



COMMUNITY DEVELOPMENT AGENCY

Thomas K. Lai
DIRECTOR

November 16, 2022

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Marin County Board of Supervisors and Planning Commission
3501 Civic Center Drive
San Rafael, CA 94903

SUBJECT: Draft Environmental Impact Report (Draft EIR) for the Housing and Safety Element Update to the Marin Countywide Plan

Building and Safety
Environmental Health Services
Planning
Environmental Review
Housing
Sustainability
Code Enforcement
GIS
Federal Grants

Dear Supervisors and Commissioners,

RECOMMENDATION:

Staff recommends that after a brief presentation of the proposed project, EIR process, and summary of principal findings of the Draft EIR by staff, your Board and Commission open the public hearing to public comment on the adequacy of the Draft EIR. At the conclusion of public testimony, staff recommends that your Board and Commission:

1. Close the public hearing on the Draft EIR;
2. Discuss issues regarding the project's impacts that are of primary concern to your Board and Commission; and
3. Instruct the EIR consultant to prepare the Final EIR based upon the written responses to all of the oral comments received at the Draft EIR hearing, as well as all of the written comments received during the public review and comment period.

www.marincounty.org/cda

SUMMARY:

Project Overview

The proposed Project is comprised of updates to the Housing Element and Safety Element of the 2007 Marin Countywide Plan (2007 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 the Draft EIR. Both updates will be adopted as amendments to and incorporated into the 2007 CWP.

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 related to climate change and resiliency planning.

Marin County has prepared an update to the Housing Element (Housing Element Update) for the planning period 2023 through 2031. As part of the Housing Element Update, the Project proposes locations for housing that would facilitate up to 5,124 new housing units to be developed, which meets the County's 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. The Project also proposes rezoning of sites at these locations as necessary to accommodate and enable the development of these new housing units.

The County has also prepared an update to the Safety Element (Safety Element Update) to address climate change resilience. SB 379 requires all counties and cities to review and update their general plan safety elements with climate change adaptation measures. The update consists of the following three parts: 1) A vulnerability assessment that identifies the risks climate change poses to the local jurisdictions; 2) Identification of adaptation and resiliency goals, policies, and objectives; and 3) Feasible implementation measures. The Safety Element Update also addresses other legislative mandates to reduce fire and flood risk and plan for emergency evacuation.

Type and Purpose of EIR

This Draft EIR has been prepared as a program EIR for the Housing Element and Safety Element Updates to the 2007 CWP. A program EIR is a type of EIR authorized by Section 15168 (Program EIR) of the State of California Environmental Quality Act (CEQA) Guidelines for use in documenting the environmental impacts of community general plans, specific plans, precise plans, and other planning "programs."

This EIR describes the reasonably foreseeable countywide impacts of the Project. Further, this EIR describes the cumulative, aggregate effects of the Project along with other reasonably foreseeable projects, and describes impacts at a level of detail consistent with the level of detail of the proposed Project.

In accordance with the definition of a "program EIR," the EIR evaluates the potential environmental impacts of the collective, overall development potential and not the future site-specific impacts of any future individual development project, since no such projects are proposed at this time.

The adoption of the proposed Housing and Safety Element Updates would not result in the immediate construction of any new development or approval

of any new site-specific projects. 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). Non-discretionary (ministerial) projects must be consistent with State and County requirements. Public projects would be required to be consistent with CWP policies and also to comply with CEQA; compliance with the County Development Code would not be mandatory.

Subsequent activities undertaken by the County and applications for future development projects to implement the Housing and Safety Element Updates will be examined for consistency with this program EIR to determine the appropriate level of environmental review required under CEQA. 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.

The County has prepared this program EIR to allow for streamlining future CEQA compliance by providing program-level information and data about the housing sites, and by identifying potentially significant environmental impacts and associated mitigation measures that may be used in analyzing future site-specific development projects. It is anticipated that proposals found to be consistent with this program EIR will be able to rely on its analysis as appropriate. Future development proposals with specific additional impacts not analyzed in the program EIR may "tier" off the analysis by focusing only on those additional impacts.

Draft EIR Process

As part of a larger consultant agreement to prepare the Housing and Safety Element Updates, on May 18, 2021, the County independently selected and contracted with the consulting firm, MIG, to prepare the EIR for the Project. County staff released a Notice of Preparation (NOP) on December 8, 2021, to notify agencies and interested members of the public that an EIR was being prepared for the Project.

County staff held a public scoping meeting on the Project on January 11, 2022. During both the scoping period and at the scoping meeting, interested parties were invited to submit their comments on issues that should be included in the scope of the EIR analysis. A compilation of comments received during the 45-day scoping period and at the January 11 meeting are included in *Chapter 2, Summary*, of the Draft EIR.

County staff distributed the Draft EIR, a Notice of Completion (NOC), and notice of public hearing on the Draft EIR on October 7, 2022, to members of the Planning Commission, Board of Supervisors, State Clearinghouse, state and local agencies and special districts, surrounding property owners, and other interested groups and individuals. The NOC and notice of public hearing were published in a newspaper of general circulation to begin a 45-day public review and comment period on the adequacy of the Draft EIR, which concludes on November 21, 2022.

DRAFT EIR FINDINGS:

Identified Impacts

The Draft EIR identified a total of 18 project impacts as significant or potentially significant, including 14 project impacts that were also determined to be cumulative impacts. Table 2-2 in *Chapter 2, Summary*, of the Draft EIR contains the list of compiled impacts and mitigation measures. Feasible mitigation measures are available to eliminate or reduce four of the potentially significant project impacts to a less-than-significant level. These impacts were in the topical areas of Biological Resources and Cultural/Historic Resources.

The Draft EIR finds that the project would result in 15 impacts that are significant and unavoidable with regard to the following topical areas: Aesthetics (effects on scenic vistas; existing visual character and quality), Air Quality (local air plan conflict; exceedance in criteria air pollutants/toxic air contaminant emissions), Cultural/Tribal Cultural and Historic Resources (effects on historic resources), Greenhouse Gas Emissions and Energy (GHG emission quantity & inconsistency with adopted plans), Noise and Vibration (traffic noise levels), Transportation (impacts related to vehicle miles traveled), and Utilities and Service Systems (water supply; wastewater treatment capacity).

Cumulative Impacts

The Draft EIR identifies a total of 14 cumulative impacts, which are all significant and unavoidable.

Three impacts related to water supply were found to be significant and unavoidable on both a project and cumulative level. No feasible mitigation was available for these impacts. Given the substantial public interest expressed to date in water supply constraints, these impacts are detailed below:

Impact 19-2a: Project and Cumulative Water Supply Impacts: West Marin Community Service Districts and North Marin Water District - West Marin. Parts of the unincorporated County are served by community

service districts and water districts whose supplies are dependent upon water obtained from local wells and streams. Under drought conditions, water in the wells and streams has decreased to levels such that the districts have imposed restrictions for existing customers and moratoriums on new connections. Multiple new connections can result in demands in excess of available supply. Bolinas Community Public Utility District and Inverness Public Utility District do not have sufficient water supplies available to serve the Project or cumulative (Project and Districts' commitments outside of the Project) scenarios during normal, dry, and multiple dry years. This represents a *potentially significant impact that cannot be mitigated*.

Impact 19-2b: Project and Cumulative Water Supply Impacts: North Marin Water District and Marin Municipal Water District (now named Marin Water). 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."

However, due to drought impacts in Sonoma County, NMWD is unable 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 irrigation connections 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 future uncertainty 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 *potentially significant impact that cannot be mitigated*.

Impact 19-2c: Project and Cumulative Water Supply Impacts: Individual Water Supply Systems. 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 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 *potentially significant impact that cannot be mitigated*.

Major Conclusions

The Draft EIR reaches the following major conclusions:

- Future potential development facilitated by the Project would result in 15 significant unavoidable impacts. This EIR identified mitigation measures for each impact, if mitigation was available. In some instances, the mitigation would not be sufficient to reduce the impact to a less-than-significant level and in other cases it is not definite whether the mitigation would be sufficient due to the uncertainty of future conditions that could exist at the time a development proposal is submitted.
- The Board must adopt a Housing Element that meets the RHNA in order to comply with State law, and the Proposed Project as well as the identified Project Alternatives will result in significant and unavoidable impacts. Therefore, as part of an approval action, decision-makers will need to adopt a Statement of Overriding Considerations, determining that the benefits outweigh the significant unavoidable impacts of the Project.
- The Project is currently inconsistent with the interrelated MTC/ABAG Plan Bay Area 2050, the CARB 2017 Scoping Plan, and the Marin County 2030 Climate Action Plan (CAP) based on the vehicle miles traveled (VMT) that would result from the State-mandated RHNA for unincorporated Marin County.
- Some potential housing sites proposed by the Project include land designated as Farmland of Local Importance or Grazing Land. 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 ensure that any potential impacts related to the conversion or change in farmland to non-agricultural are addressed, reducing the impact to less-than-significant. For example, Policy AG-1.1 would limit residential development to that which is reasonably related to agriculture, and Policy AG-1.4 would apply non-agricultural zoning only in areas where conflict with agricultural uses will be minimized.

- 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.
- Some areas of the county have limited wastewater disposal capacity, in some instances due to limited septic expansion opportunities. Housing units proposed under the Project in those areas would exacerbate constrained systems.

Alternatives

To provide a basis for further understanding of the environmental effects of a proposed project and possible approaches to reducing its identified significant impacts, CEQA requires an EIR to also "...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."

Pursuant to CEQA, the Draft EIR identifies and evaluates the following three alternatives to the Project:

- **Alternative 1: No Project – Existing Countywide Plan.** State CEQA Guidelines Section 15126.6(e) requires an EIR to analyze the specific alternative of "No Project." The purpose of describing and analyzing the No Project alternative is to allow decision-makers to compare the impacts of approving a proposed project with the impacts of not approving it. The No Project Alternative shall discuss the existing conditions at the time the EIR Notice of Preparation is published, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

Additionally, State CEQA Guidelines Section 15126.6(e)(3)(a) states that when the project is the revision of an existing land use or regulatory plan, the "No Project" alternative will be the continuation of the existing plan. Typically, this is a situation where new projects would be proposed under the existing plan. Thus, the impacts of the proposed project would be compared to the impacts that would occur under the existing plan. The Draft EIR found that the No Project Alternative does not meet any of the

Housing and Safety Elements Update project objectives, including objectives related to legal requirements for Housing Elements, and therefore is not considered a feasible project alternative.

- **Alternative 2: Reduced VMT Alternative.** The Reduced Vehicle Miles Traveled (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, including 0.5 miles on either side of Sir Francis Drake Boulevard to Fairfax. The intent of this alternative is to reduce the significant unavoidable 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. Compared to other parts of the county, the urban core of Marin County would (1) tend to have lower VMT per capita, and (2) have substantially better VMT mitigation options available because of proximity to mass transit and other transportation demand management (TDM) solutions. This alternative would result in lower VMT per capita than the proposed Project; however, it would still result in significant unavoidable VMT, air quality, and GHG impacts.
- **Alternative 3: Reduced Utility Impact Alternative (Water & Wastewater).** The Reduced Utility Impact Alternative would relocate housing sites from service districts that do not have the capacity to serve new development to areas closer to the City-Centered/Baylands Corridor where water and wastewater service providers have greater capacity. This alternative would also relocate housing sites that would require significant infrastructure improvements in order to avoid the impacts of infrastructure construction. This alternative focuses on reducing impacts on the environment due to construction of new infrastructure for public utility districts providing water or wastewater treatment to unincorporated areas of Marin County. This alternative would have significant and unavoidable impacts that are similar to 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 22, Alternatives*, the Draft EIR finds that Alternative 2, Reduced VMT Alternative, would allow the County to obtain most of the Housing Element Update objectives and all of the Safety Element Update objectives while reducing some but not all environmental impacts and would therefore be the “environmentally superior alternative.” Alternative 2 is the environmentally superior alternative because it reduces more impacts (VMT, Air Quality, and GHG) and substantially meets the County’s stated objectives for the Project.

However, Alternative 2 would not fully meet the objective of providing housing throughout unincorporated county communities because it would reduce the number of units in the Project Sites Inventory by 479 by eliminating the larger housing sites in the more rural communities of the county. The total number of housing units under this alternative would still meet the County's RHNA, and smaller sites that can be screened out from the CEQA VMT analysis would still be part of the alternative. Although this alternative would reduce the Project's per capita VMT and the resulting air quality and GHG emissions by 10 to 15 percent, the VMT, air quality, and GHG impacts would remain significant and unavoidable.

COMMENTS RECEIVED:

Comments received prior to the packet distribution date for the Board of Supervisors and Planning Commission hearing on the Draft EIR are attached to this letter (Attachment # 1). Any additional comments received after that time will be forwarded to the Board and Commission at, or prior to, the hearing date.

PUBLIC HEARING AND NEXT STEPS:

The purpose of the public hearing is for the Board of Supervisors and Planning Commission to receive oral comments on the adequacy of the Draft EIR. Following the public hearing and the close of the public review and comment period on November 21, 2022, the EIR consultant will compile written responses to all comments received during the 45-day review period, which, along with the Draft EIR and any resulting changes to the Draft, will represent the Final EIR.

The Final EIR will then be released for public review prior to recommendation for certification of the Final EIR by the Planning Commission, and ultimately consideration of the Final EIR for certification by the Board of Supervisors. In order to approve the Project or an alternative to the Project, the Board of Supervisors will need to certify that the Final EIR complies with CEQA, make Findings, adopt a Mitigation Monitoring and Reporting Program, and adopt a Statement of Overriding Considerations.

EQUITY IMPACT:

The County believes in equitable communities, where all community members have access to healthy affordable housing. Evidence shows that access to stable affordable housing in communities of opportunity has broad positive impacts. It can lead to better health and education outcomes and higher lifetime earnings, especially for children. Under state law, the Housing Element is required to include an assessment of fair housing to address barriers to fair housing choice and identify sites and programs that provide

housing opportunity for lower income families and individuals near high-quality schools, employment opportunities, and public transportation. State law also requires local governments to identify meaningful goals to address the impacts of systemic issues such as residential segregation, housing cost burden, and unequal educational or employment opportunities to the extent these issues create and/or perpetuate discrimination against protected groups. These requirements will be incorporated into the Housing Element Update, including a site selection recommendation.

Further, the County followed the State Adaptation Planning Guide for the Safety Element Update, in part because it provides clear guidance on assessing climate change impacts on vulnerable populations. The Vulnerability Assessment prepared as part of the Safety Element Update defines several vulnerable populations that are at greater risk from climate change impacts because they lack adaptive capacity. The assessment of climate change impacts on a range of populations provides the necessary steps for considering new policies that address inequities in how different populations are impacted by and able to respond to climate change.

Equity considerations have been incorporated into the Project and are reflected in the Project Objectives identified in the EIR. The process of adopting Findings and a Statement of Overriding Considerations allows your Board and Planning Commission to reflect and acknowledge equity and other important policies in consideration of projects that could result in significant unavoidable impacts under CEQA.

FISCAL/STAFFING IMPACT:

There is no general fund impact, because funding to complete the Housing and Safety Element Update EIR is available in CDA's budget.

REVIEWED BY:

<input type="checkbox"/> Department of Finance	<input checked="" type="checkbox"/> N/A
<input checked="" type="checkbox"/> County Counsel	<input type="checkbox"/> N/A
<input type="checkbox"/> Human Resources	<input checked="" type="checkbox"/> N/A

SIGNATURE:


 Rachel Reid
 Environmental Coordinator


 Sarah Jones
 Acting Director

ATTACHMENTS:

1. Letters of Comment on the Draft EIR



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.

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

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.

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 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

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

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

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.

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

Attachments to Letter from Spirit Living Group:

LAFCO Annexation Documents

Recording Requested by and
When Recorded Return to:

Record without Fee per GC27383

8
FD
MA



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



2020-0007368

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

REC FEE

0.00

11:48AM 25-Feb-2020

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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 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
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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**

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

City Boundary Change

Estimated Population: **0**

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

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

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.

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.

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.

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. 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.

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 its 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 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.

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.

Attachment to Email from Leah Tuffanelli: April 6, 2022 Email to County

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.

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[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?

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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: [send message](#)
To: [EnvPlanning](#)
Subject: development
Date: Friday, November 4, 2022 10:03:18 AM

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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