



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
ALEX HINDS, DIRECTOR

February 12, 2007

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

SUBJECT: Public Hearing on Draft Marin Countywide Plan Environmental Impact Report (EIR)

Dear Planning Commission Members:

ACTION

Conduct a public hearing on the Draft EIR.

DISCUSSION

The Planning Commission is requested to conduct a public hearing on the Draft EIR for the *Draft 2005 Countywide Plan (CWP) Update*. The *Draft 2005 CWP Update* encompasses the unincorporated territory of Marin County. Marin's total land and water area is approximately 606 square miles, of which about 87 percent (527 square miles) is unincorporated.

This public hearing is to receive testimony on the adequacy of the DEIR for the Marin Countywide Plan Update. The DEIR hearing on February 12, 2007 will be continued to February 26, 2007. Separate hearings on the project merits of the Marin Countywide Plan itself are being conducted at other times within the same overall time period. The Planning Commission will consider their recommendation for certification of the Final EIR for the project after the EIR process has been completed. The project on the merits will then be considered by the Planning Commission for recommendation for approval (to the Board of Supervisors) following the Commission's recommendation for certification of the Final EIR for the project. The first Final Environmental Impact Report (FEIR) hearing is scheduled for June 11, 2007. Second and third meetings to discuss the FEIR comments are scheduled for June 25 and July 9, 2007. The Commission is scheduled to consider recommendation for certification of the FEIR and action on the CWP at the July 23, 2007 meeting. A public notice will be published and interested parties notified at least ten days prior to the hearings on the consideration of project approval after the EIR process is concluded. The Final EIR is anticipated to be certified in October 2007 by the Board of Supervisors.

PROJECT OVERVIEW

The *Draft 2005 CWP Update* proposes a comprehensive update of the *1994 Marin Countywide Plan (1994 CWP)*. The subject of this Draft EIR is the *Draft 2005 CWP Update*¹ prepared by Marin County. The CWP Update encompasses the unincorporated territory of Marin County. Marin's total land and water area is approximately 606 square miles, of which about 87 percent (527 square miles) is unincorporated.

The purposes of the CWP Update are to set policy guidelines for future conservation and development in the county and to address changed conditions since adoption of the *1994 CWP*. The CWP Update establishes an overall framework and set of goals for countywide development in the unincorporated area of Marin County. The CWP Update covers all the State mandated topical issue elements, such as, Conservation, Open Space, Land Use, Circulation, Housing, Noise, and Safety. The five optional elements in the *1994 CWP* (Agriculture, Community Facilities, Parks and Recreation, Trails, and Economic) have also been updated and incorporated into the Plan..

The overarching theme presented in the *Draft 2005 CWP Update* is sustainability. To address this theme, the *1994 CWP* has been substantially reformatted into three main elements: the Natural Systems and Agriculture Element, the Built Environment Element, and the Socioeconomic Element. The seven mandatory General Plan elements required by the State Planning and Zoning Laws (Conservation, Open Space, Land Use, Circulation, Housing, Noise, and Safety) and the five optional elements in the *1994 CWP* (Agriculture, Community Facilities, Parks and Recreation, Trails, and Economic), have been updated and incorporated into the three main elements reformatted of the *Draft 2005 CWP Update*. The recent update of the Housing Element² of the CWP was adopted prior to this *Draft 2005 CWP Update*.

BACKGROUND

Project History:

In the first Countywide Plan, adopted in 1973, three environmental corridors were designated. These included the Coastal Recreation Corridor, Inland Rural Corridor and City-Centered Corridor. The *Draft 2005 CWP Update* retains the "corridor" concept dividing the county into regional units based on specific geographic and environmental characteristics and natural boundaries formed by north/south trending geomorphic ridges. This update proposes to add a fourth corridor, the Baylands Corridor, for baylands protection and restoration. The update also renames the Coastal Recreation Corridor to the Coastal Corridor recognizing that issues, opportunities, and constraints in the corridor go far beyond recreation. The Baylands Corridor encompasses tidelands, marshes, and diked lands along the Bay shoreline designated to provide for increased protection of environmental characteristics of the historic bay margins.

¹ *Marin Countywide Plan Revised Public Review Draft*, Marin County Community Development Agency, August 2005.

² The Housing Element was certified by the State Department of Housing and Community Development on July 24, 2003 and is no the subject of this CWP update.

EIR Requirement:

Environmental review in compliance with the California Environmental Quality Act (CEQA) is required as part of the County's consideration of the Draft 2005 CWP Update. An Initial Study, completed by Marin County in February 2004 and revised in July 2005, confirmed the need for a full scope EIR, covering all the topical impact areas under CEQA.

In January 2004, the County independently selected and contracted with the environmental consultant firm, Nichols Berman Environmental Planning, to prepare the EIR.

Draft EIR process:

A Notice of Preparation (NOP) was prepared and circulated by Marin County in February 2004 to public agencies and all interested parties for comment on the scope of the EIR. A public scoping session was conducted on March 4, 2004 to further identify environmental issues and concerns of the public for evaluation in the EIR. Following the preparation of the revised Initial Study in July 2005, a revised NOP was prepared and circulated on August 24, 2005, followed by a public scoping session on October 26, 2005. (Responses to the NOPs and scoping comments are contained in the EIR Appendix 1.)

On January 16, 2007, copies of the Draft EIR and a notice of the date and place of the public hearing on the adequacy of the Draft EIR were distributed to members of the Planning Commission, Board of Supervisors, State Clearinghouse, Federal, State and local agencies and special districts, surrounding property owners, and other interested groups and individuals and made available to members of the public. A Notice of Completion was published in a newspaper of general circulation to begin a sixty-day public review and comment period, which concludes on March 16, 2007.

EIR SUMMARY

Identified Impacts:

Land uses and development consistent with the *Draft 2005 CWP Update* would result in 42 significant unavoidable impacts. The majority of these significant unavoidable impacts are associated with transportation and water supply issues. The EIR identifies mitigation measures for each impact. In some instances, the proposed mitigations would not be sufficient to reduce the impact to a less-than-significant level. In other cases, it is noted that the recommended improvements are neither funded nor designed, thus implementation of the improvement within the planning period of the *Draft 2005 CWP Update* would likely not occur. Several significant unavoidable geology impacts are identified. The DEIR notes that the recommended mitigation measures would reduce the level of risk with existing conditions and reduce adverse effects of mild to moderate seismic events. For severe seismic events these impacts would remain significant unavoidable impacts.

Plan Consistency:

The plan consistency analysis in the DEIR did not find any plan inconsistencies with the *Draft 2005 CWP Update* that would result in adverse physical CEQA impacts. For identified potential conflicts that are associated with environmental resource protection or preservation, conflicts are generally the results of *Draft 2005 CWP Update* policies that provide stricter standards and policies than identified for the Marin Local Coastal Program or other plans and programs.

Adoption of the *Draft 2005 CWP Update* policies would require County decision-makers to consider policy updates and additions or amendments to these other plans to ensure their continued conformance with the adopted *Countywide Plan Update*.

Alternatives:

The Draft EIR examines four alternatives to the *Countywide Plan Update* as presently proposed. A complete description of the alternatives is contained in **Chapter 5.0 Alternatives** of the DEIR. Each alternative proposes varying development levels for specific project sites.

- *Alternative 1 (No Project / No Action Alternative)* – This alternative assumes that no updated Countywide Plan is adopted for Marin County and future development would continue to be guided by the *1994 CWP* and zoning. This alternative reflects growth under the *1994 CWP* policies, assuming availability of infrastructure improvements and community services.
- *Alternative 2* – This alternative is based on the Economic Vitality scenario considered as a part of the County’s Countywide Plan visioning process.
- *Alternative 3* – This alternative is based on the Environmental Preservation scenario considered as a part of the County’s Countywide Plan visioning process.
- *Alternative 4 – (Mitigated Alternative)* – This alternative was developed in response to the analyses of the *Draft 2005 CWP Update* in order to avoid or substantially lessen the identified significant impacts of the proposed project.

The *State CEQA Guidelines* require that an EIR’s analysis of alternatives identify the “Environmentally Superior Alternative” among all of those considered. Based on a comparison of impacts discussed in **Chapter 5.0 Alternatives**, the DEIR finds that *Alternative 4 (Mitigated Alternative)* would be the environmentally superior alternative.

Alternative 4 (Mitigated Alternative) has been crafted to propose the addition of some mitigation measures to those identified in the Draft EIR to reduce identified significant impacts of the *Draft 2005 CWP Update*, including significant impacts to water supply and traffic. Among other things, *Alternative 4* includes refinements to the Housing Overlay Designation and construction of the Marin-Sonoma Narrows (MSN) road improvement. *Alternative 4* also includes possible development of up to 501 housing units on the St. Vincent’s / Silveira properties and adoption of the boundary for Option 2 for the Baylands Corridor.

COMMENTS RECEIVED

Comments received prior to the packet distribution date for the Planning Commission hearings on the Draft EIR will be attached to the staff report. Any additional comments received after that time will be forwarded to the Commission at, or prior to, the hearing dates, depending upon when they are received.

PUBLIC HEARING

The purpose of the public hearing is for the Planning Commission to receive oral and written comments on the adequacy of the Draft EIR. Following the public hearing and the close of the public review and comment period on March 16, 2007, the EIR consultant will compile written

responses to all comments, which, along with the Draft EIR and any resulting changes to the Draft, will represent the Final EIR. The Final EIR will then be circulated to commentors for further review for a fourteen-day period, limited to the adequacy of the response to comments, prior to certification of the Final EIR by the Planning Commission.

RECOMMENDATION

Staff recommends that, after presentation of a brief overview of the project proposal and a summary of the principal findings of the EIR by the EIR consultant, the Commission open the public hearing to receive public comments. At the conclusion of all public testimony, staff recommends that the Planning Commission:

1. Discuss those issues regarding the project's impacts that are of primary concern to the Commissioners and provide direction to the EIR consultant on any additional items which should be addressed in the EIR; and
2. Continue the public hearing on the Draft EIR to February 26, 2007. Following the second hearing on the DEIR, instruct the EIR consultant to prepare a Final EIR based upon the written responses to all of the oral and written comments received at the Draft EIR hearing, and all of the written comments received during the public review and comment period.