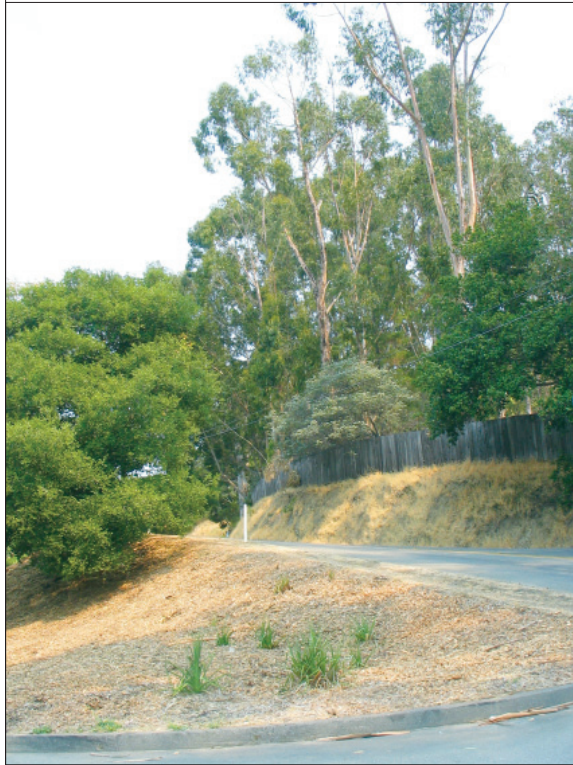


650 NORTH SAN PEDRO ROAD AMENDED FINAL EIR

STATE CLEARINGHOUSE NUMBER: 2004062004



County of Marin | December 3, 2009



DESIGN, COMMUNITY & ENVIRONMENT

650 NORTH SAN PEDRO ROAD AMENDED FINAL EIR

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DESIGN, COMMUNITY & ENVIRONMENT

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in association with
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Garcia and Associates
Lowney Associates

Robert L. Harrison
Transportation Planning
Stetson Engineers

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COUNTY OF MARIN
650 NORTH SAN PEDRO ROAD EIR
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I INTRODUCTION

The following Final EIR Amendment contains responses to comments from agencies and individuals who submitted comments on the Final EIR for the 650 North San Pedro Road project. It also includes an Errata page. It modifies the Final Environmental Impact Report to include the Errata and two changes needed to respond to the additional comments that were received.

Thirty-three (33) comment letters from commentators on the Final EIR were received by the County Community Development Agency. They are included below along with responses to those comments. Each comment letter is assigned a number, from 1 through 33, and each comment is numbered in the margin of the comment letter. A complete list of comment letters is provided in Table 3-1 in Chapter 3 of this Amendment. Responses to the comments follow each letter, and responses are referenced using the same numeric system. For example the first comment from the first letter, from the State Clearinghouse, is designated 1-1, as is the response to it.

COUNTY OF MARIN
650 NORTH SAN PEDRO ROAD EIR
INTRODUCTION

2 ERRATUM

The following erratum identifies changes that have been made to the Final EIR. In each of two cases, exact text from the FEIR is shown and modified as necessary. Omitted text is shown in ~~striketrough~~ mode and new text is double underlined.

Pages 5-2 and 5-3 of the FEIR

The following change has been made to omit duplicative information in the description of the No Project Alternative and to clarify why no affordable units would be required under this Alternative.

“This alternative would include five market rate units on existing, legal lots. Under this alternative, the property owner would sell the five legal lots of record that comprise the property to separate individuals, who would then develop the lots with single family residences and appurtenant structures. Where necessary, access and utility easements would be created on the lots to facilitate development, but no Lot Line Adjustments would occur. It is expected that development on APNs 180-291-04 and 180-231-07 would be subject to individual Design Reviews pursuant to Marin County Code section 22.42.30 (Design Review for Development along Paper Streets and for Specific Driveways) because of the length of the driveways that would need to be constructed to access these properties. Tree removal associated with this development would be addressed in those individual Design Reviews.

Due to their size and location, it is evident that the other three lots (APNs 180-231—09, 180-231-09, 180-231-06) could be developed in conformance with the height, setback, floor area and other development standards of the governing R-E:B-3 zoning district. Therefore, it is not anticipated that these lots would require Design Review, Tree Removal Permits or any other type of discretionary approval for development. Since no discretionary approval would be required, Wetland Conservation Areas (WCAs) as established through polices set forth in the Countywide Plan would not be applicable. Further, affordable housing units would not be required because the development would involve single-family residences on separate legal lots of record under separate ownership. The eucalyptus tree containing the existing heron

nest would be taken down during non-nesting season because it is a hazard to the occupants of the property.

~~The No Project Alternative requires only building permits and no discretionary permits. Because building permits are ministerial and not conditional, the No Project Alternative is not required to include affordable housing units.”~~

Pages 7-356 of the FEIR

Response 28-24 is as follows, “The comment is correct in that the eucalyptus tree containing the heron nest on-site would pose a hazard to motorists, bicyclists, or pedestrians. The tree is approximately 80-feet high and the closest point on North San Pedro Road is over 100-feet from the base of the tree. The text in the DEIR has been amended to reflect this.”

Comment 9 in Letter 9 submitted on the FEIR clarifies that the eucalyptus tree containing the heron nest on-site is too far from North San Pedro Road to be a hazard. The text in Response 28-24 in the FEIR was intended to read as follows: “The comment is correct in that the eucalyptus tree containing the heron nest on-site would not pose a hazard to motorists, bicyclists, or pedestrians. The tree is approximately 80-feet high and the closest point on North San Pedro Road is over 100-feet from the base of the tree.” The FEIR is hereby amended as such.

3 COMMENTS AND RESPONSES

A. Introduction to Comments and Responses

Comments on the FEIR were received from 33 parties, including agencies, local organizations and individuals. These parties are listed in Table 3-1. Comment letters received and responses to comments are included in this chapter. Multiple commenters submitted a form letter that contained the same comments. These commenters and the approach taken to these comments are identified in the response to Letter 8 below.

TABLE 3-1 LIST OF COMMENTORS

Letter #/ Page # (in Doc.)	Company/Name	Date Received	First Name	Last Name	Title
Government Agencies					
1 Page 7	Governor's Office of Planning & Research	10/22/09	Scott	Morgan	Acting Director
Project Sponsor					
2 Page 11	Thompson Development Inc.	10/14/09	Casey	Clement	
Local Groups and Residents					
3 Page 15	Marin Conservation League	10/14/09	None	Dennis	President
4 Page 22	Santa Venetia Neighborhood Residents	10/14/09	Kevin & Melissa	Burrell	NA
5 Page 31	San Rafael Resident	10/14/09	Mary	Feller	NA
6 Page 59	Santa Venetia Neighborhood Resident	10/14/09	Peter B.	Newman	NA
7 Page 70	Santa Venetia Neighborhood Association	10/14/09	Mark	Wallace	President
8 Page 77	Santa Venetia Neighborhood Resident	10/14/09	Helmut	Winkelhake	NA
9 Page 84	Santa Venetia Neighborhood Resident	10/14/09	Helmut	Winkelhake	NA
Local Groups – Form Letters					
10*	Santa Venetia Neighborhood Resident	10/13/09	Gaspare	Indelicato	NA
11*	Santa Venetia Neighborhood Resident	10/13/09	Robin	Indelicato	NA
12*	Santa Venetia Neighborhood Resident	10/13/09	Roger	Kick	NA

COUNTY OF MARIN
650 NORTH SAN PEDRO ROAD EIR
COMMENTS AND RESPONSES

TABLE 3-1 **LIST OF COMMENTORS (CONTINUED)**

Letter #/ Page # (in Doc.)	Company/Name	Date Received	First Name	Last Name	Title
13*	Santa Venetia Neighborhood Resident	10/14/09	Nicole	Klock	NA
14*	Santa Venetia Neighborhood Resident	10/14/09	Anne	Oklan	NA
15*	Santa Venetia Neighborhood Resident	10/14/09	Edward	Oklan	NA
16*	Santa Venetia Neighborhood Resident	10/14/09	Art	Reichert	NA
17*	Santa Venetia Neighborhood Resident	10/14/09	Ellen	Stein	NA
18*	Santa Venetia Neighborhood Resident	10/14/09	Rose Anne	Stoke	NA
19*	Santa Venetia Neighborhood Resident	10/13/09	Robert	Sylvester	NA
20*	Santa Venetia Neighborhood Resident	10/13/09	Sandy	Walker	NA
21*	Santa Venetia Neighborhood Resident	10/14/09	Steve & Karen	Wilgenbush	NA
22 Page 95	Santa Venetia Neighborhood Resident	10/14/09	Giselle	Block	NA
23 Page 101	Santa Venetia Neighborhood Resident	10/14/09	Mary	Hanley	NA
24 Page 110	Santa Venetia Neighborhood Resident	10/14/09	Tamara	Hull	NA
25 Page 119	Santa Venetia Neighborhood Resident	10/14/09	Linda	Levey	NA

COUNTY OF MARIN
650 NORTH SAN PEDRO ROAD EIR
 COMMENTS AND RESPONSES

TABLE 3-1 **LIST OF COMMENTORS (CONTINUED)**

Letter #/ Page # (in Doc.)	Company/Name	Date Received	First Name	Last Name	Title
26 Page 126	Santa Venetia Neighborhood Resident	No date	Linda	Levey	NA
27 Page 132	Santa Venetia Neighborhood Resident	10/12/09	Johnathan	Metcalf	NA
28*	Santa Venetia Neighborhood Resident	No date	Johnathan	Metcalf	NA
29 Page 142	Santa Venetia Neighborhood Resident	10/12/09	Elaine	Reichert	NA
30 Page 146	Santa Venetia Neighborhood Resident	10/14/09	Robert	Sos	NA
31 Page 155	Santa Venetia Neighborhood Resident	10/12/09	Shelley	Sweet	NA
32*	Santa Venetia Neighborhood Resident	No date	Shelley	Sweet	NA
33 Page 163	Unknown	10/14/09	Unknown	Unknown	NA

* Each of these letters is identical in content and format to Letter 8. As such, responses have been provided to Letter 8 only. In order to avoid duplication, these letters have not been included in this Amendment.

Government Agencies

COUNTY OF MARIN
650 NORTH SAN PEDRO ROAD EIR
COMMENTS AND RESPONSES



ARNOLD SCHWARZENEGGER
GOVERNOR

October 15, 2009

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

LETTER #1

Tim Haddad
Marin County Community Development Agency
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Subject: 650 San Pedro Road Master Plan, Development Plan, Subdivision and Rezoning
SCH#: 2004062004

Dear Tim Haddad:

The State Clearinghouse submitted the above named Final Document to selected state agencies for review. The review period closed on October 14, 2009, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

1-1

Please call the State Clearinghouse at (916)-445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

for: 
Scott Morgan
Acting Director, State Clearinghouse

LETTER 1

Governor's Office of Planning & Research

October 15, 2009

1-1: The State Clearinghouse submitted a cover letter describing how the Final Document of the EIR was circulated for review to State agencies and no State agencies submitted comments during the review period. No response or change to the FEIR is required.

Project Sponsor

COUNTY OF MARIN
650 NORTH SAN PEDRO ROAD EIR
COMMENTS AND RESPONSES

THOMPSON
DEVELOPMENT INC.

AN AFFILIATE OF WEST BAY BUILDERS INC.

250 BEL MARIN KEYS BLVD. BLDG. A
NOVATO, CALIFORNIA 94949
415.456.8972 TEL.
415.382.9896 FAX.

OCT 14 2009 PM 1:39 Planning

LETTER #2

October 8, 2009

Tim Haddad
Environmental Coordinator
Marin County Community Development Agency
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

RE: Final Environmental Impact Report for 650 North San Pedro Road, San Rafael

Dear Mr. Haddad,

We have received and reviewed the Final EIR for 650 N. San Pedro Court prepared by DC&E and dated September 30, 2009. As you know this process has been ongoing for many months beyond the established CEQA time limits specified in the Guidelines and County policy. The document seems to be complete and provide ample information for all parties of interest to fully understand the project potential environmental impacts and mitigation. Accordingly, we are hopeful that the Planning Commission certifies the EIR at the December 14th hearing, and provides discussion on the merits of the project to proceed.

2-1

Finally, we are please to see that there is now a superior project alternative that both meets the project objectives and the County environmental thresholds and standards. I would like to reiterate that the owners of the project are willing to accept this superior alternative, as it is defined in the EIR, as the "project" for merits discussion.

2-2

We look forward to the Planning Commission hearing on December 14th, 2009.

Sincerely,



Casey Clement

LETTER 2

Thompson Development Inc.

October 8, 2009

2-1: This comment states the opinion that the project FEIR is complete and provides ample information for interested parties to understand the scope of the project and its effects on the environment. This comment does not question the adequacy of the analysis and does not require any change to the EIR.

2-2: This comment states that the Revised Project Alternative, as described in the FEIR, meets the project objectives and the environmental thresholds and standards of Marin County. Although this alternative is not the environmentally superior alternative, this comment reiterates that the project applicant is willing to accept the Revised Project Alternative as “the project” for the purposes of the merits discussion. This comment does not require a change to the EIR.

Local Groups

COUNTY OF MARIN
650 NORTH SAN PEDRO ROAD EIR
COMMENTS AND RESPONSES

LETTER #3

Taylor, Tamara

From: Haddad, Timothy
Sent: Wednesday, October 14, 2009 3:29 PM
To: Taylor, Tamara
Cc: Warner, Rachel
Subject: FW: 650 North San Pedro Rd. Master Plan

FYI comment on 650 N. San Pedro.

From: MCL [mailto:mcl@marinconservationleague.org]
Sent: Wednesday, October 14, 2009 1:22 PM
To: Haddad, Timothy
Cc: Tejirian, Jeremy
Subject: 650 North San Pedro Rd. Master Plan

October 14, 2009

Re: Final Environmental Impact Report (FEIR), 650 North San Pedro Rd. Master Plan, Precise Development Plan, Subdivision, and Rezoning.

Dear Mr. Haddad:

Marin Conservation League would like to submit the following comments on the Final Environmental Impact Report concerning the subject project. Although the FEIR fails to address a number of the comments we submitted on the DEIR, we have elected to focus on a few outstanding issues that need further attention or clarification.

1. Pages 2-11 and 2-14 No. 4. In the Hydrology and Water Quality Section state that...."The project would increase the amount of impervious surface area within the Gallinas Creek watershed and would result in an increase in the overall volume of stormwater runoff and non-point pollution sources affecting the watershed....," and "it is not anticipated that soils would achieve the necessary saturation during a storm event for such a phenomenon to occur (i.e., a mudflow on site)." It is not only mudflow risk that deserves attention; there remains the risk of sheet flow of water offsite. The DEIR and FEIR incorporate engineering design to increase the size of Drainage Area #1 and increase the size of the pond onsite to impound waters flowing off Drainage Area#1, including flow from the existing ephemeral stream during storm events. The risk of sheet flow offsite from the reduced Drainage Area #2 during severe storm events also deserves attention and should be identified as an Impact. The neighborhood has experienced sheet flow from the site over Pt. San Pedro Road during severe storm events in years past. The remediation (Mitigation) of this potential risk, particularly as it concerns the design and sizing of offsite drainage facilities, should be added to the discussion of impacts in the Hydrology and Water Quality Section 4.4, and added to the Summary of Impacts and Mitigation Measures. 3-1
2. In the same section, Page 2-48, Table 2-2, it is stated that "the applicant should prepare an operation and maintenance plan for stormwater facilities and identify how and what entity would operate and maintain the storm pond." The FEIR leaves the responsibility for long-term management of the storm pond unresolved. How this is to be done should be explained in the FEIR now rather than be left for some future plan. Possible options should be presented. Assuming that the Homeowners Association will be 3-2

10/14/2009

responsible for the operation and maintenance of the stormwater facilities and storm pond, will they have the reliability and funding capacity to do so? Is it to be a Mello - Roos District or some other entity, and how will that function be funded to ensure proper operation and maintenance? The FEIR does not address this organizational, management, and funding issue.

3. Pages 2-39 through 2-43 include a number of mitigations for the project development with respect to management of the private open space lands, vegetation, and wetlands, all of which, apparently, will be the responsibility of the Homeowners Association. There is reference to the need for a plan for managing the surrounding upland space – e.g., to maintain and enhance the function of the wetland – and that the Wetland Management Enhancement Plan (WMEP) shall specify procedures and responsible parties for implementing remedial and corrective actions. Once again the FEIR does not provide any direction as to the Best Management Practices (BMPs) necessary to accomplish the objectives of protecting the upland open space areas and wetlands. We believe that the FEIR is vague in this regard and should elaborate on how best to proceed with implementing the mitigations being proposed and how to ensure long-term compliance. 3-3

4. Page 2-17 Section 1. b – Conclusions on the No Project Alternative. The FEIR concludes that "Future development on three of the five legal lots would constitute a ministerial action that would not be subject to discretionary review and approval by the County. " The FEIR goes on to say, "Accordingly, development on these lots would not be subject to County policies related to protection of biological resources or otherwise. Encroachment into the wetland conservation area (WCA), creek corridor, and removal of the rookery tree would not be subject to County review." 3-4

We understand that the County has issued Certificates of Compliance for the five lots that constitute the project site. As a consequence, some of the existing lots are not subject to discretionary review. However, the FEIR should explain exactly what size dwelling units and siting standards would apply under the No Project Alternative. The FEIR, in 5-2 and 5-3 explains which of the five lots are subject to ministerial action and which are not. It would be helpful to compare the likely consequences of development of the site under the No Project Alternative and the five-existing-lots scenario? The FEIR should elucidate what the likely outcome would be under the latter scenario, and, therefore, what the real expected impact of this alternative would be in comparison to the other project alternatives.

Thank you for the opportunity to comment.

Sincerely,

Nona Dennis, President

Marin Conservation League

1623A Fifth Avenue, San Rafael CA 94901

tel(415)485-6257 fax (415)485-6259

cc: Jeremy Tejerian, Senior Planner

LETTER 3

Marin Conservation League

October 14, 2009

3-1: The comment states that the risk of sheet flow from the reduced Drainage Area #2 during storm events deserves increased attention in the EIR and should be identified as an impact. As explained in Chapter 4.4 of the DEIR, Hydrology and Water Quality, and shown in Table 4.4-2, the estimated 100-year peak flow for Drainage Area 2 under the post-development condition is about 8.2 cubic feet per second (cuffs), which is about 1.1 cfs or 11.8 percent lower than the pre-development condition (9.3 cfs). These changes in 100-year peak flows result in large part from the removal of drainage area from Drainage Area 2 (-0.77 acres) and corresponding addition of the drainage area to Drainage Area 1 (+0.77 acres).

As shown on Figure 4-4, drainage from Area 2 would flow in a northwest direction along the edge of property with North San Pedro Road and into a new outlet dissipator before passing into a culvert. The outlet dissipator would be used to reduce the velocity of storm water flows as they move from higher to lower elevations and, hence, reduce erosion potential.

On the basis of the proposed drainage plan features and the reduced peak flow for Drainage Area 2, possible sheet flow across North San Pedro Road was not identified as a potentially significant impact. Stetson Engineers, the project hydrologist, was consulted again on the basis of this comment, and confirmed that sheet flow from Area 2 would not result in a significant impact.

3-2: The comment calls for the EIR to disclose all detail related to the organization, management, and funding of the following provision under Mitigation Measure 4.4-A.1:

“The applicant should prepare an operation and maintenance plan of stormwater facilities and identify how and what entity would operate and maintain the storm pond.”

It is not required under CEQA that all the requested details be identified at this phase of the process to ensure adequacy of mitigation. Rather, at this time the mitigation must establish standards and criteria that must be met. As identified in Appendix B of the EIR, the Mitigation Monitoring and Reporting Program, the applicant would be responsible for fulfilling this mitigation requirement at the time of the precise development plan, at which time the requested details would be confirmed. In other words, prior to project occupancy, the plan for operation and maintenance of storm water facilities, including the pond, will have been completed, reviewed, and revised as needed before being given final consideration for approval. Marin County CDA would be responsible for verification.

3-3: The comment is concerned that Mitigation Measures 4.3-E.2 and 4.3-F.2 are not rigorous and detailed enough in terms of implementation procedures and do not provide sufficient means of ensuring long-term compliance.

Mitigation Measures 4.3-E.2 says:

Each of the private open space areas shall have deed restrictions on the lots relating to the use and maintenance of the private open space. The deed restrictions will ban the building of any structures or fencing in those areas and require that the areas be maintained in their natural state. The deed restrictions would be permanent and be applicable to future owners.

The framework that will ensure long-term preservation of the open space is further explained in Master Response 7 in the FEIR. As described therein, the private lot open space would be encumbered with an open space, scenic and resource conservation easement. The easement would be dedicated to the County of Marin and would restrict the use of the related property to scenic,

open space and resource conservation purposes only. No further subdivision, residential development, or fencing would be permitted within the easement. Deed restrictions would be placed on lots 8-12 relating to the use and maintenance of the private open space. The deed restrictions would be permanent and be applicable to all future owners.

As identified in Appendix B of the EIR, the Mitigation Monitoring and Reporting Program, Mitigation Measures 4.3-E.2 would be implemented at the time of the precise development plan. As such, the aforementioned deed restrictions would be in place prior to the sale and occupancy of any of the homes.

Management of the common parcel and open space would be the responsibility of an HOA and would be limited to fire vegetation management and resource protection. The HOA would follow a set of Covenants, Codes, and Restrictions (CCRs) that require property owners to pay annual dues. These dues would be used in part to pay for professional natural resource managers who would maintain the open space resources on the site. These resources would include the pond and adjacent common area, the patch of native grassland in the northeast corner of the property, and the oak woodlands on the hill south of the proposed development. The intent of this framework is that the HOA would be stewards of the property's open space and that County would have ultimate oversight through the easement dedication.

This framework is sufficiently detailed and appropriately structured to allow for the long-term protection of the open space on-site.

In regards to Mitigation Measure 4.3-F.2, the Wetland Management and Enhancement Plan (WMEP), the comment states that the measure should specify procedures and responsible parties for implementing remedial and corrective actions. The comment is particularly focused on the following provision found under this measure:

The WMEP shall specify procedures and responsible parties for implementing any remedial or corrective actions needed for the wetland or upland area throughout the monitoring period. The WMEP shall specify long-term maintenance and monitoring provisions to be managed and funded by the Homeowner's Association.

The adequacy of this mitigation does not require that all details be set forth in terms of procedures, responsible parties, and long-term maintenance and monitoring provisions. It is sufficient under CEQA for this mitigation to require that these details be encompassed in the final WMEP that is ultimately submitted for review prior to the approval of the final map. As specified in the Mitigation Monitoring and Reporting Program, the WMEP shall be completed and available for review at the time of the precise development plan.

3-4: As explained in the description of the No Project Alternative, development on three of the five lots would not require discretionary review. The comment is requesting that the FEIR disclose exactly what size dwelling units and siting standards would apply under the No Project Alternative. The comment suggests that provision of this information would allow for a more clear understanding of what the expected impact of this alternative would be in relation to the other project alternatives.

The site is zoned R-E:B-3 and has the following general development standards for residences that would not require Design Review or Variance applications:

- ◆ Maximum height: 30 feet above grade
- ◆ Maximum Floor Area Ratio: 30 percent
- ◆ Minimum setbacks:
 - Front: 25 feet
 - Sides: 15 feet
 - Rear: 20 percent of the average lot depth to a maximum of 25 feet
 - Maximum building area: 4,000 square feet

In light of this information, the EIR determined that this alternative would be environmentally inferior to the proposed project. As stated in the analysis of this alternative (Chapter 5 of the DEIR), there would still be an absence of discretionary review on three of the lots, thereby precluding County policies related to protection of biological resources or otherwise. Furthermore, as stated in the FEIR Master Response 6, encroachment into the wetland conservation area (WCA), creek corridor, and removal of the rookery tree would not be subject to County review. As a result, the findings of this alternatives analysis would not change on the basis of the requested information, as provided above.

Resident, Santa Venetia Neighborhood

October 12, 2009

OCT 14 2009 PM 2:12 Planning

Tim Haddad
Environmental Coordinator
Marin County Community Development Agency
3501 Civic Center Drive, #308
San Rafael, CA 94903-4157

LETTER #4

*Re: 650 North San Pedro Road - Development Final Environmental Impact
Report – Review and Comments*

To the Marin County Community Development Agency:

We are Kevin and Melissa Burrell and live at 630 North San Pedro Road, San Rafael, immediately adjacent to the proposed development at 650 North San Pedro.

We reviewed the Final EIR (FEIR) for the 650 North San Pedro (650 NSP) rezoning and development project and want to reiterate our stance of not supporting the rezoning proposal of this property, and join the SVNA in addressing some of the responses made in the Report.

4-1

We share the concern that the developer is proposing to develop 14 homes on parcels that are currently zoned for just 5 homes, and therefore propose to rezone and subdivide the property to allow all the new homes to be densely "clustered" along North San Pedro Road. We have been against the rezoning for reasons stated in our letter dated Jan. 19, 2009. We continue to be against this rezoning. **As the "next door neighbor" to the proposed project, we feel it is the right of the owner to build properties according to the existing zoning. We stated this in our Jan. 19 letter, and continue to feel that the construction of 4-5 new homes would be acceptable to us and to the community.** A development of 12-14 homes as proposed is not appropriate for the site or for the quality of life of the Santa Venetia community. In reviewing the FEIR, we also think that rezoning in this area would encourage similar rezoning of nearby parcels, and is inconsistent with the character of the existing neighborhood. Rezoning would create a precedent for dense development, not in keeping with the Marin County Wide Plan.

4-2

In analyzing the environmental impacts of the proposed project, the EIR makes a comparison between the proposed 14-home project and several alternative uses of the land. One of the alternatives, called the "No Project Alternative," is based upon allowing the lots to be developed as they are currently zoned today.

FEIR Master Response 6 – Development Permitted Under Existing Zoning

4-3

While comparing the proposed project with the No Project Alternative, Master Response 6 makes the following conclusion:

As a result of the factors described above, the County maintains that the No Project (sic) is environmentally inferior to the proposed

project. A reduction in the number of units does not, by default, equate to a lesser environmental impacts (sic). (p.7-22)

The Report bases this conclusion upon the possibility that the development of the existing 5 lots could be subject to extensive environmental degradation, such as an increase in tree removal, roadway work, etc. and could further be subdivided to create a larger number of homes than the proposed project. The report makes an assumption, based upon land use designations of the Marin Countywide Plan, that the environmental impacts of the No Project Alternative could be worse than the proposed project, and concludes that:

[T]he five existing lots on site could be further subdivided and feasibly result in up to 13 single family residential lots and up to 12 second units. This would result in an increased number of units on the site in relation to the proposed project. (p.7-22)

Response 6 uses a lot of "what-if" scenarios, without explaining how exactly such development can occur, considering the difficulty and expense of building roadways and clearing out lots to build all these homes on a very steep hill. While it may be *conceivable* that the existing lots could be built out to 25 homes, it is also entirely possible that development of the 5 existing lots would be limited to much less than 25 homes, due to these economic and other constraints.

If the project proponents can feasibly build 25 homes on 650 NSP under the current zoning and CWP land use designations, why are they proposing to rezone and subdivide the property to build only 14 homes through this EIR process? Could the answer be simply economical?

Without contrary evidence, it seems fundamental that environmentally speaking, the fewer number of homes developed, the less environmental impact to a site. Therefore, Response 6 still does not adequately explain why the No Project Alternative is environmentally inferior to the proposed project.

Master Response 7 – HOA Management of Open Space

4-4

This part of the EIR explains how the remaining open space of the development would be set aside as an "open space, scenic and resource conservation *easement*."

Master Response 7 states as follows:

The common parcel and private lot open space would both be encumbered with an open space, scenic and resource conservation easement. The easement would be dedicated to the County of Marin and would restrict the use of the related property to scenic, open space and resource conservation purposes only. No further subdivision, residential development, or fencing would be permitted within the easement. Deed restrictions would be placed on lots 8-12 relating to the use and maintenance of the private open space.

As we understand this statement, the open space, as a private space, will be set up to benefit the homeowners and not the general public. Yet the developer is proposing to rezone the property for higher density. The spirit of the Marin Countywide Plan is to provide public benefits through land use designations. If the developer truly wants to provide a rationale for rezoning the property, they should consider a complete dedication of the private open space to a permanent, *public* conservation area, not simply an easement.

Master Response 8 – AM Peak Period and Weekend Traffic

4-5

We are extremely concerned about the project's impact on NSP Road traffic through Santa Venetia. We are obviously concerned about the **current** problems that this road experiences. In Response 8, the EIR concludes that:

Despite many perceptions to the contrary, based on the analysis performed and using the County's adopted standards, the project would have a less-than-significant impact on traffic operation, as indicated in the DEIR.

In its own right, the additional traffic generated from the proposed project appears to be marginal. However, the overall cumulative impact of ongoing development along NSP road, such as the 80+ unit development at 33 San Pablo, with the addition of 14 homes at the end of NSP Road, is and continues to be significant to the Santa Venetia Community.

Response 8 continues that:

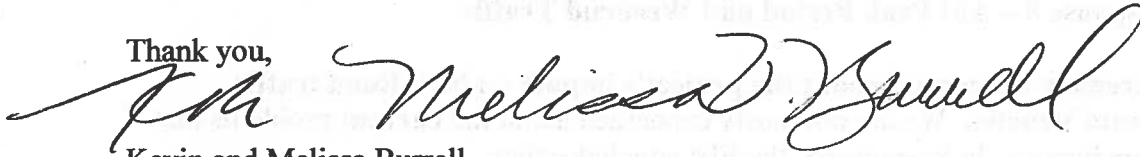
It should be noted that many of the concerns expressed relative to traffic were relative to conditions associated with traffic at the JCC and Venetia Valley School. County staff is currently working with staff at both the JCC and Venetia Valley School to address the congestion that occurs during the morning drop-off period. However, the identified issue is specific to operation of these two schools rather than the volume of traffic served by North San Pedro Road.

The traffic issues involving the JCC and Venetia Valley School, mixed in with residents traveling up and down NSP, have not yet been resolved. **Just today, October 13, between 7:50am and approximately 8:50am, the traffic heading west past the JCC and Venetia Valley was backed up from the 7-11 stop sign ALL THE WAY UP TO THE ONRAMP for Highway 101 heading south. Additionally the traffic heading east to the JCC and Venetia Valley school was crawling from the North San Pedro Road exit off Highway 101 North, with cars kept idling, unable to move, as lights changed because the traffic was gridlocked heading east.** Even with the local sheriff directing traffic, there are far too many cars presently on this two lane road. This traffic is also alarming at the end of the school day as well. This is a daily problem and consumes countless gallons of wasted gas, generating untold levels of carbon emissions. Until the traffic issues are dealt with, it must be stated that the 11 additional trips, as

projected by the EIR, will have more than an insignificant impact on weekday traffic. 11 car lengths is approximately 220 feet farther back in line from the traffic signal, which as we mentioned, is generally backed up week days as far back as the 7-11 store. The problem will only get worse once the 33 San Pablo development is completed.

For these reasons, we join our fellow community members as they raise their concerns about the 650 North San Pedro Road Project Final EIR. We want the Marin Community Development Agency to carefully review and properly address these community concerns before any certification occurs of this FEIR.

Thank you,

A handwritten signature in black ink, appearing to read "Kevin and Melissa Burrell". The signature is fluid and cursive, with a large, stylized "M" at the end.

Kevin and Melissa Burrell
630 North San Pedro Road
San Rafael CA 94903

LETTER 4

Kevin and Melissa Burrell

October 12, 2009

4-1: The comment reiterates opposition to the proposed project and rezoning of the parcel. This is a merits/opinion based comment that states opposition to the proposed project and is discussed in Master Response 1. The comment does not question the adequacy of the overall EIR or portions of the analysis therein. No additional response is warranted and no change to the FEIR is required.

4-2: The comment restates opposition to rezoning of the project site and the construction of 14 homes on parcels currently zoned for five homes. This comment instead proposes that the project consider clustering five homes along North San Pedro Road and restates the opinion, as originally expressed in a letter from January 2009, that the construction of 4 to 5 new homes would be acceptable to the community. The comment further opines that the construction of 12 to 14 homes is not “appropriate for the site or for the quality of life of the Santa Venetia community.” The restated opposition to the level of development proposed by this project is acknowledged and will be considered by the County decision-makers during the merits discussion. Although the comment relates to the project, it does not specifically address the adequacy of the EIR or the basis for its conclusions. Comments that question the merits of the project and are based on opinion are responded to in Master Response 1 (Merits/Opinion Based Comments) in the FEIR. No change to the EIR is required.

This comment further states the opinion that permitting the rezoning of the project site would set a precedent for “dense development,” that would be, “not in keeping with the Marin County Wide Plan.” There is no basis on which to confirm that rezoning of the project site, if permitted, would encourage similar interest on other nearby parcels that would, in turn, result in

an intensification of development. Furthermore, there is no information presented within the comment to demonstrate that this outcome would occur. The alleged outcome is simply speculative. The County Community Development Agency and the Planning Commission review each development application on a case by case basis. Should a rezoning be approved for the project site, there is no direct relation to how the CDA and the Commission would decide on other rezoning requests in the vicinity, should such requests be made. Additionally, future urbanization of the project area is discussed in Chapter 6.0 of the DEIR and concludes that the project is not growth inducing. The improvements that would occur under the proposed project are physically limited to the site itself and immediately adjacent portions of North San Pedro Road. Aside from the on-site improvements, the project would not extend utility or roadways into undeveloped areas in the Santa Venetia community or elsewhere that could facilitate growth.

4-3: The comment questions the basis for the conclusion in the DEIR that the No Project Alternative would be environmentally inferior. The comment states that without evidence to the contrary, Master Response 6 does not adequately explain why the No Project Alternative is environmentally inferior. As discussed in Master Response 3 (Alternatives Analysis), a reasonable range of alternatives were developed and are comparatively analyzed in Chapter 5 (Alternatives of the Proposed Project) of the EIR. The analysis of this alternative in Chapter 5 provides an evaluation of development that could occur under existing zoning, which is further discussed in Master Response 6. As italicized portions of Master Response 6 below explain:

Development of Lots 3 and 4 shown Figure 5-1 and in the applicant's concept plan would include development in the upper reaches of the project site on slopes that would be preserved for open space under the proposed project. As concluded in Chapter 5 of the EIR, this development in the more visually prominent portions of the site would have a greater impact in relation to aesthetics. Conversely, the proposed project would cluster building development on the lower elevations of the site, thereby reducing the visual prominence of the development and effects on the wooded slopes in the more southern portion of the property.

Development of driveway access to Lots 3 and 4 and home construction could result in significant tree removal in existing oak woodland. In comparison, the proposed project would result in less tree removal in the oak woodland because development would be concentrated in the lower (northern) portions of the site. Although a tree permit would be required for development on Lots 3 and 4 under the No Project Alternative, the same degree of land clearance would not be required in these portions of the site under the proposed project.

Due to the grades at which development would occur, specifically on Lots 3 and 4, substantial site grading and retaining wall development would be needed for driveway development to the existing lots. The proposed project reduces roadway lengths on-site by clustering development near existing roads.

Five units would not provide affordable housing and the additional supply of market rate housing offered by the proposed 12-unit project.

In addition, as stated in Chapter 5 of the DEIR, three lots (APNs 180-231-05, 180-231-06, and 180-231-09) could be developed in conformance with the height, setback, floor area and other development standards of the governing R-E:B-3 zoning district. Therefore, it is not anticipated that these lots would require Design Review, Tree Removal Permits or any other type of discretionary approval for development that could otherwise permit the County to impose mitigating conditions on construction occurring on these lots. Since no discretionary approval would be required, Wetland Conservation Areas (WCAs) as established through policies set forth in the Countywide Plan would not be applicable.

As a result of the factors described above, the County maintains that the No Project is environmentally inferior to the proposed project.

The comment also questions why the applicant is proposing to build 14 homes within the project site when it is feasible to build 25 homes through a resubdivision of the property. The comment suggests that economic constraints may be the determining factor that resulted in an application for 12 homes (and two detached second dwelling units) instead of 25 homes. How-

ever, as stated in the Notice of Preparation (NOP) issued in 2008, the release of the original project proposal included the construction of 19 homes on the project site. Subsequent to the release of the 2004 NOP, the project sponsor submitted revisions to the proposed project that included reconfiguring the design of the subdivision and reducing the proposed number of residential lots and residences from 19 homes to 12 homes (and two detached second dwelling units). The project sponsor made these revisions to the proposed project based on an Environmental Constraints Report completed for the project site, in combination with community opposition to a proposal for 19 homes.

4-4: The comment suggests that the applicant should consider a complete dedication of the private open space to a permanent, public conservation area, not an easement. The project proposes 8.6 acres of private open space, which is 58 percent of the 14.8-acre site. Permanent deed restrictions would be placed on Lots 8-12 relating to the use and maintenance of the private open space. These permanent deed restrictions would be applicable to all future owners. It is worth noting that the applicant is not obligated through County policy or other regulatory measures to establish a public open space on the site.

Furthermore, as explained in Section 4.1 of the EIR, the project is consistent with several Marin Countywide Plan policies related to the protection and expansion of open space. Specifically, the project is consistent with policies BIO-1.2 (Acquire Habitat), BIO 1.3 (Protect Woodlands, Forests, and Tree Resources), BIO-2.3 (Preserve Ecotones), BIO-2.4 (Protect Wildlife Nursery Areas and Movement Corridors), Policy BIO-2.6 (Identify Opportunities for Safe Wildlife Movement), Goal OS-2 (Preservation of Open Space for the Benefit of the Environment and Marin Residents), and Policy DES-4.1 (Preserve Visual Quality). Please refer to Chapter 4.1 of the EIR for further discussion of the project's consistency with these policies.

4-5: The comment expresses concern that existing traffic conditions on North San Pedro Road (NSPR) significantly affect the Santa Venetia Community

and that this would be made worse by the project. The comment states that until the peak hour traffic conditions are addressed, the project would have more than an insignificant impact on weekday traffic. Master Response 8 (AM Peak Period and Weekend Traffic) discusses the concern regarding existing traffic congestion on North San Pedro Road and the effect the project would have on the existing traffic load. Traffic data provided in Chapter 4.6 (Traffic and Circulation) concludes that the proposed project would result in a less-than-significant impact on the existing traffic load of NSPR. This determination was based on the professional judgment of environmental professionals with specific expertise and training to make a determination of significance and is supported by substantial factual evidence. Furthermore, as explained in Master Response 8, the traffic analysis was conducted in accordance with professional industry standards and through the use of applicable County thresholds. No additional response is required and no change to the EIR is warranted.

My written comments are missing from the FEIR. Multiple copies were submitted to staff the day of DEIR hearings, well ahead of the deadline for inclusion in the FEIR.

My written DEIR comments can be found at the end of this letter.

INTRODUCTION

The proposed 14 homes on the ridge in this area east of the 7-11 is unprecedented. Leona Dr. was only built because the permits were grand-fathered in from the 1960's or 70's.

This sub-division will be precedent-setting and growth-inducing, paving the way for more subdivisions on North San Pedro Ridge. (see my original written comments.)

5-1

Impacts of the light and noise are a given. These impacts cannot be mitigated. This development combined with the proposed Airport Soccer facility will have a devastating impact on the neighborhood in terms of light and noise.

5-2

Currently, the neighborhood is extremely quiet, peaceful and dark at night.

The Santa Venetia Neighborhood Association has stated categorically that it does not support a subdivision.

5-3

From my original submitted comments:

Neighborhood leaders complained about the proposed subdivision, during a May 2007 meeting with Alex Hinds, Susan Adams and Senior Planner Tom Lai. I quote Senior Planner Tom Lai (verbatim).

5-4

"The builder is going to request a legislative act from the Board of Supervisors to rezone that property. That's a major change, that's a major request. That's a master plan and a rezone. This is not a simple design review. In Marin we rarely amend the general plan. We amend it when we need to amend it. In other parts of the state, the developer comes in and the general plan says 50 units and the developer wants 100 and the developer says 'where's my general plan amendment?' It never happens here."

Also, the County should question any project in an area identified by BCDC and ABAG as at risk for inundation. In a few years, parts of North San Pedro Rd. could be under water.

5-5

Who will pay for the infrastructure improvements? Flood Zone 7 is small zone, with no funds to pay for current projects. Why is the County pushing maximum development in areas that do not have the funds to defend current infrastructure?

5-6

I am concerned about the manipulation of the traffic data to understate queues at the Civic Center/NSPR stoplight/westbound approach, peak AM

5-7

It is also stating the obvious to say that peak AM westbound approach in Santa Venetia (hours of 7:50a to 8:30a while school is in session) will see traffic back-ups up to one mile, with delays of 10 minutes or more.

5-8

If San Pedro/Civic Center is really operating at LOS C like the report claims, then there would not be any significant queue, and traffic on all legs would clear almost every signal cycle without any significant buildup. Table 4.6-2 shows the average delay at San Pedro/Civic Center in the AM peak as 25.9 seconds (average delay for each vehicle traveling through the intersection during the AM peak hour), which certainly doesn't match up with the REAL situation in this neighborhood.

5-9

The queues range from 200 to 260 vehicles. This is LOS F, according to the definitions provided in the FEIR (Volume One, page 4.6-7) - "signalized delay greater than 80 seconds. Extreme unacceptable congestion and delay"

Nader Mansourian, City of San Rafael traffic engineer, has publicly testified that the City stops counting cars on the westbound approach.

This problem was mention during my remarks in the DEIR hearings and in my written comments. (see below for the verbatim quote from Nader Mansourian, in my original comments.)

The FEIR makes no mention of this problem of the skewed traffic model, in spite of my public testimony during the DEIR hearings and my written testimony.

The traffic analysis in the FEIR is seemingly written by someone who sat and crunched numbers and has no practical, on-the-ground experience.

Certainly, the traffic consultant never met with, nor spoke to, anyone associated with the Santa Venetia Neighborhood Association. One would think that interviews with those most knowledgeable of true traffic conditions would be advisable.

The FEIR does not address other issues I broached in my written comments.

The FEIR highly distorts my testimony before the Planning Commission.

SETBACKS, DISCRETIONARY REVIEW AND RED-HERRINGS

5-10

Per the following assertion in the **FEIR, Volume I, page 5-9**

"under this [no project] alternative, no discretionary approval would be required for development on three of the five lots. Wetland Conservation Areas and creek setbacks, as established through policies set forth in the Countywide Plan, would not be applicable. As a result of the likely increased impacts to natural resources, the alternative is considered to be a substantial deterioration compared to the proposed project."

FEIR Volume one, p. 2-17

b. Conclusions

Future development on three of the five legal lots would constitute a ministerial action that would not be subject to discretionary review and approval by the County. Accordingly, development on these lots would not be subject to County policies related to protection of biological resources or otherwise. Encroachment into the wetland conservation area (WCA), creek corridor, and removal of the rookery tree would not be subject to County review. As a result, this would be an environmentally inferior alternative.

The discussion of discretionary review in the context of setbacks is a red-herring. Setbacks are REQUIRED. No discretionary review is involved.

I sat in all of the Countywide Plan hearings when setbacks were discussed. Setbacks were a big subject of discussion in Santa Venetia, since the neighborhood is bounded on three sides by creeks and wetlands. The setbacks were discussed over the course of several years and numerous hearings before the Planning Commission. I testified on behalf of the SVNA on the importance of stream setbacks, as these setbacks related to Flood Zone 7 drainage structures.

I also had a conversation with Alex Hinds about these matters. County staff sat in my living room to discuss these matters with the SVNA task force of twelve people, including representatives from the

Las Gallinas Sanitary District.

At no point did I ever hear staff or the Planning Commission state that discretionary review was necessary to impose setbacks.

The CWP, adopted on November 6, 2007, unequivocally states that wetland and creek setbacks are "REQUIRED" in City-Centered Corridor developments.

BIO-3.f Establish Criteria for Setbacks. Establish criteria to be used in the review of individual development applications for determining an adequate setback distance in upland habitat to protect resource values in the setback area and to serve as a buffer zone between development and wetland areas...

2-22 Biological Resources NATURAL SYSTEMS & AGRICULTURE ELEMENT

City-Centered Corridor:

- ☐ For parcels more than 2 acres in size, a minimum 100-foot development setback from wetlands is required.
- ☐ For parcels between 2 and 0.5 acres in size, a minimum 50-foot development setback from wetlands is required.
- ☐ For parcels less than 0.5 acres in size, a minimum 20-foot development setback from wetlands is required. The developed portion(s) of parcels (less than 0.5 acres

The CWP plan goes on to give County staff even MORE discretion -

- ☐ Regardless of parcel size, an additional buffer may be required based on the results of a site assessment, if such an assessment is determined to be necessary. Site assessments will be required and conducted pursuant to Program BIO-3.c,

The following criteria shall be used to evaluate proposed development projects that may impact riparian areas:

City-Centered Corridor:

! For parcels more than 2 acres in size, provide a minimum 100-foot development setback on each side of the top of bank.

! For parcels between 2 and 0.5 acres in size, provide a minimum 50-foot development setback on each side of the top of bank.

! For parcels less than 0.5 acres in size, provide a minimum 20-foot development setback. The developed portion(s) of parcels (less than 0.5 acres in size) located behind an existing authorized flood control levee or dike are not subject to a development setback.

! Regardless of parcel size, an additional buffer may be required based on the results of a site assessment. A site assessment may be required to confirm the avoidance of woody riparian vegetation and to consider site constraints, presence of other sensitive biological resources, options for alternative mitigation, and determination of the precise setback. Site assessments will be required and conducted pursuant to Program BIO-4.g, Require Site Assessment.

2-28 Biological Resources NATURAL SYSTEMS & AGRICULTURE ELEMENT

SCAs are designated along perennial, intermittent, and ephemeral streams as defined in the Countywide Plan Glossary. Regardless of parcel size, a site assessment is required where incursion into an SCA is proposed or where full compliance with all SCA criteria would not be met. An ephemeral stream is subject to the SCA policies if it: (a) supports riparian vegetation for a length of 100 feet or more, and/or (b) supports special-status species and/or a sensitive natural community type, such as native grasslands, regardless of the extent of riparian vegetation associated with the stream.

For those ephemeral streams that do not meet these criteria, a minimum 20-foot development setback should be required.

The assertion - a subdivision must be imposed in order to launch discretionary review and thus the imposition of setbacks - appears to be unsupported.

Therefore, there is no basis for claiming that the no project alternative is inferior due to the setback issue.

The pond and the proposed berm will be a maintenance headache and could require expensive and intense on-going maintenance. Santa Venetia Flood Zone 7 is currently dealing with a gopher infestation of the dirt berm levees. These engineered levees are close to 650 North San Pedro Rd.

5-11

Flood Zone 7 was forced to implement an expensive eradication program. It's folly to assume that the 650 North San Pedro Rd. homeowners association will be willing to shoulder a similar expense to protect downstream properties. Flood Zone 7 does not have the resources to maintain this structure.

The proposed pond mitigation conflicts with the Countywide Plan Policy, p. 2-27

f. Mitigation projects must to the extent feasible minimize the need for ongoing maintenance and operational manipulation (dredging, artificial water-level controls, etc.) to ensure long-term success. Self-sustaining projects with minimal maintenance requirements are encouraged.

And also this CWP policy:

PFS-2.t Manage Groundwater. Manage groundwater as a valuable and limited shared resource by protecting potential groundwater recharge areas and stream conservation areas from urban encroachment. The County shall use discretionary permits to control construction of impervious surfaces in important groundwater recharge areas. Potential recharge area protection measures at sites in important recharge areas may include, but are not limited to, the following:

- a. Restrict coverage by impervious materials and require use of pervious materials;
- b. Limit building and parking footprints;
- c. Require construction of percolation ponds on large-scale (4,000 square feet or greater) development project sites overlying identified recharge areas where development cannot be relocated outside the recharge area. **Recognize that percolation ponds on small-scale sites may not be practical or feasible in terms of their development, maintenance, and management.**

The FEIR distorts my written comments and my testimony before the Planning Commission. My core argument was ignored.

5-12

My core comment was made both in my oral testimony before the Planning Commission and in my comment letter. My core comment: the City of San Rafael skews the traffic data to achieve an LOS C, peak AM westbound at the Civic Center stoplight.

The City of San Rafael traffic engineer disclosed on the record (June 2008 City Council hearing/33 San Pablo Rd.) that City STOPS COUNTING vehicles in the westbound queue at Golf Avenue, just east of the intersection (at the Post Office).

This play results in a vast undercount of the queue, westbound peak AM.

County DPW is aware of the limitations of the San Rafael model. A Santa Venetia working group on traffic has filed a complaint with Dianne Steinhauser at Transportation Authority of Marin.

From the FEIR:

♦ *Mary Feller*

10. Traffic section – NSPR/Civic Center intersection is not included and needs to be. The Civic Center intersection is probably operating at LOS F.

Response – The NSPR/Civic Center intersection was examined as part of the traffic analysis. Please refer to Section 4.6 for additional information. No change to the DEIR is required.

I stated that the intersection of North San Pedro Rd./Civic Center WESTBOUND PEAK AM was operating at LOS F. And that there is no mention of the WESTBOUND BACKUP of traffic, PEAK AM.

The Civic Center/North San Pedro Rd. westbound peak AM traffic was not properly studied. I stand by my comments. The City of San Rafael also warned about the failure to mention peak AM traffic in their letter.

"...there is no discussion of the frequent periods of back-ups that occur at this intersection during the AM peak." Paul Jensen, Planning Manager, City of San Rafael

FEIR Volume One, page 4.6-5: *"Existing Level of Service for six intersections in the vicinity of the project site is shown in Table 4.6-2.*

As shown in Table 4.6-2, the two signalized intersections studied currently operate at LOS C. in both the AM and PM peak hours. The four-way stop controlled intersection studied operates at LOS B."

As noted in my original written DEIR comments, a block or so west of the beyond the aforementioned four-way stop, traffic comes to a dead halt (PEAK AM westbound). It is misleading to include the Meadow Dr./Oxford Dr. intersection in the traffic assessment.

5-13

As for the North San Pedro Rd./Civic Center Dr. intersection, it appears that the FEIR is relying on skewed information distributed by the City of San Rafael.

5-14

In a June 2008 City Council meeting, in response to neighborhood questions about traffic queues, Nader Mansourian (City of San Rafael traffic engineer) publicly admitted - and his comments are on tape - that the City of San Rafael simply stops counting vehicles in the North San Pedro Rd. westbound AM queue.

Nader openly stated that the City stops the count at Golf Ave. The City claims a queue of only 18 cars (18 vehicles times two lanes.) –

(see below, my written DEIR comments for Mansourian's EXACT words.)

This results in a significant undercount of the vehicles in the westbound peak AM queue.

Queues regularly back up to the Convalescent Home, and often to the Meadow/Oxford Dr.

intersection (approx. one mile from the stoplight).

One mile=264 vehicles. The wait time can last between 10 to 30 minutes. The backup lasts for 40 minutes, sometimes longer.

This means that the City of San Rafael is undercounting the westbound peak AM queue by hundreds of cars.

And yet, the FEIR relies on this undercount.

Furthermore, a small mitigation implemented by the County – a short extension of a westbound lane approaching the Civic Center stoplight - HAS HAD NO DISCERNIBLE IMPACT ON THE PEAK AM QUEUES.

Photos of westbound peak AM traffic were taken on October 7, 2009. Ironically, this was International Bike to School Day and parents worked hard to encourage biking and walking, and the use of the Jury Parking lot as an alternative drop-off point; hence one would expect a modicum of improvement.

Nevertheless, queues backed up close to .8 miles, for 40 minutes.

The FEIR attributes the problem to eastbound traffic turning left into the school. This is not the problem. When drivers are stopped, waiting in the queue for the light to turn green, as a courtesy they leave a space for drivers to turn into the school.

The FEIR oversimplifies the issue. The real issue – too many vehicles are entering the neighborhood in the morning, and then driving back out.

Furthermore, traffic data submitted by the City of San Rafael to TAM indicates other issues as well.

11. There is a traffic backup at the intersection of Oxford and North San Pedro Road at the location of the 7-11 store.

5-15

Response – The NSPR/Meadow Drive intersection was examined as part of the traffic analysis. As shown on Figure 4.6-1 of the DEIR, this intersection is immediately adjoining the intersection of Oxford and NSPR. No change to the DEIR is required.

I never said that traffic backed up “at” the intersection of Oxford and NSPRD. I stated that the traffic was backed up TO the intersection of NSPR and Oxford/Meadow

AGAIN – during the peak a.m. hour, westbound traffic often backs up ALL THE WAY TO the 7-11, or the Oxford/NSPR intersections.

Plus, to claim that the Oxford Dr./Meadow NSPR is LOS B is a red-herring since peak AM traffic comes to a dead halt immediately west of this intersection.

13. It can take 10-30 min to get to stop light at SPR and Civic Center and there are substantial traffic back ups during the AM peak hour.

5-16

Response – The issue of traffic back ups during the AM peak on NSPR is discussed in Master Response 8. As the response indicates, the 11 estimated AM peak period trips from the project would represent less than a one percent increase in traffic on NSPR. The minimal number of trips that the project would add would result in an imperceptible change in traffic conditions.

This comment avoids dealing with the issue at hand and does not address the concern. If the Los is already F, it does not make sense to add a single vehicle to the queue.

In the same vein, what if 50 projects were proposed adding 11 trips each? This would overwhelm the system. Adding more traffic to an already horrendous situation is irresponsible.

Los Angeles Unified School District v. City of Los Angeles (2nd District, 1997) 58 Cal. App. 4th 1019 (68 Cal. Rptr, 2d 367).

A lead agency must consider whether a project's impacts, even if individually limited, would be "cumulatively considerable." "Cumulatively considerable" means that the incremental effects of a project are significant when viewed in connection with the effect of past projects, other current projects, and probable future projects (CEQA Guidelines, §15064(h)(1)). The question is not whether there is a significant cumulative impact but whether the *effects of the individual project are significant* when viewed in connection with past, current, and probable future projects.

The FEIR must take into account past projects: Leona Drive, Adrian Terrace, huge expansion of the JCC and Venetia Valley School – all in the last 10 to 15 years.

5-17

Volume 2, page 7-25. Master Comment *"Under County adopted standards study intersections operate at LOS D or less...the measure is the weighted average for the intersection as a whole so while individual movements or approaches may experience greater delays, as long as the average remains below the threshold..."*

The operative word is "may." Please provide ALL documentation supporting the assertion that the County uses a "weighted measure." I cannot find any mention of this policy in the Countywide Plan.

This "weighted measure assertion" appears to be inconsistent with Countywide Plan. Policy TR-1.e states that the County must uphold a "LOS D standard OR BETTER for urban and suburban arterials.

New development SHALL be restricted to the low end of the applicable residential density/commercial floor area ration range where the LOS standards will be exceeded at ANY INTERSECTION or ROAD SEGMENT..."

The North San Pedro Rd. Civic Center westbound peak AM is LOS F or worse, if there is such a thing.

The FEIR fails to take into account the cumulative impact of development at McPhail's School, now in the housing element. Planning is now ongoing around the Civic Center SMART station.

See attached, a memo from TAM and the planned housing units around the City Center SMART Station.

Also, 33 San Pablo (83+ units) is currently under construction.

Furthermore, the FEIR asserts, almost like a mantra, that the project would result in and only generate a one tenth of a second delay peak p.m. and no delay peak a.m. Well, 11 cars is a queue of 220 feet. That could result in a delay of one full green light.

And the traffic pickle we're in right now is the result of this kind of flawed cumulative impact analysis. Every time a development is proposed, this is what the traffic analysts say. Leona Dr., Adrian Terrace, numerous individual parcels – the area has been built out over the last ten years. And yet every traffic analysis states THEIR development makes no difference to our quality of life!!

Okay – so when DOES it start to make a cumulative difference?

Here are my original comments, submitted TO STAFF (multiple copies) in the early afternoon, the day

of the DEIR hearings before the Marin County Planning Commission.

Furthermore, other concerns broached in my original written comments, including the question of a general plan amendment, were never addressed.

ORIGINAL written comments are as follows:

5-18

The traffic analysis overlooks the most important and congested intersection in the community.

Therefore, conclusions in the traffic study are suspect.

The DEIR traffic study ignores conditions around the most important intersection in Santa Venetia - the North San Pedro Rd./Civic Center eastbound/westbound. There is not a single written mention of the backup at this intersection in the analysis.

North San Pedro Rd. is THE most critical intersection in the neighborhood. All traffic in and out must use this two-lane artery. The traffic light at the Civic Center intersection controls ALL traffic, in and out of the neighborhood.

The DEIR STUDIOUSLY avoids mention of the westbound approach to North San Pedro RD/Civic Center intersection, except for some traffic numbers buried in the diagrams in figure 4.6-1.

There is no mention of the extreme traffic issues on North San Pedro Rd. There is no mention of the recent expansion of the Venetia Valley School and the Marin JCC, both situated on North San Pedro Rd.

The County of Marin is WELL AWARE of the extreme nature of the problem. Close to 75 neighborhood residents appeared before the Board of Supervisors during the Countywide Plan hearings to beg for traffic relief. The community also appeared en masse before the Planning Commission.

A few months ago, the head of Marin County Public Works, Farhad Mansourian, appeared at a Santa Venetia Neighborhood Association meeting to discuss neighborhood concerns about the severe traffic problems.

The problem is COMMON knowledge both at the County and the City of San Rafael.

A BREAKDOWN

Page 4.6-4

5-19

"Meadow Drive... provides access to much of Santa Venetia."

Meadow is just one of many access points. Access into eastern Santa Venetia, off North San Pedro Rd. is also via La Posada, La Brea, Sunny Oaks, etc.

La Brea is heavily used.

Page 4.6-5. "As shown in TABLE 4.6-2, the two signalized intersection studies operate at LOS C in both AM and PM peak hours..."

The community showed up in force to a City of San Rafael City Council meeting in June of 2008, during hearings for the 33 San Pablo Project. The City of San Rafael claims the westbound approach is LOS C, peak a.m. The community testified that the City of San Rafael DRAMATICALLY undercounted traffic on the westbound approach.

Nader Mansourian, the traffic engineer, admitted in public testimony that traffic was undercounted. I showed Nader and the San Rafael City Council an enlargement of the same photo I presented at the DEIR hearings.

I stated the traffic on North San Pedro Rd, (west approach a.m., to the Civic Center intersection) was understated by the City of San Rafael.

Here is precisely (verbatim) how Nader responded regarding the Civic Center intersection/westbound North San Pedro Rd. (The meeting was recorded and the digital file is stored in my computer library,)

"our level of service analysis - the results we have published - is the LOS for the intersection for the entire 60 minute period for all approaches. The queue length for the measure is 367 feet or approximately 18 vehicles per lane for those two westbound lanes to the end of Golf.

I do agree with the observations, confirmed by the residents who spoke, that there is a back-up all the way beyond the schools and JCC, and we did notice that, and we reported on how the operations were obstructed."

In other words, the City of San Rafael simply STOPS COUNTING CARS at the Civic Center/North San Pedro Rd. intersection, westbound approach, peak a.m.

Again, the community of Santa Venetia has testified extensively in front of the planning personnel during the Countywide Plan hearings and met with planning staff. Again, there is not a single mention of excessive peak AM westbound traffic on NSP Rd. is to be found in the DEIR.

This is baffling.

The DEIR makes no mention of the fact that the City of San Rafael simply LOPS off the traffic queue by stopping the counts at Golf Ave., the City/County line.

This makes no sense whatsoever and it's perhaps a violation of ISE standards.

What does this mean in real terms? The City of San Rafael stops measuring the traffic after 18 vehicles. This is how they are able to claim that Civic Center stoplight (westbound, peak a.m.) is LOS C.

The chart on page 4.6-8 also contains very misleading delay per seconds for cars at the Meadow Drive/Oxford Drive intersection. Anyone in this neighborhood will testify that shortly beyond this intersection heading west, they will come to a dead stop due to the extreme traffic back up on North San Pedro Rd., (westbound, peak a.m.)

5-20

In the morning, traffic backs up a mile or so, often up to that very same Meadow Drive/Oxford intersection. The chart claims a delay of 11.6 seconds. In reality, during peak a.m. a car passing through this intersection will immediately encounter backup and a delay of ten minutes or more to reach the Civic Center stoplight.

The peak a.m. back-up is often a queue of well over 200 cars.

I counted the cars on several days in May and June of 2008, and photographed the backup. The backup extended to within one block of the four-way stop/Meadow/ Oxford intersection. (see the attached photo.)

Traffic backed up to the four-way stop at Oxford and NSP Rd., which is about one mile. 5280 ft. divided by 20 ft feet for each vehicle. This is a queue of 264 on NSP Rd. Yet, again this intersection touted in the study as a mere LOS B with a.m. peak delay of a mere 11.6 seconds.

To call the LOS at the corner of Oxford and NSP Rd. truly a LOS B, as claimed on page 4.6-8 of the DEIR, is highly misleading. **5-20**

Also, if I'm not mistaken, if the last car of the main approach is unable to cross the intersection within the green time & is forced to wait until the next cycle of green, therefore, that approach is considered having a LOS F. **5-21**

650 NSP Rd. project is 14 units. These are mostly expensive homes for the wealthy who will have gardeners, housekeepers, dog-walkers etc. 14x12 trips per day is a more realistic assessment. **5-22**

The project will add at least 170 car trips per day and make an untenable traffic situation much worse. **5-23**

There is no discussion of the dangers of these big construction vehicles passing by TWO schools on North San Pedro Rd - the Marin JCC and Venetia Valley School. **5-24**

The community has also testified before the Planning Commission and before the Board of Supervisors that the current traffic situation is also an emergency disaster in the making. Ten years ago my husband had an asthma attack. He is only alive today because emergency vehicle reached the house in four minutes. **5-25**

I testified about this very problem in front of the Marin Board of Supervisors last year.

Today, during peak a.m. and at other times of the day, a timely emergency response would be impossible. The County of Marin has its head in the sand about this problem. We can ill afford the additional traffic associated with 650 NSP Rd... or any other development for that matter.

THE COMMUNITY OF SANTA VENETIA IS MAXXED OUT, on all levels - traffic, flooding etc. **5-26**

The DEIR has no basis for concluding that there are no traffic impacts because the DEIR ignored, in spite of a history of massive public testimony, the most important and congested bottleneck in the neighborhood - North San Pedro Rd./Civic Center, both eastbound and westbound.

Therefore, the DEIR has no basis for concluding that the cumulative impact of projects in the area is insignificant. **5-27**

In terms of cumulative impacts, the DEIR fails to mention the upcoming Montessori School, the potential development at McPhail's School site and the piecemeal development on North San Pedro Ridge. It also fails to take into account all the parcels that are currently on the market. (There are at least eight.)

McPhail's School is also on the dock for surplus.

The DEIR mentions regional pollution. There is no mention of the pollution generated by the idling cars every morning on North San Pedro Rd. I was SHOCKED when I walked up and down North San Pedro Rd. last May and June. My throat was burning from the exhaust. **5-28**

Santa Venetia has an unacknowledged LOCAL air pollution problem. The County and the City have been negligent in managing the traffic and allowing unfettered development - the expansion of the Venetia Valley School, the expansion of the JCC, cumulative development on the hillside, with no thought to cumulative air pollution impacts.

In the meantime, there has been a big increase in the number of families sharing a single family home, adding to the population uptick and number of cars on North San Pedro Rd.

Many of these concerns were addressed (and dismissed) during the Countywide Plan hearings.

650 NSP Rd. is both precedent setting and growth inducing.

5-29

On May 2, 2007, community members met with Susan Adams, Alex Hinds and Tom Lai regarding community concerns regarding the Countywide Plan. 650 NSP Rd. was the subject of intense discussion.

Neighborhood leaders complained about the proposed subdivision. I quote Senior Planner Tom Lai (verbatim).

"The builder is going to request a legislative act from the Board of Supervisors to rezone that property. That's a major change, that's a major request. That's a master plan and a rezone. This is not a simple design review. In Marin we rarely amend the general plan. We amend it when we need to amend it. In other parts of the state, the developer comes in and the general plan says 50 units and the developer wants 100 and the developer says 'where's my general plan amendment?' It never happens here."

5-30

If so, then why has 650 North San Pedro Rd. general plan amendment gotten to this point? Is this developer receiving special treatment? What is it about this project that so important as to call for a general plan amendment? What is the overriding social need here?

Why is this proposal before us? Why has the County encouraged this project to move forward - instead of simply telling the developer it just "never happens here" in Marin.

There are MANY, HUGE undeveloped parcels on the North San Pedro Ridge. Landowners will immediately demand their own general plan amendments. This project will be growth inducing, leading to massive development on the North San Pedro Ridge, and destruction of a sensitive ridge.

Why would the County of Marin open such a can of worms, both in our neighborhood and throughout the County?

Mary Feller
870 Estancia Way
San Rafael CA 94903



September 14, 2009

TO: Transportation Authority of Marin Executive Committee

FROM: Dianne Steinhauser, Executive Director

THROUGH: Karita Zimmerman, Manager of Planning

RE: Recommend the Allocation of Matching Funds for MTC Station Area Planning Grant to San Rafael (Action) - Agenda Item 11

Executive Summary

MTC and ABAG, in Cycle Three of their Station Area Planning program, have made \$2.5 million available for station area planning specifically around stations along the SMART corridor as identified in Resolution 3434. The City of San Rafael submitted two grant applications for their SMART station sites located Downtown and at the Civic Center. The Downtown Station Area Planning Grant application includes two phases of study. Phase 1 would focus on site and facility planning for Golden Gate Transit and SMART at the Bettini Transit Center; Phase 2 would involve parking and access studies.

The City of San Rafael has identified a total planning budget of \$774,500 for both station areas, with 20% of the budget needing to be contributed from non-federal sources. MTC requires that local governments partner with the transit providers serving the station area and the relevant county congestion management agency in order to receive funding. San Rafael has coordinated closely with SMART along with both Golden Gate Transit and Marin Transit, and County of Marin for the Civic Center site. San Rafael has enlisted the following agencies as partners for matching funds: TAM, SMART, Marin Transit, Golden Gate Transit and the County of Marin Redevelopment Agency. Matching funds were also committed from the City's San Rafael Energy Efficiency and Conservation Block Grant. San Rafael has requested that TAM contribute \$15,000 in matching funds toward the sum of the two planning efforts. This amount is commensurate with the other participating agency matches for both the Civic Center Station Area planning and Phase 2 of the Downtown Station Area Planning. Because Phase 1 of the Downtown study focuses on site planning issues for GGT and SMART interface, these two agencies have agreed to contribute a larger amount of matching funds.

Funding for TAM's contribution to the San Rafael Station Area Planning Grant would be taken from MTC TPLUS, Transportation Land Use Program, funds, suitable for this purpose. However, the match would be directly drawn from other local funds; the source of TPLUS funds is federal and federal funds cannot be used to match the MTC granted federal funds for station area planning. Staff would replace the match drawn from local funds with TPLUS funds.

Recommendation: Recommend the allocation of up to \$15,000 from MTC TPLUS funds for a TAM match to MTC Station Area Planning Grants for San Rafael.

Background

The Station Area Planning Grant Program is an initiative jointly managed by both MTC and ABAG to finance planning efforts that will result in land use plans and policies that increase transit ridership around public transit hubs and bus and rail corridors in the nine-county San Francisco Bay Area. The Station Area Planning Grant Program was originally developed in 2005 to advance MTC's Transit Oriented Development (TOD) policy, which set minimum levels of zoning for land adjacent to Resolution 3434 transit corridors. The Commission expanded the program to include FOCUS Priority Development Areas (PDAs) in October 2007.

In July 2009, MTC/ABAG announced Cycle Three of the Station Area Planning program. They have made \$2.5 million available for station area planning specifically around stations along the Sonoma Marin Area Rail Transit (SMART) corridor as identified in Resolution 3434. Local governments with a station area that is part of the SMART transit corridor identified in Resolution 3434 were eligible to apply. A minimum of \$100,000 and a maximum of \$500,000 is available per grant recipient (station area). A local match of 20 percent of the total project budget is required and must be provided as a cash match. Plans are expected to encompass approximately a half-mile radius around the transit station. Local governments must partner with the transit providers serving the station area and the relevant county congestion management agency in order to receive funding.

Planning activities eligible for the station area planning grant include: 1) a market demand analyses for affordable housing, jobs and retail in the station area; 2) the development of land use alternatives based on market demand analyses; 3) an analysis to assess parking demand and management strategies appropriate for the station area; 4) a station access and connectivity plan; 5) an accessibility plan for disabled persons; 6) an infrastructure development and financing plan; 7) pedestrian-friendly design standards for streets, buildings and open space; and, 8) an implementation plan for Station Area Plan adoption, including updates on supporting policies, zoning, and programs.

The City of San Rafael submitted a grant application for each of their SMART station sites located Downtown and at the Civic Center. Both station sites have been designated as Priority Development Areas (PDA) by ABAG; however, PDA status was not a requirement for the grant application. No other Marin jurisdictions with SMART station sites have applied for a Station Area Planning Grant.

In relation to MTC Resolution 3434 TOD Policy, both transit station areas are exceeding the Policy's threshold for average number of potential housing units within a 1/2 mile radius around the station. Resolution 3434 requires an average of 2,200 housing units to be zoned around stations along a commuter rail line. For example, a four station commuter rail extension would be required to meet a corridor-level threshold of 8,800 housing units. The threshold of 2,200 units is an average per station area based on both existing land uses and planned development within a half mile of all stations. The Downtown San Rafael station area is zoned for 3,524 units; the Civic Center Station Area is zoned for 1,976 housing units. Because San Rafael has an inclusionary ordinance requiring that 20% of all new units be affordable, the affordable units are

counted as a bonus toward meeting the station area housing threshold under Resolution 3434. Therefore, with the bonus factor, the Civic Center station area has the potential for a total of 2,371 units and exceeds the 2,200 average housing unit threshold for a station area.

San Rafael Station Area Planning Grant Applications

For the Downtown San Rafael station area, a two-phased plan is proposed. The complexities of siting the rail line in the existing Bettini Transit Station requires focused planning to integrate Golden Gate Transit and SMART operations as well as mixed use development. Phase 1 of the San Rafael Downtown Station Area Plan includes a transit facility plan and identification of site specific opportunities for TOD. Phase 2 of the Downtown Station Area Plan includes access planning and parking demand. The primary planning objectives for the Downtown Station Area Planning will be to:

- 1) Develop a transit facility plan that integrates the new SMART station and the existing Bettini Transit Station into a coherent facility that maximizes user-friendliness and safety and minimizes traffic impacts on local streets. (Phase 1)
- 2) Identify and evaluate site specific opportunities for TOD with housing. For example, housing built above parking, transit equipment storage or transit operations (Phase 1)
- 3) Identify safe access to the SMART station by pedestrians, the disabled, and bicyclists. This includes the connections for non-motorized modes of travel between the new SMART station and the Transit Center, and determining appropriate locations for drop off area and the SMART shuttle. (Phase 2)
- 4) Assess the parking demand for the station and the replacement of public parking that will be displaced by the train operations and identify potential location(s) for new parking (Phase 2). Bike parking will also be considered.

An implementation plan will include specific facility and infrastructure improvements at the SMART Station, Bettini Center and the vicinity of the SMART station, specifically areas within the City's right-of-way. The plan will also include recommended priorities, estimated costs for design and construction, and estimated sources of funding. The total project budget for the two-phased study is \$600,000, including a \$100,000 local match.

Planning for the Civic Center/North San Rafael Town Center station area will include: 1) zoning recommendations to maximize housing potential; 2) a station access and connectivity plan; and, 3) a parking study to assess parking demand and appropriate management strategies. Station access planning would focus on safe and comfortable pedestrian and bicycle access to the station from the surrounding uses (particularly Marin County Civic Center and Northgate Mall), and the integration of the new rail station into the North San Rafael Promenade. This plan would also include components for accessibility for people with disabilities, working closely with Guide Dogs for the Blind which is in the immediate vicinity to the station. The studies will include an analysis to assess the SMART parking demand for the immediate station area and potential for new parking. The parking study for the SMART station area is being coordinated with the comprehensive Civic Center parking study currently underway. The Civic Center SMART station planning will also build on the work that has been done to update the Northgate Mall and improve the North San Rafael Town Center commercial area. The total project budget for the Civic Center studies is \$174,500, including a \$34,500 local match.

TAM Funding Match for San Rafael Station Planning Grant

As part of the MTC funding requirement, San Rafael is obtaining the match from the transit providers serving the station area and the relevant county congestion management agency. The City of San Rafael enlisted the following agencies as partners for matching funds: TAM, SMART, Marin Transit, Golden Gate Transit and the County of Marin Redevelopment Agency. Matching funds were also provided by the City's San Rafael Energy Efficiency and Conservation Block Grant.

San Rafael requested TAM to contribute \$15,000 in matching funds toward the sum of the two planning efforts, which is commensurate with the other agency contributions to both the Civic Center Station Area planning and Phase 2 of the Downtown Station Area Planning. Because Phase 1 of the Downtown study focuses on site planning issues for GGT and SMART interface, these agencies have agreed to contribute a larger amount of matching funds.

Recommendation: Recommend the allocation of up to \$15,000 from MTC TPLUS funds for a TAM match to MTC Station Area Planning Grants for San Rafael.

LETTER 5

Marry Feller

October 14, 2009

5-1: This comment states the opinion that permitting the rezoning of the project site would set a precedent for “dense development,” that would be, “not in keeping with the Marin County Wide Plan.” There is no basis on which to confirm that rezoning of the project site, if permitted, would encourage similar interest on other nearby parcels that would, in turn, result in an intensification of development. Furthermore, there is no information presented within the comment to demonstrate that this outcome would occur. The County Community Development Agency and the Planning Commission review each development application on a case by case basis. Should a rezoning be approved for the project site, there is no direct relation to how the CDA and the Commission would decide on other rezoning requests in the vicinity, should such requests be made. Additionally, future urbanization of the project area is discussed in Chapter 6.0 of the DEIR and concludes that the project is not growth inducing. The improvements that would occur under the proposed project are physically limited to the site itself and immediately adjacent portions of North San Pedro Road. Aside from the on-site improvements, the project would not extend utility or roadways into undeveloped areas in the Santa Venetia community or elsewhere that could facilitate growth.

5-2: The comment states that impacts of light and noise can’t be mitigated and that in combination with the Airport Soccer facility, the project will have a ‘devastating’ impact on the neighborhood. No information is provided to substantiate this conclusion, or to refute the conclusion in the DEIR that impacts resulting from light and noise can be mitigated to less than significant levels with mitigation measures.

5-3: The comment says that the Santa Venetia Neighborhood Association has previously stated that it does not support a subdivision. This is a merits-

opinion based comment. These types of comments are addressed in Master Response 1 to the FEIR.

5-4: The comment includes a quote made by County Planning Director Tom Lai. The comment does not relate specifically to the adequacy of the CEQA analysis presented in the EIR. No additional response is required.

5-5: The comment suggests that the project site is in an area identified by BCDC and ABAG as at risk for inundation and that in a few years, parts of North San Pedro Road could be underwater. There is no definitive basis provided in the comment to determine that North San Pedro Road would, in fact, be permanently inundated in a few years time. Furthermore, the comment does not provide a nexus between this possible scenario and the project's contribution to it. No change to the DEIR is required.

5-6: The comment questions who will pay for the drainage-related infrastructure improvements. The new features shown in the proposed drainage scheme (Figure 4.4-4 of the DEIR) and identified in the Project Description would be paid for by the project applicant. Zone 7 would not be responsible for financing the proposed improvements. No change to the DEIR is required.

5-7: The comment expresses concern about the perceived manipulation of traffic data to understate the queues at the westbound Civic Center/North San Pedro Road stoplight during the AM peak. The comment does not provide any additional data to support the assertion that traffic data used for this intersection has been manipulated. In the absence of additional information, a more informed response cannot be made.

5-8 and 5-9: These comments reiterate concerns previously expressed in oral testimony and written comments. The primary concern expressed is that the Level of Service (LOS) C identified for the Civic Center/North San Pedro Road intersection does not accurately reflect the traffic conditions experienced by residents of Santa Venetia. The comment estimates that the west-

bound queues at the intersection during the AM peak range from 200-260 vehicles and the resulting LOS is actually F on the basis of the definition provided in the FEIR.

As recognized in Master Response # 8 in the FEIR, several comments on the DEIR expressed concern about the current state of traffic operations on NSPR and the substantial delays experienced at certain intersections between the project site and Highway 101.

While current conditions may be poor, this does not by default, mean that the project would have a significant impact in relation to traffic. As explained in Master Response 8, while residents do experience substantial delays, the 11 estimated trips from the project during the AM peak hour would not make a substantial contribution to existing volumes. Furthermore, as stated in Master Response 8, despite the experience of residents, the traffic analysis did comply with accepted industry methods and adhere to County thresholds. As is the case for all environmental topics, these methods and thresholds are applied to existing conditions, and they are not adjusted on the basis of perceived existing conditions.

Regarding whether or not the FEIR responded to comments received, the FEIR (pages 7-377 and 7-378) does address specific comments made regarding the methodology used in the traffic analysis and the outcome; specifically conditions along NSPR at the intersections of Civic Center and Meadow Drive. The commenter indicates that she submitted written comments to the County during the Draft EIR public review period, however no such comments were received.

5-10: The comment states that the discussion in the DEIR/FEIR concerning the absence of setbacks under the No Project Alternative is flawed. The comment states that this is not a legitimate basis on which to determine that the No Project is environmentally inferior to the proposed project. Furthermore, the comment asserts that wetland and creek setbacks would be un-

equivocally required if the five lots were developed, as explained under the No Project Alternative.

For the reasons stated in the analysis of the No Project Alternative (Chapter 5 of the EIR) and in Master Response 8, the absence of setbacks is a valid reason for determining, in part, that the No project Alternative would be environmentally inferior. As that response states, three lots (APNs 180-231—05, 180-231-06, and 180-231-09) could be developed in conformance with the height, setback, floor area and other development standards of the governing R-E:B-3 zoning district. Therefore, it is not anticipated that these lots would require Design Review, Tree Removal Permits or any other type of discretionary approval for development that could otherwise permit the County to impose mitigating conditions on construction occurring on these lots. Since no discretionary approval would be required, Wetland Conservation Areas (WCAs) as established through polices set forth in the Countywide Plan would not be applicable.

5-11: The comment expresses concern that maintenance of the proposed project would be a financial and maintenance burden on Santa Venetia Flood Zone 7. Contrary to what is suggested in the comment, the applicant does not intend for Flood Zone 7 to be responsible for the pond or berm in either the short-term or long-term. Nowhere in the Project Description or elsewhere in the EIR is such an arrangement stated. The current gopher infestation mentioned in the comment is not, by default, evidence that there will be similar pest issues associated with the project.

Despite what is implied in the comment, Countywide Plan Policy does not outright prohibit mitigation features that require ongoing maintenance to ensure long-term success. While projects with minimal maintenance requirements are encouraged, those with elements requiring maintenance are not prohibited.

The project is also not in conflict with the CWP policy related to groundwater management. The majority of the property (58 percent) would remain as

pervious open space where storm water could naturally percolate into groundwater. Furthermore, despite what is suggested in the comment, the proposed use of the pond as a storm water management feature is both practical and feasible in terms of maintenance and management. There is no information provided in the comment that would refute this conclusion. No change to the EIR is required.

5-12: As stated in comments 5-8 and 5-9, the comment states that the City of San Rafael skews the traffic data to achieve an LOS C during the AM peak hour (westbound) at the Civic Center stoplight, which results in an undercounting of the queue. The comment states that the County is aware of this issue.

The LOS C designation, as referred to above, is based on County of Marin, not City of San Rafael data. Robert Harrison Transportation Planning completed the EIR traffic analysis. While Bob Harrison consulted with the City of San Rafael traffic engineer during the preparation of the EIR analysis, City data, including intersection LOS designations, was not used.

The information presented in Table 4.6-2 regarding the Level of Service at study intersections, including the NSPR/Civic Center intersection remains valid. Furthermore, the absence of a discussion in the DEIR about the westbound backup at the Civic Center intersection during the AM peak does not result in a deficient analysis.

As stated in Master Response 8 to the FEIR, it can be difficult for drivers to reconcile their experience traveling through intersections with the results of a traffic analysis, particularly if they encounter the highest delays and poorest operation for the intersection, as is likely the case for residents of Santa Venetia. Despite many perceptions to the contrary, based on the analysis performed and using the County's adopted standards, the project would have a less-than-significant impact on traffic operation. The 11 trips that the project would be expected to add during the morning peak hour represent less than a one percent increase in traffic on North San Pedro Road. Given that volumes

vary from day to day and season to season by as much as 10 percent, the minimal number of trips that the project would add would result in an imperceptible change in traffic conditions.

5-13: The comment says that it is misleading to include the Meadow Drive/Oxford Drive intersection in the traffic assessment because a block or so west of the intersection, traffic comes to a stop during the AM westbound peak. Despite the conditions occurring further west from the intersection on North San Pedro Road, this does not change the validity of the LOS designation shown in Table 4.6-2 of the DEIR. No change to the EIR is required.

5-14: The comment states that the City of San Rafael staff has indicated that the City does not count vehicles in the AM peak hour queue that extends past Golf Avenue. Even if the City of San Rafael is undercounting the westbound peak AM queue, this would not change the outcome of the project traffic analysis presented in the EIR. The estimated trip volumes during the AM peak in the westbound direction would not change and would still represent an insubstantial percentage in relation to existing volumes.

The comment also says that the FEIR wrongly attributes the AM eastbound backup to traffic turning left into the Venetia Valley School and thereby oversimplifies the issue, which is stated as too many vehicles entering the neighborhood in the morning and then driving back out. Master Response 8 in the FEIR does not state that the congestion occurs solely because of the left turn movement into the school. As the text in the response says:

Because of the high eastbound left-turn volume opposing a high westbound through volume, these two movements tend to have higher-than-average delays. These delays may be experienced, for example, by eastbound motorists on San Pedro Road making a left turn into the Venetia Valley School and westbound motorists from the Santa Venetia neighborhood who are conflicting with this movement. Conversely, the eastbound through movement, which operates concurrently with both of these impacted movements, experiences very low delays.

5-15: The comment clarifies previous statements about traffic backups to the intersection of NSPR and Oxford/Meadow. This clarification does not change the validity of the traffic analysis or conclusions therein. The comment also says that the LOS B designation at Oxford/Meadow/NSPR is a flawed because traffic stops immediately west of this intersection. No substantive evidence is presented, however to demonstrate that this designation is inaccurate. No change to the EIR is required.

5-16: The comment is based on the assertion that the documented LOS at the NSPR/Civic Center Drive intersection is F, however, no evidence is provided to support it. As documented in Chapter 4.6 of the EIR (Table 4.6-2), the intersection operates at LOS C during the AM and PM peak hours.

The comment asks what the effect would be if 50 projects were proposed that would each add 11 trips. The comment continues by stating that cumulative effects of the proposed project, in combination with others, should be considered. Cumulative traffic impacts are considered. As documented in Chapter 4.6, the project would introduce new trips in combination with those occurring as a result of the projects listed in Table 4.6-4. As the analysis concludes, the proposed project would not substantially contribute to cumulative traffic volumes during either the AM or PM peak hour. The addition of 11 AM and 15 PM peak hour trips, respectively, would result in a less than significant impact, even under cumulative conditions.

5-17: The comment requests all documentation to demonstrate that the County uses a “weighted average.” The comment includes language taken directly from Master Response 8 in the FEIR. The language in this master response, as referenced in the comment, was developed, in part, through consultation with the Marin County Traffic Engineering Division. While the cited statement regarding a weighted average does not appear in the County-wide Plan, as explained in the comment, the statement remains valid nonetheless. On the basis of this comment, DC&E followed up with the County Department of Public Works Traffic Division and reconfirmed the accuracy of the ‘weighted average’ statement. In calculating or determining a weighted

average, not all data points or inputs contribute equally to the final average. Rather, some inputs contribute or are ‘weighed’ more than others. In the case of a multi-point intersection, a weighted average is based on certain points or movements contributing more so than others to the overall average.

The comment suggests that new development shall be restricted at the low end of the applicable residential density/commercial floor area ratio range where the LOS standard will be exceeded at any intersection or roadway segment. As concluded in Chapter 4.6 of the DEIR, this is not the case under the project.

The comment restates that the NSPR/Civic Center westbound AM peak is LOS F or worse. As stated in response to Comment 5-16, this is not the case. As documented in Chapter 4.6 of the EIR (Table 4.6-2), this LOS is C during the AM and PM peak hours. The comment does not present any evidence to demonstrate that LOS is F.

The comment says that the FEIR fails to account for the impact of cumulative development at the McPhail’s school, now in the housing element. There is no project application currently submitted for the site, however, nor was there at the time of the cumulative analysis. As such, it was not included in the list of cumulative projects considered, as it would be considered speculative to project what type of development would occur on the property.

The comment states that the EIR does not evaluate the construction of transit-orient development associated with Sonoma-Marín Area Rail Transit (SMART) and the effects that cumulative traffic generated by SMART could have in the Santa Venetia area. It is estimated that rail service could begin in 2014, with the closest station located just north of the Marin County Civic Center. As discussed in Chapter 4.6 (Traffic and Circulation), the proposed project is expected to result in 11 AM peak hour trips and 15 PM peak hour trips. Based on the analysis in Chapter 4.6, the addition of these peak hour trips within the project area would not result in a significant cumulative impact. The trips specific to the proposed project would not make a substantial

contribution to combined, cumulative trip volumes, including possible trips associated with SMART TOD development. No change to the EIR is required.

The comment suggests that the residential development at 33 San Pablo be considered in the analysis. As indicated in 4.6-4 of the EIR, this project was considered in the cumulative analysis. No change to the EIR is required.

Lastly, this comment questions when projects actually do make a cumulative difference. Nowhere does the EIR state that the project would have no cumulative effect. This potential for effect is analyzed and appropriately documented. In accordance with CEQA, a significant cumulative impact would occur in the case of a project that would introduce new trips to the point that a new impact would occur (e.g. deterioration from an acceptable to an unacceptable LOS) or an existing unacceptable condition at an intersection or on a roadway segment would be substantially exacerbated. As documented in Chapter 4.6, the project would not cause a new impact and would not substantially increase volumes at affected intersection or roadway segments.

5-18: Contrary to what is stated in the comment, the current operation and project effect on the NSPR/Civic Center intersection is considered Chapter 4.6. No change to the EIR is required.

The comment says that the DEIR avoids mention of the westbound approach to the NSPR/Civic Center Drive, however this is not the case. The conditions referred to in this comment, if they had been detailed in the DEIR, would not have changed the outcome of the analysis. Hence, the absence of such a discussion does not represent a deficiency.

The concerns expressed related to the Venetia Valley School and the JCC are addressed in Master Response 8 of the FEIR. As this master response indicates, the County staff is currently working with staff at both the JCC and Venetia Valley School to address the congestion that occurs during the morning drop-off period.

5-19: The comment identifies several access points, aside from Meadow Drive, that provide access to Santa Venetia. The County acknowledges this. The citation referenced from page 4.6-4 of the DEIR was not meant to be exclusive.

The comment makes several points to question the validity of the LOS C designation for the NSPR/Civic Center intersection. The primary basis for opinion is that the City of San Rafael does not adequately count the queue of vehicles that extends eastward from the intersection during the AM peak. The comment asserts that if the City accounted for the full backup, the LOS would not be C, but would be worse.

As stated in response to comment 5-12, the LOS C designation, as referred to above, is based on County, not City of San Rafael data. Robert Harrison Transportation Planning completed the EIR traffic analysis. While Bob Harrison consulted with the City of San Rafael traffic engineer during the preparation of the EIR analysis, City data, including intersection LOS designations, was not used. Rather, the LOS designations and the conclusions of the traffic analysis are based on County data.

5-20: The comment makes several statements to question the validity that the 11.6 second delay at the Meadow Drive/Oxford Drive intersection. The statements made focus on the AM peak hour westbound backups that develop shortly after the western side of the intersection. The delays on the roadway segments presented in the comment do not have a direct relationship with the intersection-specific LOS. The LOS, as documented in Table 4.6-2, is a function of intersection operations and the delays that motorists experience in making movements through the intersection. The LOS designation remains valid and no change to the EIR is required. The same applies to the LOS designation of B for the Oxford/NSPR intersection, which is also questioned in the comment.

5-21: The comment questions if an LOS F occurs if the last car on the main approach is unable to cross the intersection while the signal is green and is forced to wait for the next cycle. Based on follow up consultation with the County Department of Public Works Traffic Division, an intersection is not, by default, operating at LOS F, if the last approaching vehicle cannot clear the intersection within the span of one timed cycle. Rather, the LOS is determined by a combination of many things. The comment does not present factual evidence to demonstrate that this occurs along NSRP at the intersections with side streets.

5-22: The comment questions the trip count estimate for the project. The number of trips, as calculated by a professional transportation planner, was based on accepted professional methodology. No change to the EIR is required.

5-23: The comment states that the project would add at least 170 car trips per day and substantially worsen existing traffic conditions. The comment, however, provides no factual basis to demonstrate that 170 trips will be the daily rate. In the absence of such information, no change to the EIR is required.

5-24: The comment states that there is no discussion of the dangers of construction vehicles passing by two schools on NSRP. There is no information presented in the comment however, to demonstrate that trips made by construction vehicles would substantially increase the likelihood of accidents at either of the schools or elsewhere on NSRP. No change to the EIR is required.

5-25: The comment expresses concern that the traffic conditions along NSRP present a substantial access constraint for emergency vehicles. The project would not introduce any roadway obstacles that would otherwise interfere with such access. Furthermore, both during and after construction, standard laws would apply that afford emergency response vehicles the right-of-way in responding to a call. There is no basis given to show that the project would eliminate or reduce the passage of emergency vehicles.

5-26: The comment restates its disagreement with the conclusion in the DEIR that the project would not result in a significant impact related to traffic and focuses on the NSPR/Civic Center Road intersection. The reasons for this opinion have been stated and addressed in preceding responses in this letter. No additional response is required.

5-27: The comment restates disagreement with the conclusion in the DEIR concerning cumulative traffic impacts. The basis on which the cumulative analysis concluded that impacts would be less than significant is explained in Response 5-17. Please refer to that response above.

5-28: The comment states that the DEIR did not adequately consider effects on local pollution, especially from idling cars on NSPR. This issue is examined however in Chapter 4.5, Air Quality, of the EIR. As stated under Impact 4.5-B, vehicle trips to and from the project site on local roadways could result in an increase in levels of carbon monoxide. For local air quality impacts, CO is the pollutant of primary concern. Violations of an ambient CO air quality standard, either 1-hour or 8-hour, would be considered a significant impact. Elevated CO concentrations are usually associated with roadways that are congested with heavy traffic volumes. A CO hotspot is an area, typically an intersection, where air quality standards would be exceeded from vehicle emissions under congested conditions. Elevated background CO levels contribute to the localized impacts of motor vehicle emissions at a congested area. Typically, traffic at a specified congested intersection with very high traffic volumes has to increase by 10 percent or more for a CO hotspot to occur.¹ According to the traffic analysis completed for the proposed project, included in Section 4.6 of this Draft EIR, traffic volumes on local streets will not increase by more than 15 trips in any peak hour period. These volumes would not cause congestion at any intersection where it does not al-

¹ Marin Countywide Plan, Air Quality Technical Background Report. Marin County Community Development Agency, April 2002.

ready exist. Therefore, no CO standard violations are anticipated and any impacts to local air quality would be less than significant.

5-29: The comment says that the project is both precedent setting and growth-inducing, however no evidence is presented to support this opinion. No change to the EIR is required.

5-30: The comment includes a quotation from County Planning Director Tom Lai. Based on the statement made by Mr. Lai, the comment questions why the proposed project, is being given consideration. The comment questions what the overriding social need is to justify the proposed project and suggests that, if approved, the project would trigger other land owners to develop their properties on North San Pedro Ridge through General Plan amendments.

The proposed project would not require a General Plan Amendment as suggested in the comment. There is no clear nexus presented in the comment to demonstrate that approval of this project would spur development on other parcels or facilitate approval of General Plan Amendment requests for parcels on North San Pedro Ridge. The County considers each such request on a case by case basis and its possible approval of this request would not, by default, result in other such approvals.

The comment from Planning Director Lai was a general comparison of the scope of the proposed project overall to a potential project of a lesser scope that would only require design review. Director Lai made the statement in the context of explaining why an EIR was required for the proposed project.

Resident, Santa Venetia Neighborhood

OCT 14 2009 PM 3:29 Planning

October 12, 2009

LETTER #6

Tim Haddad
Environmental Coordinator
Marin County Community Development Agency
3501 Civic Center Drive, #308
San Rafael, CA 94903-4157

Re: 650 North San Pedro Road - Development Final Environmental Impact
Report – Review and Comments

To the Marin County Community Development Agency:

My name is Peter B. Newman and I live at 245 Bayhills Dr., San Rafael, CA 94903, in the Santa Venetia neighborhood of San Rafael, California.

I recently learned about the Final EIR (FEIR) for the 650 North San Pedro (650 NSP) rezoning and development project from my fellow community members of the Santa Venetia Neighborhood Association, and I want to join the SVNA in addressing some of the responses made in the Report.

6-1

--> I also have added some comments, at the end of this letter, that address the replies in Volume II of the Final EIR that were made to my previous letter.

Overall, I share the concern that the developer is proposing to develop 14 homes on parcels that are currently zoned for just 5 homes, and therefore proposes to rezone and subdivide the property to allow all the new homes to be densely "clustered" along North San Pedro Road.

6-2

In analyzing the environmental impacts of the proposed project, the EIR makes a comparison between the proposed 14-home project and several alternative uses of the land. One of the alternatives, called the "No Project Alternative," is based upon allowing the lots to be developed as they are currently zoned today.

FEIR Master Response 6 – Development Permitted Under Existing Zoning

While comparing the proposed project with the No Project Alternative, Master Response 6 makes the following conclusion:

As a result of the factors described above, the County maintains that the No Project (sic) is environmentally inferior to the proposed project. A reduction in the number of units does not, by default, equate to a lesser environmental impacts (sic). (p.7-22)

The Report bases this conclusion upon the possibility that the development of the existing 5 lots could be subject to extensive environmental degradation, such as an increase in tree removal, roadway work, etc. and could further be subdivided to create a larger number of homes than the proposed project. The report makes an assumption, based upon land use designations of the Marin Countywide Plan, that the environmental impacts of the No Project Alternative could be worse than the proposed project, and concludes that:

[T]he five existing lots on site could be further subdivided and feasibly result in up to 13 single family residential lots and up to 12 second units. This would result in an increased number of units on the site in relation to the proposed project. (p.7-22)

Response 6 uses a lot of "what-if" scenarios, without explaining how exactly such development can occur, considering the difficulty and expense of building roadways and clearing out lots to build all these homes on a very steep hill. While it may be *conceivable* that the existing lots could be built out to 25 homes, it is also entirely possible that development of the 5 existing lots would be limited to much less than 25 homes, due to these economic and other constraints.

If the project proponents can feasibly build 25 homes on 650 NSP under the current zoning and CWP land use designations, why are they proposing to rezone and subdivide the property to build only 14 homes through this EIR process? Could the answer be simply economical?

Without contrary evidence, it seems fundamental that environmentally speaking, the fewer number of homes developed, the less environmental impact to a site. Therefore, Response 6 still does not adequately explain why the No Project Alternative is environmentally inferior to the proposed project.

Master Response 7 – HOA Management of Open Space

6-3

This part of the EIR explains how the remaining open space of the development would be set aside as an "open space, scenic and resource conservation *easement*."

Master Response 7 states as follows:

The common parcel and private lot open space would both be encumbered with an open space, scenic and resource conservation easement. The easement would be dedicated to the County of Marin and would restrict the use of the related property to scenic, open space and resource conservation purposes only. No further subdivision, residential development, or fencing would be permitted within the easement. Deed restrictions would be placed on lots 8-12 relating to the use and maintenance of the private open space.

As I understand this statement, the open space, as a private space, will be set up to benefit the homeowners and not the general public. Yet the developer is proposing to rezone the

property for higher density. The spirit of the Marin Countywide Plan is to provide public benefits through land use designations. If the developer truly wants to provide a rationale for rezoning the property, they should consider a complete dedication of the private open space to a permanent, *public* conservation area, not simply an easement.

FEIR Master Response 2 – Aesthetic Compatibility with Neighborhood

6-4

As stated on page 7-8, the FEIR still does not provide a detailed exterior lighting plan. For the sake of the surrounding, semi-rural community that is sensitive to night-time lights, the lack of a lighting plan does nothing to mitigate a potential environmental impact caused by the additional interior and exterior lights of 14 homes on what is now an unlit, natural setting.

As for light emitting from cars, the report also concludes that car headlights heading out of the project at night would not pose a problem for the surrounding homes due to its relatively higher ground, tree height, and angle of its driveways. The report, however, does not account for many of the homes across NSP Road that are on equal ground or even higher, and due to the proximity and density of the development, people in those homes will notice both incoming and outgoing night-time traffic across NSP Road.

Response 2 determines that the night lights emitting from the new development would not be an issue. Yet before this determination can be made, there would need to be more verification or proof, via a simulation or test, that vehicles coming in and out of driveways and light emitting from homes will not project unreasonable amounts of light across NSP road, to both the existing homes below and above the new development.

Response 2 concludes as follows:

As discussed above, the proposed intensification of development on the project site would cause a visual change to both the site and the surroundings. However, for the reasons stated above, the project would not be visually incompatible with the existing visual character. The semi-rural, low-density aesthetic character of this portion Santa Venetia would remain intact. (p.7-8)

The project proposes to place 5 of the new homes along NSP road in a very tight formation with little space between each home. This density of new homes would produce a new flavor to the 650 NSP neighborhood that contrasts to what the Report describes as the "semi-rural, low-density aesthetic character of the area." As the No Project Alternative would allow, developing the existing 5 lots as currently zoned would be more compatible with this semi-rural portion of Santa Venetia, which is less than half a mile away from the entrance to China Camp State Park.

Master Response 8 – AM Peak Period and Weekend Traffic

6-5

I am still concerned about the project's impact on NSP Road traffic through Santa Venetia. In Response 8, the EIR concludes that:

Despite many perceptions to the contrary, based on the analysis performed and using the County's adopted standards, the project would have a less-than-significant impact on traffic operation, as indicated in the DEIR.

In its own right, the additional traffic generated from the proposed project appears to be marginal. However, the overall cumulative impact of ongoing development along NSP road, such as the 80+ unit development at 33 San Pablo, with the addition of 14 homes at the end of NSP Road, is and continues to be significant to the Santa Venetia Community.

Response 8 continues that:

It should be noted that many of the concerns expressed relative to traffic were relative to conditions associated with traffic at the JCC and Venetia Valley School. County staff is currently working with staff at both the JCC and Venetia Valley School to address the congestion that occurs during the morning drop-off period. However, the identified issue is specific to operation of these two schools rather than the volume of traffic served by North San Pedro Road.

The traffic issues involving the JCC and Venetia Valley School have not yet been resolved. Until they are, it must be stated that the 11 additional trips, as projected by the EIR, will have more than an insignificant impact on weekday traffic. 11 car lengths is approximately 220 feet farther back in line from the traffic signal, which on some days is as far back as the 7-11 store. The problem will only get worse once the 33 San Pablo development is completed.

And, finally, the Report does not mention the effect that SMART transit-oriented development will have on the overall traffic of the neighborhood. If the environmental impacts of the project are to be adequately studied in the EIR, the effects of SMART and future development along Interstate 101 must be discussed.

6-6

For these reasons, I join my fellow community members as they raise their concerns about the 650 North San Pedro Road Project Final EIR. I request that the Final EIR not be certified until the report adequately addresses the following concerns raised in this letter:

1. The environmental viability of the No Project Alternative
2. The public benefit to be gained by rezoning private property to a higher density
3. The too-high density of the lower lots (lots 1-5) and overall high number of proposed homes (14)
4. The proper testing of the lighting impacts
5. Unresolved traffic issues, both current and future, impacting the entire Santa Venetia community

--> Below are the comments I would like to add to the above letter ~~are~~ in response to the replies (contained in the Final) to my previous letter:

The Final EIR replies to my letter are on pages 7-278 to 7-286 of Volume II. Besides addressing numbered replies I will also respond that each of their replies ignores the point I was trying to make -- and instead centers itself around a comparison that is not warranted or appropriate.

6-7

Specifically, I have tried to draw comparisons between the 12 proposed lots and the existing 5 parcels (and, the 5 homes that could be built there). I stated a simple mathematical reality -- that building 2.4X more homes will result in 2.4X more of whatever human activity one wishes to consider. I do not have to prove, contrary to their reply, what number of leaf blowers or trespassers or smokers (or other fools) will bother me or add to fire risk in the area -- I merely assert that 2.4X the number of homes WILL result in 2.4X the probability of negative impacts, whether noise or pollution or added fire risk or disrupting the nature of the neighborhood. 2.4X the number of people automatically implies 2.4 times the impacts, regardless of the level of impact. If there would be "1.0" amount of impact with 5 homes -- whatever the nature of the impact -- then perforce one must accept the mathematical certitude that 2.4X the number of homes will result in 2.4X the amount of impacts.

Their primary defense to my logic is to compare their project with some other, hypothetical, 12-home project. I am trying to compare their project with the number of homes that can be built if this property is not redivided.

Also, in regard to the following numbered paragraphs, I would like to reply:

21-3: I am not making a "merits-opinion based comment" when I state that a nearby project of 12 homes will limit or degrade the quality of the peace and quiet I worked so hard to find. I state this with expert knowledge. I have been buying parkland-abutting properties around the Bay Area since 1979. I have owned similar lands in Cupertino, Lafayette, Monclairs, and Mill Valley. I have over time developed an expertise in purchasing quiet lands as far from the crush of civilization -- while still being as close to work and family as possible -- and the simple fact is that 2.4X the amount of additional development in this quiet, low-population corner of the county will, perforce, result in 2.4X the amount (however one measures that amount) of impact.

6-8

21-7: Their reply, regarding the impact on the wildlife pond, only addresses the issue of what pollutants or silts may need to be stopped from entering the pond. What is ignored here is that their development will focus around the pond -- rather than further away from it. That cannot be a healthy environment for wildlife. Wildlife is wild specifically because it does not live in adjacent proximity to dense human development. There is an

6-9

unavoidable negative impact on the natural functioning of any ecosystem when human densities goes up. I do not believe it is appropriate to encourage or allow so much density of development so close to the pond -- and not only because of nesting birds, but because of all the wildlife that is necessary to visit and live in a local pond to make it a integrated part of the ecosystem it is in.

21-13: Again, respondent makes a comparison to some hypothetical other 12-home development in defending the increases in impact this development will have. I feel it is inappropriate to be comparing this 12-home development to another 12-home development as a defense, rather than comparing it to the 5 homes that could be built on the 5 existing parcels.

6-10

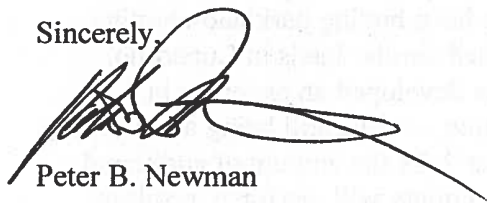
21-15: This reply says that my option -- if this development should indeed create even more hikers and bicyclers on my lands than now are there -- is that I "would be entitled to pursue legal action." This reply entirely ignores my previous letter, wherein I detailed noise problems I already have with an existing neighbor -- and that the police have been totally ineffective in enforcing the existing laws. They have told me there is nothing for me to do except to bring civil action based on the county laws that are being broken. I neither have the inclination to bring any neighbor to court, nor the time and money to do so. I therefor do not wish to have 2.4X the potential difficulties with new neighbors as I might have if this property were limited to the number of homes that it should be.

6-11

I apologize if my logic does not meet the standards required in this phase of the EIR process -- I am no expert in EIRs -- but I hope my concerns will be considered as honest representations of my feelings about what constitute appropriate development in this neighborhood. It is not desirable to have a uniform homogeneity of high-density development throughout Marin -- some areas should be left to their old character of low density, to their high wildlife populations, to their low human populations. Please help us to keep the character of this neighborhood that I so carefully chose to build my home in.

6-12

Sincerely,



Peter B. Newman

10/12/09

no enclosures

LETTER 6

Peter B. Newman

October 12, 2009

6-1: This comment provides an introduction to the letter. No change to the EIR is required.

6-2: The comment restates opposition to rezoning of the project site and the construction of 14 homes on parcels currently zoned for five homes. This comment instead proposes that the project consider clustering five homes along North San Pedro Road and restates the opinion, as originally expressed in a letter from January 2009, that the construction of 4 to 5 new homes would be acceptable to the community. The comment further opines that the construction of 12 to 14 homes is not “appropriate for the site or for the quality of life of the Santa Venetia community.” This comment further states the opinion that permitting the rezoning of the project site would set a precedent for “dense development,” that would be, “not in keeping with the Marin County Wide Plan.” This comment is a portion of a form letter (Letter 4) that has been previously addressed. Please refer to responses 4-2 and 4-3 above. No change to the EIR is required.

6-3: The comment questions the basis for the conclusion in the DEIR that the No Project Alternative would be environmentally inferior. The comment states that without evidence to the contrary, Master Response 6 does not adequately explain why the No Project Alternative is environmentally inferior. The comment also questions why the applicant is proposing to build 14 homes within the project site when it is feasible to build 25 homes through a resubdivision of the property, and suggests that economic constraints may be the determining factor that resulted in a reduced number of homes within the project site. This comment is a portion of a form letter (Letter 4) that has been previously addressed. Please refer to the response to Comment 4-4 above. No change to the EIR is required.

6-4: This comment states because an exterior lighting plan has not been completed for the proposed project, a potential environmental impact could result by interior and exterior lighting. As discussed in Master Response 2 (Aesthetic Compatibility with Neighborhood), the project would be subject to the Single Family Hillside Design Guideline standards for exterior lighting, and that all exterior lighting would be limited to only the lighting needed for roadway safety and home security. Because it is expected that all standards can be met through the use of low bollard and hooded lighting at roadway and driveway intersections and along driveway entries to homes, Chapter 4.8 (Aesthetics) determined that the project would result in a less-than-significant impact in relation to light. No change to the EIR is required.

This comment also states that Master Response 2 (Aesthetic Compatibility with Neighborhood) does not take into account homes that are at equal or greater elevation when compared to the proposed project. The commenter argues that, due to the proximity and density of the development, people in those homes would notice both incoming and outgoing night-time traffic across NSPR. However, as described in the Master Response 2 (Aesthetic Compatibility with Neighborhood), light from vehicles would not trigger a significant impact, because the location of the proposed access road, elevations of other homes, and existing vegetation would prevent vehicle lights from resulting in significant impacts. In addition, headlights would not be a constant source of light directed onto residential uses to the north. Cars exiting the project site would only be positioned at the two driveways for intermittent periods. Furthermore, many of the existing homes on Upper Road and Pt. Gallinas Road already experience lights from vehicles so this would not be an entirely new source of light. No change to the EIR is required.

Lastly, this comment states the opinion that the proposed project would introduce a “new flavor” to the existing neighborhood that would not be consistent with the semi-rural, low-density aesthetic character of the neighborhood, and that buildout of the existing five parcels would be more compatible with the neighborhood. The project’s impact on the character of the existing neighborhood is discussed in detail in Master Response 2 (Aesthetic Compati-

bility with Neighborhood). As described, the footprint of development would be relatively small when compared to the amount of open space that would be preserved within the project site and views of the ridgeline from the Santa Venetia neighborhood would remain intact. Although the proposed homes would be larger than those in Santa Venetia, the new development would be similar in density and character to the surroundings, where single-family residential land uses among sub-divisions are located in a semi-rural, wooded setting. Additionally, the project would result in less-than-significant impacts to aesthetics. No change to the EIR is required.

6-5: The comment expresses concern that existing traffic conditions on North San Pedro Road (NSPR) significantly affect the Santa Venetia Community and that this would be made worse by the project. The comment states that until the peak hour traffic conditions are addressed, the project would have more than an insignificant impact on weekday traffic. This comment is a portion of a form letter (Letter 4) that was previously addressed in response to comment 4-5 above. No change to the EIR is required.

6-6: This comment states that the EIR does not evaluate the construction of transit-orient development associated with Sonoma-Marín Area Rail Transit (SMART) and the effects that traffic generated by SMART could have in the Santa Venetia area. It is estimated that rail service could begin in 2014, with the closest station located just north of the Marin County Civic Center. As discussed in Chapter 4.6 (Traffic and Circulation), as well as above in response to comment 4-5, the proposed project is expected to result in 11 AM peak hour trips and 15 PM peak hour trips. Based on the analysis in Chapter 4.6, the addition of these peak hour trips within the project area would not result in a significant cumulative impact. The trips specific to the proposed project would not make a substantial contribution to combined, cumulative trip volumes, including possible trips associated with SMART TOD development. No change to the EIR is required.

6-7: This comment states that the FEIR provides an inadequate response to a previous letter that the commenter submitted on the DEIR. This comment

states that the proposed project, resulting in the construction of 12 homes, would result in impacts that are 2.4 times greater than construction of 5 homes on the existing parcels. The commenter makes an argument that an assessment of the impacts can be evaluated by multiplying the potential impacts resulting from the buildout of the existing parcels. However, as described in numerous sections of the EIR, impacts are based on factual evidence, modeling of physical impacts, and professional opinions. To estimate that the proposed project could result in an impact 2.4 times greater than potential buildout of the existing parcels is too broad in approach and does not provide an assessment of impacts based on factual evidence. No change to the EIR is required.

6-8: This comment states that the FEIR provides an inadequate response to comment 21-3 in the FEIR and further states that previous statements made by the commenter were made with expert knowledge, based on previous acquisitions of property adjacent to parkland. Chapter 4.10 (Noise) and Chapter 5.0 (Alternatives to the Propose Project), is based on factual evidence and analytical techniques that are widely used. No change to the EIR is required.

6-9: This comment states that the FEIR provides an inadequate response to comment 21-7 in the FEIR and states that the response ignores the impacts of the project on the wetland within the project site. As discussed in the FEIR, Master Response 11 (Pond/Wetland/Creek) and Chapter 4.3 (Biological Resources) discusses impacts to biological resources resulting from implementation of the proposed project. This comment does not present new information. No change to the EIR is required.

6-10: This comment states that the FEIR provides an inadequate response to comment 21-13 in the FEIR and states that comparing the energy expenditures of the proposed project to the energy expenditures of a typical 12-unit development is inappropriate. As discussed in response to 21-13 in the FEIR, the project would comply with the County's Green Building Program, including Marin's BEST- Building Energy Efficient Structures Today. Adherence to the BEST program would ensure that the new homes exceed existing

State energy-efficiency standards. It is correct that the project would increase energy use within the project site when compared to existing conditions and buildout of the existing parcels. However, the project would be consistent with Goal EN-1 of the Marin Countywide Plan because design specifications of the proposed project would reduce energy consumption by including energy efficient design features. A comparison of the proposed project and buildout of the existing parcels is not applicable because the proposed project is not being compared to the buildout of the existing parcels but instead, is being compared to new development that does not include energy efficient design features. No change to the EIR is required.

6-11: This comment states that the FEIR provides an inadequate response to comment 21-15 in the FEIR and states that an increase in homes in the vicinity of the commenter's residence would increase impacts 2.4 times greater than the construction of 5 homes on existing parcels. However, as discussed in response to comment 21-15, there is no factual evidence to support this assertion, and the project would not, in any fashion, affect existing, local laws related to private property and trespassing. Although the commenter expresses concern that the project would result in 2.4 times the amount of difficulties currently experienced, the project would not directly result in trespassing on the property. No change to the EIR is required.

6-12: This comment provides a conclusion statement summarizing the comments and concerns expressed in this letter. No change to the EIR is required.

Mark Wallace

OCT 14 2009 PM 3:29 Planning



Santa Venetia Neighborhood Association

P.O. Box 4047 · San Rafael · CA · 94913-4047

LETTER #7

October 14, 2009

Tim Haddad
Environmental Coordinator
Marin County Community Development Agency
3501 Civic Center Drive, #308
San Rafael, CA 94903-4157

Re: 650 North San Pedro Road - Development Final Environmental Impact
Report – Review and Comments

To the Marin County Community Development Agency:

Regarding the Final EIR (FEIR) for the 650 North San Pedro (650 NSP) rezoning and development project, we wish to address some of the responses made in the Report.

We share the concern that the developer is proposing to develop 14 homes on parcels that are currently zoned for just 5 homes, and therefore proposes to rezone and subdivide the property to allow all the new homes to be densely "clustered" along North San Pedro Road.

7-1

In analyzing the environmental impacts of the proposed project, the EIR makes a comparison between the proposed 14-home project and several alternative uses of the land. One of the alternatives, called the "No Project Alternative," is based upon allowing the lots to be developed as they are currently zoned today.

FEIR Master Response 6 – Development Permitted Under Existing Zoning

7-2

While comparing the proposed project with the No Project Alternative, Master Response 6 makes the following conclusion:

As a result of the factors described above, the County maintains that the No Project (sic) is environmentally inferior to the proposed project. A reduction in the number of units does not, by default, equate to a lesser environmental impacts (sic). (p.7-22)

The Report bases this conclusion upon the possibility that the development of the existing 5 lots could be subject to extensive environmental degradation, such as an increase in tree removal, roadway work, etc. and could further be subdivided to create a larger number of homes than the proposed project. The report makes an assumption, based upon land use designations of the Marin Countywide Plan, that the environmental impacts of the No Project Alternative could be worse than the proposed project, and concludes that:

[T]he five existing lots on site could be further subdivided and feasibly result in up to 13 single family residential lots and up to 12 second units. This would result in an increased number of units on the site in relation to the proposed project. (p.7-22)

Response 6 uses a lot of "what-if" scenarios, without explaining how exactly such development can occur, considering the difficulty and expense of building roadways and clearing out lots to build all these homes on a very steep hill. While it may be *conceivable* that the existing lots could be built out to 25 homes, it is also entirely possible that development of the 5 existing lots would be limited to much less than 25 homes, due to these economic and other constraints.

If the project proponents can feasibly build 25 homes on 650 NSP under the current zoning and CWP land use designations, why are they proposing to rezone and subdivide the property to build only 14 homes through this EIR process? Could the answer be simply economical?

Without contrary evidence, it seems fundamental that environmentally speaking, the fewer number of homes developed, the less environmental impact to a site. Therefore, Response 6 still does not adequately explain why the No Project Alternative is environmentally inferior to the proposed project.

Master Response 7 – HOA Management of Open Space

7-3

This part of the EIR explains how the remaining open space of the development would be set aside as an "open space, scenic and resource conservation easement."

Master Response 7 states as follows:

The common parcel and private lot open space would both be encumbered with an open space, scenic and resource conservation easement. The easement would be dedicated to the County of Marin and would restrict the use of the related property to scenic, open space and resource conservation purposes only. No further subdivision, residential development, or fencing would be permitted

within the easement. Deed restrictions would be placed on lots 8-12 relating to the use and maintenance of the private open space.

As I understand this statement, the open space, as a private space, will be set up to benefit the homeowners and not the general public. Yet the developer is proposing to rezone the property for higher density. The spirit of the Marin Countywide Plan is to provide public benefits through land use designations. If the developer truly wants to provide a rationale for rezoning the property, they should consider a complete dedication of the private open space to a permanent, *public* conservation area, not simply an easement.

FEIR Master Response 2 – Aesthetic Compatibility with Neighborhood

7-4

As stated on page 7-8, the FEIR still does not provide a detailed exterior lighting plan. For the sake of the surrounding, semi-rural community that is sensitive to night-time lights, the lack of a lighting plan does nothing to mitigate a potential environmental impact caused by the additional interior and exterior lights of 14 homes on what is now an unlit, natural setting.

As for light emitting from cars, the report also concludes that car headlights heading out of the project at night would not pose a problem for the surrounding homes due to its relatively higher ground, tree height, and angle of its driveways. The report, however, does not account for many of the homes across NSP Road that are on equal ground or even higher, and due to the proximity and density of the development, people in those homes will notice both incoming and outgoing night-time traffic across NSP Road.

Response 2 determines that the night lights emitting from the new development would not be an issue. Yet before this determination can be made, there would need to be more verification or proof, via a simulation or test, that vehicles coming in and out of driveways and light emitting from homes will not project unreasonable amounts of light across NSP road, to both the existing homes below and above the new development.

Response 2 concludes as follows:

As discussed above, the proposed intensification of development on the project site would cause a visual change to both the site and the surroundings. However, for the reasons stated above, the project would not be visually incompatible with the existing visual character. The semi-rural, low-density aesthetic character of this portion Santa Venetia would remain intact. (p.7-8)

The project proposes to place 5 of the new homes along NSP road in a very tight formation with little space between each home. This density of new homes would produce a new flavor to the 650 NSP neighborhood that contrasts to what the Report describes as the "semi-rural, low-density aesthetic character of the area." As the No Project Alternative would allow, developing the existing 5 lots as currently zoned would be more compatible with this semi-rural portion of Santa Venetia, which is less than half a mile away from the entrance to China Camp State Park.

Master Response 8 – AM Peak Period and Weekend Traffic**7-5**

I am still concerned about the project's impact on NSP Road traffic through Santa Venetia. In Response 8, the EIR concludes that:

Despite many perceptions to the contrary, based on the analysis performed and using the County's adopted standards, the project would have a less-than-significant impact on traffic operation, as indicated in the DEIR.

In its own right, the additional traffic generated from the proposed project appears to be marginal. However, the overall cumulative impact of ongoing development along NSP road, such as the 80+ unit development at 33 San Pablo, with the addition of 14 homes at the end of NSP Road, is and continues to be significant to the Santa Venetia Community.

Response 8 continues that:

It should be noted that many of the concerns expressed relative to traffic were relative to conditions associated with traffic at the JCC and Venetia Valley School. County staff is currently working with staff at both the JCC and Venetia Valley School to address the congestion that occurs during the morning drop-off period. However, the identified issue is specific to operation of these two schools rather than the volume of traffic served by North San Pedro Road.

The traffic issues involving the JCC and Venetia Valley School have not yet been resolved. Until they are, it must be stated that the 11 additional trips, as projected by the EIR, will have more than an insignificant impact on weekday traffic. 11 car lengths is approximately 220 feet farther back in line from the traffic signal, which on some days is as far back as the 7-11 store. The problem will only get worse once the 33 San Pablo development is completed.

And, finally, the Report does not mention the effect that SMART transit-oriented development will have on the overall traffic of the neighborhood. If the environmental impacts of the project are to be adequately studied in the EIR, the

Santa Venetia Neighborhood Association

Page 5 of 5

October 14, 2009

effects of SMART and future development along Interstate 101 must be discussed.

For these reasons, I join my fellow community members as they raise their concerns about the 650 North San Pedro Road Project Final EIR. I request that the Final EIR not be certified until the report adequately addresses the following concerns raised in this letter:

1. The environmental viability of the No Project Alternative
2. The public benefit to be gained by rezoning private property to a higher density
3. The too -high density of the lower lots (lots 1-5) and overall high number of proposed homes (14)
4. The proper testing of the lighting impacts
5. Unresolved traffic issues, both current and future, impacting the entire Santa Venetia community

Thank you,

MARK WALLACE

Mark Wallace, President

LETTER 7

Mark Wallace / Santa Venetia Neighborhood Association

October 14, 2009

7-1: This comment is an introductory statement that expresses concern that the existing five parcels of the project site is being proposed to be rezoned and subdivided to allow for densely clustered homes along North San Pedro Road (NSPR). No change to the EIR is required.

7-2: The comment questions the basis for the conclusion in the DEIR that the No Project Alternative would be environmentally inferior. The comment states that without evidence to the contrary, Master Response 6 does not adequately explain why the No Project Alternative is environmentally inferior. This comment is a portion of a form letter (Letter 4) and was previously addressed in response to comment 4-3. No change to the EIR is required.

7-3: The comment suggests that the applicant should consider a complete dedication of the private open space to a permanent, public conservation area, not an easement. This comment is a portion of a form letter (Letter 4) and was previously addressed in response to comment 4-4. No change to the EIR is required.

7-4: This comment states because an exterior lighting plan has not been completed for the proposed project and that a potential environmental impact could result due to interior and exterior lighting. This comment also states that Master Response 2 (Aesthetic Compatibility with Neighborhood) does not take into account homes that are at equal or greater elevation when compared to the proposed project. The commenter argues that, due to the proximity and density of the development, people in those homes would notice both incoming and outgoing night-time traffic across NSPR. Lastly, this comment states the opinion that the proposed project would introduce a “new flavor” to the existing neighborhood that would not be consistent with

the semi-rural, low-density aesthetic character of the neighborhood, and that buildout of the existing five parcels would be more compatible with the neighborhood. This comment is a portion of a form letter and was previously addressed in response to comment 6-4. No change to the EIR is required.

7-5: The comment expresses concern that existing traffic conditions on North San Pedro Road (NSPR) significantly affect the Santa Venetia Community and that this would be made worse by the project. The comment states that until the peak hour traffic conditions are addressed, the project would have more than an insignificant impact on weekday peak hour traffic conditions. This comment also states that the EIR does not evaluate the construction of transit-orient development associated with Sonoma-Marín Area Rail Transit (SMART) and the effects that such development would have on overall traffic in the Santa Venetia area. This comment is a portion of a form letter and was previously addressed in responses to comments 4-5 and 6-6. No change to the EIR is required.

Resident, Santa Venetia Neighborhood

LETTER #8

October 12, 2009

RECEIVED

Tim Haddad
Environmental Coordinator
Marin County Community Development Agency
3501 Civic Center Drive, #308
San Rafael, CA 94903-4157

OCT 14 2009

COUNTY OF MARIN
COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

Re: 650 North San Pedro Road - Development Final Environmental Impact
Report - Review and Comments

To the Marin County Community Development Agency:

My name is Helmuth Winkelhofer and I live at 603 N.S. Pedro Rd
in the Santa Venetia neighborhood of San Rafael, California.

I recently learned about the Final EIR (FEIR) for the 650 North San Pedro (650 NSP) rezoning and development project from my fellow community members of the Santa Venetia Neighborhood Association, and I want to join the SVNA in addressing some of the responses made in the Report.

Overall, I share the concern that the developer is proposing to develop 14 homes on parcels that are currently zoned for just 5 homes, and therefore proposes to rezone and subdivide the property to allow all the new homes to be densely "clustered" along North San Pedro Road.

In analyzing the environmental impacts of the proposed project, the EIR makes a comparison between the proposed 14-home project and several alternative uses of the land. One of the alternatives, called the "No Project Alternative," is based upon allowing the lots to be developed as they are currently zoned today.

FEIR Master Response 6 - Development Permitted Under Existing Zoning

8-1

While comparing the proposed project with the No Project Alternative, Master Response 6 makes the following conclusion:

As a result of the factors described above, the County maintains that the No Project (sic) is environmentally inferior to the proposed project. A reduction in the number of units does not, by default, equate to a lesser environmental impacts (sic). (p.7-22)

The Report bases this conclusion upon the possibility that the development of the existing 5 lots could be subject to extensive environmental degradation, such as an increase in tree removal, roadway work, etc. and could further be subdivided to create a larger number of homes than the proposed project. The report makes an assumption, based upon land use designations of the Marin Countywide Plan, that the environmental impacts of the No Project Alternative could be worse than the proposed project, and concludes that:

[T]he five existing lots on site could be further subdivided and feasibly result in up to 13 single family residential lots and up to 12 second units. This would result in an increased number of units on the site in relation to the proposed project. (p.7-22)

Response 6 uses a lot of "what-if" scenarios, without explaining how exactly such development can occur, considering the difficulty and expense of building roadways and clearing out lots to build all these homes on a very steep hill. While it may be *conceivable* that the existing lots could be built out to 25 homes, it is also entirely possible that development of the 5 existing lots would be limited to much less than 25 homes, due to these economic and other constraints.

If the project proponents can feasibly build 25 homes on 650 NSP under the current zoning and CWP land use designations, why are they proposing to rezone and subdivide the property to build only 14 homes through this EIR process? Could the answer be simply economical?

Without contrary evidence, it seems fundamental that environmentally speaking, the fewer number of homes developed, the less environmental impact to a site. Therefore, Response 6 still does not adequately explain why the No Project Alternative is environmentally inferior to the proposed project.

Master Response 7 – HOA Management of Open Space

8-2

This part of the EIR explains how the remaining open space of the development would be set aside as an "open space, scenic and resource conservation *easement*."

Master Response 7 states as follows:

The common parcel and private lot open space would both be encumbered with an open space, scenic and resource conservation easement. The easement would be dedicated to the County of Marin and would restrict the use of the related property to scenic, open space and resource conservation purposes only. No further subdivision, residential development, or fencing would be permitted within the easement. Deed restrictions would be placed on lots 8-12 relating to the use and maintenance of the private open space.

As I understand this statement, the open space, as a private space, will be set up to benefit the homeowners and not the general public. Yet the developer is proposing to rezone the property for higher density. The spirit of the Marin Countywide Plan is to provide public benefits through land use designations. If the developer truly wants to provide a rationale for rezoning the property, they should consider a complete dedication of the private open space to a permanent, *public* conservation area, not simply an easement.

FEIR Master Response 2 – Aesthetic Compatibility with Neighborhood

8-3

As stated on page 7-8, the FEIR still does not provide a detailed exterior lighting plan. For the sake of the surrounding, semi-rural community that is sensitive to night-time lights, the lack of a lighting plan does nothing to mitigate a potential environmental impact caused by the additional interior and exterior lights of 14 homes on what is now an unlit, natural setting.

As for light emitting from cars, the report also concludes that car headlights heading out of the project at night would not pose a problem for the surrounding homes due to its relatively higher ground, tree height, and angle of its driveways. The report, however, does not account for many of the homes across NSP Road that are on equal ground or even higher, and due to the proximity and density of the development, people in those homes will notice both incoming and outgoing night-time traffic across NSP Road.

Response 2 determines that the night lights emitting from the new development would not be an issue. Yet before this determination can be made, there would need to be more verification or proof, via a simulation or test, that vehicles coming in and out of driveways and light emitting from homes will not project unreasonable amounts of light across NSP road, to both the existing homes below and above the new development.

Response 2 concludes as follows:

As discussed above, the proposed intensification of development on the project site would cause a visual change to both the site and the surroundings. However, for the reasons stated above, the project would not be visually incompatible with the existing visual character. The semi-rural, low-density aesthetic character of this portion Santa Venetia would remain intact. (p.7-8)

The project proposes to place 5 of the new homes along NSP road in a very tight formation with little space between each home. This density of new homes would produce a new flavor to the 650 NSP neighborhood that contrasts to what the Report describes as the "semi-rural, low-density aesthetic character of the area." As the No Project Alternative would allow, developing the existing 5 lots as currently zoned would be more compatible with this semi-rural portion of Santa Venetia, which is less than half a mile away from the entrance to China Camp State Park.

Master Response 8 – AM Peak Period and Weekend Traffic

8-4

I am still concerned about the project's impact on NSP Road traffic through Santa Venetia. In Response 8, the EIR concludes that:

Despite many perceptions to the contrary, based on the analysis performed and using the County's adopted standards, the project would

have a less-than-significant impact on traffic operation, as indicated in the DEIR.

In its own right, the additional traffic generated from the proposed project appears to be marginal. However, the overall cumulative impact of ongoing development along NSP road, such as the 80+ unit development at 33 San Pablo, with the addition of 14 homes at the end of NSP Road, is and continues to be significant to the Santa Venetia Community.

Response 8 continues that:

It should be noted that many of the concerns expressed relative to traffic were relative to conditions associated with traffic at the JCC and Venetia Valley School. County staff is currently working with staff at both the JCC and Venetia Valley School to address the congestion that occurs during the morning drop-off period. However, the identified issue is specific to operation of these two schools rather than the volume of traffic served by North San Pedro Road.

The traffic issues involving the JCC and Venetia Valley School have not yet been resolved. Until they are, it must be stated that the 11 additional trips, as projected by the EIR, will have more than an insignificant impact on weekday traffic. 11 car lengths is approximately 220 feet farther back in line from the traffic signal, which on some days is as far back as the 7-11 store. The problem will only get worse once the 33 San Pablo development is completed.

And, finally, the Report does not mention the effect that SMART transit-oriented development will have on the overall traffic of the neighborhood. If the environmental impacts of the project are to be adequately studied in the EIR, the effects of SMART and future development along Interstate 101 must be discussed.

8-5

For these reasons, I join my fellow community members as they raise their concerns about the 650 North San Pedro Road Project Final EIR. I request that the Final EIR not be certified until the report adequately addresses the following concerns raised in this letter:

1. The environmental viability of the No Project Alternative
2. The public benefit to be gained by rezoning private property to a higher density
3. The too-high density of the lower lots (lots 1-5) and overall high number of proposed homes (14)
4. The proper testing of the lighting impacts
5. Unresolved traffic issues, both current and future, impacting the entire Santa Venetia community

Thank you,



LETTER 8

Helmut Winkelhake

October 12, 2009

Fifteen form letters were received from Santa Venetia residents listed below. Each of these letters is identical in content and format. As such, responses have been provided to just one letter (Letter 8), but apply to comments submitted in Letters 10 – 21, 28, and 32.

Letter 8 - Helmut Winkelhake

Letter 10 - Gaspare Indelicato

Letter 11 - Robin Indelicato

Letter 12 - Roger Kick

Letter 13 - Nicole Klock

Letter 14 - Anne Oklan

Letter 15 - Edward Oklan

Letter 16 - Art Reichert

Letter 17 - Ellen Stein

Letter 18 - Rose Anne Stoke

Letter 19 - Rober Sylvester

Letter 20 - Sandy Walker

Letter 21 - Steve & Karen Wilgenbush

Letter 28 - Jonathan Metcalf

Letter 32 - Shelley Sweet

The following response to Letter 8 from Helmut Winkelhake addresses the issues raised in the form letters.

8-1: The comment questions the basis for the conclusion in the DEIR that the No Project Alternative would be environmentally inferior. The comment states that without evidence to the contrary, Master Response 6 does not adequately explain why the No Project Alternative is environmentally

inferior. This comment was previously addressed in response to comment 4-3. Please refer to that response above. No change to the EIR is required.

8-2: The comment suggests that the applicant should consider a complete dedication of the private open space to a permanent, public conservation area, not an easement. This comment was previously addressed in response to comment 4-4. Please refer to that response above. No change to the EIR is required.

8-3: This comment states because an exterior lighting plan has not been completed for the proposed project, a potential environmental impact could result by interior and exterior lighting. This comment also states that Master Response 2 (Aesthetic Compatibility with Neighborhood) does not take into account homes that are at equal or greater elevation when compared to the proposed project. The commenter asserts that, due to the proximity and density of the proposed development, residents in existing homes across NSPR would be affected by both incoming and outgoing night-time traffic. Lastly, this comment states the opinion that the proposed project would introduce a “new flavor” to the existing neighborhood that would not be consistent with the semi-rural, low-density aesthetic character of the neighborhood, and that buildout of the existing five parcels would be more compatible with the neighborhood. This comment raises concerns previously addressed in response to comment 6-4. Please refer to that response above. No change to the EIR is required.

8-4: The comment expresses concern that existing traffic conditions on North San Pedro Road (NSPR) significantly affect the Santa Venetia Community and that this would be made worse by the project. The comment states that until the peak hour traffic conditions are addressed, the project would have more than an insignificant impact on weekday traffic. This comment was previously addressed in responses to comment 4-5. Please refer to that response above. No change to the EIR is required.

8-5: This comment states that the EIR does not evaluate the construction of transit-orient development associated with Sonoma-Marin Area Rail Transit (SMART) along Highway 101 and the effects that such development would have on overall traffic in the Santa Venetia area. This comment was previously addressed in responses to comment 6-6. Please refer to that response above. No change to the EIR is required.

LETTER #9

10-14-89 H. Winkler

28.2 I look at hundred of trees 9-1
and see not a single house
Here is it not a loss of
"Privacy" if after the development
the trees are gone and I look at
14 houses!
My concerns were not addressed!

28.4 It is not a opinion it is a statistic 9-2
It is a count of house to compare
the car based of the 14 houses
with existing

28.5 Story trees have been used many 9-3
times in Tiburon for PEIR
I think it would be a good idea
to have them now so every body
can understand the project better

28.6 The traffic study is flawed 9-4
the equipment did not count
any car's out of PT. Gaitinas
or out of my driveway it
would show a lot more cars
also school was closed!
I asked for more traffic count

28. 8 fly comments are not addressed 9-5
that cars shine their light into
my living room & Bedroom when
enter or exit lot 12
& 1 - to 10 young car

28. 9. just go out when it it rain 9-6
like yesterday
the pipe is not big enough!

28. 12 How can the flooding be not 9-7
important?

28. 13 The DELR needs to be changed 9-8
to report the realistic amount of
trade, car trips
2) to reflect larger volume of
traffic after breaking it up
also no pop truck ever picks
up tree for a nursery after
a pop run.
2) Tree clearing lot clearing not
included
3) Deliveries litigation does
not reflect real world.
4) No work on Saturday →
→ -

-2-

on Paradise Is it would not be
permitted period!

5 Day are enough! —

Please change DEIR to recommend 5 Days
only!

28.24 The comment was the
Eucalyptus tree is too far from
N.S. Pedro to be a ~~great~~ hazard!

9-9

LETTER 9

Helmut Winkelhake

October 14, 2009

This letter from Mr. Winkelhake refers, by number, to several of the comments made in his letter on the Draft EIR (Letter 28). Although the comments vary somewhat, similar issues are raised.

9-1: The commenter states that after the development is completed, he will experience a loss of privacy because the screening trees would be gone and his view would be of 14 homes. He states that these concerns were not addressed in the EIR.

As explained in Master Response 9 in the FEIR, 159 native trees would be planted on site to replace the 53 “protected” trees that would be removed. This would represent a 3:1 re-placement ratio for protected trees. The Tree Mitigation Plan is included as Appendix E of the FEIR. Sheet L-3 within this plan shows locations and types of trees to be planted. As the plan illustrates, tree replacement would be placed with the intent to minimize the visual change associated with tree removal and provide maximum future screening of the project development from off-site locations. This includes trees along the northern edge of the property, which is the edge closest to 603 and 637 North San Pedro Road.

Therefore, while the degree of privacy may be reduced in comparison to existing conditions, it would not be reduced to the degree that a significant impact would occur.

9-2: Following up on Comment 28-4 in the FEIR, the comment clarifies that quantification of the number of homes (12 within a 6.7-mile distance on North San Pedro Road) demonstrates that 14 new homes on the project site would adversely affect curb appeal of the existing homes in the area. The comment does not, however, provide additional information to demonstrate

that the proposed project, if approved, would fully or partially eclipse the aforementioned curb appeal. No change to the DEIR is required.

9-3: Restating the suggestion made in Comment 28-5 in the DEIR, this comment advocates for the use of story poles on the project site. As stated in response to Comment 28-5, the use of story poles is not a requirement under CEQA. While they can be used in design review or PDP stages of project consideration, the analysis of visual quality in the EIR (Section 4.8 in the FEIR) determined that impacts would be less than significant based on the design, location, height, massing, and screening of the proposed homes. These specifics are adequately illustrated in Figures 4.8-5, 4.8-6, and 4.8-7 of the DEIR.

Despite the adequacy of the existing visual analysis in the EIR and the conclusion of less-than-significant impacts, story poles demonstrating the mass and bulk of the residences and stakes showing the road alignment will be installed before the Planning Commission hearing on December 14, 2009. At the request of the Community Development Agency, the poles will be installed to show the applicant's "Revised Project Alternative" rather than the proposed project. This will be done to provide a comparison to the proposed project for the purposes of the merits discussion.

9-4: The comment states that the traffic study is flawed because it did not count any cars out of Pt. Gallinas Road or the commenter's driveway. The comment states that the study would have demonstrated higher volumes of traffic if these had been accounted for. The study intersections where traffic counts were conducted were identified through consultation and agreement with the County Traffic Engineer. As is the case in any project traffic analysis, select intersections are chosen on the basis of those most likely to be affected by project-generated traffic. The relevant intersection volume counts, as illustrated in Figure 4.6-2, would account for westbound trips on NSPR, including those possibly originating from Pt. Gallinas Road or the commenter's residence.

The comment also says that counts were conducted when school was closed and that he had previously requested new traffic counts. As explained in Master Response 8 in the FEIR, more recent counts were conducted in 2008 while school was in session. No change to the EIR is required.

9-5: The comment states that comments raised in Comment 28-8 in the DEIR were not addressed and that cars exiting the driveway from Lot 12 at night would shine headlights into his living room and bed room.

The residence in question already experiences some degree of illumination from vehicles passing on North San Pedro Road after dark; primarily west-bound vehicles due to the curvature and slope of the road in this location. Therefore, light from vehicles exiting Lot 12 would not be an entirely new source of light at the residence in question. There would likely be a maximum of 2-3 vehicles owned by the residents of Lot 12. It is not expected that the use of these 2-3 vehicles would be so frequent that the level of light at the residence in question would substantially increase. Furthermore, based on the relatively low traffic volumes at this point on North San Pedro Road, it is not expected that cars exiting Lot 12 would need to wait for extended periods to enter the lane of travel on North San Pedro Road. Therefore, the casting of light from vehicles exiting this Lot would be intermittent in nature. Lastly, as illustrated in Figure 4.8-4 of the Draft EIR, there are mature trees along the northern edge of NSPR that would partially shield the residence in question from headlights. Based on these factors, the degree of light experienced is not expected to increase to the point that quality of life would be adversely affected.

9-6: In reference to Comment 28-9 on the DEIR, the comment advises to “just go out when it is raining like yesterday. The pipe is not big enough.” In the context of Comment 28-9, which provides a quantitative estimate of maximum runoff from the site, it is not clear what “pipe” is being referred to. In the absence of further information, a more informed response cannot be provided.

9-7: Contrary to what the comment suggests, neither the DEIR nor FEIR attempts to dismiss the issue of potential flooding on - or off-site as insignificant. In fact, this issue was thoroughly examined in chapter 4.4 of the DEIR (Hydrology and Water Quality). Appendices C and D in the FEIR provide additional information concerning project drainage. Given the topography of the project site and the history of flooding in the vicinity, as illustrated in the submitted photos, the County is well aware of the importance of this issue. Potentially significant impacts related to post-project runoff and associated mitigation are identified in Section 4.4.

9-8: The comment says that the EIR needs to be changed to reflect the realistic amount of truck and car trips. This comment was also made in Comment 28-13 of the DEIR, however no evidence, quantitative or otherwise is presented to disprove the estimates that presented in response to Comment 28-13. As stated, the construction truck trip estimates are based on the cubic yardage of dirt to be transported off-site and the capacity of the trucks (20 cubic yards) that would be utilized. Vehicle trip estimates associated with the operational phase of the project are based on industry-accepted ITE rates.

The comment also asserts that no dump truck ever picks up trees from a nursery after a dump run. However, the commenter does not present any information or evidence to substantiate this. Furthermore, the provision has been included in the revised Mitigation Measure 4.6-A.1, stating that trucks that would be used to haul earthen material away from the site should be used to transport replacement trees to the site.

The comment suggests that tree clearing and lot clearing is not included, presumably in the calculations of cut material. As stated in the Project Description, the grading calculations indicate that a total of 8,657 cubic yards of material would be cut (graded or excavated) and 5,735 cubic yards of this material would be hauled off-site. The remaining 2,922 would be stockpiled on the site and used on-site for fill purposes. These calculations include tree and lot clearing.

Continuing with a preceding point, the commenter asserts that the combined use approach required under Mitigation Measure 4.6-A-1 does not reflect the “real world,” but does not present any substantive evidence to demonstrate that this strategy could not be implemented during construction.

The comment says that no work should be permitted on Saturday and that no work should be allowed on Paradise Road at all. The comment requests that construction be limited to five days a week (Monday-Friday). As stated in response to Comment 28-13 in the DEIR, construction on Saturdays is permitted under Section 6.70.030 of the Marin County Development Code. There is no specific basis on which to impose a restriction on this project that would limit work to Monday-Friday. The comment also says that no work should be permitted on Paradise Road. Based on a review of local street maps, the only publicly maintained street bearing the name “Paradise” has been identified to be Paradise Drive, located approximately six miles south of the project site on the Tiburon Peninsula. The proposed project would not result in construction activities on or in the vicinity of Paradise Drive. No change to the DEIR is required.

9-9: Following up on Comment 28-24, this comment clarifies that the eucalyptus tree containing the heron nest on-site is too far from NSPR to be a hazard. The commenter is correct. The text in Response 28-24 was intended to read as follows “[t]he comment is correct in that the eucalyptus tree containing the heron nest on-site would not pose a hazard to motorists, bicyclists, or pedestrians.” The tree is approximately 80-feet high and the closest point on North San Pedro Road is over 100-feet from the base of the tree. The text in the DEIR has been amended to reflect this.

COUNTY OF MARIN
650 NORTH SAN PEDRO ROAD EIR
COMMENTS AND RESPONSES

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COUNTY OF MARIN
650 NORTH SAN PEDRO ROAD EIR
COMMENTS AND RESPONSES

Individuals

COUNTY OF MARIN
650 NORTH SAN PEDRO ROAD EIR
COMMENTS AND RESPONSES

October 13, 2009

TO: Marin Community Development Agency

LETTER #22

FR: Giselle Block
3 Sunny Oaks Drive
San Rafael, CA 94903

SU: Final EIR for 650 North San Pedro Master Plan

Please find below my summation of the adequacy of FEIR responses to my comments on the DEIR dated January 26, 2009. Thank you for the opportunity to respond.

No Project Alternative (11-1)

Response not complete. "Possible development under existing zoning" is stated as the no project alternative in the response. The no project alternative should be analyzed as currently zoned and not include "future possibilities" for which no analysis relative to the CWP and county policies have been analyzed and presented in the FEIR. Analysis of future possibilities and their impacts would be complex and detailed. This analysis was not conducted. An **assumption** of greater impacts was made and is not based on facts. The analysis is incomplete because it does not present all possibilities under current zoning and the associated impacts of all of the possibilities for development under current zoning. Essentially the no project alternative is all other possibilities under existing zoning without an analysis of the impacts of those possibilities. A layout of the buildings and their distribution is inadequate.

22-1

Heron rookery (11-3)

Response incomplete. Disturbance should be defined. What particular behaviors would trigger halting of construction? This must be defined.

22-2

Raptors and MBTA (11-4)

Response incomplete. A list of potential migratory birds was not developed during previous biological surveys. If the project proponents and associated contractors are not aware of what is potentially present within the project area how will they effectively detect disturbance? The biological monitor should have a list of potential migratory birds that could occur on-site and be aware of nest locations, substrates, etc. that will allow them to detect a disturbance.

22-3

Opportunistic species and cumulative impacts (11-6)

22-4

Response incomplete. There are several developments in the project vicinity. Collectively, they have an impact on biological resources of the project area and vicinity. There are cumulative impacts of development; the DEIR fails to conduct the analysis.

22-5

Invasive Species (11-7)

Response incomplete. The Final EIR did not address my comment regarding the spread of French broom (FRBR) and need for control over the long term to avoid impacts on remaining native plant communities on-site (e.g., grassland, oak woodland). The response states that no mitigation for FRBR was developed because no significant impact was identified in the DEIR. A significant impact should have been developed which my comment letter clearly laid out. My comment letter (1/26/09) was provided to shed light on the fact that presence of FRBR on the project site is a significant impact because the removal of tree canopy, as the preferred alternative proposes, will cause FRBR to expand rapidly as a result of increased light. Yes, FRBR already exists on the site but it is kept at low levels because of the tree canopy (low indirect light). Removal of the tree canopy caused the development of a FRBR monoculture on a nearby property (33 Sunny Oaks Drive). This is a fact (with reference to 11-18 where significance must stem from information on the project's record and, to the extent feasible, on scientific and factual data). Fact 1: explosion of FRBR on a nearby property where tree canopy removed, Fact 2: scientific literature abounds with results on the spread and impact of FRBR on native plant communities and the conditions that promote spread. The County of Marin acknowledges the impact of FRBR on native plant communities and expends tax payers dollars to implement control (refer to Janet Klein, Marin County employee). It is negligent to not acknowledge the future spread of this species both within the site and into neighboring native plant communities when the canopy is opened. A long-term management plan should be implemented to reduce the expansion of this species into native plant communities within and adjacent to the project boundaries.

Bats (11-10)

22-6

Response incomplete. The biological report (GANDA 2005) does not state that field surveys evaluated the presence of bats or bat habitats. Positive identification of bats or bat nurseries could not happen because the methodologies required to detect them were not conducted. In fact, the report highlights the potential for presence of sensitive bat species within the project site. This fact is completely ignored. Habitat exists for sensitive bat species. No specific surveys for bats were conducted and they are not referenced in the report. The surveys they conducted cannot conclude presence or absence or the significance of the site for particular bat species. The potential exists for a significant impact.

Opportunistic species (11-11)

22-7

Response incomplete. Opportunistic species are mobile (walk, fly). This logic leads to the fact that habitat for opportunistic species provided within the project area, whether it

is on a hillside or not, can move or use nearby sensitive habitats, by rats, raccoons, ravens, crows, feral cats, etc.

22-8

Open space (11-12)

Response incomplete. Deed restrictions not defined.

22-9

Grassland (11-14)

Response incomplete. My comment referred to the spread of invasive species, namely French broom, as a direct result of the development. I commented on the fact that French broom could spread into the grassland from the developed area (French broom loves an open canopy and soil disturbance) and that control of this species must be in place over the long term to prevent degradation of the grassland. The FEIR needs to have a French broom management plan in place.

22-10

Cumulative impacts (11-18)

Response incomplete. Yes, a cumulative impact must be based on facts. Alternatively, a finding of no cumulative impacts must be based on analyses and scientific literature when data are not available, not on assumptions. The project fails to acknowledge what many residents have stated, there are several developments in the vicinity of the project. Cumulatively they have an impact but the analysis has not included these other developments.

A handwritten signature in black ink, reading "Julie Bloch". The signature is written in a cursive, flowing style. The first name "Julie" is written with a large, looped 'J' and a trailing 'e'. The last name "Bloch" is written in a more straightforward cursive, with a large 'B' and a trailing 'h'.

LETTER 22

Giselle Block

October 13, 2009

22-1: This comment states the opinion that the response to comment 11-1 in the FEIR is incomplete and the level of analysis provided for No Project Alternative is inadequate. Master Response 3 (Alternatives Analysis) provides a detailed discussion of the reasonable range of alternatives required for complete CEQA analysis and the level of detail presented in analysis. This Master Response adequately addresses this comment. No change to the EIR is required.

22-2: This comment states the opinion that the response to comment 11-3 in the FEIR is incomplete and the disturbance to the heron rookery should be defined. Implementation of mitigation measure 4.3-G.1 would avoid impacts during construction to all nesting birds, including herons, that are protected by the Migratory Bird Treaty Act (MBTA). Activities that cause abandonment of an active nest are considered non-permitted “take”. One of the responsibilities of the qualified biologist will be to monitor active nests within the project area. Should the monitor observe bird behavior indicating that project activities could cause abandonment of an active nest the monitor shall have the authority to halt those activities. Some of the common behaviors include alarm calling, flushing the nest and not returning, carrying food without delivering it, and mobbing the workers. No change to the EIR is required.

22-3: This comment states that the response to comment 11-4 in the FEIR is incomplete and asks how the project proponents and associated contractors will detect disturbance if they are not aware of potential migratory birds in the area. One of the qualifications of a biological monitor will be to know the potential bird species and their nesting behaviors. No change to the EIR is required.

22-4: This comment questions the response to comment 11-6 in the FEIR. This comment states that, due to the numerous projects within the vicinity of the proposed project, a cumulative analysis must include an evaluation of impacts resulting from the proposed project in combination with these other nearby projects. In accordance with CEQA, the EIR is required to analyze effects of the proposed project on existing conditions at the time the Notice of Preparation (NOP) is issued. As discussed in Chapter 4.0 (Environmental Evaluation), cumulative impact evaluations were conducted in each subject (Chapter 4.1 through Chapter 4.14), to assess these impacts. No change to the EIR is required.

22-5: This comment states that the response to comment 11-7 in the FEIR is incomplete and states that French broom within the project site will increase with the removal of tree canopy. The comment further states that the EIR should include mitigation for removal and management of French Broom within the project site. However, as discussed in response to comment 11-7 in the FEIR, although located within the project site, the presence of French Broom is not identified as a significant impact within Chapter 4.3 (Biological Resources) of the DEIR. The current existence of French Broom on the site would not be caused by the project, and instead, its existence is part of the existing condition of the site. In accordance with CEQA Guidelines 15126.4(3), the DEIR does not include mitigation for the effects of French Broom because no potentially significant impact was identified. There is no nexus established between project activity and the existence of broom on the site. No change to the EIR is required.

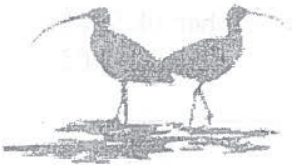
22-6: This comment states that the EIR ignores the potential for bat species to be present within the project site. However, as identified in the 2005 GANDA Report, the potential for bat species to be present onsite was identified, but no occurrences were encountered. Although the comment argues that the methodologies employed by GANDA were not suited to determine the presence of bats within the project site, without confirmation of bat species being located within the site, impacts to bat species cannot be identified. No change to the EIR is required.

22-7: This comment states that the response to comment 11-11 in the FEIR is incomplete and states that habitat for opportunistic species is subject to change. However, as discussed in response to comment 11-6 in the FEIR, the biologist's review in the Environmental Constraints Analysis did not identify this as a constraint to development. However, the project is consistent with the CWP policies related to development in this area and resource protection. The construction of 12 additional residences to Santa Venetia's current stock of approximately 1,700 homes will not result in a significant, cumulative impact related to threats to native wildlife in this area posed by the potential small increase in opportunistic species. No change to the EIR is required.

22-8: This comment states that the deed restrictions for private open space on lots 8-12 has not been defined. However, as identified in the policy consistency analysis for CWP Policy BIO-1.3 (page 4.1-11), deed restrictions will ban the building of any structures or fencing in those areas and require that the areas be maintained in their natural state. No change to the EIR is required.

22-9: This comment discusses the spread of invasive species within the project site. Refer to response to comment 22-5. No change to the EIR is required.

22-10: This comment questions the response to comment 11-18 in the FEIR. This comment states that, due to the numerous projects within the vicinity of the proposed project, a cumulative analysis must include an evaluation of impacts resulting from the proposed project in combination with these other nearby projects. In accordance with CEQA, the EIR is required to analyze effects of the proposed project on existing conditions at the time the Notice of Preparation (NOP) is issued. As discussed in Chapter 4.0 (Environmental Evaluation), cumulative impact evaluations were conducted in each subject (Chapter 4.1 through Chapter 4.14), to assess these impacts. No change to the EIR is required.



MARY M. HANLEY

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LETTER #23

October 14, 2009

Tim Haddad
Environmental Coordinator
Marin County Community Development Agency
3501 Civic Center Drive, #308
San Rafael, CA 94903-4157

Re: 650 North San Pedro Road - Development Final Environmental Impact Report –
Review and Comments

To the Marin County Community Development Agency:

My name is Mary Hanley and I live at 1515 Vendola Drive in the Santa Venetia neighborhood of San Rafael, California.

I am writing regarding the Final EIR (FEIR) for the 650 North San Pedro (650 NSP) rezoning and development project and want to join my fellow community members of the Santa Venetia Neighborhood Association in addressing some of the responses made in the Report.

Overall, I share the concern that the developer is proposing to develop 14 homes on parcels that are currently zoned for just 5 homes, and therefore proposes to rezone and subdivide the property to allow all the new homes to be densely "clustered" along North San Pedro Road.

23-1

In analyzing the environmental impacts of the proposed project, the EIR makes a comparison between the proposed 14-home project and several alternative uses of the land. One of the alternatives, called the "No Project Alternative," is based upon allowing the lots to be developed as they are currently zoned today.

FEIR Master Response 6 – Development Permitted Under Existing Zoning

23-2

While comparing the proposed project with the No Project Alternative, Master Response 6 makes the following conclusion:

As a result of the factors described above, the County maintains that the No Project (sic) is environmentally inferior to the proposed project. A reduction in the number of units does not, by default, equate to a lesser environmental impacts (sic). (p.7-22)

The Report bases this conclusion upon the possibility that the development of the existing 5 lots could be subject to extensive environmental degradation, such as an increase in tree removal, roadway work, etc. and could further be subdivided to create a larger number of homes than the

proposed project. The report makes an assumption, based upon land use designations of the Marin Countywide Plan, that the environmental impacts of the No Project Alternative could be worse than the proposed project, and concludes that:

[T]he five existing lots on site could be further subdivided and feasibly result in up to 13 single family residential lots and up to 12 second units. This would result in an increased number of units on the site in relation to the proposed project. (p.7-22)

Response 6 uses a lot of "what-if" scenarios, without explaining how exactly such development can occur, considering the difficulty and expense of building roadways and clearing out lots to build all these homes on a very steep hill. While it may be *conceivable* that the existing lots could be built out to 25 homes, it is also entirely possible that development of the 5 existing lots would be limited to much less than 25 homes, due to these economic and other constraints.

If the project proponents can feasibly build 25 homes on 650 NSP under the current zoning and CWP land use designations, why are they proposing to rezone and subdivide the property to build only 14 homes through this EIR process? Could the answer be simply economical?

Without contrary evidence, it seems fundamental that environmentally speaking, the fewer number of homes developed, the less environmental impact to a site. Therefore, Response 6 still does not adequately explain why the No Project Alternative is environmentally inferior to the proposed project.

Master Response 7 – HOA Management of Open Space

23-3

This part of the EIR explains how the remaining open space of the development would be set aside as an "open space, scenic and resource conservation *easement*."

Master Response 7 states as follows:

The common parcel and private lot open space would both be encumbered with an open space, scenic and resource conservation easement. The easement would be dedicated to the County of Marin and would restrict the use of the related property to scenic, open space and resource conservation purposes only. No further subdivision, residential development, or fencing would be permitted within the easement. Deed restrictions would be placed on lots 8-12 relating to the use and maintenance of the private open space.

As I understand this statement, the open space, as a private space, will be set up to benefit the homeowners and not the general public. Yet the developer is proposing to rezone the property for higher density. The spirit of the Marin Countywide Plan is to provide public benefits through land use designations. If the developer truly wants to provide a rationale for rezoning the property, they should consider a complete dedication of the private open space to a permanent, *public* conservation area, not simply an easement.

FEIR Master Response 2 – Aesthetic Compatibility with Neighborhood**23-4**

As stated on page 7-8, the FEIR still does not provide a detailed exterior lighting plan. For the sake of the surrounding, semi-rural community that is sensitive to night-time lights, the lack of a lighting plan does nothing to mitigate a potential environmental impact caused by the additional interior and exterior lights of 14 homes on what is now an unlit, natural setting.

As for light emitting from cars, the report also concludes that car headlights heading out of the project at night would not pose a problem for the surrounding homes due to its relatively higher ground, tree height, and angle of its driveways. The report, however, does not account for many of the homes across NSP Road that are on equal ground or even higher, and due to the proximity and density of the development, people in those homes will notice both incoming and outgoing night-time traffic across NSP Road.

Response 2 determines that the night lights emitting from the new development would not be an issue. Yet before this determination can be made, there would need to be more verification or proof, via a simulation or test, that vehicles coming in and out of driveways and light emitting from homes will not project unreasonable amounts of light across NSP road, to both the existing homes below and above the new development.

Response 2 concludes as follows:

As discussed above, the proposed intensification of development on the project site would cause a visual change to both the site and the surroundings. However, for the reasons stated above, the project would not be visually incompatible with the existing visual character. The semi-rural, low-density aesthetic character of this portion Santa Venetia would remain intact. (p.7-8)

The project proposes to place 5 of the new homes along NSP road in a very tight formation with little space between each home. This density of new homes would produce a new flavor to the 650 NSP neighborhood that contrasts to what the Report describes as the "semi-rural, low-density aesthetic character of the area." As the No Project Alternative would allow, developing the existing 5 lots as currently zoned would be more compatible with this semi-rural portion of Santa Venetia, which is less than half a mile away from the entrance to China Camp State Park.

Master Response 8 – AM Peak Period and Weekend Traffic**23-5**

I am still concerned about the project's impact on NSP Road traffic through Santa Venetia. In Response 8, the EIR concludes that:

Despite many perceptions to the contrary, based on the analysis performed and using the County's adopted standards, the project would have a less-than-significant impact on traffic operation, as indicated in the DEIR.

In its own right, the additional traffic generated from the proposed project appears to be marginal. However, the overall cumulative impact of ongoing development along NSP road, such as the 80+ unit development at 33 San Pablo, with the addition of 14 homes at the end of NSP Road, is and continues to be significant to the Santa Venetia Community.

Response 8 continues that:

It should be noted that many of the concerns expressed relative to traffic were relative to conditions associated with traffic at the JCC and Venetia Valley School. County staff is currently working with staff at both the JCC and Venetia Valley School to address the congestion that occurs during the morning drop-off period. However, the identified issue is specific to operation of these two schools rather than the volume of traffic served by North San Pedro Road.

The traffic issues involving the JCC and Venetia Valley School have not yet been resolved. Until they are, it must be stated that the 11 additional trips, as projected by the EIR, will have more than an insignificant impact on weekday traffic. 11 car lengths is approximately 220 feet farther back in line from the traffic signal, which on some days is as far back as the 7-11 store. The problem will only get worse once the 33 San Pablo development is completed.

And, finally, the Report does not mention the effect that SMART transit-oriented development will have on the overall traffic of the neighborhood. If the environmental impacts of the project are to be adequately studied in the EIR, the effects of SMART and future development along Interstate 101 must be discussed.

23-6

For these reasons, I join my fellow community members as they raise their concerns about the 650 North San Pedro Road Project Final EIR. I request that the Final EIR not be certified until the report adequately addresses the following concerns raised in this letter:

1. The environmental viability of the No Project Alternative
2. The public benefit to be gained by rezoning private property to a higher density
3. The too-high density of the lower lots (lots 1-5) and overall high number of proposed homes (14)
4. The proper testing of the lighting impacts
5. Unresolved traffic issues, both current and future, impacting the entire Santa Venetia community

Thank you,

Individual Comments:

Volume II, 7-230

16-9 ~ "No detailed exterior lighting plan has been prepared."

23-7

Why not? We have seen detailed landscaping plans including every bush and shrub, but "no detailed" or, for that matter, any exterior lighting plans? Please provide.

16-12 ~ "... the County determined that a night-time simulation would ultimately not change the conclusion in the EIR in relations to light and glare." 23-8

Explain exactly how this determination was made. Did the County perform a very simple test/task of viewing the light and glare from McInnis Golf Park? A view of the lighted sports field at McInnis Park? Anything???

On September 13, a plane crashed at San Rafael Airport at approximately 8pm. Although the runway is below sea level and behind a whole neighborhood filled with trees, the dome of light emitting from a few headlights from police cars and fire trucks (not red flashing lights but a white light) cast an unmistakable and disturbingly obvious dome of light over the neighborhood that is normally a dark pitch-black skyline. Light and glare from this project will be tremendous and deserves a closer inspection.

Master Response 8 – Traffic (7-26)

23-9


"The 11 trips that the project would be expected to add during the morning peak..."

12 estate homes plus 2 second units and only 11 trips estimated! A more conservative and realistic number would be at least 2 driving adults per unit. That would be a minimum of 28 peak hour trips. Plus, what about the "help" that comes from estate building: housekeepers, gardeners, nannies, etc.?

I believe these traffic impact predictions are not only under-estimated, skewed, and misleading; but downright fabricated. Therefore, I request the County hold off on approving the FEIR, or at least hold off on approving this project, until after the County resolves traffic issues with the JCC and VV School, and ensures residents that the JCC is in compliance with their current conditions of approval.

On October 12, the Planning Commission approved 4 new additional housing sites in Santa Venetia including Site #4, McPhail's School – 40 units, Site #5, North San Pedro Road – 7 units, Site #7, Roosevelt – 1 unit. Thereby adding to the cumulative impact not considered in this FEIR.

Thank you,


Mary Hanley

LETTER 23

Mary M. Hanley

October 14, 2009

23-1: The comment restates opposition to rezoning of the project site and the construction of 14 homes on parcels currently zoned for five homes. This comment instead proposes that the project consider clustering five homes along North San Pedro Road. This comment is a portion of a form letter and was previously addressed in response to comment 4-2. Please refer to that response above. No change to the EIR is required.

23-2: The comment questions the basis for the conclusion in the DEIR that the No Project Alternative would be environmentally inferior. The comment states that without evidence to the contrary, Master Response 6 does not adequately explain why the No Project Alternative is environmentally inferior. This comment is a portion of a form letter and was previously addressed in response to comment 4-3. Please refer to that response above. No change to the EIR is required.

23-3: The comment suggests that the applicant should consider a complete dedication of the private open space to a permanent, public conservation area, not an easement. This comment is a portion of a form letter and was previously addressed in response to comment 4-4. Please refer to that response above. No change to the EIR is required.

23-4: This comment states because an exterior lighting plan has not been completed for the proposed project, a potential environmental impact could result by interior and exterior lighting. This comment also states that Master Response 2 (Aesthetic Compatibility with Neighborhood) does not take into account homes that are at equal or greater elevation when compared to the proposed project. The comment argues that, due to the proximity and density of the proposed development, people in the existing homes across NSPR would notice both incoming and outgoing night-time traffic. Lastly, this

comment states the opinion that the proposed project would introduce a “new flavor” to the existing neighborhood that would not be consistent with the semi-rural, low-density aesthetic character of the neighborhood, and that buildout of five units on the existing five parcels would be more compatible with the neighborhood. This comment is a portion of a form letter and was previously addressed in response to comment 6-4. Please refer to that response above. No change to the EIR is required.

23-5: The comment expresses concern that existing traffic conditions on North San Pedro Road (NSPR) significantly affects the Santa Venetia Community and that this would be made worse by the project. The comment states that until the peak hour traffic conditions are addressed, the project would have more than an insignificant impact on weekday traffic. This comment is a portion of a form letter and was previously addressed in response to comment 4-5. Please refer to that response above. No change to the EIR is required.

23-6: This comment states that the EIR does not evaluate the construction of transit-orient development associated with Sonoma-Marín Area Rail Transit (SMART) and the effects that such development would have on overall traffic in the Santa Venetia area. This comment is a portion of a form letter and was previously addressed in responses to comment 6-6. No change to the EIR is required.

23-7: This comment asks why no exterior lighting plans have been provided. As discussed in Master Response 2 (Aesthetic Compatibility with Neighborhood), the Single Family Hillside Design Guideline standards for exterior lighting would apply to the project. Consistent with the Guidelines, all exterior lighting would be limited to only the lighting needed for roadway safety and home security. It is expected that all standards can be met through the use of low bollard and hooded lighting at roadway and driveway intersections and along driveway entries to homes. Furthermore, it is not required that a final lighting plan be in place the time the EIR is certified. Because adequate information regarding requirements for lighting within the project site has

been presented in Chapter 4.8 (Aesthetics), there is a sufficient basis to conclude that compliance with the Guidelines would result in a less-than-significant impact relating to light. No change to the EIR is required.

23-8: This comment asks how the County determined that a night-time simulation would not change the conclusion in the EIR that light and glare would result in a less-than-significant impact. As discussed in response to comment 16-12 (page 7-234), the County determined that the Tree Planting Plan, and conformance with the County's Single Family Hillside Design Guidelines would result in a less-than-significant impact from light and glare. Although the comment discusses examples of nearby light sources (McInnis Golf Park, McInnis Park, and emergency vehicle activity associated with a plane crash at San Rafael Airport), these examples includes types and wattages of light that are not comparable with those that would exist under the proposed project. No change to the EIR is required.

23-9: This comment opines that the traffic predictions discussed in the EIR are underestimated, skewed, misleading and fabricated. The comment continues by stating that the County should not approve the proposed project until traffic issues associated with the JCC and Venetia Valley School have been resolved. Chapter 4.6 (Traffic and Circulation) provides a detailed discussion and analysis of vehicle trips generated by the project, and is based on accepted industry standards techniques and County thresholds. Furthermore, Master Response 8 (AM Peak Period and Weekend Traffic) provides a detailed discussion based on comments received on the DEIR. No change to the EIR is required.

This comment also states that the Planning Commission approved four housing sites in Santa Venetia on October 12, 2009 and states that cumulative impacts resulting from these units should be evaluated in the EIR. In accordance with CEQA, the EIR is required to analyze effects of the proposed project on existing conditions at the time the Notice of Preparation (NOP) is issued. In determining the appropriate range of projects to consider within his cumulative traffic study, Robert L. Harrison, the project traffic analyst, coordinated

with Kristin Drumm of the Marin County Community Development Agency. Based on the location of the proposed project site, the list of past, present, and reasonably foreseeable projects that Mr. Harrison was advised to consider are listed in Table 4.6-4 of the DEIR, Cumulative Projects Trip Generation. No change to the EIR is required.

Tamara Hull
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415-472-4200 Phone
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tamarahull@yahoo.com

Tamara Hull

LETTER #24

To: **Marin County Planning Commission** From: **Tamara Hull**

Fax # **(415) 499-7880** Pages **5 (including cover)**

Re: **650 North San Pedro FEIR** Date: **10/14/09**

☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

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Dear Commissioners,

Following is my comment letter on the adequacy of the FEIR for 650 North San Pedro Road as it relates to my letter in the FEIR and traffic issues.

Please contact me if you have any questions.

Thank you!



Tamara Hull

TAMARA HULL
39 MEADOW DRIVE
SAN RAFAEL, CALIFORNIA 94903
(415) 472-6787
TAMARAHULL@YAHOO.COM

October 14, 2009

Marin County Planning Commission
Marin County Civic Center
3501 Civic Center Drive, Room 328
San Rafael, California 94903

Re: 650 North San Pedro Road FEIR

Dear Commissioners:

I am writing in response to the FEIR's answers to my letter #17 in Section 7 and what I believe are the inadequacies of this response.

The traffic in the Santa Venetia neighborhood has actually increased since I wrote my letter in January 2009. The enrollment at Venetia Valley School has increased by 63 students this school year, from 683 (per California Department of Education website) to 746 according to the school staff. This is an increase of 9.2%.

24-1

While enrollment is increasing, school bus service is decreasing, which results in more children being driven to school each morning.

A new Safe Routes to Schools plan has been started at the school but so far the impact has been negligible. I know the impact firsthand because I am riding my bike along with my kindergartener son every morning that I can and I can see how many other children are riding or walking to school.

Supervisor Susan Adams gathered community and directly-affected-households' support to close a bike lane to bikes and parking from 7am to 9am on weekdays from Jefferson Avenue west to Golf Avenue to help alleviate the morning parking crisis. This new, part time traffic lane opened up to vehicle use in late August 2009. The traffic situation has improved a little since this transpired. But there is still gridlock in the mornings on school days.

24-2

The FEIR response to my letter at 17-2 states that the "700 students at the school are estimated to generate over 400 morning peak hour vehicle trips". It

Marin County Planning Commission
October 14, 2009
Page Two

Re: 650 North San Pedro Road FEIR

should be noted that the 700 students figure is too low - it's currently 746 and the 400 vehicle trips are round trips. A parent does not drive east from Highway 101 to the school and then continue east on North San Pedro Road. Instead the parent either enters the school parking lot and exits onto North San Pedro Road heading west to Highway 101, or the parent enters one of the neighboring streets, contributing to side street traffic congestion, and then reenters North San Pedro Road heading west. Most of the student related vehicle trips are impacting the traffic in BOTH directions during the morning peak hours.

In the last 6 weeks, since school has started again, on the few occasions that I cannot avoid driving westbound to Highway 101 on North San Pedro Road during the morning peak hours, it has taken me 18-24 MINUTES to reach the stoplight at the intersection at Civic Center Drive from the Meadow Drive intersection. This is not LOS C as stated in the FEIR.

24-3

I also assert that the estimated 400 vehicle trips number is too low. I believe the vehicle trips are closer to 500 during peak morning hours. Based on my personal count of bicycles parked at the bike racks at the school, an average of 40 kids are riding their bikes to school. In addition, an average of 80 kids are riding a school bus to the school. School staff estimate that about 100-125 kids are walking to school. 746 less 40 less 80 less 125 is 501 students being driven to school.

24-4

In addition, the San Rafael school district views Venetia Valley school as having available space and they continue to send new kids to be enrolled at the school. The school district is also considering adding new buildings to house additional new students at the school site. The school district is also considering reopening the McPhail's School site which is even closer to the 650 North San Pedro Road site.

24-5

For school enrollment data, visit the California Department of Education website at www.cde.ca.gov and follow the links to the DataQuest data pages, and you will be at <http://dq.cde.ca.gov/dataquest/>. If you choose 1. Select Level "School" and 2. Select Subject "Enrollment" and click "submit" you will be brought to a page where you can type in the name of the school in question, Venetia Valley. It does not matter which school year you choose for the Time Frame. After you click "submit" you will be given several choices of what report to select. Select Time Series to see the enrollment trends of the last 16 school years. I've included a copy of this report with this letter.

Marin County Planning Commission
October 14, 2009
Page Three

Re: 650 North San Pedro Road FEIR

When the AM peak traffic study of June 2005 was completed, if it was during the school year, then the school had 585 students (2004-05 school year). I have not received confirmation that this study was done on a school day.

24-6

The January 2007 traffic study was apparently done on January 4 & 5, 2007 which were the last two (2) days of winter break, so school was not in session.

However, the January 2007 traffic study was only done in the evening peak hours.

There are currently at least 161 more kids at the school from when the last morning peak traffic study was completed. Was correct student enrollment data to determine student count and vehicle trips incorporated into that June 2005 traffic study?

24-7

In addition, while this site has been identified in the Housing Element as a potential site for affordable housing, this FEIR points out the deficiencies of transit service to the site in 4.6 B.6. Transit service is only offered for 3 hours during the morning and 3 hours in the afternoon and only on weekdays. The hours are 7:28am to 10:28am in the morning - which does not work well for residents who need to travel to San Francisco for work and need to arrive by 8am. The afternoon hours are 2:28pm to 5:28pm, which again is not usable by residents coming home from San Francisco jobs and leaving at 5pm. Truly viable transit is simply not sufficient for this location.

24-8

I urge you to seriously consider NOT approving the FEIR for this proposed development as it does not adequately address the traffic problems that currently exist and does not realistically address the impact this project will have on the traffic and the community.

24-9

Thank you for your consideration.

Sincerely,



Tamara Hull

Encl



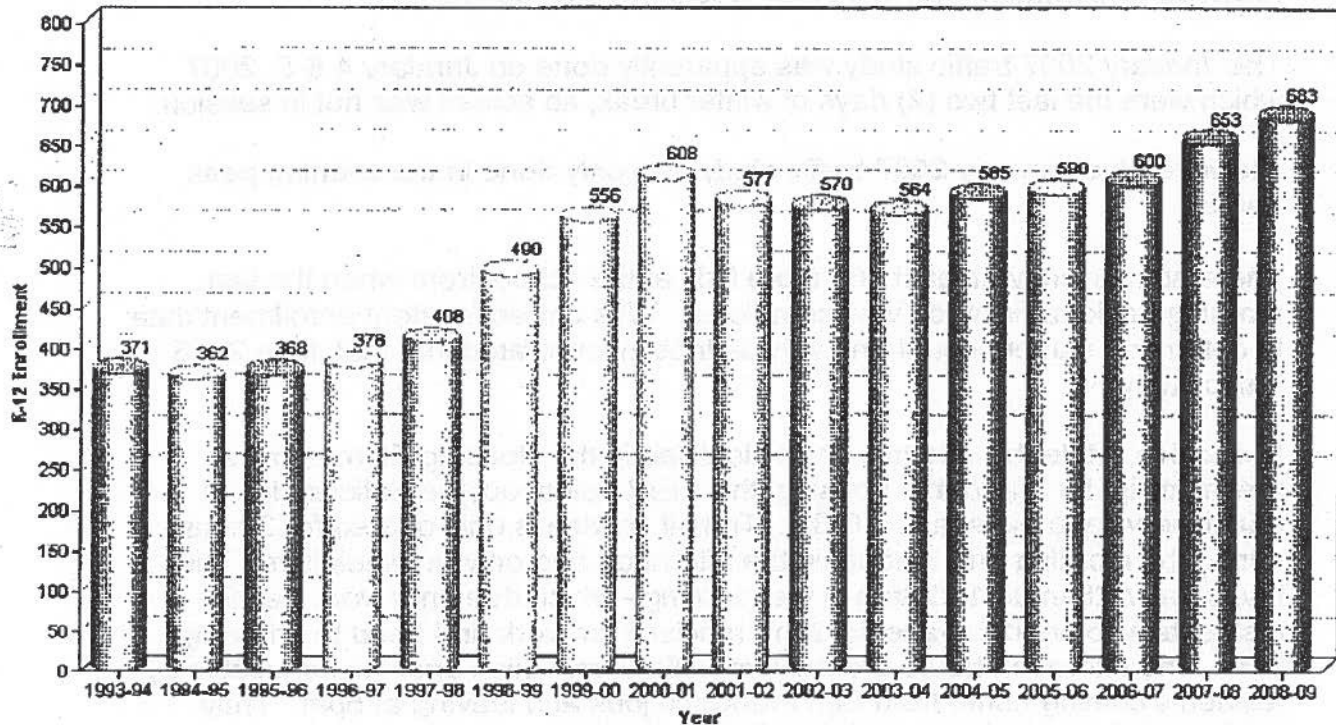
California Department of Education
Educational Demographics Office

K-12 Public School Enrollment

6024772-VENETIA VALLEY ELEME

Select Report Time Series - Public School Enrollment

Select School VENETIA VALLEY ELEMENTARY -21654586024772



Web Policy

2009-10 currently at 746

LETTER 24

Tamara Hull

October 14, 2009

24-1: The commenter indicates that enrollment at Venetia Valley School has increased by 63 students since she submitted her comment letter in January, 2009. She also states that more children are being driven to school due to a decline in bus service, but does not provide numerical information. Lastly, she expresses the opinion that the Safe Routes to School plan started at Venetia Valley has seemingly had a negligible effect. Overall, the comment is informational in nature and does not question the adequacy of the EIR or the analysis therein. No change to the EIR is required.

24-2: The comment concerns the response given to Comment 17-2 in the FEIR. The comment asserts that the figure provided in the response (700 students) is too low and that the 400 vehicle trips are round trips. The applicable portion of the response has been revised as indicated below, however these changes do not alter the conclusions of the traffic analysis:

17-2: This comment stresses that the main impact of the project would be the increase in vehicles on local roads, as was the case following development of the Venetia Valley School. The impact of the project would be less than significant and is substantially less than the impact of recent changes at Venetia Valley School. For example, the project is estimated to generate 11 morning peak hour trips. The 700 students at the school are estimated to generate over 400 morning peak hour vehicle, round trips. Community concerns relating to traffic congestion on North San Pedro Road and the County's current coordination efforts with the Jewish Community Center and the Venetia Valley School are further discussed in Master Response 8.

24-3: The commenter indicates that it has taken her 18-24 minutes to travel by car between the NSPR/Meadow Drive intersection and the NSPR/Civic Center Drive intersection. The comment asserts that on the basis of this delay, the LOS designation for the signalized Civic Center Drive / San Pablo Avenue intersection with NSPR is not C, as stated in the FEIR. As explained in Master Response 8 in the FEIR, under the County's adopted standards, study intersections must operate at LOS D or better, or experience an average of 55 seconds of delay per vehicle or less at signalized intersections. This measure is the weighted average for the intersection as a whole, so while individual movements or approaches may experience greater delays, as long as the average remains below the threshold, operation is considered acceptable under the applied standards. Further, in accordance with standard practices, the DEIR analysis covered a period of one hour, and higher and lower delays would be experienced at various times over the course of that hour. Therefore, despite the delays experienced along NSPR between Meadow Drive and the Civic Center Drive intersections, LOS C is the accurate designation for the signalized Civic Center Drive / San Pablo Avenue intersection.

24-4: This comment restates that the estimation in the EIR of 400 vehicle trips to the Venetia Valley school is too low and opines that 500 trips is a more likely estimate. The commenter bases this on her assessment of how many bikes are typically parked in the school's bike racks, how many students are taking the bus, and estimates of how many students are walking to school. While the number of vehicle trips may be higher than the 400 estimated in FEIR, the reasons presented do not provide an adequate basis on which to increase the estimate by 100. 400 trips is a reasonable estimate. While further study might demonstrate a potential number of trips closer to the 500 suggested, 400 trips provides a useful estimate relying on expert opinion that is based on an understanding of the aggregate trip volume on the affected road at the time the EIR was commenced. Furthermore, even if the actual number of trips is closer to 500, this would not change the conclusions of the traffic analysis.

24-5: The comment states that the San Rafael school district considers Venetia Valley school to have remaining capacity and continues to send new students there, thereby increasing enrollment. The comment also provides a reference to the California Department of Education website and includes a bar graph showing the school's annual enrollment trend from 1993-2009. Below the graph, the commenter adds that 2009-2010 enrollment is 746 students. The increased enrollment is addressed in response to comment 24-2 above. The information presented does not otherwise require a change to the EIR.

24-6: The comment states that if the June 2005 traffic study was completed during the school year, then enrollment was 585 students, as opposed to the 746 student estimate presented in the preceding comment. The commenter also states that she has not received confirmation that the study was done on a school day and questions the timing and methodology of the January 2007 traffic study.

As indicated in Master Response 8 in the FEIR, more recent traffic counts were conducted in early May and mid-October 2008, while local schools were in session. The 2008 counts can reasonably be expected to reflect typical conditions. The 2008 counts were equal to or lower than the counts from 2005, by as much as 12 percent. The 2005 data used for the DEIR analysis therefore provides a more conservative analysis in that it accounts for higher traffic volumes. Based on the original 2005 analysis and a comparison of its results to subsequent analyses, the results of the traffic study remain valid.

24-7: The comment questions whether the 2005 traffic study accounts for the increase in enrollment that has occurred at Venetia Valley school between 2005 and 2009. The methodology of the 2005 traffic study was such that it did not specifically account for the annual enrollment at the Venetia Valley School. Rather, per standard methodology, the study accounted for aggregate trip volumes along North San Pedro Road and at study intersections, which included trips made to and from the school. Furthermore, as indicated in the preceding response, the more recent counts from October 2008 were equal to

or lower than the counts from 2005, by as much as 12 percent. The 2005 data used for the DEIR analysis therefore provides a more conservative analysis in that it accounts for higher traffic volumes.

24-8: The comment provides specifics on the availability of transit to and from the project site and opines that viable transit is not sufficient for prospective residents. The comment expresses an opinion, but does not question the adequacy of the EIR. No further response is warranted.

24-9: The comment urges decision-makers to deny certification of the FEIR based on the opinion that the document does not adequately address existing traffic problems and the impacts that the project would have on the community. The commenter's specific concerns related to traffic have been addressed in preceding responses. This comment is a merits-opinion based comment and is addressed through Master Response 1 in the FEIR. No further response is warranted.

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LETTER #25

October 12, 2009

Tim Haddad
Environmental Coordinator
Marin County Community Development Agency
3501 Civic Center Drive, #308
San Rafael, CA 94903-4157

Re: 650 North San Pedro Road - Development Final Environmental Impact
Report – Review and Comments

To the Marin County Community Development Agency:

My name is Linda Levey and I live at 1515 Vendola Drive in the Santa Venetia neighborhood of San Rafael, California.

I am writing regarding the Final EIR (FEIR) for the 650 North San Pedro (650 NSP) rezoning and development project and want to join my fellow community members and the Santa Venetia Neighborhood Association in addressing some of the responses made in the Report.

Overall, I share the concern that the developer is proposing to develop 14 homes on parcels that are currently zoned for just 5 homes, and therefore proposes to rezone and subdivide the property to allow all the new homes to be densely "clustered" along North San Pedro Road.

25-1

In analyzing the environmental impacts of the proposed project, the EIR makes a comparison between the proposed 14-home project and several alternative uses of the land. One of the alternatives, called the "No Project Alternative," is based upon allowing the lots to be developed as they are currently zoned today.

FEIR Master Response 6 – Development Permitted Under Existing Zoning

25-2

While comparing the proposed project with the No Project Alternative, Master Response 6 makes the following conclusion:

As a result of the factors described above, the County maintains that the No Project (sic) is environmentally inferior to the proposed project. A reduction in the number of units does not, by default, equate to a lesser environmental impacts (sic). (p.7-22)

The Report bases this conclusion upon the possibility that the development of the existing 5 lots could be subject to extensive environmental degradation, such as an increase in tree removal, roadway work, etc. and could further be subdivided to create a larger number of homes than the proposed project. The report makes an assumption, based upon land use designations of the Marin Countywide Plan, that the environmental impacts of the No Project Alternative could be worse than the proposed project, and concludes that:

[T]he five existing lots on site could be further subdivided and feasibly result in up to 13 single family residential lots and up to 12 second units. This would result in an increased number of units on the site in relation to the proposed project. (p.7-22)

Response 6 uses a lot of "what-if" scenarios, without explaining how exactly such development can occur, considering the difficulty and expense of building roadways and clearing out lots to build all these homes on a very steep hill. While it may be *conceivable* that the existing lots could be built out to 25 homes, it is also entirely possible that development of the 5 existing lots would be limited to much less than 25 homes, due to these economic and other constraints.

If the project proponents can feasibly build 25 homes on 650 NSP under the current zoning and CWP land use designations, why are they proposing to rezone and subdivide the property to build only 14 homes through this EIR process? Could the answer be simply economical?

Without contrary evidence, it seems fundamental that environmentally speaking, the fewer number of homes developed, the less environmental impact to a site. Therefore, Response 6 still does not adequately explain why the No Project Alternative is environmentally inferior to the proposed project.

Master Response 7 – HOA Management of Open Space

25-3

This part of the EIR explains how the remaining open space of the development would be set aside as an "open space, scenic and resource conservation easement."

Master Response 7 states as follows:

The common parcel and private lot open space would both be encumbered with an open space, scenic and resource conservation easement. The easement would be dedicated to the County of Marin and would restrict the use of the related property to scenic, open space and resource conservation purposes only. No further subdivision, residential development, or fencing would be permitted within the easement. Deed restrictions would be placed on lots 8-12 relating to the use and maintenance of the private open space.

As I understand this statement, the open space, as a private space, will be set up to benefit the homeowners and not the general public. Yet the developer is proposing to rezone the property for higher density. The spirit of the Marin Countywide Plan is to provide public benefits through land use designations. If the developer truly wants to provide a rationale for rezoning the property, they should consider a complete dedication of the private open space to a permanent, *public* conservation area, not simply an easement.

FEIR Master Response 2 – Aesthetic Compatibility with Neighborhood

25-4

As stated on page 7-8, the FEIR still does not provide a detailed exterior lighting plan. For the sake of the surrounding, semi-rural community that is sensitive to night-time lights, the lack of a lighting plan does nothing to mitigate a potential environmental impact caused by the additional interior and exterior lights of 14 homes on what is now an unlit, natural setting.

As for light emitting from cars, the report also concludes that car headlights heading out of the project at night would not pose a problem for the surrounding homes due to its relatively higher ground, tree height, and angle of its driveways. The report, however, does not account for many of the homes across NSP Road that are on equal ground or even higher, and due to the proximity and density of the development, people in those homes will notice both incoming and outgoing night-time traffic across NSP Road.

Response 2 determines that the night lights emitting from the new development would not be an issue. Yet before this determination can be made, there would need to be more verification or proof, via a simulation or test, that vehicles coming in and out of driveways and light emitting from homes will not project unreasonable amounts of light across NSP road, to both the existing homes below and above the new development.

Response 2 concludes as follows:

As discussed above, the proposed intensification of development on the project site would cause a visual change to both the site and the surroundings. However, for the reasons stated above, the project would not be visually incompatible with the existing visual character. The semi-rural,

low-density aesthetic character of this portion Santa Venetia would remain intact. (p.7-8)

The project proposes to place 5 of the new homes along NSP road in a very tight formation with little space between each home. This density of new homes would produce a new flavor to the 650 NSP neighborhood that contrasts to what the Report describes as the "semi-rural, low-density aesthetic character of the area." As the No Project Alternative would allow, developing the existing 5 lots as currently zoned would be more compatible with this semi-rural portion of Santa Venetia, which is less than half a mile away from the entrance to China Camp State Park.

Master Response 8 – AM Peak Period and Weekend Traffic

25-5

I am still concerned about the project's impact on NSP Road traffic through Santa Venetia. In Response 8, the EIR concludes that:

Despite many perceptions to the contrary, based on the analysis performed and using the County's adopted standards, the project would have a less-than-significant impact on traffic operation, as indicated in the DEIR.

In its own right, the additional traffic generated from the proposed project appears to be marginal. However, the overall cumulative impact of ongoing development along NSP road, such as the 80+ unit development at 33 San Pablo, with the addition of 14 homes at the end of NSP Road, is and continues to be significant to the Santa Venetia Community.

Response 8 continues that:

It should be noted that many of the concerns expressed relative to traffic were relative to conditions associated with traffic at the JCC and Venetia Valley School. County staff is currently working with staff at both the JCC and Venetia Valley School to address the congestion that occurs during the morning drop-off period. However, the identified issue is specific to operation of these two schools rather than the volume of traffic served by North San Pedro Road.

The traffic issues involving the JCC and Venetia Valley School have not yet been resolved. Until they are, it must be stated that the 11 additional trips, as projected by the EIR, will have more than an insignificant impact on weekday traffic. 11 car lengths is approximately 220 feet farther back in line from the traffic signal, which on some days is as far back as the 7-11 store. The problem will only get worse once the 33 San Pablo development is completed.

And, finally, the Report does not mention the effect that SMART transit-oriented development will have on the overall traffic of the neighborhood. If the

25-6

environmental impacts of the project are to be adequately studied in the EIR, the effects of SMART and future development along Interstate 101 must be discussed.

For these reasons, I join my fellow community members as they raise their concerns about the 650 North San Pedro Road Project Final EIR. I request that the Final EIR not be certified until the report adequately addresses the following concerns raised in this letter:

1. The environmental viability of the No Project Alternative
2. The public benefit to be gained by rezoning private property to a higher density
3. The too-high density of the lower lots (lots 1-5) and overall high number of proposed homes (14)
4. The proper timing of the lighting impacts
5. Unresolved traffic issues, both current and future, impacting the entire Santa Venetia community

I have also attached my original letter to be included as I am not content with the responses but do not have the time to address each response separately.

Thank you,



Linda Levey

LETTER 25

Linda Levey

October 12, 2009

25-1: The comment states opposition to rezoning of the project site and the construction of 14 homes on parcels currently zoned for five homes. This comment instead proposes that the project consider clustering five homes along North San Pedro Road and restates the opinion, as originally expressed in a letter from January 2009, that the construction of 4 to 5 new homes would be acceptable to the community. This comment is a portion of a form letter and was previously addressed in response to comment 4-2. Please refer to that response. No change to the EIR is required.

25-2: The comment questions the basis for the conclusion in the DEIR that the No Project Alternative would be environmentally inferior. The comment states that without evidence to the contrary, Master Response 6 does not adequately explain why the No Project Alternative is environmentally inferior. This comment is a portion of a form letter and was previously addressed in response to comment 4-3. No change to the EIR is required.

25-3: The comment suggests that the applicant should consider a complete dedication of the private open space to a permanent, public conservation area, not an easement. This comment is a portion of a form letter and was previously addressed in response to comment 4-4. No change to the EIR is required.

25-4: This comment states because an exterior lighting plan has not been completed for the proposed project, a potential environmental impact could result by interior and exterior lighting. This comment also states that Master Response 2 (Aesthetic Compatibility with Neighborhood) does not take into account homes that are at equal or greater elevation when compared to the proposed project. The comment argues that, due to the proximity and density of the proposed development, people in existing homes across NSPR

would notice both incoming and outgoing night-time traffic. Lastly, this comment states the opinion that the proposed project would introduce a “new flavor” to the existing neighborhood that would not be consistent with the semi-rural, low-density aesthetic character of the neighborhood. Instead the commenter states that buildout of the existing five parcels would be more compatible with the neighborhood. This comment is a portion of a form letter and was previously addressed in response to comment 6-4. No change to the EIR is required.

25-5: The comment expresses concern that existing traffic conditions on North San Pedro Road (NSPR) significantly affect the Santa Venetia Community and that this would be made worse by the project. The comment states that until the peak hour traffic conditions on NSPR are addressed, the project would have more than an insignificant impact on weekday, peak hour traffic. This comment is a portion of a form letter and was previously addressed in responses to comment 4-5. No change to the EIR is required.

25-6: This comment states that the EIR does not evaluate the construction of transit-orient development associated with Sonoma-Marín Area Rail Transit (SMART) and the effects that such development would have on overall traffic conditions in the Santa Venetia area. This comment is a portion of a form letter and was previously addressed in responses to comment 6-6. No change to the EIR is required.

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LETTER #26

January 26, 2009

Marin County Community Development Agency
Planning Division – Re: 650 North San Pedro Road
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Subject: Comments on 650 North San Pedro Road (NSPR) Draft Environmental Impact Report (DEIR)

Thank you for this opportunity to comment on this DEIR. For the record, I have emails and comments ranging as far back as 1999 regarding development on this property and hope all our neighbors concerns and comments have been included as you review this project and the effects it will have on our Community.

I grew up in Marin and have lived here for 45 years. I have lived in Santa Venetia for 20 of those years. I have watched as people have applied for lot line splits and rezoning and more land is eaten up by more and more houses are built. I see that traffic has come to a stand-still throughout Marin. I see that our infrastructure is crumbling and our emergency and utility services don't have the money and/or manpower to service their current customers and wonder, how can we add to that?

So, in response to this project and the DEIR: I believe the conclusions drawn in the DEIR are incorrect and not "*Consistent*," as stated. I believe the mitigations are, in truth, unable to mitigate the "*33 Adverse Impacts*" and "*Significant Irreversible Environmental Changes*" and the damage to the environment and our Community. I am listing the following specific concerns but please be aware that, obviously, this is not my field and I count on you, our Government employees, to work for me and our Community to carefully review these applications and reports and find these and further inconsistencies.

Concerns about Rezoning and Overall Promises:

The property is zoned for 5 lots, 5 houses. I believe that this zoning is consistent with the surrounding Neighborhood and would be more beneficial to the Community. We are told that the environmental benefit of having 12 + 2 homes clustered at the bottom

would be better than 5 homes on the property. I take exception and totally disagree with that statement.

I would like the Planning Commission to request information from the Developer as to the specific differences, e.g. how many trees would need to be removed to build 5 houses? Already they are proposing to remove 200 trees! *"Site preparation and construction would result in the removal of 200 trees on-site. This count includes all native species greater than 6 inches in diameter at breast height (dbh) and blue gum eucalyptus larger than 12 inches dbh. Fifty-three of these trees are protected and non-exempt under Marin County tree ordinances."*

Page 224 of the DEIR states: *Of the 11.1 acres of mixed-oak forest on the property, approximately 1.5 acres would be developed. And to: Compensate for the loss of 1.5 acres of oak forest by maintaining at least 4.5 acres (3:1 ratio) of mixed oak forest in open space.* What happened to the remaining 5.1 of the 11.1 acres?

Also, I have attached the Tree Mitigation Plan originally supplied in the As I understand it and as referenced on this plan, the replacement ratio for trees removed is 3.0:1. In the DEIR it seems to state that they are "maintaining" trees for the ones they are removing. Aren't they supposed to plant new trees? And if so, where will those plantings be?

And in earlier meetings, the Developer promised to leave the eucalyptus tree(s) with the heron's rookery, but now has stated the tree has have since been damaged by ramming with a backhoe and will need be removed.

So, a huge concern is that if the land is subdivided and approved, what guarantees do we have? We have seen over and over project drawings, depictions, and plans that are pushed through and accepted and then the land is sold for an increased price and the project is changed. Promises are broken over and over again...

Open Space:

I want to reiterate what I said in the past at the EIR Scoping Meeting and in my comments (included in your scoping package)' as regards to "private" open space and deed restrictions. To expect the homeowners to abide by these rules is wishful thinking at best and the damage to the environment can be, and usually is, done before anyone knows about it.

As I stated before, and although I'm ashamed to admit it, I know from experience - some friends of mine bought a newly developed property in San Rafael that had restrictions including a conservation easement and similar agreements for non-development of the "open" area. The first thing they did was build a fence and then they started with the

landscaping. As of now, they have totally cleared the "open space" and are building terraced lawns and planting. Their neighbors have also "improved" their properties. When I questioned how this was possible, I was told that if none of the neighbors in the development object, there is no problem and they can do as they please.

As we have seen numerous times in the past, if this is left as "private" open space, owned by individual property owners, many owners will feel it is their property to do with as they see fit.

Included in your Staff Report is a letter from the City of San Rafael, dated 1/13/09, stating a similar stance. I am quoting here but leaving out some of the detail: "... *scenic easement on private lots are difficult to enforce (future, unauthorized encroachment of private structures and urban landscaping has occurred throughout Marin County), Retaining this open space area as one parcel held in the common ownership by the HOA would reinforce consistency with Marin Countywide Plan Policies....* "

My original suggestion at the EIR Scoping Meeting was to have the open space be in an HOA. And after reviewing the DEIR, I wish to restate it – there will already be an HOA in place for the pond and wetlands detention facility. If the rezoning is allowed, and the homes are to be clustered at the bottom of the property, the remaining space should not be allocated to each individual lot but should be included in the HOA as open space with permanent deed restrictions and penalties for infractions.

The DEIR states that it is an environmental benefit to cluster the homes at the bottom to leave the visual space at the top. This "private" open space restriction is insufficient. If they are serious about the "open space," they should either deed that property to the County and/or include in their HOA common area.

I had asked at the Scoping that the EIR include information on what will be the environmental impact and effects if the whole property was landscaped by the individual homeowners? This may not happen tomorrow but, historically speaking, we can assume that it may eventually happen. I see that has also not been addressed.

Concerns about Wildlife:

Although I don't live adjacent to the property, I live along Gallinas Creek and the development of this property will affect us in numerous ways.

As noted earlier, we have huge concerns about the removal of the Eucalyptus trees and especially the Great Heron Rookery. I have included a picture of the herons nesting in the Eucalyptus trees on the property. The off-site mitigation program removing the Heron Rookery from our neighborhood and relocating at West Marin Island is totally unacceptable. The affects of removing 200 trees (53 protected) must be taken into consideration.

We have one of the largest concentrated areas of (the endangered) clapper rail along Gallinas Creek. As a Neighborhood, we have discussed the Marin County Stream Ordinance and set-backs to protect the clapper rail, marshland, and other wildlife. During the CWP, we agreed to be included in the Baylands Corridor to protect the clapper rail, marshland, and other wildlife. This property will generate pollution and run-off that will ultimately be draining into our Creek. The affects must be taken into consideration.

We have been told by Neighbors (within 200-300 yards of 650 NSPR) that they have sighted the (endangered) red-legged frog on their property. I have also been told this frog has been sighted at the 650 NSPR property. Has this been taken into consideration?

And finally, although it is not reflected in the DEIR, I also wish to add for the record that before the EIR process began, approximately 300 goats were let loose on this property for a weekend to "clear the property" for access. I am convinced that this process may have damaged vegetation and trees and scattered wildlife that may otherwise have been sighted and included when preparing the DEIR documents.

Concerns about the Constraints Analysis and DEIR:

Many concerns regarding the environmental damages were brought up and referenced by many of our neighbors and I am uncertain they were adequately dealt with in the DEIR. I have attached for inclusion in my comments a 4-page document noted "Giselle 10/27/06). I would like you to re-review and confirm that all of these concerns were included in the DEIR and "properly" taken care of and/or studied.

Concerns about the Wetlands Delineation & Ephemeral Stream:

In the DEIR there are numerous statements regarding the Wetlands Delineation, the Ephemeral Stream, and the necessary setbacks:

1. One statement notes the wetlands delineation consists of a 5.5-acre parcel. Later, it is stated the jurisdictional wetland was determined to be 0.29 acre. At numerous times throughout, two reports are footnoted yet I can't find copies of those in any of the documentation. I would like to request these copies, as well as other referenced copies, be included in the DEIR documentation and reviewed for accuracy as they relate to the DEIR. (I would also like to request to receive copies of these reports for review.) These include:
 - a. Prunuske Chatham, Inc. 2003 West Bay Builders Preliminary Wetlands Assessment Report. Prepared for West Bay Builders, November (and revised report 2004)

-
- b. U.S. Army Corps of Engineers, 2004. Letter from Jane Hicks, U.S. Army Corps of Engineers, San Francisco District, to West Bay Builders. File No. 28450N, July 15
2. There are also statements that "the pond and the wetland are artificial." That is not what I have been led to believe and I would like this further researched.
 3. Regarding required setbacks, on page 4.1-20, the setbacks range from 20-foot to 100-foot depending on the size of the parcel and "regardless of parcel size, an additional buffer may be required. It then goes on to say they are "Consistent" and "Under County policy, a 100-foot setback is general required..." and furthermore, "Garcia and Associates concludes that a setback from edge of wetland is not required for this project." I don't understand this logic and would ask for review.
 4. Page 4.1-22 includes the statement: "In regards to the 100-foot area surrounding the delineated wetland, GANDA concluded that new development would occur within the area and may result in potentially significant impacts from modifying the adjacent upland hydrology, increasing potential run-off from household and vehicle pollutants, reducing the upland buffer, and reducing the value of the wetland as wildlife habitat."
 5. The Environmental Constraints Document includes much more information about the wetland and ephemeral creek. I with to request this information is fully researched and made sure it is considered and referenced in the DEIR.

So, to wrap this up, I believe the conclusions drawn in the DEIR are incorrect and not "Consistent," as stated. I believe the mitigations are, in truth, unable to mitigate the damage to our environment and our Community.

Please consider that rezoning and subdivisions are not conducive to the environment, our Neighborhood, or to Marin County in general.

5 lots, 5 homes, it's not unreasonable!

Thank you,

COPY

Linda Levey

COUNTY OF MARIN
650 NORTH SAN PEDRO ROAD EIR
COMMENTS AND RESPONSES

LETTER 26

Linda Levey

January 26, 2009

This letter was originally submitted by the commenter on January 26, 2009 in response to the DEIR. This letter was labeled “Letter 19” in the FEIR and its contents have already been addressed. No change to the EIR is required.

Jonathan Metcalf, JD MBA
Resident, Pt. Gallinas Road, San Rafael
(415) 444-0840

LETTER #27

October 12, 2009

Tim Haddad
Environmental Coordinator
Marin County Community Development Agency
3501 Civic Center Drive, #308
San Rafael, CA 94903-4157

Re: 650 North San Pedro Road Development - Final Environmental Impact Report

Dear Mr. Haddad:

In response to the Notice of Availability and Notice of Public Hearing Final Environmental Impact Report for the 650 N. San Pedro Road Master Plan, Precise Development Plan, Subdivision and Rezoning, I hereby submit this letter expressing my comments to the Final EIR Responses to my earlier letter regarding the Draft EIR.

During the comment period of Draft EIR and subsequent public hearing on January 26, 2009, many local residents along with the Edgcomb Law Group, hired by the 650 NSP Group, expressed concerns that the significant environmental impacts that would result from the proposed subdivision were not adequately addressed and were simply conclusory in nature without complete analysis or rationale behind its findings. The Planning Commission expressed the same concerns and, after several rounds of unanswered questions, the Commission requested the EIR analyst to go back and remedy many of the incomplete findings in the DEIR.

27-1

Now that we have the Final EIR to review, I remain concerned that some of the responses to our comments remain inadequate. Accordingly, below are my comments to specific FEIR Responses.

FEIR Master Response 6 – Development Permitted Under Existing Zoning and Response 20-8

27-2

My main concern is about the overall notion in the FEIR that the No Project Alternative is environmental inferior to the proposed project. This analysis is expressed in *Master Response 6 - Development Permitted Under the Existing Zoning*. The response is based upon the premise that our original comments and concerns regarding this issue "demonstrated an incomplete understanding of the level of development that could occur on the site under existing zoning." Response 6 further reasons that without rezoning and sub-development, 3 of the 5 existing lots on the property are "not anticipated" to require "a Design Review, Tree Removal Permits or any other type of discretionary approval for development," and there would not be sufficient safeguards to mitigate environmental impact if those lots were to be developed without rezoning.

The FEIR concludes in Response 6 that because the rezoning and development as proposed would trigger a Design Review for the entire project, it would be environmentally superior to simply letting the owners of the land develop it as 5 separate buildable lots. Even if the Marin Countywide Plan Land Use Designations allow a further subdivision of the property, I disagree that this allowance would automatically cause the development of 13 homes plus 12 second units on 650 NSP Road.

The EIR's premise and conclusion appear to be self-serving. Marin County requires many strict permit and review procedures and environmental safeguards that must be followed when building on private land, including any and all of the existing five lots on 650 NSP. One example that comes to mind are the building restrictions that must be met when building roadways and lot infrastructure on steep hillsides. Another is the Design Review that is triggered when the square footage is above a certain threshold. I do not think I have an "incomplete understanding of the level of development" that would occur on this site; I just challenge this premise made in the EIR and make my own estimation that not all 25 homes can be built on this property due to economic and other constraints.

I urge you to read the FEIR's responses 10-41 to 10-44 to the Edgcomb Law Group letter. Those responses inadequately address Edgcomb's comment that the construction of 5 homes (or fewer) rather than 14 dwellings would "obviously consume fewer resources, take less space, and result in less impact to the natural resources and public services."

The Draft EIR did not justify how it came to its conclusion about the No Project Alternative and, unfortunately, the Final EIR does not either.

Please also see attached *SVNA Resident Letter - Response to 650 NSP Road FEIR* (SVNA Resident Letter), Master Response 6 – Development Permitted Under Existing Zoning, which is incorporated herein as further comment about this response.

Response 20-7

27-3

20-7: This comment states that the increased density is in direct conflict with the rural character of the Santa Venetia area. This issue is addressed in Master Response 5.

Please see *SVNA Resident Letter*, Master Response 2 – Aesthetic Compatibility with Neighborhood, which is incorporated herein as a comment to this response.

Response 20-14

27-4

20-14: This comment states that North San Pedro Road cannot support the addition of more households and car trips. The estimated number of project trips accounts for all activities including work, shopping, recreation, etc. that would be expected at a typical suburban residence where there is no available public transit. Project trip generation is

based on research conducted by the Institute of Transportation Engineers (ITE) and accepted by all local jurisdictions in Marin County. Weekday traffic for the 14 dwelling units is estimated in the DEIR to be 134 trips. The impact of these added trips is evaluated at the most congested intersections on N. San Pedro Road and found not to meet significant impact criteria. No change to the DEIR is necessary. Community concerns related to traffic congestion on San Pedro Road are discussed in Master Response 8.

Please see *SVNA Resident Letter*, Master Response Master Response 8 – AM Peak Period and Weekend Traffic, which is incorporated herein as a comment to this response.

Response 20-15

27-5

20-15: This comment expresses the opinion that rezoning of the project site will set a precedent for future development and will result in growth inducement. The DEIR provides analysis of growth inducement in Chapter 6, CEQA-Required Assessment Conclusions. As concluded in this analysis, the proposed project would not be expected to induce growth beyond the limits of the project site or set a precedent for additional growth in the area. The project site is a relatively undeveloped parcel of land within Marin County with residential development to the north and west of the project site. Furthermore, China Camp State Park is located to the south of the project site, and the Marin County Open Space District manages the Santa Venetia Marsh to the northeast of the project site. These areas are protected in perpetuity and development is not anticipated or allowed.

I still do not agree with this assessment. If the 5 parcels on 650 NSP Road are rezoned, there is a higher possibility that this action will set a precedent for further rezoning of undeveloped and already developed private property within Santa Venetia. Specific parcels that come to mind are the MacPhail School site across the street and Buck's Landing, among others. The certainty that a rezoning of 650 NSP Road will open the door to future development and growth in this part of Santa Venetia is furthered by the Transit Oriented Development that will occur along the SMART corridor in addition to the Land Use Designations allowed under the Marin Countywide Plan.

Response 20-18

27-6

20-18: This comment requests that the DEIR analyze impacts to California clapper rail and the California red legged frog (CRLF). California clapper rail and black rail utilize tidal salt marsh habitat in the Bay. The project site is comprised of upland habitat on a hillside south of North San Pedro Road. Both rail species do occur in the vicinity of the project site, but north of North San Pedro Road in the marsh, where they would not be affected by the project. Refer to Master Response 4 for discussion of the potential occurrence of California red legged frog. A USFWS protocol-level survey was conducted for CRLF, and is available at the office of the County Community

Development Agency. The survey determined that there were no CRLF on site. No change to the DEIR is necessary.

I appreciate that a protocol-level survey was conducted for CRLF. However, I would still like to have the recommended guidelines as set forth by the USFWS in the Draft EIR implemented for any development that occurs on 650 NSP Road.

Response 20-19, Item 4, and Response 20-24

27-7

The DEIR does not include an analysis of increased flooding and water level rising as a result of global warming. The project is not within the 100-year floodplain, as stated in Chapter 4.11 of the DEIR, and there is no information based on available maps of global warming-related sea level rise (BCDC/IPCC/EPA) showing that the project site would be exposed to increased flooding in the future.

Although no information about global warming-related sea level rise is available for this EIR study, it does not mean we shouldn't take sea level rise into consideration for any proposed new developments in Santa Venetia.

Goal EH-3, Safety from Flooding and Inundation, provides the following guidelines, EH-3.h, 3.n and 3.p as follows:

EH-3.h - Anticipate Sea Level Rise. Work with the U.S. Geological Survey, the San Francisco Bay Conservation and Development Commission, and other monitoring agencies to track bay and ocean levels; utilize estimates for mean sea level rise to map potential areas subject to future inundation (including by updating information about watershed channel conditions and levee elevations); and amend the Development Code to incorporate construction standards consistent with the policies of BCDC's Bay Plan for any areas subject to increased flooding from a rise in sea level.

EH-3.n - Plan for Sea Level Rise. Consider sea level rise in future countywide and community plan efforts. Consider revising Marin County Development Code standards for new construction and substantial remodels to limit building or require elevated buildings and infrastructure or other applicable mitigations in areas that may be threatened by future sea level rise as shown on maps released by the San Francisco Bay Conservation and Development Commission in February 2007.

EH-3.p - Assess the Cumulative Impacts of Development in Watersheds on Flood Prone Areas. Consider the effects of upstream development, including impervious surfaces, alteration of drainage patterns, reduction of vegetation, increased sedimentation, and others, on the potential for flooding in low-lying areas. Consider watershed studies to gather detailed information.

Section 2.7, Atmosphere and Climate, of the Marin Countywide Plan, further states

A major consequence of global warming is melting glaciers and warmer waters, which cause the oceans to expand and rise. Sea level rise and higher evaporation rates are expected to increase storm frequency and severity. The resulting economic loss from increased storm activity will be equally dramatic: It has already increased tenfold over the past 40 years. Climate change will amplify existing environmental problems, such as erosion, storm-surge floods, and landslide risk, and changes to the water cycle will further stress domestic water supply as well as indigenous plant and animal populations. Further complicating the issue of climate change is the high level of complexity and uncertainty associated with modeling and predicting climate behavior.

Also, see the following guideline/policy about Santa Venetia:

EH-3.o Seek Levee Assistance. Pursue funding for levee reconstruction in those areas threatened by sea level rise, including but not limited to Santa Venetia.

While it may be technically true that the property on 650 NSP Road is not in the 100-year flood plain, I am still concerned that the cumulative effects of drainage and runoff from the proposed project have not been fully studied in light of global warming, and the most likely amplification of existing environmental problems like erosion, storm-surge floods that will result from increased storm activity and other potential weather changes.

Santa Venetia is known to be extremely prone to flooding. Just because the development is on a hill does not mean it won't have significant impact on the continual flooding issues prevalent in Santa Venetia.

Response 2-21

27-8

20-21: The comment expresses the opinion that the project would have a significant visual impact on the community, including people residing on Upper Road. The DEIR determined that no significant impact would occur. Please refer to Master Response 2 for a discussion of this issue.

Please see *SVNA Resident Letter*, Master Response Master Response 2 –Aesthetic Compatibility with Neighborhood, which is incorporated herein as a comment to this response.

Response 20-27

27-9

20-27: The comment states that there is no proof presented in the DEIR that the No Project is environmentally inferior. However, the reasons to support this conclusion are clearly presented in Chapter 5 of the document and also discussed in Master Response 6 (Permissible Development Under Existing Zoning). In summary, three of the five lots under the No Project Alternative would not be subject to discretionary

review, which would otherwise restrict the location of buildings within sensitive resources areas or limit the removal of vegetation.

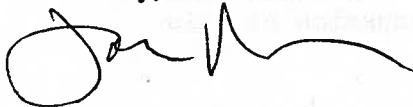
As mentioned earlier in this letter, Master Response 6 states that three of the five lots under the No Project Alternative would not be subject to discretionary review, leading the reader to conclude that a seemingly lack of discretionary oversight while these lots are developed would lead to more environmental degradation than that of the proposed project. To make this assertion, the EIR would have to show that

1. Existing building codes, regulations and enforcement and discretionary review for building homes, driveways and roadways that would apply to the No Project Alternative are inadequate to protect the surrounding environment, as compared to the rezoning and subdivision plan being proposed;
2. Development under the No Project Alternative would allow the location of buildings within sensitive resources areas and the removal of vegetation to a greater detriment to the environment than the project being proposed;
3. Steep hillside development restrictions, creek and wetland regulations, set back requirements, and other environmental controls would have less effect in minimizing environmental impacts on developing the land as currently zoned than the oversight and development that would occur with the proposed rezoning and subdivision.

Until the FEIR can show that points 1-3 above will occur under the No Project Alternative, the Report still leaves me unconvinced that this alternative is environmentally inferior to the proposed project.

For these reasons, I respectfully submit these comments in response to the FEIR.

Sincerely,



Jonathan Metcalf

LETTER 27

Jonathan Metcalf

October 12, 2009

27-1: This comment provides an introduction to the letter. No change to the EIR is required.

27-2: The comment also disagrees with the Master Response 6 in its conclusion that if the five existing parcels were further subdivided, as permitted under existing zoning, the resulting subdivision could result in the construction 13 homes and up to 12 second units. As discussed in Master Response 6, this development scenario is feasible, and the project sponsor provided a conceptual development plan illustrating this information. Although this alternative was not evaluated in the DEIR, it is feasible to construct 13 homes and up to 12 second units within the project site.

This comment states that the responses to comments 10-41 through 10-44 in the FEIR are inadequate and do not determine how the construction of the proposed project would “consume fewer resources, take less space, and result in less impact to the natural resources and public services.” Based on factual evidence, the No Project Alternative would not be required to comply with Development Design Guidelines, and this is clearly discussed in Master Response 6 (Development Permitted Under Existing Zoning). As such, the County’s assessment of the impacts from construction and operation of the proposed project does not change.

This comment states that the EIR does not justify how the conclusion was made regarding the No Project Alternative. However, this is clearly described in Master Response 6.

This comment refers to the letter submitted by the Santa Venetia Neighborhood Association (Letter 7) and incorporates the comments in Letter 7 as this comment. Refer to response to comment 4-3 for a complete discussion of

Master Response 6. Based on the contents of this comment, no change to the EIR is required.

27-3: This comment refers to the letter submitted by the Santa Venetia Neighborhood Association (Letter 7) and incorporates the comments in Letter 7 as this comment. Refer to response to comment 6-4 for a complete discussion of Master Response 2 (Aesthetic Compatibility with Neighborhood). No change to the EIR is required.

27-4: This comment refers to the letter submitted by the Santa Venetia Neighborhood Association (Letter 7) and incorporates the comments in Letter 7 as this comment. Refer to response to comment 4-5 for a complete discussion of Master Response 8 (AM Peak Period and Weekend Traffic). No change to the EIR is required.

27-5: This comment expresses the opinion that if the parcels within the project site are rezoned, a precedent will be set for further rezoning, development and growth in Santa Venetia. However, there is no information presented to support this conclusion. The proposed project does not extend utilities or services to an area previously that was not previously served, and no roadways would be constructed to facilitate the proposed project. Additionally, the Marin County Community Development Agency and the Planning Commission review each development application on a case by case basis and, should a rezoning be approved for the project site, there is no direct relation to how the CDA and the Commission would decide on other rezoning requests in the vicinity. No change to the EIR is required.

27-6: This comment states that the guidelines recommended by the United States Fish and Wildlife Service for the treatment of California red-legged frog (included within Letter 1 of the FEIR) be implemented as a part of the proposed project. As discussed in response to Letter 1 of the FEIR and Master Response 4 (California Red-Legged Frog), despite the lack of evidence indicating the existence of CRLF on-site, the project sponsor agreed to respond to USFWS requests and provide protocol-level surveys be completed to confirm

presence or absence. As such, protocol surveys were conducted in May and June, 2009 and the survey results were negative, re-confirming the earlier findings that there would be no impacts to CRLF. Because the presence of CRLF was negative, there is no nexus between CRLF occurrences within the project site and future impacts to CRLF that would require the project to adhere to guidelines that do not apply to the project site. No change to the EIR is required.

27-7: This comment expresses concern regarding global warming-related sea level rise as it relates to future development in Santa Venetia. This comment continues by discussing the location of the proposed project in relation to flood-prone areas of Santa Venetia and states that the possibility exists for the proposed project to impact “continual flooding issues prevalent in Santa Venetia.” This issue was discussed in detail in the DEIR as Impact 4.4-E (Increased peak runoff and changes in drainage pattern). The DEIR determined that the proposed project, with the incorporation of Mitigation Measure 4.4-E.1, would result in no net increase of storm water runoff from the project site. Because the project would not result in an increase in runoff over existing conditions, the project would not contribute to flooding in Santa Venetia. No change to the EIR is required.

27-8: This comment refers to the letter submitted by the Santa Venetia Neighborhood Association (Letter 7) and incorporates the comments in Letter 7 as this comment. Refer to response to comment 6-4 for a complete discussion of Master Response 2 (Aesthetic Compatibility with Neighborhood). No change to the EIR is required.

27-9: This comment disagrees with the determination that because the No Project Alternative lacks discretionary review, the proposed project would be considered environmentally superior. If projects sites zoned R-E:B-3, such as the No Project Alternative, comply with the development standards listed below, Design Review and Variance applications would not be required for construction.

Maximum building height: 30 feet above grade

Maximum Floor Area Ratio (FAR): 30 percent

Maximum building area: 4,000 square feet

Minimum setbacks:

Front - 25 feet

Sides - 15 feet

Rear - 20 percent of the average lot depth to a maximum of 25 feet

Due to the rezoning of the project site and site plans, the proposed project would require Design Review and Variance applications. This is further discussed in Master Response 6 (Development Permitted Under Existing Zoning). No change to the EIR is required.

Elaine Reichert
1605 Vendola Drive
Santa Venetia, CA 94903

650 N San Pedro

LETTER #29

Marin County Planning Commission

Well, here we are again battling the deceptive FEIR for 650 North San Pedro Road. How easy it is for glib language and vague, theoretical scenarios to attempt to disguise the massive impacts this proposed development would have on our neighborhood.

While the architectural depiction of the final build out might look pretty on paper, it fails to convey the true visual impact of the fourteen residential units situated on this steep hillside.

29-1

Make no mistake, the proposal is for fourteen units not twelve. This sort of deceptive packaging brings the credibility of the entire proposal into question. If they lie about the number of units, what else are they lying about?

29-2

The pond on the property is a designated wetland. The proposal would grade it, thereby destroying its habitat, in order to turn it into a catch basin for the voluminous runoff this project will generate. How can this be dismissed as insignificant?

29-3

The nine unit proposal is acknowledged as environmentally superior to the fourteen unit proposal, but is dismissed as not meeting the builder's goal of building fourteen units. Since the property is only zoned for five units, allowing nine would almost double what they might have expected to build when they purchased the property. That seems a generous increase.

29-4

Impacts on downhill residents are glibly minimized. Yet runoff from this hillside already causes significant water flow into our system. Grading the fragile soil away, removing trees and vegetation that hold water in the soil and replacing this natural

29-5

system with impermeable homes and driveways will send huge amount of water downhill. Will we then need to sue the theoretical homeowners association to clear the mud and water damage from our homes?

Traffic on North San Pedro Road at peak hours is already **29-6**
beyond capacity. Suggesting that fourteen homes and their support staff will not compound that is unrealistic. Twenty-eight additional car trips morning and evening is a minimum, realistic expectation as there is no other way in and out of this area and bus service is minimal.

The FEIR is flawed and we urge you to require more realistic **29-7**
assessment of the irreparable damage this proposed development would have on our neighborhood.

Sincerely,



Elaine Reichert

LETTER 29

Elaine Reichert

October 12, 2009

29-1: This comment states that the DEIR fails to convey the true visual impact of the proposed project. The DEIR includes photo simulations (Figures 4.8-5 through 4.48-7) in Chapter 4.8 (Aesthetics) and a Tree Mitigation and Planting Plan (Appendix E) that provides an adequate visual depiction of the proposed project. No change to the EIR is required.

29-2: This comment states that the EIR is deceptive and lying in regards to the number of dwelling units proposed by the project. However, the EIR presents accurate information describing the proposed 12 residential units and 2 second units, and also includes numerous site plan figures depicting the proposed project. No change to the EIR is required.

29-3: This comment states that the proposed project will grade the existing wetland within the project site, and all impacts associated with the wetland have been “dismissed as insignificant.” The DEIR clearly describes project impacts on the wetland area, and identifies the impacts as significant. As further discussed in Master Response 11 (Pond/Wetland/Creek), Mitigation Measures 4.3-F.1 and 4.3-F.2 in the DEIR address the potential impacts to the wetland. Through implementation of these measures, there would be no net loss of wetlands. The resulting wetland would be larger with increased water storage capacity, and the function and value of the wetland would ultimately be improved through the removal of non-native vegetation, such as the surrounding eucalyptus trees, and the planting of native wetland species. Furthermore, potential impacts to the wetland from non-point source pollution would be mitigated through Mitigation Measure 4.4-A.1, as identified in the Hydrology and Water Quality section of the EIR. No change to the EIR is required.

29-4: This comment questions the merits of the propose project. Refer to Master Response 1 (Merits/Opinion-Based Comments). No change to the DEIR is required.

29-5: This comment expresses concern that the project will result in a water runoff that will impact homes at lower elevations. This issue was discussed in detail in the DEIR as Impact 4.4-E (Increased peak runoff and changes in drainage pattern). The DEIR determined that the proposed project, with the incorporation of Mitigation Measure 4.4-E.1, would result in no net increase of stromwater runoff from the project site. Because the project would not result in an increase in runoff over existing conditions, the project would not contribute to flooding in Santa Venetia. No change to the EIR is required.

29-6: This comment states that 28 vehicle trips morning and evening is a more realistic expectation of project-generated traffic. This issues is discussed in detail in Master Response 8 (AM Peak Period and Weekend Traffic). No change to the EIR is required.

29-7: This comment states that the FEIR is flawed and a more realistic assessment of the “irreparable damage” resulting from this project is necessary. This comment does not specify what irreparable damage is of concern. No change to the EIR is warranted.

Robert J. Sos
14 Point Gallinas Road
San Rafael, CA 94903

October 14, 2009

LETTER #30

Jeremy Tejirian
County Planner
Marin County Community Development Agency, Planning Division
San Rafael, CA 94903

Re: Comments on FEIR for 650 North San Pedro Road, San Rafael, and comments on FEIR's responses to my letter of January 26, 2009, on the DEIR

Dear Mr. Tejirian:

Using the numbering system in Volume II of the FEIR starting on page 7-306, here are my comments on the responses to my January 26, 2009, letter on the DEIR.

24-1: The project is in itself, growth inducing, taking an area zoned for five homes to 12 homes with two significant outbuildings. Regardless, the changing of zoning for 650 N. San Pedro to allow a greater number of homes creates precedent, trend, and environmental context, when the zoning for other properties in the area are considered in the future. The rezoning to allow 12 versus 5 homes creates an environmental and neighborhood context in which it is easier to state in future DEIR's for the development of future properties, such as the McPhail School site, that higher density development is consistent with the neighborhoods east of the intersection of Vendola Drive and NSPR. We have already seen the Community Development Agency use the higher density zoning in its draft report to the State of California regarding available housing stock in Marin County. It would also create a context further against larger size parcels and the concept of feathering as one moves east along North San Pedro Road from the neighborhood of Vendola and Adrian towards the rural area of China Camp State Park. Thus the rezoning of 650 North San Pedro Road is "growth inducing".

30-1

24-2: The semi-rural, low-density aesthetic character of this portion of Santa Venetia would not remain intact. The FEIR does present any new technical evidence to support this opinion on a micro versus macro scale. The statements continually ignore the visual impact to the homes on Point Gallinas Road. The following facts are not mitigated:

30-2

- The development will place high density housing immediately adjacent to NSPR.
- The location of the development on the south side of NSPR is already the equivalent of three or more stories higher than the houses on Point Gallinas Road north of NSPR for those new houses immediately alongside NSPR. The houses further up the hillside will be even higher. We will be faced with a tight string of "Daly City" type houses along NSPR looking directly down on the Point Gallinas Road houses closest to NSPR. This is not congruent with the semi-rural nature of Santa Venetia in this neighborhood
- The following statement is irrelevant on page 7-6 in Volume II: "...the development footprint would be relatively small compared to the amount of open space that would be preserved on the project site." What is relevant is that the development footprint contains 12 homes and fourteen structures, with five of them densely packed together alongside NSPR and looking down on the homes on Point Gallinas Road

- The tree mitigation plan does not take into account that the HOA will have no motivation or incentive to maintain trees and vegetation that is consistent with the semi-rural nature of the neighborhood. Even though the developer is bonding the vegetation mitigation plan for two or three years, the development life is well beyond just two or three years. There needs to be an "in perpetuity" maintenance arrangement that protects the residences on Point Gallinas Road. Turning the vegetation maintenance over to a self serving HOA after two to five years will not protect the Point Gallinas Road homes. 30-3

- Figure 4.3.1, an aerial photo, is being used to substantiate that there is substantial tree mass between the project entry/exit roadway and the residences to the north is misleading. The photo was obviously taken in the summer when the deciduous trees have leafed out. In winter time, there is significantly less tree mass between the project entry/exit roadway and the residences to the north. I have brought up the issue of the headlights from cars exiting the project hitting the residences to the north at every meeting with the developer, and still there is no mitigation for this. The FEIR unsuccessfully tries to build a case that no action needs to be taken. The project, as designed, has the car headlights hitting our bedroom window as they exit the project. As I read the paragraph over on page 7-8 in Volume I regarding Headlights, the paragraph is full of misstatements and inaccuracies. Such as "The residences to the north.....are juxtaposed so as to face away from NSPR. This is not only not true, but irrelevant to the issue, as headlights hit houses and windows regardless of how the houses are juxtaposed to NSPR. The FEIR loosely uses the term "substantial" here, as in "substantial linear distance statement. This is not a mitigating factor with today's car headlight technologies and high beams, nor is the statement of the change in elevation, as the homes north of NSPR that will be impacted as all are two story homes. Substantial is not a quantitative or technical term, merely an "opinion" stated to favor the development of the project without mitigating this issue with the headlights. 30-4

- In regards to "substantial tree mass", what is the basis for using the term "substantial"? Who is to maintain these trees, if those trees are considered to be a mitigating factor for the project? Many of the trees referred to as substantial reside on county land. Is the county going to be bonded to maintain those trees at a level that constitutes "substantial tree mass"? Do the homeowners have to incur the cost of the maintenance of these trees to mitigate a project that someone else is walking away with the profits? These trees cannot be used as a mitigating factor for the project unless the project is going to fund their ongoing maintenance as long as the homes developed in the project exist. As an example, in a development near Seminary Drive next to 101, someone poisoned the trees there so they would die and improve the view of the homeowners. 30-5

24-3 Given that the current zoning would, practically speaking, allow for five homes, it would seem "**reasonable**" to consider an alternative project that also has five homes that, by not putting them clustered closely together along NSPR, would help maintain the semi-rural nature of the neighborhood. 30-6

24-4 I will carry forward my concerns and issues with the project's objectives to all public comment procedures and processes in regards to the project. 30-7

24-5 We, the community, are not experts in the statistics used for traffic analysis. We speak from experience and common sense. Statistics are not inherently superior to experience and common sense and are only another means to try to understand the world we live in. And usually, statistics are not applied correctly to develop a correct understanding of whatever is 30-8

under analysis. Sadly, often statistics are applied at best inappropriately without malice, and at worst, in manners and ways to substantiate underlying goals and objectives with bias. As Benjamin Disraeli said, there are lies, damned lies, and then there are statistics. What we know as a neighborhood is that traffic in the morning backs up, westbound, a mile from the intersection of NSPR and Civic Center Drive. And building 12 homes with two additional buildings that people could live in, versus five homes, is only going to make this worse. The cumulative impact of going from 5 to 12 (or maybe more accurately 14) homes combined with the proposed school at the end of Oxford Drive, the development or possible reactivation of the school at the McPhail School site, and the possibility of seven homes at the intersection of La Brea and NSPR, is going to make this worse and belies meaningfulness of the statement that the average delay per vehicle would be increased by no more than 0.3 seconds. We do not care about the average. We care about what happens when we need to exit the neighborhood through are only practical way out, in the morning, when we have to get somewhere, and we can tell you that it is going to be more than 0.3 seconds. Additionally, the backup, and increased backup caused by increased development such as this, will increase the issue of impeding emergency vehicles in and out of Santa Venetia during the rush hour times. In summary, the traffic analysis needs to consider rush hour periods, emergency vehicle implications, and the cumulative effect of additional traffic. Cumulative effects of increased traffic are not always linear, and may include step function like behavior (and other statistical descriptive terms that I am not familiar with).

24-6 I will carry forward my concerns and issues with the project's impact to water resource to all public comment procedures and processes in regards to the project.

30-9

24-7 The HOA that will manage the open space, the CCR's, and the deed restrictions, requires oversight and checks that will ensure it will carry out its functions and responsibilities in regards to any of the mitigations proposed for the project. The HOA, being composed only of the homeowners for the project, will carry a biased interest for the project's homeowners relative the neighborhoods around the project in regards to being a steward of the open space in the project. Though this framework is the same or similar to how other HOA's manage common, landscaped areas in Planned Unit Developments, that does not mean it is adequate for this project. In fact, the homeowners will be biased to keep vegetation to a minimum to enhance their views.

30-10

I will carry forward my concerns and issues with the open space to all public comment procedures and processes in regards to the project.

24-8 The response confirms that the development, especially the five homes clustered tightly along NSPR, is not consistent with the density within existing neighborhoods immediately to the north and west of the project. It extends the density of the housing on Vendola and Adrian streets when the project should be consistent with the reduction of density as one moves east on NSPR past the Vendola & NSPR intersection. To increase density as one moves east on NSPR past the Vendola & NSPR intersection is inconsistent with the existing zoning and with the semi-rural nature of the neighborhoods east of the intersection of Vendola and NSPR. The FEIR errors in including the neighborhood along Vendola and Adrian in its density calculations – it should only include the neighborhoods east of Sunny Oaks Road. The FEIR errors in stating that this project maintains SF4 density of 1 to 2 units per acre. The density is much higher for the area where the homes are located in the project, and to arrive at a density of 1 to 2 units per acre requires statistical twists that defy common sense and common logic, though this calculation method has been embraced if not championed by the planning department. If one were to use their logic, then the density of the housing of the Bay area could be said to be any

30-11

number you want to be, by including whatever amount of land from the Central Valley, the Sierra Nevada mountains, and the deserts east of the Sierra Nevada, that you need to in order to arrive at the number you want.

24-9 Since the houses for the project that require mitigation will not go away after two to five years, the bonding and management needs to continue as long as the homes exist. To turn over the on-going maintenance and management of the landscaping that is to mitigate the project to the HOA is akin to have the foxes guard the henhouse. The HOA will act in the interests of the homeowners in the project, which will not necessarily be aligned with the purpose of the landscaping acting as a mitigant for the project's detriments. Other mechanisms need to be implemented to ensure ongoing effectiveness of the landscaping that is to act as a mitigant for the project as long as the homes exist. These management and funding mechanisms need to be independent from the HOA for the homes in the project to ensure proper alignment of the landscaping and its intended mitigation.

30-12

24-10 and 24-11 No additional comments

Sincerely,



Robert J. Sos

LETTER 30

Robert Sos

October 14, 2009

30-1: The comment states the opinion that the project is growth-inducing. In accordance with the CEQA Guidelines, the issue of growth-inducement is examined in Chapter 6 of the DEIR. As stated in that analysis, a project is considered to be growth-inducing if it fosters economic or population growth beyond the boundaries of the project site. Typical growth inducements might be the extension of urban services or transportation infrastructure to a previously unserved or under-served area, or the removal of major boundaries to development.

The site already contains one single-family dwelling, and is surrounded by residential development, and is currently served by public infrastructure and utilities. No extension of services would be necessary, however upgrading of existing infrastructure and services will be required. Because the project site is located in an area of existing residential development the project would not remove a major obstacle to development.

Overall, the proposed project would not be expected to induce growth beyond the limits of the project site or set a precedent for additional growth in the area. The proposed project site is a relatively undeveloped parcel of land within Marin County with residential development to the north and west of the project site. Furthermore, China Camp State Park is located to the south of the project site, and the Marin County Open Space District manages the Santa Venetia Marsh to the northeast of the project site. These areas are protected in perpetuity and development is not anticipated or allowed.

On the basis of this discussion, the EIR determines that the project does not include any components that would induce growth in areas off-site. The rezoning request and proposed improvements are specific only to the project parcel. There is no definitive basis on which to state that, if approve, the pro-

ject would directly or indirectly foster growth on other parcels. No change to the EIR is required.

30-2: The comment states that the opinion that the visual effects of the project have been ignored and that the facts listed in the comment cannot be mitigated. The visual effects have, in fact, been closely examined in Chapter 4.8 of the EIR. Through the use of three three-dimensional photo simulations (see Figures 4.8-5 – 4.8-7, the DEIR illustrates how the project would look from public viewpoints within the Santa Venetia neighborhood. The analysis in Chapter 4.8 of the DEIR clearly acknowledges that the visual appearance of the site will change in perpetuity, however for the reasons stated therein and in Master Response 2 (Aesthetic Compatibility with Neighborhood), the effects were found to be less than significant.

30-3: The comment states that the opinion that the HOA would have “no motivation or incentive” to maintain the trees and vegetation that are introduced as part of the tree mitigation and planting plan. The comment states that there needs to be a maintenance arrangement that would ensure protection of these resources in perpetuity.

There is no substantive evidence provided in the comment to support the opinion that the HOA would be disinclined to maintain the trees and vegetation on site. While it is not the purpose of the CEQA analysis to speculate on the future disposition of the HOA, the County anticipates that through the payment of regularly scheduled dues, the HOA would be inclined to ensure that on-site trees and vegetation are sufficiently maintained on an ongoing basis. Because these resources would contribute to the aesthetic value of the site, the County thinks it is unlikely that the HOA would wish to see these resources fall into a state of decline. Furthermore, as required through Mitigation Measure 4.3-H.1, the applicant would be responsible for ensuring that monitoring is conducted for three years following planting or until an arborist verifies that the trees have successfully reestablished.

30-4: The comment questions the use of Figure 4.3-1 in the EIR as a basis on which to substantiate that there is substantial tree mass between the primary driveway for the project and the residences to the north. Figure 4.3-1 shows that there are some mature trees located along the northern edge of NSPR across from the main driveway to the site. Some of these trees are oaks, which are non-deciduous, and would provide partial screening from headlights of vehicles exiting the site. As explained in Master Response 2 in the FEIR, headlights from vehicles leaving the project site would be angled down initially to the NSPR surface and ultimately leveled at the main road. In addition, the distance (approximately 200 feet) and significant change in elevation (+/- 15 feet of vertical distance) from the entry road proposed and the closest residences to the north would be mitigating factors.

Furthermore, based on the relatively low traffic volumes at this point on North San Pedro Road, it is not expected that cars exiting the main driveway would need to wait for extended periods to enter the lanes of travel on North San Pedro Road. Therefore, the casting of light from exiting vehicles would be intermittent in nature. Based on these factors, the degree of light experienced is not expected to increase to the point that quality of life would be adversely affected.

30-5: The trees on the north side of San Pedro Road that are referred to in the comment are not specifically identified as project mitigation. While these existing resources may serve to screen the level of light from vehicles transferred to residences to the north, no related significant impact has been identified in the EIR, which would otherwise require mitigation. No change to the EIR is required.

30-6: The comment advises that an alternative containing only five units should be considered. This was considered in Chapter 5 of the DEIR as the No Project Alternative. No change to the EIR is required.

30-7: The comment states that all concerns and issues with the project objectives will be carried forward to all public comment procedures and processes

specific to the project. This statement is acknowledged, however no change to the EIR is required.

30-8: The comment states that the outcome of the project analysis and the statistics encompassed therein do not adequately reflect the community's experience in relation to existing traffic conditions. The comment also states that the average delays estimated as a result of the project do not capture the delays experienced by community members traveling on North San Pedro Road during peak hours. While the County recognizes that conditions on segments of NSPR and at connecting intersections are cause for peak hour delays, the methodology followed in the traffic study remains valid as do the results (statistics) of the study. Please refer to Master Response 8 in the FEIR for further discussion of this issue. The comment also expresses concern that the existing conditions pose access constraints for emergency vehicles on NSPR and that the project would worsen this condition. The volume of peak hour trips introduced by the project (11 AM peak hour trips and 15 PM peak hour trips) would not be such that emergency vehicle access would be substantially more constrained than it is under existing conditions. During and after project construction, the same rules and regulations would apply in regards to clearing roadway right-of-way when an emergency vehicle (e.g. fire, police, EMT) has signaled the need for passage.

30-9: The commenter says that he will carry forward his concerns and issues with the project's impact to water resources to all public comment procedures and processes related to the project. This statement is acknowledged, however no change to the EIR is required.

30-10: Similar to Comment 30-3 above, this comment conjectures on the future disposition and motivations of the HOA as it relates to long-term on-site vegetation management. The commenter does not provide any substantive evidence to demonstrate that the HOA would act in the manner suggested. Furthermore, it is not the purpose of the CEQA analysis to define and confirm the final operating provisions of the HOA. The level of detail presented

in Master Response 7 to the FEIR (Open Space Management) is sufficient for the CEQA analysis.

30-11: The comment states that response 24-8 in the FEIR demonstrates that the project, especially, the five homes along NSPR, is not consistent with the density within existing neighborhoods immediately to the north and west. For the reasons stated in Master Response 5 in the FEIR (Land Use Compatibility), the County generally considers the project to be consistent with the density of the existing neighborhood.

As Master Response 5 explains, a neighborhood parcel analysis was performed for the area immediately surrounding the project site. Using the GIS-based MarinMap Planners application, all parcels located either partially or entirely within a 500-foot "buffer zone" of existing parcel 180-321-05 were surveyed. According to MarinMap, this area contained 31 properties with residential improvements. Each was surveyed for lot square footage as well as property square footage. The average size of the homes surveyed was 2,109 square feet, or 828 square feet smaller than the average size of the 12 residences of the proposed project, at 2,937 square feet. The average lot size for the 31 properties was 191, 656 square feet, while the average lot size for the proposed project would be 51,937 square feet. Among the 31 existing lots evaluated, four large lots (12 percent) ranged between 92,000 and 3,000,000 square feet, which is substantially larger than the average lot under the proposed project. However, the remaining 27 existing lots (88 percent) ranged in size from 8,896 square feet to 44,790 square feet, with an average of 16,195 square feet. Eight (8) of the 12 lots proposed under the project would be less than 50,000 square feet, with an average of 17,706 square feet. Based on this evaluation of lot size and home size, the building scale and intensity (home size vs. lot size) of the proposed project would not be substantially different than the majority of existing development in the vicinity of the project site.

30-12: This comment reiterates concerns expressed in preceding comments 30-3 and 30-10. Please refer to these responses. No change to the EIR is required.

Shelley Sweet

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650 North San Pedro Road – FEIR Comment

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Mr. Tim Haddad
Environmental Planning Coordinator
Marin County Community Development Agency
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

LETTER #31

October 12, 2009

Re: 650 North San Pedro Road – FEIR Comment

Dear Mr. Haddad,

This letter is my response to the adequacy of the FEIR responses to my earlier comments received on the Draft EIR. My DEIR Comment letter was included as LETTER #25 in the *Final EIR Volume II: Comments & Responses and Appendices*.

25-2: I am familiar with CEQA terminology, and was not suggesting that the use of the term “less-than-significant” was misleading. Rather, it was the *finding* that all of the impacts could be mitigated to “less-than-significant” was misleading. Also, the FEIR response states that “there is no factual basis to support the statement that the proposed rezoning will set a precedent for other rezoning projects.” *Chapter 6, Section A – Growth Inducement* of the DEIR does not provide factual basis to support its statement that “the proposed project would not be expected to induce growth beyond the limits of the project site or set a precedent for additional growth in the area.” By stating that there is already existing residential development to the north and west of the project site, and that China Camp State Park and the Santa Venetia Marsh are protected from further development is irrelevant – there is potential for the *increased density* of the proposed project zoning to encourage other large landowners in east Santa Venetia (and elsewhere in Marin County) to subdivide and increase the density on their lands. The project site is located just east of Sunny Oaks Drive where the density of homes is much less than the western Santa Venetia Neighborhood. The project site is just on the boundary of denser development. Increased density at the bottom of the hill is allowing denser development to creep eastward, thereby extending the boundary of denser development which is growth inducing and does set a precedent.

31-1

25-3: The inclusion of the MacNair & Associates Tree Mitigation Plan in the FEIR filled a much-needed gap in the DEIR. Replacing non-native vegetation with California natives always provides environmental benefit. But I continue to be concerned about the concentrated, massive tree removal, and its detrimental effect on the environment, particularly during construction and in its early to mid-life recovery stages. 75 (of 160) of the replacement vegetation will be trees in #15 gallon containers. None of the photos show a #15 gallon container (or state the size of the container). I did not see anywhere in the plan a “guarantee” of replacement if the original specimen dies. California natives tend to be very slow growing, and there is no mention of a time-frame for the vegetation to take on a “natural” filled-in appearance.

31-2

25-4: The FEIR response acknowledges increased ambient noise and light resulting from the proposed residences. (For the noise generated by construction activities, the third-bullet item under mitigation measure 4.10-A.1 conflicts with the newly-added second-bullet item. The third-bullet item should be edited so that “, and 10:00am on Sundays and holidays” is deleted.) While all kinds of “scientific” measurements of dBA are cited in the FEIR, the reality is that *each* of the 14 residences will contribute to *an increase* of ambient noise in the area, which will deteriorate the quiet nature of the neighborhood. In regards to ambient light, the FEIR response states, “screening in the form of existing trees, new trees and varied topography would further reduce the affects of light from the project site.” According to the “Existing Tree Inventory & Removal Plan” it appears that almost all of the existing trees will be removed. A little over half of the replacement trees per the “Tree Mitigation Plan” will be deciduous, offering almost no light (or noise) screening during the winter months – the time when lights are on the longest. The FEIR response further states, “exterior, nighttime illumination would be focused on targeted areas so as to minimize the effects of spillover onto San Pedro Road and neighboring properties.” As there is no lighting plan, it is unclear where these “targeted areas” will be. Further discussion about the FEIR’s deficiency in the area of lighting can be found in the *FEIR Master Response 2 – Aesthetic Compatibility with Neighborhood* section of the SVNA Resident letter attached to this letter.

31-3

25-5: My comment about increased impact on traffic is not an opinion; it is a logical result of adding more cars to North San Pedro road. Further discussion about the FEIR’s deficiency in the area of traffic can be found in the *FEIR Master Response 8 – AM Peak Period and Weekend Traffic* section of the SVNA Resident letter attached to this letter.

31-4

25-6: The FEIR response states, “The proposed development pattern would be similar to what currently exists in the Santa Venetia Community, characterized by single-family, detached residences constructed in subdivisions served by two lane roads. In addition, the proposed density of 0.81 dwelling units per acre is only slightly higher than the density within existing neighborhoods immediately to the north and west of the site.” As I mentioned in my reply 25-2 at the beginning of this letter, the project site is located just east of Sunny Oaks Drive where the density of homes is much less than the western Santa Venetia Neighborhood. It is inaccurate to compare the proposed project’s density with the higher-density of the homes west of the site. The proposed project is just on the boundary of denser development. Further, the 0.81 factor is taking into consideration the entire acreage of the project giving a skewed number for the real true density where the houses are clustered, particularly lots 1-5.

31-5

25-7: The FEIR response states, “Under the No Project Alternative, there is no definitive means of determining when a project application may be submitted for development of the property and what the specifics of that application would be.” Unknown timing and specifics of an application offer no specific indication of environmental impact. Further discussion about the FEIR’s deficiency in the area of the No Project Alternative can be found in the *FEIR Master Response 6 – Development Permitted Under Existing Zoning* section of the SVNA Resident letter attached to this letter.

31-6

31-7

25-8: I deeply appreciate the follow-up survey for the CRLF prepared by LSA and Associates. Protection of endangered species lies at the very core of CEQA. Despite the fact that no specimens of CRLF were found during the survey, I do concur with the U.S. Fish and Wildlife Service LETTER #1 that “the lack of records of a plant or animal in a specific area should not be construed as *prima facie* that the taxa in question is absent from a site.” The letter continues to state that the CRLFs “also have been found in disturbed areas such as channelized creeks and drainage ditches in urban and agricultural areas.” Although it *appears* that the CRLF is unlikely to be present in or near the project site, it should be noted that the follow-up survey was conducted in 2009 – the third year of drought conditions for California. Only 1 out of the 8 total surveys was performed during the wet time of year (February). 7 out of the 8 total surveys were performed during the dry months of the year (May – July). FEIR Master Response 4 states that “two aquatic features are within 1 mile of the project site, which may provide potentially suitable breeding habitat for CRLF.” I suggest that surveys still be required to confirm that no CRLF is present prior to grading or ground disturbance.

Respectfully submitted,



Shelley Sweet
Resident, Pt. Gallinas Road
San Rafael

Attachment: Santa Venetia Neighborhood Association (SVNA) Resident Letter

LETTER 31

Shelley Sweet

October 12, 2009

31-1: The comment states that Chapter 6 of the DEIR does not provide a factual basis to support the statement that the proposed project would not be expected to induce growth beyond the limits of the project site or set a precedent for additional growth in the area. The basis of this statement is clearly stated in Chapter 6, however. As the discussion states, a project is considered to be growth-inducing if it fosters economic or population growth beyond the boundaries of the project site. Typical growth inducements might be the extension of urban services or transportation infrastructure to a previously unserved or under-served area, or the removal of major boundaries to development.

The site already contains one single-family dwelling, and is surrounded by residential development, and is currently served by public infrastructure and utilities. No extension of services would be necessary, however upgrading of existing infrastructure and services will be required. Because the project site is located in an area of existing residential development the project would not remove a major obstacle to development.

On the basis of this discussion, the EIR determines that the project does not include any components that would induce growth in areas off-site. The rezoning request and proposed improvements are specific only to the project parcel. There is no definitive basis on which to state that, if approved, the project would directly or indirectly foster growth on other parcels. No change to the EIR is required.

31-2: The comment restates concerns about the extent of proposed tree removal, the size of trees to be planted, provisions for replacement if newly planted trees die, and the success monitoring period. The comment is correct in that the Tree Mitigation Plan included in Appendix E does not include an

illustration of a 15-gallon tree. Based on follow up consultation with the project arborist, two pictures of 15-gallon live oak trees have been included at the end of the responses to this letter. While the plan does not include specific provisions for replacement of trees in the event of specimens potentially dying, Mitigation Measure 4.3-H.1 requires that monitoring take place for three years following planting or until an arborist verifies that the trees have successfully reestablished.

31-3: The comment correctly notes an inconsistency in Mitigation Measure 4.10-A.1 in the FEIR. The measure has been revised as follows on the basis that the preceding provision establishes a prohibition on construction on Sundays and holidays.

Do not allow start up of construction related machinery or equipment prior to 8:00 a.m. Monday through Friday, 9:00 a.m. Saturday, ~~and 10:00 a.m. on Sunday and holidays.~~

The comment states that each of the 14 homes would contribute to an increase in ambient noise in the area. The EIR states that this is the case, however concludes that increases would not be substantial in relation to existing conditions. No further response is required.

The comment also states that almost all of the existing trees on-site would be removed and that over half of the replacement trees would be deciduous trees, which would loose leaves during the winter months. The conclusions made in the EIR concerning the effects of light and glare and noise were not made exclusively on the basis of the planting scheme presented in the Tree Mitigation Plan. While new trees and shrubs would provide some measure of noise and light reduction and interception, the determinations of less than significant impacts were primarily based on the degree of new noise and light that would be introduced. As concluded in Chapters 4.8 and 4.10 of the EIR, the new light and noise above and beyond baseline conditions would not result significant impacts. The comment specifically questions where the “targeted areas” are in relation to the ultimate lighting plan for the project. These areas would include residential driveways, sidewalks, and the roadways internal to

the site. Contrary to what is suggested in the comment, the lighting needs for the project site would be such that there wouldn't be a need to illuminate area on the opposite site of NSPR, including existing residences.

31-4: The comment states concern about the existing traffic conditions on NSPR and the addition of more trips that would occur under this project. The comment also makes reference to the comment in the SVNA letter about AM Peak Period and Weekend Traffic. This comment was previously addressed in responses to comment 4-5. Please refer to that response following Letter 4. No change to the EIR is required.

31-5: The comment questions the basis on which the EIR concludes that the project would be "similar to what currently exists in the Santa Venetia Community, characterized by single-family, detached residences constructed in subdivisions served by two lane roads. For the reasons stated in Master Response 5 in the FEIR (Land Use Compatibility), the County generally considers the project to be consistent with the density of the existing neighborhood.

As Master Response 5 explains, a neighborhood parcel analysis was performed for the area immediately surrounding the project site. Using the GIS-based MarinMap Planners application, all parcels located either partially or entirely within a 500-foot "buffer zone" of existing parcel 180-321-05 were surveyed. According to MarinMap, this area contained 31 properties with residential improvements. Each was surveyed for lot square footage as well as property square footage. The average size of the homes surveyed was 2,109 square feet, or 828 square feet smaller than the average size of the 12 residences of the proposed project, at 2,937 square feet. The average lot size for the 31 properties was 191, 656 square feet, while the average lot size for the proposed project would be 51,937 square feet. Among the 31 existing lots evaluated, four large lots (12 percent) ranged between 92,000 and 3,000,000 square feet, which is substantially larger than the average lot under the proposed project. However, the remaining 27 existing lots (88 percent) ranged in size from 8,896 square feet to 44,790 square feet, with an average of 16,195 square feet. Eight (8) of the 12 lots proposed under the project would be less

than 50,000 square feet, with an average of 17,706 square feet. Based on this evaluation of lot size and home size, the building scale and intensity (home size vs. lot size) of the proposed project would not be substantially different than the majority of existing development in the vicinity of the project site.

31-6: The point made in Response 25-7 in the FEIR is that the No Project Alternative would not meet any project objectives because there is no definitive means of determining when a project application may be submitted for development of property and what the specifics of the application would be. The comment does not say that the lack of a project application is the basis on which the No Project Alternative was determined to be environmentally inferior. No additional response is required.

31-7: This comment states that surveys be conducted prior to grading and ground disturbance to confirm the absence of California Red Legged Frog. As discussed in response to Letter 1 of the FEIR and Master Response 4 (California Red-Legged Frog), despite the lack of evidence indicating the existence of CRLF on-site, the project sponsor agreed to respond to USFWS requests and provide protocol-level surveys be completed to confirm presence or absence. As such, protocol surveys were conducted in May and June, 2009 and the survey results were negative, re-confirming the earlier findings that there would be no impacts to CRLF. Because the presence of CRLF was negative, there is no nexus between CRLF occurrences within the project site and the necessity of pre-construction surveys. Due to the lack of nexus, no mitigation to this effect has been included as part of the project. No change to the EIR is required.

COUNTY OF MARIN
650 NORTH SAN PEDRO ROAD EIR
COMMENTS AND RESPONSES



October 13, 2009

OCT 14 2009 AM 10:09 Planning

Tim Haddad
Environmental Coordinator
Marin County Community Development Agency
3501 Civic Center Drive, #308
San Rafael, CA 94903-4157

LETTER #33

Re: 650 North San Pedro Road Development - Final Environmental Impact Report – Review and Comments

To the Marin County Community Development Agency:

The berm and the pond:

The Edgcomb Law Group's letter (section 2.3 Hydrology) questions: 1. the expansion of the pond and 2. how the maintenance of the pond will be handled by the Homeowner's Association (HOA) - specifically, how the maintenance requirements will be implemented and enforced.

33-1

The top of the proposed berm (elevation 35') and the level of the water in the pond (when full) will be above the height of the roadway, which is only a few feet away. This poses a significant risk to the nearby (downhill) residences.

The FEIR states (response 10-37) that "the berm will be designed in accordance with appropriate engineering standards." This answer is not specific enough to address the concern.

Addressing the pond maintenance issue, the FEIR states that "Mitigation measure 4.4-E.1 has been amended..."

Mitigation measure 4.4-E.1 simply states: "Ongoing maintenance of the pond, including debris removal, and monitoring the structural integrity of the berm, and the proper functioning of the weir inlet, shall be the responsibility of a Homeowner's Association."

This response does not answer the question of how the maintenance tasks will be implemented and enforced by the HOA.

Runoff Coefficient Calculations:

In my letter of 1/13/09, I stated that "doing a before and after runoff calculation of just the area proposed for construction would give a more accurate representation..." of the true runoff. The FEIR (response 22-1 – 22-3) said the ILS engineers used the methods in the Marin Public Works Hydrology Manual, and did not consider "how cut and fill would affect the runoff coefficient", adding that "The manual does not call for an adjustment to runoff coefficients based on removal of soil and fill."

33-2

The Marin Conservation League's letter says that the impact of removing the eucalyptus trees on the site should be considered when doing the runoff analysis. The FEIR (response 9-9), again states that the calculations were done using the DPW manual, and that "the manual does not require that the absorption rates of removed vegetation be accounted for in calculating runoff estimates."

Removal of soil - and large trees - are significant factors affecting the runoff at this site. To not consider them in calculations because the County says you don't have to, is not a satisfactory answer and does not adequately address the valid concerns raised. These factors need to be considered in the runoff coefficient calculations.

33-3

LETTER 33

Commenter Not Identified

October 13, 2009

33-1: The comment states that the top elevation of the proposed berm and the level of the water in the pond poses a significant risk to the nearby (downhill residences). The comment states that the EIR does not provide sufficient information as to how the HOA would maintain the pond and how such maintenance would be enforced. For the purposes of CEQA, Mitigation Measure 4.4-E.1 is adequate. It is not the purpose of the EIR to define and confirm the final operating provisions of the HOA. The level of detail presented in Measure 4.4-E.1 is therefore sufficient. No change to the EIR is required.

33-2 and 33-3: The comment questions the methodology utilized in the project hydrology analysis. As explained the EIR and restated in the comment, the analysis was conducted according to County-accepted methodology, as specified in the DPW manual. The methods employed are the same as those applied to other projects throughout the County and provide a reasonable means of adequately estimating project runoff. Contrary to what is suggested in the comments, the coefficients used by ILS Engineers in their study (Appendix C of the FEIR) and considered by Stetson Engineers in the subsequent peer review are adequate. No change to the EIR is required.

COUNTY OF MARIN
650 NORTH SAN PEDRO ROAD EIR
COMMENTS AND RESPONSES