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January 23, 2009

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

Re: Draft Environmental Impact Report (DEIR) for 650 N. San Pedro Rd. Master Plan, Development Plan, Subdivision and Rezoning

Dear Mr. Haddad,

We take this opportunity to provide the Community Development Agency with our comments with regard to the adequacy of the DEIR for the Master Plan development being proposed at 650 N. San Pedro Road. While the DEIR is well-presented, we believe that it can and should be expanded to cover the following points in greater detail.

1. The No Project Alternative discussion on pages 5-4 through 5-11 is summary in nature and provides no detailed information regarding the impacts of a project based upon the existing zoning of the site. Conclusions are made with respect to the No Project Alternative without any specific baseline data or presentation regarding its likely environmental impacts and appropriate mitigations. As a result there is no basis for comparing the No Project Alternative with the proposed project or other alternative projects described in the DEIR. This analysis is necessary to determine fairly the most environmentally beneficial use of the site.
2. Grading and Tree Removal: Substantial grading is proposed for much of the developed portion of the property along with the removal of 200 trees. Table 3.3 – Grading Calculations on page 3-18 show that there will be substantial cut and fill operations on site where development is proposed. It is not clear, however, from the DEIR whether this level of site preparation is necessary for all the project alternatives. Will any retaining walls be needed? If so, where will they be located? It is stated that 5,735 cubic yards of earth will be exported from the site. The loss of mature trees and loss of soils will markedly affect the aesthetics of the site as well as habitat values. The DEIR does not indicate where the grading will occur and precisely which trees are to be removed and where new plantings will be placed. Will existing top soils on site be stockpiled and re-used? Are all the eucalyptus trees to be removed? What trees and plants around the pond are to be preserved, if any? Will there be any buffering trees between the project area and N. San Pedro Rd.?

The DEIR calls for a 3:1 tree replacement for only 53 protected and non-exempt trees, and calls for re-planting of 159 native trees in 15 gallon or greater

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containers, but does not disclose where these trees will be placed for the proposed project or project alternatives. This should be done in such a manner as to maximize their habitat value as well as promote project aesthetics. The DEIR should explain this mitigation in greater detail.

1. The Heron Rookery: We do not dispute the findings of the arborist with respect to the health of the eucalyptus trees historically used by Great Blue Herons as a nesting site, and the proposed removal of those and other diseased and dying trees on the site. We do, question, however, the proposed offsite mitigation at West Marin Island, an existing publicly owned and managed preserve. We suggest that a more proper mitigation site exists within the Las Gallinas valley watershed at Smith Ranch Pond and should be considered in the DEIR. The DEIR should also provide greater detail with respect to the specific offsite mitigation program and time period, the restoration work to be performed and how it will be managed and monitored.
2. Biological Resources: Chapter 4.3 of the DEIR, recognizes the existence of significant stands of French Broom on the project site, but provides no mitigation for their removal and management. In addition, the grading and tree removal plans of the project will further encourage the spread of French Broom on the property. While the DEIR points out that it is a fire hazard and is poor habitat, it does not offer any mitigation program for its control and management. What measures will be taken to remove it from the site and what mechanism will be put into place for its long term management.

In this connection, we observe that the proposed project and project alternatives described in the DEIR all rely upon the dedication of separate and individual private open spaces in the subdivision lot plans to preserve and protect the biologic resources of the site. We suggest that a preferred mitigation to this end is for the planned open space area to be protected by means of joint ownership. All property owners would be jointly obligated to manage it through a Homeowners Association or some other deed restricted assessment mechanism. We believe that the form of the subdivision itself with respect to the ownership of the open space provides a project mitigation opportunity that should be offered in the DEIR.

3. Hydrology: This project site is basically a bowl shaped drainage basin that has contributed to neighborhood flooding problems in the past. The DEIR proposes to manage this risk through a reconfiguration of the on-site pond and using it as a detention basin. The reconfigured pond is being designed to meet a 100 year peak drainage flow storm condition. This is reassuring, and is a good plan as far as it goes. The DEIR should elaborate on how the project can be designed to maximize water absorption on site in order to manage runoff. For example, an additional mitigation of requiring permeable concrete and asphalt surfaces for driveways and roads would be appropriate. The use of contoured swales to control runoff and promote water absorption should be considered as well. The DEIR does not analyze the impact of the removal of the hydrophilic eucalyptus trees on

the hydrology of the site. It is well known that eucalyptus take up large quantities of water in their growth process; their removal is likely to affect the amount of drainage to the ephemeral creek and pond and in the lower portions of the site. The runoff characteristics of the site without eucalyptus trees deserve analysis in the DEIR.

4. Mitigation Plans: The DEIR includes provisions for a Tree Protection Plan, an Offsite Mitigation Plan for removal of the Heron Rookery, and a Wetland Mitigation and Enhancement Plan which should be should be developed in detail before any Building Permits are issued. It would be helpful if the DEIR would elaborate on the timing and program characteristics of these plans to ensure that they accomplish their intended results through proper design, management, and monitoring activities.
5. Emissions: Chapter 4.5 discusses the Emission characteristics of this proposed Development and acknowledges that the project and its alternatives would generate greenhouse gasses that would contribute to global warming. We acknowledge that greenhouse gas emission protocols for CEQA analysis are still being developed but are discouraged that this DEIR makes no attempt to quantify them in this case or offer any mitigation responses whatsoever. Surely, the DEIR consultant can provide the County with some reasonable estimates of the greenhouse gas generation of this project and some suggested methods for reducing those impacts in the project design and its implementation.
6. Table 4-1 (page 4-4): This table incorrectly lists the pending San Rafael Airport project as a Mixed Use project that is Under Construction. The project is for a recreational (soccer) complex which is still being reviewed for approval by the City of San Rafael.

The table should consider including the McPhail School site in Santa Venetia which is in the process of being surplus and dedicated for potential development. It will likely have some impact on the traffic patterns for N. San Pedro Rd. that should be included in the traffic analysis of the DEIR.

We appreciate this opportunity to comment of the DEIR for 650 San Pedro Rd., and look forward to an FEIR that responds to our concerns.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Nona B. Dennis".

Nona B. Dennis
President