

April 29, 2011



Rachel Warner, Interim Environmental Coordinator
Marin County Community Development Agency
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Re: Comments on the Easton Point Draft Environmental Impact Report

Dear Ms. Warner:

The Marin Conservation League has followed the Martha Property on Easton Pt. for many years and previously expressed concerns over the future development of this visually prominent and physically constrained land at the end of Tiburon Ridge. The site also holds biological resources of County-wide significance. We have reviewed the subject DEIR and wish to make the following comments on its adequacy.

1. Applicant Objective

The basic objective of the applicant, FEIR p. 60, is to “. . .preserve the scenic beauty of the Martha Company property at Easton Pt. while developing a residential development consistent with the 1976 stipulated judgment”: i.e., a minimum of 43 single family residential units located on one-half acre minimum lots (that) is consistent with the goals of the general plan and will allow the owners a feasible economic use of their property.”

We believe that the two parts of this objective are internally inconsistent, as supported by significant impacts identified in the DEIR. The applicant is entitled to encroach into the Ridge and Upland Greenbelt (a significant visual impact), would sacrifice 75 percent of serpentine grassland species (unless mitigated by moving building sites), remove between 700 and 900 trees depending on the alternative, and install a visually conspicuous construction road up the site to the ridge that will leave a permanent scar on the site. The internal inconsistency within this one objective needs to be explained and resolved in the final EIR.

2. Proposed Size of Residences

The basic conditions stipulated by the judgment in 1976 are 43 dwelling units, minimum one-half acre lots, and not less than forty-eight percent of the property

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as public open space. Nothing is said about house size. In 1976, average home sizes, even upscale ones, ranged between 2,000 and 4,000 square feet, with the occasional 5,000 s.f.

being a large home for that time and neighborhood. The existing home sizes in the neighborhood follow this pattern. In contrast, the applicant shows 5,500 s.f. at the lowest end of the proposed range, and 12 units at 8,750 s.f. The 32-unit alternative, Alternative 2, would construct fewer residences, but would include 10 homes at 10,000 s.f.

The FEIR needs to explain the rationale behind proposing homes that are not only out of character with adjoining neighborhoods, but which also exacerbate impacts on the physically constrained site. With all the “sustainable design” features listed on p. 67 and p. 558 of the DEIR, the life-cycle impact of large homes on natural resource utilization, and the extent of site grading and landslide repair required to accommodate them, far outweigh any efficiencies that might be gained by energy conservation design and similar features. Please explain why such large homes are essential for the applicant to enjoy “feasible economic use of their property”?

3. Assignment of Responsibilities During Construction, and to Full Build-out

Numerous entities are assigned responsibility for carrying out mitigation measures during site development and subsequent construction of individual home sites. We have not yet seen a Mitigation Monitoring and Reporting Plan, but are aware of typical time limitations of an MMRP under CEQA. There is no way to predict when build-out might occur. On p. 269, a “Disturbance Coordinator” is to be designated for the duration of applicant-implemented construction . . . and for the duration of lot-owner construction until full build-out.” This assignment is not reflected in Mitigation measures 5.1-13 (a) or (b). We also question the reliability and possible liabilities entailed in this assignment. Who will be responsible ultimately if this Coordinator fails to carry out the task in 10 years, for example?

4. Endangered Species

A population of the endangered Dwarf Flax is present on the Easton Point property. We agree with the conclusions of the DEIR that the project would have both direct and indirect significant unavoidable impacts on the population as well as on serpentine reed grass. The proposed mitigation measures 5.6-1(a) through 5.6-1(c) will constitute real mitigation for loss of Marin dwarf flax only if Lots 1 through 3 are removed or relocated, as specified in 5.6-1(a).

5. Loss of Oak Woodland Habitat

The DEIR discussion under Impact 5.6-4 (Loss of Coast Live Oak Woodland) begins by stating how much the PDP proposes to permanently preserve on side within the Parcel A. It then goes on to say that between 26 and 16 percent of the woodland will be lost, the difference due to the inability to predict how individual homeowners will manage trees within their private use areas. The impact of removing a quarter of the trees on the site, many of them ordinance size, is not reduced to less-than-significant by taking credit for leaving (preserving) the remaining trees at a 3:1 to 5:1 ratio, as stated on page 448 of the FEIR! The Resource Management Plan may help the long term health of the remaining trees, but cannot guarantee their longevity.

We recognize that replacing up to 2,000 trees is not a feasible mitigation either. The projected loss is a significant unavoidable impact that can only be lessened by reducing the number and size of the building sites and/or the size of the residences themselves. This mitigation is not explored in the DEIR except by considering alternatives. Alternative 2 has a greater impact. Alternative 4 presents the possibility of substantially reducing the impact, but not to a less-than-significant level, on oak woodlands.

Thank you for the opportunity to comment.

Sincerely,



Nona Dennis, Vice President
Marin Conservation League