



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

October 14, 2009

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

Dear Mr. Haddad:

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

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

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

3. Pages 2-39 through 2-43 include a number of mitigations for the project development with respect to management of the private open space lands, vegetation, and wetlands, all of which, apparently, will be the responsibility of the Homeowners Association. There is reference to the need for a plan for managing the surrounding upland space – e.g., to maintain and enhance the function of the wetland – and that the Wetland Management Enhancement Plan (WMEP) shall specify procedures and responsible parties for implementing remedial and corrective actions. Once again the FEIR does not provide any direction as to the Best Management Practices (BMPs) necessary to accomplish the objectives of protecting the upland open space areas and wetlands. We believe that the FEIR is vague in this regard and should elaborate on how best to proceed with implementing the mitigations being proposed and how to ensure long-term compliance.
4. Page 2-17 Section 1. b – Conclusions on the No Project Alternative. The FEIR concludes that "Future development on three of the five legal lots would constitute a ministerial action that would not be subject to discretionary review and approval by the County." The FEIR goes on to say, "Accordingly, development on these lots would not be subject to County policies related to protection of biological resources or otherwise. Encroachment into the wetland conservation area (WCA), creek corridor, and removal of the rookery tree would not be subject to County review."

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

Thank you for the opportunity to comment.

Sincerely,

Nona Dennis, President

cc. to Jeremy Tejjirian , Senior Planner
Community Development Agency