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***Marin County Housing Element  
Supplement to the 2007  
Countywide Plan EIR***

***Final  
Supplemental Environmental  
Impact Report***

***Response to Comments to the  
Draft Supplemental Environmental  
Impact Report***

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COUNTY OF MARIN  
COMMUNITY DEVELOPMENT AGENCY

State Clearinghouse No. 2012072028

MAY 2013

**MARIN COUNTY HOUSING ELEMENT  
SUPPLEMENT TO THE 2007 COUNTYWIDE PLAN EIR  
5.0 COMMENTS AND RESPONSES DOCUMENT**

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## 5.0 COMMENTS AND RESPONSES

### 5.1 INTRODUCTION TO THE COMMENTS AND RESPONSES

This Final Supplemental Environmental Impact Report (Final SEIR) contains the comments received during the public review period on the *2012 Draft Marin County Housing Element Draft Supplemental Environmental Impact Report (Draft SEIR)* and responses to comments. This document has been prepared by the Marin County Community Development Agency in accordance with the California Environmental Quality Act (CEQA).

This Supplemental Environmental Impact Report (SEIR) is an informational document intended to disclose to the Marin County Planning Commission and Board of Supervisors, other decision makers, and the public the environmental consequences of approving and implementing the *2012 Marin County Housing Element*.

Marin County prepared, and on December 20, 2012 circulated, the Draft SEIR on the proposed *2012 Draft Marin County Housing Element* project. During the public review period from December 20, 2012 to February 19, 2013, comments on the Draft SEIR were received from governmental agencies and the public.<sup>1</sup> On January 14, 2013 the Marin County Planning Commission conducted a public hearing during the public review period on the Draft SEIR.

All oral comments made at the public hearing on the Draft SEIR held by the Marin County Planning Commission on January 14, 2013 and all written comments received during the 62-day public review period are addressed in this Final SEIR.

This Final SEIR consists of two volumes: the *Response to Comments to the Draft Supplemental Environmental Impact Report* (this volume), and the *Draft Supplemental Environmental Impact Report* of December 2012.

**Section 5.2, *Persons Commenting*** lists all the governmental agencies, organizations, and individuals who commented on the Draft SEIR.

**Section 5.3 *Master Responses*** contains master responses that have been prepared for selected comment topics to provide a comprehensive analysis of some frequently raised issues. These master responses are cross-referenced in the responses to individual comments in section 5.4.

**Section 5.4 *Responses to Comments*** presents and responds to all comments on the Draft SEIR and the project's environmental effects. The original letters are reproduced, and the comments and the corresponding responses are numbered. Responses to individual comments raising significant environmental points are presented immediately after each comment letter. Section 5.4 also includes comments made orally at the public hearing with responses presented immediately following the minutes of the meeting.

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<sup>1</sup> The comment period was originally set for December 20, 2012 to February 4, 2013. At the request of several individuals the comment period was extended to February 19, 2013.

**Section 5.5 CDA Staff Recommended Changes to the Draft Housing Element** presents staff recommended changes to the *July 2012 Draft Housing Element*. An evaluation of the recommended revisions on the Draft SEIR's analysis is provided. The final housing site numbering will change when the *Marin County Housing Element* is adopted, because site availability has changed during the period of document preparation and because site changes may be directed by the Board of Supervisors. The site numbers used in this Final SEIR, including the responses to comments, are the site numbers used in the *Draft Housing Element*. Future users of this document should reference the site names when making future use of this document, or when comparing this SEIR to the adopted *Housing Element*.

Comments received on the Draft SEIR can generally be classified into one of three categories. These categories are as follows:

1. **Project Merits / Process Comments** -- These comments do not pertain to physical environmental issues but pertain to the merits of the project or to comments on the County's review process. These comments are included in this document although responses to these comments are not necessary. Inclusion of these comments will make the commentator's views available to public officials who will make decisions about the project itself.
2. **Commentor Opinion** -- These are comments from commentors which either support or disagree with the conclusions of specific information included in the Draft SEIR. Although a commentor may hold a different opinion than the information provided in the Draft SEIR, these comments do not, however, focus on the adequacy of the Draft SEIR. Section 15151 of the *State CEQA Guidelines* states that an EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Furthermore, disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts.

In light of section 15151, commentors' opinions are included in this document although responses to these comments are not necessary. Inclusion of these comments will make the commentator's views available to public officials who will make decisions about the project itself. Where appropriate, some additional explanatory information to help clarify information provided in the Draft SEIR is provided.

3. **Questions Regarding Adequacy of Draft SEIR** -- These are comments from commentors who question the adequacy of specific information in the Draft SEIR. Responses to individual comments requiring clarification of environmental issues regarding the Draft SEIR are provided in this document.

In some instances, text changes resulting from the comments and responses are recommended. In these instances information that is to be deleted is ~~crossed-out~~, and information that is added is underlined. The text changes resulting from comments and responses have been incorporated in the original Draft SEIR text, as excerpts in the responses.

## **5.2 PERSONS COMMENTING**

Written comments on the *2012 Draft Marin County Housing Element Draft Supplemental Environmental Impact Report* were received from the following agencies, organizations, and individuals.

1. Scott Morgan, Director, State Clearinghouse, Governor's Office of Planning and Research (January 22, 2013)
2. Sustainable TamAlmonte, Sharon Rushton (January 14, 2013)
3. Sustainable TamAlmonte, Sharon Rushton (February 5, 2013)
4. Sustainable TamAlmonte, Sharon Rushton (February 6, 2013)
5. Marin Conservation League, Susan Stompe (February 19, 2013)
6. Alison Roberts, Megan Roberts (February 19, 2013)
7. Amy Ewing, MD (February 20, 2013)
8. Angela and Ryan Freeborn (February 19, 2013)
9. Ann Burke (January 12, 2013)
10. Ann Mizel (February 15, 2013)
11. Ann Spake (February 5, 2013)
12. Anna Schmilz (February 10, 2013)
13. Bernard Link (January 11, 2013)
14. Carolyn Lenert (January 11, 2013)
15. Carolyn Lenert (January 11, 2013)
16. Carolyn Perot / George Janson (January 11, 2013)
17. Carolyn Smith (February 9, 2013)
18. David and Lisba Brandt (February 18, 2013)
19. Dawn Vroegop (February 6, 2013)
20. Deana Dearborn (January 14, 2013)
21. Ellen and David Selzer (January 17, 2013)
22. Erika Lovejoy (January 7, 2013)
23. H.W. Paisley (January 24, 2013)

24. James Haig Streeter and Chiaki Tomita (February 19, 2013)
  25. Jenni Hamilton (February 19, 2013)
  26. Jennifer and Wade McConnell (February 19, 2013)
  27. Jennifer and Chris Thomson (February 19, 2013)
  28. Jessica Middleton (February 17, 2013))
  29. John & Gratia Foerster (February 19, 2013)
  30. John Fletcher (October 29, 2012)
  31. Natividad Turner (November 19, 2012)
  32. Donald Turner (November 19, 2012)
  33. John Wallace (January 11, 2013)
  34. Josh Sale (February 18, 2013)
  35. Judy Schriebman (January 11, 2013)
  36. Karen and Brian Winter (February 18, 2013)
  37. L.M. Arndt (January 11, 2013)
  38. Linda Cohn (February 9, 2013)
  39. Linda Spence (February 19, 2013)
  40. Lisa Barnes (February 7, 2013)
  41. Lynn Reid (January 11, 2013)
  42. Margaret Kettunen Zegart (January 14, 2013)
  43. Margaret Kettunen Zegart (February 11, 2013)\*
  44. Mark Marinozzi (January 10, 2013)
  45. Mitchell & Stacey Rabin (February 19, 2013)
  46. Rachael E. Koss, Adams Broadwell Joseph & Cardozo on behalf of Sustainable TamAlmonte (February 19, 2013)
- Attachment A – Matt Hageman, Uma Bhandaram, SWAPE (February 18, 2013)
- Attachment B – Geoffrey H. Hornek, Environmental Air Quality and Acoustical Consulting, (February 19, 2013)

47. Rachel Ginis (January 14, 2013)
48. Reed and Margaret Kathrein (February 11, 2013)
49. Reed and Margaret Kathrein (February 19, 2013)
50. Riley F. Hurd III, Ragghianti / Freitas LLP on behalf of Seminary Neighborhood Association (February 8, 2013)
51. Robin and Terry Stelling (February 18, 2013)
52. Sharlene Moss (January 11, 2013)
53. Stephen Nestel (January 15, 2013)
54. Stephen Nestel (February 17, 2013)
55. Susan Montrose (February 8, 2013)
56. Thomas Meagher, Esq. (February 19, 2013)
57. Thomas & Susan Monahan, Lucas Valley Ranch Capital Partners LLC (February 19, 2012) (sic)
58. Toni Shroyer (January 11, 2013)
59. Kett Keettunen Zegart (February 26, 2013)
60. Ann Spake (January 11, 2013)
61. Randy Greenberg (January 12, 2013)
62. Wade Holland (February 1, 2013)
63. Los Ranchitos Improvement Association, Leyla Hill (March 14, 2013)

## 5.3 MASTER RESPONSES

This section contains master responses that have been prepared for selected comment topics to provide a comprehensive analysis of some frequently raised issues. These master responses are cross-referenced in the responses to individual comments in Section 5.4.

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### **Master Response 1 – Sea Level Rise**

The following response addresses issues raised in comments regarding sea level rise.

#### **SEA LEVEL RISE**

The well-documented warming of the climate since the late 1800s or early 1900s resulted in an increase in global sea level rise of  $1.7 \pm 0.5$  mm (roughly  $0.067 \pm$ inch) per year during the 20<sup>th</sup> century based on worldwide tide gauge measurements. More recently, during the ten-year period from 1993-2003, the estimated annual rate of sea level rise had nearly doubled to  $3.1 \pm 0.7$  mm.<sup>1</sup> Global sea level rise is occurring in response to thermal expansion of ocean waters and the melting of land ice (i.e. glaciers and ice sheets), both of which increase ocean volume. Human activities contributing to climate change and its attendant sea level rise include fossil fuel extraction and transport, automobile transit, power plant operations, agriculture, aircraft transport, and other activities that increase the emission of greenhouse gases (e.g. carbon dioxide and methane) above natural background levels. Other human activity that influences relative sea level include aquifer withdrawals and storage of water behind dams. Aquifer pumping adds water to the ocean at the expense of long term subsurface storage, while reservoirs have a countervailing effect, i.e. they subtract water that would otherwise reach the ocean.<sup>2</sup>

Predictions of local sea level rise must account for other factors including climate patterns, such as the El Nino-Southern Oscillation, gravitational and deformational effects of melting glaciers and ice sheets, tectonic uplift, and land subsidence due to water and hydrocarbon pumping. In addition to the direct impacts of sea level rise on progressive inundation of low-lying coastal areas, rising seas are expected to significantly increase the severity and frequency of extremely high coastal wave events. Such events can erode both natural shorelines (e.g. coastal bluffs and dune systems) and engineered shoreline protection works (e.g. sea walls, riprapped levees), resulting in beach and shoreline retreat and substantial property damage. The rapidity of sea level rise and a declining sediment supply to the San Francisco Bay estuary could also hamper the adaptation of coastal wetlands and mudflats, resulting in decreases in biotic habitat.

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<sup>1</sup> *Climate Change 2007: The Physical Science Basis*, Contribution of Working Group I to the Fourth Assessment Report of the IPCC, Intergovernmental Panel on Climate Change (IPCC), S. Solomon et al., Cambridge University Press, Cambridge, 996 pp.

<sup>2</sup> *Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present and Future*, Committee on Sea Level Rise in California, Oregon and Washington, Board of Earth Sciences and Resources and Ocean Studies Board. Division of Earth and Life Studies, National Research Council of the National Academy of Sciences, 2012.

Numerous federal, State and regional organizations are currently studying the potential effects of sea level rise and its implications for land use, flood control and other public infrastructure, and habitat conservation. These include the National Academy of Sciences/National Research Council (NRC), the National Oceanic and Atmospheric Administration (NOAA), the Federal Emergency Management Agency (FEMA), the US Geological Survey (USGS), the US Army Corps of Engineers (USACE), the US Fish and Wildlife Service (USFWS), the California Natural Resources Agency, the Coastal and Ocean Resources Working Group for the California Climate Action Team (CO-CAT), the San Francisco Bay Conservation and Development Commission (BCDC), and the Point Reyes Bird Observatory (PRBO). Several multi-agency initiatives that address climate change, sea level rise impacts and adaptation strategies are also underway, including the *California Vulnerability and Adaptation Study*,<sup>3</sup> *Adapting to Rising Tides* project,<sup>4</sup> the California Coastal Analysis and Mapping Project (CCAMP), which includes the Open Pacific Coast Study and the San Francisco Bay Area Coastal Study,<sup>5</sup> the *CASCaDE* (Computational Assessments of Scenarios of Change for the Delta Ecosystem) project,<sup>6</sup> and the *Our Coast- Our Future* project.<sup>7</sup> Also, the California Landscape Conservation Cooperative (CA LCC) and its Climate Commons project provides access to up-to-date climate change data and related resources tailored to conservation efforts.<sup>8</sup> Within the past three years, the USACE has issued two directives regarding consideration of predicted levels of sea level rise in the analysis and design of all of its Civil Works projects. These latest of the two nearly identical directives extends the earlier 2009 instruction to September 2013.<sup>9</sup>

In October 2011 the San Francisco Bay Conservation and Development Commission (BCDC) amended its San Francisco Bay Plan to reflect its assessment of potential flooding impacts resulting from climate-induced sea level rise. BCDC in cooperation with the US Geological Survey conducted its assessment of the causes of sea level rise, possible sea level rise scenarios, altered precipitation and storm characteristics, and vulnerabilities of Bay Area communities to flooding. The BCDC

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<sup>3</sup> *Climate Change Impacts, Vulnerabilities, and Adaptation in the San Francisco Bay Area*, the Third California Climate Change Assessment, referred to as the Vulnerability and Adaptation Study, prepared by UC Berkeley, S. Moser Research & Consulting and Stanford University for the California Energy Commission.

<sup>4</sup> The Adapting to Rising Tides (ART) project is a collaborative planning effort initiated by BCDC, in partnership with NOAA's Coastal Services Center, Caltrans, the Metropolitan Transportation Commission, and local Bay Area governments to assist communities in developing sea level rise adaptation strategies, sustainable infrastructure and ecosystem protection.

<sup>5</sup> *San Francisco Bay Area Coastal Study- California Coastal Analysis and Mapping Project*, FEMA digital brochure, Sept. 2012, available at: [http://www.r9map.org/Documents/120904\\_FEMA-Brochure\\_SFBayArea\\_web.pdf](http://www.r9map.org/Documents/120904_FEMA-Brochure_SFBayArea_web.pdf), accessed April 2013.

<sup>6</sup> A USGS program in collaboration (and funded by) the State of CA's Delta Stewardship Council, available at: <http://cascade.wr.usgs.gov/index.shtml>, accessed April 2013.

<sup>7</sup> The Our Coast-Our Future project is a collaboration between PRBO, USGS and NOAA with the goal of developing analytical decision- support tools for climate change assessment and for assessing vulnerabilities to natural and build environments.

<sup>8</sup> CA LCC website: <http://www.californialcc.org/>, accessed April 2013.

<sup>9</sup> *Water Resource Policies and Authorities Incorporating Sea-Level Change Considerations in Civil Works Programs*, Circular No. 1165-2-212, USACE, Washington, DC, July 2009; and *Sea Level Change Considerations for Civil Works Programs*, Circular No. 1165-2-212, USACE, Washington, DC, Oct. 2011.

assessment, approved in October 2011, contains sub-regional maps of predicted tidal inundation produced by the USGS, based on its hydrodynamic modeling of two sea level rise scenarios for San Francisco Bay: 1) a 16-inch rise in sea level by 2050, and 2) a 55-inch sea level rise by 2099.<sup>10</sup> Both of these scenarios were within the ranges of sea level rise predicted for these time periods by other research agencies, including the CO-CAT.

The maps included in the assessment consist of colored overlays of aerial photos depicting the areal coverage of tidal inundation for both of the sea level rise scenarios. As noted in the assessment, the inundation mapping is approximate, and occasionally includes low elevation areas without a direct surface connection to the bay margin and its confluent stream channels, or areas protected by levees or other forms of shoreline flood protection. Nevertheless, the maps depict the approximate extent of expected sea level rise impacts. An important aspect of the hydrodynamic modeling and subsequent inundation mapping is that while it accounts for storm surge effects (i.e. implicitly via the statistical analysis of average highest monthly tide data), it does not account for storm-induced wave action. It also reflects the sole effect of sea level rise on tidal flooding, and, therefore, does not reflect future flooding levels associated with a combination of higher tide levels and coincident watershed flooding.

The recent Ross Valley Capital Improvement Plan Study<sup>11</sup> modeled the effect of a range of potential sea level rise of 0.67 feet to 1.90 feet during the next 50 years (2010-2060), as predicted by the US Army Corps of Engineers (USACE),<sup>12</sup> on existing flooding conditions on Corte Madera Creek and its major tributaries. As expected, study modeling results showed that the higher downstream tidal influence from sea level rise on flood elevations from watershed flooding diminished with distance upstream. The study authors stated that the computed difference in 100-year flood water levels between (i) existing conditions and the “intermediate” sea level rise scenario and (ii) existing conditions and the “high” rise scenario was only 0.1 feet and 0.3 feet at Bon Air Bridge, respectively. The inundation mapping for Marin County presented in the BCDC tidal flooding vulnerability study, suggests that tidal flooding under its mid-century sea level rise scenario of 16-inches would extend much further inland than the Bon Air bridge crossing. The BCDC mapping, which is intended for regional planning use only, would need to be verified at a more refined scale for purposes of flood control planning and implementation.

Marin County is currently developing a Watershed Master Plan (WMP) for the Richardson Bay watershed. The WMP is being conducted under the auspices of the Southern Marin Watershed Program, which is a collaborative effort of the City of Mill Valley, Marin County, and Flood Control Zones 3 and 4. The purpose of the Watershed Program is to provide a framework to integrate flood protection and environmental restoration with public and private partners to protect and enhance Marin County’s watersheds, and to identify solutions that will enhance and protect the diverse habitat of the lands that drain into Richardson Bay. A primary task for the Southern Marin Watershed Program’s

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<sup>10</sup> *Living with a Rising Bay: Vulnerability and Adaptation in San Francisco Bay and on its Shoreline* (Staff Report), Bay Conservation and Development Commission, October 2011.

<sup>11</sup> *Capital Improvement Plan Study for Flood Damage Reduction and Creek Management in Flood Zone 9/Ross Valley*, Stetson Engineers, Inc. , prepared for the Marin County Flood Control and Water Conservation District, Flood Zone 9, May 2011.

<sup>12</sup> *Water Resource Policies and Authorities Incorporating Sea-Level Change Considerations In Civil Works Programs*, Engineering Circular (EC) 1165-2-211, U.S. Army Corps of Engineers, 2009.

WMP for Richardson Bay will be to integrate community flood protection needs with opportunities for creek and water quality enhancements.<sup>13</sup>

The benefits intended to accrue from the WMP include:

- Develop cost effective solutions to help reduce flooding
- Protect, enhance, and restore sensitive creek and wetland habitat and water quality
- Identify multi-benefit projects that will improve the ability to compete for state and federal funding
- Identify the impacts of sea level rise and develop project concepts that could be adapted to rising tides
- Evaluate the beneficial re-use of dredged sediment from Coyote Creek and other sediment removal projects for wetland restoration, levee maintenance, and shoreline protection
- Improve efficiency of existing flood maintenance operations

The WMP studies will utilize tailored hydrologic and hydraulic models to better delineate areas that are currently subject to flooding and the associated flood risks. The modeling will also be applied to the evaluation of climate impacts; including the effect of potential increases in short duration rainfall intensities and sea level rise on riverine flooding and local stormwater drainage. A range of climate adaptation strategies may be considered, including:

- Higher, larger levees and floodwalls
- Outboard habitat transition zone levees
- Buffer zones and beaches
- Detention basins
- Raising and floodproofing structures
- More pump stations
- Planned retreat

Based on the above, the WMP will conduct an alternatives analysis to identify cost-effective, technically feasible, multi-benefit projects for the purposes of grant funding and implementation over a 30-100 year planning horizon. This alternatives analysis will include a thorough investigation of climate change and sea level rise issues.<sup>14</sup>

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<sup>13</sup> Marin County Watershed Program website: [http://www.marinwatersheds.org/richardson\\_bay.html](http://www.marinwatersheds.org/richardson_bay.html), accessed April 2013.

<sup>14</sup> *Ibid.*

Similar flooding and stormwater evacuation studies are planned or have been recently initiated for both the Novato Creek and Las Gallinas Creek watersheds.<sup>15</sup>

### **NFIP and FEMA's Response to Sea Level Rise**

Presently, FEMA is not authorized to consider future potential rises in sea level in its preparation of Flood Insurance Studies (FISs) and Flood Insurance Rate Maps (FIRMs), which delineate areas prone to flooding during the “base”, or 100-year flood, referred to as Special Flood Hazard Areas (SFHAs). SFHAs are identified on FIRMs and, depending on the level of detail of hydraulic analysis/modeling, are assigned zonal descriptions in accordance with the modeled flooding characteristics. However, sea level rise is indirectly considered through the National Flood Insurance Program’s (NFIP) voluntary Community Rating System (CRS) program. The CRS consists of member communities that regulate development activity in order to discourage floodprone development and improve flood protection. For member communities, the CRS gives discounts on flood insurance rates through credits for additional freeboard and coastal erosion-based setbacks. Freeboard criteria could include regulatory provisions that establish additional grade clearance for structures built within established SFHAs, including tidal flooding zones. Marin County is not currently enrolled as a member community in the CRS but has sent a letter to FEMA (April 1, 2013) expressing interest in joining the program.<sup>16</sup>

Other activities of the NFIP that indirectly provide communities with tools for sea level rise planning include publishing of FEMA’s *Coastal Construction Manual* and its consideration of the effects of long-term erosion on insurance rates in “V” Zones, which are SFHAs subject to coastal flooding and significant wave action. “V” Zone flooding characteristics in areas within the nine county Bay Area are currently being restudied as part of FEMA’s California Coastal Analysis and Mapping Project (CCAMP). The updated flood hazard assessment will incorporate the latest (2010) detailed topographic data collected by the California Coastal Mapping Program, and will use regional-scale storm surge and wave models of San Francisco Bay. Concurrently, the USACE is conducting its own coastal flooding analyses for San Francisco Bay.<sup>17</sup>

In 2012, Congress passed the Biggert-Waters Flood Insurance Reform Act which, in addition to reauthorizing the National Flood Insurance Program for five years, included a provision establishing a Technical Mapping Advisory Council (TMAC). The TMAC is charged with developing recommendations that “incorporate the best available climate science to assess flood risks”, and determine how FEMA can best “consider the impact of the rise in the sea level”.<sup>18</sup> Implementation of

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<sup>15</sup> Marin County Watershed Program website: <http://www.marinwatersheds.org/> and Clearwater Hydrology personal communication with Roger Levanthal, P.E., Marin County DPW, April 2013.

<sup>16</sup> *Impact of Climate Change on the NFIP*, FEMA presentation to a meeting of the Coastal Engineering Research Board, USACE Coastal Hydraulics Lab/ERDC, Vicksburg, MS. June 22, 2010, available at: <http://chl.erd.c.usace.army.mil/dirs/events/319/08%2087th%20CERB%20Crowell.pdf>, accessed April 2013.

<sup>17</sup> San Francisco Bay Area Coastal Study - California Coastal Analysis and Mapping Project, FEMA digital brochure, Sept. 2012, available at: [http://www.r9map.org/Documents/120904\\_FEMA-Brochure\\_SFBayArea\\_web.pdf](http://www.r9map.org/Documents/120904_FEMA-Brochure_SFBayArea_web.pdf), accessed April 2013.

<sup>18</sup> Sea Grant Florida website: <http://www.flseagrant.org/coastalplanning/sea-level-rise-and-climate-change-to-be-considered-in-flood-mapping/>, accessed April 2013.

this law and its provision regarding the objectives of the TMAC will in the near future allow FEMA to incorporate predictions of future sea level rise into its flooding risk assessments.

Floodways, where defined by the Flood Insurance Studies (FISs), comprise that portion of a channel and its floodplain that must be kept free of obstruction in order to convey the 100-year flood discharge without raising local flood water surface elevations by more than 1.0 foot. Section 22.14.070 of the County's Title 22 Development Code prohibits floodway (Primary Floodway District F-1) encroachment that would increase flood elevations or otherwise impede floodwaters. Development within the adjoining floodway fringe (i.e. the area between the SFHA boundary and the dedicated floodway) is allowed only through an agreement with MCFCWCD and is subject to certain limitations, dedication of F-1 areas to the County or maintaining public agency, and implementation of drainage improvements to accommodate floodwater ponding.

Based on the above, the 2012 Draft Housing Element Hydrology, Water Quality and Flooding Hazard Mitigation Measures on page 184 of the Draft SEIR are revised as follows:

### **2012 DRAFT HOUSING ELEMENT MITIGATION MEASURES**

Through environmental review of the 2012 Draft Housing Element ~~five~~three new mitigation measures have been identified to reduce hydrology, water quality, and flooding hazards. They are:

~~**New Mitigation Measure Hydrology, Water Quality and Flooding Hazard-1** The County shall obtain BCDC's GIS files for Marin County tidal inundation mapping for both the mid-century (2050) and end-of-century (2099) projected sea level rise scenarios and develop GIS layers that can be viewed through the MarinMaps web portal. If the available map data from BCDC and USGS are of insufficient resolution to inform planning efforts, the County shall prepare its own mapping based on the predicted tidal elevations and enhanced topographic data. For applications to build new housing units, the location of the proposed housing site shall be compared to this information to determine the suitability of the site for residential use and the need for design measures or other measures to reduce flooding risks. Implement Mitigation Measure Hydrology, Water Quality and Flooding Hazard 2, if applicable,~~

~~**New Mitigation Measure Hydrology, Water Quality and Flooding Hazard-2** On housing sites for which refined inundation mapping verifies that the site's location is within a 2050 tidal inundation zone, building pads shall be raised to a level that results in finished floor elevations one foot higher than a combination of the projected inundation elevation plus an estimate of wave runup given the particular weather (i.e., wind patterns and velocities) and hydraulic conditions at each site.~~

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H.R. 4348: the Moving Ahead for Progress in the 21<sup>st</sup> Century Act, Title II- A Flood Insurance Reform and Modernization, Sec. 100215 Technical Mapping Advisory Council and Sec. 100216. National Flood Mapping Program. Under a subsection of Sec. 100215, the legislation instructs the TMAC to "consult with scientists and technical experts, other Federal agencies, States, and local communities to- (A) develop recommendations to- (i) ensure that flood insurance rate maps incorporated the best available science to assess flood risks; and (ii) ensure that the Federal Emergency Management Agency uses the best available methodology to consider the impact of - (I) the rise in the sea level; and (II) future development on flood risk; and (B) not later than 1 year after the date of enactment of this Act, prepare written recommendations in a future conditions risk assessment and modeling report and to submit such recommendations to the Administrator (i.e. FEMA)." And "(2) Responsibility of the Administrator- The Administrator, as part of the ongoing program to review and update National Flood Insurance Program rate maps under section 100216, shall incorporate any future risk assessment submitted under paragraph (1)(B) in any such revision or update."

~~**New Mitigation Measure Hydrology, Water Quality and Flooding Hazard-3** The County shall coordinate with the Federal Emergency Management Agency to incorporate current projections of mid-century sea level rise and potential changes to precipitation characteristics associated with climate change into future flood insurance studies and the Flood Insurance Rate Maps for Marin County and Incorporated Area as new information is developed by the USACE and other federal agencies (e.g. NOAA) involved in climate change monitoring and adaptation.~~

~~**New Mitigation Measure Hydrology, Water Quality and Flooding Hazard-4** The County shall adopt the regional policies addressing adaptation to predicted sea level rise recently adopted by BCDC as part of its San Francisco Bay Plan and coordinate with other Bay Area counties and regional planning agencies in developing appropriate changes to development codes and flood protection strategies.~~

~~**New Mitigation Measure Hydrology, Water Quality and Flooding Hazard-1** Revise Countywide Plan Program EH-3.k (Anticipate Sea Level Rise) as follows:~~

~~**EH-3.k Anticipate Climate Change Impacts, including Sea Level Rise.** Recent predictions of sea level rise for the San Francisco Bay region by BCDC and USGS based on climate models and hydrodynamic modeling of the San Francisco Bay Estuary indicate 16 inches of rise by mid-century and 55 inches by 2100. WorkCooperate with the U.S. Geological Survey, the San Francisco Bay Conservation and Development Commission, the California Landscape Cooperative's Climate Commons project and other monitoring agencies to track bay and ocean levels and share baseline topographic and resource data obtained by the County in implementing its own projects to enhance hydrodynamic and ecosystem modeling efforts and assessment of regional climate change impacts. Use official estimates for mean sea level rise and topographic data for environmental review. Environmental review for development applications and County infrastructure should incorporate official mid-century sea level rise estimates, and require adaptive strategies for end-of-century sea level rise for any such project with expected lifetimes beyond 2050; 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.~~

~~**New Mitigation Measure Hydrology, Water Quality and Flooding Hazard-2** Revise Countywide Plan Program EH-3.n (Plan for Sea Level Rise) as follows:~~

~~**EH-3.n Plan for Climate Change Impacts, including 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. Apply for membership in the National Flood Insurance Program's (NFIP) Community Rating System (CRS), and as appropriate through revisions to the Marin County Code, obtain reductions in flood insurance rates offered by the NFIP to community residents. Cooperate with FEMA in its efforts to comply with recent congressional mandates to incorporate predictions of sea level rise into its Flood Insurance Studies and FIRM. For development of watershed management plans and flood control infrastructure consider official mid-century and end-of-century sea level rise estimates in hydraulic/hydrodynamic modeling, as well as climate adaptation strategies, including: avoidance/planned retreat, enhance levees, setback levees to accommodate habitat transition~~

zones, buffer zones and beaches, expanded tidal prisms for enhanced natural scouring of channel sediments, raising and floodproofing structure, provision for additional floodwater pumping stations, and inland detention basin to reduce riverine peak discharges. Participate in the Bay Area Climate & Energy Resilience Project and its March 2013 Proposed 12-Month Action Plan, developed by the Bay Area Joint Policy Committee of the Association of Bay Area Governments. Revise the Marin County Hydrology manual to, at a minimum, incorporate use of updated rainfall frequency data from NOAA's Atlas 14 Volume 6, Vers. 2.1 California (rev. 2012).

***New Mitigation Measure Hydrology, Water Quality and Flooding Hazard-5-3*** The County shall adopt and implement a new *Countywide Plan* policy that addresses new development in mapped dam failure inundation areas that is substantially similar to the following:

***Policy EH-(new)***~~Incorporate~~Consider flood inundation resulting from upstream dam failures when assessing flood hazards for ~~new development and redevelopment projects~~environmental review and implementing associated programs within the County.

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## **Master Response 2 – Dixie School District**

The following response addresses issues raised in comments regarding the impact development of proposed housing sites within the boundary of the Dixie School District would have on the District's facilities and educational resources.

Dixie School District was founded in 1864 and serves the northern San Rafael communities of Terra Linda, Marinwood, and Lucas Valley and a portion of Contempo Marin.<sup>19</sup> The Dixie School District consist of three elementary schools serving children in grades kindergarten through fifth grade and one middle school serving children in grades sixth through eighth as follows:

- Dixie School located at 1175 Idylberry Road in the Lucas Valley area of San Rafael (grades K through 5).
- Vallecito School located at 50 Nova Albion Way in the Terra Linda area of San Rafael (grades K through 5).
- Mary E. Silveira School located at 375 Blackstone Drive in the Marinwood area of San Rafael (grades K though 5).
- Miller Creek Middle School located at 2255 Las Gallinas Avenue in the Lucas Valley area of San Rafael (grades 6 though 8).

The Dixie School District is within the San Rafael High School District, and most graduates of Miller Creek Middle School attend Terra Linda High School.<sup>20</sup> Enrollment in the Dixie Elementary School District from 1996-97 to 2012-13 is shown in **Exhibit 5.0-1**

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<sup>19</sup> Dixie School District website: *About Us*, [http://www.dixieschooldistrict.org/about\\_us.htm](http://www.dixieschooldistrict.org/about_us.htm), accessed March 2013.

<sup>20</sup> *Ibid.*

**Exhibit 5.0-1  
 Dixie Elementary School District Enrollment**

<b>School Year</b>	<b>Total District Enrollment</b>	<b>Change in Enrollment</b>
1996-97	1,892	--
1997-98	1,914	+22
1998-99	1,960	+46
1999-00	1,890	-70
2000-01	1,874	-16
2001-02	1,831	-43
2002-03	1,855	+24
2003-04	1,817	-38
2004-05	1,768	-49
2005-06	1,783	+15
2006-07	1,733	-50
2007-08	1,749	-16
2008-09	1,785	+36
2009-10	1,799	+14
2010-11	1,792	-7
2011-12	1,793	+1
2012-13	1,863	+70

Source: California Department of Education, DataQuest March 2013.

As seen in **Exhibit 5.0-1** enrollment at the Dixie School District has been steady with slight decline generally from school years 1999/2000 through 2011/2012, and experienced an increase of 70 students for the 2012/2013 school year. <sup>21</sup>Currently Mary E. Silveira Elementary is operating at enrollment capacity. <sup>22</sup> Availability of open classrooms at other schools in the District is low. <sup>23</sup>

Total district enrollment in each of the four schools is shown in **Exhibit 5.0-2**.

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<sup>21</sup> California Department of Education DataQuest website: <http://data1.cde.ca.gov/dataquest/>, accessed March 2013.

<sup>22</sup> Nichols • Berman personal communication with Dr. Thomas J. Lohwasser, Superintendent at the Dixie Elementary School District, March, 2013.

<sup>23</sup> *Ibid.*

**Exhibit 5.0-2**  
**Dixie Elementary School District and School Enrollment by Year 2004 through 2013**

<b>Schools</b>	<b>04/05</b>	<b>05/06</b>	<b>06/07</b>	<b>07/08<sup>a</sup></b>	<b>08/09<sup>a</sup></b>	<b>09/10<sup>a</sup></b>	<b>10/11<sup>a</sup></b>	<b>11/12<sup>a</sup></b>	<b>12/13</b>
Dixie Elementary	374	378	389	397	408	400	370	368	385
Mary E. Silveira	365	386	359	370	395	381	395	407	436
Miller Creek Middle	662	668	635	604	594	613	630	612	608
Vallecito Elementary	367	351	350	376	386	401	394	404	434
District Total	1,768	1,783	1,733	1,749	1,785	1,799	1,792	1,793	1,863

a: Total district enrollment for school years 2007-2008 through 2011-2012 include a small number of students noted in DataQuest as attending District non-public, non-sectarian schools.

Source: California Department of Education, DataQuest March 2013.

The 2012 Draft Marin County Housing Element includes six housing sites located within the boundary of the Dixie Elementary School District. Both Marinwood Plaza (Housing Site 1) and St. Vincent’s /Silveira (Housing Site 5) are identified in the *Countywide Plan* as properties suitable for the development of affordable housing (**Exhibit 2.0-15**). Four of the housing sites are being evaluated as Affordable Housing Combined District Sites (**Exhibit 2.0-16**). These include St. Vincent’s / Silveira (Housing Site 5) and Grady Ranch (Housing Site 16) in the 2007 – 2014 planning period, and Los Ranchitos (Housing Site 35) and Rotary Field (Housing Site 37) in the 2014 – 2022 planning period.

With regard to estimating increased student enrollment that would be generated by new residential development, there is no standard formula. BRIDGE Housing Corporation is proposing to develop Marinwood Village (Housing Site 1). According to the BRIDGE Housing website for Marinwood Village, the California Department of Education estimates the number of grade K through 12 students associated with new residential development by using a factor of 0.9 students per new housing unit to estimate future growth.<sup>24</sup> Using the factor of 0.9 students per housing unit estimates for the number of new students that could be generated by proposed housing sites located in the Dixie School District area are provided in **Exhibit 5.0-3**. The Dixie School District believes that the number of children residing in affordable housing would be higher than BRIDGE Housing’s estimates, and is currently researching this issue independently.<sup>25</sup> BRIDGE Housing operates six family rental properties in Marin County that total 145 units. BRIDGE’s accounting of school aged children (children ages 6 to 17) living in the 145 units totals 117, approximately 0.8 students per housing unit.<sup>26</sup> A further

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<sup>24</sup> BRIDGE Housing’s Marinwood Village website: [marinwoodvillage.com](http://marinwoodvillage.com), accessed March 2013.

<sup>25</sup> Nichols • Berman personal communication with Dr. Thomas J. Lohwasser, Superintendent at the Dixie Elementary School District, April 2013.

<sup>26</sup> BRIDGE Housing’s Marinwood Village website, op. cit.

demographic breakdown indicates that 60 percent of these children are in the elementary school age range and 40 percent are in the middle to high school age range. <sup>27</sup>

If family housing were developed on all six housing element sites in the Dixie School District, estimates for student enrollment increases within the Dixie School District, using BRIDGE Housing’s demographic breakdown, could be as follows: 389 elementary school students and 260 middle school/high school students.

**Exhibit 5.0-3**  
**Housing Units in Dixie School District and Estimated Student Generation**

<b>Site Name and Address</b>	<b>Housing Element Realistic Unit Capacity</b>		<b>Estimated Student Generation <sup>a</sup></b>	
	<b>ELI, VL, Low</b>	<b>Moderate, Above Moderate</b>	<b>Elementary School</b>	<b>Middle and High School</b>
1. Marinwood Plaza 100 Marinwood Drive	85	0	46	31
5. St. Vincent’s / Silveira St. Vincents Drive /Silveira Parkway	100	121	120	79
16. Grady Ranch Lucas Valley Road	240	0	130	86
35. Los Ranchitos	30	0	16	11
36. Big Rock Deli and Creekside Offices	0	84	45	31
37. Rotary Field 16 Jeanette Prandi Way	60	0	32	22
<b>Total potential</b>	<b>515 (units)</b>	<b>205 (units)</b>	<b>389 (students)</b>	<b>260 (students)</b>

a. Estimates rounded up to whole number.

The Dixie School District believes that construction of a new school would be necessary to accommodate growth that could result from development of Housing Sites proposed in the *2012 Draft Housing Element*. <sup>28</sup> It is also believed that residential development of the Grady Ranch site would necessitate construction of a new school in the Dixie Elementary School District, primarily because of

<sup>27</sup> *Ibid.*

<sup>28</sup> Nichols • Berman personal communication with Dr. Thomas J. Lohwasser, Superintendent at the Dixie Elementary School District, March 2013.

the sites location in relation to existing schools with limited capacity.<sup>29</sup> The Dixie Elementary School District has investigated the potential of a new school site at the St. Vincent's property.<sup>30</sup>

The SEIR acknowledges that school enrollment continues to rise, and states on page 228 of the Draft SEIR "implementation of the *Countywide Plan* would increase demand for public school services beyond the existing public school capacity, resulting in the need for new facilities." The 2007 *Countywide Plan EIR*, addresses impacts resulting from increased demand for Public Education Services (Impact 4.10-12[*Demand for Public Education Services*]). As noted in the 2007 *Countywide Plan EIR* continued implementation of the *Countywide Plan* would generate a demand for school services beyond the existing public school capacity and would result in the need for additional facilities, the construction of which could cause adverse affects to the environment. The *Countywide Plan* contains policies that would substantially reduce construction related impacts. Therefore, Impact 4.10-12 was identified as a less-than-significant impact. These policies are discussed on page 223 of the Draft SEIR.

However, the Leroy F. Greene School Facilities Act of 1998 ("SB 50") preempts local jurisdictions from devising their own requirements to mitigate or otherwise address impacts of new development on school facilities. If a developer agrees to pay the fees established by SB 50, the impacts on school facilities may not be analyzed under the California Environmental Quality Act ("CEQA"), no mitigation for impacts on school facilities may be required, and the project may not be denied due to impacts on schools or due to the inadequacy of school facilities. For example, the Dixie School District levies a fee of \$2.06 per square foot of new residential development. The fees are to be used for modernization, construction, and/or expansion of the District's school sites. Under State law the payment of SB 50 fees constitutes adequate mitigation of school facility impacts. Thus, local jurisdictions are highly unlikely to find any permissible reason to reject an application because of its impacts on school facilities. However, other potential impacts related to school facilities preempted by SB 50 such as traffic congestion or construction noise may be analyzed under CEQA.

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<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*

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### **Master Response 3 – Environmental Review of Housing Projects**

The following response addresses the relationship of this SEIR to evaluation of future individual housing sites.

The proposed project evaluated in this SEIR is the *2012 Draft Housing Element* of the *Marin Countywide Plan (Countywide Plan)*. This SEIR evaluates proposed changes in the Housing Element since certification of the *2007 Countywide Plan EIR* and approval of the *2007 Countywide Plan* (including the current Housing Element, which was incorporated into the *Countywide Plan* and adopted by the Board of Supervisors in November 2007) (see page 2 of the Draft SEIR). The *2007 Countywide Plan EIR* evaluated a range of total housing units that could be built in the unincorporated area of Marin County under the various *Countywide Plan* policies that encourage housing (see page 9 of the Draft SEIR). Like the *2007 Countywide Plan EIR*, this SEIR is a program EIR prepared pursuant to *State CEQA Guidelines* section 15168(a)(3) (as discussed on page 4 of the Draft SEIR a program EIR is appropriate for rules, regulations, plans, and other general criteria to govern the conduct of continuing programs).

The potential for development of housing on 49 sites in the 2007-2014 and 2014-2022 Housing Element time frames, are analyzed in every resource category and in the cumulative context. The SEIR discloses new or substantially more severe significant impacts in the following three resource areas: Air Quality; Hydrology, Water Quality and Flooding Hazard; and Noise. As described on pages 41 to 44 of the Draft SEIR and in *Master Response 1 – Sea Level Rise*, five new mitigation measures and one revised mitigation measure have been identified, which would reduce the new or substantially more severe significant impacts to a less-than-significant level. When development projects are proposed for the identified housing sites, site-specific review based on the project applications will determine the form of additional environmental review required.

While the SEIR provides an in-depth program-level review of the proposed housing sites, each individual housing site will separately and subsequently receive additional review if and when individual development applications are received by Marin County. This SEIR will help facilitate future, tiered environmental review, as appropriate, because it provides program level information and data about each housing site, which identifies potentially significant environmental impacts and associated mitigation measures that may be used in analyzing future site-specific development projects. This approach should not reduce the ability of citizens to participate in the County review process for individual housing sites.

It is acknowledged that any future environmental review would be subject to the CEQA requirements applicable at that time, which may have been amended to address new environmental data, changes to regulatory settings, judicial decisions, and other information used to evaluate environmental change, mitigating factors, and impact thresholds.

## **5.4 RESPONSES TO COMMENTS**

All comments, letters 1 through 63 submitted to Marin County on the Draft SEIR, are presented in the following pages. The original letters are reproduced and comments are numbered for referencing with responses. Some responses refer readers to other comments or responses in this section or to the pages in the Draft SEIR where specific topics are discussed.



Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Ken Alex  
Director

## Memorandum

**Date:** January 30, 2013  
**To:** All Reviewing Agencies  
**From:** Scott Morgan, Director  
**Re:** SCH # 2012072028  
2012 Draft Marin County Housing Element

---

The State Clearinghouse forwarded the above-mentioned project to your agency for review on January 22, 2013 with incorrect review dates. Please make note of the following information for your files:

Review period began: **December 20, 2012**

Review period ends - Extended: **February 19, 2013**

We apologize for any inconvenience this may have caused, please disregard the NOC received on January 22, 2013 with *incorrect* review dates. All other project information remains the same.

cc: **Rachel Warner**  
Marin County Community Development Agency  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903

**Notice of Completion & Environmental Document Transmittal**

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613  
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #2012072028

Project Title: 2012 Draft Marin County Housing Element  
 Lead Agency: Marin County Community Development Agency Contact Person: Rachel Warner, Env. Planning Mgr  
 Mailing Address: 3501 Civic Center Drive, Suite 308 Phone: (415) 473-6269  
 City: San Rafael Zip: 94903 County: Marin

Project Location: County: Marin City/Nearest Community: County-wide  
 Cross Streets: NA Zip Code: NA  
 Longitude/Latitude (degrees, minutes and seconds): " ' " N / " ' " W Total Acres:  
 Assessor's Parcel No.: Section: Twp.: Range: Base:  
 Within 2 Miles: State Hwy #: Waterways:  
 Airports: Railways: Schools:

Document Type:  
 CEQA:  NOP  Draft EIR NEPA:  NOI Other:  Joint Document  
 Early Cons  Supplement/Subsequent EIR  EA  Final Document  
 Neg Dec (Prior SCH No.) 2004022076  Draft EIS Other:  
 Mit Neg Dec Other:

Local Action Type:  
 General Plan Update  Specific Plan  Rezone  Annexation  
 General Plan Amendment  Master Plan  Prezone  Redevelopment  
 General Plan Element  Planned Unit Development  Use Permit  Coastal Permit  
 Community Plan  Site Plan  Land Division (Subdivision, etc.)  Other:

Development Type:  
 Residential: Units \_\_\_\_\_ Acres \_\_\_\_\_  
 Office: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  
 Commercial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  
 Industrial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  
 Educational: \_\_\_\_\_  
 Recreational: \_\_\_\_\_  
 Water Facilities: Type \_\_\_\_\_ MGD  
 Transportation: Type \_\_\_\_\_  
 Mining: Mineral \_\_\_\_\_  
 Power: Type \_\_\_\_\_  
 Waste Treatment: Type \_\_\_\_\_ MGD  
 Hazardous Waste: Type \_\_\_\_\_  
 Other: \_\_\_\_\_

RECEIVED  
 DEC 20 2012  
 STATE CLEARING HOUSE

Project Issues Discussed in Document:  
 Aesthetic/Visual  Fiscal  Recreation/Parks  Vegetation  
 Agricultural Land  Flood Plain/Flooding  Schools/Universities  Water Quality  
 Air Quality  Forest Land/Fire Hazard  Septic Systems  Water Supply/Groundwater  
 Archeological/Historical  Geologic/Seismic  Sewer Capacity  Wetland/Riparian  
 Biological Resources  Minerals  Soil Erosion/Compaction/Grading  Growth Inducement  
 Coastal Zone  Noise  Solid Waste  Land Use  
 Drainage/Absorption  Population/Housing Balance  Toxic/Hazardous  Cumulative Effects  
 Economic/Jobs  Public Services/Facilities  Traffic/Circulation  Other:

Present Land Use/Zoning/General Plan Designation:

Project Description: (please use a separate page if necessary)  
 The 2012 Draft Housing Element is an update of the County's State-certified Housing Element that was adopted initially in November 1991, readopted with the Countywide Plan Update in January 1994, updated in June 2003, and then readopted with the Countywide Plan Update in November 2007. The 2012 Draft Housing Element addresses the requirements of California Government Code 65583, for the planning period from 2007 to 2014. The 2012 Draft Housing Element consists of several main sections, each of which addresses a major subject area, including a review of constraints on housing development, an inventory of potential housing sites, and a set of policies and programs to support housing at all income levels.

State Clearinghouse Contact: (916) 445-0613  
 State Review Began: 12-20-2012  
 SCH COMPLIANCE: 2-19-2013  
 Note: Extended Review  
 Please note State Clearinghouse Number (SCH#) on all Comments  
 SCH#: 2012072028  
 Please forward late comments directly to the Lead Agency  
 AQMD/APCD 2  
 (Resources: 12, 22)

Project Sent to the following State Agencies

<input checked="" type="checkbox"/> Resources	State/Consumer Svcs
<input type="checkbox"/> Boating & Waterways	General Services
<input checked="" type="checkbox"/> Coastal Comm	Cal EPA
<input type="checkbox"/> Colorado Rvr Bd	ARB: Airport/Energy Projects
<input checked="" type="checkbox"/> Conservation	ARB: Transportation Projects
<input checked="" type="checkbox"/> Fish & Game # 3	ARB: Major Industrial Projects
<input type="checkbox"/> Delta Protection Comm	SWRCB: Div. Financial Assist.
<input type="checkbox"/> Cal Fire	SWRCB: Wtr Quality
<input checked="" type="checkbox"/> Historic Preservation	SWRCB: Wtr Rights
<input checked="" type="checkbox"/> Parks & Rec	Reg. WQCB # 2
<input type="checkbox"/> Central Valley Flood Prot.	<input checked="" type="checkbox"/> Toxic Sub Ctrl-CTC
<input checked="" type="checkbox"/> Bay Cons & Dev Comm.	Yth/Adlt Corrections
<input type="checkbox"/> DWR	Corrections
<input checked="" type="checkbox"/> Cal EMA	
<input type="checkbox"/> Resources, Recycling and Recovery	
Bus Transp Hous	Independent Comm
<input type="checkbox"/> Aeronautics	Energy Commission
<input type="checkbox"/> CHP	<input checked="" type="checkbox"/> NAHC
<input checked="" type="checkbox"/> Caltrans # 4	Public Utilities Comm
<input type="checkbox"/> Trans Planning	State Lands Comm
<input checked="" type="checkbox"/> Housing & Com Dev	Tahoe Rgl Plan Agency
<input type="checkbox"/> Food & Agriculture	
<input type="checkbox"/> Public Health	
	Conservancy
	Other:



Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Ken Alex  
Director

January 22, 2013

JAN 24 2013 PM 2:14 Planning

Rachel Warner  
Marin County Comm. Development Agency  
3501 Civic Center Drive, Room 308  
San Rafael, CA 94903

Subject: 2012 Draft Marin County Housing Element  
SCH#: 2012072028

Dear Rachel Warner:

1

The State Clearinghouse submitted the above named Subsequent EIR to selected state agencies for review. The review period closed on January 18, 2013, 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.

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,

Scott Morgan  
Director, State Clearinghouse

**Document Details Report**  
**State Clearinghouse Data Base**

**SCH#** 2012072028  
**Project Title** 2012 Draft Marin County Housing Element  
**Lead Agency** Marin County

---

**Type** SBE Subsequent EIR

**Description** The 2012 Draft Housing Element is an update of the County's' State-certified Housing Element that was adopted initially in November 1991, readopted with the Countywide Plan Update in January 1994, updated in June 2003, and then readopted with the Countywide Plan Update in November 2007. The 2012 Draft Housing Element addresses the requirements of California Government Code 65583, for the planning period from 2007 to 2014. The 2012 Draft Housing element consist of several main sections, each of which addresses a major subject area, including a review of constraints on housing development, an inventory of potential housing sites, and a set of policies and programs to support housing at all income levels.

---

**Lead Agency Contact**

**Name** Rachel Warner  
**Agency** Marin County Comm. Development Agency  
**Phone** (415) 499-6269 **Fax**  
**email**  
**Address** 3501 Civic Center Drive, Room 308  
**City** San Rafael **State** CA **Zip** 94903

---

**Project Location**

**County** Marin  
**City**  
**Region**  
**Lat / Long**  
**Cross Streets** Countywide  
**Parcel No.**  

<b>Township</b>	<b>Range</b>	<b>Section</b>	<b>Base</b>
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**Proximity to:**

**Highways**  
**Airports**  
**Railways**  
**Waterways**  
**Schools**  
**Land Use**

---

**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Drainage/Absorption; Economics/Jobs; Fiscal Impacts; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

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**Reviewing Agencies** Resources Agency; California Coastal Commission; Department of Conservation; Department of Fish and Wildlife, Region 3; Office of Historic Preservation; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Office of Emergency Management Agency, California; Caltrans, District 4; Department of Housing and Community Development; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission

**RESPONSE TO LETTER NO. 1 - SCOTT MORGAN, DIRECTOR, STATE CLEARINGHOUSE,  
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH (JANUARY 22, 2013)**

***Response to Comment 1-1***

Comment noted. No additional response required.

**Sustainable TamAlmonte**  
215 Julia Avenue  
Mill Valley, CA 94941

January 14, 2013

Marin County Planning Commission  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903  
Re: Housing Element Draft Supplement to the 2007 CWP EIR (DSEIR)

Dear Marin County Planning Commission,

#

Sustainable TamAlmonte has begun to review the Housing Element Draft Supplement to the 2007 Countywide Plan Environmental Impact Report (DSEIR). We have some significant concerns.

1

First, because the County released the DSEIR just before the holidays and limited the comment period to the minimum amount required by law, we are scrambling to review and analyze a tremendous amount of information. To give the public a fair opportunity to participate in this process, the County should extend the comment period. We request a minimum of a 30-day extension.

2

Second, we are very concerned about the public health and safety impacts from the development of high density housing in Tam Valley and Almonte. Our community already suffers from terrible traffic and associated air quality impacts, flooding and overcrowded schools. These problems will be greatly exacerbated by the development of high-density housing. Our initial review of the DSEIR shows that the County has not adequately analyzed or mitigated these issues. The DSEIR provides only cursory information on cumulative impacts and gives no alternatives to the County's proposal.

Although our review of the DSEIR is not complete, it is clear that the County has not complied with the California Environmental Quality Act. We urge the County to do so and to listen to the communities who will endure the increased traffic and flooding, diminished air quality, and other health and safety impacts caused by the County's proposal.

3

In conclusion, we will be submitting a Comment Letter regarding the Housing Element DSEIR and urge you to extend the public comment period for a minimum of 30 additional days, so that our review, analysis and comments can be as thorough and as accurate as possible.

Thank you for your conscientious consideration.

Very truly yours,

Sharon Rushton, Chairperson,  
Sustainable TamAlmonte

Cc: Brian Crawford  
Cc: Rachel Warner

**RESPONSE TO LETTER NO. 2 - SUSTAINABLE TAMALMONTE, SHARON RUSHTON (JANUARY 14, 2013)**

**Response to Comment 2-1**

The Draft SEIR was distributed on December 20, 2012. Distribution of the Draft SEIR began a 45-day public review and comment period on the adequacy of the Draft SEIR which was to conclude on February 4, 2013. In response to this comment, and several others received by Marin County, which requested more time to comment the Draft SEIR comment period deadline was extended to February 19, 2013.

**Response to Comment 2-2**

As discussed in Section 1.0 Introduction of the Draft SEIR Marin County determined that a supplement to the *2007 Countywide Plan EIR* is warranted. As discussed in *State CEQA Guidelines* Section 15163(b) a supplement to an EIR need contain only the information necessary to make the previous EIR adequate for the project as revised. Therefore it was not necessary to revise the cumulative analysis or the alternatives discussion of the *2007 Countywide Plan EIR*.

**Response to Comment 2-3**

Please see Response to Comment 2-1.

**SUSTAINABLE TAMALMONTE  
215 JULIA AVENUE  
MILL VALLEY, CA 94941**

February 5, 2013

Marin County Planning Commission  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903

Re: Merits of the 2012 Draft Marin County Housing Element's Tam Junction Affordable Housing Opportunity Sites (to be discussed at the February 11, 2013 Planning Commission Public Hearing):

- Site #4: Old Chevron Station, 204 Flamingo Rd, Tam Junction
- Site #9: Manzanita Mixed Use, 150 Shoreline Hwy, Tam Junction
- Site #14: Armstrong Nursery, 217 & 221 Shoreline Ave., Tam Junction
- Site #18: Around Manzanita (150 Shoreline Ave.), Tam Junction
- Site #19: Tam Junction Retail, 237 Shoreline Ave. etc., Tam Junction

Dear Marin County Planning Commission,

Please be aware that Rachael Koss, an attorney with the law firm of Adams, Broadwell, Joseph & Cardozo will be submitting a comment letter, including evaluations by various technical experts, on the sufficiency of the 2012 Draft Marin County Housing Element's DSEIR on behalf of Sustainable TamAlmonte. We expect this letter to be very informative, particularly regarding the proposed Tam Junction Affordable Housing Opportunity Sites. We understand you may soon be making decisions as to which sites to keep and which to remove from the Housing Element Available Land Inventory. As addressed below, we urge you to eliminate the Tam Junctions sites from the inventory promptly. However, if you are considering keeping a Tam Junction site on the inventory list, then we request that you wait to make such a decision until you read Ms. Koss' comment letter.

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In the mean time, the Sustainable TamAlmonte Executive Committee has the following comments and recommendations regarding the merits of the above referenced 2012 Draft Marin County Housing Element's Tam Junction Affordable Housing Opportunity Sites:

Due to the unique characteristics of the area, encouraging residential development, especially high-density development, at the above referenced Tam Junction Affordable Housing Opportunity Sites would increase the risk of undue harm to the environment and undue hardship, illness, injury and/or death to the current and future residents.

The Tam Valley and Almonte lowlands, in which the Tam Junction sites are located, experience the most number of environmental constraints and hazards of any area in Unincorporated Marin. Both the Marin Countywide Plan's EIR and the Housing Element's DSEIR demonstrate that development at the Tam Junction sites would exacerbate the existing dangerous conditions and add new significant adverse

environmental impacts. The extraordinarily high number of these hazards and adverse impacts magnifies the probability that a tragedy would ensue and the multiple mitigations that a developer would need to fulfill would cause development costs to soar. These factors make the sites unsuitable for affordable housing. The only acceptable course of action is to eliminate the Tam Junction Affordable Housing Opportunity Sites from the 2012 Draft Housing Element's Available Land Inventory.

Below is a list of the unique natural features, hazards, and limited resources in the Tam Valley and Almonte lowlands that constrain development and population growth and substantiate our argument. For a quick overview of these constraints, please view the attached table entitled; "Table A: Environmental Constraints & Hazards at the Tam Junction Affordable Housing Opportunity Sites".

**Dangerous Traffic with Unacceptable Level Of Service "LOS" Of Local Roadways:**

The roads leading to the aforementioned Affordable Housing Opportunity Sites are drowning in traffic congestion. The level of service (LOS "F") on Highway 1 is unacceptable and unavoidable, as demonstrated in both the Marin Countywide Plan's Environmental Impact Report (EIR) and the Housing Element's Draft Supplemental Environmental Impact Report (DSEIR).

In addition to the Unincorporated Districts governed by the Tamalpais Area Community Plan, the City of Mill Valley, Stinson Beach, Muir Beach and Bolinas also use Hwy 1 as their regular commuter route to get to Hwy 101. Over a million tourists a year use Hwy 1 to access Muir Woods and other recreational destinations. As the jurisdictions grow and tourism increases, the additional commuters will further intensify the Tam Junction traffic.

The public transit service is inadequate to serve current local residents, let alone additional future residents. The assumption that low income people will not drive, especially in a poor service area, creates a flawed analysis which underestimates the additional traffic impacts that implementation of the Housing Element will cause.

Tam Junction's unavoidable high traffic volume and the unacceptable LOS present a danger to the current residents. This is especially true during times of emergency egress and ingress. Implementation of the Draft 2012 Housing Element with subsequent residential development at the proposed Tam Junction Affordable Housing Opportunity Sites, would only exacerbate this situation by adding more automobile and pedestrian traffic to the already dangerous area, creating an even greater danger to the current and future residents.

**Flooding, 100 Year Floodplain, Impending Sea Level Rise**

All the Tam Junction Sites are within the 100 Year Floodplain. Flooding is excessive in the Tam Junction/Manzanita area and continues to occur with the tides even in August with no rain. Sea level rise caused by global climate change, which will cause rises in tide elevations of San Francisco and San Pablo Bays, will further increase the risk of flooding in Tam Valley/Almonte and ultimately permanently cover the low lying Tam Valley/Almonte areas with water.

According to the San Francisco Bay Conservation and Development Commission and the Pacific Institute map, the Tam Junction Affordable Housing Opportunity Sites

proposed for development or redevelopment will all likely be under water within 100 years or sooner due to global climate change. (Please see the attached BCDC map.) Because the sea and Bay levels are fundamental in determining whether an area is in the 100-year floodplain, areas that are not currently in the floodplain will likely become part of that floodplain very soon. Moreover, development, including increased density of housing, would cause increased soil compaction, which would in turn further increase the risk of flooding in Tam Valley/Almonte.

Placing housing within a 100-year floodplain and in areas subject to sea level rise is dangerous, results in significant impacts to the environmental and should be prohibited.

### **Filled Marsh Areas With High Seismic Activity, Liquefaction, Subsidence and Mud Displacement**

The Marin Countywide Plan's EIR states, and the Housing Element DSEIR confirms, that implementation of the CWP and the Housing Element would have significant unavoidable project and cumulative impacts [Impact 4.7-2 (Seismic Ground Shaking) & Impact 4.7-3 (Seismic Related Ground Failure)] to persons living in new or redeveloped buildings due to risk of injury or death from severe seismic activity such as a major earthquake. The CWP's EIR and the Housing Element DSEIR then describe the areas in which the danger is greatest, which include Tamalpais Valley and more specifically, the referenced Tam Junction Affordable Housing Opportunity Sites.

The proposed Tam Junction Affordable Housing Opportunity Sites sit on deep bay mud and landfill and are in a high seismic activity zone with very high liquefaction potential. During even moderate seismic activity, the filled land is susceptible to liquefaction, subsidence and mud displacement. Placing housing on these seismically active sites would put the residents at risk of injury or death.

Selecting Affordable Housing Opportunity Sites that are seismically unsafe, such as those in Tam Junction, is in direct conflict with CWP Policy EH-2.1 - that seeks to avoid development in seismically hazardous areas. Moreover, there can be no benefit that would result from implementation of the Draft Housing Element that would override the impact of severe injury or loss of life from building on ground known to be unstable in even a moderate seismic event.

The Tam Junction Affordable Housing Opportunity Sites should be removed from the Housing Element. New Affordable Housing Opportunity Sites should be selected that are underlain with bedrock and that thus do not present a significant impact due to seismic activity.

### **Air Quality & Noise:**

#### **Increased Risk of Residents Developing Serious Illness Due to Living Near Major Roadways:**

Site #9 and Site # 18, both in Manzanita, sit very close to Hwy 101 and all the Tam Junction sites sit along highly congested Hwy 1 with an unacceptable LOS of "F".

It is well documented, in a multitude of major studies (E.g. The California Department of Public Health Studies by Janice Kim MD, MPH; the UCSC study by Gauderman et al.), that residents living in proximity to major roads and freeways are at much greater risk of

developing serious illness (lung impairment, cardiac disease, cancer, and premature miscarriage) due to the cumulative effects of air and noise pollution. The DSEIR states; “Residential development that could occur under the 2012 Draft Housing Element would have the potential to result in new or substantially more severe impacts due to exposures to toxic air contaminants (TACs) along highways and heavily traveled roads.”

Increased Risk of Residents Developing Cancer Due to Living Near Cleaners:

The DSEIR’s Health Risk Screening Analysis (pg. 82, Exhibit 3.0-4) states that Site #4, the Chevron Site, and Site #19, the Tam Junction Retail Site, are subject to “Potentially Significant Cancer Risk” due to their proximity to Shoreline Cleaners at 204 Flamingo Rd.

Moreover, Site # 19, Tam Junction Retail, is in close proximity to a second cleaner, European Dry Cleaning at 237 Shoreline Hwy, which increases the risk of residents’ exposure to cancer causing Toxic Air Contaminants (TACs). Site #14, the Armstrong Nursery, is also in close proximity to European Dry Cleaning and exposed to the same contaminants. (The DSEIR does not mention European Dry Cleaning.)

The mitigations sited in the CWP’s EIR and the Housing Element’s DSEIR fall short of protecting future residents from the above mentioned TACs. Conducting a health risk assessment within 150 feet of a TAC source is considered inadequate by the Bay Area Air Quality Management District (BAAQMD). Moreover, merely conducting a health risk assessment does not constitute adequate mitigation. Likewise, the mitigation of a foliage barrier to protect residents from outside exposure to TACs is insufficient. This lack of adequate outside protection is particularly concerning for future residents who would be young children, who would certainly play outside.

After careful review of various studies, the Health Council Of Marin recommended to the Board of Supervisors that housing should be located at least 500 feet from major roads and freeways. Since the Tam Junction Affordable Housing Opportunity Sites are located within 500 feet of Highway 101, Highway 1 and/or Shoreline Highway, they should be removed from the Available Land Inventory. New Affordable Housing Opportunity Sites should be selected that are more than 500 feet away from a major roadway.

**Hazardous Materials:**

According to the DSEIR (pg.148), the State Water Resources Control Board (SWRCB) data management system (Geotracker) was accessed to evaluate the potential for the proposed housing sites to be situated on or within a zone of contaminated soil or groundwater. As Indicated in Exhibits 3.0-13 and 3.0-14, Site #4, the Old Chevron Site, and Site #19, the Tam Junction Retail Site, may be affected by impacted soil or groundwater based on a review of that database.

Site #4, the Old Chevron Site, was issued a No Further Action (NFA) letter from the Water Board. However, the issuance was predicated on the continued use of commercial or industrial purposes and NOT conversion to residential land use. Residual hydrocarbons are likely in the soil. Conversion to residential land use could result in the Water Board requesting additional site assessment and/ or remediation. (DSEIR pg. 150)

The shallow groundwater at Site #19, Tam Junction Retail, is impacted from the nearby gas station. A past case regarding this is closed, but remnant volatile organic compounds could pose a potential vapor intrusion risk for residential use. Again, conversion to residential land use could result in the Water Board requesting additional site assessment and/or remediation. (DSEIR pg. 155)

In addition, the Manzanita Sites (Site #9 and Site #18) are located on or very near where a Texaco station used to be situated. The DSEIR does not mention the old Texaco station. We suspect that these sites also have historical releases of hazardous materials. Furthermore, if the old Texaco site received an approved remediation, like the Chevron site, it was likely based on the continued use of commercial purposes and NOT conversion to residential land use and additional site assessment and remediation would be required.

In conclusion, due to probable contaminated soil or groundwater, Site #4 (The Old Chevron Site), Site #19 (Tam Junction Retail), Site #9 (Manzanita Mixed-Use) and Site #18 (Around Manzanita) would most likely need additional site assessment and remediation to make them suitable for residential use, which would greatly increase the cost of development at the sites and make them inappropriate for affordable housing.

**Endangered Special Status Species:**

Site #14 (Armstrong Nursery) sits alongside Coyote Creek, which is inhabited by the California Clapper Rail and the Salt Marsh Harvest Mouse, both of which are endangered species. Site #18 (Around Manzanita) butts up against marshland, which is also likely to be inhabited by these endangered species. Development and increased human impact on these sites may reduce the essential habitat of these species or reduce the number of these species.

**Insufficient Services & Public Transit:**

Tam Junction's insufficient services (lack of supermarket, bank, clothing stores, medical facilities, schools, etc.), coupled with inadequate public transit, causes residents to drive outside the area to obtain their daily needs. (E.g. Local Elementary School is so overcrowded that local school children must go to school outside the area.) The future residents of housing located at the Tam Junction Affordable Housing Opportunity Sites would need to do the same. This increase in the number of residents driving outside the area would increase greenhouse gas emissions and toxic air pollutants.

**Analysis and Mapping of Historic Wetlands and Baylands Corridor:**

"Goal Bio-5 Baylands Conservation" in the 2007 Marin Countywide Plan mandates analysis and mapping of historic wetlands in Richardson Bay and the Bothin Marsh area (including all parcels East of Shoreline Hwy) to determine if the parcels should be included in the Baylands Corridor. The Draft Housing Element's Affordable Housing Opportunity Site #9 and Site #18 are located East of Shoreline Hwy. It is expected that once the analysis and mapping are completed that all parcels East of Shoreline Hwy, including Sites #9 & #18, will be added to the Baylands Corridor and will then be subject to Baylands Corridor regulations.

The purpose of the Baylands Corridor is to give greater protections to wetland, including reducing development. Therefore, Sites #9 and #18 would be inappropriate for the high-density development that affordable housing developers typically pursue.

**Historic Marshland That Could Be Restored:**

Site #9 and #18 land are historic marshland. Restoration of these sites, as well as all lands East of Shoreline Highway, back to the marsh has been advocated by Tam Valley and Almonte residents for decades. Such restored wetlands would not only provide critical habitat but would also serve to protect residents from the surge of increased flooding and future sea level rise.

Were increased development allowed on these sites, any chance of restoring them back to marshland would be significantly impaired. Land values would increase, making it more difficult to fund the purchase of the land for restoration. Also, development may cause irreversible impacts to the marsh and preclude its restoration.

Better yet, the Tam Junction Affordable Housing Opportunity Sites #9 & #18 should be removed from the Housing Element. New Affordable Housing Opportunity Sites should be selected that are not located on former marshland and therefore do not have the chance of being restored back to marshland.

**MMWD's Finite Water Supply**

We are conserving water, however, we must still live within the limits of our finite watershed. In regard to availability of water for the proposed development on the Tam Junction Affordable Housing Opportunity Sites, an unlimited water supply cannot be assumed, as the current supply is dependent on enforcement of the Countywide Plan's stipulation of "No net water increase".

Figure III-1: Water Capacity for New Development states the following regarding MMWD; "Current water sources are sufficient for the development of the units proposed in the **Site Inventory**. Additionally, the district is pursuing alternative water sources (desalination) and measures such as conservation, and will continue to allow new development."

It is shortsighted and perilous to increase the number of potential units allowed by the Countywide Plan, via the Housing Element, and only ensure sufficient water for the Site Inventory but not ensure sufficient water for Development Potential and for the Countywide Buildout. This sets the stage for a future catastrophe.

Mitigations that would require actions not within the authority of the County, but lie instead within the authority of other agencies, such as MMWD, cannot be considered feasible, according to the 2007 CWP's EIR. No development projects can assume available water from Desalination (using the most toxic Bay in California) because the construction of a desalination facility would be subject to a public vote. Given the strong opposition by some sectors of the public to the environmental impacts and high cost of desalination, it cannot be assumed that this is a realistic option. Increased supply from Sonoma County Water Agency, a supplier for MMWD, is equally unviable.

In regards to evaluating the impact of accelerated development on MMWD's water supply, potential future residential development on the proposed Tam Junction Opportunity Sites should not be evaluated separately but rather as part of the potential future development in MMWD's entire jurisdiction. This cumulative development impact should not exceed the limits of our finite water supply.

**High Density Development Does Not Coincide With the Traditional Character Of The Local Semi-Rural Communities:**

The projected high-density development on sites identified in this constrained area is incompatible with existing development in the commercial areas and in the adjacent neighborhoods based on scale and appearance, FAR, height and setbacks. Urban development and overdevelopment by private developers has consistently been considered both inappropriate and unsustainable and has therefore been opposed by the community for decades.

**Conclusion:**

The County now has sufficient information to understand that the proposed Tam Junction Affordable Housing Opportunity Sites are inappropriate for inclusion in the Housing Element Available Land Inventory. More evidence will soon be presented to you in Environmental Attorney Rachael Koss' forthcoming DSEIR comment letter. Not only would construction of housing on these sites exacerbate the already existing problems, doing so when the County admits in the Marin Countywide Plan EIR and Housing Element DSEIR that significant adverse unavoidable impacts would result from such construction defies logic.

Moreover, there can be no benefit that would result from implementation of the 2012 Draft Housing Element that would override the impacts of environmental harm and severe illness, injury or loss of life from building on the Tam Junction Affordable Housing Opportunity Sites, which are laden with environmental constraints and dangerous hazards.

The best course of action would be for the County to revise the 2012 Housing Element to reflect the current problems with traffic, seismic activity, hazardous soil conditions, air and noise pollution, water supply, flooding, and impending sea level rise and to find that no new residential development in the Tam Junction area is appropriate. The County should return with a 2012 Housing Element that does NOT include Tam Junction sites in the Available Land Inventory and thus, does not sacrifice the environment or the health and safety of its current and future residents.

Very truly yours,

Sharon Rushton, Chairperson

**THE SUSTAINABLE TAMALMONTE EXECUTIVE COMMITTEE**

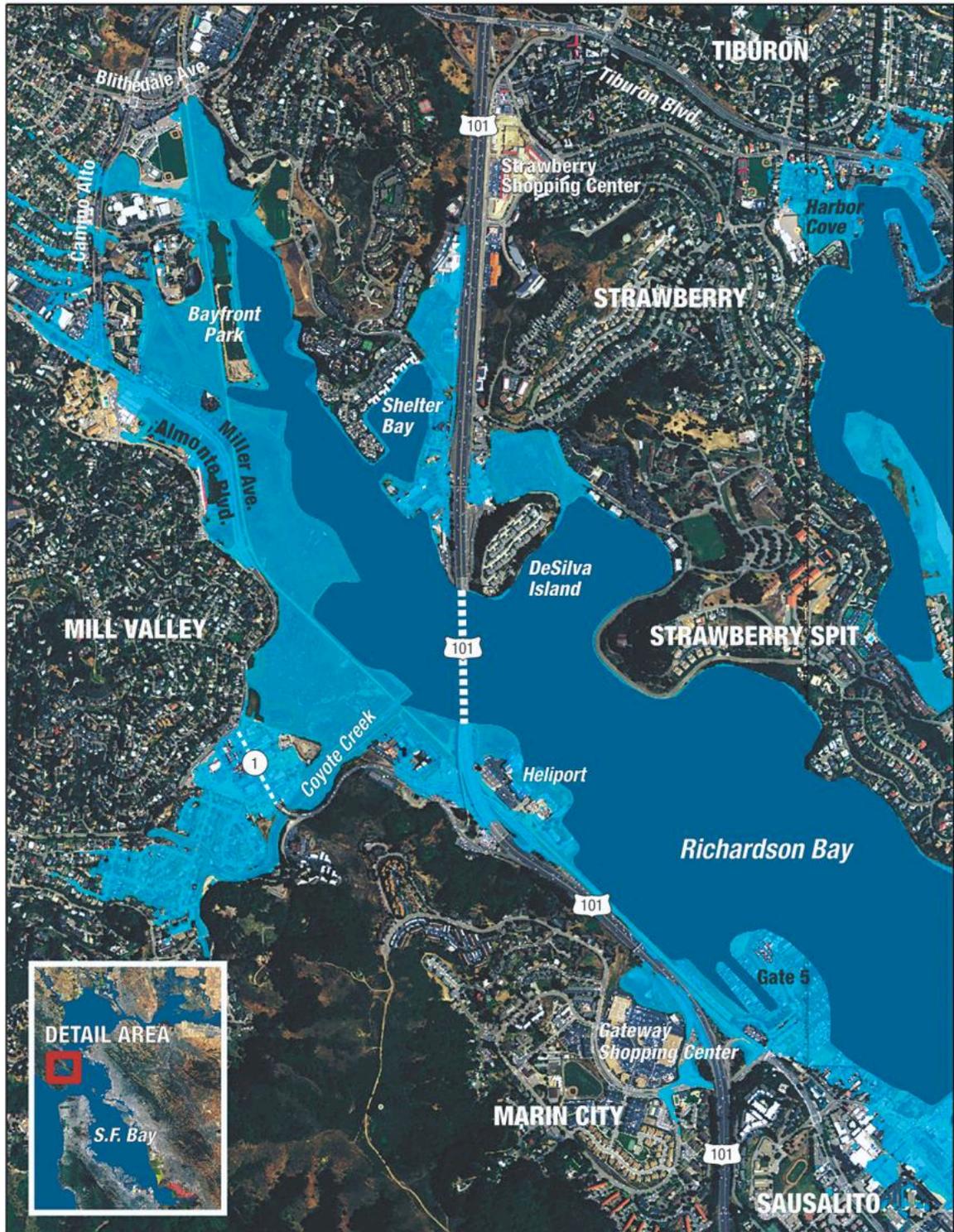
Enclosures

**Table A: Environmental Constraints & Hazards at the Tam Junction Affordable Housing Opportunity Sites**

		<b>Tam Junction Affordable Housing Opportunity Sites</b>				
		Site #4 Chevron	Site #9 Manzanita	Site #14 Armstrong	Site #18 Manzanita	Site #19 TJ Retail
<b>E N V I R O N M E N T A L  C O N S T R A I N T S</b>	Traffic Congestion (LOS "F")	✓	✓	✓	✓	✓
	Flooding, 100 Year Floodplain	✓	✓	✓	✓	✓
	Sea Level Rise	✓	✓	✓	✓	✓
	High Seismic Activity with High Liquefaction, Subsidence, & Mud Displacement	✓	✓	✓	✓	✓
	Toxic Air & Noise Pollution from Hwy 101		✓		✓	
	Toxic Air & Noise Pollution from Hwy 1	✓	✓	✓	✓	✓
	Cancer Causing TACs from Dry Cleaners	✓		✓		✓
	Probable Contaminated Groundwater, Soil & Vapors from Hazardous Materials at Gas Stations	✓	✓		✓	✓
	Probable Endangered Species			✓	✓	

# One meter sea level rise at Richardson Bay

San Francisco Bay



Source: BCDC



**Flooding at Manzanita**



**Traffic at the Hwy 1/ Stinson Beach Exit off Hwy 101**  
(Traffic was backed up across the entire span of the Richardson Bay Bridge)

**RESPONSE TO LETTER NO. 3 - SUSTAINABLE TAMALMONTE, SHARON RUSHTON  
(FEBRUARY 5, 2013)**

**Response to Comment 3-1**

This is primarily a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. The commentor uses information in both the *2007 Countywide Plan EIR* and this Draft SEIR to comment on the merits of inclusion of five housing sites (housing sites 4, 9, 14, 18, and 19) on the on the Housing Element's available land inventory. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

With regard to comments regarding toxic air contaminants (including reference to the European Dry Cleaning) please see Responses to Comments 11-7, 11-51, 11-52, and 46-13. Toxic air contaminants are discussed in Air Quality (Checklist Section 3) in the SEIR.

With regard to comments regarding hazardous materials please see Responses to Comments 46-17, 46-18, 46-19, and 46-20. Hazardous materials are discussed in Hazards and Hazardous Materials (Checklist Section 8) in the SEIR.

With regard to comments regarding special-status species and impacts to historic wetlands and the bayland corridor please see Responses to Comments 11-11 and 46-16. Impacts to special-status species, wetlands, and the bayland corridor are discussed in Biological Resources (Checklist Section 4) in the SEIR.

**SUSTAINABLE TAMALMONTE  
215 JULIA AVENUE  
MILL VALLEY, CA 94941**

February 6, 2013

Marin County Planning Commission  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903

Re: Merits of the 2012 Draft Marin County Housing Element's Programs (to be discussed at the February 11<sup>th</sup> Planning Commission Public Hearing)

Dear Marin County Planning Commission:

The Sustainable TamAlmonte Executive Committee has the following comments and recommendations regarding the merits of the 2012 Draft Marin County Housing Element:

**Regarding Housing Goal 1 – Use Land Efficiently –  
Program 1.d Streamline the Review of Affordable Housing; Program 1.e Study Ministerial Review for Affordable Housing; & Program 1.o Simplify Review of Residential Development Projects in Planned Districts:**

**AND**

**Housing Goal 2 – Meet Housing Needs Through a Variety of Housing Choices -  
Program 2.p. Expedite Permit Processing of Affordable and Special Needs Housing Projects:**

Permitting affordable housing projects and Special Needs Housing Projects through a streamlined and expedited process should NOT be allowed. Moreover, ministerial review should NOT be allowed for affordable housing, for residential development projects in planned districts, or for review of subsequent development projects, consistent with a Master Plan.

We see no problem with establishing specific criteria in order to minimize the level of code interpretation required by decision makers. However, we are opposed to any streamlining or expediting of the permit review process or any ministerial review process. Streamlining and fast-tracking permit review (with specific timelines) and ministerial review would hinder thorough and accurate review, constrain public input on planning decisions and reduce transparency. This is in direct opposition to looking out for the best interests of Marin residents and the environment.

Time and time again, the planning department has demonstrated a lack of knowledge of the Tam Valley and Almonte communities, where environmental constraints and hazards abound. Only with local input, did the department become aware of crucial information. Careful and thorough review is necessary to ensure protection of Marin's environment and public health & safety. For best planning decisions, ample input from the local residents should be encouraged, rather than denied.

Regarding allowing the density of deed-restricted affordable housing developments to be established by the maximum Marin Countywide Plan density range:

We are opposed to allowing the density of affordable housing developments to be automatically established by the maximum Marin Countywide Plan density range with no regard for whether or not the maximum density would be appropriate at a given location. The purpose of density limits is to regulate development so that its size is consistent with the scale of development in the surrounding neighborhood, while allowing reasonable expansion under certain conditions. Affordable housing located in unique and different areas across the County should be assessed differently. Due to each area's uniqueness, the density of affordable housing should follow the density limits of the land use category and zoning of the specific site in which the housing is located.

Regarding ministerial review of development projects subject to a Master Plan:

Regarding ministerial review of development projects subject to a Master Plan, many factors may change in the years following the establishment of a Master Plan, such that site specific criteria set by a Master Plan may no longer be appropriate once the subsequent project is applying for a permit. (For instance, it is now known that sea level rise will come sooner and higher than previously known at the time that the CWP was adopted.) Therefore, development projects that are subsequent to Master Plans should be thoroughly reviewed and not allowed permitting through ministerial review.

**RECOMMENDATION:**

- Establish specific criteria of affordable housing, planned districts, and special needs housing projects in order to minimize the level of code interpretation required by decision makers. However, do NOT allow any streamlining of permit review or ministerial review.
- Do NOT allow the density of affordable housing developments to be established by the maximum CWP density range. Rather, require affordable housing densities to follow the density limits of the land use category and zoning of the specific site in which the housing is located.

**Regarding Housing Goal 1 – Use Land Efficiently –**

**1.c Establish an Affordable Housing Combined Zoning District.**

We are opposed to establishing an Affordable Housing Combined Zoning District, which increases densities of potential housing opportunity sites from lower density levels to 30 units per acre. Sites from unique and different areas across the County should not be lumped together. Due to each area's uniqueness, sites should be evaluated on a case by case basis.

In regard to the Tam Junction Retail Site #19, which according to the Land Use Inventory is to be included in the AH Zone, 30 units per acre is especially grievous due to the area's unacceptable traffic levels of LOS "F" and many other hazards and constraints, as delineated in our other letter regarding the merits of the Tam Junction Affordable Housing Opportunity Sites. Furthermore, a density of 30 units per acre is incongruous with the neighborhoods' semi-rural character.

**Regarding Housing Goal 1 – Use Land Efficiently –  
Program 1.i Review and Update Parking Standards & Program 1.m Codify  
Affordable Housing Incentives Identified in the Community Development Element  
– b. Adjust parking requirements:**

Rather than reduce parking standards, parking standards should be maintained and enforced. Public transit is severely lacking in Marin County, resulting in all residents needing the use of cars on a daily basis and the use of easy access parking spaces. To reduce parking standards for the less fortunate is a form of social injustice.

Many streets throughout Marin are narrow with little or no room for off-street parking. In times of emergency ingress and egress, this is a safety issue. There have been instances when emergency vehicles have not had room to pass by parked cars on narrow streets.

There is often a shortage of parking spaces at our park and ride locations. Retail stores need ample parking to ensure patronage. Public parking is needed for the public and should not be relied on for regular private usage.

**RECOMMENDATION:**

- Do NOT reduce but rather maintain on-site vehicular ratios for multi-family housing.
- Do NOT allow off site parking, such as on-street parking and the use of public parking, to satisfy the parking needs for new housing units.

**Regarding Housing Goal 1 – Use Land Efficiently –  
Program 1.m Codify Affordable Housing Incentives Identified in the Community  
Development Element, d. Allow housing for low and very low income households  
to exceed the FAR on mixed-use sites:**

Please include a reference that Program 1.m-d does NOT apply to any mixed use site in the Tamalpais Area Community Plan area due to the Countywide Plan's section CD-8.7 Establish Commercial/Mixed-Use Land Use Categories and Intensities:

"5. For projects consisting of low income and very low income affordable units, the FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the FAR may only be exceeded in areas with acceptable traffic levels of service — but not to an amount sufficient to cause an LOS standard to be exceeded.

6. Residential units on mixed-use sites in the Tamalpais Area Community Plan area shall be restricted to 100 residential units, excluding units with valid building permits issued prior to the date of adoption of the Countywide Plan update. **The 100 unit cap includes any applicable density bonus and such units are not subject to the FAR exceptions listed in #5 above due to the area's highly constrained (week and weekend) traffic conditions, flooding, and other hazards...."**

**Regarding Housing Goal 1 – Use Land Efficiently –  
Program 1.p Adjust Height Limits for Multi-family Residential Buildings:**

A height of 45 feet should NOT be exceeded. One of the treasured aspects of Marin is the small town and rural character of its communities. This feature would be lost if multi-family residential buildings were allowed heights greater than 45 feet. A height greater than 45 feet would not blend with Unincorporated Marin's neighborhoods and definitely

not with neighborhoods in the Tamalpais Community Plan Area. Furthermore, existing height restrictions were created to protect neighbors' views, sunlight, and privacy. As such, raising height limits would potentially lower the quality and value of neighboring properties.

**RECOMMENDATION:**

- Eliminate Program 1.p and do NOT adjust height limits for Multi-family Residential Buildings; and
- Do NOT amend the Development Code to increase the allowable height for multi-family residential development.

**Regarding Housing Goal 2 - Meet Housing Needs Through a Variety of Housing Choices - Program 2.q. Consider CEQA Expedited Review:**

The Housing Element's Program 2.q. "Consider CEQA (California Environmental Quality Act) Expedited Review" states; "Consider an area-wide Environmental Assessment or Program EIR assessing area-wide infrastructure and other potential off-site impacts to expedite the processing of subsequent affordable housing development proposals."

Program 2.q "Consider CEQA Expedited Review" has the potential to undermine and negate provisions that protect the environment and public health & safety.

**The Importance of the California Environmental Quality Act (CEQA)**

CEQA has accomplished what no other law before it could: comprehensive, multidisciplinary assessment of environmental impacts of projects before they could be approved; full disclosure of impacts, mitigations, and alternatives on which to base informed public decisions; and a tool for the public to understand and comment on the intentions of an applicant's project and to hold elected officials accountable for their decisions. CEQA should not be tampered with.

It is our understanding that if Program 2.q is pursued, the County may use the Environmental Impact Report (EIR) of the Countywide Plan along with the Housing Element DSEIR to streamline an Environmental Impact Report for a future specific affordable housing development project that is consistent with the Countywide Plan and/or the Housing Element. This conflicts with sound public policy, is unwise and potentially dangerous and should not be considered. The Marin Countywide Plan's EIR and the Housing Element DSEIR may play a role in but should not govern the review process of future individual development projects.

The Marin Countywide Plan's EIR and the Housing Element's DSEIR are programmatic in scope and did not conduct as much in-depth research of each and every development site as an EIR specific to one site would. Nor did they allow for each and every development site to receive the same amount of public scrutiny and input as that of a site-specific environmental review.

Moreover, site conditions and scientific findings are constantly evolving. Many years may pass before a developer applies for a permit at a site, at which point, the CWP's EIR and the Housing Element's SEIR may be outdated.

Many locations (including infill locations) sited for development in the Countywide Plan have numerous environmental constraints and hazards. Careful and thorough review is necessary to ensure protection of Marin's environment and public health & safety.

More specifically, many sites in the lowlands of Tam Valley and Almonte are identified as Affordable Housing Opportunity Sites and/or are targeted for potential high-density affordable housing by being located within a Priority Development Area. It would be unconscionable if CEQA were streamlined for a development project in the Tam Valley and Almonte lowlands, where the following perilous conditions are prevalent:

- Natural hazards (seismic activity, liquefaction, subsidence, flooding, and threat of sea level rise);
- Potential health risks from proximity to major highways and toxic contaminants;
- Severe traffic at an LOS of "F" (with local roads accommodating over a million visitors each year); and
- Close proximity to sensitive wetland habitat with endangered species.

**RECOMMENDATION:**

- Eliminate Program 2.q and oppose expediting or streamlining CEQA.
- Require all development in Unincorporated Marin to go through a thorough site-specific environmental review process, including full compliance with CEQA guidelines and ample public input.

Thank you for your conscientious consideration.

Very truly yours,

Sharon Rushton, Chairperson,  
**SUSTAINABLE TAMALMONTE EXECUTIVE COMMITTEE**

## **EXTRAS**

### **“1.i Review and Update Parking Standards.**

Analyze the parking needs of infill, transit-oriented, mixed-use, special needs, group homes, convalescent homes, multi-family, senior and affordable housing developments. In order to facilitate these housing types and to reduce vehicle dependence, amend Marin County Code Title 24 to reduce parking standards wherever appropriate. Possible amendments could include but are not limited to:

- reduction of onsite vehicular ratios for multi-family housing;
- allowance of tandem parking and other flexible solutions such as parking lifts;
- allowance of off-site parking, such as on-street parking and use of public parking, to satisfy a portion of the parking needs for new housing units, particularly affordable units; and
- establishment of parking standards for mixed-use developments such as shared parking. “

### **The Importance of CEQA**

CEQA has accomplished what no other law before it could: comprehensive, multidisciplinary assessment of environmental impacts of projects before they could be approved; full disclosure of impacts, mitigations, and alternatives on which to base informed public decisions; and a tool for the public to understand and comment on the intentions of an applicant's project and to hold elected officials accountable for their decisions. CEQA should not be tampered with.

### **Following the Guidelines of SB 226 is Unwise**

The staff report states; "The new law (SB 226) is intended to help infill development by narrowing the scope of CEQA review if the project was covered by a programmatic Environmental Impact Report for a General Plan Update or a Specific Plan."

It is our understanding that if the above SB 226 approach is pursued, the County may use the Environmental Impact Report (EIR) of the Countywide Plan to streamline an Environmental Impact Report for a specific infill development project that is consistent with the Countywide Plan. This is unwise and potentially dangerous and should not be considered. The Marin Countywide Plan's EIR should have no bearing on the review process of future individual development projects.

The EIR of the Marin Countywide Plan, which spanned all of Unincorporated Marin, did not conduct as much in-depth research of each and every development site as an EIR specific to one site would. Nor did the EIR of the Countywide Plan allow for each and every development site to receive the same amount of public scrutiny and input as that of an EIR of a specific site.

New insights have developed since the passage of the Marin Countywide Plan in 2007. New knowledge suggests that sea level rise will be higher and will come sooner than prior predictions indicated. Since 2007, it has also been proven that no residences should be placed near a busy highway due to the inhabitants being exposed to increased risk of developing serious illnesses. (Source: California Department of Public Health)

The Countywide Plan's EIR proved that there would be many unmitigable significant adverse environmental impacts if the plan were carried out. Page 20-54 of the EIR lists the "Major EIR Conclusions" and states; "Land uses and development consistent with the Draft 2005 CWP Update would result in 42 significant unavoidable impacts." Yet, the Board of Supervisors determined that the "Overriding Consideration"<sup>1</sup> of providing housing was more important than the significant adverse environmental impacts that the plan would create. Such usage of a "statement of overriding considerations" illustrated a lack of regard for our interdependence with our environment and ran counter to responsible planning for long-term sustainability.

### **Oppose Streamlining or Expediting of the Development Review Process**

No other streamlining or expediting of the development review process, as suggested in the above referenced staff report, should be allowed. Many locations (including infill locations) sited for development in the Countywide Plan have numerous constraints with natural hazards and heavy traffic. Careful and thorough review is necessary to ensure protection of Marin's environment and public health & safety.

More specifically, many of the parcels in the lowlands of Tam Valley and Almonte are designated infill development sites and are within a Priority Development Area, targeted for high-density housing. It would be unconscionable if CEQA and permit reviews were streamlined for a development project in the Tam Valley and Almonte lowlands, where the following perilous conditions are prevalent:

- Natural hazards (seismic activity, liquefaction, subsidence, flooding, and threat of sea level rise);
- Potential health risks from proximity to major highways;
- Severe traffic at an LOS of "F" (with local roads accommodating a million visitors each year); and
- Close proximity to sensitive wetland habitat with endangered species.

We urge you to:

- Oppose expediting or streamlining CEQA, permit reviews, infill development projects, and development projects consistent with the Countywide Plan, as proposed in the Staff Report prepared for the May 22<sup>nd</sup> BOS Meeting.

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<sup>1</sup> Quote from UC CEQA Handbook:

[http://budget.ucop.edu/pep/ceqacomp/CEQA-Handbook/chapter\\_02/2.3.html](http://budget.ucop.edu/pep/ceqacomp/CEQA-Handbook/chapter_02/2.3.html)

"A **"statement of overriding considerations"** indicates that even though a project would result in one or more unavoidable adverse impacts, specific economic, social or other stated benefits are sufficient to warrant project approval. The statement explains the justification for proceeding with the project despite the significant adverse environmental impacts."

- Require all development in Unincorporated Marin to go through a thorough review process, including full compliance with CEQA guidelines and ample public input.

**Policy/Program**

**HS-1.e** Undertake Coordinated Lobbying Efforts. Identify and lobby for possible changes to State law (such as allowances for the County and cities and towns to voluntarily collaborate in funding and sharing allocations for housing developments in cities and towns) or other legislation that helps to most effectively implement local housing solutions and achieve housing goals.

**Objective**

Improved coordination and prioritizing of development throughout the County

**Achievements/Results**

Housing Staff regularly reviews the County of Marin’s general lobbying platform and provides comment and recommendation on housing related issues. **Staff participated in the RHNA process coordinated by ABAG and actively advocated for a larger share of low-income units.**

To ensure that the County’s permitting procedures do not have the prohibitive effects on the development potential or cost of affordable multi-family development, a number of programs in this housing element remove possible barriers.

- a program is included in this Housing Element to facilitate and streamline the development of affordable housing to accommodate the County’s low income housing needs and RHNA objectives (*1.d Streamline the Review of Affordable Housing*).
- *1.d Streamline the Review of Affordable Housing* allows the density of affordable housing developments to be established by the Marin Countywide Plan density range without the requirement of a use permit in zones that allow residential uses. It also exempts affordable housing from the master plan and precise development plan review.
- *1.o Simplify Review of Residential Development Projects in Planned Districts*
- *1.p Adjust Height Limits for Multi-family Residential Buildings*

**RESPONSE TO LETTER NO. 4 - SUSTAINABLE TAMALMONTE, SHARON RUSHTON  
(FEBRUARY 6, 2013)**

***Response to Comment 4-1***

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

February 19, 2013

Rachel Warner  
 Interim Environmental Coordinator  
 Community Development Agency  
 County of Marin  
 3501 Civic Center Drive  
 San Rafael, CA 94903



By e-mail: [envplanning@marincounty.org](mailto:envplanning@marincounty.org)

Subject: 2012 Draft Marin County Housing Element – Comments on Draft SEIR

Dear Ms. Warner:

Marin Conservation League wishes to submit comments on the adequacy of the Draft SEIR for the 2012 Draft Marin County Housing Element. We have several general comments on the adequacy of the Draft SEIR in fulfilling its purposes, and comments on specific topics in the Environmental Checklist. We conclude with a comment on recent public process in which the Planning Commission acted informally on merits of the Draft Housing Element without the benefit of a full environmental record, i.e., without a Final EIR in hand.

1. Functions of the SEIR.

In our view, the SEIR should serve two basic functions in relation to the 2012 Draft Housing Element (in addition to an EIR’s basic purposes, as outlined in CEQA Guidelines). First, it should function as a programmatic update of the 2007 Countywide Plan (CWP) EIR focusing, however, on potential housing development rather than on full build-out. On the assumption that the amount of housing represented by RHNA allocations for 2007-2014 and 2014-2022 cycles falls below the housing build-out assumptions of the CWP, the Draft SEIR compares significant impacts identified in the CWP EIR and determines whether any new or substantially more severe impacts would occur as a consequence of the 2012 Draft Housing Element. The Draft SEIR pays special attention to the 42 significant unavoidable cumulative impacts that were identified in the CWP EIR and concludes that only one new significant unavoidable impact could occur (SMART train vibration impacts), and, due to changed conditions, four formerly significant unavoidable traffic impacts are no longer significant. With new information that was not available when the CWP EIR was written, the Draft SEIR also adds several new mitigation measures. In a sense, then, the Draft SEIR is a book-keeping exercise that compares the two EIRs prepared five years apart and provides an updated forecast of cumulative impacts if all of the housing represented in RHNA allocations in the 2012 Draft Housing Element were to be built. It also updates mitigation measures intended to partially mitigate those impacts.

The second function of the SEIR is as the Program document that will be used to “tier-off,” and thereby facilitate, subsequent environmental review of housing development proposals as they come forward. Unfortunately, the book-keeping function interferes with practi-

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cal use of the Draft SEIR as a stand-alone Program document. Too much of the analysis is spent on comparing the two documents rather than on shaping the Draft SEIR to be a useful first-order program EIR. Future reviewers will have to consult two program EIRS (the CWP EIR and the Housing Element SEIR) in conducting site-specific environmental review. Furthermore, just as some information in the CWP EIR is already out of date after five years so will information in the program SEIR on the Housing Element become dated. The end of the 2014-2022 RHNA cycle marks a period during which Marin County's capacity to accommodate housing at all income levels must be demonstrated, but it does not mark the end-date for actual development, which might occur years if not decades later. At that time the SEIR would no longer suffice as a current program EIR for purposes of "tiering" subsequent environmental reviews of individual development proposals. For example, predictions of sea level rise, population trends, or technologies associated with greenhouse gas emissions and climate will change, rendering the cumulative context no longer accurate.

2

**The Final SEIR should describe the means by which the SEIR will be reviewed periodically to determine whether it is current, and updated as necessary, to ensure that it can serve as an accurate Program EIR and cumulative context for environmental review of new housing development proposals five or ten years from now.**

In fulfilling the second function, that is, as a first-order Program document for subsequent project-specific environmental review, the Draft SEIR falls short in several ways:

- a. Under each topic in the Environmental Checklist, the Draft SEIR provides exhaustive lists of policies and implementation programs in the CWP that would mitigate significant impacts to levels of insignificance. In a few instances, it identifies implementation programs in the CWP that have not been implemented, but, we suspect this list is far from complete, given the extensive catalogues of implementation programs under each major policy in the CWP and limited staff resources. (See Aesthetics, below for an example.)

3

**To ensure that mitigation measures based on policies and programs in the CWP will be valid for review of specific development proposals in the 2012 Draft Housing Element, the Final SEIR must indicate that all programs in the CWP that are referenced as mitigation for significant impacts have been, or will be, implemented in the near future.**

- b. In our scoping letter of August 13, 2012, MCL requested that the SEIR provide clear and useful descriptions of each site listed in the Site Inventories. The consultant responded that descriptions are provided in Draft SEIR Chapter 2.0, tables in Exhibits 2.0-4 and 2.0-15, accompanied by maps of the housing sites in Exhibits 2.0-5 through 2.0-12. The maps are useful, but the tables give only the name of each site, number of acres, Countywide Plan Land Use, zoning, and "realistic" housing capacities. To get a comprehensive environmental and land use "view" of each site, one must turn to the Site Inventory in the 2012 Draft Housing Element itself, then to ten different sets of topical tables in the Draft SEIR, to assemble an environmental profile of each site. In addition, under a number of topics like Biological Resources or Hydrology, Water Quality and Flooding, the Draft SEIR lists by number (in paragraph form) all the sites that demonstrate a particular environmental character-

istics. As a useful guide for decision-makers either to compare sites or to gain a preliminary view of any one site, the Draft SEIR is impossibly cumbersome.

4

**The Final SEIR should include a summary “environmental and land use profile” for each site, which compiles basic information about the site from each topic covered in the Draft SEIR.**

2. Section V of the 2012 Draft Housing Element – Goals, Policies, and Programs.

The 2012 Draft Housing Element contains a detailed set of Goals, Policies, and 52 Implementing Programs with many sub-parts. A number of these programs under Goal 1 (Use Land Efficiently) and Goal 2 (Meet Housing Needs Through a Variety of Housing Choices) are aimed at streamlining review of development proposal. These include among others: 1.d (Streamline the Review of Affordable Housing . . .by amending the Development Code); 1. E (Study Ministerial Review for Affordable Housing); 1.f (Develop Multi-Family Design Guidelines . . .e.g., design criteria and standards to facilitate some ministerial permit review. . .); 1.g (Undertake Adjustments to Second Unit Development Standards – e.g., flexibility of parking requirements, adjustments in septic standards for second units. . .); 1.m (Codify Affordable Housing Incentives, e.g., by adjusting parking requirements, or exceeding the FAR on mixed-use sites); and 2.q (Consider CEQA Expedited Review, . . .such as an area-wide Environmental Assessment Program EIR assessing area-wide infrastructure and other potential off-site impacts . . .). The Draft SEIR outlines these goals and programs as part of the Project Description, cites them in Appendix C, and describes them as “. . . necessary to address current and future housing needs.” Although these goals and programs are part of the Project Description and are proposed as amendments to the Development Code, the Draft SEIR makes no attempt to evaluate their possible impacts on the environment.

Although many of these implementing programs will be useful in helping the County to meet affordable housing needs, the repeated theme of streamlining and other means for expediting permit review raises a number of concerns.

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**First, as stated above, the Final SEIR must provide that any individual project will be reviewed based on current programmatic information in the SEIR and will receive site-specific environmental review and transparent public review, even where design guidelines or other code provisions also may be applicable. Second, the Final SEIR should identify how the mandates of affordability (e.g., adjusting standards such as height over garages, parking, and septic systems for second units, etc.) might conflict with CWP policies intended to maintain essential qualities of the landscape and environment. Finally, the Final SEIR should evaluate whether standards might be eroded and public process compromised through excessive streamlining of permit review.**

3. Selected Topics in the Environmental Checklist.

a. Aesthetics and Scenic Resources The Draft SEIR states on Page 59s: “The discussion for Impact 4.12-1 addresses development on the St. Vincent’s / Silveira properties, where the

*Countywide Plan* allows development of 69.8-acres. The *Countywide Plan* would preserve 975-acres as open space. Under the *2012 Draft Housing Element* 3.5-acres would be developed with residential uses, significantly less than the *Countywide Plan*.” This error is repeated on Page 66 and again on 67, under the topic of Agricultural and Forest Resources: “Adoption and subsequent implementation of the *2012 Draft Housing Element* would lead to 3.5 acres of urban development of the St. Vincent’s / Silveira properties, where implementation of the *Countywide Plan Policy SV-2.4* (Cluster Development) would allow up to 54 acres of urban development. . . “with the. . . implementation of *Program 1.c*, which would rezone 3.5 acres of the St.Vincent’s / Silveira property for affordable housing development . . .”

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**The Final SEIR should correct this misconception of development that could be permitted under AH Combined District Zoning. The CWP designates five percent of each of the two parcels for new development, for a total of 55 acres (not including existing development). The proposed AH Combined District Zone shows 3.5 acres as supporting 105 units at a density of 30/acre, and the remaining 51.5 acres as supporting 116 units at a density of .42/acre.**

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The Aesthetics section of the Draft SEIR also provides just one of many examples in which a mitigation measure is based on a program in the CWP whose implementation is uncertain. Page 61 in the Draft SEIR states: “Although properties proposed to be included in the AH Combined District and other properties identified in the *2012 Draft Housing Element EIR*, policies and programs are in place to ensure that future development would not result in impacts to scenic resources and community character. Previously adopted Mitigation Measure 4.12-2 would continue to apply and would reduce impacts to community character to a less-than-significant level.” On further reading, one finds that Mitigation Measure 4.12-2 depends on implementing program DES-1.a (Add Design Components to Community Plans), which has only medium priority for implementation and apparently would not apply in areas of the County which lack a current community plan or any plan at all.

b. Hydrology, Water Quality, and Flooding Hazard. Much new information concerning flooding and projected sea level rise has become available since the 2007 CWP EIR was prepared: new FEMA FIRM maps are available, and BCDC maps for the entire Bay Area clearly show sea levels by mid century. Flood Hazard was acknowledged as a significant unavoidable impact in the CWP EIR, and it is affirmed in the Draft SEIR with new data, new analysis, and five new Mitigation Measures, Flooding Hazard-1 through 5. Impacts involving exposure of people or structures to flood hazards, tsunamis and seiches would remain significant unavoidable impacts. The sites in Tamalpais Valley/Almonte area that lie entirely or partially within FEMA 100-year flood zones will continue to be susceptible to flooding from future sea level rise.

As a practical measure, we question the practicality of Mitigation Measure Haz-2: “On housing sites for which refined inundation mapping verifies that the site’s location is within

a 2050 tidal inundation zone, building pads shall be raised to a level that results in finished floor elevations one foot higher than a combination of the projected inundation elevation plus an estimate of wave runup given the particular weather (wind patterns and velocities) and hydraulic conditions at each site.” This design measure does not take flooded access into account, nor existing infrastructure that may also be subject to flooding.

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**The Final SEIR should provide alternative measures to mitigate this hazard, including avoiding development investments altogether in areas subject to future sea level rise. The Final SEIR also should include projections for end-of-century sea levels, and how projections might be adjusted over time for purposes of environmental review, as projections are refined. Housing sites identified in the 2014-2022 time frame might not be developed until decades later, when more precise information is known. Further, the Final SEIR should consider the likely public costs associated with future flood management and emergency response if these areas are developed as proposed.**

c. Utilities and Services . “The 2007 Countywide Plan EIR identified significant unavoidable water supply and demand impacts (both project and cumulative). These impacts are Impact 4.9-1 (*Adequacy of Water Supply During Normal Year*), Impact 4.9-2 (*Adequacy of Water Supply During a Drought and Multi-Drought Years*) Impact 4.9-4 (*Impact to Groundwater Supply*), Impact 4.9-5 (*Interference with or Degradation of Water Supply*), and Impact 4.9-6 (*Secondary Impacts*).” The Draft SEIR affirms that these impacts are indeed significant and unavoidable. However, the Draft SEIR also states: “Because there continues to be adequate wastewater, stormwater drainage and solid waste capacities, plus water supply facilities [emphasis added], as evaluated in the 2007 Countywide Plan EIR, and addressed by Countywide Plan policies and programs, impacts related to these utility systems would remain less-than-significant.” In regard to Impact 4.9-3 [*Require New or Expanded Water Supply Facilities*], the Draft SEIR states: “This impact was determined to be less-than-significant because although construction of new or expanded water supply facilities could result in adverse effects to the environment, the Countywide Plan includes policies that would reduce construction related impacts to a less-than-significant level.” This facile response does not explain what expanded water supply facilities are even under consideration (such as desalination) or the extensive impacts involved in any new water supply source.

Marin’s water districts all face capacity concerns given current supplies. Given the strong opposition by some sectors of the public to the environmental impacts and high cost of possible desalination, it cannot be assumed that this is a realistic alternative. Nor are increased supplies viable from Sonoma County Water Agency, a major supplier for North Marin Water District and lesser supplier for MMWD.

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**The Final SEIR should reconcile these apparent inconsistencies. Although a number of listed mitigations drawn from CWP policies will reduce demand (conservation, efficiencies, net-zero-water demand in new construction), these will not reduce the significant cumulative impact of limited water supply( under both normal and drought conditions) for future housing development to less-than-significant levels.**

4. Recent Public Process on Merits of the 2012 Draft Housing Element.

In developing the 2012 Draft Housing Element, County staff has provided numerous opportunities for public input, including local community meetings, Planning Commission workshops, and a Housing Element Task Force evaluation of sites. In recent months the process has become problematic, as follows:

The Draft SEIR was released for public review in December 2012, and the period for public comment closes February 19. The next step in the CEQA process will be response to comments and release of the Final SEIR at a future date to be determined. In the meantime, the Planning Commission held a hearing on the merits of the Draft Housing Element on February 11 and took informal action on the merits of the Element *before* the conclusion of the comment period on the Draft SEIR and before receipt of the Final SEIR. The Commission heard public testimony, and in the afternoon, with most of the public gone, the Commission completed its review and on a four-to-three straw vote, recommended forwarding the 2012 Draft Housing Element to the Board of Supervisors. Only minor questions remained to be answered by staff at a meeting scheduled for March 11 (which, incidentally, the Commission Chair came close to cancelling, until reminded by staff that it was a scheduled public meeting). The Commissions' action, while not binding, was taken in spite of extensive public testimony and Commissioner comments citing major environmental issues on several sites in the 2007-2014 cycle, plus Commissioners' comments citing substantial obstacles to viability of housing development on numerous sites on the 2014-2022 cycle.

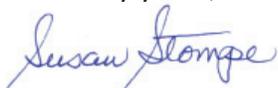
10

A basic purpose of CEQA (Guidelines 15002) is to inform governmental decision makers and the public about the potential significant environmental effects of proposed activities. Another is to disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved. We understand that the Board of Supervisors will continue hearings on the 2012 Draft Housing Element, Certify the Final SEIR, and take the final action to approve the Housing Element. In our view, the Planning Commission acted on the basis of an incomplete SEIR process and did not support their recommendations with available information even in the Draft SEIR.

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5. In conclusion, against a backdrop of political pressure for increased CEQA streamlining and efficient permit review, MCL is particularly concerned that individual housing sites will not receive adequate environmental review or opportunities for public engagement in future years. At the programmatic level of this Draft SEIR, environmental review may not be able to address conditions or public needs and views as they change over time. While we acknowledge the need for affordable housing and greater housing choices at all income levels in Marin, it should not be at the expense of environmental quality or loss of transparency and public involvement in governmental decisions.

Sincerely yours,



Susan Stompe, President

**RESPONSE TO LETTER NO. 5 - MARIN CONSERVATION LEAGUE, SUSAN STOMPE  
(FEBRUARY 19, 2013)**

**Response to Comment 5-1**

The Draft SEIR is a supplement to the 2007 *Countywide Plan EIR* and need only contain information necessary to make the 2007 *Countywide Plan EIR* adequate to address implementation of the policies and programs of the new housing element (*State CEQA Guidelines* Section 15163(b)). As noted on pages 1.0-1 and 1.0-2 of the 2007 *Countywide Plan EIR* CEQA distinguishes between project and program EIRs, defining a program EIR as one that addresses a series of actions that can be characterized as a large project and can be related (1) geographically; (2) as logical parts in the chain of contemplated actions; (3) in connection with the issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or (4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways (*State CEQA Guidelines* Section 15168 (a)).

Regarding site-specific review of future proposals to develop individual housing sites, please see *Master Response 3 – Environmental Review of Housing Projects*.

**Response to Comment 5-2**

Regarding site-specific review of future proposals to develop individual housing sites, please see *Master Response 3 – Environmental Review of Housing Projects*. The Draft SEIR need not be updated to maintain compliance with CEQA, but rather the individual environmental review of each housing site would require utilization of up to date data that is pertinent to the subject of review. As an example of this point, the Draft SEIR uses new information available from the BAAQMD for the evaluation of Toxic Air Contaminants and identification of environmental impacts (see pages 70 and 72 of the Draft SEIR).<sup>1</sup>

**Response to Comment 5-3**

The *Countywide Plan* contains program implementation timeframes for each element of the *Countywide Plan*. County staff is working with the Board of Supervisors to continue to implement the relevant programs in the *Countywide Plan* in a timely fashion.

**Response to Comment 5-4**

The Draft SEIR contains adequate information in support of environmental and land use profiles for the identified housing sites. The request for information to be organized a certain way is noted. No further response is necessary.

**Response to Comment 5-5**

There are no known impacts of affordable housing that is distinct from the potential housing development analyzed in this SEIR. CEQA does not require an EIR to analyze social and economic

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<sup>1</sup> Bay Area 2010 Clean Air Plan, BAAQMD, September 2010.

impacts, see *State CEQA Guidelines* Section 15131. The sites that would be rezoned to be within the proposed Affordable Housing (AH) Combined District are analyzed in this SEIR.

This SEIR evaluates the new or substantially more severe significant environmental effects of the proposed changes in the Housing Element since certification of the *2007 Countywide Plan EIR* and approval of the *2007 Countywide Plan* (including the current Housing Element, which was incorporated into the *Countywide Plan* and adopted by the Board of Supervisors in November 2007 as discussed on page 2 of the Draft SEIR). The *2007 Countywide Plan EIR* evaluated a range of total housing units that could be built in the unincorporated area of Marin County under the various *Countywide Plan* policies that encourage housing (see page 9 of the Draft SEIR). Like the *2007 Countywide Plan EIR*, this SEIR is a program EIR prepared pursuant to *State CEQA Guidelines* section 15168. *State CEQA Guidelines* Section 15168(a)(3) states that a program EIR is appropriate for rules, regulations, plans, and other general criteria to govern the conduct of continuing programs. While this SEIR provides in-depth program level review of the proposed housing sites that may be used to help streamline future, tiered environmental review, additional site-specific review is anticipated for specific development projects when they are proposed.

The changes in the Housing Element that are proposed in the *2012 Draft Housing Element*, including the potential for development of housing on 49 sites in the 2007-2014 and 2014-2022 time frames, are analyzed in every resource category and in the cumulative context. The SEIR discloses new or substantially more severe significant impacts in the following three resource areas: Air Quality; Hydrology, Water Quality and Flooding Hazard; and Noise. One revised mitigation measure and five new mitigation measures<sup>2</sup> have been identified, which would reduce the new or substantially more severe significant impacts to a less-than-significant level. When development projects are proposed for the identified housing sites, site-specific review based on the project applications will determine the form of additional environmental review required.

#### **Response to Comment 5-6**

In response to comment 5-1 the Draft SEIR text is revised as follows:

The second paragraph on page 59 of the DSEIR is revised as follows:

- 1(a) It is stated in the *2007 Countywide Plan EIR* discussion of Impact 4.12-1 (*Scenic Resources*) that while new development consistent with implementation of the *Countywide Plan* could degrade the quality of scenic resources, including scenic vistas, implementation of the goals, policies, and programs of the *Countywide Plan* would reduce this impact to a less-than-significant level. Implementation of the *2012 Draft Housing Element* would not increase the severity of impacts on scenic resources. New development pursuant to the Housing Element would be subject to existing policies and programs, including those listed above, that require designs that preserve scenic qualities and views of the natural environment (Policy **DES 4-1**) and would not be located in any new areas affecting a scenic vista. The discussion for Impact 4.12-1 addresses development on the St. Vincent's / Silveira properties, where the *Countywide Plan* allows development of ~~69.8 acres up to~~ five percent of the land area of each property (approximately 55 acres) at a density that would allow up to 221 housing units. The *Countywide Plan* would preserve ~~975-~~

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<sup>2</sup> In the Draft SEIR five new Hydrology, Water Quality and Flood Hazard mitigation measures were recommended. As discussed in *Master Response 1 – Sea Level Rise* the mitigation measures have been revised and reduced to four new Hydrology, Water Quality and Flood Hazard mitigation measures.

approximately 1,055 acres as open space. Under the 2012 Draft Housing Element 3.5-acres could be developed with residential uses at a density of 30 housing units per acre, significantly less than the Countywide Plan. In order to maintain the current CWP maximum units for the entire property, concurrent with a development approval, the remainder of the property would be rezoned to reflect remaining maximum housing capacity. As discussed above, even though some sites may be developed with increased density, the County's Development Code, Design Review, and *Countywide Plan* policies would reduce the impact of new development pursuant to the Housing Element. This previously identified less-than-significant impact would remain less-than-significant.

The second paragraph on Page 67 of the Draft SEIR is revised as follows:

- 2(c) The 2007 *Countywide Plan EIR* found that with implementation of the *Countywide Plan* impacts resulting from conflicts between agricultural and urban uses would be less-than-significant (*Impact 4.1-3 [Land Use Conflicts between Agricultural and Urban Uses]*). Policy **SV-2.4** (*Cluster Development*) allows urban development on up to five percent of the land area of each property up to five percent additional urban development on the St. Vincent's / Silveira properties (housing site 5). This would amount to 37 acres on the St. Vincent's property and 17 acres on the Silveira property. An analysis of existing and future development footprints on the St. Vincent's / Silveira properties is provided in Exhibit 4.1-13 in the 2007 *Countywide Plan EIR*. The 2007 *Countywide Plan EIR* found that with implementation of Policy **AG-1.1** (*Limit Residential Use*) and Programs **AG-1.a** (*Residential Building Sizes in Agricultural Areas*) and **AG-1.b** (*Require Production and Stewardship Plans*) residential development and building size would be limited in order to maintain agricultural production. Policy **AG-1.4** (*Limit Non-Agricultural Zoning*) would minimize intrusion of residential uses into areas of agricultural production. Implementation of the 2012 *Draft Housing Element* would allow 3.5 acres of residential development at the St. Vincent's / Silveira property at a density of 30 housing units per acre, while the remainder of the property would be rezoned as appropriate to preclude exceeding the maximum housing units allowed by the CWP (221 units). ~~This is substantially less than the amount considered and analyzed with the implementation of the Countywide Plan.~~ Therefore, implementation of the 2012 *Draft Housing Element* would not increase the severity of impacts, and this previously identified less-than-significant impact would remain less-than-significant.

The fourth paragraph on page 67 of the Draft SEIR is revised as follows:

- 2(e)As discussed above, the 2007 *Countywide Plan EIR* found conversion of agricultural lands to non-agricultural uses (*Impact 4.8-1[Conversion of Agricultural Lands to Non-Agricultural Uses]*) would be a significant unavoidable impact with implementation of the *Countywide Plan*. *Impact 4.1-3 (Land Use Conflicts between Agricultural and Urban Uses)* would be a less-than-significant impact. Adoption and subsequent implementation of the 2012 *Draft Housing Element* would ~~lead to~~ allow 3.5 acres of urban development of the St. Vincent's / Silveira properties (housing site 5) at a density of 30 housing units per acre, while the remainder of the property would be rezoned to avoid exceeding maximum housing units allowed under the CWP, where implementation of the *Countywide Plan* Policy **SV-2.4** (*Cluster Development*) would allow up to 54 acres of urban development. Therefore with the adoption of the 2012 *Draft Housing Element* and implementation of *Program 1.c*, which would rezone 3.5 acres of the St. Vincent's / Silveira property for affordable housing development, there would be no increase in the severity of impacts associated with conversion of agricultural land or conflicts between agricultural land and urban uses.

Because none of the proposed housing sites are designated as forest land or require construction of infrastructure or other development within designated forest land, the *2012 Draft Housing Element* would not involve other changes that would lead to conversion of forest land to non-forest use.

**Response to Comment 5-7**

Please see Response to Comment 5-3.

**Response to Comment 5-8**

Please see *Master Response 1 - Sea Level Rise*, which includes an expanded discussion of sea level rise, revised New Hydrology, Water Quality and Flooding Hazard Mitigations Measures, and addresses the considerations posed by the commentor. Implementation of New Hydrology, Water Quality and Flooding Hazard Mitigation Measure-3 will implicitly address likely public costs associated with future flood management and emergency response through the mechanisms of capital and maintenance cost analyses which are normally applied by the County Department of Public Works/Flood Control and Water Conservation District (MCFCWCD) in evaluating the feasibility of engineering projects.

**Response to Comment 5-9**

The analysis of utilities and service systems generally establishes that implementation of the *2012 Draft Housing Element* policies and programs would not increase the severity of impacts previously identified in the *2007 Countywide Plan EIR*. The Draft SEIR does not state that any significant and unavoidable impacts related to water supply, utilities and services would be reduced to a less-than-significant level. The Draft SEIR does affirm that, in the event that new facilities are needed, there are *Countywide Plan* policies and programs that would reduce construction related impacts to less-than-significant levels.

**Response to Comment 5-10**

This comment is incorrect. The Marin County Planning Commission held a public hearing on the merits of the *2012 Draft Housing Element* on February 11, 2013. However, minutes for that meeting indicate that the Planning Commission did not forward a recommendation of approval to the Marin County Board of Supervisors.

**Response to Comment 5-11**

The Draft SEIR is a program EIR prepared to supplement the *2007 Countywide Plan EIR* by evaluating impacts in terms of any “changed conditions” (i.e. changed circumstances, project changes, or new information of substantial importance) that would occur upon implementation of the *2012 Draft Housing Element* that were not accounted for in the *2007 Countywide Plan EIR*. The Draft SEIR need only contain information necessary to make the *2007 Countywide Plan EIR* adequate for the *2012 Draft Housing Element* (Section 15163(b) *State CEQA Guidelines*). The Draft SEIR provides an in-depth program-level review of the proposed housing sites. Regarding site-specific review of future proposals to develop individual housing sites, please see *Master Response 3 – Environmental Review of Housing Projects*. The information contained in the Draft SEIR may help facilitate future, tiered environmental review, because it provides program level information and data about each housing site, which identifies potentially significant environmental impacts and associated mitigation measures that may be used in analyzing the development of specific housing sites.

**From:** Alison Roberts [mailto:alisonroberts@gmail.com]  
**Sent:** Tuesday, February 19, 2013 4:01 PM  
**To:** EnvPlanning  
**Subject:** 2012 Housing Element Impact Report

Rachel Warner  
Environmental Planning Manager

RE: 2012 Housing Element Impact Report

We are 35-year residents of Lucas Valley. Alison's daughters, Megan and Hilary, attended Dixie and Miller Creek Schools and Alison was deeply involved in the parent club and was a classroom volunteer throughout those eleven years. After graduate school, Megan returned to Miller Creek where she taught English and History for four years. The school district as much as the pastoral beauty of the area led Megan and her husband to purchase their own home in Lucas Valley. They intend to send their two young children to Dixie when they're ready to start school. With our history and knowledge of the community and the school district, we recognize that growth and change are inevitable and can be positive. Change, however, must be tempered and gradual to allow the schools to absorb these changes gracefully. We've always been proud of the District's socio-economic diversity, and the nature of the proposed low-income development is not in and of itself concerning to us. However, that the development would provide no significant or ongoing financial support to the District is alarming. Our schools are already under great financial strain and our facilities are packed with existing students. We urge the County to take into account the limitations of our small school district and its limited resources. As proposed, these changes place an unfair and unfunded burden on one community.

1

The Dixie School District is a cornerstone of our community and a source of pride for the entire county. The quality of this small school district should not be compromised or sacrificed due to rash or disproportionate zoning changes by the County.

Alison Roberts  
34 Oak Mountain Court  
San Rafael, CA 94903

Megan Roberts  
38 Oak Mountain Court  
San Rafael, CA 94903

**RESPONSE TO LETTER NO. 6 - ALISON ROBERTS, MEGAN ROBERTS, (FEBRUARY 19, 2013)**

**Response to Comment 6-1**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*.

It is, however, noted that a discussion of the Housing Element's impact on schools can be found on page 226 of the Draft SEIR. The Draft SEIR acknowledges that school enrollment continues to rise, and "implementation of the Countywide Plan would increase demand for public school services beyond the existing public school capacity, resulting in the need for new facilities." Also please see *Master Response 2 – Dixie School District*, which explains that the Leroy F. Greene School Facilities Act of 1998 ("SB 50") preempts local jurisdictions from devising their own requirements to mitigate or otherwise address impacts of new development on school facilities.

*LATE- Accepted***From:** aewingca@juno.com [mailto:aewingca@juno.com]**Sent:** Wednesday, February 20, 2013 2:15 PM**To:** EnvPlanning**Subject:** Lucas Valley SEIR comments

To:

Rachel Warner  
Environmental Planning Manager  
3501 Civic Center Drive, #308  
San Rafael, CA 94903

Dear Ms. Warner:

I am a physician with Kaiser Permanente in Novato, and care for many patients who need low income housing. Before I became a physician, I was an environmental planner with degrees in natural resource management and economics from both Harvard University and the U.C. Berkeley School of Forestry and Wildland Resource Management.

I certainly understand the need for affordable, higher density housing in Marin and throughout the Bay Area. In my job as a primary care doctor, I am devoted to improving my lower income patients' well being and am no stranger to the strains that are posed by lack of affordable housing.

1 But I think it would be obvious to anyone with city planning background that Grady Ranch is entirely inappropriate for high density housing. Not only is it a very sensitive area environmentally (witness the strong concerns raised by federal and state agencies in charge of watershed protection), it has incredible scenic value (It has been proposed for scenic road status) and historic value (as one of the remaining undeveloped areas in the ranches held consecutively by Don Timoteo Murphy, his son in law John Lucas and later the Freitas family). This environmental, scenic and historic value should be obvious to the entire county planning department and the entire Bay Area.

Lucas Valley Road is already straining under existing traffic, and developing the upper valley at this high level of density will quite rapidly require the widening of the road in order to create three or four new traffic lights at intersections which now manage without them.

Grady Ranch and upper Lucas Valley have none of the amenities I'd look for if I were in a family that because of lower income, has a greater need for public transportation, grocery shopping, easy proximity to high schools, etc.

I see many underused commercial areas off of Smith Ranch road on the Bay side of the freeway. Why not create a mixed housing/commercial area there that would support increases in both daytime and evening use?

Sincerely,

Amy Ewing MD  
353 Mt. Shasta Drive  
San Rafael, CA 94903  
415 472 6685

**RESPONSE TO LETTER NO. 7 - AMY EWING, MD, (FEBRUARY 20, 2013)**

**Response to Comment 7-1**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*.

The existing *Countywide Plan* land use designation for the Grady Ranch is PR 1 unit per 1 to 10 acres and the zoning is 0.031 and 0.0379 units per acre. Portions of the site are within the Ridge & Upland Greenbelt and Stream Conservation Areas, which pose environmental constraints to potential development. Adoption of the *2012 Draft Housing Element* would not change the residential use currently allowed. As noted on page 4 of the Draft SEIR the Draft SEIR provides an in-depth program-level review of the proposed housing sites. Regarding site-specific review of future proposals to develop individual housing sites, please see *Master Response 3 – Environmental Review of Housing Projects*.

February 19, 2013

Rachel Warner  
Environmental Planning Manager  
3501 Civic Center Drive, #308  
San Rafael, CA 94903  
OR via email to: [envplanning@marincounty.org](mailto:envplanning@marincounty.org)

Re: 2012 Draft Marin County Housing Element and Supplement to the 2007 Countywide Plan EIR  
Comments

Dear Ms. Rachel Warner,

We are writing to you concerning the 2012 Draft Marin County Housing Element (Housing Element) and Supplement to the 2007 Countywide Plan EIR (SEIR).

We live in unincorporated San Rafael with our young child who attends preschool in Terra Linda. We chose to move here 3 years ago because of the award winning Dixie school district, beautiful open space surrounding our neighborhood and the small-town community character, rich in heritage.

Like many families, we both work full time and commute long distances to our jobs so that we can live in a safe community with award winning public schools. We sacrifice so that our child can have a quality public school education in one of the highest rated and celebrated Dixie School district. We are deeply concerned that our child will not receive the same high-quality public education due to the inability of the Marin County Planning Department, Housing Planning Committee, and the Board of Supervisors to follow the requirements outlined within CEQA and to fully address the concerns of the community.

We do not feel that the low income housing is being distributed evenly across Marin County. Unincorporated San Rafael will have approximately 70-80% of all the new low income housing for Marin. This will increase the population by over 20% and add hundreds of children to the basic aid school district. If this proposed affordable housing is to fulfill a requirement set forth by the State of California, then the financial and environmental impact should be spread throughout Marin County: **not concentrated in the Lucas Valley/Marinwood neighborhoods.**

The 2007 Countywide EIR and the 2012 SEIR do not adequately address the additional impacts as a result of the proposed projects in the 2012 Housing Element. CEQA guidelines require that a new EIR be completed when significant new impacts are created as a result of the planned changes. Based on our below concerns, the County appears to be in violation of the CEQA requirements and we request that the impacts be fully evaluated in a revised EIR prior to adopting the 2012 Housing Element.

1

1. The EIR and SEIR does not present a plan to open new schools or improve additional schools as a result of the influx in new housing. Implementation of the 2012 Housing Element will bring a large influx of new student which will greatly impact the quality of the Dixie School District without properly funding from the Developers.
  - a. The new residential properties will not generate any new property tax to help offset the influx of children being educated in the Dixie district.

1  
continued

- b. The Dixie School district is completely funded by property taxes and propositions voted on by the residents. Currently, children that attend Dixie School receive approximately \$10k per student per year due to our sizable property tax contribution, while the other Marin districts are Revenue limited and receive money from the State. Other Marin schools budget approximately \$6k per student per year. With diluted funding per child, the education level will inevitably go down.
- c. The builders do not contribute to the property taxes that support our schools. The builders are only required to pay a one-time fee that is discounted based on property type, per the SEIR (i.e. reduced to build low income property). Therefore, Dixie School will not have the financial support to sustain the quality of education it is known for.
- d. The quality of education will significantly be affected if the County's plan moves forward. The Marin County Board of Supervisors and Housing Planning Committee has not addressed how the new proposed dense housing and increased population will affect the Dixie School District. Without a plan, the Housing Element SEIR shall not be approved.
- e. Does the current Board of Supervisors want their legacy to be that they brought down the award winning Marin schools due to inadequate County planning? We realize that the state mandates housing equality, but it needs to be conducted in a responsible manner and currently it is not.

2

2. The EIR and SEIR does not present a plan for increased police, fire, and park services. How does the County propose to support these services if the population were to increase by 20%+?

3

3. The EIR and SEIR does not adequately address the increased traffic and congestion. Noise and air pollution is a major impact on our quality of life and must be carefully analyzed. The EIR and SEIR does not address the increase in greenhouse gas emissions.

4

4. The EIR and SEIR does not address the long-term sustainability of our water supply. Previously the County voted down the desalination project. How will the County continue to provide reliability, sustainable water supply that we can afford?

5

5. The EIR and SEIR indicates that both CEQA guidelines and County goals discourage against using open space for development but the current housing element will use vital open space such as the area around Grady Ranch if the project moves forward. The County is not true to their own ideals.

6

6. The EIR and SEIR contains a Aesthetics section with the goal of addressing the following:
- a. Have a substantial adverse effect on a scenic vista?
  - b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
  - c. Substantially degrade the existing visual character or quality of the site and its surroundings?
  - d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The Marinwood-Lucas Valley Area is a nationally recognized significant environmental and cultural resource and is the home of the architectural significant Lucas Valley Eichler Subdivision. Bringing a

large influx of development into this region have a significant impact on the scenic vista; damage scenic resources; destroy the unique character of the world renowned Eichler subdivision; create substantial light pollution to a area which has had no street lights for over 50 years; and will inevitably result in a loss of the very unique small-town character of Lucas Valley/Marinwood and the heritage in our community.

We ask the County be responsible planners and evenly distribute the required planning needs through the county so that our community can look forward to a bright sustainable future. Finally, we understand that this impact report is about housing needs, but it has **not addressed our community needs and how they will be supported.** We look forward to reviewing a revised EIR and Housing Element which addresses our concerns.

Sincerely,

Angela and Ryan Freeborn

**RESPONSE TO LETTER NO. 8 - ANGELA AND RYAN FREEBORN (FEBRUARY 19, 2013)**

**Response to Comment 8-1**

A discussion of the Housing Element's impact on schools can be found on page 226 of the Draft SEIR. The Draft SEIR acknowledges that school enrollment continues to rise, and "implementation of the Countywide Plan would increase demand for public school services beyond the existing public school capacity, resulting in the need for new facilities." Also, please see *Master Response 2 – Dixie School District*, which explains that the Leroy F. Greene School Facilities Act of 1998 ("SB 50") preempts local jurisdictions from devising their own requirements to mitigate or otherwise address impacts of new development on school facilities.

**Response to Comment 8-2**

Public Services, including fire protection, police protection, and parks, are discussed on pages 222 through 234 of the Draft SEIR. An updated existing conditions section is provided as well as a discussion of potential public services impacts. A discussion of recreational facilities and services is provided on pages 235 through 238 of the Draft SEIR.

**Response to Comment 8-3**

The Draft SEIR serves as a supplement to the *2007 Countywide Plan EIR*. As discussed in *State CEQA Guidelines* Section 15163(b) a supplement to an EIR need contain only the information necessary to make the previous EIR adequate for the project as revised. This supplemental EIR evaluates impacts in terms of any "changed condition" (i.e. changed circumstances, project changes, or new information of substantial importance) from what was evaluated in the *Countywide Plan Final EIR*.

The Draft SEIR discusses transportation impacts starting on page 239. As discussed on page 241 of the Draft SEIR, the traffic analysis uses an updated traffic model that incorporates more recent demographic information. Using this model, the traffic analysis found that there would be no new significant impacts or any increase in severity of a previously identified significant impact resulting from implementation of the *2012 Draft Housing Element*.

The Draft SEIR provides a discussion of potentially new and/or substantially more severe significant impacts started on page 41. This includes information about air quality impacts due in part to new and updated procedures for evaluating impacts. New and revised mitigation measures for air quality impacts are provided. This section also includes three new mitigation measures to address flooding impacts associated with sea level rise and floodzones. A new noise impact has been identified resulting from vibration impacts associated with the Sonoma-Marín Area Rail Transit (SMART) train operations.

**Response to Comment 8-4**

An updated water supply setting is provided on page 264 of the Draft SEIR. Information regarding the *2007 Countywide Plan EIR* analysis of environmental impacts related to water supply is provided on page 267 of the Draft SEIR. Implementation of the *2012 Draft Housing Element* would not result in any new impacts related to water supply, or increase the severity of previously identified impacts.

**Response to Comment 8-5**

None of the housing sites included in the 2007 to 2014 planning period has a *Countywide Plan* land use designation of open space. In the 2014 to 2022 planning period only Rotary Field has a *Countywide Plan* land use designation of open space (Public Facility / Open Space). The site's zoning is Public Facility. It is noted on page 40 of the Draft SEIR that both a *Countywide Plan* amendment and rezoning would be required for this site to permit housing development.

**Response to Comment 8-6**

As stated on page 58 of the Draft SEIR, the *Countywide Plan* contains goals, policies, and programs to promote design characteristics in development that would preserve the existing character of Marin County's unincorporated communities and rural areas, and also would preserve scenic resources. Any new development implementing the *2012 Draft Housing Element* must be consistent with these *Countywide Plan* goals, policies and programs. The *2007 Countywide Plan EIR* identifies Light Pollution and Nighttime Sky as a significant and unavoidable impact. However, implementation of the Housing Element would not increase the severity of this impact. No additional information for review of aesthetic impacts is necessary.

**From:** Ann Burke [mailto:burke94941@aol.com]  
**Sent:** Saturday, January 12, 2013 10:15 AM  
**To:** EnvPlanning  
**Subject:** Extension for Public Comment for the DSEIR

Please provide an extension for public comment based on the following:

1

Reasons for requesting an extension of the public comment period for the DSEIR are:

- Need more time to review the document so you can make informed comments at the hearing.
- The DSEIR is a substantial document with a long history, many complex reference documents, and an unusually high number of Significant and Unavoidable Environmental CEQA Impacts
- The DSEIR was released in the middle of the holidays, reducing the time that you could devote to reviewing the document
- Marin County has given only 45 days for the public comment period. Most counties would provide 60 days for such controversial projects because the shorter time period directly inhibits public involvement.

Thank you,  
Ann Burke  
334 Jean Street  
Mill Valley, California 94941

**RESPONSE TO LETTER NO. 9 - ANN BURKE (JANUARY 12, 2013)**

**Response to Comment 9-1**

The Draft SEIR was distributed on December 20, 2012. Distribution of the Draft SEIR began a 45-day public review and comment period on the adequacy of the Draft SEIR which was to conclude on February 4, 2013. In response to this comment, and several others received by Marin County, which requested more time to comment the Draft SEIR comment period deadline was extended to February 19, 2013.

**From:** Ann Mizel [<mailto:a.mizel@comcast.net>]  
**Sent:** Friday, February 15, 2013 1:31 PM  
**To:** housingelement  
**Subject:** Seminary Affordable Housing, Strawberry

1

I have no objections if not too dense (affecting traffic) and depending on design of buildings and location on the GGBTS property. I understand the huge need for affordable housing in Marin. Ann G. Mizel, Strawberry

**RESPONSE TO LETTER NO. 10 - ANN MIZEL (FEBRUARY 15, 2013)**

**Response to Comment 10-1**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

Marin County Planning Commission  
 3501 Civic Center Drive, Suite 308  
 San Rafael, Ca. 94941

February 5, 2013

Merits of the 2012 Draft Supplementary Environmental Impact Report and  
 Housing Elements's Tam Junction Affordable Housing Opportunity Sites

**Regarding AH Combined District and Increased Densities :**

1 The intent of the methodology is to identify sites that allow residential uses at 30u/ac to achieve housing goals (Pg.16). Establishing higher density in vulnerable locations for lower income, more vulnerable populations such as the constrained sites identified in Tam Valley is environmental injustice and furthers social inequity. AH Combined District analysis for higher density includes 60 units at Tam J Retail site (2014-2022) on Pg.35 & 36). To suggest that developing this at higher density "requires no additional analysis" as it would have "no new" or "substantially more" impacts on safety and access (already impaired) and "no increased demand on public transit services" (already inadequate) in this highly congested area is clearly inaccurate. In selection of sites there is also no consideration of the impact of likely 35% density bonus potential with affordable housing designation regardless of whether the State allows this inclusion.

**Regarding Concentration of Housing, Cumulative Impacts, Environmental Streamlining and Incentives :**

2 Growth and concentration of population is considered a significant unavoidable impact making the impacts even more severe in already highly constrained areas such as Tam Valley. The significant impacts are not just site specific but also cumulative due to potential build-out and may not be adequately considered in an individual project application. Prior growth assumptions based on 5yr. old data have been considered outdated so likewise the current data may no longer be an accurate basis to project land use decisions to 2022 or 2035. This is particularly egregious when the program level planning uses such assessment to eliminate elements of environmental review based on present data and solely focus future review only on areas identified now, regardless of changing conditions such as ever-increasing traffic and accelerating sea level rise and predicted earthquake likelihood affecting Tam Valley. This streamlining combined with codifying incentives in adversely impacted areas being targeted for "opportunities for development" will exacerbate environmental problems. create additional health and safety problems and strain service capabilities.

**Regarding Changing Conditions, New Information and Substantially More Severe Impacts :**

3 Major revisions are needed since 2007 EIR as there is new information regarding Air, Noise and Flooding (& Sea Level Rise) risks which are not adequately covered by the respective mitigations proposed. Some of the new information regarding traffic and recreational use, access, school capacity, earthquake probability, available water supply and cultural resources would amplify conditions which could not be mitigated and when analyzed indicate elimination of specific sites such as in the Tam Valley/Almonte and Manzanita areas.

#### **Regarding GHG and Transportation :**

4 The purpose stated for new development is to reduce GHG (by 20%). Regardless of this objective, "the increase in GHG emissions over the existing levels" due to development is a significant unavoidable impact. Vehicle miles traveled are projected to increase. (However, this impact and increase could be avoided by not allowing such development.)

Inconsistency with the Clean Air Act and the Clean Air Plan Transportation Control Measures are predicted because the rate of population growth may be exceeded by the concomitant VMT. The estimate may also be influenced by site specific conditions such as creating a concentration of high density land use near inadequate public transit and presuming the residents will not use or need their cars. Other conditions such as the necessity of local residents having to travel out of their area for basic needs like groceries also affects the validity of the estimate.

5 Our Tam Valley/Almonte area continues to have significant, 'unavoidable' transportation impacts both project and cumulative and increased VMT. The 'F' AM & PM peak hour assessments and lack of intersection and off-ramp analysis (compounded by recurrent flooding) insufficiently assess the severity of the traffic impacts of any additional development. Furthermore they do not show the impact of over a million cars passing through this area from regional use of multiple recreational destinations such as the GGNRA, Mt. Tam State Park, Muir Woods, and Stinson and Muir Beaches. The latter impact is all summer, especially weekends all day and not just at AM & PM commuter peak hours studied on weekdays! The 2009 data used does not reflect the huge increase evident to local residents in vehicle traffic coming through from Mill Valley and Hwy.101 and Western Marin.

#### **Regarding Access/Egress, Emergency Services and Fire :**

6 There is reference to the serious potential impacts on emergency access in low-lying areas. This would especially include the Tam/Almonte sites where the access/egress impacts are adversely affected by worsening 'F' level traffic and flooding and potentially life threatening due to high seismic risk and upland high fire risk and an increasing senior population requiring emergency health response.

How could the DSEIR authors decide there were no changes, no new circumstances involving more significant impacts and no new information of importance requiring new analysis since 2007 EIR which would result in inadequate emergency access being determined to be less-than-significant? The increased warning of fire danger, current projected probability of 6.7 or greater earthquake in the Greater Bay Area is 63% in the next 30 years (USGS - 2008), escalating sea level rise projections (level and timeframe), current increased number and severity of flooding events are a few examples of factors that have changed and are changing.

These create new circumstances with more significant impacts on local experience and are evident using new information since 2007 which show the potential effect on emergency access and suggest avoidance of land use decisions that will exacerbate these conditions and increase the population impacted. There is no data or study done on the impact of changing conditions above to validate the personal reassurances from the Fire Chief.

#### **Regarding Health Concerns :**

7 There have been many scientific studies published since 2007 which have conclusively stated the health risks of residential development (with sensitive receptors) in close proximity to freeway, highways and major roads to be more severe than previously thought. such as lifelong lung impairment of children, cancer, elevated cardiac risks and cognitive impairment in seniors, risks of miscarriage for African-American women. The 13 year USC study by Gauderman of more than

3,600 children in 12 communities found that the damage from living near a freeway is about the same as that from living in communities with the highest pollution levels according to the medical journal *Lanset*. Kim CDPH (Traffic, asthma and Lung Development Living Near Busy Roads), OEHHA (East Bay Children's Respiratory Study) is one of the dozens of studies available which verify the need to avoid proximity. The Health Council of Marin recommendation was that at least 500 feet minimum from a source be analyzed. (BAAQMD has advised 1000 foot radius be evaluated.)

Recognizing these serious health risks and the expectation that new housing will serve vulnerable people (i.e. families with children, seniors, pregnant women) it is important that the environment people live in be evaluated not just indoors but also outdoors as well. The mitigations to reduce the level of significance do not adequately consider the outdoor exposures therefore they cannot be considered sufficient to reduce the impacts from TAC to a less-than-significant level. An outdoor buffer zone needs to be established between TAC sources and sensitive receptors. The Tam/Almonte sites in the Housing Element are located in close proximity to potential TACs especially in heavy traffic areas where freeways, highways and major roads converge such as Hwy. 1, Hwy. 101, Shoreline Highway, and Almonte Blvd. In addition, while other sites are listed as having Cancer Risk exposure from Mobile Source : US 101, all the sites in Tam Valley are next to Highway 1 or 101 and none are listed with Mobile Source Risk ! Considering that this is a major trucking route to Mill Valley and West Marin as well as for commercial building supply and equipment retail commercial businesses on Shoreline this is a very significant oversight. There was no consideration of the impact caused by the stoplights being added in two locations next to the Tam Valley sites which will add to the TACs from the idling of trucks and cars at red lights.

While there is a reference to Site #4 and Site #19 having a Potentially Significant Cancer Risk from cleaners located at 204 Flamingo in Tam Valley, the site # 19 is located at 237 Shoreline Hwy. which is even closer to European cleaners at that same address! The latter cleaners is also near Site #14 (Armstrong) and this cleaners is not even referenced.

Hazardous materials from gas stations are referenced but there is no reference to potential hazards from multiple automobile repair shops, and building materials storage in commercial business area on Shoreline Highway across from sites #14 and #19 , especially in the event of flooding, sea level rise or earthquake. Likewise there is no mention of the potential hazard from operation of gas station at Tam Junction on adjacent Site #19.

### **Regarding Noise and the Richardson Bay Heliport :**

On Pg. 209 there is an inconsistency with the sites identified on Pg.148 as being within 2 miles of the Richardson Bay Heliport - #4 and #9 are not included on Pg. 148.

The Housing Element may not create new airport impact but it may create new sensitive receptors in close proximity to airport requiring additional review such as examples given - Site #14 and Site #19.

Contrary to DSEIR statement that the Richardson Bay Heliport has not experienced significant changes in activity level, new information since 2007 based on local resident experience and Park Service feedback indicates there has been increased air tours allowed by the National Park Service over Tam area in proximity to GGNRA. Especially in the summer, the noise level and frequency all day of outdoor low-flying planes have become intolerable. The sites exceed Land Use Compatibility Guidelines and the impact has become much more severe since 2007 EIR.

Residential development is sensitive to noise outdoors as well as indoors and yet mitigations

8  
continued

focus on indoors and acoustical design. When exterior noise level is unacceptable it hinders the use of outdoors.

Recent studies indicate that there are increased cardiac risks to seniors from proximity to unacceptable noise sources which could include freeways (major transportation corridors) and airports. Seniors are among the proposed residents to be served. (Research found that middle-aged adults who live near high-traffic roads are 46% more likely to suffer a heart attack than those who live in more peaceful neighborhoods. even when adjusting for other heart risk factors like smoking, obesity and family history. )

9

**Regarding Geology and Soils/ Liquefaction and Seismic Risks :**

Our Tam/Almonte area of sites will be adversely impacted by the high magnitude earthquake (63% probability of 6.7 or greater in Bay Area within 30 years) predicted by experts because of the geology of these sites. Both the Hayward-Rodgers and the San Andreas Faults are approximately 10 miles from the proposed sites in Tam/Almonte area.

All our 5 sites in Tam/Almonte area are listed as having very high liquefaction potential and seismic shaking intensity. Since liquefaction can result in significant damage to structures and loss of life during earthquakes, future development should not be in such locations sited in the Housing Element jeopardizing public safety.

10

**Regarding Sea Level Rise, Flooding, SFHA Hazards and Impervious Surfaces :**

Substantially more severe impacts on proposed development can occur based on the new information since 2007 about potential flooding and sea level rise as well as current evident increase in flooding in Tam/Almonte area. As a significant, unavoidable project and cumulative impact exposing people and structures to hazards, such information should make sites here unsuitable for residential use. In spite of mitigations, people and development (i.e., structures and emergency access) in low-lying areas could still experience substantial damage, loss, injury, or death in the event of a severe tsunami or seiche event. However, there is no indication that applying an alternative precautionary principle preventing risks and costs to new residents and their property would be considered thereby avoiding new development and expensive insurance in floodplains like Tam Valley.

Regarding the approximate percentage of mapped parcel area in FEMA SFHA - 3 Tam/Almonte sites are 100%, 1 is 80%-100% and the other is 2%. Due to the proximity of the sites to predicted areas of mid-21st century tidal inundation mapped by the US Geological Survey (USGS) in cooperation with the BCDC and adopted as amendments to its San Francisco Bay Plan - all Tam/Almonte sites are considered exposed.

The most recent FEMA flood hazard zone mapping for Marin County did not incorporate the current best estimates of sea level rise into its determinations of 100-year flood elevations and SFHA extents. This 2009 updated flood study did not consider future sea level rise scenarios and their potential impacts on tidal or tsunami-induced flooding.

The tidal inundation predictions by BCDC and USGS (mid-century 16 inches) relate to tidal flooding and storm surge but do not include potential wave run up during storm events and do not incorporate coincident watershed flooding, which would increase flood hazards in areas affected by sea level rise and associated increases in tide levels.

Federal regulations prohibit development within floodways established by the appropriate FIS, and limit the extent new floodplain development can substantially affect computed flood elevations in the impact area.

Because some of the sites in Tam/Almonte area are closer to the embayments to which they drain, i.e. Richardson Bay, the level of influence of a raised sea level on watershed flood elevations would accordingly be greater. Consideration of such greater flood elevation would be another reason to eliminate such inappropriate residential sites from the Housing Element.

Flooding responses are not well developed at this time and may be limited by financial constraints and the prolonged time it takes for study and planning. Therefore development should not be projected in this Housing Element or allowed in the future in locations already known to be significantly and increasingly adversely impacted.

All Tam/Almonte sites are described as creating more impervious surfaces compared with the CWP which would serve to exacerbate and increase the severity of the flooding conditions.

Site # 14 was listed as having a remote to moderate potential to possibly support currently unreported occurrences of special- status species based on the presence of relatively undisturbed natural areas and important habitat features such as creeks and wetlands. Site # 18 should have been included in sites supporting special status species as it is in WCA. It is also located next to the Richardson Bay with flood waters already lapping its doorstep.

The County does not seem to have current information which the local residents have recorded about the presence of endangered species. There are inadequate funding and records to assess. Assessment that there are 'no new or substantially more significant impacts to biological resources' cannot be made without such staff and record of relevant monitoring data. Funding a biologist will not mitigate impacts but rather guide the assessments of needed protections.

Higher density development with concentration and activity of more people will inevitably have more significant cumulative impact by contributing to an increase in human activity, noise, vehicle traffic, artificial light, and secondary effects of increased urban runoff volumes and pollutant levels, among other changes to existing habitat conditions. There are no standards that can be applied in identifying the threshold for when this combined or cumulative loss of common wildlife habitat becomes significant. (DSEIR) Preservation, restoration and expansion of the wildlife habitat area and buffer zone allowing for migration precipitated by sea level rise will become increasingly important. This is especially important because there is no adopted Habitat or Natural Community Conservation Plans in Marin County. The lack of such a Plan should not consider the 2012 Draft Housing Element to have no impact!

There is known to be 125 species of birds, 75 species of butterflies and 12 species of mammals in Bothin marsh, adjacent upland, Richardson Bay and Coyote Creek. This area serves not just as a feeding and nesting area for local wildlife residents but also an important rest and feeding area for migratory birds on the Pacific Flyway.

Housing sites #4 and #18 support areas that qualify as WCAs based on data mapping; housing sites # 4 had field conditions that indicated "possible" presence of jurisdictional wetlands that could qualify as WCAs; housing site #14 supported areas with known or possible areas suspected to qualify as SCAs that may also contain areas of jurisdictional wetlands that could qualify as WCAs. Collectively, a large percentage of the housing sites contain known or possible WCAs and / or SCAs, indicating that potential direct and indirect loss or modification to existing wetlands and streams is likely. (Site assessments are required in WCAs) (DSEIR) The concept of a wetland (or stream) conservation area should be 'conservation' not 'development', i.e. Prioritize Wetland Avoidance.

Housing sites identified in the 2012 Draft Housing Element would potentially increase pollutant loading on receiving waters relative to that assessed in the 2007 Countywide Plan EIR, particularly where new projects or substantive changes in the density of prior-identified projects are proposed. (DSEIR) The Richardson Bay already is polluted with compromised water quality exceeding safety

12 continued

levels of bacteria. Pollutants can be increased from development runoff entering Coyote Creek or Richardson Bay.

13

Habitat replacement is not considered warranted on an individual development application basis where the loss of common wildlife habitat is not considered significant and is not feasible from a financial, social, or land-use policy basis. (DSEIR) The problem is that applications for development occur on a case-by-case basis without the contributing cumulative impact responsibility. The individual impact may seem insignificant but the collective impacts of multiple individuals may be very significant! According to the DSEIR collectively a substantial loss of wildlife habitat and movement opportunities could occur over time and this impact was therefore identified as a significant unavoidable impact of the Countywide Plan in the 2007 Countywide Plan EIR. This impact would be avoidable if development in biologically sensitive areas are avoided!

The protection assuring low end of density no longer applies because of the added AH exception which applies to the proposed 2012 Housing Element sites. The impact on sensitive habitat does not lessen with higher density or lower income housing (another new exception allowed). It will be likely to increase with more human activity. There is an assumption that there will be less outdoor activity (and impact) with MF housing but when it includes families with children there will be a need for provision of outdoor activity.

14

**Regarding Public Services (Incl. Schools & Public Transit) :**

In spite of repeated expansion of local school facilities there is no room for all the children living in Tam /Almonte in the neighborhood school which is operating as a crowded school at capacity. Many children of current residents have had to be driven to distant schools out of our local area (expending more GHG). This is not an insignificant impact to those families. Higher density buildout in the 2012 Housing Element projected for our community is a new significant local impact regardless of the total number of units in the County unincorporated area because the elementary schools can not serve increased demand. Construction of a new school facility in Tam Valley may not be possible geographically or financially and therefore the impact may not be mitigable.

Public transit is and will continue to be inadequate, especially with increased demand.

High density residential development projected the 2012 Housing Element concentrated in the Tam/Almonte area will add to the impacts of already overwhelming regional recreational use of Federal, State and County Parks.

15

**Regarding Waste and Water :**

A new water supply desalination facility as proposed (with intake in the most toxic body of water in California across from the worst pollutant facility in California) was cause for concern. A public vote to determine whether or not to allow construction of such a new water supply would be required; therefore, planning cannot assume this available new supply. Currently needed water supply has been sought successfully through conservation along with policies of offsetting new water demand (no net increase allowed).

Requiring a sustainable water supply by planning to live within our watershed will tend to prevent accelerating our already existing significant unavoidable impacts on our water supply. This assessment of water supply may indicate limiting projected proposed buildout in order to maintain sustainability. Water has to be currently available to serve development.

Future wastewater treatment capacities may be affected by funding limitations, permit restrictions, and environmental requirements, which may constrain future development according to the DSEIR so long range planning may be difficult considering the aging infrastructure.

15  
continued

Planned expansion of the Redwood Landfill may not be possible based on environmental impacts so future development should not be built which would rely on its continuation.

16

**Regarding Cultural Resources :**

The DSEIR states that it is "very unlikely" due to the scarcity of remains, that any development could potentially result in the disturbance of human remains during construction. Only one site in the County is identified as likely, St. Vincent's/Silveira . However, in the Tam/ Almonte area we have already found numerous human remains buried beneath what has become the Fireside housing development. It is evident that this area around Coyote Creek and the Richardson Bay was lived in and used by the Miwok making the findings of remains at other nearby sites likely.

Residential development that could occur under the 2012 Draft Housing Element would potentially have an impact on archeological or paleontological resources or on human remains. Has additional funding been provided for the mitigation measure that would establish preservation guidelines? If not , how can it be assumed that development will not have a significant impact on archaeological resources. How can it be determined which areas are resource areas? Are surveys being done in any site areas?

17

**Regarding Conflict With Other Plans :**

The proposed high density development sites in the Tam/Almonte area are in conflict with the semi-rural (not urban) character of the community.

Any mixed-use visualized in the past 20 years ago should no longer be considered viable based on more severe conditions occurring now and projected for this area in the future (and since 2007). Our community plan basically put forth a habitat and natural community conservation plan for the East side of Shoreline Highway decades ago which has never been implemented and will be impacted adversely by proposed development.

The selections of housing sites in vulnerable locations with known multiple adverse impacts potentially affecting the health and safety of future low income residents is in conflict with the Countywide Plan's intentions to achieve social equity and instead creates environmental injustice, i.e discrimination. It provides inequities in living conditions which especially are deleterious to the elderly and the growth of young children. The need to provide affordable housing and development of employment opportunities with truly livable wages is important as well as improving the inadequate 'safety net' for struggling families but this need is not served by the selection of sites like Tam Valley or Manzanita!

The proposed 2012 Draft Housing Element conflicted with the Countywide Plan of 2007 and that is why the CWP has (and is) being amended!

The increased development conflicts with plans to reduce GHG by increasing them.

The development is in conflict with plans to insure protection of endangered species and allowing for their migration with sea level rise.

The assumed limitation of the extent of density does not reflect the potential impact of the State Plan for Density Bonuses.

Respectfully yours,  
Ann Spake

**Comments by Ann Spake on the 2012 Housing Element  
Draft Supplementary Environmental Impact Report**

**Regarding Concentration and Cumulative Impacts of Population and Housing :**

- 18 | 1. Concentration of population in higher density could make some impacts more severe in already highly constrained areas like Tam Valley such as the adverse impacts on sensitive habitats, traffic and schools.
- 19 | 2. Establishing higher density in vulnerable locations for lower income, more vulnerable populations such as the constrained sites identified in Tam Valley is environmental injustice and furthers social inequity.
- 20 | 3. The significant impact is not just site specific; the cumulative impact of potential build-out may not be adequately considered when an individual project application is received. Therefore, the cumulative impact must be assessed by review and potential elimination of all the proposed projects in a development area such as Tam Valley/Manzanita where the impacts cumulatively from concentrated high density development are multiple and severe.
- 21 | 4. Once growth has been planned (and expected) with the adoption of the Housing Element based on analysis done for housing through 2022, any 5 yr. reviews of growth assumptions and circulation will be too late to reverse implemented land use decisions and their impact. This is particularly suggested by the reference to the data used in the '07 EIR as 'outdated' because it was 5 yrs. old, while the current DSEIR is again using 5 yr. old projections (from 2009) and attempting cumulative predictions to 2035.
- 22 | 5. The growth assumptions being used to project population and housing targets are not consistent with the Department of Finance analysis for Marin. Such statistics project .9% growth (2010-2015) followed by loss, not increase, in population of -1.2% (2015 -2025).
- 23 | 6. Traffic predictions only reference AM and PM peak weekday flow in our area which is heavily impacted, especially on weekends all day, by huge numbers of regional recreational visitors. This is an inadequate basis for land use decisions.

**Regarding increased densities and AH Combined District :**

- 24 | 1. It is evident that a portion of Tam J Retail site targeted for 60 units (2014-2022) is being analyzed with the intention to be rezoned in the future as an AH Combined District site.
- 25 | 2. To suggest that developing this area at a higher density concentration of population would have 'no new' or 'substantially more' demand for bikes and pedestrians in this congested area as well as 'impacts on safety and access' is untrue.
- 26 | 3. That prospective residents are being placed here because of supposed proximity to transit which is (and will continue to be) completely inadequate and say there will be no 'increased demand on public transit services' is a contradiction in objectives as well as realities.
- 27 | 4. Safety and access are significantly impaired now and will continue to accelerate with current population and an increasing number of (over a million) visitors a year! You can not simply say, 'no additional analysis is required', without regard for local conditions.
- 28 | 5. There is no reference in site analysis to potential additional density based on State Density Bonuses which could be up to 35%. Consideration is important even if not required.

**Regarding Amendments, Streamlining and Codifying Incentives :**

- 29 | 1. Streamlining (rather than in-depth review) and allowing (codifying) incentives in adversely impacted areas will exacerbate environmental problems, create additional health and safety problems and ignore public service capacities.
- 30 | 2. The intent is clearly to expedite development without taking the time to analyze its future impacts such as from flooding and sea level rise, on schools, transit, access, endangered species etc. , i.e. the long term not just the immediate planning period. For some of these impacts we have insufficient and changing data which will hinder an ability to accurately project long-range plans even for mid-century.
- 31 | 3. This is particularly egregious when the program level planning uses this EIR assessment to eliminate elements of environmental review based on present data and will solely focus future review only on areas identified now, regardless of changing conditions such as ever-increasing traffic and accelerating sea level rise and predicted earthquake likelihood affecting Tam Valley.
- 32 | 4. In addition to thorough site-specific review there is also a need for consideration of cumulative impacts from potential build-out allowed.

**Regarding Changing Circumstances, New Information and Substantially More Severe significant Impacts Requiring Major Revisions to the '07 EIR :**

- 33 | 1. There is new information regarding Air, Noise and Flooding (& Sea Level Rise) risks which is not adequately covered by the respective mitigations proposed.
- 34 | 2. There is also new information regarding Traffic and Recreational Use, Access, School capacity, Earthquake Probability, Available Water Supply, Cultural Resources. Some of this new information (in addition to Air, Noise and Flooding noted above) would amplify conditions which could not be mitigated and when analyzed indicate the elimination of specific sites such as those in Tam Valley/Manzanita areas.
- 35 | 3. Some of the previous significant unavoidable impacts are substantially more severe and clearly observable by local residents!

**Regarding Local Funding Opportunities:**

- 36 | 1. Public Transportation funds (MTC) should be available where needed whether for streets, bike lanes or public transit based on existing needs without requiring agreement to increase the existing adverse conditions (F) with greater impact from high density development in PDAs.
- 37 | 2. The public (including local residents) voted to pay for transportation funding to meet their transportation needs. They did not vote for new housing strings to be attached.
- 38 | 3. Local residents were not informed about or allowed to vote on being in a designated PDA.

**Regarding GHG, Transportation, Emergency Access/Egress, & Fire :**

**GHG -**

- 39 | 1. The purpose stated for new development is to reduce GHG (by 20%). Given

39 continued

that objective, "the increase in GHG emissions over the existing levels" due to development is a significant unavoidable impact. Vehicle miles traveled are projected to increase. This impact and increase is avoidable by not allowing such development.

40

2. Inconsistency with the Clean Air Act and the Clean Air Plan Transportation Control Measures are predicted because the rate of population growth may be exceeded by the concomitant VMT.

41

3. Of course allowing more people raises the GHG use by 'per capita'. However, the actual rather than the estimate may be influenced by site specific conditions such as creating a concentration of high density land use near inadequate public transit and presuming the residents will not use or need their cars. Other conditions such as the necessity of local residents having to travel out of their area for basic needs also affects the validity of this estimate.

42

4. New information would suggest that when there is no longer a grocery store in the local area there is a more severe GHG impact by all current and potentially new residents.

### Regarding Transportation -

43

1. Our Tam Valley/Almonte area continues to have significant, 'unavoidable' transportation impacts both project and cumulative and increased VMT. The 'F' AM & PM peak hour assessments and lack of intersection and off-ramp analysis (compounded by recurrent flooding) insufficiently assess the severity of the traffic impacts of any additional development. Furthermore they do not reflect the impact of over a million cars passing through this area from regional use of multiple recreational destinations such as the GGNRA, Mt. Tam State Park, Muir Woods, and Stinson and Muir Beaches. The latter impact is all summer, especially weekends all day and not just at AM & PM commuter peak hours studied on weekdays!

44

2. The overall number of units projected in the CWP do not reflect the severity of concentration of new development (higher densities) in specific areas affecting safety and access. Therefore further analysis should be required in this SEIR when establishing the inclusion of sites in the Housing Element, especially AH sites.

45

3. Current assessment and planning of modification of land use and circulation, public infrastructure and services would indicate that our area is already build-out especially with schools and traffic beyond capacity and insufficient mitigation. So modification of Housing Element based on current assessment should include elimination of Tam/Almonte sites. (There is no precedent for adequately providing for capacity now or in the past several decades.)

46

4. Note that the traffic data in 2013 relies on projections from 5 yr. old data! 5 year old data when previously used in 2007 was considered outdated. Therefore there is question as to the reliability of using old data for long-term future projections. The huge increase since 2009 in vehicle traffic coming through from Mill Valley and Hwy.101 and Western Marin is evident to local residents in spite of the Muir Woods Shuttle attempt to reduce some of that traffic.

### **Regarding Access/ Egress/ Emergency Services/ Fire -**

- 47 1. There is reference to the serious potential impacts on emergency access in low-lying areas. This would include the Tam/Almonte potential sites. In addition to flooding this access/ egress impact is also adversely affected by worsening 'F' level traffic and is potentially life threatening in our high seismic impact area and the interior of the valley which is considered a high fire danger area requiring emergency response. In addition an increasing senior population has health needs necessitating adequate emergency response (and access/egress).
- 48 2. How could the DSEIR authors decide there were no changes, no new circumstances involving more significant impacts and no new information of importance requiring new analysis since 2007 EIR which would result in inadequate emergency access being determined to be less-than-significant?
- 49 3. The increased warning of fire danger, current projected probability of 6.7 or greater earthquake in the Greater Bay Area is 63% in the next 30 years (USGS - 2008) i.e.the severity and time of earthquake occurrence, escalating sea level rise projections (level and timeframe), current increased number and severity of flooding events are a few examples of factors that have changed and are changing. These create new circumstances with more significant impacts on local experience and are evident using new information since 2007 which show the potential effect on emergency access and suggest avoidance of land use decisions that will exacerbate these conditions and increase the population impacted.
- 50 3. There is no data or study done on the impact of changing conditions above to validate the personal reassurances from the Fire Chief.

### **Regarding Health Concerns :**

#### **Air -**

- 51 1. There have been many scientific studies published since 2007 which have conclusively stated the health risks of residential development (with sensitive receptors) in close proximity to freeway, highways and major roads such as lifelong lung impairment of children, cancer, elevated cardiac risks and cognitive impairment in seniors, risks of miscarriage for African-American women, to be more severe than previously thought. The 13 year USC study by Gauderman of more than 3,600 children in 12 communities found that the damage from living near a freeway is about the same as that from living in communities with the highest pollution levels according to the medical journal Lanset. Ranft et al (cognitive impairment in elderly), Green S et al (spontaneous abortion), Kaufman (Federal study on 65,893 women showing elevated cardiac risks from fine particulates), Hoffman ( freeway traffic and atherosclerosis), Kim CDPH (Traffic, asthma and Lung Development Living Near Busy Roads), OEHHA (East Bay Children's Respiratory Study) are but a few of the dozens of studies available which verify the need to avoid proximity.
- 52 2. The 2007 mitigation of evaluating this risk within 150 feet of potential such TAC source is considered inadequate not only by BAAQMD standards but also as expressed to the Board

of Supervisors by the Health Council of Marin recommendation that at least 500 feet minimum from source be analyzed. (BAAQMD has advised 1000 foot radius be evaluated.)

53 3. Recognizing these serious health risks and the expectation that new housing will serve vulnerable people (i.e. families with children, seniors, pregnant women) it is important that the environment people live in be evaluated not just indoors but also outdoors as well. The mitigations to reduce the level of significance do not consider the outdoor exposures (for ex. the outdoor play yard for children at the Fireside development next to the freeway and offramp where cars and trucks idle at the offramp stoplight!) Therefore the mitigations cannot be considered adequate to reduce the impacts from TAC to a less-than-significant level. An outdoor buffer zone needs to be established between TAC sources and sensitive receptors.

54 4. The fact that there is consideration of sites which are close to transit in heavily traffic areas next to freeways, highways and major roads such as Hwy.1, Hwy. 101, Shoreline Highway, Almonte Blvd. makes site- specific assessments imperative. A more reasonable alternative would be the elimination of Tam/Almonte sites in the Housing Element which are obviously located in close proximity to potential TACs.

55 5. While other sites are listed as having Cancer Risk exposure from "Mobile Source : US 101", all the sites in Tam Valley are next to Highway 1 or 101 and none are listed with Mobile Source Risk ! Considering that this is a major trucking route to Mill Valley and West Marin as well as for commercial building supply and equipment retail commercial businesses on Shoreline this is a very significant oversight.

56 6. While there is a reference to Site #4 and Site #19 having a Potentially Significant Cancer Risk from cleaners located at 204 Flamingo in Tam Valley, the site # 19 is located at 237 Shoreline Hwy. which is even closer to European cleaners at that same address! The latter cleaners is also near Site #14 (Armstrong) and this cleaners is not even referenced.

### **Hazardous Materials & Hazards -**

57 1. Hazardous materials from gas stations are referenced but there is no reference to potential hazards from multiple automobile repair shops, and building materials storage in commercial business area on Shoreline Highway across from sites #14 and #19 , especially in the event of flooding, sea level rise or earthquake. Likewise there is no mention of the potential hazard from operation of gas station at Tam Junction on adjacent Site #19.

### **Noise and Airport -**

58 1. Residential development is sensitive to noise outdoors as well as indoors and yet mitigations focus on indoors and acoustical design. When exterior noise level is unacceptable it hinders the use of outdoors.

59 2. Recent studies indicate that there are increased cardiac risks to seniors from proximity to unacceptable noise sources which could include freeways (major transportation corridors) and airports. Seniors are among the proposed residents to be served. (Researchers in Germany found that middle-aged adults who live near high-traffic roads are 46% more likely

to suffer a heart attack than those who live in more peaceful neighborhoods. even when adjusting for other heart risk factors like smoking, obesity and family history. )

- 60 3. Contrary to DSEIR statement that the Richardson Bay Heliport has not experienced significant changes in activity level, new information since 2007 based on local resident experience and Park Service feedback indicates there has been increased air tours allowed by the National Park Service over the Tam area in proximity to GGNRA. Especially in the summer, the noise level and frequency all day of outdoor low-flying planes have become intolerable.

This is the time of year local residents would choose to spend time outdoors and yet the noise is so intense it wakes sleeping babies and makes outdoor garden use feel like you are in a bombing range! The sites exceed Land Use Compatibility Guidelines and the impact has become much more severe since 2007 EIR.

- 61 4. The Housing Element may not create new airport impact but it may create new sensitive receptors in close proximity to the heliport requiring additional review such as examples given - Site #14 and Site #19. The potential adverse cumulative impacts on sensitive receptors of freeway and heliport would suggest the inappropriateness of the site selections in Tam/Almonte.

- 62 5. On Pg. 209 there is an inconsistency with the sites identified on Pg.148 as being within 2 miles of the Richardson Bay Heliport - #4 and #9 are not included on Pg. 148.

#### **Regarding Geology and Soils / Liquefaction and Seismic Risks:**

63 1. Our Tam/Almonte area of sites will be adversely impacted by the high magnitude earthquake which has been predicted by experts for the future because of the geology of these sites. The probability of 6.7 or greater earthquake in the Greater Bay Area is 63%, about 2 out of 3, in the next 30 years according to the USGS in 2008. Both the Hayward-Rodgers and the San Andreas Faults are approximately 10 miles from the proposed sites in Tam/Almonte area. The Hayward Fault itself has over a 30% (1 out of 3) probability.

64 2. All our 5 sites in Tam/Almonte area are listed as having very high liquefaction potential and seismic shaking intensity.

65 3. Since liquefaction can result in significant damage to structures and loss of life during earthquakes, future development should not be in such locations sited in the Housing Element jeopardizing public safety.

#### **Regarding Sea Level Rise, Flooding, SFHA Hazards and Impervious Surfaces :**

66 1. Substantially more severe impacts on proposed development can occur based on the new information since 2007 about potential flooding and sea level rise as well as current evident increase in flooding in Tam/Almonte area. As a significant, unavoidable project and cumulative impact exposing people and structures to hazards, such information should make sites here unsuitable for residential use. In spite of mitigations, people and development (i.e., structures, critical facilities, lifelines, and emergency access) in low-lying areas could still experience substantial damage, loss, injury, or death in the event of a severe tsunami or seiche event.

67

2. The mitigation measures proposed involve obtaining current maps, determining suitability of sites, elevating building pads, coordinating with FEMA in flood studies and adaptation, adopting regional adaptation policies of BCDC, and considering flood inundation from dam failures and implementing associated programs. However, there is no indication that a preferable alternative would be possible based on the precautionary principle of avoiding new development and expensive insurance in floodplains like Tam Valley, thereby preventing risks and costs to new residents and their property.

68

3. Given information on needed elevation to avoid flooding under changing future conditions and consideration of subsidence of adjacent properties (which increases due to impact of added fill required by new development in an inundation zone), the relative height of proposed sites would not be (or remain) consistent with the existing neighborhood.

69

4. Regarding the approximate percentage of mapped parcel area in FEMA SFHA - 3 Tam/Almonte sites are 100%, 1 is 80%-100% and the other is 2%.

Regarding the proximity of the sites to predicted areas of mid-21st century tidal inundation mapped by the US Geological Survey (USGS) in cooperation with the BCDC and adopted as amendments to its San Francisco Bay Plan - all Tam/Almonte sites are considered exposed.

70

5. The most recent FEMA flood hazard zone mapping for Marin County did not incorporate the current best estimates of sea level rise into its determinations of 100-year flood elevations and SFHA extents. This updated flood study 2009 did not consider future sea level rise scenarios and their potential impacts on tidal or tsunami-induced flooding.

71

6. The tidal inundation predictions by BCDC and USGS (mid-century 16 inches) relate to tidal flooding and storm surged but do not include potential wave run up during storm events and do not incorporate coincident watershed flooding, which would increase flood hazards in areas affected by sea level rise and associated increases in tide levels.

72

7. Federal regulations prohibit development within floodways established by the appropriate FIS, and limit the extent new floodplain development can substantially affect computed flood elevations in the impact area.

73

8. Because some of the sites in Tam/Almonte area are closer to the embayments to which they drain, i.e. Richardson Bay, the level of influence of a raised sea level on watershed flood elevations would accordingly be greater. Consideration of such greater flood elevation would be another reason to eliminate such inappropriate residential sites from the Housing Element.

74

9. Flooding responses are not well developed at this time and may be limited by financial constraints and the prolonged time it takes for study and planning. Therefore development should not be projected in this Housing Element or allowed in the future in locations already known to be significantly and increasingly adversely impacted. It is not acceptable for planners to simply make unsubstantiated assumptions about solutions to these problems.

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10. All Tam/Almonte sites are described as creating more impervious surfaces compared with the CWP which would serve to exacerbate and increase the severity of the flooding conditions.

### Regarding Biological Resources :

76

1. Site # 14 was listed as having a remote to moderate potential to possibly support currently unreported occurrences of special-status species based on the presence of relatively undisturbed natural areas and important habitat features such as creeks and wetlands. Site # 18 should have been included in sites supporting special-status species as it is in WCA. It is also located next to the Richardson Bay with flood waters already lapping its doorstep.

77

2. The County does not seem to have current information which the local residents have recorded and photographed about the presence of endangered species.

78

3. The County has provided inadequate funding and kept insufficient records to assess species present and cannot protect what it doesn't know about. Sensitive wildlife habitats require monitoring to provide accurate current and cumulative data to guide land use decisions such as proposed in the Housing Element. A fully funded staff biologist should be a prerequisite if development is being evaluated in sensitive habitat areas. Assessment that "no new or substantially more significant" impacts to biological resources cannot be made without such staff and record of relevant monitoring data. Funding a biologist will not mitigate impacts but rather guide the assessments of needed protections.

79

4. Higher density development with concentration and activity of more people will inevitably have more significant impact contributing to an increase in human activity, noise, vehicle traffic, artificial light, and secondary effects of increased urban runoff volumes and pollutant levels, among other changes to existing habitat conditions.

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5. "The 2007 Countywide Plan EIR assumed that the conversion of common wildlife habitat as a result of land-use activities and individual development projected by the Countywide Plan would eventually reach a level where, when combined, these potential impacts become cumulatively significant. There are no standards that can be applied in identifying the threshold for when this combined or cumulative loss of common wildlife habitat becomes significant." (DSEIR) The combined potential impacts of high density development in the Tam/Almonte area will become cumulatively significant as it is in an already adversely impacted area. Preservation, restoration and expansion of the wildlife habitat area and buffer zone allowing for migration due to sea level rise will become increasingly important.

81

5. The Precautionary Principle avoiding additional residential development in Tam/Almonte sites, particularly in Bayland, wetland and buffer areas should be applied to avoid the potential threshold for when this combined or cumulative loss of common wildlife habitat becomes significant. This is especially important because there is no adopted Habitat or Natural Community Conservation Plans in Marin County. The lack of such a Plan should not consider the 2012 Draft Housing Element to have no impact!

82

6. There is known to be 125 species of birds, 75 species of butterflies and 12 species of mammals in Bothin marsh, adjacent upland, Richardson Bay and Coyote Creek. This area serves not just as a feeding and nesting area for local wildlife residents but also an important rest and feeding area for migratory birds on the Pacific Flyway.

83

7. Housing sites #4 and #18 support areas that qualify as WCAs based on data mapping; housing sites # 4 had field conditions that indicated “possible” presence of jurisdictional wetlands that could qualify as WCAs; housing site #14 supported areas with known or possible areas suspected to qualify as SCAs that may also contain areas of jurisdictional wetlands that could qualify as WCAs. Collectively, a large percentage of the housing sites contain known or possible WCAs and / or SCAs, indicating that potential direct and indirect loss or modification to existing wetlands and streams is likely. (Site assessments are required in WCAs) (DSEIR) The concept of a wetland (or stream) conservation area should be 'conservation' not 'development', i.e. Prioritize Wetland Avoidance.

84

8. In WCAs and SCAs...increase setback distances as necessary to ensure that hydrologically isolated features such as seasonal wetlands and freshwater marshes are adequately linked to permanently protected habitat. These additional development setbacks shall serve to prevent fragmentation and preserve essential upland buffers in the Baylands Corridor. (DSEIR) However, with uncertainties of sea level rise, tidal and storm events (surge), the distance of setback required will be changing so land use structures intended to be viable for decades and habitats migrating in the future will be difficult to anticipate accurately. It will be difficult to limit encroachment into wildlife range or avoid barriers that cut off access to food, water, or shelter for wildlife when inland migration occurs.

85

9. Housing sites identified in the 2012 Draft Housing Element would potentially increase pollutant loading on receiving waters relative to that assessed in the 2007 Countywide Plan EIR, particularly where new projects or substantive changes in the density of prior-identified projects are proposed. (DSEIR) The Richardson Bay already is polluted with compromised water quality exceeding safety levels. Pollutants can be increased from development runoff entering Coyote Creek or Richardson Bay.

86

10. Habitat replacement is not considered warranted on an individual development application basis where the loss of common wildlife habitat is not considered significant and is not feasible from a financial, social, or land-use policy basis. (DSEIR) The problem is that applications for development occur on a case-by-case basis without the contributing cumulative impact responsibility. The individual impact may seem insignificant but the collective impacts of multiple individuals may be very significant! According to the DSEIR collectively a substantial loss of wildlife habitat and movement opportunities could occur over time and this impact was therefore identified as a significant unavoidable impact of the Countywide Plan in the 2007 Countywide Plan EIR. This impact is avoidable if development in biologically sensitive areas is avoided!

87

11. Regarding : Countywide Plan Policy CD-1.3 (Reduce Potential Impacts) and Program CD-1.c (Reduce Potential Impacts) for that portion of any property with sensitive habitat or within sensitive habitat,... or the Baylands corridor,... residential densities shall be calculated at the lowest end of the applicable density range, except for multi-family parcels identified in a certified housing element. This protection assuring low end of density no longer applies because of added affordable housing exception which applies to the proposed 2012 Housing Element sites. The impact on sensitive habitat does not lessen with higher

density or lower income housing (another new exception allowed). It will be likely to increase with more human activity. There is an assumption that there will be less outdoor activity with Multi-Family housing, but especially when it includes families with children there will be a need for provision of readily available outdoor activity. Speaking as a professional educator this is essential to provide for healthy early childhood development.

**Regarding Public Services (Incl. Schools & Public Transit) :**

88

1. In spite of repeated expansion of local school facilities there is no room for all the children living in Tam /Almonte in the neighborhood school which is operating as a crowded school at capacity. Many children of current residents have had to be driven to distant schools out of our local area (expending more GHG). This is not an insignificant impact to those families. Higher density buildout in the 2012 Housing Element projected for our community is a new significant local impact regardless of the total number of units in the County unincorporated area because the elementary schools can not serve increased demand. Construction of a new school facility in Tam Valley may not be possible geographically or financially and therefore the impact may not be mitigable.

89

2. There is already increased demand for bicycle and pedestrian lanes and paths due to serious safety and access issues in our local area. Public Transit Services are inadequate and if the new higher density housing near transit increases that need than there will be increased demand. The overall number of housing units in the County is irrelevant to the analysis of potential impacts on local demand which is essential to consideration of cumulative impacts of site selected.

90

3. In the above regards the DSEIR analysis is inaccurate and/or misleading.

**Regarding Park and Recreation Services and Facilities :**

91

1. High density residential development projected the 2012 Housing Element concentrated in the Tam/Almonte area will add to the already overwhelming regional recreational use of Federal, State and County Parks. The County subsidy of Muir Woods Shuttle and Tam Valley Pathway construction illustrates the need for continuation of existing and development of new services to attenuate the excessive use. The expansion of the Pathway was necessitated by the construction of 50 isolated units at the Fireside and increased flooding. Our experience is that new needs arise with new development.

92

2. With regard to development of new services and facilities, the Countywide Plan implementation would require new or expanded community and neighborhood park facilities according to the DSEIR.

93

3. In Tam Valley we pay local fees for our own recreation and park facilities and programs implemented by our TCSD. Substantive increase in residential development that could occur under the 2012 Draft Housing Element may add to the needs of this budget and costs to residents regardless of overall number of units in the Countywide Plan.

### Regarding Waste and Water :

94

1. It was determined that a new water supply desalination facility as proposed (with intake in the most toxic body of water in California across from the worst pollutant facility in California) was cause for such health and environmental impact concern that any such facility would require a public vote to determine whether or not to allow construction of such a new water supply; therefore, planners cannot assume this available new supply. Currently needed water supply was sought successfully through conservation, education, use of rainwater catchment and graywater as well as recycling, i.e. reduction of water demand.

95

2. Policies of offsetting new water demand (no net increase allowed) and requiring a sustainable water supply will tend to prevent accelerating our already existing significant unavoidable impacts on our water supply.

96

3. Additional new development should not be allowed to jeopardize our ability to live within the limits of our watershed. Impacts to water supply due to development that could occur under the Countywide Plan would be significant and unavoidable because, due to the increase in the demand for water, water supplies could be insufficient to serve some of the unincorporated and incorporated areas of the County in both normal rainfall and dry years. Previously adopted Mitigation Measures ... would reduce these adverse impacts, but not to an insignificant level, because it would not fully reduce the impact of increasing water demands. This assessment of water supply may indicate limiting projected proposed buildout in order to maintain sustainability. Water has to be currently available to serve development.

97

4. Future wastewater treatment capacities may be affected by funding limitations, permit restrictions, and environmental requirements, which may constrain future development according to the DSEIR, so long range planning may be difficult considering the aging infrastructure.

98

5. Planned expansion of the Redwood Landfill may not be possible based on environmental impacts so future development should not be built which would rely on its continuation.

### Regarding Cultural Resources :

99

1. The DSEIR states that it is very unlikely due to the scarcity of remains, that any development could potentially result in the disturbance of human remains during construction. Only one site in the County is identified as likely, St. Vincent's/Silveira . However, in the Tam/Almonte area we have already found numerous human remains buried beneath what has become the Fireside housing development. It is evident that this area around Coyote Creek and the Richardson Bay was lived in and used by the Miwok making the findings of remains at other nearby sites likely. Residential development that could occur under the 2012 Draft Housing Element would potentially have an impact on archeological or paleontological resources or on human remains.

100

2. Has additional funding been provided for the mitigation measure that would establish preservation guidelines? If not , how can it be assumed that development will not have a

significant impact on archaeological resources. How can it be determined which areas are resource areas? Are surveys being done in any site areas? What funding has been made available to assess the potential sites to be avoided which are considered of special significance to Native Americans? What are the views of representatives of the tribes regarding proposed Housing Element sites?

**Regarding Conflict With Other Plans :**

- 101 | 1. The proposed high density development sites in the Tam/Almonte area are in conflict with the semi-rural (not urban) character of the community.
- 102 | 2. Any mixed-use visualized in the past 20 years ago is no longer considered viable based on more severe conditions occurring now and projected for this area in the future (and since 2007).
- 103 | 3. Our community plan basically put forth a habitat and natural community conservation plan for the East side of Shoreline Highway decades ago which has never been implemented and will be impacted adversely by proposed development.
- 104 | 4. Health and safety risks coupled with traffic that can't be mitigated and overcrowded schools, sea level rise and flooding have all become worsening adverse impacts even without proposed higher density proposal in Housing Element.
- 105 | 5. The selections of housing sites in vulnerable locations with known multiple adverse impacts potentially affecting the health and safety of future low income residents is in conflict with the Countywide Plan's intentions to achieve social equity and instead creates environmental injustice, i.e discrimination. It provides inequities in living conditions which are especially deleterious to the elderly and the growth of young children. The need to provide affordable housing and development of employment opportunities with truly livable wages is important as well as improving the inadequate 'safety net' for struggling families but this need is not served by the selection of sites like Tam Valley or Manzanita!
- 106 | 5. The proposed 2012 Draft Housing Element conflicted with the Countywide Plan of 2007 and that is why the CWP has (and is) being amended!
- 107 | 6. The increased development conflicts with plans to reduce GHG and it increases them.
- 108 | 7. The development is in conflict with plans to insure protection of endangered species and allowing for their migration with sea level rise.
- 109 | 8. The assumed limitation of the extent of density does not reflect the potential impact of the State Plan for Density Bonuses.

Respectfully submitted,

Ann Spake  
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Mill Valley  
February 15, 2013

**RESPONSE TO LETTER NO. 11 - ANN SPAKE (FEBRUARY 5, 2013)**

**Response to Comment 11-1**

Some of the issues raised in this comment are opinions regarding the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*.

The Draft SEIR is a supplemental EIR that only evaluates impacts in terms of any “changed condition” (i.e. changed circumstances, project changes, or new information of substantial importance) from what was evaluated in the *Countywide Plan* Final EIR. As discussed in *State CEQA Guidelines* Section 15163(b) a supplement to an EIR need contain only the information necessary to make the previous EIR adequate for the project as revised. Regarding site-specific review of future proposals to develop individual housing sites, please see *Master Response 3 – Environmental Review of Housing Projects*.

The *2007 Countywide Plan EIR* analyzes the impacts that implementation of the *Countywide Plan* would have on Safety and Access under *Impact 4.2-26 Increased Demand for Bicycle and Pedestrian Facilities and Impacts on Safety and Access*; and Public Transit Services under the discussion of *Impact 4.2-27 Increased Demand for Public Transit Services* (please see pages 4.2-66 and 4.2-67 of the *2007 Countywide Plan Draft EIR*). These impacts are identified as less-than-significant and no mitigation would be required. The Draft SEIR analyzed transportation impacts that may result from adoption and implementation of the *2012 Draft Housing Element*, compared the results of this analysis to the findings of the *2007 Countywide Plan EIR* (starting on page 248), and found that no additional mitigation measures related to the adoption of the *2012 Draft Housing Element* would be necessary.

The Draft SEIR is a program EIR that focuses on the overall effect of the *2012 Draft Housing Element*. Prior to development of the Tam Junction Retail site (Housing Site 19), the proposed project would be subject to a project-specific review. Project specific traffic impacts would be analyzed at that time.

Please see Response to Comment 46-5 in regard to the housing density bonus.

**Response to Comment 11-2**

As noted on page 47 of the Draft SEIR Population and Housing is identified in the *2007 Countywide Plan EIR* as a significant and unavoidable impact (*Impact 4.1-2 Growth and Concentration of Population*). The Draft SEIR provides an update to Marin County Population Figures in **Exhibit 3.0-25** using the most currently available population projections (ABAG Projection 2009), which includes a smaller population projection for unincorporated Marin County (2030 – 73,000 persons and 2035 – 74,300 persons) than the 76,400 persons projected by 2030 in the *Countywide Plan*. As stated on page 219 of the Draft SEIR, new housing units constructed pursuant to the *2012 Draft Housing Element* would not exceed the number of housing units the *2007 Countywide Plan EIR* bases its environmental impact evaluations on. Implementation of the *2012 Draft Housing Element* would not increase the severity of population and housing impacts.

As discussed in *State CEQA Guidelines* Section 15163(b) a supplement to an EIR need contain only the information necessary to make the previous EIR adequate for the project as revised. As a

supplement to the *2007 Countywide Plan EIR*, the Draft SEIR provides a program level analysis of environmental change that could occur upon implementation of the *2012 Draft Housing Element*. The Draft SEIR provides an in-depth program-level review of the proposed housing sites. Regarding site-specific review of future proposals to develop individual housing sites, please see *Master Response 3 – Environmental Review of Housing Projects*. This Draft SEIR will help facilitate future, tiered environmental review, because it provides program level information and data about each housing site, which identifies potentially significant environmental impacts and associated mitigation measures that may be used in analyzing future site-specific development projects. However the Draft SEIR does not presume to characterize a future project description or design for this housing site or any housing site.

**Response to Comment 11-3**

Please see Response to Comment 11-2. The Draft SEIR identifies potentially new significant impacts or a significant increase in severity of previously identified significant impacts identified in the *2007 Countywide Plan EIR* for Air Quality, Hydrology, Water Quality and Flooding Hazard, and Noise (starting on page 41).

**Response to Comment 11-4**

Comment noted. No additional response required.

**Response to Comment 11-5**

As a part of the preparation of the Draft SEIR, Kittelson & Associates (the SEIR traffic analyst) completed traffic assessments at the same study locations as were performed for the *2007 Countywide Plan EIR*. The traffic analysis prepared for the Draft SEIR was based on the worst case conditions, usually occurring during the weekday peak traffic periods when work trips by commuters and school trips are at their highest, and usually represent worse conditions than weekend recreational traffic. This is verified by weekday and weekend traffic count and survey data. In addition, the *2012 Draft Housing Element* represents housing units that, according to trip generation rates defined by the Institute of Transportation Engineers (ITE), are higher for weekday AM and PM peak hour conditions than for weekend conditions. Therefore, this SEIR has addressed the worst traffic conditions that would be created by the proposed project.

The count data was compiled for year 2009 conditions and was used to calibrate the base year traffic model to 2009 conditions. However, the traffic impact assessment and level of service was conducted by forecasting to 2035 cumulative conditions using the Countywide traffic model and therefore represent conditions when all cumulative traffic would be represented. If the base year was recalibrated to 2012 conditions, as suggested in the comment, this would also by default update the land use to 2012. The result would be instead of the traffic model projecting 26 years of growth to 2035 (from 2009 to 2035), it would only project 23 years of growth (2012 to 2035). This would have no influence on the 2035 results at all. The same cumulative volumes would be projected; therefore, the modeling and LOS results would be the same.

**Response to Comment 11-6**

The transportation analysis beginning on page 239 of the Draft SEIR concludes that implementation of the Housing Element would have less-than-significant impacts on emergency access. The Draft SEIR discusses increased demand for Fire Protection Services on pages 227 and 228. The CEQA threshold of significance for this topic is related to environmental impacts resulting from construction of new facilities as need to meet increased demand for services. As discussed in the *2007 Countywide Plan EIR* (starting on page 4.10-53) the *Countywide Plan* contains policies and programs that would

substantially reduce construction related impacts. The *Countywide Plan* also contains measures to help reduce demand for fire protection services (as noted on page 4.10-54). As noted on page 228 of the Draft SEIR, implementation of the 2012 Draft Housing Element would not result in substantially changed conditions that require revision to the 2007 Countywide Plan EIR. As discussed in *Master Response 3 – Environmental Review of Housing Projects* each individual housing site will subsequently receive additional project specific environmental review.

### **Response to Comment 11-7**

As described on pages 74 through 76 and **Exhibits 3.0-4** and **3.0-5** of the Draft SEIR, sources of toxic air contaminants (TACs) that are within 1,000 feet of housing sites were identified using data published or provided by the Bay Area Air Quality Management District (BAAQMD). In recognition of suspected health impacts caused by air pollution sources (including highways), the California Air Resources Board developed recommendations that suggested communities avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles per day or rural roads with 50,000 vehicles per day. Following these recommendations, BAAQMD developed suggested thresholds of significance to evaluate impacts from such air pollution sources and updated CEQA Air Quality Guidelines.<sup>3</sup> BAAQMD then developed screening tools to apply to air pollution sources to evaluate whether or not they pose the potential for significant impacts with respect to health effects from air pollution in the form of increased cancer risk, acute or chronic non-cancer risk and fine particulate matter exposure (i.e., annual PM<sub>2.5</sub> exposures). The screening tools developed by BAAQMD characterize the type of source. For instance, BAAQMD's Google Earth Highway Screening Analysis Tool takes into account the specific traffic volume and vehicle mix of the roadway and the meteorological conditions and predicts screening level health risk impacts. In addition, BAAQMD applies age adjustment factors to the cancer risk computations used in their tools that accounts for the greater sensitivity of infants and children to cancer-causing TACs from these sources. These factors are incorporated into their tools in the most conservative manner, which assumes that infants and small children would occupy these sites when emission rates are highest (initial years of occupancy) and they would continue to occupy the sites for 70 years. BAAQMD has evaluated all State Highways in the Bay Area, including those in Marin County and the results are available using their Google Earth tool. The BAAQMD Google Earth Stationary Source Screening Analysis Tool considers the permitted emissions from a facility and BAAQMD recommends that the distance multiplier tools be applied to the source levels to predict screening level health effects. The distance multiplier tools adjust the source impacts with respect to distance to account for the dispersion effects, where concentrations of contaminants are lower with increased distance from the source. These tools are available at BAAQMD's website: <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Tools-and-Methodology.aspx>. BAAQMD recommends that sources within 1,000 feet of a project location that would include sensitive receptors be evaluated. Use of these tools provides an indication of whether the sources present a less-than-significant impact or a potentially significant impact that would need to be further investigated using refined modeling techniques. The Draft SEIR air quality analysis used the screening tools provided by BAAQMD and did not conduct any refined analysis. The refined analysis is appropriate at the project-level analysis stage, where detailed plans are available, when more precise locations of sensitive receptors are available.

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<sup>3</sup> BAAQMD California Environmental Quality Act Guidelines Update Proposed Thresholds of Significance. BAAQMD, May 3, 2010.  
BAAQMD CEQA Air Quality Guidelines, BAAQMD, May 2011.  
BAAQMD CEQA Air Quality Guidelines. BAAQMD, June 2012.

The screening evaluation described above, which was used for the Draft SEIR air quality evaluation, only addresses outdoor exposures to TACs. Reduced TAC levels indoors were not considered in the analysis. The *BAAQMD CEQA Air Quality Guidelines* have recommended that properly designed, installed and maintained air filtration systems would mitigate the impact to a less-than-significant level. The design of the system, which would occur at a project-level analysis, would have to take into consideration the time that project occupants may spend outdoors, where these systems would be ineffective. According to U.S. EPA studies, people spend more than 90 percent of their time indoors (i.e., either in their dwelling units or at other off-site locations).<sup>4</sup>

The Draft SEIR evaluates long-term operation-related TAC emissions (pages 75 and 76 of the Draft SEIR). Of prime concern, and evaluated in the SEIR, is the potential exposure along heavily traveled roads (such as U.S. 101 and Interstate 580) of future residents to TAC including fine particulate matter (PM<sub>2.5</sub>). The commentor describes Highway 1 as a major trucking route and suggests that it too should be evaluated. However, Caltrans publishes annual truck traffic volumes that are used by BAAQMD to identify screening level cancer risk, acute and chronic non-cancer health risks and annual PM<sub>2.5</sub> concentrations. Due to the relatively low volume of traffic and truck traffic (for a State Highway), significant health impacts would not occur beyond ten feet from the edge of the highway. As a result, the Draft SEIR air quality analysis of TAC exposure found that Highway 1 would not pose significant health effects to any of the housing sites. The addition of new stop lights on Highway 1 would not affect the BAAQMD predictions using the Google Earth Highway Screening Analysis Tool.

The commentor indicates that health effects from dry cleaners were not properly addressed at housing sites 4, 14 and 19. The Draft SEIR analysis found that Shoreline Cleaners (at 204 Flamingo Road) was the only TAC source listed by BAAQMD that could pose a significant impact, due to cancer risk over 10 in one million. This source only affected housing sites 4 and 19 and did not affect housing site 14, because there is approximately 750 feet or greater of separation. However, subsequent investigation of the dry cleaning facilities found that the Shoreline Cleaners no longer uses perchloroethylene (Perc), the TAC that causes elevated cancer risk associated with that facility.<sup>5</sup> Therefore, the facility does not pose any potential cancer risk for housing sites and **Exhibits 3.0-4** and **3.0-5** (see below) have been revised to indicate that Shoreline Cleaners would not affect housing sites 4 and 19. The commentor also states that European Tailoring and Cleaners was not referenced. However, European Tailoring and Cleaners (at 237 Shoreline Highway) was analyzed, but was not found to have a potentially significant impact, because BAAQMD-listed source levels are less than 10 in one million excess cancer risk. This facility has also discontinued use of Perc. Note that Shoreline Cleaners and European Tailoring and Cleaners, like many other dry cleaning facilities in the Bay Area have discontinued use of Perc for dry cleaning operations. State law, amended in 2007, requires that dry cleaning facilities phase out the use of Perc and discontinue any use of the substance after January 1, 2023 (17 CCR 93109). Facilities with Perc machines that are 15 years or older or machines that have been converted to using Perc are now prohibited. Many facilities that are listed by BAAQMD in their source inventory have already discontinued use of Perc. BAAQMD's reported cancer risk levels for dry cleaning operations that include Perc assume 70-year exposure. However, the BAAQMD predictions have to be adjusted, since all use of Perc will be discontinued by 2023. The maximum duration that any housing site could be exposed to Perc from dry cleaning operations would be nine years or less.

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<sup>4</sup> *Report to Congress on Indoor Air Quality, Volume II: Assessment and Control of Indoor Air Pollution*, U.S. Environmental Protection Agency, Office of Air and Radiation. pp. I, 4-14. EPA 400-1-89-001C, 1989.

<sup>5</sup> Illingworth & Rodkin, Inc. telephone conversation with Shoreline Cleaners, March, 2013.

Only stationary sources (e.g., diesel-powered generators, auto body shops, gas stations, or dry cleaning) or roadways that contributed potentially significant health risks were identified in **Exhibits 3.0-4** and **3.0-5**. If a source was not identified, then it was not found to pose a potentially significant health risk.

**Exhibit 3.0-4 (Revised)**  
**2007-2014 Potential Housing Sites - Health Risk Screening Analysis by Site**

Site #	Site Name & Address	Total Acres	Total Units	Potentially Significant Cancer Risk (>10 in 1 million)? <sup>a</sup>	Potentially Significant Chronic or Acute Hazard Risk Index (>1.0)? <sup>a</sup>	Potentially Significant PM <sub>2.5</sub> Concentration (>0.3 µg/m <sup>3</sup> )? <sup>a</sup>
1	Marinwood Plaza 100 Marinwood Avenue	4.75	85	Yes Mobile: <i>US 101</i>	No	No
				Stationary: <i>Marinwood Valero</i> (100 Marinwood Avenue)		
2	Oak Manor 2400 Sir Francis Drake Blvd.	1.58	10	No	No	No
3	California Park Woodland Avenue	1.82	50	Yes Mobile: <i>US 101</i>	No	No
4	Old Chevron Station 204 Flamingo Road	0.79	21	<del>No Yes</del> Stationary: <del><i>Shoreline Cleaners</i></del> ( <del>204 Flamingo Road</del> )	No	No
5	St. Vincent's / Silveira St. Vincent's Dr; Silveira Parkway	1,110	221	Yes Mobile: <i>US 101</i>	No	Yes Mobile: <i>US 101</i>
6	Easton Point Paradise Drive	110	43	No	No	No
7	Tamarin Lane 12 Tamarin Lane	6.54	5	No	No	No
8	Indian Valley 1970 Indian Valley Road	7.7	5	No	No	No
9	Manzanita mixed use 150 Shoreline Highway	0.56	3	No	No	No
10	Grandi Building 11101 State Route 1	2.5	2	Yes Stationary: <i>AT&amp;T Generator</i> (2 <sup>nd</sup> Street and B Street)	No	No

<b>Site #</b>	<b>Site Name &amp; Address</b>	<b>Total Acres</b>	<b>Total Units</b>	<b>Potentially Significant Cancer Risk (&gt;10 in 1 million)?</b>	<b>Potentially Significant Chronic or Acute Hazard Risk Index (&gt;1.0)?</b>	<b>Potentially Significant PM<sub>2.5</sub> Concentration (&gt;0.3 µg/m<sup>3</sup>)?</b>
11	650 N. San Pedro 650 North San Pedro	16.3	12	No	No	No
12	Golden Gate Seminary Seminary Drive	73.57	60	No	No	No
13	Oak Hill School 441 Drake Ave	3.87	30	No	No	No
14	Armstrong Nursery 217 & 221 Shoreline Highway	1.77	53	No	No	No
15	Inverness Valley Inn 3275 Sir Francis Drake	26.8	21	No	No	No
16	Grady Ranch Lucas Valley Road	229	240	Yes Stationary: <i>Verizon Wireless Generator</i> (3800 Lucas Valley Road)	No	No
17	Roosevelt Street 30 Roosevelt	0.18	2	No	No	No

a. The screening analysis conducted for this Draft SEIR indicated a potential for a significant impact. Individual project applications will require additional analysis to determine project level of significance.

Source: Illingworth & Rodkin, Inc., 2012

**Exhibit 3.0-5 (Revised)**  
**Potential Housing Sites for 2014-2022 - Health Risk Screening Analysis by Site**

Site #	Site Name & Address	Total Acres	Total Units	Potentially Significant Cancer Risk (>10 in 1 million)? <sup>a</sup>	Potentially Significant Chronic or Acute Hazard Risk Index (>1.0)? <sup>a</sup>	Potentially Significant PM <sub>2.5</sub> Concentration (>0.3 µg/m <sup>3</sup> )? <sup>a</sup>
18	Around Manzanita 150 Shoreline	1.48	45	No	No	No
19	Tam J retail 237 Shoreline Highway	6.8	60	<del>No</del> Yes Stationary: <del>Shoreline Cleaners</del> (204 Flamingo Road)	No	No
20	Gateway Shopping Center 190 Donohue Street	20.34	150	Yes Mobile: US 101	No	No
				Stationary: Sausalito Marin City Sanitary District Generator (180 Donahue Street)		
21	Strawberry smaller retail Reed Blvd.	2.39	45	Yes Mobile: US 101	No	No
22	Strawberry Village 900, 950 etc. Redwood Highway	10.99	30	Yes Mobile: US 101	No	Yes Mobile: US 101
				Stationary: ARCO Facility #00524 (789 Redwood Highway, #524)		
23	Tiburon Eastbound Tiburon Blvd.	1.45	43	Yes Stationary: Chevron Station #94390 105 Tiburon Boulevard	No	No
24	Tiburon Westbound Knoll Road	1.44	44	Yes Mobile: SR 131	No	No
				Stationary: Chevron Station #94390 105 Tiburon Boulevard		
25	Tiburon Redwood frontage Central Drive	2.7	81	Yes Mobile: US 101	No	Yes Mobile: US 101

<b>Site #</b>	<b>Site Name &amp; Address</b>	<b>Total Acres</b>	<b>Total Units</b>	<b>Potentially Significant Cancer Risk (&gt;10 in 1 million)?</b>	<b>Potentially Significant Chronic or Acute Hazard Risk Index (&gt;1.0)?</b>	<b>Potentially Significant PM<sub>2.5</sub> Concentration (&gt;0.3 µg/m<sup>3</sup>)?</b>
26	College of Marin lot 15 139 Kent Avenue	3.2	45	No	No	No
27	Kentfield Eastbound Sir Francis Drake Blvd.	5.14	60	No	No	No
28	Kentfield Westbound	2.63	60	No	No	No
29	Marin General 250 Bon Air Road	19.7	50	Yes Stationary: <i>Marin General</i> (160 Donahue Street)	No	Stationary: <i>Marin General</i> (160 Donahue Street)
30	Ross Valley Self Storage 890 College Ave.	1.56	45	No	No	No
31	Sloat Center and adjacent residential Sir Francis Drake and Edna Court	5.09	60	No	No	No
32	3000 SFD- Sunnyside Growing 3000 Sir Francis Drake	7.74	30	No	No	No
33	Railroad Ave. Railroad Ave. and Park St.	0.50	4	No	No	No
34	Castro Street 6921 Sir Francis Drake and 6 Castro St.	0.54	6	No	No	No
35	Los Ranchitos 99-165 Los Ranchitos Drive	13.81	60	No	No	No
36	Big Rock Deli & Creekside Offices 1500 Lucas Valley Road & 7 Mt. Lassen Dr.	2.8	80	No	No	No
37	Rotary Field 16 Jeanette Prandi Way	12.83	60	No	No	No

<b>Site #</b>	<b>Site Name &amp; Address</b>	<b>Total Acres</b>	<b>Total Units</b>	<b>Potentially Significant Cancer Risk (&gt;10 in 1 million)?</b>	<b>Potentially Significant Chronic or Acute Hazard Risk Index (&gt;1.0)?</b>	<b>Potentially Significant PM<sub>2.5</sub> Concentration (&gt;0.3 µg/m<sup>3</sup>)?</b>
38	Bail Bonds 42, 44, 46, N. San Pedro, 69, 77 San Pablo	1.49	44	Yes Mobile: <i>US 101</i>	No	No
39	LDS Church Santa Venetia 220 N. San Pedro Road	5.38	30	No	No	No
40	MacPhail School 1565 Vendola Drive	9.52	40	No	No	No
41	Marin Farmers Market 70 & 76 San Pablo Ave.	0.6	18	No	No	No
42	San Pedro Road San Pedro Road	5.65	30	Yes Stationary: County of Marin, MERA, San Pedro Generator (2099 Bayhills Dr.)	No	No
43	Atherton (Novato RV Park) 1530 Armstrong Ave	2.68	80	Yes Mobile: <i>US 101</i>	No	No
44	Bear Valley Road 10045 State Route 1	1.25	5	No	No	No
45	Olema Campground Shoreline Highway	9.94	10	No	No	No
46	Feed Lot B St. & 6 <sup>th</sup> St.	0.92	27	No	No	No
47	Pine Cone Diner 60 4 <sup>th</sup> St.	1.06	4	Yes Stationary: <i>Greenbridge Gas and Auto Inc.</i> (11401 SR #1)	No	No
48	Pt. Reyes North 11598 State Route 1	16.89	15	No	No	No
49	Red Barn (green barn) 510 Mesa Road	1.53	10	No	No	No
50	Kruger Pines	2.45	28	No	No	No
51	Homestead Terrace	0.64	73	No	No	No
52	Venetia Oaks	1.84	55	No	No	No

a. The screening analysis conducted for this Draft SEIR indicated a potential for a significant impact. Individual project applications will require additional analysis to determine project level of significance.

Source: Illingworth & Rodkin, Inc., 2012

**Response to Comment 11-8**

According to a report by Paul Rogers, Bay Area News Group, and published in the San Jose Mercury News in September 2011,<sup>6</sup> “Both San Francisco Helicopter Tours and San Francisco Seaplane Tours fly over the Marin Headlands, Alcatraz, the Presidio, the Golden Gate Bridge and other key landmarks that make up the Golden Gate National Recreation Area. The FAA allows the helicopter company to fly up to 2,900 flights a year, and the sea plane company to fly up to 2,190 flights. Under the new rules, which will come out in draft form next year, the companies could face additional limits on the hours, the routes and the number of trips they take.”

Several attempts were made to contact the manager of the Richardson Bay Heliport to confirm the commentor’s claim there has been an increase in heliport activity due to increased air tours of the Golden Gate National Recreation Area. The claim could not be confirmed or denied because contact could not be made.

The Heliport’s Operational Statistics indicate that there on average 57 aircraft operations per week. Approximately 67 percent of the operations are classified as transit general aviation and 33 percent of the operations are classified as local general aviation or air taxi. Operations average about eight flights per day, with five flights considered transient general aviation, and three flights each for local general aviation and air taxi. On a daily basis, there are few operations, and although audible, these intermittent short-term noise events would not measurably contribute to ambient noise levels from air traffic at any of the proposed housing sites.

Existing noise contour information for Richardson Bay Heliport, as referenced in the Draft SEIR, indicates that the 55 dB CNEL noise contour resulting from aircraft operations does not extend south or west of the US Highway 101 right-of-way. These data are the best available noise contour data for operations associated with the Richardson Bay Heliport. Housing sites 4, 9, 12, 13, 14, 18 to 25, 50, and 51 are located within two miles of the Richardson Bay Heliport, however none of these sites are exposed to heliport noise levels exceeding 55 dB CNEL. Further, ambient noise levels at the majority of these sites exceed 55 dB CNEL as a result of traffic along local roadways. Heliport noise is not a major contributor to ambient noise levels at Housing sites 4, 9, 12, 13, 14, 18 to 25, 50, and 51, and is not considered excessive as noise levels do not exceed 55 dB CNEL.

**Response to Comment 11-9**

As discussed in the *2007 Countywide Plan EIR* the geologic impacts associated with seismic related events would be less-than-significant for minor and moderate seismic events and significant and unavoidable for a severe seismic event. Previously adopted mitigation measures and *2007 Countywide Plan* policies and programs associated with Impact 4.7-2 (*Seismic Ground Shaking*) and Impact 4.7-3 (*Seismic Related Ground Failure*) would continue to apply and would reduce these impacts, but not to a less-than-significant level for a severe seismic event. The hazards associated with severe seismic ground shaking would remain significant unavoidable impacts, but would not be substantially more severe than the impacts analyzed in the *2007 Countywide Plan EIR*. Compliance with *Countywide Plan* policies and programs would not create any new impacts; and, increases in the severity of existing seismic related impacts would not occur with adaptation and implementation of the *2012 Draft Housing Element*.

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<sup>6</sup> accessed via [http://www.mercurynews.com/science/ci\\_18990708](http://www.mercurynews.com/science/ci_18990708)

**Response to Comment 11-10**

Please refer to *Master Response 1 Sea Level Rise*, which includes expanded text and revised new Hydrology, Water Quality and Flooding Hazard Mitigations Measures and addresses the considerations stated by the commenter. Note that the expanded text under the sub-section entitled *Sea Level Rise in Master Response 1* provides an update of FEMA's current and evolving status with respect to its consideration of predictions of future sea level rise in Flood Insurance Studies and flood hazard mapping (FIRMs). Also, the MCFCWCD is currently developing a Watershed Master Plan for the Richardson Bay Watershed, which is integrating sea level rise planning scenarios into the hydrologic and hydraulic analyses of flooding and flood management scenarios.

**Response to Comment 11-11**

As noted by the commentor, the Biological Resource section of the SEIR concluded that Housing Site 14 has some potential for occurrence of special-status species and jurisdictional wetlands, based on its location along the tidally influenced Coyote Creek and known presence of several special-status species in the vicinity, as indicated in **Exhibit 3.0-6**. This was confirmed through review of available background documentation, including occurrence records of the California Natural Diversity Data Base and the National Wetland Inventory, together with a field reconnaissance survey of the housing sites. The lower elevations of this site closest to Coyote Creek would remain undeveloped as natural habitat, increasing the potential for possible occurrence of special-status species. Conversely, it was considered "unlikely" that any occurrences of special-status species are present on Housing Site 18 because this location is completely developed with pavement, structures and ornamental landscaping. Natural habitat borders the site to the northeast and southeast (along the existing drainage channel), but existing development borders the site to the northwest and southwest. Housing Site 18 was identified as having a wetland constraint because it is adjacent to areas mapped as supporting pickleweed-cord grass wetlands and therefore falls within the Wetland Conservation Area for these features. Any redevelopment of Housing Site 18 would have to consider the proximity of this site to existing wetlands, as well as the possible indirect effects on special-status species that could be present in the surrounding marshland habitat of concern to the commenter. But no special-status species are suspected to occur directly on the site, as indicated in **Exhibit 3.0-6**.

As discussed on page 88 of the Draft SEIR, the determinations regarding the significance of potential impacts on biological and wetland resources was based on a review of data from the *2007 Countywide Plan EIR*, as well as updated information from the California Natural Diversity Data Base on the distribution of special-status species and sensitive natural communities and a field reconnaissance survey of each of the Housing Sites. This included consideration of the importance of baylands as feeding and resting areas for migratory birds on the Pacific Flyway. No additional new information has been provided by the commentor regarding specific occurrences of special-status species. As summarized on page 90 of the Draft SEIR, Programs **BIO-2.a** and **BIO-3.c** require a site assessment by a qualified professional where proposed development applications may adversely affect sensitive resources, including occurrences of special-status species, occurrences of sensitive natural communities, and incursion into a Wetland Conservation Areas. Any future development application on Housing Site 18 would include this required site assessment to evaluate potential impacts in greater detail, depending on site specific development plans, and develop appropriate recommendations for sensitive habitat avoidance and mitigation, where necessary. This would include consideration of both direct and indirect impacts associated with development of Housing Site 18 and other housing sites proposed for development, such as the effects of additional light and human activity on any nearby sensitive habitat areas.

The fact that Marin County does not have a Habitat Conservation Plan has no bearing on whether potential impacts on special-status species are adequately addressed as part of CEQA review and resource agency permitting. If a proposed action were to result in a potential take of a State and/or federally-listed species, authorizations would still be required along with appropriate conservation measures and possibly compensatory mitigation.

It is difficult to predict the effects of sea level rise over the long-term, but in a location like Housing Site 18, existing development already extends in close proximity to the marshland habitat; so, additional impacts would not be expected. Housing Site 18 is already completely developed with existing pavement, structures and ornamental landscaping. Future redevelopment of the site may be able to provide for a “buffer” to accommodate future sea level rise as suggested by the commentor.

The concerns of the commentor over potential impacts on wildlife are noted. A detailed discussion of the potential impacts of development and land-use activities projected by the *Countywide Plan* is provided on pages 98 through 100 of the Draft SEIR. For individual development applications, the loss of common wildlife habitat is generally considered less than significant unless it is clear, for example, that the project would obstruct a known movement corridor for terrestrial or aquatic species. That would not be the case for Housing Site 18, which is already developed with urban uses and provides very little habitat for wildlife of any kind.

**Exhibit 3.0-6** of the Draft SEIR provides a summary of known or suspected biological and wetland resources on each of the housing sites. Contrary to the statement by the commentor, the majority of the proposed housing sites are located on developed parcels. A number of these are located in the vicinity of existing wetlands and/or stream corridors, and as a result fall within the designated WCA and/or SCA. However, a detailed site assessment would be required to evaluate any direct or indirect impacts on these conservation areas and the adjacent regulated waters, as discussed above.

#### **Response to Comment 11-12**

As noted in the discussion under the sub-section of the Draft SEIR Hydrology, Water Quality and Flooding Hazard section, entitled Water Quality, the state and federal regulatory requirements for stormwater quality from new development and redevelopment projects is more stringent than they were at the time of the certification of the *2007 Countywide Plan EIR*. Much of the housing development included in the *2012 Draft Housing Element* would be infill development. Many of the identified sites already support some degree of urban residential and/or commercial uses. Redevelopment of the majority of these sites would introduce new Low Impact Development (LID) design principles and would incorporate stormwater bioretention facilities that are now required under MCSTOPPP’s Guidance for Applicants: Stormwater Quality Manual for Development Projects in Marin County (2008) and Requirements for Development Projects (2008, known as the “Attachment 4 Requirements”). Implementation of these recent County requirements is mandated by its Phase II National Pollutant Discharge Elimination System (NPDES) permit for municipal separate storm sewer systems, and all current and future development projects are and would be subject to these stricter stormwater quality requirements. Progressive retrofitting of existing residential and commercial developments within the County’s jurisdiction will provide for an improvement in water quality in the principal embayments and streams in the County. Thus, development consistent with the *2012 Draft Housing Element* would not require additional mitigation measures to reduce any less-than-significant impacts to water quality.

**Response to Comment 11-13**

The concerns of the commentor over potential cumulative impacts on wildlife habitat are noted. A detailed discussion of the potential impacts of development and land-use activities projected by the *Countywide Plan* is provided on pages 98 through 100 of the Draft SEIR. For individual development applications, the loss of common wildlife habitat is generally considered less than significant unless it is clear, for example, that the project would obstruct a known movement corridor for terrestrial or aquatic species. Site assessment would be required to fully evaluate potential impacts of individual development applications, including consideration of any indirect effects such as increased density and human activity on surrounding sensitive resources. Future development and land use activities associated with the *2012 Draft Housing Element* would contribute to further conversion of natural habitat to urban and suburban uses. However, each of the *2012 Draft Housing Element* sites is already designated for residential or other urban uses and implementation of the *2012 Draft Housing Element* would not result in new or substantially more severe significant impacts. No substantial new or increased impacts on wildlife habitat or movement opportunities would occur as a result of adoption and implementation the *2012 Draft Housing Element* in addition to what is already anticipated and was evaluated in the *2007 Countywide Plan EIR*, but potential impacts on wildlife habitat and movement opportunities (Impact 4.6-4 [*Wildlife Habitat and Movement Opportunities*]) would remain a significant unavoidable impact.

**Response to Comment 11-14**

The Draft SEIR acknowledges that school enrollment continues to rise, and implementation of the *Countywide Plan* would increase demand for public school services beyond the existing public school capacity, resulting in the need for new facilities. Also please see Master Response 2 – Dixie School District, which explains that the Leroy F. Greene School Facilities Act of 1998 (“SB 50”) preempts local jurisdictions from devising their own requirements to mitigate or otherwise address impacts of new development on school facilities.

With regard to public transit comments please see Response to Comment 11-1. With regard to parks comments please see Response to Comment 9-2.

**Response to Comment 11-15**

The Draft SEIR provides updated setting information regarding Water Supply, Solid Waste, and Wastewater Management under discusses water supply, solid waste and wastewater management starting on page 262. The comments regarding these issues are noted. No further response is necessary.

**Response to Comment 11-16**

Please see Response to Comments 46-14.

**Response to Comment 11-17**

Some of the issues raised in this comment are related to the merits of the *2012 Draft Housing Element*, and not the adequacy of the Draft SEIR. These Housing Element issues will be considered by public officials during the County’s review process for the *2012 Draft Housing Element*. Greenhouse Gas Emissions, a previously identified Significant and Unavoidable environmental impact in the *2007 Countywide Plan EIR*, is discussed in the Draft SEIR beginning on page 131. As noted in the discussion of Biological Resources, starting on page 96 of the Draft SEIR, implementation of the *2012 Draft Housing Element* would not increase the severity of identified impacts to Biological Resources.

Please see Response to Comment 46-5 in regard to the State density bonus.

**Response to Comment 11-18**

Comment noted. These impact issues (sensitive habitat, schools) have been adequately addressed in both the *2007 Countywide Plan EIR* and Draft SIER. Please see *Master Response 2 Dixie School District* and Response to Comment 11-14 for information on school impacts. Regarding site-specific review of future proposals to develop individual housing sites, please see *Master Response 3 – Environmental Review of Housing Projects*.

**Response to Comment 11-19**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. CEQA does not require an EIR to analyze social and economic impacts, see *State CEQA Guidelines* section 15131. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

**Response to Comment 11-20**

The *2007 Countywide Plan EIR* contains a cumulative analysis that adequately addresses implementation of the *2012 Draft Housing Element*. As discussed in **Section 1.0 Introduction** of the Draft SEIR Marin County determined that a supplement to the *2007 Countywide Plan EIR* is warranted. As discussed in *State CEQA Guidelines* Section 15163(b) a supplement to an EIR need contain only the information necessary to make the previous EIR adequate for the project as revised. Therefore it was not necessary to revise the cumulative analysis of the *2007 Countywide Plan EIR*.

**Response to Comment 11-21**

The *2012 Draft Housing Element* relies upon the most current population and growth projections available at the time of preparation (2009 ABAG).

**Response to Comment 11-22**

Please see Response to Comment 11-2.

**Response to Comment 11-23**

Please see Response to Comment 11-5.

**Response to Comment 11-24**

Comment noted. The Tam Junction Retail site (Housing Site 19) is included in the list of AH Combined District Sites for the 2014 – 2022 Planning Period (see **Exhibit 2.0-16**).

**Response to Comment 11-25**

Comment noted, please see Response to Comment 11-1. As stated on page 255 of the Draft SEIR implementation of the Housing Element would increase demand on bicycle and pedestrian facilities, however this impact would remain less-than-significant.

**Response to Comment 11-26**

This comment expresses an opinion regarding the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. For information regarding public transit please see Response to Comment 11-1. No further response is necessary.

**Response to Comment 11-27**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

**Response to Comment 11-28**

Please see Response to Comment 46-5 regarding the State density bonuses.

**Response to Comment 11-29**

Comment noted. The Draft SEIR is a program EIR prepared to supplement the *2007 Countywide Plan EIR* by evaluating impacts in terms of any “changed conditions” (i.e. changed circumstances, project changes, or new information of substantial importance) that would occur upon implementation of the *2012 Draft Housing Element* that were not accounted for in the *2007 Countywide Plan EIR*. The Draft EIR need only contain information necessary to make the *2007 Countywide Plan EIR* adequate for the *2012 Draft Housing Element* (Section 15163(b) *State CEQA Guidelines*). The Draft SEIR provides an in-depth program-level review of the proposed housing sites. Regarding site-specific review of future proposals to develop individual housing sites, please see *Master Response 3 – Environmental Review of Housing Projects*. The information contained in the Draft SEIR may help streamline future, tiered environmental review, because it provides program level information and data about each housing site, which identifies potentially significant environmental impacts and associated mitigation measures that may be used in analyzing the development of specific housing sites.

**Response to Comment 11-30**

Please see Response to Comment 11-29. Comments regarding amendments to the Housing Element and development incentives are on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the Draft SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

**Response to Comment 11-31**

Please see *Master Response 1 - Sea Level Rise* for information regarding sea level rise. The Draft SEIR provides an in-depth program-level review of the proposed housing sites. As discussed in *Master Response 3 – Environmental Review of Housing Projects* each housing site would separately and subsequently receive additional environmental review upon submittal of development applications to Marin County. The information contained in the Draft SEIR may help facilitate future, tiered

environmental review, because it provides program level information and data about each housing site, which identifies potentially significant environmental impacts and associated mitigation measures that may be used in analyzing the development of specific housing sites.

**Response to Comment 11-32**

Please see Response to Comment 11-20.

**Response to Comment 11-33**

The comment does not include any information to support this claim, and is viewed as an expressed opinion of the commentor, rather than a comment on the adequacy of the Draft SEIR. The Draft SEIR identifies potentially new significant impacts or a significant increase in severity of previously identified significant impacts identified in the *2007 Countywide Plan EIR* for Air Quality, Hydrology, Water Quality and Flooding Hazard, and Noise (starting on page 41). Additionally, please see Master Response 1 regarding sea level rise, including revised mitigation measures.

**Response to Comment 11-34**

The comment does not include any information to support this claim, and is viewed as an expressed opinion of the commentor, rather than a comment on the adequacy of the Draft SEIR. The Draft SEIR is a program EIR prepared to supplement the *2007 Countywide Plan EIR* by evaluating impacts in terms of any “changed conditions” (i.e. changed circumstances, project changes, or new information of substantial importance) that would occur upon implementation of the *2012 Draft Housing Element* that were not accounted for in the *2007 Countywide Plan EIR*. The Draft EIR need only contain information necessary to make the *2007 Countywide Plan EIR* adequate for the *2012 Draft Housing Element* (Section 15163(b) *State CEQA Guidelines*). The information contained in the Draft SEIR adequately supplements the *2007 Countywide Plan EIR* to address the environmental topics raised. No further response necessary.

**Response to Comment 11-35**

Comment noted. The comment does not include any information on environmental merits to support this claim, and is viewed as an expressed opinion of the commentor, rather than a comment on the adequacy of the Draft SEIR. No further response is necessary.

**Response to Comment 11-36**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

**Response to Comment 11-37**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

**Response to Comment 11-38**

Comment noted. No further response is necessary.

**Response to Comment 11-39**

As stated on pages 44 and 45 of the Draft SEIR, the *2007 Countywide Plan EIR* identified significant and unavoidable impacts related to Air Quality and Greenhouse Gas Emissions.

**Response to Comment 11-40**

These issues are discussed in Air Quality (Checklist Section 3) of the SEIR.

**Response to Comment 11-41**

Comment noted. No further response necessary.

**Response to Comment 11-42**

Comment noted. No further response is necessary.

**Response to Comment 11-43**

Please see Response to Comment 11-5.

**Response to Comment 11-44**

Please see Response to Comment 11-1.

**Response to Comment 11-45**

Comment noted. Please see Response to Comment 11-14 for information regarding Tam/Almonte Schools. Other issues raised in this comment area on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

**Response to Comment 11-46**

The traffic analysis for the SEIR was completed in 2012 using 2009 count data. This count data was utilized to calibrate the 2009 traffic model. Since the base year model also utilized 2009 housing and population inputs, it is consistent with the 2009 counts that were used to calibrate it and is in no way outdated as a result. The traffic model was then used to project 2035 cumulative conditions and therefore accounts for growth for the period between 2009 and 2013 that the commentor refers to, and adequately forecasts the cumulative growth for the period between 2013 and 2035.

**Response to Comment 11-47**

Please see Response to Comment 11-6.

**Response to Comment 11-48**

Please see Response to Comment 11-6.

**Response to Comment 11-49**

Please see Response to Comment 11-6.

**Response to Comment 11-50**

Please see Response to Comment 11-6.

**Response to Comment 11-51**

Please see Response to Comment 11-7 with regard to the analysis of health effects associated with traffic air pollutant or TAC emissions.

**Response to Comment 11-52**

Please see Response to Comment 11-7 with regard to the analysis of health effects associated with traffic air pollutant or TAC emissions. All identified sources within 1,000 feet of each housing site were evaluated using the BAAQMD screening analysis tools. Revised Mitigation Measure Air Quality-2 revises Program AIR-2.c of the *Countywide Plan* to require analysis of health risks for new housing projects that have potentially significant TAC or PM<sub>2.5</sub> exposure, as identified in **Exhibits 3.0-4** and **3.0-5**. Mitigation measures that achieve compliance with BAAQMD adopted standards would be required if significant health risks are identified. The requirements for this mitigation measure are based on potential exposure identified through analyses in the Draft SEIR and not distance from a source.

**Response to Comment 11-53**

As described in Response to Comment 11-7, properly designed, installed and maintained air filtration systems would mitigate the impact to a less-than-significant level. If filtration systems are necessary to reduce exposures, the design of such systems to meet adopted standards of BAAQMD would have to consider the time that sensitive receptors would spend outdoors at the site. The adopted standards used by BAAQMD to evaluate cancer risk are a lifetime excess cancer risk of 10 in one million.<sup>7</sup> These same systems are capable of reducing PM<sub>2.5</sub> exposure to meet the significance threshold used in the Draft SEIR, which is not to exceed an annual PM<sub>2.5</sub> concentration of 0.3 µg/m<sup>3</sup>.

**Response to Comment 11-54**

Please see Responses to Comments 11-7 and 11-52.

**Response to Comment 11-55**

Please see Response to Comment 11-7.

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<sup>7</sup> BAAQMD's health risk policy is described in the following document: *BAAQMD Air Toxics NSR Program Health Risk Screening Analysis (HRSA) Guidelines*, January 2010

**Response to Comment 11-56**

Please see Response to Comment 11-7.

**Response to Comment 11-57**

The commentor states that there is no mention of potential hazards from automobile repair shops, and building materials storage in commercial business area on Shoreline Highway across from housing sites 14 and 19 and on mention of the potential hazards from operation of a gas station at Tam Junction on housing site 19.

Several gas stations are identified in the SEIR. This was based on:

- Having met the criteria of being listed in the Geotracker database, and
- Having documented site conditions or a site history that increased the potential for an environmental impact upon the development of that site.

The release of gasoline to soil or groundwater at one of the flagged proposed development sites contributed to a level of environmental degradation that identified the site as a potential concern. Remediation at these sites proceeded (appropriately) under State Water Resources Control Board (SWRCB) oversight and reached an endpoint, whereupon the SWRCB entered a “No Further Action” (NFA) letter into the file. In a typical NFA letter for a gas station, the SWRCB acknowledges the successful remediation at the site’s existing land use (commercial), but reserves the right to re-evaluate the site status if the land use changes in the future, as the remediation endpoint criteria for commercial properties is less stringent than for residential properties (as stated on page 148 of the Draft SEIR). Therefore, development at a site remediated to commercial land use endpoints likely will require additional remediation prior to residential development to reduce potential health risks for future occupants.

The gas station at Tam Junction referred to by the commentor may be the Arco Station located at 251 Shoreline Highway. It was referenced (although not specifically by name) in **Exhibit 3.0-14** in the housing site 19 “Notes” column as “shallow groundwater impacted from nearby gas station”.

As stated in the SEIR, many of the housing sites appear to have been used for commercial or other non-residential activities. As discussed on page 150 of the Draft SEIR five sites (sites 1, 2, 4, 22, and 38) are listed in the State Water Board database (Geotracker) as having onsite historical releases of hazardous materials. Each of the sites listed on Geotracker has been issued a No Further Action (NFA) letter from the California Regional Water Quality Control Board San Francisco Bay Region (RWQCB). Conversion of these sites from commercial use to residential land use could result in the RWQCB requesting additional site assessment and/or remediation.<sup>8</sup>

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<sup>8</sup> For example see letter to Chevron Environmental Management Company from Bruce H. Wolfe, Executive Officer, California Regional Water Quality Control Board San Francisco Bay Region, November 23, 2009. The letter states “the Marin County Health Dept., Public Works Dept., and the appropriate planning and building departments shall be notified prior to any changes in land use, grading activities, excavation, and installation of water wells. This notification shall include a statement that residual contamination may exist on the property and list all mitigation actions, if any, necessary to ensure compliance with this site management requirement.”

**Response to Comment 11-58**

Comment noted, no additional response required.

**Response to Comment 11-59**

Comment noted, no additional response required.

**Response to Comment 11-60**

Please see Response to Comment 11-8.

**Response to Comment 11-61**

Please see Response to Comment 11-8. **Exhibits 3.0-23** and **3.0-24** state that existing noise exposure at both housing sites 14 and 19 exceed *Countywide Plan* residential noise and land use compatibility guidelines for single-family homes.

**Response to Comment 11-62**

The sixth paragraph on page 148 is revised as follows:

~~Thirteen~~ Fourteen housing sites (housing sites 4, 9, 12, 13, 14, 18 through 25, 50, and 51) are located within two miles of the Richardson Bay heliport. Two of the housing sites (housing sites 14 and 19) are less than one mile from the heliport. Further verification is recommended to ensure that those two proposed developments do not conflict with approach / departure path restrictions, as per an existing land use plan or the FAA Heliport Design Advisory Circular (AC150/5390-2C; dated 24 April 2012).

In addition to the changes identified in the comment, housing site 12 was incorrectly included in the list of sites within two miles of the Richardson Bay Heliport.

The third paragraph on page 209 of the Draft SEIR is revised as follows:

Housing sites 4, 9, ~~12,~~ 13, 14, 18 to 25, 50, and 51 are located within two miles of the Richardson Bay Heliport. As described above, aircraft associated with the heliport is not a predominant noise source at any of the nearby sites, and based on a review of *Countywide Plan* Map 3-15 aircraft operations would not expose persons to excessive aircraft noise.

**Response to Comment 11-63**

Please see Response to Comment 11-9.

**Response to Comment 11-64**

Comment noted. No further response is necessary.

**Response to Comment 11-65**

The 2007 *Countywide Plan EIR* discusses the impact of liquefaction in the analysis of Impact 4.7-3 (*Seismic Related Ground Failure*). It would be possible to substantially reduce this impact for future development and redevelopment. Site-specific geotechnical and engineering geology investigations

could be prepared in order to evaluate the potential for liquefaction-related ground failure. In most cases, liquefaction related failures could be mitigated using current standard-of-care investigations and current design and construction methodologies. Future residential development that occurs after adoption of the *2012 Draft Housing Element* would require site specific evaluations to assess geologic hazard situations and proposed changes brought on by the development project.

The implementation of the policies and programs under Mitigation Measure 4.7-3 in the *2007 Countywide Plan EIR* would minimize the exposure of persons or structures to adverse effects of seismic-related ground failure for minor and moderate events to a less-than-significant level. However, implementation of these policies and programs would not eliminate all structural damage, injuries, or death from seismic-related ground failures, especially for severe seismic events. As discussed in Checklist Section 6(c) on page 119 of the Draft SEIR the adoption and implementation of the *2012 Draft Housing Element* would not create any new significant circumstances that would increase the severity of liquefaction.

**Response to Comment 11-66**

Please see *Master Response I Sea Level Rise*, which includes expanded text and revised New Hydrology, Water Quality and Flooding Hazard Mitigation Measures, and addresses the considerations stated by the commentor.

**Response to Comment 11-67**

Please see *Master Response I Sea Level Rise*, which includes expanded text and revised New Hydrology, Water Quality and Flooding Hazard Mitigation Measures, and addresses the considerations stated by the commentor.

**Response to Comment 11-68**

Please see *Master Response I Sea Level Rise*, which includes expanded text and revised New Hydrology, Water Quality and Flooding Hazard Mitigation Measures, and addresses the considerations stated by the commentor.

**Response to Comment 11-69**

Please see *Master Response I Sea Level Rise*, which includes expanded text and revised New Hydrology, Water Quality and Flooding Hazard Mitigation Measures, and addresses the considerations stated by the commentor.

**Response to Comment 11-70**

Please see *Master Response I Sea Level Rise*, which includes expanded text and revised New Hydrology, Water Quality and Flooding Hazard Mitigation Measures, and addresses the considerations stated by the commentor.

FEMA is currently reassessing the effects of present sea level on coastal wave-induced flooding within the “V” zones (Coastal High Hazard Areas) identified on Flood Insurance Rate Maps (FIRMs) as part of its California Coastal Analysis and Mapping Project (CCAMP), which includes the Open Pacific Coast Study and the San Francisco Bay Area Coastal Study. FEMA’s present risk assessment function has prohibited it from incorporating predictions of future sea level rise into its Flood Insurance Studies and FIRM mapping. The US Army Corps of Engineers is currently updating its hydrodynamic modeling assessment of coastal flooding in south SF Bay. However, potential effects of sea level rise

on existing tsunami prediction (USACE 1975, Type 16 Flood Insurance Study: Tsunami Predictions for Monterey and San Francisco Bays and Puget Sound) are not among the events being considered.

The 2009 Flood Insurance Study for Marin County and incorporated areas<sup>9</sup> indicated a 100-year stillwater tide elevation of 8.9 feet NAVD88 for Richardson Bay. The 1975 USACE tsunami study computed a 100-year tsunami run-up elevation of 5.7 feet NGVD29 for Sausalito east of Highway 101, which represents a wave attenuation of 2.0 feet between that point and Raccoon Strait, just to the east of the Richardson Bay inlet/mouth. Considering the appropriate NGVD29 to NAVD88 vertical datum conversion of (+2.76 feet) for mid-Richardson Bay, the current FIS 100-year tide elevation exceeds that of the prior predicted tsunami run-up elevation (i.e., 8.46 feet NAVD88). Thus, if the predicted sea level rise estimates are considered in the County's hydraulic modeling, flood management and infrastructure projects, the flood risk due to tsunami over portions of Marin County would likely be sufficiently addressed by actions prescribed in revised New Hydrology, Water Quality and Flooding Hazard Mitigations 1 and 2. For other areas, particularly along the Pacific Coast, where attenuation effects on tsunami waves would typically be less significant, updated tsunami prediction studies may be required to adequately address sea level rise impacts. *The 2007 Countywide Plan* contains policies and programs advising consideration of flooding risk due to tsunamis in development planning, including Program *EH-3.a (Regulate Development in Flood and Inundation Areas)*. Therefore, the current Countywide Plan programs, imminent redefinition of Coastal High Hazard Areas by FEMA, and revised New Hydrology, Water Quality and Flooding Hazard Mitigation Measures 1 and 2 recommended for the SEIR would reduce the impact of future sea level rise on proposed development specified by the *2012 Draft Housing Element* to a less-than-significant level.

**Response to Comment 11-71**

Please see *Master Response 1 Sea Level Rise*, which includes expanded text and revised New Hydrology, Water Quality and Flooding Hazard Mitigation Measures, and addresses the considerations stated by the commentor.

**Response to Comment 11-72**

Please see *Master Response 1 Sea Level Rise*, which includes expanded text and revised New Hydrology, Water Quality and Flooding Hazard Mitigation Measures, and addresses the considerations stated by the commentor.

**Response to Comment 11-73**

Please see *Master Response 1 Sea Level Rise*, which includes expanded text and revised New Hydrology, Water Quality and Flooding Hazard Mitigation Measures, and addresses the considerations stated by the commentor.

**Response to Comment 11-74**

Please see *Master Response 1 Sea Level Rise*, which includes expanded text and revised New Hydrology, Water Quality and Flooding Hazard Mitigation Measures, and addresses the considerations stated by the commentor.

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<sup>9</sup> *Flood Insurance Study: Marin County, California and Incorporated Areas, Vol.1 and 2 (Flood Insurance Study Number 06041CV001,2A)*, Federal Emergency Management Agency, May 2009.

**Response to Comment 11-75**

The referenced Tam/Almonte sites included in the *2012 Draft Housing Element* comprise infill development projects within the bayside zone, at the lower end of the Coyote Creek watershed. Such development, due in part to its position at the lower end of the watershed, typically has a lesser impact on peak flow rates than non-infill development further upstream. Any local increases in site peak flow rates would be subject to current County development guidelines, which require maintenance of pre-project, peak flow rates. Low Impact Development (LID) design and Attachment 4, Phase II NPDES stormwater requirements mandated for new development and redevelopment projects in Marin County would be required by the County Department of Public Works (DPW) in order to obtain a development permit. Thus, existing County policies and programs are sufficient to address the minor impact of the proposed development and redevelopment projects in the *2012 Draft Housing Element* on site/watershed peak flow rates.

**Response to Comment 11-76**

Please see Response to Comment 11-11.

**Response to Comment 11-77**

Please see Response to Comment 11-11.

**Response to Comment 11-78**

Please see Response to Comment 11-11.

**Response to Comment 11-79**

Please see Response to Comment 11-11.

**Response to Comment 11-80**

Please see Response to Comments 11-11 and 11-13.

**Response to Comment 11-81**

Please see Response to Comments 11-11 and 11-13.

**Response to Comment 11-82**

Please see Response to Comments 11-11 and 11-13.

**Response to Comment 11-83**

Please see Response to Comments 11-11 and 11-13.

**Response to Comment 11-84**

Please see Response to Comments 11-11 and 11-13. As stated by the commentor, sea level rise poses a challenge in locations where existing and future development borders sensitive baylands habitat and land area is not available to serve as a buffer zone.

**Response to Comment 11-85**

Please see Response to Comment 46-12.

**Response to Comment 11-86**

Please see Response to Comments 11-11 and 11-13.

**Response to Comment 11-87**

*Countywide Plan* Policy **CD-1.3** referenced by the commentor was revised in 2012. The revised policy allows consideration of densities higher than the lowest end of the applicable density range on a case-by-case basis for new housing units affordable to very low and low income households. Criteria include the provision of adequate water and sewer services, compliance with CEQA, and all other applicable policies in the Countywide Plan including, but not limited to, those governing environmental protection.

**Response to Comment 11-88**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. Please see Response to Comment 11-14 for information regarding school impacts.

**Response to Comment 11-89**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

**Response to Comment 11-90**

Please see Response to Comment 11-1.

**Response to Comment 11-91**

A discussion of Parks is located in the Draft SEIR on pages 227 and 228. This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

**Response to Comment 11-92**

Please see Response to Comment 11-91.

**Response to Comment 11-93**

Please see Response to Comment 11-91.

**Response to Comment 11-94**

Comment regarding water supply is noted. No further response is necessary.

**Response to Comment 11-95**

Comment regarding water supply is noted. No further response is necessary.

**Response to Comment 11-96**

As stated on page 48 of the Draft SEIR, the *2007 Countywide Plan EIR* identifies five significant and unavoidable impacts related to water supply. The Housing Element would not increase the severity of these impacts. No further response is necessary.

**Response to Comment 11-97**

Comment noted. No further response is necessary.

**Response to Comment 11-98**

As discussed on page 268 of the Draft SEIR, implementation of the *2012 Draft Housing Element* would not increase disposal of solid waste beyond what was anticipated with the implementation of the Countywide Plan.

**Response to Comment 11-99**

Please see Responses to Comments 46-14 and 51-1.

**Response to Comment 11-100**

Please see Responses to Comments 46-14 and 51-1.

**Response to Comment 11-101**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentator's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

**Response to Comment 11-102**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentator's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

**Response to Comment 11-103**

Comment noted. No further response is necessary.

**Response to Comment 11-104**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

**Response to Comment 11-105**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

**Response to Comment 11-106**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

**Response to Comment 11-107**

Greenhouse gas emissions are discussed in Checklist Section 7 of the SEIR.

**Response to Comment 11-108**

Comment noted. The *2012 Draft Housing Element* does not propose any development, but rather identifies housing site that may be developed at a later time. Upon submittal of development applications to Marin County staff would evaluate consistency with the *Countywide Plan*. For example, Programs **BIO-2.a** and **BIO-3.c** require a site assessment by a qualified professional where proposed development applications may adversely affect sensitive resources, including occurrences of special-status species, occurrences of sensitive natural communities, and incursion into a Wetland Conservation Areas. Biological resources are discussed in Checklist Section 4 of the SEIR. Sea level rise is discussed in Checklist Section 9 of the SEIR and in Master Response 1.

**Response to Comment 11-109**

Please see Response to Comment 46-5.

**From:** Anna Schmitz [mailto:annaschmitz1@mac.com]  
**Sent:** Sunday, February 10, 2013 11:45 PM  
**To:** Stratton, Debra  
**Subject:** Susatainable TamAlmonte

Dear Ms. Stratton,

Kindly forward this letter to the Planning Commission regarding a design plan that does not allow streamlining permit review of the environmental impact on the TamAlmonte area.

Development in the area has been painfully amiss and all of Marin suffers for the loss to the environment, lack of planning and overcrowding in this exploited, yet neglected entry to Marin.

Thank you.

Sincerely,  
Anna Schmitz  
[annaschmitz1@mac.com](mailto:annaschmitz1@mac.com)  
165 Lark Lane  
Mill Valley, CA 94941  
(c) 415-609-5075

**From:** Anna Schmitz [mailto:annaschmitz1@mac.com]  
**Sent:** Sunday, February 10, 2013 11:57 PM  
**To:** Stratton, Debra  
**Subject:** A Sustainable TamAlmonte area

Dear Ms. Stratton,

Kindly forward my letter to the Planning Commission. Many thanks.

Dear Planning Commission,

1

I wholeheartedly agree with the letter from the Sustainable TamAlmonte re. the Merits of the Tam Junction Affordable Housing Opportunity Sites. Our area is so overrun with traffic it is hard to know which way to turn when leaving my house. I fear for the school children, bikers and pedestrians. The locals can't move around on a day to day basis safely and easily. We certainly do not need any more development. The parking lot and gas stations at the corner of Shoreline are an example of lack of planning and pride in the gateway to Marin for the many visitors who pass through. I have seen endless accidents there as well as the crossroad near Almonte as people barreling down the 40 mile an hour stretch. Indeed we feel like an extension of the highway, strangers in our own uncared for land as we look toward Bothin Marsh, what there is of it we can see through the detritus closer to the junction.

Environment, people, nature all need our stewardship and limits are limits. Thank you for your consideration from a resident of Almonte for 19 years.

Sincerely,  
Anna Schmitz  
[annaschmitz1@mac.com](mailto:annaschmitz1@mac.com)  
165 Lark Lane  
Mill Valley, CA 94941  
(c) 415-609-5075

**RESPONSE TO LETTER NO. 12 - ANNA SCHMILZ (FEBRUARY 10, 2013)**

**Response to Comment 12-1**

Please see the responses to comment letters 3 and 4.

-----Original Message-----

From: Bernard Link [mailto:blink@apr.com]  
Sent: Friday, January 11, 2013 2:44 PM  
To: EnvPlanning; Crawford, Brian  
Cc: Stratton, Debra  
Subject: Jan 14 EIR Meeting

I live in the Almonte section of Mill Valley, and am very concerned about the impact of high density housing for several reasons.

1

Residents are concerned that the January 14th date for the scheduled public comments is too soon. Especially given the December Holiday time, we have not had enough time to prepare for it.

This is such a serious issue for many quality of life reasons, and I ask that you reschedule the EIR meeting to a later date so give us more time to prepare an intelligent opinion. Candidly, it feels that, one step at a time, high density housing is being forced upon Tam Junction.

it is just being Regards,  
Bernard Link  
Alain Pinel Realtors  
32 Miller Avenue, Mill Valley, CA  
c 415.336.8676// f 415.384.1111  
[www.bernardlink.com](http://www.bernardlink.com)

**RESPONSE TO LETTER NO. 13 - BERNARD LINK (JANUARY 11, 2013)**

**Response to Comment 13-1**

The Draft SEIR was distributed on December 20, 2012. Distribution of the Draft SEIR began a 45-day public review and comment period on the adequacy of the Draft SEIR which was to conclude on February 4, 2013. In response to this comment, and several others received by Marin County, which requested more time to comment, the Draft SEIR comment period deadline was extended to February 19, 2013.

**From:** Carolyn Lenert [mailto:carolynrealestate@msn.com]  
**Sent:** Friday, January 11, 2013 2:07 PM  
**To:** Warner, Rachel  
**Cc:** Crawford, Brian  
**Subject:** Fw: Draft Supplemental EIR - 2012 Draft Marin County Housing Element

Dear Ms. Warner:

We hereby request that MCD extend the public comment period on the above report. We would like to have more time to review this long-awaited report.

Releasing reports right before a major holiday and giving only 45 days to comment seems to be a common practice with the County planning department and should be changed.

We appreciate the time your department has put into this Housing Element. Your staff intimately knows everything about this report.

The public and our members do not. This is a complex matter that will impact our citizen's daily lives. The public deserves an adequate amount of time to review the report and comment if necessary.

1

Please extend the comment time, **if only in light of the fact that hard copies were not made available to the public on schedule.**

Thank you,

Carolyn Lenert  
Chair, North San Rafael Coalition of Residents  
[www.94903Community.org](http://www.94903Community.org)

P.S. Thank you in advance for replying.

**RESPONSE TO LETTER NO. 14 - CAROLYN LENERT (JANUARY 11, 2013)**

**Response to Comment 14-1**

The Draft SEIR was distributed on December 20, 2012. Distribution of the Draft SEIR began a 45-day public review and comment period on the adequacy of the Draft SEIR which was to conclude on February 4, 2013. In response to this comment, and several others received by Marin County, which requested more time to comment, the Draft SEIR comment period deadline was extended to February 19, 2013.

**From:** Carolyn Lenert [mailto:carolynrealestate@msn.com]

**Sent:** Friday, January 11, 2013 5:32 PM

**To:** EnvPlanning; Crawford, Brian; Stratton, Debra

**Subject:** HOUSING ELEMENT: Marin County Draft Supplemental Environmental Impact Report (DSEIR)

Dear Planning Commissioners, Rachel and Brian:

In the spirit of transparency and public engagement, I am asking the following: (Please respond) to extending the time in which the public can review.

1

The DSEIR was released in the middle of the holidays, reducing the time available for reviewing the document. In addition, Marin County has given only 45 days for the public comment period. Most counties would provide 60 days for such controversial projects because the shorter time period directly inhibits public involvement. Furthermore, we don't have hard copies of the documents available (as of yesterday). The public and our members usually have an on-site knowledge and history that can benefit all concerned.

Thank you in advance for your consideration of extending the time in which the public can review. We look forward to hearing from you.

Sincerely,

Carolyn Lenert

Chair

North San Rafael Coalition of Residents

[www.94903Community.org](http://www.94903Community.org)

**RESPONSE TO LETTER NO. 15 - CAROLYN LENERT (JANUARY 11, 2013)**

**Response to Comment 15-1**

The Draft SEIR was distributed on December 20, 2012. Distribution of the Draft SEIR began a 45-day public review and comment period on the adequacy of the Draft SEIR which was to conclude on February 4, 2013. In response to this comment, and several others received by Marin County, which requested more time to comment, the Draft SEIR comment period deadline was extended to February 19, 2013.

**From:** Carolyn Perot [mailto:cperot@pacbell.net]  
**Sent:** Friday, January 11, 2013 9:25 AM  
**To:** EnvPlanning  
**Subject:** Extend DSEIR comment period

To whom it may concern. I am a Marin resident concerned with planning issues in Tam Valley. Please consider an extension of the public comment period for the DSEIR so that our community can study the options for our area. We're in an environmentally sensitive wetland with already difficult traffic issues along route 1 to Stinson Beach, Muir Woods and Mt. Tam.

1

Please give us more time for studies so that we can generate some rational, thoughtful local input. Thank you for your consideration.

Carolyn Perot  
George Janson  
367 Tennessee Avenue  
Mill Valley, CA 94941

**RESPONSE TO LETTER NO. 16 - CAROLYN PEROT / GEORGE JANSON (JANUARY 11, 2013)**

**Response to Comment 16-1**

The Draft SEIR was distributed on December 20, 2012. Distribution of the Draft SEIR began a 45-day public review and comment period on the adequacy of the Draft SEIR which was to conclude on February 4, 2013. In response to this comment, and several others received by Marin County, which requested more time to comment, the Draft SEIR comment period deadline was extended to February 19, 2013.

February 9, 2013

To the Marin County Planning Commission:

1

I am writing to endorse the letter sent to you by Sustainable TamAlmonte regarding the need not to streamline permit review or environmental review of high-density housing in Tam Junction and Manzanita.

I am a Kay Park homeowner and resident for the past 23 years and have seen traffic congestion and parking problems in our neighborhood increase greatly in that time. There are many complex factors to consider before allowing high-density housing to be build in our area, and streamlining the review process is quite simply a bad idea.

Please give due consideration to the thoughts put forth in the letter prepared for you by Sustainable TamAlmonte.

Thank you.

Carolyn Smith  
358 Starling Rd.  
Mill Valley

**RESPONSE TO LETTER NO. 17 - CAROLYN SMITH (FEBRUARY 9, 2013)**

**Response to Comment 17-1**

Please see the responses to comment letters 3 and 4.

**From:** David Brandt [mailto:davelisba@mac.com]  
**Sent:** Monday, February 18, 2013 10:19 PM  
**To:** EnvPlanning  
**Subject:** Housing Element Impact Report comment

Dear Rachel Warner,

We are writing to you concerning the 2012 Housing Element Impact Report.

We live in San Rafael with our two young children who attend the Dixie School District. We chose to move here 3 years ago because of the beautiful open spaces surrounding our neighborhood and the award winning school district.

1

I do not feel that the low income housing is being distributed evenly across Marin County. Unincorporated San Rafael will have approximately 70-80% of all the new low income housing for Marin. This will increase the population by about 20% and add hundreds of children to the basic aid school district. If this proposed affordable housing is to fulfill a requirement set forth by the state of California then the financial and environmental costs should be spread throughout Marin county as well: not just in the Lucas Valley/Marinwood neighborhoods.

Additional concerns:

2

- 1. It will gravely impact our Dixie school District. The new residential properties will not generate any new property tax to help offset the additional children being educated in the Dixie district. The district is funded completely through property taxes and propositions voted on by the residents. In addition, parents of school children donate to the schools through a fundraising campaign known as "Can Do."**
- 2. There will be no increases in tax revenues to fund new police, fire, and park services.**
3. Increased traffic with no fixed transit in Marin county.
4. Long-term sustainability of our water supply.

5. We will lose valuable open space.

I understand that this impact report is about housing needs, but it has **not addressed our community needs and how they will be supported.**

Thank you for your time and consideration,

David and Lisba Brandt  
4 Mount Susitna Court  
San Rafael, CA

**RESPONSE TO LETTER NO. 18 - DAVID AND LISBA BRANDT (FEBRUARY 18, 2013)**

**Response to Comment 18-1**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

**Response to Comment 18-2**

Please see *Master Response 2- Dixie School District*.

-----Original Message-----

From: Dawn Vroegop [mailto:[dmvroegop@me.com](mailto:dmvroegop@me.com)]

Sent: Wednesday, February 06, 2013 1:30 PM

To: housingelement

Subject: Strawberry

Please let the Strawberry Community Plan be the guiding document for upcoming discussions regarding the Seminary's plans for its property. A deal is a deal, but the Seminary wants to change the deal with neighbors. Their recent dealings with homeowners has caused me to be suspect of their plans for their property.

We purchased our home in Strawberry with knowledge and faith in the approved Community Plan. Please do not let the Seminary try to bypass the plan to "get their way". The seminary seems frustrated after their plan to push their previous plan through, irrespective of the homeowners, the master plan or wildlife concerns. We live right next to the Seminary and would caution against more traffic, potential harm to wildlife and development outside of our Community Plan.

Thank you for your consideration of maintaing the current stance that the Community Plan is the guiding principle as it was a factor in many homeowners' decision to purchase a home in this location.

Respectively,

Dawn

Dawn Vroegop  
[dmvroegop@me.com](mailto:dmvroegop@me.com)

**RESPONSE TO LETTER NO. 19 - DAWN VROEGOP (FEBRUARY 6, 2013)**

**Response to Comment 19-1**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

**From:** Dearborn, Deana [mailto:deana.dearborn@novartis.com]  
**Sent:** Monday, January 14, 2013 7:54 AM  
**To:** EnvPlanning  
**Subject:** RE: comments on DSEIR

Dear Mrs. Warner,

I have added a couple comments regarding traffic intersection studies and the Rotary Field site.

Thank you,  
Deana Dearborn

**From:** Dearborn, Deana  
**Sent:** Monday, January 14, 2013 12:31 AM  
**To:** 'envplanning@marincounty.org'  
**Subject:** comments on DSEIR

Dear Mrs. Warner,

Please find attached my comments on the Draft SEIR of the Marin Housing Element for consideration at the January 14, 2013 Planning Commission Meeting. I appreciate the opportunity to comment and would like confirmation that there is still opportunity to forward further comments on this document up until February 4.

Thank you,  
Deana Dearborn

Subject: Housing Element DSEIR  
To: [envplanning@marincounty.org](mailto:envplanning@marincounty.org)  
January, 14, 2013

Dear Mrs. Warner,

I am a Marinwood resident and deeply concerned about what I am reading in the Draft Supplemental EIR for the County Housing Element. I have received the Draft Supplemental EIR via email and the associated message that came along with it. My understanding is that the due date for comments is February 4, however I am confused by the following paragraph:

In addition, a separate hearing on the project merits of the 2012 Draft Housing Element, and related Development Code and Countywide Plan amendments, will be held by the Planning Commission on **February 11, 2013 starting at 10:00 am or after at the Planning Commission Chambers** (Room #328 – Administration Building) Civic Center, San Rafael, California. At this Merits Hearing, staff will accept comments from the public on the data, programs or sites contained in the 2012 Draft Housing Element. Please be advised that the **Merits Hearing is a separate and subsequent event from the hearing on the Draft SEIR on this project and is not intended for the purpose of receiving comments on the Draft SEIR...**

1

My comments are about the adequacy of the document as well as the content. I find it hardly ample time for any working person to prepare comments on any aspect of this plan in 25 days. I am extremely concerned about the overall timing and length of the public comment period including the February 4, deadline. This is a substantial document to go through. For an armature it takes a very long time to understand and follow all the references. In addition, I think the County's release date of December 20th, directly before the holidays, and utilizing a limited 45 day comment period does not allow for adequate public involvement process. I've also noticed the Planning Commission meeting is during working hours, which limits working folks and those caring for children during the day ability to participate in person. An evening Planning Commission seems more inclusive.

I understand the County has gone through a lengthy planning process and it's very challenging for the County staff to please everyone. However, I strongly urge you to extend the comment period and the timing of the public hearing to allow for adequate public involvement.

My comments on the plan to date, although I'm not even half way through it, are:

2

1. 546 units listed in the Marinwood/ Lucas Valley area and only 317 outside this area is absurd. This will greatly affect our resources such as schools, public safety, traffic, noise, clean air, etc. The plan talks about a range of

density, but proposes to concentrate that density in the Marinwood/ Lucas Valley area.

3

2. The Rotary Field site on the 2014-2022 list is reserved as opens space to be developed into much needed sports fields for our children. We currently have inadequate fields for baseball, soccer and lacrosse.

4

3. The information published on page 226, Public Education Services, is lacking at best. Does not address the significant potential impact to Dixie School District, should any form of family housing be constructed. I am not sure that the following statement is correct, "The Dixie Elementary School District, which is governed by San Rafael City Schools ...". Being that this plan proposes 546 units in the Dixie district and even more when you consider San Rafael High School District, you would think the preparer of this document would do a little more research than consult a brochure for San Rafael and not at all consult with the Dixie School District.

5

4. I have not been through the entire plan, but from what I have read the plan does not seem to address how you will ensure that housing is provided for Marin's workforce, residence and special needs populations. From what I can tell the plan dictates where housing will be placed, but does not ensure that the occupants of this housing will work in Marin. It seems that there should be a requirement for occupants of all developments listed in the plan to provide proof of work in Marin, be unable to work (disables) or no longer in the workforce (seniors). There should be a assigned governmental body to ensure and audit this.

6

5. The overlay district bumps up the density to 30 units per acre at Marinwood Plaza. This is not consistent with the predominantly single family residence neighborhood. A density of 30 units per acre in Marinwood/ Lucas Valley is not a preservation of community character and does not comply with the aesthetics of the community. The 3 story height is higher than any building in the vicinity.

7

6. Two sites in the Marinwood vicinity (Marinwood Plaza and St Vincent's) are located adjacent the 101 freeway. There are significant unavoidable air quality issues at these sites. There are many studies showing that air quality has a more significant impact on younger ages, such as children. This does not seem to be the most appropriate place for family housing and as such should be limited on these two sites. There is a mitigation measure for sensitive receptors MM4.3-3. Who is the audience for this and who approves the analysis?

8

7. There are 4 significant traffic intersections listed in the Marinwood area, yet there is no mention that these would need to be mitigated by developers.

9

8. I feel that traffic at Lucas Valley and Mt. Shasta/ Mt. Lassen during mornings and afternoons when school starts/ gets out should be evaluated for the need for a traffic light. Increased traffic along with an increase in student population, will increase the left turn safety risk at these intersections.

10

9. Short term construction related emissions should be expanded to include:  
a. No idling near existing occupied structures of any kind.  
b. Air monitoring for all construction sites creating dust.

10 continued

- c. Construction sites should have a 24 hour contact number. 48 hours is too long to respond to certain issues.
- d. Construction hours should be limited to 8:00 AM to 5:00 PM Monday through Friday. NO EXCEPTIONS

11

10. There is missed health risk at the Marinwood Plaza site which is a cell tower.

12

11. An archaeologist should be consulted as to the probability of archaeological artifacts being found near the St Vincent's site as there are known findings on this site. Should an archaeologist be retained as part of the construction process? Is an archaeological monitoring plan required? Is training required? Would other close by sites be potentially impacted as well?

13

12. Mitigation Measure 4.7-2(c) requires additional information. Where does funding come from? Is there an impact fee charged to developers for this?

14

13. I feel each site should be responsible to prepare a energy reduction plan as part of their Building permit application. This should be reviewed by an energy design expert as part of the Building permit review. Items that could be included would include: Building materials, construction waste plan, recycling plan during construction and for the life of the project, how they propose to reduce emissions, energy efficient construction materials and methods, etc. A professional should be consulted on what should be included in such plan.

15

14. Further evaluation should be performed on the concentration of greenhouse gas emissions in Marinwood/ Lucas Valley area. The listed projects estimate 3873.41 MT of GHG Emissions in this localized area. The significance of this is not clear from the Draft SEIR. How is the threshold determined? Do they look at the overall area? Do they breakdown into localized areas? Should this be looked at cumulatively between the 2007-2014 and 2014-2022? Does that change the overall impact? These numbers seem very high for the stand alone Marinwood/ Lucas Valley area.

16

15. The document is overall lacking in that it identifies broad significant issues that need to be mitigated, but does not mention how these will be mitigated. Is it the responsibility of the developers, county, existing residents, etc.?

I would appreciate if you could respond via email to how many people from each unincorporated area is represented on the Housing Element Task Force. Who was the representative(s) for the Marinwood/ Lucas Valley area? How was the task force decided upon?

Thank you for your consideration,

Deana Dearborn  
315 Pinewood Drive  
San Rafael, CA 94903  
510-812-4869

**RESPONSE TO LETTER NO. 20 - DEANA DEARBORN (JANUARY 14, 2013)**

**Response to Comment 20-1**

The Draft SEIR was distributed on December 20, 2012. Distribution of the Draft SEIR began a 45-day public review and comment period on the adequacy of the Draft SEIR which was to conclude on February 4, 2013. In response to this comment, and several others received by Marin County, which requested more time to comment, the Draft SEIR comment period deadline was extended to February 19, 2013.

**Response to Comment 20-2**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

**Response to Comment 20-3**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

**Stop/stop**

**Response to Comment 20-4**

Please see *Master Response 2 – Dixie School District*. In response to the comment the third paragraph on page 226 of the Draft SEIR is revised as follows (footnotes omitted):

SB 50 (Government Code § 65955 *et seq.* and Education Code § 17629 *et seq.*) establishes fees for the impacts of development on the need for schools. When new development pays the SB 50 fees, no other CEQA mitigation for impacts on schools may be required. School districts are involved in capacity expansion projects. This includes the Mill Valley Elementary School District reconstruction of the Edna Maguire School. In 2010 the Ross Valley School District's Measure A was passed to fund campus improvements. Construction of the District's first project, improvements to White Hill Middle School, began in spring 2012. Novato School District's San Ramon Elementary is planning construction for a new multipurpose room. New residential development is required to pay school development fees to offset the cost of accommodating increased enrollment. For example the San Rafael Elementary and San Rafael High School Districts levy a School Facilities Fee of \$2.97 per square foot of new residential development for the purpose of raising funds to provide classrooms for students generated by new residential construction. The Dixie Elementary School District, which ~~is governed by San Rafael City Schools and~~ feeds future enrollment into the San Rafael High School District, levies a fee of \$2.06 per square foot of new residential development. The fees are used for modernization, construction, and/or expansion of the District's school sites.

**Response to Comment 20-5**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

**Response to Comment 20-6**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

**Response to Comment 20-7**

Air quality impacts are discussed on pages 69 through 86 of the Draft SEIR. **Exhibits 3.0-4** and **3.0-5** present results of a screening level analysis performed using BAAQMD tools for the *2012 Draft Housing Element* sites. Both Marinwood Plaza (housing site 1) and St. Vincent's and Silveira (housing site 5) are included in **Exhibit 3.0-4**.

Mitigation Measure 4.3-3 of the *2007 Countywide Plan EIR* provides measures in regard to the need to provide buffer zones for potential sources of odor/toxics. This mitigation measure revised the proposed *Countywide Plan* policies and programs plus recommended the addition of a new program regarding the need for a health risk analysis for sensitive receptors. The Draft SEIR recommends a revision to *Countywide Plan* Program **AIR-2.c** (*Health Risk Analysis for Sensitive Receptors*). The Board of Supervisors is responsible for adopting the policies and programs. The Marin County Community Development Agency would be responsible for monitoring their implementation. Also, please see Responses to Comments 11-7 and 11-52.

**Response to Comment 20-8**

Impacts 4.2-14 through 4.2-19 in the *Countywide Plan Final EIR* describe impacts at the eight intersections locations studied. Mitigation measures for each of the intersections at which there would be a significant impact are identified. The agencies responsible for the implementing each mitigation measure are also identified.

**Response to Comment 20-9**

Comment noted. The Draft SEIR contains a traffic analysis utilizing an updated traffic model that incorporates more recent demographic information. Using this model the traffic analysis found with implementation of the *2012 Draft Housing Element* no new significant impacts or any increase in severity of a previously identified significant impact would occur. This analysis evaluates the impacts of implementing the Housing Element at a program level. The nearest traffic screenline location evaluated is screenline 15 (Lucas Valley Road between Las Gallinas Ave, and Los Gamos). The screenlines contain roadway segments thought most likely to be significantly impacted by development. A summary of information is provided in **Exhibit 3.0-25** and **3.0-26**. This information should be useful for project specific CEQA analysis that would occur subsequent to the implementation of the Housing Element.

**Response to Comment 20-10**

Per *Countywide Plan* Programs **AIR-1.b** and **AIR-1.g**, the County uses the BAAQMD CEQA Guidelines to evaluate construction impacts from projects. These guidelines include reasonable and feasible construction mitigation measures to control emissions at construction sites.

**Response to Comment 20-11**

There is a communications compound located at 197 Marinwood Avenue, which is to the south of the proposed Marinwood Plaza development. AT&T, Sprint, and T-Mobile operate towers within a fenced area at the south end of the property.

The Federal Communications Commission (FCC) has determined that cell towers do not pose a health risk to nearby residences because radio frequency emissions from antennae result in exposure levels on the ground that are typically thousands of times below safety limits.<sup>10</sup>

“Cellular radio services transmit using frequencies between 824 and 894 megahertz (MHz). Transmitters in the Personal Communications Service (PCS) use frequencies in the range of 1850-1990 MHz. Antennas used for cellular and PCS transmissions are typically located on towers, water tanks or other elevated structures including rooftops and the sides of buildings. The combination of antennas and associated electronic equipment is referred to as a cellular or PCS "base station" or "cell site." Typical heights for free-standing base station towers or structures are 50-200 feet. A cellular base station may utilize several "omni-directional" antennas that look like poles, 10 to 15 feet in length, although these types of antennas are less common in urbanized areas.

In urban and suburban areas, cellular and PCS service providers commonly use "sector" antennas for their base stations. These antennas are rectangular panels, *e.g.*, about 1 by 4 feet in size, typically mounted on a rooftop or other structure, but they are also mounted on towers or poles. Panel antennas are usually arranged in three groups of three each. It is common that not all antennas are used for the transmission of RF energy; some antennas may be receive-only.

At a given cell site, the total RF power that could be radiated by the antennas depends on the number of radio channels (transmitters) installed, the power of each transmitter, and the type of antenna. While it is theoretically possible for cell sites to radiate at very high power levels, the maximum power radiated in any direction usually does not exceed 50 watts.

The RF emissions from cellular or PCS base station antennas are generally directed toward the horizon in a relatively narrow pattern in the vertical plane. In the case of sector (panel) antennas, the pattern is fan-shaped, like a wedge cut from a pie. As with all forms of electromagnetic energy, the power density from the antenna decreases rapidly as one moves away from the antenna. Consequently, ground-level exposures are much less than exposures if one were at the same height and directly in front of the antenna.

Measurements made near typical cellular and PCS installations, especially those with tower-mounted antennas, have shown that ground-level power densities are thousands of times less than the FCC's limits for safe exposure. This makes it extremely unlikely that a member of the

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<sup>10</sup> Federal Communications Commission (FCC); *Radio Frequency Safety*; <http://transition.fcc.gov/oet/rfsafety/rf-faqs.html#Q15>; web page last updated June 25, 2012.

general public could be exposed to RF levels in excess of FCC guidelines due solely to cellular or PCS base station antennas located on towers or monopoles.

When cellular and PCS antennas are mounted at rooftop locations it is possible that a person could encounter RF levels greater than those typically encountered on the ground. However, once again, exposures approaching or exceeding the safety guidelines are only likely to be encountered very close to and directly in front of the antennas. For sector-type antennas, RF levels to rear are usually very low.”

Concerns regarding non-thermal effects of electromagnetic fields associated with cell towers have increased along with the proliferation of cell towers in communities across the country. Studies have been undertaken to further understand potential health risks associated with cell towers, future regulatory and policy positions will reflect changes associated with knowledge gained. <sup>11</sup>

On September 30, 2010, SiteSafe, Inc. of Arlington, Virginia conducted a site inspection of the communications compound at 197 Marinwood Avenue. <sup>12</sup> Observations and monitoring completed during the site inspection indicated that the communications compound was in compliance with FCC operating guidance. Measurements taken at 17 locations around the cell towers indicated that radio frequency emissions were less than one percent of the FCC Public Exposure Limit, and well within operating standards considered by the FCC to be safe.

The communications compound appears to be operating legally and within current FCC safe-operating parameters.

**Response to Comment 20-12**

Comment noted. As discussed on page 112 of the Draft SEIR the *Countywide Plan* contains policies and programs to protect archaeological resources. Program **HAR-1.d** requires archaeological surveys prior to new development when located within archaeological resource areas. Policies **SV-4.1** and **SV-4.2** both preserve known archaeological resource and protect newly encountered resources discovered during construction.

**Response to Comment 20-13**

It is the responsibility of the Marin County Board of Supervisors to budget the necessary funding for the *Countywide Plan*'s programs.

**Response to Comment 20-14**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*.

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<sup>11</sup> *In the Matter of Service Rules for the Advanced Wireless Services H Block – Implementing Section 6401 of the Middle Class Tax Relief and Job Creation Act of 2012 Related to the 1915 – 1920 MHz and 1995 – 2000 MHz Bands, Cindy Sage Comments*; FCC 12-152; February 3, 2013.

<sup>12</sup> *T-Mobile Site BA1002A, Marinwood Plaza Site Compliance Report*; SiteSafe RF Compliance Experts; November 3, 2010.

It is, however, noted that new construction needs to meet State Title 24 Building Standards. The Title 24 Building Standards require new construction to incorporate energy conserving methods to help accomplish efficient energy practices. The Title 24 Building Standards are updated regularly to allow incorporation of new energy efficient technologies and construction methods. In addition to the State requirements, Marin County has adopted Green Building Requirements that are applicable to new residential construction projects over 500 square feet; all residential additions and remodels; all new multi-family construction; new commercial projects and additions over 2,000 square feet; and all commercial remodels.

**Response to Comment 20-15**

Emissions of greenhouse gases from projects and plans represent a cumulative impact that contributes to global warming and the associated adverse environmental effects. The impact of the *2012 Draft Housing Element* is evaluated by assessing whether direct and indirect emissions associated with the plan would contribute substantially to a significant cumulative impact. An emission per capita threshold is used to measure the plan's impact and evaluate the significance (see pages 131-132 of the Draft SEIR). Cumulative emissions from implementation of the element and not just one project or subset of projects are used to evaluate this effect.

**Response to Comment 20-16**

This Draft SEIR has been prepared by Marin County in accordance with the California Environmental Quality Act, including *CEQA* (Public Resources Code sections 21000-21178.1), the *State CEQA Guidelines* (California Code of Regulations, Title 14, Sections 15000-15387), and the Marin County Environmental Impact Review Guidelines.

In addition to this document a revised Mitigation Monitoring and Reporting Program (MMRP) will be prepared. One of the requirements of a MMRP is that it identifies the entity that is responsible for each mitigation monitoring and reporting task. A MMRP was prepared for the *Countywide Plan Final EIR* and it will be revised and updated as necessary for the *2012 Draft Housing Element SEIR*.

cc: Brian  
Tom  
Jeremy  
Rachel  
Tammy  
Stacey  
Leelee  
PC

JAN 17 2013 PM 2:46 Planning

Marin County Planning Commission  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903  
Re: Housing Element Draft Supplement to the 2007 CWP EIR (DSEIR)

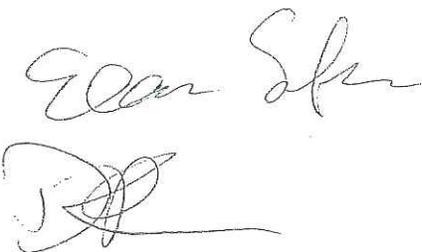
County Planning Commission,

1

As residents of Tamalpais Valley for 22 years, we are distraught over the idea of adding more affordable housing to our already over-crowded neighborhood. The traffic is at epic levels, our schools cannot sustain low-tax paying influx of residents, and the environmental impact to air and water is catastrophic. Having already been allotted more than our share of this housing, we are asking for you to find other locations for your plans.

Should you go forward with this, we will either have to consider moving from Mill Valley, or perhaps contact the EPA and other federal and state agencies to further review the impact of what you are proposing. ALL of our neighbors feel the same way, and are also considering hiring legal support to fight this. We have had enough! Please do not turn our lovely Mill Valley into a dumping ground for your federal and state projects, which are clearly being pushed through at our expense! In the process, you are creating traffic, damaging our already over-taxed resources and environment. Surely, you will not get your plans through without a fight from the tax paying voters whom are being ignored and taken advantage of year after year.

Ellen and David Selzer



**RESPONSE TO LETTER NO. 21 - ELLEN AND DAVID SELZER (JANUARY 17, 2013)**

**Response to Comment 21-1**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

**From:** Erika Lovejoy [mailto:erika.lovejoy@gmail.com]  
**Sent:** Monday, January 07, 2013 2:24 PM  
**To:** EnvPlanning  
**Subject:** Housing Element DSEIR

Dear Mrs. Warner:

I am a Mill Valley resident and former San Francisco County Environmental Planner and State Environmental Scientist. I was recently alerted (just yesterday, through a community forum) to the release of the Draft Supplemental EIR for the County Housing Element. I am extremely concerned about the timing and length of the public comment period. This is a substantial document with a long history, many complex reference documents (the original EIR, newly proposed and old housing elements), as well as an unusually, and frankly, unacceptably high number of Significant and Unavoidable environmental CEQA impacts. I think the County's release date of December 20th, directly before the holidays, and utilizing a limited 45 day comment period does not allow for adequate public involvement in this CEQA process. Most counties would provide 60 days for controversial projects and not release documents during holidays because it directly inhibits public involvement. I've also noticed the Planning Commission meeting is during working hours, which limits folks ability to participate in person (including myself; I work in SF, as do most people who live here). This makes it critical to have enough time to prepare written comments and with a DSEIR release just before the holiday and short comment period overall, that gives people very little time to review the document and provide meaningful comments in any manner.

1

I understand the County has gone through a lengthy planning process and it's very challenging for the County staff to please everyone. As a former Planning Department employee, I've been there! However, I strongly urge you to extend the comment period and the timing of the public hearing to allow for adequate public involvement. I do not live in Tam Valley (rather Homestead Valley), but I am deeply concerned about the proposal for development in an area with regular flooding and immediate adjacency to a wildlife preserve already stressed by major water quality/endangered species habitat issues (the bay is on the State Water Resources Control Board 303(d) list of threatened and impaired water bodies). There will also be unmitigable traffic impacts in the Tam Junction area. I sit in 30 minutes of traffic on the bus every morning and evening during the week, and on sunny weekends trying to get in/out of town. There's simply no more capacity. I hope that myself and others will have the chance to provide more meaningful feedback and alternative planning options if the comment period is extended.

I'd appreciate it if you would put me on the email list for this project so I can stay up-to-date.

Thank you for your consideration,

Erika Lovejoy  
111 Montford Avenue  
Mill Valley

**RESPONSE TO LETTER NO. 22 - ERIKA LOVEJOY (JANUARY 7, 2013)**

**Response to Comment 22-1**

The Draft SEIR was distributed on December 20, 2012. Distribution of the Draft SEIR began a 45-day public review and comment period on the adequacy of the Draft SEIR which was to conclude on February 4, 2013. In response to this comment, and several others received by Marin County, which requested more time to comment, the Draft SEIR comment period deadline was extended to February 19, 2013.

Flooding issues are discussed in Hydrology, Water Quality and Flood Hazard (Checklist Section 9) of the SEIR. Biological issues are discussed in Biological Resources (Checklist Section 4) of the SEIR and traffic issues are discussed in Transportation/Traffic (Checklist Section 16) of the SEIR.

January 24, 2013 revised

The 2012 Draft Marin County Housing Element

The Marin County Planning Commission;

Rachel Warner, Environmental Planning Manager; and  
Brian Crawford, Director, Marin County Community Development Agency

1

I am voicing my opposition to the proposed **182** low-income housing to be built in the Manzanita and Tam Junction sites. The location is not safe and does not comply with the California Code Sections 65302.

2

The 2012 Draft Marin County Housing Element is published and pursuant to California State's environmental law, the California Environmental Quality Act ("CEQA"), the County of Marin releases its Environmental Impact Report inviting augments opposing its findings and why the housing units should not be built in the Manzanita and Tam Junction sites. The 2012 Draft Marin County Housing Element, Flood Control and Management, III-9 states, "Government Code 65302 requires all cities and counties to assess their flood hazard and prepare for potential flooding." But while Marin County asserts it is in compliance with the code, the Marin Local Coastal Program reports (12/11/12) that due to global warming, the proposed sites are projected to be under water, flooded to the depths of between 2ft and 5ft within the next 15 to 75 years. They say "Sea level along the California Coast South of Cape Mendocino is projected to rise 4-30cm (2-12 in) by 2030, relative to 2000 levels, 12-61 cm (5-24 in) by 2050, and 42-167 cm (17-66 in) by 2100." Manaznita's elevation is currently 5ft and for years its low-lying areas experience vast flooding several times each year due to rising tides. The Marin Local Coastal Program reports the National Research Council (NRC) of the National Academies of Science has submitted their expert findings:

- Melting of land ice is now the largest component of global sea-level rise (about 65%), largely because ice loss rates are increasing.
- Global sea level is projected to rise 8-23 cm (3-9 in) by 2030, relative to 2000 levels, 18-48 cm (7-19 in) by 2050, and 50-140 cm (20-55 in) by 2100.
- Vertical land motions caused by plate tectonics and the ongoing response of the Earth to the disappearance of North American ice sheets have a significant impact on sea-level rise along the Washington, Oregon, and California coasts.
- Sea level along the California coast south of Cape Mendocino is projected to rise 4-30 cm (2-12 in) by 2030, relative to 2000 levels, 12-61 cm (5-24 in) by 2050, and 42-167 cm (17-66 in) by 2100. These projections are close to global sea-level rise projections.
- For the Washington, Oregon, and California coasts north of Cape Mendocino, sea level is projected to change between -4 cm (-2 in) (sea-level fall) and +23 cm (9 in) by 2030, -3 cm (-1 in) and +48 cm (19 in) by 2050, and 10-143 cm (4-56 in) by 2100. These values are lower than projections further north.
- An earthquake magnitude 8 or greater along the Cascadia Subduction Zone would suddenly raise sea level along parts of the coast by an additional 1-2 meters (3-7 feet) over projected levels north of Cape Mendocino.
- Uncertainties grow as the projection period lengthens. Confidence in the projections is high for 2030 and perhaps 2050. By 2100, we are confident only that the value will fall within the uncertainty bounds.
- Most coastal damage is caused by the confluence of large waves, storm surges, and high astronomical tides during a strong El Niño.

- Some models predict a northward shift in North Pacific storm tracks, and some observational studies report that largest waves are getting higher and winds are getting stronger. Observational records are not long enough to confirm whether these are long-term trends.
- Even if storminess does not increase in the future, sea-level rise will magnify the adverse impact of storm surges and high waves on the coast.
- Storms and sea-level rise are causing coastal cliffs, beaches, and dunes to retreat at rates from a few cm/yr to several m/yr. Cliffs could retreat more than 30 m (about 100 feet) by 2100.
- Wetlands are likely to keep pace with sea level until 2050. Their survival until 2100 depends on maintaining elevation through high sedimentation, room to move inland, or uplift.

3

The 2012 Draft Marin County Housing Element is flawed and presents many safety, administration and legal problems. Further, if allowed to proceed, developers' building any of the proposed units is inconceivable because of marketing and liability problems. I urge the Marin County Planning Commission to rescind their building plans in the Manzanita and Tam Junction sites.

H.W. Paisley  
Marin County

Copies of letters from Sustainable TamAlmonte dated February 5, 2013 and February 6, 2013 (Comment Letters 3 and 4) have been omitted. Please see Comment Letter 3 and Comment Letter 4 in the Final SEIR.

**RESPONSE TO LETTER NO. 23 - H.W. PAISLEY (JANUARY 24, 2013)**

**Response to Comment 23-1**

Comment noted. This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

**Response to Comment 23-2**

Please see *Master Response 1 – Sea Level Rise*. As stated on page 180 of the Draft SEIR the *Countywide Plan* addresses sea level rise with Policies and Programs such as Policy **EH-3.3** (*Monitor Environmental Change*), program **EH-3.k** (*Anticipate Sea Level Rise*), and program **EH-3.n** (*Plan for Sea Level Rise*). The Draft SEIR discusses the incorporation of recent sea level rise data from the BCDC and U.S. Army Corps of Engineers (starting on page 179), and proposes new mitigation measures to ensure sea level rise predictions will be incorporated into flood hazard policies and programs.

**Response to Comment 23-3**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

**10 Oak Mountain Ct,  
San Rafael, CA 94903**

19 February 2013

Rachel Warner  
Environmental Planning Manager  
3501 Civic Center Drive, #308  
San Rafael, CA 94903

Dear Rachel Warner,

As residents and home owners in unincorporated San Rafael we are writing to you concerning the 2012 Housing Element Impact Report.

We support the notion that Marin should have a balanced demographic, creating sustainable communities. We are concerned, however, that the current proposals are far from balanced, with unincorporated Marin designated to receive 70-80% of all new low income housing. In order to be as sustainable as possible a large population increase of this type clearly demands careful planning, taking into consideration a broad spectrum of issues. Yet the concerns of the existing community have had little opportunity to be heard, with many other important issues seeming to be neglected. This raises the following key concerns;

- Several of the larger proposed developments are located many miles from existing main roads or public transportation routes. This will result in undue pressure on existing country roads, which are currently prized for their scenic assets.
- It will gravely impact our Dixie school District. The new residential properties will not generate any new property tax to help offset the additional children being educated in the Dixie district. The district is funded completely through property taxes and propositions voted on by the residents. In addition, parents of school children donate to the schools through a fundraising campaign known as "Can Do."
- There will be no increases in tax revenues to fund new police, fire, and park services.
- Increased traffic with no fixed transit in Marin County.
- Long-term sustainability of our water supply.
- We will lose valuable open space.

If the current situation persists, it is clear that it will be the existing communities that will inevitably support the low income portion of the demographic through property tax. It should therefore be carefully considered that history shows how a high density of low income housing can detrimentally impact school ratings and house values - lowering the prices at which properties are sold and hence property taxes raises, generating an unsustainable condition for all.

We therefore suggest that it is in everyone's interest to have a broader mix of demographic across the county as a whole than the current plans shows.

Thank you for your time and consideration,

James Haig Streeter and Chiaki Tomita

**RESPONSE TO LETTER NO. 24 - JAMES HAIG STREETER AND CHIAKI TOMITA (FEBRUARY 19, 2013)**

**Response to Comment 24-1**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*.

Traffic issues are discussed in Transportation/Traffic (Checklist Section 16) of the SEIR.

The Housing Element's impact on schools is discussed on page 226 of the Draft SEIR. The Draft SEIR acknowledges that school enrollment continues to rise, and "implementation of the Countywide Plan would increase demand for public school services beyond the existing public school capacity, resulting in the need for new facilities." Also please see *Master Response 2 – Dixie School District*, which explains that the Leroy F. Greene School Facilities Act of 1998 ("SB 50") preempts local jurisdictions from devising their own requirements to mitigate or otherwise address impacts of new development on school facilities.

**From:** Jenni Hamilton [mailto:jenni.t.hamilton@gmail.com]  
**Sent:** Tuesday, February 19, 2013 3:12 PM  
**To:** EnvPlanning  
**Subject:** 2012 Housing Element - Impact Report. (For Rachel W.)

Dear Rachel Warner,

We are writing to you regarding the 2012 Housing Element Impact Report.

We live in unincorporated San Rafael with our three children who attend Dixie Elementary. We chose to move here 4 years ago because of the beautiful open spaces surrounding our neighborhood and the award winning school district.

When you look at the distribution of the low income housing, the proposed plan has a very uneven distribution across Marin County. Unincorporated San Rafael will have approximately 70-80% of all the new low income housing for Marin. This will increase the population by about 20% and add hundreds of children to our basic aid school district. If this proposed affordable housing is to fulfill a requirement set forth by the state of California, then the financial and environmental costs should be spread throughout Marin county as well: not just in the Lucas Valley/Marinwood neighborhoods.

I'm certainly not saying that a portion of the low income housing should be within our area; it's that as of now, the distribution doesn't seem to make sense to have the majority fall within one small area out of all of Marin County.

Additional concerns:

1

**1. It will have a negative impact on the entire Dixie School District.** The new residential properties will not generate any new property tax to help offset the additional children being educated in the Dixie district. The district is funded completely through property taxes and propositions voted on by the residents. In addition, parents of school children donate to the schools through a fundraising campaign known as "Can Do."

1  
continued

2. There will be no increases in tax revenues to fund new police, fire, and park services.

3. Increased traffic with no fixed transit in Marin county.

4. Long-term sustainability of the water supply.

5. Decrease of property value if the open space decreases (which then decreases the funding to the schools and it goes full circle).

2

I understand that this impact report is about housing needs, but it has **not addressed the overall impact to the current community. It also seems to be very focused on one small area within Marin County vs the overall. If it were spread out, it would be much easier to incorporate with minimal impact on resources.**

Thank you for your time and consideration,  
Jenni Hamilton

+++ jenni hamilton, mobile 415.828.1975 +++

**RESPONSE TO LETTER NO. 25 - JENNI HAMILTON (FEBRUARY 19, 2013)**

**Response to Comment 25-1**

The Housing Element's impact on schools is discussed on page 226 of the Draft SEIR. The Draft SEIR acknowledges that school enrollment continues to rise, and "implementation of the Countywide Plan would increase demand for public school services beyond the existing public school capacity, resulting in the need for new facilities." Also please see *Master Response 2 – Dixie School District*, which explains that the Leroy F. Greene School Facilities Act of 1998 ("SB 50") preempts local jurisdictions from devising their own requirements to mitigate or otherwise address impacts of new development on school facilities.

**Response to Comment 25-2**

As discussed in **Chapter 1.0 Introduction** of the Draft SEIR in 2007 Marin County adopted an updated *Countywide Plan*. The *2007 Countywide Plan EIR* evaluated the effects that could result from implementation of the *2007 Countywide Plan*. This Draft SEIR evaluates the *2012 Draft Housing Element* for the planning period 2007 through 2014. In addition, potential housing sites to consider for inclusion in the next planning period (2014 through 2022) have been identified. This supplemental EIR only evaluates impacts in terms of any "changed condition" (i.e. changed circumstances, project changes, or new information of substantial importance) from what was evaluated in the *Countywide Plan* Final EIR.

**From:** Jennifer McConnell [mailto:jenfogey@hotmail.com]  
**Sent:** Tuesday, February 19, 2013 10:48 AM  
**To:** EnvPlanning  
**Subject:** 2012 Housing Element Draft Environmental Impact Report

Ms. Rachel Warner

Environmental Planning Manager

via email to: [envplanning@marincounty.org](mailto:envplanning@marincounty.org)

Dear Ms. Warner,

We are writing to you concerning the 2012 Housing Element Draft Environmental Impact Report

We live in unincorporated San Rafael with our two young children who attend the Dixie School District. As a resident of Marin County since the age of 2, I have always appreciated the individual and special areas that make up our County. I grew up in Mill Valley also spend time living in Tiburon and Corte Madera. We chose to move here 4.5 years ago because of the beautiful open spaces surrounding our neighborhood and the award winning school district. A big part of this decision was based on the type of community, both residential and retail, that unincorporated San Rafael offers.

We do not feel that the low-income housing is being distributed evenly across Marin County. Unincorporated San Rafael will have approximately 70-80% of all the new low income housing for Marin. This will increase the population by about 20% and add hundreds of children to the basic aid school district. If this proposed affordable housing is to fulfill a requirement set forth by the state of California then the financial and environmental costs should be spread throughout Marin county as well: not just in the Lucas Valley/Marinwood neighborhoods.

In addition to the above, we have some further concerns:

**1. Our #1 concern is that the report excluded a review of how this will impact the already over-burdened Dixie School District and the gravely negative impact this will have. The new residential properties will not generate any new property tax to help offset the additional children being educated in the Dixie district. The district is funded completely through property taxes and propositions voted on by the residents. In addition, parents of school children donate to the schools through a fundraising campaign known as "Can Do."**

2. There will be no increases in tax revenues to fund new police, fire, and park services.

3. Increased traffic with no fixed transit in Marin County.

1

4. Long-term sustainability of our water supply.

5. We will lose valuable open space.

We understand that this impact report is about housing needs, but it has **failed to address our school district or community needs and how they will be impacted and supported.**

Thank you for your time and consideration,

Jennifer and Wade McConnell

**RESPONSE TO LETTER NO. 26 - JENNIFER AND WADE MCCONNELL (FEBRUARY 19, 2013)**

**Response to Comment 26-1**

The Housing Element's impact on schools is discussed on page 226 of the Draft SEIR. The Draft SEIR acknowledges that school enrollment continues to rise, and "implementation of the Countywide Plan would increase demand for public school services beyond the existing public school capacity, resulting in the need for new facilities." Also please see *Master Response 2 – Dixie School District*, which explains that the Leroy F. Greene School Facilities Act of 1998 ("SB 50") preempts local jurisdictions from devising their own requirements to mitigate or otherwise address impacts of new development on school facilities.

**From:** Jennifer Thomson [mailto:jenthomson@mac.com]  
**Sent:** Tuesday, February 19, 2013 2:20 PM  
**To:** EnvPlanning  
**Cc:** Chris Thomson  
**Subject:** Letter concerning the 2012 Housing Element Impact Report

Dear Rachel Warner,

We are writing to you concerning the 2012 Housing Element Impact Report.

We live in unincorporated San Rafael with our young son who will attend the Dixie School District. We chose to move here one year ago because of the beautiful open spaces surrounding our neighborhood and the award winning school district.

We do not feel that the low income housing is being distributed evenly across Marin County.

Unincorporated San Rafael will have approximately 70-80% of all the new low income housing for Marin. This will increase the population by about 20% and add hundreds of children to the basic aid school district. If this proposed affordable housing is to fulfill a requirement set forth by the state of California then the financial and environmental costs should be spread throughout Marin county as well: not just in the Lucas Valley/Marinwood neighborhoods.

Additional concerns:

**1. It will gravely impact our Dixie school District. The new residential properties will not generate any new property tax to help offset the additional children being educated in the Dixie district. The district is funded completely through property taxes and propositions voted on by the residents. In addition, parents of school children donate to the schools through a fundraising campaign known as "Can Do."**

2. There will be no increases in tax revenues to fund new police, fire, and park services.
3. Increased traffic with no fixed transit in Marin county.
4. Long-term sustainability of our water supply.
5. We will lose valuable open space.

I understand that this impact report is about housing needs, but it has **not addressed our community needs and how they will be supported.**

Thank you for your time and consideration,

Jennifer and Chris Thomson

Sent from my iPad

**RESPONSE TO LETTER NO. 27 - JENNIFER AND CHRIS THOMSON (FEBRUARY 19, 2013)**

**Response to Comment 27-1**

The Housing Element's impact on schools is discussed on page 226 of the Draft SEIR. The Draft SEIR acknowledges that school enrollment continues to rise, and "implementation of the Countywide Plan would increase demand for public school services beyond the existing public school capacity, resulting in the need for new facilities." Also please see *Master Response 2 – Dixie School District*, which explains that the Leroy F. Greene School Facilities Act of 1998 ("SB 50") preempts local jurisdictions from devising their own requirements to mitigate or otherwise address impacts of new development on school facilities.

**From:** Jessica Middleton [mailto:jmlifeltc@gmail.com]  
**Sent:** Sunday, February 17, 2013 4:31 PM  
**To:** EnvPlanning  
**Subject:** Fwd: [lvha\_forum] Final Public Written Comments on the Housing Element Draft Environmental Impact Report Due February 19 - Ref#76195004

To: Rachel Warner

Dear Ms. Warner,

Please see my concerns and comments about the Draft Supplemental Environmental Impact Report regarding the Housing Element. I find the report to be not accurate, logical, or fair. It is especially disappointing and outrageous that you have not used proper data regarding the impact on the Dixie School District. This report needs to be redone with real numbers and statistics based on the Dixie School District. Thank you.

Jessica Middleton  
18 Rubicon CT  
San Rafael, CA 94903

Sent from my iPhone

Begin forwarded message:

**From:** jessicamiddleton <[lvha\\_forum@lists.bigtent.com](mailto:lvha_forum@lists.bigtent.com)>  
**Date:** February 17, 2013, 4:02:01 PM PST  
**To:** 'Lucas Valley Homeowners Association General Discussion' <[jmlifeltc@gmail.com](mailto:jmlifeltc@gmail.com)>  
**Subject: Re: [lvha\_forum] Final Public Written Comments on the Housing Element Draft Environmental Impact Report Due February 19 - Ref#76195004**  
**Reply-To:** "Lucas Valley Homeowners Association General Discussion" <[lvha\\_forum@lists.bigtent.com](mailto:lvha_forum@lists.bigtent.com)>

jessicamiddleton commented:

1

It is also outrageous that the Draft Supplemental Environmental Report did not use any data from the Dixie School District in their studies. Huh? I was shocked when I read this. They quoted San Anselmo, Ross Valley School Districts, and others. That makes no sense. How can they say in the report there is no substantial impact on public services, including schools, and then not use proper data in their report to support that. Unreal. Where is the money for everything going to come from? Already overtaxed young families paying the highest property taxes, donating to Can Do just to keep the schools going, and dealing with the high cost of living here with kids? This report is not logical, factual, or fair in any way.

Add your comments online:

<http://www.bigtent.com/group/forum/message/76224984?md=MTI4OTk2MzM=>

---

You received this email because you ([jmlifeltc@gmail.com](mailto:jmlifeltc@gmail.com)) are a member of the BigTent group

Lucas Valley Homeowners Association.

Visit this group on the Web: <http://www.bigtent.com/group/lvha?md=MTI4OTk2MzM=>

Unsubscribe or leave this group:

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Need help? <https://www.bigtent.com/help?md=MTI4OTk2MzM=>

**RESPONSE TO LETTER NO. 28 - JESSICA MIDDLETON (FEBRUARY 17, 2013))**

**Response to Comment 28-1**

The Housing Element's impact on schools is discussed on page 226 of the Draft SEIR. The Draft SEIR acknowledges that school enrollment continues to rise, and "implementation of the Countywide Plan would increase demand for public school services beyond the existing public school capacity, resulting in the need for new facilities." Also please see *Master Response 2 – Dixie School District*, which explains that the Leroy F. Greene School Facilities Act of 1998 ("SB 50") preempts local jurisdictions from devising their own requirements to mitigate or otherwise address impacts of new development on school facilities..

**From:** [john.foerster@gmail.com](mailto:john.foerster@gmail.com) [<mailto:john.foerster@gmail.com>] **On Behalf Of** John Foerster  
**Sent:** Tuesday, February 19, 2013 2:11 PM  
**To:** Stratton, Debra  
**Cc:** Gratia Foerster  
**Subject:** Grady Ranch Development = The Empire Strikes Back!

Foerster Family  
575 Appleberry Drive  
San Rafael, CA 94903

Marin County Planning Commission  
C/O Debra Stratton  
3501 Civic Center Drive, Room 308  
San Rafael, California 94903

2013-02-19

Dear Ms. Stratton,

Through a neighbor and friend, we have recently learned of the Marin County Planning Commission's proposal to build high-density low-income housing in the Grady Ranch section of Lucas Valley. Please note that we have not been informed of this through any formal county communication -- however we have learned that public comment is being accepted through 2/19/13. As Marin County homeowners, residents of Lucas Valley, and the parents of 1 child who currently attends Dixie Elementary school -- and as residents who moved to this neighborhood primarily for the Dixie School System -- we would like to provide the following comment opposing this proposal:

First off, I have come to learn from some of my neighbors that this move to develop high-density low-income housing in Lucas Valley has come as a backlash to a very small sub-set of Lucas Valley residents opposing development by George Lucas of his Skywalker Ranch property. Just because a few residents have become outspoken opponents to George Lucas building a villa on his property does not mean that the entire of Lucas Valley residents should be impacted by the introduction of high-density low-income housing in our neighborhood. One could call this, ironically -- "The Empire Strikes Back!" -- to use George Lucas' own language.

Second, there are several reasons why people buy homes in Lucas Valley:

1. Lucas Valley is a quiet, peaceful, rural neighborhood
2. Homeowners are drawn to supporting the outstanding quality of the Dixie School District, in a state where many public school districts are failing
3. People have a deep interest in championing Eichler architecture

The Marin County Planning Commission's proposal to build high-density low-income housing at Grady Ranch will have a negative impact on and could potentially destroy each of these reasons why people move to Lucas Valley.

1. According to the Marin IJ article dated 2013-02-11, the plan calls for the development of 240 housing units at Grady Ranch. There is no infrastructure (grocery store, gas stations, local commerce, etc.) in place or planned to support the new development, so new residents will need to drive more cars (will low-income residents even have cars?) and/or ride more buses back and forth approximately 5 miles to the closest services -- increasing traffic and congestion on an already busy and dangerous Lucas Valley Road. This level of increased traffic and congestion will drive away those long time residents who have enjoyed the peaceful feel of the neighborhood for as long as 50 years.

2. Again, the plan calls for the development of 240 housing units, with a projected 1.8 children per unit. There is no plan to build a new school, rather the new residents would attend Dixie school (likely in trailers, since the district is already at capacity). The nature of the housing means that these residents would not pay the level of property taxes that current homeowners in the district pay to support the school district, and as a result the high quality of the school district will not be maintained. People who moved here to attend great schools will move to other neighborhoods that still value maintaining high quality public schools. Home values will subsequently decline.

3. There will still be Eichler enthusiasts, but the neighborhood will certainly decline. As homeowners leave because the peaceful setting is gone, because the schools are no longer outstanding, and because home values have declined -- the degradation of this very special neighborhood will be a loss not only to Lucas Valley and Marinwood, but also to the entire county of Marin.

Grady Ranch is too inaccessible and too far from services. Development in this area does not include a reasonable plan to protect local schools, and will potentially destroy both an amazing school district and a unique and beautiful neighborhood. It is not an appropriate place for building new high-density low-income housing.

Sincerely,

John & Gratia Foerster

**RESPONSE TO LETTER NO. 29 - JOHN & GRATIA FOERSTER (FEBRUARY 19, 2013)**

**Response to Comment 29-1**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

Traffic issues are discussed in Transportation/Traffic (Checklist Section 16) of the SEIR. Impacts to the Dixie School District are discussed in *Master Response 2 – Dixie School District*. CEQA does not require an EIR to analyze social and economic impacts. See *State CEQA Guidelines* section 15131.

MS. SEARS / MR. CRAWFORD

WE FULLY SUPPORT THE POINTS OUTLINED IN THIS LETTER & URGE YOU TO SUPPORT THE RECOMMENDED ACTIONS.

Marin County Board of Supervisors  
3501 Civic Center Drive, Room 329  
San Rafael, CA 94903

OCT 29 2012 PM 4:05 Planning

Re: 2012 Draft Marin County Housing Element Tam Junction Affordable Housing Opportunity Sites

- Site # 4: Old Chevron Station, 204 Flamingo Rd, Tam Junction
- Site #9 and Site #18: Manzanita Mixed Use, 150 Shoreline Hwy & Around Manzanita, Tam Junction
- Site #14: Armstrong Nursery, 217 & 221 Shoreline Ave., Tam Junction
- Site #19: Tam Junction Retail, 237 Shoreline Hwy. ect., Tam Junction

Re: The inclusion of Almonte and Tam Valley in the Hwy 101 Corridor Priority Development Area (PDA)

Dear Marin County Board of Supervisors,

Due to the unique characteristics of the region, encouraging residential development, especially high density development (typical of affordable housing), in the lowland areas of Tam Valley and Almonte would increase the risk of undue harm to the environment and undue hardship, illness &/or injury to the residents. The following information substantiates this:

- 1) The districts' high traffic volume and current unacceptable Level of Service (LOS) "F" present a danger to the current residents. This is especially true during times of emergency egress & ingress. Increased residential development in the Tam Valley and Almonte lowlands would only exacerbate this situation by adding more traffic to the already dangerous area;
- 2) The natural hazards (high seismic activity, liquefaction, subsidence, mud displacement, flooding, and threat of sea level rise) of the area would increase the risk of bodily harm or death & structural damage and escalate construction costs;
- 3) The close proximity of the high-density development to Bothin Marsh and Coyote Creek would place these valuable natural habitats and inhabiting endangered species in peril;
- 4) Future residents would be living in proximity to major roads (Hwy 1, Shoreline Hwy) and/or the freeway (Hwy 101) with excessive air and noise pollution and thus would be at much greater risk of developing serious illnesses (lung impairment, cardiac disease, cancer, and premature miscarriage) (The California Department of Public Health Studies by Janice Kim MD, MPH; the UCSC Study by Gauderman et al.);
- 5) The area's infrastructure and public services have already surpassed their capacity and cannot tolerate additional strain;
- 6) The area's insufficient retail and professional services coupled with inadequate public transit, cause current residents to drive outside the area to obtain their daily needs. Future residents would need to do the same, thus increasing Green House Gases.
- 7) The traditional semi-rural character of the area would be lost; and
- 8) The residents' quality of life would be significantly impaired.

1

We urge you to take the following actions:

- 1) Eliminate the Tam Junction sites from the list of Affordable Housing Opportunity Sites in the 2012 Draft Marin County Housing Element;
- 2) Remove the Almonte and Tam Valley Districts from the Hwy 101 Corridor Priority Development Area;
- 3) Expedite the analysis and mapping of historic wetlands located East of Shoreline Hwy, as mandated by "Goal Bio-5 Baylands Conservation" in the 2007 Marin CWP, and place these lands in the Baylands Corridor for greater protection.

Thank you for your conscientious consideration.

Best regards,

*John Pellicani*

HOMEOWNERS  
303 GREENE ST.  
MILL VALLEY, CA

Cc: Marin County Planning Commission  
Cc: Brian Crawford  
3501 Civic Center Drive, Room 308  
San Rafael, CA 94903

**RESPONSE TO LETTER NO. 30 - JOHN FLETCHER (OCTOBER 29, 2012)**

**Response to Comment 30-1**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*.

Traffic issues are discussed in Transportation/Traffic (Checklist Section 16) of the SEIR. Natural hazards, as discussed in this comment are discussed in Geology and Soils (Checklist Section 6) and Hydrology, Water Quality and Flooding Hazard (Checklist Section 9) of the SEIR. Biological issues are discussed in Biological Resources (Checklist Section 4) of the SEIR. Air and noise issues are discussed in Air Quality (Checklist Section 3) and Noise (Checklist Section 12) of the SEIR.

NDU 19 2012 PM 1:19 Planning

Marin County Board of Supervisors  
3501 Civic Center Drive, Room 329  
San Rafael, CA 94903

Re: 2012 Draft Marin County Housing Element Tam Junction Affordable Housing Opportunity Sites

- Site # 4: Old Chevron Station, 204 Flamingo Rd, Tam Junction
- Site #9 and Site #18: Manzanita Mixed Use, 150 Shoreline Hwy & Around Manzanita, Tam Junction
- Site #14: Armstrong Nursery, 217 & 221 Shoreline Ave., Tam Junction
- Site #19: Tam Junction Retail, 237 Shoreline Hwy. ect., Tam Junction

Re: The inclusion of Almonte and Tam Valley in the Hwy 101 Corridor Priority Development Area (PDA)

Dear Marin County Board of Supervisors,

Due to the unique characteristics of the region, encouraging residential development, especially high density development (typical of affordable housing), in the lowland areas of Tam Valley and Almonte would increase the risk of undue harm to the environment and undue hardship, illness &/or injury to the residents. The following information substantiates this:

1

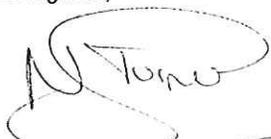
- 1) The districts' high traffic volume and current unacceptable Level of Service (LOS) "F" present a danger to the current residents. This is especially true during times of emergency egress & ingress. Increased residential development in the Tam Valley and Almonte lowlands would only exacerbate this situation by adding more traffic to the already dangerous area;
- 2) The natural hazards (high seismic activity, liquefaction, subsidence, mud displacement, flooding, and threat of sea level rise) of the area would increase the risk of bodily harm or death & structural damage and escalate construction costs;
- 3) The close proximity of the high-density development to Bothin Marsh and Coyote Creek would place these valuable natural habitats and inhabiting endangered species in peril;
- 4) Future residents would be living in proximity to major roads (Hwy 1, Shoreline Hwy) and/or the freeway (Hwy 101) with excessive air and noise pollution and thus would be at much greater risk of developing serious illnesses (lung impairment, cardiac disease, cancer, and premature miscarriage) (The California Department of Public Health Studies by Janice Kim MD, MPH; the UCSC Study by Gauderman et al.);
- 5) The area's infrastructure and public services have already surpassed their capacity and cannot tolerate additional strain;
- 6) The area's insufficient retail and professional services coupled with inadequate public transit, cause current residents to drive outside the area to obtain their daily needs. Future residents would need to do the same, thus increasing Green House Gases.
- 7) The traditional semi-rural character of the area would be lost; and
- 8) The residents' quality of life would be significantly impaired.

We urge you to take the following actions:

- 1) Eliminate the Tam Junction sites from the list of Affordable Housing Opportunity Sites in the 2012 Draft Marin County Housing Element;
- 2) Remove the Almonte and Tam Valley Districts from the Hwy 101 Corridor Priority Development Area;
- 3) Expedite the analysis and mapping of historic wetlands located East of Shoreline Hwy, as mandated by "Goal Bio-5 Baylands Conservation" in the 2007 Marin CWP, and place these lands in the Baylands Corridor for greater protection.

Thank you for your conscientious consideration.

Best regards,

  
Natividad Turner

Cc: Marin County Planning Commission  
Cc: Brian Crawford  
3501 Civic Center Drive, Room 308  
San Rafael, CA 94903

**RESPONSE TO LETTER NO. 31 - NATIVIDAD TURNER (NOVEMBER 19, 2012)**

**Response to Comment 31-1**

This letter is a duplicate of comment letter 30. Please see response to comment letter 30.

Marin County Board of Supervisors  
3501 Civic Center Drive, Room 329  
San Rafael, CA 94903

Re: 2012 Draft Marin County Housing Element Tam Junction Affordable Housing Opportunity Sites

- Site # 4: Old Chevron Station, 204 Flamingo Rd, Tam Junction
- Site #9 and Site #18: Manzanita Mixed Use, 150 Shoreline Hwy & Around Manzanita, Tam Junction
- Site #14: Armstrong Nursery, 217 & 221 Shoreline Ave., Tam Junction
- Site #19: Tam Junction Retail, 237 Shoreline Hwy. ect., Tam Junction

Re: The inclusion of Almonte and Tam Valley in the Hwy 101 Corridor Priority Development Area (PDA)

Dear Marin County Board of Supervisors,

Due to the unique characteristics of the region, encouraging residential development, especially high density development (typical of affordable housing), in the lowland areas of Tam Valley and Almonte would increase the risk of undue harm to the environment and undue hardship, illness &/or injury to the residents. The following information substantiates this:

- 1
- 1) The districts' high traffic volume and current unacceptable Level of Service (LOS) "F" present a danger to the current residents. This is especially true during times of emergency egress & ingress. Increased residential development in the Tam Valley and Almonte lowlands would only exacerbate this situation by adding more traffic to the already dangerous area;
  - 2) The natural hazards (high seismic activity, liquefaction, subsidence, mud displacement, flooding, and threat of sea level rise) of the area would increase the risk of bodily harm or death & structural damage and escalate construction costs;
  - 3) The close proximity of the high-density development to Bothin Marsh and Coyote Creek would place these valuable natural habitats and inhabiting endangered species in peril;
  - 4) Future residents would be living in proximity to major roads (Hwy 1, Shoreline Hwy) and/or the freeway (Hwy 101) with excessive air and noise pollution and thus would be at much greater risk of developing serious illnesses (lung impairment, cardiac disease, cancer, and premature miscarriage) (The California Department of Public Health Studies by Janice Kim MD, MPH; the UCSC Study by Gauderman et al.);
  - 5) The area's infrastructure and public services have already surpassed their capacity and cannot tolerate additional strain;
  - 6) The area's insufficient retail and professional services coupled with inadequate public transit, cause current residents to drive outside the area to obtain their daily needs. Future residents would need to do the same, thus increasing Green House Gases.
  - 7) The traditional semi-rural character of the area would be lost; and
  - 8) The residents' quality of life would be significantly impaired.

We urge you to take the following actions:

- 1) Eliminate the Tam Junction sites from the list of Affordable Housing Opportunity Sites in the 2012 Draft Marin County Housing Element;
- 2) Remove the Almonte and Tam Valley Districts from the Hwy 101 Corridor Priority Development Area;
- 3) Expedite the analysis and mapping of historic wetlands located East of Shoreline Hwy, as mandated by "Goal Bio-5 Baylands Conservation" in the 2007 Marin CWP, and place these lands in the Baylands Corridor for greater protection.

Thank you for your conscientious consideration.

Best regards,

  
Donald Turner

Cc: Marin County Planning Commission  
Cc: Brian Crawford  
3501 Civic Center Drive, Room 308  
San Rafael, CA 94903

**RESPONSE TO LETTER NO. 32 - DONALD TURNER (NOVEMBER 19, 2012)**

**Response to Comment 32-1**

This letter is a duplicate of comment letter 30. Please see response to comment letter 30.

***John R. Wallace***

Attorney at Law  
307 Richardson Court  
Mill Valley, CA 94941

January 11, 2013

**-Via E-Mail-**

Marin County Planning Commission  
c/o Marin County Community Development Agency  
3501 Civic Center Drive Room #308  
San Rafael, CA 94903

Rachel Warner, Environmental Planning Manager  
c/o Marin County Community Development Agency  
3501 Civic Center Drive Room #308  
San Rafael, CA 94903

Brian Crawford, Director  
Marin County Community Development Agency  
c/o Marin County Community Development Agency  
3501 Civic Center Drive Room #308  
San Rafael, CA 94903

Subject: Housing Element DSEIR

Dear Sirs and Madams:

I am a Mill Valley resident who was alerted yesterday through a community forum of the release of the Draft Supplemental EIR for the County Housing Element. In addition of course to the merits or lack thereof of this document, I am extremely concerned about the timing and length of the public comment period.

Specifically, because this is a substantial document with a long history, many complex reference documents (the original EIR, newly proposed and old housing elements), as well as an unusually, and in my opinion, unacceptably high number of Significant and Unavoidable

January 11, 2013

Page 3

environmental CEQA impacts, I think the County's release date directly before the holidays of December 20, 2012, and the utilization of only a forty-five (45) day comment period does not allow for adequate public involvement in this CEQA process.

I have been further advised by others who know more of these things than I, that most counties would provide 60 days for controversial projects and avoid any adverse impact upon public involvement and comment by also not releasing documents during the Christmas and New Year's holiday period. Likewise, since the Planning Commission meeting is during working hours, potentially interested constituents who might otherwise participate in the process are restricted if not prohibited from doing so by their own job commitments; this is untenable.

As such, it is even more critical that there is enough time to prepare written comments. The DSEIR release just before the holidays and the short comment period now in place, coupled with the timing of the hearing as now scheduled, does not provide either reasonable or adequate time for the required review of the subject documents or the generation and transmission of meaningful comments thereon in an efficient and effective manner.

While I respect that the County has gone through a lengthy planning process, nevertheless I strongly urge you to extend the comment period and the timing of the public hearing to allow for adequate public involvement. I share concerns with fellow residents of the affected area that:

1

- The proposal for development is in an area with regular flooding and immediate adjacency to a wildlife preserve already stressed by major water quality/endangered species habitat issues (e.g.: the bay is on the State Water Resources Control Board 303(d) list of threatened and impaired water bodies).
- There will be traffic impact in the Tam Junction and adjoining areas that cannot be mitigated.
- More meaningful feedback and alternative planning options must be considered for there to be a successful harmonization of all of the competing and conflicting interests involved.

January 11, 2013

Page 3

2

In light of the foregoing, please extend the comment period for not less than thirty (30) days and arrange for a meeting time to address public input of not earlier than 4:00 p.m. on a regular business day so as to enhance the participation of your working, interested constituency.

Finally, I would appreciate it if you would put me on the e-mail list for this project so that I can monitor its progress.

Sincerely,

/s/

John R. Wallace

jrww

**RESPONSE TO LETTER NO. 33 - JOHN WALLACE (JANUARY 11, 2013)**

**Response to Comment 33-1**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*.

Traffic issues are discussed in Transportation/Traffic (Checklist Section 16) and flooding issues are discussed in Hydrology, Water Quality and Flooding Hazard (Checklist Section 9) of the SEIR.

**Response to Comment 33-2**

The Draft SEIR was distributed on December 20, 2012. Distribution of the Draft SEIR began a 45-day public review and comment period on the adequacy of the Draft SEIR which was to conclude on February 4, 2013. In response to this comment, and several others received by Marin County, which requested more time to comment, the Draft SEIR comment period deadline was extended to February 19, 2013.

Josh Sale  
150 Chapel Drive  
Mill Valley CA 94941-3100

February 18, 2013

Rachel Warner  
Environmental Planning Manager  
Marin County CDA  
3501 Civic Center Drive, room 308  
San Rafael CA 94903-4157  
(sent via email)

Dear Rachel,

I write regarding the Draft Supplemental Environmental Impact Report for the County Housing Element. Specifically, I wish to discuss its adequacy with regard to the affordable housing overlay under consideration for the Golden Gate Baptist Theological Seminary parcel.

The current Seminary Master Plan calls for 93 units of student housing in identified locations. The DSEIR posits that changing 60 of these units to affordable (or market, for that matter) housing has no environmental consequence and thus need not be evaluated. This does not hold up to logic.

**Live-Work Environment**

1

Student housing on campus for Seminarians creates a live-work environment. Students would not be commuting in and out every day to jobs or schooling elsewhere. The whole point of this housing is to allow students to live on campus and walk or bike to school. This is something we see all the time now at the Seminary: students walking between the existing student housing and the buildings on campus. This live work situation would not remotely be replicated if the same number of units were to become affordable or market rate housing – people would of course be commuting to jobs, schools and other destinations daily. To suggest that live-work circumstances are identical to the suburban car-dominated situation that would exist with either affordable or market rate housing on this site is to ignore a significant environmental consequence and a great deal of evidence that live-work situations have significant environmental benefits to offer. Indeed, much modern planning revolves around creating transit-oriented development and walkable environments precisely because they are so successful at reducing auto dependence. Unless one suddenly concludes that car trips have no environmental impact, it is impossible to conclude that switching from a work-live situation to a suburban commute situation is without impact.

**Location**

2

The second environmental consequences being ignored by the DSEIR involves location. The current Master Plan delineates areas where the 93 units of student housing can go, whereas the proposed zoning overlay does the opposite – it simply entitles 60 units of affordable housing without specifying where it might be located. To suggest the vast Seminary campus is monolithic and each and every possible site is environmentally identical to every other is nonsense. Different environmental profiles abound in this area – we have shorelines, forests, heronries, marshes, rock outcroppings and more, not to mention impacts on existing residents. There could well be appropriate locations for affordable housing in this area that meet environmental concerns, but by dismissing the very consideration of this question the DSEIR does a disservice to the process and is inadequate on its face.

Thank you for considering this comment and for taking environmental review seriously.

Sincerely,



Josh Sale

CC: Tom Lai (via email)  
County Planning Commission (via email)  
Supervisor Kathrin Sears (via mail)  
Riley F. Hurd (via email)

**RESPONSE TO LETTER NO. 34 - JOSH SALE (FEBRUARY 18, 2013)**

**Response to Comment 34-1**

Traffic impacts are discussed in Transportation/Traffic (Checklist Section 16) of the SEIR. It is acknowledged that similar to affordable housing projects, live-work projects have the potential for lower trip generation per household compared to market-rate housing. While this may be quantified at the project-specific level, the amount of trip reduction is difficult to reflect for the Housing Element as a whole using the Marin Countywide Travel Demand Model. *Countywide Plan Program TR-1.b (Allow Live-Work Arrangements)* calls for amending the County Development Code to allow and encourage live-work, cottage industry, self-employment, and home occupation uses in appropriate locations.

**Response to Comment 34-2**

The *2012 Draft Housing Element* identifies Golden Gate Baptist Theological Seminary (housing site 12) as a site that could potentially incorporate up to 60 affordable units into plans for residential development. The environmental issues raised in this comment are specific to the development of this site. The Draft SEIR provides an in-depth program-level review of the proposed housing sites. Regarding site-specific review of future proposals to develop individual housing sites, please see *Master Response 3 – Environmental Review of Housing Projects*. CDA staff recommends a revision to the *Draft Housing Element* to acknowledge existing entitlements for 93 multi-family units for students or faculty on Housing Site 12 (see *Section 5.5 CDA Staff Recommended Changes to the Draft housing Element*) Siting of potential housing would be evaluated through the project planning processes, and subject to Master Plan consistency.

-----Original Message-----

From: Judy Schriebman [mailto:judy@leapfrogproductions.com]

Sent: Friday, January 11, 2013 7:04 PM

To: EnvPlanning

Subject: Re: DSEIR 2012 Draft Housing Element

Dear Ms. Warner:

1

Please grant a time extension for review of the DSEIR document so that the public has adequate time to read it and prepare insightful comments. Most members of the public do this along with their regular jobs, families, etc. Given that the doc is quite long and contains a number of significant and unavoidable environmental impacts, allowing additional time is good government. This is not a race. This is a quest for good policy.

Thank you,

Judy Schriebman

3 Poco Paso St

San Rafael, CA 94903

Resident of unincorporated Marin

**RESPONSE TO LETTER NO. 35 - JUDY SCHRIEBMAN (JANUARY 11, 2013)**

**Response to Comment 35-1**

The Draft SEIR was distributed on December 20, 2012. Distribution of the Draft SEIR began a 45-day public review and comment period on the adequacy of the Draft SEIR which was to conclude on February 4, 2013. In response to this comment, and several others received by Marin County, which requested more time to comment, the Draft SEIR comment period deadline was extended to February 19, 2013.

**From:** Karen Winter [<mailto:karen.winter@earthlink.net>]  
**Sent:** Monday, February 18, 2013 8:58 PM  
**To:** Stratton, Debra  
**Subject:** Argument against Grady Ranch development - please read

Winter Family  
9 Mt McKinley Rd.  
San Rafael, CA 94903

Marin County Planning Commission  
C/O Debra Stratton  
3501 Civic Center Drive, Room 308  
San Rafael, California 94903

2/18/13

Dear Ms. Stratton,

Through a neighbor and friend, we have recently learned of the Marin County Planning Commission's proposal to build high density low income housing in the Grady Ranch section of Lucas Valley. Please note that we have not been informed of this through any formal county communication. However we have learned that public comment is being accepted through 2/19/13. As Marin County homeowners, residents of Lucas Valley, and the parents of 2 children who are slated to attend Dixie school, we would like to provide the following comment opposing this proposal:

There are three common reasons why people buy homes in Lucas Valley and Marinwood:

1. There is a quiet, peaceful, almost rural feel of the neighborhood.
2. Residents are drawn to, and subsequently support and enhance, the outstanding quality of the Dixie School District in a state where many public school districts are failing.
3. People have an interest in Eichler architecture, specifically in a neighborhood where the Homeowner's Association protects the integrity of the original aesthetic and style of the architecture and landscape in the entire neighborhood.

The Marin County Planning Commission's proposal to build high density low income housing at Grady Ranch will have a negative impact on and can potentially destroy all of these.

1

1. According to the Marin IJ article dated 2/11/13, the plan calls for the development of 240 housing units at Grady Ranch. There is no infrastructure (grocery store, gas stations, local commerce, etc) in place to support the new development, so new residents will need to drive more cars and ride more buses back and forth approximately 5 miles to the closest services, increasing traffic and congestion on an already busy and dangerous Lucas Valley Road. This level of increased traffic and congestion will drive away those long time residents who have enjoyed the peaceful feel of the neighborhood for as long as 50 years.

2. Again, the plan calls for the development of 240 housing units, with a projected 1.8 children per unit. There is no plan to build a new school, rather the new residents would attend Dixie school (in trailers since the district is already at capacity). The nature of the housing means that these residents would not pay the level of property taxes that current homeowners in the district pay to support the school district, and as a result the high quality of the school district will not be maintained. People who moved here to attend great schools will move to other neighborhoods that still value maintaining high quality public schools. Home values will decline.

1 continued

3. There will still be Eichler enthusiasts. However, as homeowners leave because the peaceful setting is gone, because the schools are no longer outstanding, and because home values have declined, the HOA may no longer be able to enforce the bylaws that protect the integrity of the architecture and landscape. A few relics will remain, but the complete neighborhood that exists today will be gone. This will be a loss not only to Lucas Valley and Marinwood, but also to the entire county of Marin.

Grady Ranch is too inaccessible and too far from services. Development in this area does not include a reasonable plan to protect local schools, and will potentially destroy both an amazing school district and a unique and beautiful neighborhood. It is not an appropriate place for building new high density low income housing.

Sincerely,

Karen and Brian Winter

**RESPONSE TO LETTER NO. 36 - KAREN AND BRIAN WINTER (FEBRUARY 18, 2013)**

**Response to Comment 36-1**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

-----Original Message-----

From: Lmarndt2 [mailto:lmarndt2@comcast.net]

Sent: Friday, January 11, 2013 10:32 PM

To: EnvPlanning

Subject: "housing"

Gentlepeople:

It is simply not possible to continue to add more and more and more housing to any community!

Communities are organized, they develop, they establish housing, community services, and they thrive.

They are not broken!

They do not need fixing!!

And, most importantly in this case, WE DO NOT NEED OR WANT ADDITIONAL "HOUSING" THAT WILL DRASTICALLY CHANGE OUR NEIGHBORHOOD!!!

We the residents of Lucas Valley have supported our own community through several decades! Our children have grown up here, attended schools here, enjoyed our open space, as have we their parents.

We pooled our money and bought our open space. What's not to like about that??

L.M. Arndt  
San Rafael (Lucas Valley)

**RESPONSE TO LETTER NO. 37 - L.M. ARNDT (JANUARY 11, 2013)**

**Response to Comment 37-1**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

**From:** Linda Cohn  
**Sent:** Saturday, February 09, 2013 2:58 PM  
**To:** Stratton, Debra  
**Subject:** 2012 Draft Marin County Housing Element

Will you please forward the attached letter to the Planning Commission and confirm you have done so?

Thank you!

Linda

Marin County Planning Commission  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903

February 9, 2013

Re: 2012 Draft Marin County Housing Element's Tam Junction Affordable Housing Opportunity Sites

While I have not personally done adequate research to know that every assertion made by Sustainable TamAlmonte is dead on, I have lived in Tam Valley long enough (30+ years) to know that I am aligned with their concerns and requests.

The easily observable flooding, wetlands protection, traffic and services issues should be adequate to make the case that our area is all wrong for adding higher density housing.

I appreciate the pressure on the county to find a place for this housing. And I can appreciate how Tam Valley could look like it might work – but it really won't. Building as proposed is only going to bring on a world of problems we are not ready to deal with.

We already have unresolved problems with flooding, traffic, etc and if building goes forward it will only multiply the problems while making them harder to resolve.

Thank you in advance for your listening and for taking the actions to ensure this area is protected and improved.

Linda Cohn  
366 Pine Hill Rd  
Tam Valley

**RESPONSE TO LETTER NO. 38 - LINDA COHN (FEBRUARY 9, 2013)**

**Response to Comment 38-1**

Please see the responses to comment letters 3 and 4.

-----Original Message-----

From: Linda [mailto:linda\_spence@sbcglobal.net]

Sent: Tuesday, February 19, 2013 2:43 PM

To: EnvPlanning

Subject: Marin county housing element

1

I am very concerned about all of the housing plans for the Lucas Valley and Marinwood area. I think it is ludicrous to put 240 units over 10 miles away from any services on Grady Ranch. There are no buses and no stores. Every home will have to have 2 cars. 500 more cars will have to get on the highway at a very crowded section of 101 every morning at Lucas Valley and another 500 at Marinwood. Did you ask Novato residents how they would feel about the additional traffic backup? New stop lights will have to be put up on Lucas Valley Rd. which the residents have been opposing for years. There is no way the current schools can handle that many more children. I believe George Lucas' plans had called for moving the creek and straightening the road at Grady Ranch.

What will the criteria be for residents of this new housing? Will there be Section 8 housing and any screening process? Will the neighborhood have any voice as to who their neighbors are?

Can you really say there is no impact on our peaceful valley? It will be a disaster. Please rethink the burden you are putting on one small neighborhood. We cannot handle 80% of the housing plan total.

Regards,

Linda Spence  
14 Oak Mountain Ct.  
San Rafael, CA 94903

**RESPONSE TO LETTER NO. 39 - LINDA SPENCE (FEBRUARY 19, 2013)**

**Response to Comment 39-1**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*.

Traffic impacts are discussed Transportation/Traffic (Checklist Section 16) of the SEIR. School impacts are discussed in Public Services (Checklist Section 14) of the SEIR and elaborated on in *Master Response 2 – Dixie School District*.

Comment Letter 40

**From:** Lisa Barnes [mailto:lisa\_barnes@yahoo.com]  
**Sent:** Thursday, February 07, 2013 12:08 PM  
**To:** Stratton, Debra  
**Subject:** Endorse ment of Sustainable TamAlmonte Letters

Debra:

1

I am writing as a Tam Valley homeowner, as I am concerned about the potential development in the area and thus endorse the Sustainable TamAlmonte letters (attached). We live with the flooding, traffic and unsafe intersections every day and adding more people, business and congestion without a thorough review and study of each individual project is ridiculous and unfair to the families who make up this community.

Sincerely  
Lisa Barnes  
604 Eucalyptus Way  
Mill Valley, CA 94941

Copies of Sustainable TamAlmonte letters dated February 5, 2013 and February 6, 2013 (Comment Letter 3 and 4) have been omitted. Please see Comment Letter 3 and Comment Letter 4 in the Final SEIR.

**RESPONSE TO LETTER NO. 40 - LISA BARNES (FEBRUARY 7, 2013)**

**Response to Comment 40-1**

Please see the responses to comment letters 3 and 4.

**From:** Lynn Reid [mailto:lynnreid100@gmail.com]  
**Sent:** Friday, January 11, 2013 1:33 PM  
**To:** Crawford, Brian; EnvPlanning; Stratton, Debra  
**Subject:** Draft housing Element

Dear Ms Warner, Ms Sutton and Mr Crawford,

I am a Mill Valley resident and was recently alerted (just yesterday, through a community forum) to the release of the Draft Supplemental EIR for the County Housing Element. I am extremely concerned about the timing and length of the public comment period. This is a substantial document with a long history, many complex reference documents (the original EIR, newly proposed and old housing elements), as well as an unusually, and frankly, unacceptably high number of Significant and Unavoidable environmental CEQA impacts. I think the County's release date of December 20th, directly before the holidays, and utilizing a limited 45 day comment period does not allow for adequate public involvement in this CEQA process. Most counties would provide 60 days for controversial projects and not release documents during holidays because it directly inhibits public involvement. I've also noticed the Planning Commission meeting is during working hours, which limits folks ability to participate in person (including myself; I work in SF, as do most people who live here). This makes it critical to have enough time to prepare written comments and with a DSEIR release just before the holiday and short comment period overall, that gives people very little time to review the document and provide meaningful comments in any manner.

1

I understand the County has gone through a lengthy planning process and it's very challenging for the County staff to please everyone. As a former Planning Department employee, I've been there! However, I strongly urge you to extend the comment period and the timing of the public hearing to allow for adequate public involvement. I live in Marin Heights and travel through Tam Valley on a daily basis. I am deeply concerned about the proposal for development in an area with regular flooding and immediate adjacency to a wildlife preserve already stressed by major water quality/endangered species habitat issues (the bay is on the State Water Resources Control Board 303(d) list of threatened and impaired water bodies). There will also be unmitigated traffic impacts in the Tam Junction area. I already sit for up to 20 min trying to get from Rosemont Ave to the freeway during the 8:00 am commute and when the Tam High students are leaving school around 3:00 pm. On sunny weekends trying to get in/out of town is a nightmare. There's simply no more capacity. I hope that myself and others will have the chance to provide more meaningful feedback and alternative planning options if the comment period is extended.

I'd appreciate it if you would put me on the email list for this project so I can stay up-to-date.

Thank you for your consideration,  
Lynn Reid.

**RESPONSE TO LETTER NO. 41 - LYNN REID (JANUARY 11, 2013)**

**Response to Comment 41-1**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

Flooding issues are discussed in Hydrology, Water Quality and Flood Hazard (Checklist Section 9) of the SEIR. Biological issues are discussed in Biological Resources (Checklist Section 4) of the SEIR and traffic issues are discussed in Transportation/Traffic (Checklist Section 16) of the SEIR.

**From:** Kett Kettunen Zegart [mailto:kettz@aol.com]  
**Sent:** Thursday, January 17, 2013 2:50 PM  
**To:** Warner, Rachel; Crawford, Brian; Lai, Thomas; Laumann, Stacey  
**Cc:** kstears@marincounty.org; mparton@co.marin.ca.us.gov  
**Subject:** Draft Supplement DEIR to the Affordable Housing 2007 Countywide Plan EIR

January 14, 2013

Marin County Planning Commission

Marin County Community Development Agency, Brian Crawford, Planning Director Tom Lai, Deputy Director, Rachel Warner, Environmental Planning Manager, Lee Lee Thomas, Principal Planner, Stacey Laumann, Planner

**RE: 2012 DRAFT MARIN COUNTY HOUSING ELEMENT DRAFT SUPPLEMENT TO THE 2007 COUNTYWIDE PLAN FINAL ENVIRONMENTAL IMPACT REPORT**

Dear Commissioners and concerned County personnel:

1

Your public hearing scheduled to receive comments and to receive testimony on the adequacy of the Draft SEIR on the *2012 Housing Element* through 2014 reflects just 10 days notice to review many documents for this hearing. For example the changes made by the recent Title 22 Amendments diminishing for Affordable Housing design standards, environmental protections and site considerations that modified the 2007 approved County Wide Plan (CWP) in order to provide developer incentives. Changed conditions described in California Environmental Quality Act (CEQA) §15162 with new information of substantial importance and that would lead to new or substantial increase in severity of previously identified significant effects did not receive the Title 22 modification environmental impact and assessment subsequent EIR although requested because of *Climate Change* (caused storm surge flooding and sea level rise mapping) *Air Quality* - new health standard information; adequate information regarding Highway 1 level of service (LOS) impacts) and new *Fire Safe Marin* standards. Changes in Title 22 that modify CWP information and affect affordable housing and may adversely impact projected 17 selected sites, 3 additional evaluated and the future 32 to be considered sites for Affordable Housing and likely limit mitigation for their Significant Impacts. Adopted modifications Title 22 changes share the same “new” identified impacts or a significant increase in the severity of previously identified impacts could occur in three impact areas - *Air Quality; Hydrology, Water Quality and Flooding Hazard; and Noise*. Changes made in Title 22 did not have an environmental assessment as required; as I requested in each of my comments which are now identified impacts requiring an EIR . as well as *Fire Safe Marin* regulations which were not included in this DEIS.

2

Additional time for review from 45 days to the customary response period of 60 days is especially requested by members of our Tamalpais Planning Area. Our area’s selection of sites’ has known and new hazards and needs analysis of other required additional mitigations. Incentive, concession and bonus density adopted to encourage Affordable Housing development modified CWP and new information suggest further *Aesthetic, Biological Resource, Hydrology / Seismic Severity* impacts, Bay Conservation and Development Commission (BCDC) new Guidelines Climate Change on use of fill, (site and construction method chosen), Adaptive Rising Tide (ART) studies adverse impacts on fill (construction methods), *Utility and Service systems, Recreation* (Zoning RCR change in Title 22), *Land Use Planning* (Title 22 changes and

new National standards) affecting health and public safety and *Biological Resource*. Known, but seemingly not mitigated are constraints within these areas and construction on bay mud sites and adjacent to level of service LOS F. Adoption of this Final EIR should not preclude further individual site CEQA evaluation. Marin County goals for Affordable Housing include Safe and Sustainable and accessible homes. An Associated of Bay Area Government (ABAG) map designates Southern Marin sites for *priority conservation* rather than risky Affordable Housing.

Sincerely,

Margaret Kettunen Zegart, 118 Highland Lane, Mill Valley, CA 94941

[kettz@aol.com](mailto:kettz@aol.com)

118 Highland Lane

Mill Valley, CA 94941

January 14, 2013

Marin County Planning Commission

Marin County Community Development Agency, Brian Crawford, Planning Director Tom Lai, Deputy Director, Rachel Warner, Environmental Planning Manager, Lee Lee Thomas, Principal Planner, Stacey Laumann, Planner

**RE: 2012 DRAFT MARIN COUNTY HOUSING ELEMENT DRAFT SUPPLEMENT TO THE 2007 COUNTYWIDE PLAN FINAL ENVIRONMENTAL IMPACT REPORT**

Dear Commissioners and concerned County personnel:

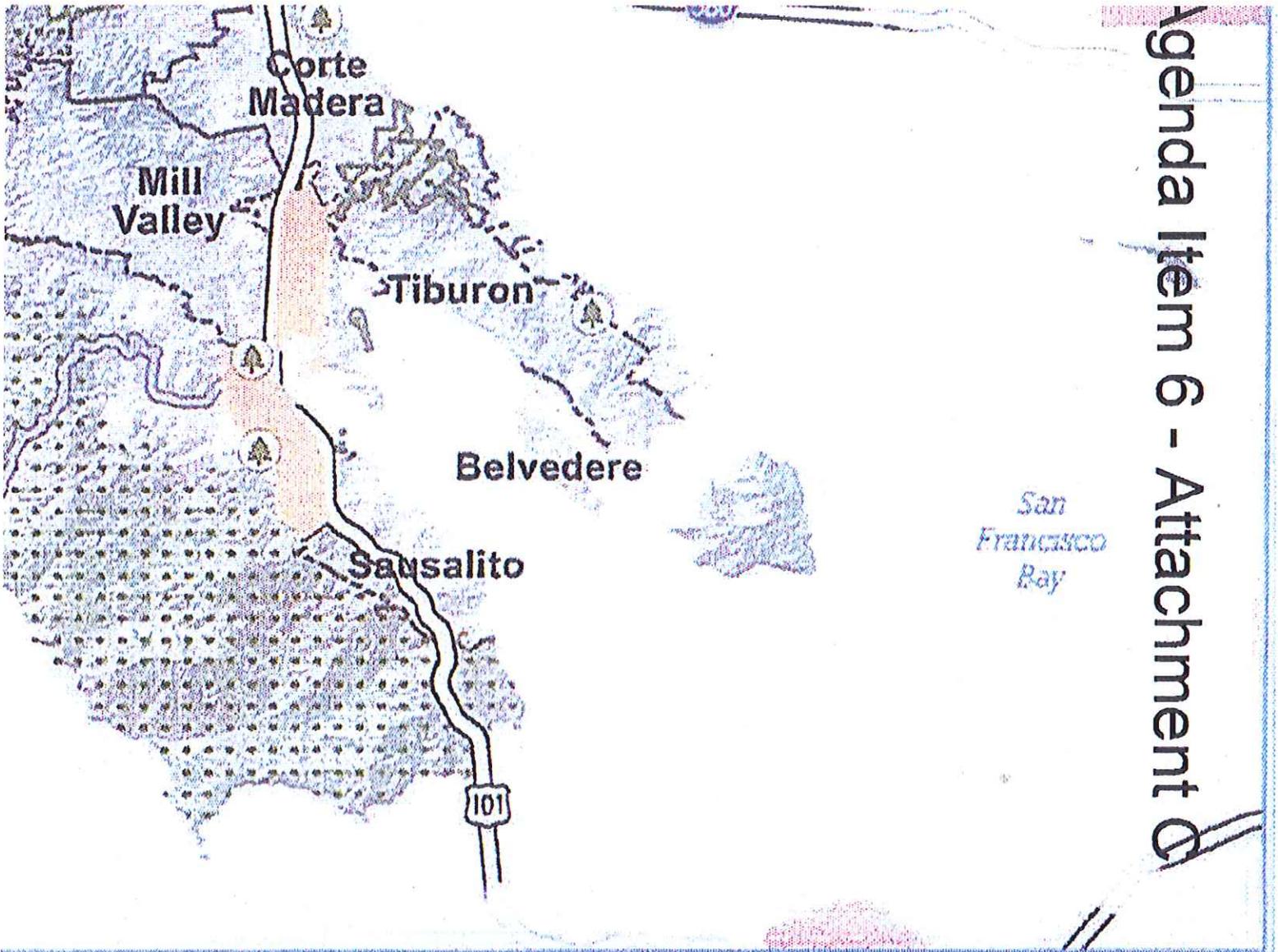
Your public hearing scheduled to receive comments and to receive testimony on the adequacy of the Draft SEIR on the *2012 Housing Element* through 2014 reflects just 10 days notice to review many documents for this hearing. For example the changes made by the recent Title 22 Amendments diminishing for Affordable Housing design standards, environmental protections and site considerations that modified the 2007 approved County Wide Plan (CWP) in order to provide developer incentives. Changed conditions described in California Environmental Quality Act (CEQA) §15162 with new information of substantial importance and that would lead to new or substantial increase in severity of previously identified significant effects did not receive the Title 22 modification environmental impact and assessment subsequent EIR although requested because of *Climate Change* (caused storm surge flooding and sea level rise mapping) *Air Quality* - new health standard information; adequate information regarding Highway 1 level of service (LOS) impacts) and new *Fire Safe Marin* standards. Changes in Title 22 that modify CWP information and affect affordable housing and may adversely impact projected 17 selected sites, 3 additional evaluated and the future 32 to be considered sites for Affordable Housing and likely limit mitigation for their Significant Impacts. Adopted modifications Title 22 changes share the same "new" identified impacts or a significant increase in the severity of previously identified impacts could occur in three impact areas - *Air Quality; Hydrology, Water Quality and Flooding Hazard; and Noise*. Changes made in Title 22 did not have an environmental assessment as required; as I requested in each of my comments as well as *Fire Safe Marin* standards.

Additional time for review from 45 days to the customary response period of 60 days is especially requested by members of our Tamalpais Planning Area. Our area's selection of sites' has known and new hazards and needs analysis of other required additional mitigations. Incentive, concession and bonus density adopted to encourage Affordable Housing development modified CWP and new information suggest further *Aesthetic, Biological Resource, Hydrology / Seismic* Severity impacts, Bay Conservation and Development Commission (BCDC) new Guidelines Climate Change on use of fill, (site and construction method chosen), Adaptive Rising Tide (ART) studies adverse impacts on fill (construction methods), *Utility and Service systems, Recreation* (Zoning RCR change in Title 22), *Land Use Planning* (Title 22 changes and new National standards) affecting health and public safety and *Biological Resource*. Known, but seemingly not mitigated are constraints within these areas and construction on bay mud sites and adjacent to level of service LOS F. Adoption of this Final EIR should not preclude further individual site CEQA evaluation. Marin County goals for Affordable Housing include Safe and Sustainable and accessible homes. An Associated of Bay Area Government (ABAG) map designates Southern Marin sites for *priority conservation* rather than risky Affordable Housing.

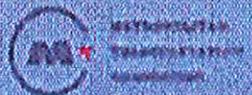
Sincerely,

Margaret Kettunen Zegart, 118 Highland Lane, Mill Valley, CA 94941

Agenda Item 6 - Attachment D



Marin County

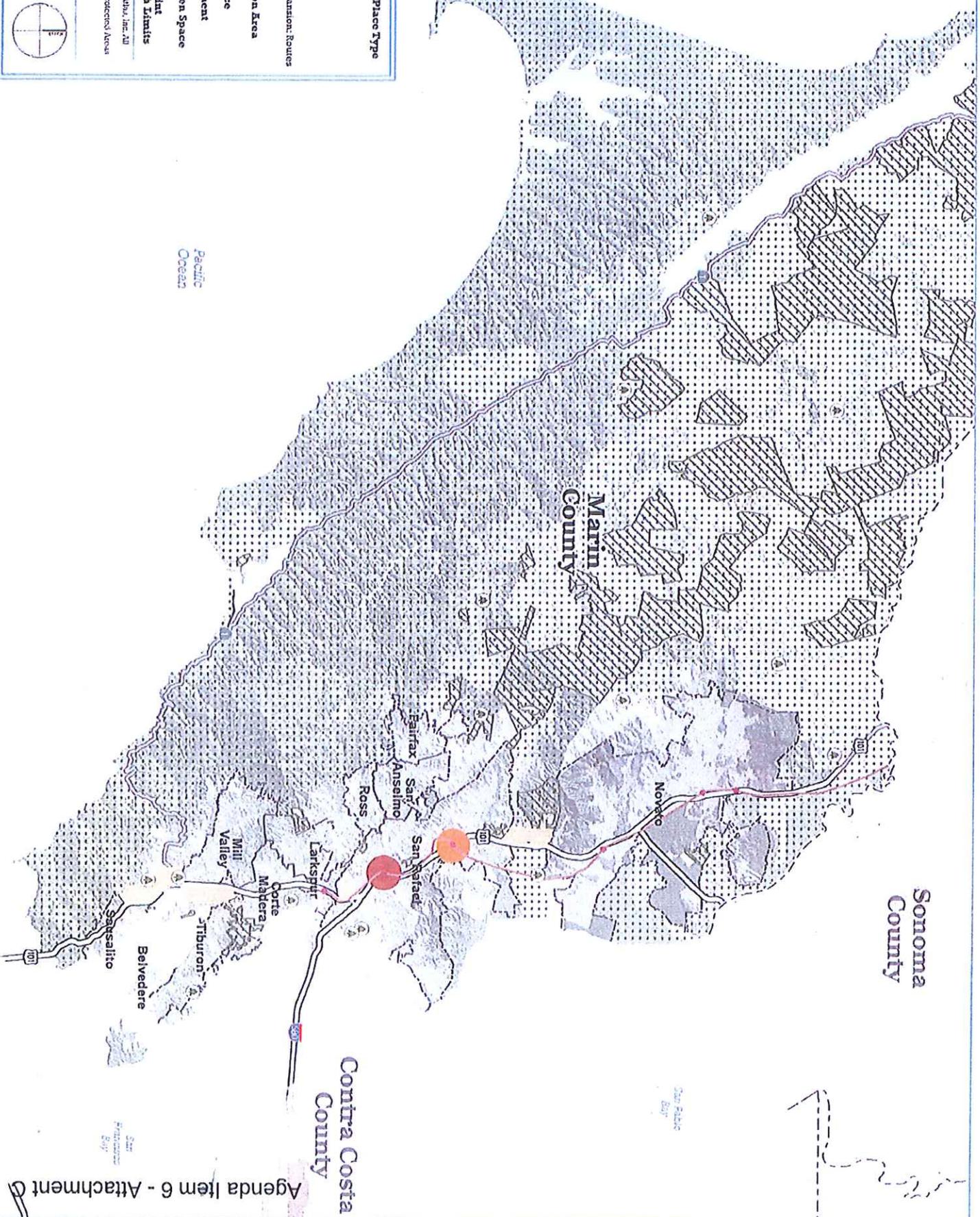


**Priority Development Area Place Type**

- City Center
- Transit Town Center
- Transit Neighborhood
- Planned Rail Transit Expansion: Routes and Stations
- Priority Conservation Area
- Protected Open Space
- Conservation Easement
- Policy Protected Open Space
- Within Urban Footprint
- Within Urban Growth Limits

Source: Street View Map © 2005 Tele Atlas, Inc. All rights reserved.  
Protected areas data from California Protected Areas Database (www.caladp.org), 2010  
ALAC GIS/Map 2012

Scale: Miles  
0 0.5 1 2  
Kilometers  
0 0.5 1 2



**RESPONSE TO LETTER NO. 42 - MARGARET KETTUNEN ZEGART (JANUARY 14, 2013)**

**Response to Comment 42-1**

Comment noted. As explained in **Chapter 2.0 Description of the Proposed Project** (see page 40) the *2012 Draft Housing Element* programs include amendments to the Development Code to be enacted after adoption of the *2012 Housing Element*. These amendments have been considered in the environmental analysis performed as a part of the preparation of the Draft SEIR.

**Response to Comment 42-2**

The commentator's statement that "adoption of this Final EIR should not preclude further individual site CEQA evaluation" is correct. Please see *Master Response 3 - Environmental Review of Housing Projects*.

**From:** kettz [mailto:kettz@aol.com]  
**Sent:** Monday, February 11, 2013 12:56 AM  
**To:** Warner, Rachel; Stratton, Debra; lthomas@c.marincounty; Laumann, Stacey; Crawford, Brian  
**Subject:**

Margaret Kettunen Zegart

118 Highland Lane Mill Valley, CA 94941 415-383-2771

February 11, 2013

Planning Commissioners

3501 Civic Center Drive, Room 329

San Rafael, CA 94941

**RE: Title 22 changes to the Countywide Plan regarding Affordable Housing require additional environmental analysis and validity of safety and sustainability of sites on identified flooding parcels**

Dear Planners:

1

If you refer to incomplete APPENDIX J, FLOOD MANAGEMENT inter office memo of January 31 you will note that FEMA maps of 2009 are the basis for asserting Affordable Housing compliance with sustainability and public health and safety on Parish properties (sites #4 Old Chevron Station, and #14, 217; 221 Shoreline Highway Armstrong Nursery) and site #9 Manzanita 150 Shoreline Highway. Since 2009 Bay Area acknowledgement of Climate Change is acknowledged and its adverse impact on these sites in the Tamalpais Planning Area 24 affordable units shall be subject to a minimum of 16" rising tide by 2050. FEMA maps will not be updated for Marin (and the BAY AREA) until 2015. This memo is evasive to apparently comply with attachment # 2 acceptance of these sites.

2

Adverse increased seismic impacts as well as differential settlement upon fill over deep bay mud (50 – 80 feet on the Parish properties) affect utilities and costly pile construction

is a construction / developer constraint in addition to risk and flood and earthquake insurance costs for renters / owners. Waiving customary setbacks to protect affordable housing tenants along Coyote Creek or Shoreline Highway is unfortunate.

3

There is no compliance with Goal 1, Policy 1,4 Design, Sustainability, and Flexibility because of Goal 2, Policy 2.3 Incentives for Affordable Housing. Last year to provide Affordable Housing developer incentives, discrimination occurred to an identified socio economic group – families, aging and health – functionally different from market rate / affluent citizens / residents. Expanded inclusionary housing, Section 8 units and Second units could avoid this.

Sincerely,

Margaret Kettunen Zegart

Earlier I commented when these Title 22 amendments were made and noted why are eligible for a California Environmental Quality Act (CEQA) EIR. Since the Countywide Plan (CWP) Environmental Impact Report there were three new significant environmental concerns: The Tamalpais Planning Area is in a semi-rural fire open space interface – mapped by Cal Fire as Very High Severity Zone in Marin, Climate Change recognition: e.g. Bay Conservation and Development Commission (BCDC) by California Governor’s directive resulting in mapping of adjacent marsh and Guidelines for filled Bay Area lands have occurred. New construction on fill, particularly for vulnerable populations is not recommended, adaption to rising tide future flooding recommends minimal use of levees and prioritizes restoration of marsh to protect existing development, SB 375 removes CEQA evaluation from Affordable Housing development.

Air Quality reduction because of increasing, cumulative traffic congestion and reduction in acceptable level of service (LOS) for Shoreline Highway and Sir Francis Drake Blvd.. Marin County Title 22’s substantive code changes reflect non-compliance with CWP land use goals, policies and programs for Market Rate and Moderate Affordable Housing.

### **Allowable Uses of land**

Affordable Low and Low Low Housing Development is exempted from many original CWP Goals, objectives and policies. “Additionally, the density for

affordable housing is the maximum density allowed by Countywide Plan use designation, rather than the zoning district standard”

Loss of CWP social justice and equity values are “justified” to meet “a public need – affordable housing” incentives to permit profit for development on some environmental questionable sites. “for that portion or portion of properties with sensitive habitat or within the Ridge and Upland Greenbelt of the Baylands Corridor and properties that lack public water or sewer systems [Muir Woods Park] shall be calculated at the lowest end of the density range ... except for projects that provide significant public benefits, as determined by the Review Authority (Director?) and lots designated for affordable housing.”

“The maximum residential density for proposed subdivisions for that portion or

portions of properties with sensitive habitat or within the Ridge and Upland Greenbelt

or Baylands Corridor ... shall be calculated at the lowest end of the density range as

established in the County Wide Plan Land Use Designation ~~except for ... affordable housing.~~”

p. II-21 “ **H RCR ( Resort and Commercial Recreation) District** The RCR Zoning

District is intended to create and protect resort facilities in pleasing and harmonious

surroundings with emphasis on public access to recreational areas within and

adjacent to developed areas. The RCR zoning district is consistent with the

Recreational Commercial land use category of the Marin Countywide Plan.” Thus,

was implemented CWP description.

Now: “Except for affordable housing, dwellings are not permitted in OP, CP, IP, RCR and RMCP “ II-27 Table 2-7 Affordable Housing, Chapter 22.22 should not be permitted in RCR District.

Also, in Limited Roadside Business, affordable housing should retain U (a Conditional use

permit) or MP (when authorized by Master Plan.

(8) Dwellings, except for affordable housing requiring a conditional use permit, shall be

accessory to the primary commercial use.

p. II-30 Table 2-9 Affordable Housing in Open Space areas, **OA zoning is not consistent with density; other developer incentives. Conditional use permit is insufficient protection**

p. II-32 (2) Except for affordable housing, Dwellings are not permitted in RCR Districts

p. III-14 22.22.010 **A County Wide Planning Goals ...** “attainment of the goals of the Countywide Plan by increasing the production of housing affordable by households of very low, low **[affordable housing originally included houses of moderate income – these were the work force housing units for teachers, public service, health and emergency**

and stimulating funds for development of low income housing.” **Moderate housing removal from affordable income qualifying households further stigmatizes / vulnerable and needy from protections afforded all other unincorporated Marin residents.** See p. III-45, Table 3-5B Affordable Category that does include Moderate –income (ownership units only).

p. III-29 **22.22.010 “Purpose of Chapter D, Affordable housing requirements.** Ensure

that remaining developable land within the County is utilized in a manner consistent with the County’s housing policies ~~and 2011 Development Code Amendments.~~

**III-31 22.22,020 Applicability H Any subdivided Lot creation with or without proposed dwellings shall pay an impact housing fee.** [Future development or cumulative units may occur on a simple two division lot.] **The affordable housing fund needs every possible fee and this should not be**

removed or modified as one Supervisorial exemption has already begun a series of petitions / applications for like exemptions.

p. IV-3 The ministerial Planning Permits remove the process of public input. If the Board approves of this unfortunate accelerated administrated incentive, (2) Homeless Shelter Permits and (5) should be removed,

p. IV-37 **22.52.050 – Exemptions: E. Work behind secured dikes and F. Creeks, estuaries and rivers** that are subject to rising sea / Bay tide tidal action shall be revised to accommodate climate change.

p. I-5 **E Allowable Uses of land**

Affordable Housing is exempted from these Goals, objectives and policies of the CWP ...

and its social justice of equity application of personal protection and for sensitive habitat

p. II-21 “ **H RCR ( Resort and Commercial Recreation) District** The RCR Zoning

district is intended to create and protect resort facilities in pleasing and harmonious

surroundings with emphasis on public access to recreational areas within and

adjacent to developed areas. The RCR zoning district is consistent with the

Recreational Commercial land use category of the Marin Countywide Plan.” Thus by CWP descriptions, on II-27 Table 2-7 Affordable Housing, Chapter 22.22 should not be permitted in RCR District. Also, because of congestion and space, in Limited Roadside Business affordable housing should retain U (conditional Use Permit) or MP (when authorized by the essential Master Plan process }.

.(8) Dwellings, ~~except for affordable housing~~ requiring a conditional use permit, shall be

accessory to ~~the in~~ primary mixed commercial use.

p. II-30 Table 2-9 Remove Affordable Housing in Open Space areas, **OA zoning is not consistent with intent and of OA Zoning. Conditional Use Permit is insufficient protection.** Occasionally, only housing units for security and maintenance personnel may be permitted in OA or RCR zoning.

fp. II-32 (2) ~~Except for affordable housing,~~ Dwellings are not permitted in RCR Districts

p. III-14 22.22.010 **A County Wide Planning Goals** ... “attainment of the goals of the County-wide Plan by increasing the production of housing affordable by households of very low, low originally included households of very low, low and moderate income and stimulating funds for development of low income housing.” **Moderate housing removal from affordable income qualifying households (a) removes a large spectrum of public support and further stigmatizes the vulnerable / needy populations from protections afforded all other unincorporated Marin residents.** See p. III-45, Table 3-5B Affordable Category

p. III-29 **22.22.010 “Purpose of Chapter D, Affordable housing requirements.** Ensure

that remaining developable land within the County is utilized in a manner consistent with the County’s housing policies and ~~2011 Development Code Amendments.~~

**III-31 22.22.020 Applicability H Any subdivided Lot creation with or without proposed dwellings shall pay an impact housing fee.** [Future development or cumulative units may occur on a simple 1two division lot.]

p. III – **83 22.32.095 Permit requirement** “The use of a year-round / permanent homeless shelter shall have public notification and Design Review Board evaluation. The facility shall provide 24 hour services with the intent to transition clients toward private and public funded opportunities for improving health, employment training and shelter options.

Temporary / seasonal homeless shelter may require the ministerial approval of a Homeless Shelter Permit by the Director, in compliance with Chapter 22.59 (if it complies with the standards of 22.32.095 C.”

## **C. Standards**

7. Facility shall be available 24 hours of operation for registered residents.

8. Supportive services and transitional options shall be provided for residents.

Modifications to the administrative procedures for processing applications and expanding streamlined or ministerial and changes to the Design Review and any removal of Master Plans result in diminished valued public participation since neighbors, concerned citizens offer informative details and a comprehensive overview lost in an expedited decision without the community memory / adjacent neighbors' concerns. The result shall be costly time and financial investments by appellants and environmental and socio economic injustice, for example when the findings for a Master Plan are not observed,

**“22.44.030**

**C. Action on Master Plan and Precise Development Plan applications.**

**I. Master Plan:**

**c. Findings for Master Plans and Master Plan amendments.**

(3) The site is physically and environmentally sited for the proposed land use development (s), including access, provision of utilities, compatibility with adjoining land uses, and absence of usual physical constraints that would make future development in conformance with Chapter 22.16 (Planned District Development Standards) infeasible.”

Allowing exemptions from this finding would permit the unacceptable sites on A floodplains, on mapped sites subject to climate change sea level rise caused flooding and forecasted storm surge inundation as well as seismic risks. Federal Emergency Management Agency (FEMA) has not provided revisions to reflect Adaptive Rising Tide (ART) provisions and recognition that increased fill on bay mud is a future costly constraint, causing lateral settlement that adversely impacts adjacent properties and roads.

Selective exemptions for affordable housing would fail to protect setbacks from sensitive environments and ecosystem creation / restoration. Affordable Housing is exempted from protections afforded

moderate and affluent income residents including setbacks from thoroughfares of level of service LOS D roads [exempting Sir Frances Drake Boulevard and Shoreline Highway- over LOS F]. Perhaps air quality, a public health concern, is the unfortunate reason to now amend and remove this amended Code from affordable housing the phrase “for public health and safety”.

Setbacks from thoroughfares and structures within the development would allow landscaping, paths, play and gathering areas should follow all building / development standards. Space is needed for pedestrian, bicycle and Marin’s model programs that at receive multimodal construction funds.

There is no provision in the Code amendments to accept existing mapped priority easements following Sausalito’s and Mill Valley’s model of accepting and improving designated steps and paths for emergency egress and access.

#### exemptions

As an incentive for developers to build affordable housing, the State has removed California Environmental Quality Act (CEQA) review which would discern adverse impacts and provide mitigations for affordable housing structures and mixed commercial developments that shall include affordable housing.

The Tamalpais Area Community Plan Update Committee has been diligently studying the plan in a process begun by Supervisor McGlashan in the hope of bringing to the Supervisors certain updates that will insure that the plan complies with the 2007 Countywide Plan (CWP). In the absence of detailed zoning requirements for development in our commercial area, the Master Plan requirement is crucial to insuring that development does not proceed absolutely unrestricted from a review that addresses issues usually noted in a CEQA review. Hard work of generations of all unincorporated Marin residents in contributing to the *County Wide Plan* goals, policies and preparing their *Community Plans* and serving on the Design Review Boards would become a mockery if you adopt the proposed amendments:

22.44.040 Waiver of Master Plan / Precise Development Plan Review;  
Table 4-7

22.32.165 B. Permit Waivers for a wireless telecommunications facility ...

“22.44.035 The following land uses are exempt from the requirement of a Master Plan and / or Precise Development Plan

A. Affordable Housing.

For an example: all the commercial properties in Tam Valley have zoning designations that require a master plan. The *Tamalpais Area Community Plan* relies on these requirements and explicitly references two parcels which, if developed, would trigger over-all master plans for their areas. These are the McCray and Parrish properties at Flamingo and Shoreline and the Martin Brothers Triangle east of Shoreline adjacent to the Bothin Marsh (*Tam Plan* LU22.1a pg. III-60). The value of Master Planning and Precise Development Plan and Design Review is imperative for affordable housing regulations.

(see p. III-31 22.22.020 I Affordable housing regulations. The requirements of this Chapter shall be imposed only once on a given development approval. Affordable housing requirements imposed on a development shall be consistent with the affordable housing requirements in effect at the time of each successive Precise Development Plan or Design Review approved in conformance with a governing Master Plan. Subdivisions subject to an inclusionary requirement are not also subject to the Affordable Housing Impact Fee.”

Currently, those two parcels in the Tamalpais Planning Area and other Southern Marin locations for high density affordable housing proposed by Marin County Housing advocates and staff are on unsafe A Flood Plane sites. Without the CEQA review, a Master Plan or Precise Development Plan is needed for low, and low low CWP acknowledged vulnerable group of County residents that shall be in homes at high public health and safety risk. The recent Bay Area Plan - Metropolitan Transit Commission (MTC) – 2011 Initial Vision Scenario (p.7 of maps) corrects affordable Marin housing sites’ selection and replaces those along Richardson Bay with green crosses. These sites, currently recommended to your Board, by regional Association of Bay Area Governments (ABAG), MTC and San Francisco Planning and Urban Redevelopment (SPUR) as [low income] priority development sites have now, become designated Priority Conservation Locations using Bay Area Conservation and Development Commission (BCDC) climate change information,

p,12 6... "b The United Nations Intergovernmental Panel on Climate Change

(IPPC) developed a series of global development and greenhouse

gas scenarios...."c Current science-based predictions of global sea level rise

over the next century vary widely. Using the IPCC greenhouse

emission scenarios, in 2010 the California Climate Action Team (CAT) developed sea level rise projections (relative to sea level in 2000) for the state that range from 10 to 17 inches by 2050, 17 to 32 inches by 2070, and 31 to 69 inches at the end of the century. ... Although the CAT values are generally recognized as the best science-based sea level rise projections for California, scientific uncertainty remains regarding the pace and amount of sea level rise ...

p. 13 "d. Climate change will alter key factors that contribute to shoreline flooding, including sea level and storm frequency and intensity. During a storm, low air pressure can cause wave run up, which will be higher as sea level rises .These storm events can be exasperated by El Nino events, which generally result in persistent low air pressure, greater rainfall, high winds and higher sea level. The coincidence of intense winter storms, extreme high tides, and high runoff, in combination with higher sea level will increase the frequency and duration of shoreline flooding long before areas are permanently inundated by sea level rise alone. ...

"e. ... In planning and designing projects for the Bay shoreline, it is prudent to rely on the most current science-based and regionally specific projections of sea level rise, develop strategies and policies that can accommodate sea level rise over a specific

planning horizon (i.e., adaptive management strategies. ...

"n. Some Bay Area communities, particularly those whose residents

have low income, disabilities or are elderly, may lack the resources or capacity to respond effectively to the impacts of sea level rise and storm activity. Financial and other assistance is needed to achieve regional equity goals and help everyone be part of resilient shoreline communication.”

*BCDC Bay Plan Amendment 108 – Concerning Climate Change*

◦ Scientists 99% projected significant earthquake within the next 30 years will cause liquefaction, intense shaking and significant damage, and risks of slide prone sites

◦ Financing institutions will require increasingly costly earthquake insurance and Federal flood insurance

◦ Maintenance should not be deferred (Golden Gate Housing) to enable new development

(LOS F portions of Sir Francis Drake and Shoreline Highway), but also there is a significant adverse health impact.

◦ Code amendment is needed for a social justice ratio to support Countywide Plan’s (CWP) 3 bedroom units and the single occupancy 500 square foot studio and subsidized Federal two bedroom units for families with boys and girls.

◦ p. III-96 “**Section 22.32.150 Development standards** Required Housing shall be provided at a minimum size of ~~220~~ 350 square feet and a maximum size to accommodate three bedroom units as noted in the CWP, of at least 1,000 square feet.”

P,III-96;97 **Key Requirements** E 6 For Properties within the Tamalpais Area Community Plan area ... not more than 100 residential units, excluding units with valid building permits issued prior to the date of adoption of the Countywide Plan update. The 100 unit cap includes any applicable density bonus and such units are not subject to the FAR exceptions, listed in #5 of CD-

8.7 of the Marin Countywide Plan, due to the area's highly constrained traffic conditions (week and weekend), flooding, and other hazards.

The 2007 Countywide Plan (CWP) should not be amended by reducing the rights of a vulnerable population group, the resources and recreational values of residents and visitor oriented businesses. The County spent much time, money, and resources going through the 2007 Countywide Plan Update process. Many groups representing a wide variety of interests also spent tremendous time, money and resources to research and make comments & recommendations to protect the hillsides, streams and bay (to be replaced by Baylands Corridor) the 2007 Countywide Plan Update.

Margaret Kettunen Zegart  
[kettz@aol.com](mailto:kettz@aol.com)  
118 Highland Lane  
Mill Valley, CA 94941

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**RESPONSE TO LETTER NO. 43 - MARGARET KETTUNEN ZEGART (FEBRUARY 11, 2013)\***

**Response to Comment 43-1**

Please see *Master Response 1 – Sea Level Rise* and Response to Comment 23-2.

**Response to Comment 43-2**

Please see Response to Comment 11-9 and 11-65 for response to seismic issues. The issues of liquefaction and subsidence are addressed in the Draft SEIR starting on page 119.

**Response to Comment 43-3**

Comment noted. This comment expresses opinions related to the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

**From:** Mark Marinozzi [mailto:markm@markmarinozzi.com]  
**Sent:** Thursday, January 10, 2013 6:40 PM  
**To:** EnvPlanning  
**Subject:** Request for Extension Housing Element DSEIR

Ms. Rachel Warner,  
Interim Environmental Coordinator  
Marin County Community Development Agency  
3501 Civic Center Drive, Room 308  
San Rafael, CA 94903

Subject: Housing Element DSEIR

Dear Ms. Warner,

I am a Mill Valley resident and was just alerted to the release of the Draft Supplemental EIR for the County Housing Element. I am extremely concerned about the timing and length of the public comment period.

This is a substantial document with a long history, complex references such as the original EIR, newly proposed housing elements and a significant number of environmental CEQA impacts. The County's release date prior to the holidays and limited 45 day comment period hindered adequate public involvement in this CEQA process. Some counties provide 60 days and avoid holidays to encourage public involvement. Also having Planning Commission meetings during business working hours makes it difficult to attend and have sufficient time to prepare meaningful comments.

I live in Tam Valley and have concerns about the proposal for development in an area with:

1

1. A history of flooding;
2. Adjacency to a wildlife already stressed by water quality/endangered species habitat issues; and
3. Continued problems with pollution and backups due to lack of addressing existing traffic

2

I understand the County has undertaken a lengthy planning process and pleasing everyone is problematic. However I hope you will reconsider and extend the comment period to allow sufficient feedback and alternative planning options. Thank you for your time and consideration and please include me on the email list for any project updates.

Sincerely,

Mark Marinozzi

.....  
Mark Marinozzi  
330 Lowell Avenue, Mill Valley CA 94941  
p: (415) 272-4454  
f: (415) 532-2862  
e: [markm@markmarinozzi.com](mailto:markm@markmarinozzi.com)

**RESPONSE TO LETTER NO. 44 - MARK MARINOZZI (JANUARY 10, 2013)**

**Response to Comment 44-1**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*.

Flooding issues are discussed in Hydrology, Water Quality and Flood Hazard (Checklist Section 9) of the SEIR. Biological issues are discussed in Biological Resources (Checklist Section 4) of the SEIR and traffic issues are discussed in Transportation/Traffic (Checklist Section 16) of the SEIR.

**Response to Comment 44-2**

The Draft SEIR was distributed on December 20, 2012. Distribution of the Draft SEIR began a 45-day public review and comment period on the adequacy of the Draft SEIR which was to conclude on February 4, 2013. In response to this comment, and several others received by Marin County, which requested more time to comment, the Draft SEIR comment period deadline was extended to February 19, 2013.

**From:** Mitchell Rabin [mailto:mitchrabin@gmail.com]  
**Sent:** Tuesday, February 19, 2013 11:35 AM  
**To:** EnvPlanning  
**Subject:** Comments on the Draft SEIR

Attention: Rachel Warner  
Environmental Planning Manager  
3501 Civic Center Drive, #308  
San Rafael, CA 94903

Dear Rachel-

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My family has been a Lucas Valley homeowner since 2007 and overall Marin resident since 2001. This email is to voice our opposition to the large scale plans for public housing in the Marinwood/Lucas Valley area.

While we do not oppose some public housing that can be supported by the local infrastructure, especially the school system, it is my understanding from following this important issue that the plans go far beyond what can realistically be supported without creating major issues for our community.

Please consider our voice here. We love and support our community.

Sincerely,  
Mitchell & Stacey Rabin

**RESPONSE TO LETTER NO. 45 - MITCHELL & STACEY RABIN (FEBRUARY 19, 2013)**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

ADAMS BROADWELL JOSEPH & CARDOZO

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JAMIE L. MAULDIN  
ROBYN C. PURCHIA  
ELLEN L. TRESKOTT

February 19, 2013

**Via Email**

Rachel Warner, Environmental Planning Manager  
Marin County Community Development Agency  
3501 Civic Center Drive, Room 308  
San Rafael, CA 94903  
[envplanning@marincounty.org](mailto:envplanning@marincounty.org)

Re: Comments on the Draft Supplemental Environmental Impact Report for the 2012 Marin County Housing Element

Dear Ms. Warner:

I write on behalf of Sustainable TamAlmonte and myself to comment on the County of Marin's Draft Supplemental Environmental Impact Report ("Draft SEIR") for the 2012 Draft Marin County Housing Element ("Project"). The Project identifies 52 sites in Marin County for housing development.<sup>1</sup> My review of the Draft SEIR focused on five of these sites (Site 4 (Old Chevron station), Site 9 (Manzanita mixed use), Site 14 (Armstrong Nursery), Site 18 Around Manzanita) and Site 19 (Tam J retail)) proposed in the Tamalpais Valley area of unincorporated Mill Valley.<sup>2</sup> According to the County, the purpose of the Draft SEIR is to provide "in-depth program-level" review of potential environmental effects associated with the housing sites identified.<sup>3</sup> In actuality, with respect to the sites identified in Tamalpais Valley, the Draft SEIR is woefully inadequate. The Draft SEIR fails to fully disclose, analyze and mitigate the Project's potentially significant impacts. Moreover, many of the Draft SEIR's conclusions lack any supporting evidence. As explained below, the Draft SEIR fails to comply with the requirements of the California Environmental Quality Act ("CEQA"). The County cannot approve the Project until an adequate EIR is prepared and circulated for public review and comment. Further, as shown below, substantial evidence shows that to protect

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<sup>1</sup> Draft SEIR, pp. 18-19, 32-34.

<sup>2</sup> *Id.*

<sup>3</sup> Draft SEIR, p. 4.

residents' health and safety, the County should remove the five Tamalpais Valley sites from the Project's housing inventory.

Sustainable TamAlmonte is a group of Tam Valley and Almonte residents who want to preserve and enhance the environmental qualities of their unique bayside communities. The members of Sustainable TamAlmonte support truly sustainable land use and development in Tamalpais Valley and Almonte, and have grave concerns about the environmental, health and safety impacts that result from poor land use planning, including environmentally detrimental projects. Therefore, Sustainable TamAlmonte has a strong interest in enforcing environmental laws to protect the Tamalpais Valley and Almonte communities' valuable environmental resources, and the health and safety of current and future residents.

I am a resident of Tamalpais Valley. My family and I recreate in the Tamalpais Valley and Almonte neighborhoods. I want to preserve and enhance the environmental qualities of these unique bayside communities. I am concerned about sustainable land use and development in these areas, and the environmental, health and safety impacts that result from poor land use planning. As a resident whose family lives, works and recreates in the Tamalpais Valley and Almonte areas, my family and I will suffer the impacts from environmentally detrimental projects. I want to protect the Tamalpais Valley and Almonte communities' valuable environmental resources, and the health and safety of current and future residents.

## I. INTRODUCTION

1 CEQA has two basic purposes, neither of which the Draft SEIR satisfies. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project.<sup>4</sup> The EIR is the "heart" of this requirement.<sup>5</sup> The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return."<sup>6</sup> Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by

<sup>4</sup> 14 Cal. Code Regs. ("CEQA Guidelines") § 15002(a)(1).

<sup>5</sup> *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 84.

<sup>6</sup> *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

requiring alternatives or mitigation measures.<sup>7</sup> The Draft SEIR fails to satisfy these purposes by improperly deferring the analysis of, and failing to disclose, all potentially significant environmental impacts of the Project, failing to provide adequate mitigation measures to avoid impacts, and failing to describe inconsistencies with the Countywide Plan. As a result, the Draft SEIR fails as an informational document and falls short of CEQA's mandates.

CEQA is intended "to compel government at all levels to make decisions with environmental consequences in mind."<sup>8</sup> At every turn, the County appears to be attempting to circumvent the policies and requirements of CEQA. For example, the County, for the most part, has deferred adequate analyses of the Project's potentially significant impacts until site-specific housing developments applications are submitted. The County claims this is satisfactory for CEQA because the Draft SEIR is a program-level document that, if approved, would not directly result in housing development. However, although the Project may not be directly linked to specific development projects, the 2012 Housing Element is not a vague policy document, unconnected to future development. The Project identifies specific sites for housing development, calls for increased development densities, strongly encourages housing developers to take full advantage of incentives and increased densities, and vigorously advocates for streamlined review of affordable housing projects. Given the County's position, the possibility of future development in accordance with the Project is not merely theoretical.

The impacts that arise out of the County's comprehensive effort to encourage higher density housing on specific sites must be adequately analyzed now, pursuant to CEQA. The County may not defer thorough analyses simply because more specific proposals may come later. "CEQA advances a policy of requiring an agency to evaluate the environmental effects of a project *at the earliest possible stage* in the planning process."<sup>9</sup>

Further, the County must provide substantial evidence to support its conclusions. The Draft SEIR is noticeably absent substantial evidence. In fact, the

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<sup>7</sup> CEQA Guidelines § 15002(a)(2) and (3) (See also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564; *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400.).

<sup>8</sup> *Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 283; *Laurel Heights*, 47 Cal.3d at 393; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 711.

<sup>9</sup> *City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 410.

Draft SEIR contains *no technical reports, memoranda or analyses*. The Draft SEIR is rife with unsupported assumptions and baseless conclusions.

I have prepared these comments with the assistance of technical experts Matt Hagemann and Geoffrey Hornek. Their comments and curriculum vitae are attached as Exhibits 1 and 2. Please note that these experts' comments are comments on the Draft SEIR and *must be responded to separately*.

## II. THE COUNTY CANNOT RELY ON THE 2007 COUNTYWIDE PLAN EIR TO APPROVE THE PROJECT

2

An EIR must be prepared for any “project” an agency intends to approve or carry out which “may have a significant effect on the environment.”<sup>10</sup> CEQA defines the term “project” broadly to include any activities that have a potential to result in a physical change in the environment, directly or ultimately.<sup>11</sup> The definition ranges from the adoption of a general plan to the issuance of a conditional use permit for a site-specific development proposal.<sup>12</sup>

To accommodate the breadth of what may constitute a project, the CEQA Guidelines describe several types of EIRs that may be tailored to different situations, including the program EIR.<sup>13</sup> A program EIR may be used for a series of actions that can be characterized as one large project and are related geographically, as logical parts in a chain of contemplated actions, in connection with the issuance of rules, regulations, plans or programs, or as individual activities carried out under the same statutory or regulatory authority and having generally similar environmental effects.<sup>14</sup> A program EIR may not be used, however, to support approval of a project that is outside the scope of the program reviewed in a program EIR.<sup>15</sup> In that case, a new EIR must be prepared.<sup>16</sup>

Here, the County cannot rely on the 2007 Countywide Plan EIR to approve the Project because the Project is outside of the scope of the program that was reviewed in the 2007 Countywide Plan EIR. The Project identifies specific parcels for the development of a specific number of housing units. In Tamalpais Valley, the

<sup>10</sup> Pub. Resources Code, §§ 21100, 21151; CEQA Guidelines § 15002(f)(1).

<sup>11</sup> Pub. Resources Code, § 21065; CEQA Guidelines, §§15002(d), 15378(a).

<sup>12</sup> *Sierra Club v. County of Sonoma* (1st Dist. 1992) 6 Cal.App.4th 1307, 1315.

<sup>13</sup> CEQA Guidelines, § 15161.

<sup>14</sup> *Id.*, § 15168(a).

<sup>15</sup> *Sierra Club v. County of Sonoma*, 6 Cal.App.4th at 1320-1321.

<sup>16</sup> *Id.*

Project specifically identifies 21 units on a 0.79-acre site at 204 Flamingo Road, 3 units on a 0.56-acre site at 150 Shoreline Highway, 53 units on a 1.77-acre site at 217 and 221 Shoreline Highway, 45 units on a 1.48-acre site at 150 Shoreline Highway, and 60 units on a 6.8-acre site at 237 Shoreline Highway. These parcels were not identified or analyzed at a site-specific level in the 2007 Countywide Plan EIR. Further, the Project increases the development densities analyzed in the 2007 Countywide Plan. The Draft SEIR states that some of the housing sites may “be developed at an increased intensity than assumed for the analysis of the Countywide Plan in the 2007 Countywide Plan EIR. For example, properties proposed to be included in the AH Combined District [ ] could be developed at higher densities than were analyzed in the 2007 Countywide Plan EIR.”<sup>17</sup> Where a project is more dense and intense than the program analyzed in a program EIR, an agency cannot rely on the program EIR to approve the project, instead, must prepare a new EIR.<sup>18</sup>

Further, the 2007 Countywide Plan EIR did not even analyze environmental impacts associated with the County’s Housing Element and, therefore, the Project is outside the scope of the 2007 Countywide Plan EIR. The 2007 Countywide Plan EIR repeatedly stated that the County’s Housing Element was adopted prior to the 2005 Countywide Plan amendment and, therefore, the Housing Element was not the subject of the CWP amendment<sup>19</sup> or the EIR.<sup>20</sup> In other words, the County is currently tiering the Draft SEIR from a program EIR that did not, and could not, consider the environmental effects of the Project because that program EIR specifically excluded an evaluation of the Housing Element.

This is particularly alarming considering the Project’s sweeping changes to the County’s Housing Element. The Draft SEIR states that the “2012 Draft Housing Element is substantially changed from the 2003 Housing Element.”<sup>21</sup> Specifically, “the Site Inventory Analysis and Goals, Policies and Programs Sections” were revised. In addition, the land inventory “contains 17 sites to accommodate the 2007-2014 [RHNA]. 0 sites were carried forward from the 2003 Housing Element...”<sup>22</sup> Also, the “Goals, Policies and Programs section of the 2012

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<sup>17</sup> Draft SEIR, pp. 54-55.

<sup>18</sup> *Sierra Club v. County of Sonoma*, 6 Cal.App.4th at 1315.

<sup>19</sup> See 2007 Countywide Plan EIR, pp. 2.0-1, 3.0-7, 3.0-37 and 4.1-3.

<sup>20</sup> 2007 Countywide Plan EIR, p. 4.1-3.

<sup>21</sup> Draft SEIR, p. 13.

<sup>22</sup> *Id.*

2  
continued

Draft Housing Element was substantially revised from the 2003 Housing Element.” Specifically, “programs were amended and 18 new programs were added...”<sup>23</sup>

The Project is outside of the scope of the program that was reviewed in the 2007 Countywide Plan EIR because the Project is more dense and intense than the project evaluated in the 2007 Countywide Plan EIR. Further, the 2007 Countywide Plan EIR did not even analyze environmental impacts associated with the County’s Housing Element and, therefore, the Project is outside the scope of the 2007 Countywide Plan EIR. Thus, the County cannot rely on the 2007 Countywide Plan EIR to approve the Project.

### III. THE COUNTY MUST PREPARE A *SUBSEQUENT* EIR

3

The substantive triggers necessitating subsequent environmental review are: (1) substantial changes with respect to the proposed project or circumstances under which the project is being undertaken, which require major revisions of the EIR due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (2) new information becomes available which was not known at the time the EIR was certified which shows that the project will have a significant effect not discussed in the previous EIR, significant effects previously analyzed will be substantially more severe, or mitigation measures previously found not to be feasible or which were not analyzed previously, would be feasible and would substantially reduce one or more significant effects.<sup>24</sup>

An agency may prepare a supplemental EIR, rather than a subsequent EIR, if any of the conditions described above would require the preparation of a subsequent EIR, and only minor additions or changes would be necessary to make the previous EIR adequately apply to the project.<sup>25</sup> Here, the Project proposes sweeping changes to the 2003 Housing Element and development contemplated in the Countywide Plan, necessitating substantial changes to the 2007 Countywide Plan EIR. The Project identifies 52 specific sites for housing development and calls for increased development densities that were not previously identified. As explained below, evidence shows that the Project would result in new or substantially more severe significant environmental effects than were analyzed in the 2007 Countywide Plan EIR. Furthermore, changed circumstances or new information regarding air quality, cultural resources and hazardous materials has

<sup>23</sup> *Id.*

<sup>24</sup> Pub. Resources Code, § 21166; CEQA Guidelines, § 15162.

<sup>25</sup> CEQA Guidelines, § 15163(a)(1).

3

become available since certification of the 2007 Countywide Plan EIR, which shows that the Project would have new or substantially more severe impacts than were discussed in the 2007 Countywide Plan EIR. These changes and new information require major modifications to the 2007 Countywide Plan EIR and, therefore, the County must prepare a *subsequent* EIR.

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**IV. THE COUNTY LACKS SUBSTANTIAL EVIDENCE TO SUPPORTS ITS CONCLUSIONS IN THE DRAFT SEIR REGARDING POTENTIALLY SIGNIFICANT PROJECT IMPACTS; THE DEIR FAILS TO INCORPORATE ALL FEASIBLE MITIGATION MEASURES NECESSARY TO REDUCE SUCH IMPACTS TO A LEVEL OF INSIGNIFICANCE**

CEQA's two main purposes are: (1) to inform decision makers and the public about the potential, significant environmental impacts of a project before harm is done to the environment;<sup>26</sup> and (2) to avoid or reduce environmental damage when possible by requiring the imposition of mitigation measures and environmentally superior alternatives.<sup>27</sup> CEQA imposes an affirmative obligation on agencies to avoid or reduce environmental harm by adopting feasible project alternatives or mitigation measures.<sup>28</sup>

To fulfill CEQA's obligations, the discussion of impacts in the Draft SEIR must be detailed, complete and "reflect a good faith effort at full disclosure."<sup>29</sup> An adequate EIR must contain facts and analysis, not just an agency's conclusions.<sup>30</sup> CEQA requires an EIR to disclose all potential direct and indirect, significant environmental impacts of a project.<sup>31</sup> Without an adequate analysis and description of feasible mitigation measures, it would be impossible for agencies relying upon the Draft SEIR to meet this obligation.

<sup>26</sup> CEQA Guidelines § 15002(a)(1); *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs.* (2001) 91 Cal.App.4th 1344, 1354 ("*Berkeley Jets*"); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

<sup>27</sup> CEQA Guidelines § 15002(a)(2) and (3); *Berkeley Jets*, 91 Cal.App.4th at 1354; *Laurel Heights Improvement Ass'n v. Regents of the University of Cal.* (1998) 47 Cal.3d 376, 400.

<sup>28</sup> Pub. Resources Code, §§ 21002-21002.1.

<sup>29</sup> CEQA Guidelines § 15151; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 721-722.

<sup>30</sup> See *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 568.

<sup>31</sup> Pub. Resources Code § 21100(b)(1); CEQA Guidelines § 15126.2(a).

An analysis of impacts that are reasonably foreseeable should be provided in a planning stage EIR if the information for the analysis is reasonably available.<sup>32</sup> An EIR may include some degree of forecasting in evaluating a project's environmental impacts.<sup>33</sup> When it is difficult to forecast future actions, an EIR may base its analysis on reasonable assumptions.<sup>34</sup> An agency should use a reasonable worst-case scenario for its analysis when uncertain future events could lead to different outcomes.<sup>35</sup>

CEQA requires the County to adopt feasible mitigation measures that will substantially lessen or avoid the Project's potentially significant environmental impacts.<sup>36</sup> A public agency may not rely on mitigation measures of uncertain efficacy or feasibility.<sup>37</sup> "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors.<sup>38</sup> Mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments.<sup>39</sup>

The County's conclusions in the Draft SEIR must be supported by substantial evidence. "Substantial evidence includes fact, a reasonable assumption predicated on fact, or expert opinion supported by fact."<sup>40</sup> Substantial evidence does not include "argument, speculation, unsubstantiated opinion or narrative" or "evidence that is clearly inaccurate or erroneous"<sup>41</sup>

In this case, the Draft SEIR fails to satisfy the basic purposes of CEQA. The Draft SEIR's conclusions regarding air quality, cultural resources, flooding and hazardous materials, among others, are not supported by substantial evidence. In preparing the Draft SEIR, the County has failed to: (1) provide sufficient information to inform the public and decision makers about potential environmental

<sup>32</sup> *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412; *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182.

<sup>33</sup> CEQA Guidelines, § 15144; *San Francisco Ecology Center v. City & County of San Francisco* (1975) 48 Cal.App.3d 584, 595.

<sup>34</sup> *State Water Resources Control Board Cases* (2006) 136 Cal.App.4th 674, 797.

<sup>35</sup> *Planning & Conservation League v. Castaic Lake Water Agency* (2009) 180 Cal.App.4th 210, 244.

<sup>36</sup> Pub. Resources Code, §§ 21002, 21081(a).

<sup>37</sup> *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727.

<sup>38</sup> CEQA Guidelines, § 15364.

<sup>39</sup> CEQA Guidelines, § 15126.4(a)(2).

<sup>40</sup> Pub. Resources Code § 21080(e)(1); CEQA Guidelines § 15384(b).

<sup>41</sup> Pub. Resources Code § 21808(e)(2); CEQA Guidelines §§ 15064(f)(5), 15385(a).

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impacts; (2) failed to accurately identify and adequately analyze potentially significant environmental impacts; and (3) failed to incorporate adequate measures to mitigate environmental impacts to a less than significant level. The County must correct these shortcomings in a revised EIR that is circulated for public review and comment.

CEQA requires recirculation of an EIR when significant new information is added to the EIR following public review but before certification.<sup>42</sup> The Guidelines clarify that new information is significant if “the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project” including, for example, “a disclosure showing that ... [a] new significant environmental impact would result from the project.”<sup>43</sup> The purpose of recirculation is to give the public and other agencies an opportunity to evaluate the new data and the validity of conclusions drawn from it.<sup>44</sup> The following comments show that: (1) the Project will result in significant environmental impacts that are not adequately disclosed or analyzed in the Draft SEIR (or the 2007 Countywide Plan EIR); (2) the County’s conclusions are not supported by substantial evidence; (3) the Project conflicts with the Countywide Plan; and (4) mitigation measures are inadequate. These issues must be addressed in a revised Draft SEIR that is circulated for public review and comment.

**A. The Draft SEIR Fails to Disclose and Analyze the Likely Worst-Case Scenario**

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CEQA requires the County to exercise a good faith effort to disclose the Project’s “potential” impacts. An EIR need not engage in speculation by adopting worst-case assumptions that are inconsistent with the very nature of the Project. However, reasonably likely worst-case scenarios that are consistent with and supported by the evidence in the record must be evaluated. While CEQA may not require a “speculative” worst-case scenario analysis, CEQA does require that significant effects be discussed “with emphasis in proportion to their severity and probability of occurrence.”<sup>45</sup> The CEQA Guidelines also state, “an agency must use its best efforts to find out and disclose all that it reasonably can.”<sup>46</sup> The CEQA Guidelines further clarify the meaning of a significant effect on the environment as

<sup>42</sup> Pub. Resources Code § 21092.1.

<sup>43</sup> CEQA Guidelines § 15088.5.

<sup>44</sup> *Save Our Peninsula Comm. v. Monterey County Bd. of Supervisors* (1981) 122 CalApp3d 813, 822.

<sup>45</sup> CEQA Guidelines §15143.

<sup>46</sup> *Id.*, §15144.

"a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project."<sup>47</sup> Therefore, it is standard practice in CEQA analyses to use a "reasonable" or "realistic" worst-case analysis based on potentially expected worst-case conditions, as opposed to a theoretical or "speculative worst-case analysis," which uses the absolute worst-case assumptions conceivable.

Here, the Draft SEIR fails to provide a realistic worst-case analysis of the Project's impacts. Specifically, the Draft SEIR completely fails to disclose and analyze the likelihood that, pursuant to California's density bonus law, the Project's identified housing developments would be developed at even greater densities – **up to 35 percent or more** -- than are analyzed in the Draft SEIR.

California's density bonus law allows developers whose housing development proposals meet certain thresholds of affordability to receive density bonuses, incentives and development waivers from the local agency.<sup>48</sup> The law was designed to implement "an important state policy to promote the construction of low-income housing and to remove impediments to the same."<sup>49</sup> As recognized by the courts, the density bonus rewards developers who build "a certain percentage of low-income housing with the opportunity to build more residences than would otherwise be permitted by the applicable local regulations."<sup>50</sup>

The density bonus law provides that requests for a density bonus and incentives **must** be granted "when an applicant for a housing development seeks and agrees to construct a housing development" that meets one or more of the statute's thresholds.<sup>51</sup> Although an agency may eventually deny a request for an incentive if certain limited findings are made, **the law does not identify any findings that would allow an agency to deny a density bonus request.**

The density bonus law states that a density bonus of 35 percent may be awarded to affordable housing developers.<sup>52</sup> Courts have allowed density bonuses above 35 percent. In *Friends of Lagoon Valley v. City of Vacaville* (2007) 154

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<sup>47</sup> *Id.*, §15382.

<sup>48</sup> Cal. Govt. Code § 65915.

<sup>49</sup> *Building Industry Association v. City of Oceanside* (1994) 27 Cal.App.4th 744, 770; Cal. Govt. Code § 65582.1(f).

<sup>50</sup> *Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 824 (quoting *Shea Homes Ltd. Partnership v. County of Alameda* 92003) 110 Cal.App.4th 1246, 1263).

<sup>51</sup> Cal. Govt. Code § 65915(b)(1).

<sup>52</sup> Cal. Govt. Code § 65915(g); *see also* Marin County Development Code § 22.24.030.

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Cal.App.4th 807, the *court allowed a 40 percent density bonus*. The plaintiffs objected to the density bonus, stating that the density bonus law provided a cap on density bonuses of 35 percent. The court disagreed. The court found that the 35 percent density increase was meant to ensure that local governments provided *at least* that amount when a developer chose to provide a certain number of affordable housing units. The court also found that the statute clearly did not place any caps on the allowable density bonus.<sup>53</sup> The court held that the 35 percent density increase reflected “the maximum density increase that would be statutorily imposed upon municipalities,” not the maximum permissible.

Here, it is unquestionable that affordable housing developers would seek density bonuses from the County when density bonuses are mandated upon request (if certain thresholds are met). It is also clear that density bonuses may be granted up to 35 percent, or more, above the densities disclosed and analyzed in the Draft SEIR. Increased densities would undoubtedly result in a number of potentially significant effects on traffic, air quality, visual quality and public services, among other significant effects. It is unfathomable that the County has failed to disclose and analyze the likelihood that, pursuant to California’s density bonus law, the Project’s identified housing developments would be developed at even greater densities – up to 35 percent or more -- than are analyzed in the Draft SEIR. Increased densities above those identified in the Draft SEIR is a realistic worst-case scenario that must be analyzed in a revised EIR and circulated for public review and comment.

**B. The Draft SEIR Fails To Adequately Disclose, Analyze and Mitigate Potentially Significant Health Impacts from Soil and Groundwater Contamination**

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The Draft SEIR states that two (of the five) sites identified for residential development in Tamalpais Valley are contaminated from the past presence of a gas station – Sites 4 and 19. Hazardous materials expert Matt Hagemann reviewed the Draft SEIR, and concluded that the Draft SEIR fails to disclose the extent of contamination on these sites, as well as potential contamination on other Project sites in Tamalpais Valley, including Sites 9, 14 and 18. Mr. Hagemann’s attached comments provide substantial evidence that development of any of the Project’s identified sites in Tamalpais Valley pose potentially significant health risks to construction workers and future residents through vapor intrusion, dermal contact

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<sup>53</sup> Cal. Govt. Code § 65915(n) states that “[nothing] in this section shall be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described . . .”

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and inhalation. These significant impacts were not adequately disclosed or analyzed in the Draft SEIR (or 2007 Countywide Plan EIR) and must be fully disclosed and analyzed in a revised EIR that is circulated for public review and comment.

Further, a revised EIR must include appropriate mitigation to reduce significant impacts to construction workers and residents to less than significant levels. Mr. Hagemann recommends that vapor barriers be installed below the residential buildings to prevent the entry of vapors.<sup>54</sup> According to Hagemann, if reduction of contamination below screening levels is not possible, residential development on the site may be restricted.<sup>55</sup>

1. Site 4 (Old Chevron Station)

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The Project proposes 21 housing units on Site 4, which is located on the site of a former Chevron gas station that operated for more than 55 years. When the site closed in 2006, four underground storage tanks, a hydraulic hoist and a waste oil tank were removed. In addition, 112 tons of contaminated soil was removed.<sup>56</sup> In 2009, the San Francisco Bay Regional Water Quality Control Board (“RWQCB”) issued a closure letter for the site. The letter provided the maximum concentrations of pollutants in the site’s soil and groundwater before and after cleanup.

Mr. Hagemann compared the concentrations of contaminated soil following cleanup to soil screening levels established by the RWQCB. Hagemann found that contaminated soil that remains on the site has concentrations of total petroleum hydrocarbons-diesel (“TPH-d”) that exceed the RWQCB screening levels for commercial/industrial workers.<sup>57</sup> Hagemann also found that contaminated soil that remains on the site has concentrations of TPH-hydraulic oil (“TPH-ho”) that exceeds the RWQCB’s screening level for construction workers.<sup>58</sup> Finally, Hagemann found that contaminated soil that remains on the site has concentrations of TPH-d and TPH-ho that exceed the RWQCB’s screening levels for residential exposure.<sup>59</sup>

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<sup>54</sup> See **Exhibit 1**: Hagemann Comments, p. 6

<sup>55</sup> *Id.*, p. 6.

<sup>56</sup> *Id.*, p. 2.

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*, pp. 2-3.

<sup>59</sup> *Id.*, p. 3.

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According to expert Hagemann, TPH can adversely affect the central nervous system, blood, immune system, lung, skin and eyes.<sup>60</sup> Therefore, he concludes that development on Site 4 may pose significant health risks to construction workers and future residents.<sup>61</sup>

Mr. Hagemann also looked at the potential for benzene to be present on Site 4. Benzene is a known human carcinogen and causes harmful effects to the bone marrow and red blood cells.<sup>62</sup> Benzene was detected in groundwater on the site, but not at a concentration that exceeds the RWQCB's screening levels for vapor intrusion concerns.<sup>63</sup> However, as Hagemann notes in his comments, only one groundwater sample was collected and no soil vapor samples were collected.<sup>64</sup> These sampling efforts do not satisfy State guidance, which states that a soil vapor investigation should include the collection of groundwater and soil vapor data.<sup>65</sup> Based on his independent review, Hagemann concluded that benzene may be present in soil vapor on Site 4, which would pose health risks to future residents.<sup>66</sup>

## 2. Sites 9 and 18 (150 Shoreline Highway)

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The Project proposes 48 housing units on Sites 9 and 18. The Draft SEIR states, without any support, that these sites are not located in an area of impacted environmental quality.<sup>67</sup> Mr. Hagemann's comments provide substantial evidence that Sites 9 and 18 are, in fact, located in an area of impacted environmental quality. Mr. Hagemann's independent review shows that a Texaco gas and service station was located at the proposed sites until at least 2002.<sup>68</sup>

The Draft SEIR completely fails to disclose the existence of a gas and service station on Sites 9 and 18. Mr. Hagemann concludes that TPH-compounds may be present on these sites as a result of the property's former use.<sup>69</sup> Mr. Hagemann recommends that soil, soil vapor and groundwater sampling be conducted on these sites. Without sampling, it is impossible to determine the severity of health impacts

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<sup>60</sup> *Id.*, pp. 3-4.

<sup>61</sup> *Id.*, p. 4.

<sup>62</sup> **Exhibit 1**, p. 4.

<sup>63</sup> *Id.*, p. 3.

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> Draft SEIR, p. 153.

<sup>68</sup> **Exhibit 1**, pp. 4-5.

<sup>69</sup> *Id.*, p. 5.

to construction workers and residents from contaminated soil and groundwater from the property's former use, or whether the impacts can be mitigated to a less than significant level. The results of the sampling should be included in a revised EIR that is circulated for public review and comment.

### 3. Site 19 (Tam J Retail)

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The Project identifies 60 housing units on Site 19, which is located directly across the street from Site 4. The Draft SEIR states that shallow groundwater at the site may contain volatile organic compounds from a nearby gas station.<sup>70</sup> According to the Draft SEIR, this may pose a potential vapor intrusion risk to future residents.<sup>71</sup> As Hagemann notes in his comments, a soil vapor sampling investigation should be conducted in accordance with State guidance.<sup>72</sup> Without sampling data, it is impossible to determine the severity of health impacts to construction workers and residents from contaminated soil and groundwater from the property's former use, or whether the impacts can be mitigated to a less than significant level. The results of the sampling should be included in a revised EIR that is circulated for public review and comment.

### 4. Site 14 (Armstrong Nursery)

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The Project identifies 53 housing units on Site 14, which is located approximately 700 feet from Site 4. Mr. Hagemann concludes that, because of the location of Site 14 in relation to Site 4, the risk for potential vapor intrusion identified for Site 4, also exists for Site 14.<sup>73</sup> As Hagemann notes in his comments, a soil vapor sampling investigation should be conducted in accordance with State guidance.<sup>74</sup> Without sampling data, it is impossible to determine the severity of health impacts to construction workers and residents from contaminated soil and groundwater from the property's former use, or whether the impacts can be mitigated to a less than significant level. The results of the sampling should be included in a revised EIR that is circulated for public review and comment.

The potentially significant public health concerns raised by the presence of hazardous materials, coupled with the Draft SEIR's failed attempt at disclosure, is

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<sup>70</sup> Draft SEIR, p. 155.

<sup>71</sup> *Id.*

<sup>72</sup> **Exhibit 1**, p. 6.

<sup>73</sup> *Id.*

<sup>74</sup> *Id.*

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cause for concern. Indeed, this is precisely the type of situation CEQA cautions lead agencies against. “Environmental problems should be considered at a point in the planning process “where genuine flexibility remains.”<sup>75</sup> “A study conducted after approval of a project will inevitably have a diminished influence on decision making. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA.”<sup>76</sup>

Full disclosure of public health impacts, as required by CEQA, must include the precise locations of contamination, the types of contaminants involved, and the detected concentrations of those contaminants. A revised EIR must include this information. Furthermore, a revised EIR must propose a clear, effective and enforceable strategy for cleaning up the contamination to a level that is appropriate for the land uses proposed by the Project. If clean-up below screening levels is not possible, residential development on Sites 4, 9, 14, 18 and 19 should be restricted.

**C. The Draft SEIR Fails to Adequately Disclose, Analyze and Mitigate Potentially Significant Impacts to Waterways From Soil Contamination**

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As outlined above, contamination likely exists throughout the Project sites identified in Tamalpais Valley. According to Hagemann, development on these sites may cause movement of the contamination to adjacent waterways, threatening biological and hydrological resources.<sup>77</sup> Specifically, soil that is stockpiled during grading and excavation may be subject to wind and water erosion. When it rains, water may wash over stockpiles and eroded soil, entrain TPH-compounds in Project runoff, and discharge to adjacent waterways.<sup>78</sup>

Sites 4, 9 and 19 drain to Richardson Bay. Sites 14 and 18 drain to Coyote Creek.<sup>79</sup> Coyote Creek, a tributary to Richardson Bay, supports several special status species. Both Richardson Bay and Coyote Creek are already listed as impaired waterways.<sup>80</sup> As Hagemann states in his comments, contaminated Project runoff into these waterways will further degrade water quality and pose a threat to

<sup>75</sup> *Mount Sutro Defense Committee v. Regents of University of California* (1978) 77 Cal.App.3d 20, 34.

<sup>76</sup> *Sundstrom v. County of Mendocino*, (1988) 202 Cal.App.3d 296, 307.

<sup>77</sup> **Exhibit 1**, p. 6.

<sup>78</sup> *Id.*, p. 7.

<sup>79</sup> Draft SEIR, pp. 186-189.

<sup>80</sup> **Exhibit 1**, p. 7.

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biological and hydrological resources.<sup>81</sup> A revised EIR must disclose and provide mitigation for this significant impact.

**D. The Draft SEIR Fails to Adequately Disclose, Analyze and Mitigate Potentially Significant Impacts Associated with Air Quality**

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Air quality expert Geoffrey Hornek reviewed the Draft SEIR's analysis of the Project's potentially significant impacts associated with toxic air contaminant ("TAC") emissions. In his attached comments, Mr. Hornek explains that the Draft SEIR's analysis of TAC impacts "is not very precise" in applying screening criteria to the Project's five sites identified for residential development in Tamalpais Valley.<sup>82</sup> According to Hornek, the Draft SEIR fails to clearly identify proposed housing sites that would experience significant TAC impacts, as well as all sources responsible for TAC emissions.<sup>83</sup> Hornek conducted an independent health risk screening analysis for the Tamalpais Valley sites and concluded that the Project poses a significant cancer risk at all of the Tamalpais sites. This significant impact was not disclosed in the Draft SEIR.

Hornek explains that there is a clear association between respiratory and other health effects (including cancer) and the proximity of sensitive populations to high-traffic roadways where cars and trucks emit TACs in large quantities over long periods of time.<sup>84</sup> There are other sources of TACs, including mobile and stationary sources, such as dry cleaners.<sup>85</sup> New, scientific information since 2007 has become available that shows new adverse health effects from TAC exposure.<sup>86</sup> For example, recent studies show a link between TAC exposure and low birth weight, cardiovascular mortality, chronic obstructive pulmonary disease, suicide, schizophrenia, pediatric asthma, among other health effects.<sup>87</sup>

The Project proposes the development of housing units at five sites in Tamalpais Valley that are undoubtedly located very close to, *if not on*, highly congested roadways, including U.S. 101 and Highway 1. Sites 9 and 18 are *located*

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<sup>81</sup> *Id.*

<sup>82</sup> See **Exhibit 2**: Hornek Comments, p. 3.

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*, p. 1.

<sup>85</sup> *Id.*

<sup>86</sup> *Id.*, p. 2.

<sup>87</sup> *Id.*

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**on Shoreline Highway/Highway 1 and adjacent to U.S. 101.** Sites 4, 14 and 19 are **located on Shoreline Highway/Highway 1.** The County's proposal to develop residential units on these highly travelled and congested roadways (with LOS F) is nothing short of irresponsible land use planning and conflicts with CEQA. Case law clearly shows that CEQA is intended "to compel government at all levels to make decisions with environmental consequences in mind."<sup>88</sup> The County is not heeding this mandate.

Mr. Hornek prepared Table 1, which shows that, pursuant to the Bay Area Air Quality Management District's ("BAAQMD") listings, all of the Tamalpais Valley sites are located within the zone of influence of several significant roadway and stationary TAC sources.<sup>89</sup> The Draft SEIR recognizes that Sites 4 and 19 are subject to a potentially significant cancer risk for future residents from TACs emitted from one source, Shoreline Cleaners.<sup>90</sup> However, as Hornek notes in his comments, the Draft SEIR fails to disclose the severity of the risk – 73.4, which far exceeds BAAQMD's threshold of 10.<sup>91</sup> The Draft SEIR also completely fails to report other significant sources of TACs that put future residents of Sites 4 and 19 at risk, including the County of Marin Crest Marin Pump Station Generator, Highway 1 and European Tailoring & Cleaners.<sup>92</sup> The Draft SEIR also completely fails to disclose that future residents of Site 14 would be exposed to the same TAC sources (and same potential cancer risk) as those for Sites 4 and 19.<sup>93</sup> When taken together, the collective TAC emissions from all roadway and stationary sources, pose a significant cumulative cancer risk of 143.6 for Sites 4, 14 and 19. This risk is well above BAAQMD's cumulative cancer risk threshold of 100.<sup>94</sup> Finally, the Draft SEIR completely fails to disclose that Sites 9 and 18 would be subject to potential significant cancer risk from TACs emitted by Highway 1 and the Sausalito Marin City Sanitary District Generator.<sup>95</sup>

The Draft SEIR states that potentially significant impacts related to TACs at Sites 4 and 19 would be subject to site-specific health risk assessments, once specific development plans are finalized, that would propose site-specific mitigation

<sup>88</sup> *Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 283, 118; *Laurel Heights*, 47 Cal.3d at p. 393; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 711.

<sup>89</sup> **Exhibit 2**, pp. 3-4.

<sup>90</sup> Draft SEIR, pp. 82-84.

<sup>91</sup> **Exhibit 2**, p. 3.

<sup>92</sup> *Id.*, pp. 3-4.

<sup>93</sup> *Id.*

<sup>94</sup> *Id.*

<sup>95</sup> *Id.*

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measures to reduce TAC impacts to less-than-significant levels.<sup>96</sup> However, as Hornek explains, the Draft SEIR provides no evidence that any yet to be determined, future mitigation measures would ensure that significant impacts to residents from TAC exposure would be reduced to less than significant levels.<sup>97</sup> Hornek suggests that to mitigate TAC impacts, housing must be situated outside the zones of influence of all proximate roadway and stationary sources.<sup>98</sup> ***For the Tamalpais Valley sites, this is impossible because the sites are too small and are entirely located in the zones of influence of significant TAC sources.***<sup>99</sup> According to Hornek, the only possible mitigation for these sites is the installation of air filtration systems to reduce indoor risk to acceptable levels.<sup>100</sup> But these systems would do nothing for children playing outside or residents gardening who would have no protection from the high levels of TACs that pose significant cancer and other chronic and acute health risks.<sup>101</sup>

Mr. Hornek concludes that the Draft SEIR's screening risk assessment of TAC impacts to future residents of the Project's five Tamalpais Valley sites is inadequate. Further, there is no evidence that the Draft SEIR's proposed mitigation would reduce these significant impacts to less than significant levels. In Hornek's opinion, the County should remove sites 4, 9, 14, 18 and 19 from the Project's site inventory and "focus future County residential planning on sites that clearly meet BAAQMD screening criteria with a health margin of safety."<sup>102</sup>

#### **E. The Draft SEIR Fails to Adequately Disclose and Analyze Potentially Significant Impacts to Cultural Resources**

According to the 2007 Countywide Plan EIR, Marin County is rich in archaeological history.<sup>103</sup> The EIR states that there are 630 archaeological sites recorded in Marin County and an unknown number of unrecorded sites, including deposits and remains left by Native Americans.<sup>104</sup> The 2007 Countywide Plan EIR states that the Coast Miwok Indians once inhabited all of present-day Marin

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<sup>96</sup> Draft SEIR, p. 81.

<sup>97</sup> **Exhibit 2**, p. 5.

<sup>98</sup> *Id.*

<sup>99</sup> *Id.*

<sup>100</sup> *Id.*

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> 2007 Countywide Plan EIR, p. 4.11-12.

<sup>104</sup> *Id.*

County.<sup>105</sup> Also, archaeological evidence shows that the Coast Miwok inhabited areas near small bays, lagoons and streams.<sup>106</sup> Village sites “were often massive, covering two or more acres” and occupied by 300 or more people.<sup>107</sup>

The 2007 Countywide Plan EIR stated that development consistent with the Countywide Plan update could adversely affect archaeological resources<sup>108</sup> but concluded that Plan update “contains a number of policies and programs to reduce adverse changes to the significance of an archaeological or paleontological resource.”<sup>109</sup> One of these programs, HAR -1.a, “would update County sensitivity maps that identify potential locations of archaeological resources, and survey and evaluate existing archaeology resources every three years.”<sup>110</sup> According to the 2007 Countywide Plan EIR, this program is “important to help identify the potential for resources as some archaeological sites have not been revisited in many decades and the information on them is questionable.”<sup>111</sup> Another program, HAR-1.d, would subsequently require archaeological surveys for new development in those areas identified through program HAR-1.a as potential resource locations.<sup>112</sup> Finally, program HAR-1.e “would help ensure permanent protection of identified archaeological sites by requiring development avoid the resource and provide permanently deeded open space that incorporates the resource.”<sup>113</sup> The 2007 Countywide Plan EIR also concluded that the potential disturbance of human remains was a less-than-significant impact.

The Draft SEIR concludes, without any evidence whatsoever, that the Project “would not have any impact on archaeological or paleontological resources or on human remains.”<sup>114</sup> The Draft SEIR assumes, with no support, that with the Countywide Plan’s programs and policies, the Project would have a less-than-significant impact on these cultural resources.<sup>115</sup> The Draft SEIR provides no evidence that the County has implemented programs contained in the Countywide Plan, including HAR -1.a. As a result, it is impossible to implement program HAR-

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<sup>105</sup> *Id.*, p. 4.11-2.

<sup>106</sup> *Id.*

<sup>107</sup> *Id.*, p. 4.11-4.

<sup>108</sup> *Id.*, p. 4.11-13.

<sup>109</sup> *Id.*

<sup>110</sup> *Id.*

<sup>111</sup> *Id.*

<sup>112</sup> *Id.*

<sup>113</sup> *Id.*

<sup>114</sup> Draft SEIR, p. 114.

<sup>115</sup> *Id.*

continued

1.d and program HAR-1.e. Consequently, the Draft SEIR cannot conclude that with the programs and policies contained in the Countywide Plan, the Project's impact on cultural resources would be less than significant.

Moreover, since publication of the 2007 Countywide Plan EIR, new information shows that the Project's impacts to archaeological resources and human remains would be potentially significant. In 2008, when the Fireside was renovated, it was discovered that the project was located on top of a sacred Miwok burial ground.<sup>116</sup> The Fireside is located directly across the street from Project sites 9 and 18. The Draft SEIR completely fails to disclose this information. Because village sites "were often massive, covering two or more acres" and occupied by 300 or more people,<sup>117</sup> and a sacred Miwok burial ground was found directly across the street from two of the Project's proposed sites for housing development, substantial evidence shows that the Project may result in significant impacts to archaeological resources and human remains. The Draft SEIR's conclusion that the Project would not have any impact on archaeological or paleontological resources or on human remains, is not supported by substantial evidence.

The Draft SEIR also lacks evidence that the County has complied with SB 18 tribal consultation requirements. Countywide Plan policy HAR -2.2 requires the County to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain points during the planning process.<sup>118</sup> SB18 requires the County to consult with tribes prior to adopting or amending the general plan or any specific plan. SB18 specifically requires the County to send project information to the Native American Heritage Commission and request contact information for tribes with traditional lands or places located within the geographical area affected by the proposed project.<sup>119</sup> Further, SB18 requires the County to contact each tribe identified by the Native American Heritage Commission, in writing, and provide consultation opportunities regarding the proposed project.<sup>120</sup> The Draft SEIR completely fails to discuss the requirements of SB18 and provides no evidence that the County is complying with the requirements.

The County must prepare a revised EIR that adequately discloses and analyzes the Project's potentially significant impacts to cultural resources. The

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<sup>116</sup> See **Exhibit 3**: SF Gate, "*The spirited history of Marin County lankmark*," April 21, 2008.

<sup>117</sup> *Id.*, p. 4.11-4.

<sup>118</sup> *Id.*, p. 4.11-14.

<sup>119</sup> *Id.*

<sup>120</sup> *Id.*

14  
continued

County's conclusions must be supported by substantial evidence. The County must include the requirements of SB18 and provide evidence that the County is complying with the requirements.

**F. The Draft SEIR Fails to Adequately Disclose and Analyze Potentially Significant Impacts from Flooding**

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The Draft SEIR recognizes that, since publication of the 2007 Countywide Plan EIR, new information has become available, including an updated FEMA Flood Insurance Study and associated maps, and San Francisco Bay Conservation and Development Commission's ("BCDC") assessment of potential flooding impacts from climate-induced sea level rise.<sup>121</sup> According to the Draft SEIR, *all* of the Project's Tam Valley sites are exposed to tidal inundation per BCDC's assessment.<sup>122</sup>

To address this new information, the Draft SEIR incorporates Mitigation Measure Hydrology, Water Quality and Flooding Hazard-1. The measure requires the County to obtain BCDC's GIS files for County tidal inundation mapping and develop GIS layers, or prepare its own mapping based on predicted tidal elevations and topographic data.<sup>123</sup> This information will be compared to housing development applications "*to determine the suitability of the site for residential use* and the need for design measures or other measures to reduce flooding risks."<sup>124</sup>

The County's approach violates CEQA. The County must determine now whether the sites identified for housing development are suitable for residential use; the County cannot wait until after Project approval. The County's approach undermines the entire point of the CEQA process -- to offer the public and the decision makers the opportunity to weigh-in on a project's potentially significant impacts and an agency's proposed measures to mitigate those impacts. It is well-established that CEQA is not meant to be a *post hoc* rationalization of decisions that have already been made. "If post-approval environmental review were allowed, EIR's would likely become nothing more than post hoc rationalizations to support action already taken."<sup>125</sup>

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<sup>121</sup> Draft SEIR, pp. 166-167.

<sup>122</sup> *Id.*, pp. 186-187, 189.

<sup>123</sup> *Id.*, p. 184.

<sup>124</sup> *Id.* (emphasis added)

<sup>125</sup> *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 394.

**G. The Revised DEIR Fails to Disclose and Mitigate All Potentially Significant Impacts Due to Conflicts with the Countywide Plan**

CEQA requires an assessment of any inconsistencies between the Project and applicable general plans.<sup>126</sup> A significant impact on land use and planning would occur if the Project would “[c]onflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.”<sup>127</sup> The Project conflicts with several sections of the Countywide Plan. The inconsistencies are significant impacts that must be disclosed in a new Draft SEIR that is circulated for public review and comment.

Under California law, a general plan serves as a “charter for future development”<sup>128</sup>, and embodies “fundamental land use decisions that guide the future growth and development of cities and counties.”<sup>129</sup> The general plan has been aptly described as “the constitution for all future developments” within a city or county.<sup>130</sup> Further, the “propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements.”<sup>131</sup> The consistency doctrine has been described as the “linchpin of California’s land use and development laws; it is the principle which infuses the concept of planned growth with the force of law.”<sup>132</sup>

The Draft SEIR fails to acknowledge the Project’s conflicts with a number of the Countywide Plan’s policies and goals. These inconsistencies are significant environmental impacts. The following are examples of these inconsistencies:

- *Countywide Plan Goal BIO-5* is to preserve and enhance diversity of baylands ecosystems, including tidal marshes and adjacent uplands, seasonal marshes

<sup>126</sup> CEQA Guidelines § 15125(a), (d).

<sup>127</sup> CEQA Guidelines Appendix G, § IX(b).

<sup>128</sup> *Leshar Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 54.

<sup>129</sup> *City of Santa Ana v. City of Garden Grove* (1979) 100 Cal.App.3d 521, 532.

<sup>130</sup> *Families Unafraid to Uphold Rural El Dorado County v. Board of Supervisors of El Dorado County* (1998) 62 Cal.App.4th 1334, 1335.

<sup>131</sup> *Citizens of Goleta Valley v. Board of Supervisors of County of Santa Barbara* (1990) 52 Cal.3d 553, 570.

<sup>132</sup> *Corona-Norco Unified School District v. City of Corona* (1993) 17 Cal.App.4th 985, 994.

and wetlands. There is no evidence that the Project would preserve and enhance baylands ecosystems. On the contrary, the Project proposes high density residential development adjacent to Richardson Bay and Coyote Creek in Tamalpais Valley.

- *Countywide Plan Policy BIO-5.2* is to ensure development does not encroach into sensitive vegetation and wildlife habitats and *Countywide Plan Policy BIO-5.5* is to preserve and expand habitats. There is no evidence that the Project would not encroach into sensitive habitats or that the Project would preserve and enhance habitats. On the contrary, the Project proposes high density residential development adjacent to sensitive biological resource areas, including Coyote Creek and Richardson Bay. High density development proposed at these locations could obstruct important migratory corridors and disturb wildlife utilizing existing habitat, including the endangered California Clapper Rail and Salt Marsh Harvest Mouse, among others.

These are just two examples of the Project's many inconsistencies with the Countywide Plan's policies and goals. These inconsistencies must be disclosed in a revised EIR that is circulated for public review and comment.

#### IV. CONCLUSION

The County cannot rely on the 2007 Countywide Plan EIR to approve the Project. The County must prepare a subsequent EIR that adequately analyzes the Project's potentially significant impacts. As it stands, the Draft SEIR is a woefully inadequate CEQA document. The Draft SEIR's conclusions are not supported by substantial evidence. The Draft SEIR fails to adequately analyze the Project's potentially significant impacts with respect to air quality, flooding, hazardous materials, cultural resources and land use, among others. The County cannot approve the Project until an adequate EIR is prepared and circulated for public review and comment. Further, substantial evidence shows that to protect residents' health and safety, the County should remove the five Tamalpais Valley sites from the Project's housing inventory.

Sincerely,  
/s/  
Rachael E. Koss



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February 18, 2013

Rachael E. Koss  
Adams Broadwell Joseph & Cardozo  
601 Gateway Blvd., Suite 1000  
South San Francisco, CA 94080

**Subject:       Comments on the 2012 Draft Supplemental Environmental Impact Report and  
2012 Draft Marin County Housing Element for Marin County, California**

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Dear Ms. Koss:

We have reviewed the 2012 Draft Supplemental Environmental Impact Report (“DSEIR”) prepared for the 2012 Draft Marin County Housing Element (“2012 Housing Element”). Our review is focused on potential health impacts to workers and future residents who may be exposed to hazardous soil conditions related to past uses, which include gas stations and an automotive maintenance facility.

The 2012 Housing Element identifies 52 sites for housing development (DSEIR, Exhibits 3.0-13 and 3.0-14). We focused our review on five sites located in the Tam Valley region of Marin County, California:

- Site 4: 21 housing units at 204 Flamingo Road, former location of a Chevron gas station;
- Site 9: 3 units at 150 Shoreline Highway, former location of a Texaco gas station;
- Site 18: 45 housing units at 150 Shoreline Highway, former location of a Texaco gas station;
- Site 19: 60 housing units at 237 Shoreline Highway, former location of Tam J Retail and approximately 530 feet away from Site 4; and
- Site 14: 53 housing units at 217 and 221 Shoreline Highway, former location of Armstrong Nursery and approximately 700 feet away from Site 4 (See DSEIR, Exhibit 2.0-4 and Exhibit 2.0-14).

The DSEIR identifies two of these sites, Site 4 and Site 19, as contaminated from past industrial uses on or near the sites. Our review shows that the remaining three sites, Sites 9, 14 and 18, may be contaminated as well. Residential development on contaminated sites can pose significant risks to human health through exposure to contaminated soil through inhalation and dermal contact.

We have reviewed each site for all potential contaminants that may be present in soil and groundwater on the site and the health risks of these contaminants:

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Site 4: 204 Flamingo Road

The 2012 Housing Element proposes 21 housing units at Site 4, a 0.79-acre lot located at 204 Flamingo Road (DSEIR, p. 18). Site 4 is located on the site of a former Chevron gas station, which operated from 1950 to 2006. As part of regulatory site closure, four underground storage tanks (USTs), one hydraulic hoist, a waste oil tank, and all associated dispensers and piping were removed. One hydraulic hoist was removed prior to this work in 2006. One hundred and twelve tons of contaminated soil was also removed.<sup>1</sup>

In November 2009, following cleanup activities, the SF Bay Regional Water Quality Control Board (RWQCB) issued a closure letter for the site. The letter includes the following table showing the maximum concentrations of pollutants in the site’s soil and groundwater before and after cleanup:

MAXIMUM DOCUMENTED POLLUTANT CONCENTRATIONS BEFORE AND AFTER CLEANUP									
POLLUTANT	Soil (ppm)		Water (ppb)		POLLUTANT	Soil (ppm)		Water (ppb)	
	Before	After	Before	After		Before	After	Before	After
Total Oil & Grease		1,000		3,600	Ethylbenzene		0.007		52
TPH-g		19	4,900	5,000	Xylenes		0.068		740
TPH-ho		1,300	----	----	Toluene		0.003		930
TPH-d		540	44,000	1,400					
Benzene		0.006		240	MTBE		0.011		19

**Comments (Depth of Remediation, etc.):** Soils in UST areas excavated to approximately 8 fbg during 2006 UST removal. Over 112-tons of hydrocarbon-bearing soil was over-excavated from the tank pit area, dispenser island area. 57,280 gallons groundwater purged, treated and disposed.

We compared the concentrations of contaminated soil following cleanup to soil screening levels established by the SF Bay RWQCB for a direct exposure pathway for a commercial/industrial worker. A commercial/industrial scenario is representative of an on-site worker who spends all or most of their workday outdoors and is expected to be the most highly exposed.<sup>2</sup> Contaminated soil that remains at the site with a concentration of total petroleum hydrocarbons-diesel (TPH-d) at 540 ppm exceeds the RWQCB’s screening level of 450 ppm.<sup>3</sup>

We also compared soil sampling results after cleanup to direct exposure soil screening levels for the construction worker scenario. Construction workers are exposed to contaminated soil

<sup>1</sup> Subsurface Investigation Report, Former Chevron Station #9-0024.

<sup>2</sup> *Ibid.*, p. 6-7.

<sup>3</sup> SF Bay RWQCB, Screening for Environmental Concerns at sites with Contaminated Soil and Groundwater, Table K-2.

through incidental soil ingestion, dermal contact of soil, and inhalation of contaminated outdoor air.<sup>4</sup> TPH-hydraulic oil (ho) at 1,300 ppm exceeds the RWQCB's screening level of 1,000 ppm.<sup>5</sup>

We compared soil sampling results to the residential exposure scenario as well. Site soils contain TPH-d at 540 ppm which exceeds the RWQCB's screening level of 110 ppm.<sup>6</sup> TPH-ho at 1,300 ppm also exceeds the RWQCB's screening level of 370 ppm.<sup>7</sup>

Additionally, benzene may be present in soil vapor which may pose a risk to future residents. Benzene was detected in groundwater at 240 ppb after cleanup, a concentration which is below the SF Bay RWQCB screening level of 540 ppb for vapor intrusion concerns.<sup>8</sup> However, only one groundwater sample was collected and no samples of soil vapor have been collected. California state guidance states that a soil vapor investigation should include the collection of groundwater and soil vapor data.<sup>9</sup>

The SF Bay RWQCB closure letter stated that "residual contamination in both soil and groundwater at the site could pose an unacceptable risk under certain development activities such as site grading, excavation, or installation of water wells" which "could necessitate additional sampling, health risk assessment, and mitigation measures."<sup>10</sup> The DSEIR discloses only that "residual hydrocarbons [are] likely in soil" (DSEIR, p. 153). The DSEIR does not provide any detail on the type of hydrocarbons that may exist in site soils, their potential impacts on construction workers and future residents, and the necessity for additional sampling.

Housing development on the site will require extensive construction and soil disturbance that may expose workers to contaminated soil through inhalation and dermal contact. In addition, if contaminated soil is not cleaned up to levels below regulatory thresholds prior to residents moving in, residents may also be exposed to site contamination through dermal contact and vapor intrusion. Additionally, if TPH compounds exist in shallow soils, residential activities such as gardening may present a potential route of exposure for future residents.

TPH may affect the central nervous system and can cause headaches and dizziness at high levels in the air. One TPH compound can cause a nerve disorder called "peripheral neuropathy," consisting of numbness in the feet and legs while others can cause effects on the blood, immune

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<sup>4</sup> *Ibid.*, p. 6-8.

<sup>5</sup> SF Bay RWQCB, Screening for Environmental Concerns at sites with Contaminated Soil and Groundwater, Table K-3.

<sup>6</sup> *Ibid.*, Table K-1.

<sup>7</sup> *Ibid.*, Table K-1.

<sup>8</sup> SF Bay RWQCB, Screening for Environmental Concerns at sites with Contaminated Soil and Groundwater, Table E-1.

<sup>9</sup> California Environmental Protection Agency, Department of Toxic Substances Control, Los Angeles Regional Water Quality Control Board, San Francisco Regional Water Quality Control Board, Advisory Active Soil Gas Investigations. [http://www.dtsc.ca.gov/SiteCleanup/upload/VI\\_ActiveSoilGasAdvisory\\_FINAL\\_043012.pdf](http://www.dtsc.ca.gov/SiteCleanup/upload/VI_ActiveSoilGasAdvisory_FINAL_043012.pdf), p. 1

<sup>10</sup> SF Bay RWQCB, Former Chevron Station #9-0024 Site Closure Summary, November 18, 2009, p. 3/14.

17 continued

system, lungs, skin, and eyes.<sup>11</sup> Benzene causes harmful effects on the bone marrow, can cause a decrease in red blood cells leading to anemia, and is a known human carcinogen.<sup>12</sup>

Because sampling results exceed construction worker, commercial/industrial worker and residential exposure scenarios for various TPH-compounds, site development may pose significant health risks to workers and future residents. The Chevron station was closed under a commercial/industrial scenario and, because residential use is proposed, additional sampling is necessary, consistent with the SF Bay RWQCB conclusions in their closure letter. The additional sampling should provide the basis for a risk assessment that considers construction worker and residential exposure pathways and the results should be included in a revised DSEIR.

Sites 9 and 18: 150 Shoreline Highway

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The 2012 Housing Element proposes 48 housing units on Sites 9 and 18, located at 150 Shoreline Highway (DEIR, pp. 18, 32). The DSEIR states that these sites are not located in an area of impacted environmental quality (DSEIR, 153). However, our review shows otherwise. Our review reveals that a Texaco gas station was located at the proposed site.

Maps from the U.S. EPA show the Texaco station to be located at 156 Shoreline Highway<sup>13</sup>:

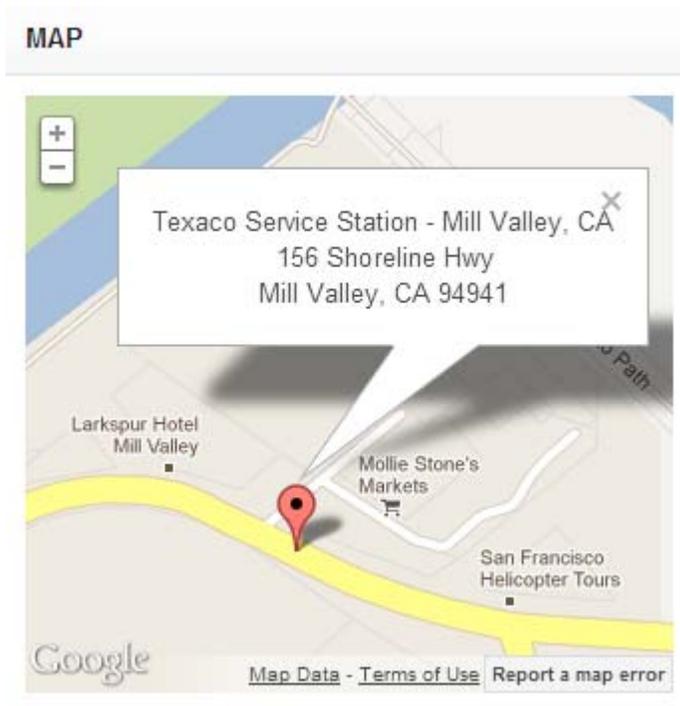
**Facility Detail Report**



<sup>11</sup> Agency for Toxic Substances and Disease Registry, TOXFAQs for Total Petroleum Hydrocarbons (TPH). <http://www.atsdr.cdc.gov/toxfaqs/tf.asp?id=423&tid=75>

<sup>12</sup> Agency for Toxic Substances and Disease Registry, TOXFAQs for Benzene. <http://www.atsdr.cdc.gov/toxfaqs/tf.asp?id=38&tid=14>

<sup>13</sup> See <http://epa-sites.findthedata.org/l/44675/Texaco-Service-Station>; and [http://iaspub.epa.gov/enviro/fii\\_query\\_detail\\_disp\\_program\\_facility?p\\_registry\\_id=110002824837](http://iaspub.epa.gov/enviro/fii_query_detail_disp_program_facility?p_registry_id=110002824837)



A resident of the area confirmed the existence of the gas station at the property and stated that the station was a full-service station, meaning that it not only sold gasoline but also performed numerous automobile maintenance procedures such as oil changes, brake work, tire replacement, and tune-ups.<sup>14</sup> The resident stated that the station closed down approximately 15 years ago. Review of Google Earth imagery corroborates this statement – historical imagery shows a structure to exist on the site until at least 2002 at which time the site appears to be vacant.

Based on the available evidence, we conclude that a Texaco gas station existed at Sites 9 and 18. The 2012 Housing Element, under “Environmental Considerations,” does not disclose that a gas station used to exist on the property. A full history of the past uses of these sites should be disclosed. Soil, soil vapor, and groundwater sampling should be conducted at Site 9 and Site 18, as TPH-compounds may potentially be present on the site (as seen at Site 4 which also was formerly used for a gas station). Results should be compared to appropriate construction worker and residential exposure scenario screening levels to identify whether site development for housing units will expose workers or future residents to significant health impacts from potentially contaminated soil and groundwater from the property’s former use.

#### Site 19: 237 Shoreline Highway

The DSEIR identifies Site 19, at 237 Shoreline Highway, as a site for 60 housing units (DSEIR, p. 32). Site 19 is the former location of Tam J Retail and located directly across the street and approximately 530 feet to the east of Site 4. The DSEIR states that shallow groundwater at the

<sup>14</sup> Personal communication with Rachael Koss via e-mail dated February 10, 2013.

site may be impacted from a nearby gas station and that “remnants of volatile organic compounds could pose a potential vapor intrusion risk for residential land use” at Site 19 (DSEIR, p. 155).

Because the DSEIR identifies a potential vapor intrusion risk from remnant volatile organic compounds, a soil vapor sampling investigation should be conducted in accordance with California guidance for the collection of groundwater, soil, and soil vapor data. The results of the investigation should be included in a revised DSEIR.

#### Site 14: 217 and 221 Shoreline Highway

The 2012 Housing Element proposes 53 housing units at 217 and 221 Shoreline Highway, a 1.77-acre lot (DSEIR, p. 19). These sites are located approximately 700 feet to the southeast of Site 4. Because the DSEIR identifies the risk for potential vapor intrusion from the former Chevron station at Site 4, we conclude that the same risks could potentially exist at Site 14 as well.

A soil vapor sampling investigation should also be conducted at Site 14 in accordance with California guidance and results from the investigation should be disclosed in a revised DSEIR.

Our review has shown that TPH-contaminated soil, at levels exceeding construction worker and residential scenarios, exists at Site 4 and may also impact soils at Sites 14 and 19. Sites 9 and 18 may be impacted from past use of the site as a Texaco gas station. Contaminant concentrations may pose health risks to workers and future residents from soil disturbances during Project construction and through vapor intrusion. Based on these findings, we recommend that soil vapor investigations be conducted at all sites and results of the investigation be compared to appropriate thresholds. To ensure that future residents will not be exposed to contaminants through a vapor intrusion pathway and reduce contamination to levels that do not pose significant risks to human health<sup>15</sup>, mitigation measures such as vapor barriers should be implemented, e.g. installation of sub-slab liners below the building to block the entry of vapors.<sup>16</sup> If reduction of contamination below screening levels is not possible, land use covenants to restrict construction on the site and notify personnel that may come into contact with contaminated soil may be necessary.<sup>17</sup>

Additionally, site development may result in movement of contamination to adjacent waterways and threaten biological and hydrological resources. Development of these sites will involve grading, vegetation removal, and other site preparation work such as excavation (DSEIR, p. 206). Site soils will be excavated and stockpiled awaiting final preparation for construction of the site. Stockpiled soil may be subject to wind and water erosion and the DSEIR itself states that development consistent with the

<sup>15</sup> Department of Toxic Substances Control, California Environmental Protection Agency, Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air (Vapor Intrusion Guidance). [http://www.dtsc.ca.gov/AssessingRisk/upload/Final\\_VIG\\_Oct\\_2011.pdf](http://www.dtsc.ca.gov/AssessingRisk/upload/Final_VIG_Oct_2011.pdf), p. 37.

<sup>16</sup> Department of Toxic Substances Control, California Environmental Protection Agency, Vapor Intrusion Mitigation Advisory. [http://www.dtsc.ca.gov/SiteCleanup/upload/VIMA\\_Final\\_Oct\\_2011.pdf](http://www.dtsc.ca.gov/SiteCleanup/upload/VIMA_Final_Oct_2011.pdf), p. 16.

<sup>17</sup> Department of Toxic Substances Control, California Environmental Protection Agency, Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air (Vapor Intrusion Guidance). [http://www.dtsc.ca.gov/AssessingRisk/upload/Final\\_VIG\\_Oct\\_2011.pdf](http://www.dtsc.ca.gov/AssessingRisk/upload/Final_VIG_Oct_2011.pdf), p. 38.

Housing Element could result in “erosion and downstream sedimentation of Marin County waterways” (DSEIR, p. 176).

During periods of rainfall, water may wash over stockpiled and eroded soil, entrain TPH-compounds from contaminated soil in Project runoff and discharge to adjacent waterways. Sites 4, 9, and 19 drain to Richardson Bay while Sites 14 and 18 drain to Coyote Creek (DSEIR, pp. 186-189). Coyote Creek is a tributary to Richardson Bay, which supports numerous special status plants and animals including populations of California Species of Special Concern.<sup>18</sup> Both waterways are listed as impaired<sup>19</sup> under the California Regional Water Quality Control Board’s 303(d) List of Impaired Water Bodies. Contaminated Project runoff into these waterways will further degrade water quality and pose a threat to biological and hydrological resources.

The DSEIR states that a Stormwater Pollution Prevention Plan (SWPPP) will be prepared, if necessary, to address post-construction measures that control erosion and sedimentation (DSEIR, p. 119). We recommend that a SWPPP be prepared to also address construction activities such as grading, trenching, excavating, and stockpiling of soils that may result in discharge of TPH-contaminated Project runoff to Coyote Creek and Richardson Bay. Best management practices, specifically designed to address TPH-contamination in soil, such as sorbent socks should be identified in the SWPPP.

Sincerely,



Matt Hagemann, P.G., C.Hg., QSD, QSP



Uma Bhandaram

<sup>18</sup> Marin County Watershed Program. [http://www.marinwatersheds.org/richardson\\_bay.html](http://www.marinwatersheds.org/richardson_bay.html)

<sup>19</sup> See [http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/2010state\\_ir\\_reports/category5\\_report.shtml](http://www.waterboards.ca.gov/water_issues/programs/tmdl/2010state_ir_reports/category5_report.shtml); and [http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/2010state\\_ir\\_reports/category4a\\_report.shtml](http://www.waterboards.ca.gov/water_issues/programs/tmdl/2010state_ir_reports/category4a_report.shtml)



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**Matthew F. Hagemann, P.G., C.Hg., QSD, QSP**

**Geologic and Hydrogeologic Characterization  
Industrial Stormwater Compliance  
Investigation and Remediation Strategies  
Litigation Support and Testifying Expert  
CEQA Review**

**Education:**

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

**Professional Certification:**

California Professional Geologist

California Certified Hydrogeologist

Qualified SSWPP Developer and Practitioner

**Professional Experience:**

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – present;
- Senior Environmental Analyst, Komex H2O Science, Inc (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

**Senior Regulatory and Litigation Support Analyst:**

With SWAPE, Matt’s responsibilities have included:

- Lead analyst and testifying expert in the review of numerous environmental impact reports under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions and geologic hazards.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt’s duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.
- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

### **Executive Director:**

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

### **Hydrogeology:**

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

**Policy:**

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

### **Geology:**

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

### **Teaching:**

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt currently teaches Physical Geology (lecture and lab) to students at Golden West College in Huntington Beach, California.

### **Invited Testimony, Reports, Papers and Presentations:**

**Hagemann, M.F.**, 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

**Hagemann, M.F.**, 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

**Hagemann, M.F.**, 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

**Hagemann, M.F.**, 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

**Hagemann, M.F.**, 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

**Hagemann, M.F.**, 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

**Hagemann, M.F.**, 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

**Hagemann, M.F.**, 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

**Hagemann, M.F.**, 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

**Hagemann, M.F.**, 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

**Hagemann, M.F.**, 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

**Hagemann, M.F.**, 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

**Hagemann, M.F.**, 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

**Hagemann, M.F.**, 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

**Hagemann, M.F.**, and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

**Hagemann, M.F.**, 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

**Hagemann, M.F.**, 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

**Hagemann, M.F.**, and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

**Hagemann, M.F.**, Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

**Hagemann, M. F.**, Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

**Hagemann, M.F.**, 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

**Hagemann, M.F.** and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

**Hagemann, M.F.**, 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

**Hagemann, M.F.**, 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

**Other Experience:**

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.

## **GEOFFREY H. HORNEK**

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February 19, 2013

Rachael E. Koss  
Adams Broadwell Joseph & Cardozo  
601 Gateway Boulevard, Suite 1000  
South San Francisco, CA 94080

**Subject: Comments on the air quality analysis done for the 2012 Draft Supplemental Environmental Impact Report for the 2012 Draft Marin County Housing Element**

Dear Ms. Koss:

Thank you for asking me to review and comment on the air quality analysis done for the *2012 Draft Supplemental Environmental Impact Report for the 2012 Draft Marin County Housing Element* (DSEIR). As a consultant in environmental air quality and acoustics, I have more than 20 years of experience in the preparation and review of environmental technical reports for a wide variety of commercial, transportation, and urban development projects in California. I include at the end of this letter a more complete resume of my qualifications and experience in this field for your consideration.

Since the late 1990s, research studies have increasingly and consistently shown an association between respiratory and other health effects and the proximity of sensitive populations to high-traffic roadways where cars and trucks emit toxic air contaminants (TACs) in large quantities over extended periods of time; diesel exhaust, in particular, has been found to be responsible for much of the overall cancer risk from TACs in California. Other TACs emitted by mobile and stationary sources also contribute substantially to the health burden (e.g., perchloroethylene, a solvent most commonly used by dry cleaners, has been identified as a potential cancer-causing compound). Among the pioneering studies that have led to an increasing focus on TAC exposure abatement in statewide air quality improvement programs are the following:

- Brunekreef, B. et al. *Air pollution from truck traffic and lung function in children living near motorways*. *Epidemiology*. 1997; 8:298-303
- Lin, S. et al. *Childhood asthma hospitalization and residential exposure to state route traffic*. *Environ Res*. 2002;88:73-81
- Venn et al. *Living near a main road and the risk of wheezing illness in children*. *American Journal of Respiratory and Critical Care Medicine*. 2001; Vol.164, pp. 2177-2180

- Kim, J. et al. *Traffic-related air pollution and respiratory health: East Bay Children's Respiratory Health Study*. American Journal of Respiratory and Critical Care Medicine 2004; Vol. 170. pp. 520-526

These findings and others were taken under consideration by the California Air Resources Board (CARB) in developing the *Air Quality and Land Use Handbook: A Community Health Perspective* (April 2005). In this document, the CARB made recommendations for consideration by local planning agencies when siting new residences and other sensitive uses (i.e., schools, day care centers, playgrounds, and medical facilities, etc.). These sensitive land uses deserve special attention because children, pregnant women, the elderly, and those with existing health problems are especially vulnerable to air pollutants.

Research in the field of TAC exposures and health outcomes has increased since the CARB *Handbook* was issued and the findings have confirmed earlier results and identified new adverse health effects that significantly correlate with TAC exposures. A recent cursory search of the National Center for Biotechnology Information's PubMed database brought up the following sample of research papers that continue to raise and deepen concerns about TACs (abstracts for these are attached; many other similar papers issued since the *Marin Countywide Plan* was adopted in 2007 can easily be found by a more extensive PubMed search):

- Patel, MM et al. *Traffic-related air pollutants and exhaled markers of airway inflammation and oxidative stress in New York City adolescents*. Environ Res. 2012 Nov 22
- Dadvand, P et al. *Maternal Exposure to Particulate Air Pollution and Term Birth Weight: A Multi-Country Evaluation of Effect and Heterogeneity*. Environ Health Perspect. 2012 Feb 6.
- Brunekreef, B et al. *Effects of long-term exposure to traffic-related air pollution on respiratory and cardiovascular mortality in the Netherlands: the NLCS-AIR study*. Res Rep Health Eff Inst. 2009 Mar.
- Padula, AM et al. *Exposure to traffic-related air pollution during pregnancy and term low birth weight: estimation of causal associations in a semiparametric model*. Am J Epidemiol. 2012 Nov.
- Gan, WQ et al. *Associations of Ambient Air Pollution with Chronic Obstructive Pulmonary Disease Hospitalization and Mortality*. Am J Respir Crit Care Med. 2013 Feb 7.
- Yackerson, NS et al. *The influence of air-suspended particulate concentration on the incidence of suicide attempts and exacerbation of schizophrenia*. Int J Biometeorol. 2013 Jan 16.
- Faustini, A et al. *Air pollution and multiple acute respiratory outcomes*. Eur Respir J. 2013 Jan 11.
- Zora, JE et al. *Associations between urban air pollution and pediatric asthma control in El Paso, Texas*. Sci Total Environ. 2013 Jan 8.
- Willers, SM et al. *Fine and coarse particulate air pollution in relation to respiratory health in Sweden*. Eur Respir J. 2013 Jan 11.
- Lewis, TC et al. *Air pollution and respiratory symptoms among children with asthma: Vulnerability by corticosteroid use and residence area*. Sci Total Environ. 2012 Dec 26.

Locally, the Bay Area Air Quality Management District (BAAQMD) has made TACs a centerpiece of its air quality planning efforts. The Community Air Risk Evaluation (CARE) program was initiated in 2004 to evaluate and reduce health risks associated with exposures to TACs in the Bay Area. And more recently, the BAAQMD has revised its TAC assessment methodologies and significant thresholds in its *California Environmental Quality Act Air Quality Guidelines* (May 2011). Of particular use for my review of the DSEIR are the health risk screening tools in the BAAQMD Guidelines that present the major roadway and stationary sources in the Bay Area and allow preliminary conclusions to be drawn about the risks they pose to new sensitive uses proposed

for development nearby, based on recommended significance thresholds for cancer risk, other chronic health effects, and exposure to airborne fine particulate matter (PM<sub>2.5</sub>).

Although the *Marin County Housing Element* identifies 52 sites for residential development, I focused my review of the DSEIR air quality findings on the potential TAC health risks to future residents on the following sites in Tamalpais Valley:

- Site #4 - Old Chevron Station (21 units proposed at 204 Flamingo Road);
- Site #9 - Manzanita Mixed Use (3 units proposed at 150 Shoreline Highway);
- Site #14 - Armstrong Nursery (53 units proposed at 217 & 211 Shoreline Highway);
- Site #18 - Around Manzanita (45 units proposed at 150 Shoreline Highway); and
- Site #19 - Tam Junction Retail (60 units proposed at 237 Shoreline Highway).

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In general, the DSEIR air quality analysis references the BAAQMD *Guidelines* TAC screening tools and significance thresholds, but is not very precise in the application of the TAC screening criteria to all sites, nor very clear in identifying sites that would experience significant TAC impacts and all sources responsible, nor very specific about the limitations of its generic mitigation strategies when applied to the specific character of each identified significantly-impacted site. I did an independent health risk screening analysis by applying the BAAQMD exposure levels from roadways and stationary sources within each of the Tamalpais Junction sites' zones of influence (i.e., within 1000 feet of each site boundary) and drew my own conclusions based on estimated TAC levels and their comparisons with BAAQMD significance criteria for cancer risk, non-cancer hazard and PM<sub>2.5</sub> level.<sup>1</sup>

As shown in Table 1, all of the Tamalpais Junction sites are located within the zone of influence of a number of strong roadway and stationary TAC sources as identified in the BAAQMD's listings. With regard to the Tamalpais Valley sites, the DSEIR identifies Sites #4 and #19 as subject to a potentially significant cancer risk to future residents from TACs emitted from one stationary source, Shoreline Cleaners (DSEIR, pp. 82 - 84, Exhibit 3.0-4.), but the DSEIR does not disclose the severity of this risk. Shoreline Cleaners poses a cancer risk of 73.4, compared to the BAAQMD threshold of 10. In addition, the DSEIR fails to disclose another significant source of TACs, the County of Marin Crest Marin Pump Station Generator, which poses an additional risk of 52.7, also well above the BAAQMD threshold of 10. The DSEIR also fails to report that Site #14 would also be subject to the same potential significant cancer risks from these same two stationary sources, and that all three sites could experience a significant cumulative cancer risk (143.6, compared with the significant cumulative BAAQMD threshold of 100) from collective TAC emissions from all roadway and stationary sources in their zone of influence. Finally, the DSEIR also fails to report that Sites #9 and #18 would also be subject to potential significant cancer risk from TACs emitted by Highway 1 traffic (13.5, compared the BAAQMD threshold of 10) and by the Sausalito Marin City Sanitary District Generator(14.7, compared the BAAQMD threshold of 10).

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<sup>1</sup> For a less-than-significant project-level TAC impact, a cancer risk should be less than 10 chances of cancer death from a lifetime exposure at the specified TAC concentration, a non-cancer hazard index should be less than 1.0, and an annual PM<sub>2.5</sub> concentration should be less than 0.3 micrograms per cubic meter.

For a less-than-significant cumulative TAQ impact, a cancer risk should be less than 100 chances of cancer death from a lifetime exposure at the specified TAC concentration, a non-cancer hazard index should be less than 10.0, and an annual PM<sub>2.5</sub> concentration should be less than 0.8 micrograms per cubic meter.

**Table 1: Toxic Air Contaminant (TAC) Health Risk Screening Analysis – Estimated Health Risks at Proposed Marin County Housing Sites in the Vicinity of Tamalpais Valley**

Housing Site(s)	TAC Source in Zone of Influence	Cancer Risk (Chances of Cancer Death per Million Exposed)	Chronic Hazard Index	PM2.5 Concentration
#9 Manzanita Mixed Use (150 Shoreline Highway)	Highway 101	8.3*	0.008*	0.087*
	Highway 1	<b>13.5*</b>	0.013*	0.156*
# 18 Around Manzanita/ Manzanita Mixed Use (150 Shoreline Highway)	Sausalito Marin City Sanitary District Generator (15 Shoreline Highway)	<b>14.7</b>	0.005	0.026
	<b>All Sources</b>	<b>36.5</b>	<b>0.026</b>	<b>0.269</b>
#4 Old Chevron Station (204 Flamingo Road)	Highway 1	9.7*	0.013*	0.117*
	County of Marin, Crest Marin Pump Station Generator (290 Tennessee Valley Road)	<b>52.7</b>	0.019	0.012
#14 Armstrong Nursery (217/ 221 Shoreline Highway)	European Tailoring & Cleaners (237 Shoreline Highway)	7.8	0.021	0.0
#19 Tam Junction Retail (237 Shoreline Highway)	Shoreline Cleaners (203 Flamingo Road)	<b>73.4</b>	0.195	0.0
	<b>All Sources</b>	<b>143.6</b>	<b>0.248</b>	<b>0.129</b>

Source: *California Environmental Quality Act Air Quality Guidelines* (BAAQMD, Updated May 2011) & *Recommended Methods for Screening and Modeling Local Risks and Hazards* (BAAQMD, May 2010).  
 \* Estimated health risks from identified roadways at the on-site location of closest approach to the roadways.  
 Exceedances of BAAQMD project or cumulative thresholds shown in **red**.

The DSEIR states that potentially significant impacts related to TACs could occur on certain housing sites identified by the DSEIR screening analysis, but concludes that additional site-specific health risk assessments conducted at these sites, once specific development plans are finalized, would propose site-specific mitigations that would reduce TAC impact to a less-than-significant level (DSEIR, p. 81). While additional site-specific analyses for the Tamalpais Junction sites would be essential for specific residential development plans

proposed for any of the sites in the future, it is not clear that any proposed mitigations identified by such studies would be able to guarantee that TAC impacts would be reduced to a less-than-significant level for all possible exposure circumstances. The best solution for sites that have high TAC exposures would be to situate the proposed housing units on each site so that they are outside the zones of influence of all proximate roadway and stationary sources. But this is not feasible for any the Tamalpais Valley sites; all are relatively small and the entire sites are located within the zones of influence of significant TAC sources. The only possible mitigation measure for the Tamalpais Junction sites would be to fit the proposed residential buildings with air filtration systems to reduce indoor risk to acceptable levels. The problem with this is that there would be no assurance that these systems would be maintained sufficiently to assure acceptable long-term exposures to the future residents (i.e., commonly assumed to be 30-70 years for the purposes of residential health risk assessment). Moreover, indoor air filtration fails to address outdoor exposures to TACs. Children playing outside, or residents gardening, would have no protection from the high levels of TACs, which would pose cancer and other chronic and acute risks that would be additive to the risk imposed by their indoor exposure.

My conclusion is that the DSEIR screening risk assessment is inadequate to assure that future residents of any housing units built on any of the Tamalpais Junction sites would not be exposed to unacceptable TAC levels. Further, there is no evidence that future, in-depth health risk assessments could assure that TAC exposures would meet BAAQMD standards. Therefore, the County should remove sites 4, 9, 14, 18 and 19 from the Housing Element list and focus future County residential planning on sites that clearly meet BAAQMD screening criteria with a healthy margin of safety.

Sincerely,

/s/

Geoffrey H. Hornek

# Geoffrey H. Hornek

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## Education

M.S., Applied Science/Engineering,

University of California,

Davis/Livermore, 1980

B.A., Physics, Queens College,

1974

## Professional Affiliations

American Physical Society

Air and Waste Management

Association

Mr. Hornek is an environmental scientist and engineer with more than 20 years of experience in environmental and occupational air quality and noise analysis. He has prepared many technical reports for a wide variety of industrial, commercial, transportation, and urban development projects and is well-versed in the federal, state, and local regulatory framework that guides development. He has excellent working relationships with public agency contacts and environmental professionals in urban and transportation planning and a wide variety of government and industry sectors.

Mr. Hornek's technical capabilities include measuring ambient air pollutant and noise levels, performing computer-based air dispersion and noise attenuation modeling, conducting air toxic health risk assessments, and designing environmentally superior alternatives to mitigate air pollutant and noise problems and their related health impacts. He has completed study towards a master of public health degree in environmental health from the University of Minnesota School of Public Health. His thesis research involves methods for reconstructing occupational air pollutant exposure histories using computer models and statistical techniques.

His selected project experience includes:

### Large-Scale Urban Development

**Candlestick Point-Hunters Point Shipyard Phase 2 Development Plan, San Francisco, California.** Mr. Hornek provided senior review of the air quality and noise technical studies and was directly responsible for the operational air pollutant emissions estimates and the traffic noise impact assessment. This project involved the preparation of an EIR for the redevelopment of the largest undeveloped parcel still remaining in San Francisco with a high-density, transit-oriented mix of land uses, including a new football stadium for the San Francisco 49ers.

**City of Oakland 2007-2014 Housing Element, Oakland, California.** Mr. Hornek provided senior review of the air quality and noise technical studies and was directly responsible for assessment of the potential housing opportunity sites with respect to air toxic sources within the City. The Housing Element outlines goals and policies that direct future housing development and identifies the locations where future housing could be developed with the goal of identifying locations for 13,501 new housing units to be built during the planning period.

**Railyards Specific Plan Environmental Impact Report, Sacramento, California.** Mr. Hornek provided senior review of the air quality and noise technical studies and was directly responsible for the construction phase ozone precursor emissions estimates and overall project greenhouse gas emission inventories. This project involves the preparation of an EIR for the redevelopment of the large UPRR rail yards site north of Sacramento's downtown. The site will support a high-density, mixed-use development together with a state-of-the-art intermodal transportation facility that will bring together heavy rail, light rail, local and intercity bus transit, and potentially high speed rail.

**Air Pollutant and Noise Measurement/Modeling**

**Stanford University Medical Center Replacement Project, Palo Alto, California.** Mr. Hornek performed noise measurements on the existing hospital's rooftop ventilation and air conditioning equipment, which provided constraints on the noise-generating characteristics of the proposed equipment on the new hospital to avoid noise impacts in the adjacent residential areas

**Baltimore Ravine Residential Air Toxic Health Risk Assessment, Auburn, California.** Mr. Hornek performed air dispersion modeling and evaluated the potential health risk on-site due to a proposed residential project's proximity to the I-80 freeway and a main Union Pacific rail line, both major sources of diesel particulate matter emissions from trucks and trains.

**City of Newport Beach General Plan Update, Newport Beach, California.** Mr. Hornek prepared the air quality and noise studies for the General Plan Update and EIR. He recalculated the noise contour map based on updated traffic information. The noise element specifically addresses noise impacts to and compatibility of the community with John Wayne Airport. The project received numerous awards including the California American Planning Association (APA) Project Award Winner in 2007 and Orange County APA Section Award Winner 2007.

**San Francisco Giants Ballpark, San Francisco, California.** Mr. Hornek assessed the environmental impacts of the San Francisco Giants' new ballpark. He developed an air pollutant estimating methodology that was sensitive to the anticipated shift in fan travel modes to the proposed ballpark site in downtown San Francisco from the old Candlestick Point site.

**Russell Ranch Sound Wall Specifications, Folsom, California.** Mr. Hornek evaluated the adequacy of roadside sound walls proposed for a large residential development adjacent to I-80. The modeling was sensitive to the topographical features of the Sierra foothills site and to the traffic circulation on internal roadways.

**Les Masson Provencal Senior Center Carbon Monoxide Modeling, Saratoga, California.** Mr. Hornek performed CO dispersion modeling for a senior residential and nursing facility on a site adjacent to a major freeway. He conducted a workshop on the carbon monoxide health impacts for the Saratoga Planning Commission during the approval process.

**Transportation**

**eBART Environmental Impact Statement and Environmental Impact Report, San Francisco, California, Bay Area Rapid Transit (BART) and Federal Transit Administration(2006-2009).** eBART will be the first BART extension requiring a commitment by local jurisdictions to promote ridership through specific land use and access changes around the proposed station areas. Mr. Hornek provided senior review of the air quality, noise and energy technical studies for the extension of BART rail transit service to the communities of Pittsburg, Antioch, Brentwood, and Oakley.

**California Avenue Caltrain Station Noise Analysis, City of Palo Alto, California.** The City is developing an area surrounding the California Avenue Caltrain station as a pedestrian transit-oriented development district (PTOD). Mr. Hornek evaluated the potential for increased train and motor vehicle noise impacts, including noise reflection from the taller proposed buildings in the PTOD, and identified structural features to be avoided in the new buildings to assure that noise reflection would be minimized.

**South San Francisco Water Transit Authority Ferry Terminal Environmental Impact Report and Environmental Assessment, San Francisco Bay Area Water Transit Authority, California.** This project represents the first new terminal site as well as the first site-specific analysis following certification of the Program EIR for expanded ferry service. As senior scientist, Mr. Hornek is responsible for reviewing the previously prepared air quality technical study to incorporate its methodology into the project-level analysis of the proposed ferry terminal.

**Sand Hill Road Extension, Cities of Palo Alto and Menlo Park, California.** Mr. Hornek prepared air quality and noise sections for the Master EIR that analyzed the environmental consequences of a series of projects on Sand Hill Road near Stanford University. The Master EIR addressed technical environmental issues, the most controversial of which included traffic circulation along Sand Hill Road and its air quality and noise consequences.

#### **Energy and Utility Infrastructure**

**Yuima Municipal Water District Pipeline, Pauma Valley, California.** Mr. Hornek directed the noise measurement survey and provided senior review of the technical study for the project.

**Trousdale Drive Pumping Station, Burlingame, California.** Mr. Hornek performed noise measurements near an existing water pumping station, which provided constraints on the noise-generating characteristics of the proposed replacement pumps to avoid noise impacts in the adjacent residential area.

**Sacramento Municipal Utility District Florin Gas Field Natural Gas Storage Facility, Sacramento, California.** Mr. Hornek performed the construction phase ozone precursor emissions estimates and mitigation fee estimates required for approval by the Sacramento Municipal Air Quality Management District.

**SOCAL Gas Company Natural Gas Transmission Line 6902 Replacement Project, Hayfield to Calexico.** Mr. Hornek identified air quality and noise impacts associated with pipeline construction.

**Harwood Biomass-Fueled Power Plant, Mendocino County, California.** Mr. Hornek performed peer review of air quality technical study supporting permit issuance.

**Santa Clara Civic Center Cogenerating Power Plant, Santa Clara County, California.** Mr. Hornek conducted omission inventory and dispersion modeling for air district permit.

1. Environ Res. 2012 Nov 22. pii: S0013-9351(12)00312-X. doi: 10.1016/j.envres.2012.10.012.  
[Epub ahead of print]

# Traffic-related air pollutants and exhaled markers of airway inflammation and oxidative stress in New York City adolescents.

[Patel MM](#), [Chillrud SN](#), [Deepti KC](#), [Ross JM](#), [Kinney PL](#).

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## Abstract

Exposures to ambient diesel exhaust particles have been associated with respiratory symptoms and asthma exacerbations in children; however, epidemiologic evidence linking short-term exposure to ambient diesel exhaust particles with airway inflammation is limited. We conducted a panel study with asthmatic and nonasthmatic adolescents to characterize associations between ambient diesel exhaust particle exposures and exhaled biological markers of airway inflammation and oxidative stress. Over four weeks, exhaled breath condensate was collected twice a week from 18 asthmatics and 18 nonasthmatics (ages 14-19 years) attending two New York City schools and analyzed for pH and 8-isoprostane as indicators of airway inflammation and oxidative stress, respectively. Air concentrations of black carbon, a diesel exhaust particle indicator, were measured outside schools. Air measurements of nitrogen dioxide, ozone, and fine particulate matter were obtained for the closest central monitoring sites. Relationships between ambient pollutants and exhaled biomarkers were characterized using mixed effects models. Among all subjects, increases in 1- to 5-day averages of black carbon were associated with decreases in exhaled breath condensate pH, indicating increased airway inflammation, and increases in 8-isoprostane, indicating increased oxidative stress. Increases in 1- to 5-day averages of nitrogen dioxide were associated with increases in 8-isoprostane. Ozone and fine particulate matter were inconsistently associated with exhaled biomarkers. Associations did not differ between asthmatics and nonasthmatics. The findings indicate that short-term exposure to traffic-related air pollutants may increase airway inflammation and/or oxidative stress in urban youth and provide mechanistic support for associations documented between traffic-related pollutant exposures and respiratory morbidity.

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PMID: 23177171 [PubMed - as supplied by publisher]

# Maternal Exposure to Particulate Air Pollution and Term Birth Weight: A Multi-Country Evaluation of Effect and Heterogeneity.

[Dadvand P](#), [Parker J](#), [Bell ML](#), [Bonzini M](#), [Brauer M](#), [Darrow L](#), [Gehring U](#), [Glinianaia SV](#), [Gouveia N](#), [Ha EH](#), [Leem JH](#), [van den Hooven EH](#), [Jalaludin B](#), [Jesdale BM](#), [Lepeule J](#), [Morello-Frosch R](#), [Morgan GG](#), [Pesatori AC](#), [Pierik FH](#), [Pless-Mulloli T](#), [Rich DQ](#), [Sathyanarayana S](#), [Seo J](#), [Slama R](#), [Strickland M](#), [Tamburic L](#), [Wartenberg D](#), [Nieuwenhuijsen MJ](#), [Woodruff TJ](#).

Centre for Research in Environmental Epidemiology (CREAL) and Municipal Institute of Medical Research (IMIM-Hospital del Mar), Barcelona, Spain; and CIBER Epidemiologia y Salud Pública (CIBERESP), Spain.

## Abstract

### BACKGROUND:

A growing body of evidence has associated maternal exposure to air pollution with adverse effects on fetal growth; however, the existing literature is inconsistent.

### OBJECTIVES:

To quantify the association between maternal exposure to particulate air pollution and term birth weight and low birth weight (LBW) across fourteen centers from nine countries and to explore the influence of site characteristics and exposure assessment methods on between-center heterogeneity in this association.

### METHODS:

Using a common analytical protocol, International Collaboration on Air Pollution and Pregnancy Outcomes (ICAPPO) centers generated effect estimates for term LBW and continuous birth weight associated with PM<sub>10</sub> and PM<sub>2.5</sub>. We used meta-analysis to combine the estimates of effect across centers (~3 million births) and used meta-regression to evaluate the influence of center characteristics and exposure assessment methods on between-center heterogeneity in reported effect estimates.

### RESULTS:

In random effects meta-analyses, term LBW was positively associated with 10- $\mu\text{g}/\text{m}^3$  increase in PM10 (OR = 1.03; 95% CI: 1.01, 1.05) and PM2.5 (OR= 1.10; 95% CI: 1.03, 1.18) exposure during the entire pregnancy, adjusted for maternal socioeconomic status. 10- $\mu\text{g}/\text{m}^3$  increase in PM10 exposure was also negatively associated with term birth weight as a continuous outcome in the fully adjusted random effects meta-analyses (-8.9g; 95% CI: -13.2, -4.6g). Meta-regressions revealed that centers with higher median PM2.5 levels and PM2.5/PM10 ratios, and centers that used a temporal exposure assessment (compared to spatiotemporal), tended to report stronger associations.

## **CONCLUSION:**

Maternal exposure to particulate pollution was associated with low birth weight at term across study populations. We detected three site characteristics and aspects of exposure assessment methodology that appeared to contribute to the variation in associations reported by centers.

# Effects of long-term exposure to traffic-related air pollution on respiratory and cardiovascular mortality in the Netherlands: the NLCS-AIR study.

[Brunekreef B](#), [Beelen R](#), [Hoek G](#), [Schouten L](#), [Bausch-Goldbohm S](#), [Fischer P](#), [Armstrong B](#), [Hughes E](#), [Jerrett M](#), [van den Brandt P](#).

Division of Environmental Epidemiology, Institute for Risk Assessment Sciences, Utrecht University, Utrecht, The Netherlands.

## Abstract

Evidence is increasing that long-term exposure to ambient air pollution is associated with deaths from cardiopulmonary diseases. In a 2002 pilot study, we reported clear indications that traffic-related air pollution, especially at the local scale, was related to cardiopulmonary mortality in a randomly selected subcohort of 5000 older adults participating in the ongoing Netherlands Cohort Study (NLCS) on diet and cancer. In the current study, referred to as NLCS-AIR, our objective was to obtain more precise estimates of the effects of traffic-related air pollution by analyzing associations with cause-specific mortality, as well as lung cancer incidence, in the full cohort of approximately 120,000 subjects. Cohort members were 55 to 69 years of age at enrollment in 1986. Follow-up was from 1987 through 1996 for mortality (17,674 deaths) and from late 1986 through 1997 for lung cancer incidence (2234 cases). Information about potential confounding variables and effect modifiers was available from the questionnaire that subjects completed at enrollment and from publicly available data (including neighborhood-scale information such as income distributions). The NLCS was designed for a case-cohort approach, which makes use of all the cases in the full cohort, while data for the random subcohort are used to estimate person-time experience in the study. Full information on confounders was available for the subjects in the random subcohort and for the emerging cases of mortality and lung cancer incidence during the follow-up period, and in NLCS-AIR we used the case-cohort approach to examine the relation between exposure to air pollution and cause-specific mortality and lung cancer. We also specified a standard Cox proportional hazards model within the full cohort, for which information on potential confounding variables was much more limited. Exposure to air pollution was estimated for the subjects' home addresses at baseline in 1986. Concentrations were estimated for black smoke (a simple marker for soot) and nitrogen dioxide (NO<sub>2</sub>) as indicators of traffic-related air pollution, as well as nitric oxide (NO), sulfur dioxide (SO<sub>2</sub>), and particulate matter with aerodynamic diameter  $\leq 2.5$  microm (PM<sub>2.5</sub>), as estimated from measurements of particulate matter with aerodynamic diameter  $\leq 10$  microm (PM<sub>10</sub>). Overall long-term exposure concentrations were considered to be a function of air pollution contributions at

regional, urban, and local scales. We used interpolation from data obtained routinely at regional stations of the National Air Quality Monitoring Network (NAQMN) to estimate the regional component of exposure at the home address. Average pollutant concentrations were estimated from NAQMN measurements for the period 1976 through 1996. Land-use regression methods were used to estimate the urban exposure component. For the local exposure component, geographic information systems (GISs) were used to generate indicators of traffic exposure that included traffic intensity on and distance to nearby roads. A major effort was made to collect traffic intensity data from individual municipalities. The exposure variables were refined considerably from those used in the pilot study, but we also analyzed the data for the full cohort in the current study using the exposure indicators of the pilot study. We analyzed the data in models with the estimated overall pollutant concentration as a single variable and with the background concentration (the sum of regional and urban components) and the local exposure estimate from traffic indicators as separate variables. In the full-cohort analyses adjusted for the limited set of confounders, estimated overall exposure concentrations of black smoke, NO<sub>2</sub>, NO, and PM<sub>2.5</sub> were associated with mortality. For a 10-microg/m<sup>3</sup> increase in the black smoke concentration, the relative risk (RR) (95% confidence interval [CI]) was 1.05 (1.00-1.11) for natural-cause (nonaccidental) mortality, 1.04 (0.95-1.13) for cardiovascular mortality, 1.22 (0.99-1.50) for respiratory mortality, 1.03 (0.88-1.20) for lung cancer mortality, and 1.04 (0.97-1.12) for noncardiopulmonary, non-lung cancer mortality. Results were similar for NO<sub>2</sub>, NO, and PM<sub>2.5</sub>. For a 10-microg/m<sup>3</sup> increase in PM<sub>2.5</sub> concentration, the RR for natural-cause mortality was 1.06 (95% CI, 0.97-1.16), the same as in the results of the American Cancer Society Study reported by Pope and colleagues in 2002. The highest relative risks were found for respiratory mortality, though confidence intervals were wider for this less-frequent cause of death. No associations with mortality were found for SO<sub>2</sub>. Some of the associations between the traffic indicator variables used to assess traffic intensity near the home and mortality reached statistical significance in the full cohort. For an increase in traffic intensity of 10,000 motor vehicles in 24 hours (motor vehicles/day) on the road nearest a subject's residence, the RR was 1.03 (95% CI, 1.00-1.08) for natural-cause mortality, 1.05 (0.99-1.12) for cardiovascular mortality, 1.10 (0.95-1.26) for respiratory mortality, 1.07 (0.96-1.19) for lung cancer mortality, and 1.00 (0.94-1.06) for noncardiopulmonary, non-lung cancer mortality. Results were similar for traffic intensity in a 100-m buffer around the subject's residence and living near a major road (a road with more than 10,000 motor vehicles/day). Distance in meters to the nearest major road and traffic intensity on the nearest major road were not associated with any of the mortality outcomes. We did not find an association between cardiopulmonary mortality and living near a major road as defined using the methods of the pilot study. In the case-cohort analyses adjusted for all potential confounders, we found no associations between background air pollution and mortality. The associations between traffic intensity and mortality were weaker than in the full cohort, and confidence intervals were wider, consistent with the smaller number of subjects. The lower relative risks of mortality associated with traffic variables in the case-cohort study population could be related to the particular subcohort that was randomly selected from the full cohort, as the risks estimated with the actual subcohort were well below the average estimates obtained for 100 new case-cohort analyses with 100 alternative subcohorts of 5000 subjects each that we randomly selected from the full cohort. Differences in adjusted relative risks between the full-cohort and the case-cohort analyses could be explained by random error introduced by sampling from the full cohort and by a selection effect resulting from the

relatively large number of missing data for variables in the extensive confounder model used in the case-cohort analyses. More complete control for confounding probably did not contribute much to the lower relative risks in the case-cohort analyses, especially for the traffic variables, as results were similar when the limited confounder model for the full cohort was used in analyses of the subjects in the case-cohort study population. In additional analyses using black smoke concentrations as the exposure variables, we found that the association between overall black smoke and cardiopulmonary mortality was somewhat stronger for case-cohort subjects who did not change residence during follow-up, and in the full cohort, there was a tendency for relative risks to be higher for subjects living in the three major cities included in the study. Adjustment for estimated exposure to traffic noise did not affect the associations of background black smoke and traffic intensity with cardiovascular mortality. There was some indication of an association between traffic noise and cardiovascular mortality only for the 1.6% of the subjects in the full cohort who were exposed to traffic noise in the highest category of > 65 A-weighted decibels (dB(A); decibels with the sound pressure scale adjusted to conform with the frequency response of the human ear). Examination of sex, smoking status, educational level, and vegetable and fruit intake as possible effect modifiers showed that for overall black smoke concentrations, associations with mortality tended to be stronger in case-cohort subjects with lower levels of education and those with low fruit intake, but differences between strata were not statistically significant. For lung cancer incidence, we found essentially no relation to exposure to NO<sub>2</sub>, black smoke, PM<sub>2.5</sub>, SO<sub>2</sub>, or several traffic indicators. Associations of overall air pollution concentrations and traffic indicator variables with lung cancer incidence were, however, found in subjects who had never smoked, with an RR of 1.47 (95% CI, 1.01-2.16) for a 10-microg/m<sup>3</sup> increase in overall black smoke concentration. In the current study, the mortality risks associated with both background air pollution and traffic exposure variables were much smaller than the estimate previously reported in the pilot study for risk of cardiopulmonary mortality associated with living near a major road (RR, 1.95; 95% CI, 1.09-3.51). The differences are most likely due to the extension of the follow-up period in the current study and to random error in the pilot study related to sampling from the full cohort. Though relative risks were generally small in the current study, long-term average concentrations of black smoke, NO<sub>2</sub>, and PM<sub>2.5</sub> were related to mortality, and associations of black smoke and NO<sub>2</sub> exposure with natural-cause and respiratory mortality were statistically significant. Traffic intensity near the home was also related to natural-cause mortality. The highest relative risks associated with background air pollution and traffic variables were for respiratory mortality, though the number of deaths was smaller than for the other mortality categories. (ABSTRACT TRUNCATED)

PMID: 19554969 [PubMed - indexed for MEDLINE]

# Exposure to traffic-related air pollution during pregnancy and term low birth weight: estimation of causal associations in a semiparametric model.

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## Abstract

Traffic-related air pollution is recognized as an important contributor to health problems. Epidemiologic analyses suggest that prenatal exposure to traffic-related air pollutants may be associated with adverse birth outcomes; however, there is insufficient evidence to conclude that the relation is causal. The Study of Air Pollution, Genetics and Early Life Events comprises all births to women living in 4 counties in California's San Joaquin Valley during the years 2000-2006. The probability of low birth weight among full-term infants in the population was estimated using machine learning and targeted maximum likelihood estimation for each quartile of traffic exposure during pregnancy. If everyone lived near high-volume freeways (approximated as the fourth quartile of traffic density), the estimated probability of term low birth weight would be 2.27% (95% confidence interval: 2.16, 2.38) as compared with 2.02% (95% confidence interval: 1.90, 2.12) if everyone lived near smaller local roads (first quartile of traffic density). Assessment of potentially causal associations, in the absence of arbitrary model assumptions applied to the data, should result in relatively unbiased estimates. The current results support findings from previous studies that prenatal exposure to traffic-related air pollution may adversely affect birth weight among full-term infants.

PMID: 23045474 [PubMed - indexed for MEDLINE]

1. Am J Respir Crit Care Med. 2013 Feb 7. [Epub ahead of print]

# Associations of Ambient Air Pollution with Chronic Obstructive Pulmonary Disease Hospitalization and Mortality.

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## Abstract

### RATIONALE:

Ambient air pollution has been suggested as a risk factor for chronic obstructive pulmonary disease (COPD). However, there is a lack of longitudinal studies to support this assertion.

### OBJECTIVES:

To investigate the associations of long-term exposure to elevated traffic-related air pollution and woodsmoke pollution with the risk of COPD hospitalization and mortality.

### METHODS:

This population-based cohort study included a 5-year exposure period and a 4-year follow-up period. All residents aged 45-85 years who resided in Metropolitan Vancouver, Canada, during the exposure period and did not have known COPD at baseline were included in this study (N = 467,994). Residential exposures to traffic-related air pollutants (black carbon, particulate matter < 2.5  $\mu\text{m}$  in aerodynamic diameter, nitrogen dioxide, and nitric oxide) and woodsmoke were estimated using land-use regression models and integrating changes in residences during the exposure period. COPD hospitalizations and deaths during the follow-up period were identified from provincial hospitalization and death registration databases.

### MEASUREMENTS AND MAIN RESULTS:

An interquartile range elevation in black carbon concentrations ( $0.97 \times 10^{-5}/\text{m}$ , equivalent to  $0.78 \mu\text{g}/\text{m}^3$  elemental carbon) was associated with a 6% (95% confidence interval, 2-10%) increase in COPD hospitalizations and a 7% (0-13%) increase in COPD mortality after adjustment for covariates. Exposure to higher levels of woodsmoke pollution (tertile 3 versus tertile 1) was associated with a 15% (2-29%) increase in COPD hospitalizations. There were

positive exposure-response trends for these observed associations.

**CONCLUSIONS:**

Ambient air pollution, including traffic-related fine particulate pollution and woodsmoke pollution, is associated with an increased risk of COPD.

PMID: 23392442 [PubMed - as supplied by publisher]

# The influence of air-suspended particulate concentration on the incidence of suicide attempts and exacerbation of schizophrenia.

[Yackerson NS](#), [Zilberman A](#), [Todder D](#), [Kaplan Z](#).

Department of Electrical and Computer Engineering, Ben-Gurion University of the Negev, P.O.B.653, Beer-Sheva, 84105, Israel.

## Abstract

The main objective of this study was to evaluate the role of the concentration of solid air-suspended particles (SSP) in the incidence of mental disorders. The study is based on 1,871 cases, registered in the Beer-Sheva Mental Health Center (BS-MHC) at Ben-Gurion University (Israel) during a 16-month period from 2001 to 2002; 1,445 persons were hospitalized due to exacerbation of schizophrenia (ICD-10: F20-F29) and 426 after committing a suicide attempt using a variety of means as coded in the ICD-10 (ICD-10: X60-X84). Pearson and Spearman test correlations were used; the statistical significance was tested at  $p < 0.1$ . A significant correlation between variations of SSP number concentration ( $N(C)$ ) during eastern desert wind during early morning hours and number of suicide attempts,  $N(SU)$ , was found ( $\rho > 0.3$ ,  $p < 0.05$ ), whereas correlation between  $N(C)$  and  $N(SU)$  during western air streams (sea breeze) was not observed ( $p > 0.2$ ). A trend towards positive correlation ( $\rho > 0.2$ ,  $p < 0.1$ ) between the  $N(C)$  and number of persons with exacerbation of schizophrenia as manifested in psychotic attack ( $N(PS)$ ) in periods with dominant eastern winds (4-9 am, local time) has been observed, while in the afternoon and evening hours (1-8 pm local time) with dominant western winds,  $N(C)$  and  $N(PS)$  are not correlated ( $p > 0.1$ ). Obviously, concentration of SSP is not the one and only parameter of air pollution state determining meteorological-biological impact, involving incidence of mental disorders, although its role can scarcely be overstated. However, since it is one of the simplest measured parameters, it could be widely used and helpful in the daily struggle for human life comfort in semi-arid areas as well as urban and industrial surroundings, where air pollution reaches crucial values. This study may permit determination of the limits for different external factors, which do not overcome threshold values (without provoking avalanche situations), to single out the group of people at increased risk (with according degree of statistic probability), whose reactions to the weather violations can involve the outbreak of frustration points and prevent or alleviate detrimental mental effects.

PMID: 23321798 [PubMed - as supplied by publisher]

Item 1 of 1 ([Display the citation in PubMed](#))

1. Eur Respir J. 2013 Jan 11. [Epub ahead of print]

# Air pollution and multiple acute respiratory outcomes.

[Faustini A](#), [Stafoggia M](#), [Colais P](#), [Berti G](#), [Bisanti L](#), [Cadum E](#), [Cernigliaro A](#), [Mallone S](#), [Scarnato C](#), [Forastiere F](#); [on behalf of the EPIAIR collaborative Group](#).

Regional Health Service, Lazio Region, Rome, Italy.

## Abstract

Short-term effects of air pollutants on respiratory mortality and morbidity have been consistently reported but usually studied separately. To more completely assess air pollution effects, we studied hospitalisations for respiratory diseases together with out-of-hospital respiratory deaths. A "time-stratified" case-crossover study was carried out in six Italian cities from 2001-2005. Associations between daily particulate matter (PM<sub>10</sub>) and nitrogen dioxide (NO<sub>2</sub>) and hospitalisations for respiratory diseases (n. 100,690), chronic obstructive pulmonary disease (COPD) (n. 38,577), lower respiratory tract infections (LRTI) among COPD patients (n. 9,886) and out-of-hospital respiratory deaths (n. 5,490) were estimated for 35+year-old residents. For 10 µg·m<sup>-3</sup> PM<sub>10</sub>, we found an immediate 0.59% (lag 0-1) increase in hospitalisations for respiratory diseases and a 0.67% increase for COPD; the 1.91% increase in LRTI hospitalisations lasted longer (lag 0-3) and the 3.95% increase in respiratory mortality lasted six days. Effects of NO<sub>2</sub> were stronger and lasted longer (lag 0-5). Age, gender, and previous ischemic heart disease acted as effect modifiers for different outcomes. Analysing multiple more than single respiratory events shows stronger air pollution effects. The temporal relationship between the pollutants' increases and hospitalizations or mortality for respiratory diseases differs.

PMID: 23314899 [PubMed - as supplied by publisher]

1. Sci Total Environ. 2013 Jan 8. pii: S0048-9697(12)01500-8. doi: 10.1016/j.scitotenv.2012.11.067. [Epub ahead of print]

# Associations between urban air pollution and pediatric asthma control in El Paso, Texas.

[Zora JE](#), [Sarnat SE](#), [Raysoni AU](#), [Johnson BA](#), [Li WW](#), [Greenwald R](#), [Holguin F](#), [Stock TH](#), [Sarnat JA](#).

Department of Environmental Health, Rollins School of Public Health, Emory University, Atlanta, GA 30322, USA; Emory University School of Medicine, Atlanta, GA 30322, USA.

## Abstract

Exposure to traffic-related pollutants poses a serious health threat to residents of major urban centers around the world. In El Paso, Texas, this problem is exacerbated by the region's arid weather, frequent temperature inversions, heavy border traffic, and an aged, poorly maintained vehicle fleet. The impact of exposure to traffic pollution, particularly on children with asthma, is poorly understood. Tracking the environmental health burden related to traffic pollution in El Paso is difficult, especially within school microenvironments, because of the lack of sensitive environmental health indicator data. The Asthma Control Questionnaire (ACQ) is a survey tool for the measurement of overall asthma control, yet has not previously been considered as an outcome in air pollution health effect research. We conducted a repeated measure panel study to examine weekly associations between ACQ scores and traffic- and non-traffic air pollutants among asthmatic schoolchildren in El Paso. In the main one- and two-pollutant epidemiologic models, we found non-significant, albeit suggestive, positive associations between ACQ scores and respirable particulate matter (PM(10)), coarse particulate matter (PM(10-2.5)), fine particulate matter (PM(2.5)), black carbon (BC), nitrogen dioxide (NO(2)), benzene, toluene, and ozone (O(3)). Notably, associations were stronger and significant for some subgroups, in particular among subjects taking daily inhaled corticosteroids. This pattern may indicate heightened immune system response in more severe asthmatics, those with worse asthma "control" and higher ACQ scores at baseline. If the ACQ is appropriately used in the context of air pollution studies, it could reflect clinically measurable and biologically relevant changes in lung function and asthma symptoms that result from poor air quality and may increase our understanding of how air pollution influences asthma exacerbation.

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PMID: 23312496 [PubMed - as supplied by publisher]

1. Eur Respir J. 2013 Jan 11. [Epub ahead of print]

# **Fine and coarse particulate air pollution in relation to respiratory health in Sweden.**

[Willers SM](#), [Eriksson C](#), [Gidhagen L](#), [Nilsson ME](#), [Pershagen G](#), [Bellander T](#).

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## **Abstract**

Health effects have repeatedly been associated with residential levels of air pollution. However, it is difficult to disentangle effects of long-term exposure to locally generated and long-range transported pollutants as well as of exhaust emissions and wear particles from road traffic. We aimed to investigate effects of exposure to particulate matter (PM) fractions on respiratory health in the Swedish adult population, using an integrated assessment of sources at different geographical scales. The study was based on a nationwide environmental health survey performed in 2007, including 25,851 adults aged 18 to 80. Individual exposure to PM at residential addresses was estimated by dispersion modelling of regional, urban and local sources. Associations between different size fractions or source categories and respiratory outcomes were analysed using multiple logistic regression, adjusting for individual and contextual confounding. Exposure to locally generated wear particles (PM<sub>1-10</sub>) showed associations for blocked nose/hay fever, chest tightness/cough and restricted activity days with odds ratios of 1.5 to 2 per 10  $\mu\text{g}\cdot\text{m}^{-3}$ . Associations were also seen for locally generated combustion particles, which disappeared following adjustment for exposure to wear particles. In conclusion, our data indicate that long-term exposure to locally generated road wear particles increases the risk of respiratory symptoms in adults.

PMID: 23314898 [PubMed - as supplied by publisher]

1. Sci Total Environ. 2012 Dec 26. pii: S0048-9697(12)01503-3. doi: 10.1016/j.scitotenv.2012.11.070. [Epub ahead of print]

# **Air pollution and respiratory symptoms among children with asthma: Vulnerability by corticosteroid use and residence area.**

[Lewis TC](#), [Robins TG](#), [Mentz GB](#), [Zhang X](#), [Mukherjee B](#), [Lin X](#), [Keeler GJ](#), [Dvonch JT](#), [Yip FY](#), [O'Neill MS](#), [Parker EA](#), [Israel BA](#), [Max PT](#), [Reyes A](#); [Community Action Against Asthma \(CAAA\) Steering Committee](#).

Department of Pediatrics, Division of Pulmonology, University of Michigan Medical School, 1500 E. Medical Center Dr., Ann Arbor, MI 48109-5212, United States; Department of Environmental Health Sciences, University of Michigan School of Public Health, 1515 Washington Heights, Ann Arbor, MI 48109-2029, United States; Department of Health Behavior and Health Education, University of Michigan School of Public Health, 1515 Washington Heights, Ann Arbor, MI 48109-2029, United States. Electronic address: TOBYL@umich.edu.

## **Abstract**

### **RATIONALE:**

Information on how ambient air pollution affects susceptible populations is needed to ensure protective air quality standards.

### **OBJECTIVES:**

To estimate the effect of community-level ambient particulate matter (PM) and ozone (O<sub>3</sub>) on respiratory symptoms among primarily African-American and Latino, lower-income asthmatic children living in Detroit, Michigan and to evaluate factors associated with heterogeneity in observed health effects.

### **METHODS:**

A cohort of 298 children with asthma was studied prospectively from 1999 to 2002. For 14 days each season over 11 seasons, children completed a respiratory symptom diary. Simultaneously, ambient pollutant concentrations were measured at two community-level monitoring sites. Logistic regression models using generalized estimating equations were fit for each respiratory symptom in single pollutant models, looking for interactions by area or by corticosteroid use, a marker of more severe asthma. Exposures of interest were: daily concentrations of PM<sub><10μm</sub>, <2.5μm, and between 10 and 2.5μm in aerodynamic diameter (PM<sub>(10)</sub>, PM<sub>(2.5)</sub>, and PM<sub>(10-2.5)</sub> respectively), the daily 8-hour maximum concentration of

O(3) (8HrPeak), and the daily 1-hour maximum concentration of O(3) (1HrPeak).

### **RESULTS:**

Outdoor PM(2.5), PM(10), 8HrPeak, and 1HrPeak O(3) concentrations were associated with increased odds of respiratory symptoms, particularly among children using corticosteroid medication and among children living in the southwest community of Detroit. Similar patterns of associations were not seen with PM(10-2.5).

### **CONCLUSIONS:**

PM(2.5) and O(3) at levels near or below annual standard levels are associated with negative health impact in this population of asthmatic children. Variation in effects within the city of Detroit and among the subgroup using steroids emphasizes the importance of spatially refined exposure assessment and the need for further studies to elucidate mechanisms and effective risk reduction interventions.

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PMID: 23273373 [PubMed - as supplied by publisher]

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### The spirited history of Marin County landmark

Peter Fimrite, Chronicle Staff Writer  
Published 4:00 am, Monday, April 21, 2008

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Chronicle / Kim Komenich

###Live Caption:The Fireside, photographed in Mill Valley, Calif., on March 29, 2008, has a colorful past as a former prohibition-era speakeasy and watering hole. A controversy has arisen recently after Fireside construction workers unearthed human bones, possibly those of area Indians, during a remodeling job. Photo by Kim Komenich / San Francisco Chronicle###Caption History:The Fireside, photographed in Mill Valley, Calif., on March 29, 2008, has a colorful past as a former prohibition-era speakeasy and watering hole. A controversy has arisen recently after Fireside construction workers unearthed human bones, possibly those of area Indians, during a remodeling job. Photo by Kim Komenich / San Francisco Chronicle###Notes:The Fireside is actually a historic building, says Nick Tipon, chairman of the Sacred Sites Protection Committee for the Federated Indians of Graton Rancheria, representing both the Coast Miwok and Southern Pomo. In the vicinity there is a prehistori###Special Instructions:MANDATORY CREDIT FOR PHOTOG AND SF CHRONICLE/NO SALES-MAGS OUT Photo: Kim Komenich



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The big, white landmark called the Fireside has stood as a gateway to Mill Valley for 92 years, a symbol of a rough, rollicking era when the Bay Area was awash in rum running. But the celebrants who caroused inside the former speakeasy never knew they were dancing on Indian graves.

Marin County Coroner Kenneth Holmes acknowledged recently that skeletal remains of

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90th anniversary of the opening of King Tut's tomb



They Wuz Robbed (by the Academy)



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American Indians were discovered in the ground beneath the brick structure during renovation work over the past 10 months.

The bones may have been the same ones found during a renovation 51 years ago and then quietly reburied underneath the floorboards at a time when folks were less concerned about cultural issues.

"They were Native American," Holmes said of the new discovery. "They were so fragmented that it was difficult to say whether it was one or more people."

Marin officials conceded that the centerpiece of their prized new affordable housing complex is smack dab on top of a sacred Miwok burial ground only after inquiries from The Chronicle. California law exempts developers from having to disclose the unearthing of Indian graves, cemeteries and sacred places out of fear that publicity will draw treasure hunters.

The bones, which were examined by archaeologists and reinterred with the blessing of a tribal representative, are not expected to delay the opening later this year of the newly renovated Fireside, which would have been torn down had the nonprofit Citizens Housing Corp. not agreed to restore it as part of a 50-unit housing development.

The building, next to where Highways 1 and 101 come together, is being returned to its original glory as a 1916 roadhouse, with a few new touches, such as solar panels. It will serve as the community center for low-income and elderly residents of the apartments being built behind it.

"We worked closely with the Federated Indians of Graton Rancheria to develop a protocol to follow in case any archaeological artifacts were found during construction," said James Buckley, president of San Francisco-based Citizens Housing. "The protocol requires that a representative of the tribe and a licensed archaeologist be present during all construction work."

Still, the discovery upset some local residents who were already concerned about traffic and don't understand why the historic findings were not disclosed before the project was approved.

"I think they really should have disclosed what they found," said Shawn McGhie, who lives about a half-mile from the Fireside.

### Stories of ghosts

Finds such as this are not rare in the Bay Area, a fertile hunting ground and a popular location for American Indian villages before Europeans arrived. There are 400 recorded burial sites in Marin County alone, Holmes said.

Some believe the burial ground beneath the Fireside explains the ghosts that, legend has it, roam its corridors. The hauntings got so bad, as the story goes, that the owner of the El Rebozo Restaurant, which occupied the Fireside for many years, once held a seance. Stanley Foote, who worked behind the Fireside bar for 38 years, said she crossed two bottles of tequila like a cross and sprinkled the contents all over the building in an effort to ward off the spirits.

It all started 10,000 to 12,000 years ago when the first Indian villages were established around what was then a mighty river where San Francisco Bay is today.

The tribe we now call the Coast Miwok eventually settled in the north side of the bay, establishing major villages throughout Marin and Sonoma counties. The villages were mostly along a trail skirting the bay that eventually became Highway 101.

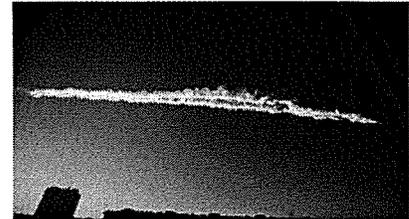
The shells and artifacts the Indians discarded built up over thousands of years into huge mounds that, at one time, could be found all around the area, said Nick Tipon, chairman of

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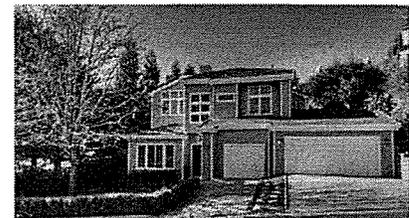
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the Sacred Sites Protection Committee for the Federated Indians of Graton Rancheria, representing both the Miwok and Southern Pomo.

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**RESPONSE TO LETTER NO. 46 - RACHAEL E. KOSS, ADAMS BROADWELL JOSEPH & CARDOZO (FEBRUARY 19, 2013)**

Attachment A – Matt Hageman, Uma Bhandaram, SWAPE (February 18, 2013)

Attachment B – Geoffrey H. Hornek, Environmental Air Quality and Acoustical Consulting, (February 19, 2013)

**Response to Comment 46-1**

The proposed project is the *2012 Draft Housing Element* of the *Marin Countywide Plan (Countywide Plan)*. This SEIR evaluates proposed changes in the Housing Element since certification of the *2007 Countywide Plan EIR* and approval of the *2007 Countywide Plan* (including the current Housing Element, which was incorporated into the *Countywide Plan* and adopted by the Board of Supervisors in November 2007) (see page 2 of the Draft SEIR). The *2007 Countywide Plan EIR* evaluated a range of total housing units that could be built in the unincorporated area of Marin County under the various *Countywide Plan* policies that encourage housing (see page 9 of the Draft SEIR). Like the *2007 Countywide Plan EIR*, this SEIR is a program EIR prepared pursuant to *State CEQA Guidelines* Section 15168(a)(3) (as discussed on page 4 of the Draft SEIR a program EIR is appropriate for rules, regulations, plans, and other general criteria to govern the conduct of continuing programs). While this SEIR provides in-depth program level review of the proposed housing sites that may be used to help in future, tiered environmental review, additional site-specific review is anticipated for specific development projects when they are proposed.

The changes in the Housing Element that are proposed in the *2012 Draft Housing Element*, including the potential for development of housing on 49 sites in the 2007-2014 and 2014-2022 time frames, are analyzed in every resource category and in the cumulative context. The SEIR discloses new or substantially more severe significant impacts in the following three resource areas: Air Quality; Hydrology, Water Quality and Flooding Hazard; and Noise. As described on pages 41 to 44 of the Draft SEIR and in *Master Response 1 – Sea Level Rise* five new mitigation measures<sup>13</sup> and one revised mitigation measure have been identified, which would reduce the new or substantially more severe significant impacts to a less-than-significant level. When development projects are proposed for the identified housing sites, site-specific review based on the project applications will determine the form of additional environmental review required.

With regard to the technical reports and other documents relied on in preparing this SEIR, please see Section 4.3 (Bibliography) (page 276 through 281) of the Draft SEIR. All of the documents listed in the bibliography are part of the administrative record of this SEIR, and are available for review upon request.

**Response to Comment 46-2**

Pursuant to Public Resources Code Section 21166 and *State CEQA Guidelines* Sections 15162-15163, a supplemental EIR is appropriate for the proposed *2012 Draft Housing Element*. These sections of CEQA and the *State CEQA Guidelines* describe the requirements for environmental review of changes

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<sup>13</sup> In the Draft SEIR five new Hydrology, Water Quality and Flood Hazard mitigation measures were recommended. As discussed in *Master Response 1 – Sea Level Rise* the mitigation measures have been revised and reduced to three new Hydrology, Water Quality and Flood Hazard mitigation measures.

to a previously approved project (in this case, the County's Housing Element). If a subsequent or supplemental EIR is required, it should analyze only the proposed changes in the project, changes in circumstances, or new information to determine if there would be a new or substantially more significant impact due to these changes or new information (see *State CEQA Guidelines* section 15163(c)).

Contrary to the commentor's statement, the current Housing Element was incorporated into the 2007 *Countywide Plan* and adopted by the Board of Supervisors in November 2007.

**Response to Comment 46-3**

As the SEIR concludes, there would be three new or substantially more severe significant impacts, and five new mitigation measures and one revised mitigation measures have been identified, which would reduce the new or substantially more severe significant impacts to a less-than-significant level (see pages 41 through 44 of the Draft SEIR and *Master Response 1 – Sea Level Rise*). (In addition, four previously significant and unavoidable transportation and traffic impacts that were previously identified in the 2007 *Countywide Plan EIR* would no longer occur. Therefore, a supplemental EIR was determined to be appropriate. As *State CEQA Guidelines* Sections 15163(a)(1)-(2) state “The lead agency . . . may choose to prepare a supplement to an EIR rather than a subsequent EIR if: (1) Any of the conditions described in [CEQA Guidelines] Section 15162 would require preparation of a subsequent EIR, and (2) Only minor alterations or changes would be necessary to make the previous EIR adequate to apply to the project in the changed situation.”). Pursuant to *State CEQA Guidelines* section 15163(c), [t]he supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.” This SEIR, nevertheless, evaluates the proposed changes in the Housing Element in every resource area to determine if the proposed changes in the project, changes in circumstances or new information would result in a new or substantially more severe significant impact. Any such new or substantially more severe significant impacts were then fully analyzed and feasible mitigation was identified.

**Response to Comment 46-4**

Please see Responses to Comments 46-5 through 46-16, below, which explain that no recirculation is required because no “significant new information,” as defined in *State CEQA Guidelines* section 15088.5(a), has become available since the Draft SEIR was published.

**Response to Comment 46-5**

The State density bonus law, Government Code 65915, became effective January 1, 2004. The Marin County density bonus ordinance consistent with State law, was adopted in 2008. Therefore, the County's requirements for implementing the State Density Bonus Law are not a change in the project, a change in circumstances, or new information requiring additional environmental review. Furthermore, the site-specific application of the County's density bonus ordinance to any particular site will be based on whether an affordable housing project is proposed for a particular site, and the affordability characteristics of the proposed project. Until site-specific projects with affordable housing components are proposed, the prediction of whether a density bonus would be requested for any particular site, and the size of the density bonus, would be speculative.

**Response to Comment 46-6**

Please see Response to Comments 46-17, 46-18, 46-19, and 46-20.

**Response to Comment 46-7**

Please see Response to Comment 46-17.

**Response to Comment 46-8**

Please see Response to Comment 46-18.

**Response to Comment 46-9**

Please see Response to Comment 46-19.

**Response to Comment 46-10**

Please see Response to Comment 46-20.

**Response to Comment 46-11**

The impacts related to the potential for encountering site contamination on the proposed housing sites are analyzed in Hazards and Hazardous Materials (Checklist Section 8) of the Environmental Checklist. As discussed on pages 145 through 151 of the Draft SEIR, the list of the housing sites was compared to several County and State maintained hazardous materials lists. These included the list of Target Hazardous Facilities in Marin County, the Department of Toxic Substance Control (DTSC) data management system (EnviroStor), and the State Water Resources Control Board (SWRCB) data management system (Geotracker). Five of the housing sites (housing sites 1, 2, 4, 22, and 38) are listed on Geotracker. Each of these sites has been issued a No Further Action (NFA) letter from the RWQCB. As discussed in Response to Comment 11-57 conversion of these sites from commercial use to residential land use could result in the RWQCB requesting additional site assessment and/or remediation. Furthermore, before Marin County accepts as complete an application for any development project, the applicant shall consult the latest State of California Hazardous Waste and Substances Sites List and submit a signed statement indicating whether the project is located on a site which is included on the List.<sup>14</sup>

In addition, please see Response to Comments 46-17, 46-18, 46-19, and 46-20 for additional information regarding housing sites 4, 9, 18, 19, and 14.

**Response to Comment 46-12**

The discussion presented in M. Hagemann's review of the Draft SEIR primarily concerns the presence, or former presence, of hazardous materials and constituents in the soil and groundwater underlying some of the proposed *2012 Draft Housing Element* project sites in the Tam Valley area. Please see Responses to Comments 46-17, 46-18, 46-19, and 46-20 for additional discussion regarding hazardous materials.

Marin County's existing stormwater regulations and mandated guidelines for erosion control and for stormwater quality protection pursuant to Attachment 4 of the Phase II NPDES stormwater permit for MS4s, including Marin County, are applied to all new development and redevelopment projects in the County. Site sediment management and control actions for a development project are specified in the County-mandated project Stormwater Control Plan (SCP) and in the Stormwater Pollution Prevention

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<sup>14</sup> California Government Code Section 65962.5(e).

Plan (SWPPP) that must accompany the Notice of Intent filed with the State Water Resources Control Board for any construction project of one acre or more in size. The SCP and SWPPP address project specific erosion potential and receiving water risk, and based on this assessment prescribe Best Management Practices (BMPs) for minimizing the discharge of sediment from the site both during and after construction/disturbance. Such actions would include control of run-on and runoff onto and from the site, protection of stockpiled material, structural and non-structural controls, structures and management practices (e.g. silt fences, coir rolls, seeding, erosion control blankets, identification and maintenance of areas for construction materials storage, street cleaning, maintenance of access roads and driveways, protection of storm drain inlets, installation and maintenance of Active Treatment Systems (ACTs), etc.). The current NPDES *General Permit Associated with Construction and Land Disturbance Activities* in California “prohibits all discharges which contain a hazardous substance in excess of reportable quantities established in 40 C.F.R. 117.3 and 302.4, unless a separate NPDES Permit has been issued to regulate those discharges”. With the more stringent, mandated Phase II NPDES requirements applied by Marin County and noted in the Draft SEIR, and the regulatory oversight of the SWRCB/RWQCB, sediment discharge from any project sites proposed under the *2012 Draft Housing Element* would be minimized and water quality impacts due to such discharges would be less-than-significant.

### **Response to Comment 46-13**

The “independent health risk screening analysis for the Tamalpias Valley sites,” prepared by the commentor’s consultant, Geoffrey Hornek was reviewed by Illingworth & Rodkin, Inc. the SEIR air quality analyst. Responses to that health risk screening analysis and associated comments are provided below.

Please see Response to Comment 11-7 regarding the evaluation of health effects of air pollution or TAC sources and housing sites. The Response to Comment 11-7 also describes the methods that the Draft SEIR air quality analysis utilized to evaluate the TAC exposure at housing sites.

The table prepared by Mr. Hornek, which shows estimated health risks at proposed housing sites in the vicinity of Tamalpias Valley, is inaccurate and misleading. Mr. Hornek identified screening health risk levels at housing sites 4, 9, 14, 18, and 19 using BAAQMD screening tools, but inaccurately described the exposure. Primary differences between the Draft SEIR analysis and Mr. Hornek’s analysis are as follows:

#### *Housing Sites 9 and 18*

Mr. Hornek assumed that new housing sites would be built ten feet or closer to the nearest Highway 1 travel lane, therefore, reporting a cancer risk of 13.5 per million. Highway 1 would be *at least* 85 feet from housing at housing site 9 and 30 feet from housing site 18. As a result, the BAAQMD Google Earth Highway Screening Analysis Tool indicates cancer risk of 9.97 or less for 25-foot setbacks and lower levels for setbacks further away. The Chronic Hazard and PM2.5 concentration would be lower also.

Mr. Hornek identified a Sausalito Marin City Sanitary District Generator (at 15 Shoreline Highway) as having impacts upon the housing sites. However, BAAQMD’s Google Earth Stationary Source Tool incorrectly depicts the location of this source in a parking lot. The actual location of the source is greater than 1,000 feet from these sites. In addition, Mr. Hornek did not use the diesel generator distance multipliers that BAAQMD uses to adjust health risks for stationary sources to account for setback distances between receptors and the source.

Mr. Hornek then added up the contribution of all the sources as if the housing sites were adjacent or near each source, a physically impossible situation. Note that the thresholds used for evaluating the significance of these impacts are based on single source thresholds of 10 in one million cancer risk, hazard index of 1.0 and  $0.3 \mu\text{g}/\text{m}^3$  annual  $\text{PM}_{2.5}$  concentration. Cumulative sources (within 1,000 feet) are evaluated based on a higher threshold that are a cancer risk of 100 per million, hazard index of 10.0 and  $0.8 \mu\text{g}/\text{m}^3$  annual  $\text{PM}_{2.5}$  concentration.

#### *Housing Sites 4, 14 and 19*

Mr. Hornek incorrectly describes the health risks from the backup generator used to operate the Crest Marin Pump Station at 290 Tennessee Valley Road. The health impacts from this source were reported by Mr. Hornek at 52.7 per million excess cancer risk, chronic hazard of 0.019 and a  $\text{PM}_{2.5}$  concentration of  $0.012 \mu\text{g}/\text{m}^3$ . That level is the source level reported by BAAQMD. Had Mr. Hornek taken the distance between the source and the housing sites into account, as is the proper procedure, he would have found that housing sites 4 and 19 are greater than 1,000 feet from the source. The cancer risk at housing site 14, approximately 800 feet from the generator, is 3.16 per million after applying the distance multiplier of 0.06 for 240 meters or 787 feet between the source and the nearest portion of the housing site.

Mr. Hornek reports a cancer risk of 73.4 per million associated with Shoreline Cleaners located at 203 Flamingo Road. Again, there is no adjustment of the cancer risk to account for the distance between the source and each housing site. In addition, this facility no longer uses Perc, the cancer causing TAC used in dry-cleaning operations, so this facility no longer poses any cancer risk to potential housing sites.<sup>15</sup> European Tailoring and Cleaners also has discontinued use of Perc at their facility and does not pose any cancer risk to potential housing sites.<sup>16</sup>

Again, Mr. Hornek then added up the contribution of all the sources as if the housing sites were adjacent or near each source, a physically impossible situation. In addition, his description of the cumulative risk overstates the risk from individual sources (as noted above). The risk from cumulative sources (within 1,000 feet) would be well below the cumulative significance thresholds of a cancer risk of 100 per million, hazard index of 10.0 and  $0.8 \mu\text{g}/\text{m}^3$  annual  $\text{PM}_{2.5}$  concentration.

#### *Mitigation Measures*

As explained in the Response to Comment 11-7, the BAAQMD *CEQA Air Quality Guidelines* recommend that properly designed, installed and maintained air filtration systems could mitigate TAC impacts to a less-than-significant level. The design of the system, which would occur at a project-level analysis, would have to take into consideration the time that project occupants may spend outdoors, where these systems would be ineffective. Field studies conducted by the South Coast Air Quality Management District have found these systems to reduce particulate matter (including ultrafine particulate matter) by over 85 percent. Several other mitigation measures to reduce exposures to TACs are listed in the BAAQMD *CEQA Air Quality Guidelines* that the County could require. These include:

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<sup>15</sup> The discontinued use of Perc in dry cleaning operations was confirmed in a telephone conversation between Illingworth & Rodkin, Inc. and Shoreline Cleaners, March, 2013.

<sup>16</sup> The discontinued use of Perc in dry cleaning operations was confirmed in a telephone conversation between Illingworth & Rodkin, Inc. and European Tailoring and Cleaners, March, 2013. Perc was phased out to meet the current CARB requirements.

- Appropriate site design to increase separation distance between significant sources and sensitive receptors or place sensitive receptors at second stories or higher where BAAQMD modeling for roadways has indicated lower TAC exposures (the Draft SEIR analysis assumed ground-level exposures);
- Phased development that delays occupancy to allow for lower exposures when emissions from traffic decrease as a result of the increased effectiveness of U.S. EPA engine standards for diesel trucks and CARB regulations that require the replacement or retrofit of truck fleets to reduce diesel particulate emissions from the overall traffic fleet (diesel particulate matter is the primary source of TAC emissions from roadways); and
- Installation of tiered planting of trees or vegetation between sources and sensitive receptors, which would reduce TAC and PM2.5 exposure.

These measures would be adequate to reduce annual and lifetime exposures to TACs and PM2.5 to less-than-significant levels. Site-specific studies would be necessary to identify the applicable site-specific measures that would need to be implemented and how those measures would need to be implemented. For example, ventilation filtration systems would need to be maintained (e.g., routine changing of filters). However, because TAC and PM2.5 emissions from traffic are decreasing and stationary sources may not exist in the future or have reduced emissions due to future regulations, these measures may not be required in the future.

#### **Response to Comment 46-14**

The impacts related to the potential for encountering previously undiscovered cultural resources on potential housing sites are analyzed in Cultural Resources (Checklist Section 5) of the Environmental Checklist. The discussion of Checklist Section 5(b) concludes that the impacts due to potential disturbance of archeological and paleontological resources and discovery of human remains would be reduced to a less-than-significant level due to implementation of *Countywide Plan* policies and programs, which are discussed on pages 112 and 113 of the Draft SEIR.

The Marin County Board of Supervisors recently approved an amendment to the *Countywide Plan* to strengthen policies and programs to protect archeological and paleontological resources.<sup>17</sup> **Goal HAR-1** calls for the identification and protection of archaeological and historical resources, with policies **HAR1-1** through **HAR 1.5** providing policy direction. Policy **HAR1.1** was revised to read *Preserve Historic and Archaeological Resources* (emphasis added) to clearly indicate reference to both archaeological and historic resources. Similarly the title of Policy **HAR-1.3**, which is to ensure that human activity avoids damaging cultural resources, was revised to read *Avoid Impacts to Historical and Archaeological Resources* (emphasis added) to clearly indicate reference to both archaeological and historic resources. *Countywide Plan* programs that are in place to protect archeological resources include Program **HAR-1.d**, which requires archaeological surveys to be conducted by a State-qualified archaeologist for new development proposed in areas identified as potential resource locations on the County sensitivity map and Program **HAR-1.e** which requires development at an archaeological site to, where feasible, avoid the resource and provide permanently deeded open space that incorporates the resource.

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<sup>17</sup> *Marin County Board of Supervisors Resolution No. 2012-77 A Resolution Approving an Amendment to the 2007 Marin Countywide Plan*, September 11, 2012.

Consistent with *Countywide Plan* policies and programs, when Community Development Agency planners are working on a discretionary application, they review the County archeological sensitivity map in the GIS. If the project involves grading, then staff planners will request an archeological report for the project if an archaeological report has not been previously done on the property. If the archeological report indicates that the project could result in potentially significant impacts to cultural resources, then an environmental review would be conducted and if necessary mitigation measures would be imposed to reduce the impact to a less than significant level.

In the event that archaeological resources, including the discovery of human remains, are discovered during land alteration activities several processes are in place to protect these resources. For example *State CEQA Guidelines* Section 15064.5(e) describes the steps that should be taken in the event of the discovery or recognition of any human remains in any location other than a dedicated cemetery.

Marin County also has procedures in place in the event of discovery of archaeological resources and / or human remains. Pursuant to County Code Section 22.20.040 (Archaeological and Historic Resources) in the event archeological or historical resources are discovered during construction, construction activities shall cease, the Community Development Agency shall be notified so that the extent and location of the materials may be recorded by a qualified archeologist and the disposition of the artifacts may occur in compliance with state and federal law.

The disturbance of an Indian midden may require the issuance of an Excavation Permit by the Department of Public Works, in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.

In the Coastal Zone, approval of any proposed development in an area of known or probable archeological significant requires a limited field survey by a qualified professional to determine the extent of archeological resources on the site, if any (County Code section 22.56.1301(D))

With *Countywide Plan* policies and programs in place to preserve historic and archaeological resources (as discussed above) the discovery of archaeological resources and human remains at the Fireside site does not change the Draft SEIR's conclusion with regard to Sites 9 and 18.

The commentor raises a question regarding Marin County's compliance with SB 18 tribal consultation requirements. Consistent with the requirements of Government Code 65352.3, in April 2009 Marin County Community Development Agency sent a letter to the Federated Indians of Graton Rancheria.<sup>18</sup> The letter stated the County's process of updating the Housing Element and stated "we are inviting you or representative from the Federated Indians of Graton Rancheria to meet and consult with us regarding these proposed amendments". In addition, in December 2012 the Federated Indians of Graton Rancheria received a notice of availability and notice of public hearing and notice of project merits hearings 2012 Draft Marin County Housing Element Draft Supplement to the 2007 Countywide Final Environmental Impact Report. To date, no requests for consultation or further notices have been received by Marin County from the Federated Indians of Graton Rancheria or any other California Native American tribe.

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<sup>18</sup> Letter to The Federated Indians of Graton Rancheria from Leelee Thomas, Principal Planner, Marin County Community Development Agency, April 2009.

**Response to Comment 46-15**

Please see *Master Response 1 – Sea Level Rise*. The potential impacts related to sea level rise are analyzed in Hydrology, Water Quality and Flooding Hazard (Checklist Section 5) of the Environmental Checklist. As discussed on pages 179 to 181 of the Draft SEIR Checklist Section 9(g) concludes that new information about sea level rise made available after certification of the 2007 *Countywide Plan EIR* shows that risk of flooding would be a significant impact. Based on this analysis two new mitigation measures are included in the SEIR. **Mitigation Measure Hydrology, Water Quality and Flood Hazard-1** provides for a revision to existing *Countywide Plan Program EH-3.k (Anticipate Sea Level Rise)*. **Mitigation Measure Hydrology, Water Quality and Flood Hazard-2** provides for a revision to *Countywide Plan Program EH-3.n (Plan for Sea Level Rise)*. These mitigation measures will ensure that proposed development is designed to avoid or mitigate the potential for sea level rise through implementation of site-specific or local measures appropriate for the project site.

**Response to Comment 46-16**

*Countywide Plan* Goal **BIO-5** and Policy **BIO-5.2** are relatively broad recommendations pertaining to protection of natural habitat areas and adjacent undeveloped uplands within the Baylands Corridor. Goal **BIO-5** and Policy **BIO-5.2** are listed below in their entirety from the *Countywide Plan*.

**Goal BIO-5 Baylands Conservation.** *Preserve and enhance the diversity of the baylands ecosystem, including tidal marshes and adjacent uplands, seasonal marshes and wetlands, rocky shorelines, lagoons, agricultural lands, and low-lying grasslands overlying historical marshlands.*

**Policy BIO-5.2 Limit Development and Access.** *Ensure that development does not encroach into sensitive vegetation and wildlife habitats, damage fisheries or aquatic habitats, limit normal wildlife range, or create barriers that cut off access to food, water, or shelter for wildlife. Require an environmental assessment where development is proposed within the Baylands Corridor.*

As discussed on page 88 of the Draft SEIR, the determinations regarding the significance of potential impacts on biological and wetland resources was based on a review of data from the 2007 *Countywide Plan EIR*, as well as updated information from the California Natural Diversity Data Base on the distribution of special-status species and sensitive natural communities and a field reconnaissance survey of each of the housing sites. This included consideration of the importance of baylands as habitat for numerous special-status species and as feeding and resting areas for migratory birds on the Pacific Flyway. **Exhibit 3.0-6** on pages 104 through 109 of the Draft SEIR provides a summary of known or suspected biological and wetland resources on each or near each of the housing sites, with the majority of the proposed housing sites are located on developed parcels.

As summarized on page 90 of the Draft SEIR, Programs **BIO-2.a** and **BIO-3.c** from the *Countywide Plan* would require a site assessment by a qualified professional where proposed development applications may adversely affect sensitive resources, including occurrences of special-status species and sensitive natural communities, and incursion into a Stream Conservation Area and/or a Wetland Conservation Areas. Any future development applications associated with housing sites adjacent to sensitive bayland or marshland habitat of concern to the commentor would require a site assessment to evaluate potential impacts in greater detail, as well as appropriate recommendations for sensitive habitat avoidance and mitigation, where necessary. This would include consideration of both direct and indirect impacts associated with development such as the effects of additional light and human

activity on any nearby sensitive habitat areas and possible disruption of migratory corridors. Conducting the required site assessment, identifying any sensitive resources in the vicinity, and providing the appropriate avoidance or mitigation would ensure compliance with *Countywide Plan* Goal **BIO-5** and Policy **BIO-5.2**, contrary to the assertions by the commentor.

**Response to Comment 46-17**

As stated on page 148 of the Draft SEIR, “... for housing sites that have been remediated and are considered “closed cases”, a file review is recommended to verify the remediation endpoint criteria. The remediation endpoint requirements are less stringent for commercial / industrial properties than for residential properties. RWQCB notification of the change in land use may be required, along with a re-evaluation of the site and additional remediation to bring the site up to code for residential standards.”

On page 150 of the Draft SEIR it is stated, “In the event of future development, the discretionary review of grading permits and other development permit applications would trigger county staff review for compliance with factors to mitigate environmental hazards. At that point, outside agencies, including the Regional Water Board and DTSC would be consulted.”

As the commentor notes, the RWQCB case closure letter includes the statement that “There may be residual contamination in both soil and groundwater at the site that could pose an unacceptable risk under certain development activities such as site grading, excavation, or installation of water wells.”<sup>19</sup> The SEIR’s indication that residual hydrocarbons may be present at the site is consistent with the SWRCB closure letter.

The RWQCB case closure also states that “The Marin County Health Department, Public Works Department, and the appropriate planning and building departments shall be notified prior to any changes in land use, grading activities, excavation, and installation of water wells. This notification shall include a statement that residual contamination may exist on the property and list all mitigation actions, if any, necessary to ensure compliance with this site management requirement.” The SEIR’s indication that notification review of permits and permit applications triggering an additional review for environmental compliance factors is consistent with the RWQCB closure letter.

As a property under consideration to change from non-residential land use to residential land use, housing site 4 (Old Chevron Station) must undergo an environmental site assessment (including soil, soil gas, and groundwater sampling), and implement site remediation where needed, to properly reduce potential health risks for future residents.

A table in the RWQCB closure letter shows residual hydrocarbons in soil and water based on a limited amount of sampling (including one groundwater sample). The commentor pointed out that residual hydrocarbon concentrations in the table exceeded screening levels for worker exposure under commercial / industrial conditions, and construction worker and residential scenarios, with the conclusion that the site may pose a significant health risk to workers and future residents. There is no disagreement with the theoretical analysis presented.

Evaluation of the data in the context of a remediation team employing industry-standard site remediation procedures supports a conclusion that the site will not pose a significant health risk to

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<sup>19</sup> California Regional Water Quality Control Board, San Francisco Region (Regional Board); *Transmittal of Case Closure Letter and November 18, 2009 Site Closure Summary Form for Former Chevron Station #9-0024, 204 Flamingo Road, Mill Valley, Marin County, UST Case No. 21-0389*; November 23, 2009.

workers onsite during the remediation. Theoretical health risks will be addressed by including (at minimum) the following steps before starting grading or other construction activities.

- Carry out an environmental site assessment (including soil, soil-vapor, and groundwater sampling) to identify the type of contaminant, the concentrations, and distribution of that contaminant present in the subsurface.
- After evaluating site conditions, preparing a remedial action plan (including permitting) and obtaining approval from an oversight agency to implement the plan.
- Before starting remediation, use data acquired during the site assessment to design a Health & Safety Plan. Within the Health & Safety Plan, potential health risks will be evaluated along with the personal protective equipment, engineering controls, or other means to negate those risks and prevent worker exposure to those potential risks.
- Equipment will be used during the remediation to monitor site conditions and ensure worker safety. Perimeter monitoring will be conducted during work activities to prevent off site effects.
- Hydrocarbon-impacted soil will be staged, transported, and disposed of according to well-established industry protocol. Hydrocarbon-impacted water will be disposed of according to well-established industry protocol.
- Confirmation sampling (including soil, soil-vapor, and groundwater) will be conducted after the remediation to evaluate the effectiveness of the remediation.

Only after a site remediation has been completed will grading and other development activities begin.

**Response to Comment 46-18**

Based on information contained in comments received, the **Exhibits 3.0-13** and **3.0-14** are revised to reflect the presence of the Texaco station on the proposed development sites, Sites 9 and 18. For housing sites 9 and 18 **Exhibits 3.0-13** and **3.0-14** are revised to indicate “Yes” under the column titled “Potentially Within an Area of Impacted Environmental Quality”. **Exhibits 3.0-13** and **3.0-14** are also revised (under the “Notes” column) to include the comment “Potential residual impact from former gas station at 156 Shoreline”. Revised **Exhibits 3.0-13** and **3.0-14** are provided on the next page.

**Exhibit 3.0-13 (Revised)**  
**2007-2014 Potential Housing Sites – Hazardous Materials Considerations**

<b>Site #</b>	<b>Site Name &amp; Address</b>	<b>Total Acres</b>	<b>Total Housing Units</b>	<b>Potentially Within an Area of Impacted Environmental Quality</b>	<b>Notes</b>
1	Marinwood Plaza 100 Marinwood Ave	4.75	85	Yes	Residual hydrocarbons likely in soil on site.  Ongoing remediation on site for chlorinated hydrocarbons could pose a vapor intrusion risk if development occurs before remediation is completed.
2	Oak Manor 2400 Sir Francis Drive Blvd.	1.58	10	Yes	Residual hydrocarbons likely in soil on site.
3	California Park Woodland Avenue	1.82	50	Yes	Potential soil impact from past railroad operations.  Potential vapor intrusion from shallow groundwater impacted by hydrocarbons.
4	Old Chevron Station 204 Flamingo Road	0.79	21	Yes	Residual hydrocarbons likely in soil.
5	St. Vincent's / Silveira St. Vincent's Dr; Silveira Parkway	1,110	221	No	
6	Easton Point Paradise Drive	110	43	No	
7	Tamarin Lane 12 Tamarin Lane	6.54	5	No	
8	Indian Valley 1970 Indian Valley Road	7.7	5	No	
9	Manzanita mixed use 150 Shoreline Highway	0.56	3	<del>No</del> <u>Yes</u>	<u>Potential residual impact from former gas station at 156 Shoreline Highway</u>

<b>Site #</b>	<b>Site Name &amp; Address</b>	<b>Total Acres</b>	<b>Total Housing Units</b>	<b>Potentially Within an Area of Impacted Environmental Quality</b>	<b>Notes</b>
10	Grandi Building 11101 State Route 1	2.5	2	Yes	Within 500 feet of two Target Hazard Facilities, McPhail Fuels and DeCarli's Butane Distributors.
11	650 N. San Pedro 650 North San Pedro	16.3	12	No	
12	Golden Gate Seminary Seminary Drive	73.57	60	No	
13	Oak Hill School 441 Drake Ave	3.87	30	No	
14	Armstrong Nursery 217 & 221 Shoreline Highway	1.77	53	No	
15	Inverness Valley Inn 3275 Sir Francis Drake	26.8	21	No	
16	Grady Ranch Lucas Valley Road	229	240	No	
17	Roosevelt Street 30 Roosevelt	0.18	2	No	

Source: County of Marin Community Development Agency, June 27, 2012.

**Exhibit 3.0-14 (Revised)**  
**Potential Housing Sites for 2014-2022 – Hazardous Materials Considerations**

<b>Site #</b>	<b>Site Name &amp; Address</b>	<b>Total Acres</b>	<b>Total Housing Units</b>	<b>Potentially Within an Area of Impacted Environmental Quality</b>	<b>Notes</b>
18	Around Manzanita 150 Shoreline	1.48	45	<del>No</del> Yes	<u>Potential residual impact from former gas station at 156 Shoreline Highway</u>
19	Tam J retail 237 Shoreline Highway	6.8	60	Yes	Shallow groundwater impacted from nearby gas station. Case closed, but remnant volatile organic compounds could pose a potential vapor intrusion risk for residential land use.
20	Gateway Shopping Center 190 Donohue Street	20.34	150	Yes	Former dry cleaner at 190 Donohue Street. Case closed, but remnant volatile organic compounds could pose a potential vapor intrusion risk for residential land use.
21	Strawberry smaller retail Reed Blvd.	2.39	45	No	
22	Strawberry Village 900, 950 Redwood Highway	10.99	30	Yes	900 Redwood Highway is location of former Mill Valley Imports, with documented release of waste oil to soil. Case closed, but residual hydrocarbons may be encountered during development.
23	Tiburon Eastbound Tiburon Blvd.	1.45	43	Yes	Active Chevron station nearby (case closed on release of fuel to soil and groundwater), apparent former gas station across street (unknown operating and regulatory history). Residual fuel hydrocarbons pose a vapor intrusion risk for nearby residential land use.
24	Tiburon Westbound Knoll Road	1.44	44	Yes	Same as above.

<b>Site #</b>	<b>Site Name &amp; Address</b>	<b>Total Acres</b>	<b>Total Housing Units</b>	<b>Potentially Within an Area of Impacted Environmental Quality</b>	<b>Notes</b>
25	Tiburon Redwood frontage Central Drive	2.7	81	No	
26	College of Marin lot 15 139 Kent Avenue	3.3	45	No	College of Marin at 835 Kent Ave with an open assessment on file with the Regional Board. Assumed limited extent with little to no impact at 139 Kent.
27	Kentfield Eastbound Sir Francis Drake Blvd.	5.14	60	No	
28	Kentfield Westbound	2.63	60	No	
29	Marin General 250 Bon Air Road	19.7	50	No	Assumes hospital expansion to increase the number of rooms available.
30	Ross Valley Self Storage 890 College Ave.	1.56	45	No	
31	Sloat Center and adjacent residential Sir Francis Drake and Edna Court	5.09	60	No	
32	3000 SFD- Sunnyside Growing 3000 Sir Francis Drake	7.74	30	No	
33	Railroad Ave. Railroad Ave. and Park St.	0.50	4	No	
34	Castro Street 6921 Sir Francis Drake and 6 Castro St.	0.54	6	No	Open assessment on file with Regional Board for a location within 1,000 ft of Site 34; however a stream between Site 34 and that location is assumed to act as a barrier for potential hydrocarbon migration to the site.

<b>Site #</b>	<b>Site Name &amp; Address</b>	<b>Total Acres</b>	<b>Total Housing Units</b>	<b>Potentially Within an Area of Impacted Environmental Quality</b>	<b>Notes</b>
35	Los Ranchitos 99-165 Los Ranchitos Drive	13.81	60	No	
36	Big Rock Deli & Creekside Offices 1500 Lucas Valley Road & 7 Mt. Lassen Dr.	2.8	80	No	
37	Rotary Field 16 Jeanette Prandi Way	12.83	60	No	
38	Bail Bonds 42, 44, 46, N. San Pedro, 69, 77 San Pablo	1.49	44	Yes	77 San Pablo was the site of a fuel release from an underground tank (UST). A No Further Action (NFA) letter was issued for remediation activities associated with the removal of the UST only and with the understanding that the current land use was commercial/industrial. In the NFA letter, the Regional Board requested prior notification if the land use status was to change to residential.
39	LDS Church Santa Venetia 220 N. San Pedro Road	5.38	30	No	
40	MacPhail School 1565 Vendola Drive	9.52	40	No	
41	Marin Farmers Market 70 & 76 San Pablo Ave.	0.6	18	Yes	See Site 38.
42	San Pedro Road San Pedro Road	5.65	30	No	
43	Atherton (Novato RV Park) 1530 Armstrong Avenue	2.68	80	No	
44	Bear Valley Road 10045 State Route 1	1.25	5	No	

<b>Site #</b>	<b>Site Name &amp; Address</b>	<b>Total Acres</b>	<b>Total Housing Units</b>	<b>Potentially Within an Area of Impacted Environmental Quality</b>	<b>Notes</b>
45	Olema Campground Shoreline Highway	9.94	10	No	
46	Feed Lot B St. & 6 <sup>th</sup> St.	0.92	27	Yes	Depending on historical operations, past land use may have degraded soil or groundwater quality and the site may require remediation prior to redevelopment for residential land use.
47	Pine Cone Diner 60 4 <sup>th</sup> St.	1.06	4	Yes	Historical release of hydrocarbons from two nearby sites. Cases closed, but the potential exists for residual hydrocarbons to be encountered during redevelopment for residential land use.
48	Pt. Reyes North 11598 State Route 1	16.89	15	No	
49	Red Barn (green barn) 510 Mesa Road	1.53	10	Yes	Historical release of hydrocarbons from two nearby sites. Cases closed, but an evaluation of vapor intrusion risk is recommended prior to redevelopment for residential use.
50	Kruger Pines	2.45	56	Yes	See Site 23.
51	Homestead Terrace	0.64	28	Yes	One of the four nearby sites that have released fuel to the soil or groundwater is listed by the Regional Board as an open assessment. Additional evaluation would be required to determine if the property undergoing assessment poses a risk to Site 51.
52	Venetia Oaks	1.84	36	No	

Source: County of Marin Community Development Agency, June 27, 2012. A detailed list of the available land inventory for both 2007-2014 and 2014-2022 planning periods is available at <http://www.co.marin.ca.us/depts/CD/main/housing/HousingElement.cfm>

Before starting development at housing sites 9 and 18, completion of an environmental site assessment (including soil, soil-vapor, and groundwater sampling) and remediation if necessary, would be essential. As noted in the SEIR, the procedure is in place via the permitting process to consult with the RWQCB or the Department of Toxic Substance Control (DTSC) to oversee the environmental site assessment and remediation.

**Response to Comment 46-19**

In addition to the Old Chevron Station referenced by the commentor (housing site 4), there is also information for an Arco station at 251 Shoreline Highway, adjacent to the northern portion of housing site 19. The Arco station was apparently affected by a gasoline release to groundwater. Potential impact from the gas stations, along with unknown potential impacts from other nearby businesses and former businesses, were the basis for the “Yes” response on **Exhibit 3.0-14** in the column titled “potentially within an area of impacted environmental quality”.

As noted in the SEIR, some of the housing sites appear to have been used for commercial or other non-residential activities. As discussed in Response to Comment 46-11 five housing sites have been issued a No Further Action (NFA) letter from the RWQCB. Conversion of these sites from commercial use to residential land use could result in the RWQCB requesting additional site assessment and/or remediation.

**Response to Comment 46-20**

Whether housing site 14, at approximately 700 feet away from housing site 4 (Old Chevron Station) has been impacted by contamination from the Old Chevron Station is dependent on various factors including the quantity of contaminant released, the duration of release, the natural gradient, the shallow subsurface lithology, the amount of time passed since the release ended, and strength of microbial development in the area impacted by the release. To verify whether or not housing site 14 is impacted, physical data acquired from an environmental site assessment is needed.

Housing site 14 would be a property changing from non-residential land use to residential land use. Before beginning development, housing site 14 must undergo an environmental site assessment (including soil, soil gas, and groundwater sampling), and implement site remediation if needed, to properly reduce potential health risks for future residents.

The comment also discusses the potential for entrapment of hydrocarbon-impacted soil in storm water runoff, and migration of hydrocarbons off site into nearby waterways. Industry-standard operating procedures greatly minimize the potential for offsite transport of impacted soil through the following practices:

- Hydrocarbon-impacted soil is segregated from non-impacted soil and stored in separate temporary stockpiles. The soil is separated using visual observation and vapor-detection monitoring equipment such as a photoionization detector (PID).
- The stockpiles of hydrocarbon-impacted soil are separated from the environment by placing the soil on plastic sheeting and then covering it with plastic sheeting. The plastic covering is secured around the edge (commonly using sand bags) so that the sheeting remains in place. The plastic covering prevents contact with rainwater.

- Soils exceeding select monitoring criteria (above a certain reading on the PID) will be placed in a covered roll-off bin or an equivalent container as an added precaution against having impacted soil accidentally transported off site.
- Impacted soil can only be stockpiled or stored in containers for a short amount of time before they must be removed to an appropriate disposal facility.

***Response to Comment 46-21***

Please see Response to Comment 46-13.

**From:** rachel@lilypadsgs.com [mailto:rachel@lilypadsgs.com]

**Sent:** Tuesday, January 15, 2013 2:01 PM

**To:** EnvPlanning

**Cc:** Laumann, Stacey; Thomas, Leelee

**Subject:** Follow up EIR Housing Element Plan

Hello Leelee, Rachel, and Stacey,

I really appreciate the great work you are doing to address the lack of affordable housing in our community.

I recognize my comments fall outside the scope of the EIR. I would, however, like them included in the package to point to other possible opportunities. Creating housing within the existing housing stock has so many advantages both economic and environmental.

You will find my comments attached. I look forward to discussing the opportunities with you in February.

All my best,  
Rachel

415 250-9317

Lilypad SGS - Small Green Spaces

Ingenious, eco-nomical solutions for creating rentable spaces in existing homes, energy efficiency, and home asset management plans

Designer, Contractor, LEED AP, HERS, BPI, and GPR

January 14, 2013

Meeting: Staff Report to the Planning Commission  
Public Comments Statement

1

Thank you for your work on this critical issue. While large scale housing solutions are one option, a comprehensive program should be added to the Housing Element Plan to create an expedited avenue for homeowners to develop affordable housing units in their homes, greatly expanding the opportunity for diverse housing options that take advantage of existing housing stock in established neighborhoods.

There is a great advantage to remodeling existing buildings to create new housing.

1. There is far less impact on the environment
2. It helps support infrastructure that already exists
3. It allows people to live in the communities where they work, go to school, and/or have family
4. It creates jobs for local designers, architects, and contractors

The fabric of society is changing. Family sizes have been shrinking while home sizes have increased in the last 30 years. More than half of all households now consist of one or two people, while housing sizes have gone from 1,800 to 2,500 on average, with many homes in Marin being considerably larger.

A program for creating rentable units in existing homes would allow older couples and individuals to stay in their homes and aging in place. It would allow small families to purchase homes in well established neighborhoods, while families going through transitions, like divorce, could hold on to their home in the area where their children go to school.

This program will also allow communities to meet their carbon reduction goals, as specified in towns and cities General Plans and Sustainability Plans, by allowing individuals who work in low paying jobs to afford housing in the community, decreasing their carbon emissions from commuting long distances during heavy traffic periods. Other energy efficiency measures could be built into the program.

Again, thank you for addressing this critical issue. We should expand our options and enrich our communities both with diversity and revenue from rentable spaces in existing homes. And, in so doing protect our environment!

Rachel F. Ginis  
151 Golden Hind Passage  
Corte Madera, CA 94925

(415) 250-9317

**RESPONSE TO LETTER NO. 47 - RACHEL GINIS (JANUARY 14, 2013)**

**Response to Comment 47-1**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

## Reed and Margaret Kathrein

1098 Idylberry Road  
San Rafael, California 94903  
Telephone: 510/725-3030  
[Reed.Kathrein@gmail.com](mailto:Reed.Kathrein@gmail.com)

February 11, 2013

### VIA EMAIL ATTACHMENT AND HAND DELIVERY

Community Development Agency  
[housingelement@marincounty.org](mailto:housingelement@marincounty.org)

Susan Adams  
Board of Supervisors, District 1

Rachel Warner  
Environmental Planning Manager  
Community Development Agency  
[envplanning@marincounty.org](mailto:envplanning@marincounty.org)

Re: Comments re 2012 Draft Marin County Housing Element Supplement to the 2007 Countywide Plan

Dear Planning Commissioners:

We would like to address three issues relating to the merits of the 2012 Draft Marin County Housing Element Supplement to the 2007 Countywide Plan ("MCHE"). One relates to one specific unavailable parcel included in the draft SEIR as one of several backups to the 17 properties in the Draft MCHE. The second is a comment on faulty application of AH zoning. The final is a general comment that reflects what we believe to be a significant and inappropriate divergence from the general policies of the Countywide Plan in choosing locations for low income housing that would be segregated enclaves and far from transportation and shopping.

To the extent that these comments are considered more relevant to the Draft SEIR we are copying Rachel Warner. We recognize that the Planning Commission Staff Report in the Draft SEIR, dated January 14, 2013, does reflect significant impacts inconsistent with the General Countywide Plan. However, as the selection of sites is a County process, they are not unavoidable impacts. It may require more effort and creativity.

1

### **Rotary Fields are Not Available for Non-Recreational Development.**

The Rotary Fields are not available for non-recreational or agricultural development and should not be included in the MCHE, the attached Available Land Inventory list, or the SEIR, as they are not land available to honestly demonstrate that there are properties within the County that can accommodate future housing growth at all income levels.

The MCHE, by including Rotary Fields in the Draft SEIR fails to point out that the inclusion of the Rotary Fields in the MCHE will conflict not only with the zoning of the Rotary Fields (currently designated Public Facility and Open Space), but with the Master Plan for the Rotary Valley Senior Housing Project approved by the Marin County Board of Supervisors on December 20, 1994. Parcels B6 and B7, approximately 5.4 acres are designated for recreation uses and community agricultural uses.

The Master Plan for the Rotary Valley Senior Housing Project approved by the Marin County Board of Supervisors on December 20, 1994, was the result of years of negotiation and input from the Lucas Valley Community for the redevelopment of the Old County Hospital and Juvenile Hall site to include a senior housing, expand Juvenile Hall and to permit other uses and development. A copy of the 1992 report and recommendation which resulted in the adoption of the Master Plan is attached. In particular the site is designated for community gardens and one or two recreation fields. Those uses were designated to mitigate the impacts of the higher density senior housing facilities built on the site adjacent to single family residences, and to mitigate the traffic from those residences, and to provide a path for disappearing properties available for recreation. The development of the fields has been waiting for the availability of cleaned water to be extended to the area.

2

### **The AH Zoning Application is Susceptible to Faulty Analysis thereby Increasing the Overall Actual Density of Zoning above Existent Zoning Development Capacity.**

The Proposed Affordable Housing Combined Zoning District, contrary to representations in the MCHE, actually raises the existing land use capacity above existing maximums. As illustrated in the Proposed Affordable Housing combined Zoning District Case Studies, many of the maximum zoning capacities is based on acreage. These zoning districts were created cognizant of the fact that actual buildable acreage would in actuality restrict the amount of buildable sites, and thus, in reality, the actual zoned development capacity was much less.

For example, Case Study #4, on Grady Ranch, notes that theoretically 24 to 240 residences could be built on that site because it is zoned as one residence per 1-10 acres. In reality, the site is unbuildable because of steep hillsides and streams. In reality, very few residences could be built on the property. The maximum real capacity is unanalyzed in the MCHE and is probably in the range of less than 10. (We do not know what is meant by 48 market project houses in the MCHE or how that was calculated.

To now rezone Grady Ranch to 240 residences on 8 acres, materially increases the maximum actual zoned density of the site. It ignores that the sites lower density designation was in recognition of the original desires of the zoning to reflect increasing less dense uses as residences moved farther from the 101 corridors.

The LucasFilm expansions in LucasFilm were an exception to the density zoning in the western section of Lucas Valley. Much rode on the star attraction of George Lucas, and the potential for job growth with traffic mitigations only Lucas Film could provide. None of those considerations exist any longer and should not be confused. With Disney now taking over Lucas Film, and the future utilization of those properties less predictable, the County likely faces challenges in what to do with the existing properties in the future to keep their adverse impacts inconsistent with the principles of the General Plan, at a minimum.

So as not to be misleading to the public and not change actual maximum development capacities, the MCHE should be revised. The MCHE should restrict the new proposed Affordable Housing District so that it will not increase the maximum actual zoned development capacity beyond what is actually developable under existing zoning giving full consideration to the terrain and other environmental restrictions.

3

### **General Land Use and Planning:**

We believe the MCHE site selection strays from the long-standing goals of the county to provide for development close to transportation and shopping, and to not segregate future affordable and lower income housing. Admittedly, the February 11, 2012 Staff Report for the MCHE gives lip service to these goals at page 4:

*Policies in the Countywide Plan (CWP) direct growth to the city-centered corridor, with the intent of protecting open lands and fostering transit-oriented communities to the extent feasible in the unincorporated areas of the County.<sup>1</sup>*

The Staff Report then goes on to list the site selection inclusion process, but, other than the lip service in the quoted statement, there is not a single mention of “fostering transit-oriented communities” or how development protects open lands or is city-centered.

So too, the MCHE acknowledges the Marin Countywide Plan Update Guiding Principles to:

- ... provide and maintain well designed, energy efficient, diverse housing close to job centers, shopping, and transportation links[and] promote infill development, and reuse and redevelop underutilized sites.
- ...to reduce our dependence on single occupancy vehicles, conserve resources, improve air quality, and reduce traffic congestion.

A casual look at the sites selected, simply by looking at a map, show many do not meet any of these goals. To the contrary they dangerously conflict. Many of the sites are far from the towns, cities, shopping, malls and transportation. They are distant and disconnected sites that encourage the inefficiencies, costs, pollution and environmental damage caused by urban sprawl.

Rather than specifically addressing these goals in analyzing each site, the words “infill” and “redevelopment” or “reuse” are not mentioned once. Similarly, there is no mention of any proposed site that would “reduce our dependence on single occupancy reuse vehicle, conserve resources, improve air quality, and reduce traffic congestion.” To the contrary, many of MCHE and SEIR selected sites propose creating islands of lower income high density clusters far from transportation and shopping...at great cost to the taxpayers and residents of the County.

The only attempt to give actual consideration to the goals mentioned above appears to be reference in the site analyses to distance (in miles) from a bus route. This reference is almost meaningless. For some sites, the bus will be infrequent, or a commuter bus. For many sites the distance to the bus route is not from the actual proposed development, but the edge of the site. The existence of infrequent and inconvenient bus routes do not meet the County goals and is not an appropriate data point to meeting the goals.

We understand that County agencies and staff are reacting to a gun held to its head by the State to comply the Regional Housing Need Allocation (RHNA). The Staff Report makes this very clear. Yet, as concerned residents, we don't know if these threats and Staffs list of consequences are real or legally analyzed by the County. To use, the threats simply do not justify the deviation from the county goals and added costs and damage to the County residents.

We believe the County can do better in meeting the principles of the General Plan, and should. In-fill, reuse and redevelopment should be the focus, rather than sprawl. Sites where residents can walk to shopping and transportation need to be identified. That is where changes should be made in “land use plans and regulatory systems that provide opportunities for, and do not unduly constrain, housing development” --- not distant sites disconnected from community centers.

Very truly yours,

/s/

Reed and Margaret Kathrein

Attachments to Email Only:

Report and Recommendation of the Community Committee on the Development of the Juvenile Hall Property

Appendix to Report and Recommendation of the Community Committee on the Development of the Juvenile Hall Property

The attached copy of Report and Recommendations of the Community Committee on the Development of the Juvenile Hall Property (September 1992) with Appendix has been omitted. A copy of the report is available for review at the Marin County Community Development Agency.
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**RESPONSE TO LETTER NO. 48 - REED AND MARGARET KATHREIN (FEBRUARY 11, 2013)**

**Response to Comment 48-1**

The commentor raises a question in regard to the availability of Rotary Field for non-recreational or agricultural development. *Section 2.5 Administrative Actions* of the Draft SEIR (pages 39 and 40) acknowledges that certain individual sites will require *Countywide Plan* land use designation amendments and rezoning. One example provided is Rotary Field. It is stated on page 40 of the Draft SEIR that the *Countywide Plan* land use designation for Rotary Field is Public Facility / Open Space (PF-OS) and the zoning is Public Facility (PF). Both a *Countywide Plan* and rezoning would be required for Rotary Field to permit housing development.

**Response to Comment 48-2**

This comment regarding land use and housing densities is related to the merits of the project and not the adequacy of the Draft SEIR. As stated on page 40 of the Draft SEIR implementation of the *2012 Draft Housing Element* would lead to Development Code updates for consistency with the Housing Element including the Affordable Housing Combined Zoning District. Subsequent development of housing sites may also require amendments to the *Countywide Plan* and Development Code.

**Response to Comment 48-3**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

## Reed and Margaret Kathrein

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San Rafael, California 94903  
Telephone: 510/725-3030  
[Reed.Kathrein@gmail.com](mailto:Reed.Kathrein@gmail.com)

February 19, 2013

VIA EMAIL

Rachel Warner  
Environmental Planning Manager  
Community Development Agency  
[envplanning@marincounty.org](mailto:envplanning@marincounty.org)

Re: Comments to the 2012 Draft Marin County Housing Element Draft Supplement to the 2007 Countywide Plan Final Environmental Impact Report (“SIER”)

*The needs of the future must not be sacrificed to the demands of the present---2007 Marin Countywide Plan*

Dear Ms. Warner:

These comments are in addition to the comments we sent to you and the Community Development Agency on February 11, 2013. Those comments are incorporated by reference as comments to the SEIR.

1

We believe the SEIR provides an incomplete analysis and discussion of the conflicts between the Housing Element, the proposed new Affordable Housing Combined Zoning District (“AH Zoning District”) and the selected sites *and* the primary principles of the Countywide Plan. In fact, we could find no such analysis with respect to the conflicts of each of these to the Countywide Plan Guiding Principles.

2

The SEIR admittedly provides no analysis of the impacts of adding a new AH Zoning District, that can apparently be plunked in anywhere in Marin County, without due regard to the single or cumulative impacts on the Guiding Principles and policies of the Countywide Plan. Thus, the conclusions on Page 196 of the SEIR are unsupported by analysis:

- The 2007 Countywide Plan EIR did not identify any significant land use and planning impacts that required adoption of mitigation measures....

2 continued

- No additional mitigation measures related to land use and planning would be necessary for adoption and implementation of the *2012 Draft Housing Element*.
- *.... residential development that could occur under the 2012 Draft Housing Element would not conflict with other adopted plans. ...Although properties proposed to be included in the AH Combined District and other properties identified in the 2012 Draft Housing Element could be developed at higher densities than were analyzed in the 2007 Countywide Plan EIR, there would be no new or substantially more severe significant impacts requiring major revisions to the 2007 Countywide Plan EIR with regard to a conflict with applicable land use or other plans, or conflict with an adopted habitat or natural community conservation plans; therefore, no additional analysis is required.*

3

In particular the SEIR does not address the primary Guiding Principles of “Planning Sustainable Communities” in adding this new AH zoning district and allowing it to be placed anywhere in the County.

The Guiding Principles set out in the 2007 Countywide Plan, which are not addressed or analyzed in the SEIR with respect to the adding AH zoning anywhere in the Countywide Plan, include:

4

- Lowering greenhouse gases;
- Protecting and restoring open space, wilderness, and damaged ecosystems, and enhance habitats for biodiversity;
- Reducing dependence on single occupancy vehicles, conserving resources, improving air quality, and reducing traffic congestion;
- Providing and maintaining well-designed, energy efficient, diverse housing close to job centers, shopping, and transportation links;
- Promoting infill development, and reuse and redevelop underused sites.

The Countywide Plan defines Sustainability “as aligning our built environment and socioeconomic activities with the natural systems that support life,” and reiterates that “the needs of the future must not be sacrificed to the demands of the present.”

The Countywide Plan seeks to reduce out county’s “ecological footprint.” The Countywide Plan then asks, “How Can We Plan Sustainable Communities?” It’s answer:

**A strategic infill approach that supports affordable housing for members of the workforce at selected mixed-use locations near existing jobs and transit**, along with an emphasis on green building and business practices, offers Marin communities a way to carry out the Three E’s of sustainability (environment, economy, and social equity).

4  
continued

Unfortunately, the SEIR does not analyze how the addition of the AH Zoning District might or might not conflict with even just this primary goal of the Countywide Plan, and therefore is deficient.

5

We believe that before the County Planning Commissioners and the Supervisors can make a political decision regarding the Housing Element amendments, the AH Zoning District and each proposed site only by having available to them a full analysis of individual and cumulative impacts of creating an ad hoc AH Zoning District where intense housing can be placed anywhere in the County, *and compare* those impacts to the impacts of placing such districts in those locations identified in the 2007 Countywide Plan as appropriate for affordable housing, namely--  
- areas of in-fill, redevelopment, or close to job centers, shopping, and transportation links.

Thus, the SEIR must analyze and compare the conflicts or lack of conflicts of AH Zoning Districts ( and each proposed site individually and cumulatively) to the 2007 Guiding Principle that would restrict such zoning restricting to ***areas of infill and redevelopment and close to job centers, shopping, and transportation links***, or areas currently designated for medium to high density residential land uses ( Town Center), including:

- A comparison of the impacts of light pollution on existing residential neighborhoods and designated land uses ;
- A comparison of the impacts on aesthetics, including the aesthetics of putting high density multi-story housing in already built up by one or two story single family residences, and the design elements of those residences;
- A comparison of the impacts of increased noise to residences and agricultural uses in the vicinity of the project;
- A comparison of the need for added police protection far from where it is currently available;
- A comparison of the impact on schools within the AH Zoning Districts;
- A comparison on the impact on future parks;
- A comparison on the impact and costs of making water and waste treatment available and the cost to the county of extending water and waste treatment to the proposed sites;
- A comparison of the air pollution created;
- A comparison of the run-off pollution created, and impact on streamside conservation;
- A comparison of the additional costs of providing public transportation;
- A comparison of the impacts on recreation, including biking, hiking and other outdoor activities;
- A comparison on the increase of the number of vehicles required and the traffic impacts;
- A comparison of the impact on animal life, including habitat destruction;

Rachel Warner  
February 19, 2013  
Page 4

- A comparison of the impact of the lack of a tax base to cover and waivers of impact costs on the community and the county residences..

6

Without this analysis, the Guiding Principles of the 2007 Countywide Plan, the existing residential development categories, the preservation of existing communities, would be relegated to the bookshelf, and not given actual authority.

7

Obviously, it is our belief that these impacts are new and not analyzed in the 2007 Countywide Plan or EIR. The AH Zoning District was not contemplated at that time nor analyzed. It is our belief that when compared to the principles of the Countywide Plan, it appears that a complete analysis will find that there are new or substantially more severe significant impacts requiring major revisions to the 2007 Countywide Plan and EIR.

Very truly yours,

/s/

Reed and Margaret Kathrein

RRK:rrk

**RESPONSE TO LETTER NO. 49 - REED AND MARGARET KATHREIN (FEBRUARY 19, 2013)**

**Response to Comment 49-1**

Page 194 of the Draft SEIR lists *Countywide Plan* policies and programs intended to guide land use planning and development in the unincorporated areas of Marin County. Subsequent development of particular properties identified in the Housing Element would be subject to additional environmental review. Development of these properties would provide for continual implementation of *Countywide Plan* policies and programs created to reduce construction related impacts.

Implementation of Housing Element program **1.c Provide an Affordable Housing Combined Zoning District** includes an amendment to the *Countywide Plan* land use section adding a cross-reference to the combined zoning district. The AH combined zoning district would allow compact affordable housing development on specific sites listed in the Housing Element (**Exhibit 2.0-16**). The AH combined zoning district would allow housing densities up to 30 housing units per acre on portions of larger properties. The remaining portions of these properties would be adjusted if needed to preclude exceeding *Countywide Plan* density standards. If proposed development were to exceed densities an amendment to the *Countywide Plan* would likely be required. *Countywide Plan* policies and programs applicable to design and construction would be applied to these projects.

This SEIR assess the AH combining district in each resource category, as appropriate. Residential density of 30 dwelling units per acre is consistent with the policies and was evaluated in the *2007 Countywide Plan EIR*. For example the *2007 Countywide Plan EIR* considered 30 dwelling units per acre in the Commercial / Mixed Use land use categories, the General Commercial / Mixed use category, the Office Commercial /Mixed Use category, the Neighborhood Commercial / Mixed Use category and the Recreational Commercial category if certain conditions were met.<sup>20</sup> One condition is that the housing is either workforce housing, especially for very low and low income household or special needs housing.

**Response to Comment 49-2**

See Response to Comment 49-1.

**Response to Comment 49-3**

Implementation of Housing Element program **1.c Provide an Affordable Housing Combined Zoning District** would not conflict with the *Countywide Plan* guiding principles for sustainable communities. Of these principles No. 8 states *Supply housing affordable to the full range of our members of the workforce and diverse community*, the AH combined district is consistent with this principle and identifies sites where this type of development could occur.

**Response to Comment 49-4**

See Response to Comment 49-1.

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<sup>20</sup> *2007 Countywide Plan Draft EIR*, Marin County, January 2007, page 3.0-33.

**Response to Comment 49-5**

The Draft SEIR is a supplement to the *2007 Countywide Plan EIR*, and as required by CEQA, need only contain information necessary to make the previous EIR adequate for implementation of the *2012 Draft Housing Element*. The *2007 Countywide Plan EIR* identified significant impacts that would occur upon implementation of the *Countywide Plan*. Those significant impacts that would not remain significant and unavoidable would be mitigated to less-than-significant levels upon implementation of *Countywide Plan* policies and programs, which serve as mitigating factors. As a program level environmental analysis the Draft SEIR evaluated impacts that would result from implementation of the *2012 Draft Housing Element* in addition to implementation of the *Countywide Plan*. As discussed in *State CEQA Guidelines* Section 15163(b) a supplement to an EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.

This supplemental EIR only evaluates impacts in terms of any “changed condition” (i.e. changed circumstances, project changes, or new information of substantial importance) from what was evaluated in the *Countywide Plan* Final EIR.

The *Countywide Plan* guiding principles are provided in the Introduction.<sup>21</sup> There are a total of 12 guiding principles and number 8 is “Supply housing affordable to the full range of our members of the workforce and diverse community”. The *Countywide Plan* shows the linkage between these principles and the Plan’s goals. The Housing Element’s goals, especially *Goal 2 Meet Housing Needs Through a Variety of Housing Choices*, are consistent with guiding principle 8.

It also is noted that certification of this SEIR does not preclude further individual site specific CEQA evaluation. Please see *Master Response 3 - Environmental Review of Housing Projects*.

**Response to Comment 49-6**

Comment noted. Please see Response to Comment 49-5.

**Response to Comment 49-7**

Comment noted. Please see Response to Comment 49-5.

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<sup>21</sup> *Marin Countywide Plan*, Marin County Board of Supervisors, November 2007, pages 1-4 and 1-5.



Ragghianti|Freitas LLP

ATTORNEYS AT LAW

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RILEY F. HURD III  
RHURD@RFLAWLLP.COM

February 8, 2013

**Via E-Mail Only**

*(housingelement@marincounty.org)*

Marin County Planning Commission  
3501 Civic Center Drive, Room #308  
San Rafael, CA 94903

**Re: Proposed Affordable Housing Overlay for the GGBTS property**

Dear Members of the Planning Commission:

Our office continues to represent the Seminary Neighborhood Association in connection with the GGBTS property in Strawberry. This letter is concerning the proposed amendments to the 2012 Draft Marin County Housing Element (and related legislative actions), scheduled to be considered by the Commission on February 11, 2013. Specifically, we are writing to address the proposed rezoning of the GGBTS property as an Affordable Housing Combined Zoning District.

While there may be a prospect for affordable housing at the GGBTS site, the currently proposed zoning overlay is not the appropriate manner in which to facilitate possible opportunities. The uncertainty of where such housing would go, the misplaced comparisons to currently existing entitlements, and the specific mandates of the Strawberry Community Plan are the main reasons why a different approach is needed.

**The Strawberry Community Plan**

The proposed affordable housing overlay for the GGBTS property violates the Strawberry Community Plan ("SCP"). Although the SCP expresses support for inclusionary housing, Page 2 of the 1983 SCP Amendment states the following about development types in Strawberry:

"If new development is to occur, it can strengthen this character by providing the traditional setting of detached single family units within



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any new development proposed for the area. Development plan proposals should give the highest priority to incorporating detached single family homes into the plan." (Emphasis in original.)

In contrast with the SCP statement cited above, the staff report for this matter states that, "**the proposal encourages multi-family building types, over single-family types**, similar to the clustering requirement currently established for Planned Districts in code Section 22.16.030.F.1." Accordingly, the current version of the affordable housing overlay, at least for the GGBTS property, violates the direction of the SCP. The recent technical amendments to the Countywide Plan acknowledged the applicability of Community Plans and added the following definition:

"Community Plan. A planning document that sets forth goals, objectives, policies and programs to address specific issues related to a particular unincorporated community. Community plans are considered part of the Marin Countywide Plan."

Accordingly, the development-type preference set forth in the SCP should be respected when considering affordable housing in Strawberry.

### Unit Comparisons

The proposed zoning overlay would allow the development of up to 60 affordable units (possibly more with density bonuses) on the GGBTS property. Page IV-18 of the Draft Housing Element states that for the GGBTS property, "there is an approved master plan with un-extinguished entitlements for 93 multi-family units." This statement should be amended to read: "there is an approved master plan with un-extinguished entitlements for 93 multi-family **student housing** units," as that is what the current Master Plan actually allows. The difference is a significant one, as student housing is much less impactful than general multi-family housing because the residents of student housing are already at their place of work/study, while residents of general multi-family housing will undoubtedly have jobs primarily off-campus, thereby creating much more of an impact.

The distinction made above is also important because the staff report for this matter states that, "following an AH district project approval, the remainder of the [GGBTS] property would be downzoned to reflect the remaining development capacity." (i.e. if 60-units were built, the 93 units of student housing would be reduced to 33 remaining



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units.) The flaw in this approach is that the affordable housing units would be treated as identical to the already-approved student housing units. This 1:1 ratio fails to recognize the difference between the unit types and the fact that 60 units of student housing does not precisely equate to 60 units of general affordable housing.

So, while the staff report states that the proposed overlay, “does not represent an increase in total unit capacity currently permitted on the proposed sites,” it does represent an increase in the total impact of the GGBTS site on the surrounding neighborhoods.

### Location Uncertainty

1 The GGBTS property is over 73 acres of widely varying terrain with a variety of habitat, geologic, and hydrologic conditions. Furthermore, the property has possible development locations that range from incredibly aesthetically impactful, to those that are more tolerable. To not drill down and identify the specific two acres being considered for affordable housing results in an incomplete, and therefore deficient, SEIR analysis. It also prevents meaningful findings from being made regarding the proposed legislative amendments.

For example, under the SEIR impact category of “Aesthetics,” the potential impacts of an affordable housing development could range from Significant and Unavoidable if built on the Seminary Knoll, to perhaps mitigable if placed in a less prominent location.

Also, the SEIR identifies this property as being close to public transit. How was this determined? Where was it measured from? While some parts of the property could be somewhat close, others definitely are not. This seems like an impossible calculation to make without using a specific point on the property, yet the 2 proposed acres could conceivably be located anywhere.

The property is just so large and varied, that there is no meaningful way to perform an environmental or code review of the proposed zoning change without knowing which 2, of the 73, acres are up for consideration.

### Conclusion

2 In light of the information presented herein, we would respectfully request that the Planning Commission do the following:



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2 continued

1. Withhold from applying the currently proposed affordable housing overlay to the GGBTS property.
2. If such an overlay is desired, develop a program that takes into account the mandates of the SCP, or proposes an appropriate SCP amendment, while also specifically identifying where on the property the overlay will apply.
3. Amend the Draft Housing Element in 2 ways:
  - a. Make the following addition on Page IV-18: "there is an approved master plan with un-extinguished entitlements for 93 multi-family student housing units."
  - b. Add language recognizing the fact that 1 unit of affordable housing is not necessarily equal to one unit of student housing and that existing entitlements should be adjusted equitably if/when an affordable housing project is approved.

Thank you for your attention to these important matters.

Very Truly Yours,

Riley F. Hurd III

CC: Seminary Neighborhood Association  
Scott Hochstrasser

**RESPONSE TO LETTER NO. 50 - RILEY F. HURD III, RAGGHIANI / FREITAS LLP (FEBRUARY 8, 2013)**

**Response to Comment 50-1**

The commentor states that, due to the large size of the Golden Gate Baptist Theological Seminary property (housing site 12, 73.57 acres), the impact of residential development will depend on the location of the housing. As shown in **Exhibit 2.0-16** the Golden Gate Seminary property has been identified as a candidate for the Affordable Housing Combined Zoning District. The Community Development Agency staff has conducted a case study of how the AH zone could be applied to this property.<sup>22</sup> Use of the AH zone would allow the clustering of housing in order to reduce or completely avoid adverse environmental impact.

The Draft SEIR does not, however, presume to characterize a future project description or design for this housing site or any housing site. As stated on page 4 of the Draft SEIR this is a program EIR under Section 15168 of the *State CEQA Guidelines*. As described in *State CEQA Guidelines* § 15168(a)(3), a program EIR “may be prepared on a series of actions that can be characterized as one large project and are related...in connection with the issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program.” As a program EIR, this document focuses on the overall effect of the *2012 Draft Housing Element*. The Draft SEIR provides an in-depth program-level review of the proposed housing sites. Regarding site-specific review of future proposals to develop individual housing sites, please see *Master Response 3 – Environmental Review of Housing Projects*. This Draft SEIR will help in future, tiered environmental review, because it provides program level information and data about each housing site, which identifies potentially significant environmental impacts and associated mitigation measures that may be used in analyzing future site-specific development projects.

**Response to Comment 50-2**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*.

In regard to the Golden Gate Baptist Theological Seminary CDA staff recommends a revision to the *Draft Housing Element* to acknowledge existing entitlements for 93 multi-family units for students or faculty (see *Section 5.5 CDA Staff Recommended Changes to the Draft Housing Element*).

---

<sup>22</sup> *Proposed Affordable housing Combined Zoning District Case Studies*, Community Development Agency Planning Division, Revised 1-24-13.

**From:** Robin Stelling [mailto:rs@lucasvalley.net]  
**Sent:** Monday, February 18, 2013 12:22 PM  
**To:** EnvPlanning  
**Cc:** Adams, Susan  
**Subject:** Response to the Housing Element Draft Report

Rachel Warner  
Environmental Planning Manager  
and the Planning Commission:

We attended the affordable housing hearing at the Civic Center on February 11th.

It appears that some of the commissioners didn't listen to our concerns about condensing the County's housing requirements into the Lucas Valley Marinwood area and the impacts that would result.

1 Joan Lubarmersky, who voted to pursue this huge addition of housing here, had a different attitude about her own town when she was running for office in Larkspur--the website still shows her concern about traffic and about maintaining a small town character. I have included a screen shot of her ideas and a link to her website: [http://www.smartvoter.org/1999nov/ca/mrn/vote/lubamersky\\_j/](http://www.smartvoter.org/1999nov/ca/mrn/vote/lubamersky_j/)

These are the very same concerns we have in our community! It's beyond hypocritical; a fine example of NIMBY-ism from the head of the commission.

The housing needs for the County must be shared throughout the County; the bulk of it cannot simply be dumped on our under-represented neighborhoods. We are in favor of the current plan for the area around Marinwood Market; and we were in favor of Lucas' expansion of his studio. But we are very much against the subsidized housing plan for Grady Ranch/St Vincent/Silvera and how it would negatively affect local traffic and schools, amongst other things. It's hard to believe that the planning process got this far without taking the impact on the Dixie School District into consideration, but that is what we discovered at the meeting on the 11th and another recent meeting with Susan Adams and two of the planners at the Lucas Valley Community Center.

The current amount of planned housing will add too many students to our already stressed school district; with no additional tax support. This overcrowding of the schools will have a negative affect on all local property values and on the quality of education. Also, I can't believe you would add more traffic to the congested area around the Lucas Valley/Smith Ranch Rd interchange as well as to Lucas Valley Road, a country road supporting cyclists and few cars.

George Lucas is hypocritical about adding affordable housing to an area far from services and public transit. Why did he buy a large apartment building in San Anselmo where he lives and not change that into affordable housing instead of evicting the residents and clearing it for his personal expansion? It's clear that after he made his \$4 billion deal with Disney he doesn't care about how his ideas affect his studio's neighbors. After all, he doesn't live here and wanted "pay back" for the few neighbors and commissioners who forced his original plans to be unrealized.

Please do not approve the wildly inappropriate Grady Ranch low income housing proposal that would be a huge part of the addition of 400-500 homes to our small community.

Thank you  
Robin and Terry Stelling  
5 Mt Rainier Drive  
San Rafael, CA 94903

**RESPONSE TO LETTER NO. 51 - ROBIN AND TERRY STELLING (FEBRUARY 18, 2013)**

**Response to Comment 51-1**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

Comment Letter 52

**From:** Sharlene Moss [mailto:shmoss88@earthlink.net]  
**Sent:** Friday, January 11, 2013 1:34 PM  
**To:** EnvPlanning; Crawford, Brian; Stratton, Debra  
**Subject:** Draft Supplemental EIR - 2012 Draft Marin County Housing Element

TO: Rachel Warner, Environmental Planning Manager

This is a request to extend the public comment period on the above report. While I am not able to attend public meetings, I would like to have more time to review the report. Releasing reports right before a major holiday and giving only 45 days to comment seems to be a common practice with planning departments and should be changed. I appreciate the time your department has put into this Housing Element. Your staff intimately knows everything about this report. The public does not. It is complex and will impact people's daily lives. The public deserves an adequate amount of time to review the report and comment if necessary.

Please extend the comment time.

Thank you,  
Sharlene Moss  
9 Zephyr Ct.  
San Rafael

**RESPONSE TO LETTER NO. 52 - SHARLENE MOSS (JANUARY 11, 2013)**

**Response to Comment 52-1**

The Draft SEIR was distributed on December 20, 2012. Distribution of the Draft SEIR began a 45-day public review and comment period on the adequacy of the Draft SEIR which was to conclude on February 4, 2013. In response to this comment, and several others received by Marin County, which requested more time to comment, the Draft SEIR comment period deadline was extended to February 19, 2013.

**From:** Stephen Nestel [mailto:stephen@stephennestel.com]  
**Sent:** Tuesday, January 15, 2013 12:15 PM  
**To:** EnvPlanning; Crawford, Brian; Stratton, Debra  
**Subject:** Comments from Marinwood/Lucas Valley on EIR for the 01/14/2013 meeting

Editors note: I came to the meeting expecting to discuss another topic. I spoke briefly on behalf of Marinwood Lucas Valley which is receiving 71% of all affordable housing allocations. Here is a summary of what I said for the written record to be included with meeting notes.

Stephen Nestel  
Walk/Bike Marinwood; [www.savemarinwood.org](http://www.savemarinwood.org)  
360 Quietwood Dr.  
San Rafael, CA 94903

-----  
Commissioners:

1 I am Stephen Nestel, of Walk/Bike Marinwood, and [www.savemarinwood.org](http://www.savemarinwood.org). We feel that the 2007 Housing Element for Unincorporated Marin should be renamed “The Housing Element for Marinwood-Lucas Valley”.

Why do I say this?

It is because, despite the fact that the County of Marin is 828 square miles and has a population of 250,000 people OVER 71% OF ALL AFFORDABLE HOUSING is going into 5.62 square mile sliver of land known as Marinwood-Lucas Valley. We are only 2 % of the population (6000) and occupy only 0.6 percent of the total land mass.

So while you are reviewing the unavoidable environmental impacts described in the EIR note that 71% are occurring in a single neighbor.

71% of all pollution, crowding, traffic and community impact is being dumped into one neighborhood.

I understand that we are politically weak. Other cities and towns have political elites protecting them. That is why we are the target.

I also understand that California Code 65584 requires even allocation of affordable housing throughout the county and not to be concentrated into single neighborhood.

This is true NIMBY by the rest of Marin against the neighborhood of Marinwood-Lucas Valley.

Respectfully,

Stephen Nestel  
Walk/Bike Marinwood; [www.savemarinwood.org](http://www.savemarinwood.org)  
360 Quietwood Dr.  
San Rafael, CA 94903

**RESPONSE TO LETTER NO. 53 - STEPHEN NESTEL (JANUARY 15, 2013)**

**Response to Comment 53-1**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

**From:** Stephen Nestel [mailto:stephen@stephennestel.com]  
**Sent:** Sunday, February 17, 2013 9:40 PM  
**To:** EnvPlanning  
**Subject:** Merits of the the 2012 Housing Element/ EIR attn: Racheal Warner

Dear Ms Warner,

1 We heartedly endorse all of the points raised by Sustainable TamAlmonte and have additional concerns for Marinwood-Lucas Valley attached to this email.

71% of all affordable housing units for unincorporated Marin are located within the 5.78 square mile area of Marinwood-Lucas Valley. This means that we can expect 71% of all environmental impacts.

The Miller Creek Watershed is pristine and relatively unmolested with development. Unfortunately all of the proposed high density housing locations are situated adjacent to the FEMA flood zone, coastal flood plain and wetlands.

Many protected species reside within the watershed. Drainage from each of the sites, most especially Marinwood Village project threatens the water quality of the watershed and consequently the species that reside within it. We object to all provisions that will decrease the requirements to adhere to sound environmental standards, State and Federal law.

As ordinary citizens, we lack specific expertise and the ability to hire experts unlike government agencies who have our taxpayer resources to support their case.

We only ask that we retain a voice in keeping Marinwood Lucas Valley and the Miller Creek Watershed clean, pollution free and safe for the current and future residents in our valley.

Sincerely,

Stephen Nestel  
Walk/Bike Marinwood  
360 Quietwood Dr.  
San Rafael, CA 94903

A copy of the Sustainable TamAlmonte letter dated February 6, 2013 (Comment Letter 4) has been omitted. Please see Comment Letter 4 in the Final SEIR.

**RESPONSE TO LETTER NO. 54 - STEPHEN NESTEL (FEBRUARY 17, 2013)**

**Response to Comment 54-1**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

508 Browning Street  
Mill Valley, CA 94941  
8 February 2013

Marin County Planning Commission  
3561 Civic Center Drive, Ste. 308  
San Rafael, CA 94903

Dear Planning Commissioners:

1

I am writing to express my agreement with the concerns and recommendations articulated in Sharon Rushton's letter of February 6, 2013 re: the merits of the 2012 Draft Marin County Housing Element's Programs—to be discussed on Monday, February 11, 2013 at the Planning Commission Public Hearing.

As a resident and homeowner in Tam Junction, living just off Shoreline Drive, I have noticed a considerable increase in local traffic in the past year, especially on Shoreline Drive and at the "Arco intersection." I support sensibly planned affordable housing so long as any subsequent impacts are thoroughly evaluated in advance of plans being approved. I believe, and I think many of my neighbors would agree, that the current proposals of streamlining permit and environmental review processes for affordable housing run counter to comprehensive and responsible review.

I endorse the recommendations made by Sustainable TamAlmonte and respectfully request that you give our perspective your careful consideration.

Sincerely,

Susan Montrose

**RESPONSE TO LETTER NO. 55 - SUSAN MONTROSE (FEBRUARY 8, 2013)**

**Response to Comment 55-1**

Please see the responses to comment letters 3 and 4.

**From:** Thomas Meagher [mailto:meagherthomas@yahoo.com]  
**Sent:** Tuesday, February 19, 2013 5:38 PM  
**To:** EnvPlanning  
**Cc:** Cit EdGov  
**Subject:** Hello Rachel Warner - Identification

Rachel: Thank you for this email.

For purposed of identification, the EIR comment submission from Citizens for EdGov should have me listed as:

Thomas Meagher, Esq.  
CSBN 212000  
Citizens for Educated Government.

If this addition will not alter the time of receipt of our comments, this clarification would be of value to add.

Thank you.

**TJ Meagher, Esq. / [meagherthomas@yahoo.com](mailto:meagherthomas@yahoo.com) / 415-847-4385**  
**From:** EnvPlanning <[EnvPlanning@marincounty.org](mailto:EnvPlanning@marincounty.org)>  
**To:** 'Thomas Meagher' <[meagherthomas@yahoo.com](mailto:meagherthomas@yahoo.com)>  
**Sent:** Tuesday, February 19, 2013 4:12 PM  
**Subject:** RE: Hello Rachel Warner

Hello Mr. Meagher,

Yes, your comment letter was just received.

Thanks,

Marin County  
Environmental Planning Staff

**From:** Thomas Meagher [mailto:meagherthomas@yahoo.com]  
**Sent:** Tuesday, February 19, 2013 4:09 PM  
**To:** EnvPlanning  
**Cc:** Cit EdGov  
**Subject:** Hello Rachel Warner

Hello Rachel:

On behalf of Citizens for Educated Government and in support of Sustainable TamAlmonte I submitted comments for the DSEIR/EIR at 4pm today.

Please look for them.

Yours - Tj Meagher

**TJ Meagher / [meagherthomas@yahoo.com](mailto:meagherthomas@yahoo.com) / 415-847-4385**  
Email Disclaimer: <http://marincounty.org/nav/misc/EmailDisclaimer.cfm>

**From:** Thomas Meagher [mailto:[meagherthomas@yahoo.com](mailto:meagherthomas@yahoo.com)]  
**Sent:** Tuesday, February 19, 2013 4:01 PM  
**To:** EnvPlanning  
**Cc:** rachaelkoss@hotmail.com; Cit EdGov  
**Subject:** DSEIR / EIR Official Comments

Our submission to the County

See Attached.

Tj Meagher

**TJ Meagher** / [meagherthomas@yahoo.com](mailto:meagherthomas@yahoo.com) / 415-847-4385

## Via Email

Rachel Warner, Environmental Planning Manager  
Marin County Community Development Agency  
3501 Civic Center Drive, Room 308  
San Rafael, CA 94903  
[envplanning@marincounty.org](mailto:envplanning@marincounty.org)

Re: Comments on the Draft Supplemental Environmental Impact Report for the 2012 Marin County Housing Element

Dear Ms. Warner:

I write in support Sustainable TamAlmonte on behalf of Citizens for Educated Government and myself to comment on the County of Marin's Draft Supplemental Environmental Impact Report ("Draft SEIR") for the 2012 Draft Marin County Housing Element ("Project").

My comments are directed toward significance of impacts to Archeological and Historical Resources. The relevant CEQA code section is 15064.5. As explained below, the Draft SEIR fails to comply with the requirements of the California Environmental Quality Act ("CEQA"). The County should not approve the Project until an adequate EIR is prepared and circulated for public review and comment.

### **The EIR Should Contain Plans for Discovery of Cultural Resources**

Sustainable TamAlmonte is a group of Tamalpais Valley and Almonte residents who want to preserve and enhance the environmental qualities of these unique bayside communities, including Cultural Resources.

It is required under CEQA the following: "While conducting this review for completeness, the agency should be alert for environmental issues that might require preparation of an EIR..."

Fireside - 2008

1

We advance the discover of Native American remains along the banks of Coyote Creek along Highway 1 in unincorporated Mill Valley ("The Fireside"), sets an expectation that the area contains cultural resources and

establishes a requirement that an Environmental Impact Report be drafted with measures and mitigations in contemplation of such an expectation.

The discovery of the Native American remains occurred in 2008 and after the 2007 EIR was completed. It is an intervening fact that has not been adequately addressed in the DSEIR of 2012.

The discovery of the remains occurred in a site long disturbed by some development. This is mentioned to rebut a presumption that the development in the TamAlmonte area precludes the existence of items of cultural relevance.

### Sites Identified in Area

While sections of the Marin Countywide Plan lament the degradation of Native American artifacts and shell mounds, The Department of Interior official Sherry Hutt, in her April 23, 2008 Notice of Inventory Completion under the Native American Grave Protection and Repatriation Act (See FedReg Vol. 73, No. 101 pgs 30156 - 30158) noted items of significance in their inventory. One note was of a burial at CA-MRN-17, “this burial represents one of the earliest Native American human remains recorded in the San Francisco Bay area.” Further, it was uncertain the tribal affiliation for such an early burial, as was state, “Archeological and linguistic research does not indicate a clear cultural affiliation for Native American human remains from this early period.”

The lament of what development has done should not reduce Marin County’s effort to care for what artifacts exist to be unearthed, particularly since at nearby site CA-MRN-17 unique, ancient and culturally significant items were unearthed.

### Codes

Relevant code sections that addresses our Cultural and Archeological Resources include within Section 15064.5 indicate an EIR should be completed include instances where:

### Registered Site:

(a) (2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

Likely to Yield Site:

An area: (a) (3) (D) Has yielded, or may be likely to yield, information important in prehistory or history.

and, Not Registered Site;

(a) (4) The fact that a resource is not listed in ... the California Register of Historical Resources ... does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

Thus;

(b) (4) A lead agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. The lead agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures.

Sites Registered – Burial Grounds

It is known that CA-MRN-17, CA-MRN 138, The Fireside, and CA-MRN-158 are documented and registered burial grounds by 2010. The TamAlmonte area along Coyote Creek is known, with these registered sites, to have been the locals of Native American burial grounds and plans need to be designed with the expectation Native American remains or cultural items.

Potential Registration

CHRIS - The California Historical Resources Information System is the tool to registered sites of Historical significance. However, to prevent violation of historical sites, CHRIS information has not been made immediately available to citizenry. An expected upgrading effort in March 2013 is to cure this deficiency. It is not know if there are other sites in TamAlmonte indentified only in the CHRIS system.

Likely to Yield information Important in Prehistory

The topography of TamAlmonte is one that suited Native Americans. It is likely to yield discoveries. The following comment from February 16<sup>th</sup>, 2012, from an Archeologist Darrell Cardiff emphasizes the point:

Hello Tj Meagher & Citizens for Educated Government

Re: Cultural Resources Comment

Per your request, I made a cursory examination of the areas for proposed re-development in the vicinity of Richardson Bay, California.

As you probably know, there was a large prehistoric population in the area.

There are several variables that an archaeologist will examine when determining archaeological sensitivity of an area. A majority of prehistoric archaeological sites are located on landforms that have a slope of 10% or less, a south facing aspect (112-157 degrees) and are within 200 meters of water. Additional physiographic and ecological variables can be used to refine the archaeological sensitivity evaluation. In general terms, humans tend to live and work on the 'edges' of different ecological zones. That way they can access several different resources within a short area.

Although I do not have professional experience working in Richardson Bay, I do have experience working in Humboldt Bay, Morro Bay and other estuarine environments in California. Several features in the Richardson Bay area lend toward an interpretation of high archaeological sensitivity beyond the general predictive model.

The margin in the bay, with intertidal salt marsh with freshwater streams, and associated uplands is a very productive environment that was attractive to Native Americans. Areas such as the first elevation rise above the marsh, with well drained soils, close to fresh water will likely have archaeological deposits. Additional "locational" influences in the area may be related to tidal channels and/or places that are protected from prevailing weather patterns.

In order to refine a sensitivity assessment, one would need to research pre-development conditions. This area has experienced substantial landscape alterations such as draining, channelization and modern fill.

If one of the development areas matches most of the criteria, and is not a parcel created by fill, there is a good chance that there is sensitivity for archaeological resources.

When planning a project in an area with high archaeological sensitivity, I generally recommend that the project proponent make a real effort to identify whether there are archaeological resources. For areas that have modern development that may be obscuring the prehistoric archaeological record, it is a good idea to have a qualified archaeologist do an investigation prior to construction activities. That way, in the event that buried archaeological deposits are found, there is a real opportunity to evaluate the find and consider what 'mitigation' efforts should be made. Waiting to have a late discovery without a real plan can result in significant construction delays and additional project costs.

These are basic comments on what makes for a potential Native American archeological site, but, many people do not know even this level of information.

Yours;

Darrell Cardiff  
Archeologist  
Lifetime Member of the Society for California Archaeology

The opinions expressed here are Darrel Cardiff's professional opinions and do not represent that of any employer or any former employer. The comments are intended to invite inquiry.

### **Accidental Discovery Mitigation is Not Sufficient**

The section of CEQA (15064.6 (e)) concerning an "event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery" is a reasonable measure, but does not comply with CEQA if a site is "registered" or "likely to yield information" of cultural significance.

Conclude

3

The Citizens for Educated Government conclude that the following section of CEQA (15064.5 (b) (4):

A lead agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. The lead agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures.

Is not satisfied with the current DSEIR (2102) as applied to the Marin County EIR (2007). We oppose approval.

**Thomas Meagher**  
**Citizens for Educated Government**  
**Mill Valley, CA 94941**

**RESPONSE TO LETTER NO. 56 - THOMAS MEAGHER, ESQ. (FEBRUARY 19, 2013)**

**Response to Comment 56-1**

Please see Response to Comment 46-14.

Impact 4.11-2 (*Archeological and Paleontological Resources and Human Remains*) in the 2007 *Countywide Plan EIR* acknowledged that land uses and development could result in the disturbance of subsurface archeological and paleontological resources as well as humans, including those interested outside of formal cemeteries. It was further noted, however, that the policies and programs of the *Countywide Plan* would reduce this to a less-than-significant impact.

The Marin County Board of Supervisors recently approved an amendment to the *Countywide Plan* to strengthen policies and programs to protect archeological and paleontological resources.<sup>23</sup> Goal **HAR-1** calls for the identification and protection of archaeological and historical resources, with policies **HAR1-1** through **HAR 1.5** providing policy direction. Policy **HAR1.1** was revised to read *Preserve Historic and Archaeological Resources* to clearly indicate reference to both archaeological and historic resources. Similarly the title of Policy **HAR-1.3**, which is to ensure that human activity avoids damaging cultural resources, was revised to read *Avoid Impacts to Historical and Archaeological Resources* to clearly indicate reference to both archaeological and historic resources. *Countywide Plan* programs that are in place to protect archeological resources include Program **HAR-1.d**, which requires archaeological surveys conducted on site by a State-qualified archaeologist for new development proposed in areas identified as potential resource locations on the County sensitivity map and Program **HAR-1.e** which requires development at an archaeological site to, where feasible, avoid the resource and provide permanently deeded open space that incorporates the resource.

The SEIR concludes that implementation of the 2012 *Draft Housing Element* would not create new or substantially more severe significant impacts requiring major revision to the 2007 *Countywide Plan EIR* with regard to archeological and paleontological resources and human remains; therefore, no additional analysis is required.

As discussed in Impact 4.11-2 (*Archeological and Paleontological Resources and Human Remains*) in the 2007 *Countywide Plan EIR* ground-disturbing activities could disturb subsurface archeological and paleontological resources as well as human remains, including those interred outside of formal cemeteries. As discussed in Response to Comment 46-14, procedures are in place should such an event occur. Based on the above, the discovery of archeological resources and human remains at the Fireside site does not change the conclusion of the SEIR.

**Response to Comment 56-2**

See Responses to Comment 46-14 and 56-1.

Consistent with *Countywide Plan* policies and programs, when Community Development Agency planners are working on a discretionary application, they review the County archeological sensitivity map in the GIS. If the project involves grading, then staff planners will request an archeological report for the project if an archeological report has not been previously done on the property. If the

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<sup>23</sup> *Marin County Board of Supervisors Resolution No. 2012-77 A Resolution Approving an Amendment to the 2007 Marin Countywide Plan*, September 11, 2012.

archeological report indicates that the project could result in potentially significant impacts to cultural resources, then an environmental review would be conducted and if necessary mitigation measures would be imposed to reduce the impact to a less than significant level.

In the event that archaeological resources, including the discovery of human remains, are discovered during land alteration activities several processes are in place to protect these resources. For example *State CEQA Guidelines* section 15064.5(e) describes the steps that should be taken in the event of the discovery or recognition of any human remains in any location other than a dedicated cemetery.

Marin County also has procedures in place in the event of discovery of archaeological resources and / or human remains. County Code Section 22.20.040 (Archaeological and Historic Resources) in the event archeological or historical resources are discovered during construction, construction activities shall cease the Community Development Agency shall be notified so that the extent and location of the materials may be recorded by a qualified archeologist and the disposition of the artifacts may occur in compliance with state and federal law.

The disturbance of an Indian midden may require the issuance of an Excavation Permit by the Department of Public Works, in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.

***Response to Comment 56-3***

Comment noted.

Lucas Valley Ranch Capital Partners LLC  
2200 Lucas Valley Road  
San Rafael, CA 94903

February 19, 2012

Marin County Planning Commission  
3501 Civic Center Drive Room #329  
San Rafael, CA 94903

Attn: Joan Lubamersky  
Ericka Erickson  
Peter Theran  
Kathrine Crecelius  
Don Dickenson  
Wade Holland  
John Eller  
Debra Stratton

RE: 2012 Draft Housing Element  
Draft Supplemental to the 2007 County Wide Plan Final Impact Report

Dear Planning Commissioners,

We generally support efforts to create affordable housing in appropriate locations, however the proposed Draft Supplement Environmental Impact Report (DSEIR) to the 2007 Marin Countywide Plan is inadequate and has significant unacceptable impacts to the neighborhoods where the proposed Affordable Housing Projects are located. We think approving the DSEIR as proposed is simply bad planning and should be significantly changed. Many of the proposed Affordable Housing sites will impact the surrounding neighborhoods with unacceptable traffic, air quality, noise impacts, visual (aesthetic) impacts, and environmental issues. We ask the Planning Commission to recommend to the Board of Supervisors to deny approval of the DSEIR for the Housing Element as submitted and to ask staff to revise it for the following reasons.

1. Disproportionate amount of Affordable Housing Units within neighborhoods that will create undue strain on the school districts, and public services.
2. Traffic future impacts from the future affordable housing sites are significant, and not mitigated.
3. Lack of Design Standards for future affordable housing.
4. Lack of height restrictions commensurate with existing height limits within the existing neighborhood.
5. Limit density restrictions commensurate with existing density limits with the existing neighborhood.
6. Lack of visual representation of new proposed affordable housing height/bulk.
7. The DSEIR provides a lack of alternatives, which would mitigate impacts.

#### **OVER CONCENTRATION IMPACTS**

1 What is so disturbing about the 2012 Housing Element and DSEIR is the fact that of the 863 potential housing units for the 2007-2014 period, 546 units are located in the Marinwood/Lucas Valley area. This accounts for 63% of all the potential affordable housing in the county being concentrated in one small physically constrained area. Typically affordable housing units are blended in with market rate housing in an 80% market/20% affordable housing ratio. This blending allows for a more even distribution of housing types and in effect attempts to avoid concentrating affordable housing units to create a more balanced neighborhood. According to Wikipedia

who cites the 2010 Census Lucas Valley/Marinwood has 2392 households. By concentrating 546 affordable housing households into the Lucas Valley/Marinwood neighborhoods constitutes a unit increase to this area by 23%; essentially the 2012 Draft Housing Element is proposing to "Ghettoize" this area with a disproportionate amount of affordable housing. The concentrating of affordable housing in the Lucas Valley / Marinwood neighborhoods is a bad social engineering policy.

### **TRAFFIC IMPACTS**

This DSEIR is inadequate and does not properly evaluate the unforeseen long-term consequences to the environment, the public services, impacts to social services, school districts, and the local residents. The potential of 546 additional units in the Marinwood/Lucas Valley neighborhoods regardless of being affordable or market rate will have significant impacts to what is already an untenable traffic situation on Highway 101 and Lucas Valley Road. The following is a list of our concerns related to traffic impacts to the Lucas Valley / Marinwood neighborhoods resulting from the projects listed in the 2012 Draft Housing Element;

- 2 | 1. Per the DSEIR the traffic condition resulting from the proposed projects in the Lucas Valley and Marinwood would result in an "Unacceptable Level of Service (LOS) on Lucas Valley Road from Las Gallinas Avenue to Las Gamos." both on a project level and a cumulative level. See DSEIR pages 47-48, Impacts 4.2-12 and 4.2-20.
- 3 | 2. Per the DSEIR there will be "Unacceptable Levels of Service" with regards to traffic at 24 different locations within Marin County.
- 4 | 3. Properties proposed for development in the 2012 Draft Housing Element could be developed at a higher density than was analyzed in the 2007 County Wide plan EIR. Therefore significant unavoidable impacts worse than what was analyzed in in the 2007 EIR will occur if the Housing Element is approved as proposed.
- 5 | 4. The Supplement EIR for the County Wide Plan does not adequately address or mitigate the significant traffic impacts resulting from the Marinwood and Lucas Valley projects. No further mitigation or attempts to reduce these impacts has been proposed on a project or cumulative basis.
- 6 | 5. Collection of additional Traffic Impact fees or further traffic studies will not mitigate the impact of the increased volume in traffic.
- 7 | 6. The public transportation systems in place to service the Grady Ranch site with its potential 240 units of affordable housing is not only inadequate its non-existent.
- 8 | 7. This project will translate into more automobile traffic, which will in turn impact air quality, green house gases, and traffic noise within this narrow valley.
- 9 | 8. Increases in traffic generated from the Marinwood Plaza project (85 units), the Silvera Ranch site (221 units), and Grady Ranch Site (240 units) will result in an increase to the bottleneck on Highway 101 much worse than current conditions with no foreseeable remedy.

### 10 **GREEN HOUSE GAS IMPACTS**

In the 2007 County Wide Plan one of the "Countywide Goals" for "Planning Sustainable Communities" is "Less Traffic Congestion" and "A Reduced Ecological Footprint". As noted above in the Traffic Impacts section of this letter there will be 24 known locations throughout the County that will have Significant Impacts due to traffic. What this means is as a result of the projects listed within the Draft Housing Element is the traffic situation will worsen in 24 locations throughout the county. Worse traffic means more time sitting in idling vehicles, which translates into more fuel consumption and more Green House Gas Emissions. The following is a list of our concerns related to traffic resulting from the projects listed in the 2012 Draft Housing Element;

1. The Draft SEIR notes that the estimated green house gas emissions for all the affordable housing sites listed for the 2007-2014 time period will generate 7032 Metric Tons of Green Houses Gas (GHG) Emissions.

2. Of the 7032 metric tons of GHG emissions to be generated from the projects listed in the new Housing Element, 55% or 3873 metric tons will be generated from the three projects proposed for the Lucas Valley and Marinwood areas. This concentrating of GHG Emission will impact the residents of Lucas Valley and Marinwood the greatest.
3. The standing traffic on Highway 101 much like in Lucas Valley will generate more issues with air quality, green house gases, and traffic noise all of which have no measures which realistically or significantly mitigate these impacts.
4. The DSEIR is inadequate and incomplete due to the fact that the impacts that result from the majority of new GHG Emissions resulting from the projects listed within the 2012 Draft Housing Element will occur in a concentrated area (Lucas Valley & Marinwood). This concentration of Green House Gases in a localized area will reduce the air quality by increase in the Toxic Air Contaminants for the residents within the Lucas Valley and Marinwood Neighborhoods. This impact is not noted or addressed in the 2012 DSEIR.

**PUBLIC SCHOOLS & SERVICES**

The Public Schools and Services for the Marinwood & Lucas Valley neighborhoods are primarily funding via the property taxes paid by its residents. Since affordable housing units are not taxed in equal proportion to market rate units the 546 additional units will not contribute to the ongoing financial support of local services such as Fire, Police, and Public Schools. Of the 546 potential additional units in the Lucas Valley and Marinwood neighborhoods the issue of public services and education is not addressed in the DSEIR or the 2012 Draft Housing Element. Reduced funding to the county Sheriff, local Fire, and Dixie School District will have real life impacts. The following is a list of our concerns related to impacts to Public Services resulting from the projects listed in the 2012 Draft Housing Element;

1. The DSEIR does not address the impacts to Public School System as result of increased student population without increase in Public School Funding.
2. The DSEIR does not address the impacts to Emergency Services Such as Fire & Sheriffs Departments as result of increased population without increase in funding for public services.
3. County Planning Commission and Board of Supervisors must expect the property owners within Lucas Valley and Marinwood to shoulder the cost of increased demands for public services due to the planned increase in affordable housing.
4. The 2012 Draft Housing Element will concentrate 63% of all the County's new Affordable Housing in one area (and one school district).
5. Without additional funding the Dixie School District will increase in student population but will not increase the amount of teachers.
6. Without additional funding the teacher to student ratio will reduce significantly.
7. In essence the Draft Housing Element by concentrating 63% of the County's future affordable housing in Lucas Valley & Marinwood is chastising not only the current residents but also the future residents regardless if they are market rate or affordable housing residents.

**GRADY RANCH SITE**

There are many issues with the Grady Ranch site being used for affordable housing. In the 2012 Draft Housing Element in the description for Grady Ranch it is stated that; "There are significant infrastructure deficiencies such as lack of water and sewer." Beyond the issues with water and sewer supply for Grady Ranch is the issue with Environmental Impacts to the natural environment notably the Miller Creek. The site has precious little flat land outside of the recognized creek setback areas (SCA's), which means that future housing would be located on adjacent hillsides, which will create aesthetic impacts from the road and neighboring properties. The adjacent hills sides at Grady Ranch have geotechnical issues due to historic landslides, which may impact the future housing sites as well. The Grady Ranch site is remote meaning not near public transportation, public services, or

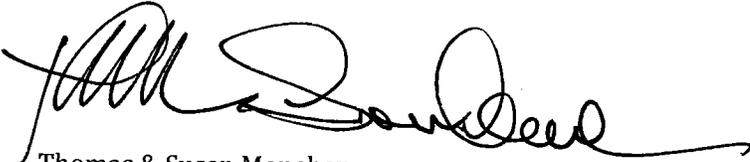
any significant source of jobs. The location itself is prohibitive for the future residents with regards to ease of access to public transportation, public services, job opportunities, or even shopping. This means more auto traffic trips, more GHG emissions, more poor air quality, increase traffic noise, and will be more expensive for the future affordable housing resident to live at this location. As proposed, Grady Ranch is a lose-lose scenario for the existing community, and the future residents. The Grady Ranch site as proposed within the Draft Housing Element is High Density 30 units/acre. It is inappropriate to approve a high-density project in a residential/rural area with a sensitive natural environment. There are no height limits identified for a project where the limit for all other buildings in this area is 30 feet. Low Density one-story buildings that fit into the sensitive condition of the site should be required for any development at the Grady Ranch site.

We ask the Planning Commission to;

1. Recommend to Staff & the BOS to remove Grady Ranch from the new Housing Element.
2. Not recommend approval of the DSEIR based on the fact that ifs finding and conclusions are inaccurate and incomplete.
3. Not recommend approval of the Housing Element or the DSEIR based on the unstudied impacts to communities that will be impacted with un-proportionate amount of Affordable Housing Units within a neighborhood that will create undue strain on the school districts, and public services.
4. Establish appropriate Design Standards for all future affordable housing within the county.
5. Require Height Restrictions for affordable housing commensurate with existing height limits within the existing neighborhood. No neighborhood in the county wants the impact of having something similar or equal to the Affordable Housing towers that exist in Marin City.
6. Density restrictions commensurate with existing density limits with the existing neighborhood.
7. If the PC will not recommend removing the Grady Ranch site from the Draft Housing Element then recommend age restricting the Grady Ranch site for Affordable Senior Housing. This will reduce traffic impacts eliminate impacts to the Dixie School District, and address noise, GHG Emissions, and Air Quality due to the reduced automobile traffic.
8. On all proposed Affordable Housing Sites where traffic impacts are significant, age restrict these sites for Senior Affordable Housing in effort to reduce the traffic impacts.

We oppose the proposed Draft Housing Element and object to the DSEIR and find it incomplete and its conclusions inaccurate. We ask the Commission to uphold the values of the County and protect the environment for future generations to enjoy.

Sincerely,



Thomas & Susan Monahan  
Lucas Valley Ranch Capital Partners LLC  
2200 Lucas Valley Road  
San Rafael CA 94903

**RESPONSE TO LETTER NO. 57 - THOMAS & SUSAN MONAHAN, LUCAS VALLEY RANCH  
CAPITAL PARTNERS LLC (FEBRUARY 19, 2012) (SIC)**

**Response to Comment 57-1**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*. No further response is necessary.

**Response to Comment 57-2**

As discussed on pages 258 and 259 of the Draft SEIR, previously adopted Mitigation Measure 4.2-12, would reduce the impact on Lucas Valley Road from Las Gallinas to Las Gamos, but not to a less than significant level. Therefore this location would remain significant and unavoidable, but would not be substantially more severe than the impact analyzed in the *2007 Countywide Plan EIR*.

**Response to Comment 57-3**

Please see Response to Comment 57-2. The *2007 Countywide Plan EIR* identified 23 significant unavoidable transportation impacts. As stated on page 259 of the Draft SEIR previously adopted mitigation measures would reduce these impacts, but not to a less-than-significant level. As discussed in the Draft SEIR, based on new traffic modeling with updated assumptions for socio-demographic data and transportation supply previously identified significant unavoidable impacts at four locations (Impact 4.2-11, Impact 4.2-15, Impact 4.2-16 and Impact 4.2-17) would no longer occur.

**Response to Comment 57-4**

The commentor is correct that, as stated in the SEIR, properties to be included in the AH Combined Zoning District and other properties identified in the *2012 Draft Housing Element* could be developed at higher densities than were analyzed in the *2007 Countywide Plan EIR*. This is one reason why, as discussed on page 241 of the Draft SEIR, it was decided to use updated traffic forecasting methodology was used. The traffic analysis in the SEIR is based on new traffic modeling with updated assumptions for socio-demographic data and transportation supply. The SEIR, therefore, takes into account the possibility that some properties could be developed at higher densities than were analyzed in the *2007 Countywide Plan EIR*. As stated, significant unavoidable traffic impacts would continue to occur, but would not be substantially more severe than the impacts analyzed in the *2007 Countywide Plan EIR* and four previously identified significant and unavoidable impacts would no longer occur.

**Response to Comment 57-5**

Please see Response to Comments 57-2 and 57-3.

**Response to Comment 57-6**

Comment noted. No additional response required.

**Response to Comment 57-7**

Currently there is no bus service to the Grady Ranch area, and there are no reasonably foreseeable plans to extend bus service to this area.

**Response to Comment 57-8**

The SEIR does analyze the secondary impact of increased traffic in several sections including Air Quality (Checklist Section 3), Greenhouse Gas Emissions (Checklist Section 7) and Noise (Checklist Section 12).

**Response to Comment 57-9**

The traffic modeling completed for the SEIR includes development assumptions at the housing sites mentioned by the commentor (Marinwood Plaza, St. Vincent's / Silveria Ranch, and Grady Ranch). As shown on **Exhibits 3.0-35** and **3.0-16** traffic on Highway 101 south of Lucas Valley Road (screenline 14) would operate at an acceptable level of service (LOS) in the AM and PM peak hours. Lucas Valley Road (between Las Gallinas Avenue and Los Gamos) (Screenline 15) would operate at a less than acceptable LOS eastbound in the AM peak hour and westbound in the PM peak hour.

**Response to Comment 57-10**

Please see Response to Comment 20-15. Emissions of greenhouse gases are not known to have localized adverse environmental effects. New residences and their associated traffic are not considered sources of TACs by BAAQMD that could cause potentially significant health risk impacts, especially for a fairly rural setting such as Lucas Valley.

**Response to Comment 57-11**

Public Services are discussed in Checklist Section 14 and Utilities and Service Systems are discussed in Checklist Section 17. For information regarding the CEQA analysis of impacts on Public Schools please see *Master Response 2 – Dixie School District*.

The commentor raises an issue regarding whether future housing development would provide adequate funding to pay for increased public services. As stated in Section 15131(a) of the *State CEQA Guidelines*, an economic impact itself is not considered to be a significant effect on the environment. A significant effect on the environment means a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project. Section 15131(a) states further that "economic or social effects shall not be treated as significant effects on the environment. However, it is acknowledged that economic impacts can be significant if they result in a physical effect on the environment. For example, a proposed suburban shopping center might cause an adverse economic effect on the downtown shopping area. While the loss of downtown income would not directly cause any physical effects, it might result in a significant effect if it indirectly caused the downtown area to deteriorate physically. As discussed in the *2007 Countywide Plan EIR* new development may result in the need for increased demand for public services such as fire protection (Impact 4.10-9) plus police and detention services provided by the Marin County Sheriff's Department (Impact 4.10-11). In each instance it was concluded that the *Countywide Plan* policies and program were sufficient to reduce construction related impacts resulting from the development of new public service facilities to a less-than-significant level.

**Response to Comment 57-12**

This is a comment on the merits of the *2012 Draft Marin County Housing Element* and not on the adequacy of the SEIR. Inclusion of these comments in this *Response to Comments* document will make the commentor's views available to the Marin County Planning Commission, the Marin County Board of Supervisors, and other public officials who will make decisions about the *2012 Draft Housing Element*.

It is, however, noted that in regard to Grady Ranch, County staff evaluated the development footprint of the previous project application, as well as other site features and determined there are reasonable siting opportunities for housing. The unit count studied by the SEIR is consistent with basic density allowances of the *Countywide Plan* and Development Code. As stated in Checklist Sections 17(a) and 17(d) Grady Ranch would be required to be annexed into the LGVSD for wastewater service and annexed into the MMWD for water service. The SEIR does not presume to characterize a future project description or design.

**From:** Toni Shroyer [mailto:tonishroyer@hotmail.com]  
**Sent:** Friday, January 11, 2013 4:51 PM  
**To:** EnvPlanning; Crawford, Brian; Stratton, Debra  
**Subject:** Marin County Draft Supplemental Environmental Impact Report (DSEIR)

Dear Planning Commission, Rachel and Brian,

1

In the spirit of transparency and public engagement, I am asking the following. Please respond.

The DSEIR was released in the middle of the holidays, reducing the time that I could devote to reviewing the document. In addition, Marin County has given only 45 days for the public comment period. Most counties would provide 60 days for such controversial projects because the shorter time period directly inhibits public involvement. Furthermore, we don't have hard copies of the documents available (as of yesterday).

Thank you in advance for your consideration of extending the time in which the public can review.

***Toni Shroyer Realtor DRE #01876201  
Frank Howard Allen Founder's Award 2011  
415-640-2754  
Now is a great time to sell a house!***

***SHROYER FOR SUPERVISOR 2014***

**RESPONSE TO LETTER NO. 58 - TONI SHROYER (JANUARY 11, 2013)**

**Response to Comment 58-1**

The Draft SEIR was distributed on December 20, 2012. Distribution of the Draft SEIR began a 45-day public review and comment period on the adequacy of the Draft SEIR which was to conclude on February 4, 2013. In response to this comment, and several others received by Marin County, which requested more time to comment, the Draft SEIR comment period deadline was extended to February 19, 2013.

**Subject:** FW: SEIR for Affordable Housing  
**From:** "Taylor, Tammy" <TTaylor@marincounty.org>  
**Date:** 2/26/2013 9:22 AM  
**To:** "Bob Berman (bob@nicholsberman.com)" <bob@nicholsberman.com>  
**CC:** "Ellen Garber (garber@smwlaw.com)" <garber@smwlaw.com>, "Stratton, Debra" <DStratton@marincounty.org>, "Laumann, Stacey" <SLaumann@marincounty.org>, "Thomas, Leelee" <LThomas@marincounty.org>

FYI: Another late letter from Kett Zegart. She attempted to send this to us before the deadline, but inadvertently sent us a blank email instead. I can add this to the list, and if you want to add it to yours for your records. Thanks!

**From:** Kett Kettunen Zegart [mailto:kettz@aol.com]  
**Sent:** Tuesday, February 26, 2013 8:00 AM  
**To:** Stratton, Debra; Taylor, Tammy  
**Subject:** Re: SEIR for Affordable Housing

Last night I read e-mail and found that this below- most unfortunately - had not been sent. I don't suppose anything can be done about it, but these are important issues:

RE: State Clearing House No. 2012072028, County of Marin Draft Supplement Environmental Impact Report

1 ° ° 3.1 Aesthetics Permitted density, height and footprint of structure(s) may remove views, be out of character of the community – without conformance / community discussion.

2 ° 3.3 Air Quality; 3.6 Greenhouse Gasses; 3.5 Transportation and Traffic, 3.14 Recreation, CWP data for Southern Marin was from weekday peak period on Highway 101. Level of Service (LOS) on Sir Frances Drake Blvd. and Shoreline Highway exempted from LOS D requirement. Marin County Shoreline Highway Traffic information not current but stand still traffic on sunny days and weekends and commute times. Significant Unmitigated Impact. Available from Golden Gate Recreation Area. Adverse Public Health impacts in studies document 2% lower birth weight; heightened childhood growth / asthma and adjacent sites .25 / .5 miles is a criteria for Affordable Housing [intended for Urban Infill] Transit on Demand Funds (TOD). SB 375's stated intent is to reduce green house gas (GHG) and vehicle emissions. Mitigations should be provided in DEIR, including vehicle emission standards on service vans, buses and increased buffers [not reduced as present incentive] to allow vegetation. Impact on local school enrollment by dense housing limits classrooms and neighborhood recreation causing students' to be driven to and from alternative school site twice daily, continuing on weekends during stalled traffic tourist / recreation Tennessee Valley or West Marin parks destinations.

Stalled traffic emissions should be calculated for Shoreline Highway in the SEIR.

Transit is limited in Southern Marin. Without access in walking distance (hills and narrow roads in older Unincorporated Southern Marin preclude this. Trails no longer are maintained or currently accepted as a part of community circulation plan. Parking off site (reduced as concession) is limited under assumption that the work force will be able to reach destinations on non-existent. Mitigations should be incorporated in the SERIS, including increased on site parking, multi-modal funding for Safety pedestrian and cyclist and marked on street parking spaces and no parking signage and enforcement in bike and ped lanes.

Recreational playing fields (RCR) are being permitted for dense Affordable Housing and causes long drives to available playing fields in distant communities.

3

**3.4 Biological Resources** In addition to watershed protection by buffer / setbacks being exempt or reduced for Affordable Housing, Richardson Bay sites and shore line (and its hillside vegetation, feeder drainage and creeks) need special consideration. This Tamalpais Planning Area San Francisco Bay estuary and marsh, filled land is now added to the list of protected areas in the 1971 Ramsar Convention International Treaty of 163 countries meant to limit damaging development along ecologically important waterways.

4

**3.5 Geology and Soils; 3.7 Hazards and hazardous materials.** High risk deep bay mud of varying depths on the parcels in Tamalpais Valley and Manzanita and shoreline East of Shoreline Highway are on the ones designated for dense Regional Affordable Housing in the current and next cycle mandated by Association of Bay Area Government (ABAG). Landslides on steep slopes are another critical geology issue. Underlying rock formation with vulnerable soil overlay is construction is also costly for safe construction and inappropriate for dense development without extensive per site California Quality Environmental Review (CEQA). Four gas stations and a World War II chemical used manufacturing business are immediately adjacent to or on sites selected for public health and safety and sustainable Affordable Housing in Sothern Marin.

5

**3.16 Utilities.** Differential settlement will put at risk potable and reclaimed water if placed in same or adjacent easement. Tertiary Treated sewerage is imperative for Richardson Bay and the treatment plant, Sewer Agencies of Southern Marin (SASM) needs monitoring / improvement and the local control of Tamalpais Valley with Sausalito, and Richardson Bay, Alto, Homestead and Almonte seems most efficient and responsive to the neighborhoods within unincorporated Marin and using the SASM treatment facility in Mill Valley.

6

**3.17 Mandatory Findings of Significance; 4 Level of Environmental Review** Concerns expressed by responses to the limited SEIR and especially to the Marin County adopted Review process of 4.1 Ministerial Decision and 4.2, Statutory Exemptions in the SEIR consideration of additional issues and Public Health and Safety requirements and concerns.

◦ Evaluate changes to the Countywide Plan (CWP) - adverse exemptions of December 2012 for Affordable Housing units intended as incentives, waivers and concessions allowing developers to build on unsafe, non sustainable parcels in Southern Marin and ecological lenience for protective setbacks on sensitive habitats, hills and watercourses.

◦ Consider variance between income qualifying households' affordable housing.

**Title 22.Development Code 22.24.030** revisions by Marin County reduces to 100 square foot (150 revision 2013 AH zoning) allowable sized units for low; low income, and seniors; removes setback protections from highways, reduces parking and space for pedestrian and bicycle lanes and for landscape amenities. The County now permits / requires reduced streams' and ridge tops setbacks and is mandating low, low low households' development on parcels identified to be inundated by sea level rise and are at acute seismic risk.

The County has exempted moderate income persons under Marin County Housing Authority from these exceptions, although some sites include state designated moderate income quaaifing households for affordable housing.

**Table 3-5a, California State Density Bonus Calculation per Government Code Section 65915 and**

**Table 3-5b, Density Bonus Incentives and Concessions Required by Government Code Section 65915**, however, include and chart moderate income units at the highest number allowed for the greatest bonus incentives and concessions.

An Housing Overlay Designation (HOD) for the TPA sites, mapped now recently, is circled on vulnerable, hazardous parcels. Affordable Housing, our 100 units cap designated for TPA dense housing Marin Housing Authority, now are mandated sites are to be on unsustainable parcels, severely constrained by adverse seismic impacts of deep Bay mud soils. Climate changes shall increase storm water flows onto these selected A plain sites with their increased tsunami and flooding impacts from rising tide inundation that will be, conservatively, at a minimum of 16" by 2050.

Today's minimal commuter focused transit system shall be more schedule-delayed. Limited, like all vehicles even now at highest tide submerged on portions of Highway 101, on ramps and on Shoreline Highway and 101, its level of service (LOS) exceeds LOS F. Increasing stalled traffic shall be causing additional Public Health and Safety adverse air quality impacts that would increase for dense housing residents on proposed HOD sites. Assessments for infrastructure repairs, levees or restored marsh / drainage ponds for renters or required very expensive flood insurance for unit owners is another reason that developer tax free becomes unsustainable housing.

**Marin County Code - Title 22, Development Code, 2012 elements**, that I have again reviewed, I believe are helpful to indicate. The County and our Tamalpais Planning Area residents shall review imposed affordable housing land uses, limiting natural resources, the hazards, constraints, and community visions for mixed use, housing developments and residences - ones that are relevant for development and open space and natural resource protection for our area. The TPA is a semi-rural setting, adjacent to Richardson Bay, marsh, valleys, fire-prone hills, and mountain, with single family homes in our Gateway community that opens to villages and rural West Marin, City of Mill Valley and to County, State and National Parks and Recreation Areas.

22.44.030 C (3) relevant to climate change and hazards for all proposed affordable housing sites **without CEQA review (SB 375)** and subject to streamlining, accelerated permitting process, waivers, concessions and incentives.

**22.32.070 Floating Home Marinas** [See this section applicable to Commodore Marina and Waldo Point Harbor] where there are 48 housing units.

Affordable Housing zone AH is proposed with accelerated approval process:

**"Supportive Housing.** Housing with no limits on length of stay, that is occupied by the target population [*example:senior / assisted living / therapy provided*]

as defined in subdivision (d) of Health and Safety Code section 53260, and linked to on site or off site services that assist supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live, and when possible, work in the community per Health and Safety Code section 50675.14(b)"

**Homeless Shelter 22.59.010** modification

° Affordable Housing zone AH is proposed

**"Homeless Shelter.** Housing with minimal supportive services for homeless persons that is limited to occupancy of six month or less by a homeless person. In order for a facility to be a homeless shelter, no person may be denied emergency shelter because of inability to pay, per Health and Safety Code Section 50801(e)"

Affordable Units may be considered one room, with or without bathroom, without kitchen and minimal size from 150 square feet.

#### **22.59.020 Applicability**

... 22.59.040 The Director may approve or conditionally approve a Homeless Shelter Permit if it complies with standards set forth in Chapter 22.32.085 and comply with all standards established by the County Fire Department or local Fire Protection as applicable."

**"Inclusionary Unit / Lot A** dwelling unit of lot that is required by Chapter 22.22 (affordable Housing Regulations) to be affordable to extremely low, very low, or low income households as published by the U.S. Department of Housing and Urban Development (HUD) or the California Department of Housing and Urban Development (HCD) with adjustments for household size.

**Insurance and unsafe A flood plane (FEMA) costs** adverse impacts Household expenses / County for remedial infrastructure adverse impacts because of settlement, lateral mud flow whose income is defined as extremely low, very low, low or moderate-income for Marin County as published by the U.S. Department of Housing and Urban Development (HUD) or the California Department of Housing and Community Development (HCD) with adjustments for household size. Current or applicable schedule to be applied is at the discretion of the Director.

- a) Moderate income, 80 to 120 percent of area median income. (State qualify)
- b) Low income, 50 to 80 percent of area median income.(County qualify)
- c) Very low income, under 30 to 50 percent of area median income. (County qualify)
- a) Moderate income, 80 to 120 percent (State qualify)

**Ministerial Permit.** A permit granted to a project after applying fixed objective standards with little or no subjective evaluation as to the wisdom or manner of carrying out the project. Examples are Sign Permit, Large Family Day Care Permit, Homeless Shelter Permit, Certificate of Compliance, Second Use Permit, Use Permit Renewals, Final Map and Building Permits.

**Community participation and limited specific parcel review after initial SEIR general project acceptance:**

**22.40.52 Initial Application Review for Ministerial Planning Permits** [Steps in application, approvals and denials processing]

**22.40.052.A Applicability.** This Section shall apply to the types of Ministerial Planning Permits listed in Section 22.40.030. (Application submittal and filing).

**22.40.052.B Processing of Application.** All ministerial planning permit applications submitted to the Agency, in compliance with this Development Code, shall be initially processed as described below. More than one application may be required for proposed projects requiring more than one type of entitlement or approval.

**22.40.052.B.1 Referral of Application.** A ministerial planning permit application submitted, in compliance with this Development Code, may be referred to any public agency or other organization that may be affected by, or having an interest in the proposed land use of development project. The purpose of the referral is to provide other public agencies and organizations the opportunity to provide their comments on aspects of the proposed project which are of concern or interest. Recommended conditions of approval from referral agencies will be considered when making a decision on a development application.

**22.40.052.B.2. Completeness review.** After receiving a ministerial planning permit application(s) for processing, the Agency shall review the applications(s) for completeness and accuracy of required information before it is accepted as being complete and officially filed. See Section 22.40,030.C (Application Submittal and Filing - Required contents) for further information.

**22.40.052.B.3. Completeness Determination.** A ministerial planning permit application that requires a ministerial decision will be deemed complete when the applicant has submitted all of the information and fees required by the Agency for completeness.

The referral shall be made at the discretion of the Director, or where otherwise required by this Development Code, State or Federal law.

**22.40.070 - Staff Report and Recommendations**

**A. Staff evaluations .** The Agency staff shall review all discretionary development applications submitted in compliance with this article to determine whether or not they comply and are consistent with the provisions of this Development Code, other applicable provisions of the County Code and the Countywide Plan and Community Plans.

Agency staff shall provide a recommendation to the Director, Zoning Administrator, Commission, and / or Board, as applicable, on whether the application should be approved, approved subject to conditions, or denied.

**B. Notice of Decision or Staff Report.** The Director shall prepare a written Notice of Decision for administrative actions for which the Director has final authority. The Director shall prepare a written report for recommendations to the Zoning Administrator, Commission, and the Board. The decision shall include

1. A decision or recommendation for approval, approval with conditions, or denial of the application, based on findings, where appropriate, and
2. Information on how the decision may be appealed to a higher decision making authority.

**C. Report distribution** A staff report shall be furnished to the applicants at the same time as it is provided to the Zoning Administrators, members of the Commission and / or Board, and any interested parties, prior to a hearing on the application.

Income changes evaluation process and return to market rate units from affordable housing stock after 50 years [should be in perpetuity]

**Affordable Housing**

- a) affordable housing that qualifies a project for a state density bonus, annual rent cannot exceed 30% of median area income, adjusted for household size
- b) for very low income households: 30% of 50% of area median income, adjusted for household size."

**Affordable ownership cost.** For inclusionary units required by Chapter 22.22, annual housing costs cannot exceed 30% of the area median income, adjusted for household size.

- 2) For affordable housing that qualifies a state density bonus, annual housing costs cannot exceed the following:
- for moderate income households: 30 percent of 110 percent of area median income, adjusted for household size.]
  - for low income households: 30% of 70 % of area median income, adjusted for household size
  - for very low income households: 30% of 50% of area median household adjusted for household size.

Income Qualifying Household whose income is defined as extremely low, very low, or moderate income for Marin County, as published by the U.S.Department of Housing and Urban Development (HUD) or the California Department of Housing and Community Development (HCD) with adjustments for household size. Current or applicable schedule to be applied is at the discretion of the Director.

- Moderate income, 80 - to 120% of area median income
- low income, 50-80% of area median income
- very low income, under 30 to 50% o area median income.

In reviewing Marin County Code - Title 22 Development Code Amendments, I have tried to include all language regarding waivers, concessions and incentives for Affordable Housing developers. Many of these remove protections afforded the adjacent environment, mixed use communities and homes of moderate] and affluent Marin residents. The Tamalpais Planning Area was assured Master Plan Review and a cap of 100 units of maximum density development but now there are housing overlay development sites that are on unsustainable for housing. Generally, these would be excluded from all other residential / mixed use building because of hazards of soils and geology, air quality / transit / circulation limitations and natural resource considerations.... and costs.

#### ***Relevant Current Development Codes - Title 22:***

**A. Use Permit Renewal to run with the land ...**

**B. Time Limits ...**

#### **22.52.050 Exemptions**

**F. Creeks, estuaries and rivers** Any structure, fill or excavation in creeks, estuaries and rivers that are subject to tidal action and located upstream from certain defined points as follows: 1. Coyote Creek: State Highway No 1 Bridge; and 2.Corte Madera Creek: Downstream end of concrete channel.

**22.44.030.C.c. Findings for Master Plan and Master Plan amendments.** Master Plan and Master Plan amendments may only be approved or conditionally approved when they are consistent with the findings listed below, and any supplemental Use Permit findings reviews by section 22.44.030.C.3

- The proposed Master Plan or Master Plan Amendment is consistent with the goals, policies, objectives, and programs of the Countywide Plan and any applicable Community Plan.
- The proposed Master Plan or Master Plan Amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County.
- The site is physically and environmentally suitable for the proposed land use development(s), including access, and absence of unusual physical constraints that would make future development in conformance with Chapter 22.16 (Planned District Development Standards) infeasible.

[ "feasibile- capable of taking into account economic, environmental, legal and technological facts. (CA1 Code Reg 5.it.14@15369) CEQA"]

**2. Precise Development Plan** After approval of the Master Plan, no development and / or land improvements and / or construction except filling of land in compliance with the Master Plan, shall commence until a Precise Development Plan is approved for a portion of, or the entire area of, the Master Plan. All development and / or land improvement shall be in compliance with the approved Precise Development Plan.

#### **22.44.035 Exemptions from Master Plan / Precise Development Plan Review**

The following land uses are exempt from the requirements of a Master Plan and / or Precise Development Plan:

**A. One single family dwelling**, in a planned district, on a parcel having no residential development potential for additional dwelling, social and technological facts. The development potential for additional dwellings referred to in this section shall not include residential second units or agricultural worker housing.

**B. Affordable Housing.**

**E. The use of structures as residential Second Units, Farm Worker housing, Group Homes with 6 or fewer residents, or Child Daycare facilities.**

F. The number of dwelling units proposed along with a commercial project is the minimum necessary to comply with housing requirements applicable to sites in Commercial/Mixed Use districts.

**22.42.025 - Exemptions from Design Review**

Development and physical improvements listed below in Subsection A to O are exempt from Design Review, except as provided by Sections 22.42.030 (Design Review for substandard hillside building sites), 22.42.040 subsection C (Design Review for development along paper streets and for specific driveways) and 22.42.045 (Design Review for development along salmon / spawning fish streams and tributaries) and except where a Community Plan adopted by the Board of Supervisors requires Design Review to implement specific design standards. In addition, where a conflict arises between conditions of approval of a discretionary application (e.g. Master Plan, Precise Development Plan, Design Review) and the exemptions listed below, the project-specific conditions of approval shall be the applicable regulations. Development and physical improvements that are exempt from Design Review shall be located outside of the Stream Conservation Area and Wetland Conservation Area setbacks established in the Countywide Plan and Article V (Coastal Zones - Permit Requirements and Development Standards).

A. Single - family Additions and Residential Accessory Structures in Planned Divisions. [Paragraph text omitted - see Table 4-2 Standards for exemptions for one story additions to residences and for detached accessory structures in Planned Districts and Table 4-3 Standards for Exemptions from Design Review for multi-story additions for a single family residences - in Planned Districts.

**Chapter 22.24 - Affordable Housing Incentives**

**22.24.010 - Purpose of Chapter**

This Chapter provides procedures for granting incentives for the construction of affordable housing to encourage the production of affordable housing and to achieve the following additional goals:

A. **Countywide Plan Goals and policies.** To implement goals and policies contained in the Countywide Plan providing incentives for the construction of affordable housing.

B. **Compliance with State Law.** To comply with the provisions of Government Code Section 65915, which mandates the adoption of a County ordinance specifying procedures for density bonuses and other incentives and concessions, as required by that section.

**22.24.020 - County Incentives for Affordable Housing**

The incentives provided by this section 22.24.020 are available to residential development projects which either 1) comply with Chapter 22.22 (Affordable Housing Regulations); 2) are comprised of income restricted housing that is affordable to income qualifying households or 3) are developed pursuant to the Housing Overlay Designation policies included in the Countywide Plan. Residential developed projects which have been granted a density bonus pursuant to Section 22.244.030 are not eligible for the County density bonus described in subsection (C) below but may be granted the other incentives included in this section.

**22.24.020.A. Density for Affordable Housing Projects.** For affordable housing located in all districts that allow residential uses, allowable density will be established by the maximum Marin Countywide Plan density range, subject to all applicable Countywide Plan policies.

**22.24.020.B. Where allowed.** Development of affordable housing may be allowed in any zoning district [excepting open space] provided that the authority first finds that residential uses are allowed by the applicable Countywide Plan land use designation. [See table 2-9 and 22.12.040 B. 2. Except for affordable housing, dwellings are not permitted in RCR districts.

**22.24.020.C, County density bonus.** The density bonus allowed by this section shall not be combined with the density bonus permitted by Section 22.24.030 or with any other density bonus. No single residential development project shall be granted more than one density bonus.

**22.24.020.C.1 Eligibility.** The County density bonus may be granted only where the proposed density (including density bonus) complies with all applicable Countywide Plan policies including traffic standards, environmental standards and Countywide Plan designations.

**22.24.020 C 2. Determination of bonus.** the granting of this density bonus shall be based on a project-by-project analysis and the determination that the increase in density will not be detrimental to public health, safety, welfare and / or environment.

**22.24.020.D. Interior Design.** The applicant may have the option of reducing interior amenity level and the square footage of affordable housing below that of large market rate units, provided that all of the dwelling units conform to the requirements of County Building and Housing Codes and the Director finds that the reduction in interior amenity level will provide a quality and healthy living environment. The County strongly encourages the use of green building principles such as the uses of environmentally preferable interior finishes and flooring, as well as the installation of water and energy efficient hardware wherever feasible.

**22.24.020.E Unit types.** In a residential development which contains single-family detached homes, affordable housing may be attached living units rather than detached homes or may be constructed on smaller lots, and in a residential project

that contains attached multi-story dwelling units, affordable housing may contain only one story provided that all of the dwelling units conform to the requirements of County Building and Housing Codes and the Director finds that the modification of design will provide a quality living environment.

**22.24.020.F. On-site affordable housing included with non-residential development.** As an inducement to the development of on-site affordable housing in residential development, the County may grant a reduction in the site development standards of this Development Code or architectural design requirements which exceed the minimum building s. Impacted Roadway standards approved by the State Building Commission in compliance with State Law (Health and Safety Code Sections 18901 et seq.), including but not limited to setback, coverage, and/or parking requirements

**22.24.020.G Affordable Housing on mixed-use and industrial sites.** In commercial / mixed use and industrial land use categories, as designated in the Countywide Plan, the floor are ratio may be exceeded for affordable housing , subject to any limitations in the Countywide Plan. For housing that is affordable to moderate income households, the floor area ratio may be exceeded in areas with acceptable levels of traffic service, subject to any limitations in the Countywide Plan, and so long as the level of service standard is not exceeded.

**22.24.020.H Impacted roadways.** In areas restricted to the lowest end of the density range due to vehicle Level of Service standards, affordable housing developments will be considered for densities higher than the lowest end standard per the Countywide Plan.

**22.24.020.I Fee Waivers.** The County may waive any County fees applicable to the affordable housing units of a proposed residential, commercial or industrial development. In addition, for projects developed pursuant to Housing Overlay Designation policies and for income-restricted housing that is affordable to qualifying households, , the Director may waive fees or transfer Housing Trust funds to pay up to 100% of Community Development Agency fees, based on the proportion of the project that is affordable to qualifying households and the length of time that the housing shall remain affordable.

**22.24.030.J Projects developed pursuant to Housing Overlay Designation policies.** Residential development ;projects developed in conformance with Housing Overlay policies may be granted adjustments in development standards, such as parking, floor area ratio, and height as provided in the Countywide Plan, not to exceed unit counts identified in the Countywide Plan.

**22.24.030.K Priority processing.** The County shall priority process projects developed pursuant to Housing Overlay Designation policies and affordable housing developments that are affordable to income qualifying households.

#### **22.24.030. Density Bonus and Other Incentives Pursuant to State Law**

This section specifies procedures for providing density bonuses and other incentives and concessions as required by State (Government Code Section 6915)

**22.24.030. A Density bonus; calculation of bonuses.** Pursuant to State law, a residential development project is eligible for a density bonus if it meets the requirements as described below and shown in Table 3-5a.

**22.24.030. A.1.** The residential development project must result in a net increase of at least 5 dwelling units.

**22.24.030.A.2** A residential development project is eligible for a 20 percent density bonus if the applicant seeks and agrees to construct any one of the following. In addition to the inclusionary units required by Chapter 22.22 and in addition to any affordable units required by Housing Overlay Designation policies.

22.24.030.A.2.a. 10 percent of the units at affordable rent or affordable rent off affordable ownership cost for low income households.

22.24.030.A.2.b. 5% of the units at affordable rent or affordable ownership cost for very low income households.

22.24.030.A.2.c. A senior housing development of 35 or more units as defined in Section 51.3 of the Civil Code.3.

22.24.030.A.3 A residential development project is eligible for a 5 percent density bonus if the applicant seeks and agrees to construct the following, in addition to the inclusionary units required by Chapter 22.22 and in addition to the inclusionary units required by Chapter 22.22 and in addition to any affordable units required by Housing Overlay Designation,

22.24.030.A.3.a. 10 percents of the units at affordable ownership cost for moderate income households.

22.24.030.A.3.b. Located in a common interest development, as defined in Section 1351 of the Civil Code; and

22.24.030.A.3.c. All of the dwelling units in the project are offered to the public for purchase

22.24.030.A.4 The density bonus for which the residential development project is eligible shall increase if the percentage of units affordable to very low, low, and moderate income households exceeds the base percentage established in subsection s (2) and (3) above, as follows:

22.24.030.A.4.a. Very low income units - For each 1 percent increase above 5 percent in the percentage of units affordable to very low income households, the density bonus shall be increased by 1.5 percent, up to a maximum of 35 percent.

22.24.030.A.4. b. Low income units - For each 1 percent increase above 10 percent in the percentage of unit affordable to

low income households, the density bonus shall be increased by 2.5 percent , up to a maximum of 35 percent.  
22.24.030.A.4.c. Moderate income units - For each 1 percent increase above 10 percent in the percentage of units affordable to moderate income households, the density bonus shall be increased 1 percent, up to a maximum of 35 percent.

**TABLE 3-5a**

**CALIFORNIA STATE DENSITY BONUS CALCULATION PER GOVERNMENT CODE SECTION 65915**

[chart wasn't possible for me to reproduce]

**22.24.030.A.5.** The following provisions apply to the calculation of density bonuses:

**22.24.030.A.5.a.** Each residential development is entitled to only one density bonus, which may be selected based on the percentage of either units affordable to very low income households, units affordable to low income households, or units affordable to modern income households, or the project's status as a senior citizen housing development. Density bonuses from more than one category may not be combined.

**22.24.030.A.5.b.** Consistent with Section 22.24.030.A2 and 22.24.030.A.3. required inclusionary units and any affordable units required by Housing Overlay Designation policies will not be counted as affordable units for the purpose of granting a density bonus. Affordable units qualifying a project for density bonus must be provided in addition to required inclusionary units, in addition to affordable units required by Housing Overlay Designation policies, and must be included in the base density.

**22.24.030.A.5.c.** When calculating the number of permitted density bonus units, any calculations resulting in fractional units shall be rounded up to the next larger integer. When calculating the number of affordable units, any calculations resulting in fractional units required to qualify for a density bonus.

**22.24.030.A.5.d.** The density bonus units shall not be included when determining the number of affordable units required to qualify for a density bonus.

**22.24.030.A.5.e.** A project proposed below the base density may qualify for incentives and concessions if it meets the requirements of Section 22.24.030.B.3.

**22.24.030.A.5.f.** The applicant may request a lesser density bonus than the project is entitled to, but no reduction will be permitted in the number of required affordable units.

**22.24.030.A.5.g.** The County may, at its sole discretion, grant a density bonus exceeding the State requirements where the applicant agrees to construct a greater number of affordable housing units, or at greater affordability than required by this subsection (A). If an additional density bonus is granted by the County and accepted by the applicant, the additional density bonus shall be considered an incentive or concession for purposes of Section 65915

**22.24.030.A.6** Density bonuses may also be granted for child care facilities, and land donation in excess of that required by Chapter 22.22, pursuant to Government Code Sections 65915(h) and 65915(i) .

**22.24.030 B, Incentives and concessions.** Subject to findings included in Section 22.24.030(E)

**TABLE 3-5b**

**DENSITY BONUS INCENTIVES AND CONCESSIONS**

**REQUIRED BY CODE SECTION 65915**

[chart not reproduced]

**Notes:**

(A) A concession or incentive may be requested only if an application is also made for a density bonus, except as may be permitted pursuant to Section 22.24.030(B)(3).

(B) Required inclusionary units and any affordable units required by Housing Overlay Designation policies will not be counted as affordable units for the purpose of granting incentives and concessions.

(C) Concessions or incentives may be selected from only one category (very low, low, or moderate).

(D) No concessions or incentives are available for land donations or senior housing.

(E) Day care centers may have one concession or a density bonus at the County's option, but not both.

**22.24.030.B.1** For the purposes of this section, incentive or concession means the following:

**22.24.030.B.1.a.** A reduction in the site development standards of this Development Code or other County policy, or local architectural design requirements which exceed the minimum building standards approved by the State Building Standards Commission in compliance with State Law (Health and Safety Code Sections 18901 et seq.), including, but not limited to height, setback, coverage, floor area, and/or parking requirements, which result in identifiable, financially sufficient, and actual cost reductions based upon appropriate financial analysis and documentation as specified in Section 22.24.030(D).

**22.24.030.B.1.b.** Approval of mixed use zoning in conjunction with the proposed residential development project if non-residential land uses will reduce the cost of the residential development, and the non-residential land uses are compatible with the residential development project and existing or planned surrounding development.

**22.24.030.B.1.c.** Other regulatory incentives or concessions proposed by the applicant or the County that will result in

identifiable, financially sufficient, and actual cost reductions, including those incentives listed in Section 22.24.020 and based upon appropriate financial analysis and documentation as specified in Section 22.24.030 (D).

22.24.030.B.2. Nothing in this section requires the provision of financial subsidies, publically owned land, fee waivers, or waiver of dedication requirements. The County, at its sole discretion may choose to provide such direct financial incentives. Any such incentives may require payment of prevailing wages by the residential development project if required by State law.

22.24.030.B.3 The County, at its sole discretion, may provide incentives or concessions for a residential development project that is eligible for a density bonus pursuant to Section 22.24.030(A) but where the applicant does not request a density bonus, providing the following findings can be made:

22.24.030.B.3.a. The project is a deed-restricted housing development that is affordable to very low or low-income persons, or is any residential development project developed pursuant to the Housing Overlay Designation policies included in the Countywide Plan.

22.24.030.B.3.b. The incentive or concession is in compliance with the California Environmental Quality Act and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.

22.24.030.B.4 Pursuant to Government Code Section 65915(p), an applicant for a residential development project that is eligible for a density bonus pursuant to Section 22.24.030(A) may request that onsite vehicular parking ratios, inclusive of handicapped and guest parking not exceed the following standards:

22.24.030.B.4.a. For zero to one bedroom dwelling units: 1 onsite parking space.

22.24.030.B.4.b. For two to three bedroom dwelling units: 2 onsite parking spaces.

22.24.030.B.4.c. For four or more bedroom dwelling units: 2.5 onsite parking spaces.

Onsite parking may include tandem and uncovered parking.

22.24.030.B.5 An applicant for a residential development project that is eligible for a density bonus pursuant to Section 22.24.030(A) and who requests a density bonus, incentives, or concessions may seek a waiver of development standards that have the effect of physically precluding the construction of the project with the density bonus or with the incentives or concessions permitted in this section.

22.24.030.C Standards for affordable housing units. Affordable units that qualify a residential development project for a density bonus pursuant to this section shall conform to the provisions applicable to affordable housing units as established in Chapter 22.22.030 A-E (General Affordable Housing Standards), 22.22.110 (Decision and Findings) and 22.22.220 (Affordable Housing (Post Approval)), except:

22.24.030.C.1. Rental prices shall be determined pursuant to Health and Safety Code of Regulations and 22.24.030.C.2. Sales prices shall be determined pursuant to Health and Safety Code Section 50052.5 and Section 6924, Title 25, California Code of Regulations. Units affordable to moderate income households shall be affordable in perpetuity.

**22.24.030.D Application for density bonus, incentives, and concessions.** Any request for a density bonus, incentive, concession, parking reduction, or waiver pursuant to this Section 22.24.030 shall be included in the affordable housing plan submitted as part of the first approval of any residential development project and shall be processed, reviewed, and approved, conditionally approved, or denied concurrently with all other applications required for the project. The affordable housing plan shall include, for all affordable units that qualify a residential development project pursuant to this section, the information requested by staff, the affordable housing plan should include the following information

22.24.030.D.1. A description of any requested density bonus, incentive, concession, waiver of development standards or modified parking standard.

22.24.030.D.2. Identification of the base project without the density bonus, number and location of all affordable unit qualifying the project for a density bonus, and identification of the density bonus units.

22.24.030.D.3. A preformed demonstrating that any requested incentives and concessions result in identifiable, financially sufficient, and actual cost reductions, unless the request for incentives and concessions is submitted pursuant to Section 22.24.030(B)(3). The performa shall include (a) the actual cost reduction achieved through the incentive or concession; and (b) evidence that the cost reduction allows the developer to provide affordable rents or affordable sales prices.

22.24.030.D.4 For waivers of development standards: evidence that the development standards for which the waivers are requested would have the effect of physically precluding the construction of the residential development project at the density or with the incentives or concessions requested.

22.24.030.D.5. The County may require that any pro forma submitted pursuant to subsections (3) information regarding capital costs, equity investment, debt service, projected revenues, operating expenses, and such other information as is required to evaluate the pro forma.

22.24.030.D.6 If a density bonus is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings in Government Code Section 65915(h) can be made.

22.24.030.D.7 If a density bonus or concession is requested for a child care facility, the application shall provide evidence that the findings in Government Code Section 65915(i) can be made.

22.24.030.D.8. If a request for a density bonus, incentive, concession, parking reduction, or waiver is submitted after the first approval of any residential development project, an amendment to earlier approvals may be required if the requested density bonus, incentive, concession, parking reduction, or waiver would modify the earlier approvals or the environmental review completed pursuant to the California Environmental Quality Act.

**22.24.030.E Review of application.** Any request for a density bonus, incentive, concession, parking reduction or waiver pursuant to this Section 22.24.030 shall be submitted as part of the first approval of any residential development project and shall be processed, reviewed, and approved or denied concurrently with the discretionary applications required for the project.

22.24.030.E.1. Before approving a request for a density bonus, incentive, concession, parking reduction or waiver, the review authority shall make the following findings, as applicable:

22.24.030.E.1.a. The residential development project is eligible for a density bonus and any concessions, incentives, waivers, or parking reductions requested; conforms to all standards for affordability included in this chapter; and includes a financing mechanism for all implementation and monitory costs.

22.24.030.E.1.b Any requested incentive or concession will result in identifiable, financially sufficient, and actual cost reductions based upon appropriate financial analysis and documentation if required by Section unless the incentive or concession is provided pursuant to Section 24.030.B)(3).

22.24.030.E.1.c. If the density bonus is based all or in part on dedication of land, all of the findings included in Government Code Section 639159H0 can be made.

22.24.030.E.1.d If the density bonus, incentive, or concession is based all or in part on the inclusion of a child care facility, all of the findings included in Government Code Section 65915(i) can be made.

22.24.030.E.1.e. If the incentive of concession includes mixed uses, all of the findings included in Government Code Section 69515(k)(2) can be made.

22.24.030.E.1.f. If a waiver is requested, the waiver is necessary because the development standards would have the effect of physically precluding the construction of the residential development project at the densities or with the incentives or concessions permitted by this Section 22.24.030

22.24.030.E.2. The review authority may deny a request for an incentive or concession for which the findings set forth in Section 22,24,030(E)(1) above can be made only if it makes a written finding, based upon substantial evidence, of one of the following:

22.24.030.E.2.a. The incentive of concession is not required to provide for affordable rents or affordable ownership costs; or

22.24.030.E.2.b. The incentive or concession would have a specific adverse impact upon public health or safety, or the physical environment, or on any real property that is listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low, very low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions, as they existed on the date that the application was complete: or -

22.24.030.E.2.c. The incentive or concession would be contrary to State or Federal law.

22.24.030.E.3. The review authority may deny a request for a waiver for which the findings set forth in Section 22.24.030(E)(1) above can be made only if it makes a written finding, based upon substantial evidence of one of the following:

22.24.030.E.3.a. The modification would have a specific adverse impact upon health, safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low, very low and moderate income households. For the purposed of this subsection, "specific adverse impact" means a significant, qualifiedly, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies or conditions as they existed on the date that the application was deemed complete; or

22.24.030.E.3,b, The modification would have an adverse impact on any real property that is listed in the California Register of Historical Resources; or

22.24.030.E.3.c. The incentive or concession would be contrary to State or Federal law.

22.24.030.E.4 The review authority may deny a density bonus, incentive or concession that is based on the provision of child care facilities and for which the required findings can be made only if it makes a written finding, based on substantial

evidence, that the County already has adequate child care facilities.

Three changes, noted earlier at each hearing's public /written comments from the Countywide Plan since its California Environmental Quality Act Review mandate additional review since protections are minimized for one vulnerable group of Marin residents.

Sincerely,  
Margaret Kettunen Zegart  
118 Highland Lane  
Mill Valley, CA 94941  
2/19/13

Kett  
On Feb 19, 2013, at 1:58 PM, Stratton, Debra wrote:

Hello Kett,

There was nothing attached to your email.

Debra

**From:** kettz [<mailto:kettz@aol.com>]  
**Sent:** Tuesday, February 19, 2013 1:50 PM  
**To:** Stratton, Debra; Taylor, Tammy; [jtejerian@marincounty.org](mailto:jtejerian@marincounty.org)  
**Subject:** SEIR for Affordable Housing

--

Margaret Kettunen Zegart  
[kettz@aol.com](mailto:kettz@aol.com)  
118 Highland Lane  
Mill Valley, CA 94941

Email Disclaimer: <http://marincounty.org/nav/misc/EmailDisclaimer.cfm>

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Mill Valley, CA 94941

**RESPONSE TO LETTER NO. 59 - KETT KEETTUNEN ZEGART (FEBRUARY 26, 2013)**

**Response to Comment 59-1**

Aesthetic issues are discussed in the Draft SEIR beginning on page 57.

**Response to Comment 59-2**

The commentor raises concerns about environmental topics that are addressed in the Draft SEIR as follows: The discussion of air quality impacts begins on page 69; greenhouse gas emissions on page 131, transportation and traffic on page 239, and recreation on page 235.

The Draft SEIR is a supplemental program EIR that covers general programmatic issues related to environmental changes that could result from implementation of the *2012 Draft Housing Element*, and therefore were not evaluated as part of the *2007 Countywide Plan EIR*. It is noted that the comment raises environmental issues related to specific areas and organizations. Separate environmental review of specific housing sites could merit additional review of these issues. As a program level EIR the Draft SEIR will help streamline future, tiered environmental review for housing sites because it provides program level information and data about each housing site, which identifies potentially significant environmental impacts and associated mitigation measures that may be used in analyzing future site-specific development projects. However the Draft SEIR does not presume to characterize a future project description or design for any housing site. No further response is necessary.

**Response to Comment 59-3**

Biological resources are discussed in the Draft SEIR starting on page 87. Also, please see Response to Comment 59-2.

**Response to Comment 59-4**

Geology and soils are discussed in the Draft SEIR starting on page 115. Landslides are discussed under checklist item 6(a), soils, subsidence and liquefaction are discussed under checklist item 6(c). **Exhibits 3.0-8** and **3.0-9** provide geology and soils information for each housing site. Hazards and hazardous materials are discussed in the Draft SEIR starting on page 144. **Exhibits 3.0-13** and **3.0-14** provide hazardous material considerations for each housing site.

**Response to Comment 59-5**

Utilities are discussed in the Draft EIR starting on page 261. Also, please see Response to Comment 59-2.

**Response to Comment 59-6**

Please see Response to Comment 59-2.

**From:** Eugene Spake [mailto:ewspake@yahoo.com]  
**Sent:** Friday, January 11, 2013 4:58 PM  
**To:** EnvPlanning; Crawford, Brian; Stratton, Debra  
**Subject:** Timeline of DSEIR

To Environmental Planners:

1

I sent comments during the scoping session following the NOP last August. Releasing the DSEIR during the holidays has made it very difficult to thoroughly review the extensive report which will be guiding our planning for many years. Considering all the long range implications of such a report which significantly will impact our community and county, I ask that you extend the opportunity for public review and participation from 45 days to 60 days consistent with the Planning Department's assurances of adequate inclusion of the public in planning processes that will affect them. As a commenter, I am particularly interested in a more reasonable timeline.

Thank you,  
Ann Spake

**RESPONSE TO LETTER NO. 60 - ANN SPAKE (JANUARY 11, 2013)**

**Response to Comment 60-1**

The Draft SEIR was distributed on December 20, 2012. Distribution of the Draft SEIR began a 45-day public review and comment period on the adequacy of the Draft SEIR which was to conclude on February 4, 2013. In response to this comment, and several others received by Marin County, which requested more time to comment, the Draft SEIR comment period deadline was extended to February 19, 2013.

To: Rachel Warner  
CC: Leelee Thomas, Stacey Lauman  
From: Randy Greenberg  
Date: January 12, 2013  
RE: DSEIR Housing Element technical edits

1

Rachel – I didn't read the DSEIR to address editing, but the following items below caught my eye. The only reason I point these out is in case these are picked up from the DSEIR for the County's actual Housing Element.

p. 13.2<sup>nd</sup> para. "andagendized Planning Commission workshops..."

p. 13.4<sup>th</sup> para. "Regional Housing Needs Allocation o sites were carried forward..." Don't know what the correction is here but "o" needs something.

p. 44. Typo 5<sup>th</sup> line in Air Quality para. "predicated"

p. 65 typo Ex. 3.0-2 minus sign in third column: -682-

p. 123 typo Mit. 4.7-3(c) uses "continual" and Mit. 4.7-4(b) uses "continued". I think 4.7-3(c) should be "continued".

p. 183 Prog. EH-3.g "...inundation nor flood-prone areas."

p. 195 10(a), 2<sup>nd</sup> line: "would not to have a significant impact..."

**RESPONSE TO LETTER NO. 61 - RANDY GREENBERG (JANUARY 12, 2013)**

**Response to Comment 61-1**

Based on the comments in letter number 61:

The second paragraph on page 13 of the Draft SEIR is revised as follows:

To assist in the preparation of the *Draft Housing Element* in 2009, County staff conducted numerous informal public workshops, and agenda Planning Commission workshops to solicit input from the community. In 2011, Marin County formed a Housing Element Task Force to review and recommend locations for future housing development. The Task Force met nine times from February to May 2011 with the goal of identifying opportunities for new affordable and multi-family housing in unincorporated Marin County. The product of the Task Force's work was a prioritized list of 35 sites that could accommodate multi-family housing development to meet the housing needs of Marin's workforce, seniors, and special needs populations.

The fourth paragraph on page 13 of the Draft SEIR is revised to read as follows:

The Available Land Inventory (*2012 Draft Housing Element*, Figure IV-6) contains 17 sites to accommodate the 2007-2014 Regional Housing Needs Allocation. No sites were carried forward from the *2003 Housing Element*, because most of the sites shown in the *2003 Housing Element* were developed, received planning entitlements, and/or were counted in previous Housing Element status reports to the State of California.

The paragraph under Air Quality on page 44 of the Draft SEIR is revised to read as follows:

The *2007 Countywide Plan EIR* identified Impact 4.3-1 (*Inconsistency with Clean Air Plan*) and Impact 4.3-2 (*Inconsistency with Clean Air Plan Transportation Control Measures*) as significant unavoidable project and cumulative impacts. Previously adopted Mitigation Measures 4.3-1 and 4.3-2 would reduce these impacts, but not to a less-than-significant level, because 1) vehicle miles travelled (VMT) may still exceed the rate of population growth, mostly because the predicated rate of VMT growth is so much higher than the rate of population growth, and 2) the Board of Supervisors found that implementation of Program **TR-2.g** (*Add Bicycle Lands*) was not feasible. While some properties proposed for residential development in the *2012 Draft Housing Element* could be developed at higher densities than were analyzed in the *2007 Countywide Plan EIR*, previously adopted mitigation measures and *Countywide Plan* policies and programs would continue to apply. Therefore, these impacts would remain significant unavoidable impacts, but would not be substantially more severe than the impacts analyzed in the *2007 Countywide Plan EIR*.

Exhibit 3.0-2 on page 65 of the Draft SEIR is revised to read as follows:

**Exhibit 3.0-2**  
**Marin County Agricultural Land Use Conversion**

Year	Important Farmland <sup>a</sup> (acres)	Grazing Land (acres)	Total Marin County Agricultural Land <sup>b</sup> (acres)	Urban and Built-Up Land (acres)	Other Land <sup>c</sup> (acres)
2004	66,458	89,938	156,396	41,903	135,644
2010	63,817	89,256	153,073	42,341	138,429
<b>Total</b>	<b>-2,641</b>	<b>-682-</b>	<b>-3,323</b>	<b>+438</b>	<b>+2,785</b>

- a Prime Farmland plus Farmland of Statewide Importance, Unique Farmland and Farmland of Local Importance
- b Important Farmland plus Grazing Land
- c Acreage increase in Other Land categories was due to formation of the Point Reyes National Seashore and the Golden Gate National Recreational Area and other protected areas.

Source: Land Use Conversion Tables for Marin County 1984 – 2010, Farmland Mapping and Monitoring Program, California Department of Conservation.

The discussion of Mitigation measure 4.7-3(c) on page 123 of the Draft SEIR is revised to read as follows:

**Mitigation Measure 4.7-3(c)** requires ~~continued~~ continual implementation of County ordinances requiring geological assessment (e.g., Preliminary Soils, Soils Investigation, and Geologic / Geotechnical reports) for new subdivisions and grading permits to identify hazards associated with seismic-related ground failure.

Program EH-3g Locate Critical Facilities Safety on page 183 of the Draft SEIR is revised to read as follows:

**Program EH-3.g Locate Critical Facilities Safely.** Amend the Development Code to prohibit placement of public safety structures within tsunami inundation ~~nor~~ flood-prone areas.

The paragraph discussing checklist item 10(a) on page 195 of the Draft SEIR is revised to read as follows:

10(a) According to the 2007 Countywide Plan EIR, implementation of the Countywide Plan would not ~~to~~ have a significant impact with regard to physically dividing an established community. Implementation of the Housing Element would follow the guiding framework of the policies and programs of the Countywide Plan. The exact development footprint and design of any subsequent residential or mixed use development is unknown at this time. However because policies and programs are in place to promote compatibility between new and existing development, and maintain manageable infrastructure service levels, such as Countywide Plan Policy CD-1.1 and Program CD-1.a, adoption of the 2012 Draft Housing Element would have a less-than-significant effect on established communities. Any subsequent development resulting from the implementation of the Housing Element would occur on properties that are already designated for urban development. No aspect of the adoption and implementation of the 2012 Draft Housing Element would result in physically dividing an established community, and this would be a less-than-significant impact.

**Wade B. Holland**

P.O. Box 87  
 Inverness, CA 94937 USA  
 (415) 669-1631 • wade@horizoncable.com

February 1, 2013

**COMMENTS ON 2012 DRAFT MARIN COUNTY HOUSING ELEMENT, DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (December 20, 2012)**

- 1 | p. 3      Typo: On line 3, "(1)(A)-(D)" should be "(3)(A)-(D)".
- 2 | p. 13     Typo: 3rd paragraph from bottom of page, 2nd line, "o sites were..." should be "No sites were..."
- 3 | p. 18     In Exhibit 2.0-4, The Grandi Building (Site #10) no longer belongs in the "Entitled Project" category because its entitlements expired without being vested (site should be reanalyzed and its potential evaluated in terms of the actual (or potential) zoning, not the previous entitlements).
- 4 | p. 40     In paragraph near top of page about Inverness Valley Inn, delete erroneous reference to Coastal Residential Single-family Planning zoning district.
- 5 | p. 40     Typo: 3rd bulleted item from top of page, correct "Main Housing projects" to "Marin Housing Authority projects".
- 6 | p. 42     Program AIR-2.c: Find a more imperative action verb than "identified" on the last line (such as "required," "incorporated," "included," etc.).
- 7 | p. 46     In the boldface list of mitigation measures (in the paragraph on "Hydrology,...") why is "Hydrology, Water Quality and Flooding Hazard-5" not included (from p. 43)?
- 8 | p. 54     Typo: In the footnote, correct "Marin housing projects" to "Marin Housing Authority projects".
- 9 | p. 83     With regard to Site # 16 (Grady Ranch), please verify existence of, or application for, a stationary wireless generator at 3800 Lucas Valley Road.
- 10 | p. 83     In Exhibits 3.0-4 and 3.0-5, I don't feel that the DSEIR provides an adequate explanation/discussion in the Air Quality section of the criteria used for determining "Potentially Significant Cancer Risk (>10 in 1 million)?"
- 11 | p. 207    The DSEIR's conclusion with respect to "SMART Vibration" that there could be excessive groundborne vibration levels appears to be contradictory to the cited conclusions from SMART's DEIR (unless housing is likely to be built within 20 ft of the tracks).
- 12 | pp. 230-231    In the Fire District column, what is the rationale for using the phrase "Fire Service in unincorporated Marin" in place of "Marin County Fire Department"; all the sites so identified are in MCFD's service area (also note the typo "Marin8" in the Fire District column for Site #16)?  
  
The new appropriate terminology for sites that are not within a sanitary district is "OWTS" (Onsite Wastewater Treatment System), pursuant to the new State standards for onsite septic systems adopted by SWRCB last November.
- 13 | p. 231    In the "Water District" column, "Inverness" for Site #15 should be Inverness Public Utility.

In the "Sanitary District" column, "Sanitary District No. 1" is an error for Site #15, and should be "Outside of Sanitary District" (but see additional comment above).

In the "Elementary Dist. High School Dist." column, Site #15 is in Shoreline Unified School District for both elementary and high school (not Ross Valley and Drake High).

14

App. F The list of zoning districts omits all "C-" (Coastal) zoning districts. C-APZ, in particular, needs to be included because it has no noncoastal ("APZ") equivalent.

**RESPONSE TO LETTER NO. 62 - WADE HOLLAND (FEBRUARY 1, 2013)**

**Response to Comment 62-1**

The first bulleted paragraph on page 3 is revised as follows:

- Any of the conditions described in Section 15162 (listed below in (43)(A)-(D)) would require the preparation of a subsequent EIR, and

**Response to Comment 62-2**

See Response to Comment 61-1.

**Response to Comment 62-3**

Comment noted. CDA staff has recommended a revision to Figure IV-6 Available Land Inventory Summary in the Draft Housing Element to acknowledge this change in the status of the Grandi Building – See *Section 5.5 CDA Staff Recommended Changes to the Draft Housing Element*.

**Response to Comment 62-4**

During the public review period of the *2012 Draft Housing Element* housing site 15 (Inverness Valley Inn) was purchase by a hotel operator thereby eliminating the opportunity for housing conversion within the 2007-2014 Planning Period - See *Section 5.5 CDA Staff Recommended Changes to the Draft Housing Element*.

**Response to Comment 62-5**

The third bulleted paragraph on page 40 is revised to read as follows:

- Countywide Plan land use amendments and rezoning for the three ~~Main~~ Marin Housing Authority projects listed in **Exhibit 2.0-17** above.

**Response to Comment 62-6**

The word “identified” is the term used in the previously adopted program **AIR-2.c** in the *2007 Countywide Plan*.

**Response to Comment 62-7**

The boldface list of mitigation measures on page 46 is in response to the new information that has been made available since certification of the *2007 Countywide Plan EIR* (including an updated Flood Insurance Study and associated Flood Insurance Rate Maps, plus an assessment of potential flooding impacts resulting from climate-induced seas level rise by BCDC) (see Checklist Section 9(g)).

**New Mitigation Measure Hydrology, Water Quality and Flood Hazard-3** is in response to potential hydrology impacts due to flooding triggered by levee or dam failures (see Checklist Section 9(i)).

**Response to Comment 62-8**

Footnote 3 on page 54 is revised to read as follows:

As discussed in Section 2.5, as a part of the Proposed Project two Project sites (Inverness Valley Inn and Rotary Field) will require a *Countywide Plan* land use designation amendment and rezoning and the three Marin ~~housing~~ Housing Authority projects will require both *Countywide Plan* land use amendments and rezonings.

**Response to Comment 62-9**

BAAQMD lists Plant 15147 as a generator for Verizon Wireless (Skywalker Ranch) at 3800 Lucas Valley Road (UTM coordinates 533130.981east and 4211233.886west).

**Response to Comment 62-10**

Cancer risk from TACs is typically expressed in numbers of excess cancer cases per million persons exposed over a defined period of exposure, for example, an assumed 70 year lifetime. The cancer risk threshold of 10 in one million excess lifetime cancer cases is recommended by BAAQMD staff in their document: *BAAQMD California Environmental Quality Act Guidelines Update – Thresholds of Significance*, dated May 3, 2010. In this document, BAAQMD describes a basis for using 10.0 in one million for single project cancer risks. According to BAAQMD, the basis for what constitutes a significant increment of cancer risk, from any compound, has been established by the U.S. EPA. EPA's guidance for conducting air toxics analyses and making risk management decisions at the facility- and community-scale level, which considers a range of acceptable cancer risks from one in a million to one in ten thousand (100 in a million). The guidance considers an acceptable range of cancer risk increments to be from one in a million to one in ten thousand. In practice, BAAQMD would not issue an authority to Construct or Permit to Operate any new or modified source of TACs if the project cancer risk exceeds 10.0 in one million (per Regulation 2, Rule 5, *New Source Review of Toxic Air Contaminants*).

**Response to Comment 62-11**

The minimum setback of proposed vibration-sensitive developments along the SMART corridor is not known at this time. The analysis assumes that vibration-sensitive development could be constructed within 20 feet of the tracks and identifies a significant impact, as well as mitigation, in the form of design-level vibration analyses, to ensure that vibration-sensitive developments are not exposed to excessive vibration levels from SMART operations.

**Response to Comment 62-12**

Exhibits 3.0-27 and 3.0-28 are revised as follows:

**Exhibit 3.0-27**  
**2007-2014 Potential Housing Sites – Public Service and Utilities Considerations**

<b>Site #</b>	<b>Site Name &amp; Address</b>	<b>Total Acres</b>	<b>Total Units</b>	<b>Fire District</b>	<b>Water District</b>	<b>Sanitary District</b>	<b>Elementary Dist. High School Dist.</b>
1	Marinwood Plaza 100 Marinwood Ave	4.75	85	Marinwood Community Services District	Marin Municipal Water District	Las Gallinas Valley	possible: Dixie San Rafael High
2	Oak Manor 2400 Sir Francis Drave Blvd.	1.58	10	<del>Fire Service in unincorporated Marin</del> <u>Marin County Fire Department</u>	Marin Municipal Water District	Sanitary District No.01	Ross Valley Tamalpais
3	California Park Woodland Avenue	1.82	50	San Rafael Service Area	Marin Municipal Water District	San Rafael Sanitation	San Rafael Elementary San Rafael High or Terra Linda
4	Old Chevron Station 204 Flamingo Road	0.79	21	Southern Marin Fire Protection District	Marin Municipal Water District	Tamalpais Community Services	Mill Valley Tamalpais School
5	St. Vincent's & Silveira St. Vincent's Dr; Silveira Parkway	1,110	221	<del>Fire Service in unincorporated Marin</del> <u>Marin County Fire Department</u>	Marin Municipal Water District	part Las Gallinas Valley	possible: Dixie San Rafael High
6	Easton Point Paradise Drive	110	43	Tiburon Fire Protection	Marin Municipal Water District	Sanitary District No. 5	Reed Union Tamalpais School
7	Tamarin Lane 12 Tamarin Lane	6.54	5	Novato Fire Protection	North Marin Water	north of Novato Sanitary District	Novato Unified Novato Unified
8	Indian Valley 1970 Indian Valley Road	7.7	5	Novato Fire Protection	North Marin Water	south of Novato Sanitary District	Novato Unified Novato Unified
9	Manzanita mixed use 150 Shoreline Highway	0.56	3	Southern Marin Fire Protection	Marin Municipal Water District	Sausalito-Marín City	Sausalito Tamalpais
10	Grandi Building 11101 State Route 1	2.5	2	<del>Fire Service in unincorporated Marin</del> <u>Marin County Fire Department</u>	North Marin Water	<del>Outside of Sanitary District</del> <u>OWTS</u>	Shoreline Unified Shoreline Unified

<b>Site #</b>	<b>Site Name &amp; Address</b>	<b>Total Acres</b>	<b>Total Units</b>	<b>Fire District</b>	<b>Water District</b>	<b>Sanitary District</b>	<b>Elementary Dist. High School Dist.</b>
11	650 N. San Pedro 650 North San Pedro	16.3	12	San Rafael Service Area	Marin Municipal Water District	Las Gallinas Valley	San Rafael Elementary San Rafael High
12	Golden Gate Seminary Seminary Drive	73.57	60	Southern Marin Fire Protection	Marin Municipal Water District	Richardson Bay	Mill Valley Tamalpais
13	Oak Hill School 441 Drake Ave	3.87	30	<del>Fire Service in unincorporated Marin</del> Marin County Fire Department	Marin Municipal Water District	Sausalito – Marin city	Sausalito Tamalpais
14	Armstrong Nursery 217 & 221 Shoreline Highway	1.77	53	Sothern Marin Fire Protection	Marin Municipal Water District	Tamalpais Community Services	Mill Valley Tamalpais School
15	Inverness Valley Inn 3275 Sir Francis Drake	26.8	21	Inverness Public Utility	Inverness <u>Public Utility</u>	<del>Sanitary District No. 1</del> OWTS	<del>Ross Valley Sir Frances Drake High School</del> <u>Shoreline Unified School District</u>
16	Grady Ranch Lucas Valley Road	229	240	<del>Fire Service in unincorporated Marin</del> Marin County Fire Department	borders Marin Municipal Water District	borders Las Gallinas Valley	Dixie San Rafael High School
17	Roosevelt Street 30 Roosevelt	0.18	2	San Rafael Service Area	Marin Municipal Water District	Las Gallinas Valley	San Rafael Elementary San Rafael High School

OWTS acronym for Onsite Wastewater Treatment System.

Source: Marin Community Development Agency, June 27, 2012. A detailed list of the available land inventory for both 2007-2014 and 2014-2022 planning periods is available at <http://www.co.marin.ca.us/depts/CD/main/housing/HousingElement.cfm>

**Exhibit 3.0-28**  
**Potential Housing Sites for 2014-2022 - Public Service and Utilities Considerations**

<b>Site #</b>	<b>Site Name &amp; Address</b>	<b>Total Acres</b>	<b>Total Units</b>	<b>Fire District</b>	<b>Water District</b>	<b>Sanitary District</b>	<b>Elementary Dist. High School Dist.</b>
18	Around Manzanita 150 Shoreline	1.48	45	Southern Marin Fire Protection	Marin Municipal Water District	Sausalito- Marin City	Sausalito Tamalpais
19	Tam J retail 237 Shoreline Highway	6.8	60	Southern Marin Fire Protection	Marin Municipal Water District	Tamalpais Community Services	Mill Valley Tamalpais
20	Gateway Shopping Center 190 Donohue Street	20.34	150	<del>Fire Service in unincorporated Marin</del> <u>Marin County Fire Department</u>	Marin Municipal Water District	Sausalito – Marin City	Sausalito Tamalpais
21	Strawberry smaller retail Reed Blvd.	2.39	45	Southern Marin Fire Protection District	Marin Municipal Water District	Richardson Bay	Mill Valley Tamalpais
22	Strawberry Village 900, 950 etc. Redwood Highway	10.99	30	Southern Marin Fire Protection	Marin Municipal Water District	Richardson Bay	Mill Valley Tamalpais
23	Tiburon Eastbound Tiburon Blvd.	1.45	43	Southern Marin Fire Protection	Marin Municipal Water District	Richardson Bay	Mill Valley Tamalpais
24	Tiburon Westbound Knoll Road	1.44	44	Southern Marin Fire Protection	Marin Municipal Water District	Richardson Bay	Mill Valley Tamalpais
25	Tiburon Redwood frontage Central Drive	2.7	81	Southern Marin Fire Protection	Marin Municipal Water District	Alto	Mill Valley Tamalpais
26	College of Marin lot 15 139 Kent Avenue	3.2	45	Kentfield Fire Protection	Marin Municipal Water District	Sanitary District No. 01	Kentfield Tamalpais
27	Kentfield Eastbound Sir Francis Drake Blvd.	5.14	60	Kentfield Fire Protection	Marin Municipal Water District	Sanitary District No. 01	Kentfield Tamalpais
28	Kentfield Westbound	2.63	60	Kentfield Fire Protection	Marin Municipal Water District	Sanitary District No. 01	Kentfield Tamalpais
29	Marin General 250 Bon Air Road	19.7	50	<del>Fire Service in unincorporated Marin</del> <u>Marin County Fire Department</u>	Marin Municipal Water District	Sanitary District No. 01	Kentfield Tamalpais

<b>Site #</b>	<b>Site Name &amp; Address</b>	<b>Total Acres</b>	<b>Total Units</b>	<b>Fire District</b>	<b>Water District</b>	<b>Sanitary District</b>	<b>Elementary Dist. High School Dist.</b>
30	Ross Valley Self Storage 890 College Ave.	1.56	45	Kentfield Fire Protection	Marin Municipal Water District	Sanitary District No. 01	Kentfield Tamalpais
31	Sloat Center and adjacent residential Sir Francis Drake and Edna Court	5.09	60	Kentfield Fire Protection	Marin Municipal Water District	Sanitary District No. 01	Kentfield Tamalpais
32	3000 SFD- Sunnyside Growing 3000 Sir Francis Drake	7.74	30	<del>Fire Service in unincorporated Marin</del> <u>Marin County Fire Department</u>	Marin Municipal Water District	Sanitary District No. 01	Ross Valley Tamalpais
33	Railroad Ave. Railroad Ave. and Park St.	0.50	4	<del>Fire Service in unincorporated Marin</del> <u>Marin County Fire Department</u>	Marin Municipal Water District	<del>Outside of Sanitary District</del> <u>OWTS</u>	Lagunitas Tamalpais
34	Castro Street 6921 Sir Francis Drake and 6 Castro St.	0.54	6	<del>Fire Service in unincorporated Marin</del> <u>Marin County Fire Department</u>	Marin Municipal Water District	<del>Outside of Sanitary District</del> <u>OWTS</u>	Lagunitas Tamalpais
35	Los Ranchitos 99-165 Los Ranchitos Drive	13.81	60	San Rafael Service Area	Marin Municipal Water District	Las Gallinas Valley	Dixie San Rafael High
36	Big Rock Deli & Creekside Offices 1500 Lucas Valley Road & 7 Mt. Lassen Dr.	2.8	80	Upper Lucas Valley Service Area	Marin Municipal Water District	Las Gallinas Valley	Dixie San Rafael High
37	Rotary Field 16 Jeanette Prandi Way	12.83	60	<del>Fire Service in unincorporated area</del> <u>Marin County Fire Department</u>	Marin Municipal Water District	Las Gallinas Valley	Dixie San Rafael High
38	Bail Bonds 42, 44, 46, N. San Pedro, 69, 77 San Pablo	1.49	44	San Rafael Service Area	Marin Municipal Water District	Las Gallinas Valley	San Rafael Elementary San Rafael High
39	LDS Church Santa Venetia 220 N. San Pedro Road	5.38	30	San Rafael Service Area	Marin Municipal Water District	Las Gallinas Valley	San Rafael Elementary San Rafael High
40	MacPhail School 1565 Vendola Drive	9.52	40	San Rafael Service Area	Marin Municipal Water District	Las Gallinas Valley	San Rafael Elementary San Rafael High

<b>Site #</b>	<b>Site Name &amp; Address</b>	<b>Total Acres</b>	<b>Total Units</b>	<b>Fire District</b>	<b>Water District</b>	<b>Sanitary District</b>	<b>Elementary Dist. High School Dist.</b>
41	Marin Farmers Market 70 & 76 San Pablo Ave.	0.6	18	San Rafael Service Area	Marin Municipal Water District	Las Gallinas Valley	San Rafael Elementary San Rafael High
42	San Pedro Road San Pedro Road	5.65	30	San Rafael Service Area	Marin Municipal Water District	Las Gallinas Valley	San Rafael Elementary San Rafael High
43	Atherton (Novato RV Park) 1530 Armstrong Avenue	2.68	80	Novato Fire Protection District	North Marin Water	Novato Sanitary	Novato Unified Novato Unified
44	Bear Valley Road 10045 State Route 1	1.25	5	<del>Fire Service in unincorporated area</del> <u>Marin County Fire Department</u>	North Marin Water	<del>Outside of Sanitary District</del> <u>OWTS</u>	Shoreline Unified Shoreline Unified
45	Olema Campground Shoreline Highway	9.94	10	<del>Fire Service in unincorporated area</del> <u>Marin County Fire Department</u>	North Marin Water	<del>Outside of Sanitary District</del> <u>OWTS</u>	Shoreline Unified Shoreline Unified
46	Feed Lot B St. & 6 <sup>th</sup> St.	0.92	27	<del>Fire Service in unincorporated area</del> <u>Marin County Fire Department</u>	North Marin Water	<del>Outside of Sanitary District</del> <u>OWTS</u>	Shoreline Unified Shoreline Unified
47	Pine Cone Diner 60 4 <sup>th</sup> St.	1.06	4	<del>Fire Service in unincorporated area</del> <u>Marin County Fire Department</u>	North Marin Water	<del>Outside of Sanitary District?</del> <u>OWTS</u>	Shoreline Unified Shoreline Unified
48	Pt. Reyes North 11598 State Route 1	16.89	15	<del>Fire Service in unincorporated area</del> <u>Marin County Fire Department</u>	North Marin Water	<del>Outside of Sanitary District</del> <u>OWTS</u>	Shoreline Unified Shoreline Unified
49	Red Barn (green barn) 510 Mesa Road	1.53	10	<del>Fire Service in unincorporated area</del> <u>Marin County Fire Department</u>	North Marin Water	<del>Outside of Sanitary District</del> <u>OWTS</u>	Shoreline Unified Shoreline Unified

OWTS acronym for Onsite Wastewater Treatment System.

Source: Marin Community Development Agency, June 27, 2012. A detailed list of the available land inventory for both 2007-2014 and 2014-2022 planning periods is available at <http://www.co.marin.ca.us/depts/CD/main/housing/HousingElement.cfm>

**Response to Comment 62-13**

See Response to Comment 62-12.

**Response to Comment 62-14**

Below is a list of all of the C districts that conform to the coastal zone as established by the Coastal Act of 1976. Appendix F of the Draft SEIR is revised to include this list of C districts.

<b>C Zoning District</b>	
<b>Acronym</b>	<b>Meaning</b>
C-ARP	Coastal, agricultural residential planned district.
C-APZ	Coastal, agricultural production zone district.
C-R-A	Coastal, residential agricultural district.
C-R-1	Coastal, one-family residence district.
C-R-2	Coastal, two-family residence district.
C-RMP	Coastal, residence multiple planned district.
C-RSP	Coastal, residential one-family planned district.
C-RSPS	Coastal, residential one-family planned district Seadrift Subdivision.
C-CP	Coastal, planned commercial district.
C-H-1	Coastal, limited roadside business district
C-VCR	Coastal, village commercial residential district.
C-OA	Coastal, open area district.
C-RMPC	Coastal, residential multiple planned commercial district.
C-RCR	Coastal, resort commercial recreation district.



Los Ranchitos Improvement Association  
P.O. Box 4146  
San Rafael CA 94913 - 4146

March 14, 2013

To: Planning Commission [housingelement@marincounty.org](mailto:housingelement@marincounty.org)

Dear Planning Commissioners:

We are writing to express our deep concern and opposition to the County's consideration to increase the density of any portion of the Los Ranchitos neighborhood. When the County forced the Los Ranchitos community to connect to the Las Gallinas Sanitary District over fifteen years ago, our biggest concern was that this would open the door to the rezoning of Los Ranchitos. We fear that by merely considering twelve of our neighbors' and friends' homes for up to 30 units/acre is the next step in chipping away at the character of our beloved community. Our objections center on the following;

#### Change in Character

Los Ranchitos means little ranches; we are a unique and quaint community with the feel of rural country. We live just a little closer to nature and are an oasis of calm in the midst of suburban San Rafael. Perhaps more than any neighborhood along the Highway 101 corridor, Los Ranchitos is defined by our zoning, our 1-acre minimum lot size. We are an eclectic neighborhood that loves our horses, sheep, chickens, ponies, goats, vineyards, orchards, open space, and elbow room. We are surrounded on three sides by affordable housing units and all have been good neighbors through the years. In the middle of our neighborhood we have a home for developmentally challenged adults. We used to have an Alzheimer care facility in one of our homes. We also have second units that provide affordable housing.

#### Existing Single-family Homes

Unlike most of the property included in the County's list of potential Available Land Inventory for the County's Housing Element, the sites in Los Ranchitos are not vacant or commercial. These are our neighbors' homes; most of which have been there for years. Some are second generation families living in the homes they grew up in. It feels odd to see your home on a list to be redeveloped.

Circle Road is the hub of Los Ranchitos and a favorite loop for jogging, cycling, and walking dogs, goats, ponies, and horses. We have struggled with traffic and speed on this loop and do not want to see any increased access to multi-family units from Circle.

#### The Twelve Sites have Limitations

On paper, property fronting Los Ranchitos Road may look like a nice place to add higher density homes. But a closer look reveals that not all these lots are suitable "inventory." Most of these lots are not currently accessed by Los Ranchitos Road, and for good reasons.

- 38 Knoll Way – Too steep, accessible only from Knoll Way
- 195 Circle Road – Steep slope, no direct access to Ranchitos Road and partially within a designated stream conservation area.
- 160 Circle Road – A stream runs through this property

- 5 Circle Road – Wooded lot with access from Circle Road
- 4 Ranch Road – Steep slope to Ranchitos Road, only accessible from Ranch Road
- 11 Ranch Road and 15 Debes Ranch Road – both are part of the Debes Ranch Subdivision and are accessed from Debes Ranch Road. These are some of the newest homes in our neighborhood. From a resource point of view, it doesn't make sense to bulldoze new homes.
- 99 Los Ranchitos Road – Wooded lot with moderate slope
- 105, 129, 135, and 165 Los Ranchitos Road – Yes, flat lots with access to Ranchitos Road, but these are our friends who enjoy their neighbor's horses looking over the fence. That's four single-family homes that if changed to 30 units/ acres would break up the character of our neighborhood.

1

The EIR should address increased traffic along Los Ranchitos Road, coupled with the increased traffic coming in and out of driveways onto this major thoroughfare. Except for the long drive around North San Pedro Road, Los Ranchitos Road is the only route to San Rafael without getting on the freeway.

We apologies for the lateness in our comments, but LRIA did not receive a public notice of the comment period for the Draft EIR. Similarly, we were not aware that our community was being considered for an increase in zoning.

Please be sure to add us to your list of interested parties. Our email address is: [lriaboard@gmail.com](mailto:lriaboard@gmail.com). Our main mailing address is:

Los Ranchitos Improvement Association  
P.O. Box 4146  
San Rafael, CA 94113

and

Leyla R. Hill, President  
30 Indian Road  
San Rafael, CA 94903  
[Leyla.hill@hos.com](mailto:Leyla.hill@hos.com)

Thank you for considering our objection to increasing the density of any homes within Los Ranchitos. We pride ourselves in living within the County, please don't fail us now.

Sincerely,



Leyla R. Hill, 2013 President LRIA and the 2013 Board of Directors:  
Chris Chew, Vice President  
Kathleen McEligot, Treasurer  
Cynthia Pepper, Secretary  
John P. Wyek, Past President

c.c. Supervisor Susan Adams [sadams@marincounty.org](mailto:sadams@marincounty.org)  
Rachael Warner, Environmental Planning Manager [envplanning@marincounty.org](mailto:envplanning@marincounty.org)

**RESPONSE TO LETTER 63 - LEYLA HILL (LOS RANCHITOS IMPROVEMENT ASSOCIATION)  
(MARCH 14, 2013)**

**Response to Comment 63-1**

As discussed in transportation / traffic (Checklist item 16) in the Draft SEIR, the traffic analysis analyzed AM and PM peak hour roadway segment volumes at 19 key locations, called screenlines. These are the same 19 location analyzed in the *2007 Countywide Plan EIR*. These screenlines contain roadway segments most likely to be significantly impact by development. Los Ranchitos Road is not included in the 19 locations studied.

As noted in response to several similar comments, the Draft SEIR is a program EIR that focuses on the overall effect of the *2012 Draft Housing Element*. Regarding site-specific review of future proposals to develop individual housing sites, please see *Master Response 3 – Environmental Review of Housing Projects*. Project specific traffic impacts, including impacts to Los Ranchitos Road, would be analyzed at that time.

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***Response to January 14, 2013 Public Hearing Comments***

On January 14, 2013 the Marin County Planning Commission held a public hearing on the Draft SEIR. Minutes of the planning commission meeting are included beginning on the next page. Following the minutes is a summary of the oral comments together with a response to each comment.

Marin County Planning Commission  
Regular Meeting  
Monday, January 14, 2013

*ROLL CALL The meeting was called to order by Chair Lubamersky at 1:00 p.m.*

Present at Roll Call: Joan Lubamersky; Mark Ginalski; Peter Theran; Katherine Crecelius;  
Don Dickenson; Randy Greenberg; Wade Holland.

1:00 P.M.

CDA Staff Present: CDA Director Brian Crawford, Assistant Director Tom Lai, Environmental Planning Manager Rachel Warner, Planning Manager Jeremy Tejirian, Principal Planner Leelee Thomas, Planner Stacey Laumann, Planning Aide Tammy Taylor, and Planning Commission Secretary Debra Stratton.

EIR Consultants Present: Bob Berman, Nichols & Berman; Bill Vandivere, Clearwater Hydrology; and Joshua Carman, Illingworth & Rodkin, Inc..

[Agenda](#)

1. INITIAL TRANSACTIONS (00:00:10)

a. Minutes - December 10, 2012

[Draft Minutes 12/10/12](#)

M/s Wade Holland - Katherine Crecelius to approve the minutes of the regular meeting of December 10, 2012, as submitted.

Vote: Motion carried 7-0

AYES: Joan Lubamersky; Mark Ginalski; Peter Theran; Katherine Crecelius; Don Dickenson; Randy Greenberg; Wade Holland.

b. Communications

Commissioners Lubamersky and Crecelius communicated with Paul Cohen, a consultant for Marin General Hospital, regarding the Marin General Hospital EIR.

2. OPEN TIME FOR PUBLIC EXPRESSION (LIMITED TO THREE MINUTES PER SPEAKER) (00:01:14)

3. DIRECTOR'S REPORT (00:01:33)

a. Preliminary Agenda Discussion Items, Field Trips

Mr. Lai provided an update of upcoming agenda items and answered questions regarding the status of several planning projects.

Staff answered questions regarding the Housing Element hearing schedule. In response to public requests for additional time to review and comment on the Housing Element Draft Supplemental Environmental Impact Report, staff recommended a time extension of the public comment period to February 19, 2013.

M/s Mark Ginalski - Wade Holland to extend the public comment period on the Housing Element Draft Supplemental Environmental Impact Report to the 2007 Countywide Plan Environmental Impact Report to February 19, 2013. (00:15:33)

Vote: Motion carried 7-0

AYES: Joan Lubamersky; Mark Ginalski; Peter Theran; Katherine Crecelius; Don Dickenson; Randy Greenberg; Wade Holland.

#### 4. HOUSING ELEMENT DRAFT SUPPLEMENT TO THE 2007 COUNTYWIDE PLAN ENVIRONMENTAL IMPACT REPORT (00:16:10)

##### Staff Report

Staff and the EIR consultant summarized the staff report and recommended that the Planning Commission conduct the public hearing, discuss issues of primary concern and provide direction to the EIR consultant on any additional items which should be addressed in the Final SEIR, and instruct the EIR consultant to prepare the Final SEIR based on all oral and written comments received at the hearing and during the entire review period.

Staff and consultants answered questions from the Commission. (00:40:00)

Public testimony was opened and the following people spoke, with emphasis on the need for an extension of time to allow review and comment on the adequacy of the Draft Supplemental EIR, and concerns about the appropriateness of potential affordable housing sites in various locations: (01:05:40)

Ann Burke, Sustainable TamAlmonte  
Margaret Kettunen Zegart, Tamalpais Planning Area Bayfront Coalition  
Nona Dennis, Marin Conservation League  
TJ Meagher, Citizens for Educated Government  
Stephen Nestel, Walk/Bike Marinwood, Save Marinwood  
Dave Coury  
Luke Teyssier  
Rachel F. Ginis, Lilypad SGS, CCL  
Clayton Smith  
Laura Chariton

Public testimony was closed. The Commission recessed briefly at 2:45 p.m. and reconvened at 2:50 p.m. with seven members present as indicated.

Staff answered questions from the Commission and provided additional clarification. (01:49:55)

The Commission provided comments to staff for inclusion and response in the Final Supplemental EIR. (01:50:02)

M/s Wade Holland - Peter Theran to request the EIR consultant to prepare the Final SEIR based on all oral and written comments received at the hearing and during the review period including the extended portion of the review period. (03:16:17)

Vote: Motion carried 7-0

AYES: Joan Lubamersky; Mark Ginalski; Peter Theran; Katherine Crecelius; Don Dickenson; Randy Greenberg; Wade Holland.

## 2. DIRECTOR'S REPORT, continued (03:17:00)

Mr. Crawford updated the Commission on the preparation of CDA's Performance Plan for Fiscal Year 2013-14 and the progress of the Local Coastal Program Amendments process currently being heard by the Board of Supervisors.

Commissioner Greenberg announced her retirement from the Planning Commission effective January 31, 2013. She expressed appreciation to the public, the members of the Planning Commission, and staff. The Commissioners also expressed appreciation to Commissioner Greenberg for her contributions during her tenure on the Commission. (03:21:10)

M/s Randy Greenberg - Peter Theran adjourn.

Vote: Motion carried 7-0

AYES: Joan Lubamersky; Mark Ginalski; Peter Theran; Katherine Crecelius; Don Dickenson; Randy Greenberg; Wade Holland.

The meeting was adjourned at 4:45 p.m.

The next meeting of the Planning Commission is scheduled for February 11, 2013.

### Webcast Timestamps

00:00:10 - Initial Transactions

00:01:14 - Open Time

00:01:33 - Director's Report

00:14:33 - Motion to Extend Housing Element Comment Period

00:15:33 - Housing Element Staff Report

00:40:00 - Q&A

01:05:40 - Public Testimony

01:49:55 - Q&A

01:50:02 - Commissioners' Comments

03:16:17 - Motion to Prepare Final SEIR

03:16:54 - Director's Report, continue

03:21:10 - Commissioner Greenberg Announcement

**Comments of Ann Burke, Sustainable TamAlmonte**

In addition to oral comments at the public hearing Ann Burke submitted written comments (see comment letter 9) as did Sustainable TamAlmonte, (see comment letters 2, 3, and 4).

**Public Hearing Comment 1**

Expressed concern regarding public health and safety impacts related to high density housing in the Tam Junction area. The Draft SEIR is deficient in describing these impacts.

**Response to Public Hearing Comment**

This Draft SEIR contains site specific data about each individual project site. For example **Exhibits 3.0-4** and **3.0-5** present results of a screening level analysis performed using BAAQMD tools for the housing site. **Exhibits 3.0-4** and **3.0-5** identify sites that have potentially significant exposures. Similar site specific data is provided in several other environmental areas. This SEIR is, however, a program EIR and therefore this document focuses on the overall effect of the *2012 Draft Housing Element* and not on the site-specific impacts of future projects that would be developed on individual housing sites.

**Comments of Margaret Kettunen Zegart, Tamalpais Planning Area Bayfront Coalition**

In addition to oral comments at the public hearing Margaret Kettunen Zegart submitted written comments (see comment letters 42, 43, and 59).

**Public Hearing Comment**

Mentioned concern that the housing sites are located on the ABAG One Bay Area maps. Believes the sites in Tam Junction are not realistic based on the cost of flood insurance and other development costs.

**Response to Public Hearing Comment**

Comments noted, no additional response required.

**Comments of Nona Dennis, Marin Conservation League**

In addition to oral comments at the public hearing the Marin Conservation League submitted written comments (see comment letter 5).

**Public Hearing Comment**

Expressed concern regarding the issue of sea level rise and stated that adaptation should include avoidance. Mentioned the need for the Draft SEIR to include an evaluation of all of the Housing Element's policies and programs. Expressed concern regarding expedited CEQA review.

**Response to Public Hearing Comment**

See *Master Response 1 – Sea Level Rise*.

As appropriate the Draft SEIR does evaluate the relevant proposed *2012 Draft Housing Element* programs.

As stated on page 4 of the Draft SEIR, it is intended that this Draft SEIR will help streamline future, tiered environmental review of individual housing sites, because it provides program level information and data about each housing site. This information identifies potentially significant environmental impacts and associated mitigation measures that may be used in analyzing future site-specific development projects.

**Comments of TJ Meagher, Citizens for Educated Government**

In addition to oral comments at the public hearing Thomas Meagher submitted written comments (see comment letter 56).

**Public Hearing Comment**

Expressed concern regarding the lack of detail concerning the individual housing sites. Believes that site issues should be discussed now. Also expressed concern that Countywide Plan EIR was certified in 2007 and there have been significant changes in the area since then.

**Response to Public Hearing Comment**

This Draft SEIR does provide site specific data about each individual project site. For example **Exhibits 3.0-4** and **3.0-5** present results of a screening level analysis performed using BAAQMD tools for the housing site. **Exhibits 3.0-4** and **3.0-5** identify sites that have potentially significant exposures. Similar site specific data is provided in several other environmental areas. This SEIR is, however, a program EIR and therefore this document focuses on the overall effect of the *2012 Draft Housing Element* and not on the individual housing sites.

As described in *Section 3.2 Explanation of Checklist Evaluation Categories* one of the purposes of the environmental checklist in *Section 3.4* is to evaluate if there is any new information of substantial importance requiring new analysis or verification. This determinate is made for each checklist item.

**Comments of Stephen Nestel, Walk/Bike Marinwood, Save Marinwood**

In addition to oral comments at the public hearing Stephen Nestel submitted written comments (see comment letters 53 and 54).

**Public Hearing Comment**

Expressed concern that the focus of the Housing Element appears to be in Marinwood. Too much concentration of affordable housing in Marinwood.

**Response to Public Hearing Comment**

This is a comment on the merits of the *2012 Draft Housing Element* and not on the adequacy of the Draft SEIR.

**Comments of Dave Coury**

**Public Hearing Comment**

Wants to know why there is not a No Project Alternative. Expressed concern that questions raised in the scoping meeting were not adequately addressed in the Draft SEIR. Expressed a concern that housing numbers in the *Countywide Plan* were reduced by the *Countywide Plan EIR*.

**Response to Public Hearing Comment**

As described on page 3 of the Draft SEIR a supplement to an EIR need contain only the information necessary to make the previous EIR adequate for the project as revised (*CEQA Guidelines* Section 15163(b)). It was not necessary to revise **Chapter 5.0 Alternatives** of the *2007 Countywide Plan EIR*, which analyzed a No Project Alternative. CEQA does not require an EIR to analyze social and economic impacts, see *State CEQA Guidelines* section 15131.

Responses to the Notice of Preparation, including oral comments made at the August 2, 2012 public scoping session, and the disposition of both the written comments and oral comments are provided in Appendix B of the Draft SEIR.

**Comments of Luke Teyssier**

**Public Hearing Comment**

Expressed concern about changes to Tam Valley. Large numbers of high density housing is being proposed for Tam Valley. Concerned that proposed streamlining proposals will reduce the ability of neighborhood residents to oppose high density affordable housing project.

**Response to Public Hearing Comment**

Comment noted regarding the housing sites (housing sites 4, 9, 14, 18, and 19) located in the Tam Junction area. The Draft SEIR provides a significant amount of environmental data regarding the individual sites. For example **Exhibits 3.0-18** and **3.0-19** summarize the results of the hydrology, water quality and flooding hazards assessment for each of the *2012 Draft Housing Element* housing sites compared to existing conditions. As can be seen from these exhibits, housing sites 4, 9, 14, 18, and 19 are exposed to tidal inundation per BCDC mid-century sea level rise.

In regard to the comment regarding streamlining proposals, as stated on page 4 of the Draft SEIR, it is intended that this Draft SEIR will help streamline future, tiered environmental review of individual housing sites, because it provides program level information and data about each housing site. This information identifies potentially significant environmental impacts and associated mitigation measures that may be used in analyzing future site-specific development projects. This approach should not reduce the ability of citizens to participate in the County environmental review process for individual housing sites.

**Comments of Rachel F. Ginis, Lilypad SGS & CCL**

In addition to oral comments at the public hearing Rachel Ginis submitted written comments (see comment letter 47).

**Public Hearing Comment**

Would like to see a new program to allow new affordable housing units within existing housing units.

**Response to Public Hearing Comment**

This is a comment on the merits of the *2012 Draft Housing Element* and not on the adequacy of the Draft SEIR.

**Comments of Clayton Smith**

**Public Hearing Comment**

Expressed concern with reliability of FEMA reports. Expressed concerns related to impact of “king tides” in Tm Junction.

**Response to Public Hearing Comment**

Please see *Master Response 1 – Sea Level Rise*.

**Comments of Laura Chariton, Sustainable TamAlmonte, Waterfront and Marinship Committee**

**Public Hearing Comment**

Expressed concern regarding impact of affordable housing sites to Bothin Marsh and especially impact to special status species. Sea level rise impacts special status plants and animals.

**Response to Public Hearing Comment**

Please see Response to Comment 11-11.

**Comments of Commissioner Don Dickenson**

**Public Hearing Comment**

Provided comments in regard to Exhibits **2.0-4** and **2.0-5**.

1. #3 – acreage should be less because County owned parcel is included. Should units be less?
2. #6 – why “entitled”? perhaps move to section “C”
3. #11 – Should be 10 not 12
4. #16 – 229 acres equals 229 units – why 240 units?
5. #27 – Why 0?
6. #36 – Why so many units? Unrealistic?
7. #37 – Community agreement to remain as open space? Should it be on the list?
8. #38 – Numbers seem arbitrary.
9. #41 – On many sites seems inappropriate. Comment need on the context or each setting of each site.
10. Is there an opportunity for the Planning Commission to comment on sites #18 through #49?
11. #16 – Grady Ranch – constraints prohibit this number of units. Totally unrealistic.
12. Page 251 – Is this correct regarding LOS?

**Response to Public Hearing Comment**

1. *Countywide Plan* program **CD 2-d** requires residential density on Housing Overlay Designation (HOD) sites to be at least 30 units per acre. Figure 3-3 in policy **CD-2.3** discusses housing capacity for sites assigned to the HOD. The land use for California Park has been assigned up to 50 units. The 1.56 acre site would yield 50 units at 32.2 units per acre.
2. Section B is proposed to be retitled “Existing projects, not yet submitted building permits” to more accurately reflect project status of sites in that section.
3. 10 is the correct number.
4. A formal survey of the property is not on record with the County, and data sources on acreage differ. The most recent application submitted by the property owner calculated the total property acreage at 240 acres.
5. The SEIR is studying unit counts noted in the column “Housing Units to Evaluate”, so in this case it is 60 units.
6. The SEIR in this case is studying the site at a full redevelopment capacity, which is 30 units per acre on 2.8 acres.
7. There is both community support and opposition to include this site. Community Development Agency staff acknowledges that residential development would require a revision to the existing Master Plan.
8. The SEIR is studying unit counts noted in the column “Housing Units to Evaluate”. This site is studied using the total acreage at 30 units per acre.
9. This site is studied using the total acreage at 30 units per acre.
10. The Planning Commission will have an opportunity to comment on sites #18- #49 at future publicly noticed hearings.
11. County staff evaluated the development footprint of the previous project application, as well as other site features and determined there are reasonable siting opportunities. The unit count studied by the SEIR is consistent with basic density allowances of the *Countywide Plan* and Development Code. The SEIR does not presume to characterize a future project description or design.
12. As described in the Draft SEIR, the traffic analysis for the *2012 Draft Housing Element* used updated background assumptions based on ABAG Projections 2009 compared to ABAG Projections 2003 in the *2007 Countywide Plan EIR*. Also, the use of an updated traffic forecasting model with different cumulative socio-demographic and network assumptions may have forecast different travel patterns that led to some improved results. While some results improved, other results got worse, but generally the overall increment between the cumulative no-project and with-project remains relatively consistent between the *2007 Countywide Plan EIR* and the Draft SEIR.

**Comments of Commissioner Peter Theran**

**Public Hearing Comment**

Difficult to look at program-level analysis; need to address impact of specific projects on quality of life.

Page 251 – Will traffic really improve?

**Response to Public Hearing Comment**

This Draft SEIR does provide site specific data about each individual project site. For example **Exhibits 3.0-4** and **3.0-5** presents results of a screening level analysis performed using BAAQMD tools for the housing site. **Exhibits 3.0-4** and **3.0-5** identify sites that have potentially significant exposures. Similar site specific data is provided in several other environmental areas. This SEIR is, however, a program EIR and therefore this document focuses on the overall effect of the *2012 Draft Housing Element* and not on the individual housing sites.

As described in the Draft SEIR, the traffic analysis for the *2012 Draft Housing Element* used updated background assumptions based on ABAG Projections 2009 compared to ABAG Projections 2003 in the *2007 Countywide Plan EIR*. Also, the use of an updated traffic forecasting model with different cumulative socio-demographic and network assumptions may have forecast different travel patterns that led to some improved results. While some results improved, other results got worse, but generally the overall increment between the cumulative no-project and with-project remains relatively consistent between the *2007 Countywide Plan EIR* and the Draft SEIR.

**Comments of Commissioner Mark Ginalski**

**Public Hearing Comment**

Tiered EIR approach is valid. What type of project analysis will there be for sites in the 2014 -2022 planning period? Can adaptation be a part of mitigation for sea level rise?

**Response to Public Hearing Comment**

As stated on page 4 of the Draft SEIR, and in *Master Response 3 – Environmental Review of Housing Projects*, each individual housing site will separately and subsequently receive additional review, , if and when individual development applications are received by Marin County.

**Comments of Commissioner Wade Holland**

**Public Hearing Comment**

Commissioner Holland submitted written comments – please see Comment Letter 62.

**Response to Public Hearing Comment**

Please see response to Comment Letter number 62.

**Comments of Commissioner Randy Greenberg**

**Public Hearing Comment**

1. Commissioner Greenberg submitted written comments – please see Comment Letter 61.
2. EIR should state what standards were used for selecting each site – how did individual sites make the list?
3. EIR lacking in quantified data.
4. There should be a statement that site development potential is not ensured.
5. AH overlay is publicly funded and should not be in hazardous areas.
6. Concerned about the additional 32 sites listed for the 2014-2022 planning period.
7. Page 251 – not sure why some LOS calculations get better.
8. Expressed concerns regarding the recommended new hydrology mitigation measures.
9. Why are there not timelines associated with the Housing Element programs?

**Response to Public Hearing Comment**

1. Please see response to Comment Letter 61.
2. A brief discussion of the public process County staff undertook to assist in the preparation of the *2012 Draft Housing Element* is provided on pages 13 and 29 of the Draft SEIR. Additional information is provided on the County's housing element update web page: <http://www.co.marin.ca.us/depts/CD/main/housing/HousingElement.cfm>.
3. This Draft SEIR does provide site specific data about each individual project site. For example **Exhibits 3.0-4** and **3.0-5** present results of a screening level analysis performed using BAAQMD tools for the housing site. **Exhibits 3.0-4** and **3.0-5** identify sites that have potentially significant exposures. Similar site specific data is provided in several other environmental areas. This SEIR is, however, a program EIR and therefore this document focuses on the overall effect of the *2012 Draft Housing Element* and not on the individual housing sites.
4. Comment noted. Inclusion of a housing site on the Housing Element's list of available land inventory does not ensure development entitlements for any specific site.
5. Comment noted. This is a comment on the merits of the Housing Element and not on the adequacy of the Draft SEIR.
6. The Planning Commission will have an opportunity to comment on sites #18- #49 at future publicly noticed hearings
7. As described in the Draft SEIR, the traffic analysis for the *2012 Draft Housing Element* used updated background assumptions based on ABAG Projections 2009 compared to ABAG Projections 2003 in the *2007 Countywide Plan EIR*. Also, the use of an updated traffic forecasting model with different cumulative socio-demographic and network assumptions may have forecast

different travel patterns that led to some improved results. While some results improved, other results got worse, but generally the overall increment between the cumulative no-project and with-project remains relatively consistent between the 2007 Countywide Plan EIR and the Draft SEIR.

8. See Master Response 1 – Sea Level Rise.
9. Comment noted. This is a comment on the merits of the Housing Element and not on the adequacy of the Draft SEIR.

**Comments of Commissioner Katherine Crecelius**

**Public Hearing Comment**

1. Page 42 – raised an issue regarding the timeline and cost to implement new mitigation measure 1.
2. St. Vincent’s - What is the specific area that is being evaluated? How can an evaluation be done if the specific 55 acres are not identified?
3. Pages 18 and 19 – how were the specific numbers of housing units determined?
4. Environmental impacts on a specific site effects feasibility of the individual site.

**Response to Public Hearing Comment**

1. See Master Response 1 – Sea Level Rise.
2. As shown in **Exhibit 2.0-16** the St. Vincent’s / Silveira property has been identified as a candidate for the Affordable Housing Combined Zoning District. The Community Development Agency staff has conducted a case study of how the AH zone could be applied to this property.<sup>24</sup> Use of the AH zone would allow the clustering of housing in order to reduce or completely avoid adverse environmental impact.

The Draft SEIR does not, however, presume to characterize a future project description or design for this housing site or any housing site. As stated on page 4 of the Draft SEIR this is a program EIR under Section 15168 of the *State CEQA Guidelines*. As described in *State CEQA Guidelines* § 15168(a)(3), a program EIR “may be prepared on a series of actions that can be characterized as one large project and are related...in connection with the issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program.” As a program EIR, this document focuses on the overall effect of the *2012 Draft Housing Element*. The Draft SEIR provides an in-depth program-level review of the proposed housing sites. Regarding site-specific review of future proposals to develop individual housing sites, please see *Master Response 3 – Environmental Review of Housing Projects*. This Draft SEIR will help streamline future, tiered environmental review, because it provides program level information and data about each housing site, which identifies potentially significant environmental impacts and associated mitigation measures that may be used in analyzing future site-specific development projects.

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<sup>24</sup> *Proposed Affordable Housing Combined Zoning District Case Studies*, Community Development Agency Planning Division, Revised 1-24-13.

3. County staff evaluated each housing site in regard to its housing capacity based on *Countywide Plan* land use designations and zoning designations.
4. Comment noted. As a program EIR, the Draft SEIR focuses on the overall effect of the *2012 Draft Housing Element*. The Draft SEIR provides an in-depth program-level review of the proposed housing sites. Regarding site-specific review of future proposals to develop individual housing sites, please see *Master Response 3 – Environmental Review of Housing Projects*.

**Comments of Commissioner Joan Lubamersky**

**Public Hearing Comment**

Expressed concern regarding how many of the housing sites are severely constrained. There needs to be a statement that site development potential is not ensured.

**Response to Public Hearing Comment**

Comment noted. Inclusion of a housing site on the Housing Element's list of available land inventory does not ensure development entitlements for any specific site.

## 5.5 CDA STAFF RECOMMENDED CHANGES TO THE DRAFT HOUSING ELEMENT

The Draft SEIR for the *2012 Draft Housing Element* was prepared based on the *July 2012 Draft Housing Element* as submitted to the California Department of Housing and Community Development. Since then, CDA staff has recommended changes to the *Draft Housing Element*. The substantive changes are discussed in the memorandum from Stacey Laumann to Bob Berman, dated March 25, 2013. The memorandum begins on the following page.

Each of the recommended revisions has been identified in the memorandum. Immediately following the memorandum an evaluation of the recommended revisions on the Draft SEIR's analysis is provided. Based on this analysis, the recommended changes do not alter the conclusions of the Draft SEIR, nor do they trigger the thresholds for recirculation set forth in Section 15088.5 of the *State CEQA Guidelines*.

In addition to the changes discussed in the memorandum **New Mitigation Measure Air Quality-1** on page 80 of the Draft SEIR is revised as follows:

**New Mitigation Measure Air Quality-1** Environmental review for Applications for new housing projects that may have potentially significant toxic air contaminant (TAC) exposures, as identified in Exhibits 3.0-4 and 3.0-5, shall include a detailed analysis of the potential health risks from exposure of future residents to TACs using refined modeling techniques. This analysis shall identify both the level of TAC exposure and measures to reduce unacceptable exposures to a less-than-significant level. Mitigation measures that achieve compliance with the adopted standards of the BAAQMD for residential exposure to TACs shall be incorporated into the design of the project to reduce the risk to an acceptable level. Such measures would include, but are not limited to, site design, use of appropriate filtration in ventilation systems, vegetative barriers, or a combination of the measures.

**Revised Mitigation Measure Air Quality-2** on page 80 of the Draft SEIR is revised as follows:

**Program AIR-2.c Health Risk Analysis for Sensitive Receptors.** Require that Environmental review for Applications for new projects involving locating sensitive receptors proposed 150 feet of freeways near roadways and stationary sources identified as posing potentially significant TAC or PM<sub>2.5</sub> exposure using BAAQMD CEQA Analysis Tools, shall include an analysis of the potential health risks. Mitigation measures which comply that achieve compliance with the adopted standards of the BAAQMD for control of exposure of sensitive receptors to odor/toxics for sensitive receptors shall be identified to reduce these risks to acceptable levels.

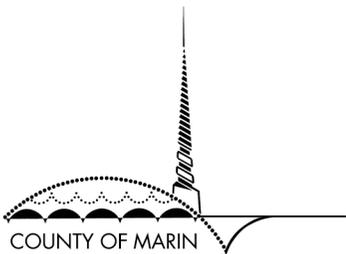
**New Mitigation Measure Noise-1** on page 210 of the Draft SEIR is revised as follows:

**New Mitigation Measure Noise - 1** The County shall use the Federal Transit Administration (FTA) vibration impact criteria in environmental review to evaluate the compatibility of sensitive uses proposed along the SMART corridor using the best available information (e.g., *2005 SMART DEIR*) or site-specific measurements and analyses (assuming active operations). The FTA thresholds for residences are 80 VdB<sup>25</sup> for frequent events (more than 70 vibration events from the same source per day), 75 VdB for occasional events (30 to 70 vibration events from the same

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<sup>25</sup> The abbreviation "VdB" is used for vibration decibels to reduce the potential for confusion with sound decibels. The velocity of the ground is expressed on the decibel scale, and the reference velocity is 1 x 10<sup>-6</sup> in. /sec. RMS, which equals 0 VdB. A vibration velocity of 1 in. /sec. equals 120 VdB.

source per day), and 72 VdB for infrequent events (fewer than 30 vibration events from the same source per day). Developers of sensitive uses shall demonstrate for environmental review purposes that the potential impacts of existing or potential vibration levels have been reduced to levels that are less than or equal to the FTA vibration impact thresholds. The implementation of this measure would reduce the impact to a less-than-significant level.



## ADMINISTRATIVE MEMORANDUM

To: Bob Berman, Nichols Berman  
 From: Stacey Laumann  
 Date: March 25, 2013  
 Subject: Changes to the Housing Element subsequent to the July 2012 version submitted to HCD.

### Summary:

The Draft Supplemental Environmental Impact Report for the Housing Element was prepared based on the *July 2012 Draft Housing Element* as submitted to the California Department of Housing And Community Development. Since then, staff has recommended changes to the Draft Housing Element. The substantive changes are listed below with track changes, and should be considered by Nichols Berman while preparing the Final Supplemental Environmental Impact Report for the Housing Element.

### Substantive changes proposed:

p. III-6, para. 2

1

MMWD's Board of Directors [approved-adopted a plan for](#) a 5-million-gallon-per-day desalination facility in August 2009, [thereby keeping intending to keep](#) desalination available as one of Marin's potential water supply sources. [In 2010, that plan was put on hold in favor of conservation measures to meet demand.](#) Both MMWD and NMWD undertook substantial water conservation programs in recent years resulting in significant reduction in water usage.

p. III-35, Figure III-15

Figure III-15: Affordable Housing Combined District Sites

Site Name	Acres by Parcel	Acres Total	Countywide Plan 2007	Zoning 2009	AH-Combined District
St. Vincent's / Silveira	314.189 250.882	1110	PD-Agriculture and Env Resource	A2	AH zone - limited to 3.5 acres at 30 duac
<del>Oak Hill School</del> Marin City Community Development	3.87	3.87	MF2	RMP-4.2 RE-B3	AH zone - limited to <u>+0.5 acres</u> at 30 duac
Golden Gate Seminary	48.45 25.13	73.57	MF-2	RMP-2.47	AH zone - limited to 2 acres at 30 duac
Grady Ranch	86.7 38.0 105.1	229	<a href="#">PR</a>	<a href="#">RMP-0.031</a> <a href="#">RMP-0.031</a> <a href="#">RMP-0.379</a>	AH zone - limited to 8 acres at 30 duac

2

p. IV-8, Fig. IV-4

Figure IV-4: Unit Development Inventory: Building permits issued between January 2007 and December 2012 (updated 3/14/12/17/13)

Project Name	Status (Built, Under Construction, Approved, etc.)	Total Units	Units by Income Level*					Method of Affordability: (1) Sales price (2) Rent price (3) Type of Subsidy
			Total Units	VL	L	M	AM†	
Single-family building permits <del>issued between Jan. 2007 and Dec. 2011</del>	Bldg. permit issued	18878	0	0	9	<del>16917</del> 9	Mod, sales price. No subsidy.	
3 Multi-family building permits <del>issued between Jan. 2007 and Dec. 2011</del>	Bldg. permit issued	0	0	0	0	0	n/a	
Houseboats and Mobile home permits issued	Bldg. permit issued	910	0	0	109	0	<del>Moderate.</del> No subsidy.	
New second units permitted <del>between Jan. 2007 and Dec. 2011</del>	Bldg. permit issued	958	10	<del>4748</del>	<del>2930</del>	910	Rent price. See Second Unit Survey 2008 discussion below.	
Ridgeway Apartments - converting to low income (60% AMI)	Conversion complete (153 units total)	34	0	34	0	0	Rent price. RDA set-aside funded conversion of market units.	
<b>Total units under construction or rehabilitation</b>		<del>31633</del> 0	10	<del>8182</del>	497	<del>17818</del> 9		
RHNA 2007 - 2014		773	183	137	169	284	RHNA 2007 - 2014	
<i>Remaining need</i>		<del>45744</del> 3	173	<del>5655</del>	1220	<del>10695</del>	<i>Remaining need</i>	

4 p. IV-12 & 13, Fig. IV-6  
See the end of this memo for revisions to the Available Land Inventory.

5 p. IV-16 - top  
Existing Entitled pP projects, not yet submitted for building permits (#6 through #~~1011~~) <sup>1</sup>

6 p. IV-18 – footnote, and removal of site #15 Inverness Valley Inn  
<sup>1</sup> As of January 2013, during the public review of the Housing Element, Site #10, Inverness Valley Inn, was purchased by a hotel operator, thereby eliminating the opportunity for housing conversion within the planning period. Site #11, 650 San Pedro Road, was approved for a 10 unit above market subdivision. This site was elevated in the Figure IV-6 to the Existing Projects section to reflect the change in status. For simplicity, site numbers will not be revised at this time, despite the removal of Inverness Valley Inn from the Inventory.

Note on Inverness Valley Inn: Despite removal of the site from the Available Land Inventory in the 2007-2014 Element, the site can remain in the SEIR site evaluation in general to evaluate housing impacts in that area.

Note on site numbering: Site numbers and/or names have been widely used by the public to refer to certain sites when commenting on the project. The FEIR should continue to refer to sites by the July 2012 site numbers. After the final version is adopted by the Board of Supervisors, the staff will revise Element site

numbers. Please include a brief explanation in the FEIR noting that FEIR site numbers may differ from the final Housing Element.

p. IV-18

7

Sites #6 through #11 have received planning entitlements for residential uses. The projects will require vesting of any tentative maps, building permits, and possibly design reviews. Approved projects for sites #6, #7, and #8, and #11 are projected to be market rate. Sites #9 and #10 have been conditioned to include affordable units within the development. Some entitlements will expire prior to 2014.

p. IV-18

8

~~Site #11 — 650 North San Pedro Road~~

~~This 16 acre site is located on a hillside at the far end of a residential neighborhood. An application has been approved submitted for 102 primary residential dwellings and 2 second units. In June 2012, the Board of Supervisors certified the Environmental Impact Report, but issued a 'no-fault' denial of the project, primarily due to the unit siting. The Board requested that the applicant re-apply for a similarly sized project with a revised site design within 12 months.~~

*Development and Funding Opportunities and Incentives*

~~The permitted density allows over 20 units per acre, however the project would benefit from a zoning change from a conventional zoning district to a planned district in order to cluster development on developable portions of the site. This is not an affordable housing site, therefore subsidy is not contemplated.~~

Site #10 Grandi Building

The Grandi Building is a vacant historic hotel structure in Pt. Reyes Station. Entitlements to restore the hotel and provide on-site employee housing have expired, however the applicant is still pursuing development potential.

p. IV-18

9

**Site #12 Golden Gate Seminary**

This 73.57-acre underutilized site is located along Richardson Bay in a residential setting. Current uses include student dormitories, a playing field, instructional buildings, and a chapel; however large parts of the site are undeveloped. The Countywide Plan land use designation is Multi-Family-2 (1-4 du/ac) and there is an approved master plan with un-extinguished entitlements for 15393 multi-family units for students or faculty. ~~The property owner has submitted an application for a community plan amendment, master plan amendment and precise development plan for~~ The master plan has received an extension per the request of the property owner so that they may continue to pursue further development of this site.

*Development and Funding Opportunities and Incentives*

~~The current~~ A recent development proposal included s replacement of student dormitories with new student and faculty apartments. A portion of the site ~~is was also~~ proposed for private, market rate housing. Approximately 120 new units are being considered. The assessor's parcels are under single ownership. If affordable housing is considered, funding opportunities could include the Workforce Housing Trust Fund, or other local sources such as CDBG, HOME and the Housing Trust.

10

p. IV-18 — Site #13 Marin City Community Development Oak Hill School, para 2

The Countywide Plan land use designation Multi-family 2 (1-4 units per acre), and zoning is is General Commercial (FAR .05-3) and Multi -Family Planned (12.54 du ac units per acre). Because of the existing uses and environmental site constraints, it could accommodate approximately 10 units of affordable housing. Development of a rental project on the perimeter of this site would require further site analysis and design review.

p. IV-26 page bottom – Housing in the Coastal Zone

11 The Coastal Zone encompasses ~~all non-federal~~ lands extending inland approximately 1,000 yards from the mean high tide line of the sea, adjacent to Highway 1 and west of Bolinas Ridge and includes the villages of Muir Beach, Stinson Beach, Bolinas, Olema, Inverness, Point Reyes Station, Marshall, Tomales, and Dillon Beach.

p. V-3

1. a **Establish an Affordable Housing Combined Zoning District.**

12 a. Amend the Development Code to establish an affordable housing combined zoning district that increases residential density on certain sites specified in the housing element to 30 dwelling units per acre, in order to meet future RHNA need. Incentives are available consistent with Chapter 22.24. ~~would also be established by the combined zoning district standards.~~

p. V-4, prog. 1.g (f)

13 f. Master Plan, Precise Development Plans or Coastal Permit applications that include development of 3 or more single family residences shall include second units at a ratio of three primary residences to one second unit (3:1). Calculations of 0.9 or above shall require one second unit. ~~Require second units as part of new single family developments where three or more new units are proposed.~~

p. V-6

1. o Simplify Review of Residential Development Projects in Planned Districts.

- 14 a. Consider amending the Development Code to establish criteria for ministerial review of residential development projects in planned zoning districts. Criteria may be established for characteristics such as setbacks, height limits, floor area ratios, buffers from sensitive habitats, and slope constraints, among others.
- b. Consider amendments that would allow Master Plans to establish site specific criteria for ministerial review of subsequent development projects.

p. V-6

15 1. p Adjust Height Limits for Multi-family Residential Buildings. Consider Aamending the Development Code to increase the allowable height for multi-family residential development. Consider allowing increases to height limits depending on certain side yard setbacks.

p. V-8

16 2. j **Promote the Development of Agricultural Worker Units in Agricultural Zones.** Pursue policy changes that promote the development of agricultural worker units ~~in agricultural zones~~.

e. Amend the Development Code to insure consistency with Health and Safety Code Section 17021.5.

This has to do with treating agricultural housing for 6 or fewer employees as a single family dwelling type.

Figure IV-6: Available Land Inventory Summary – Remaining Units

Site #	Site Name & Address	Property APN	Parcel Acres	Total Acres	CWP Land Use	Zoning	ELI, VL, L	M / AM	Notes
<b>A: Affordable housing sites – 30 units per acre, or Countywide Plan policy</b>									
#1	Marinwood Plaza 100 Marinwood Ave	164-471-64	0.449	4.75	HOD / GC 30 units/acre	CP 30 units/acre	85	0	HOD. Affordable housing required by CWP policy. Non-profit developer in contract. Single ownership.
		164-471-65	1.934						
		164-471-69	0.809						
		164-471-70	1.561						
#2	Oak Manor 2400 Sir Francis Drake Blvd	174-011- <del>3236</del>	0.527	1.58	HOD / GC 30 units/acre	C1 30 units/acre	10	0	HOD. Affordable housing required by CWP policy
		174-011-33	1.057						
#3	California Park Woodland Avenue	<del>018-075-01</del>	<del>0.267</del>	1,821.56	HOD / MF2 30 units/acre	RSP-4 4 units/acre	50	0	HOD. Affordable housing required by CWP policy. Single ownership.
		018-075-12	0.269						
		018-075-14	0.067						
		018-075-15	0.041						
		018-075-17	0.045						
		018-075-18	0.042						
		018-075-19	0.174						
		018-075-20	0.044						
		018-075-21	0.043						
		018-075-22	0.042						
		018-075-27	0.029						
		018-086- <del>0817</del>	<del>0.106175</del>						
		018-086-10	0.188						
		<del>018-086-11 (17)</del>	<del>0.058</del>						
		018-086-13	0.046						
018-086-14	0.271								
018-086-15	0.044								
018-086-16	0.047								
#4	Old Chevron Station 204 Flamingo Rd.	052-041- <del>4142</del>	0.79	0.79	GC 30 units/acre	CP 30 units/acre	10	0	30 units/acre zoning. Reduced to contemplate larger units & amenities on site.
#5	St. Vincent's & Silveira St. Vincent's Dr; Silveira Parkway	155-011-08	250.26	1,110	PD-Agriculture and Env Resource.	A2	100	121	221 units, including affordable housing requirement specified in CWP policy. Two property owners. % of development potential for each is indicated in CWP.
		155-011-28	73.49						
		155-011-29	20.21						
		155-011-30	220.67						
		155-121-16	3.77						

Site #	Site Name & Address	Property APN	Parcel Acres	Total Acres	CWP Land Use	Zoning	ELI, VL, L	M / AM	Notes
<b>B: Entitled Existing projects, not yet submitted building permits</b>									
#6	Easton Point Paradise Drive	059-251-05	110	110	PR, SF-6 4-7 units/acre	RMP-0.2, R-1	0	43	Entitled/ Stipulated judgment.
#7	Tamarin Lane 12 Tamarin Lane	143-190-12	6.54	6.54	SF-3 1 units/1-5 acres	ARP-2	0	5	Entitled 2007 with condition for 2 second units required. <u>Extension approved.</u>
#8	Indian Valley 1970 Indian Valley Rd	146-261-21 146-261- <del>2228</del>	1.9 5.66	7.7	SF-3 1 units/1-5 acres	A2-B4 1 acre lot min	0	5	Entitled 2009. <u>Extension approved.</u>
#9	Manzanita mixed use 150 Shoreline Hwy	052-371-03	0..58	0.563	GC 30 units/acre	CP 30 units/acre	1	2	Entitled <u>2011</u> with condition for 1 affordable unit.
#10	<u>Grandi Bldg</u> <u>11101 State Route 1</u>	<u>119-234-01</u>	<u>2.5</u>	<u>2.5</u>	<u>C-NC</u> <u>20 units/acre</u>	<u>C-VCR-B2</u>	<u>2</u>	<u>0</u>	<u>Entitled with condition for 2 affordable units.</u>
#11	<u>650 N. San Pedro</u> <u>650 North San Pedro</u>	<u>180-231-05</u> <u>180-231-06</u> <u>180-231-07</u> <u>180-231-09</u> <u>180-291-04</u>	<u>5.984</u> <u>3.201</u> <u>1.117</u> <u>0.727</u> <u>5.272</u>	<u>16.3</u>	<u>SF-4</u> <u>1-2 units/acre</u>	<u>RE-B3</u> <u>20,000sft min lot area</u>	<u>0</u>	<u>10</u>	<u>Entitled 2012 for 10 units.</u>
Second Units Projected – 20 second units projected per year (Jan 2012- July 2014)							<u>3018</u>	<u>2012</u>	
<b>A+B: Affordable housing and entitled projects Inventory</b>							<b><u>288274</u></b>	<b><u>196198</u></b>	
Unit Development Inventory Jan '07-Dec 2011 (Fig. IV-4)							<u>9492</u>	<u>225238</u>	
<b>Subtotal Available Land Inventory A+B and Building Permits to date (Fig. IV-4)</b>							<b><u>379366</u></b>	<b><u>421426</u></b>	
Regional Housing Need Allocation (2007-2014) 773 units							320	453	
<b>C: Additional potential sites</b>									
#10	<u>Grandi Bldg</u> <u>11101 State Route 1</u>	<u>119-234-01</u>	<u>2.5</u>	<u>2.5</u>	<u>C-NC</u> <u>20 units/acre</u>	<u>C-VCR-B2</u>	<u>2</u>	<u>0</u>	<u>Entitlement expired for 2 affordable units.</u>
#11	<u>650 N. San Pedro</u> <u>650 North San Pedro</u> <u>[Moved up to B: Existing Projects]</u>	<u>180-231-05</u> <u>180-231-06</u> <u>180-231-07</u> <u>180-231-09</u> <u>180-291-04</u>	<u>5.984</u> <u>3.201</u> <u>1.117</u> <u>0.727</u> <u>5.272</u>	<u>16.3</u>	<u>SF-4</u> <u>1-2 units/acre</u>	<u>RE-B3</u> <u>20,000sft min lot area</u>	<u>0</u>	<u>1210</u>	<u>Application submitted, rezoning denied with request for resubmittal to adjust unit siting. Environmental review certified by BOS June 2012.</u>
#12	Golden Gate Seminary Seminary Dr.	043- <del>265261</del> -25 043- <del>265261</del> -26	48.45 25.13	73.57	MF-2 1-4 units/acre	RMP-2.47	25	20	Applicant developing proposal for faculty housing and market rate development
#13	<u>Oak Hill School</u> <u>Marin City Community Development</u> 441 Drake Ave	052-140-36	3.87	3.87	MF-2 1-4 units/acre	RMP-4.2 <u>RE-B3</u>	15	0	Non-profit owner pursuing housing partner
#14	Armstrong Nursery 217 & 221 Shoreline Hwy	052-061-17 <del>052-061-18</del> 052-061-19	0.056 <del>0.776</del> 0.957	1.77	NC 20 units/acre	RMPC-6	0	<u>3010</u>	20 units/acre 2007 general plan for affordable housing per development code incentive

#15	Inverness Valley Inn 3275 Sir Francis Drake	112-340-11	10.69	26.81	C-SF3	C-RSP-0.33	20	0	Non-profit developer in contract
		112-340-18	<del>16.109</del> 14.9	4.9	G-RG	G-RGR			
#16	Grady Ranch Lucas Valley Rd.	164-310-15	86.7	22924	PR 1 unit/acre	RMP-0.031	240	0	Owner pursuing development plan for all affordable housing project.
		164-310-17	38.0	0**		RMP-0.031			
		164-310-19	105.1			RMP-0.379			
#17	Roosevelt Street 30 Roosevelt	179-124-08	0.18	0.18	SF-6 4-7 units/acre	RA-B1	2	0	County owned single family property, dedicated for affordable housing.
<b>C: Additional potential Subtotal</b>							<b>302284</b>	<b>6230</b>	
<b>Total Available Land Inventory Total (A+B+C)</b>							<b>379558</b>	<b>424228</b>	
<b>Available Land Inventory + Unit Development Inventory Jan '07-Dec 2011 (Fig. IV-4)</b>							<b>684650</b>	<b>483466</b>	

\*\*Acreage by Assessor's Map, acreage not necessarily accurate.

Cc: Leelee Thomas  
Jeremy Tejirian  
Ellen Garber

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##

**REVIEW OF HOUSING ELEMENT REVISION 1**

This proposed revision acknowledges that the MMWD plan for a desalination facility was put on hold in 2010 in favor of conservation measures to meet demand. This revision does not affect any analysis or alter any conclusions in the Draft SEIR, nor does it trigger the thresholds for recirculation as identified in Section 15088.5 of the *State CEQA Guidelines*.

**REVIEW OF HOUSING ELEMENT REVISION 2**

This proposed revision makes technical corrections to some of the affordable housing combined district sites (Figure III-15). This revision does not affect any analysis or alter any conclusions in the Draft SEIR, nor does it trigger the thresholds for recirculation as identified in Section 15088.5 of the *State CEQA Guidelines*.

**REVIEW OF HOUSING ELEMENT REVISION 3**

This proposed revision updates building permit information provided in Figure IV-4. This revision does not affect any analysis or alter any conclusions in the Draft SEIR, nor does it trigger the thresholds for recirculation as identified in Section 15088.5 of the *State CEQA Guidelines*.

**REVIEW OF HOUSING ELEMENT REVISION 4**

This proposed revision updates some technical housing site information in Figure IV-6. This revision does not affect any analysis or alter any conclusions in the Draft SEIR, nor does it trigger the thresholds for recirculation as identified in Section 15088.5 of the *State CEQA Guidelines*.

**REVIEW OF HOUSING ELEMENT REVISION 5**

This proposed revision changes the title of section B of Figure IV-6. This revision does not affect any analysis or alter any conclusions in the Draft SEIR, nor does it trigger the thresholds for recirculation as identified in Section 15088.5 of the *State CEQA Guidelines*.

**REVIEW OF HOUSING ELEMENT REVISION 6**

This proposed revision provides updated information regarding housing sites included in the Available Land Inventory summary. This revision, including the removal of the Inverness Valley Inn from the Available Land Inventory does not affect any analysis or alter any conclusions in the Draft SEIR, nor does it trigger the thresholds for recirculation as identified in Section 15088.5 of the *State CEQA Guidelines*.

**REVIEW OF HOUSING ELEMENT REVISION 7**

This proposed revision provides updated information regarding housing sites included in the Available Land Inventory summary. This revision does not affect any analysis or alter any conclusions in the

Draft SEIR, nor does it trigger the thresholds for recirculation as identified in Section 15088.5 of the *State CEQA Guidelines*.

**REVIEW OF HOUSING ELEMENT REVISION 8**

This proposed revision provides updated information regarding two housing sites (housing sites 10 and 11) in the Available Land Inventory. This revision does not affect any analysis or alter any conclusions in the Draft SEIR, nor does it trigger the thresholds for recirculation as identified in Section 15088.5 of the *State CEQA Guidelines*.

**REVIEW OF HOUSING ELEMENT REVISION 9**

This proposed revision provides updated information regarding housing site 11 in the Available Land Inventory. This revision does not affect any analysis or alter any conclusions in the Draft SEIR, nor does it trigger the thresholds for recirculation as identified in Section 15088.5 of the *State CEQA Guidelines*.

**REVIEW OF HOUSING ELEMENT REVISION 10**

This proposed revision provides updated information regarding housing site 13 in the Available Land Inventory. This revision does not affect any analysis or alter any conclusions in the Draft SEIR, nor does it trigger the thresholds for recirculation as identified in Section 15088.5 of the *State CEQA Guidelines*.

**REVIEW OF HOUSING ELEMENT REVISION 11**

This proposed revision provides change to the description of the Coastal Zone. This revision does not affect any analysis or alter any conclusions in the Draft SEIR, nor does it trigger the thresholds for recirculation as identified in Section 15088.5 of the *State CEQA Guidelines*.

**REVIEW OF HOUSING ELEMENT REVISION 12**

This proposed revision makes a change to Program 1.a Establish an Affordable Housing Combined Zoning District. This revision does not affect any analysis or alter any conclusions in the Draft SEIR, nor does it trigger the thresholds for recirculation as identified in Section 15088.5 of the *State CEQA Guidelines*.

**REVIEW OF HOUSING ELEMENT REVISION 13**

The proposed revision clarifies language in program 1.g regarding second unit development standards. This revision does not affect any analysis or alter any conclusions in the Draft SEIR, nor does it trigger the thresholds for recirculation as identified in Section 15088.5 of the *State CEQA Guidelines*.

**REVIEW OF HOUSING ELEMENT REVISION 14**

The proposed revision clarifies language in program 1.o regarding the review of residential development projects in Planned Districts. This revision does not affect any analysis or alter any conclusions in the Draft SEIR, nor does it trigger the thresholds for recirculation as identified in Section 15088.5 of the *State CEQA Guidelines*.

**REVIEW OF HOUSING ELEMENT REVISION 15**

The proposed revision clarifies language in program 1.p regarding the adjustment of height limits for multi-family residential buildings. This revision does not affect any analysis or alter any conclusions in the Draft SEIR, nor does it trigger the thresholds for recirculation as identified in Section 15088.5 of the *State CEQA Guidelines*.

**REVIEW OF HOUSING ELEMENT REVISION 16**

The proposed revision clarifies language in program 2.j regarding the development of agricultural worker units. This revision does not affect any analysis or alter any conclusions in the Draft SEIR, nor does it trigger the thresholds for recirculation as identified in Section 15088.5 of the *State CEQA Guidelines*.