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FINAL
Environmental Impact Report
Oak Hill Apartments Project
Unincorporated Marin County, California

State Clearinghouse Number 2022030718

Prepared for:
California Department of General Services
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Jason Brandman, Project Director
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Date: June 28, 2023

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SECTION 1: INTRODUCTION

In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15088, the Department of General Services (Lead Agency) has evaluated the comments received on the Oak Hill Apartments Project Draft Environmental Impact Report (Draft EIR). Pursuant to CEQA Guidelines Section 15132, this Final EIR includes a list of persons, organizations, and agencies that provided comments on the Draft EIR; responses to the comments received regarding the Draft EIR; and errata, or revisions to the Draft EIR; as well as a Mitigation Monitoring and Reporting Program (MMRP) for use by the Department of General Services during its review.

This document is organized into three sections:

- **Section 1—Introduction.** Provides an introduction to the Final EIR.
- **Section 2—Responses to Written Comments.** Provides a list of the agencies, organizations, and individuals who commented on the Draft EIR. Copies of all of the letters received regarding the Draft EIR and responses thereto are included in this section.
- **Section 3—Public Meeting.** Provides a list of speakers from the Public Meeting held on March 16, 2023, reproduction of transcript taken during the Public Meeting, and provides responses to all applicable verbal comments received at the Public Meeting.
- **Section 4—Errata.** Includes an addendum listing refinements and clarifications on the Draft EIR, which have been incorporated.

The Final EIR includes the following contents:

- Draft EIR (provided under separate cover)
- Draft EIR Appendices (provided under separate cover)
- Responses to Written Comments on the Draft EIR and the Public Meeting(Sections 2 and 3 of this document)
- Errata (Section 4 of this document)
- Mitigation Monitoring and Reporting Program (provided under separate cover)

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SECTION 2: RESPONSES TO WRITTEN COMMENTS

2.1 - List of Authors

A list of public agencies, organizations, and individuals that provided comments on the Oak Hill Apartments Project Draft Environmental Impact Report (Draft EIR) is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Author **Author Code**

State Agencies

California Department of Corrections and Rehabilitation..... CDCR

Local Agencies

City of Larkspur..... COL
Marin County Department of Public Works ..... DPW
Marin County Planning Division .....MCP

Organizations

Marin Conservation League..... MCL

Individuals

Drakes Cove Neighbors..... DCN
David Herr..... HERR
Kieran Norton ..... NORTON
Roger Stoll.....STOLL

2.2 - Responses to Comments

2.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the Department of General Services (DGS), as the Lead Agency, evaluated the comments received on the Draft EIR (State Clearinghouse No. 2022030718) for the Oak Hill Apartments Project (proposed project), and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.

2.2.2 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as used in the List of Authors.

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STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS AND REHABILITATION
GAVIN NEWSOM, GOVERNOR

FACILITY PLANNING, CONSTRUCTION AND MANAGEMENT
P.O. Box 942883
Sacramento, CA 94283-0001

April 10, 2023

Joshua Palmer, Senior Real Estate Officer
Department of General Services
c/o First Carbon Solutions
2999 Oak Road, Suite 250
Walnut Creek, CA 94597

Dear Mr. Palmer:

The California Department of Corrections and Rehabilitation (CDCR) appreciates the opportunity to review and provide comments to the Draft Environmental Impact Report (DEIR) for the proposed Oak Hill Apartments Project, located adjacent to San Quentin State Prison (SQ), and offers the following comments. 1

As presented, part of the proposed project places a traffic light at the intersection of Sir Francis Drake Boulevard and the entrance/exit to the Project site and the eastbound acceleration lane, beginning at Drakes Cove Road, would be converted to a left turn into the Project site. This creates a potential traffic hazard when automobiles egress from Drakes Cove Road onto eastbound Sir Francis Drake Boulevard. Traffic from Drakes Cove Road attempting to accelerate onto eastbound Sir Francis Drake Boulevard would conflict with eastbound traffic decelerating to enter the Project site from the eastbound lane of Sir Francis Drake Boulevard. This traffic pattern creates a potential for collisions in both east and westbound directions at the intersection of Sir Francis Drake Boulevard and Drakes Cove Road. Any possible traffic hazards and/or temporary road closures along this roadway impedes access to SQ by CDCR staff and emergency vehicles, the Department's contract providers, and the vendors that deliver supplies and services to SQ. 2

According to the California Environmental Quality Act (CEQA) guidelines, the lead agency utilizes criteria in the CEQA Guidelines Appendix G Environmental Checklist as thresholds to determine whether transportation and traffic impacts are significant environmental effects. Accordingly, the significance criteria are based on the questions posed in the Transportation section of Appendix G. 3

Question C states that the proposed project would have a significant impact on the environment if the project substantially increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Access Alternative 3 partially reduces the potential impact with an internal access road from Drakes Cove Road to the traffic signal at the intersection of the Project driveway and Sir Francis Drake Boulevard; which 4

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allows for a safer egress onto eastbound Sir Francis Drake Boulevard from the Project site and Drakes Cove Road. Access Alternative 4 proposes to place a traffic signal at the intersection of Sir Francis Drake Boulevard and Drakes Cove Road, eliminating the existing eastbound acceleration lane to a painted median on Sir Francis Drake Boulevard with an internal access road from Drakes Cove Road to the Project site. This alternative eliminates a traffic signal at the intersection of Sir Francis Drake Boulevard and the Project site. Either of these two alternatives appears to provide a safer traffic pattern that the proposed project. CDCR strongly urges the project applicant to consider Access Alternative 3 or 4 in order to reduce any potentially significant impacts resulting from collisions and subsequent traffic hazards to less than significant levels.

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CONT

If you have any questions, please contact Peter J. Connelly, Supervising Environmental Planner, at (916) 255-3010, or via email at Peter.Connelly@cdcr.ca.gov.

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Sincerely,

DocuSigned by:
Dave Lewis
6E6E2847286C46C...

DAVE LEWIS
Director
Facility Planning, Construction and Management

cc: Sohail Shaikh, Associate Director, Project Management Branch, CDCR
Peter J. Connelly, Supervising Environmental Planner, CDCR

State Agencies

California Department of Corrections and Rehabilitation (CDCR)

Response to CDCR-1
The commenter provides introductory remarks and general project information. No response is required.

Response to CDCR-2
The commenter expresses concern about a potential traffic hazard at the intersection of Sir Francis Drake Boulevard and Drakes Cove Road, as well as potential impediments to emergency access vehicles. The Draft EIR determined that the proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, nor would it result in inadequate emergency access, and that impacts would be less than significant. As discussed in Draft EIR, Chapter 2, Project Description, and further analyzed in Draft EIR, Section 3.12, Transportation, the proposed project would have an adjacent approved apparatus access road that fulfills the Marin County Fire Department's (MCFD) requirements, and it was determined that the increase in traffic that would result from the proposed project would have a nominal to no effect on emergency response times. Additionally, the MCFD and the Marin County Sheriff's Office have reviewed the proposed project and determined that they will be able to meet the increase in service calls without increasing response times.

Additionally, as analyzed in Draft EIR, Section 3.12, Transportation, the roadway design would not increase hazards. The Draft EIR determined that the sight distance available at the project driveway is adequate for the posted speed limit as well as the critical speed of vehicles traveling on East Sir Francis Drake Boulevard. Furthermore, the proposed improvements would substantially reduce hazards. This comment does not identify any new environmental issues that were not analyzed in the Draft EIR. Therefore, no further analysis is warranted.

Response to CDCR-3
The commenter summarizes the CEQA Guidelines. This comment is noted.

Response to CDCR-4
The commenter recommends implementation of Alternative 3 or Alternative 4 as described in the Final Transportation Impact Study (TIS) to reduce any potentially significant impacts. As discussed in Response to CDCR-2, potential impacts associated with traffic hazards and emergency access were determined to be less than significant. The Draft EIR determined that Alternative 3 would have incrementally less traffic impacts; however, the impacts to aesthetics, light, and glare, biological resources, cultural and tribal cultural resources, geology and soils impacts, hazards and hazardous materials, and noise would be increased. Furthermore, the traffic safety impacts would be only incrementally, but not substantially reduced under this alternative. The Draft EIR also determined that Alternative 4 would result in incrementally, but not substantially reduced traffic safety impacts; however, the impacts to aesthetics, light, and glare, biological resources, cultural and tribal cultural resources, geology and soils, hazard and hazardous materials, and noise would be increased. Overall, Alternative 3 and Alternative 4 were not the environmentally superior alternatives. This comment has been provided to DGS for their review and consideration of the project as a whole.

Response to CDCR-5
The commenter provides closing remarks and provides contact information. No response is required.

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City of Larkspur

400 Magnolia Avenue, Larkspur, California 94939
Telephone: (415) 927-5110 Fax: (415) 927-5022
Website: www.cityoflarkspur.org

April 10, 2023

Department of General Services
Joshua Palmer, Senior Real Estate Officer
c/o FirstCarbon Solutions
2999 Oak Road, Suite 250
Walnut Creek, CA 94597

Email: rkrusenoski@fcs-intl.com

Mr. Palmer:

The City of Larkspur appreciates the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the Oak Hill Apartments Project. This novel project will bring much needed affordable housing opportunities to qualifying families and individuals, including Marin teachers and employees of the County of Marin. Recognizing this important goal, the City offers its comments with the hope that addressing them will lead to a successful project outcome. Additionally, the City notes that it is responding on behalf of the Central Marin Fire Authority (CMFA) and the Central Marin Police Authority (CMPA), as their engagement with the development team during the planning process for this project was due to the City's exploration of annexation. 1

What follows are our comments concerning specific issues and topics covered in the DEIR.

INCORRECT INTERPRETATION OF JURISDICTIONAL AUTHORITY AND RESPONSIBILITY

The DEIR correctly identifies that the project site is adjacent to, but entirely outside of, the jurisdictional boundary of the City of Larkspur. Accordingly, unless Alternative 7 – "Annexation Alternative," is selected, the City has no jurisdictional authority or service responsibility for the project site. It is the City's understanding that the project will not pay property tax or otherwise fund government services, which is an impediment to annexation by Larkspur. The City and the County of Marin explored an alternative form of compensation that would recognize that annexation would result in the City indirectly subsidizing the project but were unable to reach an agreement. At this point, absent an agreement providing an annual financial contribution to help defray the City's cost to serve the property, the City believes Alternative 7 is unlikely and the Final EIR should assume jurisdictional authority and responsibility will remain with the County of Marin. 2

Such an assumption requires that the DEIR be revised in all sections that discuss the provision of adequate levels of public safety services. The DEIR incorrectly states that the project site currently falls within the jurisdictions of CMFA (fire prevention and protection) and CMPA (police protection and traffic enforcement). Both CMFA and CMPA are joint powers authorities whose 3

jurisdictions are defined by the boundaries of its member agencies. The project site falls under the jurisdiction of the County of Marin, which is not a member agency of either CMFA or CMPA. The public safety providers with jurisdiction over the project site are the Marin County Fire Department (fire prevention and protection), the Marin County Sheriff's Office (police protection), and the California Highway Patrol (traffic enforcement). Additionally, the City recommends that the County outline a plan for providing code enforcement, as well as general services from Public Works.

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If the responsible public safety providers are unable to offer service levels determined to be adequate for the urban-level of residential density contemplated for the project, CMFA and CMPA are prepared to discuss out-of-agency service agreements similar to other agreements they have concerning areas outside of their jurisdictional boundaries.

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TRAFFIC IMPACT ANALYSIS

The proposed project includes installation of a new traffic signal at the project driveway intersection with East Sir Frances Drake Boulevard (ESFDB). The City acknowledges that its staff supported this concept when asked during the early planning stages for the project. However, having now reviewed the DEIR, **we have concerns and believe a new signal would result in significant vehicle congestion and queuing along ESFDB, leading to safety issues.** In addition, sight line constraints would result due to the signal location and the extension of vehicle queues. These issues are not addressed or are incompletely addressed in the DEIR including Appendix 1.

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It may be prudent to explore the following:

- No signalization at the ESFDB/project driveway location and no HAWK on ESFDB. Both would result in excessive vehicle delays, and queuing with associated safety impacts.
- Allowing eastbound left turns in to the driveway from ESFDB, but not left turns out from the driveway (through access control/raised channelization).
- Providing a westbound-to-eastbound U-turn pocket and signal phase at ESFDB/Larkspur Landing Circle East. This would accommodate vehicles from Drakes Cove Road and the project driveway wishing to travel easterly on ESFDB after making a right turn onto ESFDB.
- Extending a sidewalk along the north side of ESFDB from the project driveway to the existing sidewalk near the Melting Pot, while maintaining westbound ESFDB's travel lane and shoulder. This would complete a pedestrian connection from the development to the destination points further west on ESFDB (shopping center and ferry terminal.)

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We recommend reviewing these options in light of access/egress provision for Drakes Cove Road and traffic operations/impacts at ESFDB/Larkspur Landing Circle East. The City is prepared to enter into maintenance agreement(s) for any infrastructure that needs to be installed in Larkspur.

Below please find more specific comments on the transportation components of the DEIR. This review includes "Appendix I: Transportation Supporting Information." In summary, **the Report fails to detail the existing traffic congestion issues along ESFDB and how the Project would exacerbate vehicle queueing to an unsafe degree**, as well as causing significant vehicle delay.

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- Traffic counts used are lower than typical traffic volumes.
- The Report underestimates the motorist delays at the proposed signalized intersection.

- Existing vehicle queueing of through traffic along ESFDB was not considered. Long queues exacerbated by a project proposed traffic signal would create safety hazards, particularly along the curved, downhill section of roadway with constrained sight lines.
- Additional testing with revised traffic volumes suggests LOS D conditions for ESFDB approaches under various AM / PM scenarios with the proposed traffic signal.
- As designed, the City would not recommend Alternative 1 due to the insufficient corner sight distance for vehicles turning left out of the project driveway.
- Alternatives 2, 3, and 4 (traffic signal) do not meet or may barely meet just one of several justifiable standards for the proposed installation of a traffic signal; each would create potential safety issues on ESFDB.
- One potential alternative not considered in the Report is prohibiting left turns out of the project driveway and creating a U-turn lane in the median at the Larkspur Landing Circle East intersection and extending the sidewalk on the north side of the street.

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<u>Traffic Counts</u>

The Report uses traffic counts recorded in July 2021, during the COVID-19 pandemic and when school was not in session. While the report justifies these counts with a comparison to Caltrans freeway ramp ADTs, the counts used do not best represent the typical expected conditions of these intersections in the future. The COVID-19 pandemic had numerous impacts on traffic patterns, in particular "spreading out" the peak hour traffic volumes more throughout the day, resulting in lower volume and less distinct AM and PM peaks, but potentially similar overall ADT. Traffic counts performed in October 2018, pre-COVID and when school was in session at the ESFDB & Larkspur Landing Circle East intersection recorded 7.5% more traffic overall during the AM peak hour and nearly 27% more traffic overall in the PM compared to the July 2021 counts used in the report.

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<u>Intersection Level of Service and Vehicle Delay</u>

When describing the existing conditions level of service (LOS), the Report says, "On sections of certain arterial streets, it is typical to have all of the side streets operating at LOS E or F with long traffic delays, even where side street volumes are very low."

The minor street approach delay at LOS D/E/F under Alternative 1 and 2 may be reasonable considering less than 20 vehicles reported making a left turn from the project driveway and Drakes Cove. Vehicles making a right turn should expect to experience lower delays if separated into two outbound lanes.

The Report appendices have HCM 6th traffic analysis reports showing a V/C ratio of 0.94+ for the westbound approach to the proposed signal in the AM and for the eastbound approach in the PM for Alternatives 2, 3, and 4. According the FHWA, "A v/c ratio less than 0.85 generally indicates that adequate capacity is available, and vehicles are not expected to experience significant queues and delays. As the v/c ratio approaches 1.0, traffic flow may become unstable, and delay and queuing conditions may occur." The Report also showed the AM westbound approach and the PM eastbound approach at LOS B, despite the high V/C ratio.

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These V/C ratios don't use the higher traffic volumes recorded pre-COVID. Also, for the eastbound approach to Drakes Cove/the project driveway, the model overestimates the capacity of the single lane approach. The model's reported capacity is likely for an ideal, free flow single lane approach. In actuality, the two-to-one lane merge for eastbound traffic 100 feet west of the Drakes Cove intersection creates a bottle neck, meaning the single lane just downstream of the merge operates at a reduced capacity during peak times.

The vehicle queue analysis provided in the Report appendices are based on traffic counts that are lower than expected traffic levels, resulting in less predicted delay. Initial tests with a revised model using pre-COVID turning movement counts show the V/C ratio for westbound ESFDB in the AM at 1.05, indicating vehicle demand in excess of the available capacity. LOS D is reported for the westbound approach in the AM. Eastbound delay is reported as LOS D in the PM, with a V/C of 1.04. This is in comparison to the Report's reported LOS B. 10

Thus, the Report underestimates the delays at the proposed signalized intersection, and in turn the resulting vehicle queuing that would result from the traffic signal.

Vehicle Queuing

While the Report shows the vehicle queues in the left turn lanes are sufficient under the project condition, no mention is made of queueing outside of the turn lanes. Under existing conditions, major westbound queueing is present in the AM and substantial eastbound queueing is present in the PM on the segment of ESFDB relevant to the project. These existing queues of through lane traffic and any impacts to them as a result of the proposed traffic signal are not considered in the report.

The Report appendices detail queuing reports based on simulation runs performed for the various alternatives. These reports show several scenarios where the 95th queue overwhelms the approach storage length ("link distance").

The Reports demonstrate 95th percentile queues at the proposed project driveway of 750'+ for the westbound approach in the AM under Alternative 2, a significant increase over existing conditions. These reports demonstrate queues at the proposed project driveway of 550'+ for the eastbound approach in the PM under Alternative 2, exacerbating queueing due to the eastbound two-to-one lane merge direction upstream of the signal. Under Alternative 3, there is a reported 1000' westbound AM and ~600' eastbound PM queue. Under Alternative 4, there is a reported 500'+ westbound AM and 1800'+ eastbound PM queue. 11

These vehicle queues would create an unsafe condition extending near/beyond the horizontal curve in the road, where stopping sight distance is constrained for the critical traffic speeds. Considering the Report doesn't show the existing long queues, compounding the difference in queuing reported as a result of the project with existing queueing could result in queues extending west to US-101. **At points along two westbound downhill curves, sight distance is less than 300', which is insufficient for the 40+ mph critical speed and creating queueing in these areas poses a collision risk.**

The queue analysis provided in the Report appendices are based on traffic counts that are lower than expected traffic levels, resulting in shorter predicted queues. Initial tests with a revised model (using pre-COVID turning movement counts with the Report's estimated project volumes) suggest that eastbound queues could be as long as 2000'+ and westbound queues could be 1300'+ in the AM, and westbound queues along Sir Francis Drake Blvd could be as long as 1700'+ in the PM. With vehicle volume exceeding capacity, these queues may be longer. 12

In addition to the safety concerns, which are a CEQA consideration, there would be increased vehicle delays and emissions, which while not a CEQA consideration, aren't ideal.

The Project would remove the existing acceleration lane used for left turns out of Drakes Cove and replace it with a left turn pocket entering the Project site. This has potential to prohibit vehicles 13

from making a safe left turn to exit Drakes Cove or block exiting left turns entirely with vehicles queued in the turn lane for the Project Site. 13 CONT

Sight Lines

The Report indicates that the stopping sight distances as sufficient for the observed critical traffic speeds. It is assumed that these sight distances are measured from the general location of the proposed project intersection, for approaching vehicles to see the traffic signal lights and pedestrians in a crosswalk. But the analysis does not consider sight lines for motorists approaching the back of queues extending from the signal, where sight lines may be constrained due to the horizontal curves in the roadway alignment.

Corner sight distance was not considered in the Report. While less critical at traffic signalized intersections due the phase separated movements, corner sight distance should be considered for minor street stop-controlled approaches that need to turn right and left onto an uncontrolled major street, such as in Alternative 1. Though the California Highway Design Manual recommends to "Apply corner sight distance requirements at signalized intersections whenever possible due to unanticipated violations of the signals or malfunctions of the signals." 14

Based on the reported critical speeds, corner sight distance requirements for this site would be 520' for left turns (looking west) out of the project driveway and 390' for right turns (looking east). These required sight distances are greater than the observed sight distance conditions per the field review. Thus, the observed sight distances are insufficient for the required corner sight distance. Based on this, Alternative 1, as designed, is not recommended. Corner sight distances from Drakes Cove Road, which is approximately 150' west of the proposed project access point may provide adequate corner sight distances.

Sight lines for eastbound vehicles entering the project sight would be around 450', providing sufficient space for a driver to find a gap in traffic and complete the left turn. Right turn vehicles may be able to take advantage of the westbound auxiliary merge lane or relocate to Drakes Cove Rd, to ensure adequate corner sight distance. 15

Potential Additional Alternatives

There is a possibility of turn restrictions, only permitting right turns out of the project driveway and creating a U-turn lane in the median to permit U-turns at the Larkspur Landing Circle East intersection. The forecast project volumes in the Report indicate only 25% of traffic exiting the project driveway would turn left if allowed (10 vehicles in the AM and 17 in the PM). While around 75% of traffic entering the site would be expected to make an eastbound left turn into the project site, it would be easier for those vehicles to find a gap in traffic to make a turn entering the site. 16

The proposed U-turn scenario would require signal time allocations in addition to civil modifications. At Larkspur Landing Circle East, this westbound U-turn phase can overlap with the existing eastbound left turn phase and have a negligible impact to traffic delay and queuing.

Extending the sidewalk on the north side would eliminate the existing ~600' gap between the Melting Pot driveway and east of Drakes Cove and would facilitate pedestrian traffic to the shopping center without the need for them to walk in the shoulder or cross the street. 17

These potential alternatives would need to be tested and reviewed to ensure feasibility.

Additional Notes – Trip Distribution

Based on available traffic counts at the adjacent ESFDB & Larkspur Landing Circle East intersection in the AM and PM and the traffic counts at Drakes Cove in the PM, more vehicles were recorded turning left to head east along ESFDB.

In contrast, nearly 75% of forecast project traffic is distributed to turn right to head west. 18

The trip distribution assumption may be underestimating the number of left turns and overestimating the number of right turns out of the project driveway. More left turns would mean greater vehicle delay and great collision risk.

Additional Notes – Traffic Signal Warrant

The Report justifies the application of a traffic signal only under several specific conditions. Particularly, using only California MUTCD signal warrant #3, assuming 40+ mph 85th percentile speed along ESFDB, and assuming existing trips made at Drakes Cove would use the traffic signal.

California MUTCD states that signal warrant #3, for a peak one hour of traffic volumes, “shall be applied only in unusual cases, such as office complexes, manufacturing plants, industrial complexes, or high-occupancy vehicle facilities that attract or discharge large numbers of vehicles over a short time."

The standard minimum threshold for minor street approach traffic volumes for signal warrant #3 is 100 vehicles. The MUTCD permits using reduced thresholds if the major street speed limit or 85 percentile speed is greater than 40 mph. The report claims, based on an informal study, that this reduced threshold applies due to speeds on ESFDB in excess of 40 mph. The report says this reduced threshold is 70 vehicles on the minor street approach. Figure 4C-4 of the California MUTCD shows this reduced threshold is actually 75 vehicles. 19

The Report says that “With the combined volume of the project access and Drakes Cove Road, a signal would be warranted per the Peak Hour Volume Warrant of the California MUTCD if the connection is made. A signal would not be warranted for the project access without the addition of traffic from Drakes Cove Road.”

Under the Report proposed alternative 2, the traffic volumes are not combined as an “internal connection” would not be constructed. This makes alternative 2 not warranted. While alternative 3 includes an “internal connection,” the report specifies that:

- “By allowing drivers to route between Drakes Cove Road and the signal at East Sir Francis Drake Boulevard/Project Access, it is assumed that drivers turning left onto or off of East Sir Francis Drake Boulevard would prefer to use the signal to complete these movements (…) For the morning peak hour, there were no left turns out of Drakes Cove Road observed; therefore, the operational analysis of Alternative 3 returned the same result as Alternatives 1 and 2 for the a.m. peak hour at East Sir Francis Drake Boulevard/Drakes Cove Road.”
- As described by the Report, it is assumed the four observed vehicles turning right out of Drakes Cove in the AM would not use the traffic signal. Thus, alternative 3 is not warranted.

Separately, the report details the "combined volume" used to justify the traffic signal as 71 vehicles in the AM, 67 from the project and 4 from the existing Drakes Cove development. Assuming the estimated project generated trips are valid, and the recorded Drakes Cove volumes are typical, 71vehicles is less than the reduced 75 vehicle threshold. This suggests that any traffic signal, including alternative 4 is not warranted based on the presented data. 20

Using trip generation rates from the latest edition of the ITE trip generation manual may estimate a sufficient number of AM trips to just meet the one-hour peak warrant reduced threshold of 75 vehicles.

Additional Notes – Construction Traffic Impacts

The Report does not include an analysis of construction traffic impacts over the course of the projected twenty-four-month construction schedule. The completed project access challenges to/from the site and ESFBD would apply to a degree to construction traffic, but this impact is not presented in the Report. 21

The City reiterates it is hopeful that this novel project will come to fruition. City staff, as well as the staff from CMFA and CMPA, are available to discuss the project and how we can be helpful moving forward. 22

Sincerely,

Dan Schwarz
City Manager

c: City Council
City Attorney
City Clerk
Community Development Director
Public Works Director
Chief, CMFA
Chief, CMPA

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Local Agencies

City of Larkspur (COL)

Response to COL-1
This comment provides introductory remarks to open the letter. No response is necessary.

Response to COL-2
This comment states that Alternative 7, Annexation Alternative, which is proposed in Draft EIR, Chapter 7, Alternatives to the Proposed Project (page 7-9), may not be feasible because the City of Larkspur does not have jurisdictional authority or service responsibility for the project site and because the proposed project would not pay property tax or otherwise fund government services provided by the City of Larkspur. Thus, the City has determined that Alternative 7 is not feasible unless an annual financial contribution agreement is reached. The Draft EIR determined that Alternative 7 has the same impacts as the proposed project, and it was not chosen as the Environmentally Superior Alternative.

This comment has been provided to DGS for their review and consideration of the project. Insofar as the City has determined Alternative 7 is infeasible because it will not annex the project site without an agreement to provide annual financial contribution, Alternative 7 is not feasible at this time. If Alternative 7 is considered further for the proposed project, the City of Larkspur will be engaged to continue the discussion regarding the proposed project's annual financial contribution to the City to provide public services.

Response to COL-3
This comment states that the project site does not fall under the jurisdictions of the Central Marin Fire Authority (CMFA) and the Central Marin Police Authority (CMPA) as identified in the Draft EIR, but actually falls under the jurisdiction of the MCFD, the Marin County Sheriff's Office, and the California Highway Patrol (CHP). It suggests that the County must outline a plan to provide code enforcement and general services from County Public Works.

During the preparation of the Draft EIR, FirstCarbon Solutions (FCS) contacted potential service providers to the project site to confirm the agencies that would be providing fire and police services. On September 22, 2022, during the preparation of the Draft EIR, FCS sent a letter to CMFA Chief Ruben Martin. On September 28, 2022, Chief Martin sent FCS a response letter stating the CMFA would be able to serve the proposed project. The project applicant met with Chief Martin on October 26, 2022 to discuss the proposed project, and Chief Ruben sent an amended letter on November 2, 2022.

On September 22, 2022, FCS sent a letter to Sheriff Jamie Scardina at the Marin County Sheriff's Office. On September 30, 2022, FCS received a response from Sheriff Scardina indicating that the project site does not fall within the Marin County Sheriff's Office jurisdiction but rather that the project falls within the jurisdiction of the CMPA. On October 3, 2022, CMPA Chief Michael A. Norton reached out to FCS stating that the project site is in the CMPA jurisdiction. FCS met with Chief Norton to discuss the proposed project on October 4, 2022, where he confirmed that the proposed project is within CMPA service area.

In light of this comment, FCS reached out CMFA and CMPA to confirm that they will be the fire and police providers to the site. On May 2, 2023, both CMFA and CMPA confirmed that they would no longer be providing service to the project site unless a service agreement is met with the County. Thus, the County of Marin will be facilitating service agreements with CMFA and CMPA to provide service to the project site, as confirmed by a letter received by Marin County Fire Department on June 13, 2023. This change is incorporated as a condition of approval in the Final EIR as shown in Section 4, Errata. All agencies will be able to provide adequate services to the project site, and this change does not constitute a significant impact under CEQA or require any additional mitigation.

Response to COL-4
The comment states that CMFA and CMPA can discuss out-of-agency service agreements for the proposed project. Please refer to Response to COL-3.

Response to COL-5
The comment states that while the City of Larkspur acknowledges that it originally supported the proposed project access in the Draft EIR, the City has concerns that the proposed traffic signal at the project driveway could result in significant vehicle congestion and queueing along East Sir Francis Drake Boulevard. The comment states that sight line constraints due to the location of the signal at the project's driveway and the extension of vehicle queues also constitute safety issues for the proposed project access. The City believes that these safety issues are not addressed or incompletely addressed in the Draft EIR, and the TIS prepared for the proposed project.

The TIS prepared for the proposed project analyzed project-generated impacts to vehicle congestion, vehicle queueing, and sight lines. The TIS analyzed four project access alternatives as part of the operational analysis. Alternative 1 includes a stop control on the project access approach to East Sir Francis Drake Boulevard. Alternative 2 includes signalization of East Sir Francis Drake Boulevard and the project access. Alternative 3 includes signalization with internal connection to and from Drakes Cove Road, and Alternative 4 includes the signalization of East Sir Francis Drake Boulevard and Drakes Cove Road with internal connection to and from the project site. Alternative 2 is the chosen project access alternative.

Regarding traffic congestion, Senate Bill (SB) 743, which became effective in January 2014, required the Governor's Office of Planning and Research (OPR) to change the CEQA Guidelines regarding the analysis of transportation impacts. Under SB 743, the focus of transportation analysis shifted from driver delay or congestion, which was measured by Level of Service (LOS), to Vehicles Miles Traveled (VMT), in order to reduce greenhouse gas (GHG) emissions, create multimodal networks, and promote mixed-use developments. While no longer a part of the CEQA review process, vehicular traffic service levels at key intersections were evaluated in the TIS for consistency with General Plan policies by determining the number of new trips that the proposed use would be expected to generate, distributing these trips to the surrounding street system based on anticipated travel patterns specific to the proposed project, then analyzing the effect the new traffic would be expected to have on the study intersections and need for improvements to maintain acceptable operation.

The study intersections were analyzed using methodologies published in the Highway Capacity Manual (HCM), 6th Edition, Transportation Research Board, 2018. This source contains methodologies for various types of intersection control, all of which are related to a measurement of delay in average number of seconds per vehicle. While the project is proposed to be constructed in an unincorporated portion of Marin County, the intersections of East Sir Francis Drake Boulevard/Larkspur Landing Circle and East Sir Francis Drake Boulevard/Drakes Cove Road are in the City of Larkspur, and the intersection of East Sir Francis Drake Boulevard/Andersen Drive is in the City of San Rafael; the County has jurisdiction over only the project access point connection. The City of San Rafael's General Plan 2040, contains Policy M-2.5 which states that the City's LOS standard is LOS D, though lower levels of service are allowed for certain facilities outside of this project's study area. The City of San Rafael Transportation Analysis Guidelines (2021), prescribe that if an intersection is already at LOS E or F without the project, a deficiency would occur if the addition of project traffic would increase the intersection delay by 5 seconds or more. The Marin Countywide Plan, Marin County Community Development Agency(2014) established an operational standard of LOS D for intersections on urban and suburban arterials, including East Sir Francis Drake Boulevard.

As stated in the TIS, under existing conditions, all intersections are operating with acceptable overall delay. While the southbound approach to East Sir Francis Drake Boulevard/Andersen Drive operates at LOS E during the AM peak-hour and LOS F during the PM peak-hour, this is an existing condition, and the proposed project would not exacerbate this condition. Specifically, the proposed project would not increase delay at the southbound approach by any measurable amount of time during either peak-hour (Compare TIS Tables 5, 8, and 9). Upon the addition of project traffic to existing volumes at East Sir Francis Drake Boulevard/Larkspur Landing Circle, the intersection would continue to operate at LOS A overall during both peak-hours. The TIS also concluded that all four study intersections would operate acceptably overall under existing volumes without or with the addition of project traffic and construction of any of the four access alternatives.

It should be noted that neither the City of Larkspur nor the County of Marin have thresholds for significance regarding queue lengths. Therefore, the queue length threshold defined by the City of San Rafael was applied to the entire study area. For queueing, the City of San Rafael defines that a significant impact with respect to queueing would occur if the 95th percentile vehicle queues would exceed the existing or planned length of a turn lane or off-ramp, create a speed differential between two adjacent lanes of travel, or increase already deficient queues by more than 50 feet. Thus, queues were calculated and compared to available capacity for left-turn lanes at the four study intersections evaluated in the TIS. The TIS concluded that stacking distance for each turn lane assessed would be less than the turn lane capacity under existing conditions without or with the addition of project traffic and construction of any of the four access alternatives. Thus, the TIS found that the proposed project would result in a less than significant impact on vehicle queueing.

Additionally, as presented in the TIS, sight lines between traffic on East Sir Francis Drake Boulevard and drivers entering or exiting the project site were measured and determined to be adequate in regard to both the posted speed limit and field-measured estimated critical speeds in each direction on East Sir Francis Drake Boulevard. In other words, project access to the proposed project was not found to have significant impacts. Although there were no significant impacts found related to vehicle queueing and sight lines as a result of the proposed project, the Lead Agency has considered

the comments and related safety concerns. Accordingly, it is important to clarify details regarding the High-Intensity Activated Crosswalk (HAWK) beacon that is a component of the proposed project (Draft EIR, page ES-3. 2-6). The HAWK beacon would be combined with an Advance Warning System located on the curve east of the project site and would signal westbound traffic on East Sir Francis Drake Boulevard. The Advance Warning System would be equipped with radar-triggered flashing beacons, which would activate only when the signal system detects stopped vehicles around the corner. The signal for advancing westbound motorists would be located approximately 1,500 feet east of the project driveway and consist of a pair of alternating flashing yellow beacons with one beacon on each side of a sign similar to the system shown on Exhibit A, except with a message to "watch for stopped traffic."

The 0.96-mile pertinent segment of East Sir Francis Drake Boulevard with the curved geometry and resulting limited sightlines was evaluated to determine whether there are any existing safety concerns. Using traffic volumes obtained for the study and crash data available from the CHP for 2020-2023,[1] the collision rate on this segment of East Sir Francis Drake Boulevard was determined to be 1.09 collisions per million vehicle miles (c/mvm). The Statewide average for similar facilities, for comparison, is 1.60 c/mvm. This data is presented in Appendix A of this Final EIR.

When there are no vehicles queued at the project access traffic signal, the beacon would not ignite and blend into the background. This system would sufficiently warn of impending queues around the curved roadway east of the project site and help improve safety regarding traffic queues and sight lines. Such beacons of the type proposed as part of the project have been shown to be effective. For instance, on a similar highway in Suisun City (State Route [SR] 12 East, approaching Marina Boulevard), the California Department of Transportation (Caltrans) installed a traffic-activated beacon sometime between June 2019 and March 2021. In the 5 years prior to its installation, there were 36 rear-end collisions on this segment, or 7.2 collisions per year. After its installation, there were five collisions in 2 years for a rate of 2.5 crashes per year, representing a decrease of approximately 65 percent. Factoring in pre-pandemic verse post-pandemic changes in traffic volumes demonstrates a reduction of 62 percent when adjusting for daily traffic volumes and 63 percent when adjusting for peak-hour traffic volumes. This data is presented in Appendix A of this Final EIR. In summary, the existing roadway does not have a demonstrated safety issue and, regardless an Advance Warning System would be effective at avoiding safety impacts, ensuring that there would not be a significant traffic safety impact with respect to the proposed project. Accordingly, the Draft EIR appropriately concluded that the proposed project would not result in potentially significant safety issues.

Response to COL-6

The comment suggests several other project access alternatives that should be evaluated. First, the comment suggests that an alternative where no signalization or HAWK signal is installed at the East Sir Francis Drake Boulevard and the project driveway be further evaluated. However, the comment also states that this alternative would result in excessive vehicle delays and queueing. Second, the comment suggests that an alternative where the proposed project access allows for eastbound left

[1] California Highway Patrol (CHP). 2019. Statewide Integrated Traffic Records System (SWITRS). Website: https://iswitrs.chp.ca.gov/Reports/jsp/index.jsp. Accessed June 12, 2023.

turns into the project driveway from East Sir Francis Drake Boulevard but not left turns out of the project driveway be further evaluated. Third, the comment suggests that an alternative that provides a westbound-to-eastbound U-turn pocket and signal phase at the intersection of East Sir Francis Drake Boulevard and Larkspur Landing Circle East be further evaluated. Finally, the comment suggests that an alternative that extends a sidewalk along the north side of East Sir Francis Drake Boulevard from the project driveway to the existing sidewalk near the Melting Pot, while maintaining westbound East Sir Francis Drake Boulevard's travel lane and shoulder be further evaluated. The comment also concluded that the City is prepared to enter into a maintenance agreement(s) for any infrastructure that needs to be installed within the City of Larkspur. This comment is noted.

The State CEQA Guidelines are clear that an EIR's discussion of alternatives need not include alternatives that do not offer significant environmental advantages in comparison with the project or with the alternatives that are presented in the EIR (State CEQA Guidelines § 15126.6(b)). Rather, the alternatives considered in an EIR should be capable of avoiding or substantially reducing one or more of the project's significant environmental impacts (State CEQA Guidelines § 15126.6(c), (f)). As discussed above, no significant environmental impacts associated with traffic or access are identified for the proposed project. Accordingly, while not required by CEQA because no significant impacts were found related to transportation and traffic, the Draft EIR and the TIS combined evaluated seven project access alternatives in addition to the proposed project access. These seven alternatives represent a reasonable range of alternatives for project access.

Additionally, in response to this comment, FCS and W-Trans coordinated with the City of Larkspur and the County of Marin to review an access configuration that includes all the elements described in the comment. This project access configuration does not include any signalization at the project driveway or Drakes Cove Road and would only allow right turns exiting both the project driveway and Drakes Cove Road. This access configuration is a permutation of Alternative 5, Proposed Project Access with Left-turn Access to Drakes Cove Road Prohibited, which was fully evaluated in the Draft EIR and contemplated left-turn prohibitions similar to this access configuration. Restricting left turns out of Drakes Cove Road and the project driveway would require drivers wishing to travel eastbound on East Sir Francis Drake Boulevard to turn right from the project entrance, travel 0.3 mile west, and then make a U-turn at Larkspur Landing Circle, which would ultimately increase VMT and roadway occupancy. According to the TIS prepared for the Draft EIR, approximately three vehicles use the left-turn lane at the Drakes Cove Road and East Sir Francis Drake Boulevard intersection during the AM peak-hour and five vehicles use it during the PM peak-hour. Similarly, approximately 17 vehicles would use the left-turn lane at the project driveway and East Sir Francis Drake Boulevard intersection during the AM peak-hour and 10 vehicles use it during the PM peak-hour. Under this access configuration, these vehicles would instead exit westbound on East Sir Francis Drake Boulevard and make a U-turn to travel east. The impacts of this permutation of Alternative 5, including VMT, would be similar to those discussed with respect to Alternative 5 (see, for instance, Draft EIR, Chapter 7, Alternatives to the Proposed Project, page 7-22).

While not an environmental concern, it should be noted that this configuration would likely not meet community expectations or objectives and would be potentially controversial. Comments from members of the public, including neighbors, regarding the loss of the left-turn lane at Drakes Cove Road under Alternative 5 would also apply to this access configuration. Please refer to Response to

Comment HERR-15, which articulates that the loss of the left-turn lane at Drakes Cove Road would be "an unacceptable loss of access for Drakes Cove residents."

In terms of vehicle safety, removing signalization could reduce the number of westbound rear-end collisions due to vehicle queueing at the traffic signal, which would also alleviate sight line concerns; however, eastbound drivers wishing to turn left on to Drakes Cove Road or the project driveway would have to do so without the protection of signalization. More specifically, a signal would meter traffic and provide signal-protected left and right turns, and while it might increase by a *de minimis* amount some collisions such as rear-end collisions, it would decrease the risk of broadside collisions, which result from vehicles colliding with vehicles making left turns without the assistance of signalization. Broadside collisions are typically more severe than rear-end collisions and could be slightly higher in frequency with the commenter's suggested configuration. On balance, with respect to vehicle collisions, this alternative would not be significantly safer than the proposed project as evaluated in the Draft EIR and would not significantly change any impact conclusions, especially when one accounts for the installation of the Advance Warning System. Overall, the proposed project access would likely result in the same safety impacts or slightly lesser safety impacts as this suggested access configuration because both designs further address queueing and sight line concerns. For purposes of clarity, both configurations would result in less than significant impacts.

In terms of pedestrian and bicycle access and safety, this access configuration would include the implementation of two segments of sidewalks that would connect to the existing sidewalk on the north side of East Sir Francis Drake Boulevard, creating a continuous 5- to 6-foot sidewalk between the project site and East Sir Francis Drake Boulevard. This would allow pedestrians from the proposed project to walk approximately 0.3 mile to Larkspur Landing Circle, where they could access the shopping center or cross the street via a traffic signal and use the Class I multiuse path along the south side of East Sir Francis Drake Boulevard. There is no evidence at this time that the proposed roadway and sidewalk configuration could accommodate a bicycle lane. Thus, cyclists would be required to walk their bicycle on the sidewalk or ride in the street where drivers were observed traveling at a critical speed greater than 40 miles per hour (mph), as reported in the TIS, until they can connect with the Class I multiuse path at Larkspur Landing Circle. The City of Larkspur and Marin County are further evaluating the feasibility of including a bicycle lane on the north side of East Sir Francis Drake Boulevard. The feasibility of alternatives need not be finally determined in the Final EIR but can be assessed at the time the Lead Agency chooses to make a determination with respect to the proposed project, based on substantial evidence in the administrative record.

Feasibility issues also remain with respect to the pedestrian facilities associated with this alternative configuration. The City of Larkspur and Marin County have demonstrated the feasibility of this access configuration within the current right-of-way and, more specifically, that a sidewalk could be constructed along the north side of East Sir Francis Drake Boulevard between where the sidewalk ends in front of the Price Simms Dealership and Larkspur Landing Circle. However, at this time, it is unclear whether a sidewalk would be feasible between the boundary of the project site and Drakes Cove Road. There are no legal rights evident that would allow the project proponent to construct a sidewalk on property owned by the Homeowner's Association (HOA) for the Drakes Cove Community, and there is no evidence that a sidewalk could be constructed within the existing public right-of-way in light of space requirements associated with vehicular lanes of travel and other roadway elements. The City of Larkspur and Marin County are further evaluating the feasibility of

this pedestrian sidewalk. At present, this configuration does not appear to be legally/technically feasible.

Assuming this suggested configuration is eventually proven feasible, continuous sidewalk along the northside of East Sir Francis Drake Boulevard would have similar safety impacts related to pedestrian facilities as the proposed project because both would provide access to the Class I multiuse path on the south side of East Sir Francis Drakes Boulevard. However, the proposed project would provide direct access to the Class I multiuse path via a traffic signal and crosswalk or HAWK beacon with crosswalk, which would improve pedestrian access over this proposed access configuration where access is 0.3 mile from the project site via a traffic signal and crosswalk at the East Sir Francis Drake Boulevard and Larkspur Landing Circle. If a continuous sidewalk is not feasible, this access configuration could result in significant impacts related to pedestrian access and connectivity under CEQA Guidelines, and a HAWK beacon or traffic signal and crosswalk would be required, the installation of which would result in less than significant impacts as with the proposed project. The Lead Agency will consider this comment and access configuration further as more information regarding feasibility is determined.

For bicyclists, a crossing at the project entrance would enable bicyclists entering or leaving the project site to access the waterfront trail, a Class I facility separated from the high-speed, high-volume traffic on East Sir Francis Drake Boulevard. Without this crossing (such as with the suggested configuration), westbound bicyclists leaving the site would need to ride in traffic or on the narrow shoulder, and eastbound bicyclists arriving to the site would need to merge into traffic to cross the eastbound lane from the trail to the left-turn lane into the project site. As reported in the TIS, the eastbound traffic on this portion of East Sir Francis Drake Boulevard was measured traveling at a critical speed of 47 mph, presenting a hazardous condition for bicyclists. To the east, there are shoulder bicycle lanes, and a signalized crossing (traffic signal or HAWK beacon) would enable eastbound bicyclists leaving the site to access the eastbound bicycle lane via a protected crossing phase. Without a signalized crossing, these bicyclists would need to either cross the road unassisted or travel in the west direction to cross at Larkspur Landing Circle (East), adding over 0.5 mile of travel distance. For these reasons, the suggested configuration would result in inferior access for bicyclists compared to the access alternatives that include a traffic signal or HAWK beacon at the project driveway.

Response to COL-7
The comment discusses several concerns about the analysis provided in the TIS, concluding that the TIS fails to detail the existing traffic congestion issues along East Sir Francis Drake Boulevard and how the proposed project would exacerbate vehicle queueing to an unsafe degree, as well as causing significant vehicle delay. Each concern in the comment is addressed below in Responses to COL-8 through COL-21.

Response to COL-8
The comment states that the traffic counts collected in July 2021 and analyzed in the TIS and Draft EIR do not accurately represent the existing conditions because they were taken during the COVID-19 pandemic, while school was not in session, and because they are lower than pre-COVID traffic counts collected in October 2018 by the City of Larkspur.

As stated in the TIS prepared for the Draft EIR, consideration was given to the effects of the COVID-19 pandemic on travel patterns, and therefore daily traffic volumes available from Caltrans for the Interstate 580 (I-580) ramps to and from East Sir Francis Drake Boulevard were reviewed. These volumes indicate an Average Daily Traffic (ADT) volume of approximately 25,600 vehicles using the ramps on a typical weekday in June 2019 compared to an ADT of 28,200 daily vehicles in June 2021 and a 24-hour machine count on East Sir Francis Drake Boulevard in July 2021 that recorded 28,153 vehicles (See Draft EIR, Section 3.12, Transportation, page 3.12-4). Furthermore, ramp data from Caltrans corroborates that traffic has increased since pre-pandemic time periods. The count data for the on-ramp where eastbound East Sir Francis Drake Boulevard merges into I-580 East demonstrates that, as of July 2019, ADT was approximately 11,500 vehicles per day. As of July 2021, the ADT was approximately 12,900 vehicles per day. Meanwhile, summertime traffic in the project vicinity has been higher than in periods when schools were in session. For instance, at that same ramp, traffic in September-November of 2019 was 11,100 vehicles per day, and in September–November 2021, was 12,200 to 12,600 vehicles per day. These results make sense when one considers that there are no schools in the vicinity of the project site; rather, nearby schools are located along or west of U.S. Highway 101 (US-101), and the majority of school-related trips would not require use of the circulation system near the project site.

As these more recent volumes indicate an increase in traffic since 2019, and as summertime traffic has been shown to be higher than in time periods during which school is in session, it can be concluded that the traffic counts collected in July 2021 sufficiently, if not conservatively, represent typical traffic patterns in the study area despite the effects of the pandemic or school schedule. The traffic counts represent the best available information at the time the TIS was prepared.

Response to COL-9

The comment suggests that the TIS does not utilize accurate traffic volumes to calculate the vehicle capacity rate (V/C). The comment also states that the TIS does not accurately characterize the capacity of the single lane approach at the project driveway and East Sir Francis Drake Boulevard intersection.

Please refer to Response to COL-8 for more information on the validity of the traffic counts used to determine the V/C for the project intersections. The comment states that that the TIS's modeling overestimates the capacity of the eastbound single lane approach because the TIS characterizes it as a free lane single lane approach rather than a two-to-one lane merge 100 feet west as the comment asserts. The two-to-one lane merge that the comment identifies actually occurs approximately 463 feet west of the project driveway. The HCM defines the influence area of an intersection as extending at least 250 feet from the stop line at each intersection leg. Further, the HCM prescribes that only approach lanes present at the limit line (location where drivers are to stop) of an intersection are to be counted toward the capacity total, therefore excluding lanes that terminate upstream of the limit line. Therefore, the eastbound approach to the project driveway can be analyzed as a single lane approach. No further action is required. Please refer to Response to COL-5 for more information regarding how roadway congestion and capacity was measured in the TIS. The comment also identifies a V/C of 0.94 for the eastbound approach; however, that is the V/C calculated for westbound approach.

It should be noted that LOS is the industry standard for analyzing vehicle congestion and vehicle delays. V/C utilizes theoretical capacities based on the number of lanes rather than the actual operations of the signal or signal timing and phasing. Therefore, it is a less accurate way of evaluating operation, specifically operational delays. The HCM notes that "delay and capacity are complex variables that are influenced by a wide range of traffic, roadway, and signalization conditions," that "it is possible that delay is at acceptable levels even when the volume-to-capacity ratio is high," and that "the critical intersection volume-to-capacity ratio can be misleading when it is used to evaluate the overall sufficiency of the intersection geometry, as is often required in planning applications." As stated in the Response to COL-5, the City and County's standards for analysis are based on vehicle delay and its associated LOS. Thus, this analysis is consistent.

Response to COL-10

The comment states the vehicle queue analysis provided in the TIS is based on traffic counts that are lower than expected traffic levels, resulting in less predicted delay. Please refer to Responses to COL-5, COL-8, and COL-9. As these more recent volumes indicate an increase in traffic since 2019, it can be concluded that the traffic counts collected in July 2021 sufficiently, if not conservatively, represent typical traffic patterns in the study area despite the effects of the pandemic. The traffic counts represent the best available information at the time the TIS was prepared. This data was shared with the City of Larkspur and County of Marin for their consideration, and this comment is noted.

Response to COL-11

The comment states that the existing queues of through lane traffic and any impacts to them as a result of the proposed traffic signal are not considered in the Draft EIR or TIS. The comment concludes that vehicle queues created by the proposed project would create an unsafe condition extending near/beyond the horizontal curve in the road, where stopping sight distance is constrained for the critical traffic speeds. Further, the comment states that sight distance is less than 300 feet at points along two westbound downhill curves, which is insufficient for the over 40 mph critical speed and creating queueing in these areas poses a collision risk.

Please refer to Response to COL-5 for more information about existing queueing and findings regarding the vehicle queueing and sight distances as analyzed in the TIS and as compared to adopted thresholds of significance. As stated in the TIS prepared for the Draft EIR, the City of Larkspur and the County of Marin do not prescribe thresholds of significance regarding queue lengths. Therefore, the queue length threshold defined by the City of San Rafael was applied to the entire study area for the proposed project. The City of San Rafael's standards only apply to queues present in turn pockets, not through lanes. The TIS found that the queues in the study area's turn pockets are acceptable with the proposed project. Current queueing for all turn lanes is within the acceptable limits, and the proposed project would therefore not have a significant impact related to queueing. Additionally, as stated in the Response to COL-5, the proposed project access would include an Advance Warning System on the curve located east of the project site. Installation of the Advance Warning System would address concerns regarding sight distance and vehicle queues. In any event, the commenter has not provided any quantitative data to substantiate the assertion that the vehicles queues would extend beyond the turn pocket. The proposed roadway configuration is

not anticipated to create an unsafe condition extending near or beyond the horizontal curve in the road.

With respect to the assertion that sight distances are less than 300 feet and thus insufficient, the TIS noted that sight lines between traffic on East Sir Francis Drake Boulevard and drivers entering or exiting the project site were measured and determined to be adequate in regard to both the posted speed limit and field-measured critical speeds in each direction on East Sir Francis Drake Boulevard. Speeds were observed and measured during midday periods when volumes were lower and vehicle speeds were higher, and measurements were performed with a speed radar gun, which determined critical speeds approaching the proposed access point of 41 mph in the westbound direction (from the east) and 47 mph in the eastbound direction (from the west). The speed limit on this roadway segment is 35 mph. Per sight distance criteria contained in the Highway Design Manual (HDM) published by Caltrans), 35 mph, 41 mph, and 47 mph correspond to required sight distances of 250 feet, 312 feet, and 385 feet, respectively. To be conservative and use the distances corresponding to the field-measured critical speed rather than the posted (legal) speed limit, 385 feet of sight distance is therefore required to the west and 312 feet to the east. The sight line distance east of the project entrance here was measured as 340 feet and, therefore, sightlines are adequate and safety impacts are less than significant. This information is included in the Draft EIR and the TIS (See Draft EIR, Section 3.12, Transportation, page 3.12-18; TIS, page 29).

Response to COL-12
The comment states that the queue analysis provided in the TIS is based on traffic counts that are lower than expected traffic levels, resulting in shorter predicted queues. The City analyzed the vehicle queues with traffic counts from October 2018 and found that the vehicle volume would exceed capacity and the queues are longer than anticipated by the Draft EIR.

This comment is noted. Please refer to Responses to COL-5 and COL-6 for more information regarding the queueing analysis prepared for the Draft EIR and the traffic counts utilized in the TIS. As discussed in response to COL-11, there are no thresholds applicable to the proposed project that apply to through lane queues. Because the proposed project would result in acceptable queues within the study area's turn pockets, the TIS found that the proposed project would result in a less than significant impact on vehicle queueing. Additionally, the proposed project was designed to the appropriate standards for the speed limit on East Sir Francs Drake Boulevard. The traffic counts represent the best available information at the time the TIS was prepared. This data was shared with the City of Larkspur and County of Marin for their consideration. In any event, the commenter has not provided any quantitative data to substantiate the assertion that vehicle queues would extend beyond the turn pocket, and there is no evidence that substantiates the commenter's assertion that October 2018 traffic counts represent a more accurate prediction of anticipated conditions.

Response to COL-13
The comment states that the proposed project access would result in increased vehicle delays and congestion. The comment concludes that the current design of the project access, which would remove the existing acceleration lane used for left turns out of Drakes Cove Road and replace it with a left-turn pocket entering the project site, has the potential to worsen safety for drivers making a

left turn to exit Drakes Cove Road or block exiting left turns entirely with vehicles queued in the turn lane for the project site.

This comment is noted. Please refer to Response to COL-5, which discusses how traffic impacts are measured under CEQA. As discussed in Response to COL-5, under SB 743, the focus of transportation analysis shifted from driver delay or congestion, which was measured by LOS, to VMT, in order to reduce GHG emissions, create multimodal networks, and promote mixed-use developments.

As noted in the comment, under the current design of the proposed project's access, a traffic signal would be installed at East Sir Francis Drake Boulevard and the project driveway, and the eastbound acceleration lane from Drakes Cove Road would be converted to a left-turn lane into the project site. Therefore, as with all left turns that require the vehicle to cross on-coming traffic lanes, a driver at Drakes Cove Road wishing to turn left onto East Sir Francis Drake Boulevard will have to wait until there are sufficient gaps in traffic in the eastbound and westbound direction to turn and for any queue in the left-turn lane for the project driveway to clear before turning. There are no aspects of the current project design that would hinder a driver on Drakes Cove Road to be able to see whether or not there are vehicles queueing in the project driveway's left-turn lane. While an acceleration lane makes it more convenient for these traffic movements, it is not a safety requirement. Further, drivers heading east would also have the option of traveling westbound before turning around, as evaluated under Alternative 5.

Additionally, according to the TIS prepared for the proposed project, approximately 18 vehicles in the AM peak-hour period and 50 vehicles in the PM peak-hour period would use the left-turn lane into the project driveway. As stated in the TIS, the morning peak-hour is the highest volume 60-minute period between 7:00 a.m. and 9:00 a.m. and reflects conditions during the home-to-work or school commute, while the PM peak-hour occurs between 4:00 p.m. and 6:00 p.m. and typically reflects the highest level of congestion during the homeward bound commute. Thus, it is not anticipated that the left-turn lane for the project driveway would have consistent queueing that would prevent vehicles turning left from Drakes Cove Road onto East Sir Francis Drake Boulevard.

Further, the TIS and Chapter 7, Alternatives to the Proposed Project, of the Draft EIR evaluated an access alternative, Alternative 4, which would install a traffic signal at Drakes Cove Road and put the project driveway on Drakes Cove Road; and therefore, drivers wishing to turn left from Drakes Cove Road to East Sir Francis Drake Boulevard would be able to do so with the assistance of a traffic signal. However, Drakes Cove Road is a private roadway and permission from the HOA would be required to provide project access via Drakes Cove Road. It was expressed via public comments and public outreach that the HOA for the Drakes Cove Community would not likely allow project access on Drakes Cove Road, making this alternative infeasible at the time of the publication of this Final EIR. If the Lead Agency receives consent from the HOA prior to approval of the proposed project, this feasibility can be reassessed.

Response to COL-14
The comment states that the analysis of the sight lines at the proposed project access does not consider sight lines for motorists approaching the back of queues extending from the signal, where sight lines may be constrained due to the horizontal curves in the roadway alignment. Additionally, the comment states that corner sight distance was not considered in the TIS and Draft EIR. Please refer to Responses to COL-5 and COL-11, which addresses speed, safety, and how sight lines were

analyzed for the proposed project. The analysis prepared for the proposed project in the TIS used stopping sight distance rather than the corner sight distance which is consistent with the sight distance criteria contained in the HDM published by Caltrans. The recommended sight distances for approaches on the major street to driveways and private street intersections in urban areas are based on stopping sight distance with approach travel speed used as the basis for determining the recommended sight distance. The HDM has determined that stopping sight distance is sufficient for a private driveway, which is consistent with the proposed project.

However, as described in Response to COL-5, the proposed project would also include a HAWK beacon, traffic signal at the project driveway with an Advance Warning System, which would be located on the curve east of the project site and would warn westbound traffic traveling down East Sir Francis Drake Boulevard toward the project site of the presence of stopped traffic. The Advance Warning System would be equipped with flashing beacons, which would only ignite when the signal system detects stopped vehicles on the corner ahead. When there are no vehicles queued at the project access, the system would extinguish and blend into the background. This system would sufficiently warn of impending queues around the curved roadway east of the project site and is intended to alleviate safety concerns regarding traffic queues and sight lines, resulting in less than significant traffic safety impacts.

Response to COL-15

The comment suggests that if access to the proposed project is provided at Drakes Cove Road, then sight lines for eastbound vehicles entering the project sight would be around 450 feet, providing sufficient space for a driver to find a gap in traffic and complete the left turn. The comment suggests that right-turning vehicles may be able to take advantage of the westbound auxiliary merge lane or relocate to Drakes Cove Road, to ensure adequate corner sight distance.

The TIS and Chapter 7, Alternatives to the Proposed Project, of the Draft EIR evaluated an access alternative, Alternative 4, which would include a traffic signal at Drakes Cove Road and put the project driveway on Drakes Cove Road. Thus, there would be no project access on East Sir Francis Drake Boulevard. However, Drakes Cove Road is a private roadway and permission from the HOA would be required to provide project access via Drakes Cove Road. It was expressed via public comments and public outreach that the HOA for the Drakes Cove Community would not likely allow for project access on Drakes Cove Road, making this suggested alternative infeasible at the time of the publication of this Final EIR.

Response to COL-16

The comment recommends an additional alternative that should be considered for project access including an alternative with turn restrictions, which would only permit right turns out of the project driveway and create a U-turn lane in the median to permit U-turns at the Larkspur Landing Circle East intersection.

Please refer to Response to COL-6 for further evaluation of the access configuration proposed by the comment. As discussed in Response to COL-6, in terms of vehicle safety, removing signalization could result in improved safety by reducing the number of rear-end collisions due to vehicle queueing at the traffic signal, which would also alleviate sight line concerns; however, eastbound drivers wishing to turn left on to Drakes Cove Road or into the project driveway would have to do so without the

protection of signalization. More specifically, a signal would meter traffic and provide signal-protected left and right turns, and while it might increase by a *de minimis* amount some collisions such as rear-end collisions, it would decrease the risk of broadside collisions, which result from vehicles colliding with vehicles making left or right turns without the assistance of signalization. Broadside collisions are typically more severe than rear-end collisions and could be slightly higher in frequency with the commenter's suggested configuration. On balance, with respect to vehicle collisions, this alternative would not be significantly safer than the proposed project as proposed in the Draft EIR, especially when one accounts for the installation of the Advance Warning System. Overall, the proposed project access would likely result in the same safety impacts or slightly lesser safety impacts as this access configuration because both designs further address queueing and sight line concerns. For purposes of clarity, both configurations would result in less than significant impacts.

A lead agency must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation." (State CEQA Guidelines § 15126.6, subd. (a); see also *Mount Shasta Bioregional Ecology Center v. County of Siskiyou* (2012) 210 Cal.App.4th 184, 196 [same]). A court must uphold an agency's selection of alternatives "unless the challenger demonstrates that the alternatives are manifestly unreasonable and that they do not contribute to a reasonable range of alternatives." (*Cal. Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 988). Here, the Draft EIR already includes a reasonable range of four alternatives related to ingress/egress for the project site that need not be supplemented by additional alternatives to be legally adequate (Draft EIR, Chapter 7, Alternatives to the Proposed Project, page 7-8–7-22).

To this end, alternatives that are incapable of reducing the project's environmental impacts do not have to be considered (See *City of Maywood v. Los Angeles Unified Sch. Dist.* (2012) 208 Cal.App.4th 362, 419; *Citizens for E. Shore Parks v. State Lands Comm'n* (2011) 202 Cal.App.4th 549, 563; *Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912). Here, the Draft EIR concluded there were no significant impacts with respect to traffic. Given that the proposed project ultimately has no significant impacts, the commenter's proposed traffic alternative does not and cannot substantially lessen any significant impacts and is therefore infeasible as a matter of law. Notwithstanding the above, to the extent the alternative is technically feasible from an engineering and safety standpoint, it will continue to be considered by the applicant and Lead Agency.

Response to COL-17

Please see Response to COL-16, which is incorporated herein by this reference. The comment recommends an additional alternative that should be considered for project access including an alternative that extends the sidewalk on the north side would eliminate the existing approximate 600-foot gap between the Melting Pot driveway and east of Drakes Cove and would facilitate pedestrian traffic to the shopping center without the need for them to walk in the shoulder or cross the street. The comment recommends that this additional alternative be further tested and reviewed for feasibility. Please refer to Response to COL-6 for further evaluation of the access configuration proposed by the comment.

Response to COL-18

The comment states that the trip distribution assumption made by the TIS may be underestimating the number of left turns and overestimating the number of right turns out of the project driveway. The comment concludes that more left turns would mean greater vehicle delays and greater collision risk.

As stated in the TIS, the pattern used to allocate new project trips to the street network and calculate trip distribution was based on data from the US Census Bureau, the OnTheMap Application, and Longitudinal Employer-Household Dynamics (LEHD) Origin-Destination Employment Statistics for 2018 for home-to-work trips. Further, given that the proposed project would include workforce housing for educators and employees in Marin County who would be traveling westbound toward Marin County, the assumption that more vehicles would be traveling west is likely accurate. Eastbound travelers are most likely those destined for businesses near the East Sir Frances Drake Boulevard/I-580 interchange and the East Bay, and it is reasonable to assume such motorists would be few in number. Further, consistent with the project objectives for the proposed project, the proposed project would reduce the number of individuals that would need to go over the Richmond-San Rafael Bridge because the residents of the proposed project would be educators and County employees who would be able to live within Marin County. Finally, many schools, amenities, and transit stops are located to the west of the project site. Thus, the trip generation numbers for westbound travel are reasonable for the proposed project.

Response to COL-19
The comment states that the TIS justirifies the use of a traffic signal at the proposed project's driveway only under several specific conditions. The comment concludes that a traffic signal may not be warranted.

As stated in the TIS, a signal warrant analysis was performed to determine the potential need for a traffic signal at the project access on East Sir Francis Drake Boulevard. The warrant analysis was conducted assuming combination of the project access with Drakes Cove Road in order to provide a maximum reasonable side-street volume if internal connectivity were provided between the site and Drakes Cove Road. Chapter 4C of the Manual on Uniform Traffic Control Devices for Streets and Highways (CA-MUTCD) provides guidance on when a traffic signal should be considered. There are nine different warrants, or criteria, which can be used to access the need for a traffic signal. The TIS used Warrant 3, Peak Hour Volume Warrant, which determines the need for traffic control based on the highest volume hour of the day, as an initial indication of traffic control needs. The use of this signal warrant is common practice for planning studies. Other warrants, which are more generally applicable to existing traffic issues, require collection of traffic volumes for the highest four or eight hours of the day, review of the collision history, and evaluation of the system surrounding the location.

Regardless of whether or not a signal is warranted per the guidance of the CA-MUTCD, it is noted that the CA-MUTCD does not explicitly prohibit installation of traffic signals if warrants are not met, and does specifically identify that the satisfaction of a traffic signal warrant or warrants shall not in itself require the traffic control signal. In other words, the proposed project is not prohibited from installing a traffic signal if the configuration as proposed does not meet the criteria under Warrant 3. Based on a holistic review and evaluation of the proposed project, its access configuration, and

pedestrians and bicyclists' access, the TIS determined that a traffic signal would overall be beneficial to the proposed project. There would be less than significant traffic impacts from including a signal and, in fact, use of a signal would reduce traffic safety impacts to the greatest degree of all alternatives evaluated.

Response to COL-20
The comment reiterates that any traffic signal, including the project access proposed under Alternative 4 in the TIS, is not warranted based on the presented data in the TIS.

Please refer to Response to COL-19 for further information regarding how the TIS evaluated the traffic signal warrants for the proposed project. As discussed in the Response to COL-19, the proposed project is not prohibited from installing a traffic signal because the configuration does not meet the volume criteria of Warrant 3. Alternative 4 as presented in the TIS is close to meeting the warrant for vehicles but does not meet it. However, when considering pedestrians and bicyclists, this alternative would likely meet the threshold. Thus, based on a holistic review and evaluation of the alternative, its access configuration, and pedestrians and bicyclists' access, the TIS determined a traffic signal would overall be beneficial to Alternative 4.

Response to COL-21
The comment states that the Draft EIR and TIS do not include an analysis of construction traffic impacts over the course of the projected 24-month construction schedule. The comment concludes that, upon completion, project access challenges to/from the site and East Sir Francis Drake Boulevard would apply to a degree to construction traffic, but this impact is not presented in the TIS or Draft EIR.

Construction impacts were assessed throughout the Draft EIR, including from construction traffic. The Draft EIR lists the number of truck haul trips per day in Section 3.2, Air Quality, Table 3.2-9 on page 3.2-25 (238 building trips per day plus 50 vendor trips per day), which are less than the proposed project's operational volume of 1,360 trips per day (Draft EIR, Section 3.2, Air Quality, page 3.2-26). Construction impacts were addressed throughout the Draft EIR including Impact HAZ-6 (Section 3.8, Hazards and Hazardous Materials, page 3.8-20); AQ Impacts (Section 3.2, Air Quality, page 3.2-40); Noise (Section 3.11, Noise, page 3.11-14–16); Cultural and Tribal Cultural Resources (Section 3.4, Cultural Resources and Tribal Cultural Resources, page 3.4-24–28), Hydrology (Section 3.9, Hydrology and Water Quality, page 3.9-15–20, and 3.9-22); and Land Use (Section 3.10, Land Use and Planning, page 3.10-18). Further, construction traffic often does not contribute to the AM peak hour or PM peak-hour traffic. The majority of deliveries made by heavy trucks for construction are made at midday, which would not fall within the AM peak-hour or PM peak-hour, and construction workers are scheduled in shifts that begin and end before peak-hours (e.g., arrivals prior to 7:00 a.m. and departures prior to 4:00 p.m.). No further action is required.

Response to COL-22
The comment provides support for the project and closing remarks in the letter. No response is required.

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INTER-OFFICE MEMORANDUM

DEPARTMENT OF PUBLIC WORKS

Date: April 6, 2023

To: Alicia Stamps
Marin County Department of Public Works – Land Development

From: Dan Dawson, John Neville
DPW Traffic

Re: Oak Hill Apartments Project Draft Environmental Impact Report
APN 018-152-12

DPW Traffic Division has reviewed the Final Traffic Impact Study of the Oak Hill Apartments Project prepared by W-Trans dated December 8, 2022. The Marin County Department of Public Works-Traffic Division provides the following review comments:

- The proposed project does not have a preferred alternative. DPW does not support any of the alternatives as presented. 1
- Alternative 1 (existing controls) makes the p.m. peak delay at East Sir Francis Drake Blvd./Drakes Cove from level of service (LOS) C to LOS F. This would likely necessitate a prohibited left turn out of Drake's Cove with a modification for a U-turn phase at the Sir Francis Drake Blvd./ east Larkspur Landing Cir. Intersection. This design would necessitate a raised median to prohibit left hand turn movements. DPW does not support this design alternative as presented. More design and delay study is needed for this alternative. 2
- DPW has concerns regarding both alternatives B and C (Signalize Project Access and signalize project access with internal connection to/from Drakes Cove Road). The traffic study does not consider the potential for increased collisions due to the signalization at the project access. The traffic backups on East Sir Francis Drake during the a.m. peak will shorten the stopping sight distance for motorists coming westbound due to the steep hillside and roadway curvature approaching the project site. The collision history at Drakes Cove is already above the statewide average with more than half attributed to speeding. Traffic back-ups on Sir Francis Drake during the morning commute are likely to increase rear-end collisions at this location due to short sight distance. DPW does not support installation of a traffic signal at the project location. 3
- Alternative 4 (Signalize Drakes Cove Road with Project access on Drakes Cove Road) has the same risk for increasing collisions during the a.m. peak. DPW does not support installation of a traffic signal at the Drakes Cove intersection. 4
- The installation of a separate driveway for the project creates one additional conflict point on East Sir Francis Drake Blvd. approximately 100 feet away from Drakes Cove Road. To eliminate this additional conflict point DPW recommends an internal connection from the proposed project to Drakes Cove Road. At the point of connection the geometrics of the existing travel way on Drakes Cove Road should be studied for creating additional width for the additional traffic. 5

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Marin County Department of Public Works (DPW)

Response to DPW-1
The commenter provides introductory remarks regarding the TIS and states that DPW does not support any of the project alternatives. The specific concerns are addressed in Responses DPW-2 through DPW-5.

Response to DPW-2
This comment states that Alternative 1 presented in the TIS would likely require prohibiting left turns out of Drakes Cove Road with a modification for a U-turn phase at the Sir Francis Drake Boulevard/East Larkspur Landing Circle Intersection as well as a raised median to prohibit left turn movements. Thus, the comment states that DPW does not support this alternative as presented in the TIS.

As discussed in Section 3.12, Transportation, of the Draft EIR, Alternative 1 presented in the TIS was not selected as the project access. Please refer to Response to COL-6 for further evaluation of the access configuration proposed in this comment.

Response to DPW-3
The comment states that the proposed project access and Alternative 3 presented in the TIS do not consider the the potential for increased collisions due to the signalization at the project access. Thus, the comment states that DPW does not support the proposed project access and Alternative 3 as presented in the TIS.

As discussed in Section 3.12, Transportation, of the Draft EIR, Alternative 3 presented in the TIS was not selected as the project access configuration. Please refer to Response to COL-5, which broadly discusses how signalization is related to traffic collisions. It should be noted that several factors contribute to vehicles collisions due to signalization. A signal may increase some collisions such as rear-end collisions; however, it may decrease the broadside collisions, which result from vehicles colliding with vehicles making left or right turns without the assistance of signalization. Broadside collisions are typically more severe than rear-end collisions. Thus, signalization under this alternative would meter traffic and provide signal-protected left and right turns and provide for a slightly safer configuration. Further, as previously discussed, Drakes Cove Road is a private roadway and permission from the HOA would be required to provide project access via Drakes Cove Road. It was expressed via public comments and public outreach that the HOA for the Drakes Cove Community would likely not allow for project access on Drakes Cove Road, making this alternative infeasible at the time of the publication of this Final EIR.

Response to DPW-4
The comment states that Alternative 4 presented in the TIS also has the same risk as the proposed project access and Alternative 3 presented in the TIS for increasing collisionsduring the AM peak-hour. Thus, the comment states that DPW does not support this alternative as presented in the TIS.

Please refer to Response to DWP-3. As discussed in Section 3.12, Transportation, of the Draft EIR, Alternative 4 presented in the TIS was not selected as the project access configuration. As previously discussed, Drakes Cove Road is a private roadway and permission from the HOA would be required to provide project access via Drakes Cove Road. It was expressed via public comments and public

outreach that the HOA for the Drakes Cove Community would likely not allow for project access on Drakes Cove Road, making this alternative infeasible at the time of the publication of this Final EIR. No further action is required.

Response to DPW-5
The comment states that the installation of a separate driveway for the project creates one additional conflict point on East Sir Francis Drake Boulevard approximately 100 feet away from Drakes Cove Road. To eliminate the conflict, the comment recommends that an internal connection to Drakes Cove Road be made and evaluated so that it is wide enough to allow for additional traffic.

Under the proposed project, the project entrance would be 165 feet east of Drakes Cove Road, and not 100 feet. (See Draft EIR, Chapter 2, Project Description, page 2-5). The Draft EIR evaluated this proposed configuration (see Chapter 3.12), and the Draft EIR showed that the configuration would not result in significant traffic or circulation impacts. Furthermore, as discussed in the Draft EIR Chapter 7, Alternatives to the Proposed Project, and the TIS, the TIS considered alternatives that utilized an internal connection to Drakes Cove Road (Draft EIR, Chapter 7, Alternatives to the Proposed Project, page 7-7 and 7-11—7-20). Drakes Cove Road is a private roadway and permission from the Drakes Cove HOA would be required to provide project access via Drakes Cove Road (Draft EIR, Chapter 7, Alternatives to the Proposed Project, page 7-11). Comments made by the residents of the Drakes Cove Community have expressed that that the HOA would not approve project access via Drakes Cove Road. Moreover, this alternative does not substantially lessen any of the proposed project's environmental impacts and thus is not feasible as a matter of law (though can still be considered if the applicant voluntarily agrees to implement it; please see Response to COL-16, incorporated herein by this reference). Therefore, the alternatives in the TIS that consider an internal connection to Drakes Cove Road are not feasible at this time. If the HOA grants the applicant the necessary rights to make the internal connection between the project site and Drakes Cove Road, this alternative can be considered. No further action is required.

COUNTY OF MARIN

COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

April 10, 2023

Sent via email

Department of General Services
Attn: Joshua Palmer
Senior Real Estate Officer
c/o FirstCarbon Solutions 2999 Oak Road, Suite 250
Walnut Creek, CA 94597
Email: rkrusenoski@fcs-intl.com

Dear Joshua Palmer,

I am submitting this letter to you on behalf of the County of Marin and affiliated offices. This letter is intended to provide feedback and request further information about the analysis and project described in the environmental impact report (EIR) prepared for the Oak Hill Apartments project. In acknowledgement of the Oak Hill Apartments role in aiding the County of Marin to meet the goals of producing affordable housing, the County has committed $1.6 million to the project. Committed project funds come from local Marin Affordable Housing Fund, as well as federal Community Development Block Grant and Home Investment Partnerships Program funds administered by the County. The County is currently considering an additional $3.6 million in funding.

The Oak Hill Apartments site (APN: 018-152-12) referred to in the EIR, is part of the site inventory for the 2023-2031 Housing Element for unincorporated Marin County. The Housing Element and its related Development Code and Countywide Plan amendments were adopted by the Board of Supervisors on January 24, 2023. The site is referred to in the Housing Element as “San Quentin Adjacent Vacant Property,” and is a part of the Housing Overlay Designation (HOD). The HOD is an overlay that allows for ministerial review when the project complies with the County Form Based Code and density specified. The site is zoned for 30 units per acre. 1

County Comments on the Draft EIR:

Biological Resources Section:

Mitigation Measure BIO-1d, states that all bats are protected under state law (as non-game mammals). Please note that not only should special-status bats be surveyed, but all bats should be surveyed on the project site prior to construction. 2

Mitigation Measure BIO-2a: the mitigation ratio for restoring the loss of 0.27 acres of riparian thicket says at least 1:1. Typically, the ratio is 3:1 and could be more if restoration is occurring outside of the watershed. The EIR also discusses restoring oak woodlands that will be lost. Since Sudden Oak Death (SOD) affects many species of oaks, landscaping plants should be purchased from nurseries that use precautions against the spread of SOD/phytophthora. 3

Similarly, Mitigation Measure BIO-3 discusses filling in jurisdictional waters and mitigation with a minimum of 1:1 ratio. It should be a minimum of a 3:1 ratio, and more so if done off-site. 4

Cultural Resources Section:

In Section 3.4.2, under the "Regional Historic Background," "Spanish Period" section, the EIR refers to the "Eastern Miwok" in the first sentence. To be more precise, this should be revised to include the: "Coast Miwok." 5

In Section 3.4.2, under the "Local Historic Background," "History of Marin County" section, please remove "Costanoan Ohlone" from the first sentence as Marin County is not generally known to be their traditional territory. 6

In Section 3.4, please update Mitigation Measure "MM CUL-5: Native American Construction Monitoring" with general, non-confidential results of the tribal consultation. 7

Energy & Greenhouse Gas Sections:

Energy Section (Section 3.5) – since this is a state-sponsored project, the project is not subject to the County's local building ordinance (including the requirement that all new construction be fully electric). However, it seems there is an opportunity for this project to be built with fully electrical infrastructure. The EIR states that the project is not in conflict with the CEQA requirement to reduce fossil fuel use and increase renewable energy use, but greenhouse gas emissions could be further reduced by fully electrifying the some or all buildings. 8

Greenhouse Gas Section (3.7) – on the bottom of page 3.7.23, it is stated that the County is "currently in the process of developing their 2022 Green Building Ordinance." The County already adopted the code, which went into effect January 1, 2023 and includes a requirement that all-new construction be all electric. The EIR states that the project sponsor is exempt due to state sovereignty, but the project as proposed seems to conflict with the County's plan to comply with BAAQMD's Criteria A. More specifically, the project is inconsistent with EE-C4 since the project includes natural gas in the design, and is therefore inconsistent with the County's 2030 Climate Action Plan. If the project continues to propose natural gas to support the water heaters for the units, then it will likely need to comply with BAAQMD's Criteria B option. 9

The Department of Public Works included their comments as a separate attachment in the enclosure. If you have any questions please contact Senior Environmental Planner Tammy Taylor at ttaylor@marincounty.org or by phone at (415) 473-7873. 10

Sincerely,

Rachel Reid
Environmental Planning Manager

Marin County Planning Division (MCP)

Response to MCP-1
The commenter provides introductory remarks, project information, and information about the County Housing Element and the Housing Overlay Designation (HOD). No response is required.

Response to MCP-2
According to this comment, Mitigation Measure (MM) BIO-1d states that all bats are protected under State law (as non-game mammals), and this comment states that all bats, not just special-status bats, should be surveyed on the project site prior to construction.

MM BIO-1d was selected to address potential impacts under the section titled Impact BIO-1. That section (Impact BIO-1) evaluates whether the proposed project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS).

As discussed in Section 3.3, Biological Resources, pages 3.3-9 and 3.3-23 of the Draft EIR, the project site contains trees that could provide suitable bat roosting habitat, including for special-status bats such as pallid bat. However, the Draft EIR's Biological Resources Assessment (BRA) observed no bat species on-site during its wildlife surveys but conservatively concluded that impacts could occur to roosting bats if potential roosting habitats are removed during project construction. (Draft EIR, Appendix C, Biological Resources Assessment, page 44-45). With the implementation of MM BIO-1d, pre-construction roosting bat surveys would be conducted to avoid direct and indirect impacts on active bat roosts (Draft EIR, Section 3.3, Biological Resources, page 3.3-24—3.3-25). Although MM BIO-1d does state that a Biologist will conduct a survey for special-status bats before construction, the mitigation measure specifies that if the Biologist determines that bats are present, measures will be adopted to exclude the bats from the area (Draft EIR, Section 3.3, Biological Resources, page 3.3-24). The mitigation measure has been clarified to reference all bats, which will be reflected in Section 4, Errata, of this Final EIR. Accordingly, all bat species, and not just special-status bats, will be surveyed and excluded from construction if and when they are identified during the pre-construction roosting bat survey.

Response to MCP-3
The comment states that the mitigation ratio for restoring the loss of approximately 0.27 acre of riparian thicket is at least 1:1. However, the comment notes that typically the ratio is 3:1 and could be more if restoration is occurring outside of the watershed. The comment also states that the Draft EIR also discusses restoring oak woodlands that would be lost; however, since Sudden Oak Death (SOD) affects many species of oaks, landscaping plants should be purchased from nurseries that use precautions against the spread of SOD/phytophthora.

The Draft EIR's MM BIO-2a ensures that any impacts to riparian habitat, or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS, will be reduced to less than significant levels through either replacement at a comparable ratio here (at least 1:1) or through implementation of measures identified by the CDFW in a Streambed

Alteration Agreement (Draft EIR, Section 3.3, Biological Resources, page 3.3-25—3.3-26). The BRA (see Appendix C, Biological Resources Assessment, page 46) confirms that compensatory mitigation at a ratio of at least 1:1. Ultimately, the final ratio determination is made by the United States Army Corps of Engineers (USACE), the California State Water Resources Control Board (State Water Board), and the CDFW during the regulatory permitting process.[2] Restoration of oak woodland includes planting and maintaining of suitable oak species and co-occurring native woody vegetation, maintenance of mitigation plantings to guarantee establishment of a self-sustaining oak woodland. Additionally, Marin County regularly inspects nurseries for the presence of SOD and for Best Management Practices (BMP) compliance, so purchasing from nurseries that meet compliance requirements.[3] MM BIO-2a is clarified to include a requirement that replacement plantings would be purchased from nurseries subject to Marin County's jurisdiction and which are in compliance with its policies, as shown in Section 4, Errata.

As noted in MM BIO-2a, implementation of MM BIO-3, which requires implementation of measures identified by CDFW through the Streambed Alteration Agreement, will further reduce potential significant impacts on riparian vegetation and habitat to a less than significant level.

Response to MCP-4
The comment states that MM BIO-3 discusses filling in jurisdictional waters and mitigation with a minimum of 1:1 ratio but that it should be a minimum of a 3:1 ratio, and more so if done off-site.

Impacts to the jurisdictional waters on-site are regulated pursuant the Clean Water Act (CWA), Porter-Cologne Water Quality Control Act, and Fish and Game Code Section 1602 et seq. (Draft EIR, Section 3.3, Biological Resources, Impact BIO-3, page 3.3-26—3.3-28). The project applicant is required to comply with the avoidance, minimization and compensatory mitigation measures defined by the USACE, RWQCB, and CDFW. These agencies require a "no net loss" regarding aquatic area and function, which would offset any project-related impacts to a less than significant level under CEQA. As such, Impact BIO-3 is sufficiently analyzed to ensure the proposed project would not have a substantial adverse effect on State or federally protected wetlands through compliance with avoidance, minimization and compensatory mitigation measures defined by the USACE, RWQCB, and CDFW.[4]

Response to MCP-5
The comment states that in Section 3.4.2, under the "Regional Historic Background" section and "Spanish Period" subsection, the Draft EIR refers to the "Eastern Miwok" in the first sentence and should be revised to "Coast Miwok."

[2] As discussed throughout the Draft EIR, the proposed project is located on State land and the project's Lead Agency is the California Department of General Services (DGS). The proposed project is not subject to local regulations (Executive Order N-06-19). Thus, the Draft EIR does not utilize County policies to evaluate the proposed project's impacts to the environment. To the extent that this comment proposes a mitigation ratio that is specified in the Marin Countywide Plan, such a mitigation ratio is not required.

[3] County of Marin. 2022. Sudden Oak Death. Website: https://www.marincounty.org/depts/ag/rodents-insects-diseases/agriculture-pests/sudden-oak-death. Accessed May 3, 2023.

[4] As discussed throughout the Draft EIR, the proposed project is located on State land and the project's Lead Agency is the California Department of General Services (DGS). The proposed project is not subject to local regulations (Executive Order N-06-19). Thus, the Draft EIR does not utilize County policies to evaluate the proposed project's impacts to the environment. To the extent that this comment proposes a mitigation ratio that is specified in the Marin Countywide Plan, such a mitigation ratio is not required.

This has been amended to "Coast Miwok" in Section 4, Errata, to more accurately reflect the historic tribes in the region, as well as the existing ethnographic section of the Final EIR.

Response to MCP-6
The comments states that in Draft EIR, Section 3.4, Cultural Resources and Tribal Cultural Resources, Section 3.4.2, under the "Local Historic Background" section and "History of Marin County" subsection, the "Costanoan Ohlone" Tribe should be removed from the first sentence as Marin County is not generally known to be their traditional territory.

As shown in Section 4, Errata, this has been removed to accurately describe the local Native American tribe in the project area in the Final EIR.

Response to MCP-7
The comment states that in Draft EIR, Section 3.4, Cultural Resources and Tribal Cultural Resources, "MM CUL-5: Native American Construction Monitoring" should be revised with general, non-confidential results of the tribal consultation.

On August 23, 2021, a letter was sent to the Native American Heritage Commission (NAHC) in an effort to determine whether any sacred sites are listed on its Sacred Lands File for the project area. A response was received on September 2, 2021, indicating that the Sacred Lands File search produced a positive result for Native American cultural resources in the project area. The NAHC included a list of four tribal representatives available for consultation. On March 17, 2022, DGS sent each tribal representative a formal invitation to consult on the proposed project pursuant to Assembly Bill (AB) 52. As of the publication of this Final EIR, none of the tribes applicable to the proposed project have requested consultation with DGS or any of the other agencies associated with the proposed project, including the CDCR and the California Department of Housing and Community Development (HCD) (Draft EIR, Chapter 4, Cumulative Effects, Section 4.2.4, page 4-10). Thus, there are no tribes with AB 52 standing for this proposed project. Therefore, as shown in Section 4, Errata, MM CUL-5a and MM CUL-5b has been removed from the EIR. Additionally, Draft EIR, Section 3.4, Cultural Resources and Tribal Cultural Resources, outlines MM CUL-1, MM CUL-2, MM CUL-3, and MM CUL-4, which delineates processes for inadvertent discovery of cultural and TCRs that could occur during grading. Please note that CEQA requires certain information obtained during the tribal consultation process to be kept confidential (See Public Resources Code [PRC] §§ 21082.3, 20183). All non-confidential information has been included in the Draft EIR.

Response to MCP-8
The comment acknowledges that the proposed project is State sponsored. To clarify, the proposed project is located on land owned by the State of California and will be developed for State use and is therefore not subject to the County's local land use or building ordinances, including the requirement that all new construction be fully electric. However, the comment suggests that GHG emissions could be further reduced by fully electrifying some or all of the proposed project. This comment will be provided to the DGS for their review and consideration. Contrary to the commentor's suggestion, Section 3.5, Energy, of the Draft EIR includes a lengthy analysis on the proposed project's potential impacts related to use of fossil fuels and reliance on renewable energy and concludes that the proposed project would reduce reliance on fossil fuels while increasing

reliance on renewable energy sources. Section 3.5 states that the proposed project would use electricity for all non-water heating, cooking, lighting, and power, which would decrease the proposed project's use of fossil fuels, and facilitate the use of renewable energy sources for building energy demands (See Draft EIR, Section 3.5, Energy, page 3.5.15). Section 3.5 also identifies further ways in which the proposed project would decrease reliance of fossil fuels and accelerate adoption of electric vehicles (EV), including supply of EV charging stations, compliance with current CALGreen and Building Energy Efficiency standards, and supply of preferential parking for clean air and high occupancy vehicles (See Draft EIR, Section 3.5, Energy, page 3.5-15). The proposed project would also include photovoltaic (PV) panels on all residential buildings. Compliance with applicable Building Energy Efficiency standards will require compliance with the 2022 Energy Code's electric-ready standards, solar PV standards, battery storage standards, and energy budget requirements, which support State decarbonizations and electrification policy goals. Additionally, the fuel consumption estimated for the proposed project would result in a decrease in per capita transportation energy consumption when compared with State averages (See Draft EIR, Section 3.5, Energy, page 3.5-13). Therefore, while the proposed project would use natural gas for water heating, there is still a demonstrated decrease in reliance on fossil fuels and increased reliance on renewable energy sources. Impacts with respect to energy usage and GHG emissions are less than significant and insofar as the commenter proposes an all-electric iteration of the proposed project as a mitigation or alternative, it would not substantially lessen any significant impacts of the proposed project and therefore is not legally required or even feasible as a matter of law.

Response to MCP-9

The comment clarifies that the County has adopted their 2022 Green Building Ordinance, and that it went into effect January 1, 2023, which requires that all- new construction be all electric. The comment suggests that the proposed project conflicts with the County's plan to comply with Bay Area Air Quality Management District's (BAAQMD) Criteria A. More specifically, the comment states that the proposed project is inconsistent with Strategy EE-C4 since the project includes natural gas in the design and is therefore inconsistent with the County's 2030 Climate Action Plan (CAP). The comment concludes that if the project continues to propose natural gas to support the water heaters for the units, then it will likely need to comply with BAAQMD's Criteria B option.

As stated in Section 4, Errata, the Draft EIR inadvertently reverses the BAAQMD criteria, which will be corrected in the Final EIR. The Draft EIR's stated Criterion A is actually the BAAQMD's Criterion B, and vice versa. Thus, by demonstrating the proposed project's consistency with a local greenhouse gas (GHG) emission reduction strategy, the Draft EIR analyzes the proposed project according to the BAAQMD's Criterion B–not Criterion A which involves showing consistency with GHG-reducing project design elements. Therefore, the Draft EIR does analyze the proposed project according to the BAAQMD's Criterion B, which as explained above, involves demonstrating consistency with a local GHG reduction strategy. The local GHG reduction strategy assessed for the purpose of this analysis is the Marin County Unincorporated Area CAP 2030 (See Draft EIR, Section 3.7, Greenhouse Gas Emissions, page 3.7-20; Table 3.7-4).

In response to the comment regarding the project's inconsistency with CAP Strategy EE-C4, it should be noted that CAP Strategy EE-C4 contains the following two measures for the County to implement:

Measure 1 Continue to adopt a green building ordinance for new and remodeled commercial and residential projects that requires green building methods and energy efficiency savings above the State building and energy codes.

Measure 2 Prohibit the use of natural gas end uses in new residential buildings in the County's green building ordinance that aligns with the 2022 California Building Standards Code update. Extend the same prohibition to new nonresidential buildings in the 2025 code cycle.

As explained in the Draft EIR, Measure 1 calls for the County to adopt a green building ordinance that requires green building methods and energy efficiency savings above State building and energy codes. Development of the proposed project would not interfere with the County's strategy or ability to adopt an updated green building ordinance. In fact, as noted by the comment, the County has already adopted an updated green building ordinance that went into effect January 1, 2023 (2022 Green Building Ordinance). The proposed project has not interfered with Measure 1.

Measure 2 calls for the County to prohibit natural gas end uses in new residential buildings in a manner that aligns with the 2022 California Building Standards Code (CBC) update. Because the proposed project would be designed to comply with the 2022 CBC, the Draft EIR appropriately concludes that development of the proposed project would be consistent with the County's measure to prohibit natural gas end uses in accordance with the 2022 CBC. In other words, the proposed project, by virtue of its consistency with the 2022 CBC, renders it consistent with Measure 2. To the extent the project will use natural gas for discrete purposes, the County in its 2022 Green Building Ordinance has adopted a prohibition of natural gas end uses that goes beyond the prohibitions established by the 2022 CBC and thus the strategy implemented by Measure 2. In other words, the County's subsequent adoption of the 2022 Green Building Ordinance and its requirement that new residential construction be fully electric exceeds the demands of Measure 2 because it requires more than the 2022 CBC's prohibition on natural gas end uses. The 2022 CBC does not contain such a sweeping prohibition on natural gas end uses that prohibits natural gas-powered water heaters and requires fully electric new residential construction.

Accordingly, there is no disagreement between the proposed project and Strategy EE-C4. In summary:

(1) As explained above, the proposed project would be designed in accordance with the 2022 CBC and therefore would be consistent with Measure 2's goals of prohibiting natural gas end uses in new residential buildings that aligns with the 2022 California Building Standards Code update.

(2) Strategy EE-C4 ultimately calls upon the County to enact a green building ordinance meeting the stipulations of Measure 1 and Measure 2. This action is limited to projects within the County's regulatory jurisdiction and it has no direct applicability to the proposed project. The County has adopted a green building ordinance that meets the stipulations of Measure 1 and exceeds the stipulations of Measure 2, and the proposed project does not interfere with this adoption or its implementation of these measures on properties within

the County's regulatory jurisdiction. Thus, development of the proposed project has not and will not interfere with the County's attainment of Strategy EE-C4.

Response to MCP-10

The commenter provides closing remarks in the letter. No response is required.

April 6th, 2023

MARIN CONSERVATION LEAGUE
Protecting Marin Since 1934

Department of General Services
Joshua Palmer, Senior Real Estate Officer
c/o First Carbon Solutions
2999 Oak Road, Suite 250 Walnut Creek, CA 94597
Email: rkrusenoski@fcs-intl.com

Subject: Oak Hill Apartments @ San Quentin, Sir Francis Drake Boulevard; Draft Environmental Impact Report; SCH# 2022030718

Dear Mr. Palmer:

Marin Conservation League (MCL) appreciates the opportunity to review and comment on the Oak Hill Draft Environmental Impact Report (Draft EIR). By introduction, MCL is an 89-year-old environmental organization with a longstanding mission *"To preserve, protect and enhance the natural assets of Marin in a changing environment."* While housing is not a principal focus of MCL, the organization often reviews and comments on new housing development and supportive environmental documents.

MCL follows its current policy position on housing, which is to: a) support a balance of commercial development and workforce employment with needed housing; b) avoid sprawl; c) correspond to the service capacity of Marin's infrastructure; and d) protect specific areas of environmental importance. The subject eight-acre, infill site and project are generally consistent with MCL's current housing policy position as they provide an excellent opportunity for housing development offering an optimum location close to public transit, shopping, employment, and services. Further, the project presents a rare opportunity to provide true workforce housing for our teachers, firefighters, public employees, as well as for the many of our very low- and low-income service workers. The range of unit types and sizes are suitable for families. MCL would like to thank the State of California for making the site available for needed, affordable workforce housing, and for partnering with two reputable affordable housing developers. 1

MCL has reviewed the Draft EIR and finds that generally, it adequately addresses most of the potential environmental impacts from the project. Nonetheless, MCL presents the following comments, which warrant consideration for expanded discussion and inclusion in Final EIR: 2

1. Supportive Technical Studies. While the Draft EIR does a notable job of describing and presenting the analysis and the findings of the numerous technical studies, these supportive studies have not been appended to the document. The supportive studies, particularly the Biological Resource Assessment (prepared by FCS) and the Transportation Impact Study

(prepared by W-Trans) should be available for public review. It is requested that an appendix of these studies be included in the Final EIR. 2 CONT

2. Project Description. The Project Description in Chapter 2 presents no discussion or details on site grading, including amount of soil material estimated to be exported or overall amount of earth movement. The sole reference to earth movement is the planned removal of 5,000 cy of lead contaminated soil. However, in Draft EIR Section 3.6 (Geology/Soils), there is reference to an estimated 50,000 cubic yads of grading, but there are no details about the grading. A more detailed description of site grading and drainage infrastructure should be included in the Project Description. Knowledge of grading details is very critical in addressing the environmental topic areas of geology/soils, transportation, hydrology/drainage, and cultural resources. 3

3. Aesthetics. Draft EIR Section 3.1 presents a review of aesthetics as well as light and glare. While the project proposes large and tall building elements and a large parking garage, the visual analysis prepared for this topic area demonstrates that the project stays below the San Quentin ridgeline and is clustered to avoid encroaching in the Marin Countywide Plan Ridge & Greenbelt area. Further, the site is infill and is bordered by other developed sites, so it would not be out-of-character for the location. 4

4. Biological Resources. Draft EIR Section 3.3 presents a comprehensive assessment of biological resources. However, as noted above, the technical study supporting this topic discussion is not included as an appendix too the Draft EIR, and should be available for public review. MCL has the following comments regarding specific impacts and mitigation measures: 5
   a. Impact BIO-2 finds that the project would result in the loss of 0.27 acres of riparian Arroyo willow thickets, and the potential loss of 0.47 acres of coast live oak woodland. Mitigation Measure BIO-2a recommends onsite replacement of the riparian vegetation and coast live oak woodland (unless avoided) at a ratio of 1:1 or mitigated through credits purchased at a mitigation bank located in Marin County. However, there is no discussion of a location on the project site that is suitable for mitigation, or if onsite mitigation is even feasible or achievable. Further, MCL is unaware of a riparian vegetation or coast live oak woodland mitigation banks that are currently established in Marin. If there are mitigation banks available and suitable for mitigating this impact, bank type and locations should be identified and included in the Final EIR. There is a possible wetland mitigation area bayward of Sir Francis Drake Boulevard, which is within the City of Larkspur. This mitigation area should be explored and considered, if suitable. In order for Mitigation Measure BIO-2a to be feasible and successful, the measure must demonstrate how it can be implemented. Lastly, for the replacement option to be successful, the mitigation measure must include a reasonable monitoring period along with performance standards. 6
   b. Impact BIO-3 finds that the project would result in the loss of 0.17 acres of jurisdictional wetlands. Mitigation Measures BIO-3 recommends wetlands should be replaced onsite at a ratio of 1:1 or mitigated through credits purchased at a mitigation bank located in 7

San Francisco Bay Basin. As is the case with Mitigation Measure BIO-2a, at minimum, the mitigation measures should disclose if there is suitable land area within the project site to feasibly implement this measure. 7 CONT

c. Impact BIO-5 finds that the project would not conflict with local policies and regulations adopted for the purpose of protecting biological resources, such as a tree preservation/protection ordinance, and others. The County of Marin requires a 2:1 mitigation for the loss of wetlands, and typically requires the same mitigation ratio for impacts to other biological resources. While a 1:1 mitigation ration may be consistent with State requirements, the difference in the local policies and regulations should be noted. 8

5. Energy. Given the size of the project, an all-electric building design should be mandated or required as a mitigation measure. All-electric building design is assessed as an alternative in Draft EIR (Alternative 6) for which MCL supports. The roof design of this project affords an opportunity to install a rooftop photovoltaic (PV) solar panel system. Solar installation should be considered. 9

6. Geology/Soils. Draft EIR Section 3.6 assesses the geologic and soils conditions and impact. The Draft EIR finds that the site contains several insignificant slides and incised gullies, which is common to hillside properties in Marin. As noted above, this section presents very little information about site grading, except that it is estimated that there would be 50,000 cubic yads of earth movement. Please expand the discussion of grading, including its relationship to the existing slides and gully, as well as to groundwater. 10

7. Hazards and Hazardous Materials. Draft EIR Section 3.7 presents a comprehensive discussion of hazards and hazardous materials. In terms of fire hazard, the Draft EIR reports that the site is located in the Cal Fire "moderate fire hazard severity zone." So, there is no land use conflict with this potential hazard. Nonetheless, it is surprising that for Impact HAZ-5, which poses the question about a risk to people/residents to wildfire, there is no discussion of the need for a secondary emergency vehicle access (EVA). A single-access point serves all 250 housing units. Draft EIR Alternatives 3 (Traffic Signal at Project Driveway with Internal Connection to/from Drakes Cove Road Alternative) presents an opportunity to provide the adjacent Drake's Cove residential community with a safer, signalized access to this community. While an EVA may not be warranted for the project, Alternative 3 would facilitate two ingress/egress points to the project site and Drake's Cove. 11

8. Transportation. The project proposes a signalized intersection at project entrance. The signal would increase safety for and connect peds/bike lanes across Sir Francis Drake; would also provide safe access to ferry terminal. If there is going to be an export of soil (50,000 cu yds), the Final EIR should include the estimated number of truck haul trips and destination for the exported material. Given that an estimated construction schedule of 24-27 months, it would be prudent to install the signal at the front-end of the construction process. The front-end installation of a signal would provide controlled access for haul vehicles and construction vehicles, which is critical for safety, particularly during peak 12

hours. While this is not a comment on the adequacy of the Draft EIR, this suggestion should be considered. 12 CONT

Again, thank you for the opportunity to comment on the Draft EIR. MCL looks forward to reviewing the Final EIR and continued participation in the public review process. 13

Sincerely,

Robert Miller
President

Paul A. Jensen
Board Member

Organizations

Marin Conservation League (MCL)

Response to MCL-1
The commenter provides opening remarks in support of the proposed project. No response is required.

Response to MCL-2
The commenter requests that appendices be included in the Final EIR, and that the supportive studies, particularly the BRA and the TIS, be made available for public review.

The law requires that appendices be readily available for public examination and the Draft EIR Appendices have been made available to the public in compliance with State law. As noted in the Notice of Availability (NOA) published with the Draft EIR, all appendices, including the BRA and the TIS, were available upon request, with the exception of the Confidential Section 106 Cultural Resources Assessment, and indeed members of the public did request, and were provided, these materials. The appendices were also available in person during normal business hours at the address listed in the NOA. The appendices will also be available at the same locations, and, in the case of in-person review, at the same time, for the Final EIR. The Draft EIR also referenced the location of the technical materials prepared in support of the EIR analyses (See Notice of Preparation [NOP] and Draft EIR, Executive Summary page ES-6, and Chapter 1, Introduction, page 1-14–15).

Response to MCL-3
The commenter states that the Draft EIR does not provide sufficient details about the 50,000 cubic yards of grading and drainage infrastructure anticipated by the proposed project. The commenter notes that more information about grading and drainage is needed to address the environmental topic areas of geology/soils, transportation, hydrology/drainage, and cultural resources.

The CEQA Guidelines require that an EIR Project Description be prepared with sufficient detail such that the public can readily understand the full scope of the proposed project. Accordingly, a Project Description should specify the main features of the proposed project (State CEQA Guidelines § 15124).

The Draft EIR Project Description provides that 5,000 cubic yards of contaminated soil is to be exported during the project's grading activities (Draft EIR, Chapter 2, Project Description, page 2-5). The Draft EIR Project Description also provides that the entire site will be graded (Draft EIR, Chapter 2, Project Description, page 2-5). Exhibit 2-6 illustrates project massing and the contours of the finished grading at the project site (see also Exhibit 2-5, which shows the project cross section, including subterranean excavation). The scope of development is thus adequately described in the Project Description. Where subsequent environmental analyses required finer detail, it was included in the pertinent topical section. For instance, in Impact GEO-2 in the Draft EIR, Section 3.6, Geology and Soils, the analyses states that the proposed project would require approximately 50,000 cubic yards of total grading, which includes the excavated soil for the garages, and 431 tons of demolition debris (Draft EIR, Section 3.6, Geology and Soils, page 3.6-13; see also Section 3.2, Air Quality, page 3.2-25 and 3.2-40). It was not necessary to include this degree of detail in the Project Description and it was appropriately reserved and identified when necessary.

Further, the Draft EIR adequately addresses potential impacts resulting from drainage and grading. First, the proposed project is required to comply with the terms of the National Pollutant Discharge Elimination System (NPDES) permit, and would be required to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP), including BMPs for erosion control, sediment control, and pollution prevention (Draft EIR, Section 3.6, Geology and Soils, page 3.6-13 and 3.6-14). It is also required to submit a Stormwater Treatment Plan in compliance with the San Francisco Bay RWQCB requirements (Draft EIR, Section 3.9, Hydrology and Water Quality, page 3.9-16). The project applicant must apply for a Notice of Intent (NOI) with the State Water Board to obtain coverage under the NPDES permit (Draft EIR, Section 3.9, Hydrology and Water Quality, page 3.9-9). These requirements are outlined in more detail in Section 3.9, Hydrology and Water Quality, of the Draft EIR.

Second, in terms of geology and soils impacts, a Geotechnical Feasibility Evaluation for the proposed project was prepared by Miller Pacific on August 19, 2022. The Geotechnical Feasibility Evaluation based its assumptions on grading, including new cuts and fills, up to 30 feet or more. The Geotechnical Feasibility Evaluation evaluated potential impacts due to grading. MM GEO-1 requires that all recommendations of the Geotechnical Feasibility Evaluation be implemented. These include site grading considerations and site drainage system requirements. Additional details about these requirements and how they would keep impacts related to grading and drainage less than significant can be found in the Geotechnical Feasibility Evaluation in Appendix E.

Third, the confidential Section 106 Report states that FCS Archaeologists compared the boundaries of the proposed grading plans with known cultural resources in the area and concluded that the proposed project would not encroach on known resources. Draft EIR, Section 3.4, Cultural Resources and Tribal Cultural Resources, outlines MM CUL-1, MM CUL-2, MM CUL-3, and MM CUL-4, which delineates processes for inadvertent discovery of cultural and TCRs that could occur during grading. Additionally, traffic impacts related to heavy trucks hauling soil during construction would be a temporary impact that would not result in a significant impact to traffic, and related impacts (e.g., air quality) were covered by the foregoing analyses and other construction-related impact analyses prevalent throughout the Draft EIR (e.g., Draft EIR, page 3.2-25 and 3.2-40 [Air Quality], 3.8-20 [Hazards and Hazardous Materials], 3.10.16 [Land Use and Planning],and 3.11-14, 3.11-15, and 3.11-6 [Noise]). Accordingly, no significant impacts would occur as a result of construction traffic.

Finally, in compliance with MM HAZ-2, a Soil and Groundwater Management Plan (SGMP) was prepared for the proposed project and available in Appendix F. Thus, the Project Description and Draft EIR adequately addresses the concern regarding grading and drainage in this comment.

Response to MCL-4
The commenter expresses agreement with the conclusions made in Draft EIR, Section 3.1, Aesthetics, Light, and Glare. No response is required.

Response to MCL-5
The commenter states that the BRA was not included as an appendix to the Draft EIR, and requests that the BRA be made publicly available.

As stated in Draft EIR, Chapter 3.3, Biological Resources, the BRA is included in Appendix C (See NOP and Draft EIR, Chapter 1, Introduction, page 1-14). As also noted in the NOA published with the Draft EIR, all appendices, including the BRA, were available upon request, with the exception of the Confidential Section 106 Cultural Resources Assessment. The appendices were also available for the public to review in person during normal business hours at the address listed in the NOA. The appendices will also be available at the same locations, and, in the case of in-person review, at the same time, for the Final EIR. Please also see Response to MCL-2.

Response to MCL-6
The commenter requests that the Draft EIR clarify whether on-site mitigation of riparian arroyo willow thickets and coast live oak woodland is feasible, and if it is not, to identify the mitigation bank types and locations that are off-site. The commenter also states that MM BIO-2a must demonstrate how it can be implemented and include a reasonable monitoring period along with performance standards. The commenter also notes that there is a possible wetland mitigation area bayward of Sir Francis Drake Boulevard, which is within the City of Larkspur, and recommends that this mitigation area should be explored and considered, if suitable.

Potential impacts to riparian habitat and wetlands, as well as applicable mitigation measures, are discussed under Impact BIO-2 and Impact BIO-3. Please also see Response to MCP-3, above, for further information regarding applicable mitigation measures for potential impacts to riparian habitat and wetlands.

A long line of CEQA cases provide that CEQA does not require the Draft EIR to specify the precise mitigation bank the project applicant would be required to pay into. The mitigation bank is determined during the regulatory process and is a requirement that must be completed prior to obtaining development permits. The applicant will be required to submit a Mitigation and Monitoring Plan (MMP) prepared by a qualified Restoration Ecologist that will include a monitoring and planting program as well as planting and maintenance protocols defining planting locations, density and spacing, a native species palette, browse protection, irrigation regime, replacement of dead plants, annually, performance criteria, escalating performance criteria until the mitigation goal is achieved, long-term funding commitments, monitoring and reporting based on the trajectory for achieving the 1:1 minimum replacement (Draft EIR, Section 3.3, Biological Resources, page 3.3-25–26). Additionally, Impact BIO-3, which requires implementation of measures identified by the CDFW through a Streambed Alteration Agreement, will further address and set forth protocol for reducing potential significant impacts on riparian vegetation and habitat (Draft EIR, Section 3.3, Biological Resources, page 3.3-26–27). The BRA determined that these mitigation measures are feasible and will adequately mitigate potential impacts (See Appendix C, Biological Resources Assessment, page 46-49). No further action is required.

Response to MCL-7
The comment states that MM BIO-3 should disclose if there is suitable land area within the project site to feasibly implement the measure.

Potential impacts to wetlands, as well as applicable mitigation, are discussed under Impact BIO-3. Please also see Response to MCP-3 and MCL-6, above, for further information regarding applicable mitigation measures for potential impacts to riparian habitat and wetlands.

Mitigation for the fill of jurisdictional waters shall be accomplished through creation or restoration of other waters at a minimum 1:1 ratio within the project site, at an approved mitigation bank, or at another location within a San Francisco Bay Basin watershed approved of by the USACE, RWQCB, and CDFW (Draft EIR, Section 3.3, Biological Resources, page 3.3-26–27). CEQA does not require the Draft EIR to specify the precise mitigation bank the project applicant would be required to pay into. The mitigation bank is determined during the regulatory process and is a requirement that must be completed prior to obtaining development permits.

The mitigation goal shall be to create and/or enhance aquatic habitats with habitat functions and values greater than or equal to those that will be impacted by the proposed project (Draft EIR, Section 3.3, Biological Resources, page 3.3-26–27). Furthermore, MM BIO-2a states that the applicant shall submit an MMP to the CDFW for review. Moreover, MM BIO-2a goes on to describe what at minimum the MMP should contain to ensure success.

Response to MCL-8

The comment states that Impact BIO-5 notes the proposed project does not conflict with local policies and regulations adopted for the purpose of protecting biological resources, but the comment states the County of Marin requires a 2:1, rather than 1:1 mitigation.

Impact BIO-5 correctly concludes that no conflicts with local policies or ordinances will occur because there are no local policies or ordinances that are applicable to the proposed project (See also Section 3.10, Land Use). Draft EIR, Section 3.13, Land Use and Planning, pages 3.3-13 and 3.3-14 summarize that the proposed project is located on State-owned land and pursuant to Article XI, Section 7 of the California Constitution, a State agency is not subject to local regulation unless the Legislature expressly waives immunity in a statute or the California Constitution (see also Executive Order N-06-19). DGS has not waived immunity for the proposed project, and County-adopted land use plans, policies, and regulations are, therefore, not applicable to the project.[5]Further, the analysis of potentially significant impacts on biological resources and prescribed mitigation was prepared by experts and is otherwise supported by substantial evidence.

Response to MCL-9

The comment recommends that all-electric building design as proposed as Alternative 6 in the Draft EIR, be considered and required as mitigation for the proposed project. The comment adds that solar installation should also be considered. Section 3.5, Energy, of the Draft EIR demonstrates that the project would not result in wasteful, inefficient, or unnecessary consumption of energy resources and would not conflict with or obstruct any State plan for renewable energy or energy efficiency, and therefore the energy-related impacts of the proposed project would be less than significant, and therefore no mitigation (such as all-electric design) can be required (See Draft EIR, Section 3.5,

[5] As discussed throughout the Draft EIR, the proposed project is located on State land and the proposed project's Lead Agency is the California Department of General Services (DGS). The proposed project is not subject to local regulations (Executive Order N-06-19). Thus, the Draft EIR does not utilize County policies to evaluate the project's impacts to the environment. To the extent that this comment proposes a mitigation ratio that is specified in the Marin Countywide Plan, such a mitigation ratio is not required.

Energy, page 3.5-15–16). As discussed in Chapter 7, Alternatives to the Proposed Project, of the Draft EIR, Alternative 6 would not substantially lessen any significant project impacts, given the proposed project's impacts on air quality, energy, and GHG emissions are already less than significant (Draft EIR, Chapter 7, Alternatives to the Proposed Project, page 7-23–7-25). Accordingly, no further analysis or consideration of Alternative 6 is required. Please also see Response to MCP-9. Finally, as noted in Chapter 2, Project Description, page 2-4 of the Draft EIR, the project will include solar panels.

Response to MCL-10
The comment requests that the EIR expand the discussion of grading, especially related to landslides, groundwater, and existing gullies be further discussed.

See Response to MCL-3. Section 3.6, Geology and Soils, Impact GEO-2, in the Draft EIR, states that the proposed project would require approximately 50,000 cubic yards of total grading, which includes the excavated soil for the garages, and 431 tons of demolition debris (Draft EIR Section 3.6, Geology and Soils, page 3.6-13; see also Section 3.2 Air Quality, page 3.2-25 and 3.2-40). The Draft EIR also provides that the entire site will be graded (Draft EIR, Chapter 2, Project Description, page 2-5). Exhibit 2-6, which is part of the Project Description, shows project massing and the contours of the finished grading at the project site (see also Exhibit 2-5, which shows the project cross section, including subterranean excavation).

Draft EIR, Section 3.6, Geology and Soils sufficiently summarizes the existing conditions and impacts of landslides, groundwater, and gullies with regard to the proposed project, as studied by the Miller Pacific Engineering Group (Draft EIR, Section 3.6, Geology and Soils, page 3.6-6–3.6-12; Draft EIR, Appendix E [Geotechnical Feasibility Evaluation]). While sea-level rise is predicted to lead to rising groundwater generally, sea-level rise is not expected to exacerbate on-site risk of liquefaction (Draft EIR, Section 3.6, Geology and Soils, page 3.6-11). The Draft EIR additionally concluded that prominent gullies to the north of the project site appeared to be caused by downcutting and erosion and that under static conditions, sloping portions would likely be prone to localized shallow slumps and debris flows (Draft EIR, Section 3.6, Geology and Soils, page. 3.6-12). While the Draft EIR found that slope instability could have a potentially significant impact, it concluded that in general there is a low risk of instability affecting the proposed site slopes provided they are designed in conformance with the seismic design criteria recommended in the Geotechnical Feasibility Evaluation (Draft EIR, Section 3.6, Geology and Soils, page 3.6-12). Therefore, the implementation of MM GEO-1, which would ensure that final site plans and grading plans would be evaluated to confirm the incorporation of appropriate structural protections, would reduce impacts to a less than significant level. Additionally, Impact GEO-2 of the Draft EIR discussed the proposed grading activities associated with the proposed project. The conclusion in the Draft EIR was that the proposed grading activities would have a less than significant impact with mitigation incorporated. No further response is required.

Response to MCL-11
This comment states that a secondary Emergency Vehicle Access (EVA) is not considered in Impact HAZ-5 despite its designation by the California Department of Forestry and Fire Protection (CAL FIRE) as a "Moderate Fire Hazard Severity Zone" and expresses a preference for Access Alternative 3

proposed in the TIS because it facilitates two ingress/egress points to the project site and Drake's Cove and because it provides signalized access to the community. This comment is noted.

As discussed in Impact TRANS-4 (see Section 3.12, Transportation, page 3.12-20–3.12-21), the proposed project would not result in inadequate emergency access, and impacts are less than significant. In addition to a main drive aisle, the proposed project includes the required aerial fire apparatus access road, identified as a fire lane in Chapter 2, Project Description, and shown in Exhibits 2-4 and 2-6. The proposed project is equipped with sprinklers and contains two points of ingress/egress in the case of an emergency, and thus complies with the California Fire Code (See also Draft EIR, Section 3.8, Hazards and Hazardous Materials, page3.8-22). The proposed project's internal circulation system therefore would not present any impacts related to emergency access.

There is no significant impact of the proposed project with respect to fire safety and, while Alternative 3 may include more circulation pathways, it does not substantially lessen any impact of the project and thus is not feasible as a matter of law. Further information regarding Alternative 3 and its feasibility is included in the Draft EIR's alternatives analysis.

Response to MCL-12

The comment states that the Final EIR should include the estimated number of truck haul trips and destination for the exported material and recommends that a signal be installed at the front-end of the construction process to provide controlled access for haul and construction vehicles.

The Draft EIR contained all pertinent details regarding project construction and includes significant analysis of this topic. Please refer to Response to COL-21 for more information regarding the evaluation of construction traffic impacts. The comment does not identify any potentially significant impact associated with truck haul trips that has not already been evaluated in the Draft EIR. As discussed in the Draft EIR, the proposed project would comply with all applicable regulations concerning the transport of exported soil material.

The Draft EIR lists the number of truck haul trips per day in Section 3.2, Air Quality, Table 3.2-9 on page 3.2-25. The Draft EIR provides that the proposed project would result in an average of 1,360 trips per day (Draft EIR, Section 3.2, Air Quality, page 3.2-26). This number includes 238 building trips per day plus 50 vendor trips per day (Draft EIR, Section 3.2, Air Quality, Table 3.2-9 on page 3.2-25). Construction impacts were addressed throughout the Draft EIR including: Impact HAZ-6 (Section 3.8, Hazards and Hazardous Materials, page 3.8-20); AQ Impacts (Section 3.2, Air Quality, page 3.2-40); Noise (Section 3.11, Noise, page 3.11-14–16); Cultural and Tribal Cultural Resources (Section 3.4, Cultural Resources and Tribal Cultural Resources, page 3.4-24–28), Hydrology (Section 3.9, Hydrology and Water Quality, page 3.9-15–20, and 3.9-22); and Land Use (Section 3.10, Land Use and Planning, page 3.10-18).

The Draft EIR provides that the nearest facility that accepts contaminated soils is the Transfer/Process Facility located at 18613 Waterflood Road, Lost Hills, CA 93249, approximately 260 miles from the project site (Draft EIR, Section 3.2, Air Quality, page 3.2-25). 260 miles was used for the hauling trip length for calculations of construction off-site trips (Id.)

The commenter proposes signalization of the intersection at the proposed project's entrance. The Draft EIR indicates that construction traffic would be a very small portion of the proposed project's operational impacts, and there is no operational consideration, including any safety consideration that would warrant such. Impacts of the proposed project's construction are less than significant, and it would be legally infeasible to require mitigation where no impact is found.

Response to MCL-13
The commenter provides closing remarks in the letter. No response is required.

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INTRODUCTION

Approximately 8.5 acres of a state-owned Pistol Range near San Quentin Prison with frontage on Sir Francis Drake Boulevard was declared as surplus land by the State of California be dedicated for an affordable housing development ("Site"). After receipt of three proposals responding to the Request For Proposal ("RFP"), the Department of Governmental Services ("DGS)" selected a 250-unit proposal submitted by Eden Housing and Educational Housing Partners ("Proposed Project") as the development team ("collectively Developer"). Eden housing will be responsible for the design and construction of 115 units for extremely low, very low, and low income residents while Education Housing Partners will be responsible for the design and construction of 135 units of moderate-income workforce housing, primarily for educators and employees of the County of Marin. DGS is leading the entitlement process and is the lead agency for the environmental review under the California Environmental Quality Act ("CEQA"). 1

CEQA guidelines require a discussion of any inconsistency between a proposed project and an applicable general plan, specific plan or regional plan. Prior to offering a RFP for the Proposed Project, DGS failed to include any design or land use guidelines for the Proposed Project in the RFP.[1] This lack of design and land use guidelines and policies in the RFP resulted in proposals using different design criteria with two much lower density proposals that use selected design standards from the City of Larkspur while the third used land use policies stated in the Marin County General Plan for residential development. This lack of design and land use guidelines and policies, such as such as height, setbacks, open space and off-street parking requirements, resulted in the responder to the RFP using different design criteria in their responses. 2

The Site's west boundary line share a common property line with the Drakes Cove Development, which is under the jurisdiction of the City of Larkspur that has similar traffic congestion issues . The importance to have a consistency analysis with appropriate applicable general plan, specific plan is important in that many cities incorporate provisions from Marin County's Zoning Code to address common planning issues such traffic congestion. Two of the proposals refer to land use design standards from the City of Larkspur, and/or land use policies in Marin County General Plan.

The below comments are submitted on behalf of several residents in Drakes Cove Community ("Neighbors"), which is immediately west and adjacent to the Site. The Neighbors do not object to the development of site for affordable housing and the need to process such housing application quickly. The Neighbors recognized that it is difficult if not impossible to develop a State wide design or land use guidelines applicable to the State's surplus land. However, DGS could simply include the land use policies from an appropriate local jurisdiction applicable to a particular project site in the RFP for this Proposed Project. Marin County and its cities and towns share their information and public resources on-line to ensure the land use that any development. The lack of design and/or land use policy guidelines precludes any discussion of inconsistencies with the applicable plans submitted with proposals to be addressed as required by 3

[1] State Agencies, such the University of California, Local Community Colleges etc, develop design guidelines for their projects so the responses to RFPs would meet the intent of the proposed use.

the CEQA Guidelines.. The lack of design and/or land use policy guidelines precludes any discussion of inconsistencies with plans submitted with proposals to be addressed as required by the CEQA Guidelines. The Neighbor's comments on the DEIR are presented under the Topics below. 3 CONT

A. Project Description

The DEIR determined that the Proposed Project will not have any significant impact that would affect the environment including the adjacent Drakes Cove community. The Neighbors disagree and are submitting the following comments on the DEIR that includes comments on the Proposed Project Description, the environmental impact analysis and the Project alternatives.

The Proposed Project is the construction of two 100 percent affordable residential buildings with 250 apartments on an approximately 6.7 acres of the Site. The DEIR states that one building would provide "135 dwelling units available to low to moderate income educators working in and are employees of the County of Marin" and the second building would provide 115 dwelling units available to extremely low to low income residents. The Proposed Project also includes 350 off-street parking spaces (1.4 car per unit) in below grade garages. (See Exhibit 2-5 for building section). There will be three outdoor amenity terraces at the podium levels of the two buildings totaling 22,600 sq. ft., 35,000 sq. ft. of landscaped area and approximately 10,000 sq. ft of interior amenity area. See DEIR pages 2-3 to 2-5. The proposed Project will require extensive excavation of the hillside for up to four levels of underground parking under the two proposed building. 4

CEQA Guidelines require certain information to be included in the Proposed Project description. The Proposed Project's Project Description failed to meet the CEQA Guideline requirements, including, but is not limited to, the following:

1. DEIR Exhibits. Revise the DEIR so that all exhibits follow the page on which they are first mentioned. The exhibits in the project description should immediately follow the first mention of the exhibit so that the reader is not required to scroll through numerous pages to view the exhibit. For example, Exhibits 2-1and 2-2a are first mentioned on page 2-1 of the DEIR but are inserted 10 and 12 pages after they are cited. 5

2. Site plan and floor Plan. Site Plan and floors plans with dimensions are essential to understand the project and associated impacts. Page 2-3 of the DEIR states that the project would be located "…on approximately 6.7 acres of the 8.3-acre project site". This is a project level EIR, however, there is no exhibit to illustrate the exact location of the buildings and associated improvements with dimensions from the site boundaries and surrounding land uses. A detailed site plan needs to be added for a full understanding of the proposed project and associated impacts. 6

3. <u>Project Amenities, Landscaping, and Open Space</u>. The DEIR states on p. 2-4 that the Project will include 35,000 sq. ft. of landscaped open space and approximately 35,000 sq. ft. of 7

outdoor landscape space. Exhibit 2-4 shows only 22,600 sq. ft. for the three outdoor amenity areas. A landscape plan exhibit needs to be provided to accompany the brief description of project amenities, landscaping and open space provided with dimensions for each outdoor amenity area and the correct square footage for each outdoor amenity space. 7 CONT

The Project Site flanked by steep slopes to the north, east and west toward the center of the site with an elevation difference of approximately 293' between Sir Francis Drake Boulevard at the south and the ridge line to the north. Please revise the description and provide consistent square footage of the usable outdoor amenity space as the northern portion of the site to be used for recreation. 8

4. Identify tree removal and planting. The number, size, and species of trees to be removed and planted should be identified by description and showing in an exhibit. 9

5. Unit Count/Unit Square Footage. Please correct the "Total Units/Spaces" number column 6 in Table 2-2. 10

6. Proposed sustainable design features. The project FAQ page states that "The preliminary design concept seeks to integrate into the hillside by gently terracing the homes to maximize bay views. . ." The Project FAQ page states that "The preliminary design concept seeks to integrate into the hillside by gently terracing the homes to maximize bay views. . ." The proposed sustainable features listed on page 2-4 of the DEIR did not include solar panels, or low E windows in the Project Description section of the DEIR. Are the features listed on page 2-4 still proposed and implemented? If so, the Project Description needs to be revised to include a general note on a site plan, floor plan(s) or landscaping plan and locations for the tenant bicycle storage should be provided in the floor plans. 11

7. EV charging station detail. The DEIR does not specify how many EV charging stations will be included. Please identify the number and approximate locations of the EV charging stations. 12

8. Parking. How many parking spaces and their locations will be available for visitors on the project site? 13

9. Affordability Unit Mix. On page 2-3, the DEIR states that "the unit affordability mix may change depending on financial conditions." Given the rising construction costs between 2020 and when the Proposed Project would start construction, please provide a new analysis of the economic feasibility for the Proposed Project in the DEIR given the current inflation and higher interest rates. What agency or governing body is going to control the unit affordability mix or does the Developer have the power to unilaterally alter the affordability mix of the Proposed Project? 14

10. Emergency Exits. When elevators are not operating in case of emergency, fire, how long will it take tenants who are elderly or residents with mobility challenges to arrive at a safe location? 14 CONT

11. Approval Process. A list of permits and other approvals required to implement the project is one of the items that is in the CEQA Guidelines that should be included in the project description. Please advise the Neighbors of the following:

- Will the response to comments be provided to the general public prior to the EIR Certification hearing?
- Is certification of the EIR a public hearing and when the notice of the hearing with the name(s) of decision maker, the date, the time and the location will be published and provided to neighbors and/or responsible agencies who submitted comments on the DEIR. When will the FEIR be provided to the public with sufficient to review prepare comments on the draft FEIR. 15
- Is the project approval a public hearing? If yes, will it be on the same day as certification of the FEIR? When will the staff report with analysis of all aspects of the project including the project's compatibility with the surrounding environmental setting and response to comments be released to the public?

Light and Glare

Will all exterior lighting be down lighting? 16

Air Quality

1. Pursuant to the Appendix F of the DEIR, A Phase II Environmental Site Assessment Report ("Phase II ESA Report") limited the testing area for lead to the abandoned Pistol Range. The Phase II ESA Report states on page 2 described the Pistol Range area as "where firing was presumed to occur towards the northeast toward the hillside". In our opinion, the tested area in the Phase II ESA Report needs to be substantially expanded due to the fact that Central Marin Police and DGS were informed by the home owner of 35 Drakes Cove Road that his landscaper contractor found a foreign object – a rusted ammunition – on the San Quentin property at the western most boundary on July 15, 2021.. This discovery mandates expanding the investigation area to include the hillside area around the Pistol range to ensure that all other ammunitions are found and removed prior to commencement of grading and excavation of the project site and will be discussed fully in the Hazardous Materials Comments below. 17

2. Due to the high level of lead in the soil, the Neighbors are extremely concerned with airborne toxic dust during construction. The Neighbors request that additional air quality monitoring be installed on the test site area and two locations along the west side of Drakes Cove Road in consultation with the Neighbors or the Drakes Cove Home Owners Association ("HOA). 18

The additional monitoring locations are necessary to establish a baseline of the current air quality and resume air quality monitoring throughout all construction phases to ensure that the impact on residents of the Drakes Cove community will be protected from any airborne toxic dust. The air quality should ensure that the monitoring process include protocols to immediately cease construction and remediate any contamination for every monitored alert. Upon any alert from such monitors, it would immediately stop all construction activities, implement the decontamination protocol for workers and air monitoring equipment at the expanded test site. 18 CONT

3. Please refer to the presence of old ammunition immediately adjacent to a Drakes Cove resident' home in the Hazard and Hazardous Material Section. The Neighbors request expansion of the number and air quality monitoring area be expanded, including locations within the Drakes Cove complex throughout the construction process and protocols to immediately stop all construction activities, implement the decontamination protocol of the workers and monitoring equipment. After every alert and follow the advice of the air quality consultant related to set up additional monitoring requirement for the on-site construction workers and plan and for the monitoring equipment. 19

Biological Resources

Please provide copies of the completed biological survey required under MM BIO-1a and the comments from California Department of Fish and Game in your response to our comments. 20

Energy

Electricity is not natural resource. Gas and fossil fuel are still used to produce a large percentage of the electricity use in California. Until production of electricity can meet the increasing demand from the existing buildings and EVs, California is facing increasing risk of rolling black-outs. David Herr, a resident of the Drakes Cove Community submitted a comment letter dated April 22, 2022 in response to the Notice of Preparation ("NOP"). In Herr's NOP scoping letter, he raised several issues which were not addressed in the DEIR. The Neighbors agree with those comments and incorporate the comments under the Energy, Utilities and service topics in David Herr's comment letter dated April 22, 2022. 21

Electricity is not natural resource. In 2021, 50.56% of California's electricity is generated from coal, natural gas, oil, other (Waste Heat / Petroleum Coke), nuclear and large hydro, of which 50% is natural gas. Until natural gas production of electricity can meet the increasing demand from the existing buildings and EVs, California is facing increasing rolling blackouts. David Herr, a resident of the Drakes Cove Community submitted a comment letter dated April 22, 2022. In Herr's NOP scoping letter, he raised several issues which were not addressed in the DEIR. The Neighbors agree with those comments and incorporate the comments under the Energy, Utilities and service topics in David Herr's comment letter dated April 22, 2022.[2]

[2] https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/2021-total-system-electric-generation/2020

Green House Gas

The Neighbors agree with the comments of the letter from David Herr as DEIR comments dated April 6, 2023 and his comments are incorporated herein. 22

Geology and Soils

A Geotechnical Feasibility Evaluation of the Project dated August 19, 2022 ("Miller Report") was prepared by Miller Pacific Engineering Group ("Miller'). The site was used in the 1970s as a gun range by the San Quentin State Penitentiary. The Miller Report reference a Final Phase 1 Environmental Site Assessment report by AECOM dated July 31, 2020 (AECOM Phase 1 Report and a Limited Phase 2 Report dated April 11, 2022. 23

1. The Miller Report analysis relied on a project description provided to Miller for the construction of a 3-story building and grading that would involve new cut and fill up to 30 feet or more into the hillside, and not a 5-story building with excavation for a 4 story below grade garage for 350 cars (see DEIR Exhibits 2-5 and 2-6.) in the DEIR.

2. The Miller Report was completed by Miller when the State of California was experiencing years of drought. The Miller Report notes on page 5 under the heading of Surface Conditions that the presence of man-made "open drainage channels located near the westernmost drainage channel and the presence of vegetation suggests a considerable amount of water flows through the western portion of the site". AECOM did not indicate it is Phase 1 report if groundwater was encountered in any of their boring. However, the data in the Log of borings showed the depth of groundwater encountered in 1980. It is unclear if AECOM's Phase II Report tested the soil samples for hazardous materials and scope of testing. 24

3. The Proposed Project is anticipated to export approximately 5,000 cubic yards of concrete rubble and soil contaminated by lead from demolition of the Pistol Ranges. However, the 5,000 cubic yards does not include the excavated soil for the underground garages that are partially located. The Miller Report should provide information on the estimated substantial amount of cubic yards soil and rock that will be excavated in order that the impacts of the excavation on construction trip traffic on all adjacent neighboring property can be analyzed under all relevant topics in the DEIR, including but not limited to impacts on noise, transportation, geology, hazard and hazardous materials et al. 25

4. The depth of groundwater in the Miller Report is based on data from 1981 borings by Geotechnical Consultants Inc. ("1981 data") that showed groundwater was encountered at 16' and 13' respectively below grade in Borings TP-5 and SP1 and at 2' below grade in Boring SP-2. The Miller Report indicates that dewatering might be required. The AECOM report did not indicate if groundwater was encountered. The DEIR assumes that there would not be any lead in the groundwater and ignored other hazardous materials and metals found in the soil test samples in Cameron-Cole's Phase II ESA testing and there is no testing information on ground water samples in the Phase II ESA Report. This assumption is incorrect. 26

The 1981 groundwater data cannot be used to determine current groundwater levels. Subsequent to completion of the 1981 Report, there have been 11 Category 1 to Category 4 rain events in the Bay Area between December 2022 and end of March, 2023 providing rainfall approaching historic volumes. The Miller Report should be updated to determine the current ground water level and collect groundwater from any boring where water is encountered and test for contaminant. Contaminated groundwater will be processed different. 26 CONT

Hazards and Hazardous Materials

The comments hazards and hazardous Material are based on review of the Phase I Environmental Site Assessment Report dated July 10, 2022 ("C-A Phase I Report), the Phase II Report dated September 29, 2022 and the Soil and Groundwater Management Plan dated February 14, 2023 by Cameron-Cole.

1. The project site was used as a Pistol Range which has left concentrations of lead in soil on the Site. Cameron Cole only tests only a limited area of the site, corresponding to the area where they anticipated where lead bullets would have terminated their flight. 27

2. The Cameron-Cole Phase II Report states that soil samples were collected at up-range locations. These soil samples were tested by Eurofins Test America. The test data show lead content ranging from 14mg/kg to 730 mg/kg that exceed Environmental Screening Level ("ESL") and other hazardous materials that exceed ESL. See Table 1 of Cameron-Cole Phase II Report. See Table 1 of the Soil and Ground Water Management Plan. Cameron-Cole prepared the Soil and Groundwater Management Plan to address potential airborne dust particles with lead. However in the absence of any ground water data, the Soil and Groundwater Management Plan does not include any testing of the ground water. 28

3. The DEIR States on page 3.8-17 that "…lead concentrations in down-range locations that far exceeded background lead concentrations and the Direct Exposure Human Health Risk Residential ESL at several on-site soil boring locations. Because disturbance of lead concentrations could create hazardous conditions during both construction and operation of the proposed project, this condition creates a potentially significant impact." ***However, there is evidence that lead from ammunition is also found in higher elevations***.

DSG was informed by David Herr on April 22, 2022 that old ammunition was found at higher elevation. Nevertheless, neither the Phase II ESA, nor the Soil and Groundwater Management Plan mentioned finding of old ammunitions on the San Quentin property, adjacent to residence 35 Drakes Cove Road around June/July 2021. The notes from a Drakes Cove Resident stated that 29

> "We called 911 and the police and the fire department responded, as did the Air Force bomb squad from Travis AFB, I believe. The Larkspur Police were up here for several hours, and I think that either them or the Travis group took it away, although I am not sure. The bomb squad determined that it was some sort of gas grenade used by the San Quentin guards during training. It was very old and rusted

> out, and I believe that it had been fired. It was found on the surface of the ground by the people clearing the hillside of brush for fire protection purposes. I think that several photos were taken of it, but I have no idea who would have those. I am pretty sure that the police and the bomb squad took photos. This would have taken place in late June or July 2021."

29 CONT

The DEIR acknowledges that the elevation of Drakes Cove Community is higher than the Pistol range. The finding of old ammunition and a gas grenade used by the San Quintin guards during their training exercises mandates that additional investigation must be conducted to ensure that the site is clear of old ammunition on this Project Site. It is troublesome that the DEIR did not address this issue after the DSG was informed the incident required the bomb squad from Travis AFB being called to the Drakes Cove Community site a year ago.

30

A revised Soil and Groundwater Management Plan that will test, segregate, and dispose of all contaminated soil was completed and is part of Mitigation Measure AZ-2 to reduce those adverse impacts to a less than significant level must be in place prior to certification of the FEIR for the Proposed Project. The Neighbors agrees with the comments from David Herr's comment letter dated April 6, 2023 to DSG regarding hazards and hazardous materials. Please provide your response to those comments to his statement on hazards and hazardous materials.

4. The Neighbors are concerned with such a high level of lead and contaminants that they might become airborne toxic dust during construction. The Neighbors would also like air quality monitoring at additional locations within the Drakes Cove complex throughout the construction process, along with protocols to be followed upon any alert from such monitors to immediately stop all construction activities, implement the decontamination protocol for workers and air monitoring equipment and remediate cause for the alarm prior to allowing construction to continue. Accordingly, we request that additional testing be conducted in an expanded area that includes both the hillside to the northwest and along the west side of Drakes Cove Road.

31

5. DSG and other responsible agencies must carefully review and analyze the Soil and Groundwater Management Plan to ensure that all adverse impacts can be reduced to less than significant. The updated Soil and Ground Water Plan will be the document required by Mitigation Measure HAZ-2.

32

6. The updated Soil and Groundwater Management Plan must include groundwater testing

33

Hydrology and Water Quality

Please refer to comments under Geology and Soils above and David C. Herr's letter dated April 22, 2022 commenting on the EIR scoping

34

Land Use and Planning

CEQA Guideline requires discussion of inconsistency between a proposed project and the applicable general plan, specific or area plan or regional plan. The Propose Project Site is located in Marin County and is immediately adjacent to the City of Larkspur. Due to the absence of any design guidelines and land use controls on the use of the State's surplus land, the DEIR did not discuss the Proposed Project's consistency with either the Marin County or Larkspur's General Plan and Zoning Code, and Zoning Maps or, the Marin County Congestion Management Agency's travel demand requirements that have been incorporated into the City of Larkspur's Zoning Code. This failure precludes a proper and legal analysis of the Proposed Project's environmental Impacts. 35

Noise

1. The Developer proposes construction hours of 7AM to 7PM on weekdays, and 9AM to 5PM on Saturdays (Draft EIR p. 379 (Section 3.11)). To reduce the impact of noise from construction equipment the Neighbors request limiting the working hours to no work on Saturdays, Sunday or holidays and from 7 AM to 5 PM on weekdays for normal construction activities with no heavy equipment operation before 8 AM. The Neighbors are agreeable to reasonable exceptions made for time-sensitive construction phases such as concrete pours provided the Neighbors are given 72 our prior notice. 36

2. The Neighbors are concerned that only two locations were chosen for monitoring construction and traffic noise at the Project Site and that neither are adjacent to Drakes Cove Road. This monitoring scheme will not provide an accurate level of ambient, construction and other noise generated by the Project that would adversely affect the Neighbors and all Drakes Cove residents. 37

3. The DEIR states that a doubling of the traffic volume will result in a noise level of 3 dBA. The Alternative Projects are improvement measures directed at the Proposed Project's driveway location to access the Project Site. Two of the measures involved the use of Drakes Cove Road to access the drive way to the Project Site. The other involves a no left turn from Sir Francis Drake to Drakes Cove Road. The trip generation from the Proposed Project's 250 dwelling units will more than double the traffic volume on Drakes Cove Road. An updated traffic report is required to established the ambient noise and the projected noise level from traffic at the two locations discussed above. An updated traffic report is required to established the ambient noise and the projected noise level from traffic at the two locations discussed above. Without this information, requested by Neighbors in the transportation section below, Drakes Cove residents will not be able to evaluate the impact of the two noise alternatives. The updated noise Report should also include mitigation measures should the noise impact on the Drakes Cove residents be significant. 38

4, The Neighbors are concerned that only two locations chosen for construction and traffic noise monitoring at the Project Site and none adjacent to Drakes Cove Road will not provide an accurate level of construction and other noise generated by the Project on the Drakes Cove residents. Two of the measures involved the use of Drakes Cove Road to access the driveway to 39

the Project Site. The other involve a no left turn from Sir Francis Drake to Drakes Cove Road. The updated noise Report should also include mitigation measures if the noise impact on the Drakes Cove residents are significant. 39 CONT

Transportation

1. Final Transportation Impact Study ("Transportation Study"). The Transportation Study for the EIR dated December 22, 2022 ("Study") was prepared by Traffic Engineering Transportation Planning for the County of Marin. The analysis in the Transportation Study is for the Oak Hill Apartment Project. Please clarify why this Study was prepared for the County of Marin and why the County of Marin, and who reviewed and approved the Transportation Study to be included in the Proposed Project EIR. Please provide the name of a contact person and e-mail address if a member of the public has question about the Study. 40

2. Sir Francis Drake Boulevard is not a State Highway but under the jurisdiction of the City of Larkspur. 41

3. According to DEIR, the Proposed Project is anticipated to export approximately 5,000 cubic yards of debris and concrete from demolition of the contaminated Pistol Range. The 5,000 cubic yards ***do not*** include the excavated soil, rock and debris for the underground garages; therefore this figure is incomplete. Please provide the type of dump truck to be used, the estimated number of dump truck trips required to remove the excavated debris, soil and rock from the Project Site at the end of the excavation and grading phase of the Proposed Project and when construction of the basement garage level will begin. 42

4. Level of Service ("LOS') Methodology. The Study use the methodologies in the Highway Capacity Manual ("HCM") to evaluate the intersection studies in the provided in the DEIR and the Level of Service Methodology ("LOS") to rank the traffic operation at intersections using traffic counts. The City of Larkspur, the City of San Rafael and the Marin Countywide Plan use LOS to evaluate the operations at intersections with the operational standard at LOS D. The Average Daily Traffic ("ADT") collected for the I-580 ramps to and from East Sir Francis Drake Boulevard was 25,600 vehicles in June 2021, 28,200 in July 2021 and a 24-hour machine count on East Sir Francis Drake Boulevard recorded 28,183 vehicles in July 2021. See DEIR page 11 of the Transportation Study. The DEIR concluded that the 2021 traffic counts sufficiently represent typical traffic patterns, despite the effect of the pandemic. The Neighbors disagree with this conclusion. 43

The draft DEIR ignored the fact that California public schools re-opened in August 2021, after the traffic counts of 2021 were collected. An ever-increasing number of small business and office have reopened to customers and employees. Although many employees are still working from home, employers are increasingly insisting that their employees return to the office. Television news traffic reports show the AM and PM peak hour traffic on the bridges and frequently state that commutes are returning to pre-pandemic normal. The PM peak hour traffic starts at 3 pm or earlier, with congestion decreasing well after 6 PM.

The Neighbors notice the increase in traffic on 101 off ramps at Sir Francis Drake Blvd and the I 580 – Bellam off-ramps and the increasing congestion between the Sir Francis Drake Blvd off ramp and Drake Cove Road. It is the opinion of the Neighbors that the 2021 traffic count was outdated and does not accurately reflect the number of vehicles for this EIR. A new or an updated traffic study for this EIR is required. 43 CONT

The LOS level data for the four DEIR studied intersections are in Appendix I Tables 8 and 9 of the DEIR. The LOS data in Tables 8 and 9 shows that the intersections at East Sir Francis Drake Boulevard ("ESFDB") at the Project Site Driveway, at Drakes Coves Road and at Andersen Drive. During the PM peak hours, all four intersections will degrade from LOS A to LOS E during the AM peak hours with existing+Proposed project. During the AM peak hours the intersections of ESFDB and Drakes Cove Road the LOS will drop from LOS A to LOS D while the intersection at ESFDB/Andersen Drive will all degrade from LOS A to LOS F.
.
Neither LOS E or LOS F are acceptable service levels, LOS F is a significant traffic adverse impact on the environment. Please revised the discussion on the Project's impact on the studied intersection in plain English so that members of the public can understand the Proposed Project's impact on their life and activities are not less than significant. The revised Traffic Study should be actively communicated to the Members of the Public in East Bay and Marin counties due to the thousands of commuters impacted. The Neighbors believe that these impacted commuters are unaware of this project and impacts, as evidenced by the low turnout of the Project Town Hall held in March 2023 at San Rafael High School. Response to comments should address the comments mentioned in the Town Hall. 44

Please obtain the AM and PM peak traffic count for the month of January to March 2023 for the studied intersections in Tables 8 and 9 and compare with the 2023 count. If the January- March 2023 number is higher than the 2021 ADT count, please use the January to March 2023 ADT to recalculate the LOS ranking for in Tables 8 and 9 for the intersections of SFDB/Drakes Cove Road and SFDB/Drakes Cove Road and SFDB/Andersen Drive; in Tables 8 and 9.for the Transportation Study and adjust other associated transportation impact accordingly. Please note that this information is important to members of the pubic who reside near the project site and the intersections of Sir Francis Drake Boulevard studied in DEIR because those traffic data provide information affecting their daily commute but was not included in the DEIR. 45

The Neighbors believe that the most important information for members of the public on the impact of the Proposed Projects who those reside near the intersections of Sir Francis Drake Boulevard studied in DEIR. See Tables 8 and 9 in the Transportation Study. Yet the information in the above Tables should provide information affecting the Neighbors when they leave and return to their home was not in the DEIR, but in the technical appendixes. What Neighbor would read the appendixes? 46

5. Vehicle Miles Travel Methodology ("VMT"). The discussion of VMT method was unclear and confusing. The DEIR uses VMT as one of the methods in determining the transportation impact of the Proposed Project. It is unclear to the Neighbors why the VMT is 47

used in the Transportation Analysis in the DEIR, whereas it is clear that the LOS methodology is used to analyze the Proposed Project's impact on the studied intersections. The study indicates a significant impact on the studied intersections in the DEIR.

The DEIR on page 3-12-17 states:

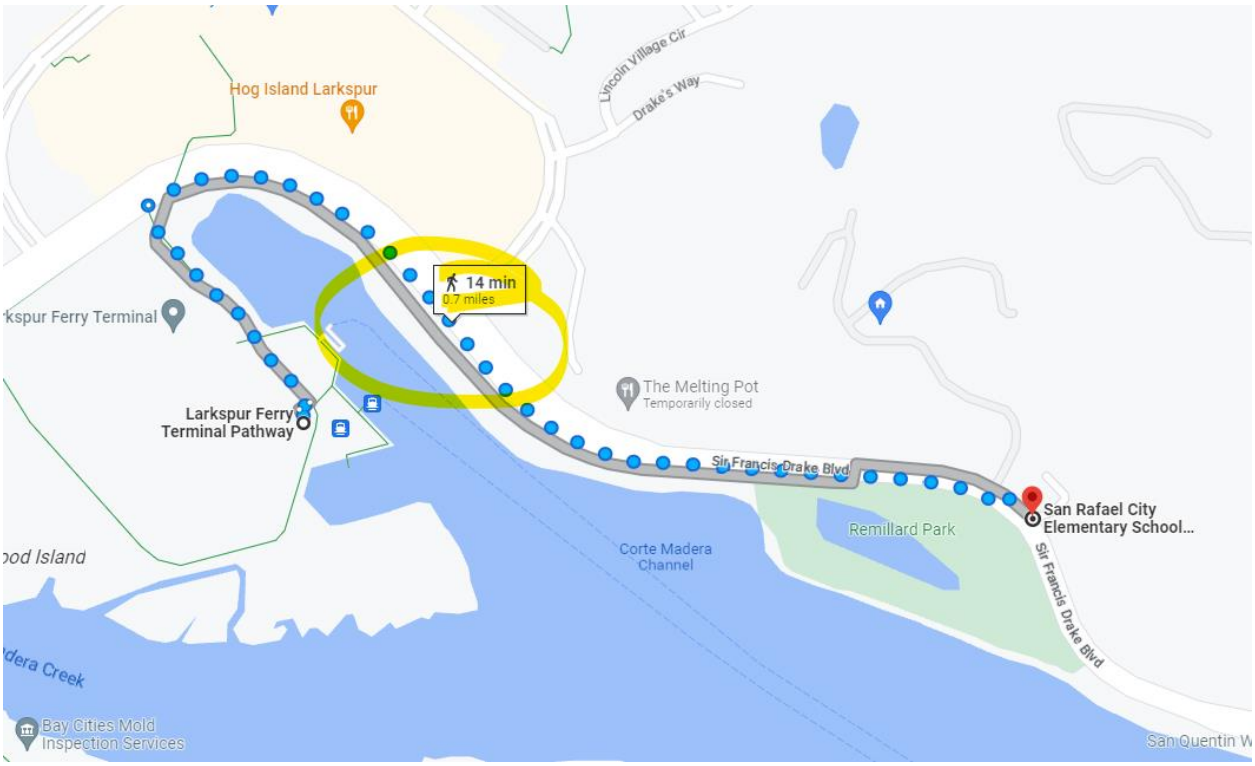
> ". . . for land use projects or programs in the unincorporated areas of a county within an MPO area, which for the County is the MTC nine-county-Bay Area, the VMT significant threshold should be based on the regional average capita. . . . "

The DEIR also states the "The anticipated generation for the proposed project was estimated using standard rates published by the Institute of Transportation Engineers ("ITE") in Trip Generation Manual, 10th Edition, 2017 for "Multifamily Housing (mid-rise)." The potential on roadway safety in terms of increased queuing and need for signalization was evaluated with project traffic added to existing condition. The VMT methodology was not explained so that a person with average intelligence can understand what is the VMT methodology and how it works. With two methodologies used to analyze traffic impact, the DEIR is unclear which table is based on LOS and which is based on VMT. The HOA's President is an attorney with above average intelligence yet he had a lot of problem trying to understand what VMT is all about. A public document like the Project DEIR cannot be written so that only a specialist in the field of transportation engineering can understand the alphabet salad of acronyms and abbreviations. Please provide an explanation of VMT and LOS in simple English and which Tables in the Transportation Appendix of the DEIR and which the data in the Transportation Table in the DEIR or Appendix is the result of a VMT methodology and which is the result of LOS methodology.

47 CONT

The baseline per capita rate for TAMDAM, (which stands for Transportation Authority of Marin Demand Model) is 13.1 with a significant Threshold of 11.3 and the Project rate is 10.1. This project qualifies for use VMT as a screening tool because the project site is within 0.5 mile of a major transit stop, in this case the Larkspur Ferry. The distance between the Project site and the Larkspur Ferry/Golden Gate buses to San Francisco is approximately 0.7 miles.

48



DEIR Table 3.12-1 on page 3.12-4 show the maximum Left-Turn Queues for existing conditions for the study intersections. This Table show left-turn queues without the 250-unit Proposed Project as ***13 vehicles during AM peak hours and 19 during PM peak hours***. Was the left-turn queues traffic data based on actual traffic count?

49

The left-turn data in DEIR Table 3.12-20 ***for existing condition plus Project being 17 during AM peak hours and 15 during PM peak hours.*** Please explain how the increase in traffic by the trip generation of 250 new dwelling units can result in **only *three (3) additional* vehicles queuing waiting for a left-turn during AM peak *hour and four (4) fewer vehicles queuing during the PM Peak hours.***

6. What is the TAZ for the City of Larkspur and for the Proposed Project Site? If the Proposed Project is annexed by the City of Larkspur, the design and land use controls in the Larkspur's Zoning Code, including its Congestion Management Plan, must be applied to analyze the Proposed Project's environmental impacts. Did the DEIR use Larkspur Ordinance to evaluate the Propose Project's transportation impacts in the DEIR?

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7. Currently, Sir Francis Drake Blvd off ramp traffic from Highway 101 is already heavy and backs up onto HWY 101 during peak commute hours. The additional trips generated by the Proposed Project will add to the current congestion and Greenhouse Gases. Additional congestion of a few minutes in traffic of primarily single-occupancy internal combustion engines idling should be added to the air quality and noise study.

51

Cumulative Impacts

Cumulative Impacts are when the less-than-significant impacts of one project are combined with others and become significant. DGS has decided to use the List of Project Method to evaluate the cumulative impacts. The DEIR identified the areas included for cumulative impacts of this project include City of Larkspur, the City of San Rafael, the Town of Corte Madera, and the County of Marin and the City of Marin.

The DEIR states that the 2000 Larkspur Landing Circle project is inactive and excluded it from the DEIR cumulative project list. However, the Larkspur Landing Circle project (specifically Ross Valley Sanitary District "RSVD" site) has spent Ten Million dollars to clean up lead and other hazardous materials from the Site preparatory to construction of a proposed hotel. The RSVD site is currently entitled for ~126 residential units plus hotel plus office space. Please provide the reason for excluding the 2000 Larkspur Landing Circle/RSVD Project when lead and other hazardous materials known to exist on the Site has been removed which is necessary prior to commence of any construction activity on a project site including grading and excavation activities on the project site. 52

The DEIR also excluded The Larkspur Ferry Terminal Project from the cumulative list on the basis that the Ferry Terminal Project is not expected to be approved until 2024. However, since the DEIR uses the List Project Method for Cumulative Impacts analysis which includes pending projects in the approval pipeline and since the Ferry Terminal project is expected to be approved in 2024 (see footnote 1 on page 4-2) it should be included in the cumulative impact list. The City of San Rafael provided a list of 15 projects to be included in the DEIR's cumulative impact analysis. The DEIR used the Town of Corte Madera's on-line interactive approved project list; does this list include projects that are pending and being reviewed? 53

Please provide a complete list of projects for cumulative analysis, including the two projects mentioned above and others.

Alternatives

1. DEIR does not provide a reasonable range of alternatives as required under CEQA. CEQA Guidelines require that "…this Draft EIR presents a reasonable range of potentially feasible alternatives to the proposed project for analysis and evaluation of their comparative merits, pursuant to CEQA Guidelines Section 15126.6." No true alternatives are provided that would reduce the impacts of the Proposed Project in the DEIR. Instead, the alternatives analysis is an empty formality. Aside from the No Project Alternative, the DEIR purports to present six alternatives. As detailed below, none of Alternatives meet the standard requiring that an EIR provide a reasonable range of alternatives to the proposed project. 54

2. Alternatives 2, 3, 4, and 5 are simply traffic control changes and vehicular access variations with no other changes to the project. At best, they are improvement measures. These alternatives were part of the Traffic Impact Study and are identified in the Project Description 55

Section of the DEIR in Exhibit 2-7. Such traffic improvement measures are usually identified during the EIR preparation process to determine what transportation improvements may be necessary to reduce project impacts and improve safety. These alternatives are not true alternatives to the proposed project. 55 CONT

Alternative 2 is, according to page 2-5 of the DEIR, the proposed access for the proposed project from Sir Francis Drake Boulevard and is part of the Proposed Project description.

Alternatives 3 and 4 are not feasible because the Neighbors will not grant permission to allow any connection to the private Drakes Cove Road, 56

Alternative 5 should be rejected. Alternative 5 presented on page 7-4 of the DEIR would prohibit left-turn access to Drakes Cove Road. Elimination of the existing left-hand turn pocket on East Sir Francis Drake Boulevard at the Drakes Cove Road intersection would prevent vehicles traveling eastbound on East Sir Francis Drake Boulevard from turning left onto Drakes Cove Road, resulting in a right-in/right-out intersection at Drakes Cove Road. The existing left-turn pocket would be restriped as a through lane for eastbound traffic. This would present a hardship for residents of Drakes Cove that currently does not exist and, as stated on page 7-23 of the DEIR, "This alternative ultimately does not substantially lessen any significant impacts of the project." 57

Alternative 5 would require right enter and a right exit would require an huge inconvenience for entry into Drakes Cove Road especially when approaching from the south. Instead of exiting at Sir Francis Drake Boulevard, the driver would be forced to continue into San Rafael then and take either Hwy 580 or Anderson Ave via Bellam to reach Sir Francis Drake Blvd. This 3.5+ miles of additional travel could add as little as 8 minutes during non-commute times to 31+ minutes during peak commute periods. The reverse would be true for vehicles leaving Drakes Cove to drive to the Richmond San Rafael Bridge. As noted in Table 7-1 the GHG and transportation impacts of this alternative could be greater than the proposed project. There would be no basis for adopting this alternative and it would be rejected by the Neighbors.

3. Alternative 6 is not a true project alternative. It is a simple change in the type of water heaters provided. Instead of gas they would be electric which should be part of the proposed project anyway given state and county de-carbonization regulations and policies. 58

4. Alternative 7 is not fully developed or analyzed, it simply assumes the project would be annexed by the City of Larkspur with no changes whatsoever to the project otherwise. Moreover the General Plan or the City of Larkspur's Zoning Code are not utilized for the design of the DEIR Project. Sir Francis Drake Boulevard is a local Arterial not a State Highway and is under the jurisdiction of the City of Larkspur and San Rafael that have to implement these proposed Alternatives 3, 4, and 5. Please include the City's Larkspur and San Rafael's responses to the Project DEIR on transportation. 59

5. The Alternative Section of the DEIR should be revised to include alternatives to the proposed project that meets the requirements of Section CEQA Guidelines §15126.6 and the following "underlying purpose" and "project objectives"

Section 2.3 of the DEIR states that "The underlying purpose of the proposed project is to improve affordable housing options by maximizing the value of currently underutilized infill parcels by transforming them into a sustainable, high-quality, multi-family community. The objectives of the proposed project are to:

- Implement Executive Order N-06-19 through the development of affordable housing in a High Housing Needs zone on a site deemed suitable for affordable housing by the Department of General Services (DGS) and the Department of Housing and Community Development (HCD).

- Address the regional housing and employment imbalance in the County by maximizing affordable housing units for moderate, low, and extremely low-income households as well as much-needed workforce housing for Marin County educators and County employees, which includes homes in a range of unit sizes and with high-quality architecture, sustainable design elements, and amenities for low-income residents that are commonly incorporated into market-rate housing, such as fitness centers, community rooms, business/computer labs, outdoor terraces, a community courtyard, a fenced dog run, and children's play areas.

- Cluster residential development on the project site with a thoughtful site design that takes into consideration the natural site topography and preserves significant amounts of open space."

60

The two Reduced Density Alternatives discussed below, both of which would meet the above "underlying purpose" and project objectives, should be included in the DEIR:

6. ***Proposed Alternatives***

A. *City of Larkspur Alternative*.

As shown in the figure below, the project site is adjacent to the City of Larkspur and within the City of Larkspur Sphere of Influence and Urban Service Area. This alternative includes a revised project with densities based on the City of Larkspur General Plan and Zoning Ordinance. The highest residential density land use designation in the City of Larkspur General Plan is "High Density Residential" which allows up to 21 units per acre.

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Reduced Density: Using the City of Larkspur density controls, this project will have a maximum dwelling unit density of 174 units including utilization of the "State's Density Bonus Program: Requested Individually."

30' maximum Height Buildings: This alternative would be more responsive to the project objective stated in Section 2.3 of the DEIR to "Cluster residential development on the project site with a thoughtful site design that takes into consideration the natural site topography and preserves significant amounts of open space."

Reduced parking: A maximum of three below grade levels of parking instead of four. Under this alternative, there would be 76 fewer units than under the proposed project and a correspondence of reduction in the number of parking spaces provided. At a ratio of 1.4 parking spaces per unit, which is the same as that planned under the proposed project, there would be 244 spaces instead of 350 spaces.

61 CONT

The proposed project has 350 parking spaces and devotes four levels and 137,000 square feet to parking or 391.43 square feet per parking space. Under this alternative, approximately 95,509 square feet of space would need for parking, or roughly 41,491 fewer square feet, and one less level of parking than required under the proposed project.

B. *Senior Housing Alternative*.

This alternative should be included in the revised DEIR. Under this alternative, similar to the Proposed Project, there will be two Buildings. The first building will have 35 dwelling units for Educators residing in Marin County and working in a Marin County School District. The second building will have 115 dwelling units for extremely low to very low income Senior residents. This alternative would meet all the objectives of the project stated on page 2-8 of the DEIR but will result in a slight reduction in the building massing because there would be no three-bedroom units under this alternative and a greater number of studio units, decreasing the overall total square footage and massing.

The justification for this alternative is detailed below:

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1. 23.4 percent of Marin County's population in 2022 are aged 65 and older compared with just 15.2 percent statewide. The demand for senior housing in Marin County is high.

2. Fewer parking spaces would be needed for senior housing which would result in less excavation and associated impacts associated with the four-level Proposed Project's parking garage.

3. VMT would be reduced.

4. GHGs would be reduced.

5. Air quality impact would be reduced.

6. Public services impacts would be reduced due to a decrease in the impact on schools.

This alternative would also include a shuttle service to provide rides to the ferry and SmartTrain. 63 CONT

C. *Alternative Site Project Alternative*

DGS has recently completed surveying and declaring a list of State surplus property that would be suitable for multi-family development. The Neighbors suggests that the State explore an alternative site and select an alternative site for this a similar project where the construction costs could be lower without hazard and hazardous materials, such as the high expanse relate to removal with the lead because the DEIR site was used as a pistol range since the 1970s. 63

Individuals

Drakes Cove Neighbors (DCN)

Response to DCN-1
This comment consists of introductory information and does not raise any environmental issues related to the proposed project. Therefore, no further response is required.

Response to DCN-2
This comment consists of remarks regarding the Request for Proposal (RFP) process and does not raise any environmental issues related to the proposed project. The RFP process is outside the scope of CEQA, as it does not have physical impacts on the environment.

Additionally, the comment implies that a consistency analysis should be completed to analyze the proposed project's consistency with County zoning and the City of Larkspur's General Plan. As described throughout the Draft EIR, the proposed project must be evaluated based on its compliance with applicable regulations pursuant to Article XI, Section 7 of the California Constitution, which states that a State agency is not subject to local regulations unless the Legislature expressly waives immunity in a statute or the California Constitution (see also Executive Order N-06-19) (Draft EIR, page 3.1-8 [Aesthetics]; page 3.3-13 [Biological Resources]; page 3.10-5 [Land Use and Planning]; and page 6-1 [Other CEQA Considerations]). The Lead Agency, DGS, has not waived immunity for the proposed project. Therefore, local land use plans, policies, and regulations, such as the Marin County Zoning Code and the City of Larkspur General Plan are not applicable to the proposed project. The Draft EIR determined that the proposed project would comply with the applicable State regulations.

Insofar as the commenter has concerns about aesthetics, no specific comments are made. The Draft EIR fully evaluated the project's aesthetics in Section 3.1, Aesthetics, Light, and Glare. This analysis included an assessment of the proposed project's visual setting and four visual simulations showing the project design from multiple angles. A detailed impact analysis demonstrated the proposed project, in the context of its built and unbuilt surroundings, would have less than significant impacts. The fact that neither City nor County design standards do not apply, in light of the fact that the proposed project's actual design was evaluated by experts, does not alter or impinge on the analysis. Therefore, no further analysis is required.

Response to DCN-3
This comment states that the Drakes Cove Community does not oppose the proposed project for affordable housing but expresses support for using design and land use policies from local jurisdictions to analyze any potential inconsistencies between these local policies and the proposed project. As described in Response to DCN-2, the proposed project is required to comply with Article XI, Section 7 of the California Constitution and was therefore evaluated based on State guidelines and regulations. (Draft EIR, page 3.1-8 [Aesthetics, Light, and Glare]; page 3.3-13 [Biological Resources]; page 3.10-5 [Land Use and Planning]; and page 6-1 [Other CEQA Considerations]). The Lead Agency, DGS, has not waived immunity for the proposed project. Therefore, local land use plans, policies, and regulations, such as the Marin County Zoning Code and the City of Larkspur General Plan are not applicable to the proposed project. This comment does not raise any specific

environmental impact issues related to the proposed project or the Draft EIR. Therefore, no further response is required. Please also see Response to DCN-2, incorporated herein by this reference.

This comment also raises concerns about the RFP process. The RFP process is outside the scope of CEQA, as it does not have physical impacts on the environment.

Response to DCN-4
The comment summarizes the Project Description and introduces the concerns about potential environmental impacts resulting from the proposed project. The concerns pertaining to environmental impacts are addressed in the following responses.

Response to DCN-5
The comment requests revision of the Draft EIR so that the exhibits follow the page on which they are first mentioned.

The Draft EIR format complies with CEQA. According to the CEQA Guidelines, a Draft EIR must contain a Table of Contents or index; summary; list of organizations and person consulted in its preparation; list of the EIR preparers; Project Description; environmental setting; discussion of significant impacts (i.e., direct, indirect, cumulative, growth-inducing, and unavoidable impacts); a discussion of alternatives; mitigation measures; and discussion of irreversible changes. The Draft EIR complies with these substantive CEQA Guidelines. CEQA provides that EIRs should be prepared in a "standard format" when feasible. The Draft EIR follows conventional publishing standards and is presented in a common EIR format. The exhibits are presented in a reasonable manner. Therefore, this request is outside the purview of CEQA and does not raise any environmental issues. Revision of the Draft EIR is not required.

Response to DCN-6
The comment states that there is no exhibit showing a detailed site plan with the exact locations of the proposed buildings and associated improvements with dimensions from the site boundaries and surrounding land uses.

The CEQA Guidelines set forth specific technical requirements for a Project Description. The Guidelines require, among other things, that the location and boundaries of the proposed project be shown on a detailed map, preferable topographic, and that the location of the project also appear on a regional map.

The Draft EIR contains several exhibits that depict detailed maps showing the location of all proposed buildings and associated improvements. Chapter 2, Project Description, Exhibit 2-1 is a regional location map showing the project site in relation to the greater Bay Area. Exhibit 2-2a is a local vicinity map showing the project site in relation to surrounding uses. Exhibit 2-2b shows the proposed project site in relation to surrounding roads and bicycle paths. Exhibit 2-3 shows the location of the proposed buildings, roadways, paths, parking lots, and other proposed improvements on a topographic map. The map details the roof and grade elevation and height to the roof of each proposed building or improvement. Exhibit 2-4 shows the conceptual site plan overlaid on aerial imagery, which provides a visualization of the proposed improvements in relation to surrounding land uses. Exhibit 2-6 demonstrates the building heights in relation to the surrounding topography.

The Draft EIR meets the technical requirements for a Project Description under CEQA. CEQA is not to be interpreted to add new requirements beyond the statute and Guidelines, and courts have rejected that notion that an EIR must include final structural designs. Accordingly, no further action is required.

Response to DCN-7
This comment includes a request for a landscape plan exhibit. Further, the comment provides that the Draft EIR states on page2-4 (Chapter 2, Project Description) that the proposed project would include 35,000 square feet of landscaped open space, and 35,000 square feet of outdoor landscape space, but that Exhibit 2-4 shows only 22,600 square feet for the three outdoor amenity areas.

The Project Amenities, Landscaping, and Open Space sections of Chapter 2, Project Description, provides a description of landscaping proposed for the project (See also Section 3.3, Biological Resources, Exhibit 3.3-4 [showing landcover and vegetation communities]).

The Draft EIR is clear that the proposed project would consist of 35,000 square feet of outdoor amenity space. Chapter 2, Project Description, Table 2-2 on page 2-4 to 2-5 shows that the landscaped amenity area would total 35,000 square feet. Further, the Draft EIR provides that proposed project would include 1,500 linear feet of pedestrian walkways throughout the project site, and that other open green space would be featured throughout the project site. Exhibit 2-4 shows three specific *outdoor* open space areas that would be provided adjacent to the proposed buildings, two of which would be 5,300 square feet, and one of which would be 12,000 square feet. Figure 2-2 confirms that further outdoor amenity space would be distributed on other levels throughout the project site. As discussed further in Chapter 2, Project Description on page2-4 of the Draft EIR, the 35,000 square feet of amenity space would also include a variety of passive and active recreational areas for residents including community terraces, play areas, and a fenced dog area. For clarification, this remaining open space would be distributed on decks located throughout the buildings and in areas surrounding pedestrian trails as diagrammed on Exhibit 2-4. This information is verifiable through review of other Draft EIR exhibits, including the site cross-sections in Exhibit 2-6, the three-dimensional topographical map in Exhibit 2-6, and visual simulations in Section 3.1, Aesthetics, Light, and Glare. All necessary information is provided in multiple formats for review in the Draft EIR, and there is no additional information necessary to inform a reader's understanding of the proposed project's environmental impacts (and indeed the commenter identifies no cognizable deficiency).

Response to DCN-8
The comment includes a request for "consistent square footage of the usable outdoor amenity space as the northern portion of the site to be used for recreation."

See the Response to DCN-7, above. As described in both Chapter 2, Project Description, and Chapter 5, Effects Found not to be Significant, the proposed project would incorporate approximately 35,000 square feet (or about 0.8 acre) of landscaped open space and approximately 35,000 square feet of outdoor amenity space, which would host a variety of passive and active recreational areas for residents including a community terrace, play area, a fenced dog area, and other recreational amenities that would serve project residents. TAs shown on Exhibit 2-3 and Exhibit 2-4, three specific

outdoor open space areas would be provided adjacent to the proposed buildings, two of which would be 5,300 square feet, and one of which would be 12,000 square feet. Exhibit 2-2 confirms that further outdoor amenity space would be distributed on other levels throughout the project site, as described in Response to DCN-7. No outdoor amenity spaces are proposed on the steep slopes north of the proposed development areas. No further action is required.

Response to DCN-9

The comment states that the Project Description failed to meet the CEQA Guidelines requirements by not including a tree removal exhibit identifying the number, size, and species of trees to be removed and planted.

The CEQA Guidelines require that an EIR Project Description be prepared with sufficient detail and in plain language such that the public can readily understand the full scope of the project. An EIR must only describe the main features of the proposed project and is not required to provide all the details. Here, the Draft EIR provides sufficient detail regarding the proposed project's impact to biological resources, including trees. Hortscience surveyed all trees within and adjacent to the project area and prepared a Tree Assessment Plan that identifies each tree by number, trunk size, diameter, and location, and assesses each tree's health, structure, protected status, suitability for preservation, recommendations, and the disposition for each tree (Draft EIR, Appendix C[the October 2022 Preliminary Arborist Report is attached as "Appendix E" to Appendix C in the Draft EIR; Appendix C is titled "Biological Resources Supporting Information"]). The Preliminary Arborist Report recommended preservation of a Lombardy poplar tree and 29 coast live oaks. A total of 31 trees were recommended for removal, including 29 coast live oaks (26 protected and nine heritage) and two arroyo willows. These 31 trees were either in poor condition or located within or immediately adjacent to areas of construction. Additionally, the Draft EIR provides sufficient detail regarding the mitigation of removed trees. As detailed in the Preliminary Arborist Report, and Draft EIR, Section 3.3, Biological Resources, implementation of the proposed project would result in the removal 0.27 acre of riparian arroyo willow thickets and 0.47 acre of coast live oak woodland. This impact is less than significant with MM BIO-2a, which requires restoration and conservation of arroyo willow and oak woodlands, or the purchase of mitigation credits. The Draft EIR's contents and format meet all requirements of CEQA. No further action is required.

Response to DCN-10

The comment requests the following: "correct the 'Total Units/Spaces' number column 6 in Table 2-2."

Table 2-2 contains the proposed project summary. The sixth column in the "Total Units/Spaces" row provides the total number, not the square footage. As shown in the "Total" row, there would be 35,000 square feet of landscaped amenity area. Unit counts are not applicable to landscape square footage areas; therefore, column 6 is correct and does not contain any errors. However, the second column titled "Low to Moderate Income" contains a numerical error. This correction has been added to Section 4, Errata.

Response to DCN-11

The comment states that sustainable design features of the proposed project are not clear from the Project Description. The Draft EIR's Project Description states that proposed sustainable design features for the proposed project include high-efficiency mechanical and hot water systems, energy-

efficient appliances, high-efficiency and drought-tolerant plantings, water-saving features, dual glazed windows, and EV charging (Draft EIR, Chapter 2, Project Description, page 2-4). The Project Description on the same page indicates there would be solar panels as well (Draft EIR, Chapter 2, Project Description, page 2-4).

As stated in the Response to MCP-9 and Draft EIR, Section 3.7, Greenhouse Gas Emissions, the proposed project would comply with applicable standards regarding planning and design for sustainable site development, including the California Green Building Standards Code (proposed Part 11, Title 24), energy efficiency, water conservation, material conservation, and internal air contaminants (Draft EIR, Section 3.7, Greenhouse Gas Emissions, Table 3.7-4). California Title 24 does not require photovoltaics (PV) panels for the proposed project; however, the proposed project would include PV panels on the roofs of the buildings. This fact is already in the Project Description (see Draft EIR, Chapter 2, Project Description, page 2-4), but further clarifications have been included in the Project Description as described in Section 4, Errata. Additionally, as described in Draft EIR, Section 3.12, Transportation, the proposed project would include approximately 30 short-term and 180 long-term parking spaces, as well as additional access to bicycle lanes via a pedestrian crosswalk and traffic signal (Draft EIR, Section 3.12, Transportation, page 3.12-16).

Response to DCN-12
The comment requests information about EV charging and parking spaces. The proposed project would be required to comply with the current CALGreen and Building Energy Efficiency standards with respect to supply of EV charging stations and supply of preferential parking for clean air and high-occupancy vehicles (Draft EIR, Section 3.5, Energy, page 3.5-14). Based on the CalGreen requirements, the proposed project would provide no fewer than 18 EV charging spaces to meet the requirements. As discussed above, Draft EIR, Section 3.12, Transportation, the proposed project would include approximately 30 short-term and 180 long-term parking spaces (Draft EIR, Section 3.12, Transportation, page 3.12-16).

Response to DCN-13
The comment asks how many parking spaces will be available for visitors on the project site.

As discussed above, the proposed project would include approximately 30 short-term parking spaces. The proposed project would provide approximately 30 short-term and approximately 180 long-term bicycle parking spaces on-site (Draft EIR, Chapter 2, Project Description, page 2-6). These 30 short-term spaces would be made available for visitor parking.

Response to DCN-14
The commenter requests that the Draft EIR provide a new analysis of the economic feasibility for the proposed project, given the rising construction costs due to current inflation and higher interest rates. The commenter also asks who controls the unit affordability matrix.

The economic feasibility of the proposed project is outside of the scope of CEQA. The Lead Agency is required to use all existing legal authority to prioritize and expedite affordable housing developments in identified sites, including the project site. Therefore, the affordability mix would be required to meet the requirements of Executive Order N-06-19 which, may be determined on a site-by-site basis, depending on factors such as availability of financing, number of units, market

conditions, and other factors. As such, the unit mix may change, but the Lead Agency's approval of the proposed project is contingent upon the development of affordable housing. Therefore, the developer may not unilaterally alter the affordability mix, as the Lead Agency must ensure compliance with Executive Order N-06-19.

This comment also asks how long it will take tenants who are elderly or residents with mobility challenges to arrive at a safe location when elevators are not operating in case of an emergency or fire. As discussed in further detail under Impact TRANS-4 (see Draft EIR, Section 3.12, Transportation, page 3.12-20–3.12-21), the proposed project would not result in inadequate emergency access. The proposed project would comply with all applicable CBC requirements regarding emergency ingress and egress.

Further, the proposed project would be required to implement all State and federal requirements, including the CBC and the Americans with Disabilities Act (ADA), which contains requirements related to accessible means of egress in buildings. Although ADA requirements are not an environmental impact and are beyond the scope of CEQA, this comment will be provided to DGS for their consideration.

Specific evacuation times will depend on case-by-case circumstances, but project construction will comply with all applicable building, health, and safety standards and, for the purposes of CEQA, no further analysis is required.

Response to DCN-15
The commenter requests that a list of permits and other approvals required for the proposed project be included in the Project Description. The comment also requests information relating to EIR certification and future project approval. Specifically, the comment asks: (1) whether the response to comments will be provided to the public prior to the hearing for EIR certification; (2) whether there is a public hearing for EIR certification, and when the notice will be published and provided to neighbors or responsible agencies; (3) when the Final EIR will be provided to the public; and (4) whether the project's approval will take place at a public hearing, and, if so, when it will be held and when the staff report will be released to the public.

The CEQA Guidelines set forth specific technical requirements for the Project Description, which includes, among other things, a list of the project approvals that will be required. The Draft EIR meets this requirement by including a list of discretionary and ministerial approvals and permits required for the project (Draft EIR, Chapter 2, Project Description, page 2-8).

Consistent with CEQA Guidelines, written responses to comments will be published prior to the certification of the Final EIR (See State CEQA Guidelines § 15088). DGS will respond to comments raising significant environmental issues received during the noticed comment period and any extensions and may respond to late comments.

CEQA does not require a public hearing in connection with an agency's CEQA determinations when it approves a project. A public meeting regarding the Draft EIR was held on Thursday, March 16, 2023, in the Student Commons Room at San Rafael High School. Members of the public provided

comments at that meeting. To the extent that they are applicable, DGS will comply with any hearing and noticing requirements prior to certifying the Final EIR, including any applicable requirements relating to the preparation of staff reports. DGS shall also provide all notices required pursuant to Public Resources Code Section 21092.2.

A lead agency must provide a written proposed response, either in a printed copy or in an electronic format, to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report (State CEQA Guidelines § 15088(b)). Accordingly, the Final EIR will be released at least 10 days prior to its certification.

CEQA requires State agencies to file a Notice of Determination with the OPR after an EIR has been certified, and that the notice be made available for public inspection for at least 30 days. DGS intends to comply with these requirements.

Response to DCN-16
The comment asks whether all exterior lighting will be down lighting.

As discussed in Section 3.1, Aesthetics, Light, and Glare, proposed exterior lighting would be shielded and directed downward to avoid trespassing to the adjacent residential properties and to avoid obtrusive light or glare in the public right-of-way (Draft EIR, Chapter 2, Project Description, page 2-4). The proposed project would also comply with all applicable State regulations relating light and glare, including regulations in Title 24 of the California Code of Regulations Building Energy Efficiency Standards California Building Code (California Code of Regulations [CCR] Title 24)—including Title 24, Part 6; this includes Section 132 of the Building Energy Efficiency Standards, which regulates lighting characteristics, such as maximum power and brightness, shielding, and sensor controls to turn lighting on and off (Draft EIR, Section 3.1, Aesthetics, Light, and Glare, page 3.1-4). The applicable State regulations apply to all exterior lighting.

Response to DCN-17
The comment includes a request for expanded testing for lead. The commenter states that the discovery of ammunition at the western boundary of the property "mandates expanding the investigation area to include the hillside area around the pistol range." Please refer to Response to HERR-6.

Lead is a naturally occurring element in soil. In California, background lead concentrations range from approximately 12 milligrams per kilogram (mg/kg) to approximately 97 mg/kg. Background sample BG3, located at an undisturbed area uphill from the historic gun range, had concentrations of lead of 23 mg/kg in the surface sample and 88 mg/kg in the two-foot below ground surface sample. Both results are indicative of natural background lead concentrations and no characterization is necessary. Soil that is disturbed during site development will be managed in accordance with the SGMP, included in Appendix F. As indicated by the commentor, they have had the chance to access and review Appendix F.

Response to DCN-18
The comment expresses concern for the potential dust impacts associated with soil lead contamination. The comment includes a request for additional air quality monitoring, protocols to

cease construction, and remediation. The potential impacts of dust from construction of the proposed project are discussed at length in Section 3.2, Air Quality, and Section 3.8, Hazards and Hazardous Materials. MM AIR-2 requires the proposed project to implement all construction mitigation measures recommended by the BAAQMD, including BAAQMD's recommended dust control measures during project construction (Draft EIR, Section 3.2, Air Quality, page 3.2-39). Pursuant to Mitigation Measure MM HAZ-2, the project's SGMP, included in Appendix F, contains more than a dozen dust control procedures that have been implemented successfully at similar sites and regulate the stockpiling of soils and prevent the emission of fugitive dust through the use of measures that include weighted plastic sheeting, regular inspection, the keeping of meticulous records, regular misting/spraying to maintain soul moisture during storage and soil handling, the cessation of activities during winds, and restrictions on the usage of earthmoving equipment. (See Appendix F, page 4-7). Further, "live-loading" soil into trucks is the preferred method for disposal under the SGMP, however the SGMP include measures to manage any stockpiles that may need to be maintained until a disposal facility agrees to accept the waste. (Appendix F, Soil and Groundwater Management Plan, page 5). Under the SGMP, any stockpiling on-site will be managed under the supervision of an OSHA 40-hour HAZWOPER-trained individual, and will be located to reduce transport distances (Appendix F, Soil and Groundwater Management Plan, page 4). Finally, the oversight agency will determine the appropriateness of the SGMP and request revisions, if necessary. The Draft EIR concluded that with the above mitigation, the project construction's impact related to air quality from fugitive dust, soil erosion, and potential hazards are less than significant. No further mitigation measures are required. The mitigation measure will be updated in Section 4, Errata, to clarify and to incorporate by reference the contents of the SGMP in Appendix F.

Response to DCN-19
This comment includes a request for expanding air quality monitoring, including locations in the Drakes Cove complex, along with protocols for stopping construction and remediating any contamination. Please refer to Responses to DCN-17, DCN-18, and to HERR-6.

Response to DCN-20
This comment requests a copy of, "the completed biological survey required under MM BIO-1 and the comments from the California Department of Fish and Game in your response to our comments."

MM BIO-1a through MM BIO-1d require rare plant surveys, a rare plant report, and, if applicable, a compensatory mitigation plan, as well as a pre-construction survey for the protection of active bird nests, and a special-status bat survey (Draft EIR, Section 3.3, Biological Resources, page 3.3-23 to 3.3-24). These studies and reports are prepared with respect to subsequent natural resource permitting processes that occur under State and federal oversight. These reports must adhere to standard but robust review by these natural resource agencies, and demonstrate conformance with agency performance standards, but these processes will not be initiated until after approval of the Final EIR (which includes this Response to Written Comments) and the Mitigation Monitoring and Reporting Program (MMRP). Therefore, these reports are not available during preparation of the Final EIR. Notwithstanding the above, the measures listed in the Draft EIR anticipate and require adherence to the aforementioned laws, processes, and performance standards, and thus comply with CEQA. All

reports related to biological resources that were performed as part of the EIR were publicly available as part of the Draft EIR Appendices and were available upon request.

Response to DCN-21
The commenter states that the NOP scoping letter from David Herr dated April 22, 2022, contained comments related to energy, which were not addressed in the Draft EIR and are incorporated by reference. Additionally, the commenter states that electricity is not a natural resource and that California is facing rolling blackouts.

The portion of the comment pertaining to electricity production in California are not a comment on the environmental impacts of the project, and are outside the scope of the Draft EIR. The energy comments incorporated by reference state that the Draft EIR should assess the feasibility of going all-electric. As discussed in the Draft EIR, the proposed project would include all-electric cooking appliances and space heating, and the Draft EIR specifically concludes that the project would not result in wasteful, inefficient, or unnecessary consumption of energy resources and would not conflict with or obstruct any State plan for renewable energy or energy efficiency, and therefore the energy-related impacts of the proposed project would be less than significant. (See Draft EIR, page 3.5-15; 3.5-16). Furthermore, in response to the comment, Alternative 6, an all-electric alternative, was considered (see the Draft EIR, Chapter 7, Alternatives to the Proposed Project). Chapter 7 provided a complete analysis of a 100 percent electric building design alternative that would eliminate natural gas and/or mixed fuel. The analysis concluded that the all-electric building alternative would not substantially lessen any significant project impacts, as the energy, air quality, or and GHG emission impacts of the project, as proposed, are already less than significant (Draft EIR Chapter 7, Alternatives to the Proposed Project, page 7-23–7-25). Accordingly, no further analysis of Alternative 6 or an all-electric project are required.

The Draft EIR also addresses the issue of upstream impacts of electricity use, State laws and policies that govern such, and the project's compliance with these laws and policies. For instance, as discussed on page 3.7-8 of the Draft EIR, SB 350 establishes a target of a 50 percent renewable portfolio standard by 2030 and, under CARB's 2022 Scoping Plan and California SB 100, the State's plan for achieving carbon neutrality by 2045 and ensuring 100 percent of sales of electricity to end users come from eligible renewable energy resources and zero-carbon resources. In the Draft EIR's analyses of the project's compliance with greenhouse gas criteria and energy thresholds of significance, impacts were found, as explained above, to be less than significant. The project will be constructed in compliance with the modern California Building Code, will contain solar panels, other renewable features, and be all-electric capable, and does not obstruct the State's achievement of any of its clean energy goals. The facts raised by the commenter and in the referenced scoping letter are acknowledged, analyzed, and addressed in the Draft EIR.

Response to DCN-22
The commenter states that the GHG comments contained in the NOP scoping letter from David Herr, dated April 22, 2022, are incorporated by reference. The comments incorporated by reference state, "My wife and I will carefully evaluate the Draft EIR's discussion of climate change and GHG as it relates to this project. If any GHG emissions reductions are claimed, a specific dollar figure for the

cost per ton of COE removed would enable the public to compare this project's climate efficiency with that of other carbon reduction and mitigation measures."

Lead Agencies have discretion to formulate or utilize significance thresholds to assess a project's impacts (State CEQA Guidelines § 15064.7(b)). The Draft EIR assesses the significance of the proposed project's GHG emissions and effect on climate change utilizing the BAAQMD's significance thresholds, which reflect the project's fair share contribution to achieving the State's GHG reduction goals and targets (Draft EIR, Section 3.7, Greenhouse Gas Emissions, page3.7-17). This is the methodology adopted for the proposed project by DGS. The BAAQMD thresholds provide two criteria for assessment. The Draft EIR elected to demonstrate compliance with the criterion that involves demonstrating consistency with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b). The applicable local GHG reduction strategy was determined to be the Marin County Unincorporated Area Climate Action Plan 2030 because the project site is located within the geographical region addressed by the CAP. As shown in Draft EIR, Section 3.7, Greenhouse Gas Emissions, Table 3.7-4, the proposed project would be consistent with the applicable GHG reduction strategies and actions identified in the CAP. As such, the proposed project would satisfy the BAAQMD's thresholds. Therefore, the proposed project's impact related to GHG emissions and climate change would be less than significant.

The commenter's request to evaluate "a specific dollar figure for the cost per ton of COE removed" for purposes of comparing the proposed project's "climate efficiency" is a matter that is irrelevant to the Lead Agency's methodology to determine significance and therefore has no bearing on the significance of the proposed project's GHG impacts, as assessed pursuant to that methodology. Further, economic concerns do not raise any associated environmental issues and are therefore not within the purview of CEQA. Therefore, no further analysis is required.

Response to DCN-23

The comment states the Project Description of the Geotechnical Feasibility Evaluation prepared for the proposed project describes the project as a 3-story building and grading that would involve new cut and fill up to 30 feet or more into the hillside, although the commenter states that the Draft EIR described a 5-story building with a 4-story below grade garage for 350 cars.

The comment's assertion that the Geotechnical Feasibility Evaluation "relied on a Project Description provided to Miller for the construction of a 3-story building" is incorrect. As detailed on Page 1 of the Geotechnical Feasibility Evaluation, the project was analyzed as a "multi-story, multi-family residential complex." The specific height of the proposed project was not described as a 3-story building in the Geotechnical Feasibility Evaluation. In fact, the Geotechnical Feasibility Evaluation states, "specific project details, including exact number of structures/stories, building footprints, limits of grading, and other items have not yet been finalized," but the report did use conservative assumptions to accommodate final design and development possibilities. Indeed, the conceptual site plan provided in Figure 2 in the Geotechnical Feasibility Evaluation is consistent with the proposed project. Therefore, the analysis provided in the Geotechnical Feasibility Evaluation accurately analyzes potential impacts for buildings of the scale proposed by the project.

The Geotechnical Feasibility Evaluation also adequately evaluated potential impacts associated with the amount and depth of grading proposed by the project. As explained on page 16 of the Geotechnical Feasibility Evaluation "extensive site grading, including new cuts and fills of up to 30-feet **or more**, may be required for the new development." (Emphasis added). The evaluation also stated: "In general, we expect the most significant cuts will occur around the northern perimeter of the project and involve deep excavation on relatively steep slopes, while fill placement will probably be concentrated in the central part of the site, possibly overlapping with the extents of existing undocumented fills." (page 16). The evaluation referenced and incorporated data from exploratory borings at the site that evaluated conditions as deep as 60 feet below the surface (see Appendix A to Geotechnical Feasibility Evaluation). As shown by Exhibit 2-5 in the Draft EIR, the subterranean parking is not expected to extend deeper than 40 feet below the surface, which is consistent with what the Geotechnical Feasibility Evaluation contemplated.

Further, the Geotechnical Feasibility Evaluation accounted for moderate to heavy foundation loads consistent with multi-story buildings and ancillary improvements that are considered typical of multi-story residential projects. Therefore, there are no inconsistencies between the Geotechnical Feasibility Evaluation and the proposed project. No further analysis is required.

Response to DCN-24

The comment requests clarification of whether AECOM encountered any groundwater or tested any soil samples for hazardous materials when preparing their Phase II Environmental Site Assessment (ESA) Report. Regarding groundwater, the Cameron-Cole Phase II ESA is provided in Appendix F. The Cameron-Cole Phase II ESA states that groundwater was not encountered during the subsurface investigation. For a discussion of other Phase I and Phase II studies of the project site, please see the Response to DCN-26.

Regarding soil samples, the Cameron-Cole Phase II ESA states that the 11 soil samples were submitted to Eurofins Test America for analysis of California Administrative Manual 17 metals (CAM 17) by United States Environmental Protection Agency (EPA) Methods 6010B or 7471A for testing. As discussed in Draft EIR, Section 3.8, Hazards and Hazardous Materials, results detected lead concentrations in all sample locations, though lead concentrations in samples taken from non-gun range locations were consistent with expected background lead concentration levels in California. In general, the concentrations of lead were significantly higher in surface samples than in 2-foot samples, which is the expected pattern with lead fragments deposited at a firing range. For a detailed discussion of the results of the soil analysis in the Cameron-Cole Phase II ESA, please see Responses to DCN-26, DCN-27, and DCN-28, which are incorporated herein by this reference. Samples exceeded the Direct Exposure Human Health Risk Residential Environmental Screening Levels (ESLs) at several on-site sample locations. Accordingly, MM HAZ-2 was incorporated as part of the Draft EIR, which was found to reduce impacts to a less than significant level. No further action is required.

Response to DCN-25

The comment states that the Geotechnical Feasibility Evaluation should provide more information on the impacts of grading. Specifically, the comment states that the 5,000 cubic yards of grading does not include excavated soil for underground garages. The Draft EIR discloses that the project site

would require approximately 50,000 cubic yards of grading due in part to the steep slopes surrounding the project site, which has a high potential for erosion (Draft EIR, Section 3.6, Geology and Soils, page 3.6-13). Construction of the proposed project would involve the off-haul and replacement of an estimated 5,000 cubic yards of soil and 431 tons of demolition debris (Draft EIR, Section 3.2, Air Quality, page 3.2-40). As discussed in the Response to DCN-42, the foregoing figures include excavated soil for the garages. Therefore, the Draft EIR fully addressed excavated soil.

Soils excavated during grading activities, to the extent they are contaminated, would therefore need to be hauled to an accepting facility. The nearest facility which accepts contaminated soils is the Transfer/Process Facility (Solid Waste Information System [SWIS] Number 15-AA-0400) at 18613 Waterflood Road, Lost Hills, California 93249. These figures account for grading activity and off-site removal of soil that will be required to construct the subterranean parking at the project site.

Construction impacts, including impacts associated with the off-site disposal of excavated soils, were addressed throughout the Draft EIR including: HAZ-6 (page 3.8-20); AQ Impacts (page 3.2-40); Noise (page 3.11-14 through –16); Biological and Cultural Resources (page 3.4-24 through –28), and Hydrology (page 3.9-15 through –16, 1-8, -20, -22). Potential impacts related to Geology and Soils are disclosed and evaluated in GEO-2 in Draft EIR, Section 3.6, which states that the proposed project would require approximately 50,000 cubic yards of grading total, including the excavated soil for the garages, and 431 tons of demolition debris (Draft EIR, Section 3.6, Geology and Soils, page 3.6-13). Further, the Draft EIR provides that the entire site will be graded (Draft EIR, Chapter 2, Project Description, page 2-5). Exhibit 2-6, in the Project Description, shows the graded areas at the project site.

The proposed project would be required to obtain an NPDES permit for construction activities and would ensure that water and wind erosion would be less than significant. Draft EIR, Section 3.2, Air Quality, also discusses off-site construction trips associated with contaminated soil and construction debris from the proposed project. Furthermore, Impact HAZ-6 in Draft EIR. Section 3.8, Hazards and Hazardous Materials found that construction impacts related to emergency response and evacuation would be less than significant. No further response is required.

Accordingly, the Draft EIR fully addresses the impacts of excavated soil at a sufficient level of detail to inform the public of the full scope of the proposed project. No further response is required.

Response to DCN-26

The comment states the Geotechnical Feasibility Evaluation should be updated to determine the current ground water level and collect groundwater from any boring where water is encountered and test for contaminants. The commenter suggests that the DEIR's conclusion that lead-contaminated groundwater on-site is unlikely is based solely on borings from a 1981 study. The commenter mischaracterizes the DEIR's analysis. While the 1981 data is cited by the Miller Pacific Report referred to by the commentor, subsequent analysis has confirmed that the site currently maintains a similar groundwater profile. According to the Cameron-Cole Phase II ESA prepared for the proposed project, included in Appendix F, nearby well data suggests that groundwater levels are estimated to be approximately 9 to 13 feet above mean sea level (3 to 6 feet below ground surface [ft] at the flat central portion of the property). (Appendix F, Cameron-Cole Phase II ESA). This is

consistent with the Second Semiannual 2021 Groundwater and Soil Gas Monitoring Report conducted for San Quentin State Penitentiary, located to the southeast of the project site, which found that groundwater elevation ranged from 11 ft to 17 ft. (Appendix F, Cameron-Cole Phase 1 ESA at Section 5.5.3). As the SGMP notes, other recent Phase II ESAs on the project site did not encounter groundwater in borings advanced to 10 and 15 ft below ground surface. (Appendix F, Soil and Groundwater Management Plan, page 2).

The commentor also suggests that any contaminated water on-site needs to be processed differently." The SGMP, also included in Appendix F and reviewed by the commenter (see Comment DCN-17), was prepared for the proposed project and states that groundwater is unlikely to be contaminated. However, the SGMP also acknowledges that groundwater may be encountered, and that dewatering may be required, and specifies that if groundwater is encountered during development, it will be processed the appropriate manner by being pumped into holding tanks and tested/discharged in accordance with a NPDES permit or a publicly owned treatment works (POTW) permit. (Appendix F, Soil and Groundwater Management Plan, page 7-8).

Response to DCN-27

The comment stated that the project site was previously used as a pistol range, and that according to the Phase II ESA prepared by Cameron-Cole, only a limited area of the site where lead bullets were anticipated to land was tested. This comment is mischaracterizes Cameron-Cole's Phase II report. As the Cameron-Cole Phase II ESA explains, review of historical documents demonstrates that two pistol ranges were located in the southwest and central area of the property, and that firing at both ranges occurred toward the northeast toward the hillside on the property. (Appendix F, Cameron-Cole Phase II ESA, at Section 1). The Phase II ESA collected samples at four locations along the northern side of the firing range in the firing direction for the lower pistol range, and four locations along the northern side of the firing range in the firing direction for the upper pistol range, which are the areas most likely to contain lead contamination. (Appendix F, Cameron-Cole Phase II ESA, at Section 2; Figure 2). However, soil samples were also collected at three up-range locations that are not on the area of the property previously occupied by the firing ranges. (Appendix F, Cameron-Cole Phase II ESA, at Section 2; Figure 2; Figure 3). The Cameron-Cole Phase II detected lead in shallow soil for all samples, however the concentration of lead in the up-range samples was within the range of typical background concentrations in California soil, and did not follow the pattern of significantly higher concentrations in surface samples, which would be the expected pattern if lead concentrations were a result of the firing range (Appendix F, Cameron-Cole Phase II ESA, at Section 3).

Response to DCN-28

The commenter misstates the results of the Cameron-Cole Phase II analysis. The Cameron-Cole Phase II detected lead in shallow soil for all samples, however the concentration of lead in the up-range samples was within the range of typical background concentrations in California soil, and did not follow the pattern of significantly higher concentrations in surface samples, which would be the expected pattern if lead concentrations were a result of the firing range (Appendix F, Cameron-Cole Phase II ESA, at Section 3). None of the up-range samples exceeded 88 mg/kg, and the range of background concentrations in California soil is 12.4 mg/kg to 97.1 mg/kg. (Appendix F, Cameron-Cole Phase II ESA, at Section 3).

The remaining samples, taken at locations where fired bullets would have landed, have lead concentrations with exceed the range of background concentrations in California, and exceed the ESL screening levels for lead. (Appendix F, Cameron-Cole Phase II ESA, at Section 3). The Cameron-Cole Phase II also detected arsenic, nickel, and vanadium in soil samples, but concentrations were found to be consistent with naturally occurring concentrations in background samples and likely unrelated to the pistol range. (Appendix F, Cameron-Cole Phase II ESA, at Section 5). As a result, the Cameron-Cole Phase II recommends an SGMP be developed to properly segregate, test and dispose of soil potentially contaminated with lead in the former pistol range target area, and the Draft EIR includes MM HAZ-2 which requires a SGMP to be submitted to the San Francisco Bay RWQCB prior to the issuance of construction permits (Draft EIR, Section 3.8, Hazards and Hazardous Materials, page 3.8-18), and this measure will be clarified to incorporate the contents of the Soil and Groundwater Management Plan in Appendix F. This SGMP will be submitted, along with the EIR, to the agency for approval. Accordingly, substantial evidence supports the Draft EIR's conclusion that this mitigation measure is sufficient to ensure that the project has a less than significant impact with regards to the creation of significant hazards or release of hazardous materials into the environment.

The comment also suggests that groundwater was not tested during the preparation of the Phase II ESA. Please refer to the Response to DCN-26 for a discussion of the groundwater analysis in Phase 1 and Phase II reports for the site.

As stated in the Cameron-Cole Phase II ESA, in almost all cases the concentrations of lead were significantly higher in surface samples than in 2-foot samples, which is the expected pattern with lead fragments deposited at a firing range. (Appendix F, Cameron-Cole Phase II ESA, at Section 3). Because of the significant decrease in lead concentrations with depth in the suspected source area and groundwater depths exceeding 15 feet below ground surface, it is unlikely that lead is present at elevated levels in groundwater. (Appendix F, Soil and Groundwater Management Plan, page 7). However, the SGMP also acknowledges that groundwater may be encountered, and that dewatering may be required, and specifies that if groundwater is encountered during development, it will be processed the appropriate manner by being pumped into holding tanks and tested/discharged in accordance with a NPDES permit or a POTW permit. (Appendix F, Soil and Groundwater Management Plan, page 7-8).

Response to DCN-29 and DCN-30
The comment identifies the discovery of an old gas canister near 35 Drakes Cove Court and requests that it be further evaluated. Please see Response to HERR-6.

The commenter also states that a "Soil and Groundwater Management Plan that will test, segregate, and dispose of all contaminated soil was completed and is part of MM HAZ-2 to reduce those adverse impacts to a less than significant level must be in place prior to certification of the Final EIR for the Proposed Project." This statement is accurate, and the Soil and Groundwater plan was included in Appendix F of the Draft EIR, which commenter has indicated they reviewed.

Response to DCN-31
The comment requests addition dust monitoring and communication. Please see Responses to DCN-18, HERR-3 and HERR-4.

Response to DCN-32

The comment requests that DGS and other responsible agencies must carefully review and analyze the SGMP to ensure that all adverse impacts can be reduced to less than significant. This comment is noted. The SGMP has been reviewed and approved by DGS, and was included in Appendix F of the Draft EIR, which commenter has indicated they reviewed Pursuant to MM HAZ-2 the SGMP will be submitted to the San Francisco Bay RWQCB for approval prior to the issuance of construction permits. (Draft EIR at 3.8-18).

Response to DCN-33
The comment stated that the updated SGMP must include groundwater testing. The current SGMP specifies that if groundwater is encountered during development, it will be processed the appropriate manner by being pumped into holding tanks and tested/discharged in accordance with a NPDES permit or a POTW permit. (Appendix F, Soil and Groundwater Management Plan, page 7-8). If groundwater does not meet the permit requirements, it will need to be treated and retested until it meets the discharge requirements. (Appendix F, Soil and Groundwater Management Plan, page 7-8).

Response to DCN-34
The commenter states, "Please refer to comments under Geology and Soils above." The comments pertaining to geology and soils have been addressed above. Please refer to Responses to DCN-23, DCN-24, DCN-25, DCN-26.

The commenter also states, "Please refer to. . . David C. Herr's letter dated April 22, 2022, commenting on the EIR scoping" regarding hydrology and water quality impacts. The comment from the letter requests an evaluation of both construction and operational hydrological impacts in the Draft EIR. The Draft EIR provides an analysis of both construction and operational hydrology and water quality impacts, including runoff and pollutants. (Draft EIR, Section 3.9, Hydrology and Water Quality, page 3.9-14–3.9-22). Impacts were found to be less than significant (Draft EIR, Section 3.9, Hydrology and Water Quality, page 3.9-16, 3.9-17, 3.9-20, and 3.9-22). The comment does not raise any new environmental issues related to the water quality and hydrology analysis provided in the Draft EIR, and no further analysis is required.

Response to DCN-35
The comment states that the proposed project should have been analyzed for consistency with the Marin County General Plan, the City of Larkspur General Plan and Zoning Code, or the Marin County Congestion Management Agency's travel demand requirements. Please refer to Response to DCN-2.

Response to DCN-36
The comment expresses the neighbors desire to limit the construction hours to no work on Saturdays, Sunday or holidays and from 7:00 a.m. to 5:00 p.m. on weekdays for normal construction activities with no heavy equipment operation before 8:00 a.m.

Analysis of the proposed project's construction-related noise determined that construction activities conducted from 7:00 a.m. to 7:00 p.m. on weekdays and 9:00 a.m. to 5:00 p.m. on Saturday would result in less than significant impacts (Draft EIR, Section 3.11, Noise, page 3.11-14–3.11-18).

As explained in Section 3.11, Noise, page 3.11-16 of the Draft EIR, project on-site construction activity is expected to occur from 7:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to

5:00 p.m. on Saturdays. Based on compliance with these hours of construction, reasonable worst-case construction noise levels would result in a daily average noise level of less than 63 dBA Ldn, as measured at the nearest sensitive receptor. The calculation sheet is provided in Appendix H. Based on the EPA Protective Noise Levels, with a combination of walls, doors, and windows, standard construction in accordance with Title 24 Uniform Building Code (UBC) requirements for residential developments in Northern California provide a minimum of 25 dBA in exterior-to-interior noise reduction with windows closed. Therefore, project construction noise levels for any habitable room with doors and windows closed would not exceed the State interior Noise Insulation Standard of 45 dBA Ldn (63 dBA–25 dBA = 38 dBA).

The calculated reasonable worst-case construction noise levels would not result in a substantial temporary increase in ambient noise levels in excess of standards established in the State's Noise Insulation Standard. Temporary construction noise impacts would be less than significant.

Response to DCN-37

The comment expresses the neighbors' concern that only two locations were chosen for monitoring construction and traffic noise at the project site and that neither are adjacent to Drakes Cove Road. The comment states that such a monitoring scheme will not provide an accurate level of noise generated by the project.

The Draft EIR assesses the significance of the proposed project's construction-related noise by analyzing impacts that would occur to the single-family residence "located west of the project at the end of Drakes Cove Court" (Draft EIR, Section 3.11, Noise, page 3.11-15). The Draft EIR explains that this single-family residence is "[t]he nearest off-site sensitive receptor to the project construction footprint where multiple pieces of heavy construction equipment could operate simultaneously." (Id.) In other words, it can be considered a "worst-case" receptor; no other receptor would be estimated to experience more severe impacts than this single-family residence. Because the Draft EIR demonstrates that construction-related noise impacts to this receptor would be less than significant, it follows that construction-related noise impacts to all other receptors would be less than significant, as well.

Analysis of the proposed project's noise from mechanical equipment follows a similar approach by evaluating the impact "at the nearest residential property line" (Draft EIR, Section 3.11, Noise, page 3.11-18). The Draft EIR determines that noise levels from this equipment "at the nearest residential property line" would be "below 43 dBA L_{eq}" – well below existing daytime and nighttime average noise conditions near the project site and therefore less than significant. (Id.) Because the Draft EIR demonstrates that mechanical equipment-related noise impacts "at the nearest residential property line" would be less than significant, it follows that mechanical equipment-related noise impacts to other more distant receptors would be less than significant, as well. Based on standard minimum exterior-to-interior noise reduction rates, there is virtually no possibility that the proposed project's worst-case exterior mechanical equipment noise levels of 43 dBA L_{eq} would result in exceedances of the 45 dBA L_{dn} interior noise threshold of significance at receptor locations that are more distant than the scenario analyzed within the Draft EIR.

Analysis of the proposed project's mobile source operational noise impacts (i.e., traffic-related noise impacts) demonstrates that noise increases along nearby roadway segments would be nominal – just fractions of a decibel (Draft EIR, Section 3.11, Noise, page 3.11-16). This means that traffic from the proposed project would have an indiscernible effect on traffic-related noise levels in the vicinity of the project site. Effects on more distant locations would be reduced because vehicles originating from the proposed project would be dispersed over a greater geographical area as they are distributed from the project site, diluting their noise impacts. Impacts at receptors that are located farther from roadways carrying project traffic would be similar or reduced to the impacts identified within the Draft EIR, due to distance-related noise attenuation.

Response to DCN-38
The comment states that the Draft EIR provides that a doubling of the traffic volume will result in a noise level of 3 dBA. The comment requests that an updated version of the traffic report be prepared to establish the ambient noise and the projected noise levels based on a higher trip generation.

The Draft EIR does not state "that a doubling of the traffic volume will result in a noise level of 3 dBA," as stated by the comment. The Draft EIR explains that "[t]ypically, a doubling of the ADT hourly volumes on a roadway segment is required in order to result in an increase of 3 dBA in traffic noise levels . . . " (Draft EIR, Section 3.11, Noise, page 3.11-14). While a doubling (or more) of traffic along a segment of Drakes Cove Road could theoretically increase noise levels associated with that roadway segment by 3 dBA or more, this does not imply that ambient noise levels at residential land uses along that roadway segment would increase by 3 dBA or more, because ambient noise levels at residential land uses near the project site and Drakes Cove Road are heavily influenced by noise levels associated with Sir Francis Drake Boulevard more so than by noise levels associated with Drakes Cove Road.[6] In other words, the fact that Alternative 3 and Alternative 4 may result in a doubling of traffic volumes along a portion of Drakes Cove Road is not substantial evidence that Alternative 3 and Alternative 4 would result in 3 dBA or greater noise increases at surrounding residential land uses. The following analysis demonstrates why such noise increases would not occur:

(1) The internal connections and driveways to Drakes Cove Road proposed by Alternative 3 and Alternative 4 would be located approximately 150 feet north of the intersection of Drakes Cove Road and Sir Francis Drake Boulevard. Alternative 3 and Alternative 4 traffic along Drakes Cove Road would be limited to this approximately 150-foot segment. This traffic would not travel farther north on Drakes Cove Road, which ends in residential cul-de-sacs and has no outlet. Therefore, only residential land uses that are located near this 150-foot roadway segment would be subject to potential noise increases due to Alternative 3 and Alternative 4 traffic. Residential land uses farther north along Drakes Cove Road would be unaffected.

[6] The following example demonstrates this concept: A receptor is located along a residential street that carries 100 vehicle trips per day. The receptor is also located within 100 feet of a busy freeway that carriers over 50,000 vehicle trips per day. If the residential street experiences a doubling of traffic volume – 200 vehicle trips per day – this would not increase ambient noise levels at the receptor by 3 dBA. Ambient noise levels would continue to be dominated by loud freeway noise associated with over 50,000 vehicle trips per day.

(2) Assuming that 100 percent of Alternative 3 and Alternative 4 traffic would utilize this 150-foot roadway segment, resultant noise levels would be no greater than 49.6 dBA L_{eq} during the PM peak-hour, as measured 40 feet from the centerline of this roadway segment. Thus, noise levels at the nearest residential land use—2 Drakes Cove Road—would not exceed 49.6 dBA L_{eq} as a result of Alternative 3 and Alternative 4 traffic utilizing this segment of Drakes Cove Road. Corresponding noise levels at other more distant residential land uses would be reduced, as would noise levels during non-peak-hours.

(3) According to the Draft EIR, traffic-related noise levels within approximately 180 feet of Sir Francis Drake Boulevard—a distance that includes the residential land use at 2 Drakes Cove Road—are above 60 dBA L_{dn}. And according to the ambient noise monitoring effort, 24-hour noise levels up to approximately 300 feet from Sir Francis Drake Boulevard are 51.0 dBA L_{dn}.

(4) Given this existing ambient noise environment that ranges between 51.0 dBA L_{dn} and above 60 dBA L_{dn}, the noise impact of Alternative 3 and Alternative 4 traffic utilizing the 150-foot roadway segment along Drakes Cove Road that is between Sir Francis Drake Boulevard and the project site's internal connection/driveway would be minimal at surrounding residential land uses–below a 3 dBA increases and therefore less than significant.

The above analysis demonstrates that traffic-related noise impacts associated with Alternative 3 and Alternative 4 would be less than significant, consistent with the conclusions of the Draft EIR. No additional analysis is required.

Response to DCN-39
The comment expressed the neighbors' concern that the noise analysis in the Draft EIR utilizes only two locations chosen for construction and traffic noise monitoring at the proposed project and that there are no locations adjacent to Drakes Cove Road. Thus, the comment states that the analysis will not provide an accurate level of construction and other noise generated by the proposed project on the Drakes Cove residents.

Please refer to Responses to DNC-37 and DCN-38. Response to DCN-37 addresses the issue regarding locations for construction and traffic noise monitoring. Response to DCN-38 addresses the issue regarding use of Drakes Cove Road to access the project site. The analysis contained in Response to DCN-38 demonstrates that impacts related to use of Drakes Cove Road by project traffic would be less than significant. Further analysis at locations more distant from the project site will not alter the EIR's findings, and no additional analysis is necessary.

Response to DCN-40
The comment requests information about why the traffic study was prepared for the County of Marin. As stated in the traffic study, the traffic study was completed in accordance with the criteria established by the County of Marin. While the proposed project is not subject to any local ordinances due to principles of State sovereignty, this does not preclude voluntary review of the County codes. The traffic study is subject to review and approval by the Lead Agency as part of the Draft EIR and Final EIR.

Response to DCN-41
The comment states that Sir Francis Drake Boulevard is not a state highway but is under the jurisdiction of the City of Larkspur.

The Draft EIR does not appear to contain any errors. The comment does not indicate whether there was an error or where the error is located. Therefore, no further action is required.

Response to DCN-42
The comment claims that 5,000 cubic yards of export is incomplete because the commenter claims it does not include excavated materials from underground garages. The comment includes a request for the type of dump truck to be used, the estimated number of dump truck trips, and a construction commencement date for the basement garage level.

Please see the Response to DCN-25, above. Impact GEO-2 in the Draft EIR, Section 3.6, Geology and Soils states that the proposed project would require approximately 50,000 cubic yards of grading total, which includes the excavated soil for the garages, and 431 tons of demolition debris (Draft EIR, Section 3.6, Geology and Soils, page 3.6-13). As noted in the Draft EIR, the contaminated soil is only expected to be at a depth of 2 feet (Draft EIR, Executive Summary, page ES-22). Further, the Draft EIR provides that the entire site will be graded (Draft EIR, Chapter 2, Project Description, page 2-5), and Exhibit 2-6, which in part of the Project Description, shows the grading at the project site. Excavation for the garage would be included in the project grading activities. Therefore, 5,000 cubic yards is accurate and complete, and the Draft EIR fully addresses the impacts of excavated soil at a sufficient level of detail to inform the public of the full scope of the proposed project.

The Draft EIR also provides adequate detail surrounding the trips for exporting materials. As shown in Draft EIR, Section 3.2, Air Quality, Table 3.2-9, the proposed project was estimated to result in approximately 0.96 haul trips per day during site preparation and 29.8 haul trips per day during grading. The type of dump trucks estimated in the evaluation was based on California Emissions Estimator Model (CalEEMod) default values for vehicle fleets associated with soil hauling trips, and such assumptions are reasonable. Finally, for the purposes of the analysis, building construction (including the garage) was estimated to begin in October 2024 and last approximately 24 months. The construction schedule used in the analysis represents a reasonable worst-case analysis scenario since a delay of construction would result in improvements in technology and the need to meet more stringent regulatory requirements. Therefore, transportation-related impacts would decrease if the construction schedule moved to later years. Accordingly, no further response is required.

Response to DCN-43
The comment restates that the traffic counts collected do not sufficiently characterize existing conditions surrounding the project site. Please refer to Response to COL-8, which provides more information regarding the accuracy of the traffic accounts used for project analysis in the TIS. The traffic counts collected in July 2021 sufficiently represent typical traffic patterns in the study area despite the effects of the pandemic or school schedule. The traffic counts represent the best available information at the time the TIS was prepared. This data was shared with the City of Larkspur and County of Marin for their consideration, and this comment is noted. Insofar as the commenter asserts, based on lay observations, that peak-hours begin at 3:00 p.m. and that traffic

has increased further since July 2021, these observations are not credible as they are contradicted by Caltrans data and expert studies that are supported by specific, quantitative data. With respect to peak-hours, substantial evidence shows the AM peak-hour occurs between 7:00 a.m. and 9:00 a.m. and reflects conditions during the home-to-work or school commute, while the PM peak-hour occurs between 4:00 p.m. and 6:00 p.m. and typically reflects the highest level of congestion during the homeward bound commute. Indeed, many local planning documents identify the same peak time periods (See Marin County Final Draft 2021 CMP update, page 29). The commenter's observations do not qualify as substantial evidence.

Response to DCN-44
The comment provides LOS data for the projects surrounding the site and suggests that there are significant traffic impacts based on the project's LOS. The comment suggests that commuters affected by the proposed project are not aware of the proposed project. The comment also asserts that the TIS should be actively communicated to members of the public in the East Bay and Marin County, and that it should have been communicated in "plain English."

Please refer to Response to COL-5, which discusses how traffic impacts are measured under CEQA. As discussed in Response to COL-5, under SB 743, the focus of transportation analysis shifted from driver delay or congestion, which was measured by LOS, to VMT, in order to reduce GHG emissions, create multimodal networks, and promote mixed-use developments. While no longer required by CEQA, the TIS prepared for the proposed project analyzed LOS for the intersections near the site. As stated in the TIS, under existing conditions, all intersections are operating with acceptable overall delay, although the southbound approach to East Sir Francis Drake Boulevard/Andersen Drive operates at LOS E during the AM peak-hour and LOS F during the PM peak-hour. East Sir Francis Drake Boulevard/Andersen Drive would operate at LOS E during the AM peak-hour and LOS F during the PM peak-hour without or with the addition of project-generated traffic. Likewise, upon the addition of project traffic to existing volumes at East Sir Francis Drake Boulevard/Larkspur Landing Circle, the intersection would continue to operate at LOS A during both peak-hours. The TIS also concluded that all four study intersections would operate acceptably overall under existing volumes without or with the addition of project traffic and construction of any of the four access alternatives studies in the TIS.

With respect to notice of the TIS, the TIS was included as an appendix to the Draft EIR, and both documents were available to members of the public in compliance with procedures under CEQA. Moreover, all requisite CEQA notices were filed, including without limitation the project's NOP and NOA. Please see Response to MCL-2. Finally, with respect to the verbiage used in the Draft EIR, please see Response to HERR-10.

Response to DCN-45
The comment requests that AM and PM traffic counts for the months of January to March 2023 be obtained for the study intersections and be compared with the 2021 counts.

Please refer to Response to COL-8, which provides more information regarding the accuracy of the traffic accounts used for project analysis in the TIS. The traffic counts collected in July 2021 sufficiently represent typical traffic patterns in the study area despite the effects of the pandemic or

school schedule. The traffic counts represent the best available information at the time the TIS was prepared. This data was shared with the City of Larkspur and County of Marin for their consideration, and this comment is noted.

Response to DCN-46
The comment states that data provided in Table 8 and Table 9 in the TIS should be included in the Draft EIR rather than the appendices of the Draft EIR. The comment also questions what neighbors would read the Draft EIR Appendices.

This comment is noted. As previously discussed, LOS is no longer the focus of the transportation analysis under CEQA. Therefore, calculations and data specific to LOS are appended to the TIS rather than the Draft EIR. Insofar as the commenter questions whether the public would truly read the Draft EIR Appendices, we note that multiple neighbors, including commenters, reviewed the Draft EIR Appendices as indicated in the comment letters received. The entire TIS, including its appendices, are included in Appendix I of the Draft EIR. Please see Response to MCL-2. No environmental concern is expressed in this comment, and thus no further action is required.

Response to DCN-47
The comment questions why VMT is used to analyze transportation impacts in the Draft EIR when LOS is easier for the commenter to follow. Please refer to Response to COL-5 for more information regarding why VMT is used to analyze traffic impacts. SB 743, which became effective in January 2014, required the OPR to change the CEQA Guidelines regarding the analysis of transportation impacts. Under SB 743, the focus of transportation analyses shifted from driver delay or congestion, which was measured by LOS, to VMT, in order to reduce GHG emissions, create multimodal networks, and promote mixed-use developments. While no longer a part of the CEQA review process, vehicular traffic service levels at key intersections were evaluated in the TIS for information purposes, and included identification and analysis of the number of new trips that the proposed use would be expected to generate, distribution of these trips to the surrounding street system based on anticipated travel patterns specific to the proposed project, then analysis of the effect the new traffic would be expected to have on the study intersections and need for improvements to maintain acceptable operation.

It should be noted that the analysis of Impact TRANS-2 in Section 3.12 of the Draft EIR states that unincorporated areas of Marin County utilize the Metropolitan Transportation Commission (MTC) nine-county Bay Area average significance threshold for VMT, which is usually correct for unincorporated County projects; however, the TIS and Draft EIR correctly evaluate the VMT significance threshold provided by Marin County for its unincorporated areas. This is revised in Section 4, Errata, of the Final EIR.

Response to DCN-48
The comment states that the distance between the project site and the Larkspur Ferry/Golden Gate buses to San Francisco is approximately 0.7-mile walking distance rather 0.5 mile away and therefore, does not qualify for the VMT screening. The TIS did not use VMT transit screening for the proposed project.

As stated in the TIS, consideration was given to the proposed project's potential generation of VMT using guidance provided by OPR in the publication Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory (2018). Based on OPR guidance, a project generating a VMT that is 15 percent or more below this value, or 13.4 miles per resident, would have a less than significant VMT impact. The TIS evaluated VMT based on Transportation Authority of Marin Demand Model (TAMDM) maintained by the Marin Transit Authority (MTA). The TAMDM model includes Traffic Analysis Zones (TAZ) covering geographic areas throughout Marin County, including 1,400 Micro Analysis Zones (MAZ) for which VMT characteristics are estimated. The project site is located within MAZ 811,319, which has a VMT per capita of 10.1 miles. Because this per capita VMT ratio is below the OPR-based significance threshold of 13.4 miles, the proposed project would be considered to have a less than significant VMT impact. Thus, residential screening rather than transit screening was used for the VMT analysis. Notwithstanding the above, the proposed project is located 0.5 mile from transit, and not 0.7 mile and, separately, land use projects within 0.5 mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact (CEQA Guidelines § 15064.3). The Larkspur Ferry Terminal is a major transit stop (Public Resources Code [PCR] § 21064.3). A project's proximity to a major transit stop is measured by using a straight line from point to point.[7] The distance shown in the map provided by the commenter (the 0.7-mile distance) shows the length of the roadway along Sir Francis Drake Boulevard between the project site and the Larkspur Ferry Terminal. Because the project site is less than 0.5 mile from the Larkspur Ferry Terminal (measured as a straight line), the proposed project is presumed to cause a less than significant transportation impact.

Response to DCN-49
The comment questions whether the trip generation data is accurate based on the number of units proposed by the project. Trip generation was calculated based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, which compiles hundreds of real-world counts at existing similar facilities across the United States and Canada to determine an average vehicle trip generation per residential unit in the form of daily and peak-hour rates.

Additionally, it should be clarified that peak-hour periods refers to two-hour periods that represent operating conditions during the times with the highest potential for operational effects associated with the proposed project as well as the highest volumes on the local transportation network. As previously discussed, the AM peak-hour occurs between 7:00 a.m. and 9:00 a.m. and reflects conditions during the home-to-work or school commute, while the PM peak-hour occurs between 4:00 and 6:00 p.m. and typically reflects the highest level of congestion during the homeward bound commute. Thus, the AM and PM peak-hours do not represent the whole of the project traffic, but rather just traffic generated during the specific morning and evening hours described above. Moreover, traffic distribution patterns further affect volumes in specific turn lanes and roadway segments. Please see Response to COL-18. Accordingly, a project's average daily trip count can be significantly higher than a trip count associated with a particular lane on a particular roadway segment at a particular time.

[7] Association of Bay Area Governments/Metropolitan Transportation Commission (ABAG/MTC). 2021. Transit Priority Areas. Website: https://opendata.mtc.ca.gov/datasets/transit-priority-areas-2021-1/explore?location=37.945073%2C-122.506205%2C15.00. Accessed June 2023.

Response to DCN-50
The comment requests that City of Larkspur regulations TAZs related to traffic be used to analyze the proposed project.

The City of Larkspur does not maintain its own Travel Demand Model including TAZs. Therefore, the City uses the County's Travel Demand Model.

The proposed project is located within unincorporated Marin County, not within the City of Larkspur. Further, the City's public comments on the Draft EIR indicate that annexation to the City of Larkspur is no longer being considered for the proposed project. Finally, while not required, the TIS demonstrates that, in terms of traffic congestion, the project complies with all local LOS standards, where each jurisdictions' standard applies. Please see response COL-5. Therefore, the City's regulations are applied, where appropriate, when analyzing the proposed project. No further action is required.

Response to DCN-51
The comment questions whether the current congestion and additional trips generated by the proposed project were considered in the Air Quality, noise and GHG analysis. The additional trips generated by the proposed project analyzed in the TIS were expressly considered in the analysis of operational Air Quality impacts (Draft EIR, Section 3.2, Air Quality, page 3.2-26, 3.2-42, 3.2-48, and 3.2-49). The additional trips generated by the proposed project analyzed in the TIS were expressly considered in the analysis of traffic noise impacts (Draft EIR, Section 3.11, Noise, page 3.11-10, 3.11-11, 3.11-13, Table 3.11-5, Table 3.11-6, Table 3.11-16, and Table 3.11-17). The GHG analysis in the Draft EIR also consider the impact of passenger vehicles on GHG emissions, but notes that the project would screen out of potentially significant VMT impacts as the project is located within an area with residential VMT that is less than 85 percent of the countywide average (Draft EIR, Section 3.7, Greenhouse Gas Emissions, page 3.7-27 and 3.7-28). Additional trips attributable to the project were considered in the DEIR where appropriate, and no further analysis of additional trips is required.

Response to DCN-52
The comment requests that the cumulative project analysis includes the 2000 Larkspur Landing Circle Project. As discussed in Chapter 4, Cumulative Effects, during the Draft EIR scoping period, public comments identified the proposed 2000 Larkspur Landing Circle mixed-use development project, located within the City of Larkspur to the southwest of the project site, as a potential cumulative project. However, this project is no longer active, and therefore, too speculative to analyze for cumulative impacts. Circumstances regarding the proposed 2000 Larkspur Landing Circle Project have not changed since the release of the Draft EIR. No further analysis is warranted.

Response to DCN-53
The comment states that the Larkspur Ferry Terminal Project should be included in the list of cumulative projects and requests a list of pending and approved projects. As stated in Draft EIR, Chapter 4, Cumulative Effects, specific details about the Larkspur Ferry Terminal Project are not available at this time, and its effects therefore could not be studied in the Draft EIR. Additionally, the Larkspur Ferry Terminal is a planning-level effort, not a project-level effort, and as such, there is no specific development project proposed as part of the Larkspur Ferry Terminal Project. Therefore, this

study is not considered as part of the cumulative project list. Circumstances regarding the proposed Larkspur Ferry Terminal Project have not changed since the release of the Draft EIR. No further analysis is warranted. Finally, the commenter asks for a complete list of projects that informed the Draft EIR's cumulative analysis. Such a list is already included in the Draft EIR on page 4.3.

Response to DCN-54
The commenter states that the Draft EIR does not contain a reasonable range of alternatives and introduces the commenter's reasoning for the claim that the alternatives presented in the Draft EIR are not adequate under CEQA. The specific reasons are addressed in the following responses.

Response to DCN-55
The commenter states that Alternatives 2, 3, 4, and 5 are inadequate because they only contain transportation-related alternatives.

"There is no ironclad rule governing the nature or scope of alternatives to be discussed other than the rule of reason." (State CEQA Guidelines § 15126.6, subd. (a), citing *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553 and *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376). "An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation." (CEQA Guidelines, § 15126.6, subd. (a); see also *Mount Shasta Bioregional Ecology Center v. County of Siskiyou* (2012) 210 Cal.App.4th 184, 196). A court must uphold an agency's selection of alternatives "unless the challenger demonstrates that the alternatives are manifestly unreasonable and that they do not contribute to a reasonable range of alternatives" (*Cal. Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 988).

Here, the Draft EIR includes a reasonable range of alternatives that need not be supplemented by additional alternatives to be legally adequate. Accordingly, the CEQA Guidelines permit consideration of alternatives that include modified project components, such as modified facilities, layout, size, or scale. The CEQA Guidelines do not preclude consideration of feasible transportation-related alternatives such as those presented in the Draft EIR. The alternatives presented in the Draft EIR were selected because they could accomplish the basic objectives of the proposed project or because they could avoid or lessen the significant effects of the project. By any objective standard, this is clearly a "reasonable range" of alternatives, particularly given the characteristics of the proposed project. Therefore, the alternatives are considered adequate under CEQA. No further analysis is required.

Response to DCN-56
The commenter states that Alternatives 3 and 4 are infeasible because the residents of the nearby communities will not grant permission to allow a connection to Drakes Cove Road. Despite the commenter's assertions, Alternatives 3 and 4 remain technically feasible e. The Lead Agency, in consultation with the applicant and other stakeholders, will make a final selection of an alternative separate and independent of its consideration of the EIR. The commenter does not provide any

significant new information that would justify further analysis of these alternatives. Therefore, no action is required.

Response to DCN-57
The commenter states that Alternative 5 should be rejected. This comment is noted. According to Draft EIR, Chapter 7, Alternatives to the Proposed Project, Alternative 5 was not determined to be the Environmentally Superior Alterative and incapable of substantially lessening any significant impacts of the project (and thus infeasible as a matter of law) (Draft EIR, Chapter 7, Alternatives to the Proposed Project, page 7-23). It is noted that while this alternative is not lawfully feasible, this alternative configuration and variations of this configuration might be technically feasible. The Lead Agency, in consultation with the applicant and other stakeholders, will make a final selection of an alternative separate and independent of its consideration of the EIR.

Response to DCN-58
The commenter states that Alternative 6, the all-electric building alternative, is not a true alternative. As discussed in Response to DCN-55, this alternative is considered adequate under CEQA. As discussed in Response to DCN-21, this alternative was considered in response to the NOP scoping letter from David Herr dated April 22, 2022. Please refer to Response to DCN-21.

Response to DCN-59
The commenter requests the City of Larkspur and the City of San Rafael's responses to the Draft EIR on transportation to be provided. All comments received during the Draft EIR public comment period are provided in the Final EIR, and detailed responses are contained herein. With respect to the assertion that City design policies or other regulations were used to design the project, please see Response to DCN-2. No further action is required.

Response to DCN-60
The commenter requests revision of the Draft EIR include additional alternatives to the proposed project that meets the requirements of CEQA Guidelines Section 15126.6 and the proposed project's underlying purpose and project objectives. Please refer to Response to DCN-55 for a discussion of the adequacy of the alternatives presented in the Draft EIR.

As for the suggestion that the Draft EIR must be revised to analyze additional alternatives, this is not required by CEQA or the CEQA Guidelines. Rather, CEQA Guidelines Section 15126.6 requires evaluation of alternatives "which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project." In this case, Alternative 1 (No Project, No Build Alternative) was identified as the Environmentally Superior Alternative because it would reduce impacts in all environmental topic areas. However, as per CEQA Guidelines Section 15126(e)(2), if the No Project Alternative is the environmentally superior alternative, the EIR must also identify an environmentally superior alternative from among the other alternatives. Therefore, Alternative 6 (All-Electric Building Design Alternative) is the environmentally superior alternative as impacts in the majority of the environmental topic areas would be the same as the proposed project, with slightly reduced impacts in Air Quality, Greenhouse Gas Emissions, and Energy, and would not slightly increase impacts in any way.

Response to DCN-61
The commenter requests consideration of two additional reduced density alternatives. The first alternative suggested a maximum of 174 units, 30-foot maximum building heights, and 244 parking spaces. The second reduced density alternative is discussed in the Response to DCN-62.

Please refer to Response to DCN-55 regarding the adequacy of the alternatives presented in the Draft EIR. No additional analysis is required.

As for the request that the Draft EIR consider two reduced density alternatives, any alternatives calling for reduced density would be inconsistent with the proposed project's fundamental purpose and objectives to provide as many affordable units as possible to address the regional housing and employment imbalance in Marin County. Separately and independently, State policies directed at addressing the State's housing crisis warrant the provision of as many housing units as possible where feasible due to California's acute affordable housing crisis that stifles economic growth, contributes to the homelessness epidemic, consumes an ever-growing share of the paychecks of working families, and holds millions of households back from realizing the California Dream. The presence of units will further facilitate the ability of Marin County to satisfy its Regional Housing Need Allocation (assigned by the California Department of Housing and Community Development), as documented in State and local documents, incorporated herein by this reference. Accordingly, an alternative that reduces unit count is not feasible because a key project objective is not only to provide affordable units but units that are of equal quality and have equal amenities as market-rate units.

Furthermore, pursuant to Public Resources Code Section 21159.26, for housing development projects, a public agency may not reduce the proposed number of housing units as a mitigation measure or project alternative for a particular significant effect on the environment if it determines that there is another feasible specific mitigation measure or project alternative that would provide a comparable level of mitigation. The commenter has not provided evidence that shows that the proposed reduced density alternative would mitigate project impacts to a greater degree than the proposed project that was studied in the EIR.

Response to DCN-62
The second alternative suggested by the commenter is a senior housing alternative with merely 35 dwelling units for educators residing in Marin County and working in a Marin County School District and 115 dwelling units for extremely low- to very-low-income senior residents. The commenter states that this alternative would reduce the overall total square footage and massing of the proposed project. Please refer to Response to DCN-55 regarding the adequacy of the alternatives presented in the Draft EIR, and Response to DCN-60 regarding the first of the two reduced density alternatives.

This second reduced density alternative does not meet the project objectives. The senior housing specific units fail to meet the project's fundamental purpose to address the regional housing and employment imbalance by maximizing affordable housing units for a variety of low-income households and range of unit sizes as well as workforce housing. By eliminating three-bedroom units from the scope of the project, this proposed alternative would also fail to meet

the objective of providing a range of unit sizes for moderate-, low-, and extremely low-income households. No additional analysis is required.

Response to DCN-63

The third alternative suggested by the commenter is an alternative site. As discussed in Chapter 7, Alternatives to the Proposed Project, the Alternate Location Alternative was initially considered as part of the Draft EIR but was rejected from further consideration because the Lead Agency determined that the project location in question was identified pursuant to Executive Order N-06-19, and no other sites of similar size consistent with the requirements in Executive Order N-06-19 are located in Marin County (Draft EIR, Chapter 7, Alternatives to the Proposed Project, page 7-30). Furthermore, insofar as the State identifies additional and comparatively sized surplus sites in Marin County that could be suitable for the proposed housing project, those sites will also be prioritized for additional housing and address affordability on a site-by-site basis, depending on factors such as availability of housing, number of units, market conditions, and other factors. In other words, DGS has identified them for their own respective housing projects. No further analysis is required.

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April 5, 2023

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RE: Draft EIR for Oak Hill Apartments Project in Marin County, CA

Dear Ms. Krusenoski & Mr. Palmer,

My name is David Herr. My wife Rachel Post and I live at 2 Drakes Cove Rd. in Larkspur, just adjacent to the proposed Oak Hill Apartments Development. I am the President of the Drakes Cove Homeowners Association Board of Directors, but comment in my capacity as a Marin County resident and taxpayer affected by the proposed project. The following pages constitute my comments on the Oak Hill Apartments Draft EIR. The primary focus of my comments are on Traffic (and various proposed alternatives regarding access), Noise, and, most importantly, Hazardous Materials and Air Quality during the construction process, due to the lead contamination at the project site. 1

After my comments on the scoping proposal regarding alternatives, I was disappointed to see that a less dense project alternative (something between zero and 250 units) was dismissed as something unnecessary to consider. Even if legally, due to a finding of no significant impacts after mitigation, the developer was not obligated to consider a less dense alternative (such as the Garden Plan put forth in the winning proposal selected by DGS), I feel that the issue should have been evaluated. 2

I will comment on what I feel are the salient issues in the Draft EIR and supporting Appendices, in the order they are considered in the Draft EIR.

I. Draft EIR Section 3.8 (Appendix I), Hazards and Hazardous Materials

Section 3.8 and Appendix I address Hazards and Hazardous Materials at the project site, which used to be used as a rifle range. A Phase II report with analysis of 11 soil borings to 2.5 feet (beginning at Appendix I, p. 595) identified lead contamination requiring remediation. Mitigation Measure HAZ-2 (Draft EIR, Section 3.8, p. 17) lays out the intent of the developers to work with the Bay Area Regional Water Quality Control Board (BARWQCB) to formulate and adopt a soil management plan for remediating the lead contamination. I have several concerns:

1) I and my fellow residents of Drakes Cove are very concerned about toxic dust during the grading and remediation process. We are all concerned that, given the potential for toxic dust to migrate into Drakes Cove, BARWQMD may not have the requisite expertise to evaluate and monitor the soil and dust management plan. Accordingly, we call for the Bay Area Air Quality Management District (BAAQMD) to be involved in assessing and monitoring the dust control portion of the soil management plan. A rigorous focus on dust management is necessary, since the ordinary dust control method of regularly spraying water on the work surface may not be viable, since the BARWQMD may restrict it to prevent toxic runoff reaching the bay. 3

2) Given the catastrophic consequences to Drakes Cove residents of actual toxic dust contamination of our complex, or even the perception that such contamination may occur, we request that the dust management plan include appropriate monitoring of the air along the property line between the project and Drakes Cove, and within the Drakes Cove complex itself. There must also be strict protocols for immediate cessation of work to be followed upon any alert of toxic dust migration from the project site. To that end, while grading and soil remediation work is being performed, someone designated by the HOA Board of Directors at Drakes Cove must be in the loop for any air monitoring alert. 4

3) Any stockpiling of soil on site must be within fully enclosed containers. Piles of dirt covered with tarps would be insufficient, as the recent wind and rain events amply demonstrate. Preferably, and soil suspected of being contaminated will be transported off site and stockpiled at an appropriate facility. 5

4) I am concerned that the Phase II did not include enough samples over a wide enough area, particularly between the sample sites and Sir Francis Drake Blvd. (Draft EIR Exhibit 3.8-1, immediately following Section 3.8 p. 22). According to the Phase II, one of the background samples (BG3-2, App. I pp 606-608), did indicate lead levels above the applicable threshold. It would be more responsible and efficient for more samples to be taken now, to fully delineate the contamination area, than to risk leaving something behind that could require additional remediation after the next phases of the project have begun. More sampling should also be done along the entire property line between the project site and Drakes Cove, based on the old munition discovered in the brush on the project site adjacent to 35 Drakes Cove, on July 15, 2021:

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Any new inspection and analysis of the site, and any further details of the soil and dust management plan, will require DGS and the developer to revise and reissue the Draft EIR.

II. Draft EIR Section 3.11 (Appendix H), Noise

Section 3.11 of the Draft EIR addresses Noise, both during and after construction of the project. Exhibit 3.11-1 of the Draft EIR shows the location of the 24 hour and short term noise monitoring locations on the site. For purposes of evaluating the effect of construction noise on residents of the neighboring Drakes Cove complex, additional noise monitoring and study needs to be made at the northeast corners of 2 and 3 Drakes Cove Rd., and the southeast corners of 33 and 35 Drakes Cove Ct.. The purpose of such monitoring would be to study construction equipment noise impacts at those locations, particularly for any pile-driving, which tends to be the loudest part of the construction process. Such new noise analysis will require DGS and the developer to revise and reissue the Draft EIR. 7

I and other residents of Drakes Cove are also concerned about the stated construction hours of Monday - Friday 7AM – 7PM, and Saturday 9AM – 5PM. I and my fellow residents request that these be amended to Monday – Friday 8AM-6PM for any activity other than setting equipment up in the morning, and storing it safely in the evening. We would also request that there be no Saturday construction except for certain limited activities like completing concrete pours, etc., which absolutely require a 6th workday. 8

I could not find any evaluation in Section 3.11 of the projected noise impact of 250 occupied units on the neighbors at Drakes Cove. DGS and the developer should make some attempt to reasonably assess what that would be, so that neighbors of the project can understand what our lives will be like adjacent to a large multifamily development. For those residents who may be selling over the next 2-3 years, some guidance as to the noise levels of the complete and occupied project would be useful in preparing seller disclosures. Such new information and analysis will require DGS and the developer to revise and reissue the Draft EIR. 9

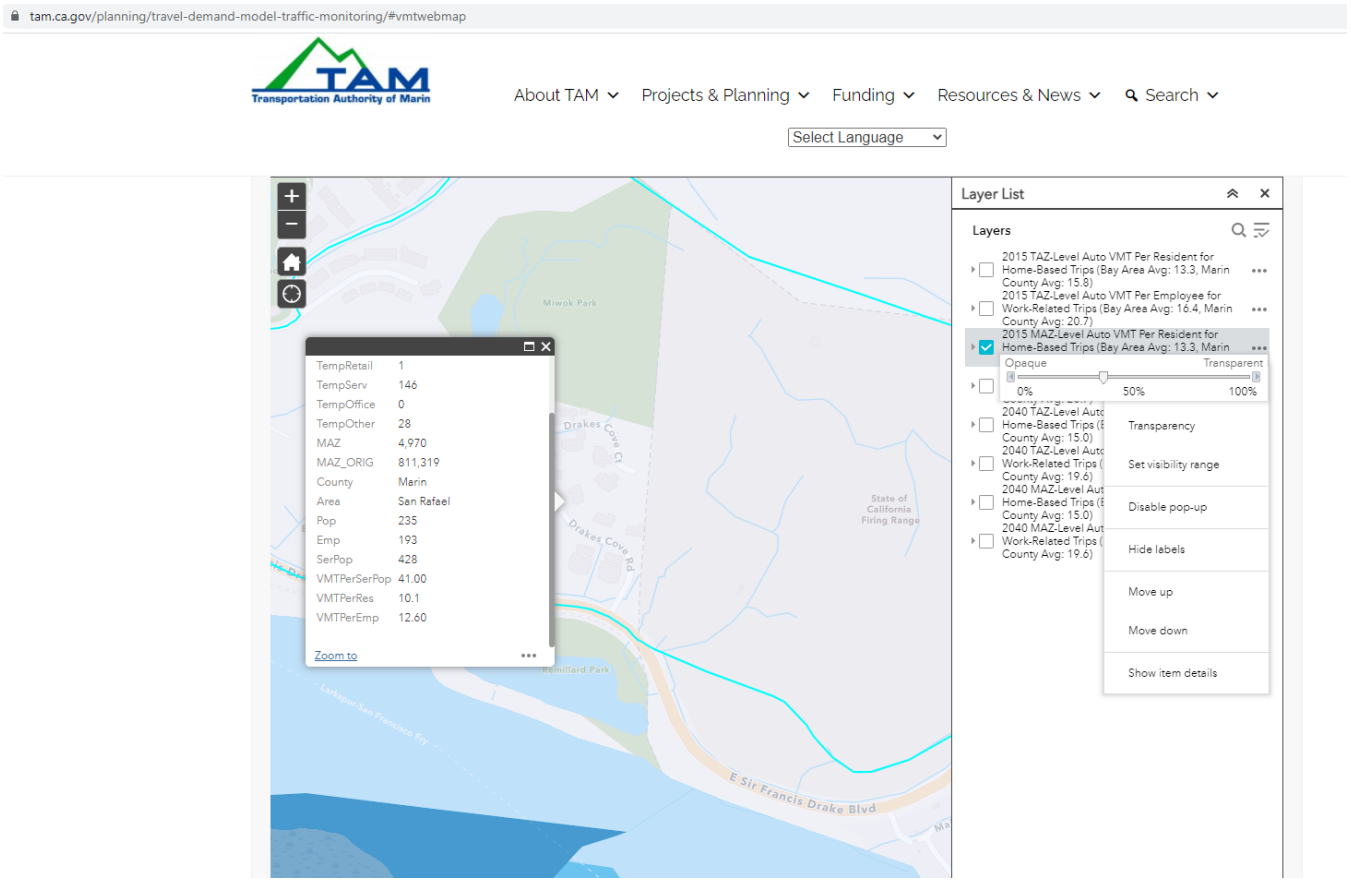
III. Draft EIR Section 3.12 (Appendix I), and Alternatives 2 Through 5, Transportation and Ingress/Egress

Section 3.12 and Appendix I, along with Alternatives 2-5, address traffic, ingress, and egress issues raised by the project. To be honest, this section and the supporting materials were very difficult to decipher, since they rely on multiple statistical models interacting with one another. I am a graduate of Berkeley Law and a member of the California Bar, and had a hard time following the analysis that concludes that there are no significant transportation impacts from adding 250 units and nearly 400 cars to a thoroughfare that is already clogged at peak hours. Apparently, what most people would consider to be common sense issues to evaluate, such as traffic bottlenecks and significant reductions in Level of Service (LOS) at affected intersections, are not actually relevant under new laws and regulations pertaining to CEQA. LOS reductions and traffic delays are excluded from consideration as significant impacts. 10

Under various laws such as SB 743, and various regulations and guidance documents promulgated by various state agencies under those laws, parking, traffic delay, and LOS reduction impacts are ignored, particularly for affordable multifamily residential "infill" projects within ½ a mile of major transit nodes. The applicable metric for weighing transportation impact is vehicle-miles travelled, or VMT. The proposed project doesn't even have to meet the state's VMT standards for no significant impact, because it is a 100% "affordable" development, within .5 miles of the Larkspur Ferry Terminal.

Nonetheless, DGS and the developers deigned to conduct a VMT analysis. Based on what a model says about the project site's location in unincorporated Marin, a VMT of 10.1 miles per capita was assigned to the project, without any specific considerations of the project's unique characteristics. DGS and the developers contend that the affordability of this project will attract people who work in Marin but are forced, due to Marin's high housing costs, to live in other counties (Sonoma, Contra Costa, Napa, Alameda). The assumption is that those workers' VMT would decline if they could move closer to their work in Marin. But there is no way for DGS or the developers to guarantee that project residents exclusively work in Marin but live outside of it. Nor is there any way, over time, to prevent occupants, who will presumably have all of California's bountiful tenant protections, from taking jobs outside Marin, if such opportunities present themselves. The VMT appears to be arbitrarily assigned based on location, without consideration of whether or not the proposed project itself will affect the VMT for the micro analysis zone. 11

There is some confusion as to what the applicable Mirco Analysis Zone is for this project. The traffic consultant has it as 811,319, which according to a screenshot provided by W-Trans, has 235 people. The project alone will contain more than double that number, so I imagine that the VMT with the project could be significantly affected by the project itself. Neither the traffic study nor the Draft EIR account for this and try to estimate what the VMT will be for this zone, accounting for the specific occupant profile that DGS and the developers are aiming for.



W-Trans provided the above screenshot to me on 04-04-2023

Ms. Rachel Krusenoski of FirstCarbon provided a working link to TAM's MAZ data, which has the project in MAZ 800,244, an MAZ which covers a larger area than the one depicted above. Below are the VMT calculations for MAZ 800,244, based on 2015 actual numbers (population 885, VMT 8.9) and a 2040 projection (population 1235, VMT 10.5). The project will significantly affect those population numbers, particularly in light of further expected development on the Ross Valley Sanitation District Parcel at the corner of Larkspur Landing Circle and East Sir Francis Drake Blvd.

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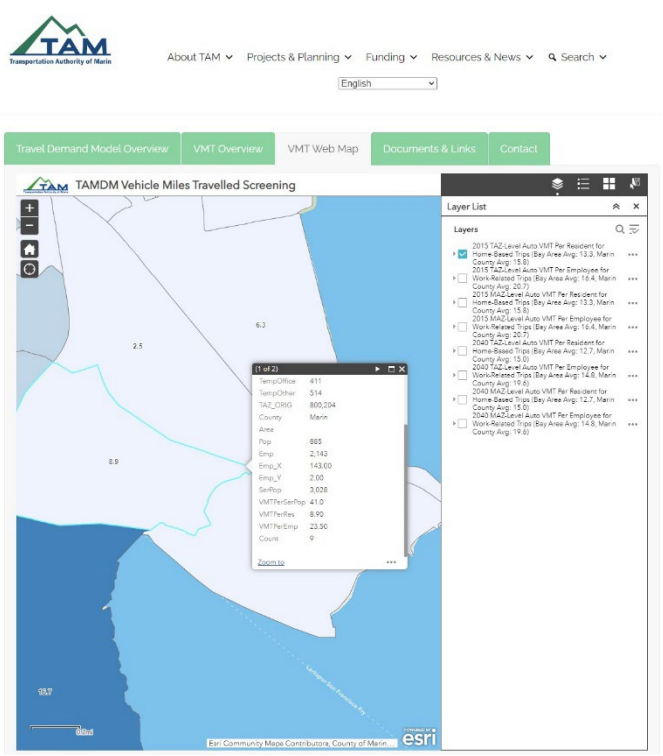
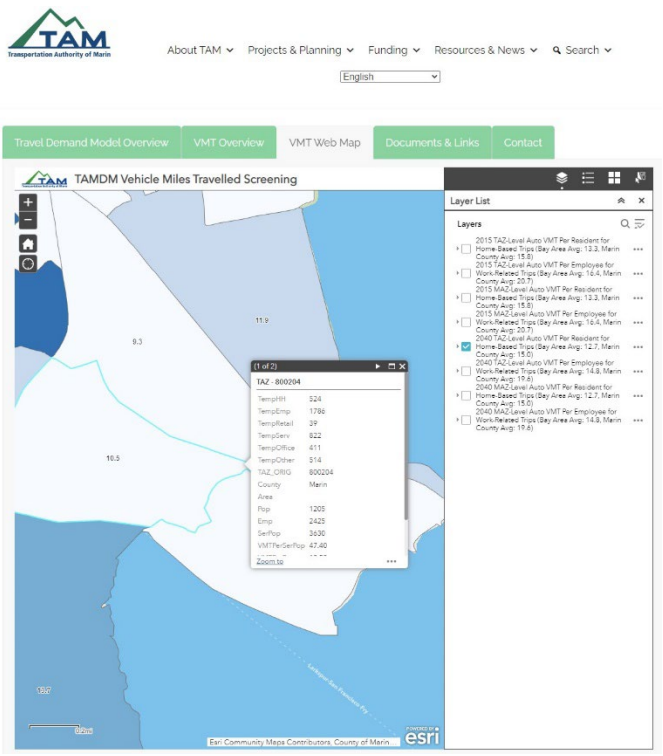


MAZ 800,244 2015 Actual



MAZ 800,244 2040 Projected

Based on the fact that all available data, for whichever MAZ is applicable, demonstrates that the project will be a significant portion of the population of the MAZ, new analysis should be conducted taking into account the projected VMT for project residents. If DGS and the developers feel that VMT would remain below the significance threshold of 13.4, they should at least provide their detailed reasoning for coming to that conclusion. Such new study and analysis will require DGS and the developer to revise and reissue the Draft EIR.

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CONT

Given that the project, by legislative and regulatory fiat, has no significant transportation impacts, I don't understand why DGS and the developers put so much time into analyzing trips generated by the project. But to the extent they did, they once again relied on a generic model to conclude that there would be around 1360 daily weekday vehicle trips generated by the project, and only 67 of those trips being AM peak hour out trips. Given that the workforce housing component of the project is 135 units, I find it hard to believe that only ½ of the adult occupants of those units would be driving to work during AM peak hours. Add in a reasonable portion of the 115 general affordable units, and I believe that the peak hour trips would be way above 90 during the AM peak and 110 during the PM peak. Given that the proposed housing is intended for lower and middle income working people, whose jobs tend to be less amenable to working from home or time shifting during the day, I would expect most of the nearly 400 cars the project proposes to park, would be exiting during the AM peak and returning during the PM peak. The overall number of trips,

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and distribution of those trips, was arrived at by applying general traffic models, without any consideration of the specific nature of the planned occupancy of the project. 13 CONT

While the above quibbles might not amount to a significant unmitigated impact under CEQA, they do affect what kind of signalization and turn lane approach is needed for the intersections of East Sir Francis Drake Blvd. with both the project entrance, and Drakes Cove Rd.

It appears that while DGS and the developers are advocating for a traffic signal at the intersection of East Sir Francis Drake Blvd. and the project entrance, without any connection between the project and Drakes Cove Rd., the Traffic Study says that the expected traffic volume doesn't warrant a traffic signal without such a connection. Under the trip generation model used by the traffic engineer, the 4 westbound trips from Drakes Cove Rd. onto East Sir Francis Drake are necessary to hit the threshold of 70 for the traffic signal, since the trip generation model for the project shows 67 westbound trips out. This is where the model's failure to adjust to the specific nature of the project results in error. Given the workforce housing component of the project, it is reasonable to expect there to be well over 70 westbound trips out during the AM peak hour. The transportation consultant should perform new analysis of the expected trips in and out, and DGS and the developer should revise and reissue the Draft EIR based on that analysis. 14

What is worrisome about this issue, is that the Draft EIR says that DGS and the developers are planning for a traffic signal that the Traffic Study in Appendix I says is not warranted. If that is the case, the Final EIR should state that explicitly.

Regardless of what access configuration DGS and the developers settle on, two points are of supreme importance to my wife and me, and other Drakes Cove residents:

1) Alternative 5, which would turn Drakes Cove Rd. into a right turn only in and out street, is an unacceptable loss of access for Drakes Cove residents. Where would residents returning from west of Drakes Cove turn around to make their right turn in? Would we have to continue to 580 East, exit at San Quentin, get back on 580 West, and exit at Sir Francis Drake? That would be a ridiculous burden which would severely impact the value and desirability of our homes, in addition to causing confusion among delivery drivers and service providers. 15
2) East Sir Francis Drake Blvd. should be stenciled, in both directions, with "Keep Clear" at the intersection with Drakes Cove Rd., to prevent either direction of East Sir Francis Drake Blvd. from becoming blocked with traffic during peak hours. 16

SUMMARY

I believe that DGS and the developer need to gather more information and make more study of the following issues, and then revise and reissue the Draft EIR:

1) More robust air quality monitoring must be part of any soil management plan. If necessary, BAAQMD must be involved, given the potential toxicity of any dust. A draft soil and dust management plan, developed in cooperation with Drakes Cove residents, should be part of the Draft EIR. 17
2) Further site inspection and soil testing should be done, particularly in light of recent heavy rains, to ensure that the full extent of lead and other hazardous items and substances is properly delineated before any phase II work begins. 18
3) DGS and the developer should perform further noise analysis, with testing in Drakes Cove, and a reasonable estimation of the noise from 500+ occupants of the project. 19
4) DGS and the developer should perform new analysis of the trips generated by the project, based on projected resident employment characteristics, and not just a model. 20
5) DGS and the Developer should follow the relevant guidance for VMT studies, and make a reasonable projection of the VMT generated by the project. See Fehr & Peers VMT 2020 Guidance Memorandum for more information. 21
6) DGS and the developer should consider a redesigned signal for the 3 way intersection of East Sir Francis Drake Blvd., the project entrance, and Drakes Cove Rd., to ensure safe ingress and egress for project residents and residents of Drakes Cove. Such analysis should consider stenciling "Keep Clear" on both lanes of East Sir Francis Drake Blvd. at the intersection with Drakes Cove Rd. 22

Please do not hesitate to call or email me with any questions.

Sincerely,

David Herr
(510) 376-8580
davecherr@gmail.com

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David Herr (HERR)

Response to HERR-1
The commenter provides introductory remarks and general background information and summarizes the commenter's concerns about potential impacts resulting from the proposed project. The concerns pertaining to environmental impacts are addressed in the following responses.

Response to HERR-2
The commenter expresses disappointment that a less-dense project alternative was not evaluated.

As discussed in Draft EIR, Chapter 7, Alternatives to the Proposed Project, a lower density/smaller building footprint alternative was initially considered but rejected from further consideration because reducing the number of units would not meet the project objective to provide as many affordable housing units as possible as directed by Executive Order N-06-19 to address the regional housing and employment imbalance in Marin County. The shortage of housing in the State of California has reached crisis proportions, and this objective is fundamental to the project and DGS' program to develop underutilized State properties. Therefore, this alternative was determined to be infeasible. Additional analysis of a low-density alternative is not warranted. Refer to Draft EIR, Chapter 7, Alternatives to the Proposed Project, for a discussion of why a lower density alternative was infeasible and rejected from further consideration under CEQA. This comment is noted and will be provided to DGS for their review and consideration of the proposed project as a whole.

Furthermore, pursuant to Public Resources Code Section 21159.26, for housing development projects, a public agency may not reduce the proposed number of housing units as a mitigation measure or project alternative for a particular significant effect on the environment if it determines that there is another feasible specific mitigation measure or project alternative that would provide a comparable level of mitigation. The commenter has not provided evidence that shows that a reduced density alternative would mitigate project impacts to a greater degree than the proposed project that was studied in the EIR.

Response to HERR-3
The commenter expresses concern about toxic dust during the grading and remediation process from lead concentrations in the soil and claims that the RWQCB may not be able to effectively evaluate and monitor the soil and dust management plan. The commenter suggests that the BAAQMD be involved in assessing and monitoring dust control. The commenter suggests that RWQCB may restrict ordinary dust control methods to prevent toxic runoff from reaching San Francisco Bay.

Please see Response to DCN-18, incorporated herein by this reference. In summary, as discussed in Draft EIR, Section 3.2, Air Quality, the proposed project would be required to incorporate various BAAQMD-recommended dust control measures during project construction, and MM AIR-2 requires the project to implement all construction mitigation measures recommended by the BAAQMD, including BAAQMD's recommended dust control measures during project construction (Draft EIR, Section 3.2, Air Quality, page 3.2-39). The RWQCB does not have the authority restrict implementation of the BAAQMD-recommended dust control measures or prevent implementation of MM AIR-2. Additionally, the Air Quality analysis provided in the Draft EIR determined that the

potential exposure from contaminated soil would be less than significant through implementation of the SGMP as well as federal, State, and regional regulations and implementation of MM HAZ-2 (Draft EIR, Section 3.2, Air Quality, page 3.2-48).

Pursuant to MM HAZ-2, the proposed project's SGMP, included in Appendix F, contains dust control procedures that have been implemented successfully at similar sites. The RWQCB will determine the appropriateness of the SGMP and request revisions, if necessary. The Draft EIR concluded that with the above mitigation, the project construction's impact related to air quality from fugitive dust, soil erosion, and potential hazards are less than significant. No further mitigation measures are required.

Response to HERR-4
The commenter requests that the SGMP includes appropriate monitoring of the air along the property line between the project and Drakes Cove Community, as well as within Drakes Cove Community. The commenter recommends strict cessation procedures upon alert of toxic dust migration from the project site. The commenter further requests that someone designated by the HOA Board of Directors in Drakes Cove Community be included in any air monitoring alert.

As discussed in the SGMP included in Appendix F, the SGMP requires monitoring of site activities by qualified personnel (Appendix F, Soil and Groundwater Management Plan, page 6-7). While the site is inactive, the dust control measures stipulate that a telephone number will be posted at the site entrance for an on-call person to mobilize with mitigation crews to cease visible dust plumes (Appendix F, Soil and Groundwater Management Plan, page 7). The dust control measures also specify that work will decrease or cease if dust is present during strong winds (Appendix F, Soil and Groundwater Management Plan, page 7).

Refer to Response to DCN-18 and Response to HERR-3 for a discussion of dust control measures and the Draft EIR's conclusion that the project's impacts related to air quality from fugitive dust are less than significant. No further mitigation measures are required.

Response to HERR-5
The commenter suggests that all soil on the project site must be within fully enclosed containers to prevent contamination.

"Live-loading" soil into trucks is the preferred method for disposal under the SGMP; however, the SGMP include measures to manage any stockpiles that may need to be maintained until a disposal facility agrees to accept the waste (Appendix F, Soil and Groundwater Management Plan, page 5). Under the SGMP, any stockpiling on-site will be managed under the supervision of an OSHA 40-hour HAZWOPER-trained individual and will be located to reduce transport distances. (Appendix F, Soil and Groundwater Management Plan, page 4). The SGMP notes that rollaway bins with secured lids may be used. If stockpiles are needed, the SGMP lists many detailed, strict procedures for protecting the soil against storms, wind, rain, and erosion (Appendix F, Soil and Groundwater Management Plan, page 5). Assuming they become necessary, every effort will be made to minimize the time that stockpiles are present on-site.

The detailed measures to address excavated soil on-site were prepared by expert consultants and will have to be reviewed and approved by the RWQCB pursuant to MM HAZ-2 (Draft EIR, Section 3.8,

Hazards and Hazardous Materials, 3.8-18). The Draft EIR concluded that implementation of an RWQCB-approved SGMP is sufficient to mitigate any potential impacts from hazardous soil. No further mitigation measures are required.

Response to HERR-6
The commenter states that additional soil samples should be taken to delineate the contamination area and that more sampling should be conducted adjacent to the Drakes Cove Community. The commenter states that further analysis or changes to the SGMP would necessitate recirculation of the Draft EIR.

The Draft EIR adequately evaluated the proposed project's potential impacts related to hazards and hazardous materials and air quality. There is no substantial evidence that the project's hazards and hazardous materials impacts warrant recirculation of the Draft EIR. As discussed in Response to HERR-3, the proposed project requires implementation of the applicable federal, State, and regional regulations and implementation of MM AIR-2 and MM HAZ-2. The Phase II ESA did not identify a need for further testing, as the recommendations provided in the Phase II ESA, which were incorporated into the Draft EIR, were determined to reduce potential impacts to less- than-significant levels. Therefore, additional sampling of the soil at this time is not warranted. Furthermore, additional discovery of lead contamination would not be considered new or more significant environmental impacts or constitute significant new information requiring recirculation of the Draft EIR, as the potential for any soil lead contamination on-site has been analyzed, disclosed, and fully mitigated in the Draft EIR. Specifically, MM HAZ-2 accounted for potential additional excavation, stating, "Further excavation and confirmation sampling may be necessary based on the initial confirmation results. Procedures for this additional excavation and confirmation sampling shall be provided in the soil management plan." The SGMP, included in Appendix F, has specific procedures for additional excavation of soil if testing demonstrates contamination beyond the bounds of the former gun range site. If any soil sample taken in compliance with the SGMP exceeds the soil cleanup concentration standards set forth in the SGMP, the excavation area will be expanded by at least one additional foot vertically (if the exceeding sample is from a sample from the bottom of the excavation site) or five feet laterally (if the exceeding sample is from a sample from the side wall of the excavation site) (Appendix F, Soil and Groundwater Management Plan, page 4). After the excavated area has been expanded, another set of confirmation soil samples will be collected from the newly exposed soils to determine whether the cleanup goals have been met or if the excavation area needs to be further expanded (Appendix F, Soil and Groundwater Management Plan, page 4). Therefore, no additional analysis is warranted at this time, and to the extent any further soil contamination is discovered during the excavation process, the SGMP sets forth clear procedures to expand the excavation area until sampling demonstrates that cleanup goals have been satisfied.

Furthermore, lead is a naturally occurring element in soil. In California, background lead concentrations range from approximately 12 milligrams per kilogram (mg/kg) to approximately 97 mg/kg. Background sample BG3, located at an undisturbed area uphill from the historic gun range, had concentrations of lead of 23 mg/kg in the surface sample and 88 mg/kg in the two-foot below ground surface sample. Both results are indicative of natural background lead concentrations and no characterization is necessary. Soil that is disturbed during site development will be managed in accordance with the SGMP.

The commentor also cites a gas canister discovered in brush on the project site in 2021 as a reason why further soil sampling and analysis of soil hazards is warranted. The Phase II ESA characterized the Recognized Environmental Conditions (RECs) identified in the Phase I ESA. These included two gun ranges due to their use of lead ammunition and no known remediation activities (Appendix F, Cameron-Cole Phase I ESA at Section 1). Accordingly, the Cameron-Cole Phase I and Phase II ESAs studied potential lead contamination impacts from the historic gun ranges. The project site area was inspected and cleared by local police authorities and the US Air Force bomb squad No additional gas canisters or other munitions were uncovered during those activities, and there is no evidence of any safety risks to project construction works, future project users with access to the project site. Furthermore, it is presumed that members of the general public would not traverse the remote parts of the project stie, as such would constitute trespass. Unlike lead ammunition from firearms, with respect to soil contamination, there is no evidence that the presence of a gas canister on the project site would be associated with any lead contamination of area soils. Furthermore, based on the most recent grading and other project plans, no earth moving activities or project components are planned for the area adjacent to 35 Drakes Cove Court (where commentor notes the canister was stated to be found). Therefore, the asserted discovery gas canister cited by commentor does not increase the potential for any significant contamination or other hazardous impacts from grading or excavation of project site soils caused by construction or operation of the project. The discovery of the gas canister on the project site does not warrant any additional analysis beyond the extensive analysis of soil impacts in the Draft EIR, and does not demonstrate any new significant impacts or increased severity of significant impacts that would potentially warrant revision and recirculation of the Draft EIR.

CEQA mandates study of a project's impact on the surrounding environment, and the presence of the gas canister at the project site does not suggest that the project will have any further impacts beyond those analyzed and discussed in the Draft EIR. CEQA does not require any additional mitigation measures for the project. However, as a condition of approval for the project, DGS will conduct a sitewide survey prior to the issuance of any construction permits to ensure that no other gas canisters are present at the project site.

Response to HERR-7
The comment states that additional noise monitoring and study needs to be conducted at the northeast corners of 2 and 3 Drakes Cove Road, and the southeast corners of 33 and 35 Drakes Cove Court. The purpose of such monitoring would be to study construction equipment noise impacts at those locations, particularly for any pile driving, which tends to be the loudest part of the construction process.

Please refer to Responses to DCN-37, DCN-38, and DCN-39. The Draft EIR assesses the significance of the proposed project's construction-related noise by analyzing impacts that would occur to the single-family residence "located west of the project at the end of Drakes Cove Court" (Draft EIR, Section 3.11, Noise, page 3.11-15). It is worth noting that this single-family residence is 35 Drakes Cove Court, which is one of the addresses referenced by the comment. The Draft EIR explains that this single-family residence is "[t]he nearest off-site sensitive receptor to the project construction footprint where multiple pieces of heavy construction equipment could operate simultaneously." (*Id.*) In other words, it can be considered a "worst-case" receptor–no other receptor would be

estimated to experience more severe impacts than this single-family residence. Because the Draft EIR demonstrates that impacts to this receptor would be less than significant, it follows that impacts to all other receptors would be less than significant, as well. Furthermore, construction of the proposed project would not utilize pile driving. (*Id*.) As such, no additional analysis or "additional noise monitoring and study" is required that would require recirculation of the Draft EIR. Moreover, the comment does not identify substantial evidence of any potential impacts that would require recirculation of the Draft EIR. Therefore, recirculation of the Draft EIR is not required.

Response to HERR-8
The comment requests that the project's construction hours be amended to be Monday through Friday 8:00 a.m. to 6:00 p.m. for any activity other than setting equipment up in the morning and storing it safely in the evening. The comment requests that there be no Saturday construction except for certain limited activities like completing concrete pours, etc., which absolutely require a sixth workday.

Please refer to Response to DCN-36. The comment will be provided to the DGS for their review and consideration.

Response to HERR-9
The comment states that the Draft EIR should be recirculated and include an evaluation of the operational noise impacts on the Drakes Cove Community.

Draft EIR, Section 3.11, Noise, contains an evaluation of the proposed project's mobile source operational noise impacts (i.e., traffic-related noise impacts) (See Draft EIR, Section 3.11, Noise, page 3.11-16). Stationary operational noise impacts from mechanical equipment are evaluated on page 3.11-17 of the Draft EIR. As determined, the proposed project's operations-related noise impacts would be considered less than significant. The comment does not provide evidence that the proposed project would result in significant operations-related noise impacts, and it does not identify substantial evidence pertaining to potentially significant operations-related noise impacts. Therefore, additional analysis or subsequent recirculation of the Draft EIR is not required.

Response to HERR-10
The commenter states that the analysis provided in Draft EIR, Section 3.12, Transportation, is difficult to follow, and points out that LOS is no longer analyzed as part of CEQA. The Draft EIR contains lay explanations of each impact and mitigation and, where appropriate contains more technical detail (and even modeling results in appendices). The format and presentation satisfy all CEQA requirements. The commenter also states that the proposed project does not have to meet VMT standards. This comment consists of introductory statements regarding VMT. The concerns pertaining to VMT are addressed in the following response.

Response to HERR-11
The commenter states that the addition of affordable housing in Marin County will not prevent residents from commuting to other counties, and the commenter alleges that this negates the VMT analysis provided in the Draft EIR.

As discussed in Chapter 5, Effects Found not to be Significant, the proposed project would accommodate growth of affordable units to meet existing housing needs by underserved populations. The proposed project would help meet the anticipated future demand for housing in Marin County. Furthermore, as discussed in Chapter 6, Other CEQA Considerations, the California Employment Development Department (EDD) anticipates the labor force will increase by 6.5 percent by 2026, necessitating the addition of affordable housing to meet the anticipated growth. As identified in Draft EIR, Chapter 2, Project Description, 135 dwelling units would be available to low-income and moderate-income Marin County educators working in the County and County employees. Therefore, the proposed project represents an opportunity to provide housing for the local labor force and to address the regional housing and employment imbalance in the County. Furthermore, placing residents within close proximity to existing transit facilities would enable the local labor force to live in the proposed residences and would result in an overall decrease of transportation impacts. As the proposed project is specifically designed to provide housing to local employees and correct the housing and employment imbalance, it is reasonable to conclude that the proposed project would have a positive impact by reducing the need for residents to commute to other counties.

As discussed in Draft EIR, Section 3.5, Energy, the proposed project is anticipated to result in an overall decrease in per capita transportation energy consumption when compared with State averages (Draft EIR, Section 3.5, Energy, page 3.5-14). This conclusion is based on data from the ARB's 2021 EMFAC model and CalEEMOD model used Statewide for vehicle trip impact analysis under CEQA.

Furthermore, as the commentor note in his previous comment, pursuant to State law, the proposed project would screen out of potentially significant VMT impacts with respect to GHG as the project is located within an area with residential VMT that is less than 85 percent of the countywide average (Draft EIR, Section 3.7, Greenhouse Gas Emissions, page 3.7-27). The proposed project would also place future residents and employees near existing transit facilities and would result in an overall decrease in VMT consistent with State reduction targets (Draft EIR, Section 3.7, Greenhouse Gas Emissions, page 3.7-28). Therefore, no further analysis of VMT is required.

Response to HERR-12

The comment states that the incorrect Micro Analysis Zone is applied to the proposed project, and therefore, the VMT analysis is incorrect.

As stated in the TIS, at the time the TIS was prepared, the project site was located within MAZ 811,319 with a listed VMT per resident rate of 10.1. Since the TIS was prepared, the TAM has refined their models and updated the portal to so that the project is located within MAZ 800,204 with a VMT rate of 8.9 per resident, which is the inconsistency stated in the comment. Regardless, the new VMT rate of 8.9 per resident is less than 85 percent of the regional average, which is 15.8 VMT per resident for unincorporated Marin County (note that 85 percent of 15.8 is 13.4); therefore, the project is still exempt from impacts related to VMT under CEQA, and impacts would be less than significant.

Under either MAZ designation, the VMT per resident is less than 85 percent of the regional average (15.8 VMT per resident for unincorporated Marin County, 85 percent of which is 13.4) and therefore the project is exempt from impacts to VMT under CEQA. Notwithstanding the above, the commenter suggests that VMT should differ based on the number of people residing within a MAZ. To clarify, VMT is assessed on a per capita basis that depends on a resident's proximity to commercial and other uses and the circulation network that the resident will access. The presence of more residents in proximity might affect traffic congestion (which is not a CEQA impact), but it will not affect the number of miles an individual resident will travel.

Response to HERR-13
The comment states that the trip generation for the proposed project is not accurate for the AM and PM peak-hours. This comment is noted. Please refer to Response to DCN-49 for more information related to the accuracy of the trip generation provided in the TIS (see also Draft EIR at section 3.12.5). Trip generation was calculated based on the ITE Trip Generation Manual, 10th Edition. This source is used by jurisdictions throughout the cities of Larkspur and San Rafael in numerous traffic studies prepared for various projects in each jurisdiction. The ITE trip projections for Multifamily Housing (Mid-Rise) are expected to accurately account for trips generated by the proposed project, which will include both commuting residents (not all of whom will commute via automobiles) and non-commuting residents.

Response to HERR-14
The commenter asserts that DGS is advocating for a traffic signal at the intersection of East Sir Francis Drake Boulevard and the project entrance. The comment states that the TIS does not determine that the traffic signal is warranted at the project access driveway and East Sir Francis Drake Boulevard, yet the project proposed a traffic signal. The comment states that the Draft EIR should explain this further.

DGS is the Lead Agency for CEQA purposes and is tasked with independently reviewing the analysis in the Draft EIR. DGS is not advocating for any particular configuration but will make a determination on a project alternative after considering all information in the project's administrative record.

Please refer to the Responses to COL-19 and COL-20 for more information regarding the traffic warrant analysis in the TIS. The CA-MUTCD does not prohibit installation of a traffic signal where not warranted and does not require installation where it is warranted. Traffic signals may be installed or not based on engineering judgment specific to an identified location. Based on a holistic review and evaluation of the proposed project, its access configuration, and pedestrians and bicyclists' access, the TIS determined that a traffic signal would be beneficial overall to the proposed project. Insofar as the commenter asserts the predicted vehicle trip counts are not accurate in light of the proposed project's workforce housing component, please see Response to HERR-13.

Response to HERR-15
The comment states that Alternative 5 considered by the Draft EIR would result in an unacceptable loss of access for Drakes Cove residents. The comment is noted.

In Chapter 7, Alternatives to the Proposed Project, the analysis of Alternative 5 showed that prohibiting the left turn movements at East Sir Francis Drake Boulevard to Drakes Cove Road

intersection would slightly improve safety as compared to the proposed project by eliminating any potential collisions that could occur between the small volume of vehicles utilizing the left-turn lane and traffic heading westbound on East Sir Francis Drake Boulevard without the aid of signalization. While this alternative would slightly improve traffic safety as compared to the proposed project, this alternative would not be significantly safer than the proposed project. Thus, traffic safety impacts would be slightly decreased and VMT would be slightly increased as compared to the proposed project. Accordingly, this alternative did not substantially lessen any significant impacts of the project and was rejected. No further action or analysis is required.

Response to HERR-16
The comment recommends that East Sir Francis Drake Boulevard should be stenciled, in both directions, with "Keep Clear" at the intersection with Drakes Cove Road to prevent either direction of East Sir Francis Drake Boulevard from becoming blocked with traffic during peak-hours.

As disclosed in the Final EIR, the proposed project would have less than significant traffic safety impacts, and thus the proposed markings are unnecessary to include from a safety impact perspective (or any environmental impact perspective). Installation of such markings is typically limited to locations where blockage is or is expected to create substantial delay, which is not the case in this instance given the low volumes of traffic expected to enter the project site. Lacking any anticipated queueing blockage, there is not a need for such markings. It is noted that should queueing develop in the future blocking egress from Drakes Cove Road, the City could install such markings. This comment is noted and will be provided to Lead Agency for their consideration.

Response to HERR-17
The comment states that more robust air quality monitoring must be part of any soil management plan, and that, if necessary, the BAAQMD must be involved, given the potential toxicity of any dust. The comment request that a draft soil and dust management plan, developed in cooperation with Drakes Cove residents, should be part of the Draft EIR. The SGMP was included in Appendix F of the Draft EIR. Please refer to Response to HERR-3 and Response to HERR-4.

Response to HERR-18
The comment states that further site inspection and soil testing should be done, particularly in light of recent heavy rains, to ensure that the full extent of lead and other hazardous items and substances are properly delineated before any Phase II work begins.

The gun range has been inactive for more than 40 years and recent rains are not likely to change the distribution of lead on-site. See Response to HERR-6 in regard to the investigation footprint.

Response to HERR-19
The comment states that DGS and the project applicant should perform further noise analysis, with testing in Drakes Cove, and a reasonable estimation of the noise from more than 500 occupants of the proposed project.

Please refer to Responses HERR-7, HERR-8, and HERR-9. See also Responses to Comments DCN-37, DCN-38, and DCN-39.

Response to HERR-20
The comment states that DGS and the project applicant should perform new analysis of the trips generated by the project, based on projected resident employment characteristics, and not just a model.

This comment is noted. Please refer to Response to DCN-49 for more information related to the reasonableness of the trip generation provided in the TIS. The trip generation was calculated based on data from the ITE Trip Generation Manual, 10th Edition. For information concerning the workforce component of the proposed project and its implications with respect to the traffic analysis, please see Response to HERR-13.

Response to HERR-21
The comment states that DGS and the project applicant should follow the relevant guidance for VMT studies and make a reasonable projection of the VMT generated by the proposed project.

A lead agency legally has the discretion to choose a methodology so long as it is supported by substantial evidence. In the Draft EIR, the analysis is consistent with the OPR Technical Advisory and incorporated data from the Marin County TAMDM, as well as background model data prepared by Fehr & Peers for the Transportation Authority of Marin. The methodology is therefore based on substantial evidence.

The resource cited in the comment, which includes a November 2, 2020, Memorandum from Fehr & Peers to the Transportation Authority of Marin does not present any new information of consequence. The memorandum provides residential VMT per capita within Marin County, which was used in the TAMDM model that itself was used for this analysis, but otherwise does not contain information on thresholds of significance or analysis methods. As the County of Marin has not adopted local VMT thresholds of significance, standards provided by the State via OPR's *Transportation Impacts (SB 743) CEQA Guidelines Update and Technical* Advisory, 2018, were used. Please refer to Response to COL-5, Response to DCN-47, and Response to HERR-12 for more information related to the accuracy of the trip generation provided in the TIS.

Response to HERR-22
The comment states that DGS and the project applicant should consider a redesigned signal for the three-way intersection of East Sir Francis Drake Boulevard, the project entrance, and Drakes Cove Road to ensure safe ingress and egress for project residents and residents of Drakes Cove. Such analysis should consider stenciling "Keep Clear" on both lanes of East Sir Francis Drake Boulevard at the intersection with Drakes Cove Road.

The proposed project does not have any significant traffic safety impacts. Nevertheless, the Draft EIR evaluated a number of different traffic configurations, none of which substantially lessened the proposed project's environmental impacts. Under CEQA, these alternatives are not feasible, though some might be technically feasible to implement. The Lead Agency will make a determination about which alternative to adopt after reviewing all evidence in the administrative record. Please also see Response to HERR-16.

In summary, this comment does not identify any potentially significant impacts that have not been adequately addressed in the Draft EIR nor does it suggest any mitigation that would reduce a significant impact. The comment is noted and will be provided to DGS for their consideration.

Rachel Krusenoski

From: Norton, Kieran <kinorton@deloitte.com>
Sent: Monday, April 10, 2023 4:45 PM
To: Rachel Krusenoski
Subject: Comments/feedback on Oak Hill Development proposal

Hello,

I am providing feedback on the Oak Hill Development proposal in advance of the public scoping meeting on the 11th.

As background, I am a resident of the Drakes Cove community and have lived in Marin County for 50+ years – having lived in multiple cities and having been a commuter for much of that time, etc. 1

I believe the current development proposal is flawed as is – for three primary reasons: 1) traffic impact, 2) limited accessibility, 3) construction and environmental impact.

From a traffic perspective, the addition of 250 new residences/apartments and estimated 350 vehicles as well as a stop light will have a far greater impact than reported in the EIR. We have lived in Drakes Cove since 2018 – the traffic on Sir Francis Drake (SFD) was considerably worse prior to the expansion of the lane merge completed a couple of years ago. 30-45 minutes to get from the exit lane on 101 North to our house was common during commute hours. Introduction of a stop light will be far worse than it was back then – literally it will be a parking lot from 101 and on 101 (it used to back up to Corte Madera/Paradise exit). The practical reality is that a stop light will completely disrupt traffic, create an unbearable commute for everyone traversing from 101 to 580, lower quality of life and property values for those that live here, etc. but also potentially cause issues for emergency services that often use SFD (responding from the Greenbrae fire dept). 2

On a related note, elimination of the acceleration lane will make taking a left turn out of Drakes Cove even more challenging than it is today – as it is, most of the time you have to pull out and roll slowly in the acceleration lane waiting for an opening as openings across both lanes are very rare during busy hours. 3

From an accessibility perspective, current access is poor (as noted in the report). There is no safe way to cross or walk along the road from the north side of SFD. While the proposed stoplight (see comment re traffic above) would create a crossing lane, overall accessibility in terms of bus stops, bike lanes, etc. will be low and I'm concerned that the limited accessibility will encourage jay walking, etc. across SFD which is absolutely not safe given what is a blind turn from the location of the proposed driveway/stoplight location. 4

From an environmental perspective, I'm concerned that the lead contamination could be worse than expected, they could find buried structures on the site that contain lead based paint (which is what occurred below in the Ross Sanitation field), etc. We also know that predicting rainfall is no longer viable and a rain season like this year could cause significant issues (drainage, flooding, slides, etc.) were it to happen during the construction. Additionally, I question the 27 month estimated timeline which seems highly, highly optimistic– rain, etc. could cause major delays not to mention typical construction challenges. This means it could go on for multiple years, prolonging the impact from an environmental and traffic perspective. 5

I'm not opposed to low income housing – I think it's needed in Marin and voted in favor of it when we lived in Terra Linda (near Marinwood) when it was proposed there. That said, I think the current proposal is unrealistic and the outcomes will be a nightmare for everyone living in Drakes Cove or using SFD as a main means of transportation. I'm speaking from experience and knowing what it is like to live and commute from here – not from the basis of a one-time traffic analysis done post Covid and when traffic has not fully returned to pre Covid levels. 6

Thanks in advance,

Kieran Norton
415-891-8920

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v.E.1

Kieran Norton (NORTON)

Response to NORTON-1
The commenter provides introductory remarks and background information. The commenter states that they believe the proposal is flawed in traffic impacts, limited accessibility, and construction/environmental impacts. The comment is noted. No environmental issues are raised, and no response is required.

Response to NORTON-2
The commenter expresses concern for traffic impacts related to the proposed project. They explain that a traffic signal will disrupt traffic and create a longer commute for anyone traveling from U.S. Route 101 (US-101) to Interstate 580 (I-580). Additionally, the commenter believes it could potentially cause issues for emergency services.

The comment is noted. Traffic impacts were evaluated in Draft EIR Section 3.12, Transportation. The analysis found that all the proposed project's transportation impacts were less than significant and did not require mitigation.

Public service impacts, such as fire services and police services, were evaluated in Draft EIR, Chapter 4, Effects Found not to be Significant. The analysis found that all the proposed project's public service impacts were less than significant and did not require mitigation. Additionally, Draft EIR, Section 3.12, Transportation, evaluated impacts to emergency response times. The analysis found that the increase in traffic that would result from the proposed project would have a nominal to no effect on emergency response times.

Response to NORTON-3
The commenter noted that the elimination of the acceleration lane on East Sir Francis Drake Boulevard could make taking a left turn out of Drakes Cove Road more challenging. The commenter also expresses concern about a potential traffic hazard at the intersection of East Sir Francis Drake Boulevard and Drakes Cove Road.

As analyzed in Draft EIR Section 3.12, Transportation, the roadway design would not increase hazards. The Draft EIR determined that the sight distance available at the project driveway is adequate for the posted speed limit as well as the critical speed of vehicles traveling on East Sir Francis Drake Boulevard. Furthermore, the proposed improvements would substantially reduce hazards. Please also see Response to COL-13.

Response to NORTON-4
The commenter expressed that current access is poor to cross or walk along the road from the north side of East Sir Francis Drake Boulevard. The commenter suggests that overall accessibility, even with the proposed stoplight, will be low, potentially encouraging jaywalking.

As stated in the TIS, it is recommended that the proposed project include a crosswalk for pedestrians and bicyclists along with either a HAWK beacon or traffic signal to allow connection to the Class I multiuse path on the south side of East Sir Francis Drake Boulevard. The proposed project access configuration includes a crosswalk at the project driveway and East Sir Francis Drake Boulevard. Therefore, direct access is provided for pedestrians and cyclists under the proposed project. More

information on the HAWK beacon is available in the Draft EIR and Response to COL-5. As an aside, it is noted that the State of California has recently eliminated any restrictions on crossing the street, so there is no longer any such thing as jaywalking in California.

Response to NORTON-5

The commenter expressed concern about lead contamination in the soil on the proposed project site. They also note that unforeseen rain or weather conditions could cause delays in the construction process. Please refer to Response to DCN-18 and Response to HERR-18 regarding potential impacts related to soil contamination. The impact of possible delays have been accounted for in the project construction schedule presented in the Draft EIR, which notes that if the construction schedule moves to later years, construction-related emissions and energy demands would likely decrease because of improvements in technology and more stringent regulatory requirements that would affect future construction equipment (Draft EIR, Section 3.2, Air Quality, page 3.2-40; Section 3.5, Energy, page 3.5-11). The Draft EIR further concluded that temporary noise and vibration impacts from construction traffic and equipment will not create any daily noise or vibration levels in excess of acceptable standards, and therefore would not create any significant impacts. This conclusion would not be affected by any delays in construction. No further analysis is warranted.

Response to NORTON-6

The commenter expressed that they support low-income housing, but they believe that the current proposal is unrealistic, especially with the potential traffic impacts. The comment is noted. No environmental issues are raised, and no response is required.

From: Roger Stoll
To: Rachel Krusenoski
Subject: Oak Hill project
Date: Friday, March 17, 2023 8:22:34 PM

Department of General Services
Joshua Palmer, Senior Real Estate Officer c/o FirstCarbon Solutions
2999 Oak Road, Suite 250
Walnut Creek, CA 94597
Email: rkrusenoski@fcs-intl.com

Dear DGS & Joshua Palmer,

I am a longtime San Rafael resident (and Redwood High graduate) and I wholeheratedly support the Oak Hill project. I'm a retired substitute teacher who taught in Marin public schools and I know how difficult it can be for teachers who teach here to afford to live here. This project may help a bit.

1

Thank you.

Roger Stoll
231 Laurel Place Apt #6
San Rafael, CA 94901

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Roger Stoll (STOLL)

Response to STOLL-1

The commenter explains that they wholeheartedly support the proposed project as a longtime San Rafael resident and previous substitute teacher in Marin County. The comment is noted, and no further response is required.

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FIRSTCARBON SOLUTIONS™

Exhibit A
Example of Advanced Warning System

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SECTION 3: PUBLIC MEETING

3.1 - Introduction

The California Department of General Services (DGS) solicited public comments on the proposed Oak Hill Apartments Project Draft Environmental Impact Report (Draft EIR) (State Clearinghouse No. 2022030718) on March 16, 2023, at a Public Meeting at San Rafael High School. Comments were provided in oral form and transcribed by a court reporter. Although DGS is not obligated by the California Environmental Quality Act (CEQA) to provide written responses to oral comments, the Lead Agency has nonetheless elected to respond to the comments made at the meeting in order to address concerns and questions related to the evaluation of the proposed project's environmental impacts in the Draft EIR. These written responses become part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.

This section is organized as follows:

- **Section 3.1—Introduction.** Provides an overview of the section.
- **Section 3.2—List of Speakers.** Provides the list of individuals who provided comments at the Public Meeting.
- **Section 3.3—Public Meeting Transcript.** Provides reproduction of transcript taken during the Public Meeting.
- **Section 3.4—Responses to Public Meeting Comments.** Provides responses to all applicable verbal comments received at the Public Meeting.

3.2 - List of Speakers

A list of the speakers who provided verbal comments at the Public Meeting is presented below.

Speakers

Linda Jackson
Grace Hughes
Dave Fotz
Aaron Burnett
Roger Stole
Bob Marcucci
David Herr
Alex Torres
Jeff Bialik
Leora Ross
Jean Severinghaus
Jenny Silva
David Levin

Sara Swigert
Lucie Hollingsworth

3.3 - Public Meeting Transcript

The transcript reproduced in the following pages is from the Public Meeting on March 16, 2023.

CAL-PACIFIC
REPORTING, INC.

Certified Transcript of Proceedings of:

EIR Public Hearing

EIR Hearing re: Oak Hill Apartments

Hearing Date: March 16, 2023
Case No: N/A

Reporter: Emily Husary, CSR 12148
45 Mitchell Blvd., Suite 12
San Rafael, CA 94903
Phone: 415.578.2480
Fax: 415.952.9451
Email: support@calpacificreporting.com

OAK HILL APARTMENTS

PROJECT DRAFT EIR

PUBLIC MEETING

- - - -

SAN RAFAEL HIGH SCHOOL
150 3RD STREET
SAN RAFAEL, CA 94901

_____

THURSDAY, MARCH 16, 2023

REPORTED BY:
EMILY HUSARY, CSR No. 12148

_____

CAL-PACIFIC REPORTING
45 Mitchell Boulevard, Suite 12
San Rafael, California 94903
(415) 578-2480
Support@CalPacificReporting.com

A P P E A R A N C E S

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March 16, 2023 P R O C E E D I N G S 6:15 P.M.

- - - -

IN PERSON PUBLIC COMMENTS

LINDA JACKSON

MS. JACKSON: Good evening. My name is Linda Jackson. I'm a trustee with San Rafael City Schools and I want to welcome you to San Rafael High School Student Commons. If you're online, you don't necessarily see this meeting room, but it's absolutely gorgeous and I want to thank the voters for the bonds that enabled our students to enjoy this beautiful space.

I am commenting both for San Rafael City Schools, Board of Trustees, Board of Education and the Marin Environmental Housing Collaborative.

We, in reviewing the draft EIR -- I just want to note, I know that a lot of the consultants that were used for the environmental studies. And I was a planner with the City of San Rafael for many years and I recognize the name. And you have the top environmental firm. So it's very impressive.

Your seven alternatives are interesting to read because there's so much focus on dealing with the traffic impacts of just 25 -- 250 units on a road that has thousands and thousands and thousands of trips every day.

It's a thorough, comprehensive review. More than adequate analysis. And there are no significant and unavoidable impacts. So we endorse this project. We support it.

I do want to note that the no-project alternative does not really discuss the impacts that come from not building affordable housing in Marin County. And that is a shame because we feel it every day in our school district in trying to hire people and we feel it throughout our community with the lack of people who are able to live where they work here, for our quality of life. So thank you so much.

GRACE HUGHES

MS. HUGHES: My name is Grace Hughes and I'm not affiliated with any particular organization, but I'm a long time affordable-housing advocate. So I have a few remarks to make.

I think Oak Hill is an opportunity to enhance the environmental health and well-being of our community, as well as meeting the needs of those who serve and will continue to serve as teachers, aids and administrative leaders in our schools.

By providing affordable housing to those who are now commuting from out of county hundreds of miles a week and those who cannot consider those same commutes

because of the high costs that are untenable, it will also provide a labor force that will be increased and will ensure continuing quality education in our schools and is measurably a plus for all.

Oak Hill will make a significant difference with the provision of over 250 affordable-housing units, lowering the negative impact of cars traveling in and out of Marin on a daily basis.

Oak Hill will be an inspiration to future planners and developers to provide environmentally sound land enhancing projects that will protect the quality of life for all of Marin County and its residents.

As a service provider myself, along with health centers, transit providers and many other small and large community services that are suffering from a lack of workers because they cannot live here, affordable housing is a vital link to a diverse and vibrant community.

I urge you to make a positive report of our supportive feedback to complete the approvals for this project. Thank you:

DAVE FOTZ

MR. FOTZ: Yeah, hi, my name is Dave. I live in that area and I don't know if any of you have seen that roadway on the weekends when it's backed up. I

don't know if you've seen it every morning and every night when it's backed up. I know that area and Sir Francis Drake can't handle any more traffic.

There is no reason to build there when there is other places to infill where there is public transit and where there is other services.

So I'm a little confused on how everybody can say it's environmentally sound when you're taking a piece of property that is way more expensive to build on than it would be if you -- for example, there is a theater southbound 101 right before Tamalpais exit that seems to be abandoned. That is an infill spot with transportation, bussing, everything else.

I'm not clear why we want to put people -- more people on that roadway. A lot of accidents on that roadway. People that come around from the prison going west, they're going really fast and they come around that turn and no stoplight is going to help from more rear-end accidents that already happen there. People going eastbound always speeding and always being patrolled there.

Again, I see no reason why you wouldn't want to do the -- like what was always talked about in the '70s, infill. Why are we taking property that could be safeguarded and protected instead of putting more

building space there? It doesn't make sense to me.

And again, with the traffic conditions and the way that Sir Francis Drake already runs, no busses there. No other services. It just doesn't make sense.

So I'm strongly against it. I live on that street and that's not even the reason I am against it. I'm also a contractor and realize that that's the most expensive place to build, rather than infill in San Rafael where there is transit and other methods to make this affordable housing.

So it actually goes against the grain. If that is one of the most expensive places to build, which it is, by the time you do the groundwork, all the utilities that aren't there, all the services that aren't there, it doesn't make sense to me how that's affordable.

So somebody's going have to explain that. Thank you.

AARON BURNETT

MR. BURNETT: Good afternoon everyone. My name is Aaron Burnett. I'm with Canal Alliance. And I am very excited to lend our organization's support for this project.

Oak Hill Apartments will bring 250 affordable housing units to our teachers and essential workers.

This is an innovative solution to the state-owned land for our great city of Marin.

Oak Hill will additionally improve diversity in Marin. Achieving greater diversity is certainly a goal of San Rafael and Marin overall.

And specifically related to the teacher housing component, Oak Hill residents will help underserviced populations in Marin, including the Canal.

Teacher retention is important to making sure that we provide great education to all children in Marin, including the underserved population and including children who come here to attend San Rafael High School. So thank you and that is all.

ROGER STOLE

MR. STOLE: My name is Roger Stole and I live in San Rafael on Laurel Place And I'm a retired substitute teacher and music teacher. And I've taught at this school, in fact.

And I come to speak in favor of the project. And it's exactly what Marin needs and has needed for a long time, as everyone knows.

And I would just like to mention, my late friend, Jim Garidy (phonetic) who worked a lot to make this a better community. And one of his special interests was affordable housing. And I know that he

would be here speaking in favor of this project if he were alive.

And that's all I had to say, but I am very glad to speak on that.

Oh, one other thing. My partner lives right across the way from the project so we'll be able to watch it under construction. So thank you.

BOB MARCUCCI

MR. MARCUCCI: Good afternoon. I am Bob Marcucci, assistant superintendent of business services for San Rafael City schools and I just want to comment that from our classified staff, certificated staff and administration, we're in support of affordable housing, and especially workforce housing. That this project is in our attendance area and we look forward to serving the students that are generated by this development and look forward to -- you know, because it is in your attendance area, being a part of any future conversations that might be had around how those units are distributed. So thank you very much.

DAVID HERR

MR. HERR: My name is David Herr and I live in Drakes Cove and I'm the president of the HOA board, but I'm here in my individual capacity.

I read through most of the documents and what

Drakes Cove is most concerned about is dust issues during any construction given that there is lead in the soil that's being -- I know there is a big remediation plan, but we're going to have to add some dust-control measures -- more robust dust-control measures and monitoring measures adjacent to our complex to ensure that there is no toxic dust intrusion.

And that also includes perhaps, you know, a more careful look at the base too to ensure that enough bore holes were drilled to ensure that we have a really good sense of where the lead is before you start all of the removal. Instead of getting halfway through and then, you know, there is another pocket of it.

Because it was used for a long time as a shooting range and then it was abandoned for a long time, so without having remediation. So whatever lead was there has been slowly leaching through the rains and whatnot.

The second comment I have is about the traffic. Frankly, it was difficult for me -- and I'm in the real estate business and I'm an attorney. It was difficult for me to make sense of all the traffic analysis because they used their, you know very complicated models. But it seems to me that the number of trips in and out of the project during rush hour,

that the model might lowball that. Not out of any bad faith, but just because that's the way the models work. I guess I don't know if the models took into account for the fact that 135 units are for workforce housing and are therefore almost guaranteed vehicle trips in and out of the complex and back into the complex during rush hour periods. And perhaps the traffic model analysis can be tweaked to reflect that there is no way around the fact that during rush hour, you know, going west in the morning and east in the evening, it gets very backed up. And even with the traffic light, that could be -- it could be a while to get everyone in and out of the complex, you know, when they need to get in and out.

And the last comment I'll make is just about the density -- about the alternatives. There was -- by law, they have to evaluate an no-development alternative, but we wouldn't be here if that was realistically on the table.

And then the 250 unit proposal, but there was no evaluation any alternative in between. It would have

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ZOOM PUBLIC COMMENTS

ALEX TORRES

MR. TORRES: Alex Torres, Director of State Government Relations for the Bay Area Council.

We represent over 300 employers in the nine-county Bay Area. This is exactly the type of project that we support. This is a -- it's been alluded to earlier in the environmental impacts --

(Whereupon, the reporter asked Mr. Torres to start over.)

Alex Torres, Director of State Government Relations for the Bay Area Council.

We are a public policy advocacy organization representing over 300 employers in the nine-county Bay Area.

This is exactly the type of projects that we have been supportive of in the past. One that accounts for the economic impact of low-income housing, increased production of low-income housing for teachers, as well who are serving in the community, but also the economic impact and the precedent of making sure we're building enough housing for our workforce in the Bay Area.

And so I just wanted to echo the comments of the previous speakers on the economic impacts -- or the environmental impacts and reaffirm the economic impacts

from the region's employers.

Happy to answer any questions. We look forward to seeing this move forward. Thank you.

JEFF BIALIK

MR. BIALIK: Hello, my name Jeff Bialik and I am on the Affordable Housing team of the Marin Organizing Committee, as well as on the steering committee of Housing Crisis Action Marin. And we wholeheartedly support this project, have been tracking it from it's beginning. And it is, as others have said, exactly the kind of project that we need here in Marin and an excellent use of surplus state property.

We are quite pleased to learn through this draft EIR that this project will not have any significant impacts on the environment, with mitigation. And we definitely urge certification of the EIR when we get to that point.

I would also like to add that -- a strong endorsement of the alternative for the all-electric project, as that would serve to reduce greenhouse gas emissions.

Again, thank you so much for the opportunity to speak. Take care.

LEORA ROSS

MS. ROSS: Hi, everybody. My name is Leora

Tunjauatco Ross. I am the national organizing director of the MB (phoentic) Action.

I am here to speak in support of this proposal. As I've been listening to comments and following this process, the thing that sticks in my mind the most is a picture that I saw of a teacher when she was moving into her new home in a different community. And a school district had built houses for their new and incoming teachers. And the sort of joy and relief that I remember seeing from her, reminds me that all of these meetings and all of these proposals and these numbers, really what we're talking about are peoples' lives and if they can sit down and have dinner with their family; if they can have a 20-minute commute versus an hour, an hour and a half commute.

So I urge you to approve these homes because we need them badly and there are so many people who are suffering because of lack of access to homes like these. Thank you.

JEAN SEVERINGHAUS

MS. SEVERINGHAUS: Yes. Hi, good evening. I am a neighbor of the project and I'm highly supportive. It's a very exciting project.

I particularly would like to point out that it needs to, whatever alternatives chosen, have an

Excellent signal-controlled-protected pedestrian crosswalk for pedestrians and bicyclists to access and the Remillard Park pathway. There is a suburb class one pathway from Remillard Park all the way connecting to the whole grid in Marin and for the children who, I'm happy to remind you, will be going to school in San Rafael. They can go right down the path and across the bridge and go through the tunnel to San Rafael.

Furthermore, I don't know if you looked at this, but Congressman Huffman got a $700,000 earmark, which is working its way through the pipeline to connect bicycles and pedestrians to the east to the Richmond/San Rafael Bridge and to San Rafael over in that neighborhood near Target. So it will be an even better neighborhood for biking and walking, probably by the time this project is finished.

So highly supportive. Thank you very much. Glad that the EIR says no negative impacts. And I especially really support the comment of Linda Jackson that the no-project probably has the most negative environmental impact. Because something like 62 percent of people who work in Marin County have to drive cars from elsewhere to get here to do their jobs. So this project is just 100 percent right all the way around. And as a neighbor, I applaud it. Thank you.

JENNY SILVA

MS. SILVA: Hi, my name is Jenny Silva and I am the board chair for the Marin Environmental Housing Collaborative, or MEHC, as we call ourselves.

And I want to thank the state for making this site available for our very necessary housing and for partnering with two reputable affordable housing developers.

MEHC supports the findings of the EIR. We believe it meets all the requirements of the California Environmental Quality Act. And we agree with its findings and conclusion and we appreciate the clarity that the accessibility variety. It is accurate and thorough.

The most important takeaway is that the Oak Hill Project will not have any significant adverse impacts on the environment that cannot be reduced to a less than significant level.

The project's location, environmental conditions on the site and the high quality of the project's design and engineering make this an environmentally appropriate project.

The reality is that this project will enable many of the people that work in Marin to move to Marin, reducing both traffic and emissions.

This is a rare opportunity to provide workforce housing for our teachers, our firefighters, public employees, as well as many service workers in the very low and low-income ranges.

It offers a range of unit types and sizes suitable for families.

Due to the high cost of housing, Marin School Districts are finding it very difficult to recruit and retain employees.

Marin is still the least diverse and most segregated county in the Bay Area and this project will help diversify our residents. It will also help us recruit a more diverse teacher base.

Even though the population of Marin is not diverse, over 46 percent of our school students are black, indigenous or other people of color, yet 89 percent of our teachers identify as white.

Affordable housing for teachers will help us attract a more diverse workforce. And this will help all of the children.

We look forward to seeing this housing built and we support building it as quickly as possible to make it available.

Lastly, I want to thank Education Housing Partners, Eden Housing, The Marin County Offices of

Education, Marin County, The Department of General Services, California and especially senator McGuire and Assemblyman Connolly.

DAVID LEVIN

Mr. LEVIN: Good evening. My name is David Levin. I am also a member of the MEHC, or Marin Environmental Housing Collaborative board of directors.

I work as an attorney specializing in housing law for renters. And because of my work for renters in Marin County for many years, I strongly support this project. After seeing firsthand the devastating human cost of our housing shortage.

Those of us lucky enough to live in Marin County must recognize our privilege of living in a place where 85 percent of the land is already off limits to any kind of development. And this project will help better balance the needs of our local workers and many others. That's why MEHC strongly supports the project.

And we support Alternatives 4 and 7.

Alternative 4 will help improve traffic safety over existing conditions by allowing Drakes Cove access and egress via a signalized intersection to service Oak Hill.

Alternative 7 will reduce greenhouse gas emissions resulting from the project eliminating the use

of natural gas for water heating.

MEHC has one request regarding a new traffic signal at the intersection of East Sir Francis Drake and the project driveway because a goal in signalizing this intersection will allow residents leaving apartments on foot or by bicycle to reach the bay trail on the south side of East Sir Francis Drake, which connects directly to the ferry terminal, SMART, and the north/south again greenway.

We strongly support a full signal here, other than a high-intensity activated crosswalk.

Thank you again for your work on this very important project and we appreciate the effort to better balance housing needs in Marin County. Thanks again.

SARA SWIGERT

MS. SWIGERT: Good evening. My name is Sara Swigert. I'm calling as a concerned resident of Larkspur. I'm often on Sir Francis Drake in rush hour. In fact, just about an hour ago, getting home for this phone call.

I am truly incredulous at this traffic report and the Draft EIR recommends -- or identifies no significant traffic impact. This was bumper-to-bumper eastbound on Sir Francis Drake. And the lanes merge exactly at this project site that I travel on every

single day, is the bottleneck that feeds five miles of northbound traffic. All the way down to Strawberry in Sausalito.

It seems irresponsible, that thousands of commuters in Marin and East Bay, for this project to add congestion slowing and lower their quality of life.

I think unrepresented in this room are probably these East Bay commuters that are unaware of this project traveling this route, this freeway connecter every single day.

I further worry that emergency vehicles might not be able to respond to the Oak Hill site in a swift, safe or timely manner. And those residents do deserve better.

One solution to mitigate this traffic, the vehicles an VMTs, while also serve in a very deserving population, are Marin seniors, our aging population here, would be for seniors, in addition to teachers be considered for this residential program.

This is not considered as an alternative and I think that is a large gap in the Draft EIR.

I also reviewed two other proposals that were submitted for this site and those each recommended under 120 units for this site not this gargantuan 230 (sic).

Neither of the other two proposals had the

imagination to put a stoplight on Sir Francis Drake, a highway connector.

This proposal for Oak Hill is wildly outsized what the infrastructure can hold on this site.

Secondly, this site here was a former gun range with large unknown amounts of lead ammunitions.

The preliminary environmental site assessment, I believe, was way too weak and small.

It is my opinion that constructing on this site would require immense remediation to prevent toxis (sic) hazardous and unhealthy lead particles into the air for all residents of Larkspur.

And the taxpayers here should be aware that the adjacent Ross Valley Sanitary District required millions of dollars and years and years to remediate against lead there. How is that affordable and responsible?

Affordable housing is very, very important, but Oak Hill site is very unrealistic in traffic, in health and safety and I believe it will be a net detriment to our community so it requires drastic revisions before it should move forward. Thank you for your time.

LUCIE HOLLINGSWORTH

MS. HOLLINGSWORTH: This is Lucie

Hollingsworth. I'm a senior policy attorney with the Legal Aid of Marin and a Marin Environmental Housing Collaborative board member.

At Legal Aid of Marin, we see firsthand everyday essential workers forced to move out of Marin due to lack of affordable housing. They are faced with the agonizing prospect of uprooting their children, leaving their support system and facing long commutes to maintain employment.

Marin's failure to build affordable housing has led to significant increase in Marin's RENA (phonetic) numbers for this years' housing element.

Part of the methodology for this cycle in determining rents high RENA number is due to Marin's lack of job/housing balance. Fifty-seven percent of Marin's essential workers must commute into Marin every day because they cannot afford to live here.

As previous commentators have stated, this causes significant environmental damage.

The housing element also attempts to address Marin's historical racial segregation, the second most segregated in California, through what is called the "Equity Adjustment." The intent is to ensure that all racially and economically exclusive jurisdictions get a proportionate share of affordable housing.

Attempts to add more affordable housing to Marin's communities that are already overcrowded and disproportionately represented by communities of color only perpetuates Marin's past policies at segregation.

Marin County's essential workforce needs projects like this to help make Marin a diverse and equitable place to live. Thank you.

(The meeting concluded at 6:42 p.m.)

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CERTIFICATE OF REPORTER

I, EMILY HUSARY, a Certified Shorthand Reporter, do hereby certify that the foregoing is a full, true and correct transcript of the proceedings.

I further certify that I am not of counsel or attorney for either or any of the parties in the above-mentioned cause, or in any way interested in the outcome of said cause.

I hereby affix my signature this 8th of April 2023.

Emily Husary, CSR
California License No. 12148

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3.4 - Responses to Public Meeting Comments

3.4.1 - Introduction

The verbal comments provided during the public review period at the Public Meeting on March 16, 2023, are addressed in this section. The written comments provided during the public review period are addressed in Section 2, Responses to Written Comments.

Under CEQA Guidelines Section 15204(a), the focus of public review should be "on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated." In addition, "when responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR." CEQA Guidelines Section 15088 further specifies that the Lead Agency is required to respond to the comments on the major environmental issues raised in the comments received during the public review period. Therefore, the following responses are focused on the sufficiency of the Draft EIR regarding the evaluation of the significance of the environmental impacts of the proposed project. Responses to comments made at the Public Meeting on March 16, 2023, are provided through individual responses below.

3.4.2 - Responses to Comments

Responses have been prepared for all comments pertaining to the Draft EIR. An individualized response has been provided for each commenter.

Public Meeting Verbal Comments

Linda Jackson

Note to Reader: Ms. Jackson is a trustee with San Rafael City Schools and is a representative for San Rafael City Schools, Board of Trustees, Board of Education, and the Marin Environmental Housing Collaborative.

Summary of Comments

Ms. Jackson noted that the seven alternatives are interesting because they focus so much on dealing with traffic impacts resulting from250 additional units on a road that is already heavily trafficked. She stated that it is a "thorough, comprehensive review" and that the analysis is adequate. She noted that the San Rafael City Schools endorse the proposed project. Ms. Jackson also commented that the No Project Alternative (Alternative 1) in Chapter 7, Alternatives to the Proposed Project, of the Draft EIR does not discuss the impacts that come from not building affordable housing in Marin County, but notes that she has observed a need for more affordable housing for school district employees.

Response to Comments

The commenter's support for the proposed project and observation regarding the need for more affordable housing for school employees will be shared with the Lead Agency. The alternatives analysis presented in Chapter 7, Alternatives to the Proposed Project, of the Draft EIR was informed

by the Project Objectives and the potentially significant impacts of the proposed project. The No Project Alternative discussed the potential impacts that could result from not building affordable housing by evaluating the lack of benefits related to reducing energy usage, fuel consumption, and greenhouse gas (GHG) emissions due to a lack of available housing, resulting in a need for employees to commute a greater distance to work, that could result from not developing the proposed project (Draft EIR, Chapter 7, Alternatives to the Proposed Project, page 7-7). Additionally, the No Project Alternative noted that the project objectives of addressing the regional housing and employment imbalance in the County and placing affordable housing in a High Housing Needs zone under Executive Order N-06-19 would not be realized under this alternative (Draft EIR, Chapter 7, Alternatives to the Proposed Project, pages 7-5 and 7-7). Therefore, the No Project Alternative considered that the benefits and project objectives would not be realized under this alternative. This comment will be provided to the Lead Agency for their review and consideration of the project as a whole.

Grace Hughes

Summary of Comments

Ms. Hughes noted that the proposed project is an "opportunity to enhance the environmental health and well-being of [the] community." She noted that providing affordable housing could provide an increased labor force ensuring quality education in schools and lower the negative impact of cars traveling in and out of Marin County regularly. She stated that she supported the proposed project and stated that affordable housing will help create "a diverse and vibrant community."

Response to Comments

The commenter's support for the proposed project is noted. This comment will be provided to the Lead Agency for their review and consideration of the project as a whole.

Dave Fotz

Summary of Comments

Mr. Fotz noted that he lives in the area and East Sir Francis Drake Boulevard "can't handle any more traffic." He expressed confusion about how the proposed project can be environmentally sound when there are less expensive places to build in the project vicinity. Additionally, Mr. Fotz noted concern for the proposed project's potential contribution to the traffic conditions and accidents on Sir Francis Drake Boulevard. Mr. Fotz expressed concern that the project site was not affordable and would be expensive due to the need for groundwork and utilities, and that an infill site in the City of San Rafael would be preferable. In summary, Mr. Fotz stated that he is strongly against the proposed project because of existing traffic conditions and lack of services.

Response to Comments

Alternate locations were considered and evaluated in Chapter 7, Alternatives to the Proposed Project, of the Draft EIR, within Section 7.11.1. In this case, an alternate location does not constitute a feasible alternative because the proposed project location was identified pursuant to Executive Order N-06-19, pursuant to the Project Objectives, and no other sites of similar size, consistent with the requirements in Executive Order N-06-19, are located in Marin County (Draft EIR, Chapter 7, Alternatives to the Proposed Project, page 7-30). Additionally, setting aside the project site as suggested by the commenter would not meet any of the project goals or objectives. Nonetheless,

potential impacts associated with not developing the site are evaluated under the No Project Alternative. Please see the Response to Linda Jackson's Verbal Comments for a discussion of the impacts associated with No Project Alternative; incorporated herein by this reference.

To the extent the commenter is concerned about the environmental impacts of groundwork for the proposed project or the use of utilities and other public services, the potential impacts of groundwork are fully analyzed in Section 3.4 (Cultural Resources and Tribal Cultural Resources), Section 3.6 (Geology and Soils) and), and Section 3.8 (Hazards and Hazardous Materials), and the impacts potential impact of utilities and other public services are discussed in Section 3.5 (Energy) and Chapter 5, Effects Found not to be Significant, Section 5.2.4 (Public Services). The proposed project would have a less than significant impact with regards to Energy and Public Services, and a less than significant impact with regards to Cultural Resources and Tribal Cultural Resources, Geology and Soils, and Hazards and Hazardous Materials after inclusion of the mitigation measures identified in those respective sections of the Draft EIR.

Transportation impacts were evaluated in Section 3.12, Transportation, of the Draft EIR. The analysis included discussion of the proposed project's pedestrian, bicycle, and transit impacts, Vehicle Miles Traveled (VMT), potential traffic hazards due to project design and access, and emergency vehicle access. The analysis found that all of the proposed project’s transportation impacts would be less than significant and would not require mitigation. (Draft EIR, Section 3.12, Transportation, page 3.12-14–3.12-21). Specifically, Section 3.12.2, Environmental Setting, and Section 3.12.3, Existing Conditions, discussed public transportation in the vicinity of the project site, such as the Larkspur Ferry Terminal, the Sonoma-Marin Area Rail Transit (SMART), Marin Transit, and Golden Gate Bridge, Highway, and Transportation District.

Regarding traffic congestion, Senate Bill (SB) 743, which became effective in January 2014, required the Governor’s Office of Planning and Research (OPR) to change the CEQA Guidelines regarding the analysis of transportation impacts. Under SB 743, the focus of transportation analysis shifted from driver delay or congestion, which was measured by Level of Service (LOS), to VMT, in order to reduce GHG emissions, create multimodal networks, and promote mixed-use developments. Therefore, the comments regarding traffic on East Sir Francis Drake Boulevard do not pertain to an issue required to be studied in the Draft EIR.

While no longer a part of the CEQA review process, vehicular traffic service levels at key intersections were evaluated in the proposed project's Transportation Impact Study (TIS) for consistency with General Plan policies. The TIS evaluated vehicular traffic service levels by determining the number of new trips that the proposed use would be expected to generate, distributing these trips to the surrounding street system based on anticipated travel patterns specific to the proposed project, then analyzing the effect the new traffic would be expected to have on the study intersections and need for improvements to maintain acceptable operation. As stated in the TIS, under existing conditions, all intersections are currently operating with acceptable overall delay. While the southbound approach to East Sir Francis Drake Boulevard/Andersen Drive operates at LOS E during the AM peak-hour and LOS F during the PM peak-hour, this is an existing condition and the proposed project would not exacerbate it. Specifically, the proposed project would not increase delays at the southbound approach by any measurable amount of time during both peak-hours

(Compare TIS Tables 5, 8, and 9). Upon the addition of project traffic to at East Sir Francis Drake Boulevard/Larkspur Landing Circle, this intersection overall would continue to operate at LOS A during both peak-hour periods. The TIS also concluded that all four study intersections would operate acceptably overall under existing volumes with or without the addition of project traffic. Please see the Section 2, Responses to Written Comments, responses to COL-5 and COL-8 for more discussion of the TIS; incorporated herein by this reference.

Any other issues raised do not pertain to the Draft EIR, and thus, no response is necessary.

Aaron Burnett

Summary of Comments

Mr. Burnett noted that he is a representative of Canal Alliance, and that the organization is excited to lend support to this project. He stated that the proposed project is "an innovative solution" to the State-owned land, which would provide affordable housing units to teachers and essential workers. He also noted that the proposed project would improve diversity in Marin County and would help underserviced populations in Marin County with reference to the teacher housing component, as well as improve teacher retention.

Response to Comments

The comment is noted, and the commenter does not raise any environmental issues that were not analyzed in the Draft EIR. The commenter discusses the potential benefits of the proposed project. This comment will be provided to the Lead Agency for their review and consideration of the project as a whole.

Roger Stole

Summary of Comments

Mr. Stole noted that he is a retired substitute teacher and music teacher in the City San Rafael. He stated that he is in favor of the project and that it is just what Marin County needs. He noted that his late friend, Jim Garidy, had a special interest in affordable housing and would be speaking in favor of the project if he was alive. Mr. Stole noted that he will be able to watch it under construction because his partner lives "across the way."

Response to Comments

The comment is noted, and the commenter does not raise any environmental issues that were not analyzed in the Draft EIR. The commenter discusses the potential benefits of the proposed project. This comment will be provided to the Lead Agency for their review and consideration of the project as a whole.

Bob Marcucci

Summary of Comments

Mr. Marcucci stated that he is the Assistant Superintendent of business services for San Rafael City Schools. He noted that his staff and administration support affordable housing and workforce housing. The proposed project is in their attendance area, and he looks forward to serving the students generated by this development. Additionally, he stated that he looks forward to being a part of future conversation about how the proposed housing units would be distributed.

Response to Comments
The comment is noted, and the commenter does not raise any environmental issues that were not analyzed in the Draft EIR. Future distribution of the housing units is outside of the purview of CEQA; however, this comment will be provided to the Lead Agency for their consideration of the project as a whole.

David Herr

Summary of Comments
Mr. Herr stated that he lives in Drakes Cove Community and is the president of the Homeowner's Association (HOA) Board; however, he clarified that his comments are made in his individual capacity. He stated that Drakes Cove Community is concerned about lead dust during construction. He suggests that "more robust" dust- control measures and monitoring measures be required to prevent toxic dust intrusion to nearby residences. Mr. Herr also suggests that the portion of the project site previously used as a pistol range would need to be monitored to ensure enough bore holes were drilled.

Mr. Herr also made a second comment about traffic concerns. He suggested that the modeled number of trips in and out of the project might "lowball" the actual number of trips and that the model might need to be adjusted, and expressed concern that the models did not account for rush hour traffic.

Finally, Mr. Herr suggested that another alternative should be evaluated that reflects a housing unit density somewhere between the No Project Alternative included in Chapter 7, Alternatives to the Proposed Project, of the Draft EIR and 250 units, which is the total number of units proposed in the proposed project.

Response to Comments
The Draft EIR includes a detailed discussion of the proposed project's potential dust-related impacts and included numerous mitigation measures to ensure that impacts would be less than significant. Air quality impacts were evaluated in Section 3.2, Air Quality, of the Draft EIR. The analysis found that all of the proposed project's air quality impacts would result in less than significant impacts with the implementation of mitigation and the project design features, including implementation of the Bay Area Air Quality Management District (BAAQMD) recommended dust control measures during project construction (Draft EIR Section 3.2, Air Quality, page 3.2-39). Additionally, Section 3.8, Hazards and Hazardous Materials, of the Draft EIR evaluated impacts from lead concentrations in the soil and identified Mitigation Measure (MM) HAZ-2, which requires the preparation of a soil management plan. In compliance with MM HAZ-2, a Soil and Groundwater Management Plan (SGMP) was prepared for the proposed project and included in Appendix F of the Draft EIR. The SGMP meets the requirements of MM HAZ-2 by further evaluating the soil on the project site and provides more than a dozen dust control procedures that have been implemented successfully at similar sites to regulate the stockpiling of soils and prevent the emission of fugitive dust through the use of measures that include weighted plastic sheeting, regular inspection, the keeping of meticulous records, regular misting/spraying to maintain soil moisture during storage and soil handling, the cessation of activities during winds, and restrictions on the usage of earthmoving equipment (See Appendix F, Soil and Groundwater Management Plan, page 4-7). For a more detailed

discussion of dust control measures, please see Section 2, Responses to Written Comments, responses to HERR-3, and DCN-18; incorporated herein by this reference.

The comment also suggests that further study of the portion of the project site previously used as a pistol range is needed to ensure that enough bore holes were drilled to ensure that all areas of lead contamination are known. As the Cameron-Cole Phase II Environmental Site Assessment (Phase II ESA) explains, review of historical documents demonstrates that two pistol ranges were located in the southwest and central area of the property, and that firing at both ranges occurred in a northeast direction toward the hillside on the property (Appendix F, Cameron-Cole Phase II ESA, Section 1). The Phase II ESA collected samples at eight locations in the former pistol range and three up-range locations that are not on the area of the property previously occupied by the pistol ranges (Appendix F, Cameron-Cole Phase II ESA, Section 2; Figure 2; Figure 3). The Cameron-Cole Phase II ESA detected lead in shallow soil for all samples; however, the concentration of lead in the up-range samples was within the range of typical background concentrations in California soil and did not follow the pattern of significantly higher concentrations in surface samples that would be the expected pattern if lead concentrations were a result of the pistol range (Appendix F, Cameron-Cole Phase II ESA, Section 3). As a result, the Cameron-Cole Phase II ESA recommended that a soil management plan be developed to properly segregate, test, and dispose of soil potentially contaminated with lead in the former pistol range target area. Thus, Cameron-Cole has prepared a SGMP that further evaluates the soil on the project site and provides more than a dozen dust control procedures that have been implemented successfully at similar sites to regulate the stockpiling of soils and prevent the emission of fugitive dust through the use of measures that include weighted plastic sheeting, regular inspection, the keeping of meticulous records, regular misting/spraying to maintain soul moisture during storage and soil handling, the cessation of activities during winds, and restrictions on the usage of earthmoving equipment. (See Appendix F, Soil and Groundwater Management Plan, page 4-7) pistol range target area. For a more detailed discussion of the areas sampled for lead contamination, please see Section 2, Responses to Written Comments, Responses to DCN-27 and DCN-28; both of which are incorporated herein by this reference. Furthermore, the SGMP, included in Appendix F, was prepared in compliance with MM HAZ-2 and includes specific procedures for additional excavation of soil if testing demonstrates contamination beyond the bounds of the former pistol range target area. For a more detailed discussion of the procedures for additional excavation of soil, please see Section 2, Responses to Written Comments, Response to HERR-6; incorporated herein by this reference.

The trip generation analysis provided in the TIS was calculated based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, which compiles hundreds of real-world counts at existing similar facilities across the United States and Canada to determine an average vehicle trip generation per residential unit in the form of daily and peak-hour rates based on standard (ITE) Trip Generation Manual, 10th Edition. Rush hour traffic is accounted for in the AM and PM peak-hour traffic calculations to account for the hours that receive the highest traffic volumes. Therefore, the trip generation analysis provided in the Draft EIR included potential impacts associated with the highest traffic volumes. Additionally, the ITE rates are the standard rates used to ensure the accuracy of traffic modeling. The use of these standard rates ensures that the calculations are realistic and do not “lowball” the number of trips that are anticipated. See Section 2, Responses

to Written Comments, responses to HERR-13, COL-8, COL-18, and DCN-49 for additional information; each of which is incorporated herein by this reference

As discussed in Chapter 7, Alternatives to the Proposed Project, of the Draft EIR, a lower density/smaller building footprint alternative, including an alternative with less than 250 units, was initially considered but rejected from further consideration because reducing the number of units would not meet the project objective to provide as many affordable housing units as possible, as directed by Executive Order N-06-19, to address the regional housing and employment imbalance in Marin County. Therefore, this alternative was rejected, and additional analysis of a low-density alternative is not warranted. Refer to Section 7.11.2 of Chapter 7, Alternatives to the Proposed Project, for further discussion of why a lower density alternative was infeasible and rejected from further consideration under CEQA.

Alex Torres

Summary of Comments
Mr. Torres stated that he is the Director of State Government Relations for the Bay Area Council. He stated that the organization supports the project because it accounts for "the economic impact of low-income housing" and increases the "production of low-income housing for teachers" and provides enough workforce housing in the Bay Area. He stated that he wanted to "echo the comments of the previous speakers on the. . . environmental impacts and reaffirm the economic impacts from the region's employers."

Response to Comments
The comment is noted, and the commenter does not raise any environmental issues that were not analyzed in the Draft EIR. The commenter discusses the potential economic benefits of the proposed project. This comment will be provided to the Lead Agency for their review and consideration of the project as a whole.

Jeff Bialik

Summary of Comments
Mr. Bialik stated that he is on the Affordable Housing team of the Marin County Organizing Committee and the steering committee of Housing Crisis Action Marin. He expressed support for the project and the need for it in Marin County. He said they were pleased to learn that the project would not have any significant impacts to the environment with mitigation. He also endorsed Alternative 6, All-Electric Building Alternative, proposed in Chapter 7, Alternatives to the Proposed Project, of the Draft EIR, which is similar to the proposed project but would be all-electric, as it would reduce GHG emissions.

Response to Comments
The comment is noted and will be provided to the Lead Agency for their review and consideration of the project as a whole. As discussed in the Draft EIR, the proposed project would include all-electric cooking appliances and space heating. Chapter 7, Alternatives to the Proposed Project, of the Draft EIR provided a complete analysis of a 100 percent electric building design alternative that would eliminate natural gas and/or mixed fuel in Alternative 6, All-Electric Building Alternative. The analysis concluded that Alternative 6 would not substantially lessen any significant project impacts, including

GHG emission impacts, given the proposed project's impacts on air quality, energy, and GHG emissions are already less than significant (Draft EIR, Chapter 7, Alternatives to the Proposed Project, pages 7-23–7-25). Accordingly, no further analysis or consideration of Alternative 6 is required.

Leora Ross

Summary of Comments

Ms. Ross stated that she is the national organizing director of Yes In My Back Yard (YIMBY) Action. She expressed support for the project. Ms. Ross suggested that the proposed project would help make teachers' lives easier with more time for their families and a shorter commute.

Response to Comments

The comment is noted, and the commenter does not raise any environmental issues that were not analyzed in the Draft EIR. The commenter discusses the potential quality of life benefits of the proposed project. This comment will be provided to the Lead Agency for their review and consideration of the project as a whole.

Jean Severinghaus

Summary of Comments

Ms. Severinghaus stated that she is a neighbor to the project site and highly supports the proposed project. She pointed out that the project needs to have a signal-controlled-protected pedestrian crosswalk for pedestrians and bicyclists to access the Class I Remillard Park pathway, which currently connects Remillard Park to the whole grid in Marin County and provides access for children going to school in the City of San Rafael. The commenter also noted that Congressman Huffman got a $700,000 earmark to "connect bicycles and pedestrians to the east to the Richmond/San Rafael Bridge and to San Rafael." Ms. Severinghaus appreciated that the Draft EIR found no significant negative impacts. She also stated that the No Project Alternative (Alternative 1) as proposed in Chapter 7, Alternatives to the Proposed Project, of the Draft EIR would have "the most negative environmental impact" as compared to the proposed project and the other alternatives presented in Chapter 7.

Response to Comments

Chapter 2, Project Description, Section 2.2, Project Characteristics; Section 3.12, Transportation; and Section 3.10, Land Use and Planning, of the Draft EIR describe the pedestrian crosswalk that would be developed as part of the installation of a traffic signal at the project driveway. This pedestrian crosswalk would connect the project site to the Class I multiuse path on the south side of East Sir Francis Drake Boulevard in Remillard Park. The crosswalk would include right-of-way controls, enabling residents and visitors of the proposed project to access the multiuse path via the proposed traffic signal included in the proposed project, and would include a High Intensity Activated Crosswalk (HAWK) beacon which would activate when pressed by pedestrians or cyclists. The proposed project would also include an Advanced Warning System to alert westbound vehicle traffic traveling down East Sir Francis Drake Boulevard of stopped traffic at the crosswalk. For more discussion of the HAWK beacon, please see Section 2, Responses to Written Comments, Response to COL-5; incorporated herein by this reference. The commenter does not raise any environmental issues that were not analyzed in the Draft EIR. This comment is noted.

Jenny Silva

Summary of Comments

Ms. Silva stated that she is the Board Chair for the Marin Environmental Housing Collaborative (MEHC). She thanked the State for making the site available for necessary housing. She noted that MEHC supports the findings of the Draft EIR and believes it meets the requirements of CEQA. She noted that the proposed project would not have any significant adverse impacts that cannot be reduced to a less than significant level. The commenter noted that the proposed project would enable people that work in Marin County to move to Marin County, "reducing both traffic and emissions." She suggested that the proposed project would attract a more diverse workforce in schools because Marin County is "the least diverse and most segregated county in the Bay Area."

Response to Comments

The comment is noted, and the commenter does not raise any environmental issues that were not discussed in the Draft EIR. The commenter discusses the potential benefits of the proposed project. This comment will be provided to the Lead Agency for their review and consideration of the project as a whole.

David Levin

Summary of Comments

Mr. Levin stated that he is a member of the MEHC Board of Directors. He works as an attorney specializing in housing law for rentals. He noted that he strongly supports the proposed project due to seeing firsthand the "devastating human cost of our housing shortage." He stated that the proposed project would help balance the needs of local workers and that 85 percent of the land in Marin County is "already off limits to any kind of development." He also said that MEHC supports Alternatives 4 and 7 because they will help improve traffic safety and reduce GHG emissions. Additionally, he requested that a full signal be created at the intersection of East Sir Francis Drake Boulevard and the project driveway.

Response to Comments

Chapter 2, Project Description, Section 2.2, Project Characteristics, and Section 3.12, Transportation, of the Draft EIR explained that the proposed project would include a traffic signal at the intersection of the project's driveway and East Sir Francis Drake Boulevard (Draft EIR, Chapter 2, Project Description, pages 2-5–2-6). Additionally, it would convert an eastbound acceleration lane on East Sir Francis Drake Boulevard to a left-turn lane into the project site (Draft EIR, Chapter 2, Project Description, pages 2-5–2-6).

The Draft EIR determined that Alternative 4 would incrementally, but not substantially reduce the proposed project's already less than significant transportation safety impacts t; however, the impacts to aesthetics, light, and glare, biological resources, cultural and tribal cultural resources, geology and soils, hazard and hazardous materials, and noise would be increased (Draft EIR, Chapter 7, Alternatives to the Proposed Project, page 7-20).Furthermore, the feasibility of this alternative, which requires a project driveway on Drakes Cove Road, would require permission from the neighboring HOA since Drakes Cove Road is a private roadway. It was expressed via public comments and public outreach that the HOA for the Drakes Cove Community would likely not allow project access on Drakes Cove Road, making this alternative likely infeasible at this time.

Chapter 7, Alternatives to the Proposed Project, provided a complete analysis of Alternative 6,[1] a 100 percent electric building design alternative that would eliminate natural gas and/or mixed fuel . Section 3.5, Energy, of the Draft EIR demonstrates that the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources and would not conflict with or obstruct any State plan for renewable energy or energy efficiency, and therefore the energy-related impacts of the proposed project would be less than significant, and therefore no mitigation (such as all-electric design) can be required (Draft EIR, Section 3.5, Energy, pages 3.5-15 and 3.5-16). Accordingly, the analysis concluded that Alternative 6 would not substantially lessen any significant project impacts, given the proposed project's impacts on air quality, energy, and GHG emissions are already less than significant (Draft EIR, Chapter 7, Alternatives to the Proposed Project, pages 7-23–7-25). Accordingly, no further analysis or consideration of Alternative 6 is required.

The commenter discusses the potential benefits of the proposed project. This comment will be provided to the Lead Agency for their review and consideration of the project as a whole.

Sara Swigert

Summary of Comments

Ms. Swigert stated that she was surprised that the Draft EIR identified no significant traffic impact because East Sir Francis Drake Boulevard is busy during rush hour, with "bumper-to-bumper" traffic. Ms. Swigert noted that East Bay commuters may suffer because of congestion slowing, thereby lowering "their quality of life." She also expressed concern that emergency vehicles would not be able to respond to the project site quickly and efficiently. Ms. Swigert suggested that Marin seniors be considered in addition to teachers for this residential program to help mitigate traffic concerns and identified the lack of a senior housing alternative as a "large gap in the Draft EIR." The commenter expressed concern that the proposed project is outsized for the infrastructure.

Ms. Swigert also noted that the proposed site was a former gun range with lead ammunition. She stated that the Environmental Site Assessment was "too weak and small." The commenter noted that constructing this site would require immense remediation to prevent toxins and lead particles from being released into the air. She concluded by saying that affordable housing is important, but the project site is unrealistic due to traffic, health and safety concerns, and requested "drastic revisions" before moving forward.

Response to Comments

Transportation impacts were evaluated in Section 3.12, Transportation, of the Draft EIR. The analysis found that all of the proposed project's transportation impacts would be less than significant and would not require mitigation. Vehicular traffic congestion is no longer a part of the CEQA review process per SB 743; however, vehicular traffic service levels at key intersections were evaluated in the proposed project's TIS. The TIS concluded that all four study intersections would operate acceptably overall under existing volumes with or without the addition of project traffic. For a more detailed discussion of vehicular traffic and the TIS, please see the Response to Dave Fotz's Verbal

[1] Because of the context of the comment, it is assumed that the commenter was referring to Alternative 6, not Alternative 7.

Comments and Section 2, Responses to Written Comments, responses to COL-5 for more discussion of the TIS; both of which are incorporated herein by this reference.

Public service impacts, such as fire services and police services, were evaluated in Section 5.2.4 of Chapter 5, Effects Found not to be Significant, of the Draft EIR. The analysis found that all of the proposed project's public service impacts would be less than significant and would not require mitigation. Additionally, Section 3.12, Transportation, of the Draft EIR evaluated impacts to emergency response times. As discussed in Impact TRANS-4 (Section 12, Transportation, page 3.12-20 to page 3.12-21), the proposed project would not result in inadequate emergency access, and impacts would be less than significant. In addition to a main drive aisle, the proposed project includes the required aerial fire apparatus access road, identified as a fire lane in Chapter 2, Project Description, and shown in Exhibits 2-4 and 2-6. The proposed project would be equipped with sprinklers and would include two points of ingress/egress in the case of an emergency, and thus would comply with the California Fire Code (Draft EIR, Section 3.8, Hazards and Hazardous Materials, page 3.8-22.) The proposed project's internal circulation system therefore would not present any impacts related to emergency access.

The commentor expresses concerns regarding air quality impacts potentially resulting from the release of toxic particles into the air. Air quality impacts were evaluated in Section 3.2, Air Quality, of the Draft EIR. With regards to the potential of project-related dust, MM AIR-2 requires the proposed project to implement all construction mitigation measures recommended by the BAAQMD, including BAAQMD's recommended dust control measures during project construction (Draft EIR, Section 3.2, Air Quality, page 3.2-39). Furthermore, all construction activities would be required to comply with applicable BAAQMD regulations, which DGS will adopt to ensure impacts are less than significant (Draft EIR Section 3.6, Geology and Soils, page 3.6-13). The analysis found that all of the proposed project's air quality impacts would be less than significant with the implementation of mitigation and project design features.

Additionally, Section 3.8, Hazards and Hazardous Materials, of the Draft EIR evaluated impacts from lead concentrations in the soil, which is addressed by MM HAZ-2, which requires the preparation of a soil management plan. In accordance with MM HAZ-2, a SGMP was prepared for the proposed project and was included in Appendix F of the Draft EIR. The SGMP meets the requirements of MM HAZ-2, further evaluates the soil on the project site, and provides more than a dozen dust control procedures that have been implemented successfully at similar sites to regulate the stockpiling of soils. The procedures prevent the emission of fugitive dust through the use of measures that include weighted plastic sheeting, regular inspection, the keeping of meticulous records, regular misting/spraying to maintain soul moisture during storage and soil handling, the cessation of activities during winds, and restrictions on the usage of earthmoving equipment (See Appendix F, Soil and Groundwater Management Plan, page 4-7). Please also see responses to HERR-3 and DCN-18.

The commenter suggests that a senior housing alternative should be considered in order to reduce traffic. A lead agency must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation" (State CEQA Guidelines § 15126.6, subd. (a); see also *Mount Shasta Bioregional Ecology Center v. County of Siskiyou* (2012) 210 Cal.App.4th

184, 196 [same]). A court must uphold an agency's selection of alternatives "unless the challenger demonstrates that the alternatives are manifestly unreasonable and that they do not contribute to a reasonable range of alternatives" (*Cal. Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 988). To this end, alternatives that are incapable of reducing the project's environmental impacts do not have to be considered (See *City of Maywood v. Los Angeles Unified Sch. Dist.* (2012) 208 Cal.App.4th 362, 419; *Citizens for E. Shore Parks v. State Lands Comm'n* (2011) 202 Cal.App.4th 549, 563; *Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912). Here, the Draft EIR concluded there would be no significant impacts with respect to transportation. Given that the proposed project ultimately would have no significant impacts on transportation, the commenter's proposed alternative does not and cannot substantially lessen any significant impacts and is therefore infeasible as a matter of law.

The commenter does not identify any new environmental impacts that would require "drastic revisions" to the Draft EIR. Furthermore, the modifications made to the project access design would not result in any new or more severe environmental impacts and would not change the analysis or conclusions in the Draft EIR. Therefore, no further analysis is required.

Lucie Hollingsworth

Summary of Comments

Ms. Hollingsworth noted that she is a senior policy attorney with the Legal Aid of Marin and an MEHC board member. She said that Marin's failure to build affordable housing led to a significant increase in Marin's Regional Housing Needs Allocation (RHNA) numbers due to a lack of jobs/housing balance. According to the commenter, "57 percent of Marin's essential workers must commute into Marin every day because they cannot afford to live [there]," which results in environmental damage. Ms. Hollingsworth also noted that she supports this project to help make Marin a racially "diverse and equitable place to live."

Response to Comments

The comment is noted, and the commenter does not raise any environmental issues that were not discussed in the Draft EIR. The commenter expresses general support for the potential jobs/housing benefits of the proposed project. This comment will be provided to the Lead Agency for their review and consideration of the project as a whole.

SECTION 4: ERRATA

The following are revisions to the Draft EIR for the Oak Hill Apartments Project. These revisions are minor modifications and clarifications to the document, and do not change the significance of any of the environmental issue conclusions within the Draft Environmental Impact Report (EIR). The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

4.1 - Changes in Response to Specific Comments

Executive Summary

Table ES-2: Executive Summary Matrix, Page ES-18, Section 3.4–Cultural Resources and Tribal Cultural Resources, Row 3, Column 2

The following mitigation measure has been removed because none of the tribes applicable to the proposed project have requested consultation with the Department of General Services (DGS) or any other state agencies associated with this project, including the California Department of Corrections and Rehabilitation (CDCR) and the California Department of Housing and Community Development (HCD), pursuant to Assembly Bill (AB) 52 during the drafting of this EIR.

> ~~**MM CUL-5: Native American Construction Monitoring** (TBD based on final results of tribal consultation)~~

Table ES-2: Executive Summary Matrix, Page ES-18, Section 3.4–Cultural Resources and Tribal Cultural Resources, Row 4, Column 2

MM CUL-5 has been removed because none of the tribes applicable to the proposed project have requested consultation with DGS or any other state agency associated with this project, including the CDCR and HCD, pursuant to AB 52 during the drafting of this EIR.

> Implement MM CUL-2, MM CUL-3, and MM CUL-4~~, and MM CUL-5~~.

Table ES-2: Executive Summary Matrix, Page ES-19, Section 3.4–Cultural Resources and Tribal Cultural Resources, Row 2, Column 2

MM CUL-5 has been removed because none of the tribes applicable to the proposed project have requested consultation with DGS or any other state agency associated with this project, including the CDCR and HCD, pursuant to AB 52 during the drafting of this EIR.

> Implement MM CUL-2, MM CUL-3, and MM CUL-4~~, and MM CUL-5~~.

Table ES-2: Executive Summary Matrix, Page ES-22, Section 3.9–Hazards and Hazardous Materials, Row 2, Column 2

The following mitigation measure has been updated to incorporate the contents of the Soil and Groundwater Management Plan (SGMP) by reference.

MM HAZ-2 Prior to issuance of grading and construction permits, the project applicant shall submit the soil and groundwater management plan (SGMP)~~prepare a soil management plan and submit~~ to the San Francisco Bay ~~Area~~ Regional Water Quality Control Board (San Francisco Bay ~~Area~~ RWQCB) for confirmation. ~~The soil management plan shall be~~ A SGMP has been developed to properly segregate, test, and dispose of soil potentially contaminated with lead at the project site (Appendix F). All recommendations made in the SGMP shall be incorporated as part of the proposed project. The SGMP ~~soil management plan~~ describes ~~shall also describe~~ procedures for dust control during construction activities and procedures to follow if previously unidentified areas of contamination are uncovered during site development. Additionally, the plan ~~shall describe~~ describes excavation procedures for soil within the outlined contamination area in Figure 4 of the Phase II Environmental Site Assessment (Phase II ESA) (Exhibit 3.8-1 of this report). Soil within the outlined area shall be excavated to a depth of 2 feet below ground surface (BGS). Once the soil has been excavated, confirmation sampling shall be conducted in and around the excavation to confirm that soil with lead concentrations exceeding background levels and the residential Environmental Screening Level (ESL) for direct exposure has been removed. Further excavation and confirmation sampling may be necessary based on the initial confirmation results. Procedures for this additional excavation and confirmation sampling shall be provided in the SGMP ~~soil management plan~~. Once the contaminated soil has been removed, it shall be stockpiled, sampled, profiled, and sent to an appropriate waste facility.

Chapter 2–Project Description

Page 2-4, Third Paragraph

The third paragraph has been amended to include additional information about photovoltaics (PV) panels for the proposed project.

> Proposed sustainable design features would include high-efficiency mechanical and hot water systems, energy-efficient appliances, high-efficiency and drought-tolerant plantings, water-saving features, dual glazed windows, and electric vehicle (EV) charging. California Title 24 does not require photovoltaics (PV) panels for the proposed project; however, the proposed project would include PV panels on the roofs of the buildings.

Page 2-4 to 2-5

The total number of Low to Moderate Income units is corrected in the table below.

Table 2-2: Project Summary

Level	Project Summary (gross square feet)					Landscaped Amenity Area
	Residential Area			Total Parking	Total Project Area	
	Low to Moderate Income	Extremely Low to Low Income	Total			
Level 1	6,000	1,000	7,000	41,000	49,000	1,000
Level 2	7,000	0	7,000	44,000	52,000	0
Level 3	10,000	1,000	11,000	39,000	50,000	0
Level 4	28,000	2,000	30,000	13,000	43,000	10,000
Level 5	32,000	11,000	43,000	0	43,000	13,000
Level 6	26,000	29,000	55,000	0	55,000	9,000
Level 7	24,000	29,000	53,000	0	53,000	1,000
Level 8	21,000	28,000	49,000	0	49,000	1,000
Level 9	0	27,000	27,000	0	27,000	0
Total	**154,000**	**128,000**	**282,000**	**137,000**	**421,000**	**35,000**
Total Units/Spaces	**~~132~~135**	**115**	**250**	**350**	**N/A**	**N/A**
Source: Eden Housing and Education Housing Partners, Inc., 2022.						

Page 2-5 to 2-6, Vehicular Access, Circulation, and Parking

This section has been updated to clarify the scope of the Advance Warning System that would be incorporated as a project feature.

> The project site would be accessed via a driveway from East Sir Francis Drake Boulevard, approximately 165 feet east of Drakes Cove Road. A traffic signal on East Sir Francis Drake Boulevard is proposed at the entry to the project site. An Advance Warning System would be located on the east curve of the project site. As discussed above, the driveway would provide access to a four-level garage with approximately 350 parking spaces.
>
> Four project access alternatives for the proposed project were evaluated in the Transportation Impact Study prepared by W-Trans for the proposed project and are further discussed in Section 3.12, Transportation, of this Draft EIR. Exhibit 2-7 depicts the various project access alternatives being considered. As a result of this analysis, Access Alternative 2 is the proposed access for the proposed project. The proposed project would include a traffic signal at the intersection of the project's driveway and East Sir Francis Drake Boulevard and convert an eastbound acceleration lane on East Sir Francis Drake Boulevard to a left-turn lane into the project site. The Advance Warning System would be located on the curve east of the project site and would signal westbound traffic on East Sir Francis Drake Boulevard. The Advance Warning System would be equipped with radar-triggered flashing beacons, which would activate only when the signal system detects stopped vehicles around

the corner. The signal for advancing westbound motorists would be located approximately 1,500 feet east of the project driveway and consist of a pair of alternating flashing yellow beacons with one beacon on each side of a sign.

3.2–Air Quality

Page 3.2-5, Table 3.2-1, Sources

The sources in this table have been updated to reference the Bay Area Air Quality Management District Air Quality (BAAQMD) Management Plan.

~~South Coast Air Quality Management District (SCAQMD). 2007. Final 2007 Air Quality Management Plan. June.~~ Bay Area Air Quality Management District (BAAQMD). 2017. Final 2017 Clean Air Plan. April.

Page 3.2-22, 3.2.4-Mothodology, Second Paragraph, First Sentence

This sentence has been modified to reference the BAAQMD.

CalEEMod Version 2022.1 was developed in collaboration with the BAAQMD ~~SCAQMD~~ and other air districts throughout the State. CalEEMod is designed as a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant emissions associated with construction and operation from various land uses.

3.3–Biological Resources

Page 3.3-20, Fourth Paragraph, Last sentence

This paragraph has been updated to reflect plant surveys that have been completed since the Draft EIR was published in compliance with Mitigation Measure (MM) BIO-1a.

~~While a~~A late season rare plant survey was conducted for late blooming species (including rare plants) on September 8, 2022~~, an additional survey will be conducted in spring 2023 to provide data from the peak blooming period~~. In accordance with MM BIO-1a (further explained in Impact BIO-1), additional rare plant surveys were conducted on March 22, 2023 and May 29, 2023, neither of which resulted in significant findings. A final survey is to be completed at the end of June 2023. If the June 2023 survey does not result in significant findings, no additional surveying is needed.

Page 3.3-22, Impact BIO-1, First Paragraph

This paragraph has been updated to reflect rare plant surveys that have been completed since the Draft EIR was published in compliance with MM BIO-1a.

No special-status or rare plant species occur on the approximately 8.43-acre portion of the project site (see Section 3.3.2) surveyed to date. Therefore, no impacts on special-status or rare plant species are expected to occur within this area. Because the surveyed area includes over 80 percent of the entire study area and includes the same habitat types as the approximately 2-acre expanded limit of disturbance (see Exhibit 3.3-4), and since the

expanded limit of disturbance was surveyed for late blooming rare plants, it is unlikely that it would support rare plants. However, presence cannot be ruled out. Therefore, as defined in MM BIO-1a, the project would be required to conduct protocol-level rare plant surveys in the peak spring blooming period to confirm absence of special-status plants. As described in Section 3.3.2, rare plant surveys were conducted in March 2023 and May 2023 with no significant findings. An additional rare plant survey shall be conducted at the end of June 2023. If special-status plant species are found, MM BIO-1b requires compensatory mitigation to offset losses of these populations. With implementation of these project-specific mitigation measures, potential impacts to special-status plants would be less than significant.

Page 3.3-24, MM BIO-1d

This mitigation measure has been clarified to reference all bats.

MM BIO-1d A qualified Biologist with relevant roosting bat experience shall conduct a survey for ~~special-status~~ all bats during the appropriate time of day to maximize detectability to determine whether bat species are roosting near the work area no less than 7 days and no more than 14 days prior to beginning ground disturbance and/or construction. Survey methodology may include visual surveys of bats (e.g., observation of bats during foraging period), inspection for suitable habitat, bat sign (e.g., guano), or use of ultrasonic detectors (Anabat, etc.).

If the Biologist determines or presumes bats are present, the Biologist shall exclude the bats from suitable spaces by installing one-way exclusion devices. After the bats vacate the space, the Biologist shall close off the space to prevent recolonization. Site disturbance, including grading or vegetation removal shall only commence after the Biologist verifies 7 to 10 days later that the exclusion methods have successfully prevented bats from returning. To avoid impacts on non-volant (i.e., nonflying) bats, the Biologist shall only conduct bat exclusion and eviction from May 1 through October 1. Exclusion efforts may be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young).

Page 3.3-25, MM BIO-2a

This MM has been updated to clarify that replacement of Arroyo willow thickets and coast live oak woodland must be purchased from nurseries subject to Marin County's jurisdiction.

The Applicant shall compensate for the loss of 0.27 acres of riparian Arroyo willow thickets by restoring and conserving native riparian vegetation at a ratio of at least 1:1, or by purchasing adequate mitigation credits as determined by the California Department of Fish and Wildlife (CDFW) through a Streambed Alteration Agreement. Restoration may include removal of invasive species from riparian areas and planting and maintenance of native riparian species, with a preference for Arroyo willow where feasible. The replacement Arroyo willow thickets must be purchased from nurseries subject to Marin County's jurisdiction and which are in compliance with its policies.

Additionally, the Applicant shall compensate for the loss of 0.47 acre of coast live oak woodland by either purchasing mitigation credits from a mitigation bank or restoring and conserving oak woodland at a ratio of at least 1:1 on-site or off-site within Marin County. Restoration of oak woodland includes planting and maintaining of suitable oak species and co-occurring native woody vegetation, maintenance of mitigation plantings to guarantee establishment of a self-sustaining oak woodland. The replacement of coast live oak woodland must be purchased from nurseries subject to Marin County's jurisdiction and which are in compliance with its policies.

3.4–Cultural Resources and Tribal Cultural Resources

Page 3.4-6, Fourth Paragraph, First Sentence

The first sentence has been edited to remove the reference to the "Eastern Miwok" and replaced with the reference to the "Coast Miwok."

The ~~Eastern~~ Coast Miwok first came into contact with European explorers during the sixteenth century beginning with Sir Francis Drake's expedition in 1579, followed by Sebastián Rodriquez Cermeo in 1595.

Page 3.4-7, Third Paragraph, First Sentence

The first sentence has been edited to remove the reference to the "Costanoan Ohlone" Tribe.

Home to the ~~Costanoan Ohlone and~~ Coast Miwok, the first European to land in the area was the Englishman, Francis Drake, and his crew in 1579.

Page 3.4-12, First Paragraph, Second to last sentence

The second to last sentence has been edited to show that no tribal responses have been received at the time the FEIR is published.

On August 23, 2021, FCS sent a letter to the NAHC in an effort to determine whether any sacred sites are listed on its Sacred Lands File for the project area. A response was received on September 2, 2021, indicating that the Sacred Lands File search produced a positive result for Native American cultural resources in the project area. To ensure Native American knowledge and concerns over potential unrecorded TCRs that may be affected by the proposed project, the NAHC included a list of four tribal representatives available for consultation. On October 22, 2021, FCS sent a letter containing project information and requesting any additional information to each tribal representative. These letters were for the sole purpose of soliciting additional information on potential TCRs for the Cultural Resources Assessment. As of June 2023, ~~No~~ no responses ~~were~~ have been received. Lead agency consultation pursuant to AB 52 was addressed by DGS, who did not identify any tribes that had requested consultation with them, or any other state agency associated with this project, including the California Department of Corrections and Rehabilitation (CDCR) and the California Department of Housing and Community Development (HCD). Thus, there are no tribes with AB 52 standing for this project.

Page 3.4-25, Impact CUL-2, MM CUL-3

The following mitigation measure has been edits to reflect the correct jurisdiction's Department of Conservation and Development.

MM CUL-3 Archaeological Monitoring, and the Halting of Construction Upon Encountering Archaeological Materials

An Archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology shall be present to monitor all ground disturbance activities. In the event a potentially significant historical and/or archaeological resource is encountered during subsurface earthwork activities, all construction activities within a 50-foot radius of the find shall cease and workers shall avoid altering the materials until an Archaeologist has evaluated the situation. The applicant for the proposed project shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Potentially significant cultural resources consist of, but are not limited to, stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites. If the Archaeologist identifies a resource, the resource shall be treated with the appropriate dignity, taking into account the resource's historical or cultural value, meaning, and traditional use, as determined by the Archaeologist. Work may proceed on other parts of the project site while mitigation for cultural resources is carried out. All significant cultural materials recovered shall, at the discretion of the consulting professional, be subject to scientific analysis, professional museum curation, and documentation according to current professional standards. The Archaeologist must prepare a data recovery plan before any excavation of resources begins. Any previously undiscovered resources found during construction within the project site shall further be recorded on appropriate California Department of Parks and Recreation (DPR) 523 forms and shall be submitted to ~~Contra Costa~~ Marin County Department of Conservation and Development, the Northwest Information Center (NWIC), and the California Office of Historic Preservation (OHP), as required.

Page 3.4-27, Impact CUL-4, First Paragraph, Second to last sentence

The second to last sentence has been edited to show that no tribal responses have been received at the time the FEIR is published.

The NWIC record search indicated that there are four prehistoric resources within a 0.5-mile radius of the project site but none within the project site itself. FCS sent a letter to the NAHC in an effort to determine whether any sacred sites are listed on its Sacred Lands File for the project area. A response was received on September 2, 2021, indicating that the Sacred Lands File search produced a positive result for Native American cultural resources in the

project area. To ensure Native American knowledge and concerns over potential unrecorded TCRs that may be affected by the project, the NAHC included a list of four tribal representatives available for consultation. On October 22, 2021, FCS sent a letter containing project information and requesting any additional information to each tribal representative. These letters were for the sole purpose of soliciting additional information on potential TCRs for the Cultural Resources Assessment. As of June 2023, ~~No~~ no responses ~~were~~ have been received. Lead agency consultation pursuant to AB 52 was addressed by DGS, who did not identify any tribes that had requested consultation with them, or any other state agency associated with this project, including CDCR and HCD. Thus, there are no tribes with AB 52 standing for this project.

Page 3.4-27, Impact CUL-4, Second Paragraph, Second sentence

This sentence has been edited to remove references MM CUL-5 ("a" and "b") because none of the tribes applicable to the proposed project have requested consultation with DGS or any other state agency associated with this project, including the CDCR and HCD, pursuant to AB 52 during the drafting of this EIR.

~~MM CUL-5a and MM CUL-5b, which detail procedures for the treatment and avoidance of TCRs, would reduce potential impacts to TCRs that may be discovered during project construction.~~

Page 3.4-28, Impact CUL-4, MM CUL-5

The following mitigation measure has been removed because none of the tribes applicable to the proposed project have requested consultation with DGS or any other state agency associated with this project, including the CDCR and HCD, pursuant to AB 52 during the drafting of this EIR.

~~**MM CUL-5 Native American Construction Monitoring**~~

~~(TBD based on final results of tribal consultation)~~

Page 3.4-28, Impact CUL-5, First Paragraph, Last sentence

The last sentence has been added to confirm there have been no additional requests for tribal consultation at the time the FEIR is published.

Lead agency consultation pursuant to AB 52 was addressed by DGS, who did not identify any tribes that had requested consultation with them, or any other State agency associated with this project, including CDCR and HCD. As of June 2023, no requests for consultation have been received by DGS. Thus, there are no tribes with AB52 standing for this project.

Page 3.4-28, Impact CUL-5, Second Paragraph, Last sentence

The last sentence has been edited to remove reference to MM CUL-5 because MM CUL-5 no longer applies to the project because none of the tribes applicable to the proposed project have requested consultation with DGS or any other state agency associated with this project, including the CDCR and HCD, pursuant to AB 52 during the drafting of this EIR.

Implementation of MM CUL-2, MM CUL-3, and MM CUL-4 ~~and MM CUL-5a~~, would reduce these potential impacts to a less than significant level.

Page 3.4-29, Impact CUL-5, Mitigation Measures

MM CUL-5 has been removed because MM CUL-5 no longer applies to the project because none of the tribes applicable to the proposed project have requested consultation with DGS or any other state agency associated with this project, including the CDCR and HCD, pursuant to AB 52 during the drafting of this EIR.

Implement MM CUL-2, MM CUL-3, and MM CUL-4 ~~and MM CUL-5~~.

3.6–Geology and Soils

Page 3.6-13, Impact GEO-2: Soil Erosion or Topsoil Loss, Paragraph 4, Sentence 3 and 4

This paragraph has been corrected to reference BAAQMD regulations.

In addition, construction activities associated with the proposed project would be required to comply with BAAQMD Basic Construction Mitigation Measures ~~SCAQMD Rule 403, Fugitive Dust~~, which would preclude wind-related erosion hazards during construction activities. Mandatory compliance with the proposed project's NPDES permit and these regulatory requirements of BAAQMD Basic Construction Mitigation Measures ~~SCAQMD Rule 403~~ would ensure that water and wind erosion.

3.7–Greenhouse Gas Emissions

Page 3.7-14, 3.7.4–Methodology, First Paragraph, First Sentence

This sentence has been amended to correctly reference the BAAQMD.

CalEEMod Version 2022.1 was developed in collaboration with the BAAQMD ~~SCAQMD~~ and other air districts throughout the State.

Page 3.7-17, Impact GHG-1: GHG Emissions Generation

This page has been amended to correctly reflect the Criterion A and Criterion B significance thresholds.

~~A. Projects must be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b), or~~

~~B. Projects must include, at a minimum, the following project design elements. a. Buildings: i. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development). ii. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines. b. Transportation: i. Achieve compliance with EV requirements in the most recently adopted version of CALGreen Tier 2. ii. Achieve a reduction in project-generated VMT below the regional average consistent with the current version of the California~~

~~Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted SB 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA: 1. Residential projects: 15 percent below the existing VMT per capita. 2. Office projects: 15 percent below the existing VMT per employee. 3. Retail projects: no net increase in existing VMT.~~

A. Projects must include, at a minimum, the following project design elements.
    a. Buildings:
        i. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
        ii. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.

    b. Transportation:
        i. Achieve compliance with EV requirements in the most recently adopted version of CALGreen Tier 2.
        ii. Achieve a reduction in project-generated VMT below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted SB 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA:
            1. Residential projects: 15 percent below the existing VMT per capita.
            2. Office projects: 15 percent below the existing VMT per employee.
            3. Retail projects: no net increase in existing VMT, or

B. Projects must be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).

Page 3.7-19 and Page 3.7-20, Operation

This page has been amended to correctly reflect the Criterion A and Criterion B significance thresholds.

~~A. Projects must be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b), or~~

~~B. Projects must include, at a minimum, the following project design elements. a. Buildings: i. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development). ii. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines. b. Transportation:~~

~~i. Achieve compliance with EV requirements in the most recently adopted version of CALGreen Tier 2. ii. Achieve a reduction in project-generated VMT below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted SB 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA: 1. Residential projects: 15 percent below the existing VMT per capita. 2. Office projects: 15 percent below the existing VMT per employee. 3. Retail projects: no net increase in existing VMT.~~

A. Projects must include, at a minimum, the following project design elements.
    a. Buildings:
        i. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
        ii. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.
    b. Transportation:
        i. Achieve compliance with EV requirements in the most recently adopted version of CALGreen Tier 2.
        ii. Achieve a reduction in project-generated VMT below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted SB 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA:
            1. Residential projects: 15 percent below the existing VMT per capita.
            2. Office projects: 15 percent below the existing VMT per employee.
            3. Retail projects: no net increase in existing VMT, or

B. Projects must be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).

Page 3.7-20, Third Paragraph and Fourth Paragraph

These pages have been amended to correctly reflect the Criterion A and Criterion B significance thresholds.

~~Criterion A~~ Criterion B

~~Criterion A~~ Criterion B contemplates that projects must be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b). In December of 2020, the County adopted the Marin County Unincorporated Area Climate Action Plan (CAP) 2030. Appendix E, Qualified GHG Reduction Strategy, of the County's CAP

demonstrates that the CAP meets the requirements to be considered a qualified GHG reduction strategy capable of being tiered from under CEQA Guidelines Section 15183.5(b).

As discussed above, the CAP is not legally applicable to the project site due to principles of State Sovereignty. However, the CAP is a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b) and, given the proposed project is located within the geographical region addressed by the CAP (see Figure 1 of the plan, incorporated herein by this reference), this document provides a meaningful analytical framework under which the proposed project can be studied. Therefore, the proposed project's consistency with the CAP provides the basis of a useful analysis under ~~Criterion A~~ Criterion B of the BAAQMD-recommended significance thresholds. Accordingly, the proposed project's GHG emissions have been evaluated below in accordance with the reduction measures identified in the County's CAP.

Page 3.7-25, First Paragraph, Second Sentence

This sentence has been amended to correctly reflect the Criterion A and Criterion B significance thresholds.

Because of this consistency, the proposed project satisfies ~~Criterion A~~ Criterion B from the above GHG significance thresholds and does not need to demonstrate consistency with the provisions of ~~Criterion B~~ Criterion A to determine a less than significant impact related to GHG emissions.

3.8–Hazards and Hazardous Materials

Page 3.8-17, Impact HAZ-2

The following paragraph has been added to the top of this section to address concerns about a gas canister discovered at the project site.

A public comment was received which stated that an inert gas canister was discovered by a neighbor in brush on the project site in 2021. The project site area was inspected and cleared by local police authorities and the US Air Force bomb squad. In addition, during a Phase II investigation of the project site, site reconnaissance was conducted to investigate whether any hazards existed. No additional gas canisters or other munitions were uncovered during those activities, and there is no evidence of any safety risks to project construction workers, future project users, or others with access to the project site. Furthermore, it is presumed that members of the general public would not traverse the remote portions of the project site, as such would constitute trespass. With respect to soil contamination, there is no evidence that the presence of a gas canister on the project site would be associated with any lead contamination of area soils. Moreover, based on the most recent grading and other project plans, no earth moving activities or project components are planned for the area adjacent to 35 Drakes Cove Court, where the gas canister allegedly was found. Therefore, the asserted discovery of the inert gas canister does not increase the potential for any significant contamination or other hazardous impacts from construction or operation of the project. However, out of an abundance of caution, DGS will conduct a sitewide survey prior to the

issuance of any construction permits to ensure that no other gas canisters are present at the project site. There are no significant to mitigate, and so this survey is incorporated as a condition of approval.

Page 3.8-18, MM HAZ-2

The following mitigation measure has been updated to incorporate the contents of the SGMP by reference.

MM HAZ-2 Prior to issuance of grading and construction permits, the project applicant shall submit the soil and groundwater management plan (SGMP) ~~prepare a soil management plan and submit~~ to the San Francisco Bay ~~Area~~ Regional Water Quality Control Board (San Francisco Bay ~~Area~~ RWQCB) for confirmation. ~~The soil management plan shall be~~ A SGMP has been developed to properly segregate, test, and dispose of soil potentially contaminated with lead at the project site (Appendix F). All recommendations made in the SGMP shall be incorporated as part of the proposed project. The SGMP ~~soil management plan~~ describes ~~shall also describe~~ procedures for dust control during construction activities and procedures to follow if previously unidentified areas of contamination are uncovered during site development. Additionally, the SGMP ~~plan shall describe~~ describes excavation procedures for soil within the outlined contamination area in Figure 4 of the Phase II Environmental Site Assessment (Phase II ESA) (Exhibit 3.8-1 of this report). Soil within the outlined area shall be excavated to a depth of 2 feet BGS. Once the soil has been excavated, confirmation sampling shall be conducted in and around the excavation to confirm that soil with lead concentrations exceeding background levels and the residential ESL for direct exposure has been removed. Further excavation and confirmation sampling may be necessary based on the initial confirmation results. Procedures for this additional excavation and confirmation sampling are ~~shall be~~ provided in the SGMP, if needed ~~soil management plan~~. Once the contaminated soil has been removed, it shall be stockpiled, sampled, profiled, and sent to an appropriate waste facility.

3.11–Noise

Page 3.11-12

This sentence has been amended to correctly indicate the impact level.

Impact NOI-1 The proposed project ~~would~~ would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

3.12–Transportation

Page 3.12-17, Second Paragraph, First Sentence

This sentence has been amended to indicate that the vehicles miles traveled (VMT) significance threshold for the proposed project is provided by Marin County for its unincorporated areas. The

reference to the Metropolitan Transportation Commission (MTC) nine-county Bay Area has been removed.

> The OPR *Technical Advisory on Evaluating Transportation Impacts in CEQA* states that for land use projects or programs in the unincorporated areas of a county within an MPO area, which ~~for the County is the MTC nine-county Bay Area~~ is provided by Marin County for its unincorporated areas, the VMT significance threshold should be based on the regional average VMT per capita.

Page 3.12-18, Impact TRANS-3, Site Distance, Third Paragraph

The following paragraph has been added to clarify how the Advance Warning System would be incorporated as a project feature.

> The HDM provides minimum stopping sight distances for increments of 5 mph. Between these increments, the HDM defers to the Greenbook, 9 which prescribes a formula for converting speed into stopping sight distance that results in 385 feet for 47 mph and 312 feet for 41 mph. Based on a review of field conditions, sight lines extend more than 500 feet to the west and 340 feet to the east. Therefore, sight distance available at the project driveway is adequate for the posted speed limit as well as the observed critical speed of vehicles traveling on East Sir Francis Drake Boulevard.
>
> While there would not be a significant impact related to site distance, an Advance Warning Signal would be included to ensure project safety. The Advance Warning Signal would be located on the curve east of the project site (approximately 1,500 feet east of the project driveway) and would warn westbound traffic traveling down East Sir Francis Drake Boulevard toward the project site of the presence of stopped traffic. The Advance Warning System would be equipped with radar-triggered flashing beacons (specifically, a pair of alternating flashing yellow beacons with one beacon on each side of a sign), which would only ignite when the signal system detects stopped vehicles on the corner ahead. When there are no vehicles queued at the project access, the system would extinguish and blend into the background. This system would sufficiently warn of impending queues around the curved roadway east of the project site. Impacts related to site distance would be less than significant.

4.2.4–Cultural Resources and Tribal Cultural Resources

Page 4-10, Third Paragraph

The following sentences have been removed because they reference MM CUL-5 (“a” and “b”), which is no longer applicable to the proposed project because no tribes have requested consultation with DGS pursuant to AB 52 over the course of the drafting of the EIR.

> ~~MM CUL-5a requires Native American construction monitoring. Finally, MM CUL-5b requires avoidance and preservation of TCRs should they be discovered on-site.~~

5.2.4–Public Services

Page 5-4, Fire Services, First Paragraph

This paragraph has been amended to clarify that the project site is within the Marin County Fire Department jurisdiction and that the proposed project would be served by Marin County Fire Department for fire prevention and code enforcement activities, but would ultimately be served by Central Marin Fire Authority for emergency response services via a service agreement for emergency fire services. In other words, while the project site is not within the jurisdiction of the Central Marin Fire Authority, this authority would ultimately provide emergency services as identified in the Draft EIR.

~~The Central Marin Fire Authority provides fire protection and emergency medical services to the Town of Corte Madera, the City of Larkspur including incorporated Greenbrae, and several portions of the County Service Area (CSA) inclusive of the Greenbrae Boardwalk, Lucky Dr., and San Quentin. The proposed project is located within the Central Marin Fire Authority's jurisdiction~~ The Marin County Fire Department has jurisdiction over the project site. To ensure adequate levels of fire safety, the Marin County Fire Department has confirmed they would remain the authority for fire prevention and code enforcement activities.[1] However, the Marin County Fire Department would enter a service agreement with Central Marin Fire Authority, who would provide emergency response services to the project site. As a condition of approval, DGS would confirm that this agreement is in place prior to the issuance of grading permits.

The Central Marin Fire Authority provides fire protection and emergency medical services to the Town of Corte Madera, the City of Larkspur including incorporated Greenbrae, and several portions of the CSA inclusive of the Greenbrae Boardwalk, Lucky Dr., and San Quentin.

It operates two stations in the City of Larkspur and two in the Town of Corte Madera. Fire Station 16, located approximately 1.1 miles from the project site at 15 Barry Way, would be responsible for an initial response to the project site.[2] Central Marin Fire maintains a staffing level of 12 firefighters on-duty daily 24 hours a day 365 days a year, which includes a minimum of five firefighter-paramedics as well as operates three fire engines and one paramedic transport ambulance daily. Fire station 16 maintains a staffing level of three firefighters on-duty daily, which include one firefighter- paramedic.[3] This station's average response time is between seven and nine minutes depending on the time of day. The Countywide Plan identifies a five-minute response time as the critical time period for responding to a structural fire. Central Marin Fire estimates that, based on similarly sized residential buildings, the proposed project would generate approximately 30 to 40 calls for service per year. Although the fire Central Marin Fire is not currently meeting the target response time, this anticipated number of additional calls would not be enough to impact current response times, meaning the proposed project on its own would not cause Central

[1] Weber, Jason. Fire Chief, Marin County Fire Department. Personal Communication: letter. June 13, 2023.
[2] Martin, Rueben. Fire Chief, Central Marin Fire Authority. Personal communication: letter. September 28, 2022.
[3] Martin, Rueben. Fire Chief, Central Marin Fire Authority. Personal communication: letter. September 28, 2022.

Marin Fire to exceed its goal response time. During consultation with Central Marin Fire, it was confirmed that current staffing levels at Fire Station 16 would meet the demand of the proposed project, and no additional facilities would be required.[4]

Page 5-5, Police Services, First Paragraph

This paragraph has been amended to clarify that the project site is not within the Central Marin Police jurisdiction, but within the Marin County Sheriff's Office jurisdiction and that the proposed project would be served by Marin County Sheriff's Office for code enforcement activities. However, the project site would be served by Central Marin Police Authority for emergency response services via a service agreement. In other words, while the project site is not within the jurisdiction of the Central Marin Police Authority, this authority would ultimately provide emergency services as identified in the Draft EIR.

Central Marin Police provides police services to the Town of Corte Madera, City of Larkspur, the Town of San Anselmo, and portions of Greenbrae in the County and would provide police services to the proposed project. The Marin County Sheriff's Office has jurisdiction over the project site. To ensure adequate levels of public safety, Central Marin Police has confirmed they would remain the authority for code enforcement activities. [5] This provision of police service would occur via a service agreement between the Marin County Sheriff's Office and the Central Marin Police, who would provide emergency response services to the project site. As a condition of approval, DGS would confirm that this agreement is in place prior to the issuance of grading permits.

Central Marin Police provides police services to the Town of Corte Madera, City of Larkspur, the Town of San Anselmo, and portions of Greenbrae in the County. Central Marin Police has a total of 58 employees, including 42 sworn officers, and its service area includes approximately 35,000 County residents.[6] This is approximately 1.2 officers per 1,000 residents.[7] Given the additional 600 residents estimated to be generated by the proposed project. There would still be approximately 1.2 officers per residents.[8] Central Marin Police works closely with the Marin County Sheriff's Departments, which provides aid whenever necessary. The Central Marin Police Headquarters Facility, located at 250 Doherty Drive in Larkspur, is located approximately 1.6 miles southwest from the project site and would be the station serving the project site.[9] Central Marin Police receives approximately 40,000 calls for service per year.[10]

[4] Martin, Rueben. Fire Chief, Central Marin Fire Authority. Personal communication: letter. September 28, 2022.
[5] County of Marin. Personal communication: phone. June 2023.
[6] Central Marin Police Authority. 2022. About web page. Website: https://www.centralmarinpolice.org/27/About. Accessed October 10, 2022
[6] Central Marin Police Authority. 2022. About web page. Website: https://www.centralmarinpolice.org/27/About. Accessed October 10, 2022
[7] 42 officers *1,000 /35,000 people = 1.2 officers per 1,000 people
[8] 42 officers *1,000/35,600 = 1.18 = ~1.2 officers per 1,000 people
[9] Norton, Michael. Chief of Police, Central Marin Police Authority. Personal communication: phone. October 4, 2022.
[10] Ibid.

7.1.2–Alternatives to the Proposed Project

Page 7-3, Alternative 3–Traffic Signal at Project Driveway with Internal Connection to/from Drakes Cove Road Alternative

This paragraph has been altered to clarify that an Advance Warning Signal would be incorporated into this Alternative because an Advanced Warning Signal would be included in any Alternative includes a traffic signal at the project driveway or Drakes Cove Road.

> Under the Traffic Signal at Project Driveway with Internal Connection to/from Drakes Cove Road Alternative (Alternative 3), all characteristics and components of the proposed project would remain unchanged, including the installation of a traffic signal at the proposed project driveway. The existing stop sign at Drakes Cove Road would remain. Drivers traveling to and from Drakes Cove Road would be able to route to East Sir Francis Drake Boulevard either via the existing stop sign or could access the traffic signal via an internal roadway through the project site. An Advance Warning System would be located on the curve east of the project site and would signal westbound traffic on East Sir Francis Drake Boulevard. The Advance Warning System would be equipped with radar-triggered flashing beacons, which would activate only when the signal system detects stopped vehicles around the corner. The signal for advancing westbound motorists would be located approximately 1,500 feet east of the project driveway and consist of a pair of alternating flashing yellow beacons with one beacon on each side of a sign. As anticipated under the proposed project, the eastbound acceleration lane from Drakes Cove Road would be converted to a left-turn lane into the project site. Similar to the proposed project, this alternative would include the installation of a pedestrian crosswalk at its driveway allowing for its residents to access the multiuse path along the south side of Sir Francis Drake Boulevard. However, unlike the proposed project, the advantage of this alternative would be that drivers at Drakes Cove Road wishing to turn left onto East Sir Francis Drake Boulevard or wishing to turn left from East Sir Francis Drake Boulevard onto Drakes Cove Road would be able to complete these movements with the aid of the traffic signal instead of waiting for gaps in traffic to complete the movement. This alternative was evaluated as "Access Alternative 3" in the TIS prepared by W-Trans, dated December 8, 2022 (included in Appendix I). See Exhibit 7-2 for an illustration of this alternative.

Page 7-3 through 7-4, Alternative 4–Traffic Signal at Drakes Cove Road Alternative

This paragraph has been altered to clarify that an Advance Warning Signal would be incorporated into this Alternative because an Advanced Warning Signal would be included in any Alternative includes a traffic signal at the project driveway or Drakes Cove Road.

> Under the Traffic Signal at Drakes Cove Road Alternative (Alternative 4), all characteristics and components of the proposed project would remain unchanged, except for the proposed project's vehicular access. A traffic signal would be installed at the intersection of East Sir Francis Drake Boulevard and Drakes Cove Road. An Advance Warning System would be located on the curve east of the project site and would signal westbound traffic on East Sir Francis Drake Boulevard. The Advance Warning System would be equipped with radar-triggered flashing beacons, which would activate only when the signal system detects

stopped vehicles around the corner. The signal for advancing westbound motorists would be located approximately 1,500 feet east of the project driveway and consist of a pair of alternating flashing yellow beacons with one beacon on each side of a sign. The project would connect to Drakes Cove Road via a private driveway with a stop sign. The acceleration lane from Drakes Cove Road would be converted to a painted median. Additionally, Drakes Cove Road would be widened at its intersection with East Sir Francis Drake Road in order to accommodate both a right-turn lane and a left-turn pocket onto East Sir Francis Drake Boulevard. This alternative was evaluated a "Access Alternative 4" in the TIS prepared by W-Trans, dated December 8, 2022 (included in Appendix I). 2 See Exhibit 7-3 for an illustration of this alternative.

Page 7-4, Alternative 5–Proposed Project Access with Left-turn Access to Drakes Cove Road Prohibited Alternative

This paragraph has been altered to clarify that an Advance Warning Signal would be incorporated into this Alternative because an Advanced Warning Signal would be included in any Alternative includes a traffic signal at the project driveway or Drakes Cove Road.

Under the Proposed Project Access with Left-turn Access to Drakes Cove Road Prohibited Alternative (Alternative 5), all characteristics and components of the proposed project would remain unchanged, including the project's vehicle access configuration, except for the elimination of the existing left-hand turn pocket on East Sir Francis Drake Boulevard at the Drakes Cove Road intersection. Therefore, under Alternative 5, vehicles traveling eastbound on East Sir Francis Drake Boulevard will no longer be able to turn left onto Drake Cove Road, resulting in a right-in/right-out intersection at Drakes Cove Road. The existing left turn pocket would be restriped as a through lane for eastbound traffic. Additionally, an Advance Warning System would be located on the curve east of the project site and would signal westbound traffic on East Sir Francis Drake Boulevard. The Advance Warning System would be equipped with radar-triggered flashing beacons, which would activate only when the signal system detects stopped vehicles around the corner. The signal for advancing westbound motorists would be located approximately 1,500 feet east of the project driveway and consist of a pair of alternating flashing yellow beacons with one beacon on each side of a sign. The proposed project access was evaluated as "Access Alternative 2" in the TIS prepared for W-Trans, dated December 8, 2022 (included in Appendix I), and the removal of left-turn access to Drake Cove Road was analyzed by the same qualified traffic engineer.[3] See Exhibit 7-4 in Chapter 7, Alternatives, for an illustration of this alternative.

Page 7-15, Second Paragraph

This paragraph has been updated to include information about the Advance Warning System that would be included as part of Alternative 3.

This alternative includes the same fire access road as the proposed project, which allows for emergency vehicle access to the site. In terms of pedestrian safety, this alternative includes the same traffic signal as the proposed project. In terms of vehicles safety, this alternative allows vehicles to make left turns into the project site from East Sir Francis Drake Boulevard

and left turns from the project site to East Sir Francis Drake Boulevard with the protection of a traffic signal. While this Alternative would not create a significant impact related to site distance, the Advance Warning System would further increase vehicle safety by warning westbound traffic traveling down East Sir Francis Drake Boulevard toward the project site of the presence of stop traffic. Furthermore, the alternative has the advantage of allowing drivers at Drakes Cove Road wishing to turn left onto East Sir Francis Drake Boulevard or wishing to turn left from East Sir Francis Drake Boulevard onto Drakes Cove Road to complete these movements with the aid of the traffic signal instead of waiting for gaps in traffic to complete the movement. Additionally, this alternative is not expected to increase Vehicle Miles Traveled (VMT) as it provides duplicate access rather than new vehicle trips.4 Therefore, with the addition of the internal roadway, traffic safety impacts would be similar to, but slightly decreased, compared to the less than significant traffic safety impacts of the proposed project.

Page 7-19 through 7-20, Second Paragraph

This paragraph has been updated to include information about the Advance Warning System that would be included as part of Alternative 4.

This alternative includes the same fire access road as the proposed project, which allows emergency vehicle access to the site. In terms of traffic safety, this alternative includes signalization of the intersection of East Sir Francis Drake Boulevard and Drakes Cove Road, which allows vehicles to turn left off Drakes Cove Road from East Sir Francis Drake Boulevard with the aid of a traffic signal. Thus, both the proposed project and Alternative 4 allow for vehicles traveling to the proposed development and exiting the proposed development from East Sir Francis Drake Boulevard to do so with the aid of a traffic signal because the only entrance and exit to the project would be on Drake Cove Road. Additionally, this alternative would also benefit drivers unrelated to project traffic by allowing drivers turning left onto Drakes Cove Road from East Sir Francis Drake Boulevard and drivers turning left onto East Sir Francis Drake Boulevard from Drakes Cove Road to do so with the aid of a traffic signal. Therefore, when compared to the proposed project, this alternative would slightly decrease impacts on surrounding roadways. While this Alternative would not create a significant impact related to site distance, the Advance Warning System would further increase vehicle safety by warning westbound traffic traveling down East Sir Francis Drake Boulevard toward the project site of the presence of stop traffic. Additionally, VMT is expected to be the same as the proposed project. Therefore, under this alternative, impacts would be less than significant, both slightly increased and decreased, compared to the less than significant traffic safety impacts of the proposed project.

Page 7-23, First Paragraph

This paragraph has been updated to include information about the Advance Warning System that would be included as part of Alternative 5.

This alternative proposes the same degree of development, construction schedule, and number of housing units as the proposed project; therefore, the volume of construction and operational traffic would be the same as the proposed project. Additionally, this alternative includes the same fire access road as the proposed project. Under Alternative 5, there would

be left-turn prohibitions at East Sir Francis Drake Boulevard to Drakes Cove Road (right-in/right-out access only). Restricting left turns would require drivers to detour around the prohibition, increasing VMT and roadway occupancy. However, this increase in VMT would be nominal overall.[6] According to the TIS prepared for the Draft EIR, approximately three vehicles utilize the left-turn lane at the Drakes Cove Road and East Sir Francis Drake Boulevard intersection during the AM peak-hour period and five vehicles utilize it during the PM peak-hour period. Thus, prohibiting the left-turn movements at East Sir Francis Drake Boulevard to Drakes Cove Road intersection would slightly improve safety as compared to the proposed project by eliminating any potential collisions that could occur between the small volume of vehicles utilizing the left-turn lane and traffic heading westbound on East Sir Francis Drake Boulevard without the aid of signalization.[7] While this Alternative would not create a significant impact related to site distance, the Advance Warning System would further increase vehicle safety by warning westbound traffic traveling down East Sir Francis Drake Boulevard toward the project site of the presence of stop traffic. Therefore, while this alternative would slightly improve traffic safety as compared to the proposed project, this alternative would not be significantly safer than the proposed project.[8] Thus, traffic safety impacts would be slightly decreased and VMT would be slightly increased as compared to the proposed project.

Appendix A:
Additional Traffic Analysis Supporting Information

draft

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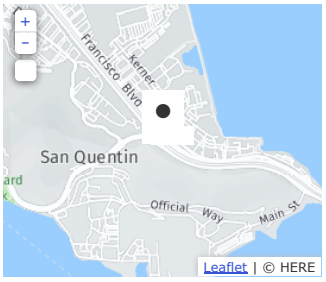
On Ramp VDS 424052 - Sir Francis Drake Blvd on

Current Location



Maps Real-Time | Performance | Inventory

I580-E @ CA PM 3.26 (Abs PM 75.0)
District 4, Marin County , City of San Rafael

Station Details

Aliases	MS ID DT2A9, IRM a1-E-27-580-00326
LDS	418433
Owner	Caltrans
Assoc. Traffic Census Station	*None*
Comm Type (LDS)	
Speeds	Estimated
Max Cap.	
Vehicle Classification	*N/A*

Lane Detection

Lane	Slot	Sensor Tech	Type
1	1	Single Loop	On Ramp

Diagnostics

Threshold Set	Urban
High Flow Threshold	20
High Flow (High Val)	20%
High Occ Threshold	.7
Flow = 0 (Card Off)	95%

Quick Links

View another VDS
Go

Tools

Holidays
Data Clearinghouse
PeMS User Manual
Transit PeMS User Manual
Lane Closure Manual
District TCR Training Guide
PeMS Forum (External Site)

Change Log | Performance | Data Quality | Events

Performance > Planning Analysis > AADT

ABOUT THIS REPORT

From 04/2019
Max Range: 10 years

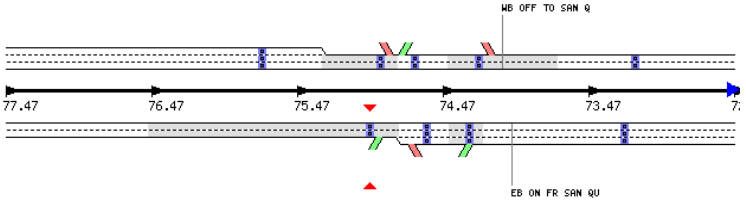
To 03/2023

DRAW PLOT VIEW TABLE EXPORT TEXT EXPORT to XLS

271 0 0

Starting Month	Fwy	CA PM	Abs PM	VDS	Name	Type	Arithmetic Mean	ASTM Std 1442	Conv. AASHTO	Prov. AASHTO	Sum of 24 Annual Avg Hours	Mod. ASTM Std	Mod. Conv. AASHTO	Mod. Prov. AASHTO	% Data Used	K
04/01/2019 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	12,611				12,834				54	1,619
05/01/2019 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	11,937				12,177	12,165		12,154	61	1,619
06/01/2019 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	11,543	11,807			11,778	11,807	11,794	11,853	67	1,619
07/01/2019 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	11,471	11,716	11,716	11,757	11,687	11,716	11,716	11,757	72	1,620
08/01/2019 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	11,272	11,547	11,547	11,554	11,476	11,547	11,547	11,554	73	1,622
09/01/2019 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	11,135	11,316	11,316	11,328	11,286	11,316	11,316	11,328	76	1,631
10/01/2019 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	11,125	11,263	11,263	11,236	11,206	11,263	11,263	11,236	77	1,650
11/01/2019 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	11,069	11,190	11,190	11,144	11,118	11,190	11,190	11,144	78	1,660
12/01/2019 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	10,968	11,020	11,020	10,998	10,973	11,020	11,020	10,998	80	1,670
01/01/2020 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	10,798	10,838	10,838	10,814	10,801	10,838	10,838	10,814	81	1,671
02/01/2020 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	10,595	10,658	10,658	10,630	10,612	10,658	10,658	10,630	81	1,676
03/01/2020 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	10,626	10,649	10,649	10,619	10,600	10,649	10,649	10,619	82	1,683
04/01/2020 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	11,015	10,988	10,988	10,987	10,988	10,988	10,988	10,987	81	1,689
05/01/2020 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	11,598	11,599		11,592	11,593	11,599	11,577	11,592	81	1,692
06/01/2020 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	12,023	12,068		12,046	12,053	12,068	12,051	12,046	81	1,695
07/01/2020 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	12,271	12,336		12,314	12,310	12,336	12,321	12,314	80	1,695
08/01/2020 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	12,525	12,574		12,549	12,550	12,574	12,563	12,549	80	1,695
09/01/2020 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	12,701	12,752		12,708	12,710	12,752	12,744	12,708	80	1,695
10/01/2020 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	12,853	12,894		12,862	12,867	12,894	12,889	12,862	81	1,692
11/01/2020 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	12,969	13,022		12,988	12,984	13,022	13,019	12,988	81	1,692
12/01/2020 00:00:00	I580-E	3.26	74.97	424052	Sir Francis	On Ramp	13,179	13,214		13,175	13,177	13,214	13,214	13,175	79	1,695

Starting Month	Fwy	CA PM	Abs PM	VDS	Name	Type	Arithmetic Mean	ASTM Std 1442	Conv. AASHTO	Prov. AASHTO	Sum of 24 Annual Avg Hours	Mod. ASTM Std	Mod. Conv. AASHTO	Mod. Prov. AASHTO	% Data Used	K
					Drake Blvd on											
01/01/2021 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	13,375	13,386		13,288	13,291	13,386	13,386	13,288	78	1,695
02/01/2021 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	13,450	13,445		13,341	13,360	13,445	13,446	13,341	77	1,692
03/01/2021 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	13,364	13,331		13,236	13,271	13,331	13,332	13,236	75	1,694
04/01/2021 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	13,334	13,287		13,213	13,256	13,287	13,288	13,213	75	1,694
05/01/2021 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	13,215	13,175	13,175	13,120	13,160	13,175	13,175	13,120	75	1,692
06/01/2021 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	13,023	12,375		12,254	12,980	12,375	12,622	12,254	70	1,686
07/01/2021 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	12,928				12,881	12,219		12,094	64	1,686
08/01/2021 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	12,765				12,723				57	1,686
09/01/2021 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	12,602				12,588				50	1,686
10/01/2021 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	12,397				12,416				43	1,684
11/01/2021 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	12,197				12,238				37	1,676
12/01/2021 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	11,915				11,962				31	1,666
01/01/2022 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	11,628				11,816				26	1,666
02/01/2022 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	11,423				11,685				27	1,666
03/01/2022 00:00:00	I580-E	3.26	74.97	424052	Sir Francis Drake Blvd on	On Ramp	11,785				11,942				28	1,656



Related Planning Analysis Reports: AADT • MADT

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Roadway Segment Collision Rate Worksheet

Oak Hill Apartments Project Traffic Study

Location: East Sir Francis Drake Blvd b/w Larkspur Landing Cir (east) and Andersen Dr
Date of Count: Tuesday, July 13, 2021
Average Daily Traffic (ADT): 21,800

Number of Collisions: 46
Number of Injuries: 22
Number of Fatalities: 0
Start Date: March 1, 2018
End Date: February 28, 2023
Number of Years: 5

Highway Type: Conventional 2 lanes or less
Area: Suburban
Design Speed: ≤45

Segment Length: 1.0 miles
Direction: East/West

$$\text{Collision Rate} = \frac{\text{Number of Collisions} \times 1 \text{ Million}}{\text{ADT} \times \text{Days per Year} \times \text{Segment Length} \times \text{Number of Years}}$$

$$\text{Collision Rate} = \frac{46 \times 1{,}000{,}000}{21{,}800 \times 365 \times 0.96 \times 5}$$

	Collision Rate	Fatality Rate	Injury Rate
Study Segment	**1.20 c/mvm**	**0.0%**	**47.8%**
Statewide Average*	**1.60 c/mvm**	**1.0%**	**38.3%**

Notes
ADT = average daily traffic volume
c/mvm = collisions per million vehicle miles
* 2019 Collision Data on California State Highways, Caltrans

Location: East Sir Francis Drake Blvd b/w Larkspur Landing Cir (east) and Andersen Dr - Post-March 2020 Only
Date of Count: Tuesday, July 13, 2021
Average Daily Traffic (ADT): 21,800

Number of Collisions: 25
Number of Injuries: 15
Number of Fatalities: 0
Start Date: March 1, 2020
End Date: February 28, 2023
Number of Years: 3

Highway Type: Conventional 2 lanes or less
Area: Suburban
Design Speed: ≤45

Segment Length: 1.0 miles
Direction: East/West

$$\text{Collision Rate} = \frac{\text{Number of Collisions} \times 1 \text{ Million}}{\text{ADT} \times \text{Days per Year} \times \text{Segment Length} \times \text{Number of Years}}$$

$$\text{Collision Rate} = \frac{25 \times 1{,}000{,}000}{21{,}800 \times 365 \times 0.96 \times 3}$$

	Collision Rate	Fatality Rate	Injury Rate
Study Segment	**1.09 c/mvm**	**0.0%**	**60.0%**
Statewide Average*	**1.60 c/mvm**	**1.0%**	**38.3%**

Notes
ADT = average daily traffic volume
c/mvm = collisions per million vehicle miles
* 2019 Collision Data on California State Highways, Caltrans

Roadway Segment Collision Rate Worksheet

Oak Hill Apartments Project Traffic Study

Location: East Sir Francis Drake Blvd b/w Larkspur Landing Cir (east) and Andersen Dr - Pre-March 2020 Only
Date of Count: Tuesday, July 13, 2021
Average Daily Traffic (ADT): 21,800

Number of Collisions: 21
Number of Injuries: 7
Number of Fatalities: 0
Start Date: March 1, 2018
End Date: February 28, 2020
Number of Years: 2

Highway Type: Conventional 2 lanes or less
Area: Suburban
Design Speed: ≤45

Segment Length: 1.0 miles
Direction: East/West

$$\text{Collision Rate} = \frac{\text{Number of Collisions} \times 1 \text{ Million}}{\text{ADT} \times \text{Days per Year} \times \text{Segment Length} \times \text{Number of Years}}$$

$$\text{Collision Rate} = \frac{21 \times 1{,}000{,}000}{21{,}800 \times 365 \times 0.96 \times 2}$$

	Collision Rate	Fatality Rate	Injury Rate
Study Segment	**1.37 c/mvm**	**0.0%**	**33.3%**
Statewide Average*	**1.60 c/mvm**	**1.0%**	**38.3%**

Notes
ADT = average daily traffic volume
c/mvm = collisions per million vehicle miles
* 2019 Collision Data on California State Highways, Caltrans

Collision Analysis

Segment	East Sir Francis Drake Boulevard	**Prepared by:**	KRC & JH
Boundaries	Larkspur Landing Circle (East) to Andersen Drive	**Date:**	6/8/2023
City/County:	County of Marin and City of Larkspur	**Checked by:**	DJW
Starting Date	3/1/2018	**Date:**	6/8/2023
Ending Date	2/28/2020		

Total Collisions: 21 **Total Injury Collisions: 7** **Total Fatal Collisions: 0**

Collision ID	Collision Date	Collision Time	Primary Street	Secondary Street	Dist. (ft)	Dir.	Type of Collision	Motor Veh. Involved With	Driver 1 Dir.	Driver 1 Movement	Driver 2 Dir.	Driver 2 Movement	Primary Col. Factor	Inj.	Kil.
8588652	03/21/2018	3:03 PM	ANDERSEN DR	SIR FRANCIS DRAKE BL	0		Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Stopped	Unsafe Speed	1	0
8607892	03/29/2018	8:25 PM	ESFD BL	DRAKES COVE RD	661	W	Rear-End	Parked Motor Vehicle	E	Proceeding Straight	E	Proceeding Straight	Unsafe Speed	2	0
8641356	03/29/2018	9:45 AM	ESFD BL	LARKSPUR LANDING CR	683	E	Rear-End	Parked Motor Vehicle	E	Proceeding Straight	E	Stopped	Unsafe Speed	1	0
90705147	03/30/2018	5:42 PM	E. SIR FRANCIS DRAKE BOULEVARD	DRAKES COVE ROAD	25	E	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Stopped	Unsafe Speed	0	0
8660168	05/07/2018	2:59 PM	EAST SIR FRANCIS DRAKE BL	LARKSPUR LANDING CIR	0		Hit Object	Fixed Object	W	Not Stated			Unsafe Speed	0	0
90753549	06/10/2018	7:20 PM	SIR FRANCIS DRAKE BLVD	ANDERSEN DR	500	W	Sideswipe	Other Motor Vehicle	W	Other	W	Proceeding Straight	Improper Passing	0	0
8675277	06/26/2018	9:13 AM	ESFD BL	DRAKES COVE RD	394	E	Rear-End	Other Motor Vehicle	W	Proceeding Straight	E	Stopped	Unsafe Speed	2	0
90804602	08/24/2018	5:13 PM	SIR FRANCIS DRAKE BLVD E/B	MAIN ST	130	W	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Proceeding Straight	Unsafe Speed	0	0
90812837	09/07/2018	6:00 PM	E. SIR FRANCIS DRAKE BLVD. W/B	ANDERSEN DR	1100	W	Hit Object	Fixed Object	W	Other Unsafe Turning			Improper Turning	0	0
8716654	09/15/2018	3:25 PM	EAST SIR FRANCIS DRAKE BL	LARKSPUR LANDING CR	466	E	Head-On	Motor Vehicle on Other Roadway	W	Proceeding Straight	E	Proceeding Straight	Wrong Side of Road	4	0
90874183	11/21/2018	1:46 PM	E. SIR FRANCIS DRAKE BLVD.	DRAKES COVE ROAD	120	E	Sideswipe	Other Motor Vehicle	E	Other Unsafe Turning	W	Proceeding Straight	Unsafe Speed	1	0
90898406	12/28/2018	9:05 PM	SIR FRANCIS DRAKE BLVD	DRAKES COVE RD	280	E	Broadside	Other Motor Vehicle	E	Making U-Turn	E	Proceeding Straight	Wrong Side of Road	0	0
90994115	05/16/2019	6:20 AM	SIR FRANCIS DRAKE BLVD	DRAKES COVE RD.	250	E	Sideswipe	Other Motor Vehicle	W	Crossed Into Opposing Lane	E	Proceeding Straight	Wrong Side of Road	0	0
8946395	05/18/2019	12:03 PM	SIR FRANCIS DRAKE BL	DRAKES COVE	69	E	Hit Object	Other Object	E	Proceeding Straight			Unsafe Speed	0	0
8883393	05/26/2019	5:31 AM	ESFD BL	DRAKES COVE RD	1050	W	Hit Object	Fixed Object	E	Ran Off Road			DUI	0	0
91104307	10/22/2019	5:35 PM	SIR FRANCIS DRAKE BLVD	MAIN ST	30	W	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Stopped	Unsafe Speed	0	0
91129413	10/22/2019	10:03 AM	SIR FRANCIS DRAKE BLVD	MAIN ST	197	E	Rear-End	Other Motor Vehicle	W	Proceeding Straight	W	Proceeding Straight	Unsafe Speed	0	0
91132084	11/23/2019	7:20 PM	SIR FRANCIS DRAKE BLVDE	ANDERSEN DR	1584	W	Sideswipe	Other Motor Vehicle	W	Crossed Into Opposing Lane	E	Proceeding Straight	Wrong Side of Road	0	0
9030055	12/16/2019	8:49 AM	SIR FRANCIS DRAKE BL	POWER POLE 734F	250	W	Sideswipe	Other Motor Vehicle	W	Proceeding Straight	E	Proceeding Straight	DUI	2	0

Collision Analysis

Segment	East Sir Francis Drake Boulevard	**Prepared by:**	KRC & JH
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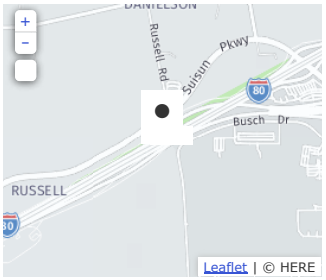
Starting Date	3/1/2018	**Date:**	6/8/2023
Ending Date	2/28/2020		

Total Collisions: 21 **Total Injury Collisions: 7** **Total Fatal Collisions: 0**

Collision ID	Collision Date	Collision Time	Primary Street	Secondary Street	Dist. (ft)	Dir.	Type of Collision	Motor Veh. Involved With	Dir.	Driver 1 Movement	Dir.	Driver 2 Movement	Primary Col. Factor	Inj.	Kil.
9067399	02/25/2020	9:40 PM	ESFD BL	LARKSPUR LANDING CIR	6	E	Broadside	Other Motor Vehicle	E	Proceeding Straight	N	Making Left Turn	DUI	0	0
9067095	02/26/2020	1:37 PM	ESFD BL	LARKSPUR LANDING CR	588	E	Sideswipe	Parked Motor Vehicle	W	Proceeding Straight	-	Parked	DUI	0	0

On Ramp VDS 410792 - WB 12 on

Current Location



Maps Real-Time | Performance | Inventory

I80-W @ CA PM 15.51 (Abs PM 43.0)
District 4, Solano County

Station Details

Aliases	MS ID DTB67, IRM a3-W-23-080-01551
LDS	410375
Owner	Caltrans
Assoc. Traffic Census Station	*None*
Comm Type (LDS)	
Speeds	Estimated
Max Cap.	
Vehicle Classification	*N/A*

Lane Detection

Lane	Slot	Sensor Tech	Type
1	1	Single Loop	On Ramp
2	2	Single Loop	On Ramp
3	3	Single Loop	On Ramp

Diagnostics

Threshold Set	Urban
High Flow Threshold	20
High Flow (High Val)	20%
High Occ Threshold	.7
Flow = 0 (Card Off)	95%

Quick Links

View another VDS
Go

Tools

Holidays
Data Clearinghouse
PeMS User Manual
Transit PeMS User Manual
Lane Closure Manual
District TCR Training Guide
PeMS Forum (External Site)

Change Log | Performance | Data Quality | Events

Performance > Planning Analysis > AADT

ABOUT THIS REPORT

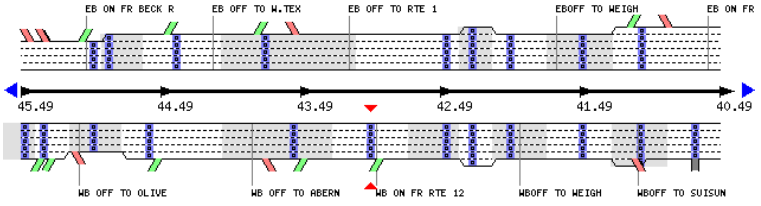
From 04/2014
Max Range: 10 years
To 04/2022

DRAW PLOT VIEW TABLE EXPORT TEXT EXPORT to .XLS

306 0 0

Starting Month	Fwy	CA PM	Abs PM	VDS	Name	Type	Arithmetic Mean	ASTM Std 1442	Conv. AASHTO	Prov. AASHTO	Sum of 24 Annual Avg Hours	Mod. ASTM Std	Mod. Conv. AASHTO	Mod. Prov. AASHTO	% Data Used	K
05/01/2015 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	20,525				18,169				2	1,399
06/01/2015 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	19,966				19,106				8	1,674
07/01/2015 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	19,989				19,515				15	1,703
08/01/2015 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	19,613				19,342				22	1,704
09/01/2015 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	19,445				19,057				23	1,713
10/01/2015 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	19,376				18,913				25	1,727
11/01/2015 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	19,264				18,841				26	1,727
12/01/2015 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	19,088				18,819				29	1,734
01/01/2016 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	19,088				18,819				29	1,734
02/01/2016 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	19,088				18,819				29	1,734
03/01/2016 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	19,088				18,819				29	1,734
04/01/2016 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	18,919				18,678				32	1,739
05/01/2016 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	19,083				19,117				34	1,828
06/01/2016 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	19,828				19,826				34	1,969
07/01/2016 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	20,058				20,041				30	1,979
08/01/2016 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	20,421				20,329				24	1,979
09/01/2016 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	20,631				20,656				22	1,979
10/01/2016 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	20,824				20,998				21	1,979
11/01/2016 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	21,055				21,176				19	1,979
12/01/2016 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	21,780				21,707				16	1,979
01/01/2017 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	21,780				21,707				16	1,979
02/01/2017 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	21,780				21,707				16	1,979
03/01/2017 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	21,780				21,707				16	1,979
04/01/2017 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	22,835				22,641				13	1,979
05/01/2017 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	23,447				22,899				9	1,960
06/01/2017 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	22,323				22,305				3	1,782
08/01/2018 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	24,240				24,114				1	1,547
09/01/2018 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	23,633				23,989				5	1,977
10/01/2018 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	23,112				23,630				10	2,096
11/01/2018 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	22,038				22,538				12	2,109
12/01/2018 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	22,038				22,538				12	2,109
01/01/2019 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	22,038				22,538				12	2,109
02/01/2019 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	22,038				22,538				12	2,109
03/01/2019 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	22,038				22,258				12	2,109
04/01/2019 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	22,038				22,258				12	2,109
05/01/2019 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	21,953				22,158				13	2,109
06/01/2019 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	20,129				20,667				19	2,109
07/01/2019 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	19,895				20,353				23	2,109
08/01/2019 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	19,710				20,068				28	2,109
09/01/2019 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	19,065				19,155				30	2,098

Starting Month	Fwy	CA PM	Abs PM	VDS	Name	Type	Arithmetic Mean	ASTM Std 1442	Conv. AASHTO	Prov. AASHTO	Sum of 24 Annual Avg Hours	Mod. ASTM Std	Mod. Conv. AASHTO	Mod. Prov. AASHTO	% Data Used	K
10/01/2019 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	18,796				18,613				32	1,761
11/01/2019 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	19,135				19,019				36	1,761
12/01/2019 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	19,182				19,060				41	1,774
01/01/2020 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	18,705				18,666				46	1,774
02/01/2020 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	18,294				18,305				53	1,774
03/01/2020 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	18,223				18,293	18,288			60	1,774
04/01/2020 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	18,279	18,316			18,327	18,316	18,304	18,288	67	1,777
05/01/2020 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	18,312	18,367		18,404	18,397	18,367	18,385	18,404	73	1,777
06/01/2020 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	18,544	18,549		18,586	18,598	18,549	18,568	18,586	72	1,778
07/01/2020 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	18,648	18,609		18,674	18,729	18,609	18,627	18,674	74	1,774
08/01/2020 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	18,626	18,614		18,670	18,711	18,614	18,632	18,670	74	1,773
09/01/2020 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	18,724	18,702		18,740	18,806	18,702	18,719	18,740	76	1,783
10/01/2020 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	18,725	18,679		18,716	18,781	18,679	18,695	18,716	77	1,801
11/01/2020 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	18,647	18,606		18,651	18,686	18,606	18,621	18,651	76	1,806
12/01/2020 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	18,621	18,574		18,607	18,664	18,574	18,589	18,607	77	1,833
01/01/2021 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	18,869	18,879		18,843	18,834	18,879	18,900	18,843	78	1,844
02/01/2021 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	19,196				19,067	19,138	18,897	18,618	71	1,844
03/01/2021 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	19,355				19,205				64	1,844
04/01/2021 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	19,419				19,271				58	1,844
05/01/2021 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	19,514				19,293				51	1,844
06/01/2021 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	19,561				19,324				45	1,844
07/01/2021 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	19,492				19,198				39	1,844
08/01/2021 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	19,434				19,103				32	1,844
09/01/2021 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	19,289				18,937				25	1,827
10/01/2021 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	19,105				18,642				18	1,794
11/01/2021 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	18,850				18,233				12	1,746
12/01/2021 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	18,634				17,544				6	1,457
01/01/2022 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp					0					
03/01/2022 00:00:00	I80-W	15.51	42.99	410792	WB 12 on	On Ramp	19,527				18,878				4	1,519



Related Planning Analysis Reports: AADT • MADT

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Collision Analysis

Segment	SR-12 (East)	**Prepared by:**	KRC & JH
Boundaries	Civic Center Boulevard to Marina Boulevard	**Date:**	6/8/2023
City/County:	City of Suisun City	**Checked by:**	DJW
Starting Date	6/1/2014	**Date:**	6/8/2023
Ending Date	5/13/2019		

Total Collisions: 36 **Total Injury Collisions: 11** **Total Fatal Collisions: 0**

Collision ID	Collision Date	Collision Time	Primary Street	Secondary Street	Dist. (ft)	Dir.	Type of Collision	Motor Veh. Involved With	Driver 1 Dir.	Driver 1 Movement	Driver 2 Dir.	Driver 2 Movement	Primary Col. Factor	Inj.	Kil.
8019137	07/23/2014	7:07 PM	RT 12	MARINA BL	276	W	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Stopped	Unsafe Speed	1	0
8019189	07/31/2014	1:08 PM	RT 12	MARINA BL	12	W	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Stopped	Unsafe Speed	0	0
8019193	08/05/2014	4:20 PM	RT 12	MARINA BL	100	W	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Slowing/Stopping	Unsafe Speed	0	0
8019122	08/06/2014	1:35 PM	RT 12	MARINA BL	100	W	Rear-End	Other Motor Vehicle	E	Not Stated	E	Not Stated	Unknown	0	0
8019133	08/27/2014	2:55 PM	RT 12	MARINA BL	2412	W	Rear-End	Motor Vehicle on Other Roadway	E	Proceeding Straight	E	Proceeding Straight	Unsafe Speed	2	0
8019129	09/05/2014	3:15 PM	RT 12	MARINA BL	2410	W	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Proceeding Straight	Unsafe Speed	4	0
8019130	09/24/2014	3:25 PM	RT 12	MARINA BL	1269	W	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Stopped	Unsafe Speed	0	0
8072034	03/04/2016	4:40 PM	RT 12	MARINA BL	1050	W	Rear-End	Other Motor Vehicle	E	Slowing/Stopping	E	Slowing/Stopping	Unsafe Speed	1	0
8072035	03/30/2016	3:25 PM	RT 12	CIVIC CENTER BL	37	E	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Proceeding Straight	Unsafe Speed	0	0
8075237	04/02/2016	1:10 PM	RT 12	MARINA BL	15	W	Rear-End	Other Motor Vehicle	-	Proceeding Straight	-	Proceeding Straight	Unsafe Speed	1	0
8094570	05/20/2016	4:10 PM	RT 12	MARINA BL	158	W	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Proceeding Straight	Unsafe Speed	0	0
8075121	06/03/2016	12:53 PM	RT 12	MARINA BL	433	W	Rear-End	Other Motor Vehicle	W	Slowing/Stopping	E	Stopped	Unsafe Speed	1	0
8075123	06/05/2016	5:19 PM	RT 12	MARINA BL	75	W	Rear-End	Non-Collision	E	Proceeding Straight	E	Stopped	Unsafe Speed	1	0
8128913	08/19/2016	3:20 PM	RT 12	MARINA BL	400	W	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Stopped	Unsafe Speed	0	0
8189526	09/19/2016	6:15 PM	RT 12	MARINA BL	300	W	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Stopped	Unsafe Speed	0	0
8189476	09/30/2016	4:24 PM	RT 12	MARINA BL	300	W	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Stopped	Unsafe Speed	0	0
8303879	11/22/2016	7:36 PM	RT 12	MARINA BL	117	W	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Stopped	DUI	0	0
8376790	03/27/2017	4:01 PM	RT 12	MARINA BL	1056	W	Rear-End	Other Motor Vehicle	E	Slowing/Stopping	E	Stopped	Unsafe Speed	0	0
8381302	05/12/2017	12:42 PM	RT 12	MARINA BL	200	W	Rear-End	Other Motor Vehicle	E	Slowing/Stopping	E	Stopped	Unsafe Speed	0	0
8459561	06/10/2017	4:45 PM	RT 12	CIVIC CENTER BL	730	E	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Proceeding Straight	Unsafe Speed	0	0

Collision Analysis

Segment	SR-12 (East)	**Prepared by:**	KRC & JH
Boundaries	Civic Center Boulevard to Marina Boulevard	**Date:**	6/8/2023
City/County:	City of Suisun City	**Checked by:**	DJW
Starting Date	6/1/2014	**Date:**	6/8/2023
Ending Date	5/13/2019		

Total Collisions: 36 **Total Injury Collisions: 11** **Total Fatal Collisions: 0**

Collision ID	Collision Date	Collision Time	Primary Street	Secondary Street	Dist. (ft)	Dir.	Type of Collision	Motor Veh. Involved With	Driver 1 Dir.	Driver 1 Movement	Driver 2 Dir.	Driver 2 Movement	Primary Col. Factor	Inj.	Kil.
8459539	07/24/2017	6:02 PM	RT 12	CIVIC CENTER BL	633	E	Rear-End	Other Motor Vehicle	E	Slowing/Stopping	E	Slowing/Stopping	Unsafe Speed	1	0
8579292	10/20/2017	3:50 PM	RT 12	MARINA BL	800	W	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Slowing/Stopping	Unsafe Speed	0	0
8580291	11/21/2017	6:45 PM	RT 12	MARINA BL	2500	W	Rear-End	Other Motor Vehicle	-	Proceeding Straight	E	Proceeding Straight	Unsafe Speed	0	0
8579304	12/06/2017	5:29 PM	RT 12	MARINA CIR	50	W	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Stopped	Unsafe Speed	0	0
8579347	12/17/2017	5:35 PM	RT 12	MARINA BL	75	W	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Stopped	Unsafe Speed	0	0
8557901	02/02/2018	7:25 AM	RT 12	MARINA BL	100	W	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Stopped	Unsafe Speed	0	0
8557890	02/14/2018	3:26 PM	RT 12	MAIN ST	416	E	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Slowing/Stopping	Following Too Closely	2	0
8557899	02/14/2018	3:26 PM	RT 12	MAIN ST	235	E	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Proceeding Straight	Unsafe Speed	0	0
8557895	02/20/2018	3:00 PM	RT 12	MARINA BL	1056	W	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Stopped	Unsafe Speed	1	0
8557886	02/21/2018	5:20 PM	RT 12	CIVIC CENTER	500	E	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Stopped	Unsafe Speed	1	0
8557988	03/14/2018	3:07 PM	RT 12	MARINA BL	100	W	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Stopped	Unsafe Speed	0	0
8749867	05/14/2018	5:15 PM	RT 12	MARINA BL	100	W	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Stopped	Unsafe Speed	0	0
8749851	05/22/2018	5:30 PM	RT 12	MARINA BL	787	W	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Stopped	Unsafe Speed	0	0
8749899	06/29/2018	8:13 PM	RT 12	MARINA BL	18	W	Rear-End	Other Motor Vehicle	-	Stopped	N	Slowing/Stopping	Unsafe Speed	0	0
8749921	10/27/2018	3:00 PM	RT 12	MARINA BL	20	W	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Slowing/Stopping	Unsafe Speed	0	0
8890937	01/07/2019	10:05 AM	RT 12	CIVIC CENTER	100	E	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Stopped	Unsafe Speed	0	0

Collision Analysis

Segment	SR-12 (East)	**Prepared by:**	KRC & JH
Boundaries	Civic Center Boulevard to Marina Boulevard	**Date:**	6/8/2023
City/County:	City of Suisun City	**Checked by:**	DJW
Starting Date	3/1/2021	**Date:**	6/8/2023
Ending Date	2/28/2023		

Total Collisions: 5 **Total Injury Collisions: 3** **Total Fatal Collisions: 0**

Collision ID	Collision Date	Collision Time	Primary Street	Secondary Street	Dist. (ft)	Dir.	Type of Collision	Motor Veh. Involved With	Driver 1 Dir.	Driver 1 Movement	Driver 2 Dir.	Driver 2 Movement	Primary Col. Factor	Inj.	Kil.
9367229	05/14/2021	3:13 PM	RT 12	MARINA BL	46	W	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Proceeding Straight	Improper Turning	0	0
9367260	09/23/2021	2:42 PM	RT 12	MARINA BL	552	W	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Stopped	Unsafe Speed	1	0
9372661	10/20/2021	4:06 PM	RT 12	MAIN ST	675	E	Rear-End	Other Motor Vehicle	E	Entering Traffic	E	Proceeding Straight	Unsafe Speed	1	0
81942360	06/03/2022	9:14 PM	HWY 12	MARINA CENTER	0		Rear-End	Other Motor Vehicle	E	Entering Traffic			Auto ROW	0	0
81912930	07/13/2022	1:00 PM	HWY 12	MARINA BLVD	700	W	Rear-End	Other Motor Vehicle	E	Proceeding Straight	E	Stopped	Traffic Signal and Signs	1	0

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