

MONK & ASSOCIATES
Environmental Consultants

April 11, 2024

City Ventures
444 Spear Street, Suite 200
San Francisco, California 94105

Attention: Mr. Kian Malek

**RE: County of Marin Setback Requirement from Waters of the U.S. and State
Reduction Request for the Auburn Grove Project, Auburn Street and Woodland
Avenue
Marin County, California**

Dear Mr. Malek:

1. INTRODUCTION

This letter-report has been prepared to discuss site conditions in relation to a requested reduction in the County of Marin setback requirement from Waters of the U.S. and State for the Auburn Grove Project located on Auburn Street and Woodland Avenue in Marin County, California (Figures 1-3). The proposed project Applicant (City Ventures) is requesting approval from Marin County for a wetland buffer reduction to 20 feet from the outer edge of seasonal wetlands onsite as shown on the attached exhibit. 3.54-acres of seasonal wetlands have been mapped to the west and northeast of the 3.29 Acre project site. This reduction request pertains to Policy BIO-3.1 of the Marin County General Plan:

***BIO-3.1 Protect Wetlands.** Require development to avoid wetland areas so that the existing wetlands and upland buffers are preserved and opportunities for enhancement are retained (areas within setbacks may contain significant resource values similar to those within wetlands and also provide a transitional protection zone). Establish a Wetland Conservation Area (WCA) for jurisdictional wetlands to be retained, which includes the protected wetland and associated buffer area. Development shall be set back a minimum distance to protect the wetland and provide an upland buffer. Larger setback standards may apply to wetlands supporting special-status species or associated with riparian systems and baylands under tidal influence, given the importance of protecting the larger ecosystems for these habitat types as called for under Stream Conservation and Baylands Conservation policies defined in Policy BIO-4.1 and BIO-5.1, respectively. Regardless of parcel size, a site assessment is required either where incursion into a WCA is proposed or where full compliance with all WCA criteria would not be met. Employ the following criteria when evaluating development projects that may impact wetland areas:*

City-Centered Corridor: (as applicable to this project)

- *For parcels more than 2 acres in size, a minimum 100-foot development setback from wetlands is required.*

The details below serve to provide information as to why a 20-foot buffer from the wetlands on the project site would not impact, degrade, or destroy the wetlands or the transitional protection zone.

2. PROPERTY LOCATION AND SETTING

The 3.29-acre project footprint (project site) is located in San Rafael, southeastern Marin County, California. Woodland Avenue lines the northeast side of the site and Auburn Street wraps around the site from the northern corner to the southeast corner. The Montessori School of Central Marin is located at the southeast corner of the project site, where the two streets connect. Commercial space, the Sonoma-Marin Area Rail Transit (SMART) Pathway, and Highway 101 reside to the north and east of the project site, and residential homes are located to the west and south. The elevation on the project site ranges from approximately 8 to 28 feet above sea level (Google Earth), with earthen berms adjacent to the wetlands being the higher end of the elevation range. There are 3.54 acres of Waters of the U.S. to the west and northeast of the project site, as confirmed by the U.S. Army Corps of Engineers (Corps) on May 4, 2023 (File No. SPN-2023-00096) (Sheet 1). In 2013, a small section of this seasonal wetland was donated to and is now owned by Marin Audubon.

3. PROJECT OVERVIEW

The proposed project will be split on either side of Woodland Avenue. As shown on Exhibit A, Jurisdictional Features Overlay Exhibit, Auburn Grove created by CBG Engineers, dated April 5th, 2024, this residential development will be comprised of approximately 41 residences on the east side of Woodland Avenue, an additional 38 residences will be developed on the west side of Woodland Avenue. This development will include driveways, a small access road, and private backyards with split rail fencing. The project has been designed to completely avoid impacts to wetlands and minimize impacts to existing trees on site.

3.1 Waters of the U.S. and State (Wetlands)

As noted in Sheet 1, attached, there are two seasonal wetlands to the west and northeast of the project site (“wetlands” are a subset of Waters of the U.S./State). West of Woodland Avenue is a 3.53-acre seasonal wetland that meanders around the site through entrance and exit points created by established culverts off Auburn Street. A second, 0.01-acre wetland is in the northeast corner on the east side of Woodland Avenue; it is culverted on both ends providing connection between the wetlands under Woodland Avenue. Eight culverts are spaced around Auburn Street that either feed or drain the large seasonal wetland. Seven of these culverts provide runoff from the street and driveways of surrounding residential developments and the water flows through the large wetland area, supporting the onsite wetland hydrology, and exits north towards Woodland Avenue to the eighth culvert. Runoff from these culverts and direct precipitation are the main contributors of water to the seasonal wetland today.

An earthen berm ranging from approximately 2-5 feet tall lines the east side of the large seasonal wetland; this berm sits between the wetland and where the proposed development would be constructed. This berm contains the water within the lower topographic portion of the site where the seasonal wetland has formed and as a result of this containment, directs the water north towards the culvert off Woodland Avenue. According to Google Earth images, this

seasonal wetland was a historic tidal marsh before tidal action to this flat, low-lying area was cut off by the construction of Highway 101 and adjacent development.

The seasonal wetlands and emergent vegetation associated with the wetlands, such as bulrushes (*Schoenoplectus* sp.), provide habitat for a variety of wildlife species such as Mallards (*Anas platyrhynchos*), Red-winged Blackbirds (*Agelaius phoeniceus*), Black Phoebe (*Sayornis nigricans*), Song Sparrow (*Melospiza melodia*), White-throated Swift (*Aeronautes saxatalis*), Sierran treefrog (*Pseudacris sierra*) and California toad (*Anaxyrus boreas halophilus*), all of which were observed during M&A's half-day site visit. The seasonal wetland supports a mix of native and non-native hydrophytic (wetland) vegetation. ***The proposed project will not impact the seasonal wetlands on the project site.***

4. REDUCTION REQUEST

The Applicant, City Ventures, is requesting a wetland buffer reduction for the proposed project. The Applicant requests the County to approve a 20-foot buffer from the seasonal wetlands. This 20-foot buffer would be from the backyard limit of disturbance from each unit, not from the building, as shown on Exhibit A.

Monk & Associates (M&A) Principal Biologist Ms. Sarah Lynch and Project Biologist I Ms. Sarah McNamara conducted a site visit on February 28, 2024 to assess the project site topography and hydrology to determine if or how a reduced setback of 20 feet could affect the seasonal wetlands. ***M&A's assessment of the project site is that there would be no impacts to the seasonal wetlands with a reduced buffer of 20 feet between the seasonal wetlands and the proposed project.*** This decision was based on several factors presented below.

4.1 Stormwater Design and Treatment

The proposed project includes the installation of bioretention features, stormdrains, and stormwater pipes in compliance with the Regional Water Quality Control Board (RWQCB) standards. The RWQCB requires complete pre- and post-development Best Management Practices (BMPs) for any portion of the project site that is developed. This means that a water quality treatment plan for the pre- and post-developed project site must be prepared and implemented. Preconstruction requirements must be consistent with the requirements of the National Pollutant Discharge Elimination System (NPDES). That is, a *Stormwater Pollution Prevention Plan* (SWPPP) must be developed prior to the time that a site is graded. In addition, a post construction BMPs plan, or a Stormwater Management Plan (SWMP) must be developed and incorporated into any site development plan (this is the plan that discusses bioretention and treatment of surface runoff).

The NPDES C.3 requirements went into effect for any project (public or private) that is "deemed complete" by the City or County (Lead Agency) on or after February 15, 2005, and which will result in the creation or replacement (other than normal maintenance) of at least 10,000 square feet of impervious surface area (roofs, streets, patios, parking lots, etc. Provision C.3 requires the onsite treatment of stormwater prior to its discharge into downstream receiving waters. Note that these requirements are in addition to the existing NPDES requirements for erosion and sedimentation controls during project construction that are typically addressed through acquisition of coverage under the SWRCB administered Construction General Permit.

The C.3 requirements are typically required to be implemented by MS4 permittees (and their constituencies).

Projects subject to Provision C3 must include the capture and onsite treatment of all stormwater from the site prior to its discharge, including rainwater falling on building rooftops. Project applicants are required to implement appropriate source control and site design measures and to design and implement stormwater treatment measures in order to reduce the discharge of stormwater pollutants to the *maximum extent practicable*. While the Clean Water Act does not define “maximum extent practicable,” the SWMPs required as a condition of the municipal NPDES permits identify control measures (i.e., BMPs) and, where applicable, performance standards, to establish the level of effort required to satisfy the maximum extent practicable criterion. ***The proposed project will comply with all C.3 and stormwater requirements, which will ensure that there are no detrimental impacts to the seasonal wetlands on the project site, as the stormwater control plan will be designed to capture, treat, and direct all surface runoff toward Woodland Avenue, away from the seasonal wetlands.*** Exhibit A, attached, shows the proposed project layout with the 20-foot buffer, as well as the many native, large trees that will be preserved between the development and the seasonal wetlands.

4.2 Project Site Topography and Hydrology

The natural topography of the project site currently funnels water flowing in from culverts off Auburn Street into the seasonal wetlands, where it then flows north until it is directed into a culvert under Woodland Avenue. Water is directed north instead of east on the project site because of the 2-5-foot-tall earthen berm that lines the seasonal wetland. This berm is higher than the wetland and water cannot move between the developed area and the wetland. The proposed project has been designed to funnel all runoff from the development northeast toward Woodland Avenue, away from the large onsite wetland, which would not affect the input or output of water from the seasonal wetlands to the west. This earthen berm will remain as part of the project. This earthen berm with a 20-foot buffer to provide a transitional upland protection zone, along with an approved, implemented SWPPP and Stormwater Control Plan (SWCP), will ensure that there are no impacts to the seasonal wetlands from any aspect of the proposed project.

5. CONCLUSION

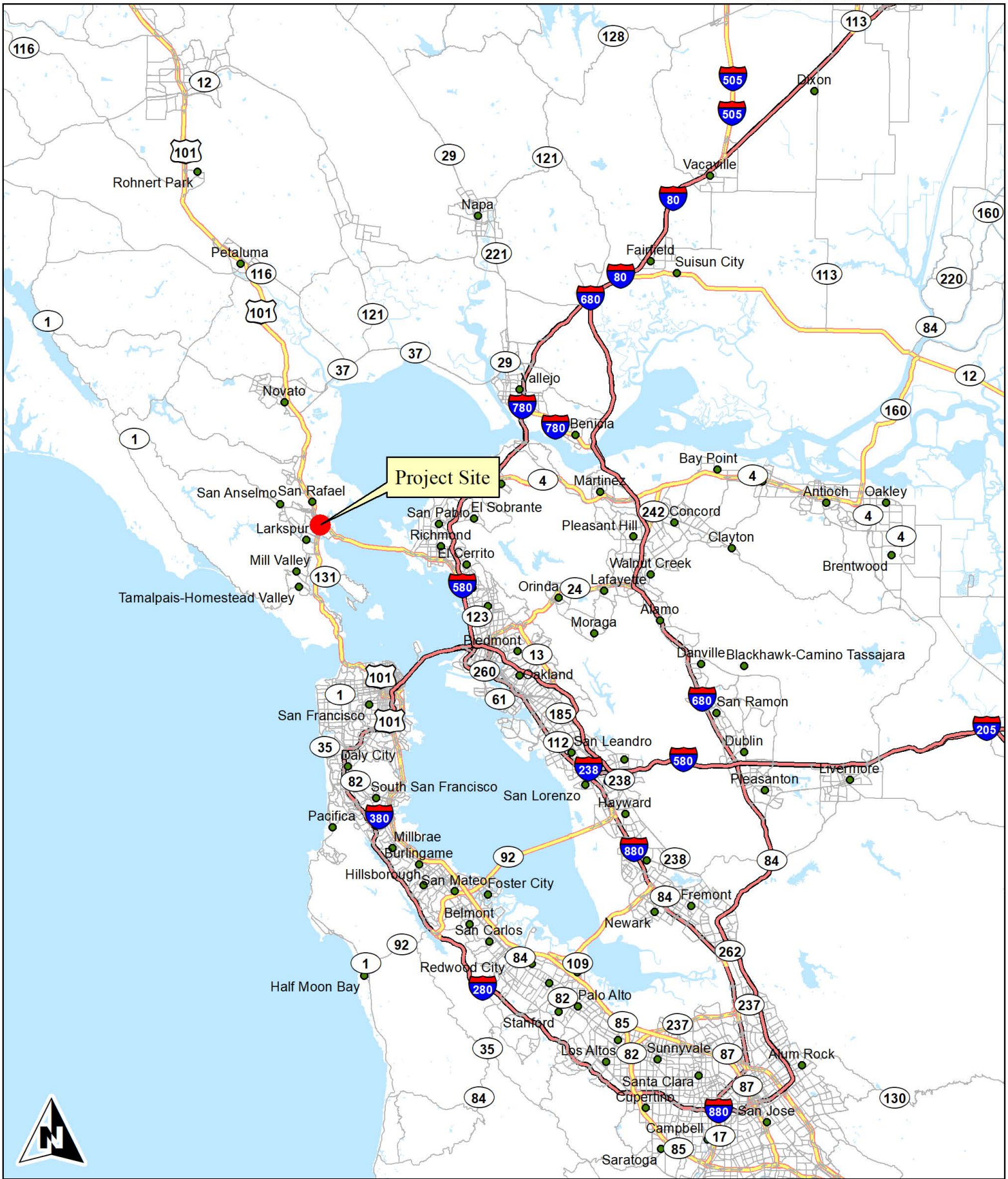
This letter-report describes how a reduction of the Marin County wetland buffer to 20 feet for the Auburn Grove project site in Marin County would not impact, affect, or alter the wetlands onsite in any way. The project Applicant, City Ventures, is responsible for preparing, obtaining approval and implementing a SWPPP and a SWCP which will ensure the catchment and treatment of surface water prior to discharging offsite at Woodland Avenue. ***In M&A's professional opinion, a 20-foot buffer between the seasonal wetlands and the proposed project will not cause impacts to the wetlands as the project will implement the required stormwater plans and due to the project site's unique hydrology and topography as described above.*** Should you have any questions or wish to discuss any other aspect of this survey or report, please do not hesitate to contact Sarah Lynch at 925-947-4867 ext. 203 or Sarah@MonkAssociates.com, or Sarah McNamara at extension 208 or SMcNamara@MonkAssociates.com.

Sincerely,



Sarah McNamara
Project Biologist I

Attachments: Figures 1-3
Sheet 1
Exhibit A-1



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Figure 1. Marin County A, Auburn St. & Woodland Ave.
Project Site Regional Map
San Rafael, California

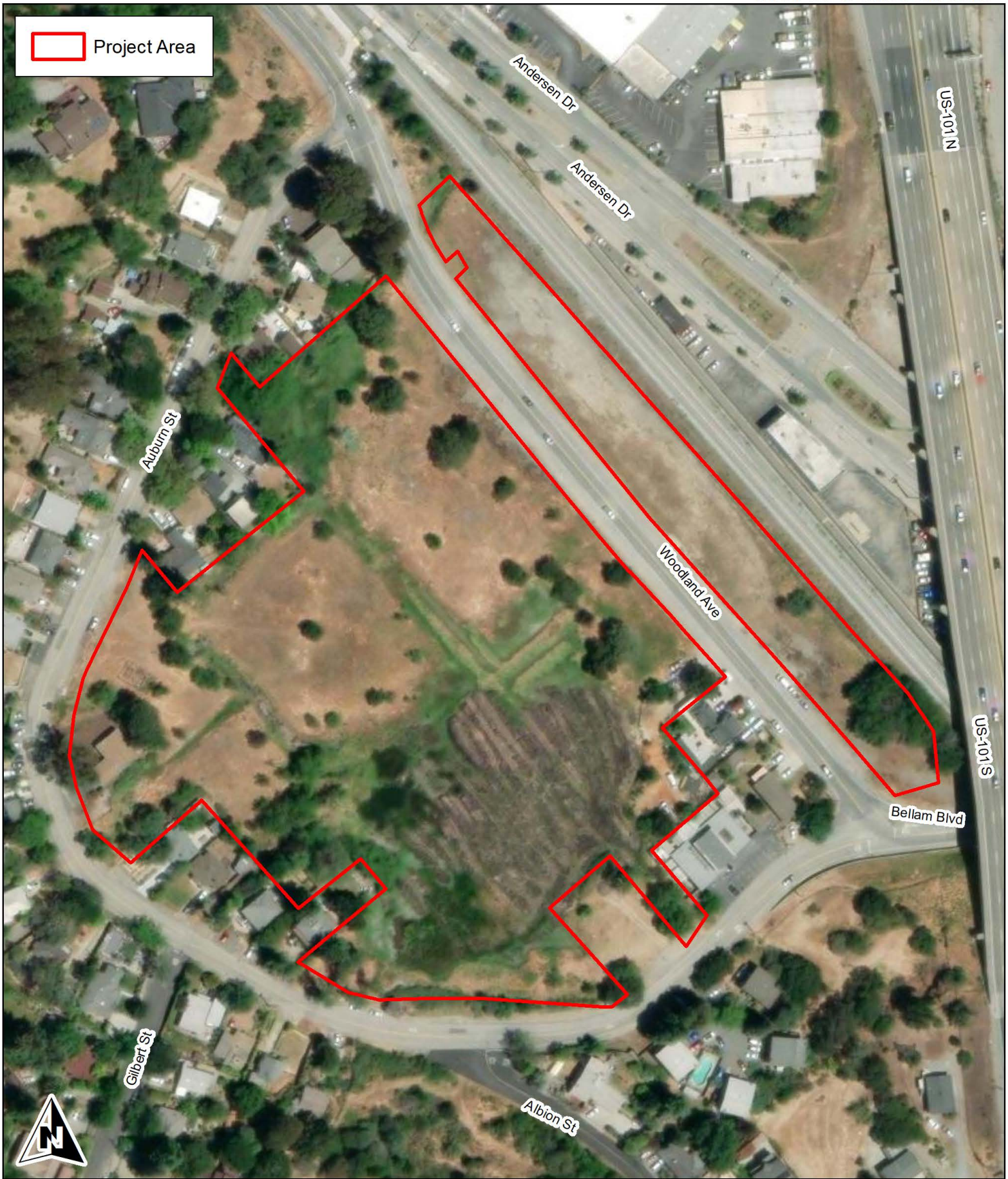
County: Marin
Map Preparation Date: December 5, 2023



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Figure 2. Marin County A, Auburn St. & Woodland Ave.
 Project Site Location Map
 San Rafael, California

37.958139 -122.511516
 Section: 3; T1N R6W
 7.5-Minute San Rafael quadrangle
 HUC08 Watershed CA: San Pablo Bay
 Topography Source: USGS
 Map Preparation Date: December 5, 2023



Project Area

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Figure 3. Aerial Photograph of the
Marin County A, Auburn St. & Woodland Ave. Project Site
San Rafael, California

Aerial Photograph Source: ESRI
Map Preparation Date: December 5, 2023

Sheet 1



Path: L:\Acad 2000 Files\320000\320182\GIS\ArcMap\320182Base.aprx

Sources: Marin County Aerial Imagery 2018, USGS Wildfire LiDAR 2018, WRA | Prepared By: kobylarz, 3/30/2023

Figure 3. Potential Jurisdictional Features Located within the Study Area



- LEGEND**
- PROJECT BOUNDARY LINE
 - EXISTING PROPERTY LINE
 - EXISTING RIGHT-OF-WAY
 - ORANGE FLAGGING PLACED BY MONK & ASSOCIATES AND SURVEYED BY CBG, INC. (MARCH 2024)
 - EXISTING SEASONAL WETLAND
 - APPROXIMATE MAN-MADE DITCH LOCATION PER WRA ENVIRONMENTAL CONSULTANTS' DELINEATION (DECEMBER 2022)
 - PROPOSED LIMIT OF DISTURBANCE LINE
 - 20' MINIMUM WETLAND BUFFER SETBACK
 - APPROXIMATE OUTLINE OF EXISTING TREE CANOPY

JURISDICTIONAL FEATURES OVERLAY EXHIBIT
AUBURN GROVE
 MARIN COUNTY CALIFORNIA
 SCALE: 1"=40' DATE: APRIL 5, 2024

cbg
 CIVIL ENGINEERS SURVEYORS PLANNERS

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