/30/22); the 2,600 number was a typographical error. Since Draft EIR Table 17-1 shows no increase in the Strawberry Point School population through 2030, the EIR conclusions remain the same.

The CEQA Threshold of Significance under which to measure impacts to public services, including schools, is whether the project *"would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services"*.

The EIR discussion of impact to public schools on pages 17-22 and 17-23 acknowledges that although impacts on individual school facilities would depend on the timing and density of new housing development, enrollment growth associated with the Housing Element Update could lead to school capacity concerns. Based on the Marin County Office of Education student generation rate of 0.2 students per dwelling unit (Table 17-3) and total Project development potential of 5,214 housing units, the Project could generate up to approximately 1,043 new students in district schools incrementally throughout the Housing Element Update planning period which is through 2031.

The EIR evaluates whether the Project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts. This increase in potential students would result in an increased demand for school services that could exceed existing public school capacity and may require consideration of additional facilities, the construction of which could cause adverse effects to the environment. The uncertain timing of construction and occupancy of the potential new housing in any individual school district limits identification of school facility needs. However, the CWP contains policies that, in conjunction with the mitigation measures in this EIR, would ensure that construction-related impacts from new school construction due to the Project are less than significant.

As stated in the proposed Housing Element Update (p. 72), Marin County has 17 school districts, which include 13 elementary school districts, two joint union districts, and two high school districts, with a total of 78 public schools. School District boundaries do not separate incorporated areas from unincorporated areas. Some students from unincorporated communities attend schools in districts that primarily serve incorporated cities and towns in the county, such as Mill Valley School District, Miller Creek Elementary School District, Novato Unified School District, San Rafael City Schools, Sausalito Marin City School District, and Tamalpais Union High School District.

Five school districts serve unincorporated communities (Bollinas-Stinson, Laguna, Lagunitas, Nicasio, and Shoreline). These districts include a total of 11 schools: five elementary schools (Bodega Bay Elementary – K-5; Inverness Elementary – K-1; Laguna Elementary – K-6; Lincoln Union – K-6; San Geronimo Valley Elementary – K-6); five elementary/middle schools (Bollinas-Stinson Elementary – K-8; Lagunitas Elementary – K-8; Nicasio School – K-8; Tomales Elementary – K-8; West Marin Elementary – 2-8); and one high school (Tomales High – 9-12). School sizes vary, ranging from 10 students at Laguna Elementary to 166 students at Tomales High.

The proposed Housing Element Update does not propose any specific housing development project, although it identifies sites that can be used for future housing development. As discussed in the Draft EIR, future housing development is anticipated to occur as a result of adoption of the Housing Element Update, and this potential growth could result in capacity issues for school districts, particularly if the rate of growth is faster than in recent years. When development projects are proposed for the identified housing sites, site-specific review based on the project applications will determine the form of additional environmental review required, and the EIR will help facilitate future, tiered environmental review, as appropriate, because the EIR identifies potentially significant environmental impacts and associated mitigation measures that may be used in analyzing future site-specific development projects.

The EIR also acknowledged that any future environmental review would be subject to the CEQA requirements applicable at that time, which may have been amended to address new environmental data, changes to regulatory settings, judicial decisions, and other information used to evaluate environmental change, mitigating factors, and impact thresholds.

With respect to school enrollment, the EIR acknowledges on pages 17-9, 17-22, and 17-23 that with implementation of the Project, school enrollment could increase by up to 1,043 new students from the unincorporated county. This projected increase in demand for public school services would represent an approximately 13 percent increase in student enrollment beyond the existing public school capacity, and could result in the need for new facilities, the construction of which could cause adverse effects to the environment. The EIR (page 17-23) determined that “the CWP contains policies that, in conjunction with the mitigation measures in this EIR, would ensure that construction-related impacts from new school construction due to the Project is less-than-significant.” However, as discussed below, the Leroy F. Greene School Facilities Act of 1998 (“SB 50”) preempts local jurisdictions from devising their own requirements to mitigate or otherwise address impacts of new development on school facilities.

To avoid potential issues related to capacity of existing school facilities, careful assessment and planning will be necessary to ensure that each district can accommodate the facility needs associated with new students generated by future development. Given the uncertain nature of future development (timing and location), in particular the lack of site-specific project details, estimating future enrollment increases for any particular district is difficult and speculative. This type of planning could also be helpful in considering other facilities that may be needed, such as replacement of temporary space solutions (“portable” classrooms) with limited functional

lifespans or providing facilities for state-required universal prekindergarten and transitional Kindergarten program. Outdoor community space for K-12 students, including play structures, fields, and hard surface sports amenities, and improvements associated with “safe routes to schools” (extending sidewalks, and adding crosswalks and crossing lights) would be important components to include.

As discussed in the Draft EIR (page 17-23), “any school district proposal for a new school or expansion of existing schools would be subject to its own evaluation under CEQA, which would be expected to involve an evaluation of environmental impact topics similar to that provided in this EIR, such as construction period dust control and air emissions, ground-disturbance impacts on special-status species and tree removal, impacts on potentially historic structures or cultural resources, erosion control measures, and other environmental evaluations required under CEQA.” If and when new or expanded school facilities are proposed, those projects would be required to comply with State Department of Education regulations and would need to undergo their own evaluation under CEQA, as appropriate, which could review environmental impact topics included in this Draft EIR—for example, Aesthetics; Air Quality; Biological Resources, etc. The school district proposing the new school facilities would be the CEQA lead agency for those projects, not Marin County.

Funding for school districts can come from several sources, including local, state, and federal sources. In general, school districts are either “community funded” (known as “Basic Aid”) where funds come from local property taxes, or “state-funded” (known as Local Control Funding Formula – LCFF) where funds are based on average daily student attendance. Because property tax collections can vary depending upon local economic conditions, community-funded (“basic aid”) districts have no control over the revenues they receive. In addition, this tax revenue has no direct relationship to district enrollment.

Under State law, the payment of SB 50 fees constitutes adequate mitigation of school facility impacts. As discussed in the Draft EIR (pp. 17-23), the Leroy F. Greene School Facilities Act of 1998 (“SB 50”) preempts local jurisdictions from devising their own requirements to mitigate or otherwise address impacts of new development on school facilities. No additional mitigation for impacts on school facilities may be required as a result of CEQA review. The fees can be used for modernization, construction, and/or expansion of the District’s school sites.

However, a school district may elect to investigate other possible funding options to support district improvements or directly implement improvements (such as voluntary mitigation agreements between a developer and a school district; or creation of and contribution to a Mello-Roos Community Facilities District). In addition, conditions imposed by the County on development could be included that address specific impacts such as road widening or installation of traffic controls.

Although individual school districts may need to consider different funding approaches, payment of statutory fees is considered sufficient to mitigate school impacts for purposes of CEQA. Therefore, because new development would pay the statutory mitigation fees, the EIR concluded that the Project’s impacts on schools would be less than significant.

Comment PC-31 (Don Dickenson – p. 53 line 9-17)

- Limited information on traffic impacts and freeway interchanges make it difficult to make informed decisions
- Planned improvement to Smith Ranch/Lucas Valley Road to build a new off-ramp can become a constraint – but the EIR views this as not a significant impact

Response to Comment PC-31: Draft EIR Chapter 18 (Transportation) evaluates traffic, consistent with CEQA. Under CEQA, “traffic congestion” in itself is expressly prohibited from being considered a significant environmental impact. Please see the response to Comment PC-49 regarding vehicle miles traveled (VMT) in the original transcript of the November 16, 2022 meeting (Chapter 3 of this Final EIR, p. 68 of transcript).

Comment PC-32 (Don Dickenson – p. 53 line 18-25)

- EIR is unclear about by right projects
- Developers can now request for concessions and waivers from form-based codes and other developmental requirements, so projects may not be subject to discretionary reviews

Response to Comment PC-32: “By-right,” or ministerial, projects are not subject to CEQA. CEQA applies only to discretionary projects, such as the Housing and Safety Elements Update. Please see Topical Response 1 Use of Program EIR for an explanation of ministerial and by-right project review.

Comment PC-33 (Don Dickenson – p. 54 line 3-8)

- DEIR downplays the aesthetic impacts of projects

Response to Comment PC-33: Please see Responses O1-7 and O10-5.

Comment PC-34 (Don Dickenson – p. 54 line 9 – 25)

- Flaws in EIR comparison analysis
- EIR is not clear about which number of units are from the previous Housing Element and does not take into consideration the fact that the current HE numbers are low so we didn’t have to go around trying to find sites
- Comparison between no-project alternative and project alternative should show a net increase

Response to Comment PC-34: Under CEQA, the environmental baseline, or environmental setting, for evaluating project/program impacts is the existing physical environment - what is on the ground now, not what might be on the ground in the future. CEQA does not allow an environmental evaluation on hypothetical “net” differences. Impact comparisons under the alternatives still have the same environmental baseline. Please see Draft EIR section 1.3.4 (Impact Assessment Baseline), where this legal requirement is explained further.

Draft EIR Chapter 22 evaluates the No Project Alternative, which compares the previous Housing Element with the proposed Housing Element Update.

4.2.16 Andrea Montalbano

Comment PC-35 (Andrea Montalbano – p. 55 line 12-18)

- Reduced VMT alternative assumes that GHGs will be greatly reduced but gas-powered vehicles may be phased out so VMT/GHG emission metrics may not be applicable in the future

Response to Comment PC-35: GHG impacts are explained and evaluated in Draft EIR Chapter 10 (Greenhouse Gas Emissions and Energy). Adopted GHG reduction regulations (e.g., electric vehicle requirements) and performance standards are incorporated into the GHG

forecast modeling, as are estimates of existing gas-powered vehicle lifespans, so that realistic comparisons can be made. However, CEQA does not allow speculation, such as when all vehicles will be electric. It is reasonably foreseeable that the impacts of GHGs resulting from gas-powered vehicles will continue during and beyond the eight-year planning period of the Housing Element Update.

Comment PC-36 (Andrea Montalbano – p. 55 line 21-25; p. 56 line 1-2)

- Possible Native American land and American cultural historical sites around Olompali State Park where Buck Center is located

Response to Comment PC-36: Draft EIR Chapter 8 (Cultural, Tribal Cultural, and Historical Resources) addresses the commenter's concerns, including federal, State, and County regulations, and requirements for consultation with Native American tribes and affiliated groups, in order to protect and preserve tribal cultural resources.

Comment PC-37 (Andrea Montalbano – p. 56 line 3-11) & PC-38 (Andrea Montalbano – p. 56 line 12-15)

- Analysis of the conversion/loss of the agricultural land does not make sense
- The CWP policies limit residential/non-agricultural use
 - How would sites be bumped up to 20 du/ac?
 - Seem to conflict
 - Policies don't protect loss of grazing lands
 - Doesn't feel less than significant

Response to Comment PC-37: Draft EIR Chapter 5 (Agricultural and Forestry Resources) addresses agriculture. Section 5.2 (Regulatory Setting) describes federal, State, and County laws and regulations for protecting agricultural resources, including policies in the Countywide Plan (CWP). Addressing one of the CEQA significance thresholds, none of the proposed candidate housing sites would be located on designated Prime Farmland, Farmland of Statewide Importance, or Unique Farmland (Impact 5-1). Impact 5-2 explains that per County Code section 22.08.030 (Agricultural District Land Uses and Permit Requirements), some residential uses (affordable housing, agricultural worker housing, group homes for six or fewer residents, ADUs, and junior ADUs) are principally permitted uses in the A2 and ARP districts, and other residential uses (group homes for seven or more residents) are allowable subject to approval of a Use Permit. In the A60 district, agricultural worker housing, group homes for six or fewer residents, ADUs, and junior ADUs are principally permitted uses, and affordable housing and group homes for seven or more residents are allowable subject to approval of a Use Permit.

Additional development standards in these districts, as stated in County Code Chapter 22.22 (Affordable Housing Regulations), Chapter 22.32.023 (Agricultural Draft EIR Marin County Housing Element/Safety Element Update 5. Agricultural and Forestry Resources (9125) Page 5-12 October 2022 Worker Housing), Chapter 22.32.120 (Residential Accessory Dwelling Units), and Chapter 22.32.125 (Residential Junior Accessory Dwelling Units), must be complied with. Therefore, if a Use Permit is approved for future housing developed in an agricultural zoning district, there would be no conflict with agricultural use zoning. In addition, none of the proposed candidate housing sites is under a Williamson Act Contract. Sites in agricultural zoning districts would be subject to Use Permit Approval and any conditions included therein.

Changes in land use designation and/or zoning may be required for proposed sites that are located on parcels designated as Farmland of Local Importance or Grazing Land. Sites zoned for agricultural use would not require rezoning if the proposed use is permitted or conditionally permitted as provided for in County Code Chapter 22.08 – agricultural and resource-related districts. The regulations and CWP policies in the Regulatory Setting would be applied to other projects that involve a conversion of Farmland to non-agricultural use.

Comment PC-38 (Andrea Montalbano – p. 56 line 17 -25)

- Atherton Corridor sites are on very wet wetlands
 - Those sites are likely undevelopable

Response to Comment PC-38: Draft EIR Chapter 7 (Biological Resources) addresses wetlands, including (1) the application of federal, State, and County regulations, including numerous Countywide Plan (CWP) policies, and (2), mitigation measures requiring on-site biological surveys and protection measures for special-status species, wetlands, nesting birds, and a wide range of other biological resources.

Comment PC-39 (Andrea Montalbano – p. 57 line 2-10)

- Not convinced that alternative 2 is superior
- Alternative 3 removes fewer houses from rest of the county

Response to Comment PC-39: Alternatives to the proposed Project are evaluated in Draft EIR Chapter 22. To clarify, neither the Housing Element nor the EIR alternatives propose the actual “removal” of physical housing; instead, an inventory of potential housing sites is offered to enable the County to meet its RHNA as determined by the State. As used in this EIR, “removal” of a site from an alternative means changing the location of a proposed housing site to another location shown in the inventory of potential housing sites (i.e., choosing another site from the list of Candidate Sites). The Draft EIR evaluates an expanded number of potential housing sites to provide a buffer, as recommended by HCD, in case some sites cannot be developed to their allowable density based on environmental factors and other limitations, such as Development Code regulations related to, for example, property setbacks, fire department access, and easements.

Comment PC-40 (Andrea Montalbano – p. 57 line 12-15)

- Would it be wise to consider reshuffling between Alternatives 2 and 3 to come up with something more buildable?

Response to Comment PC-40: Please see Topical Response 4 Sites Common to Alternative 2 and Alternative 3 in this Final EIR.

Comment PC-41 (Andrea Montalbano – p. 57 line 16 – 24)

- Concerned about letter from Spirit Living Group about 70 N Knoll Road
- Why is rezoning not happening at a capacity that the developers are ready to build with?

Response to Comment PC-41: Please see Response O3-1 in this Final EIR responding to the Spirit Living Group written comments.

Comment PC-42 (Andrea Montalbano – p. 58 line 8-19)

- Would be great if MIG could create ‘bite-size’ pieces of the EIR and put them out

- Short summary of different parts for people to be able to understand

Response to Comment PC-42: Please see Response PC-16.

4.2.17 Peter Theran

Comment PC-43 (Peter Theran – p. 59 line 1-8)

- Question about reduced ability to provide water services under present circumstances under alternative 3
 - If an individual proposes to develop a home in an area that doesn't have adequate water, does the person have to demonstrate that there is water and sewage available to the site before the project can be approved?

Response to Comment PC-43: This comment was responded to by Sarah Jones of County staff (transcript, p. 59). The full response is in the meeting transcript in Chapter 3 of this Final EIR. In summary, the requirements of the water and sanitary district providing service to the property would apply. Please see Draft EIR Chapter 19 (Utilities and Service Systems) and Final EIR Topical Response 6 Water Supply for further details.

Comment PC-44 (Peter Theran – p. 59 line 21-25)

- What does Alternative 2 mean when it states that sites are screened out by the Governor's OPR?
- Why are they screened out?

Response to Comment PC-44: This comment was responded to by Rachel Reid and Sarah Jones, both of County staff (transcript p. 60 line 2 – p. 61 line 2). In summary, State legislation (Senate Bill 743) allows specified smaller projects to be exempt from CEQA analysis of vehicle miles traveled (VMT), for example, projects that generate less than 110 daily trips. (At the meeting, the number of "100 daily trips" was cited; however, the guidelines for implementing Senate Bill 743 state "110 daily trips.") Therefore, "screened out" refers only to the requirements to analyze VMT as part of CEQA review.

Comment PC-45 (Peter Theran – p. 61 line 7 – 13)

- Some sites overlap between Alternative 2 and Alternative 3
- Could get more benefit from moving sites between alternatives

Response to Comment PC-45: To clarify, neither the Housing Element nor the EIR alternatives propose the actual "removal" of physical housing. Please see Response PC-39. Instead, an inventory of potential housing sites is offered to enable the County to meet its RHNA as determined by the State. Regarding the overlap of housing sites under Draft EIR Alternatives 2 and 3, please see Topical Response 4 Sites Common to Alternative 2 and Alternative 3 in this Final EIR.

4.2.18 Margot Biehle

Comment PC-46 (Margot Biehle – p. 62 line 11-25)

- There are so many unavoidable environmental impacts on public health and the environment
- Proposed sites are compromised/constrained by environmental impacts

- This exercise to find the right sites feels like we're stuck between a rock and a hard place

Response to Comment PC-46: The commenter refers to several general environmental topics raised by previous speakers but does not provide any specific comments on the adequacy of the analysis in the EIR. Regarding readability of the Draft EIR, please see Response PC-16 above.

4.2.19 Chris Desser

Comment PC-47 (Chris Desser – p. 64 line 2-3, line 10-20)

- We can't understand cumulative impacts because we're looking at projects in unincorporated areas only

Response to Comment PC-47: Please see Topical Response 7 describing how the Draft EIR addresses cumulative impacts. Cumulative impacts – beyond the unincorporated areas of the County, as applicable – are evaluated in each Draft EIR topical chapter (Chapter 4, Aesthetics, through Chapter 20, Wildfire), in the chapter's "Cumulative Impacts" section. Draft EIR section 21.1.2 (Summary of Cumulative Impacts) consolidates and reiterates the findings from each of the individual chapters. Due to the regional effects of some cumulative impacts – for example, transportation, air quality, and GHGs – the cumulative analysis is also provided in the body of the respective topical chapter to show the incremental change in impacts under cumulative conditions.

In addition, Sarah Jones and Rachel Reid, both of County staff, and Barbara Beard of EIR consultant MIG, responded to the comment at the meeting (transcript p. 65 line 11 – p. 67 line 5), referring to Draft EIR content noted above in this response. Please see the meeting transcript in Chapter 3 of this Final EIR, beginning with page 65.

Comment PC-48 (Chris Desser – p. 64 line 25; p. 65 line 1-9)

- Staff should do the 'highlights' with regard to very specific concerns of the Marin community, not MIG

Response to Comment PC-48: Please see Response PC-16 above. In addition, County staff provided an overview of the Draft EIR as part of the staff-led presentation at the Draft EIR hearing on November 16, 2022 (transcript p. 3 -11).

Comment PC-49 (Chris Desser – p. 67 line 7-9)

- Is traffic something you were able to deal with?

Response to Comment PC-49: The comment was responded to at the meeting by Sarah Jones of County staff and Zack Matley of EIR transportation consultant W-Trans. Mr. Matley described the connections between the modeling and evaluation of cumulative transportation, air emissions, GHGs, and noise. Please see the meeting transcript in Chapter 3 of this Final EIR, beginning with page 67.

4.2.20 Stephanie Moulton-Peters

Comment PC-50 (Stephanie Moulton-Peters – p. 69 line 1-3)

- Is the (transportation) information available in the DEIR or the FEIR?

Response to Comment PC-37: Please see Response PC-49 directly above. Draft EIR Chapter 18 (Transportation) provides further details on the topics that Mr. Matley introduced.

4.2.21 Rebecca Lind

Comment PC-51/52 (Rebecca Lind – p. 69 line 21-25)

- Confirm that analysis in the transportation chapter is based on trip generation, which becomes a proxy for congestion

Response to Comment PC-51/52: The analysis in this EIR is based on vehicle miles traveled (VMT), not trip generation. In addition, although related, a comparison between trip generation and traffic congestion is not direct because such a comparison does not account for variables such as roadway and infrastructure capacity and trip distribution. Please see Responses PC-49 and PC-50, directly above.

4.2.22 Margot Biehle

Comment PC-53 (Margot Biehle – p. 70 line 10 – 13)

- Were the additional sites included in the cumulative analysis?

Response to Comment PC-53: This comment was responded to by Barbara Beard of the EIR consultant MIG, at the meeting (transcript, p. 70). In summary, although the RHNA for the County is 3,569 residential units; the Draft EIR Project (not cumulative) analysis evaluates 5,214 residential units, which includes a “buffer” as recommended by HCD and other variables in order to be conservative.

Please also see Topical Response 2 Final Housing Site List and Responses PC-47 and PC-49 above. The Draft EIR needs to conservatively cover a range of potential development scenarios, to allow flexibility for decision makers to make choices in selecting potential housing sites.

Comment PC-54 (Margot Biehle – p. 71 line 5-13)

- Is the assumption that the ceiling for the analysis was 5,214, that that would be the maximum number of units that were ever in play under the CEQA Analysis?

Response to Comment PC-54: This comment was responded to by Barbara Beard and Phil Gleason, both of the EIR consultant MIG, at the meeting; please see page 71 of the meeting transcript included in Chapter 3 of this Final EIR. Please see Responses PC-53 directly above.

4.2.23 Rebecca Lind

PC-55 (Rebecca Lind – p. 72 line 10-13) – Maximum Number of Units.

- The response was “really helpful” regarding Draft EIR methodology

Response to Comment PC-55: For more information regarding this comment, please see Topical Response 1 Use of Program EIR in this Final EIR.

Comment PC-56 (Rebecca Lind – p. 73 line 1-9)

What is the status of sites that are screened out by alternatives but end up being developed through a ministerial process? Would a site-specific CEQA assessment be conducted?

Response to Comment PC-56: This comment was responded to by Rachel Reid of County staff at the meeting; please see page 73 of the transcript in Chapter 3 of this Final EIR. In

summary, “ministerial” projects, by definition, are not subject to CEQA, but they still must conform to adopted County codes, objective design standards, and other existing regulations.

The total inventory of potential residential units evaluated in the Draft EIR does not subtract any allowance for future ministerial projects. In this respect, the Draft EIR analysis is conservative. Please also see response PC-1 above and Topical Response 1 Use of Program EIR in this Final EIR.

Comment PC-57 (Rebecca Lind – p. 74 line 17-19)

- It would be a case-by-case basis to conduct CEQA Analysis for a future development project

Response to Comment PC-57: Rachel Reid of County staff responded to this comment at the meeting. Generally, the answer is “yes,” with this EIR being reviewed first to decide what, if any, further CEQA environmental review would be required.

Comment PC-58 (Rebecca Lind – p. 75 line 8-14)

- Could there be a list of sites that are removed in both alternatives?

Response to Comment PC-58: Yes. Please see Topical Response 4 Blended Alternative of this Final EIR.

Comment PC-59 (Rebecca Lind – p. 75 line 22-25)

- List of alternatives for the overlap would be useful for future discussion

Response to Comment PC-59: Please see Topical Response 4 Sites Common to Alternative 2 and Alternative 3 of this Final EIR.

Comment PC-60 (Rebecca Lind – p. 76 line 1-8)

- Alternative 2
 - Are the sites being removed because they’re considered small or is it the number of units?
 - What are the thresholds?

Response to Comment PC-60: This comment was responded to Sarah Jones of County staff at the meeting; please see page 76 of the transcript in Chapter 3 of this Final EIR. Generally, projects that generate fewer than 110 daily trips are not subject to a VMT analysis; however, this screening threshold alone does not exempt the project from any other applicable CEQA analysis. Please also see Response PC-44 above.

Comment PC-61 (Rebecca Lind – p. 76 line 23-25)

- When there’s a recommendation in the CEQA document, is it based on the projected density assigned to the site?

Response to Comment PC-61: This comment was responded to at the meeting by Sarah Jones of County staff; please see page 77 of the transcript in Chapter 3 of this Final EIR. Yes, the number of residential units projected on any particular site is based on the density assigned to that site.

4.2.24 Dennis Rodoni

Comment PC-62 (Dennis Rodoni – p. 78 line 5-13)

- Alternative 2
 - What is the rationale behind Tomales sites being the furthest location in the corridor?
 - Questions about the alternatives maps

Response to Comment PC-62: In general, the proposed housing sites near Tomales Bay are smaller, rural sites that would be exempt from VMT analysis due to their smaller capacity for new units, while still providing housing opportunities in West Marin County. Please also see Response PC-44 above.

Comment PC-63 (Dennis Rodoni – p. 78 line 17 -24)

- Map key should be consistent for alternatives

Response to Comment PC-63: The maps in Draft EIR Chapter 22 (Alternatives to the Proposed Project, Figures 22.1 through 22.4) do not all illustrate the same variables. The legend on each map identifies which variables are being mapped. In cases where similar labels are applied across figures – such as Figure 22.2 (water) and Figure 22.3 (wastewater), the color red indicates “constraints” on both maps, as identified on the map legend. For legibility on a computer screen and on a printed page, maps typically use primary colors to distinguish different variables. The accompanying text in the chapter provides further detail. Therefore, the alternatives maps’ colors and keys have not been changed for the Final EIR.

Comment PC-64 (Dennis Rodoni – p. 79 line 1-8)

- Explain if sites in Tomales/Nicasio actually have water service since they are on well water and not public utility districts

Response to Comment PC-64: In coordination with the Draft EIR alternatives chapter (Chapter 22), Chapter 19 (Utilities and Service Systems) provides an extensive discussion of water sources in Marin County. The text under Impact 19.2-c explains that any proposed residential development that needs its own water source, such as a well, must follow the protocols and comply with adopted regulations, for supplying potable water before being granted a permit. Due to the uncertainty of locating sufficient individual water supplies, this environmental impact is considered significant and unavoidable.

Comment PC-65 (Dennis Rodoni – p. 79 line 9-22)

- Map key should be consistent for alternatives

Response to Comment PC-65: Please see Response PC-63 above.

Comment PC-66 (Dennis Rodoni – p. 79 line 24-25; p. 80 line 1-2)

- A blended alternative between 2 and 3 may be an acceptable choice

Response to Comment PC-66: A “blended” alternative under CEQA is a possibility. Please see Topical Response 4 Sites Common to Alternative 2 and Alternative 3 (Blended Alternative) in this Final EIR.

4.2.25 Judi Arnold

Comment PC-67 (Judy Arnold – p. 80 line 17 – 21)

- **Letter from MMWD**
 - Please elaborate on what the EIR concluded about water supply in the MMWD service area and countywide
 - What are the strategies to address this concern?

Response to Comment PC-67: Rachel Reid of County staff and Barbara Beard of EIR consultant MIG responded to this comment at the meeting; please see page 80 of the transcript in Chapter 3 of this Final EIR. In summary, the County does not have authority over water districts, and water supply cannot be guaranteed into the future. Despite adopted and proposed proactive policies in the Communitywide Plan (CWP), both Project and cumulative water supply impacts are considered significant and unavoidable for all water service providers in Marin County.

Please also see Topical Response 6 Water Supply in this Final EIR.

Comment PC-68 (Judy Arnold – p. 82 line 4-5; 10-12)

- Might other policies or projects be included at some point in time to address the search for water or the provision of water to new housing?

Response to Comment PC-68: Yes. Both the CWP and the Draft EIR recognize the possibility, and provide flexibility for, future solutions to the current water supply shortage. Also, please see Response PC-67 directly above.

Sarah Jones of County staff also provided background on water supply at the meeting. Please see transcript page 82 in Chapter 3 of this Final EIR.

4.2.26 Stephanie Moulton-Peters

Comment PC-69 (Stephanie Moulton-Peters – p. 83 line 4-14)

- Is it a concern to ask for MMWD or Marin Water to provide additional service if housing sites are moved into their area?

Response to Comment PC-69: Please see Topical Response 6 Water Supply in this Final EIR, as well as Responses PC-64, PC-67, and PC-68, above.

Comment PC-70 (Stephanie Moulton-Peters – p. 83 line 15-23)

- How are all traffic impacts being considered? How closely and what does it look like?

Response to Comment PC-70: Draft EIR Chapter 18 (Transportation) evaluates traffic, consistent with CEQA. Under CEQA, “traffic congestion” in itself is expressly prohibited from being considered a significant environmental impact. The secondary impacts of traffic congestion – air emissions, GHGs, and noise – are evaluated in the Draft EIR in their respective chapters. Please also see Response PC-49 above.

4.2.27 Don Dickerson

Comment PC-71 (Don Dickenson – p. 84 line 1-11)

- Mistakes in Table 3-3, including: (1) Buck Center is not in Black Point; (2) Carmel Monastery is in Marinwood; (3) references to Strawberry; and (4) “mistakes like that.”

Response to Comment PC-71: As part of the Board of Supervisors’ final selection of housing sites, County staff will revise and update the table accordingly. Table 3-3 has been reviewed and updated and the revised table is presented in Chapter 5 of this Final EIR. Please also see Topical Response 2 Final Housing Site List.

Comment PC-72 (Don Dickenson – p. 84 line 12-22)

- EIR to be clear on water that comes from North Marin/MMWD and Sonoma County Water. The same issues that apply to North Marin also apply to MMWD

Response to Comment PC-72: Please see Topical Response 6 Water Supply in this Final EIR, which includes the most recent information. The commenter does not provide a source for this information. The comment does not change the conclusions in this EIR.

4.3 RESPONSES TO AGENCY COMMENTS

4.3.1 Letter A1 California Office of Emergency Services

Comment A1-1: The Safety Element must provide for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, and/or ground failure, tsunami, seiche, and dam failure, slope instability leading to mudslides and landslides, subsidence, liquefaction, other seismic hazards identified pursuant to Chapter 7.8 (commencing with section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body, flooding, wildland and urban fires, and climate change.

Response to Comment A1-1: The Marin County Safety Element Update addresses and provides for protection from seismically induced surface rupture, ground shaking, ground failure, slope instability leading to mudslides and landslides, subsidence, and liquefaction under Goal EHS-3: Safety from Geologic and Seismic Hazards; tsunami, seiche, dam failure, and flooding under Goal EHS-4: Safety from Flooding; wildfire under Goal EHS-5: Safety from Wildfire; and climate change under Goal EHS-6: Resilience to Climate Change.

This comment pertains to the Housing Element/Safety Element, not to the adequacy or content of the EIR. No further response is required.

4.3.2 Letter A2 City of Novato

Comment A2-1: Are the project sites and candidate sites one and the same or different? The EIR indicates that there are 150 project sites with a development capacity of 5,214 units and 150 candidate sites with a total development capacity of 10,993 units. Another section of the EIR states that there are 10,993 candidate housing sites.

Response to Comment A2-1: Draft EIR Chapter 3, Project Description, explains that the proposed Project Housing Sites were selected from the approximately 150 Candidate Housing Sites list (Draft EIR p. 3-10). The potential unit development of the Project Sites is 5,214 housing units, as shown in Table 3-2, and includes the Project Sites, plus a 35 percent density bonus, plus accessory dwelling units, plus a buffer as recommended by the California Department of Housing and Community Development (Draft EIR p. 3-14). Table 3-3 lists the proposed Project Housing Sites (Draft EIR pp. 3-16 through 3-27). Please see Chapter 5 for

revisions to Table 3-3 as a result of new information on some of the housing sites, as well as corrections to how some sites are listed.

However, to allow decision-makers flexibility in their choices in the event that any individual Project Site proves infeasible or undesirable due to potential environmental impacts, the Candidate Sites were also evaluated in the EIR (Draft EIR p. 3-10). The potential unit development of the Candidate Sites is 10,993 housing units (Draft EIR p. 3-30), which also includes a 35 percent density bonus and accessory dwelling units. The Candidate Sites List is included in Draft EIR Appendix B, Background Project Information.

4.3.3 Letter A3 North Marin Water District

Comment A3-1: NMWD would like to reiterate the importance of the following statement, “Water suppliers in the county experience supply deficits during extended drought periods, and the total number of housing units proposed under the Project would increase demands in some areas of the county that already are experiencing supply deficits.”

Response to A3-1: EIR Chapter 19, Utilities and Service Systems, provides a description of existing water conditions, including water supply and the effects of continuing drought, the impacts of potential development facilitated by the Project on water supply, and mitigation measures (Draft EIR pp. 19-1 through 19-62). Due to the uncertainty associated with drought impacts on water supply and with the timing of implementation of efforts by the County and any of the water districts to supplement water supplies in dry and multiple dry years, the EIR determined that impacts related to water supply for the Project and cumulative scenarios are significant and unavoidable with no feasible mitigation measures (Draft EIR pp. 19-52 and 19-53).

Comment A3-2: For NMWD to provide water service to project site no. 16 Atherton Corridor, a storage tank up to 200,000 gallons, 35-foot diameter by 35-foot tall, will need to be installed at elevation 200 feet mean-sea-level. The storage tank would be situated along the Cherry Hill ridge line or Pinheiro ridge line overlooking Rush Creek, Gness Field, and Valley Memorial Park. NMWD current practice is to prioritize the use of stainless steel for new tank construction which could lead to glare to the surrounding area. Other tank site appurtenances that could have adverse impacts on the scenic vista includes: a ten-foot high antenna installed atop the tank, chain-link fencing surrounding the reservoir, and a paved access road with no more than 15% grade constructed from the development to the reservoir

Response to A3-2: The comment is acknowledged, but as discussed in EIR Chapter 1, Introduction, the EIR was prepared to describe program-level countywide impacts of the Project (Draft EIR p. 1-8). Site-specific analysis is not required for program EIRs. As explained in the EIR, “Future site-specific development facilitated by the Project, but which has not yet been described at a project-specific level of detail, will be evaluated for consistency with the EIR if and when development is proposed” (Draft EIR p. 1-9). If and when future development is proposed that would require installation of a new water tank, the site-specific analysis of aesthetic effects, including possible glare impacts, from infrastructure improvements such as a water tank would be conducted. Also, please see Topical Response 1 Use of Program EIR, which explains in more detail how the EIR is intended to support County review of future development projects. It is most likely that the NMWD would be the CEQA lead agency for a water infrastructure project such as a water tank; however, if the County is the CEQA lead agency for a water infrastructure project such as a water tank, the County would implement CWP Program DES-1.c Regulate Urban and Rural Design and Program DES-4.b Minimize

Visual Impacts of Public Facilities; however, without project details, analysis would be speculative.

Comment A3-3: For NMWD to provide water service to project site no. 20 Buck Center Vacant Property, a storage tank up to 400,000 gallons, 45-foot diameter by 35-feet tall, will need to be installed on the eastern slope of Mount Burdell and situated approximately 110 feet higher than the highest development unit. NMWD current practice is to prioritize the use of stainless steel for new tank construction which could lead to glare to the surrounding area. Other tank site appurtenances that could have adverse impacts on the scenic vista includes: a ten-foot-high antenna installed atop the tank, chain-link fencing surrounding the reservoir, and a paved access road with no more than 15% grade constructed from the development to the reservoir

Response to Comment A3-3: Please see response to Comment A3-2.

Comment A3-4: NMWD suggests the following text changes for improved accuracy: “Marin County’s water supplies include surface water, groundwater, recycled water, and imported water. Surface water is the main source of supply for urban areas in the central and southeastern portion of the County, while both groundwater and surface water are the primary sources for rural areas. The majority of water supply in the northeastern portion of the County (Novato and surrounding areas) is imported water ...”

Response to Comment A3-4: Draft EIR Chapter 19 has been revised to reflect the requested changes. Please see Final EIR Chapter 5 Text Revisions to Draft EIR for revisions to EIR Chapter 19, Utilities and Service Systems.

Comment A3-5: NMWD suggests the following text changes for improved accuracy: “The North Marin Water District (NMWD) serves the City of Novato including the adjacent unincorporated areas, and the Point Reyes, Inverness Park, Olema, and Oceana Marin areas of West Marin. In the Novato Service Area, NMWD serves a population of approximately 61,655 people and encompasses an area of approximately 75 square miles. In the West Marin Service Area, NMWD serves a population of approximately 1,800 people and encompasses an area of approximately 24 square miles. NMWD only provides sanitary sewer service to Oceana Marin, while water service in this area is provided by Cal Water and Estero Mutual Water Company.”

Response to Comment A3-5 Draft EIR Chapter 19 has been revised to reflect the requested changes. Please see Final EIR Chapter 5 Text Revisions to Draft EIR for revisions to EIR Chapter 19, Utilities and Service Systems.

Comment A3-6: NMWD is inaccurately shown as a water service provider to the Oceana Marin area in Figure 19.1 Water Service Districts and Providers. NMWD only provides sanitary sewer service to Oceana Marin, while water service in this area is provided by Cal Water and Estero Mutual Water Company

Response to Comment A3-6: Draft EIR Figure 19.1, Water Service Districts and Providers, has been revised to correctly show the water service boundaries as indicated by NMWD. Please see Final EIR Chapter 5 Text Revisions to Draft EIR for revisions to EIR Chapter 19, Utilities and Service Systems.

Comment A3-7: Water demand projections from the District’s 2020 Urban Water Management Plan were recently revised to reflect the most current housing site inventories from the City of Novato and Marin County housing element updates. As a result, the projected water demand in NMWD’s Novato service area is 10,564 acre-feet per year (approx. 9.4 MGD) for planning year

2035, which represents a 319 acre-feet per year (+3%) increase from previous housing inventory potable water demand projections. Please see Attachment by EKI.

The College of Marin Educational Master Plan (2019-2025) & Strategic Plan (2019-2022) identify a plan to design and construct an on-campus housing facility project. Potable water demands for this development were not included in the District's 2020 Urban Water Management Plan. Depending on the size of the project, future dry year supply will be lower than that shown in Table 19-2.

The potable water demand increase in the Draft EIR is inaccurately shown as 10,463 acre-feet per year when the District's 2020 Urban Water Management Plan actually indicates a potable water demand increase of 10,245 acre-feet per year for planning year 2035.

Response to Comment A3-7: The Draft EIR text has been revised to include the updated information provided by NMWD. Please see Final EIR Chapter 5 Text Revisions to Draft EIR for revisions to EIR Chapter 19, Utilities and Service Systems.

Comment A3-8: NMWD would like to emphasize the implications of the results related to the cumulative (Project and Districts' commitments outside of the Project) scenarios which are represented by the middle and right columns in Table 19-2 District Capacity for New Development. As indicated by negative values for "Remaining Distribution Capacity" (which will worsen after the previous comment is addressed), NMWD does not have adequate capacity in "dry years" to serve the new connections proposed for the District's Novato service area in cumulative scenarios.

Response to Comment A3-8: The comment is acknowledged; however, the information does not change the EIR conclusions of a significant and unavoidable water supply impact for NMWD. Please see response to Comment A3-7 for revisions to EIR Chapter 19; no additional revisions to the EIR are necessary.

Comment A3-9: NMWD generally does not have distribution infrastructure in-place for areas north of the City of Novato limits. New housing development proposed north of this extent will require substantial distribution infrastructure be constructed to allow for water service by NMWD. The "Infrastructure Needs" shown in Table 19-4 Infrastructure Needs: North Marin Water District (Preliminary) carry approximate costs upwards of several millions of dollars, which may be cost prohibitive for the size of developments being proposed.

Response to Comment A3-9: The Draft EIR text has been revised to include the potential cost information provided by NMWD. Please see Final EIR Chapter 5 Text Revisions to Draft EIR for revisions to EIR Chapter 19, Utilities and Service Systems.

Comment A3-10: It is important to note that much of the proposed Project's site inventory in the District's Novato service area is within the existing footprint of our recycled water distribution system, which makes recycled water usage feasible at most of the proposed sites. Consistent with NMWD Regulation 18: Recycled Water Service, when the District determines that recycled water service is feasible, written notification will be provided to the applicant that recycled water use is required to the maximum extent permitted.

Response to Comment A3-10: The Draft EIR text has been revised to include the information provided by NMWD. However, several proposed sites are not within the existing footprint for NMWD recycled water service: the Harbor Drive parcels are about 2000 feet from recycled water; the Atherton Corridor parcels are 1,000 to 5,000 feet from recycled water; and the Buck Institute parcels and the Bowman Canyon parcels are between 1.5 and 3 miles away. Please

see Final EIR Chapter 5 Text Revisions to Draft EIR for revisions to EIR Chapter 19, Utilities and Service Systems.

4.3.4 Letter A4 California Department of Fish and Wildlife

At the beginning of their comment letter, CDFW provided a lengthy discussion of Trustee Agency information. It is summarized here as background to their comments. The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of the Draft Program Environmental Impact Report (Draft EIR) from the County of Marin (County) for the Housing and Safety Element Update to the Marin Countywide Plan (Project) pursuant CEQA and the CEQA Guidelines. CDFW previously submitted comments in response to the Notice of Preparation of the Draft EIR on January 20, 2022. The CDFW is a Trustee Agency with responsibility under CEQA for commenting on projects that could impact fish, plant, and wildlife resources (Pub. Resources Code, § 21000 et seq.; Cal. Code Regs., tit. 14, § 15386). CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as a California Endangered Species Act (CESA) Incidental Take Permit (ITP), a Native Plant Protection Act (NPPA) Permit, a Lake and Streambed Alteration (LSA) Agreement, or approval under other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

Pursuant to this authority, CDFW submitted a letter on December 7, 2022 detailing their concerns, comments, and recommendations regarding the Project and the Draft EIR. In their letter, CDFW stated that the Project has the potential to impact species listed under the California Endangered Species Act (CESA), including but not limited to the northern spotted owl (*Strix occidentalis caurina*), a CESA-listed as threatened species.

The issues that were covered in the December 7 letter are covered in Chapter 7 of the Draft EIR as revised in the Final EIR volume in response to this letter. See responses A4-1 to A4-3 below.

A4 – California Department of Fish and Wildlife (CDFW)

Comment A4-1: The DEIR identifies that “future site-specific development facilitated by the Project, but which has not yet been described at a project-specific level of detail, will be evaluated for consistency with this DEIR if and when the development is proposed” (DEIR, page 2-4). CDFW provided comments on the NOP for the DEIR in a letter dated January 20, 2022 and recommended providing a clear checklist or procedure for evaluating subsequent Project impacts and clearly citing the portions of the DEIR, including page and section references, containing the analysis of the subsequent Project activities' potentially significant effects. The DEIR does not include the checklist and CDFW strongly recommends that the DEIR include a procedure or checklist for subsequent projects in an appendix to ensure subsequent project impacts to fish and wildlife resources are appropriately evaluated in compliance with CEQA and impacts are mitigated to less-than-significant.

Response to Comment A4-1: The Draft EIR has been revised to commit the County to implementing a checklist and to establishing a procedure for using the checklist and processing the resulting information (see Chapter 5.4 of this Final EIR), with the following specific requirements:

- The County shall use a standard checklist and implementing procedure to document its review of project applications, and to determine whether the project qualifies as a ministerial project or requires additional CEQA review.

- This checklist should include information such as, a) identification and location of the project site; b) description of the project; c) description of any natural features on the project site; d) a description of what biological resources may be impacted; e) avoidance and/or mitigation measures that are incorporated into the project to keep impacts to biological resources to less than significant, and f) whether regulatory agency permits would be required.
- The procedure would specify the actions the County will carry out in establishing the checklist and reviewing application materials. For example, the procedure shall specify which County department receives and reviews application materials, the steps required to respond to the information received in the application process, which County department determines the need for a biological resource report, steps the County must take to initiate hiring a qualified biologist to prepare a biological resources report, reviewing the biology report for compliance with federal, state, and County policies, and whether the avoidance/mitigation measures identified in the report reduce the impacts to biological resources to less than significant, preparing an assessment of compliance with County policies, tracking any required permits and permit conditions, and
- Specifying how the County will verify that the project has complied with mitigation.

This requirement has been added to Mitigation Measures 7-1 and 7-2 (see Chapter 5.4 of this Final EIR).

Comment A4-2: Deferred Mitigation, Pages 2-18, 2-19, 2-20

Issue, specific impacts, why they may occur and be potentially significant: The DEIR identifies that development facilitated by the Project could have a substantial adverse effect, either directly or through habitat modifications, on candidate, sensitive, or special-status species (DEIR pages 2-18 and 7-26). The DEIR identifies five candidate housing sites (Bowman Canyon, Buck Center, San Domenico School, 6760 Sir Francis Drake Boulevard, and Vacant Point Reyes Station) which have a moderate to high potential to support special-status species and acknowledges that developed and disturbed sides may also support special-status species (DEIR page 7-26).

Mitigation Measure 7-1 proposes to mitigate this impact by requiring that a biological resources site assessment be prepared to address the presence or absence of biological resources, make recommendations for protocol-level surveys, provide an impact assessment of the proposed activities on biological resources, create mitigation measures for avoidance of harm, and determine compensation for the loss of sensitive biological resources (DEIR pages 2-19 and 2-20). Mitigation Measure 7-1 then states:

“the County shall review the results of the biological resources site assessment to determine whether impacts to Special-Status Species are likely to occur and the actions needed to avoid identified impacts, as well as to determine if additional County permits are required, and the appropriate level of CEQA review” (DEIR page 2-20).

CDFW does not consider the biological resources site assessment’s “mitigation measures” a mitigation measures under CEQA, as mitigation measures must be included in the CEQA environmental document, in this case the Draft EIR (CEQA Guidelines, §§ 15126.4). CEQA Guidelines section 15126.4, subdivision (b) states: “The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project’s environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and

(3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. Compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards.”

Mitigation Measure 7-1 does not adopt specific performance standards, nor does it identify types of actions that could meet these standards.

Further, the County reviewing subsequent projects does not provide certainty that impacts to special-status species would be reduced to the level of less-than-significant. Mitigation Measure 7-1 states that the County will determine actions needed to avoid impacts, but there is no requirement that any action would be taken. A potential outcome based on the text of Mitigation Measure 7-1 is that subsequent Project impacts to the state and federally threatened Northern spotted owl, or other special-status species, would not be appropriately evaluated or identified in the biological resources site assessment, and appropriate mitigation measures to reduce impacts to less-than significant would not be implemented.

Without specific performance standards CDFW considers impacts to special-status species as potentially significant (CEQA Guidelines, §§ 15065, 15380).

Recommended Mitigation Measure: To reduce potential impacts to special-status species to less-than-significant, CDFW recommends the DEIR evaluate potential Project impacts and include specific mitigation measures for foreseeable potentially significant impacts. Where future site-specific impacts may not be presently foreseeable based on the Project’s broad scope, the checklist discussed in Comment 1 above should be used to determine if a future CEQA environmental document is required.

CDFW would appreciate the opportunity to review the revised DEIR and may have further comments once more specific species information is provided. For example, CDFW recommends including the below mitigation measure in the DEIR:

Northern Spotted Owl Habitat Assessment and Surveys. If forest or woodland habitat is present within 0.25 mile of the project area, a qualified biologist shall prepare an assessment of potential Northern spotted owl (NSO) nesting habitat within the project area and a 0.25-mile radius and obtain CDFW’s written acceptance of the assessment. Alternatively, if the assessment is not completed, or if it concludes that NSO nesting habitat is present, then no project activities within 0.25 miles of potential NSO nesting habitat shall occur between March 15 and August 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the USFWS Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls, dated (revised) January 9, 2012. Surveys shall be conducted in accordance with section 9 of the survey protocol, Surveys for Disturbance-Only Projects. If breeding NSO are detected during surveys, a 0.25 mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW’s written acceptance of the qualified biologist and survey report prior to project construction occurring between March 15 and August 31 each year.

Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.

If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP, and also consult with USFWS pursuant to the federal Endangered Species Act.

Response to Comment A4-2: The Draft EIR text has been revised in the following ways to provide greater certainty that impacts to special-status species would be avoided or reduced to a less than significant impact.

Revisions to the Draft EIR text Draft discussing Impact 7-1 (Impacts to Special-Status Species) related to the Housing Element include the following:

- The impact text has been clarified to state that discretionary development projects will be evaluated on a project-by-project basis by the County for consistency with the Marin County Countywide Plan (CWP) policies and programs focused on the protection of special-status species (see Chapter 5.4 of this Final EIR for text revisions), and that project proponents are required to comply with state and federal laws and regulations protecting biological resources. For reference, the CWP policies and programs are described in section 7.2.3 (Draft EIR pages 7-16 to 7-23).
- The impact text has been clarified to state that policies that provide protection of biological resources due to discretionary development projects do not cover non-discretionary projects (ministerial projects), but that ministerial projects are still required to comply with state and federal laws and regulations protecting biological resources. The laws and regulations are then listed.
- The impact text has been clarified to state that ministerial projects must also comply with biological resource protection requirements in the County's Development Code and Objective Design Standards that are contained in the Form Based Code once they are adopted. The Development Code and Objective Design Standards state that all applicants of non-discretionary development projects must submit an application that discloses whether any species of special concern occur on the site and must submit a map showing sensitive resources that are subject to regulations by a public agency. The impact section goes on to state that these projects must also comply with state and federal laws protecting special-status species.

Revisions to the text (see Draft EIR pages 7-26 to 7-29) discussing Impact 7-1 (Impacts to Special-Status Species) related to the Safety Element include the following:

- The impact text has been clarified to state that special-status species could be impacted through grading and vegetation clearing due to ministerial road improvements. It is clarified that these projects must still comply with state and federal laws protecting biological resources described in section 7.2.1 and 7.2.2 in the Draft EIR. It is further clarified that special-status species could be impacted if the County's review of these projects does not include specific information submittal requirements regarding the presence and protection of sensitive species and their habitats (see clarification to Draft EIR text in Chapter 5.4 of this Final EIR.).
- The impact text has been clarified to state the CWP policies and programs that provide protections to special-status species related to discretionary Safety Element projects (e.g., levee, flood wall, flood barrier construction or improvement projects), and that the County would comply with these policies and programs. It is further clarified that discretionary Safety Element projects must also comply with state and federal laws protecting special-status species.

- The impact section has been revised to clarify the types of actions that private homeowners perform for defensible space, as required by state law, and that these activities would continue and increase with development facilitated by the Housing Element Update and implementation of Safety Element Update policies and implementation programs. These activities have not and will not require discretionary review by the County, but it is clarified that these activities are required to comply with state and federal laws protecting special-status species.
- The impact section describes in more detail the new Safety Element Policy EHS-5.5.c, which requires landowners to construct and maintain ecologically sound fuel breaks for fire suppression, and new Safety Element Policy EHS-5.5.d, which requires fuel reduction and management plans for new developments. These plans must demonstrate consistency with the Marin Wildfire Prevention Authority's ecological sensitive vegetation management guidelines, as well as federal, state, and County environmental and biological resource protection regulations.

Additional information was added to the text in Mitigation Measure 7-1 related to the protection of special-status species during the implementation of Safety Element Activities. See Chapter 5.4 of this Final EIR for these revisions to Draft EIR text.

- Mitigation Measure 7-1 provides additional information that is required in the site assessment to ensure that potential impacts on special-status species are less than significant. The additional information includes the following:
 - An assessment of compliance with CWP and Development Code policies and a statement of what permits may be required from the regulatory agencies and the County.
 - Requirement for mitigation measures that would avoid harm or removal of sensitive biological resources.
 - Requirement for mitigation measures if take of special-status species or their habitats cannot be avoided and the types of mitigation that would be acceptable to the responsible agencies (CDFW and/or USFWS).
 - Clarification that the County will evaluate the site assessments to determine if additional agency or County permits are required.
- Additional information was added to the text in Mitigation Measure 7-1 related to ministerial road improvement projects.
 - Description of County application requirements for ministerial road improvement projects to ensure impacts on special-status species are less than significant, and that permits for ministerial projects will not be granted until such projects demonstrate avoidance of significant impacts in materials required to be submitted as part of the application.
 - Commitment that the County will use a standard checklist and implement a procedure to document its review of project applications, and to determine whether the project qualifies as a ministerial project or requires additional CEQA review. The checklist shall include information such as, a) identification and location of the project site; b) description of the project; c) description of any natural features on the project site; d) a description of what biological resources may be impacted; e) avoidance and/or mitigation measures that are incorporated into the project to keep impacts to biological resources to less than significant, and f) whether regulatory agency permits would be required.

CDFW has recommended including detailed mitigation measures for each special-status species. Considering this is a programmatic EIR for two general plan elements that guide development for the next eight years, and that flexibility in site-specific mitigation requirements is needed for all parties including the resource agencies, very specific mitigation measures, including replacement ratios, are not required to be specified in this program level EIR.

The Draft EIR assesses CWP policies and programs that protect biological resources, adds policy language to protect biological resources, and requires continued assessment of biological resources on a site-specific and time-specific basis for currently undefined projects.

Proposed CWP policies and mitigation measures identified in the Draft EIR, as revised by text revisions in this Final EIR text volume, require that all contemplated projects facilitated by the Housing Element and Safety Element Updates would be subject to a site-specific biological review by a qualified biologist, and that mitigation, such as surveys for special-status species, nesting bird and roosting bat surveys, pre-construction surveys, having a biological monitor present, compensatory mitigation, must be required as appropriate and be implemented. In addition to these mitigation measures, projects must also comply with state and federal laws that protect biological resources, including the Federal Endangered Species Act, Federal Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, Magnuson-Stevens Fishery Conservation and Management Act, California Fish and Game Code sections 1602 and 1603 protecting alteration of rivers, streams, and lakes including alteration that may adversely affect fish and wildlife; Fish and Game Code sections 5515 (for fish), 5050 (for amphibians), 3511 (for birds), and 4700 (for mammals); McAteer-Petris Act; Native Plant Protection Act, and the California Endangered Species Act.

With these mandates, and the clarification of the measures in the Final EIR, adoption of the Housing Element and Safety Element will not result in significant impacts to biological resources. All projects that are facilitated by the Housing Element and Safety Element Updates that must comply with County codes and all discretionary projects must comply with the EIR mitigation measures that protect biological resources.

In consideration of the context of the programmatic EIR and the need for flexibility in determining site specific mitigation and replacement ratios, site-specific and project-specific mitigation for biological resources is not required to be identified in this programmatic EIR, but will be determined as part of the detailed future review of site-specific development proposals. t

Comment A4-3: Measures to Reduce Impacts to Sensitive Natural Communities, Riparian Habitat, and Wetlands, and LSA Notification and Clean Water Act compliance, Pages 2-20, 2-21, 2-22, 7-29, 7-30, 7-31, and 7-32.

Issue, specific impacts, why they may occur and be potentially significant: The DEIR identifies that, without mitigation incorporated, the Project is likely to have significant impacts to sensitive natural communities, riparian habitat, and wetlands (pages 7-29, 7-30, 7-31, and 7-32).

Mitigation Measure 7-2 (DEIR pages 2-20, 2-21, and 2-22) proposes to reduce this impact by requiring the County and/or contractors to prepare a Construction Management Plan (CMP) including best management practices for subsequent Projects that involve vegetation removal within or in proximity to riparian areas, wetlands, and sensitive natural communities. The best management practices may include but are not limited to setbacks from riparian areas and wetlands, identification and delineation of sensitive areas, erosion control measures, and measures to control pollutants (DEIR page 7-32). Mitigation Measure 7-2 does not include mitigation for temporary or permanent impacts to sensitive natural communities, riparian habitat,

or wetlands resulting from subsequent Project activities, require subsequent Projects to submit an LSA Notification to CDFW and comply with the LSA Agreement pursuant to Fish and Game Code section 1602 et seq., or require obtaining permits for impacts to waters and wetlands pursuant to the Clean Water Act.

CDFW does not consider preparation of a CMP to be a mitigation measure under CEQA. While Mitigation Measure 7-2 identifies types of actions, it does not adopt specific performance standards, as outlined in Comment 2.

Further, the County and/or contractors preparing a CMP would not provide certainty that impacts to sensitive natural communities, riparian habitat, and wetlands would be reduced to the level of less-than-significant. Mitigation Measure 7-2 states that the County and/or contractors shall prepare a CMP including best management practices but makes the best management practices optional and does not state that the best management practices shall be implemented. A potential outcome based on the text of Mitigation Measure 7-2 is that best management practices would not be appropriately evaluated or identified in the CMP to reduce impacts to less-than-significant and the CMP would not be implemented.

Without specific performance standards and ensuring compliance with LSA Notification requirements, CDFW considers impacts to sensitive natural communities, riparian habitat, and wetlands as potentially significant.

Recommended Mitigation Measure: To reduce impacts to sensitive riparian habitat to less-than-significant and comply with Fish and Game Code section 1602 et seq., CDFW recommends that Mitigation Measure 7-2 clearly require: 1) subsequent Projects to submit an LSA notification to CDFW prior to construction and comply with the LSA Agreement, if issued, if the Project may substantially impact a stream or lake; 2) preparation and implementation of a restoration plan to restore all temporarily impacted areas on-site, and to offset permanent impacts, restore riparian habitat on-site or off-site at a minimum 3:1 mitigation to impact ratio for acreage and linear distance of impacts; 3) the restoration plan to include the below minimum tree replacement to removal ratios; and 4) the restoration plan and any reduction from the ratios to be approved by CDFW in writing. Restoration shall occur as close to the Project site as possible and within the same watershed and same year of the impacts.

- 1:1 for removal of non-native trees;
- 1:1 for removal of native trees other than oak (*Quercus* sp.) up to 3 inches DBH (diameter at breast height);
- 3:1 for removal of native trees other than oak 4 to 6 inches DBH;
- 6:1 for removal of native trees other than oak greater than 6 inches DBH;
- 4:1 for removal of oak trees up to 6 inches DBH;
- 5:1 for removal of oak trees greater than 6 inches to 15 inches DBH; and
- 10:1 for removal of oak trees greater than 15 inches DBH.

Planted trees shall be monitored for a minimum of five years to ensure survival. The trees must survive the last two years of the minimum five-year monitoring period without irrigation. Replanted trees shall have the same five-year monitoring requirements.

Additionally, Mitigation Measure 7-2 should require restoration on-site or off-site to mitigate temporary or permanent subsequent Project impacts to sensitive natural communities at a minimum 1:1 (restore onsite temporary impacts) or 3:1 (permanent impacts) mitigation to impact ratio for acres of impacts, or habitat compensation including permanent protection of habitat at the same ratio through a conservation easement and preparing and funding implementation of a long-term management plan.

Mitigation Measure 7-2 should also require habitat compensation for permanent wetland impacts and obtaining permits from the Regional Water Quality Control Board and Army Corps of Engineers pursuant to the Clean Water Act.

Response to Comments A4-3: Including specific mitigation ratios to undescribed projects in a programmatic EIR is problematic because a) the minimum 3:1 ratio for riparian/wetlands does not consider the quality of habitat being impacted or provide room for discussion during the permit process; and b) the ratios (both riparian/wetlands and tree replacement) may conflict with future project-specific permit requirements. The programmatic EIR needs to address the types of impacts that may occur due to future development facilitated by the proposed Housing Element and Safety Element Update to the CWP, indicate the process for addressing those impacts, and identify the types of mitigation that may be applied on a project-specific basis, but it also should provide flexibility for the agencies to review the project and determine whether these minimum ratios make sense. In consideration of CDFW's concern about this, Mitigation Measure 7-2 has been revised as follows:

- Text has been added to Mitigation Measure 7-2 to clarify that, the County and/or contractors shall consult with state and federal regulatory agencies that have jurisdiction over regulated habitats and sensitive natural communities to determine whether permits and mitigation are required.
- Text has been added to Mitigation Measure 7-2 to state that the County shall modify the application review process similar what is described in Mitigation Measure 7-1 for ministerial road improvement projects to require a biological evaluation, avoidance and minimization measures to protect sensitive resources, demonstration of obtaining any required regulatory permits, and demonstration of compliance with permits and mitigation. The language also requires that there is no net loss of habitat acreage, values, and function and proposed compensatory mitigation shall be acceptable to the regulatory agencies. The biological evaluation shall disclose what, if any, sensitive biological resources are present on the site including wetlands, Stream Conservation Areas (SCAs), Wetland Conservation Areas (WCAs), Habitat Conservation Plans, Natural Community Conservation Plans, habitat for protected species, state and federal regulated habitats, and sensitive natural communities. See Chapter 5.4 of this Final EIR for revisions to the Draft EIR text.
- Language was added to Mitigation Measure 7-2 to state that the County shall also implement a standard checklist and procedure described in Mitigation Measure 7-1 to document its review of project applications, and to determine whether the project qualifies as a ministerial project or requires additional CEQA review. The checklist shall specifically require information on the project's impacts to sensitive natural communities that may not be covered under any state or federal laws or regulations.

The Draft EIR text and mitigation measure 7-2 have also been revised in the following ways to provide greater certainty that impacts to riparian habitats, wetlands, and sensitive natural communities would be avoided or reduced to a less than significant impact when implementing the Housing Element.

- Language has been added to the Impact section 7-2 to clarify that discretionary and ministerial housing projects must comply with all state and federal laws and regulations that protect riparian habitats and wetlands. The laws and regulations cited in the commenter's letter were added to this section along with a statement that projects

impacting riparian areas and wetlands must apply for regulatory permits and implement any required mitigation.

- CWP policies and programs that are focused on the protection of riparian habitats and wetlands, with which housing projects are required to comply, have been specified in this Impact section.
- Example compensatory mitigation ratios have been included in the Impact section 7-2 with the caveat that the actual ratios may be difference as determined by the County and other agency review.

Additional information was added to the text in Impact section 7-2 related to the protection of riparian habitats, wetlands, and sensitive natural communities during the implementation of Safety Element Activities.

- Language has been added to Impact section 7-2 to clarify that projects facilitated by the Safety Element Update may have the potential to impact riparian habitats, sensitive natural communities, and wetlands through implementation of the Safety Element policies and programs related to non-discretionary road improvement projects. Language has been added to clarify that all projects must comply with all state and federal laws and regulations that protect riparian habitats and wetlands and must comply with mitigation requirements in regulatory permits when such permits are required.
- Language has been added to Impact section 7-2 to clarify that Safety Element projects subject to discretionary review by the County must also comply with state and federal laws and regulations that protect riparian habitats and wetlands and must comply with mitigation requirements in those permits.
- Language has been added to Impact section 7-2 to clarify that sensitive natural communities that are not associated with state or federally-regulated habitats are not protected by any state or federal laws. While impacts on these communities would be evaluated during CEQA review of discretionary projects, there is no mechanism to protect these resources if affected by ministerial projects without CEQA review. The lack of review and potential for impacts on sensitive natural communities that are not regulated would be a potentially significant impact.

Additional information was added to the text in Mitigation Measure 7-2 related to the protection of riparian habitats, wetlands, and sensitive natural communities during the implementation of Safety Element Activities.

4.4 RESPONSES TO ORGANIZATION COMMENTS

4.4.1 Letter O1 Marin Conservation League (MCL)

Comment O1-1: General Comment. MCL compliments the County staff for preparing a well written and thorough DEIR. The analysis is supported by detailed studies, technical and quantitative information, and credible substantial evidence (within the DEIR text sections and as standalone appendices).

Response to Comment O1-1: The Draft Program EIR was prepared by Marin County in accordance with the California Environmental Quality Act, including CEQA (Public Resources Code sections 21000-21178.1), the State CEQA Guidelines (California Code of Regulations, Title 14, sections 15000-15387), and the Marin County Environmental Impact Review Guidelines.

Comment O1-2: In our June 24, 2022, comment letter on the Draft Housing and Safety Elements, MCL recommended that the Appendix C - Sites Inventory table be revised to include known environmental conditions and constraints for the individual housing sites. Adding this information to the Sites Inventory table will assist the public and decision-makers in better understanding these conditions and challenges of certain sites. MCL continues to urge the County to include known, site-specific environmental conditions and constraints in the Appendix C Site Inventory table.

Response to Comment O1-2: This is a comment on the proposed Housing Element Update and Safety Element Update project, and not on the adequacy or content of the Draft EIR; the comment does not raise any significant environmental issues. Environmental conditions of the proposed Project sites, as well as the Candidate Housing Sites presented in Appendix C of the Housing Element (and Appendix B of the Draft EIR), are considered at a program level in each resource section of the EIR. Please see Topical Response 3. No further response is required.

Comment O1-3: For the Housing Element, the County identified “candidate housing sites” (Sites Inventory table) to consider for the 2023 to 2031 planning period for the Housing Element Update, with a potential of up to approximately 10,993 housing units. As noted in the DEIR project description, these candidate housing sites represent a greater number of sites than required by the County’s RHNA (3,569 units) and serve as the inventory from which the County’s actual RHNA requirement will be selected. For a conservative environmental analysis, this larger number of sites is evaluated in this EIR, while the “proposed Project” comprises a total inventory of 5,214 residential units (which accounts for potential density bonuses, the inclusion of a State-encouraged “buffer,” and projections for new Accessory Dwelling Units [ADUs]). This approach is a bit confusing and difficult to follow. Please provide a clearer explanation of these assumptions, as they could have a notable influence on the DEIR impact findings.

Response to Comment O1-3: Please see Topical Response 2. To develop the list of proposed Project housing sites for 5,214 units as presented in Table 3-3 in the Draft EIR Project Description, the County initially studied approximately 150 housing sites that could provide up to 10,993 possible units, called “Candidate Housing Sites”, that were suitable for residential development within the Housing Element planning period of 2023 through 2031. The 150 Candidate Housing Sites have a development potential that would allow up to 10,993 units, including Accessory Dwelling Units and Density Bonus allowances. The Marin County Planning Commission and Board of Supervisors selected from the Candidate Housing Sites to identify the “Project Sites” described in section 3.4.2(d) that are proposed to meet the County’s RHNA of 3,569 units, plus the buffer units and density bonus units for a total of 5,214 units. Please see page 3-30 of the Draft EIR Project Description for a detailed discussion of the Candidate Housing Sites, all of which are analyzed at a program level in the EIR. Also, please see Chapter 5 of this Final EIR for revisions to Table 3-3 as a result of new information on certain housing sites that was not available at the time the Draft EIR was published.

The County will rely on this list of Candidate Housing Sites to choose alternative sites if any of the proposed Project housing sites listed in Table 3-3 must be eliminated from the Housing Element as a potential housing site in the future due to HCD comments, legal, policy, or environmental concerns. The County will replace housing sites that need to be removed from the list of proposed Project Sites (as listed in Table 3-3) with sites from the Candidate Housing Sites list to maintain the HCD recommended buffer of between 15 and 30 percent units above RHNA requirements.

This EIR includes an assessment of environmental impacts associated with housing development of both the proposed Project list of housing sites, and where appropriate the Candidate Housing Sites to allow for informed consideration of alternative sites that satisfy the RHNA in the event certain housing sites identified in Table 3-3 prove to be infeasible or undesirable. The Program Draft EIR analyzes the potential impacts of any of the sites in the Candidate Housing Site list being

developed with housing. The EIR analysis is at a countywide program level, but the Air Quality, Greenhouse Gas and Energy, Noise, and Transportation Chapters are based specifically on the evaluation of the 10,993 units on the Candidate Housing Sites list.

The Marin County Planning Commission and Board of Supervisors provided input and direction on the final site selection at a meeting on December 6, 2022 where the Supervisors approved a final housing site list that is slightly different than presented in Table 3-3 in the Draft EIR. Replacement sites would be selected from the Candidate Housing Sites list and thus will have been adequately analyzed in this EIR and will not constitute a change in the project. Please see Chapter 5 of this Final EIR for revisions to Table 3-3 as a result of new information on certain housing sites that was not available at the time the Draft EIR was published.

Comment O1-4: Analysis of Draft Safety Element. In certain topic sections of the DEIR, there is either minimal reference to or no discussion of the Draft Safety Element (e.g., Aesthetics and Air Quality topic sections). In these specific topic areas, it may have been determined that the Draft Safety Element and its implementing programs would result in no impact in that topic area. If this is the case, the Draft Safety Element should be clearly discussed and dismissed in that topic area section. If it was determined during the Notice of Preparation process that the Draft Safety Element would result in no impact to a specific topic area, then it should be reiterated in Final EIR text. This additional note will acknowledge that the topic area was not overlooked but considered and dismissed.

Response to Comment O1-4: The Draft EIR impact analysis covers impacts of both the Housing Element and Safety Element Updates and discloses impacts and requires mitigation associated with each of the elements.

Comment O1-5: The Draft Safety Element includes excellent policies and programs that would facilitate reduction in fire hazard and address/combat increased flooding/projected sea level rise. Two factors should be considered and discussed in the Final EIR. First, the DEIR presents no discussion about the beneficial environmental impacts of the Draft Safety Element—they should be spotlighted, particularly since the DEIR cites a number of its policies and programs to reduce the Draft Housing Element impacts associated with individual housing site development. The beneficial environmental impacts could be used to: a) offset the significant, unavoidable impacts determined by the DEIR; and b) assist in bolstering the findings of overriding consideration that must be made to adopt the two policy documents.

Response to Comment O1-5: When relevant to the impact analysis, the Draft EIR presents Safety Element policies and implementing programs in a section titled “Proposed Policies and Actions to Avoid or Reduce Significant Impacts” and the impact analysis discussion describes how the policy or implementing program would effectively reduce or eliminate environmental impacts. These chapters include Chapter 7 Biological Resources, Chapter 8 Cultural, Tribal Cultural, and Historic Resources, Chapter 9 Geology and Soils, Chapter 11 Hazards and Hazardous Materials, Chapter 12 Hydrology, Chapter 13 Land Use, and Chapter 20 Wildfire.

Comment O1-6: The second factor is the need to highlight the specific value and use of these Draft Safety Element policies and programs in guiding, carefully planning, and minimizing housing sites in high hazard areas (e.g., specifically areas vulnerable to increased flooding/projected sea level rise in the Baylands Corridor and very high fire hazard zones).

Response to Comment O1-6: Please see response to Comment O1-5. The Draft EIR presents relevant policies and implementation programs in a section titled “Proposed Policies and Actions to Avoid or Reduce Significant Impacts” and the impact analysis discussion describes how the policy or implementing program would effectively reduce or eliminate environmental impacts, including minimizing environmental hazards to future housing development. For example, Chapter 7, Biological Resources presents a list of Safety Element policies and implementing programs from the June 1, 2022 Public Draft Safety Element that include components which would benefit biological resources. (see p. 7-24). In Chapter 12 Hydrology and Water Quality, section 12.3.2 on page 12-19 presents the proposed revised and new policies and implementing programs from the Safety Element Update that would avoid or reduce significant hydrology and water quality impacts.

Comment O1-7: The SUI impacts are found for the topic areas of aesthetics, air quality, historic resources, GHG emissions, noise, transportation (vehicle miles traveled (VMT)) and utilities (water supply and wastewater service capacity). For some of these topic areas, mitigation measures are identified (e.g., for air quality and transportation impacts performance standard-based measures are recommended for VMT reduction), but several topic areas are void of potential measures. The CEQA Guidelines recommends that when an impact is determined to be significant and unavoidable, feasible mitigation measures should be considered and presented, even if the impact cannot be reduced to a less-than-significant level. It is intended to provide a “good faith effort” to reduce impacts, even if the project impacts cannot be reduced to acceptable levels. It would be valuable to include this discussion for the relevant topic areas in the Final EIR text.

Response to Comment O1-7: Mitigation Measures were recommended for all significant and unavoidable impacts except for Aesthetics (impacts to scenic vistas and existing visual character and quality) and utilities systems (water supply and wastewater service capacity).

The aesthetics impact analysis in Chapter 4 Aesthetics (pages 4-9 through 4-13) describes the County’s CWP policies and Development Code requirements for minimizing impacts to scenic vistas and the visual character and quality of a site and describes the environmental review and design review process for discretionary projects versus ministerial projects. The analysis concluded that although objective design standards are likely to be adopted by the time a housing development application is submitted for “streamlined” review, it is unknown whether these standards would minimize project effects on the visual character or quality of the area sufficiently to reduce project effects to less-than-significant. In addition, the effectiveness of County design review of discretionary projects without details of the site design, building scale, and location would be speculative. Because neither the County’s design review process nor use of objective design standards, when adopted, may be adequate to reduce project effects on scenic vistas or the visual character or quality of the area to a less-than-significant level, it was determined that no feasible mitigation measures were available for ministerial and streamlined projects, and the impacts were considered significant and unavoidable.

The Utility impact discussion in Chapter 19 Utilities and Service Systems described Housing and Safety Element Update policies and implementation actions addressing water service and wastewater treatment capacity, however, implementation of these policies and actions would take longer than the planning horizon for the proposed Project which is the 8-year housing cycle (2023-2031) and, therefore, they would not be effective in reducing impacts to water and wastewater treatment providers and infrastructure. As a result, the EIR concluded there are no feasible mitigation measures for these impacts. The utility impacts to water service providers and water supply systems (Impacts 19-2A, 19-2b, and

19-2c) and impacts to wastewater treatment providers and septic systems (Impacts 19-3a, 19-3b, and 19-3c) were addressed by Alternative 3 Reduced Utility Impacts, which identified specific housing sites relocated outside of the service district boundaries of water and wastewater treatment providers that showed either current or future inability to serve new development.

Comment O1-8: The DEIR briefly acknowledges the “by-right” review process and ministerial projects. However, there is no detailed discussion of which housing sites may be eligible for this review, or how this process interfaces with the DEIR review of the Draft Housing Element. While, per State law, housing projects subject to the “by-right” review would be exempt from CEQA review, such projects could still result in site-specific environmental impacts. The State law also assumes that environmental issues are addressed at the “front-end” of the process when property zoning decisions are made.

Response to Comment O1-8: Please see Topical Response 1 which provides information on the “by-right” and ministerial project review process and the requirements these projects must adhere to. All “by-right” and ministerial projects must be consistent with the zoning of the specific project parcel and must meet all County Development Code, Building Code, Fire Code and any other applicable municipal code requirement adopted by the County, include the Objective Design Standards contained in the Form Based Code the County intends to adopt shortly.

Non-discretionary (ministerial) projects such as “by right” housing projects and those consistent with the Objective Design Standards contained in the Form Based Code, as well as Safety Element related ministerial projects, must be consistent with Federal and State laws (U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Air Resources Board/Bay Area Air Quality Management District, California Department of Fish and Wildlife, State Water Resources Control Board/San Francisco Bay Regional Water Quality Control Board, State Lands Commission, Bay Conservation and Development Commission, etc.).

Comment O1-9: The State laws covering by-right review (SB35 and SB9) acknowledge that the presence of certain environmental conditions and constraints on a housing site influence by-right review eligibility. Housing sites are not eligible for the by-right review if the site: a) contains and impacts wetlands; b) is located within a FEMA designated flood plain or floodway; c) is within the CalFire very high fire hazard zone; d) is a hazardous waste site; e) is within a delineated earthquake hazard zone; and f) contains habitat for protected species. These exceptions are clearly and adequately covered in the County’s recently adopted Ordinances 3765, 3766, and 3767 establishing the “by-right” review process for SB35 and SB9 projects. However, as presented in the DEIR, there are other environmental topic areas for which the DEIR recommends future, site-specific study/analysis when an individual housing site is proposed for development. Two examples of other impacts not addressed by SB35 and SB9 that require mitigation at the time of site development review include transportation (Mitigation Measure 6- 1 and 18-4 recommends a Vehicle Miles Traveled [VMT] analysis) and air quality (Mitigation Measure 6-2 recommends an air quality analysis). This approach works for future projects that are subject to the conventional planning review process and CEQA review clearance, but do not cover the housing project seeking “by-right” review. To address this void, MCL suggests the Final EIR include the following:

a. A more detailed discussion of the “by-right” process and its relationship to this EIR. The discussion should acknowledge and discuss that “by-right” review is covered by County Ordinances 3765, 3766, and 3767, and that the presence of certain environmental conditions make sites ineligible for this review.

b. As recommended in #5 above, acknowledge and cite self-mitigating measures and tools that the County automatically requires and implements through the provisions of the Marin Title 22 Development Code for site-specific development.

c. Acknowledge the draft “objective design standards” required to implement “by-right” review. These standards incorporate, among others, the Multiple Family Design Guidelines, which include measures to reduce aesthetic impacts resulting from building height and bulk.

d. Consider amending Ordinances 3765, 3766, and 3767 and the draft “objective design standards” to incorporate DEIR mitigation measures for impacts not addressed under SB 35 and SB9.

Response to Comment O1-9: Please see Topical Response 1 for a discussion of the “by-right” process and policies and regulations these projects must comply with.

Comment a: Please see Topical Response 1 for a discussion of “by-right” and ministerial projects and the regulations they must comply with. By definition, “by-right” and ministerial projects are exempt from environmental review so they would not have any relationship to this EIR and none of the Project mitigation measures would apply to them.

Comment b: As described in Response to Comment O1-5, when relevant to the impact analysis, the Draft EIR presents Safety Element policies and implementing programs in a section titled “Proposed Policies and Actions to Avoid or Reduce Significant Impacts” and the impact analysis discussion describes how the policy or implementing program would effectively reduce or eliminate environmental impacts. These chapters include Chapter 7 Biological Resources, Chapter 8 Cultural, Tribal Cultural, and Historic Resources, Chapter 9 Geology and Soils, Chapter 11 Hazards and Hazardous Materials, Chapter 12 Hydrology, Chapter 13 Land Use, and Chapter 20 Wildfire.

Comment c: Topical Response 1 explains that “by-right” housing projects must be consistent with the Objective Design Standards contained in the Form Based Code the County proposes to adopt. Chapter 4 Aesthetics provides a discussion of the draft objective design standards on pages 4-11 through 4-13. Please see Chapter 5 Text Revisions to Draft EIR for clarifications to the biological impact analysis of discretionary projects versus “by-right” and ministerial projects.

Comment d: This is not a comment on the adequacy or content of the Draft EIR and does not raise any significant environmental issues. No further response is required. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project.

Comment O1-10: The air quality topic section includes a detailed discussion of “sensitive receptors,” or land uses that are subject to air-pollutant related health risks. Low-, medium-, and high-density residential uses are considered sensitive receptors. Sensitive receptors are subject to air-pollutant related health risks. A number of the candidate housing sites on the Site Inventory are within 500 feet of US 101, which is a source of cancer-causing pollutants. To address exposure of “new receptors” (e.g., housing) to air quality risks and hazards, a number of air quality programs from the Marin Countywide Plan are cited to trigger a review of this potential impact. The air quality programs include requirements to study/analyze the potential impacts at the time of housing development review. As these are adopted programs, they negate the need for the DEIR to incorporate specific mitigation measures. As noted above, this approach is appropriate for future housing projects that are subject to the conventional planning and CEQA review clearance process. However, it does not address a project that requests “by-right” review as this is not an environmental topic area that is covered in the State laws (SB35

and SB9). The Final EIR should discuss how this situation would be addressed for the “by-right” process.

Response to Comment O1-10: Please see Topical Response 1 for a discussion of the “by-right” process and policies and regulations these projects must comply with. The commenter correctly identifies that the Draft EIR provides information on existing air quality conditions in the County (pages 6-7 and 6-8), existing sensitive receptors and air pollution related health risks (pages 6-8 and 6-9), and the potential for future housing sites to be exposed to existing sources of air pollution, including freeways, rail lines, and large stationary sources (pages 6-35 to 6-38). This planning consideration is disclosed for information purposes only because, as explained in Draft EIR section 1.3.5 (pages 1-11 and 1-12), CEQA does not generally require the County to consider the effects of existing environmental conditions on the future users or residents of a project. Thus, the potential for future residents of housing sites to be situated near and exposed to existing sources of air pollution is not an impact that requires evaluation under CEQA.

Although this issue is not a CEQA impact, the Draft EIR provides information on existing CWP policies and programs that require the County to buffer emissions sources and sensitive land uses (CWP Policy AIR-2.1, page 6-14) and protect sensitive receptors from potential adverse health effects associated with air pollution (CWP Programs AIR-2.a, AIR-2.b, and AIR-2.c, page 6-15). In addition to these CWP policies and programs, the California Energy Code, which the County has adopted and implements, mandates the use of air filters with a minimum efficiency reporting value (MERV) of 13 in all new residential development. MERV 13 air filters can reduce indoor exposure to airborne particles, which are a primary pollutant of concern near freeways, by up to 90% for particles equal to or less than 10 microns in size (i.e., PM₁₀) and 85% for particles equal to or less than 3 microns in size. Thus, mandatory code requirements would substantially reduce the potential for future new receptors to be continuously exposed to air pollution from freeways and other sources.

Comment O1-11: The Hydrology/Water Quality topic area section is comprehensive. This section includes a detailed analysis of flooding (FEMA flood zone regulations) as well as a high-level review of groundwater recharge/groundwater management. However, the analysis does not address and integrate potential increases in the extent, depth and frequency of receptive flooding and flood hazards due to the secondary effects of climate change. Of notable concern is projected sea level rise, its impacts from increased flooding and accompanying rising groundwater near Baylands. The Final EIR should reference the Draft Safety Element Programs EHS-4.1.a. and EHS-4.1.e., which specifically address regulating and restricting new development in flood prone and areas subject to inundation particularly in the Baylands Corridor.

Response to Comment O1-11: Safety Element Implementing Programs EHS-4.1.a and EHS-4.1.3 are presented in Chapter 12 Hydrology, section 12.3.2 Proposed Policies and Actions to Avoid or Reduce Significant Impacts and are listed in the impact discussion under Impact 12-4: Risks from Pollutant Release due to Project Inundation. Please see Chapter 5 Text Revisions to Draft EIR where text has been added to page 12-26 to describe the beneficial effects of these programs.

Comment O1-12: The wildfire topic section provides a showcase for the many good wildfire-related policies and programs presented in the Draft Safety Element. Subsequent to the completion of the DEIR, the State Attorney’s Office released “Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the CEQA.” Best practices include, among others: a) analyzing land scope and exposure to people; b) increasing density of buildings to lower fire spread risk in fire prone areas (clustering of structures vs. dispersed

development); and c) analyzing project impacts on emergency access and evacuation (evacuation modeling). Please confirm if these best practices have been included in the Draft Safety Element and are adequately covered by the DEIR.

Response to Comment O1-12: The best practices mentioned in comment O1-12 are included in Safety Element policies and implementation programs and described in the Draft EIR. Chapter 20 Wildfire presents a summary discussion of the wildfire hazard in Marin County and Figure 20-1 shows the Wildland Urban Interface (WUI) areas in Marin County as identified in the Community Wildfire Protection Plan (CWPP); Figure 20-2 shows CAL FIRE - Fire Hazard Severity Zones. The Housing Element Update has not placed housing sites in the very highest hazard severity zone although new housing sites are identified in the high and moderate fire hazard severity zones. Additionally, the Housing Element primarily identifies housing site within or immediately adjacent to already developed areas, thus increasing housing density as described in the “Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the CEQA.” These factors are described in the impact analysis in Chapter 20.

Section 20.3.2 Proposed Policies and Actions to Avoid or Reduce Significant Impacts presents a list of Safety Element wildfire policies and implementation programs that address environmental impacts including planning for evacuation as described in the State Attorney’s Office “Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the CEQA.” Some of the policies and programs presented in Chapter 20 that are focused on analyzing project impacts on emergency access and evacuation (evacuation modeling) include:

Program EHS-2.4.c Identify and Improve Deficient Evacuation Routes. Implement findings of the Marin Wildfire Protection Authority Evacuation Ingress-Egress Risk Assessment. Use the visual risk assessment and risk factors to identify and prioritize existing deficient evacuation routes. Improve evacuation routes based on the prioritization ranking, but also in consideration of improvements required for a transportation network which is resilient to flooding and inundation from sea level rise.

Program EHS-2.4.d Create New Evacuation Routes. Identify and construct additional local evacuation routes in areas of high hazard concern or limited mobility.

Program EHS-2.4.e Ensure Access to New Development. Require new development to include adequate roadway ingress/egress for emergency access and evacuation routes.

Program EHS-5.1.d Identify Areas with Insufficient Evacuation Opportunities. Continue to collaborate with Marin Fire Agencies in the identification and mapping of areas with only one point of ingress or egress and roads that do not meet current emergency access and evacuation standards and the preparation of a program that prioritizes corrective actions.

Program EHS-5.1.e Commit Funding for Evacuation Safety. Commit funding for projects identified by the Marin Fire Agencies, and, in particular, the Marin Wildfire Prevention Authority that enhance evacuation safety, spanning road improvement, signage, and notification systems.

Program EHS-5.1.f Monitoring State Requirements for Evacuation Routes. Track development of minimum standards for roads and evacuation routes and seek to adopt the standard. Apply any state standards for evacuation routes to new development.

Comment O1-13: The Draft Housing Element includes a key goal and supportive policies and programs intended to protect and preserve the existing housing stock. The DEIR does not address this housing topic. Protecting and preserving the existing housing stock, particularly for the low-wage-earning workforce allows the workforce to continue to live locally. Removing

and/or replacing the existing housing stock typically results in resident relocation to areas further from work. Therefore, preserving existing housing have beneficial environmental impacts associated with transportation (VMT) and greenhouse gas emissions. The Final EIR should acknowledge and include a discussion of this specific housing topic and its benefits including housing protection tools such as Measure W (contribution of some of the short-term rental/hotel tax to the County's affordable housing trust fund), the County's interest free ADU loan program, and West Marin CLAM's "age-in-place" program.

Response to Comment O1-13: The Draft EIR discussion in Chapter 16 Population and Housing, Impact 16-3: Population and Housing Displacement Effects states that (p. 16-11 and 16-12 of the Draft EIR):

"As discussed in subsection 16.1.3, some sites may contain existing housing where new housing would be proposed, which would increase the total number of units on the site (increase housing density). This could result in the temporary displacement of some existing housing units and/or residents, although it is not anticipated that a substantial amount of housing would be displaced. Moreover, several of the policies and programs proposed in the Housing Element Update are existing policies and implementing programs that are being carried forward for 2023-2031 and are designed to increase the supply of affordable housing, which would have a beneficial effect by creating additional housing and therefore would not result in the net displacement of housing stock. Chapter 3, Project Description, provides a discussion of the policies and programs carried forward from the existing 2015-2023 Housing Element. Also, as required by State Law (AB 1397), development on non-vacant sites containing existing residential units is subject to the replacement requirement pursuant to AB 1397; specifically, the replacement of units affordable to the same or lower income level is required as a condition of any development on a non-vacant site.

The applicable new Housing Element Update policies and implementing programs that would reduce potential risk of population and housing displacement are listed below. Their full text is included in subsection 16.3.2 (Proposed Policies and Actions to Avoid or Reduce Significant Impacts).

- *Policy 4.1: Tenant Protection*
- *Policy 4.3: Affirmatively Further Fair Housing*
- *Program 3: Replacement Housing*

Because the Housing Element Update is designed to increase the overall amount of housing available in the County, and State law requires replacement housing for development on non-vacant sites, this impact would be considered less than significant.:

4.4.2 Letter O2 Marin Organizing Committee

Comment O2-1: The DEIR also analyses three alternative projects, including a no project alternative, and we encourage the Board of Supervisors to carefully consider the environmentally superior reduced VMT alternative. This alternative would allocate fewer units of housing in West Marin in favor of more housing units within the Highway 101 corridor to reduce the air quality, greenhouse gas emissions, transportation, and utilities and service systems impacts related to vehicle miles traveled (VMT). We prefer this alternative provided that critical affordable housing needs for people who work in West Marin are not sacrificed, only that density in the Highway 101 corridor is maximized.

Response to Comment O2-1: This comment expresses the Marin Organizing Committee's opinion of the value and benefits of selecting Alternative 2 Reduced VMT over the proposed Project. The Reduced VMT Alternative has been identified in the Draft EIR as the environmentally superior alternative. No further response is required. Inclusion of these comments in this Response to Comments will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project.

4.4.3 Letter 03 Spirit Living Group

Comment 03-01: For the last 6 months, we have been in the predevelopment and planning stage to develop senior housing at the housing element site located at 70 North Knoll Road in Mill Valley. All of our conversations with various planning staff, and all of the related Housing Element documents up until very recently, have indicated that the anticipated density for the entirety of this 6.7-acre site is 16 units per acre and we have been using this information in working with our civil engineers, architects and other consultants, and have confirmed that we are able to reasonably develop 108 senior housing units for this site.

However, it has recently come to our attention for the very first time that the County may be intending to rezone only 1.5 acres of the property as opposed to the full 6.7 acres. This would yield only 26 units, and would essentially render the property undevelopable because the infrastructure and construction costs require more units to make a project financially feasible. Also, we are unclear how this would work. Which 1.5 acres would be rezoned? How would this be reflected on a zoning map? Why would the County split zone a parcel?

We are unable to reference any Housing Element documentation to date other than 16 units/acre for this property. Multiple iterations of the Housing Element Table along with public comments and study sessions leading to the latest Housing Element Update dated July 19 seem to confirm this density. We have not seen any written reference to a rezoning of only 1.5 acres. Limiting the up-zoning to just 1.5 acres presents numerous problems, makes the site infeasible to develop economically and eliminates much needed seniors housing units that this site can accommodate. We would ask that the County please clarify the intentions for this property.

Response to Comment O3-1: Spirit Living Group is in pre-application discussions with the County about developing the site, and the County will continue to work with Spirit Living Group on their proposal. The comment pertains to a specific site, does not address the adequacy or content of the EIR, nor does it result in a change to the EIR impact conclusions. No further response is required.

Comment O3-2: Contrary to the "site restriction" analysis in the most recent draft EIR, the site is already within the Alto Sanitary District and a fire hydrant is located directly at the entrance of the property. The property has a will-serve letter from P.&E for both gas and electric. In addition, the Marin Municipal Water District currently maintains a 12" water main line under Thomas Drive that serves water to 35 Thomas Drive, the property directly below and adjacent to 70 North Knoll Road. The water pressure to 35 Thomas Drive is over 100 psi, which is considered high and more than sufficient to serve 70 North Knoll Road.

Response to Comment O3-2: EIR Chapter 19, Utilities and Service Systems has been revised to include the correct information about the sanitary district and the water main; please see Final EIR Chapter 5 Text Revisions to Draft EIR.

Comment O3-3: The draft EIR states that 70 North Knoll Road requires annexation into a sanitary district. This is not correct. The EIR needs to be corrected to reflect that the site received LAFCO annexation February 13, 2020 (please see attached). As such, the site is already in the Alto Sanitary District.

Response to Comment O3-3: Please see response to Comment O3-2 regarding revisions to EIR Chapter 19.

Comment O3-4: The Draft EIR also suggests a 750-foot expansion of the water main is necessary even though there is a fire hydrant at the entrance of the site. The EIR should consider 108 units at this site instead of the 26 that is currently in the draft, because the supposed “constraints” aren’t actually in place.

Response to Comment O3-4: Please see response to Comment O3-2 regarding revisions to EIR Chapter 19.

4.4.4 Letter O4 West Marin Environmental Action Committee

Comment O4-1: It is unclear which policies will be applicable to by-right development projects for the final list of sites. Will all the listed mitigations within the DEIR be applicable to by-right development?

Response to Comment O4-1: Please see Topical Response 1 for a more detailed description of the policies and regulations that “by-right” and ministerial projects (non-discretionary projects) are subject to. Additionally, please see Chapter 5 Text Revisions to Draft EIR for text revisions regarding the biological impact analysis that clarify the regulatory requirements for discretionary projects compared to “by-right” and ministerial projects. “By-right” and ministerial projects are exempt from environmental review under CEQA so none of the EIR mitigation measures adopted for the Housing and Safety Element Updates Project would be applicable to these types of projects.

All “by-right” and ministerial projects must be consistent with the zoning of the specific project parcel and must meet all County Development Code, Building Code, Fire Code, and any other applicable municipal code requirement adopted by the County, include the Objective Design Standards contained in the Form Based Code the County intends to adopt.

Non-discretionary (ministerial) projects such as “by right” housing projects and those consistent with the Objective Design Standards contained in the Form Based Code, as well as Safety Element related ministerial projects, must be consistent with Federal and State laws (U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Air Resources Board/Bay Area Air Quality Management District, California Department of Fish and Wildlife, State Water Resources Control Board/San Francisco Bay Regional Water Quality Control Board, State Lands Commission, Bay Conservation and Development Commission, etc.).

Comment O4-2: Are all the Candidate Housing Sites (more than 10,993 locations) included and applicable in this DEIR? If so, are all the Candidate Housing Sites eligible for by-right development in 8 years?

Response to Comment O4-2: Please see Topical Response 2 for how the Candidate Housing Site list will be used by the County to replace housing sites on the “proposed Project Sites” list of housing sites as shown in Table 3-3 of the Project Description. Also please see response to Comment O1-3 for a detailed response to this question and Chapter 5 of this Final EIR for revisions to Table 3-3 to reflect new information on certain sites.

The County will rely on the Candidate Housing Site list to provide a list of pre-screened sites should any of the proposed Project housing sites listed in Table 3-3 need to be eliminated from the Housing Element as a potential housing site due to HCD comments, legal, policy, or environmental concerns. The County will replace housing sites that need to be removed from the list of proposed Project housing sites (as listed in Table 3-3) with pre-screened sites from the Candidate Housing Sites list to maintain the HCD recommended buffer of between 15 and 30 percent units above RHNA requirements. The Candidate Housing Sites list does not mean that all the sites on the list will be developed with housing.

Comment O4-3: The DEIR refers to “inventory sites.” Does that refer to the third list of sites that are also included?

Response to Comment O4-3: Draft EIR page 3-12 describes the Project Site Inventory: “The Project Site Inventory described in section 3.4.2(d) presents the proposed “Project Sites” that meet the RHNA described above as well as a reasonably foreseeable number of density bonus units and a buffer number of additional units recommended by HCD as explained below in subsection 3.4.2(d). This is the proposed Project. In addition to the Proposed Project, the EIR also includes analysis of additional sites as described in section 3.4.2(e), Candidate Housing Sites, below. Information about the “Candidate Housing Sites” will allow decision-makers to consider alternative approaches to satisfying the RHNA in the event that “Project Sites” prove infeasible or undesirable due to potential environmental impacts. The proposed “Project Sites” were selected from the list of Candidate Housing Sites by the Planning Commission and Board of Supervisors based on input at a series of public hearings.”

The Project Site Inventory sites are listed in Table 3-3 and shown on Figure 3-5. The use of the term “inventory” does not indicate a 3rd list of sites. It was used in the Draft EIR to indicate the list of “Project Sites”. Please see Chapter 5 of this Final EIR for revisions to Table 3-3 to reflect new information on certain sites.

Comment O4-4: The policies of the Countywide Plan, local ordinances, and other land-use plans are presented as binding mitigation measures for the identified impacts within the planning area; however, it is not clear if these mitigation measures are binding in the event there are amendments to these plans and ordinances in the foreseeable future.

Response to Comment O4-4: The Draft EIR presents current federal, state, and local regulations that would regulate future projects facilitated by the Housing and Safety Element Update Project. Additionally, the Draft EIR presents both existing Countywide Plan (CWP) policies and implementation programs, and Marin Development Code requirements, as well as new CWP policies and implementation programs that will be adopted as part of the Housing and Safety Element Update project. The impact analysis describes how compliance with these regulations and policies will avoid or reduce the environmental impact of future projects facilitated by the proposed Project. The EIR does not present existing or proposed policies as mitigation measures in the EIR. Rather the EIR mitigation measures would be adopted and required to be implemented by future projects, in addition to the requirements of adopted plans, policies and regulations. If in the future the regulatory requirements change as plans, policies, and regulations change over time, future projects would need to be in compliance with the regulations in force at the time of project development. The mitigation measures to be adopted in the Mitigation Monitoring and Reporting Plan (Chapter 23 of the Draft EIR) as part of certification of the EIR and approval of the proposed Project would not be allowed to change over time.

Comment O4-5: How will the County ensure that mitigation measures are implemented as planned?

Response to Comment O4-5: As described in the Draft EIR in Chapter 23, CEQA Statute section 21081.6 and State CEQA Guidelines section 15097 require a public agency to adopt a mitigation monitoring or reporting program (MMRP) to ensure compliance with the mitigation measures adopted by the agency at the time of project approval. According to CEQA Guidelines section 15126.4(a)(2), “Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.” A mitigation monitoring program is required for the Housing & Safety Element Update Project EIR to ensure compliance with the mitigation measures that are adopted and incorporated into the project. Adoption of the MMRP would occur at the time of project approval.

Draft EIR Chapter 23 presents the MMRP program in Table 23-1 which lists the impacts, mitigation measures, the timing of the mitigation measure (when the measure will be implemented) related to the Project, identifies the “implementation entity” responsible for carrying out each mitigation measure (such a “future project applicant” or “County, and identifies the entity responsible for performing the monitoring of each mitigation measure (the “monitoring and verification entity;” e.g., a County department or agency, another public agency, or some other entity). Therefore, all of the mitigation measures as listed in the final MMRP, which will be adopted by the County as part of approving the project, will be monitored and implemented.

Comment O4-6: Does the County of Marin Community Development Agency have the budget and staff to support development proposals for more than 750 units per year?

Response to Comment O4-6: Please see Topical Response 3. This comment is not on the adequacy or content of the Draft EIR. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project. No further response is required.

Comment O4-7: We do not understand the equal distribution model for housing sites as a programmatic goal in unincorporated Marin County when there are significant and unavoidable impacts related to water availability, environmental hazards, wastewater, and the lack of job and transportation centers. This decision has resulted in the Housing Element exceeding Vehicle Miles Traveled (VMT) thresholds causing the County's proposal to be inconsistent with the Plan Bay Area 2050, BAAQMD 2017 Clean Air Plan, the County of Marin Climate Action Plan 2030.

Response to Comment O4-7: Please see Topical Response 3. This comment is not on the adequacy or content of the Draft EIR. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project. No further response is required.

The Draft Housing Element Update explains the strategy and objective for distribution of the proposed housing sites throughout the unincorporated County.

Comment O4-8: The final list of Candidate Housing Sites was not included in the DEIR. The only table of sites in the DEIR is within Table 3-3 and is labeled proposed Project Sites. Where can the public find the Candidate Housing Sites list? There are multiple versions of lists online, and it is not clear which list to reference. Why was it not included in the DEIR when there are

references to these sites throughout the document? Why do some chapters analyze the full list of Candidate Housing Sites while others only analyze the Potential Project Sites?

Response to Comment O4-8: The Candidate Housing Site list and maps showing the locations of the site are presented in Appendix B of the Draft EIR.

Comment O4-9: There are inconsistencies in the DEIR related to the policies of the Countywide Plan to address design and resource protection at the community level, promote infill, preserve visual quality, direct land uses to appropriate areas, concentrate urban development in the City-Center Corridor, etc. Decisions for future development should be directed by the Countywide Plan, as it has been upheld and strengthened by more than 40 years of case law. How is the County reconciling these inconsistencies within the DEIR where the Countywide policies have not been applied as guidance for site selection? What is the County's justification for failing to apply the planning guidance of the Countywide Plan in the site selection process?

Response to Comment O4-9: At the programmatic level the County screened potential housing sites for conformance with both Countywide Plan policies and Development Code restrictions. If and when a specific housing development proposal is received, the County will review that proposal at the project level, based on the proposed project and site plan, for consistency with Countywide Plan policies and Development Code, Building Code, Fire Code, and all other municipal code requirements.

Comment O4-10: The DEIR notes that there are no significant impacts related to agriculture as the only Project impact is related to the conversion of farmland to non-agricultural use and that agricultural zoning allows for farmworker housing development, not conversion to multi-unit market-rate housing on agricultural land. Can the County explain this interpretation of agricultural land-use zoning and how the allowance for much needed farmworker housing is being redefined as allowing market-rate housing on agricultural lands?

Response to Comment O4-10: Draft EIR Chapter 5 discusses Project impacts to Agricultural and Forestry resources. Section 5.2.3 Regional/Local Regulations presents all the Countywide policies related to agricultural land use and protection. The Marin County Code Title 22, Development Code, Chapter 22-08 Agriculture and Resource Related Districts determines the allowable uses of land, land use permit requirements, and basic development standards for the agricultural zoning districts established by section 22.06.020 (Zoning Districts Established). The purposes of each agricultural zoning district are described in section 22.08.020 (Applicability of Agricultural Zoning Districts). This Chapter also lists allowable uses of land, and permit requirements for each use, by zoning district (Section 22.08.030 - Agricultural District Land Uses and Permit Requirements); and provides standards for development within the agricultural zoning districts (Section 22.08.040 - Agricultural District Development Standards). This chapter specifies where residential uses are allowable uses in certain agricultural zoning districts, and it equates zoning districts with Agriculture land use categories of 1 through 3 of the Marin Countywide Plan.

The Draft EIR describes potential impacts to agricultural resources of housing development facilitated by the Housing Element Update on pages 5-11 through 5-13. Impact 5-2 Conflicts With Agricultural Use Zoning or Williamson Act Contracts explains:

“Development under the Housing Element on some of the parcels proposed as candidate housing sites would occur in agricultural zoning districts (e.g., A2, A60, ARP); however, as stated in County Code Section 22.08.030 (Agricultural District Land Uses and Permit Requirements), some residential uses (affordable housing, agricultural worker housing, group homes for six or fewer residents, ADUs, and junior ADUs) are

principally permitted uses in the A2 and ARP districts, and other residential uses (group homes for seven or more residents) are allowable subject to approval of a Use Permit. In the A60 district, agricultural worker housing, group homes for six or fewer residents, ADUs, and junior ADUs are principally permitted uses, and affordable housing and group homes for seven or more residents are allowable subject to approval of a Use Permit. Additional development standards in these districts, as stated in County Code Chapter 22.22 (Affordable Housing Regulations), Chapter 22.32.023 (Agricultural Worker Housing), Chapter 22.32.120 (Residential Accessory Dwelling Units), and Chapter 22.32.125 (Residential Junior Accessory Dwelling Units), must be complied with. Therefore, if a Use Permit is approved for future housing developed in an agricultural zoning district, there would be no conflict with agricultural use zoning. In addition, none of the proposed candidate housing sites is under a Williamson Act Contract, as discussed in section 5.1.3. Therefore, there would be no conflict related to Williamson Act Contracts. However, sites in agricultural zoning districts would be subject to Use Permit Approval and any conditions included therein. This impact would be less-than-significant when a decision regarding a Use Permit is made.”

Impact 5-5: Conversion of or Change in Farmland to Non-Agricultural Use states that housing facilitated by the Housing Element Update may require changes in land use designation and/or zoning for proposed sites that are located on parcels designated as Farmland of Local Importance or Grazing Land. Sites zoned for agricultural use would not require rezoning if the proposed use is permitted or conditionally permitted as provided for in County Code Chapter 22.08 – agricultural and resource-related districts.

Uses not permitted or conditionally permitted by the County Code would require a change in land use designation, which would be a conversion of farmland to non-agricultural use, which would be a significant impact. However, several adopted CWP policies that protect agricultural uses would apply to these new uses. These policies are listed below, and their full text is included in subsection 5.2.3 (Regional/Local Regulations):

- Policy AG-1.1: Limit Residential Use.
- Policy AG-1.3: Preserve Agricultural Zoning.
- Policy AG-1.4: Limit Non-Agricultural Zoning.
- Policy AG-1.5: Restrict Subdivision of Agricultural Lands Within the Coastal, Inland Rural, and Baylands Corridors.

Therefore, Project compliance with these adopted CWP policies and County agricultural and resource-related districts regulations would ensure that any potential impacts related to the conversion or change in farmland to non-agricultural use from future development facilitated by the Project would be less-than-significant.

Comment O4-11: To mitigate the conversion of A-60 zoning to urban sprawl, the County proposes to change the zoning on parcels and expand the City-Center Corridor. This fails to honor the Countywide Plan’s mandate and the public’s desire to limit development to the City-Center Corridor near job and transportation corridors.

Response to Comment O4-11: Please see response to comment O4-10, above. As described in Chapter 5, the A31 through A60 zoning districts are consistent with the Agriculture 1 land use category of the existing Marin Countywide Plan. The Countywide Plan defines Agriculture 1 land use category as: Agriculture and Conservation 1. “This land use category is established for agricultural and conservation uses, including nonresidential structures necessary for agricultural operations at a floor area ratio (FAR) of .01 to .091F1, and housing at a density of one dwelling

unit per 31 to 60 acres.” Thus, the proposed Housing Element Update may propose housing on parcels zoned A31-A60 as long as the housing proposal are consistent with Countywide policies and Marin County Code Chapter 22-08 Agriculture and Resource Related Districts

Comment O4-12: In past meetings of the Planning Commission and Board of Supervisors, the Lucas Valley A-60 site (Site ID: 53) was requested to be removed from the Candidate Housing List by Supervisors Connelly and Rodoni; however, this site remains on the proposed Project Site List. This could have significant negative precedent-setting impacts and reduce the carbon sequestration goals provided by fallow or working lands. Why is the Lucas Valley, Site ID 53 still listed? Is this location being considered for rezoning?

Response to Comment O4-12: Please see Topical Response 3. This is a comment on the merits of the proposed Housing Element and Safety Element Update project (on a specific housing site) and not on the adequacy or content of the Draft EIR. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project. No further response is required.

Comment O4-13: The intent of SB 375 is for Metropolitan Planning Organizations (MPOs) like the Association of Bay Area Governments (ABAG) to develop a sustainable communities strategy (SCS) to meet the air resources board standards with land-use and transportation policies to reduce the number of vehicle miles traveled (VMT) that ultimately assist the State of California in meeting (GHG) emissions reduction targets. ABAG developed Plan Bay Area 2050 that outlines Priority Development Areas which are areas that are not located in the unincorporated areas of Marin County. Following the general guidance of Plan Bay Area 2050 and the Countywide Plan, site selection should have been consistent along the 101 corridors promoting infill and redevelopment of commercial areas to accommodate potential housing. Instead of following this planning guidance, the County of Marin has spread potential housing sites across rural unincorporated areas creating VMT growth at a faster rate than the population. The DEIR states in Chapter 6, page 35:

The growth that could be facilitated by adoption of the proposed Housing Element Update would be inconsistent with the BAAQMD 2017 Clean Air Plan (see Impact 6-1) and, as discussed under Impact 6-2, could facilitate future development projects that generate construction emissions in excess of the BAAQMD's recommended regional CEQA thresholds, despite the implementation of Mitigation Measure 6-2.

Mitigation measures in the DEIR fail to change this impact making it significant and unavoidable. Transportation and traffic congestion impacts are not analyzed in the DEIR for the Project areas and the nearby communities that would experience increased traffic from rural areas in maps or information that could be in the DEIR packet.

Why and how were the sites selected for this Project outside of the guidance of Plan Bay Area 2050 and the primary planning policies of the Countywide Plan?

Did the County analyze impacts on VMT compared to Sonoma County? The 118 units in Tomales and the 160 units in Point Reyes listed in the proposed Project Sites are more likely to commute to Petaluma as a job center or access to the 101 Corridor.

If VMT was analyzed on impacts to Sonoma County, what impact does this have on Sonoma County's Climate Action Plans and their Regional Housing Needs Assessment?

Response to Comment O4-13: The Draft EIR includes information on Plan Bay Area 2050 that is commensurate with the information provided in Comment O4-13. For example, the Draft EIR's GHG Chapter (pages 10-20 and 10-21) describes Plan Bay Area 2050 in detail, including

priority development areas (PDA) located in Marin County, and Draft EIR Impact 6-1 (Conflict with the Local Air Quality Plan and Result in a Cumulatively Considerable Net Increase in Criteria Air Pollutants for which the Region is Non-Attainment) and Impact 10-1 (Generate Significant Greenhouse Gas Emissions and Conflict with an Applicable Plan, Policy, or Regulation Adopted for the Purposes of Reducing Greenhouse Gas Emissions) considered and evaluated the project's consistency with Plan Bay Area 2050 in the County's significant and unavoidable impact finding for these effects. The County notes the commenter has accurately summarized the Draft EIR's impact findings regarding Clean Air Plan consistency as it relates to VMT and population growth. With regards to the commenter's three specific questions:

- Draft EIR section 1.2.2 (pages 1-4 and 1-5) provides background information on the County's process for updating its Housing and Safety Elements, including a summary of the housing site selection process. Additional information on the housing site selection process is also contained within the Housing Element Update document. The housing site selection process requires the County to balance many factors. The County's Housing Element Update includes a goal to use the County's land efficiently to meet housing needs and implement smart and sustainable development principles. The County has strived to do this while accommodating its state mandated RHNA requirement of 3,569 units for the period 2023 to 2031.
- The EIR's VMT analysis was prepared using the activity-based Transportation Authority of Marin Demand Model (TAMDM), which is part of a larger Bay Area Travel Model. The Draft EIR explains (page 18-18) the TAMDM includes estimates of VMT for trips starting and ending in Marin County as well as trips that start in Marin County but end outside Marin County (or vice versa). The Draft EIR compares the resulting average residential VMT in the unincorporated County (with the Housing Element) to the nine-county Bay Area regional average, concluding VMT would result in a significant and unavoidable impact (Impact 18-4), even with mitigation to reduce VMT. The EIR does not provide a quantified estimate of the amount of VMT attributable to the projects that would be generated in Sonoma County because Sonoma County quantifies VMT using a separate travel demand model and such trips would be part of the background/county VMT calculations prepared for Sonoma County. The County does not anticipate that project trips in general nor the site-specific trips referenced in Comment O4-13 would have a significant impact within Sonoma County because they would represent a small amount of Sonoma County's total overall VMT.

Comment O4-14: What is the site inventory? Is this the Candidate Housing Site, proposed Project Site List, or another list? Will a site-level analysis be required on a project-by-project basis for future by-right development projects? If not, those sites should be removed from all lists the County is including in the Housing Element.

Response to Comment O4-14: The Project Site Inventory, also described as the "Project Sites," is described on page 3-14 of the Draft EIR under Section D Project Site Inventory Details ("proposed Project"). The terms "Project Site Inventory", "site inventory", and "Project Sites" are used interchangeably in the Draft EIR. The "Project Site Inventory or "Project Sites" terms refer to the list of housing sites that provide 5,214 housing units which comprise the proposed Project.

The Candidate Housing Site list, which refers to the 10,993 "universe" of sites analyzed in the EIR from which the list of Project Sites was selected, is described on page 3-30 of the Draft EIR and is presented in Appendix B of the Draft EIR.

Please see Topical Response 2 describing these terms and describing how the County will use the Candidate Housing Site list to replace housing sites that must be removed from the Project Site list of housing sites.

Please see Topical Response 1 for a description of how “by-right” development projects will be reviewed by the County and regulations they must comply with.

Comment O4-15: The DEIR is inconsistent with Countywide Plan Biological resources chapter related to site selection and potential for development to limit development impacts and fails to provide a site-by-site inventory of direct conflicts with the biological policies of the Countywide plan for impacts to special status and endangered species, critical habitat areas, wetlands, and coastal resources. The kitchen sink approach to the site selection places habitat and species in direct risk as the programmatic DEIR is missing any site-specific details and mitigation to address these impacts.

Response to Comment O4-15: Please see Topical Response 1 for a discussion on Program EIRs, how the County will use the Program EIR to evaluate specific housing development proposals, and the requirements that “by-right” and ministerial projects must comply with for the protection of biological resources. As discussed on Draft EIR Chapter 1, section 1.3 beginning on page 1-7, this EIR analyzes the proposed action at a programmatic level, in accordance with State CEQA Guidelines section 15168. The Program EIR does not approve any specific development proposal. Please see discussion in Chapter 2, Summary, Section 2.2.2 Purpose of the EIR.

Comment O4-16: The DEIR fails to provide mapping of the Potential Project Sites or Candidate Housing Sites with biological resource overlays to understand where biological resources may be located with project densities or potential impacts to species and habitats. Where can the public locate information about a specific site within the DEIR to understand the potential impacts or additional requirements for mitigations and environmental reporting?

Response to Comment O4-16: During the housing site selection process, vacant housing sites were screened based on the characteristics, including potential natural resources that may be present of and hazards that may affect the site, listed below.

- Terrain and Steep Slopes
- FEMA Flood Zones
- Sea Level Rise
- Ridge and Upland Greenbelt
- Stream Conservation
- Wetlands
- Wildfire Severity Zone

Much of this information was obtained from Marin Map including vegetation and habitat types within each parcel. Marin Map can be found here:

<https://www.marinmap.org/Html5Viewer/Idex.html?viewer=smmdataviewer>.

Comment O4-17: Do these mitigation measures apply to projects after 8 years when they are deemed by-right?

Response to Comment O4-17: By-right housing projects are not subject to CEQA environmental review. The mitigation measures adopted for this project would not be applied to by-right and ministerial projects. Please see Topical Response 1 for a discussion on the regulations by-right projects must comply with.

Comment O4-18: The DEIR notes Impact 9-5 potential impacts related to soil incompatibility for use of septic tanks or alternative wastewater disposal systems. As a precautionary measure, areas that are near shorelines should be removed from all site selection lists, as it is not realistic to add new onsite wastewater treatment based on sea level rise projections.

Response to Comment O4-18: The Draft EIR presents both Housing Element Program 12 and Safety Element Implementation Program EHS-6.3.k which address rising groundwater levels and septic systems (Chapter 12 Hydrology, section 12.3.2 on page 12-23).

Safety Element Implementation Program:

EHS-6.3.k: Study Impact of Rising Groundwater Levels from Sea Level Rise.

Conduct Studies on the effects of rising groundwater on the community and the built environment including the potential transport of toxic or hazardous chemicals in the soil at contamination sites and the effects of septic systems. In areas where rising groundwater levels could adversely impact the functioning of existing or future septic systems the County will undertake a study to identify the hazards and identify solutions.

The Housing Element contains actions that include developing standards for multi-family development in septic areas and updating the County's methodology for calculating septic capacity. These actions will help resolve potential constraints that may occur with sites being proposed in areas with septic systems.

Housing Element Program 12: Septic for Multi-Unit Housing

Parts of the County have no sewer services, with properties relying on individual onsite septic systems. The County will pursue strategies to address this constraint to multi-unit development.

- In 2022, develop standards for multi-unit development in septic areas.
- In 2023 initiate a study to identify alternative approaches to sewage disposal (e.g., package plants, community systems, incinerator toilets, etc.). Upon completion of the study, update by 2024 the County's methodology for calculating septic capacity.

These policies provide the County with the direction to prepare the necessary studies to develop alternative to the standard septic system design which will come impacts by rising groundwater levels in coastal areas.

Comment O4-19: Impact 10-1 highlights that the housing growth associated with the Project would generate GHG emissions in significant quantities and would be inconsistent with the CARB 2017 Scoping Plan, MTC/ABAG Plan Bay Area 2050, and County 2030 CAP. The DEIR notes, it is possible that the implementation of the Project could impede the ability to meet regional transportation GHG reduction goals established by Plan Bay Area 2050...this would be a potentially significant impact. The methodology in this chapter indicates that the GHG emissions in the Project Area were estimated using the emissions inventories and forecasts contained in the County 2030 CAP and specifically notes that the 2040 land-use data projections: 40,811 housing units/population of 90,170,13 yet the Project exceeds the County 2030 CAP goals by almost 13,000 units that are adding emissions to energy, natural gas, consumption, mobile source emissions, and other emission sectors.

It is unclear how the Project is in alignment with the County's growth projections or how the growth rate has been determined that has far-reaching implications on GHG emissions. If Marin County is unable to meet the regional and local goals for GHG reduction in emissions due to

this Project, are other jurisdictions also out of compliance with the MOP regional plans like Plan Bay Area 2050 and the CARB 2017 Scoping Plan? What are the implications of the Project on the County 2030 CAP? It seems like the goals and projects identified in the CAP must be updated if the County is able to meet emission reduction goals. What are the short-term and long-term implications of failing to meet the GHG emission reduction goals? Does this place California's GHG reduction goals at risk?

Response to Comment O4-19: The commenter accurately summarizes the conclusion of Draft EIR Impact 10-1; however, as a point of clarification, the Draft EIR explains (pages 10-10 and 10-36) that the EIR's estimates of existing 2019 and 2040 GHG emissions levels are based on the methodology used by the County's CAP but reflect the household, population, and job metrics developed for the Housing Element/Safety Element Update. Thus, while the methodology used in the County's CAP and Housing Element/Safety Element Update EIR are the same, the activity data is different, which is why Draft EIR Table 10-4 (page 10-11) contains two distinct 2019 GHG emissions estimates.

The Draft EIR's GHG chapter evaluates GHG emissions from an additional 10,993 housing units. As described in the Draft EIR (page 10-36) this growth is greater than County's RHNA allocation (3,569 dwelling units) and provides a conservative assessment of potential GHG emission impacts that is consistent with the land use and transportation modeling assumptions in the EIR's air quality, noise, and transportation analyses. This assumption also results in an analysis of GHG emissions that is based on 12,386 more housing units than considered in the CAP's year 2040 GHG emissions inventory (Draft EIR page 10-41). The additional growth evaluated in the Housing Element/Safety Element Update EIR but not the CAP is, in part, why the Draft EIR concludes (page 10-42), "development of the new residential units facilitated by adoption of the Housing Element Update would generate GHG emissions that would have the potential to exceed the 2040 GHG emissions reduction targets derived from the 2030 CAP and, therefore, would not put the County on track for achieving the BAAQMD plan-level threshold of being carbon neutral by 2045."

The Draft EIR identifies three Mitigation Measures (10-1A to 10-1C) to reduce GHG emissions associated with future development facilitated by the Housing Element Update; however, the project could contribute GHG emissions that conflict with applicable plans, policies, and regulations adopted for the purposes of reducing GHG emissions (e.g., the County's 2030 CAP) and result in a significant and unavoidable impact. This significant and unavoidable effect could accelerate the adverse effects of climate change that are described in the Draft EIR (pages 10-2 to 10-5).

The County would continue to implement its existing 2030 CAP. The County may consider updating its 2030 CAP in the future as resources allow. As explained in the Draft EIR (pages 10-43 to 10-45), the County has numerous strategies it is currently implement through its CAP that would lessen GHG emissions from new residential development facilitated by the adoption of the Housing Element Update; however, these reductions could not be quantified as part of the EIR process because it not possible to know the actual location, development type, amenities, etc. that would be constructed.

Comment O4-20: Plan Bay Area 2050 includes strategies to reach 20% GHG reduction goals to spur housing development at all income levels, including allowing a greater mix of housing densities in growth geographies; building affordable housing; integrating affordable housing into all major housing projects; and transforming aging malls and office parks into neighborhoods. It is unclear whether Marin County applied these strategies in developing the Candidate Housing Sites or proposed Project Sites lists based on some of the site selections in the Coastal Corridor

that identified single-family home parcels for development in rural areas away from public transportation and job centers.

Response to Comment O4-20: The Draft EIR includes a description of Plan Bay Area on pages 10-20 and 10-21. Plan Bay Area 2050 and the Housing Element Update are different projects with different scopes, potential environmental effects, and CEQA lead agencies. The Association of Bay Area Governments nor the Metropolitan Planning Commission (ABAG/MTC), the agencies responsible for the preparation of Plan Bay Area, have the authority to require local jurisdictions to design their cities consistent with land use plan contained in Plan Bay Area. The Housing Element Update places the majority of housing sites in the more developed north, central, and southern Marin communities, outside of the coastal zone. As described in more detail in response to Comment O4-13, the housing site selection process requires the County to balance many factors. The County has strived to use land efficiently while implementing smart and sustainable development principles that accommodate the County's state mandated RHNA requirement of 3,569 units for the period 2023 to 2031.

Comment O4-21: The Plan relies on a variety of mitigation measures to reduce the VMT of the Project, including requirements that residential development be able to achieve specific VMT significance thresholds 15% below the regional average VMT through strategies depending on the site and availability of nearby transportation services through the utilization of Transportation Demand Management (TMD) strategies to play a major role.

Based on the site lists, 17 areas that are identified for development that are outside of the City-Center Corridor are not near adequate public transportation or job centers will be difficult to reduce VMT. Furthermore, reliance on bike travel is not feasible where there are no dedicated bike lanes on narrow and winding roads. In short, it is dangerous. Most cycling that occurs in the Coastal Corridor is not for the commute but for recreational cycling.

Is the County considering improving roadways for bike lanes in Coastal Areas targeted for residential commute use? For example, are bike lanes and roadway improvements from Inverness to Point Reyes Station or San Geronimo Valley to Fairfax or Point Reyes being considered to make commuter bike travel safer?

How can the County rely on Safe Routes to Schools as a mitigation measure in Coastal Corridor communities where students may reside miles from their local school? For example, students in Inverness and Point Reyes Station attend Tomales High School, and many students reside on ranches typically traveling a significant distance by bus.

Alternative 2, removes 354 units, leaving 482 units in the Coastal Corridor. The site removal seems only based on a specific methodology and not in alignment with projects on the ground or realistic travel. For example, Alternative 2 removes the Coast Guard Site from inclusion in the Project while leaving small residential sites in Inverness and more challenging development projects like the Grandi Building.

It would be helpful to have a new Alternative presented that took into account the reduction of VMT and realistic site selection based on project readiness to ultimately remove additional sites from the Coastal Corridor to reduce the overall VMT threshold. If an additional 200 units within the Coastal Corridor were removed and replaced with sites within the City Center Corridor, would this significantly reduce the VMT total?

Are lands identified in the County 2030 CAP for carbon sequestration included in the proposed Project Site list or Candidate Site List? If so, why are those not removed since the County 2030 CAP relies so heavily on soil sequestration?

Response to Comment O4-21: The commenter correctly identifies that the Draft EIR includes Mitigation Measure 18-4 to reduce VMT from residential development and raises several questions regarding the implementation of this mitigation measure, project alternatives, and carbon sequestration.

The County concurs with the commenter that it will be difficult to reduce VMT for housing sites that are not near adequate public transportation or job centers. The Draft EIR (page 18-28) acknowledges this, stating, "... it is extremely difficult for residential development projects in unincorporated Marin County to achieve VMT significance thresholds that are set using a regional average." For this reason, Mitigation Measure 18-4 identifies a variety of TDM and other strategies capable of reducing VMT, as not all options would be appropriate or required for all projects. For example, Mitigation Measure 18-4 identifies public transit subsidies, car sharing, in-lieu fees, and other options to reduce VMT.

Furthermore, the County recognizes that certain modes of transportation like bicycling are contingent on the presence of safe, secure facilities that encourage and promote such travel modes. The Draft EIR recognizes it may not be feasible for all projects to achieve VMT reductions due to lack of infrastructure, proximity to transit, etc., stating (page 18-31), "there is uncertainty about the ability of development projects on Project sites to achieve the required VMT reductions—particularly sites in suburban and rural locations where it is infeasible to provide new or more frequent transit service and very few VMT reduction strategies are viable, at least until such time that VMT mitigation fee programs, banks, or exchanges can be established. Potential residential development sites that are large and located near the US 101 corridor, SMART, and/or ferry terminals are likely to be able to establish viable TDM and VMT reduction strategies. In contrast, potential sites that are located farther from the US 101 corridor and in areas lacking transit infrastructure may have few feasible options to substantially reduce residential VMT per capita." For this reason, the Draft EIR concludes that the project's VMT impacts would remain a significant and unavoidable impact even with mitigation.

Although the Housing Element/Safety Element Update EIR does not include specific bicycle improvements because such improvements generally fall outside the scope and purpose of the Housing and Safety Element update, the Draft EIR does provide information on existing County programs related to the maintenance and expansion of transportation infrastructure. For example, Draft EIR section 18.1.4 (pages 18-6 to 18-9) describes the County's Bicycle and Pedestrian Topical Plan, and Draft EIR sections 18.2.3 (pages 18-14 to 18-18) and 18.4.2 (page 18-23) list the County's existing CWP transportation-related policies that aid in VMT reductions. The Draft EIR provides information about the County's existing Safe Routes to School Program (Draft EIR, p. 17-15). The Safe Routes to School Program is not, however, identified as mitigation for addressing potential VMT impacts from the additional dwelling units that would be facilitated by adoption of the updated Housing Element. Rather, the discussion and information contained in the Draft EIR on the Safe Routes to School Program is intended to provide additional context regarding an existing program that is being implemented by the County as a means to reduce school-specific VMT, while taking into account the nature of school trips and the forms of transit typically used for getting to and from school. The continued implementation of the Safe Routes to School Program would help to reduce school-related VMT from new residents accommodated by the land uses contained in the updated Housing Element.

Regarding Alternative 2, the Draft EIR explains (page 22-18) that this alternative would result in most housing sites, except those screened out by the State CEQA Guidelines, being located within an approximate two-mile radius of the US 101 corridor, including 0.5 miles on either side of Sir Francis Drake Boulevard to Fairfax. As Draft EIR section 18.3 (page 18-21) explains, CEQA provides several thresholds to identify projects that have a less than significant VMT, including small residential projects. This screening threshold is why certain small residential

sites are retained in Alternative 2 and an additional alternative evaluating reduced VMT is not required for the project.

Finally, regarding potential housing sites on lands that could sequester carbon, the Draft EIR (page 10-42) explains that there are several housing sites evaluated as part of the EIR's GHG analysis that could sequester carbon, and that the development of these sites could impede the 2030 CAP's ability to meet its sequestration goal and thus conflict with the 2030 CAP; however, such sites provide County with the ability to meet its mandated RHNA allocation.

Comment O4-22: It is a concern that it was not analyzed the potential consequences of unbundling parking units that could allow increases in street parking and how this may impact evacuation routes and emergency vehicle access on narrow roads.

Response to Comment O4-22: Adequacy of parking is not an environmental impact analyzed under CEQA; however, if the unbundling of parking from future housing development would exacerbate or worsen existing roadway constrictions for evacuation and emergency vehicle access, the County would have to evaluate those projects on a project-specific to ensure emergency evacuation routes are not adversely impacted.

Comment O4-23: To continue with this precautionary planning, the County should remove sites that are within 100 feet of shoreline, wetland, or creek. Otherwise, projects could be approved to provide new residential housing that will be at risk of flooding events in the foreseeable future placing strain on emergency and community services programs.

Response to Comment O4-23: Draft EIR Chapter 12, Impact 12-4: Risks from Pollutant Release due to Project Inundation on page 12-26 provides a program EIR level discussion of the potential for future housing development facilitated by the Housing Element Update to flood or worsen existing flooding.

The vast majority of the candidate housing sites are not located in flood hazard areas, but as discussed in subsection 12.1.4 and shown on Figure 12-3, there are several sites or portions of sites that are in flood hazard areas. Although the LHMP identified 14 areas as being in tsunami inundation areas, the vast majority of those areas do not include any housing sites proposed under the Housing Element Update. Proposed housing sites or portions of sites identified in the LHMP are restricted to Almonte, Stinson Beach, and Strawberry.

Future potential development facilitated by the Housing Element Update and the Safety Element Update located in FEMA-designated flood areas would be required to comply with standard FEMA provisions and County Code floodplain management standards in County Code Chapter 23.09. As stated in Chapter 23.09, the County applies uniformly applicable regulations for increasing structural elevations and/or incorporating floodproofing measures like anchoring structures and use of specific construction materials. These standards would decrease the risk of pollutant release during a flooding, tsunami, or seiche event.

The Safety Element proposes many implementing programs designed to reduce risk due to flooding. Please see pages 12-27 and 12-28 for a list of the policies. These proposed implementing programs and Project compliance with County flood hazard protection and flood control measures would ensure that impacts from pollutant release during a flood, tsunami, or seiche event from future development facilitated by the Project would be less-than-significant.

Comment O4-24: The DEIR relies completely on mitigation measures to protect freshwater resources and water quality based on existing federal and state environmental regulations that would fully mitigate impacts deeming the impacts from this project as less than significant. However, multiple sites identified in the Coastal Corridor are near creeks, wetlands, and

shorelines that will be subject to flooding and environmental hazards associated with rising sea levels and groundwater intrusion. If the existing regulatory framework fully mitigates impacts, why are sites in flooding areas on the lists? It does not make good sense to include sites in Olema (wetland) or the shorelines of Tomales Bay.

Response to Comment O4-24: The Chapter 6 Biology impact discussion describes federal, state, and County regulations (Countywide Plan policies and Development Code, Stream Conservation Area, Wetland Conservation Areas, and other municipal code requirements) and how future housing development projects facilitated by the Housing Element Update must be consistent with all regulatory requirements. Each future housing development proposal would be reviewed by the County for potential impacts to biological resources and depending on whether the project is discretionary and subject to CEQA review or by-right/ministerial, will decide on the level of environmental review and biological resource reporting requirements per Mitigation Measures 7-1 through 7-3.

Chapter 12 Hydrology and Water Quality, Impact 12-4 on page 12-26 discusses impacts from flooding. The EIR states that while the vast majority of the candidate housing sites are not located in flood hazard areas, but as discussed in subsection 12.1.4 and shown on Figure 12-3, there are several sites or portions of sites that are in flood hazard areas. Future potential development facilitated by the Housing Element Update and the Safety Element Update located in FEMA-designated flood areas would be required to comply with standard FEMA provisions and County floodplain management standards in County Code Chapter 23.09. As stated in Chapter 23.09, the County applies uniformly applicable regulations for increasing structural elevations and/or incorporating floodproofing measures like anchoring structures and use of specific construction materials. New Safety Element policies focused on protecting development from inundation from sea level rise will also be implemented. These standards would decrease the risk of pollutant release during a flooding, tsunami, or seiche event.

The proposed Safety Element Update includes many implementing programs designed to reduce risk due to flooding. These proposed programs are listed below. Their full text is included in subsection 12.3.2 (Proposed Policies and Actions to Avoid or Reduce Significant Impacts) of the Draft EIR. The ~~strikeout~~ and underlined text indicates deletion of existing policy text proposed to be removed from the CWP and new text proposed as part of the Safety Element Update.

- Program EHS-~~23~~.4.a Address Tsunami Potential
- Program EHS-~~34~~.1.a Regulate Development in Flood and Inundation Areas
- Program EHS-~~34~~.1.b Update Maps
- Program EHS-~~34~~.1.c Revise Regulations
- Program EHS-~~34~~.1.d ~~Maintain Flood Controls~~ Maintain Flood Management Measures
- Program EHS-~~34~~.1.e Restrict ~~Design~~ Development in Flood Prone Areas to ~~Avoid~~ Minimize Inundation
- Program EHS-~~34~~.1.f Continue Compliance under the National Flood Insurance Program (NFIP)
- Program EHS-~~34~~.1.g Facilitate Community Coordination Around Shoreline Adaptation
- Program EHS-~~34~~.2.a Retain Ponding Areas
- Program EHS-~~34~~.3.a Require Hydrologic, Hydraulic, and Geomorphic Studies

- Program EHS-~~34.3.b~~ Assess the Cumulative Impacts of Development in Watersheds on Flood Prone Areas
- Program EHS-~~34.4.a~~ Maintain Update Current Dam Inundation Failure Maps
- Program EHS-4.5.a Provide Flood Reduction Information Resources
- Program EHS-~~34.5.c~~ Alert Property Owners
- Program EHS-~~34.6.a~~ Locate Critical Facilities Safely. Amend the Development Code to prohibit placement of public safety structures within tsunami inundation or flood-prone areas. Protect and Ensure Continued Operation of Critical Public Facilities
- Program EHS-6.1.f Disclose Current and Future Hazards
- Program EHS-6.1.h Use Environmentally Sensitive Adaptation Strategies
- Program EHS-6.3.c Explore Future Bayland Corridor Amendment
- Program EHS-~~6.3.g~~ Plan for Climate Change Impacts, Including Sea Level Rise. Consider Sea Level Rise in Flood Control Planning and Projects
- Program EHS-6.3.k Study Impacts of Rising Groundwater Levels from Sea Level Rise

These proposed implementing programs and Project compliance with County flood hazard protection and flood control measures would ensure that impacts from pollutant release during a flood, tsunami, or seiche event from future development facilitated by the Project would be less-than-significant.

Comment O4-25: Rather than repeating ourselves, see our comments related to the VMT, inconsistencies with regional and local plans, and general questions regarding site selection and equal distribution of sites. Ultimately, the site selection process was not informed by these regional and local planning efforts and has resulted in multiple inconsistencies in public planning including MTC/ABAG Plan Bay Area 2050, the CARB 2017 Scoping Plan, the Marin County 2030 Climate Action Plan (CAP), sections of the Marin Countywide Plan that the County has not identified for an amendment to meet the Project goals.

The selection of more than 830 units in the Coastal Corridor is interesting because this is not a major job center. People would need to work locally, remotely, or commute an hour or more to existing job centers that increase VMT.

It is also concerning that new housing could be converted to second homes and vacation rentals, exacerbating the existing problem of lack of residential housing in coastal communities. What policies are included in the Housing Element or adjacent planning document to protect potential housing from being removed from the residential housing stock?

Response to Comment O4-25: Please see response to comments O4-19, O4-20, and O4-21.

Comment O4-26: The tables and information on housing and population indicate a 12% growth that was assigned to Marin County from ABAG. Looking at historic census data, the growth rate from 2000-2010 was 3% and from 2010-2020 was also 3%. It is unclear where the 12% expected growth rate is being calculated and if this figure includes new population totals, existing residents who are unable to afford housing in Marin, and individuals who are inadequately housed. What does the growth rate include?

Response to Comment O4-26: ABAG, in conjunction with the Metropolitan Transportation Commission (MTC), uses a model to generate projections of a variety of population, housing, and employment trends into the future. The ABAG model uses "current/historical" information

from the State Department of Finance and Census, but the ABAG-MTC model takes into consideration a number of variables when making these projections in preparation of the Plan Bay Area plans.

The 12% growth rate shown in Table 16-1 of the Draft EIR is derived from a Countywide population growth rate comparing projected 2040 population (ABAG projection) in Marin County with 2010 population (State of California, Department of Finance (DOF) number, as noted in Table 16-1 in the source notes and marked with footnotes indicating which figures in the table are from which source. A projected population of 282,670 (2040; ABAG) minus 252,409 (2010; DOF) equals a projected countywide population increase of 30,361, which when divided by the 2010 population equals approximately 12% (30,361 divided by 252,409 = 11.98%).

The 11.5% growth rate for the unincorporated county is calculated in the same way: 75,190 (2040; ABAG) minus 67,427 (2010; DOF) equals a projected unincorporated county population increase of 7,763, which when divided by the 2010 population equals approximately 11.5% (7,763 divided by 67,427 = 11.51%). The low rate of growth from 2000 to 2010 and from 2010 to 2020 are reflected countywide in the ABAG Projections report (Plan Bay Area Projections 2040, p. 79).

Comment O4-27: The analysis of the impacts on public schools is incomplete. Table 17-1 is missing school enrollment information for 41% of the schools, and school capacity is missing from 76% of the sites. The DEIR also notes that there would be a 13% increase in students in the unincorporated area, which may impact school enrollment and facilities. The DEIR is missing critical information on school capacity limits and current enrollment to analyze the impact on schools. Has the County conducted outreach directly to the school district boards that may be impacted by this Project? Some schools are discussing downsizing programs in unincorporated areas due to low enrollment. If school districts have not been notified, why not?

This growth plan is out of alignment with the school district's plans and projections on enrollment in the coming years. If school districts are making the decision to reduce staff based on current population totals and enrollment, there will be another impact in the next 8 years on the ability of schools to provide educational services to the new populations based on housing growth plans and there may be challenges in obtaining adequate staffing as there is currently a teacher shortage. Did the County analyze the potential impacts of new residential housing against congestion models near public parks, recreational areas, and beaches?

Response to Comment O4-27: Please see response to Comment PC-30 (Don Dickenson – p. 52 line 14-25; p. 53 line 1-8) related to the Draft EIR analysis of school impacts.

Comment O4-28: The VMT with this Project is significant and unavoidable, even with mitigations. Sites in the Coastal Corridor are not near transit or job centers and create impacts. As mentioned above, are there plans by the County to upgrade public services or bike lanes in the Coastal Corridor to reduce VMT?

The DEIR notes that emergency access is deemed less than significant, as “all potential housing sites are located on or adjacent to public streets that are sufficient width to support two-way traffic and accommodate emergency response vehicle circulation.”

This is a factual misrepresentation; first, it is unclear what sites are analyzed in this Chapter of the DEIR (the proposed Project Sites, the Candidate Sites, or the Site Inventory). Second, even with the constrained proposed Project Site list locations like Balmoral Drive in Inverness are located up a narrow road with blind corners, no sidewalks, and could be blocked by traffic or hazards in an emergency. Many of West Marin's villages are only accessible by one way. Furthermore, the Coastal Communities receive more than 2.5 million visitors to the area

annually. It is common for roads to be blocked by illegally parked vehicles that prevent emergency access. Adding more housing, and thus parking needs, in already congested areas is problematic.

Response to Comment O4-28: The sentence identified in the comment has been removed from the Draft EIR text. Please see Chapter 5.9 for the revisions to this paragraph.

Comment O4-29: Strategic removal of sites that do not have access to water connection hookups, are in water districts that are on a moratorium, or lack the ability to provide water resources, and have overlapping impacts to other areas (critical habitat areas, impacts to species, not connected to wastewater treatment, etc.) should be prioritized.

Response to Comment O4-29: Chapter 19 of the Draft EIR identifies the Project's significant and unavoidable impact on certain water service providers. Alternative 3 in Chapter 22 is presented in the Draft EIR to address these significant and unavoidable impacts. In approving the final housing site list, the County Board of Supervisors will consider water supply.

Comment O4-30: Due to the inability of the Project to analyze wastewater processing, we recommend the strategic removal of sites that are not connected to existing wastewater processing facilities. Identifying sites with inadequate resources is speculative at best. At worst, it sets the County up for a failure to meet its mandate.

Response to Comment O4-30: Alternative 3 Reduced Utility Impact identifies housing sites that would be removed from the Project Housing Sites list because they are located in wastewater water services districts that lack sufficient wastewater treatment capacity in Table 22-2 under a heading "Number of Units Removed from Sanitary District." These sites would be removed from both the proposed Project Housing Site list (Table 3-3 in the Project Description) and the Candidate Housing Site list (presented in Appendix B of the EIR), and sites located in other areas of unincorporated Marin County with greater wastewater treatment capacity would be selected as replacement sites from the Candidate Housing Site list instead.

Comment O4-31: As is true in other sections, it is unclear whether this evaluates the Potential Project Site List or the Candidate Site List. Please clarify in a summary table which chapters of the DEIR analyze each list for the public.

Response to Comment O4-31: Chapter 19 Utilities and Service Systems presents a discussion of the water service providers service capabilities in section 19.1.1 starting on page 19-1. Table 19-2 District Capacity for New Development (page 19-8) and Table 19-10: Remaining Treatment Capacity after Development (page 19-20) present capacity numbers for three different scenarios: 1) the proposed Project (5,214 units), 2) the proposed Project + RHNA Assignments for other cities 3) Candidate Housing Site List (10,993 units) + RHNA Assignments for other cities). Tables 19-3 through 19-7 (starting on page 19-11) showing water district infrastructure improvements were calculated using the 10, 993 units on the Candidate Housing Site List. Tables 19-11 (starting on page 19-21) through Table 19-21 showing wastewater treatment infrastructure improvements were also calculated using the 10993 units on the Candidate Housing Site List. This would provide a "worst case analysis" for the EIR.

Comment O4-32: This alternative seeks to improve VMT to benefit air quality and GHG emission reductions. However, even with the proposed mitigations and modified site selection to remove 354 units from the Project Area, it still results in significant and unavoidable impacts.

Alternative 2 removes the Coast Guard Property from development consideration, leaving smaller sites in the Coastal Corridor. This is an illogical choice since the Coast Guard Housing project is well into the planning phase. In other words, these 50 units are highly likely to be

developed in the next 8 years. Was the site selection in Alternative 2 guided only by the VMT screening methodology removing larger in-fill development sites based on size rather than project feasibility.

Response to Comment O4-32: The site selection for Alternative 2 was done on a programmatic level with the primary screening criteria for leaving sites where they were originally proposed being the VMT screening criteria identified in the Governor's Office of Planning and Research (OPR) *Technical Advisory on Evaluating Transportation Impacts in CEQA, December 2018*, where certain projects may be presumed to generate a less-than-significant amount of residential VMT per capita. The housing projects on these sites that meet this screening criteria would not be required to evaluate VMT during the development permit approval and CEQA review process (page 22-19 of the Draft EIR).

The following are the screening criteria identified in the OPR Technical Advisory that may pertain to residential projects: 1) Projects that generate or attract fewer than 110 trips per day may be presumed to have a less-than-significant impact; this translates to approximately 11 single family homes or 16 to 24 multifamily apartments (depending on density); 2) Projects located within one-half mile of a major transit stop as defined in Public Resources Code 21064.3; in Marin County the only locations qualifying are those within one-half mile of SMART stations and ferry terminals; 3) Projects containing 100 percent affordable residential development in infill locations, or locations where a jobs/housing imbalance exists and affordable housing would be expected to result in shorter commute trips (page 22-19 of the Draft EIR).

The County decision makers will consider the information presented as part of the analysis of the Project Alternatives. The Coast Guard Property will not be removed from the proposed Project.

Comment O4-33: Table 22-1: Reduced VMT Alternative, is difficult for the public to read and understand what is being proposed as the Housing Site names identified on this table do not reference the Site ID or Site Location Name from Table 3-3. To figure out which locations were being removed, we had to manually match against Table 3-3 and make our best guesses at which site was being referenced.

Response to Comment O4-33: Please see the revised table presented in Chapter 5.11, Alternatives, which provides the site ID numbers and addresses for each proposed housing site, consistent with the format of Table 3-3.

Comment O4-34: Specific to Table 22-1:

- Does Housing Site "6750 Sir Francis Drake" match Table 3-3: Site ID: 61, Site Name: Office - Lagunitas (upper floors and rear property)?
- Is Site ID: 126 in Tomales still included as a potential development in Alternative 2? We had to match parcel numbers that were listed back to Table 3-3 and are unsure if it leaves 4 units in "Vacant Tomales" as potential development in Alternative 2.

Response to Comment O4-34: Response to first bullet point:

- No, 6750 Sir Francis Drake Boulevard is not a site listed in the proposed Project. Site 61: Office – Lagunitas is located at 7120 Sir Francis Drake Boulevard.
- 6760 Sir Francis Drake Boulevard is a site listed in the proposed Project. 6760 Sir Francis Drake Boulevard matches with Site ID 133.

- Site ID 126 in Tomales is to be removed from Alternative 2 per Table 22-2.

Comment O4-35: Alternative 3 seeks to reduce impacts on water and wastewater impact, but again it screens based on the location and scope of the project and not on project feasibility for development. For example, Bolinas Land Trust projects are removed from this alternative while the Coast Guard Housing site is not. This appears illogical since the Coast Guard project is already well underway in the planning phase.

Response to Comment O4-35: The Draft EIR presented the Reduced Utility Impact Alternative (Alternative 3) at a programmatic level of analysis. The County has confirmed that the Coast Guard Housing site and the projects in Bolinas that already have permission for water hook-up will not be removed or relocated as described in Alternative 3.

Comment O4-36: Table 22-2: Housing Site Removed from Utility Service Providers is difficult for the public to read and understand what is being proposed, as the Housing Site names identified in this table do not reference the Site ID or Site Location Name from Table 3-3.

Response to Comment O4-36: Please see the revised table presented in Chapter 5.11, Alternatives, which provides the site ID numbers and addresses, consistent with the format of Table 3-3.

Comment O4-37: Specific to Table 22-2:

- Housing Site: “534 Overlook” is this matched to 530 Overlook noted in Table 3-3 as Site ID: J, Site Name: 530 Overlook in Bolinas?
- Housing Site “13270 Sir Francis Drake” is this matched to Table 3-3: Site ID: 33, Site Name: Inverness County Site?
- As noted in Alternative 2, Site ID: 126 in Tomales still included as a potential development in Alternative 2? We had to match parcel numbers that were listed back to Table 3-3 and are unsure if it leaves 4 units in “Vacant Tomales” as potential development in Alternative 2.
- There are 8 sites that are not listed in Table 3-3 that we assume are part of the Candidate Housing Site List that is not included in the DEIR. We listed those in the table below. It is unclear why these sites are in Alternative 3 and which list they come from.

Site ID	Site Location / Name	Village	RHNA	Alt 2	Alt 3	Notes	
?	102-062-01 Dillon Beach Road	Tomales	?		-4	Site not on Proposed Project List	
?	29 John Street	Tomales	?		-5	Site not on Proposed Project List	
?	102-080-19/10/20 State Rte 1	Tomales	?		-58	Site not on Proposed Project List	
?	209 Dillon Beach Rd	Tomales	?		-13	Site not on Proposed Project List	
?	26825 State Rte 1	Tomales	?		-13	Site not on Proposed Project List	
?	26845 State Rte 1	Tomales	?		-3	Site not on Proposed Project List	
?	200 Valley Ave	Tomales	?		-6	Site not on Proposed Project List	
-	?	27275 State Rte 1	Tomales	?		-3	Site not on Proposed Project List

- If these are on the proposed Project Site list, please provide the Site ID for these. Ultimately, this is confusing to understand which sites are included in the DEIR based on the changes in the alternatives.
- Why do the alternatives include sites that are not listed in the proposed Project List?

Response to Comment O4-37: Please see response below.

- Housing Site “534 Overlook” is matched to 530 Overlook noted in Table 3-3 as Site ID: J in Bolinas
- Housing Site “13270 Sir Francis Drake” is matched to Inverness County Site noted in Table 3-3 as Site ID: 33
- Site ID 126 is to be removed from Alternative 2 per Table 22-2.

Site ID	Site	Number of Units
126	102-062-01 Dillon Beach Road	4
107	29 John Street	5
89	102-080-19	58
110	102-080-10	
90	102-080-20	
130	209 290 Dillon Beach Road	13
109	26825 State Route 1	13
112	26845 27235 State Route 1	3
106	200 Valley Ave	6
113	27275 27235 State Route 1	3

The commenter identified two typos for 290 Dillon Beach Road and 27235 State Route 1, and one typo for 27235 State Route 1 which are corrected in the table above.

As shown above, all sites can be found in Table 3-3. The alternatives do not include sites that are not listed in the proposed Project List.

Comment O4-38: Suggestions to Improve Readability for the Public in the Final EIR. Update to include the entire list of Candidate Housing Sites, as there is missing incomplete information in the DEIR to understand the entire scope of this project. Alternatives 2 and 3 reference sites that would be removed from the project plan, however, multiple sites are not included in the DEIR proposed Project Sites list in Table 3-3. They are most likely from the Candidate Housing Site list that is not included in the DEIR for public review.

Response to Comment O4-38: The Draft EIR presents the Candidate Housing Site list in Appendix B.

Comment O4-39: Suggestions to Improve Readability for the Public in the Final EIR. Improve Site List Reference Organization. Table 3-3 includes the proposed Project Sites with a Site ID and Site Name that are not used in Alternatives 2 and 3. This makes it difficult for the public to know which locations are being removed in both Alternatives. The Site ID and Site Name are helpful and should be used throughout the document, in applicable tables, and in the alternatives.

Response to Comment O4-39: The comment is noted. Please see Topical Response 4 for a list of housing sites that are removed in both Alternatives.

Comment O4-40: Suggestions to Improve Readability for the Public in the Final EIR. The DEIR is almost 800 pages long (without the appendices) and costs more than \$150 to print. It is important to ensure the online readability of PDF files for the public. Please add PDF chapter

bookmarks and hyperlinks in the Table of Contents and Lists of Tables for the public to navigate by chapter through the document to make reading easier.

The DEIR includes tables that fail to carry forward headings and consistent formatting (centering numbers) throughout. Please ensure formatting consistency in tables and keep table headings and columns with the next to ease readability.

Response to Comment O4-40: The comments are noted. Please see the Draft EIR Chapter 1 Introduction and Chapter 2 Summary for a concise description of the proposed Project and EIR findings.

Comment O4-41: We recommend the creation of a new combined alternative that would incorporate aspects of Alternative 2 to reduce VMT and Alternative 3 to reduce impacts on water resources and wastewater that is balanced overlaying a project feasibility overlay that retains sites that are currently moving forward with development plans or are highly likely to be developed. For example, in the Coastal Corridor, we recommend retaining the Coast Guard Property and Bolinas Land Trust projects while removing single-family home locations that lack access to water and would have wastewater processing issues and possibly other biological resource impacts.

Response to Comment O4-41: The Draft EIR presented the Reduced VMT Alternative (Alternative 2) and the Reduced Utility Impact Alternative (Alternative 3) at a programmatic level of analysis. Please see Topical Response 4 Sites Common to Alternative 2 and Alternative 3 (“Blended Alternative”) for a discussion of the proposed housing sites that would be relocated under both Alternative 2 and Alternative 3. The County has confirmed that the Coast Guard Housing site and the projects in Bolinas that already have permission for water hook-up will not be removed or relocated as described in Alternative 3. The Board of Supervisors can decide to retain certain sites in the list of proposed project sites as noted by the commenter.

4.4.5 Letter O5 Lucas Valley Homeowners Association (LVHA)

Comment O5-1: LVHA requests that Marin County’s Board of Supervisors and Planning Commission mandate project-specific EIRs in addition to the Countywide program level assessment to identify and address such impacts. Otherwise, the County will be authorizing irresponsible development that will have irreversible consequences for our community. We further ask that promptly following the December 6, 2022 meeting, the County publish a site list with both baseline number of units and maximum allowable number per bonus density and any other allowances.

Response to Comment O5-1: Please see Topical Response 1 which describes the use of this Program EIR for review of future housing development project facilitated by the Housing Element Update and describes the steps that will be followed to determine whether an individual housing application is a by-right or ministerial project or a discretionary project subject to CEQA review.

It is the intent of the County to make the final list of housing sites and proposed density (number of units) for each site available after the December 6, 2022 Board of Supervisors meeting.

Comment O5-2: Insufficiencies of Housing Element Level DEIR. The program-level DEIR fails to address or study: 1) emergency evacuation challenges along the two-lane Lucas Valley Road in the event of a wildfire or other disaster; 2) infrastructure capacity for water supply, sewer, and utilities; 3) transportation limitations given the three-mile travel distance to the nearest commercial center, and lack of bus transit and sidewalks on Lucas Valley Road; 4)

capacity at schools within the Miller Creek School District; and 5) local traffic congestion and air quality impact.

Response to Comment O5-2: The Draft EIR discusses wildfire and emergency evacuation in Chapter 20. Also please see Topical Response 5 Wildfire Evacuation at the beginning of this Chapter for additional information on wildfire evacuation. Draft EIR Chapter 19 Utilities and Services discusses the infrastructure capacity for water supply, sewer, and utilities and identifies significant and unavoidable impacts to water service and wastewater treatment providers. Draft EIR Chapter 18 Transportation describes the transportation impacts of the proposed project and identifies VMT impacts as significant and unavoidable. Please see response to comment PC-30 at the beginning of this chapter for a response to comments on school impacts. Local traffic congestion, as measured by Level of Service Analysis is no longer a CEQA impact. The Air Quality impacts of the proposed Project are described in Draft EIR Chapter 6.

Comment O5-3: Emergency Evacuation Risks. A project specific EIR is essential to gather and study full information on the resources and infrastructure required to assure public safety during widespread emergencies and ensure public safety. The Housing Element level DEIR cannot determine the infrastructure and public resources required for fire protection, evacuation, traffic management, and community refuge.

Project-specific evaluation, using tools such as the Evacuation Ingress/Egress Risk Assessment being developed by the Marin Wildfire Prevention Authority, is essential to assure an acceptable level of public safety in worst-case conditions, and a prerequisite to responsible development, particularly for communities in the Wildland Urban Interface, as we face increased risks of wildfire throughout Marin County.

Together, the Lucas Valley Homeowners Association and Rotary Valley Senior Village communities comprise 618 residential units. The proposed Housing Element allocations at Jeannette Prandi Way, 7 Mt. Lassen Drive, and 1501 Lucas Valley Road would increase the number of local residential units to be evacuated by at least 27%, and up to 47% if the bonus density is applied.

Response to Comment O5-3: Please see Topical Response 5 which discusses wildfire evacuation. The County will be required to follow state law regarding the appropriate CEQA document to prepare for each development application. Some discretionary projects would likely require project specific Initial Studies or EIRs while others will not have any new environmental impacts not covered under this Program EIR. By-right projects and ministerial projects must be consistent with the County Development Code and Fire Department requirements for emergency access and evacuation.

Comment O5-4: Conditions for safe evacuation by our community are already lacking – without appropriate planning in the development process, we face far greater challenges to safe evacuation, with dire consequences. Our worst-case wildfire scenario is a fire from the north, driven by 60 mph Diablo winds. Smoke and embers from a fire in the Ignacio Valley Preserve would engulf Lucas Valley on both sides of Lucas Valley Road. The south side is lightly cleared and infrequently maintained except for cutting of annual grasses along the roadside. High fuel-load from extensive deadwood, and toxic smoke from thick poison oak along Lucas Valley Road to its intersection with Las Gallinas Avenue present substantial risk to safe evacuation in such conditions.

Response to Comment O5-4: This comment is not on the adequacy or content of the Draft EIR. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other

public officials who will make decisions about the proposed Project. No further response is required.

Comment O5-5: Infrastructure Capacity. The DEIR is silent on who has the authority to determine and oversee infrastructure improvements – such as lane widening, turn lanes, traffic control systems – and who pays for such infrastructure. New water and sewer services are at or near capacity, and the DEIR does not address the feasibility of expansion of infrastructure or how it will be developed or paid for. Widening of Lucas Valley Road, which abuts the creek and residences, is a formidable challenge, functionally and environmentally, a fact that responsible development studies cannot ignore.

Response to Comment O5-5: The entity(ies) responsible for infrastructure improvements varies based on the ownership of the infrastructure. Caltrans is responsible for state-owned highways, Marin County is responsible for local roadways, and private entities (individuals or homeowner associates) are responsible for private roads. Utility infrastructure improvements are the responsibility of the service provider who owns and manages the infrastructure. Funding for infrastructure is not an environmental impact analyzed under CEQA.

Comment O5-6: Transportation. Housing sites located near Lucas Valley Road and Mt. Lassen Drive exceed the vehicle miles traveled (VMT) per capita criteria of two miles radius from Highway 101. The draft DEIR appears to err in this regard as it includes these sites in the Highway 101 corridor. The suggested mitigation options for auto congestion and air quality impacts in the DEIR are not feasible or are immaterial in Lucas Valley. As an example, incentivizing subsidized transit passes for new residents is irrelevant here given the nearly non-existent bus service.

Response to Comment O5-6: The Draft EIR Chapter 18 Transportation acknowledges the lack of transit in many parts of the County and the VMT analysis determined the Project would have a significant and unavoidable impact on VMT.

Comment O5-7: Education. The DEIR fails to address the impact on the Miller Creek School District by new development in and around Lucas Valley. The number of homes proposed by the DEIR will dramatically increase enrollment at Lucas Valley Elementary School as well as at Miller Creek Middle School. To provide adequate classroom space at the schools serving any proposed development, the schools would need to plan for creating additional permanent classrooms to house its future students. The impact of additional students is not limited to building and classroom capacity, but also to the need for additional outdoor space appropriate for students. Also, parents traveling to and from these schools will generate greatly increased traffic on Lucas Valley Road, again raising safety concerns in an emergency.

Response to Comment O5-7: Please see response to comment PC-30 at the beginning of this chapter for a discussion of impacts to schools from the proposed Project.

Comment O5-8: Project-Specific EIRs are Critical to Responsible Development. LVHA requests that Marin County's Board of Supervisors and Planning Commission assure responsible development by requiring project-specific EIRs in addition to the Countywide program-level assessment prior to any acceptance of the subject site selection in our community. If this is not done, development may take place without regard to the welfare of our community. We ask that the Board of Supervisors consider foregoing the state funding tied to compliance with its requirements, rather than accept development based on the DEIR, which we feel is irresponsible, and threatens resident safety and community well-being.

Response to Comment O5-8: Please see Topical Response 1 for how the County will use this Program EIR to evaluate specific housing development projects facilitated by the Housing Element Update. The County will be required to follow state law regarding the appropriate CEQA document to prepare for each development application. Some discretionary projects would likely require project specific Initial Studies or EIRs while others will not have any new environmental impacts not covered under this Program EIR.

4.4.6 Letter O6 Marin Audubon Society

Comment O6-1: Discuss by-right housing sites. What criteria is used to define them, and how they have been chosen? Include the list if by-rite sites. Will they be subject to any environmental review, if sensitive environmental resources are found?

Response to Comment O6-1: The Draft Housing Element Update describes the state definitions of by-right housing and parcels that are subject to by-right approval pursuant to State law are identified in Appendix C of the Housing Element Update. As described in the draft Housing Element Update by-right housing can consist of the following types of housing projects:

- In 2018, the State legislature adopted new requirements (AB 2162) which mandate jurisdictions to permit supportive housing developments of 50 units or fewer, meeting certain requirements, by right in zones where mixed-use and multi-family development is permitted. (Page 154 of the Housing Element Update).
- Also adopted in 2019, AB 101 (Government Code sections 65660 et seq.) requires counties to permit Low Barrier Navigation Centers by right in areas zoned for mixed-use and nonresidential zones that permit multi-family uses if the center meets certain requirements. AB 101 defines a Low Barrier Navigation Center as “a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.” (Page 156 of Housing Element Update).
- County Code allows group homes of six or fewer persons by right, as required by State law. (Page 176 of Housing Element Update).

Program 2 (on page 202 of the Housing Element Update) of the Draft Housing Element addresses by-right housing:

Program 2: By Right Approval

Pursuant to Government Code section 65583.2, reusing the following types of sites in the County’s sites inventory for lower income RHNA are subject to by-right approval exempt from CEQA and subject only to design review based on objective standards, when a project includes 20 percent of the units affordable to lower income households and no subdivision is proposed:

- *Vacant sites that were identified in the County’s 4th and 5th cycles Housing Element as sites for lower income RHNA; and*

Nonvacant sites that were identified in the County’s 5th cycle Housing Element as sites for lower income RHNA.

Parcels that are subject to by-right approval pursuant to State law are identified in Appendix C.

In addition, the County may consider expanding the scope of streamlining:

- *For sites not subject to section 65583.2 – projects that include 20 percent of the units affordable to homeowners at 60 percent AMI or to renters at 50 percent AMI; and/or*
- *100 percent affordable projects on any Housing Element sites.*

Supportive Housing: Pursuant to State law (Government Code section 65650 et seq.), supportive housing developments of 50 units or fewer that meet certain requirements must be permitted by right in zones where mixed-use and multi-unit development is permitted. Additionally, parking requirements are prohibited for supportive housing developments within one half mile of a transit stop. As stated on page 207 of the Draft Housing Element: “The County will amend Title 24 of the Municipal Code to address the parking requirements to comply with State law (see Program 9)”.

Please see Topical Response 1 for a discussion the information requirements ministerial projects (by-right projects) but submit as part of the application process and a summary of the environmental regulation ministerial projects must comply with.

Comment O6-2: Describe the environmental review process that would occur with housing opportunity sites listed on Table 3.3. How would the process differ from sites that may be proposed for housing that are not on the list?

Response to Comment O6-2: Please see Topical Response 1 for how the County will use the Program EIR to review future housing project applications facilitated by the Housing Element Update. Please see response to Comment O6-1 for the application requirements of by-right projects.

Comment O6-3: Being listed as a housing site conveys that the site is somehow appropriate or suitable for housing, which would give it a standing not shared by properties not on the list. Wouldn't this, combined with possible reduced environmental review, give these sites a priority? If not, explain why not.

Response to Comment O6-3: Please see Topical Response 1 for how the County will use the Program EIR to review future housing project applications facilitated by the Housing Element Update.

Comment O6-4: Explain how the number of units per site was arrived at? How was it determined that there is sufficient space on each site for the proposed number of units without impacting resources where wetlands or other natural resources, are present?

Response to Comment O6-4: This is a comment on the merits of the proposed Housing Element and Safety Element Update project and not on the adequacy or content of the Draft EIR. Please see Topical Response 3. No further response is required. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project.

Comment O6-5: The state-assigned number of dwelling units to Marin County is 3,569. With an additional 10% to buffer potential failure to develop sites on the original list plus a potential density bonus, it would appear that the county is planning for more than 10,000 total units. This is far in excess of what is needed. We recommend the number of projected dwelling units be reduced. If that will not be done, explain why.

Response to Comment O6-5: As described in the Draft EIR Project description on pages 3-14 through 3-30 and shown in Table 3-2 and Table 3-3 the proposed Project analyzed under CEQA is for 5,214 units. Please see Topical Response 2 for how the County intends to use the list of Candidate Housing Sites.

Comment O6-6: Describe the process that was used to identify the number of units assigned to a site. To understand how a specific density can be accomplished, it is necessary to know whether single family homes, town houses, multistory units, etc. are considered and also know where the unbuildable areas of the site (streams, wetlands etc.) are.

Response to Comment O6-6: This is a comment on the merits of the proposed Housing Element and Safety Element Update project and not on the adequacy or content of the Draft EIR. Please see Topical Response 3. No further response is required. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project.

Comment O6-7: The Housing Element states that vacant sites that were excluded as potential housing sites includes "sites with extensive environmental resources." (Page 193). The following paragraph just below appears to contradict that, indicating instead that sites with environmental resources are still included: "Sites with significant constraints were reduced in development capacity by removing the constrained areas and identifying developable portions that could accommodate clustering of housing units."

Response to Comment O6-7: The housing site selection process initially screened sites for both environmental hazard potential (very high fire hazard severity zone, geologic hazard, extreme steep slopes) as well as for the presence of sensitive biological resources (wetlands, streams, creeks, etc.) and removed sites from consideration that did not appear to have reasonable development potential. However, as stated on Draft EIR page 193 the proposed Project includes housing sites with significant constraints environmental by identifying developable portions of the site that could accommodate clustering of housing unit.

Comment O6-8: The reference materials consulted for wetland and bayland information is incomplete. Maps showing historic bay margins should have been consulted because some of the sites are former tidal marsh. Attached are historic bayland maps showing several of the properties discussed below. Knowing whether sites were once subject to tidal action is important because, unless developed, such sites retain wetland characteristics, i.e., hydric soil persists, water ponds in winter, and often at least remnants of wetland vegetation persists. This is a serious deficiency that could lead to assigning development potential to wetlands and excessive numbers of units to inappropriate sites. Secondly, the county's own records should be consulted.

Response to Comment O6-8: Please see response to Comment O6-9, below.

Comment O6-9: Please discuss how the sites below were assessed, identify the wetland portions of the sites if available and the portions of each site on which development was assigned. We would expect that classification for all of the sites will change and that most will be removed from the proposed Project Site list.

300 Olive Avenue, unincorporated Novato

This 55-acre site, identified for 58 units, is a parcel we have been trying to purchase since 2003 because of its resource values. We have made three attempts to acquire it. The property consists of a hillside slope with a seasonal stream that forms the headwaters of Simmons

Slough, an historic tidal slough. The Slough now flows from the 300 Olive Avenue site, under Olive Avenue in a culvert, through Marin Audubon property bounded by Olive and Atherton Avenues, through the Sanitary District's diked baylands, then under SR 37 and through Marin County diked baylands to Novato Creek.

At the base of the hill, the land flattens and the runoff collects and supports what is now a diked wetland. This wetland expands onto adjacent property that Marin Audubon purchased in 2005 with Coastal Conservancy funds and later transferred title to the Marin County Open Space District (OSD) and which continues to own it. The water flows through a culvert under Olive Avenue onto the Country Club property where it supports a pond adjacent to the entrance to that subdivision and also flows onto MAS diked bayland property. In summary, runoff from 300 Olive supports diked wetlands on that site, on OSD property and MAS property. A wetland delineation has identified most of MAS' Olive and Atherton diked bayland property as jurisdictional wetlands.

The hillside slope might be able to accommodate a few units, but hardly the 58 assigned to it. Currently there is one dilapidated small house, a remnant of a small farm that once existed on the site. Much of the land consists of saturated soils. Perk tests have been done multiple times for development proposals on the site. It is our understanding that the perk tests allowed only a few leach systems, far fewer than developers had wanted. The county has extensive files on developments proposed on the property in the past.

Any development on 300 Olive would adversely impact wetlands on-site and on OSD, Country Club and Marin Audubon's adjacent wetland properties, and would have to be approved by the Regional Water Quality Control Board. Water quality on adjacent properties would be adversely impacted by urban runoff resulting from development.

The site is not appropriate for the number of housing units assigned and it should be deleted from the list. We have attached a map of historic baylands on circled this property, in case there is question about its historic status.

Greenpoint Nursery, corner of Olive and Atherton Avenues, unincorporated Novato

This site is 19.6 acres and is identified for 53 units. However, much of that acreage is not developable. The land where the nursery is located has been filled. Because of its higher elevation and lack of other natural resources can accommodate some units, while the remainder of the property is low lying diked historic baylands that have never been filled. Accommodating 53 units would probably require them to be townhouses or multistory units.

The unfilled lands are seasonal wetlands, the same as MAS' adjacent 144 acres, and flood basin. The unfilled portions surround the filled section occupied by the nursery. The unfilled portion is floodplain that is probably encumbered by a flood easement as is Marin Audubon's property. As noted above, a jurisdictional delineation defines most of the MAS property as wetlands, except for a few hills further east. This delineation would undoubtedly also apply to areas of the Green point nursery site that have not been filled.

On this property, only the filled area at the intersection of Olive and Atherton Aves. should be assigned development units.

Cal Park, unincorporated San Rafael

Cal Park, parcels of concern consist of approximately four acres that are designated for 70 to 90 units. The section of Cal Park we are concerned about is low-lying, flat and surrounded by hills that form a bowl. This low-flat area is a diked historic tidal marsh, once part of San Francisco Bay, and most is currently seasonal wetlands. The site is also encircled on the attached on the historic baylands map demonstrating that it was once part of San Francisco Bay.

The baylands were divided into many small parcels by a 1907 subdivision. All or most of the parcels were too small to be developed without being combined with adjacent parcels. Pierce Co, the current owner of most of the parcels, has done just that, consolidated many small parcels into six larger ones (018-08-04, 018-083-01, 018-083,09, 018-082-12, 018-084-12 and possibly portions of 018-085-23). We do not have concern about development along Woodland except that consolidated parcel 018-085-23 now includes 11 previous small parcels and extends well into the undeveloped bayland portion of the property. We are concerned that sections may retain wetland characteristics. Marin Audubon owns one of the parcels that is near the center of the diked baylands and is surrounded by Pierce Co parcels.

To comply with policies of the Housing Plan, the parcels in parentheses above should be removed from the housing opportunity list. While the parcels may include some land that may be developable, to determine the location and amount that is developable will involve extensive review to locate and evaluate the wetlands, adjacent buffer/ecotone areas that are part of wetland habitats, as well as to identify water sources that sustain the wetlands, and ensure all are protected. The seasonal wetlands must be avoided in planning any development. Also note neighbor reports of flooding and extensive bird use by native birds.

For the above reasons, the above parcels should not be removed from the proposed Project Site list. Our organizations may be interested in purchasing other seasonal wetlands at Cal Park to permanently protect them.

Saint Vincent's Property

Six hundred eighty-eight units are designated for this large property that the environmental community has been wanting to protect for many years. The property consists of oak-wooded hills, diked baylands, seasonal ponded areas and adjacent uplands some of which are developed with a church and associated buildings. Natural resource areas, including diked wetlands and native trees on the property, must be protected.

The property will need an extensive environmental review including current identification of natural resources and their location. There is extensive history on this site that has identified some developable areas.

Jack Krystal Hotel Parcel

This 1.5-acre property on Richardson Bay is designated for 36 units. This property is former bay and a wide area tidal marsh still exists along the bay edge. A much larger portion of the site will soon be under water due to sea level rise. This site also has been of acquisition interest with the intent to restore it to tidal marsh. There is also an extensive county file on this property.

We emphasize that for this and other properties proposed for housing that are also in the path of sea level rise, extraordinary measures would have to be taken, at great public expense, to protect residents from risks of sea level rise. How has the county factored this in to assigning housing sites and numbers?

Response to Comment O6-9: If these or other sites covered by the EIR are proposed for development, the potential impacts to wetlands will be determined through a site-specific wetland delineation according to federal guidelines, and any impacts to wetlands will require permits from the U.S. Army Corps of Engineers, the California Department of Fish and Wildlife, the Regional Water Quality Control Board, and potentially the California Coastal Commission if the project site is located in the Coastal Zone. If the wetlands cannot be avoided, mitigation for impacts includes restoration at usually a higher per acre ratio than the area of the impact. The laws mandating this protection include sections 401 and 404 of the federal Clean Water Act, the federal Rivers and Harbors Act, the state Porter-Cologne Water Quality Control Act, sections

1602 and 1603 of the California Fish and Game Code, and the California Coastal Act, all of which are included in the EIR.

At the time that a development application is submitted for projects facilitated by the Housing Element Update and covered by the EIR, it will be reviewed by the County to determine whether additional environmental review is needed. Impacts on biological resources, including special-status species and sensitive habitat such as wetlands would require further review, even for by-right and ministerial projects. Additionally, if projects would impact wetlands, responsible and trustee agencies that regulate wetlands (i.e., U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Game, and the Coastal Commission [for projects in the Coastal Zone]) will review such projects to determine if regulatory permits and wetland mitigation are required. Please see section 7.2 of Chapter 7 of the Draft EIR for a description of laws and regulations protecting wetlands and waters of the U.S. and state, and the respective agencies that would be involved in the reviewing projects that would impacts wetlands.

Comment O6-10: We recommend a new policy be added: Immediately outside of immediate defensible space around structures, that some understory vegetation remain to provide for nesting, foraging and movement corridors for birds and other wildlife.

Policies to protect streams already provide for retaining natural vegetation and promoting nature-based measures both provide flood and habitat benefits.

Response to Comment O6-10: Text has been added to the Draft EIR Biology Chapter text describing potential vegetation management activities for defensible space. In Chapter 5 of this Final EIR see text added in underline under Chapter 7, page 7-27, Section 7.3.3 Impacts and Mitigation Measures on page 5-13. The text explains that defensible space requirements do not require complete clearing of vegetation and that vegetation management activities are still subject to state and federal laws related to impacts to sensitive species and should be done in conformance with Migratory Bird Treaty Act. The new text also includes the following (text is underlined to show it is new text being added to the Draft EIR):

Additionally, the new Safety Element Policy EHS-5.5.c, will encourage private landowners to construct and maintain ecologically sound fuel breaks for fire suppression. Similarly, new Safety Element Policy EHS-5.5.d Require Fuel Reduction and Management Plans for New Developments states:

“The County should require all new development projects with land classified as state responsibility areas (Public Resources Code section 4102), land classified as high or very high fire hazard severity zones (HFHSZ or VHFHSZs; section 51177), or within areas defined by local fire agencies as a “wildland urban interface” (WUI), to prepare a long-term comprehensive ecologically sensitive fuel reduction and management program, including provisions for multiple points of ingress and egress to improve evacuation and emergency response access and adequate water infrastructure for water supply and fire flow, and fire equipment access. (See Gov. Code, section 66474.02.). The ecologically sensitive fuel reduction program should be consistent with MWPA’s ecological sensitive vegetation management guidelines, as well as federal, state, and County environmental and biological resource protection regulations. Where environmental sensitive resources or habitats could be impacted by vegetation removal, the property owner shall observe all regulations for the protection of habitat values.”

Because private property owners are subject to these state and federal laws and regulations and proposed new Safety Element policies, and would be required to use ecologically sound

methods for vegetation management, potential impacts on special-status species associated with non-discretionary defensible space activities would be less than significant.

Comment O6-11: Mitigation Measure 7-1 - requires that a qualified biologist prepare a biological resources site assessment in compliance with the Safety Element - CWP policies call for County to hire consultant. This is to overcome the possibility of applicant's hiring consultants who would report in their favor. This requirement should be added to this policy.

- Second bullet - It is not just special status species that need to be identified by surveys. Species that are protected by state and federal laws also should be identified and protected. A full list of these laws should be provided. The laws include the Migratory bird Act, and the other regulatory laws listed in this section.
- Third bullet -who or what entity would make the recommendations for protocol level surveys and what conditions would trigger a requirement for the surveys?
- Fourth bullet - identify the biological resources that are considered sensitive other the Last bullet - identifying modifications to a project that would avoid harm to sensitive biological resources should not only be during breeding season but should protect movement corridors important during other times of the year.

Compensation for loss of habitat should be conditioned on being located at or close to the project site and other mitigation conditions in the CWP. Without the above changes, impacts would not be less than significant

Response to Comment O6-11: Because the existing Countywide Plan policies currently require the County to hire the qualified biologist to prepare the biological resources report, this does not need to be added to the mitigation measure. Please see Chapter 5.4 of this final EIR for text revisions that clarify the definition of “sensitive species” as used in this EIR.

In response to the 3rd bullet point of the comment, the entity that would make the recommendation for a protocol level survey and identify what conditions would trigger a requirement for the surveys would usually be the agency that regulates a species, such as the USFWS or CDFW, to determine presence/absence of the species. However, survey protocols do not exist for all special status species. In such case, the need for appropriately timed surveys to determine presence/absence would be based on the recommendations of an experienced biologist. Depending on the species, such surveys would be triggered if suitable habitat to support the species is present, the site is within the range of the species, and presence/absence cannot be determined during a general site assessment alone. Clarifying text has been added to Mitigation Measure 7-1 to require compensation for the loss of sensitive biological resources consistent with CWP policy BIO-2.1

Comment O6-12: Safety from WILDFIRE policies:

EH 5.3 d. RESTRICT LAND DIVISION. This policy would restrict land divisions unless there is reliable water, adequate access and structures comply with codes. We agree and suggest the location adjacent to WUI restrict land divisions

EH 5.4 a. WILDLAND URBAN INTERFACE. WU I's are the most dangerous place to locate development. We suggest the policy be strengthened to not allow new development in these risky locations. Also, the county should make use of maps showing the areas at most risk of fire from historic occurrences

Policies EH 5.4 d. through 5.5-b address aspects of home hardening, sprinkler systems, roofing building materials, etc. We recommend a new policy on HOME HARDENING that emphasizes

the critical importance of focusing first on structures. In addition to the aspects mentioned, include defensible space around homes, and other structural measures that are recommended by fire agencies

EH 5.5 b. IMPLEMENT ECOLOGICAL SOUND METHODS FOR VEGETATION REMOVAL Rather than methods for removal, which would be cutting, burning, etc., what is meant here is practices. We suggest that avoiding nesting season and leaving some understory vegetation to provide movement corridors and other habitat for ground dwelling species be added

EH 5.5 c. DEVELOP AND MAINTAIN FUEL BREAKS AND VEGETATION ON ACCESS ROUTES. The focus is now on maintaining Defensible Space around structures, not on maintaining fuel breaks.

SAFETY FROM FLOODING POLICIES:

This section contains many additional policies that would benefit wildlife and human communities. We suggest the following changes:

EHS 4.1.a REGULATE DEVELOPMENT IN FLOOD AND INUNDATION AREAS. Add diked historic baylands and lands in the baylands corridor to this list. Lands that are former tidal marsh retain hydric soils, usually subside when tidal water is removed, and usually pond water and are subject to flooding. They are generally poor sites for development because of flooding and subsidence and other risks. Their greatest benefit is to be retained as flood basins.

EHS 4.2.a. RETAIN PONDING AREAS. This police concerns retaining publicly controlled flood ponding areas. Why should only publicly controlled lands be protected. It should be recognized that flood ponding areas, these also include wetlands, or at least ponding capacity, should be protected. It is not in the public interest to do otherwise. Furthermore, to restrict such protections to only public lands would also conflict with policy 4.3.a that calls for "regulating development in flood prone areas to ensure public health and safety."

EHS 6.3.c. EXPLORE FUTURE BAYLAND CORRIDOR AMENDMENT The policy should be revised to amending the Baylands corridor as stated, not just exploring amending. Additionally, the boundaries should be reviewed and revised to include all undeveloped diked historic baylands some of which are west of highway 101.

Response to Comment O6-12: This is a comment on the merits of the proposed Housing Element and Safety Element Update project (comments on specific Safety Element Update policies) and not on the adequacy or content of the Draft EIR. Please see Topical Response 3. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project. No further response is required.

4.4.7 Letter O7 Ragghianti | Freitas LLP representing San Domenico School

Comment O7-1: We would request that the County not remove the proposed housing at San Domenico School as part of the reduced VMT alternative. The reason for this is that new housing at the school property would actually reduce VMT, not increase it.

Response to Comment O7-1: Please see response to Comment O7-2, below.

Comment O7-2: The Draft EIR for the Housing Element presented a project alternative that purported to reduce VMT by removing particular properties, including the San Domenico School. The concept behind the site selection for the reduced-VMT alternative appears to be removing properties that seem geographically distanced from city-centers. While San Domenico may seem to fit this criteria, it would actually backfire for this site to be removed, as faculty and

staff would still have to travel inordinate distances to get to work as opposed to being housed on site.

The purpose of the shift to VMT was to use land use planning to reduce greenhouse gas emissions and air pollution. Nothing achieves this goal better than letting employees live where they work. We strongly encourage the County to retain the housing site shown at San Domenico School.

Response to Comment O7-2: The Draft EIR analyzed Alternative 2 Reduced VMT to address the significant and unavoidable VMT impacts of the proposed Project. Relocating housing sites from the more rural and remote areas of unincorporated Marin to the Baylands/City-Centered corridor would reduce the VMT impacts of the proposed Project by 10-15%. As currently identified in the Housing Element Update, the San Domenico School parcel does not have any applicable special designations or restrictions indicating that it would be developed as teacher housing. Inclusion of this comment in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project.

4.4.8 Letter O8 Santa Venetia Neighborhood Association

Comment O8-1: In reading the 700-page DEIR, we are troubled by how frequently the report glosses over the profound safety concerns and ecological burdens that will be shifted onto existing neighborhoods, both here in Marin and throughout the state. ... In particular, we agree with Planner Christina Desser's concern about the siloed nature of the mandated development: "We can't really understand the cumulative impacts because we're only looking at the projects within our jurisdiction. It's a very frustrating and expensive process that isn't going to give useful information." Commissioner Margot Biehle's statement resonates as well: "So we build on sites that are subject to flooding or wildfires or landslides, that have no access to water or sewer service, or have ingress and egress issues. It just seems all a little bananas to me."

Response to Comment O8-1: Please see Topical Response 7 describing how the Draft EIR analyses cumulative impacts.

Comment O8-2: With regard to areas at risk of extreme fire danger, such as the WUI, we wish to highlight comments made by Governor Newsom on 8/21/20—barely two years ago—about the critical issue of building new homes in the WUI. ... We ask what has changed since this news conference, given during what CalFire describes as "the largest wildfire season recorded in California's modern history."

Response to Comment O8-2: Please see Topical Response 5 on Wildfire Evacuation.

Chapter 20 of the Draft EIR describes the wildfire hazard throughout the County. In the *Environmental Setting* subsection of Chapter 20 Wildfire (section 20.1), the Draft EIR presents information and maps on the Wildland Urban Interface and Fire Hazard Severity Zones in unincorporated Marin County and the varying levels of risk, state and local Wildfire Responsibility Areas (SRAs and LRAs), wildfire planning efforts within the County being carried out through the Marin County Community Wildfire Protection Plan (CWPP) and the Marin Wildfire Protection Authority (MWPA).

Comment O8-3: Catastrophic fire is by no means our only concern. As is well-documented, much of Santa Venetia is at severe risk of flooding, yet the Draft Housing Element proposes to add 205 additional units to our already overburdened infrastructure without mandating safe evacuation routes. North San Pedro Road remains the neighborhood's only route in and out, with multiple existing chokepoints, including the intersections of North San Pedro and Civic

Center Drive, and North San Pedro and Oxford Drive (at the 7-11). Adding upwards of 800 or more residents to Santa Venetia will demonstrably endanger the lives of all neighbors.

Response to Comment O8-3: Chapter 12 of the Draft EIR discusses hydrology, water quality, and flooding impacts. Section 12.3.2 Proposed Policies and Actions to Avoid or Reduce Significant Impacts present the Safety Element Update policies and implementation programs focused on safety from flooding. The Safety Element Update includes many policies and implementation programs focused on flooding and flood control but the following policy is particularly relevant to the commenter's concerns:

Program EHS-34.1.e Restrict Design Development in Flood Prone Areas to Avoid Minimize Inundation. Continue to regulate development in Special Flood Hazard areas by applying the County's Floodplain Management Ordinance, Federal Emergency Management Agency regulations, and environmental review pursuant to the California Environmental Quality Act (CEQA). Rather than explicitly restrict development in tsunami and flood hazard areas, unless a site is repeatedly and significantly affected by flooding, require through amendments to County codes, new development to be designed, elevated, sited, and/or strengthened against flood inundation. Flood adaptation measures should, at a minimum, be consistent with FEMA regulations to reduce flood risk to residential buildings. Where possible, use nature-based flood adaptation measures, such as widening natural flood plains, creating constructed dunes, protecting and expanding wetlands, and creating new and expanding existing urban green spaces.

Section 12.3 *Impacts and Mitigation* starting on page 12-18 begins with a description of the thresholds of significance related to the topic, as defined in the State CEQA Guidelines. As presented there, the specific thresholds that are asked are whether the project would: ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial sources of polluted runoff, or iv) impede or redirect flood flows. The impact analysis in the Draft EIR concludes that the proposed Housing and Safety Element Update project would have less than significant impacts when evaluated against the thresholds of significance for hydrology as presented in the State CEQA Guidelines.

Comment O8-4: As we noted in our 10/24/22 letter regarding HCD's comments to Marin County's DHE, Santa Venetia has, by far, the highest percentage of disabled residents across all seven disability types. Nearly ten percent of residents are defined as having "an independent living difficulty," which puts them at greater evacuation risk during any type of emergency, even before considering our overburdened one-lane exit route, North San Pedro Road. Yet, Santa Venetia is slated for a disproportionate number of new homes. Has SB 812 been considered in their siting and density? The state's determination to build — regardless of consequence — puts every resident at risk, particularly our most vulnerable neighbors. The DHE also states that the population in unincorporated Marin County/Marin County has steadily decreased since 2016, with the sharpest drop (2.6%) in 2021. During this period, risks from climate change have greatly increased, in the form of drought, catastrophic fire, and flooding.

Response to Comment O8-4: Regarding disabled residents and SB 812, this comment does not pertain to the adequacy or content of the EIR. No further response is required.

Regarding evacuation, please see Response to Comment I2-3. Also, please see Topical Response 5 Wildfire Evacuation.

Comment O8-5: SB 9 began as an emergency measure to address the state’s dire need for affordable housing, yet the bill contains no language that actually requires or enforces affordability. We again urge you to fight for our voices to be heard in local planning by joining the SB 9 lawsuit. As Governor Newsom stated in August 2020, “localism is determinative.” We could not agree more.

As we stated in a past letter, we urge you to leave the CWP and zoning intact, as any proposed changes subvert their intended purpose: to safeguard our natural resources and enable sustainable communities by addressing the climate change crisis. As well, changes to the CWP render the SVNA and other essential Community Plans obsolete and create a one-way gate to dense overdevelopment that undermines the safety of all Marin residents.

Response to Comment O8-5: Please see Topical Response 3. This is a comment on the merits of the proposed Housing Element and Safety Element Update project and not on the adequacy or content of the Draft EIR. Inclusion of these comments in this Final EIR will make the commenter’s views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project. No further response is required.

Comment O8-6: The Draft Environmental Impact Report for the Draft Marin County Housing Element finds that the project would result in 15 significant, adverse, and unavoidable environmental impacts. This includes: Toxic Air Contaminants, Dangerous Traffic Congestion, Hazardous Greenhouse Gas Emissions, Insufficient Water Supply, and Insufficient Wastewater Treatment Capacity. To give an idea of what just one of the above adverse impacts could do, we wish to bring to your attention the effects of Toxic Air Contaminants (TACs) on human health. Children, pregnant women, the elderly, and those with existing health problems are especially vulnerable to air pollutants.

Effects of Toxic Air Contaminants (TACs): Since the late 1990s, research studies have increasingly and consistently shown an association between respiratory disease (E.g. cardiovascular mortality, chronic obstructive pulmonary disease) and other health effects (E.g. cancer) and the proximity of sensitive populations to high-traffic roadways where cars and trucks emit toxic air contaminants (TACs) in large quantities over extended periods of time.

Diesel exhaust, in particular, has been found to be responsible for much of the overall cancer risk from TACs in California. Other TACs emitted by mobile and stationary sources also contribute substantially to the health burden (e.g., perchloroethylene, a solvent most commonly used by dry cleaners, has been identified as a potential cancer-causing compound). Among the pioneering studies that have led to an increasing focus on TAC exposure abatement in statewide air quality improvement programs are the following:

- Brunekreef, B. et al. Air pollution from truck traffic and lung function in children living near motorways. *Epidemiology*. 1997; 8:298-303
- Lin, S. et al. Childhood asthma hospitalization and residential exposure to state route traffic. *Environ Res*. 2002;88:73-81
- Venn et al. Living near a main road and the risk of wheezing illness in children. *American Journal of Respiratory and Critical Care Medicine*. 2001; Vol.164, pp. 2177-2180 2
- Kim, J. et al. Traffic-related air pollution and respiratory health: East Bay Children’s Respiratory Health Study. *American Journal of Respiratory and Critical Care Medicine* 2004; Vol. 170. pp. 520-526

A cursory search of the National Center for Biotechnology Information's PubMed database brought up the following sample of research papers that continue to raise and deepen concerns about TACs:

- Patel, MM et al. Traffic-related air pollutants and exhaled markers of airway inflammation and oxidative stress in New York City adolescents. *Environ Res.* 2012 Nov 22
- Dadvand, P et al. Maternal Exposure to Particulate Air Pollution and Term Birth Weight: A Multi-Country Evaluation of Effect and Heterogeneity. *Environ Health Perspect.* 2012 Feb 6.
- Brunekreef, B et al. Effects of long-term exposure to traffic-related air pollution on respiratory and cardiovascular mortality in the Netherlands: the NLCS-AIR study. *Res Rep Health Eff Inst.* 2009 Mar.
- Padula, AM et al, Exposure to traffic-related air pollution during pregnancy and term low birth weight: estimation of causal associations in a semiparametric model. *Am J Epidemiol.* 2012 Nov.
- Gan, WQ et al. Associations of Ambient Air Pollution with Chronic Obstructive Pulmonary Disease Hospitalization and Mortality. *Am J Respir Crit Care Med.* 2013 Feb 7.
- Yackerson, NS et al. The influence of air-suspended particulate concentration on the incidence of suicide attempts and exacerbation of schizophrenia. *Int J Biometeorol.* 2013 Jan 16.
- Faustini, A et al. Air pollution and multiple acute respiratory outcomes. *Eur Respir J.* 2013 Jan 11.
- Zora, JE et al. Associations between urban air pollution and pediatric asthma control in El Paso, Texas. *Sci Total Environ.* 2013 Jan 8.
- Willers, SM et al. Fine and coarse particulate air pollution in relation to respiratory health in Sweden. *Eur Respir J.* 2013 Jan 11.
- Lewis, TC et al. Air pollution and respiratory symptoms among children with asthma: Vulnerability by corticosteroid use and residence area. *Sci Total Environ.* 2012 Dec 26.

What good is housing if it endangers not only the new residents that would live in the housing but also existing residents and the environment? Marin County is paying \$1.6 million to MIG and Veronica Tam Associates to satisfy the County's Regional Housing Needs Allocation (RHNA) and \$1.14 million to Optics to create objective design standards. If the County can afford these consultant fees, then it surely can afford the cost of legal counsel to safeguard Marin. Please protect us and put Marin County's safety above the flawed housing allocation and join the legal challenge against the State Department of Housing and Community Development (HCD) for violations of state statutes and other actions that are placing illegitimate housing quota burdens on California cities and counties, quotas that are unsupported by fact and available data on future housing needs. Thank you in advance for your conscientious consideration.

Response to Comment O8-6: The commenter's summary of the Draft EIR's significant impacts is generally correct. The information on the adverse health effects that can result from exposure to air pollution and TACs provided in comment O8-6 is commensurate with the information in the Draft EIR. For example, the Draft EIR (pages 6-1 to 6-8) describes air pollutants and their effects and acknowledges (page 6-7) that TACs can cause severe health impacts at very low concentrations. The Draft EIR fully evaluates the potential for the project to generate air

pollutants (Impact 6-1), and also provides information on the potential for future receptors to be exposed to sources of air pollution (Draft EIR pages 6-35 to 6-38). The Draft EIR appropriately concludes that the project could result in a significant and unavoidable air quality impact even with the incorporation of mitigation measures to reduce construction and operations-related air emissions.

Comments about legal challenges pertaining to the Department of Housing and Community Development are outside the scope and focus of the Housing Element/Safety Element Update EIR and not germane to the CEQA review of the project.

4.4.9 Letter O9 Citizen Marin

Comment O9-1: The report summary says it all; there are 15 identified impacts that are significant and unavoidable. Yet the State makes no adjustment in RHNA.

Response to Comment O9-1: This comment correctly states the Draft EIR concludes the Project would have 15 significant and unavoidable environmental impacts. Marin County does not have control over the State's RHNA assignments for the County. In addition, this comment pertains to the Housing Element/Safety Element, not to the adequacy or content of the EIR. No further response is required. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project.

Comment O9-2: Basically, the County is just supposed to push any basic, responsible planning process aside — avoidance of hazards and environmental impacts — and proceed with the Housing Element as if the hazards and impacts did not exist. This was also true of the Safety and other Elements, and it will be true in two years when AB 1445 requires yet another report to be created — impacts of climate change — and again leaves the County with no avenues of avoidance.

The problem exists at the State level. Areas with hazards and environmental concerns as widespread and literally dangerous as the ones we are contending with should have their RHNA reduced.

Response to Comment O9-2: This comment pertains to the Housing Element/Safety Element, not to the adequacy or content of the EIR. No further response is required. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project.

Comment O9-3: Housing at all costs — especially when so much of it will be market rate — defies common sense. The County will suffer deterioration of the environment, and increased threat of harm to life and property from fire and flooding, among other avoidable risks.

Response to Comment O9-3: This comment expresses an opinion on an approach to housing development. The potential environmental impacts of the Project have been analyzed throughout the Draft EIR, and potentially significant impacts on the environment that would result from the Project and mitigation measures that would reduce the level of significance of said potential impacts are summarized in Table 2-2: Summary of Impacts and Recommended Mitigation Measures of the Draft EIR (Draft EIR pp. 2-14 through 2-50). Potential impacts of the

Project related to fire and flooding are analyzed in Draft EIR Chapter 12 Hydrology and Water Quality and Chapter 20 Wildfire, respectively.

This comment pertains to the Housing Element/Safety Element, not to the adequacy or content of the EIR. No further response is required. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project.

Comment O9-4: None of the reports, including the DEIR, are able to address the cumulative effects of the massive housing influx. The unincorporated area does not have a hard boundary; we are all affected by the HCD demands of the adjacent city lands of Marin.

Response to Comment O9-4: The Draft EIR addresses the potential cumulative effects of the Project in Draft EIR Chapters 4 through 20. This comment is acknowledged but does not provide any evidence to support its assertions that the Draft EIR is not addressing the cumulative effects of the new housing that may be developed as a result of the Project. No further response is required. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project.

Comment O9-5: At what point does the County push back? If we don't, the State can only conclude that we accept the new status quo, in which totally irresponsible high-level decisions are allowed to degrade our county, in the name of an affordable housing crisis. Yet it is clear that the housing laws are designed to stimulate for-profit development that will largely yield expensive housing.

Response to Comment O9-5: This comment expresses an opinion about State housing laws and the County's response to State housing laws. This comment pertains to the Housing Element/Safety Element, not to the adequacy or content of the EIR. No further response is required. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project.

4.4.10 Letter O10 Northbridge Homeowners Association

Comment O10-1: The list of sites includes several sites that are essentially right next to each other on N. San Pedro Rd, directly in front of our neighborhood. Collectively, if the amount of housing proposed for these sites were to come to fruition, that would seriously exacerbate an already very bad traffic and safety evacuation problem for our neighborhood.

Response to Comment O10-1: Draft EIR Chapter 18, Transportation, analyzes VMT throughout the Planning Area (Draft EIR p. 18-27). Please see response to Comment I2-2. Regarding traffic in general, LOS and congestion-related measures are no longer considered in CEQA as of July 1, 2020.

With respect to emergency evacuation, please see response to Comment O1-12; also, please see Topical Response 5 Wildfire Evacuation.

In addition, as discussed in response to Comment I9-2, "Future site-specific development facilitated by the Project, but which has not yet been described at a project-specific level of detail, will be evaluated for consistency with the EIR if and when development is proposed,"

which is when the site-specific analysis of the potential effects related to emergency access and/or emergency evacuation would be conducted.

Comment O10-2: The evaluation completed for the DEIR is completely unrealistic, both in terms of current conditions and future projections. Among other problems, the DEIR does not account for the planned increased enrollment at Venetia Valley School, which the County has little or no control over and which, even without the proposed added housing, will make a bad traffic and safety situation much worse.

Response to Comment O10-2: Please see response to Comment PC-30. In addition, as discussed in response to Comment O10-1, if and when a site-specific development is proposed, site-specific analysis of potential effects would be conducted, including impacts on schools. With respect to traffic, please see response to Comment O10-1.

Comment O10-3: The number of units for Santa Venetia, and in particular for the multiple adjacent or near adjacent sites along NSP, should be reduced considerably (including the currently designated 50 units for Old Galinas School) to reduce the cumulative impact of additional housing.

Response to Comment O10-3: As explained in the Draft EIR Chapter 1, Introduction, the environmental analysis contained in each of the 17 topical impact chapters (Chapters 4 through 20) includes discussion of whether the project would make a cumulatively considerable contribution to a cumulative impact for each impact; in addition, Draft EIR Chapter 21, Other CEQA and Social-Economic Analysis, includes a summary discussion of cumulative impacts (Draft EIR p. 21-1 through 21-3). Also, please see Topical Response 7.

Comment O10-4: The Draft Housing Element, the current list provides for far too much concentration of additional units in a very small area along North San Pedro Rd that is adjacent to our Northbridge neighborhood. The cumulative impact of adding this much additional housing in such a small area would be, frankly, devastating to our community. Specifically, sorting the list by address, the current draft list of sites includes all of the following:

Site	Address	Units Proposed	Site Name
1	220 N. San Pedro Rd	35 units Lower-income (20 units per acre density)	The Church of Jesus Christ
2	210 N. San Pedro Rd. 200 N. San Pedro Rd. 180 N. San Pedro Rd.	36 units Lower-income (20 units per acre density)	Bernard Osher Marin JCC
	170 N. San Pedro Rd	13 units Moderate-income housing	Congregation Rodef Shalom Marin
4	251 N. San Pedro Rd.	50 units Lower-income (super-dense 30 units per acre density)	Old Galinas School
Total		134 Units	

That adds up to whopping 134 additional housing units in a very small stretch along North San Pedro Rd. right next to our neighborhood, a grossly disproportionate concentration of the overall additional housing burden countywide. If this is adopted as part of the ultimate plan, that would be seriously unfair to the Northbridge neighborhood and to the surrounding neighborhoods in Santa Venetia, just as it would be if all 134 additional units were proposed for to be added to any one of those essentially adjacent sites.

Response to Comment O10-4: With respect to the comment that additional housing would be “unfair,” this is a comment on the proposed Housing Element and Safety Element Update project and not on the adequacy or content of the Draft EIR. Please see Topical Response 3. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project. No further response is required.

Comment O10-5: Adding this many units to this small area would exacerbate an already very bad traffic situation, compound our residents’ serious concerns regarding emergency evacuation of the neighborhood, and drastically change the character of our community and the surrounding neighborhood.

Response to Comment O10-5: With respect to traffic and emergency evacuation, please see responses to Comment O1-12 and Comment O10-1.

With respect to the character of the area, EIR Chapter 4, Aesthetics, describes potential Project effects on scenic vistas (Impact 4-1) and on the existing visual character or quality of public views of the site and its surroundings (Impact 4-2), as required by CEQA, and discusses how design review and objective design standards would likely reduce most aesthetic impacts, but that conclusions regarding effects on the visual character and quality of the area would be speculative without site-specific project designs. Because of the uncertainty of the effectiveness of objective design standards to reduce effects on the visual character or quality of the area to a less-than-significant level, the impact would be significant and unavoidable. The comment does not refer to the adequacy or content of the EIR, and no further response is required.

Comment O10-6: We ask that the BOS/PC please not just consider these sites individually in their own vacuums, but instead consider the aggregate number of units proposed for such a small area, the very real and practical cumulative impacts this would have on our Northbridge neighborhood, and the inequity of having so much of this additional housing so concentrated in these four essentially adjacent lots. At least some of these adjacent sites should be removed, and the maximum numbers of units provided for the remaining sites should be reduced substantially.

Response to Comment O10-6: With respect to cumulative impacts, please see response to Comment O10-3.

With respect to the asserted “inequity” of additional housing, please see response to Comment O10-4. Please see also Topical Response 3 Comments on the Merits of the Project (Content of the Housing Element Update or Safety Element Update) and not the Adequacy of the EIR.

Comment O10-7: Old Galinas School Site. Additionally, with respect to Site 4 listed above (Old Galinas School), that site currently serves as a vital resource for our community—a child care center that is used and relied upon by Santa Venetia families and other families throughout the county. Eliminating this important resource would be a terrible loss for our community, and we would ask that you please remove this site from the list entirely.

Response to Comment O10-7: The comment pertains to a specific site with a childcare center that could be lost due to future housing development. As explained in EIR Chapter 1, Introduction, the EIR was prepared to describe countywide impacts of the Project (Draft EIR p. 1-8), which consists of amendments to the CWP and County Code. Site-specific analysis is not required for program EIRs. As further explained in the EIR, “Future site-specific development facilitated by the Project, but which has not yet been described at a project-specific level of detail, will be evaluated for consistency with the EIR if and when development is proposed” (Draft EIR p. 1-9). If and when future development is proposed for the specific site referred to by the comment, then that is when the site-specific analysis, including possible effects on existing land uses, would be conducted. Also, please see Topical Response 1 Use of Program EIR, which explains in more detail how the EIR is intended to support County review of future development projects.

Comment O10-8: While the current draft list of sites has reduced the overall number of proposed additional sites for Santa Venetia, the current list still calls for far too many additional units for Santa Venetia. Some neighborhoods just cannot accommodate that much additional housing, and Santa Venetia is one such neighborhood. There is only one street in and out of the neighborhood, with one lane in each direction. The traffic situation on North San Pedro Rd. is already very bad, particularly during school rush hours, even without any additional housing units being added.

Response to Comment O10-8: Please see response to Comment O10-1.

Comment O10-9: The residents of Northbridge have significant concerns about the ability to evacuate the neighborhood in an emergency. The addition of hundreds of housing units to Santa Venetia, and the corresponding additional residents and their vehicles, would greatly exacerbate both problems. That would be on top of the additional traffic and related problems that would flow from the planned expansion of school facilities at the Osher Marin JCC and Venetia Valley School, the latter of which is largely or entirely beyond the County’s control and oversight.

Response to Comment O10-9: Please see response to Comment O10-1.

4.5 RESPONSES TO INDIVIDUAL COMMENTS

4.5.1 Letter I1 Alina Wright

Comment I1-1: With fire season an inevitable part of our lives now, what are the plans to ensure proper and safe evacuation routes for all the residents of Lucas Valley (and above toward Nicasio)? How do we ensure that additional housing units do not further entrap the residents that are living here? Are there plans for additional roads? Routes?

Response to Comment I1-1: Please see response to Comment O1-12; also, please see Topical Response 5 Wildfire Evacuation.

Comment I1-2: I am writing to oppose additional housing units in the Lucas Valley area for fire safety evacuation.

Response to Comment I1-2: With respect to fire safety and evacuation, please see response to Comment I1-1. The comment otherwise does not pertain to the adequacy or content of the EIR. No further response is required.

4.5.2 Letter I2 Amber & Matthew Jarvis

Comment I2-1: We are reaching out to request removal of 791 Atherton Avenue and 805 Atherton Avenue from your site list for the County as potential sites to build high-density housing.

Response to Comment I2-1: This comment pertains to the Housing Element/Safety Element, not to the adequacy or content of the EIR. No further response is required. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project.

Comment I2-2: I do feel strongly that a high-density housing project in this particular neighborhood, and on these lots, would do a lot of damage to this beautiful remote part of Novato. Not only does this type of housing project not fit in at all in this landscape, but the increased traffic along the two-lane Atherton Avenue – where so many of us ride our bikes and walk with our families and pets – would be quite disruptive. Furthermore, the beautiful wildlife along the Atherton Avenue Corridor would be significantly impacted.

Response to Comment I2-2: Regarding traffic, please see Response to Comment O10-1.

Regarding community character, community character is not a topic area that must be analyzed in an EIR according to the State CEQA Guidelines. Regarding visual character and scenic views, please see Response to Comment O1-7.

This comment pertains to the Housing and Safety Elements, not to the adequacy or content of the EIR. No further response is required. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project.

Comment I2-3: With the beautiful open land around this neighborhood, we have significant concerns about the increased fire hazard, and the ability to evacuate hundreds of families from this area down a two-lane road should a fire occur.

Response to Comment I2-3: Regarding wildfire hazards, EIR Chapter 20 Wildfire includes analysis of the potential impacts of the Project related to wildfire and concluded the project would have less than significant wildfire impacts. All development on sites identified in the Housing Element to satisfy the RHNA will be required to comply with current codes and requirements related to fire safety. In considering fire issues, code compliance would ensure that emergency vehicle access, evacuation routes, fire suppression, fire hardening, and vegetation management mitigations are built into the project.

The Safety Element Update includes policies and implementing programs developed specifically to reduce wildfire risks and improve wildfire safety for new and existing development. These policies and implementing programs are included under Goal EHS-5: Safety from Wildfire of the Safety Element Update and in Chapter 20 of the EIR and include, for example:

EHS-5.3-1 Implement a Regional Fire Management Plan with Marin Fire Agencies: the Marin Wildfire Prevention Authority, County Fire, and FireSAFE Marin. Develop a collaborative, proactive approach to manage wildfire losses by identifying hazard risks and enacting effective mitigation strategies.

- EHS-5.2 Ensure Adequate Fire Protection. Ensure that adequate fire protection, including adequate evacuation routes, is provided in new development and when modifications are made to existing development.
- EHS-5.3 Regulate Land Uses to Protect from Wildland Fires. Use land use regulations, including but not limited to subdivision approvals and denials and permits for remodeling existing structures, as means of protecting people and property from hazards associated with wildland fires.
- EHS-5.4 Limit Risks to Structures. Ensure that adequate fire protection protective features are in place in new development and when modifications are made to existing structures.
- EHS-5.5 Remove Hazardous Vegetation. Abate the buildup of vegetation around existing structures or on vacant properties that could help fuel fires. (See also Natural Systems and Agriculture Element, BIO-1.4, Support Vegetation and Wildlife Disease Management Programs).

In addition, the Marin Wildfire Prevention Authority (MWPA) conducts ongoing projects, including vegetation management, fire detection, evacuation route improvement, and home hardening and defensible space evaluations projects, throughout the County to reduce wildfire risk. These projects reduce or minimize wildfire risks to existing communities and would also benefit any new communities developed as a result of the project.

Through the combination of required compliance with current codes and requirements related to fire safety, implementation of the Safety Element Update's wildfire policies and implementing programs, and the ongoing efforts of the MWPA and other County firefighting authorities, the project would not expose people or structures to significant risk or loss involving and fire risks to new housing development located in the High or Very High FHSZ in the County would be reduced or minimized. The EIR analyses the potential impacts of the project against the CEQA thresholds of significance related to wildfire. These thresholds of significance do not require the EIR to conclude whether the lead agency should approve or reject a housing development proposal.

Regarding evacuation, as discussed in EIR Chapter 20 Wildfire, many proposed implementing programs included in the Safety Element Update are designed to create safe evacuation processes and outcomes. These proposed programs are listed in the Draft EIR. Their full text is included in the Draft EIR subsection 20.3.2 (Proposed Policies and Actions to Avoid or Reduce Significant Impacts). Examples of these policies include:

Policy EHS 2.4 Effective Emergency Access and Evacuation

Program EHS-2.4.b Adopt Proactive Preparedness

Program EHS-2.4.c Identify and Improve Deficient Evacuation Routes

Program EHS-2.4.d Create New Evacuation Routes

Program EHS-2.4.e Ensure Access to New Development

Program EHS-5.1.e Commit Funding for Evacuation Safety

Program EHS-5.1.f Monitoring State Requirements for Evacuation Routes

Development facilitated by the Housing Element Update would increase the population of the county, which in turn may exacerbate existing evacuation deficiencies by increasing the number of vehicles utilizing evacuation routes. However, the Safety Element Update implementing programs would reduce potential impacts because the programs would improve evacuation and

emergency response compared to existing conditions. Further, the development projects facilitated by the Housing Element Update would be sited such that new housing would not be located in areas that would interfere with emergency response or evacuation procedures and planning.

As a result of the proposed Safety Element Update implementing programs, ongoing countywide developments in evacuation planning, and the selection of housing sites in locations that would not impair emergency response or evacuation efforts, the Project would not impair emergency response or emergency evacuation plans; therefore, the Draft EIR concludes that this impact would be less than significant.

This comment pertains to the Housing and Safety Elements, not to the adequacy or content of the EIR. No further response is required. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project.

4.5.3 Letter I3 Ann Allen

Comment I3-1: Removing fire potential from the equation just that many more people using the 2 lane road would be a nightmare. Also, we don't have the infrastructure schools etc. to support this number of people. Please reduce the density it is not reasonable.

Response to Comment I3-1: Regarding evacuation, please see Response to Comment I2-3.

Regarding school overcrowding, please see Response to Comment PC-30.

This comment pertains to the Housing and Safety Elements, not to the adequacy or content of the EIR. No further response is required. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project.

4.5.4 Letter I4 Bradley Haas

Comment I4-1: Adding hundreds of potential homes along the Atherton Avenue corridor doesn't fit with this at all. The six identified parcels on the housing element list along the Atherton Corridor all have something in common...they are bordered or are adjacent to homes of at least 1/2 to 1 acre each. Adding up to 20 units per acre would drastically change the look, feel and identity of a precious rural area so close to the city itself.

Response to Comment I4-1: This comment pertains to the Housing and Safety Elements, not to the adequacy or content of the EIR. No further response is required. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project.

Comment I4-2: All six sites are listed in a chart titled "Housing Site Removed from Utility Service Providers" (Table 22-2/Page 22-32 of the DEIR) because of an "Inability to serve the proposed Project." In other words, the water district has responded saying they can't provide water to these sites without impacting their ability to provide water with a sufficient reserve for the entire community during dry years. It would also necessitate significant infrastructure upgrades even if they did have enough water. With ever increasing and severe droughts, the biggest and most important commodity will be water. Adding hundreds of new homes will put a

further strain on an already precarious water supply that is heavily reliant on out-of-county water sources to provide basic needs for the service area. The sites along Olive Avenue would also have significant challenges to connecting to the sewer system, especially since the fire station just down the road (to the best of my current knowledge) still hasn't been able to connect to the sanitary sewer and, like all homes in the area, relies on a septic system.

Response to Comment I4-2: Regarding water supply, Draft EIR Chapter 19 Utilities and Service Systems (Draft EIR pp. 19-1 through 19-62) provides a description of existing water conditions, including supply and the effects of continuing drought, service districts and water providers, impacts of potential development facilitated by the Project on water supply, and mitigation measures. Chapter 19 also discusses the efforts being undertaken by the Marin Municipal Water District to augment water supplies (Draft EIR p. 19-52). However, given the uncertainty associated with drought impacts on water supply and with the timing and fruition of efforts by the County and any of the water districts to supplement water supplies in dry and multiple dry years, the EIR determined that impacts related to water supply for the Project and cumulative scenarios are significant and unavoidable with no feasible mitigation measures (Draft EIR pp. 19-52 and 19-53). Also, please see Topical Response 6 Water Supply.

Regarding sanitary sewer service, Draft EIR Chapter 19, Utilities and Service Systems (Draft EIR pp. 19-1 through 19-62), provides a description of wastewater treatment and capacity, impacts of potential development facilitated by the Project on wastewater treatment, and mitigation measures. The EIR concludes that until a site-specific project is proposed, due to the uncertainty of the ability of a given parcel to accommodate a proposed housing site's wastewater treatment needs, and the unknown outcome of site- and project-specific investigations to identify alternative approaches to sewage disposal and rising groundwater levels, Project and cumulative (Project and County's commitments outside of the Project) septic system impacts would be significant and unavoidable with no feasible mitigation.

Comment I4-3: All six sites are listed under the "moderate" or "high" fire danger category. This impacts insurance availability and rates and will make it more expensive for residents to live in their homes regardless of income level, but particularly those that are in the lower or moderate income categories. In addition to insurance challenges, evacuation is also a concern. As a former Marin County Firefighter, I am well aware of the challenges of evacuation during vegetation fires in more urban areas. Having the potential of several hundred extra cars trying to evacuate on the two-lane Atherton Avenue will further delay evacuation while also inhibiting fire equipment response. This will be a dangerous and potentially catastrophic event that will only be compounded by extra vehicles.

I also have deep concerns over the methodology and awareness of each site's unique terrain. For example, one of the candidate sites (805 Atherton Avenue), previously had an application submitted to subdivide the property into six lots. This, however, was denied by the planning commission for several reasons. What it does tell me is that the slope calculations that are listed on the current housing element site list are incorrect and also don't recognize that 1.5 acres of the "buildable area" identified, was actually surveyed as wetlands in 2018. Both the Olive avenue sites also have significant wetlands surrounding them which make them difficult or impossible to meet the numbers identified in the housing element site list.

Response to Comment I4-3: Regarding wildfire hazards and evacuation, please see Response to Comment I2-3 and Topical Response 5 Wildfire Evacuation.

Regarding site terrain, EIR Chapter 9, Geology and Soils, discusses CWP policies and programs that would ensure project design is site-specific and considers site terrain, such as Program EHS-23.1.b Require Geotechnical Reports, which requires applicable projects to

prepare a geological report, which must include an adequate description of the geology of the site and conclusions and recommendations regarding the effect of geologic conditions on the proposed work and adjacent areas. Further, development projects must comply with the provisions of the latest California Building Standards Code (CBSC), as adopted by the County, which would ensure potential impacts to occupants related to hazardous site terrain would be less than significant.

Regarding wetlands, EIR Chapter 7, Biological Resources, discusses CWP policies and programs that would protect and avoid impacts on wetlands, such as requiring site assessments, and state and federal laws and regulations (e.g., Federal CWA, CWA/Porter-Cologne Water Quality Control Act, and Rivers and Harbors Act) that that would ensure the protection of wetlands. Further, mitigation measures to protect wetlands, if wetlands exist on a potential development site, may be adopted through the CEQA process for individual housing development projects. Also, please see revisions to EIR Chapter 7, Biological Resources, as included in Final EIR Chapter 5 Text Revisions to Draft EIR which expand on the Draft EIR discussion.

While this comment pertains to topic areas covered by the EIR (i.e., wildfire, geology and soils, and biological resources), this comment does not pertain to the adequacy or content of the EIR. No further response is required.

Comment I4-4: I respect the difficult position that you are in and ask that you take a closer look at the sites along the Atherton Avenue corridor. I personally don't think high density housing has any place here. Fire safety, water supply, traffic and a complete change in the look and feel of this community are all extreme challenges and obstacles to building here. I urge you to reconsider these sites.

Response to Comment I4-4: Regarding wildfire hazards, please see Response to Comment I2-3.

Regarding water supply, please see Response to Comment I4-2 and Topical Response 6 Water Supply.

Regarding traffic, please see Response to Comment O10-1.

Regarding community character, community character is not a topic area that must be analyzed in an EIR according to the State CEQA Guidelines. Regarding visual character and scenic views, please see Response to Comment O1-7.

While this comment pertains to topic areas covered by the EIR (i.e., wildfire, utilities and service systems, transportation, and aesthetics), this comment does not pertain to the adequacy or content of the EIR. No further response is required.

4.5.5 Letter I5 Chad & Sarah MacLachlan

Comment I5-1: Recently, it was brought to our attention, as well as a number of our neighbors included on this email, that the properties located at 791 Atherton Avenue and 805 Atherton Avenue in unincorporated Novato remain on the list for the County as potential sites to build high-density housing with a total of 105 housing units (not including the likely state density bonus that would be applied). We had previously heard that the Atherton sites were removed, but apparently, that was only the case for select sites along this corridor. For a number of reasons, we are respectfully asking that you strongly consider removing these two sites from the list of potential housing projects.

Response to Comment I5-1: This comment pertains to the Housing and Safety Elements, not to the adequacy or content of the EIR. No further response is necessary.

Comment I5-2: I do feel strongly that a high-density housing project in this particular neighborhood, and on these lots, would do a lot of damage to this beautiful part of Novato. Not only does this type of housing project not fit in at all in this landscape, but the increased traffic along the two-lane Atherton Avenue – where so many of us ride our bikes and walk with our families and pets – would be quite disruptive. Furthermore, the beautiful wildlife along the Atherton Avenue Corridor would be significantly impacted

Response to Comment I5-2: Regarding visual character and scenic views, Draft EIR Chapter 4 Aesthetics describes the County’s design review process for discretionary projects, including discretionary development standards, and objective design standards. Although objective design standards are likely to be adopted by the time a housing development application is submitted for “streamlined” review under the Project, it is unknown whether these standards would minimize project effects on the visual character or quality of the area sufficiently to reduce project effects to less than significant. In addition, the effectiveness of County design review of discretionary projects without details of the site design and building scale and location would be speculative. Because neither the County’s design review process nor use of objective design standards, when adopted, may be adequate to reduce project effects on the visual character or quality of the area to a less-than-significant level, and no additional feasible mitigation is available for ministerial and streamlined projects, the EIR concludes Project impacts on the visual character or quality of an area would be significant and unavoidable.

Regarding traffic, Draft EIR Chapter 18 Transportation contains discussion on the potential for the Project to include the potential development of more housing units in the unincorporated County of Marin than have been analyzed in prior LOS (level of service) analyses completed for the 2012 Housing Element EIR and the Countywide Plan EIR. Historically, the transportation impacts of land development and transportation projects were evaluated based on LOS, a congestion-focused metric, which is generally tied to the average delays that drivers experience. However, as required by the State CEQA Guidelines, the current primary determinant of significance related to transportation impacts is VMT, which is quantitatively assessed in the EIR. The focus on VMT is a relatively recent change in CEQA and is relevant in that it has replaced the level of service (LOS) metric that had previously been used. The Project can be expected to contribute to unacceptable levels of service on major corridors despite the County’s efforts in emphasizing non-auto travel and travel demand management, as well as investment in the Countywide bike network and SMART commuter rail. Nonetheless, the Project’s contributions to existing and cumulative traffic congestion would not be considered an adverse environmental impact, so are not further analyzed in the EIR.

Regarding wildlife, Draft EIR Chapter 7, Biological Resources, discusses existing CWP policies and programs that would protect and avoid impacts on wildlife and their habitat, such as requiring site assessments for projects that may impact special-status species and which would include evaluation of potential impacts and identification of mitigation measures to protect species (Draft EIR pp. 7-26 and 7-27). Also, please see revisions to Draft EIR Chapter 7, Biological Resources, as included in Final EIR Chapter 5 Text Revisions to Draft EIR which expand on the Draft EIR discussion.

Comment I5-3: With the beautiful open land around this neighborhood, we have significant concerns about the increased fire hazard, and the ability to evacuate hundreds of families from this area down a two-lane road should a fire occur.

Response to Comment I5-3: Regarding wildfire hazards and evacuation, see Response to Comment I2-3.

4.5.6 Letter I6 Chris Winkler

Comment I6-1: I have conscientious concerns about concentrating numerous high-density developments on the Atherton corridor. Amongst my concerns are the disruption of the sensitive wildlife environment as well as the safety of traffic speeds and concentration on Atherton for the children of the surrounding communities. Because this part of Marin is already seeing numerous development sites, I don't believe the community would benefit from having sites developed haphazardly just for the sake of mandate. Being respectful of the natural environmental protections and the preservation of safety remains a greater priority for our community.

Response to Comment I6-1: Regarding wildlife, please see Response to Comment I5-2.

Regarding traffic, please see Response to Comment O10-1.

4.5.7 Letter I7 Frank Cioffi

Comment I7-1: Respectfully, I and many of my neighbors were disappointed to discover that the current proposal for the Atherton Corridor calls for 110 homes at the 791 and 805 Atherton Avenue addresses, as well as 58 homes at 300 Olive Avenue.

This is excessive, especially when combined with the homes planned for the former Firemen's Fund property.

Increased traffic in a high fire danger area, wildlife access, water supply issues and a complete change in the complexion of our Atherton neighborhood are among the many issues involved.

I request you take another look at the proposal and revise. This level of development is too much for one small area.

Response to Comment I7-1: Regarding wildfire hazards, please see Response to Comment I2-3.

Regarding wildlife, please see Response to Comment I5-2.

Regarding water supply, please see Response to Comment I4-2 and Topical Response 6 Water Supply.

Regarding community character, community character is not a topic area that must be analyzed in an EIR according to the State CEQA Guidelines. Regarding visual character and scenic views, please see Response to Comment O1-7.

4.5.8 Letter I8 Isabel Campoy

Comment I8-1: Please take into consideration in your new housing plans the already difficult traffic in the area. Expanding the road should be a MUST to cope with added circulation. There are many reasons to oppose your proposal as there are no business centers near the proposed sites. I here present my opposition to the proposal.

Response to Comment I8-1: Regarding traffic, please see Response to Comment O10-1.

4.5.9 Letter I9 Janet Coyne

Comment I9-1: The county needs to provide a layman's summary of this 738 page document. This document does NOT adequately inform the public of any environmental concerns- how many residents will read/understand 738 pages?. My hopes would be at the upcoming meeting, that a short, written summary of this document is presented so that the community can be engaged in this process and provide actual feedback prior to the deadline. Included with this, there needs to be a simple grid explanation of the proposed AND maximum number and types of units that can be built at each site, along with estimated population, student generation, and automobile addition.

Response to Comment I9-1: The comment pertains to the adequacy or content of the EIR due to its length. As discussed in Draft EIR Chapter 1, Introduction, the EIR was prepared by Marin County in accordance with CEQA Guidelines section 15168 and describes the reasonably foreseeable countywide impacts of the Project, including a description of the cumulative, aggregate effects of the Project (Draft EIR p. 1-8). As required by California Public Resources Code section 21061, the EIR includes "detailed information about the effect which a proposed project is likely to have on the environment;" it also discusses "ways in which the significant effects of such a project might be minimized." EIR Chapters 1, Introduction, and 2, Summary, provide an overview/summary of the EIR and how it is organized, what information is included, environmental issues and areas of controversy, alternatives studied, and a table with Project impacts and mitigation with their level of significance after mitigation. These two chapters total approximately 68 pages.

In addition, County staff made a presentation on the Draft EIR findings at a joint Board of Supervisors and Planning Commission meeting on November 16, 2022. The PowerPoint presentation from that meeting also provides a summary of the EIR, along with maps and illustrations. The PowerPoint is available on the Marin County Housing Element Update website at <https://housingelements Marin.org/marin-county-environmental-review>.

Comment I9-2: The DEIR is a county-wide program level assessment and does NOT assess site specific issues. This report is inadequate in informing Lucas Valley/Marinwood residents (who are slated for the majority of the affordable housing sites) and all Marin County residents about the potential local impact of this development. It is a disservice to the community if the County's response is to reiterate that its intent is to produce a high-level, countywide EIR and that site-specific interest of Lucas valley/Marinwood or any other area are irrelevant.

Response to Comment I9-2: As discussed in Draft EIR Chapter 1, Introduction, the EIR was prepared to describe countywide impacts of the Project (Draft EIR p. 1-8). Site-specific analysis is not required for program EIRs, though as explained in CEQA Guidelines section 15168(c)(5): "A program EIR will be most helpful in dealing with later activities if it provides a description of planned activities that would implement the program and deals with the effects of the program as specifically and comprehensively as possible."

The EIR analysis has been structured to provide this countywide, "program-level" analysis while including all areas where development is anticipated to occur, all the while acknowledging that more analysis is likely to be necessary when a future project is submitted for review. As acknowledged in the EIR, "Future site-specific development facilitated by the Project, but which has not yet been described at a project-specific level of detail, will be evaluated for consistency with the EIR if and when development is proposed" (Draft EIR p. 1-9). At that time, additional environmental review may be required by the County to consider individual sites, depending on the proposal for each site. Also, please see Topical Response 1 Use of Program EIR, which

explains in more detail how the EIR is intended to support County review of future development projects.

Comment I9-3: Site authorized units. Specifically looking at Lucas Valley Affordable housing sites, it is confusing regarding the maximum number of units that can be built (bonus density/ up to 90% additional units) vs what is being proposed. Are these sites categorized as “ministerial” applications- a fast track mechanism that gives developers discretion to add more units with limited county approval or public role in this process? These numbers will affect the environmental report. The proposed numbers vs maximum units needs to be transparent at all the sites and factored into the county environmental report.

Response to Comment I9-3: Please see Topical Response 2 Final Housing Site List. In addition, density bonus units are not “by-right” units from the standpoint that they do not require review under CEQA, and an application for a density bonus by a future project applicant would be reviewed by the County based on provisions in the County Code (see County Code Chapter 22.24 - Affordable Housing Incentives).

With respect to other “by-right” development applications, the EIR does not make that categorization but instead acknowledges that there are opportunities for future project applicants to take advantage of any of several programs that would allow for “by-right” development. However, CEQA review is not required for “by-right” development, but individual parcels must meet certain qualifications to be eligible for “by-right” approval, and because of the several ways a parcel could be eligible for “by-right” approval, the Housing Element Update has not identified which sites may or may not be eligible. In addition, although “by-right” development approvals still require individual projects to meet certain requirements, depending on the particular statute under which the project is applying, they would not exempt an individual project from compliance with Federal and State law or Countywide Plan policies.

Comment I9-4: Transportation. The EIR states that “all candidate sites were analyzed to conservatively assess worst-case VMT and traffic volume projections, which affect EIR topic areas in addition to transportation (including air quality, noise, & greenhouse gases). The county needs to publish the Lucas valley site-specific Vehicle Miles Traveled VMT analysis and the transportation agency’s conclusions per that analysis. This needs to be published at both proposed units in Lucas Valley/Marinwood/St Vincents AND maximum potential units. Lucas valley does not have public transportation, therefore additional autos (1.5 per household) would add up to potentially a 50% increase of autos in this area. There is no infrastructure to support this in Lucas Valley. In addition, St Vincents property development will add more traffic to highway 101, Lucas Valley Rd and surrounding neighborhoods because of transportation to work & local schools.

Response to Comment I9-4: Please see Topical Response 1 Use of Program EIR. With respect to transportation, please see responses to Comment PC-9 and Comment PC-11.

Comment I9-5: Wildfire/Emergency Evacuation. Is there a FireSafe Marin evacuation map for the Lucas valley corridor? The EIR states “Risk to People and/or structures from exposure to wildfire is 'less than significant’”. How is this assessment made when there is an overall increase in wildfire hazard in Lucas Valley and countywide. Lucas Valley is a 2-lane road and is the single roadway to exit the area in an emergency. It’s already hard to cross this road with present traffic, but even worse during school times.

Response to Comment I9-5: Wildfire and emergency evacuation are discussed in Draft EIR Chapter 20, Wildfire. Please see Topical Response 5 Wildfire Evacuation. With respect to whether FireSafe Marin has an evacuation map for Lucas Valley, currently there is no map

posted on their web site (<https://firesafemarin.org/prepare-yourself/evacuation-guide/evacuation-maps/>), however, the County has maps that designate evacuation zones and have been pre-entered into the County's notification system for rapid evacuation notification for people in potential evacuation zones (see <https://www.marincounty.org/depts/fr/divisions/operations/wildfire-evacuation-zones>). Lucas Valley is located on the Marinwood Map.

The comment states that fire hazard risk is increased overall in Lucas Valley and countywide but does not provide any information to support that statement.

Comment I9-6: Wildlife. The Juvenile Hall/Jeanette Prandi property is home to many types of wildlife; birds, owls, coyotes, deer. Many animals use this as an access point to get to the creek for water. The area also provides a park and walkway loop for the community, especially the seniors at the Rotary Village.

Expanding housing for the already existing Rotary Senior Village in a similar style would be a good use of this space, as long as it preserves some of the open space that could be used for a walkway and access for wildlife to get to the creek.

Response to Comment I9-6: With respect to wildlife, the Draft EIR discusses potential Project impacts on wildlife movement and notes that existing CWP policies would reduce impacts, "Policy BIO-5.2 ensures that development does not create barriers to food, water, or shelter for wildlife" ((Draft EIR pp. 7-33 and 7-34). With respect to riparian areas, the Draft EIR discusses potential Project impacts and notes that existing CWP Policies BIO-2.3 and BIO-5.2 and Program BIO-4.f provide protection for riparian areas and would reduce impacts, and Program BIO-2.a, Program BIO-3.c, and Program BIO-4.g, require site assessments for development projects if there is any potential for jurisdictional wetlands, sensitive natural communities, riparian areas, stream conservation areas, and wetland conservation areas to be impacted. The site assessments would include an evaluation of potential impacts on the sensitive resources and measures to protect those resources (Draft EIR pp. 7-29 and 7-30). See also revisions to EIR Chapter 7, Biological Resources, as included in Final EIR Chapter 5 Text Revisions to Draft EIR which clarify and amplify the Draft EIR discussion. As discussed in response to Comment I9-2, "Future site-specific development facilitated by the Project, but which has not yet been described at a project-specific level of detail, will be evaluated for consistency with the EIR if and when development is proposed," which is when the site-specific analysis of biological resources, including wildlife movement and riparian habitat, would be conducted.

With respect to park and recreational amenities, the EIR determined that "The requirements of the County Code will ensure that future residential projects meet dedication requirements through the development review process. Parkland, as required, must be included as part of a project's "land use plan" with the location identified on the project site. A project that does not comply with the parkland dedication requirement would not be approved" (Draft EIR p. 17-24). As discussed in response to Comment I9-2, "Future site-specific development facilitated by the Project, but which has not yet been described at a project-specific level of detail, will be evaluated for consistency with the EIR if and when development is proposed," which is when the site-specific analysis of open space and recreational amenities for the site would be conducted.

Comment I9-7: NOT ADDRESSED IN THE REPORT: (or at least in the part I was able to review-) Water shortage/drought and local school expansion, both of which impact the environment and need to be addressed.

Response to Comment I9-7: The EIR includes a table of contents (Draft EIR pp. TOC-1 through TOC-18) that lists the individual chapters by chapter name; these chapters include all 20 environmental impact topics required to be evaluated under CEQA. In addition, the PDF includes “bookmarks” to help the reader navigate to any chapter by topic.

With respect to water shortage/drought, please see Topical Response 6 Water Supply. In addition, EIR Chapter 19, Utilities and Service Systems (Draft EIR pp. 19-1 through 19-62), provides a description of existing water conditions, including supply and the effects of continuing drought, service districts and water providers, impacts of potential development facilitated by the Project on water supply, and mitigation measures. With respect to schools, please see response to Comment PC-30.

4.5.10 Letter I10 Jared Wright

Comment I10-1: I am writing as a concerned resident about the plans for housing development near the Juvenile Hall and 7 Mt. Lassen Drive. I am concerned that the added density will further congest the 2 lane roads including Lucas Valley and will create hazardous conditions at the corner of Mt. Lassen and Lucas Valley Road. As an evacuee of last year's fire on the HOA hillside, I am very concerned about the impact this will have on evacuation routes, including the route through the Juvenile Hall and Parks Department. Our evacuation last year was dramatically slowed by traffic on Lucas Valley road and many cars were forcibly stuck near Mt. Lassen. Adding such dense housing to the community creates further risks.

Response to Comment I10-1: Please see response to Comment O1-12; also, please see Topical Response 5 Wildfire Evacuation.

Comment I10-2: I am further concerned about the impact on wildlife in the open space near the Juvenile Hall, the only open space area in our neighborhood. Furthermore, I am concerned about the impact on the Miller Park Watershed, the creek, and efforts to protect the Steelhead run up Miller Creek. Additional housing developments in this area will further pollute an essential Marin County watershed area. This includes further strain on our water resources within our community, already under duress from year on year drought conditions.

Response to Comment I10-2: With respect to wildlife, Draft EIR Chapter 7, Biological Resources, describes the environmental setting and regulatory framework necessary to evaluate potential environmental impacts resulting from the Project and identifies mitigation measures as needed to reduce significant impacts (Draft EIR pp. 7-1 through 7-40). Chapter 7 also discusses existing CWP policies and programs that would protect and avoid impacts on wildlife and their habitat, such as requiring site assessments for projects that may impact special-status species and which would include evaluation of potential impacts and identification of mitigation measures to protect species (Draft EIR pp. 7-26 and 7-27). Also, please see revisions to Draft EIR Chapter 7, Biological Resources, as included in Final EIR Chapter 5 Text Revisions to Draft EIR which clarify and amplify the Draft EIR discussion.

With respect to water resources, Draft EIR Chapter 12, Hydrology and Water Quality, describes the environmental setting and evaluates potential environmental impacts that could result from the Project, and discusses Project goals, policies, and implementing programs that would avoid or reduce those potential impacts. EIR Impact 12-1 analyzes water quality impacts and includes discussion of water quality protection requirements and conditions of approval that are intended to reduce any potential construction period and post-construction water quality impacts resulting from implementation of the Project (Draft EIR pp. 12-23 and 12-24). EIR Impact 12-3 analyzes stormwater runoff and drainage impacts and determined that compliance with State and County requirements for stormwater management, which would include measures and techniques

designed to reduce the volume and rate of stormwater and allow water to infiltrate the underlying soil naturally, or as an alternative, capture water for reuse such as a rain barrel or cistern for irrigation purposes, would reduce the effects of new or replaced impervious surfaces due to potential future development facilitated by the Project (Draft EIR pp. 12-25 and 12-26).

4.5.11 Letter I11 Jerry Draper

Comment I11-1: There are two creeks (East and West tributaries of Sorich Creek) (already partially culverted) on the above properties that would be further impacted by the zoning change.

Response to Comment I11-1: With respect to riparian areas, the EIR discusses potential Project impacts and concludes that existing CWP Policies BIO-2.3 and BIO-5.2 and Programs BIO-4.f and BIO-4.h provide protection for riparian areas and would reduce impacts (Draft EIR pp. 7-29 and 7-30). With respect to sensitive natural communities, the EIR discusses potential Project impacts and concludes that existing CWP Policies BIO-1.1, BIO-2.1, and BIO-2.8 provide protection for sensitive natural communities and would reduce impacts (Draft EIR pp. 7-29 and 7-30). With respect to wetlands, the EIR discusses potential Project impacts and concludes that existing CWP Policies BIO-1.1, BIO-2.1, BIO-2.3, BIO-2.7, BIO-2.8, BIO-2.9, BIO-3.1, and BIO-3.2 and Programs BIO-3.b, BIO-3.d, and Bio-3.e provide protection for wetlands and would reduce impacts (Draft EIR pp. 7-29 and 7-30). Program BIO-2.a, Program BIO-3.c, and Program BIO-4.g, require site assessments for development projects if there is any potential for jurisdictional wetlands, sensitive natural communities, and riparian areas to be impacted. The site assessments would include an evaluation of potential impacts on sensitive resources and measures to protect those resources. The Draft EIR recommends Mitigation Measures 7-1 through 7-3 to further reduce potential impacts from the Housing and Safety Element Update Project on biological resources. Please see revisions to Draft EIR Chapter 7, Biological Resources, as included in Final EIR Chapter 5 Text Revisions to Draft EIR which clarify and amplify the Draft EIR discussion.

In addition, as discussed in response to Comment I9-2, "Future site-specific development facilitated by the Project, but which has not yet been described at a project-specific level of detail, will be evaluated for consistency with the EIR if and when development is proposed," which is when the site-specific analysis of biological resources, including riparian habitat, sensitive natural communities, and wetlands, would be conducted.

Comment I11-2: An increase in stormwater runoff will impact downstream culverts that are not designed for the increased water flow.

Response to Comment I11-2: The comment pertains to impacts associated with stormwater runoff and downstream culverts for two creeks in unincorporated San Anselmo. Draft EIR Chapter 12, Hydrology and Water Quality, discusses potential Project effects on hydrology and identifies Regional Water Quality Control Board, Marin Countywide Stormwater Pollution Prevention Program, and Marin County requirements and conditions would apply to future potential development facilitated by the Project. These requirements and conditions of approval would reduce Project stormwater runoff and drainage impacts because of site design measures that minimize impervious surfaces, reduce runoff by dispersing it to landscaping, or by using pervious pavements, and because use of low-impact development techniques would result in no net increase in drainage off-site compared to pre-project site hydrology. These stormwater management measures and techniques are designed to reduce the volume and rate of stormwater and allow water to infiltrate the underlying soil naturally or capture water for reuse (Draft EIR pp. 12-25 and 12-26).

In addition, as discussed in response to Comment I11-1, “Future site-specific development facilitated by the Project, but which has not yet been described at a project-specific level of detail, will be evaluated for consistency with the EIR if and when development is proposed,” which is when the site-specific analysis of potential effects of site hydrology would be conducted.

Comment I11-3: This is elephant-in-the-room significant and unavoidable impact for the Sorich Park neighborhood. There is only one direct way out of the Sorich Park neighborhood (San Francisco Blvd) and this proposal could add 480 new car trips per day which would be

Overwhelming. The properties are adjacent to a light industrial use and an open space park both of which experience significant daily use.

Response to Comment I11-3: As discussed in response to Comment I9-4, Draft EIR Chapter 18, Transportation, identifies VMT as a significant impact because traffic modeling performed for the EIR analysis indicated that “with the additional housing units, residential uses in the Planning Area would on average generate 19.7 VMT per capita, exceeding the applied 10.7 VMT per capita threshold of significance by approximately 84 percent” (Draft EIR p. 18-27). EIR Mitigation Measure 18-4 describes how individual residential development projects that do not achieve VMT significance thresholds would need to submit documentation that demonstrates how the necessary VMT per capita reductions will be achieved” (Draft EIR p. 18-30). Mitigation Measure 18-4 also determines that VMT impacts associated with future residential development projects could be reduced but “given the inability to assure that residential VMT per capita can be reduced below significance thresholds despite required VMT reduction strategies, this impact would be significant and unavoidable.” However, although the comment refers to an increase in car trips, this metric has been replaced by VMT for use in determining traffic impacts under CEQA.

With respect to noise, Draft EIR Chapter 15, Noise, discusses how traffic noise modeling conducted for the EIR analysis “indicates that the existing land uses along most of the modeled roadway segments (49 out of 54) would not experience a substantial increase in traffic noise levels (more than 3 dBA) and/or a potential change in noise and land use compatibility exposure (such as from compatible to incompatible noise exposure levels)” (Draft EIR p. 15-29). EIR Mitigation Measure 15-1 describes how implementation of Mitigation Measure 18-4 would reduce VMT; however, as explained above, due to uncertainty about whether Mitigation Measure 18-4 would reduce VMT below significance thresholds, the impact would remain significant and unavoidable. Because substantial reduction of VMT due to implementation of EIR Mitigation Measures 18-4 is uncertain, it is also uncertain whether traffic noise levels would be reduced substantially. Therefore, Impact 15-1 regarding traffic noise would remain significant and unavoidable even with implementation of Mitigation Measure 15-1. As explained in EIR Chapter 15, existing CWP Policy NO-1.2, Minimize Transportation Noise, establishes the County’s intent to “Ensure that transportation activities do not generate noise beyond acceptable levels, including in open space, wilderness, wildlife habitat, and wetland areas” (Draft EIR pp. 15-21 and 15-47). Also, CWP Program NO-1.c. “Require[s] all development to mitigate its noise impacts where the project would: raise the Ldn by more than 5 dBA; raise the Ldn by more than 3 dBA and exceed the Normally Acceptable standard; or raise the Ldn by more than 3 dBA and the Normally Acceptable standard is already exceeded” (Draft EIR p. 15-22).

With respect to emergency response and/or emergency evacuation plans, please see EIR Chapter 20, Wildfire, and Topical Response 5 Wildfire Evacuation. In addition, as discussed in response to Comment I11-1, “Future site-specific development facilitated by the Project, but which has not yet been described at a project-specific level of detail, will be evaluated for

consistency with the EIR if and when development is proposed,” which is when the site-specific analysis of these potential effects related to VMT, traffic noise, and emergency access and/or emergency evacuation would be conducted.

Comment I11-4: A reasonable alternative would be to reduce the proposed density from the proposed 64 units to a more reasonable 32 units which would be more than double the existing use

Response to Comment I11-4: Draft EIR Chapter 22, Alternatives, includes analysis of two alternatives identified to reduce potential impacts resulting from the proposed Project as well as the “no project” alternative required by CEQA. The two alternatives include one to reduce VMT and one to reduce utility impacts related to water and wastewater (Draft EIR pp. 22-1 and 22-7). The suggested density reduction in the comment is not what is contemplated in the “Reduced VMT Alternative,” because reduced VMT generally corresponds with higher density. The alternative would not reduce density in the commenter’s particular residential area. Instead, the alternative proposes placing new housing sites nearer to the urban core of Marin County, closer to transit and employment, and relocating housing sites initially proposed for rural areas of the unincorporated county.

4.5.12 Letter I12 Joan Gray

Comment I12-1: I am writing to express my concern for the planned housing development on Lucas Valley Road. I think there are way too many units planned for such a small area with fragile environmental concerns. There is a creek on one side and a tall (flammable) ridge on the other. Lucas Valley Road is only one lane each way so that if there were an emergency evacuation, the ensuing traffic could be catastrophic. We saw how quickly wildfire spread just 2 summers ago, when the entire valley either had to evacuate or was ready to. Perhaps a smaller housing development might work, but the burden of many more cars, people, and dogs on this area would be disastrous. I hope you will reconsider.

Response to Comment I12-1: With respect to the creek and wildlife, please see responses to Comment PC-38, Comment O4-15, and Comment O4-24. With respect to wildfire evacuation, please see response to Comment O1-12; also, please see Topical Response 5 Wildfire Evacuation.

4.5.13 Letter I13 John McDonough

Comment I13-1: I am very concerned that so many housing units are proposed for 2 Jeannette Prandi Way (80 units) and 7 Mt. Lassen Drive (58 units) in Lucas Valley (zip code 94903). Currently Lucas Valley Road is the only avenue for an evacuation of the residents of Lucas Valley from a wildfire. ... Has the Marin County Fire Marshall been asked for his comments upon this proposed site?

Response to Comment I13-1: Please see response to Comment O1-12; also, please see Topical Response 5 Wildfire Evacuation.

Comment I13-2: I am also concerned that Marin County does not have an adequate water supply to accommodate so much new housing. In 2021 we were asked to reduce our water consumption by 40 percent. Most of California and the Western United States is still suffering from drought conditions.

Response to Comment I13-2: Draft EIR Chapter 19, Utilities and Service Systems, provides a description of existing water conditions, including supply and the effects of continuing drought,

impacts of potential development facilitated by the Project on water supply, and mitigation measures (Draft EIR pp. 19-1 through 19-62). Due to the uncertainty associated with drought impacts on water supply and with the timing and fruition of efforts by the County and any of the water districts to supplement water supplies in dry and multiple dry years, the EIR determined that impacts related to water supply for the Project and cumulative scenarios are significant and unavoidable with no feasible mitigation measures (Draft EIR pp. 19-52 and 19-53).

Comment I13-3: I urge the Board of Supervisors to reduce the number of proposed houses for 2 Jeannette Prandi Way and 7 Mt. Lassen Drive.

Response to Comment I13-3: The comment is acknowledged, but because it does not pertain to the adequacy or content of the EIR, no further response is required.

4.5.14 Letter I14 John Michael

Comment I14-1: RE: The county plan to build 80 homes on or near Lucas Valley Road.

(1) The homes will be away from transportation and from commercial areas. (2) The people in those homes will require a car for transportation. That means at least 80 more cars. (3) The cars will travel on Lucas Valley Road, a two-lane road, not suitable for high level traffic. (4) Electricity and plumbing and sewerage will be needed. (5) Many of these homes will house families with children. That means other services will also be needed as well.

This is not the proper place for more families and more cars.

Response to Comment I14-1: With respect to distances from transportation and commercial areas, need for residents to use cars, and associated traffic congestion, please see responses to Comment PC-9, Comment PC-11, and Comment PC-51/52. With respect to needs for electricity and other plumbing and sewer infrastructure, Draft EIR Chapter 19, Utilities and Service Systems, provides a description of water and sewer infrastructure, electrical/gas/telecommunications infrastructure, and mitigation measures (Draft EIR pp. 19-1 through 19-62).

With respect to needed services for new families with children, Draft EIR Chapter 17, Public Services, provides a description of existing schools and parks/recreational services, impacts of potential development facilitated by the Project on schools, parks/recreational services, and mitigation measures (Draft EIR pp. 17-1 through 17-26).

4.5.15 Letter I15 Joy Sidon

Comment I15-1: I have never heard any of the supervisors or government officials say how the traffic problem or water shortage is going to be resolved, not even once, to accommodate development. I am positive these questions will be ignored as usual.

Response to Comment I15-1: Regarding traffic, please see Response to Comment O10-1.

Regarding water supply, please see Response to Comment I4-2 and Topical Response 6 Water Supply.

While this comment partly pertains to topic areas covered by the Draft EIR (i.e., transportation and utilities and service systems), this comment does not pertain to the adequacy or content of the EIR. No further response is required.

4.5.16 Letter I16 Kate Powers; MCL

Comment I16-1: I am wondering if someone could answer how the proposed updates to both Elements and the proposed changes in Development codes (and Zoning codes?) will impact the County's Baylands Corridor policies and programs.

Response to Comment I16-1: In compliance with State law, the Safety Element must address climate change resiliency and adaptation. New policies and programs that promote climate adaptation and resiliency are included throughout the Safety Element and apply throughout the County's planning corridors, except where pre-empted by the Local Coastal Program. Regarding Development Code changes, one of the new Safety Element programs addressing sea level rise requires an update to the Development Code, Title 22, the Bayfront Conservation Combining District Standards. The code update includes new standards that apply to new habitable development to make it more resilient to future sea level rise. These code updates are described in Draft EIR Chapter 3, section 3.5, and in the Introduction to this Final EIR (Draft EIR, p. 3-40 – 3-41). Therefore, the Countywide impacts of the Development Code Amendments (which includes the Zoning Code) are fully analyzed in the EIR because they implement the Housing and Safety Elements Update project.

4.5.17 Letter I17 Kevin Lara & Gitte Johansen

Comment I17-1: We are deeply considered and would like to request you vote against the rezoning. The addition of high-density homes on these parcels will lead to significantly increased traffic in our high fire danger area. For many of us, this means congestion on the only exit out in the event of a wildfire. High density urban development also creates obstacles for wildlife to access food and water, while more vehicles lead to significantly increased animal strikes on the road (recall we are directly adjacent to Rush Creek park, a protected area). People drive too fast along Atherton Avenue as it is, and we have significant traffic concerns not only for our wildlife, but for our families and pets as well, who use Atherton and the surrounding streets and trails for outdoor activities. We moved to this part of Novato to enjoy the open space and lower-density housing.

Response to Comment I17-1: Regarding wildfire hazards and evacuation, please see Response to Comment I2-3.

Regarding wildlife, please see Response to Comment I5-2.

Regarding traffic, please see Response to Comment O10-1.

While this comment pertains to topic areas covered by the EIR (i.e., wildfire, biological resources, and transportation), this comment does not refer to the adequacy or content of the EIR. No further response is required.

Comment I17-2: We understood that SOME development on the larger empty lots might be possible, but that zoning required a minimum of one acre lots per home - in other words, high density development was not permitted. Surely that is because our planners always understood the area merited protection given its' sensitive ecological needs. Stuffing a 100+ high density development project into the two lots between Equestrian Court and Churchill Lane would significantly decrease the beauty of the neighborhood, increase traffic, damage our ecosystem, and significantly negatively impact the value of our homes resulting in a transfer of value to developers who will come and go and never have to live with the consequences of any rezoning. I urge you to join the many others vehemently fighting this development in every way possible.

Response to Comment I17-2: Regarding visual character and scenic views, please see Response to Comment O1-7. Please also see Response to Comment I5-2, which addresses concerns about traffic, and Response to Comment O10-1, which addresses effects on wildlife.

Regarding home values, the comment does not pertain to the adequacy or content of the EIR, and no further response is required.

While this comment partly pertains to topic areas covered by the EIR (i.e., aesthetics, transportation, and biological resources), this comment does not pertain to the adequacy or content of the EIR. No further response is required.

4.5.18 Letter I18 Leah Tuffanelli

Comment I18-1: I did not find any reference in the draft Environmental Impact Report specifically to the federal regulations mandating the protection of wetlands issued under Executive Order No. 11990, as amended by Order No. 12608, nor federal regulations mandating the evaluation of flood hazards in floodplains under Executive Order No. 11988, as amended by Order No. 12608. The above-referenced parcels are within areas identified as wetlands (specifically “Simmons Slough”), either in whole or in part. The three parcels also flood every winter, in whole or in part.

Response to Comment I18-1: A discussion of federal and state laws that protect wetlands is included in the Draft EIR in the Regulatory Setting section (see section 7.2 of Chapter 7). Federal and state laws that are discussed include the federal Clean Water Act (sections 401, 404), the state Porter-Cologne Water Protection Act, and the California Coastal Act. These are the federal and state laws that protect wetlands in California, and any future projects that may impact wetlands are required to comply with these laws, including obtaining permits from the appropriate regulatory agencies, (the U.S. Army Corps of Engineers, the Regional Water Quality Control Board, and potentially the California Coastal Commission). Any project that impacts wetlands is required to mitigate the impacts through this permit process. Executive Order No. 11990 applies to federal agencies’ activities on federal land and does not protect wetlands on non-federal land. Because Executive Order No. 11990 is limited in scope and would only apply to a proposed housing site on federal land, it does not apply to the sites considered in the EIR; therefore, it is not discussed in the EIR. The EIR does include a discussion of the federal and state laws that enforce protection of wetlands, regardless of ownership. If wetlands are determined to be present on any sites proposed for development under the Housing Element, the project is required to comply with these state and federal laws and to mitigate any potential impacts to wetlands.

Comment I18-2: I have reviewed the most recent draft EIR, and I do not think that it sufficiently addresses the significance of developing these three parcels considering their location as wetlands within floodplains. Not only do the maps and references linked below establish that these parcels should be considered within protected wetlands and floodplain territories (at least in part), but my own knowledge of the area also leaves me no room to doubt. As mentioned, each winter, significant portions of the land around 300 Olive, 275 Olive, and 350 Atherton are covered with water, not just for a day, but for weeks at a time. “Deer Island,” which is close to all three parcels, was an actual island long ago and it looks like an actual island at certain times of the year.

Response to Comment I18-2: The comment refers to an April 7, 2022 email sent to the Housing Element email address regarding environmental issues related to issues involving development on the parcels at 300 Olive, 275 Olive, and 350 Atherton due to their location as wetlands within floodplains. Regarding 350 Atherton, this site is not included as a project site in

the Housing Element to meet the RHNA; therefore, this site is not covered by the EIR. The 300 Olive and 275 Atherton parcels are included as potential sites to meet the RHNA and are covered by the analysis in the EIR. If these or other sites covered by the EIR are proposed for development, the potential impacts to wetlands will be determined through a site-specific wetland delineation according to federal guidelines, and any impacts to wetlands will require permits from the U.S. Army Corps of Engineers, the Regional Water Quality Control Board, and potentially the California Coastal Commission. If the wetlands cannot be avoided, mitigation for impacts include replacement of wetlands at a higher ratio than what is removed will be required. The level of mitigation that is required often causes project redesign to reduce the impacts to wetlands. The laws mandating this protection include sections 401 and 404 of the federal Clean Water Act, the federal Rivers and Harbors Act, the state Porter-Cologne Water Quality Control Act, sections 1602 and 1603 of the California Fish and Game Code, and the California Coastal Act, all of which are included in the EIR.

At the time that a development application is submitted for projects covered by the EIR, it will be reviewed by the County to determine whether additional environmental review is needed. Impacts on biological resources, including special-status species and sensitive habitat such as wetlands would require further review. Additionally, if projects would impact wetlands, responsible, trustee and federal agencies that regulate wetlands (i.e., U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Wildlife, and the Coastal Commission [for projects in the Coastal Zone]) will review such projects to determine if regulatory permits and wetland mitigation are required. Please see section 7.2 of Chapter 7 of the Draft EIR for a description of laws and regulations protecting wetlands and waters of the U.S. and state, and the respective agencies that would be involved in the reviewing projects that would impacts wetlands.

Comment I18-3: One additional concern I have is about protected species, namely certain frogs, which occupy 350 Atherton Ave. I do wonder about the frogs which hibernate every year in mass on the property at 350 Atherton, and then come to life again every winter, creating a cacophony of sound which is louder than any other frog song I have ever heard. How would one identify those frogs to ascertain if they are protected? Will the county investigate to see if these frogs are also on the endangered list like the ones in the nearby marina? I would think the only time to identify them is during the winter when the area becomes wetlands again and they come out of hibernation.

Response to Comment I18-3: Protected frogs that occur in Marin County are the California red-legged frog (*Rana draytonii*; CRLF) and foothill yellow-legged frog (*Rana boylei*; FYLF). The California red-legged frog is a federally listed threatened species under the Federal Endangered Species Act (FESA) and is a California Species of Special Concern (CSSC). The foothill yellow-legged frog is a CSSC. Please see the Regulatory Setting section 7.2 of the Biological Resources chapter in the Draft EIR for a description of the Federal Endangered Species Act (FESA) and California Species of Special Concern (CSSC). These species are included in a list of special-status species that are known to occur in Marin County in the Draft EIR.

The frogs that the commenter describes at 350 Atherton are assumed to be the Sierran tree frog (*Pseudacris regilla*), which are known for their distinctive loud chorus, and are common. To our knowledge, based on a review of the CDFW database, there are no documented occurrences of CRLF or FYLF at 350 Atherton Avenue. However, site-specific analyses are not within the scope of this programmatic EIR. Future project applications will be evaluated for potential impacts to biological resources based on specific site conditions and the development proposal, for consistency with the program EIR, and any additional CEQA review that may be required to analyze impacts not covered in this program EIR. As part of review of

development applications for specific sites, the CRLF and FYLF and other potentially-occurring sensitive biological resources will be considered prior to approving any development that would result from the Housing and Safety Elements Update. Analyses that would occur on a project-specific basis, where there is potential for special-status frogs to occur, would be required to include an initial habitat assessment, and appropriately-timed focused surveys following survey protocols for the species. Future applications would be required to implement measures to avoid or minimize impacts to special-status species, and to mitigate any impacts that are expected to occur.

Comment I18-4: At present 350 Atherton is within the list of possible sites reviewed in the EIR for 26 homes, but 0 units were slated for development initially by the housing authorities. I am concerned that the plan could change without a further investigation being done, so I raise the issue now.

Response to Comment I18-4: As stated in the response to Comment I18-3, future project applications will be evaluated potential impacts to biological resources based on specific site conditions and the development proposal, for consistency with the program EIR, and any additional CEQA review that may be required to analyze impacts not covered in this program EIR. During that time, potentially-occurring sensitive biological resources, including special-status frogs, will be considered prior to approving any development that would result from the Housing and Safety Elements Update. Analyses that may occur on a project-by-project basis where potential for special-status frogs to occur may include an initial habitat assessment, and appropriately-timed focused surveys following survey protocols for the species.

Comment I18-5: Three parcels are within Simmons Slough. Please consider the information identified in the document produced in 2019 titled "*Simmons Slough Water Management and Seasonal Wetland Enhancement Project*"

Response to Comment I18-5: The comment pertains to the parcels at 300 Olive, 275 Olive, and 350 Atherton being located in Simmons Slough. As stated in the response to Comment I18-2, the 350 Atherton parcel is not included as a project site in the Housing Element for meeting the RHNA; therefore, this site is not covered by the EIR and not discussed further in this response.

Regarding the "Vacant Blackpoint" lot and the Green Point Nursery lot, it is assumed that there will be impacts to biological (and other) resources as a result of developing housing at these sites. Such impacts will be mitigated to a less than significant level through compliance with permit requirements protecting wetlands (i.e., sections 401 and 404 of the federal Clean Water Act, federal Rivers and Harbors Act, state Porter-Cologne Water Quality Control Act, sections 1602 and 1603 of the California Fish and Game Code, and the California Coastal Act). At the time that a site-specific development application is submitted for projects covered by the EIR, it will be reviewed by the County to determine whether additional environmental review is needed. Impacts on biological resources, including special-status species and sensitive habitat such as wetlands would require further review. Additionally, if projects would impact wetlands, responsible, trustee, and federal agencies that regulate wetlands (i.e., U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Wildlife, and the Coastal Commission [for projects in the Coastal Zone]) will review such projects to determine if regulatory permits and wetland mitigation are required. Indirect impacts on wetlands such as runoff of inorganic materials, as described by the commenter, would be evaluated during such review. Projects that would not directly impact waters of the U.S or waters of the state (including wetlands), and thus do not require regulatory permits, would still be required to comply with state and local requirements to prevent the discharge of pollutants

into waters of the U.S. pursuant to the Clean Water Act and Porter-Cologne Act (please see section 7.2 of Chapter 7 of the Draft EIR).

Additionally, Draft EIR Chapter 12, Hydrology and Water Quality, describes Federal, State, and County requirements and regulations related to water resources, such as the National Pollutant Discharge Elimination System (NPDES) permit program, the State Porter-Cologne Act, the State Water Resources Control Board (SWRCB) Construction General Permit, Marin Countywide Stormwater Pollution Prevention Program, and Marin County Code, that would apply to potential future development facilitated by the Project (Draft EIR pp. 12-12 through 12-17).

Comment I18-6: Please consider the “Conservation Lands Network 2.0 Report (Bay Area Open Space Council, 2019). The three parcels noted above are, in whole or in part, “essential”, “important”, or “connector” land under the report.

Response to Comment I18-6: As noted in response to Comment I18-2 and I18-5, the 350 Atherton site is not included in the Housing Element for meeting the RHNA; therefore, this site is not covered by the EIR and not discussed further in this response.

Regarding the Conservation Lands Network 2.0 Report, the small scale of the figures in the report prevented sufficient detail to enable viewing the two housing sites and their location with respect to “essential”, “important”, and “connector” land that is illustrated in the report figures. That said, if development is sought at these sites, it is assumed that there will be impacts to biological (and other) resources as a result of developing housing at these sites. However, with respect to the wetlands within and surrounding Simmons Slough, impacts would be mitigated to a less than significant level through compliance with existing permit requirements protecting wetlands (sections 401 and 404 of the federal Clean Water Act; the federal Rivers and Harbors Act; the state Porter-Cologne Water Quality Control Act; sections 1602 and 1603 of the California Fish and Game Code; and the California Coastal Act), including avoidance of delineated wetlands or mitigation that includes replacement of wetlands at a higher ratio than what is removed. At the time that a development application is submitted for projects covered by the EIR, it will be reviewed by the County to determine whether additional environmental review is needed.

Comment I18-7: Flooding on Highway 37 is a proven concern, and that same flooding must be considered by housing planners for land developed in/near Simmons Slough

Response to Comment I18-7: Please see response to Comment O4-24.

In addition, with respect to Figure 1 in the report cited by the comment, review of the figure indicates that the two housing sites are located within historical tidal marsh. If a development application is submitted for this parcel, it would be required to provide a wetland delineation and an assessment of impacts to wetlands, including historic tidal marsh. Project impacts to waters and wetlands would also be required to obtain permits from federal and state agencies. These permits would enforce mitigation for impacts to wetlands, including avoidance and replacement at a higher ratio than the impact area.

Comment I18-8: Atherton Avenue is a vital alternative transportation route for Highway 37. When the 37 floods, commuters and truckers use Atherton Avenue to make their way from the 101 to the 80, 580 and all roads East. Something must be done to fix Highway 37, and there are proposals and plans in place, but they have not been implemented or finalized. Until they are implemented, Atherton remains a critical path for commerce going East and West, linking Marin to commerce East. The typical speed is 45+ MPH on Atherton Avenue. Commerce moves without a single stop sign or stop light between the 101 and Highway 37. All of that will have to

change if the County decides to put density housing, particularly 3 significant developments, within the area which is currently between H Lane, Olive and School Road along Atherton. There will have to be stop lights in order to protect new residents, the significant increase of new drivers, slowing commerce, creating more traffic, significantly impacting current homeowners as well as those trying to navigate problems on Highway 37.

Response to Comment I18-8: As discussed in the response to Comment I9-2, "Future site-specific development facilitated by the Project, but which has not yet been described at a project-specific level of detail, will be evaluated for consistency with the EIR if and when development is proposed," which is when the site-specific analysis of transportation related issues, including need for signal lights and other traffic control devices, would be conducted.

Comment I18-9: There is no public transportation access out here. There is not a single bus route to this area. There is not a train station for miles. There are no shops, no coffee places, no restaurants, no grocery stores, nothing, aside from Rossi's Deli on the other side of Highway 37. This is a rural area which is not going to be much fun for anyone who does not have their own car and plenty of gas money to spend commuting. This is just not an area where I can reasonably see high density housing make sense.

Response to Comment I18-9: Please see response to Comment O1-2. This comment pertains to the Housing Element/Safety Element, not to the adequacy or content of the EIR. No further response is required. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project.

Comment I18-10: I have spent just a short amount of time looking online to find the above reports, and I am sure there are many more that can be cited. I agree that we must have more housing in Marin, but it should not be placed in wetlands and tidal marsh areas which are already identified as subject to flooding and essential, important or connector lands important for the environment and the flow of traffic.

Response to Comment I18-10: The comment in support of more housing in Marin is acknowledged. With respect to locating housing in wetlands and/or tidal marsh areas, please see responses to Comments I18-1 through I18-7, which provide a detailed discussion of these concerns.

4.5.19 Letter I19 Nina & Casey Blair

Comment I19-1: We are extremely disappointed to hear about the proposed housing development that is planned to take place along the Atherton Corridor in Novato. We understand and fully support the development of affordable housing and recognize the necessity, but we cannot support the development of housing in a fragile and diverse ecosystem such as Rush Creek. Rush Creek is a critical wetland ecosystem year-round, it supports multiple habitats such as the Saltwater Marsh habitat and Brackish water marsh habitats. Development in this area would cause irreparable damage to this ecosystem by increasing water runoff, increasing light pollution, and increasing traffic. The plots outlined in the proposal are part of the rush creek watershed. That means that development directly affects the rush creek watershed and adjoining waterways such as the Petaluma River. I implore you to look at other spaces in Novato that are available and are already viable to hold large volume housing.

Response to Comment I19-1: Regarding increased water runoff, please see Response to Comment I18-7.

Regarding light pollution, EIR Chapter 4 Aesthetics concludes individual development project compliance with County Code section 22.16.030(G), which requires installation of low-wattage fixtures, shielding, and downward alignment that would minimize light and glare effects (including potentials for nuisance lighting), would ensure impacts related to light and glare from future development facilitated by the Project would be less than significant.

Regarding traffic, please see Response to Comment O10-1.

While this comment partly pertains to topic areas covered by the EIR (i.e., biological resources, hydrology and water quality, and transportation), this comment does not refer to the adequacy or content of the EIR. No further response is required.

Comment I19-2: In proposing this housing Development along the Atherton Corridor, the city of Novato is causing direct harm of wildlife by significantly degrading and modifying the habitat as well as creating ecological implications that significantly obstruct essential behavior patterns. Light pollution has been scientifically proven to disturb circadian rhythms, and nesting behaviors in birds. One bird that is directly affected by development is the endangered Ridgway's Rail formerly known as the California Clapper Rail.

Response to Comment I19-2: Regarding wildlife, please see Response to Comment I5-2.

While this comment pertains to topic areas covered by the EIR (i.e., biological resources), this comment does not pertain to the adequacy or the content of the EIR. No further response is required.

Comment I19-3: I ask you to please reconsider development in the Atherton Corridor. The ecological implications and destruction that will come from this project are far too great. The Rush creek Ecosystem would be overloaded with increased water runoff, light pollution, noise pollution, increased traffic among many other factors with detrimental effects to all species. It is essentially for the city of Novato to respect the species that call Rush Creek Home.

Response to Comment I19-3: Regarding wildlife, please see Response to Comment I5-2.

While this comment pertains to topic areas covered by the EIR (i.e., biological resources), this comment does not pertain to the adequacy or content of the EIR. No further response is required.

Comment I19-4: The Western Monarch butterfly is also on the verge of extinction with the loss of habitat. Atherton Corridor is a vital breeding ground for the Monarchs who rely on milkweed as their food source. The rural lots here provide the critical plant species that are crucial to the Monarch's survival. These food sources will be depleted if we allow high-density development. What scares us most is that the Environmental Impact Report will not address our threatened and endangered species or the loss of their habitat.

Response to Comment I19-4: Regarding wildlife, please see Response to Comment I5-2. Regarding monarch butterflies, monarch butterflies are included in the list of special-status animals that may occur, are known to occur or are thought to have potential to occur within or in proximity to the Planning Area (Draft EIR, pp. 7-5 to 7-6). As described in Response to Comment I5-2, existing CWP policies and programs require site assessments for projects that may impact special-status species, and which would include evaluation of potential impacts and identification of mitigation measures to protect species. If and when a development proposal facilitated by the proposed Project is submitted for review, if there is potential for impacts on monarch butterflies, site assessment and environmental documentation would be prepared accordingly.

The Draft EIR addresses the potential impacts of the Project on threatened and endangered species (which fall under the overarching category of “special-status species”) under Impact 7-1: Impacts to Special-Status Species (Draft EIR pp. 7-26 to 7-29).

Comment I19-5: Lastly, we live in a Wildland Urban Interface. Droughts are common in California, leaving us with serious risks. Many of us along the Atherton Corridor only have one way in and out. When the 37 flooded, many of us couldn’t leave our streets and turn onto Atherton Ave because of the traffic. We can only imagine how bad it would be in the event of a fire. Many lost their lives in the Paradise fire trying to flee on the only road available to them. Developing high-density homes along Atherton Ave. will certainly put us in the same position.

Response to Comment I19-5: Regarding evacuation, please see Response to Comment I2-3.

Comment I19-6: We urge you to remove 791 Atherton and 805 Atherton from the proposed list of lots on the Housing Element. Please support the preservation of our sensitive wildlife corridor and fire safety.

Response to Comment I19-6: This comment pertains to the Housing Element/Safety Element, not to the adequacy or content of the Draft EIR. No further response is required. Inclusion of these comments in this Final EIR will make the commenter’s views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project.

4.5.20 Letter I20 Robert Flagg

Comment I20-1: Regarding 2 J Prandi Way. Address correction needed on EIR. Current Draft EIR Marin County Housing Element Table 3-3 Proposed Project Sites: #5 Marin County Juvenile Hall, 2 Jeannette Prandi Way, APN 164-640-01 33 acres density allowance 30 per acre total 80 units

Correct addresses are as follows: Jeannette Prandi Children’s Center and County Training Room are at 2 J. Prandi Way. Juvenile Services Center is at 4 J. Prandi Way, and 6 J. Prandi Way is a storage building.

Response to Comment I20-1: The address listed in Table 3-3 of the Draft EIR for the Marin County Juvenile Hall site is correct. The address 2 Jeannette Prandi Way refers to the general area of Juvenile Hall and includes several different buildings. In this case, the address is more of an approximation of a larger site rather than a specific building. As such, the Children’s Center and County Training Room, Juvenile Services Center, and the storage building referenced in this comment are included under the address 2 Jeannette Prandi Way. No revisions to the EIR are necessary.

Comment I20-2: The address of the Juvenile Hall is 16 J. Prandi Way and is 2.5 miles from Hwy 101. I was under the impression that the proposed housing sites should not be located more than 2 miles from Hwy 101. The difference between 2 J. Prandi Way and 16 J. Prandi Way is that it is .3 of a mile further from the fwy.

Response to Comment I20-2: Please see Response to Comment PC-9. No revisions to the EIR are required.

Comment I20-3: I am hoping that the figure 8 walking path part of Lucas Valley Park will remain as is. This park was established in 1994 and is approx. 7 acres—county ordinance no. 3193. The residents at Rotary Valley Senior Village use this path often, as it is the only level walking area for them. They are not able to walk in the surrounding hills because many of the residents are

elderly and some have to use walkers. The park and walking path is also used by the residents of upper and lower Lucas Valley for daily exercise and to walk their dogs.

Response to Comment I20-3: The Project does not propose changes to the walking path referenced in this comment. This comment pertains to the Housing Element/Safety Element, not to the adequacy or content of the EIR. No further response is required.

Comment I20-4: In the proposed development for 80 low income housing units at 2 or 16 Jeannette Prandi Way, it is my understanding that if a developer builds 50% or more low income housing units they may make a request to HCD for a greater density than 30 units per acre if eligible for a density bonus under "Density Bonus Law." This would make the project much larger and could also happen if Marin County's Housing Element becomes "non-compliant" with HCD and "Builders Remedy" could be used to create the same outcome.

Response to Comment I20-4: To clarify, the Draft EIR analyzed the potential impacts of development of the County's assigned RHNA *and* a reasonably foreseeable number of density bonus units and a buffer number of additional units as recommended by HCD (Draft EIR, p. 3-10). Therefore, potential density bonuses were considered in the Draft EIR. This comment pertains to the Housing Element/Safety Element, not to the adequacy or comment of the EIR. No further response is required.

Comment I20-5: HCD will look at the county's permit data annually making sure we are compliant with our Housing Element. It seems to me that Marin county could become non-compliant very easily if some of the proposed privately owned housing sites for unincorporated Marin become non-viable during the next RHNA cycle starting in January 2023.

Response to Comment I20-5: This comment pertains to the Housing Element/Safety Element, not to the adequacy or content of the EIR. No further response is required.

4.5.21 Letter I21 Todd Dayton

Comment I21-1: I'm writing with some comments on the Housing Element plans to add housing to 2 locations in Lucas Valley. I understand the need to add affordable housing and I am supportive of the effort to construct new housing in Lucas Valley. It's a great place to live, and I think would be attractive for younger families who might be eligible for the housing units. The site on Mt. Lassen is quite close to where I live, and aside from impact on traffic, seems suitable for housing as the office park is quite underused. Similarly, the Juvenile Hall location seems promising, provided that Juvenile Hall itself is decommissioned and removed.

Response to Comment I21-1: The first part of the comment pertains to the merits of the Project. With respect to traffic, please see response to Comment PC-9.

Comment I21-2: One important note on this location is that it is a very popular wildlife corridor between the hills and the creek, where animals go for water. Because there are dense neighborhoods on either side of the Juvenile Hall/walking path area, this section gets a lot of animal traffic, especially at night. If housing is built at the Juvenile Hall location, attention must be paid to preserving the wildlife corridor.

Response to Comment I21-2: Please see responses to Comment O4-15 and Comment O4-24.

4.5.22 Letter I22 Vincent Baldino

Comment I22-1: I am writing this email in response to the proposal to build low income housing at the locations referenced for site 16 - Atherton Corridor in Novato, CA. These lots are already surrounded by an abundance of homes and therefore the wildlife in this area is already infringed upon. To add another 140+ units is pure insanity. In addition, the increased traffic that these units will create will cause more traffic accidents than necessary due to the deer population being forced out of their natural habitat. Lastly, water usage in Novato is already at a premium. Adding this many units will increase the water usage therefore limiting the supply of water to the existing homes even more. Please DO NOT BUILD these homes on these lots. it will create more harm than good.

Response to Comment I22-1: Regarding wildlife, please see Response to Comment 15-2. In addition, EIR Chapter 12, Hydrology and Water Quality, discusses Project goals, policies, and implementing programs that would avoid or reduce water quality impacts resulting from implementation of the Project (Draft EIR pp. 12-23 through 12-26).

Regarding traffic, please see Response to Comment O10-1.

Regarding water supply, please see Response to Comment I4-2 and Topical Response 6 Water Supply.

While this comment partly pertains to topic areas covered by the EIR (i.e., biological resources, transportation, and utilities and service systems), this comment does not pertain to the adequacy or content of the EIR. No further response is required.

4.5.23 Letter I23 Alex Stadtner

Comment I23-1: Please consider the following in your evaluation:

- Financial cost to businesses (and schools) districts who must “import” workers who cannot afford to live here
- Emissions impact from worker commutes from afar
- Avoided costs to community from reduced local homelessness
- Inflationary pressures on rental properties due to low inventory and high number of people who cannot afford to buy
- Lack of diversity in local school district (94903)

Response to Comment I23-1: This comment supports new housing in the County and does not pertain to the adequacy or content of the Draft EIR. No response is required.

Comment I23-2: No property will ever be perfect, but the property located on Lucas Valley Road near Jannette Prandi seems about as good as it’s going to get.

Response to Comment I23-2: This comment supports the development of the potential housing site on Lucas Valley Road near Jeannette Prandi Way. It does not provide feedback on the adequacy or content of the Draft EIR. No response is required.

Comment I23-3: Please consider additional resources for purple pipe (reclaimed water) in the neighborhood to help offset new water demands. In concert with the LVHOA reclaimed water could be delivered from the hills to homes adjacent to open space.

Response to Comment I23-3: Regarding reclaimed water, EIR Chapter 19 Utilities and Service Systems states that several of Marin County’s water districts (i.e., MMWD and NMWD) are investigating expanding recycled water use as part of their long-term plans (Draft EIR pp. 19-6). Section 19.3.2 Proposed Policies and Actions to Avoid or Reduce Significant Impacts of the Draft EIR lists the Safety Element Update’s proposed implementing programs developed to address projected future drought conditions, including new Program EHS-6.5.a Plan for Drought, which calls for increasing recycled water infrastructure and capacity in the County. Discussion under Impact 2-b (Draft EIR pp. 19-53) refers to Housing Element Update Program 11: Water Availability, which commits the County to pursuing several strategies to mitigate water availability as a constraint to housing development, including collaborating with water service providers to conduct a strategic water supply assessment in 2023 to evaluate increased supply within Marin through methods that include but are not limited to increasing use of recycled water.

This comment does not pertain to the adequacy of the Draft EIR. No further response is required.

Comment I23-4: Please consider additional renewable energy and the idea of a distributed power or “microgrid” solutions that could benefit the community during extended power outages. Any new facility could become an intentional refuge in times of natural disaster and be an outpost a little further west of the existing Fire House.

Response to Comment I23-4: The commenter expresses their opinion in support of additional renewable energy facilities and “microgrid” solutions, and multi-use facilities that would be beneficial during emergency situations. This comment is acknowledged, but as it does not pertain to the adequacy or content of the Draft EIR, no further response is required.

4.5.24 Letter I24 Amy Powers

Comment I24-1: I am in favor of more affordable housing in Marin County but after seeing the Zoom meetings on the Mandated housing I am in opposition of the amount being proposed for the Lucas Valley area. The amount being talked about will impact our schools, evacuation in event of a fire, traffic, water supply, wastewater treatment, etc. It is unfortunate that more people don't know a thing about this as it will negatively affect the residents of Lucas Valley. I feel the Board of Supervisors need to consider other areas to spread out the impact of this housing.

Response to Comment I24-1: With respect to impacts on schools, please see response to Comment PC-30.

With respect to evacuation in event of a fire, please see response to Comment O1-12; also, please see Topical Response 5 Wildfire Evacuation.

With respect to traffic, please see responses to Comment PC-9, Comment PC-11, and Comment PC-51/52.

With respect to water supply, please see Topical Response 6 Water Supply.

With respect to wastewater treatment, EIR Chapter 19, Utilities and Service Systems, provides a discussion of wastewater infrastructure and mitigation measures (Draft EIR pp. 19-15 through 19-27, 19-47, and 19-48).

4.5.25 Letter I25 Amy Skewes-Cox

Comment I25-1: Given the school’s strong need for more on-campus housing for both faculty and staff, we were glad to see the County including this location. However, the “Reduced VMT

Alternative” (Alternative 2) removed the San Domenico units from consideration due to the goal of putting more units within a two-mile radius of US Hwy. 101.

Response to Comment I25-1: Please see Responses to Comment Letter O7. Please also see Draft EIR Chapter 22 (Alternatives), which discusses each alternative in detail.

Comment I25-2: Reasons why San Domenico units should remain in the County’s Housing Element. Housing on the campus would serve faculty/staff and thus the usual VMT analysis is not appropriate for this location. Very few trips off the campus would be required. If one assumed 4 trips per unit and the VMT “threshold” of 110 trips per day, you could place at least 27 multifamily units (MFD) on the campus and be under the VMT threshold of 110 trips/day.

If 27 units (vs. 50) were located on the campus, this would be a huge benefit for the community, as fewer trips would occur on Butterfield Road. As you know, San Domenico has worked for many years to finally get an updated Traffic Plan adopted that benefitted both the school and the community. Putting housing on the campus would not significantly impact that plan. In fact, the opposite would occur as fewer faculty/staff would be driving down Butterfield Road. San Domenico is one of the largest employers in Ross Valley; thus, removing some of the employee-related traffic during the morning and afternoon commute would be a significant benefit to the surrounding community.

Response to Comment I25-2: Please see Response to Comment I25-1.

Comment I25-3: Reasons why San Domenico units should remain in the County’s Housing Element. The site for housing would be most ideal where a previous stable and barns were located, close to the school entrance and within an easy walk to the central campus. This site has few environmental constraints. It is out of the public view corridor (e.g., no visual impacts) and has limited natural vegetation. It is basically a “bowl” with hillsides on 3 sides of the site, where little grading would be required with good site planning. Access from the main school driveway is easily available. Drainage would need to be studied as this area collects rainfall from the surrounding hills and runoff would have to be directed and detained. Noise would not be of concern.

Response to Comment I25-3: This comment does not pertain to the adequacy or content of the Draft EIR. The commenter’s views about the San Domenico School site will be available to the Marin County Planning Commission, the Marin County Board of Supervisors and other public officials who will make decisions about the proposed Project. No further response is required.

Comment I25-4: Reasons why San Domenico units should remain in the County’s Housing Element. If the County leaves in at least 27 units of MFD housing, it would be beneficial to have a mix of housing types with about 50% Lower Income and 50% Moderate Income. The school could discuss average salaries with the county to see if faculty/staff would qualify as that would be the main goal of the school encouraging housing on the campus.

Response to Comment I25-4: This comment does not pertain to the adequacy or content of the Draft EIR. The commenter’s views about the San Domenico School site will be available to the Marin County Planning Commission, the Marin County Board of Supervisors and other public officials who will make decisions about the proposed Project. No further response is required.

Comment I25-5: Reasons why San Domenico units should remain in the County’s Housing Element. The EIR shows the “Environmentally Superior” alternative as being the Reduced VMT Alternative. However, if this were selected by the County, San Domenico would not have any

housing shown on the campus and we would continue to have a difficult time attracting faculty given the long distance to/from more affordable housing locations in Sonoma County and outlying areas.

Response to Comment I25-5: Please see Response to Comment I25-1.

4.5.26 Letter I26 Bruce Corcoran

Comment I26-1: Environmental Topic: Transportation. A detailed VMT analysis of the Highway 101/SR 131 (Tiburon Boulevard) is lacking. In a letter dated January 20, 2022, in response to the NOP, Caltrans' District 4 Branch Chief Mark Leong required of Environmental Planning a detailed analysis of VMT. That requirement has not been fulfilled for the Highway 101/SR131 interchange. This interchange lies completely within the boundaries of the unincorporated area of Strawberry-Alto. Therefore, "As the Lead Agency, the County of Marin is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures."

The RHNA allocations for Belvedere (160), Tiburon (639), Mill Valley (865), and the pending NCLH project in Strawberry (E 350 new units) will add over 2,000 housing units to the area served by the Highway 101/SR131 interchange. Using the average of 10 trips per day per housing unit, this will add 20,000 trips per day. The cumulative impacts of these additional trips have not been analyzed.

Response to Comment I26-1: The scoping comments submitted by Caltrans in response to the NOP state the following: "If the project meets the screening criteria established in the City's adopted Vehicle Miles Traveled (VMT) policy to be presumed to have a less-than-significant VMT impact and exempt from detailed VMT analysis, please provide justification to support the exempt status in align with the City's VMT policy. Projects that do not meet the screening criteria should include a detailed VMT analysis in the Draft EIR, which should include a VMT analysis pursuant to the City's guidelines. Projects that result in automobile VMT per capita above the threshold of significance for existing (i.e., baseline) city-wide or regional values for similar land use types may indicate a significant impact. If necessary, mitigation for increasing VMT should be identified. Mitigation should support the use of transit and active transportation modes. Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City." The Caltrans NOP response can be found in Draft EIR Appendix A: "Notice of Preparation (NOP), NOP Comment Letters, Scoping Meeting Questions." Please see response to Comment PC-49; also, please see responses to Comment PC-38, Comment O4-15, and Comment O4-24. Also, please see Topical Response 7 which describes how the Draft EIR analyzes cumulative impacts.

Comment I26-2: Environmental Topic: Population and Housing. An analysis of the impacts of open borders and unfettered illegal immigration has been ignored. We cannot even house our own citizens. Homeless people, including our military veterans, are living in tents. Illegal immigrants compete directly with low-income US citizens for housing, jobs, education, and healthcare. We will never succeed in building enough affordable housing if unfettered illegal immigration continues.

Response to Comment I26-2: EIR Chapter 16, Population and Housing, describes the environmental setting and evaluates potential environmental impacts that could result from the Project related to inducing substantial unplanned population growth in an area and displacing

substantial numbers of existing people or housing, especially affordable housing, that would necessitate the construction of replacement housing elsewhere, and discusses Project goals, policies, and implementing programs that would avoid or reduce those potential impacts (Draft EIR pp. 16-1 through 16-14). Regarding the impacts of open borders and illegal immigration, those comments do not pertain to the adequacy or content of the EIR; no further response is required.

4.5.27 Letter I27 Carole Bigot

Comment I27-1: I am a resident of Lucas Valley and am concerned about the lack of clarity regarding the proposed development of the Jeanette Prandi site. I was unable to attend the zoom meeting on Nov. 18th regarding the development, but friends who had attended found it more confounding than helpful.

The size and scope of the development is very unclear. How can supervisors vote on projects that are this vague? With county supervisors transitioning into and out of their newly elected positions, will there be community representation available under the current approval timeline? How can the public weigh in on this development without more detail of the plans and time to consider those plans. Is the planning commission taking into consideration the sites which are currently slated for development (Marinwood Market, Talus Reserve, Northgate Mall, Nazareth House and Los Gamos)? Is the EIR available to all stakeholders?

Response to Comment I27-1: Please see Topical Response 1 Use of Program EIR for further explanation of how the EIR is intended to support County review of future development projects. Also, please see response to Comment PC-10 with respect to the level of detail of analysis in the EIR.

The Housing Element Update details are discussed along with the Safety Element in EIR Chapter 3, Project Description. With respect to questions about any particular site, there are no site-specific project plans or project details because there are no project proposals at this time. As explained in the previous paragraph, site-specific details and plans would become available for review only if and when a development is proposed. At that time, the County will determine what, if any, additional environmental review may be required in considering a proposal (Draft EIR p. 1-9).

More information explaining the environmental review process is also available in the County Staff presentation made at the November special joint PC-BOS meeting, which the County has uploaded to the following website: <https://housingelements Marin.org/marin-county-environmental-review>

With respect to Planning Commission consideration of sites “currently slated for development” and identified in the comment as Marinwood Market, Talus Reserve, Northgate Mall, Nazareth House and Los Gamos, although the City of San Rafael is working on a development proposal for the Northgate Mall site, there are no current proposals under consideration by the County for the other sites.

With respect to availability of the EIR, the Draft EIR was released for a 45-day public review period beginning on October 7, 2022 and ending on November 21, 2022. During the comment period, the County held a joint Planning Commission/Board of Supervisors hearing to receive comments on the Draft EIR

Comment I27-2: It would be my hope that there would be ample opportunity to fully review a more clarified process. The scope of the proposed plans should be made available so citizens impacted would have a legitimate voice in this entire process. Please consider requesting a

delay from the state rather than moving forward without clarity for us. The community deserves a timeline that takes into consideration our opinions. This less than transparent timeline seems to be all too short and designed to proceed without the complication of opinions from the citizenry.

Response to Comment I27-2: Please see Response to Comment 127-1. As discussed in EIR Chapter 1, Introduction, “The County began the process of updating the Housing and Safety Elements in late summer/early fall 2021” (Draft EIR p. 1-4) and has held community workshops and meetings since then, with notices provided for each workshop and meeting. The comment does not address the adequacy or content of the EIR, and no further response is required.

4.5.28 Letter I28 Chad & Sarah MacLachlan

Comment I28-1: The California Environmental Quality Act (CEQA) clearly states: “CEQA requires public agencies to “look before they leap” and consider the environmental consequences of their discretionary actions and is intended to inform government decisionmakers and the public about the potential environmental effects of proposed activities and to prevent significant, avoidable environmental damage.” While I respect the work that MIG put into preparing the Draft EIR, I am in alignment with the Planning Commissioners, our County Supervisors, and the Marin County public that this report has fallen significantly short of a well thought out plan to add affordable housing in Marin County, while still maintaining the beauty and character of our wonderful County and protecting Novato’s open land lots that are home to native wildlife. I do hope that our esteemed Planning Commissioners and County Supervisors will consider select sections of the DRAFT EIR when making their decisions, but will also rely more strongly on their support for the aesthetic Marin County landscape and its constituents who live there when making the final decision on building sites.

Response to Comment I28-1: The EIR is not a plan but is the environmental review document for the proposed Housing Element Update and Safety Element Update. As described in Draft EIR Chapter 1, Introduction, the EIR has been prepared to describe the potentially significant environmental consequences, also known as impacts, due to implementation of the proposed Housing and Safety Element Update to the 2007 Marin Countywide Plan (2007 CWP). The proposed Project consists of updates to the Housing Element of the 2007 CWP and to the portions of the 2007 CWP that comprise the Safety Element as mandated by the requirements for General Plans in State Planning and Zoning Law; associated amendments to other elements in the 2007 CWP as necessary to ensure consistency; and amendments to the Marin County Code to provide for effective implementation of the Project (Draft EIR p. 1-1). Therefore, the EIR is not a plan nor is it the “plan to add affordable housing” to which the comment refers. The comment refers to the merits of the project and not the adequacy or content of the EIR; no further response is required.

Comment I28-2: Our family, along with hundreds of other families, specifically chose to live in the Atherton Avenue area of Novato due to its single-family homes on larger lots, with beautiful countryside and abundant natural wildlife. This is such a beautiful part of Novato and Marin County. If done correctly, we have the opportunity to improve and beautify run-down parts of Novato and Marin County with well-built affordable housing units – but high-density housing units should not just be plopped down on any open lot where it clearly does not fit in and would clearly decrease the beauty and character of the surrounding neighborhood instead of improving it. I can assure you that building high-density housing in the countryside of the Atherton Avenue Corridor is clearly out of place, and is fraught with numerous other issues that should not be ignored. I would love to work with the Planning Commission and our County Supervisors to identify sites that fit within this plan. We can turn this State mandate into an

opportunity to 1) provide affordable housing in Marin County, 2) beautify run down parts of Marin County, 3) preserve the beauty and charm of single-family country neighborhoods around Novato and Marin County.

Response to Comment I28-2: The comment refers to the merits of the project and not the adequacy or content of the EIR; no further response is required.

Comment I28-3: My sincere request to take the Atherton Avenue sites off of the final housing unit sites:

Aesthetics:

As listed on the DRAFT EIR. Hundreds of families chose to live and raise children in the Atherton Avenue area of Novato because of the open and rural areas. One of the biggest differentiators in the Novato community compared to other cities in Marin County is the semi-rural feel, larger properties, and less dense housing. Adding hundreds of potential homes along the Atherton Avenue corridor does not fit with this at all. The six identified parcels on the housing element list along the Atherton Avenue Corridor all have something in common...they are bordered or are adjacent to homes of at least 1/2 to 1 acre each. Adding up to 20 units per acre would drastically change the look, feel, and identity of a precious rural area so close to the city itself.

Response to Comment I28-3: Please see responses to Comment O1-7 and Comment O10-5; also see Topical Response 1 Use of Program EIR.

Comment I28-4: Safety and Evacuation:

When Highway 37 recently flooded and traffic was re-routed to Atherton Avenue, Atherton Avenue became a parking lot. It took almost 30 minutes to go a half mile to Highway 101. Evacuations along the two-lane Atherton Avenue would be a disaster. All six sites along Atherton Avenue are listed under the “moderate” or “high” fire danger category. This significantly impacts insurance availability and rates, and will make it much more expensive for residents to live in their homes regardless of income level - but particularly those that are in the lower or moderate income categories. In addition to insurance challenges, evacuation is also a concern. This will be a dangerous and potentially catastrophic event that will only be compounded by extra vehicles. Having the potential of several hundred extra cars trying to evacuate on the two-lane Atherton Avenue will further delay evacuation while also inhibiting fire equipment response. In addition to insurance challenges, evacuation is also a concern.

Response to Comment I28-4: With respect to emergency response and/or emergency evacuation plans, please see EIR Chapter 20, Wildfire, and Topical Response 5 Wildfire Evacuation.

As discussed in response to Comment I9-2, “Future site-specific development facilitated by the Project, but which has not yet been described at a project-specific level of detail, will be evaluated for consistency with the EIR if and when development is proposed,” which is when the site-specific analysis of emergency access and evacuation routes for the site would be conducted.

With respect to insurance rates, the comment does not pertain to the adequacy or content of the EIR, and no further response is required.

Comment I28-5: Ability to build on the Atherton Avenue sites to fulfil the State mandate:

Deep concerns over the methodology and awareness of each site’s unique terrain. This is where the DRAFT EIR really falls short, and this was clearly recognized in the meeting on Nov

16th, 2022. For example, one of the candidate sites (805 Atherton Avenue), previously had an application submitted to subdivide the property into six lots. This application, however, was denied by the planning commission for several reasons. What it does tell me is that the slope calculations that are listed on the current housing element site list are incorrect and also don't recognize that 1.5 acres of the "buildable area" identified, was actually surveyed as wetlands in 2018. Furthermore, both of the Olive Avenue sites also have significant wetlands surrounding them which make them difficult or impossible to meet the numbers identified in the housing element site list.

Response to Comment I28-5: Please see response to Comment PC-10. Also, please see Topical Response 1 Use of Program EIR, which explains in more detail how the EIR is intended to support County review of future development projects.

Comment I28-6: Environmental Impacts:

During a previous 2018 application to the County to build just SIX units on 805 Atherton Avenue, 1.5 acres of the "buildable area" identified was actually surveyed as wetlands. Furthermore, both of the Olive Avenue sites also have significant wetlands surrounding them, which make them difficult or impossible to meet the numbers identified in the housing element site list. Furthermore, not a week goes by that deer and other wildlife are found dead along Atherton Avenue after being hit by cars driving along Atherton Avenue and the surrounding neighborhoods. The potential damage to wildlife by drastically increasing vehicle traffic along Atherton Avenue and the surrounding streets is no doubt significant, and not something to be taken lightly. This is completely avoidable. The lots listed along Atherton Avenue are also home to a large number of beautiful native wildlife, including a large herd of deer and flock of wild turkeys.

Response to Comment I28-6: As discussed in the response to Comment I28-4, "Future site-specific development facilitated by the Project, but which has not yet been described at a project-specific level of detail, will be evaluated to determine if it is covered within the analysis of the EIR if and when development is proposed," which is when the site-specific analysis of biological resources, including wetlands and wildlife, would be conducted. Biological resources are described in EIR Chapter 7 (Draft EIR pp. 7-1 through 7-40), which describes the environmental setting and regulatory framework necessary to evaluate potential environmental impacts resulting from the Project and identifies mitigation measures as needed to reduce significant impacts. Also, please see revisions to EIR Chapter 7, Biological Resources, as included in Final EIR Chapter 5 Text Revisions to Draft EIR which clarify and amplify the Draft EIR discussion.

Comment I28-7: Atherton Avenue Lots are not near public transportation and not near supermarkets and amenities:

Due to the more remote location of the Atherton Avenue sites, individual transportation by the hundreds of families would be required. The Atherton Avenue sites are not within walking distance of public transportation, food markets, or eating amenities.

Response to Comment I28-7: The Housing Element goals and objectives include locating housing throughout the unincorporated areas of the county. Please, see responses to Comment O4-20 and Comment O4-21. The VMT for the proposed Project is evaluated for consistency with Project objectives.

Comment I28-8: Significant Impact of Providing Utilities with no Mitigation:

All six sites are listed in a chart titled "Housing Site Removed from Utility Service Providers" (Table 22-2/Page 22-32 of the DRAFT EIR) because of an "Inability to Serve the proposed

Project.” In other words, the water district has responded saying they can’t provide water to these sites without impacting their ability to provide water with a sufficient reserve for the entire community during dry years. It would also necessitate significant infrastructure up-grades even if they did have enough water. With ever increasing and severe droughts, the biggest and most important commodity will be water. Adding hundreds of new homes will put a further strain on an already precarious water supply that is heavily reliant on out-of-county water sources to provide basic needs for the service area. The sites along Atherton Avenue and Olive Avenue would also have significant challenges to connecting to the sewer system, especially since the fire station just down the road (to the best of my current knowledge) still hasn’t been able to connect to the sanitary sewer and, like all homes in the area, relies on a septic system.

Response to Comment I28-8: The potential housing sites evaluated in the Draft EIR are an inventory of sites selected by the County for potential housing now and into the future. The sites are not development proposals. Any future proposals for development would need to be assessed for their feasibility with regard to environmental conditions at the time the proposal is made.

With respect to the water districts and water supply, please see Topical Response 6 Water Supply. With respect to sewer service, Draft EIR Chapter 19, Utilities and Service Systems (Draft EIR pp. 19-15 through 19-27 and 19-47 through 19-49) which discusses wastewater treatment and capacity issues and identifies impacts of potential development facilitated by the Project on wastewater treatment and mitigation measures. The Draft EIR Chapter 19 analysis provided the basis for the EIR Alternatives discussion of a reduced utility impact alternative, Alternative 3 in Draft EIR Chapter 22, Alternatives, which proposes to remove the proposed sites along Atherton Avenue and the Olive sites. No further response is required.

4.5.29 Letter I29 Christina Mangurian

Comment I29-1: I’m writing about the plan to slate 80 lower income units in Lucas Valley. I very much am in favor of low-income housing. My main concern is our safety with increased density given our fire risk. We only have one way out of the valley (Lucas Valley Road). I’m very concerned about the safety of my family. If there were plans to create new roads to improve our access out of the Valley in case of emergencies, I would be in favor of this expansion.

Response to Comment I29-1: Please see response to Comment O1-12; also, please see Topical Response 5 Wildfire Evacuation.

4.5.30 Letter I30 Erin Krueger

Comment I30-1: Thank you so much for your work to increase housing in Marin. I am sure you are up against a lot of opposition, but creating more housing is so important in the fight against homelessness. I am grateful to live in Marin and hope we are able have many more people enjoy it too!

Response to Comment I30-1: This comment expresses support for the Project. No further response is required.

4.5.31 Letter I31 Eva Cheer

Comment I31-1: As a long time resident of Lucas Valley, I support responsible development of affordable housing in my community. However, I strongly oppose approval of the Housing Element based Draft Environmental Impact Report. I urge you to reject the DRAFT EIR, or amend it to require project-specific environmental impact reports. Project-specific EIRs are

critical for safe and responsible development. The Housing Element level Draft Environmental Impact Report does not meet this need.

Response to Comment I31-1: Please, see response to Comments PC-10 and PC-16. Also, please see Topical Response 1 Use of Program EIR, which explains in more detail how the EIR is intended to support County review of future development projects. The comment does not raise issues pertaining to the adequacy or content of the EIR, and no further response is required.

Comment I31-2: The Sept. 2021 Lassen wildfire underscores the need for major improvements in wildfire evacuation. The fire occurred in ideal conditions: clear visibility and light winds. My community was ordered to evacuate. Though few residents followed the order right away, traffic on Lucas Valley Rd. was at a standstill.

Response to Comment I31-2: Please see response to Comment O1-12; also, please see Topical Response 5 Wildfire Evacuation.

4.5.32 Letter I32 H. Andrew Gray & Michele Jimenez

Comment I32-1: Sites under consideration in the Marinwood / Lucas Valley areas include St Vincent's School, Marinwood Market, 7 Mt Lassen, Jeannette Prandi Way among others. We are not opposed to some moderate increase of housing units in the area. However, we have some serious concerns regarding these potential sites:

(1) The Lucas Valley / Marinwood area currently has less than roughly 1,750 homes, spread across a roughly 3.5-mile valley corridor, almost all of which are single family dwellings, and the overwhelming majority of which are one- or two-story homes. There are no large multi-unit apartment buildings in this area. The overall magnitude of the increase in units in this area (2,412 units) is disproportionately large compared to the current housing density of the area. The proposed increase would more than double the overall number of housing units in the area.

Response to Comment I32-1: Please, see Topical Response 3 Comments on the Merits of the Project (Content of the Housing Element Update or Safety Element Update) and not the Adequacy of the EIR. This comment pertains to the Housing Element/Safety Element, not to the adequacy or content of the EIR. No further response is required. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project.

Comment I32-2: (2) The area to the south and west of St. Vincent's School (east of HWY 101) has been discussed as a potential development site for some time. Although multi-unit housing could easily be developed there, adding 1,800 units would completely overwhelm the property and this very large number of additional units represents an enormous growth for the area, on the same order of units as currently exist in all of Lucas Valley / Marinwood. To fit this large number of units, the development would likely include large three (or more) story structures, which do not currently exist anywhere in this area.

Response to Comment I32-2: Please, see responses to Comment PC-10 and Comment PC-16. Please also see Topical Response 1 Use of Program EIR for further explanation of how the EIR is intended to support County review of future development projects.

Comment I32-3: (3) The site at 7 Mt. Lassen Drive (currently two relatively small two-story office buildings) is far too small to fit 58 housing units without the new structure extending to three or more stories.

Response to Comment I32-3: This comment is substantially the same as Comment I32-2. Please see responses to Comment PC-10 and Comment PC-16. Also, please see Topical Response 1 Use of Program EIR

Comment I32-4: (4) The site at 2 Jeannette Prandi Way (south of the Juvenile Hall) is currently an open space area with a loop path that is regularly used by nearby residents (including residents of the nearby senior housing development) as a recreational walking, bike riding, etc. area (and dog walking area). This open space area has been in existence for well over thirty years and is a very popular area regularly used by many residents of the adjoining neighborhoods. A potential development consisting of hundreds of units on this site would completely eliminate a treasured and much-used open space area and would likely require a multi-story (three or more stories) structure. Very few of the homes in this area of Lucas Valley /Marinwood are more than one story (almost all are one-story Eichler homes). Such a large development is completely out of character with the current land use in this area and should absolutely not be allowed to be developed on this site.

Response to Comment I32-4: EIR Chapter 17, Public Services, discusses park and recreational facilities and determined that “The requirements of the County Code will ensure that future residential projects meet [parkland] dedication requirements through the development review process. Parkland, as required, must be included as part of a project’s “land use plan” with the location identified on the project site. A project that does not comply with the parkland dedication requirement would not be approved” (Draft EIR p. 17-24). Please see responses to Comment PC-10 and Comment PC-20.

Comment I32-5: (5) These potential new housing units would represent an extremely large additional burden to traffic density in the area. Which in turn increases the risk for wildfire evacuations.

Response to Comment I32-5: With respect to traffic, please see responses to Comment PC-9 and Comment PC-31,

With respect to wildfire evacuation, please see response to Comment O1-12; also, please see Topical Response 5 Wildfire Evacuation.

Comment I32-6: (6) These potential new housing units would overwhelm the current capacity at our three elementary schools and one middle school.

Response to Comment I32-6: Please see response to Comment PC-30.

Comment I32-7: (7) These potential new housing units would create a very large additional demand for water resources in the Lucas Valley / Marinwood area which are currently very limited.

Response to Comment I32-7: Please see Topical Response 6 Water Supply.

Comment I32-8: The simple number (2,412) of potential additional housing units in the Lucas Valley / Marinwood area is much too large and would represent an approximate doubling of the current housing density in the area. Each of the proposed developments presents issues regarding the size of new structures (including constructing multi-story structures in areas where there are currently none), and would present issues concerning current resource capacities (including traffic, schools, and water).

Response to Comment I32-8: Please see responses to Comment I32-1, Comment PC-9, Comment PC-10, Comment PC-16, Comment PC-30, Comment PC-31, and Comment O1-12;

Also, please see Topical Response 5 Wildfire Evacuation and Topical Response 6 Water Supply.

4.5.33 Letter I33 Janet Coyne

Comment I33-1: Both of these alternatives relocate the majority of the housing to the Marinwood/Lucas Valley unincorporated areas. Out of 79 potential sites to locate 3569 dwellings, over 3000 of these will be in one area. Does this not increase environmental impact overall? If we are mandated by the state to build more housing (the amount that is out of proportion to our resources), then doesn't it make better sense to spread it over the entire county.

Response to Comment I33-1: Draft EIR Section 22.5.2 Comparison of Impacts under Section 22.5 Alternative 2: Reduced VMT Alternative (Draft EIR Chapter 22 Alternatives, pp. 22-21 through 22-26) compares the potential environmental impacts of Alternative 2 to those of the Project. Table 22-4: Comparison of Project and Alternative Significant Impacts (Draft EIR Chapter 22 Alternatives, pp. 22-41 through 22-46) summarizes the differences in level of potential environmental impact of the Project versus the three selected Alternatives.

Regarding spreading the potential housing units, the Housing Element identifies housing sites throughout the unincorporated county; however, the housing sites are clustered near utilities and relatively near transportation corridors.

Comment I33-2: Not sure how these reduction impact percentages are obtained. Highway 101 and Sir Francis Drake are both heavily impacted with traffic and adding more cars to these corridors will cause more traffic congestion, vehicular emissions, and impact air quality at least equally or maybe more so than spreading out the housing sites. Public transportation may help with this, but at present, there are no buses along Lucas Valley Road and Marinwood. Cars would need to drive to the nearest bus stops on 101. Even if public transportation is more readily available, the number of cars in this area will significantly increase, to bring kids to school, shopping, etc.

Response to Comment I33-2: The goal of Alternative 2, the Reduced VMT Alternative, is to reduce the VMT associated with the more remote West Marin housing sites and concentrate housing opportunity sites near the Highway 101 corridor and public transit. The 10 to 15 percent reduction in vehicle emissions that would result from Alternative 2 is due to the selection of housing sites included in Alternative 2 (Draft EIR Chapter 22 Alternatives, pp. 22-18). The housing sites included in Alternative 2 were informed by the VMT modeling results obtained from the TAMDM model for the candidate sites. In total, based on data modeled for the EIR transportation analysis, Alternative 2 could include development of up to 4,735 residential units, which is above the County's RHNA assignment (3,569) and the Total Proposed Sites as listed in Table 3-2 in Chapter 3 Project Description (3,928) (Draft EIR Chapter 22 Alternatives, pp. 22-19). This 4,735-unit number includes the same density bonus (1,286) and opportunities for accessory dwelling units (ADUs) (256) as the proposed Project. The assessment of how these units would perform from a VMT perspective was completed by isolating all MAZs (a geographical level of traffic modeling) containing Alternative 2 sites from the broader set of candidate site MAZs analyzed in the TAMDM model, then reviewing the resulting home-based VMT per capita. Based on the analysis, it is estimated that Alternative 2 would generate approximately 10 to 15 percent fewer home-based VMT per capita than the overall list of candidate sites, both under near-term and cumulative conditions (approximately 16.7 to 17.7 VMT per capita) (Draft EIR Chapter 22 Alternatives, pp. 22-20). Because Alternative 2 is estimated to result in approximately 10 to 15 percent fewer home-based VMT per capita

compared to the Project, resulting in a corresponding decrease in air quality emissions from VMT compared to the project (Draft EIR Chapter 22 Alternatives, pp. 22-23).

This comment does not present any data that would serve as sufficient evidence to support the notion that Alternative 2 would increase traffic congestion along Highway 101 and Sir Francis Drake Blvd. Further, as discussed in Draft EIR Chapter 18 Transportation, level of service (LOS) is no longer used to determine the level of significance of transportation impacts under CEQA.

Comment I33-3: Not sure how relocating 896 units from Novato/W Marin-Pt Reyes to Marinwood/Lucas Valley is going to solve this problem. Adding potentially 3000 more units to Marinwood/Lucas Valley (in the MMWD with most of its water coming from Sonoma County/Russian River) is obviously going to overwhelm MMWD's water supply. Our Sonoma County neighbors are under the same mandates for housing and may not be able to continue supplying 25% of water to MMWD or 80% NMWD. Are East Bay neighbors will not be keen on building a pipeline to service Marin when we are all short of water. Do either of these alternative solutions make sense?? I agree with commissioner Margot Biehle. "It just seems all a little bananas to me."

Response to Comment I33-3: As described in Section 22.6: Reduced Utility Impact Alternative (Water & Wastewater) (Draft EIR Chapter 22 Alternatives, pp. 22-27), the Housing Element Update would have significant unavoidable water and wastewater treatment impacts within the districts of certain service providers under the Project and cumulative growth scenario because these districts would not have the ability to serve the amount of development in the proposed Project in addition to the RHNA assignments from other communities. The impacted water service providers include the North Marin Water District (NMWD), North Marin Water District – West Marin Service Area, Bolinas Community Public Utility District (BCPUD), and Inverness Public Utility District (IPUD). The impacted wastewater service providers include Bolinas Community Public Utility District (BCPUD) and Tomales Village Community Services District (TVCS). To address these impacts to service providers, Alternative 3 would remove housing sites from the districts of water and wastewater service providers that do not have the ability to serve numerous new connections, and the County would need to relocate them to areas closer to the City-Centered/Baylands Corridor where water providers have more capacity to serve new development. The purpose of Alternative 3 is to reduce the significant unavoidable utilities impacts in utility service districts that lack sufficient capacity for additional housing. Therefore, Alternative 3 would have fewer impacts on utility service providers than the proposed Project.

This comment does not present any data that would serve as sufficient evidence to support the notion that Alternative 3 would overwhelm the MMWD's water supply. Further, the comment makes assertions about the ability and will of neighboring jurisdictions to supplement Marin County's water supplies that are not supported by substantial evidence.

4.5.34 Letter I34 Jonathan Krotinger

Comment I34-1: I write to express my very strong opposition to the proposed construction of these new housing units. I believe this construction would over-stress already strained infrastructure in Lucas Valley. Lucas Valley Road is only two lanes wide and already experiences heavy traffic at peak hours, which poses hazards to other motorists as well as to cyclists (of which I am one). The proposed housing units would increase congestion on Lucas Valley Road as well as on adjoining side streets. Those streets provide limited access to the proposed sites.

Response to Comment I34-1: With respect to impacts on infrastructure, please see responses to Comment O4-31 and Comment O5-2.

With respect to traffic, please see responses to Comment PC-9, Comment PC-31, and Comment PC-51/52.

Comment I34-2: If an emergency, such as wildfire, flood or earthquake were to occur (as all have occurred here in the past) already limited exit routes from the neighborhood could be crowded to the point of impassability by the addition of hundreds of new residents in close proximity to one another and to existing homes. In the same way, emergency responders would have severely limited ability to gain access to the area if a multitude of new residents were simultaneously trying to leave. This prospect poses a real danger to the hundreds of existing residents of this area, not to mention the hundreds of new residents who could occupy the 138 proposed units.

Response to Comment I34-2: Please see response to Comment O1-12; also, please see Topical Response 5 Wildfire Evacuation.

Comment I34-3: I am also very concerned about the prospect of increased non-emergency traffic in the neighborhood, with possible attendant noise, litter and even crime. When water is in short supply in Marin County generally, the prospect of 138 new households tapping into that supply also concerns me greatly.

Response to Comment I34-3: With respect to traffic, please see responses to Comment PC-9, Comment PC-11, and Comment PC-51/52. With respect to noise, please see response to Comment I11-3. With respect to concerns about litter and crime, these are not CEQA issues nor do they pertain to the adequacy or content of the EIR; no further response is required.

With respect to water supply, please see Topical Response 6 Water Supply.

4.5.35 Letter I35 Judith de Vito

Comment I35-1: I live in the proposed development area of Marinwood, Lucas Valley, and Prandi Way. My home is located adjacent to the open space area. Every year I am required to cut the grasses behind my home, and remove the cuttings. That is because this community is in a high risk fire area. My out-of-pocket cost is now close to \$1,000. Every year as I complete this task, I am reminded of how vulnerable this community of houses is to fire.

Response to Comment I35-1: With respect to existing wildfire risk, please see EIR Chapter 20, Wildfire, and Topical Response 5 Wildfire Evacuation. With respect to the personal cost to reduce vegetation in high fire risk area, the comment does not refer to the adequacy or content of the EIR, and no further response is required.

Comment I35-2: It is so disturbing to imagine the number of units the Draft EIR is proposing, and how many more units will be compromised. I wonder if insurance companies would be even more reluctant to insure homes in this area due to over-density with the infrastructure we have in place?

Response to Comment I35-2: EIR Chapter 20, Wildfire, discusses the regional wildfire setting and evaluates potential environmental impacts resulting from the Project and discusses Project goals, policies, and implementing programs that would avoid or reduce those potential impacts. Chapter 20 also includes the proposed revised and new policies and implementing programs from the Safety Element Update that would avoid or reduce significant wildfire impacts on Draft EIR pp. 20-22 through 20-29.

With respect to insurance availability, the comment does not pertain to the adequacy or content of the EIR, and no further response is required.

Comment I35-3: Due to the severe drought we continue to experience now and into the future, I have been following the guidance of the Marin Municipal District. That is to reduce my water usage. I have installed recirculating pumps in two areas of my home to reduce wasting water. I perform other mitigating practices in my home and garden. It is so disturbing to imagine the greatly increased water needs of homes the Draft EIR is proposing. If Marin's water sources are so limited as to require us to conserve, where will the water come from to accommodate all of the proposed multiple units? Marin has been rationed in the past.

Response to Comment I35-3: Please see Topical Response 6 Water Supply.

Comment I35-4: We had a small grass fire here in 2021. I evacuated as was required. Lucas Valley Road consists of two lanes. Presently, if there were a huge fire, which is entirely possible, the people serviced by this two-lane road would be hard-pressed to have a safe passage out of the area.

Response to Comment I35-4: Please see EIR Chapter 20, Wildfire, and Topical Response 5 Wildfire Evacuation.

Comment I35-5: A disturbing factor I learned at the zoom meeting on November 16, 2022 is that if other areas in Marin are deemed to be untenable for building, there could be even more units shifted to the Marinwood, Lucas Valley, and Prandi Way to fulfill the number of mandated units. It is so disturbing to realize that development here could be even more dense and impactful. My quality of life will certainly be substantially affected in so many ways.

Response to Comment I35-5: EIR Chapter 22, Alternatives, includes a discussion of a reduced VMT alternative, Alternative 2, which would "shift" some housing sites proposed for the west county by locating potential housing units to the east county, where more VMT mitigation options would be available than for sites than in rural or less-populated county areas. This could result in an increase in the number of units proposed for the Lucas Valley/Marinwood area; however, it is important to note the EIR alternatives chapter is designed to meet CEQA requirements to "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project" (Draft EIR p. 22-1).

EIR Chapter 22 also states that "the discussion of the impacts of the alternatives is less detailed than the discussions in chapters 4 through 20 (the environmental topic chapters)," in accordance with State CEQA Guidelines section 15126.6 (Draft EIR p. 22-7). As discussed in Topical Response 1 Use of Program EIR, review of a future site-specific development would include the County determining whether the effects of the proposed site-specific project were examined in this EIR and if additional environmental review would be necessary, which would be required to be based on substantial evidence in the record and could include, but not necessarily be limited to, consistency of the site-specific project activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure analyzed in the EIR.

Comment I35-6: My impression of the present Draft EIR is that it is an idealized one. It has not taken into consideration the stark realities of the present unsuitable hazard conditions, and seemingly ignored the lack of existing infrastructure for the density proposed.

Response to Comment I35-6: With respect to hazards, the Draft EIR discusses hazards as required under CEQA. Hazard topics discussed in the EIR include but are not limited to: hazardous materials; airport hazards; emergency response and evacuation planning; flooding

and flood hazards resulting from erosion, siltation, or release of pollutants; and wildfire hazards. These topics are discussed in Draft EIR Chapters 11, Hazards and Hazardous Materials (Draft EIR pp. 11-1 through 11-24); 12, Hydrology and Water Quality (Draft EIR pp. 12-1 through 12-30); and 20, Wildfire (Draft EIR pp. 20-1 through 20-38). With respect to infrastructure for water supply and conveyance, wastewater treatment, stormwater collection, solid waste and recycling, and electrical/gas/telecommunications, the Draft EIR discusses these topics in EIR Chapter 19, Utilities and Service Systems (Draft EIR pp. 19-1 through 19-62).

Also, please see response to Comment A3-2 and Topical Response 1 Use of Program EIR.

4.5.36 Letter I36 Karen Flagg

Comment I36-1: I ask the Marin County Board of Supervisors to delay voting on the Juvenile Hall as a Candidate Site until a ‘Site-Specific EIR’ can be done to address all areas of concern that relate to developing the Juvenile Hall site for high density housing. Rotary Valley Senior Village and upper and lower Lucas Valley residents have many concerns regarding the development of the Juvenile Hall property into high density housing. The program EIR does not look at the future site-specific impacts of any individual project.

Response to Comment I36-1: Please see response to Comment A3-2. Also, please see Topical Response 1 Use of Program EIR, which explains in more detail how the EIR is intended to support County review of future development projects.

Comment I36-2: We were never notified by the county regarding the possible housing development at the Juvenile Hall, even though we live right across the street from it at 10 J. Prandfi Way. We first found out about it by reading an article in the Marin IJ on Aug. 11th titled “Major housing change considered”.

Response to Comment I36-2: With respect to notification, the comment does not pertain to the adequacy or content of the EIR, for which a Notice of Preparation, a Notice of Completion of the Draft EIR, and release of the public review Draft EIR (Notice of Availability) were posted on the County’s web site and published in the Marin Independent Journal. Because the program EIR does not analyze a development proposal for a specific project site, CEQA noticing requirements do not require the County to notice residents within a certain distance from proposed Project Sites.

With respect to outreach, the Planning Commission and Board of Supervisors hosted a series of workshops to solicit public input on the Housing Element Update. Details of the workshops are included in the Housing Element Update in Appendix A. With respect to housing development being proposed, Draft EIR Chapter 2, Summary, explains that the EIR has been prepared as a program EIR for the Housing Element Update and Safety Element Update to the Countywide Plan (Draft EIR p. 2-3). And the adoption of the proposed Housing and Safety Elements Update would not result in the immediate construction of any new development or approval of any new site-specific project (Draft EIR p. 1-8). As the environmental review document, the EIR does not propose any development projects. Any future site-specific development would be required to submit a permit application to the County for review (Draft EIR p. 1-9).

Comment I36-3: An additional concern is the location of the proposed site at Juvenile Hall. The Reduced VMT Alternative would locate most of the proposed housing sites, except those screened out by the Governor’s Office of Planning and Research “Technical Advisory on Evaluating Transportation Impacts in CEQA (December 2018),” to within an approximate two-mile radius of the U.S.101 corridor. The intent of the Alternative is to reduce the significant unavoidable vehicle miles traveled (VMT) impact, and the resulting significant unavoidable air

quality and GHG impacts, by lowering the average per capita VMT. This alternative would place more housing sites nearer to the urban core of Marin County and closer to transit and employment, and remove some potential housing sites that are in the more rural areas of the unincorporated county. The proposed VMT will be exceeded, as Juvenile Hall at 16 J. Prandi Way is 2.5 miles from the U.S. 101 corridor.

Response to Comment I36-3: The comments states that the Juvenile Hall site is 2.5 miles from U.S. 101 and therefore should not be included in the Alternative 2 analysis. Comment acknowledged; however, the distance from U.S. 101 to the intersection of Mt. Lassen Drive and Lucas Valley Road, next to the Juvenile Hall site, as measured on Google maps, indicates that this is less than two miles from U.S. 101.

Comment I36-4: In the meeting on 11/16/22 with the County Board of Supervisors and Planning Commission, commissioner Andrea Montalbano asked about the necessity of VMT restraints when everyone will be driving electric cars in the future. If the proposed building is for low income or low, low-income housing at the Juvenile Hall site, the demographic suggests that most of the new residents will not be able to afford an electric car. Also, a ‘traffic analysis’ is still necessary, because there will be an increase in traffic in the Lucas Valley corridor affecting both air quality as well as noise pollution.

Response to Comment I36-4: Please see response to Comment PC-35 related to electric vehicle requirements and how CEQA does not allow speculation, such as the future time when all vehicles would be electric. With respect to the relative affordability of EVs, that is not a CEQA issue. With respect to a traffic analysis, please see response to Comment PC-11, which explains that a site-specific VMT forecast would not estimate traffic congestion or delay at intersections, which are prohibited from being considered significant impacts under CEQA. Also, please see Topical Response 1 Use of Program EIR, which explains in more detail how the EIR is intended to support County review of future development projects. Also, please see response to Comment PC-49, which describes the connections between the modeling and evaluation of transportation, air emissions, GHGs, and noise.

Comment I36-5: Also, during the meeting on 11/16/22 commissioner Don Dickensen said, “there is not enough information to be able to make judgements about shifting sites around in the alternatives.” (See email to Mary Sackett 11/3/22 from my husband Robert.) Commissioner Dickensen also said that the county’s 1st District, which includes Marinwood and Lucas Valley, could end up with as many as 3,000 new dwellings.

Response to Comment I36-5: Please see response to Comment PC-10 regarding the level of detail of analysis required in a Program EIR; response to Comment PC-30 regarding review of future site-specific development projects; and Topical Response 1 Use of Program EIR. Also, please see response to PC-25 regarding alternatives. In addition, the comment refers to an email dated 11/3/22, which is comment 36-8, below.

Comment I36-6: Adjacent to the Juvenile Hall site is the Lucas Valley Park which was established in 1994 ord.# 3193. (See att.) This park is approx. 7 acres (see att. Rotary Valley Master Plan) and the residents of upper and lower Lucas Valley use this path often, as do the residents at RSV who use the level walking path for exercise, as opposed to walking in the neighborhood streets.

Response to Comment I36-6: This comment pertains to the Housing Element/Safety Element, not to the adequacy or content of the EIR. No further response is required.

Comment I36-7: Other impacts: utilities, water, sewer, parking, fire egress, living in a wildland-urban interface, and noise and air quality issues specifically related to the close proximity of RSV and Lucas Valley neighborhoods to the new housing development.

Response to Comment I36-7: Please see response to Comment A3-2 regarding how the EIR was prepared. Also, please see Topical Response 1 Use of Program EIR, which explains in more detail how the EIR is intended to support County review of future development projects. The comment does not address the adequacy or content of the analysis contained in the Draft EIR, and no further response is required.

Comment I36-8: In the allocation of private sites, if any become non-viable in the next 8 years, I am assuming that it will fall upon the county owned sites to make up the difference. This is what concerns me most, because if you don't have an iron clad contract with these private owners, and they in turn are not yet in contract with a developer, how can we know for certain what might happen in the next 8 years?

While you say that there will be 80 housing units at 2 Jeannette Prandi Way, if some of the privately owned building sites fall through during the 8-year cycle, I am assuming that the county will have to relocate them to the larger county owned sites such as 2 J. Prandi Way to make up the difference. When I'm given a number of units for a proposed housing site I am very sceptical. This is because of the unpredictable way of projecting which private owners will actually build their designated number of housing sites, and the number of housing sites which will still be needed for RHNA compliance within this next 8-year period.

Please clarify my thought process if the county would have a different way of meeting their housing requirements if privately owned land previously counted upon, would not be developed as anticipated.

Response to Comment I36-8: Please see responses to Comment O1-3 and Comment O4-2 regarding site selection, number of sites, and the environmental review of the sites. Also, please see Topical Response 2 Final Housing Site List.

4.5.37 Letter I37 Kelby Jones

Comment I37-1: I adamantly oppose approval of the proposed Housing Element based on the Draft Environmental Impact Report. I urge you to reject the DRAFT EIR, or amend it to require project-specific environmental impact reports. The question is not whether development takes place, but how it can be achieved in a manner that assures public safety, which should be your first priority. Project-specific EIRs are essential to determine the conditions required for safe and responsible development. The Housing Element level Draft Environmental Impact Report is totally inadequate for this purpose.

Response to Comment I37-1: Regarding the suitability of a program EIR for the proposed Project, please see Response to Comment PC-10. Also, please see Topical Response 1 Program EIR.

Comment I37-2: There are many factors to consider in evaluating public safety needs and wildfire is one of great concern to my community. The Sept. 1, 2021 Lassen wildfire demonstrates the inadequacy or content of wildfire evacuation planning and execution for this area of Marin. The Lassen fire started at the eastern edge of my community on a weekday afternoon, a time of light traffic, with clear visibility, light winds and no impediments to the aerial firefighting which was essential for containment. The fire was well underway before an evacuation order was issued for our community. No evacuations were ordered in communities to our west. To our east, Rotary Valley Senior Village was not ordered to evacuate, though

many of its residents chose to leave or called friends and relatives to help with transportation. Drivers arriving to assist them were instructed to park on the south side of Lucas Valley Rd., walk across to collect their family members, and cross again to their vehicles, causing delay and confusion. Although just a fraction of our residents followed the evacuation order, Lucas Valley Rd. became gridlocked. The alarming outcome observed in this event underscores the grave threat to life and property posed by an extreme wildfire event - fire from the north after nightfall, driven by 60 mph Diablo winds in the peak of our fire season – that should be reflected in planning for new development.

Response to Comment I37-2: Regarding wildfire hazards and evacuation, please see Response to Comment I2-3.

4.5.38 Letter I38 Michelle Rutledge

Comment I38-1: Mitigation recommendations for reducing air pollution and traffic from cars includes, basically, restricting the number of people who can drive by reducing parking spaces, etc. As well as reduction in VMT. For those in West Marin, relying solely on public transportation (or even more hilariously on bikes) is unrealistic. West Marin is simply too far (and too hilly) for the vast majority of people to live out there without a vehicle -- regardless of how close the units are to SFD. That not only increases air pollution, it also increases heavy traffic on a two-lane road with no alternate streets... as is the case in most Marin towns... but especially the farther west.

Response to Comment I38-1: The commenter correctly identifies that the Draft EIR includes Mitigation Measure 18-4 to reduce VMT from residential development; however, as a point of clarification, while Mitigation Measure 18-4 identifies options for reducing vehicle trips and associated VMT, it does not restrict the number of people who can drive. As explained in more detail in Response to Comment O4-21, the Draft EIR acknowledges that it will be difficult to reduce VMT for housing sites that are not near public transportation, including sites in west Marin County. Mitigation Measure 18-4 identifies multiple strategies capable of reducing VMT such as public transit subsidies, car sharing, in-lieu fees, and other options to reduce VMT. The County recognizes that certain modes of transportation like bicycling are contingent on the presence of safe, secure facilities that encourage and promote such travel modes, and that it may not be feasible for all projects to achieve VMT reductions due to lack of infrastructure, proximity to transit, etc. For this reason, the Draft EIR concludes that the project's VMT impacts would remain a significant and unavoidable impact even with mitigation.

Comment I38-2: All-electric requirement for new housing is misguided and less green than it seems. Please do well-rounded research on this topic. Also, further research how all electric (vehicles and appliances and heat etc.) will affect costs as electricity costs skyrocket.

Response to Comment I38-2: The commenter expresses their opinion regarding all-electric requirements for new housing but does not provide specific data or evidence for the County to consider and respond to. Studies prepared for the California Energy Codes and Standards Utility Program have found that all mixed fuel energy efficiency improvements (e.g., window glazing, wall insulation, pipe insulation, etc.) and all-electric building requirements (including the use of electric water heating) can be cost effective both with and without on-site solar photovoltaic energy generation for single-family, low-rise, mid-rise (four to seven stories), high rise (eight stories and more), and non-residential development in most areas of the State,

including Building Climate Zone 3 in which Marin County is located.⁴ These findings, in general, assume that all electric development avoids the costs associated with natural gas infrastructure installation, and cost-effectiveness is determined based on a 30-year analysis lifetime. In addition, the County adopted updates to the Green Building Code in November 2022 to require all-electric construction of new buildings.

Comment I38-3: And what about all of the rolling blackouts either by intentional shut down or storms?

Response to Comment I38-3: The commenter asks about power shutoffs, presumably with regard to the reliability of either all-electric buildings or utility infrastructure. Regarding power shutoffs, the Safety Element Update includes program EHS-6.2.a: Increase Infrastructure, Building, and Services Resilience (Draft EIR page 20.28), which would require the County to minimize utility service interruptions by working with utility companies to ensure powerlines are maintained to avoid power shutoffs and minimize damage during extreme events.

Comment I38-4: West Marin is already under tremendous water stress regardless of new housing and drought. There are many homes that have to truck in water annually. I appreciate that this is generally noted, but please be aware that it is a problem even in good years.

Response to Comment I38-4: This comment pertains to existing conditions in the County that are disclosed in the EIR. No further response is required.

Comment I38-5: Unsure how is it considered LS for wildfire evacuation and risk...?

Response to Comment I38-5: This comment asks for clarification as to why the EIR concluded the Project's potential wildfire evacuation impacts would be less than significant. Please see Response to Comment I2-3.

4.5.39 Letter I39 Ryan Brumley

Comment I39-1: When Highway 37 flooded and traffic was rerouted to Atherton, Atherton became a parking lot. It took almost 30 minutes to go a half mile to Highway 101! Imagine trying to evacuate in an emergency, with HUNDREDS of new houses and families! Atherton Corridor is listed as a moderate-to-high fire risk area. Evacuations along two-lane Atherton would be a disaster.

Response to Comment I39-1: Regarding evacuation, please see Response to Comment I2-3.

Comment I39-2: Aesthetics. This is listed on the DRAFT EIR. Many of us chose to live and raise children in Novato because of the open and rural areas. One of the biggest differentiators in the Novato community compared to other cities in Marin is the semi-rural feel, larger properties and less dense housing. Adding hundreds of potential homes along the Atherton Avenue corridor doesn't fit with this at all. The six identified parcels on the housing element list along the Atherton Corridor all have something in common...they are bordered or are adjacent

⁴ See, for example: 2019 Mid-Rise New Construction Reach Code Cost-Effectiveness Study. Prepared for Pacific Gas and Electric Company. Prepared by Frontier Energy, Misti Bruceri & Associates, LLC, and EnergySoft. June 22, 2020.

2019 Cost Effectiveness Study: 2020 Analysis of High-Rise Residential New Construction. Prepared for Pacific Gas and Electric Company. Prepared by: Frontier Energy, Misti Bruceri & Associates, LLC, and EnergySoft. February 22, 2021

to homes of at least 1/2 to 1 acre each. Adding up to 20 units per acre would drastically change the look, feel and identity of a precious rural area so close to the city itself.

Response to Comment I39-2: Community character is not a topic that must be analyzed in an EIR according to the State CEQA Guidelines. Regarding visual character and scenic views, please see Response to Comment O1-7.

This comment ultimately pertains to the Housing Element/Safety Element, not to the adequacy of the EIR. No further response is required.

Comment I39-3: The potential damage to wildlife by drastically increasing vehicle traffic along Atherton Avenue and the surrounding streets.

Response to Comment I39-3: Regarding wildlife, please see Response to Comment I5-2.

Comment I39-4: Lots not near public transportation and not near supermarkets and amenities.

Response to Comment I39-4: This comment pertains to the Housing Element/Safety Element, not to the adequacy or content of the EIR. No further response is required. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project.

Comment I39-5: The Only school in close proximity is Olive Elementary – which is already over-crowded.

Response to Comment I39-5: This comment expresses concern over the potential impacts of housing development that may occur along Atherton Avenue related to overcrowded schools.

Regarding school overcrowding and school enrollment, please see Response to Comment PC-30.

Comment I39-6: Wetlands.

Response to Comment I39-6: This comment expresses concern over the potential impacts of housing development that may occur along Atherton Avenue on wetlands.

Regarding wetlands, please see Response to Comment I4-3.

Comment I39-7: All six sites are listed in a chart titled “Housing Site Removed from Utility Service Providers” (Table 22-2/Page 22-32 of the Draft EIR) because of an “Inability to serve the Proposed Project.” In other words, the water district has responded saying they can’t provide water to these sites without impacting their ability to provide water with a sufficient reserve for the entire community during dry years. It would also necessitate significant infrastructure up-grades even if they did have enough water. With ever increasing and severe droughts, the biggest and most important commodity will be water. Adding hundreds of new homes will put a further strain on an already precarious water supply that is heavily reliant on out-of-county water sources to provide basic needs for the service area. The sites along Olive Avenue would also have significant challenges to connect to the sewer system, especially since the fire station just down the road (to the best of my current knowledge) still hasn’t been able to connect to the sanitary sewer and, like all homes in the area, relies on a septic system.

Response to Comment I39-7: Regarding water supply, please see Response to Comment I4-2 and Topical Response 6 Water Supply.

Regarding sanitary sewer, Draft EIR Chapter 19, Utilities and Service Systems (Draft EIR pp. 19-1 through 19-62), provides a description of wastewater treatment and capacity, impacts of

potential development facilitated by the Project on wastewater treatment, and mitigation measures. The EIR concludes that until a site-specific project is proposed, due to the uncertainty of the ability of a given parcel to accommodate a proposed housing site's wastewater treatment needs, and the unknown outcome of site- and project-specific investigations to identify alternative approaches to sewage disposal and rising groundwater levels, Project and cumulative (Project and County's commitments outside of the Project) septic system impacts would be significant and unavoidable with no feasible mitigation.

Comment I39-8: All six sites are listed under the "moderate" or "high" fire danger category. This impacts insurance availability and rates and will make it more expensive for residents to live in their homes regardless of income level, but particularly those that are in the lower or moderate income categories. In addition to insurance challenges, evacuation is also a concern. Having the potential of several hundred extra cars trying to evacuate on the two-lane Atherton Avenue will further delay evacuation while also inhibiting fire equipment response. This will be a dangerous and potentially catastrophic event that will only be compounded by extra vehicles.

Response to Comment I39-8: With respect to insurance availability, the comment does not pertain to the adequacy or content of the EIR, and no further response is required.

Regarding evacuation, please see Response to Comment I2-3.

Comment I39-9: Deep concerns over the methodology and awareness of each site's unique terrain. For example, one of the candidate sites (805 Atherton Avenue), previously had an application submitted to subdivide the property into six lots. This, however, was denied by the planning commission for several reasons. What it does tell me is that the slope calculations that are listed on the current housing element site list are incorrect and also don't recognize that 1.5 acres of the "buildable area" identified, was actually surveyed as wetlands in 2018. Both the Olive Avenue sites also have significant wetlands surrounding them which make them difficult or impossible to meet the numbers identified in the housing element site list.

Response to Comment I39-9: Regarding site terrain, Draft EIR Chapter 9, Geology and Soils, discusses CWP policies and programs that would ensure project design is site-specific and considers site terrain, such as Program EHS-3.1.b Require Geotechnical Reports, which requires applicable projects to prepare a geological report, which must include an adequate description of the geology of the site and conclusions and recommendations regarding the effect of geologic conditions on the proposed work and adjacent areas. Further, development projects must comply with the provisions of the latest California Building Standards Code (CBSC), as adopted by the County, which would ensure potential impacts to occupants related to hazardous site terrain would be less than significant.

Regarding wetlands, please see Response to Comment I4-3.

This comment pertains to the Housing Element/Safety Element, not to the adequacy or content of the EIR. No further response is required.

4.5.40 Letter I40 Sarah King

Comment I40-1: My neighbor Janet Coyne expressed my concerns eloquently in her missive to you, and I'd like to reiterate her statements. It is highly unfair to ask one small community to shoulder the brunt of the impacts that should be distributed more evenly. In particular, the impacts on traffic and the elimination of a vital wildlife corridor will have negative impacts. I do support SOME housing on this sight, but completely paving over vital part of our community open space will place undue burdens on the ecology of the area.

Response to Comment I40-1: The concerns expressed by Janet Coyne (originally Comments I9-1 through I9-7) are duplicated below in Comments I40-2 and I40-3. With respect to traffic impacts, please see Responses to Comment PC-9, Comment PC-31, and Comment PC-51/52.

With respect to wildlife corridors, please see responses to Comment O4-15, Comment O4-24, and Comment I5-2.

Comment I40-2: While I support affordable housing in our neighborhood, I am concerned about the huge number of units proposed for the Lucas Valley/Marinwood/St Vincents area and the impact this will have to our schools, roadways, open spaces, and environment.

Response to Comment I40-2: With respect to support for development in the area but not to the extent identified, please see Topical Response 3 Comments on the Merits of the Project (Content of the Housing Element Update or Safety Element Update). This is a comment on the merits of the proposed Housing Element and Safety Element Update project and not on the adequacy or content of the Draft EIR. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project. No further response is required

With respect to the generalized impacts on “schools, roadways, open spaces, and environment” that are further commented on in Comments I9-1 through I9-7, please see Responses to Comments I9-1 through I9-7.

Comment I40-3: The county needs to provide a layman’s summary of this 738 page document. This document does NOT adequately inform the public of any environmental concerns- how many residents will read/understand 738 pages. My hopes would be at the upcoming meeting, that a short, written summary of this document is presented so that the community can be engaged in this process and provide actual feedback prior to the deadline. Included with this, there needs to be a simple grid explanation of the proposed AND maximum number and types of units that can be built at each site, along with estimated population, student generation, and automobile addition.

The DRAFT EIR is a county-wide program level assessment and does NOT assess site specific issues. This report is inadequate in informing Lucas Valley/Marinwood residents (who are slated for the majority of the affordable housing sites) and all Marin County residents about the potential local impact of this development. It is a disservice to the community if the County’s response is to reiterate that its intent is to produce a high-level, countywide EIR and that site-specific interest of Lucas valley/Marinwood or any other area are irrelevant.

Site authorized units. Specifically looking at Lucas Valley Affordable housing sites, it is confusing regarding the maximum number of units that can be built (bonus density/ up to 90% additional units) vs what is being proposed. Are these sites categorized as “ministerial” applications- a fast track mechanism that gives developers discretion to add more units with limited county approval or public role in this process? These numbers will affect the environmental report. The proposed numbers vs maximum units needs to be transparent at all the sites and factored into the county environmental report.

Transportation. The EIR states that “all candidate sites were analyzed to conservatively assess worst-case VMT and traffic volume projections, which affect EIR topic areas in addition to transportation (including air quality, noise, & greenhouse gases). The county needs to publish the Lucas valley site-specific Vehicle Miles Traveled VMT analysis and the transportation agency’s conclusions per that analysis. This needs to be published at both proposed units in Lucas Valley/Marinwood/St Vincents AND maximum potential units. Lucas valley does not have

public transportation, therefore additional autos (1.5 per household) would add up to potentially a 50% increase of autos in this area. There is no infrastructure to support this in Lucas valley. In addition, St Vincents property development will add more traffic to highway 101, Lucas valley Rd and surrounding neighborhoods because of transportation to work & local schools.

Wildfire/Emergency Evacuation. Is there a FireSafe Marin evacuation map for the Lucas valley corridor? The EIR states "Risk to People and/or structures from exposure to wildfire is 'less than significant'". How is this assessment made when there is an overall increase in wildfire hazard in Lucas valley and countywide. Lucas valley is a 2-lane road and is the single roadway to exit the area in an emergency. It's already hard to cross this road with present traffic, but even worse during school times.

Wildlife. The Juvenile Hall/Jeanette Prandi property is home to many types of wildlife; birds, owls, coyotes, deer. Many animals use this as an access point to get to the creek for water. The area also provides a park and walkway loop for the community, especially the seniors at the Rotary Village.

Expanding housing for the already existing Rotary Senior Village in a similar style would be a good use of this space, as long as it preserves some of the open space that could be used for a walkway and access for wildlife to get to the creek.

NOT ADDRESSED IN THE REPORT: (or at least in the part I was able to review-) Water shortage/drought and local school expansion, both of which impact the environment and need to be addressed.

Response to Comment I40-3: Please see responses to Comments I9-1 through I9-7.

4.5.41 Letter I41 Stephanie Jones

Comment I41-1: Please keep in mind adding new homes in Lucas valley will diminish the quality of our environment (where is all that water going to come from?)

Response to Comment I41-1: With respect to the comment about diminished quality of life, please see Topical Response 3 Comments on the Merits of the Project (Content of the Housing Element Update or Safety Element Update) and not the adequacy of the EIR; this is a comment on the merits of the proposed Housing Element and Safety Element Update project and not on the adequacy or content of the Draft EIR. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project. No further response is required.

With respect to comments about lack of water, please see Topical Response 6 – Water Supply.

Comment I41-2: It's a 2-lane road, what a traffic nightmare if 5000 homes are added. How are people going to evacuate in a timely manner during a fire or other natural disaster?

Response to Comment I41-2: With respect to traffic, please see Responses to Comment PC-9 and Comment PC-31.

With respect to evacuation, please see response to Comment O1-12; also, please see Topical Response 5 Wildfire Evacuation.

Comment I41-3: Taking away the open space by juvenile hall for housing; people walk in that area daily. The seniors walk around that from their senior housing next door. We all enjoy that space.

Response to Comment I41-3: Please see responses to Comment PC-10 and Comment PC-20. In addition, as explained in response to Comment I9-2, “Future site-specific development facilitated by the Project, but which has not yet been described at a project-specific level of detail, will be evaluated for consistency with the EIR if and when development is proposed,” which is when the site-specific analysis of impacts on open space would be conducted.

Comment I41-4: Additional homes would diminish the quality of life I have always appreciated since moving to Lucas valley in the 80’s. Too many people concentrated in one spot with no water resource is not a viable plan

Response to Comment I41-4: Please see response to Comment I41-1.

4.5.42 Letter I42 Ted von Glahn

Comment I42-1: As the Environmental Impact Report (EIR) is a County-wide program-level assessment that does not address site-specific issues, it is startlingly inadequate in informing Lucas Valley residents who support affordable housing about the potential local impact and could harden the resistance of any who are not supporters today. It would be a disservice to the community if the County’s response is to reiterate that its intent is to produce a high-level, Countywide EIR and the site-specific interests of Lucas Valley or any other area are irrelevant.

My comments below are based on a reading of select sections of the EIR and the Countywide Plan (CWP) – I’d be delighted if the County staff would read and correct any errors of mine as I don’t pretend to fully grasp the myriad elements of this work and may have misinterpreted some aspects. And, several of my comments reach beyond the EIR CEQA scope in an effort to capture a broader set of issues of interest to the Lucas Valley community.

Response to Comment I42-1: Please see responses to Comment PC-10 and Comment PC-20. Also, please see Topical Response 1 Use of Program EIR for more detail about how the EIR is intended to support County review of future development projects.

Comment I42-2: General Request that the County provide a layman’s summary of the proposed Juvenile Hall, 7 Mt. Lassen Office Building and 1501 Lucas Valley Rd sites to include an explanation of the maximum number and types of units per the following example:

Site Authorized Units

Lucas Valley Affordable Housing Sites	Total Units	Lower Income	Moderate Income	Above Moderate Income	Added Units Full Density Bonus*	Developable Acreage Maximum
Juvenile Hall 2 Jeanette Prandi	152	80			72	9.9 acres
7 Mt. Lassen Office Building	110	58			52	2.4 acres
Lucas Valley Environs 1501 Lucas Valley Rd	26			26	0	?
Total	288	138		26	124.2	
Estimated Population (2.7 person per unit)	778	373		70	335	
Student Generation Count (.2 per multi-family unit)	58	28		5	25	
Automobile Add (1.5 per unit)	432	207		39	186	

*up to 90% additional units for 100% affordable housing sites

Response to Comment I42-2: Draft EIR Chapter 3, Project Description, provides tables describing the total number of units required to meet the County’s RHNA (Table 3-1; Draft EIR pp. 3-13 and 3-14); the proposed Housing Element total number of units and associated

development potential Table 3-2; Draft EIR pp. 3-14 and 3-15); and the proposed project sites (Table 3-3, Draft EIR pp. 3-16 through 3-27). Regarding the commenter's request that the County prepare additional tables with site-specific breakdowns such as the example provided in the comment letter, please see Topical Response 3 Comments on the Merits of the Project (Content of the Housing Element Update or Safety Element Update) and not the Adequacy of the EIR. This is a comment on the merits of the proposed Housing Element and Safety Element Update project and not on the adequacy or content of the Draft EIR. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project. No further response is required.

Comment I42-3: Decision-Making Process. Are these sites categorized as “ministerial” applications – a fast-track mechanism that gives developers greater certainty about site proposals by limiting the County’s approval discretion –guided by design standards -- and no public role in the approval process? Alternatively, are the Juvenile Hall and 7 Mt. Lassen sites governed by a different fast-track application process -- “by-right approval” – as these are 100% affordable housing sites?

Response to Comment I42-3: Please see Topical Response 1 Use of Program EIR. The information provided in the EIR pertaining to numbers of units and types of affordability have been derived from the proposed Housing Element Update and represent the County’s efforts to identify to the State that the County can accommodate the mandated housing to meet its RHNA. The tables do not approve or permit a project, nor do they restrict a potential development application.

EIR Chapter 1, Introduction, explains: “The adoption of the proposed Housing and Safety Elements Update would not result in the immediate construction of any new development or approval of any new site-specific project. All future development projects proposed within the County Planning Area that require discretionary approval by the County would require site-specific applications subject to the County’s development review and approval processes, including environmental documentation to comply with CEQA, where applicable, and other environmental requirements (e.g., County, State)” (Draft EIR p. 1-8). Also, please see responses to Comment PC-10 and Comment PC-20 regarding future site-specific development to be evaluated if and when a development is proposed.

Comment I42-4: As the Juvenile Hall and Office Building sites are designated for lower income/affordable housing only does the bonus density rule automatically apply – the County does not have discretion to constrain any proposed unit increase up to the bonus rule maximum?

Response to Comment I42-4: To receive a density bonus, a project applicant would have to follow the procedures and meet the standards and requirements in Marin County Code Chapter 22.24 - Affordable Housing Incentives. Applicants seeking a density bonus may request incentives and concessions pursuant to Government Code section 65915(d), which are available to the following types of projects:

1. A housing development with at least five percent of the units at affordable rent or affordable housing cost for very low-income households, as defined by section 50105 of the Health and Safety Code, or 10 percent of the units at affordable rent or affordable housing cost for lower income households, as defined by section 50079.5 of the Health and Safety Code.
2. A housing development in which at least 80 percent of the units are for lower income households, as defined by section 50079.5 of the Health and Safety Code, with the

remaining units in the development for moderate-income households, as defined in section 50053 of the Health and Safety Code.

3. A senior citizen housing development, as defined in sections 51.3 and 51.12 of the Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to section 798.76 or 799.5 of the Civil Code.
4. A student housing development where at least 20 percent of the units (beds and associated common areas) are reserved for lower income students, subject to the requirements of Government Code section 65915.
5. Childcare facilities built in conjunction with a housing development, subject to the requirements of Government Code section 65915.
6. Land donation of a size and character consistent with the requirements of Government Code section 65915.
7. A housing development where at least 10 percent of the total dwelling units are reserved for persons and families of low or moderate income, as defined in section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.
8. A housing development where at least 10 percent of the total units are provided at the same affordability level as very low-income units for transitional foster youth, as defined in section 66025.9 of the Education Code, disabled veterans, as defined in section 18541 of the Government Code, or homeless persons, as defined in the Federal McKinney-Vento Homeless Assistance Act. The affordability shall be guaranteed for a limit of 55 years for these types of housing developments.

All of the types of projects listed above shall be eligible for a density bonus and other incentives, concessions, and waivers or reductions of development standards and parking requirements, as required by State law. Normally, complying with the County's inclusionary housing standards is sufficient for a project to be eligible for a density bonus. Additional details are available in County Code section 22.24.020 - Density Bonus and Other Incentives Pursuant to State Law.

County incentives provided by County Code section 22.24.030 are available to housing development projects which either: 1) comply with Chapter 22.22 (Affordable Housing Regulations); 2) are comprised of income-restricted housing that is affordable to income qualifying households; or 3) are developed pursuant to the Housing Overlay Designation policies included in the Countywide Plan. Housing development projects which have been granted a density bonus pursuant to section 22.24.020 (Density Bonus and Other Incentives Pursuant to State Law) are not eligible for the County density bonus but may be granted the other incentives. The County density bonus may be granted only where the proposed density (including the density bonus) complies with all applicable Countywide Plan policies, including traffic standards, environmental standards, and Countywide Plan designations. Additional details are available in County Code Section 22.24.030 - County Incentives for Affordable Housing.

Comment I42-5: Who will decide if the Juvenile Hall site ~ 10 acres of park and walkway will be preserved and what criteria will be applied in that decision-making? The Countywide Plan states that "There are nearly 10 acres on the southern site that are vacant, but is recognized as a recreational amenity by the community."

Response to Comment I42-5: Please see responses to Comment PC-10 and Comment PC-20; also, please see Topical Response 1 Use of Program EIR.

Comment I42-6: Who is responsible for deciding on and paying for off-site infrastructure like Lucas Valley Rd traffic management systems for new auto traffic or roadway improvements to improve evacuation routing?

Response to Comment I42-6: Due to the variability of sources of funding, such as government programs or taxes like the gas tax, the EIR cannot speculate on future funding or what approvals would be required. Caltrans would be responsible for funding improvements to state owned and operated roadways. Funding Improvements to local roadways would be the responsibility of Marin County. The off-site infrastructure in the comment are not part of the proposed Project; this comment is not on the adequacy or content of the Draft EIR. No further response is required.

Comment I42-7: As the Juvenile Hall land is County property does the County charge a developer a land acquisition fee or is the land gratis/funded by the taxpayer?

Response to Comment I42-7: Please see Topical Response 3 Comments on the Merits of the Project (Content of the Housing Element Update or Safety Element Update) and not the Adequacy of the EIR. This comment does not pertain to the adequacy and content of the Draft EIR. No further response is required. However, inclusion of the comment in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project.

Comment I42-8: The County should publish the Lucas Valley site-specific Vehicle Miles Traveled (VMT) analysis and the transportation agency's conclusions per that analysis. If that requires the agency to parse its EIR analysis to report site-specific information that would be a highly valued use of the EIR planning resources

Response to Comment I42-8: As explained in response to Comment I9-2, "Future site-specific development facilitated by the Project, but which has not yet been described at a project-specific level of detail, will be evaluated for consistency with the EIR if and when development is proposed," which is when the site-specific analysis of transportation impacts would be conducted, as applicable.

Comment I42-9: The EIR-cited vehicle miles traveled reduction techniques generally are not applicable/feasible for Lucas Valley given no real mass transit options, 3+ mile travel to shopping/other commercial centers and no pedestrian options along Lucas Valley Road.

Response to Comment I42-9: Please see responses to Comment O5-2 and Comment O5-6.

Comment I42-10: Per table above, if 1.5 autos per household is a reasonable factor, then up to ~ 432 additional autos would be in use here. That equates to roughly 50% increase in autos specific to the area bounded by the Lucas Valley Homeowners Association, the area that these 3 sites most directly impact, given it's ~535 households.

Response to Comment I42-10: Please see response to Comment I42-8 regarding site-specific analysis of potential impacts related to transportation.

Comment I42-11: A Lucas Valley site-specific EIR should address traffic congestion as that's a significant quality of life issue for many residents. I infer from the EIR transportation section that the affordable housing plan would have material impacts on congestion and travel time throughout the County including Lucas Valley. And, these impacts are accepted as unavoidable and/or set aside as exempted from the plan:

- “Even with implementation of these (VMT) mitigation measure, this impact would remain significant and unavoidable.”
- “Congestion based Level of Service (LOS) The proposed Housing Element Update would amend Implementing Program TR-1.e of the 2007 CWP to exempt residential development needed to meet the County’s RHNA from being limited to the lowest end of the applicable density range.” ...it is clear that it may be impossible to maintain the LOS D target for traffic operation established in the Countywide Plan over a long-range horizon. Nonetheless, the proposed plan’s contributions to existing and cumulative traffic congestion would not be considered an adverse environmental impact, so are not further analyzed in this EIR.
- The TAMDM model estimates the population in unincorporated Marin County to increase by 39 percent with development of all candidate sites. Comparing the same two scenarios, the total VMT generated by single-occupant vehicles with all candidate sites is estimated to increase by 29 percent. Since the increase in single-occupant vehicle VMT would be less than the increase in population, there would be no conflict with adopted Policy TR-1.8.

Response to Comment I42-11: VMT is unit of measure used to assess the impacts of driving on the environment in terms of the miles that automobiles are being driven (which directly ties to emissions, fossil fuel consumption, noise, etc.), and is not a measure of traffic congestion or delay. As of July 1, 2020, LOS and congestion-related measures are no longer considered in CEQA. Please see response to Comment I42-8 regarding site-specific analysis of potential impacts related to transportation. Because this is a program EIR for a countywide project, the EIR evaluates potential environmental impacts countywide; please see Topical Response 1 Use of Program EIR. Also, please see responses to Comment PC-11 and Comment PC-51/52 regarding VMT.

Comment I42-12: The County should clarify what wildfire/emergency risk assessment has been/will be done for the Lucas Valley corridor.

Lucas Valley has some advantages in minimizing harm due to wildfire/other emergencies as the vast bulk of the housing is on the Valley floor, not up higher where fire heat travels, and the neighborhood roadways are well-maintained including recent work to reduce some vegetation along Lucas Valley Rd. But, the two-lane Lucas Valley Rd. is the single, only roadway to exit the area in an emergency. Seems a risk assessment should consider various scenarios like a blockage on Lucas Valley Rd. whether due to debris, stalled autos, congestion etc. – what is Plan B?

The Countywide Plan includes adoption of a number of new policies, not actions, including: Program EHS-5.1.d Identify Areas with Insufficient Evacuation Opportunities. Continue to collaborate with Marin Fire Agencies in the identification and mapping of areas with only one point of ingress or egress and roads that do not meet current emergency access and evacuation standards and the preparation of a program that prioritizes corrective actions.

Response to Comment I42-12: Please see response to Comment I42-8 regarding site-specific analysis of potential impacts, which would include evaluation of site-specific wildfire risk and emergency access and evacuation planning. Please see response to Comment O1-12; also, please see Topical Response 5 Wildfire Evacuation.

Comment I42-13: The EIR points readers to other resources including FireSafe Marin evacuation maps and the Marin Wildfire Prevention Agency (MWPA) but...

- There is no FireSafe Marin evacuation map for the Lucas Valley corridor
- I read MWPA website materials including the Zonehaven evacuation map information and plans to conduct road-level evacuation risk assessments but could find no information for Lucas Valley?

Response to Comment I42-13: Please see response to Comment I9-5.

Comment I42-14: The Draft EIR states: Impact 20-1: Emergency Response and/or Emergency Evacuation Plan Impacts and Impact 20-5: Risk to People and/or Structures from Exposure to Wildfire “Less Than Significant”. It’s hard to take the County’s “less than significant” assessment at face value in the context of the overall increase in wildfire hazard in Lucas Valley and Countywide (including the Lucas Valley north slope wildfire in September 2021) and the growing wildland-urban interface per the projected population increase.

Response to Comment I42-14: Please see response to Comment O1-12, which explains that the Housing Element Update has not placed housing sites in the very highest hazard severity zone, and presents Safety Element wildfire policies and implementation programs to ensure adequate fire protection and other factors that are described in the impact analysis in EIR Chapter 20, Wildfire. Also, please see Topical Response 5 Wildfire Evacuation, which also includes discussion of fire risk and Safety Element wildfire policies and implementation programs to ensure adequate fire protection.

4.5.43 Letter I43 Terri Geck

Comment I43-1: I am a resident of Marin County and I attended the meeting on Wednesday evening regarding the DEIR presented to the Board of Supervisors and the Planning Commission by MIG. I live in Lucas Valley and am concerned about the size of a possible development project at the Jeannette Prandi Site. I realize that development will most likely take place at this location, and could support a reasonably sized project due to the need for housing in the County.

However, I was disappointed that the criteria of MIG’s recommendations did not appear to include consideration of areas in the districts that are already being queued up for development. How are the multiple projects coordinated in considering development? For example, in District 1, the list contains five project sites that I am aware of:

1. Marinwood Market Site
2. Los Gamos Site
3. Talus Reserve, near the corner of Lucas Valley Road and Las Gallinas Avenue
4. Northgate Mall Site
5. Nazareth House Site

Response to Comment I43-1: With respect to the size of proposed development, this is a comment on the merits of the proposed Housing Element and Safety Element Update project and not on the adequacy or content of the Draft EIR. Please see Topical Response 3 Comments on the Merits of the Project (Content of the Housing Element Update or Safety Element Update) and not the Adequacy of the EIR. Inclusion of these comments in this Final EIR will make the commenter’s views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project. No further response is required.

With respect to the five sites currently being considered for development and identified in the comment as Marinwood Market, Talus Reserve, Northgate Mall, Nazareth House and Los Gamos, although the City of San Rafael is working on a development proposal for the Northgate Mall site, there are no current proposals under consideration by the County for the other sites. Please see response to Comment I27-1.

Comment I43-2: I had so many questions after this meeting - what were the parameters provided to MIG for preparation of the DEIR? When was the DEIR report delivered to the Planning Commission - the day before the meeting? What will the Planning Commission do with the DEIR and how will it impact decisions?

Response to Comment I43-2: As discussed in EIR Chapter 1, Introduction, the EIR was prepared by Marin County in accordance with CEQA Guidelines section 15168 and describes the reasonably foreseeable program-level countywide impacts of the Project, including a description of the cumulative, effects of the Project (Draft EIR p. 1-8). With respect to delivery of the Draft EIR to the Planning Commission, the Planning Commission received the Draft EIR when the Notice of Availability was issued on October 7, 2022. With respect to what the Planning Commission will do with the EIR, EIR Chapter 1 also explains “The Marin County Planning Commission will make a recommendation regarding Final EIR certification to the Board of Supervisors prior to the Board of Supervisors’ action on the Final EIR and on the proposed Housing Element Update and Safety Element Update” (Draft EIR p. 1-2).

Comment I43-3: Where was my supervisor, Damon Connolly? His district, my district, have two of the largest sites slated for possible development. When and how will recommendations and decisions be made, and by whom, for the development of any particular project? It is my hope that the county will request a delay from the state and a more realistic DEIR can be certified and submitted.

Response to Comment I43-3: With respect to Supervisor Damon Connolly, the commenter is correct that Supervisor Connolly was not in attendance at the November 16, 2022 Special Joint Meeting of the Board of Supervisors and Planning Commission Meeting. With respect to recommendations and decisions for development of any particular project, before any future housing project facilitated by the Housing Element Update can be considered for approval, the Planning Commission must meet to consider the Final EIR and make a recommendation to the Board of Supervisors regarding the EIR and the Project (scheduled for early January 2023). The Board of Supervisors must meet to consider Final EIR Certification and make a decision on the Project (scheduled for late January 2023).

After adoption of the proposed Housing Element Update and Safety Element Update, and other CWP and County Code amendments, the County would then be able to accept proposals for development and begin the review process.

Review would include examining the development proposal to determine if it complies with CWP policies and County Code standards and requirements, and also to determine if any additional environmental review is required under CEQA.

If the County determines that the project is within the scope of the analysis in this EIR and no new or substantially more severe significant environmental effects will occur as a result of the project that have not otherwise been analyzed in this EIR, and no new mitigation measures would be required, then no additional environmental review would be required for that project.

If these conditions are not met, then further CEQA review would be required.

Please see Topical Response 1 Use of Program EIR, which explains in more detail how the EIR is intended to support County review of future development projects.

Individual project review will follow the County's procedures depending on the type of project proposed. There are three categories of applications that the Planning Division evaluates: ministerial projects, discretionary projects, and projects that require legislative action.

Ministerial projects, such as Building Permit applications, are evaluated for compliance with technical criteria that are objective and require little or no subjective judgment. No public input is relevant in County decisions on ministerial projects and the decisions are generally not appealable.

Planning permits are usually not ministerial. The Planning Division reviews planning permit applications, such as Variances, Conditional Use Permits, and Subdivisions, to ensure that projects are consistent with the County's policies and regulations.

Discretionary projects, such as Design Review applications, are evaluated for consistency with various policies, regulations, and guidelines published by the County as well as specific "findings" that apply to each different type of planning permit. Findings rely on subjective judgments based on evidence. Public input is relevant to County decisions on discretionary projects and the decisions are appealable to the Planning Commission and subsequently to the Board of Supervisors. In some cases, a public hearing may be necessary before a planning permit for a discretionary project is issued. Discretionary projects make up the bulk of applications that the Planning Division evaluates.

Projects that require legislative action are also discretionary, but they are fundamentally political in nature. Legislative actions, such as changing zoning designations, can only be approved by the Board of Supervisors. Findings are not always necessary for legislative actions, although there are often important policy considerations that must be taken into account before the Board issues a decision. Legislative actions are relatively rare in the context of the overall variety of planning projects, but they tend to be the most complex types of projects.

With respect to the commenter's desire that the County request a delay from the state, that comment does not pertain to the adequacy or the accuracy of the EIR, and no response is required.

4.5.44 Letter I44 Terri Leker & Mark Wallace

Comment I44-1: As you are aware, the DEIR identified 15 significant, adverse, and unavoidable environmental impacts, including toxic air contaminants, dangerous traffic congestion, insufficient water supply, hazardous greenhouse gas emissions, insufficient wastewater treatment, noise, and tribal resources. We object to the disproportionate burden these impacts place on all Marin County residents. To restate past letters, the state has placed the onus squarely on Marin County staff to meet unrealistic mandates developed by politicians who have not set foot in the communities they plan to permanently degrade. HCD simply insists that space exists for housing, even in areas deep in the WUI that lack safe evacuation routes. We again urge the County to join a legal challenge to the severely flawed SB 9, which proposes to address the housing crisis but lacks any language requiring that housing be affordable.

Response to Comment I44-1: The commenter is correct that the Draft EIR identifies 15 significant and unavoidable environmental impacts that would be associated with Project.

Regarding the commenter's request for the County to join a legal challenge to SB 9, this comment does not pertain to the adequacy or content of the EIR. No further response is required.

Comment I44-2: According to the DHE, Santa Venetia has, by far, the highest percentage of disabled residents across all seven disability types. Nearly ten percent of residents are defined as having “an independent living difficulty,” which puts them at greater evacuation risk during any type of emergency. Has SB 812 been thoroughly considered? The state’s determination to build at all costs puts every resident at risk, particularly those most vulnerable. The DHE also states that the population in unincorporated Marin County/Marin County has steadily decreased since 2016, with the sharpest drop (2.6%) in 2021. During this period, risks from climate change have greatly increased, in the form of drought, catastrophic fire, and flooding. It is well known that Santa Venetia relies solely on North San Pedro, a single one-lane road for ingress and egress.

Response to Comment I44-2: Regarding disabled residents and SB 812, this comment does not pertain to the adequacy or content of the EIR. No further response is required.

Regarding evacuation, please see Response to Comment I2-3.

Comment I44-3: At this moment, there are tens of thousands (if not more) square feet of unused office space here in Marin County that could be repurposed for workforce housing. Companies like Autodesk have left and will not be replaced. The shift toward remote work is permanent. I ask that you once again raise the question of repurposing the space that we already have before developing new land to satisfy for-profit development. Lost in the talk of adding 2.5 million units to California is the toll that such massive development places on those who now work from home and will have no respite from years of unending construction noise, traffic, and air and light pollution. We recall the pride we felt at the beginning of the pandemic, when Governor Newsom worked so diligently to house the homeless in motels, hotels, and apartments, and pledged that such solutions would be permanent. How have we traveled from that place of empathy to today, where we are absolutely giving away our state to for-profit developers?

Response to Comment I44-3: This comment pertains to the Housing Element Update, not the adequacy or content of the EIR. No further response is required.

4.5.45 Letter I45 The Blair Family

Comment I45-1: My family and I live along the Atherton Corridor. The DEIR was not an easy read and as noted in the meeting by many, it was great in length at nearly 800 pages. For members of the community who have full time jobs, it was a bit absurd to expect us to read through this document in time for the meeting to be able to make comments. What was really disheartening, was that many of our elected county leaders did not take the time to read the document either.

Response to Comment I45-1: Please see response to Comment PC-16 and Topical Response 1 Use of Program EIR. This comment does not pertain to the adequacy or content of the EIR. No further response is required.

Comment I45-2: The DEIR shows many areas where risks are serious and unavoidable. It is our feeling that the county should join other cities in California and sue the State of California.

Response to Comment I45-2: Please see responses to Comment PC-16 and Comment O9-1.

Comment I45-3: What’s been proposed as the Housing and Safety Elements cannot be reasonably applied here in Marin.

Response to Comment I45-3: Please see Topical Response 5 Wildfire Evacuation and Topical Response 6 Water Supply. With respect to water supply, Draft EIR Chapter 19, Utilities and Service Systems, provides a description of existing water conditions, including supply and the effects of continuing drought, service districts and water providers, impacts of potential development facilitated by the Project on water supply, and mitigation measures (Draft EIR pp. 19-1 through 19-62). Chapter 19 also discusses the efforts being undertaken by the Marin Municipal Water District to augment water supplies (Draft EIR p. 19-52). However, given the uncertainty associated with drought impacts on water supply and with the timing and fruition of efforts by the County and any of the water districts to supplement water supplies in dry and multiple dry years, the EIR determined that impacts related to water supply for the Project and cumulative scenarios are significant and unavoidable with no feasible mitigation measures (Draft EIR pp. 19-52 and 19-53).

With respect to wildfire risk, Draft EIR Chapter 20, Wildfire, discusses the regional wildfire setting and evaluates potential environmental impacts resulting from the Project and discusses Project goals, policies, and implementing programs that would avoid or reduce those potential impacts. Chapter 20 also includes the proposed revised and new policies and implementing programs from the Safety Element Update that would avoid or reduce significant wildfire impacts on Draft EIR pp. 20-22 through 20-29.

Comment I45-4: Our county struggles with water supply and we have a high wildfire risk. For many of us along the Atherton Corridor, we only have one exit out in the event of fire and nothing the county does will remediate this danger.

Response to Comment I45-4: Please see Topical Response 5 Wildfire Evacuation and Topical Response 6 Water Supply.

Comment I45-5: Furthermore, the Atherton Corridor borders Rush Creek which is a protected area and home to various endangered and threatened species. Studies have shown that development around protected sites undermines conservation. Marin County should act to preserve its biodiversity.

Response to Comment I45-5: Biological resources are described in Draft EIR Chapter 7, which also describes the environmental setting and regulatory framework necessary to evaluate potential environmental impacts to biological resources resulting from the Project and identifies mitigation measures as needed to reduce significant impacts (Draft EIR pp. 7-1 through 7-40). Please also see revisions to EIR Chapter 7, Biological Resources, as included in Final EIR Chapter 5 Text Revisions to Draft EIR which clarify and amplify the Draft EIR discussion.

Comment I45-6: Please find the attached spreadsheet which references sections of the safety element Impact table and our questions. We sincerely ask that you remove the lots along the Atherton Corridor off of the final housing units sites. The sites along this corridor have previously been identified as wetlands and thus cannot be built upon in the manner in which the Housing and Safety element detail.

Response to Comment I45-6: Please see responses to Comment PC-38, Comment O6-9, Comment I18-2, Comment I18-5, and Comment I18-6.

Comment I45-7: Why is there no mitigation measure in place? Does this mean we have no recourse over the destruction of Scenic Vistas?

Response to Comment I45-7: As explained in Draft EIR Chapter 2, Summary, "This summary should not be relied upon for a thorough understanding of the details of the Project, its individual impacts, and related mitigation needs. Draft EIR Chapter 3 provides a complete description of

the Project, and Chapters 4 through 20 provide the description of environmental impacts and associated mitigation measures” (Draft EIR p. 2-1). Also, please see responses to Comment O1-7 and Comment O10-5, and Topical Response 1 Use of Program EIR.

Comment I45-8: Why is there no mitigation measure in place? Often times, homeowners purchase a home in a neighborhood because they have fallen in love with the Visual Character and Quality of a neighborhood. Communities like Atherton Corridor have a rural aesthetic with many agriculturally zoned properties. There has to be some rules in place to prevent placing something as out of place as a complex of condos in a rural area.

Response to Comment I45-8: Please see responses to Comment O1-7 and Comment O10-5 for a description of the EIR Aesthetics analysis, and about design review and objective design standards and their application to the types of projects that could be anticipated to be facilitated by the proposed Project.

Comment I45-9: Why is mitigation labeled 'NA'? In Agriculturally zoned communities like Atherton Corridor, changes to the zoning with impact surrounding homeowners who make use of their rural lots to raise livestock. It would be unfair to existing homeowners if they are subjected to noise complaints because their roosters or horses are too loud.

Response to Comment I45-9: For purposes of the EIR Summary table, if an impact is identified as less-than-significant, or if there is no impact, then no mitigation is required which conclusion is indicated by N/A. EIR Chapter 5, Agricultural and Forestry Resources, explains how Project compliance with existing County Code requirements and/or adopted CWP policies and County agricultural and resource-related districts regulations would reduce Project impacts to a less-than-significant level, and therefore mitigation would not be required (Draft EIR pp. 5-11 through 5-13). With respect to potential complaints about loud animal noises from future residential occupants, Marin County Code Section 22.32.030, Animal Keeping contains the standards that apply to the keeping of animals in specified zoning districts.

Comment I45-10: Why is mitigation labeled 'NA'? In communities like Atherton Corridor, high density development would mean that developers push further cut back at the forest that moves down and along Cherry Hill. This impacts the natural wildlife in an area that borders the protected Rush Creek Preserve. Studies have shown that development around protected areas undermines conservation. Native plant species have also been found to help mitigate the effects of climate change and support a greater diversity of bees, butterflies, and wildlife. High density development means habitat loss and fuels climate change.

Response to Comment I45-10: EIR Chapter 5, Agricultural and Forestry Resources, explains that there are currently no County-designated Forest Resource or Timberland zones. Draft EIR Impact 5-3 discusses conflicts with forest land or timberland zoning and uses the following CEQA-defined threshold to determine the significance of the impact: “Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220[g]), timberland (as defined by Public Resources Code section 4526), or timberland zoned for Timberland Production (as defined by Government Code section 51104[g])” Draft EIR pp. 5-5, 5-11, and 5-12). Because none of the proposed candidate housing sites is located in a designated forestland or timberland area, Impact 5-3 concludes that development on those sites would not result in conflicts with forest land or timberland zoning, and there would be no impact related to forest land or timberland zoning conflicts. Because no mitigation is required, the conclusion for this impact in Table 2-2 it is indicated by N/A. With respect to potential development pressures to remove trees, Draft EIR Chapter 7, Biological Resources, discusses existing CWP policies and programs that would protect and avoid impacts on special-status

species and their habitats, such as requiring site assessments for projects that may impact special-status species and which would include evaluation of potential impacts and identification of mitigation measures to protect species (Draft EIR pp. 7-26 and 7-27).

Comment I45-11: Birds aren't the only migratory species that should be considered. There are also federally endangered species such as the Monarch butterfly that lives and breeds in areas like Atherton Corridor. Also, how does the mitigation take into account that many lots are not fully fenced in, which allows wildlife to move freely. Unfortunately, the less rural this area becomes, the more people will begin to trespass upon the properties of others. This will lead to more of the acreage being fenced in and impeding the movement of wildlife.

Response to Comment I45-11: The biological resources analysis in Draft EIR Chapter 7 includes Monarch butterfly, Mission blue butterfly, and Myrtle's blue butterfly, among the many special status species listed as threatened or endangered under the Federal and/or California Endangered Species Act, or are candidates for listing under the Federal or California Endangered Species Act (Draft EIR pp. 7-5 and 7-6; also, please see Appendix D of the EIR, which is the Biological Resources appendix). As discussed in Response to Comment I45-10, EIR Chapter 7 discusses existing CWP policies and programs that protect and avoid impacts on special-status species and their habitats and that would require site assessments for projects that may impact special-status species, which would be required to evaluate potential impacts and identify mitigation measures to protect species (Draft EIR pp. 7-26 and 7-27). EIR Mitigation Measure 7-1 includes additional measures that would apply during implementation of Safety Element activities (Draft EIR p. 7-29). Draft EIR Impact 7-3 discusses the potential project effects on wildlife movement corridors, and Mitigation Measure 7-3 identifies measures to reduce the impact to a less-than-significant level (Draft EIR pp. 7-33 through 7-36).

Comment I45-12: Why is mitigation labeled 'NA'? Loss of topsoil creates new deserts, pollutes waterways, and alters how water flows through the landscape. Loss of topsoil by way of development means creating impermeable surfaces that prevent aquifers from being replenished.

Response to Comment I45-12: As explained in Response to Comment I45-9, for purposes of the EIR Summary table, if an impact is identified as less-than-significant, or if there is no impact, then no mitigation is required and this conclusion is indicated by N/A. Draft EIR Chapter 9, Geology and Soils, discusses potential soil erosion and loss of topsoil and explains how Project compliance with existing County Code erosion and sedimentation control plan requirements would ensure that impacts related to soil erosion and loss of topsoil would be less-than-significant, and therefore mitigation would not be applicable (Draft EIR p. 9-16). Draft EIR Chapter 9 also refers the reader to Draft EIR Chapter 12, Hydrology and Water Quality, for a discussion of the Marin Countywide Stormwater Pollution Prevention Program (MCSTOPPP) Construction Erosion and Sediment Control Plan erosion and sediment control requirements (Draft EIR pp. 12-23 through 12-24). Draft EIR Chapter 12 also discusses groundwater recharge, which is identified in Impact 12-2 as a less-than-significant impact (Draft EIR pp. 12-24 through 12-25).

Comment I45-13: Why is there nothing in place in relation to emergency response and evacuation?

Response to Comment I45-13: Please see response to Comment O1-12; also, please see Topical Response 5 Wildfire Evacuation.

Comment I45-14: Why are no mitigation measures in place when our water resources are dwindling and scarce? Especially when impermeable the surfaces created by development amplify the current situation Marin County is in in terms of water scarcity due to droughts?

Response to Comment I45-14: Draft EIR Chapter 12, Hydrology and Water Quality, describes the environmental setting and evaluates potential environmental impacts that could result from the Project, and discusses Project goals, policies, and implementing programs that would avoid or reduce those potential impacts. As identified in Subsection 12.3.1, Thresholds of Significance, of Chapter 12 (Draft EIR pp. 12-18 and 12-19), EIR Impact 12-1 analyzes water quality impacts and includes discussion of water quality protection requirements and conditions that are intended to reduce any potential construction period and post-construction water quality impacts resulting from implementation of the Project. In addition, in compliance with Federal, State, and County requirements and regulations, stormwater improvements would be designed to control flow rates and/or volume of stormwater runoff from added and/or replaced impervious surfaces, with the intent of no net increase in stormwater release off-site compared to pre-project site hydrology (Draft EIR pp. 12-23 and 12-24).

Draft EIR Impact 12-2 analyzes groundwater recharge and groundwater management impacts, including additional impermeable surfaces in the context of groundwater aquifer recharge, and determined that Federal, State, and County requirements, regulations, and permits would reduce the amount and/or rate of surface runoff by future development facilitated by the proposed Project and therefore would not substantially interfere with groundwater recharge (Draft EIR pp. 12-24 and 12-25). Draft EIR Impact 12-3 analyzes stormwater runoff and drainage impacts and determined that compliance with State and County requirements for stormwater management, which would include measures and techniques designed to reduce the volume and rate of stormwater and allow water to infiltrate the underlying soil naturally, or as an alternative, capture water for reuse such as a rain barrel or cistern for irrigation purposes, would reduce the effects of new or replaced impervious surfaces due to potential future development facilitated by the Project (Draft EIR pp. 12-25 and 12-26). For a discussion of water supply, please see Topical Response 6 Water Supply.

Comment I45-15: Why are there no mitigation measures in place to protect an established community? Placing a large subdivision in the center of rural properties physically divides a community that shares the same values as stewards of the land. In terms of project consistency with land use plans, high density development does appear to be consistent with what was originally intended for Atherton Corridor.

Response to Comment I45-15: CEQA review involves the analysis of potentially significant physical changes to the existing environment resulting from a project. With respect to established communities, EIR Chapter 13, Land Use and Planning, describes the environmental setting and potential physical impacts that could result from the Project, and discusses Project goals, policies, and implementing programs that would avoid or reduce those potential impacts. EIR Impact 13-1 analyzes the potential for projects facilitated by the Housing Element Update to physically divide an established community (Significance Threshold “a”). The Project goals, policies, and implementing programs have been purposely formulated to avoid physically dividing any established communities in unincorporated Marin County while meeting the County’s Regional Housing Needs Allocation (RHNA) (Draft EIR pp. 13-12 and 13-13).

Comment I45-16: Hazards due to design features really need a mitigation measure. Look at what happened in Petaluma when the City Council decided to remove a full car lane in favor of a biking lane as a step towards 'net zero carbon'. Unfortunately, the bike lane created far more

congestion and thus air pollution because small towns like Petaluma and Novato are typically cities in which people commute for work.

Response to Comment I45-16: Draft EIR Impact 18-5 analyzes hazards due to design features or incompatible uses and determined that any new transportation facilities would be designed and constructed to local, regional, and federal standards, and as such, would not be expected to introduce any hazardous design features. The proposed Project does not include changes to transportation facilities or improvements. New roads or access points, if and when required by future development facilitated by the proposed Project, would undergo review compliance with safety and design standards by the County of Marin. During such individual project reviews, routine assessments include consideration of the potential need for traffic control or turn lane improvements to maintain safety, the potential for queueing conditions that could lead to safety concerns, and safety related to site accessibility for non-auto modes (Draft EIR pp. 18-31 and 18-32). Because the Draft EIR determined that impacts related to hazards due to design features would be less-than-significant, as discussed above, no mitigation is required. With respect to the comment regarding increased air pollution, Draft EIR Chapter 6, Air Quality, describes the environmental setting and potential impacts that could result from the Project, and discusses Project goals, policies, and implementing programs that would avoid or reduce those potential impacts (Draft EIR pp. 6-1 through 6-42).

4.5.46 Letter I46 Carolyn Longstreth

Comment I46-1: I and several of my neighbors on Balmoral Way are opposed to the designation for new housing units of our private, narrow, dead-end, unpaved street, lacking in adequate emergency access, water and sewer. Below, I have outlined comments pertaining to the Program Environmental Impact Report (PEIR) for the update to the Housing and Safety elements of the Countywide Plan.

Response to Comment I46-1: Please see Responses to Comments I46-4 and I46-5, below.

Comment I46-2: The PEIR concedes that the Project will have a shocking number and type of unavoidable impacts that, according to the PEIR, cannot be mitigated: aesthetics, air quality, biological resources, greenhouse gases (including climate), noise, water supply in Inverness and wastewater treatment. Taken together, the significance and number of these impacts suggests that the plan is too seriously flawed to be considered further.

Response to Comment I46-2: This comment correctly notes the Draft EIR concludes the Project would have significant and unavoidable environmental impacts. This comment expresses the opinion that the Housing and Safety Element Updates Project, or “plan” as referenced in the comment, is too flawed to be considered. The Draft EIR was prepared to fulfill State CEQA requirements for documentation of the potential environmental impacts of the Project and to inform the public and decision-makers of the potential environmental impacts of the Project. The Marin County Board of Supervisors, based on the recommendation of the Marin County Planning Commission and other public officials who will make decisions about the proposed Project, is required to consider the Project’s significant environmental effects before it makes a decision on the Project.

Comment I46-3: If, despite its glaring deficiencies, the Project or one of its two alternatives is nevertheless to be considered for certification, we urge you to adopt Alternative 2—the one that would most reduce daily vehicle miles.¹ This is because emissions and climate considerations outweigh all others, as indeed the PEIR states. We do, however, request that Alternative 2 be modified so as to reverse the plans for the two proposed Inverness sites: in other words, Balmoral Way should be removed from Alternative 2 while the County site on Ottinger Hill

should instead be included and designated for 14 units. As explained below, the County site is significantly more suitable for housing than Balmoral Way under the stated requirements and priorities outlined in the PEIR.

¹The two very limited alternatives articulated in the document are poorly thought out. Instead of offering only two Alternatives-- one contemplating the greatest reduction in vehicle miles traveled and the other offering the maximum reduction in demands for water and sewer/septic services-- the PEIR should have set forth several more alternatives that combine different benefits in different proportions.

Response to Comment I46-3: This comment expresses an opinion on a potential housing site included in the Housing Element Update's candidate housing sites list and, specifically, on a potential housing site selected for Alternative 2 of the Draft EIR. As explained in Chapter 22 Alternatives of the Draft EIR, the selection of housing sites to be included in Alternative 2 was informed by the VMT modeling results obtained from the TAMDM model for the candidate sites (Draft EIR, pp. 22-18). The intent of Alternative 2, as stated by the commenter, is to reduce daily VMT for emissions reductions and climate considerations. Also, please see Topical Response 4 Sites Common to Alternative 2 and Alternative 3 ("Blended Alternative").

Inclusion of this comment in this Final EIR will make the commenter's views about the potential Balmoral Way housing site available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project.

Comment I46-4: First, the emergency access on Balmoral falls far short of the applicable state and county requirements. Contrary to the out-of-date map shown in Figure 6, Page 127, Balmoral Way dead-ends at the top of a cliff overhanging Sir Francis Drake Boulevard. At the end of the block, there is insufficient space for fire trucks or emergency vehicles to turn around. Indeed, delivery trucks, visitors and residents' guests routinely back down the street in order to avoid the tight parking area.

County planners have apparently failed to conduct even a rudimentary review of emergency ingress and egress on Balmoral Way. While the PEIR calls on the County and emergency services agencies to confirm that emergency access for a given project is adequate, this presupposes that the County planners have found it adequate in the first instance:

Marin, responsible emergency service agencies, and Caltrans (for projects affecting the State highway system) will review individual development projects to **confirm** that they conform to applicable regulations as governed by State laws, including the 2019 California Building Code, as well as local requirements, including the Marin County Urban Wildland Interface Ordinance which contains specific access requirements for development in these areas. During such development reviews, responsible agencies will **confirm** that emergency vehicle access is adequate, including **access from public streets** to sites, **internal circulation**, and **maneuverability** at intersections. Proposed development projects that do not meet required standards and codes would not be permitted. **All potential housing sites are [required to be] located on or adjacent to public streets that are of sufficient width to support two-way traffic and accommodate emergency response vehicle circulation.** New streets may need to be constructed to provide or improve access to certain sites.

PEIR at 550. There is no access to the Balmoral sites from a public road, since, as stated above, Balmoral is a private, dead-end street. Internal circulation and maneuverability are both lacking and two-way traffic is not feasible on most of the road's length. Anyone who has visited the site can see that none of these requirements is satisfied. Additionally, due to the topography

(cliff), it is not feasible to modify the road in such a way that it would intersect with Sir Francis Drake Boulevard in order to provide safe ingress and egress from the east end of the road. Not to mention the legal issues surrounding the County acting to mandate extensive changes to a private road.

The County site, in contrast, is situated directly on Sir Francis Drake Boulevard. Since it is undeveloped, there are no existing obstacles to designing a project that would comply with laws and regulations governing emergency access.

Response to Comment I46-4: The Housing Element Update contains an inventory of feasible housing sites to satisfy the County's RHNA requirements. It does not approve development on any of the specific sites included in the housing inventory. If and when a development proposal is submitted for the potential Balmoral Way housing site, the potential site-specific impacts of the proposal, including those related to ingress, egress, circulation, and emergency access, would be analyzed by the County and County decision-makers would, at that time, be required to make a decision about said proposal.

As described in Chapter 1 Introduction, section 1.3.1 Program EIR, the EIR is a program-level document. Program EIRs are authorized by section 15168 (Program EIR) of the State CEQA Guidelines for use in documenting the environmental impacts of community general plans, specific plans, precise plans, and other planning "programs." According to the State CEQA Guidelines, Program EIRs are not required to analyze future site-specific impacts of any individual development project, the details of which are not known at this time. As such, the Draft EIR is not required to analyze the site-specific impacts of a potential housing development at Balmoral Way that could, but is not guaranteed to be developed as a result of the Project. However, inclusion of this comment in this Final EIR will make the commenter's views about the potential Balmoral Way housing site available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project. Also, please see Topical Response 1 Use of Program EIR.

Comment I46-5: Second, there is the critical issue of water supply, which applies to both Balmoral Way and the County site. As previously explained by the Inverness Public Utility District, Inverness relies on a limited quantity of local surface water for its supply. The ongoing drought conditions are severely straining our supply such that there is often insufficient water for the residences already here. A moratorium is in place. Furthermore, the PEIR states that 550 feet of water main on Balmoral would need to be enlarged to accommodate the new dwellings. And given Balmoral's status as a private road, the current residents would have to agree to form a Benefit Assessment District for this work to occur. Table 19-5, page 566. This outcome seems unlikely.

The Site Inventory Guidebook, issued by the CA Department of Housing and Community Development on June 10, 2020, states that if it is not possible to provide the necessary water to support housing development in time to make housing development realistic during the planning period, the site is not suitable for inclusion in the site inventory. The water supply issue in Inverness has no ready solution.

Response to Comment I46-5: Please see Response to Comment I46-4. Also, please see Topical Response 1 Use of Program EIR.

Comment I46-6: The addition of 14 new housing units to Balmoral Way will both require expensive upgrades to the road and water facilities, septic systems or sewers and fundamentally alter the character of the neighborhood and street—currently a dead-end country lane in an older neighborhood on the historic mesa. Page 148.

Response to Comment I46-6: Please see Response to Comment I46-4. Also, please see Topical Response 1 Use of Program EIR.

Comment I46-7: Furthermore, the Project and Alternative 2 both violate Policy BIO-1.1, which requires development projects to protect wetlands, sensitive biological communities and special status species. Balmoral Way is situated parallel to and above Second Valley Creek, a year-round stream, and its floodplain. This floodplain, which lies about 80 feet north of the entire length of Balmoral Way, served as a critical overflow basin during the 1982 flood. Where the creek approaches Tomales Bay, there is an extensive freshwater marsh that includes brackish areas. The creek and floodplain are very likely a corridor for wildlife movement. All of these are sensitive biological communities specifically named in the PEIR. Page 216, 226.

Response to Comment I46-7: Please see Response to Comment I46-4. Also, please see Topical Response 1 Use of Program EIR.

Comment I46-8: Virtually all of Inverness is occupied by northern spotted owls, a state and federally threatened species. Residents on Balmoral Way hear and see the owls on a regular basis, particular in the riparian corridor. The noise, increased sedimentation and ongoing disturbance associated with both construction and occupation of 14 additional housing units will undoubtedly disturb and/or displace wildlife, including spotted owls. Septic effluent may well drain down to the creek and marsh, affecting water quality and biotic life.

Response to Comment I46-8: Please see Response to Comment I46-4. Also, please see Topical Response 1 Use of Program EIR.

Comment I46-9: In contrast, the County site on Ottinger Hill is less endowed with sensitive biological communities than Balmoral. It is further away from any year-round creek and currently surrounded by non-native vegetation. The County site is isolated from any established neighborhood in Inverness and instead, lies along an unoccupied stretch of Sir Francis Drake Boulevard. Improvements to the road, the addition of septic systems and water infrastructure would not “urbanize” the area to the degree or in the way that such changes on Balmoral would.³

The presence or absence of spotted owls on and around the County site is unknown, at least to this writer.

Direct access to a bus route could be made available at the County site much more readily than it could on Balmoral, which lies a half-mile from the village of Inverness and up a steep, windy road (Argyle) from Sir Francis Drake.

Response to Comment I46-9: Please see Response to Comment I46-4. Also, please see Topical Response 1 Use of Program EIR.

4.5.47 Letter I47 Carter Aronson

Comment I47-1: That said, *I did not know* that the development could be as many as 64 units. I do not believe that our neighborhood can support this many units without materially changing the nature of the area. To be clear, I *want* our neighborhood to support people of varying socioeconomic levels, but I do not want SF Blvd to become a high traffic street.

Response to Comment I47-1: Regarding traffic, please see Response to Comment O10-1.

This comment pertains to the Housing Element/Safety Element, not to the adequacy or content of the EIR. No further response is required. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin

County Board of Supervisors, and other public officials who will make decisions about the proposed Project.

Comment I47-2: It seems to me that this level of development is not fit for a dead end with only one access point. I worry about the number of cars. I worry about speeding. I worry about the traffic that could form should we all need to evacuate (we're in a high fire zone).

Response to Comment I47-2: Regarding traffic, please see Response to Comment O10-1. Regarding evacuation, please see Response to Comment I2-3.

Comment I47-3: In the spirit of not complaining without offering an alternative, I'd ask that the county consider moving this development forward, but limiting the number of units to half that which is proposed to date: 15 dwelling units per acre or 32 total dwelling units. This would represent a roughly 2x increase in the units 404 SF Blvd currently supports, and I believe that, at this size, the development will make our wonderful neighborhood even better.

Response to Comment I47-3: This comment pertains to the Housing Element/Safety Element, not to the adequacy or content of the EIR. No further response is required. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project.

4.5.48 Letter I48 Joe Fitzpatrick

Comment I48-1: However, I want to see the data that supports the county's recommendation of 64 units on this site. I can't imagine any plan that size and will provide some rationales in this email for my opposition. Anything more than 30 units (almost double the current site) is unacceptable.

Response to Comment I48-1: The Housing Element Update contains an inventory of potential housing sites to meet the County's RHNA assignment. The inclusion of the potential 404 San Francisco Blvd housing site in the Housing Element Update sites inventory does not serve as the County's recommendation for the site to be developed. Ultimately, this comment pertains to the Housing Element Update, not to the adequacy or content of the EIR. No further response is required. Inclusion of these comments in this Final EIR will make the commenter's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project.

Comment I48-2: Density in Sorich Park.

There is only one way in and out of Sorich Park neighborhood, San Francisco Ave. The amount of traffic on San Francisco is already significant and adding 47 (17 existing from the proposed 64) puts 100 extra cars on this road multiple times per day.

For a street with no sidewalks for a large percentage, San Francisco is already extremely busy. 100 new cars multiple times per day create safety concerns, and certainly will constrain access to Sir Francis Drake Blvd.

Response to Comment I48-2: Regarding traffic, please see Response to Comment O10-1.

Comment I48-3: Emergency Exit

As you know, the hillside at the end of San Francisco is considered high risk in terms of fire. In the event of a fire the emergency evacuation of this neighborhood (already a concern) would be dramatically worsened by the scale of this project. The light at Sir Francis Drake would be a huge bottleneck and the additional capacity of the proposed development would add to the potential for a catastrophe.

Response to Comment I48-3: Regarding wildfire hazards and evacuation, please see Response to Comment I2-3.

Comment I48-4: Fire Risk

More people, more risk. Adding 47 additional units at 404 San Francisco increases the potential risk of fire and the devastating implications on this neighborhood.

Response to Comment I48-4: Regarding wildfire hazards, please see Response to Comment I2-3.

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5. TEXT REVISIONS TO DRAFT EIR

The following chapter includes all revisions to the Draft EIR made to reflect new information not available at the time the Draft EIR was being prepared, in response comments received during the Draft EIR comment period, and clarification and amplification of Draft EIR text proposed by the County. The changes correct inaccuracies in, make minor revisions to, and clarify and amplify the analysis in the EIR. Text removed from the EIR is marked with ~~strike-out~~. New text is indicated by underline. All the revised text supersedes the corresponding text in the October 2022 Draft EIR. None of the criteria listed in CEQA Guidelines section 15088.5 (Recirculation of an EIR Prior to Certification) indicating the need for recirculation of the Draft EIR has been met as a result of the revisions. In particular:

- no new significant environmental impact due to the project or due to a new mitigation measure has been identified;
- no substantial increase in the severity of a significant environmental impact has been identified; and
- no additional feasible project alternative or mitigation measure considerably different from others analyzed in the Draft EIR has been identified that would clearly lessen the environmental impacts of the project.

5.1 PROJECT HOUSING SITE LIST CHANGES

Draft EIR Tables 3-2 and 3-3 have been modified as presented below to reflect the changes to the proposed Project Site list (“Project Site Inventory”) described in Chapter 2.1 in this Final EIR. Previously both tables presented a total of 5,214 units as the “proposed Project”. The modifications to Table 3-3 have slightly increased the number of units from 5,214 to 5,231. All references in the EIR to the number of project sites as 5,214 are globally changed to 5,231. The expanded inventory of Candidate Housing Sites remains at 10,993 units.

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5.2 EIR Summary

Chapter 2, page 2-14, Table 2-2

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
AIR QUALITY				
<p>Impact 6-1: Conflict with the Local Air Quality Plan and Result in a Cumulatively Considerable Net Increase in Criteria Air Pollutants for which the Region is Non-Attainment (Operational). [Thresholds of Significance (a) and (b)]</p>	<p>S</p>	<p>Mitigation Measure 6-1: Reduce VMT from New Residential Development. Implement Mitigation Measure 18-4 (Transportation).</p> <p>Mitigation Measure 18-4: <u>Development applications for housing development projects that are facilitated by the Housing and Safety Elements Update, which the County determines may result in significant impacts to vehicle miles traveled</u> Residential development projects shall be required to achieve a VMT significance threshold of 15 percent below the regional average residential VMT per capita. The methodologies and screening parameters used to determine VMT significance shall be consistent with the guidance provided in the <i>Technical Advisory on Evaluating Transportation Impacts in CEQA</i>, OPR, 2018 (or subsequent updates), or future VMT policies adopted by the County of Marin, provided that such policies have been shown through evidence to support the legislative intent of SB 743. Output from the TAMDM travel demand model shall be the source of the regional VMT per capita performance metric</p>	<p>Project applicants; County</p>	<p>SU</p>

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<p>used to establish the significance threshold and shall be used in residential development project VMT assessments. For individual residential development projects that do not achieve VMT significance thresholds, applicants shall submit documentation that demonstrates how the necessary VMT per capita reductions will be achieved, relying on available research and evidence to support findings. VMT reduction techniques will vary depending on the location of each development site and the availability of nearby transportation services though utilization of TDM strategies will play a major role in most cases. Following are TDM and other strategies that may be applied; additional measures beyond those provided in this list may be allowed if supported by evidence.</p> <ul style="list-style-type: none"> • Subsidize resident transit passes • Provide or participate in established ride-matching program(s) • Provide information, educational, and marketing resources for residents and visitors managed by a TDM Coordinator • Complete bus stop improvements or on-site mobility hubs • Construct off-site pedestrian and/or bicycle network improvements, particularly those that fill gaps and/or 		

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		connect the project and surrounding neighborhood to transit <ul style="list-style-type: none"> • Reduce parking supply at affordable or senior projects and projects that are well-served by transit • Unbundle parking costs (sell or lease parking separately from the housing unit) where appropriate on-street management is present • Provide or participate in car-sharing, bike sharing, or scooter sharing program(s) • Contribute to future VMT mitigation fee programs, banks, or exchanges as they become available. Even with implementation of this mitigation measure, this impact would remain <i>significant and unavoidable</i> .		
BIOLOGICAL RESOURCES				
Impact 7-1: Impacts to Special-Status Species. [Threshold of Significance (a)]	S	Mitigation Measure 7-1: To Protect Special-Status Species During Implementation of Safety Element Activities, Marin County shall implement the following measures listed below: <u>Public infrastructure projects, activities needed to maintain or improve public facilities, and development applications</u>	County and Project Applicants	LS

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<p><u>which involve Safety Element activities that entail substantial ground disturbance or vegetation removal where sensitive biological resources may occur</u> shall be required to conduct a <i>biological resources site assessment, prepared by a qualified biologist</i>, to determine whether the project will result in significant biological impacts. The assessment shall be submitted to the County for review as part of the discretionary permit approval process. The biological resources site assessment shall include the following:</p> <ul style="list-style-type: none"> • The presence or absence of any sensitive biological resources that could be affected by proposed activities, including occurrences of special-status species, occurrences of sensitive natural communities, jurisdictional wetlands, and important wildlife nursery areas and movement corridors; • Recommendations for protocol-level surveys if necessary to determine presence or absence of special-status animal or plant species, as needed; 		

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<ul style="list-style-type: none"> • Impact assessment of the proposed activities on sensitive biological resources; • <u>Identification of laws and regulations that apply, an assessment of compliance with Marin CWP and Development Code policies, and a statement of which permits may be required from agencies other than the County, and why;</u> • Mitigation measures for avoidance of harm or removal of sensitive biological resources (e.g., avoidance of sensitive biological periods such as the <u>would include, but not be limited to, avoiding habitat occupied by special-status species or reducing the disturbance in occupied habitat, timing the work during a season that would cause the least impact to species survival and breeding success, and/or having a biological monitor present during ground disturbance or vegetation removal where sensitive biological resources would be impacted.</u> 		

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<ul style="list-style-type: none"> • <u>Mitigation measures that include conducting species-specific pre-construction surveys for special-status species following current survey protocols or established survey procedures, including surveys during the nesting bird season (February 1 – August 31), bird- and bat breeding season (April 15 – August 31), and for avoidance of the bat winter torpor season (November 1 – February 1);</u> and compensation for the loss of sensitive biological resources such that there is no net loss of sensitive habitat acreage, values, and function; • <u>Mitigation measures if take of special-status species or loss of habitat that supports special-status species cannot be avoided. The site assessment report shall outline take permits that will be required from the appropriate agencies (i.e., CDFW, USFWS, NMFS) if take of a special-status species cannot be avoided, and discuss the types of mitigation that would be acceptable to the responsible</u> 		

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<p><u>regulatory agencies (CDFW and/or USFWS).</u></p> <p>The County shall review the results of the biological resources site assessment to determine whether impacts to <u>special-status species</u> are likely to occur, and the actions needed to a) avoid identified impacts <u>such that there is no net loss of sensitive habitat acreage, values, and function,</u> b) determine if additional County <u>and resource agency</u> permits are required, and c) determine the appropriate level of CEQA review.</p> <p><u>The County shall modify its application requirements for ministerial road improvement projects to include information on the project's likelihood of impacting special-status species by requiring the following information as part of the project application when biological resources are present on the project site:</u></p> <p><u>1) Biological evaluation prepared by a qualified biologist documenting presence or absence of sensitive</u></p>		

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<p><u>biological resources, and if any sensitive biological resources are present;</u></p> <p><u>2) Description of avoidance and minimization measures to protect sensitive resources according to applicable federal, state, and County requirements for the protection of the resource;</u></p> <p><u>3) Demonstration of obtaining regulatory permits if required; and</u></p> <p><u>4) Demonstration of compliance with regulatory permit requirements and mitigation (e.g., preconstruction surveys, habitat replacement, habitat restoration /revegetation plan as needed), or measures to avoid and minimize impacts on special-status species if permits are not required. Mitigation in the form of habitat replacement shall ensure that there is no net loss of habitat acreage, values, and function.</u></p> <p><u>The biological evaluation shall disclose what, if any, sensitive biological resources are present on the site</u></p>		

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<p><u>including wetlands, Stream Conservation Areas (SCAs), Wetland Conservation Areas (WCAs), Habitat Conservation Plans, Natural Community Conservation Plans, habitat for protected species, state and federal regulated habitats, and sensitive natural communities. The County shall not issue a permit for the road improvement project until the avoidance of significant impacts to biological resources is demonstrated in the application materials.</u></p> <p><u>The County shall use a standard checklist and procedure to document its application requirements and application review standards, and to determine whether the project qualifies as a ministerial project or requires additional CEQA review.</u> The procedure would specify the actions the County will carry out in establishing the checklist and reviewing application materials.</p> <p>For example, the procedure shall specify</p>		

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<ol style="list-style-type: none"> 1. Which County department receives and reviews application materials, 2. The steps required to respond to the information received in the application process, 3. Which County department determines the need for a biological resources report, 4. The steps the County must take to select a qualified biologist to prepare a biological resources report, 5. Which County department reviews the biological resources report for project compliance with federal, state, and County policies, and whether the avoidance/mitigation measures identified in the report reduce the impacts to biological resources to less than significant, and how that information is reported 6. Preparing an assessment of compliance with County policies, 7. Tracking any required permits and permit conditions, and 		

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<p>8. Specifying how the County will verify that the project has complied with mitigation.</p> <p><u>The checklist shall specifically require information about the project’s impacts to sensitive natural communities designated by CDFW that would not be protected by state or federal laws or regulations except CEQA.</u></p> <p><u>The checklist should include information such as:</u></p> <ol style="list-style-type: none"> 1. <u>Identification and location of the project site;</u> 2. <u>Description of the project and site plans;</u> 3. <u>Description of any natural features on the project site;</u> 4. <u>A description of what biological resources may be impacted;</u> 5. <u>Avoidance and/or mitigation measures that are incorporated into the project to</u> 		

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<p><u>keep impacts to biological resources to less than significant, and</u></p> <p>6. <u>Whether regulatory agency permits would be required.</u></p> <p>With implementation of Mitigation Measure 7-1, impacts of the Safety Element Update to Special-Status Species would be less than significant.</p>		
<p>Impact 7-2: Impacts on Riparian Habitat, Sensitive Natural Communities, and Wetlands. [Thresholds of Significance (b) and (c)]</p>	<p>S</p>	<p>Mitigation Measure 7-2.1: Best Management Practices for vegetation management in riparian areas, wetlands, and sensitive natural communities. For <u>public infrastructure projects, activities needed to maintain or improve public facilities,</u> and development applications For <u>fire safety implementation projects (e.g., fuel load reduction) that involve vegetation removal for fuel load reduction and creation of defensible space</u> where sensitive biological resources may occur, the County shall require preparation of a Construction Management Plan (CMP) for projects that involve vegetation removal within or in proximity to riparian areas, wetlands, and sensitive natural communities, <u>and shall consult with state and federal agencies that have jurisdiction</u></p>	<p>Project Applicants; County</p>	<p>LS</p>

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<p><u>over these resources, including CDFW, RWQCB, and potentially USACE, to determine whether permits and mitigation are required.</u> The CMP shall include Best Management Practices (BMPS) that protect these habitats. The CMPs may include, but are not limited to, the following BMPs:</p> <ul style="list-style-type: none"> • Setbacks from riparian areas, wetlands, and other sensitive areas where work should be avoided. • Field delineation of sensitive habitats as Environmentally Sensitive Areas to avoid. • Identification of sensitive areas where work should be done by hand rather than with heavy machinery • Measures to control and prevent the discharge of potential pollutants, including solid wastes, paints, concrete, petroleum products, chemicals, wash water or sediment and non-stormwater 		

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<p>discharges to storm drains and water courses.</p> <ul style="list-style-type: none"> • Restrictions on cleaning, fueling, or maintaining vehicles on site, except in a designated area in which run-off is contained and treated. • Erosion control measures for wet season work (October 15 through April 15). • Measures to store, handle, and dispose of construction materials and wastes properly, so as to prevent their contact with stormwater. • Measures to avoid the invasion and/or spread of noxious weeds <p><u>Mitigation Measure 7-2.2: Application Requirements for Ministerial Road Improvement Projects.</u> The County shall implement Mitigation Measure 7-1 above to modify the application <u>requirements for ministerial road improvement projects to include information on the project's likelihood of impacting riparian areas,</u></p>		

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<p><u>wetlands, and sensitive natural communities. Like the application requirement in Mitigation Measure 7-1, the County shall require:</u></p> <ol style="list-style-type: none"> 1) <u>A biological evaluation prepared by a qualified biologist documenting presence or absence of sensitive biological resources (i.e., riparian habitat, wetlands, or sensitive natural communities);</u> 2) <u>Avoidance and minimization measures to protect sensitive resources according to applicable federal, state, and County requirements for the protection of the resource;</u> 3) <u>Demonstration of obtaining any required regulatory permits; and</u> 4) <u>Demonstration of compliance with regulatory permit requirements and mitigation. Mitigation in the form of habitat replacement shall ensure that there is no net loss of habitat acreage, values, and function and that any proposed compensatory</u> 		

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<p><u>mitigation shall be acceptable to the regulatory agencies.</u></p> <p><u>The biological evaluation shall disclose what, if any, sensitive biological resources are present on the site including wetlands, Stream Conservation Areas (SCAs), Wetland Conservation Areas (WCAs), Habitat Conservation Plans, Natural Community Conservation Plans, habitat for protected species, state and federal regulated habitats, and sensitive natural communities. The County shall not issue a permit for the road improvement project until the avoidance of significant impacts to biological resources is demonstrated in the application materials.</u></p> <p><u>Mitigation Measure 7-2.3: Adopt and Implement a Standard Review Procedure.</u> <u>The County shall also implement the standard checklist and procedure described in Mitigation Measure 7-1 to document its review, and to determine whether the project qualifies as a ministerial project or requires additional CEQA review. The checklist shall</u></p>		

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<p><u>specifically require information on the project’s impacts to sensitive natural communities that would not be covered under any state or federal laws or regulations.</u></p> <p>Implementation of <u>these</u> mitigation measures would reduce impacts of the Safety Element Update on riparian habitat, state or federally-protected wetlands, or other sensitive natural communities to a <i>less-than-significant level</i>.</p>		
<p>Impact 7-3: Impacts on Wildlife Movement Corridors and Wildlife Nursery Sites. [Threshold of Significance (d)].</p>	<p>S</p>	<p>Mitigation Measure 7-3.1. Revise Definition of the Nesting Season</p> <p>Adopted Policy BIO-2.5 in the Natural Systems and Agriculture Element of the 2007 CWP defines the avian nesting season as March 1 through August 1. However, the nesting season in Marin County is generally defined as February 1 through August 31. Unless this policy is amended, future individual development projects resulting from the Housing Element Update have the potential to take active nests of birds protected by the Migratory Bird Treaty Act and California</p>	<p>County</p>	<p>LS</p>

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<p>Fish and Game Code. Therefore, the County shall revise this policy as follows:</p> <p>Policy BIO-2.5 (revised) Restrict Disturbance in Sensitive Habitat During the Nesting Season. Limit construction and other sources of potential disturbance in sensitive riparian corridors, wetlands, and Baylands should be limited to protect bird nesting activities. Disturbance should generally be set back from sensitive habitat during the nesting season from <u>February 1 through August 31</u> to protect bird nesting, rearing, and fledging activities. Preconstruction surveys should be conducted by a qualified professional where development is proposed in sensitive habitat areas during the nesting season, and appropriate restrictions should be defined to protect nests in active use and ensure that any young have fledged before construction proceeds.</p> <p>Mitigation Measure 7-3.2 Bird-Safe Design.</p> <p>The County shall establish design standards <u>in the Marin County Development Building Code</u> for new</p>		

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<p>construction and redevelopment projects to implement bird-safe features to prevent or reduce avian collision risks with glass windows. Consistent with the American Bird Conservancy recommendations, the County shall specify thresholds when standards would apply, such as site location relative to avian habitat and amount of contiguous glass proposed on building facades. If projects meet or exceed the thresholds, the County shall require application of bird-safe design features including, but not limited to, window treatments, glass treatments, and landscaping and lighting modifications. The County or project applicants shall obtain a qualified biologist, with experience in avian ecology, to evaluate proposed building plans and bird-safe design features, where applicable. If the proposed bird-safe design does not sufficiently address collision risks, the biologist shall provide additional bird-safe design recommendations that shall be incorporated.</p>		

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<p>Mitigation Measure 7-3.3. Implement Protective Buffers During Vegetation Management.</p> <p><u>Development applications for Housing projects that are facilitated by the Housing and Safety Elements Update, and which the County determines may result in significant impacts to wildlife movement corridors and wildlife nursery sites due to removal, degradation, or substantial long-term disturbance, shall minimize vegetation management activities to the greatest extent feasible, while still meeting defensible space requirements, and implement protective buffers, or specify vegetation management and removal methods to protect wildlife movement corridors and avoid disturbance of wildlife nursery sites.</u></p> <p>With implementation of Mitigation Measures 7-3.1, 7-3.2, and 7-3.3, impacts of the Housing and Safety Element Update would be less than significant.</p>		
CULTURAL, TRIBAL CULTURAL, AND HISTORIC RESOURCES				

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
<p>Impact 8-1: Destruction/Degradation of Historical Resources. [Threshold of Significance (a)] .</p>	<p>S</p>	<p>Mitigation Measure 8-1. <u>Development applications for housing development projects that are For any project</u> facilitated by the Housing and Safety Elements Update project that <u>which</u> the County determines may involve a property that contains a potentially significant historical resource, then that resource shall be assessed by a professional who meets the Secretary of the Interior's Professional Qualifications Standards to determine whether the property is a significant historic resource and whether or not the project may have a potentially significant adverse effect on the historical resource. If, based on the recommendation of the qualified professional, the County determines that the project may have a potentially significant effect, the County shall require the applicant to implement the following mitigation measures:</p> <p>(a) Adhere to at least one of the following Secretary of the Interior's Standards:(a) <i>Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings</i>; or <i>Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.</i></p> <p>The qualified professional shall make a recommendation to the County as to whether</p>	<p>Project applicants; County</p>	<p>LS/SU</p>

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<p>the project fully adheres to the Secretary of the Interior’s Standards, and any specific modifications necessary to do so. The final determination as to a project’s adherence to the Standards shall be made by the County body with final decision-making authority over the project. Such a determination of individual project adherence to the Secretary of the Interior’s Standards will constitute mitigation of the project historic resource impacts to a less-than-significant level (CEQA Guidelines section 15064.5).</p> <p>(b) If measure (a) is not feasible, the historical resource shall be moved to a new location compatible with the original character and use of the historical resource, and its historical features and compatibility in orientation, setting, and general environment shall be retained, such that a substantial adverse change in the significance of the historical resource is avoided. Implementation of measure (b) would reduce the impact to a less-than-significant level.</p> <p>If neither measure (a) nor measure (b) is feasible, then the County shall, as applicable and to the extent feasible, implement the following measures in the following order:</p> <p>(c) Document the historical resource before any changes that would cause a loss of integrity and loss of continued eligibility. The documentation shall adhere to the Secretary of the Interior’s <i>Standards for Architectural and</i></p>		

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<p><i>Engineering Documentation.</i> The level of documentation shall be proportionate with the level of significance of the resource. The documentation shall be made available for inclusion in the Historic American Building Survey (HABS) or the Historic American Engineering Record (HAER) Collections in the Library of Congress, the California Historical Resources Information System (CHRIS), and the Bancroft Library, as well as local libraries and historical societies.</p> <p>(b) If measure (a) is not feasible, the historical resource shall be moved to a new location compatible with the original character and use of the historical resource, and its historical features and compatibility in orientation, setting, and general environment shall be retained, such that a substantial adverse change in the significance of the historical resource is avoided.</p> <p>Implementation of measure (b) would reduce the impact to a less-than-significant level.</p> <p>If neither measure (a) nor measure (b) is feasible, then the County shall, as applicable and to the extent feasible, implement the following measures in the following order:</p> <p>(c) Document the historical resource before any changes that would cause a loss of integrity and loss of continued eligibility. The documentation shall adhere to the Secretary of the Interior's <i>Standards for Architectural and</i></p>		

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<p><i>Engineering Documentation.</i> The level of documentation shall be proportionate with the level of significance of the resource. The documentation shall be made available for inclusion in the Historic American Building Survey (HABS) or the Historic American Engineering Record (HAER) Collections in the Library of Congress, the California Historical Resources Information System (CHRIS), and the Bancroft Library, as well as local libraries and historical societies.</p> <p>(d) Retain and reuse the historical resource to the maximum feasible extent and continue to apply the Secretary of the Interior’s Standards to the maximum feasible extent in all alterations, additions, and new construction.</p> <p>(e) Through careful methods of planned deconstruction to avoid damage and loss, salvage character-defining features and materials for educational and interpretive use on-site, or for reuse in new construction on the site in a way that commemorates their original use and significance.</p> <p>(f) Interpret the historical significance of the resource through a permanent exhibit or program in a publicly accessible location on the site or elsewhere within the Planning Area.</p> <p>Implementation of measures (c), (d), (e), and/or (f) would reduce a significant impact on historic resources, but not to a less-than-significant level. Without knowing the</p>		

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		characteristics of the potentially affected historical resource or of the future individual development proposal, the County cannot determine with certainty that measure (a) or (b) above would be considered feasible. Consequently, this impact is currently considered significant and unavoidable .		
GREENHOUSE GAS EMISSIONS AND ENERGY				
Impact 10-1: Generate Significant Greenhouse Gas Emissions and Conflict with an Applicable Plan, Policy, or Regulation Adopted for the Purposes of Reducing Greenhouse Gas Emissions. [Thresholds of Significance (a) and (b)] The residential housing growth that would be facilitated by the proposed Project would generate GHG emissions in significant quantities and would be inconsistent with the CARB 2017 Scoping Plan, MTC/ABAG Plan Bay Area 2050, and County 2030 CAP. This would be a potentially significant impact .	S	Mitigation Measure 10-1A: Prohibit Natural Gas Plumbing and Appliances in New Housing Sites. The County’s 2022 Green Building Model Reach Code that is under development shall include provision(s) that prohibit natural gas plumbing and the use of natural gas appliances such as cook tops, water heaters, and space heaters in all new housing site developments unless the applicant can show an all-electric building design is not feasible due to specific economic, technical, logistical, or other factors associated with the development site. All new housing sites shall be required to comply with the aforementioned natural gas prohibition requirements prior to the adoption of the County’s 2022 Green Building Model Reach Code.	Project applicants; County	SU
		Mitigation Measure 10-1B: Residential Bicycle Parking Requirements. The County shall require new residential housing sites to comply with the Tier II bicycle parking requirements contained in the latest editions of	Project applicants; County	SU

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<p>the California Green Building Standards Code (CalGreen) in effect at the time the building permit application is submitted to the County. Currently, the 2019 CalGreen Code Section A4.106.9, Bicycle Parking, requires new multi-family buildings provide on-site bicycle parking for at least one bicycle per every two dwelling units, with acceptable parking facilities conveniently reached from the street.</p>		
		<p>Mitigation Measure 10-1C: Reduce VMT from New Residential Development. Implement Mitigation Measure 18-4 (Transportation).</p> <p>Mitigation Measure 18-4. <u>Development applications for housing development projects that are facilitated by the Housing and Safety Elements Update, which the County determines may result in significant impacts to vehicle miles traveled</u> Residential development projects shall be required to achieve a VMT significance threshold of 15 percent below the regional average residential VMT per capita. The methodologies and screening parameters used to determine VMT significance shall be consistent with the guidance provided in the <i>Technical Advisory on Evaluating Transportation Impacts in CEQA</i>, OPR, 2018 (or subsequent updates), or future VMT policies adopted by the County of Marin, provided that such policies have been shown through evidence to support the legislative</p>	<p>Project applicants; County</p>	<p>SU</p>

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<p>intent of SB 743. Output from the TAMDM travel demand model shall be the source of the regional VMT per capita performance metric used to establish the significance threshold and shall be used in residential development project VMT assessments. For individual residential development projects that do not achieve VMT significance thresholds, applicants shall submit documentation that demonstrates how the necessary VMT per capita reductions will be achieved, relying on available research and evidence to support findings. VMT reduction techniques will vary depending on the location of each development site and the availability of nearby transportation services though utilization of TDM strategies will play a major role in most cases. Following are TDM and other strategies that may be applied; additional measures beyond those provided in this list may be allowed if supported by evidence.</p> <ul style="list-style-type: none"> • Subsidize resident transit passes • Provide or participate in established ride matching program(s) • Provide information, educational, and marketing resources for residents and visitors managed by a TDM Coordinator • Complete bus stop improvements or on-site mobility hubs 		

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<ul style="list-style-type: none"> ▪ Construct off-site pedestrian and/or bicycle network improvements, particularly those that fill gaps and/or connect the project and surrounding neighborhood to transit ▪ Subsidize resident transit passes ▪ Provide or participate in established ride-matching program(s) ▪ Provide information, educational, and marketing resources for residents and visitors managed by a TDM Coordinator ▪ Complete bus stop improvements or on-site mobility hubs ▪ Construct off-site pedestrian and/or bicycle network improvements, particularly those that fill gaps and/or connect the project and surrounding neighborhood to transit ▪ Reduce parking supply at affordable or senior projects and projects that are well-served by transit ▪ Unbundle parking costs (sell or lease parking separately from the housing unit) where appropriate on-street management is present ▪ Provide or participate in car-sharing, bike sharing, or scooter sharing program(s) 		

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<ul style="list-style-type: none"> ▪ Contribute to future VMT mitigation fee programs, banks, or exchanges as they become available. <p>Even with implementation of these mitigation measure, this impact would remain significant and unavoidable.</p>		
NOISE				
<p>Impact 15-1: Substantial Permanent Increases in Traffic Noise Levels. [Threshold of Significance (a)] The implementation of the proposed Project could result in a substantial permanent increase in noise levels. This would be a potentially significant impact.</p>	S	<p>Mitigation Measure 15-1. Reduce VMT from New Residential Development. Implement Mitigation Measure 18-4 (Transportation).</p> <p>Mitigation Measure 18-4. <u>Development applications for housing development projects that are facilitated by the Housing and Safety Elements Update, which the County determines may result in significant impacts to vehicle miles traveled</u> Residential development projects shall be required to achieve a VMT significance threshold of 15 percent below the regional average residential VMT per capita. The methodologies and screening parameters used to determine VMT significance shall be consistent with the guidance provided in the <i>Technical Advisory on Evaluating Transportation Impacts in CEQA</i>, OPR, 2018 (or subsequent updates), or future VMT policies adopted by the County of Marin, provided that such policies have been shown through evidence to support the legislative intent of SB 743. Output from the TAMDM</p>	Project applicants; County	SU

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<p>travel demand model shall be the source of the regional VMT per capita performance metric used to establish the significance threshold and shall be used in residential development project VMT assessments. For individual residential development projects that do not achieve VMT significance thresholds, applicants shall submit documentation that demonstrates how the necessary VMT per capita reductions will be achieved, relying on available research and evidence to support findings. VMT reduction techniques will vary depending on the location of each development site and the availability of nearby transportation services though utilization of TDM strategies will play a major role in most cases. Following are TDM and other strategies that may be applied; additional measures beyond those provided in this list may be allowed if supported by evidence.</p> <ul style="list-style-type: none"> ▪ Subsidize resident transit passes ▪ Provide or participate in established ride-matching program(s) ▪ Provide information, educational, and marketing resources for residents and visitors managed by a TDM Coordinator ▪ Complete bus stop improvements or on-site mobility hubs ▪ Construct off-site pedestrian and/or bicycle network improvements, 		

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<p>particularly those that fill gaps and/or connect the project and surrounding neighborhood to transit</p> <ul style="list-style-type: none"> ▪ Reduce parking supply at affordable or senior projects and projects that are well-served by transit ▪ Unbundle parking costs (sell or lease parking separately from the housing unit) where appropriate on-street management is present ▪ Provide or participate in car-sharing, bike sharing, or scooter sharing program(s) ▪ Contribute to future VMT mitigation fee programs, banks, or exchanges as they become available. <p>Even with implementation of this mitigation measure, this impact would remain significant and unavoidable.</p>		
TRANSPORTATION				
<p>Impact 18-4: Impacts Related to Vehicle Miles Traveled. [Threshold of Significance (b)] The Planning Area used in the VMT analysis consists of all MAZs within the TAMDM model that contain one or more candidate housing sites identified for the Housing and Safety Elements</p>	S	<p>Mitigation Measure 18-4. <u>Development applications for housing development projects that are facilitated by the Housing and Safety Elements Update, which the County determines may result in significant impacts to vehicle miles traveled</u> Residential development projects shall be required to achieve a VMT significance threshold of 15 percent below the</p>	Project applicants; County	SU

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
<p>Update. The VMT modeling results produced by TAMDM indicate that with the additional housing units, residential uses in the Planning Area would on average generate 19.7 VMT per capita, exceeding the applied 10.7 VMT per capita threshold of significance by approximately 84 percent. This would be a significant impact.</p>		<p>regional average residential VMT per capita. The methodologies and screening parameters used to determine VMT significance shall be consistent with the guidance provided in the <i>Technical Advisory on Evaluating Transportation Impacts in CEQA</i>, OPR, 2018 (or subsequent updates), or future VMT policies adopted by the County of Marin, provided that such policies have been shown through evidence to support the legislative intent of SB 743. Output from the TAMDM travel demand model shall be the source of the regional VMT per capita performance metric used to establish the significance threshold and shall be used in residential development project VMT assessments.</p> <p>For individual residential development projects that do not achieve VMT significance thresholds, applicants shall submit documentation that demonstrates how the necessary VMT per capita reductions will be achieved, relying on available research and evidence to support findings. VMT reduction techniques will vary depending on the location of each development site and the availability of nearby transportation services though utilization of TDM strategies will play a major role in most cases. Following are TDM and other strategies that may be applied; additional measures beyond those provided in this list may be allowed if supported by evidence.</p> <ul style="list-style-type: none"> ▪ Subsidize resident transit passes 		

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		<ul style="list-style-type: none"> ▪ Provide or participate in established ride-matching program(s) ▪ Provide information, educational, and marketing resources for residents and visitors managed by a TDM Coordinator ▪ Complete bus stop improvements or on-site mobility hubs ▪ Construct off-site pedestrian and/or bicycle network improvements, particularly those that fill gaps and/or connect the project and surrounding neighborhood to transit ▪ Reduce parking supply at affordable or senior projects and projects that are well-served by transit ▪ Unbundle parking costs (sell or lease parking separately from the housing unit) where appropriate on-street management is present ▪ Provide or participate in car-sharing, bike sharing, or scooter sharing program(s) ▪ Contribute to future VMT mitigation fee programs, banks, or exchanges as they become available. <p>This mitigation measure would reduce the VMT impacts associated with future residential development projects.</p>		

**Table 2-2:
Summary of Impacts and Recommended Mitigation Measures**

Impacts	Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Significance With Mitigation
		However, given the inability to assure that residential VMT per capita can be reduced below significance thresholds despite required VMT reduction strategies, this impact would be significant and unavoidable .		

^[1]Under the CEQA Guidelines (section 15064.5[b][3]), a project's adverse impact on a historic resource generally can be mitigated to a less-than-significant level by following either of these standards.

5.3 CHAPTER 3 PROJECT DESCRIPTION

Chapter 3, page 3-14, Table 3-2

**Table 3-2:
2023-2031 Housing Element Proposed Project Sites and Associated Development Potential**

	Potential Unit Development			
	Lower Income	Moderate Income	Above Moderate Income	Total
(A) Proposed Project Sites ^[1]	1,849 <u>1,843</u>	517 <u>537</u>	1,306 <u>1,305</u>	3,672 <u>3,685</u>
(B) Development Units (ADUs)	154	77	25	256
Total Proposed Project Sites [(A)+(B)]	2,003 <u>1,997</u>	594 <u>614</u>	1,332 <u>1,330</u>	3,928 <u>3,941</u>
Density Bonus (35% of A)				1,286 <u>1,290</u>
Project Site Inventory				5,214 <u>5,231</u>
(C) 2023-2031 Regional Fair Share Housing Need ^[2]	1,734	512	1,323	3,569
HCD Buffer	<u>269</u> <u>263</u>	<u>82</u> <u>102</u>	<u>9</u> <u>7</u>	<u>359</u> <u>372</u>
Buffer for Sufficient Capacity/No Net Loss (SB 166) ^[3]	45 <u>14%</u>	46 <u>19%</u>	0.7 <u>0.5%</u>	10%
California Department of Housing and Community Development (HCD) No Net Loss Recommended Buffer Goal	15 to 30%	15 to 30%	N/A	N/A

SOURCE: County of Marin; MIG, Inc., 2022.

^[1] “Recommended Housing Sites” MIG, Inc., 4/25/22. Update as of 12/19/2022.

^[2] RHNA breakdowns for “lower” income category include 1,100 units for very low income and 634 units for low income, for a subtotal of 1,734 units.

^[3] To ensure the County’s sites inventory maintains sufficient capacity at all times to accommodate the RHNA by income group throughout the planning period, a buffer of 15 to 30 percent has been added for the lower-income and moderate-income RHNA categories. The HCD Buffer percentage is calculated by taking the difference between the total proposed project sites [(A) + (B)] and the regional fair share housing need [C], then dividing that difference by the proposed project sites [A]. For example, for the lower income category above, 1,849 (A) + 154 (B) = 2,003; 2,003 – 1,734 (C) = 269 (the HCD Buffer); 269 ÷ 1,849 (A) = 0.145, or approx. 0.15, or 15 percent.

Note: This breakdown includes density bonus opportunities in order to demonstrate the maximum reasonable development capacity for conservative environmental analysis purposes.

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Chapter 3, page 3-16, Table 3-3 Proposed Project Sites

**Table 3-3
Proposed Project Sites**

Site ID	Site Name	APN	Acres	Address	Existing GP/Zoning	Density Allowance (du/ac)	Used in Previous HE?	Housing Units by RHNA Income Categories			
								Lower	Moderate	Above Moderate	Total
1	25 Bayfield Bayview (Kentfield)	022-071-01	0.4	25 Bayview Rd, Kentfield	MF3/RMP-6	10	No	0	0	3	3
3	Kentfield Commercial Underutilized	074-031-54	0.1	923 Sir Francis Drake Blvd, Kentfield	NC/RMPC	30	No	0	4	0	4
		074-031-65	0.3	921 Sir Francis Drake Blvd, Kentfield	NC/RMPC	30	No	0	6	0	6
		074-031-68	0.2	935 Sir Francis Drake Blvd, Kentfield	NC/RMPC	30	No	0	5	0	5
		074-031-69	0.1	Sir Francis Drake Blvd, Kentfield	NC/RMPC	30	No	0	3	0	3
		074-031-39	0.3	929 Sir Francis Drake Blvd, Kentfield	NC/RMPC	30	No	0	8	0	8
		074-031-45	0.2	907 Sir Francis Drake Blvd, Kentfield	NC/RMPC	30	No	0	5	0	5
		074-031-61	0.3	913 Sir Francis Drake Blvd, Kentfield	NC/RMPC	30	No	0	7	0	7
		074-031-63	0.1	Sir Francis Drake Blvd, Kentfield	NC/RMPC	30	No	0	4	0	4
		074-031-74	0.2	943 Sir Francis Drake Blvd, Kentfield	NC/RMPC	0	No	0	5	0	5
		074-031-75	0.7	901 Sir Francis Drake Blvd, Kentfield	NC/RMPC	30	No	18	0	0	18
074-031-77	0.2	911 Sir Francis Drake Blvd, Kentfield	NC/RMPC	30	No	0	6	0	6		
5	Marin County Juvenile Hall	164-640-01	33	2 Jeannette Prandi Way, Lucas Valley	PF/PF	30	No	80	0	0	80
6	Marin Gateway Center	052-490-08	4.2	190 Donahue St, Marin City	GC/CP	30	No	0	50	50	100

**Table 3-3
Proposed Project Sites**

Site ID	Site Name	APN	Acr es	Address	Existing GP/Zoning	Density Allowa nce (du/ac)	Used in Previo us HE?	Housing Units by RHNA Income Categories			
								Lower	Moderate	Above Moderate	Total
7	Marinwood Plaza; Dixie School District Properties (Marinwood Plaza adjacent)	164-471-64	0.4	121 Marinwood Ave, Marinwood	GC/CP	30	4th & 5th	16	0	0	16
		164-471-65	1.9	155 Marinwood Ave, Marinwood	GC/CP	30	4th & 5th	0	0	0	0
		164-471-69	1.1	175 Marinwood Ave, Marinwood	GC/CP	30	4th & 5th	34 43	0	0	34 43
		164-471-70	1.5	197 Marinwood Ave, Marinwood	GC/CP	30	4th & 5th	30 46	0	0	30 46
7A	Miller Creek School District	<u>164-471-71</u>	<u>0.2</u>	<u>Marinwood Ave, Marinwood</u>	<u>GC/CP</u>	<u>30</u>	<u>4th & 5th</u>	<u>0</u>	<u>10</u>	<u>0</u>	<u>10</u>
		164-471-72	0.3	Marinwood Ave, Marinwood	GC/CP	30	4th & 5th	13	0	0	13
8	McPhail School	180-151-18	4.3	1565 Vendola Dr, Santa Venetia	PF- SF6/PF- RSP-4.36	0	No	0	0	33	33
		180-161-09	1	N San Pedro Rd, Santa Venetia	PF- SF6/PF- RSP-4.36	0	No	0	0	0	0
		180-161-10	4.3	N San Pedro Rd, Santa Venetia	PF- SF6/PF- RSP-4.36	0	No	0	0	0	0
9	Old Gallinas Children Center	180-123-01	7.7	251 N San Pedro Rd, Santa Venetia	PF- SF6/PF- RSP-5.8	30	No	50	0	0	50
10	Olema Commercial Underutilized	166-202-01	1	10002 State Route 1, Olema	C-NC/C- VCR	20	No	0	10	0	10
		166-213-01	0.5	9870 State Route 1, Olema	C-NC/C- VCR	20	No	0	0	5	5
		166-213-02	1	9840 State Route 1, Olema	C-NC/C- VCR	20	No	0	10	0	10
		166-202-04	1.1	9950 Sir Francis Drake Blvd, Olema	C-NC/C- VCR	20	No	0	11	0	11

**Table 3-3
Proposed Project Sites**

Site ID	Site Name	APN	Acr es	Address	Existing GP/Zoning	Density Allowa nce (du/ac)	Used in Previo us HE?	Housing Units by RHNA Income Categories			
								Lower	Moderate	Above Moderate	Total
11	San Domenico School	176-300-30	522.4	1500 Butterfield Rd, Sleepy Hollow	PR/RMP-0.1	30	No	50	0	0	50
12	St. Vincent's School for Boys	155-011-29	20.2	St. Vincent Dr, Santa Venetia Marinwood	PD/A2	20	4th & 5th	0	0	0	0
		155-011-28	74	St. Vincent Dr, Santa Venetia Marinwood	PD/A2	20	4th & 5th	0	0	0	0
		155-011-30	221	St. Vincent Dr, Santa Venetia Marinwood	PD/A2	20	4th & 5th	440	0	240	680
13	Strawberry Commercial	043-151-03	0.2	670 Redwood Hwy Frontage Rd, Strawberry	GC/H1	30	No	0	0	6	6
		043-151-09	0.3	680 Redwood Hwy Frontage Rd, Strawberry	GC/H1	30	No	0	0	7	7
		043-151-02	0.3	664 Redwood Hwy Frontage Rd, Strawberry	GC/H1	30	No	0	0	9	9
		043-151-31	1.5	690 Redwood Hwy Frontage Rd, Strawberry	GC/H1	30	No	0	0	38	38
14	Church of Jesus Christ	180-272-03	3.5	220 N San Pedro Rd, Santa Venetia	SF5/A2-B2	20	No	35	0	0	35
	Congregation Rodef Shalom Marin	180-281-34	2	170 N San Pedro Rd, Santa Venetia	SF5/A2-B2	20	No	0	13	0	13
	Bernard Osher Marin Jewish Community Center	180-281-35	1.2	180 N San Pedro Rd, Santa Venetia	SF5/A2-B2	20	No	10	0	0	10
		180-281-21	1.6	200 N San Pedro Rd, Santa Venetia	SF5/A2-B2	20	No	13	0	0	13
	Bernard Osher Marin Jewish Community Center	180-281-25	0.9	210 N San Pedro Rd, Santa Venetia	OC/AP	20	No	13	0	0	13

**Table 3-3
Proposed Project Sites**

Site ID	Site Name	APN	Acres	Address	Existing GP/Zoning	Density Allowance (du/ac)	Used in Previous HE?	Housing Units by RHNA Income Categories			
								Lower	Moderate	Above Moderate	Total
16	Atherton Corridor	143-101-35	1	761 Atherton Ave, North Novato	SF3/A2-B4	20	No	0	4	0	4
		143-101-37	4	777 Atherton Ave, North Novato	SF3/A2-B4	20	No	30	8	0	38
		143-101-20	4.8	791 Atherton Ave, North Novato	SF3/A2-B4	20	No	37	13	0	50
		143-101-17	5.6	805 Atherton Ave, North Novato	SF3/A2-B4	20	No	42	13	0	55
20	Buck Center Vacant Property	125-180-79	97.3	Redwood Hwy, Blackpoint Point	AG1/A60	1	No	0	0	24 0	24 0
		125-180-85	136.5	Redwood Hwy, Blackpoint Point	AG1/A60	20	No	0	0	225 249	225 249
21	Cal Park	018-086-17	0.2	Woodland Ave, California Park	MF2/RSP-4	30	4th	0	0	4	4
		018-086-18	0.7	Woodland Ave, California Park	MF2/RSP-4	30	4th	0	0	17	17
		018-075-28	0.9	Woodland Ave, California Park	MF2/RSP-4	30	4th	0	0	20 15	20 15
		018-074-16	0.8	Woodland Ave, California Park	MF2/RSP-4	30	No	30 25	0	0	30 25
		018-081-04	0.4	Auburn St, California Park	MF2/RSP-4	30	No	0	0	24	24
		018-083-01	0.1	Auburn St, California Park	MF2/RSP-4	8	No	0	0	1	1
		018-085-23	0.4	Auburn St, California Park	MF2/RSP-4	8	No	0	0	17	17
		018-083-09	0.1	Auburn St, California Park	MF2/RSP-4	8	No	0	0	2	2
		018-082-13	0.5	Auburn St, California Park	MF2/RSP-4	8	No	0	0	3	3
		018-084-12	1	Auburn St, California Park	MF2/RSP-4	8	No	0	0	2	2

**Table 3-3
Proposed Project Sites**

Site ID	Site Name	APN	Acr es	Address	Existing GP/Zoning	Density Allowance (du/ac)	Used in Previous HE?	Housing Units by RHNA Income Categories			
								Lower	Moderate	Above Moderate	Total
22	Carmelite Monastery of the Mother of God	164-290-80	3.2	530 Blackstone Dr, Santa Venetia	PR/RMP-0.1	20	No	0	32	0	32
23	College of Marin Parking Lot	071-132-11	0.8	Sir Francis Drake Blvd, Kentfield	PF/PF	30	No	21	0	0	21
		071-132-12	0.3	Sir Francis Drake Blvd, Kentfield	PF/PF	30	No	7	0	0	7
24	College of Marin Parking Lot	074-092-11	0.2	139 Kent Ave, Kentfield	PF/PF	20	No	3	0	0	3
		074-181-18	2.7	440-139 Kent Ave, Kentfield	PF/PF	20	No	48	0	0	48
		074-092-17	0.2	440-139 Kent Ave, Kentfield	PF/PF	20	No	2	0	0	2
	College of Marin (Commercial Frontage)	074-031-56	0.2	937 Sir Francis Drake Blvd, Kentfield	NC/RMPC	30	No	0	10	0	10
		074-031-58	0.1	941 Sir Francis Drake Blvd, Kentfield	NC/RMPC	30	No	0	5	0	5
		074-031-60	0.1	939 Sir Francis Drake Blvd, Kentfield	NC/RMPC	30	No	0	10	0	10
25	Cornerstone Community Church of God	052-140-38	0.4	626 Drake Ave, Marin City	NC/RMPC	20	No	0	4	0	4
29	Grandi Building/Site	119-234-01	2.5	54 B ST, Pt. Reyes Station	C-NC/C-VCR-B2	20	4th & 5th	25 21	0	0	25 21
30	Greenpoint Nursery	153-190-24	19.6	275 Olive Ave, Blackpoint Point	AG1/ARP-60	16	No	0	0	53	53
31	Hidden Valley Elementary School Vacant Area	177-011-13	0.6	Fawn Dr, Sleepy Hollow	PF-SF4/PF-RSP-2	8	No	0	0	5 0	5 0
<u>32</u>	<u>Holiday Inn Mill Valley</u>	<u>052-371-09</u>	<u>3.1</u>	<u>160 Shoreline Highway, Strawberry</u>	<u>C-VCR</u>	<u>?</u>	<u>No</u>	<u>72</u>	<u>0</u>	<u>0</u>	<u>72</u>
33	Inverness County Site	112-220-08	0.1	Sir Francis Drake Blvd, Inverness	C-SF3/C-RSP-0.33	20	No	0	0	0	0

**Table 3-3
Proposed Project Sites**

Site ID	Site Name	APN	Acr es	Address	Existing GP/Zoning	Density Allowance (du/ac)	Used in Previous HE?	Housing Units by RHNA Income Categories			
								Lower	Moderate	Above Moderate	Total
		112-220-09	0.9	Sir Francis Drake Blvd, Inverness	C-SF3/C-RSP-0.33	20	No	0	0	43 0	43 0
36	Inverness Underutilized Residential	112-143-03	0.2	20 Balmoral Way, Inverness	C-SF3/C-RSP-1	7	No	0	0	2 0	2 0
37	Inverness Underutilized Residential	112-143-04	0.2	30 Balmoral Way, Inverness	C-SF3/C-RSP-1	7	No	0	0	2 0	2 0
38	Inverness Underutilized Residential	112-143-05	0.2	40 Balmoral Way, Inverness	C-SF3/C-RSP-1	7	No	0	0	2 0	2 0
41	Inverness Underutilized Residential	112-143-06	0.2	50 Balmoral Way, Inverness	C-SF3/C-RSP-1	7	No	0	0	2 0	2 0
42	Inverness Underutilized Residential	112-144-28	0.3	55 Balmoral Way, Inverness	C-SF3/C-RSP-1	7	No	0	0	2 0	2 0
43	Inverness Underutilized Residential	112-143-07	0.4	60 Balmoral Way, Inverness	C-SF3/C-RSP-1	7	No	0	0	2 0	2 0
44	Inverness Underutilized Residential	112-144-25	0.3	75 Balmoral Way, Inverness	C-SF3/C-RSP-1	7	No	0	0	2 0	2 0
46	Jack Krystal Hotel Parcel Site	052-227-09	1.5	260 Redwood Hwy Frontage Rd, Almonte	RC/BFC-RCR	30	No	0	0	36	36
47	<u>St. Sebastian Catholic Church</u> (Kentfield Catholic Church)	022-010-21	1.4	215 Bon Air Rd, Kentfield	PF-SF5/R1-B2	30	No	0	14	0	14
52	Donahue Highlands (formerly LiBao)	052-140-33	49.2	Off Donahue St., Marin City	PR/RMP-0.5	25	No	0	0	25	25

**Table 3-3
Proposed Project Sites**

Site ID	Site Name	APN	Acres	Address	Existing GP/Zoning	Density Allowance (du/ac)	Used in Previous HE?	Housing Units by RHNA Income Categories			
								Lower	Moderate	Above Moderate	Total
53	Lucas Valley Environs Vacant	164-280-35	54.2	1501 Lucas Valley Road, Lucas Valley Environs	AG1/A60	7	No	0	0	26	26
56	Nicasio Corporation Yard - Marin County	121-050-34	13.9	5600 Nicasio Valley Road, Nicasio	AG1/ARP-60	20	No	16	0	0	16
57	North Knoll Rd/Saint Thomas Dr	034-012-26	5.9	Knoll Rd, Strawberry	PR/RMP-0.2	16	No	0	0 8	23 48	23 56
		034-061-09	0.6	Knoll Rd, Strawberry	PR/RMP-0.2	16	No	0	0	3	3
58	Oak Manor Commercial Center	174-011-36	0.5	2400 Sir Francis Drake Blvd, Unincorporated Fairfax	GC/C1	30	4th & 5th	11	0	0	11
59		174-011-33	1.1	2410 Sir Francis Drake Blvd, Unincorporated Fairfax	GC/C1	30	4th & 5th	25	0	0	25
60	Office - Forest Knolls (Upper Floors)	168-141-12	0.1	6900 Sir Francis Drake Blvd, Forest Knolls	NC/VCR	20	No	0	0	2	2
61	Office - Lagunitas (Upper Floors and Rear Prop)	168-175-06	0.9	7120 Sir Francis Drake Blvd, Lagunitas	GC/H1	20	No	16	0	0	16
62	Office - Lagunitas (Upper Floors and Rear Prop)	168-192-28	1.3	7282 Sir Francis Drake Blvd, Lagunitas	GC/CP	20	No	40 0	0 10	4	14
63	Office Building (<u>Across From Juvenile Hall</u>)	164-481-10	2.4	7 Mt Lassen Dr, Lucas Valley	GC/CP	30	No	58	0	0	58
64	Olema Catholic Church	166-181-01	2.4	10189 State Route 1, Olema	C-NC/C-VCR	20	No	24 20	0	0	24 20
65	Outnumbered2, LLC	180-261-10	27.9	Oxford Drive, Santa Venetia	SF5/A2-B2	4	No	0	0	28 4	28 4
66	Pan Pac Ocean Site	034-012-21	1.6	Eagle Rock Rd, Strawberry	PR/RMP-0.2	16	No	0	0	3	3

**Table 3-3
Proposed Project Sites**

Site ID	Site Name	APN	Acr es	Address	Existing GP/Zoning	Density Allowance (du/ac)	Used in Previous HE?	Housing Units by RHNA Income Categories			
								Lower	Moderate	Above Moderate	Total
		034-012-27	8.4	Eagle Rock Rd, Strawberry	PR/RMP-0.2	16	No	0	0	17	17
		034-012-28	1.2	Eagle Rock Rd, Strawberry	PR/RMP-0.2	16	No	0	0	2	2
		034-012-29	5	Eagle Rock Rd, Strawberry	PR/RMP-0.2	16	No	0	0	10	10
67	Peace Lutheran Church	052-062-05	2.7	205 Tennessee Valley Rd, Tamalpais	SF6/RA-B1	20	No	20	0	0	20
68	Presbyterian Church San Geronimo	169-101-21	0.8	6001 Sir Francis Drake Blvd, San Geronimo	SF5/R1-B2	20	No	0	15	0	15
69	Presbytery of the Redwoods	119-202-05	0.3	11445 State Route 1, Pt. Reyes Station	C-SF4/C-RA-B3	20	No	0	3	0	3
70	Pt. Reyes Coast Guard Rehabilitation/Conversion	119-240-73	31.4	100 Commodore Webster Dr, Pt. Reyes Station	C-OA/C-OA	0	No	50	0	0	50
71	Pt. Reyes County Vacant Site	119-260-03	2	9 Giacomini Rd, Pt. Reyes Station	C-NC/C-RMPC	20	No	32	0	0	32
		119-270-12	0.3	10 Giacomini Rd, Pt. Reyes Station	C-NC/C-RMPC	20	No	5	0	0	5
73	Pt. Reyes Village (5th St)	119-222-08	1	60 Fifth St, Pt. Reyes Station	C-SF3/C-RSP-1 C-NC/C-VCR-B2	20	No	17	0	0	17
74	Pt. Reyes Village Red/Green Barn	119-198-05	1.5	510 Mesa Rd, Pt. Reyes Station	C-NC/C-VCR-B2	20	No	24	0	0	24
76	Sacramento/San Anselmo Properties	177-220-41	0.3	San Francisco Blvd, Sleepy Hollow	SF6/R1	30	No	7	0	0	7
77	Sacramento/San Anselmo Properties	177-203-03	0.7	4 Sacramento Ave, Sleepy Hollow	SF6/R1	30	No	46 0	0	0 16	16
78	Sacramento/San Anselmo Properties	177-203-04	0.8	404 San Francisco Blvd, Sleepy Hollow	SF6/R1	30	No	48 13	0	0 5	18

**Table 3-3
Proposed Project Sites**

Site ID	Site Name	APN	Acres	Address	Existing GP/Zoning	Density Allowance (du/ac)	Used in Previous HE?	Housing Units by RHNA Income Categories			
								Lower	Moderate	Above Moderate	Total
79	Sacramento/San Anselmo Properties	177-203-09	0.6	60 Sacramento Ave, Sleepy Hollow	SF6/R1	30	No	45 ₀	8 ₀	0 ₂₃	23
83	Vacant Santa Venetia	180-171-32	1.1	180-171-32 (N San Pedro Rd), Santa Venetia	SF5/A2-B2	4	No	0	0	2	2
89	Shoreline Unified School District	102-080-19	2.1	Shoreline Highway, Tomales	C-SF3/C-RSP-1.6	20	No	35	0	0	35
90	Shoreline Unified School District	102-080-20	0.4	Shoreline Highway, Tomales	C-SF3/C-RSP-1.6	20	No	9	0	0	9
93	Sloat Garden Center	071-191-47	1.1	700 Sir Francis Drake Blvd, Kentfield	SF6/R1	30	No	26	0	0	26
		071-191-48	0.2	700 Sir Francis Drake Blvd, Kentfield	SF6/R1	30	No	5	0	0	5
95	Stinson Beach Community Center - Vacant	195-211-05	0.9	10 Willow Ave, Stinson Beach	C-SF6/C-R1	7	No	0	0	5	5
97	Stinson Beach Commercial	195-193-35	0.3	3422 State Route 1, Stinson Beach	C-NC/C-VCR	20	No	0	0	5	5
99	Stinson Beach Underutilized Residential	195-193-15	0.3	128 Calle Del Mar, Stinson Beach	C-SF6/C-R1	7	No	0	0	2	2
		195-193-18	0	129 Calle Del Mar, Stinson Beach	C-SF6/C-R1	7	No	0	0	1	1
101	Strawberry Village Center (North of Belvedere Dr)	043-321-03	9.1	800 Redwood Hwy Frontage Rd, Strawberry	GC/RMPC	30	No	28	0	0	28
		043-151-30	3.9	750 Redwood Hwy Frontage Rd, Strawberry 110 E Strawberry Dr, Strawberry	GC/RMPC	30	No	72	0	0	72
102	Subud California	177-202-08	2.6	100 Sacramento Ave, Sleepy Hollow	PR/RMP-0.1	20	No	0	4	0	4

**Table 3-3
Proposed Project Sites**

Site ID	Site Name	APN	Acres	Address	Existing GP/Zoning	Density Allowance (du/ac)	Used in Previous HE?	Housing Units by RHNA Income Categories			
								Lower	Moderate	Above Moderate	Total
104	Tam Junction State Vacant Lot	052-041-27	0.5	Shoreline Hwy, Tamalpais	MF4.5/RM P-12.45	30	4th	0	12	0	12
106	Tomales <u>Underutilized</u>	102-051-07	0.6	200 Valley Ave, Tomales	C-NC/C-VCR-B1	20	No	0	0	6	6
107	Tomales <u>Underutilized</u>	102-075-09	0.5	29 John St, Tomales	C-NC/C-VCR-B1	20	No	0	0	5	5
109	Tomales Catholic Church	102-080-23	1.3	26825 State Route 1, Tomales	C-NC/C-VCR-B1	20	No	0	13	0	13
110	Tomales Joint Union High School District	102-080-10	0.7	State Route 1, Tomales	C-SF3/C-RSP-1.6	20	No	0	14	0	14
112	Tomales Nursery	102-051-09	0.3	27235 State Route 1	C-NC/C-VCR-B1	20	No	0	0	3	3
113	Tomales Nursery	102-051-08	0.3	27235 State Route 1	C-NC/C-VCR-B1	20	No	0	0	3	3
114	Vacant Blackpoint Point (Olive Ave)	143-110-31	55.2	300 Olive Ave, Blackpoint Point	SF3/ARP-2	4	No	0	0	58	58
116	Vacant Nicasio	121-080-05	0.2	4449 Nicasio Valley Rd, Nicasio	NC/RMPC-1	20	No	0	0	40	40
120	Vacant Pt. Reyes Station	119-203-01	0.1	Mesa Rd, Pt. Reyes Station	C-NC/C-VCR-B2	20	No	0	0	2	2
121	Vacant Pt. Reyes Station	119-203-03	0.1	Mesa Rd, Pt. Reyes Station	C-NC/C-VCR-B2	20	No	0	0	2	2
124	Vacant Santa Venetia	179-332-19	1	179-332-19 (Edgehill Way), Santa Venetia	SF6/R1	7	No	0	0	3	3
126	Vacant Tomales	102-062-01	0.7	Dillon Beach Rd, Tomales	C-SF6/C-RSP-7.26	7	No	0	0	4	4
127	Vacant Tomales	102-075-02	0.3	Shoreline Hwy, Tomales	C-NC/C-VCR-B1	20	No	0	0	5	5
128	Vacant Tomales	102-075-06	0.3	Shoreline Hwy, Tomales	C-NC/C-VCR-B1	20	No	0	0	6	6
129	Vacant Tomales	102-075-07	0.1	Shoreline Hwy, Tomales	C-NC/C-VCR-B1	20	No	0	0	2	2

**Table 3-3
Proposed Project Sites**

Site ID	Site Name	APN	Acr es	Address	Existing GP/Zoning	Density Allowance (du/ac)	Used in Previous HE?	Housing Units by RHNA Income Categories			
								Lower	Moderate	Above Moderate	Total
130	Vacant Tomales	102-041-44	4.8	290 Dillon Beach Rd, Tomales	C-SF6/C-RSP-7.26	7	No	0	0	13	13
133	Residential next to Forest Knolls Trailer Park	168-131-04	6.5	6760 Sir Francis Drake Boulevard, Forest Knolls	SF3/RA-B4	20	No	0	0	8	8
134	Saint Cecilia Church	168-183-04	0.9	428 W. Cintura, Lagunitas	SF4/R1-B3	30	No	16	0	0	16
136	Woodacre Fire Station	172-111-01	0.4	33 Castle Rock, Woodacre	SF5/R1-B2	20	No	0	10	0	10
		172-111-02	0.8	33 Castle Rock, Woodacre	SF5/R1-B2	20	No	0	0	0	0
		172-104-02	1.4	33 Castle Rock, Woodacre	SF5/R1-B2	20	No	0	0	0	0
146	MLK Academy School Site	052-140-39	8.4	610 Drake Ave, Marin City	PF/PF	20	No	0	63	0	63
147	Vacant Bayhills Drive	180-333-01	1.5	Bayhills Drive, Santa Venetia	PR/RMP-1	8	No	0	0	5	5
148	Strawberry Recreation District Site	043-361-54	3.1	Redwood Hwy Frontage Rd, Strawberry	MF4/RMP-12.1	30	No	46 <u>0</u>	0	0 <u>46</u>	46
	Subtotal							1,655 1,640	402 422	1,138 1,188	3,195 3,250
A	Downtown Project	193-061-03	1.8	31 Wharf Rd, Bolinas	C-SF5/C-RA-B2	0	No	0 <u>9</u>	0	0 <u>9</u>	0 <u>9</u>
B	Aspen Lots	192-102-22	0.2	430 Aspen Rd, Bolinas	C-SF5/C-RA-B2	0	No	2	0	0	2
C	Albion Monolith	018-087-13	0.5	33 Albion St, California Park	MF3/RMP-9	0	No	1	0	8	9
		018-087-14	1.2	37 Albion St, California Park	MF3/RMP-9	0	No	0	0	0	0
D	150 Shoreline	052-371-03	0.5	150 Shoreline Hwy, Strawberry	GC/CP	0	4th	0	0	40 <u>0</u>	40 <u>0</u>

**Table 3-3
Proposed Project Sites**

Site ID	Site Name	APN	Acr es	Address	Existing GP/Zoning	Density Allowa nce (du/ac)	Used in Previo us HE?	Housing Units by RHNA Income Categories			
								Lower	Moderate	Above Moderate	Total
		052-371-04	0.9	150 Shoreline Hwy, Strawberry	GC/CP	0	4th	0	0	0 10	0 10
		052-371-06	0.3	150 Shoreline Hwy, Strawberry	GC/CP	0	4th	0	0	0	0
		052-371-07	0.3	150 Shoreline Hwy, Strawberry	GC/CP	0	4th	0	0	0	0
E	Martha Company	059-251-05	109.457	059-251-05	PR, SF6/R1,R MP-0.2	0	No	0	0	43 0	43 0
F	San Quentin Adjacent Vacant Property	018-152-12	55.2	E Sir Francis Drake Blvd, San Quentin	PF/A2-B2	0	No	115	115	0	230
G	Karuna	177-220-10	10.8	1 Sacramento Ave, Sleepy Hollow	MF2/RMP-1.0	1	No	0	0	10	10
H	North Coast Seminary	043-261-25	48.4	201 Seminary Dr, Strawberry	MF2/RMP-2.47	0	4th	0	0	89 49	89 49
		043-261-26	25.1	300 Storer Dr, Strawberry	MF2/RMP-2.47	0	4th	0	0	0 40	0 40
I	825 Drake	052-112-03	1	825 Drake Ave, Marin City	MF4.5/RM P-34	0	No	74	0	0	74
J	Overlook Lots	192-061-14	0.5	530 Overlook Dr, Bolinas	C-SF5/C-RA-B2	0	No	2	0	0	2
	Subtotal							194 203	115	168 117	477 435
	TOTAL PROPOSED PROJECT SITES							1,849 1,843	517 537	1,306 1,305	3,672 3,685

Chapter 3, page 3-30, first paragraph

E. Candidate Housing Sites. The initial site identification process studied up to 150 ~~40,993~~ possible “Candidate Housing Sites” that were suitable for residential development within the Housing Element planning period of 2023 through 2031. The 150 Candidate Housing Sites contained a development potential that would allow up to 10,993 units, including Accessory Dwelling Units, and Density Bonus allowances. The Marin County Planning Commission and Board of Supervisors selected from the Candidate Housing Sites to identify the “Project Sites” described in section 3.4.2(d) that are proposed to meet the County’s RHNA of 3,569 units.

Chapter 3, page 3-40, 2nd paragraph

Related Marin County Development Code Update Amendments to the CWP and County Code

The Project includes programs that require amendments to the Development Code and conforming amendments to other elements of the CWP to remove impediments to housing, clarify development potential, and provide internal consistency to be enacted ~~adopted after adoption of~~ with the Housing and Safety Elements Update project; ~~however, 5-51~~ this EIR contemplates these actions as implementing programs and activities of the Project. The purpose of the amendments is to ~~make~~ implement the CWP and ensure Development Code consistency with the goals, policies, and programs of the Project. CWP and Development Code amendments necessary to implement these programs will be adopted for the “Project Sites,” to implement the Housing and Safety Elements, and as necessary to meet the RHNA. ~~Code changes~~ may include the following:

Countywide Plan

- Adjust the Inland Rural/City-Center corridor boundary at the northern edge of the County adjacent to the Buck Center site.
- Eliminate or modify policies limiting development to the lowest end of the density range to accommodate residential density necessary to satisfy the RHNA.
- Modify discussion of policies for the St. Vincent property.
- Clarify the relationship between the CWP and Community Plans.

Marin County Code

- Complete ~~As needed~~ redesignation/rezoning for adequate sites to fully accommodate the RHNA.
- ~~Amend the CWP to adjust the Inland Rural/City-Center corridor boundary.~~
- Update the Development Code to address the by-right approval requirements.
- Amend the Development Code to establish minimum and maximum densities for multi-unit and mixed-use zones.
- Amend the Development Code to establish Objective Design Standards contained within the Form Based Code

- ~~Allow at least 50 percent of the floor area as residential use on mixed use development sites.~~
- Amend the Development Code to increase the height limit of residential structures from 30 feet to 45 feet.
- Amend the Accessory Dwelling Units regulations to be consistent with State law.
- Amend agricultural worker provisions in the Development Code to be consistent with the State Employee Housing Act.
- ~~Revise~~ Amend the Development Code to permit or conditionally permit large residential care facilities in all zones that permit residential uses, as similar uses in the same zone, and ensure the required conditions for large facilities are objective to provide certainty in outcomes.
- ~~The County will change the code~~ Amend the Development Code to comply with state laws related to supportive housing, emergency shelters, and Low Barrier Navigation Centers.
- Amend the Development Code to reduce parking requirements for multi-unit housing, and to revise parking requirements for supportive housing meeting certain criteria and emergency shelters.

5.4 CHAPTER 6 AIR QUALITY

Chapter 6, page 6-26, Mitigation Measure 6-1:

Mitigation Measure 6-1: Reduce VMT from New Residential Development. Implement Mitigation Measure 18-4 (Transportation).

Mitigation Measure 18-4. Development applications for housing development projects that are facilitated by the Housing and Safety Elements Update, which the County determines may result in significant impacts to vehicle miles traveled Residential development projects shall be required to achieve a VMT significance threshold of 15 percent below the regional average residential VMT per capita. The methodologies and screening parameters used to determine VMT significance shall be consistent with the guidance provided in the *Technical Advisory on Evaluating Transportation Impacts in CEQA*, OPR, 2018 (or subsequent updates), or future VMT policies adopted by the County of Marin, provided that such policies have been shown through evidence to support the legislative intent of SB 743. Output from the TAMDM travel demand model shall be the source of the regional VMT per capita performance metric used to establish the significance threshold and shall be used in residential development project VMT assessments. ~~For individual residential development projects that do not achieve VMT significance thresholds, applicants shall submit documentation that demonstrates how the necessary VMT per capita reductions will be achieved, relying on available research and evidence to support findings.~~ VMT reduction techniques will vary depending on the location of each development site and the availability of nearby transportation services though utilization of TDM strategies will play a major role in most cases. Following are TDM and other strategies that may be applied; additional measures beyond those provided in this list may be allowed if supported by evidence.

- Subsidize resident transit passes
- Provide or participate in established ride-matching program(s)
- Provide information, educational, and marketing resources for residents and visitors managed by a TDM Coordinator
- Complete bus stop improvements or on-site mobility hubs
- Construct off-site pedestrian and/or bicycle network improvements, particularly those that fill gaps and/or connect the project and surrounding neighborhood to transit
- Reduce parking supply at affordable or senior projects and projects that are well-served by transit
- Unbundle parking costs (sell or lease parking separately from the housing unit) where appropriate on-street management is present
- Provide or participate in car-sharing, bike sharing, or scooter sharing program(s)
- Contribute to future VMT mitigation fee programs, banks, or exchanges as they become available.

Even with implementation of this mitigation measure, this impact would remain ***significant and unavoidable***.

5.5 CHAPTER 7 BIOLOGY

Chapter 7, page 7-2, Section 7.1.1. Methodology

7.1.1 Methodology

The proposed Project's potential impacts on biological resources were assessed at a program level by first reviewing data related to biological resources from the 2007 Marin Countywide Plan Update DEIR (2007 CWP Update DEIR) and the 2012 Draft Marin County Housing Element Draft Supplement to the 2007 Countywide Plan EIR (2012 Housing Element DSEIR). This information was compared to existing biological conditions in the Planning Area by conducting a desktop analysis, i.e., reviewing relevant databases, and updating information regarding sensitive biological resources (e.g., species listing status) in the Planning Area. The following additional information sources were reviewed:

- California Department of Fish and Wildlife California Natural Diversity Database (CNDDDB) record search for Marin County (CNDDDB 2022) for special-status species and sensitive natural communities
- California Native Plant Society (CNPS) Rare Plant Program Inventory of Rare and Endangered Plants of California record search for Marin County (CNPS 2022)
- U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) tool (USFWS 2022)

- National Marine Fisheries Service (NOAA Fisheries) Essential Fish Habitat Mapper was reviewed to determine the locations of designated, mapped Essential Fish Habitat and Habitat Areas of Particular Concern (NOAA Fisheries 2022a)
- NOAA Fisheries-ESA Critical Habitat Mapper was reviewed to determine the locations of designated critical habitat for federally threatened and endangered species under the jurisdiction of the NOAA Fisheries (NOAA Fisheries 2022b)
- USFWS Critical Habitat Mapper was reviewed to determine the locations of designated critical habitat for federally threatened and endangered species under the jurisdiction of the USFWS in the Planning Area (USFWS 2022)
- United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey (NRCS 2020)
- ebird (Cornell Lab of Ornithology 2022)
- iNaturalist (2022)
- USFWS National Wetland Inventory (NWI 2020)
- Marin County Breeding Bird Atlas (Shuford 1993)
- 2007 CWP Update DEIR (Nichols Berman 2007)
- 2012 Housing Element DSEIR (Nichols Berman 2012)
- Marin Geohub Map Data
- Marin County's 106-class Fine Scale Vegetation Map and 26-class Forest Lifeform Map (GGNRA and Tukman Geospatial LLC 2021a)
- Biological Analysis – Site Selection Criteria and Approach, Marin County Housing Element (MIG 2022), a preliminary constraints analysis of 10 candidate housing sites
- Other relevant scientific literature, technical databases, resource agency reports, and Federal Register notices and other information published by USFWS and NOAA Fisheries to assess the current distribution of special-status plants and animals in the project vicinity

For the purposes of this assessment, special-status animal and plant species are include:

- Species protected by state and federal laws (e.g., migratory bird treaty act, bald eagle protection act).
- Species listed or proposed for listing as threatened or endangered under the federal ESA (50 CFR 17.12 [listed plants], 50 CFR 17.11 [listed animals], and various notices in the Federal Register [proposed species]).
- Species that are candidates for possible future listing as threatened or endangered under the federal ESA (73 Federal Register [FR] 75176, November 9, 2009).
- Species listed or proposed for listing by the state of California as threatened or endangered under the California ESA (14 CCR 670.5).
- Species that meet the definitions of rare or endangered under CEQA (State CEQA Guidelines, section 15380).

- Plants listed as rare under the California Native Plant Protection Act (NPPA) (California Fish and Game Code, section 1900 et seq.).
- Plants considered by the California Native Plant Society (CNPS) to be “rare, threatened, or endangered in California”, or on a watch list (California Rare Plant Rank [CRPR] 1A, 1B, 2A, 2B, 3, and 4).
- Animals listed as California species of special concern by the California Department of Fish and Wildlife (CDFW).
- Animals fully protected in California (California Fish and Game Code, sections 3511 [birds], 4700 [mammals], 5050 [amphibians and reptiles], and 5515 [fish]).

Additional definitions of special-status species that were used in the preparation of this assessment are those contained in the CWP and Marin County’s Development Code. These definitions are as follows:

- CWP: Special-status species are plants and animals that are legally protected under the State and/or federal Endangered Species Acts or other regulations, as well as other species that are considered rare enough by the scientific community and trustee agencies to warrant special consideration, particularly with regard to protection of isolated populations, nesting or denning locations, communal roosts, and other essential habitat.
- Marin County Objective Design Standards contained in the Form Based Code: Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with section 1900) of Division 2 of the Fish and Game Code).

Chapter 7, page 7-7, Section 7.1.2 Results

~~2. *Special-Status Animals.* Special-status animal species are species that are listed as~~ Based on a review of the CNDDDB (2022) and USFWS IPaC (USFWS 2022), and other special-status animal lists, 109 special-status animals are known to occur or are thought to have potential to occur within or in proximity to the Planning Area (Figure 7.2). Of these, 26 species are listed as threatened or endangered under the Federal and/or California Endangered Species Act or are candidates for listing under the Federal or California Endangered Species Act. These species include:

- a. steelhead - Central California Coast Distinct Population Segment (DPS) (population 8),
- b. Coho salmon Central California Coast Evolutionary Significant Unit (ESU)
- c. Chinook Salmon Sacramento River winter-run (population 7)
- d. southern green sturgeon DPS
- e. tidewater goby
- f. delta smelt

- g. longfin smelt
- h. eulachon
- i. California freshwater shrimp
- j. monarch butterfly (overwintering population 1)
- k. Mission blue butterfly
- l. Myrtle's blue butterfly
- m. California red-legged frog
- n. foothill yellow-legged frog
- o. California tiger salamander Sonoma County DPS
- p. green sea turtle
- q. northern spotted owl
- r. Swainson's hawk
- s. western yellow-billed cuckoo
- t. California least tern
- u. bald eagle
- v. tricolored blackbird
- w. western snowy plover
- x. California black rail
- y. California Ridgway's rail
- z. marbled murrelet
- aa. salt marsh harvest mouse

Chapter 7, Page 7-8, Section 7.1.2 Results

(e) Wildlife Movement. Wildlife movement in the Planning Area takes many forms and is different for the variety of species occurring in the area. Bird and bat species move readily over the landscape in the project vicinity, foraging over and within both natural lands and landscaped areas. Mammals of different species move within their home ranges but also disperse between patches of habitat. Generally, reptiles and amphibians make movements between breeding areas, upland refugia, or hibernacula. Some species, especially some species of birds and bats, are migratory, moving into or through the Planning Area during specific seasons. Aside from bats, there are no other mammal species in the region that are truly migratory. However, the young of many mammal species disperse from their natal home ranges, sometimes moving over relatively long distances in search of new areas in which to establish their own territories. Additionally, some species of fish born in freshwater streams or protected estuaries migrate to the open ocean or Bay waters where they spend most of their lives until they return as adults to their natal habitats to spawn.

Movement corridors are segments of habitat that provide linkages for wildlife through a variety of habitat types across the landscape. On a broader level, corridors also function as paths

along which wide-ranging animals (common or rare) can travel, populations can move in response to environmental changes and natural disasters, and genetic interchange can occur. In the Planning Area, movement corridors often consist of riparian areas along streams, rivers, or other natural features in developed and undeveloped areas, or through undeveloped areas of natural habitat.

As described in the 2007 CWP, Marin County contains a diverse assemblage of both natural and human-influenced environments: from the shoreline, coastal terraces, and ridgelines of the coast, the expansive open space and watershed lands surrounding Mount Tamalpais, to the more intensively developed City-Centered Corridor interspersed with riparian corridors, wooded hillsides, and the Baylands along San Francisco and San Pablo bays. The unprotected natural areas that remain, primarily in the City-Centered and Inland Rural Corridors, are subject to continued development pressures, contributing to declining water quality, habitat conversion, and fragmentation.

Protecting and enhancing habitat connectivity and functional movement corridors between the remaining natural areas is essential to sustaining populations and allowing for the continued dispersal of native plant and animal species. Natural linkages include the undeveloped baylands and shorelines, riparian corridors and drainages, undeveloped ridgelines, and corridors across valley floors where impermeable barriers such as dense urban development, exclusionary fencing, and heavily traveled roadways have not yet eliminated options for wildlife movement and plant dispersal. While narrow corridors may be the only option in some locations due to the extent of existing development, habitat linkages are most effective through maintenance of a permeable landscape (i.e., one that allows for uninhibited movement of species across large areas).

Chapter 7, page 7-12, Section 7.2.1 Federal Regulations and Laws

Magnuson-Stevens Fishery Conservation and Management Act. The Magnuson-Stevens Fishery Conservation and Management Act governs all fishery management activities that occur in federal waters within the United States' 200-nautical-mile limit. The Act establishes eight Regional Fishery Management Councils responsible for the preparation of fishery management plans (FMPs) to achieve the optimum yield from U.S. fisheries in their regions. These councils, with assistance from NOAA Fisheries, establish Essential Fish Habitat (EFH) in FMPs for all managed species. All tidal waters within the Planning Area are designated EFH (Pacific Fisheries Management Council 1998, 2012). Federal agencies that fund, permit, or implement activities that may adversely affect EFH are required to consult with NOAA Fisheries regarding potential adverse effects of their actions on EFH, and respond in writing to recommendations by the NOAA Fisheries. All intertidal habitats in the County up to the elevation of mean higher high water (MHHW; 6.84 ft NAVD88) are considered to be EFH for a number of species that are federally managed under one or more of the following three FMPs:

- Coastal Pelagic FMP – northern anchovy (*Engraulis mordax*), Pacific sardine (*Sardinops sagax*), mackerel, squid
- Pacific Groundfish FMP – various rockfish, soles, and sharks
- Pacific Salmon FMP – Chinook salmon (*Oncorhynchus tshawytscha*)

Chapter 7, page 7-13, Section 7.2.2 State Regulations and Laws, Clean Water Act

Pursuant to the CWA, projects that are regulated by the USACE must also obtain a Section 401 Water Quality Certification permit from the RWQCB. This certification ensures that the proposed project will uphold state water quality standards. Because California's jurisdiction to regulate its water resources is much broader than that of the federal government, proposed impacts on waters of the State require Water Quality Certification even if the area occurs outside of USACE jurisdiction. Moreover, the RWQCB may impose mitigation requirements even if the USACE does not. Under the Porter-Cologne, the SWRCB and the nine regional boards also have the responsibility of granting CWA National Pollutant Discharge Elimination System (NPDES) permits and Waste Discharge Requirements for certain point-source and non-point discharges to waters. These regulations limit impacts on aquatic and riparian habitats from a variety of urban sources.

Construction Phase. The NPDES General Construction Permit requirements apply to clearing, grading, and disturbances to the ground such as excavation. Construction activities on one or more acres are subject to a series of permitting requirements contained in the NPDES General Construction Permit. This permit requires the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) that includes Best Management Practices (BMPs) to be implemented during project construction. The project sponsor is also required to submit a Notice of Intent (NOI) with the State Water Resources Control Board Division of Water Quality. The NOI includes general information on the types of construction activities that would occur on the site.

Post-Construction Phase. In many Bay Area counties, including Marin County, projects must also comply with the California Regional Water Quality Control Board, San Francisco Bay Region, Municipal Regional Stormwater NPDES Permit (MRP) (Water Board Order No. R2-2009-0074). This MRP requires that all projects implement BMPs and incorporate Low Impact Development practices into the design that prevents stormwater runoff pollution, promotes infiltration, and holds/slows down the volume of water coming from a site. To meet these permit and policy requirements, projects must incorporate the use of green roofs, pervious surfaces, tree planters, bioretention and/or detention basins, among other methods.

Chapter 7, page 7-14, Section 7.2.2 State Regulations and Laws

Fully Protected Species and California Species of Special Concern. The classification of California fully protected (CFP) species was the CDFW's initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, amphibians and reptiles, birds, and mammals. Most of the species on these lists have subsequently been listed under CESA and/or FESA. The Fish and Game Code sections (§5515 for fish, §5050 for amphibian and reptiles, §3511 for birds, §4700 for mammals) deal with CFP species and state that these species "...may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected species" (CDFW Fish and Game Commission 1998). "Take" of these species may be authorized for necessary scientific research. This language makes the CFP designation the strongest and most restrictive regarding the "take" of these species. In 2003, the code sections dealing with CFP species were amended to allow the CDFW to authorize take resulting from recovery activities for state-listed species.

California species of special concern (CSSC) are broadly defined as animals not listed under FESA or CESA, but which are nonetheless of concern to CDFW because they are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist. This designation is intended to result in special consideration for

these animals by CDFW, land managers, consulting biologists, and others, and is intended to focus attention on the species to help avert the need for costly listing under FESA and CESA, and cumbersome recovery efforts that might ultimately be required. This designation also is intended to stimulate collection of additional information on the biology, distribution, and status of poorly known at-risk species, and focus research and management attention on them. Although these species generally have no special legal status, they are given special consideration under CEQA during project review.

Nesting Birds. Nesting birds, including raptors, are protected under California Fish and Game Code section 3503, which reads, “It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.” In addition, under California Fish and Game Code section 3503.5, “it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto”. Passerines and non-passerine land birds are further protected under California Fish and Game Code 3513. CDFW typically recommends surveys for nesting birds that could potentially be directly (e.g., actual removal of trees/vegetation) or indirectly (e.g., noise disturbance) impacted by development or construction-related activities. Disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “take” by CDFW.

Non-Game Mammals. Sections 4150-4155 of the California Fish and Game Code protects non-game mammals, including bats. Section 4150 states “A mammal occurring naturally in California that is not a game mammal, fully protected mammal, or fur-bearing mammal is a nongame mammal. A non-game mammal may not be taken or possessed except as provided in this code or in accordance with regulations adopted by the commission”. The non-game mammals that may be taken or possessed are primarily those that cause crop or property damage. Bats are classified as a non-game mammal and are protected under California Fish and Game Code, in addition to being protected if they are a listed species (e.g., CSSC, CFP, state or federal threatened, or state or federal endangered).

Sensitive Natural Communities. Sensitive natural communities are native communities and habitats that are either unique in constituent components, of relatively limited distribution in the region, or are of particularly high wildlife value. These communities may or may not necessarily contain special-status species. Sensitive natural communities are usually identified in local or regional plans, policies, or regulations, or by the CDFW (i.e., CNDDDB) or the USFWS. The CNDDDB identifies a number of natural communities as rare, which are given the highest inventory priority (Holland 1986; CDFW 2022). Impacts to sensitive natural communities and habitats must be considered and evaluated under CEQA (CCR: Title 14, Div. 6, Chap. 3, Appendix G).

Chapter 7, page 7-15, Section 7.2.2 State Regulations and Laws

Native Plant Protection Act. The Native Plant Protection Act (NPPA) was created with the intent to preserve, protect, and enhance rare and endangered plants in California (California Fish and Game Code sections 1900 to 1913). Under the NPPA CDFW has the authority to designate native plants as endangered or rare. The NPPA prohibits “take” of endangered and rare native plants, but includes some exceptions for agricultural and nursery operations; emergencies; and after properly notifying CDFW for vegetation removal from canals, roads, and other sites, changes in land use, and in certain other situations. Per Chapter 10, section 1913c

of Fish and Game Code, if the landowner has been notified that a rare or endangered plant is growing on such land, the owner shall notify CDFW at least 10 days in advance of changing the land use to allow for CDFW's salvage of such plant. The failure by CDFW to salvage such plant within 10 days of notification shall entitle the owner of the land to proceed without regard to this chapter. ~~And to protect them from "take."~~ The CDFW maintains a list of plant taxa that have been officially classified as endangered, threatened, or rare.

Chapter 7, page 7-23, Section 7.2.3 Local Regulations

Marin County Native Tree Preservation and Protection (Ordinance No. 3342)

The Native Tree Preservation and Protection Ordinance (Chapter 22.27, Ordinance No. 3342) of the Marin County Development Code establishes regulations for the preservation and protection of native trees in the nonagricultural unincorporated areas of the County by limiting tree removal in a manner that allows for reasonable use and enjoyment of private property. The ordinance applies only to "protected trees" on improved and unimproved parcels, generally prohibiting the removal of native trees between 6 and 10 inches in diameter (depending on species) without a permit, unless the tree is a nuisance or hazard. The County may require that tree removal be mitigated by replanting, or that an in-lieu fee be paid where tree planting on the site is not feasible or appropriate.

Chapter 7, page 7-28, Section 7.3.2 Proposed Policies and Actions to Avoid or Reduce Significant Impacts

EHS-6.1.h **Use Environmentally Sensitive Adaptation Strategies.** Where feasible the County shall encourage the use of existing natural features and ecosystem processes, or the restoration thereof, in adaptation projects and measures. This includes systems and practices that use or mimic natural processes, such as permeable pavements, bioswales, and other engineered systems, such as levees that are combined with restored natural systems, to provide clean water, conserve ecosystem values and functions, and provide a wide array of benefits to people and wildlife. Development applications addressing adaptation must analyze the feasibility of natural features and ecosystem process before proposing alternative measures.

EHS-6.3.i **Limit Seawall Barriers.** Limit repair, replacement or construction of new coastal sea walls and erosion barriers in order to avoid offsite impacts consistent with Local Coastal Program requirements and San Francisco Bay Conservation and Development Commission standards, and as demonstrated to be necessary to protect persons and properties from rising sea level.

Chapter 7, page 7-30, Section 7.3.3 Impacts and Mitigation Measures

Many of the project components of the Housing Element Update are consistent with the previously adopted policies and programs analyzed in the 2007 CWP Update EIR and 2012 Housing Element Update EIR. Future housing project developments would be reviewed by the County for consistency with CWP policies and programs focused on the protection of biological resources. Relevant, previously adopted CWP policies and programs that would protect and avoid impacts on special-status species and their habitats include Policy BIO-1.1, Policy BIO-1.3, Policy BIO-2.1, Policy BIO-2.2, Policy BIO-2.5, Policy BIO-2.7, Policy BIO-2.8, Policy BIO-

2.9, Program BIO-2.a, and Policy BIO-5.2 (see Regulatory Setting section above). Policies BIO-1.1, BIO-2.1, BIO-2.2, BIO-2.8, and Program BIO-2.a are specifically related to development and the protection of special-status species.

These measures CWP adopted policies and programs require environmental review of discretionary projects pursuant to CEQA ~~of proposed development application~~, coordination with trustee agencies during environmental review, site assessments for projects that may impact special-status species, evaluation of potential impacts, identification of mitigation measures to protect species, and ~~ensure~~ confirmation that development does not encroach on wildlife habitat. Policies BIO-1.3 and BIO-2.9 are not explicitly related to development but also provide for the protection of habitat for certain colonial roosting and nesting species and raptors; and require project applicants to consult with agencies with review authority at the beginning of project planning. The County and developers will comply with all of the ~~previously-CWP~~ adopted policies and programs protecting biological resources when implementing the Housing Element Update policies and programs. Furthermore, project proponents would be required to comply with state and federal laws and regulations protecting biological resources. Therefore, compliance with CWP policies and programs, and with state and federal laws and regulations that protect biological resources will require that discretionary development projects have a **less than significant** impact on biological resources, and no mitigation is required at the program level.

CWP policies that provide protection of biological resources for discretionary development projects described above do not necessarily cover non-discretionary projects (i.e., ministerial projects). Because these projects are not subject to CEQA or discretionary review, no CEQA-level mitigation for potential impacts on sensitive biological resources could be applied to these projects. Ministerial projects could impact special-status species and their habitats; however, ministerial projects must comply with state and federal laws and regulations (see section 7.2.1) protecting biological resources. The applicable laws and regulations that non-discretionary projects are required to comply with which ensure protection of special-status species and their habitats, include the following:

- The FESA prohibits any activities that would result in the “Take” of federally threatened or endangered fish and wildlife species and their habitats. Federally-listed plants are legally protected from take under FESA only if they are present on federal lands.
- The MBTA prohibits “Take of active avian nests”
- Bald and Golden Eagle Protection Act. Under this act it is unlawful to import, export, take, sell, purchase, or barter any bald eagle or golden eagle, or their parts, products, nests, or eggs. “Take” includes pursuing, shooting, poisoning, wounding, killing, capturing, trapping, collecting, molesting, or disturbing.
- Magnuson-Stevens Fishery Conservation and Management Act. Federal agencies that fund, permit, or implement activities that may adversely affect EFH are required to consult with NOAA Fisheries regarding potential adverse effects of their actions on EFH, and respond in writing to recommendations by the NOAA Fisheries.
- The California Fish and Game Code sections 1602 and 1603 protect alteration of rivers, streams, and lakes including alteration that may adversely affect fish and wildlife.

- The California Fish and Game Code sections 5515 for fish, 5050 for amphibians and reptiles, 3511 for birds, and 4700 for mammals which prohibits “Take” of fully protected species except for scientific research and for recovery of state-listed species.
- The McAteer-Petris Act, which regulates projects within 100 feet from the shoreline of the Bay, established policies that must be met before such projects are approved. This act ensures that harmful effects on marshes, fish, and wildlife are minimized.
- The CESA prohibits the take, possession, purchase, sale, and import or export of endangered, threatened, or candidate species, unless otherwise authorized by permit or by the regulations. “Take” is defined in section 86 of the California Fish and Game Code as to “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.”
- The Native Plant Protection Act (California Fish and Game Code sections 1900 to 1913) prohibits “take” of plants classified as endangered, threatened, or rare and requires notification to CDFW if take is proposed.

In addition to state and federal laws and regulations, ministerial housing projects must also comply with biological resource protection requirements in the County’s Development Code and the County’s Objective Design Standards contained in the Form Based Code once it is adopted. Under section 865941.1 of the Government Code relating to housing (SB 330), all project applicants must submit an application to the County that discloses if any species of special concern occur on the site and must submit a map showing sensitive resources that are subject to regulations by a public agency. Because non-discretionary projects must comply with state and federal laws and regulations protecting special-status species, and resource protection requirements in the County’s Development Code and design standards, program level impacts resulting from such non-discretionary development projects would be **less than significant**.

Chapter 7, page 7-32, Section 7.3.3 Impacts and Mitigation Measures

Safety Element Implementing Program EHS-2.3.f would change how the County processes both public and private road improvement projects:

Implementing Program EHS-2.3.f Encourage Road Improvements. Reduce regulatory impediments to road construction, widening, and other improvements by amending relevant sections of Marin County Code Titles 22, 23, and 24 to eliminate discretionary permit requirements and replace them with ministerial review to ensure that both public and private roads comply with codified engineering standards.

This Safety Element program could adversely impact special-status species or their habitats through grading and vegetation clearing due to road improvements. Ministerial projects must comply with all state and federal laws and regulations protecting biological resources as listed above under the Housing Element discussion. However, impacts to special-status species could occur if the County’s processing of ministerial projects does not include specific information requirements regarding the presence and protection of sensitive species and their habitats. Mitigation Measure 7-1 is recommended to reduce this impact to less than significant.

Implementing programs ~~EHS-2.3.f~~, EHS-2.4.d, and EHS-2.4.e may require removal of vegetation that could support special-status species anywhere their potential habitat occurs. Implementing Programs EHS 4.1.e, EHS-4.5.a, and EHS4.6.a may facilitate construction of or improvements to flood protection infrastructure such as flood walls, flood barriers, and levees.

These programs may require removal of habitat that is potentially occupied by special-status species in or near coastal areas, aquatic habitats, and riparian areas. Policy EHS-5.5 (was 5.2), and Implementing Programs EHS-5.3.d (was 4.b), EHS-5.5.a (was 4.h), and EHS 5.5.c (was 4.g) promote removal of hazardous vegetation, fuel breaks, and vegetation management along emergency access routes. Facilitation of these programs would require grading and removal of vegetation that may be utilized by special-status species wherever they occur. Additionally, should vegetation removal occur in proximity to aquatic habitats occupied by special-status fish and amphibians, these species could be indirectly impacted by erosion and sedimentation in the aquatic habitats where those species occur.

Many of the previously adopted Marin County Development Code and CWP policies and programs are focused on ensuring protection of biological resources relevant-applicable to new housing development that is subject to discretionary review. These policies would also afford protection to special-status species and their habitats from discretionary projects that would arise from adoption of the Safety Element Update, particularly flood projection projects (e.g., levee, flood wall, flood barrier construction or improvement projects). CWP policies and programs that would provide such protections include Policy BIO-1.1, Policy BIO-1.3, Policy BIO-2.1, Policy BIO-2.2, Policy BIO-2.5, Policy BIO-2.7, Policy BIO-2.8, Policy BIO-2.9; and Program BIO-2.a., and Policy BIO-5.2 (see Regulatory Setting section). The County would comply with these policies and programs when implementing Safety Element Update policies and programs, which would ensure biological resource evaluation, protection of sensitive species and their habitats, minimization of impacts, avoidance of sensitive biological windows, and coordination and consultation with the relevant resource protection agencies.

Several of the proposed Safety Element Update policies would minimize potential impacts associated with the overarching Safety Element goals. EHS-4.2 and EHS-4.3.b promote natural means to stabilize stream banks and natural flood mitigation measures such as only using hardened structures as a last resort. EHS 5.5.b, EHS 5.5.c, and EHS 5.5.d promotes ecologically sound practices for fuel reduction and suppression. EHS-6.1.g promotes the use of existing natural features and ecosystem processes when feasible to conserve ecosystem functions that benefit people and wildlife. EHS-4.2 would promote retaining natural conditions in streams as much as possible. EHS-4.3.c would promote the development of watershed management and monitoring plans to evaluate natural flood mitigation measures with an emphasis on species protection in addition to protection of human life and property. EHS-6.3.d would promote limiting seawall construction and repairs to only what is necessary to protect people and property. Together, these proposed policies promote protection of natural habitats that may support special-status species.

While the proposed policies/programs would generally support protection of biological resources, these policies/programs would not be sufficient to ensure that adverse effects on biological resources related to projects facilitated by the Safety Element Update would be reduced to a less-than-significant level. Many of the Safety Element implementation programs would be undertaken by the County or other public or resource management agencies. These projects would be planned, designed, constructed, and maintained according to the relevant agency's procedures and protocols. Some projects may be relatively small such as drainage repair or maintenance, or vegetation management projects, and may be eligible for an exemption under CEQA if sensitive biological resources are not impacted. Other Safety Element projects would be large and would require significant planning, design, construction, and operational measures to avoid impacts to biological resources. As discussed for non-discretionary development projects, Safety Element projects that may impact special-status species must comply with state and federal laws and regulations that protect special-status

species including the FESA, MBTA, California Fish and Game Code (sections 1602, 1603, 5515, 5050, 3511, and 4700), McAteer-Petris Act, and the NPPA (see section 7.2.1).

Private property owners and developers may also undertake projects consistent with Safety Element policies such as constructing wider and less steep access roads to meet current Fire Code requirements, providing two points of ingress/egress, construction of water tanks in Very High Fire Hazard Severity Zones (VHFHSZ), etc. ~~These p~~Projects subject to discretionary review would require permit applications to be submitted to the County for review and processing. The County would determine if the activity is a project under CEQA and the appropriate level of CEQA review that is necessary.

Throughout the County, private property owners are conducting defensible space activities as required by law, in compliance with recommendations by the Marin Wildlife Protection Authority, and pursuant to the Marin Community Wildfire Protection Plan (Sonoma Technology 2020). These activities are occurring year-round, and it is an unpermitted activity (i.e., a homeowner does not need to obtain a permit to create defensible space). However, these activities do not involve full-scale vegetation or habitat clearing. For example, creation of defensible space that private homeowners typically perform includes removal of dead or dry grass, weeds, plants, and foliage, twigs, bark, and cones; tree pruning, and clearing vegetation around fences in the first 30 feet surrounding structures. Between 30 and 100 feet from structures, creation of defensible space includes removal of dead grass and dried organic matter; trimming tree limbs; providing space between shrubs; and providing vertical and horizontal spacing between shrubs and trees (Fire Safe Marin 2022). Under the Safety Element, these activities would continue, but would increase with proposed new development. Although these activities do not require discretionary review by the County, all activities are required to comply with state and federal laws and regulations protecting special-status species (i.e., FESA, MBTA, California Fish and Game Code [sections 1602, 1603, 5515, 5050, 3511, and 4700], McAteer-Petris Act, CESA, and NPPA) as described above. Additionally, the new Safety Element Policy EHS-5.5.c, will encourage private landowners to construct and maintain ecologically sound fuel breaks for fire suppression. Similarly, new Safety Element Policy EHS-5.5.d Require Fuel Reduction and Management Plans for New Developments states:

“The County should require all new development projects with land classified as state responsibility areas (Public Resources Code section 4102), land classified as high or very high fire hazard severity zones (HFHSZ or VHFHSZs; section 51177), or within areas defined by local fire agencies as a “wildland urban interface” (WUI), to prepare a long-term comprehensive ecologically sensitive fuel reduction and management program, including provisions for multiple points of ingress and egress to improve evacuation and emergency response access and adequate water infrastructure for water supply and fire flow, and fire equipment access. (See Gov. Code, section 66474.02.). The ecologically sensitive fuel reduction program should be consistent with MWPA’s ecological sensitive vegetation management guidelines, as well as federal, state, and County environmental and biological resource protection regulations. Where environmental sensitive resources or habitats could be impacted by vegetation removal, the property owner shall observe all regulations for the protection of habitat values.”

Because private property owners are subject to these state and federal laws and regulations, and proposed new Safety Element policies and would be required to use ecologically sound methods for vegetation management, potential impacts on special-status species associated with non-discretionary defensible space activities **would be less than significant.**

Proposed new Safety Element Policy EHS-2.3.f would eliminate discretionary review of public and private road improvements to streamline the review process. Road improvements may include small-scale linear improvements, or larger-scale linear improvements several hundred feet in length. These projects would result in vegetation removal to allow for road widening or other road improvements. These activities could result in injury or mortality to special-status species or loss of habitat supporting these species that may be present along roadways. Elimination of the discretionary review process would eliminate the County's ability to conduct CEQA review on the projects. However, elimination of the CEQA review process does not exempt project proponents from complying with all applicable County Development Code and CWP policies and implementation programs, and state and federal laws and regulations that protect special-status species (i.e., FESA, MBTA, California Fish and Game Code [sections 1602, 1603, 5515, 5050, 3511, and 4700], McAteer-Petris Act, CESA, and NPPA), which would continue to be required. Additionally, Mitigation Measure 7-1 is recommended to ensure the ministerial application process includes information about potential impacts to biological resources and the County would not issue a permit for the road improvement project until the avoidance of significant impacts to biological resources is demonstrated in the application materials. With implementation of Mitigation Measure 7-1, Safety Element Policy EHS-2.e.f would have a **less than significant impact**.

Projects facilitated by the Safety Element Update could have **potentially significant impacts** on special-status species, and therefore the following mitigation measure is necessary. This measure would apply to all discretionary projects with the potential to impact biological resources.

Mitigation Measure 7-1: To Protect Special-Status Species During Implementation of Safety Element Activities, Marin County shall implement the following measures listed below:

Public infrastructure projects, activities needed to maintain or improve public facilities, and development applications which involve Safety Element activities that entail substantial ground disturbance or vegetation removal where sensitive biological resources may occur shall be required to conduct a *biological resources site assessment, prepared by a qualified biologist*, to determine whether the project will result in significant biological impacts. The assessment shall be submitted to the County for review as part of the discretionary permit approval process. The biological resources site assessment shall include the following:

- The presence or absence of any sensitive biological resources that could be affected by proposed activities, including occurrences of special-status species, occurrences of sensitive natural communities, jurisdictional wetlands, and important wildlife nursery areas and movement corridors;
- Recommendations for protocol-level surveys if necessary to determine presence or absence of special-status animal or plant species, as needed;
- Impact assessment of the proposed activities on sensitive biological resources;

- Identification of laws and regulations that apply, an assessment of compliance with Marin CWP and Development Code policies, and a statement of which permits may be required from agencies other than the County, and why;
- Mitigation measures for avoidance of harm or removal of sensitive biological resources (e.g., avoidance of sensitive biological periods such as the would include, but not be limited to, avoiding habitat occupied by special-status species or reducing the disturbance in occupied habitat, timing the work during a season that would cause the least impact to species survival and breeding success, and/or having a biological monitor present during ground disturbance or vegetation removal where sensitive biological resources would be impacted.
- Mitigation measures that include conducting species-specific pre-construction surveys for special-status species following current survey protocols or established survey procedures, including surveys during the nesting bird season (February 1 – August 31), bird, and bat breeding season (April 15 – August 31), and for avoidance of the bat winter torpor season (November 1 – February 1), and compensation for the loss of sensitive biological resources such that there is no net loss of sensitive habitat acreage, values, and function;
- Mitigation measures if take of special-status species or loss of habitat that supports special-status species cannot be avoided. The site assessment report shall outline take permits that will be required from the appropriate agencies (i.e., CDFW, USFWS, NMFS) if take of a special-status species cannot be avoided, and discuss the types of mitigation that would be acceptable to the responsible regulatory agencies (CDFW and/or USFWS).

The County shall review the results of the biological resources site assessment to determine whether impacts to special-status species are likely to occur, and the actions needed to a) avoid identified impacts such that there is no net loss of sensitive habitat acreage, values, and function, b) determine if additional County and resource agency permits are required, and c) determine the appropriate level of CEQA review.

The County shall modify its application requirements for ministerial road improvement projects to include information on the project's likelihood of impacting special-status species by requiring the following information as part of the project application when biological resources are present on the project site:

1) Biological evaluation prepared by a qualified biologist documenting presence or absence of sensitive biological resources, and if any sensitive biological resources are present;

2) Description of avoidance and minimization measures to protect sensitive resources according to applicable federal, state, and County requirements for the protection of the resource;

3) Demonstration of obtaining regulatory permits if required; and

4) Demonstration of compliance with regulatory permit requirements and mitigation (e.g., preconstruction surveys, habitat replacement, habitat restoration /revegetation plan as needed), or measures to avoid and minimize impacts on special-status species if permits

are not required. Mitigation in the form of habitat replacement shall ensure that there is no net loss of habitat acreage, values, and function.

The biological evaluation shall disclose what, if any, sensitive biological resources are present on the site including wetlands, Stream Conservation Areas (SCAs), Wetland Conservation Areas (WCAs), Habitat Conservation Plans, Natural Community Conservation Plans, habitat for protected species, state and federal regulated habitats, and sensitive natural communities. The County shall not issue a permit for the road improvement project until the avoidance of significant impacts to biological resources is demonstrated in the application materials.

The County shall use a standard checklist and procedure to document its application requirements and application review standards, and to determine whether the project qualifies as a ministerial project or requires additional CEQA review. The procedure would specify the actions the County will carry out in establishing the checklist and reviewing application materials.

For example, the procedure shall specify

9. Which County department receives and reviews application materials,
10. The steps required to respond to the information received in the application process,
11. Which County department determines the need for a biological resources report,
12. The steps the County must take to select a qualified biologist to prepare a biological resources report,
13. Which County department reviews the biological resources report for project compliance with federal, state, and County policies, and whether the avoidance/mitigation measures identified in the report reduce the impacts to biological resources to less than significant, and how that information is reported
14. Preparing an assessment of compliance with County policies,
15. Tracking any required permits and permit conditions, and
16. Specifying how the County will verify that the project has complied with mitigation.

The checklist shall specifically require information about the project's impacts to sensitive natural communities designated by CDFW that would not be protected by state or federal laws or regulations except CEQA.

The checklist should include information such as:

7. Identification and location of the project site;
8. Description of the project and site plans;
9. Description of any natural features on the project site;

10. A description of what biological resources may be impacted;
11. Avoidance and/or mitigation measures that are incorporated into the project to keep impacts to biological resources to less than significant, and
12. Whether regulatory agency permits would be required.

With implementation of Mitigation Measure 7-1, impacts of the Safety Element Update to Special-Status Species would be **less than significant**.

Chapter 7, page 7-38, Section 7.3.3 Impacts and Mitigation Measures

Housing Element Update Impacts

As shown in Figures 7.1 and Exhibits 4.6-1 and 4.6-5 of the 2007 CWP Update DEIR, the Planning Area supports riparian habitat and natural communities that may be classified by CDFW as sensitive, and wetlands. Some, though not all, of the candidate housing sites are in proximity to these resources. The Housing Element Update would not directly develop any of the candidate housing sites; however, it would promote and facilitate the development of these sites. Such development would likely have little to no impact on riparian habitat, sensitive natural communities, and wetlands on currently existing-developed sites lacking natural habitats but could potentially impact sensitive resources on sites that are not developed and contain natural conditions, or are in proximity to undeveloped sites containing natural conditions. Because site-specific impacts related to biological resources at the Project Sites and the Candidate Housing Sites are unknown at this time, development of housing projects subject to discretionary review by the County, if and when applied for, would require site-specific assessments to assess what resources are or may be present. Not all riparian areas, sensitive natural communities, and wetlands are shown on Figures 7.1 or Exhibits 4.6-1 and 4.6-5 of the 2007 CWP Update DEIR. Site assessments and more detailed vegetation mapping would elucidate whether sensitive resources are present on the individual sites. Should riparian areas, sensitive natural communities, or wetlands be present, development that impacts these resources would be **significant**.

Housing projects consistent with the proposed Objective Design Standards contained in the Form Based Code would become ministerial and would not be subject to discretionary review by the County. Thus, these projects would not be subject to CEQA review, and potential impacts on riparian habitats and wetlands (e.g., streams, marshes, seasonal wetlands) would not be subject to mitigation measures adopted through the CEQA process. Nonetheless, these projects would be required to comply with state and federal laws and regulations protecting these resources, and to obtain permits from the agencies that regulate these resources (see laws and regulations below and in section 7.2.1).

Ministerial development projects that would not be subject to CEQA review would still be required to comply with applicable previously adopted CWP policies that address impacts to and protection of sensitive natural communities including Policies BIO-2.2, 2.8, and 2.9. Policy BIO-2.2 requires restrictions or modifications to proposed development in riparian areas and sensitive natural communities. This policy also requires that projects should be modified to avoid impacts on sensitive resources, including sensitive natural communities, or adequately mitigate impacts preferably on site or offsite at a higher ratio. Policy BIO-2.8 and BIO-2.9 require

consultation and coordination with trustee agencies and other agencies when riparian areas, wetlands, and sensitive natural communities may be impacted by a project and to do so early in the planning process.

Additionally, Objective Design Standards will have requirements specific to the protection of wetlands and riparian resources (consistent with the language in SB 35) when adopted along with the Safety Element and Housing Element by the Board of Supervisors. Applicable laws and regulations that all project proponents (discretionary and non-discretionary projects) are required to comply with, which would ensure protection of riparian habitat and wetlands, include the following:

- Federal CWA. This act regulates actions that occur within waters of the U.S. and state or that would otherwise affect these jurisdictional features. Section 404 of the CWA applies to activities that would impact waters of the U.S. The USACE enforces section 404 of the CWA. Projects impacting waters of the U.S. must obtain a permit from the USACE and comply with measures set forth in the permit.
- CWA/Porter-Cologne Water Quality Control Act. In accordance with the CWA and the State's Porter-Cologne Water Quality Control Act, the State Water Resources Control Board in coordination with the nine RWQCB's, regulates projects that may impact waters of the state (e.g., streams) and associated riparian habitat. Pursuant to the CWA, projects that are regulated by the USACE must also obtain a Section 401 Water Quality Certification permit from the RWQCB. The RWQCB may impose mitigation even if the USACE does not.
- Rivers and Harbors Act. This act prohibits the creation of any obstruction to the navigable capacity of waters of the U.S., including discharge of fill and the building of any wharves, piers, jetties, and other structures without Congressional approval or authorization by the Chief of Engineers and Secretary of the Army (33 U.S. Code 403).
- California Fish and Game Code sections 1602 and 1603. Under California Fish and Game Code section 1603, the CDFW regulates any project proposed by any person that will "substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated by the department, or use any material from the streambeds." California Fish and Game Code section 1602 requires an entity to notify the CDFW of any proposed activity that may modify a river, stream, or lake. If the CDFW determines that proposed activities may substantially adversely affect fish and wildlife resources, a Lake and Streambed Alteration Agreement (LSAA) must be issued before the activities can proceed. The LSAA will determine the amount of mitigation required based on the type and amount of project impact to the resources within CDFW jurisdiction.

Housing projects subject to discretionary review by the County that would be facilitated by adoption of the Housing Element Update would be required to a) comply with all state and federal laws protecting riparian habitats and wetlands, b) obtain permits from the relevant regulatory agencies if the projects impact these resources (as listed above), and c) comply with all mitigation requirements of those permits (~~see Regulatory Setting section~~). The 2007 CWP includes many previously adopted policies and implementing programs that serve to protect and preserve riparian habitats, sensitive communities, and wetlands with respect to development. Program BIO-2.a, Program BIO-3.c, and Program BIO-4.g, require site assessments for

development applications if there is any potential for jurisdictional wetlands, sensitive natural communities, riparian areas, stream conservation areas, and wetland conservation areas to be impacted. The site assessments would include an evaluation of potential impacts on the sensitive resources and a list of measures to protect those resources, so it can be determined whether each future project is in compliance with the policies, and if not, what measures would be required for the project to comply with the policies.

Other policies provide measures to protect sensitive resources. Policy BIO-1.1 requires protection of wetlands and sensitive natural communities through environmental review of development applications and consideration of cumulative impacts. Policy BIO-2.3 requires preservation of ecotones, especially along wetlands, riparian corridors, and other sensitive natural communities. Policy BIO 2.7 requires protection of sensitive coastal habitat including coastal wetlands. Policy-3.1 also requires protection of wetlands. Policy BIO-2.1 requires environmental review and adequate mitigation, and Policy BIO-3.2 and ~~Program BIO-3.e.~~ requires thorough mitigation and if avoidance of wetlands is not possible list the wetland mitigation criteria. Policy BIO-2.8 and BIO-2.9 require early consultation and coordination with trustee agencies and other agencies when riparian areas, wetlands, and sensitive natural communities may be impacted by a project present to evaluate the agencies' review authority. Policy BIO-2.2 requires restrictions or modifications to proposed development restricts development in riparian areas and sensitive natural communities. This policy also requires that projects should be modified to avoid impacts on sensitive resources, including sensitive natural communities, or adequately mitigate impacts preferably on site or offsite at a higher ratio.

Other 2007 CWP measures also provide protection for riparian areas, wetlands, and sensitive natural communities including Program BIO-3.b, Policy BIO-4.1, Policy BIO-4.2, Policy BIO-4.4, Policy BIO-4.19, Policy BIO-4.20, Program BIO-4.e, Program BIO-4.f, Program BIO-4.h, Program BIO-4.i, Policy BIO-5.1, Policy BIO-5.2, and Policy BIO-5.3 (see Regulatory Setting section above). Projects subject to discretionary review by the County will comply with all of the previously adopted policies and programs; thus, these projects will be consistent with the 2007 CWP. Furthermore, because these policies and programs require thorough environmental review; site-specific analysis of sensitive communities and wetlands; and impact analysis, mitigation, and agency consultation and coordination, potential impacts of the Housing Element Update on sensitive communities and wetlands will be **less than significant.**

Chapter 7, page 7-41, Section 7.3.3 Impacts and Mitigation Measures

The County will review projects and require them to comply with several previously adopted 2007 CWP policies and programs that aim to protect riparian areas, sensitive natural communities, and wetlands. These policies and programs are Policy BIO-1.3 Protect Woodlands, Forests, and Tree Resources, Policy BIO-2.8, Policy BIO-2.9, Policy BIO-3.2 Require Thorough Mitigation, Policy BIO-4.20 Minimize Runoff, Program BIO-4.i Replace Vegetation in SCAs, and Policy BIO-5.3 Leave Tidelands in Their Natural State. The County will also ensure that future projects will comply with the Marin County Native Tree Preservation and Protection regulations and the Stream Conservation Area regulations for the San Geronimo Valley will be complied with. Additionally, adoption of several proposed policies and implementing programs will also protect riparian areas, sensitive natural communities, and wetlands. Those proposed policies and programs are as follows: Implementing Program EHS-4.i ~~5.5.b Use Varied Implement Ecologically Sound Methods of Vegetation Management to Provide Fuel Breaks and Fire Suppression.~~, Policy EHS-4.2 Retain Natural Conditions, Implementing Program EHS-6.1.h Use Environmentally Sensitive Adaptation Strategies, and Implementing Program EHS-6.3.i Limit Seawall Barriers.

However, even if previously adopted policies/programs and proposed beneficial policies/programs are adopted, potential impacts of Safety Element policies and programs are unknown because no specific projects are identified in the Safety Element Update. Therefore, adoption and implementation of the Safety Element Update could indirectly impact riparian habitat, sensitive natural communities, and wetlands, and other aquatic habitats. Without implementation of Mitigation Measure 7-2 this could result in a **potentially significant impact** on these resources. ~~The following new policies and programs shall be implemented to avoid and minimize impacts on riparian habitats, sensitive natural communities, and wetlands.~~

As described under Impact 7-1 above, implementation of Policy EHS-2.3.f would allow for private and public road improvement projects without discretionary review. Road improvements may include small-scale linear improvements, or larger-scale linear improvements several hundred feet in length. These projects have the potential to impact riparian habitats, sensitive natural communities, and wetlands through direct removal of these resources, degradation through trampling, or indirectly such as through erosion and sedimentation. Although this policy removes the requirement for discretionary review by the County, project applicants will still be required to comply with all state and federal laws and regulations (see section 7.2.1 and pertinent state and federal laws and regulations summarized above in this section) that protect riparian habitats and wetlands and would be required to obtain regulatory permits if these resources would be impacted by development projects even if identified by the County as ministerial. Because sensitive natural communities (e.g., serpentine grassland, central dune scrub, coastal and valley freshwater marsh, coastal brackish marsh, northern coastal salt marsh, northern maritime chaparral, northern vernal pool, or coastal terrace prairie) are not protected by state or federal laws, except under CEQA, potential impacts on sensitive natural communities related to discretionary projects would be evaluated during environmental review under CEQA, and avoidance and minimization measures, and mitigation if necessary, would be specified..

Project applicants of discretionary and ministerial projects must comply with state and federal permits that protect riparian habitats and wetlands, and would be required to implement avoidance and minimization measures/conservation measures, and mitigation required in regulatory permits. For example, current typical mitigation required for impacts on riparian habitats include (1) restoration of all temporarily impacted areas on-site, and to offset permanent impacts, restoration of riparian habitat on-site or off-site at a minimum 3:1 mitigation to impact ratio for acreage and linear distance of impacts. Restoration typically is required to occur as close to the project site as possible and within the same watershed, and same year that the impacts occur. Current typical mitigation for removal of trees in riparian habitat are 1:1 for non-native trees, 1:1 for native trees other than oak species (*Quercus* sp.) up to 3 inches diameter at breast height (DBH), 3:1 for native trees other than oaks with 4 to 6 inches CDH, 6:1 for native trees other than oaks with greater than 6 inches DBH, 4:1 for oaks up to 4 inches DBH, 5:1 for oaks with greater than 6 to 15 inches DBH, and 10:1 for oaks with greater than 15 inches DBH. However, actual mitigation ratios are variable and subject to change.

However, if ministerial road improvement projects would impact sensitive natural communities that are not associated with state or federally-regulated habitats (e.g., serpentine bunchgrass grassland), there would be no mechanism to protect these resources, because there are no laws or regulations protecting these resources except CEQA. Direct impacts that could result from road improvement projects include fill and removal of these habitats, or indirect impacts such as degradation through trampling sensitive vegetation; erosion and sedimentation; and spills of petrochemicals, hydraulic fluids, or solvents during project construction. Such impacts

on non-regulated sensitive natural communities caused by ministerially approved road improvement projects would be a **potentially significant impact**.

Mitigation Measure 7-2.1: Best Management Practices for vegetation management in riparian areas, wetlands, and sensitive natural communities. For public infrastructure projects, activities needed to maintain or improve public facilities, and development applications For fire safety implementation projects (e.g., fuel load reduction) that involve vegetation removal for fuel load reduction and creation of defensible space where sensitive biological resources may occur, the County shall require preparation of a Construction Management Plan (CMP) for projects that involve vegetation removal within or in proximity to riparian areas, wetlands, and sensitive natural communities, and shall consult with state and federal agencies that have jurisdiction over these resources, including CDFW, RWQCB, and potentially USACE, to determine whether permits and mitigation are required. The CMP shall include Best Management Practices (BMPs) that protect these habitats. The CMPs may include, but are not limited to, the following BMPs:

- Setbacks from riparian areas, wetlands, and other sensitive areas where work should be avoided.
- Field delineation of sensitive habitats as Environmentally Sensitive Areas to avoid.
- Identification of sensitive areas where work should be done by hand rather than with heavy machinery
- Measures to control and prevent the discharge of potential pollutants, including solid wastes, paints, concrete, petroleum products, chemicals, wash water or sediment and non-stormwater discharges to storm drains and water courses.
- Restrictions on cleaning, fueling, or maintaining vehicles on site, except in a designated area in which run-off is contained and treated.
- Erosion control measures for wet season work (October 15 through April 15).
- Measures to store, handle, and dispose of construction materials and wastes properly, so as to prevent their contact with stormwater.
- Measures to avoid the invasion and/or spread of noxious weeds

Mitigation Measure 7-2.2: Application Requirements for Ministerial Road Improvement Projects. The County shall implement Mitigation Measure 7-1 above to modify the application requirements for ministerial road improvement projects to include information on the project's likelihood of impacting riparian areas, wetlands, and sensitive natural communities. Like the application requirement in Mitigation Measure 7-1, the County shall require:

- 5) A biological evaluation prepared by a qualified biologist documenting presence or absence of sensitive biological resources (i.e., riparian habitat, wetlands, or sensitive natural communities);
- 6) Avoidance and minimization measures to protect sensitive resources according to applicable federal, state, and County requirements for the protection of the resource;

- 7) Demonstration of obtaining any required regulatory permits; and
- 8) Demonstration of compliance with regulatory permit requirements and mitigation. Mitigation in the form of habitat replacement shall ensure that there is no net loss of habitat acreage, values, and function and that any proposed compensatory mitigation shall be acceptable to the regulatory agencies.

The biological evaluation shall disclose what, if any, sensitive biological resources are present on the site including wetlands, Stream Conservation Areas (SCAs), Wetland Conservation Areas (WCAs), Habitat Conservation Plans, Natural Community Conservation Plans, habitat for protected species, state and federal regulated habitats, and sensitive natural communities. The County shall not issue a permit for the road improvement project until the avoidance of significant impacts to biological resources is demonstrated in the application materials.

Mitigation Measure 7-2.3: Adopt and Implement a Standard Review Procedure. The County shall also implement the standard checklist and procedure described in Mitigation Measure 7-1 to document its review, and to determine whether the project qualifies as a ministerial project or requires additional CEQA review. The checklist shall specifically require information on the project's impacts to sensitive natural communities that would not be covered under any state or federal laws or regulations.

Implementation of these mitigation measures would reduce impacts of the Safety Element Update on riparian habitat, state or federally-protected wetlands, or other sensitive natural communities to a ***less-than-significant level***.

Chapter 7, page 7-45, Section 7.3.3 Impacts and Mitigation Measures

Individual housing projects (ministerial and discretionary projects) that would be facilitated by adoption of the Housing Element Update would be required to comply with all State and federal laws protecting nesting birds (see Regulatory Setting section). Discretionary projects must comply with CEQA, which would require an analysis of impacts on movement corridors and nursery sites. Additionally, discretionary projects would be required to comply with previously adopted policies in the 2007 CWP that would protect and preserve wildlife movement corridors and nursery sites. These policies include Policy BIO-1.1, Policy BIO-1.3, Policy BIO-2.1, Policy BIO-2.2, Policy BIO-2.3, Policy BIO- 2.4. and Policy BIO-2.7. These policies promote protection of movement corridors, nursery sites, and other areas that may provide these functions.

Policy BIO-2.a requires site assessments for development applications that may adversely affect wildlife movement corridors and nursery sites. Policy BIO-2.b requires a comprehensive habitat connectivity assessment and for the development of recommendation for policies to protect corridors and improve plant and wildlife dispersal. Policy BIO-2.e requires participation in the FishNet4C Program to continue to improve and restore aquatic habitat for fish. Policy BIO-5.2 ensures that development does not create barriers to food, water, or shelter for wildlife. It also requires an environmental assessment specifically where development is proposed in the Baylands Corridor.

Policy BIO-2.5 restricts disturbance of nesting habitat during the nesting season; however, the timing of the nesting season in this policy requires updating so that it is consistent with the

typical nesting season of most birds in Marin County. Additionally, existing policies do not pertain to potential impacts associated with avian building collisions. It is well-documented that large glass windows and building facades can cause injury or mortality to birds when they collide with these structures (Klem et al. 2009, Loss et al. 2019, Riding et al. 2020). Most often, collisions occur when highly reflective glass facades reflect the sky or nearby vegetation; when transparent glass windows or building corners are perceived as an unobstructed flight path; or when transparent glass is situated in front of landscaped plantings. The greatest risk for collisions occurs between the first 40 and 60 feet of buildings, because this is where birds are most active in the daytime. Without the addition of Mitigation Measure 7-3.1 and Mitigation Measure 7-3.2, development that results from adoption of the Housing Element is considered a **potentially significant impact**.

Chapter 7, page 7-46, Section 7.3.3 Impacts and Mitigation Measures

Adoption of proposed policy EHS-4.i ~~5.5.b Use Varied~~ Implement Ecologically Sound Methods of Vegetation Management to Provide Fuel Breaks and Fire Suppression may address vegetation management impacts on wildlife movement corridors and nursery sites, but it is undetermined whether the policy would reduce impacts to less than significant.

While housing development facilitated by the Housing Element Update and environmental protection projects undertaken through Safety Element Update implementation programs would be required to comply with previously adopted policies and state and federal laws protecting nesting birds, and state and federally-protected fish and wildlife species and their habitat, existing policies and regulations do not specifically focus on reducing impacts from vegetation clearing and long-term vegetation management that would occur to meet current defensible space requirements in high fire hazard severity zones around buildings and along road corridors. Current vegetation management practices, which do not require permits which are unpermitted activities state state wide, could remove, degrade, or disturb wildlife movement corridors without additional avoidance and minimization measures specific to these activities. Therefore, the impacts to wildfire corridors and nursery sites from vegetation management is considered a **potentially significant impact**.

Chapter 7, page 7-47, Section 7.3.3 Impacts and Mitigation Measures

Mitigation Measure 7-3.1. Revise Definition of the Nesting Season

Adopted Policy BIO-2.5 in the Natural Systems and Agriculture Element of the 2007 CWP defines the avian nesting season as March 1 through August 1. However, the nesting season in Marin County is generally defined as February 1 through August 31. Unless this policy is amended, future individual development projects resulting from the Housing Element Update have the potential to take active nests of birds protected by the Migratory Bird Treaty Act and California Fish and Game Code. Therefore, the County shall revise this policy as follows:

Policy BIO-2.5 (revised) Restrict Disturbance in Sensitive Habitat During the Nesting Season. Limit construction and other sources of potential disturbance in sensitive riparian corridors, wetlands, and Baylands ~~should be limited~~ to protect bird nesting activities. Disturbance should generally be set back from sensitive habitat during the nesting season from February 1 through August 31 to protect bird nesting, rearing, and fledging activities. Preconstruction surveys should be conducted by a qualified professional where development is proposed in sensitive habitat areas during the nesting season, and appropriate restrictions should be defined to protect nests in active use and ensure that any young have fledged before construction proceeds.

Mitigation Measure 7-3.2 Bird-Safe Design.

The County shall establish design standards in the Marin County Development Building Code for new construction and redevelopment projects to implement bird-safe features to prevent or reduce avian collision risks with glass windows. Consistent with the American Bird Conservancy recommendations, the County shall specify thresholds when standards would apply, such as site location relative to avian habitat and amount of contiguous glass proposed on building facades. If projects meet or exceed the thresholds, the County shall require application of bird-safe design features including, but not limited to, window treatments, glass treatments, and landscaping and lighting modifications. The County or project applicants shall obtain a qualified biologist, with experience in avian ecology, to evaluate proposed building plans and bird-safe design features, where applicable. If the proposed bird-safe design does not sufficiently address collision risks, the biologist shall provide additional bird-safe design recommendations that shall be incorporated.

Mitigation Measure 7-3.3. Implement Protective Buffers During Vegetation Management.

Development applications for Housing projects that are facilitated by the Housing and Safety Elements Update, and which the County determines may result in significant impacts to wildlife movement corridors and wildlife nursery sites due to removal, degradation, or substantial long-term disturbance, shall minimize vegetation management activities to the greatest extent feasible, while still meeting defensible space requirements, and implement protective buffers, or specify vegetation management and removal methods to protect wildlife movement corridors and avoid disturbance of wildlife nursery sites.

With implementation of Mitigation Measures 7-3.1, 7-3.2, and 7-3.3, impacts of the Housing and Safety Element Update would be **less than significant**.

Chapter 7, page 7-49, Section 7.4 References

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5.6 CHAPTER 8 CULTURAL, TRIBAL CULTURAL, AND HISTORIC RESOURCES

Chapter 8, page 8-18, Mitigation Measure 8-1:

Mitigation Measure 8-1. Development applications for housing development projects that are For any project facilitated by the Housing and Safety Elements Update project which that the County determines may involve a property that contains a potentially significant historical resource, ~~then that resource~~ shall be assessed by a professional who meets the Secretary of the Interior's Professional Qualifications Standards to determine whether the property is a significant historic resource and whether or not the project may have a potentially significant adverse effect on the historical resource. If, based on the recommendation of the qualified professional, the County determines that the project may have a potentially significant effect, the County shall require the applicant to implement the following mitigation measures:

(a) Adhere to at least one of the following Secretary of the Interior's Standards:⁵

- Secretary of Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*; or
- Secretary of Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*.

The qualified professional shall make a recommendation to the County as to whether the project fully adheres to the Secretary of the Interior's Standards, and any specific modifications necessary to do so. The final determination as to a project's adherence to the Standards shall be made by the County body with final decision-making authority over the project. Such a determination of individual project adherence to the Secretary of the Interior's Standards will constitute mitigation of the project historic resource impacts to a **less-than-significant level** (CEQA Guidelines section 15064.5).

5.7 CHAPTER 10 GREENHOUSE GAS EMISSIONS AND ENERGY

Chapter 10, page 10-47, Mitigation Measure 10-1C:

Mitigation Measure 10-1C: Reduce VMT from New Residential Development. Implement Mitigation Measure 18-4 (Transportation).

Mitigation Measure 18-4. Development applications for housing development projects that are facilitated by the Housing and Safety Elements Update, which the County determines may result in significant impacts to vehicle miles traveled, shall be required Residential development projects shall be required to achieve a VMT significance threshold of 15 percent below the regional average residential VMT per capita. The methodologies and screening parameters used to determine VMT significance shall be consistent with the guidance provided in the *Technical Advisory on Evaluating Transportation Impacts in CEQA*, OPR, 2018 (or subsequent updates), or future VMT policies adopted by the County of Marin, provided that such policies have been shown through evidence to support the legislative intent of SB 743. Output from the TAMDM travel demand model shall be the source of the regional VMT per capita performance metric used to establish the significance threshold and shall be used in residential development project VMT assessments. ~~For individual residential development projects that do not achieve VMT significance thresholds, applicants shall submit documentation that demonstrates how the necessary VMT per capita reductions will be achieved, relying on available research and evidence to support findings.~~ VMT reduction techniques will vary depending on the location of each development site and the availability of nearby transportation services though utilization of TDM strategies will play a major role in most cases. Following are TDM and other strategies that may be applied; additional measures beyond those provided in this list may be allowed if supported by evidence.

- Subsidize resident transit passes
- Provide or participate in established ride-matching program(s)
- Provide information, educational, and marketing resources for residents and visitors managed by a TDM Coordinator

⁵Under the CEQA Guidelines (section 15064.5[b][3]), a project's adverse impact on a historic resource generally can be mitigated to a less-than-significant level by following either of these standards.

- Complete bus stop improvements or on-site mobility hubs
- Construct off-site pedestrian and/or bicycle network improvements, particularly those that fill gaps and/or connect the project and surrounding neighborhood to transit
- ~~Subsidize resident transit passes~~
- ~~Provide or participate in established ride-matching program(s)~~
- ~~Provide information, educational, and marketing resources for residents and visitors managed by a TDM Coordinator~~
- ~~Complete bus stop improvements or on-site mobility hubs~~
- ~~Construct off-site pedestrian and/or bicycle network improvements, particularly those that fill gaps and/or connect the project and surrounding neighborhood to transit~~
- Reduce parking supply at affordable or senior projects and projects that are well-served by transit
- Unbundle parking costs (sell or lease parking separately from the housing unit) where appropriate on-street management is present
- Provide or participate in car-sharing, bike sharing, or scooter sharing program(s)
- Contribute to future VMT mitigation fee programs, banks, or exchanges as they become available.

Even with implementation of these mitigation measure, this impact would remain **significant and unavoidable**.

5.8 CHAPTER 12 HYDROLOGY

Chapter 12, page 12-26, 2nd paragraph

Safety Element Update Program EHS-6.1.h Use Environmentally Sensitive Adaptation Strategies would support these stormwater management measures which would support reducing the effects of stormwater on existing drainage patterns. Safety Element Program EHS-4.1-a Regulate Development in Flood and Inundation Areas would continue to require all improvements in Bayfront, Floodplain, Tidelands, and Coastal High Hazard Zones to be designed to be more resistant to damage from flooding, tsunamis, seiches, and related water-borne debris, and to be located so that buildings and features such as docks, decking, floats, and vessels would be more resistant to damage. Safety Element Program EHS-4.1-e Restrict Development in Flood Prone Areas to Minimize Inundation would continue to regulate development in Special Flood Hazard areas by applying the County's Floodplain Management Ordinance, Federal Emergency Management Agency regulations, and environmental review pursuant to CEQA and require new development to be designed, elevated, sited, and/or strengthened against flood inundation. Therefore, proposed new Program EHS-6.1.h and Project compliance with County stormwater management measures would ensure that impacts on drainage and related effects on erosion or siltation, on- or off-site flooding, redirecting of flood flows, creating substantial additional sources of polluted runoff, or exceeding stormwater drainage system capacity from future development facilitated by the Project would be **less-than-significant**.

5.9 CHAPTER 15 NOISE

Chapter 15, page 15-37, Mitigation Measure 15-1:

Mitigation Measure 15-1. Reduce VMT from New Residential Development. Implement Mitigation Measure 18-4 (Transportation).

Mitigation Measure 18-4. Development applications for housing development projects that are facilitated by the Housing and Safety Elements Update, which the County determines may result in significant impacts to vehicle miles traveled Residential development projects shall be required to achieve a VMT significance threshold of 15 percent below the regional average residential VMT per capita. The methodologies and screening parameters used to determine VMT significance shall be consistent with the guidance provided in the *Technical Advisory on Evaluating Transportation Impacts in CEQA*, OPR, 2018 (or subsequent updates), or future VMT policies adopted by the County of Marin, provided that such policies have been shown through evidence to support the legislative intent of SB 743. Output from the TAMDM travel demand model shall be the source of the regional VMT per capita performance metric used to establish the significance threshold and shall be used in residential development project VMT assessments. ~~For individual residential development projects that do not achieve VMT significance thresholds, applicants shall submit documentation that demonstrates how the necessary VMT per capita reductions will be achieved, relying on available research and evidence to support findings.~~ VMT reduction techniques will vary depending on the location of each development site and the availability of nearby transportation services though utilization of TDM strategies will play a major role in most cases. Following are TDM and other strategies that may be applied; additional measures beyond those provided in this list may be allowed if supported by evidence.

- Subsidize resident transit passes
- Provide or participate in established ride-matching program(s)
- Provide information, educational, and marketing resources for residents and visitors managed by a TDM Coordinator
- Complete bus stop improvements or on-site mobility hubs
- Construct off-site pedestrian and/or bicycle network improvements, particularly those that fill gaps and/or connect the project and surrounding neighborhood to transit
- Reduce parking supply at affordable or senior projects and projects that are well-served by transit
- Unbundle parking costs (sell or lease parking separately from the housing unit) where appropriate on-street management is present
- Provide or participate in car-sharing, bike sharing, or scooter sharing program(s)
- Contribute to future VMT mitigation fee programs, banks, or exchanges as they become available.

Even with implementation of this mitigation measure, this impact would remain ***significant and unavoidable***.

5.10 CHAPTER 18 TRANSPORTATION

Chapter 18, page 18-30, Mitigation Measure 18-4:

Mitigation Measure 18-4. Development applications for housing development projects that are facilitated by the Housing and Safety Elements Update, which the County determines may result in significant impacts to vehicle miles traveled Residential development projects shall be required to achieve a VMT significance threshold of 15 percent below the regional average residential VMT per capita. The methodologies and screening parameters used to determine VMT significance shall be consistent with the guidance provided in the *Technical Advisory on Evaluating Transportation Impacts in CEQA*, OPR, 2018 (or subsequent updates), or future VMT policies adopted by the County of Marin, provided that such policies have been shown through evidence to support the legislative intent of SB 743. Output from the TAMDM travel demand model shall be the source of the regional VMT per capita performance metric used to establish the significance threshold and shall be used in residential development project VMT assessments.

~~For individual residential development projects that do not achieve VMT significance thresholds, applicants shall submit documentation that demonstrates how the necessary VMT per capita reductions will be achieved, relying on available research and evidence to support findings.~~ VMT reduction techniques will vary depending on the location of each development site and the availability of nearby transportation services though utilization of TDM strategies will play a major role in most cases. Following are TDM and other strategies that may be applied; additional measures beyond those provided in this list may be allowed if supported by evidence.

- Subsidize resident transit passes
- Provide or participate in established ride-matching program(s)
- Provide information, educational, and marketing resources for residents and visitors managed by a TDM Coordinator
- Complete bus stop improvements or on-site mobility hubs
- Construct off-site pedestrian and/or bicycle network improvements, particularly those that fill gaps and/or connect the project and surrounding neighborhood to transit
- Reduce parking supply at affordable or senior projects and projects that are well-served by transit
- Unbundle parking costs (sell or lease parking separately from the housing unit) where appropriate on-street management is present
- Provide or participate in car-sharing, bike sharing, or scooter sharing program(s)
- Contribute to future VMT mitigation fee programs, banks, or exchanges as they become available.

This mitigation measure would reduce the VMT impacts associated with future residential development projects.

However, given the inability to assure that residential VMT per capita can be reduced below significance thresholds despite required VMT reduction strategies, this impact would be **significant and unavoidable**.

Chapter 18, page 18-32, Last Paragraph

~~All potential housing sites are located on or adjacent to public streets that are of sufficient width to support two-way traffic and accommodate emergency response vehicle circulation. New streets may need to be constructed to provide or improve access to certain sites. The County of Marin, responsible emergency service agencies, and Caltrans (for projects affecting the State~~

highway system) will review individual development projects to confirm that they conform to applicable regulations as governed by State laws, including the 2019 California Building Code, as well as local requirements, including the Marin County Urban Wildland Interface Ordinance which contains specific access requirements for development in these areas. During such development reviews, responsible agencies will confirm that emergency vehicle access is adequate, including access from public streets to sites, internal circulation, and maneuverability at intersections. Proposed development projects that do not meet required standards and codes would not be permitted.

5.11 CHAPTER 19 UTILITIES AND SERVICE SYSTEMS

Chapter 19, page 19-1, Section 19.1 Environmental Setting, Subsection 19.1.1 Water

A. Existing Domestic Water Supply. Marin County's water supplies include surface water, groundwater, recycled water, and imported water. Surface water is the main source of supply for urban areas in the central and southeastern portion of the County, while both groundwater and surface water are the primary sources for rural areas. The majority of water supply in the northeastern portion of the County (Novato and surrounding areas) is imported water. There are six water districts and independent water systems supplying water to Marin residents. Marin Municipal Water District (MMWD) and North Marin Water District (NMWD) are the principal entities managing and delivering water to residential and commercial consumers. Water delivery in West Marin encompasses a range of scales, from the large water districts to small community water districts and smaller, individual systems. The small community water districts include Marin Municipal Water District (MMWD), North Marin Water District (NMWD), Stinson Beach County Water District (SBCWD), Muir Beach Community Services District (MBCSD), Inverness Public Utility District (IPUD), and Bolinas Community Public Utility District (BCPUD). The community of Dillon Beach is served by two small independent water companies: the California Water Service Company (CWSC, Cal Water) and the Estero Mutual Water System (EMWS). (See Figure 19-1, below).

Chapter 19, page 19-2, Section 19.1 Environmental Setting, Subsection 19.1.1 Water

North Marin Water District: The North Marin Water District (NMWD) serves the City of Novato including the adjacent unincorporated areas, and the Point Reyes, Inverness Park, Olema, and Oceana Marin areas of West Marin. In the Novato Service Area NMWD serves a population of approximately 61,655 people and encompasses an area of approximately 75 square miles. In the West Marin Service Area, NMWD serves a population of approximately 1,800 people and encompasses an area of approximately 24 square miles. NMWD only provides sanitary sewer service to Oceana Marin, while water service in this area is provided by Cal Water and Estero Mutual Water Company.

Chapter 19, page 19-4, Section 19.1 Environmental Setting, Subsection 19.1.1 Water

NMWD projects that potable water demands will increase to 10,564,463 acre-feet per year or approximately 9.43-MGD (a revision to the 10,245 acre-feet per year reported in NMWD's 2020 Urban Water Management Plan) by 2035^[4]. This projection includes accounting for estimates in population growth and new housing as well as passive water savings. However, provision of 10,564,463 acre-feet of water per year in the Novato Service Area will be dependent upon water availability, either through the return to pre-drought water supply levels or by finding alternate water sources. NMWD has enacted emergency water conservation ordinances which include no new water service connections except under limited conditions (NMWD Emergency Ordinance

41). Demands in NMWD's service area may also be increased beyond projections in NMWD's 2020 Urban Water Management Plan by future on-campus housing projects proposed by the College of Marin as identified in the College of Marin Educational Master Plan (2019-2025) & Strategic Plan (2019-2022).

⁴¹2020 Urban Water Management Plan for North Marin Water District prepared by EKI Environment and Water, Inc., June 2021 and comment letter from NMWD to Rachel Reid, County of Marin, dated November 10, 2022.

Chapter 19, page 19-10, Section 19.1 Environmental Setting, Subsection 19.1.1 Water

NMWD's distribution infrastructure will generally need to be expanded to serve new housing development in areas north of the City of Novato limits. NMWD has noted that the infrastructure needs shown in 19-4, below, could cost upwards of several million dollars. This is likely applicable to other areas in Marin which will need infrastructure extension or system-wide wide upgrades to provide potable water to the proposed candidate housing sites.

Chapter 19, page 19-2, Figure 19-1 Water Service Districts and Boundaries



Chapter 19, page 19-11, Section 19.1 Environmental Setting, Subsection 19.1.1 Water

Table 19-3 Infrastructure Needs: Marin Municipal Water District (Preliminary)

Address or APN	Number of Potential Units (Proposed Project)	Number of Potential Units	Infrastructure Needs

		(Candidate Housing Sites)	
Marinwood			
70 N. Knoll Road	26	35	Extend water main 750 feet into property. Existing water main on Thomas Drive.

Chapter 19, page 19-16, Section 19.1 Environmental Setting, Subsection 19.1.1 Water

Table 19-6 Infrastructure Needs: Alto Sanitary District (Preliminary)

Address or APN	Number of Potential Units (Proposed Project)	Number of Potential Units (Candidate Housing Sites)	Infrastructure Needs
Strawberry			
70 N. Knoll Road	26	35	Annexation required. Extend sewer main 300 feet to property and anticipate extending main into property 750 feet for housing.

Chapter 19, page 19-52, Section 19.3 Impacts and Mitigation Measures, Subsection 19.3.3 Impacts and Mitigation Measures

Measures are currently being explored by both Districts to supplement water supplies. Examples of measures which were under consideration for further exploration by MMWD in its Water Resources Plan 2040 include expanding water supply from Sonoma County Water Agency, purchasing water from other sources, desalination, and increased conservation. Measures under consideration for exploration by NMWD in its 2022 Local Water Supply Enhancement Study for the Novato Service Area include improving the Stafford Treatment Plant recapture efficiency and increasing the capacity of and diverting stormwater into Stafford Lake.

Both MMWD and NMWD distribute recycled water. Where existing and proposed developments can feasibly connect to recycled water facilities, demands on potable water supply will be reduced because water for irrigation, and where allowed for flushing toilets in MMWD's district, will be drawn from the recycled water facilities rather than the potable water supply. However, the recycled water distribution systems are limited in geographical area compared to the distribution of the candidate housing sites throughout the NMWD and MMWD service areas. Some sites are adjacent to recycled water mains. Those sites which are not adjacent, but relatively close, to possibly be able to extend services, are mostly on the order of 1,000 feet and more away from the recycled water mains. Further study at the time of development would need to examine the cost of extending infrastructure and whether the cost is prohibitive to the proposed development in light of advancing technologies and management practices in landscape and irrigation. Additionally, whether the cost to extend service is prohibitive in light of water conservation technologies and practices for housing, which will be incorporated upon

connection to potable water supply, which will be required. Future study for the developments and whether to extend recycled water service may also take into account the results of the respective districts' efforts to manage existing, and find new potable water sources.

The candidate housing sites in the Blackpoint area along Olive Avenue and H Lane will likely be able to connect to NMWD's recycled water system, as the recycled water system is in the roads fronting the parcels. Candidate housing sites along Harbor Drive and in the Atherton Corridor will require main extensions between approximately 1,000 and 5,000 feet along the local roads in order to receive service for recycled water. Alternate extension routes may be possible through adjacent private properties, however, would require obtaining easements from the private landowners. The candidate housing sites in the North Novato area are between 1.5 and 3 miles from NMWD's recycled water system.

Similarly, the candidate housing sites along North San Pedro Road between San Pablo Avenue and Schmidt Lane, and the Marinwood Plaza candidate housing site, will likely be able to connect to MMWD's recycled water system as the system is in the roads fronting the parcels. Other candidate sites, such as the Los Ranchitos, St Vincent's, and Jeannette Prandi Way sites in San Rafael and are in the vicinity of recycled water mains such that extensions to connect for service might be feasible. The recycled water distribution system would need to be extended throughout the existing street system of the Los Ranchitos development area. Extensions on the order of 3,000 feet would be needed for the St. Vincent's and Jeannette Prandi Way candidate housing sites.

Connections to recycled water will help to offset demands for potable water for irrigation purposes. However, the amount of water which could be feasibly distributed to the candidate housing sites, in comparison to potable water needs for the proposed Project and cumulative scenarios, is not anticipated to significantly reduce potable water demands associated with the Project and cumulative scenarios.

Because these Districts are not under the authority of Marin County and are currently formulating measures to seek additional water resources, the Project does not propose additional measures to find new sources of water supply.

5.12 CHAPTER 22 ALTERNATIVES

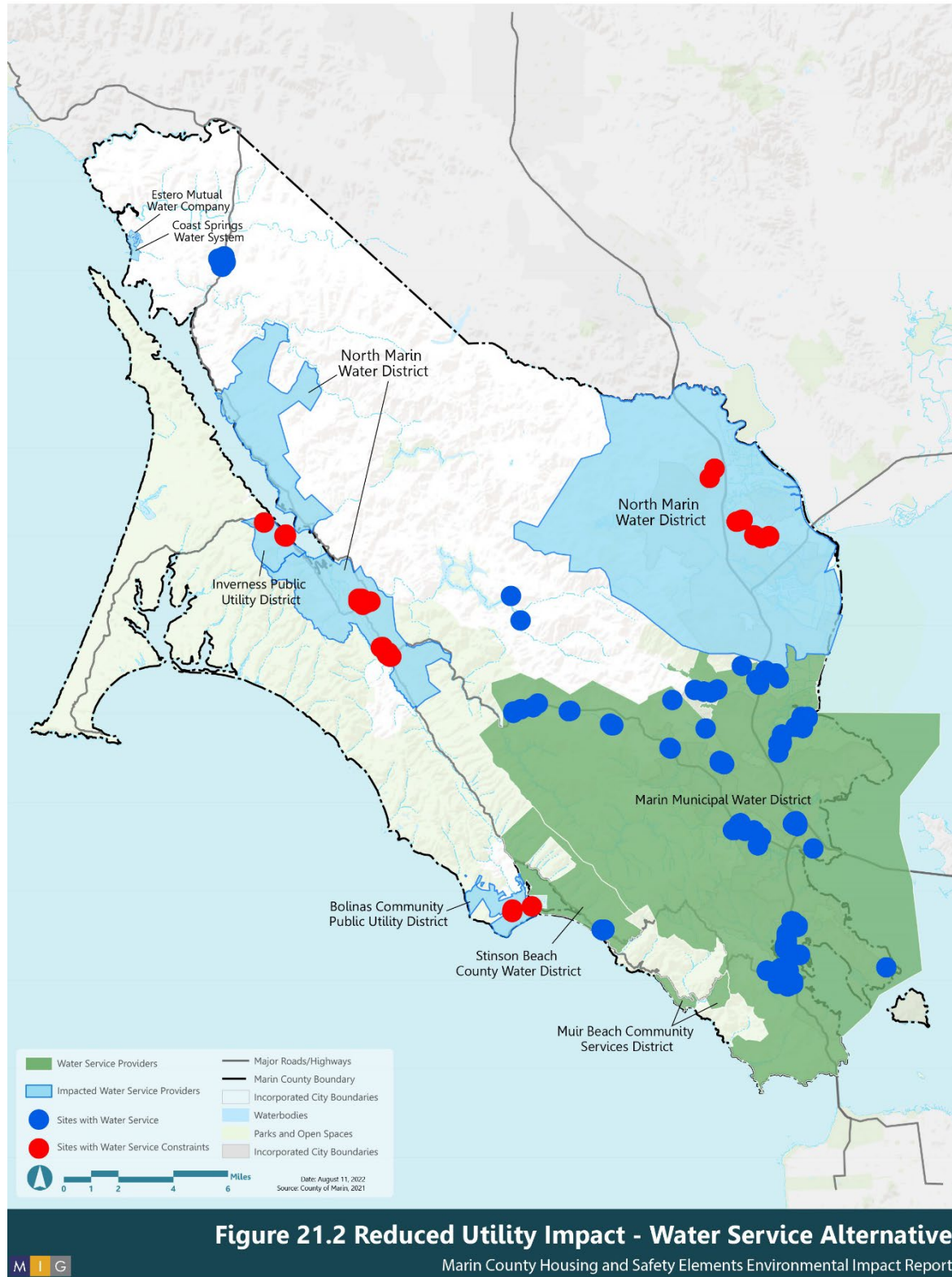
Chapter 22, page 22-19, Table 22-1 Reduced VMT Alternative – Housing Sites Removed

Table 22-1 Reduced VMT Alternative – Housing Sites Removed

Site ID	Housing Site Site Name	Address	Units Removed
<u>133</u>	<u>Residential Next to Forest Knolls Trailer Park 6760 Sir Francis Drake Boulevard</u>	6760 Sir Francis Drake Boulevard	8
<u>33</u>	<u>Inverness County Site</u>	Sir Francis Drake Boulevard	13
<u>56</u>	<u>Nicasio Corp Yard - County</u>	5600 Nicasio Valley Road	16
<u>61</u>	<u>Office - Lagunitas (Upper Floors and Rear Prop)</u>	7120 Sir Francis Drake Boulevard	16
<u>10</u>	<u>Olema Commercial</u>	9840, 9870, 9950, 10002 State Route 1	36

Site ID	Housing Site Site Name	Address	Units Removed
<u>64</u>	<u>Olema Catholic Church</u>	10189 State Route 1	24
<u>67</u>	<u>Peace Lutheran Church</u>	205 Tennessee Valley Road	6
<u>69</u>	<u>Presbytery of the Redwoods</u>	11445 State Route 1	3
<u>70</u>	<u>Pt. Reyes Coast Guard Rehabilitation/Conversion</u>	100 Commodore Webster Drive	50
<u>71</u>	<u>Pt. Reyes County Vacant Site</u>	9, 10 Giacomini Road	37
<u>134</u>	<u>Saint Cecilia Church</u>	428 W. Cintura	16
<u>11</u>	<u>San Domenico School</u>	1500 Butterfield Road	50
<u>97</u>	<u>Stinson Beach Commercial</u>	3422 State Route 1	5
<u>106,</u> <u>107</u>	<u>Tomales</u>	29 John Street; 200 Valley Avenue	11
<u>109</u>	<u>Tomales Catholic Church</u>	26825 State Route 1	13
<u>110</u>	<u>Tomales Joint Union High School District</u>	State Route 1	14
<u>112,</u> <u>113</u>	<u>Tomales Nursery</u>	27235 State Route 1	6
<u>120,</u> <u>121</u>	<u>Vacant Pt. Reyes Station</u>	Mesa Road	4
<u>127-</u> <u>130</u>	<u>Vacant Tomales</u>	Shoreline Highway; 290 Dillon Beach Road	26
Total Units Removed			354
Reduced VMT Alternative Number of Units			4,735
Project Site Inventory Number of Units			5,214
RHNA Number of Units			3,569
Source: Table 3-3 Proposed Project Site and MAZs (a geographical level of traffic modeling)			

Chapter 22, page 22-30, Figure 22-2 Reduce Utility Alternative (revised NMWD service boundaries)



Chapter 22, page 22-32, Table 22-2 Housing Site Removed from Utility Services Providers

**Table 22-2
Housing Site Removed from Utility Services Providers**

Water and Sanitary Service District Impacts - Inability to Serve Proposed Project			
Number of Units Removed from Water Districts:			
Site ID	Site Name	Address	Units
North Marin Water District			
<u>10</u>	Olema Commercial	<u>9840 State Route 1</u>	10
<u>29</u>	Grandi Building	<u>54 B Street</u>	25
<u>10</u>	Olema Commercial	<u>10002 State Route 1</u>	10
<u>20</u>	Buck Center Vacant Property	<u>125-180-79 (Redwood Highway)</u>	24
<u>16</u>	Atherton Corridor	<u>761 Atherton Avenue</u>	4
<u>30</u>	Greenpoint Nursery	<u>275 Olive Avenue</u>	53
<u>20</u>	Buck Center Vacant Property	<u>125-180-85 (Redwood Highway)</u>	225
<u>10</u>	Olema Commercial	<u>9870 State Route 1</u>	5
<u>70</u>	Pt Reyes Coast Guard Rehabilitation/Conversion	<u>100 Commodore Webster Drive</u>	50
<u>69</u>	Presbytery of the Redwoods	<u>11445 State Route 1</u>	3
<u>121</u>	Vacant Pt Reyes Station	<u>119-203-03 (Mesa Road)</u>	2
<u>120</u>	Vacant Pt Reyes Station	<u>119-203-01 (Mesa Road)</u>	2
<u>64</u>	Olema Catholic Church	<u>10189 State Route 1</u>	24
<u>73</u>	Pt. Reyes Village (5 th St)	<u>60 Fifth Street</u>	17
<u>16</u>	Atherton Corridor	<u>777 Atherton Avenue</u>	38
<u>10</u>	Olema Commercial	<u>9950 Sir Francis Drake Boulevard</u>	11
<u>71</u>	Pt. Reyes County Vacant Site	<u>9 Giacomini Road</u>	32
<u>71</u>	Pt. Reyes County Vacant Site	<u>9 10 Giacomini Road</u>	5
<u>114</u>	Vacant Blackpoint	<u>300 Olive Avenue</u>	0
<u>74</u>	Pt. Reyes Village Red/Green Barn	<u>510 Mesa Road</u>	24
<u>74</u>	Pt. Reyes Village Red/Green Barn	<u>520 Mesa Road</u>	0
<u>69</u>	Presbytery of the Redwoods	<u>11445 State Route 1</u>	0
<u>64</u>	Olema Catholic Church	<u>10189 State Route 1</u>	0
<u>64</u>	Olema Catholic Church	<u>10189 State Route 1</u>	0
<u>64</u>	Olema Catholic Church	<u>10189 State Route 1</u>	0

Water and Sanitary Service District Impacts - Inability to Serve Proposed Project			
Number of Units Removed from Water Districts:			
Site ID	Site Name	Address	Units
<u>16</u>	Atherton Corridor	<u>791 Atherton Avenue</u>	50
<u>16</u>	Atherton Corridor	<u>805 Atherton Avenue</u>	55
<u>114</u>	Vacant Blackpoint	<u>300 Olive Avenue</u>	58
			727
Bolinas Community Public Utility District			
<u>A</u>	Downtown Project	<u>31 Wharf Road</u>	8
<u>B</u>	Aspen Lots	<u>430 Aspen Road</u>	2
<u>J</u>	Overlook Lots	<u>534 Overlook Drive</u>	2
			12
Inverness Public Utility District			
	Was not assigned a number because no units are proposed	<u>45 Balmoral Way</u>	0
<u>36</u>	Inverness Underutilized Residential	<u>20 Balmoral Way</u>	2
<u>42</u>	Inverness Underutilized Residential	<u>55 Balmoral Way</u>	2
	Was not assigned a number because no units are proposed	<u>112-143-09 (Balmoral Way)</u>	0
	Was not assigned a number because no units are proposed	<u>10 Balmoral Way</u>	0
<u>37</u>	Inverness Underutilized Residential	<u>30 Balmoral Way</u>	2
<u>41</u>	Inverness Underutilized Residential	<u>50 Balmoral Way</u>	2
<u>43</u>	Inverness Underutilized Residential	<u>60 Balmoral Way</u>	2
<u>38</u>	Inverness Underutilized Residential	<u>40 Balmoral Way</u>	2
<u>33</u>	Inverness County Site	<u>13270 Sir Francis Drake Boulevard</u>	0
<u>33</u>	Inverness County Site	<u>13270 Sir Francis Drake Boulevard</u>	13
<u>44</u>	Inverness Underutilized Residential	<u>75 Balmoral Way</u>	2
			27
Total number of units to be removed			766
Project Site Inventory			5,214
Number of units remaining, including ADUs (5,214 – 766)			4,704

Water and Sanitary Service District Impacts - Inability to Serve Proposed Project			
Number of Units Removed from Water Districts:			
Site ID	Site Name	Address	Units
RHNA			3,569
Number of Units Removed from Sanitary District			
Bolinas Community Public Utility District			
<u>A</u>	Downtown Project	<u>31 Wharf Road</u>	8
<u>B</u>	Aspen Lots	<u>430 Aspen Road</u>	2
<u>J</u>	Overlook Lots	<u>534 Overlook Drive</u>	2
			12
Tomales Village Community Services District			
<u>109</u>	Tomales Catholic Church	<u>26825 State Route 1</u>	0
<u>128</u>	Vacant Tomales	<u>102-075-06 (Shoreline Highway)</u>	6
<u>129</u>	Vacant Tomales	<u>102-075-07 (Shoreline Highway)</u>	2
<u>Was not assigned a number because no units are proposed</u>		<u>95 John Street</u>	0
<u>126</u>	Vacant Tomales	<u>102-062-01 (Dillon Beach Road)</u>	4
<u>107</u>	Tomales	<u>29 John Street</u>	5
<u>89</u>	Shoreline Unified School District	<u>102-080-19 (State Route 1)</u>	35
<u>110</u>	Tomales Joint Union High School District	<u>102-080-10 (State Route 1)</u>	14
<u>90</u>	Shoreline Unified School District	<u>102-080-20 (State Route 1)</u>	9
<u>127</u>	Vacant Tomales	<u>102-075-02 (Shoreline Highway)</u>	5
<u>130</u>	Vacant Tomales	<u>290 Dillon Beach Road</u>	13
<u>109</u>	Tomales Catholic Church	<u>26825 State Route 1</u>	13
<u>112</u>	Tomales Nursery	<u>27235 State Route 1</u>	3
<u>106</u>	Tomales	<u>200 Valley Avenue</u>	6
<u>113</u>	Tomales Nursery	<u>27275 27235 State Route 1</u>	3
			118
Total number of units to be removed			130
Project Site Inventory			5,214

Water and Sanitary Service District Impacts - Inability to Serve Proposed Project			
Number of Units Removed from Water Districts:			
Site ID	Site Name	Address	Units
Number of units remaining, including ADUs (5,214 – 130)			5,084
RHNA			3,569
Source: MIG			

Chapter 22, page 22-34, Table 22-3 Housing Site with Significant Infrastructure Improvements (Water & Wastewater)

**Table 22-3:
Housing Sites with Significant Infrastructure Improvements (Water & Wastewater)**

Site ID	Site Name	Address	Number of Potential Units	Infrastructure Needs
<u>30</u>	<u>Greenpoint Nursery</u>	275 Olive Ave	53	2700 feet main extension.
<u>114</u>	<u>Vacant Blackpoint</u>	300 Olive Ave	58	
Olema				
<u>64</u>	<u>Olema Catholic Church</u>	10189 State Route 1	24	Pump station, 80,000 gal storage tank. Proposed development may trigger upgrades to the Point Reyes Treatment Plant. Many of the distribution lines are undersized and looping is lacking in the Olema area.
<u>10</u>	<u>Olema Commercial</u>	9840 State Route 1	10	Pump station, 250,000 gal storage tank
	<u>Was not assigned a number because no units are proposed</u>	13271 Sir Francis Drake	0	
	<u>Was not assigned a number because no units are proposed</u>	10 Balmoral Way	0	Water main is only 2" diameter and there are no fire hydrants. Need 550 feet of main upgrade. A Benefit Assessment District would have to be voted into existence by property owners along the street. Incorporate storage into IPUD district facilities and district-wide upgrades for

Site ID	Site Name	Address	Number of Potential Units	Infrastructure Needs
				design capacity. Confirmation that water source has supply to draw from.
	<u>Was not assigned a number because no units are proposed</u>	112-143-09 (Balmoral Way)		0
<u>36</u>	<u>Inverness Underutilized Residential</u>	20 Balmoral Way	2	
<u>37</u>	<u>Inverness Underutilized Residential</u>	30 Balmoral Way	2	
<u>38</u>	<u>Inverness Underutilized Residential</u>	40 Balmoral Way	2	
	<u>Was not assigned a number because no units are proposed</u>	45 Balmoral Way		0
<u>41</u>	<u>Inverness Underutilized Residential</u>	50 Balmoral Way	2	
<u>42</u>	<u>Inverness Underutilized Residential</u>	55 Balmoral Way	2	
<u>43</u>	<u>Inverness Underutilized Residential</u>	60 Balmoral Way	2	
<u>44</u>	<u>Inverness Underutilized Residential</u>	75 Balmoral Way	2	
<u>30</u>	<u>Greenpoint Nursery</u>	275 Olive Ave ¹	53	Annexation required. Construct pump station and extend up to 1.25 mile of sewer force main to site between NSD treatment plant and the site.
<u>114</u>	<u>Vacant Blackpoint</u>	300 Olive Ave ¹	58	
	<u>Was not assigned a number because no units are proposed</u>	11 Harbor Dr		0
	<u>Was not assigned a number because no units are proposed</u>	1 Olema Bolinas Rd	0	Moratorium on new water and sewer connections. Expansion, upgrade would have to be incorporated district-wide into Bolinas Community Public Utility District facilities.

Site ID	Site Name	Address	Number of Potential Units	Infrastructure Needs
	<u>Was not assigned a number because no units are proposed</u>	32 Wharf Rd		0
	<u>Was not assigned a number because no units are proposed</u>	193-020-38 (Mesa Rd)		0
All candidate parcels			118	Wastewater treatment plant upgrades may be needed to increase treatment capacity before candidate housing sites can be developed.
Total Units Relocated			277	
Proposed Project			5,214	
RHNA			3,569	

5.13 CHAPTER 23 MITIGATION MONITORING AND REPORTING PLAN

Chapter 23, page 23-1, sixth paragraph

According to CEQA Guidelines section 15126.4(a)(2), "Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design." Therefore, all mitigation measures ~~as listed in this~~ the final MMRP will be ~~have been~~ adopted by the County when the project is approved.

**Table 23-1:
Mitigation Monitoring and Reporting Program**

		MONITORING		
Impact	Mitigation Measure	Implementation Entity	Timing Requirements	Monitoring and Verification Entity
AIR QUALITY				
Impact 6-1: Conflict with the Local Air Quality Plan and Result in a Cumulatively Considerable Net Increase in Criteria Air Pollutants for which the Region is Non-Attainment (Operational).	Mitigation Measure 6-1: Reduce VMT from New Residential Development. Implement Mitigation Measure 18-4 (Transportation).	Project proponents are responsible for submitting documentation that demonstrates how required VMT reductions will be achieved, and for implementing the associated VMT reduction strategies (these will vary but may include implementation of a TDM program and/or physical measures). County to require regular report on TDM program success.	Prior to issuance of building permit Initials: _____ Date: _____	Community Development Agency (CDA)

	<p>Mitigation Measure 18-4: <u>Development applications for housing development projects that are facilitated by the Housing and Safety Elements Update, which the County determines may result in significant impacts to vehicle miles traveled.</u> Residential development projects shall be required to achieve a VMT significance threshold of 15 percent below the regional average residential VMT per capita. The methodologies and screening parameters used to determine VMT significance shall be consistent with the guidance provided in the <i>Technical Advisory on Evaluating Transportation Impacts in CEQA</i>, OPR, 2018 (or subsequent updates), or future VMT policies adopted by the County of Marin, provided that such policies have been shown through evidence to support the legislative intent of SB 743. Output from the TAMDM travel demand model shall be the source of the regional VMT per capita performance metric used to establish the significance threshold and shall be used in residential development project VMT assessments.</p> <p>For individual residential development projects that do not achieve VMT significance thresholds, applicants shall submit documentation that demonstrates how the necessary VMT per capita reductions will be achieved, relying on available research and evidence to support findings. VMT reduction techniques will vary depending on the location of each development site and the availability of nearby transportation services though utilization of TDM strategies will play a major role in most cases. Following are TDM and other strategies that may be applied; additional measures beyond those provided in this list may be allowed if supported by evidence.</p> <ul style="list-style-type: none"> • Subsidize resident transit passes 			
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**Table 23-1:
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	MONITORING		
		Implementation Entity	Timing Requirements	Monitoring and Verification Entity
	<ul style="list-style-type: none"> • Provide or participate in established ride-matching program(s) • Provide information, educational, and marketing resources for residents and visitors managed by a TDM Coordinator • Complete bus stop improvements or on-site mobility hubs • Construct off-site pedestrian and/or bicycle network improvements, particularly those that fill gaps and/or connect the project and surrounding neighborhood to transit • Reduce parking supply at affordable or senior projects and projects that are well-served by transit • Unbundle parking costs (sell or lease parking separately from the housing unit) where appropriate on-street management is present • Provide or participate in car-sharing, bike sharing, or scooter sharing program(s) 			

**Table 23-1:
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	MONITORING		
		Implementation Entity	Timing Requirements	Monitoring and Verification Entity
	<ul style="list-style-type: none"> Contribute to future VMT mitigation fee programs, banks, or exchanges as they become available. 			
Impact 6-2: Result in a Cumulatively Considerable Net Increase in Criteria Pollutants for which the Region is Non-Attainment (Construction).	<p>Mitigation Measure 6-2: Evaluate Air Quality Impacts of Proposed Projects and Plans. The County shall require future projects and plans to evaluate and mitigate, as necessary, potential air quality impacts through Countywide Plan Program AIR-1.b. The text of Countywide Plan Program AIR-1.b states:</p> <p>Evaluate Air Quality Impacts of Proposed Projects and Plans. As part of the Environmental Review Process, use the current BAAQMD CEQA Guidelines to evaluate the significance of air quality impacts from projects or plans, and to establish appropriate minimum submittal and mitigation requirements necessary for project or plan approval.</p>	Project Proponent	<p>Prior to discretionary project approval.</p> <p>Initials: _____</p> <p>Date: _____</p>	<p>County of Marin Community Development Agency, Department of Public Works or other County entity functioning as the CEQA Lead Agency will review projects and plans being proposed for compliance with the language of Countywide Plan Program AIR-1.b presented in this</p>

**Table 23-1:
Mitigation Monitoring and Reporting Program**

		MONITORING		
Impact	Mitigation Measure	Implementation Entity	Timing Requirements	Monitoring and Verification Entity
				Mitigation Measure.
Impact 6-3: Generate Toxic Air Contaminant Emissions that Expose Sensitive Receptors to Substantial Pollutant Concentrations During Construction.	<p>Mitigation Measure 6-3: Evaluate Air Quality Impacts of Proposed Projects and Plans. Implement Mitigation Measure 6-2.</p> <p>Mitigation Measure 6-2: Evaluate Air Quality Impacts of Proposed Projects and Plans. The County shall require future projects and plans to evaluate and mitigate, as necessary, potential air quality impacts through Countywide Plan Program AIR-1.b. The text of Countywide Plan Program AIR-1.b states:</p> <p>Evaluate Air Quality Impacts of Proposed Projects and Plans. As part of the Environmental Review Process, use the current BAAQMD CEQA Guidelines to evaluate the significance of air quality impacts from projects or plans, and to establish appropriate minimum submittal and mitigation requirements necessary for project or plan approval.</p>	Project Proponent	<p>Prior to discretionary project approval.</p> <p>Initials: _____</p> <p>Date: _____</p>	<p>County of Marin Community Development Agency, Department of Public Works or other County entity functioning as the CEQA Lead Agency will review projects and plans being proposed for compliance with the language of Countywide Plan Program AIR-1.b presented in this Mitigation Measure.</p>

**Table 23-1:
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	MONITORING		
		Implementation Entity	Timing Requirements	Monitoring and Verification Entity
<i>BIOLOGICAL RESOURCES</i>				
<p>Impact 7-1: Impacts to Special-Status Species.</p>	<p>Mitigation Measure 7-1: To Protect Special-Status Species During Implementation of Safety Element Activities, Marin County shall implement the following measures listed below:</p> <p><u>Public infrastructure projects, activities needed to maintain or improve public facilities, and development applications which involve Safety Element activities that entail substantial ground disturbance or vegetation removal where sensitive biological resources may occur shall be required to conduct a <i>biological resources site assessment</i>, prepared by a qualified biologist, to determine whether the project will result in significant biological impacts. The assessment shall be submitted to the County for review as part of the discretionary permit approval process. The biological resources site assessment shall include the following:</u></p> <ul style="list-style-type: none"> The presence or absence of any sensitive biological resources that could be affected by proposed activities, including occurrences of special-status 	<p>County and Project Proponents</p>	<p><u>Biological Resources Site Assessment</u> required prior to project approval.</p> <p>Initials: _____</p> <p>Date: _____</p> <p><u>The County shall modify its application requirements for ministerial road improvement projects simultaneously with revisions to the Development Code changing road improvement project from discretionary to ministerial</u></p> <p>Initials: _____</p>	<p>County of Marin Community Development Agency, Department of Public Works or other County entity functioning as the project proponent.</p>

**Table 23-1:
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	MONITORING		
		Implementation Entity	Timing Requirements	Monitoring and Verification Entity
	<p>species, occurrences of sensitive natural communities, jurisdictional wetlands, and important wildlife nursery areas and movement corridors;</p> <ul style="list-style-type: none"> • Recommendations for protocol-level surveys if necessary to determine presence or absence of special-status animal or plant species, as needed; • Impact assessment of the proposed activities on sensitive biological resources; • <u>Identification of laws and regulations that apply, an assessment of compliance with Marin CWP and Development Code policies, and a statement of which permits may be required from agencies other than the County, and why;</u> • Mitigation measures for avoidance of harm or removal of sensitive biological resources (e.g., avoidance of sensitive biological periods such as the <u>would include, but not be limited to, avoiding habitat occupied by special-status species or reducing the disturbance in occupied habitat, timing the work during</u> 		Date: _____	

**Table 23-1:
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	MONITORING		
		Implementation Entity	Timing Requirements	Monitoring and Verification Entity
	<p><u>a season that would cause the least impact to species survival and breeding success, and/or having a biological monitor present during ground disturbance or vegetation removal where sensitive biological resources would be impacted.</u></p> <ul style="list-style-type: none"> • <u>Mitigation measures that include conducting species-specific pre-construction surveys for special-status species following current survey protocols or established survey procedures, including surveys during the nesting bird season (February 1 – August 31), bird and bat breeding season (April 15 – August 31), and for avoidance of the bat winter torpor season (November 1 – February 1), and compensation for the loss of sensitive biological resources such that there is no net loss of sensitive habitat acreage, values, and function.</u> • <u>Mitigation measures if take of special-status species or loss of habitat that supports special-status species cannot be avoided. The site assessment report shall outline take permits that will be</u> 			

**Table 23-1:
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	MONITORING		
		Implementation Entity	Timing Requirements	Monitoring and Verification Entity
	<p><u>required from the appropriate agencies (i.e., CDFW, USFWS, NMFS) if take of a special-status species cannot be avoided, and discuss the types of mitigation that would be acceptable to the responsible regulatory agencies (CDFW and/or USFWS).</u></p> <p>The County shall review the results of the biological resources site assessment to determine whether impacts to <u>special-status species</u> are likely to occur, and the actions needed to a) avoid identified impacts <u>such that there is no net loss of sensitive habitat acreage, values, and function</u>, b) determine if additional County <u>and resource agency</u> permits are required, and c) determine the appropriate level of CEQA review.</p> <p><u>The County shall modify its application requirements for ministerial road improvement projects to include information on the project's likelihood of impacting special-status species by requiring the following information as part of the project application when biological resources are present on the project site:</u></p>			

**Table 23-1:
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	MONITORING		
		Implementation Entity	Timing Requirements	Monitoring and Verification Entity
	<p><u>1) Biological evaluation prepared by a qualified biologist documenting presence or absence of sensitive biological resources, and if any sensitive biological resources are present;</u></p> <p><u>2) Description of avoidance and minimization measures to protect sensitive resources according to applicable federal, state, and County requirements for the protection of the resource;</u></p> <p><u>3) Demonstration of obtaining regulatory permits if required; and</u></p> <p><u>4) Demonstration of compliance with regulatory permit requirements and mitigation (e.g., preconstruction surveys, habitat replacement, habitat restoration /revegetation plan as needed), or measures to avoid and minimize impacts on special-status species if permits are not required. Mitigation in the form of habitat replacement shall ensure that there is no net loss of habitat acreage, values, and function.</u></p> <p><u>The biological evaluation shall disclose what, if any, sensitive biological resources are present on the site including wetlands,</u></p>			

**Table 23-1:
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	MONITORING		
		Implementation Entity	Timing Requirements	Monitoring and Verification Entity
	<p><u>Stream Conservation Areas (SCAs), Wetland Conservation Areas (WCAs), Habitat Conservation Plans, Natural Community Conservation Plans, habitat for protected species, state and federal regulated habitats, and sensitive natural communities. The County shall not issue a permit for the road improvement project until the avoidance of significant impacts to biological resources is demonstrated in the application materials.</u></p> <p>The County shall use a standard checklist and procedure to document its application requirements and application review standards, and to determine whether the project qualifies as a ministerial project or requires additional CEQA review. The procedure would specify the actions the County will carry out in establishing the checklist and reviewing application materials.</p> <p>For example, the procedure shall specify</p> <ol style="list-style-type: none"> 1. Which County department receives and reviews application materials, 			

**Table 23-1:
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	MONITORING		
		Implementation Entity	Timing Requirements	Monitoring and Verification Entity
	<ol style="list-style-type: none"> 2. The steps required to respond to the information received in the application process, 3. Which County department determines the need for a biological resources report, 4. The steps the County must take to select a qualified biologist to prepare a biological resources report, 5. Which County department reviews the biological resources report for project compliance with federal, state, and County policies, and whether the avoidance/mitigation measures identified in the report reduce the impacts to biological resources to less than significant, and how that information is reported 6. Preparing an assessment of compliance with County policies, 7. Tracking any required permits and permit conditions, and 			

**Table 23-1:
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	MONITORING		
		Implementation Entity	Timing Requirements	Monitoring and Verification Entity
	<p>8. Specifying how the County will verify that the project has complied with mitigation.</p> <p><u>The checklist shall specifically require information about the project's impacts to sensitive natural communities designated by CDFW that would not be protected by state or federal laws or regulations except CEQA.</u></p> <p><u>The checklist should include information such as:</u></p> <ol style="list-style-type: none"> 1. <u>Identification and location of the project site;</u> 2. <u>Description of the project and site plans;</u> 3. <u>Description of any natural features on the project site;</u> 4. <u>A description of what biological resources may be impacted;</u> 5. <u>Avoidance and/or mitigation measures that are incorporated into the project to keep impacts to biological resources to less than significant, and</u> 			

**Table 23-1:
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	MONITORING		
		Implementation Entity	Timing Requirements	Monitoring and Verification Entity
	6. <u>Whether regulatory agency permits would be required.</u>			
Impact 7-2: Impacts on Riparian Habitat, Sensitive Natural Communities, and Wetlands.	Mitigation Measure 7-2.1: Best Management Practices for vegetation management in riparian areas, wetlands, and sensitive natural communities. For <u>public infrastructure projects, activities needed to maintain or improve public facilities, and development applications For fire safety implementation projects (e.g., fuel load reduction) that involve vegetation removal for fuel load reduction and creation of defensible space</u> where sensitive biological resources may occur, the County shall require preparation of a Construction Management Plan (CMP) for projects that involve vegetation removal within or in proximity to riparian areas, wetlands, and sensitive natural communities, <u>and shall consult with state and federal agencies that have jurisdiction over these resources, including CDFW, RWQCB, and potentially USACE, to determine whether permits and mitigation are required.</u> The CMP shall include Best Management Practices (BMPS) that protect these habitats. The CMPs may	County and Project Proponents	Prior to building permit approval. Initials: _____ Date: _____	County

**Table 23-1:
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	MONITORING		
		Implementation Entity	Timing Requirements	Monitoring and Verification Entity
	<p>include, but are not limited to, the following BMPs:</p> <ul style="list-style-type: none"> • Setbacks from riparian areas, wetlands, and other sensitive areas where work should be avoided. • Field delineation of sensitive habitats as Environmentally Sensitive Areas to avoid. • Identification of sensitive areas where work should be done by hand rather than with heavy machinery • Measures to control and prevent the discharge of potential pollutants, including solid wastes, paints, concrete, petroleum products, chemicals, wash water or sediment and non-stormwater discharges to storm drains and water courses. • Restrictions on cleaning, fueling, or maintaining vehicles on site, except in a designated area in which run-off is contained and treated. 			

**Table 23-1:
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	MONITORING		
		Implementation Entity	Timing Requirements	Monitoring and Verification Entity
	<ul style="list-style-type: none"> • Erosion control measures for wet season work (October 15 through April 15). • Measures to store, handle, and dispose of construction materials and wastes properly, so as to prevent their contact with stormwater. • Measures to avoid the invasion and/or spread of noxious weeds <p><u>Mitigation Measure 7-2.2: Application Requirements for Ministerial Road Improvement Projects.</u> The County shall implement Mitigation Measure 7-1 above to modify the application requirements for ministerial road improvement projects to include information on the project's likelihood of impacting riparian areas, wetlands, and sensitive natural communities. Like the application requirement in Mitigation Measure 7-1, the County shall require:</p> <ol style="list-style-type: none"> 1) A biological evaluation prepared by a qualified biologist documenting presence or absence of sensitive biological 			

**Table 23-1:
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	MONITORING		
		Implementation Entity	Timing Requirements	Monitoring and Verification Entity
	<p><u>resources (i.e., riparian habitat, wetlands, or sensitive natural communities);</u></p> <p>2) <u>Avoidance and minimization measures to protect sensitive resources according to applicable federal, state, and County requirements for the protection of the resource;</u></p> <p>3) <u>Demonstration of obtaining any required regulatory permits; and</u></p> <p>4) <u>Demonstration of compliance with regulatory permit requirements and mitigation. Mitigation in the form of habitat replacement shall ensure that there is no net loss of habitat acreage, values, and function and that any proposed compensatory mitigation shall be acceptable to the regulatory agencies.</u></p> <p><u>The biological evaluation shall disclose what, if any, sensitive biological resources are present on the site including wetlands, Stream Conservation Areas (SCAs), Wetland Conservation Areas (WCAs), Habitat Conservation Plans, Natural</u></p>			

**Table 23-1:
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	MONITORING		
		Implementation Entity	Timing Requirements	Monitoring and Verification Entity
	<p><u>Community Conservation Plans, habitat for protected species, state and federal regulated habitats, and sensitive natural communities. The County shall not issue a permit for the road improvement project until the avoidance of significant impacts to biological resources is demonstrated in the application materials.</u></p> <p>Mitigation Measure 7-2.3: Adopt and Implement a Standard Review Procedure. <u>The County shall also implement the standard checklist and procedure described in Mitigation Measure 7-1 to document its review, and to determine whether the project qualifies as a ministerial project or requires additional CEQA review. The checklist shall specifically require information on the project's impacts to sensitive natural communities that would not be covered under any state or federal laws or regulations.</u></p>			
<p>Impact 7-3: Impacts on Wildlife Movement Corridors and Wildlife Nursery Sites.</p>	<p>Mitigation Measure 7-3.1. Revise Definition of the Nesting Season</p> <p>Adopted Policy BIO-2.5 in the Natural Systems and Agriculture Element of the</p>	County	<p>Prior to project approval.</p> <p>Initials: _____</p>	County

**Table 23-1:
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	MONITORING		
		Implementation Entity	Timing Requirements	Monitoring and Verification Entity
	<p>2007 CWP defines the avian nesting season as March 1 through August 1. However, the nesting season in Marin County is generally defined as February 1 through August 31. Unless this policy is amended, future individual development projects resulting from the Housing Element Update have the potential to take active nests of birds protected by the Migratory Bird Treaty Act and California Fish and Game Code. Therefore, the County shall revise this policy as follows:</p> <p>Policy BIO-2.5 (revised) Restrict Disturbance in Sensitive Habitat During the Nesting Season. Limit construction and other sources of potential disturbance in sensitive riparian corridors, wetlands, and Baylands should be limited to protect bird nesting activities. Disturbance should generally be set back from sensitive habitat during the nesting season from <u>February 1 through August 31</u> to protect bird nesting, rearing, and fledging activities. Preconstruction surveys should be conducted by a qualified professional where development is proposed in sensitive habitat areas during the</p>		Date: _____	

**Table 23-1:
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	MONITORING		
		Implementation Entity	Timing Requirements	Monitoring and Verification Entity
	<p>nesting season, and appropriate restrictions should be defined to protect nests in active use and ensure that any young have fledged before construction proceeds.</p> <p>Mitigation Measure 7-3.2 Bird-Safe Design.</p> <p>The County shall establish design standards in the <u>Marin County Development Building Code</u> for new construction and redevelopment projects to implement bird-safe features to prevent or reduce avian collision risks with glass windows. Consistent with the American Bird Conservancy recommendations, the County shall specify thresholds when standards would apply, such as site location relative to avian habitat and amount of contiguous glass proposed on building facades. If projects meet or exceed the thresholds, the County shall require application of bird-safe design features including, but not limited to, window treatments, glass treatments, and landscaping and lighting modifications. The County or project applicants shall obtain a qualified biologist, with experience in avian ecology, to evaluate proposed building plans</p>			

**Table 23-1:
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	MONITORING		
		Implementation Entity	Timing Requirements	Monitoring and Verification Entity
	<p>and bird-safe design features, where applicable. If the proposed bird-safe design does not sufficiently address collision risks, the biologist shall provide additional bird-safe design recommendations that shall be incorporated.</p> <p>Mitigation Measure 7-3.3. Implement Protective Buffers During Vegetation Management.</p> <p><u>Development applications for Housing projects that are facilitated by the Housing and Safety Elements Update, and which the County determines may result in significant impacts to wildlife movement corridors and wildlife nursery sites due to removal, degradation, or substantial long-term disturbance, shall minimize vegetation management activities to the greatest extent feasible, while still meeting defensible space requirements, and implement protective buffers, or specify vegetation management and removal methods to protect wildlife movement corridors and avoid disturbance of wildlife nursery sites.</u></p>			
CULTURAL, TRIBAL CULTURAL, AND HISTORICAL RESOURCES				

**Table 23-1:
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	MONITORING		
		Implementation Entity	Timing Requirements	Monitoring and Verification Entity
<p>Impact 8-1: Destruction/Degradation of Historical Resources</p>	<p>Mitigation Measure 8-1. <u>Development applications for housing development projects that are</u> For any project facilitated by the Housing and Safety Elements Update project that <u>which</u> the County determines may involve a property that contains a potentially significant historical resource, then that resource shall be assessed by a professional who meets the Secretary of the Interior's Professional Qualifications Standards to determine whether the property is a significant historic resource and whether or not the project may have a potentially significant adverse effect on the historical resource. If, based on the recommendation of the qualified professional, the County determines that the project may have a potentially significant effect, the County shall require the applicant to implement the following mitigation measures:</p> <p>(a) Adhere to at least one of the following Secretary of the Interior's Standards:</p> <ul style="list-style-type: none"> ▪ Secretary of Interior's <i>Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings</i>; or 	<p>County and Project Proponent</p>	<p>Prior to project approval.</p> <p>Initials: _____</p> <p>Date: _____</p>	<p>County</p>

**Table 23-1:
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	MONITORING		
		Implementation Entity	Timing Requirements	Monitoring and Verification Entity
	<ul style="list-style-type: none"> ▪ Secretary of Interior's <i>Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings</i>. <p>The qualified professional shall make a recommendation to the County as to whether the project fully adheres to the Secretary of the Interior's Standards, and any specific modifications necessary to do so. The final determination as to a project's adherence to the Standards shall be made by the County body with final decision-making authority over the project. Such a determination of individual project adherence to the Secretary of the Interior's Standards will constitute mitigation of the project historic resource impacts to a <i>less-than-significant level</i> (CEQA Guidelines section 15064.5).</p> <p>(b) If measure (a) is not feasible, the historical resource shall be moved to a new location compatible with the original character and use of the historical resource, and its historical features and compatibility in orientation, setting, and general environment shall be retained, such that a substantial adverse change in the significance of the historical resource is avoided. Implementation of measure (b) would reduce the impact to a <i>less-than-significant level</i>.</p>			

**Table 23-1:
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	MONITORING		
		Implementation Entity	Timing Requirements	Monitoring and Verification Entity
	<p>If neither measure (a) nor measure (b) is feasible, then the County shall, as applicable and to the extent feasible, implement the following measures in the following order:</p> <p>(c) Document the historical resource before any changes that would cause a loss of integrity and loss of continued eligibility. The documentation shall adhere to the Secretary of the Interior's <i>Standards for Architectural and Engineering Documentation</i>. The level of documentation shall be proportionate with the level of significance of the resource. The documentation shall be made available for inclusion in the Historic American Building Survey (HABS) or the Historic American Engineering Record (HAER) Collections in the Library of Congress, the California Historical Resources Information System (CHRIS), and the Bancroft Library, as well as local libraries and historical societies.</p> <p>(d) Retain and reuse the historical resource to the maximum feasible extent and continue to apply the Secretary of the Interior's Standards to the maximum feasible extent in all alterations, additions, and new construction.</p>			

**Table 23-1:
Mitigation Monitoring and Reporting Program**

		MONITORING		
Impact	Mitigation Measure	Implementation Entity	Timing Requirements	Monitoring and Verification Entity
	<p>(e) Through careful methods of planned deconstruction to avoid damage and loss, salvage character-defining features and materials for educational and interpretive use on-site, or for reuse in new construction on the site in a way that commemorates their original use and significance.</p> <p>(f) Interpret the historical significance of the resource through a permanent exhibit or program in a publicly accessible location on the site or elsewhere within the Planning Area.</p>			
<i>GREENHOUSE GAS EMISSIONS AND ENERGY</i>				
Impact 10-1: Generate Significant Greenhouse Gas Emissions and Conflict with an Applicable Plan, Policy, or Regulation Adopted for the Purposes of Reducing Greenhouse Gas Emissions.	Mitigation Measure 10-1A: Prohibit Natural Gas Plumbing and Appliances in New Housing Sites. The County’s 2022 Green Building Model Reach Code that is under development shall include provision(s) that prohibit natural gas plumbing and the use of natural gas appliances such as cook tops, water heaters, and space heaters in all new housing site developments unless the applicant can show an all-electric building design is not feasible due to specific economic, technical, logistical, or other factors associated with the development site. All new housing sites shall be required to comply with the aforementioned natural gas prohibition	County of Marin Community Development Agency and Department of Public Works	Adopt updated 2022 Green Building Model Reach Code by November 2022 or otherwise as expeditiously as possible. Initials: _____ Date: _____	Projects shall be reviewed by the Community Development Agency for compliance with the natural gas prohibition prior to discretionary project approval.

**Table 23-1:
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	MONITORING		
		Implementation Entity	Timing Requirements	Monitoring and Verification Entity
	requirements prior to the adoption of the County’s 2022 Green Building Model Reach Code.			
	Mitigation Measure 10-1B: Residential Bicycle Parking Requirements. The County shall require new residential housing sites to comply with the Tier II bicycle parking requirements contained in the latest editions of the California Green Building Standards Code (CalGreen) in effect at the time the building permit application is submitted to the County. Currently, the 2019 CalGreen Code Section A4.106.9, Bicycle Parking, requires new multi-family buildings provide on-site bicycle parking for at least one bicycle per every two dwelling units, with acceptable parking facilities conveniently reached from the street.	County of Marin Community Development Agency	Prior to discretionary project approval. Initials: _____ Date: _____	County of Marin Community Development Agency or other County entity functioning as the CEQA Lead Agency will review projects and plans being proposed for compliance with this Mitigation Measure.
	Mitigation Measure 10-1C: Reduce VMT from New Residential Development. Implement Mitigation Measure 18-4 (Transportation). <u>Mitigation Measure 18-4. Development applications for housing development projects that are facilitated by the Housing and Safety Elements Update, which the County determines may result in significant impacts to vehicle miles</u>	Project sponsors are responsible for submitting documentation that demonstrates how required VMT reductions will be achieved, and for implementing the associated VMT	Prior to issuance of building permit. Initials: _____ Date: _____	Community Development Agency (CDA)

**Table 23-1:
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	MONITORING		
		Implementation Entity	Timing Requirements	Monitoring and Verification Entity
	<p>traveled, shall be required Residential development projects shall be required to achieve a VMT significance threshold of 15 percent below the regional average residential VMT per capita. The methodologies and screening parameters used to determine VMT significance shall be consistent with the guidance provided in the <i>Technical Advisory on Evaluating Transportation Impacts in CEQA</i>, OPR, 2018 (or subsequent updates), or future VMT policies adopted by the County of Marin, provided that such policies have been shown through evidence to support the legislative intent of SB 743. Output from the TAMDM travel demand model shall be the source of the regional VMT per capita performance metric used to establish the significance threshold and shall be used in residential development project VMT assessments. For individual residential development projects that do not achieve VMT significance thresholds, applicants shall submit documentation that demonstrates how the necessary VMT per capita reductions will be achieved, relying on available research and evidence to support findings. VMT reduction techniques will vary depending on the location of each development site and the availability of nearby transportation services though utilization of TDM strategies will play a major role in most</p>	<p>reduction strategies (these will vary but may include implementation of a TDM program and/or physical measures).</p>		

**Table 23-1:
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	MONITORING		
		Implementation Entity	Timing Requirements	Monitoring and Verification Entity
	<p>cases. Following are TDM and other strategies that may be applied; additional measures beyond those provided in this list may be allowed if supported by evidence.</p> <ul style="list-style-type: none"> ○ Subsidize resident transit passes ○ Provide or participate in established ride-matching program(s) ○ Provide information, educational, and marketing resources for residents and visitors managed by a TDM Coordinator ○ Complete bus stop improvements or on-site mobility hubs ○ Construct off-site pedestrian and/or bicycle network improvements, particularly those that fill gaps and/or connect the project and surrounding neighborhood to transit ○ Subsidize resident transit passes ○ Provide or participate in established ride-matching program(s) ○ Provide information, educational, and marketing resources for residents and visitors managed by a TDM Coordinator ○ Complete bus stop improvements or on-site mobility hubs ○ Construct off-site pedestrian and/or bicycle network improvements, particularly those that fill gaps and/or connect the project and surrounding neighborhood to transit 			

**Table 23-1:
Mitigation Monitoring and Reporting Program**

		MONITORING		
Impact	Mitigation Measure	Implementation Entity	Timing Requirements	Monitoring and Verification Entity
	<ul style="list-style-type: none"> ○ Reduce parking supply at affordable or senior projects and projects that are well-served by transit ○ Unbundle parking costs (sell or lease parking separately from the housing unit) where appropriate on-street management is present ○ Provide or participate in car-sharing, bike sharing, or scooter sharing program(s) ○ Contribute to future VMT mitigation fee programs, banks, or exchanges as they become available. 			
NOISE				
Impact 15-1: Substantial Permanent Increases in Traffic Noise Levels.	<p>Mitigation Measure 15-1: Reduce VMT from New Residential Development. Implement Mitigation Measure 18-4 (Transportation).</p> <p>Mitigation Measure 18-4. <u>Development applications for housing development projects that are facilitated by the Housing and Safety Elements Update, which the County determines may result in significant impacts to vehicle miles traveled</u> Residential development projects shall be required to achieve a VMT significance threshold of 15 percent below the regional average residential VMT per capita. The methodologies and screening parameters used to determine VMT significance shall be consistent</p>	Project sponsors are responsible for submitting documentation to the County that demonstrates how required VMT reductions will be achieved, and for implementing the associated VMT reduction strategies (these will vary but may include implementation of a	Prior to issuance of building permit. Initials: _____ Date: _____	Community Development Agency (CDA)

**Table 23-1:
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	MONITORING		
		Implementation Entity	Timing Requirements	Monitoring and Verification Entity
	<p>with the guidance provided in the <i>Technical Advisory on Evaluating Transportation Impacts in CEQA</i>, OPR, 2018 (or subsequent updates), or future VMT policies adopted by the County of Marin, provided that such policies have been shown through evidence to support the legislative intent of SB 743. Output from the TAMDM travel demand model shall be the source of the regional VMT per capita performance metric used to establish the significance threshold and shall be used in residential development project VMT assessments. For individual residential development projects that do not achieve VMT significance thresholds, applicants shall submit documentation that demonstrates how the necessary VMT per capita reductions will be achieved, relying on available research and evidence to support findings. VMT reduction techniques will vary depending on the location of each development site and the availability of nearby transportation services though utilization of TDM strategies will play a major role in most cases. Following are TDM and other strategies that may be applied; additional measures beyond those provided in this list may be allowed if supported by evidence.</p> <ul style="list-style-type: none"> ○ Subsidize resident transit passes 	TDM program and/or physical measures).		

**Table 23-1:
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	MONITORING		
		Implementation Entity	Timing Requirements	Monitoring and Verification Entity
	<ul style="list-style-type: none"> ○ Provide or participate in established ride-matching program(s) ○ Provide information, educational, and marketing resources for residents and visitors managed by a TDM Coordinator ○ Complete bus stop improvements or on-site mobility hubs ○ Construct off-site pedestrian and/or bicycle network improvements, particularly those that fill gaps and/or connect the project and surrounding neighborhood to transit ○ Subsidize resident transit passes ○ Provide or participate in established ride-matching program(s) ○ Provide information, educational, and marketing resources for residents and visitors managed by a TDM Coordinator ○ Complete bus stop improvements or on-site mobility hubs ○ Construct off-site pedestrian and/or bicycle network improvements, particularly those that fill gaps and/or connect the project and surrounding neighborhood to transit ○ Reduce parking supply at affordable or senior projects and projects that are well-served by transit ○ Unbundle parking costs (sell or lease parking separately from the housing unit) where appropriate on-street management is present 			

**Table 23-1:
Mitigation Monitoring and Reporting Program**

		MONITORING		
Impact	Mitigation Measure	Implementation Entity	Timing Requirements	Monitoring and Verification Entity
	<ul style="list-style-type: none"> ○ Provide or participate in car-sharing, bike sharing, or scooter sharing program(s) ○ Contribute to future VMT mitigation fee programs, banks, or exchanges as they become available. 			
TRANSPORTATION				
Impact 18-4: Impacts Related to Vehicle Miles Traveled.	<p>Mitigation Measure 18-4. <u>Development applications for housing development projects that are facilitated by the Housing and Safety Elements Update, which the County determines may result in significant impacts to vehicle miles traveled.</u> Residential development projects shall be required to achieve a VMT significance threshold of 15 percent below the regional average residential VMT per capita. The methodologies and screening parameters used to determine VMT significance shall be consistent with the guidance provided in the <i>Technical Advisory on Evaluating Transportation Impacts in CEQA</i>, OPR, 2018 (or subsequent updates), or future VMT policies adopted by the County of Marin, provided that such policies have been shown through evidence to support the legislative intent of SB 743. Output from the TAMDM travel demand model shall be the source of the regional VMT per capita performance metric used to establish the significance threshold and</p>	Project sponsors are responsible for submitting documentation to the County that demonstrates how required VMT reductions will be achieved, and for implementing the associated VMT reduction strategies (these will vary but may include implementation of a TDM program and/or physical measures).	Prior to issuance of building permit. Initials: _____ Date: _____	Community Development Agency (CDA)

**Table 23-1:
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	MONITORING		
		Implementation Entity	Timing Requirements	Monitoring and Verification Entity
	<p>shall be used in residential development project VMT assessments.</p> <p>For individual residential development projects that do not achieve VMT significance thresholds, applicants shall submit documentation that demonstrates how the necessary VMT per capita reductions will be achieved, relying on available research and evidence to support findings. VMT reduction techniques will vary depending on the location of each development site and the availability of nearby transportation services though utilization of TDM strategies will play a major role in most cases. Following are TDM and other strategies that may be applied; additional measures beyond those provided in this list may be allowed if supported by evidence.</p> <ul style="list-style-type: none"> • Subsidize resident transit passes • Provide or participate in established ride-matching program(s) • Provide information, educational, and marketing resources for residents and visitors managed by a TDM Coordinator 			

**Table 23-1:
Mitigation Monitoring and Reporting Program**

Impact	Mitigation Measure	MONITORING		
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	<ul style="list-style-type: none"> • Complete bus stop improvements or on-site mobility hubs • Construct off-site pedestrian and/or bicycle network improvements, particularly those that fill gaps and/or connect the project and surrounding neighborhood to transit • Reduce parking supply at affordable or senior projects and projects that are well-served by transit • Unbundle parking costs (sell or lease parking separately from the housing unit) where appropriate on-street management is present • Provide or participate in car-sharing, bike sharing, or scooter sharing program(s) • Contribute to future VMT mitigation fee programs, banks, or exchanges as they become available. 			

1597485.2

ATTACHMENT 1
COMMENT LETTERS RECEIVED AFTER CLOSE OF
COMMENT PERIOD

Marin County Housing and Safety Elements Update Project
Final EIR

December 2022

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INTRODUCTION TO COMMENT LETTERS RECEIVED AFTER CLOSE OF COMMENT PERIOD

The following comment letters (also noted in Final EIR Table 3-1: Public Comments Received on Draft EIR) were received after the close of the public comment period for the Housing & Safety Element Update to the Marin Countywide Plan Draft EIR on November 21, 2022 at 5:00 p.m. These letters are therefore considered late letters and require no response from the County. However, the County has elected to include the late letters in the public record. The County has reviewed the late letters. While most of the late comment letters do not raise any issues that are not already addressed in the comment letters that were submitted to the County on time, several of the late comment letters do introduce new issues. These new issues are addressed below.

Response to the comment letter from Fred Ross: This comment letter requests more information about the State's current "state mandate new housing requirement." The California Housing and Community Development website (<https://www.hcd.ca.gov/planning-and-community-development/regional-housing-needs-allocation>) contains information on the Regional Housing Needs Allocation, including information on the Regional Housing Needs Determination for the 6th Cycle Housing Element. As the contents of this letter do not pertain to the adequacy of the EIR, no further response is necessary.

Response to the comment letter from Jack Krystal: This comment letter expresses opposition to the County's proposed revisions to Marin County Code - Title 22, Development Code, stating the revisions would have major legal and economic impacts on owners of waterfront or other property that may/will be affected by sea level rise and as a result of the Special Purpose and combining districts included in Chapter 22.14.

The comment does not pertain to the adequacy or content of the Draft EIR. No further response is necessary. However, inclusion of this comment in this Final EIR will make the commentor's views about the proposed Marin County Code - Title 22, Development Code amendments available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the proposed Project.

Response to the comment letters from O. Desertman, Omer Wilson, and Peggy Nicholson: These comment letter expresses concerns about the relocation challenges existing tenants of 404 San Francisco Blvd would face if the site is redeveloped as a result of the Project. The Housing Element Update contains a housing sites inventory of potential housing sites to satisfy the County's RHNA requirements. It is not guaranteed that any of the potential housing sites, including the potential housing site at 404 San Francisco Blvd, would be developed. If and when a development proposal is submitted for the 404 San Francisco Blvd site, said proposal would be required to comply with the Housing Element Update policies and programs intended to protect tenants and provide replacement housing, including Policy 4.1: Tenant Protection and Program 3: Replacement Housing. The full text of this policy and program are included in Section 16.3.2 Proposed Policies and Actions to Avoid or Reduce Significant Impacts (Draft EIR, pp. 16-9) in Chapter 16 Population and Housing of the Draft EIR. Also, as required by State Law (AB 1397), development on non-vacant sites containing existing residential units is subject to the replacement requirement pursuant to AB 1397; specifically, the replacement of units affordable to the same or lower income level is required as a condition of any development on a nonvacant site (Draft EIR, pp. 16-11 and 16-12). As the contents of these letters do not pertain to the adequacy of the EIR, no further response is necessary.

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COMMENT LETTERS
RECEIVED AFTER THE
CLOSE OF THE
COMMENT PERIOD

From: [Taylor, Tammy](#)
To: [Hall, Chelsea](#)
Subject: FW: A new question has been added to Submit comments!
Date: Tuesday, November 22, 2022 8:11:00 AM

Hi Chelsea,

This comment came in last night on the web platform. Can you add it to the Sharepoint site, please?

Thank you,

Tammy

From: Marin County <notifications@engagementhq.com>
Sent: Monday, November 21, 2022 6:29 PM
To: notifications@engagementhq.com; Tanielian, Aline <ATanielian@marincounty.org>; Taylor, Tammy <TTaylor@marincounty.org>
Subject: A new question has been added to Submit comments!

Hi there,

Just a quick heads up to let you know that a new question has been asked at Marin County Housing and Safety Elements Environmental Review by aabutterfly .

The question that was asked is:

I am very concerned about the proposal to potentially build over 3000 housing units in Marinwood and Lucas Valley. I live in Lucas Valley and I just don't understand how this area in Marinwood cannabis or the amount of housing that you are considering building. I would really appreciate that you strongly reconsider this proposal. If you're not going to reconsider the proposal, then I think it is very important that you issue a study as to how these two areas will be able to successfully absorb this large number of housing units without risking the lives of its residents. It wasn't that long ago when we had mandatory evacuation from a fire, and the line on Lucas Valley Road of cars trying to get out of the area was almost impossible. I don't know how you add another 3000 homes, which puts anywhere from 6 to 9000 cars on the road. This is not a solid plan that is being proposed.

Please DO NOT reply to this email. If you want to provide an answer to this question, sign into your site and respond to the question from within the Q & A tool.

Regards

Bang The Table Team

From: [Alan Andreini](#)
To: [EnvPlanning](#)
Cc: [Rice, Katie](#)
Subject: Development at 404 San Francisco Blvd in San Anselmo
Date: Tuesday, November 22, 2022 2:43:26 PM

[Some people who received this message don't often get email from alan.andreini@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Sir/Madam - I've lived on SF Blvd for 10 years and feel Like 64 units will result in a ton of new traffic on an already busy street. I have two boys who are 10 and 8 and they are already having to dodge cars headed down to Sorich park every day. Adding that many new units feels excessive - please consider lowering that number.

Thank you,
Alan

From: [Brandon Duisenberg](#)
To: [EnvPlanning](#)
Cc: [Rice, Katie](#)
Subject: 404 San Francisco Blvd
Date: Tuesday, November 22, 2022 8:26:05 PM

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Please consider the amount of units approved for the property at 404 San Francisco Blvd. Approval of 64 units would greatly increase the traffic in this neighborhood. This is too many units, creating too much automobile traffic. The Sorich neighborhood is home to memorial park, the Log Cabin and many young pedestrians and bikers traveling to and from these destinations. The increased traffic increases the probability of accidents, with the potential for car-pedestrian and car-biker incidents.

We understand the need for more housing in Marin County and the mandate to comply with the state requirements. I only caution that approval of 64 units is excessive for this neighborhood. Please reconsider and reduce the overall amount of units approved for 404 San Francisco Blvd, San Anselmo.

Thank you,
Brandon Duisenberg
134 San Francisco Blvd.
San Anselmo
(415) 640-5554

From: [Zeiger, Jillian](#)
To: [Hall, Chelsea](#)
Subject: FW: Community feedback on SPAR - Update on project at 404 San Francisco Blvd.
Date: Tuesday, November 22, 2022 3:20:32 PM

Here's another EIR comment

Jillian Nameth Zeiger, AICP
Senior Planner
Housing & Federal Grants Division
County of Marin

From: Colleen Morrison Mackie <colleen.c.morrison@gmail.com>
Sent: Tuesday, November 22, 2022 3:18 PM
To: Zeiger, Jillian <JZeiger@marincounty.org>
Subject: Fwd: Community feedback on SPAR - Update on project at 404 San Francisco Blvd.

You don't often get email from colleen.c.morrison@gmail.com. [Learn why this is important](#)

Hi! Want to make sure you have my comments below:

Hope this email finds you doing well. I would like to make a formal comment about the proposed project at 404 San Francisco Blvd.

Following are my concerns:

My main concern is the traffic that this project will create for San Francisco Blvd. This road already has congestion and people driving well over the speed limit. I believe that the additional housing will exacerbate an existing problem. In addition, I would be concerned about emergency vehicles being able to get to the end of San Francisco in a timely manner. Finally, the traffic of leaving San Francisco Blvd to pull onto Sir Francis Drake will cause even more back-up to those coming from the direction of Fairfax. It will cause even more of a back-up with traffic from the east.

My other concern is that this area borders an open space and having a dense housing area on the edge of this natural environment could have possible negative impacts. Has it been studied whether high density housing like this on the edge of open space has on the wildlife, potential increased vandalism or trash in the open space that comes with regular use of an area?

Thank you!

Colleen

From: [Zeiger, Jillian](#)
To: [Hall, Chelsea](#); [Taylor, Tammy](#)
Subject: FW: Proposed 404 San Francisco Blvd. Project
Date: Monday, November 28, 2022 8:55:27 AM

Jillian Nameth Zeiger, AICP
Senior Planner
Housing & Federal Grants Division
County of Marin

From: D.Coughtry <dianecoughtry@gmail.com>
Sent: Wednesday, November 23, 2022 3:07 PM
To: Zeiger, Jillian <JZeiger@marincounty.org>
Subject: Proposed 404 San Francisco Blvd. Project

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Hello Jillian, I'm sending you a copy of the comments we sent to Leelee Thomas in consideration of the deadline 11/25/22.

Thank you, Diane Coughtry

As residents living on San Francisco Blvd. the scale of the proposed project at 404 San Francisco Blvd. raises several new concerns and amplifies old ones. Our chief concern is the increase in traffic a project of 64 new units would have (effectively an increase of at least 33% more residences) on a street that is the sole egress for multiple neighborhoods. Significant impacts on the street's traffic flow, parking, and evacuation require detailed analysis. This project is located more than half a mile from public transit and shopping making it more likely that new residents would favor using their vehicles over walking. The distance also promotes more delivery vehicle trips on a roadbed that already absorbs damage from the Town's heavy maintenance and safety vehicles.

Anticipated sewer expansion and connection work will further damage the street where repaving had just been completed 2 years ago and took 4 years to complete. We would hope that any approved project size would include an agreement and funding for either the County or the Town to repair damage and contribute to ongoing maintenance of San Francisco Blvd.

Weighing these infrastructure concerns we wonder if other considered sites more closely meet the State's objectives for providing housing closer to more widely used public transit and shopping. An expanded use of the nearest bus stops on Sir Francis Drake Blvd. will stall traffic on that boulevard.

Sorich Park's trails invite vehicles with hikers, dog walkers and bikers whose numbers grew during the pandemic and have continue, crowding residential street parking and necessitating delivery vehicles to double park. Expanded traffic further puts at risk the street's large clearance and its effective use as an evacuation route for all of the hillside streets surrounding it. This must be protected. The proximity of such a project close to a heavily utilized recreational site necessitates a provision for adequate visitor parking as well.

A reduction in the proposed number of units would help mitigate some of these concerns, but regardless of the size of the project, a traffic control at the intersection of Sacramento Ave & San Francisco Blvd. should be a part of any project to define and direct traffic flow at an intersection where accidents have occurred.

Thank you for your consideration.

Diane Coughtry and Jeffrey Kraut
312 San Francisco Blvd.

From: [Thomas, Leelee](#)
To: [EnvPlanning](#)
Subject: FW: The project at 404 San Francisco Blvd.
Date: Tuesday, November 29, 2022 11:39:22 AM

-----Original Message-----

From: Pam Ross <fross898@comcast.net>
Sent: Friday, November 25, 2022 5:54 PM
To: Thomas, Leelee <LThomas@marincounty.org>
Subject: The project at 404 San Francisco Blvd.

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I'm aware that all of the objections to this project have already been enumerated: the disruptions, the strain on existing infrastructure, the increased demand on a limited water supply in the midst of an unprecedented and historic drought; the list goes on and on. I'm also aware that the current residents can be accused of elitism and NIMBYism for any objections that they may have to this seemingly senseless state mandate new housing requirement. I nonetheless need to go on record as objecting to both this development, and the state mandate generally. I'm curious: by what process was this mandate created, and what pressures were brought to bear, and by whom? Which developers are going to be enriched, which contractors awarded the jobs of building these thousands of housing units? Shouldn't such a momentous decision that will irreparably alter the quality of so many communities, both in this county and statewide, be subject to the input of those whose lives will be affected?

Sincerely,

Fred Ross

From: [Zeiger, Jillian](#)
To: [Hall, Chelsea](#)
Subject: FW: Housing site: 260 Redwood Hwy, Almonte
Date: Tuesday, November 22, 2022 8:52:00 AM

EIR comment

From: jack krystal <jkrystal@yahoo.com>
Sent: Monday, November 21, 2022 5:34 PM
To: Zeiger, Jillian <JZeiger@marincounty.org>
Subject: Fw: Housing site: 260 Redwood Hwy, Almonte

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----- Forwarded Message -----

From: jack krystal <jkrystal@yahoo.com>
To: housingelement <housingelement@marincounty.org>; Leelee Thomas <lthomas@marincounty.org>
Sent: Monday, November 21, 2022 at 05:30:58 PM PST
Subject: Re: Housing site: 260 Redwood Hwy, Almonte

Jillian and Leelee,

I am hoping that the information and corrections I provided below were provided to the consultants -IMG- and was taken into account during the preparation of the DHEIR and what the Board of Supervisors and the public will be reviewing, before they reach a well-informed decision.

In addition, and as I pointed to in my comments during the last webinar with the consultants, the Board of supervisors, the Planning commission and the Planning Department regarding the proposed revisions to the Marin County Code - Title 22, Development Code...these

changes will have major legal and economic impacts on owners of waterfront or other property that may/will be affected by Sea Level rise and as a result of the Special Purpose and combining districts-Chapter 22.14-also refer to the contents of pages 11-64 through 11-66 in the Development Code Amendment.

The restrictions that will be imposed will not allow similar waterfront properties that are presently build out and used in Marin County to be built upon, facing cases of Inverse condemnation. Also, in Section 1V... selective property owners will be forced to give up their rights and record a Deed Restriction that will

absolve everyone else of any responsibilities or obligations caused by damage or consequences from Sea Level rise, or other related causes - this will include providing or loosing utilities, access, public infrastructure, etc. that now serves these properties. Obviously, neither a Construction

nor a Permanent Lender would find this acceptable. This is overreaching and

simply WRONG!

Please pass on the contents of this communication, the prior emails and what I stated in the last webinar to the acting Planning director, the County Legal Department and the Principals of the Consulting firm that is preparing the Report so that I can receive an acknowledgement of it's receipt and what action they will take on

it subject!

Thanks, and best wishes, Jack

On Friday, February 25, 2022 at 09:53:27 AM PST, housingelement <housingelement@marincounty.org> wrote:

Thank you for this information, Jack. We are presenting alternative scenarios to the Board of Supervisors on Tuesdays and will subsequently post them to the website. If you see any inconsistencies in those site lists, please let me know.

Best,

Jillian

Jillian Nameth Zeiger, AICP
Senior Planner

Housing & Federal Grants Division

County of Marin

From: jack krystal <jkrystal@yahoo.com>
Sent: Thursday, February 24, 2022 12:23 PM
To: housingelement <housingelement@marincounty.org>
Subject: Re: Housing site: 260 Redwood Hwy, Almonte

Hi Aline,

Thanks for your reply! The data you found is incorrect... Actually, The larger parcel in 052-227--09 in the name of Littoral development Co. which is a 2.2 Ac, includes a small very poor wetland brought about by subsidence, on the South East area that borders the existing rip rap alongside the shoreline that was created

when Sausalito Land and ferry filled all that area many years before BCDC was created - it has more than 100,000 of dry land in addition to the dry portions of Pohono St., Bolinas St. and Parepa St. owned by Littoral that borders that parcel, to the extent of 1/2 of the streets' width (30'). In Addition, Littoral also owns

5 blocks of the water parcels alongside the East side of the Shoreline South of the Richardson Bay bridge to the East side of the Commodore Houseboat Marina which total 10.5 Acres or approximately 460,000 S. F.

The second Parcel is 052-247-04 and is in the name of Diversified Realty Services - This parcel also owns 1/2 of Bolinas St. along it's East side and 1/2 of Parepa St. on it's South side. The 1/2 width of these streets are also 30' in those locations.

The third Parcel is 052- 247-08 and is in the name of Charles Coyne, Trustee - this parcel also owns 1/2 of Bolinas St. along it's East side and 1/2 of Parepa St. on it's South side, to the extent of 30' of their width also.

As such and using the density stated below to determine the estimated housing units, the number is way below what it should be for these sites and the area of the private streets described above!

Please make the appropriate changes and let me know when and what they will be - You are welcome to call me @ 415.725.5005 if you would like to go over in more detail the information stated above...

Best wishes, Jack

On Thursday, February 24, 2022, 08:37:37 AM PST, housingelement
<housingelement@marincounty.org> wrote:

Good morning Jack,

Thank you for reaching out with this information. We've looked into this and our data shows only two parcels. One property is entirely in the bay. The frontage property at 260 Redwood Hwy Frontage Road was reduced in acres because the rear portion of the property is identified as estuarine and marine wetlands.

Based on the developable acres of the site and at a density of 30 dwellings units per acre (based on a potential land use/zone change), the analysis yielded only 36 housing units. We are not identifying the type of housing it will be (e.g., workforce or senior housing) in the Housing Element or in the sites inventory. We are not counting hotel rooms.

The land use parcel data obtained from the County identified this area as Almonte. Properties in the Bay are identified as Waldo Point. Manzanita is not identified under this data file.

Please let us know if you have other questions.

Best,

Aline

Aline Tanielian

Planner

Housing and Federal Grants Division

(she/her/hers)

From: jack krystal <jkrystal@yahoo.com>
Sent: Wednesday, February 23, 2022 11:06 AM
To: housingelement <housingelement@marincounty.org>
Subject: Housing site: 260 Redwood Hwy, Almonte

The information lists only 1 Parcel, which is wrong - there are 3. It lists only 36 possible Housing units, which is wrong - it should be 36 units for Workforce or Senior units and 73 Hotel rooms, which is what the Tam Valley community Plan calls for on the larger Parcel. This site is located in the Manzanita area, not Almonte.

Best, Jack

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Email Disclaimer: <https://www.marincounty.org/main/disclaimers>

From: [KATHLEEN FRANKS](#)
To: [EnvPlanning](#); hscoble@townofsananselmo.org
Cc: [Rice, Katie](#); [Thomas, Leelee](#)
Subject: Proposed building project at 404 San Francisco Blvd
Date: Friday, November 25, 2022 3:23:21 PM

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To all it may concern,

I am asking that you please reconsider the number of units allowed on the 2.4 acres at 404 San Francisco Blvd in San Anselmo. In addition to the traffic created by local residents there is the traffic to a local church on Sacramento and to Sorich Park, a frequently visited open space. The impact of having 64 units at the end of a street that has only one way in and out will not only increase traffic, noise, poor air quality but also create an extreme hazard in exiting the area in case of fire. It is already sad that the current small community the now exists is being broken up, but to have a multistory parking garage and multi unit apartment buildings seems to destroy the whole character of the neighborhood. I truly hope you reconsider the proposed plan and create a better one that is more harmonious with the neighborhood and Sorich Park.

Thank you,

Kathleen Franks

36 Santa Barbara Ave

San Anselmo, CA 94960

415-488-4868

From: [Kim Kumiega](#)
To: [EnvPlanning](#)
Subject: Proposed development in Lucas Valley
Date: Tuesday, November 22, 2022 4:03:56 PM

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I am deeply concerned about these proposed developments that would have an incredible environmental impact on our community. We just moved to California in 2019 and have been working to keep our area as environmentally stable as possible.

We have removed grass, reduced water usage, added pollinator-friendly, drought tolerant plants and shifted to drip irrigation. We have taken advantage of the non potable water available.

We were told there was no water. To conserve.

Now, this project is going to explode our current population, straining the infrastructure that we were told was "on the brink."

Let's add the noise pollution, air pollution and congestion.

Let's add the demand for schools and other community services that adding hundreds of households will make on our area.

I do not object to a small development. Perhaps 50 units, which would add 100-400 people to the area Jeannette Prandi area, which is a big number for this area.

This plan is extremely short sighted and seems to green light all the conservation and environmental mandates that are in place in the county and the state.

I certainly hope that fewer, smaller housing initiatives will be considered.

Shame on those that have let this move forward.

Kimberly Kumiega
1000 Idylberry Rd
Senior Communications Consultant
312-543-3312

From: [Thomas, Leelee](#)
To: [EnvPlanning](#)
Subject: FW: Opposition to proposed building project at 404 San Francisco Blvd
Date: Tuesday, November 29, 2022 11:35:38 AM

From: Lucy Anderson <anderson_415@hotmail.com>
Sent: Friday, November 25, 2022 7:28 AM
To: Thomas, Leelee <LThomas@marincounty.org>
Subject: Opposition to proposed building project at 404 San Francisco Blvd

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Not comfortable with the proposed 64 unit building project at 404 San Francisco Blvd.
That's too much!!
Thank you
-Lucy Anderson

From: [Michael McKee](#)
To: [EnvPlanning](#)
Cc: [Rice, Katie](#)
Subject: Rezoning 404 San Francisco Blvd
Date: Friday, November 25, 2022 2:54:34 PM

Some people who received this message don't often get email from mckee@mckeeeco.net. [Learn why this is important](#)

Hi.

I live at 255 San Francisco Blvd, a (long) block away from the proposed rezoning at 404 San Francisco Blvd.

First, thanks for all the hard work you do. You don't have an easy job and I'm sure you get your share of angry constituents vying to be the loudest voice.

I have conflicting feelings about the rezoning, and the larger issue of state mandated additional housing capacity in Marin County. I am a 5th generation Marin native and it's difficult for me to see dramatic changes degrading the bucolic nature of our beloved landscape, what makes Marin special. On the other hand, I also feel there's a great need to check ones' privilege when NIMBY thoughts arise. I generally support the idea of increasing affordable housing stock in California, but I also feel it's a bit of a band-aid for the larger problem of wealth inequality. My adult kids are living at home in our little 1500 square foot home because work in the unskilled labor sector locally and can't afford to live anywhere else in Marin County. Our household has three incomes and yet we are living on or just over the federal poverty line. I was PROFOUNDLY lucky to squeeze into a dilapidated property here via an FHA 203k rehab loan in 2009 when contractors were unable to get loans. So I am daily aware of how out of reach housing is in California and especially in Marin. Because of that, my wife, adult children and I all **SUPPORT** adding affordable housing.

But I do have grave concerns. It is my understanding the county can approve up to 64 units on these properties. That seems out of line in many respects, far exceeding "character of the neighborhood" and/or loss of property value, neither of which I would be happy about, but hey, that's life.

On the other hand, here are my concerns, which I hope can be addressed:

1. **WILDFIRE EVACUATION.** It's my opinion that we already do not have adequate roadway egress out of Fairfax & San Anselmo should we ever face a big, rapidly spreading wildfire. Approving so many new housing units in wildfire zones seems wildly irresponsible and I would go as far as to say represents a callous disregard for lives. I have more research to do, but if things are as unsafe as I think they already are, I would consider initiating or joining a drive for legal action to try to block development that would further impinge upon the health and welfare of the residents here. I really think we need a housing moratorium in wildfire zones. My wife is disabled and my children do not know how to ride bicycles. We can't all just jump on e-Bikes and zip away when the fire comes – we'll be in a car. We can't afford e-Bikes, anyway. **I URGE THE COUNTY** to identify as much as possible close to adequate evacuation routes and NOT upstream from major traffic bottlenecks like "the hub" where Sir Francis

Drake and Red Hill Avenue.

2. **WHO BENEFITS.** WE DO NOT SUPPORT MORE HOUSING FOR THE WEALTHY in Marin County. **99%** of newly zoned units should be **PERMANENTLY DESIGNATED** as affordable to low and very low income households. I understand that there 15 existing units that developer Mike Folk states would remain "near" (what constitutes NEAR?) the rents paid "when they move" ... (back in??? or EXISTING rents?). If the county is trying to leverage rezoning for this development to satisfy state mandates but does not REQUIRE the majority of the units to be permanently designated as affordable, then I think that is SO MESSED UP that I might well just wind up being one of those furious voices, as much as I hate that sort of thing. The one thing I cannot tolerate is hypocrisy. If these are going to be affordable housing, GREAT. If less than 80% of the development is not affordable to low and very low income families, WE STRONGLY OPPOSE THE DEVELOPMENT and feel it SHOULD NOT be included in the numbers you get to report to Sacramento.
3. **INFRASTRUCTURE:** WATER!!!! Sewage processing capacity. Traffic. Etc... But especially WATER!!!

OK THANK YOU!

Michael McKee

McKeeCo.Net
Consulting Services
415 453 4611

From: [o.desertman](#)
To: [EnvPlanning](#)
Subject: sorich park san anselmo 404 sf. blvd 94960
Date: Friday, November 25, 2022 8:02:16 PM

You don't often get email from odesertman@live.com. [Learn why this is important](#)

i would like to express my disapproval to the plan to expand the increase in housing to this property for the following reasons

this property currently houses 7 seniors in 7 units we are long time residents 10-35 years in place.

we would have a very difficult time moving. locating properties at similar rents would be also difficult

since i have lived here i have seen 3 wildfires. there is only i way out in an emergency and such an increase in residents would potentially restrict access

all the sounds and toxicity released during construction would be amplified as the air and toxins released are concentrated due to the fact that this area is in a contained valley

please block the destruction and reconstruction to housing at this area
thank you

From: [Thomas, Leelee](#)
To: [EnvPlanning](#)
Subject: FW: proposed building project at 404 San Francisco Blvd. San Anselmo
Date: Tuesday, November 29, 2022 11:33:36 AM

From: Omer Wilson <omer_wilson@hotmail.com>
Sent: Thursday, November 24, 2022 5:22 PM
To: Thomas, Leelee <LThomas@marincounty.org>
Subject: proposed building project at 404 San Francisco Blvd. San Anselmo

You don't often get email from omer_wilson@hotmail.com. [Learn why this is important](#)

Dear Leelee Thomas -

I live in this wonderful place at 404 San Francisco Blvd #2. I am an artist, just 2 months shy of 80 years old, and I dread having to move because I'll never find a place like this, and the effort and expense are prohibitive.

There is a sweet nostalgia to living here. I think my kitchen sink is from the 1930s! The assistance I get from Marin Housing Authority makes it possible for me to live here, and my almost daily short hikes in the Sorich Park Open Space bring me peace which I put into my paintings. I am a lifetime member with a studio at the Marin Society of Artists. All that will be gone I fear when this project starts.

I know many people are needing housing. I am so grateful for what I have now because it is way more than just housing. I have some knowledge of the proposed project - it involves destroying trees and habitat, forcing all residents to move away, and a considerable income increase for the current owner.

I know this is a difficult decision for you, and my wish is that you make the best one possible. But remember, many horrible decisions have been made in the name of progress because no one considered what would be lost.

Sincerely,

Omer Wilson

omer_wilson@hotmail.com

From: [Zeiger, Jillian](#)
To: [Hall, Chelsea](#); [Taylor, Tammy](#)
Subject: FW: plans for 404 san francisco blvd, san anselmo
Date: Monday, November 28, 2022 8:53:18 AM

Jillian Nameth Zeiger, AICP
Senior Planner
Housing & Federal Grants Division
County of Marin

From: PEGGY NICHOLSON <pnicholson9@comcast.net>
Sent: Friday, November 25, 2022 9:17 AM
To: Zeiger, Jillian <JZeiger@marincounty.org>
Subject: plans for 404 san francisco blvd, san anselmo

You don't often get email from pnicholson9@comcast.net. [Learn why this is important](#)

good morning j zeiger -

this is my comment to leelee thomas who i just discovered is out until the 28th. today is the deadline for comments to her and i want to be sure mine is read and counted. thanks.

~~~~~  
Hello Leelee -

i know projects like the one at 404, where i live, are also planned for fairfax and other small towns. i stood up for fairfax and now i must stand up for myself, other residents and the flora and fauna.

unhousing seniors - there are six residents here over seventy, at least three in their late sixties. the rents have gone up exponentially since i moved here 21 years ago. the rents here have been below market price. most here do not have the funds to relocate. i would rather leave the earth plane than live in a so-called affordable marin housing project on the fifth floor somewhere. even with section 8 there is nowhere left to go that is worth living in or for.

this is a unique property and community. as it is the old sorich dairy ranch i would love to see it become an historical landmark and be left as it is. people move here for a reason, just as they have moved to other marin locations which have been turned into government abominations. this is the closest most here will ever come to owning a home. we have gardens, two large open fields, we are locate next to the open space. the enjoyment of that open space and the property here, including the quiet - only one street, sf blvd, has created, until

the new owner purchased it, a very long waiting list for residency here.

there is not enough water and desalination is a crime against life.

there is a creek on the property that runs beautifully when there is a normal amount of rain. because of geoengineering that is not now the case. we are hopeful that will end soon and the creek can be active again, which brings me to the most important point -

the creekside is where the does bring their fawns to graze and play while they sit and are able to relax for a while in relative safety. there are not many places left where they can do so. no streets back there, no noise except for power tools now and then, no large dogs, and they are even fairly safe from coyotes (which would not be here in the first place if *their* habitat had not been destroyed). you do not have to live here for 21 years to understand that this is a breeding area for deer, turkeys, owls etc etc. they turkeys teach their babies how to fly from the roof of the building i live in. we are fast running out of such habitat. it's now a question of dystopia or nature.

the noise, lights, traffic, pollution etc will disrupt the whole area including the park and open space - humans and wildlife will suffer.

i'm sure you have heard all these stories before. but i ask you to take another look - not with your eyes but with your heart and soul.

i feel blessed that i am able to live in this unique community within the community. i am happier here than i have ever been. please...

thank you and kindest regards,

peggy nicholson  
404 san francisco blvd #17  
san anselmo

**From:** [Thomas, Leelee](#)  
**To:** [EnvPlanning](#)  
**Subject:** FW: 404 San Francisco Blvd  
**Date:** Tuesday, November 29, 2022 11:32:50 AM

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**From:** [brian@briancrawford.info](mailto:brian@briancrawford.info) <[brian@briancrawford.info](mailto:brian@briancrawford.info)>  
**Sent:** Thursday, November 24, 2022 11:00 AM  
**To:** Thomas, Leelee <[LThomas@marincounty.org](mailto:LThomas@marincounty.org)>  
**Subject:** 404 San Francisco Blvd

Ms. Thomas,

I am concerned about the County's plans to allow 64 units in the complex at 404 SF Blvd. The existing parcels currently support only a quarter of that number. While I think the site is a good candidate for affordable housing, 64 is far too many. The impact on traffic on SF Blvd would be significant and could not be mitigated. I urge you to reduce the allowed units to no more than 30. Thank you.

Brian Crawford

415-407-5776



**From:** [Thomas, Leelee](#)  
**To:** [EnvPlanning](#)  
**Subject:** FW: Building Project 404 San Francisco Boulevard San Anselmo  
**Date:** Tuesday, November 29, 2022 11:34:44 AM

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**From:** Carleton Watson <[wailinsam48@att.net](mailto:wailinsam48@att.net)>  
**Sent:** Friday, November 25, 2022 10:01 AM  
**To:** Thomas, Leelee <[LThomas@marincounty.org](mailto:LThomas@marincounty.org)>  
**Subject:** Building Project 404 San Francisco Boulevard San Anselmo

You don't often get email from [wailinsam48@att.net](mailto:wailinsam48@att.net). [Learn why this is important](#)

I believe that the plans for this Project do not adequately address the issues of Traffic Impact on the San Francisco Boulevard corridor to Sir Francis Drake Boulevard. Along with a negative aspect this project would bring to the sewer system is the disregard for the moratorium / reduction of new water hookups in the Ross Valley. I live in the "Short Ranch" land classification and feel the aforementioned project will adversely affect the quality of life of the residents in the area. Yours truly, Carleton S. Watson 18 Santa Barbara Avenue, San Anselmo.

**From:** [Thomas, Leelee](#)  
**To:** [EnvPlanning](#)  
**Subject:** FW: Comments on development at 404 San Francisco Blvd, San Anselmo  
**Date:** Tuesday, November 29, 2022 11:40:24 AM

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**From:** ELIZABETH HUNTINGTON <[e.huntington@comcast.net](mailto:e.huntington@comcast.net)>  
**Sent:** Saturday, November 26, 2022 2:24 PM  
**To:** Thomas, Leelee <[LThomas@marincounty.org](mailto:LThomas@marincounty.org)>  
**Subject:** Comments on development at 404 San Francisco Blvd, San Anselmo

You don't often get email from [e.huntington@comcast.net](mailto:e.huntington@comcast.net). [Learn why this is important](#)

Hi Leelee,

I attended your very informative webinar about the mandates for the housing element. I am writing specifically about my concerns for the re-zoning and assessment of the viability of 64 units there.

### **Dangerous Traffic Situation**

San Francisco Blvd. is already impacted by traffic, with one main way in and out to Sir Francis Drake. Day to day commute times will be bogged down (somewhere in the number of 400 trips additionally per day have been estimated), but especially in times of emergency there would be horrendous bottlenecks.

### **Limited Water resources**

On our zoom call the question of how natural resources could sustain an additional population was not adequately answered. It sounded like this crucial aspect of the housing element plan has not been addressed yet.

Thank you for your consideration of these concerns.

Kind regards,

Liz Huntington  
324 San Francisco Blvd.  
San Anselmo

**From:** [Weber, Leslie](#)  
**To:** [Hall, Chelsea](#)  
**Subject:** FW: Feedback on Atherton Avenue development plans  
**Date:** Tuesday, November 29, 2022 11:27:43 AM

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Hi Chelsea,  
Another comment letter.  
Thanks!  
Leslie

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**From:** Ethan Mantle <ethanjosiah@gmail.com>  
**Sent:** Monday, November 28, 2022 2:39 PM  
**To:** Arnold, Judy <JArnold@marincounty.org>  
**Cc:** Albert, Tanya <TAlbert@marincounty.org>; lweber@maringcounty.org  
**Subject:** Feedback on Atherton Avenue development plans

You don't often get email from [ethanjosiah@gmail.com](mailto:ethanjosiah@gmail.com). [Learn why this is important](#)

Hi Ms. Arnold,

As a business owner of a company with over 200 employees with hopes to move our facility from Emeryville to Marin, I agree wholeheartedly that Marin needs to build more housing.

I do have concerns about adding dense housing developments along the Atherton corridor, as the two lane road and infrastructure will not support it.

Last July the hill behind our home ignited from a spark when a neighbor's lawn mower hit a rock. It went up immediately and prompted a HUGE response including airplanes spraying retardant and an army of CalFire personnel. We were told that if these resources had not been in the area (e.g. out on another fire) it would have been a total disaster. The hillside was charred and blackened for months.

The two lane Atherton Ave would quickly become a parking lot in the case of a fire, like it was when Highway 37 flooded. As Atherton is classified as a moderate-to-high fire risk area this could present a very real and potentially calamitous) issue regarding both the evacuation of residents and the ability of fire vehicles to respond promptly.

Further increasing the risk, on Table 22-2/Page 22-32 of the DEIR, the water district states that they will not be able to provide sufficient water to Atherton sites.

Another concern mentioned in the DEIR in regards to Atherton development is aesthetics. Dropping 20 units onto an acre next to what are mostly 1 or more acre single home lots, many of which have horses, chickens, and other animals, will result in a disjointed development awkward for everyone involved. On top of that, some sites were classified as wetlands as recently as 2018 and most cannot get sewer service.

I applaud the continued efforts to develop more housing in Marin and appreciate the difficulty of the

state mandates. Hopefully sites can be found that are more suitable for development than the two lane, rural Atherton Avenue.

Best regards,  
Ethan Mantle  
537 Atherton Avenue

**From:** [Thomas, Leelee](#)  
**To:** [EnvPlanning](#)  
**Subject:** FW: Units at Francisco Blvd  
**Date:** Tuesday, November 29, 2022 11:38:16 AM

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**From:** Fernanda <[mfernanda@comcast.net](mailto:mfernanda@comcast.net)>  
**Sent:** Friday, November 25, 2022 4:18 PM  
**To:** Thomas, Leelee <[LThomas@marincounty.org](mailto:LThomas@marincounty.org)>  
**Subject:** Units at Francisco Blvd

You don't often get email from [mfernanda@comcast.net](mailto:mfernanda@comcast.net). [Learn why this is important](#)

To whom it may concern

the number of properties proposed to be built is not adequate in relation to the actual space and access area. Traffic, pollution, school overcrowding, water, are some of the concerns that I have in relationship to the proposed plan. The one that worries me most is the traffic and use and wear of the road during the heavy and lengthy construction. Parking for the residents and noise. Damage to the open space area, due to construction debris, air pollution, danger to our kids and wild animals that ride/hike in the area.

The current infrastructure, road, utilities, especially NEW water does not support the plan. The road is already heavily trafficked and adding that many homes to a narrow road would not only be a problem but also a hazard should there be a need to evacuate the area. This road is a fire evacuation exit and overcrowding it as you are proposing will not be a wise decision.

Fernanda  
10 tomahawk  
San Anselmo

**From:** [Thomas, Leelee](#)  
**To:** [EnvPlanning](#)  
**Subject:** FW: 404 San Francisco Blvd (San Anselmo)  
**Date:** Tuesday, November 29, 2022 11:31:14 AM

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**From:** [genefm@comcast.net](mailto:genefm@comcast.net) <[genefm@comcast.net](mailto:genefm@comcast.net)>  
**Sent:** Tuesday, November 22, 2022 4:28 PM  
**To:** Thomas, Leelee <[LThomas@marincounty.org](mailto:LThomas@marincounty.org)>  
**Subject:** 404 San Francisco Blvd (San Anselmo)

Gene Moore would like information about:

I object to 64 units on the 404 San Francisco Blvd project. It is out of character with the area. Traffic would increase by at least 50% as would air pollution, greenhouse gas emissions, noise and wear on the street. People will park on the street, and the small Sorich Park lot, rather than the stacked parking. The park may be inaccessible to drivers. A stacked parking structure would slow down evacuation during an emergency. Public transportation is more than the recommended half mile distance. Will firefighting access will be sufficient? We already have a serious water shortage. Plan for a swimming pool inappropriate in a drought. Open space aesthetics and the visual character will be compromised. Ground absorption of rainfall and water runoff will be impaired. Storm drains might overflow and flow down the street will increase dramatically. Sorich Creek may be damaged. Current low income residents will lose housing. Could I put at proportionate 4.5 units on my own lot?

**From:** [Thomas, Leelee](#)  
**To:** [EnvPlanning](#)  
**Subject:** FW: Housing Project at 404 San Francisco Blvd  
**Date:** Tuesday, November 29, 2022 11:35:17 AM

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**From:** Gillian Firestone <[firestone.gillian@gmail.com](mailto:firestone.gillian@gmail.com)>  
**Sent:** Friday, November 25, 2022 10:36 AM  
**To:** Thomas, Leelee <[LThomas@marincounty.org](mailto:LThomas@marincounty.org)>  
**Subject:** Housing Project at 404 San Francisco Blvd

You don't often get email from [firestone.gillian@gmail.com](mailto:firestone.gillian@gmail.com). [Learn why this is important](#)

Hi Leelee,

I am writing to express my concern regarding the development at 404 San Francisco Boulevard. As a Marin native, and having just purchased an adjacent property at 60 Sacramento Avenue, the evaluation of 64 units on the site seems to be much too high.

I am apprehensive about the prospect of so many additional units being added to the neighborhood due to the wildfire risk that is inherent based on the close proximity to open space. As a mother of a newborn and toddler, I worry for my family's safety in being able to evacuate with the additional cars (likely around 120, give or take) the development would bring, being that we are at the end of a road that would already be heavily trafficked in an emergency. There is only one way in and one way out.

My other concern is the drought. With the severe water shortage we have been experiencing for years now, I think we need to be cognizant of limitations based on our natural resources and proceed cautiously and thoughtfully.

I am not wholly opposed to adding additional units, as I know the housing shortage needs to be addressed. With there being 17 presently, I think doubling that number and landing somewhere around 34 feels much more reasonable than almost quadrupling it.

I hope the county does a closer evaluation of the realities of the location to keep the safety of our neighborhood and environment in mind when making the final decision.

Thank you,  
Gillian Firestone

**From:** [Thomas, Leelee](#)  
**To:** [EnvPlanning](#)  
**Subject:** FW: San Francisco Blvd Housing Development San Anselmo  
**Date:** Tuesday, November 29, 2022 11:30:52 AM

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-----Original Message-----

From: JAMIE MACKIE <mackieisme@hotmail.com>  
Sent: Tuesday, November 22, 2022 7:11 PM  
To: Thomas, Leelee <LThomas@marincounty.org>  
Subject: San Francisco Blvd Housing Development San Anselmo

[You don't often get email from mackieisme@hotmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Hello,

I received an email about a housing development being planned at the end of San Francisco Blvd in San Anselmo. I would like to comment on the development. I live close to the first roundabout on San Francisco Blvd. My biggest concern about a development being placed at the end of the street is the traffic impact the neighborhood will experience. Those that live on San Francisco Blvd experience not only a significant amount of traffic on the road but even more concerning is the speed at which cars travel on the road. As the neighborhood has changed the street is now home to lots and lots of little children. The street was built much too wide and straight for a 25mph speed limit. The street almost welcomes motorists to speed. The curb on the roundabouts are much too low to limit speeding. Cars just drive over them with slowing. The speed bumps on the street are also insufficient to low traffic. The break between the speed bumps allows motorists to position their tires in the flat area and avoid slowing down. My second concern is the proximity of the housing development to the open space. The additional use of the open space as well as the increased housing density in close proximity would negatively affect the usability of the space as well as the wildlife which rely on the area.

At this time I can not support any additional development that would increase traffic on San Francisco Blvd unless the city or county take action to slow the speed of traffic.

Thank you,  
Jamie Mackie

Sent from my iPhone



**From:** [Thomas, Leelee](#)  
**To:** [EnvPlanning](#)  
**Subject:** FW: Opposition to proposed development at 404 San Francisco Blvd, San Anselmo  
**Date:** Tuesday, November 29, 2022 11:39:06 AM

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**From:** John Herr <[jherr61@gmail.com](mailto:jherr61@gmail.com)>  
**Sent:** Friday, November 25, 2022 4:54 PM  
**To:** Thomas, Leelee <[LThomas@marincounty.org](mailto:LThomas@marincounty.org)>  
**Subject:** Opposition to proposed development at 404 San Francisco Blvd, San Anselmo

You don't often get email from [jherr61@gmail.com](mailto:jherr61@gmail.com). [Learn why this is important](#)

Dear Ms Thomas,

I am a resident of the Sorich Park neighborhood of San Anselmo, and am writing to express my strong opposition to the proposed development at 404 San Francisco Blvd. Current proposals call for the subject parcels to be rezoned to allow for construction of 64 new housing units on 2.4 acres of land. Nothing in our area comes close to this density, and as such, this development would be completely out of character with our neighborhood. Furthermore, the infrastructure to support this many new people using the streets, water, sewer, and emergency resources does not exist. SF Blvd is already a crowded roadway during rush hour and during school drop off and pick up times. The additional traffic congestion and noise caused by this proposed development would be extremely detrimental to the neighborhood. And because children in this proposed development would be assigned to Hidden Valley School, the traffic impact would extend beyond the immediate SF Blvd area, to other parts of San Anselmo on the way to Sleepy Hollow.

The fire danger in this far corner of SF Blvd. is extreme, due to the proximity to adjacent open space and the thick eucalyptus groves in the nearby cemetery property. Adding this many new residents to an area that is already difficult to protect and nearly impossible to evacuate quickly is a very dangerous idea. Similarly, water resources throughout the county are under extreme pressure already due to drought and over-use, and it is doubtful if the Marin Water infrastructure can support a development of this size.

Please re-consider this proposal with the goal of downsizing it to one that more closely matches the character of our neighborhood and diminishes the impact on the environment and our quality of life.

Thank you for your consideration of my concerns.

John Herr  
San Anselmo

**From:** [Thomas, Leelee](#)  
**To:** [EnvPlanning](#)  
**Subject:** FW: Sorich Park development  
**Date:** Tuesday, November 29, 2022 11:40:45 AM

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**From:** Lynette Carlton <[rlcarlton@gmail.com](mailto:rlcarlton@gmail.com)>  
**Sent:** Sunday, November 27, 2022 7:37 PM  
**To:** Thomas, Leelee <[LThomas@marincounty.org](mailto:LThomas@marincounty.org)>  
**Subject:** Sorich Park development

You don't often get email from [rlcarlton@gmail.com](mailto:rlcarlton@gmail.com). [Learn why this is important](#)

Dear Ms. Thomas:

While I live in Fairfax, just off Sir Francis Drake Boulevard, and not in San Anselmo, the proposed project of 64 new units at 404 San Francisco will most probably affect me and all those who live both east and west of San Francisco Boulevard. Such a large development will increase traffic on an already overloaded street that will affect commuters, and residents beyond this one project. Fires are an unfortunate part of our lives now, and planning for safe evacuation is a necessary priority. The extra demand for water, electricity, parking, and community services is another concern. We can't keep pretending that we will have enough water and energy, in spite of continuing expansion, to provide a safe, comfortable life for residents.

Fewer units would help mitigate some of these concerns, but regardless of the size of the project, a traffic control at Sacramento Avenue and San Francisco Boulevard, an intersection where accidents have occurred, is imperative.

Sincerely, Lynette Carlton  
14 Aureo Way  
Fairfax, Ca 94930

--

Lynette Carlton  
415/785-8590  
415/261-7458 cell

**From:** [Thomas, Leelee](#)  
**To:** [EnvPlanning](#)  
**Subject:** FW: Proposed building project at 404 San Francisco Blvd.  
**Date:** Tuesday, November 29, 2022 11:33:09 AM

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**From:** marcus yamane <[yamanem@gmail.com](mailto:yamanem@gmail.com)>  
**Sent:** Thursday, November 24, 2022 1:28 PM  
**To:** Thomas, Leelee <[LThomas@marincounty.org](mailto:LThomas@marincounty.org)>  
**Subject:** Proposed building project at 404 San Francisco Blvd.

You don't often get email from [yamanem@gmail.com](mailto:yamanem@gmail.com). [Learn why this is important](#)

Dear Leelee Thomas - the proposed building of scores of units at 404 San Francisco Blvd in San Anselmo doesn't make much sense,

The area is densely populated and the extra flow of traffic on San Francisco Blvd and then onto the already congested Sir Francis Drake Blvd. would be a nightmare. Maybe 10 or 12 units would be ok. There must be better places to build new housing both in San Anselmo and Marin County.

Thank you,  
Marcus Yamane, owner  
152 Sacramento Ave  
San Anselmo

**From:** [Thomas, Leelee](#)  
**To:** [EnvPlanning](#)  
**Subject:** FW: 404 San Francisco Blvd San Anselmo  
**Date:** Tuesday, November 29, 2022 11:34:13 AM

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**From:** margie schwartz <[margieschwartz62@gmail.com](mailto:margieschwartz62@gmail.com)>  
**Sent:** Thursday, November 24, 2022 8:07 PM  
**To:** Thomas, Leelee <[LThomas@marincounty.org](mailto:LThomas@marincounty.org)>; [hscoble@townofsananselmo.org](mailto:hscoble@townofsananselmo.org)  
**Subject:** 404 San Francisco Blvd San Anselmo

You don't often get email from [margieschwartz62@gmail.com](mailto:margieschwartz62@gmail.com). [Learn why this is important](#)

Hello:

This email is being sent out of concern for the development at 404 San Francisco Blvd. in San Anselmo.

My understanding is that there are currently 17 units at that address. There is a proposal to increase the zoning, with a new owner, to 64 units.

I am in support of the state mandate, and see the need to increase housing, I am not in support of adding 64 units at that address - the end of San Francisco Blvd. and the only street which provides access in and out of the neighborhood.

As a resident of San Francisco Blvd (260), our neighborhood does not have the infrastructure to support so many new units and residents.

San Francisco Blvd is the longest straight residential road in San Anselmo. Drivers constantly speed on the street, a street with many bikers, walkers, children and dogs. The road was repaved with roundabouts which help a bit, but the end of the street, where the town and county meet, continues to be a problem. The intersection of San Francisco Blvd and Salinas was not given a roundabout and remained with a stop sign. It is ineffective. Cars speed from the top of the street, where 404 San Francisco is located, and speed towards Sir Francis Drake Blvd., blowing through the stop sign. It is a very dangerous street for all of the pedestrians, bicyclists and children. By increasing the units from 17 to 64, how will the street possibly deal with all of that new traffic? I am told it could add 400 car trips a day. There is no way our street can handle that traffic. And how will the intersection of San Francisco Blvd and Sir Francis Drake work? The green light is very short for our street, understandably to keep the traffic on Sir Francis Drake moving. That would need to change, and it would back up traffic on Drake.

Also, where is everyone going to park? There are no sidewalks on the street from my house (260) all the way up to 404. With all of those new residents, people will be on the street creating new dangers with more pedestrians, bicyclists, cars and people speeding - which continues to be problematic.

Can't we do something in the middle? Say 32 units? Otherwise our neighborhood will be ruined.

Thank you,  
Margie Schwartz  
260 San Francisco Blvd.

San Anselmo

**From:** [Thomas, Leelee](#)  
**To:** [EnvPlanning](#)  
**Subject:** FW: proposed building project 404 San Francisco Blvd  
**Date:** Tuesday, November 29, 2022 11:37:37 AM

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**From:** LYNN VELLOZA <[vell4sfb@comcast.net](mailto:vell4sfb@comcast.net)>  
**Sent:** Friday, November 25, 2022 3:39 PM  
**To:** Thomas, Leelee <[LThomas@marincounty.org](mailto:LThomas@marincounty.org)>; [hscoble@townofsananselmo.org](mailto:hscoble@townofsananselmo.org)  
**Subject:** proposed building project 404 San Francisco Blvd

You don't often get email from [vell4sfb@comcast.net](mailto:vell4sfb@comcast.net). [Learn why this is important](#)

As a 42 year resident of San Francisco Blvd, I have witnessed many changes. I realize that housing shortages are always a concern. It is my opinion that the State of California is strong arming Cities and Counties with unrealistic housing goals. With that being said new proposed developments like the one at 404 SF Blvd are a Godsend for County planners because it counts toward the ultimate Goal of Units that are Mandated by the State. 64 units at this location seems excessive to me even though the land area is approved for this many units doesn't mean they have to be built. Obviously the Developer needs that many units to get a sufficient return on their investment.

I have been walking past the existing buildings for years on my way to Sorich Park Open Space. The thought of a large Development at that location seems out of place with the feeling of the surrounding neighborhood. Why not approve a project that is less dense.

These items listed below are my concerns,

1. The town of San Anselmo is planning on annexing the property which would put more strain on the infrastructure!
2. The additional vehicles going up and down San Francisco Blvd. and Sir Francis Drake Blvd to the hub.
3. Water, which is restricted already
4. Waste
5. Fire Evacuation

There would be huge environmental impacts by increasing the dwellings to meet the state housing mandate, particularly at the end of a residential road.

This mandate is a knee jerk reaction to a decision made by politicians under the gun.

Sincerely,

Mike and Lynn Velloza

**From:** [Thomas, Leelee](#)  
**To:** [EnvPlanning](#)  
**Subject:** FW: 404 San Francisco Blvd  
**Date:** Tuesday, November 29, 2022 11:36:48 AM

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**From:** Patricia Bates <[trishthedish48@att.net](mailto:trishthedish48@att.net)>  
**Sent:** Friday, November 25, 2022 11:39 AM  
**To:** Thomas, Leelee <[LThomas@marincounty.org](mailto:LThomas@marincounty.org)>  
**Subject:** 404 San Francisco Blvd

You don't often get email from [trishthedish48@att.net](mailto:trishthedish48@att.net). [Learn why this is important](#)

I believe that the plans for this Project do not adequately address the issues of Traffic Impact on the San Francisco Boulevard corridor to Sir Francis Drake Boulevard. Along with a negative aspect this project would bring to the sewer system is the disregard for the moratorium / reduction of new water hookups in the Ross Valley. I live in the "Short Ranch" land classification and feel the aforementioned project will adversely affect the quality of life of the residents in the area.

Yours truly, Patricia Bates 18 Santa Barbara Avenue, San Anselmo.

Sent from my iPhone

**From:** [Thomas, Leelee](#)  
**To:** [EnvPlanning](#)  
**Subject:** FW: 404 San Francisco Blvd.  
**Date:** Tuesday, November 29, 2022 11:37:09 AM

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**From:** Rebecca Aguilar <[beccaaguilar08@gmail.com](mailto:beccaaguilar08@gmail.com)>  
**Sent:** Friday, November 25, 2022 2:34 PM  
**To:** Thomas, Leelee <[LThomas@marincounty.org](mailto:LThomas@marincounty.org)>  
**Subject:** 404 San Francisco Blvd.

You don't often get email from [beccaaguilar08@gmail.com](mailto:beccaaguilar08@gmail.com). [Learn why this is important](#)

Hi Leelee,

I am a 4th generation resident of Marin county, and oppose the building project at 404 San Francisco Blvd.

Marin is desirable and beautiful because of vast preservation protections. The more that is built, the more we degrade the beauty and somewhat "smaller town" feeling that Marin residents love so much.

Additionally traffic is already a huge issue in the area, and additional units will further clog our streets.

I hope the project does not move forward.

Sincerely,

Rebecca Aguilar



**From:** [Thomas, Leelee](#)  
**To:** [EnvPlanning](#)  
**Subject:** FW: Project at 404 San Francisco Blvd, San Anselmo  
**Date:** Tuesday, November 29, 2022 11:37:54 AM

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**From:** Ted <[tedcrotti@aol.com](mailto:tedcrotti@aol.com)>  
**Sent:** Friday, November 25, 2022 2:54 PM  
**To:** Thomas, Leelee <[LThomas@marincounty.org](mailto:LThomas@marincounty.org)>  
**Subject:** Project at 404 San Francisco Blvd, San Anselmo

You don't often get email from [tedcrotti@aol.com](mailto:tedcrotti@aol.com). [Learn why this is important](#)

Hello,

I am concerned with the proposed project 404 San Francisco Blvd. I live on San Francisco Blvd. and it's the main street that goes to the proposed housing project. San Francisco Blvd is a very bust street as it is. Adding addition houses at the end of San Francisco Blvd would make the traffic even worse!

Please don't allow more traffic to this over used street.

Thank you,

Richard T Crotti  
123 San Francisco Blvd  
San Anselmo

**From:** [Thomas, Leelee](#)  
**To:** [EnvPlanning](#)  
**Subject:** FW: Proposed project at 404 San Francisco Blvd.  
**Date:** Tuesday, November 29, 2022 11:33:52 AM

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**From:** [poweres1@sbcglobal.net](mailto:poweres1@sbcglobal.net) <[poweres1@sbcglobal.net](mailto:poweres1@sbcglobal.net)>  
**Sent:** Thursday, November 24, 2022 1:33 PM  
**To:** Thomas, Leelee <[LThomas@marincounty.org](mailto:LThomas@marincounty.org)>  
**Subject:** Proposed project at 404 San Francisco Blvd.

You don't often get email from [poweres1@sbcglobal.net](mailto:poweres1@sbcglobal.net). [Learn why this is important](#)

Greetings:

The cumulative impact of this project causes concern for a number of reasons:

- Clearly, the proposed number of units will only increase traffic congestion on our already busy streets in this residential neighborhood. There is a continuous and dangerous problem of navigating around delivery and other service vehicles as it is.
- The proposed increase in residents requires a more comprehensive evaluation of outlets for emergency vehicles. San Francisco Boulevard is the only outlet for residential traffic here.
- The wear, tear and increased need for costly repair of our neighborhood streets is clearly a concern.
- The ramifications of sewer expansion to accommodate increased housing needs has not been addressed.

Thank you for your time.

Susan Chipman

168 Los Angeles Blvd., San Anselmo

**From:** [Thomas, Leelee](#)  
**To:** [EnvPlanning](#)  
**Subject:** FW: 404 San Francisco Blvd.  
**Date:** Tuesday, November 29, 2022 11:35:01 AM

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**From:** TOM PEACOCK <[tompeacock6333@comcast.net](mailto:tompeacock6333@comcast.net)>  
**Sent:** Friday, November 25, 2022 11:32 AM  
**To:** Thomas, Leelee <[LThomas@marincounty.org](mailto:LThomas@marincounty.org)>  
**Subject:** 404 San Francisco Blvd.

You don't often get email from [tompeacock6333@comcast.net](mailto:tompeacock6333@comcast.net). [Learn why this is important](#)

To my knowledge there's never been flooding SA Corp yard to Memorial Park in San Anselmo. (Along the north side of Los Angeles Blvd. back side of the homes there.) Since it's no longer an option to make Memorial into a detention basin what mitigation is necessary if constrsan Anselmo Creek ution and multiple new impervious surfaces (roofs, roads etc.) are loaded onto the head waters at Sorich Park, along Sorich Creek and into the main drainage for the Ross Valley. If San Anselmo annexes the existing country property what obligations has the country having been instrumental in permitting the possible construction? The environmental impact is potentially huge. San Francisco Blvd is already nearly maxed out with existing traffic and certainly parking over night. Increasing air pollution from vehicular increase is a certainty. The loss of low income housing in the interest of real estate profit is reasonably considered to be a civic disgrace. Tom P.

Please use my new email address:  
[tompeacock6333@comcast.net](mailto:tompeacock6333@comcast.net)