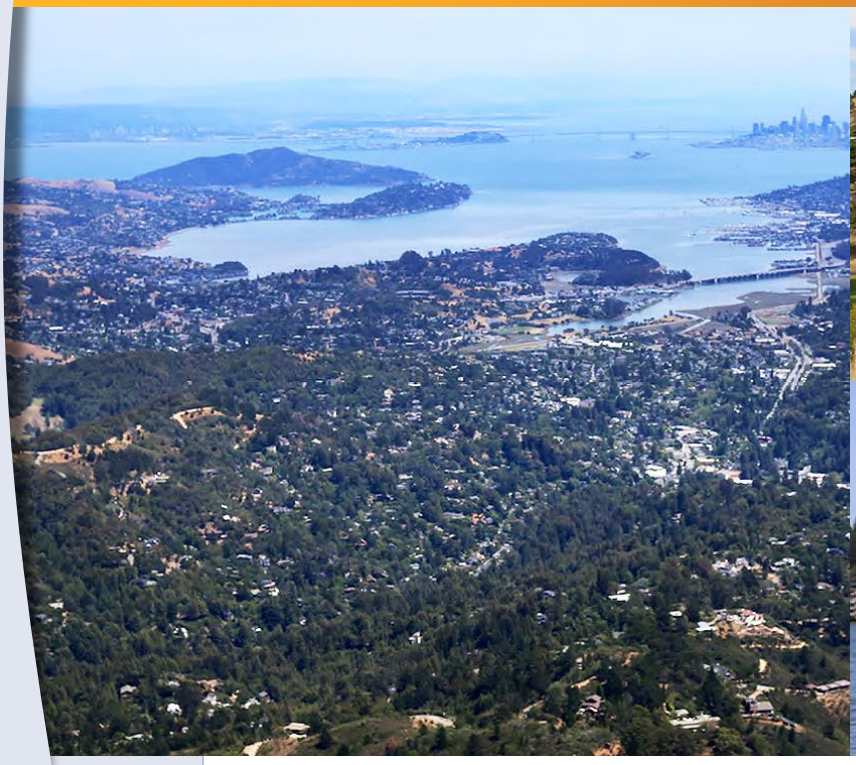
FINAL ENVIRONMENTAL IMPACT REPORT

North Coast Land Holdings Master Plan and Community Plan Amendment Project (Project ID: P1490)

SCH No. 2020090488







Prepared for:

COUNTY OF MARIN

Community Development Agency

December 2025

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LIST OF ABBREVIATIONS

2022 Scoping Plan	2022 Scoping Plan to Achieve Carbon Neutrality
ABAG	Association of Bay Area Governments
ACM	asbestos containing-material
ADA	American Disabilities Act
ADU	accessory dwelling unit
APN	Assessor's Parcel Numbers
ASTM	American Society of Testing Materials
BAAQMD	Bay Area Air Quality Management District
BASMAA	Bay Area Stormwater Management Agencies Association
BCDC	Bay Conservation and Development Commission
BMP	Best Management Practice
Cal/OSHA	California Occupational Safety and Health Agency
CalEEMod	California Emissions Estimator Model
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CAPCOA	California Air Pollution Control Officers Association
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CDP	census designated place
CEQA	California Environmental Quality Act
CFGC	California Fish and Game Code
CNRA	California Natural Resources Agency
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	carbon dioxide equivalent
County	County of Marin
CREC	Controlled Recognized Environmental Condition
CRHR	California Register Historical Resources
CUP	Conditional Use Permit
dBA	A-weighted decibels
DMA	drainage management area
DOF	California Department of Finance
Draft EIR	Draft Environmental Impact Report
DTSC	California Department of Toxic Substances Control
EPA	US Environmental Protection Agency
EPCA	Energy Policy and Conservation Act
EV	electric vehicle
FAR	floor area ratio

FEMA	Federal Emergency Management Agency
Final EIR	Final Environmental Impact Report
GGT	Golden Gate Transit
GHG	greenhouse gas
HCN	High Collision Network
HREC	Historic Recognized Environmental Condition
HVAC	heating, ventilation, and air conditioning system
ITE	Institute of Transportation Engineers
ITP	incidental take permit
KOP	key observation point
lb/day	pounds per day
LBP	lead- based paint
LCM	lead-containing material
L_{eq}	equivalent continuous sound level
LOS	level of service
LRSP	local road safety plan
MCSTOPPP	Marin Countywide Stormwater Pollution Prevention Program
mgd	million gallons per day
MMRP	mitigation monitoring and reporting program
MMWD	Marin Municipal Water District
$MTCO_2e$	metric tons of carbon dioxide equivalent
MWPA	Marin Wildfire Prevention Authority
MXD	mixed-use development
NOP	notice of preparation
NO_X	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NPPA	Native Plant Protection Act
NRHP	National Register of Historic Places
OSHA	Occupational Safety and Health Administration
PCB	polychlorinated biphenyl
PM_{10}	particulate matter ten microns in diameter or less
$PM_{2.5}$	particulate matter 2.5 microns in diameter or less
PPV	peak particle velocity
PRC	Public Resources Code
project site	North Coast Land Holdings Project property
PROWAG	Public Right-of-Way Accessibility Guidelines
PSB	Public Safety Building
REC	Recognized Environmental Condition
RHNA	Regional Housing Needs Allocation

ROG	reactive organic gas
ROW	right-of-way
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
sf	square feet
SMFD	Southern Marin Fire Protection District
SO_X	sulfur oxides
SR	State Route
SVOC	semi-volatile organic compounds
SWPPP	storm water pollution prevention plan
TAMDM	Transportation Authority of Marin Demand Model
TCP	traffic control plan
TDM	transportation demand management
TIMS	Transportation Injury Mapping System
TIS	transportation impact study
Travel Safety Plan	*2018 Marin County Travel Safety Plan: Systemic Safety Analysis*
TSCA	Toxic Substances Control Act
US 101	US Highway 101
USACE	US Army Corps of Engineers
USDA	US Department of Agriculture
UST	underground storage tank
UWMP	urban water management plan
VdB	vibration decibel
VMT	vehicle miles traveled
VOC	volatile organic compounds
$\mu g/m^3$	micrograms per cubic meter

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1 INTRODUCTION

The North Coast Land Holdings Master Plan and Community Plan Amendment Project Final Environmental Impact Report (Final EIR) has been prepared by the County of Marin (County), as lead agency, in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (CCR, Title 14, Section 15132). This Final EIR contains responses to timely comments received on the Draft Environmental Impact Report (Draft EIR), published July 16, 2024, for the project. The Final EIR is an amendment to the Draft EIR. Following certification of the EIR, the whole of the Final EIR will consist of (i) the Draft EIR, and (ii) this document, which contains (a) responses to comments on the Draft EIR and (b) text revisions to the Draft EIR, and (c) any other subsequent amendments that may include additional responses to comments or further text revisions to the Draft EIR and Final EIR.

1.1 PURPOSE AND INTENDED USES OF THIS FINAL EIR

CEQA requires a lead agency that has prepared a Draft EIR to consult with and obtain comments from responsible and trustee agencies that have jurisdiction by law with respect to the project, and to provide the public with an opportunity to comment on the Draft EIR. The Final EIR is the mechanism for responding to these comments. This Final EIR has been prepared to respond to comments received on the Draft EIR, which are reproduced in this document; and to present corrections, revisions, and other clarifications and amplifications to the Draft EIR, including project updates, made in response to these comments and as a result of the applicant's ongoing planning and design efforts.

The Final EIR will be used to inform the County Board of Supervisors' decision regarding whether to approve the proposed North Coast Land Holdings Master Plan and Community Plan Amendment Project. The permits and approvals required for the project are summarized in Table 1-1.

Table 1-1 List of Required Permits and Approvals

Agency	Permit or Approval	Description
County of Marin	Final EIR certification and project approval	The County of Marin Board of Supervisors is responsible for certifying the Final EIR and approving the project.
	Amendment to the Strawberry Community Plan	The proposed amendment would revise the residential unit count and would also remove the restriction that requires that residential and other site uses be dedicated exclusively to students, faculty, and staff of the academic campus.
	Approval of Master Plan for large scale development and Design Review for new construction in a planned zoning district	The following elements require Master Plan and/or Design Review approval pursuant to Marin County Development Code Section 22.44.020: daycare and fitness center, residential development, residential care facility, administration building renovation, maintenance building replacement, landscape and hardscape improvements, and open space.
	Approval of Vesting Tentative Map application	This approval would be required to allow future condominium conversion at the site pursuant to County Code Section 22.84.110. No changes to the existing lot line configuration are proposed.
	Issuance of a Master Use Permit	This permit would be required to allow multiple conditional uses on the site, pursuant to County Code Section 22.49.010. The conditional uses include a fitness center open to the public as well as allowing the existing daycare on the site to accept children that are not affiliated with the existing academic campus.
	Issuance of Tree Removal Permit	This permit would be required for the removal of regulated trees pursuant to County Code Section 22.62.020.
	Encroachment Permit	This permit would be required for roadway tie-in and other project-related work that may encroach within County right-of-way.
	Building Permit(s)	Building permit(s) would be required for construction of proposed project structures.

Agency	Permit or Approval	Description
Regional Water Quality Control Board – Region 2	Issuance of Clean Water Act Section 401 Permit	This permit is required for activities that may result in discharges to waters of the United States.
	Issuance of National Pollutant Discharge Elimination System (NPDES) Construction General Permit	This permit is required for all construction projects disturbing one or more acres of soil and requires preparation of a storm water pollution prevention plan (SWPPP).
	Issuance of Porter-Cologne Act Discharge of Dredge or Fill Materials Permit	This permit could potentially be required for discharge of fill materials to waters of the state.
U.S. Army Corps of Engineers	Issuance of Clean Water Act Section 404 Permit	This permit may not be needed. Isolated wet areas on the project have not been formally delineated as being subject to Section 404 jurisdiction. If the discharge of dredge or fill material into waters of the United States is determined to be necessary, this permit would be required.
BCDC	None needed	No development in Bay or Shoreline Band jurisdictions is proposed.

In addition to being used by Marin County as lead agency, this Final EIR will also be used by CEQA responsible agencies to assist in meeting their requirements under CEQA before deciding whether to approve or permit project elements over which they have jurisdiction. It may also be used by other state, regional, and local agencies that may have an interest in resources that could be affected by the project or that have jurisdiction over portions of the project.

Responsible, trustee, or interested agencies may include:

- Regional Water Quality Control Board (RWQCB) (Region 2)
- California Department of Fish and Wildlife (CDFW)
- U.S. Army Corps of Engineers (USACE)
- California Native American Heritage Commission
- Bay Conservation and Development Commission (BCDC)
- Caltrans, District 4
- California Department of Toxic Substances Control (DTSC)
- City of Mill Valley

1.2 PROJECT LOCATION

The proposed North Coast Land Holdings Project property (project site) is located on the former Golden Gate Baptist Theological Seminary campus in the community of Strawberry, a census-designated place in unincorporated Marin County, California, next to the City of Mill Valley. The campus address is 201 Seminary Drive on the Strawberry Peninsula. The campus consists of ten Assessor's Parcels, two of which have boundaries that extend into Richardson Bay (the "Richardson Bay Parcels").

The campus encompasses approximately 127 acres, generally bounded by Richardson Drive, Seminary Drive, and East Strawberry Drive. The properties composing the project site total approximately 101 acres and include Assessor's Parcel Numbers (APN) 043-261-25, 043-261-26, 043-401-05, 043-401-10, 043-401-16, 043-402-03, 043-402-05, and 043-402-06. No development is proposed in Richardson Bay on Parcel Numbers APN 043-262-03 and 043-262-06 and, thus, they are not included as part of the project. Furthermore, because these Richardson Bay Parcels consist of

submerged lands and other undeveloped areas that are not publicly accessible, the project would not result in use of the Richardson Bay Parcels.

Regional access to the project site is available from US Highway 101 (US 101) and State Route 131 (SR 131; Tiburon Boulevard). From US 101 off-ramps, ingress to the project site is available through the Redwood Highway Frontage Road to Seminary Drive and egress returning to the freeway on-ramps is available through Seminary Drive and the Highway Frontage Road to US 101 on-ramp. The project site is accessible from Seminary Drive, both at Hodges Drive and Gilbert Drive. Other access points to the project site include Mission Drive, East Strawberry Drive, Chapel Drive, and Reed Boulevard.

1.3 PROJECT OBJECTIVES

The purpose of the project is to redevelop the property under a new Master Plan focused on supporting an academic institution, providing amenities to the surrounding community, and developing a diversity of housing types. The basic objectives of the proposed project are to:

- Create an intergenerational community for residents to live, work, and learn;
- Support a thriving campus use that offers amenities to the surrounding community and academic value for region;
- Continue to provide undisturbed views and visual access to the Bay through retainment of undeveloped open space areas within the project site and preservation of existing viewsheds and local ridgelines;
- Support a housing balance in the Strawberry community while creating a unique space with the potential to improve and transform the social fabric of the site and local community;
- Support implementation of Countywide Plan Housing Element goals and policies (including Housing Goal 1 and supporting policies 1.1 through 1.3 as well as Housing Goal 2 and supporting policies 2.1, 2.4 and 2.5) to provide a mix of housing units, including affordable units, that contribute to meeting the housing goals outlined in the Countywide Plan Housing Element and consistent with the Association of Bay Area Governments' Regional Housing Needs Allocation for Marin County;
- Develop the project site sensitive to and compatible with the scale and form of the surrounding area; and
- Provide improvements to circulation systems serving the Strawberry community in the form of enhanced trails, bicycle facilities, and pedestrian enhancements on the project site.

1.4 SUMMARY DESCRIPTION OF THE PROJECT

The North Coast Land Holdings Project (project or proposed project) would include a new daycare and fitness center, new residential care facility, upgrades to existing housing and construction of new housing, renovation of academic buildings, new campus maintenance building, retention and improvements to existing open space and recreation areas, and creation of new bicycle and pedestrian paths within the project site. The proposed land uses within the project site are broken down into eight separate planning areas. These planning areas are described in detail in Chapter 2, "Project Description," of the Draft EIR.

1.4.1 Academic Campus

The existing academic campus on the project site is currently tenant-occupied by Olivet University, a private Christian university. The proposed project includes reconfiguration of the existing academic campus to improve accessibility and facilitate construction of new residential uses in the Chapel Hill and Shuck Drive Knoll Planning Areas. The proposed project would retain the existing academic building, cafeteria, and library; renovate the existing administration building, including adding building floor area; demolish the existing maintenance building and construct a new maintenance building; and would not change the permitted enrollment maximum of 1,000 students per a Conditional Use Permit (CUP) approved in 1953.

1.4.2 Daycare and Fitness Center

The proposed project includes construction of a new facility that would contain a daycare and fitness center. The daycare and fitness center would be located in a shared facility that would be situated in the central portion of the project site. The existing daycare would continue to operate on-site but would be relocated from the academic building into the new space within the proposed daycare and fitness center. The proposed daycare would allow for the enrollment of approximately 60 children and would be staffed by 16 employees. The applicant is proposing to limit membership to the fitness center to on-site residents, affiliates of the academic campus, and residents of the surrounding community that are within walking distance of the facility. The fitness center would be staffed by approximately two to three full-time employees.

1.4.3 Residential

The project proposes development of a total of 337 residential units including new and replacement residential units as well as a residential care facility. The project would include retaining some units, replacing existing housing, and construction of new housing increasing the total number of residences on the project site. The applicant proposes to retain 13 existing residential units within the project site, replace 139 existing residential units, and construct 184 new units consisting of single-family and multi-family residences, as well as a residential care facility (counted as one unit).

At the Seminary Point Planning Area, the proposed project would retain the existing single-family residence, demolish the 24 existing one-bedroom units, and construct 10 new buildings consisting of 8 two-bedroom units and 6 three-bedroom, single-family residences, thus resulting in a reduction in the number of dwelling units in the planning area from 25 to 15 units.

At the Hodges/Shuck planning area, the proposed project would demolish all existing dwelling units and construct 14 one-bedroom units, 44 two-bedroom units, and 56 three-bedroom units. Three six-story residential buildings would be constructed, including 8 one-bedroom units, 32 two-bedroom units, and 63 three-bedroom units. The total number of dwelling units in this planning area would increase by 124 units.

At the Reed/Storer/Shuck Planning Area, the proposed project would retain the existing single-family residence, demolish other existing units, and construct 36 three-bedroom units in three buildings, thereby increasing the number of dwelling units in this planning area by 21 units.

At the Mission Drive Planning Area, the proposed project would construct 2 four-bedroom, single-family residences and retain 10 three-bedroom units and one single-family residence, thereby increasing the number of dwelling units in the planning area by 2 units.

At the Dormitory Hill Planning Area, the proposed project would demolish the existing dormitory buildings and construct a three-story senior housing building within the residential care facility.

At the Chapel Hill Planning Area, the proposed project would construct 2 one-bedroom units, 25 two-bedroom units, 9 three-bedroom units, and 4 four-bedroom units, providing a total of 40 dwelling units in the planning area.

At the Shuck Drive Knoll Planning Area, the proposed project would construct 14 three-bedroom units, providing a total of 14 dwelling units in this planning area.

1.4.4 Residential Care Facility

The proposed project would construct a residential care facility designed to serve adults 55 and older with a capacity of 170 residents in 100 independent living units and 50 assisted living/memory care residences. The facility would be staffed with approximately 34 employees working in varying daily shifts, including two 24/7 staffed positions.

1.4.5 Recreation and Open Space

The proposed project would maintain about 70 percent of the project site as undeveloped space, add to the existing network of trails, and elevate and retain a 2-acre Seminary Playing Field by using excavated material from elsewhere on the project site to raise the Playing Field approximately 25-30 feet and create a landscaped berm along Seminary Drive.

1.5 MAJOR CONCLUSIONS OF THE ENVIRONMENTAL ANALYSIS

1.5.1 Project Specific Impacts

This EIR has been prepared pursuant to the CEQA (Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Section 1500, et seq.) to evaluate the physical environmental effects of the proposed North Coast Land Holdings Project. The County of Marin is the lead agency for the project. The County has the principal responsibility for approving the project and for ensuring that the requirements of CEQA have been met. After the Final EIR is prepared and the EIR public-review process is complete, the County Board of Supervisors is the party responsible for certifying that the EIR adequately evaluates the impacts of the project.

As summarized in Table ES-1, "Summary of Impacts and Mitigation Measures," in the "Executive Summary" chapter of the Draft EIR, the North Coast Land Holdings Project would have the potential to cause the following significant environmental impacts.

LESS-THAN-SIGNIFICANT AFTER MITIGATION IMPACTS

The North Coast Land Holdings Project would have the potential to cause the following potentially significant and significant but mitigable environmental impacts. After mitigation, these listed impacts would be reduced to a less-than-significant level. Although clarification and data updates have occurred for some impacts, none of the impact significance determinations before or after mitigation expressed in the Draft EIR have changed in the Final EIR after review of public comments and preparation of responses.

- Aesthetics: Conflict with Applicable Zoning and other Regulations Governing Scenic Quality; Create a New Source of Substantial Light or Glare that would Adversely Affect Day or Nighttime Views in the Area
- Air Quality: Generate Short-Term Construction-Related Emissions; Expose Receptors to TAC Concentrations Adversely Affecting a Substantial Number of People
- Archaeological, Historical and Tribal Cultural Resources: Cause a Substantial Adverse Change in the Significance of a Listed Archaeological Site; Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource
- Biological Resources: Potential Disturbance or Loss of Special-Status Plants; Potential Disturbance or Loss of Monarch Butterfly; Potential Disturbance or Loss of White-Tailed Kite and Other Common Nesting Birds; Potential Disturbance or Loss of Special-Status and Common Bat Maternity and Hibernation Roosts; Potential Degradation or Loss of Oak Woodlands
- Geology and Soil: Loss, Injury, or Death Resulting from Seismically-Induced Ground/Structural Failure Including Slope Instability, Liquefaction, and Lateral Spreading; Slope Instability/Landsliding
- Land Use and Planning: Conflict with Land Use Plans, Policies, or Regulations Adopted to Avoid or Mitigate Environmental Effects
- Noise and Vibration: Generate Substantial Long-Term Increase in Stationary Source Noise Levels
- Public Services and Recreation: Result in Increased Demand for Fire Protection Facilities and Services
- Transportation: Substantially Increase Hazards due to a Geometric Design Feature (e.g., Sharp Curves or Dangerous Intersections) or Incompatible Uses (e.g., farm equipment); Result in Inadequate Emergency Access

SIGNIFICANT AND UNAVOIDABLE IMPACTS

The North Coast Land Holdings Project would result in the following significant and unavoidable impacts; that is, no feasible mitigation is available to reduce the project's impacts to a less-than-significant level. The following significant and unavoidable impacts are the same as described in the Draft EIR.

- Greenhouse Gas Emissions and Climate Change Vulnerability: Project-Generated GHG Emissions (project and cumulative)
- Noise and Vibration: General Substantial Temporary Construction Noise
- Transportation: Conflict or be Inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b) Regarding Vehicle Miles Traveled (project and cumulative)

1.5.2 Alternatives to the Project

The State CEQA Guidelines Section 15126.6 mandates that all EIRs include a comparative evaluation of the proposed project with alternatives to the project that are capable of attaining most of the plan's basic objectives but that would avoid or substantially lessen any of the significant effects of the project. CEQA requires an evaluation of a "range of reasonable" alternatives, including the "no project" alternative. The following alternatives are evaluated in the Draft EIR. Table 1-2 presents a comparison of the environmental impacts between the alternatives and the project.

- Alternative 1: No Project/No Build Alternative. This alternative assumes the continuation of baseline conditions with no development or redevelopment of the project site. The project site would remain in its current condition and existing uses would continue. Under this alternative, it is assumed that Olivet University (or an equivalent college) would remain on the project site because the existing facilities are suitable. In addition, this alternative assumes that the university enrollment would increase to up to 1,000 students consistent with the 1953 CUP.
- Alternative 2: Potential Alternative Locations. This alternative has been evaluated based on a County-wide search for sites of comparable size, plan designation/zoning, access, public services/utilities, and feasible availability.
- Alternative 3: Community Plan Consistent Alternative. Alternative 3 involves denial of the proposed Community Plan Amendment and approval of a new Master Plan, and assumes that development of the site could occur consistent with the currently adopted Strawberry Community Plan and the same number of units would be developed as the proposed project (i.e., 324 new/replacement units and 3.3 dwelling units per acre). Because the 1984 Master Plan for the Seminary property expired in 2018, a new Master Plan would be required. This alternative assumes that Olivet University (or an equivalent college) would remain on the site because the existing facilities are suitable for this use, the facilities could be upgraded consistent with existing plans and zoning and the new Master Plan, and lease renewal would be reasonably foreseeable. In addition, Alternative 3 also assumes that university enrollment would increase up to 1,000 students consistent with the 1953 CUP.
- Alternative 4: Mitigated Plan Alternative. The purpose of the Mitigated Plan Alternative is to consider modifications to the development plan (e.g., configuration of the conceptual layout of planned land uses) to reduce environmental impacts and illustrate the incorporation of recommended mitigation measures. The modifications are based on the analysis of the impacts of the project as proposed, County policy interpretation, where potentially significant impacts are identified for the proposed project, and recommended mitigation measures in the Draft EIR. These modifications include alternative actions that may be different than the mitigation measures proposed for the project. Similar to the proposed project, development under this alternative would include renovation of existing academic buildings, relocation of an existing daycare center, construction of a new fitness center, construction of a new residential care facility, upgrades to existing housing and construction of new housing, retention of and access improvements to existing open space and recreation areas, and creation of new bicycle and pedestrian paths within the property. Based on the environmental impact analysis contained in Sections 3.1 through 3.15 of the Draft EIR, the proposed project would result in potentially significant impacts on aesthetics, air quality, archaeological and tribal cultural resources, biological resources, geology and soils, greenhouse gas emissions, noise, public services, and transportation. Moreover, with the

implementation of mitigation measures, the proposed project would result in significant and unavoidable impacts related to GHG emissions, construction noise, and VMT. Because the mitigated plan alternative focuses on reconfiguration of the proposed layout, it addresses impacts related to direct physical landscape alteration, rather than operational impacts (i.e., GHG emissions and VMT).

Not all of the reconfigurations considered in Alternative 4 originate from recommended mitigation measures. For instance, a land use configuration change may be considered in addition to, or as an option to, the recommended mitigation approach to reduce impacts. An example is the Alternative 4 feature of relocating units off Chapel Hill in an alternative land use configuration, as an option that may be implemented in lieu of or in conjunction with recommended screening views of Chapel Hill units with vegetation (Mitigation Measure 3.1-1a). Alternative 4 considers relocating the proposed residential units on Chapel Hill to lower elevations within the project site to reduce local ridgeline visual impacts. Other modifications considered in this alternative that are different than the recommended mitigation measures include redesign of the residential care facility by reducing the size and lowering the elevation of buildings to reduce local ridgeline impacts. Also, relocating and focusing development within Slope Stability Zone 1 with its generally gentler slopes, as identified in Draft EIR Figure 3.6-2, "Relative Slope Stability," to address potentially significant impacts related to slope stability and landslide hazards.

Features of Alternative 4 that involve incorporating elements of mitigation measures recommended in the Draft EIR include design features to achieve conformance with County policies related to visual resources and reduce color contrast and glare impacts, including the incorporation of light and slightly darker-valued earth-toned building materials that are flat and non-reflective, use of albedo surfaces that maximum reflectance coefficient of 0.6, and planting of screening shrubs and trees. To address potentially significant impacts related to disturbance or loss of monarch butterfly (should pre-construction surveys find the project site is used for monarch butterfly overwintering in the Shuck Drive Knoll and Seminary Point Planning Areas) Alternative 4 would avoid removal of healthy live overstory Monterey Pine that may contribute to suitable overwintering habitat. If this restriction prohibits construction of residential dwellings in these planning areas, the dwelling units would be relocated to any other planning area. To address potentially significant impacts related to safety hazards and emergency access, this alternative would also widen Gilbert Drive and Hodges Drive to County standards, install and activate emergency preemption detection technology in the traffic signals at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive, and install and activate emergency vehicle preemption emitting devices in seven fire station vehicles housed at Strawberry Fire Station 9.

Similar to the proposed project, 13 existing housing units would be retained on site. All other components of the proposed project would be developed under this alternative. Alternative 4 would also require a minimum of 90 and a maximum of 100 housing units to be reserved for student housing to serve the University student population onsite. Lastly, this alternative would include a new onsite gym that would be exclusively available for use by university students and faculty. These requirements are consistent with the existing Strawberry Community Plan.

Table 1-2 Summary of Environmental Effects of the Alternatives Relative to the North Coast Land Holdings Project

Environmental Topic	Proposed Project	Alternative 1: No Project/No Build Alternative	Alternative 2: Potential Alternative Locations	Alternative 3: Community Plan Consistent Alternative	Alternative 4: Mitigated Plan Alternative
Aesthetics	LTS/M	Less NI	N/A	Similar LTS/M	Less LTS
Air Quality	LTS/M	Less LTS	N/A	Similar LTS/M	Similar LTS/M
Archaeological, Historical, and Tribal Cultural Resources	LTS/M	Less NI	N/A	Similar LTS/M	Similar LTS/M
Biological Resources	LTS/M	Less NI	N/A	Similar LTS/M	Less LTS/M

Environmental Topic	Proposed Project	Alternative 1: No Project/No Build Alternative	Alternative 2: Potential Alternative Locations	Alternative 3: Community Plan Consistent Alternative	Alternative 4: Mitigated Plan Alternative
Energy	LTS	Less LTS	N/A	Similar LTS	Greater LTS
Geology and Mineral Resources	LTS/M	Less NI	N/A	Similar LTS/M	Less LTS/M
Greenhouse Gas Emissions and Climate Change Vulnerability	SU	Less LTS	N/A	Similar SU	Greater SU
Hazards, Hazardous Materials, and Wildfire	LTS	Less NI	N/A	Similar LTS	Similar LTS
Hydrology	LTS	Less NI	N/A	Similar LTS	Greater PS
Land Use and Planning	LTS/M	Less NI	N/A	Similar LTS/M	Similar LTS/M
Noise	SU	Less LTS	N/A	Similar SU	Similar SU
Population and Housing	LTS	Greater PS	N/A	Similar LTS	Similar LTS
Public Services and Recreation	LTS/M	Less LTS	N/A	Similar LTS/M	Similar LTS/M
Transportation	SU	Less PS	N/A	Similar SU	Less SU
Utilities and Service Systems	LTS	Less LTS	N/A	Similar LTS	Greater LTS

Impact Determination:
NI = No Impact
LTS = Less Than Significant Impact
PS = Potentially Significant Impact
LTS/M: Potentially Significant, reduced to LTS with mitigation
SU = Significant and Unavoidable Impact
Similar = Impacts would be similar to those of the project
Less = Impacts would be less than those of the project
Greater = Impacts would be greater than those of the project
N/A = Not Applicable

Source: Data compiled by Ascent in 2023.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Because the No Project/No Build Alternative (described above in Section 5.4.1) would avoid almost all adverse impacts resulting from construction and operation of the proposed project analyzed in Chapter 3, with the exception of transportation impacts which would be greater, it is the environmentally superior alternative. However, the No Project/No Build Alternative would not meet most of the project objectives.

When the environmentally superior alternative is the No Project Alternative, the State CEQA Guidelines (Section 15126[d][2]) require selection of an environmentally superior alternative other than the No Project Alternative from among the other action alternatives evaluated. As illustrated in Table 1-1, above, the Mitigated Plan Alternative would be the environmentally superior action alternative because although the majority of environmental impacts would be similar to those of the proposed project, and no significant and unavoidable impacts would be completely rendered less than significant, the proposed modified development plan would reduce potentially significant impacts related to visual resources, biological resources, slope stability and landslide hazards, and safety hazards and emergency access. It should be noted that further geotechnical engineering would be required to confirm development and design level stability requirements. In addition, while impacts overall would be reduced, Alternative 4 would result in potentially greater impacts related to water quality and stormwater drainage. In addition, impacts would be incrementally higher

for energy and GHGs as a result of construction and operation of the onsite gym. Thus, while Alternative 4, on balance, is environmentally superior to the proposed project, both Alternative 4 and the project represent different environmental tradeoffs, with some being greater, and some being lesser, for each policy choice. The Board of Supervisors, when considering the proposed project, will have to weigh and balance these tradeoffs.

The conclusions presented above for the environmentally superior alternative are the same as those described in the Draft EIR.

1.6 CEQA PUBLIC REVIEW PROCESS

A notice of preparation (NOP) was first distributed on September 25, 2020, to responsible agencies, interested parties and organizations, and private organizations and individuals that could have interest in the project. The NOP was available online at the environmental and planning project webpages, and availability of the NOP was advertised in the Marin Independent Journal, a local newspaper. On November 20, 2020, notice was given that the NOP comment period had been extended to February 1, 2021. On April 23, 2021, notice was given that a public scoping meeting would be held on May 18, 2021, and the NOP and comment period was extended to May 25, 2021. The purpose of the NOP was to provide notification that an EIR for the project was being prepared and to solicit input from responsible agencies and trustee agencies on the scope and content of the document. The NOP and responses to the NOP are included in Appendix A of the Draft EIR.

On July 16, 2024, the County released the Draft EIR for a 60-day public review and comment period. The Draft EIR was submitted to the State Clearinghouse for distribution to reviewing agencies and posted on the County's website (https://www.marincounty.gov/departments/cda/planning/environmental-planning). A notice of availability of the Draft EIR was distributed by the County to responsible agencies, interested parties and organizations, and private organizations and individuals that could have interest in the project.

A public hearing was held on September 9, 2024 during a regular meeting of the County of Marin Planning Commission, to receive input from agencies and the public on the Draft EIR. The hearing was recorded and a transcript was prepared, and comments on environmental issues within the purview of CEQA are included as comment letter number PH in Chapter 3, Responses to Comments, of this Final EIR.

As a result of these notification efforts, written and oral comments were received from three state agencies (Department of Toxic Substances Control, California Department of Fish and Wildlife, and Caltrans), one regional agency (San Francisco Bay Conservation and Development Commission), and one local agency (City of Mill Valley), organizations, and individuals on the content of the Draft EIR. Chapter 3, "Responses to Comments," identifies these commenting parties, their respective comments, and responses to these comments. None of the comments received, or the responses provided, constitute "significant new information" that would require full or partial recirculation of the Draft EIR under applicable CEQA standards (State CEQA Guidelines CCR, Title 14, Section 15088.5). Responses to comments expressing support or objection to the project are not provided in the Final EIR. Responses to comments related to the merits of the project are outside the purview of CEQA; while some responses are provided for informational purposes, the information does not affect the EIR's environmental impact analysis, significance determinations, or mitigation measures. All comments received will be reviewed by the Marin County Planning Commission and Board of Supervisors for consideration before the Board of Supervisors renders a decision on the project.

1.7 ORGANIZATION OF THE FINAL EIR

This Final EIR is organized as follows:

- **Chapter 1, "Introduction,"** describes the purpose of the Final EIR, summarizes the North Coast Land Holdings Master Plan and Community Plan Amendment Project and the major conclusions of the Draft EIR, provides an overview of the CEQA public review process, and describes the content of the Final EIR.
- **Chapter 2, "Project Updates,"** presents updates related to the North Coast Land Holdings Master Plan and Community Plan Amendment Project as a result of ongoing planning and design refinements since release of the

Draft EIR. The project description remains essentially the same as in this Final EIR as it was presented in the Draft EIR with clarifications and minor variations.

- **Chapter 3, "Responses to Comments,"** contains a list of all parties who submitted comments on the Draft EIR during the public review period, reproduced comments from letters received as well as transcribed comments received during the September 9, 2024 Planning Commission public hear. Written responses follow each comment. The chapter begins with a set of master responses that were prepared to respond comprehensively to multiple comments that raised similar issues. A reference to the master response is provided, where relevant, in responses to individual comments.
- **Chapter 4, "Revisions to the Draft EIR,"** presents revisions to the Draft EIR text made in response to comments, or to amplify, clarify or make minor modifications or corrections. The format of revisions presents the original narrative followed by a repeat of the sentence or paragraph with the changes and provides a more accessible layout for people that may use assistive technologies.
- **Chapter 5, "References,"** identifies the documents used as sources for the analysis.
- **Chapter 6, "List of Preparers,"** identifies the lead agency contacts as well as the preparers of this Final EIR.

1.8 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

When commenting on a Draft EIR, CEQA Guidelines Section 15204(a) states that persons and public agencies should focus their review "…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. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. 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."

Further, CEQA Guidelines Section 15204(c) states that "Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence." Section 15204(d) also states, "Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency's statutory responsibility." Section 15204(e) states, "This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section."

In accordance with CEQA, Public Resources Code (PRC) Section 21092.5, copies of the written responses to public agencies are being forwarded to those public agencies at least 10 days prior to certification of the Final EIR, with copies of this Final EIR document, which conforms to the legal standards established for response to comments on the Draft EIR pursuant to CEQA. Pursuant to CEQA Guidelines Section 15089(b), lead agencies may provide an opportunity for review of the Final EIR by the public or by commenting agencies before a project is approved, but is not required to do so.

The County has provided a period of at least 30 days for the public to review the Final EIR prior to the initiation of public hearings on the consideration of the adequacy of the Final EIR in complying with CEQA and, following EIR certification, consideration of the merits of the proposed project. Public hearings are being held before both the Marin County Planning Commission and Board of Supervisors.

2 PROJECT UPDATES

This chapter summarizes updated data and refinement to the project description as a result of ongoing planning and environmental analysis since publication of the Draft EIR. The Final EIR includes updated information, such as transportation modeling, demographic data, and water resource planning. These updated data are incorporated into responses to comments on the Draft EIR.

The primary project refinement is described below. It does not change the proposed types or intensity of land uses, on-site infrastructure, or the architectural character of proposed structures, so the proposed project is essentially the same as was presented in the Draft EIR.

The project refinement is a revision of the number of affordable units proposed for the project. The total unit count for the proposed project remains unchanged from the Draft EIR at 337 residential units, and the number of affordable units has increased from the 50 units reported in the Draft EIR to 70 affordable units addressed in the Final EIR. Accordingly, the number of market-rate units has decreased from the 273 units reported in the Draft EIR to 253 market-rate units discussed in the Final EIR. All changes to update data and clarify the presentations in the Draft EIR represent minor modifications that do not alter environmental impact significance determinations. None of the changes meet the thresholds described below for recirculation of an EIR or make the description of the project presented originally in the Draft EIR unstable in relation to potential environmental impacts.

CEQA requires recirculation of an EIR when the lead agency adds "significant new information" to an EIR, regarding changes to the project description or the environmental setting, after public notice is given of the availability of a draft EIR for public review under State CEQA Guidelines, California Code of Regulations (CCR), Title 14, Section 15087, but before EIR certification (State CEQA Guidelines Section 15088.5[a]). Recirculation is not required unless the EIR is changed in a way that would deprive the public of the opportunity to comment on significant new information, including a new significant impact in which no feasible mitigation is available to fully mitigate the impact (thus resulting in a significant and unavoidable impact), a substantial increase in the severity of a previously disclosed environmental impact, or development of a new feasible alternative or mitigation measures that would clearly lessen environmental impacts but that the project proponent declines to adopt (State CEQA Guidelines Section 15088.5[a]). Recirculation is not required when the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR (State CEQA Guidelines Section 15088.5[b]).

As outlined in Section 15088.5(a), "significant new information" includes information showing that:

- a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- a feasible project alternative or mitigation measure considerably different from that discussed in the Draft EIR would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it; or
- the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

2.1 AFFORDABLE UNIT COUNT

As discussed in Draft EIR Chapter 2, Project Description, the proposed project would develop 337 total dwelling units. The proposed residential units would include retention of 13 existing residential units, replacement of 139 existing residential units with newly constructed housing, and construction of 184 additional new residential units. In addition, the proposed residential care facility is counted by County definition as one residential unit. The project proposes a density of 3.3 units per acre, resulting in a total of 337 residential units (including the residential care facility in

addition to the residential units), which is within the maximum allowable residential density applicable to the project site. However, during preparation of the Draft EIR, the number of affordable housing units required for the proposed project was reported at 50 affordable units. Consistent with the County's Housing Regulations (Marin County Code Chapter 22.22), project updates and edits in this Final EIR increase the affordable unit count to meet County regulations, which results in increasing the affordable units dedicated by the proposed project to 70 affordable units and decreasing the number of market-rate residences by 20 units. Thus, the overall total number of residential units in the proposed project would remain at 337 residential units. The project is proposed to provide an average of approximately 2.2 bedrooms per affordable housing unit. The exact number of bedrooms would be described in the final Affordable Housing Plan at the time of the County's merits review of the project.

Additionally, as a result of the updates to the market-rate and affordable unit counts, the number of parking spaces required for the proposed project was also updated to reflect parking requirements specified in Section 24.04.340 of the Marin County Municipal Code. The updated number of parking spaces required by the Marin County Code for these residential uses has now been updated from 539 spaces to 695 spaces. The number of parking spaces to be provided by the proposed project remains unchanged at 703 parking spaces for the residential uses and 241 for the academic campus.

Based on the updates to the number of market-rate and affordable units and a review of the Marin County Code, the updated number of parking spaces required by the Marin County Code for these residential uses would be 695 spaces. As such, the proposed number of parking spaces for residential uses (703 spaces) exceeds the number required by the Marin County Code by 8 spaces. The additional parking spaces are proposed to accommodate the Residential Care Facility. The specific revisions to the Draft EIR updating the affordable unit count and required number of parking spaces are detailed in Chapter 4, "Revisions to the Draft EIR" as well as in the updated TIS provided in Appendix C of this Final EIR. These revisions represent minor revisions to the Draft EIR and do not alter the nature and magnitude of impacts or significance determinations for impacts in the Draft EIR.

3 RESPONSES TO COMMENTS

This chapter contains reproduced comments from letters received during the public review period for the Draft EIR, which concluded on September 16, 2024, and from transcribed comments received during the September 9, 2024, Marin County Planning Commission public hearing. In conformance with Section 15088(a) of the State CEQA Guidelines, written responses were prepared addressing comments on environmental issues received from reviewers of the Draft EIR.

The comments from letters and the public hearing are reiterated as they were submitted. If the comments contain spelling, grammatical, and other errors, they were present in the original comment sources and have been retained.

3.1 LIST OF COMMENTERS ON THE DRAFT EIR

Table 3-1 presents the list of commenters, including the numerical designation for each comment letter received or public hearing comment, the author of the comment letter or public hearing comment, and the date of each comment letter. Comment letters I59 and I60 solely expressed opinions regarding the project. Comments expressing an opinion, support, or objection to the project do not address adequacy of the Draft EIR. Therefore, no response is required, and these two letters are not addressed further in this Final EIR.

Table 3-1 List of Commenters

Letter No.	Commenter	Date
	AGENCIES	
A1	Tamara Purvis, Associate Environmental Planner CEQA Unit-Permitting – HWMP California Department of Toxic Substances Control	August 13, 2024
A2	Erin Chappell, Regional Manager Bay Delta Region California Department of Fish and Wildlife (CDFW)	September 10, 2024
A3	Yunsheng Luo, Branch Chief, Local Development Review Office of Regional and Community Planning, District 4 California Department of Transportation (Caltrans)	September 16, 2024
	LOCAL GOVERNMENT	
L1	Craig Tackabery, Contract Project Manager City of Mill Valley	September 16, 2024
	ORGANIZATIONS	
O1	Christian Michael Strawberry Vista Homeowners Association	August 9, 2024
O2	Pamela Bohner, Board Chair Strawberry Recreation District	September 2, 2024
O3	Nona Dennis, President Kate Powers, Co-Chair, Land Use Transportation and Water Committee Marin Conservation League	September 5, 2024
O4	Riley F. Hurd III, Esq. RAGGHIANTI | FREITAS LLP representing Seminary Neighborhood Association	September 8, 2024
O5	Jennifer Silva, Board Chair Marin Environmental Housing Collaborative	September 13, 2024

Letter No.	Commenter	Date
O6	Riley F. Hurd III, Esq. RAGGHIANTI | FREITAS LLP representing Seminary Neighborhood Association	September 16, 2024
O7	Matt Williams, Chair Strawberry Design Review Board	September 16, 2024
INDIVIDUALS		
I1	Sharon Guy	July 16, 2024
I2	Al Coppin	July 17, 2024
I3	Deirdre Fennessy	July 21, 2024
I4	Tim Cardenas	July 21, 2024
I5	Josh Andresen	August 1, 2024
I6	Tirrell B. Graham	August 16, 2024
I7	Marlys Mayfield	August 17, 2024
I8	Perry Simon	August 19, 2024
I9	Mary P. Kasher & Mack D. Gambrell	August 19, 2024
I10	Tom Yurch	August 20, 2024
I11	Mary Laux	August 20, 2024
I12	Terry Graham	August 21, 2024
I13	Philip Norris	August 21, 2024
I14	Greg Wolff	August 22, 2024
I15	Chuck Ballinger	August 23, 2024
I16	Taryn Hoppe	August 23, 2024
I17	Jane Berger	August 23, 2024
I18	Marlys Mayfield	August 23, 2024
I19	Susan Jacobs	August 24, 2024
I20	Sammie Daniels	August 25, 2024
I21	Carlene MacDonald	August 25, 2024
I22	Anthony Baker	August 25, 2024
I23	Steve Disenhof	August 25, 2024
I24	Brad Summers	August 26, 2024
I25	Kerri Martin	August 26, 2024
I26	Philip Norris	September 3, 2024
I27	Leslie Gardner	September 4, 2024
I28	Leslie Gardner	September 4, 2024
I29	Leslie Gardner	September 4, 2024
I30	Leslie Gardner	September 4, 2024
I31	Josh Andresen, PE	September 4, 2024
I32	Julie Hanft	September 6, 2024
I33	Anthony Baker	September 8, 2024
I34	Rona Weintraub, M.A.	September 8, 2024
I35	Robert and Katherin Hendry	September 9, 2024

Letter No.	Commenter	Date
I36	Bruce Corcoran	September 9, 2024
I37	Jane Berger	September 10, 2024
I38	Lorna Bender	September 10, 2024
I39	Kam Jalili	September 11, 2024
I40	Penny Crow	September 14, 2024
I41	Yoko Russell	September 14, 2024
I42	Larry Serandos	September 14, 2024
I43	Josh Andresen, PE	September 14, 2024
I44	Julie Brown	September 14, 2024
I45	Michael Gallagher	September 15, 2024
I46	Jerri Meacham	September 15, 2024
I47	Josh Andresen, PE	September 15, 2024
I48	Lewis and Mari Williams	September 15, 2024
I49	Steve Disenhof	September 16, 2024
I50	Josh Andresen, PE	September 16, 2024
I51	Robert W. Hendry	September 16, 2024
I52	Pamela De Martini	September 16, 2024
I53	Justin Durack	September 16, 2024
I54	Ellis Raskin	September 16, 2024
I55	Alex Johnson	September 16, 2024
I56	Fran Corcoran	September 16, 2024
I57	Meme (Marjorie) Hurd	September 16, 2024
I58	Bill Purcell	September 16, 2024
I59	David Schuck	July 17, 2024
I60	Scott Lynch	July 25, 2024
PUBLIC HEARING ON THE DRAFT EIR (09/09/2024)		
PH1	Riley Hurd	—
PH2	Riley Hurd	—
PH3	Riley Hurd	—
PH4	Riley Hurd	—
PH5	Riley Hurd	—
PH6	Riley Hurd	—
PH7	Steve Dusinof	—
PH8	Steve Dusinof	—
PH9	Jane Berger	—
PH10	Bob Hindry	—
PH11	Bob Hindry	—
PH12	Bob Hindry	—
PH13	Rona Wyetraub	—

Letter No.	Commenter	Date
PH14	Rona Wyetraub	—
PH15	Judy Brown	—
PH16	Judy Brown	—
PH17	Judy Brown	—
PH18	Matt Williams	—
PH19	Rebecca Lind	—
PH20	Rebecca Lind	—
PH21	Rebecca Lind	—
PH22	Peggy Curran	—
PH23	Peggy Curran	—
PH24	Peggy Curran	—
PH25	Peggy Curran	—
PH26	Don Dickenson	—
PH27	Don Dickenson	—
PH28	Don Dickenson	—
PH29	Don Dickenson	—
PH30	Don Dickenson	—
PH31	Don Dickenson	—
PH32	Don Dickenson	—
PH33	Don Dickenson	—
PH34	Don Dickenson	—
PH35	Chris Desser	—
PH36	Chris Desser	—
PH37	Chris Desser	—
PH38	Chris Desser	—
PH39	Margot Biehle	—
PH40	Margot Biehle	—
PH41	Margot Biehle	—
PH42	Margot Biehle	—
PH43	Margot Biehle	—
PH44	Margot Biehle	—
PH45	Margot Biehle	—
PH46	Margot Biehle	—
PH47	Gregory Stepanicich	—
PH48	Gregory Stepanicich	—
PH49	Gregory Stepanicich	—
PH50	Gregory Stepanicich	—
PH51	Gregory Stepanicich	—
PH52	Rebecca Lind	—

Letter No.	Commenter	Date
PH53	Rebecca Lind	—
PH54	Chris Desser	—
PH55	Peggy Curran	—
PH56	Rebecca Lind	—
PH57	Don Dickenson	—
PH58	Don Dickenson	—
PH59	Peggy Curran	—
PH60	Rebecca Lind	—

3.2 MASTER RESPONSES

Several comments raised similar issues. Rather than responding individually, the County has developed master responses to address the comments comprehensively. Master Responses are provided for the following topics listed list by section number below. A reference to the section number and master response is provided, where relevant, in responses to the individual comment (see Section 3.3, "Comments and Responses").

- Section 3.2.1, Master Response: Stable Project Description
- Section 3.2.2, Master Response: Adequacy of the Range of Alternatives
- Section 3.2.3, Master Response: Reduced Development Alternative (Seminary Tomorrow Process Outcome)
- Section 3.2.4, Master Response: Conditional Use Permit Issues
- Section 3.2.5, Master Response: Project-Level Geotechnical Evaluation
- Section 3.2.6, Master Response: Evaluation of Existing Storm Drain System
- Section 3.2.7, Master Response: Traffic Count Data
- Section 3.2.8, Master Response: Selection of Intersections for LOS Analysis
- Section 3.2.9, Master Response: Project Trip Generation/Internalization
- Section 3.2.10, Master Response: Project Trip Distribution
- Section 3.2.11, Master Response: Transportation Safety
- Section 3.2.12, Master Response: Emergency Vehicle Access Mitigation Measure
- Section 3.2.13, Master Response: VMT Mitigation Measures
- Section 3.2.14, Master Response: Request for Near-Term LOS Analysis

3.2.1 Master Response: Stable Project Description

The Draft EIR provided a detailed project description, 30 pages in length, in Chapter 2, "Project Description." It includes extensive narrative descriptions of proposed land uses, physical changes from development at a master plan level of detail, and operational characteristics. Graphic presentations consist of a regional location map; project site boundary map; project site planning areas map; project site plan with dimensioned and geolocated project property lines, roads, parking, and buildings; a two-part illustrative site plan with proposed grading, landscaping, storm water treatment locations, street trees, existing and proposed buildings; and maps of pedestrian, bicycle, and bus access. Descriptions of project objectives, background, planned construction activities, and regulatory permit requirements are also included. The level of detail was designed to provide the public and decision-makers with sufficient information about the project to understand its physical and operational characteristics and to make an intelligent

evaluation of the nature and magnitude of environmental impacts of the proposed project relevant to a proposed master plan approval and community plan amendment. Detailed architectural design, geotechnical and infrastructure engineering design, and operational or management details are to be described in a manner consistent with the approved master plan and community plan amendment, if the project receives an initial approval.

Comments on the Draft EIR expressed concerns about completeness of the descriptions of the academic campus operations, such as details about type of college, daily hours of operation, class schedules, or special event details. Such a fine level of detail, however, is not required by CEQA. Rather, the level of detail about the proposed project provided in the Draft EIR fully satisfies applicable CEQA standards. A project description in an EIR need only include "[a] *general description* of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities." (State CEQA Guidelines Section 15124(c), italics added.) This general level of detail does not, for example, require "engineering plans," as such plans would likely include "'extensive detail beyond that needed for evaluation and review of the environmental impact" in violation of Guidelines section 15124." (*Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 28.) This legal principle makes sense because "[a] general description of a project element can be provided earlier in the process than a detailed engineering plan and is more amenable to modification to reflect environmental concerns." (*Id*. at p. 28.) In practice, "final design, engineering and construction plans are always done after conditional project approval and are often driven by the conditions of approval." (*Id*. at p. 35, italics added; see also *Ocean View Estates Homeowners Assn., Inc. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396, 400-401 ["Mitigation measures stated in a MND need not specify precise details of design. Having recognized a significant environmental impact and having determined that mitigation measures may reduce the impact to insignificance, the MND may leave the details to engineers"].)

In addition, CEQA does not require an EIR to identify a specific end user; rather, identifying a proposed land use is sufficient. In *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 124 Cal.App.4th 430, 443, the court found that an EIR for proposed 1.2 million square-foot distribution center with related outbuildings on a 300–acre site was not deficient for failing to disclose that Wal-Mart was the likely end-user. The court explained said that "[i]t is common knowledge that projects are often developed without any knowledge of who the user/tenant will be. If CEQA was to be interpreted as the Attorney General suggests, no such projects could ever proceed until all potential user/tenants were identified and subsequently investigated by the lead agency. In addition to being completely impractical, this interpretation finds no support in the sphere of law and regulation encompassed by CEQA[.]" The court also noted that "land use entitlements such as conditional use permits and development approvals run with the land and do not belong to the permittee." (*Id*. at p. 443.)

Also, through the natural course of environmental evaluation and considerations of public input, specific elements of the project have changed between the Draft EIR and Final EIR, attracting comments about the stability and accuracy of the project description; however, the primary features of land uses, density and building intensity, enrollment capacity of the academic campus, and infrastructure plans have remained unchanged.

An accurate, stable, and finite project description has been confirmed to be a requirement of CEQA adequacy by multiple court decisions. Yet "[t]he CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal." (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736, quoting *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199.) The process of preparing a Draft EIR for public review and comment with responses to those comments necessarily contemplates that a lead agency may opt to make project description changes that deviate from the Draft EIR. If every deviation rendered an EIR project description retroactively unstable and inadequate, there would be strong disincentive to attempt to refine or tailor details of a project to address better environmental protection or respond to community needs as part of the environmental review process. Only if changes between the Draft EIR and Final EIR are so great as to mislead the public, thwart the public's ability to comment meaningfully on the project's environmental impacts, or fail to support informed decision-making would they become sufficiently unstable or inaccurate to render an EIR inadequate.

In the case of the proposed project and the County's Draft EIR, the important project description parameters necessary to understand whether there would be substantial adverse change to the physical environment are clear, accurate, and stable. Although public comments assert that the operational features of the academic campus need

more detail, it is clear that the proposed project does not seek to change the current conditional use permit governing the site that authorizes the academic use and establishes an enrollment cap (up to 1,000 students). Academic facility improvements are designed for more efficient operation, such as the renovated administrative area, but are not intended to expand the campus student capacity, such as increasing classroom capacity. With these cornerstones of the academic campus' operation in mind, the Draft EIR appropriately determines that the key operational parameters of student numbers, types of academic uses, and other campus-related activities (e.g., special events) can be reasonably expected to not substantially change.

Minor variations in the project description that have occurred between the Draft EIR and Final EIR do not render the project description unstable. The proposed project site remains the same, as do the types of project land uses, proposed buildings, proposed roadways, proposed drainage infrastructure, and overall footprint size of proposed buildings. The intensity of the project's uses does not substantially change, as measured by total number of dwelling units, total number of assisted care beds, and size of the fitness/day care facility. The locations and mix of a small number of residential units within the project site are different in response to comments on the Draft EIR and evolving housing development state laws. The number of proposed affordable housing units and market rate units shifted with 20 market rate units changing to affordable units. At one intersection, where multiple mitigation options for an emergency vehicle access impact were discussed in the Draft EIR, the preferred option changed from reconstruction of a roundabout intersection to installation of traffic light preemption equipment on emergency vehicles. None of these variations would alter the proposed land use, intensity, and infrastructure or the significant environmental impacts of the project, so the project description remains stable and meaningful public input and informed decision-making are well supported by the project's Final EIR.

3.2.2 Master Response: Adequacy of the Range of Alternatives

Multiple comments raised questions about the adequacy of the range of alternatives considered in the Draft EIR. The range of alternatives evaluated in Chapter 5, "Alternatives," of the Draft EIR is consistent with the provisions of CEQA and the State CEQA Guidelines, as discussed below. The Introduction in Section 5.1 of the Draft EIR discusses CEQA requirements. Section 5.2 explicitly describes the process for selecting alternatives for evaluation, including attainment of project objectives and identification of significant environmental impacts sought to be avoided or minimized by potential alternatives. Section 5.3 presents three candidate alternatives that did not meet CEQA requirements and were therefore dismissed from detailed evaluation. Section 5.4 provides the detailed evaluations of four alternatives, including three alternative locations. Altogether, the EIR considered 11 alternatives, including the following: the proposed project, three considered but dismissed alternatives, no project alternative, two other action alternatives on the project site, and three alternative locations. Taken together, these alternatives and potential alternatives constitute a substantial body of options for reasoned decision-making that satisfies the requirement that an EIR provide the reasonable range of alternatives. Section 5.5 discusses the environmentally superior alternative.

CEQA REQUIREMENTS FOR THE ALTERNATIVES ANALYSIS

CEQA and the State CEQA Guidelines identify the requirements for the analysis of project alternatives in the EIR. State CEQA Guidelines Section 15126.6 generally describes the requirements for an EIR's alternatives analysis, summarized as follows.

- An EIR shall describe a reasonable range of potentially feasible alternatives to the project or the location of the project that would attain most of the basic project objectives and would avoid or substantially lessen any of the significant effects of the project.
- An EIR is not required to consider alternatives that are infeasible.
- There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

- The EIR should identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons for the lead agency's determination.
- Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are:(i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.
- The EIR shall include enough information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed.
- The no project alternative should be evaluated along with its impacts. The purpose for describing the no project alternative is so decision makers can compare impacts of approving the proposed project with impacts of not approving the proposed project.
- The no project alternative for a proposed project that revises an existing land use plan should include the continuation of the existing plan's designations and policies.
- If it is found that the no project alternative is the environmentally superior alternative, then the EIR should identify an environmentally superior alternative among the other alternatives.

Also important in the CEQA process is the reasonableness of the range of alternatives. State CEQA Guidelines states in Section 15126.6(f): "The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice." California courts have defined a well-established principle that an EIR need not evaluate every conceivable alternative, and that a lead agency has the discretion to define the range of reasonable alternatives needed to inform decision-making. For instance, an EIR need not evaluate alternatives suggested in public comments that are determined by the lead agency to be either unreasonable or infeasible.

In general, courts will uphold a lead 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." (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 988 (*Santa Cruz*).) CEQA only requires "'enough of a variation to allow informed decision-making.'" (*Id*. at p. 988, quoting *Mann v. Community Redevelopment Agency* (1991) 233 Cal.App.3d 1143, 1151.) Thus, a lead agency, for practical reasons, may narrow a large, unmanageable universe of potential alternatives to a more manageable range. (*In re Bay-Delta etc.* (2008) 43 Cal.4th 1143, 1161–1162 (*Bay-Delta*).) Courts have explained that often, after a detailed winnowing process, few potentially feasible options may remain for more detailed analysis in an EIR. For instance, in *Mount Shasta Bioregional Ecology Center v. County of Siskiyou* (2012) 210 Cal.App.4th 184, 198–199, the court upheld an EIR in which the *only* alternative carried forward was the No Project Alternative, explaining that the requirement to assess potentially feasible alternatives "does not mean an EIR is inadequate if all alternatives considered by the agency during the scoping phase are determined not to be potentially feasible." (See also *Save Our Access-San Gabriel Mountains v. Watershed Conservation Authority* (2021) 68 Cal.App.5th 8, 31–33 [upholding EIR that only includes a No Project Alternative].) Under the "rule of reason," the agency's winnowing process is appropriate and entitled to deference. (*Id*. at pp. 8, 31.)

The fact that a project opponent or other member of the public can conceptualize an additional alternative that a lead agency could have added to the EIR does not make the EIR deficient. A "project opponent or reviewing court can always imagine some additional study or analysis that might provide helpful information," but the fact that additional information "might be helpful does not make it necessary." (*Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 415; see also *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1028-1029 (*Village Laguna*) [EIR that discussed housing density alternatives of 7,500, 10,000, 20,000 and 25,000 units was not deficient for failure to discuss intermediate 15,000 unit alternative, the impacts of which could be discerned from the alternatives that were included]; *California Oak Foundation v. The Regents of the University of California* (2010) 188 Cal.App.4th 227, 274, 276 [court upholds EIR using a "'mix-and-match' approach to project alternatives, in which components from different alternatives may be substituted for one another," as such an

approach was sufficient to "encourage informed decision-making and public participation"]; and *Cherry Valley Pass Acres and Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316 [rejecting argument similar to that made in *Village Laguna*, explaining that "[w]hen an EIR discusses a reasonable range of alternatives sufficient to foster informed decision making, it is not required to discuss additional alternatives substantially similar to those discussed"].)

Screening of individual alternatives for consideration in this EIR involved evaluating each potential alternative for three elements under CEQA:

1. **Accomplishment of most of the basic project objectives**: Alternatives must accomplish most of the basic objectives of the project (State CEQA Guidelines Section 15126.6[c]). CEQA compels consideration of an alternative even if it "would impede to some degree the attainment of the project objectives" (Section 15126.6[b]).
2. **Potential feasibility**: An EIR must consider potentially feasible alternatives (Section 15126.6[a]). Section 15364 defines "feasible" as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."
3. **Potential to avoid or substantially reduce a significant environmental effect of the proposed project**: An alternative must "avoid or substantially lessen any of the significant effects of the project" (Section 15126.6[a]). Consequently, an alternative evaluated in detail should have the potential to avoid or lessen at least one significant effect of the proposed project.

A candidate alternative that does not satisfy all three CEQA requirements may be dismissed from further evaluation in an EIR.

As described in detail below, the Draft EIR's evaluation of alternatives meets the CEQA requirements because it provides a reasonable range of potentially feasible alternatives designed specifically to substantially reduce at least one significant impact associated with the proposed project, and it identifies the environmentally superior alternative.

In the context of EIR preparation, alternatives included in the EIR need only be "potentially feasible." The final determination of actual feasibility will be made by the lead agency decision-making body (e.g., a board of supervisors) through the adoption of CEQA Findings at the time of action on the project. (See State CEQA Guidelines Section 15091(a)(3) [findings requirement, where alternatives can be rejected as infeasible].)

As the courts have explained, "[t]he issue of feasibility arises at two different junctures: (1) in the assessment of alternatives in the EIR and (2) during the agency's later consideration of whether to approve the project." (*Santa Cruz*, *supra*, 177 Cal.App.4th at p. 981, citing *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 489 (*Mira Mar*).) "But 'differing factors come into play at each stage.'" (*Santa Cruz*, *supra*, 177 Cal.App.4th at p. 981.) "For the first phase—inclusion in the EIR—the standard is whether the alternative is potentially feasible." (*Id*. at p. 981, citing *Mira Mar*, *supra*, 119 Cal.App.4th at p. 489; State CEQA Guidelines Section 15126.6(a).) "By contrast, at the second phase—the final decision on project approval—the decision-making body evaluates whether the alternatives are actually feasible." (*Santa Cruz*, *supra*, 177 Cal.App.4th at p. 981, citing State CEQA Guidelines Section 15091(a)(3).) "At that juncture, the decisionmakers may reject as infeasible alternatives that were identified in the EIR as potentially feasible." (*Santa Cruz*, *supra*, 177 Cal.App.4th at p. 981, citing *Mira Mar*, *supra*, 119 Cal.App.4th at p. 489.)

One basis on which agency decisionmakers can reject a potentially feasible alternative as being actually infeasible is a determination that the alternative is economically infeasible. To demonstrate this kind of infeasibility, the decisionmakers must conclude, based on substantial evidence in the record, that "the marginal costs of the alternative as compared to the cost of the proposed project are so great that a reasonably prudent property owner would not proceed with the [alternative]." (*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 600.) The reduction in profits or additional costs associated with an alternative, compared with those of the proposed project, must be enough to deter the reasonably prudent investor from proceeding with the alternative. (*San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 693-694.)

Another basis by which decisionmakers may reject a potentially feasible alternative as actually infeasible is a determination that the alternative embodies an undesirable outcome from a policy standpoint. In this vein, decisionmakers may legitimately consider whether particular alternatives, compared with a proposed project,

represent an undesirable balance of competing policy considerations or fail to attain project objectives to the same degree as a proposed project. (See *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 ["'feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors"]; *Santa Cruz*, *supra*, 177 Cal.App.4th at p. 1001 [same]; *San Diego Citizenry Group v. County of San Diego* (2013) 219 Cal.App.4th 1, 17 [same]; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1509 [upholding CEQA findings rejecting alternatives in reliance on applicant's project objectives]; *Citizens for Open Government v. City of Lodi* (2012) 296 Cal.App.4th 296, 314-315 [court upholds agency action where alternative selected "entirely fulfill" a particular project objective and "would be 'substantially less effective' in meeting" the lead agency's "goals"]; and *Bay*-Delta, *supra*, 43 Cal.4th at pp. 1165-166 ["feasibility is strongly linked to achievement of each of the primary program objectives"; "a lead agency may structure its EIR alternative analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basic goal"].)

In addition, a proposed alternative may also be legally infeasible. (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715 [proposed reduced housing alternative would have violated Government Code section 65589.5, the Housing Accountability Act].)

ALTERNATIVES EVALUATED IN DETAIL IN THE DRAFT EIR

Starting on page 5-8 in Chapter 5, "Alternatives," the Draft EIR carries forward four alternatives for detailed evaluation. Each alternative considers different development scenarios for the proposed project including continuation of baseline conditions, alternative locations, denial of the proposed Community Plan Amendment and approval of a new Master Plan, and reconfiguration of uses with the intent to mitigate environmental impacts. The Draft EIR evaluates these alternatives as to whether they also meet most of the project objectives and reduce or substantially avoid a significant impact of the proposed project.

- Alternative 1: No Project/No Build Alternative. This alternative assumes the continuation of baseline conditions with no development or redevelopment of the project site. The project site would remain in its current condition and existing uses would continue. As explained in the Draft EIR pages 5-8 through 5-12, Alternative 1 would reduce potentially significant impacts related to aesthetics, air quality, archaeological and tribal cultural resources, biological resources, geology and geological hazards, greenhouse gas emissions and climate change vulnerability, land use and planning, noise, public services and recreation, and transportation. However, Alternative 1 would result in greater impacts related to population and housing because it would not provide additional housing supply on a designated Regional Housing Needs Assessment (RHNA) site. Additionally, Alternative 1 would only fully meet one project objective (continuing to provide undisturbed views and visual access to the Bay through retainment of undeveloped open space areas within the project site and preservation of existing viewsheds and local ridgelines) and would not meet any of the other remaining project objectives.
- Alternative 2: Potential Alternative Locations. In Section 15126.6(f)(2), the State CEQA Guidelines requirements for considering an alternative location direct that the EIR needs to consider whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. If the EIR concludes that no feasible alternative locations exist, it should disclose the reasons for this conclusion.

  For this alternative analysis, the County conducted an extensive review of all potential alternative sites within the unincorporated County for developing the proposed project. The review considered a comprehensive set of criteria for alternative site selection, including the project's characteristics and objectives that would be necessary to develop comparable land uses; sites with similar size, zoning, and Countywide Plan land use designations; proximity to roadway/highway access; availability of utilities; and market availability for potential development. Three potential alternative sites were identified for detailed evaluation:

  - Site 1 – Buck Center for Research in Aging Vacant Property
  - Site 2 – St. Vincent's School for Boys
  - Site 3 – San Domenico School

For each alternative site option, the Draft EIR describes the potential densities and dwelling units that could be developed on each site, whether the site could met the development criteria outlined above, the ability to fulfill most of the basic project objectives, the potential to reduce potentially significant impacts, and whether the site can be reasonably acquired. The detailed analysis of the three site options determined that Alternative 2 would be infeasible and disclosed the reasons supporting the determination.

Alternative 3: Community Plan Consistent Alternative. This alternative assumes denial of the proposed Community Plan Amendment and approval of a new Master Plan. Alternative 3 also assumes that development of the site could occur consistent with the currently approved Strawberry Community Plan. However, for qualifying density bonus projects, State density bonus law requires the County to apply the Countywide Plan land use designation density for the site rather than the zoning or Community Plan density. As such, applying the 2.1 dwelling units/acre density from the Community Plan would be inconsistent with State density bonus law. Per the Countywide Plan, the project site has a land use designation density range of 2-4 dwelling units/acre. While the Countywide Plan would allow a maximum density of 4 dwelling units per acre on the site, this alternative assumes the same land use density of 3.3 dwelling units per acre as the proposed project, which would result in a total of 324 new/replacement units. Additionally, because no changes to the 1953 Conditional Use Permit (CUP) are proposed as part of the project, this alternative also assumes university enrollment could still increase up to 1,000 students consistent with the 1953 CUP. As explained in Draft EIR pages 5-15 through 5-19, Alternative 3 would result in impacts similar to those of the proposed project and would reduce the proposed project's potentially significant impacts but not eliminate any of them. Alternative 3 would also fully meet most of the project objectives; however, it would not meet the project objective to provide improvements to the circulation systems serving the Strawberry community including enhanced trails, bicycle facilities, and pedestrian enhancements on the project site.

Alternative 4: Mitigated Plan Alternative. This alternative considers reconfiguration of land uses in a development plan to reduce environmental impacts and illustrate the incorporation of recommended mitigation measures. The modifications to the development plan are based on impact analysis, County policy interpretation, where potentially significant impacts are identified for the proposed project, and recommended mitigation measures in the EIR. Not all of the reconfigurations considered in Alternative 4 originate from recommended mitigation measures. For instance, a land use configuration change may be considered in addition to, or as an alternative option to, the recommended mitigation approach to reduce impacts. An example is the Alternative 4 feature of relocating units off Chapel Hill in an alternative land use configuration, as an option that may be implemented in lieu of or in conjunction with recommended screening views of Chapel Hill units with vegetation (Mitigation Measure 3.1-1a). Alternative 4 considers relocating the proposed residential units on Chapel Hill to lower elevations within the project site to reduce local ridgeline visual impacts. Other modifications considered in this alternative that are different than the recommended mitigation measures include relocating and focusing development within Slope Stability Zone 1 with its generally gentler slopes, as identified in Draft EIR Figure 3.6-2, "Relative Slope Stability," to address potentially significant impacts related to slope stability and landslide hazards.

Features of the alternative that involve incorporating elements of mitigation measures recommended in the Draft EIR include design features to achieve conformance with County policies related to visual resources and reduce color contrast and glare impacts, including the incorporation of light and slightly darker-valued earth-toned building materials that are flat and non-reflective, use of albedo surfaces that maximum reflectance coefficient of 0.6, and planting of screening shrubs and trees. To address potentially significant impacts related to disturbance or loss of monarch butterfly (should pre-construction surveys find the project site is used for monarch butterfly overwintering in the Shuck Drive Knoll and Seminary Point Planning Areas) Alternative 4 would avoid removal of healthy live overstory Monterey Pine that may contribute to suitable overwintering habitat. If this restriction prohibits construction of residential dwellings in these planning areas, the dwelling units would be relocated to any other planning area. To address potentially significant impacts related to safety hazards and emergency access, this alternative would also widen Gilbert Drive and Hodges Drive to County standards, install and activate emergency preemption detection technology in the traffic signals at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive, and install and activate emergency vehicle preemption emitting devices in seven fire station vehicles housed at Strawberry Fire Station 9.

Similar to the proposed project, 13 existing housing units would be retained on site. All other components of the proposed project would be developed under this alternative. Alternative 4 would also require a minimum of 90 and a maximum of 100 housing units to be reserved for student housing to serve the University student population onsite. Additionally, this alternative would include a new onsite gym that would be exclusively available for use by university students and faculty. These requirements are consistent with the existing Strawberry Community Plan.

As explained in Draft EIR pages 5-20 through 5-26, Alternative 4 would reduce potentially significant impacts related to aesthetics, biological resources, geology and geologic hazards, and transportation. However, Alternative 4 would result in greater impacts related to energy, greenhouse gas emissions and climate change vulnerability, hydrology and water quality, and utilities and service systems, and would reduce but not eliminate potentially significant and unavoidable impacts related to transportation and noise. Because Alternative 4 would still include all of the proposed project's land use components, planned in a different configuration on the site, this alternative would meet the project objectives.

CONSIDERATION OF ALTERNATIVES BY MARIN COUNTY BOARD OF SUPERVISORS

When the Marin County Board of Supervisors considers whether to certify the EIR, the Board will also determine whether to approve the proposed project or an alternative that is actually feasible and avoids or substantially lessens the significant adverse effects of the project to the extent feasible. As explained above, the feasibility of an alternative is considered twice in the CEQA process. The second time occurs when the Board considers the actual feasibility of the potentially feasible alternatives included in the EIR. In making its decisions, the Board can consider a variety of factors, such as economic, legal, social, and technological factors, when determining whether to reject alternatives in favor of the proposed project (see State CEQA Guidelines Section 15091[a][3]). If the Board finds an alternative considered potentially feasible in the EIR to be infeasible at the decision-making phase, that finding does not indicate the EIR should not have considered the alternative. For example, the Board can consider all comments received on the Draft EIR, as well as other material in the record when making its final determination about the proposed project. And the determination of feasibility inevitably requires a discretionary exercise of judgment by the decision-making body regarding the factors to be considered when determining whether an alternative is actually feasible.

3.2.3 Master Response: Reduced Development Alternative (Seminary Tomorrow Process Outcome)

Comments have requested a more detailed analysis of the development concept emerging from the Seminary Tomorrow Process as a Reduced Development Alternative to the proposed project, and expressed disagreement with the decision to dismiss the alternative from detailed evaluation in the EIR. This response discusses why the option is legally infeasible, which was the reason for its dismissal from detailed EIR evaluation, and for informational purposes provides a more detailed comparison of the Seminary Tomorrow Process outcome as a Reduced Development Alternative.

Section 5.3.2 of the Draft EIR explains why the Reduced Development Alternative (Seminary Tomorrow Process Outcome) would be legally infeasible to implement and, therefore, dismissed from detailed environmental evaluation. The definition of "feasible" in Section 15364 of the State CEQA Guidelines, which is "capable of being accomplished in a successful manner within a reasonable period of time," includes taking into account "legal" factors. State housing and density bonus laws preclude reducing the number of housing units of a proposed residential project in the manner proposed by the Reduced Development Alternative, so the County determined that the Reduced Development Alternative was legally infeasible.

The outcome of the Seminary Tomorrow process did not lead to a consensus about the ultimate project description. A site plan and project description were not approved by the County nor adopted by the project applicant for proposal to the County. For instance, agreement was not reached on an enrollment limit for the academic campus, so the maximum enrollment continues to be defined by the 1953 Conditional Use Permit (i.e., about 1,000 students). Thus, the Draft EIR evaluated what the applicant proposed as part of the project application. While the proposed project reflects many similarities to the Seminary Tomorrow plan in types of land uses and overall layout, the

applicant's proposal comprises a higher number of total residential units, including more affordable residences. The project application did not propose the density reflected in the Reduced Development Alternative and the County cannot legally require it, as stated above.

As a good faith response to requests for additional environmental information about the Reduced Development Alternative, notwithstanding its legal infeasibility, a table of relative environmental impacts has been developed to compare this alternative with the proposed project. Table 3-2 summarizes elements of the descriptions of both options and provides a side-by-side comparison of the relative severity of environmental impacts of the alternative and whether any impact differences would alter significance determinations. Also, Figure 3-1 illustrates the concept site plan presented at the end of the Seminary Tomorrow process to help assess relative environmental impacts.

Table 3-2 Comparative Analysis of the Proposed Project and Reduced Development/Seminary Tomorrow Alternative

Comparison of Description	Proposed Project	Reduced Development/Seminary Tomorrow

Comparative Description Elements	▶ Zoning = 2.47 du/ac
	▶ 337 total units proposed
	  ■ 253 market rate units
	  ■ 70 affordable units
	  ■ 13 existing residential units
	  ■ 1 residential care facility
	▶ 850 total residents (680 residents for residential units and 170 for residential care facility)
	▶ Modifications to academic facilities including admin bldg. and new maintenance bldg.
	▶ 70 percent preservation of open space and viewsheds
	▶ New public trails and pedestrian pathways
	▶ Elevated playing field
	▶ Fitness center and daycare
	▶ Enrollment of 1,000 students
	▶ 944 parking spaces
		▶ Zoning = 2.31 du/ac
		▶ Up to 234 total units could be developed
		  ■ 186 market rate units
		  ■ 47 affordable units
		  ■ 1 residential care facility
		▶ 661 total residents (491 residents for residential units and 170 for residential care facility)
		▶ No modifications to academic facilities
		▶ 70 percent preservation of open space and viewsheds
		▶ New public trails and pedestrian pathways
		▶ Elevated playing field
		▶ Fitness center and daycare
		▶ No consensus on enrollment (discussed 350 vs 700 students); therefore, 1,000 student CUP enrollment was assumed
		▶ Total parking spaces unknown

Environmental Topic	**Proposed Project Significance Determination**	**Impact Relative to Proposed Project Alternative Significance Determination**
Aesthetics	LTS/M	Less LTS/M
Air Quality	LTS/M	Less LTS/M
Archaeological, Historical, and Tribal Cultural Resources	LTS/M	Similar LTS/M
Biological Resources	LTS/M	Similar LTS/M
Energy	LTS	Less LTS
Geology and Mineral Resources	LTS/M	Similar LTS/M
Greenhouse Gas Emissions and Climate Change Vulnerability	SU	Less SU

Environmental Topic	Proposed Project Significance Determination	Impact Relative to Proposed Project Alternative Significance Determination
Hazards, Hazardous Materials, and Wildfire	LTS	Similar LTS
Hydrology	LTS	Similar LTS
Land Use and Planning	LTS/M	Similar LTS/M
Noise	SU	Similar SU
Population and Housing	LTS	Less LTS
Public Services and Recreation	LTS/M	Less LTS/M
Transportation	SU	Similar SU
Utilities and Service Systems	LTS	Less LTS

Impact Determination:

LTS = Less Than Significant Impact; LTS/M = Potentially Significant, reduced to LTS with Mitigation; SU = Potentially Significant and Unavoidable Impact; Similar = Impacts would be similar to those of the project; Less = Impacts would be less than those of the project.

For purposes of environmental analysis, the primary difference between the proposed project and the Reduced Development Alternative (Seminary Tomorrow Process Outcome) is in the number of residential dwelling units, number of estimated residents, and slightly more limited construction with the fewer housing units and absence of campus renovations. While the project proposes 337 dwelling units, the Reduced Development Alternative would include 103 fewer residences, or 234 dwelling units. As shown in Figure 3-1, the new development areas for single and multi-family residences, the residential care facility, the play field elevated by fill, and the roadway and trail circulation system within the project site are all similarly located and laid out compared to the proposed project's site plan.

The environmental impact comparison in Table 3-2 shows that environmental effects related to physical disturbances from development would be similar between the Reduced Development Alternative and the proposed project, because the area affected by development disturbance is generally the same, although the fewer residential units and the absence of renovation of the built campus facilities could modestly reduce construction activity. This comparison would apply to aesthetics; construction air quality; archaeology, historic, and tribal cultural resources; biological resources; construction energy; geology and mineral resources; hazards, hazardous materials, and wildfire; hydrology; land use and planning; and construction noise. Environmental impacts related to operation of the Reduced Development Alternative would be modestly reduced, because of the reduced number of housing units; however, the alternative would still involve a substantial number of additional residences, so the small reduction of impact severity would not be sufficient to alter any significance determinations expressed in the Draft EIR. This outcome would apply to operational air quality, operational energy, greenhouse gas emissions, population and housing, public services, transportation, and utilities and service systems.

The comparison of environmental effects of the legally infeasible Reduced Development Alternative and the proposed project is not required for CEQA adequacy and does not change the significance of any environmental impacts presented in the Draft EIR or Final EIR. As a result, the table, figure, and narrative additions do not constitute "significant new information" in the context of Section 15088.5 of the State CEQA Guidelines regarding criteria for recirculation of the Draft EIR.



Source: Image produced and provided by North Coast Land Holdings in 2019; adapted by Ascent in 2025.

Figure 3-1 Reduced Development Alternative (Seminary Tomorrow Process Outcome) Conceptual Site Plan

3.2.4 Master Response: Conditional Use Permit Issues

Multiple comments addressed the Conditional Use Permit (CUP) and questions about its influence on the proposed project. These comments consisted of: the applicability and validity of the 1953 CUP; assertion that the CUP requires the school operations to be a "self-contained" seminary campus with only development ancillary to such use; opinion that enrollment of up to 1,000 students is linked to the historic property acreage and because some of the original property has been sold, the allowable student enrollment should be less than 1,000 students; and a request that the EIR include a discussion of why the 1953 CUP is still applicable because it is not well understood.

As described in the Draft EIR Chapter 2, Project Description, the 1953 CUP allows for an academic campus operation with enrollment of up to 1,000 students supported by faculty and staff. Further, a total of 90-100 student housing units is described in the Strawberry Community Plan and Strawberry Community Plan Amendment as a land use within "the maximum desirable [development] based on the projected traffic impact and the context of the property within the community." The Community Plan and Strawberry Community Plan Amendment also allow for the development of a chapel, student union building, additional classrooms, and a gymnasium to be exclusively available for use by university students and faculty. As described in the Draft EIR Chapter 2, Project Description, operation of the academic campus under the proposed project would be similar to existing operations at the campus. The academic campus would continue to be occupied by a university or college, with no change proposed to the scope of the existing 1953 CUP, including the maximum permitted enrollment of around 1,000 higher education students. Beyond compliance with the CUP enrollment maximum, the applicant has not proposed a specific enrollment target.

The CUP comments do not address environmental issues relevant to the proposed project. The 1953 CUP and an accompanying planning staff letter explain several "general facts" about land use and operational issues relevant to a permit for "the construction of a Theological Seminary and dormitories and other buildings incidental to such use," rather than CEQA-relevant policies or regulations adopted for the purpose of environmental protection. The 1953 CUP documents and a later 1959 infrastructure Improvement Agreement for construction of a road on the seminary site are part of the public record reviewed during the EIR preparation; they were transmitted by County staff to the Board of Supervisors on November 10, 2020 related to a hearing on the Environmental Planning Manager's determination to prepare the EIR.

The project applicant has not requested amendment of the CUP as part of the proposed project, so the status of the CUP would not change if the application were approved. Because the CUP and questions about its applicability or validity and about the project's consistency with it pertain to land use and operational conditions, not environmental protection under CEQA, to the extent resolution of these questions becomes necessary, this would occur outside of the purview and process of CEQA.

3.2.5 Master Response: Project-Level Geotechnical Evaluation

Section 3.6, "Geology and Soils," of the Draft EIR evaluates geotechnical conditions of the project site based on sufficient information to determine the potential for significant environmental impacts, including the location, nature, and potential magnitude of effects caused by the proposed project in areas of potential slope instability, liquefaction, and subsidence. The studies and information used in the Draft EIR impact analysis include a geotechnical report prepared by Reese and Associates dated December 1, 2021 (Appendix I of the Draft EIR), the Preliminary Geotechnical Design Report prepared by Purcell, Rhodes & Associates (PRA) of Pleasant Hill, California dated June 8, 2016 (Appendix J of the Draft EIR), Stage 1 Feasibility Study by PRA dated August 23, 2010 (Appendix K of the Draft EIR), and Geotechnical Reconnaissance Report by Donald Herzog Associates (DHA) dated May 19, 1982 (Appendix L of the Draft EIR).

Appendix B of the Purcell, Rhoades & Associates (PRA) Prelim Geotech Report (Appendix J of the Draft EIR), includes Herzog's geologic maps, exploratory borings, and test pit logs. In the PRA Report, they evaluated an older project site plan that included a new athletic center on the north side of the playfield, which is no longer proposed. They also included a description of the conditions at the playfield (identified as Area 1) and refer to Herzog borings 27, 28, and 29 at the location of the new athletic center. They also refer to a map (Figure 4) showing the new athletic center location at the playfield. The locations of the borings Herzog completed on the north side of the playfield are shown

on Figure B-1 in App B. The PRA report concludes that the proposed developments are geotechnically feasible with implementation of the recommendations of the report in the design and construction stages of the project. Additionally, prior to the Final EIR and in response to public comments regarding underlying geologic conditions of the project site, the applicant retained Rockridge Geotechnical to perform additional soil sampling and investigation north of Hodges Drive, at the proposed fitness center and at the play field fill sites. The additional subsurface testing confirmed the geotechnical conditions of the site as described in the Draft EIR and the report concluded there are no major geotechnical issues that would preclude development of the site as proposed (Final EIR Appendix A).

Multiple comments were received requesting additional site-specific geotechnical information about the project, especially related to the fill placement on the playing field. The topics raised in the comments include the potential for subsidence or liquefaction, the height and location of proposed retaining walls, and the safety of development proposed in landslide zones or areas of weak soil. A design-level geotechnical engineering report will be needed after a project has been approved and is undergoing design development, assuming geologic conditions warrant site-specific engineering responses. At that time, additional field work is often conducted to gather more details about underlying conditions to inform site-specific engineering design, but this is beyond the level of detail needed for environmental impact analysis. A geotechnical engineering report has not been prepared for the project, as stated in Impacts 3.6-2 and 3.6-4. Recognizing potentially significant impacts related to the project's construction effects on geologic conditions, Mitigation Measures 3.6-2 and -4 require the preparation of design-level geotechnical engineering reports prior to the issuance of a project permit by Marin County Department of Public Works for the project.

As explained in FEIR Section 3.2.1, Master Response: Stable Project Description, EIRs need not include engineering details. (*Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 28.) This principle makes sense because "[a] general description of a project element can be provided earlier in the process than a detailed engineering plan and is more amenable to modification to reflect environmental concerns." (*Id*. at p. 28.) In practice, "final design, engineering and construction plans are always done after conditional project approval and are often driven by the conditions of approval." (*Id*. at p. 35, italics added; see also *Ocean View Estates Homeowners Assn., Inc. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396, 400-401 ["Mitigation measures stated in a MND need not specify precise details of design. Having recognized a significant environmental impact and having determined that mitigation measures may reduce the impact to insignificance, the MND may leave the details to engineers"].)

Proposed mitigation measures will ensure that eventual development will satisfy applicable engineering standards and best practices. (See *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, 906-910 [lead agency permissibly relied on compliance with seismic safety requirements in concluding that seismic impacts would be less than significant].) Mitigation Measure 3.6-2 requires that geotechnical engineering of potential seismically induced slope instability areas be included in the design-level geotechnical report that must be prepared as part of compliance with Marin County Code, Section 23.08. This section of the County Code requires a geological report with the submittal of a grading permit application to the Marin County Department of Public Works. This mitigation measure would reduce to a less-than-significant level the project's potential to exacerbate existing environmental hazards related to seismically induced ground failure.

Mitigation Measure 3.6-4 requires geotechnical engineering to address slope instability and landsliding. It requires the preparation of an updated, site-specific geologic map to inform engineering design and included in the geotechnical engineering design that clearly identifies and delineates the limits of the geologic materials present at the site, including all existing landslides, colluvial deposits, undocumented fills, or other areas of potential instability. Implementation of Mitigation Measure 3.6-4 would at least avoid exacerbating the risk of slope instability/landsliding resulting from project implementation and may reduce risks by informing geotechnical engineering design so it would improve slope stability. The measure would also define the geotechnical design requirements needed to meet the goals and policies of the Marin Countywide Plan's Environmental Hazards Element, and requirements of the Marin County Code, Section 22.100.040, which are intended to prevent structural collapse and protect life and safety.

The mitigation measures address the comments requesting the preparation of a site-specific geotechnical engineering report prior to consideration of project approval. The Draft EIR's geotechnical information accurately described underlying conditions, including the nature and magnitude of potential geotechnical hazards. The additional subsurface testing performed after the Draft EIR in response to public comments raising concerns about

the geotechnical hazards confirmed the descriptions in the Draft EIR. The EIR's information is adequate and preparing a design-level geotechnical engineering report would be beyond what is required under CEQA. This design-level report is intended to provide site specific engineering recommendations to address issues related to subsidence or liquefaction, the height and location of proposed retaining walls, and the safety of development proposed in landslide zones or areas of weak soil. As required by the mitigation measures, no grading permit would be issued to allow the development of the project until the site-specific geotechnical engineering report is submitted to the County to support design review of engineering measures incorporated into the project. No changes to the Draft EIR are needed in response to these comments.

Finally, it is worth noting in this context that, as the California Supreme Court held in *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369, 377-378, "agencies subject to CEQA generally are not required to analyze how existing environmental conditions will impact a project's future users or residents." It is only when a proposed project risks exacerbating those environmental hazards or conditions that already exist" that "an agency must analyze the potential impact of such hazards on future residents or users. In those specific instances, it is the project's impact on the environment—and not the environment's impact on the project—that compels an evaluation of how future residents or users could be affected by exacerbated conditions." Here, the proposed project would not alter the risk or magnitude of seismic activity, and thus would not exacerbate the level of earthquake hazard.

3.2.6 Master Response: Evaluation of Existing Storm Drain System

The Draft EIR evaluates hydrology and water quality conditions of the project site based on sufficient information to determine the potential for significant environmental impacts, including the location, nature, and potential magnitude of effects caused by the proposed project's stormwater flow conditions in areas of potential slope instability. The studies and information used in the Draft EIR impact analysis include the Hydrology and Hydraulic Study for The Seminary, which was independently reviewed and analyzed for use in the preparation of this section, and is included as Appendix N (CSW|ST2 2021) of the Draft EIR.

Multiple comments were received regarding the condition of the existing storm drain system and how the proposed system could exacerbate capacity limitations of offsite drainage systems. The comments include questions about the methods for determining stormwater flows on the project site and sizing of the stormwater treatment system.

The majority of the storm drain system within the project area is proposed to be replaced with the project as described in Chapter 2, "Project Description," in Section 3.9.2 of the Draft EIR, in Impact 3.9-3, the Hydrology and Hydraulic Study (Appendix N of the Draft EIR), and shown on the plan set on Sheet C6.20 (see Plan Set North Coast Vol1 B on the County's project website: https://www.marincounty.gov/departments/cda/planning/projects/mill-valley-alto/north-coast-land-holdings-community-plan-amendmentmaster-plandesign-reviewmaster-use-permittentative-maptree-removal-permit-former-golden-gate-baptist-seminary-property-p1490). The project would detain stormwater runoff and maintain flow rates such that post-project peak runoff flow rates would be less than pre-project levels (CSW|ST2 2021). If there are other on-site storm drain facilities which are not proposed for replacement as described above, the project would decrease the amount of flows they are receiving under existing conditions. In response to community concerns regarding the storm drain system, Marin County Public Works may elect to impose storm drain improvements to existing facilities as a condition of approval.

The EIR focuses on the potential impacts to the existing storm drain conditions on the proposed project site, because the project's physical changes would occur within the project site boundaries. No offsite infrastructure changes have been proposed, because proposed storm drainage infrastructure for the proposed project would be designed to avoid increases in rate of stormwater flow into offsite infrastructure through a system of stormwater detention. Because maintenance of private drainage infrastructure is the property owner's responsibility, rather than the County's or project applicant's, and the proposed on-site storm drainage management facilities would be designed to prevent increase of peak stormwater flows beyond the levels of existing flows, the conditions of off-site infrastructure are not evaluated in detail in the EIR. As stated in Impact 3.9-3, outside the project site, the Marin County Department of Public Works would be responsible for the operation and maintenance of the Marin County

Storm Drain System. The operation and maintenance of offsite storm drain infrastructure on private property is the responsibility of the property owner, unless a drainage easement was dedicated and accepted by the County (Armstrong, pers. comm., 2022). In Section 3.9.2, Existing Setting, the Draft EIR recognizes that "a homeowner's association (HOA) west of the project site has indicated the storm drain that runs under their property has failed."

Calculations in the Hydrology and Hydraulics Report were performed according to the requirements of Marin County Code Section 24.04.520 applying the 100-year design storm. The runoff coefficient used in the hydrology study ranged from 0.53 to 0.84, in accordance with the California Department of Transportation (Caltrans) Highway Design Manual (Figure 819.2A), considering factors such as topography/slope, soil infiltration, vegetation cover, and surface storage within each watershed area. Pipe sizes were evaluated using AutoCAD Express Tools and pipe parameters (diameter, slope, manning's roughness coefficient). Pipe sizes would comply with Marin County Code Section 24.04.520 -Hydrologic and hydraulic design. Pipe sizes were based upon the 100-year storm passing 70 percent as open channel flow with no head allowed at the inlet. Peak flows were determined using methodology contained within the County of Marin Hydrology Manual. Storm intensities for the 100-year storm event were derived using the National Oceanic and Atmospheric Administration's Atlas 14 Point Precipitation Frequency Estimates. A software program that models a design storm through a detention pond generates hydrographs. These hydrographs are used to calculate the maximum storage volume required to prevent exceedance of pre-development peak discharge. The bioretention facilities would be installed to mitigate increased runoff such that the 100-year, post-development peak discharge flow rates do not exceed pre-development peak discharge rates.

As stated in Impact 3.9-3, after implementation of the project, the proposed storm drain system would detain stormwater runoff and maintain flow rates such that post-project peak runoff flow rates would be less than pre-project levels. Deficient storm drain infrastructure within the project area would be upgraded to meet County standards, as stated above. Therefore, less stormwater would be delivered to the off-site storm drain system from the project site (CSW|ST2 2021). The project would result in a lower potential for substantial off-site erosion, flooding, or contribution of runoff that would exceed existing storm drain systems than current conditions. The project owner would be responsible for operational maintenance of the storm drain system on their property. The County would be required to perform water quality inspections as part of the operation and maintenance verification program per the County's MS4 Permit. Marin County would enforce the requirements outlined in the Bay Area Stormwater Management Agencies Association (BASMAA) Operations and Maintenance Manual. Site-specific drainage details would be required to permit the project per Marin County Code 24.04.520 – Hydrologic and hydraulic design. Impact 3.9-3 states that to comply with County ordinances and be permitted by Marin County, the project, including subwatershed 1B, must demonstrate compliance with Marin County Code Section 24.04.627 (Stormwater Control Plan) and Marin County Code 24.04.520 (Hydrologic and Hydraulic Design) and Chapter 4 of the BASMMA post-construction manual. This would be completed during preparation of the final hydrologic and hydraulic design, which is subject to review and approval for compliance by County staff.

Recognizing that the proposed project's drainage system design would prevent an adverse change in peak runoff flows, the Draft EIR concluded that stormwater runoff impact would be less than significant. Public comments on this topic have not provided information that would alter the Draft EIR's impact conclusions. Revisions to the Draft EIR are not needed in response to comments on stormwater.

3.2.7 Master Response: Traffic Count Data

This master response addresses comments received on the traffic count data used in the level of service (LOS) assessment memo provided in Appendix R of the Draft EIR. Comments criticized the traffic count data used in the memo as out of date and not reflective of current travel, in part because of the changes in travel behavior since the COVID pandemic period of isolation.

As noted in the introduction to the memo, the LOS assessment is provided for the County's consideration of project merits to identify whether study intersections would meet the County LOS standard with the addition of the proposed project traffic. The LOS assessment is not used to determine environmental impacts under CEQA (in accordance with State CEQA Guidelines Section 15064.3(a)), but may inform decisions about the merits of the

proposed project. As discussed in the introduction to Section 3.14, Transportation, of the Draft EIR, pursuant to Public Resources Code Section 21099, enacted as part of SB 743 (Stats. 2013, Ch. 386, Section 5), and Section 15064.3(a) of the State CEQA Guidelines, vehicle miles traveled (VMT) are generally the most appropriate measure of transportation impacts and "automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment." The memo was appended to the Draft EIR for informational purposes only.

For the Draft EIR, traffic counts were collected during weekday AM and PM peak periods in December 2021 at the six study intersections evaluated in the LOS Assessment Memo. Comments received during the Draft EIR public review period requested that new traffic counts be collected, because of concerns about changes in travel patterns since the pandemic. Because of these questions about how changes in post-pandemic travel behavior may affect vehicle trips, additional traffic counts were collected in February 2025 during the same AM and PM peak periods on a Tuesday with schools in session with no precipitation. A comparison of the 2025 total peak hour counts for the six study intersections with the 2021 total counts indicates that the sum of all AM and PM peak hour volumes was 0.4 percent higher in 2025 than in 2021; the sum of AM peak hour volumes was 2.3 percent higher in 2025 than in 2021; and the sum of PM peak hour volumes was 1.4 percent lower in 2025 than in 2021. The minimal differences in trips counted in 2021 and 2025 do not substantially alter the analysis in the LOS Assessment Memo and confirm that the conclusions in the Draft EIR are still valid. No change to the Draft EIR is warranted. The LOS Assessment Memo was updated using the 2025 traffic counts and is provided in Appendix B to the Final EIR. The sufficiency of the 2021 traffic counts is not a CEQA issue relevant to the legal adequacy of this EIR.

3.2.8 Master Response: Selection of Intersections for LOS Analysis

This master response addresses comments received on the intersections selected for analysis and the results of the level of service (LOS) assessment memo provided in Appendix R of the Draft EIR. Comments requested that additional intersections be evaluated.

As described in Master Response 3.2.7, LOS assessment is not used to determine environmental impacts under CEQA (in accordance with State CEQA Guidelines Section 15064.3(a)), but may inform decisions about the merits of the proposed project. The LOS memo was updated in response to public comments on the Draft EIR requesting new traffic counts and to address potential post-pandemic changes in travel behavior, with updated counts collected in February 2025. While differences from 2021 counts were minimal, the memo was revised in consultation with County staff to incorporate the 2025 data and include a seventh study intersection (Final EIR Appendix B).

The study intersections were selected in consultation with County staff based on current congestion levels and their location along primary access/egress routes to the project site. The goal of the selection was to identify and evaluate intersections where substantial change in the number of trips and degree of congestion may occur in the roadway network surrounding the project site, based on the proposed project's trip generation and distribution on local streets. Four of the study intersections are controlled by traffic signals and the other two by all-way stop sign control.

The LOS assessment concluded that all of the selected study intersections would operate at LOS D or better conditions, which represent stable traffic flow without substantial congestion, under all future scenarios with or without the project. All the intersections would, therefore, meet the County LOS standard with the added project traffic. As such, no roadway or intersection improvements would be required to meet the County LOS standard. As noted in FEIR Section 3.2.7, Master Response: Traffic Count Data, total counts collected in February 2025 are less than one percent different than the original counts collected in 2021. This information affirms the adequacy of the selection of study intersections for the County's consideration of project merits. No change to the Draft EIR is warranted. The choice of intersections to be assessed for project-related LOS changes is not a CEQA issue relevant to the legal adequacy of this EIR.

3.2.9 Master Response: Project Trip Generation/Internalization

This master response addresses comments received on the project trip generation and internalization forecasts that are part of the methodology applied in the LOS Assessment Memo and Transportation Impact Study (TIS) provided in Appendix R and Appendix Q of the Draft EIR. Comments criticized that the internalization rates for the project (i.e., the percentage of trips that begin and end within the project site boundaries) are too high, thus unrealistically reducing the estimate of trips leaving or entering the project site. Some of the comments asserted that the analysis applied an internalization rate of 30 percent.

As described in Section 3.2.7, Master Response: Traffic Count Data, LOS assessment is not used to determine environmental impacts under CEQA (in accordance with State CEQA Guidelines Section 15064.3(a)), but may inform decisions about the merits of the proposed project.

Both Table 3: Project Trip Generation in the LOS Assessment Memo (Appendix R of the Draft EIR) and Table 5: Project Trip Generation in the TIS (Appendix Q of the Draft EIR) have been updated and are provided in Appendices B and C of this Final EIR, respectively. Both tables have been revised to show the number of units for each land use type that are provided in Table 2: Project Land Use Program and Institute of Transportation Engineers (ITE) Trip Generation Codes provided in the notes for Table 3 of the LOS Assessment Memo and Table 5 of the TIS. The tables were revised to (1) add a column to describe each land use's independent variable (e.g., number of units, square footage, population) to clarify the trip estimates in response to public comments and (2) revise the trip generation based on the reallocation of affordable housing units which is described in detail in Chapter 2, "Project Updates," of this Final EIR. While the total number of dwelling units does not change, the number of market rate and affordable multi-family units has been revised from the original project description, with 20 fewer market rate multi-family units and 20 more affordable multi-family units. Because the project site is currently occupied by academic, housing, and day care uses, the trip generation table identifies net new project trips leaving or entering the project site by subtracting trips generated by these existing uses from trips generated by full build-out of the project. The table also shows "internal capture" trips and "external" (walk, bike, and transit) trips that are deduced from the gross project trips calculated using trip rates identified in the ITE Trip Generation Manual (11th edition), the national industry standard for estimating trip generation for individual land use types. The internal capture trips and external walk, bike, and transit trips are deducted from the total gross project trip generation values to establish the number of vehicle trips that would be traveling to and from the project site.

Trip rates in the ITE Trip Generation Manual are primarily based on data collected at suburban, single-use, freestanding sites. These defining characteristics limit their applicability to mixed-use or multi-use development projects, such as the proposed project, which, given its land use mix, design features, and setting, would include characteristics that influence travel behavior differently from typical single-use suburban developments (such as trips starting at one onsite use and ending at another onsite use, like bringing children from an onsite home to the onsite day care facility). To provide a straightforward and empirically validated method of estimating vehicle trip generation at mixed-use developments, the US Environmental Protection Agency (EPA) sponsored a national study of trip generation characteristics of multi-use sites. Travel survey data was gathered from 239 mixed-use developments (MXDs) in six major metropolitan regions and correlated with characteristics of the sites and their surroundings. The findings indicate that the amount of external traffic generated is affected by a wide variety of factors including the mix of employment and residents, the overall size and density of the development, the internal connectivity for walking or driving among land uses, the availability of transit service, and the surrounding trip destinations within the immediate area outside the project site.

These characteristics were related to trip behavior observed at the study development sites using statistical techniques. These statistical relationships produced equations, known as the EPA MXD model, which allow predicting external vehicle trip reduction as a function of the MXD characteristics. Applying external vehicle trip reduction percentage to "raw trips," i.e., the total trips generated by a proposed use as predicted by ITE, produces an estimate for the number of vehicle trips traveling into or out of the site.

The MainStreet/MXD+ model used to identify trip internalization for the project is a combination of EPA MXD research and National Cooperative Highway Research Program 684 that is the basis for the ITE Trip Generation

Handbook internalization procedure. The MXD tool was developed not only to better capture travel behavior for projects with a mix of uses, but also to adequately account for the effects of compact development, site design, walkability, transit, and regional accessibility. The range of land uses included in the MainStreet/MXD+ calibration sites include retail, office, grocery, student housing, medical office, restaurant, health club, pharmacy, hotel, coffee shop, library, school, museum, movie theater, bowling alley, and hospital.

The credibility of the MXD model has been well established. It was approved for use by the EPA (EPA 2012). It has also been peer-reviewed in the American Society of Civil Engineers' Journal of Urban Planning and Development (2011), peer-reviewed in a 2012 Transportation Research Board paper evaluating various smart growth trip generation methodologies (Shafizadeh et al. 2012), recommended by the San Diego Association of Governments for use on mixed-use smart growth developments (SANDAG 2010), and promoted in an American Planning Association Planning Advisory Service (Walters et al. 2013) which recommended it for evaluating traffic generation of mixed-use and other forms of smart growth. It has also been used successfully in many certified EIRs in California.

Some examples of an internal trip would be a parent living in one of the project dwelling units dropping off a child at the day care center, a person living in one of the project dwelling units working at or attending classes at the campus, a person living in a project dwelling unit visiting a family member at the assisted care facility, or a student exercising at the fitness center. Some of these trips would potentially still occur by vehicle, though they would remain internal to the larger project site. Guided by the MXD model, the total forecast share of internal trips between academic, residential (including the residential care facility), day care, and fitness center uses were determined to be 8 percent of daily total gross project trips, 16 percent of AM peak hour total gross project trips, and 17 percent of PM peak hour total gross project trips. As such, 80 percent of total project trips during the AM peak hour and 83 percent of total project trips during the PM peak hour were assigned as external vehicle trips traveling between the project and gateways external to the site as shown in the distribution map in Section 3.2.10, Master Response: Project Trip Distribution, after crediting existing vehicle trips generated to the site.

The version of Figure 1 included in the LOS Assessment Memo (Appendix R of the Draft EIR) inadvertently omitted a 30-percent gateway distribution label to and from the south via US 101, which is now included in an updated and more detailed version of the trip distribution provided now as Figure 2 in the updated LOS Assessment Memo (Appendix B of this Final EIR). The analysis in the LOS Assessment Memo was based on an internal capture of 16 percent of AM peak hour total gross project trips and 17 percent of PM peak hour total gross project trips, as described above.

For context, during the PM peak hour, 80 internal trips are forecasted out of the 475 total gross project trips at build-out. The day care center and fitness center are estimated to generate 122 of the 475 total gross project trips. Many of the trips generated by the project academic and residential uses are forecast to be to the day care and/or fitness center uses. The internal trips also include travel between the project academic and residential uses, as a portion of the new residential units would be occupied by either employees or students of the academic campus. The total forecast number of net new project trips at build-out leaving or entering the project site during the PM peak hour, when adjusting for 155 net existing trips, 80 internal trips, and 14 external non-auto (walk, bike, and transit) trips, is 226 trips.

The Project Trip Generation table referenced above has been updated to reflect a change in the number of affordable multi-family units (from 50 to 70) and a corresponding reduction in the number of market multi-family units (from 275 to 255). There is no change in the number of single-family market rate units. This results in a reduction in the total net new daily trips from 2,608 to 2,570 or a reduction of approximately 1.46 percent. (See FEIR Chapter 2, "Project Updates" for a discussion of the change in affordable multi-family units.)

The LOS Assessment Memo and corresponding TIS have been updated to reflect this change in trip generation and also to apply updated traffic counts conducted in February 2025 to the Existing and Existing plus Project scenarios. Both of these are included as Appendix B and Appendix C to this Final EIR.

These changes to the project trip generation represent minor revisions and do not alter the scope, magnitude, or conclusions of the Draft EIR, including the project impact on VMT. Therefore, no revisions to the Draft EIR are warranted. The accuracy of internal trip generation numbers is not a CEQA issue relevant to the legal adequacy of this EIR.

3.2.10 Master Response: Project Trip Distribution

This master response addresses comments received on project trip distribution in the LOS Assessment Memo provided in Appendix R of the Draft EIR. Comments requested additional trip distribution details and asserted that the analysis applied an internalization rate of 30 percent based on a review of Figure 1 of the LOS Assessment Memo that shows the distribution of project vehicle trips.

As described in Master Response 3.2.7, LOS assessment is not used to determine environmental impacts under CEQA (in accordance with State CEQA Guidelines Section 15064.3(a), but may inform decisions about the merits of the proposed project.

Figure 1 in the LOS Assessment Memo shows study intersections and project trip distribution for proposed academic and residential uses. Comment O4-99 contends that the analysis assumes a 30 percent internal capture based on a review of the trip distribution map shown in Figure 1. The version of Figure 1 included in the TIS and LOS Assessment Memo inadvertently omitted a 30-percent gateway distribution label to and from the south via US 101. The gateway distribution was used in the analysis, but the missing label contributed to an incorrect perception of the internal capture rate.

A revised version of Figure 1, now shown as Figure 2, is provided in the updated LOS Assessment Memo (provided in Appendix B of this Final EIR). It includes the previously omitted 30-percent gateway distribution label to and from the south via US 101. It also provides additional trip distribution on major roads within the Strawberry community based on the most recent counts collected in February 2025 (described in FEIR Section 3.2.7 Master Response: Traffic Count Data). This additional detail does not change the assignment of trips at the study intersections and the resulting LOS analysis, nor does it change the findings of the TIS and Draft EIR. Therefore, no revisions to the Draft EIR are warranted. The accuracy of project trip distribution assumptions is not a CEQA issue relevant to the legal adequacy of this EIR.

3.2.11 Master Response: Transportation Safety

This master response addresses comments received on safety data and concerns about potential safety hazards due to added traffic generated by the proposed project. During public review of the Draft EIR, comments were received related to existing intersection issues on roadways throughout the Strawberry Peninsula. The comments described existing safety concerns and assertions that added traffic from the project would cause significant safety impacts.

Consistent with guidance provided in the sample Initial Study checklist set forth in Appendix G of the State CEQA Guidelines, Impact 3.14-3 in the Draft EIR evaluates whether the project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impact 3.14-3 identifies potentially significant impacts due to potential parking spillover on surrounding streets where sidewalks and crosswalks do not exist, construction activities, and the proposed design of on-site streets. Mitigation Measures 3.14-3a (Develop a Construction Traffic Control Plan), 3.14-3b (Design Roads to Meet County, American Disabilities Act [ADA], and Public Right-of-Way Accessibility Guidelines [PROWAG] standards), and 3.14-3c (Implement Measures to Reduce Parking Demand and/or Increase Supply for the Academic Campus) address potentially significant safety impacts from parking spillover identified in the Draft EIR and would reduce these impacts to less than significant.

The TIS, provided as Appendix Q of the Draft EIR, includes a review of local safety plans and collision data within the project study area. The *2018 Marin County Travel Safety Plan: Systemic Safety Analysis* (Travel Safety Plan) identifies a High Collision Network (HCN) which includes 68 road segments and 93 intersections throughout the county that have a higher potential risk for future fatal or severe injury collisions based on a blending of historic collision data and systemic collision factors. A review of the 2018 Travel Safety Plan conducted for the Draft EIR indicated that no street segments or intersections within the Strawberry community were located on the HCN. The 2018 Travel Safety Plan identified safety measures for 12 corridors and 13 intersections in unincorporated Marin County. Within the proposed project study area, safety measures included a corridor improvement to the Redwood Highway Frontage Road from the US 101 ramp to De Silva Island Road. The proposed corridor improvements included improved signal timing and detection, enhanced pedestrian crossing improvements, guardrail, and bike lanes (green paint through the intersection to delineate conflict zones). Traffic signal phasing and timing improvements were subsequently implemented at this location.

The Transportation Authority of Marin (TAM) and the County of Marin, with support from the eleven cities and towns in Marin County, prepared the 2024 Marin County Local Road Safety Plan (LRSP). An LRSP is a plan that provides a framework to identify, analyze, and prioritize potential roadway safety improvements for local and rural roads, thereby increasing safety for all road users. The 2024 LRSP identifies a HCN that includes 90 intersections and 70 road segments with high collision rates. The 2024 HCN does not include any road segments or intersections in the proposed project study area east of US 101 and south of Tiburon Boulevard. Moreover, no street segments or intersections within the Strawberry community are located on the 2024 HCN.

The TIS also reviewed collision data for a 5-year period between 2015 and 2019. Based on the above considerations, the Draft EIR analysis determined that none of the intersections on the Strawberry peninsula, including those identified in public comments, would experience a substantial increase in traffic safety hazards.

Historic evidence indicates no local intersections have been noted for high collision rates. The TIS concluded that the project traffic would not cause substantial traffic congestion changes at all studied intersections, so added project traffic would not substantially change safety conditions. Therefore, the Draft EIR did not identify any significant traffic safety impacts at the intersection locations in the study area of the project site.

Notwithstanding that substantial evidence supports a conclusion of no significant traffic safety impacts from project trips, County staff desired to respond thoroughly to community concerns about traffic safety and requested a review of existing intersection safety conditions (Final EIR Appendix D). Recognizing the Draft EIRs conclusions about the lack of significant traffic safety impacts caused by the proposed project trip generation, the existing intersection review was designed to provide information in response to community concerns about existing traffic safety problems for use in the County's consideration of project merits and the potential for defining conditions of approval outside of the CEQA analysis framework. In consultation with County staff, the review of existing intersection conditions was performed for locations in the project study area noted in Draft EIR public comments and/or at locations based on a review of collision data. The purpose of the existing intersections review is to identify potential operational and/or safety strategies to improve existing conditions based on a review of collision data, on-site observations, recent improvements, and planned improvements.

Collision history data provided for the 5-year window between 2015 and 2019 identified that intersections with the greatest number of collisions over that period of time are located on Tiburon Boulevard (SR-131) and Redwood Highway Frontage Road where traffic activity levels are considerably higher than on local residential streets within the Strawberry community. The intersections with the most collisions reported within the Strawberry community average about one collision reported per year. Across all collisions, the most prominent collision factor was unsafe speed, followed by right-of-way (ROW) and improper turn.

Public comments requested updated collision data, with a focus on fatal and severe injury collisions. Figure 3-2 below maps collision data from the Transportation Injury Mapping System (TIMS) for the study area for the 5-year period from September 2019 through September 2024 which is the most current available collision data. No fatalities were among the reported collisions in the most recent 5-year period. As with the data from 2015 through 2019, most of the reported collisions involved vehicles and were located along the Redwood Highway Frontage Road and Tiburon Boulevard.

Two collisions involved pedestrians, one at the intersection of Redwood Highway Frontage Road/Reed Boulevard and one at the intersection of E. Strawberry Drive/Harbor Cove Way.

- The pedestrian collision with a possible injury at the Redwood Highway Frontage Road/Reed Boulevard intersection involved a vehicle (hit and run) traveling northbound and a pedestrian traveling westbound.
- The pedestrian collision with a suspected minor injury at the E. Strawberry Drive/Harbor Cove Way intersection involved a vehicle (hit and run) making a southbound left turn and a pedestrian traveling westbound.



Source: Appendix D.

Figure 3-2 Injury Collisions[1] from September 2019 to September 2024

[1] There were no fatal collisions in the 5-year window.

Internal to the Strawberry community, four collisions involved bicycles on Seminary Way and E. Strawberry Drive which was observed to be a popular route for recreational cyclists. The four collisions involved suspected severe injuries and are summarized below. The last two collisions listed below were located on Strawberry Drive south of the campus access at Herring Drive.

- The bicycle collision with a suspected severe injury at the Seminary Drive/Gilbert Drive intersection involved two bicycles. Both cyclists were traveling southbound on Seminary Drive. No vehicles were involved.
- The bicycle collision with a suspected severe injury on the south leg of the Tiburon Boulevard/E. Strawberry Drive intersection involved a youth cyclist traveling in the westbound direction on the south side (i.e., traveling wrong way) of Tiburon Boulevard and a vehicle driver (hit and run) traveling southbound.
- The bicycle collision with a suspected severe injury at the Seminary Drive/Harbor Point Drive intersection was a collision with a vehicle (hit and run) and a cyclist, both traveling northbound. The violation category was unsafe speed for the driver.
- The bicycle collision with a suspected severe injury at the Seminary Drive/Great Circle Drive intersection was a solo collision with a youth cyclist traveling eastbound. No vehicles were involved.

A fifth collision involving a cyclist with a suspected minor injury occurred at the Richardson Drive/Ricardo Road intersection involving a vehicle (hit and run) making a northbound left turn and a cyclist making an eastbound right turn. Marin County recently received grant funding to make improvements to the segment of Ricardo Lane between Richardson Drive and E. Strawberry Drive. The grant will be used for improvements at both intersections and construction of sidewalk improvements between the intersections.

The following is a summary of relevant measures implemented by Marin County or Caltrans in recent years at the study locations.

- Change in speed limit on a segment of E. Strawberry Drive, adjacent to Strawberry Point School, from 25 miles per hour to 15 miles per hour when children are present.
- School Zone signage and striping along E. Strawberry Drive between Belvedere Drive and Harbor Cove Way adjacent to the Strawberry Point Elementary School and Strawberry Recreation Center. This includes speed reduction flashing signs northbound (i.e., in the downhill direction on E. Strawberry Drive, between Harbor Cove Way and Ricardo Lane, approaching the school and recreation center.
- Crosswalk markings and Rectangular Rapid Flashing Beacon (RRFB) on E. Strawberry Drive just north of the Strawberry Point Elementary School driveways.
- Intersection improvements and striping improvements along Belvedere Drive between Redwood Highway Frontage Road and E. Strawberry Drive to manage travel speeds along this cut-through route. This includes intersection improvements on Belvedere Drive at Reed Boulevard and Bayview Terrace.
- Intersection improvements at Redwood Highway and US 101 Northbound Ramps (Seminary ramps).

The following is a summary of planned improvement measures by Marin County or Caltrans at the study locations. These projects are being implemented separately from the NCLH project, with separate funding sources.

- The TAM Board, at its March 2025 meeting, voted to program Measure AA funds for Fifth Cycle Safe Pathways to Schools projects that include grant funding for Marin County to construct a sidewalk on Ricardo Lane (between E. Strawberry Drive and Richardson Drive) and to make other improvements the intersections of Ricardo Lane with E. Strawberry Drive, Richardson Drive, and Ricardo Road. This segment of Ricardo Lane is an active pedestrian route for students and parents walking to the Strawberry Point Elementary School and the Strawberry Recreation Center.
- Caltrans is planning an improvement project along Tiburon Way (State Route 131) between US 101 and the City of Tiburon that includes modifications to the intersection of Tiburon Way and E. Strawberry Drive. The SR 131 Capital Preventive Maintenance Project is in the design phase. The location is approximately 1,000 feet west of the US-101 interchange to the Tiburon Boulevard/Main Street intersection. The project will enhance and complete streets

and support active modes of transportation by bridging a gap in the transportation network and improving bicycle access throughout the area. The project will address a major gap in the overall active transportation network on SR 131 between E. Strawberry Drive and Greenwood Cove Drive by constructing a Class I bikeway. It will also provide a Class IV bikeway at the US 101/SR 131 interchange between Tower Drive and Strawberry Drive. At the intersection of Tiburon Boulevard and E. Strawberry Drive, the project will remove the free right turn lane from E. Strawberry Drive onto eastbound SR 131 (Tiburon Boulevard) that is in the southeast quadrant. The design phase is scheduled for 2025 and construction is set to be complete in 2027.

Potential strategies identified in the Existing Intersections Review Memorandum (Final EIR Appendix D) are as follows. The strategies identified in the memo are considerations for voluntary enhancements by the project applicant or merits-based conditions imposed by the County. These improvement options are not related to a CEQA environmental impact, so they are not defined as "mitigation measures," because the project's trip generation would be insufficient to substantially change existing transportation hazards in the study area. The lack of substantial change in traffic is evidenced in the LOS Assessment Memo, where analysis concluded that LOS would meet County standards with or without the project and after adding project traffic, LOS would remain at D with continued stable traffic flow.

REED BOULEVARD – STORER DRIVE TO RICHARDSON DRIVE

- Repave and widen Reed Boulevard between Storer Drive and north of the Fire Station driveway, which would provide more clearance for emergency vehicles and pedestrians walking in the roadway.
- Eliminate the planned connection of the east end of Green Lane at Reed Boulevard and provide a cul-de-sac or a vehicle turnaround at the east end of the new street extension, which would direct vehicle traffic from the proposed new housing units on Green Lane to Shuck Drive. [Note: The project site plan includes an extension of Green Lane, currently a short (about 130 feet) dead-end street used for parked cars, to the west to connect with Shuck Drive. The new segment of Green Drive would serve about 20 new housing units and provide access from the new units to both Reed Boulevard and Shuck Drive.]

REED BOULEVARD AND REDWOOD HIGHWAY FRONTAGE ROAD

- Install treatments for an uncontrolled crossing on the east leg, including advanced "Yield Here to Pedestrians" signs and yield pavement markings, curb extensions, and a Rectangular Rapid Flashing Beacon.
- Remove parking on the east of Reed from the Frontage Road to Knoll Lane and install a sidewalk. Install an ADA ramp at the north end of the sidewalk where it connects to the marked crossing.
- Install a barrier across the business center driveways along the Frontage Road to enforce internal circulation in the parking lot and access to and from the parking lot via Knoll Lane.

RICARDO ROAD EAST OF SEMINARY DRIVE

- Install radar flashing speed feedback signs at mid-segment locations in both directions
- Visually narrow the lanes by restriping the corridor with the following features in both directions: 8-foot parking lane, 5-foot bike lane, 2-foot buffer, 11-foot drive lane
- At the intersection of Ricardo Road and Seminary Drive, install a high visibility crosswalk on the east leg.

SEMINARY DRIVE AND HODGES DRIVE/GILBERT DRIVE

- Prohibit parking on the east side (project frontage) of Seminary between Hodges and Gilbert. Prohibit parking on the west side of Seminary for about 90 feet opposite Gilbert. Install red curb and signage.

- Install radar flashing speed feedback signs on northbound Seminary to the south of Gilbert in the segment where speed limit reduction from 35 mph to 25 mph occurs.

SEMINARY DRIVE AND CHAPEL DRIVE

- Extend the red curb on the northeast corner to the east about 100 feet to the existing driveway. Add bike lane icons and mark the bike lanes east of the intersection.

E. STRAWBERRY DRIVE FROM BELVEDERE DRIVE TO RICARDO LANE

- Restripe pavement markings and installed new signs along E. Strawberry Drive from Belvedere Drive to Harbor Cove Way.
- Install white flex posts along the west edge line adjacent to the crosswalk to prevent cars from bypassing queued vehicles waiting to enter the school parking lots on the shoulder.
- Install yellow flex posts on the center line between the recreation center driveway and Ricardo Lane to prevent pedestrians from crossing in this section.
- Install a raised crosswalk at the existing crosswalk and RRFP between the school and recreation center. This raised crosswalk, along with the crosswalk on the south leg of the E. Strawberry Drive/Belvedere intersection, would manage speeds along the segment of E. Strawberry Drive between Tiburon Boulevard and Ricardo Lane. This measure, including design plans, would require consultation and approval from the Southern Marin Fire District.

300 BLOCK OF E. STRAWBERRY DRIVE

- Install metal beam guardrail along the east (left) side of the southbound vehicle lane.

REDWOOD HIGHWAY FRONTAGE ROAD AND US 101 NORTHBOUND SEMINARY RAMPS

- Add a high visibility cross walk on the north leg with advanced stop bar.
- Install a No-Right-Turn-on-red signal head or blank-out sign for the southbound right turn that is activated when the pedestrian push button is activated on the north leg.
- Install bicycle conflict markings for southbound bikes through the intersection.

E. STRAWBERRY DRIVE AND BELVEDERE DRIVE

- Remove the free right turn lane from eastbound Tiburon Boulevard (SR 131) onto southbound E. Strawberry Drive that is in the southwest quadrant, with new curb extensions that reduce the right turn turning radii to 20-25 feet.
- Install a stop sign for northbound E. Strawberry at Belvedere Drive and a raised crosswalk across the south leg of the intersection.

It was determined in the Draft EIR that the project would not result in a substantial increase in transportation safety hazards, and the Existing Intersections Review Memorandum was prepared for the purpose of the County's review of project merits and/or voluntary enhancements by the project applicant. The findings of the Existing Intersections Review Memorandum do not change the adequacy of the analysis in the Draft EIR. Therefore, no change to the Draft EIR is warranted.

3.2.12 Master Response: Emergency Vehicle Access Mitigation Measure

This master response addresses comments received on Mitigation Measure 3.14-4 of the Draft EIR, which proposes either constructing a roundabout or installing a traffic signal at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol. The purpose of the mitigation measure is to address potential impacts to emergency response time by fire trucks from Southern Marin Fire District Strawberry Station 9 that use Ricardo Road as an egress route. As set forth in the Draft EIR, Mitigation Measure 3.14-4 proposed two options to address the potentially significant impact on emergency access. One would have been the construction of a roundabout at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol, and the other was the installation of a traffic signal with signal preemption for emergency responders. Comments indicated opposition to installation of a roundabout or traffic signal and asserted concerns regarding safety for pedestrians and cyclists compared to the existing all-way stop sign control.

Subsequent to identification of the roundabout as one of the mitigation measure choices in the Draft EIR, County staff worked with a consultant to develop a concept plan to explore the construction outcomes of a roundabout. The concept planning determined that a roundabout would infringe upon the adjacent marsh wetlands, causing a potential secondary environmental impact (e.g., habitat loss, fill in Bay Conservation and Development Commission (BCDC) Bay Jurisdiction, water quality, wildlife disturbance). As such, consultation with Southern Marin Fire District staff was conducted to explore the other mitigation option with traffic signal preemption approaches that would achieve the same benefits. The signal preemption approach, which is equivalent to the second option initially provided in Mitigation Measure 3.14-4, involves installing signal preemption at two existing traffic signals on Redwood Highway Frontage Road that are on the primary routes for first responders from the fire station to access US 101. Based on this consultation, Mitigation Measure 3.14-4 is modified to focus on and update the choice to install signal preemption, originally presented in the second paragraph of the Draft EIR mitigation measure. The updated description of signal preemptions would achieve the same mitigating benefits as previously determined in Impact 3.14-4 of the Draft EIR and does not change the analysis or conclusions of the Draft EIR.

ORIGINAL:

Mitigation Measure 3.14-4: Construct a Roundabout at the Intersection of Seminary Drive/Ricardo Road/Vista Del Sol

The project applicant shall construct a roundabout at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol. The design of the roundabout, and potential advance warning devices to stop traffic entering the roundabout when fire trucks are traveling through the intersection, shall be reviewed and approved by the Southern Marin Fire Protection District.

An alternative mitigation measure to the addition of a roundabout would be a traffic signal at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol with interconnect to the traffic signal at the Redwood Highway Frontage Road/Seminary Drive intersection. Emergency vehicle pre-emption devices shall be implemented at both intersection traffic signals. If the alternative traffic signal is implemented, design of the improvements shall be reviewed and approved by the Southern Marin Fire Protection District.

Significance after Mitigation

Mitigation Measure 3.14-3b would require the project applicant to widen any internal roadways that do not currently meet County roadway width standards. Implementation of Mitigation Measure 3.14-4 would require the project applicant to either construct a traffic signal or build a roundabout at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol to facilitate the movement of vehicles if and when emergency response is needed in the area. Mitigation Measures 3.14-3b and 3.14-4 would reduce impacts to emergency access. Therefore, the impact would be **less than significant with mitigation incorporated.**

REVISED:

Mitigation Measure 3.14-4: ~~Construct a Roundabout at the Intersection of Seminary Drive/Ricardo Road/Vista Del Sol~~ Install and Activate Emergency Vehicle Preemption Devices

The project applicant shall be responsible for designing, obtaining permits for, installing, and activating emergency vehicle preemption equipment subject to agency approvals and oversight. This includes emergency vehicle preemption detection technology in the traffic signals at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive. The project applicant shall also be responsible for purchasing, installing, and activating emergency vehicle preemption emitting devices in seven fire station vehicles housed at Strawberry Fire Station 9 (Southern Marin Fire District). The measures shall be in place and activated prior to increasing the student enrollment above 100 or the number of occupied residential units above 145. The emergency preemption vehicle technology shall be reviewed and approved by the Southern Marin Fire Protection District, Marin County Transportation Division, and Caltrans prior to installation ~~construct a roundabout at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol. The design of the roundabout, and potential advance warning devices to stop traffic entering the roundabout when fire trucks are traveling through the intersection, shall be reviewed and approved by the Southern Marin Fire Protection District~~.

~~An alternative mitigation measure to the addition of a roundabout would be a traffic signal at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol with interconnect to the traffic signal at the Redwood Highway Frontage Road/Seminary Drive intersection. Emergency vehicle preemption devices shall be implemented at both intersection traffic signals. If the alternative traffic signal is implemented, design of the improvements shall be reviewed and approved by the Southern Marin Fire Protection District~~.

Significance after Mitigation

Mitigation Measure 3.14-3b would require the project applicant to widen any internal roadways that do not currently meet County roadway width standards. Implementation of Mitigation Measure 3.14-4 would require the project applicant to purchase, install, and activate emergency vehicle preemption devices in the traffic signals at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive as well as seven fire station vehicles housed at Southern Marin Fire District Strawberry Fire Station 9. Mitigation Measure 3.14-4 would help maintain vehicular flow during emergency response by prioritizing right-of-way for emergency vehicles traveling from Fire Station 9 to US 101 ~~either construct a traffic signal or build a roundabout at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol to facilitate the movement of vehicles if and when emergency response is needed in the area~~. Mitigation Measures 3.14-3b and 3.14-4 would reduce impacts to emergency access. Therefore, the impact would be **less than significant with mitigation incorporated**.

3.2.13 Master Response: VMT Mitigation Measures

This master response addresses comments received on the mitigation measures proposed in the Draft EIR to address VMT impacts. Impact 3.14-2 of the Draft EIR identifies a significant VMT impact for proposed market rate residential units. Mitigation Measures 3.14-2a and 3.14-2b of the Draft EIR are proposed to reduce weekday home-based VMT per capita generated by the proposed market rate single family and multi-family uses. The VMT reduction measures proposed are the most feasible for the proposed market rate residential uses – upon review of *Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reduction from Greenhouse Gas Mitigation Measures* (CAPCOA 2010) developed by the California Air Pollution Control Officers Association (CAPCOA) - based on the project context and mix of uses. The 2010 CAPCOA report includes a section that describes transportation measures that may reduce greenhouse gas (GHG) emissions, as shown on Chart 6-2 on page 55 of the report. The majority of the transportation measures reduce GHG emission through the reduction of VMT.

The Draft EIR discussion of significance after implementation of Mitigation Measures 3.14-2a and -2b concludes that, while the measures may reduce VMT, the effectiveness cannot reliably be assured at this time based on a review of the 2010 CAPCOA guidance document described above, and the measures would not likely achieve the required VMT

reduction level to meet the threshold of 30 percent below existing average regional VMT per capita. This is primarily due to the fact that CAPCOA recommends a VMT reduction effectiveness maximum of 10 percent for projects located in suburban areas. As such, the project's VMT impact would be significant and unavoidable after implementation of mitigation.

Comments requested information on the effectiveness of individual measures and that the County require the project applicant to commit to specific VMT reduction measures. Most of the trip reduction measures described in mitigation measures would have a maximum VMT reduction effectiveness of one percent or less, including carpool/vanpool programs, bicycle infrastructure and related programs, or an on-site transportation coordinator. Public transit subsidies would also have limited VMT reduction effectiveness given the distance to the nearest transit stops and the limited available transit service. Measures that would have higher levels of effectiveness include dedicated employee or student housing for the adjacent campus, employer-sponsored shuttles or vanpools, and parking fees. Dedicated employee and/or student housing for the campus would be the most effective because it would create a walkable alternative to vehicle commuting with the housing and campus uses in close proximity. Employer-sponsored shuttles or vanpools are likely to be most effective when done in combination with parking fees for the campus.

The following excerpts from the 2010 CAPCOA document provide additional context for identifying the collective benefits of VMT reduction measures.

- "Mitigation measures are frequently implemented together with other measures. Often, combining measures can lead to better emission reductions than implementing a single measure by itself. Unfortunately, the effects of combining the measures are not always as straight forward as they might at first appear."
- "When more and more measures are implemented to mitigate a particular source of emissions, the benefit of each additional measure diminishes."
- "In fact, each successive measure is slightly less effective than predicted when implemented on its own."
- "On the other hand, some measures enhance the performance of a primary measure when they are combined."
- "Combining these measures can have a substantial impact on the quantification of associated emission reductions."

CAPCOA released an updated version of the guidance in October 2024 titled "Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity: Designed for Local Governments, Communities, and Project Developers" (CAPCOA 2024). The 2024 CAPCOA handbook provides similar guidance as the 2010 handbook on the applicability and effectiveness of land use and transportation measures for the proposed project with dedicated employee or student housing for the adjacent campus, employer-sponsored shuttles or vanpools, and parking fees as the most effective measures at reducing VMT.

Mitigation Measure 3.14-2a requires that the project applicant develop and implement a transportation demand management (TDM) program for market rate residential units to address forecast VMT impacts. The mitigation measure specifies a performance goal and indicates that the project applicant shall be responsible for funding and overseeing the delivery of trip reduction/TDM proposed programs. It includes a list of 10 trip reduction measures that would be most effective at reducing VMT for the market residential units. The list of trip reduction measures is provided to allow the flexibility to develop a TDM Program that is most effective in terms of combining supportive measures and one that responds to and evolves to address future changes in travel and market conditions.

Mitigation Measure 3.14-2a acknowledges, however, that given the likely higher income levels of the residents of market rate housing units and the distance to frequent transit service, traditional TDM measures to encourage increased use of transit, bicycle, or pedestrian travel could reduce VMT to a degree, but would not likely be feasible in reducing VMT by 39 percent. Mitigation Measure 3.14-2b would require a permanent dedication of a portion of the project's market rate residential units, within the limits of feasibility, to campus-affiliated residents (i.e., students, staff, and/or faculty) as a condition of approval. This measure is the most likely to be effective at reducing VMT for the project. This information is provided for clarification regarding Mitigation Measures 3.14-2a and 3.14-2b and does not change the analysis or conclusions of the Draft EIR. No change to the Draft EIR is warranted.

3.2.14 Master Response: Request for Near-Term LOS Analysis

This master response addresses requests to perform an additional near-term LOS analysis to address the proposed assisted living project on Knoll Road and housing sites identified in the Marin County Housing Element. The proposed Nijjar Living Trust Housing Project located at 70 Knoll Road located northeast of the US 101/Tiburon Boulevard-E. Blithedale Avenue interchange. The project would be an assisted living/memory care facility for senior citizens consisting of 72 total units, a central kitchen, common areas, and a below grade parking garage with 72 spaces. The units would have a total of 103 bedrooms. Site access would be provided via the intersection of Tiburon Boulevard and Knoll Road, located just east of the US 101/E. Blithedale-Tiburon Boulevard interchange. At full occupancy, the project would generate about 19 trips during the AM peak hour and 25 trips during the PM peak hour. Most of the added project trips would travel to and from the west to the US 101/E. Blithedale-Tiburon Boulevard interchange as they would be made by employees during their commute to and from the site. Given the location of the site on the north side of Tiburon Boulevard and the employee commute nature of peak hour trips generated by the proposed project, the added peak hour trips generated by the project are not anticipated to travel within the Strawberry community.

Four of the five other housing sites identified in the 2023–2031 Marin County Housing Element for potential development in the Strawberry area, other than the proposed project (identified as North Coast Seminary in Appendix C), are currently commercial properties along Redwood Highway Frontage Road. Redevelopment of these sites to multi-family housing is not expected to result in a significant increase overall vehicle trips compared with baseline vehicle trips, as the residential trip generation would likely be offset by the removal of existing retail uses. The remaining site, owned by the Strawberry Recreation District, is a vacant site on the Redwood Highway Frontage Road with 46 anticipated multi-family units that would generate approximately 30 peak hour trips. Based on consultation with County staff, there are no current applications for development of any of these sites.

In conclusion, the Nijjar Living Trust Housing Project would not add a measurable number of peak hour trips to routes within the Strawberry community and the study intersections given its location. There are no current applications for development of the five potential housing sites located in the Strawberry community, all of which would involve the replacement of retail uses with multi-housing uses. As such, a near-term analysis of LOS conditions would not yield different results than the existing and cumulative scenarios that are evaluated. Therefore, no change to the Draft EIR is warranted.

3.3 COMMENTS AND RESPONSES

The written individual comments received and oral comments made at the public hearing on the Draft EIR and the responses to those comments are provided below. The comment letters and oral comments made at the public hearing are reproduced verbatim in their entirety. No edits have been made to the original comments, and spelling, grammatical, and other errors have been retained.

3.3.1 Agencies

Letter A1 California Department of Toxic Substances Control

Tamara Purvis, Associate Environmental Planner
CEQA Unit-Permitting – HWMP
August 13, 2024

Comment A1-1

1. DTSC recommends the Marin County Community Development Agency enter into DTSC's Standard Voluntary Agreement (SVA) program so a proper evaluation of the Project is completed. If entering into an SVA with DTSC, the FLUXX portal link is provided and the page also has a link to the Fluxx User Guide that can help you navigate the system. You will need to create a new profile and once in the system, click "Start a Request for Lead Agency Oversight Application." DTSC recommends that once the SVA is signed, a Preliminary Endangerment Assessment Report (PEA Report) be submitted for DTSC review. The PEA Report shall summarize all existing data and provide

an evaluation of the possible risk to current and future users of the site. If you have any questions about the application portal, please contact the DTSC Brownfield Coordinator Gregory Shaffer or contact the Application Portal Inbox

Response A1-1

The comment provides instructions on how to, and recommends that the Marin County Community Development Agency, enter into the California Department of Toxic Substances Control's (DTSC's) SVA Program. The County appreciates the information provided on DTSC's SVA Program. While the County has not previously participated in the program and does not intend to submit an application for the proposed project, the County may do so for other projects in the future as needed. A Phase I Environmental Site Assessment (Phase I) was prepared for the project site and is included in the Draft EIR in Appendix M. No Recognized Environmental Concerns were identified in the Phase I and the EIR concluded less than significant impacts for hazards and hazardous materials. In addition, the proposed project would comply with all applicable regulations related to asbestos- and lead-containing materials. Furthermore, the proposed project would not include any uses that would involve the routine use, transport, or disposal of hazardous materials during operations and all medical supplies and waste generated by the residential care facility would be stored, used, handled, and disposed of in accordance with applicable federal, state, and local regulations.

Comment A1-2

2. DTSC recommends that all imported soil and fill material should be tested to assess any contaminants of concern meet screening levels as outlined in DTSC's Preliminary Endangerment Assessment (PEA) Guidance Manual. Additionally, DTSC advises referencing the DTSC Information Advisory Clean Imported Fill Material Fact Sheet if importing fill is necessary. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material are suitable for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of the prior land use. Additional information can be found by visiting DTSC's Human and Ecological Risk Office (HERO) webpage. DTSC believes the Marin County Community Development Agency must address these comments to determine if any significant impacts under the California Environmental Quality Act (CEQA) will occur and, if necessary, avoid significant impacts under CEQA. DTSC may provide additional comments on the DEIR as further information becomes available.

Response A1-2

The comment recommends that all imported soil and fill material be tested to assess any contaminants of concern to ensure that they meet screening levels as outlined in DTSC's PEA Guidance Manual. As described on page 2-28 in Chapter 2, "Project Description," of the Draft EIR, the project would require approximately 220,000 cubic yards of cut and fill, which would be balanced on-site. As such, no imported fill would be required to implement the proposed project. Therefore, no changes to the Draft EIR are required in response to this comment.

Letter A2 California Department of Fish and Wildlife

Erin Chappell, Regional Manager, Bay Delta Region
September 10, 2024

Comment A2-1

California Endangered Species Act and Native Plant Protection Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA or NPPA either during construction or over the life of the Project. **According to the draft EIR, the Project has the potential to impact Santa Cruz tarplant (Holocarpha macradenia) and San Francisco popcornflower (Plagiobothrys diffuses), both CESA listed as endangered species, North Coast semaphore grass (Pleuropogon hooverianus), a CESA listed as threatened species, and Adobe sanicle (Sanicula maritima), an NPPA listed as rare species.** Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain an ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, & 15065.). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with CESA.

California Fully Protected Species

Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research,
- Efforts to recover a fully protected, endangered, or threatened species, live capture and relocation of a bird species for the protection of livestock, or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish and Game Code, §§ 3511, 4700, 5050, & 5515).

Specified types of infrastructure projects may be eligible for an ITP for unavoidable impacts to fully protected species if certain conditions are met (Fish and Game Code § 2081.15). Project proponents should consult with CDFW early in the Project planning process. **The Project has the potential to impact California Ridgway's rail (*Rallus obsoletus obsoletus*), a California fully protected and CESA listed as endangered species, and California black rail (*Laterallus jamaicensis coturniculus*), a California fully protected and CESA listed as threatened species.**

Response A2-1

The comment advises that an incidental take permit (ITP) must be obtained if take of species listed under CESA or NPPA, encourages early consultation with the California Department of Fish and Wildlife (CDFW), and describes the CEQA documentation required for CDFW to issue a permit. The comment also describes the California Fish and Game Code (CFGC) requirements regarding fully protected species including California Ridgeways' rail and California black rail. This comment describes the commenter's understanding of the administrative procedures and protections with respect to regulations and does not comment on the adequacy of the Draft EIR. Draft EIR Section 3.4.1. "Regulatory Setting" includes reference to CESA and CFGC related to fully protected species. This section has been revised to also include reference to the Native Plant Protection Act, which provides exceptions to the general prohibition on the "take" of endangered and threatened species found in CFGC Section 21080. This revision does not add any additional protections that were not already required under law and does not change the significance or conclusions in the Draft EIR.

REVISED:

Native Plant Protection Act

The Native Plant Protection Act (NPPA) (California Fish and Game Code Section 1900 et seq.) allows the California Fish and Game Commission to designate plants as rare or endangered. Sixty-four species, subspecies, and varieties of plants are protected as rare under the NPPA. The act prohibits take of endangered or rare native plants but includes exceptions for agricultural and nursery operations; for emergencies; and, after proper notification of CDFW, for vegetation removal from canals, roads, and other building sites, changes in land use, and other situations.

More specifically, Fish and Game Code section 1913, subdivision (b), provides, in pertinent part, that "the removal of endangered or rare native plants from a … building site, or road, or other right-of-way by the owner of the land or his agent, … shall not be restricted by this chapter because of the presence of rare or endangered plants, except as provided in subdivision (c) of this section."

In turn, subdivision (c), provides, in pertinent part, that "where the owner of land has been notified by [CDFW] pursuant to Section 1903.5 that a rare or endangered native plant is growing on such land, the owner shall notify [CDFW] at least 10 days in advance of changing the land use to allow for salvage of such

plant. The failure by the department to salvage such plant within 10 days of notification shall entitle the owner of the land to proceed without regard to this chapter."

Comment A2-2

CDFW offers the comments and recommendations below, which are also included in **Attachment 1 Draft Mitigation Monitoring and Reporting Program**, to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

I. Mitigation Measure and Environmental Setting Related Impact Shortcomings

MANDATORY FINDINGS OF SIGNIFICANCE. Does the Project have potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species? Does the Project have impacts that are individually limited, but cumulatively considerable?

AND

Would the Project 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 CDFW or U.S. Fish and Wildlife Service?

COMMENT 1: Santa Cruz tarplant, San Francisco popcornflower, North Coast semaphore grass, and Adobe sanicle, draft EIR pages 3.4-17 and 3.4-18.

Issue: The draft EIR mitigation measure 3.4-1a does not adequately mitigate potential impacts to Santa Cruz tarplant, San Francisco popcornflower, North Coast semaphore grass, and Adobe sanicle.

Specific impacts, why they may occur and be potentially significant: If habitat assessments or surveys for the Santa Cruz tarplant, San Francisco popcornflower, North Coast semaphore grass, and Adobe sanicle are not conducted accurately or if the Project does not obtain a CESA ITP for impacts to the above plant species, potential impacts these species may not be mitigated to less-than-significant. These plant species are considered threatened, endangered, or rare under CEQA pursuant to CEQA Guidelines section 15380. Therefore, if they are present on or directly adjacent to the project site where they would be directly or indirectly impacted, the Project may substantially reduce the number or restrict the range of these species, which would be a *mandatory finding of significance* pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommended Mitigation Measure: To reduce potential impacts to Santa Cruz tarplant, San Francisco popcornflower, North Coast semaphore grass, and Adobe sanicle to less-than-significant and comply with CESA and NPPA, CDFW recommends including the following mitigation measure in the draft EIR, in addition to the draft EIR's existing mitigation measures for plants.

CESA and NPPA listed plants habitat assessment, surveys, and permitting: The Project shall obtain CDFW's written approval of habitat assessments and survey reports for Santa Cruz tarplant, San Francisco popcornflower, North Coast semaphore grass, and Adobe sanicle prior to Project construction. Surveys shall be conducted during appropriate conditions and include, but not be limited to, visiting reference populations, and adhere to CDFW's 2018 *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (see: https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants), unless otherwise approved in writing by CDFW. If the Project would directly or indirectly impact Santa Cruz tarplant, San Francisco popcornflower, North Coast semaphore grass, and Adobe sanicle, which are CESA and NPPA listed plants, the Project shall obtain a CESA ITP from CDFW prior to Project construction and comply with the ITP.

Response A2-2

The comment states that Mitigation Measure 3.4-1a does not adequately mitigate potential impacts to Santa Cruz tarplant, San Francisco popcornflower, North Coast semaphore grass, and Adobe sanicle; and suggests additional steps to fully mitigate impacts. As set forth in the Draft EIR, Mitigation Measure 3.4-1a includes a requirement to conduct surveys following the 2018 *CDFW Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* prior to vegetation removal or construction as suggested in the

comment. The additional steps suggested in the comment involving CDFW review and approval of survey reports, are administrative in nature and would not substantially change the protection to special-status plants provided by Mitigation Measure 3.4-1a. In response to this comment, the text of Mitigation Measure 3.4-1a has been revised to include CDFW review and comment on survey reports and measures taken to avoid or compensate for impacts to these species. This revision involves a minor clarification and does not change the analysis or conclusions of the Draft EIR. Because the mitigation requires the avoidance of any net loss of any identified CESA and NPPA listed plants, the proposed project, as mitigated, would not result in any substantial reduction in the number or restriction of the range of such plant species.

ORIGINAL:

Mitigation 3.4-1a: Avoid and Minimize Impacts to Special-Status Plants

To avoid and minimize potential impacts to special-status botanical species, prior to construction, the applicant shall implement the following measures.

- Prior to site preparation, vegetation removal, or construction, a qualified botanist shall conduct surveys following the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (current version dated March 20, 2018) (CDFW 2018) during the blooming period for the species shown in Table 3.4-1 in areas where potentially suitable habitat for these species would be disturbed by project activities (e.g., perennial and annual grasslands, coastal scrub, coastal oak woodland, closed-cone pine-cypress) (Figure 3.4-1, "Land Cover on the Project Site"). Surveys are not required in habitat that does not have the potential to support special-status plants (i.e., developed, disturbed, and landscaped areas).
- If special-status botanical species are found on the project site but are located outside of work areas or can be avoided, the applicant shall establish and maintain a 15-foot buffer around special-status plants to be retained, to prevent direct and indirect disturbance to the plants. The size of the buffer may be modified by a qualified botanist considering the species present, the work to be performed adjacent to the plants, and other appropriate variables.
    - If special-status plants are found during rare plant surveys and cannot be avoided, the applicant's qualified botanist shall make a formal recommendation in writing to the County of Marin for review, regarding the appropriate compensation to offset the loss of occupied habitat or individuals. Mitigation measures may include, but are not limited to, measures such as preserving and enhancing existing populations in portions of the project site outside of the development footprint (the Woodland Buffer [Figure 2-3, "Project Site Planning Areas"]), creating off-site populations on mitigation sites through seed collection or transplantation at a 1:1 ratio, and restoring or creating suitable habitat in sufficient quantities to achieve a minimum of a no net loss 1:1 replacement of occupied habitat and individuals. Potential mitigation sites could include suitable locations within or outside of the project site. The implementing party shall develop and implement a site-specific mitigation strategy describing how unavoidable losses of special-status plants shall be compensated. Success criteria for preserved and compensatory populations shall include:

  The extent of occupied area and plant density (number of plants per unit area) in compensatory populations shall be equal to or greater than the affected occupied habitat for a no net loss of occupied habitat.

  Compensatory and preserved populations shall be self-producing. Populations shall be considered self-producing when:

    - plants reestablish annually for a minimum of five years with no human intervention such as supplemental seeding; and
    - reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the Project vicinity.

If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures shall be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as those listed above and other details, as appropriate to target the preservation of long-term viable populations.

The applicant shall provide the County of Marin with the results of surveys conducted. If special-status plants are found during surveys and measures are taken to avoid or compensate for removal of these plants, the applicant shall send a report detailing the measures taken to the County of Marin.

REVISED:

Mitigation 3.4-1a: Avoid and Minimize Impacts to Special-Status Plants

To avoid and minimize potential impacts to special-status botanical species, prior to construction, the applicant shall implement the following measures.

- Prior to site preparation, vegetation removal, or construction, a qualified botanist shall conduct surveys following the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (current version dated March 20, 2018) (CDFW 2018) during the blooming period for the species shown in Table 3.4-1 in areas where potentially suitable habitat for these species would be disturbed by project activities (e.g., perennial and annual grasslands, coastal scrub, coastal oak woodland, closed-cone pine-cypress) (Figure 3.4-1, "Land Cover on the Project Site"). Surveys are not required in habitat that does not have the potential to support special-status plants (i.e., developed, disturbed, and landscaped areas).
- If special-status botanical species are found on the project site but are located outside of work areas or can be avoided, the applicant shall establish and maintain a 15-foot buffer around special-status plants to be retained, to prevent direct and indirect disturbance to the plants. The size of the buffer may be modified by a qualified botanist considering the species present, the work to be performed adjacent to the plants, and other appropriate variables.
    - If special-status plants are found during rare plant surveys and cannot be avoided, the applicant's qualified botanist shall make a formal recommendation in writing to the County of Marin <u>and CDFW</u> for review, regarding the appropriate compensation to offset the loss of occupied habitat or individuals. <u>If direct or indirect impacts to CESA or NPPA listed plants are identified, the applicant will consult with CDFW to learn whether CDFW asserts that an Incidental Take Permit is required notwithstanding the exceptions found in CDFG Section 1913. Regardless of whether an ITP is required, m</u>itigation measures <u>shall be required if CESA or NPPA listed plants are found on site. These measures, which shall be required by the County in the absence of an ITP, shall be sufficient to ensure the avoidance of any net loss of such plants. Measures</u> may include, but are not limited to, ~~measures such as~~ preserving and enhancing existing populations in portions of the project site outside of the development footprint (the Woodland Buffer [Figure 2-3, "Project Site Planning Areas"]), creating off-site populations on mitigation sites through seed collection or transplantation at a 1:1 ratio, and restoring or creating suitable habitat in sufficient quantities to achieve a minimum of a no net loss 1:1 replacement of occupied habitat and individuals. Potential mitigation sites could include suitable locations within or outside of the project site. The implementing party shall develop and implement a site-specific mitigation strategy describing how unavoidable losses of special-status plants shall be compensated. Success criteria for preserved and compensatory populations shall include:

The extent of occupied area and plant density (number of plants per unit area) in compensatory populations shall be equal to or greater than the affected occupied habitat for a no net loss of occupied habitat.

Compensatory and preserved populations shall be self-producing. Populations shall be considered self-producing when:

- plants reestablish annually for a minimum of five years with no human intervention such as supplemental seeding; and
- reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the Project vicinity.

If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures shall be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as those listed above and other details, as appropriate to target the preservation of long-term viable populations.

The applicant shall provide the County of Marin and CDFW with the results of surveys conducted. If special-status plants are found during surveys and measures are taken to avoid or compensate for removal of these plants, the applicant shall send a report detailing the measures taken to the County of Marin and CDFW.

Comment A2-3

COMMENT 2: California Ridgway's rail and California black rail, draft EIR Appendix F, Page A-14.

Issue: The draft EIR did not identify potential impacts to California Ridgway's rail (CRR) and California black rail that may nest within 700 feet of Project site, the distance at which these species may be disturbed. California black rail were detected in 2022 within the Bothin Marsh Preserve, located approximately 3,000 feet west of the Project site, according to Point Blue survey data and California Ridgway's rail was detected in 2006 and 2008 within the same area according to California Natural Diversity Data Base (CNDDB) unprocessed records. These detections indicate that California black rail and California Ridgway's rail occur in the vicinity of the Project, and there is potentially suitable nesting habitat for them, at approximately 37.890024°N, -122.513562°W, within 700 feet of the Project site.

Specific impacts, why they may occur and be potentially significant: The Project has the potential to impact nesting California black rail and California Ridgway's rail through auditory or visual disturbances above ambient levels. Disturbances from Project activities within 700 feet of suitable nesting habitat may result in California black rail and California Ridgway's rail nest abandonment and loss of eggs or reduced health and vigor and loss of young. Although residential development and Seminary Drive are located between the Project site and potentially suitable nesting habitat, audio and visual disturbances may not be significantly reduced because the Project site appears

to be on a hill within directly line of site of such habitat. California black rail and California Ridgway's rail are CESA listed as threatened and endangered species and therefore are considered to be a threatened or endangered species pursuant to CEQA Guidelines section 15380. Therefore, if an active California black rail or California Ridgway's rail nest is disturbed by the Project, the Project may result in a substantial reduction in the number of a threatened or endangered species, which is considered a *mandatory finding of significance* pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommended Mitigation Measures: To reduce potential impacts to California Ridgway's rail and California black rail to less-than-significant and comply with Fish and Game Code section 3511 (fully protected avian species), CDFW recommends including the following mitigation measures in the draft EIR.

California Ridgway's rail and California black rail habitat assessment, surveys, and avoidance: The Project shall map the location of potentially suitable California Ridgway's rail and California black rail nesting habitat within 700 feet of the Project site and obtain CDFW's written approval of the mapping prior to Project construction. Any Project activities within 700 feet of potentially suitable California black rail and California Ridgway's rail nesting habitat shall be avoided during the breeding season, (January 15 to August 31 for California Ridgway's rail, February 1 to August 31 for California black rail), each year unless appropriately timed, yearly protocol level surveys are conducted and survey methodology and results are submitted to and accepted in writing by CDFW, or the Project implements noise and

visual avoidance measures below. Surveys shall focus on suitable habitat that may be disturbed by Project activities during the breeding season to ensure that California Ridgway's rail or California black rail are not nesting in these locations.

If breeding California Ridgway's rail or California black rail are determined to be present, no activities, visual disturbance (direct line of sight) and/or an increase in the ambient noise level shall occur within 700 feet of areas where California Ridgway's rail or California black rail have been detected during the breeding season.

If work must be done during the breeding season within 700 feet of California Ridgway's rail or California black rail nesting habitat, and annual surveys have not documented California Ridgway's rail and California black rail absence, noise levels shall not exceed 10 dBA over existing ambient noise levels and a noise attenuating fence and/or visual barrier shall be installed to reduce visual and/or acoustic impacts. In this case, the Project shall prepare a noise and visual avoidance plan and obtain CDFW's written approval of the plan, and implement the CDFW- plan, prior to conducting Project activities.

Response A2-3

The comment states that the project did not identify potential impacts to California Ridgway's rail and California black rail that may nest within 700 feet of Project site, and that avoidance measures are required to reduce impacts to these species. Appendix F of the Draft EIR identified that habitat for California Ridgway's rail and California black rail does not occur within the project site and that habitat for these species occurs across Seminary Drive. While the majority of the project site is greater than 700 feet from this habitat or is screened from this habitat by vegetation and existing development from most project activities, outdoor construction activities that occur within the Shuck Drive Knoll portion of the project site are within 700 feet and lack screening. The text of Impact 3.4.4 has been revised to reflect that Mitigation Measure 3.11-1, "Prepare and Implement a Construction Noise Control Plan," would require various measures that would reduce construction noise including use of temporary noise curtains that would reduce noise and visual disturbance to nesting habitat for California black rail and California Ridgway's rail from outside construction activities on Shuck Drive Knoll; however, outdoor construction activities that occur within 700 feet of nesting habitat during the nesting season for California Ridgway's rail and California black rail may still result in impacts to these species due to nest disturbance. Mitigation Measure 3.4-4 has also been revised to include a requirement for work to occur outside of the California Ridgway's rail and California black rail nesting season, or if work is required during the nesting season, a requirement that surveys be conducted, and 700 foot no disturbance buffers be placed around any California Ridgway's rail or California black rail nests found during the required survey. These revisions represent minor modifications to the EIR because they incorporate the existing text from Mitigation Measure 3.11-1, and revisions to the existing Mitigation Measure 3.4-4 to extend the survey area for nesting birds, and the existing nesting season protections to California black rail and California Ridgway's rail.

ORIGINAL:

Trees in the less disturbed northern portions of the project site, such as within the Woodland Buffer, and along Seminary Drive provide nesting habitat for white-tailed kite. Vegetation clearing for fuels management, and construction activities within and adjacent to these areas may result in the disturbance of active white-tailed kite nests if these activities occur during the white-tailed kite nesting season (February 1 to October 31). The nesting season for White-tailed kite extends beyond the nesting season requirements of Section 22.20.040, and the disturbance of white-tailed kite nests may still occur with the implementation of the avoidance measures in the section.

While vegetation would be removed for fuels management and during construction of the project, oaks would be replanted on the project site, which would provide habitat for white-tailed kite, along with other landscaping that provides habitat for common nesting birds (Section 2.6.3, "Landscaping, Wildfire Resilience and Site Improvements"). Therefore, the project would not result in a substantial reduction of nesting habitat. In addition, the project site is currently subject to human disturbance and maintenance activities, and additional ongoing use of the site is not anticipated to further reduce the suitability of the habitat for nesting by common nesting birds or white-tailed kite.

The project would not substantially reduce the habitat for white-tailed kite or common nesting birds, or cause the population of common bird species to self-sustaining levels. However, disturbance of active nests of white-tailed kite could result in abandonment of the nest and loss of eggs and young, which could result in substantial reduction of the numbers of white-tailed kites and cause the local population white-tailed kite to be reduced below self-sustaining levels, Therefore, the impact of the project on the species would be potentially significant.

Mitigation 3.4-4: Avoid Disturbance of White-tailed Kite

To avoid or minimize impacts to nests of white-tailed kite, the applicant shall implement the following measures.

- The applicant may choose to schedule site preparation, construction, demolition, grading, or vegetation clearing after October 31 or before February 1 to avoid the nesting period for white-tailed kite within or adjacent to suitable nesting habitat for the species (e.g., the Woodland Buffer and along Seminary Drive).
- If work is required during the white-tailed kite nesting season (February 1 to October 31), a qualified biologist, retained by the applicant, shall conduct a pre-construction survey prior to site preparation, demolition, grading, or vegetation clearing to identify white-tailed kite nests within 500 feet of work area as access allows. The survey shall be conducted no more than 7 calendar days before the beginning of construction demolition, grading, or vegetation clearing. If project activity ceases for 7 days or longer, resurvey shall be conducted prior to restarting activities.
- If white-tailed kite nests are located, no construction shall occur within 500 feet of the nest during the nesting season or until the young have fledged, as determined by a qualified biologist.
- A report describing the methods and results of any nest pre-construction surveys conducted, and any nest buffers implemented shall be submitted to the County.

REVISED:

Trees in the less disturbed northern portions of the project site, such as within the Woodland Buffer, and along Seminary Drive provide nesting habitat for white-tailed kite. Vegetation clearing for fuels management, and construction activities within and adjacent to these areas may result in the disturbance of active white-tailed kite nests if these activities occur during the white-tailed kite nesting season (February 1 to October 31). The nesting season for White-tailed kite extends beyond the nesting season requirements of Section 22.20.040, and the disturbance of white-tailed kite nests may still occur with the implementation of the avoidance measures in the section.

Nesting habitat for California black rail and California Ridgway's rail is not present within the project site and is separated and screened by vegetation and existing development from most project activities. However, some outdoor construction activities that occur within the Shuck Drive Knoll portion of the project would lack screening from marsh habitat that is potentially suitable for nesting by California black rail and California Ridgway's rail. Mitigation Measure 3.11-1, "Prepare and Implement a Construction Noise Control Plan," would require various measures that would reduce construction noise including use of temporary noise curtain that would reduce noise and visual disturbance to nesting habitat for California black rail and California Ridgway's rail from outside construction activities on Shuck Drive Knoll. However, outdoor construction activities that occur within 700 feet of potentially suitable marsh habitat could still result in disturbance of nests and loss of eggs and young if these activities occur within the nesting season for California black rails (February 1 to August 31) and California Ridgway's rails (January 15 to August 31). The nesting season for these species extends beyond the nesting season requirements of Section 22.20.040, and the disturbance of nests may still occur with the implementation of the avoidance measures in the section.

While vegetation would be removed for fuels management and during construction of the project, oaks would be replanted on the project site, which would provide habitat for white-tailed kite, along with other landscaping that provides habitat for common nesting birds (Section 2.6.3, "Landscaping, Wildfire Resilience

and Site Improvements"). Therefore, the project would not result in a substantial reduction of nesting habitat. In addition, the project site is currently subject to human disturbance and maintenance activities, and additional ongoing use of the site is not anticipated to further reduce the suitability of the habitat for nesting by common nesting birds or ~~white-tailed kite.~~ special-status birds.

The project would not substantially reduce the habitat for ~~white-tailed kite~~ special-status birds, or common nesting birds, or cause the population of common bird species to self-sustaining levels. However, disturbance of active nests of ~~white-tailed kite~~ special-status birds could result in abandonment of the nest and loss of eggs and young, which could result in substantial reduction of the numbers of ~~white-tailed kites~~ special-status birds and cause the local populations ~~white-tailed kite~~ of these species to be reduced below self-sustaining levels. Therefore, the impact of the project on the species would be **potentially significant**.

Mitigation 3.4-4: Avoid Disturbance of ~~White-tailed Kite~~ Special-Status Birds

To avoid or minimize impacts to nests of white-tailed kite, the applicant shall implement the following measures.

- The applicant may choose to schedule site preparation, construction, demolition, grading, or vegetation clearing after October 31 or before February 1 to avoid the nesting period for white-tailed kite within or adjacent to suitable nesting habitat for the species (e.g., the Woodland Buffer and along Seminary Drive).
- If work is required during the white-tailed kite nesting season (February 1 to October 31), a qualified biologist, retained by the applicant, shall conduct a pre-construction survey prior to site preparation, demolition, grading, or vegetation clearing to identify white-tailed kite nests within 500 feet of work area as access allows. The survey shall be conducted no more than 7 calendar days before the beginning of construction demolition, grading, or vegetation clearing. If project activity ceases for 7 days or longer, resurvey shall be conducted prior to restarting activities.
- If white-tailed kite nests are located, no construction shall occur within 500 feet of the nest during the nesting season or until the young have fledged, as determined by a qualified biologist.

To avoid impacts to nests of California black rail and California Ridgway's rail, the applicant shall implement the following measures.

- The applicant may choose to schedule site preparation, outside construction, demolition, grading, or vegetation clearing within 700 feet of marsh habitat potentially suitable for nesting by California black rail and California Ridgway's rail after August 31 or before January 15 to avoid the nesting period for these species.
- If work is required during the California black rail and California Ridgway's rail nesting season (January 15 to August 31), a qualified biologist, retained by the applicant, shall conduct a pre-construction survey prior to site preparation, demolition, grading, or vegetation clearing to identify California black rail and California Ridgway's rail nests within 700 feet of the project site. The survey shall be conducted no more than 7 calendar days before the beginning of construction demolition, grading, or vegetation clearing. If project activity ceases for 7 days or longer, resurvey shall be conducted prior to restarting activities.
- If California black rail and California Ridgway's rail nests are located, no site preparation, construction, demolition, grading, or vegetation clearing shall occur within 700 feet of the nest during the nesting season or until the young have fledged, as determined by a qualified biologist. The distance of this buffer may be reduced to an adequately protective distance by a qualified biologist in contact with CDFW based on topographic and vegetative screening, use of a temporary noise curtain between the activity and the nest, the nature of the proposed development activities potentially affecting the nest, the nest occupants' habituation to existing or ongoing activity, nest concealment (i.e., whether there are visual or acoustic barriers between the proposed activity and the nest), what (if any) nest monitoring is proposed, and other factors.

A report describing the methods and results of any nest pre-construction surveys conducted, and any nest buffers implemented shall be submitted to the County.

Comment A2-4
ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to CNDDB. The CNNDB field survey form can be filled out and submitted online at the following link:

https://wildlife.ca.gov/Data/CNDDB/Submitting-Data.

The types of information reported to CNDDB can be found at the following link:

https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

Response A2-4
The comment describes the requirement in the public resources code for information developed in environmental impacts reports to be incorporated into a database. The comment requests that to fulfill this requirement that special status species and community data from project surveys be reported to the California Natural Diversity Database. In compliance with PRC 21003 (e) the Draft EIR was submitted to the State Clearinghouse on July 17, 2024. This comment references existing administrative requirements for reporting and does not address the adequacy of the analysis in the Draft EIR. No revisions to the Draft EIR are required to address this comment.

Comment A2-5
ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (See Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

Response A2-5
The comment states the proposed project would have an impact on fish and/or wildlife and filing fees are required upon filing the Notice of Determination. The County will pay all applicable fees upon filing of the Notice of Determination.

Comment A2-6

Mitigation Measure (MM)	Description	Timing	Responsible Party
3.4-1a	**CDFW recommends including the following mitigation measure in the EIR, in addition to the EIR's existing mitigation measures for plants.** *CESA and NPPA listed plants habitat assessment, surveys, and permitting:* The Project shall obtain CDFW's written approval of habitat assessments and survey reports for Santa Cruz tarplant, San Francisco popcornflower, North Coast semaphore grass, and Adobe sanicle prior to Project construction. Surveys shall be conducted during appropriate conditions and include, but not be limited to, visiting reference populations, and adhere to CDFW's 2018 *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (see: https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants), unless otherwise approved in writing by CDFW. If the Project would directly or indirectly impact Santa Cruz tarplant, San Francisco popcornflower, North Coast semaphore grass, and Adobe sanicle, which are CESA and NPPA listed plants, the Project shall obtain a CESA ITP from CDFW prior to Project construction and comply with the ITP.	Prior to Ground Disturbance and for Duration of Construction	Project Applicant

Response A2-6

This comment is a tabular form of comment A2-2. See Response A2-2. As discussed in Response A2-2, in response to this comment, the text of Mitigation Measure 3.4-1a has been revised to include CDFW review and comment on survey reports and measures taken to avoid or compensate for impacts to these species. This revision involves a minor clarification and does not change the analysis or conclusions of the Draft EIR.

ORIGINAL:

Mitigation 3.4-1a: Avoid and Minimize Impacts to Special-Status Plants

To avoid and minimize potential impacts to special-status botanical species, prior to construction, the applicant shall implement the following measures.

- Prior to site preparation, vegetation removal, or construction, a qualified botanist shall conduct surveys following the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (current version dated March 20, 2018) (CDFW 2018) during the blooming period for the species shown in Table 3.4-1 in areas where potentially suitable habitat for these species would be disturbed by project activities (e.g., perennial and annual grasslands, coastal scrub, coastal oak woodland, closed-cone pine-cypress) (Figure 3.4-1, "Land Cover on the Project Site"). Surveys are not required in habitat that does not have the potential to support special-status plants (i.e., developed, disturbed, and landscaped areas).
- If special-status botanical species are found on the project site but are located outside of work areas or can be avoided, the applicant shall establish and maintain a 15-foot buffer around special-status plants to be retained, to prevent direct and indirect disturbance to the plants. The size of the buffer may be modified by a qualified botanist considering the species present, the work to be performed adjacent to the plants, and other appropriate variables.
    - If special-status plants are found during rare plant surveys and cannot be avoided, the applicant's qualified botanist shall make a formal recommendation in writing to the County of Marin for review, regarding the appropriate compensation to offset the loss of occupied habitat or individuals. Mitigation measures may include, but are not limited to, measures such as preserving and enhancing existing populations in portions of the project site outside of the development footprint (the Woodland Buffer [Figure 2-3, "Project Site Planning Areas"]), creating off-site populations on mitigation sites through seed collection or transplantation at a 1:1 ratio, and restoring or creating suitable habitat in sufficient quantities to achieve a minimum of a no net loss 1:1 replacement of

occupied habitat and individuals. Potential mitigation sites could include suitable locations within or outside of the project site. The implementing party shall develop and implement a site-specific mitigation strategy describing how unavoidable losses of special-status plants shall be compensated. Success criteria for preserved and compensatory populations shall include:

The extent of occupied area and plant density (number of plants per unit area) in compensatory populations shall be equal to or greater than the affected occupied habitat for a no net loss of occupied habitat.

Compensatory and preserved populations shall be self-producing. Populations shall be considered self-producing when:

- plants reestablish annually for a minimum of five years with no human intervention such as supplemental seeding; and
- reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the Project vicinity.

If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures shall be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as those listed above and other details, as appropriate to target the preservation of long-term viable populations.

The applicant shall provide the County of Marin with the results of surveys conducted. If special-status plants are found during surveys and measures are taken to avoid or compensate for removal of these plants, the applicant shall send a report detailing the measures taken to the County of Marin.

REVISED:

Mitigation 3.4-1a: Avoid and Minimize Impacts to Special-Status Plants

To avoid and minimize potential impacts to special-status botanical species, prior to construction, the applicant shall implement the following measures.

- Prior to site preparation, vegetation removal, or construction, a qualified botanist shall conduct surveys following the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (current version dated March 20, 2018) (CDFW 2018) during the blooming period for the species shown in Table 3.4-1 in areas where potentially suitable habitat for these species would be disturbed by project activities (e.g., perennial and annual grasslands, coastal scrub, coastal oak woodland, closed-cone pine-cypress) (Figure 3.4-1, "Land Cover on the Project Site"). Surveys are not required in habitat that does not have the potential to support special-status plants (i.e., developed, disturbed, and landscaped areas).
- If special-status botanical species are found on the project site but are located outside of work areas or can be avoided, the applicant shall establish and maintain a 15-foot buffer around special-status plants to be retained, to prevent direct and indirect disturbance to the plants. The size of the buffer may be modified by a qualified botanist considering the species present, the work to be performed adjacent to the plants, and other appropriate variables.
    - If special-status plants are found during rare plant surveys and cannot be avoided, the applicant's qualified botanist shall make a formal recommendation in writing to the County of Marin <u>and CDFW</u> for review, regarding the appropriate compensation to offset the loss of occupied habitat or individuals. <u>If direct or indirect impacts to CESA or NPPA listed plants are identified, the applicant will consult with CDFW to learn whether CDFW asserts that an Incidental Take Permit is required notwithstanding the exceptions found in CDFG Section 1913. Regardless of whether an ITP is required, m</u>itigation measures <u>shall be required if CESA or NPPA listed plants are found on site.</u>

These measures, which shall be required by the County in the absence of an ITP, shall be sufficient to ensure the avoidance of any net loss of such plants. Measures may include, but are not limited to, ~~measures such as~~ preserving and enhancing existing populations in portions of the project site outside of the development footprint (the Woodland Buffer [Figure 2-3, "Project Site Planning Areas"]), creating off-site populations on mitigation sites through seed collection or transplantation at a 1:1 ratio, and restoring or creating suitable habitat in sufficient quantities to achieve a minimum of a no net loss 1:1 replacement of occupied habitat and individuals. Potential mitigation sites could include suitable locations within or outside of the project site. The implementing party shall develop and implement a site-specific mitigation strategy describing how unavoidable losses of special-status plants shall be compensated. Success criteria for preserved and compensatory populations shall include:

The extent of occupied area and plant density (number of plants per unit area) in compensatory populations shall be equal to or greater than the affected occupied habitat for a no net loss of occupied habitat.

Compensatory and preserved populations shall be self-producing. Populations shall be considered self-producing when:

- plants reestablish annually for a minimum of five years with no human intervention such as supplemental seeding; and
- reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the Project vicinity.

If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures shall be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as those listed above and other details, as appropriate to target the preservation of long-term viable populations.

The applicant shall provide the County of Marin and CDFW with the results of surveys conducted. If special-status plants are found during surveys and measures are taken to avoid or compensate for removal of these plants, the applicant shall send a report detailing the measures taken to the County of Marin and CDFW.

Comment A2-7

Mitigation Measure (MM)	Description	Timing	Responsible Party
3.4-11	*California Ridgway's rail and California black rail habitat assessment, surveys, and avoidance:* The Project shall map the location of potentially suitable California Ridgway's rail and California black rail nesting habitat within 700 feet of the Project site and obtain CDFW's written approval of the mapping prior to Project construction. Any Project activities within 700 feet of potentially suitable California black rail and California Ridgway's rail nesting habitat shall be avoided during the breeding season, (January 15 to August 31 for California Ridgway's rail, February 1 to August 31 for California black rail), each year unless appropriately timed, yearly protocol level surveys are conducted and survey methodology and results are submitted to and accepted in writing by CDFW, or the Project implements noise and visual avoidance measures below. Surveys shall focus on suitable habitat that may be disturbed by Project activities during the breeding season to ensure that California Ridgway's rail or California black rail are not nesting in these locations.	Prior to Ground Disturbance and for Duration of Construction	Project Applicant

Mitigation Measure (MM)	Description	Timing	Responsible Party
	If breeding California Ridgway's rail or California black rail are determined to be present, no activities, visual disturbance (direct line of sight) and/or an increase in the ambient noise level shall occur within 700 feet of areas where California Ridgway's rail or California black rail have been detected during the breeding season. If work must be done during the breeding season within 700 feet of California Ridgway's rail or California black rail nesting habitat, and annual surveys have not documented California Ridgway's rail and California black rail absence, noise levels shall not exceed 10 dBA over existing ambient noise levels and a noise attenuating fence and/or visual barrier shall be installed to reduce visual and/or acoustic impacts. In this case, the Project shall prepare a noise and visual avoidance plan and obtain CDFW's written approval of the plan, and implement the CDFW- plan, prior to conducting Project activities.		

Response A2-7

This comment is a tabular form of comment A2-3. See Response A2-3.

Letter A3 California Department of Transportation (Caltrans)

Yunsheng Luo, Branch Chief, Local Development Review
Office of Regional and Community Planning, District 4
September 16, 2024

Comment A3-1

Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Vehicle Miles Traveled (VMT) analysis for land use projects, please review Caltrans' Transportation Impact Study Guide (link).

Caltrans acknowledges that the project's VMT analysis and threshold establishment reflects the 2022 scoping plan with the 30 percent below 2019 level recommendation for statewide VMT to achieve the State's carbon neutrality goal by 2045. Per the IS/MND/DEIR, this project is found to have a significant VMT impact. The proposed mitigation measures identified in the DEIR should be documented with annual monitoring reports to demonstrate effectiveness. Additionally, please provide more information the threshold of significance for dedicated campus employees if available.

Response A3-1

The comment restates the Draft EIR's significance determination for the project's impact on VMT. The comment also states that the mitigation measures should be documented with annual monitoring reports and requests additional information regarding the threshold of significance for dedicated campus employees.

Regarding the VMT threshold for campus employees, neither the Marin Countywide Plan nor the 2018 OPR Technical Advisory provides guidance on developing a VMT significance threshold for academic campuses. Development of a VMT threshold for the academic campus use considered the intent of the Countywide Plan, State CEQA Guidelines, and OPR guidance. The VMT significance threshold also considered thresholds applied for previous CEQA VMT assessments of land use projects by University of California and California State University campuses. While the methodology and thresholds varied depending on the context of the land use project being evaluated, a common approach for University of California and California State University campuses is that the proposed project VMT per service population (i.e., total students, faculty, and staff) rate was compared to a value of 15 percent below baseline conditions, which in most cases was the current campus VMT per service population rate but in a few cases were the

overall regional or citywide VMT per service population rate. The 15 percent value was based on the OPR Technical Advisory that was relevant at the time of those studies. The VMT threshold applied for the proposed academic campus uses involves comparing the total VMT per service population for build-out of the proposed campus uses to the VMT per service population of existing campus uses and updating the threshold value to be consistent with the most current CARB Scoping Plan VMT reduction recommendations. Therefore, for the assessment of academic campus uses, VMT impacts would be significant if the Total Planned Campus VMT per service population (i.e., students, faculty, and staff) exceeds 30 percent below the 2019 Campus VMT per service population.

Regarding annual monitoring reports, the requirement for the applicant to prepare and submit annual monitoring reports to demonstrate the effectiveness of the TDM Program has been added to Mitigation Measure 3.14-2a. Page 3.14-16 of the Draft EIR is revised as follows:

ORIGINAL:

Mitigation Measure 3.14-2a: Develop and Implement a Transportation Demand Management Program for Market Rate Residential Uses

Prior to the issuance of the first building permit in the first phase of development, the project applicant shall develop a Transportation Demand Management (TDM) program for the proposed market rate residential units, including any anticipated phasing, and shall submit the draft TDM program to the County of Marin Public Works for review and approval. The TDM program shall attempt to achieve a 39 percent reduction in weekday home-based VMT per capita generated by the proposed market rate single family and multi-family residential uses to reduce impacts to a less-than-significant level.

The project applicant shall be responsible for preparing and implementing the TDM Program. The project applicant shall be responsible for funding and overseeing the delivery of trip reduction/TDM proposed programs and strategies to achieve the maximum feasible trip reduction as determined in collaboration with County of Marin Public Works staff, which may include, but are not limited to, the following:

- Dedicated shuttle for residents of market units and/or academic campus employees and/or students;
- Establishment of carpool, buspool, or vanpool programs;
- Vanpool purchase incentives;
- Cash allowances, passes or other public transit subsidies and purchase incentives;
- Parking fees set at levels sufficient to incentivize alternative modes;
- Full or partial parking subsidies for ride-sharing vehicles;
- Bicycle programs including bike purchase incentives, storage, maintenance program, and on-site education program;
- On-site bike share program;
- Dedicated employee or student housing for adjacent campus;
- Designation of an on-site transportation coordinator for the project.

REVISED:

Mitigation Measure 3.14-2a: Develop and Implement a Transportation Demand Management Program for Market Rate Residential Uses

Prior to the issuance of the first building permit in the first phase of development, the project applicant shall develop a Transportation Demand Management (TDM) program for the proposed market rate residential units, including any anticipated phasing, and shall submit the draft TDM program to the County of Marin Public Works for review and approval. The TDM program shall attempt to achieve a 39 percent reduction in weekday home-based VMT per capita generated by the proposed market rate single family and multi-family residential uses to reduce impacts to a less-than-significant level.

The project applicant shall be responsible for preparing and implementing the TDM Program. The project applicant shall be responsible for funding and overseeing the delivery of trip reduction/TDM proposed programs and strategies to achieve the maximum feasible trip reduction as determined in collaboration with County of Marin Public Works staff, which may include, but are not limited to, the following:

- Dedicated shuttle for residents of market units and/or academic campus employees and/or students;
- Establishment of carpool, buspool, or vanpool programs;
- Vanpool purchase incentives;
- Cash allowances, passes or other public transit subsidies and purchase incentives;
- Parking fees set at levels sufficient to incentivize alternative modes;
- Full or partial parking subsidies for ride-sharing vehicles;
- Bicycle programs including bike purchase incentives, storage, maintenance program, and on-site education program;
- On-site bike share program;
- Dedicated employee or student housing for adjacent campus;
- Designation of an on-site transportation coordinator for the project;

The project applicant shall be responsible for preparing and submitting annual monitoring reports to the County in order to inform the County on the effectiveness of the approved TDM program.

The addition of text regarding annual monitoring and reporting to Mitigation Measure 3.14-2a (Develop and Implement a Transportation Demand Management Program for Market Rate Residential Uses) does not constitute a significant modification to the EIR. In response to public comments received on the Draft EIR, additional revisions have been made to Mitigation Measure 3.14-2a (shown above). Revisions are also shown in Chapter 4, "Revisions to the Draft EIR."

Comment A3-2

The DEIR mentioned that absent a countywide VMT reduction program, it would be infeasible for any individual residential project in high VMT generating areas to achieve the VMT reduction target of more than 30 percent through typical levels of investment in transit, bike, or walking strategies. The County of Marin shall consider exploring feasible countywide VMT mitigation program options through which individual project located in high VMT areas could contribute fair share fees to help further reduce the VMT impact to a less-than-significant level.

Please note that Transportation Authority of Marin (TAM)'s VMT Reduction and Mobility Enhancement Toolkit was awarded through Caltrans' Sustainable Transportation Planning Program to assist local agencies in identifying and quantifying mitigations to VMT impacts and improve multimodal transportation to serve Marin's residents. The County is encouraged to collaborate with Caltrans and TAM to assess and develop a regional VMT mitigation program to reduce VMT in an effective and feasible manner.

Response A3-2

The comment shares that the TAM's VMT Reduction and Mobility Enhancement Toolkit was awarded through Caltrans' Sustainable Transportation Planning Program and suggests that the County of Marin collaborate with Caltrans and TAM to develop a regional VMT mitigation program to reduce project-generated VMT. As a member agency of TAM, the County of Marin commits to continued collaboration with Caltrans and TAM to assess and develop a regional VMT mitigation program. The comment does not address the adequacy of the EIR; therefore, no further response is warranted. The issue of fair share contributions is discussed in the response to comment A3-3 below.

Comment A3-3

Fair Share Contributions

We encourage a sufficient allocation of fair share contributions toward multi-modal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT.

Caltrans suggests the Lead Agency consider requesting fair share contributions to the following Regional Transportation Plan (Plan Bay Area 2050) projects of significance to help further mitigate the proposed project's transportation impact:

- Operate & Maintain the Existing System | Public Transit Capital Assets | Regional (RTP ID 21-T01-002) – a regional Public Transit Capital Assets program that includes funding to maintain and replace the Bay Area's baseline transit capital assets. Improvements include vehicle rehabilitation or replacement; reconstruction or renovation of transit buildings and structures; and rehabilitation or reconstruction of track.
- Other Investments to Enhance Local Transit Frequency, Capacity & Reliability |Regional (21-T10-093) – a regional program that includes funding to implement other programmatic investments to enhance local transit frequency, capacity and reliability. This program generally implements county, transit agency, and other local programs and initiatives to make bus and light rail travel faster and more reliable. Improvements include fleet and facilities expansions; transit corridor improvements; and transit station improvements. Example investments include implementation of San Francisco Municipal Transportation Agency's bus and facility expansion (Core Capacity) and Parkmerced Transportation Improvements; and Santa Clara County's High-Capacity Transit Corridors program, SR 85 Corridor Improvements, and Downtown Coordinated Area Plan and Transit Center Improvements.

Additionally, it is suggested that the Lead Agency consider requesting fair share contributions to a locally sponsored project (EA 1Y880) which is an interchange improvement project located on US-101 in Marin County. The project includes enhanced transit services, safety improvements for bicycle and pedestrian access through the interchange, and circulation and signal improvements to nearby intersections. It is currently in the project initiation document phase.

Response A3-3

The comment suggests that the County of Marin allocate fair share contributions toward regional and multi-modal transit projects to further mitigate the project's VMT impacts. The project applicant would be required to pay fair share contributions towards the County's transportation mitigation fee program which would be used to fund transportation improvements within the Strawberry Interchange zone of benefit where the project is located. These fees would be collected by the County Department of Public Works during the building permit phase. The County will take the suggestion to require the payment of fair share contributions towards the regional projects listed in Comment A3-3 under consideration, and if it deemed feasible, the County will coordinate with Caltrans. These contributions would have indirect impacts on VMT in the region by supporting regional transit; however, they would not mitigate project impacts on VMT. Therefore, the significance determination of Impact 3.14-2 would remain significant and unavoidable as identified in Section 3.14, "Transportation," of the Draft EIR.

Comment A3-4

Air Quality

DEIR pg. 167, Table 3.2-4: 2026 reactive organic gases (ROG) and carbon monoxide (CO) emissions for 2026 and fine particulate matter 2.5 (PM2.5) Bay Area Air Quality Management District (BAAQMD) Threshold values do not match Appendix C pg. 523.

Response A3-4

The comments states that values in Draft EIR Table 3.2-4 do not match what is reported in Appendix C of the Draft EIR. Table 3.2-4 of the Draft EIR has been corrected as detailed below. The revisions do not alter the significance determinations of the Draft EIR.

ORIGINAL:

Table 3.2-4 Maximum Emissions of Criteria Pollutants and Precursors Associated with Construction of the Project

Year	ROG (lb/day)	NO_X (lb/day)	CO (lb/day)	SO_X (lb/day)	PM_{10} (Exhaust) (lb/day)	$PM_{2.5}$ (Exhaust) (lb/day)
Average Daily Emissions						
2023	4	33	35	<1	1	1
2024	15	68	82	<1	3	2
2025	15	38	58	<1	1	1
2026	2	7	9	<1	1	<1
BAAQMD Thresholds of Significance	54	54	N/A	N/A	82	54
Exceeds Thresholds of Significance?	No	No	N/A	N/A	No	No

Notes: lb/day = pounds per day, ROG = reactive organic gases, NO_X = oxides of nitrogen, CO = carbon monoxide, SO_X = sulfur oxides, PM_{10} = respirable particulate matter, $PM_{2.5}$ = fine particulate matter, BAAQMD = Bay Area Air Quality Management District

Source: Modeling performed by Ascent in 2022.

REVISED:

Table 3.2-4 Maximum Emissions of Criteria Pollutants and Precursors Associated with Construction of the Project

Year	ROG (lb/day)	NO_X (lb/day)	CO (lb/day)	SO_X (lb/day)	PM_{10} (Exhaust) (lb/day)	$PM_{2.5}$ (Exhaust) (lb/day)
Average Daily Emissions						
2023	4	33	35	<1	1	1
2024	15	68	82	<1	3	2
2025	15	38	58	<1	1	1
2026	~~2~~ 5	7	~~9~~ 14	<1	<1	<1
2027	<1	<1	<1	<1	<1	<1
BAAQMD Thresholds of Significance	54	54	N/A	N/A	82	54
Exceeds Thresholds of Significance?	No	No	N/A	N/A	No	No

Notes: lb/day = pounds per day, ROG = reactive organic gases, NO_X = oxides of nitrogen, CO = carbon monoxide, SO_X = sulfur oxides, PM_{10} = respirable particulate matter, $PM_{2.5}$ = fine particulate matter, BAAQMD = Bay Area Air Quality Management District

Source: Modeling performed by Ascent in 2022.

Comment A3-5

DEIR pg. 167, Tables 3.2-4 and 3.2-5: BAAQMD Thresholds of Significance are for PM2.5 and respirable PM10 exhaust and do not match Appendix C pg. 523.

Response A3-5

The comments states that values in Draft EIR Tables 3.2-4 and 3.2-5 do not match what is reported in Appendix C of the Draft EIR. The comment is correct that the values in Draft EIR Tables 3.2-4 and 3.2-5 do not match the summarized emissions in Appendix C on page 523. Table 3.2-4 of the Draft EIR has been corrected as detailed in Response to Comment A3-4 above and are included in the updated Appendix C as referenced in Chapter 5, "References" (County of Marin 2024). Table 3.2-5 of the Draft EIR has been corrected as detailed below. The revisions represent minor edits and do not alter the significance determinations of the EIR.

ORIGINAL:

Table 3.2-5 Maximum Mitigated Emissions of Criteria Pollutants and Precursors Associated with Construction of the Project

Year	ROG (lb/day)	NO_X (lb/day)	CO (lb/day)	SO_X (lb/day)	PM_{10} (Exhaust) (lb/day)	$PM_{2.5}$ (Exhaust) (lb/day)
Average Daily Emissions						
2023	2	11	35	<1	<1	<1
2024	10	22	82	<1	<1	<1
2025	12	14	58	<1	<1	<1
2026	5	3	9	<1	<1	<1
BAAQMD Thresholds of Significance	54	54	N/A	N/A	82	54
Exceeds Thresholds of Significance?	No	No	N/A	N/A	No	No

Notes: lb/day = pounds per day, ROG = reactive organic gases, NO_X = oxides of nitrogen, CO = carbon monoxide, SO_X = sulfur oxides, PM_{10} = respirable particulate matter, $PM_{2.5}$ = fine particulate matter, BAAQMD = Bay Area Air Quality Management District

Source: Modeling performed by Ascent in 2022.

REVISED:

Table 3.2-5 Maximum Mitigated Emissions of Criteria Pollutants and Precursors Associated with Construction of the Project

Year	ROG (lb/day)	NO_X (lb/day)	CO (lb/day)	SO_X (lb/day)	PM_{10} (Exhaust) (lb/day)	$PM_{2.5}$ (Exhaust) (lb/day)
Average Daily Emissions						
2023	2	11	~~35~~ 48	<1	<1	<1
2024	10	22	~~82~~ 104	<1	<1	<1
2025	12	14	~~58~~ 73	<1	<1	<1
2026	5	3	~~9~~ 16	<1	<1	<1
2027	<1	<1	<1	<1	<1	<1
BAAQMD Thresholds of Significance	54	54	N/A	N/A	82	54
Exceeds Thresholds of Significance?	No	No	N/A	N/A	No	No

Notes: lb/day = pounds per day, ROG = reactive organic gases, NO_X = oxides of nitrogen, CO = carbon monoxide, SO_X = sulfur oxides, PM_{10} = respirable particulate matter, $PM_{2.5}$ = fine particulate matter, BAAQMD = Bay Area Air Quality Management District

Source: Modeling performed by Ascent in 2022.

Comment A3-6

DEIR pg. 167, Table 3.2-5: CO emissions shown for all years do not match Appendix C pg. 523.

Response A3-6

The comment states that values in Draft EIR Table 3.2-5 do not match what is reported in Appendix C of the Draft EIR. Please see response to comment A3-5 above.

Comment A3-7

DEIR pg. 168, Table 3.2-6: could not be verified from Appendix C pgs. 957-992. Please include a summary table for operational emissions in Appendix C.

Response A3-7

The comment states that values in Draft EIR Table 3.2-6 could not be verified from the data provided in Appendix C of the Draft EIR. Draft EIR Table 3.2-6 provides a summary of the project's total operational emissions. They represent a sum of multiple model runs for various components of the project. Appendix C has been updated and has been included in this Final EIR in Chapter 5, "References" (County of Marin 2024).

Comment A3-8

DEIR pg. 233: Energy Consumption numbers do not match between Table 3.5-1 and Appendix C pg. 1012.

Response A3-8

The comment identifies a calculation error in Draft EIR Appendix C which shows cells on page 1012 as "REF." The numbers summarized in Draft EIR Table 3.5-1 match those included in Appendix C, which has been updated and included in this Final EIR in Chapter 5, "References" (County of Marin 2024). Nevertheless, this comment did identify a nomenclature error for electricity and natural gas that has been corrected as detailed below. The revisions do not alter the significance determinations of the EIR.

ORIGINAL:

Table 3.5-1 Operation-Related Building Energy Consumption

Energy Sector	Energy Consumption	Units
Mobile (Gasoline)	183,688,709	Gallons
Mobile (Diesel)	6,028,422	Gallons
Area	1,678,638	KWh
Energy	3,927,703	kBTU

Note: kWh = kilowatt hours, kBtu/year = British thermal units per year.

Source: Calculations prepared by Ascent Environmental in 2022 (Appendix C).

REVISED:

Table 3.5-1 Operation-Related Building Energy Consumption

Energy Sector	Energy Consumption	Units
Mobile (Gasoline)	183,688,709	Gallons
Mobile (Diesel)	6,028,422	Gallons
~~Area~~ Electricity	1,678,638	KWh
~~Energy~~ Natural Gas	3,927,703	kBTU

Note: kWh = kilowatt hours, kBtu/year = British thermal units per year.

Source: Calculations prepared by Ascent Environmental in 2022 (Appendix C).

Comment A3-9

DEIR pg. 276: Carbon dioxide equivalent (CO2e) total emissions do not match Mitigated CO2e emissions in Appendix C pg. 523 and Section 3.7-1 metric tons of carbon dioxide equivalent (MTCO2e) for 2027 operations do not match the number in Table 3.7-2.

Response A3-9

The comment states that values in Section 3.7, Greenhouse Gas Emissions and Climate Change Vulnerability, for carbon dioxide equivalent (CO_2e) total emissions do not match Mitigated CO2e emissions in Appendix C of the Draft EIR. The comments also states that the number reported in Section 3.7-1 of the Draft EIR for metric tons of carbon dioxide equivalent ($MTCO_2e$) for 2027 operations do not match the number in Table 3.7-2 of the Draft EIR.

Page 523 of Appendix C summarizes the construction emissions estimates for the project under a mitigated and unmitigated scenario and does not summarize operational emissions. Table 3.7-2 of Draft EIR Section 3.7,

"Greenhouse Gas Emissions," summarizes the project's operational emissions. The Bay Area Air Quality Management District does not endorse a construction threshold for GHG emissions. Nevertheless, the comment identified a summing error in Appendix C, which has been updated and included in this Final EIR in Chapter 5, "References" (County of Marin 2024). The comment also identified a typographical error on page 3.7-10 of the Draft EIR which has been corrected as detailed below. The revisions do not alter the significance determinations of the EIR.

ORIGINAL:

Construction

The project would emit construction emissions from the operation of heavy-duty construction equipment and from worker commute trips. The project would result in approximately 6,643 $MTCO_2e$ of GHGs during the project's construction period (2023–2026). As noted above under "Thresholds of Significance," BAAQMD does not recommend a threshold for evaluating construction emissions; nevertheless, construction emissions have been disclosed for informational purposes.

REVISED:

Construction

The project would emit construction emissions from the operation of heavy-duty construction equipment and from worker commute trips. The project would result in approximately 6,~~6~~44~~3~~ $MTCO_2e$ of GHGs during the project's construction period (2023–2026). As noted above under "Thresholds of Significance," BAAQMD does not recommend a threshold for evaluating construction emissions; nevertheless, construction emissions have been disclosed for informational purposes.

Comment A3-10

Appendices pg. 523: Please verify why CO, CO2e, and carbon dioxide (CO2) Mitigated are higher than Unmitigated and Annual Average Emissions for CO2e Unmitigated and Mitigated are incorrect.

Response A3-10

The comment states that on page 523 of Appendix C the values for CO, CO_2e, and carbon dioxide (CO_2) Mitigated are higher than Unmitigated and Annual Average Emissions for CO_2e Unmitigated and Mitigated are incorrect. See response to comment A3-9 above. This error in Appendix C has been revised and included in this Final EIR in Chapter 5, "References" (County of Marin 2024). The revisions do not alter the significance determinations of the EIR.

Comment A3-11

Appendices pgs. 572 and 573: Please include year 2027 emissions. Per Air Quality Section 3.2.3 and Appendix C pg. 523 summary tables, the construction duration is only considered between years 2023 through 2026.

Response A3-11

The comment requests year 2027 emissions from Appendix C of the Draft EIR be added to Section 3.2, Air Quality. Table 3.2-4 of the Draft EIR has been revised in response to this comment as detailed in response to comment A3-4 above (See response A3-4). The revisions do not alter the significance determinations of the EIR.

Comment A3-12

Appendices pg. 573: Please include 2026 Unmitigated CO2e emissions for the New Fitness and Daycare Center.

Response A3-12

The comment requests 2026 Unmitigated CO_2e emissions for the New Fitness and Daycare Center be included in Appendix C of the Draft EIR. Appendix C has been updated in response to this comment and is included in this Final EIR in Chapter 5, "References" (County of Marin 2024).

Comment A3-13

Appendices pgs. 995 and 996: Please include Attachment A.

Response A3-13
The comment requests Attachment A from the health risk assessment be included in Appendix C of the Draft EIR. Attachment A has been added to Appendix C which is included in this Final EIR in Chapter 5, "References" (County of Marin 2024).

Comment A3-14
Appendices pg. 1012, Energy Cals Summary Page – Operations Table: Please revise values for Gas and Diesel for Mobile Sources.

Response A3-14
The comment requests the values for Gas and Diesel for Mobile Sources be revised in Appendix C of the Draft EIR. See Response to Comment A3-8.

Comment A3-15
Sea Level Rise

Please ensure that Caltrans District 4 is kept informed about any climate stressors affecting the project location, as well as the progress of adaptation and resilience initiatives. District 4 has a vested interest in this area due to current and planned adaptation efforts that Caltrans is coordinating with partner agencies in Marin County, including the County of Marin and the Transportation Authority of Marin.

Notably, sections of US-101—specifically near Coyote Creek, across from the project location, and Donahue Street in Marin City—are vulnerable to flooding from a combination of king tides, storm surges, and rising water levels. As development continues, please ensure Caltrans is included in discussions and updates on local efforts, given our commitment to collaborating with regional and local partners on transportation system adaptation strategies.

Response A3-15
It is noted that Caltrans would like to be kept informed about any climate stressors affecting the project location including any adaptation and resilience initiatives. Caltrans commented that sections of US-101, specifically near Coyote Creek and Donahue Street, which are both across Richarson Bay from the project area, are vulnerable to flooding. Marin County is currently coordinating with Caltrans and will continue to collaborate on transportation system adaptation strategies.

Comment A3-16
Additionally, please notify Caltrans if there are any updates or changes to wildfire evacuation or emergency management plans for the project area or the Strawberry Peninsula, especially regarding ingress and egress routes through SR 131 and US-101.

Response A3-16
The comment requests that Caltrans be notified of any updates or changes to wildfire evacuation or emergency management plans for the project area or the Strawberry Peninsula. The project does not propose any changes to existing wildfire or emergency evacuation routes or plans for the project area or Strawberry Peninsula, including ingress and egress routes through SR-131 and US-101. However, the County will continue to coordinate with Caltrans regarding future updates or changes to wildfire evacuation and emergency management plans in the vicinity of the project site, should they occur in the future irrespective of the proposed project.

Comment A3-17
Appendix Q – Traffic Impact Study

Analysis Scenarios section: the traffic counts for the existing condition were collected in December 2021; however, according to the Traffic Operations Policy Directive No. 23-01(link) issued on January 30, 2023 from Caltrans, due to the potential abnormal traffic patterns created by the COVID-19 pandemic, traffic analyses conducted for all projects on the STN shall not use traffic data collected between March 13, 2020 and January 31, 2022.

Response A3-17
The comment states that the traffic counts for existing conditions collected between March 13, 2020 and January 31, 2022 should not be used due to abnormal traffic patterns created by the COVID-19 pandemic. For the Draft EIR, traffic counts were collected during weekday AM and PM peak periods in December 2021 at the six study intersections evaluated in the LOS Assessment Memo. Because of these questions about how changes in post-pandemic travel behavior may affect vehicle trips, additional traffic counts were collected in February 2025 during the same AM and PM peak periods on a Tuesday with schools in session with no precipitation. A comparison of the 2025 total peak hour counts for the six study intersections with the 2021 total counts indicates that the sum of all AM and PM peak hour volumes was 0.4 percent higher in 2025 than in 2021; the sum of AM peak hour volumes was 2.3 percent higher in 2025 than in 2021; and the sum of PM peak hour volumes was 1.4 percent lower in 2025 than in 2021. The minimal differences in trips counted in 2021 and 2025 do not substantially alter the analysis in the LOS Assessment Memo and confirm that the conclusions in the Draft EIR are still valid. The LOS Assessment Memo was updated using the 2025 traffic counts and is provided in Appendix B to the Final EIR.

Comment A3-18
Project Trip Generation section: please clarify how the numbers of daily trips were generated based on the different numbers and types of resident units and other facilities. Please include the supporting calculation sheets and show a table with the assumption of distribution used for each number of the in & out peak hour trip. Also, please demonstrate how those numbers would result into the assumed peak hour traffic volumes for each scenario at each evaluated location shown on Figure A-1 in Appendix R.

Response A3-18
The comment requests clarity regarding the project trip generation methodology used in the Level of Service (LOS) Assessment Memo included as Appendix R of the Draft EIR. As described in Final EIR Section 3.2.7, Master Response: Traffic Count Data, LOS assessment is not used to determine environmental impacts under CEQA (in accordance with SB 743, Statutes of 2013), but may inform decisions about the merits of the proposed project. Also see Final EIR Section 3.2.9, Master Response: Project Trip Generation/Internalization, for additional information regarding the project trip generation methodology used in the LOS Assessment Memo. The Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comment under consideration before a decision on the project is rendered.

Comment A3-19
Transportation Safety section: if available, please provide fatality information.

Response A3-19
The comment requests fatality information. County staff desired to respond thoroughly to community concerns about traffic safety, and requested a review of existing intersection safety conditions (Final EIR Appendix D). Recognizing the Draft EIRs conclusions about the lack of significant traffic safety impacts caused by the proposed project trip generation, the existing intersection review was designed to provide information in response to community concerns about existing traffic safety problems for use in the County's consideration of project merits and the potential for defining conditions of approval outside of the CEQA analysis framework. In consultation with County staff, the review of existing intersection conditions was performed for locations in the project study area noted in Draft EIR public comments and/or at locations based on a review of collision data. See Final EIR Section 3.2.11 Master Response: Transportation Safety. A review of the TIMS tool, a geocoded database of all California fatal and injury crashes, for the Strawberry Peninsula study area found that there were no fatalities among the reported crashes in the most recent 5-year period (September 2019 through September 2024). The comment does not comment on the adequacy of the EIR. No changes to the EIR are warranted.

Comment A3-20
Project Parking Generation section: please clarify why the project proposed 703 residential parking spaces instead of 539 required by the Marin County Municipal Code.

Response A3-20

The comment requests clarification regarding the number of residential parking spaces proposed by the project in relation to the parking requirements of the Marin County Code. The number of parking spaces proposed by the project for the single-family residential units, the market rate multi-family units, affordable units, and residential care facility is 703 parking spaces. As discussed in Chapter 2, "Project Updates," of this Final EIR, project updates and edits in this Final EIR correct the affordable unit count and involve increasing the affordable units to be dedicated under the proposed project to 70 affordable units and decreasing the number of market rate residences by 20 units. Thus, the overall total number of residential units in the proposed project would remain at 337 residential units. Based on the revisions in the number of market rate and affordable multi-family units, and a review of the Marin County Code, the updated number of parking spaces required by the Marin County Code for these residential uses is 695 spaces. As such, the proposed number of parking spaces for residential uses would exceed the number required by the Marin County Code by 8 spaces. The additional parking spaces are proposed to accommodate the Residential Care Facility. The revision to number of parking spaces required by the Marin County Code is shown in the updated TIS provided in Final EIR Appendix C as well as Chapter 4, "Revisions to the Draft EIR." These revisions represent minor revisions to the Draft EIR and do not alter the nature and magnitude of impacts or significance determinations for transportation impacts in the Draft EIR.

Comment A3-21

Appendix R – LOS Assessment Memo

Please include the input parameters, cycle length, time-space diagrams, and queue analysis when applicable in the Synchro analysis report. If available, please provide supporting documents for the pedestrian/bike adjustment factor and the 2% HV assumptions for all locations.

Response A3-21

The comment requests that the Synchro analysis report included in Attachment A of Appendix R in the Draft EIR include the input parameters, cycle length, time-space diagrams, and queue analysis where applicable, as well as any available supporting documents for the pedestrian/bike adjustment factor and the 2 percent heavy vehicle assumptions for all locations.

The primary input parameters for the LOS calculations for study intersections that are controlled by a traffic signal are existing lane geometrics determined by field observations, traffic signal parameters (i.e., signal phasing, cycle length, timing, etc.) based on signal timing plans provided by the agency with jurisdiction over the intersection, and traffic count data. The LOS calculations are based on a heavy vehicle percentage of 2 percent for all movements, which is conservative based on the traffic counts that were taken as they show the study intersections have existing heavy vehicle percentages between about 0.5 and 1.5 percent. The Redwood Highway Frontage Road/US 101 northbound ramps intersection has an overall heavy vehicle percentage of 1.3 percent in the AM peak hour and 0.9 percent in the PM peak hour based on count data. The Redwood Highway Frontage Road/US 101 southbound ramps intersection has an overall heavy vehicle percentage of 1.4 percent in the AM peak hour and 0.6 percent in the PM peak hour based on count data. The Redwood Highway Frontage Road/Seminary Road intersection has an overall heavy vehicle percentage of 1.5 percent in the AM peak hour and 0.8 percent in the PM peak hour based on count data. The pedestrian-bike adjustments are based on pedestrian and bicycle counts and are applied to adjust for right turn movements that overlap with through bicycle movements in the same direction. Therefore, the pedestrian/bike adjustment factor and 2 percent heavy vehicle assumptions relied on in the TIS are appropriate and supported by the physical conditions observed on study area roadways. No changes to the Draft EIR are required in response to this comment.

3.3.2 Local Government

Letter L1 City of Mill Valley

Craig Tackabery, Contract Project Manager
September 16, 2024

Comment L1-1

The project lies east of the City of Mill Valley, and those accessing the site use the same transportation network as those accessing the City of Mill Valley. In addition, since the Strawberry community does not provide all of the services needed for residents and students, many trips will have destinations within Mill Valley. The comments below reflect concerns regarding environmental impact and County General Plan conformance and Conditions of Approval regarding those transportation trips.

From the DEIR:

> Project Description
>
> North Coast Land Holdings, LLC has submitted an application for development on the former Golden Gate Baptist Seminary property on the Strawberry Peninsula in Mill Valley. The proposed project includes construction of a new residential care facility with up to 100 independent and 50 assisted living and memory care apartments for senior citizens and 336 single- and multi-family residential units that would replace a majority of the existing residential housing. Fifty of the proposed residential units would be reserved as below market rate housing. In addition, a pre-school (3,000 square feet) and fitness center (17,000 square feet) that would both be open to the public are proposed, and an existing maintenance building would be replaced. More than 70 percent of the 127-acre campus would be preserved as open space, athletic fields, paths and plazas. No change to the scope of the existing use permit allowing up to a maximum of 1,000 students for higher educational use is being proposed. A 15,800 square foot addition is proposed as part of the renovation of the Administration Building, resulting in a 41,000 square foot building.

1. The Level of Service assessment did not include all intersections that may be impacted with the project. Please also analyze:
    a. Blithedale/Tower/Kipling
    b. Southbound 101 off ramp/Tiburon Blvd.
    c. Southbound 101 on ramp/Tiburon Blvd.
    d. Northbound 101 on ramp/Tiburon Blvd.
    e. Northbound 101 off ramp/Tiburon Blvd.
    f. Redwood Highway Frontage Road/Tiburon Blvd.

Response L1-1

The comment states that the level of service assessment did not include an analysis of all intersections that could be affected by the project. Although LOS is no longer used to determine a significant environmental impact, an analysis of LOS was prepared for the County of Marin's merits review of the project. The LOS memo was updated in response to public comments on the Draft EIR requesting new traffic counts and to address potential post-pandemic changes in travel behavior, with updated counts collected in February 2025.

While differences from 2021 counts were minimal, the memo was revised in consultation with County staff to incorporate the 2025 data and include a seventh study intersection – the intersection of Redwood Highway Frontage Road/Tiburon Boulevard that is one of the four additional intersections requested and the intersection located closest to the project site of the four (Final EIR Appendix B). The analysis in the updated LOS Assessment Memorandum (Appendix R of the Draft EIR) found no LOS exceedance at the intersection of Redwood Highway Frontage Road/Tiburon Boulevard. The other three intersections that were requested for analysis are along Tiburon Boulevard/East Blithedale Avenue at the two US 101 freeway ramps and at the intersection of Tower/Kipling west of US 101. For project trips traveling to and from US 101, the intersections at the Seminary Drive ramps that are evaluated

are located closer to the project than the intersections at the Tiburon Boulevard/East Blithedale Avenue ramps (about 1 mile vs 1.65 miles). The intersections at the Seminary Drive ramps are also less congested than the intersections at the Tiburon Boulevard/East Blithedale Avenue ramps. After reviewing the number of added AM peak hour and PM peak hour project trips that would travel through the three intersections, it was determined that the net new project trips would increase the volumes on Tiburon Boulevard/East Blithedale Avenue at these locations by less than one percent and would not result in any substantial change in congestion, so the three intersections were not evaluated.

According to the Marin North Coast Land Holdings LOS Assessment Memorandum (Appendix R of the Draft EIR), all study intersections would operate at LOS D or better conditions under all scenarios, which meets the County LOS standard. See Final EIR Section 3.2.8, Master Response: Selection of Intersections for LOS Analysis, for details regarding the LOS Analysis and selection of study intersections. Also, see Final EIR Section 3.2.7, Master Response: Traffic County Data, for a summary of additional traffic counted collected as part of preparation of the Final EIR.

Comment L1-2

2. Please identify improvements to improve the intersection Level of Service, including capacity and efficiency improvements, such as adaptive traffic signals.

Response L1-2

The comment requests the identification of improvements to improve level of service (LOS). See Response O2-1.

Comment L1-3

3. What's the basis for the assumption of how many southbound vehicles use the 101/Blithedale/Tiburon Boulevard interchange versus the 101/Seminary ramp? Is it supported by data?

Response L1-3

The comment requests clarification regarding the assumptions for vehicles using the 101/Blithedale/Tiburon Boulevard interchange versus the 101/Seminary ramp in the TIS.

The distribution is based on count data indicating that approximately 80 percent of trips associated with existing residential and campus uses on the project site travel to and from the university campus via Seminary Drive. For southbound vehicles on US 101, the most direct route to this Seminary Drive campus access point is via the Redwood Highway Frontage Road and US 101 southbound ramps, rather than the Tiburon Boulevard/US 101 southbound ramps. Additionally, southbound US 101 between the Blithedale and Seminary interchanges is typically not congested during the weekday morning commute period and as a result, the route to the project site via the Seminary interchange would be faster on US 101 resulting in a shorter travel time than exiting at the Blithedale interchange and traveling along local streets to the project site. Traffic count data reflect real-world conditions in the circulation system around the project site and provide a reliable basis for distributing project trips to the area's roadways and US 101 freeway.

Comment L1-4

4. To reduce peak hour travel, please analyze start/stop times at the 1,000 student higher educational use and include conditions of approval.

Response L1-4

The comment requests an analysis during the start/stop times of the university and the inclusion of conditions of approval. The comment addresses analysis conducted for the Level of Service (LOS) Assessment Memo provided in Appendix R of the Draft EIR. The LOS assessment was provided for the County's consideration of project merits to identify whether study intersections would meet the County LOS standard with the addition of the NCLH project traffic. The LOS assessment is not used to determine environmental impacts under CEQA (in accordance with State CEQA Guidelines Section 15064.3(a)) but may inform decisions about the merits of the proposed project. As mentioned in the introduction to Section 3.14, "Transportation," of the Draft EIR, the memo was appended to the Draft EIR for informational purposes only.

The Institute of Transportation Engineers (ITE) Trip Generation Manual is a widely recognized and trusted resource used by transportation agencies and professionals to estimate the number of trips generated by various land uses,

based on empirical data and contextual factors such as site characteristics and setting. The number of new trips that would be generated by the campus was estimated using the ITE Trip Generation Manual 11th edition. The trip generation analysis for the campus is based on surveys of weekday daily, AM peak hour, and PM peak hour periods at other similar campuses. These surveys reflect the start/stop times for the campuses that were surveyed. The trip rates applied include trips made by students, faculty, staff, and visitors during these time periods. These trip rates from other similar campuses were applied to the analysis of university operations under the proposed project, which would include a potential student enrollment up to 1,000 students as allowed under the existing 1953 Conditional Use Permit for the site. Therefore, the trip generation analysis for the campus uses is adequate.

Additionally, the Draft EIR identifies three mitigation measures designed to reduce vehicle travel. Mitigation Measure 3.14-2a requires that the applicant prepare and implement a Transportation Demand Management (TDM) program with a performance metric of attempting to achieve a 39 percent reduction in weekday home-based VMT per capita generated by the proposed market rate single family and multi-family residential uses. Mitigation Measure 3.14-2b requires that a portion of the market residential units be permanently dedicated to campus-affiliated residents. Mitigation Measure 3-14-3c requires that the applicant prioritize the implementation of parking demand reduction measures for faculty, staff, and students.

The Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comments under consideration before a decision on the project is rendered.

Comment L1-5

5. The peak hour counts were taken in December 2021 during the Covid-19 pandemic and likely represent lower volumes than typically occur due to a number of factors, including fewer home to work and fewer home to school vehicle trips. Please use current data and reanalyze the Existing, and the Existing plus Project scenarios, including the intersections requested in Comment 1.

Response L1-5

The comment requests the use of current traffic count data stating that the peak hour counts taken in December 2021 may be inaccurate due to the Covid-19 pandemic. See Final EIR Section 3.2.7, Master Response: Traffic Count Data, and Response A3-17. The LOS Assessment Memo was updated using additional traffic counts collected in 2025 and is provided in Appendix B to the Final EIR.

Comment L1-6

6. What are the pass-by trip assumptions for the proposed land uses? How is that quantified in the Level of Service analysis?

Response L1-6

The comment requests additional information regarding the pass-by trip assumptions for the proposed land uses and how it is quantified in the LOS analysis. As described in Final EIR Section 3.2.7, Master Response: Traffic Count Data, LOS assessment is not used to determine environmental impacts under CEQA (in accordance with State CEQA Guidelines Section 15064.3(a)), but may inform decisions about the merits of the proposed project. The trip generation analysis for the proposed project does not include any adjustment for pass-by trips. Pass-by trip adjustments are made for retail uses where a vehicle stops at the business along their route without making a dedicated trip to the business. This adjustment would not apply to the proposed project as retail uses are not proposed and therefore was not used in the LOS analysis. For additional details on the trip generation analysis and methodology, see Final EIR Section 3.2.9, Master Response: Project Trip Generation/Internalization.

Comment L1-7

7. The document states that Vehicle Miles Travelled (VMT) impacts will not be fully mitigated with the proposed Transportation Demand Management (TDM) mitigation measure. It's unclear what level of mitigation is included, since selection of actual TDM measures is deferred. The City requests VMT impacts be eliminated or substantially lessened where feasible, and that a feasibility analysis of all potential VMT mitigation measures be undertaken,

that those feasible be quantified as to their reduction and identified as required mitigation before recommending adoption of Overriding Considerations for any impacts not fully mitigated. For example:

a. If increased bicycle travel is a mitigation, please analyze the network to and from likely destinations for safety and identify feasible safety or capacity improvements that could be implemented. If any of those mitigations are within the City of Mill Valley, please contact Public Works staff to discuss prior to adoption.
b. Analyze the feasibility of requiring a percentage of the students to live onsite.
c. Analyze different residential densities.

Response L1-7

The comment requests an analysis of the feasibility of mitigation measures proposed to reduce the project's impact on VMT. See FEIR Section 3.2.13, Master Response: VMT Mitigation Measures. According to the 2024 CAPCOA Handbook, and described in detail in Master Response: VMT Mitigation Measures, implementing or improving a Class I, II, or IV bike facility could have a VMT reduction effectiveness of up to 0.8 percent (CAPCOA Transportation Measure T-19-A). Increasing residential density (CAPCOA Transportation Measure T-1) could result in a VMT reduction effectiveness of up to 30 percent, but according to the CAPCOA Handbook this measure is most effective when applied to larger developments and developments where the density is somewhat similar to the surrounding area. The strategy is also most effective in areas that have a highly walkable and bikeable network as well as provide substantial transit service. However, the project site is minimally served by existing alternative transportation facilities. Although it would be unlikely that increasing the residential density on the project site would substantially reduce VMT, 97 percent of the proposed housing on the project site would be developed as multi-family residential units, which has a lower VMT compared to single-family homes. In short, the County has determined that no feasible additional options exist to further reduce VMT impacts. No changes to the Draft EIR or TIS are warranted in response to this comment.

3.3.3 Organizations

Letter O1 Strawberry Vista Homeowners Association

Christian Michael
August 9, 2024

Comment O1-1

COMMENT #1: NO MITIGATION MEASURES PROPOSED FOR PEDESTRIANS AT INTERSECTION OF VISTA DEL SOL, RICARDO DR, AND SEMINARY

> While Mitigation Measure 3.14-4 discusses the construct of a roundabout at this intersection and Figure 2-7 highlights pedestrian and bus access, it notably lacks any proposed mitigation measures for pedestrian and bike traffic at the intersection of Vista Del Sol, Ricardo Dr, and Seminary. This is concerning as this intersection serves as a crucial pedestrian and bike connection for Strawberry Vista residents to access the Seminary Drive walking path and bike lane. The County is aware of existing safety issues at this intersection, particularly for pedestrians with children, due to the absence of crosswalks or warning signs. This has led to documented vehicle violations and incidents, including a recent hit and run, with the Marin Sheriff's Office and CA Highway Patrol keeping a close watch on this area.
>
> *Requested Developer Action: The current proposal will significantly increase traffic at this intersection, making it more dangerous for pedestrians without mitigation. We urge North Coast Land Holdings to acknowledge this potential impact at this particular intersection in the impact table and propose measures like a defined raised crosswalk. This aligns with your goals to expand walkable and bikeable infrastructure and promote active transportation in Marin County.*

Response O1-1

The comment raises concern with Mitigation Measure 3.14-4 and pedestrian safety at the intersection of Vista Del Sol, Ricardo Road, and Seminary Drive from project traffic.

As described in Final EIR Section 3.2.7, Master Response: Traffic Count Data, LOS assessment is not used to determine environmental impacts under CEQA (in accordance with State CEQA Guidelines Section 15064.3(a)), but may inform decisions about the merits of the proposed project. Also see Final EIR Section 3.2.11, Master Response: Transportation Safety, and the Existing Intersections Review Memo provided in Appendix D of the Final EIR.

Consistent with Appendix G of the State CEQA Guidelines, Impact 3.14-3 in the Draft EIR evaluates whether the project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impact 3.14-3 identifies potentially significant impacts due to potential parking spillover on surrounding streets where sidewalks and crosswalks do not exist, construction activities, and the proposed design of on-site streets. Mitigation Measures 3.14-3a (Develop a Construction Traffic Control Plan), 3.14-3b (Design Roads to Meet County, ADA, and PROWAG Standards), and 3.14-3c (Implement Measures to Reduce Parking Demand and/or Increase Supply for the Academic Campus) address potentially significant safety impacts identified in the Draft EIR and would reduce these impacts to less than significant.

The TIS, provided as Appendix Q of the Draft EIR, includes a review of local safety plans and collision data within the project study area, as summarized in Final EIR Section 3.2.11, Master Response: Transportation Safety. The TIS reviewed collision data for a 5-year period between 2015 and 2019. Based on the above considerations, the Draft EIR determined that none of the intersections on the Strawberry peninsula, including those identified in public comments, would experience a substantial increase in traffic hazards as a result of the project.

Historic evidence indicates no local intersections have been noted for high collision rates. The TIS concluded that the project traffic would not cause substantial traffic congestion changes at any of the studied intersections, so added project traffic would not substantially change safety conditions. Therefore, without experiencing high collision rates historically and with no substantial change in congestion, the Draft EIR did not identify significant traffic safety impacts at the intersection locations in the study area of the project site.

Notwithstanding that substantial evidence supports a conclusion of no significant traffic safety impacts from project trips, County staff desired to respond thoroughly to community concerns about traffic safety and requested a review of existing intersection safety conditions (Final EIR Appendix D). Recognizing the Draft EIR's conclusions about the lack of significant traffic safety impacts caused by the proposed project trip generation, the existing intersection review was designed to provide information in response to community concerns about existing traffic safety problems for use in the County's consideration of project merits and the potential for defining conditions of approval outside of the CEQA analysis framework.

Updated collision data is provided from the TIMS for the study area for the 5-year period from September 2019 through September 2024, which is the most current collision data available. No fatalities were among the reported collisions in the most recent 5-year period. As with the data from 2015 through 2019, most of the reported collisions involved vehicles and were located along the Redwood Highway Frontage Road and Tiburon Boulevard. Final EIR Section 3.2.11, Master Response: Transportation Safety, and the Existing Intersections Review Memorandum (Final EIR Appendix D) provide a summary of collisions involving pedestrians and bicyclists in the most recent 5-year period for which data is available. No collisions were recorded for the 5-year period from September 2019 through September 2024 at the intersection of Vista Del Sol, Ricardo Road, and Seminary Drive.

The strategies identified in the memo are considerations for addressing existing conditions in response to community concerns. Because no significant traffic safety impacts are identified for the proposed project, the memo strategies are offered for voluntary enhancements by the project applicant or merits-based conditions imposed by the County. These improvement options are not related to a CEQA environmental impact, so they are not defined as "mitigation measures," because the project's trip generation would be insufficient to substantially change existing transportation hazards in the study area. The lack of substantial change in traffic is evidenced in the LOS Assessment Memo where analysis concluded that LOS would meet County standards with or without the project and after adding project traffic, LOS would remain at D with continued stable traffic flow. Therefore, the findings of the Existing Intersections Review Memorandum (Final EIR Appendix D) do not change the adequacy of the analysis in the Draft EIR. No change to the Draft EIR is warranted.

Comment O1-2

COMMENT #2: NO MITIGATION MEASURES PROPOSED FOR INCREASED DEMAND FOR PARK FACILITIES AND SERVICES (IMPACT 3.13-4)

> The EIR acknowledges the existence of Strawberry Cove Park (KOP #9), located next to the proposed Seminary Development. However, the EIR finds the impact on park facilities to be less than significant. In reality, this park is the primary destination for families with young children in our neighborhood and in Strawberry due to its accessibility (i.e. flat land) and location on the water and beautiful views, but it requires substantial improvements. The additional residents from the Seminary Development would further strain the park's resources as the EIR states the existing playground equipment at Shuck Drive and Storer Drive would be relocated to the proposed fitness center–making it even more inaccessible to the community.

Response O1-2

The comment expresses concern about the impact of increased use on Strawberry Cove Park associated with implementing the project. The comment states that because the park is a primary destination for families with young children and is already in need of improvements, the Draft EIR should identify mitigation to address the increased demand. As described in Draft EIR Section 3.13, "Public Services and Recreation," under Impact 3.13-4 (Result in Increased Demand for Park Facilities and Services), implementation of the project would increase the population on the site by approximately 530 residents, which could result in an increased demand for park facilities and services in the area. The Marin County Development Code requires new residential developments to provide developed park and recreational land and/or pay a fee in lieu of parkland dedication, pursuant to the Quimby Act, to help mitigate the impacts of the new residential demand on existing parkland and recreational facilities. In compliance with the Subdivision Map Act, 3 acres of land for each 1,000 persons residing in a subdivision subject to the act must be devoted to neighborhood and community park and recreational purposes.

As described under Impact 3.13-4, approximately 70 percent of the project site is proposed to be maintained as open space, athletic fields, paths, and plazas. The project also involves making improvements to existing trails on the site and establishing new trails and pathways. Per Marin County Code 22.84.070, these uses may be dedicated for park or recreation purposes as part of the project permitting process, or payment of in lieu fees (or a combination of both) may be required pursuant to Marin County Code 22.98.040. The details regarding the project applicant's approach to satisfying its obligation under the Marin County Development Code would be determined following project approval. Because the project applicant would comply with the code's requirement, this impact would be less than significant. Therefore, no mitigation is required under CEQA; however, the Marin County Planning Commission and Board of Supervisors will take the comment's concerns into consideration before the decision on the project is rendered.

Comment O1-3

> *Requested Developer Action: Regardless of park(s) constructed on the project land, Strawberry Cove Park will continue to be a destination for the community, including Seminary residents. We urge North Coast Land Holdings to acknowledge this potential impact, include it in a revised community engagement plan, and mitigate the impact on Strawberry Cove Park in particular, due to its proximity to the project, by contributing $750,000 to the already proposed development of a new playground with proper equipment, drainage, and safety fencing that will cater to children ages 2 through 12 years old. Many families and greater community would benefit from this contribution and North Coast Land Holdings would be recognized with a prominent plaque for this donation.*

Response O1-3

The comment requests the applicant acknowledge potential impacts to Strawberry Cove Park, submit a revised community engagement plan, and pay $750,000 in mitigation fees to go towards the already proposed development of a new playground. Impacts on park facilities are analyzed in Draft EIR Section 3.13, Public Services and Recreation. As discussed in Draft EIR Section 3.13, "Public Services and Recreation," under Impacts 3.13-4, 3.13-6 and 3.13-7, the Draft EIR recognizes that despite the extent of recreation opportunities available in the area, the demand for a wide range of facilities for active recreation in the county continues to grow. The Draft EIR also states that the proposed project, while reducing the overall extent of open space on the project site, also involves making recreation-related improvements on the site. See Response O1-2.

Comment O1-4

COMMENT #3: NO MITIGATION MEASURES PROPOSED FOR INCREASED USE OF EXISTING NEIGHBORHOOD AND REGIONAL PARKS OR OTHER RECREATIONAL FACILITIES SUCH THAT SUBSTANTIAL PHYSICAL DETERIORATION OF THE FACILITY WOULD OCCUR OR BE ACCELERATED (IMPACT 3.13-6)

> Strawberry residents are acutely aware of the high demand for Strawberry Recreation District programs, often facing sold-out camps, after-school activities, and swim lessons due to limited facilities. This project will likely exacerbate the issue, making it even harder for current residents to access recreational facilities like the swimming pool, indoor gym, and various programs for both children and adults.

Response O1-4

The comment states that recreation programs provided by the Strawberry Recreation District are in high demand and often sold out because facilities are limited. The comment further states that because recreation demand associated with implementing the project would likely exacerbate the issue, the Draft EIR should identify mitigation to address the increased use of the facilities. As described in Draft EIR Section 3.13, "Public Services and Recreation," under Impact 3.13-6 (Increase the Use of Existing Neighborhood and Regional Parks or Other Recreational Facilities Such That Substantial Physical Deterioration of the Facility Would Occur or Be Accelerated), implementing the project would increase the population on the site by approximately 530 residents, which could result in an increased use of neighborhood and regional parks and other recreational facilities in the area.

As further described under Impact 3.13-6, the recreational opportunities available in federal, state, County, and city recreation and park facilities in the project area and in the county overall are extensive, and the project applicant would be required by the Marin County Development Code to provide developed park and recreational land and/or pay a fee in lieu of parkland dedication to help mitigate the impacts of the new residential demand on existing parkland and recreational facilities; therefore, implementing the project would not result in the substantial physical deterioration (or acceleration of deterioration) of recreational facilities in the region. See Response O1-2 for more detail regarding the project applicant's obligation under the Marin County Development Code. Because the project applicant would comply with the code's requirement, this impact would be less than significant. Therefore, no mitigation is required under CEQA; however, the Marin County Planning Commission and Board of Supervisors will take the comment's concerns into consideration before the decision on the project is rendered.

Comment O1-5

> *Requested Developer Action: We urge North Coast Land Holdings to acknowledge this potential impact, include it in a revised community engagement plan, and to contribute annually to the Strawberry Recreation District for ongoing capital improvements. This funding would support projects like the proposed pool and swim building expansion, which would benefit both existing Strawberry residents and future residents of the Seminary development. This contribution would help mitigate the increased demand for recreational facilities and programs that the development is expected to generate.*

Response O1-5

The comment requests the applicant acknowledge potential impacts to recreational facilities, submit a revised community engagement plan, and contribute annually to the Strawberry Recreation District for ongoing capital improvements. See Response to Comment O1-3.

Comment O1-6

COMMENT #4: NO MITIGATION MEASURES PROPOSED FOR INCREASED DEMAND FOR PUBLIC SCHOOL FACILITIES AND SERVICES (IMPACT 3.13-4)

> As the sole public school in Strawberry, Strawberry Point School (SPS) will inevitably experience an influx of new students due to new families moving into the new Seminary development. This increase in enrollment will undoubtedly place a greater strain on the school's existing facilities and resources, such as classrooms, libraries, playgrounds, and after-school programs. Additionally, the increased student population may necessitate an increase in programs funded by Kiddo and the PTA.

Response O1-6

The comment expresses concern that Strawberry Point Elementary School, the only public school located in the community of Strawberry, would experience an influx of new students under the project that would place a greater strain on the school's facilities, resources, and after-school programs. The comment further states that the increase in school population may necessitate an increase in programs funded by Kiddo and the PTA.

As described in Draft EIR Section 3.13, "Public Services and Recreation," the project site is located in the area served by the Mill Valley School District, which has five elementary schools and one middle school. The Mill Valley School District Facility Master Plan presents yearly student enrollment projections through the 2030-2031 school year and identifies target and maximum student capacity for each of the schools in the district. As shown on Draft EIR page 3.13-10 in Table 3.13-1, "Capacities Compared to 2020-2021 and Projected Enrollments for Mill Valley School District," the highest projected enrollment through the 2030-2031 school year is less than the target capacity for all the schools except Edna Maguire Elementary School, and in that case, the projection still falls below the maximum capacity identified for the school. The 2020-2021 enrollment in Strawberry Point Elementary School was 260, considerably below the school's 345 target capacity and 403 maximum capacity. The highest projected enrollment for the school through the 2030-2031 school year is 289 (Mill Valley School District 2021: Table 4). Additionally, Table 3.13-1 on page 3.13-10 of the Draft EIR has been updated to reflect 2024-2025 enrollment data and for all schools, with the exception of Park Elementary School, school enrollment decreased between the 2020-2021 and 2024-2025 school years.

As described in the discussion under Impact 3.13-3, the project would generate an estimated 93 students in the Mill Valley School District. The student population associated with the project have access to elementary schools across the district, not only in the one school located in Strawberry. Therefore, the schools in the district would have sufficient capacity to serve the student population anticipated with the project.

The findings in the Draft EIR remain consistent with the updated data from the 2024-2025 school year as enrollment for all schools decreased between the 2020-2021 and 2024-2025 school years, with the exception of Park Elementary School and Tamiscal High School. For Park Elementary School, enrollment increased by 42 students from 259 in the 2020-2021 school year to 301 for the 2024-2025 school year. However, this is still below the target capacity of 345 students and the maximum capacity of 403 students for Park Elementary School (Ed Data 2025b; 2025c; 2025d; 2025e; 2025h; 2025j). For Tamiscal High School, enrollment increased by 8 students from 116 in the 2020-2021 school year to 124 for the 2024-2025 school year. However, similar to Park Elementary School, this is still below the school capacity of 364 students (Ed Data 2025k).

Regardless, the County is legally unable to require mitigation for impacts to school facilities and student enrollment beyond what is allowed by State law. As described in the discussion under Impact 3.13-3, the project applicant would be required to pay school impact fees to assist the school district with meeting the increased demand for school services. Government Code Section 65995(h) states that the payment or satisfaction of a fee, charge, or other requirement levied or imposed under Section 17620 of the Education Code is deemed to be full and complete mitigation of the impact for the planning, use, development, or provision of adequate school facilities. Recognizing the schools in the district have adequate capacity to accommodate the projections of additional students from the proposed project and school impact fees would be paid by the applicant, this impact would be less than significant, and no mitigation is required under CEQA.

To provide updated school enrollment data for the 2024-2025 school year, Table 3.13-1 and Table 3.13-2 starting on page 3.13-10 of the Draft EIR have been updated. These revisions are made to present current enrollment data which presents a decrease in enrollment for all schools with the exception of Park Elementary School and Tamiscal High School, and do not alter the significance determinations of the EIR.

ORIGINAL:

Table 3.13-1 Capacities Compared to 2020-2021 and Projected Enrollments for Mill Valley School District

School	2020-2021 Enrollment	Target Capacity	Maximum Capacity	Highest Projected Enrollment	Lowest Projected Enrollment
Edna Maguire Elementary School	477	585	679	617	503
Old Mill Elementary School	278	312	363	309	277
Park Elementary School	259	345	403	304	260
Strawberry Point Elementary School	260	345	403	289	247
Tamalpais Valley Elementary School	419	489	571	459	415
Elementary school totals	1,693	2,076	2,419	1,952	1,701
Mill Valley Middle School	941	1,146	1,404	833	736

Note: Enrollments are projected through the 2030-2031 school year.

Source: Mill Valley School District 2021: Table 4.

Student enrollment in the Tamalpais Union High School District is projected to decline between the 2020-2021 and the 2025-2026 school years. Student enrollment in each of the five high schools in the 2020-2021 school year was below the capacity of each school, and the utilization of each of the schools is expected to decline with the anticipated decline in student enrollment by the 2025-2026 school year (Table 3.13-2) (Tamalpais Union High School District 2021).

School districts use student generation rates to determine school facility needs in their service area. Student generation rates in Marin County are based on a calculation of the number of students per residential unit at a particular moment in time, so these rates can vary over time, as reflected in the number of enrolled students and their respective grade levels, along with the number of residential units in the county (Marin County 2022). Current student generation rates for the Mill Valley and Tamalpais Union High School Districts are 0.5 and 0.2, respectively (Jones, pers. comm., 2023).

Table 3.13-2 Capacities Compared to 2020-2021 and Projected Enrollments for Tamalpais Union High School District

School	Capacity	2020-2021 Enrollment	2020-2021 Utilization	2025-2026 Enrollment (Projected)	2025-2026 Utilization (Projected)
Archie Williams High School	2,914	1,331	46%	952	33%
Redwood High School	3,243	1,975	61%	1,872	58%
Tamalpais High School	2,569	1,593	62%	1,428	56%
San Andreas High School	252	69	27%	50	20%
Tamiscal High School	364	116	32%	90	25%
Total or percent	**9,342**	**5,084**	**54%**	**4,392**	**47%**

Source: Tamalpais Union High School District 2021: Figure 2

REVISED:

Table 3.13-1 Capacities Compared to 2020~~0~~4-2021~~5~~5 and Projected Enrollments for Mill Valley School District

School	2020~~0~~4-2021~~5~~5 Enrollment	Target Capacity	Maximum Capacity	Highest Projected Enrollment	Lowest Projected Enrollment
Edna Maguire Elementary School	~~477~~399	585	679	617	503
Old Mill Elementary School	~~278~~261	312	363	309	277
Park Elementary School	~~259~~301	345	403	304	260
Strawberry Point Elementary School	~~260~~259	345	403	289	247
Tamalpais Valley Elementary School	~~419~~368	489	571	459	415
Elementary school totals	~~1,693~~1,588	2,076	2,419	1,952	1,701
Mill Valley Middle School	~~941~~721	1,146	1,404	833	736

Note: Enrollments are projected through the 2030-2031 school year.

Source: Mill Valley School District 2021: Table 4; Ed Data 2025b; 2025c; 2025d; 2025e; 2025h; 2025j.

Student enrollment in the Tamalpais Union High School District is projected to decline between the 2020~~0~~4-2021~~5~~5 and the 2025-2026 school years. Student enrollment in each of the five high schools in the 2020~~0~~4-2021~~5~~5 school year was below the capacity of each school, and the utilization of each of the schools is expected to decline with the anticipated decline in student enrollment by the 2025-2026 school year (Table 3.13-2) (Tamalpais Union High School District 2021; Ed Data 2025a; 2025f; 2025g; 2025i; 2025k).

School districts use student generation rates to determine school facility needs in their service area. Student generation rates in Marin County are based on a calculation of the number of students per residential unit at a particular moment in time, so these rates can vary over time, as reflected in the number of enrolled students and their respective grade levels, along with the number of residential units in the county (Marin County 2022). Current student generation rates for the Mill Valley and Tamalpais Union High School Districts are 0.5 and 0.2, respectively (Jones, pers. comm., 2023.

Table 3.13-2 Capacities Compared to 2020-2021 and Projected Enrollments for Tamalpais Union High School District

School	Capacity	2020~~0~~4-2021~~5~~5 Enrollment	2020~~0~~4-2021~~5~~5 Utilization	2025-2026 Enrollment (Projected)	2025-2026 Utilization (Projected)
Archie Williams High School	2,914	~~1,331~~1,141	~~46~~39%	952	33%
Redwood High School	3,243	~~1,975~~1,722	~~61~~53%	1,872	58%
Tamalpais High School	2,569	~~1,593~~1,470	~~62~~57%	1,428	56%
San Andreas High School	252	~~69~~46	~~27~~18%	50	20%
Tamiscal High School	364	~~116~~124	~~32~~34%	90	25%
Total or percent	**9,342**	**~~5,084~~4,503**	**~~54~~48%**	**4,392**	**47%**

Source: Tamalpais Union High School District 2021: Figure 2; Ed Data 2025a; 2025f; 2025g; 2025i; 2025k.

Comment O1-7

Requested Developer Action: We request that North Coast Land Holdings acknowledge this potential impact, include it in a revised community engagement plan, and contribute annually to the Strawberry PTA and provide the PTA with two complimentary conference/event facility rentals per year for fundraising events.

Response O1-7

The comment requests the applicant acknowledge potential impacts to school facilities, submit a revised community engagement plan, and contribute annually to the Strawberry PTA and provide the PTA with two complimentary

conference/event facility rentals per year for fundraising events. Impacts on school facilities are analyzed in Draft EIR Section 3.13, Public Services and Recreation. As discussed under Impact 3.13-3, implementation of the project would increase the number of housing units on the project site by 185 (including the residential care facility), generating an estimated 93 students in the Mill Valley School District and 37 students in the Tamalpais Union High School District. This increase in school district populations would not be substantial, and both the Mill Valley School District and the Tamalpais Union High School District could accommodate this increase in student population. In addition, the project applicant would be required to pay school impact fees to assist the school districts with meeting the increased demand for school services. Government Code Section 65995(h) states that the payment or satisfaction of a fee, charge, or other requirement levied or imposed under Section 17620 of the Education Code is deemed to be full and complete mitigation of the impact for the planning, use, development, or provision of adequate school facilities. Thus, environmental impacts related to increased demand for public school facilities and services were found to be less than significant. The comment does not address any other environmental impact or the adequacy of the Draft EIR within the purview of CEQA. Requests for development conditions are outside the scope of the EIR and no further response is required. The Marin County Planning Commission and Board of Supervisors will also take the comment's suggestion under consideration before a decision on the project is rendered.

Comment O1-8

COMMENT #5: NO MITIGATION MEASURES FOR INCREASED TRAFFIC ON REDWOOD HIGHWAY FRONTAGE ROAD AND SEMINARY DRIVE (Impact 3.14-1)

> The anticipated rise in traffic will primarily affect the area used by middle school students from our neighborhood to access the middle school on the other side of the highway (Seminary Drive/Redwood Highway/Hw101). Due to the light usage and low traffic volume, this has not posed significant issues. With the introduction of increased traffic, there is a substantial risk that these roads will become dangerous for our children to bike or walk to school. To mitigate this potential safety hazard, we request that the developer invest in improving the biking and walking infrastructure connecting Strawberry to Mill Valley, particularly near the main 101 highway ingress and egress points of the project along Redwood Highway Frontage Road. Enhancing this infrastructure will ensure that our children can continue to travel safely to and from school, despite the increased traffic.
>
> *Requested Developer Action: We request expansion of Bike Lanes: Class I or Class II bike lanes from Ricardo/Seminary Drive to the highway overpass/and or bridge, safety review of the highway overpass, add a connection from the overpass west exit to a bike path (currently exists in a parking lot/highway onramp), and review lighting: enhancing street lighting along the key routes to ensure visibility and safety, especially during early morning and late afternoon hours when children are traveling to and from school.*

Response O1-8

The comment expresses concern with transportation safety impacts from increased traffic near Mill Valley Middle School. See Final EIR Section 3.2.11, Master Response: Transportation Safety, and the Existing Intersections Review Memorandum provided as Appendix D of the Final EIR. As detailed in Master Response: Transportation Safety, it was determined in the Draft EIR that the project would not result in a significantly increased transportation safety impact with the implementation of Mitigation Measures 3.14-3a through 3.14-3c, and the Existing Intersections Review Memorandum was prepared for the purpose of the County's consideration of project merits and the potential for defining conditions of approval outside of the CEQA analysis framework.

The Existing Intersections Review Memorandum (Final EIR Appendix D) identifies potential improvement measures at the Redwood Highway Frontage Road/US 101 northbound ramps intersection that would enhance existing operations at the intersection. These improvement options are not related to a CEQA environmental impact, so they are not defined as "mitigation measures," because the project's trip generation would be insufficient to substantially change existing transportation hazards in the study area. The lack of substantial change in traffic is evidenced in the LOS Assessment Memo where analysis concluded that LOS would meet County standards with or without the project and after adding project traffic, LOS would remain at D with continued stable traffic flow. The findings and voluntary recommendations in the Existing Intersections Review Memorandum do not change the conclusions or adequacy of the analysis in the Draft EIR related to transportation. Therefore, no changes to the Draft EIR are required in response to this comment.

Letter O2 Strawberry Recreation District

Pamela Bohner, Board Chair
September 2, 2024

Comment O2-1

COMMENT #1: PROPOSED FITNESS CENTER SHOULD BE LIMITED TO SITE RESIDENTS AND AFFILIATES OF THE ACADEMIC CAMPUS (Page 2-17)

The proposed 17,000-square-foot fitness center, while intended for local residents within walking distance, may attract visitors from further afield due to the impracticality of enforcing the walking-distance restriction. The resulting increase in traffic could strain the local infrastructure, an impact that has not been adequately addressed in the current IER.

Response O2-1

The comment expresses concern with increased traffic from the proposed fitness center. As described in Final EIR Section 3.2.7, Master Response: Traffic Count Data, LOS assessment is not used to determine environmental impacts under CEQA (in accordance with SB 743, Statutes of 2013), but may inform decisions about the merits of the proposed project.

Although LOS is no longer used to determine a significant environmental impact, an assessment of LOS was prepared for the County of Marin's merit review of the project. The LOS memo was updated in response to public comments on the Draft EIR requesting new traffic counts and to address potential post-pandemic changes in travel behavior, with updated counts collected in February 2025. While differences from 2021 counts were minimal, the memo was revised in consultation with County staff to incorporate the 2025 data and include a seventh study intersection (Final EIR Appendix B). According to the Marin North Coast Land Holdings Level of Service Assessment Memorandum, all study intersections would operate at level of service LOS D or better conditions under all scenarios, which meets the County LOS standard. The Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comments under consideration before a decision on the project is rendered. No edits or revisions are warranted in the Final EIR.

Comment O2-2

Requested Developer Action: Membership to fitness facilities should be limited to on-site residents and affiliates of the academic campus only.

Response O2-2

The comment requests that membership to the fitness center be limited to on-site residents and affiliates of the academic campus only. As described in the Draft EIR on page 2-17 of Chapter 2, Project Description, membership of the fitness center would be limited to on-site residents, affiliates of the academic campus, and residents of the surrounding community that are within walking distance of the facility. The comment does not address the adequacy of the Draft EIR and no further response is required. In the absence of any significant environmental effect requiring feasible mitigation, there is no legal basis under CEQA for limiting the membership to the fitness center as the comment proposes. Nevertheless, the Marin County Planning Commission and Board of Supervisors will also take the comment's suggestion under consideration before a decision on the project is rendered.

Comment O2-3

While the EIR acknowledges the proximity of SRD to the proposed Seminary Development and downplays the impact on recreational facilities, the reality is that SRD is already a vital resource for local families. It's a primary destination for the community, but it requires significant improvements to meet existing demand. The influx of new residents from the development will increase demand at SRD and highlights the need for updating the current aging facilities. Based on historical precedent, set by previous developers within the Strawberry Peninsula, we believe North Coast Land Holdings should be required to donate to the Recreation District. In the past, developers have donated land around the Strawberry Peninsula for recreational purposes, while the current need is to renovate the 1970s built hub of Strawberry Recreation District.

Response O2-3

The comment states that while the Draft EIR acknowledges the proximity of the Strawberry Recreation District to the project site, it downplays the impact on recreational facilities and the importance of the Strawberry Recreation District for local residents. The comment requests the applicant be required to donate to the Strawberry Recreation District as a precedent has already been set by previous developers who have donated land around the Strawberry Peninsula for recreational purposes. See Response to Comment O1-3, which addresses the applicant's options under State law and the Marin County Code for addressing the proposed project's contribution to increased needs for recreation facilities such as public parks.

Comment O2-4

Requested Developer Action: Regardless of any new parks created within the development, SRD (owned and maintained by SRD) will remain a central hub for both the existing community and future Seminary residents. We strongly encourage North Coast Land Holdings to recognize and address this potential impact in a revised community engagement plan. Given its proximity Strawberry Recreation District, as a condition of development we urge North Coast Land Holdings to mitigate the strain on SRD by contributing $5,000,000 towards the development of a new Community Building and Locker Room Facility at SRD. This investment would greatly benefit countless families and the broader community. In recognition of their contribution, North Coast Land Holdings would be honored.

Response O2-4

The comment states that regardless of any new recreation-related improvements proposed by the project, the Strawberry Recreation District would remain a central hub for both the existing community and future residents of the proposed project. The comment requests the applicant recognize this potential impact, submit a revised community engagement plan, and contribute $5,000,000 as a condition of the development towards the development of a new community building and locker room facility at the Strawberry Recreation District. See Response to Comment O1-3, which addresses the applicant's options under State law and the Marin County Code for addressing the proposed project's contribution to increased needs for recreation facilities such as public parks.

Comment O2-5

COMMENT #3: NO MITIGATION MEASURES PROPOSED FOR INCREASED USE OF EXISTING NEIGHBORHOOD AND REGIONAL PARKS OR OTHER RECREATIONAL FACILITIES SUCH THAT SUBSTANTIAL PHYSICAL DETERIORATION OF THE FACILITY WOULD OCCUR OR BE ACCELERATED (IMPACT 3.13-6)

Strawberry residents already experience high demand for Strawberry Recreation District programs, often facing sold-out camps, after-school activities, and swim lessons due to our limited facilities. In addition to access to SRD's local parks.The proposed development is likely to worsen this situation, making it even more difficult for current residents to access recreational facilities like the swimming pool, indoor gym, and various programs for all ages.

Response O2-5

The comment states that recreation programs provided by the Strawberry Recreation District are in high demand and often sold out because facilities are limited. The comment further states that because recreation demand associated with implementing the project would likely worsen the situation, the Draft EIR should identify mitigation to address the increased use of the facilities. See Response O1-4, which explains why the commenter's concern does not address any significant environmental effect requiring additional mitigation under CEQA.

Comment O2-6

Requested Developer Action: We strongly encourage North Coast Land Holdings to acknowledge the potential strain on Strawberry Recreation District facilities and incorporate this into a revised community engagement plan. Furthermore, we urge them to make annual contributions to the Strawberry Recreation District to support ongoing capital improvements. This funding could facilitate projects like the proposed community building expansion, benefiting both existing Strawberry residents and future residents of the Seminary development. This proactive contribution would help alleviate the increased demand for recreational facilities and programs that the development is anticipated to create.

Response O2-6

The comment encourages the applicant to acknowledge the potential strain on Strawberry Recreation District facilities in a revised community engagement plan and make annual contributions to the Strawberry Recreation District to support ongoing capital improvements. See Response to Comment O1-3.

Letter O3 Marin Conservation League

Nona Dennis, President
Kate Powers, Co-Chair, Land Use Transportation and Water Committee
September 5, 2024

Comment O3-1

1. General Comment. The DEIR is well written and supported by sound technical studies/reports. Generally, the topic area sections are comprehensive and thorough, presenting credible findings and suitable mitigation measures. However, where mitigations are necessary to reduce impacts to a less-than-significant level for specific environmental topic areas, it should be demonstrated that the measures are feasible and implementable. (discussed below).

Response O3-1

The comment states the Draft EIR is supported by sound technical studies; however, where mitigation is required to reduce impacts to less than significant, it should be demonstrated that the measures are feasible and implementable.

The commenter is incorrect in assuming that CEQA requires EIRs to include analyses of the feasibility of proposed mitigation measures (or alternatives). (See, e.g., *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 689 (*San Franciscans*) ["[a]s is self-evident from its name, an EIR is an *environmental* impact report"]; "[a]s such, it is an informational document, not one that must include ultimate determinations of economic feasibility"], original italics; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1502-1506 [agreeing with conclusions in *San Franciscans*]; *Association of Irritated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1401 ["economic data is not required to be included in an EIR"]; and State CEQA Guidelines Section 15131(c) ["Economic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the information must be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the project."].)

Even so, in preparing the Draft EIR for the proposed project, the County and its consultants have taken care to recommend mitigation measures only where there is evidence supporting their feasibility or good reason to believe that they are feasible. This evidence of feasibility can take various forms, depending on the mitigation measure, but examples of the evidence may include modeling results, standard design features, compliance with environmentally protective guidelines, ability to achieve performance standards, or observable physical conditions before and after mitigation measures. If there is uncertainty about feasibility of a mitigation measure, the Draft EIR has disclosed the uncertainty and the potential for a significant impact to be unavoidable, if feasibility cannot be confirmed.

The decision-making body of the lead agency is responsible for making the definitive determinations of impact significance and "actual feasibility" of mitigation measures in the CEQA Findings at the time of a project's approval, after public review of the Draft EIR and certification of the Final EIR. (See CEQA case law cited above in Section 3.2.2 of this Final EIR (Master Response: Adequacy of the Range of Alternatives).) At that final stage of the CEQA process, the decision-making body can reject mitigation measures or alternatives as infeasible based on substantial evidence in the administrative record, including documents outside the EIR. (State CEQA Guidelines Sections 15091(a)(3) & (b) and 15131(c).) The formal adoption of proposed mitigation measures, as opposed to their rejection, reflects the decision-maker's implied conclusion that the measures are infeasible. Generally, applicants are the parties most likely to object to proposed mitigation measures on the grounds of purported feasibility. Such objections are typically based on cost considerations or technical infeasibility. For the proposed project, the Marin County Board of Supervisors will make the definitive determinations of whether mitigation measures are feasible or not. County staff

has done its best to serve up to the Board measures the staff believes to be feasible. Both the applicant and members of the public will have the opportunity to present to the Board evidence on the issue of feasibility.

The Draft EIR discloses in Section 3.7, Greenhouse Gas Emissions and Climate Change Vulnerability, that it cannot be assured at this time that Mitigation Measure 3.7-1b is feasible because Marin County has no identifiable GHG emission off-set policy or program that has been codified and/or adopted for development purposes. However, if at the time of the project's consideration for approval by the Board of Supervisors, if Marin County has adopted a GHG offset policy and implementation program, the applicant shall define offsets that feasibly meet the County program requirements and state protocols and standards. If a County policy and implementation program does not exist at the time of project consideration for approval, use of GHG offsets would be administratively infeasible to monitor and enforce. Thus, the Draft EIR did discuss the feasibility of Mitigation Measure 3.7-1b and because its feasibility cannot be assured at this time the Draft EIR concluded impacts to greenhouse gas emissions would be significant and unavoidable.

In addition, in Section 3.14, Transportation, the draft EIR discloses that, although implementation of Mitigation Measure 3.14-2a and Mitigation Measure 3.14-2b would require the development of a TDM program and the dedication of housing to campus-affiliated residents, respectively, to reduce vehicle trips and, therefore, VMT associated with the residential uses of the project, the effectiveness of potential VMT reduction strategies cannot be reliably quantified nor assured at this time. Thus, the Draft EIR did discuss the effectiveness of Mitigation Measures 3.14-2a and 3.14-2b; and because they cannot be either reliably quantified or assured at this time, the Draft EIR concluded impacts related to VMT would be significant and unavoidable.

Comment O3-2

2. Project Description. The project description presented in DEIR Section 2 is lacking in a detailed description of the academic campus component of the project. The DEIR project description merely mirrors what is permitted under the County-approved 1953 Conditional Use Permit (CUP), which broadly specifies an educational campus for up to 1,000 students supported by faculty and staff. Consequently, the DEIR analysis of the topic areas for this component of the project presents broad findings that are lacking in factual detail. MCL acknowledges that at the present time, there is no specific academic institution that is proposing tenancy and operation of the campus, which would offer more specific detail for analysis. Nonetheless, without a specific academic institution identified, the impacts of this use component of the project cannot be adequately analyzed at a project level review. The physical environmental impacts vary dramatically by the type of academic institution. For example, a small higher-level education college campus with onsite student housing would have dramatically different transportation impacts than a commuter-type college campus or a private K-12 school serving the Marin County community. A more detailed CEQA/environmental analysis should be required when a specific academic institution is proposed for the Seminary site.

Response O3-2

The comment states the EIR is lacking in a detailed description of the academic campus component of the project and without a specific academic institution identified, the impacts cannot be adequately analyzed because the physical environmental impacts would vary depending on the type of academic institution. The comment recommends a more detailed environmental analysis should be required when a specific academic institution is proposed for the site.

As noted in Final EIR Section 3.2.2, Master Response: Adequacy of the Range of Alternatives, CEQA does not require an EIR to identify a specific end user; rather, identifying a proposed land use is sufficient. In *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 124 Cal.App.4th 430, 443, the court found that an EIR for proposed 1.2 million square-foot distribution center with related outbuildings on a 300–acre site was not deficient for failing to disclose that Wal-Mart was the likely end-user. The court explained that "[i]t is common knowledge that projects are often developed without any knowledge of who the user/tenant will be. If CEQA was to be interpreted as the Attorney General suggests, no such projects could ever proceed until all potential user/tenants were identified and subsequently investigated by the lead agency. In addition to being completely impractical, this interpretation finds no support in the sphere of law and regulation encompassed by CEQA[.]" The court also noted that "land use entitlements such as conditional use permits and development approvals run with the land and do not belong to the permittee."

As described in Draft EIR Chapter 2, "Project Description," the EIR assumed the academic campus would continue to be occupied by a higher education institute such as a university or college, with no change proposed to the scope of the existing 1953 CUP. Therefore, the project description provides information on the type of educational use (i.e., higher education facility campus), the intensity of use (i.e., enrollment maximum of 1,000 students), and the proposed physical changes to the campus (i.e., renovation and expansion of administrative facilities, but not an increase in classroom capacity), which presents sufficient information for determining reasonably foreseeable environmental effects of the proposed campus element of the master plan. See Final EIR Section 3.2.1, Master Response: Stable Project Description, and Section 3.2.4, Master Response: Conditional Use Permit Issues. The Marin County Planning Commission and Board of Supervisors can take the concerns about the campus uses raised in the comment into consideration before a decision on the project is rendered.

Comment O3-3

3. Biological Resources. DEIR Section 3.4 presents an analysis of biological resources and potential impacts. MCL finds the analysis of biological resources to be thorough and concurs with the findings and the recommended mitigation measures. Mitigation measures should include lighting modification and accommodation to avoid species disturbance in areas where populations of overwintering monarchs, nesting bird sites, and maternity and roosting bat habitat are observed.

Response O3-3

The comment states that MCL concurs with the findings and recommended mitigation measures for biological resources in the Draft EIR. The comment further suggests that mitigation measures should include lighting modification and accommodation to avoid species disturbance impacts to overwintering monarchs, nesting bird sites, and maternity and roosting bat habitat. The Draft EIR describes in Chapter 2, "Project Description," in Section 2.6.3, Landscaping, Wildfire Resilience, and Site Improvements, that lighting improvements proposed for installation along internal roads and pedestrian walkways would consist of low-wattage fixtures that would be shielded and directed downwards. Additionally, the project would adhere to the County's outdoor lighting standards, which require that lighting sources be designed and constructed in a manner that is consistent with Marin County's Uniformly Applied Conditions to avoid light spillage on adjacent properties and in private spaces. The low-wattage shielded fixtures are not anticipated to result in a substantial adverse impact on overwintering monarchs, nesting bird sites, and maternity and roosting bat habitat due to their location along trails and roads and the design of the fixtures, which would direct light down away from the tree canopy where these species are most likely to occur. Clarifying text has been added to Impact 3.4-2, Potential Disturbance or Loss of Monarch Butterfly, specifying that no adverse effects from lighting would occur.

ORIGINAL:

Stands of mature trees in the northern portion of the project site within the Woodland Buffer and within the Seminary Point Planning Area may be suitable for use as overwintering roosts (WRA 2010), and milkweed host plants may be present within the project site. Therefore, monarch butterflies may use the site for overwintering and reproduction; however, use of the site by the species has not been documented (CNDDB 2022a; Western Monarch Milkweed Mapper 2023). Landscaping and other maintenance activities currently occur within the project site and are not anticipated to increase substantially as a result of the project; therefore, these activities associated with the project would not have a substantial adverse effect on monarch.

REVISED:

Stands of mature trees in the northern portion of the project site within the Woodland Buffer and within the Seminary Point Planning Area may be suitable for use as overwintering roosts (WRA 2010), and milkweed host plants may be present within the project site. Therefore, monarch butterflies may use the site for overwintering and reproduction; however, use of the site by the species has not been documented (CNDDB 2022a; Western Monarch Milkweed Mapper 2023). Landscaping and other maintenance activities currently occur within the project site and are not anticipated to increase substantially as a result of the project;

therefore, these activities associated with the project would not have a substantial adverse effect on monarch. The project also proposes to add low-voltage lighting to internal roads and pedestrian pathways, which would not have a substantial adverse effect on monarch, because these low-voltage lights would be required to be directed downward and shielded away from the tree canopy where monarchs may roost.

Clarifying text has also been added to Impact 3.4-4, Potential Disturbance or Loss of Special-Status Birds and Other Common Nesting Birds, specifying that no adverse effects from lighting would occur.

ORIGINAL:

Landscaping and other maintenance activities currently occur within the project site and are not anticipated to increase substantially as a result of the project; therefore, these activities associated with the project are not anticipated to have a substantial adverse effect on white-tailed kite and common raptors and other common nesting birds. Common raptors and other native bird species may nest throughout the project area in trees, shrubs, and on buildings. Construction, demolition, grading, or vegetation clearing including the construction of new buildings, roads, and trails; and fuels management activities could result in disturbance and loss of the nests of common native raptors and other common nesting birds if these activities occur during the nesting season for these species (February 1 to August 15); however, Marin County Code Section 22.20.040 requires preconstruction nesting bird surveys during the nesting season (February 1 and August 15) and establishment of buffers around active nests until the young have fledged as determined by a qualified biologist. The application of Code Section 22.20.040 would avoid impacts to common nesting birds from project activities.

REVISED:

Landscaping and other maintenance activities currently occur within the project site and are not anticipated to increase substantially as a result of the project; therefore, these activities associated with the project are not anticipated to have a substantial adverse effect on white-tailed kite and common raptors and other common nesting birds.

The project also proposes to add low-voltage lighting to internal roads and pedestrian pathways, which would not have a substantial adverse effect on special-status birds and common raptors and other common nesting birds, because these low-voltage lights would be located along paths and roads where disturbance would limit use of the area by nesting birds and would be required to be directed downward and shielded reducing the spillover of light into adjacent nesting habitat. Common raptors and other native bird species may nest throughout the project area in trees, shrubs, and on buildings. Construction, demolition, grading, or vegetation clearing including the construction of new buildings, roads, and trails; and fuels management activities could result in disturbance and loss of the nests of common native raptors and other common nesting birds if these activities occur during the nesting season for these species (February 1 to August 15); however, Marin County Code Section 22.20.040 requires preconstruction nesting bird surveys during the nesting season (February 1 and August 15) and establishment of buffers around active nests until the young have fledged as determined by a qualified biologist. The application of Code Section 22.20.040 would avoid impacts to common nesting birds from project activities.

Also, clarifying text has been added to Impact 3.4-5, Potential Disturbance or Loss of Special-Status and Common Bat Maternity and Hibernation Roosts, specifying that no adverse effects from lighting would occur.

ORIGINAL:

Landscaping and other maintenance activities currently occur within the project site and are not anticipated to increase substantially as a result of the project and would therefore not have a substantial adverse effect on special-status or common bat species.

REVISED:

Landscaping and other maintenance activities currently occur within the project site and are not anticipated to increase substantially as a result of the project and would therefore not have a substantial adverse effect on special-status or common bat species. The project also proposes to add low-voltage lighting to internal roads and pedestrian pathways, which would not have a substantial adverse effect on special-status or common bat species, because these low-voltage lights would be located along paths and roads where disturbance would limit use by roosting bats and lighting would be required to be directed downward and shielded reducing the spillover of light into adjacent roosting habitat.

The addition of text regarding project lighting to Impact 3.4-2, Potential Disturbance or Loss of Monarch Butterfly, Impact 3.4-4, Potential Disturbance or Loss of Special-Status Birds and Other Common Nesting Birds, and Impact 3.4-5, Potential Disturbance or Loss of Special-Status and Common Bat Maternity and Hibernation Roosts is a clarification of the proposed lighting for the project and does not constitute a significant modification to the EIR.

Comment O3-4

4. Greenhouse Gas (GHG) Emissions. DEIR Section 3.7 presents an analysis of both construction-related (short-term) and operational (project build-out) impacts to GHG emissions. The DEIR concludes that the short-term and operational impacts would generate GHG emissions that exceed the 15% reduction threshold, resulting in a significant unavoidable impact. Several mitigation measures are recommended including: a) installing EV charging stations and building to CalGreen Tier 2 standards (Mitigation Measure 3.7-1a); and b) decarbonizing buildings or purchasing offsets, and constructing new buildings to be 100% electric without natural gas infrastructure (Mitigation Measure 7.3-1b), Nonetheless, these measures are not enough to reduce the GHG emission impacts to a less-than-significant level. Further, the County has yet to adopt a GHG offset policy and program, so the 100% electrification is determined as not feasible at this time.

   MCL believes that more could be done to reduce the significant and unavoidable operational impacts to GHG emissions. Requiring full electrification for all new construction in the development would further reduce the projected GHG emission impacts and set a good example for other future development projects in Marin County. Most importantly, it would foster the Countywide effort to promote full electrification through the Marin Building Electrification Plan.

Response O3-4

The comment summarizes the conclusions in Draft EIR Section 3.7, Greenhouse Gas Emissions and Climate Change Vulnerability, and states more could be done to reduce the significant and unavoidable operational impacts to GHG emissions, particularly requiring full electrification of newly constructed buildings. The analysis in Draft EIR Section 3.7, "Greenhouse Gas Emissions and Climate Change Vulnerability," uses the Bay Area Air District's (formerly the Bay Area Air Quality Management District) project-level thresholds of significance, published initially in 2022 and revised in 2023. The Bay Area Air District has developed their thresholds of significance in consideration of the state's long-term GHG reduction goal of achieving carbon neutrality by 2045, as reasoned in its 2022 Air Quality Guidelines Appendix B: CEQA Thresholds for Evaluating the Significance of Climate Impacts From Land Use Projects and Plans report (BAAQMD 2022). The report states "[t]o determine the 'fair share,' the analysis should therefore focus on the design elements that need to be incorporated into the project in order to lay the foundation for achieving carbon neutrality by 2045." As discussed on page 3.7-8, the Bay Area Air District's qualitative thresholds are applied in the analysis, which require building decarbonization, installation of electric vehicle (EV) charging infrastructure meeting the Tier 2 requirements of the most recent version of the California Green Building Standards Code (CALGreen), and reducing VMT meeting the requirements of Senate Bill (SB 743 as compared to a regional average. Notably, these project design features mirror those provided by the California Air Resources Board in Appendix D of the 2022 Scoping Plan to Achieve Carbon Neutrality (2022 Scoping Plan), which calls for building carbonization, EV charging infrastructure, and VMT reductions at the project-level. Because the project would not be able to reduce VMT to the reduction targets of SB 743 and includes land uses that may require natural gas, impacts were determined to be significant and unavoidable. While it is possible that components of future development under the project could be fully electric, it is also foreseeable that as an academic campus, some uses (i.e., laboratories) would require the use of natural gas for

chemistry-related activities. In addition, the Ninth Circuit Court of Appeals has held that federal law severely limits the extent to which local governments can preclude the use of natural gas in new development. (See *California Restaurant Association v. City of Berkeley* (9th Cir. 2024) 89 F.4th 1094 [holding that the City of Berkeley's building code provisions prohibiting natural gas piping in new buildings from the points of delivery at gas meters, thereby rendering gas appliances useless, were preempted by the federal Energy Policy and Conservation Act ("EPCA"), 42 U.S.C. § 6297(c)].) For these reasons, it is not feasible for the County to require all new development to be fully electric. Marin County may, in the future, have a designated offset program; however, at this time, one is not available. Therefore, the use of carbon offsets is not feasible at this time. The Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comments under consideration before a decision on the project is rendered. No revisions to the EIR are required in response to this comment.

Comment O3-5

Lastly, recommendations for reducing transportation impacts (below) include Mitigation Measure 3.14-4, which would require the construction of a roundabout at the intersection of Seminary Drive and Ricardo Road. MCL wholeheartedly supports this measure in-lieu of signalizing this intersection. The roundabout is superior to signalized intersection; it promotes continued vehicle movement through the intersection, thus eliminating vehicle stops resulting in vehicle idling and acceleration. The roundabout would help in further reducing air quality impacts and GHG emissions. See additional comments below under Transportation.

Response O3-5

The comment expresses support for Mitigation Measure 3.14-4, as it appeared in the Draft EIR. The commenter's support for this mitigation measure, in its original form, is noted for consideration by the Board of Supervisors. Mitigation Measure 3.14-4 has been revised, however, to preclude the option of a roundabout. See Final EIR Section 3.2.12, Master Response: Emergency Vehicle Access Mitigation for details. Because the comment does not question the content or conclusions of the Draft EIR, no further response is required.

Comment O3-6

5. Hydrology. DEIR Section 3.9 addresses the existing drainage pattern of the project area and the proposed storm drain system. While the DEIR states that the proposed storm drain system would employ bioretention areas and detention facilities to control peak runoff, stormwater management on the site would greatly benefit by incorporating green infrastructure and low impact development approaches as recommended by the Marin Countywide Stormwater Pollution Prevention Program.

Response O3-6

The comment expresses that stormwater management on the project site would greatly benefit by incorporating green infrastructure and low impact development approaches as recommended by the Marin Countywide Stormwater Pollution Prevention Program. The drainage system will be designed and operated in such a way as to avoid significant adverse impacts on water quality, and need not be further modified. Draft EIR Impact 3.9-1 describes how compliance with the Construction General Permit, including preparation and implementation of the Stormwater Pollution Prevention Plan and associated BMPs, as well as compliance with Chapter 23.18 of the Marin County Code describing best management practices, would effectively avoid the potential for substantial degradation of surface and groundwater quality during construction and operation of the project. Draft EIR Impact 3.9-3 describes that project improvements would comply with the BASMAA post-construction manual, which provides a low impact development approach to implementing Provision E.12 "Post-Construction Stormwater Management Program," and mandates the County to control pollutants in runoff from newly created or replaced impervious surfaces. A description of the Marin Countywide Stormwater Pollution Prevention Program and the resources they offer regarding Low Impact Development Resources has been added to the Regulatory Setting on page 3.9-4 of the Draft EIR to further address the comment.

ORIGINAL:

[No description of the Marin Countywide Stormwater Pollution Prevention Program provided in Regulatory Section]

REVISED:

Marin Countywide Stormwater Pollution Prevention Program

MCSTOPPP staff implement permit compliance tasks and track stormwater regulations on behalf of the member agencies. They document local and countywide permit compliance efforts in annual reports to the San Francisco Bay Regional Water Quality Control Board. The annual reports include information on illegal discharge detection and elimination, street and storm drain cleaning, municipal and creek maintenance, stormwater and creek protection controls for development projects, business inspections, and public outreach, education and participation. In addition, we provide technical assistance to member agencies and the public and implement a countywide outreach and education program.

Comment O3-7

6. Population and Housing. DEIR Section 3.12 presents an analysis of population and housing impacts. MCL acknowledges that the Seminary site and proposed development were anticipated and considered in the recently adopted Marin County Housing Element and associated Final EIR. The project would result in the demolition of 139 residential units and would displace upwards of 320 residents over a four-year construction and development period. The DEIR concludes that resident displacement would be a short-term impact that is less-than-significant. This conclusion is based on the rationale that there is ample housing in the region for resident relocation and placement. First, this conclusion does not correlate with the current housing crisis in the region. Second, a number of the current residents living on the Seminary property are lower-income and are a critical part of the local workforce. Displacement will force current residents (particularly lower-income residents) that may be working locally to relocate outside the area resulting in longer commutes. Longer commutes result in a greater amount of vehicle miles traveled (VMT) and greater GHG emissions. So, there is a big environmental benefit to ensuring there is available, affordable housing for the existing Marin workforce.

MCL's recently adopted a housing policy position statement which supports, among others the preservation of existing housing for Marin's workforce through housing protection tools. MCL recommends that the project sponsor be required to develop a detailed tenant assistance program that addresses displacement and relocation. Displacement and relocation should include incentives such as tenant relocation to other vacant, existing housing units within the Seminary community. Such measures would ensure that the current workforce can continue to live locally and close to work.

Response O3-7

The comment states that the conclusion in Draft EIR Section 3.12, "Population and Housing," Impact 3.12-2 that there is ample housing in the region for resident relocation and placement does not correlate with the housing crisis in the region. It also states that most of the current residents who would be displaced are lower-income residents who are a critical part of the local workforce and that they would be forced to relocate outside the area, resulting in longer commutes, which would increase VMT and GHG emissions. Lastly, the comment recommends that NCLH be required to develop a detailed tenant assistance program that addresses displacement and relocation.

The analysis in the Draft EIR is supported by housing data provided by the California Department of Finance. The data were current (January 2023) when the Draft EIR was released for public review. The number of housing units (single detached, single attached, two to four units, five or more units, and mobile homes) and vacancy rates for unincorporated Marin County and the county overall are provided. The use of specific, vetted data from the California Department of Finance and the County itself reflects a good-faith effort to accurately describe the current state of housing in the region. The analysis also describes how lower-income residents would be entitled to payment of moving expenses; relocation assistance; and payment of the difference, if any, between affordable rent and rent for a "comparable" unit for up to 42 months.

Since the Draft EIR was released for public review, more current data (January 2025) have become available. As shown in the updated version of Draft EIR Table 3.12-3 below, compared with the data from January 2023, the number of units has not changed substantially. The vacancy rate is slightly lower (reduced by 0.3 percent) for the unincorporated county and is unchanged for the county overall. However, the vacancy rate for Strawberry has increased from 7.7 in 2020 to 13.8 percent in 2023 (US Census Bureau 2023b). The discussion in the Draft EIR has

been revised to include the updated data. As shown below, the vacancy rate for the unincorporated county remains considerably higher than the rates for the county overall and the state. The findings and conclusions presented in the Draft EIR are based on facts from authoritative agency sources and appropriately describe the nature and magnitude of environmental impacts of the proposed project, and the updates to Table 3.12-3 do not alter the conclusions or findings in the Draft EIR.

Regarding GHG emissions, see Draft EIR Section 3.7, "Greenhouse Gas Emissions and Climate Change Vulnerability," Impact 3.7-1 (Generate GHG Emissions, Either Directly or Indirectly, That May Have a Significant Impact on the Environment), which concludes that the project's contribution of GHG emissions would be significant and unavoidable. Similarly, regarding VMT, see Draft EIR Section 3.14, "Transportation," Impact 3.14-2 (Conflict or Be Inconsistent with State CEQA Guidelines Section 15064.3, Subdivision [b] Regarding Vehicle Miles Traveled), which concludes that the project's VMT impact would be significant and unavoidable. As a result, the comment's concerns about VMT and GHG impacts are consistent with and reflected in the conclusions of the Draft EIR.

Lastly, regarding the comment recommending that NCLH be required to develop a detailed tenant assistance program that addresses displacement and relocation, as discussed under Draft EIR Section 3.12, "Population and Housing," Impact 3.12-2, the project would be required to comply with state and County requirements to provide support regarding displacement and relocation of residents currently living on-site. Lower-income residents would be entitled to payment of moving expenses; relocation assistance; and payment of the difference, if any, between affordable rent and rent for a "comparable" unit for up to 42 months. Although 132 residential units would be demolished under the project, the number of units lost would be replaced, and another 185 units would be added. Therefore, the number of residential units on the site, including the 13 housing units that were retained, would increase to 337 units.

The expanded number of units would be sufficient to house up to approximately 850 residents—an increase of approximately 530 residents. In addition, Program 3 of the Housing Element and Housing Density Bonus Law requires that any project that involves demolition of affordable housing on a project site replace the number of affordable units lost with new affordable units; otherwise, the project would not be eligible for the density bonus and would be inconsistent with State law. Moreover, the County would collaborate with the applicant to develop a relocation plan for existing tenants that complies with State housing law. Approximately 30 percent of proposed project housing units would be occupied by the student, staff, and faculty population, so a portion of the students and faculty members displaced during construction would be expected to move back onto the project site following construction. Further, as part of preparation of this Final EIR, the affordable unit count was raised to 70 units considering two performance criteria (average 2.2 bedrooms for the 70 units and no fewer than 112 bedrooms). The specific array of units would be determined during design review. See Chapter 2, "Project Updates," which describes project updates and edits in this Final EIR to correct the affordable unit count and increase the affordable units to be dedicated under the proposed project to 70 affordable units.

ORIGINAL:

HOUSING UNITS AND VACANCY

The number of housing units in Marin County overall was estimated (January 2023) to be 112,183, with nearly three-quarters of those units single attached or single detached homes (DOF 2023a). The remainder are multifamily units and mobile homes. The vacancy rate for the county overall was estimated (January 2023) to be 6.8 percent (DOF 2023a). In the unincorporated portion of the county, 24,447 of the 29,341 units, or 83 percent, are single attached or single detached homes, and the vacancy rate is 10.5 percent (DOF 2023a). More detail regarding existing housing in the unincorporated portion of the county, Marin County overall, and the state is presented in Table 3-12-3.

Table 3.12-3 Number of Housing Units and Vacancy Rate (January 2023)

Number of Housing Units:	Total	Single Detached	Single Attached	Two to Four	Five Plus	Mobile Homes	Occupied	Vacancy Rate
Unincorporated Marin County	29,341	22,498	1,949	1,408	2,931	555	26,248	10.5%
Marin County overall	112,183	68,166	11,792	8,355	21,979	1,891	104,595	6.8%
State	14,707,698	8,420,792	1,056,780	1,146,148	3,545,018	538,960	13,739,470	6.6%

Source: DOF 2023a.

From 2020 to 2023, the number of housing units in unincorporated Marin County increased by 85, for a growth rate of 0.003 percent, and the number of housing units in Marin County overall increased by 619, for a growth rate of 0.006 percent (DOF 2020, 2023a). From 2015 to 2050, ABAG forecasts a growth of 37,000 households in Marin County, for a growth rate of 34 percent (ABAG 2021).

Housing-related data, like population data, are more limited for Strawberry than for the county. The most current US Census data presented for Strawberry by DOF is for 2020, and unlike for the unincorporated county and the county overall, the data do not include details regarding types of housing units. From 2010 to 2020, the number of housing units in Strawberry was estimated to decline from 2,729 (DOF 2015b) to 2,714 (DOF 2023c), for a growth rate of -0.005. In 2020, the homeowner vacancy rate was estimated to be 1.3 percent, the rental vacancy rate was estimated to be 5.4 percent, and the overall vacancy rate was estimated to be 7.7 percent (DOF 2023c). The most recent (2020) overall vacancy rate for Strawberry (7.7 percent) is lower than the most recent (2023) overall vacancy rate for unincorporated Marin County (10.5 percent).

REVISED:

HOUSING UNITS AND VACANCY

The number of housing units in Marin County overall was estimated (January 20~~23~~25) to be ~~112,183~~ 113,062, with nearly three-quarters of those units single attached or single detached homes (DOF ~~2023a~~ 2025a). The remainder are multifamily units and mobile homes. The vacancy rate for the county overall was estimated (January ~~2023~~ 2025) to be 6.8 percent (DOF ~~2023a~~ 2025a). In the unincorporated portion of the county, ~~24,447~~ 24,573of the ~~29,341~~ 29,541 units, or 83 percent, are single attached or single detached homes, and the vacancy rate is 10.~~5~~2 percent (DOF ~~2023a~~ 2025a). More detail regarding existing housing in the unincorporated portion of the county, Marin County overall, and the state is presented in Table 3-12-3.

Table 3.12-3 Number of Housing Units and Vacancy Rate (January ~~2023~~2025)

Number of Housing Units:	Total	Single Detached	Single Attached	Two to Four	Five Plus	Mobile Homes	Occupied	Vacancy Rate
Unincorporated Marin County	~~29,341~~ 29,541	~~22,498~~ 22,581	~~1,949~~ 1,992	~~1,408~~ 1,408	~~2,931~~ 3,005	~~555~~ 555	~~26,248~~ 26,527	~~10.5%~~ 10.2%
Marin County overall	~~112,183~~ 113,062	~~68,166~~ 68,546	~~11,792~~ 12,093	~~8,355~~ 8,355	~~21,979~~ 22,177	~~1,891~~ 1,891	~~104,595~~ 105,347	~~6.8%~~ 6.8%
State	~~14,707,698~~1 4,949,001	~~8,420,792~~ 8,525,241	~~1,056,780~~ 1,086,359	~~1,146,148~~ 1,152,281	~~3,545,018~~ 3,645,563	~~538,960~~ 539,557	~~13,739,470~~ 13,993,318	~~6.6%~~ 6.4%

Source: DOF ~~2023a~~2025a.

From 2020 to 20~~23~~25, the number of housing units in unincorporated Marin County increased by 285, for a growth rate of ~~0.003~~ 1 percent, and the number of housing units in Marin County overall increased by ~~619~~ 1,498, for a growth rate of ~~0.006~~ 1.3 percent (DOF 2020, ~~2023a~~ 2025a). From 2015 to 2050, ABAG forecasts a growth of 37,000 households in Marin County, for a growth rate of 34 percent (ABAG 2021).

Housing-related data, like population data, are more limited for Strawberry than for the county. The most current US Census data presented for Strawberry by ~~DOF~~ the US Census Bureau is for 20~~20~~23, and unlike for the unincorporated county and the county overall, the data do not include details regarding types of housing units. From 2010 to 20~~20~~23, the number of housing units in Strawberry was estimated to decline from 2,729 (DOF 2015b) to ~~2,714~~ 2,676 (~~DOF 2023c~~ US Census Bureau 2023b), for a growth rate of ~~-0.005~~ -1.9 percent. In 2020, the homeowner vacancy rate was estimated to be 1.3 percent, the rental vacancy rate was estimated to be 5.4 percent, and the overall vacancy rate was estimated to be 7.7 percent (DOF 2023c). The most recent (20~~20~~23) overall vacancy rate for Strawberry (~~7.7~~ 13.8 percent) is ~~lower~~ higher than the most recent (20~~23~~25) overall vacancy rate for unincorporated Marin County (10.~~5~~2 percent) (US Census Bureau 2023b).

In addition, the vacancy rates reported under Impact 3.12-2 starting on page 3.12-16 of the Draft EIR have been updated to reflect the most recent data.

ORIGINAL:

Impact 3.12-2: Displace Substantial Numbers of Existing People or Homes, Necessitating the Construction of Replacement Housing Elsewhere

Implementation of the project involves demolition of 139 residential units, which would result in the displacement of approximately 320 people. A recent estimate indicates that more than 3,000 housing units are available in unincorporated Marin County (DOF 2023a). Substantially more housing is available if portions of the East Bay and San Francisco are also considered in light of typical regional commute distances. In addition, the County anticipates construction of 5,214 housing units with implementation of the updated Housing Element (Marin County 2023). A portion of this new housing would become available during the 4-year project construction period. Further, various benefits would be available to displaced residents. Lower-income residents, for example, would be entitled to payment of moving expenses; relocation assistance; and payment of the difference, if any, between affordable rent and rent for a "comparable" unit for up to 42 months. Although 139 residential units would be demolished under the project, the number of units lost would be replaced, and another 185 units would be added. Therefore, the number of residential units on the site, including the 13 housing units that were retained, would increase to 337 units. The expanded number of units would be sufficient to house up to approximately 850 residents—an increase of approximately 530 residents. In addition, Program 3 of the Housing Element and Housing Density Bonus Law requires that any project that involves demolition of affordable housing on a project site replace the number of affordable units lost with new affordable units; otherwise, the project is not eligible for the density bonus. Moreover, the County would require as a condition of project approval that all demolished affordable units be replaced with the same number of affordable units at the same affordability and that 20 percent of the total number of units be affordable. Approximately 30 percent of proposed project housing units would be occupied by the student, staff, and faculty population, so a portion of the students and faculty members displaced during construction would be expected to move back onto the project site following construction. Existing housing supply in the county and in neighboring regions of the Bay Area and housing anticipated in the Housing Element are much larger than the number of displaced residents, so it is expected to be sufficient to house the remaining displaced residents. Because existing housing in the region would be sufficient to house residents displaced during construction, additional housing will become available as the County proceeds with construction of 5,214 housing units anticipated under the updated Housing Element, the project site would be able to house up to approximately 850 residents (an increase of approximately 530 residents) following buildout of the project, and the County would require that all the demolished affordable units be replaced with the same number of affordable units at the same affordability and that 20 percent of the total number of units be affordable, construction of replacement housing elsewhere would not be required to address the displacement of residents from the project site. This impact would be **less than significant**.

Under the proposed project, 139 of the 152 residential units on the project site (145 residential units plus the 66 dormitory rooms, which are counted as seven units) would be demolished and replaced, and the

remaining 13 residential units would be retained. The 66 dormitory rooms are included among the 139 units that would be demolished. (As mentioned above, the project does not involve the replacement of the dormitory rooms with new dormitory rooms, but it does involve the replacement of the seven residential units that represent the dormitory rooms in the count of on-site units.) In addition to the 139 units that would be replaced, 184 new units consisting of single-family and multifamily residences, as well as a residential care facility, would be constructed on-site.

Demolition of the 139 housing units would result in the displacement of approximately 320 people. Construction would be phased and is anticipated to last 4 years; however, specific phasing details, such as the exact timing of existing resident displacement, are not yet available.

As described under "Housing Units and Vacancy," above, the vacancy rate in unincorporated Marin County is 10.5 percent, which is considerably higher than the vacancy rates for Marin County overall (6.8 percent) and the state (6.6 percent). A recent estimate indicates that more than 3,000 housing units are available in unincorporated Marin County (DOF 2023a). Substantially more housing is available if, as discussed for Impact 3.12-1, portions of the East Bay and San Francisco are also considered in light of typical regional commute distances. In addition, as detailed in Table 3.12-1, above, during the current 8-year Housing Element planning period, nearly 1,400 acres in the county will be rezoned and the acreage used to construct more than 3,200 units to help the County meet its RHNA requirement. A portion of this new housing would become available during the 4-year project construction period. These units are included among the 5,214 housing units that would be added to the county with implementation of the updated Housing Element. The 5,214 housing units include (1) the Housing Element "Proposed Sites Inventory" total of 3,928 units to meet the RHNA, (2) the California Department of Housing and Community Development–recommended buffer to ensure an adequate number of sites, and (3) additional units that could be proposed under state Housing Density Bonus law (Marin County 2022: 16-11).

REVISED:

Impact 3.12-2: Displace Substantial Numbers of Existing People or Homes, Necessitating the Construction of Replacement Housing Elsewhere

Implementation of the project involves demolition of 139 residential units, which would result in the displacement of approximately 320 people. A recent estimate indicates that more than 3,000 housing units are available in unincorporated Marin County (DOF ~~2023a~~ 2025a). Substantially more housing is available if portions of the East Bay and San Francisco are also considered in light of typical regional commute distances. In addition, the County anticipates construction of 5,214 housing units with implementation of the updated Housing Element (Marin County 2023). A portion of this new housing would become available during the 4-year project construction period. Further, various benefits would be available to displaced residents. Lower-income residents, for example, would be entitled to payment of moving expenses; relocation assistance; and payment of the difference, if any, between affordable rent and rent for a "comparable" unit for up to 42 months. Although 139 residential units would be demolished under the project, the number of units lost would be replaced, and another 185 units would be added. Therefore, the number of residential units on the site, including the 13 housing units that were retained, would increase to 337 units. The expanded number of units would be sufficient to house up to approximately 850 residents—an increase of approximately 530 residents. In addition, Program 3 of the Housing Element and Housing Density Bonus Law requires that any project that involves demolition of affordable housing on a project site replace the number of affordable units lost with new affordable units; otherwise, the project ~~is~~ would not be eligible for the density bonus and would be inconsistent with State law. ~~Moreover, the County would require as a condition of project approval that all demolished affordable units be replaced with the same number of affordable units at the same affordability and that 20 percent of the total number of units be affordable~~. Approximately 30 percent of proposed project housing units would be occupied by the student, staff, and faculty population, so a portion of the students and faculty members displaced during construction would be expected to move back onto the project site following construction. Existing housing supply in the county and in neighboring regions of

the Bay Area and housing anticipated in the Housing Element are much larger than the number of displaced residents, so it is expected to be sufficient to house the remaining displaced residents. Because existing housing in the region would be sufficient to house residents displaced during construction, additional housing will become available as the County proceeds with construction of 5,214 housing units anticipated under the updated Housing Element, the project site would be able to house up to approximately 850 residents (an increase of approximately 530 residents) following buildout of the project, and the County would require that all the demolished affordable units be replaced with the same number of affordable units at the same affordability and that 20 percent of the total number of units be affordable, construction of replacement housing elsewhere would not be required to address the displacement of residents from the project site. This impact would be **less than significant**.

Under the proposed project, 139 of the 152 residential units on the project site (145 residential units plus the 66 dormitory rooms, which are counted as seven units) would be demolished and replaced, and the remaining 13 residential units would be retained. The 66 dormitory rooms are included among the 139 units that would be demolished. (As mentioned above, the project does not involve the replacement of the dormitory rooms with new dormitory rooms, but it does involve the replacement of the seven residential units that represent the dormitory rooms in the count of on-site units.) In addition to the 139 units that would be replaced, 184 new units consisting of single-family and multifamily residences, as well as a residential care facility, would be constructed on-site.

Demolition of the 139 housing units would result in the displacement of approximately 320 people. Construction would be phased and is anticipated to last 4 years; however, specific phasing details, such as the exact timing of existing resident displacement, are not yet available.

As described under "Housing Units and Vacancy," above, the vacancy rate in unincorporated Marin County is 10.~~5~~2 percent, which is considerably higher than the vacancy rates for Marin County overall (6.8 percent) and the state (6.~~6~~4 percent). A recent estimate indicates that more than 3,000 housing units are available in unincorporated Marin County (DOF ~~2023~~2025a). Substantially more housing is available if, as discussed for Impact 3.12-1, portions of the East Bay and San Francisco are also considered in light of typical regional commute distances. In addition, as detailed in Table 3.12-1, above, during the current 8-year Housing Element planning period, nearly 1,400 acres in the county will be rezoned and the acreage used to construct more than 3,200 units to help the County meet its RHNA requirement. A portion of this new housing would become available during the 4-year project construction period. These units are included among the 5,214 housing units that would be added to the county with implementation of the updated Housing Element. The 5,214 housing units include (1) the Housing Element "Proposed Sites Inventory" total of 3,928 units to meet the RHNA, (2) the California Department of Housing and Community Development–recommended buffer to ensure an adequate number of sites, and (3) additional units that could be proposed under state Housing Density Bonus law (Marin County 2022: 16-11).

Comment O3-8

7. Transportation. DEIR Section 3.14 addresses transportation impacts. MCL presents the following comments on the DEIR transportation methodologies, findings and recommendations:

    a. Per the CEQA Guidelines, a vehicle mile traveled (VMT) analysis was prepared for the transportation impact study. The VMT analysis is based on a trip generation "baseline," which was determined by completing traffic counts (in December 2021) at key/critical local intersections. This methodology is appropriate and consistent with the baseline review protocols.

Response O3-8

The comment agrees with the methodology used in the vehicle miles traveled (VMT) analysis including the trip generation analysis used to determine baseline conditions. The comment has been included for consideration by the Board of Supervisors. Because the comment does not question the content or conclusions of the Draft EIR, no further response is required.

Comment O3-9

b. The DEIR concludes that the project would impair emergency vehicle access resulting in a potentially significant impact. To reduce this impact to a less-than-significant level, the DEIR recommends Mitigation Measures: a) 3.14-3b, which would require that both public and private roads (within the project) be widened to County standards; and b) 3.14-4, which would require the construction of a roundabout at the intersection of Seminary Drive and Ricardo Road (measure offers signalization as an alternative). As noted above, MCL supports the measure recommending the roundabout. While these are practical recommendations, there is some question if they are feasible and implementable without further information: Widening of public roads and the construction of a roundabout is not feasible unless it is confirmed that there is adequate public right-of-way to construct them. Also, there is no detailed discussion or list of which roads (public or private) that would need to be widened. Road widening could have secondary environmental impacts depending upon their location and design. Lastly, the intersection of Seminary Dr and Ricardo Rd is located in a low-lying area near the bay that is vulnerable to flooding. This secondary impact should be addressed.

Response O3-9

The comment questions the feasibility of implementing Mitigation Measures 3.14-3b and 3.14-4, stating they are not feasible unless it is confirmed that there is adequate public right-of-way to construct them. The comment also states there is no detailed discussion or list of which roads would need to be widened.

Mitigation Measure 3.14-3b would apply to both private and public roads including Hodges Drive and Gilbert Drive (i.e., both collector streets) as well as existing local roads that do not meet the County standards within the project site. It also applies to new roads that would be constructed within the project site. Widening of project roadways to meet County of Marin Road Standards as well as ADA and PROWAG Guidelines for Transportation Accessibility would be a condition of approval if the project is approved.

Mitigation Measure 3.14-4, which as it appeared in the Draft EIR identified constructing a roundabout or an alternative traffic signal at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol, has been modified. See Final EIR Section 3.2.12, Master Response: Emergency Vehicle Access Mitigation Measure, that describes the revisions. The updated measure, which is equivalent in effectiveness to the initial options provided in the original version of Mitigation Measure 3.14-4, involves installing signal preemption at two existing traffic signals on Redwood Highway Frontage Road that are on the primary routes for first responders from the fire station to access US 101. The revised mitigation measure would require the project applicant to purchase, install, and activate emergency vehicle preemption devices in the traffic signals at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive as well as in seven fire station vehicles housed at Southern Marin Fire District Strawberry Fire Station 9. Mitigation Measure 3.14-4 as revised would help maintain vehicular flow during emergency response by prioritizing right-of-way for emergency vehicles traveling from Fire Station 9 to US 101. Mitigation Measures 3.14-3b and 3.14-4 would reduce impacts on emergency access. Revised Mitigation Measure 3.14-4 is similar to the previous mitigation option in the manner that it reduces impacts on emergency vehicle access. Therefore, alteration of the Seminary Drive/Ricardo Road/Vista Del Sol intersection is no longer needed, as the revised mitigation does not require physical modification of the transportation network. The updated mitigation would achieve the same improvements as previously determined in Impact 3.14-4 of the Draft EIR and does not change the analysis or conclusions of the Draft EIR.

Comment O3-10

c. The DEIR concludes that the project would exceed the 15% reduction threshold for VMT, resulting in significant unavoidable transportation impacts. This finding is largely due to the fact that the project is essentially a suburban development, that is not immediately close to robust public transit. To lower VMT, the best measures are to reduce work-to-home travel. The DEIR recommends several mitigation measures to reduce this impact including Mitigation Measures: a) 3.14-2a which requires the development of a Transportation Demand Management (TDM) for market rate residential units; and b) 3.4-2b, which would require that a portion of the residential units within the project be dedicated to campus-affiliated employees. Further, the DEIR concludes that there would need to be a significant number of units dedicated to campus-affiliated employees to measurably reduce VMT. Given the entire project is and will continue to be controlled

by one holding (North Coast Holdings), the implementation of Mitigation Measure 3.5-b is doable and can be imposed, regulated and monitored under the Master CUP. However, imposing TDM measures for the market-rate residential component of the project (Mitigation Measure 3.14-a) is difficult to enforce and it is not effective unless there are clear performance standards that can be met. TDM may benefit from communication with transportation planners at Marin Transit to explore how the site might facilitate a future small bus or van route. This outreach should occur early as project develops.

Response O3-10

The comment states that the implementation of Mitigation Measure 3.14-2a would be difficult to enforce and not effective without clear performance standards. Additionally, the comment suggests that communication with transportation planners at Marin Transit to explore a small bus or van route would benefit the TDM strategies proposed. As described in the Draft EIR, a 39 percent reduction in weekday home-based VMT per capita is established as the performance goal in Mitigation Measure 3.14-2a; however, for clarity, the text on page 3.14-16 was revised. Additionally, Mitigation Measure 3.14-2a has been clarified to require coordination between the applicant and Marin Transit as part of the process to establish carpool, buspool, or vanpool programs. Given the absence of a Countywide TDM strategy at this time and the limited effectiveness of the measures proposed, the Draft EIR determined that the project's impact on VMT would be significant and unavoidable. This revision represents a minor clarification and does not change the analysis or conclusions of the Draft EIR. In response to this comment, page 3.14-16 of the Draft EIR has been revised as follows:

ORIGINAL:

Mitigation Measure 3.14-2a: Develop and Implement a Transportation Demand Management Program for Market Rate Residential Uses

Prior to the issuance of the first building permit in the first phase of development, the project applicant shall develop a Transportation Demand Management (TDM) program for the proposed market rate residential units, including any anticipated phasing, and shall submit the draft TDM program to the County of Marin Public Works for review and approval. The TDM program shall attempt to achieve a 39 percent reduction in weekday home-based VMT per capita generated by the proposed market rate single family and multi-family residential uses to reduce impacts to a less-than-significant level.

The project applicant shall be responsible for preparing and implementing the TDM Program. The project applicant shall be responsible for funding and overseeing the delivery of trip reduction/TDM proposed programs and strategies to achieve the maximum feasible trip reduction as determined in collaboration with County of Marin Public Works staff, which may include, but are not limited to, the following:

- Dedicated shuttle for residents of market units and/or academic campus employees and/or students;
- Establishment of carpool, buspool, or vanpool programs;
- Vanpool purchase incentives;
- Cash allowances, passes or other public transit subsidies and purchase incentives;
- Parking fees set at levels sufficient to incentivize alternative modes;
- Full or partial parking subsidies for ride-sharing vehicles;
- Bicycle programs including bike purchase incentives, storage, maintenance program, and on-site education program;
- On-site bike share program;
- Dedicated employee or student housing for adjacent campus;
- Designation of an on-site transportation coordinator for the project.

REVISED:

Mitigation Measure 3.14-2a: Develop and Implement a Transportation Demand Management Program for Market Rate Residential Uses

Prior to the issuance of the first building permit in the first phase of development, the project applicant shall develop a Transportation Demand Management (TDM) program for the proposed market rate residential units, including any anticipated phasing, and shall submit the draft TDM program to the County of Marin Public Works for review and approval. The performance goal of the TDM program shall ~~attempt to~~ be a 39 percent reduction in weekday home-based VMT per capita generated by the proposed market rate single family and multi-family residential uses to reduce impacts to a less-than-significant level.

The project applicant shall be responsible for preparing and implementing the TDM Program. The project applicant shall be responsible for funding and overseeing the delivery of trip reduction/TDM proposed programs and strategies to achieve the maximum feasible trip reduction as determined in collaboration with County of Marin Public Works staff, which may include, but are not limited to, the following:

- Dedicated shuttle for residents of market units and/or academic campus employees and/or students;
- Establishment of carpool, buspool, or vanpool programs in coordination with Marin Transit;
- Vanpool purchase incentives;
- Cash allowances, passes or other public transit subsidies and purchase incentives;
- Parking fees set at levels sufficient to incentivize alternative modes;
- Full or partial parking subsidies for ride-sharing vehicles;
- Bicycle programs including bike purchase incentives, storage, maintenance program, and on-site education program;
- On-site bike share program;
- Dedicated employee or student housing for adjacent campus;
- Designation of an on-site transportation coordinator for the project.

Comment O3-11

d. The DEIR includes a level of service (LOS) analysis of local intersections. Although no longer a methodology utilized for CEQA review, MCL is grateful that this analysis was prepared and included in the DEIR for public review and comment. While the baseline for determining trip generation is sound, the trip generation assumptions for the academic institution portion of the project appears to rely on generic, textbook trip generation information. As noted in our comments on the project description, there is really no detailed description of the academic institution, so the impacts of this use component of the project cannot be adequately analyzed at a project level review. There are many different types of academic institutions, and their resulting physical environmental impacts can vary dramatically.

Response O3-11

The comment claims that the trip generation methodology is generic and the project description lacks details about the academic campus uses of the project. See Final EIR Section 3.2.1, Master Response: Stable Project Description for details regarding the campus.

Regarding the trip generation analysis, see Final EIR Section 3.2.9, Master Response Project Trip Generation/Internalization. The ITE Trip Generation Manual is a widely recognized and trusted resource used by transportation agencies and professionals to estimate the number of trips generated by various land uses, based on empirical data and contextual factors such as site characteristics and setting. The number of new trips that would be generated by the campus was estimated using the ITE Trip Generation Manual 11th edition. Additionally, Environmental Protection Agency-approved mixed-use methodology (i.e., MXD model) is the best available tool for identifying internalization rates and widely recognized as an appropriate method to determine trip generation, such as the project's. Therefore, the analysis is adequate, and no revisions to the Draft EIR are warranted based on this comment.

Comment O3-12

8. Alternatives. The DEIR considers and assesses four alternatives to the project including the CEQA- required "No Project" alternative. Alternative #4 presents a "Mitigated Plan Alternative," which has been identified as the "environmentally superior" alternative. MCL favors this alternative as it proposes the same scope and residential units as the project but incorporates changes to the development plan to reduce project-generated environmental impacts.

Response O3-12

The comment expresses that the MCL prefers Alternative 4. Comments expressing an opinion, support, or objection to the project do not address adequacy of the Draft EIR; therefore, no further response is required. All comment letters submitted during the Draft EIR public review period will be reviewed and considered by the Marin County Planning Commission and Board of Supervisors before a decision on the project is rendered.

Comment O3-13

In closing, MCL acknowledges that there will be future public hearings to consider the merits of and action on the planning applications for the Seminary @ Strawberry development project. While MCL reserves this future opportunity to comment on the merits of the project and the land use/planning applications, we would like to note that the project site presents a rare opportunity to develop needed housing in Southern Marin County, on a site that is currently developed with infrastructure, utilities and services. In late 2023, MCL adopted an updated housing policy position, which contains over 50 policies. Our future comments on the merits of the project and the land use/planning applications will focus on consistency and alignment with this updated housing policy position.

Response O3-13

The comment expresses MCL's intent to comment on the merits of the project and the land use/planning applications at future public hearings focused on the merits of the project. In addition, the comment states that MCL recognizes the project site as an opportunity to develop needed housing in Southern Marin County. The comment is noted and MCL will be notified of future public hearings related to the proposed project.

Letter O4 Seminary Neighborhood Association

Riley F. Hurd III, Esq.
RAGGHIANTI | FREITAS LLP representing Seminary Neighborhood Association
September 8, 2024

Comment O4-1

I. Most Sections of the EIR require extensive additional analysis

By now, the County has received voluminous thoughtful comments from members of the Strawberry community identifying serious flaws in the DEIR, and highlighting the many topics that require further review. Besides these residents who volunteered their time and expertise, the Seminary Neighborhood Association engaged its own team of subject matter experts to review the DEIR as well. Specifically, Panorama Environmental and Baseline Environmental Consulting, along with numerous subcontractors, were hired at the expense of SNA to carefully and objectively review the DEIR. These consultants were selected not only for their expertise, but because the County itself hires these firms from time to time to prepare EIRs, and therefore has great faith in their work.

A. Expert Analysis

Attached as Exhibit A to this letter is a draft of the findings from Panorama and Baseline. A summary of their findings is as follows:

- Insufficient traffic analysis scenarios and transportation safety analysis, potential underestimation of Project trip generation based on model used, lack of vehicle queuing analysis, and inadequate number of street intersections evaluated to properly assess and mitigate traffic impacts.
- Insufficient land use and public services analysis from increasing the current school enrollment from 100 students to a future of 1,000 students.
- Undisclosed potential impacts to tidal wetlands and sensitive habitats, along with inadequate analysis of hydrology, groundwater, and drainage issues, as a result of stormwater outflows and pollutants entering Richardson Bay.
- Undisclosed potential impacts from hazardous materials that were not included in the Phase I Environmental Site Assessment.
- Potential slope stability and geotechnical issues and associated impacts to air quality, noise, and traffic.
- Undisclosed impacts of nighttime lighting from new, much taller buildings onsite, visual impacts of constructing on ridgelines, and overreliance on vegetative visual screening as mitigation measure, which will require a significant amount of time to become fully effective.
- Insufficient analysis of the potential for emergency response delays due to increased traffic during construction and impacts to other public services such as police and fire protection services as a result of increased population.
- Inadequate water supply analysis that relies solely on existing plans to conclude the Project is sufficiently served.
- The DEIR did not provide a consistent or comprehensive level of analysis across all alternatives.

Members of the Commission are strongly encouraged to review the more detailed matrix of findings contained in Exhibit A in order to understand just how deficient the current DEIR is. While there are numerous sections of the DEIR that warrant further review and will be addressed in our formal comment, a few are worth highlighting for the Commission.

Response O4-1

The comment states that the Seminary Neighborhood Association and its subcontractors have reviewed the Draft EIR and attached as Appendix A is a draft of the findings from Panorama and Baseline. The comment also includes a summary of the findings. Responses to each of the comments raised in the letter, including those in Appendix A, can be found below in Responses O4-2 through O4-130.

Comment O4-2
B. Aesthetics

The following rendering is from the Aesthetics section of the DEIR,



Does the Commission believe that this is an impact that can be mitigated? Because that is what the DEIR claims.

Response O4-2

The comment includes a copy of Figure 3.1-19, KOP #2 Visual Simulation, from the Draft EIR which shows a simulated view of the proposed project as seen from Chapel Road looking north approximately five years after construction and asks if the Commission believes that visual impacts can be mitigated.

As discussed in Draft EIR Section 3.1, Aesthetics, visual simulations of the proposed project are based on architectural, engineering, and landscape architectural drawings and materials selection provided by North Coast Land Holdings, LLC. While they do not present a final design of the proposed project, which would undergo further review during the project's planning permit process and design review, they are intended to illustrate the overall pattern, form, scale, color, and texture of the proposed development related to the characteristic landscape. Detailed design and renderings will also be developed during the design review phase, where the public will have an opportunity to provide input. As mentioned above, Figure 3.1-19, KOP #2 Visual Simulation, is a simulated view of the proposed project as seen from Chapel Road looking north approximately five years after construction.

The Draft EIR presents an extensive analysis that describes the visual impacts from the proposed project, and for KOP #2 it described the visual impact as seen from Chapel Road looking north over the existing playing field includes the Shuck Drive Knoll, Hodges/Shuck, Reed/Storer/Shuck, and a portion of Dormitory Hill Planning Areas. The Draft EIR states that the view would be significantly altered with the removal of random sparse structures and development of tightly spaced distinct housing located along the existing road system. The central portions of the project site would change from one of scattered structures to more intense but clustered development as represented in the simulations for KOP #2 (Figure 3.1-19, KOP #2 Visual Simulation).

The Draft EIR goes on to discuss that light-colored surfaces of architectural components would contrast with the grassland and forest backdrop and draw attention to the buildings. Landscape and undeveloped open space between the structures would remain visible in some areas and visually break up the various development clusters. Only the upper floors of the taller six-story structures at the corner of Hodge and Shuck Drives would be visible. The apartment buildings being located at the lower elevations of the project site would be visually backdropped by hillside topography and smaller apartments of a similar architectural style.

The Draft EIR analyzes the proposed project's consistency with applicable zoning and other regulations governing scenic quality and concludes that without mitigation, impacts would be potentially significant. Specifically, long-term alteration of the visual character of the Strawberry area as seen by the general public would principally be related to changes in views created by the presence of new development. Key elements of the project's development that

would affect compatibility with County policies would be related to color palette, bulk, and relationship to the project site's local ridgelines as seen from lower elevations. Therefore, the Draft EIR included mitigation requiring detailed planting and architectural color designs that would be refined and formally recorded in project design plans during the design review process. Mitigation measures would buffer and screen views and reduce color contrast and substantial glare. With the implementation of mitigation measures outlined in Section 3.1, Aesthetics, impacts related to scenic quality and light or glare would be reduced to less than significant.

It is important to note in this context that significant visual impacts do not result simply because a proposed project will be visible from public viewing locations or will alter the existing visual setting. (See, e.g., *North Coast Rivers Alliance v. Marin Municipal Water Dist. Bd. of Directors* (2013) 216 Cal.App.4th 614, 629-630 [court upholds EIR that concluded that the visual impacts of a proposed water tank on a mountain ridge could be mitigated to a less than significant level by mitigation measures requiring landscaping that would "soften the visual intrusion" of the tank].) Under the applicable significance threshold, which applies because the project site is located in an "urbanized area," the question is whether the proposed project would "conflict with applicable zoning and other regulations governing scenic quality." (See Draft EIR, p. 3.1-41.)

This is the sole applicable threshold regarding visual impacts because the project would not cause any substantial adverse effects on scenic vista. More specifically, the proposed project would not block public views from any local or designated scenic vista points; would not block views to any regional landmarks such as Richardson Bay, San Francisco Bay, Mount Tamalpais; and would not block views from other bayside communities, including San Francisco as seen from areas surrounding the project site. (*Ibid*.)

As the Draft EIR explains, CEQA visual impact standards in urbanized areas differ from those outside urbanized areas due to viewers' expectations and policies favoring greater densification in urbanized areas:

> Under Appendix G to the CEQA Guidelines, the question of whether a proposed project would substantially degrade the existing visual character or quality of public views of the site and its surroundings only applies to project sites located in "nonurbanized areas." In such areas, compared with more developed "urbanized areas," landscapes are more likely to be relatively untouched and subject to degradation by the introduction of new structures. The differences in approach between these two types of areas – nonurbanized and urbanized – was added to Appendix G in revisions made by the California Natural Resources Agency (CNRA) in 2018.
>
> The approach to analysis for projects in urbanized areas reflected two considerations. First, aesthetic assessments in urban contexts are inherently somewhat subjective in character, particularly where projects are proposed in settings that are already highly developed. And second, if building mass and height, by themselves, were treated as adverse "environmental" effects, the prospect that EIRs and negative declarations would call for mitigation in the form of downsizing proposed development carried the risk of disincentivizing higher densities in urbanized areas. Within such areas, comparatively taller, denser development is often appropriate from a planning standpoint in order to make efficient use of both land and infrastructure. Thus, for urbanized areas, the key aesthetic issue under CEQA is whether a proposed development project complies with applicable local rules governing building design, such as setbacks, materials, or height (CNRA 2018).
>
> For these reasons, the County need not address whether the proposed project would substantially degrade the existing visual character or quality of public views of the project site and its surroundings.

(*Id*. at pp. 3.1-41 – 3.1-42.)

Comment O4-3

C. Traffic

The DEIR confirms there will be a significant and unavoidable traffic impact. This is in no way surprising. However, the DEIR fail to address very serious dangers regarding emergency response times, evacuation times, the complete unsuitability of Reed Blvd and other feeder streets to accept additional cars, and numerous other safety issues that must be considered.

Response O4-3

The comment expresses concern with the safety and emergency access analyses in the Draft EIR. Draft EIR Impact 3.14-4 analyzed impacts on evacuation and determined that the primary roadways that would be reasonably expected for use as evacuation routes would have sufficient capacity to accommodate the number of vehicles needing to leave the Strawberry peninsula in the case of an emergency. Impact 3.14-4 also includes an evaluation of emergency vehicle ingress/egress routes to the Strawberry community that was performed in consultation with Southern Marin Fire District Station 9 Strawberry personnel. The evaluation identifies primary egress routes for fire trucks from Station 9 Strawberry and street segments along the egress routes where the project would add vehicle trips. As a result of this evaluation, a significant impact was identified for the route to US 101 via Ricardo Road, Seminary Drive, and Redwood Highway Frontage Road. The TIS and Draft EIR proposed Mitigation Measure 3.14-4 to address the significant emergency vehicle access impact, and it was determined in the Draft EIR that the implementation of Mitigation Measure 3.14-4, which involves installing signal preemption at two existing traffic signals on Redwood Highway Frontage Road along the primary routes for first responders from the fire station to US 101, would reduce the project's impact on emergency access to less than significant.

Regarding safety concerns related to project traffic, please refer to Final EIR Section 3.2.11, Master Response: Transportation Safety, and the Existing Intersections Review Memo provided in Appendix D of the Final EIR. As detailed in Master Response: Transportation Safety, it was determined in the Draft EIR that the project would not result in a significantly increased transportation safety impact with the implementation of Mitigation Measures 3.14-3a through 3.14-3c, and the Existing Intersections Review Memorandum (Final EIR Appendix D) was prepared for the purpose of the County's consideration of project merits and the potential for defining conditions of approval outside of the CEQA analysis framework. The Existing Intersections Review Memorandum (Final EIR Appendix D) identifies potential improvement measures along Reed Boulevard from Storer Drive to Richardson Drive that would enhance existing operations along this roadway segment (see Final EIR Appendix D for the recommended improvements). These improvement options are not related to a CEQA environmental impact, so they are not defined as "mitigation measures," because the project's trip generation would be insufficient to substantially change existing transportation hazards in the study area. The lack of substantial change in traffic is evidenced in the LOS Assessment Memo where analysis concluded that LOS would meet County standards with or without the project and after adding project traffic, LOS would remain at D with continued stable traffic flow. The findings and voluntary recommendations in the Existing Intersections Review Memorandum do not change the conclusions or adequacy of the analysis in the Draft EIR related to transportation. Therefore, no changes to the Draft EIR are required in response to this comment.

Comment O4-4

Furthermore, the DEIR does not even acknowledge the extensive trip limits found in the Strawberry Community Plan and how this project would far surpass said limits. The preparers of the EIR must refer to Traffic Zone 223 on Pages 57-58 of the Strawberry Community Plan.

Response O4-4

The comment claims that the Draft EIR does not acknowledge trip limits found on pages 57-58 of the 1973 Strawberry Community Plan. Pages 57-58 of the 1973 Strawberry Community Plan are part of a section titled Land Use/Open Space that refers to "Traffic Zones" that are "the basic division of the Countywide Plan land use projections." Traffic Zone 223, which is discussed on pages 57-58 of the 1973 Strawberry Community Plan, is for the land and water area of Strawberry Point south of Ricardo Road. The information presented in this section are called "major zoning recommendations." The relevant recommendation on page 58 under item "d" is as follows:

> "That the R1 zoning district covering the Golden Gate Baptist Theological Seminary properties (134+ acres) should be changed to an RMP 2.1 District. This district would allow additions of approximately 90 dwelling units to the current total of 190, (including dormitory rooms which are becoming efficiency apartments). This is an approximate density and should be precisely determined by review and updating of the existing master plan for the Seminary Properties. Any substantial changes brought about by updating the existing master plan would be reviewed in the light of satisfying other elements of this community plan.

Note: Community response to this recommendation indicates concern that the RMP district for the Seminary could lead to disagreements on future development. With the cooperation of the Seminary an updated master plan combined with the RMP zoning would be the best solution. If the Seminary does not update the existing plan, then the current R-1 zone requiring use permits for all new facilities and design review for all muti-family units should be maintained with no more than 90-100 new dwelling units possible."

The text referenced in the 1973 Community Plan is described as a "major zoning recommendation" and does not include a reference to a trip cap. Nonetheless, the County rezoned the project site to RMP-2.47 through the Board of Supervisors approval of the 1984 Master Plan. The proposed density designations and the corresponding environmental analysis are based on existing land use and zoning regulations, which are described in Section 2.4.1, Existing Plan Designations and Zoning, of the Draft EIR. No change to the Draft EIR is warranted.

Comment O4-5

D. Conformance with local laws

On Page 3.10-14 of the DEIR there is a table entitled "Project Consistency with Applicable Local Policies." **Please read this table.** The conclusions in this section of the DEIR strain the credulity of the entire document. Here are just a few examples of the "findings" in this table that simply could not be made by any reasonable person:

- **Policy:** "Retain the local setting of open hillside and open Bay waters."
    - **DEIR finding:** "CONSISTENT"
- **Policy:** "Retain the existing fine grain character of the community by limiting the construction of large scale urban density developments."
    - **DEIR finding:** "CONSISTENT"
- **Policy:** "If new development is to occur, it can strengthen this character by providing the traditional setting of detached single family units within any new development proposed for the area."
    - **DEIR finding:** "CONSISTENT"

For the DEIR to claim that that the project is consistent with these findings is extremely concerning. Perhaps the authors, or the County, don't agree with these policies, but there is no way to assert with a straight face that this project meets these goals. Why are these misleading positions being taken? Why not call a spade a spade and acknowledge that the project does not comply with these policies?

Response O4-5

The comment questions the consistency findings in Table 3.10-1 (Project Consistency with Applicable Local Policies) in Section 3.10, "Land Use and Planning," of the Draft EIR and cites alleged examples of Strawberry Community Plan policies (1973 and 1982) from Table 3.10-1 that the project is not consistent with.

The comment makes a general claim that the project "does not comply" with the cited policies but does not provide specific examples or other details in this comment as to why the conclusions are inadequate or incorrect; thus, no specific response is warranted. Moreover, the comment does not explain why the proposed project is *inconsistent* (emphasis added) with the policies cited in the comment. Nonetheless, a response to each of these general claims is provided below. Notably, the comment omits the rationale supporting the finding of consistency for each of the cited policies/goals provided in Table 3.10-1, which has been reproduced in part below.

Regarding the first policy cited in the comment, as stated in the consistency analysis of this policy in Table 3.10-1 (Draft EIR page 3.10-20), "[t]he proposed project does not include any in-water or shoreline development or increase in fill in Richardson Bay or San Francisco Bay, and therefore would retain the setting of open Bay waters… The project would not interfere with views from ridges or hilltops to the Bay or lowlands. No structures would interrupt a continuous view of the visual crest of the surrounding hillsides from adjacent lowlands." Additional rationale for why the project is consistent with this policy is provided in Response O4-64.

Regarding the second policy cited in the comment, as stated in the consistency analysis of this policy in Table 3.10-1 (Draft EIR page 3.10-20), "[t]he proposed project is located on a developed site with existing structures and established uses in an urbanized area on the Strawberry Peninsula… Additionally, the proposed project would be consistent with the Countywide Plan land use and zoning designations for the site. The project's proposed apartments and dormitory structures would be generally compatible in scale with the surrounding single-family homes, condominiums, and large apartment buildings that exist along the Richardson Bay shoreline."

Regarding the third policy cited in the comment, the project would develop single-family homes within the proposed development area, despite the comment's suggestion to the contrary. For example, the proposed project would include the construction of new single-family residential units in Seminary Point and Mission Drive Planning Areas, while also retaining existing single-family residences in these planning areas as well as the Reed/ Storer/Shuck Planning Area. Notably, the overarching theme of this goal from the Strawberry Community Plan and Amendments (1982) is housing balance. Although the specific text from this goal cited in the comment seems to suggest a preference for single-family housing, the goal also goes on to state, "Where physical constraints or opportunities dictate another housing type (i.e., attached units), the Community goal is to insure that unit size and project amenities are designed to provide the opportunity for and encourage occupancy by families with children. In this manner then the Community wishes to ensure a housing balance that will continue to provide for families." As stated in the consistency analysis of this goal in Table 3.10-1 (Draft EIR page 3.10-21), "[t]he project includes the construction of 324 new/replacement housing units, including a mix of single- and multi-family (one-, two-, and three-bedroom units), and consists of market rate and affordable housing units… The provision of market rate and affordable housing would provide a balance of housing as well as opportunities for families of various income levels… The proposed project would also include a new residential care facility that would be designed to serve adults 55 and older with capacity to house up to 170 residents, as well as a new daycare facility. The provision of the residential care facility would provide additional housing opportunities in the County for seniors and disabled persons, further contributing a range of housing types in the community." By providing a mix of housing types, including single- and multi-family housing consisting of both market rate and affordable units, the project is consistent with the overall intent of this goal to ensure a housing balance.

According to case law under the Planning and Zoning Law (Gov. Code Section 65000 et seq.), a proposed project need not achieve perfect conformity with every general plan policy, as such an outcome is neither achievable nor required. (*Families Unafraid to Uphold Rural El Dorado County v. El Dorado County Bd. of Supervisors* (1998) 62 Cal.App.4th 1332, 1336.) This is because "[a] general plan must try to accommodate a wide range of competing interests—including those of developers, neighboring homeowners, prospective homebuyers, environmentalists, current and prospective business owners, jobseekers, taxpayers, and providers and recipients of all types of city-provided services—and to present a clear and comprehensive set of principles to guide development decisions. Once a general plan is in place, it is the province of elected [county] officials to examine the specifics of a proposed project to determine whether it would be 'in harmony' with the policies stated in the plan." (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 719.) For these reasons, a proposed project is only inconsistent with the governing general plan if the project "conflicts with a general plan policy that is fundamental, mandatory, and clear." (*FUTURE*, *supra*, 62 Cal.App.4th at pp. 1341-1342; see also *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 782.)

The analysis provided in Section 3.10 of the Draft EIR has been undertaken in light of these legal principles and is intended to inform both the public and County decision-makers. In this respect, the policy consistency analysis in Table 3.10-1 achieves this intent and is adequate for purposes of CEQA compliance. The conclusions expressed in Section 3.10, including those in Table 3.10-1, reflect the best judgment of County staff. The ultimate question of the meaning of particular Countywide Plan or Strawberry Community Plan policies, and thus the proposed project' s consistency with them, lies with the Board of Supervisors. Therefore, no changes to the Draft EIR are required in response to this comment.

Comment O4-6

E. Construction Timing

Does the Planning Commission believe that the following project components can *all* be constructed in just **four years**?

- Construct a new 20,000-square-foot facility to house a pre-school (3,000 square feet) and fitness center (17,000 square feet).
- Replace a majority of the existing residences and dorm rooms with a mixture of single-family and multi-family residences, and construct new single-family and multi-family residences. A total of 336 residential units are proposed.
- Construct a new, 267,354-square-foot residential care facility that would contain 100 independent living and 44 to 50 assisted living and memory care apartments.
- Renovate the Administration Building and add a total of 15,800 square feet of floor area, resulting in a 41,000-square-foot Administration Building.
- Demolish the existing maintenance building and construct a new 2,200-square-foot maintenance building in a different location.
- Install landscape and hardscape improvements associated with the school campus and the residential development, including parking, playfields and a network of walkways and pedestrian-friendly streets.
- Provide open space (approximately 70-percent of the site) and establish a network of trails throughout the project area.

Frankly, constructing all this in four years seems impossible. Ten years would be an achievement. The Commission should direct that independent expert analysis be obtained regarding the alleged construction timeline.

Response O4-6

The comment questions the feasibility of the construction schedule. The applicant has consulted with Build Group, a regional general contractor with relevant experience building large residential projects and concurs that the proposed construction schedule is feasible (Herrema, pers. comm., 2025). Therefore, the proposed construction schedule provided in the Draft EIR is adequate and no revisions to the Draft EIR are warranted.

Comment O4-7

As will be discussed below, there is so much further work to be done on the DEIR, so many missing impacts, and so many new mitigations that are required, that the Draft EIR must be recirculated after all the new analysis is complete.

Response O4-7

The comment asserts that recirculation of the Draft EIR will be necessary assuming that new significant impacts and mitigation measures would be identified as part of the preparation of the Final EIR. A lead agency is required to recirculate a Draft EIR when the agency adds "significant new information" to the EIR after the close of the public comment period but before certification of the Final EIR (PRC Section 21092.1; State CEQA Guidelines Section 15088.5). "New information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement" (State CEQA Guidelines Section 15088.5[a]). As outlined in Section 15088.5(a), "significant new information" includes information showing that:

- a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;

- a feasible project alternative or mitigation measure considerably different from that discussed in the Draft EIR would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it; or
- the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The level of detail and the analysis included in the Draft EIR provides the public and decision-makers with sufficient information about the project to understand its physical and operational characteristics and to make an intelligent evaluation of nature and magnitude of environmental impacts of the proposed project relevant to a proposed master plan approval and community plan amendment. No new significant impacts or mitigation measures have been identified in the Final EIR. Additionally, the responses to comments and Final EIR have not identified a substantially greater impact than that described in the Draft EIR, and no new feasible alternatives have been added to the EIR. Therefore, the Draft EIR is adequate pursuant to CEQA and recirculation is not required.

Even if wholly new mitigation measures or alternatives had been identified, they would not trigger recirculation unless (i) they were "feasible," (ii) they were "considerably different" from those discussed in the Draft EIR, (iii) they would "clearly lessen the environmental impacts of the project," and (iv) "the project's proponents declined to adopt" them. (See *South County Citizens for Smart Growth v. County of Nevada* (2013) 221 Cal.App.4th 316, 330 [appellant failed to meet burden to show the existence of all four of these factors in contending that a new alternative triggered recirculation].)

Comment O4-8

II. The school use MUST be described for a legal EIR

Numerous cases have repeated the general principle that **an accurate, stable, and finite project description is the indispensable prerequisite to an informative and legally sufficient EIR.** (*County of Inyo v City of Los Angeles* (1977) 71 CA3d 185; 14 Cal Code Regs, Section 15124.) Here, the County is being asked to approve a Community Plan amendment that drastically changes the intensity, impact, and use of the educational component of the Seminary Property. However, **zero information about the operational characteristics of the school are provided**. There is *no way* there can be a meaningful EIR without knowing the details of the school being proposed. This is not just common sense, it's the law.

For example:

- What type of school is it?
- What are the hours of operation?
- Will the students and faculty live on site or commute?
- Is there a sports program?

These are basic required pieces of information critical to understating the impacts of what's being proposed. The impacts of a welding school, versus a regional commuter school, versus a self-contained graduate institution, are all drastically different. The EIR project description needs to reflect the entirety of the project, and not obscure a major component from review.

The language of the 1953 CUP speaks for itself:

> USE PERMIT
>
> Under the provisions of Section20 of Ord. No.264, the Zoning Ordinance of the County of Marin, State of California.
>
> A USE PERMIT is hereby granted authorizing Edward D. Landals (Name of person) to permit the construction of a Theological Seminary and dormitories xtax other buildings incidental to such use, subject to the attached condition. (Use of land, building or structure proposed to be conducted)

The housing and other buildings were required to be "incidental" to the educational use. The minutes from the meeting where the CUP was approved remain timely: the seminary use was only acceptable because of its "self-contained nature." A school without these characteristics generates significantly more vehicle trips, noise, and other impacts, at a level far greater than the self-contained post-graduate institution contemplated in 1953.

While it is true that CUPs run with the land, this CUP was for a self-contained seminary. Even if it wasn't, the applicants seek to change the Strawberry Community Plan's treatment of the property from "student/faculty housing, educational and religious uses and activities," to a "college/university use with a student population of approximately 1,000." **The effect of this change must be analyzed.**

Response O4-8

The comment states there cannot be a meaningful EIR without knowing the details of the nature and operations of the academic campus. The comment also provides excerpted text from the 1953 CUP and states that housing and other buildings were required to be "incidental" to the educational use. In addition, the comment states the EIR must analyze the change from "student/faculty housing, educational and religious uses and activities," to a "college/university use with a student population of approximately 1,000." As described in Draft EIR Chapter 2, "Project Description," the EIR assumed the academic campus would continue to be occupied by a higher education institute such as a university or college, with no change proposed to the scope of the existing 1953 CUP. See Final EIR Section 3.2.1, Master Response: Stable Project Description, Section 3.2.4, Master Response: Conditional Use Permit Issues, and Response to Comment 03-2. Even in the absence of an identified end user for the educational components of the proposed project, the level of detail and the analysis included in the Draft EIR provides the public and decision-makers with sufficient information about the project to understand its physical and operational characteristics and to make an intelligent evaluation of nature and magnitude of environmental impacts of the proposed project relevant to a proposed master plan approval and community plan amendment. The Marin County Planning Commission and Board of Supervisors will take the concerns raised in the comment into consideration before a decision on the project is rendered.

Comment O4-9

III. The "Seminary Tomorrow" Alternative Must Be Analyzed in the EIR

From 2018-2020 there was an unprecedented attempt by members of the Strawberry community to engage with North Coast Land Holdings in an effort to bring forward a workable project. This process was known as "Seminary Tomorrow," and while a final agreement was not reached, the parties got very, very close. Attached as Exhibit B is a signed summary of the Seminary Tomorrow process. We would ask that the Planning Commission and EIR preparers carefully review this document because it demonstrates that the draft EIR's characterization of the Alternative called "Reduced Development Alternative (Seminary Tomorrow Process Outcome)" **is patently false.**

In particular, the DEIR's statement that the Seminary Tomorrow alternative "would reduce the base zoning of the site (RMP-2.47) from 2.47 dwelling units/acre to 2.31 dwelling units/acre, thereby reducing the number of dwelling units that could be developed on the site," **is just plain wrong.** No part of the Seminary Tomorrow outcome ever suggested a zoning change, let alone one that would reduce the allowable density on the site. There is no minimum density for the property. An applicant's election to build less units than the maximum permitted is not against the law, and most certainly does not constitute a downzoning. Accordingly, the entire reasoning for the draft EIR not considering this alternative is wrong (i.e. it can't be considered because it is an illegal downzoning).

The community, and the applicant for that matter, worked hard to try to reach a resolution via Seminary Tomorrow. The submittal of an alternative by the applicant that somewhat reflected the discussions was a big step, and failing to analyze that alternative at all, particularly on specious legal grounds, is unacceptable.

Response O4-9

Please refer to Final EIR Section 3.2.3 Master Response on the Reduced Development Alternative/Seminary Tomorrow Process Outcome. In response to requests for more analysis of the alternative, it provides a detailed comparison of environmental impacts between the proposed project and the alternative. It also explains why this alternative would be legally infeasible.

Comment O4-10

IV. Recirculation is Required

If significant new information is added to an EIR after notice of public review has been given, but before final certification of the EIR, the lead agency must issue a new notice and recirculate the EIR for comments and consultation. (Pub Res C 21092.1; 14 Cal Code Regs 15088.5; *Vineyard Area Citizens for Responsible Growth v City of Rancho Cordova* (2007) 40 C4th 412, 447.) The CEQA Guidelines specifically state that changes in a project's description, or the provision of significant new information, require recirculation of a draft EIR. (14 Cal Code Regs 15088.5(a).)

"Significant new information" requiring recirculation includes:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Here, at least the first three of these criteria are met and recirculation is required. The purpose of recirculation is to give the public and other agencies an opportunity to evaluate the new data and any resulting conclusions. (*Spring Valley Lake Ass'n v City of Victorville* (2016) 248 CA4th 91, 108.)

The detailed local and expert comments on the DEIR reveal that there are significant environmental impacts beyond those already acknowledged in the DEIR, that the impacts already identified are more severe, and that additional and different alternatives and mitigation measures need to be considered. Accordingly, recirculation is absolutely required.

Response O4-10

The comment asserts that recirculation of the Draft EIR will be necessary assuming that new significant impacts and mitigation measures would be identified as part of the preparation of the Final EIR. See response to comment O4-7. The level of detail and the analysis included in the Draft EIR provides the public and decision-makers with sufficient information about the project to understand its physical and operational characteristics and to make an intelligent evaluation of nature and magnitude of environmental impacts of the proposed project relevant to a proposed master plan approval and community plan amendment. No new significant impacts or mitigation measures have been identified in the Final EIR. Additionally, the responses to comments and Final EIR have not identified a substantially greater impact than that described in the Draft EIR, and no new feasible alternatives have been added to the EIR. Therefore, the Draft EIR is adequate pursuant to CEQA and recirculation is not required.

Comment O4-11

The Strawberry community is willing to accept relatively sizable amounts of housing, a significant percentage of low-income units, a robust senior facility, and a tailored educational use. However, the decision to approve a project of this scale and lasting impact *must* be based on a thorough and accurate analysis of impacts. The entire purpose of CEQA is to arm decision-makers with an understanding of the impacts of their decision. At this time, the DEIR does not achieve this goal. It needs to be reworked, and recirculated for another round of comments.

Response O4-11

The comment states that the Draft EIR does not provide decision-makers an adequate analysis of impacts of the proposed project to be able to render a decision and recirculation is necessary. See response to comment O4-7. The level of detail and the analysis included in the Draft EIR provides the public and decision-makers with sufficient information about the project to understand its physical and operational characteristics and to make an intelligent

evaluation of nature and magnitude of environmental impacts of the proposed project relevant to a proposed master plan approval and community plan amendment. No new significant impacts or mitigation measures have been identified in the Final EIR. Additionally, the responses to comments and Final EIR have not identified a substantially greater impact than that described in the Draft EIR, and no new feasible alternatives have been added to the EIR. Therefore, the Draft EIR is adequate pursuant to CEQA and recirculation is not required.

The comment states that "[t]he entire purpose of CEQA is to arm decision-makers with an understanding of the impacts of their decision." While this purpose is of course very important, it is worth noting that, in enacting CEQA, the Legislature found and declared that "it is the policy of the state to … [e]nsure that the long-term protection of the environment, *consistent with the provision of a decent home and suitable living environment for every Californian*, shall be the guiding criterion in public decisions." (Public Resources Code Section 21001(d), italics added.)

Comment O4-12

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
1	3.2.3	3.2-11	P. Sutton	"The analysis in this section is consistent with the recommendations of BAAQMD's CEQA Guidelines (BAAQMD 2022)."	The BAAQMD's CEQA Guidelines recommend evaluating local health risks associated with exposure to fine particulate matter ($PM_{2.5}$). During construction, sources of $PM_{2.5}$ emissions include equipment exhaust and fugitive dust from soil disturbance and demolition. The DEIR analysis did not include an evaluation of health risks associated with exposure to $PM_{2.5}$. To be consistent with the BAAQMD's CEQA Guidelines, the Thresholds of Significance presented on page 3.2-12 of the DEIR should be revised to include the following threshold (or similar): ▶ Result in an incremental increase in the ambient annual average $PM_{2.5}$ concentration above 0.3 micrograms per cubic meter. In addition, Impact 3.2-3 on pages 3.2-16 and 3.2-17 of the DEIR should be revised to evaluate if construction of the project would result in a net increase in annual average $PM_{2.5}$ concentrations above the BAAQMD's recommended threshold of significance. It appears that this analysis was included in Appendix C of the DEIR but was not presented in Section 3.2 of the DEIR. The BAAQMD's CEQA Guidelines also recommend evaluating potential health risks to worker receptors. Impact 3.2-3 on pages 3.2-16 and 3.2-17 of the DEIR should be revised to evaluate if construction of the project would pose a significant health risk impact to any off-site worker receptors.

Response O4-12

The comment states that the Draft EIR did not disclose impacts compared to the Bay Area Air District's fine particulate matter ($PM_{2.5}$) toxic air contaminant threshold of concentrations above 0.3 micrograms per cubic meter nor an evaluation of significant health impact for off-site worker receptors, which is correct. Appendix C does summarize impacts of exposure to $PM_{2.5}$. Draft EIR Section 3.2, "Air Quality," recommends Mitigation Measure 3.2-1, "Apply Tier-4 Emission Standards to all Diesel-Powered Off-Road Equipment," for the project to reduce emissions of air pollutants from the operation of heavy-duty equipment during project construction. As shown in Draft EIR Table 3.2-8, use of Tier 4 Emissions Standards would reduce cancer risk to the maximally exposed individual (MEI) resident to 5.69, which would be below the Bay Area Air District's threshold of 10 in one million. Notably, the location of the MEI is located within the project site; therefore, it would be expected that exposure to off-site construction workers would experience an even lower concentration of TACs by comparison. Mitigation Measure 3.2-1 on Draft EIR page 3.2-14 has been revised to clarify that Tier-4 Final emission standards would be applied to all diesel-powered off-road equipment. In addition, the paragraph following Table 3.2-7 on page 3.2-17 in Draft EIR Section 3.2, "Air Quality," has been revised for clarity as to the location of the modeled MEI for cancer risk and state that the annual average increase in ambient $PM_{2.5}$ concentration in the project vicinity would exceed the BAAQMD's $PM_{2.5}$ annual average concentration threshold of 0.3 $\mu g/m^3$ consistent with Appendix C. The revisions represent minor clarifications and do not alter the significance determinations of the Draft EIR.

ORIGINAL:

Mitigation 3.2-1: Apply Tier-4 Emission Standards to all Diesel-Powered Off-Road Equipment

The project applicant shall require the construction contractor to only use off-road construction equipment that meet EPA's Tier 4 emission standards as defined in 40 CFR 1039 and to comply with the appropriate test procedures and provisions as contained in 40 CFR Parts 1065 and 1068. This measure can also be achieved by using battery-electric off-road equipment as it becomes available. Implementation of this measure shall be required in the contract the project applicant establishes with its construction contractors. The applicant shall demonstrate its plan to fulfill the requirements of this measure in a report or in project improvement plan details submitted to the County prior to the use of any off-road, diesel-powered construction equipment on the site.

REVISED:

Mitigation 3.2-1: Apply Tier-4 Final Emission Standards to all Diesel-Powered Off-Road Equipment

The project applicant shall require the construction contractor to only use off-road construction equipment that meet EPA's Tier 4 final emission standards as defined in 40 CFR 1039 and to comply with the appropriate test procedures and provisions as contained in 40 CFR Parts 1065 and 1068. This measure can also be achieved by using battery-electric off-road equipment as it becomes available. Implementation of this measure shall be required in the contract the project applicant establishes with its construction contractors. The applicant shall demonstrate its plan to fulfill the requirements of this measure in a report or in project improvement plan details submitted to the County prior to the use of any off-road, diesel-powered construction equipment on the site.

ORIGINAL:

Based on the findings of the HRA, the lifetime cancer risk for the MEI (identified as a residential receptor type approximately 900 feet from the project site) was estimated to be 48 in one million, which is above BAAQMD's significance threshold of 10 in one million. Because construction-emissions of diesel PM would be above BAAQMD's thresholds of significance for TAC impacts, construction related TAC emissions would be potentially significant.

REVISED:

Based on the findings of the HRA, the lifetime cancer risk for the MEI (identified as a residential receptor type ~~approximately 900 feet from the project site~~ within the project site located on Gilbert Drive) was estimated to be 48 in one million, which is above BAAQMD's significance threshold of 10 in one million. Additionally, based on dispersion modeling, the annual average increase in ambient $PM_{2.5}$ concentration in the project vicinity was found to be 2.67 micrograms per cubic meter ($\mu g/m^3$), which exceeds the BAAQMD's $PM_{2.5}$ annual average concentration threshold of 0.3 $\mu g/m^3$. Because construction-emissions of diesel PM would be above BAAQMD's thresholds of significance for TAC impacts, construction related TAC emissions would be potentially significant.

Comment O4-13

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
2	3.2.3	3.2-12	P. Sutton	▶ "result in an incremental increase in cancer risk (i.e., the risk of contracting cancer) greater than 10 in one million at any off-site receptor and/or a noncarcinogenic hazard index of 1.0 or greater; or…"	The Health Risk Assessment (HRA) included in Appendix C of the DEIR and summarized under Impact 3.2.3 evaluated the cancer risk to the maximally exposed individual resident located off-site. However, it is unclear if existing receptors occupying the project site (residents, students, daycare children, and employees) would remain on-site during construction activities in adjacent planning areas. Similarly, it is unclear if future project site receptors could occupy a planning area before construction is completed in the adjacent planning areas. Under either scenario, on-site receptors could be exposed to emissions of diesel particulate matter and $PM_{2.5}$ during project construction. If either scenario applies, then the Threshold of Significance should be revised to include on-site receptors and the analysis of local health risks under Impact 3.2.3 should be revised accordingly.

Response O4-13

The comment states that the MEI is located off site from the project site and that Draft EIR Impact 3.2.3 in Section 3.2, "Air Quality," should be revised to reflect impacts to on-site receptors such as students, residents, daycare children, and employees who may be present during construction. As shown in Draft EIR Appendix C, the MEI is located within the center of the project site on Gilbert Drive. The location of this receptor is representative of any one person who would be present during construction of the project, including students, residents, daycare children, and employees. The findings of Draft EIR Impact 3.2.3 would therefore be applicable to students, residents, daycare children, and employees occupying the project site during project construction, and the efficacy of Mitigation Measure 3.2-1 would affect those receptors similarly. No changes to the Draft EIR are needed.

Comment O4-14

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
3	3.2.3	3.2-14	P. Sutton	"Mitigation 3.2-1: Apply Tier-4 Emission Standards to all Diesel-Powered Off-Road Equipment The project applicant shall require the construction contractor to only use off-road construction equipment that meet EPA's Tier 4 emission standards…"	The model for estimating the mitigated emissions of criteria air pollutants and precursors associated with construction (see Table 3.2-5) is based on the use of Tier 4 Final engines. The Tier 4 Final emissions standards substantially reduce NOx emissions by about 80 percent or more compared to the Tier 4 Interim emission standards. Therefore, Mitigation 3.2-1 should be revised to specify the use of Tier 4 Final emissions standards to ensure that NOx emissions are reduced below the BAAQMD's threshold of significance.

Response O4-14

The comment states that the reductions modeled for Mitigation Measure 3.2-1 rely on Tier 4 Final engines and recommends that the language of Mitigation Measure 3.2-1 be revised to reflect that. See Response O4-12.

Comment O4-15

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
4	Impact 3.2-3	3.2-17	P. Sutton	"Based on the findings of the HRA, the lifetime cancer risk for the MEI (identified as a residential receptor type approximately 900 feet from the project site) was estimated to be 48 in one million…"	According to Appendix C of the DEIR, the maximally exposed individual (MEI) is located adjacent to the project site and not 900 feet away from the project site. Table 3.2-7 and 3.2-8 also indicate that the MEI is located on-site, which does not appear to be true based on the mapped location of the MEI in Figure 1 of Appendix C of the DEIR. These inconsistencies are confusing and make it difficult to interpret the results of the health risk assessment. The DEIR should be revised to clearly document and disclose the findings of the health risk assessment.

Response O4-15

The comment states that there are inconsistencies between the Draft EIR and Appendix C regarding the location of the MEI. Please see Response O4-12 for revised language of page 3.2-17 of the Draft EIR.

Comment O4-16

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
5	2	2-22	A. Lui	"LIGHTING The project would include lighting improvements within internal roads and pedestrian pathways. New lighting would consist of low-wattage fixtures that would be shielded and directed downward to prevent spillover effects to residential neighbors. New residential housing areas would be set behind the native tree line and would include screening and window placement designed to minimize light exposure to the west. Many existing trees that surround the non-residential buildings would remain in place, and it is expected that these trees would reduce light exposure."	The project description does not identify sufficient information about proposed exterior lighting conditions, including the locations, heights, brightnesses, colors temperatures, etc. The use of "low- wattage lighting" is vague and does not provide information regarding the brightness, color temperatures, or visibility of project lighting. The project description does not include sufficient information on interior lighting that would be visible through windows of structures that would be occupied at night or where lights would remain on overnight whether occupied or not. There should be consideration for harmonizing the exterior lighting fixtures to reduce contrast with existing lighting at the site, proposed lighting, and where possible adjacent off-site lighting. The project description should be revised to include this information, and a detailed map and diagrams should be provided to identify the proposed lighting fixture locations and characteristics in order for the impact analysis on glare and light to adequately address potentially significant impacts. Without the proposed lighting details, potentially significant aesthetic impacts cannot be adequately evaluated, and feasible and effective mitigation cannot be identified. Also refer to comments below regarding vegetative screening.

Response O4-16

The comment states that the impact analysis related to light and glare is inadequate because the project description does not include sufficient information about proposed interior and exterior lighting conditions. It is unclear from the comment whether it is based on a review of the Draft EIR narrative and graphics, which alone are detailed, or also takes into account the cited public record as a whole, including Appendix B and the several design reports from the applicant posted on the Marin County website.

The impact analysis in Section 3.1, Aesthetics, and the Visual Resources Technical Report included as Appendix B include the consideration of the following design documents provided by North Coast Land Holdings, LLC. The applicant's design documents have been independently reviewed and analyzed as part of the environmental analysis in the Draft EIR. These design documents have been available on the County's Community Development Agency project website since 2020 during the Draft EIR preparation:

(https://www.marincounty.gov/departments/cda/planning/projects/mill-valley-alto/north-coast-land-holdings-community-plan-amendmentmaster-plandesign-reviewmaster-use-permittentative-maptree-removal-permit-former-golden-gate-baptist-seminary-property-p1490), and they continue to be available. The documents include:

- Architectural, planning, and site master plan drawings by Mark Cavagnero Associates dated January 31, 2020
- Civil engineering and grading plans by CSW / Stuber-Streek Engineering Group, Inc dated January 31, 2020
- Landscape plans by SWA, dated January 31, 2020
- An amended architectural site plan with elevations, models, and floor plans for three six-story apartment buildings at northwest corner of Hodges Drive and Shuck Drive dated April 11, 2023
- Arborist reports by Macnair & Associates dated August 20, 2015 and February 5, 2020

The conceptual lighting plan for the proposed project is included in Volume 1 Plan Set F, which depicts the location of existing pole lights and where street lights, pedestrian pole lights, pedestrian path lighting, and step/wall lighting are proposed. Consistent with these plans, the Draft EIR and the detailed Visual Resources Technical Report describe that the proposed project would include lighting associated with internal road and pedestrian pathways and would be in compliance with state and County lighting standards, which include requirements for height, luminary criteria, direction and shielding for outdoor lighting, and minimizing light pollution and nighttime glare.

The analysis in the EIR and the Visual Resources Technical Report include an evaluation of operational impacts from light and glare and identifies that impacts from the use of high albedo coefficient (i.e., highly reflective) building materials would be potentially significant because, depending on the building materials to be employed, albedo surfacing materials used on the horizontal surfaces of the proposed project (streets, pedestrian walks and plazas, and roofs) may create solar reflectivity and glare that could affect daytime and nighttime views. Thus, Mitigation Measure 3.1-2 has been incorporated which requires the maximum reflectance coefficients for albedo materials would not exceed 0.6. This mitigation measure does not preclude a lower reflective coefficient being used such as the 0.3 reflectance coefficient identified in the California Green Building Standards Code to avoid heat island effects. The mitigation measure ensures impacts related to visual glare affecting day and nighttime views would be reduced to less than significant.

Impacts related to internal and external lighting were found to be less than significant. As discussed in the EIR and the Visual Resources Technical Report, the proposed project would comply with state and local light and glare requirements and incorporate low-wattage fixtures that would be shielded and directed downward to prevent spillover effects to residential neighbors. In addition, new residential housing areas would be set behind the native tree line and would include screening and window placement designed to minimize light exposure to the west where visibility into the project site is generally greatest from the west and southwest from adjacent streets, Richardson Bay, and looking over Richardson Bay from Sausalito and Marin City. Furthermore, many existing trees that surround the non-residential buildings would remain in place, and it is expected that these trees would also reduce light exposure.

The California Building Code standards for minimizing light pollution and nighttime glare, in combination with Marin County's outdoor lighting standards as well as Marin County's Multi-Family Residential Design Guidelines, which include requirements for glare avoidance, would inform and regulate the specific requirements for heights, brightness, and color temperature characteristics as mentioned in the comment. Detailed lighting design and specifications documents that provide the level of detail requested will be required for design review and building permit purposes. All design for both interior and exterior lighting, luminaires, and lighting controls will meet County Code and Title 24 California Code of Regulations, Part 6 (California Energy Code). As such, and as detailed in the Draft EIR, the proposed project would not result in significant aesthetic impacts from lighting and no mitigation is required.

Comment O4-17

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
6	3.1.3, Impact 3.1-2	3.1-31 3.1-53	A. Lui	NA	The project involves the construction of a substantial number of new structures that would be occupied/operate at night. The impact discussion on light and glare focuses on exterior lighting and does not adequately address the visibility of interior lighting through windows. The visible interior light through a large number of windows that may be seen from public areas could result in significant impacts on nighttime views and mitigation should be considered to reduce or avoid the impacts, including design measures to shield or block the light. Vegetative screening may not be adequate and would only screen a portion of the illuminated windows (also see comments regarding screening below).

Response O4-17

The comment states that the EIR does not adequately analyze the impact of interior lighting through windows. See Response O4-16 above related to lighting standards and Response O-21 below related to vegetative screening. From a lighting perspective, the proposed project would infill additional homes within the existing residential quilt of the Strawberry Peninsula, rather than create home lighting sources in an undeveloped and dark project site. The existing residential uses on the project site already generate typical nighttime urban illumination from interior lights through window shades or unshaded windows and doors. The addition of other homes generating the same or very similar light sources and intensities would not be a source of substantial adverse change in the night illumination of an existing urban residential use area; therefore, interior light sources of proposed residential development would not result in a significant visual impact.

Any interior lighting would be constructed to current County and state code standards and would have minimal effect as compared to lighting from existing residences surrounding the project area that were constructed anywhere from 20 years to more than 50 years ago under a less efficient set of lighting codes, so interior lighting built under contemporary building codes may cause less illumination of the neighborhood, compared to the older residences. Overall, and as detailed in the Draft EIR, the proposed project would not result in significant aesthetic impacts related to lighting, and this would also apply to interior light sources.

Comment O4-18

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
7	3.1.3, Impact 3.1-2	3.1-31 3.1-53	A. Lui	NA	The impact discussion regarding light and glare does not adequately address impacts associated with light that would reflect off of water in the San Francisco Bay. From public views around the bay shoreline, exterior lighting, interior lighting, and traffic light would be visible on the landscape, and the glare off the water would in effect double the amount of lights that are visible. The combination of proposed lighting and glare off of the bay could result in significant aesthetic impacts that should be addressed.

Response O4-18

The comment states that the EIR does not adequately analyze impacts associated with light that would reflect off of water in the San Francisco Bay. See Response O4-16 related to lighting standards and Response O4-19 related to traffic. The comment does not specify which sources of reflective light are of concern, beyond the conceptual idea of light possibly reflecting off the Bay. In terms of potential light sources of the proposed project in a location that could conceivably create Bay water reflection, the buildings next to the water are limited. With the exception of the proposed housing on Seminary Point, none of the project would be located adjacent to the Bay. For instance, the apartment structures along Seminary Drive between Gilbert Drive and Strawberry Cove Park or the housing south of Brickyard Park extending entirely along the peninsula's edge are separated from the Bay and have intervening vegetation at least partially screening light sources.

Of the proposed housing on Seminary Point, there are six housing units that would be located approximately 70 feet east and approximately 70 to 90 feet above the Bay's edge. The lighting effects of these units would be similar to those of the Strawberry Cove housing development immediately to the east. Light sources from six new homes integrated with existing Bay-side urban uses would constitute a minimal change in added illumination. Viewing locations that might perceive light reflecting on the Bay are located on the west side of Richardson Bay. KOP #23 is the closest viewing location at approximately 0.6 mile to the nearest proposed project structure in the Hodges/Shuck Planning Area. Any reflection of project lighting on the Bay waters would be fully or partially buffered by existing vegetation and proposed landscaping. Reference Figures 2-4 and 2-5.

Any potential new light reflection from the project area and its structures on the Bay waters would also be highly variable because of the waterscape and weather. The Bay water is seldomly smooth and clearly reflective because of wind and waves. Light reflections would be muted by the superior positioning of features and distance from the water, ephemeral wind/wave conditions, and weather conditions, including rain and fog. Overall, and as detailed in the Draft EIR, the proposed project would not result in significant aesthetic impacts related to lighting, and this includes the concept of light from homes reflecting off Bay water.

Comment O4-19

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
8	3.1.3, Impact 3.1-2	3.1-31 3.1-53	A. Lui	NA	The impact discussion regarding light and glare does not adequately address the light that would be introduced at night from the substantial increase in nighttime traffic. Light from a substantial increase in nighttime traffic in combination with other light and glare impacts, could result in significant impacts and mitigation may be necessary to specifically address the traffic light impacts, which would occur low in the landscape, and potentially below the proposed vegetative screening of trees (near the trunks where foliage is absent or less dense). Mitigation such as maintain a dense hedge/shrub barrier or similar, or the installation of low walls, to screen traffic light may offer effective mitigation along roads and parking lots where traffic light may be visible from public areas.

Response O4-19

The comment states that the EIR does not adequately analyze impacts associated with light that would be introduced at night from an increase in nighttime traffic. Existing sources of nighttime light and glare are uniformly present in the project vicinity and as described in Draft EIR Section 3.1, "Aesthetics," there are no reported occurrences of excessive daytime or nighttime glare in the project vicinity. As described in Draft EIR Section 3.14, Transportation, and Appendix Q, Traffic Impact Study, of the Draft EIR, the existing uses at the project site generate an estimated 1,823 total daily vehicle trips with approximately 150 trips in the AM peak hour and 174 trips in the PM peak hour. The proposed project would generate approximately 2,570 net new daily vehicle trips, with about 178 net new trips during the AM peak hour, and 226 net new trips during the PM peak hour.

Headlights on the road from nighttime traffic would not create a new type of light source, because the project site and surrounding urban area support existing community roads with nighttime travel and light cast by vehicle headlights. Also, as the comment notes, headlight beams are directed low to the road, so a substantial leakage of light beyond the road does not occur, except on a curve with sensitive receptors on next to the curve. Receptors in those locations are already experiencing headlights. An increase in the volume of night traffic would be limited to the late fall and winter when a portion of the peak hour traffic would occur during the dark. For example, AM peak hours are typically from 6:00 AM to 9:00 AM, while the PM peak hours typically span from 4:00 PM to 7:00 PM. These time frames align with standard commuting patterns within the region. In Marin County, it is dark for portions of the peak traffic periods during the late fall and winter months when the sun rises at times after 7:00 AM and sets before 6:00 PM. This typically occurs from early November to early February, covering a period of about 90 to 100 days per year. Regardless of any potential increase in traffic generated light, with implementation of the proposed project, the current street pattern would remain the same, and nighttime light emanating from project-related traffic on the street network surrounding the project area and internal to the project site would not alter the directional patterns of existing vehicular light from traffic as

experienced by current residents. For these reasons, nighttime vehicle headlights would not create a new source of substantial light or glare that would adversely affect the community broadly, beyond what is already experienced on existing urban roads in the area. The Marin County Planning Commission and Board of Supervisors will take the concerns raised in the comment into consideration before a decision on the project is rendered. No change to the Draft EIR is warranted.

Comment O4-20

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
9	5.4.4	5-20	A. Lui	Alternative 4: Mitigated Plan Alternative	Construction of the care facility within the Dormitory Hill Planning Area would place the largest structures on and adjacent to a large ridge line within the project site. Alternative locations and designs for the care facility and greater setbacks from the elevated ridge area should be addressed to reduce potentially significant visual impacts, and impacts associated with development adjacent to and within visible ridges. Alternative 4 considers relocating residential structures but not the care facility to reduce visual impacts. If any development occurs on or adjacent to the ridges it should be reserved to the lowest proposed residential structures that would be less visible and that could be shielded by the proposed vegetative screening much better.

Response O4-20

The comment states that Alternative 4 considers relocating residential structures but not the residential care facility to reduce visual impacts and that alternative locations and designs for the residential care facility should also be considered in the analysis to reduce visual impacts. For both elements of the proposed project, Alternative 4 considered a reconfiguration of the land uses, in once case through relocation and in another case through design modification. The description of Alternative 4 in Draft EIR Section 5.4.4, Alternative 4: Mitigated Plan Alternative, includes "redesign of the residential care facility by reducing the size and lowering the elevation of buildings" to "…reduce local ridgeline impacts as compared to the proposed project." This is an example of a land use configuration change that was considered for this alternative as an option to the recommended Mitigation Measure 3.1-1c, which involved planting a variety of fast-growing trees on the north and east sides of the residential care facility to mitigate the sky-lining effects of the facility. Thus, an alternate design of the residential care facility is considered and analyzed as part of the alternatives analysis in the EIR, and no edits are warranted in the Final EIR. The Marin County Planning Commission and Board of Supervisors will also take the suggestions raised in the comment under consideration before a decision on the project is rendered. No revisions to the Draft EIR are warranted.

Comment O4-21

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
10	Impact 3.1-1	3.1-52	A. Lui	Mitigation Measure 3.1-1b: Screen Views Mitigation Measure 3.1-1c: Specify Fast-Growing Trees	The effectiveness and success of vegetative screening to eliminate or reduce the visual impacts to less than significant levels would take many years to determine, such as decades for trees to grow and create a solid screen and block views of the project facilities from a number of sensitive viewpoints. It is also a strong possibility that after many years the facilities may still be visible above or through the proposed vegetative screening, despite the selection of tall species of trees. And making corrections to the vegetative screening may not be feasible or would take many additional years to implement and determine success. There is an overreliance on visual screening that may be ineffective and take long periods of time to determine its success. Due to the long-term, post construction impact and potential for the vegetation screening to leave large gaps in visibility, it would be appropriate to develop other mitigation to ensure visibility is minimized, such as requiring structure colors that would blend into the natural landscape and the surrounding vegetative screening (also refer to comment on proposed "material and colors" design features), reducing the number of structures or moving their locations to less visible locations. For example, Alternative 4 considers alternative structure colors to reduce visual effects but this concept is not provided as mitigation for the proposed project. If additional mitigation is not feasible, then it would be appropriate to identify a potentially significant and unavoidable impact.

Response O4-21

The comment questions the effectiveness of Mitigation Measures 3.1-1b and 3.1-1c to reduce impacts on scenic quality to less than significant. The basis of the comment appears to be founded in general concepts of vegetation as a visual screen, rather than specific project site circumstances. The methodology for the impacts analysis in Section 3.1, Aesthetics, of the EIR is based on review of the substantial evidence of actual landscape conditions on the project site, which is a more precise and rigorous approach. Project site landscape conditions are depicted by site photos representing key observation points (KOP). In addition, adopted policies in existing planning documents pertaining to the project site are incorporated into the analysis of impacts. The planning documents are the Countywide Plan (Marin County 2023a), the Strawberry Community Plan (Marin County 1973), the Strawberry Community Plan and Amendments (Marin County 1982), and the County Development Code. The details of the analysis are reported Visual Resources Analysis Technical Report prepared for the proposed project (included as Appendix B to the Draft EIR).

The impact assessment in the Visual Resources Analysis Technical Report employed a line-of-sight analysis to consider the net visual effects that would result from implementation of the project as seen from publicly accessible locations within the Strawberry peninsula and from the surrounding areas. Eight KOPs were selected for the preparation of visual simulations and included as Figures 3.1-19 through 3.1-26 of the Draft EIR, where each figure consists of images of each KOP showing the existing views and a visual simulation 5 years after construction of the proposed project. The simulations are intended to illustrate the overall pattern, form, scale, color, and texture of the proposed development related to the characteristic landscape.

The simulations assumed the following about vegetative conditions:

- An approximate 5-year growth period for planted vegetation as identified in the preliminary landscape plans prepared by the SWA Group and provided by the applicant after completion of construction without mitigation.
- The project proponent would implement a long-term landscape plan to replace dead or dying trees, maintain the forested nature of the project site, and comply with Marin County fire codes. It is assumed that vegetative clearing and tree removal will be initially caused by grading, removal of existing structures, creating a defensible space around all new structures per code, or by removal of existing dead or highly diseased trees that are

currently standing. In addition, removal of selected downed wood on the ground plane in forested areas and limbing up trees to avoid fuel ladder conditions would take place.

As discussed in Draft EIR Section 3.1, Aesthetics, key elements of the proposed project's development that would affect its ability to conform to County policies are development color palette, bulk, and relationship to the project site's local ridgelines as seen from lower elevations. Views into the project site from surrounding streets and trails, the proposed color of the structures, and the bulk and sky-lining effect of the residential care facility associated with the proposed project would conflict with applicable policies and regulations governing scenic quality. To minimize potentially significant impacts, the Draft EIR included Mitigation Measures 3.1-1a through 3.1-1d collectively to ensure that the proposed project would not conflict with applicable zoning and other regulations governing scenic quality. The mitigation measures require visually buffering views into the project site; screening views of the residential care facility; specifying fast-growing trees on project plans in the west and southwest portion of the project site to mitigate sky-lining effects of the residential care facility; and reducing the color contrast of building materials with the surrounding setting. The Draft EIR concluded that with the implementation of mitigation, the proposed project would not conflict with applicable zoning and other regulations governing scenic quality and impacts would be less than significant.

Vegetation screening is a common and effective tool for reducing visual impacts. Marin County Municipal Code Chapter 22.26 requires landscaping plans for all discretionary permit applications for new development. The code outlines landscape plan requirements, including to "screen incompatible land uses." The assertion in the comment that vegetative screening will not succeed, will leave "large gaps in visibility," and would take "many decades" for a screening effect to be realized is speculative at best. It is true, however, that vegetation is a living organism that, as such, is subject to a variety of growth and vigor variables. Each of the zones within the planting areas identified on Figure 3.1-27 of the Draft EIR will require an individual design as no two zones are the same in terms of site characteristics and relationship to viewer conditions. Detailed planting plans and specifications will be prepared by a licensed Landscape Architect for design review and building permit purposes.

Project designs will need to account for various factors to achieve the mitigation measure's performance requirements. In selecting plant species and formulating the planting design it is common within the profession of Landscape Architecture that these factors would include, but not be limited to: existing soil conditions; need for soil amendments, if any; existing slope and aspect; existing sun-shade patterns presented by current conditions (existing vegetation, buildings, etc.); plant species size and form characteristics at maturity; plant species growth rates; plant spacing; diversity of species to lend probability of screening success; and susceptibility to pests and other diseases. Additionally, monitoring will be required to reasonably assure success in achieving the desired screening effect. Mitigation Measure 3.1-2 addresses the potential light and glare impacts of the project structure colors as proposed for structures that would not be buffered by proposed screening vegetation. Moreover, the comment states that Alternative 4 considers alternative structure colors to reduce visual effects but this concept is not provided as mitigation for the proposed project. Alternative 4 effectively includes implementation of Mitigation Measures 3.1-1a through 3.1-1d as project design features and Mitigation Measure 3.1-1d is the mitigation measure that would reduce color contrast impacts to less than significant. Therefore, the Draft EIR has adequately included appropriate mitigation measures that would reduce aesthetics impacts related to scenic quality to less than significant and no edits or additional mitigation measures are warranted in the Final EIR.

Comment O4-22

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
11	3.1.1	3.1-4	A. Lui	Section 3.1.1 (22.16.030 – General Standards) states "Materials and colors. Building materials and colors shall be chosen to blend into the natural environment unobtrusively, to the greatest extent possible."	Specific details are needed about the selection of proposed colors to minimize contrast, how effective the colors would be and how the exterior colors would be maintained and enforced/required for the duration of the project.

Response O4-22

The comment states additional details are needed related to exterior colors of the proposed project, their effectiveness, and maintenance. Details related to the proposed project colors are discussed in Section 3.1, "Aesthetics," of the Draft EIR. As discussed in Section 3.1, "Aesthetics," of the Draft EIR, the main color palette for most buildings would consist of relatively light-valued materials including light beige cement plaster. The exteriors of the proposed buildings are proposed to be light-valued off-white cement plaster. Streets and pedestrian pavements would use high albedo surfaces that are also light valued in color. While off-white and other light-valued colors do appear in the residential structures in the surrounding community, they are intermittent in the overall landscape. With a common architecture throughout the entire proposed development, the overall effect of the buildings taken in their entirety would display a color contrast between the light-color buildings and the surrounding natural landscape that would draw the attention of the viewer. This is particularly true for views from the southwest in the afternoon looking at the project over Richardson Bay (Figure 3.1-26, KOP #23 Visual Simulation, in in Section 3.1, "Aesthetics," of the Draft EIR shows the off-white, light-valued exterior of the proposed buildings seen from Richardson Bay). While the project appearance internally would be harmonious and coherent, from public viewpoints around the project site, it would draw the viewer's attention contrasting with the established harmony of the surrounding landscape and community.

As analyzed in Section 3.1 of the Draft EIR, the light-valued colors of the structures and albedo pavements would contrast with colors of the natural environment and would pose as a potentially significant impact. The Draft EIR proposes implementation of Mitigation Measure 3.1-1d, which would visually blend new structures with the natural environment and mimic the variety and pattern of colors in the surrounding residential areas:

> Mitigation Measure 3.1-1d: Reduce Color Contrast
>
> To reduce the color contrast with the surrounding natural landscape and community setting created by the use of only light-valued cement plaster building material, project building materials shall use a variety of light and slightly darker-valued earth-toned materials that are flat and non-reflective (either integral to the material or painted).

Implementation of Mitigation Measure 3.1d would ensure that the project would not conflict with Marin County Development Code – Section 22.16.030 – General Standards that govern scenic quality. Additionally, the requirements for the use of specific colors and specific architectural details would be addressed during the County's design review process. The project owner would be responsible for maintenance of the property consistent with all County and local regulations. The Draft EIR provided the appropriate level of detail and analysis related to the color palette of the proposed project and included mitigation that would reduce aesthetic impacts to less than significant. No edits or additional mitigation measures are warranted in the Final EIR.

Comment O4-23

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
12	3.1.3	3.1-43	A. Lui	NA	The impact analysis regarding contrast and how much visual change and attention would result from the project includes conditions that should be addressed. Evidence should be included to support the claims. For example, Section 3.1-43: ▶ KOP #1 mentions that the "fit between new structures and open space would be harmonious". Harmonious is a very subjective term and these statements should be supported with evidence. ▶ The DEIR then mentions that "light-valued surfaces of architectural components would present a striking contrast and draw attention to the building." These statements are contradictory. Given that the landscaping is generally described as grasslands or oak woodland, the color values should be either that of grasslands or oak woodland and therefore harmonious rather than striking. How will the colors be harmonious or blend into the natural environment? These impact statements should be supported with evidence. ▶ KOP #2 also mentions that "light-valued surfaces of architectural components would contrast with the grassland and first backdrop and draw attention to the buildings." How is this harmonious? These impact statements should be supported with evidence. ▶ KOP #5 "Since the structures are sited relatively low on the hillside, the local ridgeline backdrop would remain." Given that these are two- and three-story structures with a height of 40' and they will be located at approximately the 100' elevation (see photo) and the highest point on this ridge is 140' with the majority of the ridge being 130' how will the local ridgeline backdrop remain? ▶ Section 3.1-46 states "the proposed buildings are proposed to be light-valued off-white cement plaster", "a color contrast between the light-color buildings and the surrounding natural landscape that draws the attention of the viewer." "While the project appearance internally would be harmonious and coherent, from public viewpoints around the project site, it would draw the viewer's attention contrasting with the established harmony of the surrounding landscape and community."

Response O4-23

The comment states that evidence should be included in the aesthetic impact analysis regarding harmony and contrast and how much visual change and attention would result from the project. In Section 3.1.2, Environmental Setting, of the Draft EIR, harmony is described as an attribute of visual quality that contributes to the overall visual impression or attractiveness of an area as determined by its particular landscape characteristics, including landforms, rock forms, water features, and vegetation patterns. Harmony as well as orderliness and coherence are other attributes that contribute to the overall visual quality of a setting. The EIR also recognizes that aesthetic assessments in urban contexts are inherently somewhat subjective in character and states that for urbanized areas (one of which the proposed project is located within), the analysis focused on whether the proposed project would conflict with applicable zoning and other regulations governing scenic quality. The color and contrast impacts of the proposed project were analyzed under Impact 3.1-1. As analyzed under Impact 3.1-1, the Draft EIR found key elements of the project's development that would affect its ability to conform to County policies include the proposed project's color palette, bulk, and relationship to the project site's local ridgelines as seen from lower elevations and determined that this impact would be potentially significant. The comment states that specific excerpts of the impact descriptions are contradictory; however, the statements when considered in their entirety acknowledge the color palette proposed for the project's architectural components would contrast and conflict with surrounding landscape consistent with the analysis and conclusions in Impact 3.1-1. For the local ridgeline on Seminary Point, several visual simulations (Figures

3.1-21 "KOP #8 Visual Simulation"; 3.1-22 "KOP #10 Visual Simulation"; and 3.1-26 "KOP #23 Visual Simulation") exhibit how the proposed buildings would be sited lower on the hillside and how the ridgeline would still be visible. Nevertheless, as analyzed under Impact 3.1-1, the Draft EIR found that the proposed project could result in potential inconsistencies and conflicts with policies and regulations associated with local ridge lines unless mitigated. Hence, the EIR recommends implementing Mitigation Measures 3.1-1a through 3.1-1d, which would reduce potentially significant impacts through detailed planting and architectural color designs implemented during the design review process to ensure that the project would not conflict with applicable policies and regulations governing scenic quality. Thus, the Draft EIR does provide evidence to support the analysis and conclusion related to the proposed project's ability to confirm to County policies governing scenic quality (Impact 3.1-1) would be less than significant with mitigation. No edits or additional mitigation measures are warranted in the Final EIR.

Comment O4-24

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
13	3.1.3	3.1-43	A. Lui	NA	The conclusions that the project would be harmonious appear to be inaccurate, and it appears the project could result in potential significant impacts that should be addressed with additional mitigation measures to reduce substantial contrast with the surrounding landscape and existing structures on and adjacent to the project site, including but not limited to requiring specific colors that are likely to reduce color contrast and requiring architectural styles that are more consistent with the existing site and surrounding area and would result in less contrast.

Response O4-24

The comment questions the conclusion that the project would be harmonious with its surroundings, citing potential significant impacts related to visual contrast. The comment suggests additional mitigation measures, such as using specific colors and architectural styles, to better align the project with the existing landscape and structures. As described in Draft EIR Section 3.1.2, "Environmental Setting," the existing overall visual character of the surrounding area presents a moderate degree of cultural order, harmony, and coherence, and the architectural styles and colors of the development surrounding the project site vary widely. Generally, light-valued colors on structures stand out and dark-valued colors on structures visually recede. Such is the case with many of the existing structures within the Hughes-Shuck Planning Area or those on Seminary Point that tend to not be readily noticeable. Because the architectural styles and colors of the developments surrounding the project site vary, a diverse and varied visual environment has been created. Given this variability, it could be concluded that "harmony" in this context is not about uniformity, but rather about fitting into a landscape that embraces a range of architectural aesthetics. The project is designed to align with this varied context, offering an architectural approach that complements the surrounding environment rather than attempting to replicate specific styles. As analyzed under Impact 3.1-1, "Conflict with Applicable Zoning and other Regulations Governing Scenic Quality," and Impact 3.1-2, "Create a New Source of Substantial Light or Glare that would Adversely Affect Day or Nighttime Views in the Area," the Draft EIR recognizes elements of the project's development would affect its ability to conform to County policies including development color palette, bulk, and relationship to the project site's local ridgelines as seen from lower elevations and includes Mitigation Measures 3.1-1a through 3.1-1d and 3.1-2 to reduce impacts to less than significant. Thus, the Draft EIR does identify that light-valued colors of the proposed structures and albedo pavements would contrast with colors of the surrounding environment and would pose as a potentially significant impact. With implementation of mitigation, the project would visually blend new structures with the natural environment and mimic the variety and pattern of colors in the surrounding residential areas. Implementation of Mitigation Measure 3.1d would ensure that the project would not conflict with Marin County Development Code – Section 22.16.030 – General Standards that govern scenic quality; and Mitigation Measure 3.1-2 would ensure that the reflectance coefficients for albedo materials would not create a new source of substantial glare. The requirements for the use of specific colors and specific architectural details would be addressed during the project's planning permit process and design review. No new significant impacts or mitigation measures have been identified and no revisions to the Draft EIR are warranted.

Comment O4-25

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
14	3.1.3	3.1-41	A. Lui	NA	The aesthetics impact discussion dismisses an impact analysis on visual character and quality because the project site is within an urban area; however, the surrounding area is the San Francisco Bay which is a scenic area and not urban. An impact discussion on visual quality and character should be included in the EIR due to the presence of the San Francisco Bay immediately adjacent to the project site. The project's impacts on the scenic values of the San Francisco Bay shoreline should be discussed. Further, many of the visual characteristics of southern Marin in general and Strawberry Point specifically are non-urbanized. With Ring Mountain Open Space Preserve, Horse Hill Open Space Preserve, Mt Tamalpais State Park and the Golden Gate National Recreation Area surrounding the site - and with urbanized Mill Valley and Sausalito not visible from the site it is clear that the area would definitely be visually degraded by the introduction of new structures.

Response O4-25

The comment contends that the EIR does not provide an adequate analysis of the project's impacts on visual quality and character, highlighting the site's proximity to the scenic San Francisco Bay and surrounding non-urbanized areas, which could be visually degraded by the introduction of new structures. It also raises the presence of distant, protected, public open space as a consideration for scenic impacts of the proposed project.

While it is true that the surrounding area includes scenic resources such as the San Francisco Bay and open space preserves, as pointed out in Section 3.1, "Aesthetics," the project site on the Strawberry peninsula in a mostly residential community and associated with Mill Valley is within an urbanized area, which State CEQA Guidelines section 15387 defines, in pertinent part, as "a central city or a group of contiguous cities with a population of 50,000 or more, together with adjacent densely populated areas having a population density of at least 1,000 persons per square mile." The project site is within an urbanized area in the Marin Countywide Plan, specifically within the City-Centered Corridor in eastern Marin County where urban land uses and development primarily occur and are planned to be concentrated in the future (Marin County 2023a). As seen from the remote public open space areas cited by the comment, the project site is a small element of broad vistas from distant viewpoints, so the differences occurring with the proposed project would cause minimal change in the distant vistas.

Under Appendix G to the State CEQA Guidelines, the question of whether a proposed project would substantially degrade the existing visual character or quality of public views of the site and its surroundings only applies to project sites located in "*non*urbanized areas." In such areas, compared with more developed "urbanized areas," landscapes are more likely to be relatively untouched and subject to degradation by the introduction of new structures. The differences in approach between these two types of areas – nonurbanized and urbanized – was added to Appendix G in revisions made by the California Natural Resources Agency in 2018.

The approach to analysis for projects in urbanized areas reflected two considerations. First, aesthetic assessments in urban contexts are inherently somewhat subjective in character, particularly where projects are proposed in settings that are already highly developed. And second, if building mass and height, by themselves, were treated as adverse "environmental" effects, the prospect that EIRs and negative declarations would call for mitigation in the form of downsizing proposed development carried the risk of disincentivizing higher densities in urbanized areas. Within such areas, comparatively taller, denser development is often appropriate from a planning standpoint in order to make efficient use of both land and infrastructure. Thus, for urbanized areas, the key aesthetic issue under CEQA is whether a proposed development project complies with applicable local rules governing building design, such as setbacks, materials, or height (CNRA 2018).

For these reasons, the EIR need not explicitly address whether the proposed project would substantially degrade the existing visual character or quality of public views of the project site and its surroundings; however, the EIR's analysis provides the information needed to determine that the proposed project would not substantially affect scenic

resources intended as part of a non-urban visual character or quality of public views. The focus of the analysis was on whether the proposed project would conflict with applicable zoning and other regulations governing scenic quality. Additionally, the analysis in the Draft EIR considers the scenic values of the nearby San Francisco Bay and surrounding open space areas, which are the elements of visual character about which the comment is concerned. Views of the Bay and vegetated open spaces offer visual interest and scenic complexity in the landscape, which are part of aesthetic quality. Importantly, the shoreline edge between the Bay and the Strawberry peninsula and the peninsula hillsides are already occupied by many residential structures. In fact, the landscape character of the peninsula is composed of a combination of residences, including both single-family and multi-family structures, and green spaces. The proposed project would add visible residential structures to the peninsula, which would continue the existing, mixed residential and green space visual character. Continuation of the existing visual character would not result in a substantial adverse change to the visual character or quality of the existing landscape.

As discussed in Section 3.1.2, "Environmental Setting," visual conditions, viewer experience, and viewer response to visual change are studied in the Draft EIR through the identification and selection of the most critical and representative public viewpoints of the project, referred to as Key Observation Points (KOPs). KOPs serve as the basis for the subsequent assessment of visual impacts after determining the visual quality of the project site. Key views are representative of the range of views that would be affected by the project; the KOPs include views from Mount Tamalpais State Park (KOP #19, a distant vista) and Richardson Bay (KOP #23, showing existing urban residential buildings and the additional residences of the proposed project), as shown on pp. 3.1-39 and 3.1-40 of the Draft EIR. These representative views are selected to catalog an image of critical baseline conditions that were used to assess the visual impacts of the project.

The Draft EIR found key elements of the project's development that would affect its ability to conform to County policies to be development color palette, bulk, and relationship to the project site's local ridgelines as seen from lower elevations and determined that this impact would be potentially significant. However, implementing Mitigation Measures 3.1-1a through 3.1-1d would ensure that the project would not conflict with applicable zoning and other regulations governing scenic quality and therefore, the Draft EIR concluded that this impact (Impact 3.1-1) would be less than significant with mitigation. No revisions to the Draft EIR are warranted.

Comment O4-26

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
15	3.1.3	3.1-51	A. Lui	Mitigation Measure 3.1-1a: Buffer Views	The mitigation measure is inadequate. What plans and what authority would the County have over them to define the adequate mitigation? A specific plan should be defined, and how it will be verified and enforced. What is the success criteria for "screening" (minimum heights and species and quantities)? When will the landscaping achieve the success criteria? How will the vegetative buffer be maintained, and replaced when vegetation dies? Long term monitoring and maintenance should be defined in the mitigation.

Response O4-26

The comment states that Mitigation Measure 3.1-1a is inadequate but does not say why, and questions the County's authority to require implementation of the mitigation measure, the success criteria, and plans for maintenance.

Mitigation Measure 3.1-1a identifies specific actions and strategies "[t]o visually buffer views into the project from adjacent streets, project plans, in compliance with County defensible space and landscape plan requirements." This objective would be accomplished by screening and or blocking views of project structures from various locations and by "[m]aintain[ing] a view corridor to Richardson and San Francisco Bays from Chapel Hill." The measure includes a graphic (Draft EIR Figure 3.1-27, "Mitigation Planning Areas") that identifies on a map the planting areas where this measure shall be implemented. (Draft EIR, pp. 3.1-51 - 3.1-52.) This measure thus includes performance standards to be achieved and specific actions and strategies for meeting the standards. Mitigation Measure 3.1-1a is substantially more specific than

the visual mitigation strategy found to be sufficient in *North Coast Rivers Alliance v. Marin Municipal Water Dist. Bd. of Directors* (2013) 216 Cal.App.4th 614, 629-631, as discussed in Response to Comment 04-2.

Regarding the County's authority to implement mitigation measures, all mitigation measures from a project's environmental review document become part of the conditions of approval for the project and the County would be responsible for ensuring the conditions of approval are enforced. The applicant would be responsible for providing project plans (including all applicable site plans, landscaping plans, and vegetation management plans) showing the specific elements outlined in the measure, and the County would review all project plans for verification with additional review and verification taking place during the design review process for compliance with design guidelines. County standards for landscaping are outlined in Sections 22.16.030 and 22.26.04 of the Marin County Zoning and Development Code as well as in the General Design Guidelines in the Strawberry Community Plan. These include requirements for design, installation, and maintenance of landscaping to screen views and blend new structures into the context of an established community. The time it takes various types of landscaping plants to grow is determined by the species, and different types of species have varying growth rates. Some are known for their ability to grow more quickly while others have a slower growth rate. The Vegetation Management Plan included in plan set Volume 1b (sheets L4.10 and L4.20) on the County's project website states that landscaping would be maintained in perpetuity. These documents have been, and continue to be, available on the County's Community Development Agency project website since 2020 (https://www.marincounty.gov/departments/cda/planning/projects/mill-valley-alto/north-coast-land-holdings-community-plan-amendmentmaster-plandesign-reviewmaster-use-permittentative-maptree-removal-permit-former-golden-gate-baptist-seminary-property-p1490). The specific details of landscape design are beyond the information required for a Master Plan approval; however, they will be developed during the project's subsequent design review.

Comment O4-27

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
16	3.4	3.4-22	R. Wilke	NA	The analysis under Impact 3.4-1 focuses on construction impacts that have the potential to impact special-status plant species. There is no analysis of operational impacts on special-status plants. Residents, students, employees, and their pets have the potential to impact special-status plants if they use areas where special-status plants occur. The introduction of residential uses in areas that do not currently include housing, as well as the increase in residential, employee, and student populations on site increase the potential for impacts to special-status plants. These impacts should be considered and mitigated in the EIR.

Response O4-27

The comment states that the analysis of impacts to special-status plants in Impact 3.4-1 of the Draft EIR does not include operational impacts including the introduction of residential uses in areas that do not currently include housing. Impact 3.4-1 in the Draft EIR evaluates the potential impacts of ongoing, operational activities including landscaping, defensible space, and fuels management to special-status plants. The text of Impact 3.4-1 has been revised to clarify that these activities are ongoing operations and to specify the extent of current ongoing activities on the project site. The revisions do not alter the significance determinations of the Draft EIR.

ORIGINAL:

Construction activities that occur within habitats suitable for special-status plants could result in the crushing or removal of individual plants that occur within the construction area, as well as damage to special-status plants outside of the construction area due to construction dust; however, the effects of dust on special-status plants would be minimized due to the dust control requirements in the Marin County Code Section 22.20.040. Additionally, project-related ground disturbance could result in the introduction of new invasive plants to the project site and spread of existing invasive plants on site that could outcompete special-status plants, resulting in the death of individual special-status plants and degradation of special-status plant habitat. Furthermore, construction of new buildings, roads, trails, and other project components would

increase impervious surface cover, which would remove habitat potentially suitable for special-status plants. Landscaping, implementation of defensible space, and fuels management actions would also occur in habitat potentially suitable for special-status plants and could result in the crushing or removal of individual special-status plants, and introduction and spread of invasive plants. While landscaping would not increase impervious surface cover, the planting of landscaping (although use of native species is proposed) could remove or degrade habitat for special-status plants through the introduction of competing species. The potential crushing, removal, and damage of special-status plants, introduction and spread of invasive plants, and loss of habitat due to implementation of the project would have the potential to substantially reduce the number of individuals and range of these species, which, if occurring, would be a substantial adverse effect on the local and regional populations, and therefore this impact would be **potentially significant**.

REVISED:

Construction activities that occur within habitats suitable for special-status plants could result in the crushing or removal of individual plants that occur within the construction area, as well as damage to special-status plants outside of the construction area due to construction dust; however, the effects of dust on special-status plants would be minimized due to the dust control requirements in the Marin County Code Section 22.20.040. Additionally, project-related ground disturbance could result in the introduction of new invasive plants to the project site and spread of existing invasive plants on site that could outcompete special-status plants, resulting in the death of individual special-status plants and degradation of special-status plant habitat. Furthermore, construction of new buildings, roads, trails, and other project components would increase impervious surface cover, which would remove habitat potentially suitable for special-status plants. Operational activities, including landscaping, other maintenance activities, and presence of people in the property's open spaces, currently occur within the project site. Operational activities would increase with a larger on-site population and occur more in parts of the project site lightly used at this time; however, because the project site is already in urban use, these ongoing operational activities associated with the project would not introduce new activities or impacts (as would occur if the project site was undeveloped), so any ongoing adverse effects on special-status plants under baseline conditions would not be made substantially more severe.

Ongoing landscaping, implementation of defensible space, and fuels management actions would also occur in currently unoccupied and unmaintained habitat potentially suitable for special-status plants and could result in the crushing or removal of individual special-status plants, and introduction and spread of invasive plants. While landscaping would not increase impervious surface cover, the planting of landscaping (although use of native species is proposed) could remove or degrade habitat for special-status plants through the introduction of competing species. The potential crushing, removal, and damage of special-status plants, introduction and spread of invasive plants, and loss of habitat due to implementation of the project would have the potential to substantially reduce the number of individuals and range of these species, which, if occurring, would be a substantial adverse effect on the local and regional populations, and therefore this impact would be **potentially significant**.

Comment O4-28

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
17	3.4	3.4-23	R. Wilke	"Mitigation Measure 3.4-1a (excerpt) If special-status plants are found during rare plant surveys and cannot be avoided, the applicant's qualified botanist shall make a formal recommendation in writing to the County of Marin for review, regarding the appropriate compensation to offset the loss of occupied habitat or individuals. Mitigation measures may include, but are not limited to, measures such as preserving and enhancing existing populations in portions of the project site outside of the development footprint (the Woodland Buffer [Figure 2-3, "Project Site Planning Areas"]), creating off-site populations on mitigation sites through seed collection or transplantation at a 1:1 ratio, and restoring or creating suitable habitat in sufficient quantities to achieve a minimum of a no net loss 1:1 replacement of occupied habitat and individuals. Potential mitigation sites could include suitable locations within or outside of the project site. The implementing party shall develop and implement a site-specific mitigation strategy describing how unavoidable losses of special-status plants shall be compensated. Success criteria for preserved and compensatory populations shall include…"	The implementation of this mitigation measure may require federal or state take permits if the plant species to be collected or translocated is listed under the Endangered Species Act or California Endangered Species Act, respectively. Conserving, restoring, or creating suitable habitat that does not actually include the plant species that would be impacted by project construction does not adequately mitigate the impact to special-status plants. The conserved/restored/created habitat should include a population of the special-status plant species that would be impacted by construction in order to fully mitigate the impact.

Response O4-28

The comment states that the implementation of the Mitigation Measure 3.4-1a may require take authorization under CESA and ESA, and that conserving, restoring, or creating habitat that does not include the plant species that would be subject to impacts would not adequately mitigate the impact. The comment related to an incidental take permit is noted; however, this comment does not address the adequacy of the mitigation measure itself. Mitigation Measure 3.4-1a includes language that preserving and enhancing existing populations, creating off-site populations, or other methods to achieve a no net loss of occupied habitat and individuals, and requires that performance standards be met. This no net loss standard of occupied habitat and individuals requires that the habitat to be preserved, enhanced, or created include the species that would be subject to impacts, and therefore fully mitigates the potential impact. No revisions to the Draft EIR are warranted. See also Responses to Comments A2-1 and A2-2.

Comment O4-29

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
18	3.4	3.4-26	R. Wilke	"Landscaping and other maintenance activities currently occur within the project site and are not anticipated to increase substantially as a result of the project; therefore, these activities associated with the project are not anticipated to have a substantial adverse effect on white-tailed kite and common raptors and other common nesting birds."	While landscaping and maintenance may occur during existing operation of the project site, the amount of landscaping and maintenance that would occur would be greater under project conditions because roads, trails, and buildings would be constructed in locations that are presently undisturbed. The increased intensity of landscaping and maintenance on the site should be analyzed.

Response O4-29

The comment states that landscaping and maintenance on the project site would be increased in areas of the project site that are presently undisturbed and that the increased intensity of landscaping and maintenance on the site should be analyzed for impacts on white-tailed kite and common raptors and other common nesting birds. Text has been added to Impact 3.4-4, Potential Disturbance or Loss of Special-Status Birds and Other Common Nesting Birds, to clarify the analysis of maintenance and landscaping impacts to how the potential for adverse effects would occur on nesting birds from ongoing activities, such as maintenance and landscaping, in areas not currently subject to these activities. The revisions do not alter the significance determinations of the Draft EIR.

ORIGINAL:

Landscaping and other maintenance activities currently occur within the project site and are not anticipated to increase substantially as a result of the project; therefore, these activities associated with the project are not anticipated to have a substantial adverse effect on white-tailed kite and common raptors and other common nesting birds. Common raptors and other native bird species may nest throughout the project area in trees, shrubs, and on buildings. Construction, demolition, grading, or vegetation clearing including the construction of new buildings, roads, and trails; and fuels management activities could result in disturbance and loss of the nests of common native raptors and other common nesting birds if these activities occur during the nesting season for these species (February 1 to August 15); however, Marin County Code Section 22.20.040 requires preconstruction nesting bird surveys during the nesting season (February 1 and August 15) and establishment of buffers around active nests until the young have fledged as determined by a qualified biologist. The application of Code Section 22.20.040 would avoid impacts to common nesting birds from project activities.

REVISED:

Landscaping and other maintenance activities currently occur within maintained portions of the project site and are not anticipated to increase substantially as a result of the project; therefore, these activities associated with the project are not anticipated to have a substantial adverse effect on white-tailed kite and common raptors and other common nesting birds. In addition, ongoing landscaping and maintenance activities (other than defensible space and fuels management activities) within portions of the project site that are not currently maintained would not have a substantial adverse effect on special-status birds and common raptors and other common nesting birds, because once construction occurs, these currently unmaintained areas would likely only attract nesting bird species that are more tolerant of human disturbance. Common raptors and other native bird species may nest throughout the project area in trees, shrubs, and on buildings. Construction, demolition, grading, or vegetation clearing including the construction of new buildings, roads, and trails; and fuels management activities could result in disturbance and loss of the nests of common native raptors and other common nesting birds if these activities occur during the nesting season for these species (February 1 to August 15); however, Marin County Code Section 22.20.040 requires preconstruction nesting bird surveys during the nesting season (February 1 and August 15) and establishment of buffers around active nests until the young have fledged as determined by a qualified biologist. The application of Code Section 22.20.040 would avoid impacts to common nesting birds from project activities.

Comment O4-30

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
19	3.4	3.4-27	R. Wilke	"While vegetation would be removed for fuels management and during construction of the project, oaks would be replanted on the project site, which would provide habitat for white-tailed kite, along with other landscaping that provides habitat for common nesting birds (Section 2.6.3, "Landscaping, Wildfire Resilience and Site Improvements"). Therefore, the project would not result in a substantial reduction of nesting habitat."	The EIR uses this logic in the discussion of impacts to birds and bats. Re-establishment of oak trees would take many years to provide the same nesting and roosting habitat that exists on the site today. This impact should be considered a significant loss in habitat due to the long-term loss of nesting and roosting habitat while replanted oak trees reestablish onsite.

Response O4-30

The comment states that the re-establishment of oak trees would take many years to provide the same nesting and roosting habitat that exists on the site today; therefore, the impact from habitat loss should be considered a significant loss in habitat due to the long-term loss while replanted oak trees reestablish. The text in Draft EIR Section 3.4, "Biological Resources," in Impact 3.4-4: Potential Disturbance or Loss of White-Tailed Kite and Other Common Nesting Birds, and Impact 3.4-5: Potential Disturbance or Loss of Special-Status and Common Bat Maternity and

Hibernation Roosts, has been refined to include additional discussion regarding loss of habitat, to clarify that the conclusion that the project would not result in a substantial loss of nesting and roosting habitat is not dependent solely on the re-establishment of individual oak trees, but that other factors are considered including the availability of other similar habitat in the region, and retention of habitat during defensible space and fuels management activities. The revisions represent clarification and refinement of the analysis and do not alter the significance determinations of the Draft EIR. Note, the revisions reflected below also incorporate updates to Impact 3.4-4 in response to other comments (see Response A2-3), which revised this impact to apply to other special-status species.

ORIGINAL:

Impact 3.4-4: Potential Disturbance or Loss of White-Tailed Kite and Other Common Nesting Birds

While vegetation would be removed for fuels management and during construction of the project, oaks would be replanted on the project site, which would provide habitat for white-tailed kite, along with other landscaping that provides habitat for common nesting birds (Section 2.6.3, "Landscaping, Wildfire Resilience and Site Improvements"). Therefore, the project would not result in a substantial reduction of nesting habitat. In addition, the project site is currently subject to human disturbance and maintenance activities, and additional ongoing use of the site is not anticipated to further reduce the suitability of the habitat for nesting by common nesting birds or white-tailed kite.

Impact 3.4-5: Potential Disturbance or Loss of Special-Status and Common Bat Maternity and Hibernation Roosts

While trees would be removed for fuels management and during construction of the project, oaks would be replanted on the project site, which would provide future roosting habitat for special-status and common bat species (Section 2.6.3, "Landscaping, Wildfire Resilience and Site Improvements"). In addition, new structures would also provide future roosting habitat for common bat species. Therefore, the project would not result in a substantial reduction of roosting habitat for special-status or common bat species.

REVISED:

Impact 3.4-4: Potential Disturbance or Loss of ~~White-Tailed Kite~~ Special-Status Birds and Other Common Nesting Birds

While vegetation would be removed ~~for fuels management and~~ during construction of the project, the removal of vegetation for construction would not constitute a substantial loss in available nesting habitat for special-status birds, common raptors or other common nesting birds, due the relative abundance of similar woodland, forest, and shrub habitats within eastern Marin County. Furthermore, vegetation would be removed during defensible space and fuels management activities; however, within the 30-foot defensible space zone, areas of ground covers and shrubs would be maintained, and existing healthy trees would be retained and limbed. Healthy trees with the 100-foot fuel management zones would be limbed and retained and shrubs pruned or removed to maintain shrub spacing within this zone (Section 2.6.3, "Landscaping, Wildfire Resilience and Site Improvements"). Therefore, defensible space and fuels management activities would not result in a substantial reduction in nesting habitat for white-tailed kite, common raptors, or other common nesting birds. In addition, the removal of individual oaks would be offset by the ~~oaks would be replanted~~ replanting of oaks on the project site, which once mature would provide habitat for ~~white-tailed kite~~ special-status birds, along with other landscaping that provides habitat for common nesting birds (Section 2.6.3, "Landscaping, Wildfire Resilience and Site Improvements"). Therefore, the project would not result in a substantial reduction of nesting habitat. In addition, the project site is currently subject to human disturbance and maintenance activities, and additional ongoing use of the site is not anticipated to further reduce the suitability of the habitat for nesting by common nesting birds or ~~white-tailed kite~~ special-status birds.

Impact 3.4-5: Potential Disturbance or Loss of Special-Status and Common Bat Maternity and Hibernation Roosts

While trees would be removed ~~for fuels management and~~ during construction of the project, the removal of vegetation for construction would not constitute a substantial loss in available roosting habitat for special-status and common bats, due the relative abundance of similar woodland, and forest habitats within eastern Marin County. Furthermore, vegetation would be removed during defensible space and fuels management activities; however, within the 30-foot defensible space zone, existing healthy trees would be retained and limbed. Healthy trees with the 100-foot fuel management zones would be limbed and retained (Section 2.6.3, "Landscaping, Wildfire Resilience and Site Improvements"). Therefore, defensible space and fuels management activities would not result in a substantial reduction in roosting habitat. In addition, the removal of individual oaks would be offset by the replanting of oaks ~~oaks would be replanted~~ on the project site, which would provide future roosting habitat for special-status and common bat species (Section 2.6.3, "Landscaping, Wildfire Resilience and Site Improvements"). ~~In addition~~, and, ~~,~~ new structures would also provide future roosting habitat for common bat species. Therefore, the project would not result in a substantial reduction of roosting habitat for special-status or common bat species.

Comment O4-31

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
20	3.4	3.4-28	R. Wilke	"If roosts of bats are determined to be present within buildings and other structures, direct disturbance to the roost, such as demolition or renovation of buildings, shall be avoided during the maternity season (April 15 through August 31) and hibernation season (September 1 through October 15). Eviction and exclusion of bats may be implemented using daytime installation of one- way exits and blocking material during the period of March 1 through April 15, or September 1 through October 15 outside of the of the maternity season and hibernation season. If roosts of bats are determined to be present within trees on the project site, any project-related removal or pruning of trees occupied by bats shall occur during the period of March 1 through April 15, or September 1 through October 15 outside of the of the maternity season and hibernation season, and consistent with scoping comments provided by CDFW. To remove whole trees, pruning of branches and limbs that do not provide habitat shall occur the day prior to removal of the bole of the tree; this initial planned disturbance may prompt and allow bats to leave the tree during the night between limb and bole removal. The bole of the tree may be removed the following day."	The mitigation measure does not clearly state when eviction and exclusion of bats may be completed. The measure first states that direct disturbance shall be avoided during the maternity season (April 15 –August 31) and hibernation season (September 1 – October 31). Then the measure states that eviction and exclusion of bats may occur during September 1 through October 15, which would be during the hibernation season. The timeframes in this measure should be clarified/updated. The measure also states that tree removal or pruning should avoid the maternity and hibernation periods. The measure states that these activities should occur March 1 through April 15, or September 1 through October 15. This suggested timeframe includes the hibernation period that is being recommended for avoidance. The timeframes should be clarified/updated.

Response O4-31

The comment states that the dates included in Mitigation Measure 3.4-5 should be revised. Mitigation Measure 3.4-5 has been modified to reflect that the hibernation season is October 15 to February 28. The dates for potential eviction, exclusion, pruning or removal of trees remain the same as discussed in the Draft EIR. This edit to the dates of the hibernation season resolves the internal inconsistency within the mitigation measure. The revisions represent a correction to the mitigation measure and do not alter the significance determinations of the Draft EIR.

ORIGINAL:

Mitigation 3.4-5: Avoid Disturbance of Special-Status and Common Bat Maternity and Hibernation Roosts

To avoid and minimize impacts to special-status and common bats the applicant shall implement the following measures which meet and exceed the protections in Marin County Code Section 22.20.040(F).

- Within 14 days prior to initiating site preparation, demolition, grading, or vegetation clearing, a qualified bat biologist shall inspect the area of disturbance and areas adjacent (within 50 feet) for bat roosts (most likely buildings and mature trees with crevices, cavities and dense vegetation of broad leaves). Surveys shall consist of a daytime pedestrian survey by a qualified bat biologist looking for evidence of bat use (e.g., guano) and/or an evening emergence survey to note the presence or absence of bats. If no bat roosts are found, then no further study is required. If evidence of bat use is observed, the approximate number and species of bats using the roost would be determined. Acoustic bat detectors may be used to supplement survey efforts but are not required.
- If roosts of bats are determined to be present within buildings and other structures, direct disturbance to the roost, such as demolition or renovation of buildings, shall be avoided during the maternity season (April 15 through August 31) and hibernation season (September 1 through October 15). Eviction and exclusion of bats may be implemented using daytime installation of one-way exits and blocking material during the period of March 1 through April 15, or September 1 through October 15 outside of the of the maternity season and hibernation season.
- If roosts of bats are determined to be present within trees on the project site, any project-related removal or pruning of trees occupied by bats shall occur during the period of March 1 through April 15, or September 1 through October 15 outside of the of the maternity season and hibernation season, and consistent with scoping comments provided by CDFW. To remove whole trees, pruning of branches and limbs that do not provide habitat shall occur the day prior to removal of the bole of the tree; this initial planned disturbance may prompt and allow bats to leave the tree during the night between limb and bole removal. The bole of the tree may be removed the following day.
- A report describing the methods and results of any bat surveys conducted, and any nest buffers implemented shall be submitted to the County.

REVISED:

Mitigation 3.4-5: Avoid Disturbance of Special-Status and Common Bat Maternity and Hibernation Roosts

To avoid and minimize impacts to special-status and common bats the applicant shall implement the following measures which meet and exceed the protections in Marin County Code Section 22.20.040(F).

- Within 14 days prior to initiating site preparation, demolition, grading, or vegetation clearing, a qualified bat biologist shall inspect the area of disturbance and areas adjacent (within 50 feet) for bat roosts (most likely buildings and mature trees with crevices, cavities and dense vegetation of broad leaves). Surveys shall consist of a daytime pedestrian survey by a qualified bat biologist looking for evidence of bat use (e.g., guano) and/or an evening emergence survey to note the presence or absence of bats. If no bat roosts are found, then no further study is required. If evidence of bat use is observed, the approximate number and species of bats using the roost would be determined. Acoustic bat detectors may be used to supplement survey efforts but are not required.
- If roosts of bats are determined to be present within buildings and other structures, direct disturbance to the roost, such as demolition or renovation of buildings, shall be avoided during the maternity season (April 15 through August 31) and hibernation season (~~September 1 through~~ October 15 to February 28). Eviction and exclusion of bats may be implemented using daytime installation of one-way exits and blocking material during the period of March 1 through April 15, or September 1 through October 15 outside of the of the maternity season and hibernation season.

- If roosts of bats are determined to be present within trees on the project site, any project-related removal or pruning of trees occupied by bats shall occur during the period of March 1 through April 15, or September 1 through October 15 outside of the of the maternity season and hibernation season, and consistent with scoping comments provided by CDFW. To remove whole trees, pruning of branches and limbs that do not provide habitat shall occur the day prior to removal of the bole of the tree; this initial planned disturbance may prompt and allow bats to leave the tree during the night between limb and bole removal. The bole of the tree may be removed the following day.
- A report describing the methods and results of any bat surveys conducted, and any nest buffers implemented shall be submitted to the County.

Comment O4-32

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
21	3.4	NA	R. Wilke	NA	The EIR does not analyze the impacts of bird strike, nor does the EIR discuss any avoidance measures that would be implemented to avoid bird strike. The project would introduce buildings that are substantially taller than existing buildings. Buildings would be screened from public views using vegetation that may provide perching, roosting, or nesting habitat for birds. The EIR should analyze impacts related to bird collisions.

Response O4-32

The comment states that the Draft EIR does not address the potential impacts of bird strike or measures that would be applied to address potential impacts. The text of the project description has been revised in Draft EIR Section 2.6.3, Landscaping, Wildfire Resilience, and Site Improvements to state that the project would implement bird-friendly building design features consistent with Section A5.107 of the California Building Code. The revisions represent a clarification and refinement of the project description that the project would comply with this section of the California Building Code and do not alter the significance determinations of the Draft EIR.

ORIGINAL:

SUSTAINABILITY FEATURES

The following sustainability features are proposed to be implemented:

- New buildings would use Variable Refrigerant Flow systems to reduce the need for air conditioning by achieving varying climate control zones in both large and small structures.
- Lighting fixtures would consist of low-wattage lighting.
- Solar electricity-generating panels would be installed on the building roofs of new residential units and hidden behind parapets, as required by building codes.
- Landscape design would include features to reduce water consumption, including a plant palette of native and drought-tolerant species and mulched shrub and groundcover areas.
- The storm drain system would consist of vegetated and cobble swales and storm water treatment and detention Best Management Practices (BMPs).
- Individual yards in residential areas would be eliminated to reduce waste of potable water through efficient technologies, conservation efforts, design and management practices, and by better matching the source and quality of water to the user's needs.
- Measures would be implemented to reduce the heat island effect, including use of high albedo paving and roof surfaces, and planting of canopy trees throughout the site, as well as along streets and paved surfaces.

- Trails, bike paths, bike parking, and e-bike charging would be located throughout the project site to encourage individual mobility choices.
- Construction of new site uses would include high-quality, energy-efficient building materials that would be long-lasting and durable.

REVISED:

SUSTAINABILITY FEATURES

The following sustainability features are proposed to be implemented:

- New buildings would use Variable Refrigerant Flow systems to reduce the need for air conditioning by achieving varying climate control zones in both large and small structures.
- Lighting fixtures would consist of low-wattage lighting.
- Solar electricity-generating panels would be installed on the building roofs of new residential units and hidden behind parapets, as required by building codes.
- Landscape design would include features to reduce water consumption, including a plant palette of native and drought-tolerant species and mulched shrub and groundcover areas.
- The storm drain system would consist of vegetated and cobble swales and storm water treatment and detention Best Management Practices (BMPs).
- Individual yards in residential areas would be eliminated to reduce waste of potable water through efficient technologies, conservation efforts, design and management practices, and by better matching the source and quality of water to the user's needs.
- Measures would be implemented to reduce the heat island effect, including use of high albedo paving and roof surfaces, and planting of canopy trees throughout the site, as well as along streets and paved surfaces.
- Trails, bike paths, bike parking, and e-bike charging would be located throughout the project site to encourage individual mobility choices.
- Construction of new site uses would include high-quality, energy-efficient building materials that would be long-lasting and durable.
- <u>Bird-friendly building design features would be implemented consistent with Section A5.107 of the California Building Code.</u>

To incorporate the above mentioned refinement to the project description into the biological resources analysis, the text of Impact 3.4-4 has been modified to clarify that the project would comply with Section A5.107 of the California Building Code, which would reduce potential impacts from bird strike. The revisions represent a clarification and refinement of the analysis that the project would comply with this section of the California Building Code and do not alter the significance determinations of the Draft EIR.

ORIGINAL:

Landscaping and other maintenance activities currently occur within the project site and are not anticipated to increase substantially as a result of the project; therefore, these activities associated with the project are not anticipated to have a substantial adverse effect on white-tailed kite and common raptors and other common nesting birds. Common raptors and other native bird species may nest throughout the project area in trees, shrubs, and on buildings. Construction, demolition, grading, or vegetation clearing including the construction of new buildings, roads, and trails; and fuels management activities could result in disturbance and loss of the nests of common native raptors and other common nesting birds if these activities occur during the nesting season for these species (February 1 to August 15); however, Marin County Code Section

22.20.040 requires preconstruction nesting bird surveys during the nesting season (February 1 and August 15) and establishment of buffers around active nests until the young have fledged as determined by a qualified biologist. The application of Code Section 22.20.040 would avoid impacts to common nesting birds from project activities.

REVISED:

Landscaping and other maintenance activities currently occur within the project site and are not anticipated to increase substantially as a result of the project; therefore, these activities associated with the project are not anticipated to have a substantial adverse effect on white-tailed kite and common raptors and other common nesting birds. Furthermore, bird-friendly building design features would be implemented consistent with Section A5.107 of the California Building Code, which includes requirements for glazing and use of slats, screens, netting, or louvers to reduce the potential for impacts due to bird strike (Section 2.6.3, "Landscaping, Wildfire Resilience and Site Improvements"). Common raptors and other native bird species may nest throughout the project area in trees, shrubs, and on buildings. Construction, demolition, grading, or vegetation clearing including the construction of new buildings, roads, and trails; and fuels management activities could result in disturbance and loss of the nests of common native raptors and other common nesting birds if these activities occur during the nesting season for these species (February 1 to August 15); however, Marin County Code Section 22.20.040 requires preconstruction nesting bird surveys during the nesting season (February 1 and August 15) and establishment of buffers around active nests until the young have fledged as determined by a qualified biologist. The application of Code Section 22.20.040 would avoid impacts to common nesting birds from project activities.

Comment O4-33

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
22	3.4	NA	R. Wilke	NA	The EIR does not analyze the impacts of nighttime lighting on wildlife, including birds and bats. The project would substantially increase nighttime lighting due to construction of more residential units. Lights from tall buildings, up to six stories high, would introduce light at an elevation that does not exist under current conditions. Nighttime lighting has the potential to disorient wildlife, leading to collisions or interruptions in migration patterns.

Response O4-33

The comment states that the Draft EIR does not analyze the impacts of nighttime lighting on wildlife, and that the construction of more residential units, including tall buildings would introduce new light sources that would lead to collisions and interruptions in migration.

The Draft EIR discloses in Draft EIR Section 2.6.3, Landscaping, Wildfire Resilience, and Site Improvements, that the lighting improvements proposed for installation along internal roads and pedestrian walkways would consist of low-wattage fixtures that would be shielded and directed downwards. The low-wattage shielded fixtures are not anticipated to result in a substantial adverse impact on overwintering monarchs, nesting bird sites, and maternity and roosting bat habitat due to their location along trails and roads and the design of the fixtures, which would direct light down away from the tree canopy where these species are most likely to occur. Clarifying text has also been added to Draft EIR Impact 3.4-2, Potential Disturbance or Loss of Monarch Butterfly; Impact 3.4-4, Potential Disturbance or Loss of Special-Status Birds and Other Common Nesting Birds, and Impact 3.4-5 Potential Disturbance or Loss of Special-Status and Common Bat Maternity and Hibernation Roost specifying that no adverse effects from lighting would occur. See Response O3-3.

Also, as discussed above under Response O4-32, Draft EIR Section 2.6.3, Landscaping, Wildfire Resilience, and Site Improvements has also been modified to include that the project would implement bird-friendly building design features consistent with Section A5.107 of the California Building Code. See Response O4-32 and Chapter 4, Revisions

to the Draft EIR. These revisions represent a clarification and refinement of the project description and biological resources analysis and do not alter the significance determinations of the Draft EIR.

Comment O4-34

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
23	3.4	3.4-29	R. Wilke	NA	The analysis under Impact 3.4-6 does not identify the acreage of each sensitive natural community that would be converted or lost as a result of the project. Figure 2-4 and 2-5 identify areas of grassland to be restored or existing grassland that would remain. Grassland is shown in locations where other sensitive natural communities exist, such as coastal oak woodland in the Shuck Drive Knoll Planning Area, or montane hardwood, coastal oak woodland, freshwater emergent wetland, and coastal scrub in the Chapel Drive Seminary Point Planning Area. Coastal scrub in the Shuck Drive Knoll would also be lost as it would be developed into residences. The EIR should disclose the amount of impact to each of these sensitive natural communities and analyze impacts to each of the sensitive natural community types. The analysis concludes that impacts would not be significant due to the fact that a preserve of grassland habitat exists but there is no data or comparison of the impacted acreage to support this conclusion. The conclusion is also inadequate to address impacts to other sensitive natural communities such as montane hardwood, coastal oak woodland, and freshwater emergent wetland.

Response O4-34

The comment states that the impact analysis under Impact 3.4-6 does not identify the acreage of each sensitive natural community that would be converted or lost as a result of the project and there is no data to support the conclusion of less than significant on sensitive natural communities.

As discussed in Draft EIR Section 3.4, "Biological Resources," under Impact 3.4-6, the conclusion that the impact would be less than significant is not wholly dependent on the acreage of impact and the acreage of these sensitive natural communities in the project region, the conclusion also includes the consideration of the existing degradation of the communities within the project site. Draft EIR Figures 2-4 and 2-5 are illustrative and are not intended to depict the landcovers or sensitive natural communities within the project site. The sensitive natural communities on the project site are depicted in Draft EIR Section 3.4, "Biological Resources," Figure 3.4-2, "Sensitive Natural Communities and Sensitive Habitats on the Project Site." The impacts to sensitive natural communities are disclosed in Impact 3.4-6 "Potential Degradation or Loss of Sensitive Natural Communities Identified by CDFW or USFWS." The analysis in Impact 3.4-6 covers sensitive natural communities as defined by CDFW or USFWS. The impacts to coastal oak woodland and freshwater emergent wetlands are discussed in Impact 3.4-7 and 3.4-8, respectively.

The text in Impact 3.4-6 has been refined for clarification to add the acreage of sensitive natural communities that would be lost or converted to other land cover types should conversion occur. For California bay forest type, conversion is not anticipated due to loss of only a single bay tree. In addition, the discussion of the location and extent of the sensitive natural communities where conversion of the land cover would occur has been revised to include further details. This revision involves a minor clarification and does not change the analysis or conclusions of the Draft EIR.

ORIGINAL:

Fuels management, grading, construction of new buildings, roads, trails, and other project components would result in the removal of dead, dying, or diseased Monterey pines on the project site (Section 2.6.3, "Landscaping, Wildfire Resilience and Site Improvements"); however, many of these trees were determined to be in poor to marginal condition, and removal of these trees would not result in conversion California bay forest or Monterey pine forest to other land cover types. Furthermore, due to removal being limited to dead,

dying, or diseased Monterey pines the project would not substantially impair the habitat function of Monterey pine stands.

Grading, construction of new buildings, roads, trails, and other project components would result in ground disturbance within needle grass-melic grass grassland and coyote brush scrub / (needle grass, blue wild rye, California brome) communities. Ground disturbance within these sensitive natural communities would result in conversion within the footprint of new buildings, roads, trails and other impervious surfaces, as well as newly landscaped areas. In addition, areas that are temporarily disturbed by grading, but not covered by impervious surfaces or landscaping may also be converted from these sensitive natural communities, due to competition with annual and invasive plant species following ground disturbance. The existing regular disturbance, small patch size, and fragmentation of the onsite needle grass – melic grass grassland and coyote brush scrub/ (needle grass, blue wild rye, California brome), has occurred since the site was originally developed in the 1950's. This existing disturbance and activity from the surrounding developed environment reduce the quality of these sensitive natural communities, both as examples of the natural communities themselves, and in the habitat quality of these grasslands for native fauna. Preserves within a few miles of the project site (i.e., Golden Gate National Recreation Area, Ring Mountain Preserve, Old Saint Hilary's Preserve, La Cresta Open Space, Atkinson Open Space, Mt. Burdell Preserve) contain areas where the characteristic signature of perennial grasslands (e.g., rough, clumpy texture) can be seen from Google Earth aerial imagery. These preserves have documented and protected the presence of perennial grasslands on their lands. Therefore, while these vegetation communities are vulnerable in the context of the distribution of relic perennial grassland statewide, loss of needle grass – melic grass grassland and coyote brush scrub / (needle grass, blue wild rye, California brome) from the project site would not represent a substantial adverse effect on these resources in the region, due to the degraded existing conditions of these communities and the abundance of high-functioning examples of these communities protected in preserves surrounding the project site.

Fuels management, grading, construction of new buildings, roads, trails, and other project components would not have a substantial adverse effect on Monterey pine forest, California bay forest, needle grass – melic grass grassland or coyote brush scrub / (needle grass, blue wild rye, California brome), for the reasons discussed above. Therefore, the project would not threaten to eliminate these plant communities and the impact from the project on these sensitive natural communities would be **less than significant**.

REVISED:

Fuels management, grading, construction of new buildings, roads, trails, and other project components would result in the removal of dead, dying, or diseased Monterey pines on the project site (Section 2.6.3, "Landscaping, Wildfire Resilience and Site Improvements"); however, many of these trees were determined to be in poor to marginal condition, and removal of these trees would not result in conversion of ~~California bay forest or~~ Monterey pine forest to other land cover types. Furthermore, due to removal being limited to dead, dying, or diseased Monterey pines the project would not substantially impair the habitat function of Monterey pine stands. A single California bay tree is anticipated to be removed (Section 2.6.3, "Landscaping, Wildfire Resilience, and Site Improvements"); however, this removal is not anticipated to result in conversion of California bay forest to other land cover types.

Grading, construction of new buildings, roads, trails, and other project components would result in ground disturbance within 13.94 acres of needle grass-melic grass grassland and 0.94 acres of coyote brush scrub / (needle grass, blue wild rye, California brome) communities. Ground disturbance within these sensitive natural communities would result in conversion within the footprint of new buildings, roads, trails and other impervious surfaces, as well as newly landscaped areas. In addition, areas that are temporarily disturbed by grading, but not covered by impervious surfaces or landscaping may also be converted from these sensitive natural communities, due to competition with annual and invasive plant species following ground disturbance. The existing regular disturbance, small patch size, and fragmentation of the onsite needle grass – melic grass grassland and coyote brush scrub/ (needle grass, blue wild rye, California brome), has occurred

since the site was originally developed in the 1950's. This existing disturbance and activity from the surrounding developed environment reduce the quality of these sensitive natural communities, both as examples of the natural communities themselves, and in the habitat quality of these grasslands for native fauna. Preserves within a few miles of the project site (i.e., Golden Gate National Recreation Area, Ring Mountain Preserve, Old Saint Hilary's Preserve, La Cresta Open Space, Atkinson Open Space, Mt. Burdell Preserve) contain areas where the characteristic signature of perennial grasslands (e.g., rough, clumpy texture) can be seen from Google Earth aerial imagery. These preserves have documented and protected the presence of perennial grasslands on their lands. For example, within the Ring Mountain Preserve, serpentine native grasslands cover nearly 50 percent (Jakob and Lovett 2024) of the 385-acre preserve, and native grasslands are abundant on the 2,100-acre Marin Headlands portion of the Golden Gate National Recreation Area (Schirokauer et al. 2003; Steers and Spaulding 2013). The coyote brush scrub in combination with native grasses also occurs in multiple locations in Marin County, Cascade Canyon, French Ranch, Indian Tree, Little Mountain, Loma Alta, Old St. Hillary's, and Terra Linda/Sleepy Hollow Preserves (Buck and Evens 2010), and coyote brush/ purple needle grass has been documented to occur within the Mount Tamalpais Watershed, at Nicasio Reservoir and at Soulajule Reservoir (Evens and Kentner 2006). Therefore, while these vegetation communities are vulnerable in the context of the distribution of relic perennial grassland statewide, they are not locally rare.

Tree removal would not result in the conversion of Monterey pine forest or California bay forest to other land cover types. Furthermore, ~~loss of needle grass – melic grass grassland and coyote brush scrub / (needle grass, blue wild rye, California brome)~~ the loss of 13.94 acres of degraded needle grass-melic grass grassland and 0.94 acres of degraded coyote brush scrub / (needle grass, blue wild rye, California brome) communities from the project site would not represent a substantial adverse effect on these resources in the region, due to the degraded existing conditions of these communities and the abundance of high-functioning examples of these communities protected in preserves surrounding the project site. Therefore, ~~F~~fuels management, grading, construction of new buildings, roads, trails, and other project components would not have a substantial adverse effect on Monterey pine forest, California bay forest, needle grass – melic grass grassland or coyote brush scrub / (needle grass, blue wild rye, California brome), for the reasons discussed above. Therefore, the project would not threaten to eliminate these plant communities and the impact from the project on these sensitive natural communities would be **less than significant**.

Comment O4-35

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
24	3.4	NA	R. Wilke	NA	Have the effects of Mitigation Measure 3.14-4 on biological resources been analyzed? Tidal wetlands occur at the southwest corner of this intersection. Would construction of the roundabout require temporary or permanent impacts to adjacent wetlands?

Response O4-35

The comment asks if the effects of Mitigation Measure 3.14-4 on tidal wetlands have been analyzed. During preparation of the Final EIR and in consultation with the Southern Marin Fire District and County staff, Mitigation Measure 3.14-4 has been revised and construction activities at the corner of Seminary Drive/Ricardo Road/ Vista Del Sol are no longer proposed and no impacts to tidal wetlands will occur. See Final EIR Section 3.2.12, Master Response: Emergency Vehicle Access Mitigation Measure, and Chapter 4, Revisions to the Draft EIR.

Comment O4-36

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
25	3.4	3.4-27	R. Wilke	"The applicant may choose to schedule site preparation, construction, demolition, grading, or vegetation clearing after October 31 or before February 1 to avoid the nesting period for white-tailed kite within or adjacent to suitable nesting habitat for the species (e.g., the Woodland Buffer and along Seminary Drive."	In order to avoid construction impacts on nesting white-tailed kite, site preparation, construction, demolition grading and vegetation clearing should be initiated after October 31 or before February 1. As written, Mitigation Measure 3.4-4 states "schedule site preparation, construction, demolition, grading, or vegetation clearing" should be conducted outside of the nesting season; however, all of these activities have the potential to interrupt nesting. Mitigation Measure 3.4-4 does not require that all nest-disturbing activities occur outside of the nesting season. The first bullet of Mitigation Measure 3.4-4 should be revised to ensure disturbance within the buffer should be initiated outside of the nesting season.

Response O4-36

The comment states that site preparation, construction, demolition, grading, or vegetation clearing have the potential to interrupt nesting of white-tailed kite. The comment further states that Mitigation Measure 3.4-4 does not require that all nest disturbing activities occur outside of the nesting season, and that the first bullet of the mitigation measure should be revised to ensure that disturbance within the buffer should be initiated outside of the nesting season. The comment correctly identifies that the first bullet of Mitigation Measure 3.4-4 does not require that nest disturbing activities take place outside of the nesting season for white-tailed kite; however, subsequent bullets within Mitigation Measure 3.4-4 require that if these nest disturbing activities occur within the nesting season, survey for white-tailed kite nests and establishment of a non-disturbance buffer of 500 feet around any nest is required. The text in the third bullet of the mitigation measure has been clarified by including the same list of activities discussed in the first bullet.

ORIGINAL:

Mitigation 3.4-4: Avoid Disturbance of White-tailed Kite

To avoid or minimize impacts to nests of white-tailed kite, the applicant shall implement the following measures.

- The applicant may choose to schedule site preparation, construction, demolition, grading, or vegetation clearing after October 31 or before February 1 to avoid the nesting period for white-tailed kite within or adjacent to suitable nesting habitat for the species (e.g., the Woodland Buffer and along Seminary Drive).
- If work is required during the white-tailed kite nesting season (February 1 to October 31), a qualified biologist, retained by the applicant, shall conduct a pre-construction survey prior to site preparation, demolition, grading, or vegetation clearing to identify white-tailed kite nests within 500 feet of work area as access allows. The survey shall be conducted no more than 7 calendar days before the beginning of construction demolition, grading, or vegetation clearing. If project activity ceases for 7 days or longer, resurvey shall be conducted prior to restarting activities.
- If white-tailed kite nests are located, no construction shall occur within 500 feet of the nest during the nesting season or until the young have fledged, as determined by a qualified biologist.
- A report describing the methods and results of any nest pre-construction surveys conducted, and any nest buffers implemented shall be submitted to the County.

REVISED:

Mitigation 3.4-4: Avoid Disturbance of White-tailed Kite

To avoid or minimize impacts to nests of white-tailed kite, the applicant shall implement the following measures.

- The applicant may choose to schedule site preparation, construction, demolition, grading, or vegetation clearing after October 31 or before February 1 to avoid the nesting period for white-tailed kite within or adjacent to suitable nesting habitat for the species (e.g., the Woodland Buffer and along Seminary Drive).
- If work is required during the white-tailed kite nesting season (February 1 to October 31), a qualified biologist, retained by the applicant, shall conduct a pre-construction survey prior to site preparation, demolition, grading, or vegetation clearing to identify white-tailed kite nests within 500 feet of work area as access allows. The survey shall be conducted no more than 7 calendar days before the beginning of construction demolition, grading, or vegetation clearing. If project activity ceases for 7 days or longer, resurvey shall be conducted prior to restarting activities.
- If white-tailed kite nests are located, no site preparation, construction, demolition, grading, or vegetation clearing shall occur within 500 feet of the nest during the nesting season or until the young have fledged, as determined by a qualified biologist.
- A report describing the methods and results of any nest pre-construction surveys conducted, and any nest buffers implemented shall be submitted to the County.

Comment O4-37

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
26	3.4	3.4-27	R. Wilke	Potential impacts to white-tailed kites.	The DEIR states that surveys to identify white-tailed kite nests would take place not more than 7 calendar days prior to construction activity. ▶ Who at the County would be responsible for monitoring and enforcement of biological protections? ▶ Since CDFW considers white-tailed kite to be a fully- protected species, CDFW should receive results of the nesting bird surveys and be consulted regarding appropriate nest buffers if an active nest is observed. The DEIR states that a 500-foot buffer would be established around active white-tailed kite nests during construction. CDFW typically recommends a 0.5-mile buffer around raptor nests. White-tailed kites are fully protected raptors, and active nests should be protected with a 0.5-mile buffer during construction. What are the known impacts of construction and noise on the nesting and fledging behavior of protected White-Tailed Kites? Is a 500-ft buffer around nests during major construction effective for White-Tailed Kite reproduction and flourishing? Assuming 500 ft is a radius for a nesting buffer, what percentage of the planned construction site could be shut down if multiple active nests are identified? Oct 31-Feb 1 is only a 3 month period during which the DEIR indicates demolition and construction could take place without impacts on nesting White-Tailed Kites. It seems implausible the applicant can limit demolition and construction within these three months.

Response O4-37

The comment asks, "Who at the County would be responsible for monitoring and enforcement of biological protections?" Depending on the specific mitigation measure, the applicant will be responsible for ensuring

appropriate surveys and reporting are conducted and completed per each specific mitigation measure, and the County Community Development Agency will verify that reports and findings have been submitted prior to start of project activities.

The comment further states that because white-tailed kite is a fully protected species, CDFW should receive results of nesting bird surveys and be consulted regarding appropriate nest buffers if an active nest is observed. The Draft EIR discusses fully protected species under the California Fish and Game Code in Section 3.4.1, "Regulatory Setting." There is no statutory requirement to notify CDFW of the results of nest surveys or to consult on buffer distances for fully protected species.

The comment also states that CDFW typically recommends a 0.5-mile buffer around raptor nests, and that the buffer around active white-tailed kite nests should be 0.5-mile as well. In addition, the comment asks' "What are the known impacts of construction noise on nesting and fledging behavior of white-tailed kites?" and questions if a 500-buffer is effective. The CDFW list of Survey and Monitoring Protocols and Guidelines (CDFW 2024) does not provide any guidance as to the minimum nest buffer distance for white-tailed kites. The existing disturbance on and around the project site (e.g., ongoing maintenance and landscaping activities, traffic, recreation) provides a background of disturbance that would likely reduce the distance between project activities and a nest that would cause substantial disturbance (i.e., would result in loss of eggs or young).

The comment asks, "what percentage of the planned construction site could be shut down if multiple active nests are identified?" Mitigation Measure 3.4-4 does not set a limit on the percentage of the site that could fall within the 500-foot nest buffer for white-tailed kite; although, the Draft EIR identifies that the most likely areas for nesting by the species are the less disturbed northern portions of the project site, and along Seminary Drive, and as such construction and vegetation clearing activities within 500-feet of those locations are the most likely to be limited by a non-disturbance buffer during the nesting season.

The comment also states that given the three-month period that falls outside of the nesting season for white-tailed kite it is implausible that the applicant can limit demolition and construction to those months. The applicant has reviewed Mitigation Measure 3.4-4 and has not commented on the implausibility of demolition and construction during this period.

Comment O4-38

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
27	3.4		R. Wilke	Known impacts of construction and noise on the nesting and fledging behavior of protected White- Tailed Kites.	Assuming demolition and construction would take place during nesting season, the DEIR should include a more thorough approach to identifying nests, which would strengthen mitigation measures related to impacts on White-Tailed Kites in the project area.

Response O4-38

The comment states that the Draft EIR should include a more thorough approach to identifying white-tailed kite nests, which would strengthen the mitigation measure related to impacts on the species. Mitigation Measure 3.4-4: Avoid Disturbance of White-Tailed Kite in the Draft EIR describes that a qualified biologist will conduct a pre-construction survey during the white-tailed kite nesting season (February 1 to October 31) to identify white-tailed kite nests within 500 feet of the work area as access allows, and that if project activities ceases for 7 days or longer, a resurvey of the area shall be conducted prior to restarting activities. Using this approach a qualified biologist would be able to identify white-tailed kite nests prior to disturbing activities, which would allow for establishment of a buffer to avoid impacts on nesting white-tailed kites, and would meet the requirements under the California Fish and Game Code to avoid take of fully protected species as discussed in Section 3.4.1, "Regulatory Setting," of the Draf EIR. No revisions to the EIR are warranted in response to this comment.

Comment O4-39

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
28	Appendix E	18	C. Gilleran	"while the project site is approximately 130 acres, survey area was approximately 95 acres."	The project site, inclusive of all parcels with proposed development or improvements, is 101 acres. The discrepancy should be explained.

Response O4-39

The comment requests explanation for the inconsistencies of project acreage compared to survey acreage as reported in Draft EIR Appendix E. As stated in Draft EIR Chapter 2, Project Description, the campus is approximately 130 acres while the development is 101 acres. Page 18 of Appendix E explains that the survey consisted of an intensive pedestrian survey of the built-environment features that are 45 years or older within the project site. Areas that are part of the 130-acre campus property but not part of the current project and do not contain built-environment features were not surveyed. Therefore, while the project site is approximately 130 acres, the survey area was approximately 95 acres, which adequately captures the evaluation of any potential built-environment resources. No revisions to the Draft EIR are warranted.

Comment O4-40

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
29	Appendix E	32	C. Gilleran	"This investigation recorded and evaluated the GGBTS at a district level; the property is recommended not eligible for inclusion in the NRHP and CRHR. The GGBTS in Marin County does not appear to meet any of the criteria necessary for listing in the NRH or the California Register of Historical Resources CRHR. The property is not associated with important events or people in history, is not representative of the typical work of John Carl Warnecke and Lawrence Halprin and is not likely to yield any additional important information about our history. Similarly, the administration and academic buildings were evaluated for individual NRHP- and CRHR-eligibility and recommended not eligible."	It is unclear why only three of the 52 historic-era buildings and structures were evaluated individually. This should be clarified with justification provided.

Response O4-40

The comment requests clarification as to why only three of the 52 historic-era buildings and structures were evaluated individually. Only three buildings, the administration building, the academic building, and the cafeteria, had the potential to be architecturally significant under National Register of Historic Places or California Register Historical Resources (NRHP/CRHR) Criterion C/3. Criterion C/3 refers to whether a property embodies the distinctive characteristics of a type, period, or method of construction, or if it represents the work of a master or possesses high artistic values. All other buildings, primarily residential and utilitarian in nature, are vernacular in style. Therefore, they have no potential to be recommended architecturally significant and individual evaluation was not necessary. The association of the Golden Gate Baptist Theological Seminary site and its buildings to important events or people in history (NRHP/CRHR Criteria A/1 and B/2) is best understood as a whole and therefore it was evaluated at a district level with the buildings and structures evaluated as potential contributors to that historic district. For the remainder 49 residential and utilitarian buildings, their contribution to history or association with important people can only be related to the campus as a whole. No revisions to the Draft EIR are warranted.

Comment O4-41

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
30	3.3	3.3-15	C. Gilleran	"Mitigation Measure 3.3-2…Consistent with Marin County Code Chapter 22.20.040 Section E, if any precontact or historic-era subsurface archaeological features or deposits (e.g., ceramic shard, trash scatters), including locally darkened soil ("midden"), which may conceal cultural deposits, are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted"	How will workers determine they have encountered potential historic or precontact resources while demolishing/constructing the proposed developments? The DEIR's mitigation measures should include a requirement that workers receive training by a qualified archaeologist with information on what to look for, when to stop work, and provide= to the workers on who to call in the event of a discovery.

Response O4-41

The comment states that construction workers should receive training on how to identify archaeological materials. Archaeological and tribal cultural monitoring for sensitive areas is required under Mitigation Measure 3.3-3. Because qualified personnel will be onsite during ground-disturbing activities and will be responsible for identifying potential historic or precontact resources, it is not necessary for construction workers to be trained on what to look for or when to stop work. No revisions to the Draft EIR are warranted.

Comment O4-42

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
31	3.3	3.3-12 and 13	C. Gilleran	"Native American Consultation" and associated text	The summary of consultation efforts is not clear regarding what portions of the DEIR and/or mitigation measures were reviewed and agreed upon. Page 3.3-16 appears to indicate that the Tribe made a specific request, which was integrated into a mitigation measure, however, did the Tribe review and agree to this measure and associated analysis? The DEIR should include additional clarification on how tribal input was incorporated into the analysis and mitigation measures.

Response O4-42

The comment states that the Draft EIR should clarify how tribal input was incorporated into the analysis. Coordination with the Federated Indians Graton Rancheria (FIGR) was ongoing throughout preparation of the Draft EIR. As stated on page 3.3-16 of the Draft EIR, FIGR requested archaeological and tribal monitoring during ground-disturbance activities in the highly sensitive areas of the project site and this was incorporated into Mitigation Measure 3.3-3. In addition to the consultation summary provided on page 3.3-13 of the Draft EIR, on October 11, 2022, a draft of the Archaeological Testing Plan was emailed with a request for feedback from FIGR to identify whether there were any concerns. The Draft Archaeological Testing Plan document was emailed to FIGR again on November 16, 2022, to follow up on previous outreach. Later, on March 21, 2023, a Draft Archaeological Testing Report was provided to FIGR for comment and feedback with confirmation that a mitigation monitoring plan was being prepared that would require the project applicant to hire an archaeologist to contract with FIGR for tribal monitoring during ground-disturbing activities in areas sensitive for cultural resources. On September 24, 2024, the County emailed a closure letter to FIGR summarizing all consultation efforts and requesting any final comments. After a supplemental meeting with FIGR on January 14, 2025, the County provided the Tribe with the Archaeological, Historical, and Tribal Cultural Resources chapter (Chapter 3.3) of the Draft EIR for their review. Nothing further was received from FIGR. No revisions to the Draft EIR are warranted.

Comment O4-43

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
32	3.3	3.3-15	C. Gilleran	"Mitigation Measure 3.3-2…If the find is determined to be significant by the archaeologist or the tribal representative..., the archaeologist and tribal representative, as appropriate, shall develop, for consideration and approval (possibly with modifications) by the Director of Marin County Community Development Agency (Director) or his or her designee, appropriate mitigation procedures to protect the integrity of the resource and ensure that no additional resources are affected. (a) Where the find is determined to be a tribal cultural resource, the Director or designee shall obtain the approval of the representative from Federated Indians of Graton Rancheria or provide a reasonable opportunity to solicit and obtain such approval, before approving the proposed mitigation procedures and requiring North Coast Land Holdings or another appropriate party to implement them."	Although treatment/mitigation procedures for historical resources are required to be developed and implemented consistent with Section 15126.4(b) of the State CEQA Guidelines, the mitigation measure appears to be deferring identifying how significant resources will be treated without clearly identifying a minimum framework and performance standards.

Response O4-43

The comment states that Mitigation Measure 3.3-2 appears to defer identifying how significant resources will be treated. As described in Draft EIR Section 3.3, "Archaeological, Historical, and Tribal Cultural Resources," a records search, pedestrian survey, and subsurface testing have been conducted, identifying one unique precontact archaeological site located within the project site. Although project activities would avoid this site, it is possible that ground-disturbing activities could result in discovery or damage of other, yet undiscovered archaeological resources. Mitigation Measure 3.3-2 calls for the halting of ground-disturbing activities if archaeological materials are encountered during ground disturbing activities, hiring a qualified archaeologist, and coordinating with the consulting Native American tribe if the find is indigenous in nature. If the archaeologist determines that the find is significant, then methods of avoidance or a treatment plan for data recovery will be developed. These industry-standard and professionally accepted measures were developed in coordination with FIGR and are consistent with Section 15126.4(b) of the State CEQA Guidelines. No revisions to the Draft EIR are warranted.

Comment O4-44

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
33	3.6	3.6-26 and 3.6-27	C. Atabek and P. Sutton	"Seismically-induced ground failure could undermine or create debris blockages of emergency evacuation or access routes, disruption or damage to utilities and infrastructure, debris impact to structures, and alteration/disruption of natural drainage patterns… Both PRA reports generally state that site grading, drainage improvements, and retaining structures would reduce seismically-induced hazards. However, the 2010 and 2016 PRA reports (Appendix K and Appendix J) recognize unresolved risks of reduced stability of landslides or zones of potential instability by indicating that geotechnical criteria and	The extent of areas that would require grading, construction of retaining walls, and drainage improvements to address slope stability hazards has not been defined; therefore, it is not known whether the project design adequately accounts for the space needed for construction of engineered sloped, retaining walls, and drainage improvements. Considering that these improvements have not been defined, the construction equipment and duration of construction activities required for slope stability improvement is also unknown, which could substantially affect the analysis of air quality and noise impacts in the DEIR. During construction of slope stability improvements, the stability of slopes could be temporarily reduced and the risk of slope failure during a seismic event could be increased unless measures are taken to maintain slope stability throughout construction, such as installing

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
				recommendations need to be refined with specific improvements and conditions as part of future engineering design to confirm planned development would not cause reduced seismic stability. Therefore, impacts would be potentially significant without mitigation. Mitigation Measure 3.6-2: Geotechnical Engineering to Address Seismically Induced Ground/Structural Failure …Geotechnical engineering shall be performed to confirm a factor of safety above 1.0 is achieved for the design level seismic acceleration. If the calculated factor of safety is less than 1.0, seismic displacement analyses shall be performed as part of geotechnical engineering to confirm seismic induce displacements are equal or less than pre-construction conditions and will not affect planned or existing improvements…." "In addition, the geotechnical report shall include seismic surcharge loads for retaining structures over 7 feet. While the specific engineering improvements to reduce the risk of lateral spreading and instability would be determined based on project site conditions, typical examples of design features potentially effective in meeting the performance standard could include: retaining walls to hold back spreading soil or downslope movement; surface and subsurface drainage features to direct stormwater away from areas of instability; soil stabilization techniques like surcharging, compaction, or geosynthetic reinforcement; creating terraces or stepped slopes with gabion or retaining wall support; slope contouring to reduce slope angle or profile; and replanting of stabilizing vegetation."	retaining walls using driven piles or drilled piers prior to excavation and grading of slopes. The DEIR does not discuss or mitigate this potential impact. The Preliminary Geotechnical Design Report (Appendix J of the DEIR) indicates that drilled piers would be required for many building foundations. However, it appears that the use of a drill rig during project construction was not considered by the DEIR, as a drill rig was not included in the list of construction equipment in Section 2.7.2 of the DEIR. Similarly, potential use of pile driving equipment was not addressed by the DEIR although pile walls are listed in Mitigation Measure 3.6-4 as an example of repair and/or improvement of landslides. The use of drill rigs and pile drivers, which can substantially contribute to noise and air quality impacts, was not evaluated in the DEIR. Significant changes to the proposed design and construction of the project could be required based on geotechnical recommendations to address seismic slope stability hazards, which could significantly alter the proposed project from what is evaluated in the DEIR. A geotechnical report should be prepared for the project as it is currently designed to ensure that construction is feasible, and the DEIR should be revised to account for the findings of this project- specific geotechnical report. According to the California Geologic Survey's Special Publication 117A Guidelines for Evaluating and Mitigating Seismic Hazards in California, the commonly accepted factor of safety for slopes is greater than 1.1 for dynamic (i.e., seismic) loads. Considering the presence of off-site residences and other improvements (e.g., roads, utilities) located above and below steep slopes that would be disturbed, modified, or created by the project, the DEIR should be revised to require a factor of safety of at least 1.1 for seismic slope stability analysis for proposed changes to slope conditions at the project site. According to section 1803.5.12 of the California Building Code, for structures assigned to Seismic Design Category D, E, or F, the geotechnical investigation required by Section 1803.5.11 shall include the determination of dynamic seismic lateral earth pressures on foundation walls and retaining walls supporting more than 6 feet of backfill height due to design earthquake ground motions. It is not clear why the DEIR indicates that the geotechnical report shall include seismic surcharge loads only for retaining structures over 7 feet. The DEIR should be revised to address this discrepancy.

Response O4-44

The comment states that a geotechnical report should be prepared for the project as it is currently designed in order to ensure that the design accounts for space needed to stabilize slopes. Please refer to the Master Response in Final EIR Section 3.2.5 regarding design-level geotechnical engineering. Mitigation Measures 3.6-2 and 3.6-4 require that design level geotechnical reports are prepared (as required by Marin County Code Sections 22.100.040 and 23.08). Mitigation Measure 3.6-4 specifically requires that the geotechnical engineering design shall provide grading

requirements for keying, benching, fill compaction, subsurface drainage, and maximum inclinations of both temporary and permanent cut and fill slopes. Specific foundation design shall be provided for structures on fill or weak soils. The project Civil Engineer shall provide surface drainage collection and/or drainage terraces above and on graded slopes. The performance standard for this mitigation is to at least maintain the risk of slope instability/landsliding resulting from project implementation to pre-project levels and it would be designed to reduce the risk.

The information provided from site investigations of project site's slope stability is sufficient to adequately determine the nature and magnitude of potential slope stability impacts at the Master Plan level and define mitigation measures. A more detailed project-level geotechnical engineering report should be prepared at the time of design development. However, in response to public comments, the applicant retained Rockridge Geotechnical to perform additional soil sampling and subsurface investigations in the Hodges area, at the proposed fitness center, and at the play field fill sites. The additional sampling confirmed the impact analysis determinations in the Draft EIR and concluded that there are no major geotechnical issues that would preclude development of the site as proposed (Final EIR Appendix A). The report provides details for standard engineering structures that should be included in the proposed fill area including a keyway and proper drainage.

The comment recommends that the factor of safety for dynamic loads should be adjusted to 1.1 from 1.0. 1.0 was used because the seismic acceleration will be calculated at the project site. If the calculated pseudo-static factor of safety is less than 1.0, displacement analyses should be performed to determine if acceptable for the landslide specific conditions and if displacements could adversely impact existing or proposed improvements. Mitigation Measure 3.6-4 has been revised to more clearly explain this. The comment also states that a determination of dynamic seismic lateral earth pressures should be made on foundation walls and retaining walls supporting more than 6 feet of backfill height (not 7 feet) based on the California Building Code for structures assigned to Seismic Design Category D, E, or F. The project is mostly located in Seismic Design Category A and B, but there are a few areas that are Category D (deep soil sites). Because there are some areas in Category D, the Draft EIR has been amended to state that the future geotechnical engineering report shall include seismic surcharge loads for retaining structures over 6 feet. This revision involves a minor clarification and does not change the analysis or conclusions of the Draft EIR.

ORIGINAL:

Mitigation Measure 3.6-4: Geotechnical Engineering to Address Slope Instability and Landsliding

To minimize potential risks of the project exacerbating existing hazards related to slope instability and landsliding, the project shall be designed and constructed in accordance with the geotechnical engineering design requirements as part of compliance with Marin County Code, Section 22.100.040, as well as all applicable provisions of the PRA report and latest edition of the California Building Code (or any superseding local code in effect) at the time of building permit application. Currently, the 2023 CBC is the latest applicable site grading design code including setback distances from graded slopes, and drainage terraces for taller slopes. The geotechnical engineering design shall provide grading requirements for keying, benching, fill compaction, subsurface drainage, and maximum inclinations of both temporary and permanent cut and fill slopes. Specific foundation design shall be provided for structures on fill or weak soils. The project Civil Engineer shall provide surface drainage collection and/or drainage terraces above and on graded slopes.

An updated, site-specific geologic map shall be prepared and included in the geotechnical engineering design that clearly identifies and delineates the limits of the geologic materials present at the site, including all existing landslides, colluvial deposits, undocumented fills, or other areas of instability. The applicant's geotechnical engineer shall also individually catalogue and evaluate mapped areas of instability and undocumented fills and assign each a "Risk Level" in the geotechnical engineering design.

Risk level A landslides would include active and dormant landslides within 100 feet of a building envelope, debris flow source areas, and flow paths that crosses building envelopes / residential use areas, or active landslides that could impact public or private property. Risk Level B landslides would present a lower risk of damage and include all active, dormant or potential landslide areas on the property that do not have the

potential to significantly damage property or improvements within or outside the property. In most instances, Risk Level B landslides would be located in proposed open space areas or in areas outside of any building envelope and any residential use area. The risk level assignments shall guide site-specific geotechnical engineering design.

The geotechnical consultant shall perform supplemental subsurface exploration, laboratory testing, and engineering analyses to define the slope stabilization and landslide avoidance, improvement, or repair required in the design of project features in each catalogued area of instability. In general, landslides that have a higher potential to of being mobilized by construction (Risk Level A landslides) should be improved or repaired, while Level B landslides should be improved or avoided in accordance with the definitions below:

- Landslide Avoidance - requires locating structures and improvements an adequate distance from an existing landslide so that any future movement of the landslide would not affect the structures or improvements.
- Landslide Improvement - requires increasing the slope stability to a level such that the calculated factor of safety is at least 1.2 for static conditions. Improvement may also include the construction of protective structures below the landslide to protect down slope improvements.
- Landslide Repair – shall improve the slope stability of the landslide area such that the calculated factor of safety defined as the ratio of the resisting forces to the driving forces) is at least 1.5 for static conditions and greater than 1.0 for pseudo-static (seismic) conditions. The improved stability may be accomplished by various methods including: (1) excavation of unstable material, installation of subsurface drainage and construction of a compacted earth fill buttress; (2) design and construction of retaining structures; (3) de-watering with subsurface drainage; (4) removal of the entire unstable landslide mass; or (5) other methods for landslide stabilization acceptable to the County of Marin.

Examples of repair and/or improvement of landslides may include one or a combination of the following methods, or other engineering strategies defined during geotechnical engineering design:

- excavation of unstable material, installation of subsurface drainage and construction of a compacted earth fill buttress;
- design and construction of retaining structures (above and below ground pile walls and shear keys);
- de-watering with subsurface drainage;
- removal of the entire unstable landslide mass; or
- other methods as deemed acceptable to Marin County.

Design drainage facilities shall also be documented during geotechnical engineering. On cut and fill slopes, terrace drains shall be included at intervals necessary to adequately drain slopes, such as every 30 feet of vertical height. The terrace drains shall have a minimum flowline gradient of six percent to make them self-cleaning (per the California Building Code). Storm drainage facilities shall convey surface water away from areas of instability and discharge into the storm drainage system. The Geotechnical Engineer shall review the planned storm water discharge locations (bio-swales and dissipators) and identify design requirements to avoid the potential for this water to exacerbate any existing areas of mapped instability or induce new instability as confirmed during Marin County engineering review of the applicant's geotechnical engineering design.

REVISED:

Mitigation Measure 3.6-4: Geotechnical Engineering to Address Slope Instability and Landsliding

To minimize potential risks of the project exacerbating existing hazards related to slope instability and landsliding, the project shall be designed and constructed in accordance with the geotechnical engineering design requirements as part of compliance with Marin County Code, Section 22.100.040, as well as all

applicable provisions of the PRA report and latest edition of the California Building Code (or any superseding local code in effect) at the time of building permit application. Currently, the 2023 CBC is the latest applicable site grading design code including setback distances from graded slopes, and drainage terraces for taller slopes. The geotechnical engineering design shall provide grading requirements for keying, benching, fill compaction, subsurface drainage, and maximum inclinations of both temporary and permanent cut and fill slopes. Specific foundation design shall be provided for structures on fill or weak soils. The project Civil Engineer shall provide surface drainage collection and/or drainage terraces above and on graded slopes.

An updated, site-specific geologic map shall be prepared and included in the geotechnical engineering design that clearly identifies and delineates the limits of the geologic materials present at the site, including all existing landslides, colluvial deposits, undocumented fills, or other areas of instability. The applicant's geotechnical engineer shall also individually catalogue and evaluate mapped areas of instability and undocumented fills and assign each a "Risk Level" in the geotechnical engineering design.

Risk level A landslides would include active and dormant landslides within 100 feet of a building envelope, debris flow source areas, and flow paths that crosses building envelopes / residential use areas, or active landslides that could impact public or private property. Risk Level B landslides would present a lower risk of damage and include all active, dormant or potential landslide areas on the property that do not have the potential to significantly damage property or improvements within or outside the property. In most instances, Risk Level B landslides would be located in proposed open space areas or in areas outside of any building envelope and any residential use area. The risk level assignments shall guide site-specific geotechnical engineering design.

The geotechnical consultant shall perform supplemental subsurface exploration, laboratory testing, and engineering analyses to define the slope stabilization and landslide avoidance, improvement, or repair required in the design of project features in each catalogued area of instability. In general, landslides that have a higher potential to of being mobilized by construction (Risk Level A landslides) should be improved or repaired, while Level B landslides should be improved or avoided in accordance with the definitions below:

- Landslide Avoidance - requires locating structures and improvements an adequate distance from an existing landslide so that any future movement of the landslide would not affect the structures or improvements.
- Landslide Improvement - requires increasing the slope stability to a level such that the calculated factor of safety is at least 1.2 for static conditions. Improvement may also include the construction of protective structures below the landslide to protect down slope improvements.
- Landslide Repair – shall improve the slope stability of the landslide area such that the calculated factor of safety defined as the ratio of the resisting forces to the driving forces) is at least 1.3 for static conditions (a factor of safety less than 1.5 is often utilized for landslide repair due to the ability to better define subsurface conditions and residual soil strength through a combination of exploration, laboratory testing and back-calculation of the original failure. If landslide specific exploration, laboratory testing and back-calculation is not performed, the factor of safety should be 1.5.) and greater than 1.0 for pseudo-static (seismic) conditions using the calculated design level acceleration at the project site. If the calculated pseudo-static factor of safety is less than 1.0, displacement analyses should be performed to determine if acceptable for the landslide specific conditions and if displacements could adversely impact existing or proposed improvements. The improved stability may be accomplished by various methods including: (1) excavation of unstable material, installation of subsurface drainage and construction of a compacted earth fill buttress; (2) design and construction of retaining structures; (3) de-watering with subsurface drainage; (4) removal of the entire unstable landslide mass; or (5) other methods for landslide stabilization acceptable to the County of Marin.

Examples of repair and/or improvement of landslides may include one or a combination of the following methods, or other engineering strategies defined during geotechnical engineering design:

- excavation of unstable material, installation of subsurface drainage and construction of a compacted earth fill buttress;
- design and construction of retaining structures (above and below ground pile walls and shear keys);
- de-watering with subsurface drainage;
- removal of the entire unstable landslide mass; or
- other methods as deemed acceptable to Marin County.

Design drainage facilities shall also be documented during geotechnical engineering. On cut and fill slopes, terrace drains shall be included at intervals necessary to adequately drain slopes, such as every 30 feet of vertical height. The terrace drains shall have a minimum flowline gradient of six percent to make them self-cleaning (per the California Building Code). Storm drainage facilities shall convey surface water away from areas of instability and discharge into the storm drainage system. The Geotechnical Engineer shall review the planned storm water discharge locations (bio-swales and dissipators) and identify design requirements to avoid the potential for this water to exacerbate any existing areas of mapped instability or induce new instability as confirmed during Marin County engineering review of the applicant's geotechnical engineering design.

Comment O4-45

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
34	3.6	3.6-30	C. Atabek	"Preliminary plans indicate that new unretained fill slopes up to about 25 to 30 feet high would be constructed in the playfield area of the development. New cut slopes and fill slopes up to 15 feet are also planned in the Residential Care Facility and in the new west residential development areas. Site grading for Shuck Land, Green Lane, and planned residential lots appear to overlay mapped areas of geologic instability as shown on Figure 3.6-3, "Geologic Hazards General Overview." Plans also indicate that some at-grade bioretention and stormwater dissipation facilities may be located within or proximal to previously-mapped areas of instability below Chapel Lane and the residential extension area in the north end of the site. Practices such as fill placement near the top of a landslide/unstable area or cutting near the lower portion (toe) could all decrease slope stability and re-activate or cause new landslides. Erosion of placed fill and/or shallow sloughing of steep graded slopes can damage structures and improvements constructed near the toe or top of graded slopes. Therefore, impacts would be potentially significant without mitigation. Mitigation Measure 3.6-4: Geotechnical Engineering to Address Slope Instability and Landsliding To minimize potential risks of the project exacerbating existing hazards related to slope instability and landsliding, the project shall be designed and constructed in accordance with the geotechnical engineering design requirements…The geotechnical	Placing bioretention facilities in areas of unstable soil can reduce slope stability by saturating underlying and surrounding soils, which increases the likelihood of slope failure. The DEIR does not acknowledge or mitigate this slope stability risk related to soil saturation from bioretention areas. It is not known whether it is feasible to place the bioretention areas as currently planned without reducing slope stability; therefore, significant changes to the proposed design of the project could be required, which could significantly alter the proposed project from what is evaluated in the DEIR. A geotechnical report should be prepared for the project as it is currently designed to ensure that construction of the project is feasible, and the DEIR should be revised to account for the findings of the project-specific geotechnical report. According to the California Geologic Survey's Special Publication 117A *Guidelines for Evaluating and Mitigating Seismic Hazards in California*, the commonly accepted factor of safety for slopes is greater than 1.5 for static loads. It is not clear why the DEIR is requiring a factor of safety of 1.2 for landslide improvement for static conditions while it is requiring a static factor of safety of 1.5 for landslide repair for static conditions. Considering the presence of off-site

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
				engineering design shall provide grading requirements for keying, benching, fill compaction, subsurface drainage, and maximum inclinations of both temporary and permanent cut and fill slopes…" "Landslide Improvement - requires increasing the slope stability to a level such that the calculated factor of safety is at least 1.2 for static conditions. Improvement may also include the construction of protective structures below the landslide to protect down slope improvements. Landslide Repair – shall improve the slope stability of the landslide area such that the calculated factor of safety defined as the ratio of the resisting forces to the driving forces) is at least 1.5 for static conditions …. Examples of repair and/or improvement of landslides may include one or a combination of the following methods, or other engineering strategies defined during geotechnical engineering design ▶ excavation of unstable material, installation of subsurface drainage and construction of a compacted earth fill buttress; ▶ design and construction of retaining structures (above and below ground pile walls and shear keys); ▶ de-watering with subsurface drainage; ▶ removal of the entire unstable landslide mass; or ▶ other methods as deemed acceptable to Marin County. "	residences and other improvements (e.g., roads, utilities) located above and below steep slopes that would be disturbed, modified, or created by the project, the DEIR should be revised to require a factor of safety of at least 1.5 for static slope stability analysis for proposed changes to slope conditions at the project site.

Response O4-45

The comment states that the Draft EIR does not acknowledge slope stability risk related to soil saturation in bioretention areas. General slope stability is discussed in the Mass Wasting and Landslides section in Draft EIR Section 3.6, "Geology and Soils" and is shown in Draft EIR Figures 3.6-2 and 3.6-3. The section states that increasing the volume of water into a potential or existing non-flow landslide can cause a landslide. An increase in water volume would be the potential environmental change in a bioretention area that may cause slope stability risk, so the Draft EIR has addressed the consequence. The section also states that grading, installing surface and subsurface drains, and constructing retaining walls or caissons, can eliminate or minimize the potential for landslides. Draft EIR Impact 3.6-4 discusses landslide hazards including how the redirection or alteration of drainage patterns, such as the construction of bioretention areas, could exacerbate or re-activate existing areas or slope instability or generate new slope instability. Mitigation Measure 3.6-4 requires geotechnical engineering to address slope instability and landsliding as described in Marin County Code section 22.100.040 and in the CBC which includes designing subsurface drainage to address slope instability.

The comment states that the commonly accepted factor of safety for slopes is greater than 1.5 for static loads. The comment believes a factor of safety of at least 1.5 should be used for static slope stability analysis and not 1.2 as is required in Mitigation Measure 3.6-4. A factor of safety less than 1.5 is often utilized for landslide repair due to the ability to better define subsurface conditions and residual soil strength through a combination of exploration, laboratory testing and back-calculation of the original failure. If landslide specific exploration, laboratory testing and back-calculation is not performed, the factor of safety should be 1.5. Based on the comment, Mitigation Measure 3.6-4 has been revised to require a factor of safety of 1.3 for static conditions and the explanation listed above has been added to the mitigation measure, as shown in the Response O4-44. See Response O4-44 above. This revision involves a minor clarification to more clearly explain the factor of safety used in the measure and does not change the analysis or conclusions of the Draft EIR.

Comment O4-46

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
35	3.6 and Appendix L	3.6-30, 3.6-33, and App. L Page 22	C. Atabek and P. Sutton	From page 3.6-30: "Preliminary plans indicate that new unretained fill slopes up to about 25 to 30 feet high would be constructed in the playfield area of the development…." From page 3.6-33: "No exploration has been performed in the mapped fill and bay mud area under the planned playfield… As part of compliance with Marin County Code, Section 23.08, the applicant's licensed engineer would prepare plans that evaluate subsurface conditions with exploration and laboratory soil testing to determine the consolidation/ settlement potential of the native soils underlying the project site including the playfield and undocumented fill soil in the planned building areas. Geotechnical recommendations to address subsidence would be provided in the design- level geotechnical investigation report." From Appendix L Page 22: "The fill in the level area adjacent to Seminary Drive, between Hodges Drive and Gilbert, is underlain by soft and compressible marsh deposits known as bay mud. However, these marsh deposits are relatively thin and the majority of settlement due to existing fill loads has occurred. Foundation loads and/or additional fill loads would cause additional settlement to occur. We anticipate that approximately 2 inches of settlement will occur for each foot of additional fill placed."	The feasibility of the proposed placement of 25 to 30 feet of fill material on the Seminary Playing Field has not been evaluated by a geotechnical engineer, as this proposed action was not discussed in any of the geotechnical reports attached as appendices to the DEIR. As indicated in Appendix L of the DEIR, approximately 2 inches of settlement within the Bay Mud could occur for each foot of additional fill placed in the playing field area. Therefore, placement of 30 feet of fill could result in settlement of underlying Bay Mud by 60 inches (or 5 feet). In addition to the settlement immediately beneath the raised playing field, substantial vertical and lateral deformation of Bay Mud may also occur in the areas surrounding the field which could cause significant damage to existing off-site improvements such as the Seminary Drive roadway and subsurface utilities. The DEIR must be revised to account for a geotechnical evaluation of the feasibility of placing 25 to 30 feet of fill material on the playing field, and the DEIR must evaluate and mitigate potential impacts to existing off-site improvements related to settlement/subsidence of the playing field. If placing 25 to 30 feet of fill material on the playing field is not feasible, then the project design may need to be revised to include off-hauling of significant quantities of soil from the project site. The additional off-hauling of soils could substantially contribute to noise, air quality, and traffic impacts that were not evaluated in the DEIR.

Response O4-46

The comment states that the Draft EIR must be revised to include a geotechnical evaluation of fill placement on the playing field and possible subsidence. See Final EIR Section 3.2.6 for Master Response: Evaluation of Existing Storm Drain System. Mitigation measures 3.6-2 and 3.6-4 would require the evaluation and feasibility determination of placing fill and potential settlement/subsidence prior to the issuance of a permit from Marin County. In response to the comments about geology underlying the plan area, the applicant retained Rockridge Geotechnical to perform additional soil sampling and investigation in the Hodges area, at the proposed fitness center, and at the play field fill sites. The supplemental subsurface investigation confirmed the environmental impact findings in the Draft EIR and concluded that there are no major geotechnical issues that would preclude development of the site as proposed (Appendix A). No off-hauling of excavated soils would be required and no revisions to the Draft EIR are warranted.

Comment O4-47

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
36	3.6	3.6-33 to 3.6-34	C. Atabek	"The proposed project would involve extensive subsurface disturbance that could potentially encounter and damage previously undiscovered buried paleontological resources or unique geological features. However, the Franciscan Complex found at the project site would not contain identifiable fossils and it would be highly unlikely to encounter paleontological resources within the geologic units to be excavated within the confines of the project site…" "Although there are documented finds in Marin County of sedimentary rocks that would contain paleontological resources, the Franciscan Complex found at the project site would not contain identifiable fossils. This is because the Franciscan Complex is a unit that has been repetitively pulverized from the nearby tectonic boundary (UCMP 2023). Therefore, it is highly unlikely that the proposed project would uncover or disturb significant paleontological resources. Moreover, in the event of an unanticipated discovery of paleontological resources, the project would be required to comply with County Code 22.20.040 and cease construction activities until the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State, Federal, and local regulations. Therefore, impacts associated with the disturbance or discovery of unknown paleontological resources would be less than significant."	The DEIR indicates that the project could potentially encounter and damage unique geological features; however, it did not describe what unique geological features could be present at the site. If there are unique geological features at the project site, they should be identified and described by the DEIR. The DEIR indicates that the project could potentially encounter and damage previously undiscovered buried paleontological resources, and then makes a conflicting statement that the Franciscan Complex found at the project site would not contain identifiable fossils because the Franciscan Complex is a unit that has been repetitively pulverized from the nearby tectonic boundary. The DEIR then references the University of California Museum of Paleontology (UCMP) on-line database (specimen search page) to substantiate the claim that Franciscan Complex does not contain identifiable fossils. However, if "Franciscan" is input into the "Formation" search field in the Paleontological Localities search page of the UCMP on-line database,1 the database indicates that many paleontological localities have been identified in the Franciscan Complex formation, including multiple localities in Marin County. The DEIR should be revised to acknowledge that paleontological localities have been identified in the Franciscan Complex formation, including multiple localities in Marin County. The DEIR indicates that compliance with County Code 22.20.040 would reduce the potential impact related to paleontological resources to a less-than-significant level. As indicated in the DEIR, compliance with the County Code 22.20.040 would require the project to cease construction activities until the extent and location of discovered materials may be recorded by a qualified archaeologist. However, an archeologist is not the appropriate person to evaluate paleontological resources, as archeology and paleontology are completely different disciplines. Therefore, relying on compliance with the County Code would not address potential impacts to paleontological resources. The DEIR should be revised to include a mitigation measure to address potential impacts to paleontological resources.

Response O4-47

The comment states that it should be disclosed if there are unique geologic features present at the site. A statement has been added to Draft EIR Section 3.6, "Issues Not Discussed Further" section stating that there are no unique geological features in the project area as rock outcrops in the area are sparse, except where exposed in cut slopes (Appendix L). This revision represents a minor clarification and does not change the analysis or conclusions of the Draft EIR.

ORIGINAL:

ISSUES NOT DISCUSSED FURTHER

Surface Earthquake Fault Rupture

The project site is not located within an Alquist-Priolo Earthquake Fault Zone, and none of the regional maps or project documents indicate the presence of any active or potentially-active faults within or in immediate proximity to the site. This issue is not discussed further in this document.

Soils Incapable of Supporting the Use of Septic Tanks or Alternative Wastewater Disposal Systems

The campus is currently served by the Richardson Bay Sanitation District and is connected to the existing infrastructure. This would not change for the project, and the project does not propose to use septic or alternative wastewater disposal systems. Therefore, no impact would occur as a result of implementation of the project related to the use of septic tanks or alternative wastewater disposal systems and this issue is not discussed further in this section.

REVISED:

ISSUES NOT DISCUSSED FURTHER

Surface Earthquake Fault Rupture

The project site is not located within an Alquist-Priolo Earthquake Fault Zone, and none of the regional maps or project documents indicate the presence of any active or potentially active faults within or in immediate proximity to the site. This issue is not discussed further in this document.

Soils Incapable of Supporting the Use of Septic Tanks or Alternative Wastewater Disposal Systems

The campus is currently served by the Richardson Bay Sanitation District and is connected to the existing infrastructure. This would not change for the project, and the project does not propose to use septic or alternative wastewater disposal systems. Therefore, no impact would occur as a result of implementation of the project related to the use of septic tanks or alternative wastewater disposal systems and this issue is not discussed further in this section.

Unique Geologic Features

Rock outcrops in the project area are sparse except where exposed in cut slopes (Appendix L). None of these outcrops exhibit unique features that differ from the surrounding geology and are therefore not discussed further in this section.

The comment also requests that the EIR describe that there are fossils that have been identified in the Franciscan Complex including in Marin County. The University of California Berkeley Museum of Paleontology database lists three invertebrate fossils in the Franciscan Complex in Marin County and therefore Impact discussion 3.6-7 has been modified to include this information. This revision represents a minor clarification and does not change the analysis or conclusions of the Draft EIR. The comment is correct in that County Code section 22.20.040E requires that in the event a paleontological resource is discovered during construction, activities would cease and the Agency shall be notified such that the extent and location of discovered materials may be recorded by a qualified archaeologist. Per communication with County Planning Staff, a "qualified" archaeologist in this context would be an expert in paleontological resources. Therefore, no further changes are made to Impact 3.6-7.

ORIGINAL:

Impact 3.6-7: Potential for Disturbance of Paleontological Resources

Paleontological resources are the fossilized remains or impressions of plants and animals, including vertebrates, invertebrates, and microscopic plants and animals. Fossils can be used to determine the relative ages of the depositional layers in which they occur and of the geologic events that created those deposits.

The proposed project would involve extensive subsurface disturbance that could potentially encounter and damage previously undiscovered buried paleontological resources or unique geological features. However, the Franciscan Complex found at the project site would not contain identifiable fossils and it would be highly unlikely to encounter paleontological resources within the geologic units to be excavated within the confines of the project site. Moreover, in the event of an unanticipated discovery of paleontological resources, the project would be required to comply with County Code 22.20.040. Therefore, impacts associated with the potential for disturbance of paleontological resources would be **less than significant**.

Marin County's surficial geologic units include young alluvial and Bay mud deposits and even younger areas of Holocene San Francisco Bay mud, with the underlying Franciscan Complex (USDA 2023). Although there are documented finds in Marin County of sedimentary rocks that would contain paleontological resources, the Franciscan Complex found at the project site would not contain identifiable fossils. This is because the Franciscan Complex is a unit that has been repetitively pulverized from the nearby tectonic boundary (UCMP 2023). Therefore, it is highly unlikely that the proposed project would uncover or disturb significant paleontological resources. Moreover, in the event of an unanticipated discovery of paleontological resources, the project would be required to comply with County Code 22.20.040 and cease construction activities until the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State, Federal, and local regulations. Therefore, impacts associated with the disturbance or discovery of unknown paleontological resources would be **less than significant**.

REVISED:

Impact 3.6-7: Potential for Disturbance of Paleontological Resources

Paleontological resources are the fossilized remains or impressions of plants and animals, including vertebrates, invertebrates, and microscopic plants and animals. Fossils can be used to determine the relative ages of the depositional layers in which they occur and of the geologic events that created those deposits. The proposed project would involve extensive subsurface disturbance that could potentially encounter and damage previously undiscovered buried paleontological resources ~~or unique geological features. However, the~~ The Franciscan Complex found at the project site ~~would not~~ has produced three known invertebrate fossils in Marin County (UCMP 2023). However, it is unlikely to contain identifiable fossils due to the pulverized nature of the unit ~~and it would be highly unlikely to encounter paleontological resources within the geologic units to be excavated within the confines of the project site~~. ~~Moreover, i~~In the event of an unanticipated discovery of paleontological resources, the project would be required to comply with County Code 22.20.040. Therefore, impacts associated with the potential for disturbance of paleontological resources would be **less than significant**.

Marin County's surficial geologic units include young alluvial and Bay mud deposits and even younger areas of Holocene San Francisco Bay mud, with the underlying Franciscan Complex (USDA 2023). Although there are documented finds in Marin County of sedimentary rocks that would contain paleontological resources, the Franciscan Complex found at the project site ~~would not~~ is unlikely to contain identifiable fossils. This is because the Franciscan Complex is a unit that has been repetitively pulverized from the nearby tectonic boundary (UCMP 2023). Therefore, it is highly unlikely that the proposed project would uncover or disturb significant paleontological resources. Moreover, in the event of an unanticipated discovery of paleontological resources, the project would be required to comply with County Code 22.20.040 and cease construction activities until the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State, Federal, and local regulations. Therefore, impacts associated with the disturbance or discovery of unknown paleontological resources would be **less than significant.**

Comment O4-48

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
37	3.8.3	3.8-16	P. Sutton	"Comments provided in response to the NOP suggested the potential presence of an underground storage tank and abandoned hydraulic lift on the site identified in a previous Phase I ESA, as well as debris, drums, and oil containers in the maintenance shed area and Shuck Knoll shed area. However, no further documentation was provided as part of the NOP comments, and none of these conditions were observed during the field investigation completed for the current Phase I ESA (Appendix M). For these reasons, the project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and there is no potential to create a significant hazard to the public or the environment. Therefore, this issue is not discussed further."	The Phase I Environmental Site Assessment (ESA) included in Appendix M of the DEIR does not meet the requirements of ASTM E1527-21 and fails to properly document and evaluate potential sources of hazardous materials used on the project site, such as the underground storage tank (UST), hydraulic lift, and chemical storage in the maintenance shed area. The long history of fuel, oil, and other chemical uses at the maintenance building may have resulted in hazardous materials releases which may have contaminated soil and groundwater. The disturbance of contaminated soil and/or groundwater during project construction could create a significant impact to the public or environment if not properly evaluated and managed. The project proposes to build residential homes over the footprint of the existing maintenance building in the Hodges/Shuck Planning Area. Placing homes on potentially contaminated soil and/or groundwater can expose future residents to contamination both through direct contact with contaminated soil and due to vapor intrusion to indoor air. Installing new utilities in areas of soil and groundwater contamination can also result in the migration of contamination through utility corridors to previously uncontaminated areas. An updated Phase I ESA should be prepared in accordance with ASTM E1527-21 to support environmental review of the project and the DEIR should be revised to evaluate and mitigate hazards associated with the disturbance of existing soil and/or groundwater contamination that may be present on the project site.

Response O4-48

The comment asserts that the Phase I ESA prepared for the project does not meet the requirements of American Society of Testing Materials (ASTM) E1527-21 and requests that the report be updated in accordance with these standards. The comment also states that the Phase I ESA fails to properly document and evaluate potential sources of hazardous materials used on the project site, such as the underground storage tank (UST), hydraulic lift, and chemical storage in the maintenance shed area.

Regarding the assertion that the Phase I ESA prepared for the project does not meet the requirements of ASTM E1527-21, there is no requirement in CEQA that a Phase I ESA meet such requirements for purposes of providing an adequate CEQA analysis. Nonetheless, the Phase I ESA meets the substantial evidence standards needed for adequate CEQA analysis. Additionally, the Phase I ESA was prepared by Environmental Assessor Sherwood Lovejoy, Jr., and his personal attestation is attached to the end of the Phase I ESA. On May 9, 2014 Sherwood Lovejoy Jr. inspected the address that is comprised of Assessor Parcel Nos. 043- 261-25, 043-261-26, 043-262-03, 043- 262-06, 043-401-05, 043-401-10, 043-401-16, 043-402-03, 043-402-06 (i.e., the project site), and its boundaries with other properties. An area/neighborhood drive-by was also performed during this inspection. The Phase I ESA and this site inspection were prepared and conducted in accordance with the US EPA's "All Appropriate Inquiries" standard and the ASTM 1527-13 "Standard Practices for Environmental Site Assessments: Phase I Environmental Site Assessment Process" (see Phase I ESA at page 12 and Footnote 3).

In response to concerns raised in public comments on the Draft EIR related to the maintenance shed, a Senior Environmental Scientist from Ascent with experience performing ESA fieldwork, Kelley Kelso, CPESC, QSD/QSP, QISP, performed a site visit of the maintenance shed on May 15, 2025. Ms. Kelso was shown the site by Bruce Jones, Applicant's representative, and Robin Fies, County of Marin County CDA representative. Mr. Jones expressed that he was not aware of any hazardous substance contamination or petroleum contamination of the soil around the maintenance shed area. The buildings in the project area have the potential to include lead-based paint (LBP) but no

paint was observed flaking from the maintenance shed. Ms. Kelso walked the entire maintenance shed site and focused on the hazardous materials stored within the maintenance shed, the underground storage tank adjacent to the maintenance shed, and the hydraulic lift inside the maintenance shed. No evidence of hazardous material spills; soil contamination from petroleum, oil, lubricants, or other chemicals; or fuel or chemical odors or fumes were observed in the vicinity of the maintenance shed during the May 15, 2025 site visit. Additional details of the site visit, including photographs, are provided in Appendix E of the Final EIR.

The information from the site visit supports the Draft EIR conclusion that the proposed project would result in a less-than-significant environmental impact related to hazardous materials and does not constitute substantial new information, as defined by the State CEQA Guidelines Section 15088.5. No changes to the Draft EIR are required in response to this comment.

Comment O4-49

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
38	3.8.3	3.8-18	P. Sutton and C. Atabek	"All demolition that could result in the release of lead and/or asbestos must be conducted according to Cal/OSHA standards. Contractors are also required to stop work and inform the County if they encounter material believed to be asbestos, PCBs, lead, or other hazardous materials. Specific actions required by law include the following. …" "Compliance with these regulations would ensure that ACMs, LBP, LCMs, mercury switches and fluorescent tubes, and PCB light ballasts are handled and disposed of properly and would not create a significant hazard to the public or the environment."	As described in the DEIR, existing regulations require the testing and abatement of asbestos containing-materials (ACMs) and lead- based paint (LBP) prior to building demolition or renovation. However, the DEIR has not identified applicable regulations that would require the testing and abatement of other hazardous materials buildings materials, such as lead-containing material (LCMs), polychlorinated biphenyls (PCBs), and other hazardous materials (e.g., mercury switches and fluorescent tubes). The U.S. Environmental Protection Agency (EPA) has indicated that there was potential widespread use of PCB-containing building materials in buildings built or renovated between about 1950 and 1979. Prior to removal, the EPA recommends PCB testing of caulk and other building materials to determine what protections are needed during removal and to determine proper disposal requirements.[2] PCB-containing building materials such as caulks/sealants, rubber window seals/gaskets, specialized paints, mastics and other adhesives cannot be readily identified and require testing to evaluate whether these materials contain PCBs. Old hydraulic oil (which may be present in the hydraulic lift at the maintenance shed) can also contain PCBs. There are no existing regulations that require testing to identify PCBs in building materials prior to demolition or renovation activities in Marin County. The DEIR should be revised to identify the potential release of LCMs, PCBs, and other hazardous materials from buildings during project demolition and renovation activities as a potentially significant impact to the public and environment. The DEIR should also identify a mitigation measure that would require a qualified environmental professional to perform a comprehensive hazardous building materials survey for the structures to be demolished or renovated under the project. The survey should document the presence or lack thereof of ACMs, LBP, LCMs, PCB-containing equipment and materials, and other hazardous materials. The survey should include abatement specifications for the stabilization and/or removal of the identified hazardous building materials in accordance with all applicable laws and regulations.

Response O4-49

The comment asserts that the Draft EIR has not identified applicable regulations that would require the testing and abatement of other hazardous building materials, such as lead-containing material (LCMs), polychlorinated biphenyls (PCBs), and other hazardous materials (e.g., mercury switches and fluorescent tubes). In addition, the comment states that there are no existing regulations that require testing to identify PCBs in building materials prior to demolition or renovation. The comment also asserts that the Draft EIR should be revised to identify the potential release of these

materials as a potentially significant impact and identify mitigation requiring a comprehensive hazardous building materials survey.

The Phase I ESA conducted for the project included an inspection of the project site to determine whether any of the following conditions were present: Recognized Environmental Conditions (RECs), Controlled RECs (CRECs), Historic RECs (HRECs), or Non-RECs. Per the ASTM standards, a REC is defined as the presence or likely presence of any hazardous substances or petroleum products on a property that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property." This definition does not include "de minimis conditions that generally do not pose a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate government agencies" (Appendix M of the Draft EIR). The Phase I ESA did not identify any RECs, CRECs, or HRECs on the project. Although ACMs, LBP, LCMs, mercury switches and fluorescent tubes, and PCB light ballasts were all identified as being potentially present on the project site, the Phase I ESA determined that these materials were all non-RECs. Nonetheless, the Draft EIR evaluated the potential impacts of encountering these materials during project-related construction activities.

Contrary to the assertion made in the comment, the Draft EIR identifies applicable regulations that would address the removal and disposal of LCMs. As discussed in Impact 3.8-1 in Section 3.8, "Hazards, Hazardous Materials, and Wildfire," the California Occupational Safety and Health Agency (Cal/OSHA) lead standard for construction activities is implemented under Title 8 of the California Code of Regulations (CCR). Asbestos and lead abatement must be performed and monitored by contractors with appropriate certifications from the State Department of Health Services. In addition, all demolition that could result in the release of lead and/or asbestos must be conducted according to Cal/OSHA standards. Contractors are also required to stop work and inform the County if they encounter material believed to be asbestos, PCBs, lead, or other hazardous materials. As further discussed in Impact 3.8-1, a survey for indicators of lead-based coatings would be conducted before demolition to further characterize the presence of lead at the project site. For the purposes of compliance with Cal/OSHA regulations, all coated surfaces would be assumed to potentially contain lead. There is also a potential for soil contamination from the deposition of deteriorated (i.e., flaked, peeled, chipped) lead-based paint adjacent to structures where lead-based exterior paints were used. Loose or peeling paint may be classified as a hazardous waste if concentrations exceed total threshold limits. Cal/OSHA regulations require air monitoring, special work practices, and respiratory protection during demolition where even small amounts of lead have been detected. These regulatory requirements would apply to both LBP and LCMs and would ensure that these materials are not released into the environment.

Regarding PCBs, fluorescent light ballasts that contain PCBs are regulated by the EPA under the federal Toxic Substances Control Act (TSCA) (40 CFR, Parts 761.1-761.398). According to the EPA, any fluorescent light ballasts manufactured before July 2, 1979, may contain PCBs (EPA 2020). In accordance 40 CFR Section 761.2(a)(4):

- Any person must assume that a capacitor manufactured prior to July 2, 1979 whose PCB concentration is not established, or whose date of manufacture is unknown, contains greater than or equal to (≥) 500 parts per million (ppm) PCBs.
- Any person may assume that a capacitor marked at the time of manufacture with the statement "No PCBs" in accordance with 40 CFR Section 761.40(g) does not contain PCBs. 40 CFR Section 761.40(g) required non-PCB ballasts manufactured from July 1, 1978 to July 1, 1998, to be labeled with the statement "No PCBs."

Based on the above, any fluorescent light ballasts present in buildings constructed prior to 1979 on the project site have the potential to contain PCBs and thus should be handled and disposed of in accordance with applicable federal and state regulations. The federal PCB regulations regarding the proper disposal of PCB fluorescent light ballasts and decontamination and sampling related to leaks or spills of PCB fluorescent light ballasts include:

- Disposal requirements for PCB small capacitors in fluorescent light ballasts: 40 CFR Section 761.50(b)(2), Section 761.60(b)(2)(ii), and Section 761.62(a) or (c).
- Disposal requirements for PCBs in potting material of fluorescent light ballasts: 40 CFR Section 761.50(b)(2)(ii), Section 761.60(b)(6)(iii), and Section 761.62.

- Decontamination requirements for PCB contaminated non-porous surfaces: 40 CFR Section 761.79(b)(3).
- Sampling non-porous surfaces for measurement-based use, reuse, and decontamination under 40 CFR Section 761.79(b)(3): 40 CFR Part 761 Subpart P.
- Option for an approval from EPA to use alternative decontamination and/or sampling procedures (other than those specified in 40 CFR Section 761.79 and 40 CFR Part 761 Subpart P): 40 CFR Section 761.79(h).

Moreover, the California Department of Toxic Substances Control regulates PCBs through CCR Title 22, Division 4.5, Chapter 42, Sections 67426.1-67429.1 (Requirements for Management of Fluorescent Light Ballasts Which Contain PCBs). As demonstrated, sufficient regulations exist to address the potential to encounter, handle, and dispose of PCB fluorescent light ballasts during project demolition and construction activities. The comment also suggests that hydraulic oil may be present in the hydraulic lift at the maintenance shed and thus could also contain PCBs. However, based on the site visit of the maintenance shed conducted by Kelley Kelso, CPESC, QSD/QSP, QISP, on May 15, 2025 (Appendix E of the Final EIR), the hydraulic lift is operated by compressed air pressure, not hydraulic fluid. Therefore, the proposed project would not have the potential to result in hazardous materials impacts associated with PCB-containing hydraulic oil.

Finally, regarding mercury switches, mercury-containing products and equipment (e.g., mercury switches) are managed as universal waste under CCR Title 22, Division 4.5, Chapter 23 (DTSC 2025a). According to the DTSC, universal wastes are hazardous wastes that pose a lower immediate risk to people and the environment when handled properly. Due to this lower risk, universal wastes can be handled and transported under more relaxed rules compared to other hazardous wastes (DTSC 2025b). In accordance with CCR Title 22, Section 66273.33, a universal waste handler of mercury-containing equipment (i.e., thermostats, mercury switches, mercury-added novelties, gas flow regulators, mercury counterweights and dampers, and/or dilators and weighted tubing) is required to manage such equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment under reasonably foreseeable conditions. As demonstrated, sufficient regulations exist to address the potential to encounter, handle, and dispose of mercury switches during project demolition and construction activities.

Because compliance with laws and regulations is mandatory, it can be assumed that project construction would comply with the above federal and state regulations related to PCBs and mercury switches. However, in response to this comment and to ensure full public disclosure of the existing regulations addressing these potentially hazardous materials, Section 3.8 of the Draft EIR has been revised to include a discussion of the applicable regulations. Page 3.8-2 of the Draft EIR has been revised as follows. This revision involves minor clarifications regarding federal and state regulations addressing worker safety and asbestos and lead programs and does not change the analysis or conclusions of the Draft EIR.

ORIGINAL:

Worker Safety

The federal Occupational Safety and Health Administration (OSHA) is the agency responsible for assuring worker safety in the handling and use of chemicals identified in the Occupational Safety and Health Act of 1970 (Public Law 91-596, 9 USC 651 et seq.). OSHA has adopted numerous regulations pertaining to worker safety, contained in CFR Title 29. These regulations set standards for safe workplaces and work practices, including standards relating to the handling of hazardous materials and medical waste and those required for excavation and trenching.

REVISED:

Worker Safety

The federal Occupational Safety and Health Administration (OSHA) is the agency responsible for assuring worker safety in the handling and use of chemicals identified in the Occupational Safety and Health Act of 1970 (Public Law 91-596, 9 USC 651 et seq.). OSHA has adopted numerous regulations pertaining to worker safety, contained in CFR Title 29. These regulations set standards for safe workplaces and work practices, including standards relating to the handling of hazardous materials and medical waste and those required

for excavation and trenching. Regarding polychlorinated biphenyls (PCBs), fluorescent light ballasts that contain PCBs are regulated by the US EPA under the federal Toxic Substances Control Act (TSCA) (40 CFR, Parts 761.1-761.398). According to the US EPA, any fluorescent light ballasts manufactured before July 2, 1979, may contain PCBs (US EPA 2020). The federal PCB regulations regarding the proper disposal of PCB fluorescent light ballasts and decontamination and sampling related to leaks or spills of PCB fluorescent light ballasts include:

- Disposal requirements for PCB small capacitors in fluorescent light ballasts: 40 CFR Section 761.50(b)(2), Section 761.60(b)(2)(ii), and Section 761.62(a) or (c).
- Disposal requirements for PCBs in potting material of fluorescent light ballasts: 40 CFR Section 761.50(b)(2)(ii), Section 761.60(b)(6)(iii), and Section 761.62.
- Decontamination requirements for PCB contaminated non-porous surfaces: 40 CFR Section 761.79(b)(3).
- Sampling non-porous surfaces for measurement-based use, reuse, and decontamination under 40 CFR Section 761.79(b)(3): 40 CFR Part 761 Subpart P.
- Option for an approval from EPA to use alternative decontamination and/or sampling procedures (other than those specified in 40 CFR Section 761.79 and 40 CFR Part 761 Subpart P): 40 CFR Section 761.79(h).

In addition, page 3.8-3 of the Draft EIR has been revised as follows:

ORIGINAL:

Worker Safety

The California Occupational Safety and Health Administration (Cal/OSHA) assumes primary responsibility for developing and enforcing workplace safety regulations within the state. Cal/OSHA standards are typically more stringent than federal OSHA regulations and are presented in CCR, Title 8. Cal/OSHA conducts onsite evaluations and issues notices of violation to enforce necessary improvements to health and safety practices.

REVISED:

Worker Safety

The California Occupational Safety and Health Administration (Cal/OSHA) assumes primary responsibility for developing and enforcing workplace safety regulations within the state. Cal/OSHA standards are typically more stringent than federal OSHA regulations and are presented in CCR, Title 8. Cal/OSHA conducts onsite evaluations and issues notices of violation to enforce necessary improvements to health and safety practices. In addition, the California DTSC regulates PCBs through CCR Title 22, Division 4.5, Chapter 42, Sections 67426.1-67429.1 (Requirements for Management of Fluorescent Light Ballasts Which Contain PCBs). Finally, mercury-containing products and equipment (e.g., mercury switches) are managed as universal waste under CCR Title 22, Division 4.5, Chapter 23 (DTSC 2025a). In accordance with CCR Title 22, Section 66273.33, a universal waste handler of mercury-containing equipment (i.e., thermostats, mercury switches, mercury-added novelties, gas flow regulators, mercury counterweights and dampers, and/or dilators and weighted tubing) is required to manage such equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment under reasonably foreseeable conditions.

Comment O4-50

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
39	Appendix M	1 - 30	P. Sutton	PHASE I - ENVIRONMENTAL SITE ASSESSMENT	The Phase I ESA report in Appendix M of the DEIR failed to properly document the findings, opinions, and conclusions necessary to meet the requirements of ASTM E1527-21, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. To comply with ASTM E1527-21, a Phase I ESA report must provide proper documentation to support reconstruction of the assessment by an environmental professional. The Phase I ESA report lacks detailed descriptions of how review of environmental records, historical resources, and site inspections were performed and evaluated. An updated Phase I ESA should be prepared in accordance with ASTM E1527-21 to support environmental review of the project. Furthermore, Appendices 2 through 12 of the Phase I ESA report are missing in Appendix M of the DEIR.

Response O4-50

The comment asserts that the Phase I ESA prepared for the project does not meet the requirements of ASTM E1527-21 and states that an updated report should be prepared in accordance with these standards to support environmental review of the project. The comment also states that Appendices 2 through 12 of the Phase I ESA report are missing in Appendix M of the Draft EIR.

This comment raises similar concerns as Comment O4-48 related to the Phase I ESA and ASTM E1527-21 standards; see Response O4-48. In addition, the Phase I ESA (Appendix M of the EIR) has been updated to include Appendices 2 through 12 of the Phase I ESA (The Consulting Group 2014). However, because these appendices merely support the information currently provided in the Phase I ESA, they do not constitute substantial new information, as defined by the State CEQA Guidelines Section 15088.5.

Comment O4-51

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
40	Appendix M	13	P. Sutton and C. Atabek	"On 09 May 2014, the Subject Property, and property boundaries were inspected. The Subject Property and its boundaries with adjacent parcels were walked and inspected, for any evidence of surface contamination, staining, or other unusual conditions."	The purposes of conducting a site reconnaissance (or inspection) as part of a Phase I ESA is to collect information and make observations to help identify recognized environmental conditions (RECs) in connection with the subject property. According to ASTM E1527-21, the site reconnaissance should include areas where hazardous substances or petroleum products are or may have been stored, used, treated, discharged, or disposed, such as maintenance and repair areas. According to the Phase I ESA included in Appendix M of the DEIR, there was no evidence of an REC observed during the site reconnaissance. However, there is no documentation in the Phase I ESA regarding inspection of the maintenance building on the project site. On July 25, 2024, the following environmental concerns associated with the use of hazardous materials at the maintenance building were observed: ▶ An underground storage tank, fuel dispenser, and vent pipes near the northwest side of the maintenance building (Photo 1). ▶ Chemical storage in the north portion of the maintenance building (Photo 2). ▶ A hydraulic lift operated with hydraulic oil in the south portion of the maintenance building (Photo 3). Based on review of historical aerial photographs, the maintenance building was developed sometime between 1968 and 1974. Based on the long history of fuel, oil, and other chemical uses at the maintenance building, there is a high risk that hazardous materials have been released into the

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
					subsurface which constitutes an REC. To support environmental review of the project, an updated Phase I ESA should be prepared in accordance with ASTM 1527-21 to properly document and evaluate potential RECs in connection with the project, such as the maintenance building. Buildings on the project site were also observed to have degraded and flaking paint, as shown in Photo 4. Based on the age of the buildings on the project site, it is likely that lead paint is present on the buildings. Elevated levels of lead may be present in shallow soil near areas of degraded and flaking paint. See photographs 1-4, below.

Photo 1. UST Vent Pipes and Fuel Dispenser



Photo 2. Chemical Storage Area in Maintenance Building



Photo 3. Hydraulic Lift in Maintenance Building

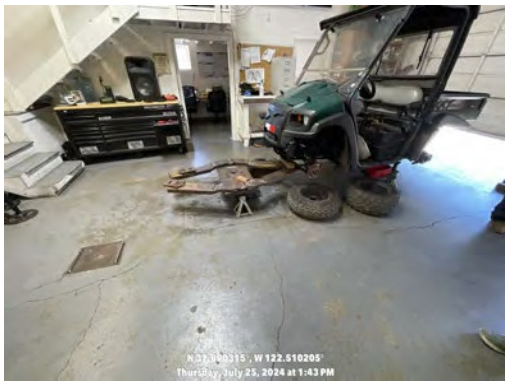


Photo 4. Degraded and Flaking Paint on Building



Response O4-51

The comment states that there is no documentation in the Phase I ESA regarding inspection of the maintenance building on the project site and suggests that there is a high risk that hazardous materials have been released into the subsurface based on the historical uses of the shed. The comment also states that it is likely that lead paint is present on the buildings given their age and that the buildings were also observed to have degraded and flaking paint. The comment asserts that an updated Phase I ESA should be prepared in accordance with ASTM 1527-21 to properly document and evaluate potential RECs, such as the maintenance shed.

This comment raises similar concerns as Comment O4-48 related to the maintenance shed; see Response O4-48. No changes to the Draft EIR are required in response to this comment.

Comment O4-52

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
41	Appendix K	4	C. Atabek	"Serpentinite is also rare and crops out as a small block in the southwest corner of the area."	The presence of a serpentinite rock outcrop on the project site is identified in Appendix K of the EIR. Serpentinite rock commonly contains asbestos and high concentrations of heavy metals such as nickel, chromium, and cobalt. Soil in areas near serpentinite rock formations can contain naturally occurring asbestos and elevated concentrations of heavy metals due to erosion/weathering of the serpentinite rock into soil particles. Disturbance of serpentinite rock and associated soils during construction activities can release asbestos and heavy metals into the environment as airborne dust, which can result in exposure of construction workers and the public to hazardous materials. The DEIR should be revised to identify and mitigate the potential for project construction activities to result in the release of asbestos and heavy metals into the environment from disturbance of serpentinite rock and associated soils. The DEIR should be revised to identify applicable regulations that must be followed to reduce the potential for the release of asbestos into the air when the presence of serpentinite rock is identified on a construction site (e.g., the Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations, as defined in Section 93105, Title 17, California Code of Regulations).

Response O4-52

The comment cites text from Appendix K of the Draft EIR indicating the presence of a serpentinite rock outcrop on the project site and states that the Draft EIR should be revised to identify and mitigate the potential for project construction activities to result in the release of asbestos and heavy metals into the environment from disturbance of serpentinite rock and associated soils. The comment further states that the Draft EIR should be revised to identify applicable regulations that must be followed to reduce the potential for the release of asbestos associated with serpentine rock.

As discussed in the Stage 1 Feasibility Study (Appendix K of the Draft EIR) and summarized in Draft EIR Section 3.6, "Geology and Soils," rock outcrops within the project site are sparse, except where exposed in cut slopes. Bedrock in the area primarily consists of interbedded sandstones and shales, as well as other sparsely occurring Franciscan rocks including chert, metagraywacke sandstone, and serpentinite. Serpentinite is rare and outcrops as a small block in the southwest corner of the area (Appendix K of the Draft EIR). Given the minimal, documented occurrences of serpentinite rock within the project site, it is not anticipated that project construction would encounter these materials. However, exploratory borings taken on the project site by Herzog and Associates, Inc. in 1979 identified the presence of sandy silt topsoil mixed with serpentine, specifically in Borings 8 and 9 (Appendix L of the Draft EIR). These two borings are located southeast of Storer Drive, in the vicinity of the proposed residential care facility. As a result, ground-disturbing construction activities associated with the proposed residential care facility could encounter these soils.

As indicated in the comment, existing regulations are in place to require controls to prevent the release of asbestos into the air that would cause adverse health consequences when the presence of serpentinite rock is identified on a construction site (e.g., the Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations, as defined in Section 93105, Title 17, California Code of Regulations). This regulation applies to construction or grading in any area that would be disturbed and has naturally-occurring asbestos, serpentine, or ultramafic rock as determined by the owner/operator, as well as naturally-occurring asbestos, serpentine, or ultramafic rock discovered by the owner/operator or a registered geologist in the area to be disturbed after the start of any construction or grading. The specific requirements for construction and grading operations are provided in CCR, Title 17 Section 93105(e).

Draft EIR Appendix K notes that serpentinite outcrop is a small block in the southwest corner, which is not anticipated to be excavated. Also, because compliance with laws and regulations is mandatory, it is assumed that project

construction would comply with CCR Title 17 Section 93105. In response to this comment and to ensure full public disclosure of the existing regulations addressing naturally occurring asbestos in serpentine rock, Section 3.8 of the Draft EIR has been revised to include a discussion of CCR, Title 17 Section 93105. Pages 3.8-3 and 3.8-4 of the Draft EIR have been revised as follows:

ORIGINAL:

Asbestos and Lead Programs

The removal and handling of asbestos-containing materials is governed primarily by EPA regulations under Title 40 of the CFR but is implemented by the Bay Area Air Quality Management District (BAAQMD). This program is described further in Section 3.3, "Air Quality." The federal OSHA also has a survey requirement under Title 29 CFR, which is implemented by Cal/OSHA under CCR, Title 8. These regulations require facilities to take all necessary precautions to protect employees and the public from exposure to asbestos. These standards regulate exposure to asbestos in all construction work including demolition of structures. These regulations establish entry and exit procedures after working in asbestos contaminated areas and establish specific control measures designed to protect workers, depending on the type of asbestos they are handling. Such procedures include minimum air circulations, use of respirators, wetting of materials, clothing laundering, construction and demolition equipment requirements, and shielding specifications. Notification procedures are also in place that require building owner and employee noticing as well as external and internal hazard signage. All asbestos workers are required to complete training programs and register as an asbestos contractor, depending on the type of asbestos being removed. Medical examination requirements are also required to monitor worker health.

REVISED:

Asbestos and Lead Programs

The removal and handling of asbestos-containing materials is governed primarily by EPA regulations under Title 40 of the CFR but is implemented by the Bay Area Air Quality Management District (BAAQMD). This program is described further in Section 3.3, "Air Quality." The federal OSHA also has a survey requirement under Title 29 CFR, which is implemented by Cal/OSHA under CCR, Title 8. These regulations require facilities to take all necessary precautions to protect employees and the public from exposure to asbestos. These standards regulate exposure to asbestos in all construction work including demolition of structures. These regulations establish entry and exit procedures after working in asbestos contaminated areas and establish specific control measures designed to protect workers, depending on the type of asbestos they are handling. Such procedures include minimum air circulations, use of respirators, wetting of materials, clothing laundering, construction and demolition equipment requirements, and shielding specifications. Notification procedures are also in place that require building owner and employee noticing as well as external and internal hazard signage. All asbestos workers are required to complete training programs and register as an asbestos contractor, depending on the type of asbestos being removed. Medical examination requirements are also required to monitor worker health. In addition, CCR, Title 17 Section 93105 (Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations) addresses naturally occurring asbestos potentially present in serpentine rock. This regulation applies to construction or grading in any area that would be disturbed and has naturally-occurring asbestos, serpentine, or ultramafic rock as determined by the owner/operator, as well as naturally-occurring asbestos, serpentine, or ultramafic rock discovered by the owner/operator or a registered geologist in the area to be disturbed after the start of any construction or grading. The specific requirements for construction and grading operations are provided in CCR, Title 17 Section 93105(e).

This revision represents a minor clarification and does not change the analysis or conclusions of the Draft EIR. This revision is also shown in Chapter 4, "Revisions to the Draft EIR."

Comment O4-53

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
42	3.9.2	3.9-6	P. Sutton	"The existing storm drain system includes 14 outlets that ultimately drain to Richardson Bay (CSW|ST2 2021), as shown on Figure 3.9-2, "Existing Stormwater infrastructure." Most of the outlets are on the west side of the peninsula but a small area flows east into Richardson Bay through two outlets (CSW|ST2 2021). The County maintains the storm drains and inlets both within and outside of the project site that are located within County-maintained roadway right-of-way. A homeowner's association (HOA) west of the project site has indicated that the storm drain that runs under their property has failed. They assert that storm water originates on the project site and have expressed concern that the project would increase the amount of storm water flowing through the system. The existing project site storm drain system currently directs flows down Hodges Drive and through the drains that convey stormwater under the HOA property. This storm drain also includes runoff from a large portion of Seminary Drive. According to Marin County Public Works Department, maintenance of storm drain infrastructure on private property is the responsibility of the property owner if a drainage easement that was dedicated and accepted by the County does not exist (Armstrong, pers. comm., 2022)."	The Seminary Neighborhood Association (SNA) EIR scoping comments previously requested the storm drain facilities be studied and repaired/upgraded as part of the development project. However, the EIR did not assess the condition of the existing storm drain facilities and how they will be integrated with the new improvements, as described below. According to Figure 3.9-2, there are 28 existing drainage outlets on the project site, which is misleading because the Hydrology and Hydraulic Study in Appendix N of the DEIR has identified 14 drainage outlets. Figure 3.9-2 also shows segments of existing drainage pipelines on the project site but does not show any catch basins or drainage outlets associated with these pipelines or explain how they function. As a result, Figure 3.9-2 does not provide meaningful context to support the DEIR analysis. The DEIR does not explain how existing runoff is conveyed to each drainage outlet, and from each outlet to Richardson Bay (e.g., pipes, culverts, creeks, or overland flow). The DEIR indicates that the existing storm drainage system along Hodges Drive may have failed but does not provide additional information regarding the extent of the system failure. The existing storm drain system is approximately seven decades old and there is substantial evidence indicating that portions of the system are no longer functioning properly. According to the 2016 Preliminary Geotechnical Design Report in Appendix J of the DEIR, several surface drain inlets and v-ditches have been observed on the project site that indicate past efforts to mitigate surface drainage issues. Areas of loose fill have commonly displayed ponded water, and some drainage ditches were noted to be clogged and non-functional. Additionally, culverted drainpipes were occasionally noted to be draining onto unprotected slopes and fills, causing gully erosion. The DEIR does not disclose this information in the description of the existing hydrology and drainage associated with the project site. Based on a site visit conducted on July 25, 2024, there is more evidence of widespread failures to the existing drainage system extending from the project site to Richardson Bay. As shown in Photo 1 below, the catch basin on the west side of the Seminary Playing Field does not function properly due to subsidence and/or erosion. As shown in Photo 2, there are drainage outlets to Richardson Bay to the

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					west of the Seminary Playing Field that are submerged below water at high tide and are likely filled with sediment. Overall, the DEIR fails to evaluate and describe the condition and functions of the existing drainage system related to the project site, which is necessary to provide a meaningful evaluation of potential hydrology impacts associated with implementation of the project. The DEIR should be revised based on an updated Hydrology and Hydraulic Study that thoroughly maps the location and condition of the existing drainage systems related to the project site. The updated study should include the use of drainpipe inspection cameras or other methods (as needed) to evaluate potential obstructions to the drainage systems (e.g., siltation and pipe collapse). The findings of the updated Hydrology and Hydraulic Study should be presented in the DEIR with an updated figure that adequately represents the existing hydrology conditions and includes arrows to indicate directions of drainage flow to support the DEIR analysis of hydrology impacts.

Photo 1. Catch Basin at Seminary Playing Field



Photo 2. Submerged Outlet to Richardson Bay



Response O4-53

The comment states that the EIR did not assess the condition of the existing storm drain facilities and how they will be integrated into the proposed system. The comment states that the Draft EIR does not explain how existing runoff is conveyed to Richardson Bay and does not provide sufficient information regarding the extent of the storm drain failure along Hodges Drive. See Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System." The comment states that Draft Figure 3.9-2 includes 28 existing drainage outlets whereas Appendix N of the Draft EIR identified 14. The comment is correct and Draft EIR Figure 3.9-2 has been revised to only include 14 outlets. The Draft EIR states that there are 14 outlets and therefore the figure has been updated to reflect what is stated in the text. Above ground storm drain infrastructure such as curb and gutter and ditches are not shown in the figure. The comment requests an updated figure that shows hydrology conditions with arrows indicating the direction of drainage flow. Because the on-site drainage system would be redone with the project, the project outlets are shown so the reader knows where the proposed system will connect with the existing outlets.

The outfalls to the bay are outside of the project site and not under the applicant's control. Operational shortcomings in the existing outfalls would be outside the project's responsibilities, unless the project exacerbated existing conditions. By upgrading and replacing the drainage system on the project site and in doing so, achieving improved stormwater treatment facilities and retention standards that maintain no more than current peak stormwater flows, the proposed project would not cause an adverse change to drainage flow leaving the project site and entering the offsite outfalls; therefore, existing operational issues of the outfalls would not be worsened. The proposed on-site drainage system with topography indicating direction of drainage flow is shown in detail in Appendix N of the Draft EIR.

Comment O4-54

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
43	Impact 3.9-1	3.9-13	P. Sutton	"If dewatering operations were required, dewatering effluent would be discharged in accordance with the General Order for Dewatering, Order No. R2-2018-0036. The discharge from the dewatering operations would be treated and made part of the project SWPPP to minimize any degradation of water quality."	The long history of fuel, oil, and other chemical uses at the maintenance building on the project site may have resulted in hazardous materials releases which may have contaminated soil and groundwater. The discharge of contaminated groundwater extracted during project construction could substantially degrade surface water quality. The DEIR refers to "the General Order for Dewatering, Order No. R2-2018-0036"; however, this General Order is not discussed in the Regulatory Setting (Section 3.9.1) and does not appear to be included in the San Francisco Bay Regional Water Quality Control Board's database of Adopted Orders;3 therefore, it is unclear how the General Order would apply to project's dewatering activities. In addition, the treatment of contaminated groundwater, such as petroleum from a leaking underground storage tank, would not necessarily be addressed by a stormwater pollution prevention plan (SWPPP) because it is not a requirement under the Construction General Permit referenced in the DEIR. The DEIR should be revised to evaluate potential groundwater contamination that could be encountered during project construction dewatering activities and identify measures to effectively manage and/or treat contaminated groundwater prior to discharge.

Response O4-54

The comment requests that the EIR include an evaluation of the potential to encounter contaminated groundwater during construction from the use of fuel, oil, and chemicals at the maintenance building. As described in Draft EIR Section 3.8, "Hazards, Hazardous Materials, and Wildfire" neither SWRCB's GeoTracker nor DTSC's EnviroStor databases identified sites of known contamination on or near the project site and a Phase I Environmental Site Assessment did not identify any RECs on the project site or surrounding area. Dewatering requirements are included in Attachment J of the Construction General Permit. The Permit requires that dewatering discharge must comply with receiving water limitations, be absent of pollutants in quantities that threaten to cause pollution or a nuisance, and dewatering must cease if a numeric action level is exceeded. If the project were to encounter polluted groundwater, dewatering would occur under the Volatile Organic Compounds and Fuel General Permit (Order No. R2-2017-0048). The SFRWQCB would determine the appropriate groundwater treatment to address the contaminants. To address the comment, the correct Groundwater General Dewatering Permit number has been added to the EIR and a description of the permit added to the regulatory section and Impact 3.9-1. See Final EIR Chapter 4, Section 4.10, "Revisions to Section 3.9 Hydrology."

Comment O4-55

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
44	Impact 3.9-1	3.9-14	P. Sutton	"During operation, the project site would be stabilized, and stormwater basins would detain and treat runoff, improving runoff water quality in the project site."	The bioretention basins for the proposed project have not been properly evaluated to determine if the current project design can adequately detain and treat runoff from the project site. Furthermore, there are drainage pipelines, bioretention basins, and building foundations located near the existing maintenance building where soil and groundwater contamination could be present. Installing drainage pipelines or interceptor drains for building foundations through existing soil and groundwater contamination could result in the migration of groundwater contamination to previously uncontaminated areas. Similarly, increasing the rate of stormwater infiltration at the proposed bioretention basin could result in the migration of existing contamination to previously uncontaminated areas.

Response O4-55

The comment is concerned bioretention basins for the project were not properly evaluated and that they could be affected by soil and groundwater contamination. The sizing of the bioretention basins was determined by the Hydrology and Hydraulics Report (Appendix N of the Draft EIR), which used the drainage calculation requirements of Marin County Code Section 24.04.520. Stormwater detention was sized using a software program that models a design storm through a detention pond. The software generates a hydrograph and calculates the maximum storage volume required. Additionally, bioretention areas are sized at approximately 4 percent of the equivalent drainage management area (DMA) per the Bay Area Stormwater Management Agencies Association standards. The bioretention facilities are installed to mitigate increased runoff such that the 100-year post development peak discharge flow rates do not exceed pre-development peak discharge rates. This is stated in Draft EIR Impact 3.9-3. As described in Draft EIR Section 3.8, "Hazards, Hazardous Materials, and Wildfire," neither SWRCB's GeoTracker nor DTSC's EnviroStor databases identified sites of known contamination on or near the project site and a Phase I Environmental Site Assessment did not identify any RECs on the project site or surrounding area. If contaminated soils were encountered during construction, the Construction General Permit prohibits discharges which contain a hazardous substance in excess of reportable quantities and therefore the proposed project would be required to clean up and dispose of any previously unidentified hazardous material during construction.

Comment O4-56

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
45	Impact 3.9-2	3.9-14	P. Sutton	"Marin Water's water supply originates from seven reservoirs and water from the Sonoma County Water Agency, which comes from the Russian River system (Marin Water 2021). The project site is served by Marin Water and because Marin County does not use groundwater, the project would not deplete groundwater resources."	As stated in the DEIR, the Sonoma County Water Agency provides surface water from the Russian River. However, the Sonoma County Water Agency also provides groundwater from the Santa Rosa Plain Subbasin as a drought period supply, or when Russian River supplies are otherwise constrained.4 The DEIR analysis of impacts to groundwater supplies should be revised to acknowledge the Sonoma County Water Agency's existing use of groundwater and to evaluate how the net increase in water demand from the proposed project (over 54,000 gallons per day) could affect the groundwater supply in the Santa Rosa Plain Subbasin.

Response O4-56

The comment requests that an analysis be included in the EIR of the use of groundwater from the Santa Rosa Plain Subbasin as a drought supply, or when Russian River supplies are constrained. The comment states that the Draft EIR impact analysis should be revised to acknowledge the existing use of ground water and how a net increase in water demand of over 54,000 gallons per day could affect ground water supply. Groundwater is described in Draft EIR Section 3.9, "Hydrology," in Impact 3.9-2. The EIR states that the project site would be served by the Marin Municipal Water District which sources water from surface sources and would not affect groundwater sources. Marin Water contracts with the Sonoma County Water Agency to supplement local rainfall supplies with water sourced from the Russian River and through recycled water. The comment is correct that the Sonoma County Water Agency also provides groundwater from the Santa Rosa Plain Subbasin as a drought supply, or when Russian River supplies are constrained. Water supply is also discussed in Draft EIR Section 3.15, "Utilities and Service Systems." Marin Water currently distributes an average of 22 million gallons of water per day (mgd) and has a 55 mgd daily water production potential (Marin Water 2020). The section describes how future demand would be met (and exceeded) by the supply in each 5-year increment through 2045, including in normal, single dry year, and multiple dry years. As concluded in the staff report for the Updated 2020 UWMP, Marin Water would be able to support the additional demand without additional water supplies or triggering special measures (Marin Water 2024). As stated in Section 3.15, "Utilities and Service Systems," the SCWA supply also includes a relatively small amount of groundwater from groundwater supply wells located in the central Santa Rosa Plain subbasin. The use of any groundwater would be only in extreme, backup conditions and the project would not contribute to a significant reduction in groundwater. No revisions to the Draft EIR are warranted.

Comment O4-57

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
46	Impact 3.9-3	3.9-15	P. Sutton	"Buildout of the project would include retention of existing storm drain infrastructure as well as installation of new drainage inlets, storm drain pipes, and stormwater best management practices (e.g., bioretention and detention facilities)."	The existing condition and function of the storm drain infrastructure on the project site has not been evaluated in the DEIR. Furthermore, the DEIR and supporting Hydrology and Hydraulic Study in Appendix N do not evaluate how the proposed project would modify or improve the existing drainage system to ensure the project does not substantially alter the existing drainage patterns.

Response O4-57

The comment states that the existing condition and function of the storm drain infrastructure and how the proposed system would modify the drainage patterns is not evaluated in the Draft EIR. See Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System." No revisions to the Draft EIR are warranted.

Comment O4-58

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
47	Impact 3.9-3	3.9-15	P. Sutton	"Existing 2-acre seminary playing field: The field would be raised approximately 25-30 feet to create a landscaped berm adjacent to Seminary Drive. An at- grade style stormwater bioretention area would be developed along the northern border of the field."	The placement of 30 feet of fill on the Seminary Playing Field could result in settlement of underlying Bay Mud by 60 inches (or 5 feet). Such settlement would not be limited to the area immediately beneath the playing field. In addition to the settlement immediately beneath the raised playing field, substantial vertical and lateral deformation of Bay Mud may also occur in the areas surrounding the field which could cause significant damage to existing and proposed drainage improvements on and adjacent to the project site. This could substantially alter existing drainage patterns, resulting in significant erosion, siltation, and/or flooding.

Response O4-58

The comment states that the fill placement on the playing field could substantially alter existing drainage patterns resulting in significant erosion, siltation, and flooding. See Final EIR Section 3.2.5, "Master Response: Project-Level Geotechnical Evaluation."

Comment O4-59

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
48	Impact 3.9-3 and Appendix N	3.9-16	P. Sutton	"The project is required to detain 77,017 cubic feet as calculated by the Hydrology and Hydraulic Study for The Seminary (Hydrology Study), which was based on 4.7 acres of impervious area and the requirements listed above. Subsequent to preparation of the Hydrology Study, the total impervious area for the project increased by 0.7 acre to a total of 5.4 acres. All of the increase in impervious area is proposed in subwatershed 1B where the existing detention proposed is 57.19 cubic feet. The detention capacity was not increased in project plans to accommodate the increase in impervious area in subwatershed 1B, but there is sufficient physical space to increase the size of the proposed detention area, if necessary. … The project would result in a lower potential for substantial off-site erosion, flooding, or contribution of runoff that would exceed existing storm drain systems than current conditions. Because peak-runoff rates are decreased with the proposed detention basins, the impact on the surrounding storm drain system would be less than significant."	The Hydrology and Hydraulic Study in Appendix N of the DEIR evaluated the existing and proposed peak-flow rates from the project site during a high-intensity storm event to identify areas of bioretention required to effectively detain and treat stormwater runoff. To ensure bioretention facilities receiving drainage are adequately sized to detain and treat runoff, the project is required to identify Drainage Management Areas (DMAs) that describe each portion of the project site that drains to a specific point (e.g., a drainage outlet or detention basin). As described in the DEIR, the project is required to evaluate the drainage from each DMA in accordance with the County and Bay Area Stormwater Management Agencies Association (BASMAA) regulations. The Hydrology and Hydraulic Study in Appendix N of the DEIR identified 14 DMAs on the project site, but the study does not provide an explanation for how each DMA was defined and delineated. According to the BASMAA Post-Construction Manual,5 there are four types of DMAs: ▶ Self-treating areas ▶ Self-retaining areas ▶ Areas draining to self-retaining areas ▶ Areas draining to a bioretention facility Each type of DMA must contain only one type of surface (e.g., either landscaped or impervious). In addition, a DMA can only drain to one bioretention facility. However, many of the DMAs shown in the Hydrology and Hydraulic Study include multiple types of DMAs and bioretention facilities within a single DMA boundary. For example, DMA 1B would more than double the amount of runoff from impervious surfaces currently evaluated in the Hydrology and Hydraulic Study. This is a significant change that should be evaluated in a revised DEIR and updated Hydrology and Hydraulic Study. The capacity of each bioretention basin is determined by the peak- flow rate from each DMA. According to the County of Marin Hydrology Manual Simplified Instructions (as referenced in the Hydrology and Hydraulic Study), a stormwater runoff coefficient of at least 0.7 should be used to calculate the peak-flow rate from vegetated areas. This is intended to represent runoff during a high-intensity storm event preceded by one or more

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					days of light rainfall when the ground is close to saturation. However, the Hydrology and Hydraulic Study in Appendix N of the DEIR used lower coefficients of 0.53 for existing ground cover and 0.60 for proposed landscaped areas, which do not account for saturated soils and result in substantially lower peak-flow rates. Similarly, the Hydrology and Hydraulic Study used a runoff coefficient of 0.35 for bioretention areas. While bioretention areas provide treatment and capacity for runoff absorption during low-intensity storm events, they should be included in the impervious area of the site when calculating runoff because during a high-intensity storm event, the soils in the bioretention basin will be saturated, resulting in immediate ponding of the rainwater that lands in the basin. By using runoff coefficients below the limits recommended in the County of Marin Hydrology Manual, the project has substantially underestimated the peak-flow rates and necessary bioretention capacities needed to effectively capture and treat stormwater runoff from each DMA. Overflow of a bioretention basin during a high-intensity storm could result in significant flooding and damage to downgradient areas. A revised DEIR and updated Hydrology and Hydraulic Study should be prepared using runoff coefficients that are consistent with the County of Marin Hydrology Manual. It should also be noted that the proposed size of the bioretention basins in the Stormwater Control Plan are not consistent with the DMA 1B on the project site is approximately 39 acres and appears to include all four types of DMAs described above and about 25 bioretention areas, which does not comply with BASMAA guidance. As a result, it is not feasible to review and determine if each bioretention area identified in the Hydrology and Hydraulic Study is adequately sized to capture and treat the stormwater runoff received from their corresponding upgradient drainage area. There are approximately 50 bioretention areas identified in the Hydrology and Hydraulic Study. If bioretention areas are not adequately sized, substantial changes to the project design that could require additional CEQA analysis may be needed. The DEIR and supporting Hydrology and Hydraulic Study should be revised to delineate DMAs in accordance with BASMAA guidance, which will need to be supported by a thorough evaluation of the existing drainage infrastructure. Based on review the Hydrology and Hydraulic Study, there also appear to be some major discrepancies in the areas used to calculate runoff

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					for some of the DMAs. For example, under the existing hydrology for DMA 2A, the total area is 1.55 acres and outlet 2A is located at the base of the hillside parallel to Ricardo Road (Figure 1). For the proposed project, the total area of DMA 2A changes to 1.25 acres because the DMA boundary is substantially reduced after relocating outlet 2A about 200 feet east and 65 feet upgradient of the existing drainage outlet (Figure 2). There is no apparent justification for this change to the DMA boundary, which would result in a substantial underestimate of the peak-flow rate from DMA 2A under the proposed project relative to the existing conditions. A revised DEIR and updated Hydrology and Hydraulic Study should be prepared to properly delineate and evaluate the DMAs under existing and proposed conditions. As noted in the text excerpt, approximately 0.7 acres of impervious surface was not included in the analysis of drainage from DMA 1B in the Hydrology and Hydraulic Study. The current study evaluates an approximately 0.5-acre increase in impervious surface area for DMA 1B. The additional 0.7 acres of impervious surface required in results shown in Table 2 of the Hydrology and Hydraulic Study. For example, Table 2 indicates that DMA 1B would require at least 50,516 cubic feet of storage during a 100-year storm event, but the Stormwater Control Plan only proposes 27,232 cubic feet of storage, which is undersized by nearly a half. It appears that a lower runoff coefficient of 0.1 was used for the Stormwater Control Plan without explanation. In addition to the concerns identified above, this indicates significant errors in the existing design of the project's bioretention areas. Placing bioretention facilities in areas of unstable soil can reduce slope stability by saturating underlying and surrounding soils, which increases the likelihood of a slope and drainage failure. The DEIR does not acknowledge or mitigate this slope stability risk related to soil saturation from bioretention areas. If it is not feasible to place a bioretention basin in an area as currently planned due to slope stability concerns, then relocation of the basin could significantly change the findings of the Hydrology and Hydraulic Study, which could significantly alter the proposed project design from what was evaluated in the DEIR. The DEIR should be revised to account for the findings of a project-specific geotechnical report and updated Hydrology and Hydraulic Study. According to the Hydrology and Hydraulic Study, project improvements (e.g., buildings, retaining walls, utility trenches) within areas that experience

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
					seasonal high groundwater could result in surface seepage that causes erosion and slope instability. To mitigate these impacts, the project will need to install interceptor subdrains to divert the water around the improvements. The DEIR did not identify potential hydrology impacts related to groundwater seepage that could be exacerbated by the proposed project improvements. The DEIR also did not discuss the need to mitigate seepage impacts by installing interceptor subdrains. The DEIR should be revised to evaluate potential groundwater seepage impacts related to implementation of the project, such as erosion, slope instability, and localized flooding. The DEIR should also evaluate potential impacts associated with mitigation of groundwater seepage via the use of interceptor drains, such as increasing the amount of surface water discharge from the project site to off-site drainage systems.

Figure 1. DMA 2A under Existing Conditions

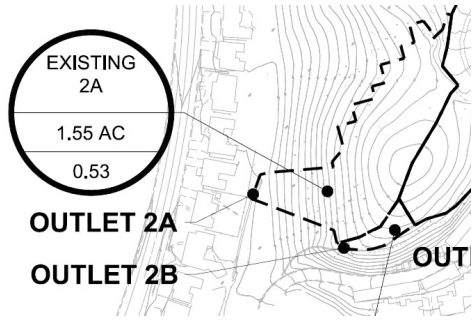
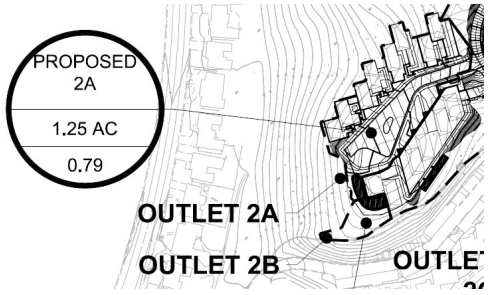


Figure 2. DMA 2A under Proposed Project



Response O4-59

The comment states that the Hydrology and Hydraulics Report (Appendix N of the Draft EIR) did not identify DMAs according to the County and BASMAA regulations. As stated in Appendix N of the Draft EIR, the drainage calculations meet the requirements of Marin County Code of Ordinances 24.04.520. Appendix N states that areas of calculation were bound by the subshed that drains to a certain drainage outlet. The BASMAA Post Construction Manual describes that delineation of DMAs must contain only one type of surface but this is only when the unweighted runoff coefficients are used in the calculation. The runoff coefficient used in the Report ranged from 0.53 to 0.84, in accordance with the Caltrans Highway Design Manual (Figure 819.2A), considering factors such as topography/slope, soil infiltration, vegetation cover, and surface storage within each watershed area. The bioretention facilities are designed and would be constructed in accordance with BASMAA standards for treatment of runoff from each DMA or subshed (approximately 4 percent of the DMA). The comment states that DMA 1B would more than double the amount of runoff from impervious surfaces currently evaluated in the Hydrology and Hydraulic Study and that this is a significant change that should be evaluated in a revised Draft EIR and updated Hydrology and Hydraulic Study. This increase in impervious area is analyzed in Draft EIR Impact 3.9-3, which explains that, in order for the project to comply with county ordinances and be permitted by Marin County, subwatershed 1B must demonstrate compliance with Section 2404.627 (Stormwater Control Plan) and 24.04.520 (Hydrologic and Hydraulic Design) and Chapter 4 of the BASMMA post construction manual. This process would be completed during preparation of the final hydrologic and hydraulic design, which is subject to review and approval for compliance by County staff. The Hydrology Study demonstrates that adequate stormwater detention is proposed in all other subwatersheds besides 1B (CSW|ST2 2021). Based on the Study and compliance with required County and BASMAA regulations, peak discharge runoff would be

reduced from current conditions (CSW|ST2 2021). Therefore, less stormwater would be delivered to the off-site storm drain system from the project site (CSW|ST2 2021). The project would result in a lower potential for substantial off-site erosion, flooding, or contribution of runoff that would exceed existing storm drain systems than current conditions. Because peak-runoff rates are decreased with the proposed detention basins, the Draft EIR concluded that impact on the surrounding storm drain system would be less than significant. No edits or revisions to the EIR are required.

Comment O4-60

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
49	Impact 3.9-6	3.9-18	P. Sutton	The frontage roads leading to the project site currently experience peak tide flooding, and flooding would increase under SLR. Although the project does not exacerbate the hazard, increases in traffic exposure to the existing hazard would occur with construction of the project. The project would not exacerbate any existing and or projected damage to the environment associated with future sea level rise and peak high tides. Therefore, the impact would be less than significant.	While the DEIR has attempted to evaluate and control peak-flow rates for stormwater runoff, the DEIR has not evaluated the total net increase in the volume of stormwater flow from the project site to existing off-site drainage systems during various intensities of storm events. Any net increase in the volume of flow from the project site to an outfall affected by peak tide flooding or sea level rise will exacerbate the existing flooding hazard. The DEIR should be revised to evaluate the significance of this potential impact, and the design of the project should be expanded to include improvements to on- and off-site drainage facilities as needed.

Response O4-60

The comment states that the Draft EIR has not evaluated the net increase in stormwater flow to the offsite drainage system during various intensities of storm events. See Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System." No edits or revisions to the EIR are required.

Comment O4-61

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
50	3.10	3.10-10	R. Wilke/D. Kearney	Figure 3.10-2 Zoning Designations	Figure 3.10-2 zoning designations do not align with the text description, making this section difficult to follow. For example, RMP-2.47 is shown on the figure, however, the text refers to RMP-2.47: AH.

Response O4-61

The comment suggests that the text description of the project site zoning on page 3.10-8 and zoning designations shown in Figure 3.10-2 do not align. The text on page 3.10-8 cited in the comment (i.e., RMP-2.47:AH) refers to the zoning designation for the project site with the Affordable Housing combining district overlay. However, the text on 3.10-8 incorrectly states that the entire project site is zoned RMP-2.47:AH, when the Affordable Housing combining district only applies to a geographically unspecified 2-acre portion of project site parcels APNs 043-261-25 and -26. Therefore, the text on page 3.10-8 has been revised to clarify that the project site is zoned RMP-2.47, which is consistent with Figure 3.10-2. In response to this comment, the second paragraph on page 3.10-8 of the Draft EIR has been revised as follows. This revision represents a minor clarification and does not change the analysis or conclusions of the Draft EIR.

ORIGINAL:

The Marin Countywide Plan designates the project site as MF2 (Multi-Family 2), which is within the Low Density Residential land use category of the Countywide Plan and allows a density of 2-4 residential units per acre. The project site is zoned RMP-2.47:AH (Residential, Multiple Planned District), and allows a density of 2.47 residential units per acre.

REVISED:

The Marin Countywide Plan designates the project site as MF2 (Multi-Family 2), which is within the Low Density Residential land use category of the Countywide Plan and allows a density of 2-4 residential units per acre. The project site is zoned RMP-2.47~~:AH~~ (Residential, Multiple Planned District), and allows a density of 2.47 residential units per acre.

Comment O4-62

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
51	3.10	3.10-13	R. Wilke/D. Kearney	Affordable units	The DEIR references "50 affordable units" in some sections (e.g., Table 3.10-1) but mentions "40 affordable units" elsewhere (Page 3.10-13). This inconsistency could lead to confusion about the actual number of affordable housing units proposed by the project.

Response O4-62

The comment suggests that there is an inconsistency in the number of affordable housing units described in the Draft EIR (e.g., Table 3.10-1 and page 3.10-13).

As discussed in Draft EIR Chapter 2, "Project Description," the proposed project would develop 337 total dwelling units. The proposed residential units would include retaining 13 existing residential units, replacing 139 existing residential units, and constructing 184 new residential units as well as the residential care facility (counted as one residential unit). The project proposes a density of 3.3 units per acre, resulting in a total of 337 residential units (including the residential care facility in addition to the residential units), which is within the maximum allowable residential density applicable to the project site. The text cited by the comment refers to the number of affordable units that could be developed within the Affordable Housing combining district overlay, which encompasses a geographically unspecified 2-acre portion of project site parcels APNs 043-261-25 and -26. The Affordable Housing combining district allows this portion of the site to be developed at a density of up to 20 units per acre with affordable housing units, for a total of 40 affordable units. However, as described in FEIR Chapter 2, "Project Updates," during preparation of the Draft EIR, the number of affordable housing units required for the proposed project was incorrectly reported at 50 affordable units. Consistent with the County's Housing Regulations (Marin County Code Chapter 22.22) and State housing law (density bonus), project updates and edits in this Final EIR correct the affordable unit count and involve increasing the affordable units to be dedicated under the proposed project to 70 affordable units. The specific revisions to the Draft EIR correcting the affordable unit count are detailed in Chapter 4, "Revisions to the Draft EIR." These revisions represent minor revisions to the Draft EIR and do not alter the nature and magnitude of impacts or significance determinations for impacts in the Draft EIR.

Comment O4-63

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
52	3.10	3.10-13	R. Wilke/D. Kearney	"The DEIR specifies that consistent with the Countywide Plan and the state Density Bonus Law, the project proposes a density of 3.3 units per acre."	It is not clear in the text how the 3.3 units per acre was arrived at. While its evident the increase in density from 2.47 to 3.3 units per acre is likely due to the application of the state's Density Bonus Law, which allows for increased density when certain conditions, such as providing affordable housing, are met. There is no detail about how the delta (.83) was arrived at. A well-organized table should be included to clarify the relationship between the base zoning, the applicable density range from the Marin Countywide Plan, and the adjustments made through the application of the Density Bonus Law.

Response O4-63

The comment requests clarification on how the density of 3.3 units per acre as stated on page 3.10-3 of the Draft EIR was determined. Consistent with State Density Bonus law, the highest potential density afforded by either the zoning designation or density prescribed in the Housing Element for the site applies. In the case of proposed project, the Housing Element and the corresponding land use designation for the project site affords a higher density (a range of

1-4 units per acre) than the base zoning designation (2.47 units per acre) for the site. Because the project applicant is allowed to use the high end of the range under State Density Bonus law, the total number of units that could be developed on the project site is 405 units per acre (based on 101.1 dry land acres at 4 units per acre). Using this same methodology, the project proposes a total of 337 residential units, which results in a density of 3.3 units per acre based on 101.1 dry land acres.

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53	3.10	3.10-20	R. Wilke/D. Kearney	Strawberry Community Plan (1973) – Community Goals	*Community Goal #2: Retain the local setting of open hillside and open Bay waters.* The DEIR notes consistency with this Goal. However, the goal specifies "hill sides," not ridgelines or hill tops, as noted in the DEIR. The DEIR should provide more detail on how the proposed project is consistent or not with this goal, instead of relying on a discussion about other site features and views.

Response O4-64

The comment notes the Draft EIR's conclusion that the project is consistent with Community Goal #2 of the Strawberry Community Plan but states that the goal specifies "hillsides," not ridgelines or hilltops. The comment suggests that the Draft EIR should provide more detail on how the project is consistent or not with this goal.

The project site is developed with existing uses throughout the former Golden Gate Baptist Seminary property. The eastern portion of the project site includes the existing academic campus and associated facilities (e.g., daycare center). In addition, residential uses are dispersed throughout the project site, consisting of single- and multi-family units in one- and two-story buildings. As such, the project site is currently developed with various existing structures and uses, including housing and campus-related development on the hillsides within the site, and thus is not characterized as a fully open hillside.

As noted in Chapter 2, "Project Description," of the Draft EIR, the Shuck Drive Knoll and Chapel Hill Planning Areas both contain partially undeveloped hillsides, and both would experience additional development and retention of open space as a result of the project. Within the Shuck Drive Knoll Planning Area, the project would include development of 14 three-bedroom (20,097 square feet [sf]), one- to three-story residential units on an undeveloped hillside west of the Hodges/Shuck Planning Area. In addition, the project would include development of two one-bedroom residential units (2,695 sf), 25 two-bedroom residential units (55,943 sf), nine three-bedroom residential units (25,100 sf), and four four-bedroom residential units (12,873 sf) on an undeveloped hillside in the Chapel Hill Planning Area.

As stated in Chapter 2 of the Draft EIR, development in each of the above-listed planning areas would include preservation of existing grassland, as well as installation of landscaping. Although the project would result in some new development on currently undeveloped hillsides within the project site, the project would retain much of the existing open space on the site. As noted in Chapter 2 of the Draft EIR, approximately 70 percent of the project site is proposed to be maintained as open space, athletic fields, paths, and plazas. This would include many of the other hillsides and slopes throughout the project site, as shown on Figure 2-4, "Illustrative Site Plan (West)," and Figure 2-5, "Illustrative Site Plan (East)." These include the hillside immediately north of the proposed housing in the Hodges/Shuck and Shuck Drive Knoll Planning Areas, the open space hillside area between Seminary Drive and Chapel Drive, and the hillsides surrounding Chapel Hill on the west and east. Approximately 80 percent of the existing hillsides within the project site would be retained in either their existing condition or as open portions of the proposed landscape plan.

As evidenced by existing conditions whereby the project site already contains development on portions of the hillsides within the site, and because the project proposes to retain a majority of the site, including hillsides, as open space, the project would be consistent with the community plan goal to retain the setting of open hillsides.

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54	3.10	3.10-24	R. Wilke/D. Kearney	NA	The current approach of merely listing mitigation measures from other DEIR chapters to address land use impacts is insufficient. It fails to provide a coherent and comprehensive explanation of how these measures will resolve the identified inconsistencies with local plans and policies. This disjointed organization, which requires the reader to cross-reference multiple chapters, undermines the clarity and effectiveness of the analysis. The DEIR should include a more thorough and systematically organized discussion that clearly articulates how each mitigation measure will specifically address and mitigate the identified land use inconsistencies, ensuring alignment with applicable plans and policies.

Response O4-65

The comment asserts that the approach of listing mitigation measures from other Draft EIR chapters to address land use impacts is insufficient and claims that it fails to provide a coherent and comprehensive explanation of how the measures will resolve identified inconsistencies. The comment suggests that the Draft EIR should be revised to include additional discussion of how each mitigation measure will specifically address and mitigate the identified land use inconsistencies.

The State CEQA Guidelines give lead agencies considerable discretion as to how they structure and format their EIRs, as long as mandatory contents are included. Section 15120(a) thus states that EIRs "shall contain the information outlined in [sections 15120 through 15132], *but the format of the document may be varied*. Each element must be covered, and when these elements are not separated into distinct sections, the document shall state where in the document each element is discussed." (Italics added.)

Here, the County's Draft EIR makes a good-faith effort to enable readers to crosswalk between policy analysis and, where relevant, environmental mitigation measures. The advantages of the crosswalk approach are (1) providing the ability to directly connect the policy being analyzed with the specific mitigation measure addressing a relevant environmental impact and (2) presenting the mitigation measure details in the same section as the impact analysis to better understand how mitigation helps resolve the potentially significant impacts. The approach is important because a policy inconsistency only becomes a significant or potentially significant environmental effect if the policy's purpose is to reduce or avoid an environmental effect and a policy conflict occurs that interferes with this purpose, which would then result in a significant or potentially significant physical effect.

Table 3.10-1 of the Draft EIR includes a policy-by-policy analysis to inform both the public and County decision-makers regarding the project's potential to conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. As discussed on page 3.10-24 of the Draft EIR, potentially significant land use impacts would result when inconsistencies with goals and policies intended to avoid or mitigate environmental effects would occur where such inconsistencies would result in potentially a significant physical impact on the environment. Inconsistencies identified as resulting in potentially significant environmental impact are noted as "potentially inconsistent unless mitigated" in Table 3.10-1. Because these policy inconsistencies could indicate or result in significant environmental impacts, the Draft EIR concluded that the proposed project's land use impact related to these inconsistencies would be potentially significant.

As demonstrated throughout Table 3.10-1, the consistency analysis for each policy references the specific relevant section(s) of the Draft EIR where the full related environmental analysis can be found. In instances where the table notes a particular policy as "potentially inconsistent unless mitigated," the consistency analysis indicates whether mitigation measures from the cited section(s) would reduce the associated environmental impact as well as the extent of the reduction (e.g., to less than significant). In addition, the specific mitigation measures that would reduce the environmental impact created by the policy inconsistency are identified on page 3.10-24 of the Draft EIR under the "Mitigation Measures," heading by mitigation measure name and number. Finally, the rationale describing how the mitigation measures reduce the associated environmental impact is summarized in the "Significance after Mitigation," section, with a cross reference to the relevant sections of the Draft EIR.

In response to this comment and to provide further clarification for the public and decision-makers, Table 3.10-1 has been revised to provide additional rationale describing how each mitigation measure will specifically address and mitigate the identified land use inconsistencies. These revisions provide additional clarification, relying on the analysis and rationale currently provided in the Draft EIR, and do not constitute substantial new information as defined by the State CEQA Guidelines Section 15088.5. Pages 3.10-14 through 3.10-24 of the Draft EIR have been revised; however, because of the length of Table 3.10-1 and to keep the response concise and maintain readability, the revisions are not reproduced below and instead are shown in Chapter 4, "Revisions to the Draft EIR." These revisions represent minor clarifications and do not change the analysis or conclusions of the Draft EIR.

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55	3.10	3.10-21	R. Wilke/D. Kearney	Land Use Impact analysis	The analysis does not analyze consistency with the development and design guidelines that have been specifically defined for the Golden Gate Baptist Theological Seminary, identified beginning on page 6 of the Strawberry Community Plan Amendment (1982). These development guidelines and design guidelines identify specific criteria related to site density, open space preservation, traffic and circulation, and landscaping that should be considered in the Land Use consistency evaluation for the project.

Response O4-66

The comment states that the analysis does not evaluate consistency with the design guidelines for the Golden Gate Baptist Theological Seminary from the Strawberry Community Plan and suggests that these should be considered in the land use consistency evaluation for the project.

The consistency analysis in Draft EIR Section 3.10, "Land Use and Planning," Table 3.10-1 address plans, policies, and ordinances adopted for the purpose of mitigating an environmental effect, including applicable provisions of the Strawberry Community Plan (1982). The Strawberry Community Plan (1982) includes both general design guidelines as well as site-specific design guidelines. The general design guidelines apply more broadly to all land use development within the Strawberry community, whereas the site-specific guidelines apply to specific areas of the community as indicated in the plan. Table 3.1-2 and Table 3.10-1 of the Draft EIR both include analyses of the project's consistency with the Strawberry Community Plan (1982) General Design Guidelines. Although the site-specific design guidelines specifically prescribed for the project site in the Strawberry Community Plan (1982) could generally fall under the category of being adopted for the purpose of mitigating an environmental effect, the project application is being processed and thus, evaluated in the Draft EIR, at a master plan level of detail. To accurately determine consistency with the site-specific design guidelines in the Strawberry Community Plan (1982), there would need to be design level details of the project available, which is not provided at the master plan level of design. As such, it is not feasible to evaluate the project's consistency with the specific design guidelines in the Strawberry Community Plan (1982) at this time. Rather, these design guidelines will be considered during the design review process for the project, at which time the specific criteria related to site density, open space preservation, traffic and circulation, and landscaping would be addressed. However, to the extent that any of the design guidelines relate to environmental issues, they have been considered in the impact analysis throughout the EIR. Therefore, no changes to the Draft EIR are required in response to this comment.

Comment O4-67

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
56	3.10	NA	R. Wilke/D. Kearney	NA	The analysis lacks the necessary specificity in referencing the exact policies and regulations under consideration. Citing particular sections of the Marin Countywide Plan and other relevant regulatory documents is essential for a comprehensive and credible impact assessment. Furthermore, while the use of a table as a summary tool is acknowledged, it falls short of providing the detailed analysis required to fully evaluate the project's consistency—or lack thereof—with the applicable plans and policies. A more robust and precise discussion is needed to ensure the analysis meets the required standards of thoroughness and accuracy.

Response O4-67

The comment states that the analysis lacks specificity in referencing the exact policies and regulations under consideration and that the use of a table as a summary tool falls short of providing the detailed analysis to fully evaluate a project's consistency with applicable plans and policies.

The comment fails to acknowledge, however, the relevant State CEQA Guidelines provision with which EIRs must comply: section 15125(d), which requires a discussion of "any *in*consistencies between the proposed project and applicable general plans, specific plans, and regional plans." (Italics added.) This provision does *not* require a comprehensive analysis of a proposed project's consistency with each and every arguably relevant general plan policy. (See, e.g., *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 360–361 ["[W]hile there is no requirement that an EIR itself be consistent with the relevant general plan, it must identify and discuss any *in*consistencies between a proposed project and the governing general plan"], original italics.) The commenter fails to acknowledge that Table 3.10-1 (Project Consistency with Applicable Local Policies) is an exercise in which the County went beyond what was required under CEQA.

The comment makes several general claims regarding the specificity and detail of the land use analysis in Draft EIR Section 3.10, "Land Use and Planning." First, the comment asserts that the analysis lacks the necessary specificity in referencing the exact policies and regulations under consideration. Similarly, the comment notes that citing particular sections of the Marin Countywide Plan and other relevant regulatory documents is essential for a comprehensive and credible impact assessment. However, contrary to these assertions, each of the specific policies considered in the land use consistency analysis are provided in full in Draft EIR Table 3.10-1, including the specific policy number and name from the plan in which it can be found. Each of these policies are grouped under the respective planning document in which it appears, including the specific element (e.g., Countywide Plan Natural Systems and Agriculture Element) or section (e.g., Strawberry Community Plan General Design Guidelines), as applicable. Thus, the Draft EIR does contain adequate specificity regarding the applicable plans and policies being evaluated.

In addition, the comment asserts that using a table falls short of providing the detailed analysis required to fully evaluate the project's consistency—or lack thereof—with the applicable plans and policies. However, the comment does not specify why the approach of evaluating the project's consistency with applicable land use policies in table format, as provided in Table 3.10-1 of the Draft EIR, is inadequate; nor does the comment provide an alternative approach for meeting the "thoroughness and accuracy" standards cited in the comment. Notably, according to case law under the Planning and Zoning Law (Gov. Code Section 65000 et seq.), a proposed project need not achieve perfect conformity with every general plan policy, as such an outcome is neither achievable nor required. (*Families Unafraid to Uphold Rural El Dorado County v. El Dorado County Bd. of Supervisors* (1998) 62 Cal.App.4th 1332, 1336.) This is because "[a] general plan must try to accommodate a wide range of competing interests—including those of developers, neighboring homeowners, prospective homebuyers, environmentalists, current and prospective business owners, jobseekers, taxpayers, and providers and recipients of all types of city-provided services—and to present a clear and comprehensive set of principles to guide development decisions. Once a general plan is in place, it is the province of elected [county] officials to examine the specifics of a proposed project to determine whether it would be 'in harmony' with the policies stated in the plan." (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 719.) For these reasons, a proposed project is only inconsistent with the governing general plan if

the project "conflicts with a general plan policy that is fundamental, mandatory, and clear." (*FUTURE*, *supra*, 62 Cal.App.4th at pp. 1341-1342; see also *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 782.)

The analysis provided in Section 3.10 of the Draft EIR has been undertaken in light of these legal principles and is intended to inform both the public and County decision-makers. As noted above, the detail in the table goes far beyond what is required under State CEQA Guidelines Section 15125(d). In short, the policy consistency analysis in Table 3.10-1 achieves this intent and is more than adequate for purposes of CEQA compliance. Therefore, no changes to the Draft EIR are required in response to this comment.

Comment O4-68

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
57	Chapter 5	NA	R. Wilke/D. Kearney	General - Alternatives Analysis for Land Use	The DEIR should include an analysis of additional project alternatives that could further avoid or reduce land use impacts when compared to existing conditions. Doing so would provide a more balanced comparison of potential land use impacts for the public and decision makers' consideration. As written, the alternatives considered and analyzed fail to explore other viable options to the proposed project. For example, an Alternative Site Layout could propose a different configuration of the proposed development, such as preserving more open space or clustering development to reduce environmental impacts and reducing conflicts with conservation- focused land use regulations. Additionally, exploring ways to downsize the proposed school could reduce potential impacts. Such as: **Lower Maximum Enrollment:** Instead of planning for a maximum enrollment of 1,000 students, the proponent could propose a reduced cap, such as 250-750 students. This would lessen the demand on infrastructure, reduce traffic, and decrease the overall footprint of the campus. **Prioritize Renovation:** Rather than constructing new buildings, the proponent could prioritize the renovation and upgrading of existing facilities. For example, improving the existing administration building's energy efficiency and functionality could reduce the need for a large new addition. **Concentrating Development:** Focus development on a smaller footprint within the campus, preserving more open space and reducing impacts on natural resources. This could involve consolidating buildings in a denser configuration to avoid a larger development. **Increased Development and Traffic as Divisive Factors:** - Community Cohesion: The introduction of additional development, especially if it significantly increases population density or traffic, could lead to changes in the character of the neighborhood. This might affect the cohesion of the community, where increased traffic, noise, and activity could create a perceived or actual division between the newer, denser development and the existing residential areas. - Traffic and Accessibility: If the development leads to increased traffic, it could make it more difficult for residents to navigate their own neighborhood. Congestion could reduce the ease of movement within the community, creating physical barriers to interaction and leading to a sense of separation. - Social and Economic Differences: The new development might introduce a different socioeconomic demographic, which could create a divide if it contrasts sharply with the existing community. This is more of a social division, but it can contribute to a feeling of a "divided" community,

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					especially if new residents are perceived as different from the existing population. **Perception of Division:** Even if the land use remains consistent with zoning regulations, the perception of a division can occur if the scale or type of new development feels incompatible with the established character of the community. For example, because the new development includes taller buildings, higher density housing, it could be perceived as an intrusion or a separate entity within the community. **Indirect Physical Division:** **Activity Patterns:** The increase in development and associated activities (e.g., more vehicles, people, and services) could alter the way the community functions, effectively creating new activity patterns that segregate the new development from the existing residential areas. Over time, this can lead to a functional division, where the new area operates differently from the existing community, leading to less interaction between the two. **Roadway and Traffic Flow Changes:** While the project might not require new roadways or closures, the impact on traffic flow could still act as a barrier, especially if traffic becomes significantly heavier on certain streets that residents use to connect with other parts of their community. This can make it harder for people to move freely between different parts of the neighborhood, creating a de facto division.

Response O4-68

The comment states the EIR should analyze additional project alternatives that could reduce impacts and provides suggestions of options to be considered including ways to downsize the school including reducing student enrollment, prioritizing renovation of buildings, concentrating development within a smaller footprint. Concerns are also raised that the project could create actual or perceived divisions within the community by increasing traffic, altering neighborhood character, and introducing socioeconomic differences that disrupt cohesion. Other concerns raised about community division include increased development and traffic could alter activity patterns and circulation, creating functional barriers that reduce interaction and contribute to a de facto division within the community.

The Draft EIR provides an analysis of an adequate range of alternatives. See Final EIR Section 3.2.2, Master Response: Adequacy of the Range of Alternatives for a detailed discussion. CEQA caselaw has long established the lead agency as the body selecting the range of alternatives evaluated in an EIR. The lead agency does not need to address "every conceivable alternative" or provide an exhaustive catalog of public-suggested options. The EIR alternatives should be guided by the rule of reason for considering potentially feasible alternatives that would meet most project objectives and reduce a significant effect. As noted in Final EIR Section 3.2.2, Master Response: Adequacy of the Range of Alternatives, the fact that a project opponent or other member of the public can conceptualize an additional alternative that a lead agency could have added to the EIR does not make the EIR deficient. A "project opponent or reviewing court can always imagine some additional study or analysis that might provide helpful information," but the fact that additional information "might be helpful does not make it necessary." (*Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 415.)

A review of the comment's suggestions reveals that the concepts described are either already embodied in another alternative or do not address an issue involving an environmental topic, so supplementing the analysis would not provide meaningful additional information for the County's review of the project. (See *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1028-1029 (*Village Laguna*) [EIR that discussed housing density alternatives of 7,500, 10,000, 20,000 and 25,000 units was not deficient for failure to discuss intermediate 15,000 unit alternative, the impacts of which could be discerned from the alternatives that were included]; *California*

Oak Foundation v. The Regents of the University of California (2010) 188 Cal.App.4th 227, 274, 276 [court upholds EIR using a "'mix-and-match' approach to project alternatives, in which components from different alternatives may be substituted for one another," as such an approach was sufficient to "encourage informed decision-making and public participation"]; and *Cherry Valley Pass Acres and Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316 [rejecting argument similar to that made in *Village Laguna*, explaining that "[w]hen an EIR discusses a reasonable range of alternatives sufficient to foster informed decisionmaking, it is not required to discuss additional alternatives substantially similar to those discussed"].)

For alternative options that involve an alternate site layout and concentrating development, the Draft EIR included Alternative 4: Mitigated Plan Alternative, which involves modifications to the development plan (e.g., configuration of uses) from the project application to reduce environmental impacts based on the analysis of the impacts of the project as proposed, County policy interpretation, where potentially significant impacts are identified for the proposed project, and recommended mitigation measures in the EIR. Further, as stated in Section 2.6.1, Academic Campus, of the Draft EIR, the proposed project does involve renovation of buildings including the administration building and the additional structure on the northern façade is needed for operation of the campus. Regarding student enrollment, the proposed project does not propose or involve any amendments to the 1953 CUP, so setting a different enrollment cap would necessitate a CUP amendment, contrary to the project's objective and the applicant's vested right. Topics related to public requests to modify the 1953 CUP and student enrollment limit would be associated with the project merits review and are not discussed in this EIR as environmental or alternatives issues. See Final EIR Section 3.2.4, Master Response: Conditional Use Permit Issues. Also, for comments related to traffic and congestion, see Draft EIR Section 3.14, "Transportation," and transportation master responses in Final EIR Section 3.2.7 through 3.2.14.

The concern raised related to increased development could lead to division of the community, the Draft EIR evaluates the potential environmental impacts of the project physically dividing an established community in Section 3.10, "Land Use and Planning." On page 3.10-11 under "Issues Not Discussed Further," the Draft EIR discusses that the proposed project is within an existing residential neighborhood currently developed with single- and multi-family housing, as well as an academic campus. The proposed project would not result in any changes to the existing land use designations or zoning for the project site that could introduce new incompatible uses (e.g., industrial) to the surrounding area. Additionally, the project would be consistent with the allowable density for the site identified in the Marin Countywide Plan and the County's zoning regulations. Furthermore, the proposed project would not require the construction of new roadways or reconfiguration or closure of existing roadways that could divide existing development within the surrounding community. Therefore, the proposed project would not physically divide an established community and the impact was, therefore, not discussed further in the Draft EIR. Moreover, the Draft EIR provides a detailed consistency analysis evaluating the project's alignment with applicable County land use goals and policies in Section 3.10, "Land Use and Planning," as well as aesthetics goals and policies in Section 3.1, "Aesthetics."

For concerns raised regarding social and economic division of the community, these are not topics within the purview of CEQA-required environmental impact analysis and thus no response is warranted. However, the Marin County Planning Commission and Board of Supervisors will take the merits-related concerns raised in the comment under consideration before a decision on the project is rendered.

Comment O4-69

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
58	3.11.3	3.11-15	P. Sutton	"Because noise levels at this location are predicted to intermittently reach as high as 86 dBA Leq, (i.e., 39 dBA over existing daytime lowest levels) and construction would occur over	As noted on page 3.11-13, the construction noise analysis assumed that all off-road equipment would operate at the same location near the project boundary of the project site closest to a residential receptor, which is very conservative when evaluating noise impacts relative to the Federal Transit Administration's (FTA) 30-day average noise standard. As a result, the project would significantly exceed the existing daytime lowest noise levels by up to 39 dBA for approximately four years and must implement Mitigation Measure 3.11-1. However, even with implementation of

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				approximately four years, construction noise would be intermittently loud and result in a substantial increase (perceived more than doubling of the existing noise levels) over an extended period of time. This impact would be significant."	Mitigation Measure 3.11-1, the impact would remain significant and unavoidable. The approach to analysis for project construction noise impacts is misleading because it is overly conservative. As a result, the analysis fails to evaluate and disclose a representative level of noise impacts that nearby residential receptors may experience during the various phases of project construction. Based on the current analysis, it is suggested that a nearby receptor could be exposed to noise levels as high as 86 dBA Leq for up to four years prior to mitigation. According to the National Institute of Deafness and Other Communication Disorders,6 long or repeated exposure to sounds at or above 85 dBA can cause hearing loss. This is a significant and misleading overestimate of the 30-day average noise impacts associated with the project. The DEIR noise analysis also fails to identify which receptors will be affected by noise during construction of each individual planning area, and for how long those receptors will be impacted. Instead of providing a detailed and meaningful analysis of project construction noise impacts now, the DEIR defers to a future noise analysis that will be needed to support implementation of a construction noise control plan under Mitigation Measure 3.11-1. The construction noise control plan will need to evaluate the impacts to nearby receptors associated with each planning area based on the range of surrounding ambient noise levels (47 to 57 dBA Leq), the specific construction equipment that will be used for each planning area, the duration of construction activities in each planning area, and the distance to nearby receptors relative to each planning area. By failing to provide a meaningful analysis of construction noise impacts in the DEIR, the efficacy of a construction noise control plan under Mitigation Measure 3.11-1 cannot be properly evaluated. To support the development of an effective construction noise control plan under Mitigation Measure 3.11-1, the DEIR noise analysis should be revised to evaluate the project's long-term construction noise impacts for each planning area based on the distance from the acoustical center of each planning area to nearby residential receptors. This will provide a more representative analysis that accounts for off-road equipment moving around each construction site over an average 30-day period. In addition, a buffer distance should be drawn on a figure and summarized in a table for each of the planning areas to show which residential receptors could be significantly impacted by long-term construction noise that must be mitigated in the applicant's construction noise control plan. This will provide the County and public with a more representative understanding of the severity of noise impacts that may occur during project construction for a planning area, as well as help to ensure that the future noise control plan required under Mitigation Measure 3.11-1 effectively identifies noise control measures to be implemented during construction of each planning area.

Response O4-69

The comment states the noise impacts analysis is overly conservative and misleading and fails to evaluate and disclose a representative level of noise impacts that nearby residential receptors may experience during the various phases of project construction. The comment states the noise analysis also fails to identify which receptors will be affected by noise during construction of each individual planning area, for how long those receptors will be impacted, and defers future noise analysis that will be needed to support implementation of Mitigation Measure 3.11-1. The

comment suggests the noise analysis should be revised to evaluate the project's long-term construction noise impacts for each planning area based on the distance from the acoustical center of each planning area to nearby residential receptors and include a new figure and table summarizing the buffer distance and impacts to inform the implementation of Mitigation Measure 3.11-1.

As described under Impact 3.11-1 of the Draft EIR, the construction noise analysis considers the typical use of construction equipment as proposed by the project. According to the Federal Transit Administration (FTA) the appropriate procedure and recommendation for determining construction noise is to determine the level of construction noise assessment; use a quantitative construction noise assessment to estimate construction noise; assess construction noise impacts; and determine construction noise mitigation measures (FTA 2018). The Federal Transit Administration (FTA) has conducted some of the most comprehensive noise studies for construction and for noise impacts on sensitive receivers in general, so their relevant data serves as substantial evidence in this EIR. Therefore, the project construction noise analysis presents a representative and reasonable estimation of project construction noise at the nearest noise sensitive receivers, approximately 50 feet, based on proposed construction phases. Determining the appropriate level of assessment is based on the scale and type of project considering several factors including the scale of the project, proximity of noise sensitive receivers, number of receivers, schedule, and duration of construction activity (FTA 2018). Given the type of project proposed and location and number of sensitive receivers a quantitative assessment of construction noise was conducted conservatively in order to determine the most severe reasonably foreseeable construction noise impacts at the nearest distance to receivers. This approach is consistent with the general CEQA principle that lead agencies should avoid understating potential environmental impacts. (See, e.g., *Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421, 431 ["'[i]t is vitally important that an EIR avoid minimizing the cumulative impacts'"].)

Impact 3.11-1 of the Draft EIR provides a reasonable and good faith effort to present construction noise impacts consistent with guidance from the FTA. The scale of the proposed project with various planning areas is such that the appropriate and reasonable construction noise methodology is to determine the most conservative foreseeable construction noise impact based on the proposed phases and duration of construction, providing a mitigation measure for a noise control plan once additional details are known. According to the FTA, it may be prudent to defer final decisions on noise control measures until the project and construction plans are defined in greater detail during the engineering phase of a project (2018). The conservative project construction noise analysis that determined construction noise to be as loud as 86 A-weighted decibels (dBA) equivalent continuous sound level (L_{eq}) at the nearest sensitive receiver was used to avoid the risk of understating noise and to sufficiently describe the magnitude of the construction noise impacts.

The construction noise analysis in the Draft EIR provides an assessment of construction noise based on the nature and magnitude of the project. As stated in the project description of the Draft EIR, buildout of the project would occur in several phases over approximately 4 years categorized by the project components: residential development, academic uses, and landscaping and site improvements. The construction phases would be specific to each project component as shown in Table 3.11-11 of the Draft EIR. The construction noise analysis in the Draft EIR determined the noise level at the nearest sensitive receiver to each project component, approximately 50 feet, based on the proposed construction phases and equipment anticipated to be used in each construction phase. For example, the residential program project component would begin with demolition with an excavator, scraper, and dump truck followed by site preparation for grading and utilities using the same equipment plus a loader. The residential project would then include building construction, architectural coating, and interior finishes with specific equipment for each construction phase. Table 3.11-11 of the Draft EIR includes the resultant noise level for each construction phase based on the construction equipment used. Based on the noise levels from each construction phase and nature and magnitude of the project with various components and sensitive receivers, the Draft EIR provided Mitigation Measure 3.11-1 to prepare a construction noise control plan to demonstrate with substantial evidence, based on finalized project-specific information (e.g., specific equipment profiles, location of construction activities, precise construction durations), that construction noise would not exceed existing daytime noise levels at nearby residences by more than 5 dBA, if feasible. Because it cannot be assured that a noise level of no more than 5 dBA above existing daytime noise levels can be achieved, the Draft EIR concluded a significant and unavoidable impact for construction noise.

Finally, determining the noise level at each sensitive receiver for the various plan areas and providing a figure with the construction noise contours, as suggested by the comment, would be too speculative at this time. The specific location of equipment and distance to sensitive receivers would not be available for the project until the engineering phase and calculating specific construction noise at the level of detail requested by the comment would be speculative. Therefore, the Draft EIR provides a reasonable and typical representation of construction noise and revisions are warranted.

Comment O4-70

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
59	3.11.3	3.11-19	P. Sutton	There is potential for events to occur on the project site associated with the academic campus, such as conferences and other gatherings. However, events would be of similar type and scale as those that have occurred in the past on the project site. The types of events that would occur following project development would be similar to the events currently hosted by the University. Additionally, most events would likely occur indoors reducing event noise. Therefore, there would be no perceptible increase in noise from future events on the site.	It appears that the use of loudspeakers and amplification systems would not be permitted for future outdoor academic conferences and events, and therefore were not evaluated. However, this should be explicitly stated in both the project description and Noise and Vibration impact analysis. If there is the potential for future use of loudspeakers and amplification systems under the proposed project, then potential noise impacts to nearby residential receptors should be evaluated and mitigated, if necessary.

Response O4-70

The comment correctly states that the use of loudspeakers would not be permitted and recommends reiterating this in the noises analysis for clarification.

In response to this comment, Section 3.11, "Noise, has been amended. These edits are minor and do not constitute "significant new information" that would require recirculation of the Draft EIR under State CEQA Guidelines Section 15088.5. Page 3.11-18 of the Draft EIR has been revised as follows:

ORIGINAL:

Noise sources commonly associated with the facilities proposed for the project would include the use of onsite building equipment such as HVAC systems; parking lot activities (e.g., opening and closing of vehicle doors, people talking); event noise, and changes to the existing sports field. Noise levels associated with these noise sources are discussed separately, below.

REVISED:

Noise sources commonly associated with the facilities proposed for the project would include the use of onsite building equipment such as HVAC systems; parking lot activities (e.g., opening and closing of vehicle doors, people talking); event noise, and changes to the existing sports field. Noise levels associated with these noise sources are discussed separately, below. As described in Chapter 2, "Project Description," the use of loudspeakers for outdoor activities would not be permitted as part of the project. Therefore, noise associated with amplification has not been analyzed herein.

Comment O4-71

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
60	3.12	3.12-14	D. Kearney	**Inducing Substantial Unplanned Population Growth** Population Increase: The DEIR analysis details the projected increase in housing units and residents, noting that many new residents would be affiliated with the academic campus.	The DEIR should include more specific quantitative data on the regional housing availability, beyond the general statement of 3,000 units. For example, break down this availability by housing type and affordability level. Additionally, the following supporting analysis could be used to strengthen the overall analysis: A detailed vacancy rate analysis, a demand and absorption rate analysis, an affordability impact assessment, a job-housing balance analysis, and an infrastructure and public services impact analysis.

Response O4-71

The comment states that Draft EIR Section 3.12, "Population and Housing," should include more specific, quantitative data on the regional housing availability, such as detail regarding housing type and affordability level. It also recommends that the analysis presented in the section be supplemented with a detailed vacancy rate analysis, a demand and absorption rate analysis, an affordability impact assessment, a job-housing balance analysis, and an infrastructure and public services impact analysis.

The analysis in the Draft EIR Section 3.12, Population and Housing, Impact 3.12-2 is supported by then-current population and housing data provided by the California Department of Finance. The number of housing units (single detached, single attached, two to four units, five or more units, and mobile homes) and vacancy rates for each for unincorporated Marin County and the county overall are provided. The analysis also presents relevant Regional Housing Needs Assessment data from the Association of Bay Area Governments, including a breakdown of affordable housing need by household income level, as well as information on Marin County's progress in meeting the different housing goals provided. In addition, it presents details provided by Marin County regarding median rental rates for one- and two-bedroom apartments in the county. The analysis also describes how lower-income residents would be entitled to payment of moving expenses; relocation assistance; and payment of the difference, if any, between affordable rent and rent for a "comparable" unit for up to 42 months. See Response O3-7 and Chapter 4, "Revisions to the EIR," for updates made to the EIR to reflect the most recent housing and vacancy data. In addition, the population data has been updated as presented below to reflect the current population data.

Although providing the additional detailed analyses requested by the comment would, as the comment states, strengthen the overall analysis of housing impacts, the analysis presented in Section 3.12, "Population and Housing," is supported by specific, credible data from the California Department of Finance, US Census Bureau, the Association of Bay Area Governments, and the County itself, reflecting a good-faith effort to accurately describe housing in the region. "CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors." (State CEQA Guidelines Section 15204(a).) Further analysis is not needed.

ORIGINAL:

POPULATION AND POPULATION GROWTH

In January 2023, the California Department of Finance (DOF) estimated the total population of Marin County to be 252,959 and the population of the unincorporated county to be 66,032 (DOF 2023a). Although the population in the county overall has increased since 2010 and is expected to increase in the near future (Table 3.12-2), between 2019 and 2023, the population in the county overall declined from 261,478 to 252,959, and the population in unincorporated Marin County declined from 68,863 to 66,032 (DOF 2019, 2023a). In 2040, the total population in the county is expected to be 253,549, a total slightly greater than the current estimate for the county (DOF 2021).

Growth in the county overall has been considerably slower than predicted. As discussed in the Marin Countywide Plan Update Final EIR, the 2005 Marin Countywide Plan Update, relying on then-recent projections from ABAG, anticipated a 2030 population of 283,100 in the county overall, whereas the Final EIR itself anticipated a larger 2030 population of 286,340 (Marin County 2007: 4.1-49). Similarly, the 2022 Housing & Safety Element Update to the Marin Countywide Plan Draft EIR, relying on 2018 projections from ABAG, anticipates a 2030 population of 274,530 in the county overall (Marin County 2022: 16-2). These figures assume thousands more residents in the county than DOF projected for 2030 in 2021 (Table 3.12-2).

Table 3.12-2 DOF Historic and Projected Population for Marin County

Year	Marin County (total)	Percent Change	Unincorporated Marin County	Percent Change
2010	252,409[a]	—	67,427[a]	—
2020	262,321[b]	3.9%	69,226[b]	2.7%
2030	257,024[c]	-2.0%	NA	NA
2035	256,131[c]	-0.3%	NA	NA
2040	253,549[c]	-1.0%	NA	NA

Notes: NA = not available.

[a] Source: DOF 2010.

[b] Source: DOF 2020.

[c] Source: DOF 2021.

Population information for Strawberry, a census designated place (CDP), is more limited than that available for the county. DOF presents US Census data for 2010 and 2020 but no projections of future population in the CDP. In 2010, the estimated population of Strawberry was 5,393 (DOF 2015a). By 2020, the estimated population in Strawberry was 5,447, representing an increase of 1 percent since 2010 (DOF 2023b). Between 2010 and 2020, Strawberry experienced less than half the growth seen in the unincorporated county in general.

REVISED:

POPULATION AND POPULATION GROWTH

In January 20~~23~~25, the California Department of Finance (DOF) estimated the total population of Marin County to be ~~252,959~~ 251,790 and the population of the unincorporated county to be ~~66,032~~ 66,414 (DOF ~~2023~~ 2025a). Although the population in the county overall has increased since 2010 and is expected to increase in the near future (Table 3.12-2), between 20~~19~~20 and 20~~23~~25, the population in the county overall declined from ~~261,478~~ 262,321 to ~~252,959~~ 251,790, and the population in unincorporated Marin County declined from ~~68,863~~ 69,226 to ~~66,032~~ 66,414 (DOF ~~2019, 2023a~~ 2020, 2025a). In 2040, the total population in the county is expected to be ~~253,549~~ 247,501, a total slightly greater than the ~~current~~ 2035 estimate for the county of 247,303 (DOF ~~2021~~ 2025b).

Growth in the county overall has been considerably slower than predicted. As discussed in the Marin Countywide Plan Update Final EIR, the 2005 Marin Countywide Plan Update, relying on then-recent projections from ABAG, anticipated a 2030 population of 283,100 in the county overall, whereas the Final EIR itself anticipated a larger 2030 population of 286,340 (Marin County 2007: 4.1-49). Similarly, the 2022 Housing & Safety Element Update to the Marin Countywide Plan Draft EIR, relying on 2018 projections from ABAG, anticipates a 2030 population of 274,530 in the county overall (Marin County 2022: 16-2). These figures assume thousands more residents in the county than DOF projected for 2030 in ~~2021~~ 2025 (Table 3.12-2).

Table 3.12-2 DOF Historic and Projected Population for Marin County

Year	Marin County (total)	Percent Change	Unincorporated Marin County	Percent Change
2010	252,409[a]	—	67,427[a]	—
2020	262,321[b]	3.9%	69,226[b]	2.7%
2025	251,790[d]	-4.0%	66,414[c]	-4.0%
2030	~~257,024[c]~~ 248,242[d]	~~-2.0%~~ -1.0%	NA	NA
2035	~~256,131[c]~~ 247,303[d]	~~-0.3%~~ -0.4%	NA	NA
2040	~~253,549[c]~~ 247,501[d]	~~-1.0%~~ 0.1%	NA	NA

Notes: NA = not available.

[a] Source: DOF 2010.

[b] Source: DOF 2020.

[c] Source: ~~DOF 2021~~ DOF 2025a.

[d] Source: DOF 2025b.

Population information for Strawberry, a census designated place (CDP), is more limited than that available for the county. DOF presents US Census data for 2010 and 2020 but no projections of future population in the CDP. In 2010, the estimated population of Strawberry was 5,393 (DOF 2015a). By 2020, the estimated population in Strawberry was 5,447, representing an increase of 1 percent since 2010 (DOF 2023b). Between 2010 and 2020, Strawberry experienced less than half the growth seen in the unincorporated county in general. US Census data for 2023 estimated the population of Strawberry at 5,496, representing less than 1 percent growth between 2020 and 2023 (US Census Bureau 2023a).

In addition, to reflect the updated population data reported under Impact 3.12-1, the last paragraph starting on page 3.12-15 of the Draft EIR is revised as follows:

ORIGINAL:

As described in Section 3.12.2, "Environmental Setting," current projections assume that the population in overall Marin County (both incorporated cities and unincorporated territory) will decline by 2030 and continue to decline through 2040 (see Table 3.12-2). ABAG projections are not available for unincorporated Marin County for that period; however, DOF data show a pattern of overall county and unincorporated county populations rising and declining together. The population in both the county overall and unincorporated Marin County grew between 2010 and 2020 (see Table 3.12-2), but as stated previously, between 2019 and 2023, the population in the county overall declined from 261,478 to 252,959, and the population in unincorporated Marin County declined from 68,863 to 66,032 (DOF 2019, 2023a). It would be reasonable to expect, based on this pattern, that the projected decline in overall county population through 2040 would be reflected in a decline in the population of the unincorporated county during the same period. Even without a likely further decline, the current population of 66,032 in the unincorporated portion of the county is substantially less than the 2030 population projections of 76,400 identified in the 2007 Marin Countywide Plan Update Final EIR (Marin County 2007: 4.1-49) and 73,490 identified in the 2022 Housing & Safety Element Update to the Marin Countywide Plan Final EIR (Marin County 2022: 16-2). For these reasons, the population increase of 530 on the site associated with the project would be neither substantial nor unplanned.

REVISED:

As described in Section 3.12.2, "Environmental Setting," current projections assume that the population in overall Marin County (both incorporated cities and unincorporated territory) will decline by 2030 and continue to decline through 2040 (see Table 3.12-2). ABAG projections are not available for unincorporated Marin County for that period; however, DOF data show a pattern of overall county and unincorporated county populations rising and declining together. The population in both the county overall and

unincorporated Marin County grew between 2010 and 2020 (see Table 3.12-2), but as stated previously, between 20~~19~~20 and 20~~23~~25, the population in the county overall declined from ~~261,478~~ 262,321 to ~~252,959~~ 251,790, and the population in unincorporated Marin County declined from ~~68,863~~ 69,226 to ~~66,032~~ 66,414 (DOF ~~2019, 2023a~~ 2020, 2025a). It would be reasonable to expect, based on this pattern, that the projected decline in overall county population through 2040 would be reflected in a decline in the population of the unincorporated county during the same period. Even without a likely further decline, the current population of ~~66,032~~ 66,414 in the unincorporated portion of the county is substantially less than the 2030 population projections of 76,400 identified in the 2007 Marin Countywide Plan Update Final EIR (Marin County 2007: 4.1-49) and 73,490 identified in the 2022 Housing & Safety Element Update to the Marin Countywide Plan Final EIR (Marin County 2022: 16-2). For these reasons, the population increase of 530 on the site associated with the project would be neither substantial nor unplanned.

Comment O4-72

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
61	NA	NA	D. Kearney	Planned Growth: The DEIR references the project's alignment with the county's Housing Element and RHNA requirements.	The DEIR should discuss in greater detail the cumulative impacts of population growth when combined with other approved or reasonably foreseeable projects in the area. *See comments on cumulative impacts below.*

Response O4-72

The comment states that the Draft EIR should discuss in greater detail the cumulative impacts of population growth when combined with other approved or reasonably foreseeable projects in the area.

The analysis of cumulative impacts in Chapter 4, "Cumulative Impacts," of the Draft EIR is less detailed than the analysis of impacts in Chapter 3, as allowed by State CEQA Guidelines Section 15130(b):

> The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness, and should focus on the cumulative impacts to which the identified projects contribute….

Comment O4-72 does not state specifically where the analysis of the cumulative population growth impact is inadequate but does refer the reader to comments on the analysis of cumulative population and housing impacts "below." The comment seems to refer the reader to comments O4-78 through O4-81. See Responses O4-78 through O4-8 below.

Comment O4-73

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
62	NA	NA	D. Kearney	Regional Impacts: Consideration of local and regional housing markets, including commute distances.	The DEIR should include greater detail related to any potential impacts on local schools, public services, and infrastructure due to increased population and how these impacts will be mitigated. The impacts to public services should include the effects of 1,000 commuting students if the restriction of a self-contained school is eliminated.

Response O4-73

The comment requests that the Draft EIR include more detail related to potential impacts on local schools, public services, and infrastructure related to the increased population anticipated under the project, including information on mitigation to address these impacts. It further states that the discussion of public services impacts should include the effects of 1,000 commuting students if the restriction of a self-contained school is eliminated.

The analysis presented in Draft EIR Section 3.13, "Public Services and Recreation," addresses the maximum potential population increase associated with the project and evaluates whether the increase in population would create

conflicts with the existing standards and requirements of local schools and other public services. In some cases, the analysis involved direct contact with the relevant service providers. No significant impacts were identified, and sufficient mitigation is identified for the one potentially significant impact identified (Impact 3.13-1: Result in Increased Demand for Fire Protection Facilities and Services) to reduce the impact to less than significant. See Response O4-83 regarding impacts on fire protection services and coordination with Southern Marin Fire Protection District (SMFD) on Mitigation Measure 3.14-4.

The figure of 1,000 additional students overstates the potential impact of implementing the project on public services. As discussed in Draft EIR Section 3.12, "Population and Housing," approximately 30 percent of the student, faculty, and staff population is anticipated to reside on-site. Thus, a portion of the project's total population would be some of the 253 employees and 1,000 students. For students, staff, and faculty commuting to the academic campus, most are anticipated to come from the surrounding area and their demand for public services would be primarily affiliated with the area in which they reside. Additionally, their presence on the project site would be transitory in nature depending on class schedules and work shifts, and would not rise to the level necessitating the provision of new or additional public services. For fire protection services, as analyzed in Draft EIR Section 3.13, "Public Services and Recreation," Impact 3.13-1 considers the impact of the total increase in population on-site. Further, the project would be designed and operated according to applicable federal, state, and local requirements, which include provisions for smoke detectors; sprinklers; building and emergency access; and hydrant sizing, pressure, and siting. As part of the County's development review process, SMFD would ensure that existing fire protection services and facilities are adequate to serve the project, and the project would adhere to all applicable requirements related to fire protection and emergency access. In addition, the project applicant would be required to pay a fire prevention fee to offset the impact of the development on the provision of fire services. See Response O4-83 regarding impacts on emergency response and coordination with SMFD on Mitigation Measure 3.14-4.

For police protection services, as analyzed in Draft EIR Section 3.13, "Public Services and Recreation," Impact 3.13-2 addresses the impact on the provision of police protection services of increasing the population on the site. It does not, as stated in the comment, focus only on the increase in employees. According to the Marin County Sheriff's Office, which was consulted during preparation of the Draft EIR, existing staffing levels would be sufficient to address the increase in population on-site, and no reduction in service to the unincorporated county in general would be expected. In addition, no additional facilities or equipment would be required (Schneider, pers. comm., 2022; Schermerhorn, pers. comm., 2023). Further, the project would be subject to review and approval by the Sheriff's Office, based on uniformly applied standards and regulations. Should the project be approved, as part of the standard permit and design review process, the Sheriff's Office would determine its ability to provide services and would make project-specific recommendations to maintain an acceptable level of service. Without County approval, the project would not receive a building permit or occupancy permit, depending on the specific issue identified by the Sheriff's Office.

For parks and recreational facilities, as described under Impact 3.13-4 in Draft EIR Section 3.13, "Public Services and Recreation," the recreational opportunities available in federal, state, County, and city recreation and park facilities in the project area and in the county overall are extensive. Additionally, approximately 70 percent of the project site is proposed to be maintained as open space, athletic fields, paths, and plazas. The project also involves making improvements to existing trails on the site and establishing new trails and pathways. Per Marin County Code 22.84.070, these uses may be dedicated for park or recreation purposes as part of the project permitting process, or payment of in lieu fees (or a combination of both) may be required pursuant to Marin County Code 22.98.040. The details regarding the project applicant's implementation of its obligation under the Marin County Development Code would be determined following project approval should the project be approved. Because the project applicant would comply with the County Code requirement, this impact would be less than significant and no mitigation is required under CEQA.

It is unclear what exact infrastructure the comment relates to. As needed, for transportation-related impacts, see Draft EIR Section 3.14, "Transportation." Also see Final EIR Sections 3.2.7 through 3.2.14 for master responses related to transportation. Impacts related to utilities including water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities are evaluated in Draft EIR Section 3.15, "Utilities and Service

Systems," and Section 3.9, "Hydrology." For comments related to the project merits and what is allowed under the Conditional Use Permit, see Final EIR Section 3.2.4, Master Response: Conditional Use Permit Issues.

Comment O4-74

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
63	NA	NA	D. Kearney	Infrastructure: Mentions that no new roads or infrastructure extensions are required.	While not directly within this threshold, an induced population growth is likely to impact traffic patterns, which could be addressed briefly is this chapter with references to detailed traffic studies and the transportation impact analysis elsewhere in the DEIR.

Response O4-74

The comment acknowledges that the thresholds identified in Draft EIR Section 3.12, "Population and Housing," do not address traffic patterns associated with a population increase but nevertheless requests that an impact on traffic patterns be addressed briefly in the section. As stated under "Thresholds of Significance" in Section 3.12 of the Draft EIR, the analysis addresses whether substantial direct or indirect unplanned population growth in an area would occur under the project and whether substantial numbers of people or homes would be displaced as a result of project implementation, necessitating the construction of replacement housing elsewhere. In addition, and as discussed in Draft EIR Chapter 3, "Environmental Impacts and Mitigation Measures," the impact analysis presented throughout the Draft EIR is structured according to the thresholds identified for each of the resource areas addressed and in most instances are derived from resource-specific factual questions posed in Appendix G of the State CEQA Guidelines. Including a discussion of the impact on traffic patterns in the "Population and Housing" section would not provide further clarity regarding either of the two thresholds identified. Therefore, no discussion of traffic patterns has been added to the section. Impacts on traffic patterns are addressed in Draft EIR Section 3.14, "Transportation."

Comment O4-75

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
64	3.12	3.12-16	D. Kearney	**Displacing Substantial Numbers of Existing People or Housing** Displacement: The DEIR discusses the number of units to be demolished and the number of people to be displaced.	The DEIR should consider providing additional details on the specific relocation assistance plans for displaced residents, including timelines and the process for claiming benefits. It should also include the economic impacts on displaced residents, including potential changes in their cost of living, and how these impacts will be addressed. Simply relying on a figure of 3000 vacancies in the area does not provide adequate context regarding the types of housing available for various economic backgrounds. To strengthen the analysis in the DEIR regarding the displacement of existing people or housing, the following elements should be considered. **-Vulnerable Populations**-Inclusion of a detailed analysis of how vulnerable populations (e.g., low-income families, elderly residents, disabled individuals) are specifically impacted by the displacement would provide a clearer picture of the social consequences of the project. **Affordability and Accessibility of Replacement Housing:** -Provide a detailed comparison of the cost of the housing units being demolished versus the cost of available or replacement housing. This should include an analysis of whether displaced residents will be able to afford comparable housing in the same area or whether they might be priced out. -Evaluate the accessibility of available replacement housing in terms of location, transportation options, and proximity to essential services like schools, healthcare, and employment centers.

Response O4-75

The comment states that the Draft EIR should include a detailed analysis of how vulnerable populations (e.g., low-income families, elderly residents, individuals with disabilities) would be affected by displacement. It also states that

the EIR should provide a detailed comparison of the cost of the housing units being demolished versus the cost of available or replacement housing, and it should include an analysis of whether displaced residents would be able to afford comparable housing in the same area. Further, it states that the analysis should evaluate the accessibility of available replacement housing in terms of location; transportation options; and proximity to essential services, such as schools, health care, and employment centers.

In general, CEQA need not address the economic and social impacts of projects, but rather should focus on projects' reasonably foreseeable environmental impacts. Economic and social impacts are relevant only insofar as they may be the intermediate causes of reasonably foreseeable physical effects. "An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes." (State CEQA Guidelines Section 15131(a); see also *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1989) 209 Cal.App.3d 1502, 1521, fn. 13 ["project-specific demands for additional downtown housing implicate social and economic, not environmental, concerns and, thus, are outside the CEQA purview"].)

Here, Draft EIR Section 3.12, "Population and Housing," Impact 3.12-2 addresses the environmental impacts of the project related to the displacement of substantial numbers of existing people or home, necessitating the construction of replacement housing elsewhere. Included in the analysis is consideration for low-income residents and those living in qualified protected housing units. As discussed in Section 3.12, although 139 residential units would be demolished under the project, the number of units lost would be replaced, including the number of affordable units, and another 185 units would be added. In addition, various benefits would be available to displaced residents. Lower-income residents, for example, would be entitled to payment of moving expenses; relocation assistance; and payment of the difference, if any, between affordable rent and rent for a "comparable" unit for up to 42 months. Furthermore, Program 3 of the Housing Element and Density Bonus Law requires that any project that involves demolition of affordable housing on a project site replace the number of affordable units lost with new affordable units; otherwise, the project would not be eligible for the density bonus and would be inconsistent with State law.

In addition, and as discussed in Draft EIR Section 3.12, the residents on the project site who would be displaced may occupy what ABAG, in its *Guide to California State Replacement Housing Requirements* (ABAG 2023), refers to as SB 330 Protected Units. As long as they are lawful occupants and have been occupants for more than 30 days, these residents would be entitled to relocation benefits and a right of first return under SB 330.

The following benefits would apply to all qualified residents who would be displaced from SB 330 Protected Units:

- All existing residents must be allowed to remain in their units until 6 months "before the start of construction activities."
- All existing occupants who are displaced must be allowed to return at their prior rental rate if the demolition does not proceed and the property is returned to the rental market.

Qualified lower-income residents of SB 330 Protected Units also would be entitled to the following additional benefits:

- State Relocation Benefits. The developer must provide state relocation benefits to lower-income occupants of any protected units. These include payment of moving expenses; relocation assistance; and payment of the difference, if any, between affordable rent and rent for a "comparable" unit for up to 42 months.
- Right of First Refusal for New Unit. Even after being paid relocation benefits, the lower-income occupants of any protected units are entitled to a right of first refusal for a "comparable" unit in the development at affordable rent or affordable housing cost, with the exceptions listed below. A "comparable" unit must have the same number of bedrooms, have the same number of total rooms (including both permitted and unpermitted rooms), and be the same size as the unit being vacated.
    - Exception #1: This requirement does not apply where the development project consists of a single residential unit located on a site where a single SB 330 Protected Unit is being demolished.

- **Exception #2:** This requirement also does not apply to units in a housing development in which 100 percent of the units, exclusive of a manager's unit or units, are reserved for lower-income household, except that a right of first refusal must be offered to any occupant of a SB 330 Protected Unit who qualifies for residence in the new development and for whom providing a comparable unit would not be precluded due to unit size limitations or other requirements of one or more funding source of the housing development.
- **Single-Family Comparable Unit**. If one or more single-family homes that qualify as SB 330 Protected Units are being replaced in a development project that consists of two or more units, "comparable unit" means either of the following: (1) a unit containing the same number of bedrooms if the single-family home contains three or fewer bedrooms or (2) a unit containing three bedrooms if the single-family home contains four or more bedrooms. A "comparable unit" in this instance is not required to have the same or similar square footage or the same number of total rooms.

Therefore, the Draft EIR did consider the impacts of displacement of low-income households and those in protected housing. Although CEQA required a focus only on reasonably foreseeable environmental impacts, the analysis went far beyond those impacts to address social and economic issues implicated by state and local legal requirements outside of CEQA. As discussed in Section 3.12 and Response O3-7, while the project would result in demolition and displacement of current tenants, the relatively high vacancy rate in unincorporated Marin County suggests that existing housing in the area would be sufficient to house the temporarily displaced residents. In addition, the County is planning to facilitate the construction of 3,569 units to help meet its RHNA requirement, during the current 8-year Housing Element planning period. A portion of this new housing would become available during the 4-year project construction period. Also, qualified residents on the project site who would be displaced would be entitled to relocation benefits and a right of first return under SB 330. Further, the County would collaborate with the applicant to develop a relocation plan that complies with housing law. For these reasons, the Draft EIR adequately described the nature and magnitude of the environmental impact, and concluded that implementing the project would not necessitate the construction of replacement housing elsewhere to address displaced people or homes and impacts would be less than significant.

Comment O4-76

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
65	NA	NA	D. Kearney	**Housing Availability: The DEIR mentions the availability of alternative housing units in the region and planned future housing developments.**	The DEIR does not mention if there was community feedback received during public consultations about potential displacement impacts as a result of the proposed project. Additionally, the DEIR should elaborate on the types and affordability levels of the replacement housing units to be built, ensuring they meet the displaced population's needs. Simply stating: *A recent estimate indicates that more than 3,000 housing units are available in unincorporated Marin County, (DOF 2023a). Substantially more housing is available if portions of the East Bay and San Francisco are also considered in light of typical regional commute distances."* , does not provide an adequate analysis of the availability of housing for either those displaced or those unable to reside on campus. Without this additional information, decision makers do not have a full picture of the potential impacts on population and housing from the proposed project.

Response O4-76

The comment states that the Draft EIR does not state whether community feedback received during the public scoping period addressed potential displacement impacts associated with implementing the project. The comment also states that the Draft EIR should elaborate on the types and affordability levels of the replacement housing units to be built, ensuring they meet the displaced population's needs. On page 3.12-1 of Draft EIR Section 3.12, "Population and Housing," the text states, "Scoping comments related to population and housing received in response to the notice of preparation (NOP) requested that this EIR address the displacement of people currently

living on the project site, as well as the displacement of affordable housing." For details on how displacement impacts would be addressed, including the affordability levels of the replacement housing, see Response O4-75.

Comment O4-77

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
66	3.12	NA	D. Kearney	Addressing Environmental Justice While CEQA does not specifically mandate an environmental justice analysis, recent amendments and policy shifts have made it increasingly important to consider how environmental impacts might disproportionately affect low-income communities or communities of color. These considerations are especially relevant when projects have the potential to exacerbate existing inequalities or create new ones.	The analysis does not explicitly consider whether the cumulative impacts might disproportionately affect certain communities, particularly low-income or minority groups, which is a key consideration under CEQA's environmental justice guidelines. However, including an environmental justice analysis that examines whether the impacts, particularly related to displacement and housing availability, might disproportionately affect vulnerable populations would ensure compliance with CEQA's intent to protect all communities. Recommendation: The applicant should consider preparing an Environmental Impact Assessment (EIA) to address the absence of an environmental justice (EJ) analysis in the Draft EIR. An EIA would provide a more comprehensive framework for evaluating the environmental, social, and economic impacts of a project, including potential effects on vulnerable communities. Including an environmental justice analysis that examines whether the impacts, particularly related to displacement and housing availability, might disproportionately affect vulnerable populations would ensure compliance with CEQA's intent to protect all communities.

Response O4-77

The comment states that the analysis does not explicitly consider whether the cumulative impacts of the project might disproportionately affect certain communities, particularly low-income or minority groups. It also states that an environmental justice analysis that examines whether the impacts, particularly those related to displacement and housing availability, might disproportionately affect vulnerable populations would ensure compliance with CEQA's intent to protect all communities. Because CEQA does not specifically require analysis of environmental justice impacts in an EIR, no such analysis is included in the Draft EIR, and no environmental impact assessment was prepared for the project.

CEQA traditionally focuses on a project's potential to result in physical environmental impacts and for some resource areas the adverse effects on humans, where environmental justice tends to focus on social and socioeconomic impacts. However, Draft EIR Section 3.12, "Population and Housing," presents considerable detail in Section 3.12.1, "Regulatory Setting," regarding the laws and regulations related to providing affordable housing for lower- and moderate-income households, as well as the County's Regional Housing Needs Allocation (RHNA) and the County's progress in meeting its RHNA housing production goals. For more detail on how displacement impacts would be addressed, see Draft EIR Section 3.12, "Population and Housing," and Response O4-75. The Marin County Planning Commission and Board of Supervisors will take the comment under consideration before a decision on the project is rendered.

Comment O4-78

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
67	4.3.12	4-32 to 4-34	D. Kearney	Cumulative Population and Housing Impacts	The cumulative impact analysis provided in the DEIR appears to follow the general framework required under CEQA, but there are areas where the analysis could be considered weak or insufficiently detailed.
68	NA	NA	D. Kearney	NA	The cumulative analysis relies heavily on data from the California Department of Finance (DOF) and past projections from ABAG without fully explaining whether these data sources are the most current or

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
					comprehensive available. CEQA guidelines require that the most up-to-date and reliable data be used to assess environmental impacts. Recommendation: The cumulative analysis could be strengthened by incorporating more recent population and housing trends or projections, especially considering the potential for shifts due to factors like economic changes or recent policy updates. Additionally, a more detailed discussion on how these data points were chosen and how they compare with alternative data sources could provide more robustness to the analysis.

Response O4-78

The comment states that, although the cumulative impact analysis presented in the Draft EIR appears to follow the general framework required under CEQA, portions of the analysis could be considered weak or insufficiently detailed. It states that the analysis relies on data from the California Department of Finance (DOF) and past projections from the Association of Bay Area Governments (ABAG) without fully explaining whether these data sources are the most current or comprehensive available. The comment recommends incorporating more recent population and housing trends or projections, especially considering the potential for shifts related to factors such as economic changes or recent policy updates, into the cumulative impact analysis. It also recommends including a more detailed discussion of how these data points were chosen and how they compare with alternative data sources could provide more robustness to the analysis.

The cumulative impact analysis follows the approach described in Section 15130(b) of the State CEQA Guidelines. See Response O4-79 for more details on the approach to the analysis. Regarding the source of the data, the analysis presented in Draft EIR Section 3.12, "Population and Housing," relies on data from DOF, the US Census Bureau, projections from ABAG, and the County because the data are credible and based on facts from authoritative agency sources. The use of specific, credible data from these sources reflects a good-faith effort to accurately describe the current state of population and housing in the region. Additionally, see Response O4-117 regarding updates to the cumulative projects list (Table 4-2 of the Draft EIR) and the cumulative projects map (Figure 4-1 of the Draft EIR). Also, the cumulative impact analysis was updated based on the additional cumulative projects added to Table 4-2, and edits to the cumulative analysis in Section 4.3.12, "Population and Housing," are shown below. Also see Response O3-7 and O4-71 for edits made in Draft EIR Section 3.12, "Population and Housing," to reflect the most recent population and housing data. These changes represent minor revisions and do not alter the scope, magnitude, or conclusions of the Draft EIR, including the project's cumulative impacts.

ORIGINAL:

CUMULATIVE EFFECTS OF PAST, PRESENT, AND PROBABLE FUTURE PROJECTS

In general, population growth in Marin County overall has been considerably slower than predicted. Past projections from ABAG presented in the 2005 Marin Countywide Plan Update and in the 2023 Housing & Safety Element Update to the Marin Countywide Plan Final EIR assume thousands more residents in the county than the California Department of Finance currently projects for 2030. In January 2023, the number of housing units in Marin County overall was estimated to be 112,183, with nearly three-quarters of those units single attached or single detached homes (DOF 2023). The remainder are multifamily units and mobile homes. The vacancy rate for the county overall was estimated (January 2023) to be 6.8 percent (DOF 2023). In the unincorporated portion of the county, 24,447 of the 29,341 units, or 83 percent, are single attached or single detached homes, and the vacancy rate is 10.5 percent (DOF 2023).

Cumulative projects considered in this analysis are listed in Table 4-2. The most substantial project in the cumulative context in terms of increased population is the Oak Hill Apartments project, in the city of San Rafael, which is under review. It involves construction of 250 apartments. The closest other residential

projects of note are the Richardson Terrace project (25 residential units and two houses) and the 500 Miller Avenue project (nine single-family units), in Mill Valley, and the 71-bedroom memory care facility and the Robin Drive subdivision (16 residential units and eight accessory dwelling residential units), both in the town of Corte Madera. Overall, the growth in population and housing associated with these projects would not be cumulatively significant.

Displacement of Substantial Numbers of People or Homes, Necessitating the Construction of Replacement Housing

As discussed in Section 3.12.3, "Environmental Impacts and Mitigation Measures," implementation of the project involves demolition of 139 residential units and 66 dormitory rooms, which would result in the displacement of approximately 320 people. A recent estimate indicates that more than 3,000 housing units are available in unincorporated Marin County (DOF 2023).

REVISED:

CUMULATIVE EFFECTS OF PAST, PRESENT, AND PROBABLE FUTURE PROJECTS

In general, population growth in Marin County overall has been considerably slower than predicted. Past projections from ABAG presented in the 2005 Marin Countywide Plan Update and in the 2023 Housing & Safety Element Update to the Marin Countywide Plan Final EIR assume thousands more residents in the county than the California Department of Finance currently projects for 2030. Additionally, the 2022 Housing & Safety Element Update to the Marin Countywide Plan Draft EIR, relying on 2018 projections from ABAG, did not identify any significant cumulative impact related to population and housing and buildout of the Housing Element would not result in a cumulative considerable contribution (Marin County 2022). In January 20~~23~~25, the number of housing units in Marin County overall was estimated to be ~~112,183~~ 113,062, with nearly three-quarters of those units single attached or single detached homes (DOF ~~23~~ 2025a). The remainder are multifamily units and mobile homes. The vacancy rate for the county overall was estimated (January 20~~23~~25) to be 6.8 percent (DOF ~~2023~~ 2025a). In the unincorporated portion of the county, ~~24,447~~ 24,573 of the ~~29,341~~ 29,541 units, or 83 percent, are single attached or single detached homes, and the vacancy rate is 10.~~5~~2 percent (DOF ~~2023~~ 2025a).

Cumulative projects considered in this analysis are listed in Table 4-2. The most substantial project in the cumulative context in terms of increased population is the Oak Hill Apartments project, in unincorporated Larkspur, which is under review. It involves construction of 250 apartments. The closest other residential projects of note are the Richardson Terrace project (25 residential units and two houses) and the 500 Miller Avenue project (nine single-family units), in Mill Valley, and the 71-bedroom memory care facility and the Robin Drive subdivision (16 residential units and eight accessory dwelling residential units), both in the town of Corte Madera. Additionally, updates made to Table 4-2 as part of preparation of the Final EIR, included the addition of the Nijjar Living Trust Housing Compliance Review in Strawberry which would construct a 72-unit assisted living/memory care facility; the Pacific West Communities development in Tamalpais Valley which would construct 32-residential units; and the Bayfront Terrance in Mill Valley which would construct a 45-unit apartment complex. Overall, the growth in population and housing associated with these projects is consistent with projected growth for the County and the Countywide Plan and would not be cumulatively significant.

Displacement of Substantial Numbers of People or Homes, Necessitating the Construction of Replacement Housing

As discussed in Section 3.12.3, "Environmental Impacts and Mitigation Measures," implementation of the project involves demolition of 139 residential units and 66 dormitory rooms, which would result in the displacement of approximately 320 people. A recent estimate indicates that more than 3,000 housing units are available in unincorporated Marin County (DOF 202~~3~~5a).

Comment O4-79

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
69	NA	NA	D. Kearney	NA	The cumulative projects considered in the analysis seem to be limited in scope, focusing on a few nearby developments (e.g., Oak Hill Apartments, Richardson Terrace). Consequently, the analysis may be overlooking other significant projects in the broader region that could contribute to cumulative impacts, particularly in terms of population growth, housing demand, and infrastructure strain. Recommendation: Expanding the list of cumulative projects to include a broader range of developments within Marin County and neighboring areas would provide a more comprehensive cumulative analysis. This list should include not just residential projects but also commercial, infrastructural, or public service-related developments that might collectively contribute to cumulative impacts.

Response O4-79

The comment states that the cumulative projects considered in the Draft EIR's cumulative analysis seem to be limited in scope and therefore may be overlooking other significant projects that could contribute to cumulative impacts. The comment suggests that the list of cumulative projects be expanded to include not just residential projects but also commercial, infrastructural, or public service-related developments that might collectively contribute to cumulative impacts.

According to Section 15130(b) of the State CEQA Guidelines, a cumulative impact analysis may be conducted using one of two methods: the List Method, which includes "a list of past, present, and probable future projects producing related or cumulative impacts," or the Plan Method, which uses "a summary of projections contained in an adopted local, regional, or statewide plan or related planning document," or in a prior environmental document for such a plan which has been adopted or certified, that described or evaluated regional or area wide conditions contributing to the cumulative impact. As stated on page 4-1 in Chapter 4, "Cumulative impacts," of the Draft EIR, the cumulative analysis of near-term conditions for a majority of issue areas uses the List Method, unless noted otherwise in the Draft EIR.

As discussed on page 4-2 of the Draft EIR, Table 4-2 (correlated with their locations shown on Figure 4-1, "Cumulative Projects") lists the past, present, and probable future projects that are considered in the cumulative analyses. This list is not intended to be an all-inclusive list of projects in the region, but rather an identification of projects constructed, approved, or under review in the vicinity of the project site (surrounding communities) that have some relation to the environmental impacts of construction and operation of the proposed project. The list of projects used in the cumulative analysis is based on information for approved and pending projects obtained from consultation with Marin County planning staff and a review of the websites of the surrounding communities and cities. CEQA case law holds that, in identifying pending projects for inclusion under the list method, a lead agency may choose a reasonable cut-off date that substantially precedes the issuance of a Draft EIR. (See, e.g., *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1128.) Thus, under normal CEQA procedures, the list need not be updated in Final EIRs.

Even so, as part of preparation of the Final EIR, the cumulative projects list has been updated. See Response O4-117 for more information on updates to the cumulative project list in Table 4-2 of the Draft EIR. Additionally, see Response O4-78 regarding updates to the cumulative impact analysis in Draft EIR Section 4.3.12, "Population and Housing," based on the additional cumulative projects added to Draft EIR Table 4-2. Regarding the cumulative impact analysis for public services, see edits below for updates to Draft EIR Section 4.3.13, "Public Services and Recreation," based on the additional cumulative projects added to Draft EIR Table 4-2. These changes represent minor revisions and do not alter the scope, magnitude, or conclusions of the Draft EIR, including the project's cumulative impacts.

ORIGINAL:

CUMULATIVE EFFECTS OF PAST, PRESENT AND PROBABLE FUTURE PROJECTS

Cumulative projects considered in this analysis are listed in Table 4-2. In general, impacts on public services and recreation are related to increases in population. As the population in an area increases, so, too, does demand for particular facilities and services. The most substantial project in the cumulative context in terms of increased population is the Oak Hill Apartments project, in the city of San Rafael, which is under review. It involves construction of 250 apartments. The closest other residential projects of note are the Richardson Terrace project (25 residential units and two houses) and the 500 Miller Avenue project (nine single-family units), in Mill Valley, and the 71-bedroom memory care facility and the Robin Drive subdivision (16 residential units and eight accessory dwelling residential units), both in the town of Corte Madera. Overall, the growth in population that would be associated with these projects would not be substantial.

In general, the incremental impacts of the project would not combine with those of the other development that would occur in the cumulative context to produce cumulatively significant impacts, because future development projects, like the proposed project, would be site specific; and if the evaluation of the projects indicates that physical environmental impacts associated with constructing new or expanded public services infrastructure or recreational facilities would occur, the project applicants would likely pay fair share impact fees, which would allow the service providers to oversee the expansion of their facilities, or the construction of new facilities, as needed. As appropriate, other feasible mitigation would be required to reduce the significance of potential impacts such that they would not be cumulatively considerable.

PROJECT CONTRIBUTION

Fire Protection Facilities and Services

As discussed in Section 3.13.3, "Environmental Impacts and Mitigation Measures," implementation of the project would increase the population on the site by approximately 530 residents, increasing demand for fire protection and emergency services on-site. The Southern Marin Fire Protection District (SMFD) is the first provider of fire protection and emergency services to the project site, and additional emergency response to the project site could be provided by other agencies that joined SMFD in entering the *Southern Marin Emergency Medical-Paramedic System Revised Joint Powers Agreement to Establish, Operate and Maintain in Southern Marin County an Emergency Medical Care-Paramedic System*. The project would be designed and operated according to applicable federal, state, and local requirements; the project applicant would be required to pay a fire prevention fee to offset the impact of the project on the provision of fire protection services; and implementation of the project would not necessitate the construction of new or expanded fire service facilities. However, SMFD has expressed concern that traffic associated with the increase in population under the project might cause delays in emergency response in the area (Hilliard, pers. comms., 2022, 2023). Implementation of Mitigation Measure 3.14-4 (Implement Mitigation Measure 3.14-4 [Construct a Traffic Signal at the Intersection of Seminary Drive/Ricardo Road/Vista Del Sol]) would reduce this impact to less than significant.

REVISED:

CUMULATIVE EFFECTS OF PAST, PRESENT AND PROBABLE FUTURE PROJECTS

Cumulative projects considered in this analysis are listed in Table 4-2. In general, impacts on public services and recreation are related to increases in population. As the population in an area increases, so, too, does demand for particular facilities and services. The most substantial project in the cumulative context in terms of increased population is the Oak Hill Apartments project, in unincorporated Larkspur, which is under review. It involves construction of 250 apartments. The closest other residential projects of note are the Richardson Terrace project (25 residential units and two houses) and the 500 Miller Avenue project (nine single-family units), in Mill Valley, and the 71-bedroom memory care facility and the Robin Drive subdivision

(16 residential units and eight accessory dwelling residential units), both in the town of Corte Madera. Additionally, updates made to Table 4-2 as part of preparation of the Final EIR, included the addition of the Nijjar Living Trust Housing Compliance Review in Strawberry which would construct a 72-unit assisted living/memory care facility; the Pacific West Communities development in Tamalpais Valley which would construct 32-residential units; and the Bayfront Terrance in Mill Valley which would construct a 45-unit apartment complex. Overall, the growth in population that would be associated with these projects is consistent with projected growth for the County and the Countywide Plan and would not be substantial.

In general, the incremental impacts of the project would not combine with those of the other development that would occur in the cumulative context to produce cumulatively significant impacts, because future development projects, like the proposed project, would be site specific; and if the evaluation of the projects indicates that physical environmental impacts associated with constructing new or expanded public services infrastructure or recreational facilities would occur, the project applicants would likely pay fair share impact fees, which would allow the service providers to oversee the expansion of their facilities, or the construction of new facilities, as needed. As appropriate, other feasible mitigation would be required to reduce the significance of potential impacts such that they would not be cumulatively considerable.

PROJECT CONTRIBUTION

Fire Protection Facilities and Services

As discussed in Section 3.13.3, "Environmental Impacts and Mitigation Measures," implementation of the project would increase the population on the site by approximately 530 residents, increasing demand for fire protection and emergency services on-site. The Southern Marin Fire Protection District (SMFD) is the first provider of fire protection and emergency services to the project site, and additional emergency response to the project site could be provided by other agencies that joined SMFD in entering the *Southern Marin Emergency Medical-Paramedic System Revised Joint Powers Agreement to Establish, Operate and Maintain in Southern Marin County an Emergency Medical Care-Paramedic System*. The project would be designed and operated according to applicable federal, state, and local requirements; the project applicant would be required to pay a fire prevention fee to offset the impact of the project on the provision of fire protection services; and implementation of the project would not necessitate the construction of new or expanded fire service facilities. However, SMFD has expressed concern that traffic associated with the increase in population under the project might cause delays in emergency response in the area (Hilliard, pers. comms., 2022, 2023). Implementation of Mitigation Measure 3.14-4 (Implement Mitigation Measure 3.14-4 [~~Construct a Traffic Signal at the Intersection of Seminary Drive/Ricardo Road/Vista Del Sol~~] Install and Activate Emergency Vehicle Preemption Devices) would reduce this impact to less than significant.

Comment O4-80

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
70	NA	NA	D. Kearney	NA	The cumulative analysis assumes that displaced residents can easily find housing within the existing stock or in nearby regions like the East Bay or San Francisco. This assumption oversimplifies the reality of housing availability, affordability, and the challenges of displacement, particularly for low-income or vulnerable populations. Recommendation: A more detailed analysis of the housing market conditions, including the affordability and suitability of the available housing, is needed to provide a clearer picture. It would be preferable to include a discussion of potential barriers displaced residents might face, such as cost, location, and availability of comparable units, which could affect the adequacy of the mitigation measures proposed.

Response O4-80

The comment states that the assumption in the cumulative analysis that displaced residents can easily find housing within the existing stock or in nearby regions, such as the East Bay or San Francisco, oversimplifies the reality of housing availability, affordability, and the challenges of displacement, particularly for low-income or vulnerable populations. It recommends including a more detailed analysis of the housing market conditions, including the affordability and suitability of the available housing, as well as a discussion of potential barriers that displaced residents might face, such as cost, location, and availability of comparable units.

As noted above in Response 04-75, "project-specific demands for additional … housing implicate social and economic, not environmental, concerns and, thus, are outside the CEQA purview." (*San Franciscans for Reasonable Growth v. City and County of San Francisco* (1989) 209 Cal.App.3d 1502, 1521, fn. 13.) Such social and economic issues are relevant under CEQA only to the extent that they implicate reasonably foreseeable physical environmental effects. (State CEQA Guidelines Section 15130(a).) Even so, the Draft EIR addressed the subject of where displaced residents might find shelter in more detail than was legally necessary under CEQA.

The cumulative impact analysis follows the approach described in Section 15130(b) of the State CEQA Guidelines. See Response O4-79 for more details on the approach to the cumulative impacts analysis. The discussion in Draft EIR Chapter 4, "Cumulative Impacts," in Section 4.3.12, "Population and Housing," states that existing and future housing in the region, along with state and local requirements regarding displacement, would be sufficient to prevent the project from making a cumulatively considerable contribution to a cumulative impact related to the displacement of people or homes. The analysis considers the number of housing units currently available in unincorporated Marin County, the number of new housing units anticipated under the County's current Housing Element, and the various benefits available to displaced residents. See Response O4-78 for updates to the cumulative impacts analysis to reflect the most recent housing data. Also, see Response O3-7 for further information on updates to the housing and vacancy data to reflect current data specific to the project analysis in Draft EIR Section 3.12, "Population and Housing."

Regarding displaced residents, for the proposed project, see Response O4-75. The vacancy rates in unincorporated Marin County and Marin County overall are 10.2 percent and 6.8 percent, respectively. A recent estimate indicates that more than 3,000 housing units are available in unincorporated Marin County (DOF 2025a). Substantially more housing is available if portions of the East Bay and San Francisco are also considered. In addition, the County is planning to facilitate the construction of 3,569 housing units with implementation of the updated Housing Element. A portion of this new housing would become available during the 4-year project construction period. Although 139 residential units and 66 dormitory rooms would be demolished under the project, the number of residential units on the site would increase to 337 units. Approximately 30 percent of the student and faculty population is anticipated to reside on-site, so a portion of the students and faculty displaced during construction would be expected to move back onto the project site following construction. Further, various benefits would be available to displaced residents. Lower-income residents, for example, would be entitled to payment of moving expenses; relocation assistance; and payment of the difference, if any, between affordable rent and rent for a "comparable" unit for up to 42 months. In addition, Program 3 of the Housing Element and Housing Density Bonus Law requires that any project that involves demolition of affordable housing on a project site replace the number of affordable units lost with new affordable units; otherwise, the project is not eligible for the density bonus and would be inconsistent with State law.

The list of projects considered in the cumulative impact analysis was expanded to allow a more complete consideration of cumulative impacts, and all but one of those newly listed projects involves bringing more residential development to the region. See Response O4-78 for updates to the cumulative impact analysis to reflect the updates to the cumulative projects list. The addition of these new projects does not change the conclusion presented in the Draft EIR and in fact supports it. Although providing the additional detailed analyses requested by the comment would provide important information, it is not directly pertinent to evaluating environmental impacts under CEQA and would not change the significance conclusions in the EIR. The analysis presented in Draft EIR Chapter 4, "Cumulative Impacts," in Section 4.3.12, "Population and Housing," and Section 3.12, "Population and Housing," is supported by specific, credible data based on facts from authoritative agency sources, reflecting a good-faith effort to accurately describe housing in the region and impacts related to the proposed project and cumulative impacts.

The Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comments under consideration before a decision on the project is rendered. No further analysis is not needed.

Comment O4-81

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
71	NA	NA	D. Kearney	NA	While the analysis states that no mitigation is required, this conclusion seems premature without a more detailed examination of potential indirect impacts, such as increased pressure on surrounding housing markets or public services. Additionally, there is a reliance on programs like the Housing Density Bonus Law without discussing how these will be enforced or monitored. Recommendation: The analysis should include a more detailed plan for monitoring the effectiveness of the proposed measures and a contingency plan if the expected outcomes (e.g., sufficient housing availability) do not materialize. Moreover, discussing exactly how enforcement of the Housing Density Bonus Law and other regulatory frameworks will be ensured would add credibility to the analysis.

Response O4-81

The comment states that, although the cumulative impact population and housing analysis concludes that no mitigation is required, the conclusion seems premature without a more detailed examination of potential indirect impacts, such as increased pressure on surrounding housing markets or public services. The comment recommends that the Draft EIR should identify how regulatory requirements, such as those of the Housing Density Bonus Law, would be enforced or monitored. The comment also recommends that the analysis should include a more detailed plan for monitoring the effectiveness of the proposed measures and a contingency plan if the expected outcomes (e.g., sufficient housing availability) do not materialize.

The cumulative impact analysis follows the approach described in Section 15130(b) of the State CEQA Guidelines. See Responses O4-78 and O4-79 for comments regarding the approach to the analysis. Although providing the additional detailed analyses requested by the comment would provide important information, it is not directly pertinent to evaluating environmental impacts under CEQA and would not change the significance conclusions in the EIR. The analysis presented in Draft EIR Chapter 4, "Cumulative Impacts," in Section 4.3.12, "Population and Housing," and Section 3.12, "Population and Housing," is supported by specific, credible data based on facts from authoritative agency sources, reflecting a good-faith effort to accurately describe housing in the region and impacts related to the proposed project and cumulative impacts. The Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comments under consideration before a decision on the project is rendered. No further analysis is not needed.

Comment O4-82

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
72	3.13	3.13-14	R. Wilke	It is anticipated that most of these jobs would be filled by people already living in the area and that a substantial number of individuals would not need to relocate to the area.	The DEIR states that most of the employees at the university and residential care facility would already be living in the Project area. What area was considered for this assumption? Jobs that would be available at the university may have specific education requirements in specialized disciplines. Additionally, residential care facility staff likely require specialized training. Is there data to support the assumption that the workforce is available in the Project area? If these workers are considered to be part of the 530 residents who would live on the Project site, how can the EIR also assume that these individuals would not relocate to the area?

Response O4-82

The comment asks whether there are data supporting the assumption that the workforce, especially those requiring specialized training, is available in the project area. It also asks what area was considered for the assumption. The comment further asks, if these workers are considered part of the 530 residents who would live on the project site, how could the Draft EIR also assume that these individuals would not relocate to the area?

As discussed in Draft EIR Section 3.12, "Population and Housing," under Impact 3.12-1 (Induce Substantial Unplanned Population Growth in an Area, Either Directly [for Example, by Proposing New Homes and Businesses] or Indirectly [for Example, through Extension of Roads or Other Infrastructure]), the project would generate up to approximately 253 jobs with full enrollment of the university (216 new campus jobs, 34 jobs for the new residential care facility, and three jobs for the new fitness center). In the southern portion of Marin County, within approximately 10 miles of Strawberry, are San Rafael, Mill Valley, Larkspur, San Anselmo, Tamalpais-Homestead Valley, Corte Madera, Tiburon, and several other cities and census designated places, which together with Strawberry have a combined population of more than 140,000. Extending the commute distance to approximately 15 miles would expand the region considered in the analysis to include portions of the East Bay and San Francisco, which would substantially expand the population under consideration. The expectation that most of the project-generated jobs would be filled by people already living within typical commute distances in the area is based on regional planning data, which constitutes substantial evidence demonstrating the vast size of the population, the comparatively small number of jobs to be filled, and the fact that most of these jobs would not require specialized training. Most of the jobs would require experience (e.g., office, administration, caregiving, maintenance), but relatively few would be considered highly technical. Additionally, the Draft EIR has been updated with the most recent employment data as shown below. These changes represent minor revisions and do not alter the scope, magnitude, or conclusions of the Draft EIR.

Regarding the last question in the comment, the Draft EIR does not assume that none of the approximately 530 on-site residents would relocate to the area. It states that because of the large population within a 10- and 15-mile commute to the project site, most of the workforce would be expected to come from the existing population, and the number of people expected to relocate to the area with implementation of the project is not expected to be substantial. Because the analysis focuses on the issues of displacement and replacement housing as they relate to the creation of an environmental impact, those who would relocate to the area and live on-site (and therefore would not increase demand for housing in the area) would not be a concern.

ORIGINAL:

EMPLOYMENT

According to the California Employment Development Department, Marin County had a labor force of 131,400 in May 2023. Of this total, 127,500 were employed, for an unemployment rate of 3.0 (EDD 2023). According to Data USA, which presents economic data based on data drawn from the US Census Bureau, the largest employment sectors for those living in Marin County in 2020 were professional, scientific, and technical services (16.6 percent); health care and social assistance (12.8 percent); and retail trade (9.7 percent) (Data USA n.d.). Employment opportunities (i.e., the number of total jobs) in Marin County have been declining and are expected to continue to decline per ABAG job growth projections. ABAG estimates that there were 135,000 jobs in Marin County in 2015 and forecasts a decline of 19,000 jobs, or 14 percent, to 116,000 jobs in the county by 2050 (ABAG 2021).

REVISED:

EMPLOYMENT

According to the California Employment Development Department, Marin County had a labor force of 131,400 in May 2023. Of this total, 127,500 were employed, for an unemployment rate of 3.0 (EDD 2023). According to Data USA, which presents economic data based on data drawn from the US Census Bureau, the largest employment sectors for those living in Marin County in 2020 were professional, scientific, and

technical services (16.6 percent); health care and social assistance (12.8 percent); and retail trade (9.7 percent) (Data USA n.d.). As of July 2025, California Employment Development Department data shows Marin County had a labor force of 127,100. Of this total, 121,000 were employed, for an unemployment rate of 4.8 (EDD 2025). Employment opportunities (i.e., the number of total jobs) in Marin County have been declining and are expected to continue to decline per ABAG job growth projections. ABAG estimates that there were 135,000 jobs in Marin County in 2015 and forecasts a decline of 19,000 jobs, or 14 percent, to 116,000 jobs in the county by 2050 (ABAG 2021).

Comment O4-83

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
73	3.13	3.13-14	R. Wilke	Therefore, an increase in 253 employees would not have a substantial impact on the demand for fire protection facilities and services.	Why does the analysis only consider the additional employees as a potential impact on the demand for fire protection facilities and services? The DEIR states that SMFD expressed concern that traffic associated with the increased population at the Project may cause delays in emergency response in the area. The analysis should consider the impact of the project's entire population, including 530 residents, 253 employees, and up to 1,000 students that may be present on site during an emergency.

Response O4-83

The comment asks why the analysis considers only the additional employees as a potential impact on the demand for fire protection facilities and services. It states that the analysis should consider the impact of the project's entire population, including 530 residents, 253 employees, and up to 1,000 students that may be present on site during an emergency. The comment also mentions that the Draft EIR states that SMFD expressed concern that traffic associated with the increased population on the project site might cause delays in emergency response in the area.

The comment overstates the number of people potentially on-site during an emergency. A portion of the 530 residents would be some of the 253 employees and (potentially) 1,000 students. Contrary to the comment's assertion, Impact 3.13-1 (Result in Increased Demand for Fire Protection Facilities and Services) in Draft EIR Section 3.13, "Public Services and Recreation," considers the impact of the increase in population on-site, not just the additional employees. Further, the project would be designed and operated according to applicable federal, state, and local requirements, which include provisions for smoke detectors; sprinklers; building and emergency access; and hydrant sizing, pressure, and siting. As part of the County's development review process, SMFD would confirm that fire protection services and facilities are adequate to serve the project, and the project would adhere to all applicable requirements related to fire protection and emergency access. In addition, the project applicant would be required to pay a fire prevention fee to offset the development's increased demand for fire response services.

Preparation of the analysis involved sharing project plans with SMFD to allow the fire district the opportunity to identify any concerns it has regarding project design. Input from SMFD led to creation of Mitigation Measure 3.14-4 (Construct a Roundabout at the Intersection of Seminary Drive/Ricardo Road/Vista Del Sol). Subsequent to publication of the Draft EIR for public review, County staff and SMFD continued to discuss and coordinate on Mitigation Measure 3.14-4. During preparation of the Final EIR, Mitigation Measure 3.14-4, which identified constructing a roundabout or an alternative traffic signal at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol, has been modified. See Final EIR Section 3.2.12, Master Response: Emergency Vehicle Access Mitigation Measure, that describes the revisions. Following review of the updated mitigation, SMFD had no further concerns regarding the project. Should the project be approved, SMFD would also do a review of final design plans during the permit and design review phase before building permits would be issued. Thus, the analysis in the EIR does consider the impact of the increase in population on-site, not just the additional employees, and also involved consultation with SMFD during preparation of the both the Draft EIR and Final EIR. Therefore, the Draft EIR analysis conducted a good faith evaluation, consulted with the affected fire district, and appropriately described the nature and magnitude of potential impacts on fire protection services. The conclusions and adequacy of the analysis in the Draft EIR related to fire protection services are adequate.

Note that updates were made to Draft EIR Section 3.13, "Public Services and Recreation," under Impact 3.13-1 to reflect the modifications to Mitigation Measure 3.14-4. These changes are also reflected in Final EIR Chapter 4, "Revisions to the Draft EIR."

ORIGINAL:

Mitigation Measures

Implement Mitigation Measure 3.14-4 (Construct a Roundabout at the Intersection of Seminary Drive/Ricardo Road/Vista Del Sol), as described in Section 3.14, "Transportation."

Significance after Mitigation

Mitigation Measure 3.14-4 would require the project applicant to either construct a roundabout or construct a traffic signal at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol to facilitate the movement of vehicles if and when emergency response is needed in the area. If a roundabout is constructed, the design of the roundabout would include a potential advance warning devices to stop traffic entering the roundabout when fire trucks are traveling through the intersection. Should a traffic signal be constructed, the signal would interconnect to the traffic signal at the Redwood Highway Frontage Road/Seminary Drive intersection, and emergency vehicle pre-emption devices would be implemented at both intersection traffic signals. Implementing Mitigation Measure 3.15-4 would reduce the impact on increased demand for fire protection services. Therefore, the impact would be **less than significant with mitigation incorporated**.

REVISED:

Mitigation Measures

Implement Mitigation Measure 3.14-4 (~~Construct a Roundabout at the Intersection of Seminary Drive/Ricardo Road/Vista Del Sol~~ Install and Activate Emergency Vehicle Preemption Devices), as described in Section 3.14, "Transportation."

Significance after Mitigation

Mitigation Measure 3.14-4 would require the project applicant to purchase, install, and activate emergency vehicle preemption devices in the traffic signals at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive as well as seven fire station vehicles housed at Southern Marin Fire District Strawberry Fire Station 9. Mitigation Measure 3.14-4 would help maintain vehicular flow during emergency response by prioritizing right-of-way for emergency vehicles traveling from Fire Station 9 to US 101 ~~either construct a roundabout or construct a traffic signal at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol to facilitate the movement of vehicles if and when emergency response is needed in the area. If a roundabout is constructed, the design of the roundabout would include a potential advance warning devices to stop traffic entering the roundabout when fire trucks are traveling through the intersection. Should a traffic signal be constructed, the signal would interconnect to the traffic signal at the Redwood Highway Frontage Road/Seminary Drive intersection, and emergency vehicle pre-emption devices would be implemented at both intersection traffic signals~~. Implementing Mitigation Measure 3.15-4 would reduce the impact on increased demand for fire protection services. Therefore, the impact would be **less than significant with mitigation incorporated**.

Comment O4-84

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
74	3.13	3.13-14	D. Kearney	Environmental Impacts and Mitigation Measures	The public services impact analysis makes no mention of the impacts generated by increasing the current school enrollment from 100 students who reside on campus to a future of 1000 students who commute to school. Rather the impacts on public services are limited to the projected increase in the future housed population (net increase of 530 including 220 elderly residents) and the projected increase in employees on site (253). The impacts on public safety resources of the potential increase of 900 commuting students should be analyzed beyond traffic impacts.

Response O4-84

The comment states that the public services impact analysis makes no mention of the impacts generated by increasing the current school enrollment from 100 students who reside on campus to a future of 1,000 students who commute to school. Instead, the comment states, the analysis focuses on the projected increase in the future housed population and the projected increase in employees on-site. The comment states that impacts on public safety resources associated with the potential increase of 900 commuting students should be analyzed beyond traffic impacts.

As described in Draft EIR Chapter 2, "Project Description," approximately one-third of the housing on-site would be expected to be occupied by university-affiliated residents (i.e., students, staff, and faculty). Therefore, the potential number of commuting students would be less than assumed in the comment. The commute-related impact on transportation is analyzed in Draft EIR Section 3.14, "Transportation." Draft EIR Section 3.13, "Public Services and Recreation," presents analysis of impacts on fire protection facilities and services (Impact 3.13-1) and police protection facilities and services (Impact 3.13-2). As discussed in Response O4-73, for students, staff, and faculty commuting to the academic campus, most are anticipated to come from the surrounding area, and thus their demand for public services would be primarily affiliated with the area in which they reside. Additionally, their presence on the project site would be transitory in nature depending on class schedules and work shifts, and would not warrant the provision of new or additional public services.

Additionally, the project would be designed and operated according to applicable federal, state, and local requirements, which include provisions for smoke detectors; sprinklers; building and emergency access; and hydrant sizing, pressure, and siting. Also, the project applicant would be required to pay a fire prevention fee to offset the impact of the development on the provision of fire services. Further, the project would be subject to review and approval by the SMFD and the Marin County Sheriff's Office before building permits are issued, and preparation of the analysis involved consultation with both agencies. Aside from the public safety concern raised by SMFD, which would be addressed by implementation of Mitigation Measure 3.14-4 (Install and Activate Emergency Vehicle Preemption Devices) (see Response O4-83 and Final EIR Section 3.2.12, "Master Response: Emergency Vehicle Access Mitigation Measure," for more information), no other public safety concerns were raised by the agencies. The comment does not specify particular public safety concerns, so no further response is needed.

Comment O4-85

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
75	3.13	3.13-15	R. Wilke	SMFD also expressed concern that traffic associated with the increase in population under the project might cause delays in emergency response in the area (Hilliard, pers. comm., 2022). The potential for the project to generate additional trips in the vicinity of the project site resulting in potential delays to vehicles, including emergency response, and potentially impacting emergency access is discussed further in Section 3.14, "Transportation."	The analysis states that SMFD was concerned that the increased population would potentially delay emergency response but does not clearly describe the actual impact related to fire protection facilities and emergency services. Because the analysis does not clearly identify the impact, it is unclear how or if the mitigation measure (Mitigation Measure 3.14-4) adequately mitigates the impact to a less than significant level.

Response O4-85

The comment states that the analysis in the Draft EIR identifies SMFD's concern that the increased population would potentially delay emergency response but does not clearly describe the actual impact. It further states that because the analysis does not clearly identify the impact, it is unclear how or whether the mitigation measure (Mitigation Measure 3.14-4) would mitigate the impact to less than significant.

As described in Draft EIR Section 3.13, "Public Services and Recreation," Section 3.13.3 details the methodology for evaluating potential impacts on public services and recreation. In addition, the thresholds of significance for identifying impacts are also described in Section 3.13.3 and states that an impact would be significant if implementation of the project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services.

Moreover, Section 3.13.3 explains that as these significance thresholds suggest the appropriate focus in addressing public service demand issues under CEQA is on the environmental effects of whatever physical steps might be necessary to achieve or maintain adequate service. (See Draft EIR, p. 3-13-3, citing *City of Hayward v. Board of Trustees of the Cal. State University* (2015) 242 Cal.App.4th 833, 843 ["[t]he need for additional fire protection services is not an environmental impact that CEQA requires a project proponent to mitigate"]; *Goleta Union School Dist. v. Regents of Univ. of Cal.* (1995) 37 Cal.App.4th 1025, 1031–1034 [school overcrowding attributable to new development is not an environmental effect subject to CEQA, though the physical effects of new facility construction to serve new students would be]; and State CEQA Guidelines, § 15131, subd. (a) ["[e]conomic or social effects of a project shall not be treated as significant effects on the environment"].)

As described in Draft EIR Section 3.13, "Public Services and Recreation," under Impact 3.13-1 (Result in Increased Demand for Fire Protection Facilities and Services), a potentially significant impact may occur because project-related traffic associated with the increase in population might cause delays in emergency response in the area. While SMFD expressed implementation of the project would not necessitate the construction of new or expanded fire service facilities, additional staff may be required depending on the number of increased EMS calls (Hilliard, pers. comm., 2022, 2023). The analysis under Impact 3.13-1 goes on to state that operation of the residential care facility would require approximately 34 employees at varying shifts and two 24/7 staffed positions, and medical staff in the facility would be available to assist with nonemergency incidents. One of the medical staff at the facility would be a certified emergency medical technician, who would be able to address most of the incidents that typically would otherwise result in calls to the fire department. Thus, although additional emergency response staff may be needed, the EIR found it would not be to the level that new or physically altered fire protection facilities would be required the construction of which could cause significant environmental impacts. Nonetheless, because of concerns expressed by SMFD that traffic associated with the increase in population under the project may cause emergency response in the area to be delayed, Mitigation Measure 3.14.-4 was included to reduce any potential impact on increased demand for fire protection services. It should also be noted that during preparation of the Final EIR, County staff and SMFD continued to discuss and coordinate on Mitigation Measure 3.14-4. During preparation of the Final EIR, Mitigation Measure 3.14-4, which identified constructing a roundabout or an alternative traffic signal at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol, has been modified. See Final EIR Section 3.2.12, Master Response: Emergency Vehicle Access Mitigation Measure, which describes the revisions. The potential for the project to generate additional trips in the vicinity of the project site resulting in potential delays to vehicles, including emergency response, and potentially impacting emergency access see Draft EIR Section 3.14, "Transportation."

Comment O4-86

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
76	3.13	3.13-15	R. Wilke	As part of the County's development review process, SMFD would ensure that existing fire protection services and facilities are adequate to serve the project, and the project would adhere to all applicable requirements related to fire protection.	This sentence states that SMFD would ensure that existing fire protection services and facilities are adequate to serve the project as part of the County's development review process. When will the development review process occur if it has not already? If SMFD has not determined that the existing facilities are adequate to serve the project, then there is still potential for the facilities to be inadequate, resulting in impacts to the environment as a result of new or expanded facilities.

Response O4-86

The comment refers to the following sentence from the discussion of Impact 3.13-1 in Draft EIR Section 3.13, "Public Services and Recreation": "As part of the County's development review process, SMFD [Southern Marin Fire Protection District] would ensure that existing fire protection services and facilities are adequate to serve the project, and the project would adhere to all applicable requirements related to fire protection." The comment asks when the development process involving SMFD would occur if it has not already. It also states that if SMFD has not determined that the existing facilities are adequate to serve the project, then there is still potential for the facilities to be inadequate, resulting in impacts on the environment as a result of new or expanded facilities.

As discussed in Response O4-85 above, County staff and SMFD coordinated during preparation of both the Draft and Final EIR. See Response O4-85 above for a summary of coordination and input provided by SMFD regarding existing facilities and recommendation of Mitigation Measure 3.14-4 to reduce any potential impact on increased demand for fire protection services. Additionally, should the project be approved, SMFD would also do a review of final design plans during the permit and design review phase before building permits would be issued. Therefore, SMFD has reviewed the applicable project application files as well as the EIR analysis and determined that implementation of the project would not necessitate the construction of new or expanded fire service facilities; however mitigation was recommended to reduce any potential impact on increased demand for fire protection services.

Comment O4-87

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
77	3.13	3.13-16	R. Wilke	Therefore, an increase in 253 employees would not have a substantial impact on the demand for police protection facilities and services.	The analysis should consider the potential impact that the increase in residents, employees, and students will have on police protection facilities and services and not just the increase in employees. The project would add 530 new residents, 253 employees, and up to 900 additional students compared to existing conditions. This is a substantial increase in the number of people who would be using the site, and the analysis does not reflect this increase in population. Instead, the analysis states that the increase in employees would not have a substantial demand for police protection facilities and services. The analysis is inadequate to determine if the project, in its entirety, would require new or expanded police facilities.

Response O4-87

The comment states that the analysis of Impact 3.13-2 should consider the potential impact that the increase in residents, employees, and students would have on police protection facilities and services and not just the increase in employees. It further states that this is a substantial increase in the number of people who would be using the site and that the analysis does not reflect this increase in population.

The comment misinterprets the impact analysis of demands on police services. As discussed in Draft EIR Section 3.13, "Public Services and Recreation," under Impact 3.13-2, the analysis addresses the impact on the provision of police protection services of increasing population on the site by approximately 530 residents. It does not, as stated in the comment, focus only on the increase in employees. According to the Marin County Sheriff's Office, which was consulted during preparation of the Draft EIR, existing staffing levels would be sufficient to address the increase in population on-site, and no reduction in service to the unincorporated county in general would be expected. In addition, no additional facilities or equipment would be required (Schneider, pers. comm., 2022; Schermerhorn, pers. comm., 2023). Further, the project would be subject to review and approval by the Sheriff's Office, based on uniformly applied standards and regulations. Should the project be approved, as part of the standard permit and design review process, the Sheriff's Office would determine its ability to provide services and would make project-specific recommendations to maintain an acceptable level of service. Without County approval, the project would not receive a building permit or occupancy permit, depending on the specific issue identified by the Sheriff's Office.

Comment O4-88

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
78	3.13	3.13-17	R. Wilke	NA	The analysis does not appear to account for students that may be enrolled in the Mill Valley School District or Tamalpais Union High School District by a parent's place of employment.

Response O4-88

The comment states that the analysis does not appear to account for students that may be enrolled in the Mill Valley School District or Tamalpais Union High School District by a parent's place of employment. In Draft EIR Section 3.13, "Public Services and Recreation," under Impact 3.13-3, the analysis restates the enrollment numbers stated in the "Schools" section in Section 3.13.2. Implementation of the project would increase the number of housing units on the

project site by 185 (including the residential care facility), generating an estimated 93 students in the Mill Valley School District and 37 students in the Tamalpais Union High School District. This increase in school district populations would not be substantial, and both the Mill Valley School District and the Tamalpais Union High School District could accommodate this increase in student population. It is unclear why the comment refers to a parent's place of employment. In general, the school to which a student is assigned is determined based on the district in which the student resides, not on a parent's place of employment. While some students on occasion are enrolled in school districts outside of their assigned district, it is speculative to assume for the project analysis and would not be a substantial number such that a significant impact requiring construction of new or expanded facilities would occur and would not change the conclusions in the Draft EIR.

Comment O4-89

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
79	3.13	3.13-17	R. Wilke	The student generation anticipated under the project, determined by multiplying the student generation rates of 0.5 (for the Mill Valley School District) and 0.2 (for the Tamalpais Union High School District) by 184 units, would be 93 new students in the Mill Valley School District and 37 new students in the Tamalpais Union High School District. The student generation rates are multiplied by 184 units rather than 185, the total number of anticipated new dwelling units, because construction and operation of the residential care facility are not expected to contribute to local student populations.	The number of additional students was calculated using a student generation rate of 0.5 for elementary school and 0.2 for high school students. Each generation rate was multiplied by 184 units, but the project would create 323 new units (excluding the residential care facility), per Table 2-1 and Table 2-2 in the Project Description. More information is needed in the analysis to understand why the generation rate was not applied to all of the residential units that would be constructed as part of the project. Even if one-bedroom units were excluded, the number of new residences would be 299 units.

Response O4-89

The comment states that the number of additional students was calculated using a student generation rate of 0.5 for elementary school and 0.2 for high school students. Each generation rate was multiplied by 184 units, the comment notes, but the project would create 323 new units (excluding the residential care facility), as shown in Tables 2-1 and 2-2 in Chapter 2, "Project Description." It is true that the project involves creating 323 new residential units (excluding the residential care facility), as noted in the comment; however, as described in Draft EIR Section 2.6.2, "Residential Development" and Table 2-1, the project also involves demolition of 24 residential units in the Seminary Point Planning Area, 93 residential units in the Hodges/Shuck Planning Area, 15 residential units in the Reed/Storer/Shuck Planning Area, and the dormitory in the Dormitory Hill Planning Area, which is counted as seven residential units, for a total of 139 units. The net increase in residential units under the project is therefore determined by subtracting the 139 units that would be demolished from the 323 residential units that would be built, leaving a net increase of 184 residential units (not including the residential care facility). This is also described in Draft EIR Section 3.13, "Public Services and Recreation," under Impact 3.13-3. In addition, as the comment notes, the generation factors used to calculate the estimated number of students generated by the proposed project are also described under Impact 3.13-3 on page 3.13-17 of the Draft EIR. Therefore, the analysis accurately describes the total number of residential units to be constructed with implementation of the project, including the number of existing units which would be replaced as well as the net increase in new residential units to constructed, and how student generation rates were calculated. No revisions to the Draft EIR are warranted.

Comment O4-90

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
80	3.13	3.13-18	R. Wilke	NA	The analysis under Impact 3.13-4 does not consider demand for recreation facilities from students who would spend time at the academic campus. The analysis does not describe the impacts of construction on recreation resources. Recreation facilities are open to the public but would not be available during construction. The impact from project construction is not discussed.

Response O4-90

The comment states that the analysis under Impact 3.13-4 does not consider the demand for recreation facilities from students, the impacts of construction on recreation resources, or the loss of public access to recreation facilities during construction.

The resident population of the proposed project is the most meaningful indicator of a change in recreation demand affecting facilities in the Strawberry community, because residents would be present year-round and may be seeking recreation opportunities every day. By comparison, academic campus students are present during classes or special campus activities when they would be busy and not adding to recreation facility demand, for purposes of studying when recreation would be in short breaks necessarily focused close-by on campus, and for less than a full year based on academic calendars. Additional recreation demand on Strawberry community recreation resources from academic campus students would, therefore, be modest at most, and minor compared to demand created by project residents. For these reasons, CEQA analysis of demand for park facilities and services focuses on the increase in population associated with implementation of the project under consideration, because it is an increase in population that generates an increased demand for park facilities and services.

Also see Responses O4-73 and O4-84. For students, staff, and faculty commuting to the academic campus, most are anticipated to come from the surrounding area and their demand for public services would be primarily affiliated with the area where they reside. While their presence on the project site would be transitory in nature depending on class schedules and work shifts, if they had time for nearby outdoor recreation, the project site paths, trails, and open space would be the closest recreation resources; therefore, even if recreation needs of the students were considered, they would have to pass up on-site resources to use community recreation resources, and would, therefore, not increase demand to the level necessitating the provision of new or additional public services.

While public accessibility to the project site is not controlled by the landowner, allowing recreation use by the outside community, the property is privately owned and does not constitute a permanent community park or recreation area. Temporary inaccessibility of private property (i.e., the project site) for recreation use by the surrounding community may be an important social consideration, but is not an environmental impact under CEQA. Rather, the CEQA issue is whether construction of recreation facilities might have an adverse effect on the environment. The impacts of construction of recreation resources on-site are addressed by Impact 3.13-7 (Include Recreational Facilities or Require the Construction or Expansion of Recreational Facilities That Might Have an Adverse Physical Effect on the Environment). As discussed for that impact, implementing the project involves modifying recreation and open space features on the site, making improvements to existing trails, and establishing new trails and pathways. The modification would involve raising the 2-acre Seminary Playing Field approximately 25–30 feet to assist with balancing grading onsite, resulting in a landscaped berm adjacent to Seminary Drive. The elevated field would remain available for use as a playing field after project completion. The 4-foot-wide trail that begins at the main entrance to the project site at Seminary Drive and wraps around Seminary Point would be improved, and new trails on the new berm, in the Forested Knoll in the Seminary Point Planning Area, and in the portion of Storer Drive parallel to East Strawberry Road would be constructed. Trails available for community recreational use would be improved after the project, compared to existing conditions.

Detailed construction plans are not yet available, so it is uncertain when the construction activities affecting recreation resources would occur during the 4-year project construction period, how much time would be required to complete them, and all the locations where public access to recreation resources would be temporarily lost; however, areas of

the project site would remain open and available for recreation activities throughout project construction. Further, extensive recreational opportunities are available elsewhere in Marin County, including the Pacific coast on the west, San Pablo Bay on the east, tens of thousands of acres of open space, hundreds of acres of parks, and miles of scenic trails. Therefore, the permanent and temporary loss of access to recreation facilities on the privately owned project site would be minor (and as noted above would not be an environmental impact under CEQA).

Per Marin County Code 22.84.070, the new or improved trails and pathways constructed under the project may be dedicated for park or recreation purposes as part of the project permitting process, or payment of in lieu fees (or a combination of both) may be required pursuant to Marin County Code 22.98.040. The details regarding the project applicant's implementation of its obligation under the Marin County Development Code would be determined following project approval if the project is approved. Because the project applicant would comply with the County Code requirement, this impact, including the impact that would occur during project construction, would be less than significant. Therefore, no mitigation is required under CEQA; however, the Marin County Planning Commission and Board of Supervisors will take the concerns raised in the comment into consideration before the decision on the project is rendered.

Comment O4-91

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
81	NCLH TIA	All	P. Ho	NA	General review comments on the following areas: Study methodology; trip generation assumptions; traffic directional distribution assumptions; street and intersection capacity (LOS) analyses; road segment analysis; vehicle queuing analysis; construction impact analysis; VMT analysis, and traffic safety analysis; our comments are arranged based on the page number/order as they appear in the NCLH Traffic Report: Recommendation: Revisit the above areas and revise the report as appropriate.

Response O4-91

The comment is introductory in nature and provides an overview of the more detailed comments that follow regarding the TIA. The specific comments raised following this introduction are listed separately below, along with the County's individual responses. Therefore, no further response is required.

Comment O4-92

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
82	NCLH TIA	11	P. Ho	Existing Conditions (Table 1 Significant Streets in the Study Area)	Insufficient traffic data on street segments These are key streets in the study area, more traffic data is needed on these streets to describe their conditions. Recommendation: Table 1 needs to include several more columns to show the design capacities of these streets and their current traffic volumes. This will provide a better picture of the level of saturation/congestion of these streets, and whether or not they can accommodate the added NCHL traffic.

Response O4-92

The comment states that Table 1 in the TIS (included as Appendix Q in the Draft EIR) should include the design capacity and existing traffic volumes of each roadway. The comment addresses the analysis conducted for the Level of Service (LOS) Assessment Memo provided in Appendix R of the Draft EIR. The LOS assessment was provided for the County's consideration of project merits to identify whether study intersections would meet the County LOS standard with the addition of project traffic. The LOS assessment is not used to determine environmental impacts under CEQA (in accordance with State CEQA Guidelines Section 15064.3(a)) but may inform decisions about the merits of the proposed project. As mentioned in the introduction to Section 3.14, "Transportation," of the Draft EIR, the memo was appended to the Draft EIR for informational purposes only. The Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comments under consideration before a decision on the project is rendered. No edits or revisions are warranted in the Final EIR.

Comment O4-93

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
83	NCLH TIA	18-19	P. Ho	Emergency Vehicle Access	Insufficient traffic data on access routes Since these are emergency access routes, as such, the report should include more details on road conditions such as street width, pavement conditions, traffic volumes, street parking, etc. Recommendation: Need to add more details of these emergency access routes in terms of street width, and whether or not street parking is permitted on these streets as this can impede fire truck or other emergency vehicle access.

Response O4-93

The comment requests that more details be added to the descriptions of emergency access routes provided in the transportation impact analysis. In Draft EIR Section 3.14, "Transportation," under Impact 3.14-4, the Draft EIR includes an evaluation of emergency vehicle ingress/egress routes to the Strawberry community that was done in consultation with SMFD Fire Station 9 Strawberry personnel. The evaluation identifies primary egress routes for fire trucks from Station 9 Strawberry and street segments along the egress routes where the project would add vehicle trips. As a result of this evaluation, a potentially significant impact was identified for the route to US 101 via Ricardo Road, Seminary Drive, and Redwood Highway Frontage Road. Mitigation Measure 3.14-4 is identified to address the emergency vehicle access impact. See Final EIR Section 3.2.12, "Master Response: Emergency Vehicle Access Mitigation Measure." Additionally, SMFD personnel would review the final project plans before issuance of any building permits to ensure emergency access is adequate and maintained during operations. The Draft EIR appropriately describes the nature and magnitude of potential impacts on emergency vehicle access and the conclusions and adequacy of the analysis in the Draft EIR related to emergency access is adequate. Therefore, no changes to the Draft EIR are required in response to this comment.

Comment O4-94

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
84	NCLH TIA	20-21	P. Ho	Transportation Safety (Collision History)	Insufficient transportation safety analysis: The report reviewed reported traffic collisions in the study area but neglected to identify and call out other locations that are susceptible to traffic collisions and accidents due to the roadway's geometry, speed, and topography. There are many curves, horizontal and vertical, along Seminary Drive and East Strawberry Drive that restrict drivers' sight distances and need to be evaluated. Specifically, the intersections of Seminary Drive at Hodges Drive and Strawberry Drive at Chapel Drive, Both intersections have limited sight distances due to curves, trees, and shrubs. The right-turn lane traffic, which is not controlled by the traffic light from eastbound Tiburon Drive (SR 131) to southbound Strawberry Drive has a very short line of sight (<100 feet long) to Belvedere Drive. Additionally, the right turn slopes downwards to the south, and at 45 mph, from Tiburon Boulevard drivers turning right may not have sufficient time to stop when he/she sees a vehicle exiting from Belvedere Drive. When there is more than one vehicle making that right turn at the same time from Tiburon Drive, the sight distance of the driver of the second vehicle will be further reduced. If the first driver needs to make a sudden brake for a vehicle exiting Belvedere Drive, he/she may run the risk of being rear-ended by the second vehicle. A section of Seminary Drive further south of Gilbert Drive by the curve near the water appears to have a negative super-elevation toward the waterside, which can be difficult for drivers to navigate at high speeds (the posted speed limit at this

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
					section is 35 mph) and may cause drivers to skid and lose control of their vehicles as they navigate the turn. Another safety concern is near the 300 block at E. Strawberry Drive where the street is grade-separated and on a curve. The southbound direction on the upper level has no guardrail and the travel lane is narrow. A fast-moving vehicle could fall to the lower level if the driver fails to exercise extreme caution. The lower section also has narrow travel lanes, narrow sidewalks, multiple residential access to and from garages, and limited setbacks, creating another safety issue. Additionally, a section of Reed Boulevard between Storer Drive and Richardson Drive is hazardous. The street pavement is in poor conditions and is less than 20 feet wide. It has no shoulders and must provide for vehicle travel in both directions. Further, there are a number of carports on the east side of the street with very little setback from the traffic lane. When vehicles back out from the carport, they will immediately back into the traffic lane, and into moving traffic. Added traffic from the proposed Project will worsen these conditions. While the street widens north of Richardson Drive, its intersection with Redwood Drive presents another hazardous situation First, there are two business center driveways located just north of Reed Drive. The first measures approximately 35 feet away, and the second about 50 feet from the first driveway. These driveways are too close together as they restrict motorists' ability to see and avoid each other when they enter Redwood Drive. The condition for motorists turning from Reed Drive to Redwood Drive is hazardous as he/she must watch for vehicles exiting the business center. He/she must also simultaneously watch for pedestrians at the crosswalk (located even closer than the first business center driveway), while also watching for northbound vehicles coming around the curve at Redwood Drive. These conditions must be carefully investigated. It should be noted that the pedestrian crosswalk on Redwood Drive stops short of the freeway off-ramp, leaving pedestrians without protection. These unsafe conditions should be identified within the report and included with possible mitigations. Recommendation: Study the conditions at the above locations and identify mitigation strategies as needed. In fact, E. Strawberry Drive between Herring Drive and Tiburon Boulevard has many traffic safety issues due to its curves, narrow travel lanes, limited or lack of sidewalks, multiple residential driveway access, and many minor side streets connecting to E. Strawberry Drive from various directions and angles. An in-depth safety evaluation, as a separate study, along E. Strawberry Drive should be considered.

Response O4-94

The comment asserts that the transportation analysis lacks a sufficient evaluation of roadway safety conditions. The comment recommends a more comprehensive safety analysis at specific locations, including identification of mitigation measures. See Final EIR Section 3.1.11, Master Response: Transportation Safety, and the Existing Intersections Review Memo provided in Appendix D of the Final EIR.

As described in Master Response: Transportation Safety, LOS assessment is not used to determine environmental impacts under CEQA (in accordance with State CEQA Guidelines Section 15064.3(a)), but may inform decisions about the merits of the proposed project. Consistent with Appendix G of the State CEQA Guidelines, Impact 3.14-3 in the Draft EIR evaluates whether the project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impact 3.14-3 identifies potentially significant impacts due to potential parking spillover on surrounding streets where sidewalks and crosswalks do not exist, construction activities, and the proposed design of on-site streets. Mitigation Measures 3.14-3a (Develop a Construction Traffic Control Plan), 3.14-3b (Design Roads to Meet County, ADA, and PROWAG

Standards), and 3.14-3c (Implement Measures to Reduce Parking Demand and/or Increase Supply for the Academic Campus) address potentially significant safety impacts identified in the Draft EIR and would reduce these impacts to less than significant.

While traffic safety issues were raised at other intersections identified in public comments, the intersections were found to not receive sufficient additional project traffic to substantially change existing safety conditions. The TIS, provided as Appendix Q of the Draft EIR, includes a review of local safety plans and collision data within the project study area, as summarized in Master Response: Transportation Safety. The TIS reviewed collision data for a 5-year period between 2015 and 2019. Based on the above considerations, the Draft EIR determined that none of the intersections on the Strawberry peninsula, including those identified in public comments, would experience an increase in traffic sufficient to result in a substantial change in safety hazards as a result of the project. However, because of community concerns and based on consultation with County staff in response to those concerns, Fehr & Peers conducted an additional review of existing intersection conditions and safety issues (Final EIR Appendix D) after the Draft EIR to provide supplemental information for the County's consideration of project merits and potential improvements that could become conditions of approval as a result of the merits review. The results of this review are provided in the Existing Intersections Review Memorandum attached Appendix D to this Final EIR.

The memorandum in Final EIR Appendix D contains updated collision data reported from the TIMS for the study area for the 5-year period from September 2019 through September 2024, which is the most current collision data available. No fatalities were among the reported collisions in the most recent 5-year period. As with the data from 2015 through 2019, most of the reported collisions involved vehicles and were located along the Redwood Highway Frontage Road and Tiburon Boulevard. The updated collision data confirmed the Draft EIR conclusions about traffic safety impacts. Final EIR Section 3.2.11, Master Response: Transportation Safety, and the Existing Intersections Review Memorandum (Final EIR Appendix D) provide a summary of collisions involving pedestrians and bicyclists in the most recent 5-year period for which data is available.

The Existing Intersections Review Memo (Final EIR Appendix D) summarizes relevant measures implemented by Marin County or Caltrans in recent years at the study locations as well as planned improvement measures. The memo also identifies potential safety improvement strategies at the following nine locations:

- Reed Boulevard – Storer Drive to Richardson Drive
- Reed Boulevard and Redwood Highway Frontage Road
- Ricardo Road east of Seminary Drive
- Seminary Drive and Hodges Drive/Gilbert Drive
- Seminary Drive and Chapel Drive
- E. Strawberry Drive from Belvedere Drive to Ricardo Lane
- 300 block of E. Strawberry Drive
- Redwood Highway Frontage Road and US 101 Northbound Seminary Ramps
- E. Strawberry Drive and Belvedere Drive

The safety improvement strategies identified in the memo are considerations for voluntary enhancements by the project applicant or merits-based conditions imposed by the County. These improvement options are not related to a CEQA environmental impact, so they are not defined as "mitigation measures," because the project's trip generation would be insufficient to substantially change existing transportation hazards in the study area. The lack of substantial change in traffic is evidenced in the LOS Assessment Memo, where analysis concluded that LOS would meet County standards with or without the project and after adding project traffic, LOS would remain at D with continued stable traffic flow. Therefore, the findings of the Existing Intersections Review Memorandum (Final EIR Appendix D) do not change the adequacy of the analysis in the Draft EIR. No change to the Draft EIR is warranted.

Comment O4-95

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
86	NCLH TIA	27	P. Ho	III METHODOLOGY (Analysis Scenarios)	Insufficient analysis scenarios The NCLH TIA evaluated only four traffic scenarios; Existing+Project and 2040+Project, which is inadequate. The Existing + Project scenario is not likely to occur within the next couple of years, which means its traffic scenario cannot be meaningfully applied. We believe the study should add an Existing + Short-term Growth scenario to account for area growth and development in the next 5 or 10 years when the project is expected to be completed. This will better capture the traffic impact when the project occurs. Further, the report indicated in the 2040 scenario is based on MTC's Plan Bay Area 2040 land use forecasts. Why not use the Marin County Model which is available at the Transportation Authority of Marin (TAM), and is more focused on the Marin County land use and development activities? Recommendation: We think a more realistic scenario analysis should be as follows: 1. Existing Condition, 2. Existing+10 yr. growth, 3. Existing+10yr. growth+ Project, 4. Long-term 2040 Conditions, 5. 2040 Conditions+ Project. With scenario 2, the study should identify and include any proposed/approved but not yet built development projects that are expected to add traffic to the area. For the 2040 Travel Forecast, we recommend using the Marin County Travel Model forecast instead of the MTC Traffic Model.

Response O4-95

The comment recommends adding a near-term (e.g., 10-year) growth scenario and questions the use of MTC's Plan Bay Area 2040 model for long-range forecasting. The comment addresses the analysis conducted for the LOS Assessment Memo provided in Appendix R of the Draft EIR. The LOS assessment was provided for the County's consideration of project merits to identify whether study intersections would meet the County LOS standard with the addition of project traffic. The LOS assessment is not used to determine environmental impacts under CEQA (in accordance with State CEQA Guidelines Section 15064.3(a)) but may inform decisions about the merits of the proposed project. As mentioned in the introduction to Section 3.14, "Transportation," of the Draft EIR, the memo was appended to the Draft EIR for informational purposes only.

See Final EIR Section 3.2.14, Master Response: Request for Near-Term LOS Analysis regarding a near-term scenario. The long-range forecasts developed for the transportation assessments were developed using the most recent version of the TAMDM. The Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comment under consideration before a decision on the project is rendered. No edits or revisions are warranted in the Final EIR.

Comment O4-96

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
86	NCLH TIA	27	P. Ho	2040 No Project Transportation System	Need more details on the proposed improvement projects included in the 2040 Marin County Traffic Model: The report indicated many improvement projects in the 2040 Marin County Traffic Model but did not provide the locations of these projects

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					and how they would improve areawide traffic circulation. Also, it is confusing that in one section the report says the 2040 No Project Scenario was based on the forecasts of the MTC's Plan Bay Area 2040 model, but in another section refers to using the Marin County 2040 Model. Recommendation: Identify locations of these improvement projects and clarify which Traffic Model was used for the 2040 NO Project Scenario.

Response O4-96

The comment requests additional details on the improvement projects included in the 2040 traffic analysis, specifically their locations and anticipated impacts on area traffic circulation. The comment also notes inconsistency in the report's references to the modeling approach, citing both the MTC's Plan Bay Area 2040 model and the Marin County 2040 Traffic Model, and requests clarification on which was used for the 2040 No Project scenario.

The long-range forecasts developed for the transportation assessments were developed using the most recent version of the TAMDM. The TAMDM model is a version of the MTC Plan Bay Area 2040 model with additional network and land use details in Marin County. The future year (2040) roadway network improvements in TAMDM within Marin County are based on Tier I improvements in Plan Bay Area 2040 (i.e., the adopted Regional Transportation Plan/Sustainable Communities Strategy for the 9-county bay area at the time of development of the current version of TAMDM) that are mostly located in North and Central Marin County, some distance from the project site. This includes completion of the Marin-Sonoma Narrows project, widening of the eastbound Richmond San Rafael Bridge from two lanes to three lanes, and improvements at the I-580/Bellam Boulevard interchange. The only improvement in South Marin in the 2040 road network is the widening of the northbound on-ramp at the US 101/Tiburon Boulevard interchange from one lane to two lanes. No revisions to the Draft EIR or TIS are required in response to this comment.

Comment O4-97

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
87	NCLH TIA	28	P. Ho	Table 4: Project Land Use Program	Table 4 Missing existing land use data It is not clear whether or not Table 4 included the existing uses on the project site. Recommendation: Clarify whether or not the project land use in "Table 4" includes existing uses.

Response O4-97

The comment requests clarification of Table 4 in the TIS to determine if the data reflect net new development or total proposed land uses. Table 4 in the TIS reflects the total proposed land uses, which includes existing uses on the project site. Also, see Response O4-101 for a summary of revisions to Table 4 of the TIS in response to comments in this Final EIR. No revisions to the Draft EIR or TIS are required in response to this comment.

Comment O4-98

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
89	NCLH TIA	29		Trip Generation Methodology-Table 3	Potential underestimation of the project trip generation with the MXD model Using the MXD model may have underestimated the project traffic generation because the MXD model is developed for mixed-use developments. The NCLH project does not have the typical land use mix. The MXD model is more suitable for development sites with a more balanced mix of residential, retail, office, and commercial uses within the site that would create internal trip production and attraction

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
					within the site. As proposed, the project site does not have retail, office, or commercial uses. The only employment opportunities come from the university, daycare center, and residential care facilities. It is questionable how many employees at those facilities will be living in the study area or on the site, which is likely to be expensive. As indicated in the report, the 1,000 university students will likely come from out of the area and will generate external trips rather than internal trips. Further, public transit opportunities are limited to several bus stops on Seminary Drive, which are about a mile away from the campus and are not expected to help reduce much site traffic. Table 3 Trip Generation (from the memorandum in Appendix Q) under the Academic Campus entry indicates 11 entering trips and 33 exiting trips during the morning peak hour. This does not seem reasonable for a campus size of 900-1000 students. In general, it should be expected that students coming to school in the morning between 8-10am, and leaving around 3-6pm, would generate many more entering/exiting trips during those peak hours. Additionally, in the DEIR, it says: (A.M. Peak Hour: adds 180 net trips -3 routes) (P.M. Adds 230 net peak trips -3 routes). This does not seem reasonable. The College alone will add 900 A.M. and P.M. trips assuming they come to school between 8-10 am and leaves between 3-6 pm. Recommendation: Re-evaluate the MXD method for appropriateness for this project and if needed estimate project trip generation with ITE rates and compare with trips based on the MXD to determine a reasonable and realistic trip generation for the project site.

Response O4-98

The comment raises concern regarding the use of the MXD model. The comment addresses analysis conducted for the LOS Assessment Memo provided in Appendix R of the Draft EIR. The LOS assessment was provided for the County's consideration of project merits to identify whether study intersections would meet the County LOS standard with the addition of the proposed project traffic. As described in Final EIR Section 3.2.7, "Master Response: Traffic Count Data," LOS assessment is not used to determine environmental impacts under CEQA (in accordance with State CEQA Guidelines Section 15064.3(a)), but may inform decisions about the merits of the proposed project.

Please refer to transportation master response in Final EIR Section 3.2.9 "Project Trip Generation/Internalization." The MXD model used to inform the trip generation forecasts in Table 3 of the LOS Assessment Memo and Table 5 of the TIS (Appendix Q of the Draft EIR) was used for a merits assessment of the County LOS standard. The trip generation forecasts are not relied on to determine the significance of the project's transportation impacts under CEQA.

The gross number of project trips were determined using trip rates identified in the ITE Trip General Manual (11th Edition). This includes the trip rate applied for campus uses that is based on surveys conducted at other similar campuses. Regarding the comment about trips generated by students, not all students would travel to the campus every day and many travel outside of the traditional peak commute hours that are evaluated for LOS. Additional counts conducted in February 2025 show the highest volume of weekday commute traffic on study area roadways occurs between 7:45-8:45 am and 4:30-5:30 pm at most study intersections.

The MXD model, which is described in more detail in Final EIR Section 3.2.9, "Master Response: Project Trip Generation/Internalization," is used to identify the forecast share of internal trips between the mix of project uses. The MXD model is based on survey data gathered from 239 MXDs in six major metropolitan regions and correlated with characteristics of the sites and their surroundings. The findings indicate that the amount of external traffic generated

is affected by a wide variety of factors including the mix of employment and residents, the overall size and density of the development, the internal connectivity for walking or driving among land uses, the availability of transit service, and the surrounding trip destinations within the immediate area outside the project site.

The total forecast share of internal trips between academic, residential (including the residential care facility), day care, and fitness center uses is 8 percent of daily total gross project trips, 16 percent of AM peak hour total gross project trips, and 17 percent of PM peak hour total gross project trips. As such, more than 80 percent of all gross project trips during the AM and PM peak hours were assigned as vehicle trips traveling between the project and gateways external to the site.

As detailed in Final EIR Section 3.2.9, "Master Response Project Trip Generation/Internalization," blending ITE methodology with EPA approved mixed-use methodology (i.e., MXD model), is the best available tool for identifying internalization rates and widely recognized as an appropriate method to determine trip generation, such as the project's. Therefore, the analysis is adequate and no revisions to the Draft EIR are warranted.

Comment O4-99

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
89	NCLH TIA	29		Internal Capture	Over-estimating internal traffic capture: According to the traffic report, the MXD model shows 12% daily trips for internal capture. However, this is inconsistent with the traffic LOS analysis in Appendix R, Page 2, Figure 1, where the daily external trip distribution for the campus is 70% (representing a 30% internal capture), and the residential external distribution is 68% (representing 32% internal capture). Which version is correct? Does that mean too much traffic is taken away from the traffic LOS analysis in Appendix R? Recommendation: Double-check the internal capture percentages and external trip distribution and re-evaluate the intersection LOS calculation in Appendix R with the correct internal capture and traffic distribution percentages.

Response O4-99

The comment points out a discrepancy between the reported internal capture rate in the MXD model (12 percent) and the higher internal capture percentages implied in the LOS analysis (30 to 32 percent) in Appendix R.

As described in Final EIR Section 3.2.7, Master Response: Traffic Count Data, LOS assessment is not used to determine environmental impacts under CEQA (in accordance with State CEQA Guidelines Section 15064.3(a)), but may inform decisions about the merits of the proposed project. The total forecast share of internal trips between academic, residential (including the residential care facility), day care, and fitness center uses is 8 percent of daily total gross project trips, 16 percent of AM peak hour total gross project trips, and 17 percent of PM peak hour total gross project trips. As such, more than 80 percent of all gross project trips during the AM and PM peak hours were assigned as vehicle trips traveling between the project and gateways external to the site.

See Final EIR Section 3.2.10, Master Response: Project Trip Distribution, and the revised Figure 1 in the updated LOS Assessment Memo attached as Appendix B in this Final EIR. The version of Figure 1 included in the LOS Assessment Memo attached to the Draft EIR inadvertently omitted a 30 percent gateway distribution label to and from the south via US 101, and revised Figure 1, now provided as Figure 2 in Appendix B of this Final EIR, has been corrected. This does not affect the analysis conducted in the LOS Assessment Memo, which was based on the trip distribution as shown on the corrected figure. The distribution of project trips as shown on the revised figure is based on counts collected on streets in the study area. The counts show that approximately 80 percent of all trips from existing residential and campus uses on the site travel to and from US 101 via Seminary Drive and Redwood Highway Frontage Road to the US 101/Seminary interchange, which is the shortest path to the freeway. The revision to Figure 1, now provided as Figure 2, in the updated LOS Assessment Memo represents a minor clarification and does not change the analysis or conclusions of the Draft EIR. This revision is provided in the updated LOS Assessment Memo (provided in Appendix B of this Final EIR).

Comment O4-100

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
90	NCLH TIA	30		Project Trip Generation	Inappropriate use of the MXD model to estimate project trip generation (mentioned previously). The MXD model is more suited for projects with a significant mix of retail, office, commercial, and employment opportunities. The NCLH project land use mix will comprise mostly of residential and institutional use only, making the MXD model less suitable. Recommendation: Re-evaluate the project trip generation method and revise as needed.

Response O4-100

The comment expresses concern that the MXD model may be inappropriate for estimating trip generation for the project. See Final EIR Section 3.2.9, Master Response: Project Trip Generation/Internalization and Response O4-98.

Comment O4-101

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
92	NCLH TIA	31		Table 5: Table 5: Project Trip Generation: (First section of the Table 5)	Need land use units in the Table: The trip generation table should have included the number of units for each land use to help illustrate the relationship between the trips and the land use. Recommendation: Add a column to show the number of units for each land use in the Table. Table 5 "Trip Generation Table" is an estimate for vehicle trips only and not for total trips that include bikes and pedestrians. Why are bike and pedestrian trips subtracted from the vehicle trip estimates? This comment applies to both Project Conditions and Existing Conditions. Recommendation: Please clarify or revise as needed.

Response O4-101

The comment notes that the trip generation table in Appendix Q of the Draft EIR lacks unit counts for each land use. Additionally, the comment raises concerns about the treatment of bike and pedestrian trips.

See Final EIR Section 3.2.9, Master Response: Project Trip Generation/Internalization. Both Table 3: Project Trip Generation in the LOS Assessment Memo (Appendix R of the Draft EIR) and Table 5: Project Trip Generation in the TIS (Appendix Q of the Draft EIR) have been updated and are provided in Appendices B and C of this Final EIR, respectively. Both tables have been revised to show the number of units for each land use type that are provided in Table 2: Project Land Use Program in the LOS Assessment Memo and Table 4: Project Land Use Program in the TIS. The addition of the number of units for each land use is a minor clarification and does not change the analysis or conclusions of the Draft EIR.

Comment O4-102

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
92	NCLH TIA	31		Table 5: Project Trip Generation-Existing Trips Generated by the Project Site	Inappropriate use of the MXD model to estimate existing traffic from the site: We believe a more accurate way to determine existing traffic generated from the project is to conduct manual traffic surveys/counts by cordoning all entrances and exits around the site. Recommendation: Conduct 24-hour volume counts and peak-hour counts at all ingress and egress points of the site. This will yield a more accurate count of the existing site traffic generation.

Response O4-102

The comment raises concern with the use of the MXD model to estimate existing traffic from the site and recommends conducting manual traffic surveys.

See Final EIR Section 3.2.9, Master Response: Project Trip Generation/Internalization and Response O4-98.

Comment O4-103

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
93	NCLH TIA	39-40		IV IMPACT ASSESSMENT (Regional Average Home VMT per capita 2019 data): 19.6	VMT baseline-residential It is not clear whether the regional Home VMT baseline of 19.1 miles is from the MTC 9-County Area Traffic Model or the Marin County Model from TAM (Transportation Authority of Marin) traffic model. Regardless, the project's residential VMT impact is significant since it fails to meet the 30% reduction, which would be 13.7 miles. Recommendation: Clarify which model was used. The Marin County VMT baseline would likely be lower than 19.1 miles, which means the project VMT impact would be greater. This comment applies to the Academic VMT analysis as well. Develop a TDM plan aiming to reduce project VMT. The TDM plan needs to be reviewed and approved by the county.

Response O4-103

The comment requests clarification on whether the 19.1-mile residential VMT baseline is from the MTC 9-County Area Traffic Model or the Marin County Model from TAM. The regional VMT per capita baseline of 19.1 was derived from Streetlight data, the same source as the VMT per capita data for the study area. StreetLight uses a large database of location-based service (LBS) data from GPS enabled devices and connected vehicle data to provide anonymized vehicle trip rate and vehicle trip length data by census block group for designated time periods by trip purpose and type of traveler. This data is available for 2019 and 2022 (see Draft EIR Section 3.14, "Transportation" for additional details regarding Streetlight data).

As detailed in Impact 3.14-2 of the Draft EIR, the project's residential uses would result in a significant impact on VMT. Therefore, the implementation of Mitigation Measure 3.14-2a (Develop and Implement a Transportation Demand Management Program for Market Rate Residential Uses) and Mitigation Measure 3.14-2b (Dedicate a Portion of Residential Units to Campus-Affiliated Residents) would be required. It was determined that impacts on VMT from residential uses would be significant and unavoidable as the effectiveness of potential VMT reduction strategies cannot be reliably quantified nor assured at this time. The comment does not address the adequacy of the Draft EIR and no further response is required.

Comment O4-104

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
94	NCLH TIA	42		Table 8: Daily Vehicle Miles Traveled (VMT) for Campus Uses	VMT Baseline – campuses Need to identify and confirm the VMT baseline for campuses is from the Marin County Model.

Response O4-104

The comment requests confirmation that the VMT baseline for campus uses is from the Marin County Model. The regional VMT per capita baseline for campus uses was derived from TAMDM, the Marin County travel demand model. See Section 3.14.3 in Draft EIR Section, "Transportation," for details regarding VMT methodology. The comment does not address the adequacy of the Draft EIR and no further response is required.

Comment O4-105

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
95	Appendix R	1-2	P. Ho	Memorandum to Ascent Environmental - Study Intersections 1. US 101 northbound ramps/Redwood Highway Frontage Road/De Silva Island Road 2. US 101 southbound ramps/Redwood Highway Frontage Road 3. Redwood Highway Frontage Road/Seminary Drive 4. Tiburon Boulevard/E Strawberry Drive' 5. E. Strawberry Drive/Herring Drive 6. Seminary Drive/Ricardo Road/Vista Del Sol	Inadequate number of street intersections evaluated: The list of critical intersections evaluated for this project is inadequate. This is a major project, and the traffic generated from it would have a significant impact on a much larger area, e.g., the US 101 Freeway mainline, the US 101 interchanges at US 113 (Tiburon Boulevard-E. Blithedale Drive), and its on/off ramps etc. Recommendation: Conduct additional traffic operation/LOS analysis for the following locations: 1. US 101 mainline in both directions (north and south of US 131) 2. US 101 northbound on-ramp and merge from US 131-metered 3. US 101 northbound on-ramp and merge from Redwood Hwy frontage Road. 4. US 101 (N/S) off-ramps at US 131 5. Tiburon Boulevard/ Redwood Hwy Frontage Road. 6. E. Strawberry Drive/ Belvedere Dr. In addition, traffic LOS should be performed for all ingress/egress points along the periphery of the Project site. This will provide an accurate picture of the vehicle traffic going in and out of the project site: 1. Seminary Dr. /Hodges Dr. 2. Seminary Dr. /Gilbert Dr. 3. Seminary Dr. /Chapel Dr. 4. E. Strawberry Dr. /Herring Dr. 5. Reed Bl. /Storer Dr. The study intersection traffic LOS analysis should include an additional scenario: Existing+ growth+ Project.

Response O4-105

The comment raises concern related to the study intersections evaluated in the LOS analysis provided in Appendix R of the Draft EIR. See Final EIR Section 3.2.8, Master Response: Selection of Intersections for LOS Analysis. The LOS assessment was provided for the County's consideration of project merits to identify whether study intersections would meet the County LOS standard with the addition of project traffic. The LOS assessment is not used to

determine environmental impacts under CEQA (in accordance with State CEQA Guidelines Section 15064.3(a)) but may inform decisions about the merits of the proposed project. As mentioned in the introduction to Section 3.14, Transportation, of the Draft EIR, the memo was appended to the Draft EIR for informational purposes only.

The study intersections were selected in consultation with County staff based on current congestion levels and their location along primary access/egress routes to the project site. The goal of the selection was to identify and evaluate intersections where substantial change in the number of trips and degree of congestion may occur in the roadway network surrounding the project site, based on the proposed project's trip generation and distribution on local streets. Four of the study intersections are controlled by traffic signals and the other two by all-way stop control.

The LOS Assessment Memo has been updated with new calculations based on traffic counts collected in 2025 (provided in Appendix B of this Final EIR). The Tiburon Boulevard/Redwood Highway Frontage Road intersection was added as a new study location as requested by County staff. All of the study intersections would meet the County LOS standard with the addition of project traffic under cumulative conditions.

Comment O4-106

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
96	Appendix R			NA	Lack of vehicle queuing analysis: There was no vehicle queuing analysis in the traffic report. Vehicle queuing length can be crucial in traffic operation, as long vehicle queues could block traffic at upstream intersections traffic operation and driveway access. Recommendation: Add vehicle queuing analysis. This analysis is crucial for: 1. Tiburon Bl./E. Strawberry Dr. intersection (vehicle queues at the northbound approach) to determine whether the vehicle queues at the northbound approach would block traffic exiting from Belvedere Dr. 2. Tiburon Bl./Redwood Hwy Frontage Rd. intersection to determine whether or not the eastbound vehicle queues would block vehicles from entering the right-turn lane to southbound Redwood Frontage Road. Lack of pedestrian and bicycle analysis Due to the presence of a school and a community recreation center on E. Strawberry Drive, significant pedestrian and parent drop-off/pickup traffic may be expected along the segment during school hours. Recommendation: Conduct a pedestrian count and analysis near the school and the community recreation center to identify conflicts between vehicles and pedestrians, and general traffic safety concerns due to the narrow lanes in the area and multiple residential access driveways.

Response O4-106

The comment points out the absence of vehicle queuing and pedestrian/bicycle analyses in the traffic report. The comment recommends conducting a pedestrian and bicycle count and analysis near the school and community recreation center on East Strawberry Drive to assess potential conflicts and traffic safety concerns. As described in Final EIR Section 3.2.7, Master Response: Traffic Count Data, LOS assessment is not used to determine environmental impacts under CEQA (in accordance with State CEQA Guidelines Section 15064.3(a)), but may inform decisions about the merits of the proposed project. Queuing, as a measure of traffic congestion, is thus not a CEQA impact consideration. The study intersections evaluated in the LOS Assessment Memo (Appendix R of the Draft EIR) are not located in close proximity to each other such that queues would affect adjacent operations.

See Final EIR Section 3.2.11, Master Response: Transportation Safety, and the Existing Intersections Review Memo provided in Appendix D of the Final EIR. Consistent with Appendix G of the State CEQA Guidelines, Impact 3.14-3 in the Draft EIR evaluates whether the project would substantially increase hazards due to a geometric design feature

(e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impact 3.14-3 identifies potentially significant impacts due to potential parking spillover on surrounding streets where sidewalks and crosswalks do not exist, construction activities, and the proposed design of on-site streets. Mitigation Measures 3.14-3a (Develop a Construction Traffic Control Plan), 3.14-3b (Design Roads to Meet County, ADA, and PROWAG standards), and 3.14-3c (Implement Measures to Reduce Parking Demand and/or Increase Supply for the Academic Campus) address potentially significant safety impacts identified in the Draft EIR and would reduce these impacts to less than significant.

The Transportation Impact Study (TIS), provided as Appendix Q of the Draft EIR, includes a review of local safety plans and collision data within the project study area that is summarized in Final EIR Section 3.2.11, Master Response: Transportation Safety. The TIS reviewed collision data for a 5-year period between 2015 and 2019. Based on the above considerations, the Draft EIR analysis determined that none of the intersections on the Strawberry peninsula, including those identified in public comments, would experience a substantial increase in traffic hazards.

Historic evidence indicates no local intersections have been noted for high collision rates. The TIS concluded that the project traffic would not cause substantial traffic congestion changes at all studied intersections, so added project traffic would not substantially change safety conditions. Therefore, the Draft EIR did not identify any significant traffic safety impacts at the intersection locations in the study area of the project site.

Notwithstanding that substantial evidence supports a conclusion of no significant traffic safety impacts from project trips, County staff desired to respond thoroughly to community concerns about traffic safety, and requested a review of existing intersection safety conditions (Final EIR Appendix D). Recognizing the Draft EIRs conclusions about the lack of significant traffic safety impacts caused by the proposed project trip generation, the existing intersection review was designed to provide information in response to community concerns about existing traffic safety problems for use in the County's consideration of project merits and the potential for defining conditions of approval outside of the CEQA analysis framework.

Updated collision data reported in Final EIR Appendix D is provided from the TIMS for the study area for the 5-year period from September 2019 through September 2024 which is the most current available collision data. No fatalities were among the reported collisions in the most recent 5-year period. As with the data from 2015 through 2019, most of the reported collisions involved vehicles and were located along the Redwood Highway Frontage Road and Tiburon Boulevard. Final EIR Section 3.2.11, Master Response: Transportation Safety, provides a summary of collisions involving pedestrians and bicyclists in the most recent 5-year period for which data is available.

Field observations were conducted on E. Strawberry Drive between Tiburon Boulevard and Ricardo Lane, where access to Strawberry Point School and the Strawberry Recreation Center is provided. This includes observations during a weekday morning when school drop-offs occur. This segment of E. Strawberry Drive currently has a posted speed limit of 15 mph when children are present and a marked crosswalk with a flashing beacon immediately east of the school's easternmost driveway. The segment of E. Strawberry Drive from Belvedere Drive to Ricardo Lane serves heavy morning and afternoon peak vehicle, bike, and pedestrian traffic for drop-off and pick-up operations of the Strawberry Point School on the east side of the street and the Strawberry recreation center on the west side of the street. There is a steep downhill grade on northbound E. Strawberry Drive between Ricardo Lane and the school, in addition to roadway curvature which limits sight lines. From 2019 to 2024, there were four injury collisions on this segment, two of which involved a person biking.

The Existing Intersections Review Memo (Final EIR Appendix D) summarizes relevant measures implemented by Marin County or Caltrans in recent years at the study locations as well as planned improvement measures. The memo also identifies potential strategies at nine locations including E. Strawberry Drive from Belvedere Drive to Ricardo Lane and the intersection of E. Strawberry Drive and Belvedere Drive.

The County of Marin has developed concept plans and recently received grant funding to install sidewalk improvements on Ricardo Lane between E. Strawberry Drive and Richardson Drive as well as intersection improvements at either end of the one-block segment. The following are additional potential measures identified in Final EIR Appendix D for E. Strawberry Drive from Belvedere Drive to Ricardo Lane.

- Restripe pavement markings and installed new signs along E. Strawberry Drive from Belvedere Drive to Harbor Cove Way.
- Install white flex posts along the west edge line adjacent to the crosswalk to prevent cars from bypassing queued vehicles waiting to enter the school parking lots on the shoulder.
- Install yellow flex posts on the center line between the recreation center driveway and Ricardo Lane to prevent pedestrians from crossing in this section.
- Install a raised crosswalk at the existing crosswalk and RRFP between the school and recreation center. This raised crosswalk, along with the crosswalk on the south leg of the E. Strawberry Drive/Belvedere intersection, would manage speeds along the segment of E. Strawberry Drive between Tiburon Boulevard and Ricardo Lane. This measure, including design plans, would require consultation and approval from the Southern Marin Fire District.

For the intersection of E. Strawberry Drive and Belvedere Drive, the memo describes the SR 131 (Tiburon Boulevard) Capital Preventive Maintenance Project being implemented by Caltrans between US 101 and the City of Tiburon will remove the free right turn lane from northbound East Strawberry Drive onto eastbound SR 131 (Tiburon Boulevard) that is in the southeast quadrant of the intersection of Tiburon Boulevard and E. Strawberry Drive. The memo identifies potential measures to supplement the planned changes by Caltrans.

The safety improvement strategies identified in the memo are considerations for voluntary enhancements by the project applicant or merits-based conditions imposed by the County. These improvement options are not related to a CEQA environmental impact, so they are not defined as "mitigation measures," because the project's trip generation would be insufficient to substantially change existing transportation hazards in the study area. The lack of substantial change in traffic is evidenced in the LOS Assessment Memo where analysis concluded that LOS would meet County standards with or without the project and after adding project traffic, LOS would remain at D with continued stable traffic flow. Therefore, the findings of the Existing Intersections Review Memorandum do not change the adequacy of the analysis in the Draft EIR. Therefore, no change to the Draft EIR is warranted.

Comment O4-107

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
97	Appendix R				Lack of street segment analysis Need to evaluate the Project traffic impact on all peripheral streets and other key streets near the Project site. The Strawberry neighborhood also requested this analysis in the scope of the EIR. Recommendation: Conduct road segment analysis to evaluate the design capacities, current traffic volume, vehicle speeds, pedestrian and bicyclist activities, and the added NCLH traffic to identify Project impact. Analysis should be conducted for the following segments: 1- Seminary Dr. (Redwood Dr. – Vista Del Sol.) 2- Seminary Dr. (Villa Laguna - Hodges Dr.) 3- E. Strawberry Dr. (North of Herring Dr.), 4- E. Strawberry Dr. (At the grade-separated segment) 5- E. Strawberry Dr. (South of Strawberry Point School) 6- Redwood Hwy Frontage Rd. both directions (US 131 interchanges at Seminary Dr. both directions

Response O4-107

The comment requests an analysis of road segments to evaluate project traffic. The LOS assessment provided in Appendix R of the Draft EIR was provided for the County's consideration of project merits to identify whether study intersections would meet the County LOS standard with the addition of project traffic. The LOS assessment is not used to determine environmental impacts under CEQA (in accordance with State CEQA Guidelines Section 15064.3(a))

but may inform decisions about the merits of the proposed project. As discussed in the introduction to Section 3.14, Transportation, of the Draft EIR, pursuant to Public Resources Code Section 21099, enacted as part of SB 743 (Stats. 2013, Ch. 386, Section 5), and Section 15064.3(a) of the State CEQA Guidelines, vehicle miles traveled (VMT) are generally the most appropriate measure of transportation impacts and "automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment." The memo was appended to the Draft EIR for informational purposes only.

Intersections were evaluated rather than road segments because they are almost always the points in a street network where congestion and queuing occur. Road segments may become the critical capacity constraint in a network when there is a lane drop or reduction, which does not occur in the study area network. Therefore, the analysis of delay at project intersections was an adequate approach for the LOS assessment. See Final EIR 3.2.8, Master Response: Section Selection of Intersections. The Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comments under consideration before a decision on the project is rendered. No edits or revisions are warranted in the Final EIR.

Comment O4-108

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
98	Appendix R	2	P. Ho	Page 2 and Figure 1 of Appendix R	Insufficient discussion and illustration of site traffic directional distribution: There is no clear discussion in the NCLH Traffic Report and the attached Appendix R on the directional traffic distribution to and from the site. While there are distribution percentages shown in various directions in general in Figure 1, there is no clear discussion on the distribution on the street levels. Further, the distribution in Figure 1 accounted for only 70% and 68% respectively for academics and residential. There is no mention of the status of the remaining 30%, which is unaccounted for. Recommendation: Revise Figure 1 in Appendix R to show a full 100% site traffic distribution. Additionally, add discussion on directional distribution on the street level. For example: 30% North: to and from the project site via Gilbert Drive, Seminary Drive, Redwood Hwy Frontage Road, US 131, and US 101.

Response O4-108

The comment raises concern with the LOS Assessment Memorandum (Appendix R of the Draft EIR) and Figure 1 specifically. As described in Final EIR Section 3.2.7, Master Response: Traffic Count Data, LOS assessment is not used to determine environmental impacts under CEQA (in accordance with State CEQA Guidelines Section 15064.3(a)), but may inform decisions about the merits of the proposed project. Also see Final EIR Section 3.2.10, Master Response: Project Trip Distribution. A revised version of Figure 1 is provided in the updated LOS Assessment Memo (provided in Appendix B of this Final EIR). The version of Figure 1 included in the Draft EIR LOS Assessment Memo inadvertently omitted a 30 percent gateway distribution label to and from the south via US 101, and the revised figure, now provided as Figure 2: Project Trip Distribution, in the LOS Assessment Memo has been corrected. This does not affect the analysis conducted in the LOS Assessment Memo or TIS, which were based on the trip distribution as shown on the corrected figure. The distribution of project trips as shown on the revised figure is based on counts collected on streets in the study area. The counts show that approximately 80 percent of all trips from existing residential and campus uses on the site travel to and from US 101 via Seminary Drive and Redwood Highway Frontage Road to the US 101/Seminary interchange, which is the shortest path to the freeway. The revision to Figure 1, now provided as Figure 2, in the LOS Assessment Memo is only a minor clarification and does not change the analysis or conclusions of the Draft EIR.

Comment O4-109

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
99	Appendix R	9	P. Ho	LOS Assessment Results	Table 4 Level of Service Assessment Not enough intersections were included in the report. The included LOS calculations looked fine, but a project of this size needs to include more intersection analyses. Recommendation The traffic report needs to evaluate additional intersection and street segments to fully capture the project traffic impact. Further, the LOS analysis should include an additional scenario i.e., "Existing + Growth + Project" as discussed previously.

Response O4-109

The comment states that more roadways should have been evaluated in the project LOS assessment included in Appendix R of the Draft EIR. The comment also recommends that the LOS analysis include an "Existing + Growth + Project" scenario. The LOS assessment provided in Appendix R of the Draft EIR was provided for the County's consideration of project merits to identify whether study intersections would meet the County LOS standard with the addition of project traffic. The LOS assessment is not used to determine environmental impacts under CEQA (in accordance with State CEQA Guidelines Section 15064.3(a)) but may inform decisions about the merits of the proposed project. Intersections were evaluated rather than road segments because they are almost always the points in a street network where congestion and queuing occur. Road segments may become the critical capacity constraint in a network when there is a lane drop or reduction, which does not occur in the study area network. Additionally, the cumulative scenario that was evaluated in the LOS assessment includes existing traffic plus background growth through 2040 plus project traffic. Therefore, the analysis of delay at project intersections was an adequate approach for the LOS assessment.

Comment O4-110

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
100	EIR scoping comments from the strawberry residents	Sec. 12	P. Ho	12. TRANSPORTATION/ TRAFFIC	Neglected Strawberry Community scoping comments on the following areas: - Safety concerns at various locations in the area, - Roadway capability (design capacities), - Macdonald's traffic and vehicle queuing problem - 7/11 traffic operation - Traffic calming strategies Recommendation: Review the Strawberry neighborhood scoping comments and address their concerns in the above areas. Based on our review and field observation, their concerns are legitimate and should be evaluated in the NCLH Traffic Report. The above concerns are also common key issues of most traffic studies conducted to assess development impacts.

Response O4-110

The comment requests that the Strawberry Community scoping comments as they relate to transportation be addressed. Please refer to Final EIR Section 3.2.11 Master Response: Transportation Safety and the Existing Intersections Review Memo provided in Appendix D of the Final EIR.

Consistent with Appendix G of the State CEQA Guidelines, Impact 3.14-3 in Section 3.14, Transportation, of the Draft EIR evaluates whether the project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impact 3.14-3 identifies potentially significant impacts due to potential parking spillover on surrounding streets where sidewalks and crosswalks do not

exist, construction activities, and the proposed design of on-site streets. Mitigation Measures 3.14-3a (Develop a Construction Traffic Control Plan), 3.14-3b (Design Roads to Meet County, ADA, and PROWAG standards), and 3.14-3c (Implement Measures to Reduce Parking Demand and/or Increase Supply for the Academic Campus) address potentially significant safety impacts from parking spillover identified in the Draft EIR and would reduce these impacts to less than significant.

The TIS, provided as Appendix Q of the Draft EIR, includes a review of local safety plans and collision data within the project study area that are summarized in Transportation Master Response in Final EIR Section 3.2.11: Transportation Safety. The TIS reviewed collision data for a 5-year period between 2015 and 2019. Based on the above considerations, the Draft EIR analysis determined that none of the intersections on the Strawberry peninsula, including those identified in public comments, would experience a substantial increase in traffic safety hazards.

Historic evidence indicates no local intersections have been noted for high collision rates. The TIS concluded that the project traffic would not cause substantial traffic congestion changes at all studied intersections, so added project traffic would not substantially change safety conditions. Therefore, the Draft EIR did not identify any significant traffic safety impacts at the intersection locations in the study area of the project site. Notwithstanding that substantial evidence supports a conclusion of no significant traffic safety impacts from project trips, County staff desired to respond thoroughly to community concerns about traffic safety, and requested a review of existing intersection safety conditions (Final EIR Appendix D). Recognizing the Draft EIR conclusions about the lack of significant traffic safety impacts caused by the proposed project trip generation, the existing intersection review was designed to provide information in response to community concerns about existing traffic safety problems for use in the County's consideration of project merits and the potential for defining conditions of approval outside of the CEQA analysis framework.

Updated collision data is provided from the TIMS for the study area for the 5-year period from September 2019 through September 2024 which is the most current available collision data. No fatalities were among the reported collisions in the most recent 5-year period. As with the data from 2015 through 2019, most of the reported collisions involved vehicles and were located along the Redwood Highway Frontage Road and Tiburon Boulevard. Transportation master response in Final EIR Section 3.2.11, Master Response: Transportation Safety, provides a summary of collisions involving pedestrians and bicyclists in the most recent 5-year period for which data is available (i.e., September 2019 to September 2024).

The Existing Intersections Review Memo (Final EIR Appendix D) summarizes relevant measures implemented by Marin County or Caltrans in recent years at the study locations as well as planned improvement measures. The Existing Intersections Review Memo also identifies potential strategies at nine locations including traffic calming measures. The strategies identified in the memo are considerations for voluntary enhancements by the project applicant or merits-based conditions imposed by the County. The improvement options are not related to a CEQA environmental impact, so they are not defined as "mitigation measures" because the project's trip generation would be insufficient to substantially change existing transportation hazards in the study area. The lack of substantial change in traffic is evidenced in the TIS where analysis concluded that LOS would meet County standards with or without the project and after adding project traffic, LOS would remain at C with continued stable traffic flow.

Intersections were evaluated rather than road segments because they are almost always the points in a street network where congestion and queuing occur. Road segments may become the critical capacity constraint in a network when there is a lane drop or reduction, which does not occur in the study area network. Therefore, evaluating intersections was determined to be the most appropriate method for assessing project-related traffic.

The 7/11 located on Redwood Highway Frontage Road at Seminary Drive has five parking spaces and no queues were observed from the parking lot into the adjacent streets. The McDonalds on Redwood Highway Frontage Road is one of four other businesses with driveways on the east side of Redwood Highway Frontage Road between Seminary Drive and the US 101 northbound Seminary ramps. Field observations conducted for this segment of Redwood Highway Frontage Road did not identify any recurring queues extending into the street from these driveways. The inbound driveway for the McDonalds is approximately 330 feet south of the traffic signal at Redwood Highway Frontage Road and Seminary Drive, a sufficient distance that it would not affect operations at the traffic signal. The maximum northbound queue observed on Redwood Highway Frontage Road at the Seminary Drive intersection was

six vehicles during the AM peak hour. The queue length of these six vehicles is approximately 150 feet and does not extend to the inbound driveway for the McDonalds. Therefore, the project is not expected to exacerbate operational issues along this segment of Redwood Highway Frontage Road.

The Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comment under consideration before a decision on the project is rendered. No edits or revisions are warranted in the Final EIR.

Comment O4-111

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
101	3.14.-24		P. Ho	Transportation and Traffic Chapter- Mitigation Measures	1. Widen the Roadway within the Project Site: This mitigation would be needed if the Project is to be dedicated to the county. Recommendation: Discuss with the project developer and confirm the Project site status/ whether or not the site would become part of the county. 2. Construction of a roundabout or adding a traffic light to the Seminary Drive/Ricardo Road/Vista Del Sol intersection. Recommendation; Revisit this CEQA requirement. Based on the traffic LOS analysis in the traffic report, the intersection would operate at LOS C under the future cumulative plus project scenario. LOS C is an acceptable LOS condition in Marin County and from a traffic engineering standpoint. The emergency access condition that requires mitigation refers to a new substandard roadway, turn lane, and access driveway design that impedes emergency vehicle access, and not traffic volumes. Further, a roundabout may not necessarily improve traffic operation at the intersection. A traffic light may or may not be needed, at any rate, a signal warrant analysis should be performed first to determine whether or not a traffic signal is needed for this location.

Response O4-111

The comment states Draft EIR Mitigation Measure 3.14-3b, which recommends widening roads to meet County of Marin roadway standards and ADA and PROWAG Guidelines for transportation accessibility would only be needed if the project site is to be dedicated to the County. The comment also recommends a signal warrant analysis be performed to determine if a traffic signal is needed at the Seminary Drive/Ricardo Road/Vista Del Sol intersection.

Draft EIR Mitigation Measure 3.14-3b would apply to both private and public roads including Hodges Drive and Gilbert Drive (i.e., both collector streets) as well as existing local roads that do not meet County standards within the project site. It also applies to new roads that would be constructed within the project site. There are no plans to dedicate private roads to the County. Widening of project roadways to meet County of Marin Road Standards as well as ADA and PROWAG Guidelines for Transportation Accessibility would be a condition of approval if the project is approved.

Draft EIR Mitigation Measure 3.14-4, which identified constructing a roundabout or an alternative traffic signal at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol, has been revised. See FEIR Section 3.2.12, Master Response: Emergency Vehicle Access Mitigation Measure, which describes the revisions to the mitigation measure. The purpose of Mitigation Measure 3.14-4 is to address potential impacts on emergency response time by fire trucks from Southern Marin Fire District Strawberry Station 9 that use Ricardo Road, Seminary Drive, and the Redwood Highway Frontage Road as an egress route to access US 101. Comments on the Draft EIR indicated opposition to installation of a roundabout or traffic signal at the intersection of Ricardo Road/Seminary Drive and asserted concerns regarding safety for pedestrians and cyclists compared to the existing all-way stop control. As such, consultation with Southern Marin Fire District staff was conducted to determine an alternate approach that would achieve the same benefits. The updated measure, which is equivalent in effectiveness to the initial options provided in Mitigation

Measure 3.14-4, involves installing signal preemption at two existing traffic signals on Redwood Highway Frontage Road that are on the primary routes for first responders from Strawberry Station 9 to access US 101. The revised mitigation measure would require the project applicant to purchase, install, and activate emergency vehicle preemption devices in the traffic signals at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive as well as in seven fire station vehicles housed at Southern Marin Fire District Strawberry Fire Station 9. Mitigation Measure 3.14-4 would help maintain vehicular flow during emergency response by prioritizing right-of-way for emergency vehicles traveling from Fire Station 9 to US 101. Mitigation Measures 3.14-3b and 3.14-4 would reduce impacts on emergency access. It would reduce delays experienced by fire trucks at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive. Revised Mitigation Measure 3.14-4 is similar to the previous mitigation option in the manner that it reduces impacts on emergency vehicle access. Therefore, substantial alteration of the Seminary Drive/Ricardo Road/Vista Del Sol intersection is no longer needed as the revised mitigation does not require physical modification of the transportation network. No change to the Draft EIR is warranted.

Comment O4-112

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
102	3.15; Appendix C	3.15-16 and 17; Appendix C	C. Gilleran	Tables 3.15-3 through 3.15-5; Appendix C: "Based on the data request and project description. All the renovations and redevelopment land uses like library, cafe, admin & academic buildings were not considered as they would have same operational emissions as before."	The projected utility usage is based on CalEEMod outputs for operations. CalEEMod only modeled "new" operational facilities (refer to Appendix C, pdf page 927 of 2,082). Accordingly, the "projected" utility use should be additive shown in Tables 3.15-3 through 3.15-5. Whereas currently the projected column only shows the "new" operational facility estimates from CalEEMod, resulting in the net change for water, wastewater, and electricity being vastly underrepresented. Panorama verified this by calculating the water, electricity, and natural gas usage and comparing to what was reported in the section. It is clear that no additional estimates or calculations were used for the projected utility usage.

Response O4-112

The comment notes that the projected utility usage in Section 3.15, "Utilities and Service Systems," is based on California Emissions Estimator Model (CalEEMod) outputs and states that the "projected" utility use shown in Tables 3.15-3 through 3.15-5 should be additive rather than just the "new" operational facility estimates. The comment states that this results in the net change for water, wastewater, electricity, and natural gas being underrepresented.

The projected water, wastewater, and electricity use for the proposed project in Tables 3.15-3 through 3.15-5 of the Draft EIR represent the additive estimates of the whole of the land uses proposed for the project. The estimates include the proposed dwelling units intended to replace existing residences to be demolished and a replacement maintenance building, which results in estimated total project demands that incorporate utility usage comparable to the existing baseline land uses. Notably, the assumptions made in the CalEEMod run prepared for the project account for the demolition of the existing maintenance building and existing residences, to be replaced by a new maintenance building and 139 replacement residential units, in addition to 184 net additional residential units. The utility estimates summarized in Tables 3.15-3 through 3.15-5 would be similar to what is occurring under baseline conditions given that these land uses would be demolished and reconstructed, which is assumed in the modeling. As a result, to estimate net additional utility demand, it is reasonable and accurate to deduct existing usage from the total proposed project demand estimate, contrary to the comment's assertion.

The projected estimates of water and wastewater for residential development were derived from defaults obtained from CalEEMod. Indoor and outdoor water consumption defaults are calculated using the Pacific Institute *Waste Not Want Not* report for the year 2000. These values are divided in CalEEMod by the total number of occupied households in California and are considered for the purposes of environmental analysis to be representative of all

residential dwelling unit types (e.g., single family, apartment, condo). For commercial land uses, the *Waste Not Want Not* report was similarly used, which is based on total gallons of water used per day per unit metric (i.e., employee, student, room, acre, or square foot). With respect to educational land uses, such as the proposed project, CalEEMod assumes that academic institutions operate for 180 days per year, and thus calculates water and wastewater usage based on this assumption (CAPCOA 2016: 33-34). Absent other water and wastewater projections available for the proposed project, CalEEMod's assumed water and wastewater estimates are reasonable to use in Section 3.15, "Utilities and Service Systems," and constitute the best available data at the time the Draft EIR was prepared.

The projected solid waste estimates in CalEEMod are derived from annual waste disposal rates from the California Department of Resources and Recycling (CalRecycle) data for individual land uses. CalEEMod uses the overall California Waste Stream composition as a data set to generate default solid waste generation (CAPCOA 2016: 45). In lieu of an available record of solid waste usage associated with the proposed project, CalEEMod's assumed solid waste generation estimates are reasonable to be incorporated into Section 3.15, "Utilities and Service Systems" and constitute the best available data at the time the Draft EIR was prepared.

With respect to nonresidential natural gas and electricity estimates, CalEEMod has developed energy intensity values (electricity and natural gas per square footage per year) using historical data from the California Commercial End Use Survey prepared by the California Energy Commission. The California Commercial End-Use Survey lists energy use intensity based on building type, end use, and forecasting for each climate zone. For residential natural gas and electricity estimates, CalEEMod uses data collected during the Residential Appliance Saturation Survey to develop energy intensity values, which similarly provides data for building type, end use, and climate zone forecasting (CAPCOA 2016: 31). Absent records of electricity and natural gas use directly applicable to the proposed project, CalEEMod's assumed electricity and natural gas projects estimates are reasonable for use in Section 3.15, "Utilities and Service Systems" and constitute the best available data at the time the Draft EIR was prepared.

As noted above, the modeling of the whole of proposed project land uses includes emissions, and associated water and electricity consumption, natural gas combustion, and wastewater and solid waste generation, including those existing land uses that would be demolished and replaced by proposed development as a result of project implementation. Therefore, the estimates in Tables 3.15-3 through 3.15-5 are evidence-based, reasonable predictions, calculated with the correct method, and they represent the best available data and projections at the time the Draft EIR was prepared. No changes to the Draft EIR analysis are needed in response to this comment.

Comment O4-113

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
103	3.15; Appendix C	3.15-16 and 17	C. Gilleran	Tables 3.15-3 through 3.15-5	The CalEEMod assumptions did not account for utility use associated with the several new underground parking structures.

Response O4-113

The comment states that the CalEEMod did not account for utility use associated with new underground parking structures. The utility (solid waste, wastewater, water, electricity, and natural gas) estimates and associated emissions were driven by those land use types that considered high consumption such as residential and commercial land uses. Underground parking structures are not considered land use types that generate wastewater, water, or solid waste, and typically do not require natural gas or high electricity demands (CAPCOA 2022). The land use assumptions in CalEEMod selected represent an overly conservative characterization of the proposed land uses of the project. For instance, the operational emissions modeling did not include credit for emissions occurring at the project site under baseline conditions, including the project's existing 608-space three-tiered parking lot. Thus, the utility estimates would be greater than what would likely occur from the project operations. Therefore, this conservative estimate was established to avoid the risk of understating an impact, and the emissions estimates presented in Sections 3.2, "Air Quality," and 3.7, "Greenhouse Gas Emissions," are an over representation of the project's emissions when compared to a baseline condition. No changes to the Draft EIR are needed.

Comment O4-114

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
104	3.15; Appendix C	3.15-16 and 17	C. Gilleran	Tables 3.15-3 through 3.15-5	"Assisted living" was not selected as a new use in CalEEMod and instead was combined with "apartments mid-rise." While the energy use per unit per year appears to be the same for these two land uses, water use is defined per unit and therefore may be underrepresented. Additional substantiation and justification for the projected water use is recommended.

Response O4-114

The comment states that the CalEEMod model used apartments mid-rise rather than assisted living resulting in an underestimation of projected water use. As discussed in response to comment O4-113, the CalEEMod estimates are greater than what would likely occur from the project operations because operational emissions modeling did not include credit for emissions occurring at the project site under baseline conditions. Also, as noted in the CalEEMod users guide, the assumed density and associated utility demand for apartments mid-rise is 38 units while the assumed density for assisted living assumes 16 units (CAPCOA 2022). Therefore, this conservative estimate was established to avoid the risk of understating an impact. No changes to the Draft EIR are needed.

Comment O4-115

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
105	3.15; Appendix C	3.15-17	C. Gilleran	Appendix C "Based on the data request and project description. All the renovations and redevelopment land uses like library, cafe, admin & academic buildings were not considered as they would have same operational emissions as before." and page 3.15-17 "Based on these generation rates, it is estimated that the proposed project would generate approximately 278 tons of solid waste per year, or 0.76 tons per day."	Per comment 4, the projected utility usage is based on CalEEMod outputs for operations. CalEEMod only modeled "new" operational facilities (refer to Appendix C, pdf page 927 of 2,082). The estimated solid waste generated per year is the net change, which should be clarified and not be considered conservative.

Response O4-115

The comment notes that the CalEEMod model and utility usage is based on the new operational facilities. The comment states that the estimated solid waste represents the net change and suggests that the Draft EIR be clarified, stating that this should not be considered conservative as stated in the Draft EIR. This comment raises similar concerns as Comment O4-112. See Response O4-112.

Comment O4-116

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
106	3.15; Chapter 4	3.15-21 and 4-40 through 4-43	C. Gilleran	"Impact 3.15-2: Have Sufficient Water Supplies Available to Serve the Project and Reasonably Foreseeable Future Development" and associated analysis.	The project-specific and cumulative water supply analysis relies solely on existing plans to conclude that this project will be sufficiently served. Panorama has a general concern about the adequacy of this analysis notably due to the relatively large quantity that will be required following build out and whether simply relying on existing plan is sufficient evidence. A case law review may be beneficial as well to make this determination.

Response O4-116

The comment states that the analysis relies solely on existing plans to conclude that the project will have sufficient water supplies available and expresses concern about the adequacy of this analysis. The comment suggests that a case law review may be beneficial to determine whether simply relying on existing plans is sufficient evidence.

The comment expresses general concern about relying on existing plans to evaluate the project's water supply impacts in the Draft EIR but does not specify why this approach is inadequate. Relying on something other than the most current, approved, and authoritative water resource planning of the water district serving the proposed project would raise questions of credibility of the analysis. No case law review is necessary to determine the reasonableness and effectiveness of a water supply analysis taking primary account of the water supplier's approved plans.

The methodology used in the Draft EIR for water supply is valid because it recognizes all applicable water resource planning efforts and data. Senate Bill (SB) 610 became effective on January 1, 2002, and amended the California Water Code to require local agencies to identify any public water purveyor that may supply water for a proposed development project and request a Water Supply Assessment (WSA) from the identified water purveyor. The rules governing WSA preparation are set forth in Water Code sections 10910 through 10915, which are referenced in State CEQA Guidelines Section 15155, promulgated in 2007 and amended in 2018. Residential projects proposing more than 500 dwelling units come under the definition, as do office projects employing more than 1,000 persons or having more than 250,000 square feet of floor space. However, as stated in Section 3.15, "Utilities and Service Systems," of the Draft EIR, the project does not meet the definition of a water demand project under the Water Code; therefore, California Water Code Section 10910 does not apply to the proposed project, and an SB 610 WSA is not required and was not warranted for this EIR.

The EIR evaluated water supply impacts based on the criteria outlined in Appendix G of the State CEQA Guidelines. Nonetheless, the analysis presented in the Draft EIR satisfies the requirements of State CEQA Guidelines Section 15155 in that it evaluates the sufficiency of Marin Municipal Water District's (Marin Water's) water supplies in both normal and drought conditions to determine the water supply impacts of the project. This analysis is provided in Impact 3.15-2 in Section 3.15, "Utilities and Service Systems," of the Draft EIR.

As permitted under State CEQA Guidelines Section 15155(f), the Draft EIR incorporated by reference information from Marin Water's Updated 2020 Urban Water Management Plan (UWMP) as well as other publicly available information, including Marin Water's Water Shortage Contingency Plan and the County of Marin's 2023-2031 Housing Element. Notably, water supply demand projections and supply opportunities are current, recognizing the recent UWMP and the even more recent 2024 update for the County of Marin Housing Element. Water demand projections in UWMPs are typically developed based on input from stakeholders, including any cities and counties that are supplied water by that particular water supply agency, and take into account any growth projected in existing land use planning documents. As discussed in Section 3.15 of the Draft EIR, Marin Water adopted a limited update to its 2020 UWMP on January 9, 2024, to account for increased water demand from updated population projections and housing allocations identified in ABAG's 2023-2031 Final RHNA Plan. In January 2023, the County adopted the 2023-2031 Housing Element, which is the 6th cycle update and implements the latest RHNA allocations from ABAG for the region. Notably, the 2023-2031 Housing Element listed the project site as a housing opportunity site in the sites inventory (Table C-4, Appendix C, of the Housing Element). In addition, the project site has been identified as a potential housing site in several prior cycles of the County's Housing Element, beginning with the 2007-2014 Housing Element.

Marin Water's Updated 2020 UWMP provides existing and projected water demand and estimated supply between 2025 and 2045 under normal and dry year (i.e., drought) weather conditions (single and multiple). Marin Water's Updated 2020 UWMP determined that future demand would be met (and exceeded) by the supply in each 5-year increment through 2045, including in normal, single dry year, and multiple dry years. As concluded in the staff report for the Updated 2020 UWMP, Marin Water would have the capacity to support the additional demand from the updated population projections and housing allocations identified in ABAG's 2023-2031 Final RHNA Plan without additional water supplies or triggering special measures (Marin Water 2024). Because the project site was identified as a housing development site in the County's 2023-2031 Housing Element, which implements the latest RHNA allocations used to inform the water demand and supply projections in the Updated 2020 UWMP, the water demand for the project was accounted for in the Updated 2020 UWMP. Accordingly, the Updated 2020 UWMP confirms that

adequate water supply would be available to serve the project under the water supply scenarios required by the State for the UWMP (Pollard, pers. comm., 2024). Moreover, because the Updated 2020 UWMP determined that Marin Water would be able to meet future water demand with its existing water entitlements, the Draft EIR determined that it is not reasonably foreseeable at this time that Marin Water would need to procure additional water resources that could result in significant environmental impacts.

In addition, the comment's suggestion that the project will require a relatively large quantity of water following build out is an inaccurate characterization for its context within the water district. Consistent with State CEQA Guidelines Section 15155, the project's water demand was estimated in the Draft EIR and considered in the analysis of the project's water supply impacts. It should be noted that this estimate was revised in Response O4-112, which pointed out that the Draft EIR inadvertently misreported the net change in water demand associated with the project. Based on the revised estimates provided in Response O4-112, even under the 2045 single dry year scenario, which is when Marin Water is projected to have the smallest surplus of water (11,541 AFY) in its Updated 2020 UWMP, the additional annual water demand for the proposed project would represent 1.1 percent of the remaining surplus and only 0.2 percent of Marin Water's total supply, under this scenario. These estimates demonstrate that the project's water demand is not "relatively large" for the water district, as expressed in the comment.

For the reasons described above, the Draft EIR's evaluation of potential water supply impacts associated with the proposed project is a credible and good-faith analysis in accordance with CEQA requirements. No changes to the Draft EIR are required in response to this comment.

Comment O4-117

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
107	Chapter 4	Figure 4-1; Table 4-2	C. Gilleran	NA	The cumulative project list does not appear complete and does not include the following at a minimum: 1. a 117-unit residential care center (referred to as the 55 Thomas Drive Project) that is moving forward but not constructed in Strawberry. https://www.thearknewspaper.com/live/developer-adds-more-units-parking-at-proposed-strawberry-senior-complex 2. an approved, but not constructed 50 unit development in Mill Valley https://sfyimby.com/2024/02/affordable-housing-approved-for-one-hamilton-drive-mill-valley-marin-county.html 3. Tiburon Blvd. Caltrans project, which has not begun construction https://dot.ca.gov/caltrans-near-me/district-4/d4-projects/d4-marin-sr131-capm 4. 42-unit Mallard Pointe project, which has not begun demolition and construction Request that cumulative project list be reinspected to ensure that larger, relevant projects are included instead of an assemblage of mostly small, spread out, residential additions or accessory structures. The relevant cumulative analyses should be updated accordingly (e.g., recreation, water supply, traffic).

Response O4-117

The comment states that the cumulative project list does not appear complete and identifies additional projects that should be included. The comment requests that the cumulative project list be reinspected to ensure that larger, relevant projects are included and states that the relevant cumulative analysis should be updated accordingly. Because proposed and in-progress development projects often change over the course of months, with some listed projects falling off the list of reasonably foreseeable probable future projects and others being added, it is common for lead agencies to consider updating the related project list for major, long-term environmental review processes. As explained in Response O4-79, however, CEQA case law suggests that such updating is normally not necessary from a legal standpoint, as a lead agency may choose a reasonable cut-off date that substantially precedes the issuance of a Draft EIR. (See, e.g., *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1128.) Where a lead agency

voluntarily chooses to update a cumulative project list in a Final EIR, such an update does not inherently invalidate the cumulative impact analysis in a Draft EIR, because the total cumulative development scenario often does not substantially change, even though individual entries on the list may be revised.

In response to this comment, Table 4-2 of the Draft EIR has been updated to include the cumulative projects identified in the comment, as well as additional projects identified based on consultation with Marin County planning staff and a re-review of the websites of the surrounding communities and cities. These revisions are shown in Chapter 4, "Revisions to the Draft EIR." Note that the Mallard Point project identified in the comment as missing was already included in Table 4-2 of the Draft EIR as cumulative project #17 (now project #21). Also, both the 55 Thomas Drive senior facility on the other side of SR 131 (Tiburon Boulevard) to the north, and the 1 Hamilton Drive residential project on the other side of US 101 to the west are off the Strawberry peninsula. The Caltrans SR 131 Capital Preventative Maintenance Project is designed for community benefits. The purpose of the project is to improve serviceability and ride quality on SR 131 and restore existing drainage systems to reduce the potential for highway flooding and to increase the safety for the public.

In addition, the cumulative impact analysis was reevaluated in consideration of the additional cumulative projects added to Table 4-2 to determine whether any changes to the cumulative impact analysis or conclusions in Chapter 4, "Cumulative Impacts," of the Draft EIR are required. Based on this review, it was concluded that these additional projects would not alter the cumulative impact significance determinations in Chapter 4 of the Draft EIR, because the added residential units are modest compared to the total related project list, the residential or senior housing projects are separated from the peninsula, and the SR 131 Caltrans project is designed for community and environmental benefits. Nonetheless, in response to this comment, Chapter 4 of the Draft EIR was revised to account for these additional cumulative projects, so the analysis would be as current as feasible.

Comment O4-118

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
108	Chapter 4	4-13 and 14	C. Gilleran	"The project is in the regional vicinity of various planned, past, and present projects including the Corte Madera Residence Inn, Robin Drive, Tamalpais Apartments, and Town Hall Project, among others (for a complete list of projects within the SFBAAB see Table 4-1)."	Neither table (Table 4-1 nor 4-2) shows a complete list of projects in SFBAAB.

Response O4-118

The comment cites text from Chapter 4, "Cumulative Impacts," of the Draft EIR and states that neither table (Table 4-1 nor 4-2) shows a complete list of projects in SFBAAB. The text cited by the commenter inadvertently referenced the SFBAAB and incorrectly referenced Table 4-1, instead of Table 4-2. In response to this comment, pages 4-14 and 4-15 of the Draft EIR have been revised as follows:

ORIGINAL:

The project is in the regional vicinity of various planned, past, and present projects including the Corte Madera Residence Inn, Robin Drive, Tamalpais Apartments, and Town Hall Project, among others (for a complete list of projects within the SFBAAB see Table 4-1). For local air quality impacts, there are no projects within 1,000 feet from the project site and no stationary sources within 2,000 feet that could combine to create a cumulative TAC impact.

REVISED:

The project is in the regional vicinity of various planned, past, and present projects including the Corte Madera Residence Inn, Robin Drive, Tamalpais Apartments, and Town Hall Project, among others (for a complete list of cumulative projects ~~within the SFBAAB~~ see Table 4-2~~1~~). For local air quality impacts, there are no projects within 1,000 feet from the project site and no stationary sources within 2,000 feet that could combine to create a cumulative TAC impact.

This revision represents a minor clarification and does not change the analysis or conclusions of the Draft EIR. This revision is also shown in Chapter 4, "Revisions to the Draft EIR."

Comment O4-119

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
109	Chapter 4	4-14	C. Gilleran	"there are no projects within 1,000 feet from the project site and no stationary sources within 2,000 feet that could combine to create a cumulative TAC impact."	Unclear how this impact statement is substantiated.

Response O4-119

The comment requests substantiation for the statement in Chapter 4, "Cumulative," "there are no projects within 1,000 feet from the project site and no stationary sources within 2,000 feet that could combine to create a cumulative TAC impact." This statement is based on geographical mapping that occurred during the preparation of the Draft EIR to determine the distance between the proposed project and the cumulative projects included in Table 4-2 in Chapter 4, "Cumulative." No changes to the Draft EIR are needed.

Comment O4-120

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
110	Chapter 4	4-18 and 19	C. Gilleran	"The construction of the project would convert portions of the needle grass – melic grass grassland, and coyote brush scrub / (needle grass, blue wild rye, California brome), which are sensitive natural communities on the project site…Therefore, while these vegetation communities are considered vulnerable in the context of the distribution of relic perennial grassland statewide, loss of needle grass – melic grass grassland and coyote brush scrub / (needle grass, blue wild rye, California brome) from the project site would not represent a substantial adverse effect on these resources in the region, due to the degraded existing conditions of these communities and the abundance of high-functioning examples of these communities protected in preserves surrounding the project site."	Neither here nor in the biological resources section is it quantified how much will be lost. This makes it very difficult to determine whether the project is actually contributing to the significant degradation and loss of native grasslands, most notably. Pointing to retention of sensitive communities in nearby preserves does not mean that a project is not resulting in significant individual or cumulative impacts to sensitive grasslands. The analysis appears weak.

Response O4-120

The comment notes that the Draft EIR does not quantify the sensitive natural communities that would be lost to construction. See Response O4-34.

Comment O4-121

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
112	Chapter 4	4-29	C. Gilleran	NA	Cumulative hydrology analysis needs to consider existing impaired waterbodies as a result of cumulative past project activities and whether or not this project could contribute to the impairment.

Response O4-121

The comment requests that the cumulative hydrology analysis consider existing impaired waterbodies and whether the project would contribute to the impairment. Surface water impairments are described in Draft EIR Section 3.9, "Hydrology," for Richardson Bay, as well as Coyote Creek and Corte Madera del Presidio Creek which flow into

Richardson Bay. The determination in Draft EIR Impact 3.9-1 was that the project would have a less than significant impact on water quality. The cumulative hydrology analysis states that present and probable projects would be required to comply with polices pertaining to hydrology and water quality in the Marin Countywide Plan and the Marin County Code, and it is unlikely that present and probable future projects would conflict with those polices and ordinances. In addition, individual projects would be required to mitigate significant impacts resulting from inconsistency with County polices or ordinances on a project-by-project basis. Therefore, the majority of present and probable projects would not result in the degradation of surface or groundwater quality and no revisions to the Draft EIR are warranted.

Comment O4-122

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
112	Chapter 4	4-37	C. Gilleran	"Because the population increase of approximately 530 residents anticipated under the project could increase the demand for neighborhood and regional parks and other recreational facilities in the area, the project applicant would be required by the Marin County Development Code to provide developed park and recreational land and/or pay a fee in lieu of parkland dedication to help mitigate the impacts of the new residential demand on existing parkland and recreational facilities."	The analysis indicates that new developed park or recreational land may be needed but associated impacts of constructing it are not identified. This could have individual or cumulative impact ramifications.

Response O4-122

The comment states that the analysis in Chapter 4, "Cumulative Impacts," indicates that new developed park or recreational land may be needed but that it does not identify the associated impacts of constructing it.

As discussed in Draft EIR Chapter 4, "Cumulative Impacts," future development project impacts would be site specific and no substantial cumulative public service or recreation impact was identified to currently exist. Further, and as discussed in the Draft EIR Chapter 4, if the evaluation of past, present, or probable future projects indicates that physical environmental impacts associated with constructing new or expanded public services infrastructure or recreational facilities would occur, the project applicants would likely pay fair share impact fees, which would allow the service providers to oversee the expansion of their facilities, or the construction of new facilities, as needed. As appropriate, other feasible mitigation would be required to reduce the significance of potential impacts such that they would not be cumulatively considerable.

Moreover, as described in Response O4-90, per Marin County Code 22.84.070, project applicants may be allowed to dedicate land for park or recreation purposes as part of the project permitting process, or payment of in lieu fees (or a combination of both) may be required pursuant to Marin County Code 22.98.040. As a legal matter, the payment of such "fair share" fees can be sufficient to render a proposed project's incremental contribution to a significant cumulative impact less than cumulatively considerable. (State CEQA Guidelines Section 15130(a)(3); see also *Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, 141 [court upholds traffic mitigation fee program because it constituted a "reasonable plan for mitigation"].)

The details regarding a project applicant's implementation of its obligation under the Marin County Development Code is determined following project approval. Therefore, the Draft EIR concluded that a cumulatively significant impact from past, present, and probable future projects, together with the project, would not occur, and implementing the project would not result in a cumulatively considerable contribution to a cumulative impact on park facilities and services. Thus, the analysis in Draft EIR Chapter 4 adequately considered if a cumulatively substantial impact from past, present, and probable future projects would occur and whether the project would result in or cumulatively considerable contribution to a significant cumulative impact.

Comment O4-123

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
113	Chapter 4	4-39	D. Kearney	Result in Inadequate Emergency Access- Last sentence states: "Additionally, no cumulative projects are located on the Strawberry Peninsula where the project site is located. As such cumulative impacts….would not result in a significant cumulative impact related to emergency access."	The last sentence of this paragraph may be an error, given the Caltrans upgrades are planned for Tiburon Blvd. The Caltrans project should be included on the DEIR's Cumulative Impacts list and discussion section.

Response O4-123

The comment states that the discussion of emergency access in Section 4.13.4 of the Draft EIR erroneously states that there are no cumulative projects located on the Strawberry Peninsula given Caltrans' planned upgrades for Tiburon Boulevard. The comment suggests that the Caltrans project should be included in the Draft EIR's cumulative impacts list and discussion.

The Caltrans project cited by the comment appears to refer to the SR 131 Capital Preventive Maintenance project, which proposes to repair approximately 4.6 miles of SR 131 from approximately 1,000 feet west of US 101 interchange to the Tiburon Boulevard/Main Street intersection. According to the Final Initial Study/Negative Declaration (IS/ND) prepared for the project, improvements include rehabilitating and adding new pavement, constructing Class I, Class II, and Class IV bikeways, modifying intersections, upgrading curb ramps to Americans with Disabilities Act standards, upgrading guardrails to current standards, upgrading signage, improving pavement delineation, rehabilitating drainage systems, and modifying electrical systems (Caltrans 2024). The project is broken down into three segments. The western segment includes Class I, II and IV bikeways, intersection modification as well as curb ramps, pedestrian refuge islands and sidewalk modifications. The central segment includes Class II and IV bikeways and intersection modifications. The eastern segment includes intersection modifications (Caltrans 2025).

As stated in the Final IS/ND, the purpose of the project is to improve serviceability and ride quality on SR 131 and restore existing drainage systems to reduce the potential for highway flooding and to increase the safety for the public. In addition, the project will enhance and complete streets and support active modes of transportation by bridging a gap in the transportation network and improve bicycle access throughout the area (Caltrans 2024).

As suggested by the comment, the SR-131 Capital Preventive Maintenance Project has been added to Table 4-2, "Cumulative Projects List," in Chapter 4, "Cumulative Impacts," of the Draft EIR. In response to this comment, page 4-10 of the Draft EIR has been revised as follows:

ORIGINAL:

			Town of Tiburon		
18	1 Trestle Glen Circle	1 Trestle Glen Circle, Tiburon	New 4,866 sf single-family residence	Design Review	June 16 Design Review Board mtg
19	1894 Centro West Drive	1894 Centro West Drive, Tiburon	New 2,910 sf single-family residence	Design Review	July 21 Design Review Board Mtg
20	2359 Paradise Drive	2359 Paradise Drive, Tiburon	New 2,767 sf single-family residence	Design Review	July 21 Design Review Board Mtg
			City of Sausalito		

REVISED:

			Town of Tiburon		
~~18~~21	1 Trestle Glen Circle	1 Trestle Glen Circle, Tiburon	New 4,866 sf single-family residence	Design Review	June 16 Design Review Board mtg
~~19~~22	1894 Centro West Drive	1894 Centro West Drive, Tiburon	New 2,910 sf single-family residence	Design Review	July 21 Design Review Board Mtg
2~~3~~0	2359 Paradise Drive	2359 Paradise Drive, Tiburon	New 2,767 sf single-family residence	Design Review	July 21 Design Review Board Mtg
24	State Route (SR) 131 Capital Preventive Maintenance (Caltrans)	SR-131 approximately 1,000 feet west of US-101 interchange to the Tiburon Boulevard/Main Street intersection	The purpose of the project is to improve serviceability and ride quality on SR-131 and restore existing drainage systems to reduce the potential for highway flooding and to increase the safety for the public. In addition, the project will enhance and complete streets and support active modes of transportation by bridging a gap in the transportation network and improve bicycle access throughout the area. The project is broken down into three segments: The western segment includes Class I, II and IV bikeways, intersection modification as well as curb ramps, pedestrian refuge islands and sidewalk modifications. The central segment includes Class II and IV bikeways and intersection modifications. The eastern segment includes intersection modifications.	NA	Final design phase
			City of Sausalito		

As stated in Responses O4-79 and O4-117, CEQA normally does not require a lead agency to update its list of probable future projects in a Final EIR. Rather, a lead agency may choose a reasonable cut-off date that substantially precedes the issuance of a Draft EIR and continue to rely on that list until the end of the CEQA process. (See, e.g., *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1128.) Even so, nothing in CEQA prevents a lead agency from voluntarily updating its project list in a Final EIR. Here, the County has opted to take that step. As stated in Response O4-117, the cumulative impact analysis was reevaluated in consideration of the additional cumulative projects added to Table 4-2 to determine whether any changes to the cumulative impact analysis or conclusions in Chapter 4, "Cumulative Impacts," of the Draft EIR are required. Based on this review, it was concluded that these additional projects would not alter the cumulative impact significance determinations in Chapter 4 of the Draft EIR, because the SR 131 Caltrans project is designed for community and environmental benefits. Nonetheless, in response to this comment, Chapter 4 of the Draft EIR was revised to account for this additional cumulative project, so the analysis would be as current as feasible

Comment O4-124

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
114	Chapter 5	5-9	C. Gilleran	"See Appendix C for air quality emissions associated with the operation of existing uses."	Emissions associated only with existing on-site uses is not shown. Additionally, this would not account for the potential increase to 1,000 on-site students. This should be quantified and shown for comparison.

Response O4-124

The comment states that the emissions modeling does not account for existing on-site uses, which is correct. The emissions modeling prepared for the project and included as Appendix C to the Draft EIR evaluates the whole of the project, including replacement units for demolished housing, for its incremental increase in development compared

to baseline conditions, including existing homes subject to demolition. These emissions include the potential to increase student capacity to 1,000 on-site students, which is similar to the education potential under the proposed alternatives. Nevertheless, the statement in Chapter 5, "Alternatives," on page 5-9 under the heading, "Air Quality," has been removed in response to this comment to provide clarity:

ORIGINAL:

For long-term operational-related emissions, the No Project/No Build Alternative would not generate any new emissions beyond what is already generated on the existing campus and would be allowed under plans, zoning, and entitlements. Therefore, similar to the proposed project, this alternative assumes enrollment at the university would increase to 1,000 students. However, under this alternative, no additional housing opportunities would be provided in close proximity to existing facilities and students would be resigned to find housing elsewhere in the County or the larger East Bay/San Francisco region. The proposed project would have increased construction and operational emissions compared to existing conditions due to the development of new housing and facilities and increased vehicle trips. See Appendix C for air quality emissions associated with the operation of existing uses. On the other hand, the long-term emissions generated by Alternative 1 would be incrementally lower than those of the proposed project because it would not generate long-term operational emissions associated with additional residential uses on the project site. Thus, air quality impacts under the No Project/No Build Alternative would be less than under the proposed project and no mitigation would be required to reduce any potentially significant impacts.

REVISED:

For long-term operational-related emissions, the No Project/No Build Alternative would not generate any new emissions beyond what is already generated on the existing campus and would be allowed under plans, zoning, and entitlements. Therefore, similar to the proposed project, this alternative assumes enrollment at the university would increase to 1,000 students. However, under this alternative, no additional housing opportunities would be provided in close proximity to existing facilities and students would be resigned to find housing elsewhere in the County or the larger East Bay/San Francisco region. The proposed project would have increased construction and operational emissions compared to existing conditions due to the development of new housing and facilities and increased vehicle trips. <u>See Appendix C for air quality emissions associated with the increase in development as compared to baseline conditions.</u> ~~See Appendix C for air quality emissions associated with the operation of existing uses.~~ On the other hand, the long-term emissions generated by Alternative 1 would be incrementally lower than those of the proposed project because it would not generate long-term operational emissions associated with additional residential uses on the project site. Thus, air quality impacts under the No Project/No Build Alternative would be less than under the proposed project and no mitigation would be required to reduce any potentially significant impacts.

The proposed revisions do not alter the findings of the Draft EIR

<u>Comment O4-125</u>

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
115	Chapter 5	5-9	C. Gilleran	"While Alternative 1 would generate less energy demand as a result of no new development or construction activities, the energy consumed for increased student enrollment would be less efficient than the proposed project. Thus, while the proposed project would implement sustainability features and Marin County CAP measures, energy impacts under the No Project/No Build Alternative would be less than would occur under the proposed project."	The academic building is not identified as renovated or improved under the proposed project. Some minor improvements in efficiency are expected associated with the renovated administration building and new maintenance building. Unclear how energy consumption associated with the 1,000 students would be notably more efficient under the proposed project.

Response O4-125

The comment states that it is unclear how energy consumption associated with the 1,000 students would be notably more efficient under the proposed project. As discussed on page 5-9 of the Draft EIR for the Alternative 1 energy analysis, this alternative would not include any demolition or construction activities, renovations to the existing academic campus also would not occur; however, under Alternative 1 university enrollment would increase to 1,000 students, which would be the same as the proposed project. However, as discussed in Section 3.5, "Energy," the proposed project would increase energy use but would include various sustainability features, including on-site photovoltaic solar systems, to supply electricity to the project site that would be installed on the building roofs of new residential units. Additionally, the proposed project would apply Marin County Climate Action Plan (CAP) recommended project-level measures as components of the project's inherent design. It is the combination of the proposed sustainability features including on-site photovoltaic solar systems to supply electricity to the project site and Marin County CAP recommended project-level measures that would contribute to the proposed project being more energy efficient than Alternative 1 in relation to student enrollment.

Comment O4-126

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
116	Chapter 5	5-12	C. Gilleran	"Alternative 2: Potential Alternative Locations" "Although Sites 1, 2 and 3 were identified as potential alternative site locations and could be developed at varying densities with residential dwelling units, they either did not meet the alternate site development criteria outlined above, would not fulfill most of the basic project objectives, had the potential to cause potentially greater environmental impacts, or were not feasibly available. Therefore, this alternative has been determined to be infeasible and thus is not discussed in further detail in this EIR."	Why is this alternative included in the reasonable range of alternatives for detailed analysis when it appears it is more appropriate an alternative considered but not evaluated in detail?

Response O4-126

The comment questions why Alternative 2: Potential Alternative Locations, was carried forward for analysis and not dismissed in Section 5.3, Alternatives Considered but Not Evaluated in Detail. While the Draft EIR ultimately found Alternative 2 to be infeasible, it was important to carry this alternative forward for a more detailed level of analysis rather than dismiss it from further review. The analysis of the alternative involved a detailed and thorough evaluation of potentially feasible alternative sites and thoughtfully considered each of the factors set forth in State CEQA Guidelines Section 15126.6(f)(2). In its search for alternative sites, the County also considered several criteria related to the project's characteristics and objectives that would be necessary to develop comparable components to the proposed project, including an academic campus, daycare center, fitness center, residential care facility, market-rate and affordable housing, stormwater retention, similar proportion of open space and recreation areas, and new bicycle and pedestrian paths within the property. The criteria considered for potential alternative sites included locations with similar size, zoning, Countywide Plan land use designations, roadway/highway access, availability of utilities, and market availability (i.e., whether the site can be reasonably acquired by the project applicant).

As discussed in Draft EIR Section 5.4.2, Alternative 2: Potential Alternative Locations, the County identified three potentially feasible alternative sites and carefully considered each of the criteria and evaluated if each alternative site could be feasibly developed to support a project meeting most of the proposed project's objectives. Ultimately, after detailed evaluation of the three potential sites, the Draft EIR concluded that none of the three sites could feasibly meet most of the project's objectives, so the EIR reported that Alternative 2 would be infeasible. The detailed analysis carried out before this determination was robust and explained and documented why each was found to be infeasible. Also, see Final EIR Section 3.2.2, Master Response: Adequacy of the Range of Alternatives.

Comment O4-127

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
117	Chapter 5	5-15	C. Gilleran	"Alternative 3: Community Plan Consistent Alternative" "Alternative 4: Mitigated Plan Alternative"	It is challenging to differentiate the similarities and differences between these alternatives and the proposed project. A comparison table is recommended to facilitate a better understanding and for the analysis. It was only in the analysis text that the differences in what was proposed became more apparent.

Response O4-127

The comment states it is challenging to differentiate the similarities and differences between Alternative 3: Community Plan Consistent Alternative, and Alternative 4: Mitigated Plan Alternative and recommends a comparison table. As described Section 5.4.3, Alternative 3: Community Plan Consistent Alternative, in the EIR, this alternative assumes denial of the proposed project's Community Plan Amendment and that development on the site could occur consistent with the currently approved Strawberry Community Plan. Section 5.4.4, Alternative 4: Mitigated Plan Alternative, assumes buildout of the proposed project and thus approval of the Community Plan Amendment; however, buildout would occur in a different configuration of land uses than the proposed project to reduce impacts further related to aesthetics, biological resources, geology and mineral resources, and transportation. The proposed amendment to the Strawberry Community Plan is summarized in the Draft EIR in Table 2-4, List of Required Permits and Approvals, and the full text is included in Appendix O, Draft Community Plan Amendment. The proposed amendment to the Strawberry Community Plan would revise the residential unit count and would also remove the restriction that requires that residential and other site uses be dedicated exclusively to students, faculty, and staff of the academic campus. In addition, a summary of the environmental impacts of each alternative analyzed in the Draft EIR is included in Table 5-1, Summary of Environmental Effects of the Alternatives Relative to the Proposed North Coast Land Holdings Project. No edits or revisions to the EIR are required.

Comment O4-128

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
118	Chapter 5	5-27	C. Gilleran	Table 5-1 Alternative 4: Mitigated Plan Alternative	The finding of greater effects on energy and GHG emissions is not clearly substantiated as under Alternative 4, the residential care facility would be smaller, minimizing energy and emissions, and 90 to 100 units on-site would be required to be reserved for students, minimizing energy/emissions associated with commuting. The identified greater impacts on hydrology and water quality are not substantiated based on the analysis presented. The requested comparison table of alternative components would make this easier to differentiate analysis impacts as well.

Response O4-128

The comment states the findings for Alternative 4: Mitigated Plan Alternative related to energy, GHG emissions and hydrology and water quality are not clearly substantiated in the Draft EIR and requests a comparison table of alternative components. As described in Section 5.4.4, Alternative 4: Mitigated Plan Alternative, of the Draft EIR, the size of the residential care facility would be reduced to minimize local ridgeline impacts as compared to the proposed project; however, the same number of residential units would still be developed as the proposed project. The size of the residential care facility in this alternative is referring to the height of the building, not the number of residents, to reduce aesthetic impacts related to local ridgelines." This is an example of a land use configuration change that was considered for this alternative as an option to the recommended Mitigation Measure 3.1-1c, which involved planting a variety of fast-growing trees on the north and east sides of the residential care facility to mitigate the sky-lining effects of the facility. As outlined in the impacts analysis for Alternative 4, this alternative's energy demands and GHG emissions would be a small increment greater than those of the project due to construction of a new onsite gym. For

hydrology and water quality impacts, the analysis for Alternative 4 states that impacts would be greater for this resource area because modifying the location and configuration of development on the project site and moving residential units from Chapel Hill to other planning areas and increasing the amount of development and impervious area could result in greater stormwater and drainage impacts. In addition, a summary of the environmental impacts of each alternative analyzed in the Draft EIR is included in Table 5-1, Summary of Environmental Effects of the Alternatives Relative to the Proposed North Coast Land Holdings Project. No edits or revisions to the EIR are required.

Comment O4-129

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
119	Chapter 5	5-6	C. Gilleran	Reduced Development Alternative (Seminary Tomorrow Process Outcome	The reason given why this alternative was not analyzed is the assertion that this scenario "would reduce the base zoning of the site…" and the implication that this would be impermissible downzoning. It is not clear why building fewer units than maximally allowed would require downzoning. More information should be provided to support this finding.

Response O4-129

The comment states more information should be provided to support why the Reduced Development Alternative (Seminary Tomorrow Process Outcome) was not evaluated in further detail in the Draft EIR. See Final EIR Section 3.2.3, Master Response: Reduced Development Alternative (Seminary Tomorrow Process Outcome). In response to requests for more analysis of the alternative, it provides a detailed comparison of environmental impacts between the proposed project and the alternative. It also explains why this alternative would be legally infeasible.

Comment O4-130

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
120	Chapter 5	5-7	C. Gilleran	Maximum Countywide Plan Density Alternative	It is unclear why this alternative necessarily includes the Residential Care Facility if the Community Plan Amendment will be denied. It is also unclear why most of the 406 residential units would not be housing occupied by students, faculty, and staff if the Community Plan Amendment will be denied. The impacts to this alternative should be re-studied, assuming maximum residential units within the constraint of a self-contained school of up to 1000 students and the Residential Care Facility is not built.

Response O4-130

The comment states the Maximum Countywide Plan Density Alternative discussed in Section 5.3, Alternatives Considered but Not Evaluated in Detail, of the Draft EIR should be revised assuming development of the maximum potential residential units; more residential units occupied by students, faculty, and staff; and no Residential Care Facility. The consideration for construction of the maximum potential residential units that could be developed on the project site under this alternative would not substantially reduce or avoid the significant effects of the proposed project and would likely result in greater impacts. Therefore, assuming development of the maximum potential residential units under this alternative was not considered. Additionally, Section 20.32.080, Group Homes and Residential Care Facilities, of the Marin County Code allows for residential care facilities in all zoning districts where dwellings are allowed. Thus, a Community Plan Amendment is not required for the development of a residential care facility because it is a permitted use allowed under the Marin County Code. Therefore, this alternative maintained the Residential Care Facility as it would be reasonably foreseeable to be developed. Moreover, and as assumed under this alternative, should the proposed Community Plan Amendment be denied, then development on the site would need to comply with the current Strawberry Community Plan, which requires dedication of 90 to 100 housing units for student housing. Therefore, this alternative did not assume more than 100 units would be dedicated to students, faculty or staff. No edits or revisions to the EIR are required.

Letter O5 Marin Environmental Housing Collaborative

Jennifer Silva, Board Chair
September 13, 2024

Comment O5-1

The project represents an important housing project for southern Marin. We are especially supportive of the applicant providing 50 affordable units (approximately 27 percent of the net new 185 units, assuming this is the correct number). MEHC would like to see a clear and workable relocation plan given that up to 320 existing residents may be displaced by the proposed project. Many of these residents may be lower income and may work locally. Given the shortage of Marin County housing, they may be forced out of the County, resulting in long commutes and associated increased GHG emissions

Response O5-1

The comment expresses support for the project providing affordable housing, but questions if the correct number of units is provided. The comment also requests to see a relocation plan with considerations for low-income residents. See Final EIR Chapter 2, "Project Updates," for project updates related to increasing the affordable units to be dedicated under the proposed project to 70 affordable units. The number of market rate and affordable units has been revised from the original project description, with 20 fewer market rate units and 20 more affordable units. The specific revisions to the Draft EIR updating the affordable unit count are detailed in Chapter 4, "Revisions to the Draft EIR." Regarding a relocation plan, see Response O4-75. The Draft EIR Section 3.12, "Population and Housing," describes the state and local requirements for relocation assistance for low-income residents. Various benefits would be available to displaced residents. Lower-income residents, for example, would be entitled to payment of moving expenses; relocation assistance; and payment of the difference, if any, between affordable rent and rent for a "comparable" unit for up to 42 months. In addition, residents who occupy qualified SB 330 Protected Units would be entitled to relocation benefits and a right of first return under SB 330. The following benefits would apply to all qualified residents who would be displaced from SB 330 Protected Units:

- All existing residents must be allowed to remain in their units until 6 months "before the start of construction activities."
- All existing occupants who are displaced must be allowed to return at their prior rental rate if the demolition does not proceed and the property is returned to the rental market.

Qualified lower-income residents of SB 330 Protected Units also would be entitled to the following additional benefits:

- State Relocation Benefits. The developer must provide state relocation benefits to lower-income occupants of any protected units. These include payment of moving expenses; relocation assistance; and payment of the difference, if any, between affordable rent and rent for a "comparable" unit for up to 42 months.
- Right of First Refusal for New Unit. Even after being paid relocation benefits, the lower-income occupants of any protected units are entitled to a right of first refusal for a "comparable" unit in the development at affordable rent or affordable housing cost, with the exceptions listed below. A "comparable" unit must have the same number of bedrooms, have the same number of total rooms (including both permitted and unpermitted rooms), and be the same size as the unit being vacated.
  - Exception #1: This requirement does not apply where the development project consists of a single residential unit located on a site where a single SB 330 Protected Unit is being demolished.
  - Exception #2: This requirement also does not apply to units in a housing development in which 100 percent of the units, exclusive of a manager's unit or units, are reserved for lower-income household, except that a right of first refusal must be offered to any occupant of an SB 330 Protected Unit who qualifies for residence in the new development and for whom providing a comparable unit would not be precluded due to unit size limitations or other requirements of one or more funding source of the housing development.

> **Single-Family Comparable Unit**. If one or more single-family homes that qualify as SB 330 Protected Units are being replaced in a development project that consists of two or more units, "comparable unit" means either of the following: (1) a unit containing the same number of bedrooms if the single-family home contains three or fewer bedrooms or (2) a unit containing three bedrooms if the single-family home contains four or more bedrooms. A "comparable unit" in this instance is not required to have the same or similar square footage or the same number of total rooms.

The Marin County Planning Commission and Board of Supervisors will take the comment under consideration before a decision on the project is rendered.

Comment O5-2

Project Description: It would help to have a table that clearly shows the existing conditions vs. the project conditions, and the net gain vs. loss of units for each planning area. It appears that the project proposes 100 independent living units, 50 assisted living/memory care units, and 336 single and multi-family units (with 50 below market rate). This would result in a total of 486 units. The existing onsite units include 132 student apartments, 19 faculty/staff apartments, and 60 dorm rooms (for a total of 211 units). While the Summary table refers (3.12-1 and 3.13-1) to a net gain of 185 units, it is not clear why it is not 275 new units (486 minus 211 units). Table 2-2 shows 337 proposed units with 107 residential care units (total of 507 units) without accounting for units removed.

Response O5-2

The comment requests a table in Chapter 2, Project Description, comparing the existing conditions to the proposed project and the changes in number of units for each planning area. Table 2-1, Summary of Existing and Proposed Uses, in the Draft EIR provides the information including the change in the number of residential units by planning area that the comment requests. In addition, Section 2.6.2, Residential Development, of the Draft EIR provides detailed descriptions of each of the residential development proposed for each planning area. As stated in Draft EIR Section 2.6.2, Residential Development, the project proposes to retain 13 existing residential units, replace 139 existing residential units, and construct 184 new units consisting of single-family and multi-family residences, as well as a residential care facility (counted as one unit) equating to a total of 337 units. Also, see Chapter 2, "Project Updates," of this Final EIR, for project updates related to increasing the affordable units to be dedicated under the proposed project to 70 affordable units. Thus, the number of market rate and affordable units has been revised from the original project description, with 20 fewer market rate units and 20 more affordable units for a total of 253 market rate residential unit and 70 affordable units available to low-income household. However, the overall total number of 337 units did not change and the overall total number of one-, two-, and three-bedroom units remained balanced and did not change. The specific revisions to the Draft EIR updating the affordable unit count are detailed in Chapter 4, "Revisions to the Draft EIR."

Regarding how the residential care facility is counted in the unit count, as noted in Draft EIR Section 2.6.2, the residential care facility is only counted as one unit. This is consistent with Marin County Code Section 22.130.030, which defines a dwelling unit as a "room or group of internally connected rooms that have sleeping, food preparation, eating, and sanitation facilities, but typically not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis. Types of dwellings include single-family dwellings, two-family dwellings, multi-family dwellings, mobile homes, condominiums and townhouses, floating homes, and independent living units for the elderly" (Marin County 2023b). Additionally, the Marin Countywide Plan Housing Element adopted in January 2023 further clarifies that for the purposes of calculating residential density of a residential care facility, "a unit that contains a food preparation area is not counted as a separate residential unit if meal service is provided at least twice a day as part of the residential care component" (Marin County 2023c). As described on page 2-20 of the Draft EIR, the residential care facility would provide twice-daily meal services and therefore is counted as one unit. This same calculation also applies to the existing 66 dormitory units, which were described on page 2-6 of the Draft EIR and noted to be considered as seven residential units because of the seven kitchens shared between all the dormitory rooms.

Therefore, with the update made to the affordable unit count, the proposed project still proposes a total of 337 residential units with 253 market rate units, 70 affordable units, 13 existing units to remain, and one unit for the residential care facility. No edits to the Draft EIR are warranted in response to this comment.

Comment O5-3

Population And Housing: The project would result in the demolition of 139 residential units and would displace upwards of 320 residents. The DEIR concludes that resident displacement would be a short term impact that is less than-significant. This might be true if there was ample housing in the region. There is not. A number of the current residents living on the Seminary property are lower-income and are a critical part of the local workforce. Displacement will force current residents (particularly lower-income residents) that may be working locally to relocate outside the area resulting in longer commutes. Longer commutes result in a greater amount of vehicle miles traveled (VMT) and greater GHG emissions. Given that this project will be staged, we would like to see North Coast create a plan that ensures that lower income residents are not displaced.

Response O5-3

The comment states that the project would displace upwards of 320 residents, many of whom are lower-income and a critical part of the local workforce, and disagrees with the Draft EIR's finding of less than significant for Impact 3.12-2 (Displace Substantial Numbers of Existing People or Homes, Necessitating the Construction of Replacement Housing Elsewhere). The comment further states that there is not sufficient regional housing and displacement could force residents to relocate farther away, increasing commutes, VMT, and GHG emissions, underscoring the need for a plan to protect lower-income households. See Response O3-7 and O4-75.

Comment O5-4

Biological Resources. Effective mitigation measures for sensitive species are recommended. The County may want to consider planting of host species for monarchs given their overwintering on the site. Also, it will be critical for the Mitigation Monitoring and Reporting Program to be effectively maintained afterproject approval. The mitigation that addresses monitoring for Sudden Oak Death (SOD) can be on an annual basis but the EIR does not specify the termination of such monitoring. This may be most appropriately stated as "during the construction period" or "up to five years past completion of construction".

Wetlands should be more carefully assessed. While the area may be small, an aquatic resources delineation would be more appropriate to define the exact area (Impact 3.4-8). Tree removal is not clearly identified as an impact. While 89 protected trees would be removed, the mitigation measures do not address adequate replacement of such trees and the ratio of new trees to removed trees. Section 2.6.3 of the EIR addresses replacement trees and compliance with County Code but does not address the ratio.

Mitigation Measure 3.4-1 needs to confirm that there is adequate onsite acreage for this measure and if offsite locations are required, these should be identified in the EIR.

Response O5-4

The comment recommends effective mitigation measures for sensitive species and suggests that the County may want to consider planting host plants for monarchs, given their overwintering on the site. The County appreciates the suggestion to consider planting host plants (i.e., milkweed) for monarch butterflies on the project site; however, as described in Draft EIR Section 3.4, Biological Resources, under Impact 3.4-2 Potential Disturbance or Loss of Monarch Butterfly, the habitat for milkweed within Marin County is relatively abundant. The Marin County Planning Commission and Board of Supervisors will also take the comment's suggestion under consideration before a decision on the project is rendered.

The comment also states that effective maintenance of the Mitigation Monitoring and Reporting Program following project approval will be critical. Depending on the specific mitigation measure, the applicant will be responsible for ensuring appropriate surveys and reporting are conducted and completed per each specific mitigation measure, and the County Community Development Agency will verify that reports and findings have been submitted prior to start of project activities.

Another element of the comment states that the mitigation measure that addresses monitoring for Sudden Oak Death does not specify the termination of such monitoring. Mitigation Measure 3.4-7, "Avoid and Minimize Introduction and Spread of Sudden Oak Death," states that it applies "when working in oak woodlands" and this includes ongoing activities for defensible space, fuels management, and landscaping maintenance that occurs within oak woodlands on the project site. Therefore, there is no time limit on the need to implement the mitigation measure, including the annual reporting to the County.

Also, the comment states that wetlands should be more carefully assessed, and that an aquatic resources delineation would be more appropriate to define the exact area. Impact 3.4-8 of the Draft EIR discloses that the project site contains a total of 0.04 acre of freshwater emergent wetland, and also discloses that an aquatic resources delineation has not been performed to confirm the jurisdictional status of the freshwater emergent wetland on the project site; however, the significance determination within the Draft EIR is not based on the jurisdictional status of these areas, but rather their size, isolation, composition, and functional impairment.

The comment also states that tree removal is not clearly identified as an impact, that Section 2.6.3 of the EIR address replacement trees but does not address the ratio of removed to replacement trees, and that mitigation measures do not adequately address replacement of protected trees or the ratio of new trees to removed trees. The Draft EIR discloses the potential impacts related to tree removal in Section 3.4, Biological Resources, under Impacts 3.4-2, 3.4-4, 3.4-5, 3.4-6, 3.4-7, and 3.4-10. Impacts 3.4-2, 3.4-4 and 3.4-5 disclose the potential impact to special-status species from tree removal, and that the removal of trees would not have a substantial impact on habitat for the species. Impact 3.4-6, "Potential Degradation or Loss of Sensitive Natural Communities Identified by CDFW or USFWS," discloses the potential impact to California bay forest from tree removal and that the potential impact would not result in conversion of the sensitive land cover type. Impact 3.4-7, "Potential Degradation or Loss of Oak Woodlands, discloses the potential impact from removal of oak trees and that the proposed removal of oaks would not result in conversion or net loss of oak woodland. Impact 3.4-10 specifically addresses the removal of protected trees as defined by the Marin County Code, Article VIII Chapter 22.130, the requirement for a tree removal permit per County Code Section 22.62.020, and that replacement of protected trees would be in accordance with County Code Section 22.27.040.

Lastly, the comment states that Mitigation Measure 3.4-1 needs to confirm that there is adequate acreage onsite or that if offsite locations are required that these locations be identified in the EIR. Mitigation Measure 3.4-1a includes language that requires preserving and enhancing existing populations within the project area or creating off-site populations, to achieve a no net loss net loss 1:1 replacement of occupied habitat and individuals. The requirement to meet this no net loss standard applies to the mitigation as a whole, and ensures that the replacement of occupied habitat and individuals will occur at a ratio that will offset the loss and reduce the impact to less than significant. Therefore, it is not necessary to identify the acreage onsite or off-site where the mitigation will occur. CEQA does not require such information. (*California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 622 [EIR was not deficient for failing to identify offsite mitigation properties].) No revisions to the EIR are warranted in response to this comment.

Comment O5-5

Geology. Mitigation Measure 3.6-2 addresses a future geotechnical report and the potential for retaining walls but the EIR does not include data to determine the location and height of such walls. An updated geotechnical report should be completed prior to the completion of the Final EIR, especially because the 2016 Preliminary Geotechnical Design Report done by Purcell, Rhoades & Associates, Inc. (included as an appendix) included a site plan that varied from the site plan shown in the EIR. For example, the new site plan shows more units near Chapel Drive (Chapel Hill Planning Area) and more units lining Strawberry at the far southern end of the site.

Response O5-5

The comment requests an updated geotechnical report identifying the location and height of retaining walls. The comment states that the Draft EIR must be revised to include a geotechnical evaluation of fill placement on the playing field and possible subsidence. The Draft EIR needs to contain sufficient information to determine the nature, magnitude, and significance of an environmental impact and it satisfies this requirement. In response to requests for

additional subsurface information, the applicant retained Rockridge Geotechnical to perform additional soil sampling and investigation in the Hodges area, at the proposed fitness center, and at the play field fill sites. The additional subsurface testing confirmed the environmental impact findings in the Draft EIR. The report concluded that there are no major geotechnical issues that would preclude development of the site as proposed (Final EIR Appendix A). The report provides details for standard structures that should be included in the proposed fill area including a keyway and proper drainage. See Final EIR Section 3.2.5, "Master Response: Project-Level Geotechnical Evaluation." No revisions to the Draft EIR are warranted.

Comment O5-6

Traffic. The EIR concludes that VMT impacts are significant and unavoidable given the project site's distance from good public transit. A mitigation measure should be included to have the applicant work with Golden Gate Transit to get more public transit to the site area. We would also like confirmation that there is enough right of way to accommodate the proposed roundabout which is important to reduce GHG emissions. We'd also suggest that North Coast Holdings investigate whether the Affordable Housing and Sustainable Communities (AHSC) Program might be able to be leverage to fund transit improvements. AHSC aims to reduce GHG by funding projects that make it easier for residents to get out of their cars and walk, bike, or take public transit. To date, no AHSC funds have been deployed in Marin County.

Response O5-6

The comment includes a recommendation to include coordination with Golden Gate Transit to provide transit service to the project site as a mitigation measure to reduce the project's impact on VMT. Additionally, the comment requests confirmation that the implementation of Draft EIR Mitigation Measure 3.14-4 is feasible.

Regarding the suggested coordination with Golden Gate Transit, Mitigation Measure 3.14-2a has been revised to include this as a strategy to reduce VMT through the required transportation demand management program. Page 3.14-16 of the Draft EIR has been revised as follows:

ORIGINAL:

Mitigation Measure 3.14-2a: Develop and Implement a Transportation Demand Management Program for Market Rate Residential Uses

Prior to the issuance of the first building permit in the first phase of development, the project applicant shall develop a Transportation Demand Management (TDM) program for the proposed market rate residential units, including any anticipated phasing, and shall submit the draft TDM program to the County of Marin Public Works for review and approval. The TDM program shall attempt to achieve a 39 percent reduction in weekday home-based VMT per capita generated by the proposed market rate single family and multi-family residential uses to reduce impacts to a less-than-significant level.

The project applicant shall be responsible for preparing and implementing the TDM Program. The project applicant shall be responsible for funding and overseeing the delivery of trip reduction/TDM proposed programs and strategies to achieve the maximum feasible trip reduction as determined in collaboration with County of Marin Public Works staff, which may include, but are not limited to, the following:

- Dedicated shuttle for residents of market units and/or academic campus employees and/or students;
- Establishment of carpool, buspool, or vanpool programs;
- Vanpool purchase incentives;
- Cash allowances, passes or other public transit subsidies and purchase incentives;
- Parking fees set at levels sufficient to incentivize alternative modes;
- Full or partial parking subsidies for ride-sharing vehicles;
- Bicycle programs including bike purchase incentives, storage, maintenance program, and on-site education program;

- On-site bike share program;
- Dedicated employee or student housing for adjacent campus;
- Designation of an on-site transportation coordinator for the project;

REVISED:

Mitigation Measure 3.14-2a: Develop and Implement a Transportation Demand Management Program for Market Rate Residential Uses

Prior to the issuance of the first building permit in the first phase of development, the project applicant shall develop a Transportation Demand Management (TDM) program for the proposed market rate residential units, including any anticipated phasing, and shall submit the draft TDM program to the County of Marin Public Works for review and approval. The TDM program shall ~~attempt to~~ achieve a 39 percent reduction in weekday home-based VMT per capita generated by the proposed market rate single family and multi-family residential uses to reduce impacts to a less-than-significant level.

The project applicant shall be responsible for preparing and implementing the TDM Program. The project applicant shall be responsible for funding and overseeing the delivery of trip reduction/TDM proposed programs and strategies to achieve the maximum feasible trip reduction as determined in collaboration with County of Marin Public Works staff, which may include, but are not limited to, the following:

- Dedicated shuttle for residents of market units and/or academic campus employees and/or students;
- Establishment of carpool, buspool, or vanpool programs in coordination with Marin Transit;
- Vanpool purchase incentives;
- Cash allowances, passes or other public transit subsidies and purchase incentives;
- Parking fees set at levels sufficient to incentivize alternative modes;
- Full or partial parking subsidies for ride-sharing vehicles;
- Bicycle programs including bike purchase incentives, storage, maintenance program, and on-site education program;
- On-site bike share program;
- Dedicated employee or student housing for adjacent campus;
- Designation of an on-site transportation coordinator for the project;
- Coordination with Golden Gate Transit and Marin Transit to increase transit service in the project area.

These revisions are minor and do not change the analysis or adequacy of the Draft EIR. This revision is also shown in Chapter 4, "Revisions to the Draft EIR."

Regarding Mitigation Measure 3.14-4, Draft EIR Mitigation Measure 3.14-4, which identified constructing a roundabout or an alternative traffic signal at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol, has been revised. See Final EIR Section 3.2.12, Master Response: Emergency Vehicle Access Mitigation Measure, which describes the revisions to the mitigation measure. The purpose of Mitigation Measure 3.14-4 is to address potential impacts on emergency response time by fire trucks from Southern Marin Fire District Strawberry Station 9 that use Ricardo Road, Seminary Drive, and the Redwood Highway Frontage Road as an egress route to access US 101. Comments on the Draft EIR indicated opposition to installation of a roundabout or traffic signal at the intersection of Ricardo Road/Seminary Drive and asserted concerns regarding safety for pedestrians and cyclists compared to the existing all-way stop control. As such, consultation with Southern Marin Fire District staff was conducted to determine an alternate approach that would achieve the same benefits. The updated measure, which is equivalent in effectiveness to the initial options provided in Mitigation Measure 3.14-4, involves installing signal preemption at two existing traffic signals on Redwood Highway Frontage Road that are on the primary routes for first responders from

Strawberry Station 9 to access US 101. The revised mitigation measure would require the project applicant to purchase, install, and activate emergency vehicle preemption devices in the traffic signals at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive as well as in seven fire station vehicles housed at Southern Marin Fire District Strawberry Fire Station 9. Mitigation Measure 3.14-4 would help maintain vehicular flow during emergency response by prioritizing right-of-way for emergency vehicles traveling from Fire Station 9 to US 101. Revised Mitigation Measure 3.14-4 is similar to the previous mitigation option in the manner that it reduces impacts on emergency vehicle access. Therefore, substantial alteration of the Seminary Drive/Ricardo Road/Vista Del Sol intersection is no longer needed as the revised mitigation does not require physical modification of the transportation network. No change to the Draft EIR is warranted.

In addition, the comment's suggestion to explore funding opportunities for transit improvements through the AHSC Program is acknowledged and included in the record for consideration by the Marin County Planning Commission and Board of Supervisors.

Comment O5-7

Greenhouse Gas Emissions and Climate Change. Mitigation Measure 3.7-1a which recommended EV charging stations is important and effective for the project and we support this. Other measures to reduce GHG emissions are also supported as identified in Section 3.7. We highly recommend that the entire project be 100 percent electric and a mitigation measure should be included for this issue.

Response O5-7

The comment states that Mitigation Measure 3.1-1a and other measures to reduce GHG emissions are important and recommends a mitigation measure be included for the project to be fully electric. As discussed in on page 3.7-4 of the Draft EIR, while BAAQMD recommends that new projects undergoing CEQA evaluation prohibit the use of on-site natural gas, the Ninth Circuit Court of Appeals decision in *California Restaurant Association v. City of Berkeley* (9th Cir. 2024) 89 F.4th 1094 called into question the legality of enforcing all-electric building ordinances in consideration of federal law. In that case, as was also mentioned in Response O3-4, the Court held that Berkeley's building code provisions prohibiting natural gas piping in new buildings from the points of delivery at gas meters, thereby rendering gas appliances useless, were preempted by the federal Energy Policy and Conservation Act (EPCA), 42 U.S.C. § 6297(c)].) For these reasons, the County is currently electing to make the decision to make new development all-electric a voluntary choice of the applicant, and is not enforcing its ordinance prohibition on natural gas infrastructure as codified in County Code Section 19.04.125. The Draft EIR did include Mitigation Measure 3.7-1b, which would require the applicant reduce GHG emissions from buildings to the maximum extent feasible by either voluntarily committing to construct the project to be fully electric or purchasing offsets if the County has adopted a GHG offset policy and implementation program at the time of the project's consideration for approval by the Board of Supervisors. However, because it cannot be assured at this time that Mitigation Measure 3.7-1b is feasible, the proposed project would conflict with BAAQMD's goals and the 2022 Scoping Plan and impacts related to GHG emissions were found to be significant and unavoidable. No edits or revisions to the EIR required.

Comment O5-8

Conclusion. MEHC hopes that the County will seriously consider the adoption of Alternative 4, and looks forward to seeing an effective Mitigation Monitoring and Reporting Program as part of the Final EIR.

Response O5-8

The comment states that serious consideration should be given to Alternative 4 and that an effective Mitigation Monitoring and Reporting Program should be prepared as part of the Final EIR. The comment does not address the content, analysis, or conclusions in the Draft EIR. Additionally, and as required by CEQA, a Mitigation Monitoring and Reporting Program will be provided to the Marin County Planning Commission and Board of Supervisors for consideration before a decision on the project is rendered.

Letter O6 Seminary Neighborhood Association

Riley F. Hurd III, Esq.
RAGGHIANTI | FREITAS LLP representing Seminary Neighborhood Association
September 16, 2024

Comment O6-1

1-123. The Seminary Neighborhood Association engaged Panorama Environmental and Baseline Environmental Consulting, along with numerous subcontractors, to review the DEIR. A letter with attachments from these professionals is attached hereto as Exhibit 1. Attachment B to the Panorama letter is a "Draft EIR Comment Matrix" consisting of 123 separate comments regarding the EIR. We hereby submit, and incorporate herein, each and every one of those comments as formal comments on the DEIR.

Response O6-1

The comment states that the Seminary Neighborhood Association retained environmental consulting contractors to review the Draft EIR and included their comments in Exhibit 1 as an attachment to the letter. The Panorama letter included as Exhibit 1 is almost entirely the same letter that was attached to the September 8, 2024 Seminary Neighborhood Association letter included above as Letter O4. However, there were a few additional comments that are new to this letter and responses to these new comments are provided below. See responses above for Letter O4 for all other responses.

Comment O6-2

124. There is *no way* there can be a meaningful EIR without knowing the details of the school being proposed. Numerous cases have repeated the general principle that **an accurate, stable, and finite project description is the indispensable prerequisite to an informative and legally sufficient EIR.** (*County of Inyo v City of Los Angeles* (1977) 71 CA3d 185; 14 Cal Code Regs, Section 15124.) Here, the County is being asked to approve a Community Plan amendment that drastically changes the intensity, impact, and use of the educational component of the Seminary Property. However, **zero information about the operational characteristics of the school are provided**.

For example:

- What type of school is it?
- What are the hours of operation?
- Will the students and faculty live on site or commute?
- Is there a sports program?

The EIR project description needs to reflect the entirety of the project, and not obscure a major component from review.

Response O6-2

The comment states the project description needs to include operational characteristics of the academic campus and without such information there cannot be a meaningful EIR. See Final EIR Section 3.2.1, Master Response: Stable Project Description, and Section 3.2.4, Master Response: Conditional Use Permit Issues.

Comment O6-3

125. The statement on Page ES-1 of the DEIR that the "1953 CUP allows for a campus operation of up to 1,000 students," is false. The CUP was for a self-contained seminary only, not any "campus operation." The language of the 1953 CUP speaks for itself:

> USE PERMIT
>
> Under the provisions of Section20 of Ord. No.264, the Zoning Ordinance of the County of Marin, State of California.

> A USE PERMIT is hereby granted authorizing Edward D. Landals (Name of person) to permit the construction of a Theological Seminary and dormitories xtax other buildings incidental to such use, subject to the attached condition. (Use of land, building or structure proposed to be conducted)

The housing and other buildings were required to be "incidental" to the educational use. The minutes from the meeting where the CUP was approved remain timely: **the seminary use was only acceptable because of its "self-contained nature."** A school without these characteristics generates significantly more vehicle trips, noise, and other impacts, at a level far greater than the self-contained post-graduate institution contemplated in 1953.

Response O6-3

The comment states that a statement made on Draft EIR page ES-1 that the 1953 CUP allows for a campus operation of up to 1,000 students is false. The comment also provides excerpted text from the 1953 CUP and states that housing and other buildings were required to be "incidental" to the educational use. See Final EIR Section 3.2.1, Master Response: Stable Project Description; Section 3.2.4, Master Response: Conditional Use Permit Issues; and Response O4-8.

Comment O6-4

126. The EIR's repeated assumption of a 4-year construction period (i.e. page ES-27) is unrealistic and not supported by expert analysis of the actual time a project of this scale and associated infrastructure would take to build. Page 3.14-4 of the DEIR states "construction activities would be short term and temporary in nature." This does not seem correct, and traffic and noise impacts of construction will actually go on far longer than expected.

Response O6-4

The comment questions the feasibility of the construction schedule. The applicant has consulted with Build Group, a regional general contractor with relevant experience building large residential projects and concurs that the proposed construction schedule is feasible (Herrema, pers. comm., 2025). Therefore, the proposed construction schedule provided in the Draft EIR is adequate and no revisions to the Draft EIR are warranted.

Comment O6-5

127. Page 3.9-6 of the DEIR acknowledges that the "topography of the project site consists primarily of hillside and ridgeline." The analysis and conclusions in the Aesthetics section of the DEIR cannot be squared with this statement.

Response O6-5

The comment suggests that the analysis and conclusions in Section 3.1, "Aesthetics," of the Draft EIR do not recognize the topography described for the project site in Section 3.9, "Hydrology." Section 3.9, "Hydrology," states that the topography of the project site consists primarily of hillsides and ridgeline on the Strawberry Peninsula with a range of elevation from approximately 10 to 250 feet above mean sea level. Section 3.1, "Aesthetics," states that the topography of the project site consists primarily of hillsides and knolls on the Strawberry Peninsula with a range of elevations from approximately 10 to 250 feet.

The comment's assertion that the analysis and conclusions in the Aesthetics section are inconsistent with the statement about the topography of the project site is inaccurate. Page 3.1-9 in Section 3.1.2 "Environmental Setting," of the Aesthetics section of the Draft EIR discusses hillsides, local ridgelines, and knolls in and around the project site. Section 3.1.2 "Environmental Setting," provides the context needed for analyzing the potential aesthetic impacts of the proposed project. The information in this section is used throughout the Draft EIR Aesthetics section to assess the project's potential effects, identify areas where mitigation is needed, and determine whether the impacts would be significant. The conclusions drawn in the Aesthetics section of the Draft EIR are directly informed by the conditions described in the environmental setting in Section 3.1.2. The analysis considers the visual impacts of the project, including its location on and near ridgelines, and evaluates how the project would interact with the surrounding landscape. Therefore, there is no substantial difference in the description of the topography on the project site that would alter the significance of the conclusions made in the Draft EIR and no revisions are warranted.

Comment O6-6

128. Page 3.9-6 of the DEIR acknowledges that "the existing storm drain system includes 14 outlets that ultimately drain to Richardson Bay." The EIR fails to acknowledge and analyze the fact that main of the storm drain outlets into the Bay are fully clogged and/or damaged. These drains will need repair and replacement, work in Richardson Bay is a foreseeable part of this project, and BCDC permits will be required.

Response O6-6

The comment states that the storm drain outlets to Richardson Bay are clogged and damaged and will need repair. See Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System."

Comment O6-7

129. The statement on Page 3.10-7 of the DEIR that "Without the influence of the Master Plan, the land use designations and policies revert to those expressed in the Countywide Plan and the 1953 CUP." The Strawberry Community Plan needs to be added to this list, as it is truly the comprehensive planning document for the site.

Response O6-7

The comment states that the Strawberry Community Plan needs to be added to the list of plans mentioned in the sentence from the Draft EIR cited in the comment. In response to this comment, page 3.10-7 of the Draft EIR has been revised as follows:

> **ORIGINAL:**
>
> The 1984 Master Plan expired on January 1, 2018. The expiration of the Master Plan did not affect the 1953 CUP that originally authorized and continues to allow the use of the property as a school. Without the influence of the Master Plan, the land use designations and policies revert to those expressed in the Countywide Plan and the 1953 CUP.
>
> **REVISED:**
>
> The 1984 Master Plan expired on January 1, 2018. The expiration of the Master Plan did not affect the 1953 CUP that originally authorized and continues to allow the use of the property as an academic campus ~~school~~. Without the influence of the Master Plan, the land use designations and policies revert to those expressed in the Countywide Plan, Strawberry Community Plan, and the 1953 CUP. However, in accordance with State housing law, the density for the site would be dictated by the Countywide Plan rather than the Strawberry Community Plan.

This revision represents a minor clarification and does not change the analysis or conclusions of the Draft EIR. This revision is also shown in Chapter 4, "Revisions to the Draft EIR."

Comment O6-8

130. On Page 3.10-14 of the DEIR there is a table entitled "Project Consistency with Applicable Local Policies." Many of the conclusions in this table are simply, and objectively, wrong. Here are just a few examples of the "findings" in this table that simply could not be made by any reasonable person:

- Policy: "Retain the local setting of open hillside and open Bay waters."
    - DEIR finding: "CONSISTENT"
- Policy: "Retain the existing fine grain character of the community by limiting the construction of large scale urban density developments."
    - DEIR finding: "CONSISTENT"
- Policy: "If new development is to occur, it can strengthen this character by providing the traditional setting of detached single family units within any new development proposed for the area."
    - DEIR finding: "CONSISTENT"

Response O6-8

The comment states that many of the conclusions in Table 3.10-1 on page 3.10-14 of the Draft EIR are objectively wrong and cites certain policies as examples. The comment raises similar concerns as Comment O4-5; see Response O4-5.

Comment O6-9

131. Page 3.12-14 of the EIR states that "Most of the students and university employees …. Are expected to be already living in the area." This is an unrealistic expectation, is not supported by evidence, and leads to an underreporting of the environmental impacts of the school.

Response O6-9

The comment states that the expectation on page 3.12-14 of the Draft EIR that most of the students living off-site as well as university employees would already be living in the area, is unrealistic and not supported by evidence leading to an underreporting of the environmental impacts of the school.

The Draft EIR impact associated with this comment is Impact 3.12-1, which requires consideration if a project would induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses] or indirectly [for example, through extension of roads or other infrastructure). As discussed in Draft EIR Section 3.12, "Population and Housing," under Impact 3.12-1, the project would generate up to approximately 253 jobs with full enrollment of the university (216 new campus jobs, 34 jobs for the new residential care facility, and three jobs for the new fitness center) and anticipates enrollment of up to 1,000 students.

Impact 3.12-1 on page 3.12-15 of the Draft EIR goes into detail about why it is reasonably expected that most of these students and jobs would be filled by people already living in the area by explaining that in the southern portion of Marin County, within approximately 10 miles of Strawberry, are San Rafael, Mill Valley, Larkspur, San Anselmo, Tamalpais-Homestead Valley, Corte Madera, Tiburon, and several other cities and census designated places, which together with Strawberry have a combined population of more than 140,000. Additionally, the Draft EIR explains that extending the commute distance to approximately 15 miles would expand the region considered in the analysis to include portions of the East Bay and San Francisco, which would substantially expand the population under consideration. The Draft EIR also explains on page 3.12-15 that this is a reasonable expectation because an approximately 10-mile distance is consistent with the Plan Bay Area 2050 Draft EIR, which states that the average one-way commute distance by car in the Bay Area in 2015 was 10.3 miles and that the commute distance using transit was 11.0 miles (MTC and ABAG 2021: Table 3.15-5). However, longer commutes for students and workers living in the Bay Area are common.

Extending the commute distance to approximately 15 miles would expand the region considered in the analysis to include portions of the East Bay and San Francisco, which would substantially expand the population under consideration, and reinforce the reasonable expectation that a substantial number of students and employees would not relocate to the project area. Thus, the expectation that most of the students living off-site as well as project-generated jobs would be filled by people already living within typical commute distances in the area is based on regional planning data, which constitutes substantial evidence demonstrating the vast size of the population in the area as well as the comparatively small number of jobs to be filled. Therefore, the Draft EIR adequately analyzed and described the nature and magnitude of the project's potential to induce substantial unplanned population growth in an area, either directly or indirectly and appropriately concluded that the growth anticipated under the proposed project would be neither substantial nor unplanned and impacts would be less than significant.

Comment O6-10

132. Page 3.12-14 of the EIR states that the sixty-six dorm rooms on the property are only counted as seven residential units. Even if there is support for this counting methodology in the zoning code, it is not appropriate for EIR impact considerations and replacement housing requirements. Only 7 residential units are being used to replace 183 dorm rooms.

Response O6-10

The comment states that even if there is evidence to support why the sixty-six dorm rooms are counted in the Draft EIR as equivalent to seven residential units, it not appropriate for impact considerations and replacement housing requirements. The comment also incorrectly states that 7 residential units are being used to replace 183 dorm rooms.

The Draft EIR describes in Chapter 2, "Project Description," on page 2-7 as part of the project setting and existing conditions there are 66 dormitory rooms with seven shared kitchens that make up part of the existing residential uses on the project site. There is also a foot note on page 2-7 of the Draft EIR stating that the 66 dormitory rooms are counted as seven residential units when considering the number of existing residential units on the project site. This is also shown in Volume 1 on Sheet 0A.03 (Project Planning Information) of the project plans which are available and have been available since before circulation of the Draft EIR, on the County's project website: https://www.marincounty.gov/departments/cda/planning/projects/mill-valley-alto/north-coast-land-holdings-community-plan-amendmentmaster-plandesign-reviewmaster-use-permittentative-maptree-removal-permit-former-golden-gate-baptist-seminary-property-p1490. This is because per County Code Section 22.130.030 a dwelling or dwelling unit is defined as "[a] room or group of internally connected rooms that have sleeping, food preparation, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis. Types of dwellings include single-family dwellings, two-family dwellings, multi-family dwellings, mobile homes, condominiums and townhouses, floating homes, and independent living units for the elderly." Therefore, when considering the number of residential units to be replaced by the proposed project, the 66 dormitory rooms were counted as seven residential units. The comment does not provide any substantial evidence as to why this assumption is not appropriate; therefore, no further response is required.

Comment O6-11

133. The DEIR repeatedly states that 30% of the students and faculty are expected to live on site. No part of the project proposed such a requirement. This is an unrealistic expectation, is not supported by evidence, and leads to an underreporting of the environmental impacts of the school. Page 3.14-15 of the DEIR contradicts the 30%statement and acknowledges that no students or faculty are required to live on site. The DEIR needs to be consistent in its analysis, which must be based on no students or faculty living on site.

Response O6-11

The comment states that it is an unrealistic expectation not supported by evidence to anticipate that 30 percent of the students and faculty are anticipated to live on site. The comment also states the transportation analysis in Draft EIR Section 3.14, "Transportation," contradicts the 30 percent estimate acknowledging that no students or faculty are required to live on site, and the Draft EIR needs to be revised assuming no students or faculty living on site. A reasonable estimate was used in the project description and environmental analysis that approximately 30 percent of the housing would be occupied by university-affiliated residents, i.e., students, staff, and faculty. The estimate is reasonable because data from the applicant indicates that 27 percent of existing housing units on the property are occupied by university-affiliated residents (Jones, pers. comm., 2022). During preparation of the Final EIR, the applicant clarified further that based on a review of housing records by the applicant in June 2022, residents affiliated with the campus were estimated to constitute 27 percent of the total number of housing units and dormitories on the project site (Jones, pers. comm., 2025). For the purposes of the VMT analysis, the TIS assumed none of the residential units would be occupied by students, faculty, or staff to provide a conservative analysis and avoid underestimating VMT impacts from the residential component of the project.

Comment O6-12

134. Page 3.12-15 of the DEIR states, "it is reasonably anticipated that most of the students living off site would already live in this area," and "most of the jobs would likely be filled by people already living in the area. These are unrealistic expectations, are not supported by evidence, represent a severe misunderstanding of the region, and lead to an underreporting of the environmental impacts of the school.

135. Page 3.12-15 of the DEIR states, "Because most of the labor force would likely be drawn from the large pool of construction workers already living in the region, a substantial number of construction workers would not be

reasonably expected to relocate to the area to construct the project." This is an unrealistic expectation, is not supported by evidence, represents a severe misunderstanding of the region, and leads to an underreporting of the environmental impacts of the school.

Response O6-12

The comment states that the expectation on page 3.12-15 of the Draft EIR that most of the students living off site as well as construction workers would already be living in the area, is unrealistic and not supported by evidence leading to an underreporting of the environmental impacts of the school.

Regarding the reasonable expectation of students living off site, see Response O6-9. For similar reasons, a similar expectation was considered for construction workers. The Draft EIR impact associated with this comment is Impact 3.12-1 which requires consideration if a project would induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses] or indirectly [for example, through extension of roads or other infrastructure). As discussed in Draft EIR Section 3.12, "Population and Housing," under Impact 3.12-1, construction of the project would occur over approximately 4 years. The size of the on-site construction labor force would fluctuate depending on the phase of work, ranging from approximately 10 to 160 people, depending on the project component and phase under construction. Because most of the labor force would likely be drawn from the large pool of construction workers already living in the region, a substantial number of construction workers would not be reasonably expected to relocate to the area to construct the project. Impact 3.12-1 on page 3.12-15 of the Draft EIR also goes into detail about why it is reasonably expected that most of these jobs would be filled by people already living in the area by explaining that in the southern portion of Marin County, within approximately 10 miles of Strawberry, are San Rafael, Mill Valley, Larkspur, San Anselmo, Tamalpais-Homestead Valley, Corte Madera, Tiburon, and several other cities and census designated places, which together with Strawberry have a combined population of more than 140,000.

Additionally, the Draft EIR explains that extending the commute distance to approximately 15 miles would expand the region considered in the analysis to include portions of the East Bay and San Francisco, which would substantially expand the population under consideration. The Draft EIR also explains on page 3.12-15 this is a reasonable expectation because an approximately 10-mile distance is consistent with the Plan Bay Area 2050 Draft EIR, which states that the average one-way commute distance by car in the Bay Area in 2015 was 10.3 miles and that the commute distance using transit was 11.0 miles (MTC and ABAG 2021: Table 3.15-5). However, longer commutes for students and workers living in the Bay Area are common. Extending the commute distance to approximately 15 miles would expand the region considered in the analysis to include portions of the East Bay and San Francisco, which would substantially expand the population under consideration, and reinforce the reasonable expectation that a substantial number of students and employees would not relocate to the project area. Thus, the expectation that most of construction jobs would be filled by people already living within typical commute distances in the area is based on regional planning data, which constitutes substantial evidence demonstrating the vast size of the population in the area as well as the comparatively small number of jobs to be filled. Therefore, the Draft EIR adequately analyzed and described the nature and magnitude of the project's potential to induce substantial unplanned population growth in an area, either directly or indirectly and appropriately concluded that the growth anticipated under the proposed project would be neither substantial nor unplanned and impacts would be less than significant.

Comment O6-13

136. Page 3.12-15 of the DEIR suggests that the 320 people displaced by this project could readily find alternate housing in Marin and that Marin has a high vacancy rate. This is an unrealistic expectation, is not supported by evidence, represents a severe misunderstanding of the region, and leads to an underreporting of the environmental impacts of the project.

Response O6-13

The comment states that the conclusion in Draft EIR Section 3.12, "Population and Housing," Impact 3.12-2 that there is a high vacancy rate and alternate housing available in the region for displaced residents is unrealistic and not

supported by evidence leading to an underreporting of the environmental impacts of the project. See Response O3-7.

Comment O6-14

137. Page 3.14-4 of the DEIR does not acknowledge the extensive trip limits found in the Strawberry Community Plan and how this project would far surpass said limits. The preparers of the EIR must refer to Traffic Zone 223 on Pages 57-58 of the Strawberry Community Plan.

Response O6-14

The comment claims that the Draft EIR did not acknowledge a trip cap established in the Strawberry Community Plan. See Response O4-4.

Comment O6-15

138. The DEIR fails to meaningfully the impacts of the project on Reed Blvd. Reed Blvd is a street that leads to and from the Seminary, and has minimal sightlines and cannot accommodate additional trips. In the past, the Seminary locked a gate where Reed Blvd enters the subject property. At the times when the gate was not locked, Seminary students and staff would use Reed Blvd to cut over to the Strawberry Shopping Center and Highway 101. Extremely dangerous encounters with children, pedestrians and other vehicles resulted. Significant analysis of this serious safety issue needs to occur.

Response O6-15

The comment requests an analysis of safety impacts on Reed Blvd as a result of past encounters with children, pedestrians, and other vehicles that may use it to cut over to the Strawberry Shopping Center and Highway 101. See Final EIR Section 3.2.11, Master Response: Transportation Safety, and the Existing Intersections Review Memo provided in Appendix D of the Final EIR. Consistent with Appendix G of the State CEQA Guidelines, Impact 3.14-3 in the Draft EIR evaluates whether the project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impact 3.14-3 identifies potentially significant impacts due to potential parking spillover on surrounding streets where sidewalks and crosswalks do not exist, construction activities, and the proposed design of on-site streets. Mitigation Measures 3.14-3a (Develop a Construction Traffic Control Plan), 3.14-3b (Design Roads to Meet County, ADA, and PROWAG standards), and 3.14-3c (Implement Measures to Reduce Parking Demand and/or Increase Supply for the Academic Campus) address potentially significant safety impacts identified in the Draft EIR and would reduce these impacts to less than significant.

The Transportation Impact Study (TIS), provided as Appendix Q of the Draft EIR, includes a review of local safety plans and collision data within the project study area that is summarized in Final EIR Section 3.2.11, Master Response: Transportation Safety. The TIS reviewed collision data for a 5-year period between 2015 and 2019. Based on the above considerations, the Draft EIR analysis determined that none of the intersections on the Strawberry peninsula, including those identified in public comments, would experience a substantial increase in traffic hazards.

Historic evidence indicates no local intersections have been noted for high collision rates. The TIS concluded that the project traffic would not cause substantial traffic congestion changes at all studied intersections, so added project traffic would not substantially change safety conditions. Therefore, the Draft EIR did not identify any significant traffic safety impacts at the intersection locations in the study area of the project site.

Notwithstanding that substantial evidence supports a conclusion of no significant traffic safety impacts from project trips, County staff desired to respond thoroughly to community concerns about traffic safety, and requested a review of existing intersection conditions (FEIR Appendix D). Recognizing the Draft EIR's conclusions about the lack of significant traffic safety impacts caused by the proposed project trip generation, the existing intersection review was designed to provide information in response to community concerns about existing traffic safety problems for use in the County's consideration of project merits and the potential for defining conditions of approval outside of the CEQA analysis framework.

The Existing Intersections Review Memo (FEIR Appendix D) summarizes relevant measures implemented by Marin County or Caltrans in recent years at the study locations as well as planned improvement measures. The Memo also identifies potential strategies at nine locations including Reed Boulevard from Storer Drive to Richardson Drive and the intersection of Reed Boulevard and Redwood Highway Frontage Road. The strategies identified in the memo are considerations for voluntary enhancements by the project applicant or merits-based conditions imposed by the County. These improvement options are not related to a CEQA environmental impact, so they are not defined as "mitigation measures," because the project's trip generation would be insufficient to substantially change existing transportation hazards in the study area. The lack of substantial change in traffic is evidenced in the LOS Assessment Memo where analysis concluded that LOS would meet County standards with or without the project and after adding project traffic, LOS would remain at D with continued stable traffic flow. The findings and voluntary recommendations in the Existing Intersections Review Memorandum (Final EIR Appendix D) do not change the conclusions or adequacy of the analysis in the Draft EIR related to transportation. Therefore, no changes to the Draft EIR are required in response to this comment.

Comment O6-16

139. The DEIR needs to analyze the No Project/No Build alternative. The analysis of *Save the Hill Group v. City of Livermore* is incorrect in the draft. The Martha Property in Tiburon was just conserved this month. The County put up $3 million dollars for this effort: https://www.marinij.com/2024/05/14/marin-finds-3m-for-martha-co-property-deal-in-tiburon/. This is actually an underdeveloped and partially dilapidated site ripe for conservation. Statements that the County has no money, or this is drastically different than the Garaventa Hills Project, are incorrect.

Response O6-16

The comment requests analysis of the No Project/No Build Alternative. It also disagrees with the analysis of *Save the Hill Group v. City of Livermore* in Draft EIR Chapter 5, "Alternatives." While the comment contends the proposed project site may be ripe for conservation, it does not offer approaches to feasibly accomplish acquisition for conservation purposes.

As the comment requests, the Draft EIR provides a detailed comparative environmental analysis of the No Project/No Build Alternative in Draft EIR Section 5.4.1, pages 5-8 to 5-12 in Chapter 5, which is part of the reasonable range of alternatives in the EIR. While the name of the alternative considered in Section 5.3.1 is "No Project/No Build (Conservation) Alternative, specifically, it addresses the prospect of conservation of the property, instead of development. The discussion includes whether the project site would be suitable and feasible for habitat conservation. The reference to the appellate court decision was included in the analysis because the court indicated it may be appropriate to consider public acquisition of a project site for habitat conservation purposes as an alternative to proposed residential development, based on the facts of the situation. As discussed in the analysis, the North Coast Land Holdings property would not be suitable for conservation acquisition recognizing it mostly supports existing urban academic and residential uses and would not be feasible for public acquisition because of its developed land cost and the absence of a program for public acquisition of conservation land on the Strawberry peninsula.

Comment O6-17

140. The DEIR needs to analyze the applicant-submitted alternative (called the "Reduced Development Alternative (Seminary Tomorrow Process Outcome)" in the DEIR. At the outset, it should be noted that this alternative was not the outcome of the Seminary Tomorrow process, which concluded with no agreement. This alternative was submitted exclusively by the applicant, and varies greatly from the desires of the community in that it still contains a 1000 student school. That being said, it should still be studied. The DEIR's statement that the Seminary Tomorrow alternative "would reduce the base zoning of the site (RMP-2.47) from 2.47 dwelling units/acre to 2.31 dwelling units/acre, thereby reducing the number of dwelling units that could be developed on the site," **is just plain wrong.** No part of alternative ever suggested a zoning change, let alone one that would reduce the allowable density on the site. There is no minimum density for the property. An applicant's election to build less units than the maximum permitted is not against the law, and most certainly does not constitute a downzoning. Accordingly, the entire reasoning for the draft EIR not considering this alternative is wrong (i.e. it can't be considered because it is an illegal downzoning).

Response O6-17

The comment states the EIR needs to analyze in detail the Reduced Development Alternative (Seminary Tomorrow Process Outcome) and the reason stated in the Draft EIR for eliminating this alternative from further evaluation is incorrect. See Final EIR Section 3.2.3, Master Response: Reduced Development Alternative (Seminary Tomorrow Process Outcome) and Response O4-68.

Comment O6-18

141. The DEIR's claims that the visual impacts of the project can be mitigated to below significant levels is incorrect. The nighttime light impacts are self-evident and no amount of slow-growing vegetative screening will change these impacts to less than significant. The DEIR does not utilize an appropriate number of view simulation locations, nor does it choose appropriate viewpoints from which the project will be experienced. Significantly more view simulations from more locations need to be developed, along with a detailed 3-D model. The statement on DEIR page 3.1-29 that the project site is not seen from most of the neighboring streets is inaccurate. The project site is totally visible from residents all around the Seminary, especially on Chapel and Richardson Drives, as well as Seminary drive and from the many users of Richardson Bay. KOP #2b, 10b, and 23b show unmitigable massive impacts. The statement on DEIR page 3.1-46 that the scale of the project is compatible with the surrounding neighborhood is incorrect. Six story buildings and the looming senior facility in no way harmonize with he predominantly single family home development pattern, or with the nearby low-slung apartment complexes. Table 3.1-2 contains a seriously flawed policy consistency analysis. This section claims that the project:

- Promotes green spaces
- Protects scenic resources
- Is mostly clustered below ridgelines
- Conforms to the bulk and scale of the Strawberry Peninsula
- Complies with the Strawberry Community Plan development pattern for the site

No reasonable person could review the project plans and renderings and come to these conclusions in light of the clear policies and guidance in the documents referenced.

Response O6-18

The comment disagrees with the conclusions in the aesthetics analysis and provides multiple opinions (some without evidence) that the visual impacts of the project cannot be mitigated to less than significant. The comment claims that the nighttime light impacts are self-evident; KOPs #2b, 10b, and 23b show unmitigable impacts; and that Table 3.1-2 contains a flawed policy consistency analysis. However, for each of these claims the comment does not identify what specifically is inadequate in the analysis, state what any unidentified impacts would be, or provide evidence substantiating these claims.

The comment also states the Draft EIR did not choose appropriate viewpoints or include an appropriate number of view simulations and that more viewpoint locations are needed as well as a 3-D model. See Response O4-21 for a summary of the methods used for the impact analysis in Section 3.1, Aesthetics, of the Draft EIR. The Draft EIR describes the views of the project site and surrounding area as well as how Key Observation Points (KOPs) were selected starting on page 3.1-13 under the heading "Views of the Project Site and Surrounding Area." The Draft EIR states that "visibility into the project site is generally greatest from the west and southwest from adjacent streets, Richardson Bay, and looking over Richardson Bay from Sausalito and Marin City" and the "visual conditions viewer experience, and viewer response to visual change are studied through the identification and selection of the most critical and representative public viewpoints of the project." Twenty-five KOPs were selected for consideration in the analysis and represent the range of critical and representative public viewpoints that would be affected by the project. Draft EIR Figure 3.1-4, "Key Observation Points," illustrates the locations of each KOP, and each of the KOPs are shown on Figures 3.1-6 through 3.1-18. The table depicted on Draft EIR Figures 3.1-5a and 3.1-5b serves as a key to Figure 3.1-4, "Key Observation Points," and lists each KOP, describing its general characteristics. While a physical or virtual model (versus a 2-dimensional site plan) may help some better understand the project from different

perspectives, this is not a CEQA requirement for the visual analysis. The purpose of the visual analysis is to evaluate the existing visual quality of the project site and the visual impact of the proposed project. The analysis is based on twenty-five publicly accessible viewpoints that were selected because of their sensitivity, whether they were visually open to the project or not, and with some specifically requested through the public scoping process.

While the State CEQA Guidelines also do not require that visual simulations be prepared for the analysis, it is common practice to do so with the goal of clearly presenting the visibility of the project to the general public and how it may impact existing conditions. Eight visual simulations were provided in the Draft EIR to illustrate the proposed project as a whole and the related visual change that would occur without mitigation. Further, the Draft EIR describes the methodology used to evaluate the potential aesthetic impacts starting on page 3.1-31 of the Draft EIR under the heading "Methodology." Therefore, while the EIR cannot select and analyze every possible viewpoint, the Draft EIR includes an adequate number of viewpoints and visual simulations and details and explains the methodology used to identify and select KOPs and simulations. Moreover, the visual impacts analysis in the Draft EIR recognizes key elements of the proposed project's development including color palette, bulk, and relationship to the project site's local ridgelines as seen from lower elevations would affect its ability to conform to County policies related to scenic quality as well as create a new source of substantial glare that would adversely affect daytime and nighttime views. Thus, the visual impacts analysis in the Draft EIR adequately analyzed the scale and magnitude of the aesthetic impacts of the proposed project.

The comment also claims that a statement made on Draft EIR page 3.1-29 is inaccurate and that the project is visible from Chapel Drive, Richardson Drive, Seminary Drive, and Richardson Bay. This section of the Draft EIR is describing the immediate foreground views of the project site as seen by the general public. Immediate foreground views are one of four defined distance zones that are defined on page 3.1-7 of the Draft EIR. Distance zones are just one of the variables that affect viewing conditions from potentially sensitive areas. Immediate foreground views are defined as properties and streets that are immediately adjacent to the project site. When describing the existing immediate foreground views, the Draft EIR states "other than those within the site boundaries, the project site is not seen by the general public from most of the surrounding neighborhood streets due to topography, existing development, and vegetation." However, the Draft EIR does recognize, identify, and describe that immediate foreground views to the project site are visible along Chapel Drive and Seminary Drive. The Draft EIR states:

> "Along Chapel Drive (KOP #1, Figure 3.1-6) there is a direct view to the existing open contoured grasslands of Chapel Hill. West of the crest of Chapel Drive (KOP #2, Figure 3.1-6) is an expansive view north toward Shuck Knoll overlooking the playing field. Visually dominant structures are the residences in the backdrop along Richardson Drive projecting above the local ridgeline and the Southern Marin Fire District station. The primary view orientation of most of the single-family residences along Chapel Drive is south toward Richardson Bay away from the project site.
>
> Views from Seminary Drive immediately adjacent to the project site (KOP #3 and KOP #4, Figure 3.1-7) when traveling in either direction focus on the park-like setting of the playing field and redwood grove. Existing mature trees surrounding the open playing field on the east side screen the majority of structures on Dormitory Hill and the parking lots and structures of the main campus."

Views from Richardson Bay to the project site are described on Draft EIR page 3.1-30 and are presented under the heading "Foreground Views." Similar to immediate foreground views, foreground views are one of four defined distance conditions and are defined as views 0.25 to 0.5 mile from the viewer. For general public foreground views from Richardson Bay, the Draft EIR states:

> "Principal visibility to the expanse of the project site is afforded with a continuous view from the south and southeast from Richardson Bay itself or looking over Richardson Bay from Highway 101 traveling north (KOP #15, Figure 3.1-13), and from the Francisco Bay Trail/Mill Valley – Sausalito Path (KOP #21 and KOP #22, Figure 3.1-16) and shoreline (KOP #23, Figure 3.1-17). Views for kayakers and other boaters in Richardson Bay would be similar to KOP#23 (Figure 3.1-17, KOP #23 and #24 Photographic Record). Looking toward the project site, the most prominent natural features are Richardson Bay itself, the opposite Richardson Bay shoreline, the Forested Knoll, grasslands of Shuck Knoll, the woodland buffer and the grasslands of Water

> Tank Hill or the Ring Mountain Preserve in the background. The bulk of condominiums and duplex housing along Seminary Drive visually contrast with the forest surrounding them."

Views from Richardson Drive to the project site are described on Draft EIR page 3.1-31 and are presented under the heading "Views from the North" which is describing middle ground views to the project site from north of the project site as seen by the general public. Similar to immediate foreground views and foreground views, middle ground views are one of four defined distance conditions and are defined as views 0.5 to 2 miles from the viewer. For middle ground views from Richardson Drive as seen by the general public the Draft EIR states:

> "Views into the project site from the ridge along Richardson Drive and Milland Drive are generally blocked by residences. Some of the forest buffer on the north side of Shuck Knoll is seen from Richardson Drive."

Therefore, the Draft EIR does recognize, identify, and describe general public views from Chapel Drive, Richardson Drive, Seminary Drive, and Richardson Bay and no edits to the Draft EIR are required.

Lastly, the comment states that the scale of the project is not compatible with the surrounding neighborhood and the three six-story residential buildings and residential care facility would not be in harmony with the surrounding single-family and apartment residential uses. The Draft EIR analysis under Impact 3.1-1: Conflict with Applicable Zoning and other Regulations Governing Scenic Quality, analyzes the consistency of the project with the adopted goals, policies, and guidelines relating to visual character and quality. The analysis recognizes that key elements of the proposed project would affect its ability to conform to County policies including the project's color palette, bulk, and relationship to the project site's local ridgelines as seen from lower elevations and found this impact to be potentially significant without mitigation. Table 3.1-1, Impact on Visual Character from Key Observation Points, of the Draft EIR identifies and describes which KOPs would be affected by development of the three six-story residential buildings and residential care facility. This would include KOPs #2, #3, and #23 which also had visual simulations prepared (Draft EIR Figure 3.1-19, KOP #2 Visual Simulation; Figure 3.1-20, KOP #3 Visual Simulation; and Figure 3.1-26, KOP #23 Visual Simulation) and KOP #13 which did not have a visual simulation. These KOPs involve views from Chapel Drive, Seminary Drive, Richardson Bay shoreline and San Francisco Bay Trail. Additionally, Table 3.1-2, Policy Consistency Analysis, of the Draft EIR provides a consistency analysis of the project with the applicable goals, policies, and guidelines and identifies that the proposed project would be potentially inconsistent with specific goals, policies, and guidelines unless mitigated including policies related to regulating mass and scale; protecting views of ridgelines; and consistency with development standards regulating development in planned districts including Strawberry, height limits, location development near ridgelines, materials and colors, screening incompatible uses, landscaping. The analysis concludes that potentially significant visual impacts would include changes to views into the project site from surrounding streets and trails, the contrasting color of structures, and the bulk and sky lining effects of the residential care facility and that mitigation would be required to reduce impacts to less than significant. Therefore, the visual impacts analysis in the Draft EIR adequately analyzed the scale and magnitude of the aesthetic impacts of the proposed project and no edits are warranted in the Final EIR.

Comment O6-19

II. RECIRCULATION IS REQUIRED

If significant new information is added to an EIR after notice of public review has been given, but before final certification of the EIR, the lead agency must issue a new notice and recirculate the EIR for comments and consultation. (Pub Res C 21092.1; 14 Cal Code Regs 15088.5; *Vineyard Area Citizens for Responsible Growth v City of Rancho Cordova* (2007) 40 C4th 412, 447.) The CEQA Guidelines specifically state that changes in a project's description, or the provision of significant new information, require recirculation of a draft EIR. (14 Cal Code Regs 15088.5(a).)

"Significant new information" requiring recirculation includes:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Here, at least the first three of these criteria are met and recirculation is required. The purpose of recirculation is to give the public and other agencies an opportunity to evaluate the new data and any resulting conclusions. (*Spring Valley Lake Ass'n v City of Victorville* (2016) 248 CA4th 91, 108.)

The detailed local and expert comments on the DEIR reveal that there are significant environmental impacts beyond those already acknowledged in the DEIR, that the impacts already identified are more severe, and that additional and different alternatives and mitigation measures need to be considered. Accordingly, recirculation is absolutely required.

III. CONCLUSION

The Strawberry community is willing to accept relatively sizable amounts of housing, a significant percentage of low-income units, a robust senior facility, and a tailored educational use. However, the decision to approve a project of this scale and lasting impact *must* be based on a thorough and accurate analysis of impacts. The entire purpose of CEQA is to arm decision-makers with an understanding of the impacts of their decision. At this time, the DEIR does not achieve this goal. It needs to be reworked, and recirculated for another round of comments.

Response O6-19

The comment asserts that recirculation of the Draft EIR will be necessary assuming that new significant impacts and mitigation measures would be identified as part of the preparation of the Final EIR, and that the Draft EIR does not provide decision-makers an adequate analysis of impacts of the proposed project to be able to render a decision. See Response O4-7. The level of detail and the analysis included in the Draft EIR provides the public and decision-makers with sufficient information about the project to understand its physical and operational characteristics and to make an intelligent evaluation of the nature and magnitude of environmental impacts of the proposed project relevant to a proposed master plan approval and community plan amendment. No new significant impacts or mitigation measures have been identified in the Final EIR. Additionally, the responses to comments and Final EIR have not identified a substantially greater impact than that described in the Draft EIR, and no new feasible alternatives have been added to the EIR. Therefore, the Draft EIR is adequate pursuant to CEQA and recirculation is not required. See also Response O4-7.

Comment O6-20

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
102	Appendix Q, Transportation Impact Study	NA	P. Ho	Emergency Vehicle Access	Insufficient evaluation of Emergency Vehicle Access: The traffic report evaluated emergency vehicle access solely based on the number of the project-added vehicles along the access routes without consideration of the response and travel time for the fire trucks. Recommendation: Provide details on response times on these access routes before and after the project to identify project impact. Compare to countywide baseline response time and determine whether or not the response time is acceptable with the project or would have a significant impact.

Response O6-20

The comment claims that the emergency access analysis is insufficient and recommends assessing emergency response times before and after project implementation with a comparison to County standards. In Section 3.14, Transportation, under Impact 3.14-4 the Draft EIR includes an evaluation of emergency vehicle ingress/egress routes to the Strawberry community that was done in consultation with SMFD personnel at Fire Station 9 Strawberry. The

evaluation identifies primary egress routes for fire trucks from SMFD Station 9 Strawberry and street segments along the egress routes where the project would add vehicle trips. The assessment of added vehicle trips on emergency vehicle routes reflects the potential effect on response times by evaluating whether increased traffic volumes could impede the movement or delay the dispatch of emergency services. As a result of this evaluation, a potentially significant impact was identified for the route to US 101 via Ricardo Road, Seminary Drive, and Redwood Highway Frontage Road. Mitigation Measure 3.14-4 is identified to address the potentially significant emergency vehicle access impact. This measure includes the installation of signal preemption technology at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive and the addition of preemption equipment to seven fire station vehicles. These improvements enable emergency vehicles to control traffic signals and move through intersections without delay, even during periods of increased traffic. As a result, emergency response times would be maintained, and the impact would be reduced to a less than significant level. The Draft EIR appropriately describes the nature and magnitude of potential impacts on emergency vehicle access and the conclusions and adequacy of the analysis in the Draft EIR related to emergency access is adequate. Therefore, no changes to the Draft EIR are required in response to this comment.

Comment O6-21

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
103	Appendix R LOS Assessment Memo	NA	P. Ho	Volumes and LOS Calculation Sheets (Figure A-1)	Mislabeled Traffic Controls for LOS Calculation Sheets.

Response O6-21

The comment states that the traffic controls are mislabeled on the LOS calculation sheets in Appendix R of the Draft EIR. As reflected in Appendix B of this Final EIR, the LOS Assessment Memo has been updated based on traffic counts collected in 2025. The volume and LOS calculation sheets have been revised to reflect the update and correctly label traffic controls. The comment does not comment on the adequacy of the EIR. No changes to the EIR are warranted.

Comment O6-22

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
104	NA	NA	P. Ho	Peer Review Summary and Recommendations	Our review indicated the Transportation Impact Report prepared for the NCLH project is inadequate as it contains many flaws, omissions, and inaccuracies. The report needs to be revised and resubmitted for further review. Below is a list of major problems that need to be addressed in the revision: 1. The report needs to add a near-term traffic scenario to address the near-term growth in the area. There is a recently proposed 117-unit assisted living development at Knoll Road just east of the US 101 interchange at SR 131. Additionally, the California Housing Department requires more than 1,000 residential units to be developed in Tiburon, Belvedere, and Strawberry under the Housing Element Mandate between the next five and ten years. The impact of these cumulative developments will have a major impact in the area traffic circulation and needs to be addressed in the near-term traffic scenario analysis. 2. The report needs to estimate site traffic generation based on ITE rates and recalculate internal capture traffic manually based on realistic and conservative assumptions. The MXD Model is suited for projects with a good mix of retail, commercial, office, and land uses that provide significant employment that this project is lacking. The current project trip generation using the MXD model produces unrealistic results, particularly in peak-hour trip estimates. 3. The report needs to conduct traffic counts at the five gateway accesses to determine existing traffic rather than predict them using the MXD model. Actual traffic count produces more realistic results.

#	Section	Page	Reviewer	Text Excerpt	Reviewer Comment
					4. The report needs to provide a map and a table showing the directional site traffic distribution, indicating streets that the project traffic will travel to and from the project site. 5. Need to conduct traffic LOS analysis and vehicle queuing analysis for additional intersections and freeway 101 mainline and its ramps at Seminary Drive and SR 131 as indicated in the comments. 6. Need to evaluate current streets such as Seminary Dr. E. Strawberry Dr. Redwood Frontage Rd. Reed Bl. Ricardo Dr. and other major access routes in the study area as indicated in the comments. The analysis needs to discuss current street capacities, traffic volumes, and the impact of the added project traffic. 7. The report needs to conduct additional safety analyses as it only focuses on the reported collisions but neglects to identify locations with a high potential for traffic collision as indicated in the comments. The traffic safety analyses should also include an analysis of current pedestrian and bicycle activities in the area. 8. Conduct a detailed emergency vehicle access analysis. Emphasize response time along all access routes before and after the project, compared to the countywide response time, and determine the project impact and whether or not the response time is acceptable. 9. Revisit the CEQA requirement for mitigation at the Seminary Dr. Ricardo Rd. and Vista Del Sol intersection. Adding traffic to the intersection while the LOS would remain at C should not trigger mitigation. Consult CEQA for a determination is needed. If mitigation is needed. Conduct additional LOS analysis; compare traffic LOS for the current 4-way-stop control, roundabout, and the traffic light before deciding what type of traffic control would be appropriate, if needed 10. Address neglected Strawberry Community scoping comments on the following areas: – Safety concerns at various locations in the area, – Roadway capability (design capacities), – Macdonald's traffic and vehicle queuing problem – 7/11 traffic operation – Traffic calming strategies

Response O6-22

The comment provides a summary of peer review comments related to the transportation analysis.

Regarding the analysis conducted for the Level of Service (LOS) Assessment Memo provided in Appendix R of the Draft EIR, the LOS assessment was provided for the County's consideration of project merits to identify whether study intersections would meet the County LOS standard with the addition of the NCLH project traffic. The LOS assessment is not used to determine environmental impacts under CEQA (in accordance with State CEQA Guidelines Section 15064.3(a)) but may inform decisions about the merits of the proposed project. As mentioned in the introduction to Section 3.14, "Transportation," of the Draft EIR, the memo was appended to the Draft EIR for informational purposes only.

Regarding the request for a near-term LOS analysis, see Final EIR Section 3.2.14, Master Response: Request for Near-Term LOS Analysis, regarding a near-term scenario. The proposed Nijjar Living Trust Housing Project located at 70 Knoll Road located northeast of the US 101/Tiburon Boulevard-E. Blithedale Avenue interchange. The project would be an assisted living/memory care facility for senior citizens consisting of 72 total units, a central kitchen, common areas, and a below grade parking garage with 72 spaces. The units would have a total of 103 bedrooms. Site access would be provided via the intersection of Tiburon Boulevard and Knoll Road, located just east of the US 101/E. Blithedale-Tiburon Boulevard interchange. At full occupancy, the project would generate about 19 trips during the AM peak hour and 25 trips during the PM peak hour. Most of the added project trips would travel to and from the

west to the US 101/E. Blithedale-Tiburon Boulevard interchange as they would be made by employees during their commute to and from the site. Given the location of the site on the north side of Tiburon Boulevard and the employee commute nature of peak hour trips generated by the proposed project, the added peak hour trips generated by the project are not anticipated to travel within the Strawberry community. Four of the five other housing sites identified in the 2023–2031 Marin County Housing Element for potential development in the Strawberry area, other than the proposed project (identified as North Coast Seminary in Appendix C), are currently commercial properties along Redwood Highway Frontage Road. Redevelopment of these sites to multi-family housing is not expected to significantly increase overall vehicle trips, as the residential trip generation would likely be offset by the removal of existing retail uses. The remaining site, owned by the Strawberry Recreation District, is a vacant site on the Redwood Highway Frontage Road with 46 anticipated multi-family units that would generate approximately 30 peak hour trips. Based on consultation with County staff, there are no current applications for development of any of these sites. In conclusion, the Nijjar Living Trust Housing Project would not add a measurable number of peak hour trips to routes within the Strawberry community and the study intersections given its location. There are no current applications for development of the five housing sites located in the Strawberry community. As such, a near-term analysis of LOS conditions would not yield different results than the existing and cumulative scenarios that are evaluated.

Regarding the trip generation conducted for the LOS assessment, the number of gross or unadjusted project trips were determined using trip rates identified in the ITE Trip General Manual (11th edition). The MXD model, which is described in more detail in Final EIR Section 3.2.9, Master Response: Project Trip Generation/Internalization, is used to identify the forecast share of internal trips between the mix of project uses. The MXD model is based on survey data gathered from 239 MXDs in six major metropolitan regions and correlated with characteristics of the sites and their surroundings. The findings indicate that the amount of external traffic generated is affected by a wide variety of factors including the mix of employment and residents, the overall size and density of the development, the internal connectivity for walking or driving among land uses, the availability of transit service, and the surrounding trip destinations within the immediate area outside the project site. The total forecast share of internal trips between academic, residential (including the residential care facility), day care, and fitness center uses is 8 percent of daily total gross project trips, 16 percent of AM peak hour total gross project trips, and 17 percent of PM peak hour total gross project trips. As such, more than 80 percent of all gross project trips during the AM and PM peak hours were assigned as vehicle trips traveling between the project and gateways external to the site.

Regarding the trip distribution for the LOS assessment, see Final EIR Section 3.2.10, Master Response: Project Trip Distribution, and the revised Figure 1 (now provided as Figure 2) in the updated LOS Assessment Memo (Appendix B of the FEIR). The original version of Figure 1 included in the LOS Assessment Memo inadvertently omitted a 30 percent gateway distribution label to and from the south via US 101, and the revised figure in the updated LOS Assessment Memo (provided in Appendix B of the Final EIR) has been corrected. This does not affect the analysis conducted in the Draft EIR LOS Assessment Memo which was based on the trip distribution as shown on the corrected figure. The distribution of project trips as shown on the revised Figure 1 (now Figure 2 in Appendix B of the FEIR) is based on counts collected on streets in the study area. The counts show that approximately 80 percent of all trips from existing residential and campus uses on the site travel to and from US 101 via Seminary Drive and Redwood Highway Frontage Road to the US 101/Seminary interchange, which is the shortest path to the freeway.

Regarding the request for additional study intersections for the LOS assessment, the study intersections were selected in consultation with County staff based on current congestion levels and their location along primary access/egress routes to the project site. The goal of the selection was to identify and evaluate intersections where substantial change in the number of trips and degree of congestion may occur in the roadway network surrounding the project site, based on the proposed project's trip generation and distribution on local streets. Four of the study intersections are controlled by traffic signals and the other two by all-way stop control. The LOS Assessment Memo has been updated with new calculations based on traffic counts collected in 2025 (provided in Appendix B of this Final EIR). The Tiburon Boulevard/Redwood Highway Frontage Road intersection is added as a new study location as requested by County staff. All of the study intersections would meet the County LOS standard with the addition of project traffic under cumulative conditions. See Final EIR Section 3.2.8, Master Response: Selection of Intersections for LOS Analysis.

Regarding the request to evaluate road segments for the LOS assessment, intersections were evaluated rather than road segments because they are almost always the points in a street network where congestion and queuing occur. Road segments may become the critical capacity constraint in a network when there is a lane drop or reduction, which does not occur in the study area network. Therefore, evaluating intersections was determined to be the most appropriate method for assessing project-related traffic.

Regarding the request to conduct additional safety analysis, see Final EIR Section 3.2.11, Master Response: Transportation Safety, and the Existing Intersections Review Memo provided in Appendix D of the Final EIR. Consistent with Appendix G of the State CEQA Guidelines, Impact 3.14-3 in the Draft EIR evaluates whether the project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impact 3.14-3 identifies potentially significant impacts due to potential parking spillover on surrounding streets where sidewalks and crosswalks do not exist, construction activities, and the proposed design of on-site streets. Mitigation Measures 3.14-3a (Develop a Construction Traffic Control Plan), 3.14-3b (Design Roads to Meet County, ADA, and PROWAG standards), and 3.14-3c (Implement Measures to Reduce Parking Demand and/or Increase Supply for the Academic Campus) address potentially significant safety impacts identified in the Draft EIR and would reduce these impacts to less than significant.

The TIS, provided as Appendix Q of the Draft EIR, includes a review of local safety plans and collision data within the project study area that is summarized in Final EIR Section 3.2.11, Master Response: Transportation Safety. The TIS reviewed collision data for a 5-year period between 2015 and 2019. Based on the above considerations, the Draft EIR analysis determined that none of the intersections on the Strawberry peninsula, including those identified in public comments, would experience a substantial increase in traffic hazards and the topic of traffic delay or congestion is no longer a consequence considered to be a significant adverse environmental impact under CEQA.

Historic evidence indicates no local intersections have been noted for high collision rates. The TIS concluded that the project traffic would not cause substantial traffic congestion changes at all studied intersections, so added project traffic would not substantially change safety conditions. Therefore, the Draft EIR did not identify any significant traffic safety impacts at the intersection locations in the study area of the project site.

Notwithstanding that substantial evidence supports a conclusion of no significant traffic safety impacts from project trips, County staff desired to respond thoroughly to community concerns about traffic safety, and requested a review of existing intersection safety conditions (Final EIR Appendix D). Recognizing the Draft EIRs conclusions about the lack of significant traffic safety impacts caused by the proposed project trip generation, the existing intersection review was designed to provide information in response to community concerns about existing traffic safety problems for use in the County's consideration of project merits and the potential for defining conditions of approval outside of the CEQA analysis framework.

Updated collision data reported in Final EIR Appendix D is provided from the TIMS for the study area for the 5-year period from September 2019 through September 2024 which is the most current available collision data. No fatalities were among the reported collisions in the most recent 5-year period. As with the data from 2015 through 2019, most of the reported collisions involved vehicles and were located along the Redwood Highway Frontage Road and Tiburon Boulevard. Final EIR Section 3.2.11, Master Response: Transportation Safety, provides a summary of collisions involving pedestrians and bicyclists in the most recent 5-year period for which data is available. The Existing Intersections Review Memo (Final EIR Appendix D) summarizes relevant measures implemented by Marin County or Caltrans in recent years at the study locations as well as planned improvement measures. The memo also identifies potential strategies at the following nine locations:

- Reed Boulevard – Storer Drive to Richardson Drive
- Reed Boulevard and Redwood Highway Frontage Road
- Ricardo Road east of Seminary Drive
- Seminary Drive and Hodges Drive/Gilbert Drive
- Seminary Drive and Chapel Drive

- E. Strawberry Drive from Belvedere Drive to Ricardo Lane
- 300 block of E. Strawberry Drive
- Redwood Highway Frontage Road and US 101 Northbound Seminary Ramps
- E. Strawberry Drive and Belvedere Drive

The strategies identified in the memo described above are considerations for voluntary enhancements by the project applicant or merits-based conditions imposed by the County. These improvement options are not related to a CEQA environmental impact, so they are not defined as "mitigation measures," because the project's trip generation would be insufficient to substantially change existing transportation hazards in the study area. The lack of substantial change in traffic is evidenced in the LOS Assessment Memo where analysis concluded that LOS would meet County standards with or without the project and after adding project traffic, LOS would remain at D with continued stable traffic flow. The findings and voluntary recommendations in the Existing Intersections Review Memorandum do not change the conclusions or adequacy of the analysis in the Draft EIR related to transportation.

Regarding the request for an analysis of emergency vehicle response times, in Section 3.14, "Transportation," under Impact 3.14-4, the Draft EIR includes an evaluation of emergency vehicle ingress/egress routes to the Strawberry community that was done in consultation with Southern Marin Fire District personnel at Station 9 Strawberry. The evaluation identifies primary egress routes for fire trucks from Station 9 Strawberry and street segments along the egress routes where the project would add vehicle trips. As a result of this evaluation, a significant impact is identified for the route to US 101 via Ricardo Road, Seminary Drive, and Redwood Highway Frontage Road. Mitigation Measure 3.14-4 is identified to address the emergency vehicle access impact. Regarding safety concerns, see Final EIR Section 3.2.11, Master Response: Transportation Safety, and the Existing Intersections Review Memo provided in Appendix D of the Final EIR.

Regarding the request to revisit Mitigation Measure 3.14-4 (Construct a Roundabout at the Intersection of Seminary Drive/Ricardo Road/Vista Del Sol), see Final EIR Section 3.2.12, Master Response: Emergency Vehicle Access Mitigation Measure. The purpose of Mitigation Measure 3.14-4 is to address potential impacts to emergency response time by fire trucks from Strawberry Station 9 that use Ricardo Road, Seminary Drive, and the Redwood Highway Frontage Road as an egress route to access US 101. Comments received on the Draft EIR indicated opposition to installation of a roundabout or traffic signal at the intersection of Ricardo Road/Seminary Drive and asserted concerns regarding safety for pedestrians and cyclists compared to the existing all-way stop control. As such, consultation with Southern Marin Fire District staff was conducted to determine an alternate approach that would achieve the same benefits. The updated measure, which is equivalent to the initial options provide in Mitigation Measure 3.14-4, involves installing signal preemption at two existing traffic signals on Redwood Highway Frontage Road that are on the primary routes for first responders from the fire station to access US 101. The revised mitigation measure would require the project applicant to purchase, install, and activate emergency vehicle preemption devices in the traffic signals at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive as well as in seven fire station vehicles housed at Southern Marin Fire District Strawberry Fire Station 9. Mitigation Measure 3.14-4 would help maintain vehicular flow during emergency response by prioritizing right-of-way for emergency vehicles traveling from Fire Station 9 to US 101. Mitigation Measures 3.14-3b and 3.14-4 would reduce impacts on emergency access. It would reduce delays experienced by fire trucks at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive.

Regarding the 7/11 and McDonalds commercial establishments on Redwood Highway Frontage Road, the 7/11 located on the east side of Redwood Highway Frontage Road at Seminary Drive has five parking spaces and no queues were observed from the parking lot into the adjacent streets. The McDonalds on Redwood Highway Frontage Road is one of four other businesses with driveways on the east side of Redwood Highway Frontage Road between Seminary Drive and the US 101 northbound Seminary ramps. Field observations conducted for this segment of Redwood Highway Frontage Road did not identify any recurring queues extending into the street from these driveways. The inbound driveway for the McDonalds is approximately 330 feet south of the traffic signal at Redwood Highway Frontage Road and Seminary Drive, a sufficient distance that it would not affect operations at the traffic

signal. The maximum northbound queue observed on Redwood Highway Frontage Road at the Seminary Drive intersection was six vehicles during the AM peak hour. The queue length of these six vehicles is approximately 150 feet. The queue length of these six vehicles is approximately 150 feet and does not extend to the inbound driveway for the McDonalds.

Regarding traffic calming, the Existing Intersections Review Memo (Final Appendix D) described above summarizes relevant measures implemented by Marin County or Caltrans in recent years at the study locations as well as planned improvement measures. The memo also identifies potential strategies at the nine locations listed above including traffic calming measures. See Appendix D of this Final EIR for details. The findings and voluntary recommendations in the Existing Intersections Review Memorandum do not change the conclusions or adequacy of the analysis in the Draft EIR related to transportation. Therefore, no changes to the Draft EIR are required.

Based on the responses above, no changes to the Draft EIR in regard to transportation are warranted.

Letter O7 Strawberry Design Review Board

Matt Williams, Chair
September 16, 2024

Comment O7-1

This Board has twice identified that the school was undefined. There cannot be a comprehensive review of the school if it is not described – therefore this Draft EIR seems incomplete at the outset.

1. There cannot be a comprehensive review of the school if it is not described – therefore this Draft EIR seems incomplete at the outset. This Board has twice identified that the school was undefined.
    a. It still remains nebulous as a "college/university use with a student population of approximately 1,000".
    b. No information about what type of school nor its operating characteristics is provided.
    c. No information about hours of operation, events, maintenance activities, deliveries, school provided transportation are cited.
    d. No discussion if there are associated sports teams are noted.
    e. SDRB formally reviewed the project on 10.02.17 and 09.21.20. We recommended denial both times for this reason.

Response O7-1

The comment states the Draft EIR is incomplete because the nature and operations of the academic campus are not described in the project description. The comment asks specific questions about the academic campus operations and type of college/university. Denial of the project is also recommended in the comment. See Final EIR Section 3.2.1, Master Response: Stable Project Description, Section 3.2.4, Master Response: Conditional Use Permit Issues, and Response O3-2. The Marin County Planning Commission and Board of Supervisors will take the recommendation raised in the comment into consideration before a decision on the project is rendered.

Comment O7-2

2. No overall rendering of the proposed project in its entirety (no overall model view or 3D aerial view of the project).
    a. This remains a glaring omission and is a deficiency in understanding the impact of this project as a whole.
    b. Without such devices, the DEIR fails objectively assess the following issues: aesthetics, lighting, tree screening mitigation, building materials and colors, overall visual change, harmony with existing surroundings.

c. The Community is being deprived of a true sense of the scale of the project. Only now via the DEIR were comparative views from different locations offered with existing conditions and simulations of the project 5 years after construction presented. The ones described below have considerable issues:

    i. Figure 3.1-19 shows a simulation of the project as seen from Chapel Hill and depicts an incredible densification of the open character of the property.

    ii. Figure 3.1-20 shows a simulation of the playfield as seen from Seminary Drive at Gilbert Drive.

        1. It was discussed during the Planning Commission Hearing on September 9, 2024, that this is a proposed 25-30 ft. increase in elevation of the playfields that we do not feel was adequately shown in previous meetings

        2. This puts the playfield elevation basically at or above the rooftop of the adjacent apartments.

        3. The simulation doesn't seem to reflect the massive presence of a 25-30 ft high berm.

        4. Also visible behind the berm and conveniently screened by trees seems to be the Continuing Care Retirement Community (CCRC), which seems to reflect massive expanses of glass looming on the hill above.

    iii. Figure 3.1-25 shows a view from Mt. Tam that is wholly indiscernible. The proposed project appears to be pixelated smudges and does not seem to reflect much difference in the overall impact of the project.

    iv. Figure 3.1-26 shows the view from near the Shoreline Office Center. This shows some of the CCRC as a massive structure, but it again seems to be hidden from the Forested Knoll.

    v. No view was simulated from the Richardson Bridge looking east to the project. This is a glaring absence because the entirety of the CCRC would be visible and the Community could get a sense of its enormous scale. Evening traffic on northbound 101 frequently results in stopped traffic on this bridge, so this is an actual view the Community will experience.

d. We strongly suggest that multiple three-dimensional views of the overall project be provided by the Applicant in order to provide a complete and acceptable version of the DEIR.

    i. This could be in the form of a physical model or a virtual model and be accessible to the Community.

    ii. If virtual, it should allow the Community to be able to maneuver within the model via free software.

Response O7-2

The comment makes critiques of Figures 3.1-19, 3.1-20, 3.1-25, and 3.1-26; states that a visual simulation should be prepared from the Richardson Bridge; and suggests that multiple three-dimensional views be prepared.

Nothing in CEQA or CEQA case law requires EIRs to be augmented by an "overall model view or 3D aerial view of the project." Though such informational mechanisms might be useful, they are not required by law. Furthermore, while a physical or virtual model (versus a 2-dimensional site plan) may help better understand detailed design of a project, the design details are not sufficiently developed at the master plan stage of county approval to allow for the creation of such mechanisms.

The Marin County development review process is designed to provide the level of information necessary at each decision step, but not seek details that are undefinable or unreasonably burdensome at each stage. The process builds from policy guidance and land use designations (such as in a community plan) to comprehensive definition of structure location, size, and overall character (such in a master plan that defines the uses, intensity, buildings, and infrastructure composing a proposed project); to architectural, engineering, and landscape design details (at the later design review stage).

The purpose of the visual analysis is to evaluate the existing visual quality of the project site and the visual impact of the proposed project. The visual analysis is based on actual landscape conditions and viewpoints of the project site and surrounding area and photo-simulations of the proposed development. A total of 25 publicly accessible viewpoints that were selected for the visual analysis, because of their sensitivity, if they offer a view open to the project or not, and with some specifically requested through the public scoping process. While the State CEQA Guidelines also do not require that visual simulations be prepared for the analysis, it is a helpful practice to clearly present the visibility of the project to the general public and how it may alter existing conditions. Eight visual simulations were provided in the EIR to illustrate the proposed project as a whole and the related visual change that would occur without mitigation.

Regarding the proposed fill that would raise the elevation of the playing field, Figure 3.1-20, KOP #3 Visual Simulation, of the EIR was modeled from preliminary grading plans and reflects a 1:1 (horizontal to vertical) gradient fill slope that plateaus approximately 27 feet above the existing Seminary Drive sidewalk. The vegetation in the simulation reflects preliminary planting plans for the proposed project. Those plans are generally also illustrated in Figure 2-5, Illustrative Site Plan (East). As presented in the simulation, those plantings would partially screen the proposed residential care facility. To more fully screen views to the residential care facility from Seminary Drive, additional plantings are required in Mitigation Measure 3.1-1b for the area illustrated in Figure 3.1-27, Mitigation Planning Areas.

In Figure 3.1-25, KOP #19 Visual Simulation, the project area is approximately 4.5 miles in the background as seen from Mount Tamalpais. The existing view photos were taken under clear weather conditions in the afternoon so the sun would not diminish the visibility. All existing view images in the analysis were taken using a camera lens with a focal length of 50mm that most closely mimics human vision as it provides a field of view similar to what the human eye sees. The comment is accurate in that the simulation shows there is not much difference in the overall impact of the project as compared with the existing view. Related to Figure 3.1-26, KOP #23 Visual Simulation, it is correct that the residential care facility is partially hidden by the Forested Knoll. The purpose of the simulation is to illustrate the visual impact of the facility, regardless of its size. Regarding the absence of a visual simulation from Richardson Bridge, the KOPs identified in the EIR were selected based on a number of factors, including public comments made during the public scoping period. Those included views from the Highway 101 corridor. Figure 3.1-26, KOP #23 Visual Simulation, as noted above was from KOP # 23, Richardson Bay adjacent to Shoreline Office Center (looking northeast), a public staging area and access point immediately adjacent to the Mill Valley-Sausalito Path, a component of the San Francisco Bay Trail system. KOP # 23 is located at an interpretive panel that is positioned to face east directly toward the project area where a stationary view would be most likely. KOP # 23 is sited below the Richardson Bridge. The view from Highway 101 and the Richardson Bridge is shown in KOP #15, Highway 101 looking northeast. As noted in the EIR, these are essentially the same view looking into the project area with the difference being viewer elevation. Therefore, the Draft EIR has adequately analyzed the scale and magnitude of the aesthetic impacts of the proposed project and no edits are warranted in the Final EIR.

Comment O7-3

3. The geologic analysis seems deficient in studying the impact of placing 25-30 ft. of fill on the existing playfields, which seem to mostly be on "Moderate to Very High Susceptibility of Liquefaction" – See Figure 3.6-3.
    a. Furthermore, in the Planning Commission Hearing held on September 9, 2024, Commissioner Don Dickenson mentioned that 3 houses were proposed on a 'tag' lot on Mission Drive specifically identified as a slide zone.
    b. Many of the developments seem to occur in "Areas of Weak Soil per Herzog Site Geology Map". See attached overlay of the information on sheet C2.01 onto sheet C5.03.

Response O7-3

The comment is concerned about the project's proposal to place fill on the playfields which are susceptible to liquefaction (Draft EIR Figure 3.6-3), and is further concerned that three houses are proposed in a slide zone on Mission Drive, and that development is proposed in areas of weak soil (Herzog Geology Map). See Final EIR Section 3.2.5, "Master Response: Project-Level Geotechnical Evaluation." In response to comments on the underlying geology

of the play fields, the applicant retained Rockridge Geotechnical to perform additional soil sampling and investigation in the Hodges area, at the proposed fitness center, and at the play field fill sites. The study confirmed environmental impact findings of the Draft EIR. It concluded that there are no major geotechnical issues that would preclude development of the site as proposed (Final EIR Appendix A). The report provides details for standard structures that should be included in the proposed fill area including a keyway and proper drainage. No revisions to the Draft EIR are warranted.

Comment O7-4

4. The Planning Commission also raised the following issues that need to be addressed and we agree:
    a. The Traffic Demand Management plan raised serious concerns that the data used was accurate.
    b. Further study of the proposed deficit of 144 parking spaces in the proposal, its impact, and alternatives to this condition.
    c. How is a CCRC ancillary to the seminary usage described and allowed in the 1953 CUP.
    d. The traffic roundabout in proposed mitigation plan cannot be built without encroaching on private and BCDC lands. Hence, is not a feasible solution and should be removed.
    e. Road widening cited in mitigation plan is limited to project site and cannot be measured as a mitigation to traffic occurring in the adjacent neighborhood.
    f. The DEIR does not adequately account for or study the impact in the increased number of bedrooms provided by the proposal. The reliance on "unit" count creates inaccurate information when comparing existing and proposed.

Response O7-4

The comment communicates Planning Commission discussion points. Please see the responses below:

Regarding Mitigation Measures 3.14-2a and 3.14-2b, which are identified in the Draft EIR to address impacts on VMT, see Final EIR Section 3.2.13 Master Response: VMT Mitigation Measures.

Draft EIR Impact 3.14-3 addressed impacts on parking and determined that the project would provide sufficient parking to accommodate the residential uses of the project; however, the parking supply would be deficient by 144 parking spaces to meet demand for the campus uses. Therefore, Mitigation Measure 3.14-3c (Implement Measures to Reduce Parking Demand and/or Increase Supply for the Academic Campus) would be required, and the impact would be reduced to a less-than-significant level.

Regarding the residential care facility and the 1953 CUP, a residential care facility is an allowable and protected use under State Law and under the County's zoning ordinance Section 22.10.030. Operation of a residential care facility is an allowable principally permitted use in the RMP zone, meaning that no special use permit is required from the County. Also see Final EIR Section 3.2.4, Master Response: Conditional Use Permit Issues.

Regarding Mitigation Measure 3.14-4, which is identified in the Draft EIR to address emergency vehicle access impacts, see Final EIR Section 3.2.12, Master Response: Emergency Vehicle Access Mitigation Measure.

Mitigation Measure 3.14-3b would apply to both private and public roads including Hodges Drive and Gilbert Drive (i.e., both collector streets) as well as existing local roads that do not meet the County standards within the project site. Mitigation Measure 3-14-3c, which is identified in the Draft EIR requires that the applicant prioritize the implementation of parking demand reduction measures for faculty, staff, and students. Mitigation Measures 3.14-2b and 3-14-3c would reduce the impact on transportation hazards to less than significant. The Draft EIR identifies a significant VMT impact for the market rate residential uses and proposes corresponding Mitigation Measures 3.14-2a and 2b. As described in Final EIR Section 3.2.7 Master Response: Traffic Count Data, LOS assessment is not used to determine environmental impacts under CEQA (in accordance with State CEQA Guidelines Section 15064.3(a)), but may inform decisions about the merits of the proposed project. Although LOS is no longer used to determine a significant environmental impact, an analysis of LOS was prepared for the County of Marin's merit review of the

project. The LOS Assessment Memo was updated to incorporate new February 2025 traffic counts collected in response to Draft EIR comments and to account for potential post-pandemic travel behavior changes. Although differences from 2021 counts were minimal, the memo was revised in consultation with County staff to use the 2025 data and add a seventh study intersection (Appendix B of this FEIR). According to the LOS Assessment Memo, all study intersections would operate at LOS D or better conditions under all scenarios, which meets the County LOS standard.

The Institute of Transportation Engineers (ITE) Trip Generation Manual is a widely recognized and trusted resource used by transportation agencies and professionals to estimate the number of trips generated by various land uses, based on empirical data and contextual factors such as site characteristics and setting. The analysis used dwelling units rather than bedrooms because that is the standard metric in the ITE Trip Generation Manual. Trip-making is tied to the household itself, not the number of bedrooms, and ITE's data are collected and validated on a per-unit basis.

Comment O7-5

5. The DEIR is deficient in its examination of reasonable alternatives. The DEIR contains 4 Alternatives:
    a. Two of these are NO project and an alternative location which removes them from consideration.
    b. Alternative 3 retains the Seminary and its associated housing. Given the housing climate and pressure from state agencies to increase housing stock, along with the applicants stated goals, it is unlikely that Alternative 3 will be pursued.
    c. The Draft focuses on Alternative 4 which is the project as proposed but with mitigation efforts incorporated, the result of which is not remarkably different from the proposed project.
    d. In short, the DEIR did not study a true range of viable alternatives- rather it studied three alternatives that do not meet the housing goals of the applicant or the County and an alternative that is so close to the proposed project that they share significant far-ranging impact.

Response O7-5

The comment states the Draft EIR is deficient in its analysis of reasonable alternatives. See Final EIR Section 3.2.2, Master Response: Adequacy of the Range of Alternatives. The Marin County Planning Commission and Board of Supervisors will also take all comments received on the Draft EIR under consideration before a decision on the project is rendered.

Comment O7-6

6. The DEIR should seek to provide and study truly viable alternatives.
    a. The DEFICIENCY in the DEIR can be addressed by adding more alternatives such as:
        i. Alternative with school proposal reduced to student body to 250 and requiring dedicated housing to accommodate a minimum of 50% of the students and staff.
        ii. Alternative proposal that removes the school in its' entirety from the project while retaining proposed housing and CCRC and requiring dedicated housing to accommodate a minimum of 50% of CCRC staff.
        iii. Alternative proposal put forth by the applicant on February of 2020.

Response O7-6

The comment states the Draft EIR alternatives analysis is deficient and provides suggestions for additional alternatives to be considered. The operation of a school and enrollment of 1,000 students are allowed uses regulated under the existing Conditional Use Permit. The project does not propose any modifications to the existing Conditional Use Permit and thus the applicant may continue to operate the school as allowed under the existing Conditional Use Permit. See Final EIR Section 3.2.4, Master Response: Conditional Use Permit Issues; Section 3.2.2, Master Response: Adequacy of the Range of Alternatives; and Section 3.2.3, Master Response: Reduced Development Alternative

(Seminary Tomorrow Process Outcome. The Marin County Planning Commission and Board of Supervisors will also take all comments received on the Draft EIR under consideration before a decision on the project is rendered.

Comment O7-7

7. The DEIR includes discussions of elements that are NOT shown in the project documents from North Coast.
    a. On DEIR page ES-3, the 20,000 square foot (SF) Daycare and Fitness Center is described – indeed it is a part of the project description. However, there are no floor plans nor elevations of this building.
        i. It is sometimes shown as a roof form east of the playfield at the lowest existing central parking tier.
            1. It is not referenced on the Sheet Index on A0.01.
            2. Many sheets do not have it shown, including not being included in the Civil Drainage & Grading plans
        ii. This is a striking inconsistency in the project plans and therefore seems to be a major deficiency in the DEIR.
    b. On page ES-3, three 6-story residential buildings would be constructed at the Hodges/Shuck planning area.
        i. These are not shown anywhere on the documents listed and provided to the Public on the County website.
    c. At a minimum, this failure to describe part of the project seems to require a revision and possibly a recirculation of the DEIR after it is included in the project documents.

Response O7-7

The comment claims that some elements of the project are described in the Draft EIR but not shown in project plans including the daycare, fitness center, and the three six-story residential buildings and their omission may require recirculation of the EIR. The daycare and fitness center are shown on Draft EIR Figures 2-5 and 2-6, described in Section 2.6.1, Academic Campus, and included in the analysis throughout the Draft EIR. In addition, these facilities are shown on multiple plan sheets submitted as part of the project application and have been uploaded to the County's public project information webpage since 2020 for public review. This includes the following plan sheets:

- Volume 1a – Sheets A0.03 and A04.04
- Volume 1d – Sheets A1.03, A1.03A, A1.11, and A1.12
- Volume 1e – Sheet C8.10
- Volume 1f – Sheets L1.10, L1.10A, and L2.10
- Volume 1g – Sheets L3.10, L3.14, and L4.10

The three six-story residential buildings are described in Section 2.6.2, Residential Development, of the Draft EIR and shown on Draft EIR Figures 2-5 and 2-6, and included in the analysis throughout the Draft EIR. In addition, the area to be developed as well as the residential buildings are also shown on Volume 1d Plan Sheets A1.03, A1.03.A, and A1.20 submitted as part of the project application and have been uploaded to the County's public project information webpage since 2020 for public review. Therefore, the Draft EIR has appropriately described, analyzed, and characterized the nature and magnitude of development these project elements. No edits are warranted in the Final EIR.

Comment O7-8

Furthermore, a merits discussion needs to be pointed out and settled in regards to the proposed project's reliance on the 1953 CUP. Julie and Matt both attended the Planning Commission Hearing held on September 9, 2024. During his discussion of the DEIR, Commissioner Don Dickenson reviewed some of the history of the Seminary and its various projects. He indicated that the 1953 CUP of up to 1,000 students was linked to the property acreage and that some property had subsequently been sold off. Therefore, if the property is smaller now, how can it thereby maintain its maximum population of 1,000 students? Should there be an application for a new CUP

The automatic assumption of the maximum student population of 1,000, coupled with additional development of the CCRC which has no relationship to the school, seems to be an issue that needs to be addressed before continuing on with any further responses to the DEIR.

Response O7-8

The comment states that a merits discussion needs to be held and settled in regards to the proposed project's reliance on the 1953 CUP. See Final EIR Section 3.2.4, Master Response: Conditional Use Permit Issues. The Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comments under consideration before a decision on the project is rendered. No edits or revisions are warranted in the Final EIR.

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3.3.4 Individuals

Letter I1 Sharon Guy

July 16, 2024

Comment I1-1

Access to the property is so limited that traffic congestion will become a major problem and negatively impact everyone in the area including the fire department adjacent to the property.

This is way too large and expansive a project to develop in that space. Too many cars coming and going on a daily basis that would be required to support a senior facility, preschool, gym and personal housing.

Congestion and noise will disturb the natural habitat and current residents in the neighborhood.

Response I1-1

The comment expresses concerns with congestion, emergency vehicle access, and noise. As described in Final Section 3.2.7 "Master Response: Traffic Count Data," LOS assessment is not used to determine environmental impacts under CEQA (in accordance with SB 743, Statutes of 2013), but may inform decisions about the merits of the proposed project. Although LOS is no longer used to determine a significant environmental impact, an analysis of LOS was prepared for the County of Marin's merit review of the project. The LOS Assessment Memo was updated to incorporate new February 2025 traffic counts collected in response to Draft EIR comments and to account for potential post-pandemic travel behavior changes. Although differences from 2021 counts were minimal, the memo was revised in consultation with County staff to use the 2025 data and add a seventh study intersection (Appendix B of this FEIR). According to the LOS Assessment Memo, all study intersections would operate at LOS D or better conditions under all scenarios, which meets the County LOS standard.

Consistent with Appendix G of the State CEQA Guidelines, Impact 3.14-4 of the Draft EIR analyzed impacts on emergency access. It was determined that the impact on emergency access would be less than significant with the implementation of Mitigation Measure 3.14-4. The Draft EIR appropriately describes the nature and magnitude of potential impacts on emergency vehicle access and the conclusions and adequacy of the analysis in the Draft EIR related to emergency access is adequate. Therefore, no changes to the Draft EIR are required in response to this comment.

Please refer to Response I122-1 regarding construction noise impacts on residents in the neighborhood and Response I133-1 regarding operational noise impacts on residents in the neighborhood. As included in Section 3.4, "Biological Resources," of the Draft EIR there is no evidence that noise would disturb natural habitats for special status species. The comment does not provide any substantial evidence that the project could have an impact on sensitive habitats and no further response is required.

Letter I2 Al Coppin

July 17, 2024

Comment I2-1

How can I get paper copies of masterplans and site plans and impact report showing the unit layout of this 127 ac major Marin development ?? …

And is there an overall site plan showing the existing college campus including building,size,parking and what is the student load impact in the future..Do they own or rent from North Coast holdings…? What is the size of their land and is it part of the 127 acres?

Response I2-1

The comment asks how to obtain paper copies of project plans and the impact report. The comment also asks for a site plan showing the existing campus, the impact of the student load impact in the future, does the current tenant own or rent from North Coast Landholdings, what is the size of the land and is it part of the 127 acres encompassing

the campus. Digital copies of the project plans, including an existing site plan, can be downloaded and printed from the County's project website: https://www.marincounty.gov/departments/cda/planning/projects/mill-valley-alto/north-coast-land-holdings-community-plan-amendmentmaster-plandesign-reviewmaster-use-permittentative-maptree-removal-permit-former-golden-gate-baptist-seminary-property-p1490. Also, the County can be contacted via email at: EnvPlanning@marincounty.gov or by phone at 415-473-6269 to coordinate on how to review paper copies and records. The academic campus is currently tenant-occupied by Olivet University which has a lease agreement with North Coast Landholdings. As described in Draft EIR Chapter 2, "Project Description," the academic campus encompasses approximately 127 acres, generally bounded by Richardson Drive, Seminary Drive, and East Strawberry Drive (see Draft EIR Figure 2-2, "Project Site"). The properties composing the proposed project site total approximately 101 acres and include Assessor's Parcel Numbers (APN) 043-261-25, 043-261-26, 043-401-05, 043-401-10, 043-401-16, 043-402-03, 043-402-05, and 043-402-06. No development is proposed on the Richardson Bay Parcels (APN 043-262-03 and 043-262-06) and, thus, they are not included as part of the project. The academic buildings occupy approximately 88,271 square feet of the project site. Regarding the environmental impacts from the increase in student enrollment, this is an element of the proposed project and the environmental impacts are analyzed throughout the Draft EIR.

Comment I2-2

Also what is the vehicle impact at Seminary and Ricardo and Seminary and old redwood highway frontage rd. intersections?...Any proposed improvements to mitigate ,etc...?

Response I2-2

The comment poses questions regarding traffic impacts from the project. As described in Final EIR Section 3.2.7, "Master Response: Traffic Count Data," LOS assessment is not used to determine environmental impacts under CEQA (in accordance with SB 743, Statutes of 2013), but may inform decisions about the merits of the proposed project. Although LOS is no longer used to determine a significant environmental impact, an analysis of LOS was prepared for the County of Marin's merit review of the project. The LOS Assessment Memo was updated to incorporate new February 2025 traffic counts collected in response to Draft EIR comments and to account for potential post-pandemic travel behavior changes. Although differences from 2021 counts were minimal, the memo was revised in consultation with County staff to use the 2025 data and add a seventh study intersection (Appendix B of this FEIR). According to the LOS Assessment Memo, all study intersections would operate at LOS D or better conditions under all scenarios, which meets the County LOS standard, including the intersections of Redwood Highway Frontage Road/Seminary Drive and Seminary Drive/Ricardo Road/Vista Del Sol. Therefore, no roadway or intersection changes would be required to meet the LOS standard and the conclusions in the Draft EIR are valid.

Comment I2-3

The 336 res units seems high for 127 ac ..Generally a site of this size and contour would be more like100-150 units..Subtract the site for the college and senior units- say 27 acres- and the res site reduces to 100 acres....

Response I2-3

The comment states that 336 residential units is too high for 127 acres and asserts without substantial evidence that generally a site of this size and contour would be more like 100 to 150 units. See Draft EIR Chapter 2, "Project Description," which provides a description of the development density allowed on the site and that while under the Countywide Plan and consistent with state Density Bonus Law, the project site could be developed with a maximum of up to four residential units per acre (416 units), the project proposes a density of 3.3 units per acre and a total of 337 residential units including 324 new/replacement residential units (including the residential care facility). Therefore, the proposed project is consistent with County standards related to development density.

Comment I2-4

The 15,000 sf fitness center for the general public would add greatly to the traffic impact at the existing intersections listed above...

Response I2-4

The comment expresses concerns with congestion. As described in Final EIR Section 3.2.7, "Master Response: Traffic Count Data," LOS assessment is not used to determine environmental impacts under CEQA (in accordance with SB 743, Statutes of 2013), but may inform decisions about the merits of the proposed project. Although LOS is no longer used to determine a significant environmental impact, an analysis of LOS was prepared for the County of Marin's merit review of the project. The LOS Assessment Memo was updated to incorporate new February 2025 traffic counts collected in response to Draft EIR comments and to account for potential post-pandemic travel behavior changes. Although differences from 2021 counts were minimal, the memo was revised in consultation with County staff to use the 2025 data and add a seventh study intersection (Appendix B of this FEIR). According to the LOS Assessment Memo, all study intersections would operate at LOS D or better conditions under all scenarios, which meets the County LOS standard and the conclusions in the Draft EIR are valid.

Letter I3 Deirdre Fennessy

July 21, 2024

Comment I3-1

The EIR is more comprehensive than I ever could have imagined. My question is this: What does "Considerable but unavoidable" mean in relation to the impact of most of the elements of the project?

Does it mean that mitigation or correction or alternative actions do not have to be taken? Do all of the adverse impacts that need mitigation sufficient for the satisfaction of the CDA have to be mitigated before the plan is approved?

Response I3-1

The comment asks for the meaning of considerable but unavoidable impacts and if mitigation is still required for those impacts. The term considerable is most often used when evaluating the cumulative impacts of a project. Section 15355 of the State CEQA Guidelines defines a cumulative impact as the condition under which "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts… The cumulative impact from the proposed project is the change in the environment which results from the incremental impact of the project when added to impacts from other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time" (14 C.C.R. Section 15355). Thus, the incremental contribution of a proposed project to any cumulatively significant impacts from closely related past, present, and reasonably foreseeable probable future projects could be cumulatively considerable. Section 15065(a)(3) of the State CEQA Guidelines defines "cumulatively considerable" to mean "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects (14 C.C.R. Section 15065).

For the proposed project, the Draft EIR found that the proposed project would result in significant and unavoidable cumulatively considerable impacts related to GHG emissions and VMT. Therefore, in conjunction with worldwide cumulative GHG impacts from past, present, and probable future projects, cumulative GHG impacts would be significant, and the impacts of the project itself, even with mitigation, would be cumulatively considerable. Additionally, because the VMT per capita for the proposed project would not meet the 30 percent below existing regional average threshold, the proposed project's contribution to cumulative VMT impacts would be cumulatively considerable. While the Draft EIR did not propose any mitigation measures specific to reducing cumulative impacts, the proposed project would still be required to implement all mitigation measures related to the project-level GHG and VMT impacts.

In instances where impacts are found to be significant and unavoidable, this indicates that a potentially significant impact cannot be mitigated to a less than significant level and impacts would remain significant with implementation of the project. If an EIR identifies that a project would result in significant and unavoidable impacts, then the Lead Agency must adopt a separate statement of overriding considerations before approving a project that acknowledges the project benefits outweigh those unavoidable impacts.

Letter I4 Tim Cardenas

July 21, 2024

Comment I4-1

Noise - Induced hearing loss

Based on the documentation and latest EIR provided at online. It looks like there would be a period of 4+ years where noise levels are expected to exceed 85dBA at our homes. The NIH details that repeated or long term exposure to noises exceeding 85dBA cause noise-induced hearing loss (see 1 below). For children (which we have two) the impact of elevated noise exposure between 70-80 dBA can cause permanent hearing shift and loss in specific ranges (see 2 below). Over multiple years of construction the repeated and cumulative noise impact would pose a health risk to all those living nearby. To protect ourselves we would need funds to retrofit our homes for the increase in noise or funds to relocate temporarily while construction was taking place. Given the increased work form home it is no longer reasonable to use time of day as the only way to reduce harm.

Point: This is not an acceptable risk to us without some kind of accommodation and monitoring for our health.

Noise - Quite enjoyment of our homes

Everyone who lives near the construction site has a right to enjoy their homes. Even if dBA was reduced substantially as to not impose a health risk, the quality of our our outdoor areas would be impacted for many years. The prime periods for enjoyment occur outside of working hours and I would suggest that this project adopt the same established construction hours that the Tiburon building department has established (see 3 below), namely construction may only happen from 7am-5pm on weekdays and heavy equipment only from 8am-5pm. No construction noise on Saturdays and no construction of any kind is allowed on Sundays.

Point: Construction without hourly limits per day (8am-5pm) and fully noise-free weekends is not acceptable or reasonable.

Response I4-1

The comment states that repeated or long term exposure to noises exceeding 85 dBA can cause noise-induced hearing loss and requests funds to retrofit homes or relocate temporarily during construction. The comment also requests the project follow the permitted construction hours for the town of Tiburon.

Draft EIR Section 3.11, Noise and Vibration, Impact 3.11-1 includes average noise levels during construction activities. As stated on page 3.11-14 of the Draft EIR, "noise levels during construction activities would range from approximately 77 dBA to 86 dBA at the average distance of 50 feet from residential receivers." Noise levels would intermittently reach as loud as 86 dBA depending on the location of construction and mix of equipment being used. It should be noted that construction activities would generally occur in phases and would be dispersed throughout the site. Construction would therefore be located at an average distance further away during a construction day due to the nature of construction equipment and how the equipment would move around the project site. In addition, Mitigation Measures 3.11-1 would be required to reduce construction noise by locating equipment as far away from receivers as possible, requiring the proper use of available noise-reduction equipment, including use of alternatively powered equipment, exhaust mufflers, engine shrouds, equipment enclosures, and barriers for activities in the vicinity of noise-sensitive uses. Implementation of these noise-reduction features can reduce construction noise levels by approximately 10 dBA, or more. Therefore, available measures would be implemented to reduce construction noise and thus address health impacts related to hearing loss.

For consistency with Appendix G of the State CEQA Guidelines this EIR addresses if the project would exceed an adopted local or other applicable noise standard or a substantial temporary increase in noise that has the potential to cause an adverse effect to a sensitive receiver. As analyzed in Impact 3.11-1 of the Draft EIR construction would occur during the hours permitted by Marin County and with implementation of Mitigation Measure 3.11-1 the project would result in an increase in noise that would be considered distinctly perceptible by most people and therefore a substantial temporary increase in noise. Changing the hours in which construction could occur would result in the

same impact conclusion as in the Draft EIR and would result in a longer construction timeframe for the project resulting in an increase length of noise exposure for nearby sensitive receivers.

Requests for funding to retrofit homes or relocate residents temporarily are outside the purview of CEQA. The Marin County Planning Commission and Board of Supervisors will also take the comment's suggestion under consideration before a decision on the project is rendered.

Comment I4-2
Geological weak soil - Survey, Reinforcement & Insurance

Our home is located on a ridge line immediately above what a large area of "weak soil" in the geotechnical zone map. In that same area, homes are expected to be built and we would want to ensure that a full geological survey be done for our property to ensure no negative impact would occur or appropriate structural reinforcements to our properties be paid for. Additionally an insurance policy should be purchased to protect owners on the ridge line for any unforeseen geological impacts from disturbing weak soil that could cause the cliff face to degrade and destabilize our homes years after construction completes.

Point: Adequate inspection, protection and insurance should be provided to at-risk homeowners uphill of the construction projects.

Response I4-2
The comment expresses concern that a home is located on a ridge line above an area delineated as weak soil. The comment requests that a full geological survey be performed for this property and that an insurance policy be purchased to protect owners on the ridge line. See Final Section 3.2.5 for "Master Response: Project-Level Geotechnical Evaluation." The Contractor implementing the project would be licensed and bonded and would carry insurance which would cover unforeseen structural failure. No changes are made to the section.

Comment I4-3
Traffic Impact

The increased density of the project would increase utilization of Reed Blvd as it would be one of the few ways to get out of the strawberry peninsula from the new construction. Reed Blvd has no sidewalks or other protected paths for pedestrians. The current traffic volume is very light and increasing it would call for thought on how to to protect the those that walk in Strawberry.

Point: Without additional pedestrian protection the additional vehicle traffic would negatively impact the safety of those who walk near or on Reed Blvd.

Response I4-3
The comment expresses concern about whether pedestrian facilities along Reed Boulevard are needed to improve pedestrian safety. See Final EIR Section 3.2.11, "Master Response: Transportation Safety," and the Existing Intersections Review Memo provided in Appendix D of the Final EIR. Consistent with Appendix G of the State CEQA Guidelines, Impact 3.14-3 in the Draft EIR evaluates whether the project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impact 3.14-3 identifies potentially significant impacts due to potential parking spillover on surrounding streets where sidewalks and crosswalks do not exist, construction activities, and the proposed design of on-site streets. Mitigation Measures 3.14-3a (Develop a Construction Traffic Control Plan), 3.14-3b (Design Roads to Meet County, ADA, and PROWAG standards), and 3.14-3c (Implement Measures to Reduce Parking Demand and/or Increase Supply for the Academic Campus) address potentially significant safety impacts identified in the Draft EIR and would reduce these impacts to less than significant.

The TIS, provided as Appendix Q of the Draft EIR, includes a review of local safety plans and collision data within the project study area that is summarized in Final EIR Section 3.2.11, Master Response: Transportation Safety." The TIS reviewed collision data for a 5-year period between 2015 and 2019. Based on the above considerations, the Draft EIR

analysis determined that none of the intersections on the Strawberry peninsula, including those identified in public comments, would experience a substantial increase in traffic hazards.

Historic evidence indicates no local intersections have been noted for high collision rates. The TIS concluded that project traffic would not cause substantial traffic congestion changes at all studied intersections, thus added project traffic would not substantially change safety conditions. Therefore, the Draft EIR did not identify any significant traffic safety impacts at the intersection locations in the study area of the project site.

Notwithstanding that substantial evidence supports a conclusion of no significant traffic safety impacts from project trips, County staff desired to respond thoroughly to community concerns about traffic safety, and requested a review of existing intersection conditions (Final EIR Appendix D). Recognizing the Draft EIRs conclusions about the lack of significant traffic safety impacts caused by the proposed project trip generation, the existing intersection review was designed to provide information in response to community concerns about existing traffic safety problems for use in the County's consideration of project merits and the potential for defining conditions of approval outside of the CEQA analysis framework.

Updated collision data reported in Final EIR Appendix D is provided from the TIMS for the study area for the 5-year period from September 2019 through September 2024 which is the most current available collision data. No fatalities were among the reported collisions in the most recent 5-year period. As with the data from 2015 through 2019, most of the reported collisions involved vehicles and were located along the Redwood Highway Frontage Road and Tiburon Boulevard. Final EIR Section 3.2.11, "Master Response: Transportation Safety," provides a summary of collisions involving pedestrians and bicyclists in the most recent 5-year period for which data is available. One pedestrian collision with a possible injury at the Redwood Highway Frontage Road/Reed Boulevard intersection involved a vehicle (hit and run) traveling northbound and a pedestrian traveling westbound.

The Existing Intersections Review Memo (Final EIR Appendix D) summarizes relevant measures implemented by Marin County or Caltrans in recent years at the study locations as well as planned improvement measures. The Existing Intersections Review Memo also identifies potential strategies at nine locations including Reed Boulevard from Storer Drive to Richardson Drive and the intersection of Reed Boulevard and Redwood Highway Frontage Road. The strategies identified in the memo are considerations for voluntary enhancements by the project applicant or merits-based conditions imposed by the County. These improvement options are not related to a CEQA environmental impact, so they are not defined as "mitigation measures," because the project's trip generation would be insufficient to substantially change existing transportation hazards in the study area. The lack of substantial change in traffic is evidenced in the LOS Assessment Memo where analysis concluded that LOS would meet County standards with or without the project and after adding project traffic, LOS would remain at D with continued stable traffic flow. The findings and voluntary recommendations in the Existing Intersections Review Memorandum do not change the conclusions or adequacy of the analysis in the Draft EIR related to transportation. Therefore, no changes to the Draft EIR are required in response to this comment.

Letter I5 Josh Andresen

August 1, 2024

Comment I5-1

The Seminary in Strawberry had two previous development application submittals. One by Branson and another by Heart Marin. I am requesting drainage information from both of these applications. Specifically, all of the text, exhibits, and calculations relating to drainage, hydrology, and hydraulics. I specifically recall and would like to obtain a drainage drawing by Sherwood Design Engineers showing the Seminary property drainage connections with the surrounding properties . Both of these applications were previously posted online for public review. Please let me know the timeline I can expect this information. This is a time sensitive request because it relates to review of the current NCLH EIR that is currently within the 60 day public review period. I would appreciate these documents within the 10 days required by the law, or sooner if possible. Thank you. Josh Andresen 319 Ricardo Rd. 415.828.7432.

Response I5-1
The comment requests copies of previous development applications for two separate projects submitted prior to the proposed project. A Public Records Act request may be made to the County for any government information that may not be available online. More information on how to request a public record is available on the County's website at: https://www.marincounty.gov/departments/county-counsel/public-records/request-public-record.

Letter I6 Tirrell B. Graham

August 16, 2024

Comment I6-1
I am concerned about the long-term safety and traffic implications of the proposed expansion of the former Golden Gate Seminary, including increased residential housing and the possibility of creating a 1000 student school. The increased traffic has safety implications for all of Strawberry, but especially those on the northern section of East Strawberry Drive, which includes students walking or travelling to the Strawberry Point School and families coming and going to use the Strawberry Recreation Center.

The PROJECT LEVEL SUMMARY states on page ES-5 that "the proposed residential uses would likely not achieve the required VMT reduction level to meet the threshold of 30 percent below existing average regional VMT per capita. For these reasons, the project's VMT impact would be *significant and unavoidable*." On page ES-6, four alternatives to this project were presented. I prefer Alternative 3, development consistent with the Strawberry Community Plan. However, I think this alternative and all the others should not contain the 1000 student possibility. Reducing the potential for increased vehicle traffic would lessen the VMT impact. My concerns and questions (in bold, italic print) are below.

Response I6-1
The comment expresses concern about traffic safety and VMT impacts of the proposed project and suggests that all alternatives should not include enrollment of up to 1,000 students. Consistent with Appendix G of the State CEQA Guidelines, Impact 3.14-3 in the Draft EIR evaluates whether the project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impact 3.14-3 identifies potentially significant impacts due to potential parking spillover on surrounding streets where sidewalks and crosswalks do not exist, construction activities, and the proposed design of on-site streets.

Specifically, for East Strawberry Drive, the analysis found that given the location of academic uses on the eastern end of the project site, the most likely location for spillover parking to occur would be on the west side of East Strawberry Drive, both north and south of Herring Drive. The shoulder on the west side of East Strawberry Drive along this segment is about seven feet wide, which is sufficient for a parked vehicle; however, there is no sidewalk on the west side of East Strawberry Drive in this area. Students or employees parking on this portion of East Strawberry Drive would either walk in the southbound travel lane or cross the street twice to use the sidewalk on the east side of the roadway, creating potential conflicts between pedestrians and vehicles. Therefore, because some of the internal roadways would not meet County roadway width requirements and the project would not supply the necessary number of parking spaces to avoid parking spillover, the project could potentially result in a substantial increase in transportation hazards related to operations. Mitigation Measures 3.14-3a (Develop a Construction Traffic Control Plan), 3.14-3b (Design Roads to Meet County, ADA, and PROWAG standards), and 3.14-3c (Implement Measures to Reduce Parking Demand and/or Increase Supply for the Academic Campus) address potentially significant safety impacts identified in the Draft EIR and would reduce these impacts to less than significant.

Regarding the alternatives analysis and why all alternatives include enrollment of 1,000 students, this element of the project is assumed for all alternatives because it is the enrollment cap allowed under the current 1953 CUP. The project does not propose a change to the 1953 CUP and under the current permit, enrollment is allowed for up to 1,000 students. The County does not have authority to restrict student enrollment beyond what is allowed under the current CUP. Further, the proposed project does not propose any changes to the 1953 CUP and thus the allowable uses and student enrollment cap regulated under the 1953 CUP remain unchanged.

Comment I6-2

The following statement under Roadway System (page 3.14 – 6) is overly simplistic:

"East Strawberry Drive is a bidirectional north/south collector roadway with one lane provided for each direction of travel. East Strawberry Drive is located north of the project site. The posted speed limit is 25 mph. On-street parking is available on both sides of the roadway." [Actually East Strawberry Drive is north and east of the project site.] *The description is slightly expanded in the Transportation Impact Study (page 12)* to mention lack of sidewalks and a split road *but why is it not expanded in this section?* The casual reader would think that East Strawberry Drive is a continuous spacious road from north to south*. Why don't both sections contain some of the following information listed below?* The physical characteristics are easily visible by driving or walking on East Strawberry Drive.

Some details:

- In the northern section from 223 – 325 East Strawberry Drive, the single northbound and southbound lanes are divided by a large difference in altitude; traffic is one-way north and one-way south. The lower side was created in the 1950s as a very narrow two-way street and ended at approximately 325 East Strawberry Drive. These houses had driveways and garages oriented for approach from the north (because it was a two-way street). Now with approach only from the south, entries and exits take longer and require more care and slower speeds (from the homeowner and passing cars). Plus, given the divided road, traffic must slow down to allow cars to make the U-turn from the upper road to the lower road so cars coming from the north can reverse direction and access the narrow northbound lane and their homes.
- We worked with the County to get our road certified for radar enforcement at 25MPH. The enforcement was approved but all we got was the "radar enforced" sign. To my knowledge, no one has ever received a ticket for speeding because there is not enough staff to do so.
- The divided road sections are relatively narrow. There is little room for accident avoidance. The markings for the lower section were designed by DPW staff to allow pedestrians and mailbox owners some minimal distance from passing cars. There is a very dangerous blind curve in the lower section by 245 East Strawberry Drive. More traffic will create more "near misses."
- North of this divided section there is an extremely dangerous downhill blind curve for northbound traffic approaching the Strawberry Point School and the Strawberry Recreation Center.
- The intersection of Tiburon Boulevard and East Strawberry Drive is compound and very dangerous as is. It involves a semi-blind corner for traffic eastbound on Tiburon Boulevard turning onto East Strawberry Drive which immediately is confronted with eastbound traffic entering East Strawberry Drive from Belvedere Drive on the west and then quickly confronted by Strawberry Circle traffic entering East Strawberry Drive from the east.

These are permanent non-remediable features of the road and are at best dangerous with current traffic volumes.

Response I6-2

The comment claims that the existing conditions description of East Strawberry Drive lacks detail to accurately depict the physical characteristics of the roadway. Draft EIR Section 3.14, "Transportation," inaccurately states that on-street parking is available on both sides of East Strawberry Drive. Therefore, the description of East Strawberry Drive on page 3.14-6 is revised as follows:

ORIGINAL:

- East Strawberry Drive is a bidirectional north/south collector roadway with one lane provided for each direction of travel. East Strawberry Drive is located north of the project site. The posted speed limit is 25 mph. On-street parking is available on both sides of the roadway.

REVISED:

- East Strawberry Drive is a bidirectional north/south collector roadway with one lane provided for each direction of travel. East Strawberry Drive is located north of the project site. The posted speed limit is 25 mph. On-street parking is available on ~~both sides~~ one side of the roadway.

Additionally, although Draft EIR Section 3.14, "Transportation," acknowledges that many sidewalks along project roadways have gaps in pedestrian facilities, page 3.14-9 has been revised to include additional detail regarding the existing condition of East Strawberry Drive to be consistent with the TIS as follows:

ORIGINAL:

Many of the sidewalks along these roadways have gaps requiring pedestrians to temporarily enter vehicle travel lanes to proceed or are replaced with dirt trails at geographically challenging points. Additionally, some of these roadways only provide pedestrian facilities on one side of the road for long stretches.

REVISED:

Many of the sidewalks along these roadways have gaps requiring pedestrians to temporarily enter vehicle travel lanes to proceed or are replaced with dirt trails at geographically challenging points. Additionally, some of these roadways only provide pedestrian facilities on one side of the road for long stretches. In one example, there is no sidewalk in a segment of East Strawberry Drive between Harbor Cove Way and Island Drive where the roadway is split into two levels due to steep terrain, leaving little space between vehicle travel lanes and the adjacent homes. For other streets, sidewalks exist only on one side of the road for long stretches (e.g., Chapel Drive and Mission Drive). Sidewalks are also narrowed, to less than 4 feet wide, along some roads, such as along segments of East Strawberry Drive and Redwood Highway Frontage Road.

Draft EIR Section 3.14, "Transportation," provides sufficient information to inform the analysis of transportation impacts. The revisions above are only minor clarifications and do not change the analysis or conclusions of the Draft EIR. These revisions are also shown in Chapter 4, "Revisions to the Draft EIR."

Comment I6-3

Another Roadway System item requiring clarification:

"Herring Drive is a bidirectional east/west local roadway with no marked lanes. Herring Drive is not maintained by the County (page 3.14 – 7)." Herring Drive is a roadway that connects the Seminary with East Strawberry Drive. A driver using it would most likely turn left onto East Strawberry Drive to get to Tiburon Boulevard. I have lived in Strawberry for 38 years. While the Seminary was operational and for all but the last few years, it was closed by a gate secured with a chain and was only opened rarely. *Will the gate of Herring Drive be closed? Closing it will prevent a tremendous traffic increase on East Strawberry Drive.*

Herring Drive is also mentioned in Emergency Vehicle Access (page 3.14 – 7).

"South Strawberry Area: south on Reed Boulevard, east on Storer Drive, and east on Herring Drive to East Strawberry Drive." As I mentioned above, this gate was mostly chained for years. If perhaps it is now critical that the Fire Department have 24-hour access, perhaps the gate could be opened electronically when necessary.

Response I6-3

The comment expresses concern regarding increased vehicle traffic on East Strawberry Drive from Herring Drive if the gate at Herring Drive remains open. As described in Final EIR Section 3.1.7, "Master Response: Traffic Count Data," LOS assessment is not used to determine environmental impacts under CEQA (in accordance with SB 743, Statutes of 2013), but may inform decisions about the merits of the proposed project. However, the Southern Marin Fire District confirmed 24-hour access to the gate located on Herring Drive for emergency response purposes (Hilliard, pers. comm., 2024).

Comment I6-4

The Strawberry Community Plan, amended in 1982, states "the Community desires that the movement of traffic through the Strawberry Area be safe for both pedestrians and vehicles. (page 3.10 – 22)." Given the proposed increase in traffic volume, *there should be 2 traffic studies:*

1. *Intersection of Ricardo Lane and East Strawberry Drive*
2. *Intersection of East Strawberry Drive, Belvedere Drive, Strawberry Circle and Tiburon Boulevard*

These studies should include traffic counts during school and business commute hours. *Please let us know when these are completed.*

Response I6-4

Please refer to Final EIR Section 3.2.11, "Master Response: Transportation Safety," and the Existing Intersections Review Memo provided in Appendix D of this FEIR of the Final EIR. Consistent with Appendix G of the State CEQA Guidelines, Impact 3.14-3 in the Draft EIR evaluates whether the project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impact 3.14-3 identifies potentially significant impacts due to potential parking spillover on surrounding streets where sidewalks and crosswalks do not exist, construction activities, and the proposed design of on-site streets. Mitigation Measures 3.14-3a (Develop a Construction Traffic Control Plan), 3.14-3b (Design Roads to Meet County, ADA, and PROWAG standards), and 3.14-3c (Implement Measures to Reduce Parking Demand and/or Increase Supply for the Academic Campus) address potentially significant safety impacts identified in the Draft EIR and would reduce these impacts to less than significant.

The TIS, provided as Appendix Q of the Draft EIR, includes a review of local safety plans and collision data within the project study area that is summarized in Final EIR Section 3.2.11, "Master Response: Transportation Safety." The TIS reviewed collision data for a 5-year period between 2015 and 2019. Based on the above considerations, the Draft EIR analysis determined that none of the intersections on the peninsula, including those identified in public comments, would experience a substantial increase in traffic hazards.

Historic evidence indicates no local intersections have been noted for high collision rates. The TIS concluded that the project traffic would not cause substantial traffic congestion changes at all studied intersections, so added project traffic would not substantially change safety conditions. Therefore, the Draft EIR did not identify any significant traffic safety impacts at the intersection locations in the study area of the project site.

Notwithstanding that substantial evidence supports a conclusion of no significant traffic safety impacts from project trips, County staff desired to respond thoroughly to community concerns about traffic safety, and requested a review of existing intersection conditions (Final EIR Appendix D). Recognizing the Draft EIRs conclusions about the lack of significant traffic safety impacts caused by the proposed project trip generation, the existing intersection review was designed to provide information in response to community concerns about existing traffic safety problems for use in the County's consideration of project merits and the potential for defining conditions of approval outside of the CEQA analysis framework.

Updated collision data is provided from the TIMS for the study area for the 5-year period from September 2019 through September 2024 which is the most current available collision data. No fatalities were among the reported collisions in the most recent 5-year period. As with the data from 2015 through 2019, most of the reported collisions involved vehicles and were located along the Redwood Highway Frontage Road and Tiburon Boulevard. Final EIR Section 3.2.11, "Master Response: Transportation Safety," provides a summary of collisions involving pedestrians and bicyclists in the most recent 5-year period for which data is available. One pedestrian collision with a possible injury at the Redwood Highway Frontage Road/Reed Boulevard intersection involved a vehicle (hit and run) traveling northbound and a pedestrian traveling westbound. The Existing Intersections Review Memo (Final EIR Appendix D) summarizes relevant measures implemented by Marin County or Caltrans in recent years at the study locations as well as planned improvement measures. The memo also identifies potential strategies at nine locations. The strategies identified in the memo are considerations for voluntary enhancements by the project applicant or merits-based conditions imposed by the County. These improvement options are not related to a CEQA environmental

impact, so they are not defined as "mitigation measures," because the project's trip generation would be insufficient to substantially change existing transportation hazards in the study area. The lack of substantial change in traffic is evidenced in the TIS where analysis concluded that LOS would meet County standards with or without the project and after adding project traffic, LOS would remain at D with continued stable traffic flow. The findings and voluntary recommendations in the Existing Intersections Review Memorandum do not change the conclusions or adequacy of the analysis in the Draft EIR related to transportation. Therefore, no changes to the Draft EIR are required in response to this comment.

Comment I6-5

The TRANSPORTATION IMPACT STUDY accurately points out that there is no sidewalk on East Strawberry Drive between Harbor Cove Way and Island Drive (page 12). As mentioned above, *these comments should be expanded to include East Strawberry Drive's other characteristics, including blind curves, etc.* The Study also references Figure 2 (page 24) as an existing sidewalk illustration. There are no street names on this map, but it appears to show a sidewalk well beyond Harbor Cove Way (perhaps as far as 325 East Strawberry). *Figure 2 needs to be corrected to eliminate this inaccuracy.*

Response I6-5

The comment points out an inaccuracy in Figure 2 of the Draft EIR TIS (provided in Appendix Q of the Draft EIR). Figure 2, Pedestrian Facilities, has been revised to remove the sidewalk along East Strawberry Drive where it extended north of Island Drive on the east side of the roadway. Additionally, the existing sidewalk on the west side of East Strawberry Drive was added between Ricardo Land and Belvedere Drive. Revised Figure 2 is presented in the updated TIS which is provided in Appendix C of this FEIR. These edits are minor and do not constitute significant new information that would require recirculation of the Draft EIR under State CEQA Guidelines Section 15088.5.

Regarding the existing physical characteristics of East Strawberry Drive, see Response I6-2.

Comment I6-6

I have several questions concerning Table 3: Study Area Collision Data (page 21). According to the text, this data was collected for 2015 – 2019.

1. It cites "collisions." *Are cars that leave the road and end up on the street slope between upper and lower East Strawberry Drive or on the lower northbound direction of East Strawberry Drive included in these numbers?* There have been several of these.
2. The data is 5 years old. *A chart should be prepared with data more recent than 2019.*
3. And, to understand the full implications of the proposed project: *Can an estimate be made of the number of and location of accidents using the current rate of frequency and the projected total vehicle trip number (4,276)?*

Response I6-6

The comment requests clarity regarding the collision data presented in Table 3 of the TIS (Appendix Q of the Draft EIR). The comment also requests more recent collision data as well as an estimate of the number and likely locations of future collisions based on current incident rates. See Final EIR Section 3.2.11, "Master Response: Transportation Safety," and the Existing Intersections Review Memo provided in Appendix D of this Final EIR. Consistent with Appendix G of the State CEQA Guidelines, Impact 3.14-3 in the Draft EIR evaluates whether the project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impact 3.14-3 identifies potentially significant impacts due to potential parking spillover on surrounding streets where sidewalks and crosswalks do not exist, construction activities, and the proposed design of on-site streets. Mitigation Measures 3.14-3a (Develop a Construction Traffic Control Plan), 3.14-3b (Design Roads to Meet County, ADA, and PROWAG standards), and 3.14-3c (Implement Measures to Reduce Parking Demand and/or Increase Supply for the Academic Campus) address potentially significant safety impacts identified in the Draft EIR and would reduce these impacts to less than significant.

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Historic evidence indicates no local intersections have been noted for high collision rates. The TIS concluded that the project traffic would not cause substantial traffic congestion changes at all studied intersections, so added project traffic would not substantially change safety conditions. Therefore, the Draft EIR did not identify any significant traffic safety impacts at the intersection locations in the study area of the project site.

Notwithstanding that substantial evidence supports a conclusion of no significant traffic safety impacts from project trips, County staff desired to respond thoroughly to community concerns about traffic safety, and requested a review of existing intersection conditions (Final EIR Appendix D). Recognizing the Draft EIRs conclusions about the lack of significant traffic safety impacts caused by the proposed project trip generation, the existing intersection review was designed to provide information in response to community concerns about existing traffic safety problems for use in the County's consideration of project merits and the potential for defining conditions of approval outside of the CEQA analysis framework.

Updated collision data is provided from the TIMS for the study area for the 5-year period from September 2019 through September 2024 which is the most current available collision data. No fatalities were among the reported collisions in the most recent 5-year period. As with the data from 2015 through 2019, most of the reported collisions involved vehicles and were located along the Redwood Highway Frontage Road and Tiburon Boulevard. Final EIR Section 3.2.11, "Master Response: Transportation Safety," provides a summary of collisions involving pedestrians and bicyclists in the most recent 5-year period for which data is available. The Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comments under consideration before a decision on the project is rendered.

Letter I7 Marlys Mayfield

August 17, 2024

Comment I7-1

I noticed that the EIR report itstelf admits major weakness for mitigation under **Impact 3.14-3**. Furhermore, under .the heading **Substantial Increase Hazards** it provides the unusual rating of **UMT impact would "be significant and unavoidable**."

I find these to be an unusual rating of UMT impact in an otherwise rosy report to be worth our consideration.

Also under **Impact 3.14-2** under **Mitigation Measures** they state: Impact as **Significant. And Unavoidable**."" The Project would exceed the threshold of significance for residential projects as established in the TIS.. Impact Significant. In addition:

Response I7-1

The comment restates impact determinations in Draft EIR Section 3.14, "Transportation," but does not raise an issue with the adequacy of the Draft EIR. The comment states that Impact 3.14-3, related to transportation hazard, is significant and unavoidable; however, as stated in the Draft EIR, it was determined that impacts would be less than significant with the implementation of Mitigation Measures 3.14-3a through 3.14-3c. Impacts on VMT were determined to be significant and unavoidable as described in Impact 3.14-2. No further response is required.

Comment I7-2

I also find also their rating of the noise level impact as **"temporary"** that seems to me to be blindly condescending as it appears under **Demolition, Construction and Traffic Nois ef**or those came to live in Strawberry Shores Apartments facing Seminary Drive and bordered by Hodges Drive seeking peacefulnes who will be subject 6 days a

week , 12 hours a day, to demolition and construction and traffic noise for a minimum of 4 years. That together with the accumulation of ever-increasing traffic exhaust fumes 12 hours a day. And this has been rated as "temporary"?

Response I7-2

The comment disagrees with construction impacts being characterized as temporary and argues that being subject to the 4-year construction schedule is not temporary for those to moved to the area seeking peacefulness. According to Appendix G of the State CEQA Guidelines, EIRs should include a determination of if a project would result in a "temporary or permanent increase in ambient noise levels." Although construction noise would occur over several years, it would not be a permanent noise source in the project vicinity and was analyzed as "temporary" noise under Section 3.11, Noise and Vibration, Impact 3.11-1 of the Draft EIR. It should be noted that construction noise would not occur in a singular location for the entire construction period of the project and noise levels would vary throughout construction at the Strawberry Shores Apartments. Please refer to Impact 3.11-1 of the Draft EIR for an analysis of noise levels during construction.

Comment I7-3

What about the plans for a Round About at the juncture of Seminary Drive, Vista Del Sol and Richardo? Wouldn't the homes surrounding the proposed Roundabout area have to be altered or demolished in order to adequately widen the road there? In the past few months I have observed how one home there on Ricardo next to Vista DelSol that has been remodeled , repainted landscaped. . Who would be able to pay this family to live then with a road iin their front yard?

And what about the creek at the corner of the turn into Seminary Drive ? For centuries it has been the watering place for deer who have come down from their nesting places in the hills above Seminary and Ricardo. Then what about the deer's future?

Response I7-3

The comment raises questions regarding the feasibility of the implementation of a roundabout as identified in Mitigation Measure 3.14-4 and asks if surrounding residences would be disrupted as well as the impacts on wildlife in the surrounding area. The implementation of a roundabout is no longer proposed as mitigation for the impact of the project on emergency access and a modified Mitigation Measure 3.14-4 is proposed to achieve the same benefits. See Final EIR Section 3.2.12, "Master Response: Emergency Vehicle Access Mitigation Measure."

Comment I7-4

Finally what about the fact that upon the last County rejection of this Project, one key deciding factor was that affordable housing on the Seminary property was already in larger numbers on the extant site than those in the proposed new Project. Isn't that still the case?

Response I7-4

The comment references a prior project proposal and the County's rejection because the project site already provided more affordable housing than the number proposed under the prior project proposal. The comment then asks if this is true for the proposed project. As discussed in Draft EIR Section 3.12, "Population and Housing," County Development Code Section 22.22.090 requires 20 percent of the total number of dwelling units or lots in a subdivision be developed as, or dedicated to, affordable housing. See Final EIR Chapter 2, "Project Updates," which describes project updates and edits in this Final EIR to correct the affordable unit count and increase the affordable units to be dedicated under the proposed project to 70 affordable units. The specific revisions to the Draft EIR correcting the affordable unit count are detailed in Chapter 4, "Revisions to the Draft EIR." Therefore, the project would comply with the County's housing policies and guidelines as well as the County's Inclusionary Zoning Policy and Inclusionary Housing Program.

Comment I7-5

And finally, the EIP keeps referring to their plans to include a "university " whereas, as far as I know, there is again no mention in the Plan (once more) of interested educational institution (last time it was a high school) lined up and ready to move inan a specific interested candidate. called a "University" what is not a "university" by its usual

definition, or an institution that offers both a undergraduate and graduate curriculum together with fostering academic research. Most recently Olivet Universtiy housed an evangelical l seminary that according to the MIJ , was affiliated with the Unification Church from South K orea; Moreover the MIJ reported that before this school's demise on the Seminary property during the early covid years applied for, and received a a sizable grant from the US governrnent for loss of income during the early part of the covid epidemic. Finally, a March 2024 .Newsweek article recoumts the school's history of lawsuits and scandals and accreditation difficulties.

Response I7-5

The comment states the EIR refers to plans to include a "university" whereas there are no known plans of an interested educational institution lined up and ready to move in. The comment then references news articles pertaining to Olivet University which are unrelated to the adequacy of the analysis in the Draft EIR. As described in Draft EIR Chapter 2, "Project Description," the EIR assumed the academic campus would continue to be occupied by a higher education institute such as a university or college, with no change proposed to the scope of the existing 1953 CUP. See Final EIR Section 3.2.1, "Master Response: Stable Project Description," and Section 3.2.4, "Master Response: Conditional Use Permit Issues." The Marin County Planning Commission and Board of Supervisors will take the concerns raised in the comment into consideration before a decision on the project is rendered.

Letter I8 Perry Simon

August 19, 2024

Comment I8-1

Of the many deficiencies cited, as a Reed Blvd homeowner, I am concerned about the added traffic and the potential hazards that it will bring to our street. As not sufficiently pointed out in the EIR, Reed Blvd is a two-lane residential roadway beginning at the junction with Ricardo Blvd and ending at the Seminary property. It is approximately 0.5 mile long.

There are no bike lanes, no pedestrian walkways and parking on both sides of a narrow street with residences located for the entire stretch and a Fire Station which services the general area. At all times of the day, pedestrians and recreation bicyclists are on this roadway. The significant increase in traffic caused by the proposed development will, in fact, cause significant safety hazards to pedestrians and bicyclists.

Response I8-1

The comment poses concern with safety of pedestrians and bicyclists particularly on Reed Boulevard from project generated traffic. Section 3.14.2 "Environmental Setting," of the Draft EIR describes the existing condition of Reed Boulevard as bidirectional with no lane markings. Additionally, Reed Boulevard is not identified as having bicycle facilities. Pedestrian facilities are present on Reed Boulevard adjacent to the Strawberry Village Shopping Center.

See Final EIR Section 3.2.11, "Master Response: Transportation Safety," and the Existing Intersections Review Memo provided in Appendix D of the Final EIR. Consistent with Appendix G of the CEQ Guidelines, Impact 3.14-3 in the Draft EIR evaluates whether the project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Draft EIR Impact 3.14-3 identifies potentially significant impacts due to potential parking spillover on surrounding streets where sidewalks and crosswalks do not exist, construction activities, and the proposed design of on-site streets. Mitigation Measures 3.14-3a (Develop a Construction Traffic Control Plan), 3.14-3b (Design Roads to Meet County, ADA, and PROWAG standards), and 3.14-3c (Implement Measures to Reduce Parking Demand and/or Increase Supply for the Academic Campus) address potentially significant safety impacts identified in the Draft EIR and would reduce these impacts to less than significant.

The TIS, provided as Appendix Q of the Draft EIR, includes a review of local safety plans and collision data within the project study area that is summarized in Final EIR Section 3.2.11, "Master Response: Transportation Safety." The TIS reviewed collision data for a 5-year period between 2015 and 2019. Based on the above considerations, the Draft EIR analysis determined that none of the intersections on the Strawberry peninsula, including those identified in public comments, would experience a substantial increase in traffic hazards.

Historic evidence indicates no local intersections have been noted for high collision rates. The TIS concluded that project traffic would not cause substantial traffic congestion changes at all studied intersections, thus added project traffic would not substantially change safety conditions. Therefore, the Draft EIR did not identify any significant traffic safety impacts at the intersection locations in the study area of the project site.

Notwithstanding that substantial evidence supports a conclusion of no significant traffic safety impacts from project trips, County staff desired to respond thoroughly to community concerns about traffic safety, and requested a review of existing intersection conditions (Final EIR Appendix D). Recognizing the Draft EIR's conclusions about the lack of significant traffic safety impacts caused by the proposed project trip generation, the existing intersection review was designed to provide information in response to community concerns about existing traffic safety problems for use in the County's consideration of project merits and the potential for defining conditions of approval outside of the CEQA analysis framework.

The Existing Intersections Review Memo, included as Appendix D in this Final EIR, summarizes relevant measures implemented by Marin County or Caltrans in recent years at the study locations as well as planned improvement measures. The memo also identifies potential strategies at nine locations including Reed Boulevard from Storer Drive to Richardson Drive and the intersection of Reed Boulevard and Redwood Highway Frontage Road. The strategies identified in the memo are considerations for voluntary enhancements by the project applicant or merits-based conditions imposed by the County. These improvement options are not related to a CEQA environmental impact, so they are not defined as "mitigation measures," because the project's trip generation would be insufficient to substantially change existing transportation hazards in the study area. The lack of substantial change in traffic is evidenced in the LOS Assessment Memo where analysis concluded that LOS would meet County standards with or without the project and after adding project traffic, LOS would remain at D with continued stable traffic flow. The findings and voluntary recommendations in the Existing Intersections Review Memorandum (Final EIR Appendix D) do not change the conclusions or adequacy of the analysis in the Draft EIR related to transportation.

Comment I8-2

Please do not let this happen. In addition to reducing the amount of development, perhaps Reed Blvd should be closed to traffic emanating to/from theSeminary property. At one time, there was a roadway railing blocking traffic from the Seminary area.

One of the other disturbing elements of the proposed development to us is the obvious lack of concern for the neighborhood evidenced by the contention that a 1,000 student school is proposed in addition to the excess housing, and a retirement center. Community participants in discussions with North Coast Land Holdings were willing to accept a graduate school of no more than 250 students with many living on site.

Please do not allow a 1,000 student school on this property and please reduce the number of proposed housing units and please preserve the Strawberry Community Plan. This community is a beautiful part of Marin County and can remain so with your attention to safety and sound planning.

Response I8-2

The comment expresses requests to reduce the amount of development, close a portion of Reed Boulevard, and not allow enrollment up to 1,000 students. The comment does not address the environmental impact analysis provided in the Draft EIR. Comments regarding the enrollment cap of 1,000 students allowed under the current 1953 CUP are related to the project merits and not within the purview of CEQA. See Final EIR Section 3.2.4, "Master Response: Conditional Use Permit Issues." The Marin County Planning Commission and Board of Supervisors will also take the comment's suggestions under consideration before a decision on the project is rendered.

Letter I9 Mary P. Kasher & Mack D. Gambrell

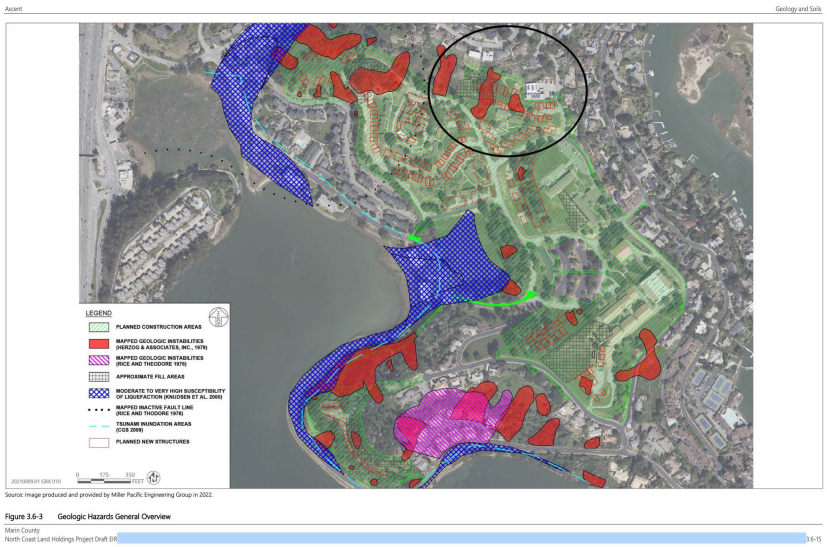
August 19, 2024

Comment I9-1

1. The NCLH Plan calls for the placement of 8 new Family Residences north of Green Lane on land that has been mapped as showing large areas of geological instabilities and land fill.
(See Maps 1,2 &3 below)

Map 1

(Figure 3.6-3 Geologic Hazards General Overview p 248 Draft IER)
Maps the '**geologic instabilities**' in bright red and circled to designate the area of concern.



Map 2

Enlarges Map 1 to enhance the bright red areas of instability and to show the square grey net of fill areas behind the red areas.



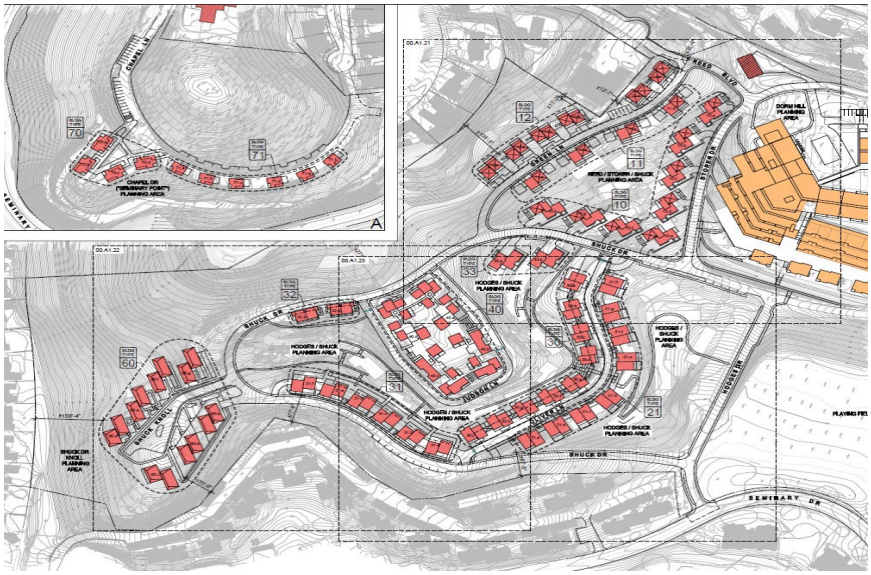
This map also shows the proximity of the Richardson houses just above.

Map 3

Shows the NCLH Project draft map and points out areas designated for planned "cut and fill". (See map below from NCLH Project draft 36-15)



Map 4 shows our unique area of concern -- the creation of 8 new multi-family residences north of Green Lane on land that has been identified as 'geologically unstable'.



FINAL POINT AND RECOMMENDATION:

Given the seriousness of the proximity of the Richardson Homes to the unstable land we are strongly recommending the removal or relocation of the 8 new Family Residences north of Green Lane from the NCLH plan.

This would mitigate two major issues:

1. The **Safety concerns** created by building on unstable land in the proximity of nearby homes and the safety concerns for the future occupants of the designated new Family Residences.
2. **The reduction of over-planned density of residences** along the Northern property boundary.

Response I9-1

The comment is concerned about the proximity of the Richardson Homes to the unstable land identified in the Draft EIR and recommends the removal or relocation of the eight multi-family residences north of Green Lane. See Final

EIR Section 3.2.5, "Master Response: Project-Level Geotechnical Evaluation." Regarding the project density, see Draft EIR Chapter 2, "Project Description," which provides a description of the development density allowed on the site and that while under the Countywide Plan and consistent with state Density Bonus Law, the project site could be developed with a maximum of up to four residential units per acre (416 units), the project proposes a density of 3.3 units per acre and a total of 337 residential units including 324 new/replacement residential units (including the residential care facility). Therefore, the proposed project is consistent with County standards related to development density. The Marin County Planning Commission and Board of Supervisors will take the comments raised in the Final EIR under consideration before a decision on the project is rendered.

Comment I9-2

Note:
If NCLH should unwisely decide to continue building these residences we would need the answers to the following questions:

1. Who would be monitoring the safety issues as the building progresses?
2. Who should we notify if we see issues with the building process?

Response I9-2

The comment requests information on who will monitor safety during construction. The permit will require inspections as required by the California Building Code and Marin County Code Chapter 19.14. These inspections will ensure that the project is constructed according to plans and permit conditions. If any issues are noted during the construction process, notify Marin County Public Works. This comment does not address any deficiencies in the EIR and no further response is required.

Letter I10 Tom Yurch

August 20, 2024

Comment I10-1

I relay this history to make my key point: We should not need a full street closure to enjoy an evening walk safely. The proposed development by North Coast Land Holdings (NCLH) has the potential to significantly increase the number of cars and pedestrians on our roads—roads that do not have sidewalks or bike paths—creating more interactions between cars and bikes/pedestrians. This situation requires immediate attention.

The PROJECT LEVEL SUMMARY states on page ES-5 that "the proposed residential uses would likely not achieve the required VMT reduction level to meet the threshold of 30 percent below existing average regional VMT per capita. The project's VMT impact would be significant and unavoidable for these reasons."

Response I10-1

The comment expresses concerns related to increased traffic from the project and potential safety impacts for people walking and biking on project roadways. As described in Final EIR Section 3.2.7, "Master Response: Traffic Count Data," LOS assessment is not used to determine environmental impacts under CEQA (in accordance with SB 743, Statutes of 2013), but may inform decisions about the merits of the proposed project. Also, see Final EIR Section 3.2.11, "Master Response: Transportation Safety," and the Existing Intersections Review Memo provided in Appendix D of the Final EIR.

Consistent with Appendix G of the State CEQA Guidelines, Impact 3.14-3 in the Draft EIR evaluates whether the project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impact 3.14-3 identifies potentially significant impacts due to potential parking spillover on surrounding streets where sidewalks and crosswalks do not exist, construction activities, and the proposed design of on-site streets. Mitigation Measures 3.14-3a (Develop a Construction Traffic Control Plan), 3.14-3b (Design Roads to Meet County, ADA, and PROWAG standards), and 3.14-3c (Implement Measures to Reduce Parking Demand and/or Increase Supply for the Academic Campus) address potentially significant safety impacts identified in the Draft EIR and would reduce these impacts to less than significant.

The TIS, provided as Appendix Q of the Draft EIR, includes a review of local safety plans and collision data within the project study area that is summarized in Final EIR Section 3.2.11, "Master Response: Transportation Safety." The TIS reviewed collision data for a 5-year period between 2015 and 2019. Based on the above considerations, the Draft EIR analysis determined that none of the intersections on the Strawberry peninsula, including those identified in public comments, would experience a substantial increase in traffic hazards.

Historic evidence indicates no local intersections have been noted for high collision rates. The TIS concluded that the project traffic would not cause substantial traffic congestion changes at all studied intersections, so added project traffic would not substantially change safety conditions. Therefore, the Draft EIR did not identify any significant traffic safety impacts at the intersection locations in the study area of the project site.

Notwithstanding that substantial evidence supports a conclusion of no significant traffic safety impacts from project trips, County staff desired to respond thoroughly to community concerns about traffic safety and requested a review of existing intersection safety conditions (Final EIR Appendix D). Recognizing the Draft EIRs conclusions about the lack of significant traffic safety impacts caused by the proposed project trip generation, the existing intersection review was designed to provide information in response to community concerns about existing traffic safety problems for use in the County's consideration of project merits and the potential for defining conditions of approval outside of the CEQA analysis framework.

Updated collision data is provided from the TIMS for the study area for the 5-year period from September 2019 through September 2024 which is the most current available collision data. No fatalities were among the reported collisions in the most recent 5-year period. As with the data from 2015 through 2019, most of the reported collisions involved vehicles and were located along the Redwood Highway Frontage Road and Tiburon Boulevard. Final EIR Section 3.2.11, "Master Response: Transportation Safety," provides a summary of collisions involving pedestrians and bicyclists in the most recent 5-year period for which data is available.

The Existing Intersections Review Memo (Final EIR Appendix D) summarizes relevant measures implemented by Marin County or Caltrans in recent years at the study locations as well as planned improvement measures. The Existing Intersections Review Memo also identifies potential strategies at nine locations including traffic calming measures. The strategies identified in the memo are considerations for voluntary enhancements by the project applicant or merits-based conditions imposed by the County. These improvement options are not related to a CEQA environmental impact, so they are not defined as "mitigation measures," because the project's trip generation would be insufficient to substantially change existing transportation hazards in the study area. The lack of substantial change in traffic is evidenced in the TIS where analysis concluded that LOS would meet County standards with or without the project and after adding project traffic, LOS would remain at D with continued stable traffic flow. The findings and voluntary recommendations in the Existing Intersections Review Memorandum do not change the conclusions or adequacy of the analysis in the Draft EIR related to transportation. Therefore, no changes to the Draft EIR are required in response to this comment.

Letter I11 Mary Laux

August 20, 2024

Comment I11-1

The Marin Countywide Plan designates the project site as MF2 (Multi-Family 2), which is within the Low Density Residential land use category of the Countywide Plan and allows a density of 2-4 residential units per acre. The project site is zoned RMP-2.47:AH **{Commented [ML1]:** Do not see "AH" within the Project Site on Figure 3.10-2, Zoning Designations.**}** (Residential, Multiple Planned District), and allows a density of 2.47 residential units per acre. The Bayfront Conservation combining district occurs on those portions of the site located along the San Francisco Bay, and an Affordable Housing combining district exists over a geographically unspecified 2-acre portion of project site parcels APNs 043-261-25 and -26, which total approximately 73 acres. The Affordable Housing combining district allows this portion of the site to be developed at a density of up to 20 units per acre with affordable housing units, for a total of 40 affordable units. Figures 3.10-1, "General Plan Land Use," and 3.10-2,

"Zoning Designations," show the land use and zoning designations, respectively, for the project site and surrounding area. The current academic use is allowed in the RMP-2.47 district with the 1953 Conditional Use Permit. The project site is also within the Strawberry Community Plan and Plan Amendment area, which designates the project site for educational and residential development to support campus uses (Marin County 1973). A more detailed description of these zoning designations is provided below.

Response I11-1

The comment cites text from 3.10-8 of the Draft EIR and indicates that "AH" is not shown within the project site on Figure 3.10-2. This comment is similar to Comment O4-61. As stated in Response O4-61, the text on 3.10-10 incorrectly states that the entire project site is zoned RMP-2.47:AH, when the Affordable Housing combining district only applies to a geographically unspecified 2-acre portion of project site parcels APNs 043-261-25 and -26. Therefore, the text on page 3.10-10 has been revised to clarify that the project site is zoned RMP-2.47, which is consistent with Figure 3.10-2. This revision represents a minor clarification and does not change the analysis or conclusions of the Draft EIR. This revision is also shown in Chapter 4, "Revisions to the Draft EIR."

Comment I11-2

- RMP (Residential, Multiple Planned) District. The RMP zoning district is intended for a full range of residential development types within the unincorporated urban areas of the County, including single-family, and multi-family residential development, and limited commercial uses in suburban settings, along with similar and related compatible uses, where site or neighborhood characteristics require particular attention to design detail provided through the Master Plan process (Chapter 22.44 [Master Plans and Precise Development Plans]). The RMP district is applied to areas identified by the Marin Countywide Plan as capable of accommodating increased density, and is consistent with the following land use categories of the Marin Countywide Plan: Planned Residential and Multi-Family 2, 3, 3.5, 4, and 4.5, the General Commercial/Mixed Use, Office Commercial/Mixed Use, Neighborhood Commercial/Mixed Use, PD-Agricultural and Environmental Resource Area, PD-Reclamation Area, Public and Quasi-Public. ~~land use categories of the Marin Countywide Plan.~~

Response I11-2

The comment provides suggested revisions to the text in the first bullet on page 3.10-8 of the Draft EIR. The suggested revisions are editorial in nature and do not provide any further clarification of, nor are substantially different than, the existing text on page 3.10-8. Therefore, no changes to the Draft EIR are warranted in response to this comment.

Comment I11-3

The surrounding community of Strawberry is a primarily residential area within Marin County. Residential uses, including condominiums and single- and multi-family homes, surround the project site. The Club at Harbor Point, located east of the project site, offers membership access to a clubhouse and club restaurant {Commented [ML2]: Open to the public}, fitness center, pool, and tennis courts. Southern Marin Fire Protection District, Station 9, is located directly north of and adjacent to the project site.

Response I11-3

The comment notes that the club restaurant mentioned in the last paragraph on page 3.10-8 of the Draft EIR is open to the public. In response to this comment, the second sentence in the last paragraph on page 3.10-8 has been revised as follows:

ORIGINAL:

The surrounding community of Strawberry is a primarily residential area within Marin County. Residential uses, including condominiums and single- and multi-family homes, surround the project site. The Club at Harbor Point, located east of the project site, offers membership access to a clubhouse and club restaurant, fitness center, pool, and tennis courts. Southern Marin Fire Protection District, Station 9, is located directly north of and adjacent to the project site.

REVISED:

The surrounding community of Strawberry is a primarily residential area within Marin County. Residential uses, including condominiums and single- and multi-family homes, surround the project site. The Club at Harbor Point, located east of the project site, offers membership access to a clubhouse and club restaurant (also open to the public), fitness center, pool, and tennis courts. Southern Marin Fire Protection District, Station 9, is located directly north of and adjacent to the project site.

This revision represents a minor clarification and does not change the analysis or conclusions of the Draft EIR. This revision is also shown in Chapter 4, "Revisions to the Draft EIR."

Comment I11-4
Figure 3.10-1 General Plan Land Use **{Commented [ML3]:** Are you using General Plan or Countywide Plan as your standard terminology?**}**

Response I11-4
The comment cites the title of Figure 3.10-1 and asks if General Plan or Countywide Plan is being used as the standard terminology. The primary land use and planning document for Marin County is the Countywide Plan, which functions and serves as its General Plan. As such, Figure 3.10-1 is incorrectly titled "General Plan Land Use." In response to this comment, the title of Figure 3.10-1 on page 3.10-9 has been revised as follows:

ORIGINAL:

Figure 3.10-1 General Plan Land Use

REVISED:

Figure 3.10-1 ~~General Plan~~ Countywide Plan Land Use

This revision represents a minor clarification and does not change the analysis or conclusions of the Draft EIR. This revision is also shown in Chapter 4, "Revisions to the Draft EIR."

Comment I11-5
Figure 3.10-2 Zoning Designations **{Commented [ML4]:** In the legend, add (BFC) after Bayfront Conservation Overlay**}**

Response I11-5
The comment suggests adding "(BFC)" after Bayfront Conservation Overlay in the legend on Figure 3.10-2 of the Draft EIR. The suggested revision is editorial in nature and the comment has not demonstrated that the suggested addition of "(BFC)" would provide a meaningful change to the information currently presented in the legend on Figure 3.10-2. Therefore, no changes to the Draft EIR have been made in response to this comment.

Comment I11-6
The proposed project must comply with applicable **{Commented [ML5]:** I understand this, and the case law cited herein, but this does not preclude the best practice to include all goals, policies, and actions, contained in both the Marin Countywide Plan and Strawberry Community Plan, to be presented. For those that aren't applicable, the author would write "NA" in the consistency analysis column. Otherwise the public is not given the opportunity to see a complete consistency analysis with both Plans.**}** local ordinances and state laws and regulations, so the analysis takes this into account when determining the level of significance of impacts. However, according to case law under the Planning and Zoning Law (Gov. Code Section 65000 et seq.), a proposed project need not achieve perfect conformity with every general plan policy, as such an outcome is neither achievable nor required.

Response I11-6
The comment states that it is best practice to include all goals, policies, and actions contained in the Countywide Plan and Strawberry Community Plan and suggests that "NA" could be provided in the consistency column for those that

do not apply. The comment states that otherwise the public is not given the opportunity to see a complete consistency analysis.

In accordance with Appendix G of the State CEQA Guidelines, the Draft EIR considered whether the project would 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. Notably, the fact that a proposed project may be inconsistent with a land use plan or policy is not necessarily a significant impact under CEQA. To qualify as such an environmental impact, any plan or policy inconsistency must foreseeably result in "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance." (State CEQA Guidelines Section 15382 [definition of "significant effect on the environment"].) A policy inconsistency may have important social or economic implications for the community, but if a social or economic impact would occur without a physical environmental change, the inconsistency would not fall within CEQA's purview.

In light of this, the land use consistency analysis in the Draft EIR focused only on the applicable plans, goals, and policies that, if the project were to conflict or be inconsistent with, would potentially result in a significant physical impact on the environment. While it is acknowledged that the comment's suggestion would provide the public and decision-makers with full disclosure of the plans, goals, and policies considered in the land use consistency analysis regardless of applicability, their inclusion would not improve the adequacy of the environmental analysis in the Draft EIR. Thus, no changes to the Draft EIR have been made in response to this comment. However, to the extent that this comparison is needed for the decision-making process, County staff can include it in the staff report for the project hearing(s).

Comment I11-7

The Affordable Housing combining district allows this portion of the site to be developed at a density of up to 20 units per acre with affordable housing units, for a total of 40 {Commented [ML6]: Other instances in the Draft EIR note 50 affordable units (see Table 3.10-1).} affordable units. The Marin Countywide Plan designates the project area as MF2 (Multi-Family 2), which falls within the Low Density Residential land use category of the Countywide Plan and allows a density of 2-4 residential units per acre.

Response I11-7

The comment cites text from the Draft EIR related to the number of affordable units that could be developed within the Affordable Housing combining district and states that other instances of the Draft EIR note 50 affordable units and refers to Table 3.10-1.

As discussed in Draft EIR Chapter 2, "Project Description," the proposed project would develop 337 total dwelling units. The proposed residential units would include retaining 13 existing residential units, replacing 139 existing residential units, and constructing 184 new residential units as well as the residential care facility (counted as one residential unit). The project proposes a density of 3.3 units per acre, resulting in a total of 337 residential units (including the residential care facility in addition to the residential units), which is within the maximum allowable residential density applicable to the project site. The text cited by the comment refers to the number of affordable units that could be developed within the Affordable Housing combining district overlay, which encompasses a geographically unspecified 2-acre portion of project site parcels APNs 043-261-25 and -26. The Affordable Housing combining district allows this portion of the site to be developed at a density of up to 20 units per acre with affordable housing units, for a total of 40 affordable units. However, as described in FEIR Chapter 2, "Project Updates," during preparation of the Draft EIR, the number of affordable housing units required for the proposed project was incorrectly reported at 50 affordable units. Consistent with the County's Housing Regulations (Marin County Code Chapter 22.22) and State housing law (density bonus), project updates and edits in this Final EIR correct the affordable unit count and involve increasing the affordable units to be dedicated under the proposed project to 70 affordable units. The specific revisions to the Draft EIR correcting the affordable unit count are detailed in Chapter 4, "Revisions to the Draft EIR."

Comment I11-8
The proposed project would not result in any changes to the existing land use designations or zoning for the project site and would be consistent with the allowable density for the site identified in the Marin Countywide Plan and the County's Zoning Regulations. Consistent with the Countywide Plan and state Density Bonus Law, the project proposes a density of 3.3 units per acre. {Commented [ML7]: -Zoning allows for 2.47 units/acre

- AH allows a portion at 20 units/acre
- Countywide Plan allows for 2-4 units/acre
- Arrive at 3.3 units/acre with the density bonus.

Explain the math. Is this net or gross acres? Are some potion of the homes to be constructed required to meet a minimum density? Can densities can be averaged across the site? }

Response I11-8
The comment states that the site zoning allows for 2.47 units/acre and poses several questions regarding the calculation of 3.3 units/acre density cited in the Draft EIR. This comment raises similar concerns as Comment O4-63; see Response O4-63.

Comment I11-9
Housing Element {Commented [ML8]: Earlier this year, the Marin County Superior Court ordered the County to remove specific sections of the Countywide Plan and Housing Element that provide guidance regarding how the Housing Element interacts with community plans for neighborhoods in unincorporated Marin.

If they have not done so already, the EIR author should review the Table of Proposed Countywide Plan Revisions, in Response to Court Order, to determine if any changes are needed to this consistency analysis.

https://www.marincounty.gov/news-releases/state-reviewing-changes-marins-housing-plans}

Response I11-9
The comment cites a Marin County Superior Court decision related to the interaction between the Countywide Plan and Housing Element and community plans for neighborhoods in unincorporated Marin. The comment suggests that the Table of Proposed Countywide Plan Revisions, in Response to Court Order, should be reviewed to determine if any changes are needed to this consistency analysis.

As suggested by the comment, the Table of Proposed Countywide Plan Revisions was reviewed; however, based on this review, none of the Housing Element policies proposed for revision by County staff were evaluated in the Draft EIR because they were not applicable to the proposed project. Therefore, no changes to the land use consistency analysis in Draft EIR Section 10, Land Use and Planning, Table 3.10-1, "Project Consistency with Applicable Local Policies," are required in response to this comment.

Comment I11-10
However, preference would first be given to on-site workers, students, faculty, and staff. {Commented [ML9]: How would this work in practice? How would this preference be given? }

Response I11-10
The comment asks how preference for housing be given to on-site workers, students, faculty, and staff. As described in Draft EIR Chapter 2, Project Description, the mechanism proposed by the applicant to implement such a program would be through a Certificate of Preference program (North Coast Land Holdings 2020). Additionally, the County would collaborate with the applicant to develop a relocation plan for existing tenants. Both of these plans would be developed in compliance with State housing law. The comment does not address the adequacy of the EIR and no further response is required.

Comment I11-11
The proposed project would be consistent with all applicable policies of the Countywide Plan and Strawberry Community Plan, as well as the overall general intent of these plans as demonstrated in Table 3.10-1 above. Therefore, land use and planning impacts would be less than significant. {Commented [ML10]: Only with mitigation }

Response I11-11
The comment cites the conclusion that land use and planning impacts would be less than significant and states that this would only occur with mitigation. The comment is correct that the determination that impacts associated with the project's potential to 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 would be less than significant with mitigation. This is evidenced by the determination on page 3.10-24 of the Draft EIR that the proposed project would result in policy inconsistencies that could indicate or result in significant environmental impacts, thus resulting in a potentially significant impact. To address this potentially significant impact, mitigation measures are also identified on page 3.10-24. Therefore, it is reasonable to infer that the less-than-significant impact determination in the "Significance After Mitigation" discussion relies on the incorporation of mitigation measures. However, for clarity purposes, the text in the last sentence on page 3.10-24 has been revised as follows:

ORIGINAL:

Therefore, land use and planning impacts would be less than significant.

REVISED:

Therefore, land use and planning impacts would be less than significant with mitigation incorporated.

This revision represents a minor clarification and does not change the analysis or conclusions of the Draft EIR. This revision is also shown in Chapter 4, "Revisions to the Draft EIR."

Letter I12 Terry Graham

August 21, 2024

Comment I12-1
I am concerned about the long-term safety and traffic implications of the proposed expansion of the former Golden Gate Seminary, including increased residential housing and the possibility of creating a 1000 student school. The increased traffic has safety implications for all of Strawberry, but especially those on the northern section of East Strawberry Drive, which includes students walking or travelling to the Strawberry Point School and families coming and going to use the Strawberry Recreation Center.

The PROJECT LEVEL SUMMARY states on page ES-5 that "the proposed residential uses would likely not achieve the required VMT reduction level to meet the threshold of 30 percent below existing average regional VMT per capita. For these reasons, the project's VMT impact would be *significant and unavoidable*." On page ES-6, four alternatives to this project were presented. I prefer Alternative 3, development consistent with the Strawberry Community Plan. However, I think this alternative and all the others should not contain the 1000 student possibility. Reducing the potential for increased vehicle traffic would lessen the VMT impact. My concerns and questions (in bold, italic print) are below.

Response I12-1
The comment expresses concerns related to increased traffic from the project and potential safety impacts for people walking on project roadways. As described in Final EIR Section 3.2.7, "Master Response: Traffic Count Data," LOS assessment is not used to determine environmental impacts under CEQA (in accordance with SB 743, Statutes of 2013), but may inform decisions about the merits of the proposed project.

Please refer to Final EIR Section 3.2.11, "Master Response: Transportation Safety," and the Existing Intersections Review Memo provided in Appendix D of the Final EIR.

Consistent with Appendix G of the State CEQA Guidelines, Impact 3.14-3 in the Draft EIR evaluates whether the project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impact 3.14-3 identifies potentially significant impacts due to potential parking spillover on surrounding streets where sidewalks and crosswalks do not exist, construction activities, and the proposed design of on-site streets. Mitigation Measures 3.14-3a (Develop a Construction Traffic Control Plan), 3.14-3b (Design Roads to Meet County, ADA, and PROWAG standards), and 3.14-3c (Implement Measures to Reduce Parking Demand and/or Increase Supply for the Academic Campus) address potentially significant safety impacts identified in the Draft EIR and would reduce these impacts to less than significant.

The TIS, provided as Appendix Q of the Draft EIR, includes a review of local safety plans and collision data within the project study area that is summarized in Final EIR Section 3.2.11, "Master Response: Transportation Safety." The TIS reviewed collision data for a 5-year period between 2015 and 2019. Based on the above considerations, the Draft EIR analysis determined that none of the intersections on the peninsula, including those identified in public comments, would experience a substantial increase in traffic hazards.

Historic evidence indicates no local intersections have been noted for high collision rates. The TIS concluded that the project traffic would not cause substantial traffic congestion changes at all studied intersections, so added project traffic would not substantially change safety conditions. Therefore, the Draft EIR did not identify any significant traffic safety impacts at the intersection locations in the study area of the project site.

Notwithstanding that substantial evidence supports a conclusion of no significant traffic safety impacts from project trips, County staff desired to respond thoroughly to community concerns about traffic safety and requested a review of existing intersection safety conditions (Final EIR Appendix D). Recognizing the Draft EIRs conclusions about the lack of significant traffic safety impacts caused by the proposed project trip generation, the existing intersection review was designed to provide information in response to community concerns about existing traffic safety problems for use in the County's consideration of project merits and the potential for defining conditions of approval outside of the CEQA analysis framework.

Updated collision data is provided from the TIMS for the study area for the 5-year period from September 2019 through September 2024 which is the most current available collision data. No fatalities were among the reported collisions in the most recent 5-year period. As with the data from 2015 through 2019, most of the reported collisions involved vehicles and were located along the Redwood Highway Frontage Road and Tiburon Boulevard. Final EIR Section 3.2.11, "Master Response: Transportation Safety," provides a summary of collisions involving pedestrians and bicyclists in the most recent 5-year period for which data is available.

The Existing Intersections Review Memo (Final EIR Appendix D) summarizes relevant measures implemented by Marin County or Caltrans in recent years at the study locations as well as planned improvement measures. The Existing Intersections Review Memo also identifies potential strategies at nine locations including traffic calming measures. The strategies identified in the memo are considerations for voluntary enhancements by the project applicant or merits-based conditions imposed by the County. These improvement options are not related to a CEQA environmental impact, so they are not defined as "mitigation measures," because the project's trip generation would be insufficient to substantially change existing transportation hazards in the study area. The lack of substantial change in traffic is evidenced in the LOS Assessment Memo (Appendix B of this Final EIR) where analysis concluded that LOS would meet County standards with or without the project and after adding project traffic, LOS would remain at D with continued stable traffic flow. The findings and voluntary recommendations in the Existing Intersections Review Memorandum do not change the conclusions or adequacy of the analysis in the Draft EIR related to transportation. Therefore, no changes to the Draft EIR are required in response to this comment.

Comment I12-2

The following statement under Roadway System (page 3.14 – 6) is overly simplistic:

"East Strawberry Drive is a bidirectional north/south collector roadway with one lane provided for each direction of travel. East Strawberry Drive is located north of the project site. The posted speed limit is 25 mph. On-street parking is available on both sides of the roadway." [Actually East Strawberry Drive is north and east of the project site.] The.

description.is.slightly.expanded.in.the.Transportation.Impact.Study.(page.78).*to mention lack of sidewalks and a split road* but.why.is.it.not.expanded.in.this section? The casual reader would think that East Strawberry Drive is a continuous spacious road from north to south...Why.don"t.both.sections.contain.some.of.the.following.information. listed.below?..The physical characteristics are easily visible by driving or walking on East Strawberry Drive.

Some details:

- In the northern section from 223 – 325 East Strawberry Drive, the single northbound and southbound lanes are divided by a large difference in altitude; traffic is one-way north and one-way south. The lower side was created in the 1950s as a very narrow two-way street and ended at approximately 325 East Strawberry Drive. These houses had driveways and garages oriented for approach from the north (because it was a two-way street). Now with approach only from the south, entries and exits take longer and require more care and slower speeds (from the homeowner and passing cars). Plus, given the divided road, traffic must slow down to allow cars to make the U-turn from the upper road to the lower road so cars coming from the north can reverse direction and access the narrow northbound lane and their homes.
- We worked with the County to get our road certified for radar enforcement at 25MPH. The enforcement was approved but all we got was the "radar enforced" sign. To my knowledge, no one has ever received a ticket for speeding because there is not enough staff to do so.
- The divided road sections are relatively narrow. There is little room for accident avoidance. The markings for the lower section were designed by DPW staff to allow pedestrians and mailbox owners some minimal distance from passing cars.
- There is a very dangerous blind curve in the lower section by 245 East Strawberry Drive. More traffic will create more "near misses."
- North of this divided section there is an extremely dangerous downhill blind curve for northbound traffic approaching the Strawberry Point School and the Strawberry Recreation Center.
- The intersection of Tiburon Boulevard and East Strawberry Drive is compound and very dangerous as is. It involves a semi-blind corner for traffic eastbound on Tiburon Boulevard turning onto East Strawberry Drive which immediately is confronted with eastbound traffic entering East Strawberry Drive from Belvedere Drive on the west and then quickly confronted by Strawberry Circle traffic entering East Strawberry Drive from the east.

These are permanent non-remediable features of the road and are at best dangerous with current traffic volumes.

Response I12-2

This comment is the same as I6-2. See Response I6-2.

Comment I12-3

Another Roadway System item requiring clarification:

"Herring Drive is a bidirectional east/west local roadway with no marked lanes. Herring Drive is not maintained by the County (page 3.14 – 7)." Herring Drive is a roadway that connects the Seminary with East Strawberry Drive. A driver using it would most likely turn left onto East Strawberry Drive to get to Tiburon Boulevard. I have lived in Strawberry for 38 years. While the Seminary was operational and for all but the last few years, it was closed by a gate secured with a chain and was only opened rarely. Will.the.gate.of.Herring.Drive. be.closed?.Closing.it.will.prevent.a.tremendous.traffic.increase.on.East.Strawberry. Drive¡. Herring Drive is also mentioned in Emergency Vehicle Access (page 3.14 – 7).

"South Strawberry Area: south on Reed Boulevard, east on Storer Drive, and east on Herring Drive to East Strawberry Drive." As I mentioned above, this gate was mostly chained for years. If perhaps it is now critical that the Fire Department have 24-hour access, perhaps the gate could be opened electronically when necessary.

Response I12-3
This comment is the same as I6-3. See Response I6-3.

Comment I12-4
The Strawberry Community Plan, amended in 1982, states "the Community desires that the movement of traffic through the Strawberry Area be safe for both pedestrians and vehicles. (page 3.10 – 22)." Given the proposed increase in traffic volume, there.should.be. 8 traffic.studies:

7¡ Intersection.of.Ricardo.Lane.and.East.Strawberry.Drive

8¡ Intersection.of.East Strawberry.Drive?.Belvedere.Drive?.Strawberry.Circle.and. Tiburon.Boulevard

These studies should include traffic counts during school and business commute hours. Please.let.us.know.when.these.are.completed¡

Response I12-4
This comment is the same as I6-4. See Response I6-4.

Comment I12-5
The TRANSPORTATION IMPACT STUDY accurately points out that there is no sidewalk on East Strawberry Drive between Harbor Cove Way and Island Drive (page 12). As mentioned above, these.comments.should.be.expanded.to.include.East.Strawberry.Drive"s.other. characteristics?.including.blind.curves?.etc¡.. The Study also references Figure 2 (page 24) as an existing sidewalk illustration. There are no street names on this map, but it appears to show a sidewalk well beyond Harbor Cove Way (perhaps as far as 325 East Strawberry). Figure.8.needs.to.be.corrected.to.eliminate.this.inaccuracy¡

Response I12-5
This comment is the same as I6-5. See Response I6-5.

Comment I12-6
I have several questions concerning Table 3: Study Area Collision Data (page 21). According to the text, this data was collected for 2015 – 2019.

1. It cites "collisions." Are.cars.that.leave.the.road.and.end.up.on.the.street.slope. between upper.and.lower.East.Strawberry.Drive.or.on.the.lower.northbound. direction.of.East.Strawberry.Drive.included.in.these.numbers? There have been several of these.
2. The data is 5 years old. A.chart.should.be.prepared.with.data.more.recent.than. 867❺¡
9¡ And, to understand the full implications of the proposed project: Can.an.estimate. be.made.of.the.number.of.and.location.of.accidents.using.the.current.rate.of. frequency.and.the.projected.total.vehicle.trip.number.(0?8❸❷)?

Response I12-6
This comment is the same as I6-6. See Response I6-6.

Letter I13 Philip Norris

August 21, 2024

Comment I13-1
I have reviewed the EIR for the Seminary development project in Strawberry, and I have several questions related to the proposed senior center, particularly the building at the top of the property, Building 52.a.

How high will the building be from ground level and relative to the top of the ridge line? Can the developers provide renderings of what the project would look like from Storer Drive or Strawberry Drive? I am concerned about the proposed height of the building both for view lines and the potential that the building would shade the pool in our yard.

What will the exterior lighting of Building 52.a be that faces the neighbors across Storer Drive? I'm concerned about lights that would shine directly into our house bedroom windows.

What activities are proposed for the Storer Drive portion of Building 52.a? I am concerned that there will be early morning or heavy activity on the backside of the property (e.g. garbage collection, delivery of supplies) that would disrupt neighbors across Storer Drive.

Response I13-1

The comment expresses concern about the height of the residential care facility related to view lines and potential shading of a pool on private property; nighttime lighting impacts on surrounding residences; and early morning activities disrupting neighbors across Storer Drive. The comment also asks several questions related to the residential care facility including how tall the building will be relative to the top of the ridgeline; can renderings be provided from a vantage point at Storer Drive or Strawberry Drive; what will be the impacts from nighttime lighting on Storer Drive; and what activities would take place on the back side of the building along Storer Drive.

Regarding the comment's request for additional renderings, see Response O4-21 for a summary of the methods used for the impact analysis in Section 3.1, Aesthetics, of the Draft EIR. The Draft EIR describes the views of the project site and surrounding area as well as how KOPs were selected starting on page 3.1-13 under the heading "Views of the Project Site and Surrounding Area." The Draft EIR states that "visibility into the project site is generally greatest from the west and southwest from adjacent streets, Richardson Bay, and looking over Richardson Bay from Sausalito and Marin City" and the "visual conditions viewer experience, and viewer response to visual change are studied through the identification and selection of the most critical and representative public viewpoints of the project." Twenty-five KOPs were selected for consideration in the analysis and represent the range of critical and representative public viewpoints that would be affected by the project. Draft EIR Figure 3.1-4, "Key Observation Points," illustrates the locations of each KOP, and each of the KOPs are shown on Figures 3.1-6 through 3.1-18. The table depicted on Draft EIR Figures 3.1-5a and 3.1-5b serves as a key to Figure 3.1-4, "Key Observation Points," and lists each KOP, describing its general characteristics. While State CEQA guidelines do not require that visual simulations be prepared for the analysis, it is common practice to do so with the goal of clearly presenting the visibility of the project to the general public and how it may impact existing conditions. Eight visual simulations were provided in the Draft EIR to illustrate the proposed project as a whole and the related visual change that would occur without mitigation. Further, the Draft EIR describes the methodology used evaluate the potential aesthetic impacts starting on page 3.1-31 of the Draft EIR under the heading "Methodology." Therefore, while the EIR cannot select and analyze every possible viewpoint, the Draft EIR includes an adequate number of viewpoints and visual simulations and details and explains the methodology used to identify and select KOPs and simulations. Moreover, the visual impacts analysis in the Draft EIR recognizes key elements of the proposed project's development including color palette, bulk, and relationship to the project site's local ridgelines as seen from lower elevations would affect its ability to conform to County policies related to scenic quality as well as create a new source of substantial glare that would adversely affect daytime and nighttime views. Thus, the visual impacts analysis in the Draft EIR adequately analyzed the scale and magnitude of the aesthetic impacts of the proposed project

The height of the residential care facility is discussed in Draft EIR Section 3.1, Aesthetics, under Impact 3.1-1. As discussed in the Draft EIR, relative to the local Dormitory Hill ridgeline which includes a plateau in the saddle between the Academic Campus and the Reed/Storer/Shuck planning areas, the uppermost component of the residential care facility would be skylined at its highest point approximately 161.75 feet elevation. This is approximately 26.75 feet above the highest point of the existing Dormitory Hill peak ridgeline elevation of 135 feet and would be seen from various locations. However, as discussed in Table 3.1-2 "Policy Consistency Analysis," the visibility of residential care facility will be reduced over time through the implementation of Mitigation Measures 3.1-1b and 3.1-1c, which require screening views and planting fast-growing trees so that, with time, a natural-appearing backdrop is created, reducing visibility and further protecting views of the local ridgeline. This mitigation measure is intended to ensure that the project integrates more effectively into its surroundings, reducing its prominence from key observation points. The height, mass, and frontage of the residential care facility are also included in the design plans. The residential care facility is identified as Building 52 in the project plans, and drawings are available in Volume 1 and Volume 3 of project plans which were used to prepare the visual impacts analysis and visual simulations included in Section 3.1,

"Aesthetics" of the Draft EIR. Plan sets are available and have been available since before circulation of the Draft EIR, on County's project website: https://www.marincounty.gov/departments/cda/planning/projects/mill-valley-alto/north-coast-land-holdings-community-plan-amendmentmaster-plandesign-reviewmaster-use-permittentative-maptree-removal-permit-former-golden-gate-baptist-seminary-property-p1490.

Impacts resulting nighttime lighting are discussed in Draft EIR Section 3.1, Aesthetics, under Impact 3.1-2 which states that although project implementation would result in an incremental increase in the amount of light on the project site, the project would adhere to the County's outdoor lighting standards, which require that lighting sources be designed and constructed in a manner that is consistent with Marin County's Uniformly Applied Standards to avoid light spillage on adjacent properties and in private spaces. Also see Responses O4-16, O4-17, and O6-18.

Regarding concern about garbage collection and delivery of supplies along Storer Drive, such activities already occur on the project site and in the vicinity. Garbage collection and delivery for the project would occur similar to existing conditions. The project would not result in a significant increase in activity of garbage collection and deliveries such that it would disturb nearby sensitive receptors.

Letter I14 Greg Wolff

August 22, 2024

Comment I14-1

The draft EIR notes that the "Golden Gate Baptist Theological Seminary originally developed the project site" and says the "applicant is currently requesting approvals from the County to develop the campus," but no information is provided about the nature of the proposed educational institution. At a minimum, the following questions should be answered.

Does the project envision that the current tenant, Olivet University, will continue to occupy the site when the project is completed?

If not, what type of educational institution will occupy the site? Will it be a graduate school?

Is the proposed school residential or a commuter school? How many of the proposed 1,000 students will live on campus?

Will student housing be provided and, if so, how many units and at what rents?

Response I14-1

The comment states the Draft EIR does not provide information about the nature of the proposed educational institution and asks if Olivet would continue to occupy the site upon project completion, would the school be residential or a commuter school, how many students would live on campus, and how many units of student housing would be provided and at what rents. For comments related to the project description and the uses allowed on site, see Final EIR Section 3.2.1, "Master Response: Stable Project Description," and Section 3.2.4, "Master Response: Conditional Use Permit." As described in the Draft EIR, Chapter 2, "Project Description," in Section 2.6, the academic campus would continue to be occupied by a university or college, with no change proposed to the scope of the existing 1953 CUP, including the maximum permitted enrollment of 1,000 higher education students. For purposes of preparation of the Draft EIR, a reasonable estimate was used in the environmental analysis that approximately 30 percent of the housing would be occupied by university-affiliated residents, i.e., students, staff, and faculty. The estimate is reasonable because data from the applicant indicates that 27 percent of existing housing units on the property are occupied by university-affiliated residents (Jones 2022). Regarding rental rates for student housing, the exact rates are not known at this time. See Draft EIR Section 3.12, Population and Housing, for more details on the potential impacts of the project with respect to population and housing.

Comment I14-2

The draft EIR concludes that the impacts on population and housing of the no-build alternative "would be potentially greater than those that would occur under the project." That conclusion is based on the assumption that the current student population of the school tenant, Olivet University, "would increase to 1,000 students." (5-11, p. 513)

What is the basis for the conclusion that Olivet University will increase its student population if the project is not built?

Given that the current permitted educational facility on this site is a residential Baptist Seminary, what is the basis for concluding that Olivet University is permitted to increase its student population from 100 students to 1,000 students?

Until these questions are answered, it is impossible to predict the environmental impacts of the proposed project.

Response I14-2

The comment asks what is the basis for the assumption in the No Project/No Build Alternative analysis that Olivet University is permitted to increase its student population from 100 students to 1,000 students and that the impacts on population and housing would be greater compared to the project. The comment states that without understanding why it was assumed that the student population could increase to 1,000 students, it is impossible to predict the environmental impacts of the proposed project.

Draft EIR Chapter 5, "Alternatives," describes Alternative 1: No Project/No Build Alternative in Section 5.4.1 starting on page 5-8. As part of this description, the Draft EIR states that under this alternative it is assumed that Olivet University (or an equivalent college) would remain on the project site because the existing facilities are suitable. Additionally, the Draft EIR states that this alternative assumes that the university enrollment would increase to up to 1,000 students because that is consistent with and what is allowable under the 1953 Conditional Use Permit. Thus, just as with the proposed project, it can be reasonably assumed that Olivet University or an equivalent institute of higher learning could operate on the site in compliance with the 1953 CUP and Strawberry Community Plan which allow for operation of this type of use and the existing facilities are suitable for this type of use. Therefore, without implementation of the proposed project and the upgrades to existing housing or construction of new housing, the Draft EIR adequately describes the nature and magnitude of the population and housing impacts of Alternative 1 and concludes that impacts on population and housing would be potentially greater than those that would occur under the project because of the absence of additional housing supply on a designated Regional Housing Needs Allocation (RHNA) site. For questions related to the project merits, see Final EIR Section 3.2.4, "Master Response: Conditional Use Permit Issues."

Comment I14-3

Loss of Affordable Rental Units

Many of the current rental units on the property are occupied, but the EIR does not reflect the exact numbers. In order to assess the proposed project's impact on the loss of affordable rental units, the following questions should be answered:

The draft EIR recognizes that state law requires that projects "must replace units rented by lower-income households with units affordable to lower-income tenants." (3.12-1, p. 369.) How many of the existing rental units are currently occupied? What are the rents of each unit? Will the project replace the rental units destroyed by the project with units at a comparable rent?

How many of the existing rental units are occupied by students at Olivet University? How many faculty? How many by staff of Olivet University? How many by families affiliated with the academic campus?

How many rental units are occupied by members of the general public?

If these current tenants are evicted, what comparable rental housing is available to them in the immediate area?

Where would they have to move to find comparable housing at the same or lower rent?

How many residential units are designated as housing for students attending the proposed school? What is the projected rent for these units?

Under section 2.5 Project Objectives, what does the draft EIR mean by "Support a housing balance in the Strawberry community . . . ?" What things are being balanced? Is one of the things being balanced the need to provide housing for the current rental tenants? If so, what provisions are planned to provide rental housing that will be made available to the current rental tenants at comparable rents?

Response I14-3

The comment raises concerns that the Draft EIR does not provide sufficient information on the number, occupancy, and rental rates of existing affordable units, hindering evaluation of the project's impact on the loss of affordable rental housing. It questions whether displaced tenants—including students, faculty, staff, families, and members of the public—will have access to comparable replacement housing and how the project's stated goal of supporting a housing balance in the Strawberry community addresses their needs.

Information regarding how many residential units are currently occupied by students and faculty and how many are reasonably expected to be occupied under the proposed project are described in Draft EIR Chapter 2, "Project Description." In Chapter 2, the Draft EIR states that for the purposes of this EIR, a reasonable estimate is used in the environmental analysis that approximately 30 percent of the housing would be occupied by university-affiliated residents, i.e., students, staff, and faculty. The estimate is appropriate because data from the applicant indicates that 27 percent of existing housing units on the property are occupied by university-affiliated residents (Jones 2022). Draft EIR Section 3.12, "Population and Housing," Impact 3.12-2 evaluates if the proposed project would displace substantial numbers of existing people or homes, necessitating the construction of replacement housing elsewhere. Draft EIR Section 3.12 also describes the benefits available to displaced residents including for lower-income residents as well as the vacancy and availability of housing for displaced residents.

Regarding the comment related to the project objective to support a housing balance in the Strawberry community, the Draft EIR describes this in Draft EIR Section 3.10, "Land Use and Planning" Table 3.10-1 on page 3.10-21 that the project would develop a mix of single- and multi-family (one-, two-, and three-bedroom units), consisting of market rate and affordable housing units. Up to 70 of the 324 new/replacement housing units proposed as part of the project would be affordable housing units available to low-income residents. The provision of market rate and affordable housing would provide a balance of housing as well as opportunities for families of various income levels. Also, the County would collaborate with the applicant to develop a relocation plan for existing tenants that complies with State housing law. Furthermore, another objective of the project is to create an intergenerational community for residents to live, work, and learn. The proposed project would also include a new residential care facility that would be designed to serve adults 55 and older with capacity to house up to 170 residents, as well as a new daycare facility. The provision of the residential care facility would provide additional housing opportunities in the County for seniors and disabled persons, further contributing a range of housing types in the community. For comments regarding the current rental tenants and potential displacement impacts, see Response I14-3 and Response O4-75 .

This is discussed in detail in Draft EIR Section 3.12, "Population and Housing." Additionally, consistency with the County's housing policies and guidelines, Draft EIR Section 3.10, "Land Use and Planning," Table 3.10-1 provides a consistency analysis of the project and applicable local goals and policies. In addition, Draft EIR Section 3.10, "Land Use and Planning," and Section 3.12, "Population and Housing," evaluate consistency with the County's Inclusionary Zoning Policy and Inclusionary Housing Program.

The comment also requests detailed information regarding the number, occupancy, and rental rates of existing affordable units. This level of detailed information is not required for the purposes of CEQA review. Should the project be approved, the unit-specific details regarding the existing number of affordable units to be replaced and at what precise rents will be determined in the next phase of permit and design review. Also see Response O4-75 and Response I14-6. For the purposes of CEQA, the EIR adequately analyzes and describes the nature and magnitude of the project's impact on population housing and no further response is required.

Comment I14-4

What will be the environmental impacts of increasing the current student population of 100 students to the proposed maximum of 1,000 students?

Section 2.6.1 says "Operation of the academic campus under the project would be similar to existing operations at the campus." Does this mean that operation of the academic campus under the project would be similar to the existing operations at the campus that serves 100 students?

Will the operation of the academic campus under the project be similar to operations of the former Baptist Seminary, which was primarily a residential program? If not, where will the students be housed?

Response I14-4

The comment inquires about the environmental impacts of increasing the student population from 100 students to 1,000 students, the operational details of the academic campus, and where students will be housed. The environmental impacts of the academic campus, including the increase in the student population, are analyzed throughout Chapter 3, "Environmental Impacts and Mitigation Measures," of the Draft EIR. For specific detailed information about operation of the academic campus, see Final EIR Section 3.2.1, "Master Response: Stable Project Description," and Section 3.2.4, "Master Response: Conditional Use Permit Issues." For information on where students will be housed, Chapter 2, "Project Description," of the Draft EIR states that for purposes of the EIR, a reasonable estimate is used in the environmental analysis that approximately 30 percent of the housing would be occupied by university-affiliated residents (i.e., students, staff, and faculty). The estimate is reasonable because data from the applicant indicates that 27 percent of existing housing units on the property are occupied by university-affiliated residents (Jones 2022). Also, see Response O6-9 and Draft EIR Section 3.12, "Population and Housing," for further details and environmental impacts related to population and housing and where most students, faculty and staff are anticipated to come from and live.

Comment I14-5

Section 2.6.2 says the proposed project would result in a total of approximately 680 residents (not counting the 170 residents of the residential care facility) and estimates that approximately 30 percent of the housing would be occupied by university-affiliated residents, i.e., students, staff, and faculty. What is the basis for this 30 percent estimate?

How many units will be occupied by students; how many be staff; how many by faculty?

Thirty percent of 680 is 204. That means that far less than the expected 1,000 students will be housed in the project. Where will the remaining students, staff, and faculty be housed? What is the projected rent for the housing that will be occupied by students? Only 50 Affordable Housing units are proposed. Will any of this low-income housing be occupied by students?

Response I14-5

The comment inquires about the basis for the expectation that approximately 30 percent of the housing would be occupied by university-affiliated residents; how many units would be occupied specifically by students, staff and faculty; where the remaining students and staff would be housed; the projected rent for student-occupied housing; and how many low-income housing units would be occupied by students.

See Response I14-4 for the basis of the 30 percent estimate for housing occupied by university-affiliated residents. The specific details about how many exact market rate and affordable units would be occupied by students, staff, and faculty and the projected rents for these units are not known at this time. See Response I14-3 and Draft EIR Section 3.12, "Population and Housing," Impact 3.12-2. For questions related to housing and where students, staff, and faculty would come from, see Response O6-9. Also, see Draft EIR Section 3.12, "Population and Housing," which describes the population, housing, and employment characteristics of Marin County and analyzes the potential impacts of the project with respect to population and housing and where most students, faculty and staff are anticipated to come from and live. Regarding the number of affordable units to be provided under the proposed project, during preparation of the Final EIR, the number of affordable housing units to be provided by the proposed project was corrected to 70 affordable units. As discussed in the Final EIR Chapter 2, "Project Updates," during preparation of the Draft EIR, the number of affordable housing units required for the proposed project was incorrectly reported at 50 affordable units. Consistent with the County's Housing Regulations (Marin County Code Chapter 22.22) and State housing law (density bonus) which require 20 percent of the total number of dwelling units or lots in a subdivision be developed as, or dedicated to, affordable housing, and that rental units at affordable levels proposed for demolition be replaced with units of similar affordability (respectively), project updates and edits in this Final EIR correct the affordable unit count and involve increasing the affordable units to be dedicated under the proposed project to 70 affordable units. As a result of the increase in affordable units by 20 units, the number of market rate units to be provided by the project was decreased by 20 units. Thus, the overall total number of residential units under the

proposed project would remain at 337 residential units. The specific revisions to the Draft EIR correcting the affordable unit count are detailed in Chapter 4, "Revisions to the Draft EIR.

Comment I14-6

The draft EIR notes that the Marin County Multi-Family Residential Design Guidelines sets as a goal and policy to "Provide a mix of housing types to meet the needs of Marin's workforce and residents, particularly families, seniors, low-wage earners, and disabled people." How does the project meet that goal?

Policy 2.5 of Housing Element (Marin County 2023) is to "Protect and enhance the housing we have and ensure that existing affordable housing remains affordable and residents are not displaced." (3.12-5, 373) How will the Project replace the existing affordable rental housing that is being removed and how many existing residents will be displaced?

The County's Inclusionary Housing program requires "a 20 percent set aside of new units or lots in a development for affordable housing." (3.12-7, 375.) The project will have 336 single family and multi-family units. Twenty percent of 336 is 67 but the draft EIR says only 50 units are allocated to affordable housing. Why is the Project not required to provide 67 units of affordable housing?

The County's Inclusionary Housing program requires that "Ownership developments must have inclusionary units affordable for low to moderate income households. Rental developments must provide inclusionary units for very low to moderate income households. For both rental and homeownership developments, the larger the project, the deeper the affordability requirements. All inclusionary units must be income-restricted in perpetuity." (3.12-7, 375) How does the Project meet these requirements? How many units will be provided for very low-income households? What will be the rent? How will the Project comply with the "deeper" affordability requirements that apply to large projects?

Response I14-6

The comment asks how the project aligns with Marin County's housing policies and guidelines, including providing diverse housing types for a range of residents. Concerns are also raised about whether the project is meeting the County's required 20 percent affordable housing requirements. Additional questions are also raised about how the project would meet the County's Inclusionary Housing program requirements; how many units would be provided for very low-income households; rental rates; and "deeper" affordability standards for large projects.

The topics raised in this comment are important matters related to the merits of the project in how it meets County housing design and affordability policies, which are not topics within the purview of CEQA-required environmental impact analysis. Information is provided below to help inform decision-makers about important housing affordability policy matters, but the responses do not affect the environmental impact analysis in the Final EIR.

Regarding the County's 20 percent affordable housing requirements, see Chapter 2, "Project Updates," of the Final EIR. During preparation of the Draft EIR, the number of affordable housing units required for the proposed project was incorrectly reported at 50 affordable units. Consistent with the County's Housing Regulations (Marin County Code Chapter 22.22) and State housing law (density bonus), project updates and edits in this Final EIR correct the affordable unit count and involve increasing the affordable units to be dedicated under the proposed project to 70 affordable units. The project is proposed to provide an average of approximately 2.2 bedrooms per affordable housing unit. The exact number of bedrooms would be described in the final Affordable Housing Plan at the time of the County's merits review of the project. The specific revisions to the Draft EIR correcting the affordable unit count are detailed in Chapter 4, "Revisions to the Draft EIR."

Regarding consistency with the County's housing policies and guidelines, Draft EIR Section 3.10, "Land Use and Planning," Table 3.10-1 provides a consistency analysis of the project and applicable local goals and policies. In addition, Draft EIR Section 3.10, "Land Use and Planning," and Section 3.12, "Population and Housing," evaluate consistency with the County's Inclusionary Zoning Policy and Inclusionary Housing Program. Policy CD-2.1 of the Marin Countywide Plan addresses providing a mix of housing to accommodate workers employed in Marin County. The Draft EIR found the project to be consistent with this policy stating that the proposed project includes a range of housing types, sizes, and prices.

The project includes the construction of 324 new/replacement housing units, including a mix of single- and multi-family (one-, two-, and three-bedroom units), consisting of market rate and affordable housing (low-income) units. Of the 324 new/replacement housing units that could be developed under the project, up to 50 units (now updated in the Final EIR to 70 units) would be affordable housing units available to low-income households. Affordable units would be offered at rates in accordance with Section 22.22.080(c) of the Marin County Development Code. The affordable units will be inclusionary; dispersed throughout the project site; and comparable in location, size, and exterior design to the remaining units in the overall residential development in accordance with Section 22.22.080(E) of the Marin County Development Code.

Additionally, the proposed project includes a new residential care facility that would be designed to serve adults 55 and older with capacity to house up to 170 residents. The housing would consist of up to 100 independent living apartments and 50 assisted living and memory care residences. The provision of the residential care facility would provide additional housing opportunities in the county for seniors and disabled persons.

Furthermore, objectives of the project include supporting a housing balance in the Strawberry community and providing housing units that contribute to meeting the housing goals outlined in the County's General Plan Housing Element. Therefore, the proposed project was found to be consistent with this policy. Furthermore, the analysis also found the project to be consistent with Policy 2.5 of the County's Housing Element stating the proposed project involves the demolition of 139 residential units, which would result in the displacement of approximately 320 people. However, in accordance with the Countywide Plan Housing Element, the project would be considered development on a nonvacant site containing existing residential units and, therefore, would be subject to the replacement requirements of Housing Element Implementing Program 3, the State Density Bonus Law, and the Housing Crisis Act of 2019. As described in Section 3.12.1, "Regulatory Setting," implementing Program 3 of the Housing Element and State Density Bonus Law requires that any project that involves demolition of affordable housing on a project site to replace the number of affordable units lost with new affordable units; otherwise, the project would not be eligible for the density bonus and would be inconsistent with State Law. Therefore, no affordable housing would be displaced with implementation of the project and the proposed project was found to be consistent with the County's housing policies and guidelines as well as the County's Inclusionary Zoning Policy and Inclusionary Housing Program.

Letter I15 Chuck Ballinger

August 23, 2024

Comment I15-1

Further information is needed to determine exactly how many students and faculty would be housed on campus and how many would be commuting (among other things). Omitting this renders the EIR useless.

Response I15-1

The comment requests more information to determine exactly how many students and faculty would be housed on campus and how many would be commuting. As stated in Chapter 2, "Project Description," the EIR estimated that approximately 30 percent of the housing would be occupied by the university-affiliated residents, i.e., students, staff, and faculty. The estimate is reasonable because data from the applicant indicates that approximately 27 percent of existing housing units on the property are occupied by university-affiliated residents (Jones 2022).

Comment I15-2

As stated in the EIR:

"The Housing Density Bonus law requires that any project that involves demolition of affordable housing on a project site replace the same number of affordable units lost with new affordable units, otherwise the project is not eligible for the density bonus." (p. 3-12-16)

"All the (139 existing) units on the project site would be considered affordable for moderate-income households" - (p. 3-12-12)

Verified in the EIR:

Median rates for a one-bedroom apartment and a two-bedroom apartment in Marin County are $2450 and $3,151 - (p. 3-12-12)

The average rental rate for the existing units is only $2,000/ month (p. 3-12-13).

All 139 units are therefore affordable (for low income) and require 139 replacements, or the Density Bonus is forfeited. (p. 3.12-13)

139 residential units would be demolished (only counting the 66 dormitory units as seven). The project only replaces 50 affordable housing units, a shortfall of 89 affordable units from 139 demolished units. Therefore, the Density Bonus should not be allowed. (p. 3.12-17)

Since the Senior Care facility only allows seniors, the loss of 89 housing units (for non-seniors) is discriminatory makes the Density Bonus law inapplicable. The senior care center only counts as one housing unit, so there would be a potential shortfall of 88 affordable units. (p. 3.12-14)

336 single and multi-family units are proposed with only 50 being affordable. That is under 15% when the requirement is 20% (p.3.12-14)

Response I15-2

The comment provides two quotes from the Draft EIR Section 3.12, "Population and Housing," and then attempts to draw a conclusion that all 139 of the proposed replacement residential units should be considered affordable for low-income households and a density bonus should not be allowed. The comment also notes the proposed 50 affordable units described to be developed in the Draft EIR falls short of the County's 20 percent inclusionary housing requirement.

Regarding the County's 20 percent affordable housing requirements, see Chapter 2, "Project Updates," of the Final EIR. During preparation of the Draft EIR, the number of affordable housing units required for the proposed project was incorrectly reported at 50 affordable units. Consistent with the County's Housing Regulations (Marin County Code Chapter 22.22) and State housing law (density bonus), project updates and edits in this Final EIR correct the affordable unit count and involve increasing the affordable units to be dedicated under the proposed project to 70 affordable units. The project is proposed to provide an average of approximately 2.2 bedrooms per affordable housing unit. The exact number of bedrooms would be described in the final Affordable Housing Plan at the time of the County's merits review of the project. The specific revisions to the Draft EIR correcting the affordable unit count are detailed in Chapter 4, "Revisions to the Draft EIR."

The comment is incorrect in concluding that "the project only replaces 50 affordable housing units, a shortfall of 89 affordable housing units from 139 demolished units." As explained below, the project will replace all demolished affordable housing units with new affordable housing units. While the exact number of existing low-income households was not specified in the Draft EIR, as discussed in Draft EIR Section 3.12, "Population and Housing," the proposed project would comply with all applicable requirements related to replacement of affordable housing and the provisions of inclusionary housing, including the requirement to replace lost affordable housing units with new affordable housing units. As discussed under Impact 3.12-2 in Draft EIR Section 3.12, "Population and Housing," in accordance with the Countywide Plan Housing Element, the project would be considered development on a nonvacant site containing existing residential units and, therefore, would be subject to the replacement requirements of Housing Element Implementing Program 3, the State Density Bonus Law, and the Housing Crisis Act of 2019. As described in Section 3.12.1, "Regulatory Setting," implementing Program 3 of the Housing Element and State Density Bonus Law requires that any project that involves demolition of affordable housing on a project site to replace the number of affordable units lost with new affordable units; otherwise, the project would not be eligible for the density bonus and would be inconsistent with State Law. Therefore, on a net basis, no affordable housing would be displaced with implementation of the project, and the project would be eligible for a density bonus.

Comment I15-3
Strawberry's population is 5,447. The "proposed" population adds 530 new residents, an almost 10% increase in population. With only two access roads, this is not "less than significant" (p. 3.12-16)

All the single family units are counted as two residents. What about children? Some residents might contain children that drive vehicles. Only counting two people per household is deceptive. (p. 3.12-15)

Response I15-3
The comment references Draft EIR Section 3.12, "Population and Housing," page 3.12-16 and states the population of Strawberry is 5,447 and the project would result in an almost 10 percent increase in population by adding 530 new residents resulting in not "less than significant" impacts with only two access roads. The comment also asks why the single family units are counted as two residents per unit which is deceptive because some residents may have children that drive vehicles.

The Draft EIR discusses and analyzes impacts on emergency vehicle access in Section 3.14, "Transportation," under Impact 3.14-4 and increases in hazards due to a geometric design feature or incompatible uses under Impact 3.14-3. Additionally, the Draft EIR considers and analyzes impacts on fire protection facilities and services in Section 3.13, "Public Services and Recreation," under Impact 3.13-1. For all three impacts, the Draft EIR recommends mitigation and concludes that impacts would be less than significant with implementation of mitigation. Also see transportation master response in Final EIR Section 3.2.11, "Master Response: Transportation Safety." Regarding how the increase in residents were calculated for the proposed project, this relied on information provided by the applicant and the Traffic Impact Study which was included as Appendix Q to the Draft EIR and assumed an occupancy rate of 2.1 persons per household which is consistent with land use data in the Transportation Authority of Marin Demand Model for zones that encompass Strawberry. Also see transportation master responses in Final EIR Sections 3.2.7 through 3.2.14 related to traffic count data and project trip generation.

Comment I15-4
The 66 dormitory rooms are counted as seven residential units. They should be counted as 66 units to be used for workforce housing. Of course, that would greatly lower the density of market-rate condos on the property. (p. 3.12-16)

Response I15-4
The comment states that the 66 dormitory units should be counted as 66 residential units to be used for workforce housing. See Response O6-10.

Comment I15-5
NO in-lieu fee should be allowed for this project since it is "feasible." (p. 3-12-7)

Response I15-5
The comment pertains to the Countywide Plan Housing Element Program 24: Inclusionary Housing described on page 3.12-7 of the Draft EIR and states that no in-lieu fees should be allowed for alternative means of compliance with this program because the project is feasible. The comment expresses an opinion unrelated to the adequacy of the Draft EIR; thus no response is required. The Marin County Planning Commission and Board of Supervisors will take the suggestion raised in the comment under consideration before a decision on the project is rendered.

Comment I15-6
The possibility and implications of ADUs is not adequately addressed in the EIR calling it "speculative" and wouldn't change the magnitude of impacts (p.3.12-1)

Response I15-6
The comment states the impact of accessory dwelling units (ADUs) is not adequately addressed in the EIR and disagrees with the discussion on page 3.13-1 of the Draft EIR that estimating the number of ADUs constructed under the project would be speculative and would not change the magnitude of the impacts.

This reasonable expectation is adequately discussed and substantiated in the introduction to Draft EIR Section 3.12, "Population and Housing." The Draft EIR references the 2023–2031 Housing Element and states that consistent with state law, Marin County projects that 280 ADUs will be permitted over the next 8 years (Marin County 2023c: 226, 257), or approximately 35 ADUs per year countywide. The Draft EIR further states that because of the limited number of ADU permits anticipated for the County, the ministerial nature of permit approval, and the fact that there is no current proposal to construct ADUs on the project site, the timing and possible number of ADUs on the project site would be speculative. Moreover, if ADU construction did occur in the future, based on County projections, the number would be limited and would not substantially change the nature and magnitude of impacts analyzed and described in the Draft EIR. For these reasons, ADUs were not discussed further and the Draft EIR adequately analyzes and describes the population and housing impacts of the proposed project.

Comment I15-7
What about the 253 people taking the new jobs? They are "expected to live in the area"? This is very doubtful. (p. 3.12-15)

Response I15-7
The comment states that it is doubtful that the 253 jobs created by the project would be filled by people living in the area. The comment expresses an opinion. See Response O6-9. No further response is required.

Comment I15-8
And, of course, packing 170 residents into a care facility with all their visitors and guests is not adequately addressed in this EIR.

Response I15-8
The comment states that the 170 residents of the residential care facility plus their visitors and guests are not adequately addressed in the EIR but does not provide evidence of why or where in the Draft EIR information is insufficient or inadequate. The comment expresses an opinion and no response is required. The construction and operation of the residential care facility is discussed and analyzed throughout the Draft EIR in Chapter 3, "Environmental Impacts and Mitigation Measures." Transportation and parking impacts are discussed in Draft EIR Section 3.14, "Transportation." All comment letters submitted during the Draft EIR public review period will be reviewed and considered by the Marin County Planning Commission and Board of Supervisors before a decision on the project is rendered.

Letter I16 Taryn Hoppe

August 23, 2024

Comment I16-1
1. The EIR repeatedly makes specific claims that both the Senior Housing population and the potential "253" employees will not make substantial use of the site's park facilities and services. This would most certainly be true for the 50 Assisted living units, but not true for the other 100 senior units and for the employees, both of whom would use the trails, open space, etc daily as much as or close to a non-senior resident. The only exception might be the playing field. Thus they are not assessing the full demand on public parks and facilities in general. It doesn't mention students one way or the other.

Response I16-1
The comment states that residents living in senior housing and employees are not accurately accounted for in the determination of demand for park and trail facilities. It also states that student demand on these facilities is not mentioned.

The discussion under Draft EIR Section 3.13, "Public Services and Recreation," Impact 3.13-4 (Result in Increased Demand for Park Facilities and Services) does state that the 170 residents of the residential care facility would not be expected to make substantial use of park facilities and services. The comment correctly states that the discussion does not distinguish between the 100 residents who would reside in independent living units and the 70 assisted

living residents requiring regular medical attention who are not expected to make substantial use of the park and trail facilities.

However, that lack of distinction, and the fact that student demand on these facilities is not specifically mentioned, does not affect the analysis or the conclusions in the Draft EIR. CEQA analyses of demand for park facilities and services typically focus on the increase in population associated with implementation of a project under consideration, because it is an increase in population that generates an increased demand for park facilities and services. Also see Response O4-84 and O4-90 for an additional response related to expected impacts from students.

As described in Title 22, Marin County Development Code (Section 22.98.040), new residential developments may be required to provide developed park and recreational land and/or pay a fee in lieu of parkland dedication, pursuant to the Quimby Act, to help mitigate the impacts of new residential demand on existing parkland and recreational facilities. In compliance with the Subdivision Map Act, specifically Government Code Section 66477(a)(2), 3 acres of land for each 1,000 persons residing in a subdivision subject to the act shall be devoted to neighborhood and community park and recreational purposes. Section 22.84.070(b) further states that the dedication of land or payment of fees in lieu thereof, or a combination of both, for park or recreation purposes as provided by Section 22.98.040 and the Subdivision Map Act may be required as a condition of project approval. The details regarding the project applicant's implementation of its obligation under the Marin County Development Code would be determined following project approval if the project is approved.

All the approximately 530 additional residents anticipated to live on the project site, including the 100 residents anticipated to live in the independent living units, would be counted by the County when determining how much land must be devoted to neighborhood and community park and recreational purposes to meet the requirements of the Marin County Development Code. To clarify the text under Impact 3.13-4, the first paragraph of the discussion has been revised to amplify that the analysis focuses on the project-related increase in population on-site (the standard approach in CEQA analyses); therefore, the findings and conclusions presented in the Draft EIR appropriately describe the nature and magnitude of environmental impacts of the project.

ORIGINAL:

As described above, implementing the project would increase the population on the site by approximately 530 residents, which could result in an increased demand for park facilities and services in the area. Nearly a third of this total (170) would be residents of the residential care facility, who would not be expected to make substantial use of park facilities and services. The project also would generate approximately 253 jobs (216 new campus jobs, 34 jobs for the new residential care facility, and three jobs for the new fitness center). It is anticipated that most of these jobs would be filled by people already living in the region and that a substantial number of individuals would not need to relocate to the area. Moreover, as described in Chapter 2, "Project Description," preference for project housing would be given to on-site workers, students, faculty, and staff; thus, some of these individuals are already counted among the 530 residents who would live on the project site. Therefore, the anticipated increase in the number of employees would not have a substantial impact on the demand for park facilities and services.

REVISED:

As described above, implementing the project would increase the population on the site by approximately 530 residents, which could result in an increased demand for park facilities and services in the area. ~~Nearly a third of this total (170) would be residents of the residential care facility, who would not be expected to make substantial use of park facilities and services~~. The project also would generate approximately 253 jobs (216 new campus jobs, 34 jobs for the new residential care facility, and three jobs for the new fitness center). It is anticipated that most of these jobs would be filled by people already living in the region and that a substantial number of individuals would not need to relocate to the area. Moreover, as described in Chapter 2, "Project Description," preference for project housing would be given to on-site workers, students, faculty, and staff; thus, some of these individuals are already counted among the 530 residents who would

live on the project site. Therefore, the anticipated increase in the number of employees would not have a substantial impact on the demand for park facilities and services.

Comment I16-2

2. EIR makes no mention of the removal of the existing playground and basketball court on the property that have been open and accessible to the public for decades. My children use this playground **5 days a week**. I grew up using the basketball court. Removing this and not replacing it impacts demand, and causes accelerated deterioration on playgrounds in the area. What is the replacement? At the very least, The Developer should fund the building of a new playground either onsite open to the public, or on that property nearby owned by Strawberry Rec where the current exercise equipment is.

Response I16-2

The comment states the project would involve removal of the existing playground and basketball court and this would cause accelerated deterioration on playgrounds in the area if not replaced. The comment also states the developer should fund the building of a new playground either onsite open to the public, or on that property nearby owned by Strawberry Rec where the current exercise equipment is. See Response O1-2.

Comment I16-3

3. Southern Marin Fire Dept Station 9 is already 22 seconds over the 15 minute standard fire response time as is. Increased traffic could cause delays in Fire Emergency Response, which would be devastating. The mitigation measure proposed only addresses one egress intersection. Furthermore, that particular intersection is already under scrutiny as a pedestrian hazard and is being studied by Public Works for existing problems unrelated to a potential increase in traffic. It's a highly popular PEDESTRIAN crossing zone particularly for kids, strollers and bikes. A presentation to the community earlier this year proposed a roundabout-- and this was flatly rejected by all residents on the zoom call. Coordination needs to be made with that effort and neighborhood orgs to ensure pedestrian safety and access work for the existing residents.

4. Furthermore, EIR claims that the 253 employees onsite would not affect demand on fire or emergency response. This population, along with the potential student population not mentioned, will be commuting so they would affect traffic. they also would be spending a substantial amount of time onsite, and could increase demand for Emergency services to the site. Only a small percentage would live onsite or already live in the "area". To say that the majority would be onsite or live in the surrounding neighborhood already is not realistic.

Response I16-3

The comment raises concerns about emergency response delays due to existing fire response times already exceeding standards and increased traffic from the project. Additionally, the comment states that onsite staff would impact emergency services and response, given that most would commute and spend significant time onsite. The comment also opposes the implementation of a roundabout as proposed in Mitigation Measure 3.14-4.

As discussed in Impact 3.13-1 in Section 3.12, "Public Services," of the Draft EIR, during consultations with SMFD, it was affirmed that SMFD would not need to add additional stations or purchase new equipment in response to the project; however, SMFD noted that additional staff may be required depending on the number of increased EMS calls (Hilliard, pers. comms., 2022, 2023). SMFD also noted that traffic associated with the increase in population under the project might cause delays in emergency response in the area (Hilliard, pers. comm., 2022). The potential for the project to generate additional trips in the vicinity of the project site resulting in potential delays to vehicles, including emergency response, and potentially impacting emergency access was discussed further in Section 3.14, "Transportation" of the Draft EIR. Note that the transportation analysis also considers and includes vehicle trips from commuters living off campus. The evaluation of emergency response impacts in Section 3.14 considered the changes in traffic operations (i.e., level of service) along key fire egress routes from project generated traffic, relying on the TIS prepared for the project (Appendix Q of the Draft EIR). As stated in Draft EIR Section 3.14, "Transportation," the project would add the greatest level of net new peak hour trips to the segment of Seminary Drive just east of Redwood Highway Frontage Road, with approximately 145 net new peak hour trips during the a.m. peak hour and 185 net new trips during the p.m. peak hour. This equates to an increase in existing volumes of approximately 28

percent during the a.m. peak hour and 35 percent during the p.m. peak hour. The Draft EIR noted that this level of added traffic could potentially degrade response times for fire trucks along this segment of Seminary Drive from Station 9 Strawberry. For this reason, and because the internal roadways may not meet County and 2019 California Fire Code roadway width requirements, the Draft EIR concluded that the project could result in inadequate emergency access, which would be a potentially significant impact.

Mitigation Measure 3.14-3b would require roadways within the project site to meet County roadway standards. The implementation of a roundabout is no longer proposed as mitigation for the impact of the project on emergency access and an updated mitigation measure is proposed. The updated measure is equivalent in effectiveness to the initial option provided in Mitigation Measure 3.14-4, involving installing signal preemption at two existing traffic signals on Redwood Highway Frontage Road that are on the primary routes for first responders from the fire station to access US 101. The updated mitigation would achieve the same improvements as previously determined in Impact 3.14-4 of the Draft EIR and impacts would be less than significant with the incorporation of this mitigation measure. See Final EIR Section 3.2.12, "Master Response: Emergency Vehicle Access Mitigation Measure," related to emergency access mitigation.

Comment I16-4

5. The Fire Chief voiced concern that the EMT response would be particularly impacted due to the Senior Center housing (I imagine due to the Assisted Living component) and that additional staff may be required. Not sure if additional staffing qualifies as CEQA concern, or if this is/can be mitigated by developer fees, or if it would impact facilities at Station 9.

Response I16-4

The comment states that the SMFD fire chief expressed concern that emergency response could be impacted due to the residential care facility and additional staff may be required and asks if additional staffing qualifies as a CEQA concern, if can be mitigated by developer fees, or if it would impact facilities at SMFD Station 9.

Draft EIR Section 3.13, "Public Services," Impact 3.13-1 summarizes consultation with SMFD regarding fire protection facilities and services and notes it was affirmed that SMFD would not need to add additional stations or purchase new equipment in response to the project; however, additional staff may be required depending on the number of increased EMS calls (Hilliard, pers. comms., 2022, 2023). However, following this statement, the Draft EIR explains staffing at the residential care would require approximately 34 employees at varying shifts and two 24/7 staffed positions, and medical staff in the facility would be available to assist with nonemergency incidents. Additionally, one of the medical staff at the facility would be a certified emergency medical technician, who would be able to address most of the incidents that typically would otherwise result in calls to the fire department. Therefore, although a possible need for additional emergency response staff was noted, the Draft EIR concludes it would not be to the level that new or physically altered fire protection facilities would be required the construction of which could cause significant environmental impacts. Thus, no mitigation was recommended related to SMFD staffing needs

Comment I16-5

6. As the EIR meantions, Public Services such as librarbries are specifically funded by property taxes. Re-mapping the Seminary site to increase parcels from 13 to a number (336+) equaling at least the number of housing units will better fund public services impacted by the development. At current parcel taxes, this change in parcel numbers would yield $27 million over 25 years. Why is the county not requiring a change in parcel quantities?

Response I16-5

The comment states that public services such as libraries are specifically funded by property taxes and asks why the County is not requiring a change in the number of parcels which could help better fund public services impacted by the project. The comment raises an important issue; however, it does not address the adequacy of the analysis in the Draft EIR. Additionally, only one potentially significant impact was identified in the Draft EIR related to emergency response and implementation of Mitigation Measure 3.14-4 would reduce impacts to less than significant. No further response is required. The Marin County Planning Commission and Board of Supervisors will also take the comment's suggestion under consideration before a decision on the project is rendered.

Comment I16-6

1. The public view from Chapel Hill Dr and from the Shoreline office complex across the bay are both substantially altered and ruined with the current design, layout and volume of structures that appear in the renderings. THe boxy, brutalist, white design of these buildings looks terrible and ruins the aesthetic in place. Not a single effort seems to have been made to take into account the area's existing aesthetics and natural preserve. In particular the Glass boxes of structures on the point are going to be so bright at night like giant light boxes. On the flip side, this developer did a wonderful job with designing the Belvedere Place office complex that sits on the hill above Strawberry Village. THe architecture style, materials and color blend seamlessly into the hillside despite it being a massive structure.

Response I16-6

The comment provides an opinion regarding the design, layout and volume of structures. As explained in Draft EIR Section 3.1, "Aesthetics," the approach to analysis for projects in urbanized areas reflected two considerations. First, aesthetic assessments in urban contexts are inherently somewhat subjective in character, particularly where projects are proposed in settings that are already highly developed. And second, if building mass and height, by themselves, were treated as adverse "environmental" effects, the prospect that EIRs and negative declarations would call for mitigation in the form of downsizing proposed development carried the risk of disincentivizing higher densities in urbanized areas. Within such areas, comparatively taller, denser development is often appropriate from a planning standpoint in order to make efficient use of both land and infrastructure. Thus, for urbanized areas, the key aesthetic issue under CEQA is whether a proposed development project complies with applicable local rules governing building design, such as setbacks, materials, or height (CNRA 2018). For these reasons, the County need not address whether the proposed project would substantially degrade the existing visual character or quality of public views of the project site and its surroundings. This topic is not addressed further in the Draft EIR. Rather, the focus of the analysis was on whether the proposed project would conflict with applicable zoning and other regulations governing scenic quality.

Long-term impacts to the visual character of the Strawberry area as seen by the general public would principally be related to changes in views created by the presence of new development. Key elements of the project's development that would affect compatibility with County policies are color palette, bulk, and relationship to the project site's local ridgelines as seen from lower elevations. The main color palette for most buildings would consist of relatively light-valued materials including light beige cement plaster. Table 3.1-1 in Chapter 3.1 provides an overview of the project's impact on the existing visual character as seen from all KOPs. Table 3.1-2 in Draft EIR Section 3.1 provides a consistency analysis of the project with the goals, policies, and guidelines listed in Draft EIR Section 3.1.1. The County's policies generally direct that the natural appearance of hills, visually prominent ridgelines, and other prominent or significant landforms be preserved; views to the Bay and lowlands be maintained; the visual crest of the hillsides are not interrupted; and that materials and colors should unobtrusively blend with the natural environment. As discussed under Impact 3.1-1, views into the project site from surrounding streets and trails, the color of the structures, and the bulk and sky-lining effect of the residential care facility associated with the proposed project would conflict with applicable zoning and other regulations governing scenic quality. Implementation of Mitigation Measures 3.1-1a through 3.1-1d would ensure that the project would not conflict with applicable zoning and other regulations governing scenic quality. This impact was determined to be less than significant with mitigation. For information regarding the Draft EIR's analysis related to light and glare, see response to Comment O4-16.

Comment I16-7

1. How is it legal or fair for there to be no details about a school? The EIR does NOT address the potential of this mystery, wide-open ended school.

Response I16-7

The comment states that no information regarding the school is provided in the Draft EIR. See Final EIR Section 3.2.1, "Master Response: Stable Project Description."

Letter I17 Jane Berger

August 23, 2024

Comment I17-1

1) I observe on daily walks a variety of wildlife and an ecosystem that would be disrupted and likely wiped out. They include Owls, Deer families, Coyotes, a flock of 30 to 40 Egrets and Geese.

Response I17-1

The comment describes observations of common wildlife species and the ecosystem and expresses concern that these species may be affected by the project. Although common wildlife species are known to use the project area, the Draft EIR analyzed potential impacts to wildlife movement and use of native wildlife nursery sites in Impact 3.4-9 and determined that the impact would be less than significant due the existing human disturbance on the site, the location of the site on a peninsula, and lack of large wetlands on the project site. The potential impact to common nesting birds was analyzed in Impact 3.4-4 and was determined to be less than significant because Marin County Code Section 22.20.040 requires preconstruction nesting bird surveys during the nesting season (February 1 and August 15) and establishment of buffers around active nests until the young have fledged as determined by a qualified biologist. The comment does not address the adequacy of the Draft EIR and no further response is required.

Comment I17-2

2) there really is just the one road, one lane each way - Seminary Drive - to and from the site. This makes no sense in terms of Urban Planning. Currently, albeit infrequently, when a large truck has to stop or pull over on this road, cars must swerve around in a taking turn fashion. Imagine the impact of constant hauling trucks and construction would have on this one road.

Response I17-2

The comment expresses opinions and concerns with the navigation of heavy vehicles in the vicinity of the project site during construction. Impacts on transportation safety during construction are addressed in Impact 3.14-3. An encroachment permit and accompanying traffic control plan would be required for all construction in County of Marin right of way. Because the County of Marin does not maintain all project roadways, Mitigation Measure 3.14-3a requires the development of a traffic control plan and coordination with County of Marin staff, Caltrans, Golden Gate Transit (GGT), Marin Transit, SMFD Headquarters staff, and other local emergency service providers. The impact was determined to be less than significant with mitigation incorporated.

Comment I17-3

3) this is already a densely populated neighborhood of the large Strawberry Shores apartment complex and the condos across the street. Seminary Drive is also the common access for Harbor Point large apartment complex. The road simply cannot handle such a large building proposal.

Response I17-3

The comment expresses concerns with congestion along Seminary Drive. As described in Final EIR Section 3.2.7 "Master Response: Traffic Count Data," LOS assessment is not used to determine environmental impacts under CEQA (in accordance with SB 743, Statutes of 2013), but may inform decisions about the merits of the proposed project. Although LOS is no longer used to determine a significant environmental impact, an analysis of LOS was prepared for the County of Marin's merit review of the project. The LOS Assessment Memo was updated to incorporate new February 2025 traffic counts collected in response to Draft EIR comments and to account for potential post-pandemic travel behavior changes. Although differences from 2021 counts were minimal, the memo was revised in consultation with County staff to use the 2025 data and add a seventh study intersection (Appendix B of this Final EIR). According to the LOS Assessment Memo, all study intersections would operate at LOS D or better conditions under all scenarios, which meets the County LOS standard. Expressions of opinion do not address adequacy of the content, analysis, or conclusions in the Draft EIR and no further response is warranted.

Letter I18 Marlys Mayfield

August 23, 2024

Comment I18-1

I now want to just state two further facts to substantiate my case: The street that all of us living in Strawberry Shores face, Seminary Drive, is the street upon which all this construction and demolition traffic, coming from Highway 101, must use daily . both back and forth. In addition so greatly affected will be our neighbors, those living in the condos opposite, condos that house who you know as property owners.

Nevertheless, in addition I must add that we in Strawberry Shores will be further surrounded and impacted by the increased noise and traffic coming from what will be our surrounding streets of Richardo and Hodges where street widening and a Round-About are proposed by NCL to take place.

No, at least your, or possibly many more years demolition and construction is to be in no way is simply to be dismissed as a "temporary phenomena" as it has been by the EIR .

Response I18-1

The comment states that Seminary Drive will be used for all construction and demolition traffic, and that residents in Strawberry Shores facing Seminary Drive and those living in the condos would be greatly affected by this. The comment also states that residents in Strawberry Shores would be surrounded by and impacted by the increase in noise and traffic coming from Ricardo and Hodges where street widening and a roundabout are proposed. Lastly the comment states that demolition and construction activities should not be dismissed as a "temporary phenomena" in the Draft EIR.

Please refer to Response I7-2 regarding the explanation of temporary noise impacts as included in CEQA. Vehicle trips on roadways surrounding the project site would be temporary occurring during the length of construction and would vary depending on the construction phase. A doubling in vehicle trips is necessary to result in a 3 dBA increase in traffic noise. As stated on page 3.11-6 of the Draft EIR it is widely accepted that people can begin to detect sound level increases of 3 dBA. Seminary Drive south of Ricardo Road has 6,380 average daily trips. Therefore, project construction would need to add an addition 6,380 trips to Seminary Drive to result in a noticeable (3 dBA) increase in transportation noise. Project construction would result in fewer than 6,380 trips on Seminary Drive and thus vehicle trip during construction would not result in a perceptible increase in noise.

As described in Final EIR Section 3.2.7, "Master Response: Traffic Count Data," LOS assessment is not used to determine environmental impacts under CEQA (in accordance with SB 743, Statutes of 2013), but may inform decisions about the merits of the proposed project. Although LOS is no longer used to determine a significant environmental impact, an analysis of LOS was prepared for the County of Marin's merit review of the project. As such, the Draft EIR did not consider the impacts of construction traffic as it relates to LOS, including from the construction of road widening required by Mitigation Measure 3.14-3b.

However, impacts on transportation safety from the movement of heavy vehicles during construction were considered and are addressed in Impact 3.14-3. An encroachment permit and accompanying traffic control plan would be required for all construction in County of Marin right of way. Because the County of Marin does not maintain all project roadways, Mitigation Measure 3.14-3a requires the development of a traffic control plan and coordination with County of Marin staff, Caltrans, GGT, Marin Transit, SMFD Headquarters staff, and other local emergency service providers. The impact was determined to be less than significant with mitigation incorporated.

Furthermore, the implementation of a roundabout is no longer proposed as mitigation for the impact of the project on emergency access and an updated mitigation measure that does not involve construction is proposed. See Final EIR Section 3.2.12 for "Master Response: Emergency Vehicle Access Mitigation Measure." Regarding comments on the project construction schedule, the applicant has consulted with Build Group, a regional general contractor with relevant experience building large residential projects and concurs that the proposed construction schedule is feasible (Herrema, pers. comm., 2025). Therefore, the proposed construction schedule provided in the Draft EIR is adequate.

Letter I19 Susan Jacobs

August 24, 2024

Comment I19-1

1. Exactly what kind of school is being proposed? Is is a commuter school, live-in school like the former seminary, a university, a high school, etc? If there is NO information given by the developers, how can an even approximately accurate environmental impact be determined by you, and appropriate questions and comments be expected from us???

Response I19-1

The comment raises questions about the type of school being proposed and asserts that because this type of information is not provided, the environmental impacts would not be accurate and the public cannot be expected to provide appropriate questions and comments. For comments related to the project description and the uses allowed on site, see Final EIR Section 3.2.1, "Master Response: Stable Project Description," and Section 3.2.4, "Master Response: Conditional Use Permit."

Comment I19-2

2. The above also impacts my second concern, which is the impact of the school (and other proposed buildings) on the traffic from the Frontage Road (and other neighborhood streets leading to the property) to the development. The intersection is small and the road is two lane. Cars are always necessary to access this site. There is no public transportation. I am very concerned about the impact of the construction (machinery, noise, toxic exhaust fumes, etc) on the quality of the air in the surrounding areas. The years a project of this size will take to complete might have potential long term health consequences on the health of the people and the nearby physical environment. This impact leads to my third concern.

Response I19-2

The comment expresses concerns with congestion from the project and construction-related noise impacts and toxic emissions). See Final EIR Section 3.2.7, "Master Response: Traffic Count Data." Although LOS is no longer used to determine a significant environmental impact, an analysis of LOS was prepared for the County of Marin's merit review of the project. The LOS Assessment Memo was updated to incorporate new February 2025 traffic counts collected in response to Draft EIR comments and to account for potential post-pandemic travel behavior changes. Although differences from 2021 counts were minimal, the memo was revised in consultation with County staff to use the 2025 data and add a seventh study intersection (Appendix B of this FEIR). According to the Marin North Coast Land Holdings Level of Service Assessment Memorandum, all study intersections would operate at D or better conditions under all scenarios, which meets the County LOS standard.

Health risk from exposure to air pollution is assessed in Section 3.2, "Air Quality," under impact 3.2-3. Health risk from construction and operation of the project were found to be significant, due to exposure of diesel PM from construction of the project combined with operational TACs. Mitigation Measure 3.2-1 was recommended requiring construction contractors use Tier 4 engines to minimize exhaust emissions. With implementation of Mitigation Measure 3.2-1, the cancer health risk from TAC exposure was reduced to below the Bay Area Air District's significance threshold of 10 in one million. Therefore, health risk would be reduced to less-than-significant levels with mitigation.

Moreover, construction noise was evaluated in Section 3.11, "Noise," under impact 3.11-1. Based on the modeling prepared for the project, construction noise was found to exceed applicable noise standards and have a significant effect on a sensitive receptor. Mitigation Measure 3.11-1 was recommended requiring the preparation and implementation of a construction noise control plan. Nevertheless, following implementation of Mitigation Measure 3.11-1, construction noise was found to be significant and unavoidable. Note that if a project would result in significant and unavoidable environmental impacts (i.e., significant effects that cannot be feasibly mitigated to less-than-significant levels), the project can still be approved, but the lead agency's decisionmaker, in this case the Marin County Board of Supervisors, must prepare findings and issue a "statement of overriding considerations" explaining in writing the specific economic, social, or other considerations that they believe, based on substantial evidence, make those significant effects acceptable (PRC Section 21002; CCR, Title 14, Section 15093). The Marin County Planning Commission and Board of Supervisors will take the concerns raised in the comment into consideration before a decision on the project is rendered.

Comment I19-3

3. The construction site drains to Richardson Bay and its fragile marsh, which is filled with many bird species and plant life. The impact of the above effects of construction and population on the marsh and the Bay is very worrisome, to say the least. Please take the concerns and questions of the community in account at your future meetings and reports. Thank you,

Response I19-3

The comment expresses concern regarding the effects of construction and additional population on Richardson Bay and marsh habitat. The potential for the project to result in impacts to common and special-status bird species is analyzed in Draft EIR Section 3.4, Biological Resources, under Impact 3.4-4 which has been revised to include discussion of impacts to California Ridgway's rail and California black rail that may nest within the marsh habitat of Richardson Bay. The potential impacts to special status plants are addressed in Draft EIR Section 3.4, Biological Resources, under Impact 3.4-1. See Response A2-3 and Chapter 4, "Revisions to the Draft EIR," of this Final EIR.

Letter I20 Sammie Daniels

August 25, 2024

Comment I20-1

1. 3.14: Q: Are they planning small vans/buses to reach the #101 bus stops for students and seniors, etc. without cars? And or construction workers during the construction?

Response I20-1

The comment asks if small vans/buses will be provided for students, seniors, and construction workers to reach the #101 bus stops. The project applicant has not committed to implementing vanpool or bus service for students and seniors. However, Mitigation Measure 3.14-2a (Develop and Implement a Transportation Demand Management Program for Market Rate Residential Uses) of the Draft EIR, intended to reduce project VMT, would require the project applicant to develop a TDM program which may include dedicated shuttles, the establishment of a vanpool program, and/or vanpool purchase incentives, as detailed on page 3.14-16 of the Draft EIR. The applicant has consulted with Build Group, a regional general contractor with relevant experience building large residential projects who has confirmed that construction workers would already live in the region (Herrema, pers. comm., 2025). Additionally, pursuant to Mitigation Measure 3.14-3a (Develop a Construction Traffic Control Plan), the project applicant is required to consult with public transit agencies (including Golden Gate Transit and Marin Transit) prior to the approval of the Traffic Control Plan. Although shuttles/vanpools are not a requirement of Mitigation Measure 3.14-3a, the project applicant will coordinate with transit agencies to identify effective strategies to fully implement the mitigation measure.

Comment I20-2

2. Traffic control plan being that the construction is not short term, findings are not consistent with LTS.

Response I20-2

The comment states that the traffic control plan being that the construction is not short term, the findings are not consistent with less than significant. It is unclear what the comment is specifically referring to; thus, a specific response cannot be provided. However, if the comment is suggesting that the traffic control plan required by Mitigation Measure 3.14-3a would not reduce impacts to less-than-significant because construction is not short term, the efficiency and effectiveness of the mitigation measure is not related to the duration of construction, nor is it proposed for this purpose. Rather, Mitigation Measure 3.14-3a is proposed to address potential safety hazards from construction vehicles and equipment. As discussed in Section 3.14, "Transportation," of the Draft EIR, construction of the project, including the movement of construction vehicles and construction material delivery, could disrupt the transportation network in the vicinity of the project site, potentially requiring temporary lane closures, street closures, sidewalk closures, and bikeway closures. These construction activities could result in degraded roadway conditions and safety impacts for all modes of transportation. In this respect, Mitigation Measure 3.14-3a would sufficiently and adequately reduce this impact to less than significant, as concluded in Section 3.14 of the Draft EIR.

Comment I20-3

3. 3.14-3 Being local residents of Strawberry dr. we find that over flow parking is not realistic on E Strawberry Dr. as this neighborhood has already one sided parking, narrow roads and as mentioned before and fully trafficked by local gardeners, daily construction workers, delivery trucks and over flow from the residences on Strawberry Landing. Plus hundreds of locals daily commuting.

Response I20-3

The project does not propose parking on E Strawberry Drive. Rather, the parking analysis provided in Impact 3.14-3 states that spillover parking would likely occur on E Strawberry Drive due to the location of academic uses on the eastern end of the project site. Impact 3.14-3 determined that because of the potential for spillover parking on E Strawberry Drive, there would be potential conflicts between pedestrians and vehicles that would potentially result in safety impacts. To address this impact, Mitigation Measure 3.14-3c would require the project applicant to implement parking demand reduction measures for faculty, staff, and students of the academic campus. Offsite overflow parking is not an acceptable parking demand strategy per Mitigation Measure 3.14-3c. The comment does not pertain to the adequacy of the Draft EIR and no further response is required.

Comment I20-4

4. There are no bicycle lanes and weekends have increased bicycle traffic with Local bike clubs and the tourist bike rentals from SF, Sausalito and Tiburon all using Seminary and Strawberry drs. on their itinerary. This is a narrow road with one sided parking from the intersection at Great Circle to the divide on E Strawberry dr. The drivng and cycling here on a normal day is already challenging as there is no bike lane.

Response I20-4

The comment expresses concerns with heavy bicycle travel along Seminary Drive and Strawberry Drive within the vicinity of the project site but does not raise an issue with the adequacy of the Draft EIR. The analysis of impacts on bicycle and pedestrian facilities and transportation safety are addressed in Impact 3.14-1 and 3.14-3, respectively. It was determined that Impact 3.14-1 would be less than significant. Transportation safety impacts analyzed under Impact 3.14-3 were determined to be potentially significant; however, Mitigation Measures 3.14-3a through 3.14-3c would reduce impacts to a less than significant level.

Notwithstanding that substantial evidence supports a conclusion of no significant traffic safety impacts from project trips, County staff desired to respond thoroughly to community concerns about traffic safety, and requested a review of existing intersection safety conditions (Final EIR Appendix D). Recognizing the Draft EIRs conclusions about the lack of significant traffic safety impacts caused by the proposed project trip generation, the existing intersection review was designed to provide information in response to community concerns about existing traffic safety problems for use in the County's consideration of project merits and the potential for defining conditions of approval outside of the CEQA analysis framework. The findings of the Existing Intersections Review Memorandum do not change the adequacy of the analysis in the Draft EIR. See Section 3.2.11 of this Final EIR, "Master Response: Transportation Safety" for a detailed description. This comment has been included for consideration by the Marin County Board of Supervisors.

Comment I20-5

5. Will there be a further study to determine if a roundabout will actually improve matters? It seems like the amount of construction for the roundabout has more negative impact than the mitigating results of the actual roundabout. (Also, Americans are not good at respecting the rules of these traffic circles).

Response I20-5

The comment questions if the benefits of a roundabout to mitigate emergency vehicle access impacts would outweigh the impacts of constructing it. The implementation of a roundabout is no longer proposed as mitigation for the impact of the project on emergency access and an updated mitigation measure is proposed. See Section 3.2.12 of this Final EIR, "Master Response: Emergency Vehicle Access Mitigation Measure."

Letter I21 Carlene MacDonald

August 25, 2024

Comment I21-1

1. The proposal is not a good fit for the existing neighborhood or the nearby communities. The flat topped roofs, white color-concrete and high density are all visually jarring. A craftsman style architecture could be a gem in what is such a stunning location. The architecture at Harbor Point is more in keeping with the community.

Response I21-1

The comment argues that the proposed project's flat-topped roofs, white concrete, and high density are visually jarring and suggests that a craftsman-style architecture would be better suited for the project. As discussed in Draft EIR Section 2.6 of the Project Description, the overall design of the buildings would be similar to that of other residential buildings proposed in the planning area, including similar architectural design, materials, color, open space and landscaping. As discussed in Draft EIR Section 3.1-3, "Environmental Impacts and Mitigation Measures," aesthetic assessments in urban contexts are inherently somewhat subjective in character, particularly where projects are proposed in settings that are already highly developed. And second, if building mass and height, by themselves, were treated as adverse "environmental" effects, the prospect that EIRs and negative declarations would call for mitigation in the form of downsizing proposed development carried the risk of disincentivizing higher densities in urbanized areas. Within such areas, comparatively taller, denser development is often appropriate from a planning standpoint in order to make efficient use of both land and infrastructure. Thus, for urbanized areas, the key aesthetic issue under CEQA is whether a proposed development project complies with applicable local rules governing building design, such as setbacks, materials, or height (CNRA 2018). For these reasons, the County need not address whether the proposed project would substantially degrade the existing visual character or quality of public views of the project site and its surroundings. Rather, the focus of the analysis was on whether the proposed project would conflict with applicable zoning and other regulations governing scenic quality. As analyzed in the Draft EIR under Impact 3.1-1, "Conflict with Applicable Zoning and other Regulations Governing Scenic Quality," and Impact 3.1-2, "Create a New Source of Substantial Light or Glare that would Adversely Affect Day or Nighttime Views in the Area," the Draft EIR recognizes elements of the project's development would affect its ability to conform to County policies including development color palette, bulk, and relationship to the project site's local ridgelines as seen from lower elevations and includes Mitigation Measures 3.1-1a through 3.1-1d and 3.1-2 to reduce impacts to less than significant. With implementation of mitigation, the project would visually blend new structures with the natural environment and mimic the variety and pattern of colors in the surrounding residential areas. Implementation of Mitigation Measure 3.1d would ensure that the project would not conflict with Marin County Development Code – Section 22.16.030 – General Standards that govern scenic quality, and Mitigation Measure 3.1-2 would ensure that the reflectance coefficients for albedo materials would not create a new source of substantial glare. The requirements for the use of specific colors and specific architectural details would be addressed during the project's Planning Permit Process and Design Review.

Comment I21-2

2. The animals - foxes, coyotes, the woodrats (prey species for owls), etc. will be displaced.

Response I21-2

The comment states that several common wildlife species will be displaced by the project. The potential impacts to common birds are addressed in Draft EIR Section 3.4, Biological Resources, under Impact 3.4-4 which includes a discussion of the potential impacts to common nesting birds and how project elements and Marin County Code Section 22.20.040 reduce these impacts to less than significant. Further disclosure of impacts to common wildlife is found in Draft EIR Section 3.4, Biological Resources, under Impact 3.4-9 which discusses the potential impacts to wildlife movement and use of the project site as a wildlife nursery. The comment does not address the adequacy of the Draft EIR and no further response is required.

Comment I21-3
3. One of the most pleasant features of the property is the playing field visible from Seminary Drive. The current proposal hides this behind a large berm with shrubs, trees and stone walls. The natural grassy field provides a sense of openness that needs to be maintained from the road. What is the purpose of the berm?

Response I21-3
The comment expresses concern that the proposed berm would obscure the playing field's natural openness visible from Seminary Drive, questioning the purpose of the berm and advocating for preserving the field's sense of openness. As discussed in Draft EIR Section 2.6 of the Project Description, the existing 2-acre seminary playing field would be retained in the central portion of the project site. The field would be raised approximately 25 feet to 30 feet to create a landscaped berm adjacent to Seminary Drive. The berm would provide shielding of the playing field from the adjacent residences west of Seminary Drive. A walking path approximately four feet wide would be constructed on the berm, which would connect the playing field to the proposed trail system throughout the project site. The existing wire mesh fence along Seminary Drive would be replaced with a low stone wall. An at-grade style stormwater bioretention area would be developed along the northern border of the field. See simulation Figure 3.1-20, KOP #3 Visual Simulation. Views to the playing field would be eliminated from Seminary Drive with the creation of a 1:1 (horizontal to vertical) gradient fill slope. The slope would be landscaped with native trees that would filter existing views up the toward Dormitory Hill. Views beyond the elevated playing field would include the upper stories of the residential care facility and the six-story apartment buildings in the Hodges/Shuck Planning Area. As seen from Seminary Drive, views to the structures would be further filtered by street trees and landscape in and between the structures. The comment does not pertain to the adequacy of the Draft EIR and no further response is required.

Comment I21-4
4. Displacement of current residents. Approximately 320 people live on the property currently. They will need to move out. Where will they go? The current units are dormitories and presumably low rent. How will they be able to afford to move? How will they be able to move back? When will they be able to move back?

Response I21-4
The comment asks specific questions about the approximately 320 residents currently living on the project site including where they will move to; will rent be affordable; and when and how will they be able to move back. See Response O3-7 and Response O4-75.

Comment I21-5
- The berm on Seminary Drive hiding the field does not acknowledge the existing pastoral setting of the field which is enjoyed by the public.
- The proposed housing has no architectural consistency with the surrounding neighborhood
- Does not take advantage of the incredible setting. This should be a showcase for all of Marin, not just a way to squeeze more housing units

Response I21-5
The comment states that the berm on Seminary Drive hiding the field does not acknowledge the existing pastoral setting of the field and the proposed residential buildings are not consistent with the surrounding neighborhood. The comment also expresses an opinion on the project related to creating more housing in the County. As discussed in Draft EIR Section 2.6 of the Project Description, the existing 2-acre seminary playing field would be retained in the central portion of the project site. The field would be raised approximately 25 feet to 30 feet to create a landscaped berm adjacent to Seminary Drive. The berm would provide shielding of the playing field from the adjacent residences west of Seminary Drive. Furthermore, the project site is not located in a pastoral setting. The site is situated within an urban, developed area, with established residential, commercial, and infrastructure elements nearby. While there are natural features present on the site, the surrounding context is predominantly characterized by human development, including roadways, buildings, and other urban elements. Additionally, as discussed in the Draft EIR under Impact 3.1-1 in Section 3.1, "Aesthetics," views into the project site from surrounding streets and trails, the color of the structures,

and the bulk and sky-lining effect of the residential care facility associated with the proposed project would conflict with applicable zoning and other regulations governing scenic quality, however, implementation of Mitigation Measures 3.1-1a through 3.1-1d would ensure that the project would not conflict with applicable zoning and other regulations governing scenic quality and therefore, the impact would be less than significant with mitigation. Expressions of opinion regarding the proposed project do not address adequacy of the content, analysis, or conclusions in the Draft EIR and no further response is warranted.

Comment I21-6

- There is no mention of how affordable the senior housing will be.

Response I21-6

The comment states there is no mention of how affordable the senior housing will be. The comment does not address the adequacy of the analysis in the Draft EIR and is not pertinent to determine the environmental impacts of the project under CEQA. No further response is required.

Comment I21-7

- The impact on wildlife including nesting egrets and herons is not well documented.

Response I21-7

The comment states that the impact on wildlife and nesting of egrets and herons is not well documented. The potential impacts to common bird species, which includes egrets and herons, are addressed in Draft EIR Section 3.4, Biological Resources, under Impact 3.4-4 which includes a discussion of the potential impacts to nests and habitat and how project elements and Marin County Code Section 22.20.040 reduce these impacts to less than significant. Further disclosure of impacts to common wildlife is found in Draft EIR Section 3.4, Biological Resources, under Impact 3.4-9 which discusses the potential impacts to use of the site as a nursery, including the use of the site as a rookery by shorebirds.

Comment I21-8

- The traffic impacts will be horrendous.

Response I21-8

The comment expresses concerns with congestion. As described in Final EIR Section 3.2.7, "Master Response: Traffic Count Data," LOS assessment is not used to determine environmental impacts under CEQA (in accordance with SB 743, Statutes of 2013), but may inform decisions about the merits of the proposed project. Although LOS is no longer used to determine a significant environmental impact, an analysis of LOS was prepared for the County of Marin's merit review of the project. The LOS Assessment Memo was updated to incorporate new February 2025 traffic counts collected in response to Draft EIR comments and to account for potential post-pandemic travel behavior changes. Although differences from 2021 counts were minimal, the memo was revised in consultation with County staff to use the 2025 data and add a seventh study intersection (Appendix B of this Final EIR). According to the LOS Assessment Memo, all study intersections would operate at LOS D or better conditions under all scenarios, which meets the County LOS standard. Comments expressing an opinion, support, or objection to the project do not focus on the adequacy of the Draft EIR; however, all comment letters submitted during the Draft EIR public review period will be reviewed and considered by the Marin County Planning Commission and Board of Supervisors before a decision on the project is rendered.

Comment I21-9

- The opportunities for expansion of Wildcare or the Richardson Bay Audubon Center and Sanctuary will be lost.

Response I21-9

The comment expresses concern that potential opportunities for Wildcare or the Richardson Bay Audubon Center and Sanctuary to expand would be lost. The comment is not an environmental issue and does not pertain to the adequacy of the Draft EIR. No further response is required.

Comment I21-10

- The forested knoll on Seminary Point is beautiful and needs succession planting to maintain its charm.

Response I21-10

The comment believes that Forested Knoll on Seminary Point needs succession planting to maintain charm. As discussed in Draft EIR Section 2.6 of Chapter 2, "Project Description," the existing Forested Knoll within the Seminary Point Planning Area would be protected as open space. Dead or dying Monterey pines would be removed and new trees would be replanted. A pedestrian trail would be established with views of the San Francisco Bay, the City of San Francisco, and Mt. Tamalpais. Succession planting—planting vegetation in stages or to replace plants over time—could be one of the measures used to restore or enhance disturbed habitats, especially in cases where vegetation is being removed or disturbed. But CEQA itself does not mandate this specific approach; rather, it requires that the environmental review process includes appropriate mitigation to reduce or avoid significant environmental effects. On page 2-21 of the Draft EIR the Project Description states that the project would implement a long-term landscaping plan to replace dead or dying trees, maintain the forested nature of the project site, and comply with Marin County fire codes. Because the existing Forested Knoll within the Seminary Point Planning Area would be protected as open space, its existing setting would be maintained.

Letter I22 Anthony Baker

August 25, 2024

Comment I22-1

1. The construction time for the project is stated to be 4 years. For a project of this scale, the construction time is likely to be considerably longer, and potentially double. Because the duration of the project is likely to be much longer, it is reasonable to expect that construction-related energy use, and greenhouse gas emissions will considerably exceed those estimated in the EIR. Moreover, the construction noise, and air-borne dust and pollution are likely to continue for much longer than 4 years. What measures will the agency adopt to ensure that this project can be completed within a 4 year time-frame? What measures will the agency adopt to ensure that the estimates for impact on energy use, greenhouse gas emissions and construction noise are realistic and based on the likely construction time?

Response I22-1

The comment questions the feasibility of the project's construction schedule and if the impacts disclosed for energy, greenhouse gas emissions, and construction noise are realistic. The applicant has consulted with Build Group, a regional general contractor with relevant experience building large residential projects and concurs that the proposed construction schedule is feasible (Herrema, pers. comm., 2025).

As discussed under Impact 3.11-1 of the Draft EIR construction noise impacts were determined to reach as high as 86 dBA L_{eq} at the nearest receivers and would result in significant and unavoidable impacts, regardless of the length of the construction period. Mitigation Measure 3.11-1 would require preparation of a construction noise control plan to reduce noise at nearby receivers at the time that more specific construction information is available (e.g., specific equipment profiles, location of construction activities, precise construction durations). The construction noise control plan would include additional measures such as locating equipment as far away from receivers as possible, requiring the proper use of available noise-reduction equipment, including use of alternatively powered equipment, exhaust mufflers, engine shrouds, equipment enclosures, and barriers for activities in the vicinity of noise-sensitive uses. However, as discussed on page 3.11-16 of the Draft EIR impacts were determined to remain significant because it cannot be assured that construction noise could be reduced to a level that would not be distinctly perceptible at nearby receivers. Note that if a project would result in significant and unavoidable environmental impacts (i.e., significant effects that cannot be feasibly mitigated to less-than-significant levels), the project can still be approved, but the lead agency's decisionmaker, in this case the Marin County Board of Supervisors, must prepare findings and issue a "statement of overriding considerations" explaining in writing the specific economic, social, or other considerations that they believe, based on substantial evidence, make those significant effects acceptable (PRC Section 21002; CCR, Title 14, Section 15093).

Impacts related to GHG emissions, air pollution, and energy are evaluated in Sections 3.2, "Air Quality," 3.5, "Energy," and 3.6, "Greenhouse Gas Emissions and Climate Change." As discussed in Section 3.2, "Air Quality," emissions of fugitive dust were not quantified as the Bay Area Air District does not endorse a threshold for these emissions; rather, the Bay Area Air District requires that all projects implement its recommended Basic Construction Mitigation Measures for dust emissions. The project has been designed to incorporate these measures which include various actions including watering of construction sites twice per day, at a minimum, and compliance with idling restrictions. Therefore, impacts from fugitive dust would not be significant. Nevertheless, as identified in Table 3.2-4, nitrogen oxides (NO_X) emissions would exceed the Bay Area Air District's average daily threshold of significance and Mitigation Measure 3.2-1 was recommended. With Mitigation Measure 3.2-1, impacts would be reduced to less-than-significant levels.

As summarized in Section 3.6, "Greenhouse Gas Emissions and Climate Change," the Bay Area Air District similarly does not endorse a numeric threshold for GHG emissions. Nevertheless, the Draft EIR quantifies and discloses emissions from construction of the project assuming the 4-year construction duration. Similarly, the Bay Area Air District, Marin County, nor any other responsible agency has developed a quantitative threshold for construction energy consumption. Section 3.5, "Energy," does, however, quantify energy consumption for informational purposes.

Comment I22-2

2. The project envisions a 1000 person school. Attendance at the school would likely involve considerable energy use and greenhouse gas emissions related to commuting. Give the high cost of living in Marin County, it is likely that attendance at the school will involve students mostly commuting from more affordable locations that are further away. What measures will the agency adopt to ensure that the proposed school does not involve excessive energy use and greenhouse gas emissions related to commuting?

Response I22-2

The comment states that the project would result in high GHG emissions and air pollution due to the increase in students commuting to the academic campus. The Traffic Impact Study (TIA) prepared by Fehr & Peers and included as Appendix Q of the Draft EIR considered and analyzed the increase in enrollment at the academic campus to 1,000 students. The results of the TIA were then used to inform the CalEEMod emissions model to estimate this incremental increase in vehicle trips to quantify the associated emissions (Appendix C of the Draft EIR). These emissions are disclosed and analyzed for significance in Draft EIR Sections 3.2, "Air Quality," and 3.7, "Greenhouse Gas Emissions." Draft EIR Sections 3.7 and 3.14, "Transportation," identify vehicle travel as a significant project outcome and recommends Mitigation Measure 3.14-2, "Develop and Implement a Transportation Demand Management Program for Market Rate Residential Uses" to reduce vehicle trips; however, implementation of this measure cannot guarantee that VMT would be sufficiently reduced due to uncertainties surrounding human behavior. Mitigation Measure 3.7-1a, "Installation of EV Charging Stations Meeting the Tier 2 Requirements of the Most Recent CalGreen Code," also seeks to minimize emissions from new vehicle trips by providing EV charging infrastructure to students, teachers, and visitors accessing the campus that meet the Tier 2 charging requirements of the CALGreen Code. Nevertheless, impacts from new vehicles were determined to be significant and unavoidable. No additional and feasible mitigation is available to reduce traffic trips and associated emissions.

Letter I23 Steve Disenhof

August 25, 2024

Comment I23-1

TOPIC: Planned four-year timeline for completion of this project

I believe the proposed four-year timeline is extraordinarily optimistic. No project in memory - and no project with this scope - can possibly be finished in that brief a time. Therefore, residents of Strawberry will be subjected to noise, dust and traffic delays for a significantly longer period than the applicant allows for. I note that our neighboring cities (Marin IJ - 15 August 2024) have imposed major financial penalties for projects that exceed the planned timeline.

What proactive steps will the county take to ensure that this project is finished within the proposed four-year timeline and ensure that the residents of Strawberry are not subjected to unnecessary and unwarranted disruption? What steps, such as penalties, will be taken after the proposed four-year timeline to incentivize completion?

Response I23-1

The comment questions the feasibility of the project's construction schedule and exposure of residents to noise, dust and traffic delays. The applicant has consulted with Build Group, a regional general contractor with relevant experience building large residential projects and concurs that the proposed construction schedule is feasible (Herrema, pers. comm., 2025). Regarding exposure of residents to noise, dust and traffic delays, please refer to Response I22-1. Comments regarding project conditions and conditions of approval do not pertain to the adequacy of the Draft EIR and are not within the purview of CEQA. The Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comments under consideration before a decision on the project is rendered.

Comment I23-2

TOPIC: Proposed six-story "Seminary Towers"

I oppose the building of six-story apartment towers on the Strawberry Peninsula as there are no such structures in southern Marin and virtually none in the County. They will fundamentally change the aesthetic character of our neighborhood. I have no problem adding to the number of residential dwellings on the peninsula; they are needed in Marin and faithful to the state and local governments' mission to increase housing.

Further, I am convinced that the developer's insistence on adding a 1,000-student commuter school in this area would not have been approved by the county in 1953 had the hundreds of surrounding homes and roads existed at that time) AND it removes acres of buildable area from potential residential housing.

Has the County considered the alternative of lowering the height of the proposed six-story towers and instead using the school property for new residential housing?

Response I23-2

The comment opposes the construction of the six-story residential buildings citing concerns about their incompatibility with southern Marin's aesthetic character, but supports increasing residential housing in the area. The comment suggests lowering the height of the towers and utilizing the school property for residential housing instead, questioning whether the County has considered this alternative. The Draft EIR analysis in Section 3.1, "Aesthetics," under Impact 3.1-1: Conflict with Applicable Zoning and other Regulations Governing Scenic Quality, analyzes the consistency of the project with the adopted goals, policies, and guidelines relating to visual character and quality. The analysis recognizes that key elements of the proposed project would affect its ability to conform to County policies including the project's color palette, bulk, and relationship to the project site's local ridgelines as seen from lower elevations and found this impact to be potentially significant without mitigation. Table 3.1-1, Impact on Visual Character from Key Observation Points, of the Draft EIR identifies and describes which KOPs would be affected by development of the three six-story residential buildings. This would include KOPs #2 and #3 which also had visual simulations prepared (Draft EIR Figure 3.1-19, KOP #2 Visual Simulation and Figure 3.1-20, KOP #3 Visual Simulation). These KOPs involved views from Chapel Drive and Seminary Drive. Additionally, Table 3.1-2, Policy Consistency Analysis, of the Draft EIR provides a consistency analysis of the project with the applicable goals, policies, and guidelines and identifies that the proposed project would be potentially inconsistent with specific goals, policies, and guidelines unless mitigated including policies related to regulating mass and scale; protecting views of ridgelines; and consistency with development standards regulating development in planned districts including Strawberry, height limits, location development near ridgelines, materials and colors, screening incompatible uses, landscaping. The analysis concludes that potentially significant visual impacts would include changes to views into the project site from surrounding streets and trails, the contrasting color of structures, and the bulk and sky lining effects of the residential care facility and that mitigation would be required to reduce impacts to less than significant. Regarding the alternatives analysis, CEQA does not require analyzing all possible alternatives, but rather those that are reasonable and feasible in addressing the project's objectives and environmental impacts. While lowering the height of the three six-story residential buildings may be considered, CEQA typically focuses on alternatives that substantially reduce

significant environmental effects. See Final EIR Section 3.2.2, "Master Response: Adequacy of the Range of Alternatives." Comments regarding the 1953 CUP and the student enrollment cap are related to the project merits and not within the purview of CEQA. See Final EIR Section 3.2.4, "Master Response: Conditional Use Permit Issues."

Comment I23-3

Further, Title 16.16 of the Marin County Municipal Code requires buildings over three stories to have "aerial apparatus access" roads. Are such roads provided for in the proposed plans? Does the SMFD have local aerial apparatus trucks that can service these structures in an emergency?

Response I23-3

The Southern Marin Fire District will review the final project plans to ensure that project roadways meet Title 16.16 of the Marin County Code as it relates to aerial apparatus access.

Comment I23-4

TOPIC: Developer vastly underestimates school parking needs

The proposed plan will undoubtedly lead to scores or hundreds of cars to be parked in and around Strawberry. The developer has allotted 241 parking spaces for a 1,000 student (plus staff) school. If 30% of the planned housing is allotted to students and staff as per the EIR (difficult to see how even that would be affordable in Marin), that would still require up to approximately 800 parking spaces for day students/staff. The shortfall in parking would be ~550 spaces. I'm not thinking just of the school day, but also the "special events" that the EIR and developer is planning for. They can only take up space in residential areas on and off campus. We note that when the Branson school proposed mitigation ideas - carpools etc, with a much more homogenous student population - even it recognized how unrealistic those mitigation ideas were.

Where would these cars go? How does the Developer plan to rectify this shortfall of parking?

Response I23-4

The comment expresses concern with parking associated with the campus uses of the project. The EIR addressed impacts on parking in Section 3.14, "Transportation," Impact 3.14-3 of the Draft EIR. The project site currently contains 297 parking spaces and proposes 241 spaces for the academic campus. The Transportation Impact Study provided in Appendix Q of the Draft EIR determined that the project would need an additional 144 parking spaces beyond the proposed 241 spaces to meet the estimated demand for the academic campus. Therefore, Mitigation Measure 3.14-3c would require the project applicant to implement parking demand reduction measures for faculty, staff, and students of the academic campus. Offsite overflow parking is not an acceptable parking demand strategy per Mitigation Measure 3.14-3c. Additionally, should there be excess parking occupancy and overflow conditions, per Mitigation Measure 3.14-3c, the project applicant shall implement additional parking demand reduction measures and/or new parking supply improvements to address parking shortfalls before any additional enrollment could occur beyond 50 percent. It was determined that the project would result in a less-than-significant impact on parking with the incorporation of Mitigation Measure 3.14-3c.

Comment I23-5

Topic: The EIR vastly overestimates the number of local day students

First of all, it seems a stretch to believe as many as 30% (300+) students and faculty will be able to afford to live onsite. Even with below-market rents, it's highly unlikely that students (in particular) and staff/faculty will be able to afford to live on campus. But let's say that's accurate. The assumption then is that the school will be able to draw 700+ students, staff and faculty from the local Marin area. If it can't, then local housing needs and traffic in and out of Marin, already bad, will be even worse.

Where and how did the County make these assumptions? It stretches the imagination for anyone to throw out such unrealistic numbers. On what data did the County or Developer come to such a conclusion?

Response I23-5

The comment requests more information regarding how the ratio of housing that would be occupied by students, faculty and staff was developed. A reasonable estimate was used in the project description and environmental analysis that approximately 30 percent of the housing would be occupied by university-affiliated residents, i.e., students, staff, and faculty. The estimate is reasonable because data from the applicant indicates that 27 percent of existing housing units on the property are occupied by university-affiliated residents (Jones, pers. comm., 2022). During preparation of the Final EIR, the applicant clarified further that based on a review of housing records by the applicant in June 2022, residents affiliated with the campus were estimated to constitute 27 percent of the total number of housing units and dormitories on the project site (Jones, pers. comm., 2025).

Comment I23-6

Topic: The EIR vastly overestimates the number of local contractors who would work on the project

"Construction of the project would occur over approximately 4 years. The size of the on-site construction labor force would fluctuate depending on the phase of work, ranging from approximately 10 to 160 people, depending on the project component and phase under construction. Because most of the labor force would likely be drawn from the large pool of construction workers already living in the region…"

Anyone living in Marin can attest that, overwhelmingly, construction workers likely to be involved in this project will come from outside Marin. Sonoma, Napa, Alameda, Contra Costa and Solano are where these workers will be drawn from. Few will be from Marin. The "average" Marin commute may be 10.3 miles as stated in the EIR, but that is frankly irrelevant to those likely to work on this project.

Has the County estimated the average commute of construction workers working in the County?

Further, to complete this project in only four years with 10-160 workers significantly underestimates the time frame. Where did the Developer arrive at a four-year estimate? Why has the Planning Department accepted it? What will be the impact on Marin's traffic and pollution from the addition of what will likely be hundreds of additional day trips from out-of-Marin workers on Highway 101 and local streets?

Response I23-6

The comment questions the number of construction workers that would come from the region and the time frame for the construction schedule. Draft EIR Section 3.12, Population and Housing, states it is anticipated that most of the construction labor force would come from the surrounding region including those within the Plan Bay Area 2050 Draft EIR's average one-way commute distance of 10.3 mile (MTC and ABAG 2021: Table 3.15-5). Moreover, the Draft EIR recognizes that longer commutes are common for workers living in the Bay Area and that they could also come from portions of the East Bay and San Francisco. The analysis in the Draft EIR supports the conclusion that a substantial number of construction workers would not be reasonably expected to relocate to the area to construct the project. The applicant has also consulted with Build Group, a regional general contractor with relevant experience building large residential projects and concurs that the proposed construction schedule is feasible (Herrema, pers. comm., 2025). Therefore, the proposed construction schedule provided in the Draft EIR is adequate.

Comment I23-7

TOPIC: This particular Use Permit would not have been issued in 2024 as it was in 1953

In 1953, when the County issued a "conditional" Use Permit for a self-contained "Theological Seminary," Strawberry was undeveloped. There were no homes, apartments or even roads beyond the north end of the peninsula. Just cows. A photograph from 1959 shows that, even then, nothing existed on the peninsula. 71 years later, there are well over 500 homes, and multiple large apartment complexes, a busy fitness club, and only narrow roads serving the peninsula. Further, the EIR states that the Planning Department is basing its estimates of environmental impacts on the 100 (ONE hundred) students currently enrolled at the university.

I note that the 1953 Use Permit did NOT say anything about 1,000 students; that number is solely the fabrication of the developer.

Yet the developer proposes to increase the number of day students ten-fold to 1,000, plus supporting staff and teachers. The County would never have agreed to this in 1953 had the surrounding neighborhood existed at that time - and, in fact, may not have issued the Use Permit had the Theological Seminary proposed a 1,000-student school AND definitely would not had the Seminary proposed a 1,000-student commuter school.

How does the County reconcile basing an EIR on a 100-student existing campus when the developer is proposing TEN Times that number of students? And why is the County allowing the developer to base its claim to a 1,000 person day school on a 1953 Conditional Use Permit (that did not provide for 1,000 students) when circumstances have so obviously changed?



Strawberry 1959

TOPIC: What is the purpose of including a day school that no one wants?

As noted, the Use Permit for a Theological Seminary may not have been approved in 2024 as it was in 1953. Hundreds of homes and apartments and a large fitness club now exist where nothing, not even roads, existed in 1953. But beyond that fact, the Developer has had almost 10 years to find a willing tenant for the space and has come up empty. What's there now is a small 100-student seminary populated by mostly international students. Attempts to find a US school have failed, including the proposal to lure the Branson School which failed when Branson recognized how impractical the site was.

Additionally, if at least 70% of the developer's projected students and staff will need to live offsite, isn't that antithetical to the stated need for additional housing - and below market-rate housing - in Marin?

So the question bears asking, WHAT is the purpose of including the developer's request for a 1,000-student day school in this area? WHY would the County prioritize that over additional housing when such a school will only increase the need for additional housing in Southern Marin and impose substantial impacts on the neighborhood and Marin's resources?

Response I23-7

The comment questions how does the County reconcile basing the Draft EIR on 100 students when the project involves enrollment of ten times the number of students, and claims that the 1953 CUP does not allow for enrollment of 1,000 students. The comment also asks about the purpose of proposing a school in the area and why would the

County prioritize the project over constructing additional housing when the project would result in substantial impacts on the neighborhood and Marin's resources. The comment does not address the adequacy of the Draft EIR and is related to the project merits. For comments related to the 1953 Conditional Use Permit, see Final EIR Section 3.2., "Master Response: Conduction Use Permit Issues." Regarding comments related to the project merits, the Marin County Planning Commission and Board of Supervisors will take the comment's concerns into consideration before a decision on the project is rendered. No further response is required.

Comment I23-8

Topic: Creation of "Seminary Canyon"

I object to the creation of what will effectively be "Seminary Canyon," the elevation of the existing playing field along Seminary Drive by 25-30 feet. Currently, the open space provides the open vista of a wide grassy area in opposition to the three-story condominiums on the other side of the road. While the creation of a "canyon" may be consistent with the architect's more urban experience, it is out of place in Seminary. A strong factor in choosing to live outside a city is the aesthetic of "open space."

What is the purpose of creating a canyon-esque aesthetic and further encroaching on the neighborhood open-ness?

Response I23-8

The comment expresses an objection to elevating the playing field which the comment states would create a canyon effect and be inconsistent with the existing open-ness aesthetic. As discussed in Draft EIR Section 3.1, "Aesthetics," the project would require approximately 220,000 cubic yards of cut and fill, which would be balanced on-site by raising the Seminary Playing Field approximately 25 to 30 feet. The aesthetic impact identified in the Draft EIR involves views to the playing field which would be eliminated from Seminary Drive with the creation of a 1:1 (horizontal to vertical) gradient fill slope (see Draft EIR simulation Figure 3.1-20, KOP #3 Visual Simulation and Figure 3.1-7, KOP #3 and #4 Photographic Record). The Draft EIR recognizes that views into the project site from surrounding streets and trails, the color of the structures, and the bulk and sky-lining effect of the residential care facility associated with the proposed project would conflict with applicable zoning and other regulations governing scenic quality. Therefore, the Draft EIR includes mitigation to landscape the fill slope to filter existing views up the toward Dormitory Hill. This would include planting of native shade trees on the hillside created by fill placement immediately adjacent to Seminary Drive to extend over the top of the fill and onto the playing field level. Project plans would also specify a naturalistic hedgerow of screening shrubs along the top edge of the slope to further block views uphill. With the implementation of mitigation, the proposed project would not conflict with applicable zoning and other regulations governing scenic quality and impacts would be less than significant.

Comment I23-9

TOPIC: Light Pollution from Existing and Proposed School Buildings

For decades, the massive classroom building on the Seminary ridge top has dominated both the ridgeline and the night sky. It has been common for all of the scores of lights in this building to be blazing evenings and night-times, weekdays and weekends. I suspect the dozens of homes and apartments below this building save on energy costs, as they can certainly read in the light thrown from this building. In fact, residents of Tiburon and Belvedere note that this particular building stands out as a beacon against their night sky.

Unfortunately, because of the severe slope below it, there is no foliage to mitigate this light even alter these last 70+ years. And almost certainly no mitigation via landscaping will be possible for the same reason. There is every reason to ask that this building be removed as part of a revised development proposal as it clearly does not fit with the Strawberry aesthetic.

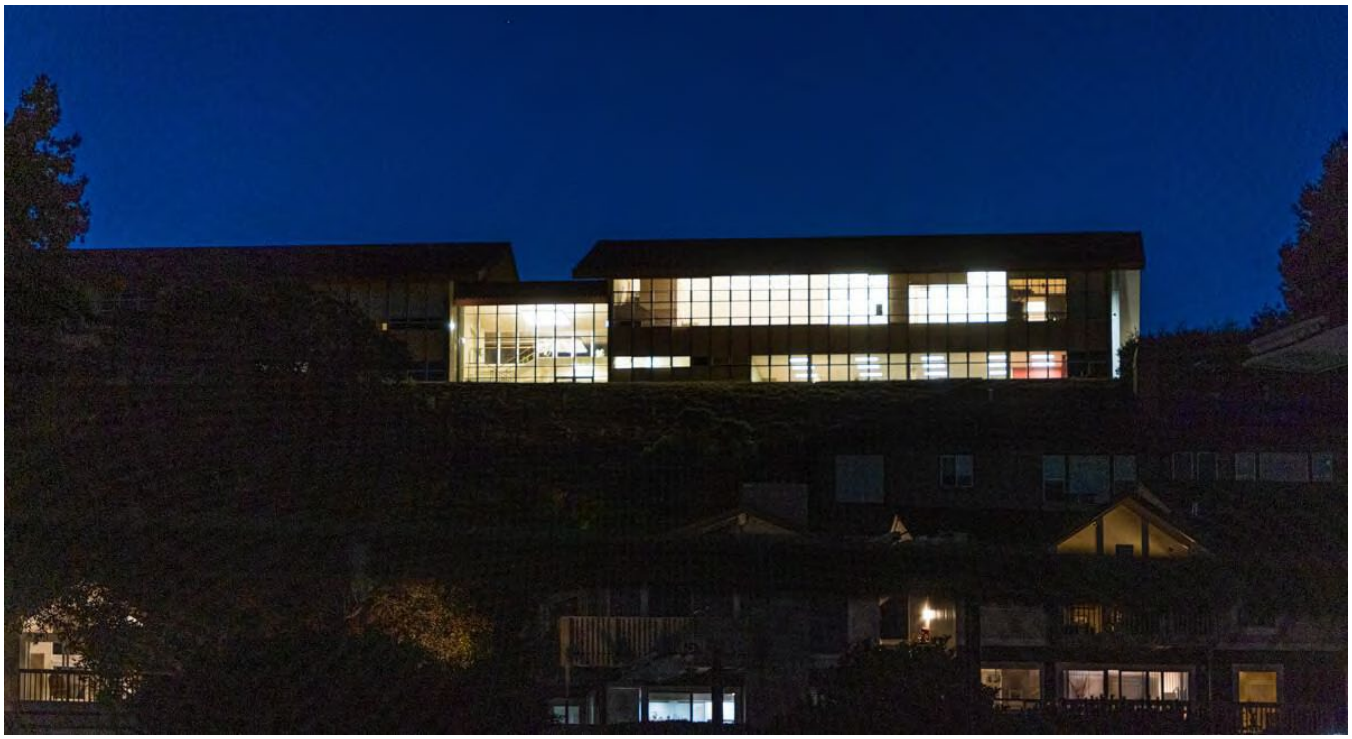
How will the County guarantee that this problem will be mitigated given this proposal? Would the removal of this building and replacing it with needed residential housing be an alternative solution?

Photos below:

View of academic buildings from Harbor Point Club (475 East Strawberry Drive)



18 August 2024 8am



18 August 2024 8:45pm (Sunday - and only partially lit this night)



View from Existing Seminary Classroom building - EVERY house and apartment in this photo (including those in Tiburon and Belvedere) are dominated by this structure and its nightime lights.

Response I23-9

The comment expresses concern related to light pollution from the existing and proposed school buildings. The project's potential environmental impacts, including impacts related to lighting, are addressed in Draft EIR Section 3, "Aesthetics." The Draft EIR concluded with a less-than-significant impact for new sources of substantial light. The project would include lighting improvements within internal roads and pedestrian pathways. New lighting would consist of low-wattage fixtures that would be shielded and directed downward to prevent spillover effects to residential neighbors. New residential housing areas would be set behind the native tree line and would include screening and window placement designed to minimize light exposure to the west. Many existing trees that surround the non-residential buildings would remain in place, and it is expected that these trees would reduce light exposure. The project would meet Marin County's outdoor lighting standards and would implement low-wattage fixtures that would be directed downward and shielded to prevent adverse lighting impacts on nearby properties. Furthermore, as discussed in Draft EIR Section 3.1.1, "Regulatory Setting," all luminaries shall meet the most recently adopted criteria of the Illuminating Society of North American (IESNA) for "full cut off" luminaries. Therefore, the project would not create a new source of substantial light that would adversely affect day or nighttime views in the area. Also see Responses O4-16 and O4-17.

Letter I24 Brad Summers

August 26, 2024

Comment I24-1

I am wrting to oppose this project proposed by North Coast Land Holdings because the scale and design is completely out of character with the surrounding community. First, the project does not fit into the existing landscape because of its scale. NCLH proposes to have multiple, adjacent, six- story buildings in Strawberry where currently, there are no buildings, commercial or residential, that exceed three stories. Moreover, projections of the completed project, showing the view from a distance, reveal these massive structures are exponentially jarring when seen in close proximity. What is now a pastoral hillside is obliterated by what appears more similar to a dense, urban high-rise. It is disproportionate and disharmonious.

Next, the overall design of the project clashes with what currently exists in Strawberry. The buildings proposed are predominantly concrete and glass while architecture in Strawberry is predominantly Mediterranean or craftsman style using earth tones. Additionally, given the hillside location and the exposure of sunshine on the buildings, it is fair to

assume that reflections off the six-story mass of glass would be glaring and disturbing to onlookers at different times of the day, as would the flood of light at night.

How will you mitigate the impact of the strikingly inappropriate scale and design of the NCLH proposal?

Response I24-1

The comment expresses opposition to the project because of the scale and design are out of character, disproportionate, and disharmonious with the surrounding community and asks how these impacts would mitigated. As discussed in Draft EIR Section 3.1, "Aesthetics," most project structures conform with the bulk and scale of existing development on the Strawberry Peninsula. Housing proposed on the sides of Chapel Hill would be sited to be lower than the promontory of the hill and would not block views from the hill. However, the vegetation at the top of Chapel Hill Park would only partially screen the residential development on Chapel Hill. The residential cluster on the south side of Chapel Hill and the redeveloped Chapel Hill Plaza would be noticeably visible. Visibility to the residential care facility is limited to public views from the southwest. The residential care facility would be stepped to follow the existing topography and broken into distinct building components; however, the uppermost component of the residential care facility would be skylined at its highest point approximately 161.75 feet elevation. This is approximately 26.75 feet above the highest point of the existing Dormitory Hill peak ridgeline elevation of 135 feet and would be seen from various locations. Implementation of Mitigation Measures 3.1-1a through 3.1-1d, combined with site landscaping, over time, would reduce visibility and create visual separation from adjacent residential areas. Due to their location along the lower elevations of the project site, the three six-story residential buildings proposed at the corner of Hodges Drive and Shuck Drive would have limited exposure to surrounding areas. The upper floors may be seen from select locations but would be backdropped by topography and other development similar in color and texture to the apartment structures such that the bulk of the buildings would be visually blended with the overall development.

The project's proposed residential structures would be generally compatible in scale with the surrounding single-family homes, condominiums, and large apartment buildings that exist along the Richardson Bay shoreline. The mass and scale of the residential care facility, while larger than surrounding buildings, would be minimized by its angled footprint forming two wings that mimic the topography and consist of five floors that step down the slope. The mass and scale would also be visually distinct when viewed in the immediate foreground from within the project site. When viewed from surrounding areas outside the project site, the lower floors would generally not be visible as the structures would be located in the lower elevations of the project site. While the upper floors of the six-story residential structures may be seen, they would be similar in color and fenestration to the smaller apartment structures that backdrop them and would thus be visually unified with them. The mass and scale of the residential care facility would also be minimized by street trees that would help screen the building and by planting trees between the wings of the buildings, which would further visually separate them. In addition, the horizontal nature of the building would include fenestration of the facade that further visually breaks the building into smaller components.

Regarding color contract and the exterior design, the buildings are proposed to be light-valued off-white cement plaster. Streets and pedestrian pavements would use high albedo surfaces that are also light valued in color. While off-white and other light-valued colors do appear in the residential structures in the surrounding community, the Draft EIR recognizes they are intermittent in the overall landscape. Further, the Draft EIR states that with common architecture throughout the entire proposed development, the overall effect of the buildings taken in their entirety would display a color contrast between the light-color buildings and the surrounding natural landscape that draws the attention of the viewer. This is particularly true for views from the southwest in the afternoon looking at the project over Richardson Bay (Figure 3.1-26, KOP #23 Visual Simulation, shows the off-white, light-valued exterior of the proposed buildings seen from Richardson Bay). While the project appearance internally would be harmonious and coherent, from public viewpoints around the project site, it would draw the viewer's attention contrasting with the established harmony of the surrounding landscape and community. Thus, the Draft EIR includes Mitigation Measures 3.1-1d and 3.1-2 to reduce color contract and glare from albedo surfaces (streets, pedestrian walks and plazas, and roofs). With implementation of mitigation, the proposed project would not conflict with applicable zoning and other regulations governing scenic quality and would reduce new sources of substantial glare and impacts would be less than significant. Regarding nighttime lighting, see Responses O4-16 and O4-17.

Letter I25 Kerri Martin

August 26, 2024

Comment I25-1

The addition of a school with over 1,000 students and 300+ housing units will significantly increase traffic congestion on Redwood Highway and the Seminary exit off the 101, which are already heavily congested during rush hour. How will the Planning Department mitigate the worsening of these traffic conditions, which could lead to increased pollution and longer commute times for residents?

Response I25-1

The comment expresses concerns with congestion. As described in Final EIR Section 3.2.7, "Master Response: Traffic Count Data," LOS assessment is not used to determine environmental impacts under CEQA (in accordance with SB 743, Statutes of 2013), but may inform decisions about the merits of the proposed project. Although LOS is no longer used to determine a significant environmental impact, an analysis of LOS was prepared for the County of Marin's merit review of the project. The LOS Assessment Memo was updated to incorporate new February 2025 traffic counts collected in response to Draft EIR comments and to account for potential post-pandemic travel behavior changes. Although differences from 2021 counts were minimal, the memo was revised in consultation with County staff to use the 2025 data and add a seventh study intersection (Appendix B of this Final EIR). According to the LOS Assessment Memo, all study intersections would operate at LOS D or better conditions under all scenarios, which meets the County LOS standard and the conclusions in the Draft EIR are valid.

Comment I25-2

Have you considered the potential harm to air quality and the overall livability of the neighborhood due to this increased congestion? Studies on traffic congestion in similar developments show a marked increase in carbon emissions and community dissatisfaction, regardless of current EIR mitigation measures.

Response I25-2

Please see response to comment I22-2.

Comment I25-3

Ricardo Road's wide design already encourages high-speed driving, particularly among teenagers, posing a significant safety risk to children, pets, and pedestrians. The increased traffic from the proposed development will exacerbate this issue, especially with many new teenage drivers commuting to the area. What specific measures will be taken to prevent an increase in accidents or dangerous driving behaviors on Ricardo Road? How will the Planning Department ensure the safety of residents, especially children, given the anticipated rise in traffic? Personal observations and community reports indicate that current speeding issues already threaten pedestrian safety, suggesting that without new mitigation measures, these risks will increase substantially.

Response I25-3

The comment expresses concern about whether measures are needed to improve safety along Ricardo Road. See Final EIR Section 3.2.11, "Master Response: Transportation Safety," and the Existing Intersections Review Memo provided in Appendix D of the Final EIR. Consistent with Appendix G of the State CEQA Guidelines, Impact 3.14-3 in the Draft EIR evaluates whether the project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Draft EIR Impact 3.14-3 identifies potentially significant impacts due to potential parking spillover on surrounding streets where sidewalks and crosswalks do not exist, construction activities, and the proposed design of on-site streets. Mitigation Measures 3.14-3a (Develop a Construction Traffic Control Plan), 3.14-3b (Design Roads to Meet County, ADA, and PROWAG standards), and 3.14-3c (Implement Measures to Reduce Parking Demand and/or Increase Supply for the Academic Campus) address potentially significant safety impacts identified in the Draft EIR and would reduce these impacts to less than significant.

The TIS, provided as Appendix Q of the Draft EIR, includes a review of local safety plans and collision data within the project study area that are summarized in Final EIR Section 3.2.11, "Master Response: Transportation Safety." The TIS reviewed collision data for a 5-year period between 2015 and 2019. Based on the above considerations, the Draft EIR analysis determined that none of the intersections on the Strawberry peninsula, including those identified in public comments, would experience a substantial increase in traffic hazards.

Historic evidence indicates no local intersections have been noted for high collision rates. The TIS concluded that project traffic would not cause substantial traffic congestion changes at all studied intersections, thus added project traffic would not substantially change safety conditions. Therefore, the Draft EIR did not identify any significant traffic safety impacts at the intersection locations in the study area of the project site.

Notwithstanding that substantial evidence supports a conclusion of no significant traffic safety impacts from project trips, County staff desired to respond thoroughly to community concerns about traffic safety, and requested a review of existing intersection conditions (Final EIR Appendix D). Recognizing the Draft EIR conclusions about the lack of significant traffic safety impacts caused by the proposed project trip generation, the existing intersection review was designed to provide information in response to community concerns about existing traffic safety problems for use in the County's consideration of project merits and the potential for defining conditions of approval outside of the CEQA analysis framework.

The Existing Intersections Review Memo included as Appendix D in the Final EIR summarizes relevant measures implemented by Marin County or Caltrans in recent years at the study locations as well as planned improvement measures. The memo also identifies potential strategies at nine locations including Ricardo Road east of Seminary Drive. The strategies identified in the memo are considerations for voluntary enhancements by the project applicant or merits-based conditions imposed by the County. These improvement options are not related to a CEQA significant environmental impact, so they are not defined as "mitigation measures," because the project's trip generation would be insufficient to substantially change existing transportation hazards in the study area. The lack of substantial change in traffic is evidenced in the LOS Assessment Memo where analysis concluded that LOS would meet County standards with or without the project and after adding project traffic, LOS would remain at D with continued stable traffic flow. The findings and voluntary recommendations in the Existing Intersections Review Memorandum do not change the conclusions or adequacy of the analysis in the Draft EIR related to transportation. Therefore, no changes to the Draft EIR are required in response to this comment.

Comment I25-4

Ricardo Road is a critical access route for the fire department, and the expected rise in traffic could severely delay emergency response times, endangering residents in need of urgent assistance. Have you consulted with the Southern Marin Fire Department to discuss how these potential delays will be managed? What strategies will be implemented to ensure that emergency services can still respond promptly despite the increased congestion? Research on emergency response in high-traffic areas highlights the dangers of delayed response times, indicating a potential increase in harm to residents, which current mitigation measures may not adequately address.

Response I25-4

As part of the preparation of the Draft EIR, Southern Marin Fire District was consulted to discuss the potential impacts of the project on emergency response, at which time they reviewed the preliminary project plans. Impact 3.14-4 provides an analysis of emergency access and evacuation. The emergency vehicle access analysis determined that adverse impacts on emergency response could occur traveling west from Station 9 Strawberry on the segment of Seminary Drive just east of Redwood Highway Frontage Road because it is estimated that the project would result in approximately 145 net new peak hour trips during the a.m. peak hour and 185 net new trips during the p.m. peak hour along this roadway segment. Therefore, revised Mitigation Measure 3.14-4 would require the installation and activation of emergency vehicle preemption technology in the traffic signals at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive. The project applicant shall also be responsible for purchasing, installing, and activating emergency vehicle preemption emitting devices in seven fire station vehicles housed at Strawberry Fire Station 9 (Southern Marin Fire District. The updated mitigation would achieve the same improvements as previously determined in Impact 3.14-4 of

the Draft EIR and does not change the analysis or conclusions of the Draft EIR. See Section 3.2.12 of this Final EIR, "Master Response: Emergency Vehicle Access Mitigation Measure" for details. The TIS did not find any additional deficiencies that would result in inadequate emergency response because of project-generated trips in the vicinity of the project site. Furthermore, Southern Marin Fire District will review the final project plans to ensure that adequate emergency access is provided in accordance with International and California Fire Code standards as adopted by the County in Chapter 16.16 of the County Code.

Comment I25-5

Our community already closes Ricardo Road to traffic every Halloween to ensure the safety of our children, incurring significant out-of-pocket costs in the process. How will the county support these community efforts, and will it assume these costs to maintain safety during this event in the face of increased traffic? What steps will be taken to preserve the safety of children and other vulnerable residents during events like Halloween? Community fundraising efforts and personal involvement in these closures highlight the current strain on residents to maintain safety, underscoring the need for county support in light of the development. As a gesture of goodwill, I propose that the county assume these costs and coordinate with traffic control to implement an automatic street closure each year starting this Halloween. Who will reach out to me to figure out the next steps on this?

Response I25-5

The comment raises questions and various requests related to an annual Halloween community event sponsored by local residents and safety impacts. The project would not increase the existing allowable capacity of the university. Impacts on the community during a Halloween gathering would be short term and could be coordinated through the County's permitting process at the time the road closure application is submitted. Additionally, privately sponsored community events such as this are outside of the environmental review required by CEQA and would be too speculative to analyze. This comment does not comment on the adequacy of the Draft EIR. No edits are warranted to the Draft EIR; however, it is included for consideration by the County Board of Supervisors.

Comment I25-6

The safety of our community members is paramount, and this development poses a significant threat to that safety. Given that, what specific mitigation measures will the Planning Department adopt to address these concerns? How will any proposed new mitigation measures prevent the anticipated rise in accidents or dangerous driving on Ricardo Road? I strongly urge the Planning Department to conduct thorough traffic studies and consider all possible alternatives, including traffic calming devices, to address these issues effectively. One suggestion I have would be the installation of speed bumps on Ricardo Road with cutouts for fire trucks as a potential traffic-calming measure. This is something that could be implemented immediately and would help to slow down traffic while still allowing for emergency vehicle access.

Response I25-6

The comment raises concern as to whether measures are needed to improve safety, particularly on Ricardo Road. See Final EIR Section 3.2.11, "Master Response: Transportation Safety," the Existing Intersections Review Memo (Final EIR Appendix D), and Response I25-3.

Letter I26 Philip Norris

September 3, 2024

Comment I26-1

I reviewed the documents you listed below. I do not see renderings of what building 52.a would look like from Storer Drive or Strawberry Drive. I am concerned about the impact of the project on the surrounding area view lines and opposed the project. I request renderings of building 52.a and its impact on view lines from the surrounding area.

I have reviewed the EIR for the Seminary development project in Strawberry, and I have several questions related to the proposed senior center, particularly the building at the top of the property, Building 52.a.

How high will the building be from ground level and relative to the top of the ridge line? Can the developers provide renderings of what the project would look like from Storer Drive or Strawberry Drive? I am concerned about the proposed height of the building both for view lines and the potential that the building would shade the pool in our yard.

What will the exterior lighting of Building 52.a be that faces the neighbors across Storer Drive? I'm concerned about lights that would shine directly into our house bedroom windows.

What activities are proposed for the Storer Drive portion of Building 52.a? I am concerned that there will be early morning or heavy activity on the backside of the property (e.g. garbage collection, delivery of supplies) that would disrupt neighbors across Storer Drive.

Response I26-1

The comment opposes the project and requests renderings of building 52.a (residential care facility) and what it would look like from Storer Drive or Strawberry Drive and the impact on the surrounding area view lines. The comment also asks specific detailed questions about the design and operational activities of the building and expresses concern about the height, lighting, and shading of a private residence and pool as well as early morning noise activities. This comment is the same as Comment I13-1 and has very similar comments. See Response I13-1.

Letter I27 Leslie Gardner

September 4, 2024

Comment I27-1

If there is an emergency, there is no way to evacuate from Great Circle. There is only one road with one lane each way. It cannot handle more traffic. Even the fire department has said to me that if the proposed housing on Seminary is built, the only way out is to go in the water and have a good mask for the smoke.

I would like to know how you will ensure that there is sufficient road capacity to safely evacuate all the current and proposed residents from the area in Strawberry that encompasses Great Circle?

Response I27-1

The comment asserts that the project would exacerbate emergency access and evacuation impacts for residents located on Great Circle Drive. In the event of an evacuation, people on the Strawberry Peninsula would be required to travel north towards US Highway 101 or SR 131. The project site encompasses the area north of Great Circle Drive and does not propose the implementation of residences along Great Circle Drive. Additionally, it is not anticipated that the project would substantially increase trips along Great Circle Drive as roadways south of Seminary Drive were not included in the LOS analysis. As detailed in Final EIR Section 3.2.8, "Master Response: Selection of Intersections for LOS Analysis," the study intersections used to evaluate LOS were selected in consultation with County staff based on field observations, existing counts, and the number of added project trips in the study network. The goal of the selection was to identify and evaluate intersections where substantial change in the number of trips and degree of congestion may occur in the roadway network surrounding the project site, based on the proposed project's trip generation and distribution on local streets. Impact 3.14-4 evaluates impacts of the project on evacuation. Impact 3.14-4 determined that Seminary Drive and East Strawberry Drive would have enough capacity to accommodate existing and future residents, students, and employees during an evacuation. Furthermore, Seminary Drive, which would likely serve as the primary evacuation route within the project area due to its direct access to US Highway 101, has been assessed by Marin Wildfire Prevention Authority (MWPA) as having a minimal to low difficulty score for evacuation. Although other potential evacuation routes in the project area have evacuation difficulty scores ranging from moderate to high, specifically portions of East Strawberry Drive (moderate and high), Belvedere Drive (high), and S. Knoll Road (high), these roadways are anticipated to serve as secondary options for evacuation. The combination of potential evacuation routes, which includes a roadway with minimal to low evacuation difficulty score as the anticipated primary evacuation route, would provide first responders with the opportunity to identify the best route based on conditions at the time of evacuation as well as provide substantial evacuation capacity. Therefore, the project would not result in an adverse effect related to evacuation.

Letter I28 Leslie Gardner

September 4, 2024

Comment I28-1

I am concerned that North Coast will not be a responsible "neighbor." Over the past decade that it has owned the property, it has proven to be a poor steward of its wooded areas. The land in the break between the houses on Chapel Hill down to Seminary drive is natural and wooded. There has been no maintenance of the trees, with dead and fallen trees throughout, which presents a fire hazard. It also is an aesthetic eyesore. Repeated comments to Stephanie Moulton-Peters and the fire department have failed to produce results. None of the fallen and dead trees have been cleared. Similarly, on Willis Drive, there are dead and uprooted trees that have not been cleared. Given years of experience with Northcoast there is no reason to believe that with a larger, landscaped area, they will take better care of the foliage and clear dead trees and other vegetation.

What measures can be put in place to ensure that the natural and planted vegetation will be properly maintained?

Photos of dead and fallen trees on Willis Dr:









Photos of dead and fallen trees on Seminary Drive:



















Photos from Chapel Drive







Response I28-1

The comment expresses concerns that the applicant would not be a responsible neighbor citing historic maintenance trends and unanswered outreach to the County regarding fire hazards and the removal of dead trees on the project site. The comment includes photos of dead and fallen trees on the project site and asks what measures can be put in place to ensure that the natural and planted vegetation will be properly maintained. As part of the project application the applicant submitted forest management and tree removal plans as well as vegetation management plans which have been available on the County's Community Development Agency project website since 2020 during the Draft EIR preparation: (https://www.marincounty.gov/departments/cda/planning/projects/mill-valley-alto/north-coast-land-holdings-community-plan-amendmentmaster-plandesign-reviewmaster-use-permittentative-maptree-removal-permit-former-golden-gate-baptist-seminary-property-p1490). The applicant would be required to comply with all plans approved as part of the project. The comment does not address the adequacy of the analysis in the Draft EIR and no further response is required. The Marin County Planning Commission and Board of Supervisors will take the comment under consideration before a decision on the project is rendered.

Letter I29 Leslie Gardner

September 4, 2024

Comment I29-1

I am writing to oppose the North Coast development, as currently planned, of the Chapel Hill Planning Area. One of the Project Objectives states, "develop a site sensitive to and compatible with the scale and form of the surrounding area. Further, the Marin County Multi-Family Residential Design Guidelines states, "protect Marin's scenic qualities, especially views of ridgelines, hillsides, water, and trees; and the Marin Countywide Plan, Policy DES-3.1 states,

"encourage the development of vacant and underutilized parcels consistent with neighborhood character". The proposed residential properties do not conform to these tenets. The proposal would build 40 tightly-spaced, high-density structures of one to three stories around a central landscaped courtyard. This is in significant contrast to the look and feel of the single family, unique homes on Chapel and Willis Drives which surround the Chapel Hill Planning Area.

From the renderings, the structures will also change the ridgeline and obscure the vistas of the Bay and of San Francisco from the Chapel Hill that residents of Marin currently enjoy. The planned courtyard in the center, which is supposed to enable the vistas, will be bounded by the 40 new housing units and plantings. Further, it will significantly change the view from homes on Great Circle Drive, which currently have a clear view of Chapel Hill. The location of these buildings will also greatly affect the views from all residents who live directly across the street from the 40 units and are in extremely close proximity.

How can the housing goals for the overall Seminary project be achieved without the high-density, larger and higher structures on Chapel Hill which are not consistent with neighborhood character and do not protect scenic qualities and ridge lines?

Views from home on top side of Great Circle Drive-August 2024:







Response I29-1

The comment expresses opposition to project and states that the project does not conform to project objectives and Marin County policies related to compatibility with scenic quality and neighborhood character as well as protection of ridgelines, hillsides, water, and trees. The comment further states the project would contrast significantly with surrounding single-family homes, obscure vistas of the Bay and San Francisco from Chapel Hill and views from private residences to live across the street; and asks if the project's housing goals can be met without development of large high-density structures that are not consistent with neighborhood character and do not protect scenic qualities and ridge lines. See Response O6-18 and Response I48-1.

Letter I30 Leslie Gardner

September 4, 2024

Comment I30-1

Partitioning of Chapel Drive

I am opposed to the partitioning of Chapel Drive. It appears that Chapel Drive will be partitioned such that the current portion of the street between the two sets of houses on Chapel Drive will no longer exist. This will make Chapel Drive into two separate cul de sacs, and eliminate the east west flow. The people who purchased houses on this street purchased their homes with the current road structure and expect a certain ease of entry and exit as well as the ability to quickly leave during an emergency. The current street, aesthetically also gives an open feeling to the area. Each owner pays a parcel tax, unlike the buildings that are planned for the opposite side of the street.

Have the current home owners on Chapel Drive been asked about whether they are in favor of the road change?

What can be done to ensure east west access from the beginning of Chapel Drive closest to Great Circle all the way to the current house of the President at the far end of Chapel?

What is the reasoning behind the proposed closure of Chapel Drive?

Response I30-1

The comment requests more information on closing Chapel Drive. While it was shown on a few plan sheets submitted as part of the project application, the applicant and County have confirmed that Chapel Drive is not proposed to be vacated and it would remain in operation. No further response is required and no revisions to the Draft EIR are warranted.

Letter I31 Josh Andresen, PE

September 4, 2024

Comment I31-1

These comments demonstrate deficient study and integration of new and existing storm drainage infrastructure needed for the project. The impact of these deficiencies is significant flooding, property damage, and erosion with water quality impacts caused by the development. The mitigation measures that need to be added to the EIR include significant upgrades and replacement to existing storm drainage infrastructure extending to the adjacent Richardson Bay.

Now is the time to address the failing infrastructure serving the property and upgrade/replace the storm drains to be functional for decades to come to accommodate the development. It's reasonable foreseeable that these improvements are needed and are triggered by the project.

Response I31-1

The comment is concerned about the storm drain infrastructure and impacts of flooding, property damage, erosion, and water quality impacts. The comment requests that mitigation measures be added to the EIR to upgrade and replace the existing storm drain infrastructure extending to Richardson Bay. See Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System."

Comment I31-2

We request the County address these comments and issue a revised draft of the EIR for another round of public comment after the comments are addressed. The findings are so significant they require new studies, listing new significant impacts, new mitigation measures that need to go through public review.

Response I31-2

The comment requests the recirculation of the Draft EIR based on the assertion that new significant impacts and mitigation measures would be identified as part of the preparation of the Final EIR. A lead agency is required to recirculate a Draft EIR when the agency adds "significant new information" to the EIR after the close of the public

comment period but before certification of the Final EIR (PRC Section 21092.1; State CEQA Guidelines Section 15088.5). "New information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement" (State CEQA Guidelines Section 15088.5[a]). As outlined in Section 15088.5(a), "significant new information" includes information showing that:

- a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- a feasible project alternative or mitigation measure considerably different from that discussed in the Draft EIR would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it; or
- the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

No new significant impacts or mitigation measures have been identified in the Final EIR. Additionally, the responses to comments and Final EIR have not identified a substantially greater impact than that described in the Draft EIR, and no new feasible alternatives have been added to the EIR. Therefore, the Draft EIR is adequate pursuant to CEQA and recirculation is not required. See also Response O4-7.

Comment I31-3

The following comments are submitted by:

- Josh Andresen, P.E., 319 Ricardo Rd, Mill Valley, CA 94941
- Kevin Killingsworth, 50 Vista del Sol, Mill Valley, CA 94941

These comments include input from many neighbors capturing their personal experience and observations. These include first-hand experience with flooding, observations of pipes during storms and during dry periods, inspections by pipe repair companies, and recent site walks. Josh Andresen a licensed Civil Engineer with experience in hydrology, hydraulics, drainage studies, and drainage system design/construction. His property and several of his neighbors' properties experienced repetitive damages/losses from flooding caused by storm drain system failures.

Background/Overview

The proposed project is centrally located on the Strawberry Peninsula and the existing infrastructure including storm drainage systems were constructed before most of the adjacent residential housing. Therefore, the existing storm drain system is approximately seven decades old, was designed/constructed to historic conditions, to old standards, and is beyond the end of its useful life.

The existing storm drain system includes a significant number of "private" drainage features and assets associated with the site that convey drainage from the site to the adjacent San Francisco Bay. Nearly all the drainage facilities have not been maintained and are in a state of complete disrepair. The County has indicated they have no responsibility for most of these drainage features.

The Seminary Neighborhood Association (SNA) EIR scoping comments previously requested the storm drain facilities be studied and repaired/upgraded as part of the development project, and the scope of the repairs need to be defined as including disturbance to wetland and sensitive habitats critical to the environmental review process. However, the EIR did not assess the condition of the existing storm drain facilities and how they will be integrated with the new improvements.

The EIR acknowledges the site impervious area will increase considerably and the increased runoff will be mitigated through retention. However, the existing drainage facilities are currently failing (prior to development) and have caused significant flooding and damage to many neighboring properties. The increased impervious areas will

increase runoff once the retention areas are full, resulting in further overwhelming of existing drainage facilities, increased backups, increased flooding of adjacent properties, increased gully erosion, sink holes, and pipe collapse. Marin County regularly experiences storms that saturate the soil and will overwhelm the retention areas, and storm intensity and durations are increasing with climate change. In addition, retention areas require ongoing maintenance to work effectively, and NCLH has poorly maintained current drainage facilities. These should be considered very significant impacts that require mitigation beyond the proposed retention areas including repair and replacement of the storm drain facilities from the property to the nearby discharge points at the Richardson Bay.

Response I31-3

The comment states that the existing storm drain system is seven decades old and is no longer functional. The comment states that the EIR did not assess the condition of the existing storm drain facilities and how they will be integrated with the new facilities. The existing storm drain system including a description of stormwater flowing through the homeowners Association is discussed in the Existing Condition section of Draft EIR Chapter 3.9, "Hydrology" and is shown in Draft EIR Figure 3.9-2. See Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System."

Comment I31-4

The SNA EIR scoping comments requested a drainage study be conducted for the overall drainage system including the site and adjacent areas. This was requested because of the poor historical performance and history of flooding and erosion in the neighborhood. The EIR did not include a study of the complete system serving the Seminary property and we repeat SNA's previous request for a complete study including: hydrology study of the site and adjacent areas that contribute to the overall drainage system, condition assessment of existing drainage facilities from the site to their point of discharge, hydraulics study of the capacity of the existing drainage facilities, and consideration and mitigation of impacts from sea level rise.

Summary of Hydrology Comments

A summary of the specific hydrology comments is shown below with detail following:

1. The EIR is not responsive to Strawberry Neighborhood Association's (SNA's) EIR scoping requests that are needed to properly assess and mitigate impacts from the project.

Response I31-4

The comment states that the Draft EIR did not include a drainage study for the overall drainage system which includes neighboring properties including the Strawberry Neighborhood Association. The existing storm drain system including a description of stormwater flowing through the homeowners Association is discussed in the Existing Condition section of Draft EIR Chapter 3.9, "Hydrology" and is shown in Draft EIR Figure 3.9-2. See Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System."

Comment I31-5

2. Existing drainage facilities are not designed for current conditions and are not being maintained. As a result, the drainage system is not functioning well, and in some cases is completely failing. The existing condition and responsibility for maintenance is not reflected in the EIR.

Response I31-5

The comment states that the existing drainage facilities are not designed for current conditions and are not maintained. See Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System."

Comment I31-6

3. The existing culvert draining Shuck Knoll is failing and risks flooding impact to multiple adjacent properties.

Response I31-6

The comment states that the existing culvert draining Shuck Knoll is failing and risks causing flooding impacts to adjacent properties. Maintenance of the culvert is the responsibility of the property owner. According to the Marin

County Superintendent of Road Maintenance, maintenance of the culvert behind 273 Ricardo Dr. to 305 Ricardo Dr. is the responsibility of North Coast Land Holdings LLC. The other portions of the culvert are the responsibility of the private property owners. Upon issuance of a permit by Marin County, the property owner will be responsible to maintain the storm drain system on its property. Marin County would enforce this maintenance requirement of the BASMAA Maintenance and Operations Manual. The majority of the storm drain system within the project area is proposed to be replaced with the project as described in Chapter 2, "Project Description," in Section 3.9.2 of the Draft EIR, in Impact 3.9-3, the Hydrology and Hydraulic Study (Appendix N of the Draft EIR), and shown on the plan set on Sheet C6.20 (see Plan Set North Coast Vol1 B on the County's project website: https://www.marincounty.gov/departments/cda/planning/projects/mill-valley-alto/north-coast-land-holdings-community-plan-amendmentmaster-plandesign-reviewmaster-use-permittentative-maptree-removal-permit-former-golden-gate-baptist-seminary-property-p1490). The project would detain stormwater runoff and maintain flow rates such that post-project peak runoff flow rates would be less than pre-project levels (CSW|ST2 2021). If there are other on-site storm drain facilities which are not proposed for replacement as described above, the project would decrease the amount of flows they are receiving under existing conditions. In response to community concerns regarding the storm drain system, Marin County Public Works may elect to impose storm drain improvements to existing facilities as a condition of approval. See also Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System." No changes to the Draft EIR are warranted in response to this comment.

Comment I31-7

4. The EIR project description is incomplete and could change significantly because it does not include the reasonably foreseeable need and impacts to comprehensively upgrade the existing storm drain system and integrate the new and existing systems to effectively manage stormwater runoff.

Response I31-7

The comment states that the Draft EIR does not include impacts to upgrade the existing storm drain system and integrate the new and the old systems to manage stormwater runoff. The majority of the storm drain system within the project area is proposed to be replaced with the project as described in Chapter 2, "Project Description," in Section 3.9.2 of the Draft EIR, in Impact 3.9-3, the Hydrology and Hydraulic Study (Appendix N of the Draft EIR), and shown on the plan set on Sheet C6.20 (see Plan Set North Coast Vol1 B on the County's project website: https://www.marincounty.gov/departments/cda/planning/projects/mill-valley-alto/north-coast-land-holdings-community-plan-amendmentmaster-plandesign-reviewmaster-use-permittentative-maptree-removal-permit-former-golden-gate-baptist-seminary-property-p1490). The project would detain stormwater runoff and maintain flow rates such that post-project peak runoff flow rates would be less than pre-project levels (CSW|ST2 2021). If there are other on-site storm drain facilities which are not proposed for replacement as described above, the project would decrease the amount of flows they are receiving under existing conditions. In response to community concerns regarding the storm drain system, Marin County Public Works may elect to impose storm drain improvements to existing facilities as a condition of approval. Impact discussion 3.9-3 in the Draft EIR states that the Marin County Department of Public Works would be responsible for the maintenance of the existing and proposed Marin County Storm Drain System and that maintenance of storm drain infrastructure on private property is the responsibility of the property owner if a drainage easement that was dedicated and accepted by the County does not exist (Armstrong, pers. comm., 2022). The Hydrology Study demonstrates that adequate stormwater detention is proposed in all other subwatersheds besides 1B (CSW|ST2 2021). Based on the Study and compliance with required County and BASMAA regulations, peak discharge runoff would be reduced from current conditions (CSW|ST2 2021). Therefore, less stormwater would be delivered to the off-site storm drain system from the project site (CSW|ST2 2021). The project would result in a lower potential for substantial off-site erosion, flooding, or contribution of runoff that would exceed existing storm drain systems than current conditions.

Comment I31-8

5. The EIR has numerous issues related to proper sizing of culverts, pipes and retention areas due to not considering existing conditions, coordinating with the geotechnical report, reflecting climate change, using adequate safety factors, and using current flood plain maps.

Response I31-8

The comment states that the Draft EIR has issues related to sizing of culverts, pipes, and retention areas. As stated in Draft EIR Appendix N, proposed culverts are sized to meet the drainage calculation requirements of Marin County Code of Ordinances 24.04.520 – Hydrologic and Hydraulic Design. Drainage calculations for future storm events apply the 100-year design storm. Appendix N also states that pipe sizes are based on Marin County Code of Ordinances 24.04.520 – Hydrologic and Hydraulic Design based on the 100-year storm passing seventy percent as open channel flow with no head allowed at the inlet. Appendix N also states that retention areas would be designed and constructed in accordance with BASSMAA standards for treatment of runoff from each Drainage Management Area (DMA) or subbed (4 percent of the equivalent DMA). These are the current regulations regarding proper sizing of culverts, pipes, and retention areas. A design level geotechnical report has not been prepared for the project as stated in Impacts 3.6-2 and 3.6-4 and therefore Mitigation Measures 3.6-2 and -4 require the preparation of design level geotechnical reports prior to the issuance of a permit by Marin County for the project. This design complies with Marin County Title 24 Development Standards, Section 24.04.520 – Hydraulic & Hydrologic Design, and no additional safety factor will be applied. As stated in Impact 3.9-4, there are no mapped the Federal Emergency Management Agency (FEMA) flood zones in the project site and the Draft EIR referred to the correct FIRM map as cited in the reference section. The FEMA FIRM Map used in Appendix N is dated March 17, 2014 and the comment is correct that the map was updated March 17, 2016 but the updated map was referenced in the Draft EIR. No changes to the Draft EIR are warranted in response to this comment.

Comment I31-9

6. The draft EIR did not consider foreseeable sea level rise conditions when evaluating the impacts of increased ongoing traffic and construction obstacles, thereby compromising community safety. In addition, it did not consider decreased capacity for outlets into the bay covered with water due to projected sea level rise.

Response I31-9

The comment states that the Draft EIR did not consider sea level rise in regards to traffic and construction obstacles.

The Draft EIR evaluated potential impacts related to sea level rise in Section 3.9, "Hydrology and Water Quality," of the Draft EIR. Specifically, Draft EIR Section 3.9 evaluated whether the project would exacerbate any existing and/or projected damage to the environment, including existing structures, human health, and sensitive resources, associated with reasonably foreseeable future sea level rise and peak high tides. This analysis was provided in Impact 3.9-6 of the Draft EIR. As stated in Section 2.7.1, "Construction Phasing," construction of the project is anticipated to be completed by 2028. The various sea level rise scenarios considered in the Draft EIR are discussed in Section 3.9.2, "Environmental Setting," which states that even in the long-term, 100-year storm scenario, the project site would not be inundated by sea level rise. These scenarios are based on the best available science and state guidance and include the high tide and storm flooding currently being experienced along the shoreline. There are no buildings or roadways vulnerable to future sea level rise even with 60-inches of sea level rise and a 100-year storm event in the proposed project site. Thus, construction of the project would not be affected by sea level rise. However, even if the project site would experience inundation due to sea level rise, this would not be considered an impact requiring consideration under CEQA, as this would be considered an impact of the environment on the project (*California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369, 377-378; *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 473-474). Notably, the Draft EIR acknowledged that increases in traffic exposure to existing and projected sea level rise would occur as a result of the project. Based on the threshold of significance identified in Draft EIR Section 3.9.3, which is consistent with established case law, the Draft EIR determined that the project would not exacerbate any existing or projected damage to the environment associated with future sea level rise and peak high tides, and impacts would be less than significant.

In addition, the existing storm drain outlets that drain to Richardson Bay are located on private property outside of the project area, which is discussed in Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System." The County and project applicant are not responsible for maintenance of storm drain infrastructure that is on private property. Nonetheless, as stated in Impact 3.9-3 of the Draft EIR, the project would result in a lower potential for substantial off-site erosion, flooding, or contribution of runoff that would exceed existing storm drain systems than current conditions. Because peak-runoff rates are decreased with the proposed detention basins, the

Draft EIR determined that impacts on the surrounding storm drain system would be less than significant. Therefore, no changes to the Draft EIR are required in response to this comment.

Comment I31-10

Detailed Hydrology Comments

Comment #1 - The EIR is not responsive to SNA's EIR scoping requests - In the scoping documents, the Seminary Neighborhood association and other Strawberry residents commented requesting a condition assessment be conducted on existing storm drain facilities. This assessment is not complete and therefore the project description is not stable/complete. Please refer to Section 8 (Hydrology and Water Quality) of the January 31 2021 EIR Scoping Comments for North Coast Land Holdings Community Plan Amendment/Mast Plan/Design Review/Master Use Permit/Tentative Map/Tree Removal Permit on the Former Golden Gate Baptist Seminary Property (P1490), which is included starting on pdf page 259 of 2082 of the EIR appendices, and is a cumulation of local neighbors' observations, experience, and concerns.. The SNA scoping requests are needed to properly assess and mitigate impacts to the neighborhood from the project.

Response I31-10

The comment reiterates prior requests for a condition assessment be conducted on existing storm drain facilities. See Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System."

Comment I31-11

- **Comment 1a: How will the County ensure a complete and stable project description without considering this local knowledge, performing these studies, and reflecting the local knowledge, and additional information from the studies into the EIR?**

Response I31-11

The comment questions how a stable project description can be ensured without the information and additional studies outlined in Comments I31-12 through I31-16. See Final EIR Section 3.2.1, "Master Response: Stable Project Description," and Responses I31-12 through I31-16 below.

Comment I31-12

- **Comment 1b: SNA previously requested the EIR scope include a drainage study of the site and adjacent areas. Please include this in the revised EIR.** The current EIR Hydrology and Hydraulics Study is limited to the areas of development, sometimes not even extending to the site boundary. The EIR Hydrology and Hydraulics Study does not accurately interconnect with/to the correct locations for existing outlets/discharges. SNA's previous comment requested a drainage study be performed considering the adjacent upstream and downstream properties to a point of discharge into San Francisco Bay. As mentioned in the background section, this infrastructure was originally constructed to convey runoff from the Seminary site to Richardson Bay prior to construction of neighboring developments and prior to recent performance and design standards. This is critical given the site's central location within the neighborhood and proximity to the bay. This is also important because the drainage facilities onsite and immediately adjacent to the site are compromised, deteriorated, collapsed, corroded, half full of sediment, undersized and not maintained, resulting in sink holes, flooding neighbors' properties, and threatening to create much more significant flooding concerns in the future - this needs to be considered as part of the drainage study. Finally, a comprehensive drainage study has not been performed analyzing how additional flows have been added to the originally constructed system upon previous and proposed expansion and development of the Seminary and adjacent properties/developments that have connected to the Seminary drainage system.

Response I31-12

The comment states that the Draft EIR Hydrology and Hydraulics Study (Appendix N of the Draft EIR) did not include the full project area and does not accurately interconnect the proposed drainage system with the exiting outlets. The comment states that the drainage facilities adjacent to the site are dilapidated and not sized correctly. The comment

also states that additional flows added to the originally constructed drainage system by previous development at the Seminary property have not been performed.

Proposed drainage connection points have been strategically placed between the new development and existing drainage infrastructure to facilitate stormwater treatment and retention, with the objective of avoiding an increase in the capacity demands of the existing system. The existing drainage facilities are described in Draft EIR Section 3.9.2, "Environmental Setting," and shown in Draft EIR Figure 3.9-2. The proposed storm drain facilities are analyzed in Draft EIR Impact 3.9-3. This impact states that the Marin County Department of Public Works would be responsible for the maintenance of the existing and proposed Marin County Storm Drain System and that maintenance of storm drain infrastructure on private property is the responsibility of the property owner if a drainage easement that was dedicated and accepted by the County does not exist (Armstrong, pers. comm., 2022). The Hydrology Study demonstrates that adequate stormwater detention is proposed in all other subwatersheds besides 1B (CSW|ST2 2021). Based on the study and compliance with required County and BASMAA regulations, peak discharge runoff would be reduced from current conditions (CSW|ST2 2021). Therefore, less stormwater would be delivered to the off-site storm drain system from the project site (CSW|ST2 2021). The project would result in a lower potential for substantial off-site erosion, flooding, or contribution of runoff that would exceed existing storm drain systems than current conditions. Under CEQA, the impacts of a proposed project must be evaluated by comparing expected environmental conditions after project implementation to baseline conditions, or as physical environmental conditions exist at the time the notice of preparation is published. Therefore, the EIR does not evaluate previous changes in the project area.

Comment I31-13

- **Comment 1c: SNA previously requested a condition assessment of drainage facilities from the site to the point of discharge into SF Bay. Please complete this and include in the EIR.** The EIR did not perform a condition assessment of the existing facilities onsite and adjacent offsite to the point of discharge to Richardson Bay. This oversight creates errors in the evaluation and determination of impacts. Because there are many failing existing storm drain systems onsite and offsite, it's reasonably foreseeable the project will increase existing detrimental impacts to the existing properties. The project development needs to upgrade onsite and adjacent facilities to the point of discharge. This can be further determined by the condition assessment of drainage assets from the site to Richardson Bay.

Response I31-13

The comment states that the Draft EIR did not include a condition assessment of the existing drainage facilities on and offsite to the point of discharge to Richardson Bay. See Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System."

Comment I31-14

- **Comment 1d: SNA previously requested a hydraulic study of the capacity of the existing and new storm drain pipes/facilities.** Please complete this and include in the EIR. As explained previously the current sizing of the existing facilities was established during original construction and has not been updated/studied to meet current conditions and current standards. Neighbors have observed the system is not performing well during routine storms. We understand the EIR requires post development runoff to be equivalent to pre-development runoff for the 100-year storm. However, these facilities are not performing under current conditions and Marin is already experiencing stronger storms with climate change, with intensity expected to increase in the future.

Response I31-14

The comment requests a hydraulic study of the capacity of the existing and new storm drain facilities be performed and states that the existing storm drain facilities do not meet current standards and with climate change, storm intensity will increase. See Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System."

Comment I31-15

- Comment 1e: SNA previously requested upsizing and repair of existing drainage facilities to the point of discharge to Richardson Bay. Please include this in the EIR to mitigate expected increased storm drain system failure and damage/flooding/erosion/sinkholes.

Response I31-15

The comment states that SNA previously requested storm drain infrastructure upgrades to facilities outside of the project area to the point of discharge to Richardson Bay. These existing drainage facilities within the project area would be replaced by the project. See Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System."

Comment I31-16

- Comment 1f. SNA previously requested mitigation of project impacts considering sea level rise. Please include this in the EIR.
- Comment 1g: SNA previously requested study of a new pump station at Ricardo/Seminary and flood walls along the marsh to mitigate flooding triggered from increased runoff from the property combined with sea level rise. Please include this in the EIR.
- Comment 1h. SNA previously requested study and mitigation of tidal flooding at Seminary Dr. on/offramps to US 101 and frontage road. Please include this in the EIR. Although this may be considered an impact to the project, the impact by the project is increased traffic and gridlock when these areas become impassible (which already occurs upon King Tides and multiple times per year when typical high tides combine with moderate storms).

Response I31-16

The comment states that SNA requested mitigation of project impacts considering sea level rise. As indicated in Response O31-9, the Draft EIR evaluated potential impacts related to sea level rise in Section 3.9, "Hydrology and Water Quality," of the Draft EIR. Specifically, Draft EIR Section 3.9 evaluated whether the project would exacerbate any existing and/or projected damage to the environment, including existing structures, human health, and sensitive resources, associated with reasonably foreseeable future sea level rise and peak high tides. This analysis was provided in Impact 3.9-6 of the Draft EIR. Based on the threshold of significance identified in Section 3.9.3, which is consistent with established case law, the Draft EIR determined that the project would not exacerbate any existing or projected damage to the environment associated with future sea level rise and peak high tides, and impacts would be less than significant. Thus, no mitigation was proposed or required for sea level rise.

In addition, the comment requests a study of a new pump station at Ricardo/Seminary and flood walls along the marsh to mitigate flooding triggered from increased runoff from the property combined with sea level rise. As concluded in the Hydrology and Hydraulics Study (Draft EIR Appendix N), the project would decrease the stormwater delivered to the off-site storm drain system from the project site (CSW|ST2 2021). The project would result in a lower potential for substantial off-site erosion, flooding, or contribution of runoff that would exceed existing storm drain systems than current conditions and therefore does not create a need for a new pump station. As stated above, the project would not exacerbate any existing or projected damage to the environment associated with sea level rise.

Finally, the comment states that SNA requested a study and mitigation of tidal flooding at Seminary Dr. on/offramps to US 101 and Frontage Road and requests that it be included in the EIR. The comment states that although this may be considered an impact to the project, the project will increase traffic and gridlock when these areas become impassible due to tidal flooding. The study requested by the commenter would address an existing environmental hazard, rather than an impact of the project or a reasonably foreseeable outcome of the project's implementation. As stated in the comment, this tidal flooding currently occurs at the Seminary Dr. on/offramps to US 101 and Frontage Road and is a baseline condition; thus, the inclusion of a study of the kind requested as part of the EIR for the proposed project, as well as any mitigation to address these existing flooding issues, is not appropriate or warranted. The comment acknowledges that this flooding represents an impact of the environment on the project, which is not an impact requiring consideration under CEQA (*California Building Industry Association v. Bay Area Air Quality*

Management District (2015) 62 Cal.4th 369, 377-378). While the comment suggests that the impact of the project in this case is increased traffic and gridlock, automobile delay and traffic congestion is not a CEQA impact consideration pursuant to Public Resources Code Section 21099 and Section 15064.3(a) of the State CEQA Guidelines. See Final EIR Section 3.2.7, "Master Response: Traffic Count Data," for additional information. Therefore, no revisions to the Draft EIR are warranted in response to this comment.

Comment I31-17

Comment #2 - Existing drainage facilities are not designed for current conditions and are not being maintained. As a result, the drainage system is not functioning well, and in some cases is completely failing. The existing condition and responsibility for maintenance is not reflected in the EIR. The current EIR relies on utilizing existing infrastructure onsite and offsite to convey site runoff to the point of discharge into Richardson Bay. As mentioned previously, neighbors have observed the existing storm drain system is not performing well during routine storms, is undersized, designed to old standards, and is beyond its useful life. Based on historical photos, the site and adjacent properties have changed considerably since it was designed over 70 years ago, with increased impervious areas and increased runoff. Unfortunately, the EIR project description and hydrology appendix do not include an assessment of the existing condition and need for improvements to existing storm drain facilities that are reasonably foreseeable.

- **Comment 2a: Who will assess current conditions?**
- **Comment 2b: How will the condition of the existing storm drainage facilities and need to replace/upsize/change them be considered in the EIR?**
- **Comment 2c: Please update the EIR to address the condition, routing, function, performance, capacity, failure, design standard, and responsibility for maintaining the existing storm drain facilities onsite and the point of discharge in Richardson Bay, to determine and mitigate impacts.**

Response I31-17

The comment states that the existing drainage facilities are not designed for current conditions and are not maintained or functional. The comment states that the existing condition of the storm drain and the responsibility for maintenance is not described in the EIR. See Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System."

Comment I31-18

- **Comment 2d: How can a stable project description be achieved without assessing the condition and suitability of the existing storm drain system/facilities that are proposed to be reused?**

Response I31-18

The comment asks how a stable project description can be achieved without assessing the condition and suitability of the existing storm drain system. The comment suggests that, without more details on the sufficiency of current drainage facilities, the EIR Project Description would somehow be unstable. But the comment relates to the subject matter that must be addressed in a project description and does not explain how the lack of requested information makes the Project Description unstable. See also Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System," and Section 3.2.1, "Master Response: Stable Project Description."

Comment I31-19

- **Comment 2e: New standards are available and need to be applied to evaluate/upgrade existing storm drainage facilities, runoff coefficients onsite and adjacent to the site, evaluation of latest storm intensity factors, time of concentration, hydraulics standards, materials (e.g. HPDE culvers in lieu of corrugated metal where in contact with saline bay water), debris guards, application of County standards, and updated hydraulics calculation to confirm/upgrade sizing of existing storm drain facilities.**

Response I31-19

The comment states that new standards need to be applied to the hydraulic calculations to determine the sizing requirements of the storm drain facilities including runoff coefficients, storm intensity factors, time of concentration, hydraulics standards, materials, debris guards, and County standards. The comment does not provide a source for the new standards. The sources used for all standards are listed in the Hydrology and Hydraulics Report (Draft EIR Appendix N). Drainage calculations meet the requirements of Marin County Code of Ordinances 24.04.520 – Hydrologic and Hydraulic Design. The runoff coefficients utilized in the report were determined using Figure 819.2A "Runoff Coefficients for Undeveloped Areas" of the Caltrans Highway Design Manual. Storm intensity factors for the 100-year storm event are derived from the National Oceanic and Atmospheric Administration's Atlas 14 Point Precipitation Frequency Estimates. Time of concentration was determined by the County of Marin's Hydrology Manual for the initial Time of Travel for overland flow sheet flow, the US Department of Agriculture's (USDA's) "Urban Hydrology for Small Watersheds" Technical Release 55 for shallow concentrated flow, and Manning's Equation in conjunction with hand calculations, Hydrographs, Express software, and Excel for channelized flow travel time and pipe flow travel time. The calculations in the Hydrology and Hydraulics Report are adequate and meet County standards and therefore no changes are made to the EIR.

Comment I31-20

- Comment 2f: What steps will be taken to ensure maintenance responsibility will be addressed for existing and new drainage infrastructure?
- Comment 2g: Who will be responsible for structure monitoring and maintenance?
- Comment 2h: Who will enforce maintenance requirements/needs?

Historical lack of maintenance, age (70+ years old), condition being beyond useful life, not meeting modern day level of service and design standards, not designed for current conditions, and lack of performance of existing drainage facilities have substantially impacted the existing drainage effectiveness, resulting in surface erosion, onsite and offsite flooding of properties, streets, and structures, known and unknown damage to structures and streets the drainage passes under. This is based on personal observation of the existing storm drain infrastructure and review of the EIR. Photos and description of condition of some of these facilities are described below. The EIR does not address the condition, routing, function, performance, capacity, failure, design standard, and responsibility for maintaining these facilities and needs to address these to determine impacts.

Response I31-20

The comment asks what steps will be taken to ensure the existing and new drainage infrastructure will be maintained, who will monitor and maintain structures, and who will enforce monitoring requirements. The comment states that the existing storm drain has not been maintained and that the EIR does not address the condition, routing, function, performance, capacity, failure, design standard, and maintenance of the storm drain system. The majority of the storm drain system within the project area is proposed to be replaced with the project as described in Chapter 2, "Project Description," in Section 3.9.2 of the Draft EIR, in Impact 3.9-3, the Hydrology and Hydraulic Study (Appendix N of the Draft EIR), and shown on the plan set on Sheet C6.20 (see Plan Set North Coast Vol1 B on the County's project website: https://www.marincounty.gov/departments/cda/planning/projects/mill-valley-alto/north-coast-land-holdings-community-plan-amendmentmaster-plandesign-reviewmaster-use-permittentative-maptree-removal-permit-former-golden-gate-baptist-seminary-property-p1490). The project would detain stormwater runoff and maintain flow rates such that post-project peak runoff flow rates would be less than pre-project levels (CSW|ST2 2021). If there are other on-site storm drain facilities which are not proposed for replacement as described above, the project would decrease the amount of flows they are receiving under existing conditions. In response to community concerns regarding the storm drain system, Marin County Public Works may elect to impose storm drain improvements to existing facilities as a condition of approval. On-site facilities would be designed and maintained, including sediment controls, per the BASMAA manual. See Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System."

Comment I31-21

1. The existing catch basin on NCLH's playing field that collects water and feeds into the drainage pipe is deteriorating, allowing sediment/mud to flow directly into the bottom of the catch basin, and creating a sinkhole, as shown below. This illustrates the failing system and NCLH's lack of performing maintenance on key existing facilities.



Response I31-21

The comment states that the existing catch basin at the playing field has not been maintained and provides a photo. See Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System."

Comment I31-22

2. The existing outlet to Richardson Bay (located near the southern end of 150 Seminary Drive) that is connected to the playing field catch basin, and is shown below appears nearly filled with sediment and current tides of approximately 5.0 feet cover the corroded corrugated metal pipe. (The top of the pipe is barely visible in the photo as it is covered with water.) It appears no maintenance has been performed on this outlet whose primary purpose is to drain NCLH property.



Response I31-22

Comment states the existing outlet to Richardson Bay has not been maintained and provides a photo. See Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System."

Comment I31-23

3. The existing outlet into Richardson Bay for DMA 3B (located near the southern end of 160 Seminary Drive) appears completely filled with sediment, with the top of the pipe barely visible in the middle of the photo below. It appears no maintenance has been performed on this outlet whose primary purpose is to drain NCLH property.



Response I31-23

The comment states the existing outlet into Richardson Bay has not been maintained and provides a photo. See Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System."

Comment I31-24

4. It appears little if any maintenance has been performed on the existing drainage from the northwestern portion of DMA 1B into Richardson Bay (located about 150' north of 150 Seminary Drive) so it is uncertain whether the

pipe under Seminary Drive can handle the flow. The primary purpose of this outlet is to drain NCLH property. A picture of the outlet is shown below but you can only see the pipe up close since it is buried under leaves and weeds.



Response I31-24

The comment states the existing storm drain system outlet into Richardson Bay has not been maintained. See Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System."

Comment I31-25

5. From personal observation, the primary purpose of the existing v-ditch located on the north edge of NLCH property and behind homes on Ricardo Rd, is to drain the Shuck Knoll portion of NCLH's property. This feature is not shown on Figure 3.9-2 of the EIR. Figure 3.9-2 should be updated to include it for completeness. This drainage facility has been observed to be consistently clogged, experienced sustenance and uplifting (depending on location), cracked and damaged concrete, and is in a state of disrepair as partially shown in the photos below.





Response I31-25

The comment states that the V-ditch on the north edge of the NLCH property is not shown on Draft EIR Figure 3.9-2 and should be included. The comment states that this ditch is not maintained. Draft EIR Figure 3.9-2 only shows existing outlets, catch basins and pipes. Surface drainage features such as curb and gutter and ditches are not shown to clearly show where water is currently draining from the project area. Maintenance of existing storm drain facilities not under County jurisdiction is the responsibility of the property owner. See Final EIR Section 3.2.6 for "Master Response: Evaluation of Existing Storm Drain System."

Comment I31-26

6. The existing corrugated metal pipe culvert draining the aforementioned v-ditch is missing the bottom, is over half full of sediment (based on inspection by Miskas, a professional drainage rehabilitation contractor), backs up regularly during rain events (based on neighborhood observation), is severely corroded, doesn't have sufficient slope, is missing a debris guard, and has an inadequate headwall:





Response I31-26

The comment states the existing storm drain system draining the V-ditch mentioned in Comment I31-25 has not been maintained. See Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System."

Comment I31-27

7. Existing v-ditches at the perimeter of NCLH property are not shown on Figure 3.9-2. The hydrology team should walk the perimeter of the site to verify these drainage features, then provide an updated comprehensive drainage study reflect existing and proposed conditions.

Response I31-27

The comment states that the V-ditch on the perimeter of the NLCH property is not shown on Draft EIR Figure 3.9-2. Draft EIR Figure 3.9-2 only shows existing outlets, catch basins and pipes. Surface drainage features such as curb and gutter and ditches are not shown to clearly show where water is currently draining from the project area. The existing storm drain system is described in Draft EIR Section 3.9.2, "Environmental Setting." The majority of the storm drain system within the project area is proposed to be replaced with the project as described in Chapter 2, "Project Description," in Section 3.9.2 of the Draft EIR, in Impact 3.9-3, the Hydrology and Hydraulic Study (Appendix N of the Draft EIR), and shown on the plan set on Sheet C6.20 (see Plan Set North Coast Vol1 B on the County's project website: https://www.marincounty.gov/departments/cda/planning/projects/mill-valley-alto/north-coast-land-holdings-community-plan-amendmentmaster-plandesign-reviewmaster-use-permittentative-maptree-removal-permit-former-golden-gate-baptist-seminary-property-p1490). The project would detain stormwater runoff and maintain flow rates such that post-project peak runoff flow rates would be less than pre-project levels (CSW|ST2 2021). If there are other on-site storm drain facilities which are not proposed for replacement as described above, the project would decrease the amount of flows they are receiving under existing conditions. In response to community concerns regarding the storm drain system, Marin County Public Works may elect to impose storm drain

improvements to existing facilities as a condition of approval. See also Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System."

Comment I31-28

8. The storm outlet to Richardson Bay on Seminary Drive about 100 ft east of Seminary Cove Drive has significant issues. The pipe is on a very steep hill covered with shrubs making it difficult to access. The 24" corrugated metal pipe is cantilevered over the cliff, with water falling 10 - 20 feet with no apparent energy dissipation, creating significant and ongoing gully erosion and possibly undercutting Seminary Drive. This problem needs to be mitigated to protect the road, prevent turbidity from erosion, and provide safety to those walking on the adjacent path. See photos below.





Response I31-28

The comment states that the storm drain outlet to Richardson Bay on Seminary Drive about 100 ft east of Seminary Cove Drive is cantilevered over the cliff, with water falling 10 to 20 feet with no apparent energy dissipation, creating significant and erosion and possibly undercutting Seminary Drive. It is not clear that this outlet is located within the project area. If it is located within the project area, it would be replaced with the project and designed according to County Standards as stated in Code Section 24.04.520 Hydrologic and Hydraulic Design as stated in Draft EIR Impact discussion 3.9-3. See also Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System."

Comment I31-29

Comment #3 - The existing culvert draining Shuck Knoll is failing and risks flooding multiple adjacent properties.

Recommendations: We request the EIR and Hydrology/Hydraulics Study be revised to reflect the additional scope that is needed for the Shuck Knoll drainage area:

- Comment 3a: Perform a comprehensive drainage study indicating how existing and new drainage systems will work together to effectively manage stormwater.
- Comment 3b: Conduct a field survey/investigation to determine the location and condition of existing drainage conveyance facilities.
- Comment 3c: Determine and communicate how existing and new storm drainage facilities will connect and work holistically, similar to the Hart Marin example provided in the narrative below.
- Comment 3d: Study holistically the entire drainage areas up to the point of discharge at Richardson Bay.
- Comment 3e: Conduct a study of the condition, capacity, design criteria, hydraulics, and replacement of the downstream facilities since they were constructed for and primarily function to convey runoff from NCLH property to nearby Richardson Bay.

Response I31-29

The comment requests that the EIR and the Hydrology and Hydraulics Study be revised to include the Shuck Knoll drainage area. See Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System."

Comment I31-30

- Comment 3f: We request replacement and upgrade of the existing culvert behind the homes on Ricardo Rd to mitigate impacts of significant flooding and property damage from the increased runoff expected from the project once the retention basins are full.
- Comment 3g: In addition to replacement of the existing culvert, we request evaluation of a new pump station and tide valve to mitigate the combination of peak runoff and high tide that could flood nearby homes and roadways.

Response I31-30

The comment requests that the project replaces the culvert behind the homes on Ricardo Road to mitigate the flooding risk from increased runoff from the project when the retention basins are full as well as an evaluation of a new pump station and tide valve to mitigate the peak runoff and high tide that could flood homes. The Drainage Plans which have been and continue to be available on the County's project website since before circulation of the NOP in 2020 (see https://www.marincounty.gov/departments/cda/planning/projects/mill-valley-alto/north-coast-land-holdings-community-plan-amendmentmaster-plandesign-reviewmaster-use-permittentative-maptree-removal-permit-former-golden-gate-baptist-seminary-property-p1490 under Project Plans Volume 1 B Sheet C6.20). Based on the environmental analysis, there is no need for improvement of the ditch located behind the homes on Ricardo Road because the project would not increase runoff to the ditch. The project would detain stormwater runoff and maintain flow rates such that post-project peak runoff flow rates would be less than pre-project levels (CSW|ST2 2021). If there are on-site storm drain facilities which are not proposed for replacement, the project would decrease the amount of flows they are receiving under existing conditions. In response to community concerns regarding the storm drain system, Marin County Public Works may elect to impose storm drain improvements to existing facilities as a condition of approval Any storm drain infrastructure outside of the project area is the responsibility of the property owner to maintain. The project would not increase downstream flood risk and therefore no offsite pump station or tide valve is proposed. See also Final EIR Section 3.2.6 for "Master Response: Evaluation of Existing Storm Drain System."

Comment I31-31

1. As indicated in comment #2, there is a v-ditch system on NCLH property that captures runoff from Shuck Knoll and conveys it to an existing failing culvert (corrugated metal pipe) that primarily conveys NCLH runoff to Richardson Bay. Figure 3.9-2 and the EIR Hydrology and Hydraulics Study are missing the existing v-ditch system and don't accurately depict the "outlet" for Shuck Knoll. They are missing the v-ditch(es) and the culvert.

Response I31-31

The comment states that the V-ditch that captures runoff from Shuck Knoll and conveys it to an existing failing culvert is not shown on Draft EIR Figure 3.9-2 and should be included. Draft EIR Figure 3.9-2 only shows existing outlets, catch basins, and pipes. Surface drainage features such as curb and gutter and ditches are not shown to clearly depict where water is currently exiting the project area. The v ditch is an existing feature on the landscape and is not included on County storm drain maps. The project does not propose to increase flows to the ditch and would detain stormwater runoff and maintain flow rates such that post-project peak runoff flow rates would be less than pre-project levels (CSW|ST2 2021). This indicates that there would be no adverse change to flows in the v ditch. The absence of the surface drainage feature on Figure 3.9-2 does not alter the significance conclusions of the analysis in the Draft EIR. Any storm drain infrastructure outside of the project area, including the referenced culvert, is the responsibility of the property owner to maintain.

Comment I31-32

2. The existing v-ditch system and culvert will be impacted by the project as they receive additional runoff once the retention basins are at capacity. The level of detail requested in comments above is required because it will

reveal changes to the work extents, further study/evaluation of impacts, and development of new mitigation measures. For example, replacement of the culvert extends work to Richardson Bay and in sensitive habitats.

Response I31-32

The comment states that the existing v-ditch system and culvert will be impacted by the project because additional runoff will flow into the system after retention basins are at capacity and references level of detail in the comments above. See Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System." The comment states that the replacement of the culvert on Shuck Knoll Drive would occur in sensitive habitat. The project does not propose replacing storm drains that are not located in the project area because the project would detain stormwater runoff and maintain flow rates such that post-project peak runoff flow rates would be less than pre-project levels (CSW|ST2 2021) and the project is not responsible for maintenance of infrastructure owned by others. This comment does not address the adequacy of the EIR and no further response is warranted.

Comment I31-33

3. As indicated in comment #2:

    a. The existing v-ditch system is clogged with vegetation, debris, and sediment, has settled/subsided in some areas and uplifted in others rendering them to not function as originally intended, is cracked and deteriorated, and doesn't have a debris screen where it connects to the culvert.

    b. The existing culvert that connects to the existing v-ditch is severely corroded with most of the bottom of the pipe gone. Saline bay water regularly backs into the metal pipe on high tide, advancing the corrosion/deterioration process.

    c. The culvert was recently inspected by a contractor who routinely repairs/replaces culverts for the County. The contractor concluded the culvert is 50% full of sediment, doesn't have sufficient slope, can not convey the original flow it was designed for, and needs to be upgraded and replaced. Both the culvert and the v-ditch need further evaluation/study and then to be replaced/upsized/upgraded.

Response I31-33

The comment states that the existing v-ditch on NCLH property that captures runoff from Shuck Knoll and conveys it to an existing failing culvert (corrugated metal pipe) that conveys runoff to Richardson Bay is clogged, deteriorating, and does not have a debris screen. See Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System." The comment does not address a deficiency in the EIR and no further response is warranted.

Comment I31-34

d. The Marin County Superintendent of Road Maintenance indicated via an October 31, 2016 email (attached) that the existing culvert is owned by Deer Hill HOA, the Seminary property, and Strawberry Shores.

Response I31-34

The comment references a letter from the Marin County Superintendent of Road Maintenance attached to Comment Letter I31 stating that the existing culvert is owned by Deer Hill HOA, the Seminary property, and Strawberry Shores. The County can confirm after reviewing assessor's records, that the responsible parties mentioned in the letter are correct and the Marin County Superintendent of Road Maintenance response letter is still accurate. Maintenance of privately owned infrastructure is the responsibility of the property owner. The project would detain stormwater runoff and maintain flow rates such that post-project peak runoff flow rates would be less than pre-project levels and therefore would improve existing conditions for downstream storm drain infrastructure (CSW|ST2 2021).

Comment I31-35

e. Based on observations during routine storms, the existing v-ditch and existing culvert are beyond useful life, undersized, and not functioning as originally designed. The missing pipe bottom presents a risk for a sink hole and erosion that could undermine existing electrical/communication infrastructure (adjacent utility poles and adjacent buried electrical service), roadways, and homes.

f. If the pipe were to collapse or become obstructed due to its deteriorated condition and currently being 50% full of sediment, the water would back up and flood three to four properties/homes causing significant damage. This claim is based on direct experience with four homes on Ricardo Rd that flooded about ten years ago when another corrugated metal pipe nearby was in similar condition, collapsed, and caused significant flooding and major damage/loss to three homes on Ricardo Rd. near NCLH property.

g. With the current conditions there is a risk of flooding reoccurring if the existing culvert backs up. The risk will increase once NCLH increases the impervious surface on shuck knoll with new development, especially once the detention basins become full, and increased flows are conveyed to the extremely vulnerable existing system.

Response I31-35

The comment states that the existing v-ditch on NCLH property that captures runoff from Shuck Knoll and associated culvert (corrugated metal pipe) the missing pipe bottom presents a risk for sink hole and erosion which could undermine existing infrastructure. The comment states that if the pipe collapsed, it could flood homes. The comment states that the risk of flooding will increase with the project. The culvert is located outside of the project area. The project would detain stormwater runoff and maintain flow rates such that post-project peak runoff flow rates would be less than pre-project levels (CSW|ST2 2021). Maintenance of storm drain infrastructure outside of the project area is the responsibility of the property owner. If there are on-site storm drain facilities which are not proposed for replacement, the project would decrease the amount of flows they are receiving under existing conditions. In response to community concerns regarding the storm drain system, Marin County Public Works may elect to impose storm drain improvements to existing facilities as a condition of approval. See Final EIR Section 3.2.6 for "Master Response: Evaluation of Existing Storm Drain System." The comment does not address a deficiency in the EIR and therefore no change is made to the EIR.

Comment I31-36

4. Figure 3.9-2 also has an error in that it shows catch basins from Strawberry Shores connecting into the failing culvert. Based on observation of flow during storms and recent observations inside existing manholes, the Strawberry Shores apartments have a separate storm drain system with a separate culvert (which is also likely failing, but was not investigated as part of these comments). Figure 3.9-2 and the EIR Hydrology and Hydraulics Study and runoff calculations need to be updated to reflect actual conditions.

Response I31-36

The comment states that Figure 3.9-2 includes an error because it shows the catch basins from Strawberry Shores connecting to the failing culvert. The culvert locations depicted on Draft Figure 3.9-2 are from the County's website (https://www.marinmap.org/Html5Viewer/Index.html?viewer=smmdataviewer). These catch basins would not be altered by the project because they are located outside of the project area. See Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System." No revisions to the Draft EIR are warranted.

Comment I31-37

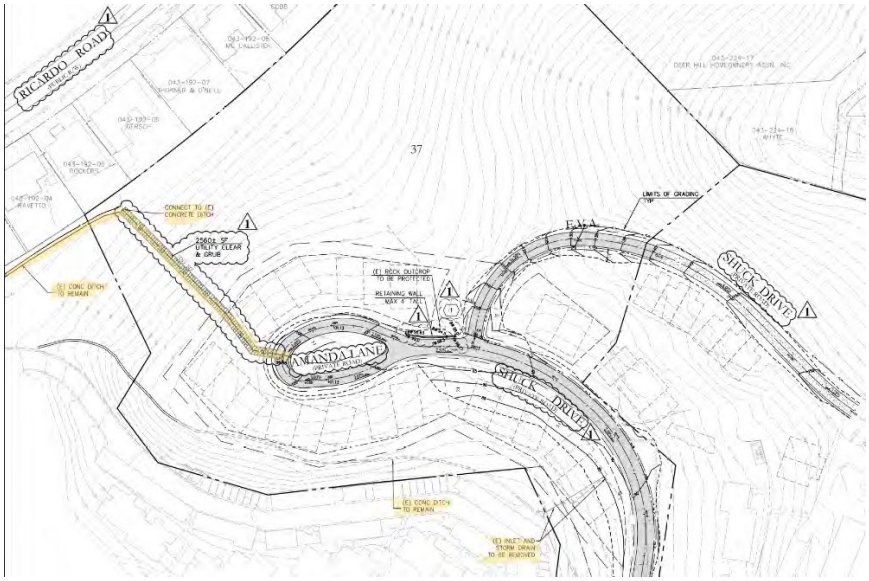
5. The EIR doesn't indicate how new storm water capture and retention systems handling runoff from Shuck Knoll will connect to the existing storm drain systems (v-ditch and failing culvert).

Response I31-37

The comment states that the EIR does not demonstrate how new storm capture and retention systems in the Shuck Knoll area will connect to the existing storm drain system. The Drainage Plans which have been and continue to be available on the County's project website since before circulation of the NOP (https://www.marincounty.gov/departments/cda/planning/projects/mill-valley-alto/north-coast-land-holdings-community-plan-amendmentmaster-plandesign-reviewmaster-use-permittentative-maptree-removal-permit-former-golden-gate-baptist-seminary-property-p1490 under Project Plans Volume 1 B Sheet C6.20) show how the project would not contribute runoff to the area behind Ricardo Drive described by the comment and how storm water would drain from the Shuck Knoll area. Appendix N of the Draft EIR also shows this area. The project does not propose improvements outside of the project area.

Comment I31-38

6. The previous EIR applicant (Hart Marin) developed grading plans that showed the existing v-ditches throughout the property including Shuck Knoll. They also showed how they would connect new drainage facilities to existing facilities to complete a comprehensive drainage system to effectively manage runoff. An example is shown below. Please note although this example shows connection to the existing v-ditch, it does not show the existing culvert, and it does not show how the v-ditch extends on the entire north side of NCLH property (as recently observed by a neighbor walking the alignment).



Response I31-38

The comment references a previous development application's grading plans stating that existing v-ditches were shown as well as connections to most proposed facilities for a project previously proposed on the project site. See Final EIR Section, 3.2.6, "Master Response: Evaluation of Existing Storm Drain System." The comment does not address a deficiency in the EIR and no further response is warranted.

Comment I31-39

Comment #4 - The EIR project description is incomplete and could change significantly because it does not include the reasonably foreseeable need and impacts to comprehensively upgrade the existing storm drain system and integrate the new and existing systems to effectively manage stormwater runoff.

- Comment 4a: How will existing systems be evaluated, supplemented, repaired, upgraded, extended, and meet current design standards?
- Comment 4b: How will the overall storm drain system function to an appropriate level of service, modern design standards, and meet standard of care for many decades into the future?
- Comment 4c: Please provide a comprehensive study evaluating existing drainage facilities integrated with new drainage facilities and how they will manage stormwater effectively including runoff onto and off of the site to the point of discharge into Richardson Bay.

1. The EIR project description and supporting plans show a piecemealed new and existing storm drain systems (see previous comment for example).
2. The EIR hydrology and hydraulics study does not evaluate how the existing and new system work together to effectively manage stormwater runoff from the site.
3. The EIR project description indicates that many areas will not receive storm drain improvements (e.g., academic campus planning area and Reed/Storer/Shuck Planning Area). These areas will rely on the existing drainage infrastructure. Other areas will receive new storm drains and stormwater treatment areas.

4. The EIR does not include improvements for the storm drain pipes that were constructed to convey runoff from the site to the point of discharge to Richardson Bay.
5. The site plans do not show any storm drain systems on new and existing roads.

Response I31-39

The comment states the project description is incomplete and unstable because it does not include an assessment of the impacts to comprehensively upgrade the existing storm drain system and integrate new and existing systems to effectively manage stormwater runoff. The comment also states the project description does not show storm drain systems on new and existing roads. Specific questions are also raised regarding how the existing system would be evaluated and upgraded to meet current design standards; how the system will function to an appropriate level of service; and asks for a comprehensive study evaluating the existing system with new drainage facilities. See Final EIR Section 3.2.1, "Master Response: Stable Project Description," and Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System." Also see Response O4-53, Response I31-12, Response I31-19 and Response I31-20.

Comment I31-40

6. Due to the lack of a consistent system to capture runoff from existing roadways and to connect to new infrastructure, a significant threat of flooding to neighboring properties is present due to the lack of an effective integrated stormwater management plan.

Response I31-40

The comment states that due to the lack of a stormwater management plan, there is a threat of flooding to neighboring properties. See Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System." The drainage plans are shown on the County's project website which have been and continue to be available on the County's Community Development Agency project website since 2020 (https://www.marincounty.gov/departments/cda/planning/projects/mill-valley-alto/north-coast-land-holdings-community-plan-amendmentmaster-plandesign-reviewmaster-use-permittentative-maptree-removal-permit-former-golden-gate-baptist-seminary-property-p1490) under Project Plans Volume 1 B Sheets C6.03-C6.24) and in Appendix N of the Draft EIR.

Comment I31-41

7. The EIR mitigation measure indicates post development runoff will be equivalent to pre-development runoff for the 100-year storm. However, this mitigation measure does not sufficiently consider how the existing and new systems will work together, doesn't account for the condition/capacity/performance of the existing system, and for how overflows from the retention basins will worsen impacts in already vulnerable areas. In other words, the mitigation measure doesn't take into account the whole picture of impacts and mitigations that are needed.

Response I31-41

The comment states that the EIR mitigation measure does not consider how the existing and proposed systems will work together or account for the condition of the existing system, or how overflows from the retention basins will affect the area. The majority of the storm drain system within the project area is proposed to be replaced with the project as described in Chapter 2, "Project Description," in Section 3.9.2 of the Draft EIR, in Impact 3.9-3, the Hydrology and Hydraulic Study (Appendix N of the Draft EIR), and shown on the plan set on Sheet C6.20 (see Plan Set North Coast Vol1 B on the County's project website: https://www.marincounty.gov/departments/cda/planning/projects/mill-valley-alto/north-coast-land-holdings-community-plan-amendmentmaster-plandesign-reviewmaster-use-permittentative-maptree-removal-permit-former-golden-gate-baptist-seminary-property-p1490). The project would detain stormwater runoff and maintain flow rates such that post-project peak runoff flow rates would be less than pre-project levels (CSW|ST2 2021). If there are other on-site storm drain facilities which are not proposed for replacement as described above, the project would decrease the amount of flows they are receiving under existing conditions. In response to community concerns regarding the storm drain system, Marin County Public Works may elect to impose storm drain improvements to existing facilities as a condition of approval. Marin County Code Section 24.04.520 requires the design to be based upon the one-hundred-year storm. It is not clear which mitigation measure the comment is referring to as there are no hydrology

mitigation measures in the EIR. See Final EIR Section 3.2.6 "Master Response: Evaluation of Existing Storm Drain System." No revisions to the Draft EIR are warranted.

Comment I31-42

8. The existing system that the EIR proposes for reuse is not meeting the standard of care for effectively managing stormwater runoff from the site. As demonstrated in the comments #2-#4 (existing condition not assessed, existing system not designed to current conditions/standards, existing system not maintained), the existing system is failing, ineffective, inadequate, and vulnerable.

Response I31-42

The comment states that the existing storm drain system proposed for reuse is not managing stormwater runoff from the site. The majority of the storm drain system within the project area is proposed to be replaced with the project as described in Chapter 2, "Project Description," in Section 3.9.2 of the Draft EIR, in Impact 3.9-3, the Hydrology and Hydraulic Study (Appendix N of the Draft EIR), and shown on the plan set on Sheet C6.20 (see Plan Set North Coast Vol1 B on the County's project website: https://www.marincounty.gov/departments/cda/planning/projects/mill-valley-alto/north-coast-land-holdings-community-plan-amendmentmaster-plandesign-reviewmaster-use-permittentative-maptree-removal-permit-former-golden-gate-baptist-seminary-property-p1490). The project would detain stormwater runoff and maintain flow rates such that post-project peak runoff flow rates would be less than pre-project levels (CSW|ST2 2021). If there are other on-site storm drain facilities which are not proposed for replacement as described above, the project would decrease the amount of flows they are receiving under existing conditions. In response to community concerns regarding the storm drain system, Marin County Public Works may elect to impose storm drain improvements to existing facilities as a condition of approval See also Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System." No revisions to the Draft EIR are warranted.

Comment I31-43

9. Piecemealing the existing and new storm drain systems will exacerbate the problems with the existing system and cause additional flooding onsite and to nearby vulnerable properties.

10. The extensive proposed development onsite will further impact the existing storm drain facilities.

11. The proposed development provides an opportunity to bring the storm drain system up to current standards and prepare it to serve the site and function in the neighborhood for decades to come.

Response I31-43

The comment states that piecemealing the existing and new storm drain systems will exacerbate the problems with the existing system and cause flooding. The comment states that the project will impact the existing storm drain facilities and is an opportunity to bring the storm drain system to current standards and serve the site for decades. The majority of the storm drain system within the project area is proposed to be replaced with the project as described in Chapter 2, "Project Description," in Section 3.9.2 of the Draft EIR, in Impact 3.9-3, the Hydrology and Hydraulic Study (Appendix N of the Draft EIR), and shown on the plan set on Sheet C6.20 (see Plan Set North Coast Vol1 B on the County's project website: https://www.marincounty.gov/departments/cda/planning/projects/mill-valley-alto/north-coast-land-holdings-community-plan-amendmentmaster-plandesign-reviewmaster-use-permittentative-maptree-removal-permit-former-golden-gate-baptist-seminary-property-p1490). The project would detain stormwater runoff and maintain flow rates such that post-project peak runoff flow rates would be less than pre-project levels (CSW|ST2 2021). If there are other on-site storm drain facilities which are not proposed for replacement as described above, the project would decrease the amount of flows they are receiving under existing conditions. In response to community concerns regarding the storm drain system, Marin County Public Works may elect to impose storm drain improvements to existing facilities as a condition of approval. See Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System." No revisions to the Draft EIR are warranted.

Comment I31-44

12. It is reasonably foreseeable that the development will trigger additional work on storm drain facilities on the property and downstream of the property for the storm drains serving the property. This could be triggered by Chapter 24.04.015 of the Marin County Development code.
13. Replacing, upgrading, supplementing, repair, and extension of these facilities is required to meet current and future site needs.
14. It is reasonable for the EIR to study the existing system with current standards/conditions while considering the condition and needed changes to this system, along with the impacts and corresponding mitigation measures.

Response I31-44

The comment states that the project will trigger work on storm drain facilities downstream of the property per Chapter 24.04.015 of the Marin County Development code which states that if construction activity, equipment, vehicles and/or material delivery and storage cause damage to any existing facility beyond normal wear and tear, then the permittee shall be responsible for the repair. If during construction, the project causes damage to the offsite storm drain system beyond normal wear and tear, the permittee would be responsible for its repair. See also Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System."

Comment I31-45

Comment #5 - The EIR has numerous issues related to proper sizing of culverts, pipes and retention areas due to not considering existing conditions, coordinating with the geotechnical report, reflecting climate change, using adequate safety factors, and using current flood plain maps.

- Comment 5a: We request revision of the runoff coefficient for the Shuck Knoll area from 0.1 to 0.95 to reflect the bedrock conditions described in the geotechnical report (bedrock 1-4 feet below grade currently and expected to be all exposed bedrock after site grading for new development).
- Comment 5b: We request the hydrologist do a site walk, conduct a detailed review of the geotechnical report, and provide appropriate runoff coefficients for each of the drainage areas.

Response I31-45

The comment states that the EIR is deficient regarding proper sizing of culverts, pipes, and retention areas due to not considering existing conditions, coordinating with the geotechnical report, reflect climate change, using adequate safety factors and using current flood plain maps. The comment requests that the runoff coefficient in the Shuck Knoll area is reduced to 0.95 to reflect bedrock conditions. The comment requests that the hydrologist do a site walk, review the geotechnical report, and use appropriate runoff coefficients. See Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System." As stated in Draft EIR Impact 3.9-4, there are no mapped FEMA flood zones in the project site and the Draft EIR referred to the correct FIRM map as cited in the reference section of the EIR. The FEMA FIRM Map used in Appendix N of the Draft EIR is dated March 17, 2014 and the comment is correct that the map was updated March 17, 2016 but neither FIRM map includes any floodplain in the project area and would not affect any hydraulic modeling (FEMA 2016). No revisions to the Draft EIR are warranted.

Comment I31-46

- Comment 5c: How will the EIR account for the fact that storm intensity and duration is increasing with climate change and retention basins need to be sized larger? We recommend doubling the size of the retention basins to account for expected increases in storm durations and intensity, based on the data/reports/discussion in subsequent narrative.

Response I31-46

The comment asks how the EIR will account for increasing storm intensity and duration with climate change in sizing retention basins. All bioretention facilities were designed according to existing established County standards as described in Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System." Marin County

Code exceeds State requirements to capture the 100-year storm which is sufficient for project approval. To predict future storm events would be speculative beyond meaning at this point.

Comment I31-47

- Comment 5d: We request a much larger safety factor in sizing the retention basins to mitigate significant impacts from the project to neighboring properties and to account for increasing storm intensity/duration, lack of maintenance, margins of error, etc.

Response I31-47

The comment requests a much larger safety factor in sizing retention basins. All bioretention facilities were sized according to existing established standards as described in Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System."

Comment I31-48

- Comment 5e: Please provide the data, assumptions, and conclusions for the pipe sizing.
- Comment 5f: Did the assumptions account for the clogged pipes and backups that have historically been observed and are discussed in comment 2?

Response I31-48

The comment requests pipe sizing data, assumptions, and conclusions as well as if clogs or backups were considered. These are described in Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System."

Comment I31-49

- Comment 5g: Please provide the assumptions and data used to determine the time of concentration and update the time of concentration calculations after reviewing existing conditions.

Response I31-49

The comment requests the assumptions and data used to determine the time of concentration and to update the calculations in the Hydrology and Hydraulics Report after reviewing existing conditions. As stated in Draft EIR Appendix N the Hydrology and Hydraulics Report, the initial Time of Travel for overland flow sheet flow was determined using the overland flow formula per the County of Marin's Hydrology Manual. Shallow concentration flow travel time is calculated from the USDA "Urban Hydrology for Small Watersheds." Channelized flow travel time and pipe flow travel time are calculated from Manning's Equation in conjunction with hand calculations, Hydrographs, Express software, and Excel. Hydrographs for the pre-development conditions are shown in Appendix C of the Hydrology and Hydraulics Report and hydrographs for the post-development conditions are shown in Appendix D of the Hydrology and Hydraulics Report. These methodologies are accepted by Marin County.

Comment I31-50

- Comment 5h: Please update the Hydrology and Hydraulics Study to consider and utilize the latest flood maps.

Response I31-50

The comment requests that the Hydrology and Hydraulics Report (Appendix N of the Draft EIR) be updated to utilize the latest flood maps. As stated in Draft EIR Impact 3.9-4, there are no mapped FEMA flood zones in the project site and the Draft EIR referred to the latest FIRM map as cited in the reference section. The FEMA FIRM Map used in the Hydrology and Hydraulics Report is dated March 17, 2014 and the comment is correct that the FIRM Map was updated March 17, 2016. There are no flood zones mapped in the project area on either map. Because the latest map was referenced in the Draft EIR and there are no flood zones in the project area, no revisions to the Draft EIR are warranted.

Comment I31-51

1. Basis for comments 5a/5b: The assumed runoff factors do not reflect existing conditions and are not coordinated with the geotechnical report.

a. The storm water control plan (Appendix B of the EIR Hydrology and Hydraulics Report) utilizes a runoff factor of 0.1 for "landscaped areas". This means the study assumes only 10% of rain runs off the site, and the remainder infiltrates. Most of the areas designated as 0.1 are natural areas and are not landscaped.

b. There is no explanation of how the runoff coefficients were determined.

c. Personal observation indicates the local soils have a high clay content and don't absorb runoff easily, especially once the soils have become saturated after a couple of storms.

Response I31-51

The comment states that the runoff factors used in the Hydrology and Hydraulics Report do not reflect existing conditions and are not coordinated with the Geotechnical Report. The comment states that a runoff factor of 0.1 was used in the Stormwater Control Plan for landscaped areas and that these areas are natural areas and not landscaped areas. The comment asserts that there is no explanation of how the runoff coefficients were determined. The comment notes that the local soils have a high clay content with low absorption capacity. The runoff coefficient used in the hydrology study ranged from 0.53 to 0.84, in accordance with the Caltrans Highway Design Manual (Figure 819.2A), considering factors such as topography/slope, soil infiltration, vegetation cover, and surface storage within each watershed area. A 0.1 runoff factor was not applied in the hydrology study. However, for sizing stormwater treatment facilities, a DMA runoff factor of 0.1 is used for softscape or landscaped areas, following BASMAA guidelines (see Table 4.1). This factor reflects the lower runoff coefficient of pervious surfaces, accounting for some infiltration into underlying soils compared to impervious areas.

Comment I31-52

d. The geotechnical report indicates there is a large rock outcropping and hard greenstone rock typically one to four (1-4) feet deep at Shuck Knoll. The geotechnical report also indicates the development plans to grade Shuck Knoll exposing the bedrock. We request revision of the runoff coefficient for the Shuck Knoll area from 0.1 to 0.95 to reflect the bedrock conditions and lack of opportunity for infiltration.

e. The geotechnical report indicates soils/bedrock are highly variably on the large site. We expect the runoff coefficients to be unique in various areas of the site. We request the hydrologist do a site walk, conduct a detailed review of the geotechnical report, and provide appropriate runoff coefficients for each of the drainage areas.

Response I31-52

The comment states that there are plans to grade Shuck Knoll to expose the bedrock and therefore the runoff coefficient for that area should be 0.95 instead of 0.1 to reflect the lack of opportunity for infiltration. The comment requests that the hydrologist take site specific areas of bedrock into account to use the appropriate runoff coefficient for each drainage management area. The consulting hydrologist, Rich Souza, PE, QSD, conducted a supplemental site visit in February 2025 and confirmed that the drainage areas and assumptions are not changed. The runoff coefficient used in the hydrology study ranged from 0.53 to 0.84, in accordance with the Caltrans Highway Design Manual (Figure 819.2A), considering factors such as topography/slope, soil infiltration, vegetation cover, and surface storage within each watershed area. A 0.1 runoff factor was not applied in the hydrology study. However, for sizing stormwater treatment facilities, a DMA runoff factor of 0.1 is used for softscape or landscaped areas, following BASMAA guidelines. This factor reflects the lower runoff coefficient of pervious surfaces, accounting for some infiltration into underlying soils compared to impervious areas.

Comment I31-53

2. Basis for comment 5c: Storm intensity factors do not reflect climate change.

   a. Current intensity factors are based the NOAA's Atlas 14 Point Precipitation Frequency Estimates, which was last revised in 2014, and relies solely on historical data prior to 2014.

   b. Storms occurring today already bear the hallmarks of climate change and are increasing in intensity and severity when compared with historical observations (San Francisco Waterfront Coastal Flood Study

Appendix J: Climate Page J-22 severity when compared with historical observations (Cordeira et al., 2019; Dettinger et al., 2009; Lamjiri et al., 2018; Patricola et al., 2022).

c. Storm intensity is expected to increase in the future. For example, based on San Francisco's regional climate study produced updated intensity duration-frequency (IDF) curves that incorporate projections through the end of the century to inform infrastructure planning and design throughout the Bay Area. The key study findings include:

   I. Storm duration could increase between 9 – 24% by 2050 and from 18 – 55% by the end of century, both relative to historic conditions.

   II. Storm-total precipitation could increase by up to 17% by 2050 and 37% by 2100 relative to historical conditions (Patricola et al., 2022).

   III. Rainfall intensity within the short durations (e.g., 3 hours or less, Table J-4 and Figure J-20) is increasing faster than longer durations (e.g., 24-hour or more, Table J-5 and Figure J-21), which has implications for stormwater conveyance and flash flooding.

References:

I. https://www.energy.ca.gov/sites/default/files/2019-11/CCCA4-CEC-2018-005_ADA.pdf

II. https://edis.ifas.ufl.edu/publication/AE596

III. https://www.swt.usace.army.mil/Portals/41/SFWCFS_DIFR_EIS_Appendix%20J_Climate_1.pdf

Response I31-53

The comment states that the storm intensity factors used in the Hydrology and Hydraulics Report did not take climate change into account. The comment points to San Francisco's regional climate study which produced updated intensity duration-frequency (IDF) curves that incorporate projections through the end of the century to inform infrastructure planning and design throughout the Bay Area. Storm intensity was determined using the National Oceanic and Atmospheric Administration's (NOAA) Atlas 14 Point Precipitation Frequency Estimates, a widely accepted industry standard. Hydraulic calculations for the 100-year storm event, in accordance with Marin County Title 24 Development Standards, Section 24.04.520 –Hydraulic & Hydrologic Design, will be included with the future construction documents. To predict future storm events would be speculative beyond meaning at this point.

Comment I31-54

3. **Basis for comment 5d:** Runoff calculations and retention area sizing do not incorporate adequate safety factors (accounting for increasing intensity, duration, lack of maintenance, margins of error, etc).

   a. Considering the history and vulnerability of neighboring properties to flooding, the poor track record for maintenance of existing systems, and the data indicating storms will get more intense and longer lasting, we request a much larger safety factor in sizing the retention basins to mitigate significant impacts from the project to neighboring properties.

Response I31-54

The comment states that runoff calculations and retention area sizing do not incorporate adequate safety factors to account for increasing storm intensities and durations, lack of maintenance, and error. Proposed retention facilities would be designed to manage stormwater increases resulting from a 100-year storm event, meaning the system would be built to handle a storm with a 1 percent probability of occurring in any given year. This is considered an adequate factor of safety. This design complies with Marin County Title 24 Development Standards, Section 24.04.520 – Hydraulic & Hydrologic Design, and no additional safety factor will be applied. The intent and calculations within the hydrology study indicate that post-construction stormwater runoff will not exceed pre-construction conditions. On-site facilities will be designed and maintained, including sediment controls, per the BASMAA Manual.

Comment I31-55

4. **Basis for comment 5e/5f:** Runoff calculations and retention area sizing do not include assumptions and several key factors needed to assess design adequacy. The EIR Hydraulics and Hydrology section 4.3 indicates pipe sizes were evaluated using Autocad Express tools. The calculations and pipe sizes are not in the EIR documents. Please provide the data, assumptions, and conclusions for the pipe sizing. Did the assumptions account for the clogged pipes and backups that have historically been observed and are discussed in previous comments?

Response I31-55

The comment asserts that the runoff calculations and retention area sizing do not include enough information to assess design adequacy. The comment requests the data, assumptions, and conclusions for pipe sizing and if clogged pipes were taken into account. Pipe size evaluation is described in Section 4.3.1 of Appendix N in the Draft EIR. Proposed retention facilities would be designed to manage stormwater increases resulting from a 100-year storm event, meaning the system would be built to handle a storm with a 1 percent probability of occurring in any given year. This design complies with Marin County Title 24 Development Standards, Section 24.04.520 – Hydraulic & Hydrologic Design. The intent and calculations within the hydrology study indicate that post-construction stormwater runoff will not exceed pre-construction conditions. Additional hydraulic calculations for the 100-year storm event, in accordance with Marin County Title 24 Development Standards, Section 24.04.520 –Hydraulic & Hydrologic Design, including pipe sizing would be included with the future construction documents. On-site facilities would be designed and maintained, including sediment controls, per the BASMAA Manual.

Comment I31-56

5. **Basis for comment 5g:** As mentioned in other comments, the existing conditions and drainage features such as v-ditches and culverts are not shown or discussed in the plans. Therefore, it is likely there are errors in the time of concentrations used in the report and the hydrology and hydraulics report and retention basin sizing needs to be revised to reflect existing conditions. Please provide the assumptions and data used to determine the time of concentration. Please update the time of concentration calculations to reflect existing conditions.

Response I31-56

The comment asserts that the v-ditches and culverts are not shown on the plans and thus there could be errors in the time of concentrations used and the sizing of the retention basins. The time of concentrations used are described in Section 4.2.2 of the Hydrology and Hydraulics Study (Appendix N of the Draft EIR). V-ditches and culverts in subwatersheds where development is proposed were incorporated into the existing and proposed calculations for the time of concentration and retention basin sizing per Appendix F, sample calculations, of the Hydrology and Hydraulics Study. Proposed retention facilities would be designed to manage stormwater increases resulting from a 100-year storm event, meaning the system would be built to handle a storm with a 1 percent probability of occurring in any given year. This design complies with Marin County Title 24 Development Standards, Section 24.04.520 – Hydraulic & Hydrologic Design. The intent and calculations within the hydrology study indicate that post-construction stormwater runoff would not exceed pre-construction conditions. No revisions to the Draft EIR are warranted.

Comment I31-57

6. **Basis for comment 5h:** The referenced FEMA FIRM map used in the EIR Hydrology and Hydraulics Study is dated March 17, 2014. FEMA floodmaps were updated by the San Francisco Bay Coastal study and become effective 3-17-16.

Response I31-57

The comment states that the FIRM map used in the Hydrology and Hydraulics Report is outdated. As stated in Impact 3.9-4, there are no mapped FEMA flood zones in the project site and the Draft EIR referred to the latest FIRM map as cited in the reference section. The FEMA FIRM Map used in Hydrology and Hydraulics Report is dated March 17, 2014 and the comment is correct that the FIRM Map was updated March 17, 2016 (FEMA 2016). There are no flood zones mapped in the project area on either map. Because the latest map was referenced in the Draft EIR and there are no flood zones in the project area, no changes are made to the Draft EIR. See also Response I31-45.

Comment I31-58

Comment #6: The draft EIR did not consider foreseeable sea level rise conditions when evaluating the impacts of increased ongoing traffic and construction obstacles, thereby compromising community safety. In addition, it did not consider decreased capacity for outlets into the bay covered with water due to projected sea level rise.

Community safety will be compromised since the primary evacuation route from Strawberry will be cut off for extended periods of time due to projected sea level rise, causing increased project traffic to be routed onto E. Strawberry Drive and side streets. Despite the EIR indicating Seminary Drive will be flooded due to sea level rise, it does not consider this when evaluating obstacles during construction and increased traffic from the development.

Comment 6a: What studies and mitigation will be required to address the threat to community safety caused by the project under foreseeable sea level rise?

Comment 6b: Will the EIR be revised to show impacts to transportation under future sea level rise?

Comment 6c: Will emergency evacuation routes for the community consider future sea level rise?

Comment 6d: What studies and mitigation will be done to address storm drainage performance under projected sea level rise?

1. The EIR incorrectly asserts: "The project would not exacerbate any existing and or projected damage to the environment associated with future sea level rise and peak high tides." (Impact 3.9-6, p. 324).
2. Due to projected sea level rise shown in the study, Seminary Drive will be impassable for extended periods of time, cutting off what the EIR calls "the primary evacuation route within the project area" and exacerbating safety issues and damage from increased traffic by routing all of it onto East Strawberry Drive and side streets. In addition, this will be exacerbated during construction of the project due to large construction equipment and partial closure of roads.
    a. Water currently encroaches onto Seminary Drive approximately 1/4 mile south of the intersection with Ricardo during storms at high tide. Given the projected 10-inch SLR by 2030 which becomes 46 inches during a 100-year storm and 2050 20-inch SLR by 2050 which becomes 56 inches during a 100-year storm, Seminary Drive would be impassable numerous times throughout the year.

Response I31-58

The comment raises several concerns related to sea level rise. First, the comment states that the Draft EIR did not consider sea level rise in regards to traffic and construction obstacles or the decreased capacity of the outlets into the bay. Because this portion of the comment raises concerns similar to those raised in Comment I31-9, see Response I31-9.

In addition, the comment states that the Draft EIR's determination that the project would not exacerbate any existing and or projected damage to the environment associated with future sea level rise and peak high tides is incorrect. Contrary to the assertions in this comment, this statement from the Draft EIR is correct; the project would not exacerbate sea level rise and peak high tides. As stated in Response I31-9, CEQA is concerned with the project's impact on the environment rather than the environment's impact on a project and its users or residents (*California Building Industry Association v. Bay Area Quality Management District* (2015) 63 Cal.4th 369; *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 473-474). As such, potential inundation of the project site due to sea level rise, even if it were to occur, would not be considered an impact requiring consideration under CEQA, as this would be considered an impact of the environment on the project. Nonetheless, as indicated in Impact 3.9-6 of the Draft EIR, there are no buildings or roadways vulnerable to future sea level rise even with 60-inches of sea level rise and a 100-year storm event in the proposed project site. The project does not include any offsite improvements in areas that would be inundated by sea level rise; nor does the project include any components that would have the potential to exacerbate the effects of sea level rise (e.g., sea walls). As a result, the Draft EIR determined that the project would not exacerbate any existing or projected damage to the environment associated with future sea level rise and peak high tides, and impacts would be less than significant.

In response to the portion of the comment related to community safety and evacuation, Section 3.14, "Transportation," of the Draft EIR evaluated the potential for the project to result in changes to existing conditions related to emergency response and evacuation. Case law and the State CEQA Guidelines Section 15126.2 are clear in that CEQA requires an EIR to analyze the potential impacts of a proposed project on the environment, but does not require an EIR to study the potential impacts of changes in the environment on a project. (*Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 473-474.) Other than limited exceptions not applicable to the project, an EIR need only consider whether a proposed project may exacerbate any existing environmental hazards. The Draft EIR correctly applied these legal principles in its analysis of the project's impact on existing emergency response and evacuation, particularly given the uncertainty surrounding future sea level rise conditions.

With more than 70 miles of coast and 40 miles of San Francisco Bay shoreline, Marin County is one of the communities most affected by sea level rise in the Bay Area, as much of the land in the county is low lying and can easily flood (Marin County 2025). According to the Countywide Plan, by 2100 around 7,000 acres, 9,000 parcels, 10,000 buildings and 120 miles of roads throughout Marin County will be exposed to sea level rise and 100-year storm events (Marin County 2023a). Potential constraints regarding evacuation on the Strawberry peninsula as a result of future sea level rise are an important community-wide issue; however, it is beyond the scope of this EIR. As stated in Impact 3.9-6 of the Draft EIR, the frontage roads leading to the project site currently experience peak tide flooding, and flooding would increase under sea level rise. These conditions are part of the environmental baseline and are not consequences of the project. Furthermore, potential future flooding conditions as a result of sea level rise would occur irrespective of the proposed project, and levels of inundation would not change as a result of the project. Thus, all traffic along these roadways, whether it be existing traffic, project construction workers, or project operation-related traffic, would be exposed to these existing and projected flooding hazards. As sea level rise occurs incrementally over time, the agencies responsible for regional emergency response and evacuation planning in Marin County would continue to evaluate and update (as necessary) any evacuation routes in low-lying areas of the county, such as the Strawberry peninsula, including identification of any alternative evacuation routes.

Notably, the County is currently sponsoring a comprehensive, collaborative planning effort with local agencies and community partners to identify a multi-jurisdictional approach to sea level rise adaptation planning across the county. As part of this effort, which kicked off in summer 2024, the County has met with select stakeholders across the county; conducted case study research on multi-jurisdictional, collaborative approaches to sea level rise planning; drafted and refined an engagement strategy; worked with local agencies to identify steering committee members; and began stakeholder engagement focus groups. The sea level rise planning effort is organized into four primary phases:

- Phase 1: Build Foundation for Robust Community Engagement & Collaboration (Spring 2024 to Early 2025). Understand community and agency priorities, challenges, and needs as they relate to sea level rise planning and project implementation, and existing efforts already underway. Conduct research on multi-jurisdictional approaches to climate-related challenges, including case studies.
- Phase 2: Identify Governance Structure Alternatives & Build Consensus on Preferred Alternatives (Early 2025 to Summer 2025). Define, prioritize, and refine collaboration approaches in collaboration with community stakeholders. Establish how a collaborative structure could relate to and build on existing county-wide and regional sea level rise efforts.
- Phase 3: Recommend Alternative Collaborative Structure and Decision-making Process (Summer 2025). Identify preferred collaborative approach to sea level rise planning related recommendations.
- Phase 4: Assess Internal County Staffing and Resourcing Structures (Fall 2025). Assess how the County can resource itself to support the collaborative approach to planning and implement sea level rise strategies for unincorporated portions of the county (Marin County 2025).

Finally, Senate Bill (SB) 272, enacted on October 7, 2023, requires a local government that lies, in whole or in part, within the jurisdiction of the San Francisco Bay Conservation and Development Commission to develop a sea level rise plan as part of a subregional San Francisco Bay shoreline resiliency plan, that is subject to approval by the San Francisco Bay Conservation and Development Commission on or before January 1, 2034. At a minimum, SB 272

requires the sea level plan to include the following: (1) use of the best available science; (2) a vulnerability assessment that includes efforts to ensure equity for at-risk communities; (3) sea level rise adaptation strategies and recommended projects; (4) identification of lead planning and implementation agencies; and (5) a timeline for updates as needed, based on conditions and projections and as determined by the local government in agreement with the San Francisco Bay Conservation and Development Commission. As indicated, one of the requirements of AB 272 is to identify sea level rise adaptation strategies and recommended projects; thus, consideration will be given to resiliency measures at that time, including any potential improvements needed to future flooded roadways on the Strawberry peninsula. Therefore, no changes to the Draft EIR are warranted in response to this comment.

Comment I31-59

b. The transportation section of the EIR did not consider the impact from all traffic being routed onto East Strawberry Drive and side streets due to reasonably foreseeable future sea level rise and peak high tides. In addition, EIR Impact 3.8-4: Impair Implementation of, or Physically Interfere with, an Adopted Emergency Response Plan or Emergency Evacuation Plan did not consider sea level rise that will have an impact both during construction and on an ongoing basis.

Response I31-59

The comment states that the transportation section of the EIR did not consider the impact of routing traffic onto E. Strawberry Drive and side streets due to sea level rise. The comment also states that Impact 3.8-4 of the EIR did not consider the effects of sea level rise during construction and on an ongoing basis. This comment raises similar concerns as Comments I31-9 and I31-58; see Responses I31-9 and I31-58.

As stated in Impact 3.8-4 of the Draft EIR, an analysis of the proposed project's physical impacts on evacuation routes is provided in Section 3.14, "Transportation," of the Draft EIR. The analysis in Impact 3.8-4 focused on the proposed project's potential to impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. This included consideration of how the project would (or would not) impair or physically interfere with the ability of emergency response and evacuation to be carried out in accordance with applicable plans. As part of this review, the Draft EIR described the existing plans and processes in place addressing emergency response and evacuation, including the Marin County Operational Area Emergency Operations Plan, Marin County Multi-Jurisdictional Local Hazard Mitigation Plan, Marin Wildfire Protection Agency's recent evacuation/ingress/egress study, and the Marin County Sheriff's Office web-based evacuation mapping tool, Zonehaven. This mapping tool provides access to real-time weather, traffic, and fire information, and also has the ability to model traffic and fire spread scenarios. If a zone is activated for evacuation order or warning, or for shelter in place, the reason for the activation will be provided and, if necessary, additional information such as temporary evacuation point, evacuation route or routes, and other critical information will be provided at that time. In the event of an emergency, first responders use this mapping tool to plan and execute small and large-scale evacuations. When an evacuation occurs, the community is updated with zone-specific information on the map, including real-time evacuation status, live incident updates, and relevant resources such as shelter options (Marin Wildfire Prevention Authority 2021). Zonehaven is accessible via the Marin County Public Emergency Portal website. As such, this mapping tool would consider any real-time constraints to effective evacuation, including potential flooding of an evacuation route due to sea level rise. In addition, the Marin County Operational Area Emergency Operations Plan establishes the emergency management organization to mitigate significant emergencies or disasters in the Marin operational area, such as flood, wildland fire, winter storm, tsunami, landslide, and climate change/sea level rise.

As stated in Impact 3.8-4, proposed project does not include any components that would impair or interfere with the use of these existing notification systems or tools in the event of an emergency; nor would the project impede the ability of first responders to implement the Operational Area EOP or MLHMP. Thus, the Draft EIR concluded that construction and operation of the proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan, and impacts would be less than significant.

Additionally, as stated in Impact 3.14-4 in Draft EIR Section 3.14, "Transportation," Mitigation Measure 3.14-4 is proposed to address emergency vehicle access impacts, including the effect of added emergency vehicle response time, by providing emergency vehicle pre-emption at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol

with interconnect to the traffic signal at the Redwood Highway Frontage Road/Seminary Drive intersection to allow fire trucks to activate green indications. The project applicant shall also be responsible for purchasing, installing, and activating emergency vehicle preemption emitting devices in seven fire station vehicles housed at Strawberry Fire Station 9 (Southern Marin Fire District. See Final EIR Section 3.2.12, "Master Response: Emergency Vehicle Access Mitigation Measure," for additional details. Therefore, no changes to the Draft EIR are warranted in response to this comment.

Comment I31-60

3. Drainage issues will be created due to storm outlets into Richardson Bay frequently being covered with water that will occur due to projected sea level rise and was not addressed in the EIR. This statement is based on personal observation and review of the EIR as documented below.

    a. One example of potential drainage issues is the drainage pipe into Richardson Bay shown below, located close to the southern end of 150 Seminary Drive, as detailed in Figure 3.9-2 of the EIR. This outlet is one of two drains for DMA1B, the largest drainage area of the project. The outlet is currently underwater at a tide of about 5 ft above MSL. Given the projected 2050 20-inch SLR noted in the EIR which becomes 56 inches during a 100-year storm, the drainage from area DMA 1B could be significantly impacted.

       The pipe is barely visible since it is underwater due to the previous high tide. Only the top portion of the pipe can be seen due to sediment filling most of the opening.



Response I31-60

The comment states that drainage issues will occur when outlets to Richardson Bay are covered by water due to sea level rise. There are no buildings or roadways vulnerable to future sea level rise even with 60-inches of sea level rise and a 100-year storm event in the proposed project site. The outlets are located on private property outside of the project area which is discussed in Final EIR Section 3.2.6, "Master Response: Evaluation of Existing Storm Drain System."

Letter I32 Julie Hanft

September 6, 2024

Comment I32-1

The Proposed Project Site is But One Part in a Set of Functioning Intact Ecosystems That Would Be Significantly Impacted by the Project.

It is established in science that no parcel of land can be separated from the ecosystem in which it is situated. Non-human organisms do not observe human boundaries and move across the land and water in search of food, to rest and to find breeding sites. The larger set of ecosystems which encompasses the project site, the land that surrounds it, the coastline and encircling waters, have been the subject of conservation and restoration efforts for many years and are subject to federal, state and local protections. These areas have therefore already been recognized as inherently important functioning ecosystems by governmental agencies due to the presence of organisms that have been significantly impacted by human activity. **It is the purpose of this comment to make clear in the simplest terms that by repeatedly stating that the impact of the proposed project to Biological Resources would be less than significant, the draft EIR is grossly and obviously deficient.**

The Project site consists of varied plants, fungi and microorganisms, is the home to resident shorebirds and wading birds, songbirds and birds of prey, as well as native mammals such as bats, squirrels, coyotes, foxes, skunks, and rodents and other creatures too numerous to list here. An extremely complex and rich area of overlapping ecosystems exists at this edge, what biologists call an ecotone, where organisms live for all or part of the year to gain the many competitive advantages inherent in land that lies along and interacts with the sea.

The Project site is also within a place of the significant movement of **migratory species** of all kinds. It is directly adjacent to the Richardson Bay overwintering site of many bird species such as grebes, loons, pelicans, and many species of ducks and shorebirds, just to name a few as well as fish, whales and other marine species. It is directly within the fundamentally significant Pacific Flyway bird migration route, which allows hundreds of bird species to move back and forth between their breeding and wintering grounds from South America to the Arctic and points in between. It is also directly within the western migration route of the Monarch butterfly (Impact 3.4-2) and other butterfly species. These are just a few examples (Impact 3.4-9).

Response I32-1

The comment states that the determination that the impact of the proposed project on biological resources would be less than significant is deficient. The comment further states that the project site contains many species, and is a place of movement through the project area by migratory species including birds along the Pacific Flyway, and monarch butterfly. Potentially significant impacts to special-status plants are disclosed in Draft EIR Section 3.4, Biological Resources, under Impact 3.4-1: Potential Disturbance or Loss of Special-Status Plants and would be reduced to less than significant by the implementation of Mitigation Measure 3.4-1a and Mitigation Measure 3.4-1b. The impact to special status and common animal species is disclosed in Draft EIR Section 3.4, Biological Resources, under Impact 3.4-2: Potential Disturbance or Loss of Monarch Butterfly, Impact 3.4-4: Potential Disturbance or Loss of Special-Status Birds and Other Common Nesting Birds, and Impact 3.4-5: Potential Disturbance or Loss of Special-Status and Common Bat Maternity and Hibernation Roosts. Potentially significant impacts to these species were identified and reduced to less than significant by the implementation of migration described in these respective impacts sections. The potential impact to special-status fish species is discussed in Draft EIR Section 3.4, Biological Resources, under Impact 3.4-3: Potential Disturbance or Loss of Special-Status Fish Species, and determined to be less than significant, due to the preparation and implementation of a required storm water pollution prevention plan and new storm drain systems which would avoid discharge of contaminants to special-status fish habitat. The use of the site by migratory species and as nursery habitat is disclosed in Draft EIR Section 3.4, Biological Resources, under Impact 3.4-9: Potential to Impede Wildlife Movement and the Use of Native Wildlife Nursery Sites, which describes the limited potential for use of the site for local and regional movement, as well as its location within the Pacific Flyway and its location in relation to the Richardson bay shoreline.

Comment I32-2

Ecosystems, Wildlife Corridors and Migratory Routes WILL BE Significantly Affected by the Removal of Trees.

Mature trees are foundational in a functional ecosystem. Resident species, whether plants, animals, or fungi, etc., from microorganisms and insects on up in size, relate to trees in ways that humans understand and in ways that are still being studied. Most obvious to the human eye: the perched Red-tailed hawk looking for food, the Bald eagle eating a fish it has just caught in the adjacent bay, the nesting California scrub jay, the resting Great Horned Owl, and the Anna's hummingbird gleaning insects from the leaves and flowers of the tree to feed to her young (Impacts 3.4-4, 3.4-9). Less obvious to the human eye: nocturnal animals such as bats, raccoons, skunks and woodrats (Impact 3.4-5) who use the trees for shelter during the day, underground mycelial fungal networks connecting the trees with other plants, the insects who live or feed in the tree, the birds who feed on those insects, and the microorganisms enriching the soil by breaking down the leaf litter thus keeping the entire area capable of supporting life. Removing one mature tree or another out of human convenience disturbs both the basic needs of resident species and the complex interaction of those species. Thus, there will be a significant impact on non-migratory species at the project site.

Migratory flying creatures such as birds and butterflies fly up to thousands of miles in order to simply exist. Their routes are determined by a complicated set of navigational abilities that are not yet fully understood by scientists along with the historical imprint of the movement of each species. These creatures fly in, exhausted, "expecting" in an evolutionary biological way that the mature trees that historically have been there will still be there. Mature trees are thus necessary resting places for all migratory flying species. Obviously, the removal of trees that have historically been present will present a significant impact on flying migratory species (Impact 3.4-9).

Trees take many, many years to mature, and thus removal of mature trees and replacement with saplings cannot mitigate the impact on Biological Resources on the site (Impacts 3.4-1, 3.4-6, 3.4-7).

Response I32-2

The comment states that the removal of mature trees would be a significant impact on non-migratory and migratory species, and that replacement of trees cannot mitigate the impact of tree removal.

The potentially significant impacts to special-status plants from the removal of habitat, including tree removal, are disclosed in Draft EIR Section 3.4, Biological Resources, under Impact 3.4-1: Potential Disturbance or Loss of Special-Status Plants and would be reduced to less than significant by the implementation of Mitigation Measure 3.4-1a, which requires survey and avoidance of special-status plants, or compensatory mitigation if plants are not avoided, and Mitigation Measure 3.4-1b, which avoids and minimizes the spread of invasive plants. Impacts to monarch butterfly habitat including tree removal is evaluated in Draft EIR Section 3.4, Biological Resources, under Impact 3.4-2: Potential Disturbance or Loss of Monarch Butterfly, which disclosed the potential for impacts due to disturbance of overwintering individuals and loss or degradation of overwintering stands. The EIR concluded that the project would result in less than significant impacts after implementation of Mitigation Measures 3.4-2a and 3.4-2b, which require monitoring, avoidance of overwintering monarchs, and management of overwintering stands if monarchs are found during monitoring.

Use of the project site by migratory species and as nursery habitat is discussed in Draft EIR Section 3.4, Biological Resources, under Impact 3.4-9: Potential to Impede Wildlife Movement and the Use of Native Wildlife Nursery Sites, which describes the limited potential for use of the site for local and regional movement. The potential for the project to result in degradation or loss of oak woodlands is analyzed in Draft EIR Section 3.4, Biological Resources, under Impact 3.4-7. With the proposed planting of oaks as part of the project and implementation of Mitigation Measure 3.4-7, which would avoid and minimize the spread of sudden oak death, the EIR determined that there the project would not result in a substantial loss of oak woodland.

The discussion in Draft EIR Section 3.4, "Biological Resources," under Impact 3.4-4: Potential Disturbance or Loss of Special-Status Birds and Other Common Nesting Birds, and Impact 3.4-5: Potential Disturbance or Loss of Special-Status and Common Bat Maternity and Hibernation Roosts have been revised to clarify in more detail vegetation removal for construction, including tree removal, within the project site and how this loss would not be substantial in comparison to the available nesting and roosting habitat within western Marin County. See Response O4-30. The

revisions in response to comment O4-30 represent clarification and refinement of the analysis and do not alter the significance determinations of the Draft EIR.

Comment I32-3

Ecosystems, Wildlife Corridors and Migratory Routes WILL BE Significantly Affected by Human Activity Such as Development, Traffic and Lighting at Night.

It is well-established that human development is one of the largest drivers of biodiversity reduction. Part of the biodiversity reduction happens when humans introduce non-native plants, which then outcompete native plants (Impact 3.4-10). Urbanization of formerly wild and less developed habitats pushes populations of **resident** animals out of affected areas due to habitat loss. Disruption of intact ecosystems by the replacement of plants with hardscapes results in less food for animals at the lower trophic levels of food webs. This causes the failure of food entirely for larger animals at the higher trophic levels.

Animals will still attempt to live in their historic habitats despite the disruption, which causes conflict with humans. The presence of creatures that are viewed to disturb human-created landscapes, with obvious examples being deer, gophers and voles, causes humans to turn to rodenticides and other poisons which are then consumed in the food chain by predators such as hawks, kites and owls (Impacts 3.4-4, 3.4-10). Coyotes and other predator mammals such as foxes and raccoons are also affected, which causes other types of conflicts with humans who have difficulty managing the food waste associated with human activity. The herbicides and other poisons used to manage lawns accumulate in riparian areas and wetlands and are the source of pollution in all of Marin's local creeks and harm fish and other freshwater and marine wildlife (Impacts 3.4-3, 3.4-8, 3.4-10).

Increased vehicle traffic presents a problem as well for these creatures as they move in and out of their historic habitat on land and in the air and become roadkill. The same threat exists for migratory creatures (Impact 3.4-9).

Artificial lighting and new buildings disturb both resident and migratory animal life as well. Many birds die every year as a result of window strikes and interaction with free-roaming pets, such as house cats. Migratory creatures are attracted to night lighting and become confused and distracted from their routes, further exhausting them on their lengthy migrations (Impact 3.4-9).

Clearly, the development of the proposed project will significantly impact Biological Resources due to the development itself and the associated construction of buildings with windows, unnatural lighting, roads and other hardscapes and the presence of humans and their movements and waste generation and their pets and other activities.

Response I32-3

The comment states that construction of the proposed project would result in significant impacts to biological resources due to increased development on the site as well as increased use of pesticides, increased vehicle traffic, artificial lighting, window strikes, and pets. The majority of the project site is currently developed as described in Draft EIR Section 2.4.2, Existing Project Site and Land Uses, including an academic campus and residences, along with associated hardscapes and landscaping. Furthermore, landscaping and other maintenance activities currently occur within the project site and are not anticipated to increase substantially as a result of the project within the existing disturbance footprint. Although, the area of landscaping outside of the existing footprint would be increased, as described in Draft EIR Section 3.4, Biological Resources, under Impact 3.4-10 the project would comply with all required permits and policies including policies that restrict the use of herbicides, insecticides, and similar materials which would limit impacts from these materials. As described above, the project site currently includes an academic campus and residential development, is also located adjacent to existing residential development in the Strawberry community, and the site is open to the public for recreation. These existing uses likely have introduced pets into the area surrounding and within the project site and it is speculative to indicate that there would be an increase in adverse interactions between pets and wildlife as a result of the project. Also, while the project would result in increased vehicle trips as discussed in Draft EIR Section 3.14, "Transportation," no new roads would be constructed for the project. Furthermore, Impact 3.4-9 of the Draft EIR states the project site is unlikely to support regional wildlife movement corridors, and no habitat connectivity corridors are documented to occur on site. Thus, the project is not

likely to have a substantial adverse effect on wildlife movement through the project site. Use of the site as nursery habitat for shorebirds, marine mammals, and mule deer is also unlikely given the existing and ongoing human disturbance on the project site. Therefore, although the project would result in increased traffic, impacts on wildlife movement were found to be less than significant. As discussed in Draft EIR Section 2.6.3 Landscaping, Wildfire Resilience, and Site improvements, lighting within the project site would consist of low-wattage lighting, which would be directed downward and shielded, and bird-friendly building design features would be implemented consistent with Section A5.107 of the California Building Code.

Comment I32-4

In conclusion, it takes many, many years to replace a functioning, intact set of ecosystems, if it is even possible to do so at all. It is much more economically and ecologically prudent to leave such ecosystems alone. For humans are just one species in an ecosystem, and we rely on intact ecosystems and take them for granted despite the fact that they are critical to our own survival. Bringing high density development to the sensitive area at issue here will cause damage of the type that we have caused in the past and have learned since is far too expensive and difficult to remedy in the future. The sound course of action is to leave the site free of more development. The Draft EIR must be amended to reflect the true significant impacts to Biological Resources inherent in the proposed project.

Response I32-4

This comment is a conclusion statement that the Draft EIR must be amended. The comment also states that the sound course of action is to leave the site free of more development. This comment does not address any deficiencies in the Draft EIR. No further response is required.

Letter I33 Anthony Baker

September 8, 2024

Comment I33-1

In particular, while the demonstrated need to build more housing in Marin county is used to justify the significant and unavoidable negative environmental impacts associated with building the residential units and the senior care center components of this project, there is no such demonstrated need that justifies the negative environmental impacts caused by the development of a 1,000-person school at this site. There are already 57 higher educational institutions in the area – most of which are under enrollment capacity, and two of which are less than 8 miles away. Furthermore, no information or detailed plans are provided by the developer regarding the nature of the proposed 1,000-person school (e.g. its target student population? its purpose? the nature of associated activities?, etc), and it is therefore not possible to accurately evaluate its environmental impacts. The lack of any information about the planned school also invalidates the multiple assumptions made in this draft EIR (such as 300 students living on campus and the remaining 700 'already likely living in the surrounding area'), as there is no basis for these assumptions in the documents provided by the developer.

What plans and information have been provided by the developer to justify the assumptions made in this draft EIR?

How does the County justify the failure to request detailed plans and information from the developer about these potentially significant environmental impacts prior to proceeding with an EIR?

Response I33-1

The comment states there is no justification for the development of a 1,000-person school at the project site, and there are is no information or detailed plans regarding the nature of the proposed academic campus. The comment states that the lack of this information invalidates the assumptions made in the EIR and it is not possible to accurately evaluate its environmental impacts. See Final EIR Section 3.2.1, "Master Response: Stable Project Description," and Section 3.2.4, "Master Response: Conditional Use Permit Issues." The basis for the reasonable expectation regarding the number students enrolled and living on campus during the release of the Notice of Preparation and the estimated number of students, staff, and faculty living on campus as well as offsite are discussed in Draft EIR Chapter 2, "Project Description," and Section 3.12, "Population and Housing. The Marin County Planning Commission

and Board of Supervisors will take the comments raised in the Final EIR under consideration before a decision on the project is rendered.

Comment I33-2

What recourse will be offered to the community to review plans prior to implementation and/or to halt the development of a 1,000-person school if the developer subsequently proceeds with a plan that differs from these assumptions?

What recourse will be offered to the community to review plans prior to implementation and/or to halt the development of a 1,000-person school if the developer subsequently proceeds with a plan that has negative environmental impacts that were never evaluated by the County in an EIR due to lack of information provided by the developer?

Response I33-2

The comment asks what would happen if during implementation of the project, elements of the development plans were to change and the assumptions and analysis in the Draft EIR were no longer consistent with the proposed project, and what if any changes resulted in environmental impacts that were not addressed in the Draft EIR. In this event, the County would need to review any revised development plans and consider if there would be a need for subsequent CEQA review as described in State CEQA Guidelines Section 15162. Should the County determine subsequent CEQA review is required, the applicant would need to prepare a supplemental or subsequent EIR or addendum to the EIR as described in State CEQA Guidelines Section 15162. Project modifications which meet the criteria for preparation of a supplemental or subsequent EIR are given the same public noticing and public review as a Draft EIR as described in State CEQA Guidelines Section 15087. An addendum to an EIR may be prepared when a certified EIR has been prepared and some changes or revisions to the project are proposed, or the circumstances surrounding the project have changed, but none of the changes or revisions would result in significant new or substantially more severe environmental impacts. An addendum is not subject to the same notice and public review requirements as a subsequent or supplemental EIR, but a lead agency may elect to provide notices and a public review period.

Comment I33-3

Noise:

With regard to the potential negative noise impacts due to activities at the proposed 1,000-person school:

The proposed Academic Campus is described on p. ES-2 as consistent with "the permitted enrollment maximum of 1,000 students per the 1953 CUP"; however, the 1953 CUP did not provide approval for a generic "1,000-person school" as proposed by this developer. Rather, it approved this 1,000-person enrollment for a *seminary* which is a very specific type of educational community that enforces a demanding code of conduct for its students and faculty, and enforces strict limits on certain types of social activities. For example, the Golden Gate Theological Seminary (which occupied the site from the 1950s until 2015 and for which the 1953 CUP was originally written) is a member of the Southern Baptist Convention which forbids alcohol and substance use, loud music (and all non-religious music), dancing, partying, etc, as a condition of enrollment. Thus, the residents of the surrounding community at that time would have been offered reasonable assurances that their neighborhood would not be disturbed by noisy campus activities throughout the day and night, as these students would have been expelled under the Seminary's own disciplinary policy.

- *What assurances can the County provide that the administration of the school will enforce similar restrictions on student conduct and noisy activities as a condition of enrollment, and what mitigation measures will the County implement to limit disturbances?*
- *Will enforcement of noise restrictions fall to local law enforcement?*
- *How will this additional demand on police and other enforcement personnel and resources be paid for?*
- *How will this additional demand on police and other enforcement personnel and resources impact existing policing activities necessary to maintain public safety? What mitigation measures will be put in place by the*

County to compensate for any detrimental impacts on existing necessary policing activities related to public safety?

- *Please elaborate the supporting evidence that demonstrates the need for a 1,000-person private school at this location that justifies these negative environmental impacts, given that the development of this school does not help with the housing shortage in Marin County and given that there are already 57 higher-educational institutions in the area, most of which are under-enrolled at present.*

Response I33-3

The comment states that the proposed project would not be consistent with the 1953 CUP because the 1953 CUP does not provide approval for a generic "1,000-person school, "but rather it approved 1,000-person enrollment for a seminary which is a different type of educational community. The comment also asks specific questions about how the County will provide assurances that the academic campus would enforce restrictions on student conduct and noisy activities; how noise restrictions will be enforced; and how additional demand on police and enforcement will be paid for and what will be the impacts on public safety. The comment also requests supporting evidence demonstrating the need for a 1,000-person private school that justifies the environmental impacts of the project.

The questions posed in this comment related to the CUP, conditions of approval, code enforcement and funding do not pertain to the adequacy of the Draft EIR and are not within the purview of CEQA. See Final EIR Section 3.2.4 for "Master Response: Conditional Use Permit Issues."

Regarding impacts on police protection services, Draft EIR Section 3.13, Public Services and Recreation, analyzes the project's potential to result in increased demand for police protection facilities and services under Impact 3.13-2. The Draft EIR concludes that implementation of proposed project would increase the population on the project site by approximately 530 residents, increasing demand for police protection services. As discussed on page 3.13-16 of the Draft EIR, according to the Marin County Sheriff's Office, existing staffing levels would be sufficient to address the increase in population on-site, and no reduction in service to the unincorporated county in general would be expected. In addition, no additional facilities or equipment would be required (Schneider, pers. comm., 2022; Schermerhorn, pers. comm., 2023). Further, as part of the standard development review process, the project would be subject to formal Sheriff's Office review and approval. Therefore, the impact related to police protection facilities and services was determined to be less than significant.

Regarding noise, anticipated noise impacts from the proposed project are evaluated under Impact 3.11-4 in Section 3.11, Noise and Vibration, of the Draft EIR. As analyzed therein, the Draft EIR concluded that the project would have a less than significant noise impact from the proposed parking facilities, campus events, and playing field. However, there would be potential noise impacts from stationary noise sources (i.e., heating, ventilation, and air conditioning equipment) and the Draft EIR recommended Mitigation Measure 3.11-4 to reduce operational stationary source noise. Mitigation Measure 3.11-4 requires all new stationary equipment associated with newly constructed buildings comply with County stationary noise standards and be designed such that noise generated at adjacent properties does not exceed the existing ambient noise levels by more than 5 decibels. Responsibility for administration of Mitigation Measure 3.11-4 would be the applicant, and the County would be responsible for verifying that the applicant has completed the necessary actions outlined in the measure. In addition, consistent with AB 1307 and as concluded in *Make UC a Good Neighbor v. Regents of the University of California* noise generated by occupants of residential projects and social noise from student housing projects are not considered environmental impacts under CEQA and would thus not require mitigation. The Marin County Planning Commission and Board of Supervisors will take the other comments raised under consideration before a decision on the project is rendered.

Comment I33-4

With regard to the acute negative impacts of this proposed project caused by construction noise:

The proposed project lists many sources of construction noise (demolition, blasting, excavating & grading, riveting, heavy machinery required for building, etc). Multiple studies attest to the negative neurological, developmental, psychological, physical and cognitive impacts of noise in ranges that are even lower than the project's estimated noise levels of 77 - 86 dB [see for example: Balk et al (2023)1; Liang et al (2024)2; Raess et al. (2022)3; Stansfield and

Clark (2015)4; and Thompson et al (2022)5]. In particular, many studies warn that the negative impacts are especially detrimental to infants/children (in terms of attention, learning, hyperactivity) while other studies note an increased cognitive impact on adults 45+ years old. The negative noise impacts on vulnerable populations are deemed justifiable because of their purported short-term nature (estimated 4 years), and the demonstrated need for increased housing in Marin County. However, the projected timeline of 4 years for completion appears woefully insufficient for the scope and complexity of the project as outlined by the developer. If the project were to exceed this projected timeline of 4 years, this could potentially encompass the entire critical period of development in a young child's life, resulting in risk of permanent damage per the American Academy of Pediatrics.

Given the project's proximity to many residences, including families with young children, and given the much higher percentage of people now living and working full-time or part-time from home post-pandemic during the proposed construction work hours:

- *What mitigation measures will the agency adopt to deter the cumulative neurological/ developmental/ psychological / physical/ cognitive impacts of noise related to construction if the project exceeds the projected timeline of 4 years?*
- *How will any proposed new mitigation measure prevent the cumulative neurological/ developmental/ psychological / physical/ cognitive impacts of noise related to construction if the project exceeds the projected timeline of 4 years?*
- *As above, while the negative noise impacts caused by construction of the residential units and senior care center are deemed justifiable due the County's housing shortage, what is the supporting evidence that justifies the additional negative noise impacts caused by construction of a 1,000-person private school at this site?*

Response I33-4

The comment cites that multiple studies attest to the negative neurological, developmental, psychological, physical and cognitive impacts of noise and warn that impacts can be especially detrimental to infants/children and adults 45 years and older. The comment also questions the feasibility of the proposed project construction timeline and asks what measures will the County adopt to deter any neurological/developmental/psychological/physical/cognitive construction impacts related to noise if the project exceeds the estimated construction timeline of 4 years. In addition, the comment asks how any new proposed measures will prevent the cumulative aforementioned health impacts if the project exceeds the estimated construction timeline. Lastly, the comment asks for supporting evidence that justifies the additional negative noise impacts caused by the proposed project.

Noise methodology is discussed in Section 3.11.3, Environmental Impacts and Mitigation Measures, of the Draft EIR. As discussed therein, project-generated construction source noise was determined based on methodologies, reference emission levels, and usage factors from FTA's *Guide on Transit Noise and Vibration Impact Assessment* methodology and the Federal Highway Administration's *Roadway Construction Noise Model User's Guide*. Operational noise impacts were determined based on reconnaissance data, reference noise emission levels, and measured noise levels for activities and equipment associated with project operation (e.g., heating, ventilation and air conditioning [HVAC] units, parking lots), and standard attenuation rates and modeling techniques. Using this information construction and operational impacts to sensitive receivers and their relative exposure to noise was identified. As included in Appendix G of the State CEQA Guidelines CEQA documents are required to determine if a project would result in a "substantial temporary or permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies." Therefore, a determination related to the neurological, developmental, and psychological impacts of noise is not within the purview of CEQA.

Please refer to Response I22-1 for a discussion of significant construction noise impacts and proposed mitigation. Draft EIR Mitigation Measure 3.11-1 would be implemented for the project regardless of the length of the construction period. State CEQA Guidelines Section 15126.4(a) requires lead agencies to consider all feasible mitigation measures to avoid or substantially reduce a project's significant environmental effects. Mitigation Measure 3.11-1 includes all feasible noise reduction techniques available for the proposed project and no new mitigation measure for construction noise is proposed. It should be noted that project construction would occur throughout the project site

and would not occur at a single location for the whole 4-year construction period. Therefore, individual receptors, including children, would not be exposed to substantial construction noise for up to four years. The intent of CEQA is to determine the environmental impacts of a project as proposed and economic or social impacts are not within the purview of CEQA. Regarding the feasibility of the proposed project construction schedule, the applicant has consulted with Build Group, a regional general contractor with relevant experience building large residential projects and concurs that the proposed construction schedule is feasible (Herrema, pers. comm., 2025).

Regarding justification for implementing the proposed project in light of any disclosed potentially significant impact, under CEQA a Lead Agency is responsible for determining the potential environmental impacts of a proposed action and which of those impacts are significant, and which can be mitigated through imposition of mitigation measures to avoid or minimize those impacts to a level of less than significant. CEQA then requires the Lead Agency to balance the benefits of a proposed action against its significant unavoidable adverse environmental impacts in determining whether or not to approve the proposed project. In making this determination the Lead Agency is guided by State CEQA Guidelines Section 15093, Statement of Overriding Considerations, which states:

a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Therefore, if a project would result in significant and unavoidable environmental impacts (i.e., significant effects that cannot be feasibly mitigated to less-than-significant levels), the project can still be approved, but the lead agency's decisionmaker, in this case the Marin County Board of Supervisors, must prepare findings and issue a "statement of overriding considerations" explaining in writing the specific economic, social, or other considerations that they believe, based on substantial evidence, make those significant effects acceptable. The County has complied with CEQA requirements by identifying the project's significant and unavoidable impacts in the Draft EIR. As part of the project approval process, the Marin County Planning Commission and Board of Supervisors will review and consider the EIR analysis as well as all comment letters submitted during the Draft EIR public review period and the written responses to those comments before a decision on the project is rendered.

Comment I33-5

With regard to the chronic negative impacts of noise and low-frequency vibration caused by increased traffic:

As described above, multiple studies have documented the negative neurological, developmental, psychological, physical and cognitive impacts of noise and low-frequency vibration on developing infants and children as well as adults [Ibid, see references 1-5 above]. The proposed project will inevitably result in increased traffic noise and increased low-frequency vibration due to the projected increase in number of residents in the area, and activities at the senior care center. These chronic negative impacts are deemed significant and unavoidable based on the project's goals, and are deemed justified by the housing shortage and the need for senior housing and care in Marin County. However, as the draft EIR acknowledges, the chronic negative effects of the *additional noise and vibration* caused by traffic to and from the 1,000-person private school could not be quantified or assessed by this study because there are no detailed plans or information provided by the developer about the type and nature of the school.

Despite the lack of information provided by the developer about the 1,000-person private school, unverifiable assumptions are made in the study that approximately 30%of students will live on campus. Even if these unverified assumptions prove true, these 300 students will frequently need to leave campus to obtain supplies and other necessary services due to the lack of adjacent grocery stores and other retail amenities on site. On top of this, the other 700 commuter students (and associated faculty, employees, friends and families) will all be driving in and out of the neighbohood throughout the day, evening, and night to participate in campus academic and social activities. The study makes no attempt to quantify these chronic, significant negative noise and vibration impacts due to the enormous additional traffic burden associated with the 1,000-person private school. As previously mentioned there is no justification offered with regard to demonstrated need for yet another private school in the area. While one of the Project Objectives listed in the draft-EIR is to "suppport a thriving campus use that offers amenities to the surrounding community and academic value for the region", there is no evidence to suggest that this 1,000-person school will raise the academic value of the region which already has 57 higher educational institutions, most of which are under-capacity. In addition, it is unclear what amenities will be offered to the surrounding community given that the proposed fitness center, for example, would have a small staff and limited membership.

Finally, while modelling studies of the projected estimated increases in long-term traffic noise and vibration are provided for Seminary Avenue, E. Strawberry Drive, and Reed Boulevard, no estimates of increased long-term traffic noise and vibration are provided for any of the internal streets (e.g. Chapel Drive, Mission, Shuck, Storer, Gilbert, etc) and other streets adjacent to the school area, which presumably will be experiencing the greatest percentage increases in traffic due to the influx/efflux of approximately 1,000 more people per day over existing levels.

- *What are the estimated increases in long-term traffic noise and vibration for the internal streets in the proposed project, and streets adjacent to the 1,000-person private school, and why was this not covered in the draft-EIR?*
- *What new studies will be done to assess long-term traffic noise and vibration once the developer provides actual information and plans about the nature of the proposed school, numbers of commuters, etc (rather than the assumptions in this draft EIR which are unverifiable based on lack of information from the developer)?*
- *What mitigation measures will the agency adopt to deter the cumulative neurological/ developmental/ cognitive / physical / psychological impacts of CHRONIC traffic noise and low-frequency vibration related to the 1,000-person private school traffic?*
- *How will any proposed new mitigation measure prevent the cumulative neurological/ developmental/ cognitive / physical / psychological impacts of CHRONIC traffic noise and low-frequency vibration related to the 1,000-person private school traffic?*
- *It is important to consider that a major component of the negative noise and vibration impacts of the proposed project that are deemed 'significant and uanavoidable" could in fact be avoided by eliminating the development of the 1,000-person private school at this site (which addresses no demonstrated need and offers no benefit to the surrounding community) while retaining the components which increase housing and senior care in the County. Please elaborate on the evidence that justifies the enormous negative environmental impact of the 1,000-person private school component of this project.*

Response I33-5

Similar to Comment I33-4, the comment states that multiple studies have documented the negative neurological, developmental, psychological, physical and cognitive impacts of noise and low-frequency vibration on developing infants and children as well as adults. The comment states the project would result in significant and unavoidable operational impacts related to increased traffic noise and increased low-frequency vibration. The comment also states there is a lack of information about the academic campus and questions the expectation that 30 percent of the students would live on campus. The comment requests justification demonstrating the need for a private school in the area and evidence to support that the project would raise the academic value of the region. The comment also asks for more information related to the amenities that would be offered to the surrounding community. Lastly, the comment states that there are no estimates of increased long-term traffic noise and vibration provided for any of the

internal streets or other streets adjacent to the academic campus and asks if any new studies would be completed and if any new mitigation measures would be required.

Regarding comments stating there is a lack of information about the academic campus, see Final EIR Section 3.2.1 for "Master Response: Stable Project Description." For comments related to the merits of the project and project justification, see Final EIR Section 3.2.4 for "Master Response: Conditional Use Permit Issues" and Response I33-4. Amenities to be provided by the project, aside from the fitness center, which would be available to the public include the daycare center, expanded new open space and improvements to existing open space areas, and the playing field which is open daily to the public would continue under the proposed project. In addition, the existing hilltop in the Chapel Hill Planning Area would be preserved as a park and wildlife corridor and would be open to the public. As described in Draft EIR Chapter 2, "Project Description," approximately 70 percent of the project site is proposed to be maintained as open space, athletic fields, paths, and plazas, and a network of trails would be established on the site which would be accessible to the public. For comments regarding the estimate of how many proposed project housing units would be occupied by the student, staff, and faculty population, a reasonable estimate was used in the project description and environmental analysis that approximately 30 percent of the housing would be occupied by university-affiliated residents, i.e., students, staff, and faculty. The estimate is reasonable because data from the applicant indicates that 27 percent of existing housing units on the property are occupied by university-affiliated residents (Jones, pers. comm., 2022). During preparation of the Final EIR, the applicant clarified further that based on a review of housing records by the applicant in June 2022, residents affiliated with the campus were estimated to constitute 27 percent of the total number of housing units and dormitories on the project site (Jones, pers. comm., 2025).

Regarding noise, as discussed in Draft EIR Section 3.11, Noise and Vibration, under Impact 3.11-3, long-term increases in traffic noise could occur as a result of increased vehicular trips on local roads near the project site were determined to be below the Federal Transit Administration's (FTA) allowable increase levels for transportation noise. Therefore, impacts were determined to be less than significant and the project would not result in a substantial impact from traffic noise. As included on page 3.11-10 of the Draft EIR, "…to assess potential long-term (operation-related) noise impacts due to project-generated increases in traffic, noise levels were estimated using calculations consistent with the Federal Highway Administration's Traffic Noise Model and project specific traffic data." The project specific data was from the transportation study for the project that estimated the number of vehicle trips that would occur following development of the project site, which included reasonable expectations and vehicle trips from students at the school. Consistent with the findings of the transportation analysis, the traffic noise analysis includes increased noise levels on roadways that were determined to support the majority of new trips. Traffic numbers were not provided for internal and adjacent streets in the traffic study because they would include a diminishing number of new trips as compared to the three roadways analyzed. A doubling of vehicle trips is necessary to result in a perceptible or 3 dBA increase in noise (FTA 2018). Therefore, increased vehicle trips from the project on internal and adjacent streets would not result in a perceptible increase in traffic noise because a doubling of trips is necessary to perceive an increase in noise.

As included on page 3.11-6 of the Draft EIR, "If a roadway is smooth, the ground vibration is rarely perceptible." Ground vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels (FTA 2018; Caltrans 2013). Roadways in the vicinity of the project site would be smooth and vibration from increased project vehicle trips would not be perceptible. Additionally, as included on page 4-32 of the Draft EIR, "vibration dissipates rapidly with distance and the geographic scope of analysis for vibration is 500 feet." There are no proposed projects within 500 feet of the site and cumulative vibration impacts would be less than significant. As described in the paragraph above the project would not result in any new long-term traffic or vibration impacts and additional studies would not be completed for the proposed project. Similarly, no mitigation has been or will be recommended for vibration or long-term traffic from the project because impacts were determined to be less than significant. As stated in State CEQA Guidelines Section 15126.4(a)(3) mitigation measures are not required for effects which are not found to be significant. Also see Response I33-4 above.

Comment I33-6
Impact on Transportation & Traffic:

The draft-EIR states that there are significant and unavoidable negative impacts on transportation and traffic which cannot be fully mitigated. In keeping with the points made above, while the unavoidable impacts on transportation created by the addition of the new housing and senior center are deemed justifiable due to demonstrated need for housing and senior care in the County, the additional negative impacts on transportation and traffic caused by the development of a 1,000-person private school at this site are not justified by any need or benefit to the community. The traffic caused by an additional 700-1,000 students plus associated faculty and staff moving in and out of the area throughout the day, evening, and night to attend campus academic events and social events represents a significant percentage of the additional negative transportation and traffic impacts of this project, and these could be avoided by eliminating the school component (while retaining the new housing and senior care components which offer clear benefit to the community and the County).

- *While the negative impacts on traffic and transportation due to the new residential units and senior care center are deemed justifiable due the County's housing shortage and need for senior care, what is the supporting evidence that justifies the additional negative noise impacts caused by construction of a 1,000-person private school at this site which may benefit the developer but has no demonstrated need or benefit to the surrounding community?*

Response I33-6
The comment states that the additional negative impacts on transportation and traffic caused by the development of a 1,000-person private school at this site are not justified by any need or benefit to the community and suggests that eliminating the school component could avoid these impacts. As described in Final EIR Section 3.2.7, "Master Response: Traffic Count Data," LOS assessment is not used to determine environmental impacts under CEQA (in accordance with SB 743, Statutes of 2013), but may inform decisions about the merits of the proposed project. Although LOS is no longer used to determine a significant environmental impact, an analysis of LOS was prepared for the County of Marin's merit review of the project. The LOS Assessment Memo was updated to incorporate new February 2025 traffic counts collected in response to Draft EIR comments and to account for potential post-pandemic travel behavior changes. Although differences from 2021 counts were minimal, the memo was revised in consultation with County staff to use the 2025 data and add a seventh study intersection (Appendix B of this Final EIR).

According to the LOS Assessment Memo (Appendix X of the Final EIR), all study intersections would operate at LOS D or better conditions under all scenarios, which meets the County LOS standard. This analysis accounted for the trips generated from up to 1,000 students currently allowed under the 1953 CUP as well as 240 faculty/staff. Additionally, Impact 3.14-2 determined that the campus uses associated with the project would result in VMT per service population under Existing plus Project conditions that is 30 percent below the VMT per service population for existing campus uses, and thus would not exceed the threshold of significance for campus uses.

In addition, the comment incorrectly suggests that the proposed project involves the construction of a 1,000-person private school on the project site. The eastern portion of the project site currently contains an academic campus and associated facilities that were developed as part of the Golden Gate Baptist Theological Seminary pursuant to a 1953 CUP. The 1953 CUP allows for a campus operation with up to 1,000 students supported by faculty and staff. The project does not propose the construction of any new uses on the academic campus or changes to existing campus operations beyond what is currently allowed by the 1953 CUP; rather, the proposed project would retain, renovate, and/or replace existing facilities on the campus. None of the proposed improvements would expand the existing or permitted enrollment capacity of the school. Therefore, contrary to the assertions in the comment, the project would not involve the construction of a new 1000-student private school. Nonetheless, the Draft EIR evaluated the long-term operational noise impacts of the project under Impact 3.11-4, including those associated with operation of the academic campus at its maximum permitted enrollment of 1,000 students. It should be noted that consistent with AB 1307 and as concluded in *Make UC a Good Neighbor v. Regents of the University of California* noise generated by occupants of residential projects and social noise from student housing projects are not considered environmental impacts under CEQA and would thus not require mitigation. As detailed in Impact 3.11-3 of the Draft EIR, long-term

operational traffic noise increases would range from less than 1 dB (which is not perceptible) to 2.6 dBA (which is barely perceptible) and would be below applicable FTA noise standards for traffic noise. As such, the Draft EIR concluded that impacts associated with long-term operational traffic noise would be less than significant.

Comment I33-7
Impact on Emergency Response/Emergency Evacuation:

The developer proposes to divide Chapel Drive and create two cul-de-sacs which dead end on either side of a new open space area on Chapel Hill. For current residents of Chapel Drive, this fundamentally changes the nature of their street from having two-way access for entry/exit (via Seminary and via Willis) to **now having only one-way access for entry/exit in the event of an emergency**. Under the proposed plan, if a fire were to obstruct this single access point, the existing residents along Chapel Drive would be trapped and unable to evacuate, as would a significant number of the 90-100 occupants in the proposed *new residences* on Chapel Hill. In addition, having only one point-of-entry would significantly impede the access of emergency responders to the Chapel Hill area.

The draft-EIR does not address this serious, *permanent* problem whatsoever, and discusses only temporary impacts on emergency response/evacuation due to construction (i.e. the potential for construction to "temporarily obstruct or interfere with emergency response due the presence of large construction equipment or the temporary, partial closure of roadways during certain construction activities", p.ES-31). As such, the draft-EIR deems these project impacts "less than significant".

Home and fire insurance companies are very aware of the significant risks posed by single point-of-access. Before recently moving to Chapel, our home and fire insurance at our prior location was cancelled, and one of the specific reasons cited was that it had only a single point-of-access in the event of an emergency. **Our current home insurance company on Chapel Drive required dual point-of-access as a condition for insurance, and it therefore seems likely they will cancel our home insurance if this proposed development plan which blocks dual access is implemented.** It also seems likely that the new residences proposed in this project will be similarly difficult to insure given the current requirements for access in the California home insurance market.

Finally, analyses of other Califorina fires in recent years (e.g. Camp Fire), has demonstrated that delayed evacuations due to *heavy traffic on evacuation routes* is responsible for significant loss of life and injury to residents of those communities. **The proposed 1,000-person school at the site represents an enormous additional burden of evacuees and vehicles in the event of a fire**, above and beyond the residents of the neighborhood and senior care center. This will inevitably delay any emergency evacuation, posing increased and unnecessary risk to the lives and property of the surrounding community that is not justified by any need or benefit to the community offered by the school. The additional negative impact due to the 1,000-person school on delaying the rapid and safe evacuation of all people in the area is not sufficiently quantified, assessed, or justified in this draft-EIR.

- *What mitigation measures will the agency adopt to ensure dual point-of-access for Chapel Drive in the event of an emergency so that (1) emergency responders can gain access to the location, (2) and so that residents of both existing properties and the proposed new properties can safely evacuate in the event of an emergency?*
- *Are there other streets which are planned to have only single point-of-access in the proposed project, and if so, what mitigation measures will the agency adopt to ensure dual point-of-access for those residents?*
- *Please provide evidence from insurance companies that the proposed project plan meets their safety standards for emergency response and evacuation and will not disqualify residents from obtaining home and fire insurance, and that companies are willing to continue insurance and current rates for existing properties on Chapel Drive and elsewhere in the community.*
- *Please quantify the additional evacuation burden on emergency responders and inevitable evacuation delay caused by crowding and traffic due to the additional 1,000 people and vehicles on site associated with the private school. Please provide an assesssessment of how these school-related delays might impact the complex rescue efforts and evacuation of the senior care center and surrounding residences in the event of an emergency.*

- *Please provide evidence that justifies the possibility of even one additional death or injury associated with the inevitable evacuation and rescue delays due to crowding and traffic from the 1,000-person private school, which has no demonstrated need or benefit within the surrounding community.*

Response I33-7

The comment states that the developer proposes to divide Chapel Drive and create two cul-de-sacs that dead end on either side of a new open space area on Chapel Hill and expresses concerns regarding the closures effects on emergency access and evacuation. While it was shown on a few plan sheets submitted as part of the project application, the applicant and County have confirmed that Chapel Drive is not proposed to be vacated and it would remain in operation consistent with existing conditions. No further response is required and no revisions to the Draft EIR are warranted.

In addition, the comment states that the proposed 1,000-person school at the site represents an enormous additional burden of evacuees and vehicles in the event of a fire and suggests that the additional negative impact is not sufficiently quantified, assessed, or justified in the Draft EIR. As described in Response I33-6, the eastern portion of the project site currently contains an academic campus and associated facilities that were developed as part of the Golden Gate Baptist Theological Seminary pursuant to a 1953 CUP. The 1953 CUP allows for a campus operation with up to 1,000 students supported by faculty and staff. The project does not propose the construction of any new uses on the academic campus or changes to existing campus operations beyond what is currently allowed by the 1953 CUP; rather, the proposed project would retain, renovate, and/or replace existing facilities on the campus. None of the proposed improvements would expand the existing or permitted enrollment capacity of the school.

Comment I33-8

Impact on Wildfire Risk and Potential to Expose People or Structures to Significant Loss, Injury, or Death Involving Wildfire:

As mentioned in the previous section, the developer proposes to divide Chapel Drive–which is currently a continuous street offering dual point-of-access for firefighters – and replace this with two dead-end cul-de-sacs which provide only a single point-of-access for firefighters. Multiple California communities have been devastated by fire in recent years, and analyses of the Camp Fire and others have demonstrated that much of the tragic loss of lives occurred because firefighters were prevented from reaching both the people and the structures trapped by fire blocking a single-point of access to the neighborhood, resulting in significant increases in injury, death, and property destruction. In addition, the single escape route for residents in this this part of the neighborhood had been cut off by fire, leaving them trapped.

Also mentioned above are the multiple cancellations in home and fire insurance, citing single point-of-access for emergency responders as a primary reason for disqualification. It is reasonable to expect that even if insurance companies are willing to offer insurance to residents of this area, the cost will increase dramatically due to the increased risks posed by the fundamental changes in emergency access proposed in the project. None of these serious risks were identified or evaluated in the current draft-EIR, either for the Chapel Drive region or other areas within the proposed Project.

- *What mitigation measures will the agency adopt to ensure multiple points of access to Chapel Drive for firefighters so as to reduce the risk of injury, death, and property destruction in the event of a fire?*
- *What mitigation measures will the agency adopt to ensure multiple points of firefighter access to residences and other structures throughout the proposed project area so as to reduce the risk of injury, death, and property destruction in the event of a fire?*
- *Please provide evidence that insurance companies have evaluated the proposed plans and confirmed that current homeowners will be able to retain their existing home & fire insurance at current rates with whatever plans are ultimated adopted, and that current residents will not have to bear increased insurance-related costs due to the increased risks to people and structures posed by this project.*

- *Please provide evidence that insurance companies have evaluated the proposed plans and confirmed that new property owners in the proposed development will be able to obtain home & fire insurance with whatever plans are ultimate adopted.*
- *As above, please quantify the potential burden on emergency responders and evacuation delay caused by crowding and traffic due to the additional 1,0000 people and vehicles on site associated with the private school. How might this crowding and traffic impact firefighter access to the senior care center and surrounding residents in the event of a fire.*
- *As above, please provide evidence that justifies the possibility of even one additional death or injury associated with the inevitable evacuation and rescue delays due to crowding and traffic from the 1,000-person private school, which has no demonstrated need or benefit within the surrounding community.*

Response I33-8

The comment states that the developer proposes to divide Chapel Drive and create two cul-de-sacs that dead end on either side of a new open space area on Chapel Hill and expresses concerns regarding the closures effects on emergency access and evacuation. While the division of Chapel Drive was shown on some plan sheets submitted as part of the project application, the applicant and County have confirmed that Chapel Drive is not proposed to be vacated and it would remain in operation consistent with existing conditions.

In addition, comments related to the ability of current and new homeowners to obtain home and fire insurance are economic and social issues that are not under the purview of CEQA (State CEQA Guidelines Section 15131[a]). As such, no further response is required under CEQA. However, the importance of these issues is acknowledged and these comments have been included in the record for consideration by the Marin County Planning Commission and Board of Supervisors.

Finally, the comment requests evidence that justifies the possibility of even one additional death or injury as a result of evacuation and rescue delays due to crowding and traffic from the academic campus.

As detailed in Draft EIR Section 3.14, "Transportation," Impact 3.14-4, the project would be designed in accordance with International and California Fire Code standards as adopted by the County in Chapter 16.16 of the County Code. Additionally, the project would be subject to review by County of Marin staff and relevant emergency agencies to ensure the design of the project meets applicable safety standards to provide physical access for emergency vehicles. The project would be required to comply with International and California Fire Code standards as adopted by the County in Chapter 16.16 of the County Code. Additionally, Seminary Drive, which would likely serve as the primary evacuation route within the project area due to its direct access to US Highway 101, has been assessed by MWPA as having a minimal to low difficulty score for evacuation. Although other potential evacuation routes in the project area have evacuation difficulty scores ranging from moderate to high, specifically portions of East Strawberry Drive (moderate and high), Belvedere Drive (high), and S. Knoll Road (high), these roadways are anticipated to serve as secondary options for evacuation. The combination of potential evacuation routes, which includes a roadway with minimal to low evacuation difficulty score as the anticipated primary evacuation route, would provide first responders with the opportunity to identify the best route based on conditions at the time of evacuation as well as provide substantial evacuation capacity. Therefore, the project would not result in an adverse effect related to evacuation. See Final EIR Section 3.2.12, "Master Response: Emergency Vehicle Access Mitigation Measure."

Additionally, in Draft EIR Section 3.14, "Transportation," under Impact 3.14-4, the Draft EIR includes an evaluation of emergency vehicle ingress/egress routes to the Strawberry community that was done in consultation with Southern Marin Fire District personnel at Fire Station 9 Strawberry. The evaluation identifies primary egress routes for fire trucks from Station 9 Strawberry and street segments along the egress routes where the project would add vehicle trips. The assessment of added vehicle trips on emergency vehicle routes reflects the potential effect on response times by evaluating whether increased traffic volumes could impede the movement or delay the dispatch of emergency services. As a result of this evaluation, a potentially significant impact was identified for the route to US 101 via Ricardo Road, Seminary Drive, and Redwood Highway Frontage Road. Mitigation Measure 3.14-4 was identified to address the emergency vehicle access impact, including the effect of added emergency vehicle response time, by

providing emergency vehicle pre-emption at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol with interconnect to the traffic signal at the Redwood Highway Frontage Road/Seminary Drive intersection to allow fire trucks to activate green indications. Also see Final EIR Section 3.2.12, "Master Response: Emergency Vehicle Access Mitigation Measure," for a summary of the revisions to Mitigation Measure 3.14.-4.

Therefore, the Draft EIR appropriately describes the nature and magnitude of potential impacts on emergency vehicle access and evacuation. The conclusions and adequacy of the analysis in the Draft EIR related to emergency access and evacuation are adequate, and no revisions to the Draft EIR are required.

Letter I34 Rona Weintraub, M.A.

September 8, 2024

Comment I34-1

Regarding Alternative 3, even though the Seminary Tomorrow group wanted 234 housing units with 20% affordable, I don't take issue with more housing which the county definitely needs, and I especially favor more affordable housing.

Seminary Tomorrow also wanted a limit of 360 grad students. The 1953 CUP allowing up to 1000 students was granted when there was a residential Baptist Seminary there. There is a statement in the EIR that in 1987, 910 students were enrolled in the Seminary. As a person who has lived here since 1986 and has always taken walks on the Seminary property, this statement from the Seminary is untrue. Even though everyone supposedly lived onsite or nearby, I rarely saw people coming and going into the Seminary. They couldn't have had more than a couple hundred students and staff at most. I had heard that most of their students were actually doing work in other states and countries.

A huge student body of up to 1000 students (and who knows how many staff and workers) would of course have much greater environmental impacts than 360 students. The NCLH project includes a proposed amendment to the Strawberry Community Plan "to remove the restriction that requires residential and other site uses be dedicated to students/faculty/staff of the academic campus".

Question…If the Strawberry Community plan can be changed at the request of NCLH, can't the 1953 CUP be revisited and changed once and for all to limit the number of students to something reasonable for our little community?

Response I34-1

The comment raises no issues with the housing proposed Alternative 3, disagrees with the enrollment number mentioned in the Draft EIR of 910 students in 1987, and questions why the 1953 CUP cannot be revised to limit the number of students. No substantial evidence is provided to support the claim made in the comment that the 1987 student enrollment number of 910 is untrue. Also, comments regarding revising the 1953 CUP are related to the project merits and not within the purview of CEQA. See Final EIR Section 3.2.4, "Master Response: Conditional Use Permit Issues." No further response is warranted and no revisions to the Draft EIR are required.

Comment I34-2

Regarding population and housing: This statement in the EIR (on p. 339 of the copy I read) says…."preference for housing would be given to student/faculty/onsite workers and remaining units would be available for lease to the broader community.

Under Impact 3.12-1 it says "residents on-site would be affiliated with the academic campus. Most of the students and university employees would live off-site, and most of them are expected to already be living in the area"….no mitigation required.

Another statement in the EIR is that 30% of the units would be occupied by students and staff.

Question….NCLH is planning to make a lot of money on all these rental units. How can students and even faculty be expected to afford them? How affordable will these units be? And even if they're not living on campus, rentals in this area are also too expensive, so it's very doubtful that many of them would "already be living in the area". And again, if NCLH doesn't even know yet what this school will be, how can any of this be clear?

Response I34-2

The comment quotes sections of the Draft EIR related to the number of students and staff that are anticipated to live on- and off-campus and a preference expressed by the applicant for housing to be available to student/faculty/onsite workers and that the remaining units would be available for lease to the broader community. The comment also raises questions about affordability and the type of school that would occupy the project site; and expresses doubt that many of the students and staff would already be living in the area.

For comments related to the project description, operational details of the academic campus, and the uses allowed on site, see Final EIR Section 3.2.1, "Master Response: Stable Project Description," and Section 3.2.4, "Master Response: Conditional Use Permit."

As described in the Draft EIR, Chapter 2, "Project Description," in Section 2.6, the academic campus would continue to be occupied by a university or college, with no change proposed to the scope of the existing 1953 CUP, including the maximum permitted enrollment of 1,000 higher education students. Additionally, this section of the Draft EIR also describes that the applicant has stated that preference for housing would be given to on-site workers, students, faculty, and staff and remaining units would be available to the broader community. The mechanism proposed by the applicant to implement such a program would be through a Certificate of Preference program (North Coast Land Holdings 2020). Additionally, the County would collaborate with the applicant to develop a relocation plan for existing tenants. Both of these plans would be developed in compliance with State housing law.

For purposes of preparation of the Draft EIR, a reasonable estimate was used in the environmental analysis that approximately 30 percent of the housing would be occupied by university-affiliated residents, i.e., students, staff, and faculty. The estimate is appropriate because data from the applicant indicates that 27 percent of existing housing units on the property are occupied by university-affiliated residents (Jones 2022). See Response O6-9 and Draft EIR Section 3.12, "Population and Housing," for further details and environmental impacts related to population and housing and where most students, faculty and staff are anticipated to come from and live. Additionally, the specific details about how many exact market rate and affordable units would be occupied by students, staff, and faculty and the projected rents for these units are not known at this time. See Response O3-7; Response I14-3; Response I14-6; and Draft EIR Section 3.12, "Population and Housing, Impact 3.12-2 which evaluates if the proposed project would displace substantial numbers of existing people or homes, necessitating the construction of replacement housing elsewhere.

Comment I34-3

Regarding transportation: Impact 3.14-2 states "the project's impact related to VMT would be significant." 5.2-2 says VMT is one of the 5 most "significant and unavoidable environmental impacts of the proposed project".

Mitigation measure 3.14-2 suggests developing and implementing a Transportation Demand Management Program for market rate residential uses with shuttles, carpools , vanpools, and again campus housing. This seems to be very unrealistic thinking.. If people in Marin have cars, they use them all the time, and so do the people who work for them (landscapers, housecleaners, nannies, workmen, etc). Even without the school , we're looking at many thousands of trips each day, mostly using Seminary Drive!

Also the EIR talks about not enough parking on site with spillover to local streets, like Seminary Drive.

One very curious statement in the EIR is "the proposed campus uses would result in VMT per service that is 30& below VMT for existing campus uses"

Questions:

"VMT on this campus would be 30% below existing campus uses".....compared to what? Is this being compared to campuses in big cities where students can easily use public transportation? Or to campuses in rural areas where there is little traffic? Strawberry is a small community with only a few streets in and out of the campus. How can 1000 students and faculty and staff NOT have a significant impact! And my street is the main access to the campus.

And how do you plan to get residents to use their cars less and use these alternative means of transportation?

Response I34-3

The comment questions the feasibility of TDM strategies to mitigate VMT impacts and requests clarity regarding the baseline data for the VMT impact analysis as it related to campus uses. State CEQA Guidelines Section 15126.4(a) requires lead agencies to consider all feasible mitigation measures to avoid or substantially reduce a project's significant environmental effects. As required under CEQA, the Draft EIR identifies all feasible mitigation measures for addressing the significant and potentially significant impacts of the project. See Section 3.2.13 of this Final EIR, "Master Response: VMT Mitigation Measures" for details regarding the effectiveness of Mitigation Measures 3.14-2a and 3.14-2b.

Details regarding the methodology used to conduct the VMT analysis are provided in Section 3.14.3, "Environmental Impacts and Mitigation Measures." To determine VMT impacts from campus uses on the project site, the TAMDM was used to obtain baseline year and future year VMT at the parcel level. The VMT analysis for campus uses compares the VMT generated by the existing campus operations on the project site to that of the project at maximum allowable enrollment per the 1953 CUP. The Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comments under consideration before a decision on the project is rendered.

Comment I34-4

Regarding hydrology:

Background…..When the EIR first began, I wrote a letter describing the serious and costly damage to the storm drains that run through our HOA property, specifically close to the foundations of 150 and 160 Seminary Drive. All of the water comes from the Seminary property and none comes from our property. We learned that both these drains were severely corroded and leaking. Then in the winter of 2022, the storm drain next to building 150 totally collapsed, leaving a wide 15 ft deep sinkhole. This problem is cited in 3.9.2 in the EIR (p.312 in the copy I read). The storm drains were not replaced, but repaired. The repairs of the storm drains took many weeks at huge inconvenience to residents and at a cost of over $241,000. NCLH and the County took no responsibility.

We were hoping that the EIR would recommend rebuilding these storm drains off of our property or at least replacing them. From what I could gather, the storm drain next to 160 may be 70 years old, and the one that collapsed next to 150 is about 50 years old The EIR talks about creating many new storm drains (p. 450 on the one I read), but figure 3.9-2 which is a map of all the storm drains shows no change to ours..

Impact 3.9-3 states "substantially alter the existing drainage pattern of the project area" (but apparently not our storm drains) and states that "storm water management measures would detain stormwater run-off and maintain flow rates that would be LESS than pre-project levels. No mitigation is required".

The current flow rate (pre-project)was enough to cause major damage to our storm drains. Less than that is certainly an improvement.

With climate change and increasingly frequent huge storms, plus the addition of so many buildings and people and services that the project proposes, there would undoubtedly be much greater runoff into our very old storm drains.

Questions:

How will the Strawberry Cove HOA be guaranteed that the flow rates will be less than pre-project levels in the storm drains next to our buildings 150 and 160 Seminary Drive?

How will this be monitored, verified , and checked on a regular basis?

Who will keep us informed of this information?

This issue is very serious for Strawberry Cove because the storm drains run very close to these 2 buildings and water could compromise the integrity of the foundations.

Response I34-4

The comment is concerned about the storm drains that run under their HOA property at 150 and 160 Seminary Drive. The comment states that the current sewer and storm drains downhill from the proposed project are already damaged and with climate change and increasing large storm events, there could be much more runoff through the

system which could further damage the system. The existing stormwater system is described in Draft EIR Section 3.9, "Hydrology," which describes the system under the HOA. According to Marin County Public Works Department, maintenance of storm drain infrastructure on private property is the responsibility of the property owner if a drainage easement that was dedicated and accepted by the County does not exist (Armstrong, pers. comm., 2022). As stated in Draft EIR Impact 3.9-3, the bioretention and detention facilities required by Marin County Code (Code (Sections 24.04.520 and 24.04.627) and BASMAA would maintain flow rates such that post-project peak runoff flow rates would be less than pre-project levels as determined in a Hydrology and Hydraulic Study signed by a civil engineer. Stormwater monitoring of County facilities would take place by the County within their right of way. If they notice detention basins or storm drain systems that that are not sized adequately, the County will be required to maintain those systems. Private property owners are responsible for infrastructure on their property.

Comment I34-5

And finally, in Alternative #4, the recommendation is to incorporate "earth-toned and non-reflective" materials in the buildings. This more Mediterranean style would be much more in keeping with the buildings in the Strawberry community.

Question: Can the County insist on these changes from the mostly concrete and glass buildings which NCLH has submitted in their designs?

Thank you for all your work and for reading this letter and responding to the questions.

Response I34-5

The comment requests the County to insist the applicant change the proposed project design plans to incorporate a proposed aesthetic element from Alternative 4 to use "earth-toned and non-reflective" materials for the buildings. The comment does not raise an issue with the adequacy of the Draft EIR. The Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comments under consideration before a decision on the project is rendered. No edits or revisions are warranted in the Final EIR.

Letter I35 Robert and Katherin Hendry

September 9, 2024

Comment I35-1

The traffic impact and its safety hazard implications have not been adequately studied, and even at its simplistic approach, it states that the impact is significant and cannot be mitigated. A more careful, detailed understanding of the roadways and its current traffic would show an even more significant impact.

Response I35-1

The comment makes a general claim that the traffic impact and its safety hazard impact analysis in the Draft EIR is inadequate; however, the comment does not provide any specific examples or other details in this comment to which a response may be provided. Impacts on transportation safety are evaluated in Impact 3.14-3 of the Draft EIR. See "Master Response: Transportation Safety" in Section 3.2.11 of this Final EIR for further details regarding the transportation safety analysis and public comments. The Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comments under consideration before a decision on the project is rendered. No edits or revisions are warranted in the Final EIR.

Comment I35-2

The instability of the soils have not been adequately addressed since grading, retaining walls and landslide impacts due to the amount of drilling needed have not been addressed. Do you wait until disaster strikes before you try to understand the implications of the proposal submitted?

Response I35-2

The comment is concerned that soil instability due to drilling has not been addressed in the Draft EIR. A design level geotechnical report has not been prepared for the project as stated in Draft EIR Impacts 3.6-2 and 3.6-4 and therefore Mitigation Measures 3.6-2 and -4 require the preparation of design level geotechnical reports prior to the

issuance of a permit by Marin County for the project. The Draft EIR includes Mitigation Measure 3.6-2 which requires that geotechnical engineering of potential seismically induced slope instability areas be included in the design-level geotechnical report that must be prepared as part of compliance with Marin County Code, Section 23.08. This section of the County Code requires a geological report with the submittal of a grading application. This mitigation measure would reduce the project's potential to exacerbate existing environmental hazards related to seismically induced ground failure. Additionally, Mitigation Measure 3.6-4 requires geotechnical engineering to address slope instability and landsliding. It requires that an updated, site-specific geologic map shall be prepared and included in the geotechnical engineering design that clearly identifies and delineates the limits of the geologic materials present at the site, including all existing landslides, colluvial deposits, undocumented fills, or other areas of instability. Implementation of Mitigation Measure 3.6-4 would at least maintain the risk of slope instability/landsliding resulting from project implementation to pre-project levels and may reduce the risk. The measure would also define the geotechnical design requirements needed to meet the goals and policies of the Marin Countywide Plan's Environmental Hazards Element, and requirements of the Marin County Code, Section 22.100.040, which are intended to prevent structural collapse and protect life safety. These measures are sufficient to reduce the risk of hazard from drilling. These mitigation measures adequately address the concerns raised in the comment and no revisions to the Draft EIR are warranted.

Comment I35-3

An alternate that could reduce the safety hazards has not even been studied due to an attitude that zoning density trumps safety. Can you really tolerate that attitude for a study of this importance?

The idea that a 1,000 student school in addition to everything else can even be an option was not even studied because it would have made matters even worse. How can an EIR not study this if it is being proposed by the landowner? The fact that it has not been specified in the detail required by an EIR, should have it permanently eliminated as an option.

Response I35-3

The comment states that a project alternative to study reduced safety hazards has not been analyzed, and operation of the school with enrollment of 1,000 students in addition to everything else was also not studied. As described in Draft EIR Chapter 5, Alternatives, Alternative 4 included design modifications to the proposed project to address potentially significant impacts related to safety hazards and emergency access, this alternative would also widen Gilbert Drive and Hodges Drive to County standards and implement the changes to Mitigation Measure 3.14-4 which include installation of emergency vehicle preemption detection technology in the traffic signals at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive. Additionally, as described in Draft EIR Section 2.6.1, Academic Campus, the proposed project does involve consideration of operation of the school with the maximum allowable enrollment of 1,000 students in addition to everything else as described in Draft EIR Section 2.6, Project Components and the environmental impacts are analyzed throughout the Draft EIR. Therefore the Draft EIR did evaluate a project alternative that considered reducing potentially significant impacts related to safety hazards as well as student enrollment up to 1,000 students plus all other project elements as described in Draft EIR Section 2.6, Project Components.

Comment I35-4

The state of the water system, sewer system, impacts on the Bay as well as details on specific impacts on adjacent homes have not been adequately studied.

Response I35-4

The comment is concerned that the state of the water and sewer systems were not adequately studied. An analysis of the project's potential impacts on utilities, including water and wastewater systems, is provided ion Section 3.15, "Utilities and Service Systems," of the Draft EIR. Consistent with State CEQA Guidelines Appendix G, the EIR evaluated the potential impacts from relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities to serve the project, the construction or

relocation of which could cause significant environmental effects, in Impact 3.15-1. As discussed in Impact 3.15-1, implementation of the proposed project would require the extension of various onsite utility lines to the proposed new structures to accommodate the increased utility demands of the project. In addition, development of the site would include retention of existing infrastructure as well as installation of new utility lines and infrastructure. The specific utility improvements proposed by the project are identified in Chapter 2, "Project Description," as well as Impact 3.15-1 in Section 3.15. Moreover, the EIR determined that the proposed project would not require the construction of new or expanded offsite utilities to serve the project's demand, and no additional utilities beyond those described in Chapter 2, "Project Description," would be required. Finally, an EIR is not required to rectify existing environmental deficiencies unless the project would exacerbate these conditions. The comment has not provided any details on the state of the water and sewer systems, including which systems are specifically being referred to, nor has the comment specified how the project would exacerbate the current condition of these utility systems such that a significant environmental impact would occur. Therefore, no additional response can be provided or is warranted.

The comment also states that impacts to the Bay and adjacent homes have not been adequately studied. It is not clear what impacts the comment is referring to but this response assumes the comment is in regards to stormwater impacts. Water quality is described in Section 3.9.2, "Hydrology," which describes the surface water quality of Richardson Bay and the surrounding water bodies. Impact 3.9-1 discusses potential water quality impacts of the project and concludes a less than significant impact.

The existing stormwater system is described in Section 3.9.2, "Hydrology," which describes the system under the HOA. According to Marin County Public Works Department, maintenance of storm drain infrastructure on private property is the responsibility of the property owner if a drainage easement that was dedicated and accepted by the County does not exist (Armstrong, pers. comm., 2022). As stated in Impact 3.9-3, the bioretention and detention facilities required by Marin County Code (Code (Sections 24.04.520 and 24.04.627) and BASMAA would maintain flow rates such that post-project peak runoff flow rates would be less than pre-project levels as determined in a Hydrology and Hydraulic Study signed by a civil engineer. Stormwater monitoring of County facilities would take place by the County within their right of way. If they notice detention basins or storm drain systems that that are not sized adequately, the County will be required to maintain those systems. Private property owners are responsible for infrastructure on their property. This addresses the storm water impact on adjacent homes. No revisions to the Draft EIR are warranted.

Comment I35-5

Attached you will find our detailed description of the entrance and exit roadway for the Community. Currently, there is approximately less than 1,000 trips per day on the roadway which stretches from the Frontage Road near Highway 101 to Tiburon Boulevard. It is a roadway that cannot be expanded. The proposed development by North Coast Land Holdings will increase that daily traffic by over 7,000 trips per day or more depending on the type of school proposed. As you can see from the attached description, this will, in fact, cause significant safety hazards not to mention the added disruption during the construction stage if not reduced significantly.

Response I35-5

The comment expresses concern with project traffic and safety hazards. See Final EIR Section 3.2.11. "Master Response: Transportation Safety," and the Existing Intersections Review Memo provided in Appendix D of the Final EIR.

As described in "Master Response: Transportation Safety," LOS assessment is not used to determine environmental impacts under CEQA (in accordance with SB 743, Statutes of 2013), but may inform decisions about the merits of the proposed project. Consistent with Appendix G of the State CEQA Guidelines, Impact 3.14-3 in the Draft EIR evaluates whether the project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impact 3.14-3 identifies potentially significant impacts due to potential parking spillover on surrounding streets where sidewalks and crosswalks do not exist, construction activities, and the proposed design of on-site streets. Mitigation Measures 3.14-3a (Develop a Construction Traffic Control Plan), 3.14-3b (Design Roads to Meet County, ADA, and PROWAG Standards), and 3.14-

3c (Implement Measures to Reduce Parking Demand and/or Increase Supply for the Academic Campus) address potentially significant safety impacts identified in the Draft EIR and would reduce these impacts to less than significant.

While traffic safety issues were raised at other intersections identified in public comments, the intersections were found to not receive sufficient additional project traffic to substantially change existing safety conditions. The TIS, provided as Appendix Q of the Draft EIR, includes a review of local safety plans and collision data within the project study area, as summarized in "Master Response: Transportation Safety." The TIS reviewed collision data for a 5-year period between 2015 and 2019. Based on the above considerations, the Draft EIR determined that none of the intersections on the Strawberry peninsula, including those identified in public comments, would experience an increase in traffic sufficient to result in a substantial change in safety hazards as a result of the project. However, because of community concerns and based on consultation with County staff in response to those concerns, Fehr & Peers conducted an additional review of existing intersection conditions and safety issues (Final EIR Appendix D) after the Draft EIR to provide supplemental information for the County's consideration of project merits and potential improvements that could become conditions of approval as a result of the merits review. The results of this review are provided in the Existing Intersections Review Memorandum attached Appendix D to this Final EIR.

The memorandum in Final EIR Appendix D contains updated collision data reported from the TIMS for the study area for the 5-year period from September 2019 through September 2024, which is the most current collision data available. No fatalities were among the reported collisions in the most recent 5-year period. As with the data from 2015 through 2019, most of the reported collisions involved vehicles and were located along the Redwood Highway Frontage Road and Tiburon Boulevard. The updated collision data confirmed the Draft EIR conclusions about traffic safety impacts. Final EIR Section 3.2.11, "Master Response: Transportation Safety," and the Existing Intersections Review Memorandum (Final EIR Appendix D) provide a summary of collisions involving pedestrians and bicyclists in the most recent 5-year period for which data is available.

The Existing Intersections Review Memo (Final EIR Appendix D) summarizes relevant measures implemented by Marin County or Caltrans in recent years at the study locations as well as planned improvement measures. The memo also identifies potential safety improvement strategies at the following nine locations:

- Reed Boulevard – Storer Drive to Richardson Drive
- Reed Boulevard and Redwood Highway Frontage Road
- Ricardo Road east of Seminary Drive
- Seminary Drive and Hodges Drive/Gilbert Drive
- Seminary Drive and Chapel Drive
- E. Strawberry Drive from Belvedere Drive to Ricardo Lane
- 300 block of E. Strawberry Drive
- Redwood Highway Frontage Road and US 101 Northbound Seminary Ramps
- E. Strawberry Drive and Belvedere Drive

The safety improvement strategies identified in the memo are considerations for voluntary enhancements by the project applicant or merits-based conditions imposed by the County. These improvement options are not related to a CEQA environmental impact, so they are not defined as "mitigation measures," because the project's trip generation would be insufficient to substantially change existing transportation hazards in the study area. The lack of substantial change in traffic is evidenced in the LOS Assessment Memo where analysis concluded that LOS would meet County standards with or without the project and after adding project traffic, LOS would remain at D with continued stable traffic flow. Therefore, the findings of the Existing Intersections Review Memorandum (Final EIR Appendix D) do not change the adequacy of the analysis in the Draft EIR.

Comment I35-6
The soils in the Seminary property have been studied by several geologists including the Herzog group which is well known by the County. They have identified significant soil instability in the Seminary property including slopes and in general throughout. In fact, our house had experienced settling within a couple years after it was built even after sign off by the County building department. The cost of retrofit was extensive. In fact, our entire subdivision needed retaining walls to be built to protect it from shifting soils from the Seminary hillside. With the level of development being planned, it exposes all the housing in the area to landslide hazard and it exposes risk to the County to ensure that any construction does no harm to the residents of the surrounding areas.

Response I35-6
The comment describes previous soil instability that the project area has experienced and that the project would expose all housing in the area to landslide hazard. A design level geotechnical report has not been prepared for the project as stated in Draft EIR Impacts 3.6-2 and 3.6-4 and therefore Mitigation Measures 3.6-2 and -4 require the preparation of design level geotechnical reports prior to the issuance of a permit by Marin County for the project. The EIR includes Mitigation Measure 3.6-2 which requires that geotechnical engineering of potential seismically induced slope instability areas be included in the design-level geotechnical report that must be prepared as part of compliance with Marin County Code, Section 23.08. This section of the County Code requires a geological report with the submittal of a grading application. This mitigation measure would reduce the project's potential to exacerbate existing environmental hazards related to seismically induced ground failure. Additionally, Mitigation Measure 3.6-4 requires geotechnical engineering to address slope instability and landsliding. It requires that an updated, site-specific geologic map shall be prepared and included in the geotechnical engineering design that clearly identifies and delineates the limits of the geologic materials present at the site, including all existing landslides, colluvial deposits, undocumented fills, or other areas of instability. Implementation of Mitigation Measure 3.6-4 would at least maintain the risk of slope instability/landsliding resulting from project implementation to pre-project levels and may reduce the risk. The measure would also define the geotechnical design requirements needed to meet the goals and policies of the Marin Countywide Plan's Environmental Hazards Element, and requirements of the Marin County Code, Section 22.100.040, which are intended to prevent structural collapse and protect life safety. These measures are sufficient to reduce the risk of hazard from landslide. These mitigation measures address the concerns raised in the comment and no revisions to the Draft EIR are warranted.

Comment I35-7
The idea that a 1,000 student school can be allowed is preposterous. The authorization of a self-contained seminary to be turned into anything other than that is unthinkable and should not be allowed.

Response I35-7
The comment states that operation of a 1,000 student school that is not a self-contained seminary should not be allowed. The comment is related to the project merits and not within the purview of CEQA. Comments pertaining to the project merits will not be discussed further in this EIR. See Final EIR Section 3.2.4, "Master Response: Conditional Use Permit Issues."

Comment I35-8
Further, the proposal is to eliminate most of the student housing on site today (which can be classified as affordable) and only replace it with 60 units. They should be held accountable for replacing all the current affordable housing or be denied any density bonus.

Response I35-8
The comment claims that all existing student housing onsite is classified as affordable, and the proposed project would not replace all affordable housing units proposed to be demolished. As described in Draft EIR Section 3.12, Population and Housing, student housing is considered a type of temporary housing and therefore does not meet the criteria for affordable housing. Furthermore, the California Legislature has adopted three state laws—Housing Density Bonus Law, Housing Element Law, and the Housing Crisis Act of 2019—to ensure that new housing developments do not reduce the total number of existing dwellings or the number of dwellings housing lower-

income persons. Additionally, and as stated in Draft EIR Section 3.12, Population and Housing, the Marin Countywide Plan Housing Element requires that any project that involves demolition of affordable housing on a project site replace the number of affordable units lost with new affordable units; otherwise, the project would not be eligible for the density bonus and would be inconsistent with State Law. Therefore, the claim asserted in the comment is incorrect and the proposed project does include replacement of all affordable housing units proposed to be demolished. Also see Chapter 2, "Project Updates," of this Final EIR, for project updates related to increasing the affordable units to be dedicated under the proposed project to 70 affordable units. Thus, the number of market rate and affordable units has been revised from the original project description, with 20 fewer market rate units and 20 more affordable units. The specific revisions to the Draft EIR updating the affordable unit count are detailed in Chapter 4, "Revisions to the Draft EIR."

Comment I35-9

Finally, who will pay for the services required by the added 800+ residents if allowed? North Coast Land Holdings is not offering to do so since they are seeking less that the number of parcels per dwelling. In fact, the cost to the County and/or current residents will be in the millions if they are allowed to get away with it.

Response I35-9

The comment asks who will pay for the services required by the additional residents of the project. The applicant would be required to pay any applicable fees as part of the development/entitlement process, including any other districts and utility providers. Building permits would not be issued until these fees are paid. The comment does not address the adequacy of the EIR and not further response is required.

Comment I35-10

In summary, here is a way of looking at their proposal.

- NCLH Proposed Development - Bad for our Community and bad for the County of Marin
  - Destroys the Strawberry Community Plan,
  - Burdens the County with protecting the community from critical soil erosion,
  - Does not pay its fair share for community services thus burdening the County and/or Strawberry residents,
  - Creates safety hazards in the community by creating excess traffic on limited residential Roadways,
  - Serendipitously avoiding County regulations by insisting that a 1,000-student school is entitled, and
  - Destroys existing affordable housing without replacing and boldly asks for density bonus.
- Our Community deserves better and so does the County of Marin

Response I35-10

The comment summarizes opinions on the proposed project, the project impacts, and the project merits. The comment does not address the adequacy of the EIR. See Final EIR Section 3.2.5, "Master Response: Project-Level Geotechnical Evaluation"; Section 3.2.6, 'Master Response: Evaluation of Existing Storm Drain System"; Section 3.2.4, "Master Response: Conditional Use Permit Issues"; and Section 3.2.11, "Master Response: Transportation Safety." The comment also asserts the proposed project would not replace all affordable housing units proposed to be demolished. As discussed in Chapter 2, "Project Updates," of this Final EIR, project updates and edits in this Final EIR correct the affordable unit count and involve increasing the affordable units to be dedicated under the proposed project to 70 affordable units. Thus, the number of market rate and affordable units has been revised from the original project description, with 20 fewer market rate units and 20 more affordable units. Also see Response I35-8 regarding replacement of affordable housing. All comment letters submitted during the Draft EIR public review period will be reviewed and considered by the Marin County Planning Commission and Board of Supervisors before a decision on the project is rendered.

Comment I35-11

PROLOGUE

There are several principal exits/entrances from/to the Seminary property – onto/from Seminary Drive, onto/from E. Strawberry Drive and from Reed Boulevard. There follows a description of each to demonstrate the safety hazards that exist if the added traffic due to the proposed development were to exist road conditions.

SITUALTIONAL AWARENESS – SEMINARY DIRVE

Seminary Drive is a two lane, residential roadway beginning at the intersection with the Frontage Road alongside Highway 101. It is approximately 1.1 miles long ending at the intersection of Great Circle Drive and E. Strawberry Drive.

For the first 0.2 mile, it is bounded by wetlands on one side and residential hillside on the other. There are no bike lanes and a pedestrian walkway adjacent to the wetland area. Current traffic is the heaviest for this stretch as it services residents to Ricardo Drive and others leading up to the many other residential roadways in the area. Beyond local traffic, it is used by commuters frustrated with the evening commute on Highway 101 travelling to Tiburon and Mill Valley.

For the next stretch leading up to the entrance to the Seminary property (0.3 mile), there are pedestrian walkways, parking on both sides of the road and no bike lanes. There usually, at all times of the day, are heavy bicycle traffic going to Tiburon. The bicycles use the vehicle lanes.

From the entrance/exit of the Seminary property to E. Strawberry (0.6 mile), it has bicycle lanes, parking on one side and limited pedestrian walkways. Vehicles are often parked in the bike lsnes causing bicyclists to use vehicle lanes.

SITUATIONAL AWARENESS – E. STRAWBERRY DRIVE

E. Strawberry Drive is a two lane, residential roadway beginning at the intersection of Great Circle Drive and Seminary Drive. It is approximately 1.3 miles long ending at the intersection of Tiburon Blvd and Belvedere Drive.. There are many feeder lanes on E. Strawberry Drive as there are considerable residences along this roadway. Also along this roadway are a tennis club, a school and a recreation center which attracts much traffic at various times of the day.

For the first 0.5 mile, it is bounded by residents on one side, and a tennis court complex and residents on the other side ending at the entrance to the Seminary property where there is a stop sign. There are no bike lanes and parking on one side of the road and a pedestrian walkway on one side only. However, due to congestion, delivery and postal vehicles stop on the opposite side of the parking area thus causing additional congestion to the pedestrian and bicycle traffic.

For the next stretch (0.3 mile) ending just before a split-level roadway. There are no bike lanes, parking on both sides of the road and minimal pedestrian walkways.

Following is a split-level roadway with no guard rail at the upper level and parking at some points on both sides of the single lane, often leaving a difficult manuever for traffic to pass. It has no bike lane and no pedestrian walkway. The lower portion of the split-level roadway has no bile lanes, no pedestrian walkway and has parking on one side and a steep hill on the other side.

To further complicate the traffic at the split-level section of E. Strawberry Drive, when residents are coming from Tiburon Blvd onto E. Strawberry Drive, they need to make a U-turn at the end of the split-level in order to access their homes on the lower level. There is a sign allowing U-turns and obviously, it is necessary to do so. The added traffic due to the proposal exacerbates an already difficult situation.

For the last 0.3 mile, there are several major problem areas. There is a limited view as it approaches the school and recreation area. Feeder streets enter from both sides of the roadway. Belvedere Drive traffic enters and traffic crosses E. Strawberry very close to the intersection with Tiburon Blvd, often restricting the flow of traffic both leaving E. Strawberry as well as entering it from Tiburon Blvd.

SITUATIONAL AWARENESS - REED BOULEVARD

Reed Blvd is a two lane residential roadway beginning at the junction with Ricardo Blvd and ending at the Seminary property. It is approximately 0.5 mile long. There are no bike lanes, no pedestrian walkways and parking on both

sides of a narrow street with residences located for the entire stretch and a Fire Station which services the general area. At all times of the day, pedestrians and recreation bicyclists are on this roadway.

SITUATIONAL AWARENESS – RICARDO ROAD/LANE

Ricardo Road/Lane is two lane residential roadway beginning at the junction with Seminary Drive and ending at the junction with E. Strawberry Drive where a stop sign has recently been erected to control safety hazards associated with current traffic levels near the Strawberry Recreation Center and School. Also, in response to local citizens, posted speed limit has been changed to 15 mph. There are no sidewalks and bicycle lanes and has considerable pedestrian traffic of local residents. Even with the traffic levels today, the Community requests and the County supports a traffic closure during Halloween as an example of the need to eliminate safety hazards due to traffic volume. The safety hazard is compounded with the increase in traffic due to the proposed development by NCLH. It will be exponential since Ricardo Road/Lane will be an alternative to the congestion and queuing created on Seminary Drive for local and transient traffic going to Tiburon Blvd and Hwy 101 at varying time of the day.

CONSEQUENT PEDESTRIAN AND BICYCLE SAFETY HAZARDS

From Frontage Road to Tiburon Blvd, it is impossible to expand the roadway. Reed Boulevard and Ricardo Drive are constrained as well. Depending on the roadway and different times of the day, traffic tosay will be anywhere from 500 to 1,000 trips per day on Seminary Drive and E. Strawberry respectively. The proposed development of the Seminary property is estimated to be 6 to 12 times the amount of traffic on these limited roadways posing serious hazards to pedestrians and bicyclists.

In discussions with North Coast Land Holdings (NCLH) by local residents (entitled Seminary Tomorrow) over an 16 to 24 month period, traffic engineers estimated a significant rise in traffic even after mitigation efforts. The Seminary Tomorrow group recognized the need for additional housing, including affordable housing, and left discussions with both parties agreeing at 233 additional units versus the 580 (incl density bonus) filed by NCLH. This two-fold+ increase in units and its consequent traffic will cause significant safety hazards that cannot be mitigated.

Response I35-11

Comments that present alternative information are provided to the County Board of Supervisors for review, but the EIR relies on the technical analysis provided in the TIS prepared for the project (Appendix Q of the Draft EIR) supported by substantial evidence. Transportation safety impacts are evaluated in Impact 3.14-3, and Mitigation Measures 3.14-3a through 3.14-3c are identified to reduce impacts to less than significant. Furthermore, based on consultation with County staff, a review of existing intersection conditions was conducted to provide information in response to community concerns. It was determined that the project would not result in a substantial increase in transportation safety hazards, and the Existing Intersections Review Memorandum was prepared for the purpose of the County's review of project merits and/or voluntary enhancements by the project applicant. The findings of the Existing Intersections Review Memorandum does not change the adequacy of the analysis in the Draft EIR. See Section 3.2.11 of this Final EIR, "Master Response: Transportation Safety."

Letter I36 Bruce Corcoran

September 9, 2024

Comment I36-1

Corcoran v Marin County

Marin Superior Court recently ruled that the County's use of "precedence clauses" to override policies of Marin County's 24 Community Plans is unlawful. Community Plans are a part of the Countywide Plan, and all parts of the Countywide Plan must be internally consistent by law, i.e., one part cannot override another. Therefore, the Court's ruling also means that Community Plans retain their full integrity and authority consistent with State law.

Specifically, the Strawberry Community Plan of 1973 and the Strawberry Community Plan Amendments of 1982 retain their integrity and authority as do any County Ordinances or other official acts based on them.

As related to North Coast Land Holdings' DEIR, any environmental impacts in any of the CEQA categories mentioned in the Strawberry Community Plan of 1973 or the Strawberry Community Plan Amendments of 1982 or their progeny must be analyzed, and I am making that request.

Traffic

The only way for residents of unincorporated Strawberry, in Marin County, to leave or enter their community by vehicles is via two State highways, Highway 101 or SR-131 (Tiburon Boulevard). One State agency, the California Department of Housing and Community Development (HCD), requires Belvedere to develop 160 housing units; requires Tiburon to develop 639 housing units; and requires Mill Valley to develop 865 housing units over the 2023 – 2031 RHNA cycle. In addition, North Coast Land Holdings' (NCLH) project in Strawberry proposes 485 housing units (including 150 senior care units that count as only one unit) and a 1,000-student school that so far is undefined. (Moreover, we expect many more housing proposals for Strawberry. For example, a pre-application for 117 units is proposed for 70 N. Knoll.)

The cumulative total of RHNA housing and NCLH housing units is 2,149. Using the average estimate of 10 trips per day per housing unit means an additional 21,490 trips per day will impact Strawberry and surrounding communities. The average trips per day from the 1,000-student school would be additive but is unknown at this time.

Much of this cumulative vehicular traffic will pass through the Highway 101/SR-131 interchange, which is in Strawberry and is jointly governed by Caltrans and the Marin County Board of Supervisors. That interchange already has heavy traffic congestion during AM and PM peak hours and is near maximum capacity now before the development of additional housing units in Strawberry and the adjacent communities.

Another State agency, the California Department of Finance (DOF), has determined that HCD's methodology for determining housing needs is flawed (https://information.auditor.ca.gov/reports/2021-125/index.html). In addition, an independent study by Gaeton Lion has determined that the population of California with remain flat through 2060 (https://marinpost.org/blog/2023/1/9/rhna-abag-demographic-projections-are-way-off), which is starkly different from HCD's forecast of an increase in population.

Given the disparities between the determinations of HCD and DOF, it is more important than ever for a third State agency, Caltrans, to provide us with its analysis of environmental impacts of the NCLH project and the cumulative environmental impacts of RHNA-required development in Strawberry and in all surrounding communities.

We are aware that the former Level of Service standard for determining traffic congestion has been revoked. We also understand that the DEIR Consultant has concluded that the NCLH project fails to meet the new Vehicle Miles Traveled (VMT) standard. But where is Caltrans' analysis of VMT for the NCLH project and for the cumulative environmental impacts on the surrounding communities? We need VMT analysis from Caltrans (and from Marin County Department of Public Works) in the DEIR.

In addition, Caltrans' analysis of roadway capacity is missing. Caltrans has the methodology to determine the maximum physical capacity of traffic on Highway 101 and SR-131 (Tiburon Boulevard) and on the Highway 101/SR-131 interchange based on the impact from the NCLH project and the cumulative impacts from development in surrounding communities. We need Caltrans' roadway capacity analysis in the DEIR (as well as Marin County's roadway capacity analysis).

The DEIR also needs Caltrans' analysis of the cumulative environmental impact of the Highway 101/SR-131 interchange on the flow of traffic along the Highway 101 corridor. A bottleneck at this interchange will create traffic flow problems throughout the County.

Everyone knows that the current RHNA allotment for Marin County of 14,210 housing units is excessive and unachievable given Marin's unique geographical and infrastructure constraints. We need a realistic assessment from Caltrans of all environmental impacts related to the NCLH project and all cumulative environmental impacts related to the RHNA development required in Belvedere, Tiburon, and Mill Valley. At least one State agency must step up to rectify the discrepancies between HCD's and DOF's analyses and to provide a realistic assessment.

Response I36-1

The comment cites a Marin Superior Court ruling related to the interrelationship between the Marin Countywide Plan and community plans and states that any environmental impacts in any of the CEQA categories mentioned in the Strawberry Community Plans (1973 and 1982) must be analyzed.

Consistent with the suggestion in the comment, the Draft EIR did consider potential environmental impacts in relation to the Strawberry Community Plan (1973 and 1982), as applicable. As stated in Section 3.10, "Land Use and Planning," of the Draft EIR, as evaluated and disclosed in other sections of the impact analysis, construction and operation of the proposed project would result in specified, significant or potentially significant environmental impacts. Applicable land use plans and policies have been analyzed relevant to those impacts within each resource section of the Draft EIR. This included both the Marin Countywide Plan and Strawberry Community Plan. Within Section 3.10 of the Draft EIR, Impact 3.10-1 considered whether the proposed project would cause a significant environmental impact due to an inconsistency with a land use policy or plan adopted for the purpose of avoiding or mitigating an environmental effect, including the Countywide Plan and Strawberry Community Plan. The consistency analysis is provided in Table 3.10-1 in Section 3.10 of the Draft EIR and considered community plan goals and policies that, should the project conflict, would result in significant impacts on the environment. In addition, the project's consistency with relevant goals and policies of the Strawberry Community Plan related to aesthetics were also considered and evaluated in Table 3.1-2 in Section 3.1, "Aesthetics," of the Draft EIR. Therefore, the Draft EIR adequately addressed and analyzed the applicable provisions of the Strawberry Community Plan (1973 and 1982).

In addition, the comment asserts that the Draft EIR needs to include an analysis from Caltrans and Marin County Department of Public Works of the environmental impacts of the NCLH project and the cumulative environmental impacts of RHNA-required development in Strawberry and in all surrounding communities. The County of Marin is the lead agency responsible for approving the project and ensuring that the requirements of CEQA have been met. As the CEQA lead agency, the County is responsible for ensuring that the information contained in the EIR reflects the independent judgment of the lead agency. Thus, although the EIR and supporting technical analyses were prepared with the assistance of consultants, they ultimately reflect the County's independent judgment regarding the potential environmental impacts of the proposed project. This includes the Marin County Department of Public Works, which reviewed and was involved in the process of preparing the Draft EIR and supporting transportation technical analysis. Caltrans had no responsibility under CEQA or any other state law for preparing additional analyses to support the EIR. Long-term planning for capacity on US 101 in upcoming decades is beyond the scope of the EIR. The County's analyses of cumulative impacts are intended to account for probable future projects contributing to cumulative impacts to which the project itself will contribute in part. Notably, the project itself does not propose or necessitate any changes to US 101, SR 131, or any other Caltrans controlled facilities; nor does the project require permits or approval from Caltrans for implementation. For these reasons, there is no nexus for which an analysis of VMT, roadway capacity, or the cumulative environmental impact of the Highway 101/SR-131 interchange, as suggested in the comment, would be carried out by Caltrans as part of the EIR for the proposed project. Moreover, as pointed out in the comment, automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment. Changes in roadway capacity and traffic flow would also fall under this category. See Final EIR Section 3.2.7, Master Response Traffic Count Data.

Therefore, no changes to the Draft EIR are warranted in response to this comment.

Letter I37 Jane Berger

September 10, 2024

Comment I37-1

I am Jane Berger, who attended and spoke briefly at the meeting yesterday, Sept. 9 at 1:00pm at the Civic Center. I am a 12 year resident at Strawberry Shores apartment complex. Many of my neighbors have been here 20 or more years. In other words we are invested in the community. None of the RENTERS in the neighborhood, including Harbor Point, Chateau Challon have been informed by the County of Marin of the proposed project or hearings, to give public input.

While I understand the meeting yesterday was to listen and not a question and answer situation, I had hoped that a commissioner or planner would address my comment. Just because it is not Marin County law, that renters have to be informed, doesn't mean it's not the right thing to do. Isn't it the moral, ethical, community oriented, proper thing to do? PLEASE, I urge you to mail out any and all information to all renters that was given to property owners. Several commissioners said "I want and appreciate input from the public". 600 plus residents in close proximity to North Coast's proposal are being left OUT of the public - that loop of information. This is not democratic. Thank you for your consideration.

Response I37-1

The comment requests that renters and tenants be included in public notifications regarding the proposed project. The comment relates to the County's procedure and requirements for public noticing and is outside the scope of the EIR. The County does not require notifications to renters and others not listed as property owners due to the transitory nature of renter housing. All members of the public, including renters and non-property owners, can find public information the County has posted about the project in the newspaper and online. Additionally, members of the public may subscribe to the County's official website for the proposed project for current updates on the project (https://www.marincounty.gov/departments/cda/planning/projects/mill-valley-alto/north-coast-land-holdings-community-plan-amendmentmaster-plandesign-reviewmaster-use-permittentative-maptree-removal-permit-former-golden-gate-baptist-seminary-property-p1490).

Comment I37-2

Even though I submitted the following information before, I'd like to reiterate. Regarding the EIR, there is an ecosystem of wildlife at the Seminary property. Owls, deer families, coyotes, a large 30-40 flock of egrets live here. They would be disrupted if not wiped out from the neighborhood with such a large project. On television a couple weeks ago, Mill Valley was interviewed and featured. It talked about natural preservation being a priority. The massiveness of this project doesn't seem in keeping with that philosophy. I am reminded of a quote from Native American writings, " Why when Mother Nature rearranges nature is it called destruction, yet when humans rearrange nature, it is called development". Just something to think about going forward.

Response I37-2

The comment states that several common wildlife species will be subject to impacts from the project, specifically owls, deer, coyotes, and egrets. The potential impacts to common birds are addressed in Draft EIR Section 3.4, Biological Resources, under Impact 3.4-4 which includes a discussion of the potential impacts to common nesting birds and how project elements and Marin County Code Section 22.20.040 would reduce these impacts to less than significant. Furthermore, analysis of impacts on common wildlife is found in Draft EIR Section 3.4, Biological Resources, under Impact 3.4-9 which discusses the potential impacts to wildlife movement and use of the project site as a wildlife nursery and rookery site for shorebirds.

The comment also discusses natural preservation being a priority. This portion of the comment does not address the content, analysis, or conclusions in the Draft EIR. Therefore, no further response is warranted and no revisions to the Draft EIR are required.

Letter I38 Lorna Bender

September 10, 2024

Comment I38-1

A. Higher Educational Use School with a 15,800 square-foot addition

1. What specifically will the addition be used for? Classrooms, offices, etc?
2. How many students will attend from day 1 and what is the projected student growth for the next 5, 10 years?
3. What time will school start and end and will there be day-long/nighttime activities requiring excessive travel and accompanying noise and lights?
4. What type of school is it (charter, private, public)?

5. Will students, some or none, live on campus as they do today?
6. How will traffic/cars enter/depart the campus? Which roads will be used at different times?

Comment: A different type of school could cause traffic to a quiet neighborhood, cause traffic jams coming off Seminary Drive, East Strawberry, and through the current quiet streets in the entire Strawberry neighborhood as well as pollution and noise. Students/parents/faculty might clog all the roads coming into the new facilities from all access points. Impacts related to specific school changes have not been analyzed in the DEIR. They need to be analyzed in the next version.

7. Why would the County consider changing the 1953 CUP so that the land can be used for a self-contained school if details about future school operations are not both provided and analyzed?

Response I38-1

The comment asks specific questions related to operational details of the academic campus including the type of school, uses for the proposed 15,800 square-foot addition to the Administration Building, student enrollment at buildout and projections for 5 and 10 years of operation, start and end times for academic campus classes including nighttime activities, number of students anticipated to live on campus and traffic circulation. For comments related to detailed operational activities of the academic campus, see Final EIR Section 3.2.1, "Master Response: Stable Project Description." As described in Draft EIR Section 2.6.2, Academic Campus, operation of the academic campus under the project would be similar to the existing operations at the campus and would comply with the guidelines outlined in the Strawberry Community Plan and proposed amendments. The academic campus would continue to be occupied by a university or college, with no change proposed to the scope of the existing 1953 CUP, including the maximum permitted enrollment of 1,000 higher education students. It is estimated that approximately 30 percent of the housing would be occupied by university-affiliated residents, i.e., students, staff, and faculty. Information regarding which roadways would be used for project access and circulation was provided in Draft EIR Section 3.14, "Transportation," as well as the Traffic Impact Study and LOS Assessment Memo, both of which were included in the Draft EIR as Appendices Q and R, respectively. Also, see Final EIR Section 3.2.8, "Master Response: Selection of Intersections for LOS Analysis." All study intersections would meet the County LOS standard of D or better. All elements of the proposed project outlined in Draft EIR Section 2.6, "Project Components," have been analyzed throughout the Draft EIR. Comments related to the project merits are not within the purview of CEQA and are not discussed further in this EIR. See Final EIR Section 3.2.4, "Master Response: Conditional Use Permit Issues."

Comment I38-2

B. Pre-School

1. How many students will be attending; how will they enter the school via which access road?
2. Was this an originally permitted use for this property?

Response I38-2

The comment asks specific questions related to operation of the daycare including how many children will be enrolled, access to the daycare facility, and if a daycare is an existing permitted use for the project site. The daycare is an existing use on the campus and operates in a 3,000-sf facility in the southern portion of the Academic Campus Planning Area and is located in the existing academic building. The daycare serves the families of the academic campus, residents connected with the campus, and other southern Marin County community residents. Current enrollment is approximately 60 children, with approximately 16 total staff. Eight to 12 staff work onsite on any given day, depending on the age of the children enrolled that particular day. As described in Draft EIR Section 2.6, Project Components, the proposed project includes construction of a new facility that would contain a 3,000-sf daycare and a 17,000-sf fitness center. The daycare and fitness center would be located in a shared facility that would be situated in the central portion of the project site, east of the Seminary Playing Field and west of the three-tiered parking lot. The proposed location for the facility is currently occupied by Foreman Drive and adjacent landscaping. The existing daycare would continue to operate on-site but would be relocated from the academic building into the new space within the proposed daycare and fitness center. Enrollment at the daycare would be limited to approximately 60

children. The proposed project involves issuance of a master use permit and amendments to the Strawberry Community Plan to allow the daycare to be open to the public.

Comment I38-3

C. Noise/Air Pollution

My husband is diagnosed with asthma. I'm sure there are others in the neighborhood who will be strongly affected by the dust/asbestos and poor air quality. I am strongly affected by dust and often have sinus infections. This would not be a good quality of life for 4+ years for either of us.

1. Have the effects of increased noise/air pollution been analyzed and projected for several years post construction?

Response I38-3

The comment asks if the effects of increased noise and air pollution have been analyzed and projected for several years post-construction of the project. Project impacts from construction noise are analyzed in Impact 3.11-1 of the Draft EIR; project impacts from construction air pollution are analyzed under Impact 3.2-1 of the Draft EIR. See Response I22-1 for a discussion of construction noise and air pollution impacts and mitigation. Operational (post-construction) noise impacts were analyzed in Impact 3.11-4 of the Draft EIR and determined to be less than significant with implementation of Mitigation Measure 3.11-4 to reduce operational stationary source noises, such as heating ventilation and air conditioning equipment and back-up generators. Operational air pollution was analyzed under Impact 3.2-2 and impacts were found to be less than significant when compared to the Bay Area Air District's average daily thresholds of significance.

Comment I38-4

1. How many jobs will be created in the new seminary development and what percentage of these new employees will be from Southern Marin?
2. Considering the existing lack of affordable housing in southern Marin, can you prove that they will live here locally and not cause more traffic/congestion/pollution locally and in the Bay Area at large?

Response I38-4

The comment asks how many jobs will be created by the proposed project and to prove how many of the employees would be from southern Marin and live locally. The comment also asks to prove that new employees would not cause more traffic/congestion/pollution locally and in the Bay Area at large. Draft EIR Section 3.12, "Population and Hosing," describes the proposed project's impact on population and housing. As discussed under Impact 3.12-1, the project would generate up to approximately 253 jobs with full enrollment of the university (216 new campus jobs, 34 jobs for the new residential care facility, and three jobs for the new fitness center). For comments regarding the reasonable expectation of where employees are anticipated to come from and live, see Response O3-7 and O6-9. Additionally, transportation impacts are discussed and analyzed in Draft EIR Section 3.14, "Transportation," and air quality and greenhouse gas emissions impacts are discussed and analyzed in Draft EIR Section 3.2, "Air Quality," and Section 3.7, "Greenhouse Gas Emissions and Climate Change Vulnerability," respectively. As discussed in these sections, the Draft EIR concluded less than significant impacts for air quality with implementation of Mitigation Measure 3.2-1 which requires the application of EPA's Tier 4 final emission standards for all diesel-powered off-road equipment. Significant and unavoidable impacts were identified for greenhouse gas emissions and VMT. Note that if a project would result in significant and unavoidable environmental impacts (i.e., significant effects that cannot be feasibly mitigated to less-than-significant levels), the project can still be approved, but the lead agency's decisionmaker, in this case the Marin County Board of Supervisors, must prepare findings and issue a "statement of overriding considerations" explaining in writing the specific economic, social, or other considerations that they believe, based on substantial evidence, make those significant effects acceptable (PRC Section 21002; CCR, Title 14, Section 15093). For comments related to congestion, as discussed in the introduction to Section 3.14, Transportation, of the Draft EIR, pursuant to Public Resources Code Section 21099, enacted as part of SB 743 (Stats. 2013, Ch. 386, Section 5), and Section 15064.3(a) of the State CEQA Guidelines, VMT are generally the most appropriate measure of transportation impacts and "automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic

congestion shall not be considered a significant impact on the environment." Transportation master responses in Final EIR Sections 3.2.7 through 3.2.14 can be reviewed for more information.

Comment I38-5

E. Use of Property

1. Are you positive this is the best use for this property, best of the option plans or a scaled-back plans?
2. Would not keeping within the original permit (residential seminary) not a better option for all parties concerned, especially the environment?

Many residents purchased their property knowing the legal use for the property was for a Seminary. They may not have invested their lives here with knowledge of such a huge development plan creating a need to totally rewrite the Strawberry Community Plan that has reflected the community values for years. This is a wholesale change for the area, and not keeping with what has been permitted for years. Some of the alternatives cited in the DEIR were not analyzed or were incorrectly analyzed. Please thoroughly analyze these alternatives. Some of the unanalyzed alternatives could be more suitable for the range of important stakeholders.

Response I38-5

The comment questions whether the proposed project represents the best use of the property and suggests that adhering to the original residential seminary permit be a better option, particularly for environmental considerations. The comment highlights concerns over the potential for the project to change to the area's character, with the development resulting in a rewrite of the Strawberry Community Plan, and the inadequacy of alternatives analysis in the Draft EIR, urging thorough evaluation of existing alternatives and unanalyzed alternatives that may better address stakeholder interests. However, the comment does not identify any alternative for which analysis or a more thorough evaluation is requested and does not identify which alternative the analysis is incorrect. Regarding the remark to keep with the original permit, analysis of a no project alternative was included in the Draft EIR as Alternative 1: No Project/No Build Alternative in Chapter 5, "Alternatives," of the Draft EIR. This alternative assumes the continuation of baseline conditions with no development or redevelopment of the project site. The Draft EIR also included evaluation of Alternative 3: Community Plan Consistent Alternative which assumes that development of the site could occur consistent with the currently approved Strawberry Community Plan and State density bonus law. Additionally, see Final EIR Section 3.2.2, "Master Response: Adequacy of the Range of Alternatives," and Section 3.2.3, "Master Response: Reduced Development Alternative (Seminary Tomorrow Process Outcome)."

Letter I39 Kam Jalili

September 11, 2024

Comment I39-1

I'm a resident of Seminary area and I'm very much concerned with the project as proposed by NCLH, LLC.

First of all we need to be informed of the educational institution that is supposed to use the facilities.

EIR is required to give a clear and definitive description.

Response I39-1

The comment expresses concern about the proposed project, emphasizing the need for the EIR to provide a clear and definitive description of the educational institution intended to use the facilities. Please see Final EIR Section 3.2.1, "Master Response: Stable Project Description."

Comment I39-2

As proposed, an institution with 1000 students without on sight housing will have catastrophic traffic impact on the existing two lane access roads to the sight. With 1000 students, one should add hundreds of additional personnel, who would be coming and going to service the facilities.

With adding all the proposed housing units, Independent Living facilities and other elements in the proposed plan, traffic will become a nightmare for the seminary as well as other Strawberry neighborhoods.

Response I39-2
The comment expresses concerns with congestion. As described in Final EIR Section 3.2.7, "Master Response: Traffic Count Data," LOS assessment is not used to determine environmental impacts under CEQA (in accordance with SB 743, Statutes of 2013), but may inform decisions about the merits of the proposed project. Although LOS is no longer used to determine a significant environmental impact, an analysis of LOS was prepared for the County of Marin's merit review of the project. The LOS Assessment Memo was updated to incorporate new February 2025 traffic counts collected in response to Draft EIR comments and to account for potential post-pandemic travel behavior changes. Although differences from 2021 counts were minimal, the memo was revised in consultation with County staff to use the 2025 data and add a seventh study intersection (Appendix B of this FEIR). According to the LOS Assessment Memo, all study intersections would operate at level of service LOS D or better conditions under all scenarios, which meets the County LOS standard and the conclusions in the Draft EIR are valid. Comments expressing an opinion, support, or objection to the project do not focus on the adequacy of the Draft EIR; however, all comment letters submitted during the Draft EIR public review period will be reviewed and considered by the Marin County Planning Commission and Board of Supervisors before a decision on the project is rendered.

Comment I39-3
The lengthy time of development (in real world much longer than 4 years as indicated), construction crews traffic, noise, dust and other disturbances associated with such huge development, will make life miserable for everyone who lives in this area.

Response I39-3
The comment states the length of construction would take longer than 4 years and construction traffic, noise, dust, and other unspecific disturbances would make life miserable for everyone who lives in the area. Regarding the construction schedule, the applicant has consulted with Build Group, a regional general contractor with relevant experience building large residential projects and concurs that the proposed construction schedule is feasible (Herrema, pers. comm., 2025). Comments expressing an opinion, support, or objection to the project do not focus on the adequacy of the Draft EIR; however, all comment letters submitted during the Draft EIR public review period will be reviewed and considered by the Marin County Planning Commission and Board of Supervisors before a decision on the project is rendered. For comments related to construction dust and noise, see Response I22-1.

Comment I39-4
Also schooling facilities and educational costs associated with all the kids who would be residing in the newly added housing units, is of a great concern.

As is MV School District is having shortage of funds and there is a proposal on the ballot this year to increase the school tax (which already is very high) to be able to service the existing students. The project as proposed, will not provide enough property tax to support the increase in needed funds.

Response I39-4
The comment states the project would not provide enough property tax to support the increase in needed funds related to school facilities. The comment raises an important issue; however, it is not within the purview of CEQA. The comment will be included in the record for consideration by the Board of Supervisors as part of the merits review of the project. No further response is required.

Comment I39-5
Environmental impact is another concern with number of rare bird species who call this area home.

This project as proposed is two large and unacceptable and I've just indicated a few of the many issues and problems that everyone in the community is so much concerned with.

Response I39-5

The comment expresses concern related to impacts on rare bird species. Impacts on special-status bird species are evaluated in Draft EIR Section 3.4, Biological Resources, under Impact 3.4-4 and were found to be potentially significant. Thus, the Draft EIR recommended implementation of Mitigation Measure 3.4-4 which requires avoiding disturbance to special-status-birds to reduce these impacts to less than significant.

The comment also refers to the size of the project and expresses an opinion that the project is too large and unacceptable. This portion of the comment does not address the content, analysis, or conclusions in the Draft REIR. The Marin County Planning Commission and Board of Supervisors will take the comment under consideration before a decision on the project is rendered. No further response is warranted and no revisions to the Draft EIR are required.

Letter I40 Penny Crow

September 14, 2024

Comment I40-1

Topic: Aesthetics, specifically the proposed building's color, scale and relationship to the natural landscape

The existing buildings, though well worn, still maintain their relationship to the natural landscape in color and scale; they are compatible with their surroundings. The gently peaked roofs mimic the horizontal lines of the hills. They are pleasant to the eye and have utilized design in such a way as to still be relevant today. The current building that is proposed as the Residential Care Facility is an example of a building in harmony with it's surroundings.The EIR states, many times, in referring to the rental apartments, the color will be off-white cement, that "the contrast will draw attention to the buildings". **Why is the attention on the buildings? Why isn't the focus on the structures and topography being complimentary to one another? Why the choice of off white and not beige/tan tones as it seems to be in another location where it states they "will not be readily noticed." (3.11.13).**

Looking at the renderings on page 3.1.31, #2a & #2b, the building structures each appear to be too dense, too close together. Though the EIR states "new construction should occur in a compact form...whenever possible", this is not "consistent with neighborhood character" also stated in the EIR. The bulk of the referenced buildings on Seminary Dr. are acceptable because there is open space above them. **Can the dwellings above the existing apartments on Seminary Dr. be constructed with more space around them or can they be constructed elsewhere in the development so as not to lose the number of units? Perhaps in place of the school?** The structures appear to have flat roofs. Given the number of them, and as clustered and boxy as they appear in the renderings, they are inconsistent with the topography, though consistent with the apartments below them. Maybe one thing is of little significance, but when that one thing is multiplied, it becomes of greater significance**. What is the purpose of having flat roofs? Why not design/construct the roofs to be gently peaked to be more harmonious with the environment and neighboring buildings?** The architecture of the neighborhood is predominantly Craftsman and Mediterranean. These new structures need to be in keeping with what exists and be respectful of those of us who have called this our home for many years.

Response I40-1

The comment questions the proposed buildings' color, scale and relationship to the natural landscape and wonders why the focus isn't on the structures and topography being complimentary to one another. This issue does not raise significant CEQA concerns related to the adequacy of the analysis in the Draft EIR, as Draft EIR Section 3.1, "Aesthetics," and the Visual Resources Analysis Technical Report prepared by 2M Associates (2022), which is provided as Appendix B of the Draft EIR has already considered the compatibility of the project's structures with the existing topography and landscape. The Draft EIR found that views into the project site from surrounding streets and trails, the color of the structures, and the bulk and sky-lining effect of the residential care facility associated with the proposed project would conflict with applicable zoning and other regulations governing scenic quality. Implementation of Mitigation Measures 3.1-1a through 3.1-1d would ensure that the project would not conflict with applicable zoning and other regulations governing scenic quality. Therefore, the Draft EIR concluded that this impact would be less than significant with mitigation. The conclusions in the Draft EIR indicate that the project's design and color scheme would not result in significant adverse visual impacts after mitigation.

Comment I40-2
Topic: Public Services and Traffic

As stated in the EIR Public Services section, 3.1-31. housing units and the residential care facility will be increased by 185, with an increase in 530 people. There is no mention of a proposed school nor number of employees, nor students, in this section. We don't know if they will be commuting or living on campus; there isn't even an approximate number of students mentioned, other than up to 1000. That makes it challenging to assess the day to day impact on services as well as many other impacts on the environment. Fortunately the fire station and ambulance are onsite. With more structures and people, I would think the fire station would need to have more firemen and equipment, especially if there is an emergency.

Response I40-2
The comment states there is no mention of a proposed school nor number of employees, nor students, in Draft EIR Section 3.13, "Public Services and Recreation." The comment also states that it is unknown if students or employees would be commuting or living on campus and the only mention of the number of students is 1,000. Additionally, the comment states that with more structures and people, it is anticipated that the fire station would need more firemen and equipment. See Response O4-73 and O4-84.

Comment I40-3
The biggest concern is daily traffic and the congestion that will result, not just in Strawberry, but also on highway 101. Currently there is not a lot of traffic going in and out of the property on the 2 lane road because there are many fewer residents than will be housed when the project is completed. Also, the unknown number of students and faculty, living on campus, or commuting..... who knows.....doesn't give us enough information to know what to expect. This doesn't even address emergency situations. The only mitigation is a roundabout at the intersection of Seminary Dr, Ricardo Rd, and Vista del Sol.

How can anyone assess the EIR without having complete information about the proposed school? Will extra firemen and law enforcement be needed during construction because of all the equipment and workmen on the property as well as driving in and out on the aforementioned 2 lane road? What are the logistics for an emergency exit plan during construction and once the project is completed? Does it look different if no school is there? Would it be safer? What options, other than the roundabout at the intersection do you propose? This specific roundabout was not desired by the majority of the community who were present at a couple of meetings earlier this year. I personally find roundabouts dangerous and an impediment to traffic flow.

Response I40-3
The comment expresses concerns with congestion as well as questions regarding public service personnel and emergency access during construction. As described in Final EIR Section 3.2.7, "Master Response: Traffic Count Data," LOS assessment is not used to determine environmental impacts under CEQA (in accordance with SB 743, Statutes of 2013), but may inform decisions about the merits of the proposed project. Although LOS is no longer used to determine a significant environmental impact, an analysis of LOS was prepared for the County of Marin's merit review of the project. The LOS Assessment Memo was updated to incorporate new February 2025 traffic counts collected in response to Draft EIR comments and to account for potential post-pandemic travel behavior changes. Although differences from 2021 counts were minimal, the memo was revised in consultation with County staff to use the 2025 data and add a seventh study intersection (Appendix B of this Final EIR). According to the LOS Assessment Memo, all study intersections would operate at level of service LOS D or better conditions under all scenarios, which meets the County LOS standard.

Regarding the portion of the comment related to emergency access, as stated in Draft EIR Section 3.8, "Hazards, Hazardous Materials, and Wildfire" (Impact 3.8-4), and Section 3.14, "Transportation" (Impact 3.14-4), participants in construction activities would be subject to Section 3310.1 of the 2019 California Fire Code, which identifies minimum requirements to provide required emergency access during construction activities.

As detailed in Draft EIR Section 3.14, "Transportation," Impact 3.14-4, the project would be designed in accordance with County design standards. Additionally, the project would be subject to review by County of Marin staff and

relevant emergency agencies to ensure the design of the project meets applicable safety standards to provide physical access for emergency vehicles. The project would be required to comply with International and California Fire Code standards as adopted by the County in Chapter 16.16 of the County Code. Additionally, Seminary Drive, which would likely serve as the primary evacuation route within the project area due to its direct access to US Highway 101, has been assessed by MWPA as having a minimal to low difficulty score for evacuation. Although other potential evacuation routes in the project area have evacuation difficulty scores ranging from moderate to high, specifically portions of East Strawberry Drive (moderate and high), Belvedere Drive (high), and S. Knoll Road (high), these roadways are anticipated to serve as secondary options for evacuation. The combination of potential evacuation routes, which includes a roadway with minimal to low evacuation difficulty score as the anticipated primary evacuation route, would provide first responders with the opportunity to identify the best route based on conditions at the time of evacuation as well as provide substantial evacuation capacity. Therefore, the project would not result in an adverse effect related to evacuation. See Final EIR Section 3.2.12, "Master Response: Emergency Vehicle Access Mitigation Measure."

Finally, the Draft EIR did not consider nor evaluate conditions without the school. The school is an existing use on the project site allowed by the 1953 CUP. As described in Draft EIR Chapter 2, "Project Description," the 1953 CUP allows for an academic campus operation with enrollment up to 1,000 students supported by faculty and staff. As further described in the Draft EIR Chapter 2, operation of the academic campus under the proposed project would be similar to existing operations at the campus. The academic campus would continue to be occupied by a university or college, with no change proposed to the scope of the existing 1953 CUP, including the maximum permitted enrollment of around 1,000 higher education students. Beyond compliance with the CUP enrollment maximum, the applicant has not proposed a specific enrollment target. Thus, including a scenario without the school in the Draft EIR would not provide a meaningful analysis for decision-makers or the public because it is a legally permitted use and therefore is allowed to continue to operate on the site regardless of project implementation. See Final EIR Section 3.2.4, "Master Response: Conditional User Permit Issues" and Section 3.2.1, "Master Response: Stable Project Description." Regarding Mitigation Measure 3.14-4 and construction of a roundabout, see Final EIR Section 3.2.12, "Master Response: Emergency Vehicle Access Mitigation Measure."

Comment I40-4

Who will bare the cost of additional public services should they be needed, in the future, in that North Coast will not be paying taxes on all it's parcels? Why won't they be paying taxes on each parcel? Will Strawberry residents be picking up the slack?

Response I40-4

The comment asks specific questions related to taxes including who will bare the cost of additional public services if needed in that North Coast will not be paying taxes on its parcels; why won't North Coast pay taxes on each parcel; and will Strawberry residents pick up the slack. The comment raises important issues; however, it is not within the purview of CEQA. The comment will be included in the record for consideration by the Board of Supervisors as part of the merits review of the project. No further response is required.

Letter I41 Yoko Russell

September 14, 2024

Comment I41-1

As an abutter to the Seminary, directly below the cafeteria and workshop area, I have been living for years with obnoxious lights from the cafeteria, both at night and early AM when the cafeteria often opens up for preparation. There have been no efforts to mitigate the light and noise pollution from the cafeteria (catering company I think) and the work shop area so my questions are;

1. Will there be a lighting regulation for the buildings that now directly overlook my property (library, work shed and cafeteria) and now and for the proposed Retirement Care Facility and its lighting and noise plan. To date North Coast has not been a responsible neighbor with noise and lights.

Response I41-1

The comment expresses concern about light pollution and questions if there will be lighting regulation for the proposed project. The project's potential environmental impacts, including impacts related to lighting, are addressed in Draft EIR Section 3.1, "Aesthetics." The Draft EIR concluded with a less-than-significant impact for new sources of substantial light. The project would include lighting improvements within internal roads and pedestrian pathways. New lighting would consist of low-wattage fixtures that would be shielded and directed downward to prevent spillover effects to residential neighbors. New residential housing areas would be set behind the native tree line and would include screening and window placement designed to minimize light exposure to the west. Many existing trees that surround the non-residential buildings would remain in place, and it is expected that these trees would also reduce light exposure. The project would meet Marin County's outdoor lighting- standards and would implement low-wattage fixtures that would be directed downward and shielded to prevent adverse lighting impacts on nearby properties. Furthermore, as discussed in Draft EIR Section 3.1.1, "Regulatory Setting," all luminaries shall meet the most recently adopted criteria of the Illuminating Society of North American for "full cut off" luminaries. Therefore, the project would not create a new source of substantial light that would adversely affect day or nighttime views in the area. Also see Responses O4-16 and O4-17.

Comment I41-2

2. How large will the new work shop be and how will it be situated compared to current one and will there be screening and noise protection with the new and probably larger facility?

Response I41-2

The comment requests the size of the new maintenance building (workshop) proposed on the site. The new maintenance building would be approximately 2,200 square feet located in the Academic Campus Planning area south of Storer Drive between the proposed café and library. The maintenance building would be subject to Mitigation Measure 3.11-4, "Reduce Operational Stationary Source Noise." This measure requires compliance with the County's stationary noise source criteria and ensuring mechanical equipment noise would not exceed ambient noise by more than 5 dBA by placing equipment as far away as possible from sensitive land uses, placing noise barriers around mechanical equipment, and using buildings and topographic features for acoustic shielding. Therefore, the maintenance building would have screening and noise protection as necessary to comply with County noise standards.

Comment I41-3

3. Are there detailed plans to provide screening trees and/or hedges between my house and the cafeteria/work shop/library to provide screening from these busy areas of the school. While I do not want trees that shed leaves and needles into my yard, there must be ways to build trellis and vines or something to provide more privacy to our homes.

I would like to see more specifics for these plans so I may better understand how light, noise and privacy will be maintained.

Response I41-3

The comment inquires about detailed plans for screening measures, such as trees and/or hedges, between an adjacent private residence and the proposed project. The comment specifies a preference for non-shedding vegetation and requests more specifics to better understand how light, noise and privacy concerns will be maintained. All plans submitted to the County in relation to the proposed project have been available on the County's public project information webpage since 2020 for public review. Landscaping plans the conceptual lighting plan for the proposed project are included in plan set Volume 1 Plan Sets F and G. In addition, the Draft EIR analyzed the aesthetic and visual impacts, including light and glare, of the proposed project in Section 3.1, Aesthetics. The analysis found that impacts would be less than significant with implementation of Mitigation Measures 3.1-1a through 3.1-1d which would ensure that the project would not conflict with applicable zoning and other regulations governing scenic quality. Personal requests such as detailed plans for screening measures between the proposed project and residential private property are outside the scope of the CEQA environmental review process. Additionally, privacy concerns are not explicitly considered environmental impacts under CEQA. These comments do not raise an

environmental issue. Therefore, no further response is required. Regarding the comment concerning noise, please refer to Draft EIR Section 3.11, "Noise."

Letter I42 Larry Serandos

September 14, 2024

Comment I42-1

Comment 1. Safety is one of my main concerns, and there are surrounding properties to the Seminary plot which have enjoyed gated access onto a paved roadway into the Seminary property for many years. This access has provided a secondary means of egress in emergency situations. Will such emergency egress be guaranteed in the future? *For these abutters who have had continuous prescriptive use as an egress easement, shouldn't this access should be memorized through an easement right away to ensure it in the years to come?*

Response I42-1

The comment raises similar concerns as Comment I12-3. Please see the response to that comment.

Comment I42-2

Comment 2. *What are the operational details for the Residential Care Facility?* These need to be disclosed and analyzed for noise traffic, and emissions impacts. Neighboring properties have a particular state in appropriate schedules that will mitigate impacts.

As to the Retirement Care Facility (RCF), from everything we have received I have not been able to get a clear visual idea of exactly where it would be located related to the elevation of the hillside and the visual impact to us abutters? I see notations for Story Poles (did not see any heights listed) but prior to getting that far, *can we see sketches of the actually building design with proposed materials, such as provided with the residential perspectives?* Will it be at the top of the ridge as are the current apartments or will it be located down the other slope so not to be predominately visible from our properties. *Abutters request the developers provide perspectives of the RCF from our property point of views with the operational plan especially for maintenance and deliveries as it appears the abutters will face the rear, working area.*

Response I42-2

The comment requests more information related to operation of the residential care facility and impacts on noise, traffic and air quality emissions. Details regarding the residential care facility are provided on page 2-20 in Chapter 2 of the Draft EIR. The transportation analysis used these characteristics in the evaluation of impacts from the development of the residential care facility in Draft EIR Section 3.14, "Transportation," Impacts 3.14-1 through 3.14-4.

With respect to operational air pollution, emissions from the residential care facility in addition to all the proposed land uses under the project were estimated and disclosed in Table 3.2-6 in Draft EIR Section 3.2, "Air Quality." As shown in Table 3.2-6, operational emissions would not exceed the Bay Area Air District's recommended average daily thresholds of significance. As the emissions summarized in Table 3.2-6 include all new land uses proposed for the project, in addition to the residential care facility, the emissions from the residential care facility would, in reality, account for a fraction of the project's total emissions.

Regarding the comment's concern for operational noise impacts, as discussed in Draft EIR Section 3.11, "Noise and Vibration," of the Draft EIR, noise from the residential care facility would include building mechanical equipment such as HVAC, parking, and delivery noise. As required by Mitigation Measure 3.11-4 in the Draft EIR all new stationary equipment, including equipment for the residential care facility, would be required to comply with the County's stationary noise source criteria and located such that noise generated adjacent to properties does not exceed existing ambient noise levels by more than 5 dBA. As shown in Table 2-1 on page 2-10 of the Draft EIR, 185 parking spaces would support the residential care facility. The 185 parking spaces would be located in an underground garage. As discussed on page 3.11-19 of the Draft EIR, parking lot noise provided in subterranean garages would not be perceptible to nearby noise sensitive receivers, such as residences, because parking noise would not be perceptible when underground. Finally, to address delivery noise from the loading area at the Residential Care Facility the following has been added to page 3.11-19 of the Draft EIR following the discussion on parking facilities. These edits

are minor and do not constitute significant new information that would require recirculation of the Draft EIR under State CEQA Guidelines Section 15088.5.

REVISED:

Deliveries

Truck noise from deliveries can reach as loud as 79 dBA at 30 feet from backup alarms on trucks (Salter 2014 [Charles M. Salter Associates, Inc. 2014. Loading Dock Noise Study for City of San Jose.]). The nearest sensitive receiver (residences) would be located approximately 150 feet from delivery activity. Therefore, delivery noise would be as loud as 62 dBA at 150 feet. Existing noise levels near sensitive receivers on Storer Drive are approximately 67 dBA. Therefore, noise from delivery activity would be lower than existing noise levels and would not result in a substantial increase in noise.

Regarding the comment's concern about the visual impact of the residential care facility on abutters (private properties), CEQA does not require an aesthetics analysis from private properties, but it does require that the potential impacts of a project on the visual character and quality of public views be evaluated. The focus of the analysis is typically on public vistas, scenic resources, and areas with high visual sensitivity, such as parks, highways, and other public spaces. Section 3.1, "Aesthetics," of the Draft EIR provides a description of the existing aesthetic conditions of the visible landscape on and near the North Coast Land Holdings project site and an assessment of changes to those conditions that would occur from project implementation. Visual conditions, viewer experience, and viewer response to visual change are studied in the Draft EIR through the identification and selection of the most critical and representative public viewpoints of the project, referred to as KOPs.

KOPs serve as the basis for the subsequent assessment of visual impacts after determining the visual quality of the project site. Key views are representative of the range of views that would be affected by the project. These representative views are selected to catalog an image of critical baseline conditions that were used to assess the visual impacts of the project. Twenty-five KOPs were used to evaluate the existing visual quality of the project site and visual impacts of the project.

As discussed in Draft EIR Chapter 2, "Project Description," the residential care facility would be located in the eastern portion of the project site, within the Dormitory Hill Planning Area, situated northwest of the academic campus and north of the central tiered parking lot. The proposed site for the residential care facility is currently occupied by two residential dormitory structures and a surface parking lot.

As discussed in Draft EIR Section 3.1, "Aesthetics," under Impact 3.1-1, the bulk and scale of the residential care facility is somewhat visually minimized by the stepped nature of the architecture and, though attached, the segmentation of the building into distinct units. The rooflines of the apartments in the top of the Reed/Storer/Shuck Planning Area and the upper-most residential care facility structure would be sky-lined. If on the water, this effect would be more noticeable as one approaches to the western shoreline of Richardson Bay.

Furthermore, as mentioned above and explained in Draft EIR Section 3.1, "Aesthetics," the residential care facility is located near the Dormitory Hill ridgeline, which includes a wide plateau in the saddle between the Academic Campus and the Reed/Storer/Shuck planning areas. The uppermost component of the facility would be skylined at its highest point approximately 161.75 feet elevation. This is approximately 26.75 feet above the highest point of the existing Dormitory Hill peak ridgeline elevation of 135 feet and would be seen from various locations. However, as discussed in Table 3.1-2 "Policy Consistency Analysis," the visibility of residential care facility will be reduced over time through the implementation of Mitigation Measures 3.1-1b and 3.1-1c, which require screening and planting fast-growing trees so that, with time, a natural-appearing backdrop is created, reducing visibility and further protecting views of the local ridgeline. This mitigation measure is intended to ensure that the project integrates more effectively into its surroundings, reducing its prominence from key observation points.

Comment I42-3

The operational plan would provide understanding of the use of the rear of the RCF, facing us abutters where a loading zone is noted, but noise and hours of operation for loading is not known. *How will the facility be used at the*

rear and how would look from the back, which is what I assume we will be seeing? Being located at the back of the facility with all of the maintenance and deliveries, could be very disruptive to all of us abutters. *Will there be underground parking that could handle that part of operation? Can the existing plan and layout be reworked ensuring the RCF placement does not negatively impact the visual and noise of the abutters?* An example would be reversing the lower garage area to closer to our properties, possibly underground with the roof being a living park or garden, which we would see from our homes, much more pleasing to our views, actually an improvement to today's view. This reversing the garage and building would eliminate the worry from abutter that the rear working area of the RCF would be disruptive and it could be designed to be more integrated with the other parking areas nearby. *Can the developer rework plans to fit more with abutters and their proximity to the project?*

Response I42-3

The comment asks how will the rear of the residential care facility be used and how would it look. The comment is concerned that operation of the residential care facility could be disruptive to residents abutting the facility and asks that the project design be revised to ensure abutting residences do not experience negative visual and noise impacts. Refer to Response I42-2 for a discussion of noise from parking, HVAC systems, and deliveries/loading at the Residential Care Facility. Also, refer to Response I42-2 for the comment's concern pertaining to aesthetics.

Comment I42-4

Comment 3. *Will there be blasting rock as part of any underground garage construction? Will there be jackhammering?* Have these impacts been analyzed sufficiently? Given the risks of structural damage to nearby properties which could occur, *we request appropriate structural inspections of nearby properties to be performed and shared, at the developer expense, prior to blasting and jackhammering to create a pre-construction baseline.* As there will be accompanying mental stress accompanied with large earth movement there should be a detailed schedule required to the community to help mitigate the stress levels of the community.

Response I42-4

The comment asks if there would be blasting or jackhammering involved with construction of any underground garage and have the impacts been analyzed sufficiently. The comment also requests structural inspections of nearby properties to be performed and shared, at the developer expense, prior to blasting and jackhammering to create a pre-construction baseline.

As stated in Draft EIR Section 3.11, "Noise and Vibration," page 3.11-17 pile driving and blasting would not occur during project construction. Jackhammering, if needed during construction, produces vibration levels of 0.035 peak particle velocity (PPV) at 25 feet and 79 vibration decibels (VdB) at 25 feet (FTA 2018). The analysis included under Impact 3.11-2 of the Draft EIR assumed vibration levels from vibratory rollers, which produce vibration levels of 0.210 PPV in/sec at 25 feet and 94 VdB at 25 feet (FTA 2018). Therefore, vibration from jackhammer use would be less than analyzed in the Draft EIR that concluded less than significant impacts from construction vibration.

As included on page 3.11-17 of the Draft EIR vibration levels would be as high as 101 VdB and 0.160 PPV in/sec at the nearest structure to the project site, multi-family residences located 30 feet from construction. As concluded in the Draft EIR, "Considering FTA's criteria of 80 VdB for places where people sleep, vibration levels could exceed the recommended levels and cause annoyance or sleep disturbance. However, as required by the County Development Code Section 6.70.030, construction activities would occur between the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, and from 9:00 a.m. to 5:00 p.m. on Saturdays. Construction would not occur during times of day when people are more sensitive to disturbance. Although vibration may be perceptible at nearby receivers because it would occur during the daytime hours when existing ambient noise levels are higher, higher ambient noise levels can mask vibration noise, thereby reducing the potential to result in intolerable levels (Caltrans 2020). Regarding the potential for structural damage, based on the modeling conducted, vibration levels at the nearest existing residential structure would be 0.160 PPV in/sec. and below the FTA threshold for structural building damage of 0.2 PPV in/sec (for non-engineered timber and masonry buildings)." Therefore, additional structural inspections at nearby properties are not warranted and human annoyance from construction vibration would be minimal.

Comment I42-5

Comment 4. For all items in the EIR and the assurances of the developer to abide but all codes, schedules, etc, *what guarantee does the community have that all of this will be adhered to? What is the legal mechanism for enforcement? Will there be surety bonds or some guarantees that the community does not bear legal costs to seek enforcement?*

Response I42-5

The comment raises concerns regarding compliance with EIR requirements, codes, and schedules, and seeks clarification on legal enforcement mechanisms. The comment suggests implementing measures such as surety bonds or other guarantees to ensure adherence and prevent the community from incurring legal expenses to enforce compliance. CEQA mitigation measures are legally enforceable through the mitigation monitoring and reporting program (MMRP) to ensure that the mitigation measures and project revisions identified in the EIR are implemented. Pursuant to Public Resources Code Section 21082.3 and State CEQA Guidelines Section 15097, the County shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. Prior to the Planning Commission and Board of Supervisors meetings, the MMRP will be attached to the Staff Report which will be posted under the County's Boards, Commissions, and Public Hearings website for public review. An MMRP tracks the implementation of mitigation measures to ensure compliance during project construction and operation. Please refer to the MMRP that has been prepared to ensure that all required mitigation measures are implemented and completed in a satisfactory manner during implementation of the proposed project. The MMRP table has been prepared to assist the responsible parties in implementing the mitigation measures. The table identifies the impact, mitigation measures, monitoring responsibility, mitigation timing, and provides space to confirm implementation of the mitigation measures. Unless the applicant or developer can demonstrate compliance with all applicable state and County regulations as well as compliance with the MMRP, the County would not issue grading, building occupancy or any other applicable permit or approval to allow the project to progress. For example, as outlined in the MMRP for the proposed project, Mitigation Measure 3.11-4, which would reduce the proposed project's operational stationary noise, must be implemented prior to the County granting approval for the occupancy permit. Additionally, Mitigation Measure 3.6-2, which requires geotechnical engineering to address risks of seismically induced ground or structural failure, and Mitigation Measure 3.6-4, which requires the preparation of a design-level geotechnical report in accordance with Marin County Municipal Code Section 22.100.040, must be implemented prior to obtaining grading and building permits. Regarding securing surety bonds for the proposed project, this is outside the purview of CEQA and is not related to the adequacy of the EIR. No further response is required related to this issue .

Letter I43 Josh Andresen, PE

September 14, 2024

Comment I43-1

Please find attached emergency vehicle response and traffic comments on the Draft EIR for NCLH application for the former Golden Gate Baptist Seminary Property. Please respond confirming the County received these comments.

These comments demonstrate deficient analysis, undisclosed impacts, and improper/incomplete development of mitigations measures. Please address these and reciruclate the Draft EIR for another round of public comment.

Comments on Draft EIR - Traffic Emergency Response

The following comments are submitted by Josh Andresen, P.E., 319 Ricardo Rd, Mill Valley, CA 94941. These comments are based on review of the Draft EIR, review of Panorama/Baseline's traffic expert comments, more than ten years of living in the community and next to the Ricardo/Seminary intersection. My experience includes:

- Personally Biking - personally biking from Ricardo/Seminary to downtown Mill Valley, Sausalito, and San Francisco sometimes to commute for work and other times for recreation or errands.
- Kids Biking - both of my kids bike commuting every school day from Ricardo/Seminary to the Mill Valley Middle School and Tamalpais High School.

- Walking to the bus - commuting to San Francisco by walking from Ricardo/Seminary to the Golden Gate Transit bus stop at the Seminary bus pad twice per day during peak traffic.
- Walking the dog - once per day at various times.
- Driving through the Ricardo/Seminary intersection for routine needs.
- Observing from my living room - I have observed regular interactions at the intersection through my living room window.
- Professional experience - I am a licensed Civil Engineer who regularly participates in EIRs through my work responsibilities. I also participated in the Seminary Tomorrow process where NCLH (the developer), the County, and the Seminary Tomorrow group worked with Parasi Transportation Consultants to complete a detailed traffic study, evaluation of impacts, and consideration of mitigation measures.
- In total - I have walked or biked through the Ricardo/Seminary intersection over 5,000 times, driven through over 10,000 times, and have abundant additional observations and experiences.

Background: The Draft Environmental Impact Report (DEIR) concludes emergency response times will be impacted by increased traffic at Seminary/Ricardo intersection and requires Mitigation Measure 3.14-4 to construct a roundabout or a streetlight to improve response times. More specifically, the DEIR indicates:

> "The primary egress routes for fire trucks from Station 9 Strawberry through the Strawberry community based on the call destination and streets where the project would add vehicle trips are listed below (Fehr & Peers 2024).
>
> - Redwood Highway Frontage Road/U.S. 101 South/U.S. 101 North: north on Reed Boulevard, west on Meda Lane, and west on Ricardo Road/Seminary Drive to Redwood Highway Frontage Road.
> - Tiburon: north on Reed Boulevard, east on Ricardo Road/Ricardo Lane, and north on East Strawberry Drive to Tiburon Boulevard (SR 131).
>
> As detailed in the TIS (Appendix Q), the project would result in a net addition of about 180 vehicle trips during the weekday a.m. peak hour and 230 vehicle trips during the weekday p.m. peak hour. The project would add the following number of net new trips to the following key fire egress routes.
>
> - TO WEST (segment of Seminary Drive just east of Redwood Highway Frontage Road) a.m. peak hour – adds 145 net peak trips; p.m. peak hour – adds 185 net peak trips
> - TO NORTH (segment of Reed Boulevard just north of Storer Drive) a.m. peak hour – adds 5 net peak trips; p.m. peak hour – adds 5 net peak trips
> - TO NORTH (segment of East Strawberry Drive just south of Tiburon Boulevard) a.m. peak hour – adds 30 net peak trips; p.m. peak hour – adds 40 net peak trips.
>
> The project would add the greatest level of net new peak hour trips to the segment of Seminary Drive just east of Redwood Highway Frontage Road, with approximately 145 net new peak hour trips during the a.m. peak hour and 185 net new trips during the p.m. peak hour. This equates to an increase in existing volumes of approximately 28 percent during the a.m. peak hour and 35 percent during the p.m. peak hour. This level of added traffic could potentially degrade response times for fire trucks along this segment of Seminary Drive from Station 9 Strawberry. For this reason, and because the internal roadways may not meet County and 2019 California Fire Code roadway width requirements, the project could result in inadequate emergency access. "

Comment 1: Panorama Environmental, Inc. submitted significant peer review comments on the traffic study. Impact and mitigation measures for emergency response times can not be properly evaluated until an updated accurate traffic study is completed.

- **Recommendations:** Reevaluate emergency response times after the traffic study is corrected. Allow another opportunity for public review and comment through Recirculation of the EIR because significant changes are reasonably foreseeable.

Response I43-1

The comment provides emergency vehicle response and traffic comments. The comment restates the findings of Draft EIR Impact 3.14-4 and requests the reevaluation of emergency vehicle response.

In Section 3.14, "Transportation," under Impact 3.14-4, the Draft EIR includes an evaluation of emergency vehicle ingress/egress routes to the Strawberry community that was done in consultation with Southern Marin Fire District personnel at Fire Station 9 Strawberry. The evaluation identifies primary egress routes for fire trucks from Station 9 Strawberry and street segments along the egress routes where the project would add vehicle trips. The assessment of added vehicle trips on emergency vehicle routes reflects the potential effect on response times by evaluating whether increased traffic volumes could impede the movement or delay the dispatch of emergency services. As a result of this evaluation, a potentially significant impact was identified for the route to US 101 via Ricardo Road, Seminary Drive, and Redwood Highway Frontage Road. Mitigation Measure 3.14-4 was identified to address the emergency vehicle access impact, including the effect of added emergency vehicle response time, by providing emergency vehicle pre-emption at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol with interconnect to the traffic signal at the Redwood Highway Frontage Road/Seminary Drive intersection to allow fire trucks to activate green indications. Therefore, the Draft EIR appropriately describes the nature and magnitude of potential impacts on emergency vehicle access and the conclusions and adequacy of the analysis in the Draft EIR related to emergency access is adequate. Also see Final EIR Section 3.2.12, "Master Response: Emergency Vehicle Access Mitigation Measure," for a summary of the revisions to Mitigation Measure 3.14.-4. See Response O4-7 for comments regarding recirculation of the Draft EIR.

Comment I43-2

Comment 2: Need to Evaluate Key Intersections. Based on knowledge discussed in the background section, the key intersections that need to be evaluated for fire response times and some unique aspects of each of these intersections that needs to be considered in determining impact to fire response times is summarized below:

- Ricardo/Seminary: Fire trucks approach the Ricardo Rd/Seminary Dr. intersection traveling along Ricardo Rd. heading west. Traffic is not expected to increase in the direction of the fire truck route approaching this intersection because vehicles don't access the project site in this direction. Therefore, vehicle queues in the fire truck route should be expected to be relatively unchanged. Vehicle traffic will mainly increase on the two Seminary Drive corners of the intersection, which are opposite of typical fire truck routes and should not impact fire truck response times. This intersection is relatively large with wide lanes and large shoulders on both sides of the road as the fire truck approaches the intersection. This intersection does not have room for a roundabout and has unique pedestrian, bicycle, and nearby driveway/speeding safety challenges that are currently mitigated by having stop signs. Additionally, this intersection serves as the primary pedestrian/bike route to middle, high schools, buses, and ferries from the Strawberry community. Changing this intersection to a roundabout or traffic signal light would create new significant safety impacts with relatively no or minimal fire truck response time benefits from Station 9. See comment #4 for further concerns regarding a roundabout or traffic line at Ricardo/Seminary
- Seminary/Redwood Frontage : Based on Parasi Transportation Consultants evaluation during the Seminary Tomorrow Process, this intersection has design/layout flaws and does not meet current standards. The Seminary Tomorrow team including NCLH (and the County was represented in the process) all agreed this is the highest priority intersection creating an impediment for traffic and fire

truck response times in the community. Specific concerns evaluated as part of the Seminary Tomorrow process include site lines at unusual angles, the 7-11 driveway creates irregular interactions and safety hazards, a right turn lane onto Seminary Dr. is needed to mitigate modeled and personal observations of traffic flow issues on the Frontage road, and there are no shoulders to allow cars to pull over for fire trucks to navigate. I have personally observed long backups (vehicle queues) from Seminary Dr. (neighborhood side) to the Frontage road obstructing fire trucks ability to navigate this intersection. In this situation, the fire trucks go around the westbound vehicles on Seminary Dr. by going into oncoming traffic on the eastbound lane of Seminary Dr. in front of the 7-11, which is a complex maneuver, creates safety hazards, and adds response time. In this situation, there is no shoulder for vehicles to pull into to allow fire trucks to pass. This is just one example of serious impediment to fire truck response times created by this intersection. Based on personal observation and the Seminary Tomorrow process, this intersection is more problematic than Ricardo/Seminary and should be prioritized for mitigation measures and a detailed study to change the layout and possibly revise the adjacent parcel boundaries.

- Redwood Frontage/DeSilva/101 North Onramp : This is the busiest and most complex intersection in the immediate neighborhood and requires careful study for Station 9 response times. Additionally, this intersection serves as the primary pedestrian/bike route to middle, high schools, buses, and ferries from the Strawberry community.
- Redwood Frontage/101 South Onramp : This intersection is small and congested. As part of the Seminary Tomorrow process, Parasi Transportation Consultants recommended adding a right hand turn lane to 101 Southbound to reduce traffic impediments at this intersection. This would also allow easier opportunity to pull over to make room for fire truck response times. Additionally, this intersection serves as the primary pedestrian/bike route to middle, high schools, buses, and ferries from the Strawberry community. This intersection requires careful study for Station 9 response times and recommend considering adding a right hand turn lane as a mitigation measure.
- East Strawberry and Tiburon Blvd: The fire trucks approach this intersection going northbound. Upon their approach they first navigate the Strawberry Elementary school with traffic and children, followed by the intersection with Belvedere Dr. whose proximity to Tiburon Blvd creates particularly dangerous traffic and pedestrian interaction. This intersection frequently has long vehicle queues with no shoulders for vehicles to make room for fire truck response. A project is underway to revise this intersection that may further complicate traffic and response times. This intersection requires careful study and likely mitigation for Station 9 response times.
- **Recommendation:** Study the current, projected future (with project), and mitigated fire response times, and impediments at the intersections considering the comments above. Develop prioritized and customized mitigation measures that fit the unique needs and characteristics for each intersection. Respond addressing the specific impediments mentioned in the comments above and how the impact response times from Station 9. Obtain and consider the Parasi Transportation Consultants traffic study including mitigation measures identified. Review the Seminary Tomorrow Process Outcome Summary document regarding further detailed recommendations for traffic mitigation.

Response I43-2

The comment provides descriptions of several intersections in the vicinity of the project site and requests that a study be prepared for the current, projected future (with project), and mitigated fire response times. Several of the comments above relate to automobile congestion or delay, requesting additional analysis and associated off-site mitigation measures. As discussed in the introduction to Section 3.14, "Transportation," of the Draft EIR, pursuant to Public Resources Code Section 21099, enacted as part of SB 743 (Stats. 2013, Ch. 386, Section 5), and Section 15064.3(a) of the State CEQA Guidelines, VMT are generally the most appropriate measure of transportation impacts and "automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic

congestion shall not be considered a significant impact on the environment." The LOS Assessment Memo included in Appendix R of the Draft EIR was provided for the County's consideration of project merits to identify whether study intersections would meet the County LOS standard with the addition of the NCLH project traffic. The LOS assessment is not used to determine environmental impacts under CEQA (in accordance with SB 743, Statutes of 2013) but may inform decisions about the merits of the proposed project. As mentioned in the introduction to Section 3.14, "Transportation," of the Draft EIR, the memo was appended to the Draft EIR for informational purposes only.

See Final EIR Section 3.2.3, "Master Response: Reduced Development Alternative (Seminary Tomorrow Process Outcome)," for comments related to the Seminary Tomorrow process and outcome. See Final EIR Section 3.2.11, "Master Response: Transportation Safety," related to transportation safety which includes a summary of the Draft EIR analysis of transportation hazards, and a review of existing intersection safety conditions included in Appendix D of this Final EIR.

The 7/11 located on the east side of Redwood Highway Frontage Road at Seminary Drive has five parking spaces and no queues were observed from the parking lot into the adjacent streets. There is also a McDonalds located on Redwood Highway Frontage Road and is one of four other businesses with driveways on the east side of Redwood Highway Frontage Road between Seminary Drive and the US 101 northbound Seminary ramps. Field observations conducted for this segment of Redwood Highway Frontage Road did not identify any recurring queues extending into the street from these driveways. The inbound driveway for the McDonalds is approximately 330 feet south of the traffic signal at Redwood Highway Frontage Road and Seminary Drive, a sufficient distance that it would not affect operations at the traffic signal. The maximum northbound queue observed on Redwood Highway Frontage Road at the Seminary Drive intersection was six vehicles during the AM peak hour. The queue length of these six vehicles is approximately 150 feet. The queue length of these six vehicles is approximately 150 feet and does not extend to the inbound driveway for the McDonalds.

In Section 3.14, "Transportation," under Impact 3.14-4, the Draft EIR includes an evaluation of emergency vehicle ingress/egress routes to the Strawberry community that was done in consultation with SMFD personnel at Fire Station 9 Strawberry. The evaluation identifies primary egress routes for fire trucks from SMFD Station 9 Strawberry and street segments along the egress routes where the project would add vehicle trips. As a result of this evaluation, a potentially significant impact was identified for the fire response route to US 101 via Ricardo Road, Seminary Drive, and Redwood Highway Frontage Road.

See Final EIR Section 3.2.12, "Master Response: Emergency Vehicle Access Mitigation Measure," for a detailed description of updated Mitigation Measure 3.14-4. The purpose of Mitigation Measure 3.14-4 is to address potential impacts on emergency response time by fire trucks from SMFD Strawberry Station 9 that use Ricardo Road, Seminary Drive, and the Redwood Highway Frontage Road as an egress route to access US 101. Comments on the Draft EIR indicated opposition to installation of a roundabout or traffic signal at the intersection of Ricardo Road/Seminary Drive and asserted concerns regarding safety for pedestrians and cyclists compared to the existing all-way stop control. As such, consultation with Southern Marin Fire District staff was conducted to determine an alternate approach that would achieve the same benefits (see Final EIR Section 3.2.12, "Master Response: Emergency Vehicle Access Mitigation Measure"). The updated measure, which is equivalent in effectiveness to the initial options provided in Mitigation Measure 3.14-4, involves installing signal preemption at two existing traffic signals on Redwood Highway Frontage Road that are on the primary routes for first responders from the fire station to access US 101. The revised mitigation measure would require the project applicant to purchase, install, and activate emergency vehicle preemption devices in the traffic signals at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive as well as in seven fire station vehicles housed at Southern Marin Fire District Strawberry Fire Station 9. Mitigation Measure 3.14-4 would help maintain vehicular flow during emergency response by prioritizing right-of-way for emergency vehicles traveling from Fire Station 9 to US 101. In addition, Mitigation Measures 3.14-3b and 3.14-4 would reduce impacts on emergency access to less than significant because the implementation of these measures would reduce delays experienced by emergency vehicles at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive. Therefore, the Draft EIR

appropriately describes the nature and magnitude of potential impacts on emergency vehicle access, and the conclusions and adequacy of the analysis in the Draft EIR related to emergency access is adequate.

Comment I43-3

Comment 3: The DEIR does not have a thorough evaluation of current and post development fire truck response times from Station 9 in Strawberry through key intersections at peak traffic times. Therefore, impacts are not fully disclosed and the need/effectiveness of mitigation measures are missing/incomplete. Furthermore, the recommendation of mitigation measures at Ricardo/Seminary is arbitrary and not substantiated.

- **Recommendations:** Thoroughly assess factors listed below at key intersections (see comment 2 for key intersections) to provide a comprehensive evaluation of how increased traffic from a proposed project might impact fire response times from Strawberry Station 9, and propose effective strategies to mitigate adverse impacts.
    - Complete an Accurate Traffic Impact Analysis: Provide an updated traffic impact analysis that accurately reflects how the proposed project will increase traffic volume, as described in comment 1.
    - Determine Baseline Fire Response Times with Current Traffic Conditions: Establish current traffic conditions and response times for emergency services at key intersections. This provides a baseline against which impacts from the proposed project can be measured.
    - Consider Fire Response Routing and Relevant Vehicle Queues: For current and future scenarios, add specific evaluation of fire vehicle routing/direction through key intersections compared to anticipated changes in vehicle queues through those intersections. Consider how changes coincide with the direction of travel for Station 9 fire response, to understand specifically how fire response times will be impacted.
    - Analyze and Compare Current and Future Emergency Response Times : Determine how the increased traffic will impact fire department response times. Compare current vs. future time through key intersections as well as overall response times considering travel times on the key routes. Consider specific impediments through key intersections and roadways, such as narrow/congested intersections, and vehicle queuing situations that may be particularly difficult to navigate.
    - Compare Response Times to Standards and Thresholds : Refer to local fire department standards and thresholds for acceptable response times. Compare projected response times with these standards to assess potential impacts.
    - Review and Adjustments : Revisit and adjust the analysis as needed based on feedback from fire department input and public comments.
    - Summarize Findings : Provide a table summarizing overall fire response times. Include existing, future, and mitigated fire response times for overall routes and key intersections.

Response I43-3

The comment raises concerns with the evaluation of fire truck response times from Station 9, both under current and with project conditions. See Final EIR Section 3.2.12, "Master Response: Emergency Vehicle Access Mitigation Measure," as well as Responses I43-1 and I43-2.

Comment I43-4

Comment 4: In the absence of supporting analysis in comments above, the proposed mitigations of a roundabout or a traffic light at the Ricardo/Seminary intersection are premature and potentially misguided. The DEIR does not quantify fire response times (current, future, and mitigated) and there is no

quantification of the impacts and need/effectiveness of the mitigation measure. There are several unique challenges with this intersection described in sub comments below:

Comment 4a: During the Seminary Tomorrow process, Parisi Transportation Consulting evaluated the possibility of a roundabout at Seminary/Ricardo as a traffic mitigation measure to mitigate increased queues to/from the project site, and concluded there was not sufficient room to construct a roundabout. Therefore, a roundabout would require fill and impact to the adjacent marshland with significant impacts. The increased queues in the Parasi traffic study were not in the same direction as the fire truck approach and thus were not considered to meaningfully change fire truck response times.

Comment 4b: A roundabout at Seminary/Ricardo would create safety issues for safe routes to schools, pedestrians, bicycles, and vehicles. This intersection is the main route for Strawberry kids to the Mill Valley MIddle School and Tamalpais High School. A smaller number of kids also go through this intersection walking from Strawberry Shores apartments to the Strawberry Elementary school. Based on observations, it's estimated approximately 50 kids/parents navigate this intersection by foot or bike per day. With a roundabout the primary traffic from the new development will turn right on Seminary towards NCLH property. As they do this without stopping, they will have complex interactions with kids and pedestrians. It's likely we can expect a continuous stream of cars turning right. In the morning, the sun angle typically goes directly into the primary vehicular path of travel (cars turning right onto Seminary Drive), impairing drivers from seeing kids and pedestrians that are crossing their path on the way to school or work. The current stop signs are safer than a roundabout for pedestrians/bikes because cars stop and assess their surroundings before turning. A roundabout will significantly increase risk for pedestrians and bicycles.

Comment 4c: A streetlight at Seminary/Ricardo would create speeding issues through the neighborhood. Ricardo Road and Seminary drive already regularly experience speeding issues because they are relatively wide streets with no traffic calming. There are no sidewalks and no bike lanes on Ricardo Rd creating safety hazards for pedestrians and cyclists. There are also several driveways on Ricardo Rd near the intersection that have experienced several close calls with cars accelerating quickly out of the intersection, especially the right hand turn lane from Seminary Drive to Ricardo Rd. The increased speeds of vehicles going through green lights at the streetlight will create a significant impact of increased safety risk to bikes, pedestrians, and residents pulling into/out of their driveways.

Comment 4d: Ricardo Rd annually closes for a community block party and safe trick or treating on Halloween with thousands of enthusiastic attendees, mostly young children and parents. This event was started because of the lack of sidewalks and fast vehicle speeds on Ricardo Rd creating a safety hazard and conflict with trick or treaters. Stoplights or a roundabout would make traffic control and safety for this event very challenging or potentially impossible.

- **Recommendation for Comments 4a-4d**: As described in previous comments, please assess the need for improvements at the Ricardo/Seminary intersection by reviewing current fire truck response times from station 9, comparing to future, and to potential with mitigation measures. If mitigation is still required at Ricardo/Seminary, consider alternatives that overcome the safety concerns associated with the roundabout and streetlight in the comments above.
- Please also consider maintaining the current stops signs because:
    - Station 9 fire truck approach to the Seminary/Ricardo Intersection is Unlikely to Change with the Proposed Project: The intersection's wide layout supports fire trucks in navigating around cars. Vehicle queues from Ricardo onto Seminary are not expected to increase since this path is not the main access to the site, which ensures current conditions remain manageable for emergency vehicles.
    - Stop Signs Enhance Safety for All Users : Stop signs create predictable interactions, enhancing safety for vehicles, pedestrians, cyclists, and emergency responders.

- Stop signs are optimal for Safe Routes to School : Stop signs provide crucial protection for young pedestrians/cyclists, ensuring vehicles must stop and making the intersection safer for children heading to school.
- Stop signs are simpler to navigate : The straightforward nature of stop signs makes the intersection easier for all users, including young cyclists, tourists, and emergency responders, to navigate.
- Stop signs encourage Safe Practices : Drivers are more likely to be vigilant and yield to pedestrians and cyclists at stop signs, promoting safer crossing habits.
- In summary, the current stop signs enhance safety, simplify navigation, and efficiently accommodate emergency responses compared to changes to a roundabout or streetlight. Please consider the need for improvements more carefully, and if improvements are needed weigh them against the safety considerations for other users of the intersection.

Response I43-4

The comment expresses concern that proposed mitigation, including the roundabout or traffic light identified in Mitigation Measure 3.14-4, are potentially ineffective without supporting analysis of current, future, and mitigated fire response times. The comment recommends the reevaluation for intersection modifications by comparing current and projected fire response times with potential mitigation measures and the consideration of maintaining current stop signs.

See Final EIR Section 3.2.12, "Master Response: Emergency Vehicle Access Mitigation Measure," as well as Responses I43-1 and I43-2. Also, see Response I25-5 for comments related to a Halloween community event.

Letter I44 Julie Brown

September 14, 2024

Comment I44-1

The draft EIR before you is deficient in its self imposed limited study of only four (4) alternatives. Whereas EIR alternatives serve to provide insight to the project proposal and the ways in which the project impacts are altered through variation the current draft alternatives fail to do so with any measure of thoroughness. The first two of the alternatives considered are:

- No project
- Alternative location

The nature of these "alternatives" removes them from true analytical relevancy.

Alternative 3 retains the seminary and its associated housing. Given the housing climate and pressure from state agencies to increase housing stock, along with the applicants stated goals, it is unlikely that Alternative 3 will be pursued.

The Draft focuses on Alt 4 which is the project as proposed but with mitigation efforts incorporated. The result of which is not remarkably different from the proposed project. In short, the DRAFT EIR did not study a true range of viable alternatives- rather it studied three alternatives that do not meet the goals of the applicant or the county and two alternatives that are so close they share significant far ranging impact.

There was a fifth alternative submitted by the applicant for review. No clear reason was given for why that alternative is not included in this draft EIR.

Per CEQA, the draft EIR is tasked with providing and studying reasonable alternatives to the proposed project.. This DRAFT EIR fails to do so. It failed to consider a project alternative with the same amount of PROPOSED housing, but that reduces intensity and impact by eliminating the 1000 student school. Considering the dearth of information and the lack of purposeful clarity by the application itself, removal of this element would provide a for a clearer alternative to be weighed in consideration.

Further, the proposed project and the Alternative #4 in the draft EIR STUDY house a max 10% of the students and 0% of faculty and staff on site. The draft EIR study includes egregious assumptions in regards to housing availability for nearly 900 people not to mention their families. Those 900 people represent a significant impact on traffic, noise, lighting, and additional construction to name a few things. While much has been said about the old seminary's conditional use permit and its expired master plan The proposal itself contains little information that would account for prioritizing this educational institution as an element in the project.

The draft EIR should seek to provide and study viable alternatives. In its current form, it does not. I would respectfully ask that this draft be sent back for recirculation with the request that they create a minimum of one additional truly viable alternative to be included and studied before the next phase. Such an alternative can be created multiple ways such as eliminating the inclusion of the school completely or reducing its student body size to 250 students and requiring dedicated housing to accommodate a minimum of 50%of those students. This last scenario was discussed at length during the Seminary Tomorrow process. Inclusion of these alternatives would create a more considerate, complete and balanced Draft EIR deserving of further study.

Response I44-1

The comment states that the Draft EIR is deficient in its analysis of alternatives, failing to provide a reasonable range of viable alternatives. The comment suggests recirculation of the Draft EIR to include at least one additional viable alternative, such as removing the school or reducing its size while requiring dedicated housing for at least 50 percent of students. Regarding an alternative that proposes eliminating the operation of a school or reducing school enrollment, the operation of a school and enrollment of 1,000 students are allowed uses regulated under the existing Conditional Use Permit. The project does not propose any modifications to the existing Conditional Use Permit and thus the applicant may continue to operate the school as allowed under the existing Conditional Use Permit. Comments related to modifying the 1953 CUP and student enrollment are associated with the project merits and will not be discussed further. See Final EIR Section 3.2.4, "Master Response: Conditional Use Permit Issues." In response to the comment's request for analysis of an additional alternative, see Final EIR Section 3.2.2, "Master Response: Adequacy of the Range of Alternatives," and Section 3.2.3, "Master Response: Reduced Development Alternative (Seminary Tomorrow Process Outcome)."

Further, the comment states that the proposed project and Alternative 4 would house a max of ten percent of the students and none of the faculty and staff onsite. On page 2-18 of the Draft EIR Chapter 2, "Project Description," it states that approximately 30 percent of the housing is anticipated to be occupied by university-affiliated residents, i.e., students, staff, and faculty . Alternative 4: Mitigated Plan Alternative, involves modifications to the development plan (e.g., reconfiguration of uses) from the project application to reduce environmental impacts, based on analysis, County policy interpretation, where potentially significant impacts are identified for the proposed project, and recommended mitigation measures in the EIR. Alternative 4 includes the same reasonable expectation as the proposed project that approximately 30 percent of the housing is anticipated to be occupied by university-affiliated students, staff, and faculty. Regarding the adequacy of the EIR analysis related to housing impacts, see Response O3-7 and Response O6-9. Also, see Response O3-7 for further information on updates to the housing and vacancy data to reflect current data specific to the project analysis in Draft EIR Section 3.12, "Population and Housing." Additionally, project impacts related to traffic, noise, and lighting are discussed in Draft EIR Sections 3.14, Transportation, 3.11, Noise and Vibration, and 3.1, Aesthetics.

In response to the comment's request for recirculation, a lead agency is required to recirculate a Draft EIR when the agency adds "significant new information" to the EIR after the close of the public comment period but before certification of the Final EIR (PRC Section 21092.1; State CEQA Guidelines Section 15088.5). "New information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement" (State CEQA Guidelines Section 15088.5[a]). As outlined in Section 15088.5(a), "significant new information" includes information showing that:

- a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- a feasible project alternative or mitigation measure considerably different from that discussed in the Draft EIR would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it; or
- the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

No new significant impacts or mitigation measures have been identified in the Final EIR. Additionally, the responses to comments and Final EIR have not identified a substantially greater impact than that described in the Draft EIR and no new feasible alternatives have been added to the EIR. Therefore, the Draft EIR is adequate pursuant to CEQA and recirculation is not required.

Letter I45 Michael Gallagher, President

September 15, 2024

Comment I45-1

- The "Maximum Countywide Plan Density Alternative" (5.3.3) is improperly described. As such the impacts analysis is not useful because it considers the wrong set of conditions. In assuming development occurs "consistent with the currently approved Strawberry Community Plan" and denies the applicant's proposed Community Plan Amendment, this alternative should contain and evaluate:
  - 393 new/replacement units (reflecting Countywide density bonuses)
    - The appropriateness of density bonuses needs to be reconsidered given the destruction of affordable housing units currently occupied at the Seminary property.
  - 100 senior independent living residences would not be in the project
  - 50 memory care residences would not be in the project
  - A school of up to 1000 students would remain self-contained
  - Nearly all the 393 housing units would provide housing for students, faculty, and staff of the school
  - New day care and new fitness facilities would only be part of the development if they were part of the self-contained school operations.

Response I45-1

The comment states that the Draft EIR improperly describes the Alternative 3: Community Plan Consistent Alternative and as such the impacts analysis is incorrect because it assumes the wrong set of conditions. Regarding the unit count and as described in the Draft EIR Chapter 5, "Alternatives," while state density bonus law would allow a maximum density of 4 dwelling units per acre on the site, the Alternative 3 impacts analysis assumes development of the same number of units as the proposed project (i.e., 324 new/replacement units and 3.3 dwelling units per acre) because an increase in the number of residential units could potentially result in greater environmental impacts and thus defeat the purpose of an alternatives analysis. Regarding the residential care facility, it is an allowable and protected use under State Law and under the County's zoning ordinance Section 22.10.030 operation of a residential care facility is an allowable principally permitted use in the RMP zone, meaning that no special use permit is required from the County, and it would count as one residential unit. Additionally, Chapter 5, "Alternatives," of the Draft EIR assumes that university enrollment would increase up to 1,000 students consistent with the 1953 CUP, and a minimum of 90 and maximum of 100 student housing units would be provided and other potential development including a student union building, additional classrooms and a gymnasium would be exclusively available for use by university students and faculty consistent with the existing Strawberry Community Plan. All of these elements are consistent

with the 1953 CUP and existing Strawberry Community Plan and would be allowable with denial of the proposed Community Plan Amendment and approval of a new Master Plan. No revisions to the Draft EIR are warranted.

Comment I45-2

- The decision by the County to not evaluate the Seminary Tomorrow alternative was a mistake. This should be corrected in the next round of the EIR.
- The lack of detail about the operational characteristics of the school is a serious deficiency of the draft EIR which reverberates through almost every section of the EIR. The CEQA requirements to evaluate impacts cannot be achieved if future school characteristics are not provided in detail.
- The above two issues alone likely meet the conditions for ***RECIRCULATION*** of the draft EIR. That would mean the next version of the EIR would still be a draft. The next version of the EIR will contain so much new analysis that it should still be a draft EIR on which the public can comment.

Response I45-2

The comment asserts that the omission of an analysis of the Seminary Tomorrow Alternative and insufficient details on the school's operational characteristics warrant a recirculation of the Draft EIR to allow further public review and informed decision-making. Regarding the comment's request for the Seminary Tomorrow Alternative to be included, see FEIR Section 3.2.3, Maser Response: Reduced Development Alternative (Seminary Tomorrow Process Outcome). Regarding the comment's interest related to details on the school's operational characteristics, see Final EIR Section 3.2.1, "Master Response: Stable Project Description."

Regarding to the comment's request for recirculation, a lead agency is required to recirculate a Draft EIR when the agency adds "significant new information" to the EIR after the close of the public comment period but before certification of the Final EIR (PRC Section 21092.1; State CEQA Guidelines Section 15088.5). "New information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement" (State CEQA Guidelines Section 15088.5[a]). As outlined in Section 15088.5(a), "significant new information" includes information showing that:

- a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- a feasible project alternative or mitigation measure considerably different from that discussed in the Draft EIR would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it; or
- the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

No new significant impacts or mitigation measures have been identified in the Final EIR. Additionally, the responses to comments and Final EIR have not identified a substantially greater impact than that described in the Draft EIR, and no new feasible alternatives have been added to the EIR. Therefore, the Draft EIR is adequate pursuant to CEQA and recirculation is not required.

Comment I45-3

- Aesthetic impacts and concerns are many; Revised alternatives should address a version of the project which can preserve important viewscapes, ridgelines, and which use designs, colors and lighting features to integrate more harmoniously in this beautiful neighborhood.
    - Relocation of all or some of the units away from Chapel Hill should be assessed to preserve the most iconic of viewscapes which are enjoyed by walkers and community members daily.

Response I45-3

The comment expresses concern pertaining to the aesthetic impacts and requests revised alternatives that would preserve important views and ridgelines, and use designs, colors and lighting features to promote harmonious integration. The comment also suggests assessing the relocation of units from Chapel Hill to protect views enjoyed by the community. As described in Draft EIR Chapter 5, "Alternatives," "Alternative 4: Mitigated Plan Alternative" involves modifications to the development plan (e.g., configuration of concept plan land uses) to reduce environmental impacts and illustrate the incorporation of recommended mitigation measures. The modifications are based on the analysis of the impacts of the project as proposed, County policy interpretation, where potentially significant impacts are identified for the proposed project, and recommended mitigation measures in the Draft EIR. Some of these modifications include alternative actions that may be different than the mitigation measures proposed for the project. For example, to address potentially significant impacts related to aesthetics, Alternative 4 proposes that residential units on Chapel Hill be relocated to lower elevations within the project site as an option to Mitigation Measure 3.1-1a, which involved screening views of Chapel Hill units with vegetation, to reduce local ridgeline visual impacts. The alternative suggests that these units could possibly be relocated to the Hodges/Shuck Planning Area near the proposed three six-story residential buildings. The alternative also proposes redesign of the residential care facility by reducing the size and lowering the elevation of buildings to reduce local ridgeline impacts as compared to the proposed project. In addition, to conform with County policies related to visual resources, Alternative 4 would, as part of the project design, incorporate various mitigation measures recommended in the EIR such as planting as needed of evergreen shrubs and trees along the north side of Chapel Drive, including the south slopes of Chapel Hill extending from Mission Drive to Willis Drive, to buffer views into the project from adjacent streets (Mitigation Measure 3.1-1a). Similarly, Alternative 4 would incorporate planting of native shade trees and a naturalistic hedgerow of screening shrubs as needed to screen views of the residential care facility, as well as a variety of fast-growing trees to mitigate the sky-lining effects of the facility (Mitigation Measures 3.1-1b and 3.1-1c). The design of these landscaping features would comply with all County defensible space and landscape plan requirements. Alternative 4 would also incorporate the use of light and slightly darker-valued earth-toned materials that are flat and non-reflective (either integral to the material or painted) to reduce color contrast with the surrounding natural landscape and community setting (Mitigation Measure 3.1-1d). Also see Final EIR Section 3.2.2, "Master Response: Adequacy of the Range of Alternatives." Therefore, the Draft EIR does include an alternatives analysis addressing concerns raised in the comment and reducing the aesthetic impacts of the proposed project.

Comment I45-4

- Please evaluate an alternative which combines the Seminary Tomorrow Alternative with relocating some or all of the Chapel Hill units so as to preserve the most dramatic viewscapes.

Response I45-4

The comment requests evaluating an alternative that combines the Seminary Tomorrow Alternative with relocating Chapel Hill units to protect key views. See Final EIR Section 3.2.2, "Master Response: Adequacy of the Range of Alternatives," and Section 3.2.3, "Master Response: Reduced Development Alternative (Seminary Tomorrow Process Outcome)."

Comment I45-5

- The NCLH project may be a net destroyer of affordable housing and may not be eligible for density bonuses. Please address this in the revised EIR.

Response I45-5

The comment states the project may be a net destroyer of affordable housing and may not be eligible for density bonuses and this needs to be addressed in the EIR. See Response I14-6 and Response I15-2.

Comment I45-6

- The funding of public services may be negatively impacted by NCLH's proposal to maintain 13 parcels rather than creating 336 parcels (one for each housing unit):
  - Notwithstanding their 13 parcels, NCLH seeks a condominium map for the 336 housing units.

- Please quantify the difference in parcel taxes which would be paid by NCLH under 13 parcels and 336 parcels and 393 parcels.

Response I45-6

The comment raises concerns with the number of parcels on the project site and payment of property taxes. The comment raises important issues; however, it is not within the purview of CEQA. The comment will be included in the record for consideration by the Board of Supervisors as part of the merits review of the project. No further response is required.

Comment I45-7

- Alternative designs should be considered for the current plan to construct 3 buildings with a height of 6 stories given the aesthetic incompatibility of six story buildings.

Response I45-7

The comment recommends exploring alternative designs to the proposed three six-story buildings, citing their aesthetic incompatibility with the surrounding area. Please refer to Response to Comment I23-2.

Comment I45-8

- Frame poles should be erected around Chapel Hill on the specific sites of proposed buildings to simulate how views of San Francisco Bay and Mount Tamalpais will be obstructed for residents and visitors who enjoy those views today.

Response I45-8

The comment suggests erecting frame poles on proposed building sites around Chapel Hill to simulate how the development would obstruct existing views of San Francisco Bay and Mount Tamalpais for residents and visitors. Visual conditions, viewer experience, and viewer response to visual change are discussed in the Draft EIR Section 3.1, "Aesthetics," through the identification and selection of the most critical and representative public viewpoints of the project, referred to as Key Observation Points (KOPs). Please refer to Draft EIR Section 3.1, "Aesthetics," for visual simulations of the project, depicted from eight selected KOPs and for the project's long-term operational impacts to views. The comment does not raise an issue with the adequacy of the Draft EIR. The Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comments under consideration before a decision on the project is rendered. No edits or revisions are warranted in the Final EIR.

Comment I45-9

- The construction period for this project needs supporting analysis. A 4-year construction period may not be accurate. A project this large will deeply deteriorate the daily quality of life for residents living in close proximity to the construction activity.
    - Moving dirt, drilling rock for underground parking, constructing multiple structures, near-continuous operating of trucks and large machinery could create conditions which are not suitable for healthy living of infants and adults. Working from home for many residents could become untenable.
    - Compensation to neighbors should be evaluated for those whose homes can not be inhabited safely during construction. Residents may need to relocate temporarily.
    - A phased approach to construction might be necessary to minimize the number of proximate homes that become uninhabitable during construction.

Response I45-9

The comment requests supporting analysis of the construction period, questioning the accuracy of the proposed timeline and recommends a phased construction approach to reduce disruption. Please refer to Section 2.7, "Construction Activities," in Chapter 2, "Project Description," of the Draft EIR for details pertaining to construction phasing. As discussed in Draft EIR Section 2.7, "Construction Activities," buildout of the project is proposed to occur within several phases categorized by the project components: residential development, academic uses, and

landscaping and site improvements. The approximate phasing duration by project component is described further in the Draft EIR in Table 2-3, "Summary of Proposed Construction Phasing." Furthermore, the applicant has consulted with Build Group, a regional general contractor with relevant experience building large residential projects and concurs that the proposed construction schedule is feasible (Herrema, pers. comm., 2025). Therefore, the proposed construction schedule provided in the Draft EIR is adequate. The comment regarding compensation to neighbors during the construction period is outside the purview of CEQA and no further response is required.

Comment I45-10

As the September 16th deadline for public comments arrives, I would like to share with you the major findings that have been raised by a combination of our neighbors and by experts hired by Seminary Neighborhood Association.

- The decision by the County to not evaluate the Seminary Tomorrow alternative was a mistake. This should be corrected in the next round of the EIR.
- The lack of detail about the operational characteristics of the school is a serious deficiency of the draft EIR which reverberates through almost every section of the EIR. The CEQA requirements to evaluate impacts cannot be achieved if future school characteristics are not provided in detail.
- According to peer review experts, important studies have not been done and are recommended to correctly evaluate CEQA impacts.
- The above three issues alone likely meet the conditions for ***RECIRCULATION*** of the draft EIR. That would mean the next version of the EIR would still be a draft. Key decision makers (like you) cannot make an informed decision unless these major deficiencies are addressed in a next version. The next version of the EIR will contain so much new analysis that it should still be a draft EIR on which the public can comment.

Response I45-10

The comment states that the omission of an analysis of the Seminary Tomorrow Alternative, insufficient details on the school's operational characteristics, and the absence of important studies to fully evaluate CEQA impacts, warrant a recirculation of the Draft EIR to allow further public review and informed decision-making. Regarding the comment's request for the Seminary Tomorrow Alternative to be evaluated, see Final EIR Section 3.2.3, "Master Response: Reduced Development Alternative (Seminary Tomorrow Process Outcome)." Regarding the comment related to details on the school's operational characteristics, see Final EIR Section 3.2.1, "Master Response: Stable Project Description."

The comment also states that according to peer reviews important studies have not been done and are recommended to correctly evaluate CEQA impacts; however, the comment does not mention which specific studies have not been done or any inadequacies of current studies or insufficient environmental impacts analysis. Please see responses to Comment Letters O4 and O6 which include responses to a peer review conducted by the Seminary Neighborhood Association. Also, please refer to the Draft EIR appendices (Appendix B – Appendix S). These appendices to the Draft EIR provide technical analyses related a variety of impacts, including aesthetics, biological resources, cultural resources, hydrology, geology and soils, hazards and hazardous materials, traffic and transportation, air quality, greenhouse gas, and noise. The technical studies contained within these appendices support the evaluation of CEQA impacts and provide the necessary foundation for assessing the environmental effects of the proposed project. The Draft EIR appendices (Appendix B – Appendix S) are listed below:

- Appendix B – Visual Resources Technical Report
- Appendix C – Air Quality, Greenhouse Gas, and Energy Modeling Results
- Appendix D – Cultural Resources Tech Study (Confidential)
- Appendix E – Historic Resource Evaluation Report
- Appendix F – Bio Resources Tech Study
- Appendix G – Supplemental Bio Memo

- Appendix H – Forest Management and Tree Removal Plan
- Appendix I – Soil Engineering Consultation
- Appendix J – Preliminary Geotechnical Design Report
- Appendix K – Stage 1 Feasibility Study
- Appendix L – Geotechnical Reconnaissance Report
- Appendix M – Phase I ESA
- Appendix N – Hydrology & Hydraulic Study
- Appendix O – Draft Community Plan Amendment
- Appendix P – Noise Measurement Data & Noise Modeling Calculations
- Appendix Q – Traffic Impact Study
- Appendix R – LOS Assessment Memo
- Appendix S – Seminary Utility Usage Summary Memorandum

Regarding the comment's request for recirculation, a lead agency is required to recirculate a Draft EIR when the agency adds "significant new information" to the EIR after the close of the public comment period but before certification of the Final EIR (PRC Section 21092.1; State CEQA Guidelines Section 15088.5). "New information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement" (State CEQA Guidelines Section 15088.5[a]). As outlined in Section 15088.5(a), "significant new information" includes information showing that:

- a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- a feasible project alternative or mitigation measure considerably different from that discussed in the Draft EIR would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it; or
- the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

No new significant impacts or mitigation measures have been identified in the Final EIR. Additionally, the responses to comments and Final EIR have not identified a substantially greater impact than that described in the Draft EIR, and no new feasible alternatives have been added to the EIR. Therefore, the Draft EIR is adequate pursuant to CEQA and recirculation is not required.

Comment I45-11

To share additional widely held views:

- The developer's request to be released from the historical condition that a school be self- contained is unsupported. There is no evidence that the objectives of the project can't be achieved by keeping the requirement of a self-contained school. The absence of details about a future school become an additional compelling reason why the historical condition of "self-contained" school should be retained.
- The condition of a self-contained school is and remains among the highest values and concerns of the community. This condition is one of the foundations of the Strawberry community's livability since 1953.

Response I45-11

The comment states the condition of a "self-contained" school remains among the highest values and concerns of the community and a request to be released from this condition is unsupported, and the absence of operational details for the academic campus become a compelling reason why the condition should be retained. For comments pertaining to the merits of the project, see Final EIR Section 3.2.4, "Master Response: Conditional Use Permit Issues." Also, see Final EIR Section 3.2.1, "Master Response: Stable Project Description," regarding requests for additional operational details of the proposed academic campus.

Comment I45-12

- Aesthetic impacts and concerns are many; Revised alternatives should address a version of the project which can preserve important viewscapes, ridgelines, and which use designs, colors and lighting features to integrate more harmoniously in this beautiful neighborhood.
    - Relocation of all or some of the units away from Chapel Hill should be assessed to preserve the most iconic of viewscapes which are enjoyed by walkers and community members daily.

Response I45-12

The comment expresses concern pertaining to the aesthetic impacts and requests revised alternatives that would preserve important views and ridgelines, and use designs, colors and lighting features to promote harmonious integration. The comment also suggests assessing the relocation of units from Chapel Hill to protect views enjoyed by the community. Please see response to Comment I45-3.

Comment I45-13

- Current sewer and storm drains downhill from the proposed project are in collapsing and silted conditions. The NCLH project will impact this weak system in ways that have not been analyzed.

Current plans for moving soil may cause road and sewer collapse; Engineering analysis needs to be done that has not yet happened.

Response I45-13

The comment states that the current sewer and storm drains downhill from the proposed project are in a collapsing and clogged state. The comment states that the EIR did not analyze how the project will impact these off-site facilities. The existing stormwater system is described in Draft EIR Section 3.9, "Hydrology," which states the storm drain west of the project site has failed under an HOA property. The HOA asserts that storm water that flows under their HOA originates on the project site and has expressed concern that the project would increase the amount of storm water flowing through the system. According to Marin County Public Works Department, maintenance of storm drain infrastructure on private property is the responsibility of the property owner if a drainage easement that was dedicated and accepted by the County does not exist (Armstrong, pers. comm., 2022). As stated in Impact 3.9-3 of the Draft EIR, the bioretention and detention facilities required by Marin County Code (Code (Sections 24.04.520 and 24.04.627) and BASMAA would maintain flow rates such that post-project peak runoff flow rates would be less than pre-project levels. Because the project is not responsible for storm drain maintenance on private property and would not increase the stormwater flowing through the drains, no revisions to the Draft EIR are warranted.

Comment I45-14

- The NCLH project may be a net destroyer of affordable housing and may not be eligible for density bonuses.

Response I45-14

The comment states the project may be a net destroyer of affordable housing and may not be eligible for density bonuses. See Response I14-6 and Response I15-2.

Comment I45-15

- The traffic analysis has extensive inadequacies which need to be addressed.
    - Impacts on emergency response times are guessed at rather than analyzed.

Response I45-15

The comment makes a general claim that the traffic analysis has extensive inadequacies and states the opinion that emergency response time impacts were guessed. However, the comment does not provide any specific examples demonstrating why the traffic analysis and emergency response analysis in the Draft EIR are inadequate. As discussed under Draft EIR Impact 3.13-1 in Section 3.12, "Public Services," during consultations with SMFD, it was affirmed that SMFD would not need to add additional stations or purchase new equipment in response to the project; however, additional staff may be required depending on the number of increased EMS calls (Hilliard, pers. comms., 2022, 2023). SMFD also expressed concern that traffic associated with the increase in population under the project might cause delays in emergency response in the area (Hilliard, pers. comm., 2022). The potential for the project to generate additional trips in the vicinity of the project site resulting in potential delays to vehicles, including emergency response, and potentially impacting emergency access was discussed further in Section 3.14, "Transportation," of the Draft EIR. The evaluation of emergency response impacts in Section 3.14 considered the changes in traffic operations (i.e., level of service) along key fire egress routes from project generated traffic, relying on the TIS prepared for the project (Appendix Q of the Draft EIR). As stated in Section 3.14, the project would add the greatest level of net new peak hour trips to the segment of Seminary Drive just east of Redwood Highway Frontage Road, with approximately 145 net new peak hour trips during the a.m. peak hour and 185 net new trips during the p.m. peak hour. This equates to an increase in existing volumes of approximately 28 percent during the a.m. peak hour and 35 percent during the p.m. peak hour. This level of added traffic could potentially degrade response times for fire trucks along this segment of Seminary Drive from Station 9 Strawberry. For this reason, and because the internal roadways may not meet County and 2019 California Fire Code roadway width requirements, the Draft EIR concluded that the project could result in inadequate emergency access, which would be a potentially significant impact. No revisions to the Draft EIR are required in response to this comment.

Comment I45-16

- The funding of public services may be negatively impacted by NCLH's proposal to maintain 13 parcels rather than creating 336 parcels (one for each housing unit):
    - Notwithstanding their 13 parcels, NCLH seeks a condominium map for the 336 housing units.

Response I45-16

The comment raises concerns with the funding of public services and the project's proposal to maintain 13 parcels rather than creating 336 parcels (one for each housing unit). The comment raises an important issue; however, it is not within the purview of CEQA. The comment will be included in the record for consideration by the Board of Supervisors as part of the merits review of the project. No further response is required.

Comment I45-17

- Alternative designs should be considered for the current plan to construct 3 buildings with a height of 6 stories given the aesthetic incompatibility of six story buildings.

Response I45-17

The comment recommends exploring alternative designs to the proposed three six-story buildings, citing their aesthetic incompatibility with the surrounding area. Please refer to Response to Comment I23-2.

Comment I45-18

- Frame poles should be erected around Chapel Hill on the specific sites of proposed buildings to simulate how views of San Francisco Bay and Mount Tamalpais will be obstructed for residents and visitors who enjoy those views today.

Response I45-18

The comment suggests erecting frame poles on proposed building sites around Chapel Hill to simulate how the development would obstruct existing views of San Francisco Bay and Mount Tamalpais for residents and visitors. Please refer to response to Comment I45-8.

Comment I45-19

- The construction period for this project needs supporting analysis. A 4-year construction period may not be accurate. A project this large will deeply deteriorate the daily quality of life for residents living in close proximity to the construction activity.
  - Moving dirt, drilling rock for underground parking, constructing multiple structures, near-continuous operating of trucks and large machinery could create conditions which are not suitable for healthy living of infants and adults. Working from home for many residents could become untenable.
  - Compensation to neighbors should be evaluated for those whose homes can not be inhabited safely during construction. Residents may need to relocate temporarily.
  - A phased approach to construction might be necessary to minimize the number of proximate homes that become uninhabitable during construction.

Response I45-19

The comment requests a detailed analysis of the construction period, questioning the accuracy of the proposed timeline and recommends a phased construction approach to reduce disruption. Please refer to response to Comment I45-9.

Comment I45-20

Could you, Supervisor Moulton-Peters, assist the residents of Strawberry in two ways?:

1. Influence the next round of the EIR process so that the Seminary Tomorrow Alternative is a) defined correctly and b) analyzed properly? Such an analysis could help you and other decision makers to have valuable information. Such an analysis would also be responsive to the request and desires of the residents of Strawberry.
   a. Eventually, a meeting should be held to establish that the alternative is correctly defined before the analysis takes place. Such a meeting should include Seminary Neighborhood Association leadership. North Coast Land Holding leadership, County professionals overseeing the EIR work, and any other stakeholders deemed important. It would be very helpful if you hosted that meeting.
2. Influence the next round of the EIR process so that the next document shared with the public for comment is a RECIRCULATION rather than the final EIR?

Response I45-20

The comment requests Supervisor Moulton-Peters' assistance in two ways: ensuring the Seminary Tomorrow Alternative is correctly defined and properly analyzed in the next EIR round, including hosting a stakeholder meeting to confirm its definition, and advocating for the next EIR document to be a recirculation rather than the Final EIR to allow further public input.

Regarding the comment's request for the Seminary Tomorrow Alternative to be defined correctly and analyzed properly, see Final EIR Section 3.2.3, "Master Response: Reduced Development Alternative (Seminary Tomorrow Process Outcome)."

Regarding the comment's request for recirculation, a lead agency is required to recirculate a Draft EIR when the agency adds "significant new information" to the EIR after the close of the public comment period but before certification of the Final EIR (PRC Section 21092.1; State CEQA Guidelines Section 15088.5). "New information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement" (State CEQA Guidelines Section 15088.5[a]). As outlined in Section 15088.5(a), "significant new information" includes information showing that:

- a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;

- substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- a feasible project alternative or mitigation measure considerably different from that discussed in the Draft EIR would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it; or
- the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

No new significant impacts or mitigation measures have been identified in the Final EIR. Additionally, the responses to comments and Final EIR have not identified a substantially greater impact than that described in the Draft EIR, and no new feasible alternatives have been added to the EIR. Therefore, the Draft EIR is adequate pursuant to CEQA and recirculation is not required.

Letter I46 Jerri Meacham

September 15, 2024

Comment I46-1

I'm a homeowner in Strawberry and have lived here for a number of years. Like my neighbors, I'm very concerned about the scope of the proposed project and especially the impact it will have on traffic. It's just too much for this small area without enough thoroughfares to and from the Seminary site. And that traffic will spill onto the already busy frontage road and 101, impacting far more people.

Response I46-1

The comment expresses concerns with congestion. As described in Section 3.2.7 of the Final EIR, "Master Response: Traffic Count Data," LOS assessment is not used to determine environmental impacts under CEQA (in accordance with SB 743, Statutes of 2013), but may inform decisions about the merits of the proposed project. Although LOS is no longer used to determine a significant environmental impact, an analysis of LOS was prepared for the County of Marin's merit review of the project. The LOS Assessment Memo was updated to incorporate new February 2025 traffic counts collected in response to Draft EIR comments and to account for potential post-pandemic travel behavior changes. Although differences from 2021 counts were minimal, the memo was revised in consultation with County staff to use the 2025 data and add a seventh study intersection (Appendix B of this Final EIR). According to the LOS Assessment Memo, all study intersections would operate at level of service LOS D or better conditions under all scenarios, which meets the County LOS standard and the conclusions in the Draft EIR are valid.

Comment I46-2

The school itself is a huge concern for me. A commuter school with up to 1000 students is not only a traffic issue, but a huge safety issue. It's reckless disregard for the people who live here and the grade school kids and those coming and going from the Strawberry Rec Center. And what about the Fire Station on Reed being impacted if the roads are jammed?

Response I46-2

The comment is concerned with safety and emergency access as it relates to increased traffic.

See Final EIR Section 3.2.11, "Master Response: Transportation Safety," and the Existing Intersections Review Memo provided in Appendix D of the Final EIR. Consistent with Appendix G of the State CEQA Guidelines, Impact 3.14-3 in the Draft EIR evaluates whether the project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impact 3.14-3 identifies potentially significant impacts due to potential parking spillover on surrounding streets where sidewalks and crosswalks do not exist, construction activities, and the proposed design of on-site streets. Mitigation Measures 3.14-3a (Develop a Construction Traffic Control Plan), 3.14-3b (Design Roads to Meet County, ADA, and PROWAG standards), and 3.14-3c (Implement Measures to Reduce Parking Demand and/or Increase Supply for the Academic Campus) address potentially significant safety impacts identified in the Draft EIR and would reduce these impacts to less than significant.

The TIS, provided as Appendix Q of the Draft EIR, includes a review of local safety plans and collision data within the project study area that is summarized in Final EIR Section 3.2.11, "Master Response: Transportation Safety." The TIS reviewed collision data for a 5-year period between 2015 and 2019. Based on the above considerations, the Draft EIR analysis determined that none of the intersections on the Strawberry peninsula, including those identified in public comments, would experience a substantial increase in traffic hazards.

Historic evidence indicates no local intersections have been noted for high collision rates. The TIS concluded that the project traffic would not cause substantial traffic congestion changes at all studied intersections, so added project traffic would not substantially change safety conditions. Therefore, the Draft EIR did not identify any significant traffic safety impacts at the intersection locations in the study area of the project site.

Notwithstanding that substantial evidence supports a conclusion of no significant traffic safety impacts from project trips, County staff desired to respond thoroughly to community concerns about traffic safety, and requested a review of existing intersection conditions (Final EIR Appendix D). Recognizing the Draft EIRs conclusions about the lack of significant traffic safety impacts caused by the proposed project trip generation, the existing intersection review was designed to provide information in response to community concerns about existing traffic safety problems for use in the County's consideration of project merits and the potential for defining conditions of approval outside of the CEQA analysis framework.

The Existing Intersections Review Memo (Final EIR Appendix D) summarizes relevant measures implemented by Marin County or Caltrans in recent years at the study locations as well as planned improvement measures. The Memo also identifies potential strategies at nine locations including Reed Boulevard from Storer Drive to Richardson Drive and the intersection of Reed Boulevard and Redwood Highway Frontage Road. The strategies identified in the memo are considerations for voluntary enhancements by the project applicant or merits-based conditions imposed by the County. These improvement options are not related to a CEQA environmental impact, so they are not defined as "mitigation measures," because the project's trip generation would be insufficient to substantially change existing transportation hazards in the study area. The lack of substantial change in traffic is evidenced in the LOS Assessment Memo where analysis concluded that LOS would meet County standards with or without the project and after adding project traffic, LOS would remain at D with continued stable traffic flow. The findings and voluntary recommendations in the Existing Intersections Review Memorandum (Final EIR Appendix D) do not change the conclusions or adequacy of the analysis in the Draft EIR related to transportation. Therefore, no changes to the Draft EIR are required in response to this comment.

In regard to emergency vehicle access, see Final EIR Section 3.2.12, "Master Response: Emergency Vehicle Access Mitigation Measure," for a detailed description of updated Mitigation Measure 3.14-4. The purpose of Mitigation Measure 3.14-4 is to address potential impacts on emergency response time by fire trucks from SMFD Strawberry Station 9 that use Ricardo Road, Seminary Drive, and the Redwood Highway Frontage Road as an egress route to access US 101. Comments on the Draft EIR indicated opposition to installation of a roundabout or traffic signal at the intersection of Ricardo Road/Seminary Drive and asserted concerns regarding safety for pedestrians and cyclists compared to the existing all-way stop control. As such, consultation with SMFD staff was conducted to determine an alternate approach that would achieve the same benefits (see Final EIR Section 3.2.12, "Master Response: Emergency Vehicle Access Mitigation Measure"). The updated measure, which is equivalent to the initial options provided in Mitigation Measure 3.14-4, involves installing signal preemption at two existing traffic signals on Redwood Highway Frontage Road that are on the primary routes for first responders from the fire station to access US 101. The revised mitigation measure would require the project applicant to purchase, install, and activate emergency vehicle preemption devices in the traffic signals at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive as well as in seven fire station vehicles housed at SMFD Strawberry Fire Station 9. Mitigation Measure 3.14-4 would help maintain vehicular flow during emergency response by prioritizing right-of-way for emergency vehicles traveling from Fire Station 9 to US 101. In addition, Mitigation Measures 3.14-3b and 3.14-4 would reduce impacts on emergency access to less than significant because the implementation of these measures would reduce delays experienced by emergency vehicles at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive. Therefore, the Draft EIR appropriately describes the nature and magnitude of potential impacts on emergency vehicle access, and the conclusions and adequacy of the analysis in the Draft EIR related to emergency access is adequate.

Comment I46-3
Once again, I think the scope of the project is just too big for this area and I encourage you to take a much harder look at the consequences of a project of this size on our small community.

Response I46-3
The comment expresses an opinion regarding the project's scale, deeming it too large for the area and requests to reevaluate the consequences of the proposed project. The comment does not raise an issue with the adequacy of the Draft EIR. The Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comments under consideration before a decision on the project is rendered. No edits or revisions are warranted in the Final EIR.

Letter I47 Josh Andresen, PE

September 15, 2024

Comment I47-1
1. The project description includes new homes on natural open space areas that are currently far from human disturbance. These areas should be preserved including Shuck Knoll, the unpaved/undeveloped portions of Shuck Drive, the Forested Knoll, and portions of Chapel Hill. These areas are within/connected to significant natural open spaces, have abundant wildlife/habitat, are on or near ridgelines, and are highly visible throughout the community.
2. The DEIR does not adequately characterize and evaluate the value of these natural open spaces. It does not distinguish how they are far from human disturbance and part of larger open space networks. It does not adequately evaluate the impact to developing them. It does not consider the opportunity to preserve these open spaces by relocating new homes from these natural open areas to areas that are closer to human disturbance and/or already developed (e.g. clustering).

Response I47-1
The comment states that the Draft EIR does not adequately evaluate impacts to natural open spaces and how the proposed development impacts views and wildlife/habitat. Please refer to Draft EIR Section 3.1, "Aesthetics," for an analysis on the project's impacts to views and open spaces and Section 3.4, "Biological Resources," for an analysis on the projects impacts to wildlife and habitat. Impact 3.4-9, in Section 3.4, "Biological Resources," discusses wildlife habitat connectivity corridors.

As discussed under Impact 3.4-9, the project site is unlikely to support regional wildlife movement corridors, and no habitat connectivity corridors are documented to occur on site. The project site is located on the Strawberry Peninsula, which is surrounded on three sides by Richardson Bay. Its location makes the project site unlikely to support regional wildlife movement corridors. Furthermore, the project site is not located in any documented habitat connectivity corridor as shown in either the Essential Habitat Connectivity database (California Natural Diversity Database 2022b) or the Conservation Lands Network map of landscape connectivity (Bay Area Open Space Council 2019). While the project site is located within the Pacific flyway, the developed character and lack of large wetlands on the project site would not constitute an important stop for migrating waterfowl. Therefore, the Draft EIR adequately concluded that the project would not have a substantial adverse effect on regional wildlife movement through the project site.

As discussed in the Draft EIR Chapter 2, "Project Description," Section 2.6.3, "Landscaping, Wildfire Resilience and Site Improvements," approximately 70 percent of the project site is proposed to be maintained as open space, athletic fields, paths, and plazas, and a network of trails would be established on the site (see Draft EIR Figure 2-7, "Pedestrian and Bus Access Diagram"). The project would implement a long-term landscaping plan to replace dead or dying trees, maintain the forested nature of the project site, and comply with Marin County fire codes. The project would be designed to preserve existing viewsheds and the Strawberry ridgeline; establish new parks, trails, and pedestrian pathways; and provide the community access to open space.

Furthermore, as discussed in Draft EIR Section 3.1, "Aesthetics," under Impact 3.1-1, many areas within the project site would remain undeveloped land that would continue to provide an open space foil for the remainder of the Strawberry Peninsula. Notably, these would be the Forested Knoll, Chapel Hill Park, and the upper slopes of Dormitory Hill. The project elements located within the Dormitory Hill, Reed/Shuck/Storer, Hughs/Shuck, and Shuck Knoll Drive planning areas would convert a portion of the existing undeveloped private open space areas into housing, the residential care facility, and other community facilities. The visual effect, particularly as seen from inferior viewer positions on Richardson Bay and its western shoreline area, would be seen as the development of these open spaces (Draft EIR KOP #23b, Figure 3.1-26). This change in the visual landscape would be considerably less when seen at higher elevations where open space areas would be observed between development clusters (Draft EIR KOP #18, Figure 3.1-14 and KOP #19, Figure 3.1-15). The side slopes of Chapel Hill would also be developed with the westernmost point of Chapel Hill being reconfigured and developed as a formal vista point but remaining as open space. Chapel Hill Park, also a visual open space as seen from the south and west, would remain untouched.

Because of topography, most of the proposed project development would not be seen from the north. The existing forest buffer on the north and west sides of Shuck Knoll (noting that some of the forest is not within the project boundaries) would generally screen development on the upper portions of Shuck Knoll. A portion of the woodland buffer is within the project site. To the extent that the on-site woodland buffer is thinned, the residential units on the west and north sides of the Shuck Knoll would be seen, though filtered, from the western end Ricardo Road (Draft EIR KOP #7) near Seminary Drive. The scale of the residential units would be in harmony with the scale of residences along Ricardo Road and the Vista Del Sol neighborhood. Views into the project site from surrounding streets and trails, the color of the structures, and the bulk and sky-lining effect of the residential care facility associated with the proposed project would conflict with applicable zoning and other regulations governing scenic quality. Implementation of Mitigation Measures 3.1-1a through 3.1-1d, however, would ensure the project would not conflict with applicable zoning and other regulations governing scenic quality. Therefore, the project would continue to provide undisturbed views and visual access to the Bay through retainment of undeveloped open space areas within the project site and preservation of existing viewsheds and local ridgelines. Thus, as described above, the Draft EIR adequately addresses the value of natural and open spaces and sufficiently evaluates potential impacts.

Additionally, Draft EIR Chapter 5, "Alternatives," includes an analysis of Alternative 4: Mitigated Plan Alternative which considers, among other modifications to the proposed project, relocating the proposed residential units on Chapel Hill to lower elevations within the project site as an option to Mitigation Measure 3.1-1a and suggests possibly to the Hodges/Shuck Planning Area near the proposed three six-story residential buildings. Thus, the Draft EIR considers relocating proposed residential units to another location on the project site, and clustering near other proposed development. As explained in Draft EIR pages 5-20 through 5-26, Alternative 4 would reduce potentially significant impacts related to aesthetics, biological resources, geology and geologic hazards, and transportation. However, Alternative 4 would result greater impacts related to energy, greenhouse gas emissions and climate change vulnerability, hydrology and water quality, and utilities and service systems, and would reduce but not eliminate potentially significant and unavoidable impacts related to transportation and noise.

Comment I47-2

3. The Seminary Playing Field is very large, flat, not fully utilized, and provides abundant opportunity for new housing integrated with a new park/field. The project description does not have specificity regarding how the playing field will be utilized. Personal observations indicate the field is under utilized with it's typically uses for organized sport practices (football, lacrosse, soccer, volleyball, etc.) only utilizing approximately 25% of the overall field. Other areas of the site where existing homes are being replaced with new homes have space to cluster more dense new homes instead of building those new homes in natural open spaces.

Response I47-2

The comment describes the Seminary Playing Field as a large, underutilized space with the potential for new housing integrated with a park or field and claims the project description does not have specificity regarding how the playing field will be utilized. The comment also suggests clustering denser housing in areas with existing homes to preserve natural open spaces. Refer to Draft EIR Chapter 2, "Project Description," Section 2.6, "Project Components," for details

pertaining to the Seminary Playing Field. The proposed project proposes to raise the 2-acre Seminary Playing Field by approximately 25-30 feet to help balance onsite grading, resulting in a landscape berm along Seminary Drive. The elevated site would continue to be available as a playing field and open to the community for daily use and sporting events. Furthermore, the project aims to maintain approximately 70 percent of the project site as undeveloped space. In addition, the proposed clustering of housing, as outlined in the project description, is carefully designed to align with the surrounding visual character and preserve the aesthetic harmony of the area.

Comment I47-3

4. Shuck Knoll and the Forested Knoll are the most visible and pristine open spaces based on having the largest buffer area to human disturbances/development and connectivity to adjacent natural open spaces. I regularly witness these areas providing refuge, habitat, and nesting for wildlife including bald eagles (who have established nesting nearby in recent years), hawks, birds, shore and sea birds, deer, racoons, coyotes, owls, and much more.
5. The DEIR aesthetics section has limited to no renderings of visual impacts to the most common site lines to Shuck Knoll, the undeveloped/unpaved portions of Shuck Dr, the Forested Knoll, and Chapel Hill Planning areas.
6. The project description does not achieve the project goal, which states: "Continue to provide undisturbed views and visual access to the Bay through retainment of undeveloped open space areas within the project site and preservation of existing viewsheds and local ridgelines".

Response I47-3

The comment states that Shuck Knoll and the Forested Knoll provide wildlife habitat for multiple wildlife species. Special-status and common birds are addressed in Draft EIR Section 3.4, Biological Resources, under Impact 3.4-4, which includes a discussion of the potential impacts common nesting birds and how project elements and Marin County Code Section 22.20.040 reduce these impacts to less than significant. Furthermore, Impact 3.4-4 identifies potentially significant impacts to special-status birds and recommends implementation of Mitigation Measure 3.4-4, which contains measures to reduce these potential impacts to less than significant. Further analysis of impacts on common wildlife is found in Draft EIR Section 3.4, Biological Resources, under Impact 3.4-9 which discusses the potential impacts to wildlife movement and use of the project site as a wildlife nursery and rookery site for shorebirds.

The comment also states that Draft EIR Section 3.1, Aesthetics, has limited to no renderings of visual impacts to the most common site lines to Shuck Knoll, the undeveloped/unpaved portions of Shuck Drive, the Forested Knoll, and Chapel Hill Planning areas. See Response O4-21 for a summary of the methods used for the impact analysis in Section 3.1, Aesthetics, of the Draft EIR. The Draft EIR describes the views of the project site and surrounding area as well as how Key Observation Points (KOPs) were selected starting on page 3.1-13 under the heading "Views of the Project Site and Surrounding Area." The Draft EIR states that "visibility into the project site is generally greatest from the west and southwest from adjacent streets, Richardson Bay, and looking over Richardson Bay from Sausalito and Marin City" and the "visual conditions viewer experience, and viewer response to visual change are studied through the identification and selection of the most critical and representative public viewpoints of the project." Twenty-five KOPs were selected for consideration in the analysis and represent the range of critical and representative public viewpoints that would be affected by the project. Draft EIR Figure 3.1-4, "Key Observation Points," illustrates the locations of each KOP, and each of the KOPs are shown on Figures 3.1-6 through 3.1-18. The table depicted on Draft EIR Figures 3.1-5a and 3.1-5b serves as a key to Figure 3.1-4, "Key Observation Points," and lists each KOP, describing its general characteristics. The purpose of the visual analysis is to evaluate the existing visual quality of the project site and the visual impact of the proposed project. The analysis is based on twenty-five publicly accessible viewpoints that were selected because of their sensitivity, whether they were visually open to the project or not, and with some specifically requested through the public scoping process. While the State CEQA Guidelines do not require that visual simulations be prepared for the analysis, it is common practice to do so with the goal of clearly presenting the visibility of the project to the general public and how it may impact existing conditions. Eight visual simulations were provided in the Draft EIR to illustrate the proposed project as a whole and the related visual change that would occur without mitigation. Further, the Draft EIR describes the methodology used evaluate the potential aesthetic impacts starting on page 3.1-31 of the Draft EIR under the heading "Methodology." Therefore, while the EIR cannot select and

analyze every possible viewpoint, the Draft EIR includes an adequate number of viewpoints and visual simulations and details and explains the methodology used to identify and select KOPs and simulations. Views of Shuck Knoll, the Forested Knoll and Chapel Hill planning areas and their respective impacts are discussed in Draft EIR Section 3.1.2, Environmental Setting under the headings for "Visual Characteristics of the Project Site" starting on page 3.1-7 of the Draft EIR; "Views of the Project Site and Surrounding Area" starting on page 3.1-13 of the Draft EIR; and under Impact 3.1-1 starting on page 3.1-42 of the Draft EIR.

Also, the comment states that the project description does not achieve the project goal to continue to provide undisturbed views and visual access to the Bay through retainment of undeveloped open space areas within the project site and preservation of existing viewsheds and local ridgelines. As discussed in Draft EIR Section 3.1, "Aesthetics," under Impact 3.1-1, many areas within the project site would remain undeveloped land that visually continues to provide an open space foil for the remainder of the Strawberry Peninsula. Notably, these are the Forested Knoll, Chapel Hill Park, and the upper slopes of Dormitory Hill. The project elements located within the Dormitory Hill, Reed/Shuck/Storer, Hughs/Shuck, and Shuck Knoll Drive planning areas would convert a portion of the existing undeveloped private open space areas into housing, the residential care facility, and other community facilities. The visual effect, particularly as seen from inferior viewer positions on Richardson Bay and its western shoreline area, would be seen as the development of these open spaces (KOP #23b, Figure 3.1-26). This change in the visual landscape would be considerably less when seen at higher elevations where open space areas would be observed between development clusters (KOP #18, Figure 3.1-14 and KOP #19, Figure 3.1-15). The side slopes of Chapel Hill would also be developed with the westernmost point of Chapel Hill being reconfigured and developed as a formal vista point but remaining as open space. Chapel Hill Park, also a visual open space as seen from the south and west, would remain untouched.

The existing forest buffer on the north and west sides of Shuck Knoll (noting that some of the forest is not within the project boundaries) would generally screen development on the upper portions of Shuck Knoll. A portion of the woodland buffer is within the project site. To the extent that the on-site woodland buffer is thinned, the apartments on the west and north sides of the Shuck Knoll would be seen, though filtered, from the western end Ricardo Road (KOP #7) near Seminary Drive. The scale of the apartments would be in harmony with the scale of residences along Ricardo Road and the Vista Del Sol neighborhood.

Views into the project site from surrounding streets and trails, the color of the structures, and the bulk and sky-lining effect of the residential care facility associated with the proposed project would conflict with applicable zoning and other regulations governing scenic quality. However, implementation of Mitigation Measures 3.1-1a through 3.1-1d would ensure that the project would not conflict with applicable zoning and other regulations governing scenic quality. Therefore, the project would continue to provide undisturbed views and visual access to the Bay through retainment of undeveloped open space areas within the project site and preservation of existing viewsheds and local ridgelines.

Comment I47-4

7. The DEIR indicates approximately 70% of the site will be maintained as open space, however that determination seems to include unnatural features including landscaped areas, medians, and paths all within human disturbance areas. The DEIR appears to also include properly line setbacks, steep grades/cliffs, and small buffer areas between adjacent properties as "open space" despite these areas having human disturbance very close by. The majority of space designated as "open space" is not suited for wildlife and is certainly not a natural setting due to it's proximity to human disturbance. The DEIR should distinguish the natural open spaces that are larger and are not near human disturbance. These areas include Shuck Knoll, the undeveloped/unpaved portions of Shuck Dr, the Forested Knoll, and portions of Chapel Hill. The DEIR should better characterize these open spaces with natural setting, farther from human disturbance, and interconnected to other open spaces while disclosing the related impacts to developing these areas that are unique to the wider region/Strawberry Peninsula. The DEIR should provide mitigation measures to preserve these spaces as natural habitat and viewsheds, by requiring the development in these areas to be relocated and clustered with other areas of development on the site.

Response I47-4

The comment states that the Draft EIR's classification of open space includes unnatural features and areas with significant human disturbance, such as landscaped features, medians, paths, setbacks, steep grades, and small buffer zones, and these designated open space areas are not suited for wildlife due to the proximity to human disturbance. The comment states that the Draft EIR should distinguish the natural open spaces that are larger and not near human disturbance and disclose related impacts to developing these areas that are unique to the wider region/Strawberry Peninsula. The comment identifies Shuck Knoll, unpaved portions of Shuck Dr, the Forested Knoll, and Chapel Hill as natural open spaces that should be better distinguished, characterized, and preserved through mitigation measures that relocate and cluster development away from these areas to protect wildlife habitat and viewsheds.

As stated in the Draft EIR Chapter 2, "Project Description," approximately 70 percent of the project site is proposed to be maintained as open space, athletic fields, paths, and plazas, and a network of trails would be established on the site (see Draft EIR Figure 2-7, "Pedestrian and Bus Access Diagram"). In addition, the project description includes the preservation of the woodland buffer in the northern portion of the project site. Regarding the comment's request to more clearly characterize areas such as Shuck Knoll, the undeveloped portions of Shuck Drive, the Forested Knoll, and portions of Chapel Hill as natural settings in the Final EIR, these areas are described in detail in Draft EIR Section 3.1, "Aesthetics" and Section 3.4, "Biological Resources." Describing these spaces in greater detail would not alter the conclusions regarding visual or environmental impacts.

In addition, regarding the comment's request that the Draft EIR should provide mitigation measures to preserve these spaces as natural habitat, as discussed in Draft EIR Section 3.4.1, "Regulatory Setting," the Marin Countywide Plan contains policies related to habitat for special-status species, sensitive natural communities, wildlife nursery areas and movement corridors, and woodland and forested habitats. The plan also contains policies related to invasive plants, plant pathogens, use of herbicides and insecticides, as well as restrictions on disturbance in sensitive habitat during nesting season. The potential for adverse effects on these resources are addressed in Draft EIR Section 3.4, "Biological Resources," under Impacts 3.4-1, 3.4-2, 3.4-3, and 3.4-5. The project would not result in any significant and unavoidable effects on any of these resources, and where mitigation is required, the measures applied would be consistent with Marin Countywide Plan Policy BIO-2.1, achieving no net loss of sensitive habitat acreage, values, and function. Therefore, the project would be consistent with the protections required by the Marin Countywide Plan and not further response is required.

Comment I47-5

8. The project description does not comply with Chapter **22.44.010** of the Marin County Development Code, which states: "Promote clustering of structures to preserve open land areas and avoid environmentally sensitive areas; Protect natural resources, scenic quality, and environmentally sensitive areas."

Response I47-5

The comment states that the project description fails to comply with Chapter 22.44.010 of the Marin County Development Code, stating it does not prioritize clustering structures to preserve open spaces, protect natural resources, scenic quality, or avoid environmentally sensitive areas. As discussed in Draft EIR Chapter 2, "Project Description," Section 2.6.2, "Residential Development," the overall design of residential development would involve clustered one- to three-story multi-family residential buildings and homes with small private yards and large shared open spaces. Building heights for proposed residences and structures are generally limited to 30 feet. Parking would be provided in underground shared parking garages, which would also be used for trash bins, mechanical equipment, and storage. Additionally, Draft EIR Section 3.1, "Aesthetics," analyzes the clustered design of structures and impacts on scenic quality. Moreover, the project aims to maintain approximately 70 percent of the project site as undeveloped space. The proposed clustering of housing, as outlined in the project description, is carefully designed to align with the surrounding visual character and preserve the aesthetic harmony of the area. Therefore, the project aligns with Chapter 22.44.010 of the Marin County Development Code by incorporating clustered one- to three-story multi-family residential buildings and homes, while also preserving large shared open spaces. The project design limits building heights to 30 feet, minimizing visual impact, while parking facilities are concentrated in underground shared garages, reducing the surface footprint. These design elements demonstrate efforts to preserve open space,

protect natural resources, and maintain the scenic quality of the area, in accordance with Chapter 22.44.010 of the Marin County Development Code.

Comment I47-6

3. How can the current project consider and comply with the referenced development code above in terms of clustering development and preserving open space?

Response I47-6

The comment questions how the current project can adhere to the development code by clustering structures to preserve open space and protect environmentally sensitive areas. The proposed project aligns with Chapter 22.44.010 of the Marin County Development Code (the referenced development code) by incorporating clustered one- to three-story multi-family residential buildings and homes with small private yards and shared open spaces and aims to maintain approximately 70 percent of the project site as undeveloped space. See response to Comment I47-5.

Comment I47-7

4. Please provide additional renderings from multiple viewpoints throughout the community of the open spaces that will be impacted (Shuck Knoll, Chapel Hill, Forested Knoll, and portions of Shuck/Hodges). Examples of good view points of these include: From the coastal trail on De Silva Island, from 101 Northbound on the bridge over the Richardson, from the top of Water Tank Hill (access from the end of Inez Place).

Response I47-7

The comment requests additional renderings from multiple viewpoints throughout the community of the open spaces that will be impacted.

The Draft EIR analyzes visual conditions, viewer experience, and viewer response to visual changes through the identification and selection of key public viewpoints, referred to as KOPs. These KOPs were chosen to represent the most critical and representative locations from which the project may be visible and where potential visual impacts could occur. The analysis includes an appropriate number of KOPs and visual simulations, as determined by the visual technical consultant. The selected KOPs were strategically located to provide a comprehensive understanding of the project's visual effects from the most relevant vantage points. The visual simulations provided are considered sufficient to accurately assess these impacts. Based on this thorough evaluation, additional renderings from other viewpoints within the community were not deemed necessary, as the chosen KOPs effectively capture the potential visual effects of the project.

The KOPs included in Draft EIR Section 3.1, "Aesthetics," are representative of the range of views that would be affected by the project. Twenty-five KOPs were developed for the project and include Shuck Knoll, Chapel Hill, Forested Knoll, and portions of Shuck/Hodges. Regarding the comment's request for a viewpoint from the coastal trail on De Silva Island, as discussed in Draft EIR Section 3.1-2, "Environmental Setting," views to the remainder of the project site are blocked by the topography of De Silva Island. In addition, KOP #9: "Strawberry Cove Park looking southeast" would satisfy this viewpoint request as it is located north of De Silva Island and pertains to views towards the project site. KOP #15: "Highway 101 looking northeast" provides the viewpoint satisfying the comment's request for a viewpoint from 101 Northbound on the bridge over the Richardson. Regarding the comment's recommendation of using "Water Tank Hill" as a viewpoint, while "Water Tank Hill" may offer views of the surrounding area, it is not considered a public viewpoint for the purposes of the visual impact analysis. Public viewpoints are generally defined as locations that are openly accessible to the public, such as parks, public roads, or other areas that are commonly used by the community for recreational or scenic enjoyment.

Furthermore, CEQA does not require that an EIR include an aesthetics analysis from private properties. (See *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 492-494.) CEQA It does, however, require that an EIR address the potential impacts of a project on the visual character and quality of public views. "Water Tank Hill" is a privately owned location with restricted access, and therefore, it does not meet the criteria for a public viewpoint. As such, it was not included as a key observation point (KOP) in the visual analysis. The visual assessment focused on

publicly accessible locations where the project may have the potential to impact views that are available to a broader segment of the community.

In addition, the project site is blocked from view from the majority of the public street system to the north by continuous residential development, the ridgeline extending from the Reed/Storer/Shuck and Shuck Knoll Drive planning areas, and the existing woodland buffer located along Ricardo Road and Richardson Drive. A portion of the woodland buffer is within the project site. To the extent that the on-site woodland buffer is thinned, the apartments on the west and north sides of the Shuck Knoll would be seen, though filtered, from the western end Ricardo Road (KOP #7) near Seminary Drive.

Views of the Chapel Hill Planning Area apartments would be directly visible from Chapel Drive (KOP#1, Draft EIR Figure 3.1-6) in the immediate foreground and from Great Circle Drive (KOP #25, Draft EIR Figure 3.1-18). The degree of visibility would be dependent on street trees and landscaping associated with the final project design. When driving, views into the project site would be relatively short.

Open views into the project site in the immediate foreground to the majority of apartments and dormitory development in the Reed/Storer/Shuck, Hodges/Shuck, and Shuck Knoll planning areas would be afforded from Chapel Drive (Draft EIR Figure 3.1-19, KOP #2 Visual Simulation). The central portions of the project site would change from one of scattered structures to more intense but clustered development as represented in the simulations for KOP #2 (Draft EIR Figure 3.1-19, KOP #2 Visual Simulation) and KOP #23 (Draft EIR Figure 3.1-26, KOP #23 Visual Simulation).

For the remainder of views from the south, most of the project is blocked by the ridgeline from the Academic Campus Planning Area to Seminary Point. Views focus on the Forested Knoll of Seminary Point. Apartment development on Seminary Point would be seen from Seminary Drive (KOP #8, Draft EIR Figure 3.1-21) and from Brickyard Park (KOP #10, Draft EIR Figure 3.1-22). Only a portion of the apartment development would be seen from the south and would be smaller in scale than that of the existing duplex housing. A cleared area would be created from grading associated with the project cutting into the hillside to meet fire code around structures, and from thinning of the forest to remove downed undergrowth and dead and/or diseased trees.

Comment I47-8

5. Can a community park be provided in the Seminary Playing field that provides a playground, a community gathering point, BBQ facilities, etc.? Please refer to George Rocky Grahm Park in Marin City as an example of a small community park that is a very nice addition and gathering point.

Response I47-8

The comment requests creating a community park at the Seminary Playing Field with amenities like a playground, BBQ facilities, and gathering spaces, citing George Rocky Graham Park in Marin City as a successful example. The comment does not raise an environmental issue and does not pertain to the adequacy of the Draft EIR. No further response is required. The Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comments under consideration before a decision on the project is rendered.

Comment I47-9

6. How will the Seminary Playing Field be utilized and how much of it, or the embankments around it, be available for housing? This area is flat, open, not currently visible from many locations in the neighborhood, and is a prime opportunity for housing to be developed while still having room for a field/park, and providing a nice opportunity to integrate a field/park and housing.

Response I47-9

The comment requests details regarding the Seminary Playing Field and states the opportunity to provide housing in that area. Please refer to Draft EIR Chapter 2, "Project Description," Section 2.6, "Project Components," for details pertaining to the playing field. The project proposes to raise the 2-acre playing field by approximately 25-30 feet to help balance onsite grading, resulting in a landscape berm along Seminary Drive. A walking path approximately four feet wide would be constructed on the berm, which would connect the playing field to the proposed trail system

throughout the project site. The existing wire mesh fence along Seminary Drive would be replaced with a low stone wall. An at-grade style stormwater bioretention area would be developed along the northern border of the field. The elevated site would continue to be available as a playing field. In reference to the comment's statement that the playing field presents an opportunity for housing development, with the increased elevation of the playing field this alternative location for the placement of residential units could result in more severe aesthetic impacts as well as other environmental impacts that have not been analyzed in the EIR. Also, see Final EIR Section 3.2.2, "Master Response: Adequacy of the Range of Alternatives." The Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comments under consideration before a decision on the project is rendered.

Comment I47-10

7. Can the housing developments located in the previously undeveloped areas of Shuck Knoll, the undeveloped/unpaved portion of Shuck Drive, Chapel Hill, and the Forested Knoll be relocated/clustered/condensed into other locations already identified for housing and/or the Seminary Playing Field, and/or the embankments around the Seminary Playing field?

Response I47-10

The comment proposes relocating or clustering housing developments from currently undeveloped areas to other identified locations for housing, including the Seminary Playing Field and its embankments. This approach or variation to achieving the project's objectives would be considered an alternative to the proposed project. See Final EIR Section 3.2.2, "Master Response: Adequacy of the Range of Alternatives." The Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comments under consideration before a decision on the project is rendered.

Comment I47-11

8. Please include an EIR alternative and/or mitigation measures that include clustered housing with increased density that preserves the current open space at Shuck Knoll, undeveloped/unpaved portions of Shuck Drive, Chapel Hill, and the Forested Knoll.

Response I47-11

The comment requests an alternative and/or mitigation measures that incorporate clustered housing with higher density while preserving the open space at Shuck Knoll, Shuck Drive, Chapel Hill, and the Forested Knoll. As described in the Draft EIR Chapter 2, "Project Description," approximately 70 percent of the project site is proposed to be maintained as open space, athletic fields, paths, and plazas, and a network of trails would be established on the site (refer to Draft EIR Figure 2-7, "Pedestrian and Bus Access Diagram"). In addition, the project description includes the preservation of the woodland buffer in the northern portion of the project site and includes a design of clustered development that is designed to align with the surrounding visual character and preserve the aesthetic harmony of the area. See Draft EIR Section 3.1, "Aesthetics," for more details on the aesthetic and visual impacts of the project on open space and scenic quality. Moreover, Draft EIR Chapter 5, "Alternatives," includes an analysis of Alternative 4: Mitigated Plan Alternative, which considers, among other modifications to the proposed project, relocating the proposed residential units on Chapel Hill to lower elevations within the project site as an option to Mitigation Measure 3.1-1a, and suggests possibly to the Hodges/Shuck Planning Area near the proposed three six-story residential buildings. Thus, the Draft EIR does consider relocating proposed residential units to another location on the project site and clustered near other proposed development as part of the alternatives analysis. Also, see Final EIR Section 3.2.2, "Master Response: Adequacy of the Range of Alternatives."

Comment I47-12

9. Update the biology section and impacts to evaluate connectivity of various adjacent open spaces for wildlife (e.g. Desilva Island, Water Tank Hill, Deer Hill, etc.) considering community members regularly see wildlife moving through the neighborhood to these spaces.

Response I47-12

The comment requests an update to the biology section of the Draft EIR to address wildlife movement, and states that community members see wildlife moving through the neighborhood. The use of the project site by common wildlife species is discussed in Draft EIR Section 3.4.2, "Environmental Setting," which acknowledges that the project site is used by species such as mule deer and coyote that are habituated to human disturbance.

Draft EIR Section 3.4, "Biological Resources," Impact 3.4-9 discusses wildlife habitat connectivity corridors. As discussed under Impact 3.4-9, the project site is unlikely to support regional wildlife movement corridors, and no habitat connectivity corridors are documented to occur on site. The project site is located on the Strawberry Peninsula, which is surrounded on three sides by Richardson Bay. Its location makes the project site unlikely to support regional wildlife movement corridors. Furthermore, the project site is not located in any documented habitat connectivity corridor as shown in either the Essential Habitat Connectivity database (CNDDB 2022b) or the Conservation Lands Network map of landscape connectivity (Bay Area Open Space Council 2019). While the project site is located within the Pacific flyway, the developed character and lack of large wetlands on the project site would not constitute an important stop for migrating waterfowl. Therefore, the project would not have a substantial adverse effect on regional wildlife movement through the project site.

Comment I47-13

10. Please recirculate the DEIR to allow reviewers an opportunity to review this information when it's completed/available.

Response I47-13

The comment requests recirculation of the Draft EIR to allow reviewers an opportunity to review information when it's completed/available. A lead agency is required to recirculate a Draft EIR when the agency adds "significant new information" to the EIR after the close of the public comment period but before certification of the Final EIR (PRC Section 21092.1; State CEQA Guidelines Section 15088.5). "New information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement" (State CEQA Guidelines Section 15088.5[a]). As outlined in Section 15088.5(a), "significant new information" includes information showing that:

- a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- a feasible project alternative or mitigation measure considerably different from that discussed in the Draft EIR would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it; or
- the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

No new significant impacts or mitigation measures have been identified in the Final EIR. Additionally, the responses to comments and Final EIR have not identified a substantially greater impact than that described in the Draft EIR, and no new feasible alternatives have been added to the EIR. Therefore, the Draft EIR is adequate pursuant to CEQA and recirculation is not required. See also Response O4-7.

Comment I47-14

Comment 2: Verify Assumptions for Site Soil Balance, Cut, Fill, Contamination, and Import Materials while considering geotechnical properties and site specific considerations: DEIR Section 2.7.1 indicates 220,000 cubic yards of cut and fill will be balanced onsite. However, there is no backup information: grading plans are not provided, engineering calculations are not provided, locations of cut/fill are not shown/tabulated, and the geotech report does not evaluate the suitability of onsite soils for reuse. Development projects of this type seldomly achieve a balance of cut/fill onsite and regularly truck significant volumes of soil onsite and offsite to achieve proper soil conditions for development.

The geotech report indicates the soil/rock properties vary considerably on different areas of the site. As an example, Shuck Knoll has exposed and shallow bedrock. The planned underground parking and stormwater retention basins on Shuck Knoll will result in rock excavation. The geotech report does not indicate where the rock will be disposed/reused after excavation, however from personal experience excavated rock is typically not suitable to be reused for backfill and must be disposed offsite. Other areas of the site have clay backfill that is not suitable for backfill because of it's shrinkage/expansion properties and difficulty to achieve suitable compaction requirements. The clay soils may need to be amended prior to use for backfill and or it may be more economically feasible to dispose of these soils offsite and import adequate structural fill onsite.

The comments above result in important/significant undisclosed impacts and mitigation measures because the basis/assumptions will change air emissions, noise, and traffic.

Response I47-14

The comment states that there is no backup information regarding the statement that 220,000 cubic yards of cut and fill will be balanced onsite and could result in additional truck trips to achieve the balance. The comment is also concerned about underground parking and retention basins in shallow bedrock and reuse of bedrock and/or clay as backfill. The cut and fill balance would be achieved on site by raising the Seminary Playing Field 25 to 30 feet. Feasibility of the development was confirmed by reports included as Appendix J and K to the Draft EIR. Design Plan sheets C7.03, C7.10, C7.20, show the locations where cut and fill is proposed on the site (See Plan Set North Coast Vol1 B on the County's project website where these documents have been and continue to be available on the County's Community Development Agency project website since 2020 (https://www.marincounty.gov/departments/cda/planning/projects/mill-valley-alto/north-coast-land-holdings-community-plan-amendmentmaster-plandesign-reviewmaster-use-permittentative-maptree-removal-permit-former-golden-gate-baptist-seminary-property-p1490). A design level geotechnical report has not been prepared for the project as stated in Impacts 3.6-2, and 3.6-4 and therefore Mitigation Measures 3.6-2 and -4 require the preparation of design level geotechnical reports prior to the issuance of a permit by Marin County for the project. The EIR includes Mitigation Measure 3.6-2 which requires that geotechnical engineering of potential seismically induced slope instability areas be included in the design-level geotechnical report that must be prepared as part of compliance with Marin County Code, Section 23.08. This section of the County Code requires a geological report with the submittal of a grading application. This mitigation measure would reduce the project's potential to exacerbate existing environmental hazards related to seismically induced ground failure. Additionally, Mitigation Measure 3.6-4 requires geotechnical engineering to address slope instability and landsliding. It requires that an updated, site-specific geologic map shall be prepared and included in the geotechnical engineering design that clearly identifies and delineates the limits of the geologic materials present at the site, including all existing landslides, colluvial deposits, undocumented fills, or other areas of instability. Implementation of Mitigation Measure 3.6-4 would at least maintain the risk of slope instability/landsliding resulting from project implementation to pre-project levels and may reduce the risk. The measure would also define the geotechnical design requirements needed to meet the goals and policies of the Marin Countywide Plan's Environmental Hazards Element, and requirements of the Marin County Code, Section 22.100.040, which are intended to prevent structural collapse and protect life safety. These would require appropriate measures if rock excavation was proposed and would require the use of appropriate material for backfill. These mitigation measures address the comment and no undisclosed impacts were identified.

Comment I47-15

Recommendations:

1. Respond to the comments above.
2. Respond to the recommendations below, update the DEIR evaluations, revisit the impacts and mitigation measures upon addressing these comments/recommendations.
3. Recirculate the DEIR to allow reviewers an opportunity to review this information when it's complete/available.
4. Provide basis/backup/assumptions for determining that cut/fill will be balanced onsite, including, but not limited to:

a. Provide grading plans showing final site grades compared to existing topography.

b. Provide excavation plans showing the total excavation footprint/volumes to achieve the deep/extensive underground parking structures (note the DEIR indicates excavation depths up to 19 feet deep for underground parking). Also, show how excavations will protect adjacent slopes, structures, and features. Also, indicate if groundwater will be encountered within the excavation and how it will be managed.

c. Provide tables indicating the volume of cut/fill from each of the proposed excavation and fill areas.

d. Provide the volume of structural fill to be imported onsite for road base, foundation base, structural fill, trails, retention basin material, topsoil, and field construction.

e. Evaluate and provide conclusions on the suitability of the soil for reuse onsite. Specifically evaluate each soil type proposed to be excavated onsite and each fill area onsite and which soils can or can't be used for different uses. Provide specific technical consideration soil properties, compaction requirements vs. compactability of existing soils, porosity of existing vs. new soil and potential to change in runoff.

f. Indicate how much rock will be excavated, where/how it will be transported (including specific onsite and offsite locations).

g. Indicate how soils that are not suitable for reuse onsite for structural fill will be addressed (e.g. transported offsite for disposal).

h. Indicate how much contaminated soil will be disposed offsite, and where it will be disposed.

i. Address the short and long term soil settlement issues from placing 25-30 feet of fill on the seminary playing field, what the impacts from settlement will be, and how they can be mitigated.

j. Indicate how drainage will be achieved on the new/raised Seminary Playing Field including how the fill soils will be able to percolate runoff and how the storm drain system will work.

k. Update the the truck trips (offsite and onsite trips), emissions, air quality analysis, and traffic analysis and corresponding impacts/mitigation measures to be consistent with updated assumptions.

l. What size/type dumptrucks will be used to transport soil on/offsite? 220,000 cubic yards at 10 cubic yards per truck equates to 22,000 truck loads. Also, what is the assumed density of the soil and translation from cubic yards to tons of soil?Are these accounted for in traffic, noise, and emissions?

Response I47-15

The comment requests responses to prior comments, requests updates to the Draft EIR evaluations and mitigation measures upon addressing prior comments, and requests recirculation of the Draft EIR. The comment also requests further information to support the claim that cut and fill will be balanced onsite. Please refer to responses to Comments I47-1 through I47-14 for responses to the prior comments above as well as any applicable revisions to the Draft EIR.

Regarding recirculation, a lead agency is required to recirculate a Draft EIR when the agency adds "significant new information" to the EIR after the close of the public comment period but before certification of the Final EIR (PRC Section 21092.1; State CEQA Guidelines Section 15088.5). "New information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement" (State CEQA Guidelines Section 15088.5[a]). As outlined in Section 15088.5(a), "significant new information" includes information showing that:

- a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;

- a feasible project alternative or mitigation measure considerably different from that discussed in the Draft EIR would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it; or
- the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

No new significant impacts or mitigation measures have been identified in the Final EIR. Additionally, the responses to comments and Final EIR have not identified a substantially greater impact than that described in the Draft EIR, and no new feasible alternatives have been added to the EIR. Therefore, the Draft EIR is adequate pursuant to CEQA and recirculation is not required. See also Response O4-7.

Regarding further information to support the claim that cut and fill will be balanced onsite, the cut and fill balance would be achieved on site by raising the playing field 25 to 30 feet. Feasibility of the development was confirmed by reports included as Appendices J and K to the Draft EIR. Design Plan sheets C7.03, C7.10, C7.20, show the locations where cut and fill is proposed on the site (See Plan Set North Coast Vol1 B on the County's project website where these documents have been and continue to be available on the County's Community Development Agency project website since 2020 (https://www.marincounty.gov/departments/cda/planning/projects/mill-valley-alto/north-coast-land-holdings-community-plan-amendmentmaster-plandesign-reviewmaster-use-permittentative-maptree-removal-permit-former-golden-gate-baptist-seminary-property-p1490).

Comment I47-16

Comment 3: Study and Mitigate the Redwood Frontage Road and Seminary Drive Intersection. Upon detailed study the Seminary Tomorrow Outcome Process document indicates the community members, County representative, developer, and professional traffic consultant traffic study concluded the Seminary Drive/Redwood Frontage Road intersection is one of the most problematic intersection for traffic, degradation in LOS, and impact to emergency vehicle response times due to unusual layout with the 7-11 driveways, unusual geometry, small footprint, difficulty for fire truck routing, and current congestion, and lack of right hand turn lane from theRedwood Frontage Road to Seminary Drive. Please evaluate this intersection more carefully and propose a mitigation measure.

Response I47-16

The comment states concern with traffic, safety, and emergency access impacts at the intersection of Redwood Frontage Road and Seminary Drive. As described in Final EIR Section 3.2.7, "Master Response: Traffic Count Data," LOS assessment is not used to determine environmental impacts under CEQA (in accordance with State CEQA Guidelines Section 15064(a)), but may inform decisions about the merits of the proposed project.

Regarding safety, see Final EIR Section 3.2.11, "Master Response: Transportation Safety," and the Existing Intersections Review Memo provided in Appendix D of the Final EIR. Consistent with Appendix G of the State CEQA Guidelines, Impact 3.14-3 in the Draft EIR evaluates whether the project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impact 3.14-3 identifies potentially significant impacts due to potential parking spillover on surrounding streets where sidewalks and crosswalks do not exist, construction activities, and the proposed design of on-site streets. Mitigation Measures 3.14-3a (Develop a Construction Traffic Control Plan), 3.14-3b (Design Roads to Meet County, ADA, and PROWAG standards), and 3.14-3c (Implement Measures to Reduce Parking Demand and/or Increase Supply for the Academic Campus) address potentially significant safety impacts identified in the Draft EIR and would reduce these impacts to less than significant.

The TIS, provided as Appendix Q of the Draft EIR, includes a review of local safety plans and collision data within the project study area that is summarized in Final EIR Section 3.2.11, "Master Response: Transportation Safety." The TIS reviewed collision data for a 5-year period between 2015 and 2019. Based on the above considerations, the Draft EIR analysis determined that none of the intersections on the Strawberry peninsula, including those identified in public comments, would experience a substantial increase in traffic hazards.

Historic evidence indicates no local intersections have been noted for high collision rates. The TIS concluded that the project traffic would not cause substantial traffic congestion changes at all studied intersections, so added project

traffic would not substantially change safety conditions. Therefore, the Draft EIR did not identify any significant traffic safety impacts at the intersection locations in the study area of the project site.

Notwithstanding that substantial evidence supports a conclusion of no significant traffic safety impacts from project trips, County staff desired to respond thoroughly to community concerns about traffic safety, and requested a review of existing intersection conditions (Final EIR Appendix D). Recognizing the Draft EIR's conclusions about the lack of significant traffic safety impacts caused by the proposed project trip generation, the existing intersection review was designed to provide information in response to community concerns about existing traffic safety problems for use in the County's consideration of project merits and the potential for defining conditions of approval outside of the CEQA analysis framework.

The Existing Intersections Review Memo (Final EIR Appendix D) summarizes relevant measures implemented by Marin County or Caltrans in recent years at the study locations as well as planned improvement measures. The Memo also identifies potential strategies at nine locations including the intersection of Redwood Frontage Road and Seminary Drive. The strategies identified in the memo are considerations for voluntary enhancements by the project applicant or merits-based conditions imposed by the County. These improvement options are not related to a CEQA environmental impact, so they are not defined as "mitigation measures," because the project's trip generation would be insufficient to substantially change existing transportation hazards in the study area. The lack of substantial change in traffic is evidenced in the LOS Assessment Memo where analysis concluded that LOS would meet County standards with or without the project and after adding project traffic, LOS would remain at D with continued stable traffic flow. The findings and voluntary recommendations in the Existing Intersections Review Memorandum (Final EIR Appendix D) do not change the conclusions or adequacy of the analysis in the Draft EIR related to transportation.

In Section 3.14, "Transportation," under Impact 3.14-4 the Draft EIR includes an evaluation of emergency vehicle ingress/egress routes to the Strawberry community that was done in consultation with SMFD personnel at SMFD Station 9 Strawberry. The evaluation identifies primary egress routes for fire trucks from SMFD Station 9 Strawberry and street segments along the egress routes where the project would add vehicle trips. The assessment of added vehicle trips on emergency vehicle routes reflects the potential effect on response times by evaluating whether increased traffic volumes could impede the movement or delay the dispatch of emergency services.

As a result of this evaluation, a potentially significant impact was identified for the route to US 101 via Ricardo Road, Seminary Drive, and Redwood Highway Frontage Road. Mitigation Measure 3.14-4 is identified to address the potentially significant emergency vehicle access impact. See Final EIR Section 3.2.12, "Master Response: Emergency Vehicle Access Mitigation Measure," for a summary of edits to this mitigation measure. The measure includes the installation of signal preemption technology at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive and the addition of preemption equipment to seven fire station vehicles. These improvements enable emergency vehicles to control traffic signals and move through intersections without delay, even during periods of increased traffic. With the mitigation, emergency response times would be maintained, and the impact would be reduced to a less-than-significant level. The Draft EIR appropriately describes the nature and magnitude of potential impacts on emergency vehicle access and the conclusions and adequacy of the analysis in the Draft EIR related to emergency access is adequate.

Comment I47-17

Comment 4: Reflect Events in Studies: Please update the traffic, noise, lighting, and air quality sections to reflect the developers historical use and reasonable foreseeable future use of the site for large events including weddings, concerts, special events, conferences, seminars, community sport practices (currently used for MVSC winter indoor soccer, outdoor football, volleyball, lacrosse, soccer, etc.), and more. Include updates to trip generation.

This is based on

- Page 1172 of 2082 of DEIR Appendix indicates: "The Marin site is now called the Seminary at Strawberry and, besides having the university tenant, is a setting for weddings, seminars, and special events (Gateway Seminary 2021; Wood 2019)"

- The Seminary at Strawberry website historically advertised for many of the events above.
- NCLH (property owner/developer) indicated during the Seminary Tomorrow process they intended to have a prestigious university that would regularly interact with the technology industry and colleges (Stanford, Berkeley, USF, UCSF, etc.) in the Bay Area hosting large conferences, regular events, gatherings. Also, showcasing art in the library open to the public for viewing like a museum. Given these intentions were clearly stated/documented, they should be addressed in the project description and the calculations for traffic, air quality, noise, etc.

If the activities/events listed above are not accounted for or are no longer intended to be provided, then please add mitigation measure(s) that include requirements for binding legal agreements and/or land use covenants prohibiting these activities from occurring.

Response I47-17

The comment requests the Draft EIR be clear about reasonable foreseeable future use of the project site for large events such as weddings, concerts, special events, conferences, seminars, and community sport practices and that the impacts analysis for traffic, noise, lighting, and air quality evaluate these accordingly. The application submitted to the County in 2020 is the current description of the proposed project. The EIR evaluates the application submitted in 2020 independent of any discussions that may have occurred regarding Seminary Tomorrow. In addition, the 1953 CUP governs the nature and operation of allowable uses that can be developed on the project site including the residential and campus uses, which would include any special events associated with the campus use, and student enrollment. Special events occur on the project site and have occurred in the past, and because the campus use is an authorized use in the CUP special events would continue under guidance in the permit. Furthermore, the proposed project does not involve any amendment to the CUP and thus it is reasonable to expect events would generally be similar to what has occurred in the past and there would be no substantial change in the occurrence, size, or type of event that would result in additional trips.

Regarding noise, potential long-term operational noise impacts from campus events and activities on the recreational playing field are analyzed under Impact 3.11-4 in Section 3.11, Noise and Vibration, of the Draft EIR. As discussed therein, campus events and activities on the on the recreational playing field would not result in a substantial increase in operational noise and impacts were determined to be less than significant.

Regarding lighting, the proposed project would adhere to the County's outdoor lighting standards, which require that lighting sources be designed and constructed in a manner that is consistent with Marin County's Uniformly Applied Conditions to avoid light spillage on adjacent properties and in private spaces.

Regarding air quality, potential long-term operational air pollution impacts are analyzed under Impact 3.2-2 in Section 3.2, "Air Quality" and impacts were found to be less than significant when compared to the Bay Area Air District's average daily thresholds of significance. These emissions estimates account for similar historical operational activities as identified in the comment.

Comment I47-18

Comment 5: Pedestrians, Bikes, and Trails.

- Figure 2-7 of the Draft EIR has many errors regarding pedestrian trails onsite:
    - The existing onsite trail shown at the perimeter of the Forested Knoll is not maintained, is not usable/used, is marked as private property, does not have adequate drainage, is overgrown preventing access in some portions, and has dangerous dead trees. The DEIR should require upgrading this to a maintained trail and should include corresponding required drainage improvements (possibly extending outfalls to Richardson Bay), grading, signage, ADA access, and tree removal. Due to the proximity to the Bay, the project should coordinate with the BCDC to establish this and connected trails as part of the coast trail network.

  - The existing offsite trail shown from Seminary Drive to Brickyard Cove along the shoreline does not exist. There is no usable trail along the entirety of the path shown.
  - The DEIR preparer should visit the **site** to verify/validate the trail networks and better characterize actual trails vs. things that are marked as trails that are not actually trails.

- Pedestrians currently regularly access the site and the offsite trails by crossing the intersection of Seminary Drive and Gilbert Drive and also Seminary Drive and Hodges Drive. These intersections are dangerous for pedestrians to cross because the curve in Seminary Drive causes short site lines and vehicles often exceed the speed limit in this area. Therefore please include a mitigation measure of constructing new three way stop signs and cross walks at each of these two intersections (e.g. Seminary Drive and Hodges Drive intersection and Seminary Drive and Gilbert Avenue intersection).
- During the Seminary Tomorrow process, NCLH agreed to extend the path at the perimeter of the Forested Knoll so that it does not have a dead end. NCLH agreed they would extend the pathway safely down from the point to Seminary Drive and provide a new sidewalk on Seminary Drive for pedestrians to continue to the southeast beyond the current gated community of homes along Seminary Drive. This is not currently shown in the DEIR. This is a critical improvement for usability, safety, and continuity in path use. Please include as a requirement/mitigation measure for the project.
- During the Seminary Tomorrow process, NCLH agreed to create a new offsite coastal trail shown from Seminary Drive to Brickyard Cove where one does not currently exist. Please require this trail as part of the project to increase safety, connectivity from the site to the neighborhood park, and add an amenity for the Community and region in terms of a Coastal trail to a Coastal park.
- One of NCLH's previous applications included a new pedestrian bridge across the narrow water channel to connect De Silva Island and the existing park with the fitness/outdoor workout area and benches. This feature would serve as a pedestrian/biking "shortcut" to significantly reduce the walking/biking time from the project site to the regional bus and biking network. Additionally, it would increase pedestrian walkability for current neighbors and add safety because pedestrians currently walk around the marsh, through the Chevron gas station, and then jaywalk across the Redwood Frontage Rd/Seminary Dr adjacent to Chevron, to access the pedestrian freeway overcrossing and bus stations. The pedestrian bridge would streamline pedestrian pathways and increase safety. Please include the pedestrian bridge as a mitigation measure for the project.
- Currently there are no pedestrian sidewalks and crosswalks on the roads within the project site. Please include these in the project.
- Currently there are no or minimal sidewalks in the Strawberry neighborhood. On Ricardo Rd there are many families with children. There are also many elderly families. These residents typically walk along the road without sidewalks to access the beautiful neighborhood paths along Seminary Drive. Please include mitigation measures for traffic calming along Ricardo Rd. We understand speed bumps may not work for the fire truck route, but please consider bulb outs, speed monitoring signs, and/or other traffic calming measures to help protect pedestrians along Ricardo Rd.
- The DEIR should evaluate the considerable tourist bicycle traffic along the Redwood Frontage Road and Seminary Drive. We regularly see abundant groups of tourists on rental bikes (with laminated maps on the handle bars) biking to and through Seminary Drive. I'm guessing they are riding from the Sausalito Ferry to the Tiburon Ferry. We also regularly see experienced local cyclist in single or large groups taking this same scenic route. There are many near accidents between bikes and vehicles on the Frontage Road, Seminary Drive, and E. Strawberry Drive, which all are not well suited for bicycles. Please evaluate bicycle improvement measures for the aforementioned routes/roads.

Response I47-18

The comment raises several concerns regarding Figure 2-7 of the Draft EIR, the conditions of existing trails on the project site, existing and proposed pedestrian and bicycle access and facilities, alleged commitments during the Seminary Tomorrow Process, pedestrian and bicycle safety, and existing bicycle traffic along the Redwood Frontage Road and Seminary Drive. The comment also makes requests to include specific features in the project design including a pedestrian bridge, traffic calming measures, pedestrian sidewalks and crosswalks, and an offsite coastal trail.

Regarding Draft EIR Figure 2-7, the proposed project involves establishment of a trail along the Forested Knoll. On page 2-21 of the Draft EIR Chapter 2, Project Description, states the existing Forested Knoll within the Seminary Point Planning Area would be protected as open space. Dead or dying Monterey pines would be removed and new trees would be replanted. A pedestrian trail would be established with views of the San Francisco Bay, the City of San Francisco, and Mt. Tamalpais. The figure is derived from the project application and while the County recognizes that there may be no formal trail from Seminary Drive to Brickyard Cove, this does not change the analysis or conclusions in the Draft EIR. This figure in the project application will be updated as part of the project's subsequent design review. Regarding any discussions about design of the project during the Seminary Tomorrow process, the application submitted to the County in 2020 is the current description of the proposed project. The EIR evaluates the application submitted in 2020 independent of any discussions that may have occurred regarding Seminary Tomorrow.

Regarding pedestrian safety, see to Final EIR Section 3.2.11, "Master Response: Transportation Safety," and the Existing Intersections Review Memo provided in Appendix D of the Final EIR. As detailed in "Master Response: Transportation Safety," it was determined in the Draft EIR that the project would not result in a significantly increased transportation safety impact with the implementation of Mitigation Measures 3.14-3a through 3.14-3c, and the Existing Intersections Review Memorandum (Final EIR Appendix D) was prepared for the purpose of the County's consideration of project merits and the potential for defining conditions of approval outside of the CEQA analysis framework. The Existing Intersections Review Memorandum (Final EIR Appendix D) identifies potential improvement measures along Seminary Drive and Gilbert Drive/Hodges Drive as well as Ricardo Road (see Final EIR Appendix D for the recommended improvements). These improvement options are not related to a CEQA environmental impact, so they are not defined as "mitigation measures," because the project's trip generation would be insufficient to substantially change existing transportation hazards in the study area. The lack of substantial change in traffic is evidenced in the LOS Assessment Memo where analysis concluded that LOS would meet County standards with or without the project and after adding project traffic, LOS would remain at D with continued stable traffic flow. The findings and voluntary recommendations in the Existing Intersections Review Memorandum do not change the conclusions or adequacy of the analysis in the Draft EIR related to transportation. The Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comments under consideration before a decision on the project is rendered. No changes to the Draft EIR are required in response to this comment.

Comment I47-19

Comment 6: DEIR Responsiveness to City of Mill Valley Scoping Letter. Please confirm the DEIR is responsive to the City of Mill Valley's (City) letter included in page 32 of 2082 of the DEIR appendices. Specifically, did the DEIR evaluate the following?

- LOS at intersections identified by the City (and also per other reviewers comments)
- Traffic to local elementary, middle, and high schools. Please note the City's letter unintentionally left out Strawberry Elementary School, which needs to be evaluated due to it's proximity to the site.
- Infrastructure improvements should be evaluated in the DEIR - please note comments submitted in this letter, previous comments I submitted, and other public comments identify many infrastructure improvements that are needed and should be evaluated. The DEIR should be recirculated to allow another opportunity to review the impacts of those required improvements.

Response I47-19

The comment requests confirmation that the Draft EIR evaluated LOS at intersections requests by the City of Mill Valley, traffic impacts on local elementary, middle, and high schools, including Strawberry Elementary School, and infrastructure improvements.

See Final EIR Section 3.2.8, "Master Response: Selection of Intersections for LOS Analysis." The study intersections were selected in consultation with County staff based on current congestion levels and their location along primary access/egress routes to the project site. The goal of the selection was to identify and evaluate intersections where substantial change in the number of trips and degree of congestion may occur in the roadway network surrounding the project site, based on the proposed project's trip generation and distribution on local streets. As described in Final EIR Section 3.2.7, "Master Response Traffic Count Data," LOS assessment is not used to determine environmental impacts under CEQA (in accordance with State CEQA Guidelines Section 15064(a)), but may inform decisions about the merits of the proposed project. The LOS memo was updated in response to public comments on the Draft EIR requesting new traffic counts and to address potential post-pandemic changes in travel behavior, with updated counts collected in February 2025. While differences from 2021 counts were minimal, the memo was revised in consultation with County staff to incorporate the 2025 data and include a seventh study intersection (Appendix B of this Final EIR).

Regarding transportation safety impacts on local schools, see Final EIR Section 3.2.11, "Master Response: Transportation Safety," and the Existing Intersections Review Memo provided in Appendix D of the Final EIR. Consistent with Appendix G of the State CEQA Guidelines, Impact 3.14-3 in the Draft EIR evaluates whether the project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impact 3.14-3 identifies potentially significant impacts due to potential parking spillover on surrounding streets where sidewalks and crosswalks do not exist, construction activities, and the proposed design of on-site streets. Mitigation Measures 3.14-3a (Develop a Construction Traffic Control Plan), 3.14-3b (Design Roads to Meet County, ADA, and PROWAG standards), and 3.14-3c (Implement Measures to Reduce Parking Demand and/or Increase Supply for the Academic Campus) address potentially significant safety impacts identified in the Draft EIR and would reduce these impacts to less than significant.

The TIS, provided as Appendix Q of the Draft EIR, includes a review of local safety plans and collision data within the project study area that is summarized in Final EIR Section 3.2.11, "Master Response: Transportation Safety." The TIS reviewed collision data for a 5-year period between 2015 and 2019. Based on the above considerations, the Draft EIR analysis determined that none of the intersections on the Strawberry peninsula, including those identified in public comments, would experience a substantial increase in traffic hazards.

Historic evidence indicates no local intersections have been noted for high collision rates. The TIS concluded that the project traffic would not cause substantial traffic congestion changes at all studied intersections, so added project traffic would not substantially change safety conditions. Therefore, the Draft EIR did not identify any significant traffic safety impacts at the intersection locations in the study area of the project site.

Notwithstanding that substantial evidence supports a conclusion of no significant traffic safety impacts from project trips, County staff desired to respond thoroughly to community concerns about traffic safety, and requested a review of existing intersection conditions (Final EIR Appendix D). Recognizing the Draft EIRs conclusions about the lack of significant traffic safety impacts caused by the proposed project trip generation, the existing intersection review was designed to provide information in response to community concerns about existing traffic safety problems for use in the County's consideration of project merits and the potential for defining conditions of approval outside of the CEQA analysis framework.

The Existing Intersections Review Memo (Final EIR Appendix D) summarizes relevant measures implemented by Marin County or Caltrans in recent years at the study locations as well as planned improvement measures. The Memo also identifies potential strategies at nine locations including Redwood Highway Frontage Road and US 101 Northbound Seminary Ramps which provides access to a bike and walk bridge that may be used by Mill Valley Middle School or Tamalpais High School students as well as E. Strawberry Drive from Belvedere Drive to Ricardo Lane near Strawberry Point Elementary School. The strategies identified in the memo are considerations for voluntary enhancements by the

project applicant or merits-based conditions imposed by the County. These improvement options are not related to a CEQA environmental impact, so they are not defined as "mitigation measures," because the project's trip generation would be insufficient to substantially change existing transportation hazards in the study area. The lack of substantial change in traffic is evidenced in the LOS Assessment Memo where analysis concluded that LOS would meet County standards with or without the project and after adding project traffic, LOS would remain at D with continued stable traffic flow. The findings and voluntary recommendations in the Existing Intersections Review Memorandum (Final EIR Appendix D) do not change the conclusions or adequacy of the analysis in the Draft EIR related to transportation. Therefore, no changes to the Draft EIR are required in response to this comment.

Comment I47-20

Comment 7: Visual Impact of Senior Center. Please provide renderings of the massive senior center from multiple angles. It's important for the public and decision makers to see and understand the impact of this massive structure within the community.

Response I47-20

The comment requests renderings of the senior center from multiple angles for the public and decision-makers assess the visual impact. The height, mass, and frontage of the residential care facility are included in the design plans. Plan sets are available and have been available since before circulation of the Draft EIR, on County's project website: https://www.marincounty.gov/departments/cda/planning/projects/mill-valley-alto/north-coast-land-holdings-community-plan-amendmentmaster-plandesign-reviewmaster-use-permittentative-maptree-removal-permit-former-golden-gate-baptist-seminary-property-p1490.

The proposed residential care facility is identified as Building 52 in the project plans, and drawings are available in Volume 1 and Volume 3 of project plans which were used to prepare the visual impacts analysis and visual simulations included in Section 3.1, "Aesthetics" of the Draft EIR. As discussed in Section 3.1, "Aesthetics" of the Draft EIR most project structures conform with the bulk and scale of existing development on the Strawberry Peninsula; however, the bulk and sky-lining effect of the residential care facility would conflict with applicable zoning and other regulations governing scenic quality. Visibility to the residential care facility is limited to public views from the southwest. The mass and scale of the residential care facility, while larger than surrounding buildings, would be minimized by its angled footprint forming two wings that mimic the topography and consist of five floors that step down the slope. The mass and scale would also be visually distinct when viewed in the immediate foreground from within the project site. When viewed from surrounding areas outside the project site, the lower floors would generally not be visible as the structures would be located in the lower elevations of the project site. While the upper floors of the six-story residential structures may be seen, they would be similar in color and fenestration to the smaller apartment structures that backdrop them and would thus be visually unified with them. The mass and scale of the residential care facility would also be minimized by street trees that would help screen the building and by planting trees between the wings of the buildings, which would further visually separate them. In addition, the horizontal nature of the building would include fenestration of the facade that further visually breaks the building into smaller comp. Implementation of Mitigation Measures 3.1-1a through 3.1-1d, combined with site landscaping, over time, would also reduce visibility and further disguise the bulk of the structure visually and ensure visual impacts from the proposed project would be less than significant. Detailed design and renderings will also be developed during the design review phase, where the public will have an opportunity to provide input.

Comment I47-21

Comment 8: BCDC permit. Section 2.8 on page 97 indicates a BCDC permit is not needed. Please reevaluate this considering the proximity of the Seminary Playing Field with fill to the shoreline and the trail improvements needed on the forested knoll and the shoreline (see previous comment and DEIR text). I believe BCDC permit is needed. Please consult with BCDC on the coastal trail network, and the need for a permit. Please recirculate the DEIR to allow opportunity for BCDC engagement and review.

Response I47-21

The comment questions the need for a BCDC permit citing the playing field's proximity to the shoreline and planned trail improvements. The comment also requests circulating the Draft EIR to BCDC and engaging in consultation related to the coastal trail network. A review of the limits of disturbance for the proposed project was conducted and as mentioned in Section 2.8 on page 97 of the Draft EIR, a BCDC permit is not needed because no development in the Bay or Shoreline Band jurisdictions is proposed. Furthermore, the Draft EIR was circulated to BCDC and no comments were received on the proposed project.

Comment I47-22

Comment 9: Bald Eagle Nesting. Page 209 of 556 of the DEIR indicates bald eagles have been observed near the site (which is true and well documented on nextdoor.com). However, it indicates the bald eagles are unlikely to nest onsite. How is it determined they are unlikely to nest onsite when they are currently reestablishing and expanding nearby? How close is their nest to construction (I believe it's close) and how could the noise and activity from construction disturb bald eagles during construction?

Response I47-22

The comment questions the Draft EIR's assertion that bald eagles are unlikely to nest on-site, citing their documented presence nearby on nextdoor.com and ongoing reestablishment. As discussed in Draft EIR Section 3.4, "Biological Resources," under Section 3.4.2, "Environmental Setting," bald eagles are unlikely to nest within the project area due to existing disturbance. Although nesting by bald eagles is unlikely, the analysis under Impact 3.4-4 has been revised to include discussion of potential impacts to nesting bald eagles should nesting occur. Mitigation Measures 3.4-4 was revised to include bald eagle in nesting season avoidance and nest surveys. Also, a non-disturbance buffer of 0.5 miles around bald eagle nests has been included that would be applied if a nest is detected during pre-construction surveys, therefore avoiding potential impacts from noise and other disturbance during construction. This revision represents a minor modification to the EIR because it modifies the existing Impact 3.4-4 and Mitigation Measure 3.4-4, which addressed impacts to nesting birds.

ORIGINAL:

Impact 3.4-4: Potential Disturbance or Loss of White-Tailed Kite and Other Common Nesting Birds

The adverse effects of project construction on common nesting birds would be avoided by the requirements of Marin County Code Section 22.20.040, which includes nesting season surveys, and non-disturbance buffers around nests. However, construction of the project and related activities may result in the injury, mortality, or disruption of reproduction of white-tailed kite. The nesting season for White-tailed kite extends beyond the nesting season requirements of Section 22.20.040, and the disturbance of white-tailed kite nests may still occur with the implementation of the avoidance measures in the section. The loss of eggs and young would be a potentially substantial adverse effect on white-tailed kite. Therefore, the impact of the project on white-tailed kite would be **potentially significant**.

White-tailed kite is a fully protected bird species under California Fish and Game Code Section 3511, and common nesting birds are protected under the Migratory Bird Treaty Act and the California Fish and Game Code Sections 3503 and 3503.5. Landscaping and other maintenance activities currently occur within the project site and are not anticipated to increase substantially as a result of the project; therefore, these activities associated with the project are not anticipated to have a substantial adverse effect on white-tailed kite and common raptors and other common nesting birds. Common raptors and other native bird species may nest throughout the project area in trees, shrubs, and on buildings. Construction, demolition, grading, or vegetation clearing including the construction of new buildings, roads, and trails; and fuels management activities could result in disturbance and loss of the nests of common native raptors and other common nesting birds if these activities occur during the nesting season for these species (February 1 to August 15); however, Marin County Code Section 22.20.040 requires preconstruction nesting bird surveys during the nesting season (February 1 and August 15) and establishment of buffers around active nests until the young

have fledged as determined by a qualified biologist. The application of Code Section 22.20.040 would avoid impacts to common nesting birds from project activities.

Trees in the less disturbed northern portions of the project site, such as within the Woodland Buffer, and along Seminary Drive provide nesting habitat for white-tailed kite. Vegetation clearing for fuels management, and construction activities within and adjacent to these areas may result in the disturbance of active white-tailed kite nests if these activities occur during the white-tailed kite nesting season (February 1 to October 31). The nesting season for White-tailed kite extends beyond the nesting season requirements of Section 22.20.040, and the disturbance of white-tailed kite nests may still occur with the implementation of the avoidance measures in the section.

While vegetation would be removed for fuels management and during construction of the project, oaks would be replanted on the project site, which would provide habitat for white-tailed kite, along with other landscaping that provides habitat for common nesting birds (Section 2.6.3, "Landscaping, Wildfire Resilience and Site Improvements"). Therefore, the project would not result in a substantial reduction of nesting habitat. In addition, the project site is currently subject to human disturbance and maintenance activities, and additional ongoing use of the site is not anticipated to further reduce the suitability of the habitat for nesting by common nesting birds or white-tailed kite.

The project would not substantially reduce the habitat for white-tailed kite or common nesting birds, or cause the population of common bird species to self-sustaining levels. However, disturbance of active nests of white-tailed kite could result in abandonment of the nest and loss of eggs and young, which could result in substantial reduction of the numbers of white-tailed kites and cause the local population white-tailed kite to be reduced below self-sustaining levels, Therefore, the impact of the project on the species would be **potentially significant.**

Mitigation Measures

Mitigation 3.4-4: Avoid Disturbance of White-tailed Kite

To avoid or minimize impacts to nests of white-tailed kite, the applicant shall implement the following measures.

- The applicant may choose to schedule site preparation, construction, demolition, grading, or vegetation clearing after October 31 or before February 1 to avoid the nesting period for white-tailed kite within or adjacent to suitable nesting habitat for the species (e.g., the Woodland Buffer and along Seminary Drive).
- If work is required during the white-tailed kite nesting season (February 1 to October 31), a qualified biologist, retained by the applicant, shall conduct a pre-construction survey prior to site preparation, demolition, grading, or vegetation clearing to identify white-tailed kite nests within 500 feet of work area as access allows. The survey shall be conducted no more than 7 calendar days before the beginning of construction demolition, grading, or vegetation clearing. If project activity ceases for 7 days or longer, resurvey shall be conducted prior to restarting activities.
- If white-tailed kite nests are located, no construction shall occur within 500 feet of the nest during the nesting season or until the young have fledged, as determined by a qualified biologist.
- A report describing the methods and results of any nest pre-construction surveys conducted, and any nest buffers implemented shall be submitted to the County.

Significance after Mitigation

The implementation of Mitigation Measure 3.4-4 would avoid and minimize adverse effects on white-tailed kite, from project implementation by avoiding the nesting season or conducting nest surveys and establishing non-disturbance buffers around active nests. Therefore, with the implementation of Mitigation Measure 3.4-4, the potential impact to white-tailed kite would be reduced to **less than significant with mitigation incorporated**.

REVISED:

Impact 3.4-4: Potential Disturbance or Loss of ~~White-Tailed Kite~~Special-Status Birds and Other Common Nesting Birds

The adverse effects of project construction on common nesting birds would be avoided by the requirements of Marin County Code Section 22.20.040, which includes nesting season surveys, and non-disturbance buffers around nests. However, construction of the project and related activities may result in the injury, mortality, or disruption of reproduction of ~~white-tailed kite~~special-status birds. The nesting season for bald Eagle and White-tailed kite extends beyond the nesting season requirements of Section 22.20.040, and the disturbance of bald eagle and white-tailed kite nests may still occur with the implementation of the avoidance measures in the section. The loss of eggs and young would be a potentially substantial adverse effect on bald eagle and white-tailed kite. Therefore, the impact of the project on ~~white-tailed kite~~ special-status birds would be **potentially significant**.

Bald eagle are listed under the California Endangered Species Act. Furthermore, Bald eagle and White-tailed kite ~~is~~ are~~a~~ fully protected bird species under California Fish and Game Code Section 3511, and common nesting birds are protected under the Migratory Bird Treaty Act and the California Fish and Game Code Sections 3503 and 3503.5.

Landscaping and other maintenance activities currently occur within the project site and are not anticipated to increase substantially as a result of the project; therefore, these activities associated with the project are not anticipated to have a substantial adverse effect on ~~white-tailed kite~~special-status birds and common raptors and other common nesting birds. Common raptors and other native bird species may nest throughout the project area in trees, shrubs, and on buildings. Construction, demolition, grading, or vegetation clearing including the construction of new buildings, roads, and trails; and fuels management activities could result in disturbance and loss of the nests of common native raptors and other common nesting birds if these activities occur during the nesting season for these species (February 1 to August 15); however, Marin County Code Section 22.20.040 requires preconstruction nesting bird surveys during the nesting season (February 1 and August 15) and establishment of buffers around active nests until the young have fledged as determined by a qualified biologist. The application of Code Section 22.20.040 would avoid impacts to common nesting birds from project activities.

Although bald eagles are unlikely to nest within the project area due to existing disturbance, ~~T~~trees in the less disturbed northern portions of the project site, such as within the Woodland Buffer, and along Seminary Drive may provide nesting habitat for bald eagle and white-tailed kite. Vegetation clearing for fuels management, and construction activities within and adjacent to these areas may result in the disturbance of active bald eagle and white-tailed kite nests if these activities occur during the bald eagle (February 1 to August 31) and white-tailed kite nesting season (February 1 to October 31). The nesting season for ~~White-tailed kite~~these species extends beyond the nesting season requirements of Section 22.20.040, and the disturbance of bald eagle and white-tailed kite nests may still occur with the implementation of the avoidance measures in the section.

While vegetation would be removed for fuels management and during construction of the project, oaks would be replanted on the project site, which would provide habitat for ~~white-tailed kite~~special-status birds, along with other landscaping that provides habitat for common nesting birds (Section 2.6.3, "Landscaping, Wildfire Resilience and Site Improvements"). Therefore, the project would not result in a substantial reduction of nesting habitat. In addition, the majority of the project site is currently subject to human disturbance and maintenance activities, and additional ongoing use of the site is not anticipated to further reduce the suitability of the habitat for nesting by common nesting birds or ~~white-tailed kite~~special-status birds.

The project would not substantially reduce the habitat for ~~white-tailed kite~~special-status birds, or common nesting birds, or cause the population of common bird species to self-sustaining levels. However, disturbance of active nests of ~~white-tailed kite~~special-status birds could result in abandonment of the nest

and loss of eggs and young, which could result in substantial reduction of the numbers of ~~white-tailed kite~~special-status birds and cause the local populations ~~white-tailed kite~~of these species to be reduced below self-sustaining levels, Therefore, the impact of the project on the species would be **potentially significant.**

Mitigation Measures

Mitigation 3.4-4: Avoid Disturbance of ~~White-tailed Kite~~Special-Status Birds

To avoid or minimize impacts to nests of bald eagle and white-tailed kite, the applicant shall implement the following measures.

- The applicant may choose to schedule site preparation, construction, demolition, grading, or vegetation clearing after October 31 or before February 1 to avoid the nesting period for bald eagle and white-tailed kite within or adjacent to suitable nesting habitat for the species (e.g., the Woodland Buffer and along Seminary Drive).
- If work is required during the bald eagle nesting season (February 1 to August 31) or white-tailed kite nesting season (February 1 to October 31), a qualified biologist, retained by the applicant, shall conduct a pre-construction survey prior to site preparation, demolition, grading, or vegetation clearing to identify bald eagle nests within 0.5 mile of the project site or white-tailed kite nests within 500 feet of work area as access allows. The survey shall be conducted no more than 7 calendar days before the beginning of construction demolition, grading, or vegetation clearing. If project activity ceases for 7 days or longer, resurvey shall be conducted prior to restarting activities.
- If bald eagle nests are located, no site preparation, construction, demolition, grading, or vegetation clearing shall occur within 0.5 mile of the nest during the nesting season or until the young have fledged, as determined by a qualified biologist. The distance of this buffer may be reduced by a qualified biologist based on topographic and vegetative screening, existing land use between the activity and the nest, the nature of the proposed development activities potentially affecting the nest, the nest occupants' habituation to existing or ongoing activity, nest concealment (i.e., whether there are visual or acoustic barriers between the proposed activity and the nest), what (if any) nest monitoring is proposed, and other factors.
- If white-tailed kite nests are located, no, construction, shall occur within 500 feet of the nest during the nesting season or until the young have fledged, as determined by a qualified biologist.
- A report describing the methods and results of any nest pre-construction surveys conducted, and any nest buffers implemented shall be submitted to the County.

Significance after Mitigation

The implementation of Mitigation Measure 3.4-4 would avoid and minimize adverse effects on ~~white-tailed kite~~ special-status birds, from project implementation by avoiding the nesting season or conducting nest surveys and establishing non-disturbance buffers around active nests. Therefore, with the implementation of Mitigation Measure 3.4-4, the potential impact to ~~white-tailed kite~~ special-status birds would be reduced to **less than significant with mitigation incorporated**.

Comment I47-23

Comment 10. Use of the Site for Habitat. Page 221 of 556 of the DEIR indicates use of the site as nursery habitat for shorebirds, marine mammals, and mule deer is unlikely given the existing and ongoing human disturbance on the project site. This comment is not substantiated and does not match observations and fact. There are significant portions of the site planned for development that have a large buffer to human disturbance, a large natural setting, and are regularly used for habitat. See previous related comment on natural open space at Shuck Knoll, undeveloped/unpaved areas of Shuck Drive, Chapel Hill, and the Forested Knoll. Deer frequent the entire site and are especially frequently observed in the Shuck Knoll and undeveloped/unpaved Shuck Drive areas, including by the maintenance shed area. Great Egrets, Great Blue Herons, and Cormorants have an active/established nesting area nearby on De Silva Island. This nesting area is currently stressed by the decades of guano killing the trees as can be

observed by dying trees. As a reference point, a similar nesting site on the Bolinas Lagoon was recently abandoned and a new nesting site established nearby because of trees dying from guano in similar circumstances. It's reasonably foreseeable that the De Silva Nesting site could decline in the coming years and the birds would reestablish a new site nearby. The Forested Knoll is currently similar to the De Silva site near the shore and with a good buffer to human disturbance. In addition to the nesting birds, Snowy Egrets roost along the marsh and many shorebirds, terns, ducks use the habitat regularly and as an overwintering site. Please evaluate the possibility of the forested knoll to become a regular nesting site in the future and it's possible current use as a roosting site, based on comments above and the Bolinas Lagoon example. Please involve the Audubon Society in this consideration/evaluation as they currently closely monitor the nearby site.

Response I47-23

The comment questions the Draft EIR's analysis that the project site is unlikely to serve as nursery habitat due to human disturbance, citing undeveloped areas like Shuck Knoll and the Forested Knoll that provide natural settings regularly used by wildlife, including deer and birds. The comment also requests evaluating the Forested Knoll as a potential alternative future nesting and roosting site for species such as Great Egrets and Great Blue Herons, referencing the stressed De Silva Island nesting site and involving the Audubon Society in further analysis.

As described in Draft EIR Section 3.4, "Biological Resources," Section 3.4.2, "Environmental Setting," a large portion of the project site (34.55 acres) is composed of existing development and highly disturbed vegetation (also see Draft Figure 3.4-1, "Land Cover on the Project Site"). The developed and disturbed portions of the project site (see Draft EIR Figure 3.4-1, "Land Cover on the Project Site") are composed of existing development and highly disturbed vegetation and do not provide habitat for special-status species. These disturbed portions of the project site are not far from the more natural and open space areas; therefore, while these undisturbed areas may provide habitat for more common species (e.g., common birds and raptors), as discussed in Section 3.4.2, "Environmental Setting," it would be speculative under CEQA to predict that the nesting site for Great Egrets, Great Blue Herons, and Cormorants on De Silva Island would shift to new sites nearby. CEQA does not require assessing speculative or hypothetical future impacts, focusing instead on foreseeable, evidence-based scenarios. Furthermore, Draft EIR Impact 3.4-4 describes potential impacts and loss of habitat for special-status birds and common nesting birds. Great egrets, great blue herons, and cormorants and their nests would be protected under the Migratory Bird Treaty Act, California Fish and Game Code Sections 3503 and 3503.5. As also discussed in Impact 3.4-4, the project would be required to comply with Marin County Code Section 22.20.040, which would avoid impacts to common nesting birds.

Comment I47-24

Comment 11: Rock Outcropping on Shuck Knoll. The geology map and personal observation indicate there is a rock outcropping on Shuck Knoll. I have personally observed raptors use this rock outcropping while they eat what they catch. During the rainy season I have also observed a vernal pool around this rock outcropping. The geotechnical report indicates the entire Shuck Knoll is shallow bedrock:

1. How will construction occur in bedrock?
2. How will retention basins work in bedrock?
3. How much noise will be created from excavating bedrock?
4. How can the unique geology/features/habitat be preserved?
5. Can housing be relocated to other non natural areas onsite, per previous comments?
6. If housing must be constructed at this location, can the above grade rock outcropping be preserved as a natural feature? Note this feature was preserved on the site maps and grading plans of the previous developers application (see Hart Marin's development proposal from 10-15 years ago).

Response I47-24

The comment identifies a rock outcropping and personal observation of raptors and a vernal pool on Shuck Knoll and raises questions about the impacts of construction on the shallow bedrock. The comment questions how

construction, the proposed retention basin, noise, and preservation of these features and habitats will be performed and addressed. The comment also references past development proposals and asks whether housing can be relocated to less sensitive areas onsite and whether the rock outcropping can be preserved as a natural feature. Regarding the comment's concern surrounding construction, See Draft EIR Chapter 2, "Project Description," Section 2.7, "Construction Activities." All construction staging would occur within the project site. The project would require approximately 220,000 cubic yards of cut and fill, which would be balanced on-site. The project would require excavation to a maximum depth of approximately 19 feet below ground surface for grading, constructing underground parking structures, and utility improvements. Furthermore, Impact 3.6-3 in Draft EIR Section 3.6, "Geology and Soils," discusses implementation of Mitigation Measure 3.6-2, which would reduce impacts related to seismically induced ground failure through geotechnical engineering.

Retention basins are not proposed in bedrock because stormwater infiltration would not be possible. Infiltration basin locations are described in Draft EIR Section 3.9, "Hydrology" in Impact 3.9-3 and in the Hydrology and Hydraulic Study prepared for the project attached as Appendix N to the Draft EIR. All basins must comply with County and BASMAA infiltration regulations. As discussed in Draft EIR Section 3.6, "Geology and Soils," in Section 3.6.3, rock outcrops in the project area are sparse except where exposed in cut slopes. None of these outcrops exhibit unique features that differ from the surrounding geology and are therefore not discussed further in the Draft EIR. Regarding the comment's observation that raptors have been seen using the rock outcropping, Impact 3.4.2 in Draft EIR Section 3.4, "Biological Resources," discusses that common raptors and other native bird species may nest throughout the project area in trees, shrubs, and on buildings. This comment does not address any deficiencies in the Draft EIR.

Regarding the comment's concern surrounding noise from excavation, see Impact 3.11-1 in Draft Section 3.11, "Noise and Vibration," where impacts from temporary construction noise are evaluated. The reference noise levels of heavy equipment that would be used during project construction are summarized in Table 3.11-10 on page 3.11-12 of the Draft EIR.

Regarding the comment's concern about the potential vernal pool, Impact 3.4-8 in Draft EIR Section 3.4, "Biological Resources," discusses potential impacts related to loss or disturbance of state or federally protected wetlands or other waters including, but not limited to, marsh, vernal pool, coastal, etc. The Draft EIR concludes that a protocol aquatic resources delineation has not been performed for the project site, and that the jurisdictional status of wet areas within the project site has not been confirmed; however, based on the size, isolation, composition, and functional impairment of wet areas within the disturbance area, project-related actions would not constitute a substantial adverse effect on wetlands or other waters. Furthermore, project-related actions with regard to wet areas would not substantially reduce the habitat of a fish or wildlife species; or cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or substantially reduce the number or restrict the range of an endangered, rare, or threatened species.

Comment I47-25

Comment 12: Undeveloped/unpaved Portion of Shuck Drive. The currently undeveloped portion of Shuck Drive including the maintenance shed and the loop through the natural area contains a lot of trash debris in the graded roadway spoils/soils. This area appears to be used for dumping over the years. The entire roadway and graded areas should be investigated, sampled, and analyzed for contamination. I have personally observed what may be remnants of asbestos containing building material. I have also observed hazardous waste stored uncovered at the maintenance shed including oil, paints, and other common maintenance materials. The shed area should also be investigated with soil and groundwater sampling to verify if any contaminants are present.

Response I47-25

The comment suggests that the entire roadway and graded areas of Shuck Drive as well as the maintenance shed area should be investigated, sampled, and analyzed for contamination. The Phase I ESA prepared for the project consisted of both a physical inspection of the property and surrounding area and a database search. The project site and its boundaries with adjacent parcels were walked and inspected for any evidence of surface contamination, staining, or other unusual conditions. The results of the inspection were used to determine whether any of the following conditions were present: RECs, CRECs, HRECs, or Non-RECs. Per the ASTM standards, a REC is defined as

the presence or likely presence of any hazardous substances or petroleum products on a property that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property." This definition does not include "de minimis conditions that generally do not pose a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate government agencies" (Appendix M of the Draft EIR).

As documented in the Phase I ESA and summarized in Section 3.8, "Hazards and Hazardous Materials," of the Draft EIR, the project site does not contain any RECs, CRECs, or HRECs. However, suspected ACMs, LBP, LCMs, mercury switches and fluorescent tubes, and PCB light ballasts were all identified as non-RECs that are potentially present on the project site. The potential for the project to create a hazard to the public or environment from encountering these materials during project construction was evaluated in Impact 3.8-1 in Section 3.8 of the Draft EIR. As discussed in Impact 3.8-1, compliance with federal, state, and local regulations would ensure that ACMs, LBP, LCMs, mercury switches and fluorescent tubes, and PCB light ballasts are handled and disposed of properly and would not create a significant hazard to the public or the environment, thus resulting in a less-than-significant impact.

In response to concerns raised in public comments on the Draft EIR related to the maintenance shed, a Senior Environmental Scientist from Ascent with experience performing ESA fieldwork, Kelley Kelso, CPESC, QSD/QSP, QISP, performed a site visit of the maintenance shed on May 15, 2025. Ms. Kelso was shown the site by Bruce Jones, Applicant's representative, and Robin Fies, County of Marin County CDA representative. Bruce expressed he was not aware of any hazardous substance contamination or petroleum contamination of the soil around the maintenance shed area. The buildings in the project area have the potential to include lead-based paint but no paint was observed flaking from the maintenance shed. Kelley walked the entire maintenance shed site and focused on the hazardous materials stored within the maintenance shed, the underground storage tank adjacent to the maintenance shed, and the hydraulic lift inside the maintenance shed. No evidence of hazardous material spills; soil contamination from petroleum, oil, lubricants, or other chemicals; or fuel or chemical odors or fumes were observed in the vicinity of the maintenance shed during the May 15, 2025 site visit. Additional details of the site visit, including photographs, are provided in Appendix E.

The information from the site visit supports the Draft EIR's conclusion that the proposed project would result in a less-than-significant environmental impact related to hazardous materials and does not constitute substantial new information, as defined by the State CEQA Guidelines Section 15088.5.

Comment I47-26

Comment 13: Cumulative Impacts. Figure 4.1 and the DEIR are missing three significant projects from the cumulative impact analysis. Namely planned transportation improvement projects by Caltrans for the Tiburon Wye and another to improve the E Strawberry Dr and Tiburon Blvd intersection. Although both of these projects should improve traffic flow, many neighbors have complained that the improvements at the E. Strawberry Drive and Tiburon Blvd could decrease safety for bikes and pedestrians. Additionally, E. Strawberry Drive and Ricardo Ln was recently upgraded to a three way stop sign - this intersection should be evaluated for traffic and LOS considering the recent changes.

Response I47-26

In response to this comment, the State Route 131 Capital Preventive Maintenance Project was added to the cumulative projects list on page 4-10 of the Draft EIR. This revision is also shown in Chapter 4, "Revisions to the Draft EIR." Additionally, the State Route 131 Capital Preventive Maintenance Project was accounted for in the "Planned Measures" section of the Existing Intersections Review Memorandum (Appendix D of this FEIR). See Final EIR Section 3.2.11, "Master Response: Transportation Safety," and the Existing Intersections Review Memorandum (Final EIR Appendix D) for a description of the purpose and analysis of the Existing Intersections Review Memorandum. As described in Final EIR Section 3.2.7, "Master Response: Traffic Count Data," LOS assessment is not used to determine environmental impacts under CEQA (in accordance with State CEQA Guidelines Section 15064.3(a)), but may inform decisions about the merits of the proposed project. Additionally, claims that are not substantiated by evidence do not constitute an impact. The inclusion of the additional cumulative project does not change the analysis or conclusions of the Draft EIR.

Comment I47-27

Comment 14: Construction Timeline. As Riley Hurd's letter concludes, the project construction schedule is completely unrealistic and it will take longer to complete construction to the extent of the project description. Furthermore, it shows construction during fall and winter seasons. The best practice in our region is to assume no earthwork/ grading in the fall/winter season. Please hire a professional construction scheduler to come up with a more realistic schedule and also consider what activities can and can not occur in the rainy season. Please also address a realistic timeline/phasing for moving 220,000 cubic yards of soil (that is 22,000 10 cubic yard dump trucks!).

Response I47-27

The comment views the construction timeline as unrealistic and urges the hiring of a professional construction scheduler, and highlights the need to account for regional best practices, seasonal limitations, and the extensive logistics of soil movement. The applicant has consulted with Build Group, a regional general contractor with relevant experience building large residential projects and concurs that the proposed construction schedule is feasible (Herrema, pers. comm., 2025). Therefore, the proposed construction schedule provided in the Draft EIR is adequate.

Comment I47-28

Comment 15: Hazardous Materials. The Environmental Inspection Form (Page 1741 of 2082 in the appendix) indicates there are no hazardous materials stored onsite. Per previous comments, I have observed hazardous materials stored in the maintenance shed on Shuck Drive including uncovered in barrels, and quite old accumulated liquids/materials stored in the shed and outside around the shed. I previously commented on this in the scoping comments. Please update the checklist.

Also, how will hazardous materials in buildings to be demolished be addressed including asbestos roofing materials, asbestos roof tiles, asbestos flooring, asbestos ducts, asbestos in sheetrock, fluorescent lights, lead paint, batteries, hydraulic oil from elevators, and more?

Have the soils around the existing buildings throughout the site been investigated for lead paint?

Response I47-28

The comment states that stored hazardous materials have been observed in and outside of the maintenance shed on Shuck Drive. The comment requests additional information regarding how hazardous materials in buildings proposed to be demolished will be addressed. The comment also questions whether the soils around the existing buildings throughout the site have been investigated for lead paint. This comment raises similar concerns as Comment I47-25 related to the existing maintenance shed and the presence of hazardous building materials; please see Response I47-25.

In addition, as discussed in Impact 3.8-1 in Section 3.8 of the Draft EIR, there are federal, state, and local regulations that address the handling and disposal of hazardous materials during demolition. The removal and handling of asbestos-containing materials is governed primarily by EPA regulations under Title 40 of the CFR but is implemented by the Bay Area Air District (formerly BAAQMD). The federal OSHA also has a survey requirement under Title 29 CFR, which is implemented by Cal/OSHA under Title 8 CCR. These regulations require facilities to take all necessary precautions to protect employees and the public from exposure to asbestos. The Cal/OSHA lead standard for construction activities is also implemented under Title 8 of the CCR. Asbestos and lead abatement must be performed and monitored by contractors with appropriate certifications from the State Department of Health Services. In addition, Cal/OSHA has regulations concerning the use of hazardous materials, including requirements for safety training, availability of safety equipment, hazardous materials exposure warnings, and emergency action and fire prevention plan preparation. Cal/OSHA enforces the hazard communication program regulations, which include provisions for identifying and labeling hazardous materials, describing the hazards of chemicals, and documenting employee-training programs. All demolition that could result in the release of lead and/or asbestos must be conducted according to Cal/OSHA standards. Contractors are also required to stop work and inform the County if they encounter material believed to be asbestos, PCBs, lead, or other hazardous materials.

Compliance with these regulations would ensure that ACMs, LBP, LCMs, mercury switches and fluorescent tubes, and PCB light ballasts are handled and disposed of properly. This would also include potential soil contamination from the deposition of deteriorated (i.e., flaked, peeled, chipped) lead-based paint adjacent to structures where lead-based exterior

paints were used. Cal/OSHA regulations require air monitoring, special work practices, and respiratory protection during demolition where even small amounts of lead have been detected. Moreover, as noted in Response I47-25, no paint was observed flaking from the maintenance shed during the site visit of the maintenance shed on May 15, 2025.

Comment I47-29

Comment 16: Geotechnical Report.

1. Page 1455 of 2082 in the appendix includes the new playing field that was intended for the Branson High School as part of a previously submitted development plan. This playing field coincides with the location of the new very large senior center. Has the geotechnical/foundation/parking structure for the new senior center been evaluated from a geotechnical perspective? Is the geotechnical report updated to reflect the latest development plans?
2. Have all the underground parking structures been evaluated from a geotechnical perspective?
3. How will the underground parking structures be excavated to protect adjacent structures?
4. How will groundwater be managed at underground parking structures?
5. Will underground parking structures require mechanical ventilation that will create noise for neighbors?
6. What will happen with the excavated soil from underground parking and is it suitable for reuse?
7. How will underground parking be constructed in areas with rock such as Shuck Knoll?
8. Has the underground parking structure excavation volume been fully accounted for including access ramps into and out of the parking structures? How deep is each parking structure? Please provide exhibits showing locations, footprints, and depths for all underground parking structures.
9. Page 1456 of the appendix, Figure 5 (Constraints Map and approximate mitigation limit), shows several areas of weak soils being developed on adjacent to residents of Ricardo Road. This could result in impact detrimental to neighbors. Please consider mitigation measure required to protect the homes on Ricardo Rd as well as the Strawberry Shores Apartments. Please also coordinate drainage mitigation concepts with the hydrology section (e.g. subsurface drainage pipes increase volume and decrease retention in the soils, which increase flows to the storm drain system).
10. Page 1482 including Figures 24 shows four shallow earthflows, slumps, and colluvial soils from Seminary towards Ricardo Rd with some subdrains installed. There are similar features shown towards Strawberry Shore apartments. The new development is amongst these problematic areas. Please address how these will be coordinated with new development, evaluate the impact, and require a mitigation measure.

Response I47-29

The comment states that a geotechnical report that reflects the latest design plans has not been prepared. The comment specifically requests that the geotechnical report evaluate the proposed underground parking structures including excavation, groundwater management, ventilation, reuse of excavated soil, areas of bedrock, design details, and calculation of excavation volumes. The comment is also concerned about how development on weak soil, earthflows, slumps, colluvial soils, and drainage could impact neighboring structures. A design level geotechnical report has not been prepared for the project as stated in Impacts 3.6-2 and 3.6-4 and therefore Mitigation Measures 3.6-2 and -4 require the preparation of design level geotechnical reports prior to the issuance of a permit by Marin County for the project. The EIR includes Mitigation Measure 3.6-2, which requires that geotechnical engineering of potential seismically induced slope instability areas be included in the design-level geotechnical report that must be prepared as part of compliance with Marin County Code, Section 23.08. This section of the County Code requires a geological report with the submittal of a grading application. This mitigation measure would reduce the project's potential to exacerbate existing environmental hazards related to seismically induced ground failure. Additionally, Mitigation Measure 3.6-4 requires geotechnical engineering to address slope instability and landsliding. It requires that an updated, site-specific geologic map shall be prepared and included in the geotechnical engineering design that clearly identifies and delineates the limits of the geologic materials present at the site, including all existing landslides, colluvial deposits, undocumented fills, or other areas of instability. Implementation of Mitigation Measure

3.6-4 would at least maintain the risk of slope instability/landsliding resulting from project implementation to pre-project levels and may reduce the risk. The measure would also define the geotechnical design requirements needed to meet the goals and policies of the Marin Countywide Plan's Environmental Hazards Element, and requirements of the Marin County Code, Section 22.100.040, which are intended to prevent structural collapse and protect life safety. These mitigation measures and Code requirements would require appropriate geotechnical evaluation of the proposed underground parking structures and all areas of weak soils and landslides. These mitigation measures address the comment.

It is not known at this time if ventilation would be required for the underground parking structure. However, the EIR includes Mitigation Measure 3.11-4, which requires all new stationary equipment, such as underground parking ventilation, to retain an acoustical professional to ensure compliance with the County's stationary noise criteria for single family residential uses. Additionally, the mitigation would ensure mechanical equipment noise would not exceed ambient noise by more than 5 dBA by placing equipment as far away as possible from sensitive land uses, placing noise barriers around mechanical equipment, and using buildings and topographic features for acoustic shielding. This mitigation measure would address the comment. No changes are made to the section.

Letter I48 Lewis and Mari Williams

September 15, 2024

Comment I48-1

1. Topic: Location and density of new buildings on Chapel Hill/ top of Chapel Drive

These structures will have a profound and unnecessarily harsh impact on current residents on top of Chapel Drive and numerous visitors who appreciate this unique site. This area is the most adversely impacted by the Plan described in the EIR.

The Chapel Hill/Chapel Drive area offers one of Southern Marin's most enjoyed vistas. We, as residents, are happy that walkers, hikers, cyclists, and drivers often visit this area for the views and to enjoy the feel of the natural surroundings. Numerous cars pull over to the roadside for relaxation and eating in cars while enjoying the views. The sidewalk is extensively used by both visitors and residents.

The aesthetics for walkers, bikers, drivers and residents in these areas will be severely degraded by the Plan. The proposal is to construct a massive set of densely packed white, cement, and glass buildings on Chapel Hill, unnecessarily close to Chapel Drive.

One of the Project Objectives states, "develop a site sensitive to and compatible with the scale and form of the surrounding area." Further, the Marin County Multi-Family Residential Design Guidelines states, "protect Marin's scenic qualities, especially views of ridgelines, hillsides, water, and trees; and the Marin Countywide Plan, Policy DES-3.1 states, encourage the development of vacant and underutilized parcels consistent with neighborhood character". The proposed residential buildings do not conform to these tenets. The proposal would build 40 tightly-spaced, two- to three-story white glass/concrete structures (approximately 30 feet high) around a central landscaped courtyard. This is in significant contrast to the look and feel of the single family, Mediterranean or craftsman homes in the neighborhood which surround the Chapel Hill Planning Area.

From the renderings, the structures will also change the ridgeline and obscure the vistas of the Bay and of San Francisco from the Chapel Hill, that residents of Marin currently enjoy. The planned courtyard in the center, which is supposed to enable the vistas, will be bounded by the 40 new housing units with brutalist architecture. These will impact the view from Chapel Hill and will have a profoundly negative aesthetic impact on the neighborhood.

Then EIR renderings of Chapel Hill are misleading in that they are visualized only from selected viewpoints, either very far from the area itself (Marin City and Western Sausalito at low elevation), or from orientations that do not include negatively impacted areas.

We have taken photos of the area and the view as a person crests Chapel Drive going from West to East, the places where people walk, bike, and park. We believe that these places will be in even more demand after the North Coast Development is completed and viewpoints are scarcer.

The second image of each pair is our estimate of a rendering approximating two story structures placed as indicated in the 2-dimensional EIR map NCLH A1.10.A. The proposal is for two to three stories, some larger than our rendering.

Imagine the structures at the proposed height of 30 feet, consisting of glass and concrete with flat tops. (Fig.1,2). These are the views as a walker or rider crests Chapel Hill from West to East.





Proceeding further East on Chapel Drive, the view that is encountered is shown below. (fig3,4)





Continuing in the same direction, one approaches homes that are on the opposite side of the street as the proposed buildings; this is a representative view from our home at 125 Chapel Dr. (Fig5,6)





Many walkers, runners or cyclists, and cars approach the same area from the opposite direction on Chapel Drive and this is what they encounter





Question 1: Given the severe impacts on views enjoyed by the public and local residents, can a new plan be developed in which the structures that are on Chapel Hill closest to Chapel Drive are set back considerably or relocated to another less impactful part of the development? Can "Alternative 4' in the EIR be seriously considered?

Question 2: Can the developer use story poles or 3 D renderings to accurately enable assessment of the adverse impact of the structures near Chapel and Mission Drives?

Response I48-1

The comment summarizes visual impacts that would be experienced by current residents on top of Chapel Drive as well as visitors to the Chapel Hill/Chapel Drive area. The comment states that the proposed residential buildings would not conform to the project objectives or Marin County design guidelines and Countywide Plan policies and would have a negative aesthetic impact on the neighborhood. The comment also states that the EIR renderings of Chapel Hill are misleading, and provides photo images with hand drawn sketches of where proposed structures would be placed. The two main questions made at the conclusion of the comment request if Alternative 4 can be seriously considered or a new site plan be developed in which the structures that are on Chapel Hill closest to Chapel Drive are set back considerably or relocated to another less impactful part of the development. The second request is for the developer to use story poles or 3 D renderings to assess the impact of the structures near Chapel and Mission Drives.

As discussed in Section 3.1, "Aesthetics" of the Draft EIR, the analysis concluded that that views into the project site from surrounding streets and trails, the color of the structures, and the bulk and sky-lining effect of the residential care facility associated with the proposed project would conflict with applicable zoning and other regulations governing scenic quality. Implementation of Mitigation Measures 3.1-1a through 3.1-1d would ensure that the project would not conflict with applicable zoning and other regulations governing scenic quality. Regarding the renderings in the Draft EIR, the KOPs and visual simulations have been provided as part of the environmental review process to assess potential visual impacts. The KOPs and visual simulations were specifically developed based on locations from which a viewer would see the project. If renderings or additional visual simulations are not available, it can be inferred that the visual technical consultant did not identify significant visual impacts associated with the project. In such cases, no substantial adverse effects on views or visual resources were anticipated to occur, and therefore, further renderings were deemed unnecessary. The assessment of visual impacts was conducted based on industry standard methodologies for characterizing the aesthetic setting and impacts of the project, which considers changes in visual character looking at the project site from the surrounding road network, parks, and trails. KOPs serve as the basis for the subsequent assessment of visual impacts after determining the visual quality of the project site. Key views are representative of the range of views that would be affected by the project. These representative views are selected to catalog an image of critical baseline conditions that were used to assess the visual impacts of the project. Twenty-five KOPs were used to evaluate the existing visual quality of the project site and visual impacts of the project. The comment's requests to seriously consider Alternative 4 and to have the developer erect story poles or prepare 3 D renderings are not related to the adequacy of the Draft EIR analysis and will be included in the record for consideration by the Marin County Planning Commission and Board of Supervisors. Regarding suggestions for additional alternatives, see Final EIR Section 3.2.2, "Master Response: Adequacy of the Range of Alternatives."

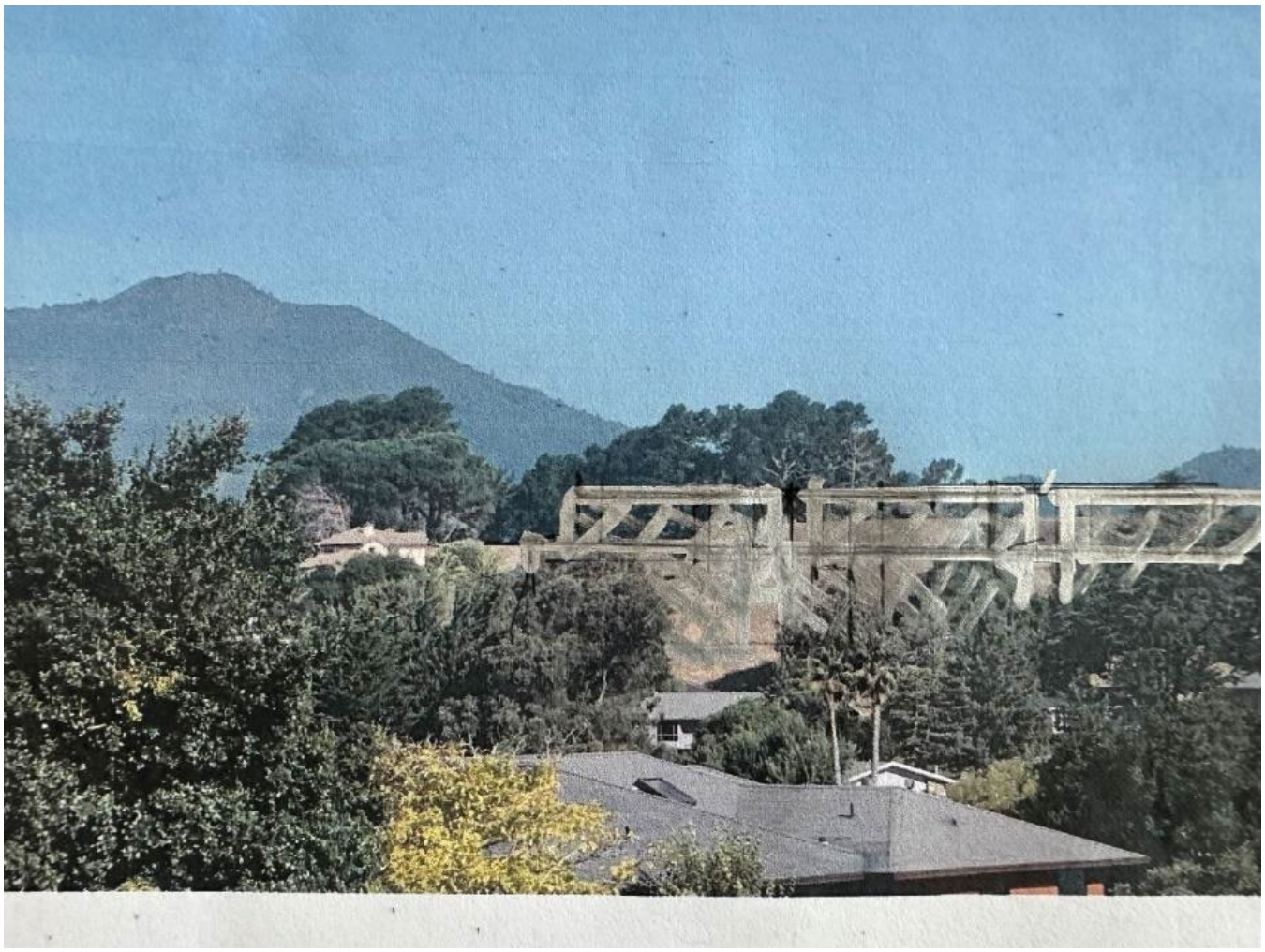
Comment I48-2

2. TOPIC: Chapel Hill Character and Vistas from *adjacent* neighborhoods

The project will significantly change the view from homes on Great Circle Drive, which currently have a clear view of Chapel Hill.

View from The Great Circle Neighborhood which is near the Chapel Hill neighborhood. (Fig7,8)





Representation of the two rows of proposed 30 ft off-white, glass and concrete housing on Chapel Hill at the top of Chapel Drive

Question 3: Can the developer submit a modified plan for EIR that mitigates the negative aesthetic impact for the Chapel Hill/ Chapel Drive Buildings as seen from Great Circle and other nearby neighborhoods?

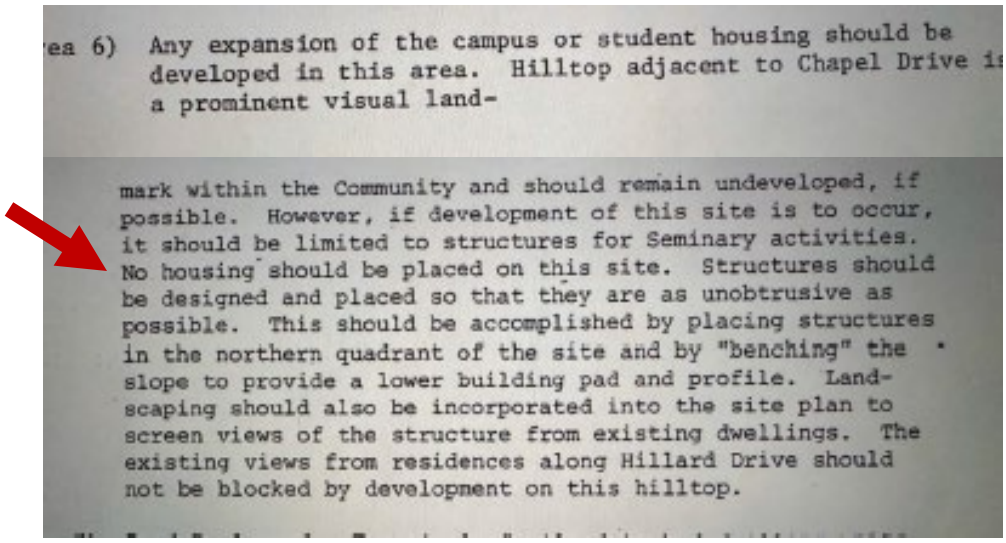
Response I48-2

The comment states the proposed project would significantly change views from residences on Great Circle Drive and provides photo images with hand drawn sketches of where proposed structures would be placed. The comment asks if a modified site plan can be submitted that mitigates the negative aesthetic impact for the Chapel Hill/ Chapel Drive Buildings as seen from Great Circle and other nearby neighborhoods. Please see Final EIR Section 3.2.2, "Master Response: Adequacy of the Range of Alternatives."

Comment I48-3

3.Topic: The proposed Development on Chapel Hill adjacent to Chapel Drive conflicts with the 1982 Amendment to the Strawberry Community Plan (and the 1984 Master Plan).

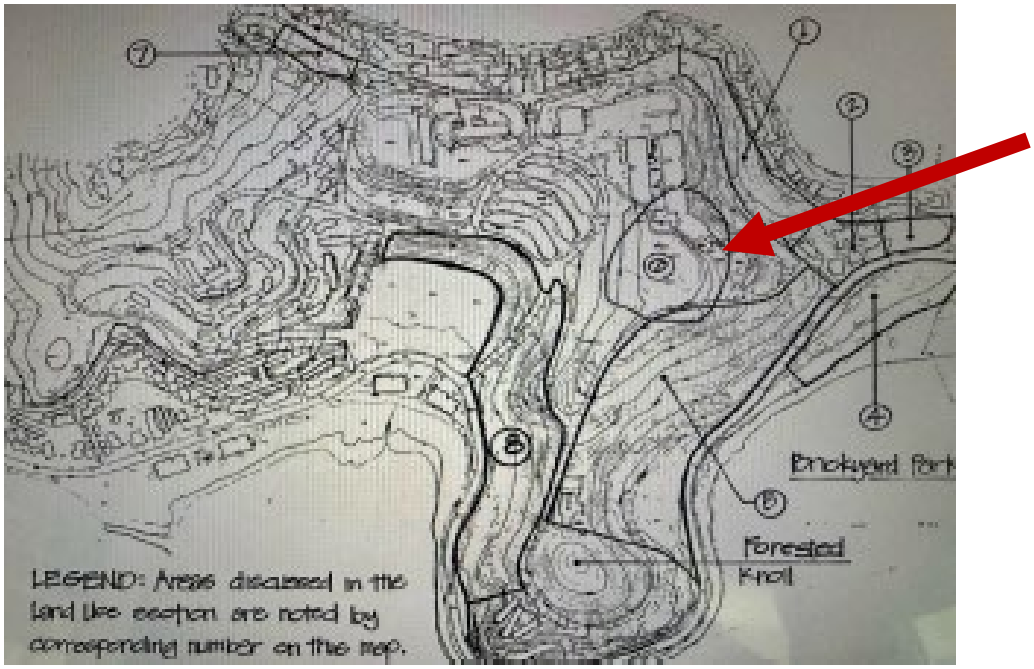
It is our understanding that the 1982 amendment is still relevant, especially given the recent Court decision on a successful lawsuit initiated by Bruce Corcoran. The amendment statement is shown below along with a map of "Area 6" which is on **Chapel Hill near Chapel Drive**. We believe that this area was singled out because it has been an important shared space, both in the immediate vicinity as well as nearby locales.



ea 6) Any expansion of the campus or student housing should be developed in this area. Hilltop adjacent to Chapel Drive is a prominent visual land-

mark within the Community and should remain undeveloped, if possible. However, if development of this site is to occur, it should be limited to structures for Seminary activities. No housing should be placed on this site. Structures should be designed and placed so that they are as unobtrusive as possible. This should be accomplished by placing structures in the northern quadrant of the site and by "benching" the slope to provide a lower building pad and profile. Landscaping should also be incorporated into the site plan to screen views of the structure from existing dwellings. The existing views from residences along Hillard Drive should not be blocked by development on this hilltop.

Below is a map from the 1982 Amendment described above. The area mentioned in the above paragraph is circled (Chapel Hill/ Chapel Drive). All other markings are original.



The 1984 Master plan also shows only a Chapel built on Chapel Hill and no housing.

Question 4: Will the developer respect the 1982 Amendment to the Strawberry Community plan and not put residences near Chapel Drive on Chapel Hill in accordance with the 1982 Amendment to the community plan?

Response I48-3

The comment cites text and figures from the 1982 Amendment to the Strawberry Community Plan and the 1984 Master Plan and asserts that the proposed development on Chapel Hill adjacent to Chapel Drive conflicts with these plans. As shown in Table 2-4, "List of Required Permits or Approvals," in Chapter 2 of the Draft EIR, the project proposes an amendment to the Strawberry Community Plan to revise the residential unit count and remove the restriction that requires that residential and other site uses be dedicated exclusively to students, faculty, and staff of the academic campus. Among the proposed changes to the Strawberry Community Plan are revisions to the text cited in the comment, including the removal of language prohibiting housing in Area 6 (i.e., the hilltop adjacent to Chapel Hill). For convenience, the proposed revisions to the Area 6 description in the Strawberry Community Plan are

reproduced in part below in strikeout/underline format, as they were presented in Appendix O, "Draft Community Plan Amendment," of the Draft EIR.

(Area 6) Any expansion of the campus or ~~student~~ housing should be developed in this area. Hilltop adjacent to Chapel Drive is a prominent visual landmark within the Community and should remain undeveloped, if possible. However, if development of this site is to occur, it should be limited to either structures for ~~Seminary~~ campus activities or allocated for housing. ~~No housing should be placed on this site.~~

With the approval of the above proposed revisions to the Strawberry Community Plan, the development of housing on Chapel Hill as proposed by the project would be consistent. Moreover, the project involves a new Master Plan for the daycare and fitness center, residential development, residential care facility, administration building renovation, maintenance building replacement, landscape and hardscape improvements, and open space.

Comment I48-4

4.TOPIC: Partitioning (closure) of Chapel Drive

We are extremely opposed to the partitioning of Chapel Drive. It appears that Chapel Drive will be closed such that the current portion of the street between the two sets of houses on Chapel Drive will no longer exist. This will make Chapel Drive into two separate cul de sacs and eliminate the flow from west to east and vice versa. We and our neighbors purchased our homes and land with the current road structure, and expect a certain ease of entry and exit as well as the ability to quickly leave during an emergency. Aesthetically, the current street gives an open feeling to the area. Numerous people park there to enjoy the view from the hilltop. The planned closure will destroy this opportunity for visitors. Each current owner pays a parcel tax, unlike the buildings that are planned for the opposite side of the streets.

This closure will also pose a great safety risk for evacuation of cars from Chapel Drive as it removes one of only two evacuation routes in the event of fire or earthquake. This evacuation route is further impaired by the addition of a large parking area that uses the same evacuation route on Chapel Drive (see below). Why incur this safety risk for the new tenants of NCLH as well as the current residents? The figure under the next topic, Topic 5 below, may be helpful to visualize the closure (black squiggly line)

Question 5: Why does Chapel Drive need to be closed?

Question 6: Who benefits from this closure?

Response I48-4

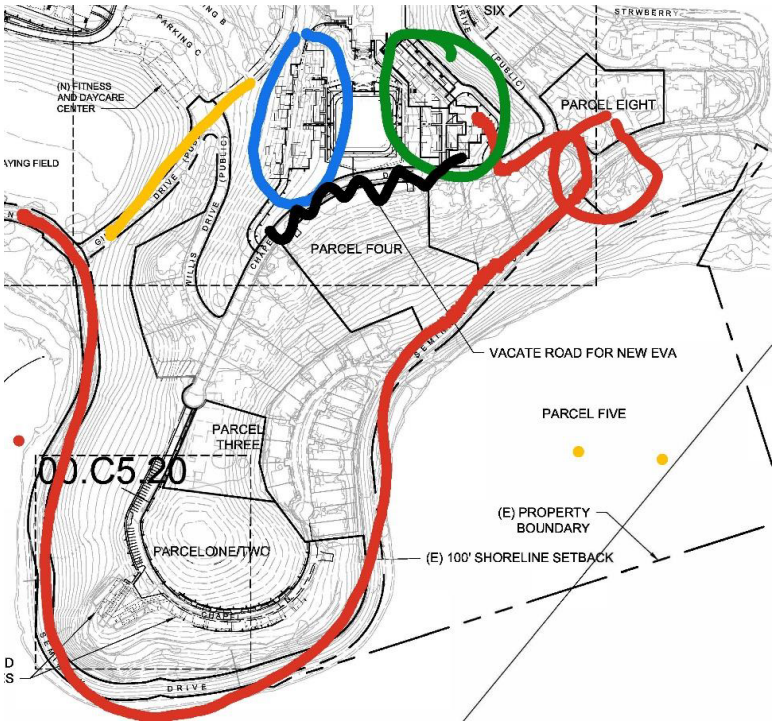
This comment presents concern with the closure of Chapel Drive. The response to this comment is the same as Comments I30-1, I33-7, and I33.8. Please see the responses to those comments.

Comment I48-5

5. Topic: Convoluted Parking Plan that puts undue traffic burden and safety issue at the intersection of Chapel and Seminary Drives

The EIR did not give enough details of the parking plan or the safety of evacuation routes near Chapel Drive. However, we obtained the following diagram that is in the most recent filing by NCLH with the county (filed 01/31/2020).

The two sets of proposed housing units are circled in blue and green in the figure below. The underground parking for both units is located under the green circled buildings. This forces the traffic for both the blue and green units to follow the red routes. The result is an increase in traffic at the intersection of Chapel and Seminary Drives (red circle), an already dangerous intersection because it is at the top of a steep hill and it is next to a sharp curve in one direction. The proposed closure of Chapel Drive (squiggly black line) will make things much wors. Overall, this plan will create a safety hazard in case of emergency and will impact people who live on Chapel Drive, Mission Drive and other areas such as the Great Circle, Strawberry Point and Harbor Point.



Question 7: Why does parking for the proposed Gilbert/Willis residences have to be routed around Seminary Drive to Chapel Drive, creating an unnecessary increase in traffic at an already dangerous intersection of Chapel and Seminary Drives (red circle)? Can the entrance be directly off of Gilbert or Willis (Yellow line)

Question 8: Can a revised EIR include safety and traffic analyses of the intersection of Chapel and Seminary Drives?

Response I48-5

The comment raises concerns about the proposed parking plan for the Chapel Hill Planning Area residences. The comment suggests the consideration of direct parking access from Gilbert Drive or Willis Drive to reduce traffic at the Chapel Drive and Seminary Drive intersection.

Regarding the closure of Chapel Drive, while it was shown on a few plan sheets submitted as part of the project application, the applicant and County have confirmed that Chapel Drive is not proposed to be vacated and it would remain in operation.

Regarding safety impacts, see Final EIR Section 3.2.11, "Master Response: Transportation Safety," and the Existing Intersections Review Memo provided in Appendix D of the Final EIR. Consistent with Appendix G of the State CEQA Guidelines, Impact 3.14-3 in the Draft EIR evaluates whether the project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impact 3.14-3 identifies potentially significant impacts due to potential parking spillover on surrounding streets where sidewalks and crosswalks do not exist, construction activities, and the proposed design of on-site streets. Mitigation Measures 3.14-3a (Develop a Construction Traffic Control Plan), 3.14-3b (Design Roads to Meet County, ADA, and PROWAG standards), and 3.14-3c (Implement Measures to Reduce Parking Demand and/or Increase Supply for the Academic Campus) address potentially significant safety impacts identified in the Draft EIR and would reduce these impacts to less than significant.

The TIS, provided as Appendix Q of the Draft EIR, includes a review of local safety plans and collision data within the project study area that is summarized in Final EIR Section 3.2.11, "Master Response: Transportation Safety." The TIS reviewed collision data for a 5-year period between 2015 and 2019. Based on the above considerations, the Draft EIR analysis determined that none of the intersections on the Strawberry peninsula, including those identified in public comments, would experience a substantial increase in traffic hazards.

Historic evidence indicates no local intersections have been noted for high collision rates. The TIS concluded that the project traffic would not cause substantial traffic congestion changes at all studied intersections, so added project traffic would not substantially change safety conditions. Therefore, the Draft EIR did not identify any significant traffic safety impacts at the intersection locations in the study area of the project site.

Notwithstanding that substantial evidence supports a conclusion of no significant traffic safety impacts from project trips, County staff desired to respond thoroughly to community concerns about traffic safety, and requested a review of existing intersection conditions (Final EIR Appendix D). Recognizing the Draft EIRs conclusions about the lack of significant traffic safety impacts caused by the proposed project trip generation, the existing intersection review was designed to provide information in response to community concerns about existing traffic safety problems for use in the County's consideration of project merits and the potential for defining conditions of approval outside of the CEQA analysis framework.

Updated collision data reported in Final EIR Appendix D is provided from the TIMS for the study area for the 5-year period from September 2019 through September 2024 which is the most current available collision data. No fatalities were among the reported collisions in the most recent 5-year period. As with the data from 2015 through 2019, most of the reported collisions involved vehicles and were located along the Redwood Highway Frontage Road and Tiburon Boulevard. Final EIR Section 3.2.11, "Master Response: Transportation Safety," provides a summary of collisions involving pedestrians and bicyclists in the most recent 5-year period for which data is available.

The Existing Intersections Review Memo (Final EIR Appendix D) summarizes relevant measures implemented by Marin County or Caltrans in recent years at the study locations as well as planned improvement measures. The memo also identifies potential strategies at nine locations including the intersection of Seminary Drive and Chapel Drive. The strategies identified in the memo are considerations for voluntary enhancements by the project applicant or merits-based conditions imposed by the County. These improvement options are not related to a CEQA environmental impact, so they are not defined as "mitigation measures," because the project's trip generation would be insufficient to substantially change existing transportation hazards in the study area. The lack of substantial change in traffic is evidenced in the LOS Assessment Memo where analysis concluded that LOS would meet County standards with or without the project and after adding project traffic, LOS would remain at D with continued stable traffic flow. The findings and voluntary recommendations in the Existing Intersections Review Memorandum do not change the conclusions or adequacy of the analysis in the Draft EIR related to transportation. Therefore, no changes to the Draft EIR are required in response to this comment.

Comment I48-6

7. Topic: Land Stability

Decades ago, the top of Chapel Hill was scraped off and the soil was used for landfill on the slopes of Chapel Hill. In fact , our home near the top of Chapel Hill, is on one of these landfill areas sold by the Seminary around 1990. Some of the slopes where the Chapel Hill housing is proposed are also land fill.

Question 9: Can the EIR include an analysis of the potential impact of a huge building project on stability of the land where the homes at the top of Chapel Hill are located?

Response I48-6

The comment asks that the EIR include an analysis of the impact of the project on the stability of land at the top of Chapel Hill. Mass wasting and landslides are discussed in Draft EIR Section 3.6.2, "Environmental Setting," as well as in Draft EIR Impacts 3.6-2 and 3.6-4. A design level geotechnical report has not been prepared for the project as stated in Impacts 3.6-2 and 3.6-4 and therefore Mitigation Measures 3.6-2 and -4 require the preparation of design level geotechnical reports prior to the issuance of a permit by Marin County for the project. The EIR includes Mitigation Measure 3.6-2 which requires that geotechnical engineering of potential seismically induced slope instability areas be included in the design-level geotechnical report that must be prepared as part of compliance with Marin County Code, Section 23.08. This section of the County Code requires a geological report with the submittal of a grading application. This mitigation measure would reduce the project's potential to exacerbate existing environmental hazards related to seismically induced ground failure. Additionally, Mitigation Measure 3.6-4 requires geotechnical

engineering to address slope instability and landsliding. It requires that an updated, site-specific geologic map shall be prepared and included in the geotechnical engineering design that clearly identifies and delineates the limits of the geologic materials present at the site, including all existing landslides, colluvial deposits, undocumented fills, or other areas of instability. Implementation of Mitigation Measure 3.6-4 would at least maintain the risk of slope instability/landsliding resulting from project implementation to pre-project levels and may reduce the risk. The measure would also define the geotechnical design requirements needed to meet the goals and policies of the Marin Countywide Plan's Environmental Hazards Element, and requirements of the Marin County Code, Section 22.100.040, which are intended to prevent structural collapse and protect life safety. These would require appropriate measures to protect the existing homes at the top of Chapel Hill. These mitigation measures address the comment and no revisions to the Draft EIR are warranted.

Comment I48-7

8. Topic: The Request in the EIR scoping document to give "special attention… to the residences on top of Chapel Drive" was ignored. Quite the contrary: the proposal in the EIR has a severe and unnecessary impact on homes at the top of Chapel Drive as well as on other visitors to this area (see above)

The scoping document stated, "The area known as Chapel Hill is proposed to undergo a significant change that compromises the serenity, views and mobility of the existing, adjacent private land owners …(The developers should)…investigate and mitigate the visual impacts of the proposed development to all existing residences. **The development proposed opposite the homes at the "top" of Chapel Dr deserves special attention."**

The reason that this request was included in the scoping document was the realization that the placement of the new construction will pose undue, unfair, and unnecessary aesthetic degradation at the top of Chapel Drive, relative to other areas near the Seminary Property. A massive building project will be very close to our front door, bedrooms and front yard. This will have a severe effect on:

1. Our Health during the construction phase: Our estimate, based on discussions with people well versed in building, is that the construction phase will take much longer than the proposed 4 years. The nearest new buildings are, by our estimates, within 35 feet of Chapel Drive and the entrance to our home is a similar distance from the street. So, our home is extremely close to the planned structures close to Chapel Drive. There will be "unavoidable" noise, aerosolized particles, and toxic gases released to the front of our homes for more than 4 years, likely more for such a massive project.
2. Quality of Life: We believe that our home will be unlivable during the long construction phase
3. Safety: as described above, the residents of Chapel and Mission Drives will have an undue impact with respect to our ability to leave the area in an emergency. One egress route (Chapel Drive towards Willis) will be closed, and the intersection of Chapel and Seminary drives may be overloaded in an emergency, the localizing parking to the same egress route will add immensely to this risk.

Question 10: Can the developers remove the structures on Chapel Hill closest to Chapel Drive and reduce the negative safety, aesthetic, and quality of life impacts during and after construction? Can "Alternative 4" in the EIR be more seriously considered?

Question 11: Can the toxic environment created by the particulate matter (PM2.5) and noise during construction be addressed specifically for the residents living extremely close to the construction at the top of Chapel Drive?

Question 12: Can this assessment take into account the duration of the construction?

Response I48-7

The comment states that requests during the EIR scoping period for special attention to be given to the residences on top of Chapel Drive and to mitigate the visual impacts of the proposed development to all existing residences were ignored. The comment notes that the proposed project would have a severe and unnecessary impact on homes at the top of Chapel Drive. The comment states the proposed project would have a severe impact on the residents' health during the construction period; homes would be unlivable during construction; the construction period would last more than 4 years; and emergency evacuation would be a concern. The comment concludes with two requests to

consider Alternative 4, and assess construction noise and particulate matter impacts specific to the residents living at the top of Chapel Drive during the construction phase.

Regarding the accuracy and feasibility of construction, the applicant has consulted with Build Group, a regional general contractor with relevant experience building large residential projects and concurs that the proposed construction schedule is feasible (Herrema, pers. comm., 2025). For safety and emergency evacuation concerns related to closure of Chapel Drive, see Response I30-1, I33-7 and I33-8. Regarding construction air quality impacts, see Responses O4-12 and O4-13.

Regarding visual impacts and mitigation for visual impacts to all existing homes at the top of Chapel Drive, under CEQA views from private residences and non-public areas are not considered for environmental impacts because they are not available to the general public and not considered scenic views. However, as discussed in Draft EIR Chapter 5, Alternatives, Alternative 4: Mitigated Plan Alternative involves modifications to the development plan (e.g., configuration of concept plan land uses) to reduce environmental impacts and illustrate the incorporation of recommended mitigation measures. The modifications are based on the analysis of the impacts of the project as proposed, County policy interpretation, where potentially significant impacts are identified for the proposed project, and recommended mitigation measures in the Draft EIR. Some of these modifications include alternative actions that may be different than the mitigation measures proposed for the project. For example, to address potentially significant impacts related to aesthetics, one design modification that Alternative 4 proposes is the relocation of residential units on Chapel Hill be to lower elevations within the project site as an option to Mitigation Measure 3.1-1a, which involved screening views of Chapel Hill units with vegetation, to reduce local ridgeline visual impacts. The alternative suggests that these units could possibly be relocated to the Hodges/Shuck Planning Area near the proposed three six-story residential buildings. Support for Alternative 4 is noted and the comment will be provided to the Marin County Planning Commission and Board of Supervisors for consideration.

Please see Response I22-1 for a summary of significant project construction noise impacts. As shown in Table 3.11-11 Chapel Hill was considered in the construction noise analysis assuming that construction would occur on the average distance of 50 feet from the acoustical center of where equipment would operate throughout the project site to the nearest offsite receiver. This approach accounts for the fact that individual pieces of equipment move about a site throughout a workday, some approaching the edge of the site and likewise an offsite receiver at one point in time, while others are further away and contributing less to the overall noise exposure at that specific time. Additionally, Mitigation Measure 3.11-1 would require preparation and implementation of a Construction Noise Plan that would require reduced construction noise for residents around the project site, including those on Chapel Hill, to ensure that construction noise would be reduced to the extent feasible. However, as discussed on page 3.11-16 of the Draft EIR impacts were determined to remain significant because it cannot be assured that construction noise could be reduced to a level that would not be distinctly perceptible at nearby receivers. Note that if a project would result in significant and unavoidable environmental impacts (i.e., significant effects that cannot be feasibly mitigated to less-than-significant levels), the project can still be approved, but the lead agency's decisionmaker, in this case the Marin County Board of Supervisors, must prepare findings and issue a "statement of overriding considerations" explaining in writing the specific economic, social, or other considerations that they believe, based on substantial evidence, make those significant effects acceptable (PRC Section 21002; CCR, Title 14, Section 15093).

Comment I48-8

9. TOPIC: The engagement with the community (Strawberry Tomorrow process) was stopped by NCLH before it reached a logical conclusion, thus disenfranchising many homeowners

For 18 months ending in 2019, the community input consisted of NCLH engaging in exclusive private confidential negotiations with a group of 8 people named "Seminary Tomorrow" At several times during that period, we asked the leaders Seminary Tomorrow and NCLH if we could learn about the progress, and we were told that NCLH required that the Seminary Tomorrow negotiations be covered by a confidentiality agreement that precluded our input-- we would be able to have input at the end of the process—but this never happened because NCLH terminated the process prior to the expected community input at the conclusion of the Strawberry Tomorrow process. Why can't we resume the process with one more step—additional community input? This would not take a

long period of time, would involve some compromise from us as well as others, and would avoid descension regarding the outcome

In Dec 2019 when NCLH had the first public meeting to disclose the plan, a number of us asked that we have at least some inputs. We persisted and finally met with Bruce Jones, manager of NCLH's project, who told us that the only input from the community had already occurred in the confidential Seminary Tomorrow discussions. There is documentation to show that the Strawberry Tomorrow group expected one more step—community input. I believe that NCLH could have avoided a lot of stress if that had been implemented.

We attended the Commissioners' Meeting on Sept 9, 2024, and were impressed by the grasp that the Commissioners had of the issues and their concern for the community We believe that input from the community in a new plan would lead to concessions from both sides and a plan that, although not perfect for anyone, would be something we all could live with.

Question 13: Can the community have a chance to have input to the plan proposed by NCLH and thereby fulfill the expectation of the Strawberry Tomorrow process? Can Alternative 4 in the EIR be considered more seriously?

Response I48-8

The comment raises concerns about the lack of broader community input during NCLH's private negotiations with Seminary Tomorrow, communicating that the expected public input phase never materialized. The comment requests additional opportunity for the public to provide input, and would like Alternative 4 to be considered. Please see Final EIR Section 3.2.3, "Master Response: Reduced Development Alternative (Seminary Tomorrow Process Outcome)." The Final EIR will be released for public review and for consideration by the Marin County Planning Commission and Board of Supervisors. Support for Alternative 4 is noted and the comment will be provided to the Marin County Planning Commission and Board of Supervisors for consideration.

Comment I48-9

Summary

We bought our home 26 years ago at considerable financial burden. The Seminary reaped a financial benefit by selling the property under the assumption that at most, a Chapel, would be built on Chapel Hill. They sold these lots at a premium and reaped the benefits. Since then, we invested in a complete interior renovation, large expensive landscaping projects, including our front yard which faces the massive project on Chapel Drive. We have respectfully, constructively, and repeatedly tried to have input into the development of the area near our home. We raised our children here and our family has always assumed that we would try to keep our house in the family. We have participated in every forum possible regarding development of the Seminary property which we support, as long as we don't unfairly suffer the greatest brunt of this development. In summary, we are now faced with:

1. A gigantic project very close to our front yards with **multiple years of noise, dust and constructions equipment** that must go through the entrance across from us
2. A **tragic aesthetic impact** not only for us but for the many people who drive, park, walk, run and cycle here, as well as an impact on nearby neighborhoods and views from Hwy 101
3. The closure of Chape Drive leading **to safety issues** and focusing traffic toward the intersection of Chapel and Seminary Drives
4. A large parking area near Chapel Drive that serves the nearby rentals as well as other areas of the development. In addition, our street will probably have to accommodate overflow of the parking. Both of these could add to the safety jeopardy of egress.
5. Development that violates the Community plan as last amended in 1982
6. Lack of an answer to the EIR scoping document requesting more consideration be given to the top of Chapel Drive.
7. After years of struggling to have input into the development, we have been left behind without input.

We have formed a group with our closest neighbors who are like-minded. None of us want to block development of the Seminary Area for housing. However, the current proposal **will make life intolerable for the residents at the top of Chapel Drive**, especially during numerous years of construction. We understand that NCLH may believe that the proposed properties next to Chapel Drive may bring them more rental income…for precisely the same reason that the current landowners, hikers, walkers and drivers value this place. It seems unfair for long term homeowners like us to have our lives upended in a way that could be addressed by moving some of the units in the Plan to other locations in the NCLH property. Why should their profitability supersede our ability to live in our home? Let's cooperate and find a way to share this place and compromise.

Request: **We request consideration of an alternative plan, eg "Alternative 4" in the EIR, that includes relocation of some or all of the structures that are closest to Chape Drive…for the benefit of current landowners as well as those who love to visit and enjoy this precious area in Southern Marin. Please develop an alternative plan that serves the main interests of NCLH but is not as destructive to current residents of and visitors to this unique site on Chapel Drive.**

Response I48-9

The comment states that the proposed project would make life intolerable for residents at the top of chapel drive for various reasons including multiple years of noise, dust, and construction equipment; aesthetic impacts; safety issues; parking; violation of the Community Plan; lack of consideration during the EIR scoping period for the top of Chapel Drive; lack of ability to provide input. The comment requests consideration of an alternative (e.g., Alternative 4) that includes relocation of some or all of the structures that are closest to Chape Drive. As described in Draft EIR Chapter 5, Alternatives, Alternative 4: Mitigated Plan Alternative involves modifications to the development plan (e.g., configuration of concept plan land uses) to reduce environmental impacts and illustrate the incorporation of recommended mitigation measures. The modifications are based on the analysis of the impacts of the project as proposed, County policy interpretation, where potentially significant impacts are identified for the proposed project, and recommended mitigation measures in the Draft EIR. Some of these modifications include alternative actions that may be different than the mitigation measures proposed for the project. For example to address potentially significant impacts related to aesthetics, one design modification that Alternative 4 proposes is the relocation of residential units on Chapel Hill be to lower elevations within the project site as an option to Mitigation Measure 3.1-1a, which involved screening views of Chapel Hill units with vegetation to reduce local ridgeline visual impacts. The alternative suggests that these units could possibly be relocated to the Hodges/Shuck Planning Area near the proposed three six-story residential buildings. Support for Alternative 4 is noted and the comment will be provided to the Marin County Planning Commission and Board of Supervisors for consideration.

Letter I49 Steve Disenhof

September 15, 2024

Comment I49-1

But two things stand out for me. First, there were multiple community meetings in Strawberry over a number of years that were standing room only in the Strawberry Gym. Hundreds of residents attended every meeting. North Coast presented. The community provided feedback. The Design Review Board asked questions. And both the County Supervisor and representatives of the Planning Department attended (and spoke).

The Design Review Board sent North Coast back repeatedly to answer questions from the Board. And ultimately denied the project, centrally because the plans for the 1000-student commuter school were too vague. Which is exactly the question the current Planning Commissioners had. Yet all of these many meetings were summed up in this one sentence.

"The Strawberry Design Review Board reviewed the 2020 application and recommended denial."

As the old commercial said, "Where's the meat?"

Second, buried at the bottom in the staff's Powerpoint presentation was a bullet that said, "there is no change to the use of the property re the Conditional Use Permit" (I don't recall the exact wording.)

I'm stunned. Still stunned.

The Commissioners had many problems with the EIR, but materially, a great many of these had to do with the assumption that the 1953 Conditional Use Permit is still valid.

Commissioner Dickenson pointed out that the property is actually not the same, with some being sold off over the years. He also was centrally involved with the 1984 Master Plan, which – uncontested by all parties at the time – superseded the 1953 Permit. And the 1953 Planning Staff's report placed a condition on the permit for a self-contained Seminary, which is not at all what is being proposed as a 1,000-student commuter school.

So I have to ask, why was this major issue buried by staff in the EIR?

Again, I suspect that all the current planner was going on was what the developer provided and accepted at face value. She only had one side in front of her. I know the proposal "looks" good and thorough at face value, but as the Commissioners pointed out, it's actually quite vague, inaccurate, and lacking in more than a few respects. The Commissioners proceeded to question much of the EIR.

The Commissioners also pointedly noted that there were years of negotiations between the developer and Seminary Tomorrow (the umbrella group which did speak for the many Strawberry neighborhood groups). They were close to an agreement, with an alternative that included a very much downsized self-contained school. But the developer walked away. The Commissioners, appropriately, wanted to know why staff never considered this negotiated Alternative?

Response I49-1

The comment expresses concern regarding a lack of detail provided in the Draft EIR describing the academic campus and the prior years of community meetings and feedback involved in the previous 2020 application review. The comment also questions the validity of the 1953 Conditional Use Permit and why staff did not consider the negotiated Seminary Tomorrow alternative. Regarding the project description and the description of the academic campus, see Final EIR Section 3.2.1, "Master Response: Stable Project Description." Also, the Draft EIR presented a summary of the project history for context, however, the environmental analysis was based on the application as submitted by the applicant. In response to the portion of the comment related to the Seminary Tomorrow Alternative, see Final EIR Section 3.2.3, "Master Response: Reduced Development Alternative (Seminary Tomorrow Process Outcome)." Regarding the comment's concern related to the 1953 CUP, the proposed project does not propose any changes to the 1953 CUP and thus the allowable uses and student enrollment cap regulated under the 1953 CUP remain unchanged.

Comment I49-2

There were a score of other major issues that the Commissioners pointed out: homes being built on a known landslide area; no specifics about mitigation plans; road, traffic and parking; 30' of soil to be dropped on a playing field composed of 'bay mud'; two new "Regional Employers" (assisted living center and school – with no specifics about staffing, hours, etc); the patently false assertion that the assisted living center was "ancillary" to the school; vague plans to convert rentals to condominiums; and the impact of 700-900 new off-campus students and staff vying for Marin housing. The list goes on and on….

Response I49-2

The comment summarizes a number of comments raised by Commissioners, including building on landslide-prone areas, lack of mitigation specifics, impacts on traffic and parking, inadequate plans for soil placement, lack of details regarding employment and operations for the academic campus and residential care facility, housing concerns, and assertions about the relationship between project components. Regarding the comment's concern related to landslides and the associated mitigation, please see Draft EIR Section 3.6, "Geology and Soils," for a description of site geology, soils, and seismicity, analysis of environmental impacts, and mitigation measures, specifically Mitigation Measure 3.6-4 (excavation of unstable material, construction of retaining structures, de-watering with subsurface drainage) which would reduce slope instability/landsliding impacts to a less-than-significant level. In addition, see Final EIR Section 3.2.5 for "Master Response: Project-Level Geotechnical Evaluation." Regarding concerns pertaining to transportation and parking, see Draft EIR Section 3.15, "Transportation." Also see Final EIR Sections 3.2.7 through

3.2.14 for master responses related to transportation. In regard to the placement of fill on the playing field, see Final EIR Section 3.2.6 for "Master Response: Evaluation of Existing Storm Drain System." Mitigation measures 3.6-2 and 3.6-4 would require the evaluation and feasibility determination of placing fill and potential settlement/subsidence prior to the issuance of a permit from Marin County. Additionally, the applicant retained Rockridge Geotechnical to perform additional soil sampling and investigation in the Hodges area, at the proposed fitness center, and at the play field fill sites and concluded that there are no major geotechnical issues that would preclude development of the site as proposed (Appendix A). Regarding the inquiry pertaining to employers and facilities, and housing concerns, see Draft EIR Section 3.12, "Population and Housing," and Final EIR Section 3.2.1 "Master Response: Stable Project Description." Finally, in response to the comment pertaining to the residential care facility and condominiums, this comment is related to the project merits and not within the purview of CEQA. See Final EIR Section 3.2.4 "Master Response: Conditional Use Permit Issues."

Letter I50 Josh Andresen, PE

September 16, 2024

Comment I50-1

I would like to add in comment 1, recommendation 4, please also prepare a visual rendering of the Shuck Knoll and Hodges Drive area from the pedestrian overpass on Highway 101. Per attached photo there is a good view from the pedestrian overpass. There are also good views from the Chevron gas station to consider. These views will provide an overview of the change to natural space and views.

Please find attached another round of my comments on the Draft EIR for NCLH application for the former Golden Gate Baptist Seminary Property. Please respond confirming the County received these comments.

These comments demonstrate deficient analysis, undisclosed impacts, and

improper/incomplete development of mitigations measures. Please address/respond to these comments/recommendations and re-circulate the Draft EIR for another round of public comment.

Thank you for your consideration and please reach out should the EIR team have any questions regarding the information provided.



Response I50-1

The comment includes an additional comment to Comment Letter I-47 and requests a visual rendering of the Shuck Knoll and Hodges Drive area from the pedestrian overpass on Highway 101. CEQA does not require a project to consider impacts from every possible viewpoint. Instead, it requires that a representative set of Key Observation Points (KOPs) be selected to assess the nature and magnitude of the project's visual impacts. Therefore, the request for a visual simulation from the pedestrian overpass location is not necessary, as the Draft EIR includes twenty-five KOPs and eight accompanying simulations that effectively depict views of the project site, including views towards the Shuck Knoll and Hodges Drive areas. These KOPs and visual simulations provide representative visual perspectives of the project site and were identified by the visual technical consultant to be the most critical and representative public viewpoints of the project. KOP #15, depicted on Figure 3.1-13 in Draft EIR Section 3.1, Aesthetics, provides a view towards the project site from Highway 101, looking northeast towards the Shuck Knoll area. As discussed in Draft Section 3.1.3, under "Visual Simulations," visual simulations of the project are depicted from eight selected KOPs (KOP #2; KOP #3; KOP #8; KOP #10; KOP #14; KOP #17; KOP #19; and KOP #23) and are depicted on Draft EIR Figures 3.1-19 through 3.1-26. They are also found in Attachment B to the Visual Resources Analysis Technical Report (Appendix B of the Draft EIR). KOP #23 (included in Section 3.1, "Aesthetics" as Figure 3.1-26, KOP #23 Visual Simulation) provides a similar view to KOP #15 and depicts views to the Shunk Knoll area. Thus, the KOPs, visual simulations, and analysis included in the Draft EIR are sufficient to demonstrate the potential aesthetic impacts of the project. Including the requested visual simulation from the pedestrian overpass would not alter the conclusions or the assessment of impacts already presented in the Draft EIR.

Letter I51 Robert W. Hendry

September 16, 2024

Comment I51-1

Please consider the Seminary Tomorrow alternative to the NCLH EIR. Attached is the outcome summary which outlines the Community members alternative which should be the version included in the revised EIR. Note it increased the density of the site not reducing it.

Response I51-1

The comment requests considering the Seminary Tomorrow Alternative, emphasizing the support for the alternative by community members. Please see Final EIR Section 3.2.3, "Master Response: Reduced Development Alternative (Seminary Tomorrow Process Outcome)."

Letter I52 Pamela De Martini

September 16, 2024

Comment I52-1

The plan, which was the basis for the DEIR lacks specificity (Who/What/How). With such a significant amount of information missing from the project description, the ability to provide accurate comments is severely limited. How were the DEIR preparers able to accurately evaluate the impact a project of this scope and size will have, without knowing the detailed information called out below?

This project will certainly take longer than the projected four years. (See info below on residential care facilities). Will a revised DEIR take into consideration the impact of this construction/implementation over a more realistic period of time - i.e. 6 to 8 years?

Lastly, the proposed mitigation for the anticipated increase in traffic and ensuring adequate emergency response is woefully inadequate and needs considerable more study and surveys.

Response I52-1

The comment criticizes the Draft EIR for lacking specificity in the project description and questions the accuracy of the impact analysis and the ability to provide accurate public feedback. It further suggests the projected four-year construction timeline is unrealistic and calls for a revised Draft EIR to address impacts over a 6- to 8-year period. The comment also claims that the proposed mitigation for emergency response impacts is inadequate. Regarding the comment's concern related to the project description lacking specificity, see Final EIR Section 3.2.1, "Master Response: Stable Project Description." Regarding the proposed project's construction timeline, the applicant has consulted with Build Group, a regional general contractor with relevant experience building large residential projects and concurs that the proposed construction schedule is feasible (Herrema, pers. comm., 2025). Therefore, the proposed construction schedule provided in the Draft EIR is adequate. For the portion of the comment that claims the proposed mitigation for emergency response impacts is inadequate, the comment does not provide any evidence or additional explanation as to why it is inadequate. In addition, the proposed mitigation was developed in consultation with Southern Marin Fire District. No further response is required.

Comment I52-2

INCOMPLETE INFORMATION IN NORTH COAST'S PROPOSAL:
Educational Facility

Q. Who are the prospective educational facilities North Coast Land Holdings is considering for this project?

Q. Have these prospective candidates been approached to determine interest if any?

Q. Why build an educational campus without knowing who the educational facility will be? Why subject the environment and neighborhood to onerous multiple year construction without having any user specifics?

Residential Care Facility

More realistic expectations of the buildout of the RCFE should be set. A community like this cannot be built by just anyone. And opening the doors of the proposed RCFE will certainly take longer than four years.

Q. Does North Coast Land Holdings have expertise in building senior communities with assisted living and memory care components?

Q. If North Coast has no experience in this area, have they identified a partner to work with them in bringing this project to fruition?

Q. Has an architectural firm been selected to develop the design? Senior housing of this type requires specific expertise.

A good case study for the Commission to review, is the development and opening of Enso Village in Healdsburg. This project dates back to 2017, most likely earlier - unfortunately, I didn't keep all my email communications related to the project.

But we would be quite fortunate to have a property similar to Enso Village. They did it right. They hired HKIT, an architectural firm well known for its expertise in designing senior housing.

Recognizing they had no expertise in senior housing, Enso Village partnered with the highly regarded Kendal Corporation which has brought numerous exciting senior living communities to the east coast: Kendal at Ithaca (close to Cornell), Kendal at Hanover, (Dartmouth) etc.

I think it would be wise for the commission to speak with the developers to understand the complexities of developing an RCFE - timing, planning process, licensing, etc.

Response I52-2

The comment raises questions about the prospective tenant that may occupy the academic campus. The comment claims that constructing the residential care facility will take longer than four years. Questions are also raised asking if the applicant has experience in building senior communities and if an architectural firm has been selected to design the facility. Additionally, the comment recommends the County review the development of Enso Village in Healdsburg and coordinate with the applicant to understand the development process. For comments related to the operational details of the academic campus, see Final EIR Section 3.2.1, "Master Response: Stable Project Description." Regarding the construction timeline provided in the Draft EIR, the applicant has consulted with Build Group, a regional general contractor with relevant experience building large residential projects and concurs that the proposed construction schedule is feasible (Herrema, pers. comm., 2025). The other questions and recommendations raised in the comment do not pertain to the adequacy of Draft EIR and are outside the purview of CEQA. The Marin County Planning Commission and Board of Supervisors will take all comments on the Draft EIR under consideration before a decision on the project is rendered. No further response is required.

Comment I52-3

CONGESTION/EMERGENCY RESPONSE

As a resident of 160 Seminary Drive, I am very concerned about the congestion related to the construction and upon completion, the estimated 1,000 new residents. I see every day, several times a day, how busy Seminary Drive already is. I am very concerned about emergency response vehicles being able to get to their destination quickly.

I am also concerned about the proposed hours for the construction:
"construction activities would occur between the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, and from 9:00 a.m. to 5:00 p.m. on Saturdays." Six days a week for several years is unreasonable.

Proposed Mitigation for Congestion: A roundabout has been proposed as a mitigation for the additional traffic. I recently saw a full size FD ladder truck drive through the intersection at Seminary Drive/Ricardo Road/Vista Del Sol and cannot see how the FD would easily navigate a roundabout.

Q. To build this proposed roundabout, how many homes will need to be removed/demolished?

An alternative mitigation to the roundabout was the addition of a traffic signal at the intersection. This too would cause large traffic backups numerous places; the residents living on Milland would experience great difficulty entering the road.

This proposed mitigation need considerable more study/surveys.

Response I52-3

The comment expresses concern with congestion during construction and operations of the project, emergency vehicle response, construction timeframe, and relays questions associated with the feasibility of Mitigation Measure 3.14-4. As described in Final EIR Section 3.2.7, "Master Response: Traffic Count Data," LOS assessment is not used to determine environmental impacts under CEQA (in accordance with State CEQA Guidelines Section 15064.3(a)), but may inform decisions about the merits of the proposed project. Consistent with Appendix G of the State CEQA Guidelines, Impact 3.14-3 in the Draft EIR evaluates whether the project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment), including transportation safety impacts during construction. Mitigation Measure 3.14-3a (Develop a Construction Traffic Control Plan) was proposed to reduce potentially significant safety impacts during construction to less than significant. Mitigation Measure 3.14-3a requires the project applicant to prepare a detailed Construction TCP and submit it for review and approval by the County Department of Public Works including consultation with Caltrans, GGT, Marin Transit, SMFD Headquarters staff, and other local emergency service providers for their input prior to approval of the TCP. Specific to emergency access during construction, the TCP will maintain safe and efficient access routes for emergency vehicles. Additionally, as detailed in Mitigation Measure 3.14-3a, the fire district shall be notified prior to any short- or long-term obstruction of fire access roads that would potentially slow response times or require alternative routes for emergencies.

Mitigation Measure 3.14-4, which in the Draft EIR identified constructing a roundabout or an alternative traffic signal at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol, has been modified. See Final EIR Section 3.2.12, "Master Response: Emergency Vehicle Access Mitigation Measure," that describes the revisions. The updated measure, which is equivalent in effectiveness to the initial options provided in Mitigation Measure 3.14-4, involves installing signal preemption at two existing traffic signals on Redwood Highway Frontage Road that are on the primary routes for first responders from the fire station to access US 101. The revised mitigation measure would require the project applicant to purchase, install, and activate emergency vehicle preemption devices in the traffic signals at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive as well as in seven fire station vehicles housed at Southern Marin Fire District Strawberry Fire Station 9. Mitigation Measure 3.14-4 would help maintain vehicular flow during emergency response by prioritizing right-of-way for emergency vehicles traveling from Fire Station 9 to US 101. Mitigation Measures 3.14-3b and 3.14-4 would reduce impacts on emergency access. Revised Mitigation Measure 3.14-4 is similar to the previous mitigation option in the manner that it reduces impacts on emergency vehicle access. Therefore, alteration of the Seminary Drive/Ricardo Road/Vista Del Sol intersection is no longer needed as the revised mitigation does not require physical modification of the transportation network. The updated mitigation would achieve the same improvements as previously determined in Impact 3.14-4 of the Draft EIR and does not change the analysis or conclusions of the Draft EIR.

The commenter provides their opposition to the duration and timing of project construction. Although construction would occur between the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, and from 9:00 a.m. to 5:00 p.m. on Saturdays, consistent with the Marin County Development Code, Mitigation Measure 3.11-1 in the Draft EIR would require completion of a construction noise control plan. The construction noise control plan must demonstrate that construction noise would not exceed existing daytime noise levels at nearby residences. Additionally, as included in the Draft EIR construction equipment would not be located in a single location throughout the duration of construction. Individual pieces of construction equipment would move around the project site and would operate at varying frequencies throughout the day. Therefore, individual noise receptors would not be exposed to construction noise through the entire duration of project construction. Finally, construction is an inevitable consequence of new housing, which is an activity favored by the State legislation and County's 2023-2031 Housing Element. All comment letters submitted during the Draft EIR public review period will be reviewed and considered by the Marin County Planning Commission and Board of Supervisors before a decision on the project is rendered. No further response is required.

Letter I53 Justin Durack

September 16, 2024

Comment I53-1

Comment #	EIR PDF Page(s)	EIR Section	EIR Text/ Excerpt	Comment
1	522-529	5.4.4	Alternative 4: Mitigated Plan Alternative	We are supportive of the apartment location changes described in Alternative 4, and suggest that the gym be excluded from this Alternative. It's not clear why the gym was included as part of Alternative 4, and removing it could eliminate any downsides of this plan. The remainder of this comment refers to "Alternative 4" as it would be without the inclusion of the gym. Alternative 4 outperforms the proposed project on the stated Project Objectives (ES.2.3). It is on par with the project on all Objectives, and is superior for the following Objective "Continue to provide undisturbed views and visual access to the Bay through retainment of undeveloped open space areas within the project site and preservation of existing viewsheds and local ridgelines;" As suggested by Alternative 4, moving the proposed apartments on either side of the Chapel hilltop down to lower elevations will preserve the very best viewsheds and ridgeline in the community. As residents living at the top of Chapel Drive, we see how much the community uses and values that hilltop area, with a daily steady stream of walkers, joggers, bikes, cars, dogs, and scooters coming up the hill to enjoy the view. The proposed (unmitigated) project plan places large blocks of apartments on both sides of this key point of the ridgeline and viewshed, significantly disturbing and reducing the visual access to the Bay and surrounding sightlines from the hilltop. Placing the apartments at the proposed project locations around the hilltop would drastically reduce the value this area provides to the neighborhood. Moving them lower, as proposed by Alternative 4, preserves that value and better achieves the Objective quoted above. As shown in table 5-1 (page 529), Alternative 4 performs similarly or better than the proposed project on every single Environmental Topic, except three: Energy, GHG/Climate Change, and Hydrology. Upon closer inspection, the sole factor for each of those three topics that make the impacts higher is the inclusion of a gym. Thus, removing the gym from the plan eliminates any reason this alternative isn't purely better than the proposed project in terms of environmental impact. Alternative 4 also has several environmental benefits, as compared to the proposed project - namely VMT, GHG emissions, noise, landslide risk, and biological resources. The proposed relocation site for the Chapel apartments (the Hodges/Shuck planning area) would allow improved access to Seminary Drive as the primary ingress/egress route, closer to the entry/exit point for the neighborhood. This would reduce VMT, eliminate the emissions and noise from driving up and down the steep hill (up Gilbert Dr, then up Willis Dr, and then up Chapel Dr), and make daily life more convenient for these new residents by reducing the travel time of every car trip to/from home. Additionally, as stated in the EIR, relocating the apartments to Slope Stability Zone 1 is a better plan for slope stability and landslide hazards (Page 526: "this zone is recognized to be the most stable areas on the project site" …and… "geology and soils impacts under this alternative would be less than those under the proposed project"). Alternative 4 also protects the Monarch Butterfly habitats around the neighborhood, preserving this important species. To summarize: Alternative 4, with the removal of the gym, is a purely superior solution with higher upside (better achieves Project Objectives) and lower downside (performs similarly or better on all Environmental Impacts), as compared to the proposed project.

Response I53-1

The comment provides preference for Alternative 4, suggests removes the gym from the alternative, and deems the alternative a superior option as it better achieves the project objectives while performing as well as or better than the proposed project on all environmental impacts. The comment does not raise an issue with the adequacy of the analysis in the Draft EIR. The Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comments under consideration before a decision on the project is rendered. No further responses is required and no edits or revisions are warranted in the Final EIR.

Comment I53-2

Comment #	EIR PDF Page(s)	EIR Section	EIR Text/ Excerpt	Comment
2	19	ES 3.2	"...a significant number of housing units would need to be dedicated to campus employee or student housing for the project's campus to result in more substantial VMT reductions. Thus, the proposed residential uses would likely not achieve the required VMT reduction level to meet the threshold of 30 percent below existing average regional VMT per capita. For these reasons, the project's VMT impact would be significant and unavoidable."	The VMT and traffic impacts of the proposed projects are one of our top concerns. As proposed, the project seems likely to bog down the bottlenecked ingress/outgress points for the entire Strawberry community. Why is this effect considered "unavoidable?" There is at least one clear solution that still allows for the project to create much needed, significant new housing in the area. Simply **dedicate all new housing to the employees and students of the school.** Any apartment that doesn't house a school employee or student will incur a doubled traffic impact. That non-school-affiliated resident would be commuting in and out every day (since they aren't just walking to the school) **AND** the student/employee who wasn't given the opportunity to live in that apartment would be commuting the opposite way in and out every day in order to access the school. Alternatively, filling the apartments with school students/employees would eliminate all of these doubled commutes and result in a walking and biking-focused neighborhood with a positive community feel - everyone living in the same neighborhood where they study/work, and building a strong sense of local community. We would strongly support an alternative that dedicates all new housing to school employees and students. Why isn't this on the table?

Response I53-2

The comment states concerns with traffic and VMT impacts of the project. Additionally, the comment supports the dedication of new housing to campus-affiliated population. As described in Final EIR Section 3.2.7, "Master Response: Traffic Count Data," LOS assessment is not used to determine environmental impacts under CEQA (in accordance with State CEQA Guidelines Section 15064.3(a)), but may inform decisions about the merits of the proposed project. The LOS memo was updated in response to public comments on the Draft EIR requesting new traffic counts and to address potential post-pandemic changes in travel behavior, with updated counts collected in February 2025. While differences from 2021 counts were minimal, the memo was revised in consultation with County staff to incorporate the 2025 data and include a seventh study intersection (Final EIR Appendix B). The updated LOS Assessment Memo (provided in Appendix B of this Final EIR) concluded that LOS would meet County standards with or without the project and after adding project traffic, LOS would remain at D with continued stable traffic flow.

Draft EIR Impact 3.14-2 evaluated impacts on VMT and determined that the residential component of the project would result in a significant impact. Mitigation Measures 3.14-2a (Develop and Implement a Transportation Demand Management Program for Market Rate Residential Uses) and 3.14-2b (Dedicate a Portion of Residential Units to Campus-Affiliated Residents) were identified to reduce VMT impacts from residential uses, but the impact on VMT would be significant and unavoidable with mitigation incorporated.

Although Mitigation Measure 3.14-2 requires the dedication of a portion of residential units to campus-affiliated residents, it would be economically infeasible for all housing units. A requirement that all housing within the project area be limited to students or school employees would also represent an insurmountable administrative challenge that would tax County staff resources and represent a high degree of interference in the residential housing market. The comment proposes what would amount to a permanent encumbrance on the title of housing units such that the universe of potential buyers would be drastically limited. Under the proposal in the comment, County staff would have to monitor changes in school employees and housing turnover to ensure that no housing units could ever be occupied by persons other than students or school employees. If and when school employees choose to seek new jobs, or are fired from their employment by the school, they would have to evacuate their homes and find buyers who are employed by, or soon will be employed by, the school. In reality, no such buyers may exist. New school employees may choose to remain in their existing off-site housing. Such a program would be extremely difficult to administer and would have severe financial economic consequences for persons attempting to sell their homes. To the extent that the above-mentioned encumbrances would push down the property values of the homes at issue, the proposed program would also reduce property tax revenues to the County and indirectly adversely affect the provision of County-funded public service. In short, the County considers the proposal to be infeasible and inadvisable from a policy standpoint.

Additionally, as described is Final EIR Section 3.2.4, "Master Response: Conditional Use Permit Issues," a total of 90-100 student housing units is described in the Strawberry Community Plan and Strawberry Community Plan Amendment as a land use within "the maximum desirable [development] based on the projected traffic impact and the context of the property within the community." Therefore, the analysis in the Draft EIR is adequate. The Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comments under consideration before a decision on the project is rendered.

Comment I53-3

Comment #	EIR PDF Page(s)	EIR Section	EIR Text/ Excerpt	Comment
3	23	Table ES-1	Mitigations 3.1-1(a-d)	We support the creation of these visual-enhancing mitigations, as described. The visual beauty of Strawberry is one of the primary reasons people choose to live here, and why we all love this neighborhood. Small suggested amendment: the diagram of planting areas (Appendix PDF page 489, Figure V-5) shows several planting areas along the north side of Chapel Drive. We live in this area, and the visual impact here is important for us. We're happy to see the inclusion of these planting plans. However, the furthest west planting area (closest to Willis Drive) doesn't seem to be in a position to provide significant visual screening from the proposed apartments, and would inhibit existing beneficial sight lines, namely toward Mt. Tamalpais from the Chapel Dr sidewalk. So a suggestion would be for this far west planting area to be dropped from the plan or to be limited to 10-15 feet high to allow for retaining the current views.

Response I53-3

The comment expresses support Draft EIR Mitigation Measures 3.1-1a through 3.1-1d; however, requests the far western planting area along Chapel Drive as shown in Mitigation Measure 3.1-1a be dropped from the mitigation measure or planting be limited to 10 to 15 feet high to retain current views. The purpose of the mitigation measure is to reduce aesthetic impacts and visually buffer views into the project from adjacent streets. The mitigation measure specifies that plans will conform to County landscape plan requirements and will maintain a view corridor to

Richardson and San Francisco Bays from Chapel Hill. The comment does not raise an issue with the adequacy of the environmental impact analysis in the Draft EIR. The Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comments under consideration before a decision on the project is rendered. No edits or revisions are warranted in the Final EIR.

Comment I53-4

Comment #	EIR PDF Page(s)	EIR Section	EIR Text/ Excerpt	Comment
4	24	Table ES-1	Impact and mitigation 3.1-2	We support these mitigations to reduce changes to ambient lighting. We frequently walk out to enjoy the night sky and spot the stars & constellations with our family. The neighborhood currently provides a wonderfully dark setting to get good visibility. Even the currently sparse use of streetlights is a positive in this respect. Let's preserve the night time darkness as much as possible.

Response I53-4

The comment supports the mitigation to reduce changes to ambient lighting and requests preserving the nighttime darkness as much as possible. The comment's support for this mitigation measure is noted for consideration by the Board of Supervisors. Since the comment does not question the content or conclusions of the Draft EIR, no further response is required.

Comment I53-5

Comment #	EIR PDF Page(s)	EIR Section	EIR Text/ Excerpt	Comment
5	24-25	Table ES-1	Impacts 3.2-1 and 3.2-3, Mitigation 3.2-1	We support implementing mitigation 3.2-1 to minimize the hazardous and carcinogenic emissions from the project. In addition to the many walkers, joggers, and bikers along our streets, the neighborhood is full of children living, playing, and attending the nearby preschools and elementary schools. All of these people will be outdoors in the areas of the project, breathing these emissions for the multi-year duration of the project. It's our responsibility to minimize the health impact and cancer risk for our neighborhood families.

Response I53-5

The comment expresses support for implementation of Mitigation Measure 3.2-1 to reduce emissions from heavy-duty equipment during project construction. The comment's support for this mitigation measure is noted for consideration by the Board of Supervisors. Since the comment does not question the content or conclusions of the Draft EIR, no further response is required.

Comment I53-6

Comment #	EIR PDF Page(s)	EIR Section	EIR Text/ Excerpt	Comment
6	26	Table ES-1	Impact & mitigation 3.3-2	We support the thoughtful awareness of protection of culturally important archeological finds.

Response I53-6

The comment supports the protection of known and yet to be discovered archaeological resources. Since the comment does not question the content or conclusions of the Draft EIR, no further response is required.

Comment I53-7

Comment #	EIR PDF Page(s)	EIR Section	EIR Text/ Excerpt	Comment
7	30	Table ES-1	Impact & mitigation 3.4-2	We support avoiding disturbance of the Monarch butterfly habitats. Monarchs are an amazing, at-risk species worth protecting. We've joined

Comment #	EIR PDF Page(s)	EIR Section	EIR Text/ Excerpt	Comment
				other families in volunteering to plant milkweed in the neighborhood to support the Monarch butterflies.

Response I53-7

The comment supports avoiding disturbance to Monarch butterfly habitat. . Since the comment does not question the content or conclusions of the Draft EIR, no further response is required.

Comment I53-8

Comment #	EIR PDF Page(s)	EIR Section	EIR Text/ Excerpt	Comment
8	31-32	Table ES-1	Impact and mitigation 3.4-4	We support the mitigation to avoid disturbing the white-tailed kites in our area. We've spent many hours watching these birds around the neighborhood, hovering and hunting over the open spaces. They're amazing birds worth protecting. Additionally, we've been happy to see bald eagles flying circling low over the open spaces around the Seminary. We encourage the project to protect against any impact to these eagles.

Response I53-8

The comment supports mitigation to avoid impacts to white-tailed kites and encourages the project to protect against impacts to bald eagles seen flying in the project area. This comment has been noted and the analysis under Impact 3.4-4 has been revised (see Response I47-22).

Comment I53-9

Comment #	EIR PDF Page(s)	EIR Section	EIR Text/ Excerpt	Comment
9	37	Table ES-1	Impact and mitigation 3.6-2	We're concerned to see that the EIR discovered seismic risks to be "potentially significant." It also makes us appreciate the value of this process in doing that analysis, so thank you. Obviously, significant seismic risks to the neighborhood should be a major concern, so the described mitigations seem to be entirely necessary. Please make sure they are included in project scope.

Response I53-9

The comment requests that Mitigation Measure 3.6-2 be included in the project scope. If the County certifies the EIR and approves the project, mitigation measures become conditions of approval for the project and must be implemented as a permit condition. As discussed in Response I42-5, CEQA mitigation measures are legally enforceable through the mitigation monitoring and reporting program (MMRP) to ensure that the mitigation measures and project revisions identified in the EIR are implemented. Pursuant to Public Resources Code Section 21082.3 and State CEQA Guidelines Section 15097, the County shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.

Comment I53-10

Comment #	EIR PDF Page(s)	EIR Section	EIR Text/ Excerpt	Comment
10	38	Table ES-1	Impact and mitigation 3.6-4	Similarly to the seismic risks (Comment #9 above), we're concerned to know that the landslide risks are potentially significant. Again, this is obviously a major concern for everyone (current and future residents). Please ensure that these mitigations are fully required & implemented.

Response I53-10

The comment would like to ensure that the landslide risk Mitigation Measure 3.6-4 described in the EIR is included in the project. See Response I53-9 and I42-5.

Comment I53-11

Comment #	EIR PDF Page(s)	EIR Section	EIR Text/ Excerpt	Comment
11	41	Table ES-1	Impact and mitigations 3.7-1	We're happy to see EV chargers, low carbon buildings, and GHG offsets included in the consideration of this EIR process. Urgently protecting the climate is probably the most critical challenge of our generation, and is a fully shared responsibility. We consider it imperative to fully implement these mitigations, and build a project that sets a high bar example for how Marin is leading the world in addressing climate change. The Seminary project is an opportunity to show future-oriented thinking on what the built environment needs to look like in order for us to bring the planet back into balance. Thank you for ensuring this process sets & meets this high standard.

Response I53-11

The comment supports the mitigation to reduce the project's operational GHG emissions. The comment's support is noted for consideration by the Board of Supervisors. Since the comment does not question the content or conclusions of the Draft EIR, no further response is required.

Comment I53-12

Comment #	EIR PDF Page(s)	EIR Section	EIR Text/ Excerpt	Comment
12	50	Table ES-1	Impact and mitigation 3.11-1	We strongly support all the noise mitigation measures as described. This project will be highly disruptive for everyday life for the community, especially for the many neighbors living adjacent to the development areas (including ourselves). We know that it will take years, and believe that the current 4-year timeline is actually a wild underestimation. Construction noise levels are an important issue for our shared quality of life, and will represent the daily, continuous, inescapable impact felt by many residents during these construction years. The EIR rightly deems it "Significant." Many residents work from home, have young children who nap, or have other reasons why relative quiet is a life-changing daily factor. We know the project will be disruptive and will need to accept that. But mitigating the noise to the highest degree possible will be essential to the wellbeing of the neighborhood during the long duration of the project. Thank you for including the noise mitigations in the analysis. Please ensure that they are fully required and implemented.

Response I53-12

The comment states support for all mitigation measures; however, argues that the 4-year construction timeline is a wild underestimation. The comment expresses that construction noise levels are an important issue for residents and agrees with the Draft EIR conclusion that impacts would be significant. The comment also expresses that mitigating noise impacts to the highest degree possible will be essential to the wellbeing of the neighborhood and requests that all mitigation measures be required and implemented. Regarding the construction timeframe, the applicant has consulted with Build Group, a regional general contractor with relevant experience building large residential projects and concurs that the proposed construction schedule is feasible (Herrema, pers. comm., 2025). As discussed in Response I42-5, all CEQA mitigation measures are legally enforceable through the mitigation monitoring and reporting program (MMRP) to ensure that the mitigation measures and project revisions identified in the EIR are implemented. Pursuant to Public Resources Code Section 21082.3 and State CEQA Guidelines Section 15097, the County shall adopt a program for monitoring or reporting on the revisions which it has required in the project and

the measures it has imposed to mitigate or avoid significant environmental effects. Prior to the Planning Commission and Board of Supervisors meetings, the MMRP will be attached to the Staff Report which will be posted under the County's Boards, Commissions, and Public Hearings website for public review.

Comment I53-13

Comment #	EIR PDF Page(s)	EIR Section	EIR Text/ Excerpt	Comment
13	53	Table ES-1	Impact and mitigation 3.11-4	The steady-state/stationary noise created by the new development, once completed, will create new daily reality for the neighborhood over the very long run. The predominant noise we currently hear around Chapel Drive is often just the sound of birds. The mitigation described (retaining an acoustic professional and implementing their recommended designs/mitigations) seems like an easily achievable way to be thoughtful about minimizing new & ongoing ambient noise levels.

Response I53-13

The comment states implementing Mitigation Measure 3.11-1 is an achievable way to be thoughtful about minimizing new and ongoing ambient noise levels. The comment is noted and the Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comments under consideration before a decision on the project is rendered.

Comment I53-14

Comment #	EIR PDF Page(s)	EIR Section	EIR Text/ Excerpt	Comment
14	59	Table ES-1	Impact and mitigations 3.14-2	Strawberry essentially has two main points of vehicle access to the nearby traffic arteries (accessing 101 through the intersection of Ricardo and the Redwood Highway Frontage Rd, and accessing Tiburon Blvd through Strawberry Dr). Since all new traffic from the project would be additive to these existing two intersections, they are very much at risk of becoming overwhelmed as chokepoints where all residents will sit and wait on daily trips, and where traffic lines will pile up back into the neighborhood. This will include backing up traffic in front of Strawberry Point School near by the Tiburon Blvd access point, especially during the overlapping commute + child drop-off times in the morning (around 8:00am), and creating a safety issue for families. Strawberry Point School is already working to address current safety issues in that area by adding new stop signs and crosswalks, and any additional traffic will exacerbate the current hazards. Overall, traffic is one of our very top concerns. The EIR analysis shows this impact as "Significant" and can only be mitigated to "Significant and Unavoidable." I'd challenge the "unavoidable" aspect, and urge going back to the drawing board to find further mitigations to push this impact down to a lower level. As mentioned above in Comment #2, there is at least one obvious mitigation that isn't currently being leveraged - fully dedicating housing to the school. What other mitigation options would allow us to retain the current traffic levels in the neighborhood? Additionally, the EIR also seems to consider traffic during construction to be an insignificant factor (quote in Impact 3.14-2: "Construction activities would be short-term and temporary in nature and thus are not expected to result in a significant increase in VMT"). The quoted project timeline is 4 years, which (if true) is clearly a very significant amount of time (though we also maintain that the 4 year timeline is likely a wild underestimate - see Comment #17). We urge a reconsideration of the significance of traffic effects during the construction phase.

Response I53-14

The comment expresses concern with congestion, pedestrian safety, and the proposed construction timeframe. See the master response related to congestion and LOS in Final EIR Section 3.2.7, "Master Response: Traffic Count Data." Although LOS is no longer used to determine a significant environmental impact, an analysis of LOS was prepared for the County of Marin's merit review of the project. According to the Marin North Coast Land Holdings Level of Service Assessment Memorandum, all study intersections would operate at LOS D or better conditions under all scenarios, which meets the County LOS standard. Regarding the construction timeframe, the applicant has consulted with Build Group, a regional general contractor with relevant experience building large residential projects and concurs that the proposed construction schedule is feasible (Herrema, pers. comm., 2025).

Regarding the significant and unavoidable impact related to VMT evaluated under Impact 3.14-2 of the Draft EIR, see Response I53-3. State CEQA Guidelines Section 15126.4(a) requires lead agencies to consider all feasible mitigation measures to avoid or substantially reduce a project's significant environmental effects. As required under CEQA, the Draft EIR identifies all feasible mitigation measures for addressing the significant and potentially significant impacts of the project.

Also see Final EIR Section 3.2.11, "Master Response: Transportation Safety," and the Existing Intersections Review Memo provided in Final EIR Appendix D of the Final EIR. Consistent with Appendix G of the State CEQA Guidelines, Impact 3.14-3 in the Draft EIR evaluates whether the project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impact 3.14-3 identifies potentially significant impacts due to potential parking spillover on surrounding streets where sidewalks and crosswalks do not exist, construction activities, and the proposed design of on-site streets. Mitigation Measures 3.14-3a (Develop a Construction Traffic Control Plan), 3.14-3b (Design Roads to Meet County, ADA, and PROWAG standards), and 3.14-3c (Implement Measures to Reduce Parking Demand and/or Increase Supply for the Academic Campus) address potentially significant safety impacts identified in the Draft EIR and would reduce these impacts to less than significant.

The TIS, provided as Appendix Q of the Draft EIR, includes a review of local safety plans and collision data within the project study area that is summarized in Final EIR Section 3.2.11, :Master Response: Transportation Safety." The TIS reviewed collision data for a 5-year period between 2015 and 2019. Based on the above considerations, the Draft EIR analysis determined that none of the intersections on the Strawberry peninsula, including those identified in public comments, would experience a substantial increase in traffic hazards.

Historic evidence indicates no local intersections have been noted for high collision rates. The TIS concluded that the project traffic would not cause substantial traffic congestion changes at all studied intersections, so added project traffic would not substantially change safety conditions. Therefore, the Draft EIR did not identify any significant traffic safety impacts at the intersection locations in the study area of the project site.

Notwithstanding that substantial evidence supports a conclusion of no significant traffic safety impacts from project trips, County staff desired to respond thoroughly to community concerns about traffic safety, and requested a review of existing intersection conditions (Final EIR Appendix D). Recognizing the Draft EIRs conclusions about the lack of significant traffic safety impacts caused by the proposed project trip generation, the existing intersection review was designed to provide information in response to community concerns about existing traffic safety problems for use in the County's consideration of project merits and the potential for defining conditions of approval outside of the CEQA analysis framework.

The Existing Intersections Review Memo (Final EIR Appendix D) summarizes relevant measures implemented by Marin County or Caltrans in recent years at the study locations as well as planned improvement measures. The Memo also identifies potential strategies at nine locations. The strategies identified in the memo are considerations for voluntary enhancements by the project applicant or merits-based conditions imposed by the County. These improvement options are not related to a CEQA environmental impact, so they are not defined as "mitigation measures," because the project's trip generation would be insufficient to substantially change existing transportation hazards in the study area. The lack of substantial change in traffic is evidenced in the LOS Assessment Memo where analysis concluded that LOS would meet County standards with or without the project and after adding project traffic, LOS would remain

at D with continued stable traffic flow. The findings and voluntary recommendations in the Existing Intersections Review Memorandum (Final EIR Appendix D) do not change the conclusions or adequacy of the analysis in the Draft EIR related to transportation. Therefore, no changes to the Draft EIR are required in response to this comment.

Comment I53-15

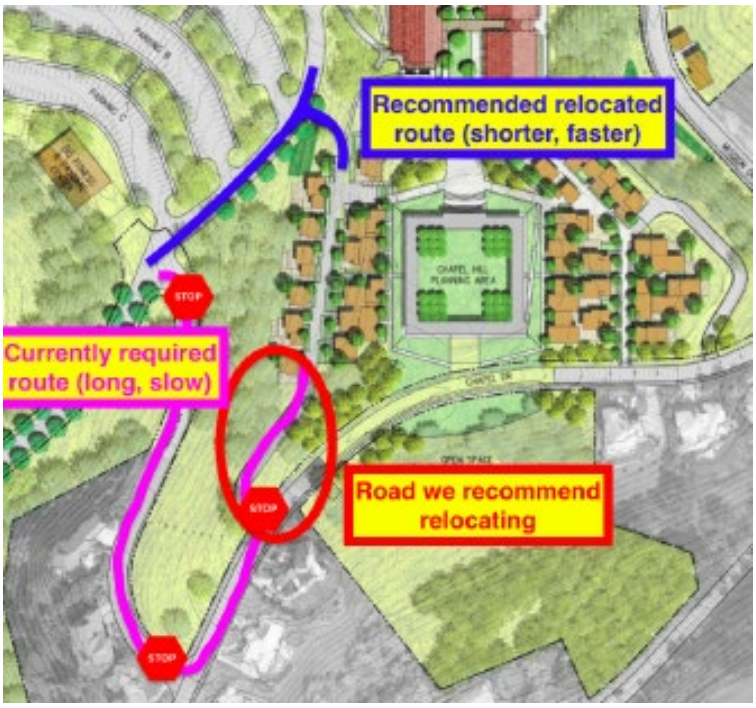
Comment #	EIR PDF Page(s)	EIR Section	EIR Text/ Excerpt	Comment
15	60-62	Table ES-1	Impacts and mitigation 3.14-3 and 3.14-4	Increased road hazards and reduced emergency access that the EIR deems "potentially significant" should absolutely merit required mitigations. It doesn't seem reasonable to expect the neighborhood to be put at "potentially significant" risk without requiring known, effective mitigations.

Response I53-15

Impacts 3.14-3 and 3.14-4 of the Draft EIR evaluate impacts on hazards and emergency vehicle access, respectively. Mitigation Measures 3.14-3a (Develop a Construction Traffic Control Plan), Mitigation Measure 3.14-3b (Widen Roads to Meet County of Marin Roadway Standards and ADA and PROWAG Guidelines for Transportation Accessibility), and Mitigation Measure 3.14-3c (Implement Measures to Reduce Parking Demand and/or Increase Supply for the Academic Campus) were identified to reduce transportation safety impacts to less than significant. Additionally, Mitigation Measure 3.14-4 was identified to reduce impacts on emergency vehicle access to less than significant. Draft EIR Mitigation Measure 3.14-4, which identified constructing a roundabout or an alternative traffic signal at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol, has been revised. See Final EIR Section 3.2.12, "Master Response: Emergency Vehicle Access Mitigation Measure," which describes the revisions to the mitigation measure. Therefore, all potentially significant impacts will be reduced to less-than-significant levels with the incorporated of these mitigation measures, and no remaining risks are anticipated.

Comment I53-16

Comment #	EIR PDF Page(s)	EIR Section	EIR Text/ Excerpt	Comment
16	84	Figure 2-4	Figure 2-4 - Illustrative Site Plan (West)	If the project proceeds with the proposed apartments near the Chapel Hilltop (which we question in Comment #1 above), we suggest reconsidering the design of the road access to the group of apartments near the west side of the hilltop. Illustration 2-4 currently shows a road access to those apartments coming north out of Chapel Drive. As residents of Chapel Drive who drive this path daily, we know that this proposed placement is a poor choice for both the current residents and the future residents of those apartments. It would require a longer, circuitous route for those new residents to access their apartments, zigzagging away up Willis Drive, then back up Chapel Drive, then turning into the line of apartments. This is an unnecessarily longer, slower route that directs traffic through the existing neighborhood instead of through the Seminary property and into the apartments. Alternatively, there's a better solution for everyone: locate this road access on the other side of the apartments, connecting directly into the existing parking lot areas at the Seminary. This route would be shorter, faster, and require fewer stops and turns. It avoids both stop signs on Willis Drive and on Chapel Drive (and likely a 3rd stop sign if placed at the turn onto Chapel Dr from the new apartments' street). And the right turn upward into the apartments in this new route would likely be less sharp than the currently required right turn onto Willis Dr, or very similar. See the annotated illustration below for a visual view. Why wouldn't the developer use this route which seems better for everyone?



				Related: the project describes underground parking as a key design feature for the new apartments, but it's not clear if the proposed Chapel hilltop apartments would also have underground parking. The illustration doesn't seem to show it. Where would these new residents park, if these apartments are built as proposed? Note: The relocated route suggested in this comment would work equally well in either configuration (above or below ground parking).

Response I53-16

The comment recommends redesigning the project to provide direct vehicular access from Gilbert Drive to the Chapel Hill Planning Area residences. However, the comment does not address any significant environmental effect or raise any concern with the adequacy of the Draft EIR. In other words, the proposed alternative road configuration is not needed to address any significant environmental effect and thus is not needed under CEQA, even if the proposal is technically feasible. Therefore, no further response is required. Preliminary site plans show an underground parking garage for residences under the residential buildings located in the northeastern area of the Chapel Hill Planning Area. Access to the parking garage would be provided from Chapel Drive. The Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comments under consideration before a decision on the project is rendered.

Comment I53-17

Comment #	EIR PDF Page(s)	EIR Section	EIR Text/ Excerpt	Comment
17	96	2.7.1	2.7.1 and Table 2-3	The construction phase of this project will have a major impact on the community for its duration - noise, traffic, emissions, disarray, dust, etc. Simply put, the neighborhood will not be itself while construction of this scale is happening next door. Four years living amid those impacts will feel like a very long time, but the reality is likely that the project will only be a fraction completed after those four years. Should the neighborhood be more realistically expecting 10 years or more of construction? The stated timeline seems like a wild underestimation for a project of this scale and complexity. Table 2-3 seems both highly simplistic and extremely optimistic. As a quick example, it lists the "Building

Comment #	EIR PDF Page(s)	EIR Section	EIR Text/ Excerpt	Comment
				Construction" phase for the entire Residential Program as taking 16-26 weeks, and being completed by 25-30 workers. A construction timeline of 16-26 weeks would seem particularly optimistic when building even a single residence, let alone hundreds of units. How could this be possible? What historical examples can be provided of projects of similar scale and complexity and how long they took to complete? Where is the detailed project plan that would give this project estimate credibility? Has that detailed project plan been reviewed and validated by experts who are credible and experienced in completing projects of this scale? Importantly: what repercussions will there be for the project if (when) it exceeds the estimated timeline? What penalties or mandated effects on the project scope would be applied to the project developers when they miss the timeline they are suggesting? What guarantees will there be for the neighboring community?

Response I53-17

The comment questions the feasibility of the construction schedule and requests historical examples of similar projects, expert validation of the timeline, and details on repercussions, penalties, and guarantees for the community if the timeline is exceeded. The applicant has consulted with Build Group, a regional general contractor with relevant experience building large residential projects and concurs that the proposed construction schedule is feasible (Herrema, pers. comm., 2025). Therefore, the proposed construction schedule provided in the Draft EIR is adequate. Questions related to penalties and guarantees on the construction schedule are not within the purview of CEQA and are not related to the adequacy of the EIR. No further response is required related to this issue.

Letter I54 Ellis Raskin

September 16, 2024

Comment I54-1

I. THE PROJECT DESCRIPTION IS ADEQUATE AND STABLE

The physical description of the academic campus portion of the Project is described at length in the DEIR (see, e.g., p. 2-5). The EIR explains: "Per the 1953 CUP, [there will be] no change to the permitted enrollment at the academic campus; maximum student population of 1,000." (*Id*. at 2-9.) Any changes from existing conditions to future conditions following buildout and operation of the proposed Project are described in detail in the DEIR, and contrary to the assertions of at least one comment, no further analysis or disclosures are required.

Response I54-1

The comment states that the project description is adequate and stable. The comment does not raise an issue with the adequacy of the Draft EIR. Therefore, no further response is required.

Comment I54-2

II. THERE IS NO DEFERRED MITIGATION

To the extent it is feasible to do so, the DEIR appropriately incorporates mitigation measures to address Project impacts. The scope and procedures for all mitigation measures are described in detail, and the DEIR's Executive Summary contains a chart that lists the Project's mitigation measures.

There are no mitigation measures that will be deferred in a manner that violates CEQA and the Guidelines. Contrary to at least one comment's assertions, a lead agency may rely on future studies to devise the specific design of a mitigation measure when the results of later studies are used to tailor mitigation measures to fit on-the-ground environmental conditions. (See, e.g., *Save Panoche Valley v. San Benito County* (2013) 217 Cal.App.4th 503, 524 [upholding mitigation measures, based on preconstruction surveys, requiring identified steps for avoiding impacts to biological resources to be implemented].) An agency may also defer identifying a mitigation site pending the results of further studies. (*California Native Plant Soc'y v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, 621 [mitigation

measure requiring preservation and enhancement of replacement habitat did not have to identify specific mitigation site to be legally adequate].) When otherwise appropriate, further studies or additional design work required by a mitigation plan may be completed by the project proponent, subject to review by the lead agency. (See *Save Panoche Valley, supra*, 217 Cal.App.4th at p. 525.)

All Project mitigation measures comply with the above-referenced standards. Mitigation measures have been carefully selected and designed to address all known available regarding environmental impacts. To the extent that any future studies or surveys are required to implement those mitigation measures, those studies and surveys will be conducted in a manner that complies with CEQA and the Guidelines.

Response I54-2

The comment states that the all of the proposed mitigation measures comply with standards and are not deferred in a manner that violates CEQA. The comment does not raise an issue with the adequacy of the Draft EIR. Therefore, no further response is required.

Comment I54-3

III. CUMULATIVE IMPACTS

We have reviewed the list of cumulative projects in the DEIR and comments that have been submitted regarding the adequacy of the DEIR's review of cumulative impacts. In the context of a multi-year project like the Master Plan and Community Plan Amendment Project, agencies need to select a reasonable range of cumulative projects based on known data at the time a draft CEQA document is prepared. We believe that the County has complied with CEQA and the Guidelines when selecting the reasonable range of cumulative projects here.

As a general rule, an EIR must summarize the expected environmental effects of the project and related projects, provide a reasonable analysis of cumulative impacts, and examine reasonable options for mitigating or avoiding the project's contribution to any significant cumulative impacts. (Guidelines, § 15130; *League to Save Lake Tahoe Mtn. Area Preservation Found. v. County of Placer* (2022) 75 Cal.App.5th 63, 149.) The key question in considering whether other projects should have been included in the EIR's list of cumulative projects "is whether it was reasonable and practical to include the projects and whether, without their inclusion, the severity and significance of the cumulative impacts were reflected adequately." (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 723.)

There is no evidence that any other projects not identified in the DEIR would result in new or different cumulative impacts than those that were disclosed, analyzed, and (to the extent possible) mitigated in the DEIR.

Response I54-3

The comment states that the list of cumulative projects in the Draft EIR have been reviewed and that there is no evidence that any other projects not identified in the Draft EIR would result in new or different cumulative impacts than those that were disclosed, analyzed, and (to the extent possible) mitigated in the Draft EIR. The comment does not raise an issue with the adequacy of the Draft EIR. Therefore, no further response is required.

Comment I54-4

IV. THE DEIR STUDIED AN APPROPRIATE RANGE OF PROJECT ALTERNATIVES

Public agencies have broad discretion when selecting project alternatives. (*South of Market Community Action Network v. City & County of San Francisco* (2019) 33 Cal.App.5th 321, 336; *Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523, 533.) Here, the DEIR contains an appropriate range of alternatives.

The DEIR also appropriately explains why a "Seminary Tomorrow" alternative is legally infeasible and need not be studied in detail in the EIR:

> "Recent changes in State housing law limit the discretion of local governments to reduce the amount of housing that can be developed within their jurisdictions. Senate Bill (SB) 330 prohibits local jurisdictions from limiting housing development through downzoning (unless an equivalent amount is upzoned elsewhere within their boundaries) or by delaying new housing via administrative or other regulatory barriers. Additionally, the State Density Bonus Law (Cal. Gov. Code §§ 65915 – 65918) prescribes that a developer who

> meets the requirements of the state law is entitled to receive the density bonus and other benefits as a matter of right. Therefore, in light of these state housing laws, the County has determined that the Reduced Development Alternative is legally infeasible. Accordingly, this alternative is not evaluated in detail in this EIR."

(See DEIR at p. 5-6.) Therefore, the comments that urge the County to evaluate a "Seminary Tomorrow" alternative should be ignored.

Response I54-4

The comment states that the Draft EIR studied an appropriate range of project alternatives and appropriately explains why a "Seminary Tomorrow" alternative is legally infeasible and need not be studied in detail in the EIR. The comment does not raise an issue with the adequacy of the Draft EIR. Therefore, no further response is required.

Letter I55 Alex Johnson

September 16, 2024

Comment I55-1

More cars on East Strawberry drive will exacerbate an already dangerous pedestrian situation.

East Strawberry Drive, north of the Site (from Herring Drive to Strawberry Point Elementary School) s unsafe for pedestrians in many places. It is a prime example of a roadway described in the Draft EIR as "Many of the sidewalks along these roadways have gaps requiring pedestrians to temporarily enter vehicle travel lanes" (3.14-9).

In 2024, the Board of Supervisors themselves acknowledged the need to improve pedestrian safety and have implemented temporary measures on this road to mitigate some of the existing safety concerns related to students and pedestrians. Furthermore, the draft EIR specifically mentions pedestrian safety concern on East Strawberry Drive.

1. What will be the impact of pedestrian safety on East Strawberry Drive in general as a result of the increase in cars?
2. What would be the impact on pedestrian safety on East Strawberry Drive be **specifically during "high usage times"** eg a) start of the school day and b) end of the school day, and not just averages during the day, (which would understate the real-world environmental impact)
3. What traffic safety mitigations measures for those OUTSIDE the project site on East Strawberry Drive, north of the Site will the agency adopt to deter pedestrian hazards on East Strawberry Drive?
4. What mitigation measures such as installing sidewalks during the 'gap areas" will be done on East Strawberry Drive outside the Site? Today there are NO SIDEWALKS on long sections of E. Strawberry Drive between the between Herring Drive and pedestrians are forced to walk in the roadway, around cars.
5. Why not close Herring Drive egress to East Strawberry Drive? This entrance was locked and closed during the pandemic via a big metal gate.
6. When does Marin county plan do as many other counties have done, and require all major developers to fill in missing pedestrian and bicycle infrastructure around new development, such as this one?

My observation is that there is always a large amount of traffic on East Strawberry Drive exactly at the start of the school day, and at the end of the school day. (7:45-830 AM, 2:30-4:00 PM). Note - there is NO bus service to Strawberry Point Elementary School. Therefore all children must walk, bike or dropped off by private vehicles at the start and end of the school day. Consider that the Proposed 1,000 student school will have many day students and staff arriving at the same time.

As a resident, I already see much vehicle traffic coming into E Strawberry Drive from North 101, and using East Strawberry Drive as a 'pass through' to Herring drive entrance to the Site. The defined increased amount of car traffic would occur at the same time that there is already a large number of children walking and biking to school on that very same street, where there are no sidewalks.

The fact that there are NO proposed mitigation measures to pedestrian safety on East Strawberry Drive a finding of environmental harm around traffic safety - regardless of the EIR's current mitigation measures. .

Response I55-1

The comment asserts that the transportation analysis lacks a sufficient evaluation of roadway safety conditions. The comment recommends a more comprehensive safety analysis at specific locations, including identification of mitigation measures. See Final EIR Section 3.1.11, "Master Response: Transportation Safety," and the Existing Intersections Review Memo provided in Appendix D of the Final EIR.

As described in "Master Response: Transportation Safety," LOS assessment is not used to determine environmental impacts under CEQA (in accordance with SB 743, Statutes of 2013), but may inform decisions about the merits of the proposed project. Consistent with Appendix G of the State CEQA Guidelines, Impact 3.14-3 in the Draft EIR evaluates whether the project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impact 3.14-3 identifies potentially significant impacts due to potential parking spillover on surrounding streets where sidewalks and crosswalks do not exist, construction activities, and the proposed design of on-site streets. Mitigation Measures 3.14-3a (Develop a Construction Traffic Control Plan), 3.14-3b (Design Roads to Meet County, ADA, and PROWAG Standards), and 3.14-3c (Implement Measures to Reduce Parking Demand and/or Increase Supply for the Academic Campus) address potentially significant safety impacts identified in the Draft EIR and would reduce these impacts to less than significant.

While traffic safety issues were raised at other intersections identified in public comments, the intersections were found to not receive sufficient additional project traffic to substantially change existing safety conditions. The TIS, provided as Appendix Q of the Draft EIR, includes a review of local safety plans and collision data within the project study area, as summarized in "Master Response: Transportation Safety." The TIS reviewed collision data for a 5-year period between 2015 and 2019. Based on the above considerations, the Draft EIR determined that none of the intersections on the Strawberry peninsula, including those identified in public comments, would experience an increase in traffic sufficient to result in a substantial change in safety hazards as a result of the project. However, because of community concerns and based on consultation with County staff in response to those concerns, Fehr & Peers conducted an additional review of existing intersection conditions and safety issues (Final EIR Appendix D) after the Draft EIR to provide supplemental information for the County's consideration of project merits and potential improvements that could become conditions of approval as a result of the merits review. The results of this review are provided in the Existing Intersections Review Memorandum attached Appendix D to this Final EIR.

The memorandum in Final EIR Appendix D contains updated collision data reported from the TIMS for the study area for the 5-year period from September 2019 through September 2024, which is the most current collision data available. No fatalities were among the reported collisions in the most recent 5-year period. As with the data from 2015 through 2019, most of the reported collisions involved vehicles and were located along the Redwood Highway Frontage Road and Tiburon Boulevard. The updated collision data confirmed the Draft EIR conclusions about traffic safety impacts. Final EIR Section 3.2.11, "Master Response: Transportation Safety," and the Existing Intersections Review Memorandum (Final EIR Appendix D) provide a summary of collisions involving pedestrians and bicyclists in the most recent 5-year period for which data is available.

The Existing Intersections Review Memo (Final EIR Appendix D) summarizes relevant measures implemented by Marin County or Caltrans in recent years at the study locations as well as planned improvement measures. The memo also identifies potential safety improvement strategies at the following nine locations:

- Reed Boulevard – Storer Drive to Richardson Drive
- Reed Boulevard and Redwood Highway Frontage Road
- Ricardo Road east of Seminary Drive
- Seminary Drive and Hodges Drive/Gilbert Drive
- Seminary Drive and Chapel Drive
- E. Strawberry Drive from Belvedere Drive to Ricardo Lane

- 300 block of E. Strawberry Drive
- Redwood Highway Frontage Road and US 101 Northbound Seminary Ramps
- E. Strawberry Drive and Belvedere Drive

The safety improvement strategies identified in the memo are considerations for voluntary enhancements by the project applicant or merits-based conditions imposed by the County. These improvement options are not related to a CEQA environmental impact, so they are not defined as "mitigation measures," because the project's trip generation would be insufficient to substantially change existing transportation hazards in the study area. The lack of substantial change in traffic is evidenced in the TIS where analysis concluded that LOS would meet County standards with or without the project and after adding project traffic, LOS would remain at D with continued stable traffic flow. Therefore, the findings of the Existing Intersections Review Memorandum (FEIR Appendix D) do not change the adequacy of the analysis in the Draft EIR.

Comment I55-2

I am writing to oppose the project because Marin County's Nesting Bird migration data near the Proposed Site – specifically around the Richardson Bay Aramburu Island wildlife preserve sanctuary (the "Sanctuary") shows that the noise and vibration of the Project will have negative impact on migratory birds will result if no additional mitigation measures are adopted.

The Draft EIR states that Nesting Bird Protection Measures will be taken - specifically that "construction activities that may disturb birds shall be conducted outside the nesting season, which generally occurs between February 1 and August 15

However Marin County laws restricts disturbance within the Sanctuary boundaries between October 1st and March 31st which is " the period of heavy use by migratory birds".

1. How will the impact of the construction noise and vibration for migratory birds in the Sanctuary be estimated and mitigated specifically during the Environmental Impact window on October 1 through March 31st each year, and not just February through August?
2. What has been done to assess impact on Special Status Wildlife Species in and in the vicinity of Aramburu Island as described in the 2010 " FINAL INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION ARAMBURU ISLAND SHORELINE PROTECTION AND ECOLOGICAL ENHANCEMENT PROJECT" , prepared by Regional Water Quality Control Board San Francisco Bay Region & Marin County Department of Parks and Open Space?
3. Would project-related construction activities disturb nesting birds protected under the MBTA and/or California Fish and Game Code and could lead to the loss or abandonment of an active nest in the Sanctuary?
4. How will mitigation measures ensure the migratory birds are not disturbed during the winter months?
5. Would there be substantial temporary or periodic increase in ambient noise levels in the "Protected habitat" of Aramburu Island and vicinity above levels existing without the project?

Response I55-2

The comment expresses concern with construction activity and potential impacts to migratory bird species within the Richardson Bay Aramburu Island wildlife preserve sanctuary. The comment states the nesting bird protection measures in the Draft EIR conflict with County laws which restrict disturbance within the Sanctuary boundaries between October and March. The Richardson Bay Audubon Center & Sanctuary waters are closed to boat traffic and in-water activities, including kayaking and paddle boarding, from October 1st through March 31st each winter. The Richardson Bay Regional Agency issued Ordinance 92-1 in order to protect the birds utilizing the sanctuary.

The project site is located outside of the Sanctuary boundary and the project does not involve use of watercraft within the Sanctuary boundary; therefore, the project would not conflict with Richardson Bay Regional Agency Ordinance 92-1. Furthermore, the project site is greater than 700 feet from the Audubon Sanctuary where Ordinance 92-1 applies, and existing intervening land uses are present between the project site and the Sanctuary. While nesting

bird season is a sensitive time requiring specific protections to ensure the safety of bird populations during breeding and rearing, migratory bird season is distinct and does not carry the same sensitivities. Nesting bird season involves heightened vulnerability as birds are stationary and reliant on protected nesting sites, whereas migratory bird season sees birds in transit, utilizing temporary stopover habitats without the same nesting obligations. Therefore, no impacts are anticipated to overwintering migratory birds in the Sanctuary.

In Draft EIR Section 3.4, Biological Resources, Impact 3.4-4 discusses the potential disturbance or loss of special-status birds and other common nesting birds. Project construction on common nesting birds would be avoided by the requirements of Marin County Code Section 22.20.040, which includes nesting season surveys, and non-disturbance buffers around nests. Construction activities that may disturb birds shall be conducted outside the nesting season, which generally occurs between February 1 and August 15. If commencing construction activities between August 16 and January 31 is infeasible and ground disturbance or tree removal needs to occur within the nesting season, a pre-construction nesting bird survey of the property shall be conducted by a qualified biologist. If no nesting birds are observed by the biologist, no further action is required, and construction activities shall occur within one week of the survey. In addition, implementation of Mitigation Measure 3.4-4 would avoid and minimize adverse effects on special-status birds, from project implementation by avoiding the nesting season or conducting nest surveys and establishing non-disturbance buffers around active nests.

Regarding the comment's question about the potential for temporary or periodic increases in ambient noise levels in Aramburu Island and vicinity, the potential for the project to result in substantial increases in noise is discussed in Draft EIR Section 3.11, "Noise and Vibration." However, temporary increases in ambient noise is addressed in Impact 3.11-1, Generate Substantial Temporary Construction Noise, which concludes that construction noise would be a significant impact due to the elevated noise levels during construction and the proximity of the site to residences on Chapel Drive. Mitigation Measure 3.11-1, "Prepare and Implement a Construction Noise Control Plan," would minimize temporary noise impacts through various measures that would reduce construction noise including use of temporary noise curtain. While the implementation of Mitigation Measure 3.11-1 would minimize construction noise impacts the EIR concludes that the impact from construction noise would be significant and unavoidable due to the increase in existing ambient noise levels. Section 3.4, "Biological Resources," of the Draft EIR there is no evidence that noise would disturb natural habitats for special status species. The comment does not provide any substantial evidence that the project could have an impact on sensitive habitats and no further response is required.

The potential for the project to result in periodic increases in noise is discussed in Impact 3.11-4, Generate Substantial Long-Term Increase in Stationary Source Noise Levels. Noise generated by parking lot activity and the playing field would not exceed established noise standards for sensitive receivers exposed to stationary noise sources. However, the operation mechanical equipment has the potential to result in a substantial increase in noise during the more sensitive times of the night. Mitigation Measure 3.11-4 would be implemented, which would require shielding to reduce noise from mechanical equipment. With the implementation of this mitigation, the impact would be reduced to less than significant.

Regarding the comment's concern on what has been done to assess impacts on special-status wildlife species in and around the vicinity of Aramburu Island, as described in the 2010 "Final Initial Study and Mitigated Negative Declaration Aramburu Island Shoreline Protection And Ecological Enhancement Project" prepared by Regional Water Quality Control Board San Francisco Bay Region & Marin County Department of Parks and Open Space, this document addresses a separate project and its associated impacts, no further response or analysis related to this comment is warranted.

Letter I56 Fran Corcoran

September 16, 2024

Comment I56-1

With this history under my belt, I believe it is a major failing of the DEIR that each alternative studied assumed 1,000 students as the enrollment cap for the school. Though the 1953 CUP stated this number, many changes have occurred in the ensuing 71 years. I am writing to corroborate the statement made by Planning Commissioner Don

Dickenson at the September 9, 2024 meeting. It is a fact that in the 1990's the Golden Gate Baptist Theological Seminary was permitted to sell off a significant portion of the Seminary property to private developers (24 single family homes and 36 condominiums). The Strawberry community compromised to support the sale so the Seminary could raise millions of dollars to make it feasible for them to stay in Strawberry. It was understood at the time, that because the campus would be significantly smaller after the sale, it would no longer be entitled to 1,000 students, but instead to a smaller, though unspecified, number. The community would not have been on board without this concession, because of the increase in traffic from the additional homes and condominiums.

With this in mind, I request that the EIR study additional alternatives that include reduced numbers of student population.

Response I56-1

The comment requests that the EIR analyze alternatives with reduced enrollment numbers to address potential impacts on traffic and community resources. All project alternatives include enrollment of 1,000 students. This element of the project is assumed for all alternatives because it is the enrollment cap allowed under the current 1953 CUP. The project does not propose a change to the 1953 CUP and under the current permit, enrollment is allowed for up to 1,000 students. The County does not have authority to restrict student enrollment beyond what is allowed under the current CUP. Further, the proposed project does not propose any changes to the 1953 CUP and thus the allowable uses and student enrollment cap regulated under the 1953 CUP remain unchanged.

Comment I56-2

Marin Superior Court has ruled that the County's use of "precedence clauses" to override policies of Community Plans is unlawful (Corcoran v Marin County). Therefore, the integrity and authority of Community Plans have been restored. Community Plans are a part of the Countywide Plan, wherein one part may not supersede another part.

The 1973 Strawberry Community Plan and the 1982 Amendments to the Strawberry Community Plan (the SCPs) are part of the Countywide Plan. As such, they are the governing documents for Strawberry. So too are the Ordinances and other administrative determinations that are the offspring of the SCPs.

Many of the proposals in the DEIR for the NCLH project are inconsistent with the SCPs because the DEIR Consultant has given little weight to the SCPs. Although NCLH wants to amend the SCPs, there is no guarantee that any of NCLH's proposals will be granted. NCLH must demonstrate more respect for the SCPs and a willingness to compromise if it expects any progress on its project at all.

NCLH must decide what kind of project it wants and what kind of project is feasible. Is it a self-contained graduate school with student and faculty housing? Is it a senior care facility with associated housing for staff? Or is it a residential community with commuter traffic generation? It cannot be all three.

NCLH's returning to the Planning Commission with the same proposal for an undefined 1,000-student school is an affront to all of us. On this count alone, the DEIR should be reworked and recirculated. On its face, a 1,000-student school alone would be more than Strawberry can handle.

Response I56-2

The comment states that the Draft EIR fails to align with the Strawberry Community Plan and its amendments, and that the applicant must clarify the project type and feasibility while respecting the Strawberry Community Plan and associated ordinances and other administrative determinations to make any progress on the proposed project. The comment views the description in the Draft EIR of the 1,000-student academic campus as vague and states the Draft EIR should be revised and recirculated, as such a project would overwhelm Strawberry's capacity. Regarding the comment's concern related to the description of the academic campus, see Final EIR Section 3.2.1, "Master Response: Stable Project Description." Regarding the comment's concern on enrollment of 1,000 students, this element of the project is the enrollment cap allowed under the current 1953 CUP. The project does not propose a change to the 1953 CUP and under the current permit, enrollment is allowed for up to 1,000 students. Moreover, as stated in Draft EIR Chapter 2, "Project Description," the EIR assumes a baseline population of 100 students and thus analyzes operation of the academic campus up to 1,000 students. The comment also requests the recirculation of the Draft EIR

citing NCLH's proposal for an undefined 1,000-student school. A lead agency is required to recirculate a Draft EIR when the agency adds "significant new information" to the EIR after the close of the public comment period but before certification of the Final EIR (PRC Section 21092.1; State CEQA Guidelines Section 15088.5). "New information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement" (State CEQA Guidelines Section 15088.5[a]). As outlined in Section 15088.5(a), "significant new information" includes information showing that:

- a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- a feasible project alternative or mitigation measure considerably different from that discussed in the Draft EIR would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it; or
- the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

No new significant impacts or mitigation measures have been identified in the Final EIR. Additionally, the responses to comments and Final EIR have not identified a substantially greater impact than that described in the Draft EIR, and no new feasible alternatives have been added to the EIR. Therefore, the Draft EIR is adequate pursuant to CEQA and recirculation is not required.

Comment I56-3
Aesthetics: A major component of the 1982 SCP Amendments was the Visual Analysis by Matt Gutherie. The DEIR does not even mention it. The proposed project is deficient unless Gutherie's Visual Analysis is considered.

Response I56-3
The comment references a visual analysis conducted by Matt Gutherie as part of the preparation of the 1982 Strawberry Community Plan amendments and suggests the aesthetics analysis in the Draft EIR is deficient because it is not mentioned. Any visual analysis that was conducted by Matt Gutherie is assumed to have been considered and incorporated into the goals, policies, and design guidelines of the Strawberry Community Plan. The visual impacts analysis conducted in Draft EIR Section 3.1, "Aesthetics," conducted a consistency review of all applicable County goals, policies, and regulations including those contained within the Strawberry Community Plan and the 1982 amendments. Therefore, no changes to the Draft EIR are warranted in response to this comment.

Comment I56-4
Population: The DEIR has not considered displacement of current residents, particularly in respect to new "No Net Loss" laws.

Response I56-4
The comment states that the Draft EIR has not considered displacement of current residents, particularly in respect to new "No Net Loss" laws. See Response O3-7, Response O4-75, and Response I14-6.

Comment I56-5
Land Use: The proposal to build 40 attached housing units on the southern facing slope below Chapel Hill and above Mission Drive is a new land use that was never envisioned by the SCPs. Development of the campus was to occur in the bowl to the north of Chapel Hill.

Response I56-5
The comment states that the proposal to build 40 attached housing units on the southern facing slope below Chapel Hill and above Mission Drive is a new land use that was never envisioned by the Strawberry Community Plans and

development was to occur in the bowl to the north of Chapel Hill. This comment raises similar concerns as Comment I48-3; see Response I48-3. No changes to the Draft EIR are warranted in response to this comment.

Letter I57 Meme (Marjorie) Hurd

September 16, 2024

Comment I57-1

I wish to comment on the impacts of this project and the increase of traffic on Reed Blvd in Strawberry. Reed Blvd is a street that leads to and from the Seminary. There are no sidewalks and many residents are walking their dogs and pushing baby strollers. There are minimal sightlines and thus this street cannot accommodate additional trips back and forth, which traffic from all the new homes, school and buildings would create.

In the past, the firehouse put up a chain so Seminary traffic had to use other exits. At the times when the gate was not locked, Seminary students and staff would use Reed Blvd to cut over to the The Strawberry Shopping Center, Tibron blvd, the school and 101.Some very dangerous encounters with children, pedestrians and other vehicles resulted. I ask that you please analyze this safety issue very carefully.

Response I57-1

The comment poses concern with the safety of pedestrians on Reed Boulevard from project generated traffic. See Final EIR Section 3.2.11, "Master Response: Transportation Safety," and the Existing Intersections Review Memo provided in Appendix D of the Final EIR. Consistent with Appendix G of the State CEQA Guidelines, Impact 3.14-3 in the Draft EIR evaluates whether the project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impact 3.14-3 identifies potentially significant impacts due to potential parking spillover on surrounding streets where sidewalks and crosswalks do not exist, construction activities, and the proposed design of on-site streets. Mitigation Measures 3.14-3a (Develop a Construction Traffic Control Plan), 3.14-3b (Design Roads to Meet County, ADA, and PROWAG standards), and 3.14-3c (Implement Measures to Reduce Parking Demand and/or Increase Supply for the Academic Campus) address potentially significant safety impacts identified in the Draft EIR and would reduce these impacts to less than significant.

The TIS, provided as Appendix Q of the Draft EIR, includes a review of local safety plans and collision data within the project study area that is summarized in Final EIR Section 3.2.11, "Master Response: Transportation Safety." The TIS reviewed collision data for a 5-year period between 2015 and 2019. Based on the above considerations, the Draft EIR analysis determined that none of the intersections on the Strawberry peninsula, including those identified in public comments, would experience a substantial increase in traffic hazards.

Historic evidence indicates no local intersections have been noted for high collision rates. The TIS concluded that the project traffic would not cause substantial traffic congestion changes at all studied intersections, so added project traffic would not substantially change safety conditions. Therefore, the Draft EIR did not identify any significant traffic safety impacts at the intersection locations in the study area of the project site.

Notwithstanding that substantial evidence supports a conclusion of no significant traffic safety impacts from project trips, County staff desired to respond thoroughly to community concerns about traffic safety, and requested a review of existing intersection conditions (Final EIR Appendix D). Recognizing the Draft EIRs conclusions about the lack of significant traffic safety impacts caused by the proposed project trip generation, the existing intersection review was designed to provide information in response to community concerns about existing traffic safety problems for use in the County's consideration of project merits and the potential for defining conditions of approval outside of the CEQA analysis framework.

Updated collision data reported in Final EIR Appendix D is provided from the TIMS for the study area for the 5-year period from September 2019 through September 2024 which is the most current available collision data. No fatalities were among the reported collisions in the most recent 5-year period. As with the data from 2015 through 2019, most of the reported collisions involved vehicles and were located along the Redwood Highway Frontage Road and

Tiburon Boulevard. Final EIR Section 3.2.11, "Master Response: Transportation Safety," provides a summary of collisions involving pedestrians and bicyclists in the most recent 5-year period for which data is available. One pedestrian collision with a possible injury at the Redwood Highway Frontage Road/Reed Boulevard intersection involved a vehicle (hit and run) traveling northbound and a pedestrian traveling westbound.

The Existing Intersections Review Memo (Final EIR Appendix D) summarizes relevant measures implemented by Marin County or Caltrans in recent years at the study locations as well as planned improvement measures. The memo also identifies potential strategies at nine locations including Reed Boulevard from Storer Drive to Richardson Drive and the intersection of Reed Boulevard and Redwood Highway Frontage Road. The strategies identified in the memo are considerations for voluntary enhancements by the project applicant or merits-based conditions imposed by the County. These improvement options are not related to a CEQA environmental impact, so they are not defined as "mitigation measures," because the project's trip generation would be insufficient to substantially change existing transportation hazards in the study area. The lack of substantial change in traffic is evidenced in the LOS Assessment Memo where analysis concluded that LOS would meet County standards with or without the project and after adding project traffic, LOS would remain at D with continued stable traffic flow. The findings and voluntary recommendations in the Existing Intersections Review Memorandum do not change the conclusions or adequacy of the analysis in the Draft EIR related to transportation. Therefore, no changes to the Draft EIR are required in response to this comment.

Comment I57-2

I also have concern over the impacts of a 6 story building. The nighttime glare and light pollution will be significant. This project is on visible ridgelines and hillsides, and violates multiple County policies, not considered in the EIR.

Response I57-2

The comment states that the nighttime glare and light pollution will be significant. As discussed under Impact 3.1-2 in Draft EIR Section 3.1, "Aesthetics," although project implementation would result in an incremental increase in the amount of light on the project site, the project would adhere to the County's outdoor lighting standards, which require that lighting sources be designed and constructed in a manner that is consistent with Marin County's Uniformly Applied Conditions to avoid light spillage on adjacent properties and in private spaces. However, the project would include the use of high albedo surfaces, which could create solar reflectivity and glare that could affect daytime and nighttime views. Within the project site, use of high albedo coefficient materials may also potentially compromise outdoor thermal comfort, indoor thermal environments, and potentially affect nearby plant growth characteristics. This potentially significant impact would be reduced to less than significant with the implementation of Mitigation Measure 3.1-2, which would ensure that the reflectance coefficients for albedo materials would not exceed a maximum of 0.6. Implementation of Mitigation Measure 3.1-2 would reduce new sources of substantial glare that would otherwise adversely affect day or nighttime views in the area and would therefore reduce this impact to less than significant with mitigation. Also see Responses O4-16 and O4-17.

The comment's assertion that the project violates multiple County policies related to visible ridgelines and hillsides is not accurate. The EIR includes a detailed visual impact assessment, which evaluates the project's visibility from key observation points, considers the surrounding landscape, and applies the relevant County policies. The Draft EIR also thoroughly considers the project's location and its potential visual impacts, including those associated with ridgelines and hillsides. Specific policies regarding visual resources, ridgelines, and hillside development have been reviewed and addressed in the analysis. Additionally, Draft EIR Table 3.1-2 in Section 3.1, "Aesthetics," provides a consistency analysis of the project with the applicable goals, policies, and guidelines listed in in the Marin Countywide Plan, Marin County Development Code, Strawberry Community Plan and Strawberry Community Plan Amendments. The County's policies generally direct that the natural appearance of hills, visually prominent ridgelines, and other prominent or significant landforms be preserved; views to the Bay and lowlands be maintained; the visual crest of the hillsides are not interrupted; and that materials and colors should unobtrusively blend with the natural environment. As explained under Impact 3.1-1 in Draft EIR Section 3.1, "Aesthetics," potentially significant visual impacts would be related to applicable policies addressing scenic quality where environmental impacts are indicated as "potentially inconsistent unless mitigated." The environmental impacts include changes to views into the project site from surrounding streets and trails, the contrasting color of structures, and the bulk and sky lining effects of the residential care facility.

Implementation of Mitigation Measures 3.1-1a through 3.1-1d would ensure that the project would not conflict with applicable zoning and other regulations governing scenic quality. The Draft EIR concluded that the impact would be less than significant with mitigation.

Comment I57-3
And, of course, the description of a "school" with 1000 students is very vague and unclear. What kind of school and are students housed on campus or commuting?The impact of this many extra commuters is unforseen and probably disasterous.

Response I57-3
The comment states the description of the academic campus is vague and unclear and the impacts of the additional student commuters is unforeseen and potentially disastrous.

Regarding the project description and the description of the academic campus, see Final EIR Section 3.2.1, "Master Response: Stable Project Description." Regarding the enrollment of 1,000 students, this element of the project is the enrollment cap allowed under the current 1953 CUP. The project does not propose a change to the 1953 CUP and under the current permit, enrollment is allowed for up to 1,000 students. For further concerns related to the project merits, see Final EIR Section 3.2.4, "Master Response: Conditional Use Permit Issues." Regarding the comment's concern related to the impacts of student commuters, see Draft EIR Section 3.14, Transportation. Also see the master response related to congestion and LOS in Final EIR Section 3.2.7, "Master Response: Traffic Count Data." Although LOS is no longer used to determine a significant environmental impact, an analysis of LOS was prepared for the County of Marin's merit review of the project. According to the Marin North Coast Land Holdings Level of Service Assessment Memorandum, all study intersections would operate at LOS D or better conditions under all scenarios, which meets the County LOS standard. Additionally, Draft EIR Impact 3.14-2 analyzed in Section 3.14, "Transportation," determined that the campus uses associated with the project would result in existing plus project VMT per service population that would be 30 percent below the VMT per service population for existing campus uses, thus not exceeding the threshold of significance for campus uses. Therefore, the Draft EIR includes an adequate description of the proposed project, including the academic campus, and adequately analyzed the scale and magnitude of the transportation impacts of the proposed project.

Letter I58 Bill Purcell

September 16, 2024

Comment I58-1
My family are residents in Strawberry and are very concerned with the recently completed Draft EIR. In particular there is no definition with regards to the school. This would include type of school, would students live on or off campus and the overall shortage of parking.

Response I58-1
The comment states the Draft EIR should be revised because it does not define the school, including type, whether students would live on or off campus, and shortage of parking. See Final EIR Section 3.2.1, "Master Response: Stable Project Description." Also, the Draft EIR does include reasonable expectations about how many students would live on campus, stating in Chapter 2, "Project Description," that the EIR assumes approximately 30 percent of the housing would be occupied by university-affiliated residents, i.e., students, staff, and faculty. In addition, the analyses of the environmental impacts of parking associated with the proposed project are discussed in Draft EIR Section 3.14, "Transportation."

Letter I59 David Schuck

July 17, 2024

Comment I59-1
There are already several assisted living places in the county

Should be assisted living for homeless seniors and vets,there is none for homeless seniors,there are

Response I59-1
The comment provides an opinion on other types of assisted living centers. However, the comment does not raise an environmental issue on the adequacy of the Draft EIR. Therefore, no further response is required. The Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comments under consideration before a decision on the project is rendered.

Letter I60 Scott Lynch

July 25, 2024

Comment I60-1
Please for the love of god build this. Stop fucking over the younger generations and stop letting states like Texas eat our lunch.

Response I60-1
The comment expresses strong support for the project. However, the comment does not raise an environmental issue on the adequacy of the Draft EIR. Therefore, no further response is required. The Marin County Planning Commission and Board of Supervisors will take the suggestions raised in the comments under consideration before a decision on the project is rendered.

3.3.5 PUBLIC HEARING ON THE DRAFT EIR (9/9/2024)

PH-1 through 6 Riley Herd

Comment PH-1
MOST OF THE STUDENTS AND UNIVERSITY EMPLOYEES LIVE OFF-SIGHT AND ARE EXPECTED TO ALREADY BE LIVING IN THE AREA. SO YOU THINK THE STUDENTS OF THIS GRADUATE INSTITUTION LIVE IN SOUTHERN MARIN? MOST OF THE JOBS WOULD BE FILLED BY PEOPLE LIVING IN THE AREA. SO SENIORS CENTER WORKERS AND CAFETERIA WORKERS LIVE IN MARIN COUNTY. MOST OF THE CONSTRUCTION WORKERS WOULD ALREADY LIVE IN THE REGION. 320 PEOPLE WOULD BE DISPLACED AND THERE ARE 3,000 AVAILABLE HOUSING UNITS IN MARIN WITH A RELATIVELY HIGH VACANCY RATE SO THAT COULD ACCOMMODATE THE DISPLACED RESIDENTS. I MEAN, THESE STATEMENTS ARE SO KIND OF OUTLANDISH IF YOU ACTUALLY LIVE HERE THAT IT REALLY KIND OF STRAINS THE CREDIBILITY OF THE DOCUMENT. ILL GIVE YOU THREE MORE QUICK EXAMPLES.

Response PH-1
The comment states that the Draft EIR expectation that most students, employees, and construction workers already live in the region and that displaced residents could be accommodated within Marin's housing market is unrealistic and strains the credibility of the document. See Response O6-9, Response O6-12, and Response O3-7.

Comment PH-2
THERES A POLICY SECTION WHERE IT STATES THE POLICY AND DOES IT COMPLY OR DOESNT IT COMPLY. RETAIN THE LOCAL SETTING OF OPEN HILLSIDES AND OPEN BAY WATERS. THEY FIND THAT TO COMPLY WITH THIS PROJECT.AVOID LARGE-SCALE URBAN DENSITY PROJECTS. THINK THAT COMPLIES. AND PERHAPS THE MOST OBVIOUS ONE, IF THERES NEW DEVELOPMENT, MAKE SURE ITS SINGLE FAMILY HOMES. THEY WRITE: CONSISTENT. WHAT IS THERE TWO SINGLE FAMILY HOMES OUT OF THE HUNDREDS? AND MAYBE THOSE POLICIES ARE OUTDATED, BUT THEY CERTAINLY DONT COMPLY, SO YOU NEED AN HONEST DOCUMENT IN FRONT OF YOU.

Response PH-2
The comment references certain policies from the land use consistency analysis in the Draft EIR and states that the project does not comply. This comment raises similar concerns as Comment O4-5; see Response O4-5.

Comment PH-3
YOU NEED THE SCHOOL TO BE DESCRIBED.CEQAS CORNERSTONE IS A STABLE AND FINITE PROJECT DESCRIPTION. WHAT KIND OF SCHOOL? WHAT TIME DOES IT OPEN? HOW DO PEOPLE GET THERE? WHAT ARE THEY TEACHING?

Response PH-3
The comment expresses that the project description is not stable because the operational details are not provided for the academic campus. See Final EIR Section 3.2.1, "Master Response: Stable Project Description." The Marin County Planning Commission and Board of Supervisors will take all comments on the Draft EIR under consideration before a decision on the project is rendered.

Comment PH-4
HOW COULD THERE POSSIBLY BE A MEANINGFUL EIR WITHOUT THAT DATA? THE CUP.ITS FOR ONE THING AND ONE THING ONLY. ITS A SINGLE SENTENCE CUP, TO PERMIT THE CONSTRUCTION OF A THEOLOGICAL SEMINARY AND DORMITORIES AND OTHER BUILDINGS INCIDENTAL TO SUCH USE. THIS AINT IT. ITS JUST NOT, AND SO THIS IS A LEGISLATIVE AMENDMENT, OKAY? ITS CHANGING THE COMMUNITY PLAN, WHICH IS PART OF THE COUNTYWIDE PLAN, I.E., THE CONSTITUTION OF DEVELOPMENT.

Response PH-4
The comment states there cannot be a meaningful EIR without operational data about the academic campus. The comment also addresses project merits stating that the CUP is for one sole purpose to permit the construction of a theological seminary and dormitories and other buildings incidental to such use, and the project does not meet it. Changes to Strawberry Community Plan are also described as changes to the constitution of development because it is a part of the Countywide Plan. Regarding requests for additional detailed information pertaining to operation of the academic campus, see Final EIR Section 3.2.1, "Master Response: Stable Project Description." Part of the comment is also related to the project merits and what is governed under the Conditional Use Permit. See Final EIR Section 3.2.4, "Master Response: Conditional Use Permit." The Marin County Planning Commission and Board of Supervisors will take all comments on the Draft EIR under consideration before a decision on the project is rendered.

Comment PH-5
YOU KNOW, IT SAYS ALL OF THIS WILL BE BUILT IN FOUR YEARS -- YOU CANT BUILD A SINGLE FAMILY HOME IN MARIN IN FOUR YEARS.

Response PH-5
The comment questions the feasibility of the construction schedule. The applicant has consulted with Build Group, a regional general contractor with relevant experience building large residential projects and concurs that the proposed construction schedule is feasible (Herrema, pers. comm., 2025). Therefore, the proposed construction schedule provided in the Draft EIR is adequate.

Comment PH-6
I KNOW MY TIME IS EXPIRED, AND THE FINAL THING ILL SAY IS WE AS A COMMUNITY WORKED SUPER HARD AND IN GOOD FAITH WITH THE APPLICANT, WHO IS HERE TODAY, AND THE APPLICANT WORKED IN GOOD FAITH FOR TWO YEARS ON A PROCESS CALLED SEMINARY TOMORROW TO TRY TO NEGOTIATE AN OUTCOME, AND WHILE WE DIDNT GET ALL THE WAY THERE, WHAT THE APPLICANT DID WAS SUBMITTED THEIR OWN ALTERNATIVE AND SAID "WE WORKED WITH THE COMMUNITY, WE WANT YOU TO TAKE A LOOK AT THIS, WERE WILLING TO CONSIDER SOMETHING BELOW THE MAXIMUM." THAT WAS A BIG STEP, AND THEY SHOULD BE APPLAUDED FOR THAT. THE EIRS FAILURE TO LOOK AT THAT APPLICANT-SUBMITTED ALTERNATIVE WAS AN ABSOLUTE SLAP IN THE FACE, AND IT WAS BASED ON COMPLETELY FALSE LEGAL ANALYSIS. NOTHING ABOUT THAT EVER SAID THE PROPERTY SHOULD BE DOWNZONED, EVER. NO ZONING CHANGE WAS RECOMMENDED. WE JUST CAME UP WITH A NUMBER OF UNITS THAT, ADMITTEDLY, IS NOT THE MAXIMUM DENSITY FOR THE SITE, BUT WE NEVER SIDE TO DOWNZONE THE PROPERTY IN VIOLATION OF SB 330.

Response PH-6
The comment states the elimination of the Seminary Tomorrow alternative from further analysis is based on false legal analysis pertaining to SB 330. See Final EIR Section 3.2.3, "Master Response: Reduced Development Alternative (Seminary Tomorrow Process Outcome)." The Marin County Planning Commission and Board of Supervisors will take all comments received on the Draft EIR under consideration before a decision on the project is rendered.

PH-7 through 8 Steve Dusinof

Comment PH-7
I HAVE MANY SIGNIFICANT CONCERNS ABOUT THE EIR BUT I WILL LIMIT MY CONCERNS TO THE PROPOSED 1,000 STUDENT COMMUTER SCHOOL, AND THANK YOU FOR BRINGING UP THE CUP. WHAT IS DIFFERENT FROM THE CUP AND NOW IS THAT WAS SUPPOSED TO BE A -- YOUR STAFF REPORT SAID A SELF-CONTAINED SEMINARY. THIS IS A THOUSAND-PERSON COMMUTER SCHOOL.I HAVE AN AERIAL PHOTO OF STRAWBERRY FROM 1959. EVEN SIX YEARS AGO, SIX YEARS AFTER YOUR STAFF REPORTED SUBMITTED A USE PERMIT FOR WHAT WAS SUPPOSED TO BE A SELF-CONTAINED SEMINARY, THERES NOTHING THERE BUT COWS AND A COUPLE OF HIKING PATHS. SEVEN DECADES LATER THERE ARE HUNDREDS OF HOMES, MULTI-FAMILY APARTMENTS AND A BUSY TENNIS CLUB, ALL SERVED BY TWO NARROW ROADS THAT CANT BE WIDENED. IF THOSE CONDITIONS WHICH AFFECT NOISE, TRAFFIC, EMERGENCY SERVICES AND PARKING HAD EXISTED IN 1953, I SUGGEST THAT THE STAFF REPORT THEN WOULD HAVE NOT HAVE SUPPORTED ANY PROPOSAL FOR A THOUSAND-STUDENT COMMUTER SCHOOL.

Response PH-7
The comment pertains to the Conditional Use Permit and what is governed and allowable under the permit. The comment is related to the merits of the project and is not within the purview of CEQA. See Final EIR Section 3.2.4, "Master Response: Conditional Use Permit." No further response is required.

Comment PH-8
BUT MOST IMPORTANT, LET ME ADDRESS POPULATION AND HOUSING. THIS PROJECT MAKES OUR MARIN HOUSING SITUATION WORSE, A LOT WORSE. ALMOST BY DEFINITION, ALL BELOW-MARKET-RATE HOUSING ON CAMPUS IS GOING TO BE TAKEN BY STUDENTS AND STAFF. IF THE DEVELOPER IS STATING THAT IT IS INCORPORATING OR INCREASING THE NUMBER OF BELOW-MARKET-RATE UNITS, YOU SHOULD DISREGARD IT BECAUSE THE NET GAIN IN ON-SITE BMR FROM THIS PROJECT IS ZERO.BUT THE IMPACT GOES FAR BEYOND STRAWBERRY AND IS NOT ADEQUATELY ADDRESSED BY THIS EIR. WHERE ARE THOSE OTHER 700 STUDENTS AND STAFF GOING TO LIVE? OVERWHELMINGLY THEY WILL NOT BE MARIN RESIDENTS AND FOR SURE NOT GOING TO COMMUTE FROM OUTSIDE MARIN. NO, THEY WILL TAKE 700 HOUSING AND BELOW-MARKET-RATE HOUSING SPOTS IN MARIN. SO WHY WOULD THE COUNTY EVER AGREE TO MAKE A HOUSING SHORTAGE IN THE BELOW-MARKET-RATE HOUSING SHORTAGE WORSE THAN IT IS? DOESNT THAT DEFEAT THE ENTIRE PURPOSE OF THE HOUSING INITIATIVES? THE EIR STATES IN WRITING THAT IT IS BASED ON THE HUNDRED CURRENT STUDENTS.

Response PH-8
The comment states the project would worsen Marin's housing shortage by diverting all on-site below-market-rate housing to students and staff, resulting in no net gain of below-market-rate housing. The comment also states that with an influx of 700 additional students and employees who are unlikely to commute from outside the county, the demand for scarce local housing—especially affordable housing—would significantly increase, a concern not adequately addressed in the EIR.

As described in Draft EIR Chapter 2, "Project Description," the proposed project would provide a total of 337 residential units including replacement of 139 existing residential units, retaining 13 existing residential units, construction of 184 new residential units as well as a residential care facility (counted as one residential unit). During preparation of the Final EIR, the number of affordable housing units to be provided by the proposed project was corrected to 70 affordable units. As discussed in Final EIR Chapter 2, "Project Updates," during preparation of the Draft EIR, the number of affordable housing units required for the proposed project was incorrectly reported at 50 affordable units. Consistent with the County's Housing Regulations (Marin County Code Chapter 22.22) and State

housing law (density bonus) which require 20 percent of the total number of dwelling units or lots in a subdivision be developed as, or dedicated to, affordable housing, project updates and edits in this Final EIR correct the affordable unit count and involve increasing the affordable units to be dedicated under the proposed project to 70 affordable units. As a result of the increase in affordable units by 20 units, the number of market rate units to be provided by the project was decreased by 20 units. Thus, the overall total number of residential units under the proposed project would remain at 337 residential units. The specific revisions to the Draft EIR correcting the affordable unit count are detailed in Chapter 4, "Revisions to the Draft EIR." Moreover, see Response I14-6 for a discussion regarding the project's consistency with the County's housing policies and guidelines. While it was noted in the Draft EIR that approximately 30 percent of the housing is anticipated to be occupied by university-affiliated residents, it was not stated that all on-site below-market-rate housing is currently or would be occupied solely by students and staff. The comment does not provide evidence that all on-site below-market-rate housing is currently, or would be in the future, occupied by students and staff. Regarding the increase in enrollment and impacts on housing, this was adequately evaluated in Draft EIR Section 3.12, "Population and Housing" based on evidence provided in the analysis and concluded that impacts would be less than significant. See Response O3-7 and Response O6-9.

PH-9 Jane Berger

Comment PH-9

MY REQUEST IS MORE ABOUT INCLUDING RENTERS AND TENANTS IN THE NEIGHBORHOOD IN YOUR WRITTEN NOTIFICATIONS ABOUT THE PROPOSED PROJECT AND ABOUT ALL OF THESE HEARINGS.

Response PH-9

The comment requests that renters and tenants be included in public notifications regarding the proposed project. The comment relates to the County's procedure and requirements for public noticing and is outside the scope of the EIR. The County does not require notifications to renters and others not listed as property owners due to the transitory nature of renter housing. All members of the public, including renters and non-property owners, can find public information the County has posted about the project in the newspaper and online. Additionally, members of the public may subscribe to the County's official website for the proposed project for current updates on the project (https://www.marincounty.gov/departments/cda/planning/projects/mill-valley-alto/north-coast-land-holdings-community-plan-amendmentmaster-plandesign-reviewmaster-use-permittentative-maptree-removal-permit-former-golden-gate-baptist-seminary-property-p1490). No revisions to the Draft EIR are warranted in response to this comment.

PH-10 through 12 Bob Hindry

Comment PH-10

MY MAIN PROBLEM WITH THE EIR STUDY HAS TO DO WITH THE LACK OF INFORMATION REGARDING SAFETY HAZARDS.WE STUDIED THE TRAFFIC EXTENSIVELY IN THE SEMINARY TOMORROW GROUP THAT WAS NORTH COAST AS WELL AS THE COMMUNITY. THE CONCLUSION WAS IN ORDER TO AVOID SIGNIFICANT SAFETY HAZARDS, BECAUSE YOUVE GOT LIMITED BIKE LANES, YOUVE GOT LIMITED SIDEWALKS, YOUVE GOT A LOT OF PARKING, YOUVE GOT A SPLIT-LEVEL ROADWAY, TWO TYPE OF INTERSECTIONS, THE ONLY INGRESS AND EGRESS THAT WE HAVE, AND THE AMOUNT OF TRAFFIC THAT WOULD BE -- WE THOUGHT THAT NO MORE THAN, SAY, 3,000 DAILY TRIPS. YOU STILL HAVE SOME PROBLEMS, BUT BEYOND THAT WOULD BE SIGNIFICANT SAFETY HAZARDS. THE EIR SAYS THAT 8,000 TRIPS A DAY IS OKAY, AND I CANT BELIEVE THAT THEY COULD EVER COME TO THAT CONCLUSION.

Response PH-10

The comment states concern with the analysis of safety impacts. See Final EIR Section 3.1.11, "Master Response: Transportation Safety," and the Existing Intersections Review Memo provided in Appendix D of the Final EIR.

As described in "Master Response: Transportation Safety," LOS assessment is not used to determine environmental impacts under CEQA (in accordance with SB 743, Statutes of 2013), but may inform decisions about the merits of the proposed project. Consistent with Appendix G of the State CEQA Guidelines, Impact 3.14-3 in the Draft EIR evaluates whether the project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or

dangerous intersections) or incompatible uses (e.g., farm equipment). Impact 3.14-3 identifies potentially significant impacts due to potential parking spillover on surrounding streets where sidewalks and crosswalks do not exist, construction activities, and the proposed design of on-site streets. Mitigation Measures 3.14-3a (Develop a Construction Traffic Control Plan), 3.14-3b (Design Roads to Meet County, ADA, and PROWAG Standards), and 3.14-3c (Implement Measures to Reduce Parking Demand and/or Increase Supply for the Academic Campus) address potentially significant safety impacts identified in the Draft EIR and would reduce these impacts to less than significant.

While traffic safety issues were raised at other intersections identified in public comments, the intersections were found to not receive sufficient additional project traffic to substantially change existing safety conditions. The Transportation Impact Study (TIS), provided as Appendix Q of the Draft EIR, includes a review of local safety plans and collision data within the project study area, as summarized in "Master Response: Transportation Safety." The TIS reviewed collision data for a 5-year period between 2015 and 2019. Based on the above considerations, the Draft EIR determined that none of the intersections on the Strawberry peninsula, including those identified in public comments, would experience an increase in traffic sufficient to result in a substantial change in safety hazards as a result of the project. However, because of community concerns and based on consultation with County staff in response to those concerns, Fehr & Peers conducted an additional review of existing intersection conditions and safety issues (Final EIR Appendix D) after the Draft EIR to provide supplemental information for the County's consideration of project merits and potential improvements that could become conditions of approval as a result of the merits review. The results of this review are provided in the Existing Intersections Review Memorandum attached Appendix D to this Final EIR.

The memorandum in Final EIR Appendix D contains updated collision data reported from the TIMS for the study area for the 5-year period from September 2019 through September 2024, which is the most current collision data available. No fatalities were among the reported collisions in the most recent 5-year period. As with the data from 2015 through 2019, most of the reported collisions involved vehicles and were located along the Redwood Highway Frontage Road and Tiburon Boulevard. The updated collision data confirmed the Draft EIR conclusions about traffic safety impacts. Final EIR Section 3.2.11, "Master Response: Transportation Safety," and the Existing Intersections Review Memorandum (Final EIR Appendix D) provide a summary of collisions involving pedestrians and bicyclists in the most recent 5-year period for which data is available.

The Existing Intersections Review Memo (Final EIR Appendix D) summarizes relevant measures implemented by Marin County or Caltrans in recent years at the study locations as well as planned improvement measures. The memo also identifies potential safety improvement strategies at the following nine locations:

- Reed Boulevard – Storer Drive to Richardson Drive
- Reed Boulevard and Redwood Highway Frontage Road
- Ricardo Road east of Seminary Drive
- Seminary Drive and Hodges Drive/Gilbert Drive
- Seminary Drive and Chapel Drive
- E. Strawberry Drive from Belvedere Drive to Ricardo Lane
- 300 block of E. Strawberry Drive
- Redwood Highway Frontage Road and US 101 Northbound Seminary Ramps
- E. Strawberry Drive and Belvedere Drive

The safety improvement strategies identified in the memo are considerations for voluntary enhancements by the project applicant or merits-based conditions imposed by the County. These improvement options are not related to a CEQA environmental impact, so they are not defined as "mitigation measures," because the project's trip generation would be insufficient to substantially change existing transportation hazards in the study area. The lack of substantial change in traffic is evidenced in the LOS Assessment Memo where analysis concluded that LOS would meet County standards with or without the project and after adding project traffic, LOS would remain at D with continued stable

traffic flow. Therefore, the findings of the Existing Intersections Review Memorandum (Final EIR Appendix D) do not change the adequacy of the analysis in the Draft EIR.

Comment PH-11
THERES PROBLEMS WITH THE GEOLOGY. ONE EXAMPLE, AND THERES MANY EXAMPLES, ONE EXAMPLE IS THEY TALK ABOUT 30 FEET OF FILL BEING ADDED TO THE PLAYING FIELD, WHICH IS RIGHT AT THE ROADWAY. WELL, THAT PLAYING FIELD IS UNDER BAY MUD, AND 30 FEET OF DIRT FILL PUT ON THAT BAY MUD, NOBODY HAS EVER EVALUATED IN THE EIR IF THAT WILL DESTROY THAT ROADWAY AND DRIVE IT ALL INTO THE BAY, WHICH IS VERY PROBABLE.NOTED BY A COUPLE ENGINEERS.

Response PH-11
The comment is concerned about the proposal to place fill on the playfield which could lead to destruction of the roadway and flow into the Bay. See Final EIR Section 3.2.5, "Master Response: Project-Level Geotechnical Evaluation." Additionally, the applicant retained Rockridge Geotechnical to perform additional soil sampling and investigation in the Hodges area, at the proposed fitness center, and at the play field fill sites and concluded that there are no major geotechnical issues that would preclude development of the site as proposed (Final EIR Appendix A). The report provides details for standard structures that should be included in the proposed fill area including a keyway and proper drainage. No revisions to the Draft EIR are warranted.

Comment PH-12
IN THE SEMINARY TOMORROW GROUP WE DID LOOK AT A LOT OF THINGS WITH NORTH COAST. TO HAVE SOMEBODY SAY THAT YOURE NOT GOING TO STUDY IT AS AN ALTERNATIVE WHEN NORTH COAST ASKED YOU TO STUDY IT AS AN ALTERNATIVE IS SAYING THAT DENSITY TRUMPS SAFETY. WE TEACH OUR KIDS AND OUR GRANDKIDS THAT SAFETY COMES FIRST, AND FOR SOMEBODY TO NOT STUDY AN ALTERNATIVE THAT REDUCES SAFETY HAZARDS TO THE COMMUNITY AND TO THE COUNTY IS ABSOLUTELY LUDICROUS.

Response PH-12
The comment expresses concern for dismissing Reduced Development Alternative (Seminary Tomorrow Process Outcome) from further analysis. See Final EIR Section 3.2.3, "Master Response: Reduced Development Alternative (Seminary Tomorrow Process Outcome)." The Marin County Planning Commission and Board of Supervisors will take the concerns raised in the comment under consideration before a decision on the project is rendered.

PH13 through 14 Rona Wyetraub

Comment PH-13
THE BIG THING, THE BIG GAPING HOLE, TO ME, IN THIS WHOLE THING IS THE SCHOOL. NOW I LIVED THERE DURING THE BAPTIST SEMINARY, WHEN THE SEMINARY WAS THERE. THERE WAS NEVER ANY TRAFFIC. THERE WERE PEOPLE THAT WOULD WALK FROM THE SEMINARY DOWN TO THE LOCAL STORE, AND THEY HAD REPORTED SOMETHING LIKE 900 STUDENTS, BUT I HAD HEARD THAT MOST OF THEIR STUDENTS REALLY DIDNT LIVE THERE. THEY WERE IN OTHER STATES AND IN OTHER COUNTRIES WORKING FOR THE BAPTIST SEMINARY.SO A HUNDRED STUDENTS VERSUS A THOUSAND STUDENTS, HOW CAN THAT NOT HAVE AN IMPACT ON THE ENVIRONMENT? I MEAN, IT SEEMS HUGE TO ME, AND I THINK THAT THIS IS A -- IT SAYS THAT THERE ARE A LOT OF SIGNIFICANT AND UNAVOIDABLE PROBLEMS IN THE EIR, BUT MOST OF THEM, IN MY MIND, SEEM TO BE RELATED TO THE SCHOOL. THE VEHICLE MILES TRAVELED WITH JUST THE NUMBER OF HOUSES, HOUSING UNITS THAT ARE GOING TO BE THERE, AND ALL THE PEOPLE AND THE SENIORS CENTER AND THE PRESCHOOL AND ALL THE PEOPLE THAT WORK THERE, AND ALL THE LANDSCAPERS AND THE NANNIES AND THE -- ALL THE WORKMEN THAT ARE GOING TO BE WORKING IN THESE, FOR ALL THESE PEOPLE THAT LIVE THERE, ITS GOING TO BE HUGE ALREADY. IM NOT GOING TO BE ABLE TO GET OUT OF MY DRIVEWAY,

Response PH-13
The comment expresses general concern regarding the magnitude of the project and the number of new workers and residents that would be accessing the project site. The potential environmental impacts of the project have been

evaluated throughout the Draft EIR. The comment does not address the adequacy of the analysis in the Draft EIR; therefore, no further response is required. However, the Marin County Planning Commission and Board of Supervisors will take the concerns raised in the comment under consideration before a decision on the project is rendered.

Comment PH-14
AND THE WHOLE IDEA OF THE SCHOOL TO ME, I JUST DONT EVEN UNDERSTAND WHY THEY WANT A SCHOOL, AND IF THEY DO, I REALLY THINK THAT THIS 1953 CUP HAS GOT TO BE CHANGED. WE CANNOT HAVE A THOUSAND PEOPLE, JUST THE STUDENTS, AND THEN ALL THE STAFF AND FACULTY COMING IN AND OUT.

Response PH-14
The comment states the idea of a school and why a school is wanted is not understood and the 1953 CUP needs to be changed. The comment expresses that a thousand students plus the staff and faculty cannot be coming in and out of the project site. The comment raises issues with the merits of the project is and does not address the adequacy of the EIR. See Final EIR Section 3.2.4, "Master Response: Conditional Use Permit Issues." The Marin County Planning Commission and Board of Supervisors will take all comments received on the Draft EIR under consideration before a decision on the project is rendered. No further response is required.

PH15 through 17 Judy Brown

Comment PH-15
THE DRAFT EIR THAT YOU ARE CONSIDERING CONTAINS FOUR ALTERNATIVES. TWO OF THESE ALTERNATIVES ARE NO PROJECT AND ALTERNATIVE LOCATION, WHICH REMOVES THEM FROM TRUE CONSIDERATION. ALTERNATIVE THREE RETAINS THE SEMINARY AND ASSOCIATED HOUSING. GIVEN THE HOUSING CLIMATE AND PRESSURE FROM STATE AGENCIES TO INCREASE HOUSING STOCK, THE HOUSING ELEMENT, ALONG WITH THE APPLICANTS STATED GOALS, ITS UNLIKELY THAT ALTERNATIVE THREE WILL BE PURSUED. THE DRAFT FOCUSES ON ALTERNATIVE FOUR, WHICH IS THE PROJECT AS PROPOSED BUT WITH MITIGATION EFFORTS INCORPORATED. THE RESULT OF WHICH IS NOT A REMARKABLY DIFFERENT FROM THE PROPOSED PROJECT. IN SHORT, THE DRAFT EIR DID NOT STUDY A RANGE OF REASONABLE ALTERNATIVES.RATHER IT STUDIED THREE ALTERNATIVES THAT DO NOT MEET THE HOUSING GOALS OF THE APPLICANT OR THE COUNTY, AND TWO ALTERNATIVES THAT ARE SO CLOSE THEY SHARE SIGNIFICANT FAR-RANGING IMPACT. THE DRAFT EIR SHOULD SEEK TO PROVIDE AND STUDY REASONABLE VIABLE ALTERNATIVES. THE DEFICIENCY I WOULD LIKE TO POINT OUT IS THAT THIS DRAFT EIR FAILS TO CONSIDER A PROJECT ALTERNATIVE WITH THE SAME AMOUNT OF PROPOSED HOUSING BUT THAT REDUCES INTENSITY AND IMPACT BY ELIMINATING OR ALTERING THE 1,000-STUDENT SCHOOL. CONSIDERING THE DEARTH OF INFORMATION AND THE LACK OF PURPOSEFUL CLARITY BY THE APPLICATION ITSELF, REMOVAL OF THIS ELEMENT WOULD PROVIDE FOR A CLEARER ALTERNATIVE TO BE WEIGHED IN CONSIDERATION. THE PROPOSED PROJECT AND THE ALTERNATIVE FOUR IN THE DRAFT STUDY HAS A MAXIMUM OF 10% OF THE STUDENTS AND 0% OF THE HOUSING -- IM SORRY, 0% OF THE FACULTY AND STAFF ON-SITE.

Response PH-15
The comment states that the Draft EIR did not analyze a reasonable range of alternatives and the alternatives analysis is deficient because it did not consider an alternative that eliminated or reduced the size of the school. All project alternatives include enrollment of 1,000 students. This element of the project is assumed for all alternatives because it is the enrollment cap allowed under the current 1953 CUP. The project does not propose a change to the 1953 CUP and under the current permit, enrollment is allowed for up to 1,000 students. The County does not have authority to restrict student enrollment beyond what is allowed under the current CUP. Further, the proposed project does not propose any changes to the 1953 CUP and thus the allowable uses and student enrollment cap regulated under the 1953 CUP remain unchanged. See Final EIR Section 3.2.2, "Master Response: Adequacy of the Range of Alternatives," and Section 3.2.4, "Master Response: Conditional Use Permit Issues." The Marin County Planning Commission and Board of Supervisors will take all comments received on the Draft EIR under consideration before a decision on the project is rendered. No revisions to the Draft EIR are warranted.

Comment PH-16
THE DRAFT EIR STUDY INCLUDES EGREGIOUS ASSUMPTIONS IN REGARDS TO THE HOUSING AVAILABILITY FOR NEARLY 900 PEOPLE, NOT TO MENTION THEIR FAMILIES. THOSE 900 PEOPLE REPRESENT A SIGNIFICANT IMPACT ON TRAFFIC, NOISE, LIGHTING, AND CONSTRUCTION, TO NAME A FEW THINGS.

Response PH-16
The comment states the Draft EIR expectations regarding housing availability for students is egregious, and the increase in enrollment would result in significant impacts on traffic, noise, lighting, and construction. Regarding the adequacy of the EIR analysis related to housing impacts, see Response O3-7 and Response O6-9. Additionally, the Draft EIR does consider the impacts of the increase in enrollment and impacts on traffic, noise, lighting, and construction. These impacts are discussed in Draft EIR Section 3.14, "Transportation," Section 3.11, "Noise and Vibration," Section 3.1, "Aesthetics," and impacts related to construction are analyzed throughout the Draft where appropriate. The comment does not provide any substantial evidence as to why or where in the Draft EIR the analysis is inadequate and no further response is required.

Comment PH-17
WHILE MUCH HAS BEEN SAID ABOUT THE PAST SEMINARYS CONDITIONAL USE PERMIT AND ITS EXPIRED MASTER PLAN, THE PROPOSAL ITSELF CONTAINS LITTLE INFORMATION THAT WOULD ACCOUNT FOR PRIORITIZING THIS EDUCATIONAL INSTITUTION AS AN ELEMENT OF THE PROJECT. THE DRAFT EIR SHOULD SEEK TO PROVIDE AND STUDY REASONABLE ALTERNATIVES. IN ITS CURRENT FORM, IT DOES NOT. I WOULD RESPECTFULLY ASK THAT THE PLANNING COMMISSION NOT ENDORSE THIS DRAFT AND THAT YOU SEND IT BACK TO THE CONSULTANTS WITH A REQUEST THAT THEY CREATE A MINIMUM OF ONE ADDITIONAL TRULY VIABLE ALTERNATIVE TO BE INCLUDED IN THE NEXT PHASE -- BEFORE THE NEXT PHASE. SUCH AN ALTERNATIVE CAN BE CREATED IN MULTIPLE WAYS, SUCH AS ELIMINATING THE INCLUSION OF THE SCHOOL COMPLETELY, OR BY REDUCING ITS STUDENT BODY SIZE TO 250 STUDENTS AND REQUIRING DEDICATED HOUSING TO ACCOMMODATE A MINIMUM OF 50% OF THOSE STUDENTS. THIS LAST SCENARIO WAS DISCUSSED AT LENGTH DURING THE SEMINARY TOMORROW PROCESS. INCLUSION OF THESE ALTERNATIVES WOULD CREATE A MORE CONSIDERATE, COMPLETE AND BALANCED DRAFT EIR, DESERVING OF FURTHER STUDIES.

Response PH-17
The comment states the EIR Draft EIR did not analyze a reasonable range of alternatives and provides a suggestion for two additional alternatives including completely eliminating the school or reducing the school's cap on enrollment and requiring at least fifty percent of the proposed residential units be dedicated to students. See Response PH-15; Final EIR Section 3.2.2, "Master Response: Adequacy of the Range of Alternatives"; Section 3.2.4, "Master Response: Conditional Use Permit Issues"; and Section 3.2.3, "Master Response: Reduced Development Alternative (Seminary Tomorrow Process Outcome)." The Marin County Planning Commission and Board of Supervisors will take all comments received on the Draft EIR under consideration before a decision on the project is rendered.

PH18 Matt Williams

Comment PH-18
IM HERE AS A HOMEOWNER. IN 2017, WE RECOMMENDED DENIAL OF THE PROJECT, BASICALLY SAYING THAT THE SCHOOL WASNT DEFINED. IN 2020, ON SEPTEMBER 21, WE SPECIFICALLY SAID THE PROJECT DOES NOT ADDRESS THE GRADUATE INSTITUTION ACTIVITIES.THIS DRAFT EIR DOES NOT ADDRESS THE SCHOOL. ITS BEEN SEVEN YEARS. I RECOMMEND THAT THIS BE SENT BACK, THAT THE SCHOOL BE DEFINED, ITS ACTIVITIES BE DEFINED, BECAUSE THEY ARE NOT RIGHT NOW. ITS PRETTY SIMPLE, AND THATS IT. THATS MY COMMENT.

Response PH-18
The comment states the Draft EIR should be revised because it does not define the school or its activities. For comments related to the project description and the uses allowed on site, Final EIR Section 3.2.1, "Master Response: Stable Project Description," and Section 3.2.4, "Master Response: Conditional Use Permit Issues."

PH-19 through 21 Rebecca Lind

Comment PH-19

A QUESTION THAT I HAVE IS HOW WAS THE STATEMENT OF OVERRIDING CONSIDERATIONS HANDLED IN THE HOUSING ELEMENT EIR, AND IF THAT IS FULLY DISCLOSED IN THE DOCUMENT, I DIDNT SEE IT THERE. AND IF THERE WERE -- BECAUSE CLEARLY MUCH OF MARIN COUNTY WOULD BE SUBJECT TO A HIGH VMT ANALYSIS, AND SO I AM IMAGINING THAT THERE MAY HAVE BEEN A STATEMENT OF OVERRIDING CONSIDERATIONS, OR THERE MAY HAVE BEEN SOME MITIGATIONS PROPOSED, AND I WOULD LIKE TO SEE THAT ANALYZED AND FULLY DISCLOSED. AND I THINK HEARING THE COMMENTS TODAY ABOUT THE SCHOOL AND THE DIFFERENCE BETWEEN THE BASE POPULATION OF 100 AND THE MAXIMUM POPULATION UNDER THE CUP OF A THOUSAND, THAT THE WAY THAT KIND OF EMPLOYMENT CAPACITY WAS HANDLED IN THE COUNTYWIDE PLAN AND ANY OTHER ENVIRONMENTAL DOCUMENT THAT WE ALREADY HAVE WOULD ALSO BE VERY IMPORTANT TO ANALYZE. I DONT THINK WE HAVE ANY OF THAT INFORMATION. NOW THAT MAY BE TRICKY BECAUSE THE PRIOR CEQA WILL HAVE BEEN DONE UNDER LEVEL OF SERVICE, BUT THERE ARE WAYS TO CONVERT THAT OVER TO VMT, AND I WOULD LIKE TO SEE THAT KIND OF ANALYSIS INCLUDED.

Response PH-19

The comment questions how the Statement of Overriding Considerations was addressed in the Housing Element EIR and if that was fully disclosed in the EIR for the project. The comment suggests that the Statement of Overriding Considerations for the Housing Element EIR and any mitigation proposed in it should be analyzed and disclosed in the EIR for the project. Further, the comment suggests that the EIR for the project should include an analysis of how employment capacity was addressed in the Countywide Plan and other existing environmental documents, including converting any associated LOS analysis to VMT.

CEQA requires an EIR to evaluate the potential environmental effects of a proposed project. In this case, the Draft EIR evaluated the environmental impacts of the proposed North Coast Land Holdings Master Plan and Community Plan Amendment Project, which is the project under consideration. While previous CEQA documents for other projects can be used as a source of information to inform the environmental analysis for a proposed project, the CEQA document must analyze the effects of that project, not other unrelated projects. Thus, there is no nexus or CEQA requirement for including an analysis of the Housing Element EIR's Statement of Overriding Considerations or proposed mitigation measures in the Draft EIR for the proposed project, as the Housing Element is not the project being evaluated in the Draft EIR. This would similarly be the case for the Countywide Plan. Therefore, no changes to the Draft EIR are warranted in response to this comment.

Comment PH-20

I ALSO HAVE COMMENTS ABOUT THE INADEQUACY OF THE FILL DISCUSSION ON THE PLAYING FIELD. I WAS REALLY SURPRISED AT THE SORT OF CASUAL TREATMENT OF THAT. THAT IS A MAJOR LANDFILL. I MEAN, THERE ARE GRADING IMPLICATIONS.THERES SOIL COMPACTION IMPLICATIONS. THERE ARE ALL SORTS OF ENVIRONMENTAL IMPLICATIONS OF THAT,

Response PH-20

The comment is concerned about the proposal to place fill on the playfield which could lead to grading implications and soil compaction. See Final EIR Section 3.2.5, "Master Response: Project-Level Geotechnical Evaluation." Additionally, the applicant retained Rockridge Geotechnical to perform additional soil sampling and investigation in the Hodges area, at the proposed fitness center, and at the play field fill sites and concluded that there are no major geotechnical issues that would preclude development of the site as proposed (Final EIR Appendix A). The report provides details for standard structures that should be included in the proposed fill area including a keyway and proper drainage. No revisions to the Draft EIR are warranted.

Comment PH-21
AND IN ADDITION TO THAT, I WOULD LIKE TO SEE SOME ANALYSIS OF HOW BIG THE WALL WOULD BE AND WHETHER THE PUBLIC WOULD BE SCREENED OUT FROM THE ROADWAY, WHEREAS NOW ITS A VERY OPEN AND INVITING KIND OF FEELING, AND THERE MAY BE SOME VISUAL IMPACT ASSOCIATED WITH THAT

Response PH-21
The comment requests an analysis of how big the landscape berm proposed at the playing field along Seminary Drive would be and if the public would be screened from existing views. The Draft EIR analyzes the visual impacts of the project in Section 3.1, "Aesthetics," of the Draft EIR. The visual impact of development of the landscape berm are analyzed under Impact 3.1-1, "Conflict with Applicable Zoning and other Regulations Governing Scenic Quality." Additionally, Table 3.1-1, "Impact on Visual Character from Key Observation Points," identifies which KOPs include views of the playing field and describes how those views would be affected by the project. For KOP #3 on page 3.1-43, the Draft EIR states:

> Views to the playing field would be eliminated from Seminary Drive with the creation of a 1:1 (horizontal to vertical) gradient fill slope. The slope would be landscaped with native trees that would filter existing views up the toward Dormitory Hill. Views beyond the elevated playing field would include the upper stories of the residential care facility and the six-story apartment buildings in the Hodges/Shuck Planning Area. As seen from Seminary Drive, views to the structures would be further filtered by street trees and landscape in and between the structures.

Additionally, for KOP #4 on page 3.1-43, the Draft EIR states:

> views to the playing field and hillside backdrop would be eliminated with a 1:1 gradient slope in the immediate foreground. The redwood grove would remain. The slope would be landscaped with trees.

Further, the Draft EIR analyzes the impact on views from the southwest and west of the project. The Draft EIR finds that the result of placing 220,000 cubic yards of cut and fill at the playing field and raising it by 25 to 30 feet would alter the existing view to the playing field. As stated on page 3.1-47 of the Draft EIR:

> The result is that an existing view to the playing field in the immediate foreground from Seminary Drive (KOP #3, Figure 3.1-20, KOP #3 Visual Simulation) that takes the eye into the project site would become a view to a vegetated slope with a 1:1 gradient (horizontal to vertical). The view from Seminary Drive traveling east (KOP #4, Figure 3.1-7) would be altered similarly to that of KOP #3 (Figure 3.1-20, KOP #3 Visual Simulation), but with the steep slope behind the existing redwood grove.

Therefore, the Draft EIR did describe and analyze the visual impact of development of the landscape berm at the playing field. No edits or revisions to the EIR are required.

PH-22 through 25 Peggy Curran

Comment PH-22
EVERYONE WHO LIVES ANYWHERE NEAR THIS IS GOING TO BE IMPACTED BY TRAFFIC. EVERYBODY. AND SOME OF THAT IS JUST THE WAY THAT IT IS, BUT I DONT THINK ITS BEEN -- I DONT THINK ITS BEEN EVALUATED WELL ENOUGH BECAUSE I KNOW LOS HAS BEEN TAKEN OFF THE TABLE BY THE STATE. I GET THAT.THAT WAS THE STANDARD. I HAVE A PLANNING BACKGROUND. IT WAS THE STANDARD FOREVER SINCE CEQA CAME IN, BUT EVEN IF WE CANT HANG OUR HAT ON LOS, AND IT HAD ITS PROBLEMS, WE HAVE TO LOOK AT THE REALITY ON THE GROUND OF WHAT IS -- WHAT ARE THESE STREETS GOING TO FEEL LIKE? HOW ARE THEY GOING TO FUNCTION? AND IM ALSO CONCERNED ABOUT SPILLOVER PARKING. BECAUSE 144 PARKING SPACE DEFICIT THATS PROPOSED, I WOULD LIKE TO KNOW -- I DONT KNOW WHAT EVEN IF THE RESIDENTIAL CARE FACILITY HAS ANY PARKING ASSOCIATED WITH IT. I COULDNT TELL FROM THIS, OR MAYBE I MISSED IT.IT WAS A BIG DOCUMENT. I MIGHT HAVE MISSED THAT, WHO KNOWS WHAT ELSE. BUT I THINK THE PARKING ANALYSIS IS -- REALLY NEEDS MORE THOUGHT BECAUSE AS BAD AS ITS GOING TO BE IF THERES ADDITIONAL TRAFFIC FLOWING ON THE STREETS, IF THERE ARE LOTS OF ADDITIONAL PARKING ON THE STREET, THOSE DIFFERENT PARKING -- IT JUST CLOGS THINGS UP AND MAKES ONES STREET FEEL LIKE ITS NOT ONES STREET ANYMORE. YOU FEEL LIKE ITS

A STREET THAT BELONGS TO SOME OTHER USE, SPILLOVER PARKING THAT OFTEN RESULTS IN THEN PERMIT PARKING, WHICH IS NOT A PICNIC. IT SOLVES SOME PROBLEMS, BUT ITS NOT A GREAT WAY TO GO, AND I KNOW WHAT IT SAYS IN HERE IS THAT SPILLOVER PARKING IS NOT ACCEPTABLE, BUT I DONT GET HOW THATS AVOIDED UNLESS WE GO TO THE SCHOOL AND LOOK AT WHAT THE SCHOOL IS -- WHAT IS PROPOSED TO BE HAPPENING WITH UP TO 1,000 STUDENTS. I PERSONALLY THINK THEY PROBABLY COULD GREATLY LIMIT THE NUMBER OF A THOUSAND, BECAUSE THEY HAVE NEVER GOTTEN ANYWHERE CLOSE TO THAT IN ALL THE TIME IT EXISTED. AND ALSO THE CONCEPT WAS SELF-CONTAINMENT.THAT WAS THE WHOLE CONCEPT, WAS ITS A SEMINARY. PEOPLE WHO WORK THERE, GO TO SCHOOL THERE, THAT -- AND HAVING LIVED IN THAT NEIGHBORHOOD, PEOPLE -- YOU SEE PEOPLE WALKING. YOU SAW PEOPLE WALKING TO AND FROM THE CAMPUS BECAUSE THEY WERE LIVING DOWN IN THE DORMITORIES AND THE UNITS THAT WERE DOWN AT THE END OF CHAPEL AND ELSEWHERE, AND I DONT KNOW HOW MUCH MORE OF THAT WERE GOING TO SEE, UNLESS PEOPLE ARE PARKING IN THE NEIGHBORHOODS AND WALKING FROM THEIR CARS. THOSE ARE ALL CONCERNS THAT IVE HAD. ID REALLY LIKE TO SEE A DIFFERENT, BETTER PARKING ANALYSIS, AND JUST REALLY TRYING TO PLUMB THE DEPTHS OF WHAT ARE WE TALKING ABOUT IN TERMS OF TRANSPORTATION ON THESE STREETS.

Response PH-22

The comment expresses concern regarding traffic, circulation, and parking associated with the academic campus. As noted in the comment and stated in Final EIR Section 3.2.7, "Master Response: Traffic Count Data," LOS is no longer used to determine the significance of transportation impacts under CEQA.

In addition, parking in and of itself is not an impact under CEQA unless it can be demonstrated that insufficient parking would result in secondary impacts on the environment. In this context, Impact 3.14-3 in Section 3.14, "Transportation," of the Draft EIR evaluated the project's effects on parking supply as it relates to safety hazards, based on the analysis conducted in the TIS, provided as Appendix Q of the Draft EIR. As detailed in Impact 3.14-3, the 241 parking spaces for the academic campus would not be sufficient to meet demand at build-out and with enrollment, thus resulting in potential spillover into adjacent residential areas, which could result in secondary impacts to emergency vehicle access and bicyclists using on-street bike lanes if blocked by illegally parked campus-related vehicles. An additional 144 parking spaces beyond the proposed 241 spaces would be needed to meet the estimated demand for the academic campus. Approximately 60 percent of the proposed academic campus build-out and attendant enrollment could be accommodated with the proposed parking supply. To address this impact, the Draft EIR proposes Mitigation Measure 3.14-3c, which requires the project applicant to implement parking demand reduction and/or supply measures to meet anticipated demand of the academic campus. As stated in Mitigation Measure 3.14-3c, "should there be excess parking occupancy and overflow conditions, the project applicant shall implement additional parking demand reduction measures and/or new parking supply improvements to address parking shortfalls before any additional enrollment could occur beyond 50 percent. All parking shall be located on the project site and within the vicinity of the facility that it serves. Off-site overflow parking shall not be an acceptable strategy." Thus, Mitigation Measure 3.14-3c would ensure that adequate parking is available for the academic campus.

Regarding parking for the residential care facility, as shown in TIS Table 6: Project Peak Weekday Parking Demand, the Residential Care Facility parking demand accounted for 50 assisted living units and 100 independent living units which would result in a parking demand of 50 spaces based on peak parking rates identified in ITE Parking Generation manuals that are reflective of surveys conducted for individual land use categories throughout the country (Draft EIR Appendix Q). The project would provide 185 spaces for the residential care facility, which would be sufficient to accommodate demand based on Table 6 of the TIS.

Finally, regarding comments related to the student enrollment and nature of the academic campus, see Final EIR Section 3.2.4, "Master Response: Conditional Use Permit Issues."

Comment PH-23

AND I THINK THAT WE DO NEED TO BE LOOKING AT THE SEMINARY TOMORROW WORK, AND I THINK ALTERNATIVE FOUR WAS A GOOD START AND IT CAN AND SHOULD GO FURTHER, PARTICULARLY IN THE REALM OF THE SIZE OF THE SCHOOL.

Response PH-23
The comment states the alternatives analysis should consider the Seminary Tomorrow process and Alternative 4 should be expanded to include modifications to the size of the school. See Response PH-15; Final EIR Section 3.2.2, "Master Response: Adequacy of the Range of Alternatives"; Section 3.2.4, "Master Response: Conditional Use Permit Issues"; and Section 3.2.3, "Master Response: Reduced Development Alternative (Seminary Tomorrow Process Outcome)." The Marin County Planning Commission and Board of Supervisors will take all comments received on the Draft EIR under consideration before a decision on the project is rendered.

Comment PH-24
I AGREE WITH THE COMMENTS ABOUT THE SCOPING OUT MORE.WHAT ARE THE HOURS OF THE SCHOOL? IS IT GOING TO HAVE NIGHTTIME STUFF? WEEKEND STUFF? ALL THOSE THINGS. I THINK THOSE WOULD BE VERY IMPORTANT TO ADDRESS, AND ID LOVE TO SEE THE SCHOOL SIZE QUESTIONED.

Response PH-24
The comment requests more details about school operations including hours of operation, nighttime and activities. The comment also questions the size of the school. For comments related to the project description and the uses allowed on site, see Final EIR Section 3.2.1, "Master Response: Stable Project Description," and Section 3.2.4, "Master Response: Conditional Use Permit."

Comment PH-25
I DO THINK THERES A LOT OF SUBSTANCE HERE THAT MAY, IN FACT, PROBABLY, IN FACT, NECESSITATE SOME RECIRCULATION.

Response PH-25
The comment states there is enough substance in the public comments necessitating recirculation of the Draft EIR. A lead agency is required to recirculate a Draft EIR when the agency adds "significant new information" to the EIR after the close of the public comment period but before certification of the Final EIR (PRC Section 21092.1; State CEQA Guidelines Section 15088.5). "New information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement" (State CEQA Guidelines Section 15088.5[a]). As outlined in Section 15088.5(a), "significant new information" includes information showing that:

- a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance
- a feasible project alternative or mitigation measure considerably different from that discussed in the Draft EIR would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it
- the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

No new significant impacts or mitigation measures have been identified in the Final EIR. Additionally, the responses to comments and Final EIR have not identified a substantially greater impact than that described in the Draft EIR, and no new feasible alternatives have been added to the EIR. Therefore, the Draft EIR is adequate pursuant to CEQA and recirculation is not required.

PH-26 through 34 Don Dickenson

Comment PH-26
MOST OF YOUR ACTIVITIES IN SOUTHERN CALIFORNIA. DO YOU REALLY NEED ALL THESE STUDENTS AND ALL -- AND THEY WERENT ANYWHERE NEAR A THOUSAND AT THAT POINT, AND ALL THESE FACILITIES IN NORTHERN

CALIFORNIA WHEN YOUR ACTIVITIES ARE CONCENTRATED IN SOUTHERN CALIFORNIA. THERE WERE A LOT OF DISCUSSIONS AND THEY DECIDED THE LAND WAS SO VALUABLE -- WE CONVINCED THEM THE LAND WAS SO VALUABLE, WELL SELL OFF PARTS OF IT FOR WHAT TURNED INTO MILLIONS OF DOLLARS, PARTS OF THE LAND THAT WAS INCLUDED IN THAT 1953 USE PERMIT. THOSE LANDS WERE SOLD OFF. THERE WERE 24 SINGLE FAMILY LOTS THAT ARE ALL MULTIPLE DOLLAR HOUSES, 36 ATTACHED UNITS THAT WERE SOLD OFF. THAT LAND IS NO LONGER PART OF WHAT THE THOUSAND STUDENT CAMPUS WAS FOR. AT THAT TIME THE ASSUMPTION WAS -- I MEAN, IT WAS DESCRIBED THAT THE MASTER PLAN WAS REPLACING THE CONDITIONAL USE PERMIT, AND IT GETS COMPLICATED BECAUSE THE MASTER PLAN EXPIRED AND THEN DO YOU STILL HAVE A USE PERMIT THAT PRESUMABLY WENT OUT OF EXISTENCE BACK IN 1984 WHEN IT WAS REPLACED BY A PLAN THAT ENVISIONED A LOT LESS STUDENTS, AND WE INTENTIONALLY DID NOT SPECIFY HOW MANY LESS, BUT IT WAS ASSUMED THAT BECAUSE PART OF THE PROPERTY, THE MOST DESIRABLE PART WAS BEING SOLD OFF, THAT THERE WOULD BE A SMALLER CAMPUS.AND THEY BASICALLY -- THE LIBRARY WAS BEING BUILT MAYBE THEN. THE CHAPEL WAS THE ONLY OTHER BUILDING THEY INTENDED TO BUILD, AND SO IT WASNT LIKE THEY HAD PLANS TO BUILD A LOT MORE BUILDINGS TO ACCOMMODATE A THOUSAND PEOPLE. I MEAN, THAT WAS INHERITED IN THE PLAN, AND IN THOSE DAYS THE HOUSING WAS ONLY USED FOR SEMINARY EMPLOYEES AND STUDENTS. I MEAN, NOW IT ISNT. NOW -- I ASSUME IT COULD BE RENTED TO ANYONE, BUT THE SITUATION THEN WAS THE ASSUMPTION THAT ITS NOT GOING TO BE A THOUSAND. ITS GOING TO BE LESS. WE INTENTIONALLY DIDNT PUT A NUMBER ON IT, DIDNT CHANGE THE NUMBER, WHICH I GUESS WOULD BE IRRELEVANT NOW BECAUSE THE MASTER PLAN EXPIRED, BUT -- AND IT WAS PARTLY BECAUSE, WELL, SOME OF THE STUDENTS MOSTLY ARE IN SOUTHERN CALIFORNIA. THERE WERE A LOT OF ASIAN STUDENTS, AS I RECALL, KOREANS AND TAIWANESE STUDENTS WHO ONLY CAME OCCASIONALLY, AND HOW DO YOU COUNT THEM.THE ASSUMPTION IS IT WOULD BE LESS. I HAVE REAL PROBLEMS WITH THE FACT THAT THE EIR, THE DRAFT EIR ASSUMES A THOUSAND STUDENTS BECAUSE I DON'T THINK THAT IS WHAT -- ITS NOT THE SAME PROPERTY. ITS A SMALLER PROPERTY NOW. THE ASSUMPTION WHEN PARTS OF IT WERE SOLD OFF WAS IT WOULD BE SMALLER THAN A THOUSAND UNITS, BUT THAT A THOUSAND-UNIT MAXIMUM, A THOUSAND-UNIT POTENTIAL POPULATION DRIVES EVERYTHING ELSE.

Response PH-26

The comment summarizes historical activities related to the project site and the prior 1984 Master Plan, the 1953 CUP, and the sale of land that formerly used to be part of the academic campus and how this should affect the enrollment and student population at the academic campus. The comment expresses an issue with the Draft EIR because it analyzed enrollment at the academic campus up to 1,000 students; however, while no specific student enrollment was specified when the 1984 Master Plan was approved, the comment asserts it was inherent in the Master Plan that fewer students would be enrolled at the campus and thus the 1,000 student enrollment analyzed in the Draft EIR is inaccurate. As described in Draft EIR Chapter 2, "Project Description," the 1984 Master Plan expired on January 1, 2018 and the 1953 CUP is what governs the permitted uses at the campus. The project does not propose a change to the 1953 CUP and under the current permit, enrollment is allowed for up to 1,000 students and this is what was analyzed in the Draft EIR. Because the CUP creates vested rights, the County does not have authority to restrict student enrollment beyond what is allowed under the current CUP. Further, the proposed project does not propose any changes to the 1953 CUP and thus the allowable uses and student enrollment cap regulated under the 1953 CUP remain unchanged. Comments related to the project merits are not within the purview of CEQA.

To the extent that the comment is addressing the extent of the vested right for the property, the comment does not relate to the environmental effects of the proposed project or the adequacy of the EIR in assessing those effects. Consistent with established CEQA principles, the EIR for the proposed project did not use the extent of the vested right under the CUP as the baseline for environmental impact analysis, but rather used the existing physical conditions on and around the project site as they existed at the time the Notice of Preparation was issued. This approach is mandated by State CEQA Guidelines Section 15125(a) and CEQA case law. (See *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal.4th 310, 320–325 (*CBE*).) The reason for this approach is that CEQA favors a "realistic" analysis of a proposed project's actual effects on the environment. (*CBE*, 40 Cal.4th at p. 322, 325.) Vested rights become relevant only at the time of project approval and consideration of the lawfulness of possible mitigation measures that affect such vested rights. As the California Supreme Court explained, "That a particular mitigation measure may be infeasible or precluded, as by the applicant's vested rights, is not a

justification for not performing environmental review; it does not excuse the agency from following the dictates of CEQA and realistically analyzing the project's effects. After proper analysis, the agency might decide to disapprove the project because of its immitigable adverse effects or to approve it with a finding of overriding considerations. ([Public Resources Code] § 21081, subd. (b).) In short, an applicant's vested rights might constitute a valid reason to forgo particular mitigation measures, but are not an excuse to avoid realistic CEQA analysis." (Id. at p. 325.) Because the comment's view of the applicant's vested right is relevant to the ultimate decision on the merits of the proposed project, the comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration as each body considers the planning merits of the proposed project. See also Final EIR Section 3.2.4, "Master Response: Conditional Use Permit Issues."

Comment PH-27

IF YOU LOOK AT THE ALTERNATIVES AND NO-PROJECT ALTERNATIVE OR THE ALTERNATIVE THREE, WHICH IS A COMMUNITY ALTERNATIVE, THEY ALL ASSUME THAT ITS GOING TO BE A THOUSAND STUDENTS, AND BECAUSE THEY ARE NOT GOING TO BE LIVING ON THE SITE, OR ONLY 90 TO I THINK 100 WOULD BE LIVING ON THE SITES AND THE REST COMMUTING IN AND THE VEHICLE MILES TRAVELED WOULD BE EVEN WORSE. AND I THINK IT SKEWS THE ANALYSIS TO ASSUME THAT A THOUSAND-PERSON AND THEN ASSUME THAT ALL THOSE ADDITIONAL STUDENTS ARE GOING TO BE DRIVING IN. AND IT DISADVANTAGES THOSE OTHER TWO ALTERNATIVES.

Response PH-27

The comment states that all alternatives assume enrollment of 1,000 students and this skews the analysis of alternatives and disadvantages the other two alternatives. All alternatives make the same assumptions related to the current enrollment cap allowed under the 1953 CUP, and the number of student housing units to be provided consistent with the currently approved Strawberry Community Plan. The project does not propose a change to the 1953 CUP, and under the current permit enrollment is allowed for up to 1,000 students. The County does not have authority to restrict student enrollment beyond what is allowed under the current CUP. Further, the proposed project does not propose any changes to the 1953 CUP and thus the allowable uses and student enrollment cap regulated under the 1953 CUP remain unchanged. The project also does not propose a change to the number of student housing units allowed in the currently approved Strawberry Community Plan. Similar to the 1953 CUP, the County does not have authority to require this element of the current Strawberry Community Plan be changed to increase the student housing cap regulated under the current Strawberry Community Plan. Therefore, these two allowable operational elements of the 1953 CUP and the current Strawberry Community Plan remain unchanged in the alternatives analysis. Therefore, there is no skewing of analysis with respect to these two allowable operational elements of the 1953 CUP and the current Strawberry Community Plan.

Comment PH-28

IN TERMS OF THE PROPOSED USES IN THE ANALYSIS, I THINK ITS IMPOSSIBLE TO DO ANALYSIS OF AN EDUCATIONAL INSTITUTION, ACADEMIC INSTITUTION WHEN YOU DONT KNOW WHAT IT IS. IS IT A RESIDENTIAL CAMPUS? IS IT A NON-RESIDENTIAL CAMPUS? I ASSUME NOW ITS NOT JUST ANY CAMPUS, LIKE A SAN DOMENICO, I MEAN A BRANSON SCHOOL, BUT IT IS NOW DESCRIBED AT LEAST AS A UNIVERSITY OR A COLLEGE. BUT THERE ARE SUCH VAST DIFFERENCES IN TERMS OF THE KINDS OF USE I DONT KNOW HOW YOU CAN DO A REALISTIC ANALYSIS OF WHAT THE IMPACTS WOULD BE OF THAT USE, PARTICULARLY ASSUMING THAT YOURE GOING TO HAVE A THOUSAND STUDENTS THERE.

Response PH-28

The comment expresses concern that it is impossible to do an analysis of an educational institution without operational details for the academic campus. See Final EIR Section 3.2.1, "Master Response: Stable Project Description," and Section 3.2.4, "Master Response: Conditional Use Permit Issues."

Comment PH-29

THROUGH THE EIR, IT MAKES -- IT RECOMMENDS A NUMBER OF MITIGATION MEASURES, AND PARTICULARLY I READ THROUGH IT AND IT TALKED ABOUT ROAD WIDENING TO MITIGATE THE TRANSPORTATION IMPACTS TO

BRING THEM UP TO COUNTY STANDARDS. I WAS THINKING ABOUT EAST STRAWBERRY DRIVE, HOW CAN YOU DO THAT?HOW CAN YOU DO IT WITHIN THE RIGHT-OF-WAY? AND I THINK, BUT IT SHOULD BE CLARIFIED, THAT THE RECOMMENDATION IS ONLY ON-SITE ROADS, THAT ITS NOT THE OFF-SITE ROADS LEADING TO THE CAMPUS. IT DOES HAVE -- THE ONLY ONE THAT CLEARLY SEEMED TO BE AN OFF-SITE RECOMMENDATION, RECOMMENDATIONS FOR SIDEWALKS OR PATHS, BUT NOTHING REGARDING VEHICLES, OTHER THAN A TRAFFIC CIRCLE AT RICARDO AND SEMINARY DRIVE, IT WOULD HAVE BEEN AN EASY THING TO LOOK AT THE RIGHT-OF-WAY AND SEE IF THATS EVEN FEASIBLE. I MEAN, I CANT BELIEVE THAT IT IS WITHOUT EITHER CONDEMNING PEOPLES FRONT YARDS OR GOING INTO THE -- THE OTHER WAY INTO THE -- CERTAINLY INTO THE SHORELINE, BCDC SHORELINE BAND JURISDICTION, BUT I THINK IT SHOULD AT LEAST BE CLARIFIED WHEN YOU REFER TO OFF-SITE OR YOU REFER TO ROADWAY IMPROVEMENTS TO BRING THE ROADS UP TO COMMUNITY STANDARDS, ARE YOU ONLY, IN FACT, TALKING ABOUT ON-SITE ROADS, WHICH I THINK IS PROBABLY THE CASE, BUT I DONT KNOW?

Response PH-29

The comment questions the feasibility of implementing Mitigation Measures 3.14-3b and 3.14-4. Mitigation Measure 3.14-3b would apply to both private and public roads including Hodges Drive and Gilbert Drive (i.e., both collector streets) as well as existing local roads that do not meet the County standards within the project site. It also applies to new roads that would be constructed within the project site. Widening of project roadways to meet County of Marin Road Standards as well as ADA and PROWAG Guidelines for Transportation Accessibility would be a condition of approval if the project is approved.

The implementation of a roundabout is no longer proposed as mitigation for the impact of the project on emergency access and an updated mitigation measure is proposed. The updated measure is equivalent to the initial option provided in Mitigation Measure 3.14-4, involving installing signal preemption at two existing traffic signals on Redwood Highway Frontage Road that are on the primary routes for first responders from the fire station to access US 101. The updated mitigation would achieve the same improvements as previously determined in Impact 3.14-4 of the Draft EIR and impacts would be less than significant with the incorporation of this mitigation measure. See Final EIR Section 3.2.12, "Master Response: Emergency Vehicle Access Mitigation Measure," related to emergency access mitigation for details. These changes are also reflected in Chapter 4, "Revisions to the Draft EIR." The updated mitigation would achieve the same improvements as previously determined in Impact 3.14-4 of the Draft EIR and does not change the analysis or conclusions of the Draft EIR.

Comment PH-30

IN TERMS OF THE ALTERNATIVES, I ACTUALLY HAVE A VERY MINOR POINT HERE, BUT IM PROBABLY THE ONLY ONE WHO NOTICED IT, UNDER THE ALTERNATIVE SITE, WHICH IS KIND OF A MEANINGLESS EXERCISE. IT NEVER RESULTS IN ANYTHING, BUT THE EIR REFERS TO THE ST. VINCENT SILVEIRA PROPERTY BEING IN SANTA VENETIA, WHICH IT ABSOLUTELY -- AND THATS ON PAGE 3-14. ITS ABSOLUTELY NOT IN SANTA VENETIA.IF YOU HAD TO DESCRIBE IT, ITS IN NORTH SAN RAFAEL OR EAST OF MARINWOOD, BUT ITS NOT IN SANTA VENETIA.

Response PH-30

The comment states that in Chapter 5, Alternatives, of the Draft EIR the St. Vincent's School for Boys is incorrectly identified as being located in Santa Venetia. In response to this comment page 5-14 of the Draft EIR has been revised as follows:

ORIGINAL:

Site 2 – St. Vincent's School for Boys. This property is located in Santa Venetia off U.S. Highway 101 (U.S. 101) and St. Vincent Drive and encompasses approximately 315 acres on APNs 155-011-28, -29, and -30.

REVISED:

Site 2 – St. Vincent's School for Boys. This property is located in ~~Santa Venetia~~ San Rafael off U.S. Highway 101 (U.S. 101) and St. Vincent Drive and encompasses approximately 315 acres on APNs 155-011-28, -29, and -30.

Comment PH-31

IN TERMS OF THE ALTERNATIVES, WHERE I HAVE PROBLEMS IS THE ALTERNATIVE FOUR ATTEMPTS IN AN UNDEFINED WAY TO MITIGATE SOME OF THE POTENTIAL IMPACT. FOR INSTANCE, IT WAS WEIRD -- THE MAP IS WEIRD. ON MISSION DRIVE THERES A LITTLE TAG OF LAND ON THE SOUTH SIDE OF MISSION DRIVE. WHY IS IT THERE? WE KNEW LANDSLIDES WOULD SHOW UP IN THE HERZOG MAP, SO WE LEFT IT AS PART OF SEMINARY, BECAUSE IF IT MOVED OR ANYTHING IT WOULD AFFECT THEIR UPHILL BUILDINGS. NOW IT HAS TWO HOUSES PROPOSED ON IT, AND THE ALTERNATIVE FOUR TALKS ABOUT IN CASE OF GEOLOGIC STABILITY MOVE THE UNITS ELSEWHERE.THATS A SMALL NUMBER OF UNITS. THERE ARE OTHER UNITS ON THE PLAN THAT POTENTIALLY ARE AFFECTED BY THAT MITIGATION MEASURE. IF YOURE TALKING ABOUT MOVING IT TO ZONE ONE, TO STABLE LAND, WELL, HOW MANY UNITS IS THAT GOING TO BE? IN ADDITION, THE CHAPEL HILL PROPOSAL, WHICH WAS A GRADED FLAT PAD BACK AT THE TIME OF THE MASTER PLAN, IT HAD BEEN GRADED I GUESS WITH THE ORIGINAL CAMPUS DEVELOPMENT, BUT THAT WOULD BE A VISUAL DISASTER. I MEAN, THE ONE TO THREE-STORY BUILDINGS SURROUNDING THAT PROMINENT KNOLL. SO THEY TALK ABOUT MOVING THEM SOMEWHERE LOWER ON THE HILL. WHERE ARE YOU GOING TO MOVE 40 UNITS?I MEAN, ITS A LOT OF RELATIVELY LARGE UNITS. WHERE ARE THEY GOING TO GO? ITS JUST NOT CLEAR TO ME AT ALL WHETHER ALTERNATIVE FOUR IS REALLY FEASIBLE BECAUSE IT TALKS ABOUT DOING A LOT OF STUFF, BUT IT DOESNT TALK ABOUT WHAT THE IMPLICATIONS OF THAT WOULD BE. DO YOU MOVE CLOSER TO THE BUTTERFLY TREES, POTENTIAL BUTTERFLY TREES? DO YOU END UP IN OTHER AREAS OF GEOLOGIC INSTABILITY TO DEAL WITH THE ESTHETIC ISSUES? IT JUST DOESNT SEEM TO ME THERES ENOUGH THOUGHT IN THE ALTERNATIVE FOUR ANALYSIS. WHILE SOME OF THE STATED OBJECTIVES ARE GOOD, I JUST -- ITS NOT CLEAR TO ME IN THIS DOCUMENT, WHICH IS SUPPOSED TO BE AN INFORMATIONAL DOCUMENT TO BE USED BY DECISIONMAKERS TO DECIDE WHAT THE TRADE-OFFS ARE, WHETHER THEY ARE FEASIBLE.

Response PH-31

The comment questions the feasibility of Alternative 4 and that it does not provide enough detail about where and how many residential units would be relocated to reduce slope stability impacts and what the environmental effects would be with implementation of the alternative. The two residential units mentioned in the comment on Mission Drive are located in the Mission Drive Planning Area as described in Chapter 2, "Project Description," and shown on Figure 2-6, Project Site Plan, of the Draft EIR. As described in Section 2.6, "Project Components," of the Draft EIR, the project proposes to construct two four-bedroom single-family residences and retain 10 three-bedroom units (Platt Village) and one single-family residence (Missionary House) in the Mission Drive Planning Area. As mentioned in the comment and discussed in Section 3.6, "Geology and Soils," and shown on Figure 3.6-3, Geologic Hazards General Overview, not unlike other areas of the project site these units are proposed in an area of mapped geologic instability. The analysis of Alternative 4 evaluated in Section 5.4.4, Alternative 4: Mitigated Plan Alternative, of the Draft EIR involves modifications to the development plan (e.g., configuration of concept plan land uses) to reduce environmental impacts and illustrate the incorporation of recommended mitigation measures. The modifications are based on the analysis of the impacts of the project as proposed, County policy interpretation, where potentially significant impacts are identified for the proposed project, and recommended mitigation measures in the Draft EIR. These modifications include alternative actions that may be different than the mitigation measures proposed for the project. As explained in Draft EIR pages 5-20 through 5-26, Alternative 4 would reduce potentially significant impacts related to aesthetics, biological resources, geology and geologic hazards, and transportation. To address potentially significant impacts related to slope stability and landslide hazards, this alternative proposes development to be relocated and focused within Slope Stability Zone 1 with its generally gentler slopes, as identified in Figure 3.6-2, "Relative Slope Stability." Also, Figure 5-1, Mitigated Plan Alternative, identifies the location of the conceptual elements outlined for Alternative 4 including generally where Slope Stability Zone 1 is mapped on the project site and where development could possibly be relocated. In addition, Figure 5-1, Mitigated Plan Alternative, identifies an additional alternate site for relocated units in the Hodges/Shuck Planning Area including any relocated Chapel Hill units. Further, the Draft EIR recognizes that further site planning and geotechnical engineering would be required to confirm development and design-level stability requirements including how many units could be moved and where specifically in Zone 1 they could be moved. Tables ES-2 and 5-1, Summary of Environmental Effects of the Alternatives Relative to the Proposed North Coast Land Holdings Project, show a comparison of the environmental effects of each

alternative compared to the proposed project. As shown in both of these tables, the majority of environmental impacts under Alternative 4 would be similar to those of the proposed project, and no significant and unavoidable impacts would be completely rendered less than significant, the proposed modified development plan would reduce potentially significant impacts related to visual resources, biological resources, slope stability and landslide hazards, and safety hazards and emergency access. Therefore, the Draft EIR does provide sufficient detail for the analysis of Alternative 4, identifies an alternate site for relocated units in the Hodges/Shuck Planning Area including any relocated Chapel Hill units, and provides a comparison of the environmental effects of Alternative 4 compared to the proposed project.

Comment PH-32

IN ADDITION, THERE ARE A NUMBER OF PLACES IN TERMS OF THE BELOW-MARKET-RATE HOUSING WHERE IT TALKS ABOUT 20% BMR UNITS. BUT I WOULD POINT OUT ON PAGE 2-19 IT TALKS ABOUT IN CONFORMANCE WITH MARIN COUNTY DEVELOPMENT CODE AND CALIFORNIA DENSITY BONUS LAW, 50 OF THE UNITS -- 50 OF THE 324 UNITS WILL BE AVAILABLE TO LOW-INCOME HOUSEHOLDS. WELL, I DIVIDED IT OUT. THATS 15%. THATS NOT 20%, SO SOMEWHERE THAT SHOULD BE RECONCILED. IS IT 20%? OR IS IT 15%? AND I REALIZE THERE ARE DIFFERENT WAYS OF CALCULATING. DO YOU ADD THE DENSITY BONUS ON AFTERWARDS? BUT ITS NOT -- THE WORDING NOW IS NOT CONSISTENT.

Response PH-32

The comment questions if the correct number of affordable units were described in the Draft EIR. See Final EIR Chapter 2, "Project Updates," which describes project updates and edits in this Final EIR to correct the affordable unit count and increase the affordable units to be dedicated under the proposed project to 70 affordable units. Thus, the number of market rate and affordable units has been revised from the original project description, with 20 fewer market rate units and 20 more affordable units. The specific revisions to the Draft EIR correcting the affordable unit count are detailed in Chapter 4, "Revisions to the Draft EIR."

Comment PH-33

ND THEN IN GENERAL LET ME JUST SAY, BECAUSE

[INDISCERNIBLE] GET TO THE MERITS. THIS IS A MASSIVE PROJECT. THIS IS THREE SIX-STORY BUILDINGS HERE, WHICH I DONT THINK MOST PEOPLE REALIZE. THE ASSISTED CARE USE, WHICH COULD BE AN APPROPRIATE USE, ITS OVER A QUARTER MILLION SQUARE FEET OF FLOOR AREA. ITS MASSIVE. AND I DONT THINK THAT COMES ACROSS VERY CLEARLY. I MEAN, WE HAVE THE PHOTO MONTAGES THAT ARE TAKEN FROM DISTANT LOCATIONS, DONT REALLY SHOW IT, BUT I DONT THINK THE EIR REALLY GIVES ADEQUATE DESCRIPTION OF WHAT THIS PROJECT WOULD ACTUALLY LOOK LIKE.

Response PH-33

The comment expresses concern about the project's scale and mentions the three six-story buildings and over a quarter-million square feet of floor area for assisted care use. The comment argues that the EIR fails to adequately convey the visual and spatial impact of the development, particularly in its photo montages. Draft EIR Section 3.1, "Aesthetics," provides detail on the proposed project's scale. The project's proposed residential structures would be generally compatible in scale with the surrounding single-family homes, condominiums, and large apartment buildings that exist along the Richardson Bay shoreline. Housing proposed on the sides of Chapel Hill would be sited to be lower than the promontory of the hill and would not block views from the hill. However, the vegetation at the top of Chapel Hill Park would only partially screen the residential development on Chapel Hill. The residential cluster on the south side of Chapel Hill and the redeveloped Chapel Hill Plaza would be noticeably visible. The mass and scale of the residential care facility, while larger than surrounding buildings, would be minimized by its angled footprint forming two wings that mimic the topography and consist of five floors that step down the slope. The mass and scale of the residential care facility would also be minimized by street trees that would help screen the building and by planting trees between the wings of the buildings, which would further visually separate them. In addition, the horizontal nature of the building would include fenestration of the facade that further visually breaks the building into smaller components.

The mass and scale of the six-story apartment structures proposed at the corner of Hodges Drive and Shuck Drive would be visually distinct when viewed in the immediate foreground from within the project site. Viewed from surrounding areas outside the project site, the lower floors would generally not be visible as the structures would be located in the lower elevations of the project site. While the upper floors of the six-story apartment structures may be seen, they would be similar in color and fenestration to the smaller apartment structures that backdrop them and would thus be visually unified with them.

Most project structures conform with the bulk and scale of existing development on the Strawberry Peninsula. Visibility to the residential care facility is limited to public views from the southwest. The design of the residential care facility would be stepped to follow the existing topography and broken into distinct building components. Implementation of Mitigation Measures 3.1-1a through 3.1-1d, combined with site landscaping, over time, would reduce visibility and create visual separation from adjacent residential areas. Due to their location along the lower elevations of the project site, the three six-story apartment buildings at the corner of Hodges Drive and Shuck Drive would have limited exposure to surrounding areas. The upper floors may be seen from selected locations but would be backdropped by topography and other development similar in color and texture to the apartment structures such that the bulk of the buildings would be visually blended with the overall development. Therefore, the Draft EIR adequately describes and analyzes the scale and magnitude of aesthetic.

Comment PH-34

A LOT OF THE DESCRIPTION IS ACTUALLY VERY DETAILED AND VERY THOROUGH, AND ITS ACTUALLY KIND OF IMPRESSIVE, BUT SOME OF THE FLAWS ARE CREATED BY THIS ASSUMPTION ABOUT SOMEHOW HAVING A VESTED RIGHT TO A THOUSAND-STUDENT POPULATION THAT THEY NEVER HAD, AND I JUST DONT UNDERSTAND THAT, AND THATS DRIVING SO MUCH OF THE REST OF THE ANALYSIS. SOMEWHERE IN THE DOCUMENT THERE SHOULD BE MORE DISCUSSION OF WHY THAT IS ACTUALLY THE CASE BECAUSE I DONT REALLY UNDERSTAND IT MYSELF, WHY WERE GOING BACK TO SOMETHING FROM 1953 THAT TENDS TO DRIVE A LOT OF THE REST OF THE ANALYSIS, AND THAT IS PARTLY A POLICY DECISION ON THE PART OF THE COUNTY AND THE EIR CONSULTANTS JOB TO ACTUALLY ADJUST, IF NECESSARY, THE ANALYSIS, BUT THOSE ARE MY COMMENTS.

Response PH-34

The comment states a lot of the description in the Draft EIR is very detailed and thorough, but there are flaws in the assumption of having a vested right to a 1,000-student population. The comment requests that somewhere in the EIR there should be more discussion of why the 1953 CUP is still applicable because it is not clear or well understood. The comment is related to the project merits and what is governed under the 1953 CUP. In general, EIRs need not discuss how proposed projects could affect the legal rights of affected persons (see, e.g., *Buena Vista Water Storage Dist. v. Kern Water Bank Authority* (2022) 76 Cal.App.5th 576, 591–593 [water rights]), even though information on such topics may be appropriate in connection with consideration of the merits of proposed projects. Such information can come into an agency's administrative record through documents and inputs other than the EIR. In short, the comment does not address the adequacy of the EIR and thus is not within the purview of CEQA. The comment, however, will be conveyed to the Planning Commission and Board of Supervisors for their consideration in connection with decisions on the merits of the proposed project. See Final EIR Section 3.2.4, "Master Response: Conditional Use Permit," and Response PH-26.

PH-35 through 38 Chris Desser

Comment PH-35

I GUESS I WOULD BE INTERESTED IN SEEING THE LEGAL ANALYSIS OF THAT SINCE ACCORDING TO THE COMMUNITY REPRESENTATIVE IT WASNT GOING TO RESULT IN A DECREASE IN HOUSING.IM CONCERNED THAT THERES GOING TO BE MORE -- AN INCREASED PERCEPTION THAT WE ARE NOT BEING RESPONSIVE TO OUR COMMUNITY. [INDISCERNIBLE] THIS IS SOMETHING THAT HAPPENED WITH THE GAS STATION AT POINT REYES. IM CONCERNED THAT ITS GOING TO HAPPEN WITH THE TOWN JUNCTION SITE, AND TO SOME EXTENT IT HAPPENED [INDISCERNIBLE] WITH THE SHORT-TERM RENTALS. WE ARE HERE TO GET MEANINGFUL COMMUNITY INPUT, AND

[INDISCERNIBLE] DECISION WE MAKE IS GOING TO PLEASE EVERYBODY IN THE COMMUNITY. UNDOUBTEDLY IT ISNT, BUT WHEN PEOPLE GO TO THE TROUBLE OF BRINGING US MEANINGFUL ALTERNATIVES THAT WE DONT HEAR OBJECTIONS TO, WHICH WAS THE CASE WITH THE GAS STATION AND THE CASE HERE, AND WE DONT TAKE IT SERIOUSLY

[INDISCERNIBLE] AUTHORITY? SO I THINK THAT AT LEAST THAT IS WHAT I WOULD WANT TO UNDERSTAND WHY ITS LEGALLY INFEASIBLE SINCE PEOPLE SPENT A LOT OF TIME AND MONEY TO COME UP WITH AN ALTERNATIVE THAT EVERYBODY WAS GOING TO BE HAPPY WITH.

Response PH-35

The comment expresses a desire to understand why the Reduced Development Alternative (Seminary Tomorrow Process Outcome) was deemed legally infeasible and eliminated from further evaluation in the Draft EIR. See Final EIR Section 3.2.3, "Master Response: Reduced Development Alternative (Seminary Tomorrow Process Outcome)."

Comment PH-36

I GUESS I WANT TO ECHO MY CONCERN ABOUT THE FILL ON THE FIELD. IM ALWAYS SO GRATEFUL THAT DON IS HERE FOR MANY REASONS, BUT INCLUDING THE DEPTH OF HISTORICAL KNOWLEDGE. TO NOT KNOW THAT THERE IS A PLACE THAT ACTUALLY IS A GEOLOGICAL HAZARD TO BUILD ON THAT, IF THATS TRUE, AND HE USUALLY TELLS THE TRUTH, THAT SEEMS TO ME THAT THAT IS A SIGNIFICANT ISSUE TOO. WE CANT JUST GLIBLY SAY WERE GOING TO MOVE SOMETHING.

Response PH-36

The comment is concerned about the proposal to place fill on the playfield because it could be a geological hazard. See Final EIR Section 3.2.5, "Master Response: Project-Level Geotechnical Evaluation." Additionally, the applicant retained Rockridge Geotechnical to perform additional soil sampling and investigation in the Hodges area, at the proposed fitness center, and at the play field fill sites and concluded that there are no major geotechnical issues that would preclude development of the site as proposed (Final EIR Appendix A). The report provides details for standard structures that should be included in the proposed fill area including a keyway and proper drainage.

Comment PH-37

THE NUMBER OF -- THE KIND OF SCHOOL, THE NUMBER OF STUDENTS, WHERE THEY ARE GOING TO BE LIVING, TO HAVE IT IN THE DOCUMENT IN THIS DAY AND AGE, GIVING THE HOUSING LEGISLATION, THAT SAYS WE HAVE A 30% VACANCY RATE IN MARIN COUNTY, I MEAN, THAT, AGAIN, FLIES IN THE FACE OF EVERYTHING WEVE BEEN DOING THIS LAST TWO YEARS ON HOUSING, AND WHY WE NEED IT, WHICH WE DO NEED IT. YOU CANT JUST USE -- AGAIN, THIS 70-YEAR-OLD DATA IN A PLACE THAT HAS CHANGED SO DRAMATICALLY,

Response PH-37

The comment states the Draft EIR uses outdated data related to schools, students, and housing, particularly a claimed 30 percent vacancy rate in Marin County which is inconsistent with current housing legislation and the current need for housing. The comment is incorrect and the Draft EIR does not report a 30 percent vacancy rate for the County. See Responses O1-6, O3-7, O4-71, O4-78, and O4-79 which provide updated data and analysis related to schools and student enrollment; housing units and vacancy; and population and population growth. These revisions represent minor updates to the EIR to reflect current data which continue to support the findings and do change the significance determinations of the EIR.

Comment PH-38

WE WANT AFFORDABLE HOUSING. THAT IS THE BIGGEST ISSUE, AND ITS UNCLEAR WHAT PERCENTAGE OF THIS HOUSING IS GOING TO BE AFFORDABLE HOUSING. I THINK THAT NEEDS TO BE ADDRESSED AS WELL. YEAH, I MEAN, ON ITS FACE, [INDISCERNIBLE] LOOK AND ALL OF THAT, REASONABLE MINDS CAN DIFFER, I SUPPOSE. THATS JUST NOT WHAT IT LOOKS LIKE, EVEN FROM THE PHOTOS THAT ARE IN THE EIR. A COMMUNITY [INDISCERNIBLE] SEMINARY, SEMINARIES ARE OFTEN ALSO LIKE MONASTIC, SILENT [INDISCERNIBLE] DRAMATIC.I DONT UNDERSTAND HOW WE CAN APPROVE SOMETHING WHEN WE DONT KNOW WHAT THE SCHOOL IS GOING TO BE.

Response PH-38
The comment expresses a desire for affordable housing and states it is unclear what percentage of the project would be affordable housing. The comment also questions how a project can be approved without knowing the operational details of the academic campus. See Final EIR Chapter 2, "Project Updates," which describes project updates and edits in this Final EIR to correct the affordable unit count and increase the affordable units to be dedicated under the proposed project to 70 affordable units. Thus, the number of market rate and affordable units has been revised from the original project description, with 20 fewer market rate units and 20 more affordable units. The specific revisions to the Draft EIR correcting the affordable unit count are detailed in Chapter 4, "Revisions to the Draft EIR." For comments related to the operational details of the academic campus, see Final EIR Section 3.2.1, "Master Response: Stable Project Description."

PH-39 through 46 Margot Biehle

Comment PH-39
I DID LOOK AT THIS IS ONE OF THE THINGS THAT I FIND CONFOUNDING ABOUT PLANNING LAW IS THAT -- AND PLANNING IN GENERAL IS THAT, YOU KNOW, IN SOME WAYS I FIND THAT WERE COMPARING APPLES TO ORANGES. THE PLAN LOOKS AT UNITS, AND I LOOKED AT THE NUMBER OF BEDROOMS. EXISTING, THERES 284 BEDROOMS, 300 FAMILY HOMES WITH HOW MANY BEDROOMS AND A DORMITORY, A COUPLE OF DORMITORIES. AS PROPOSED, THERE ARE OVER 1,000 BEDROOMS.THATS A FIVEFOLD INCREASE OF WHATS THERE, SO WHEN WERE LOOKING AT IMPACTS IN TERMS OF JUST THE RESIDENTS ON THE SITE, YOU KNOW, COMPARING UNITS THAT SHOW UP IN EIR VERSUS THE ACTUAL NUMBER OF PEOPLE THAT ARE GOING TO BE ON SITE I FEEL LIKE IS A LITTLE BIT SKEWED.

Response PH-39
The comment states that while the EIR describes and analyzes the number of residents and the number of units proposed under the project, the reviewer considered the number of bedrooms. The comment goes on to estimate that over 1,000 bedrooms would be developed under the project and comparing units to the number of people that would be onsite feels a little bit skewed. The comment is correct that the Draft EIR describes and analyzes the number of residents and the number of units proposed under the project. The methodology and approach for the analysis in the Draft EIR is discussed throughout in each induvial resource area covered in the Draft EIR. The comment does not identify where in the EIR the analysis is deficient due to considerations of units versus residents. No further response is required.

Comment PH-40
YOU KNOW, THE OTHER THING ABOUT LOOKING AT OLIVET AS AN EXAMPLE IS THE SEMINARY USE OF THAT PROPERTY HAS EVOLVED OVER TIME, RIGHT? SO THERE IS A BAPTIST SEMINARY. IT WAS GREAT, HEYDAY IN THE 80S, 90S. IT WENT INTO SORT OF, YOU KNOW -- IT REDUCED ITS USE. OLIVET TOOK IT OVER AND HAS A FEW MORE PEOPLE NOW, STILL NOT ANYWHERE CLOSE TO A THOUSAND. WHO KNOWS, YOU KNOW, WHATS GOING TO HAPPEN WITH OLIVET. THE SEMINARY THAT I LIVE NEAR IN SAN ANSELMO IS BASICALLY NO LONGER.ITS TAKEN OVER BY, WHATEVER, ST. MARYS -- WHATEVER, SOME UNIVERSITY. YOU KNOW, ITS -- THEY ARE CHANGING, AND THIS KIND OF BRINGS UP THE 1953 CONDITIONAL USE PERMIT. I FEEL LIKE -- AND THIS IS PARTLY A LOT OF MY PROBLEMS WITH THIS EIR HAVE TO DO WITH CEQA IN GENERAL AND HOW WE KIND OF SQUEEZE OUR ANALYSIS INTO AN IMPERFECT LEGAL STRUCTURE, BUT LOOKING AT THE 1953 CUP AS THE DRIVING FORCE BEHIND HOW WE LOOK AT PLANNING NOW, THE COUNTY IS SO DIFFERENT THAN IT WAS 75 YEARS AGO OR 70 YEARS AGO, AND SO WHY ARE WE USING THAT AS THE BENCHMARK RATHER THAN LOOKING AT THE IMPACT THAT THIS DEVELOPMENT HAS ON THE COUNTY VIS-À-VIS OR ON THE COMMUNITY VIS-À-VIS WHAT THE NEEDS OF A COMMUNITY AND THE COUNTY ARE.

Response PH-40
The comment states that the use of the property has evolved over time and questions why the EIR relies on the 1953 CUP to drive what can be developed on the site and that the impact analysis should instead look at what the needs of the community and county are. The comment is related to the project merits and what is governed under the

Conditional Use Permit. The comment does not address the adequacy of the EIR and thus is not within the purview of CEQA. See Final EIR Section 3.2.4, "Master Response: Conditional Use Permit."

Comment PH-41

NO OFFENCE, BUT ITS JUST TOO BAD THAT THE HISTORICAL GEOGRAPHIC AND GEOLOGICAL INFORMATION OF THIS SITE DID NOT COME UP WITH THE GEOLOGICAL ENGINEERING IN AN OTHERWISE -- YOU KNOW, I WAS FASCINATED READING THE EIR. I LOVED THE HISTORICAL CONTEXT OF IT AND HAD NO IDEA ABOUT SO MANY OF THE THINGS ABOUT HOW MARIN DEVELOPED AND WHAT THE -- ESPECIALLY MULTIPLE HUNDREDS OF [INDISCERNIBLE] OF THE COUNTY IN THAT PARTICULAR AREA. FASCINATING. WHY CANT WE FIGURE OUT THAT THERE IS A LANDSLIDE IN THAT AREA THAT THREE HOUSES ARE PROPOSED ON? THAT KIND OF BOGGLES MY MIND, AND UNFORTUNATELY WHAT IT DOES IS IT TAKES WHAT SEEMS TO BE AN OTHERWISE VERY WELL-DOCUMENTED EIR IN SO MANY WAYS, AND IT JUST UNDERMINES SO MUCH OF THE INFORMATION THAT IS THERE, AND IT MAKES IT SOMEWHAT UNRELIABLE, WHICH I THINK IS WHAT, YOU KNOW, DON AND CHRIS HAVE BEEN SAYING.

Response PH-41

The comment is concerned about the proposal to locate three homes in a landslide area. See Final EIR Section 3.2.5, "Master Response: Project-Level Geotechnical Evaluation."

Comment PH-42

I STILL DONT UNDERSTAND WHY NOBODY IS TALKING ABOUT THE ASSISTED LIVING FACILITY.IT IS SO HUGE. ITS FIVE STORIES. ITS HOWEVER MANY SQUARE FEET DON SAID, AND THE IMPACT OF THE KIND OF SUPPORT THAT A FACILITY LIKE THAT NEEDS, WHICH I THINK -- MARIN COUNTY IS AN AGING COUNTY. WE NEED SENIOR SUPPORT. THERE IS NO QUESTION ABOUT IT, BUT THIS IS SO HUGE, AND TRAFFIC IMPACTS. I THINK THAT THE STRAWBERRY COMMUNITY IS WISHING THAT BRANSON HAD MOVED IN THERE A NUMBER OF YEARS AGO AT THIS POINT, BUT I THINK THAT THERES A LACK OF DATA.

Response PH-42

The comment expresses concerns with congestion from the assisted living facility. As described in Final EIR Section 3.2.7 "Master Response: Traffic Count Data," LOS assessment is not used to determine environmental impacts under CEQA (in accordance with SB 743, Statutes of 2013), but may inform decisions about the merits of the proposed project. Although LOS is no longer used to determine a significant environmental impact, an analysis of LOS was prepared for the County of Marin's merit review of the project. The LOS Assessment Memo was updated to incorporate new February 2025 traffic counts collected in response to Draft EIR comments and to account for potential post-pandemic travel behavior changes. Although differences from 2021 counts were minimal, the memo was revised in consultation with County staff to use the 2025 data and add a seventh study intersection (Appendix B of this FEIR). According to the LOS Assessment Memo, all study intersections would operate at LOS D or better conditions under all scenarios, which meets the County LOS standard and the conclusions in the Draft EIR are valid.

Comment PH-43

I REALLY WANT TO SEE MORE DRILLED INTO, LIKE, THE KIND OF EDUCATIONAL FACILITY THAT THEY ANTICIPATE, AND SOME PARAMETERS AROUND WHAT IT COULD BE IF OLIVET LEAVES.

Response PH-43

The comment requests more information regarding the kind of educational facility that is anticipated and what could operations look like if Olivet University left the campus. Regarding what operations could look like if Olivet University left the campus, there are no plans for Olivet University to leave the campus at this time. However in this scenario, it can reasonably be anticipated to look similar to what is described for Alternative 3, Community Plan Consistent Alternative. It can be expected that an equivalent institute of higher learning could operate on the site in compliance with the 1953 CUP and Strawberry Community Plan which allow for operation of this type of use and the existing facilities are suitable for this type of use. See Final EIR Section 3.2.1, "Master Response: Stable Project Description," and Section 3.2.4, "Master Response: Conditional Use Permit Issues."

Comment PH-44
AND THE FINAL THING I WILL SAY IS THAT FIELD. I MEAN, THE FILL, THATS INSANE. THE SORT OF DIAGRAM OF WHAT IT WOULD LOOK LIKE FROM THE STREET LOOKS FINE. YOU KNOW, ITS PLANTED WITH -- I MEAN, PRESUMABLY NATIVE VEGETATION, BUT TO I CANT REMEMBER IF IT WAS YOU OR PEGGY WHO SAID THE FIELD RIGHT NOW IS QUITE INVITING AND GIVES YOU THIS SORT OF SENSE OF MOVING UP FROM THE ROAD AND A SENSE OF DRAWING UP TO THE FIELD. ITS QUITE BEAUTIFUL, AND I UNDERSTAND ITS ALSO A PLACE TO DUMP ALL THE FILL THATS GETTING DUG OUT FOR ALL THE BUILDINGS THAT ARE GOING IN, BUT HOLY COW,

Response PH-44
The comment expresses concern for the amount of fill to be placed on the playing field. See Final EIR Section 3.2.5 for "Master Response: Project-Level Geotechnical Evaluation." Also see Response PH-45 below.

Comment PH-45
AND NOW TO LEARN THAT ITS ALSO ON LANDFILL, I MEAN, LETS TALK ABOUT ALL THE OTHER LANDFILL DISASTERS THAT HAVE BEEN HAPPENING. ANYWAY, YOU KNOW, THERES A LOT MORE THAT NEEDS TO BE, DARE I SAY, DUG INTO HERE,

Response PH-45
The comment is concerned that the project is proposed on landfill. See Final EIR Section 3.2.5, "Master Response: Project-Level Geotechnical Evaluation." Additionally, the applicant retained Rockridge Geotechnical to perform additional soil sampling and investigation in the Hodges area, at the proposed fitness center, and at the play field fill sites and concluded that there are no major geotechnical issues that would preclude development of the site as proposed (Final EIR Appendix A). The report provides details for standard structures that should be included in the proposed fill area including a keyway and proper drainage. No revisions to the Draft EIR are warranted.

Comment PH-46
NOT TO MENTION THAT, YES, LETS PLEASE LOOK AT THE ALTERNATIVE THAT THE TWO -- YOU KNOW, THE COMMUNITY AND THE DEVELOPER CAME UP WITH TOGETHER, AND ITS NOT LEGAL OR IF IT DOESNT PASS LEGAL MUSTER, GO BACK TO THEM AND SAY, OKAY, THIS IS WHERE IT DOESNT WORK. CAN YOU GUYS WORK TOGETHER AND GIVE US ANOTHER PROPOSAL THAT GETS AROUND THAT.

Response PH-46
The comment requests evaluating the Seminary Tomorrow alternative or an additional alternative that would pass legal muster. See Final EIR Section 3.2.3, "Master Response: Reduced Development Alternative (Seminary Tomorrow Process Outcome)" and Final EIR Section 3.2.2, "Master Response: Adequacy of the Range of Alternatives." The Marin County Planning Commission and Board of Supervisors will also take the comment's suggestion under consideration before a decision on the project is rendered.

PH-47 through 51 Gregory Stepanicich

Comment PH-47
MY MAIN ONE LIKE MOST OF THE COMMISSIONERS HAS TO DO WITH THE ANALYSIS OF THE SCHOOL USE. ITS JUST WAY TOO INDEFINITE. ITS INTERESTING BECAUSE I DIDNT REALIZE REALLY UNTIL I SAW RECENT COMMENTS THE SCOPE OF THE 1953 CUP AND WHERE IT IS RELATED TO A SEMINARY USE AND A SELF-CONTAINED SEMINARY USE, WHICH COULD BE MUCH DIFFERENT THAN WHAT POTENTIALLY COULD GO THERE AS AN EDUCATIONAL INSTITUTION OF UP TO 1,000 STUDENTS. SO I THINK THERE REALLY NEEDS TO BE A GOOD DEAL MORE ANALYSIS OF THE SCHOOL IMPACT, AND IN PARTICULAR BECAUSE THE PROJECT, AS DESCRIBED, DESCRIBES EDUCATIONAL USE AS BEING INTEGRAL TO THE REST OF THE DEVELOPMENT, SO ITS NOT SO MUCH THAT THIS IS SOME MINOR COMPONENT, BUT ITS MEANT TO BE AN INTEGRATED PART OF THE ENTIRE COMMUNITY, AND I FRANKLY HAVE HAD QUESTIONS LOOKING AT THE CURRENT USE OF THE PROPERTY, HOW INTEGRAL IS THAT? BECAUSE IT SEEMS IF YOU HAVE A DISCONNECT, BECAUSE I SEE THE PLAN RIGHT NOW BETWEEN THE RESIDENTIAL DEVELOPMENT, WHICH IS VERY IMPORTANT, AND ACTUAL EDUCATIONAL USE.I DO THINK THERES A NEED FOR SOME MORE ANALYSIS THERE.

Response PH-47
The comment expresses a need for more detail and analysis on the academic campus operations. The comment also questions the connection between the 1953 CUP and the proposed academic campus. See Final EIR Section 3.21, "Master Response: Stable Project Description" and Section 3.2.4, "Master Response: Conditional Use Permit Issues." The Marin County Planning Commission and Board of Supervisors will also take all comments under consideration before a decision on the project is rendered.

Comment PH-48
LIKEWISE ON THE PLAYING FIELD, IT REALLY STRUCK ME IN DRIVING THROUGH THE PROPERTY NOW A COUPLE OF TIMES RECENTLY THAT THE VISUAL IMPACT OF A 30-FOOT EMBANKMENT THERE SEEMS QUITE SIGNIFICANT, AND AGAIN, IT SEEMS TO ME THERE IS A TRADE-OFF HERE BECAUSE THERE IS APPARENTLY A NEED TO PLACE A GREAT DEAL OF FILL SOMEWHERE, AND AVOIDING OFF-LOADING OF THAT FILL. SO I THINK THERE IS GOING TO BE A TRADE-OFF THERE, BUT I THINK ARE THERE OTHER ALTERNATIVES TO WHERE THAT FILL CAN BE PLACED RATHER THAN CREATING THIS ELEVATED PLAYING FIELD? IT REALLY DOESNT HAVE ANY PURPOSE TO ELEVATING THE PLAYING FIELD BUT TO DO SOMETHING WITH THE DIRT, AND SO AGAIN, IS THERE SOME OTHER WAY OF HANDLING THE DIRT THAT DOESNT REQUIRE A LOT OF OFF-LOADING VEHICLE TRIPS TAKING THE DIRT OFF THE PROPERTY.

Response PH-48
The comment asks if there is some other way of handling the fill that is proposed to be placed on the playing field that does not require increased vehicle trips to haul the dirt offsite. As inferred by the comment, hauling all the project fill offsite would require a significant number of large heavy hauling truck trips on and offsite. This would result an increase in impacts for environmental resource areas such as air quality and transportation. Therefore, hauling fill material offsite was not a consideration of the proposed project. For concerns related to the amount of fill to be placed on the playing field, see Final EIR Section 3.2.5 for "Master Response: Project-Level Geotechnical Evaluation," and Response PH-45 above. The Marin County Planning Commission and Board of Supervisors will also take the comment's suggestion under consideration before a decision on the project is rendered.

Comment PH-49
AND THEN THE ISSUE OF WHATS UNDERNEATH IT BEING THE BAY MUD OBVIOUSLY IS A -- COULD BE A SIGNIFICANT GEOLOGIC ISSUE.

Response PH-49
The comment is concerned that the underlying Bay Mud could be a significant geologic issue. Bay Mud locations are described in Draft EIR Section 3.6, "Local Geology." See Final EIR Section 3.2.5, "Master Response: Project-Level Geotechnical Evaluation." Additionally, the applicant retained Rockridge Geotechnical to perform additional soil sampling and investigation in the Hodges area, at the proposed fitness center, and at the play field fill sites and concluded that there are no major geotechnical issues that would preclude development of the site as proposed (Final EIR Appendix A). The report provides details for standard structures that should be included in the proposed fill area including a keyway and proper drainage. No revisions to the Draft EIR are warranted.

Comment PH-50
ON THE PROJECT ALTERNATIVES, WHEN I READ THE EIR I THOUGHT WITH RESPECT TO THE SEMINARY TOMORROW ALTERNATIVE, IF IT DID INVOLVE A DOWNZONING, THERE WAS IT SEEMED TO ME A LEGAL PROBLEM OF CONSIDERING THAT ALTERNATIVE, BUT TO THE EXTENT THAT THE APPLICANT WAS PROPOSING THAT AS AN ALTERNATIVE, AND AGAIN, I DONT KNOW IF ACTUALLY THATS ALL ENTIRELY CORRECT, BUT IF THAT IS TRUE, THEN IT SEEMS TO ME IT TAKES AWAY THE ISSUE OF A DOWNZONING. IN OTHER WORDS, IS THIS AN ALTERNATIVE THAT COULD HAVE BEEN MET WITHOUT A DOWNZONING BUT ACTUALLY WITH THE COOPERATION OF THE PROJECT SPONSOR OR DEVELOPER IN THIS CASE.

Response PH-50
The comment asks if the Reduced Development Alternative (Seminary Tomorrow Process Outcome) could have been viable without a downzoning if there was cooperation from the project applicant. The Draft EIR evaluated what the applicant proposed as part of the project application. The project application did not propose the density reflected in the Reduced Development Alternative and the County cannot legally require it. See Final EIR Section 3.2.3, "Master Response: Reduced Development Alternative (Seminary Tomorrow Process Outcome)."

Comment PH-51
AND LASTLY ON ALTERNATIVE FOUR, ON THE MITIGATED APPROACH, WHICH THERE WERE A NUMBER OF GOOD FEATURES ABOUT IT, WITH CHAPEL HILL, THOUGH, AND LOOKING AT THE PROPERTY, I DONT SEE HOW THE HOMES ON THE SOUTH SIDE COULD EVER BE BROUGHT DOWN IN ELEVATION. YOU HAVE TO CROSS A ROAD. ITS AN OPEN SPACE AREA, AND ITS EXTREMELY STEEP, AND I CANT SEE HOW THAT CAN BE DEVELOPABLE, SO IM NOT ENTIRELY SURE THAT YOU ACTUALLY CAN -- THE QUESTION MARK IS WHETHER YOU CAN ACTUALLY LOWER THE ELEVATION OF THE PROPOSED HOMES THERE AND, THEREFORE, MAYBE THE ALTERNATIVE THERE HAS TO BE TO MOVE THE HOMES SOMEPLACE ELSE, BUT AGAIN, IT DOESNT SEEM AT LEAST ON THE SURFACE HERE TO BE FEASIBLE TO LOWER THE ELEVATION OF IT.

Response PH-51
The comment questions the feasibility of lowering the elevation of the proposed residential units on Chapel Hill which is proposed under Alternative 4 to reduced potentially significant aesthetics impacts. In Chapter 5, "Alternatives," under Section 5.4.4, "Alternative 4: Mitigated Plan Alternative," the Draft EIR states on page 5-20 "To address potentially significant impacts related to aesthetics, the proposed residential units on Chapel Hill would be located to lower elevations within the project site to reduce local ridgeline visual impacts." The Draft EIR does not state that residential units would need to be brought down in elevation or lowered in elevation on the same slope or hillside on which they are currently proposed. Rather, the Draft EIR proposes that the units possibly be relocated to the Hodges/Shuck Planning Area near the proposed three six-story residential buildings.

PH-52 through 53 Rebecca Lind

Comment PH-52
ITS MOSTLY ABOUT THE RESIDENTIAL CARE FACILITY.I AGREE WITH THE COMMENTS ABOUT HOW -- ABOUT THE FACT THAT ITS LARGE, BUT I THINK WE LARGELY REALLY DONT UNDERSTAND WHAT IT IS,

Response PH-52
The comment expresses that other than the residential care facility being large, it is largely unknown what it is. The residential care facility is described in detail on page 2-20 of the Draft EIR under the heading "Residential Care Facility." The Draft EIR describes the location of the facility, the height and square footage, the capacity for independent living apartments as well as assisted living and memory care residences, amenities and parking, and operation of the facility. The residential care facility is also shown on Figures 2-4 through 2-6 and analyzed throughout the Draft EIR. Therefore, the Draft EIR does include a detailed description of the residential care facility.

Comment PH-53
AND ONE OF MY QUESTIONS IS MORE OF A TECHNICAL ONE. I DO NOT UNDERSTAND AND COULDNT FIND IN THE DOCUMENT HOW THE VMT FOR THE RESIDENTIAL CARE FACILITY IS BEING TREATED. I MEAN, IT -- IS IT NOT -- IS IT BECAUSE ITS TREATED AS ONE DWELLING UNIT? IS IT BECAUSE ITS EMPLOYMENT CAPACITY RATHER THAN RESIDENTIAL CAPACITY? IS IT BECAUSE ITS NON-PEAK HOURS IS IT COMES UNDER THE THRESHOLD? IT ISNT GENERATING MORE THAN 100 TRIPS IN THE PEAK HOURS, SO IT ISNT COUNTING TOWARDS THE VMT? I DONT THINK WE HAVE A REAL RECKONING OF WHAT THE REAL LOAD GENERATED BY THAT CARE FACILITY IS GOING TO BE IN TERMS OF THE -- BOTH THE VMT AND ALSO THE GHG IMPLICATIONS OF THAT VOLUME OF

TRIPS.BECAUSE I WOULD GATHER -- I WOULD THINK THAT THERE WOULD BE A LOT OF EMPLOYMENT TRIPS. THERE IS NO EFFECTIVE PUBLIC TRANSPORTATION TO THAT SITE, SO THAT IS REALLY AN INADEQUATE ANALYSIS.

Response PH-53
The VMT effects of the proposed residential care facility are evaluated as part of the analysis of residential uses in Impact 3.14-2 in the Draft EIR. The VMT analysis for residential uses is based on daily home-based VMT per capita. The impact assessment concludes that the proposed market single-family and multi-family units would result in a significant increase in VMT per capita, but that units in the proposed residential care facility would not. This is due to the fact that, on a per unit basis, units in independent living units would on average generate about 74 percent fewer daily trips (a key component of VMT) than single family homes and about 63 percent fewer daily trips than market multi-family units according to the ITE Trip Generation Manual (11th edition). As such, the residential care facility would generate less VMT per capita than the residential VMT threshold and not result in a significant VMT impact. ITE Trip rates for the residential care facility (categorized by assisted living memory care residences and independent living residences) account for all trips observed entering and exiting site driveways, including employees and visitors. This response has been provided for clarity and does not change the adequacy of the Draft EIR.

PH-54 Chris Desser

Comment PH-54
AND ALSO ON THE SENIORS CENTER, ITS NOT ANCILLARY TO AN EDUCATIONAL INSTITUTION UNLESS IT IS GOING TO BE AN EDUCATIONAL INSTITUTION THAT DEALS WITH GERIATRICS. IM NOT BEING FACETIOUS.IT COULD BE THAT, BUT ITS NOTHING TO DO WITH ANYTHING THATS EVER BEEN BROUGHT TO US, SO TO CONTINUE TO SAY THAT THE CUP IS VALID, ITS KIND OF A STRETCH, AT LEAST A STRETCH.

Response PH-54
The comment states the residential care facility is not an ancillary use to the academic campus and continuing to say that the 1953 CUP is valid is not accurate. Section 20.32.080, Group Homes and Residential Care Facilities, of the Marin County Code allows for residential care facilities in all zoning districts where dwellings are allowed. Thus, development of a residential care facility is a permitted use allowed under the Marin County Code. Comments regarding the validity of the 1953 CUP are related to the project merits and not within the purview of CEQA. See Final EIR Section 3.2.4, "Master Response: Conditional Use Permit Issues."

PH-55 Peggy Curran

Comment PH-55
ALSO I JUST WANTED TO MAKE A COMMENT ABOUT PARKING AGAIN AND ALSO THE RESIDENTIAL CARE FACILITY. IT IS COUNTED AS ONE UNIT, AND I UNDERSTAND THAT, BUT IT IN FACT HAS 100 INDEPENDENT UNITS AS WELL AS I THINK ITS ANOTHER 50 MEMORY CARE. I CANT REMEMBER. [LAUGHTER] SO MAYBE ILL END UP BACK IN THE NEIGHBORHOOD, I DONT KNOW. SO ONE OF THE WAYS THAT I THINK WE HAVE TO LOOK AT THE RESIDENTIAL CARE FACILITY IS IT IS ANOTHER AREA EMPLOYER. ITS NOT IN THE SCHOOL. IT WILL HAVE A LOT OF EMPLOYEES.SO WILL THIS CARE FACILITY. IT IS ENORMOUS. ITS 237,000 SQUARE FEET, OR SOMETHING LIKE THAT, IF MY MEMORY SERVES ME ON THAT, AND THERES GOING TO BE A SIGNIFICANT CADRE OF PEOPLE COMING 24/7 FOR MUCH OF IT TO WORK ON IT, AND THERES PROFESSIONAL STAFF RANGING FROM NURSING TO GROUNDSKEEPERS AND EVERYTHING ELSE. I THINK IT NEEDS TO BE SEEN AS A REGIONAL EMPLOYER, JUST LIKE THE SCHOOL WOULD BE A REGIONAL EMPLOYER. AND IN TERMS OF THE HOUSING AND WHO GETS THE HOUSING AND HOW THATS AVAILABLE NEEDS TO BE WORKED OUT. AND THE ONLY OTHER COMMENT ILL MAKE, AND ILL TRY NOT TO BE REDUNDANT, IS THE -- SOME OF THE CONVERSATION ABOUT PARKING AGAIN BECAUSE I REALLY AM VERY CONCERNED ABOUT THE PARKING IMPACTS OF THIS IS ITS TALKING ABOUT USING A FEE FOR PARKING THAT WOULD ENCOURAGE PEOPLE TO PUSH THEM INTO PUBLIC TRANSIT, AND I KNOW THATS A PLANNING STRATEGY THATS OFTEN EMPLOYED. BUT YOURE MAYBE GETTING MORE PEOPLE INTO TRANSIT BUT YOURE ALSO PUSHING MORE PEOPLE ON TO THE STREETS IF YOURE HAVING PEOPLE HAVE TO PAY FOR PARKING ON SITE.PEOPLE ARE VERY RESOURCEFUL ABOUT NOT DOING THAT, NOT PAYING, AND THEY WILL PARK A COUPLE BLOCKS AWAY IF THEY HAVE TO, WHATEVER. A LOT OF PEOPLE WILL TO NOT PAY FOR PARKING, BUT I UNDERSTAND FREE PARKING MEANS FEWER PEOPLE ARE INCENTIVIZED TO TAKE THE BUS OR TAKE A BIKE, OR

WHATEVER. THOSE ARE IN CONTRADICTION, AND IM NOT SURE HOW THAT NEEDLE GETS THREADED, BUT I THINK WE HAVE TO RECOGNIZE THE PUSH-PULL OF THOSE KINDS OF POLICIES.

Response PH-55

The comment expresses concern regarding the effects of the residential care facility on parking claiming that the residential care facility was counted as one unit in the parking analysis. Draft EIR Impact 3.14-3 includes an evaluation of parking based on the analysis conducted in the TIS, provided as Appendix Q of the Draft EIR. As shown in TIS Table 6: Project Peak Weekday Parking Demand, the Residential Care Facility parking demand accounted for 50 assisted living units and 100 independent living units which would result in a parking demand of 50 spaces based on peak parking rates identified in ITE Parking Generation manuals that are reflective of surveys conducted for individual land use categories throughout the country. The project would provide 185 spaces for the residential care facility, which would be sufficient to accommodate demand based on Table 6 of the TIS. Therefore, the parking analysis for the residential care facility is adequate.

PH-56 Rebecca Lind

Comment PH-56

ACTUALLY, I WANT TO FOLLOW UP ON YOUR COMMENT ABOUT FEE PARKING BECAUSE I ALSO FORGOT TO MENTION MY CONCERNS ABOUT THE TDM. I MEAN, THE TDM IS A PRETTY PIE-IN-THE-SKY APPROACH AND NOT PROVABLE, AND THE IDEA OF DOING PROJECT ENTITLEMENT, AND I UNDERSTAND THATS A MERITS DISCUSSION, BUT RELYING ON THE TDM FOR MITIGATION IN ANY MEANINGFUL WAY IS NOT REALISTIC, AND PARTICULARLY WHEN THE ANALYSIS ISNT REALLY AVAILABLE AS TO WHAT THE ASSUMPTIONS ARE ABOUT THE PERCENTS OF THE VMT REDUCTION THAT ARE BEING ALLOTTED TO THESE DIFFERENT MEASURES. I JUST REMEMBERED THAT CONCERN BECAUSE OF YOUR MENTIONING IT ABOUT THE PAID PARKING. I MEAN, THAT IS ONE OF THE ASSUMPTIONS THAT OUR CURRENT WORLD IS MAKING, IS THAT IF PEOPLE HAVE TO PAY THEY WILL STOP DRIVING, BUT IT DOESNT REALLY WORK OUT PRACTICALLY, AND BUT THERE ARE MANY OTHER PARTS OF TDM THAT NEED TO HAVE A REALLY, REALLY CLOSE LOOK, INCLUDING RIDE SHARE.I MEAN, WEVE TALKED ABOUT SOME SOURCE -- SOME OF THE DEVELOPMENT ON THE SITE IS REALLY MORE OF AN EMPLOYER, AND THAT MAY BE HELPFUL FOR SOME TDM STRATEGIES BECAUSE CAR SHARES CAN WORK IN THOSE SITUATIONS, BUT THEY DON'T REALLY WORK WELL IN RESIDENTIAL SITUATIONS, SO I WOULD REALLY ENCOURAGE YOU TO -- WHEN THE TRANSPORTATION CONSULTANTS GET GRANDIOSE ABOUT THE TDM TO TRY TO KEEP IT DATABASED AS MUCH AS POSSIBLE, PRACTICE THE SETS OF ASSUMPTIONS WHEREVER THEY ARE COMING FROM. I KNOW THAT THAT INDUSTRY IS CHANGING RAPIDLY, BUT ITS NOT -- IF ITS GOING TO BE PROPOSED AS MITIGATION, THEN WE HAVE TO -- WE HAVE TO HAVE SOME TEETH TO THOSE MEASURES. OTHERWISE WE CANT ACCEPT THEM AS FEASIBLE MITIGATION.

Response PH-56

The comment states concern regarding the effectiveness and feasibility of the TDM measures required by Mitigation Measure 3.14-2a. State CEQA Guidelines Section 15126.4(a) requires lead agencies to consider all feasible mitigation measures to avoid or substantially reduce a project's significant environmental effects. As required under CEQA, the Draft EIR identifies all feasible mitigation measures for addressing the significant and potentially significant impacts of the project. See Final EIR Section 3.2.13, "Master Response: VMT Mitigation Measures," for details regarding the effectiveness of Mitigation Measures 3.14-2a and 3.14-2b.

PH-57 through 58 Don Dickenson

Comment PH-57

MITIGATION MEASURE 3.14.2A IS THE ONE THAT REQUIRES THE TRANSPORTATION DEMAND MANAGEMENT PLAN FOR THE MARKET-RATE HOUSING, AND ITS ALL PIE IN THE SKY. I TOTALLY AGREE WITH YOU. ITS GOOD PLANNER TALK, BUT PARTICULARLY APPLIED TO SINGLE FAMILY HOMES, I THINK THE EXPERIENCE IS IT DOESNT REALLY WORK, AND YET ITS A MAIN MITIGATION MEASURE RECOMMENDED TO DEAL WITH THE VEHICLE MILES TRAVELED ISSUES WITH THIS PROJECT BECAUSE OF THE LOCATION.

Response PH-57
The comment states concern regarding the effectiveness of the TDM measures required by Mitigation Measure 3.14-2a. State CEQA Guidelines Section 15126.4(a) requires lead agencies to consider all feasible mitigation measures to avoid or substantially reduce a project's significant environmental effects. As required under CEQA, the Draft EIR identifies all feasible mitigation measures for addressing the significant and potentially significant impacts of the project. See Section 3.2.13 of this Final EIR, "Master Response: VMT Mitigation Measures," for details regarding the effectiveness of Mitigation Measures 3.14-2a and 3.14-2b.

Comment PH-58
THERE WAS REFERENCE TO THE APPLICATIONS, VARIOUS APPLICATIONS CURRENTLY PENDING, INCLUDING A VESTING TENTATIVE MAP TO CHANGE FROM RENTER TO OWNERSHIP SOME OF THE UNITS, BUT IT DIDNT DESCRIBE WHERE AND HOW MANY.AND I THINK THAT MAKES A SIGNIFICANT DIFFERENCE IN TERMS OF THE POTENTIAL TO HAVE IT AS ACADEMIC INSTITUTIONAL-RELATED HOUSING. IF THEY ARE GOING TO BE SOLD, THEN THEY ARE NOT GOING TO BE AVAILABLE FOR STUDENTS OR EDUCATIONAL EMPLOYEES, OR WHATEVER. AND IT MAY BE IN HERE SOMEWHERE. I COULD NOT FIND WHAT THE PROPOSAL ACTUALLY IS IN TERMS OF BEING ABLE TO SELL OFF UNITS, AND ITS A PENDING APPLICATION. I MEAN, ITS SOMETHING THEY ARE NOT JUST MAY DO IN THE FUTURE, ITS PENDING RIGHT NOW. THERE IS AN APPLICATION PENDING TO BE ABLE TO SELL OFF SOME OF THESE -- SOME OF MAYBE A LOT OF THESE UNITS, BUT . . . I THINK IT SIGNIFICANTLY CHANGES THE CHARACTER OF THE PROJECT IF ITS OWNED BY NORTH COAST AND THEY RENT THEM ALL OUT ITS ONE SITUATION. IF THEY ARE INDIVIDUALLY OWNED, ITS A TOTALLY DIFFERENT PROJECT, BUT ...

Response PH-58
The comment makes reference to a vesting tentative map that was included as part of the project application and questions how many units could be eligible for condominium purposes and that this could change the character of the project. This comment is related to the project merits and not within the purview of CEQA. The scale and magnitude of environmental impacts analyzed in the Draft EIR would not change if residential units are owner-occupied or rental units. The vesting tentative map for condominium purposes is shown on sheets C4.03, C4.04, and C4.05 of Volume 1b the project plan materials which is available on the County's project website and has been available since before the NOP was distributed in September of 2020 (https://www.marincounty.gov/departments/cda/planning/projects/mill-valley-alto/north-coast-land-holdings-community-plan-amendmentmaster-plandesign-reviewmaster-use-permittentative-maptree-removal-permit-former-golden-gate-baptist-seminary-property-p1490). The map shows that a total 185 units could be eligible for condominium purposes and 152 units are not available for condominium purposes. Both the state and County have no net loss regulations to ensure that development opportunities remain available to accommodate the County's RHNA, especially for lower- and moderate-income households. As mentioned above, comments pertaining to the project merits will not be discussed further in this EIR. See Final EIR Section 3.2.4, "Master Response: Conditional Use Permit Issues."

PH-59 Peggy Curran

Comment PH-59
THE NOTION THAT EVERYONE SEEMS TO AGREE ITS HELPFUL TO HAVE EMPLOYEES LIVING, ON-SITE STUDENTS, EMPLOYEES, STAFF, EVERYBODY, FACULTY, INCLUDING THE RESIDENTIAL CARE FACILITY.BUT I DIDNT SEE -- MAYBE I MISSED IT -- THAT IT WAS SPELLED OUT IN ANY SPECIFIC WAY OF ACTUALLY HOW THAT WOULD FUNCTION. IS IT A -- TODAY WE ONLY HAVE SO MANY TAKERS AND SO IMMEDIATELY THINGS GO OFF TO NON-STAFF, AND THEN THEY MIGHT BE TIED UP FOR YEARS. YOU MIGHT HAVE OTHER RENTERS COMING IN THAT -- I MEAN, IS THERE GOING TO BE ANY LIMIT ON IT? ANY FORCED TURNOVER? IS THERE -- HOW HARD -- HOW HARD -- HOW HIGH IS THE STANDARD TO REALLY GIVE THAT TEETH, TO REALLY MAKE THE PROVISION THAT AS MANY AS POSSIBLE OF THE PEOPLE WHO ARE WORKING OR GOING TO SCHOOL ON-SITE ARE GOING TO BE ABLE TO ACTUALLY AVAIL THEMSELVES OF THAT HOUSING AND USE IT? BECAUSE I THINK THAT -- IF THERES ONE KEY HERE TO MAKING THIS THING MORE LIVABLE FOR THE NEIGHBORHOOD, ITS ACTUALLY ACHIEVING A REALLY HIGH MARK ON THAT ELEMENT.

Response PH-59
The comment questions how the project would implement providing preference for housing to on-site workers, students, faculty, and staff. See Response I11-10.

PH-60 Rebecca Lind

Comment PH-60
SO WE NEED TO HAVE THE NUMBER OF POTENTIAL CONDOMINIUM UNITS DECLARED ON THE FACE OF THE PLAT. AND ALSO COMMERCIAL CONDOMINIUMS. THERE MAY BE COMMERCIAL CONDOMINIUMS.

Response PH-60
The comment requests the number of units that could be eligible for condominium purposes. This comment is related to the project merits and not within the purview of CEQA. The scale and magnitude of environmental impacts analyzed in the Draft EIR would not change if residential units are owner-occupied or rental units. See response to comment PH-58.

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4 REVISIONS TO THE DRAFT EIR

This chapter presents specific text changes made to the Draft EIR since its publication and public review. The changes are presented in the order in which they appear in the original Draft EIR and are identified by the Draft EIR page number or Draft EIR section number.

As discussed in Chapter 2, Project Updates, CEQA requires recirculation of an EIR when the lead agency adds "significant new information" to an EIR, regarding changes to the project description or the environmental setting, after public notice is given of the availability of a draft EIR for public review under State CEQA Guidelines, California Code of Regulations (CCR) Section 15087, but before EIR certification (State CEQA Guidelines CCR Section 15088.5[a]). Recirculation is not required unless the EIR is changed in a way that would deprive the public of the opportunity to comment on significant new information, including a new significant impact in which no feasible mitigation is available to fully mitigate the impact (thus resulting in a significant and unavoidable impact), a substantial increase in the severity of a disclosed environmental impact, or development of a new feasible alternative or mitigation measures that would clearly lessen environmental impacts but that the project proponent declines to adopt (State CEQA Guidelines CCR Section 15088.5[a]). Recirculation is not required when the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR (State CEQA Guidelines CCR Section 15088.5[b]).

As outlined in Section 15088.5(a), "significant new information" includes information showing that:

- a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- a feasible project alternative or mitigation measure considerably different from that discussed in the Draft EIR would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it; or
- the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded

The information contained within this chapter clarifies and expands on information in the Draft EIR and does not constitute "significant new information" requiring recirculation. (See the Master Response regarding recirculation; see also Public Resources Code Section 21092.1; CEQA Guidelines Section 15088.5.)

4.1 REVISIONS TO THE EXECUTIVE SUMMARY

To provide further clarification on what elements of the proposed project would still be developed and reflect the changes to Mitigation Measure 3.14-4, the description of Alternative 4, Mitigated Plan Alternative, under section ES.4, Alternatives to the Proposed Project, on page ES-6 of the Draft EIR is revised as follows:

ORIGINAL:

- Alternative 4: Mitigated Plan Alternative would involve modifications to the development plan (e.g., configuration of uses) from the project application to reduce environmental impacts, based on the analysis of the impacts of the project as proposed. These modifications go beyond the mitigation measures proposed for the project itself. Based on the environmental impact analysis contained in Sections 3.1 through 3.15 of the Draft EIR, the proposed project would result in potentially significant impacts on aesthetics, air quality, archaeological and tribal cultural resources, biological resources, geology and soils, greenhouse gas emissions, noise, public services, and transportation. Moreover, with the implementation of mitigation measures, the proposed project would result in significant and unavoidable impacts related to GHG emissions, construction noise, and VMT. Because the mitigated plan alternative focuses on reconfiguration of the proposed layout, it addresses impacts related to direct

physical landscape alteration, rather than operational impacts (i.e., GHG emissions and VMT). Alternative 4 proposes relocating the proposed residential units on Chapel Hill to lower elevations within the project site to reduce local ridgeline visual impacts. In addition, Alternative 4 proposes incorporating various design features to ensure conformance with County policies related to visual resources and reduce color contrast and glare impacts, including the incorporation of light and slightly darker-valued earth-toned building materials that are flat and non-reflective, use of albedo surfaces that maximum reflectance coefficient of 0.6, and planting of screening shrubs and trees. To address potentially significant impacts related to disturbance or loss of monarch butterfly (should pre-construction surveys find the project site is used for monarch butterfly overwintering in the Shuck Drive Knoll and Seminary Point Planning Areas) Alternative 4 would avoid removal of healthy live overstory Monterey Pine that may contribute to suitable overwintering habitat. If this restriction prohibits construction of residential dwellings in these planning areas, the dwelling units would be relocated to any other planning area. In addition, to address potentially significant impacts related to slope stability and landslide hazards, development would be relocated and focused within Slope Stability Zone 1 with its generally gentler slopes, as identified in Figure 3.6-2, "Relative Slope Stability." To address potentially significant impacts related to safety hazards and emergency access, this alternative would also widen Gilbert Drive and Hodges Drive to County standards and construct a roundabout at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol. Alternative 4 would also require a minimum of 90 and a maximum of 100 housing units to be reserved for student housing to serve the University student population onsite. Lastly, this alternative would include a new onsite gym that would be exclusively available for use by university students and faculty. These requirements are consistent with the existing Strawberry Community Plan.

REVISED:

- **Alternative 4: Mitigated Plan Alternative**. The purpose of the Mitigated Plan Alternative is to consider ~~would involve~~ modifications to the development plan (e.g., configuration of the conceptual layout planned land uses) ~~from the project application~~ to reduce environmental impacts and illustrate the incorporation of recommended mitigation measures.~~,~~ The modifications are based on the analysis of the impacts of the project as proposed, County policy interpretation, where potentially significant impacts are identified for the proposed project, and recommended mitigation measures in the Draft EIR. These modifications include alternative actions that may be different than ~~go beyond~~ the mitigation measures proposed for the project itself. Similar to the proposed project, development under this alternative would include renovation of existing academic buildings, relocation of an existing daycare center, construction of a new fitness center, construction of a new residential care facility, upgrades to existing housing and construction of new housing, retention of and access improvements to existing open space and recreation areas, and creation of new bicycle and pedestrian paths within the property. Based on the environmental impact analysis contained in Sections 3.1 through 3.15 of the Draft EIR, the proposed project would result in potentially significant impacts on aesthetics, air quality, archaeological and tribal cultural resources, biological resources, geology and soils, greenhouse gas emissions, noise, public services, and transportation. Moreover, with the implementation of mitigation measures, the proposed project would result in significant and unavoidable impacts related to GHG emissions, construction noise, and VMT. Because the mitigated plan alternative focuses on reconfiguration of the proposed layout, it addresses impacts related to direct physical landscape alteration, rather than operational impacts (i.e., GHG emissions and VMT).

  Not all of the reconfigurations considered in Alternative 4 originate from recommended mitigation measures. For instance, a land use configuration change may be considered in addition to, or as an alternative option to, the recommended mitigation approach to reduce impacts. An example is the Alternative 4 feature of relocating units off Chapel Hill in an alternative land use configuration, as an option that may be implemented in lieu of or in conjunction with recommended screening views of Chapel Hill units with vegetation (Mitigation Measure 3.1-1a). Alternative 4 ~~proposes~~ considers relocating the proposed residential units on Chapel Hill to lower elevations within the project site to reduce local

ridgeline visual impacts. Other modifications considered in this alternative that are different than the recommended mitigation measures include redesign of the residential care facility by reducing the size and lowering the elevation of buildings to reduce local ridgeline impacts. Also, relocating and focusing development within Slope Stability Zone 1 with its generally gentler slopes, as identified in Draft EIR Figure 3.6-2, "Relative Slope Stability," to address potentially significant impacts related to slope stability and landslide hazards.

Features of the alternative that involve incorporating elements of mitigation measures recommended in the Draft EIR include ~~In addition, Alternative 4 proposes incorporating various~~ design features to ~~ensure~~ achieve conformance with County policies related to visual resources and reduce color contrast and glare impacts, including the incorporation of light and slightly darker-valued earth-toned building materials that are flat and non-reflective, use of albedo surfaces that maximum reflectance coefficient of 0.6, and planting of screening shrubs and trees. To address potentially significant impacts related to disturbance or loss of monarch butterfly (should pre-construction surveys find the project site is used for monarch butterfly overwintering in the Shuck Drive Knoll and Seminary Point Planning Areas) Alternative 4 would avoid removal of healthy live overstory Monterey Pine that may contribute to suitable overwintering habitat. If this restriction prohibits construction of residential dwellings in these planning areas, the dwelling units would be relocated to any other planning area. ~~In addition, to address potentially significant impacts related to slope stability and landslide hazards, development would be relocated and focused within Slope Stability Zone 1 with its generally gentler slopes, as identified in Figure 3.6-2, "Relative Slope Stability."~~ To address potentially significant impacts related to safety hazards and emergency access, this alternative would also widen Gilbert Drive and Hodges Drive to County standards, install and activate emergency preemption detection technology in the traffic signals at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive, and install and activate emergency vehicle preemption emitting devices in seven fire station vehicles housed at Strawberry Fire St~~atio~~n 9 ~~and construct a roundabout at the intersection of Seminary Drive/Ricardo Road/Vista De~~l ~~Sol. Alternative 4 would also require a minimum of 90 and a maximum of 100 housing units to be reserve~~d ~~for student housing to serve the University student popula~~tion onsite.

Similar to the proposed project, 13 existing housing units would be retained on site. All other components of the proposed project would be developed under this alternative. ~~Additionally, this a~~Alternative 4 would also require a minimum of 90 and a maximum of 100 housing units to be reserved for student housing to serve the University student population onsite. Lastly, this alternative would include a new onsite gym that would be exclusively available for use by university students and faculty. These requirements are consistent with the existing Strawberry Community Plan.

To reflect modifications to Mitigation Measure 3.2-1, Impact 3.2-1 in Table ES-1 of the Draft EIR, is revised as follows:

ORIGINAL:

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.2-1 Generate Short-Term Construction-Related Emissions of ROG, NO_x, CO, SO_x, PM_{10}, and $PM_{2.5}$ Considering the Bay Area Air Quality Management District's (BAAQMD) guidance, average daily construction-generated emissions were quantified for the project. The project would not generate construction emissions of Reactive Organic Gases (ROG), particulate matter ten microns in diameter or less (PM_{10}), particulate matter 2.5 microns in diameter or less ($PM_{2.5}$), and exhaust exceeding BAAQMD's average daily mass emissions thresholds of	PS	**Mitigation Measure 3.2-1: Apply Tier 4 Emission Standards to All Diesel-Powered Off-Road Equipment** The project applicant shall require the construction contractor to only use off-road construction equipment that meet EPA's Tier 4 emission standards as defined in 40 CFR 1039 and to comply with the appropriate test procedures and provisions as contained in 40 CFR Parts 1065 and 1068.	LTS

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
significance. However, the project would emit Nitrogen Oxide (NO_X) emissions exceeding BAAQMD's mass emissions thresholds. These thresholds are inherently tied to long-term regional air quality planning (i.e., BAAQMD's 2017 Spare the Air AQMP), which demonstrates that the project could conflict with the applicable air quality plans for ozone generation. The project would incorporate BAAQMD's Basic Best Management Practices (BMPs) for Construction-Related Fugitive Dust Emissions as required by Section 22.20.040 of Title 22 of the Marin County Code. Nevertheless, the project's NO_X emissions would exceed BAAQMD's average daily mass emissions thresholds. Therefore, this impact would be potentially significant.		This measure can also be achieved by using battery-electric off-road equipment as it becomes available. Implementation of this measure shall be required in the contract the project applicant establishes with its construction contractors. The applicant shall demonstrate its plan to fulfill the requirements of this measure in a report or in project improvement plan details submitted to the County prior to the use of any off-road, diesel-powered construction equipment on the site.	

REVISED:

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.2-1 Generate Short-Term Construction-Related Emissions of ROG, NO_x, CO, SO_x, PM_{10}, and $PM_{2.5}$ Considering the Bay Area Air Quality Management District's (BAAQMD) guidance, average daily construction-generated emissions were quantified for the project. The project would not generate construction emissions of Reactive Organic Gases (ROG), particulate matter ten microns in diameter or less (PM_{10}), particulate matter 2.5 microns in diameter or less ($PM_{2.5}$), and exhaust exceeding BAAQMD's average daily mass emissions thresholds of significance. However, the project would emit Nitrogen Oxide (NO_X) emissions exceeding BAAQMD's mass emissions thresholds. These thresholds are inherently tied to long-term regional air quality planning (i.e., BAAQMD's 2017 Spare the Air AQMP), which demonstrates that the project could conflict with the applicable air quality plans for ozone generation. The project would incorporate BAAQMD's Basic Best Management Practices (BMPs) for Construction-Related Fugitive Dust Emissions as required by Section 22.20.040 of Title 22 of the Marin County Code. Nevertheless, the project's NO_X emissions would exceed BAAQMD's average daily mass emissions thresholds. Therefore, this impact would be potentially significant.	PS	**Mitigation Measure 3.2-1: Apply Tier 4 <u>Final</u> Emission Standards to All Diesel-Powered Off-Road Equipment** The project applicant shall require the construction contractor to only use off-road construction equipment that meet EPA's Tier 4 <u>final</u> emission standards as defined in 40 CFR 1039 and to comply with the appropriate test procedures and provisions as contained in 40 CFR Parts 1065 and 1068. This measure can also be achieved by using battery-electric off-road equipment as it becomes available. Implementation of this measure shall be required in the contract the project applicant establishes with its construction contractors. The applicant shall demonstrate its plan to fulfill the requirements of this measure in a report or in project improvement plan details submitted to the County prior to the use of any off-road, diesel-powered construction equipment on the site.	LTS

To provide clarification related to CDFW's review and approval of any survey reports prepared as part of implementation of Mitigation Measure 3.4-1a, Impact 3.4-1 in Table ES-1 of the Draft EIR, is revised as follows:

ORIGINAL:

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.4-1 Potential Disturbance or Loss of Special-Status Plants Project construction activities would result in ground disturbance in habitat potentially suitable for special-status plants, which could result in the crushing or removal of individual plants or damage to special-status plants due to construction dust, if these species are present. Additionally, ground disturbance for project components could cause the introduction and spread of invasive plants that could outcompete special-status plants for resources. Furthermore, construction of project components and associated landscaping would result in a loss of habitat suitable for special-status plants. The crushing, removal, and damage of special-status plants, introduction and spread of invasive plants, and loss of habitat due to implementation of the project would have the potential to substantially reduce the number of individuals and range of these species, which would be a potentially substantial adverse effect on the local and regional populations, and therefore this impact would be potentially significant.	PS	**Mitigation Measure 3.4-1a: Avoid and Minimize Impacts to Special-Status Plants** To avoid and minimize potential impacts to special-status botanical species, prior to construction the applicant shall implement the following measures: ▶ Prior to site preparation, vegetation removal, or construction, a qualified botanist shall conduct surveys following the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (current version dated March 20, 2018) (CDFW 2018) during the blooming period for the species shown in Table 3.4-1 in areas where potentially suitable habitat for these species would be disturbed by project activities (e.g., perennial and annual grasslands, coastal scrub, coastal oak woodland, closed-cone pine-cypress) (Figure 3.4-1, "Land Cover on the Project Site"). Surveys are not required in habitat that does not have the potential to support special-status plants (i.e., developed, disturbed, and landscaped areas). ▶ If special-status botanical species are found on the project site but are located outside of work areas or can be avoided, the applicant shall establish and maintain a 15-foot buffer around special-status plants to be retained, to prevent direct and indirect disturbance to the plants. The size of the buffer may be modified by a qualified botanist considering the species present, the work to be performed adjacent to the plants, and other appropriate variables. ▶ If special-status plants are found during rare plant surveys and cannot be avoided, the applicant's qualified botanist shall make a formal recommendation in writing to the County of Marin for review, regarding the appropriate compensation to offset the loss of occupied habitat or individuals. Mitigation measures may include, but are not limited to, measures such as preserving and enhancing existing populations in portions of the project site outside of the development footprint (the Woodland Buffer [Figure 2-3, "Project Site Planning Areas"]), creating off-site populations on mitigation sites through seed collection or transplantation at a 1:1 ratio, and restoring or creating suitable habitat in sufficient quantities to achieve a minimum of a no net loss 1:1 replacement of occupied habitat and	LTS

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		individuals. Potential mitigation sites could include suitable locations within or outside of the project site. The implementing party shall develop and implement a site-specific mitigation strategy describing how unavoidable losses of special-status plants shall be compensated. Success criteria for preserved and compensatory populations shall include: The extent of occupied area and plant density (number of plants per unit area) in compensatory populations shall be equal to or greater than the affected occupied habitat for a no net loss of occupied habitat. Compensatory and preserved populations shall be self-producing. Populations shall be considered self-producing when: ▪ plants reestablish annually for a minimum of five years with no human intervention such as supplemental seeding; and ▪ reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the Project vicinity. If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures shall be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as those listed above and other details, as appropriate to target the preservation of long-term viable populations. The applicant shall provide the County of Marin with the results of surveys conducted. If special-status plants are found during surveys and measures are taken to avoid or compensate for removal of these plants, the applicant shall send a report detailing the measures taken to the County of Marin. **Mitigation Measure 3.4-1b: Avoid and Minimize Introduction and Spread of Invasive Plants** To avoid and minimize potential impacts from the introduction and spread of invasive plants on special-status plants, the applicant shall implement the following measures. ▶ Prior to project implementation, a qualified biologist will conduct training with construction	

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		and forestry crews on the methods to be implemented to avoid the introduction and spread of invasive plants. ▶ Construction crews shall inspect all heavy equipment, vehicles, and tools for sand, mud, or other signs that invasive plant seeds or propagules could be present prior to use on the project site. If equipment is clean, then it may be used off road on the project site. ▶ Pressure wash or otherwise decontaminate all heavy equipment, vehicles and tools at a designated weed-cleaning station prior to use on the project site unless the equipment has been inspected and determined to be clean and free of sand, mud or other signs that invasive plant seeds or propagules could be present. ▶ Prior to project implementation, a qualified biologist shall identify and map significant infestations of invasive plant species (i.e., those rated as invasive by Cal-IPC or designated as noxious weeds by California Department of Food and Agriculture). A report detailing the locations of any significant infestations of invasive plant species shall be provided to the County of Marin prior to project implementation. Stage equipment in areas free of invasive plant infestations identified and mapped by the qualified biologist unless there are no uninfested areas present on the project site.	

REVISED:

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.4-1 Potential Disturbance or Loss of Special-Status Plants Project construction activities would result in ground disturbance in habitat potentially suitable for special-status plants, which could result in the crushing or removal of individual plants or damage to special-status plants due to construction dust, if these species are present. Additionally, ground disturbance for project components could cause the introduction and spread of invasive plants that could outcompete special-status plants for resources. Furthermore, construction of project components and associated landscaping would result in a loss of habitat suitable for special-status plants. The crushing, removal, and damage of special-status plants, introduction and	PS	**Mitigation Measure 3.4-1a: Avoid and Minimize Impacts to Special-Status Plants** To avoid and minimize potential impacts to special-status botanical species, prior to construction the applicant shall implement the following measures: ▶ Prior to site preparation, vegetation removal, or construction, a qualified botanist shall conduct surveys following the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (current version dated March 20, 2018) (CDFW 2018) during the blooming period for the species shown in Table 3.4-1 in areas where potentially suitable habitat for these	LTS

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
spread of invasive plants, and loss of habitat due to implementation of the project would have the potential to substantially reduce the number of individuals and range of these species, which would be a potentially substantial adverse effect on the local and regional populations, and therefore this impact would be potentially significant.		species would be disturbed by project activities (e.g., perennial and annual grasslands, coastal scrub, coastal oak woodland, closed-cone pine-cypress) (Figure 3.4-1, "Land Cover on the Project Site"). Surveys are not required in habitat that does not have the potential to support special-status plants (i.e., developed, disturbed, and landscaped areas). ▶ If special-status botanical species are found on the project site but are located outside of work areas or can be avoided, the applicant shall establish and maintain a 15-foot buffer around special-status plants to be retained, to prevent direct and indirect disturbance to the plants. The size of the buffer may be modified by a qualified botanist considering the species present, the work to be performed adjacent to the plants, and other appropriate variables. ▶ If special-status plants are found during rare plant surveys and cannot be avoided, the applicant's qualified botanist shall make a formal recommendation in writing to the County of Marin and CDFW for review, regarding the appropriate compensation to offset the loss of occupied habitat or individuals. If direct or indirect impacts to CESA or NPPA listed plants are identified, the applicant will consult with CDFW to learn whether CDFW asserts that an Incidental Take Permit is required notwithstanding the exceptions found in CDFG Section 1913. Regardless of whether an ITP is required, m~~M~~itigation measures shall be required if CESA or NPPA listed plants are found on site. These measures, which shall be required by the County in the absence of an ITP, shall be sufficient to ensure the avoidance of any net loss of such plants. Measures may include, but are not limited to, ~~measures such as~~ preserving and enhancing existing populations in portions of the project site outside of the development footprint (the Woodland Buffer [Figure 2-3, "Project Site Planning Areas"]), creating off-site populations on mitigation sites through seed collection or transplantation at a 1:1 ratio, and restoring or creating suitable habitat in sufficient quantities to achieve a minimum of a no net loss 1:1 replacement of occupied habitat and individuals. Potential mitigation sites could include suitable locations within or outside of the project site. The implementing party shall develop and implement a site-specific	

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		mitigation strategy describing how unavoidable losses of special-status plants shall be compensated. Success criteria for preserved and compensatory populations shall include: The extent of occupied area and plant density (number of plants per unit area) in compensatory populations shall be equal to or greater than the affected occupied habitat for a no net loss of occupied habitat. Compensatory and preserved populations shall be self-producing. Populations shall be considered self-producing when: ▪ plants reestablish annually for a minimum of five years with no human intervention such as supplemental seeding; and ▪ reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the Project vicinity. If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures shall be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as those listed above and other details, as appropriate to target the preservation of long-term viable populations. The applicant shall provide the County of Marin and CDFW with the results of surveys conducted. If special-status plants are found during surveys and measures are taken to avoid or compensate for removal of these plants, the applicant shall send a report detailing the measures taken to the County of Marin and CDFW. **Mitigation Measure 3.4-1b: Avoid and Minimize Introduction and Spread of Invasive Plants** To avoid and minimize potential impacts from the introduction and spread of invasive plants on special-status plants, the applicant shall implement the following measures. ▶ Prior to project implementation, a qualified biologist will conduct training with construction and forestry crews on the methods to be	

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		implemented to avoid the introduction and spread of invasive plants. ▶ Construction crews shall inspect all heavy equipment, vehicles, and tools for sand, mud, or other signs that invasive plant seeds or propagules could be present prior to use on the project site. If equipment is clean, then it may be used off road on the project site. ▶ Pressure wash or otherwise decontaminate all heavy equipment, vehicles and tools at a designated weed-cleaning station prior to use on the project site unless the equipment has been inspected and determined to be clean and free of sand, mud or other signs that invasive plant seeds or propagules could be present. ▶ Prior to project implementation, a qualified biologist shall identify and map significant infestations of invasive plant species (i.e., those rated as invasive by Cal-IPC or designated as noxious weeds by California Department of Food and Agriculture). A report detailing the locations of any significant infestations of invasive plant species shall be provided to the County of Marin prior to project implementation. Stage equipment in areas free of invasive plant infestations identified and mapped by the qualified biologist unless there are no uninfested areas present on the project site.	

To provide clarification that the analysis in Impact 3.4-4 and Mitigation 3.4-4 addresses all special-status birds and other common nesting birds as well as the potential impacts of ongoing maintenance, lighting, and oak tree removal, Impact 3.4-4 and Mitigation Measure 3.4-4 in Table ES-1 of the Draft EIR is revised as follows:

ORIGINAL:

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.4-4 Potential Disturbance or Loss of White-Tailed-Kite and Other Common Nesting Birds The adverse effects of project construction on common nesting birds would be avoided by the requirements of Marin County Code Section 22.20.040, which includes nesting season surveys, and non-disturbance buffers around nests. However, construction of the project and related activities may result in the injury, mortality, or disruption of reproduction of white-tailed kite. The nesting season for White-	PS	**Mitigation Measure 3.4-4: Avoid Disturbance of White-tailed Kite** To avoid or minimize impacts to nests of white-tailed kite, the applicant shall implement the following measures. ▶ applicant may choose to schedule site preparation, construction, demolition, grading, or vegetation clearing after October 31 or before February 1 to avoid the nesting period for white-tailed kite within or adjacent to suitable nesting habitat for the species (e.g., the Woodland Buffer and along Seminary Drive).	LTS

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
tailed kite extends beyond the nesting season requirements of Section 22.20.040, and the disturbance of California Ridgway's rail and white-tailed kite nests may still occur with the implementation of the avoidance measures in the section. The loss of eggs and young would be a potentially substantial adverse effect on white-tailed kite. Therefore, the impact of the project on white-tailed kite would be potentially significant		▶ If work is required during the white-tailed kite nesting season (February 1 to October 31), a qualified biologist, retained by the applicant, shall conduct a pre-construction survey prior to site preparation, demolition, grading, or vegetation clearing to identify white-tailed kite nests within 500 feet of work area as access allows. The survey shall be conducted no more than 7 calendar days before the beginning of construction demolition, grading, or vegetation clearing. If project activity ceases for 7 days or longer, resurvey shall be conducted prior to restarting activities. ▶ If white-tailed kite nests are located, no construction, shall occur within 500 feet of the nest during the nesting season or until the young have fledged, as determined by a qualified biologist. ▶ A report describing the methods and results of any nest pre-construction surveys conducted, and any nest buffers implemented shall be submitted to the County.	

REVISED:

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.4-4 Potential Disturbance or Loss of ~~White-Tailed Kite~~ Special-Status Birds and Other Common Nesting Birds The adverse effects of project construction on common nesting birds would be avoided by the requirements of Marin County Code Section 22.20.040, which includes nesting season surveys, and non-disturbance buffers around nests. However, construction of the project and related activities may result in the injury, mortality, or disruption of reproduction of ~~white-tailed kite~~ special-status birds. The nesting season for bald eagle, California Ridgway's rail and White-tailed kite extends beyond the nesting season requirements of Section 22.20.040, and the disturbance of bald eagle, California Ridgway's rail and white-tailed kite nests may still occur with the implementation of the avoidance measures in the section. The loss of eggs and young would be a potentially substantial adverse effect on bald eagle, California Ridgway's rail, and white-tailed kite. Therefore, the impact of the project on ~~white-tailed kite~~ special-status birds would be potentially significant.	PS	Mitigation Measure 3.4-4: Avoid Disturbance of ~~White-tailed Kite~~ Special-Status Birds To avoid or minimize impacts to nests of bald eagle and white-tailed kite, the applicant shall implement the following measures. ▶ The applicant may choose to schedule site preparation, construction, demolition, grading, or vegetation clearing after October 31 or before February 1 to avoid the nesting period for bald eagle and white-tailed kite within or adjacent to suitable nesting habitat for the species (e.g., the Woodland Buffer and along Seminary Drive). ▶ If work is required during the bald eagle nesting season (February 1 to August 31) or white-tailed kite nesting season (February 1 to October 31), a qualified biologist, retained by the applicant, shall conduct a pre-construction survey prior to site preparation, demolition, grading, or vegetation clearing to identify bald eagle nests within 0.5 mile of the project site or white-tailed kite nests within 500 feet of work area as access allows. The survey shall be conducted no more than 7 calendar days before the beginning of construction demolition, grading, or vegetation clearing. If project activity	LTS

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		ceases for 7 days or longer, resurvey shall be conducted prior to restarting activities. ▶ If bald eagle nests are located, no site preparation, construction, demolition, grading, or vegetation clearing shall occur within 0.5 mile of the nest during the nesting season or until the young have fledged, as determined by a qualified biologist. The distance of this buffer may be reduced by a qualified biologist based on topographic and vegetative screening, existing land use between the activity and the nest, the nature of the proposed development activities potentially affecting the nest, the nest occupants' habituation to existing or ongoing activity, nest concealment (i.e., whether there are visual or acoustic barriers between the proposed activity and the nest), what (if any) nest monitoring is proposed, and other factors. ▶ If white-tailed kite nests are located, no site preparation, construction, demolition, grading, or vegetation clearing shall occur within 500 feet of the nest during the nesting season or until the young have fledged, as determined by a qualified biologist. To avoid impacts to nests of California black rail and California Ridgway's rail, the applicant shall implement the following measures. ▶ The applicant may choose to schedule site preparation, outside construction, demolition, grading, or vegetation clearing within 700 feet of marsh habitat potentially suitable for nesting by California black rail and California Ridgway's rail after August 31 or before January 15 to avoid the nesting period for these species. ▶ If work is required during the California black rail and California Ridgway's rail nesting season (January 15 to August 31), a qualified biologist, retained by the applicant, shall conduct a pre-construction survey prior to site preparation, demolition, grading, or vegetation clearing to identify California black rail and California Ridgway's rail nests within 700 feet of the project site. The survey shall be conducted no more than 7 calendar days before the beginning of construction demolition, grading, or vegetation clearing. If project activity ceases for 7 days or longer, resurvey shall be conducted prior to restarting activities. ▶ If California black rail and California Ridgway's rail nests are located, no site preparation, construction, demolition, grading, or vegetation clearing shall occur within 700 feet of the nest during the nesting	

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		season or until the young have fledged, as determined by a qualified biologist. The distance of this buffer may be reduced to an adequately protective distance by a qualified biologist in contact with CDFW based on topographic and vegetative screening, use of a temporary noise curtain between the activity and the nest, the nature of the proposed development activities potentially affecting the nest, the nest occupants' habituation to existing or ongoing activity, nest concealment (i.e., whether there are visual or acoustic barriers between the proposed activity and the nest), what (if any) nest monitoring is proposed, and other factors. A report describing the methods and results of any nest pre-construction surveys conducted, and any nest buffers implemented shall be submitted to the County.	

To provide a correction to Mitigation Measure 3.4-5 related to the bat hibernation season, Mitigation Measure 3.4-5 in Table ES-1 is revised as follows:

ORIGINAL:

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.4-5 Potential Disturbance or Loss of Special-Status and Common Bat Maternity and Hibernation Roosts Construction of the project and related activities may result in the injury, mortality, or disruption of reproduction of special-status and common bat species through disturbance or loss of maternity and hibernation roosts. The loss of adult bats and pups may cause local bat populations to drop below self-sustaining levels, and may result in a substantial reduction in the local populations of special-status bat species. Therefore, the impact of the project on special-status and common bats would be potentially significant.	PS	**Mitigation Measure 3.4-5: Avoid Disturbance of Special-Status and Common Bat Maternity and Hibernation Roosts** To avoid and minimize impacts to special-status and common bats the applicant shall implement the following measures which meet and exceed the protections in Marin County Code Section 22.20.040(F). ▶ Within 14 days prior to initiating site preparation, demolition, grading, or vegetation clearing, a qualified bat biologist shall inspect the area of disturbance and areas adjacent (within 50 feet) for bat roosts (most likely buildings and mature trees with crevices, cavities and dense vegetation of broad leaves). Surveys shall consist of a daytime pedestrian survey by a qualified bat biologist looking for evidence of bat use (e.g., guano) and/or an evening emergence survey to note the presence or absence of bats. If no bat roosts are found, then no further study is required. If evidence of bat use is observed, the approximate number and species of bats using the roost would be determined. Acoustic bat detectors may be used to supplement survey efforts but are not required.	LTS

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		▶ If roosts of bats are determined to be present within buildings and other structures, direct disturbance to the roost, such as demolition or renovation of buildings, shall be avoided during the maternity season (April 15 through August 31) and hibernation season (September 1 through October). Eviction and exclusion of bats may be implemented using daytime installation of one-way exits and blocking material during the period of March 1 through April 15, or September 1 through October 15 outside of the of the maternity season and hibernation season. ▶ If roosts of bats are determined to be present within trees on the project site, any project-related removal or pruning of trees occupied by bats shall occur during the period of March 1 through April 15, or September 1 through October 15 outside of the of the maternity season and hibernation season, and consistent with scoping comments provided by CDFW. To remove whole trees, pruning of branches and limbs that do not provide habitat shall occur the day prior to removal of the bole of the tree; this initial planned disturbance may prompt and allow bats to leave the tree during the night between limb and bole removal. The bole of the tree may be removed the following day. ▶ A report describing the methods and results of any bat surveys conducted, and any nest buffers implemented shall be submitted to the County.	

REVISED:

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.4-5 Potential Disturbance or Loss of Special-Status and Common Bat Maternity and Hibernation Roosts Construction of the project and related activities may result in the injury, mortality, or disruption of reproduction of special-status and common bat species through disturbance or loss of maternity and hibernation roosts. The loss of adult bats and pups may cause local bat populations to drop below self-sustaining levels, and may result in a substantial reduction in the local populations of special-status bat species. Therefore, the impact of the project on special-status and common bats would be potentially significant.	PS	**Mitigation Measure 3.4-5: Avoid Disturbance of Special-Status and Common Bat Maternity and Hibernation Roosts** To avoid and minimize impacts to special-status and common bats the applicant shall implement the following measures which meet and exceed the protections in Marin County Code Section 22.20.040(F). ▶ Within 14 days prior to initiating site preparation, demolition, grading, or vegetation clearing, a qualified bat biologist shall inspect the area of disturbance and areas adjacent (within 50 feet) for bat roosts (most likely buildings and mature trees with crevices, cavities and dense vegetation of broad leaves). Surveys shall consist of a daytime pedestrian survey by a qualified bat biologist	LTS

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		looking for evidence of bat use (e.g., guano) and/or an evening emergence survey to note the presence or absence of bats. If no bat roosts are found, then no further study is required. If evidence of bat use is observed, the approximate number and species of bats using the roost would be determined. Acoustic bat detectors may be used to supplement survey efforts but are not required. ▶ If roosts of bats are determined to be present within buildings and other structures, direct disturbance to the roost, such as demolition or renovation of buildings, shall be avoided during the maternity season (April 15 through August 31) and hibernation season (~~September 1 through~~ October 15 to February 28). Eviction and exclusion of bats may be implemented using daytime installation of one-way exits and blocking material during the period of March 1 through April 15, or September 1 through October 15 outside of the ~~of the~~ maternity season and hibernation season. ▶ If roosts of bats are determined to be present within trees on the project site, any project-related removal or pruning of trees occupied by bats shall occur during the period of March 1 through April 15, or September 1 through October 15 outside of the ~~of the~~ maternity season and hibernation season, and consistent with scoping comments provided by CDFW. To remove whole trees, pruning of branches and limbs that do not provide habitat shall occur the day prior to removal of the bole of the tree; this initial planned disturbance may prompt and allow bats to leave the tree during the night between limb and bole removal. The bole of the tree may be removed the following day. ▶ A report describing the methods and results of any bat surveys conducted, and any nest buffers implemented shall be submitted to the County.	

Mitigation Measure 3.6-2 in Table ES-1 of the Draft EIR has been revised as follows to more clearly explain the factor of safety used in the measure will be calculated at the site.

ORIGINAL:

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.6-2 Directly or Indirectly Cause Potential Substantial Adverse Impacts to People or Structures, Including the Risk of Loss, Injury, or Death, Through Seismically-Induced Ground/Structural Failure Including Slope Instability, Liquefaction, and Lateral Spreading Due to the presence of areas mapped within the project site as "fill," "colluvium," and "earthflows," as well as, areas regionally mapped with steep slopes, bay mud, or as potentially liquefiable, seismically-induced ground failure is an existing environmental condition and has the potential to occur within the effective design life of the project, which would expose structures and occupants to adverse effects potentially including risk of loss, injury, or death. Several active fault systems, including the San Andreas, San Gregorio, Hayward-Rodgers Creek, and others, lie in close proximity to the project site and have the potential to induce ground failure during the expected design life of the project. The construction of the new playfield and bioretention and stormwater dissipation facilities would be located within or proximal to previously-mapped areas of instability (Figure 3.6-2, "Relative Slope Stability"), and thus could exacerbate potential risks associated with this instability from seismically-induced ground failure. Additionally, new cut and fill slopes, as well as the discharge of additional storm water can reduce slope stability which would increase the potential for seismically induced instability and lateral displacements. Thus, the proposed project could exacerbate existing environmental hazards related to seismically-induced ground failure resulting in exposure of structures and occupants to risk of loss, injury, or death. Impacts would be potentially significant.	PS	**Mitigation Measure 3.6-2: Geotechnical Engineering to Address Seismically Induced Ground/Structural Failure** The PRA reports recommended that geotechnical engineering of potential seismic induced slope instability areas be included in the design-level geotechnical report to be prepared as part of compliance with Marin County Code, Section 23.08. These additional engineering measures shall include exploration and laboratory testing of soil samples in or near mapped potentially liquefiable areas or areas mapped as underlain by bay mud. Geotechnical engineering shall be performed to confirm a factor of safety above 1.0 is achieved for the design level seismic acceleration. If the calculated factor of safety is less than 1.0, seismic displacement analyses shall be performed as part of geotechnical engineering to confirm seismic induce displacements are equal or less than pre-construction conditions, and will not affect planned or existing improvements. If the calculated displacement caused by the project exceeds the pre-project condition, engineering improvements shall be implemented to reduce seismic deformations to acceptable levels. For CEQA purposes, the performance standard for the engineering improvements to mitigate the impact would be to maintain risks of lateral spreading and instability at the same or less than existing conditions. The engineering improvements must also meet building codes for safety and structural integrity, which would provide an additional margin of safety for avoiding lateral spreading and instability. The design-level geotechnical engineering shall include geotechnical seismic design recommendations and criteria per the most recent version of the CBC for structures in Seismic Zone 4. In addition, the geotechnical report shall include seismic surcharge loads for retaining structures over 7 feet. While the specific engineering improvements to reduce the risk of lateral spreading and instability would be determined based on project site conditions, typical examples of design features potentially effective in meeting the performance standard could include: retaining walls to hold back spreading soil or downslope movement; surface and subsurface drainage features to direct stormwater away from areas of instability; soil stabilization techniques like surcharging, compaction, or geosynthetic reinforcement; creating terraces or stepped slopes with gabion or retaining wall support; slope contouring to reduce slope angle or profile; and replanting of stabilizing vegetation.	LTS

REVISED:

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.6-2 Directly or Indirectly Cause Potential Substantial Adverse Impacts to People or Structures, Including the Risk of Loss, Injury, or Death, Through Seismically-Induced Ground/Structural Failure Including Slope Instability, Liquefaction, and Lateral Spreading Due to the presence of areas mapped within the project site as "fill," "colluvium," and "earthflows," as well as, areas regionally mapped with steep slopes, bay mud, or as potentially liquefiable, seismically-induced ground failure is an existing environmental condition and has the potential to occur within the effective design life of the project, which would expose structures and occupants to adverse effects potentially including risk of loss, injury, or death. Several active fault systems, including the San Andreas, San Gregorio, Hayward-Rodgers Creek, and others, lie in close proximity to the project site and have the potential to induce ground failure during the expected design life of the project. The construction of the new playfield and bioretention and stormwater dissipation facilities would be located within or proximal to previously-mapped areas of instability (Figure 3.6-2, "Relative Slope Stability"), and thus could exacerbate potential risks associated with this instability from seismically-induced ground failure. Additionally, new cut and fill slopes, as well as the discharge of additional storm water can reduce slope stability which would increase the potential for seismically induced instability and lateral displacements. Thus, the proposed project could exacerbate existing environmental hazards related to seismically-induced ground failure resulting in exposure of structures and occupants to risk of loss, injury, or death. Impacts would be potentially significant.	PS	**Mitigation Measure 3.6-2: Geotechnical Engineering to Address Seismically Induced Ground/Structural Failure** The PRA reports recommended that geotechnical engineering of potential seismic induced slope instability areas be included in the design-level geotechnical report to be prepared as part of compliance with Marin County Code, Section 23.08. These additional engineering measures shall include exploration and laboratory testing of soil samples in or near mapped potentially liquefiable areas or areas mapped as underlain by bay mud. Geotechnical engineering shall be performed to confirm a factor of safety above 1.0 is achieved for the design level seismic acceleration <u>calculated at the project site</u>. If the calculated factor of safety is less than 1.0, seismic displacement analyses shall be performed as part of geotechnical engineering to confirm seismic induce displacements are equal or less than pre-construction conditions, and will not affect planned or existing improvements. If the calculated displacement caused by the project exceeds the pre-project condition, engineering improvements shall be implemented to reduce seismic deformations to acceptable levels. For CEQA purposes, the performance standard for the engineering improvements to mitigate the impact would be to maintain risks of lateral spreading and instability at the same or less than existing conditions. The engineering improvements must also meet building codes for safety and structural integrity, which would provide an additional margin of safety for avoiding lateral spreading and instability. The design-level geotechnical engineering shall include geotechnical seismic design recommendations and criteria per the most recent version of the CBC for structures in Seismic Zone 4. In addition, the geotechnical report shall include seismic surcharge loads for retaining structures over 7 feet. While the specific engineering improvements to reduce the risk of lateral spreading and instability would be determined based on project site conditions, typical examples of design features potentially effective in meeting the performance standard could include: retaining walls to hold back spreading soil or downslope movement; surface and subsurface drainage features to direct stormwater away from areas of instability; soil stabilization techniques like surcharging, compaction, or geosynthetic reinforcement; creating terraces or stepped slopes with gabion or retaining wall support; slope contouring to reduce slope angle or profile; and replanting of stabilizing vegetation.	LTS

Mitigation Measure 3.6-4 in Table ES-1 of the Draft EIR has been revised as follows to more clearly explain the factor of safety used in the measure.

ORIGINAL:

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.6-4 Directly or Indirectly Cause Potential Substantial Adverse Impacts to People or Structures, Including the Risk of Loss, Injury, or Death Through Slope Instability / Landsliding Slope instability and landsliding is common throughout Marin County. Existing landslides and other potentially unstable deposits (weak colluvial soils) underlie various portions of the project site, including areas which have been historically filled. Application of new fill soil or building loads, grading and alteration of slopes, and redirection or alteration of existing drainage patterns, could exacerbate/re-activate existing areas of slope instability or generate new slope instability. Thus, impacts related to slope instability and landsliding would be potentially significant.	PS	**Mitigation Measure 3.6-4: Geotechnical Engineering to Address Slope Instability and Landsliding** To minimize potential risks of the project exacerbating existing hazards related to slope instability and landsliding, the project shall be designed and constructed in accordance with the geotechnical engineering design requirements as part of compliance with Marin County Code, Section 22.100.040, as well as all applicable provisions of the PRA report and latest edition of the California Building Code (or any superseding local code in effect) at the time of building permit application. Currently, the 2023 CBC is the latest applicable site grading design code including setback distances from graded slopes, and drainage terraces for taller slopes. The geotechnical engineering design shall provide grading requirements for keying, benching, fill compaction, subsurface drainage, and maximum inclinations of both temporary and permanent cut and fill slopes. Specific foundation design shall be provided for structures on fill or weak soils. The project Civil Engineer shall provide surface drainage collection and/or drainage terraces above and on graded slopes. An updated, site-specific geologic map shall be prepared and included in the geotechnical engineering design that clearly identifies and delineates the limits of the geologic materials present at the site, including all existing landslides, colluvial deposits, undocumented fills, or other areas of instability. The applicant's geotechnical engineer shall also individually catalogue and evaluate mapped areas of instability and undocumented fills and assign each a "Risk Level" in the geotechnical engineering design. Risk level A landslides would include active and dormant landslides within 100 feet of a building envelope, debris flow source areas, and flow paths that crosses building envelopes / residential use areas, or active landslides that could impact public or private property. Risk Level B landslides would present a lower risk of damage and include all active, dormant or potential landslide areas on the property that do not have the potential to significantly damage property or improvements within or outside the property. In most instances, Risk Level B landslides would be located in proposed open space areas or in areas outside of any building envelope and any	LTS

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		residential use area. The risk level assignments shall guide site-specific geotechnical engineering design. The geotechnical consultant shall perform supplemental subsurface exploration, laboratory testing, and engineering analyses to define the slope stabilization and landslide avoidance, improvement, or repair required in the design of project features in each catalogued area of instability. In general, landslides that have a higher potential of being mobilized by construction (Risk Level A landslides) should be improved or repaired, while Level B landslides should be improved or avoided in accordance with the definitions below: ▶ Landslide Avoidance - requires locating structures and improvements an adequate distance from an existing landslide so that any future movement of the landslide would not affect the structures or improvements. ▶ Landslide Improvement - requires increasing the slope stability to a level such that the calculated factor of safety is at least 1.2 for static conditions. Improvement may also include the construction of protective structures below the landslide to protect down slope improvements. ▶ Landslide Repair – shall improve the slope stability of the landslide area such that the calculated factor of safety defined as the ratio of the resisting forces to the driving forces) is at least 1.5 for static conditions and greater than 1.0 for pseudo-static (seismic) conditions. The improved stability may be accomplished by various methods including: (1) excavation of unstable material, installation of subsurface drainage and construction of a compacted earth fill buttress; (2) design and construction of retaining structures; (3) de-watering with subsurface drainage; (4) removal of the entire unstable landslide mass; or (5) other methods for landslide stabilization acceptable to the County of Marin. Examples of repair and/or improvement of landslides may include one or a combination of the following methods, or other engineering strategies defined during geotechnical engineering design: ▶ excavation of unstable material, installation of subsurface drainage and construction of a compact earth fill buttress; ▶ design and construction of retaining structures (above and below ground pile walls and shear keys); ▶ de-watering with subsurface drainage; ▶ removal of the entire unstable landslide mass; or	

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		▶ other methods as deemed acceptable to Marin County. Design drainage facilities shall also be documented during geotechnical engineering. On cut and fill slopes, terrace drains shall be included at intervals necessary to adequately drain slopes, such as every 30 feet of vertical height. The terrace drains shall have a minimum flowline gradient of six percent to make them self-cleaning (per the California Building Code). Storm drainage facilities shall convey surface water away from areas of instability and discharge into the storm drainage system. The Geotechnical Engineer shall review the planned storm water discharge locations (bio-swales and dissipators) and identify design requirements to avoid the potential for this water to exacerbate any existing areas of mapped instability or induce new instability as confirmed during Marin County engineering review of the applicant's geotechnical engineering design.	

REVISED:

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.6-4 Directly or Indirectly Cause Potential Substantial Adverse Impacts to People or Structures, Including the Risk of Loss, Injury, or Death Through Slope Instability / Landsliding Slope instability and landsliding is common throughout Marin County. Existing landslides and other potentially unstable deposits (weak colluvial soils) underlie various portions of the project site, including areas which have been historically filled. Application of new fill soil or building loads, grading and alteration of slopes, and redirection or alteration of existing drainage patterns, could exacerbate/re-activate existing areas of slope instability or generate new slope instability. Thus, impacts related to slope instability and landsliding would be potentially significant.	PS	**Mitigation Measure 3.6-4: Geotechnical Engineering to Address Slope Instability and Landsliding** To minimize potential risks of the project exacerbating existing hazards related to slope instability and landsliding, the project shall be designed and constructed in accordance with the geotechnical engineering design requirements as part of compliance with Marin County Code, Section 22.100.040, as well as all applicable provisions of the PRA report and latest edition of the California Building Code (or any superseding local code in effect) at the time of building permit application. Currently, the 2023 CBC is the latest applicable site grading design code including setback distances from graded slopes, and drainage terraces for taller slopes. The geotechnical engineering design shall provide grading requirements for keying, benching, fill compaction, subsurface drainage, and maximum inclinations of both temporary and permanent cut and fill slopes. Specific foundation design shall be provided for structures on fill or weak soils. The project Civil Engineer shall provide surface drainage collection and/or drainage terraces above and on graded slopes. An updated, site-specific geologic map shall be prepared and included in the geotechnical engineering design that clearly identifies and delineates the limits of the geologic materials present at the site, including all	LTS

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		existing landslides, colluvial deposits, undocumented fills, or other areas of instability. The applicant's geotechnical engineer shall also individually catalogue and evaluate mapped areas of instability and undocumented fills and assign each a "Risk Level" in the geotechnical engineering design. Risk level A landslides would include active and dormant landslides within 100 feet of a building envelope, debris flow source areas, and flow paths that crosses building envelopes / residential use areas, or active landslides that could impact public or private property. Risk Level B landslides would present a lower risk of damage and include all active, dormant or potential landslide areas on the property that do not have the potential to significantly damage property or improvements within or outside the property. In most instances, Risk Level B landslides would be located in proposed open space areas or in areas outside of any building envelope and any residential use area. The risk level assignments shall guide site-specific geotechnical engineering design. The geotechnical consultant shall perform supplemental subsurface exploration, laboratory testing, and engineering analyses to define the slope stabilization and landslide avoidance, improvement, or repair required in the design of project features in each catalogued area of instability. In general, landslides that have a higher potential of being mobilized by construction (Risk Level A landslides) should be improved or repaired, while Level B landslides should be improved or avoided in accordance with the definitions below: ▶ Landslide Avoidance - requires locating structures and improvements an adequate distance from an existing landslide so that any future movement of the landslide would not affect the structures or improvements. ▶ Landslide Improvement - requires increasing the slope stability to a level such that the calculated factor of safety is at least 1.2 for static conditions. Improvement may also include the construction of protective structures below the landslide to protect down slope improvements. ▶ Landslide Repair – shall improve the slope stability of the landslide area such that the calculated factor of safety defined as the ratio of the resisting forces to the driving forces) is at least 1.3~~5~~ for static conditions (a factor of safety less than 1.5 is often utilized for landslide repair due to the ability to better define subsurface conditions and residual soil strength through a combination of exploration,	

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		laboratory testing and back-calculation of the original failure. If landslide specific exploration, laboratory testing and back-calculation is not performed, the factor of safety should be 1.5.) and greater than 1.0 for pseudo-static (seismic) conditions using the calculated design level acceleration at the project site. If the calculated pseudo-static factor of safety is less than 1.0, displacement analyses should be performed to determine if acceptable for the landslide specific conditions and if displacements could adversely impact existing or proposed improvements. The improved stability may be accomplished by various methods including: (1) excavation of unstable material, installation of subsurface drainage and construction of a compacted earth fill buttress; (2) design and construction of retaining structures; (3) de-watering with subsurface drainage; (4) removal of the entire unstable landslide mass; or (5) other methods for landslide stabilization acceptable to the County of Marin. Examples of repair and/or improvement of landslides may include one or a combination of the following methods, or other engineering strategies defined during geotechnical engineering design: ▶ excavation of unstable material, installation of subsurface drainage and construction of a compact earth fill buttress; ▶ design and construction of retaining structures (above and below ground pile walls and shear keys); ▶ de-watering with subsurface drainage; ▶ removal of the entire unstable landslide mass; or ▶ other methods as deemed acceptable to Marin County. Design drainage facilities shall also be documented during geotechnical engineering. On cut and fill slopes, terrace drains shall be included at intervals necessary to adequately drain slopes, such as every 30 feet of vertical height. The terrace drains shall have a minimum flowline gradient of six percent to make them self-cleaning (per the California Building Code). Storm drainage facilities shall convey surface water away from areas of instability and discharge into the storm drainage system. The Geotechnical Engineer shall review the planned storm water discharge locations (bio-swales and dissipators) and identify design requirements to avoid the potential for this water to exacerbate any existing areas of mapped instability or induce new instability as confirmed during Marin County engineering review of the applicant's geotechnical engineering design.	

To provide clarification that there are three known invertebrate fossils from the Franciscan Complex in Marin County, Impact 3.6-7 in Table ES-1 of the Draft EIR is revised as follows:

ORIGINAL:

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.6-7 Potential for Disturbance of Paleontological Resources Paleontological resources are the fossilized remains or impressions of plants and animals, including vertebrates, invertebrates, and microscopic plants and animals. Fossils can be used to determine the relative ages of the depositional layers in which they occur and of the geologic events that created those deposits. The proposed project would involve extensive subsurface disturbance that could potentially encounter and damage previously undiscovered buried paleontological resources or unique geological features. However, the Franciscan Complex found at the project site would not contain identifiable fossils and it would be highly unlikely to encounter paleontological resources within the geologic units to be excavated within the confines of the project site. Moreover, in the event of an unanticipated discovery of paleontological resources, the project would be required to comply with County Code 22.20.040. Therefore, impacts associated with the potential for disturbance of paleontological resources would be less than significant.	LTS	No mitigation is required.	LTS

REVISED:

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.6-7 Potential for Disturbance of Paleontological Resources Paleontological resources are the fossilized remains or impressions of plants and animals, including vertebrates, invertebrates, and microscopic plants and animals. Fossils can be used to determine the relative ages of the depositional layers in which they occur and of the geologic events that created those deposits. The proposed project would involve extensive subsurface disturbance that could potentially encounter and damage previously undiscovered buried paleontological resources ~~or unique geological features~~. ~~However, th~~The Franciscan Complex found at the project site ~~would~~ not is unlikely to contain identifiable fossils due to the pulverized nature of the unit ~~and it would be~~	LTS	No mitigation is required.	LTS

~~highly unlikely to encounter paleontological resources within the geologic units to be excavated within the confines of the project site~~. It should be noted that there are three known invertebrate fossils from the Franciscan Complex in Marin County (UCMP 2023). ~~Moreover, i~~ In the event of an unanticipated discovery of paleontological resources, the project would be required to comply with County Code 22.20.040. Therefore, impacts associated with the potential for disturbance of paleontological resources would be less than significant.			

To reflect the most recent vacancy data, the citation used for the summary for Impact 3.12-2 in Table ES-1 of the Draft EIR is revised as follows:

ORIGINAL:

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.12-2: Displace Substantial Numbers of Existing People or Homes, Necessitating the Construction of Replacement Housing Elsewhere Implementation of the project involves demolition of 139 residential units, which would result in the displacement of approximately 320 people. A recent estimate indicates that more than 3,000 housing units are available in unincorporated Marin County (DOF 2023a). Substantially more housing is available if portions of the East Bay and San Francisco are also considered in light of typical regional commute distances. In addition, the County anticipates construction of 5,214 housing units with implementation of the updated Housing Element (Marin County 2023). A portion of this new housing would become available during the 4-year project construction period. Further, various benefits would be available to displaced residents. Lower-income residents, for example, would be entitled to payment of moving expenses; relocation assistance; and payment of the difference, if any, between affordable rent and rent for a "comparable" unit for up to 42 months. Although 139 residential units would be demolished under the project, the number of units lost would be replaced, and another 185 units would be added. Therefore, the number of residential units on the site, including the 13 housing units that were retained, would increase to 337 units. The expanded number of units would be sufficient to house up to approximately 850 residents—an increase of approximately 530 residents. In addition, Program 3 of the Housing Element and Housing	LTS	No mitigation is required.	LTS

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Density Bonus Law requires that any project that involves demolition of affordable housing on a project site replace the number of affordable units lost with new affordable units; otherwise, the project is not eligible for the density bonus. Moreover, the County would require as a condition of project approval that all demolished affordable units be replaced with the same number of affordable units at the same affordability and that 20 percent of the total number of units be affordable. Approximately 30 percent of proposed project housing units would be occupied by the student, staff, and faculty population, so a portion of the students and faculty members displaced during construction would be expected to move back onto the project site following construction. Existing housing supply in the county and in neighboring regions of the Bay Area and housing anticipated in the Housing Element are much larger than the number of displaced residents, so it is expected to be sufficient to house the remaining displaced residents. Because existing housing in the region would be sufficient to house residents displaced during construction, additional housing will become available as the County proceeds with construction of 5,214 housing units anticipated under the updated Housing Element, the project site would be able to house up to approximately 850 residents (an increase of approximately 530 residents) following buildout of the project, and the County would require that all the demolished affordable units be replaced with the same number of affordable units at the same affordability and that 20 percent of the total number of units be affordable, construction of replacement housing elsewhere would not be required to address the displacement of residents from the project site. This impact would be less than significant.			

REVISED:

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.12-2: Displace Substantial Numbers of Existing People or Homes, Necessitating the Construction of Replacement Housing Elsewhere Implementation of the project involves demolition of 139 residential units, which would result in the displacement of approximately 320 people. A recent estimate indicates that more than 3,000 housing units are available in unincorporated Marin County (DOF ~~2023a~~ 2025a). Substantially more housing is available if portions of the East Bay and San Francisco are also considered in light of typical regional commute distances. In addition, the County anticipates construction of 5,214 housing units with implementation of the updated Housing Element (Marin County 2023). A portion of this new housing would become available during the 4-year project construction period. Further, various benefits would be available to displaced residents. Lower-income residents, for example, would be entitled to payment of moving expenses; relocation assistance; and payment of the difference, if any, between affordable rent and rent for a "comparable" unit for up to 42 months. Although 139 residential units would be demolished under the project, the number of units lost would be replaced, and another 185 units would be added. Therefore, the number of residential units on the site, including the 13 housing units that were retained, would increase to 337 units. The expanded number of units would be sufficient to house up to approximately 850 residents—an increase of approximately 530 residents. In addition, Program 3 of the Housing Element and Housing Density Bonus Law requires that any project that involves demolition of affordable housing on a project site replace the number of affordable units lost with new affordable units; otherwise, the project ~~is~~ would not be eligible for the density bonus and would be inconsistent with State law. ~~Moreover, the County would require as a condition of project approval that all demolished affordable units be replaced with the same number of affordable units at the same affordability and that 20 percent of the total number of units be affordable~~. Approximately 30 percent of proposed project housing units would be occupied by the student, staff, and faculty population, so a portion of the students and faculty members displaced during	LTS	No mitigation is required.	LTS

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
construction would be expected to move back onto the project site following construction. Existing housing supply in the county and in neighboring regions of the Bay Area and housing anticipated in the Housing Element are much larger than the number of displaced residents, so it is expected to be sufficient to house the remaining displaced residents. Because existing housing in the region would be sufficient to house residents displaced during construction, additional housing will become available as the County proceeds with construction of 5,214 housing units anticipated under the updated Housing Element, the project site would be able to house up to approximately 850 residents (an increase of approximately 530 residents) following buildout of the project, and the County would require that all the demolished affordable units be replaced with the same number of affordable units at the same affordability and that 20 percent of the total number of units be affordable, construction of replacement housing elsewhere would not be required to address the displacement of residents from the project site. This impact would be less than significant.			

To provide clarification on performance goals for Mitigation Measure 3.14-2a and to add an additional recommended strategy as well as monitoring and reporting requirements, Impact 3.14-2 in Table ES-1 of the Draft EIR is revised as follows:

ORIGINAL:

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.14-2: Conflict or be Inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b) Regarding Vehicle Miles Traveled Construction activities would be short-term and temporary in nature and thus are not expected to result in a significant increase in VMT. Based on the modeling of operational VMT, the project would exceed the threshold of significance for residential projects as established in the TIS. Therefore, the project's impact related to VMT would be significant.	S	**Mitigation Measure 3.14-2a: Develop and Implement a Transportation Demand Management Program for Market Rate Residential Uses** Prior to the issuance of the first building permit in the first phase of development, the project applicant shall develop a Transportation Demand Management (TDM) program for the proposed market rate residential units, including any anticipated phasing, and shall submit the draft TDM program to the County of Marin Public Works for review and approval. The TDM program shall attempt to achieve a 39 percent reduction in weekday home-based VMT per capita generated by the proposed market rate single family and multi-family residential uses to reduce impacts to a less-than-significant level.	SU

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		The project applicant shall be responsible for preparing and implementing the TDM Program. The project applicant shall be responsible for funding and overseeing the delivery of trip reduction/TDM proposed programs and strategies to achieve the maximum feasible trip reduction as determined in collaboration with County of Marin Public Works staff, which may include, but are not limited to, the following: ▶ Dedicated shuttle for residents of market units and/or academic campus employees and/or students; ▶ Establishment of carpool, buspool, or vanpool programs; ▶ Vanpool purchase incentives; ▶ Cash allowances, passes or other public transit subsidies and purchase incentives; ▶ Parking fees set at levels sufficient to incentivize alternative modes; ▶ Full or partial parking subsidies for ride-sharing vehicles; ▶ Bicycle programs including bike purchase incentives, storage, maintenance program, and on-site education program; ▶ On-site bike share program; ▶ Dedicated employee or student housing for adjacent campus; ▶ Designation of an on-site transportation coordinator for the project. **Mitigation Measure 3.14-2b: Dedicate a Portion of Residential Units to Campus-Affiliated Residents** The County of Marin Board of Supervisors shall require a permanent dedication of a portion of the project's market rate residential units, within the limits of feasibility, to campus-affiliated residents (i.e., students, staff, and/or faculty) as a condition of approval.	

REVISED:

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.14-2: Conflict or be Inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b) Regarding Vehicle Miles Traveled Construction activities would be short-term and temporary in nature and thus are not expected to result in a significant increase in VMT. Based on the modeling of operational VMT, the project would exceed the threshold of significance for residential projects as established in the TIS. Therefore, the project's impact related to VMT would be significant.	S	**Mitigation Measure 3.14-2a: Develop and Implement a Transportation Demand Management Program for Market Rate Residential Uses** Prior to the issuance of the first building permit in the first phase of development, the project applicant shall develop a Transportation Demand Management (TDM) program for the proposed market rate residential units, including any anticipated phasing, and shall submit the draft TDM program to the County of Marin Public Works for review and approval. The performance goal of the TDM program shall ~~attempt to~~ be a 39 percent reduction in weekday home-based VMT per capita generated by the proposed market rate single family and multi-family residential uses to reduce impacts to a less-than-significant level. The project applicant shall be responsible for preparing and implementing the TDM Program. The project applicant shall be responsible for funding and overseeing the delivery of trip reduction/TDM proposed programs and strategies to achieve the maximum feasible trip reduction as determined in collaboration with County of Marin Public Works staff, which may include, but are not limited to, the following: ▶ Dedicated shuttle for residents of market units and/or academic campus employees and/or students; ▶ Establishment of carpool, buspool, or vanpool programs in coordination with Marin Transit; ▶ Vanpool purchase incentives; ▶ Cash allowances, passes or other public transit subsidies and purchase incentives; ▶ Parking fees set at levels sufficient to incentivize alternative modes; ▶ Full or partial parking subsidies for ride-sharing vehicles (i.e., any form of carpooling or vanpooling where additional passengers are carried on the trip); ▶ Bicycle programs including bike purchase incentives, storage, maintenance program, and on-site education program; ▶ On-site bike share program; ▶ Dedicated employee or student housing for adjacent campus; ▶ Designation of an on-site transportation coordinator for the project; ▶ Coordination with Golden Gate Transit and Marin Transit to increase transit service in the project area.	SU

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		The project applicant shall be responsible for preparing and submitting annual monitoring reports to the County in order to inform the County on the effectiveness of the approved TDM program. **Mitigation Measure 3.14-2b: Dedicate a Portion of Residential Units to Campus-Affiliated Residents** The County of Marin Board of Supervisors shall require a permanent dedication of a portion of the project's market rate residential units, within the limits of feasibility, to campus-affiliated residents (i.e., students, staff, and/or faculty) as a condition of approval.	

To reflect modifications to Mitigation Measure 3.14-4, Impact 3.14-4 in Table ES-1 of the Draft EIR, is revised as follows:

ORIGINAL:

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.14-4: Result in Inadequate Emergency Access In the event of an emergency scenario where evacuation would be necessary, it is anticipated that Seminary Drive and East Strawberry Drive would have the capacity to accommodate vehicles under both existing conditions and with implementation of the project. The project would be designed in compliance with County of Marin design standards and would be subject to review by County staff and emergency service agencies to ensure the project would provide access to emergency vehicles in regard to physical design. The project would also generate trips in the vicinity of the project site resulting in potential delays to vehicles, including emergency response, and potentially impacting emergency access. Therefore, this impact would be potentially significant.	PS	Implement Mitigation Measure 3.14-3b as described above. **Mitigation Measure 3.14-4: Construct a Roundabout at the Intersection of Seminary Drive/Ricardo Road/Vista Del Sol** The project applicant shall construct a roundabout at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol. The design of the roundabout, and potential advance warning devices to stop traffic entering the roundabout when fire trucks are traveling through the intersection, shall be reviewed and approved by the Southern Marin Fire Protection District. An alternative mitigation measure to the addition of a roundabout would be a traffic signal at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol with interconnect to the traffic signal at the Redwood Highway Frontage Road/Seminary Drive intersection. Emergency vehicle preemption devices shall be implemented at both intersection traffic signals. If the alternative traffic signal is implemented, design of the improvements shall be reviewed and approved by the Southern Marin Fire Protection District.	LTS

REVISED:

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.14-4: Result in Inadequate Emergency Access In the event of an emergency scenario where evacuation would be necessary, it is anticipated that Seminary Drive and East Strawberry Drive would have the capacity to accommodate vehicles under both existing conditions and with implementation of the project. The project would be designed in compliance with County of Marin design standards and would be subject to review by County staff and emergency service agencies to ensure the project would provide access to emergency vehicles in regard to physical design. The project would also generate trips in the vicinity of the project site resulting in potential delays to vehicles, including emergency response, and potentially impacting emergency access. Therefore, this impact would be potentially significant.	PS	Implement Mitigation Measure 3.14-3b as described above. **Mitigation Measure 3.14-4: ~~Construct a Roundabout at the Intersection of Seminary Drive/Ricardo Road/Vista Del Sol~~ Install and Activate Emergency Vehicle Preemption Devices** The project applicant shall be responsible for designing, obtaining permits for, installing, and activating emergency vehicle preemption equipment subject to agency approvals and oversight. This includes emergency vehicle preemption detection technology in the traffic signals at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive. The project applicant shall also be responsible for purchasing, installing, and activating emergency vehicle preemption emitting devices in seven fire station vehicles housed at Strawberry Fire Station 9 (Southern Marin Fire District). The measures shall be in place and activated prior to increasing the student enrollment above 100 or the number of occupied residential units above 145. The emergency preemption vehicle technology shall be reviewed and approved by the Southern Marin Fire Protection District, Marin County Transportation Division, and Caltrans prior to installation ~~construct a roundabout at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol. The design of the roundabout, and potential advance warning devices to stop traffic entering the roundabout when fire trucks are traveling through the intersection, shall be reviewed and approved by the Southern Marin Fire Protection District.~~ ~~An alternative mitigation measure to the addition of a roundabout would be a traffic signal at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol with interconnect to the traffic signal at the Redwood Highway Frontage Road/Seminary Drive intersection. Emergency vehicle preemption devices shall be implemented at both intersection traffic signals. If the alternative traffic signal is implemented, design of the improvements shall be reviewed and approved by the Southern Marin Fire Protection District.~~	LTS

4.2 REVISIONS TO THE PROJECT DESCRIPTION

On page 2-18 of the Draft EIR, Table 2-2, Proposed Residential Uses, has been revised to report the updated number of affordable units. The affordable unit count has been revised from 50 units to 70 units as follows:

ORIGINAL:

Table 2-2 Proposed Residential Uses

Housing Type	Unit Type	Proposed Units
Market Rate	One-bedroom	23
	Two-bedroom	82
	Three-bedroom	160
	Single-Family Dwelling	8
	Total	**273**
Affordable Housing (low-income)	One-bedroom	1
	Two-bedroom	19
	Three-bedroom	30
	Total	**50**
Existing on-site Units to Remain	Three-bedroom	10
	Single-Family Dwelling	3
	Total	**13**
Residential Care Facility*		1
Total		**337**

* Approximately 267,354 sf facility with 170 independent living apartments and assisted living residences.

Source: North Coast Land Holdings 2021.

REVISED:

Table 2-2 Proposed Residential Uses

Housing Type	Unit Type	Proposed Units**
Market Rate	One-bedroom	~~23~~14
	Two-bedroom	~~82~~65
	Three-bedroom	~~160~~166
	Single-Family Dwelling	8
	Total	**27~~5~~3**
Affordable Housing (low-income)~~**~~	One-bedroom	~~1~~10
	Two-bedroom	~~19~~36
	Three-bedroom	~~30~~24
	Total	**~~5~~70**
Existing on-site Units to Remain	Three-bedroom	10
	Single-Family Dwelling	3
	Total	**13**
Residential Care Facility*		1
Total		**337**

* Approximately 267,354 sf facility with 170 independent living apartments and assisted living residences.
** The project is proposed to provide an average of approximately 2.2 bedrooms per affordable housing unit. The exact number of bedrooms would be described in the final Affordable Housing Plan at the time of the County's merits review of the project.

Source: North Coast Land Holdings 2021; updated in 2025.

On page 2-17 of the Draft EIR, the fourth paragraph on the page has been revised to further clarify the membership for the fitness and daycare center as follows:

ORIGINAL:

The proposed fitness center would include a half-basketball court, cardiovascular and resistance training equipment, roof deck for fitness activities, outdoor workout area, reception area, locker rooms, offices, and restrooms. The fitness center would also include existing playground equipment that would be relocated from the foot of Dormitory Hill near the intersection of Shuck Drive and Storer Drive. Parking that is accessible to persons with disabilities and bicycle parking would be provided adjacent to the fitness center. Additional parking for the fitness center would be available at the three-tiered parking lot in the center of the project site. The proposed hours of operation for the fitness center are 5:30 a.m. to 8:00 p.m., daily. Membership would be limited to on-site residents, affiliates of the academic campus, and residents of the surrounding community that are within walking distance of the facility. The fitness center would be staffed by approximately two to three full-time employees. Deliveries would occur daily.

REVISED:

The proposed fitness center would include a half-basketball court, cardiovascular and resistance training equipment, roof deck for fitness activities, outdoor workout area, reception area, locker rooms, offices, and restrooms. The fitness center would also include existing playground equipment that would be relocated from the foot of Dormitory Hill near the intersection of Shuck Drive and Storer Drive. Parking that is accessible to persons with disabilities and bicycle parking would be provided adjacent to the fitness center. Additional parking for the fitness center would be available at the three-tiered parking lot in the center of the project site. The proposed hours of operation for the fitness center are 5:30 a.m. to 8:00 p.m., daily. The applicant is proposing to limit ~~M~~membership ~~would be limited~~ to on-site residents, affiliates of the academic campus, and residents of the surrounding community that are within walking distance of the facility. The fitness center would be staffed by approximately two to three full-time employees. Deliveries would occur daily.

On page 2-19 of the Draft EIR, the last paragraph on the page has been revised to reflect the updated number of affordable units as follows:

ORIGINAL:

In conformance with Marin County Development Code Section 22.22.020 and California's Density Bonus Law (see Gov. Code, § 65915), 50 of the proposed 324 new residential units would be available to low-income households. The affordable units would be offered at rates in accordance with Section 22.22.080(c) of the Marin County Development Code. The affordable units will be inclusionary; dispersed throughout the project site; and comparable in location, size, and exterior design to the remaining units in the overall residential development in accordance with Section 22.22.080(E) of the Marin County Development Code. No other density bonus units are proposed for the project.

REVISED:

In conformance with Marin County Development Code Section 22.22.020 and California's Density Bonus Law (see Gov. Code, § 65915), ~~50~~70 of the proposed 324 new residential units would be available to low-income households. The affordable units would be offered at rates in accordance with Section 22.22.080(c) of the Marin County Development Code. The affordable units will be inclusionary; dispersed throughout the project site; and comparable in location, size, and exterior design to the remaining units in the overall residential development in accordance with Section 22.22.080(E) of the Marin County Development Code. The project is

proposed to provide an average of approximately 2.2 bedrooms per affordable housing unit. The exact number of bedrooms would be described in the final Affordable Housing Plan at the time of the County's merits review of the project. No other density bonus units are proposed for the project.

To provide clarification on project design features, an additional sustainability feature was added on page 2-27 of the Draft EIR. The additional sustainability feature has been added as follows:

ORIGINAL:

SUSTAINABILITY FEATURES

The following sustainability features are proposed to be implemented:

- New buildings would use Variable Refrigerant Flow systems to reduce the need for air conditioning by achieving varying climate control zones in both large and small structures.
- Lighting fixtures would consist of low-wattage lighting.
- Solar electricity-generating panels would be installed on the building roofs of new residential units and hidden behind parapets, as required by building codes.
- Landscape design would include features to reduce water consumption, including a plant palette of native and drought-tolerant species and mulched shrub and groundcover areas.
- The storm drain system would consist of vegetated and cobble swales and storm water treatment and detention Best Management Practices (BMPs).
- Individual yards in residential areas would be eliminated to reduce waste of potable water through efficient technologies, conservation efforts, design and management practices, and by better matching the source and quality of water to the user's needs.
- Measures would be implemented to reduce the heat island effect, including use of high albedo paving and roof surfaces, and planting of canopy trees throughout the site, as well as along streets and paved surfaces.
- Trails, bike paths, bike parking, and e-bike charging would be located throughout the project site to encourage individual mobility choices.
- Construction of new site uses would include high-quality, energy-efficient building materials that would be long-lasting and durable.

REVISED:

SUSTAINABILITY FEATURES

The following sustainability features are proposed to be implemented:

- New buildings would use Variable Refrigerant Flow systems to reduce the need for air conditioning by achieving varying climate control zones in both large and small structures.
- Lighting fixtures would consist of low-wattage lighting.
- Solar electricity-generating panels would be installed on the building roofs of new residential units and hidden behind parapets, as required by building codes.
- Landscape design would include features to reduce water consumption, including a plant palette of native and drought-tolerant species and mulched shrub and groundcover areas.
- The storm drain system would consist of vegetated and cobble swales and storm water treatment and detention Best Management Practices (BMPs).

- Individual yards in residential areas would be eliminated to reduce waste of potable water through efficient technologies, conservation efforts, design and management practices, and by better matching the source and quality of water to the user's needs.
- Measures would be implemented to reduce the heat island effect, including use of high albedo paving and roof surfaces, and planting of canopy trees throughout the site, as well as along streets and paved surfaces.
- Trails, bike paths, bike parking, and e-bike charging would be located throughout the project site to encourage individual mobility choices.
- Construction of new site uses would include high-quality, energy-efficient building materials that would be long-lasting and durable.
- Bird-friendly building design features would be implemented consistent with Section A5.107 of the California Building Code.

4.3 REVISIONS TO SECTION 3.1 AESTHETICS

To clarify the policy consistency analysis and impacts of the project for policies found to be potentially inconsistent unless mitigated, Table 3.1-2 starting on page 3.1-49 is revised as follows:

ORIGINAL:

Table 3.1-2 Policy Consistency Analysis

Policy	Consistency Analysis
Marin Countywide Plan: Built Environment Element	
Goal DES-3: New Development in Built Areas	Consistent: Proposed development would be visually clustered with open space surrounding and between building clusters.
DES-3.1 Promote Infill	Consistent: The visual character of surrounding neighborhoods on the Strawberry Peninsula is continuous development with little to no visual open space between structures. The project would visually expand that development but with open spaces.
DES-3.2 Promote Green Spaces	Consistent: Visual open space and park areas would be either preserved or redeveloped as approximately 70 percent of the project site is proposed to be maintained as undeveloped space. The project would be designed to preserve existing viewsheds and the Strawberry ridgeline; establish new parks, trails, and pedestrian pathways; and provide the community access to open space.
Goal DES-4: Protection of Scenic Resources	Consistent: No existing vistas to important natural features would be blocked. The form of Seminary Point, the major visible natural feature of the project site, would not be changed and would continue to be a locally dominant natural promontory.
DES-4.1: Preserve Visual Quality	Consistent: Though more expansive, the project would create a harmonious, ordered, and coherent development within the project site as compared to existing improvements.
Marin Countywide Plan: Implementing Programs	
DES-4.a Protect Key Public Views	Consistent: Key view corridors identified in the Strawberry Community Plan (see below) and through public scoping comments are from Chapel Hill and to Seminary Point. These key view corridors would not be blocked.
DES-4.b Minimize Visual Impacts of Public Facilities	Consistent: Most of the parking related to new structures would be interior or in underground garages. All utilities would be underground. Predominantly native tree and shrub species would be used to reduce visual impacts.

Policy	Consistency Analysis
DES-4.c Regulate Mass and Scale	Potentially Inconsistent Unless Mitigated: Most project structures conform with the bulk and scale of existing development on the Strawberry Peninsula. Visibility to the residential care facility is limited to public views from the southwest. The residential care facility would be stepped to follow the existing topography and broken into distinct building components. Implementation of Mitigation Measures 3.1-1b and 3.1-1c, combined with site landscaping, over time, would reduce visibility and further disguise the bulk of the structure visually. Due to their location along the lower elevations of the project site, the three six-story apartment buildings at the corner of Hodges Drive and Shuck Drive would have limited exposure to surrounding areas. The upper floors may be seen from selected locations but would be backdropped by topography and other development similar in color and texture to the apartment structures such that the bulk of the buildings would be visually blended with the overall development.
DES-4.d: Protect Views of Ridgelines	Potentially Inconsistent Unless Mitigated: Map 3-4 of the Marin Countywide Plan does not show the project site within a Ridge or Upland Greenbelt area to be protected. Most of the development visible to the general public would be clustered below local ridgelines. The uppermost component of the residential care facility is a horizontal structure with a roofline that would parallel existing topography. Public visibility to the project site is limited to a middle ground view from Tiburon (KOP #13, Figure 3.1-12), views from the west including Seminary Drive (KOP #2, Figure 3.1-19), and middle ground views from the edge of Richardson Bay (KOP #23b, Figure 3.1-26). This effect would be eliminated with the implementation of Mitigation Measures 3.1-1b and 3.1-1c, which, combined with site landscaping, over time, would reduce visibility and further protect views of local ridgelines.
DES-4.e: Protect Views of Ridge and Upland Greenbelt Areas	Consistent: Map 3-4 of the Marin Countywide Plan does not show the project site within a Ridge or Upland Greenbelt area to be protected.
Marin County Development Code – Section 22.10.040 – Residential District Development Standards	
B. Development standards for planned districts	Potentially Inconsistent Unless Mitigated: The uppermost component of the residential care facility is a horizontal structure of which the roofline would parallel existing topography. Public visibility to the project site would be limited to a middle-ground view from Tiburon (KOP #13, Figure 3.1-12), views from the west including Seminary Drive (Figure 3.1-19, KOP #2 Visual Simulation), and middle-ground views from the edge of Richardson Bay (Figure 3.1-26, KOP #23 Visual Simulation). This effect would be eliminated with the implementation of Mitigation Measures 3.1-1b and 3.1-1c.
Marin County Development Code – Section 22.16.030 – General Standards	
D.1 Building location- Clustering requirement	Consistent: Structures would be visually clustered, particularly in open grassland areas between Dormitory Hill and Shuck Knoll. Existing and new plantings would assist in screening most facilities.
D.2 Building Location Development Near Ridgelines	Potentially Inconsistent Unless Mitigated: Development would not occur on an identified regionally prominent ridgeline. However, development would occur within 300 feet of visually prominent local ridgelines. Effects on local ridgelines would be eliminated with the implementation of Mitigation Measure 3.1-1c, which requires planting fast-growing trees so that, with time, a natural-appearing backdrop is created reducing visibility and further protecting views of the local ridgeline.
F. Landscaping	Consistent: Landscaping would be designed to be compatible with the native plant setting. Planting would not block scenic views to Richardson Bay or Mount Tamalpais from adjacent properties.

Policy	Consistency Analysis
G. Lighting, exterior	Consistent: Low-wattage fixtures would be directed downward and shielded to prevent adverse lighting impacts on nearby properties.
I.1. Project design: Height Limits	Potentially Inconsistent Unless Mitigated: The local Dormitory Hill ridgeline includes a wide plateau in the saddle between the Academic Campus and the Reed/Storer/Shuck planning areas. The uppermost component of the residential care facility extends approximately 39.75 feet above the plateau at its highest point and would be seen above the ridgeline from various locations. This effect would be eliminated with the implementation of Mitigation Measure 3.1-1c, which requires planting fast-growing trees so that, with time, a natural-appearing backdrop is created reducing visibility and further protecting views of the local ridgeline.
I.2 Project design: Materials and colors	Potentially Inconsistent Unless Mitigated: The light-valued colors of the structures and albedo pavements would contrast with colors of the natural environment. Implementation of Mitigation Measure 3.1-1d would visually blend new structures with the natural environment and mimic the variety and pattern of colors in the surrounding residential areas.
Marin County Development Code – 22.26.040 Landscaping Objectives	
A. Provide visual amenities	Consistent: Proposed landscaping would enhance the appearance of new development and surrounding areas by being designed, installed, and maintained to blend new structures into the context of the established community.
D. Screen incompatible land uses	Potentially Inconsistent Unless Mitigated: Landscaping as part of the development combined with Mitigation Measures 3.1-1a and 3.1-1b would screen the project and would create visual separation from adjacent residential areas.
Marin County Development Code – 22.42 Design Review. 22.42.010 – Purpose of Chapter	
D. Natural Beauty	Consistent: Visually the project would result in a highly ordered and coherent development preserving Seminary Point, vistas from Chapel Hill, and respecting the local ridgelines between Chapel Hill and Shuck Knoll.
G. Conflicts	Potentially Inconsistent Unless Mitigated: With vegetative screening as recommended in Mitigation Measures 3.1-1a and 3.1-1b, visual conflicts with surrounding areas are minimized.
Strawberry Community Plan (1973)	
General Design Guidelines: Landscaping	Potentially Inconsistent Unless Mitigated: Landscaping as part of the development combined with Mitigation Measure 3.1-1a will be used to screen views and provide privacy.
General Design Guidelines: Ridgelines	Consistent: Hilltops, forested areas, and other prominent visual landmarks are recognized in the project design. The form of Seminary Point, the major visible natural feature of the project site, would be preserved in its natural state. Chapel Hill consisting of a leveled hilltop, would be retained as a developed overlook to Richardson Bay with proposed apartments located on the slopes below it.
General Design Guidelines: View corridors	Consistent: No existing public view corridors to Richardson Bay, San Francisco Bay, Mount Tamalpais, or other regional landmarks including San Francisco would be blocked.
Specific Policy Framework 2.0 Preserve and Enhance the Scale and Character of the Area	Consistent: The project would preserve the natural appearance and ridgeline of Strawberry Point. Chapel Hill, partially graded in the past, would be reconfigured and developed as a formal vista point. The project would not interfere with views from ridges or hilltops to the Bay or lowlands. No structures would interrupt a continuous view of the visual crest of the surrounding hillsides from adjacent lowlands.

Policy	Consistency Analysis
Strawberry Community Plan and Amendments (1982) Note: The project is a proposed amendment to the Strawberry Community Plan.	
II. Goals	
A. Community Amenities	Consistent: Proposed development would retain visual backdrops and provide visual neighborhood separators by retaining existing vegetation through landscaping and revegetation. Local ridgelines would be visually retained or in the case of the residential care facility, mimicked in the lines of the architecture. New structures would be generally clustered.
III. Development Guidelines	
C. Golden Gate Baptist Theological Seminary – Land Use (Area 5)	Consistent: A band of open undeveloped land extending from Chapel Drive to Seminary Drive would be retained in the Chapel Hill Park.
C. Golden Gate Baptist Theological Seminary – Land Use (Area 6)	Potentially Inconsistent Unless Mitigated: Housing is proposed on the sides of Chapel Hill. However, the housing is sited to be lower than the promontory of the hill and would not block views from the hill. Landscaping proposed as part of the project combined with Mitigation Measure 3.1-1a would screen views of the structures from existing dwellings.
C. Golden Gate Baptist Theological Seminary – Land Use (Area 8)	Consistent: Existing mid-to lower slope development on Seminary Point would be replaced and expanded. However, Seminary Point would remain a visually prominent visual landmark in the Community.
E. General Design Guidelines: Landscaping	Consistent: Landscaping would be used to screen views and provide privacy.
E. General Design Guidelines: Ridgelines	Consistent: Hilltops, forested areas, and other prominent visual landmarks are recognized in the project design. The form of Seminary Point, the major visible natural feature of the project site, would be preserved in its natural state. Chapel Hill, while being more formally developed, would be retained as an overlook to Richardson Bay with proposed apartments located on the slopes below it.
E. General Design Guidelines: View corridors	Consistent: No existing public view corridors to Richardson Bay, San Francisco Bay, Mount Tamalpais or other regional landmarks including San Francisco would be blocked.
Specific Policy Framework	
2.0 Preserve and Enhance the Scale and Character of the Area.	Consistent: The project would preserve the natural appearance and ridgeline of Strawberry Point. Chapel Hill, partially graded in the past, would be reconfigured and developed as a formal vista point. The project would not interfere with views from ridges or hilltops to the Bay or lowlands. No structures would interrupt a continuous view of the visual crest of the surrounding hillsides from adjacent lowlands.

REVISED:

Table 3.1-2 Policy Consistency Analysis

Policy	Consistency Analysis
Marin Countywide Plan: Built Environment Element	
Goal DES-3: New Development in Built Areas	Consistent: Proposed development would be visually clustered with open space surrounding and between building clusters.

Policy	Consistency Analysis
DES-3.1 Promote Infill	Consistent: The visual character of surrounding neighborhoods on the Strawberry Peninsula is continuous development with little to no visual open space between structures. The project would visually expand that development but with open spaces.
DES-3.2 Promote Green Spaces	Consistent: Visual open space and park areas would be either preserved or redeveloped as approximately 70 percent of the project site is proposed to be maintained as undeveloped space. The project would be designed to preserve existing viewsheds and the Strawberry ridgeline; establish new parks, trails, and pedestrian pathways; and provide the community access to open space.
Goal DES-4: Protection of Scenic Resources	Consistent: No existing vistas to important natural features would be blocked. The form of Seminary Point, the major visible natural feature of the project site, would not be changed and would continue to be a locally dominant natural promontory.
DES-4.1: Preserve Visual Quality	Consistent: Though more expansive, the project would create a harmonious, ordered, and coherent development within the project site as compared to existing improvements.
Marin Countywide Plan: Implementing Programs	
DES-4.a Protect Key Public Views	Consistent: Key view corridors identified in the Strawberry Community Plan (see below) and through public scoping comments are from Chapel Hill and to Seminary Point. These key view corridors would not be blocked.
DES-4.b Minimize Visual Impacts of Public Facilities	Consistent: Most of the parking related to new structures would be interior or in underground garages. All utilities would be underground. Predominantly native tree and shrub species would be used to reduce visual impacts.
DES-4.c Regulate Mass and Scale	Potentially Inconsistent Unless Mitigated: Most project structures conform with the bulk and scale of existing development on the Strawberry Peninsula. Visibility to the residential care facility is limited to public views from the southwest. The residential care facility would be stepped to follow the existing topography and broken into distinct building components; however, the uppermost component of the residential care facility structure would be sky-lined at its highest point of approximately 161.75 feet elevation. This is approximately 26.75 feet above the highest point of the existing Dormitory Hill peak ridgeline elevation of 135 feet and would be seen from various locations. Implementation of Mitigation Measures 3.1-1b and 3.1-1c, combined with site landscaping, over time, would reduce visibility and further disguise the bulk of the structure visually. Due to their location along the lower elevations of the project site, the three six-story apartment buildings at the corner of Hodges Drive and Shuck Drive would have limited exposure to surrounding areas. The upper floors may be seen from selected locations but would be backdropped by topography and other development similar in color and texture to the apartment structures such that the bulk of the buildings would be visually blended with the overall development.

Policy	Consistency Analysis
DES-4.d: Protect Views of Ridgelines	Potentially Inconsistent Unless Mitigated: This Countywide Plan implementing program addresses development on or near visually prominent ridgelines (including in the Ridge and Upland Greenbelt Areas shown on Map 3-4). While Map 3-4 of the Marin Countywide Plan does not show the project site within a Ridge or Upland Greenbelt area to be protected~~.~~, the project site contains visually prominent local ridgelines. Most of the development visible to the general public would be clustered below local ridgelines. Project facilities would not be seen except for portions of ~~T~~the uppermost component of the residential care facility, which is a horizontal structure with a roofline that would parallel existing topography. Public visibility to the project site is limited to a middle ground view from Tiburon (KOP #13, Figure 3.1-12), views from the west including Seminary Drive (KOP #2, Figure 3.1-19), and middle ground views from the edge of Richardson Bay (KOP #23b, Figure 3.1-26). Nonetheless, the uppermost component of the residential care facility would extend approximately 26.75 feet above the highest point of the existing local Dormitory Hill ridgeline and would be seen above the ridgeline from various locations. However, ~~T~~this effect would be eliminated with the implementation of Mitigation Measures 3.1-1b and 3.1-1c, which, combined with site landscaping, over time, would reduce visibility and further protect views of local ridgelines.
DES-4.e: Protect Views of Ridge and Upland Greenbelt Areas	Consistent: Map 3-4 of the Marin Countywide Plan does not show the project site within a Ridge or Upland Greenbelt area to be protected.
Marin County Development Code – Section 22.10.040 – Residential District Development Standards	
B. Development standards for planned districts	Potentially Inconsistent Unless Mitigated: The uppermost component of the residential care facility is a horizontal structure of which the roofline would parallel existing topography. Public visibility to the project site would be limited to a middle-ground view from Tiburon (KOP #13, Figure 3.1-12), views from the west including Seminary Drive (Figure 3.1-19, KOP #2 Visual Simulation), and middle-ground views from the edge of Richardson Bay (Figure 3.1-26, KOP #23 Visual Simulation). Nonetheless, the uppermost component of the residential care facility would extend at its highest point approximately 26.75 feet above the existing local Dormitory Hill ridgeline and would be seen above the ridgeline from various locations. However, ~~T~~this effect would be eliminated with the implementation of Mitigation Measures 3.1-1b and 3.1-1c.
Marin County Development Code – Section 22.16.030 – General Standards	
D.1 Building location- Clustering requirement	Consistent: Structures would be visually clustered, particularly in open grassland areas between Dormitory Hill and Shuck Knoll. Existing and new plantings would assist in screening most facilities.
D.2 Building Location Development Near Ridgelines	Potentially Inconsistent Unless Mitigated: Development would not occur on an identified regionally prominent ridgeline, as designated in the Countywide Plan. However, development would occur within 300 feet of visually prominent local ridgelines, which would potentially conflict with this Marin County Code section. Effects on local ridgelines would be eliminated with the implementation of Mitigation Measures 3.1-1a through 3.1-1c. Mitigation Measures 3.1-1a and 3.1-1b require the installation of landscaping that buffers and screens views of the project, while Mitigation Measure 3.1-1c~~, which~~ requires planting fast-growing trees so that, with time, a natural-appearing backdrop is created reducing visibility and further protecting views of the local ridgeline.
F. Landscaping	Consistent: Landscaping would be designed to be compatible with the native plant setting. Planting would not block scenic views to Richardson Bay or Mount Tamalpais from adjacent properties.

Policy	Consistency Analysis
G. Lighting, exterior	Consistent: Low-wattage fixtures would be directed downward and shielded to prevent adverse lighting impacts on nearby properties.
I.1. Project design: Height Limits	Potentially Inconsistent Unless Mitigated: The local Dormitory Hill ridgeline includes a wide plateau in the saddle between the Academic Campus and the Reed/Storer/Shuck planning areas. The uppermost component of the residential care facility extends approximately 39.75 feet above the plateau at its highest point and would be seen above the ridgeline from various locations. This effect would be eliminated with the implementation of Mitigation Measure 3.1-1c, which requires planting fast-growing trees so that, with time, a natural-appearing backdrop is created reducing visibility and further protecting views of the local ridgeline.
I.2 Project design: Materials and colors	Potentially Inconsistent Unless Mitigated: The light-valued colors of the structures and albedo pavements would contrast with colors of the natural environment. Implementation of Mitigation Measure 3.1-1d would visually blend new structures with the natural environment and mimic the variety and pattern of colors in the surrounding residential areas.
Marin County Development Code – 22.26.040 Landscaping Objectives	
A. Provide visual amenities	Consistent: Proposed landscaping would enhance the appearance of new development and surrounding areas by being designed, installed, and maintained to blend new structures into the context of the established community.
D. Screen incompatible land uses	Potentially Inconsistent Unless Mitigated: Housing is proposed on the sides of Chapel Hill. The housing is sited to be lower than the promontory of the hill and would not block views from the hill. However, the vegetation at the top of Chapel Hill Park would only partially screen the residential development on Chapel Hill as seen from the south. The residential cluster on the south side of Chapel Hill and the redeveloped Chapel Hill Plaza would be noticeably visible. In addition, the uppermost component of the residential care facility would extend at its highest point approximately 26.75 feet above the existing local Dormitory Hill ridgeline and would be seen above the ridgeline from various locations. However, ~~L~~landscaping as part of the development combined with Mitigation Measures 3.1-1a and 3.1-1b would screen the project and would create visual separation from adjacent residential areas.
Marin County Development Code – 22.42 Design Review. 22.42.010 – Purpose of Chapter	
D. Natural Beauty	Consistent: Visually the project would result in a highly ordered and coherent development preserving Seminary Point, vistas from Chapel Hill, and respecting the local ridgelines between Chapel Hill and Shuck Knoll.
G. Conflicts	Potentially Inconsistent Unless Mitigated: Housing is proposed on the sides of Chapel Hill. The housing is sited to be lower than the promontory of the hill and would not block views from the hill. However, as seen from the south, the vegetation at the top of Chapel Hill Park would only partially screen the residential development on Chapel Hill. The residential cluster on the south side of Chapel Hill and the redeveloped Chapel Hill Plaza would be noticeably visible. In addition, the uppermost component of the residential care facility would extend at its highest point approximately 26.75 feet above the existing local Dormitory Hill ridgeline and would be seen above the ridgeline from various locations. However, ~~W~~with vegetative screening as recommended in Mitigation Measures 3.1-1a and 3.1-1b, visual conflicts with surrounding areas ~~are~~ would be minimized.

Policy	Consistency Analysis
Strawberry Community Plan (1973)	
General Design Guidelines: Landscaping	Potentially Inconsistent Unless Mitigated: Housing is proposed on the sides of Chapel Hill. The housing is sited to be lower than the promontory of the hill and would not block views from the hill. However, as seen from the south, the vegetation at the top of Chapel Hill Park would only partially screen the residential development on Chapel Hill. The residential cluster on the south side of Chapel Hill and the redeveloped Chapel Hill Plaza would be noticeably visible. In addition, the uppermost component of the residential care facility would extend at its highest point approximately 26.75 feet above the existing local Dormitory Hill ridgeline and would be seen above the ridgeline from various locations. Landscaping as part of the development combined with Mitigation Measures 3.1-1a and 3.1-1b ~~will~~ would be used to screen views and provide privacy.
General Design Guidelines: Ridgelines	Consistent: Hilltops, forested areas, and other prominent visual landmarks are recognized in the project design. The form of Seminary Point, the major visible natural feature of the project site, would be preserved in its natural state. Chapel Hill consisting of a leveled hilltop, would be retained as a developed overlook to Richardson Bay with proposed apartments located on the slopes below it.
General Design Guidelines: View corridors	Consistent: No existing public view corridors to Richardson Bay, San Francisco Bay, Mount Tamalpais, or other regional landmarks including San Francisco would be blocked.
Specific Policy Framework 2.0 Preserve and Enhance the Scale and Character of the Area	Consistent: The project would preserve the natural appearance and ridgeline of Strawberry Point. Chapel Hill, partially graded in the past, would be reconfigured and developed as a formal vista point. The project would not interfere with views from ridges or hilltops to the Bay or lowlands. No structures would interrupt a continuous view of the visual crest of the surrounding hillsides from adjacent lowlands.
Strawberry Community Plan and Amendments (1982) Note: The project is a proposed amendment to the Strawberry Community Plan.	
II. Goals	
A. Community Amenities	Consistent: Proposed development would retain visual backdrops and provide visual neighborhood separators by retaining existing vegetation through landscaping and revegetation. Local ridgelines would be visually retained or in the case of the residential care facility, mimicked in the lines of the architecture. New structures would be generally clustered.
III. Development Guidelines	
C. Golden Gate Baptist Theological Seminary – Land Use (Area 5)	Consistent: A band of open undeveloped land extending from Chapel Drive to Seminary Drive would be retained in the Chapel Hill Park.
C. Golden Gate Baptist Theological Seminary – Land Use (Area 6)	Potentially Inconsistent Unless Mitigated: Housing is proposed on the sides of Chapel Hill. ~~However, t~~The housing is sited to be lower than the promontory of the hill and would not block views from the hill. However, as seen from the south, the vegetation at the top of Chapel Hill Park would only partially screen the residential development on Chapel Hill. The residential cluster on the south side of Chapel Hill and the redeveloped Chapel Hill Plaza would be noticeably visible. Landscaping proposed as part of the project combined with Mitigation Measure 3.1-1a would screen views of the structures from existing dwellings.
C. Golden Gate Baptist Theological Seminary – Land Use (Area 8)	Consistent: Existing mid-to lower slope development on Seminary Point would be replaced and expanded. However, Seminary Point would remain a visually prominent visual landmark in the Community.

Policy	Consistency Analysis
E. General Design Guidelines: Landscaping	Consistent: Landscaping would be used to screen views and provide privacy.
E. General Design Guidelines: Ridgelines	Consistent: Hilltops, forested areas, and other prominent visual landmarks are recognized in the project design. The form of Seminary Point, the major visible natural feature of the project site, would be preserved in its natural state. Chapel Hill, while being more formally developed, would be retained as an overlook to Richardson Bay with proposed apartments located on the slopes below it.
E. General Design Guidelines: View corridors	Consistent: No existing public view corridors to Richardson Bay, San Francisco Bay, Mount Tamalpais or other regional landmarks including San Francisco would be blocked.
Specific Policy Framework	
2.0 Preserve and Enhance the Scale and Character of the Area.	Consistent: The project would preserve the natural appearance and ridgeline of Strawberry Point. Chapel Hill, partially graded in the past, would be reconfigured and developed as a formal vista point. The project would not interfere with views from ridges or hilltops to the Bay or lowlands. No structures would interrupt a continuous view of the visual crest of the surrounding hillsides from adjacent lowlands.

4.4 REVISIONS TO SECTION 3.2 AIR QUALITY

To correct emission data in Table 3.2-4 to reflect the summarized emissions in Appendix C of the Draft EIR, Table 3.2-14 on page 3.2-14 of the Draft EIR is revised as follows:

ORIGINAL:

Table 3.2-4 Maximum Emissions of Criteria Pollutants and Precursors Associated with Construction of the Project

Year	ROG (lb/day)	NO_X (lb/day)	CO (lb/day)	SO_X (lb/day)	PM_{10} (Exhaust) (lb/day)	$PM_{2.5}$ (Exhaust) (lb/day)
Average Daily Emissions						
2023	4	33	35	<1	1	1
2024	15	68	82	<1	3	2
2025	15	38	58	<1	1	1
2026	2	7	9	<1	1	<1
BAAQMD Thresholds of Significance	54	54	N/A	N/A	82	54
Exceeds Thresholds of Significance?	No	No	N/A	N/A	No	No

Notes: lb/day = pounds per day, ROG = reactive organic gases, NO_X = oxides of nitrogen, CO = carbon monoxide, SO_X = sulfur oxides, PM_{10} = respirable particulate matter, $PM_{2.5}$ = fine particulate matter, BAAQMD = Bay Area Air Quality Management District

Source: Modeling performed by Ascent in 2022.

REVISED:

Table 3.2-4 Maximum Mitigated Emissions of Criteria Pollutants and Precursors Associated with Construction of the Project

Year	ROG (lb/day)	NO_X (lb/day)	CO (lb/day)	SO_X (lb/day)	PM_{10} (Exhaust) (lb/day)	$PM_{2.5}$ (Exhaust) (lb/day)
Average Daily Emissions						
2023	4	33	35	<1	1	1
2024	15	68	82	<1	3	2
2025	15	38	58	<1	1	1
2026	~~2~~ 5	7	~~9~~ 14	<1	<1	<1
2027	<1	<1	<1	<1	<1	<1
BAAQMD Thresholds of Significance	54	54	N/A	N/A	82	54
Exceeds Thresholds of Significance?	No	No	N/A	N/A	No	No

Notes: lb/day = pounds per day, ROG = reactive organic gases, NO_X = oxides of nitrogen, CO = carbon monoxide, SO_X = sulfur oxides, PM_{10} = respirable particulate matter, $PM_{2.5}$ = fine particulate matter, BAAQMD = Bay Area Air Quality Management District

Source: Modeling performed by Ascent in 2022.

To provide clarification that Mitigation Measure 3.2-1 requires implementation of Tier-4 final emission standards, Mitigation Measure 3.2-1 on page 3.2-14 of the Draft EIR is revised as follows:

ORIGINAL:

Mitigation 3.2-1: Apply Tier-4 Emission Standards to all Diesel-Powered Off-Road Equipment

The project applicant shall require the construction contractor to only use off-road construction equipment that meet EPA's Tier 4 emission standards as defined in 40 CFR 1039 and to comply with the appropriate test procedures and provisions as contained in 40 CFR Parts 1065 and 1068. This measure can also be achieved by using battery-electric off-road equipment as it becomes available. Implementation of this measure shall be required in the contract the project applicant establishes with its construction contractors. The applicant shall demonstrate its plan to fulfill the requirements of this measure in a report or in project improvement plan details submitted to the County prior to the use of any off-road, diesel-powered construction equipment on the site.

REVISED:

Mitigation 3.2-1: Apply Tier-4 Final Emission Standards to all Diesel-Powered Off-Road Equipment

The project applicant shall require the construction contractor to only use off-road construction equipment that meet EPA's Tier 4 final emission standards as defined in 40 CFR 1039 and to comply with the appropriate test procedures and provisions as contained in 40 CFR Parts 1065 and 1068. This measure can also be achieved by using battery-electric off-road equipment as it becomes available. Implementation of this measure shall be required in the contract the project applicant establishes with its construction contractors. The applicant shall demonstrate its plan to fulfill the requirements of this measure in a report or in project improvement plan details submitted to the County prior to the use of any off-road, diesel-powered construction equipment on the site.

To correct emission data in Table 3.2-5 to reflect the summarized emissions in Appendix C of the Draft EIR, Table 3.2-5 on page 3.2-14 of the Draft EIR is revised as follows:

ORIGINAL:

Table 3.2-5 Maximum Mitigated Emissions of Criteria Pollutants and Precursors Associated with Construction of the Project

Year	ROG (lb/day)	NO_X (lb/day)	CO (lb/day)	SO_X (lb/day)	PM_{10} (Exhaust) (lb/day)	$PM_{2.5}$ (Exhaust) (lb/day)
Average Daily Emissions						
2023	2	11	35	<1	<1	<1
2024	10	22	82	<1	<1	<1
2025	12	14	58	<1	<1	<1
2026	5	3	9	<1	<1	<1
BAAQMD Thresholds of Significance	54	54	N/A	N/A	82	54
Exceeds Thresholds of Significance?	No	No	N/A	N/A	No	No

Notes: lb/day = pounds per day, ROG = reactive organic gases, NO_X = oxides of nitrogen, CO = carbon monoxide, SO_X = sulfur oxides, PM_{10} = respirable particulate matter, $PM_{2.5}$ = fine particulate matter, BAAQMD = Bay Area Air Quality Management District

Source: Modeling performed by Ascent in 2022.

REVISED:

Table 3.2-5 Maximum Mitigated Emissions of Criteria Pollutants and Precursors Associated with Construction of the Project

Year	ROG (lb/day)	NO_X (lb/day)	CO (lb/day)	SO_X (lb/day)	PM_{10} (Exhaust) (lb/day)	$PM_{2.5}$ (Exhaust) (lb/day)
Average Daily Emissions						
2023	2	11	~~35~~ 48	<1 0	<1	<1
2024	10	22	~~82~~ 104	~~<1~~ 0	<1	<1
2025	12	14	~~58~~ 73	~~<1~~ 0	<1	<1
2026	5	3	~~9~~ 16	~~<1~~ 0	<1	<1
2027	<1	<1	<1	<1	<1	<1
BAAQMD Thresholds of Significance	54	54	N/A	N/A	82	54
Exceeds Thresholds of Significance?	No	No	N/A	N/A	No	No

Notes: lb/day = pounds per day, ROG = reactive organic gases, NO_X = oxides of nitrogen, CO = carbon monoxide, SO_X = sulfur oxides, PM_{10} = respirable particulate matter, $PM_{2.5}$ = fine particulate matter, BAAQMD = Bay Area Air Quality Management District

Source: Modeling performed by Ascent in 2022.

To provide clarification on the location of the modeled maximally exposed individual for cancer risk and that the annual average increase in ambient $PM_{2.5}$ concentration in the project vicinity would exceed the BAAQMD's $PM_{2.5}$ annual average concentration threshold of 0.3 µg/m^3 consistent with Appendix C, the text on page 3.2-17 of the Draft EIR is revised as follows:

ORIGINAL:

Based on the findings of the HRA, the lifetime cancer risk for the MEI (identified as a residential receptor type approximately 900 feet from the project site) was estimated to be 48 in one million, which is above BAAQMD's significance threshold of 10 in one million. Because construction-emissions of diesel PM would be

above BAAQMD's thresholds of significance for TAC impacts, construction related TAC emissions would be **potentially significant**.

REVISED:

Based on the findings of the HRA, the lifetime cancer risk for the MEI (identified as a residential receptor type ~~approximately 900 feet from the project site~~ within the project site located on Gilbert Drive) was estimated to be 48 in one million, which is above BAAQMD's significance threshold of 10 in one million. Additionally, based on dispersion modeling, the annual average increase in ambient $PM_{2.5}$ concentration in the project vicinity was found to be 2.67 micrograms per cubic meter ($\mu g/m^3$), which exceeds the BAAQMD's $PM_{2.5}$ annual average concentration threshold of 0.3 $\mu g/m^3$. Because construction-emissions of diesel PM would be above BAAQMD's thresholds of significance for TAC impacts, construction related TAC emissions would be **potentially significant**.

4.5 REVISIONS TO SECTION 3.4 BIOLOGICAL RESOURCES

To provide clarification on regulatory requirements, the Native Plant Protection Act was added to Section 3.4.1, "Regulatory Setting, on page 3.4-3 of the Draft EIR is revised as follows:

REVISED:

Native Plant Protection Act

The Native Plant Protection Act (NPPA) (California Fish and Game Code Section 1900 et seq.) allows the California Fish and Game Commission to designate plants as rare or endangered. Sixty-four species, subspecies, and varieties of plants are protected as rare under the NPPA. The act prohibits take of endangered or rare native plants but includes exceptions for agricultural and nursery operations; for emergencies; and, after proper notification of CDFW, for vegetation removal from canals, roads, and other building sites, changes in land use, and other situations.

More specifically, Fish and Game Code section 1913, subdivision (b), provides, in pertinent part, that "the removal of endangered or rare native plants from a … building site, or road, or other right-of-way by the owner of the land or his agent, … shall not be restricted by this chapter because of the presence of rare or endangered plants, except as provided in subdivision (c) of this section."

In turn, subdivision (c), provides, in pertinent part, that "where the owner of land has been notified by [CDFW] pursuant to Section 1903.5 that a rare or endangered native plant is growing on such land, the owner shall notify [CDFW] at least 10 days in advance of changing the land use to allow for salvage of such plant. The failure by the department to salvage such plant within 10 days of notification shall entitle the owner of the land to proceed without regard to this chapter."

To provide clarification that the description of special-status species addresses all special-status birds, the discussion of special-status birds on Draft EIR page 3.4-19 is updated as follows:

ORIGINAL:

White-Tailed Kite, American Peregrine Falcon, and Bald Eagle

As noted as part of the scoping comments received for the project, American peregrine falcon (*Falco peregrinus anatum*) and bald eagle (*Haliaeetus leucocephalus*) have been reported to occur in the project site (Appendix A); however, these species are not likely to nest within the project site. The project site lacks the tall buildings or cliffs that would be suitable nesting habitat for American peregrine falcon, and the existing disturbance within the site makes nesting by bald eagles unlikely. White-tailed kite (*Elanus leucurus*) is a CDFW fully protected species that may occur on the project site year-round, and is less sensitive to disturbance than bald eagle. White-tailed kites forage within grasslands, emergent wetlands, and meadows, preying on small mammals, birds, insects, reptiles, and amphibians. Individuals nest in oaks, willows, or other

tree stands with dense canopies for cover near foraging habitat (CWHR 2005). The grasslands on the project site and the nearby wetlands provide foraging habitat for white-tailed kite, and trees in the less disturbed northern portions of the project site, and along Seminary Drive may provide suitable nesting habitat for the species. White-tailed kites nest from February to October.

REVISED:

~~White-Tailed Kite, American Peregrine Falcon, and Bald Eagle~~ Special-Status Birds

As noted as part of the scoping comments received for the project, American peregrine falcon (*Falco peregrinus anatum*) and bald eagle (*Haliaeetus leucocephalus*) have been reported to occur in the project site (Appendix A); however, these species are not likely to nest within the project site. The project site lacks the tall buildings or cliffs that would be suitable nesting habitat for American peregrine falcon, and the existing disturbance within the site makes nesting by bald eagles unlikely. White-tailed kite (*Elanus leucurus*) is a CDFW fully protected species that may occur on the project site year-round, and is less sensitive to disturbance than bald eagle. White-tailed kites forage within grasslands, emergent wetlands, and meadows, preying on small mammals, birds, insects, reptiles, and amphibians. Individuals nest in oaks, willows, or other tree stands with dense canopies for cover near foraging habitat (CWHR 2005). The grasslands on the project site and the nearby wetlands provide foraging habitat for white-tailed kite, and trees in the less disturbed northern portions of the project site, and along Seminary Drive may provide suitable nesting habitat for the species. White-tailed kites nest from February to October. The project site also does not include marsh habitat for California Ridgeway's rail (Rallus obsoletus obsoletus) or California black rail (*Laterallus jamaicensis coturniculus*) and these species are not likely to occur within the project site (Appendix F); however, marsh habitat that may be suitable for these species is located within 700 feet of the project site. California Ridgway's rails nest from January 15 to August 31, and California black rails nest from February 1 to August 31).

To provide clarification regarding the ongoing nature of landscaping and maintenance activities during project operations, Impact 3.4-1 on 3.4-21 of the Draft EIR is revised as follows:

ORIGINAL:

Construction activities that occur within habitats suitable for special-status plants could result in the crushing or removal of individual plants that occur within the construction area, as well as damage to special-status plants outside of the construction area due to construction dust; however, the effects of dust on special-status plants would be minimized due to the dust control requirements in the Marin County Code Section 22.20.040. Additionally, project-related ground disturbance could result in the introduction of new invasive plants to the project site and spread of existing invasive plants on site that could outcompete special-status plants, resulting in the death of individual special-status plants and degradation of special-status plant habitat. Furthermore, construction of new buildings, roads, trails, and other project components would increase impervious surface cover, which would remove habitat potentially suitable for special-status plants. Landscaping, implementation of defensible space, and fuels management actions would also occur in habitat potentially suitable for special-status plants and could result in the crushing or removal of individual special-status plants, and introduction and spread of invasive plants. While landscaping would not increase impervious surface cover, the planting of landscaping (although use of native species is proposed) could remove or degrade habitat for special-status plants through the introduction of competing species. The potential crushing, removal, and damage of special-status plants, introduction and spread of invasive plants, and loss of habitat due to implementation of the project would have the potential to substantially reduce the number of individuals and range of these species, which, if occurring, would be a substantial adverse effect on the local and regional populations, and therefore this impact would be **potentially significant**.

REVISED:

Construction activities that occur within habitats suitable for special-status plants could result in the crushing or removal of individual plants that occur within the construction area, as well as damage to special-status plants outside of the construction area due to construction dust; however, the effects of dust on special-status plants would be minimized due to the dust control requirements in the Marin County Code Section 22.20.040. Additionally, project-related ground disturbance could result in the introduction of new invasive plants to the project site and spread of existing invasive plants on site that could outcompete special-status plants, resulting in the death of individual special-status plants and degradation of special-status plant habitat. Furthermore, construction of new buildings, roads, trails, and other project components would increase impervious surface cover, which would remove habitat potentially suitable for special-status plants. Operational activities, including landscaping, other maintenance activities, and presence of people in the property's open spaces currently occur within the project site. Operational activities would increase with a larger on-site population and occur more in parts of the project site lightly used at this time; however, because the project site is already in urban use, these ongoing operational activities associated with the project would not introduce new activities or impacts (as would occur if the project site was undeveloped), so any ongoing adverse effects on special-status plants under baseline conditions would not be made substantially more severe.

Ongoing ~~L~~landscaping, implementation of defensible space, and fuels management actions would also occur in currently unoccupied and unmaintained habitat potentially suitable for special-status plants and could result in the crushing or removal of individual special-status plants, and introduction and spread of invasive plants. While landscaping would not increase impervious surface cover, the planting of landscaping (although use of native species is proposed) could remove or degrade habitat for special-status plants through the introduction of competing species. The potential crushing, removal, and damage of special-status plants, introduction and spread of invasive plants, and loss of habitat due to implementation of the project would have the potential to substantially reduce the number of individuals and range of these species, which, if occurring, would be a substantial adverse effect on the local and regional populations, and therefore this impact would be **potentially significant**.

To provide clarification related to CDFW's review and approval of any survey reports prepared as part of implementation of Mitigation Measure 3.4-1a, Mitigation Measure 3.4-1a on page 3.4-23 of the Draft EIR is revised as follows:

ORIGINAL:

Mitigation 3.4-1a: Avoid and Minimize Impacts to Special-Status Plants

To avoid and minimize potential impacts to special-status botanical species, prior to construction, the applicant shall implement the following measures.

- Prior to site preparation, vegetation removal, or construction, a qualified botanist shall conduct surveys following the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (current version dated March 20, 2018) (CDFW 2018) during the blooming period for the species shown in Table 3.4-1 in areas where potentially suitable habitat for these species would be disturbed by project activities (e.g., perennial and annual grasslands, coastal scrub, coastal oak woodland, closed-cone pine-cypress) (Figure 3.4-1, "Land Cover on the Project Site"). Surveys are not required in habitat that does not have the potential to support special-status plants (i.e., developed, disturbed, and landscaped areas).
- If special-status botanical species are found on the project site but are located outside of work areas or can be avoided, the applicant shall establish and maintain a 15-foot buffer around special-status plants to be retained, to prevent direct and indirect disturbance to the plants. The size of the buffer may be modified by a qualified botanist considering the species present, the work to be performed adjacent to the plants, and other appropriate variables.

- If special-status plants are found during rare plant surveys and cannot be avoided, the applicant's qualified botanist shall make a formal recommendation in writing to the County of Marin for review, regarding the appropriate compensation to offset the loss of occupied habitat or individuals. Mitigation measures may include, but are not limited to, measures such as preserving and enhancing existing populations in portions of the project site outside of the development footprint (the Woodland Buffer [Figure 2-3, "Project Site Planning Areas"]), creating off-site populations on mitigation sites through seed collection or transplantation at a 1:1 ratio, and restoring or creating suitable habitat in sufficient quantities to achieve a minimum of a no net loss 1:1 replacement of occupied habitat and individuals. Potential mitigation sites could include suitable locations within or outside of the project site. The implementing party shall develop and implement a site-specific mitigation strategy describing how unavoidable losses of special-status plants shall be compensated. Success criteria for preserved and compensatory populations shall include:

  The extent of occupied area and plant density (number of plants per unit area) in compensatory populations shall be equal to or greater than the affected occupied habitat for a no net loss of occupied habitat.

  Compensatory and preserved populations shall be self-producing. Populations shall be considered self-producing when:

  - plants reestablish annually for a minimum of five years with no human intervention such as supplemental seeding; and
  - reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the Project vicinity.

  If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures shall be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as those listed above and other details, as appropriate to target the preservation of long-term viable populations.

  The applicant shall provide the County of Marin with the results of surveys conducted. If special-status plants are found during surveys and measures are taken to avoid or compensate for removal of these plants, the applicant shall send a report detailing the measures taken to the County of Marin.

REVISED:

Mitigation 3.4-1a: Avoid and Minimize Impacts to Special-Status Plants

To avoid and minimize potential impacts to special-status botanical species, prior to construction, the applicant shall implement the following measures.

- Prior to site preparation, vegetation removal, or construction, a qualified botanist shall conduct surveys following the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (current version dated March 20, 2018) (CDFW 2018) during the blooming period for the species shown in Table 3.4-1 in areas where potentially suitable habitat for these species would be disturbed by project activities (e.g., perennial and annual grasslands, coastal scrub, coastal oak woodland, closed-cone pine-cypress) (Figure 3.4-1, "Land Cover on the Project Site"). Surveys are not required in habitat that does not have the potential to support special-status plants (i.e., developed, disturbed, and landscaped areas).
- If special-status botanical species are found on the project site but are located outside of work areas or can be avoided, the applicant shall establish and maintain a 15-foot buffer around special-status plants to be retained, to prevent direct and indirect disturbance to the plants. The size of the buffer may be modified by a qualified botanist considering the species present, the work to be performed adjacent to the plants, and other appropriate variables.

- If special-status plants are found during rare plant surveys and cannot be avoided, the applicant's qualified botanist shall make a formal recommendation in writing to the County of Marin and CDFW for review, regarding the appropriate compensation to offset the loss of occupied habitat or individuals. If direct or indirect impacts to CESA or NPPA listed plants are identified, the applicant will consult with CDFW to learn whether CDFW asserts that an Incidental Take Permit is required notwithstanding the exceptions found in CDFG Section 1913. Regardless of whether an ITP is required, m~~M~~itigation measures shall be required if CESA or NPPA listed plants are found on site. These measures, which shall be required by the County in the absence of an ITP, shall be sufficient to ensure the avoidance of any net loss of such plants. Measures may include, but are not limited to, ~~measures such as~~ preserving and enhancing existing populations in portions of the project site outside of the development footprint (the Woodland Buffer [Figure 2-3, "Project Site Planning Areas"]), creating off-site populations on mitigation sites through seed collection or transplantation at a 1:1 ratio, and restoring or creating suitable habitat in sufficient quantities to achieve a minimum of a no net loss 1:1 replacement of occupied habitat and individuals. Potential mitigation sites could include suitable locations within or outside of the project site. The implementing party shall develop and implement a site-specific mitigation strategy describing how unavoidable losses of special-status plants shall be compensated. Success criteria for preserved and compensatory populations shall include:

  The extent of occupied area and plant density (number of plants per unit area) in compensatory populations shall be equal to or greater than the affected occupied habitat for a no net loss of occupied habitat.

  Compensatory and preserved populations shall be self-producing. Populations shall be considered self-producing when:

  - plants reestablish annually for a minimum of five years with no human intervention such as supplemental seeding; and
  - reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the Project vicinity.

  If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures shall be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as those listed above and other details, as appropriate to target the preservation of long-term viable populations.

  The applicant shall provide the County of Marin and CDFW with the results of surveys conducted. If special-status plants are found during surveys and measures are taken to avoid or compensate for removal of these plants, the applicant shall send a report detailing the measures taken to the County of Marin and CDFW.

Clarifying text has been added to Impact 3.4-2, Potential Disturbance or Loss of Monarch Butterfly, on page 3.4-24 of the Draft EIR specifying that no adverse effects from lighting would occur and is revised as follows:

ORIGINAL:

Stands of mature trees in the northern portion of the project site within the Woodland Buffer and within the Seminary Point Planning Area may be suitable for use as overwintering roosts (WRA 2010), and milkweed host plants may be present within the project site. Therefore, monarch butterflies may use the site for overwintering and reproduction; however, use of the site by the species has not been documented (CNDDB 2022a; Western Monarch Milkweed Mapper 2023). Landscaping and other maintenance activities currently occur within the project site and are not anticipated to increase substantially as a result of the project; therefore, these activities associated with the project would not have a substantial adverse effect on monarch.

REVISED:

Stands of mature trees in the northern portion of the project site within the Woodland Buffer and within the Seminary Point Planning Area may be suitable for use as overwintering roosts (WRA 2010), and milkweed host plants may be present within the project site. Therefore, monarch butterflies may use the site for overwintering and reproduction; however, use of the site by the species has not been documented (CNDDB 2022a; Western Monarch Milkweed Mapper 2023). Landscaping and other maintenance activities currently occur within the project site and are not anticipated to increase substantially as a result of the project; therefore, these activities associated with the project would not have a substantial adverse effect on monarch. The project also proposes to add low-voltage lighting to internal roads and pedestrian pathways, which would not have a substantial adverse effect on monarch, because these low-voltage lights would be required to be directed downward and shielded away from the tree canopy where monarchs may roost.

To provide clarification that the analysis in Impact 3.4-4 and Mitigation 3.4-4 addresses all special-status birds and other common nesting birds as well as the potential impacts of ongoing maintenance, lighting, and oak tree removal, Impact 3.4-4 and Mitigation Measure 3.4-4 starting on page 3.4-26 of the Draft EIR are revised as follows:

ORIGINAL:

Impact 3.4-4: Potential Disturbance or Loss of White-Tailed Kite and Other Common Nesting Birds

The adverse effects of project construction on common nesting birds would be avoided by the requirements of Marin County Code Section 22.20.040, which includes nesting season surveys, and non-disturbance buffers around nests. However, construction of the project and related activities may result in the injury, mortality, or disruption of reproduction of white-tailed kite. The nesting season for White-tailed kite extends beyond the nesting season requirements of Section 22.20.040, and the disturbance of white-tailed kite nests may still occur with the implementation of the avoidance measures in the section. The loss of eggs and young would be a potentially substantial adverse effect on white-tailed kite. Therefore, the impact of the project on white-tailed kite would be **potentially significant**.

White-tailed kite is a fully protected bird species under California Fish and Game Code Section 3511, and common nesting birds are protected under the Migratory Bird Treaty Act and the California Fish and Game Code Sections 3503 and 3503.5. Landscaping and other maintenance activities currently occur within the project site and are not anticipated to increase substantially as a result of the project; therefore, these activities associated with the project are not anticipated to have a substantial adverse effect on white-tailed kite and common raptors and other common nesting birds. Common raptors and other native bird species may nest throughout the project area in trees, shrubs, and on buildings. Construction, demolition, grading, or vegetation clearing including the construction of new buildings, roads, and trails; and fuels management activities could result in disturbance and loss of the nests of common native raptors and other common nesting birds if these activities occur during the nesting season for these species (February 1 to August 15); however, Marin County Code Section 22.20.040 requires preconstruction nesting bird surveys during the nesting season (February 1 and August 15) and establishment of buffers around active nests until the young have fledged as determined by a qualified biologist. The application of Code Section 22.20.040 would avoid impacts to common nesting birds from project activities.

Trees in the less disturbed northern portions of the project site, such as within the Woodland Buffer, and along Seminary Drive provide nesting habitat for white-tailed kite. Vegetation clearing for fuels management, and construction activities within and adjacent to these areas may result in the disturbance of active white-tailed kite nests if these activities occur during the white-tailed kite nesting season (February 1 to October 31). The nesting season for White-tailed kite extends beyond the nesting season requirements of Section 22.20.040, and the disturbance of white-tailed kite nests may still occur with the implementation of the avoidance measures in the section.

While vegetation would be removed for fuels management and during construction of the project, oaks would be replanted on the project site, which would provide habitat for white-tailed kite, along with other landscaping that provides habitat for common nesting birds (Section 2.6.3, "Landscaping, Wildfire Resilience and Site Improvements"). Therefore, the project would not result in a substantial reduction of nesting habitat. In addition, the project site is currently subject to human disturbance and maintenance activities, and additional ongoing use of the site is not anticipated to further reduce the suitability of the habitat for nesting by common nesting birds or white-tailed kite.

The project would not substantially reduce the habitat for white-tailed kite or common nesting birds, or cause the population of common bird species to self-sustaining levels. However, disturbance of active nests of white-tailed kite could result in abandonment of the nest and loss of eggs and young, which could result in substantial reduction of the numbers of white-tailed kites and cause the local population white-tailed kite to be reduced below self-sustaining levels, Therefore, the impact of the project on the species would be **potentially significant.**

Mitigation Measures

Mitigation 3.4-4: Avoid Disturbance of White-tailed Kite

To avoid or minimize impacts to nests of white-tailed kite, the applicant shall implement the following measures.

- The applicant may choose to schedule site preparation, construction, demolition, grading, or vegetation clearing after October 31 or before February 1 to avoid the nesting period for white-tailed kite within or adjacent to suitable nesting habitat for the species (e.g., the Woodland Buffer and along Seminary Drive).
- If work is required during the white-tailed kite nesting season (February 1 to October 31), a qualified biologist, retained by the applicant, shall conduct a pre-construction survey prior to site preparation, demolition, grading, or vegetation clearing to identify white-tailed kite nests within 500 feet of work area as access allows. The survey shall be conducted no more than 7 calendar days before the beginning of construction demolition, grading, or vegetation clearing. If project activity ceases for 7 days or longer, resurvey shall be conducted prior to restarting activities.
- If white-tailed kite nests are located, no construction shall occur within 500 feet of the nest during the nesting season or until the young have fledged, as determined by a qualified biologist.
- A report describing the methods and results of any nest pre-construction surveys conducted, and any nest buffers implemented shall be submitted to the County.

Significance after Mitigation

The implementation of Mitigation Measure 3.4-4 would avoid and minimize adverse effects on white-tailed kite, from project implementation by avoiding the nesting season or conducting nest surveys and establishing non-disturbance buffers around active nests. Therefore, with the implementation of Mitigation Measure 3.4-4, the potential impact to white-tailed kite would be reduced to **less than significant with mitigation incorporated**.

REVISED:

Impact 3.4-4: Potential Disturbance or Loss of ~~White-Tailed Kite~~ Special-Status Birds and Other Common Nesting Birds

The adverse effects of project construction on common nesting birds would be avoided by the requirements of Marin County Code Section 22.20.040, which includes nesting season surveys, and non-disturbance buffers around nests. However, construction of the project and related activities may result in the injury, mortality, or disruption of reproduction of ~~white-tailed kite~~special-status birds. The nesting season for bald Eagle, California Ridgway's rail, and White-tailed kite extends beyond the nesting season requirements of Section 22.20.040, and the disturbance of bald eagle, California Ridgway's rail, and white-tailed kite nests may still occur with the

implementation of the avoidance measures in the section. The loss of eggs and young would be a potentially substantial adverse effect on bald eagle, California Ridgway's rail, and white-tailed kite. Therefore, the impact of the project on ~~white-tailed kite~~ special-status birds would be **potentially significant**.

Bald eagle, California black rail, and California Ridgeway's rail are listed under the California Endangered Species Act. Furthermore, Bald eagle, California black rail, California Ridgway's rail, and White-tailed kite ~~is~~ are~~a~~ fully protected bird species under California Fish and Game Code Section 3511, and common nesting birds are protected under the Migratory Bird Treaty Act and the California Fish and Game Code Sections 3503 and 3503.5.

Landscaping and other maintenance activities currently occur within maintained portions of the project site and are not anticipated to increase substantially as a result of the project; therefore, these activities associated with the project are not anticipated to have a substantial adverse effect on ~~white-tailed kite~~ special-status birds and common raptors and other common nesting birds. In addition, ongoing landscaping and maintenance activities (other than defensible space and fuels management activities) within portions of the project site that are not currently maintained would not have a substantial adverse effect on special-status birds and common raptors and other common nesting birds, because once construction occurs, these currently unmaintained areas would likely only attract ~~for~~ nesting bird species that are more tolerant of human disturbance.

The project also proposes to add low-voltage lighting to internal roads and pedestrian pathways, which would not have a substantial adverse effect on special-status birds and common raptors and other common nesting birds, because these low-voltage lights would be located along paths and roads where disturbance would limit use of the area by nesting birds and would be required to be directed downward and shielded reducing the spillover of light into adjacent nesting habitat. Furthermore, bird-friendly building design features would be implemented consistent with Section A5.107 of the California Building Code, which includes requirements for glazing and use of slats, screens, netting, or louvers to reduce the potential for impacts due to bird strike (Section 2.6.3, "Landscaping, Wildfire Resilience and Site Improvements"). Common raptors and other native bird species may nest throughout the project area in trees, shrubs, and on buildings. Construction, demolition, grading, or vegetation clearing including the construction of new buildings, roads, and trails; installation of landscaping; as well as ongoing defensible space, and fuels management activities in areas not subject to current development and maintenance activities could result in disturbance and loss of the nests of common native raptors and other common nesting birds if these activities occur during the nesting season for these species (February 1 to August 15); however, Marin County Code Section 22.20.040 requires preconstruction nesting bird surveys during the nesting season (February 1 and August 15) and establishment of buffers around active nests until the young have fledged as determined by a qualified biologist. The application of Code Section 22.20.040 would avoid impacts to common nesting birds from project activities.

Although bald eagles are unlikely to nest within the project area due to existing disturbance, ~~T~~trees in the less disturbed northern portions of the project site, such as within the Woodland Buffer, and along Seminary Drive may provide nesting habitat for bald eagle and white-tailed kite. Vegetation clearing for ~~fuels management, and~~ construction activities, and ongoing fuels management, and defensible space treatments within and adjacent to these areas may result in the disturbance of active bald eagle and white-tailed kite nests if these activities occur during the bald eagle (February 1 to August 31) and white-tailed kite nesting season (February 1 to October 31). The nesting season for ~~White-tailed kite~~these species extends beyond the nesting season requirements of Section 22.20.040, and the disturbance of bald eagle and white-tailed kite nests may still occur with the implementation of the avoidance measures in the section.

Nesting habitat for California black rail and California Ridgway's rail is not present within the project site and is separated and screened by vegetation and existing development from most project activities. However, some outdoor construction activities that occur within the Shuck Drive Knoll portion of the project would lack screening from marsh habitat that is potentially suitable for nesting by California black rail and California

Ridgway's rail. Mitigation Measure 3.11-1, "Prepare and Implement a Construction Noise Control Plan," would require various measures that would reduce construction noise including use of temporary noise curtain that would reduce noise and visual disturbance to nesting habitat for California black rail and California Ridgway's rail from outside construction activities on Shuck Drive Knoll. However, outdoor construction activities that occur within 700 feet of potentially suitable marsh habitat could still result in disturbance of nests and loss of eggs and young if these activities occur within the nesting season for California black rails (February 1 to August 31) and California Ridgway's rails (January 15 to August 31). The nesting season for these species extends beyond the nesting season requirements of Section 22.20.040, and the disturbance of nests may still occur with the implementation of the avoidance measures in the section.

While vegetation would be removed ~~for fuels management and~~ during construction of the project, the removal of vegetation for construction would not constitute a substantial loss in available nesting habitat for special-status birds, common raptors or other common nesting birds, due to the relative abundance of similar woodland, forest, and shrub habitats within eastern Marin County. Furthermore, vegetation would be removed during defensible space and fuels management activities; however, within the 30-foot defensible space zone, areas of ground covers and shrubs would be maintained, and existing healthy trees would be retained and limbed. Healthy trees with the 100-foot fuel management zones would be limbed and retained and shrubs pruned or removed to maintain shrub spacing within this zone (Section 2.6.3, "Landscaping, Wildfire Resilience and Site Improvements"). Therefore, defensible space and fuels management activities would not result in a substantial reduction in nesting habitat for white-tailed kite, common raptors, or other common nesting birds. In addition, the removal of individual oaks would be offset by the ~~oaks would be replanted~~replanting of oaks on the project site, which once mature would provide habitat for ~~white-tailed kite~~special-status birds, along with other landscaping that provides habitat for common nesting birds (Section 2.6.3, "Landscaping, Wildfire Resilience and Site Improvements"). Therefore, the project would not result in a substantial reduction of nesting habitat. In addition, the majority of the project site is currently subject to human disturbance and maintenance activities, and additional ongoing use of these portions of the site is not anticipated to further reduce the suitability of the habitat for nesting by common nesting birds or ~~white-tailed kite~~special-status birds.

The project would not substantially reduce the habitat for ~~white-tailed kite~~special-status birds, or common nesting birds, or cause the population of common bird species to self-sustaining levels. However, disturbance of active nests of ~~white-tailed kite~~special-status birds could result in abandonment of the nest and loss of eggs and young, which could result in substantial reduction of the numbers of ~~white-tailed kite~~special-status birds and cause the local populations ~~white-tailed kite~~of these species to be reduced below self-sustaining levels.~~,~~ Therefore, the impact of the project on the species would be **potentially significant.**

Mitigation Measures

Mitigation 3.4-4: Avoid Disturbance of ~~White-tailed Kite~~Special-Status Birds

To avoid or minimize impacts to nests of bald eagle and white-tailed kite, the applicant shall implement the following measures.

- The applicant may choose to schedule site preparation, construction, demolition, grading, or vegetation clearing after October 31 or before February 1 to avoid the nesting period for bald eagle and white-tailed kite within or adjacent to suitable nesting habitat for the species (e.g., the Woodland Buffer and along Seminary Drive).
- If work is required during the bald eagle nesting season (February 1 to August 31) or white-tailed kite nesting season (February 1 to October 31), a qualified biologist, retained by the applicant, shall conduct a pre-construction survey prior to site preparation, demolition, grading, or vegetation clearing to identify bald eagle nests within 0.5 mile of the project site or white-tailed kite nests within 500 feet of work area as access allows. The survey shall be conducted no more than 7 calendar days before the beginning of construction demolition, grading, or vegetation clearing. If project activity ceases for 7 days or longer, resurveying shall be conducted prior to restarting activities.

- If bald eagle nests are located, no site preparation, construction, demolition, grading, or vegetation clearing shall occur within 0.5 mile of the nest during the nesting season or until the young have fledged, as determined by a qualified biologist. The distance of this buffer may be reduced by a qualified biologist based on topographic and vegetative screening, existing land use between the activity and the nest, the nature of the proposed development activities potentially affecting the nest, the nest occupants' habituation to existing or ongoing activity, nest concealment (i.e., whether there are visual or acoustic barriers between the proposed activity and the nest), what (if any) nest monitoring is proposed, and other factors.
- If white-tailed kite nests are located, no site preparation, construction, demolition, grading, or vegetation clearing shall occur within 500 feet of the nest during the nesting season or until the young have fledged, as determined by a qualified biologist.

To avoid impacts to nests of California black rail and California Ridgway's rail, the applicant shall implement the following measures.

- The applicant may choose to schedule site preparation, outside construction, demolition, grading, or vegetation clearing within 700 feet of marsh habitat potentially suitable for nesting by California black rail and California Ridgway's rail after August 31 or before January 15 to avoid the nesting period for these species.
- If work is required during the California black rail and California Ridgway's rail nesting season (January 15 to August 31), a qualified biologist, retained by the applicant, shall conduct a pre-construction survey prior to site preparation, demolition, grading, or vegetation clearing to identify California black rail and California Ridgway's rail nests within 700 feet of the project site. The survey shall be conducted no more than 7 calendar days before the beginning of construction demolition, grading, or vegetation clearing. If project activity ceases for 7 days or longer, resurvey shall be conducted prior to restarting activities.
- If California black rail and California Ridgway's rail nests are located, no site preparation, construction, demolition, grading, or vegetation clearing shall occur within 700 feet of the nest during the nesting season or until the young have fledged, as determined by a qualified biologist. The distance of this buffer may be reduced to an adequately protective distance by a qualified biologist in contact with CDFW based on topographic and vegetative screening, use of a temporary noise curtain between the activity and the nest, the nature of the proposed development activities potentially affecting the nest, the nest occupants' habituation to existing or ongoing activity, nest concealment (i.e., whether there are visual or acoustic barriers between the proposed activity and the nest), what (if any) nest monitoring is proposed, and other factors.

A report describing the methods and results of any nest pre-construction surveys conducted, and any nest buffers implemented shall be submitted to the County.

Significance after Mitigation

The implementation of Mitigation Measure 3.4-4 would avoid and minimize adverse effects on ~~white-tailed kite~~ special-status birds, from project implementation by avoiding the nesting season or conducting nest surveys and establishing non-disturbance buffers around active nests. Therefore, with the implementation of Mitigation Measure 3.4-4, the potential impact to ~~white-tailed kite~~ special-status birds would be reduced to **less than significant with mitigation incorporated**.

To provide clarification that the analysis in Impact 3.4-5 addresses lighting; the removal of vegetation for ongoing maintenance, construction, and fuels management; and that these impacts would not constitute a substantial loss in available roosting habitat, the discussion of Impact 3.4-5 starting on page 3.4-28 of the Draft EIR is revised as follows:

ORIGINAL:

Impact 3.4-5: Potential Disturbance or Loss of Special-Status and Common Bat Maternity and Hibernation Roosts

Construction of the project and related activities may result in the injury, mortality, or disruption of reproduction of special-status and common bat species through disturbance or loss of maternity and hibernation roosts. The loss of adult bats and pups may cause local bat populations to drop below self-sustaining levels, and may result in a substantial reduction in the local populations of special-status bat species. Therefore, the impact of the project on special-status and common bats would be **potentially significant**.

There are no documented occurrences of sensitive bat species on the project site (CNDDB 2022a); however, the buildings and other structures on the project site may provide maternity and hibernation roosting habitat for common bat species. The current use of the buildings and other structures on the project site makes them unlikely to be suitable for pallid bat or Townsends' big-eared bat roosting, due to the sensitivity of these species to human disturbance. Mature broad-leaved trees throughout the project site may provide suitable roosting locations for western red bat, and common bat species. Landscaping and other maintenance activities currently occur within the project site and are not anticipated to increase substantially as a result of the project and would therefore not have a substantial adverse effect on special-status or common bat species.

While trees would be removed for fuels management and during construction of the project, oaks would be replanted on the project site, which would provide future roosting habitat for special-status and common bat species (Section 2.6.3, "Landscaping, Wildfire Resilience and Site Improvements"). In addition, new structures would also provide future roosting habitat for common bat species. Therefore, the project would not result in a substantial reduction of roosting habitat for special-status or common bat species.

However, demolition of buildings and other structures on the project site and removal of mature broad-leaved trees during defensible space and fuel management could result in disturbance or destruction of special-status and common bat maternity and hibernation roosts, if these activities occur during the maternity roosting season (April 1 through August 31), or consistent with scoping comments provided by CDFW, the hibernation season (September 1 through October 15), and roosts are present. While Marin County Code Section 22.20.040(F) would avoid disturbance or destruction of some bat roosts, disturbance or destruction of maternity or hibernation roosts of special-status and common bats may still occur, which would result in the loss of adult bats and pups.

The project would not result in a substantial reduction of bat roosting habitat. However, loss of adult bats and pups may cause local bat populations to drop below self-sustaining levels, and may result in a substantial reduction in the local populations of special-status bat species. Therefore, the impact of the project on special-status and common bats would be **potentially significant**.

REVISED:

Impact 3.4-5: Potential Disturbance or Loss of Special-Status and Common Bat Maternity and Hibernation Roosts

Construction of the project and related activities may result in the injury, mortality, or disruption of reproduction of special-status and common bat species through disturbance or loss of maternity and hibernation roosts. The loss of adult bats and pups may cause local bat populations to drop below self-sustaining levels, and may result in a substantial reduction in the local populations of special-status bat species. Therefore, the impact of the project on special-status and common bats would be **potentially significant**.

There are no documented occurrences of sensitive bat species on the project site (CNDDB 2022a); however, the buildings and other structures on the project site may provide maternity and hibernation roosting habitat for common bat species. The current use of the buildings and other structures on the project site makes them unlikely to be suitable for pallid bat or Townsends' big-eared bat roosting, due to the sensitivity of these species to human disturbance. Mature broad-leaved trees throughout the project site may provide suitable roosting locations for western red bat, and common bat species. Landscaping and other maintenance activities currently occur within maintained portions of the project site and are not anticipated to increase substantially as a result of the project and would therefore not have a substantial adverse effect on special-status or common bat species. In addition, ongoing landscaping and maintenance activities (other than defensible space and fuels management activities) within portions of the project site that are not currently maintained would not have a substantial adverse effect on roosting special-status and common bat species, because once construction occurs, use of these areas for nesting would likely be limited to species that are more tolerant of human disturbance. The project also proposes to add low-voltage lighting to internal roads and pedestrian pathways, which would not have a substantial adverse effect on special-status or common bat species, because these low-voltage lights would be located along paths and roads where disturbance would limit use by roosting bats and lighting would be required to be directed downward and shielded reducing the spillover of light into adjacent roosting habitat.

While trees would be removed ~~for fuels management and~~ during construction of the project, the removal of vegetation for construction would not constitute a substantial loss in available roosting habitat for special-status and common bats, due the relative abundance of similar woodland, and forest habitats within eastern Marin County. Furthermore, vegetation would be removed during defensible space and fuels management activities; however, within the 30-foot defensible space zone, existing healthy trees would be retained and limbed. Healthy trees with the 100-foot fuel management zones would be limbed and retained (Section 2.6.3, "Landscaping, Wildfire Resilience and Site Improvements"). Therefore, defensible space and fuels management activities would not result in a substantial reduction in roosting habitat. In addition, the removal of individual oaks would be offset by the replanting of oaks~~oaks would be replanted~~ on the project site, which would provide future roosting habitat for special-status and common bat species (Section 2.6.3, "Landscaping, Wildfire Resilience and Site Improvements"). ~~In addition~~, and new structures would also provide future roosting habitat for common bat species. Therefore, the project would not result in a substantial reduction of roosting habitat for special-status or common bat species.

However, demolition of buildings and other structures on the project site and removal of mature broad-leaved trees during defensible space and fuel management could result in disturbance or destruction of special-status and common bat maternity and hibernation roosts, if these activities occur during the maternity roosting season (April 1 through August 31), or consistent with scoping comments provided by CDFW, the hibernation season (September 1 through October 15), and roosts are present. While Marin County Code Section 22.20.040(F) would avoid disturbance or destruction of some bat roosts, disturbance or destruction of maternity or hibernation roosts of special-status and common bats may still occur, which would result in the loss of adult bats and pups.

The project would not result in a substantial reduction of bat roosting habitat. However, loss of adult bats and pups may cause local bat populations to drop below self-sustaining levels, and may result in a

substantial reduction in the local populations of special-status bat species. Therefore, the impact of the project on special-status and common bats would be **potentially significant**.

To provide a correction to Mitigation Measure 3.4-5 related to the bat hibernation season, Mitigation Measure 3.4-5 on page 3.4-28 of the Draft EIR is revised as follows:

ORIGINAL:

Mitigation 3.4-5: Avoid Disturbance of Special-Status and Common Bat Maternity and Hibernation Roosts
To avoid and minimize impacts to special-status and common bats the applicant shall implement the following measures which meet and exceed the protections in Marin County Code Section 22.20.040(F).

- Within 14 days prior to initiating site preparation, demolition, grading, or vegetation clearing, a qualified bat biologist shall inspect the area of disturbance and areas adjacent (within 50 feet) for bat roosts (most likely buildings and mature trees with crevices, cavities and dense vegetation of broad leaves). Surveys shall consist of a daytime pedestrian survey by a qualified bat biologist looking for evidence of bat use (e.g., guano) and/or an evening emergence survey to note the presence or absence of bats. If no bat roosts are found, then no further study is required. If evidence of bat use is observed, the approximate number and species of bats using the roost would be determined. Acoustic bat detectors may be used to supplement survey efforts but are not required.
- If roosts of bats are determined to be present within buildings and other structures, direct disturbance to the roost, such as demolition or renovation of buildings, shall be avoided during the maternity season (April 15 through August 31) and hibernation season (September 1 through October 15). Eviction and exclusion of bats may be implemented using daytime installation of one-way exits and blocking material during the period of March 1 through April 15, or September 1 through October 15 outside of the ~~of the~~ maternity season and hibernation season.
- If roosts of bats are determined to be present within trees on the project site, any project-related removal or pruning of trees occupied by bats shall occur during the period of March 1 through April 15, or September 1 through October 15 outside of the ~~of the~~ maternity season and hibernation season, and consistent with scoping comments provided by CDFW. To remove whole trees, pruning of branches and limbs that do not provide habitat shall occur the day prior to removal of the bole of the tree; this initial planned disturbance may prompt and allow bats to leave the tree during the night between limb and bole removal. The bole of the tree may be removed the following day.
- A report describing the methods and results of any bat surveys conducted, and any nest buffers implemented shall be submitted to the County.

REVISED:

Mitigation 3.4-5: Avoid Disturbance of Special-Status and Common Bat Maternity and Hibernation Roosts
To avoid and minimize impacts to special-status and common bats the applicant shall implement the following measures which meet and exceed the protections in Marin County Code Section 22.20.040(F).

- Within 14 days prior to initiating site preparation, demolition, grading, or vegetation clearing, a qualified bat biologist shall inspect the area of disturbance and areas adjacent (within 50 feet) for bat roosts (most likely buildings and mature trees with crevices, cavities and dense vegetation of broad leaves). Surveys shall consist of a daytime pedestrian survey by a qualified bat biologist looking for evidence of bat use (e.g., guano) and/or an evening emergence survey to note the presence or absence of bats. If no bat roosts are found, then no further study is required. If evidence of bat use is observed, the approximate number and species of bats using the roost would be determined. Acoustic bat detectors may be used to supplement survey efforts but are not required.
- If roosts of bats are determined to be present within buildings and other structures, direct disturbance to the roost, such as demolition or renovation of buildings, shall be avoided during the maternity season

(April 15 through August 31) and hibernation season (~~September 1 through~~ October 15 to February 28). Eviction and exclusion of bats may be implemented using daytime installation of one-way exits and blocking material during the period of March 1 through April 15, or September 1 through October 15 outside of the maternity season and hibernation season.

- If roosts of bats are determined to be present within trees on the project site, any project-related removal or pruning of trees occupied by bats shall occur during the period of March 1 through April 15, or September 1 through October 15 outside of the maternity season and hibernation season, and consistent with scoping comments provided by CDFW. To remove whole trees, pruning of branches and limbs that do not provide habitat shall occur the day prior to removal of the bole of the tree; this initial planned disturbance may prompt and allow bats to leave the tree during the night between limb and bole removal. The bole of the tree may be removed the following day.
- A report describing the methods and results of any bat surveys conducted, and any nest buffers implemented shall be submitted to the County.

For informational purposes and to further clarify why less than significant impacts would occur for sensitive natural communities, the text for Impact 3.4-6 starting on page 3.4-29 of the Draft EIR is revised as follows:

ORIGINAL:

Fuels management, grading, construction of new buildings, roads, trails, and other project components would result in the removal of dead, dying, or diseased Monterey pines on the project site (Section 2.6.3, "Landscaping, Wildfire Resilience and Site Improvements"); however, many of these trees were determined to be in poor to marginal condition, and removal of these trees would not result in conversion California bay forest or Monterey pine forest to other land cover types. Furthermore, due to removal being limited to dead, dying, or diseased Monterey pines the project would not substantially impair the habitat function of Monterey pine stands.

Grading, construction of new buildings, roads, trails, and other project components would result in ground disturbance within needle grass-melic grass grassland and coyote brush scrub / (needle grass, blue wild rye, California brome) communities. Ground disturbance within these sensitive natural communities would result in conversion within the footprint of new buildings, roads, trails and other impervious surfaces, as well as newly landscaped areas. In addition, areas that are temporarily disturbed by grading, but not covered by impervious surfaces or landscaping may also be converted from these sensitive natural communities, due to competition with annual and invasive plant species following ground disturbance. The existing regular disturbance, small patch size, and fragmentation of the onsite needle grass – melic grass grassland and coyote brush scrub/ (needle grass, blue wild rye, California brome), has occurred since the site was originally developed in the 1950's. This existing disturbance and activity from the surrounding developed environment reduce the quality of these sensitive natural communities, both as examples of the natural communities themselves, and in the habitat quality of these grasslands for native fauna. Preserves within a few miles of the project site (i.e., Golden Gate National Recreation Area, Ring Mountain Preserve, Old Saint Hilary's Preserve, La Cresta Open Space, Atkinson Open Space, Mt. Burdell Preserve) contain areas where the characteristic signature of perennial grasslands (e.g., rough, clumpy texture) can be seen from Google Earth aerial imagery. These preserves have documented and protected the presence of perennial grasslands on their lands. Therefore, while these vegetation communities are vulnerable in the context of the distribution of relic perennial grassland statewide, loss of needle grass – melic grass grassland and coyote brush scrub / (needle grass, blue wild rye, California brome) from the project site would not represent a substantial adverse effect on these resources in the region, due to the degraded existing conditions of these communities and the abundance of high-functioning examples of these communities protected in preserves surrounding the project site.

Fuels management, grading, construction of new buildings, roads, trails, and other project components would not have a substantial adverse effect on Monterey pine forest, California bay forest, needle grass – melic grass grassland or coyote brush scrub / (needle grass, blue wild rye, California brome), for the reasons

discussed above. Therefore, the project would not threaten to eliminate these plant communities and the impact from the project on these sensitive natural communities would be **less than significant**.

REVISED:

Fuels management, grading, construction of new buildings, roads, trails, and other project components would result in the removal of dead, dying, or diseased Monterey pines on the project site (Section 2.6.3, "Landscaping, Wildfire Resilience and Site Improvements"); however, many of these trees were determined to be in poor to marginal condition, and removal of these trees would not result in conversion of ~~California bay forest or~~ Monterey pine forest to other land cover types. Furthermore, due to removal being limited to dead, dying, or diseased Monterey pines the project would not substantially impair the habitat function of Monterey pine stands. A single California bay tree is anticipated to be removed (Section 2.6.3, "Landscaping, Wildfire Resilience, and Site Improvements"); however, this removal is not anticipated to result in conversion of California bay forest to other land cover types.

Grading, construction of new buildings, roads, trails, and other project components would result in ground disturbance within 13.94 acres of needle grass-melic grass grassland and 0.94 acres of coyote brush scrub / (needle grass, blue wild rye, California brome) communities. Ground disturbance within these sensitive natural communities would result in conversion within the footprint of new buildings, roads, trails and other impervious surfaces, as well as newly landscaped areas. In addition, areas that are temporarily disturbed by grading, but not covered by impervious surfaces or landscaping may also be converted from these sensitive natural communities, due to competition with annual and invasive plant species following ground disturbance. The existing regular disturbance, small patch size, and fragmentation of the onsite needle grass – melic grass grassland and coyote brush scrub/ (needle grass, blue wild rye, California brome), has occurred since the site was originally developed in the 1950's. This existing disturbance and activity from the surrounding developed environment reduce the quality of these sensitive natural communities, both as examples of the natural communities themselves, and in the habitat quality of these grasslands for native fauna. Preserves within a few miles of the project site (i.e., Golden Gate National Recreation Area, Ring Mountain Preserve, Old Saint Hilary's Preserve, La Cresta Open Space, Atkinson Open Space, Mt. Burdell Preserve) contain areas where the characteristic signature of perennial grasslands (e.g., rough, clumpy texture) can be seen from Google Earth aerial imagery. These preserves have documented and protected the presence of perennial grasslands on their lands. For example, within the Ring Mountain Preserve, serpentine native grasslands cover nearly 50 percent (Jakob and Lovett 2024) of the 385-acre preserve, and native grasslands are abundant on the 2,100 acre Marin Headlands portion of the Golden Gate National Recreation Area (Schirokauer et al. 2003; Steers and Spaulding 2013). The coyote brush scrub in combination with native grasses also occurs in multiple locations in Marin County, Cascade Canyon, French Ranch, Indian Tree, Little Mountain, Loma Alta, Old St. Hillary's, and Terra Linda/Sleepy Hollow Preserves (Buck and Evens 2010), and coyote brush/ purple needle grass has been documented to occur within the Mount Tamalpais Watershed, at Nicasio Reservoir and at Soulajule Reservoir (Evens and Kentner 2006). Therefore, while these vegetation communities are vulnerable in the context of the distribution of relic perennial grassland statewide, they are not locally rare.

Tree removal would not result in the conversion of Monterey pine forest or California bay forest to other land cover types. Furthermore, ~~loss of needle grass – melic grass grassland and coyote brush scrub / (needle grass, blue wild rye, California brome)~~ the loss of 13.94 acres of degraded needle grass-melic grass grassland and 0.94 acres of degraded coyote brush scrub / (needle grass, blue wild rye, California brome) communities from the project site would not represent a substantial adverse effect on these resources in the region, due to the degraded existing conditions of these communities and the abundance of high-functioning examples of these communities protected in preserves surrounding the project site. Therefore, ~~F~~ fuels management, grading, construction of new buildings, roads, trails, and other project components would not have a substantial adverse effect on Monterey pine forest, California bay forest, needle grass – melic grass grassland or coyote brush scrub / (needle grass, blue wild rye, California brome), for the reasons discussed above. Therefore, the project would not threaten to eliminate these plant communities and the impact from the project on these sensitive natural communities would be **less than significant**.

4.6 REVISIONS TO SECTION 3.5 ENERGY

To correct a nomenclature error for electricity and natural gas, Table 3.5-1 on page 3.5-10 of the Draft EIR is revised as follows:

ORIGINAL:

Table 3.5-1 Operation-Related Building Energy Consumption

Energy Sector	Energy Consumption	Units
Mobile (Gasoline)	183,688,709	Gallons
Mobile (Diesel)	6,028,422	Gallons
Area	1,678,638	KWh
Energy	3,927,703	kBTU

Note: kWh = kilowatt hours, kBtu/year = British thermal units per year.

Source: Calculations prepared by Ascent Environmental in 2022 (Appendix C).

REVISED:

Table 3.5-1 Operation-Related Building Energy Consumption

Energy Sector	Energy Consumption	Units
Mobile (Gasoline)	183,688,709	Gallons
Mobile (Diesel)	6,028,422	Gallons
~~Area~~ Electricity	1,678,638	KWh
~~Energy~~ Natural Gas	3,927,703	kBTU

Note: kWh = kilowatt hours, kBtu/year = British thermal units per year.

Source: Calculations prepared by Ascent Environmental in 2022 (Appendix C).

4.7 REVISIONS TO SECTION 3.6 GEOLOGY AND SOILS

To provide clarification that there are no unique geological features in the project area as rock outcrops in the area are sparse, under the heading "Issues Not Discussed Further" on page 3.5-24 of the Draft EIR is revised as follows:

ORIGINAL:

ISSUES NOT DISCUSSED FURTHER

Surface Earthquake Fault Rupture

The project site is not located within an Alquist-Priolo Earthquake Fault Zone, and none of the regional maps or project documents indicate the presence of any active or potentially-active faults within or in immediate proximity to the site. This issue is not discussed further in this document.

Soils Incapable of Supporting the Use of Septic Tanks or Alternative Wastewater Disposal Systems

The campus is currently served by the Richardson Bay Sanitation District and is connected to the existing infrastructure. This would not change for the project, and the project does not propose to use septic or alternative wastewater disposal systems. Therefore, no impact would occur as a result of implementation of the project related to the use of septic tanks or alternative wastewater disposal systems and this issue is not discussed further in this section.

REVISED:

ISSUES NOT DISCUSSED FURTHER

Surface Earthquake Fault Rupture

The project site is not located within an Alquist-Priolo Earthquake Fault Zone, and none of the regional maps or project documents indicate the presence of any active or potentially-active faults within or in immediate proximity to the site. This issue is not discussed further in this document.

Soils Incapable of Supporting the Use of Septic Tanks or Alternative Wastewater Disposal Systems

The campus is currently served by the Richardson Bay Sanitation District and is connected to the existing infrastructure. This would not change for the project, and the project does not propose to use septic or alternative wastewater disposal systems. Therefore, no impact would occur as a result of implementation of the project related to the use of septic tanks or alternative wastewater disposal systems and this issue is not discussed further in this section.

Unique Geologic Features

Rock outcrops in the project area are sparse except where exposed in cut slopes (Appendix L). None of these outcrops exhibit unique features that differ from the surrounding geology and are therefore not discussed further in this section.

Mitigation Measure 3.6-2 on page 3.6-27 of the Draft EIR has been revised as follows to more clearly explain the factor of safety used in the measure will be calculated at the site. The mitigation measure was also revised to include seismic surcharge loads for retaining structures over 6 feet.

ORIGINAL:

Mitigation Measure 3.6-2: Geotechnical Engineering to Address Seismically Induced Ground/Structural Failure

The PRA reports recommended that geotechnical engineering of potential seismic-induced slope instability areas be included in the design-level geotechnical report to be prepared as part of compliance with Marin County Code, Section 23.08. These additional engineering measures shall include exploration and laboratory testing of soil samples in or near mapped potentially liquefiable areas or areas mapped as underlain by bay mud. Geotechnical engineering shall be performed to confirm a factor of safety above 1.0 is achieved for the design level seismic acceleration. If the calculated factor of safety is less than 1.0, seismic displacement analyses shall be performed as part of geotechnical engineering to confirm seismic induce displacements are equal or less than pre-construction conditions, and will not affect planned or existing improvements. If the calculated displacement caused by the project exceeds the pre-project condition, engineering improvements shall be implemented to reduce seismic deformations to acceptable levels. For CEQA purposes, the performance standard for the engineering improvements to mitigate the impact would be to maintain risks of lateral spreading and instability at the same or less than existing conditions. The engineering improvements must also meet building codes for safety and structural integrity, which would provide an additional margin of safety for avoiding lateral spreading and instability. The design-level geotechnical engineering shall include geotechnical seismic design recommendations and criteria per the most recent version of the CBC for structures in Seismic Zone 4. In addition, the geotechnical report shall include seismic surcharge loads for retaining structures over 7 feet. While the specific engineering improvements to reduce the risk of lateral spreading and instability would be determined based on project site conditions, typical examples of design features potentially effective in meeting the performance standard could include: retaining walls to hold back spreading soil or downslope movement; surface and subsurface drainage features to direct stormwater away from areas of instability; soil stabilization techniques like surcharging, compaction, or geosynthetic reinforcement; creating terraces or stepped slopes with gabion or retaining wall support; slope contouring to reduce slope angle or profile; and replanting of stabilizing vegetation.

REVISED:

Mitigation Measure 3.6-2: Geotechnical Engineering to Address Seismically Induced Ground/Structural Failure

The PRA reports recommended that geotechnical engineering of potential seismic-induced slope instability areas be included in the design-level geotechnical report to be prepared as part of compliance with Marin County Code, Section 23.08. These additional engineering measures shall include exploration and laboratory testing of soil samples in or near mapped potentially liquefiable areas or areas mapped as underlain by bay mud. Geotechnical engineering shall be performed to confirm a factor of safety above 1.0 is achieved for the design level seismic acceleration calculated at the project site. If the calculated factor of safety is less than 1.0, seismic displacement analyses shall be performed as part of geotechnical engineering to confirm seismic induce displacements are equal or less than pre-construction conditions, and will not affect planned or existing improvements. If the calculated displacement caused by the project exceeds the pre-project condition, engineering improvements shall be implemented to reduce seismic deformations to acceptable levels. For CEQA purposes, the performance standard for the engineering improvements to mitigate the impact would be to maintain risks of lateral spreading and instability at the same or less than existing conditions. The engineering improvements must also meet building codes for safety and structural integrity, which would provide an additional margin of safety for avoiding lateral spreading and instability. The design-level geotechnical engineering shall include geotechnical seismic design recommendations and criteria per the most recent version of the CBC for structures in Seismic Zone 4. In addition, the geotechnical report shall include seismic surcharge loads for retaining structures over 6 feet. While the specific engineering improvements to reduce the risk of lateral spreading and instability would be determined based on project site conditions, typical examples of design features potentially effective in meeting the performance standard could include: retaining walls to hold back spreading soil or downslope movement; surface and subsurface drainage features to direct stormwater away from areas of instability; soil stabilization techniques like surcharging, compaction, or geosynthetic reinforcement; creating terraces or stepped slopes with gabion or retaining wall support; slope contouring to reduce slope angle or profile; and replanting of stabilizing vegetation.

Mitigation Measure 3.6-4 on page 3.6-30 of the Draft EIR has been revised as follows to more clearly explain the factor of safety used in the measure.

ORIGINAL:

Mitigation Measure 3.6-4: Geotechnical Engineering to Address Slope Instability and Landsliding

To minimize potential risks of the project exacerbating existing hazards related to slope instability and landsliding, the project shall be designed and constructed in accordance with the geotechnical engineering design requirements as part of compliance with Marin County Code, Section 22.100.040, as well as all applicable provisions of the PRA report and latest edition of the California Building Code (or any superseding local code in effect) at the time of building permit application. Currently, the 2023 CBC is the latest applicable site grading design code including setback distances from graded slopes, and drainage terraces for taller slopes. The geotechnical engineering design shall provide grading requirements for keying, benching, fill compaction, subsurface drainage, and maximum inclinations of both temporary and permanent cut and fill slopes. Specific foundation design shall be provided for structures on fill or weak soils. The project Civil Engineer shall provide surface drainage collection and/or drainage terraces above and on graded slopes.

An updated, site-specific geologic map shall be prepared and included in the geotechnical engineering design that clearly identifies and delineates the limits of the geologic materials present at the site, including all existing landslides, colluvial deposits, undocumented fills, or other areas of instability. The applicant's geotechnical engineer shall also individually catalogue and evaluate mapped areas of instability and undocumented fills and assign each a "Risk Level" in the geotechnical engineering design.

Risk level A landslides would include active and dormant landslides within 100 feet of a building envelope, debris flow source areas, and flow paths that crosses building envelopes / residential use areas, or active landslides that could impact public or private property. Risk Level B landslides would present a lower risk of

damage and include all active, dormant or potential landslide areas on the property that do not have the potential to significantly damage property or improvements within or outside the property. In most instances, Risk Level B landslides would be located in proposed open space areas or in areas outside of any building envelope and any residential use area. The risk level assignments shall guide site-specific geotechnical engineering design.

The geotechnical consultant shall perform supplemental subsurface exploration, laboratory testing, and engineering analyses to define the slope stabilization and landslide avoidance, improvement, or repair required in the design of project features in each catalogued area of instability. In general, landslides that have a higher potential to of being mobilized by construction (Risk Level A landslides) should be improved or repaired, while Level B landslides should be improved or avoided in accordance with the definitions below:

- Landslide Avoidance - requires locating structures and improvements an adequate distance from an existing landslide so that any future movement of the landslide would not affect the structures or improvements.
- Landslide Improvement - requires increasing the slope stability to a level such that the calculated factor of safety is at least 1.2 for static conditions. Improvement may also include the construction of protective structures below the landslide to protect down slope improvements.
- Landslide Repair – shall improve the slope stability of the landslide area such that the calculated factor of safety defined as the ratio of the resisting forces to the driving forces) is at least 1.5 for static conditions and greater than 1.0 for pseudo-static (seismic) conditions. The improved stability may be accomplished by various methods including: (1) excavation of unstable material, installation of subsurface drainage and construction of a compacted earth fill buttress; (2) design and construction of retaining structures; (3) de-watering with subsurface drainage; (4) removal of the entire unstable landslide mass; or (5) other methods for landslide stabilization acceptable to the County of Marin.

Examples of repair and/or improvement of landslides may include one or a combination of the following methods, or other engineering strategies defined during geotechnical engineering design:

- excavation of unstable material, installation of subsurface drainage and construction of a compacted earth fill buttress;
- design and construction of retaining structures (above and below ground pile walls and shear keys);
- de-watering with subsurface drainage;
- removal of the entire unstable landslide mass; or
- other methods as deemed acceptable to Marin County.

Design drainage facilities shall also be documented during geotechnical engineering. On cut and fill slopes, terrace drains shall be included at intervals necessary to adequately drain slopes, such as every 30 feet of vertical height. The terrace drains shall have a minimum flowline gradient of six percent to make them self-cleaning (per the California Building Code). Storm drainage facilities shall convey surface water away from areas of instability and discharge into the storm drainage system. The Geotechnical Engineer shall review the planned storm water discharge locations (bio-swales and dissipators) and identify design requirements to avoid the potential for this water to exacerbate any existing areas of mapped instability or induce new instability as confirmed during Marin County engineering review of the applicant's geotechnical engineering design.

REVISED:

Mitigation Measure 3.6-4: Geotechnical Engineering to Address Slope Instability and Landsliding

To minimize potential risks of the project exacerbating existing hazards related to slope instability and landsliding, the project shall be designed and constructed in accordance with the geotechnical engineering design requirements as part of compliance with Marin County Code, Section 22.100.040, as well as all applicable provisions of the PRA report and latest edition of the California Building Code (or any superseding local code in

effect) at the time of building permit application. Currently, the 2023 CBC is the latest applicable site grading design code including setback distances from graded slopes, and drainage terraces for taller slopes. The geotechnical engineering design shall provide grading requirements for keying, benching, fill compaction, subsurface drainage, and maximum inclinations of both temporary and permanent cut and fill slopes. Specific foundation design shall be provided for structures on fill or weak soils. The project Civil Engineer shall provide surface drainage collection and/or drainage terraces above and on graded slopes.

An updated, site-specific geologic map shall be prepared and included in the geotechnical engineering design that clearly identifies and delineates the limits of the geologic materials present at the site, including all existing landslides, colluvial deposits, undocumented fills, or other areas of instability. The applicant's geotechnical engineer shall also individually catalogue and evaluate mapped areas of instability and undocumented fills and assign each a "Risk Level" in the geotechnical engineering design.

Risk level A landslides would include active and dormant landslides within 100 feet of a building envelope, debris flow source areas, and flow paths that crosses building envelopes / residential use areas, or active landslides that could impact public or private property. Risk Level B landslides would present a lower risk of damage and include all active, dormant or potential landslide areas on the property that do not have the potential to significantly damage property or improvements within or outside the property. In most instances, Risk Level B landslides would be located in proposed open space areas or in areas outside of any building envelope and any residential use area. The risk level assignments shall guide site-specific geotechnical engineering design.

The geotechnical consultant shall perform supplemental subsurface exploration, laboratory testing, and engineering analyses to define the slope stabilization and landslide avoidance, improvement, or repair required in the design of project features in each catalogued area of instability. In general, landslides that have a higher potential to of being mobilized by construction (Risk Level A landslides) should be improved or repaired, while Level B landslides should be improved or avoided in accordance with the definitions below:

- Landslide Avoidance - requires locating structures and improvements an adequate distance from an existing landslide so that any future movement of the landslide would not affect the structures or improvements.
- Landslide Improvement - requires increasing the slope stability to a level such that the calculated factor of safety is at least 1.2 for static conditions. Improvement may also include the construction of protective structures below the landslide to protect down slope improvements.
- Landslide Repair – shall improve the slope stability of the landslide area such that the calculated factor of safety defined as the ratio of the resisting forces to the driving forces) is at least 1.3 for static conditions (a factor of safety less than 1.5 is often utilized for landslide repair due to the ability to better define subsurface conditions and residual soil strength through a combination of exploration, laboratory testing and back-calculation of the original failure. If landslide specific exploration, laboratory testing and back-calculation is not performed, the factor of safety should be 1.5.) and greater than 1.0 for pseudo-static (seismic) conditions using the calculated design level acceleration at the project site. If the calculated pseudo-static factor of safety is less than 1.0, displacement analyses should be performed to determine if acceptable for the landslide specific conditions and if displacements could adversely impact existing or proposed improvements. The improved stability may be accomplished by various methods including: (1) excavation of unstable material, installation of subsurface drainage and construction of a compacted earth fill buttress; (2) design and construction of retaining structures; (3) de-watering with subsurface drainage; (4) removal of the entire unstable landslide mass; or (5) other methods for landslide stabilization acceptable to the County of Marin.

Examples of repair and/or improvement of landslides may include one or a combination of the following methods, or other engineering strategies defined during geotechnical engineering design:

- excavation of unstable material, installation of subsurface drainage and construction of a compacted earth fill buttress;
- design and construction of retaining structures (above and below ground pile walls and shear keys);
- de-watering with subsurface drainage;
- removal of the entire unstable landslide mass; or
- other methods as deemed acceptable to Marin County.

Design drainage facilities shall also be documented during geotechnical engineering. On cut and fill slopes, terrace drains shall be included at intervals necessary to adequately drain slopes, such as every 30 feet of vertical height. The terrace drains shall have a minimum flowline gradient of six percent to make them self-cleaning (per the California Building Code). Storm drainage facilities shall convey surface water away from areas of instability and discharge into the storm drainage system. The Geotechnical Engineer shall review the planned storm water discharge locations (bio-swales and dissipators) and identify design requirements to avoid the potential for this water to exacerbate any existing areas of mapped instability or induce new instability as confirmed during Marin County engineering review of the applicant's geotechnical engineering design.

To provide clarification that there are three known invertebrate fossils from the Franciscan Complex in Marin County, Impact 3.6-7 starting on page 3.6-33 of the Draft EIR is revised as follows:

ORIGINAL:

Impact 3.6-7: Potential for Disturbance of Paleontological Resources

Paleontological resources are the fossilized remains or impressions of plants and animals, including vertebrates, invertebrates, and microscopic plants and animals. Fossils can be used to determine the relative ages of the depositional layers in which they occur and of the geologic events that created those deposits. The proposed project would involve extensive subsurface disturbance that could potentially encounter and damage previously undiscovered buried paleontological resources or unique geological features. However, the Franciscan Complex found at the project site would not contain identifiable fossils and it would be highly unlikely to encounter paleontological resources within the geologic units to be excavated within the confines of the project site. Moreover, in the event of an unanticipated discovery of paleontological resources, the project would be required to comply with County Code 22.20.040. Therefore, impacts associated with the potential for disturbance of paleontological resources would be **less than significant**.

Marin County's surficial geologic units include young alluvial and Bay mud deposits and even younger areas of Holocene San Francisco Bay mud, with the underlying Franciscan Complex (USDA 2023). Although there are documented finds in Marin County of sedimentary rocks that would contain paleontological resources, the Franciscan Complex found at the project site would not contain identifiable fossils. This is because the Franciscan Complex is a unit that has been repetitively pulverized from the nearby tectonic boundary (UCMP 2023). Therefore, it is highly unlikely that the proposed project would uncover or disturb significant paleontological resources. Moreover, in the event of an unanticipated discovery of paleontological resources, the project would be required to comply with County Code 22.20.040 and cease construction activities until the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State, Federal, and local regulations. Therefore, impacts associated with the disturbance or discovery of unknown paleontological resources would be **less than significant**.

REVISED:

Impact 3.6-7: Potential for Disturbance of Paleontological Resources

Paleontological resources are the fossilized remains or impressions of plants and animals, including vertebrates, invertebrates, and microscopic plants and animals. Fossils can be used to determine the relative ages of the depositional layers in which they occur and of the geologic events that created those deposits. The proposed project would involve extensive subsurface disturbance that could potentially encounter and damage previously undiscovered buried paleontological resources. ~~or unique geological features. However, the~~The Franciscan Complex found at the project site ~~would not~~ has produced three known invertebrate fossils in Marin County (UCMP 2023). However, it is unlikely to contain identifiable fossils due to the pulverized nature of the unit. ~~and it would be highly unlikely to encounter paleontological resources within the geologic units to be excavated within the confines of the project site~~. ~~Moreover, i~~In the event of an unanticipated discovery of paleontological resources, the project would be required to comply with County Code 22.20.040. Therefore, impacts associated with the potential for disturbance of paleontological resources would be **less than significant**.

Marin County's surficial geologic units include young alluvial and Bay mud deposits and even younger areas of Holocene San Francisco Bay mud, with the underlying Franciscan Complex (USDA 2023). Although there are documented finds in Marin County of sedimentary rocks that would contain paleontological resources, the Franciscan Complex found at the project site ~~would not~~ is unlikely to contain identifiable fossils. This is because the Franciscan Complex is a unit that has been repetitively pulverized from the nearby tectonic boundary (UCMP 2023). Therefore, it is highly unlikely that the proposed project would uncover or disturb significant paleontological resources. Moreover, in the event of an unanticipated discovery of paleontological resources, the project would be required to comply with County Code 22.20.040 and cease construction activities until the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may occur in compliance with State, Federal, and local regulations. Therefore, impacts associated with the disturbance or discovery of unknown paleontological resources would be **less than significant.**

4.8 REVISIONS TO SECTION 3.7 GREENHOUSE GAS EMISSIONS

To correct an incorrect statement made in Section 3.7.3, "Environmental Impacts and Mitigation Measures," under the heading, "Thresholds of Significance," on page 3.7-9, the following revision has been made:

ORIGINAL:

As discussed above in Section 3.7.1, "Regulatory Setting," Marin County prepared a CAP in 2020 that sets reduction targets for 2030 and 2045. By 2045, Marin County intends to achieve carbon neutrality, which is consistent with the statewide goal established in AB 1279. However, the CAP did not undergo environmental review and is not considered a CEQA-certified CAP for use in environmental documents. Therefore, BAAQMD's option (A) of including project design features will be applied in this analysis.

REVISED:

As discussed above in Section 3.7.1, "Regulatory Setting," Marin County prepared a CAP in 2020 that sets reduction targets for 2030 and 2045. By 2045, Marin County intends to achieve carbon neutrality, which is consistent with the statewide goal established in AB 1279. ~~However, the CAP did not undergo environmental review and is not considered a CEQA-certified CAP for use in environmental documents.~~ The CAP underwent environmental review as an addendum to the Marin County Countywide Plan Environmental Impact EIR. However, while the CAP is considered CEQA qualified, a checklist has yet to be developed by the County for CEQA streamlining. Measure IM-C5, "Project Compliance Checklist," directs the County to develop a project compliance checklist to use when reviewing development proposals requiring environmental review to

ensure compliance with CAP measures. While this measure, as developed, can be used by future development within the County to streamline CEQA analyses, at the time of writing the Draft EIR, this checklist is unavailable and the CAP has not been used to streamline the analysis herein. Therefore, BAAQMD's option (A) of including project design features will be applied in this analysis.

To correct a typographical error for the amount of $MTCO_2e$ of GHGs emitted during the project's construction period, the text on page 3.7-10 of the Draft EIR is revised as follows:

ORIGINAL:

Construction

The project would emit construction emissions from the operation of heavy-duty construction equipment and from worker commute trips. The project would result in approximately 6,643 $MTCO_2e$ of GHGs during the project's construction period (2023–2026). As noted above under "Thresholds of Significance," BAAQMD does not recommend a threshold for evaluating construction emissions; nevertheless, construction emissions have been disclosed for informational purposes.

REVISED:

Construction

The project would emit construction emissions from the operation of heavy-duty construction equipment and from worker commute trips. The project would result in approximately 6,~~64~~43 $MTCO_2e$ of GHGs during the project's construction period (2023–2026). As noted above under "Thresholds of Significance," BAAQMD does not recommend a threshold for evaluating construction emissions; nevertheless, construction emissions have been disclosed for informational purposes.

4.9 REVISIONS TO SECTION 3.8 HAZARDS, HAZARDOUS MATERIALS, AND WILDFIRE

To provide clarification regarding federal regulations addressing worker safety, page 3.8-2 of the Draft EIR is revised as follows:

ORIGINAL:

Worker Safety

The federal Occupational Safety and Health Administration (OSHA) is the agency responsible for assuring worker safety in the handling and use of chemicals identified in the Occupational Safety and Health Act of 1970 (Public Law 91-596, 9 USC 651 et seq.). OSHA has adopted numerous regulations pertaining to worker safety, contained in CFR Title 29. These regulations set standards for safe workplaces and work practices, including standards relating to the handling of hazardous materials and medical waste and those required for excavation and trenching.

REVISED:

Worker Safety

The federal Occupational Safety and Health Administration (OSHA) is the agency responsible for assuring worker safety in the handling and use of chemicals identified in the Occupational Safety and Health Act of 1970 (Public Law 91-596, 9 USC 651 et seq.). OSHA has adopted numerous regulations pertaining to worker safety, contained in CFR Title 29. These regulations set standards for safe workplaces and work practices, including standards relating to the handling of hazardous materials and medical waste and those required for excavation and trenching. Regarding polychlorinated biphenyls (PCBs), fluorescent light ballasts that contain PCBs are regulated by the US EPA under the federal Toxic Substances Control Act (TSCA) (40 CFR, Parts 761.1-761.398). According to the US EPA, any fluorescent light ballasts manufactured before July 2, 1979, may contain PCBs (US EPA 2020). The federal PCB regulations regarding the proper disposal of PCB

fluorescent light ballasts and decontamination and sampling related to leaks or spills of PCB fluorescent light ballasts include:

- Disposal requirements for PCB small capacitors in fluorescent light ballasts: 40 CFR Section 761.50(b)(2), Section 761.60(b)(2)(ii), and Section 761.62(a) or (c).
- Disposal requirements for PCBs in potting material of fluorescent light ballasts: 40 CFR Section 761.50(b)(2)(ii), Section 761.60(b)(6)(iii), and Section 761.62.
- Decontamination requirements for PCB contaminated non-porous surfaces: 40 CFR Section 761.79(b)(3).
- Sampling non-porous surfaces for measurement-based use, reuse, and decontamination under 40 CFR Section 761.79(b)(3): 40 CFR Part 761 Subpart P.
- Option for an approval from EPA to use alternative decontamination and/or sampling procedures (other than those specified in 40 CFR Section 761.79 and 40 CFR Part 761 Subpart P): 40 CFR Section 761.79(h).

To provide clarification regarding state regulations addressing worker safety and asbestos and lead programs, pages 3.8-3 and 3.8-4 of the Draft EIR have been revised as follows:

ORIGINAL:

Worker Safety

The California Occupational Safety and Health Administration (Cal/OSHA) assumes primary responsibility for developing and enforcing workplace safety regulations within the state. Cal/OSHA standards are typically more stringent than federal OSHA regulations and are presented in CCR, Title 8. Cal/OSHA conducts onsite evaluations and issues notices of violation to enforce necessary improvements to health and safety practices.

Asbestos and Lead Programs

The removal and handling of asbestos-containing materials is governed primarily by EPA regulations under Title 40 of the CFR but is implemented by the Bay Area Air Quality Management District (BAAQMD). This program is described further in Section 3.3, "Air Quality." The federal OSHA also has a survey requirement under Title 29 CFR, which is implemented by Cal/OSHA under CCR, Title 8. These regulations require facilities to take all necessary precautions to protect employees and the public from exposure to asbestos. These standards regulate exposure to asbestos in all construction work including demolition of structures. These regulations establish entry and exit procedures after working in asbestos contaminated areas and establish specific control measures designed to protect workers, depending on the type of asbestos they are handling. Such procedures include minimum air circulations, use of respirators, wetting of materials, clothing laundering, construction and demolition equipment requirements, and shielding specifications. Notification procedures are also in place that require building owner and employee noticing as well as external and internal hazard signage. All asbestos workers are required to complete training programs and register as an asbestos contractor, depending on the type of asbestos being removed. Medical examination requirements are also required to monitor worker health.

The Cal/OSHA lead standard for construction activities is also implemented under CCR, Title 8. The standard applies to any construction activity that may release lead dust or fumes, including, but not limited to, manual scraping, manual sanding, heat gun applications, power tool cleaning, rivet busting, abrasive blasting, welding, cutting, or torch burning of lead-based coatings. Unless otherwise determined by approved testing methods, all paints and other surface coatings are assumed to contain lead at prescribed concentrations, depending on the application date of the paint or coating.

REVISED:

Worker Safety

The California Occupational Safety and Health Administration (Cal/OSHA) assumes primary responsibility for developing and enforcing workplace safety regulations within the state. Cal/OSHA standards are typically more stringent than federal OSHA regulations and are presented in CCR, Title 8. Cal/OSHA conducts onsite evaluations and issues notices of violation to enforce necessary improvements to health and safety practices. In addition, the California DTSC regulates PCBs through CCR Title 22, Division 4.5, Chapter 42, Sections 67426.1-67429.1 (Requirements for Management of Fluorescent Light Ballasts Which Contain PCBs). Finally, mercury-containing products and equipment (e.g., mercury switches) are managed as universal waste under CCR Title 22, Division 4.5, Chapter 23 (DTSC 2025a). In accordance with CCR Title 22, Section 66273.33, a universal waste handler of mercury-containing equipment (i.e., thermostats, mercury switches, mercury-added novelties, gas flow regulators, mercury counterweights and dampers, and/or dilators and weighted tubing) is required to manage such equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment under reasonably foreseeable conditions.

Asbestos and Lead Programs

The removal and handling of asbestos-containing materials is governed primarily by EPA regulations under Title 40 of the CFR but is implemented by the Bay Area Air Quality Management District (BAAQMD). This program is described further in Section 3.3, "Air Quality." The federal OSHA also has a survey requirement under Title 29 CFR, which is implemented by Cal/OSHA under CCR, Title 8. These regulations require facilities to take all necessary precautions to protect employees and the public from exposure to asbestos. These standards regulate exposure to asbestos in all construction work including demolition of structures. These regulations establish entry and exit procedures after working in asbestos contaminated areas and establish specific control measures designed to protect workers, depending on the type of asbestos they are handling. Such procedures include minimum air circulations, use of respirators, wetting of materials, clothing laundering, construction and demolition equipment requirements, and shielding specifications. Notification procedures are also in place that require building owner and employee noticing as well as external and internal hazard signage. All asbestos workers are required to complete training programs and register as an asbestos contractor, depending on the type of asbestos being removed. Medical examination requirements are also required to monitor worker health. In addition, CCR, Title 17 Section 93105 (Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations) addresses naturally occurring asbestos potentially present in serpentine rock. This regulation applies to construction or grading in any area that would be disturbed and has naturally occurring asbestos, serpentine, or ultramafic rock as determined by the owner/operator, as well as naturally occurring asbestos, serpentine, or ultramafic rock discovered by the owner/operator or a registered geologist in the area to be disturbed after the start of any construction or grading. The specific requirements for construction and grading operations are provided in CCR, Title 17 Section 93105(e).

The Cal/OSHA lead standard for construction activities is also implemented under CCR, Title 8. The standard applies to any construction activity that may release lead dust or fumes, including, but not limited to, manual scraping, manual sanding, heat gun applications, power tool cleaning, rivet busting, abrasive blasting, welding, cutting, or torch burning of lead-based coatings. Unless otherwise determined by approved testing methods, all paints and other surface coatings are assumed to contain lead at prescribed concentrations, depending on the application date of the paint or coating.

To provide clarification regarding Marin Wildfire Prevention Authority's evacuation/ingress/egress study, page 3.8-22 of the Draft EIR has been revised as follows:

ORIGINAL:

According to MWPA's evacuation difficulty maps, the roadways that would likely serve as primary evacuation routes for the project site have difficulty scores (roadway and aggregate) ranging from minimal to low. These roadways include Seminary Drive from Gilbert Drive to US Highway 101 (minimal), Seminary Drive from Gilbert Drive to Strawberry Lane (low), and East Strawberry Drive from Strawberry Lane to approximately Island Drive (low). Other potential evacuation routes in the project area have difficulty scores ranging from moderate to high, including portions of East Strawberry Drive (moderate and high), Belvedere Drive (high), and S. Knoll Road (high).

REVISED:

According to MWPA's evacuation difficulty maps, the roadways that would likely serve as primary evacuation routes for the project site have evacuation difficulty scores (roadway and aggregate) ranging from minimal to low. These roadways include Seminary Drive from Gilbert Drive to US Highway 101 (minimal), Seminary Drive from Gilbert Drive to Strawberry Lane (low), and East Strawberry Drive from Strawberry Lane to approximately Island Drive (low). Other potential evacuation routes in the project area have evacuation difficulty scores ranging from moderate to high, including portions of East Strawberry Drive (moderate and high), Belvedere Drive (high), and S. Knoll Road (high).

In addition, page 3.8-23 of the Draft EIR has been revised as follows:

ORIGINAL:

Although other potential evacuation routes in the project area have difficulty scores ranging from moderate to high, specifically portions of East Strawberry Drive (moderate and high), Belvedere Drive (high), and S. Knoll Road (high), these roadways are anticipated to serve as secondary options for evacuation. The combination of potential evacuation routes, which includes a roadway with minimal to low difficulty score as the anticipated primary evacuation route, would provide first responders with the opportunity to identify the best route based on conditions at the time of evacuation as well as provide substantial evacuation capacity (see Section 3.14, "Transportation," for more details).

Therefore, for the reasons described above, construction and operation of the proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. This impact would be **less than significant**.

REVISED:

Although other potential evacuation routes in the project area have evacuation difficulty scores ranging from moderate to high, specifically portions of East Strawberry Drive (moderate and high), Belvedere Drive (high), and S. Knoll Road (high), these roadways are anticipated to serve as secondary options for evacuation. The combination of potential evacuation routes, which includes a roadway with minimal to low evacuation difficulty score as the anticipated primary evacuation route, would provide first responders with the opportunity to identify the best route based on conditions at the time of evacuation as well as provide substantial evacuation capacity (see Section 3.14, "Transportation," for more details).

Therefore, for the reasons described above, construction and operation of the proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. This impact would be **less than significant**.

4.10 REVISIONS TO SECTION 3.9 HYDROLOGY

To provide clarification on how the project would address contaminated groundwater if it were to occur on site, the Regulatory Setting on page 3.9-3 of the Draft EIR is revised as follows:

ORIGINAL:

[No description of NPDES Volatile Organic Compounds and Fuel General Permit provided in Regulatory Section]

REVISED:

NPDES Volatile Organic Compounds and Fuel General Permit

The NPDES General Permit (Order No. R2-2017-0048) covers the discharge or reclamation of extracted and treated groundwater resulting from the cleanup of groundwater at active or closed cleanup sites, such as fuel stations or construction sites. This permit will be combined with the Groundwater General Permit in March 2025. The permit describes how groundwater polluted by volatile organic compounds (VOCs), fuel leaks, fuel additives, or other related wastes (e.g., semi-volatile organic compounds [SVOCs], polycyclic aromatic hydrocarbons [PAHs], and metals) must be treated prior to discharge. Under the terms of the VOC and Fuel General Permit, applicants must file a Notice of Intent with the RWQCB to be covered.

To provide clarification on the green infrastructure and low impact development resources offered by the Marin Countywide Stormwater Pollution Prevention Program, the Regulatory Setting on page 3.9-4 of the Draft EIR is revised as follows:

ORIGINAL:

[No description of the Marin Countywide Stormwater Pollution Prevention Program provided in Regulatory Section]

REVISED:

Marin Countywide Stormwater Pollution Prevention Program

MCSTOPPP staff implement permit compliance tasks and track stormwater regulations on behalf of the member agencies. They document local and countywide permit compliance efforts in annual reports to the San Francisco Bay Regional Water Quality Control Board. The annual reports include information on illegal discharge detection and elimination, street and storm drain cleaning, municipal and creek maintenance, stormwater and creek protection controls for development projects, business inspections, and public outreach, education and participation. In addition, we provide technical assistance to member agencies and the public and implement a countywide outreach and education program.

To provide clarification on the number of storm drain outlets in the project area, Figure 3.9-2 on page 3.9-9 of the Draft EIR is revised as follows:

ORIGINAL:


Vista del Sol
Ricardo Rd
Reed Blvd
Richardson Dr
Shuck Dr
E Strawberry Dr
Storer Dr
Oliver Ln
Seminary Dr
Hodges Dr
Herring Dr
Gilbert Dr
Willis Dr
Chapel Dr
Mission Dr
Seminary Dr
Great Circle Dr
Topside Way
Project Site
Existing Storm Water Infrastructure
Outlet
Catch Basin
Pipes
0 250 500 Feet
GoogleEarth Pro Imagery
20210009.01 GIS 011

REVISED:


Vista del Sol
Ricardo Rd
Reed Blvd
Richardson Dr
Shuck Dr
E Strawberry Dr
Storer Dr
Oliver Ln
Seminary Dr
Hodges Dr
Herring Dr
Gilbert Dr
Willis Dr
Chapel Dr
Mission Dr
Seminary Dr
Great Circle Dr
Topside Way
Project Site
Existing Storm Water Infrastructure
Outlet
Catch Basin
Pipes
0 250 500
Feet
GoogleEarth Pro Imagery
20210009.01 GIS 011

To provide clarification on what would be done if groundwater contamination were encountered during project construction and which groundwater dewatering permit would apply, Impact 3.9-1 on pages 3.9-14 and 3.9-15 of the Draft EIR is revised as follows:

ORIGINAL:

Impact 3.9-1: Substantially Degrade Surface Water or Groundwater Quality

Although development of the proposed project on the 127-acre former Golden Gate Baptist Theological Seminary property has the potential to diminish water quality within the project site and in Richardson Bay, standard construction requirements would protect local and regional water quality. Vegetation clearing, grading, and excavation increase the potential for erosion and sedimentation. The use of equipment during construction could cause spills or leaks of fuel, oil, and other fluids. Wet areas with hydric vegetation have been identified in the project site, which could experience construction related water quality impacts. Once constructed, the project site would be stabilized and would not degrade water quality. The origin of standard construction requirements for the project would be from compliance with Marin County Grading Code Chapter 23.18 and the California Construction General Permit Order 2009-0009-DWQ (as amended by 2010-0014-DWQ and 2012-0006-DWQ), including implementation of a stormwater pollution prevention plan and best management practices. These measures would avoid the potential for construction to substantially degrade water quality. The impact of the proposed project on water quality would be **less than significant**.

Development of the proposed project on the former Golden Gate Baptist Theological Seminary property would include vegetation removal, soil disturbance, earth moving, grading, excavation, cutting and filling, installation of infrastructure, stockpiling, paving, and construction of buildings which could degrade surface and ground water quality through increased erosion and sedimentation. Although borings taken in the project area show ground water at a depth of 13-17 feet, there is a potential that dewatering would be required if groundwater was encountered during excavation. Additionally, construction equipment has the potential to cause spills or fuel, oil, lubricants, and other fluids in the case of an accident or spill which could impact surface and ground water quality.

There are three wet areas described as potential aquatic resources in the project site as mapped by an Ascent wetland ecologist on September 1, 2022. The resources were mapped as potential resources based on the presence of hydrophytic vegetation and hydrology, but a regulatory aquatic resources delineation was not performed. Because one of these wet areas is located outside of and upslope from the disturbance footprint of the project, neither direct alteration nor project runoff impacts would occur in that area. Two of these three wet areas are within the disturbance footprint of the project and may be subject to water quality degradation from the project. These on-site areas do not likely meet the State definition of an aquatic resource and, therefore, do not offer substantial resource quality, because they are associated with roadside ditches that do not flow directly from or through another water source into a water of the State. Also, they do not meet the federal definition because they are ditches excavated wholly in and draining only uplands that do not carry a relatively permanent flow of water. These features are dry for most of the year. Project runoff into these two wet ditches would not result in significant water quality impacts, because of the absence of substantial resource qualities and the ditch's predominantly dry condition during most of the year.

The project would comply with the SWRCB Construction General Permit (2022-0057-DWQ), which would require water quality protection through standard construction specifications. This permit requires the development of a SWPPP and the installation of erosion and sediment controls; implementation and maintenance of temporary construction BMPs to control and effectively manage site runoff; and waste control measures to prevent leakage or spill of hazardous materials into soils and surface waters. The SWPPP would have the following required elements:

- Site-specific temporary BMPs would be identified to prevent the transport of earthen materials and other construction waste materials from disturbed land areas, stockpiles, and staging areas during periods of

precipitation or runoff. BMPs could include using filter fences, fiber rolls, erosion control blankets, mulch (such as wood chips), temporary drainage swales, settling basins, and other erosion-control methods.

- Site-specific temporary BMPs would be identified to prevent the tracking of earthen materials and other waste materials from the project site to off-site locations. BMPs could include using stabilized points of entry/exit for construction vehicles/equipment and designated vehicle/equipment rinse stations and sweeping.
- Site-specific temporary BMPs would be identified to prevent wind erosion of earthen materials and other waste materials from the project site. BMPs could include routine application of water to disturbed land areas and covering of stockpiles with plastic or fabric sheeting.
- A site-specific spill prevention and containment plan would be prepared and implemented. Project contractors would be responsible for storing on-site materials and implementing temporary BMPs capable of capturing and containing pollutants from fueling operations, fuel storage areas, and other areas used for the storage of hydrocarbon-based materials. This would include maintaining materials on-site (such as oil absorbent booms and sheets) for the cleanup of accidental spills, using drip pans beneath construction equipment, training site workers in spill response measures, immediately cleaning up spilled materials in accordance with directives from SFBRWQCB, and properly disposing of waste materials at an approved off-site location that is licensed to receive such wastes.
- Site-specific temporary BMPs would be identified to capture and contain pollutants generated by concrete construction, including using lined containment for rinse water to collect runoff from washing of concrete delivery trucks and equipment.
- Protective fencing would be used to prevent damage to trees and other vegetation that would remain after construction, including tree protection fencing and individual tree protection, such as wood slats strapped along the circumference of trees.
- Daily inspection and maintenance of temporary BMPs would be required. The prime contractor would be required to maintain a daily log of temporary construction BMP inspections and keep the log on-site during project construction for review by SFBRWQCB.
- Tree removal activities, including the dropping of trees, would be confined to the construction limit boundaries.
- Construction boundary fencing would be required to limit disturbance and prevent access to areas not under active construction.
- Postconstruction BMPs and the BMP maintenance schedule would be identified. Postconstruction BMPs must address water quality, channel protection, overbank flood protection, and extreme flood protection.
- Disturbed areas would be revegetated or stabilized with approved native seed mixes and/or mulch.

If dewatering operations were required, dewatering effluent would be discharged in accordance with the General Order for Dewatering, Order No. R2-2018-0036. The discharge from the dewatering operations would be treated and made part of the project SWPPP to minimize any degradation of water quality.

During construction, the project would also comply with Marin County Code Chapter 23.18, *Urban Runoff Pollution Prevention*. The Code protects and enhances watercourses by minimizing discharges other than storm runoff to storm drains or watercourses; responding to the discharge of spills, preventing and controlling the discharge of spills to storm drains or watercourses and prohibiting dumping or disposal of materials other than stormwater; reducing pollutants in stormwater discharges to the maximum extent practicable; and requiring operators of construction sites, new or redeveloped land, and industrial and commercial facilities to install, implement, or maintain appropriate BMPs. The Code also requires any person performing construction activities in the County to implement appropriate BMPs to prevent the discharge of

construction wastes, including soil or sediment, or contaminants from construction materials, tools and equipment from entering a county storm drain, watercourse, bay or ocean.

During operation, the project site would be stabilized and stormwater basins would detain and treat runoff, improving runoff water quality in the project site. Marin County Code 23.18.095 requires routine vegetation, sediment and debris removal, and annual inspection and maintenance of structures. Vegetation removal would not include healthy bank vegetation and would likely occur annually or on an as-needed basis and would not include ground-disturbing activities and would employ hand tools, thus minimizing risks of water quality impacts from spills or equipment leaks in the channel or erosion from disturbed soils.

Compliance with the Construction General Permit, including preparation and implementation of the SWPPP and associated BMPs, as well as inspection and reporting, as well as compliance with Chapter 23.18 of the Marin County Code, would effectively avoid the potential for substantial degradation of surface and groundwater quality during construction and operation of the project. This would result in a water quality impact that would be **less than significant**.

REVISED:

Impact 3.9-1: Substantially Degrade Surface Water or Groundwater Quality

Although development of the proposed project on the 127-acre former Golden Gate Baptist Theological Seminary property has the potential to diminish water quality within the project site and in Richardson Bay, standard construction requirements would protect local and regional water quality. Vegetation clearing, grading, and excavation increase the potential for erosion and sedimentation. The use of equipment during construction could cause spills or leaks of fuel, oil, and other fluids. Wet areas with hydric vegetation have been identified in the project site, which could experience construction related water quality impacts. Once constructed, the project site would be stabilized and would not degrade water quality. The origin of standard construction requirements for the project would be from compliance with Marin County Grading Code Chapter 23.18 and the California Construction General Permit Order 2009-0009-DWQ (as amended by 2010-0014-DWQ and 2012-0006-DWQ), including implementation of a stormwater pollution prevention plan and best management practices. These measures would avoid the potential for construction to substantially degrade water quality. The impact of the proposed project on water quality would be **less than significant**.

Development of the proposed project on the former Golden Gate Baptist Theological Seminary property would include vegetation removal, soil disturbance, earth moving, grading, excavation, cutting and filling, installation of infrastructure, stockpiling, paving, and construction of buildings which could degrade surface and ground water quality through increased erosion and sedimentation. Although borings taken in the project area show ground water at a depth of 13-17 feet, there is a potential that dewatering would be required if groundwater was encountered during excavation. Additionally, construction equipment has the potential to cause spills or fuel, oil, lubricants, and other fluids in the case of an accident or spill which could impact surface and ground water quality.

There are three wet areas described as potential aquatic resources in the project site as mapped by an Ascent wetland ecologist on September 1, 2022. The resources were mapped as potential resources based on the presence of hydrophytic vegetation and hydrology, but a regulatory aquatic resources delineation was not performed. Because one of these wet areas is located outside of and upslope from the disturbance footprint of the project, neither direct alteration nor project runoff impacts would occur in that area. Two of these three wet areas are within the disturbance footprint of the project and may be subject to water quality degradation from the project. These on-site areas do not likely meet the State definition of an aquatic resource and, therefore, do not offer substantial resource quality, because they are associated with roadside ditches that do not flow directly from or through another water source into a water of the State. Also, they do not meet the federal definition because they are ditches excavated wholly in and draining only uplands that do not carry a relatively permanent flow of water. These features are dry for most of the year. Project runoff into these two

wet ditches would not result in significant water quality impacts, because of the absence of substantial resource qualities and the ditch's predominantly dry condition during most of the year.

The project would comply with the SWRCB Construction General Permit (2022-0057-DWQ), which would require water quality protection through standard construction specifications. This permit requires the development of a SWPPP and the installation of erosion and sediment controls; implementation and maintenance of temporary construction BMPs to control and effectively manage site runoff; and waste control measures to prevent leakage or spill of hazardous materials into soils and surface waters. The SWPPP would have the following required elements:

- Site-specific temporary BMPs would be identified to prevent the transport of earthen materials and other construction waste materials from disturbed land areas, stockpiles, and staging areas during periods of precipitation or runoff. BMPs could include using filter fences, fiber rolls, erosion control blankets, mulch (such as wood chips), temporary drainage swales, settling basins, and other erosion-control methods.
- Site-specific temporary BMPs would be identified to prevent the tracking of earthen materials and other waste materials from the project site to off-site locations. BMPs could include using stabilized points of entry/exit for construction vehicles/equipment and designated vehicle/equipment rinse stations and sweeping.
- Dewatering specifications that include BMPs that prevent the dewatering discharge from exceeding numeric action levels for a pollutant (a level that triggers a reevaluation of the effectiveness of best management practices).
- Site-specific temporary BMPs would be identified to prevent wind erosion of earthen materials and other waste materials from the project site. BMPs could include routine application of water to disturbed land areas and covering of stockpiles with plastic or fabric sheeting.
- A site-specific spill prevention and containment plan would be prepared and implemented. Project contractors would be responsible for storing on-site materials and implementing temporary BMPs capable of capturing and containing pollutants from fueling operations, fuel storage areas, and other areas used for the storage of hydrocarbon-based materials. This would include maintaining materials on-site (such as oil absorbent booms and sheets) for the cleanup of accidental spills, using drip pans beneath construction equipment, training site workers in spill response measures, immediately cleaning up spilled materials in accordance with directives from SFBRWQCB, and properly disposing of waste materials at an approved off-site location that is licensed to receive such wastes.
- Site-specific temporary BMPs would be identified to capture and contain pollutants generated by concrete construction, including using lined containment for rinse water to collect runoff from washing of concrete delivery trucks and equipment.
- Protective fencing would be used to prevent damage to trees and other vegetation that would remain after construction, including tree protection fencing and individual tree protection, such as wood slats strapped along the circumference of trees.
- Daily inspection and maintenance of temporary BMPs would be required. The prime contractor would be required to maintain a daily log of temporary construction BMP inspections and keep the log on-site during project construction for review by SFBRWQCB.
- Tree removal activities, including the dropping of trees, would be confined to the construction limit boundaries.
- Construction boundary fencing would be required to limit disturbance and prevent access to areas not under active construction.
- Postconstruction BMPs and the BMP maintenance schedule would be identified. Postconstruction BMPs must address water quality, channel protection, overbank flood protection, and extreme flood protection.

- Disturbed areas would be revegetated or stabilized with approved native seed mixes and/or mulch.

If dewatering operations were to encounter groundwater polluted by volatile organic compounds, fuel leaks, fuel additives, and other related wastes, dewatering would be required to occur under the VOC and Fuel General Dewatering Permit Order No. R2-2017-0048. This permit will be known as the Groundwater General Permit in March 2024. The discharge from the dewatering operations would be treated as required in the permit and made part of the project SWPPP to minimize any degradation of water quality.

During construction, the project would also comply with Marin County Code Chapter 23.18, *Urban Runoff Pollution Prevention*. The Code protects and enhances watercourses by minimizing discharges other than storm runoff to storm drains or watercourses; responding to the discharge of spills, preventing and controlling the discharge of spills to storm drains or watercourses and prohibiting dumping or disposal of materials other than stormwater; reducing pollutants in stormwater discharges to the maximum extent practicable; and requiring operators of construction sites, new or redeveloped land, and industrial and commercial facilities to install, implement, or maintain appropriate BMPs. The Code also requires any person performing construction activities in the County to implement appropriate BMPs to prevent the discharge of construction wastes, including soil or sediment, or contaminants from construction materials, tools and equipment from entering a county storm drain, watercourse, bay or ocean.

During operation, the project site would be stabilized and stormwater basins would detain and treat runoff, improving runoff water quality in the project site. Marin County Code 23.18.095 requires routine vegetation, sediment and debris removal, and annual inspection and maintenance of structures. Vegetation removal would not include healthy bank vegetation and would likely occur annually or on an as-needed basis and would not include ground-disturbing activities and would employ hand tools, thus minimizing risks of water quality impacts from spills or equipment leaks in the channel or erosion from disturbed soils.

Compliance with the Construction General Permit, including preparation and implementation of the SWPPP and associated BMPs, as well as inspection and reporting, as well as compliance with Chapter 23.18 of the Marin County Code, would effectively avoid the potential for substantial degradation of surface and groundwater quality during construction and operation of the project. This would result in a water quality impact that would be **less than significant**.

4.11 REVISIONS TO SECTION 3.10 LAND USE AND PLANNING

Page 3.10-7 of the Draft EIR has been revised as follows to include the Strawberry Community Plan to the list of plans that regulate land uses on the project site.

ORIGINAL:

The 1984 Master Plan expired on January 1, 2018. The expiration of the Master Plan did not affect the 1953 CUP that originally authorized and continues to allow the use of the property as a school. Without the influence of the Master Plan, the land use designations and policies revert to those expressed in the Countywide Plan and the 1953 CUP.

REVISED:

The 1984 Master Plan expired on January 1, 2018. The expiration of the Master Plan did not affect the 1953 CUP that originally authorized and continues to allow the use of the property as an academic campus~~ school~~. Without the influence of the Master Plan, the land use designations and policies revert to those expressed in the Countywide Plan, Strawberry Community Plan, and the 1953 CUP. However, in accordance with State housing law, the density for the site would be dictated by the Countywide Plan rather than the Strawberry Community Plan.

To provide clarification that the project site is zoned RMP-2.47, page 3.10-8 of the Draft EIR is revised as follows:

ORIGINAL:

The Marin Countywide Plan designates the project site as MF2 (Multi-Family 2), which is within the Low Density Residential land use category of the Countywide Plan and allows a density of 2-4 residential units per acre. The project site is zoned RMP-2.47:AH (Residential, Multiple Planned District), and allows a density of 2.47 residential units per acre.

REVISED:

The Marin Countywide Plan designates the project site as MF2 (Multi-Family 2), which is within the Low Density Residential land use category of the Countywide Plan and allows a density of 2-4 residential units per acre. The project site is zoned RMP-2.47~~:AH~~ (Residential, Multiple Planned District), and allows a density of 2.47 residential units per acre.

To provide clarification that the Club at Harbor Point restaurant is open to the public, page 3.10-8 of the Draft EIR is revised as follows:

ORIGINAL:

The surrounding community of Strawberry is a primarily residential area within Marin County. Residential uses, including condominiums and single- and multi-family homes, surround the project site. The Club at Harbor Point, located east of the project site, offers membership access to a clubhouse and club restaurant, fitness center, pool, and tennis courts. Southern Marin Fire Protection District, Station 9, is located directly north of and adjacent to the project site.

REVISED:

The surrounding community of Strawberry is a primarily residential area within Marin County. Residential uses, including condominiums and single- and multi-family homes, surround the project site. The Club at Harbor Point, located east of the project site, offers membership access to a clubhouse and club restaurant (also open to the public), fitness center, pool, and tennis courts. Southern Marin Fire Protection District, Station 9, is located directly north of and adjacent to the project site.

To correct the title of Figure 3.10-1 on page 3.10-9 of the Draft EIR is revised as follows:

ORIGINAL:

Figure 3.10-1 General Plan Land Use

REVISED:

Figure 3.10-1 ~~General Plan~~ Countywide Plan Land Use

To provide clarification that the project site is zoned RMP-2.47, the first sentence on page 3.10-13 of the Draft EIR is revised as follows:

ORIGINAL:

The project site is zoned RMP-2.47:AH (Residential, Multiple Planned District), and allows a density of 2.47 residential units per acre.

REVISED:

The project site is zoned RMP-2.47~~:AH~~ (Residential, Multiple Planned District), and allows a density of 2.47 residential units per acre.

To identify the specific mitigation measures considered in the land use consistency analysis, the following policy consistency analyses in Table 3.10-1 starting on page 3.10-14 of the Draft EIR have been revised as follows:

ORIGINAL:

Table 3.10-1 Project Consistency with Applicable Local Policies

Policy	Consistency Analysis
Policy TRL-2.1: Preserve the Environment. In locating and designing trails, protect sensitive habitat and natural resources by avoiding those areas.	**Potentially Inconsistent Unless Mitigated.** The proposed project includes the establishment of new trails and pathways throughout the project site as well as improvements to existing trails. As discussed in Section 3.4, "Biological Resources," construction and grading for new trails in woodland, forest, scrub, and grassland habitats would result in potentially significant impacts on sensitive natural communities as well as habitat potentially suitable for special-status plants and wildlife species. However, as detailed in Section 3.4, mitigation measures are proposed that would reduce these potentially significant impacts to less than significant. Therefore, the proposed project would be consistent with this policy with implementation of mitigation.
Policy CD-2.8: Limit Development in Resource or Hazard Areas. Discourage development in areas with high natural resource value or threats to life or property, and restrict development in such areas to minimize adverse impacts.	**Potentially Inconsistent Unless Mitigated.** The proposed project is located on a developed site with existing structures and established uses in an urbanized area on the Strawberry Peninsula. As discussed in Section 3.4, although the project site supports sensitive habitat, plants, and wildlife, mitigation measures have been proposed to reduce any potentially significant impacts of the proposed project on biological resources to less than significant. Additionally, as discussed in Section 3.6, "Geology and Soils," the project site is not located within an Alquist-Priolo Earthquake Fault Zone, and there is no indication that any active or potentially active faults are present within or in immediate proximity to the site. However, the project site is within areas mapped with steep slopes, bay mud, or as potentially liquefiable; thus, the proposed project could exacerbate potential risks associated with seismically induced ground failure, slope instability, and landslides. Although the project site is in an area of geologic instability, mitigation measures are proposed that would reduce the proposed project's potential to exacerbate hazards associated with seismically induced ground failure, slope instability, and landslides. As detailed in Section 3.6, these potentially significant impacts would be reduced to less than significant with mitigation. Furthermore, as discussed in Section 3.9, "Hydrology and Water Quality," the project site is not within a designated flood hazard area and would not be inundated by a tsunami or sea level rise under near-, mid-, or long-term scenarios. Therefore, the proposed project would be consistent with this policy with implementation of mitigation.
Policy NO-1.1: Limit Noise from New Development. Direct the siting, design, and insulation of new development to ensure that acceptable noise levels are not exceeded.	**Potentially Inconsistent Unless Mitigated.** The proposed project would be designed in compliance with all applicable noise standards for interior noise levels. However, as detailed in Section 3.11, "Noise and Vibration," the operation of new HVAC equipment associated with the proposed project could result in a substantial increase in permanent noise during the quietest times of the night. As further detailed in Section 3.11, mitigation is proposed to reduce this impact to less than significant. Therefore, the proposed project would be consistent with this policy with implementation of mitigation.

Policy	Consistency Analysis
Policy NO-1.3: Regulate Noise Generating Activities. Require measures to minimize noise exposure to neighboring properties, open space, and wildlife habitat from construction-related activities, yard maintenance equipment, and other noise sources, such as amplified music.	**Potentially Inconsistent Unless Mitigated.** As detailed in Section 3.11, construction activities associated with the proposed project would generate noise levels that would intermittently constitute a substantial increase (perceived more than doubling of the existing noise levels) for an extended period of construction time. However, mitigation is proposed to reduce construction noise levels to the extent feasible. Therefore, the proposed project would be consistent with this policy with implementation of mitigation.
5. Stem the increasing rate of traffic congestion, air, water, and noise pollution.	**Potentially Inconsistent Unless Mitigated.** According to the LOS Assessment prepared by Fehr & Peers for the proposed project (Appendix R), all intersections would operate at LOS C or better with the addition of project-generated traffic under all scenarios, which meets the County's LOS standard. Thus, no roadway or intersection changes would be required to meet the County's LOS standard. As discussed in Section 3.2, "Air Quality," the proposed project would generate emissions of air pollutants in exceedance of air quality thresholds during construction. However, as detailed in Section 3.2, mitigation measures are proposed that would reduce these potentially significant impacts to less than significant. As discussed in Section 3.9, the proposed project would not degrade water quality with the implementation of a stormwater pollution prevention plan and best management practices during construction. During operation, the project site would be stabilized, and stormwater basins would be installed to detain and treat runoff, improving the water quality of runoff on the project site. As discussed in Section 3.11, the operation of new HVAC equipment associated with the proposed project could result in a substantial increase in permanent noise during the quietest times of the night. As further detailed in Section 3.11, mitigation is proposed to reduce this impact to less than significant. Construction activities associated with the proposed project would generate noise levels that would intermittently constitute a substantial increase (perceived more than doubling of the existing noise levels) for an extended period of construction time. However, mitigation is proposed to reduce construction noise levels to the extent feasible. Therefore, the proposed project would be consistent with this goal with implementation of mitigation.

Policy	Consistency Analysis
C. Transportation: The Community desires that the movement of traffic through the Strawberry area be safe for both pedestrians and vehicles. The Community further desires that existing traffic movement not be further interrupted by new development and that existing potentially hazardous conditions for pedestrians and vehicles be improved to an acceptable level of safety. Therefore, it is the goal of the Community that the overall density of new development in Strawberry be scaled to ensure future acceptable traffic levels of service. Where levels of service or safety are now currently unacceptable, or where service levels or safety conditions will deteriorate due to traffic generated by new development, improvements shall be required in conjunction with that new development. These improvements should be considered as appropriate mitigation measures to be applied to new development. Owners of the large undeveloped properties in the Strawberry area (DeSilva Island, Watertank Hill, Golden Gate Baptist Theological Seminary and Strawberry Spit/Point) will be required to contribute on a proportional basis to the funding necessary to construct required improvements. The proportion of the funding to be required from each property owner is to be determined by the traffic generated by each development and the impact of that traffic on the intersection or road to be improved. The formula for proportionality and method of collection requires further study and should be determined in the near future.	**Potentially Inconsistent Unless Mitigated.** According to the LOS Assessment prepared by Fehr & Peers for the proposed project (Appendix R), all intersections would operate at LOS C or better with the addition of project-generated traffic under all scenarios, which meets the County's LOS standard. Thus, no roadway or intersection changes would be required to meet the County's LOS standard. As discussed in Section 3.14, the project would expand bicycle and pedestrian facilities, thereby improving access and encouraging bicycling and walking as daily forms of transportation. Additionally, the project's addition of pedestrian and bicycle improvements would enhance safety for residents, staff, students, and visitors navigating the project site by foot, bike, or other nonmotorized mode of transportation. However, as detailed in Section 3.14, streets within the project site range in width from approximately 20 feet to 28 feet without shoulders; thus, the existing roadways do not satisfy the minimum required width for collector and local streets (i.e., 40 feet and 36 feet, respectively). Furthermore, the project would result in insufficient parking for the academic campus, which would result in spillover parking on adjacent streets. Because some of the internal roadways would not meet County roadway width requirements and the project would not supply the necessary number of parking spaces to avoid parking spillover, the project could result in potential safety hazards. As detailed in Section 3.14, mitigation measures are proposed that would reduce potentially significant safety hazard impacts to less than significant. Therefore, the proposed project would be consistent with this goal with implementation of mitigation.
Noise. Noise impacts on residents and persons in nearby areas shall be minimized through placement of buildings, recreation areas, roads and landscaping. Onsite acoustical conditions should be studied and site plans should be formulated so that placement of structures helps to disperse noise rather than allow it to reverberate.	**Potentially Inconsistent Unless Mitigated.** The potential noise impacts of the project are analyzed in Section 3.11 of this EIR. As discussed in Section 3.11, "Noise and Vibration," the operation of new HVAC equipment associated with the proposed project could result in a substantial increase in permanent noise during the quietest times of the night. However, as detailed in Section 3.11, mitigation is proposed to reduce this impact to less than significant. Additionally, the proposed project would be designed in compliance with all applicable noise standards for interior noise levels. Therefore, the proposed project would be consistent with this guideline with implementation of mitigation.
Policy E: Landslide and Soil Stability Problems. Because of the sloped topography of the undeveloped sites remaining in the Strawberry Community, soil stability and landslide potential are concerns that must be addressed in any development proposal. Adequate geologic and engineering investigations shall be required as part of any Master Plan, Development Plan and Design Review applications to determine the presence of any such hazards and to identify appropriate mitigations to ensure safe, stable housing and roadways.	**Potentially Inconsistent Unless Mitigated.** Geologic hazards and the project's potential to exacerbate such hazards are analyzed in Section 3.6, "Geology and Soils," of this EIR. As part of later detailed design development, geotechnical engineering would include further exploration and laboratory testing to inform project design. This requirement is included as mitigation in Section 3.6. Additionally, several previous geotechnical studies have been completed for the project site (Appendices I, J, K, and L). A list of these studies is provided in Section 3.6. As discussed in Section 3.6, the project site is not located within an Alquist-Priolo Earthquake Fault Zone, and there is no indication that any active or potentially active faults are present within or in immediate proximity to the site. However, the project site is within areas mapped with steep slopes, bay mud, or as potentially liquefiable; thus, the

Policy	Consistency Analysis
	proposed project could exacerbate potential risks associated with seismically induced ground failure, slope instability, and landslides. Although the project site is in an area of geologic instability, mitigation measures are proposed that would reduce the proposed project's potential to exacerbate hazards associated with seismically induced ground failure, slope instability, and landslides. As detailed in Section 3.6, these potentially significant impacts would be reduced to less than significant with mitigation. Therefore, the proposed project would be consistent with this policy with implementation of mitigation.

REVISED:

Table 3.10-1 Project Consistency with Applicable Local Policies

Policy	Consistency Analysis
Policy TRL-2.1: Preserve the Environment. In locating and designing trails, protect sensitive habitat and natural resources by avoiding those areas.	**Potentially Inconsistent Unless Mitigated.** The proposed project includes the establishment of new trails and pathways throughout the project site as well as improvements to existing trails. As discussed in Section 3.4, "Biological Resources," construction and grading for new trails in woodland, forest, scrub, and grassland habitats would result in potentially significant impacts on sensitive natural communities as well as habitat potentially suitable for special-status plants and wildlife species. However, as detailed in Section 3.4, mitigation measures are proposed that would reduce these potentially significant impacts to less than significant. These include Mitigation Measures 3.4-1a and 3.4-1b for impacts on special-status plants; Mitigation Measures 3.4-2a and 3.4-2b for impacts on monarch butterfly; Mitigation Measure 3.4-4 for impacts on special-status birds; and Mitigation Measure 3.4-7 for impacts on oak woodlands. Therefore, the proposed project would be consistent with this policy with implementation of mitigation.
Policy CD-2.8: Limit Development in Resource or Hazard Areas. Discourage development in areas with high natural resource value or threats to life or property, and restrict development in such areas to minimize adverse impacts.	**Potentially Inconsistent Unless Mitigated.** The proposed project is located on a developed site with existing structures and established uses in an urbanized area on the Strawberry Peninsula. As discussed in Section 3.4, although the project site supports sensitive habitat, plants, and wildlife, mitigation measures have been proposed to reduce any potentially significant impacts of the proposed project on biological resources to less than significant. These include Mitigation Measures 3.4-1a and 3.4-1b for impacts on special-status plants; Mitigation Measures 3.4-2a and 3.4-2b for impacts on monarch butterfly; Mitigation Measure 3.4-4 for impacts on special-status birds; Mitigation Measure 3.4-5 for impacts on special-status and common bats; and Mitigation Measure 3.4-7 for impacts on oak woodlands. Additionally, as discussed in Section 3.6, "Geology and Soils," the project site is not located within an Alquist-Priolo Earthquake Fault Zone, and there is no indication that any active or potentially active faults are present within or in immediate proximity to the site. However, the project site is within areas mapped with steep slopes, bay mud, or as potentially liquefiable; thus, the proposed project could exacerbate potential risks associated with seismically induced ground failure, slope instability, and landslides. Although the project site is in an area of geologic instability, mitigation measures are proposed that would reduce the proposed project's potential to exacerbate hazards associated with seismically induced ground failure, slope instability, and landslides. As detailed in Section 3.6, these potentially significant impacts would be reduced to less than significant with mitigation. These include Mitigation Measure 3.6-2 for impacts related to seismically induced ground failure and Mitigation Measure 3.6-4 for impacts related to slope instability/landsliding, both of which require geotechnical

Policy	Consistency Analysis
	engineering to address these geologic issues. Furthermore, as discussed in Section 3.9, "Hydrology and Water Quality," the project site is not within a designated flood hazard area and would not be inundated by a tsunami or sea level rise under near-, mid-, or long-term scenarios. Therefore, the proposed project would be consistent with this policy with implementation of mitigation.
Policy NO-1.1: Limit Noise from New Development. Direct the siting, design, and insulation of new development to ensure that acceptable noise levels are not exceeded.	**Potentially Inconsistent Unless Mitigated.** The proposed project would be designed in compliance with all applicable noise standards for interior noise levels. However, as detailed in Section 3.11, "Noise and Vibration," the operation of new HVAC equipment associated with the proposed project could result in a substantial increase in permanent noise during the quietest times of the night. As further detailed in Section 3.11, Mitigation Measure 3.11-4 ~~mitigation~~ is proposed to reduce this impact to less than significant. Mitigation Measure 3.11-4 would require compliance with the County's stationary noise source criteria and ensuring mechanical equipment noise would not exceed ambient noise by more than 5 dBA. Therefore, the proposed project would be consistent with this policy with implementation of mitigation.
Policy NO-1.2: Minimize Transportation Noise. Ensure that transportation activities do not generate noise beyond acceptable levels, including in open space, wilderness, wildlife habitat, and wetland areas.	**Consistent.** As detailed in Section 3.11, long-term increases in traffic noise could occur as a result of increased vehicular trips generated by the project on local roads near the project site. However, project-related traffic noise levels would not exceed applicable noise thresholds. Therefore, the proposed project would be consistent with this policy.
Policy NO-1.3: Regulate Noise Generating Activities. Require measures to minimize noise exposure to neighboring properties, open space, and wildlife habitat from construction-related activities, yard maintenance equipment, and other noise sources, such as amplified music.	**Potentially Inconsistent Unless Mitigated.** As detailed in Section 3.11, construction activities associated with the proposed project would generate noise levels that would intermittently constitute a substantial increase (perceived more than doubling of the existing noise levels) for an extended period of construction time. However, Mitigation Measure 3.11-1 ~~mitigation~~ is proposed to reduce construction noise levels to the extent feasible. Mitigation Measure 3.11-1 would require locating equipment as far away from receivers as possible, requiring the proper use of available noise-reduction equipment, including use of alternatively powered equipment, exhaust mufflers, engine shrouds, equipment enclosures, and barriers for activities in the vicinity of noise-sensitive uses. Therefore, the proposed project would be consistent with this policy with implementation of mitigation.
5. Stem the increasing rate of traffic congestion, air, water, and noise pollution.	**Potentially Inconsistent Unless Mitigated.** According to the LOS Assessment prepared by Fehr & Peers for the proposed project (Appendix R), all intersections would operate at LOS C or better with the addition of project-generated traffic under all scenarios, which meets the County's LOS standard. Thus, no roadway or intersection changes would be required to meet the County's LOS standard. As discussed in Section 3.2, "Air Quality," the proposed project would generate emissions of air pollutants in exceedance of air quality thresholds during construction. However, as detailed in Section 3.2, ~~mitigation measures are~~ Mitigation Measure 3.2-1 is proposed ~~that~~ and would reduce these potentially significant impacts to less than significant by requiring use of Tier 4 engines for construction equipment exceeding 50 hp. As discussed in Section 3.9, the proposed project would not degrade water quality with the implementation of a stormwater pollution prevention plan and best management practices during construction. During operation, the project site would be stabilized, and stormwater basins would be installed to detain and treat runoff, improving the water quality of runoff on the project site. As discussed in Section 3.11, the operation of new HVAC equipment associated with the proposed project could result in a substantial increase in

Policy	Consistency Analysis
	permanent noise during the quietest times of the night. As further detailed in Section 3.11, Mitigation Measure 3.11-4 ~~mitigation~~ is proposed to reduce this impact to less than significant. Mitigation Measure 3.11-4 would require compliance with the County's stationary noise source criteria and ensuring mechanical equipment noise would not exceed ambient noise by more than 5 dBA. Construction activities associated with the proposed project would generate noise levels that would intermittently constitute a substantial increase (perceived more than doubling of the existing noise levels) for an extended period of construction time. However, ~~mitigation~~ Mitigation Measure 3.11-1 is proposed to reduce construction noise levels to the extent feasible. Mitigation Measure 3.11-1 would require locating equipment as far away from receivers as possible, requiring the proper use of available noise-reduction equipment, including use of alternatively powered equipment, exhaust mufflers, engine shrouds, equipment enclosures, and barriers for activities in the vicinity of noise-sensitive uses. Therefore, the proposed project would be consistent with this goal with implementation of mitigation.
C. Transportation: The Community desires that the movement of traffic through the Strawberry area be safe for both pedestrians and vehicles. The Community further desires that existing traffic movement not be further interrupted by new development and that existing potentially hazardous conditions for pedestrians and vehicles be improved to an acceptable level of safety. Therefore, it is the goal of the Community that the overall density of new development in Strawberry be scaled to ensure future acceptable traffic levels of service. Where levels of service or safety are now currently unacceptable, or where service levels or safety conditions will deteriorate due to traffic generated by new development, improvements shall be required in conjunction with that new development. These improvements should be considered as appropriate mitigation measures to be applied to new development. Owners of the large undeveloped properties in the Strawberry area (DeSilva Island, Watertank Hill, Golden Gate Baptist Theological Seminary and Strawberry Spit/Point) will be required to contribute on a proportional basis to the funding necessary to construct required improvements. The proportion of the funding to be required from each property owner is to be determined by the traffic generated by each development and the impact of that traffic on the intersection or road to be improved. The formula for proportionality and method of collection requires further study and should be determined in the near future.	**Potentially Inconsistent Unless Mitigated.** According to the LOS Assessment prepared by Fehr & Peers for the proposed project (Appendix R), all intersections would operate at LOS C or better with the addition of project-generated traffic under all scenarios, which meets the County's LOS standard. Thus, no roadway or intersection changes would be required to meet the County's LOS standard. As discussed in Section 3.14, the project would expand bicycle and pedestrian facilities, thereby improving access and encouraging bicycling and walking as daily forms of transportation. Additionally, the project's addition of pedestrian and bicycle improvements would enhance safety for residents, staff, students, and visitors navigating the project site by foot, bike, or other nonmotorized mode of transportation. However, as detailed in Section 3.14, streets within the project site range in width from approximately 20 feet to 28 feet without shoulders; thus, the existing roadways do not satisfy the minimum required width for collector and local streets (i.e., 40 feet and 36 feet, respectively). Furthermore, the project would result in insufficient parking for the academic campus, which would result in spillover parking on adjacent streets. Because some of the internal roadways would not meet County roadway width requirements and the project would not supply the necessary number of parking spaces to avoid parking spillover, the project could result in potential safety hazards. As detailed in Section 3.14, mitigation measures are proposed that would reduce potentially significant safety hazard impacts to less than significant. These include Mitigation Measure 3.14-3b, which requires the project applicant to design internal roadways to meet County of Marin design standards, and Mitigation Measure 3.14-3c, which requires the project applicant to implement parking demand reduction and/or supply measures to meet anticipated demand of the academic campus otherwise campus enrollment could not occur beyond 50 percent. Therefore, the proposed project would be consistent with this goal with implementation of mitigation.
Noise. Noise impacts on residents and persons in nearby areas shall be minimized through placement of buildings, recreation areas, roads and landscaping. Onsite acoustical conditions should be studied and site plans should be formulated so	**Potentially Inconsistent Unless Mitigated.** The potential noise impacts of the project are analyzed in Section 3.11 of this EIR. As discussed in Section 3.11, "Noise and Vibration," the operation of new HVAC equipment associated with the proposed project could result in a substantial increase in permanent noise during the quietest times of the night. However, as detailed in Section 3.11, Mitigation Measure 3.11-4 ~~mitigation~~ is proposed to reduce this impact

Policy	Consistency Analysis
that placement of structures helps to disperse noise rather than allow it to reverberate.	to less than significant. Mitigation Measure 3.11-4 would require compliance with the County's stationary noise source criteria and ensuring mechanical equipment noise would not exceed ambient noise by more than 5 dBA. Additionally, the proposed project would be designed in compliance with all applicable noise standards for interior noise levels. Therefore, the proposed project would be consistent with this guideline with implementation of mitigation.
Policy E: Landslide and Soil Stability Problems. Because of the sloped topography of the undeveloped sites remaining in the Strawberry Community, soil stability and landslide potential are concerns that must be addressed in any development proposal. Adequate geologic and engineering investigations shall be required as part of any Master Plan, Development Plan and Design Review applications to determine the presence of any such hazards and to identify appropriate mitigations to ensure safe, stable housing and roadways.	**Potentially Inconsistent Unless Mitigated.** Geologic hazards and the project's potential to exacerbate such hazards are analyzed in Section 3.6, "Geology and Soils," of this EIR. As part of later detailed design development, geotechnical engineering would include further exploration and laboratory testing to inform project design. This requirement is included as mitigation in Section 3.6 as Mitigation Measures 3.6-2 and 3.6-4. Additionally, several previous geotechnical studies have been completed for the project site (Appendices I, J, K, and L). A list of these studies is provided in Section 3.6. As discussed in Section 3.6, the project site is not located within an Alquist-Priolo Earthquake Fault Zone, and there is no indication that any active or potentially active faults are present within or in immediate proximity to the site. However, the project site is within areas mapped with steep slopes, bay mud, or as potentially liquefiable; thus, the proposed project could exacerbate potential risks associated with seismically induced ground failure, slope instability, and landslides. Although the project site is in an area of geologic instability, mitigation measures are proposed that would reduce the proposed project's potential to exacerbate hazards associated with seismically induced ground failure, slope instability, and landslides. As detailed in Section 3.6, these potentially significant impacts would be reduced to less than significant with mitigation. These include Mitigation Measure 3.6-2 for impacts related to seismically induced ground failure and Mitigation Measure 3.6-4 for impacts related to slope instability/landsliding, both of which require geotechnical engineering to address these geologic issues. Therefore, the proposed project would be consistent with this policy with implementation of mitigation.

To update the number of affordable units proposed for the project, the following policy consistency analyses in Table 3.10-1 starting on page 3.10-14 of the Draft EIR have been revised as follows:

ORIGINAL:

Policy	Consistency Analysis
Policy CD-2.1: Provide a Mix of Housing. The range of housing types, sizes, and prices should accommodate workers employed in Marin County. This includes rental units affordable to lower-wage earners and housing that meets the needs of families, seniors, disabled persons, and homeless individuals and families.	**Consistent.** The proposed project includes a range of housing types, sizes, and prices. The project includes the construction of 324 new/replacement housing units, including a mix of single- and multi-family (one-, two-, and three-bedroom units), consisting of market rate and affordable housing (low-income) units. Of the 324 new/replacement housing units that could be developed under the project, up to 50 units would be affordable housing units available to low-income households. Affordable units would be offered at rates in accordance with Section 22.22.080(c) of the Marin County Development Code. The affordable units will be inclusionary; dispersed throughout the project site; and comparable in location, size, and exterior design to the remaining units in the overall residential development in accordance with Section 22.22.080(E) of the Marin County Development Code. Additionally, the proposed project includes a new residential care facility that would be

Policy	Consistency Analysis
	designed to serve adults 55 and older with capacity to house up to 170 residents. The housing would consist of up to 100 independent living apartments and 50 assisted living and memory care residences. The provision of the residential care facility would provide additional housing opportunities in the county for seniors and disabled persons. Furthermore, objectives of the project include supporting a housing balance in the Strawberry community and providing housing units that contribute to meeting the housing goals outlined in the County's General Plan Housing Element. Therefore, the proposed project would be consistent with this policy.
Policy CD-2.11: Promote Diverse Affordable Housing Strategies. Promote a diverse set of affordable housing strategies to convert existing market rate units to permanently affordable units in addition to building affordable housing in appropriate locations.	**Consistent.** The project site was identified as a housing opportunity site in the sites inventory for the 2023-2031 Housing Element, which was adopted by the County Board of Supervisors in January 2023 and is the 6th cycle update. The proposed project includes the development of 324 new/replacement housing units on the project site, consisting of market rate and affordable units. Up to 50 housing units would be affordable units available to low-income households and would be offered at rates in accordance with Section 22.22.080(c) of the Marin County Development Code. In addition, one of the objectives of the proposed project is to support implementation of Countywide Plan Housing Element goals and policies to provide a mix of housing units, including affordable units, that contribute to meeting the housing goals outlined in the Countywide Plan Housing Element and consistent with the Association of Bay Area Governments' Regional Housing Needs Allocation for Marin County. Also, the project would comply with Implementing Program 3 of the Housing Element and State Housing Density Bonus Law require that any project that involves demolition of affordable housing on a project site replace the number of affordable units lost with new affordable units; otherwise, the project is not eligible for the density bonus. Moreover, the County would require as a condition of project approval that all demolished affordable units be replaced with the same number of affordable units at the same affordability or that 20 percent of the total number of units be affordable, whichever is greater. Therefore, the proposed project would promote and contribute to a diverse affordable housing strategy and building affordable housing in appropriate locations and not conflict would occur. Accordingly, the proposed project would be consistent with this policy.
Policy 1.1: Land Use. Enact policies that encourage efficient use of land to foster a range of housing types in our community.	**Consistent.** The proposed project includes the development of a range of housing types. The project includes the construction of 324 new/replacement housing units, including a mix of single- and multi-family (one-, two-, and three-bedroom units), and consists of market rate and affordable housing units. Of the 324 new/replacement housing units that could be developed under the project, up to 50 units would be affordable housing units available to low-income households. Additionally, the proposed project includes a new residential care facility that would be designed to serve adults 55 and older with capacity to house up to 170 residents. The housing would consist of up to 100 independent living apartments and 50 assisted living and memory care residences. The provision of the residential care facility would

Policy	Consistency Analysis
	provide additional housing opportunities in the county for seniors and disabled persons, further contributing a range of housing types in the community. Therefore, the proposed project would be consistent with this policy.
Policy 1.2: Regional Housing Needs Assessment. Maintain an adequate inventory of residential and mixed-use sites to fully accommodate the County's RHNA by income category throughout the planning period.	**Consistent.** The project site was identified as a housing opportunity site in the sites inventory for the 2023-2031 Housing Element, which was adopted by the County Board of Supervisors in January 2023 and is the 6th cycle update. The proposed project includes the development of 324 new/replacement housing units on the project site, consisting of market rate and affordable units. Up to 50 housing units would be affordable units available to low-income households and would be offered at rates in accordance with Section 22.22.080(c) of the Marin County Development Code. Additionally, the project includes an amendment to the existing Strawberry Community Plan to remove the restriction that requires that residential and other site uses be dedicated exclusively to students, faculty, and staff of the academic campus. By removing this restriction, a portion of the 324 new/replacement units proposed by the project would be available to lease by the broader community. However, preference would first be given to on-site workers, students, faculty, and staff. Furthermore, the proposed project includes a new residential care facility that would be designed to serve adults 55 and older with capacity to house up to 170 residents. The provision of the market rate, affordable housing, senior living units would assist the County in meeting its RHNA housing allocations as identified in the 2023-2031 Housing Element. Therefore, the proposed project would be consistent with this policy.
Policy 1.3: Housing Sites. Recognize developable land as a scarce community resource. Protect and expand the supply and residential capacity of housing sites, particularly for lower income households.	**Consistent.** The project site was identified as a housing opportunity site in the sites inventory for the 2023-2031 Housing Element. The proposed project would contribute to the housing supply within the county by including the development of 324 new/replacement units, including 50 affordable units that would be available to low-income households. Therefore, the proposed project would be consistent with this policy.

Policy	Consistency Analysis
Policy 2.1: Special Needs Groups. Expand housing opportunities for special needs groups, including seniors, people living with disabilities (including mental, physical, and developmental disabilities), agricultural workers and their families, individuals and families experiencing homelessness, single-parent families, large households, lower income (including extremely low-income) households, and other persons identified as having special housing needs in Marin County.	**Consistent.** The proposed project includes the construction of a residential care facility on the project site that would be designed to serve adults 55 and older with capacity to house up to 170 residents. The housing would consist of up to 100 independent living apartments and 50 assisted living and memory care residences. The provision of the residential care facility would provide additional housing opportunities in the county for seniors and disabled persons. Additionally, up to 50 of the 324 new/replacement housing units proposed as part of the project would be affordable housing units available to low-income residents. Affordable units would be offered at rates in accordance with Section 22.22.080(c) of the Marin County Development Code. The affordable units will be inclusionary; dispersed throughout the project site; and comparable in location, size, and exterior design to the remaining units in the overall residential development in accordance with Section 22.22.080(E) of the Marin County Development Code. Therefore, the proposed project would be consistent with this policy.
Policy 2.3: Workforce Housing. Implement policies that facilitate housing opportunities to meet the needs of Marin County's workforce, especially those earning lower incomes.	**Consistent.** The proposed project includes the construction of 324 new/replacement housing units, including up to 50 affordable housing units that would be available to low-income residents. Preference for housing would be given to on-site workers, students, faculty, and staff. Therefore, the proposed project would be consistent with this policy.
B. Housing Balance: The Community desires to retain a character that identifies the Strawberry area as a family oriented community. Such an identity is established by the visual, physical setting of the community, as well as by the families who reside there. It is important that the social patterns, personal interaction, sights and sounds that typify single family neighborhoods be maintained and strengthened. If new development is to occur, it can strengthen this character by providing the traditional setting of detached single family units within any new development proposed for the area. Development plan proposals should give the highest priority to incorporating detached single family homes into the plan. Where physical constraints or opportunities dictate another housing type (i.e., attached units), the Community goal is to insure that unit size and project amenities are designed to provide the opportunity for and encourage occupancy by families with children. In this manner then the Community wishes to insure a housing balance that will continue to provide for families.	**Consistent.** The project site was identified as a housing opportunity site in the sites inventory for the 2023-2031 Housing Element, which was adopted by the County Board of Supervisors in January 2023 and is the 6th cycle update. The proposed project includes the development of a range of housing types that would assist the County in meeting its RHNA housing allocations as identified in the 2023-2031 Housing Element. The project includes the construction of 324 new/replacement housing units, including a mix of single- and multi-family (one-, two-, and three-bedroom units), and consists of market rate and affordable housing units. Up to 50 of the 324 new/replacement housing units proposed as part of the project would be affordable housing units available to low-income residents. The provision of market rate and affordable housing would provide a balance of housing as well as opportunities for families of various income levels. Furthermore, one of the objectives of the project is to create an intergenerational community for residents to live, work, and learn. The proposed project would also include a new residential care facility that would be designed to serve adults 55 and older with capacity to house up to 170 residents, as well as a new daycare facility. The provision of the residential care facility would provide additional housing opportunities in the County for seniors and disabled persons, further contributing a range of housing types in the community. Therefore, the proposed project would be consistent with this goal.
Policy D: Inclusionary Zoning. It is the policy of the Community Plan to support the goal of achieving below market rate housing through application of the inclusionary zoning ordinance requirements. Certain developments are not suitable for inclusionary units and, therefore, in-lieu	**Consistent.** Implementation of the proposed project would require a Master Plan pursuant to Marin County Development Code Section 22.44.020 for the following elements: daycare and fitness center, residential development, residential care facility, administration building renovation, maintenance building

Policy	Consistency Analysis
payments would be a more appropriate way of achieving below-market rate units. In particular, the potential density, location, access to public transportation and environmental impacts associated with development of inclusionary units should be evaluated as part of any Master Plan application for the four major parcels in Strawberry. In-lieu fees should be accepted if on-site inclusionary units are not economically feasible or otherwise desirable and are offered by the applicant.	replacement, landscape and hardscape improvements, and open space. The proposed residential development would include 324 new/replacement housing units, of which up to 50 would be affordable housing units available to low-income households. Affordable units would be offered at rates in accordance with Section 22.22.080(c) of the Marin County Development Code. The affordable units will be inclusionary; dispersed throughout the project site; and comparable in location, size, and exterior design to the remaining units in the overall residential development in accordance with Section 22.22.080(E) of the Marin County Development Code. Therefore, the proposed project would be consistent with this policy.

REVISED:

Policy	Consistency Analysis
Policy CD-2.1: Provide a Mix of Housing. The range of housing types, sizes, and prices should accommodate workers employed in Marin County. This includes rental units affordable to lower-wage earners and housing that meets the needs of families, seniors, disabled persons, and homeless individuals and families.	**Consistent.** The proposed project includes a range of housing types, sizes, and prices. The project includes the construction of 324 new/replacement housing units, including a mix of single- and multi-family (one-, two-, and three-bedroom units), consisting of market rate and affordable housing (low-income) units. Of the 324 new/replacement housing units that could be developed under the project, up to ~~5~~70 units would be affordable housing units available to low-income households. Affordable units would be offered at rates in accordance with Section 22.22.080(c) of the Marin County Development Code. The affordable units will be inclusionary; dispersed throughout the project site; and comparable in location, size, and exterior design to the remaining units in the overall residential development in accordance with Section 22.22.080(E) of the Marin County Development Code. Additionally, the proposed project includes a new residential care facility that would be designed to serve adults 55 and older with capacity to house up to 170 residents. The housing would consist of up to 100 independent living apartments and 50 assisted living and memory care residences. The provision of the residential care facility would provide additional housing opportunities in the county for seniors and disabled persons. Furthermore, objectives of the project include supporting a housing balance in the Strawberry community and providing housing units that contribute to meeting the housing goals outlined in the County's General Plan Housing Element. Therefore, the proposed project would be consistent with this policy.
Policy CD-2.11: Promote Diverse Affordable Housing Strategies. Promote a diverse set of affordable housing strategies to convert existing market rate units to permanently affordable units in addition to building affordable housing in appropriate locations.	**Consistent.** The project site was identified as a housing opportunity site in the sites inventory for the 2023-2031 Housing Element, which was adopted by the County Board of Supervisors in January 2023 and is the 6th cycle update. The proposed project includes the development of 324 new/replacement housing units on the project site, consisting of market rate and affordable units. Up to ~~5~~70 housing units would be affordable units available to low-income households and would be offered at rates in accordance with Section 22.22.080(c) of the Marin County Development Code. In addition, one of the objectives of the proposed project is to support implementation of Countywide Plan Housing Element goals and policies to provide a mix of housing units, including

Policy	Consistency Analysis
	affordable units, that contribute to meeting the housing goals outlined in the Countywide Plan Housing Element and consistent with the Association of Bay Area Governments' Regional Housing Needs Allocation for Marin County. Also, the project would comply with Implementing Program 3 of the Housing Element and State Housing Density Bonus Law require that any project that involves demolition of affordable housing on a project site replace the number of affordable units lost with new affordable units; otherwise, the project is not eligible for the density bonus. Moreover, the County would require as a condition of project approval that all demolished affordable units be replaced with the same number of affordable units at the same affordability or that 20 percent of the total number of units be affordable, whichever is greater. Therefore, the proposed project would promote and contribute to a diverse affordable housing strategy and building affordable housing in appropriate locations and not conflict would occur. Accordingly, the proposed project would be consistent with this policy.
Policy 1.1: Land Use. Enact policies that encourage efficient use of land to foster a range of housing types in our community.	**Consistent.** The proposed project includes the development of a range of housing types. The project includes the construction of 324 new/replacement housing units, including a mix of single- and multi-family (one-, two-, and three-bedroom units), and consists of market rate and affordable housing units. Of the 324 new/replacement housing units that could be developed under the project, up to ~~5~~70 units would be affordable housing units available to low-income households. Additionally, the proposed project includes a new residential care facility that would be designed to serve adults 55 and older with capacity to house up to 170 residents. The housing would consist of up to 100 independent living apartments and 50 assisted living and memory care residences. The provision of the residential care facility would provide additional housing opportunities in the county for seniors and disabled persons, further contributing a range of housing types in the community. Therefore, the proposed project would be consistent with this policy.
Policy 1.2: Regional Housing Needs Assessment. Maintain an adequate inventory of residential and mixed-use sites to fully accommodate the County's RHNA by income category throughout the planning period.	**Consistent.** The project site was identified as a housing opportunity site in the sites inventory for the 2023-2031 Housing Element, which was adopted by the County Board of Supervisors in January 2023 and is the 6th cycle update. The proposed project includes the development of 324 new/replacement housing units on the project site, consisting of market rate and affordable units. Up to ~~5~~70 housing units would be affordable units available to low-income households and would be offered at rates in accordance with Section 22.22.080(c) of the Marin County Development Code. Additionally, the project includes an amendment to the existing Strawberry Community Plan to remove the restriction that requires that residential and other site uses be dedicated exclusively to students, faculty, and staff of the academic campus. By removing this restriction, a portion of the 324 new/replacement units proposed by the project would be available to lease by the broader community. However, preference would first be given to on-site workers, students, faculty, and staff. Furthermore, the proposed project includes a new residential care facility that would be designed to serve adults 55 and older with capacity to house up to 170 residents. The provision of the market rate, affordable housing,

Policy	Consistency Analysis
	senior living units would assist the County in meeting its RHNA housing allocations as identified in the 2023-2031 Housing Element. Therefore, the proposed project would be consistent with this policy.
Policy 1.3: Housing Sites. Recognize developable land as a scarce community resource. Protect and expand the supply and residential capacity of housing sites, particularly for lower income households.	**Consistent.** The project site was identified as a housing opportunity site in the sites inventory for the 2023-2031 Housing Element. The proposed project would contribute to the housing supply within the county by including the development of 324 new/replacement units, including ~~5~~70 affordable units that would be available to low-income households. Therefore, the proposed project would be consistent with this policy.
Policy 2.1: Special Needs Groups. Expand housing opportunities for special needs groups, including seniors, people living with disabilities (including mental, physical, and developmental disabilities), agricultural workers and their families, individuals and families experiencing homelessness, single-parent families, large households, lower income (including extremely low-income) households, and other persons identified as having special housing needs in Marin County.	**Consistent.** The proposed project includes the construction of a residential care facility on the project site that would be designed to serve adults 55 and older with capacity to house up to 170 residents. The housing would consist of up to 100 independent living apartments and 50 assisted living and memory care residences. The provision of the residential care facility would provide additional housing opportunities in the county for seniors and disabled persons. Additionally, up to ~~5~~70 of the 324 new/replacement housing units proposed as part of the project would be affordable housing units available to low-income residents. Affordable units would be offered at rates in accordance with Section 22.22.080(c) of the Marin County Development Code. The affordable units will be inclusionary; dispersed throughout the project site; and comparable in location, size, and exterior design to the remaining units in the overall residential development in accordance with Section 22.22.080(E) of the Marin County Development Code. Therefore, the proposed project would be consistent with this policy.
Policy 2.3: Workforce Housing. Implement policies that facilitate housing opportunities to meet the needs of Marin County's workforce, especially those earning lower incomes.	**Consistent.** The proposed project includes the construction of 324 new/replacement housing units, including up to ~~5~~70 affordable housing units that would be available to low-income residents. Preference for housing would be given to on-site workers, students, faculty, and staff. Therefore, the proposed project would be consistent with this policy.
B. Housing Balance: The Community desires to retain a character that identifies the Strawberry area as a family oriented community. Such an identity is established by the visual, physical setting of the community, as well as by the families who reside there. It is important that the social patterns, personal interaction, sights and sounds that typify single family neighborhoods be maintained and strengthened. If new development is to occur, it can strengthen this character by providing the traditional setting of detached single family units within any new development proposed for the area. Development plan proposals should give the highest priority to incorporating detached single family homes into the plan. Where physical constraints or opportunities dictate another housing type (i.e., attached units), the Community goal is to insure that unit size and project amenities are designed to provide the opportunity for and encourage occupancy by families with children. In this manner then the Community wishes to insure a housing balance that will continue to provide for families.	**Consistent.** The project site was identified as a housing opportunity site in the sites inventory for the 2023-2031 Housing Element, which was adopted by the County Board of Supervisors in January 2023 and is the 6th cycle update. The proposed project includes the development of a range of housing types that would assist the County in meeting its RHNA housing allocations as identified in the 2023-2031 Housing Element. The project includes the construction of 324 new/replacement housing units, including a mix of single- and multi-family (one-, two-, and three-bedroom units), and consists of market rate and affordable housing units. Up to ~~5~~70 of the 324 new/replacement housing units proposed as part of the project would be affordable housing units available to low-income residents. The provision of market rate and affordable housing would provide a balance of housing as well as opportunities for families of various income levels. Furthermore, one of the objectives of the project is to create an intergenerational community for residents to live, work, and learn. The proposed project would also include a new residential care facility that would be designed to serve adults 55 and older with capacity to house up to 170 residents, as well as a new daycare facility. The provision of the

Policy	Consistency Analysis
	residential care facility would provide additional housing opportunities in the County for seniors and disabled persons, further contributing a range of housing types in the community. Therefore, the proposed project would be consistent with this goal.
Policy D: Inclusionary Zoning. It is the policy of the Community Plan to support the goal of achieving below market rate housing through application of the inclusionary zoning ordinance requirements. Certain developments are not suitable for inclusionary units and, therefore, in-lieu payments would be a more appropriate way of achieving below-market rate units. In particular, the potential density, location, access to public transportation and environmental impacts associated with development of inclusionary units should be evaluated as part of any Master Plan application for the four major parcels in Strawberry. In-lieu fees should be accepted if on-site inclusionary units are not economically feasible or otherwise desirable and are offered by the applicant.	**Consistent.** Implementation of the proposed project would require a Master Plan pursuant to Marin County Development Code Section 22.44.020 for the following elements: daycare and fitness center, residential development, residential care facility, administration building renovation, maintenance building replacement, landscape and hardscape improvements, and open space. The proposed residential development would include 324 new/replacement housing units, of which up to ~~57~~70 would be affordable housing units available to low-income households. Affordable units would be offered at rates in accordance with Section 22.22.080(c) of the Marin County Development Code. The affordable units will be inclusionary; dispersed throughout the project site; and comparable in location, size, and exterior design to the remaining units in the overall residential development in accordance with Section 22.22.080(E) of the Marin County Development Code. Therefore, the proposed project would be consistent with this policy.

To amplify the conclusion of the significance after mitigation for Impact 3.10-1, the last sentence on page 3.10-24 of the Draft EIR is revised as follows:

ORIGINAL:

Therefore, land use and planning impacts would be **less than significant.**

REVISED:

Therefore, land use and planning impacts would be **less than significant** with mitigation incorporated.

4.12 REVISIONS TO SECTION 3.11 NOISE AND VIBRATION

To provide clarification that loudspeakers for outdoor activities would not be permitted as part of the project, page 3.11-18 of the Draft EIR under Impact 3.11-4 is revised as follows:

ORIGINAL:

Noise sources commonly associated with the facilities proposed for the project would include the use of onsite building equipment such as HVAC systems; parking lot activities (e.g., opening and closing of vehicle doors, people talking); event noise, and changes to the existing sports field. Noise levels associated with these noise sources are discussed separately, below.

REVISED:

Noise sources commonly associated with the facilities proposed for the project would include the use of onsite building equipment such as HVAC systems; parking lot activities (e.g., opening and closing of vehicle doors, people talking); event noise, and changes to the existing sports field. Noise levels associated with these noise sources are discussed separately, below. As described in Chapter 2, "Project Description," the use of loudspeakers for outdoor activities would not be permitted as part of the project. Therefore, noise associated with amplification has not been analyzed herein.

To provide additional information related to truck noise from deliveries at the residential care facility, the following has been added after the discussion on parking facilities on page 3.11-19 of the Draft EIR:

REVISED:

Deliveries

Truck noise from deliveries can reach as loud as 79 dBA at 30 feet from backup alarms on trucks (Salter 2014 [Charles M. Salter Associates, Inc. 2014. Loading Dock Noise Study for City of San Jose.]). The nearest sensitive receiver (residences) would be located approximately 150 feet from delivery activity. Therefore, delivery noise would be as loud as 62 dBA at 150 feet. Existing noise levels near sensitive receivers on Storer Drive are approximately 67 dBA. Therefore, noise from delivery activity would be lower than existing noise levels and would not result in a substantial increase in noise.

4.13 REVISIONS TO SECTION 3.12 POPULATION AND HOUSING

To reflect the most recent population data, the population and population growth discussion starting on page 3.12-11 of the Draft EIR ahs been updated as follows:

ORIGINAL:

POPULATION AND POPULATION GROWTH

In January 2023, the California Department of Finance (DOF) estimated the total population of Marin County to be 252,959 and the population of the unincorporated county to be 66,032 (DOF 2023a). Although the population in the county overall has increased since 2010 and is expected to increase in the near future (Table 3.12-2), between 2019 and 2023, the population in the county overall declined from 261,478 to 252,959, and the population in unincorporated Marin County declined from 68,863 to 66,032 (DOF 2019, 2023a). In 2040, the total population in the county is expected to be 253,549, a total slightly greater than the current estimate for the county (DOF 2021).

Growth in the county overall has been considerably slower than predicted. As discussed in the Marin Countywide Plan Update Final EIR, the 2005 Marin Countywide Plan Update, relying on then-recent projections from ABAG, anticipated a 2030 population of 283,100 in the county overall, whereas the Final EIR itself anticipated a larger 2030 population of 286,340 (Marin County 2007: 4.1-49). Similarly, the 2022 Housing & Safety Element Update to the Marin Countywide Plan Draft EIR, relying on 2018 projections from ABAG, anticipates a 2030 population of 274,530 in the county overall (Marin County 2022: 16-2). These figures assume thousands more residents in the county than DOF projected for 2030 in 2021 (Table 3.12-2).

Table 3.12-2 DOF Historic and Projected Population for Marin County

Year	Marin County (total)	Percent Change	Unincorporated Marin County	Percent Change
2010	252,409[a]	—	67,427[a]	—
2020	262,321[b]	3.9%	69,226[b]	2.7%
2030	257,024[c]	-2.0%	NA	NA
2035	256,131[c]	-0.3%	NA	NA
2040	253,549[c]	-1.0%	NA	NA

Notes: NA = not available.

[a] Source: DOF 2010.

[b] Source: DOF 2020.

[c] Source: DOF 2021.

Population information for Strawberry, a census designated place (CDP), is more limited than that available for the county. DOF presents US Census data for 2010 and 2020 but no projections of future population in the

CDP. In 2010, the estimated population of Strawberry was 5,393 (DOF 2015a). By 2020, the estimated population in Strawberry was 5,447, representing an increase of 1 percent since 2010 (DOF 2023b). Between 2010 and 2020, Strawberry experienced less than half the growth seen in the unincorporated county in general.

REVISED:

POPULATION AND POPULATION GROWTH

In January 20~~23~~25, the California Department of Finance (DOF) estimated the total population of Marin County to be ~~252,959~~ 251,790 and the population of the unincorporated county to be ~~66,032~~ 66,414 (DOF ~~2023~~ 2025a). Although the population in the county overall has increased since 2010 and is expected to increase in the near future (Table 3.12-2), between 20~~19~~20 and 20~~23~~25, the population in the county overall declined from ~~261,478~~ 262,321 to ~~252,959~~ 251,790, and the population in unincorporated Marin County declined from ~~68,863~~ 69,226 to ~~66,032~~ 66,414 (DOF ~~2019, 2023a~~ 2020, 2025a). In 2040, the total population in the county is expected to be ~~253,549~~ 247,501, a total slightly greater than the ~~current~~ 2035 estimate for the county of 247,303 (DOF ~~2021~~ 2025b).

Growth in the county overall has been considerably slower than predicted. As discussed in the Marin Countywide Plan Update Final EIR, the 2005 Marin Countywide Plan Update, relying on then-recent projections from ABAG, anticipated a 2030 population of 283,100 in the county overall, whereas the Final EIR itself anticipated a larger 2030 population of 286,340 (Marin County 2007: 4.1-49). Similarly, the 2022 Housing & Safety Element Update to the Marin Countywide Plan Draft EIR, relying on 2018 projections from ABAG, anticipates a 2030 population of 274,530 in the county overall (Marin County 2022: 16-2). These figures assume thousands more residents in the county than DOF projected for 2030 in ~~2021~~ 2025 (Table 3.12-2).

Table 3.12-2 DOF Historic and Projected Population for Marin County

Year	Marin County (total)	Percent Change	Unincorporated Marin County	Percent Change
2010	252,409[a]	—	67,427[a]	—
2020	262,321[b]	3.9%	69,226[b]	2.7%
2025	251,790[d]	-4.0%	66,414[c]	-4.0%
2030	~~257,024[c]~~ 248,242[d]	~~-2.0%~~ -1.0%	NA	NA
2035	~~256,131[c]~~ 247,303[d]	~~-0.3%~~ -0.4%	NA	NA
2040	~~253,549[c]~~ 247,501[d]	~~-1.0%~~ 0.1%	NA	NA

Notes: NA = not available.

[a] Source: DOF 2010.

[b] Source: DOF 2020.

[c] Source: ~~DOF 2021~~ DOF 2025a.

[d] Source: DOF 2025b.

Population information for Strawberry, a census designated place (CDP), is more limited than that available for the county. DOF presents US Census data for 2010 and 2020 but no projections of future population in the CDP. In 2010, the estimated population of Strawberry was 5,393 (DOF 2015a). By 2020, the estimated population in Strawberry was 5,447, representing an increase of 1 percent since 2010 (DOF 2023b). Between 2010 and 2020, Strawberry experienced less than half the growth seen in the unincorporated county in general. US Census data for 2023 estimated the population of Strawberry at 5,496, representing less than 1 percent growth between 2020 and 2023 (US Census Bureau 2023a).

To reflect the most recent housing and vacancy data, the housing units and vacancy discussion starting on page 3.12-11 of the Draft EIR has been updated as follows:

ORIGINAL:

HOUSING UNITS AND VACANCY

The number of housing units in Marin County overall was estimated (January 2023) to be 112,183, with nearly three-quarters of those units single attached or single detached homes (DOF 2023a). The remainder are multifamily units and mobile homes. The vacancy rate for the county overall was estimated (January 2023) to be 6.8 percent (DOF 2023a). In the unincorporated portion of the county, 24,447 of the 29,341 units, or 83 percent, are single attached or single detached homes, and the vacancy rate is 10.5 percent (DOF 2023a). More detail regarding existing housing in the unincorporated portion of the county, Marin County overall, and the state is presented in Table 3-12-3.

Table 3.12-3 Number of Housing Units and Vacancy Rate (January 2023)

Number of Housing Units:	Total	Single Detached	Single Attached	Two to Four	Five Plus	Mobile Homes	Occupied	Vacancy Rate
Unincorporated Marin County	29,341	22,498	1,949	1,408	2,931	555	26,248	10.5%
Marin County overall	112,183	68,166	11,792	8,355	21,979	1,891	104,595	6.8%
State	14,707,698	8,420,792	1,056,780	1,146,148	3,545,018	538,960	13,739,470	6.6%

Source: DOF 2023a.

From 2020 to 2023, the number of housing units in unincorporated Marin County increased by 85, for a growth rate of 0.003 percent, and the number of housing units in Marin County overall increased by 619, for a growth rate of 0.006 percent (DOF 2020, 2023a). From 2015 to 2050, ABAG forecasts a growth of 37,000 households in Marin County, for a growth rate of 34 percent (ABAG 2021).

Housing-related data, like population data, are more limited for Strawberry than for the county. The most current US Census data presented for Strawberry by DOF is for 2020, and unlike for the unincorporated county and the county overall, the data do not include details regarding types of housing units. From 2010 to 2020, the number of housing units in Strawberry was estimated to decline from 2,729 (DOF 2015b) to 2,714 (DOF 2023c), for a growth rate of -0.005. In 2020, the homeowner vacancy rate was estimated to be 1.3 percent, the rental vacancy rate was estimated to be 5.4 percent, and the overall vacancy rate was estimated to be 7.7 percent (DOF 2023c). The most recent (2020) overall vacancy rate for Strawberry (7.7 percent) is lower than the most recent (2023) overall vacancy rate for unincorporated Marin County (10.5 percent).

REVISED:

HOUSING UNITS AND VACANCY

The number of housing units in Marin County overall was estimated (January 20~~23~~25) to be ~~112,183~~ 113,062, with nearly three-quarters of those units single attached or single detached homes (DOF ~~2023a~~ 2025a). The remainder are multifamily units and mobile homes. The vacancy rate for the county overall was estimated (January ~~2023~~ 2025) to be 6.8 percent (DOF ~~2023a~~ 2025a). In the unincorporated portion of the county, ~~24,447~~ 24,573of the ~~29,341~~ 29,541 units, or 83 percent, are single attached or single detached homes, and the vacancy rate is 10.~~5~~2 percent (DOF ~~2023a~~ 2025a). More detail regarding existing housing in the unincorporated portion of the county, Marin County overall, and the state is presented in Table 3-12-3.

Table 3.12-3 Number of Housing Units and Vacancy Rate (January ~~2023~~2025)

Number of Housing Units:	Total	Single Detached	Single Attached	Two to Four	Five Plus	Mobile Homes	Occupied	Vacancy Rate
Unincorporated Marin County	~~29,341~~ 29,541	~~22,498~~ 22,581	~~1,949~~ 1,992	~~1,408~~ 1,408	~~2,931~~ 3,005	~~555~~ 555	~~26,248~~ 26,527	~~10.5%~~ 10.2%
Marin County overall	~~112,183~~ 113,062	~~68,166~~ 68,546	~~11,792~~ 12,093	~~8,355~~ 8,355	~~21,979~~ 22,177	~~1,891~~ 1,891	~~104,595~~ 105,347	~~6.8%~~ 6.8%
State	~~14,707,698~~ 14,949,001	~~8,420,792~~ 8,525,241	~~1,056,780~~ 1,086,359	~~1,146,148~~ 1,152,281	~~3,545,018~~ 3,645,563	~~538,960~~ 539,557	~~13,739,470~~ 13,993,318	~~6.6%~~ 6.4%

Source: DOF ~~2023a~~2025a.

From 2020 to 20~~23~~25, the number of housing units in unincorporated Marin County increased by 2~~8~~5, for a growth rate of ~~0.003~~ 1 percent, and the number of housing units in Marin County overall increased by ~~619~~ 1,498, for a growth rate of ~~0.006~~ 1.3 percent (DOF 2020, ~~2023a~~ 2025a). From 2015 to 2050, ABAG forecasts a growth of 37,000 households in Marin County, for a growth rate of 34 percent (ABAG 2021).

Housing-related data, like population data, are more limited for Strawberry than for the county. The most current US Census data presented for Strawberry by ~~DOF~~ the US Census Bureau is for 20~~20~~23, and unlike for the unincorporated county and the county overall, the data do not include details regarding types of housing units. From 2010 to 20~~20~~23, the number of housing units in Strawberry was estimated to decline from 2,729 (DOF 2015b) to ~~2,714~~ 2,676 (~~DOF 2023c~~ US Census Bureau 2023b), for a growth rate of ~~-0.005~~ -1.9 percent. In 2020, the homeowner vacancy rate was estimated to be 1.3 percent, the rental vacancy rate was estimated to be 5.4 percent, and the overall vacancy rate was estimated to be 7.7 percent (DOF 2023c). The most recent (20~~20~~23) overall vacancy rate for Strawberry (~~7.7~~ 13.8 percent) is ~~lower~~ higher than the most recent (20~~23~~25) overall vacancy rate for unincorporated Marin County (10.~~5~~2 percent) (US Census Bureau 2023b).

Table 3.12-4, Summary of Housing Units On-Site, Including Rental Rates, on page 3.12-13 of the Draft EIR has been revised as follows to reflect the correct total unit count:

ORIGINAL:

Table 3.12-4 Summary of Housing Units On-Site, Including Rental Rates

Existing Development Planning Area	Unit Count	Number of Bedrooms	Unit Type	Rental Rates for Existing Units
Chapel Drive				
Seminary Point-Tichenor (Gray/Lawrence/Redford)	24	24	1-bedroom	$1,575–$1,675
Hodges/Shuck				
Bagby	16	16	1-studio	$1,275–$1,375
Carey/Wallace/Maddox	22	22	1-bedroom	$1,575–$1,675
Mahon/Gill	8	8	1-bedroom	$1,700–$1,900
Foreman/Judson/Oliver/Rice	47	94	2-bedroom	$1,875–$2,075
Reed/Storer/Shuck				
Lockett	7	14	2-bedroom	$1,875–$2,075
Green	8	24	3-bedroom	$2,475–$2,575
Total/Average	**139**	**202**		**$1,945–$2,070**

Note: NA = not applicable.

Source: Compiled by North Coast Land Holdings in 2023.

REVISED:

Table 3.12-4 Summary of Housing Units On-Site, Including Rental Rates

Existing Development Planning Area	Unit Count	Number of Bedrooms	Unit Type	Rental Rates for Existing Units
Chapel Drive				
Seminary Point-Tichenor (Gray/Lawrence/Redford)	24	24	1-bedroom	$1,575–$1,675
Hodges/Shuck				
Bagby	16	16	1-studio	$1,275–$1,375
Carey/Wallace/Maddox	22	22	1-bedroom	$1,575–$1,675
Mahon/Gill	8	8	1-bedroom	$1,700–$1,900
Foreman/Judson/Oliver/Rice	47	94	2-bedroom	$1,875–$2,075
Reed/Storer/Shuck				
Lockett	7	14	2-bedroom	$1,875–$2,075
Green	8	24	3-bedroom	$2,475–$2,575
Total/Average	**139~~2~~**	**202**		**$1,945–$2,070**

Note: NA = not applicable.

Source: Compiled by North Coast Land Holdings in 2023.

To reflect the most recent employment data, the employment description on page 3.12-13 of the Draft EIR is revised as follows:

ORIGINAL:

EMPLOYMENT

According to the California Employment Development Department, Marin County had a labor force of 131,400 in May 2023. Of this total, 127,500 were employed, for an unemployment rate of 3.0 (EDD 2023). According to Data USA, which presents economic data based on data drawn from the US Census Bureau, the largest employment sectors for those living in Marin County in 2020 were professional, scientific, and technical services (16.6 percent); health care and social assistance (12.8 percent); and retail trade (9.7 percent) (Data USA n.d.). Employment opportunities (i.e., the number of total jobs) in Marin County have been declining and are expected to continue to decline per ABAG job growth projections. ABAG estimates that there were 135,000 jobs in Marin County in 2015 and forecasts a decline of 19,000 jobs, or 14 percent, to 116,000 jobs in the county by 2050 (ABAG 2021).

REVISED:

EMPLOYMENT

According to the California Employment Development Department, Marin County had a labor force of 131,400 in May 2023. Of this total, 127,500 were employed, for an unemployment rate of 3.0 (EDD 2023). According to Data USA, which presents economic data based on data drawn from the US Census Bureau, the largest employment sectors for those living in Marin County in 2020 were professional, scientific, and technical services (16.6 percent); health care and social assistance (12.8 percent); and retail trade (9.7 percent) (Data USA n.d.). <u>As of July 2025, California Employment Development Department data shows Marin County had a labor force of 127,100. Of this total, 121,000 were employed, for an unemployment rate of 4.8 (EDD 2025).</u> Employment opportunities (i.e., the number of total jobs) in Marin County have been declining and are expected to continue to decline per ABAG job growth projections. ABAG estimates that there were 135,000 jobs in Marin County in 2015 and forecasts a decline of 19,000 jobs, or 14 percent, to 116,000 jobs in the county by 2050 (ABAG 2021).

To reflect the most recent population data reported under Impact 3.12-1, the last paragraph starting on page 3.12-15 of the Draft EIR is revised as follows:

ORIGINAL:

As described in Section 3.12.2, "Environmental Setting," current projections assume that the population in overall Marin County (both incorporated cities and unincorporated territory) will decline by 2030 and continue to decline through 2040 (see Table 3.12-2). ABAG projections are not available for unincorporated Marin County for that period; however, DOF data show a pattern of overall county and unincorporated county populations rising and declining together. The population in both the county overall and unincorporated Marin County grew between 2010 and 2020 (see Table 3.12-2), but as stated previously, between 2019 and 2023, the population in the county overall declined from 261,478 to 252,959, and the population in unincorporated Marin County declined from 68,863 to 66,032 (DOF 2019, 2023a). It would be reasonable to expect, based on this pattern, that the projected decline in overall county population through 2040 would be reflected in a decline in the population of the unincorporated county during the same period. Even without a likely further decline, the current population of 66,032 in the unincorporated portion of the county is substantially less than the 2030 population projections of 76,400 identified in the 2007 Marin Countywide Plan Update Final EIR (Marin County 2007: 4.1-49) and 73,490 identified in the 2022 Housing & Safety Element Update to the Marin Countywide Plan Final EIR (Marin County 2022: 16-2). For these reasons, the population increase of 530 on the site associated with the project would be neither substantial nor unplanned.

REVISED:

As described in Section 3.12.2, "Environmental Setting," current projections assume that the population in overall Marin County (both incorporated cities and unincorporated territory) will decline by 2030 and continue to decline through 2040 (see Table 3.12-2). ABAG projections are not available for unincorporated Marin County for that period; however, DOF data show a pattern of overall county and unincorporated county populations rising and declining together. The population in both the county overall and unincorporated Marin County grew between 2010 and 2020 (see Table 3.12-2), but as stated previously, between 20~~19~~20 and 20~~23~~25, the population in the county overall declined from ~~261,478~~ 262,321 to ~~252,959~~ 251,790, and the population in unincorporated Marin County declined from ~~68,863~~ 69,226 to ~~66,032~~ 66,414 (DOF ~~2019, 2023a~~ 2020, 2025a). It would be reasonable to expect, based on this pattern, that the projected decline in overall county population through 2040 would be reflected in a decline in the population of the unincorporated county during the same period. Even without a likely further decline, the current population of ~~66,032~~ 66,414 in the unincorporated portion of the county is substantially less than the 2030 population projections of 76,400 identified in the 2007 Marin Countywide Plan Update Final EIR (Marin County 2007: 4.1-49) and 73,490 identified in the 2022 Housing & Safety Element Update to the Marin Countywide Plan Final EIR (Marin County 2022: 16-2). For these reasons, the population increase of 530 on the site associated with the project would be neither substantial nor unplanned.

To reflect the most recent vacancy data, the vacancy rates reported under Impact 3.12-2 starting on page 3.12-16 of the Draft EIR have been updated as follows:

ORIGINAL:

Impact 3.12-2: Displace Substantial Numbers of Existing People or Homes, Necessitating the Construction of Replacement Housing Elsewhere

Implementation of the project involves demolition of 139 residential units, which would result in the displacement of approximately 320 people. A recent estimate indicates that more than 3,000 housing units are available in unincorporated Marin County (DOF 2023a). Substantially more housing is available if portions of the East Bay and San Francisco are also considered in light of typical regional commute distances. In addition, the County anticipates construction of 5,214 housing units with implementation of the updated

Housing Element (Marin County 2023). A portion of this new housing would become available during the 4-year project construction period. Further, various benefits would be available to displaced residents. Lower-income residents, for example, would be entitled to payment of moving expenses; relocation assistance; and payment of the difference, if any, between affordable rent and rent for a "comparable" unit for up to 42 months. Although 139 residential units would be demolished under the project, the number of units lost would be replaced, and another 185 units would be added. Therefore, the number of residential units on the site, including the 13 housing units that were retained, would increase to 337 units. The expanded number of units would be sufficient to house up to approximately 850 residents—an increase of approximately 530 residents. In addition, Program 3 of the Housing Element and Housing Density Bonus Law requires that any project that involves demolition of affordable housing on a project site replace the number of affordable units lost with new affordable units; otherwise, the project is not eligible for the density bonus. Moreover, the County would require as a condition of project approval that all demolished affordable units be replaced with the same number of affordable units at the same affordability and that 20 percent of the total number of units be affordable. Approximately 30 percent of proposed project housing units would be occupied by the student, staff, and faculty population, so a portion of the students and faculty members displaced during construction would be expected to move back onto the project site following construction. Existing housing supply in the county and in neighboring regions of the Bay Area and housing anticipated in the Housing Element are much larger than the number of displaced residents, so it is expected to be sufficient to house the remaining displaced residents. Because existing housing in the region would be sufficient to house residents displaced during construction, additional housing will become available as the County proceeds with construction of 5,214 housing units anticipated under the updated Housing Element, the project site would be able to house up to approximately 850 residents (an increase of approximately 530 residents) following buildout of the project, and the County would require that all the demolished affordable units be replaced with the same number of affordable units at the same affordability and that 20 percent of the total number of units be affordable, construction of replacement housing elsewhere would not be required to address the displacement of residents from the project site. This impact would be **less than significant**.

Under the proposed project, 139 of the 152 residential units on the project site (145 residential units plus the 66 dormitory rooms, which are counted as seven units) would be demolished and replaced, and the remaining 13 residential units would be retained. The 66 dormitory rooms are included among the 139 units that would be demolished. (As mentioned above, the project does not involve the replacement of the dormitory rooms with new dormitory rooms, but it does involve the replacement of the seven residential units that represent the dormitory rooms in the count of on-site units.) In addition to the 139 units that would be replaced, 184 new units consisting of single-family and multifamily residences, as well as a residential care facility, would be constructed on-site.

Demolition of the 139 housing units would result in the displacement of approximately 320 people. Construction would be phased and is anticipated to last 4 years; however, specific phasing details, such as the exact timing of existing resident displacement, are not yet available.

As described under "Housing Units and Vacancy," above, the vacancy rate in unincorporated Marin County is 10.5 percent, which is considerably higher than the vacancy rates for Marin County overall (6.8 percent) and the state (6.6 percent). A recent estimate indicates that more than 3,000 housing units are available in unincorporated Marin County (DOF 2023a). Substantially more housing is available if, as discussed for Impact 3.12-1, portions of the East Bay and San Francisco are also considered in light of typical regional commute distances. In addition, as detailed in Table 3.12-1, above, during the current 8-year Housing Element planning period, nearly 1,400 acres in the county will be rezoned and the acreage used to construct more than 3,200 units to help the County meet its RHNA requirement. A portion of this new housing would become available during the 4-year project construction period. These units are included among the 5,214 housing units that would be added to the county with implementation of the updated Housing Element. The 5,214 housing units include (1) the Housing Element "Proposed Sites Inventory" total of 3,928 units to meet the RHNA, (2) the California Department of Housing and Community Development–recommended buffer to ensure an

adequate number of sites, and (3) additional units that could be proposed under state Housing Density Bonus law (Marin County 2022: 16-11).

REVISED:

Impact 3.12-2: Displace Substantial Numbers of Existing People or Homes, Necessitating the Construction of Replacement Housing Elsewhere

Implementation of the project involves demolition of 139 residential units, which would result in the displacement of approximately 320 people. A recent estimate indicates that more than 3,000 housing units are available in unincorporated Marin County (DOF ~~2023a~~ 2025a). Substantially more housing is available if portions of the East Bay and San Francisco are also considered in light of typical regional commute distances. In addition, the County anticipates construction of 5,214 housing units with implementation of the updated Housing Element (Marin County 2023). A portion of this new housing would become available during the 4-year project construction period. Further, various benefits would be available to displaced residents. Lower-income residents, for example, would be entitled to payment of moving expenses; relocation assistance; and payment of the difference, if any, between affordable rent and rent for a "comparable" unit for up to 42 months. Although 139 residential units would be demolished under the project, the number of units lost would be replaced, and another 185 units would be added. Therefore, the number of residential units on the site, including the 13 housing units that were retained, would increase to 337 units. The expanded number of units would be sufficient to house up to approximately 850 residents—an increase of approximately 530 residents. In addition, Program 3 of the Housing Element and Housing Density Bonus Law requires that any project that involves demolition of affordable housing on a project site replace the number of affordable units lost with new affordable units; otherwise, the project ~~is~~ would not be eligible for the density bonus and would be inconsistent with State law. ~~Moreover, the County would require as a condition of project approval that all demolished affordable units be replaced with the same number of affordable units at the same affordability and that 20 percent of the total number of units be affordable~~. Approximately 30 percent of proposed project housing units would be occupied by the student, staff, and faculty population, so a portion of the students and faculty members displaced during construction would be expected to move back onto the project site following construction. Existing housing supply in the county and in neighboring regions of the Bay Area and housing anticipated in the Housing Element are much larger than the number of displaced residents, so it is expected to be sufficient to house the remaining displaced residents. Because existing housing in the region would be sufficient to house residents displaced during construction, additional housing will become available as the County proceeds with construction of 5,214 housing units anticipated under the updated Housing Element, the project site would be able to house up to approximately 850 residents (an increase of approximately 530 residents) following buildout of the project, and the County would require that all the demolished affordable units be replaced with the same number of affordable units at the same affordability and that 20 percent of the total number of units be affordable, construction of replacement housing elsewhere would not be required to address the displacement of residents from the project site. This impact would be **less than significant**.

Under the proposed project, 139 of the 152 residential units on the project site (145 residential units plus the 66 dormitory rooms, which are counted as seven units) would be demolished and replaced, and the remaining 13 residential units would be retained. The 66 dormitory rooms are included among the 139 units that would be demolished. (As mentioned above, the project does not involve the replacement of the dormitory rooms with new dormitory rooms, but it does involve the replacement of the seven residential units that represent the dormitory rooms in the count of on-site units.) In addition to the 139 units that would be replaced, 184 new units consisting of single-family and multifamily residences, as well as a residential care facility, would be constructed on-site.

Demolition of the 139 housing units would result in the displacement of approximately 320 people. Construction would be phased and is anticipated to last 4 years; however, specific phasing details, such as the exact timing of existing resident displacement, are not yet available.

As described under "Housing Units and Vacancy," above, the vacancy rate in unincorporated Marin County is 10.~~5~~2 percent, which is considerably higher than the vacancy rates for Marin County overall (6.8 percent) and the state (6.~~6~~4 percent). A recent estimate indicates that more than 3,000 housing units are available in unincorporated Marin County (DOF ~~2023~~2025a). Substantially more housing is available if, as discussed for Impact 3.12-1, portions of the East Bay and San Francisco are also considered in light of typical regional commute distances. In addition, as detailed in Table 3.12-1, above, during the current 8-year Housing Element planning period, nearly 1,400 acres in the county will be rezoned and the acreage used to construct more than 3,200 units to help the County meet its RHNA requirement. A portion of this new housing would become available during the 4-year project construction period. These units are included among the 5,214 housing units that would be added to the county with implementation of the updated Housing Element. The 5,214 housing units include (1) the Housing Element "Proposed Sites Inventory" total of 3,928 units to meet the RHNA, (2) the California Department of Housing and Community Development–recommended buffer to ensure an adequate number of sites, and (3) additional units that could be proposed under state Housing Density Bonus law (Marin County 2022: 16-11).

The fourth paragraph on page 3.12-17 of the Draft EIR, has been revised as follows to reflect the updated number of affordable units to be developed as part of the proposed project:

ORIGINAL:

…In conformance with Marin County Development Code Section 22.22.020 and California's Housing Density Bonus Law, 50 of the proposed 324 new residential units (one one-bedroom, 19 two-bedroom, and 30 three-bedroom) would be available to low-income households…

REVISED:

In conformance with Marin County Development Code Section 22.22.020 and California's Housing Density Bonus Law, ~~5~~70of the proposed 324 new residential units (~~one~~ ten one-bedroom, ~~19~~ thirty six two-bedroom, and ~~30~~ twenty four three-bedroom) would be available to low-income households.

4.14 REVISIONS TO SECTION 3.13 PUBLIC SERVICES AND RECREATION

To provide updated school enrollment data for the 2024-2025 school year, Table 3.13-1 and Table 3.13-2 starting on page 3.13-10 of the Draft EIR have been updated as follows:

ORIGINAL:

Table 3.13-1 Capacities Compared to 2020-2021 and Projected Enrollments for Mill Valley School District

School	2020-2021 Enrollment	Target Capacity	Maximum Capacity	Highest Projected Enrollment	Lowest Projected Enrollment
Edna Maguire Elementary School	477	585	679	617	503
Old Mill Elementary School	278	312	363	309	277
Park Elementary School	259	345	403	304	260
Strawberry Point Elementary School	260	345	403	289	247
Tamalpais Valley Elementary School	419	489	571	459	415
Elementary school totals	1,693	2,076	2,419	1,952	1,701
Mill Valley Middle School	941	1,146	1,404	833	736

Note: Enrollments are projected through the 2030-2031 school year.

Source: Mill Valley School District 2021: Table 4.

Student enrollment in the Tamalpais Union High School District is projected to decline between the 2020-2021 and the 2025-2026 school years. Student enrollment in each of the five high schools in the 2020-2021 school year was below the capacity of each school, and the utilization of each of the schools is expected to decline with the anticipated decline in student enrollment by the 2025-2026 school year (Table 3.13-2) (Tamalpais Union High School District 2021).

School districts use student generation rates to determine school facility needs in their service area. Student generation rates in Marin County are based on a calculation of the number of students per residential unit at a particular moment in time, so these rates can vary over time, as reflected in the number of enrolled students and their respective grade levels, along with the number of residential units in the county (Marin County 2022). Current student generation rates for the Mill Valley and Tamalpais Union High School Districts are 0.5 and 0.2, respectively (Jones, pers. comm., 2023).

Table 3.13-2 Capacities Compared to 2020-2021 and Projected Enrollments for Tamalpais Union High School District

School	Capacity	2020-2021 Enrollment	2020-2021 Utilization	2025-2026 Enrollment (Projected)	2025-2026 Utilization (Projected)
Archie Williams High School	2,914	1,331	46%	952	33%
Redwood High School	3,243	1,975	61%	1,872	58%
Tamalpais High School	2,569	1,593	62%	1,428	56%
San Andreas High School	252	69	27%	50	20%
Tamiscal High School	364	116	32%	90	25%
Total or percent	**9,342**	**5,084**	**54%**	**4,392**	**47%**

Source: Tamalpais Union High School District 2021: Figure 2

REVISED:

Table 3.13-1 Capacities Compared to 202~~0~~4-202~~1~~5 and Projected Enrollments for Mill Valley School District

School	202~~0~~4-202~~1~~5 Enrollment	Target Capacity	Maximum Capacity	Highest Projected Enrollment	Lowest Projected Enrollment
Edna Maguire Elementary School	~~477~~399	585	679	617	503
Old Mill Elementary School	~~278~~261	312	363	309	277
Park Elementary School	~~259~~301	345	403	304	260
Strawberry Point Elementary School	~~260~~259	345	403	289	247
Tamalpais Valley Elementary School	~~419~~368	489	571	459	415
Elementary school totals	~~1,693~~1,588	2,076	2,419	1,952	1,701
Mill Valley Middle School	~~941~~721	1,146	1,404	833	736

Note: Enrollments are projected through the 2030-2031 school year.

Source: Mill Valley School District 2021: Table 4; Ed Data 2025b; 2025c; 2025d; 2025e; 2025h; 2025j.

Student enrollment in the Tamalpais Union High School District is projected to decline between the 202~~0~~4-202~~1~~5 and the 2025-2026 school years. Student enrollment in each of the five high schools in the 202~~0~~4-202~~1~~5 school year was below the capacity of each school, and the utilization of each of the schools is expected to decline with the anticipated decline in student enrollment by the 2025-2026 school year (Table 3.13-2) (Tamalpais Union High School District 2021; Ed Data 2025a; 2025f; 2025g; 2025i; 2025k).

School districts use student generation rates to determine school facility needs in their service area. Student generation rates in Marin County are based on a calculation of the number of students per residential unit at

a particular moment in time, so these rates can vary over time, as reflected in the number of enrolled students and their respective grade levels, along with the number of residential units in the county (Marin County 2022). Current student generation rates for the Mill Valley and Tamalpais Union High School Districts are 0.5 and 0.2, respectively (Jones, pers. comm., 2023.

Table 3.13-2 Capacities Compared to 2020-2021 and Projected Enrollments for Tamalpais Union High School District

School	Capacity	2020~~4~~-202~~1~~5 Enrollment	2020~~4~~-202~~1~~5 Utilization	2025-2026 Enrollment (Projected)	2025-2026 Utilization (Projected)
Archie Williams High School	2,914	~~1,331~~1,141	~~46~~39%	952	33%
Redwood High School	3,243	~~1,975~~1,722	~~61~~53%	1,872	58%
Tamalpais High School	2,569	~~1,593~~1,470	~~62~~57%	1,428	56%
San Andreas High School	252	~~69~~46	~~27~~18%	50	20%
Tamiscal High School	364	~~116~~124	~~32~~34%	90	25%
Total or percent	**9,342**	**~~5,084~~4,503**	**~~54~~48%**	**4,392**	**47%**

Source: Tamalpais Union High School District 2021: Figure 2; Ed Data 2025a; 2025f; 2025g; 2025i; 2025k.

To reflect the modifications to Mitigation Measure 3.14-4, page 3.13-15 of the Draft EIR has been updated as follows:

ORIGINAL:

Mitigation Measures

Implement Mitigation Measure 3.14-4 (Construct a Roundabout at the Intersection of Seminary Drive/Ricardo Road/Vista Del Sol), as described in Section 3.14, "Transportation."

Significance after Mitigation

Mitigation Measure 3.14-4 would require the project applicant to either construct a roundabout or construct a traffic signal at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol to facilitate the movement of vehicles if and when emergency response is needed in the area. If a roundabout is constructed, the design of the roundabout would include a potential advance warning devices to stop traffic entering the roundabout when fire trucks are traveling through the intersection. Should a traffic signal be constructed, the signal would interconnect to the traffic signal at the Redwood Highway Frontage Road/Seminary Drive intersection, and emergency vehicle pre-emption devices would be implemented at both intersection traffic signals. Implementing Mitigation Measure 3.15-4 would reduce the impact on increased demand for fire protection services. Therefore, the impact would be **less than significant with mitigation incorporated**.

REVISED:

Mitigation Measures

Implement Mitigation Measure 3.14-4 (~~Construct a Roundabout at the Intersection of Seminary Drive/Ricardo Road/Vista Del Sol~~ Install and Activate Emergency Vehicle Preemption Devices), as described in Section 3.14, "Transportation."

Significance after Mitigation

Mitigation Measure 3.14-4 would require the project applicant to purchase, install, and activate emergency vehicle preemption devices in the traffic signals at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive as well as seven fire station vehicles housed at Southern Marin Fire District Strawberry Fire Station 9. Mitigation Measure 3.14-4 would help maintain vehicular flow during emergency response by prioritizing right-of-way for emergency vehicles traveling from Fire Station 9 to US 101. ~~either construct a roundabout or construct a traffic signal at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol to facilitate the movement of vehicles if and when emergency response is needed in the area. If a roundabout is constructed, the design of the roundabout would include a potential advance warning devices to stop traffic entering the~~

~~roundabout when fire trucks are traveling through the intersection. Should a traffic signal be constructed, the signal would interconnect to the traffic signal at the Redwood Highway Frontage Road/Seminary Drive intersection, and emergency vehicle preemption devices would be implemented at both intersection traffic signals~~Implementing Mitigation Measure 3.15-4 would reduce the impact on increased demand for fire protection services. Therefore, the impact would be **less than significant with mitigation incorporated**.

To clarify the text under Impact 3.13-4, the first paragraph of the discussion on page 3.13-17 has been revised as follows to amplify that the analysis focuses on the project-related increase in population on-site.

ORIGINAL:

As described above, implementing the project would increase the population on the site by approximately 530 residents, which could result in an increased demand for park facilities and services in the area. Nearly a third of this total (170) would be residents of the residential care facility, who would not be expected to make substantial use of park facilities and services. The project also would generate approximately 253 jobs (216 new campus jobs, 34 jobs for the new residential care facility, and three jobs for the new fitness center). It is anticipated that most of these jobs would be filled by people already living in the region and that a substantial number of individuals would not need to relocate to the area. Moreover, as described in Chapter 2, "Project Description," preference for project housing would be given to on-site workers, students, faculty, and staff; thus, some of these individuals are already counted among the 530 residents who would live on the project site. Therefore, the anticipated increase in the number of employees would not have a substantial impact on the demand for park facilities and services.

REVISED:

As described above, implementing the project would increase the population on the site by approximately 530 residents, which could result in an increased demand for park facilities and services in the area. ~~Nearly a third of this total (170) would be residents of the residential care facility, who would not be expected to make substantial use of park facilities and services~~. The project also would generate approximately 253 jobs (216 new campus jobs, 34 jobs for the new residential care facility, and three jobs for the new fitness center). It is anticipated that most of these jobs would be filled by people already living in the region and that a substantial number of individuals would not need to relocate to the area. Moreover, as described in Chapter 2, "Project Description," preference for project housing would be given to on-site workers, students, faculty, and staff; thus, some of these individuals are already counted among the 530 residents who would live on the project site. Therefore, the anticipated increase in the number of employees would not have a substantial impact on the demand for park facilities and services.

4.15 REVISIONS TO SECTION 3.14 TRANSPORTATION

To correct the description of on-street parking on East Strawberry Drive, page 3.14-6 of the Draft EIR is revised as follows:

ORIGINAL:

- **East Strawberry Drive** is a bidirectional north/south collector roadway with one lane provided for each direction of travel. East Strawberry Drive is located north of the project site. The posted speed limit is 25 mph. On-street parking is available on both sides of the roadway.

REVISED:

- **East Strawberry Drive** is a bidirectional north/south collector roadway with one lane provided for each direction of travel. East Strawberry Drive is located north of the project site. The posted speed limit is 25 mph. On-street parking is available on ~~both sides~~ <u>one side</u> of the roadway.

To add additional clarity related to existing condition of East Strawberry Drive and be consistent with the TIS, page 3.14-9 of the Draft EIR is revised as follows:

ORIGINAL:

Many of the sidewalks along these roadways have gaps requiring pedestrians to temporarily enter vehicle travel lanes to proceed or are replaced with dirt trails at geographically challenging points. Additionally, some of these roadways only provide pedestrian facilities on one side of the road for long stretches.

REVISED:

Many of the sidewalks along these roadways have gaps requiring pedestrians to temporarily enter vehicle travel lanes to proceed or are replaced with dirt trails at geographically challenging points. Additionally, some of these roadways only provide pedestrian facilities on one side of the road for long stretches. In one example, there is no sidewalk in a segment of East Strawberry Drive between Harbor Cove Way and Island Drive where the roadway is split into two levels due to steep terrain, leaving little space between vehicle travel lanes and the adjacent homes. For other streets, sidewalks exist only on one side of the road for long stretches (e.g., Chapel Drive and Mission Drive). Sidewalks are also narrowed, to less than 4 feet wide, along some roads, such as along segments of East Strawberry Drive and Redwood Highway Frontage Road.

To provide clarification on performance goals for Mitigation Measure 3.14-2a and to add an additional recommended strategy as well as monitoring and reporting requirements, page 3.14-16 of the Draft EIR is revised as follows:

ORIGINAL:

Mitigation Measure 3.14-2a: Develop and Implement a Transportation Demand Management Program for Market Rate Residential Uses

Prior to the issuance of the first building permit in the first phase of development, the project applicant shall develop a Transportation Demand Management (TDM) program for the proposed market rate residential units, including any anticipated phasing, and shall submit the draft TDM program to the County of Marin Public Works for review and approval. The TDM program shall attempt to achieve a 39 percent reduction in weekday home-based VMT per capita generated by the proposed market rate single family and multi-family residential uses to reduce impacts to a less-than-significant level.

The project applicant shall be responsible for preparing and implementing the TDM Program. The project applicant shall be responsible for funding and overseeing the delivery of trip reduction/TDM proposed programs and strategies to achieve the maximum feasible trip reduction as determined in collaboration with County of Marin Public Works staff, which may include, but are not limited to, the following:

- Dedicated shuttle for residents of market units and/or academic campus employees and/or students;
- Establishment of carpool, buspool, or vanpool programs;
- Vanpool purchase incentives;
- Cash allowances, passes or other public transit subsidies and purchase incentives;
- Parking fees set at levels sufficient to incentivize alternative modes;
- Full or partial parking subsidies for ride-sharing vehicles;
- Bicycle programs including bike purchase incentives, storage, maintenance program, and on-site education program;
- On-site bike share program;
- Dedicated employee or student housing for adjacent campus;
- Designation of an on-site transportation coordinator for the project.

REVISED:

Mitigation Measure 3.14-2a: Develop and Implement a Transportation Demand Management Program for Market Rate Residential Uses

Prior to the issuance of the first building permit in the first phase of development, the project applicant shall develop a Transportation Demand Management (TDM) program for the proposed market rate residential units, including any anticipated phasing, and shall submit the draft TDM program to the County of Marin Public Works for review and approval. The performance goal of the TDM program shall ~~attempt to~~ be a 39 percent reduction in weekday home-based VMT per capita generated by the proposed market rate single family and multi-family residential uses to reduce impacts to a less-than-significant level.

The project applicant shall be responsible for preparing and implementing the TDM Program. The project applicant shall be responsible for funding and overseeing the delivery of trip reduction/TDM proposed programs and strategies to achieve the maximum feasible trip reduction as determined in collaboration with County of Marin Public Works staff, which may include, but are not limited to, the following:

- Dedicated shuttle for residents of market units and/or academic campus employees and/or students;
- Establishment of carpool, buspool, or vanpool programs in coordination with Marin Transit;
- Vanpool purchase incentives;
- Cash allowances, passes or other public transit subsidies and purchase incentives;
- Parking fees set at levels sufficient to incentivize alternative modes;
- Full or partial parking subsidies for ride-sharing vehicles (i.e., any form of carpooling or vanpooling where additional passengers are carried on the trip);
- Bicycle programs including bike purchase incentives, storage, maintenance program, and on-site education program;
- On-site bike share program;
- Dedicated employee or student housing for adjacent campus;
- Designation of an on-site transportation coordinator for the project;
- Coordination with Golden Gate Transit and Marin Transit to increase transit service in the project area.

The project applicant shall be responsible for preparing and submitting annual monitoring reports to the County in order to inform the County on the effectiveness of the approved TDM program.

As discussed in Chapter 2, "Project Updates," of this Final EIR, project updates and edits in this Final EIR correct the affordable unit count and involve increasing the affordable units to be dedicated under the proposed project to 70 affordable units. Thus, while the total number of dwelling units does not change, the number of market rate and affordable multi-family units has been revised from the original project description, with 20 fewer market rate multi-family units and 20 more affordable multi-family units. To account for this reallocation of affordable housing units, page 3.14-18 has been revised as follows:

ORIGINAL:

The project currently contains 608 parking spaces, including 311 residential parking spaces and 297 parking spaces for the academic campus. The required parking supply for development projects in the County is identified in Section 24.04.340 of the Marin County Code. The County Code specifies parking requirements for the residential component of the project but does not provide parking requirements for a college campus. The project would provide a total of 944 parking spaces in a three-tiered parking lot and in underground garages in residential structures and garages in duplexes. This includes 51 existing residential spaces, 467 new spaces for proposed residential development, 185 new spaces for the proposed residential

care facility, and 241 spaces for the academic campus. The TIS found that a total of 915 parking stalls would be necessary to meet demand during a typical weekday (Appendix Q). Based on Marin County Code parking requirements as well as the estimated parking demand based on ITE parking rates, the parking provided for residential uses would be adequate. According to the County Code, the project would be required to provide a total of 695 parking spaces for the proposed residential uses, which would be exceeded by the proposed 703 parking spaces. However, the 241 parking spaces for the academic campus would not be sufficient to meet demand at build-out and with enrollment, thus resulting in potential spillover into adjacent residential areas, which could result in secondary impacts to emergency vehicle access and bicyclists using on-street bike lanes if blocked by illegally parked campus-related vehicles. An additional 144 parking spaces beyond the proposed 241 spaces would be needed to meet the estimated demand for the academic campus. Approximately 60 percent of the proposed academic campus build-out and attendant enrollment could be accommodated with the proposed parking supply.

REVISED:

The project currently contains 608 parking spaces, including 311 residential parking spaces and 297 parking spaces for the academic campus. The required parking supply for development projects in the County is identified in Section 24.04.340 of the Marin County Code. The County Code specifies parking requirements for the residential component of the project but does not provide parking requirements for a college campus. The project would provide a total of 944 parking spaces in a three-tiered parking lot and in underground garages in residential structures and garages in duplexes. This includes 51 existing residential spaces, 467 new spaces for proposed residential development, 185 new spaces for the proposed residential care facility, and 241 spaces for the academic campus. The TIS found that a total of ~~915~~907 parking stalls would be necessary to meet demand during a typical weekday (Appendix ~~Q~~C of the FEIR). Based on Marin County Code parking requirements as well as the estimated parking demand based on ITE parking rates, the parking provided for residential uses would be adequate. According to the County Code, the project would be required to provide a total of ~~539~~695 parking spaces for the proposed residential uses, which would be exceeded by the proposed 703 parking spaces. However, the 241 parking spaces for the academic campus would not be sufficient to meet demand at build-out and with enrollment, thus resulting in potential spillover into adjacent residential areas, which could result in secondary impacts to emergency vehicle access and bicyclists using on-street bike lanes if blocked by illegally parked campus-related vehicles. An additional 144 parking spaces beyond the proposed 241 spaces would be needed to meet the estimated demand for the academic campus. Approximately 60 percent of the proposed academic campus build-out and attendant enrollment could be accommodated with the proposed parking supply.

To address public opposition to Draft EIR Mitigation Measure 3.14-4 involving installation of a roundabout or traffic signal at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol, Mitigation Measure 3.14-4 and the significance after mitigation discussion on page 3.14-24 of the Draft EIR is revised as follows:

ORIGINAL:

Mitigation Measure 3.14-4: Construct a Roundabout at the Intersection of Seminary Drive/Ricardo Road/Vista Del Sol

The project applicant shall construct a roundabout at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol. The design of the roundabout, and potential advance warning devices to stop traffic entering the roundabout when fire trucks are traveling through the intersection, shall be reviewed and approved by the Southern Marin Fire Protection District.

An alternative mitigation measure to the addition of a roundabout would be a traffic signal at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol with interconnect to the traffic signal at the Redwood Highway Frontage Road/Seminary Drive intersection. Emergency vehicle pre-emption devices shall be implemented at both intersection traffic signals. If the alternative traffic signal is implemented, design of the improvements shall be reviewed and approved by the Southern Marin Fire Protection District.

Significance after Mitigation

Mitigation Measure 3.14-3b would require the project applicant to widen any internal roadways that do not currently meet County roadway width standards. Implementation of Mitigation Measure 3.14-4 would require the project applicant to either construct a traffic signal or build a roundabout at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol to facilitate the movement of vehicles if and when emergency response is needed in the area. Mitigation Measures 3.14-3b and 3.14-4 would reduce impacts to emergency access. Therefore, the impact would be **less than significant with mitigation incorporated.**

REVISED:

Mitigation Measure 3.14-4: Install and Activate Emergency Vehicle Preemption Devices ~~Construct a Roundabout at the Intersection of Seminary Drive/Ricardo Road/Vista Del Sol~~

The project applicant shall be responsible for designing, obtaining permits for, installing, and activating emergency vehicle preemption equipment subject to agency approvals and oversight. This includes emergency vehicle preemption detection technology in the traffic signals at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive. The project applicant shall also be responsible for purchasing, installing, and activating emergency vehicle preemption emitting devices in seven fire station vehicles housed at Strawberry Fire Station 9 (Southern Marin Fire District). The measures shall be in place and activated prior to increasing the student enrollment above 100 or the number of occupied residential units above 145. The emergency preemption vehicle technology shall be reviewed and approved by the Southern Marin Fire Protection District, County Transportation Division, and Caltrans prior to installation. ~~construct a roundabout at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol. The design of the roundabout, and potential advance warning devices to stop traffic entering the roundabout when fire trucks are traveling through the intersection, shall be reviewed and approved by the Southern Marin Fire Protection District~~.

~~An alternative mitigation measure to the addition of a roundabout would be a traffic signal at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol with interconnect to the traffic signal at the Redwood Highway Frontage Road/Seminary Drive intersection. Emergency vehicle pre-emption devices shall be implemented at both intersection traffic signals. If the alternative traffic signal is implemented, design of the improvements shall be reviewed and approved by the Southern Marin Fire Protection District.~~

Significance after Mitigation

Mitigation Measure 3.14-3b would require the project applicant to widen any internal roadways that do not currently meet County roadway width standards. Implementation of Mitigation Measure 3.14-4 would require the project applicant to purchase, install, and activate emergency vehicle preemption devices in the traffic signals at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive as well as seven fire station vehicles housed at Southern Marin Fire District Strawberry Fire Station 9. Mitigation Measure 3.14-4 would help maintain vehicular flow during emergency response by prioritizing right-of-way for emergency vehicles traveling from Fire Station 9 to US 101.~~either construct a traffic signal or build a roundabout at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol to facilitate the movement of vehicles if and when emergency response is needed in the area~~ Mitigation Measures 3.14-3b and 3.14-4 would reduce impacts to emergency access. Therefore, the impact would be **less than significant with mitigation incorporated.**

To provide clarity and consistency with the Transportation Impact Study (Appendix Q of the Draft EIR), page 3.14-6 and page 3.14-9 have been revised to include additional detail regarding the existing condition of East Strawberry Drive. The Draft EIR is revised as follows:

ORIGINAL:

- **East Strawberry Drive** is a bidirectional north/south collector roadway with one lane provided for each direction of travel. East Strawberry Drive is located north of the project site. The posted speed limit is 25 mph. On-street parking is available on both sides of the roadway.

REVISED:

- **East Strawberry Drive** is a bidirectional north/south collector roadway with one lane provided for each direction of travel. East Strawberry Drive is located north of the project site. The posted speed limit is 25 mph. On-street parking is available on ~~both sides~~ one side of the roadway.

Additionally, although Section 3.14, "Transportation," acknowledges that many sidewalks along project roadways have gaps in pedestrian facilities, page 3.14-9 has been revised to include additional detail regarding the existing condition of East Strawberry Drive to be consistent with the TIS as follows:

ORIGINAL:

Many of the sidewalks along these roadways have gaps requiring pedestrians to temporarily enter vehicle travel lanes to proceed or are replaced with dirt trails at geographically challenging points. Additionally, some of these roadways only provide pedestrian facilities on one side of the road for long stretches.

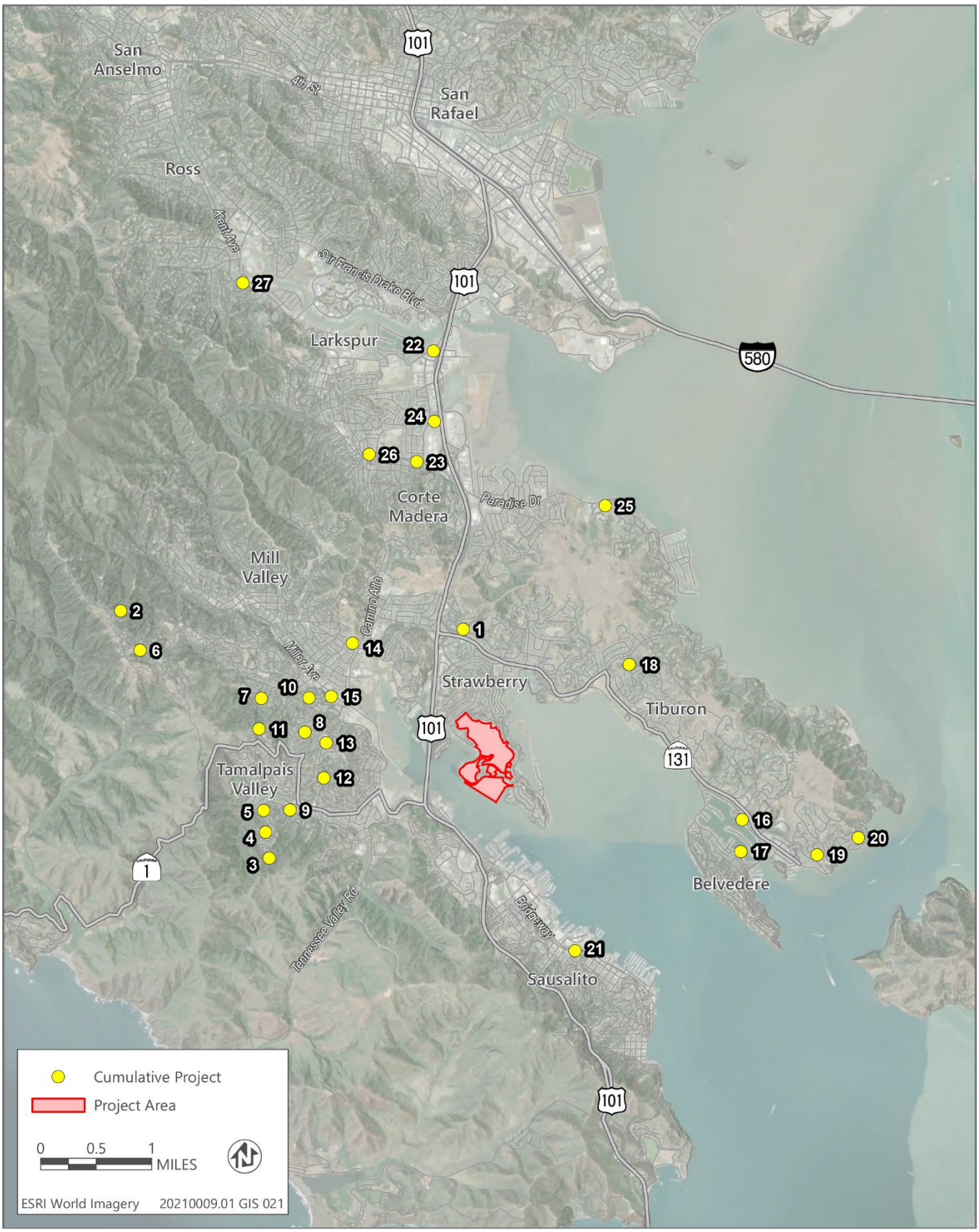
REVISED:

Many of the sidewalks along these roadways have gaps requiring pedestrians to temporarily enter vehicle travel lanes to proceed or are replaced with dirt trails at geographically challenging points. Additionally, some of these roadways only provide pedestrian facilities on one side of the road for long stretches. In one example, there is no sidewalk in a segment of East Strawberry Drive between Harbor Cove Way and Island Drive where the roadway is split into two levels due to steep terrain, leaving little space between vehicle travel lanes and the adjacent homes. For other streets, sidewalks exist only on one side of the road for long stretches (e.g., Chapel Drive and Mission Drive). Sidewalks are also narrowed, to less than 4 feet wide, along some roads, such as along segments of East Strawberry Drive and Redwood Highway Frontage Road.

4.16 REVISIONS TO CHAPTER 4 CUMULATIVE IMPACTS

To provide clarification regarding the cumulative projects under consideration, Figure 4-1 on page 4-3 of the Draft EIR has been revised as follows:

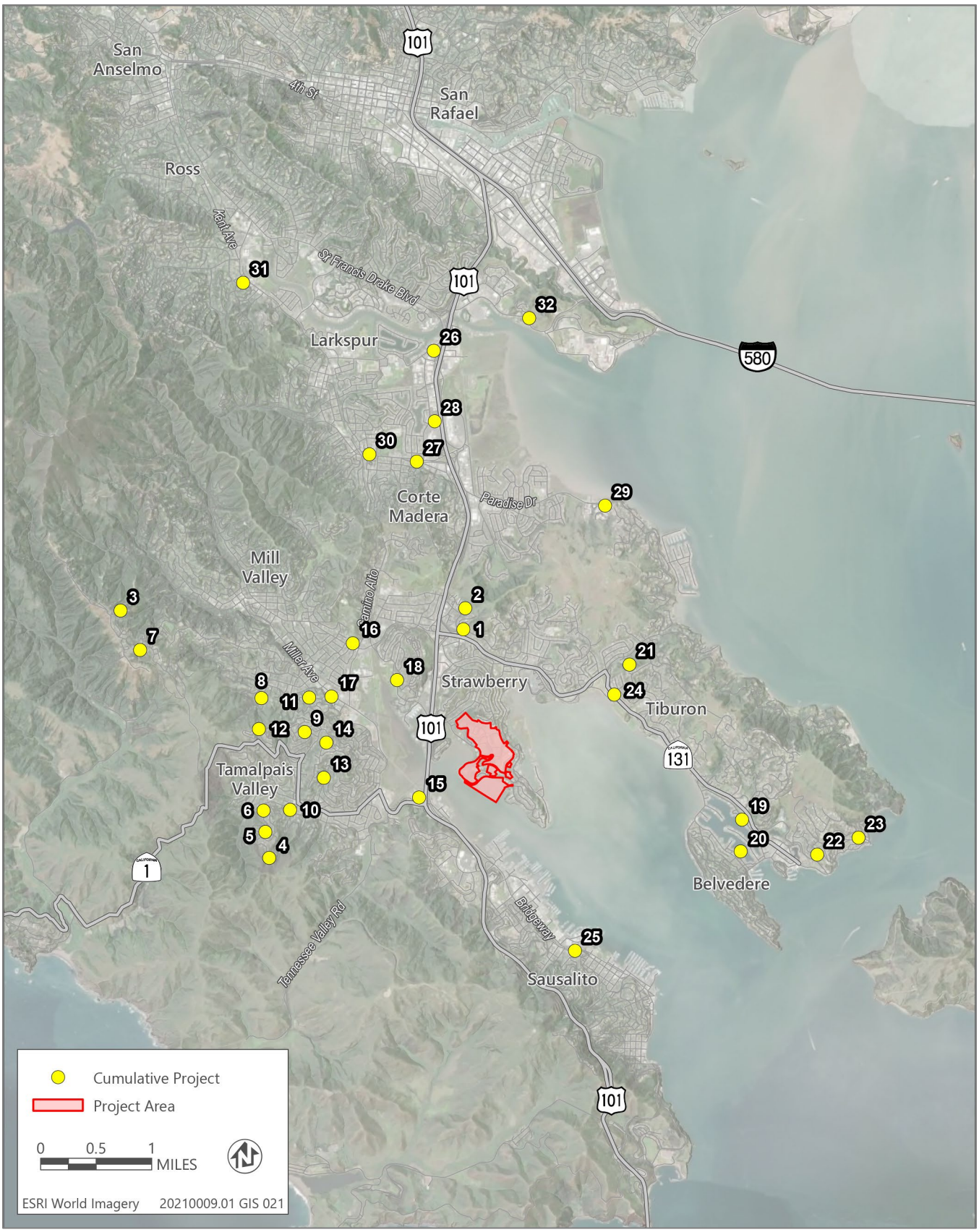
ORIGINAL:



Sources: Adapted by Ascent in 2023

Figure 4-1 Cumulative Projects

REVISED:



Sources: Adapted by Ascent in 2025.~~23~~

Figure 4-1 Cumulative Projects

To provide clarification regarding the cumulative projects under consideration, Table 4-2 on pages 4-4 through 4-12 of the Draft EIR have been revised as follows:

ORIGINAL:

Table 4-2 Cumulative Projects List

ID No.	Project Name	Location	Description	Approval Type	Status
County of Marin - Strawberry					
1	Weingeist Shyu Family Trust et al., Design Review (P3927)	6 Eagle Rock Road, Mill Valley	Residential Addition/Accessory Structure - The applicant requests Design Review approval to remove a portion of an existing roof and to construct a new shed dormer over the area identified as the dining room within a residence located in an unincorporated area of Mill Valley. The proposed development would not result in a change to the existing floor area ratio which would remain unchanged at 30 percent on the 10,250 square-foot lot. The proposed shed dormer would be 2 feet, 8 ½ inches taller than the portion of the existing roof proposed for removal. The proposed shed dormer appears to reach a maximum height of 21 feet above the surrounding grade and would maintain the following setbacks: 46 feet from the northern front property line; 43 feet from the western side property line; 63 feet from the eastern side property line; 10 feet, 7 inches from the southern rear property line.	Design Review	Approved
Tamalpais Valley					
2	Barton Design Review (P3512)	Vacant Lot Assessor's Parcel 045-111-10	The applicant requests Design Review approval to construct a new single-family dwelling on a vacant lot in Mill Valley. The proposed building would reach a maximum height of 25 feet, 2 inches above surrounding grade and the exterior walls would have the following setbacks: 8 inches from the northwestern front property line; 10 feet, 4 inches from the northeastern side property line; 9 feet from the southwestern side property line; 44 feet from the southeastern rear property line.	Design Review	Approved
3	David Tree Removal & Design Review (P2514)	1000 Marin Drive, Mill Valley 049-231-11	Residential Addition/Accessory Structure - Design Review approval to (1) construct a 363-square-foot on the first floor and 313-square-foot addition on the second floor, for total addition of 676-square-foot; and (2) construct a 374-square-foot deck on the first floor on a developed lot in Mill Valley. The proposed project would be attached to an existing 4,705-square-foot residence, resulting in 5,381 square feet of development and a floor area ratio (FAR) of 17 percent on the 31,783-square-foot lot. The proposed addition would reach a maximum height of 27 feet six inches above surrounding grade where a maximum of 30 feet is permissible. Exterior walls of the addition would have the following setbacks: 25 one six inches	Design Review & Tree Removal Permit	Withdrawn

ID No.	Project Name	Location	Description	Approval Type	Status
			from the east front property line; 5 feet eight inches from the north side property line; 25 feet one inch from the east property line; and more than 100 feet from all south rear property line. Your application also includes a request to remove two trees classified as "Protected" per Section 22.130.030 of the Marin County Development Code to accommodate construction of the residence and associated site improvements. Other site improvements entailed in the proposed development include a retaining wall and grading.		
4	Moeck Design Review (P3523)	Vacant Lot Assessor's Parcel 049-182-03	New single family residence - The applicant requests Design Review approval to construct a new 2,641 square foot single-family dwelling and 520 square foot attached garage on a vacant lot in Mill Valley. The 3,161 square feet of proposed development would result in a floor area ratio of 28 percent on the 9,647 square foot lot. It appears the proposed building would reach a maximum height of 32 feet, 2 inches above surrounding grade and the exterior walls would have the following setbacks: 8 feet, 6 inches from the southern front property line; 5 feet, 1 inch from the western side property line; 5 feet, 1 inch from the eastern side property line; over 90 feet from the northern rear property line. Various site improvements would also be entailed in the proposed development, including a new driveway, new retaining walls, and new fencing.	Design Review	Approved
5	Smith Minor Design Review (P3410)	744 Marin Drive, Mill Valley	Residential Addition/Accessory Structure - applicant requests Minor Design Review approval to construct a new 445 square foot garage with a 396 square foot accessory dwelling unit on a developed lot in Mill Valley. The 841 square feet of proposed development would result in a floor area ratio of 20 percent on the 6,971 square foot lot.	Design Review	Approved
6	Weissman (Dipsea Ranch) Land Division (P1589)	455 Panoramic Highway, Mill Valley	Subdivision - The applicant is requesting approval to subdivide an existing 8.29-acre lot into 3 single-family residential lots. Residential development currently exists at the property and access to the site is proposed to be provided via the existing entry driveway at 455 Panoramic Highway. The project includes a proposal to install two new on-site sewage disposal systems to serve Lots 2 and 3. Water service would be provided by the Marin Municipal Water District (MMWD). The project also includes the incorporation of a storm water management plan that utilizes a system of storm drains, cisterns and bioswales to address runoff.	*Land Division & Tentative Map *Design Review	Approved

ID No.	Project Name	Location	Description	Approval Type	Status
7	Aston Design Review (P3661)	325 Melrose, Mill Valley	Residential Addition/Accessory Structure-The applicant requests Design Review approval to legalize an existing 433 square foot detached accessory structure and approval to construct a deck that would be elevated above grade and located atop the proposed carport. The proposed carport is not subject to Design Review. The 433 square foot detached accessory structure would result in a floor area ratio of 35 percent on the 8,002 square foot lot. The height and setbacks of the structures are provided below. The 433 square foot detached accessory structure would reach a maximum height of 21 feet, 7 inches above the surrounding grade and the exterior walls would have the following setbacks: more than 100 feet from the western front property line; 6 feet, 9 inches from the northern side property line; 1 foot, 8 inches from the southern side property line; and 7 feet from the eastern rear property line. The proposed deck would be elevated above grade and located directly above the proposed carport. The surface level of the deck would reach a maximum height of 10 feet, 6 inches above the surrounding grade and the exterior walls would have the following setbacks: 3 feet, 5 inches from the western front property line; 8 feet, 8 inches from the northern side property line; 17 feet, 1 inch from the southern side property line; and more than 100 feet from the eastern rear property line. Various site improvements would also be entailed in the proposed development, including a small addition to the existing residence, new walkways at grade, and a new fence.	Design Review	Withdrawn
8	Brown Design Review (P3702)	929 West California Street, Mill Valley	Residential Addition/Accessory Structure. The applicant requests Design Review approval to replace a detached accessory structure (car deck with associated storage) and construct new building area below the structure on a developed lot in Mill Valley. The 701 square feet of proposed development would result in a floor area ratio of 32-percent on the 10,000 square lot. The exterior walls would have the following setbacks: 3 from the north property line; 13.5 feet from the east property line; 4.5 feet side property line; and over 100 feet from the south property line.	Design Review	Approved
9	Copp Family Trust Design Review (P3681)	450 Marin Avenue, Mill Valley	Residential Addition/Accessory Structure. The applicant requests Design Review approval to construct a 42 square foot lower level addition and a 464 square foot upper level addition to an existing residence located in an unincorporated area of Mill Valley. The 506 square feet of the proposed	Design Review	Approved

ID No.	Project Name	Location	Description	Approval Type	Status
			development would result in a floor area ratio of 16 percent on the 23,000 square foot lot. The proposed development would reach a maximum height of 26 feet, 1 inch above the surrounding grade and the exterior walls would have the following setbacks: 34 feet, 1 inch from the southern front property line; 20 feet, 1 inch from the western side property line; 25 feet from the eastern side property line and; more than 100 feet from the northern rear property line (69 feet, 6 inches from the flood control easement). Various site improvements would also be entailed in the proposed development, including new outdoor decking and lighting.		
10	Hartman Trust Variance (P3674)	22 Ethel Lane, Mill Valley	Residential Addition/Accessory Structure. The applicant requests Variance approval to construct an addition to the first floor of an existing two-story residence located in an unincorporated area of Mill Valley. In total, the project proposes 602 square feet of additions, including a 103 square foot breakfast room addition that would conform to the setbacks established by the governing R1 zoning district, and a 499 square foot family room addition where 371.8 square feet of the family room addition would be located within the rear yard setback. The 602 square feet of proposed development would result in a floor area ratio of 13 percent on the 22,705 square foot lot. The portion of the addition subject to Variance approval would reach a maximum height of 17 feet, 4 inches above the surrounding grade and the exterior walls would have the following setbacks: 117 feet from the eastern front property line; 28 feet, 6 inches from the northern side property line; 96 feet from the southern side property line (44 feet from the mapped access easement); and 7 feet from the western rear property line. Various site improvements would also be entailed in the proposed development, including a new deck that would provide an exterior connection to the area of proposed additions.	Variance	Approved
11	Katz and Ye Minor Design Review (P3775)	1231 Waterview Drive, Mill Valley	Residential Addition/Accessory Structure. Minor Design Review approval to construct new additions totaling 355 square feet on a developed lot in Mill Valley. The 355 square feet of proposed development would result in a floor area ratio of 64 percent on the 3,500 square foot lot. It appears the proposed building would reach a maximum height of 29 feet, 7 ½ inches above surrounding grade and the exterior walls would have the following setbacks: over 60 feet from the northern front property line; 2 feet, 8 1/8 inches from the western side property line; 5 feet, 1 inch from the eastern side property line; 28 feet, 10 inches from the southern rear property line.	Design Review	Approved

ID No.	Project Name	Location	Description	Approval Type	Status
12	Kauhanen Community Property Trust et al., Design Review (P3907)	342 Pinehill Road, Mill Valley	Residential Addition/Accessory Structure. The applicant requests Design Review approval to construct a 114 square-foot addition to an existing residential structure in an unincorporated area of Mill Valley. The 114 square feet of proposed construction would include a 78 square-foot addition to the third floor and a 36 square-foot addition to the second floor that would result in a floor area ratio of 34.6 percent on the 7,500 square-foot lot. The proposed addition would reach a maximum height of 29 feet, 11 ½ inches above the surrounding grade and the exterior walls would have the following setbacks: 25 feet from the eastern front property line; 48 feet, 6 inches from the northern side property line; 45 feet, 6 inches from the southern side property line; and 34 feet from the western rear property line. Various site improvements would also be entailed in the proposed development, including an expansion of the existing deck and stairs in the rear yard.	Design Review	Approved
13	Mt. Tamalpais School Use Permit and Design Review (P3700)	100 Harvard Avenue, Mill Valley	Institutional/Educational/Public Facility. The applicant requests Use Permit and Design Review Amendment approval to amend an existing Use Permit (93-028) initially approved in 1993 via Board of Supervisor Resolution No. 93-112. The proposed amendments include: Use Permit Amendment-(1) increase student enrollment from 240 students to a maximum of 295 students; (2) extend kindergarten hours of operation from half day to all day hours of operation during the hours the school is open for regular business hours; and (3) increase maximum faculty and staff from 29 up to 58. No other use related changes are proposed, including limitations related to special events, after school activities, use of school field, play structure, etc.; and Design Review Amendment-(1) remodel and construct an approximately 950 square foot addition to the existing administrative building; and (2) construct an approximately 4,300 square foot building that would accommodate classrooms, office spaces and bathrooms. The proposed 5,500 square feet of additions in combination with the existing development would result in a floor area ratio of 6.5-percent on the 229,385 square foot lot.	Use Permit/Design Review	Approved
			City of Mill Valley		
14	Richardson Terrace	575 E. Blithedale Avenue, Mill Valley	Mixed Use Development - Design Review application for a mixed-use housing development project at 575 East Blithedale Avenue. The proposal, referred to as "Richardson Terrace," includes 25 residential units and 2, 064 square feet of ground floor Commercial Office space on a 1.2-acre site. Twelve small housing units including 11 two-bedroom units and 1 one-bedroom unit are proposed above the office space. Further	▶ Tentative Tract Map ▶ Design Review	Environmental Document Preparation

ID No.	Project Name	Location	Description	Approval Type	Status
			back from the street, the project proposes residential townhomes, including 3 two-bedroom units and 10 three-bedroom units. The project includes a Vesting Tentative Map application for the purpose of dividing the proposed development into 17 lot		
15	500 Miller Avenue	500 Miller Avenue, Mill Valley	Mixed Use Development - Project includes nine attached single-family residential units and a two-story 4,948 square foot commercial building.	Subdivision & Vesting Tentative Map	Under Construction
			City of Belvedere		
16	Permit #1380	68 Lagoon Road, Belvedere	Demo, New single-family development	Design Review	Incomplete
17	Mallard Pointe	1-22 Mallard Road	The subject parcels are currently developed with 22 residential units (duplexes). The project proposal includes demolition of the existing residential units and construction of forty-two (42) new residential units, which include single-family dwellings, accessory dwelling units, duplexes and apartments. As submitted, the project would contain sixteen (16) single-family and duplex units, three (3) ADUs and twenty-three (23) apartments	*Design Review *Vesting Tentative Map *Condominium Map	Under review
			Town of Tiburon		
18	1 Trestle Glen Circle	1 Trestle Glen Circle, Tiburon	New 4,866 sf single family residence	Design Review	June 16 Design Review Board mtg
19	1894 Centro West Drive	1894 Centro West Drive, Tiburon	New 2,910 sf single family residence	Design Review	July 21 Design Review Board Mtg
20	2359 Paradise Drive	2359 Paradise Drive, Tiburon	New 2,767 sf single family residence	Design Review	July 21 Design Review Board Mtg
			City of Sausalito		
21	Bridgeway Commons Residential Condominiums	1755 Bridgeway, Sausalito	Redevelopment of two parcels zoned R-3 (Multiple Family Residential) with 16 residential condominiums. All existing buildings and structures (buildings with addresses: 1745 Bridgeway, 1751 Bridgeway, 1757 Bridgeway, and 160 Filbert Avenue) on the property would be demolished and replaced with two multi-level buildings containing 16 condominium units (one three-bedroom and 15 two-bedroom units) and 32 on-site parking spaces contained within a parking garage	▶ Vesting Tentative Subdivision Map ▶ Design Review Permit ▶ Tree Permit ▶ Encroachment Agreement	Application Complete - going to PC in the next couple months

ID No.	Project Name	Location	Description	Approval Type	Status
Town of Corte Madera					
22	111 Lucky Drive	111 Lucky Drive	Develop 71-bedroom, two-story memory care facility on 1.73 acres. Site is currently occupied by an 8,300 square foot office building (Barcelino corporate headquarters). As part of the proposal, the existing structure would be demolished. The proposed memory care facility would be located on the north portion of the lot within the footprint of the existing developed area, facing Lucky Drive. The two-story structure would include approximately 35,984 square feet of floor area and extend to approximately 35 feet in height. The facility would accommodate 71 bedrooms, with dining facility, lounges, and other ancillary spaces, and include a boardwalk and patio seating area located south of the structure overlooking the existing lagoon. The redevelopment of the site is intended to avoid sensitive environmental areas. The project would provide approximately 25 parking spaces. New landscaping would be introduced throughout the site. Several entitlements, including a zoning ordinance amendment, would be necessary to facilitate the proposal.	Zoning ordinance amendment	Application Pending
23	645 Tamalpais Apartments	645 Tamalpais Drive	Proposal for a three unit apartment building. The property is currently developed with a one-story commercial office building and two parking areas. The first parking area is a one way drive through aisle along the northern Tamalpais frontage, the second is a dead end rectangular lot that is accessed from Meadowsweet Drive. The applicant proposes to construct a three unit apartment building over the rectangular parking lot. The number of existing parking spaces will remain the same.	Design Review and Variance	Incomplete Application
24	Corte Madera Residence Inn	56 Madera Blvd	Proposal to demolish the existing hotel and construct a new 149-room, approximately 118,000 square foot Marriott hotel. On February 15, 2022 the Town Council regarding adopted an IS/MND and applications by Reneson Hotels, Inc., including an Initial Study / Mitigated Negative Declaration to adopt the recommendations to minimize significant impacts of the project; Conditional Use Permit and Hotel FAR Bonus to allow the hotel use and the additional floor area; and Preliminary and Precise Plans (including Design Review and Sign Permit).	▶ CUP ▶ Design Review ▶ Sign Permit	Approved
25	Robin Drive - Residences at Preserve	Southeast corner of Paradise Drive and Robin Drive	Proposal for a new residential subdivision on vacant land on Robin Drive in eastern Corte Madera. The Project would develop the 5.93-acre lower portion of the overall 15.42-acre parcel. The upper (southern) portion of the parcel would remain undeveloped as private open space. A public access easement would	▶ Zoning Amendment ▶ Planned Development / Tentative Map ▶ Design Review	Approved

ID No.	Project Name	Location	Description	Approval Type	Status
		(APN 038-011-21)	be recorded to maintain a footpath that traverses the upper portion from Robin Drive in a north-south direction to Ring Mountain. The Project would construct rental housing consisting of 16 residential units, 8 accessory dwelling residential units, and accessory facilities including a private roadway, sidewalks, bridge, utilities, and landscaping as part of a Planned Development. In addition, the Project includes a Zoning Amendment to change the zoning overlay for the site.		
26	Town Hall Project	300 Tamalpais Drive	Demolition of existing town hall and building a completely new town hall with a public plaza and a two-story ~7,500 sq. ft. addition consisting of a Town Council Chambers and offices.	▶ CUP ▶ Design Review ▶ Variances ▶ Lot Merger	Under Construction
			City of Larkspur		
27	Magnolia Village	1135-1169 Magnolia Ave	Proposal to redevelop the site at the corner of Magnolia Avenue and Estelle Avenue. One 0.46-acre lot would retain the existing commercial structure and uses (including Rustic Bakery) at 1131-1141 Magnolia Ave. The applicants would redevelop the second 1.17-acre lot (former hardware store site) with 20 townhomes (16 market rate units and 4 affordable units) and 1,488 sq. ft of commercial space.	▶ Design Review ▶ Lot Line Adjustment ▶ Tentative Map ▶ CUP ▶ Grading Permit ▶ Parcel Map	Under review
			City of San Rafael		
28	Oak Hill Apartments Project	Southwest corner of East Sir Francis Drake Boulevard and Drakes Cove Road (APN 018-152-12)	Proposal to develop affordable housing on approximately 6.7 acres of the 8.3-acre project site. The 100 percent affordable housing project would include the construction of up to 250 new apartments, including 135 units available to low- to moderate-income educators working in and employees of the County of Marin, and 115 units available to extremely low to low-income residents. The apartments would consist of two buildings that are terraced up the hillside with exterior elevations ranging from 30 feet to 60 feet in height. The proposed project would incorporate approximately 35,000 square feet of landscaped open space and approximately 35,000 square feet of outdoor amenity space. The project would be accessed by a driveway from East Sir Francis Drake Boulevard and would include a 4-level garage with 350 parking spaces.	▶ Ground Lease and Regulatory Agreement ▶ Common Interest Development Approval ▶ Encroachment Permit	Under review

REVISED:

Table 4-2 Cumulative Projects List

ID No.	Project Name	Location	Description	Approval Type	Status
			County of Marin - Strawberry		
1	Weingeist Shyu Family Trust et al., Design Review (P3927)	6 Eagle Rock Road, Mill Valley	Residential Addition/Accessory Structure - The applicant requests Design Review approval to remove a portion of an existing roof and to construct a new shed dormer over the area identified as the dining room within a residence located in an unincorporated area of Mill Valley. The proposed development would not result in a change to the existing floor area ratio which would remain unchanged at 30 percent on the 10,250 square-foot lot. The proposed shed dormer would be 2 feet, 8 ½ inches taller than the portion of the existing roof proposed for removal. The proposed shed dormer appears to reach a maximum height of 21 feet above the surrounding grade and would maintain the following setbacks: 46 feet from the northern front property line; 43 feet from the western side property line; 63 feet from the eastern side property line; 10 feet, 7 inches from the southern rear property line.	Design Review	Approved
2	Nijjar Living Trust Housing Compliance Review (P4412)	Vacant lots at 70 North Knoll Road, Mill Valley	The applicant proposes to construct an assisted living/memory care facility for senior citizens on a vacant lot along Thomas Drive and N. Knoll Road in the community of Strawberry, in unincorporated Marin County. The project would be located on 3.7 acres of the 6.6-acre site. The proposed facility would be one, six-story building, with a maximum height of 70 feet above surrounding grade. The building would contain approximately 141,595 square feet of floor area, consisting of 72 total apartments, a central kitchen, common areas and a parking garage.	Housing Compliance Review	Incomplete
			Tamalpais Valley		
~~2~~3	Barton Design Review (P3512)	Vacant Lot Assessor's Parcel 045-111-10	The applicant requests Design Review approval to construct a new single-family dwelling on a vacant lot in Mill Valley. The proposed building would reach a maximum height of 25 feet, 2 inches above surrounding grade and the exterior walls would have the following setbacks: 8 inches from the northwestern front property line; 10 feet, 4 inches from the northeastern side property line; 9 feet from the southwestern side property line; 44 feet from the southeastern rear property line.	Design Review	Approved
~~3~~4	David Tree Removal & Design Review	1000 Marin Drive, Mill Valley	Residential Addition/Accessory Structure - Design Review approval to (1) construct a 363-square-foot on the first floor and 313-square-foot addition on the second floor, for total addition of 676-square-	Design Review & Tree Removal Permit	Withdrawn

ID No.	Project Name	Location	Description	Approval Type	Status
	(P2514)	049-231-11	foot; and (2) construct a 374-square-foot deck on the first floor on a developed lot in Mill Valley. The proposed project would be attached to an existing 4,705-square-foot residence, resulting in 5,381 square feet of development and a floor area ratio (FAR) of 17 percent on the 31,783-square-foot lot. The proposed addition would reach a maximum height of 27 feet six inches above surrounding grade where a maximum of 30 feet is permissible. Exterior walls of the addition would have the following setbacks: 25 one six inches from the east front property line; 5 feet eight inches from the north side property line; 25 feet one inch from the east property line; and more than 100 feet from all south rear property line. Your application also includes a request to remove two trees classified as "Protected" per Section 22.130.030 of the Marin County Development Code to accommodate construction of the residence and associated site improvements. Other site improvements entailed in the proposed development include a retaining wall and grading.		
~~4~~5	Moeck Design Review (P3523)	Vacant Lot Assessor's Parcel 049-182-03	New single family residence - The applicant requests Design Review approval to construct a new 2,641 square foot single-family dwelling and 520 square foot attached garage on a vacant lot in Mill Valley. The 3,161 square feet of proposed development would result in a floor area ratio of 28 percent on the 9,647 square foot lot. It appears the proposed building would reach a maximum height of 32 feet, 2 inches above surrounding grade and the exterior walls would have the following setbacks: 8 feet, 6 inches from the southern front property line; 5 feet, 1 inch from the western side property line; 5 feet, 1 inch from the eastern side property line; over 90 feet from the northern rear property line. Various site improvements would also be entailed in the proposed development, including a new driveway, new retaining walls, and new fencing.	Design Review	Approved
~~5~~6	Smith Minor Design Review (P3410)	744 Marin Drive, Mill Valley	Residential Addition/Accessory Structure - applicant requests Minor Design Review approval to construct a new 445 square foot garage with a 396 square foot accessory dwelling unit on a developed lot in Mill Valley. The 841 square feet of proposed development would result in a floor area ratio of 20 percent on the 6,971 square foot lot.	Design Review	Approved
~~6~~7	Weissman (Dipsea Ranch) Land Division (P1589)	455 Panoramic Highway, Mill Valley	Subdivision - The applicant is requesting approval to subdivide an existing 8.29-acre lot into 3 single-family residential lots. Residential development currently exists at the property and access to the site is proposed to be provided via the existing	*Land Division & Tentative Map *Design Review	Approved

ID No.	Project Name	Location	Description	Approval Type	Status
			entry driveway at 455 Panoramic Highway. The project includes a proposal to install two new on-site sewage disposal systems to serve Lots 2 and 3. Water service would be provided by the Marin Municipal Water District (MMWD). The project also includes the incorporation of a storm water management plan that utilizes a system of storm drains, cisterns and bioswales to address runoff.		
~~7~~8	Aston Design Review (P3661)	325 Melrose, Mill Valley	Residential Addition/Accessory Structure-The applicant requests Design Review approval to legalize an existing 433 square foot detached accessory structure and approval to construct a deck that would be elevated above grade and located atop the proposed carport. The proposed carport is not subject to Design Review. The 433 square foot detached accessory structure would result in a floor area ratio of 35 percent on the 8,002 square foot lot. The height and setbacks of the structures are provided below. The 433 square foot detached accessory structure would reach a maximum height of 21 feet, 7 inches above the surrounding grade and the exterior walls would have the following setbacks: more than 100 feet from the western front property line; 6 feet, 9 inches from the northern side property line; 1 foot, 8 inches from the southern side property line; and 7 feet from the eastern rear property line. The proposed deck would be elevated above grade and located directly above the proposed carport. The surface level of the deck would reach a maximum height of 10 feet, 6 inches above the surrounding grade and the exterior walls would have the following setbacks: 3 feet, 5 inches from the western front property line; 8 feet, 8 inches from the northern side property line; 17 feet, 1 inch from the southern side property line; and more than 100 feet from the eastern rear property line. Various site improvements would also be entailed in the proposed development, including a small addition to the existing residence, new walkways at grade, and a new fence.	Design Review	Withdrawn
~~8~~9	Brown Design Review (P3702)	929 West California Street, Mill Valley	Residential Addition/Accessory Structure. The applicant requests Design Review approval to replace a detached accessory structure (car deck with associated storage) and construct new building area below the structure on a developed lot in Mill Valley. The 701 square feet of proposed development would result in a floor area ratio of 32-percent on the 10,000 square lot. The exterior walls would have the following setbacks: 3 feet from the north property line; 13.5 feet from the east	Design Review	Approved

ID No.	Project Name	Location	Description	Approval Type	Status
			property line; 4.5 feet side property line; and over 100 feet from the south property line.		
~~9~~10	Copp Family Trust Design Review (P3681)	450 Marin Avenue, Mill Valley	Residential Addition/Accessory Structure. The applicant requests Design Review approval to construct a 42 square foot lower level addition and a 464 square foot upper level addition to an existing residence located in an unincorporated area of Mill Valley. The 506 square feet of the proposed development would result in a floor area ratio of 16 percent on the 23,000 square foot lot. The proposed development would reach a maximum height of 26 feet, 1 inch above the surrounding grade and the exterior walls would have the following setbacks: 34 feet, 1 inch from the southern front property line; 20 feet, 1 inch from the western side property line; 25 feet from the eastern side property line and; more than 100 feet from the northern rear property line (69 feet, 6 inches from the flood control easement). Various site improvements would also be entailed in the proposed development, including new outdoor decking and lighting.	Design Review	Approved
11~~0~~	Hartman Trust Variance (P3674)	22 Ethel Lane, Mill Valley	Residential Addition/Accessory Structure. The applicant requests Variance approval to construct an addition to the first floor of an existing two-story residence located in an unincorporated area of Mill Valley. In total, the project proposes 602 square feet of additions, including a 103 square foot breakfast room addition that would conform to the setbacks established by the governing R1 zoning district, and a 499 square foot family room addition where 371.8 square feet of the family room addition would be located within the rear yard setback. The 602 square feet of proposed development would result in a floor area ratio of 13 percent on the 22,705 square foot lot. The portion of the addition subject to Variance approval would reach a maximum height of 17 feet, 4 inches above the surrounding grade and the exterior walls would have the following setbacks: 117 feet from the eastern front property line; 28 feet, 6 inches from the northern side property line; 96 feet from the southern side property line (44 feet from the mapped access easement); and 7 feet from the western rear property line. Various site improvements would also be entailed in the proposed development, including a new deck that would provide an exterior connection to the area of proposed additions.	Variance	Approved
12~~1~~	Katz and Ye Minor Design Review (P3775)	1231 Waterview Drive, Mill Valley	Residential Addition/Accessory Structure. Minor Design Review approval to construct new additions totaling 355 square feet on a developed lot in Mill Valley. The 355 square feet of proposed	Design Review	Approved

ID No.	Project Name	Location	Description	Approval Type	Status
			development would result in a floor area ratio of 64 percent on the 3,500 square foot lot. It appears the proposed building would reach a maximum height of 29 feet, 7 ½ inches above surrounding grade and the exterior walls would have the following setbacks: over 60 feet from the northern front property line; 2 feet, 8 1/8 inches from the western side property line; 5 feet, 1 inch from the eastern side property line; 28 feet, 10 inches from the southern rear property line.		
132	Kauhanen Community Property Trust et al., Design Review (P3907)	342 Pinehill Road, Mill Valley	Residential Addition/Accessory Structure. The applicant requests Design Review approval to construct a 114 square-foot addition to an existing residential structure in an unincorporated area of Mill Valley. The 114 square feet of proposed construction would include a 78 square-foot addition to the third floor and a 36 square-foot addition to the second floor that would result in a floor area ratio of 34.6 percent on the 7,500 square-foot lot. The proposed addition would reach a maximum height of 29 feet, 11 ½ inches above the surrounding grade and the exterior walls would have the following setbacks: 25 feet from the eastern front property line; 48 feet, 6 inches from the northern side property line; 45 feet, 6 inches from the southern side property line; and 34 feet from the western rear property line. Various site improvements would also be entailed in the proposed development, including an expansion of the existing deck and stairs in the rear yard.	Design Review	Approved
143	Mt. Tamalpais School Use Permit and Design Review (P3700)	100 Harvard Avenue, Mill Valley	Institutional/Educational/Public Facility. The applicant requests Use Permit and Design Review Amendment approval to amend an existing Use Permit (93-028) initially approved in 1993 via Board of Supervisor Resolution No. 93-112. The proposed amendments include: Use Permit Amendment-(1) increase student enrollment from 240 students to a maximum of 295 students; (2) extend kindergarten hours of operation from half day to all day hours of operation during the hours the school is open for regular business hours; and (3) increase maximum faculty and staff from 29 up to 58. No other use related changes are proposed, including limitations related to special events, after school activities, use of school field, play structure, etc.; and Design Review Amendment-(1) remodel and construct an approximately 950 square foot addition to the existing administrative building; and (2) construct an approximately 4,300 square foot building that would accommodate classrooms, office spaces and bathrooms. The proposed 5,500 square feet of additions in combination with the existing	Use Permit/Design Review	Approved

ID No.	Project Name	Location	Description	Approval Type	Status
			development would result in a floor area ratio of 6.5-percent on the 229,385 square foot lot.		
15	Pacific West Communities, Inc. (TPC) Design Review (P4722)	150 Shoreline Hwy, Mill Valley	The project would entail the construction of a five-story, approximately 58-foot-high residential building with 32 units restricted to lower-income households, a manager's office, residential amenities, and seven on-site parking spaces. The proposed development would result in a building floor area of 32,378 square feet. The proposed site improvements include asphalt pavement, sidewalks, a patio, and 2,858 square feet of landscaped areas, including a bio-retention drainage area and a bio-swale on the southern portion of the lot.	Design Review	Under review
			City of Mill Valley		
164	Richardson Terrace	575 E. Blithedale Avenue, Mill Valley	Mixed Use Development - Design Review application for a mixed-use housing development project at 575 East Blithedale Avenue. The proposal, referred to as "Richardson Terrace," includes 25 residential units and 2, 064 square feet of ground floor Commercial Office space on a 1.2-acre site. Twelve small housing units including 11 two-bedroom units and 1 one-bedroom unit are proposed above the office space. Further back from the street, the project proposes residential townhomes, including 3 two-bedroom units and 10 three-bedroom units. The project includes a Vesting Tentative Map application for the purpose of dividing the proposed development into 17 lot.	▶ Tentative Tract Map ▶ Design Review	Environmental Document Preparation
175	500 Miller Avenue	500 Miller Avenue, Mill Valley	Mixed Use Development - Project includes nine attached single-family residential units and a two-story 4,948 square foot commercial building.	Subdivision & Vesting Tentative Map	Under Construction
18	1 Hamilton Drive Affordable Housing Development	1 Hamilton Drive, Mill Valley	The project involves construction of the "Bayfront Terrace" apartment complex and relocation of the existing 38 public parking space, electric vehicle charging and restroom facilities to the adjacent Public Safety Building (PSB) parking lot by reconfiguring the parking lot. The apartment complex will include 45 total units, including one manager's unit and 44 rental units affordable to lower-income households with annual household incomes ranging between $40,000 to $140,000/year (depending on affordability level and household size), as well as 62 to 63 residential parking spaces.	▶ Rezone ▶ Desing Review ▶ Lease Agreement and Development Loan Agreement	Approved
			City of Belvedere		
1619	Permit #1380	68 Lagoon Road, Belvedere	Demo, New single-family development	Design Review	Incomplete
1720	Mallard Pointe	1-22 Mallard Road	The subject parcels are currently developed with 22 residential units (duplexes). The project proposal includes demolition of the existing residential units	*Design Review *Vesting Tentative	Under review

ID No.	Project Name	Location	Description	Approval Type	Status
			and construction of forty-two (42) new residential units, which include single-family dwellings, accessory dwelling units, duplexes and apartments. As submitted, the project would contain sixteen (16) single-family and duplex units, three (3) ADUs and twenty-three (23) apartments	Map *Condominium Map	
Town of Tiburon					
~~18~~21	1 Trestle Glen Circle	1 Trestle Glen Circle, Tiburon	New 4,866 sf single-family residence	Design Review	June 16 Design Review Board mtg
~~19~~22	1894 Centro West Drive	1894 Centro West Drive, Tiburon	New 2,910 sf single-family residence	Design Review	July 21 Design Review Board Mtg
23~~0~~	2359 Paradise Drive	2359 Paradise Drive, Tiburon	New 2,767 sf single-family residence	Design Review	July 21 Design Review Board Mtg
24	State Route (SR) 131 Capital Preventive Maintenance (Caltrans)	SR-131 approximately 1,000 feet west of US-101 interchange to the Tiburon Boulevard/Main Street intersection	The purpose of the project is to improve serviceability and ride quality on SR-131 and restore existing drainage systems to reduce the potential for highway flooding and to increase the safety for the public. In addition, the project will enhance and complete streets and support active modes of transportation by bridging a gap in the transportation network and improve bicycle access throughout the area. The project is broken down into three segments: The western segment includes Class I, II and IV bikeways, intersection modification as well as curb ramps, pedestrian refuge islands and sidewalk modifications. The central segment includes Class II and IV bikeways and intersection modifications. The eastern segment includes intersection modifications.	NA	Final design phase
City of Sausalito					
25~~1~~	Bridgeway Commons Residential Condominiums	1755 Bridgeway, Sausalito	Redevelopment of two parcels zoned R-3 (Multiple Family Residential) with 16 residential condominiums. All existing buildings and structures (buildings with addresses: 1745 Bridgeway, 1751 Bridgeway, 1757 Bridgeway, and 160 Filbert Avenue) on the property would be demolished and replaced with two multi-level buildings containing 16 condominium units (one three-bedroom and 15 two-bedroom units) and 32 on-site parking spaces contained within a parking garage.	▶ Vesting Tentative Subdivision Map ▶ Design Review Permit ▶ Tree Permit ▶ Encroachment Agreement	Application Complete - going to PC in the next couple months
Town of Corte Madera					
26~~2~~	111 Lucky Drive	111 Lucky Drive	Develop 71-bedroom, two-story memory care facility on 1.73 acres. Site is currently occupied by an 8,300 square foot office building (Barcelino corporate headquarters). As part of the proposal,	Zoning ordinance amendment	Application Pending

ID No.	Project Name	Location	Description	Approval Type	Status
			the existing structure would be demolished. The proposed memory care facility would be located on the north portion of the lot within the footprint of the existing developed area, facing Lucky Drive. The two-story structure would include approximately 35,984 square feet of floor area and extend to approximately 35 feet in height. The facility would accommodate 71 bedrooms, with dining facility, lounges, and other ancillary spaces, and include a boardwalk and patio seating area located south of the structure overlooking the existing lagoon. The redevelopment of the site is intended to avoid sensitive environmental areas. The project would provide approximately 25 parking spaces. New landscaping would be introduced throughout the site. Several entitlements, including a zoning ordinance amendment, would be necessary to facilitate the proposal.		
2~~7~~3	645 Tamalpais Apartments	645 Tamalpais Drive	Proposal for a three unit apartment building. The property is currently developed with a one-story commercial office building and two parking areas. The first parking area is a one way drive through aisle along the northern Tamalpais frontage, the second is a dead end rectangular lot that is accessed from Meadowsweet Drive. The applicant proposes to construct a three unit apartment building over the rectangular parking lot. The number of existing parking spaces will remain the same.	Design Review and Variance	Incomplete Application
2~~8~~4	Corte Madera Residence Inn	56 Madera Blvd	Proposal to demolish the existing hotel and construct a new 149-room, approximately 118,000 square foot Marriott hotel. On February 15, 2022 the Town Council regarding adopted an IS/MND and applications by Reneson Hotels, Inc., including an Initial Study / Mitigated Negative Declaration to adopt the recommendations to minimize significant impacts of the project; Conditional Use Permit and Hotel FAR Bonus to allow the hotel use and the additional floor area; and Preliminary and Precise Plans (including Design Review and Sign Permit).	▶ CUP ▶ Design Review ▶ Sign Permit	Approved
~~25~~29	Robin Drive - Residences at Preserve	Southeast corner of Paradise Drive and Robin Drive (APN 038-011-21)	Proposal for a new residential subdivision on vacant land on Robin Drive in eastern Corte Madera. The Project would develop the 5.93-acre lower portion of the overall 15.42-acre parcel. The upper (southern) portion of the parcel would remain undeveloped as private open space. A public access easement would be recorded to maintain a footpath that traverses the upper portion from Robin Drive in a north-south direction to Ring Mountain. The Project would construct rental housing consisting of 16 residential units, 8 accessory dwelling residential units, and accessory facilities including a private roadway, sidewalks,	▶ Zoning Amendment ▶ Planned Development / Tentative Map ▶ Design Review	Approved

ID No.	Project Name	Location	Description	Approval Type	Status
			bridge, utilities, and landscaping as part of a Planned Development. In addition, the Project includes a Zoning Amendment to change the zoning overlay for the site.		
~~26~~30	Town Hall Project	300 Tamalpais Drive	Demolition of existing town hall and building a completely new town hall with a public plaza and a two-story ~7,500 sq. ft. addition consisting of a Town Council Chambers and offices.	▶ CUP ▶ Design Review ▶ Variances ▶ Lot Merger	Under Construction
City of Larkspur					
~~27~~31	Magnolia Village	1135-1169 Magnolia Ave	Proposal to redevelop the site at the corner of Magnolia Avenue and Estelle Avenue. One 0.46-acre lot would retain the existing commercial structure and uses (including Rustic Bakery) at 1131-1141 Magnolia Ave. The applicants would redevelop the second 1.17-acre lot (former hardware store site) with 20 townhomes (16 market rate units and 4 affordable units) and 1,488 sq. ft of commercial space.	▶ Design Review ▶ Lot Line Adjustment ▶ Tentative Map ▶ CUP ▶ Grading Permit ▶ Parcel Map	Under review
~~City of San Rafael~~ Marin County – Larkspur					
~~28~~32	Oak Hill Apartments Project	Southwest corner of East Sir Francis Drake Boulevard and Drakes Cove Road (APN 018-152-12)	Proposal to develop affordable housing on approximately 6.7 acres of the 8.3-acre project site. The 100 percent affordable housing project would include the construction of up to 250 new apartments, including 135 units available to low- to moderate-income educators working in and employees of the County of Marin, and 115 units available to extremely low to low-income residents. The apartments would consist of two buildings that are terraced up the hillside with exterior elevations ranging from 30 feet to 60 feet in height. The proposed project would incorporate approximately 35,000 square feet of landscaped open space and approximately 35,000 square feet of outdoor amenity space. The project would be accessed by a driveway from East Sir Francis Drake Boulevard and would include a 4-level garage with 350 parking spaces.	▶ Ground Lease and Regulatory Agreement ▶ Common Interest Development Approval ▶ Encroachment Permit	~~Under review~~Approved

To clarify that the cumulative projects list does not include a list of all projects within the SFBAAB, pages 4-14 and 4-15 of the Draft EIR have been revised as follows:

ORIGINAL:

The project is in the regional vicinity of various planned, past, and present projects including the Corte Madera Residence Inn, Robin Drive, Tamalpais Apartments, and Town Hall Project, among others (for a complete list of projects within the SFBAAB see Table 4-1). For local air quality impacts, there are no projects within 1,000 feet from the project site and no stationary sources within 2,000 feet that could combine to create a cumulative TAC impact.

REVISED:

The project is in the regional vicinity of various planned, past, and present projects including the Corte Madera Residence Inn, Robin Drive, Tamalpais Apartments, and Town Hall Project, among others (for a complete list of cumulative projects ~~within the SFBAAB~~ see Table 4-2~~1~~). For local air quality impacts, there are no projects within 1,000 feet from the project site and no stationary sources within 2,000 feet that could combine to create a cumulative TAC impact.

To reflect the updates to Table 4-2 and Figure 4-1 and the most recent population and housing data updates, the cumulative impacts discussion in Section 4.3.12, "Population and Housing," on page 4-32 of the Draft EIR is revised as follows:

ORIGINAL:

CUMULATIVE EFFECTS OF PAST, PRESENT, AND PROBABLE FUTURE PROJECTS

In general, population growth in Marin County overall has been considerably slower than predicted. Past projections from ABAG presented in the 2005 Marin Countywide Plan Update and in the 2023 Housing & Safety Element Update to the Marin Countywide Plan Final EIR assume thousands more residents in the county than the California Department of Finance currently projects for 2030. In January 2023, the number of housing units in Marin County overall was estimated to be 112,183, with nearly three-quarters of those units single attached or single detached homes (DOF 2023). The remainder are multifamily units and mobile homes. The vacancy rate for the county overall was estimated (January 2023) to be 6.8 percent (DOF 2023). In the unincorporated portion of the county, 24,447 of the 29,341 units, or 83 percent, are single attached or single detached homes, and the vacancy rate is 10.5 percent (DOF 2023).

Cumulative projects considered in this analysis are listed in Table 4-2. The most substantial project in the cumulative context in terms of increased population is the Oak Hill Apartments project, in the city of San Rafael, which is under review. It involves construction of 250 apartments. The closest other residential projects of note are the Richardson Terrace project (25 residential units and two houses) and the 500 Miller Avenue project (nine single-family units), in Mill Valley, and the 71-bedroom memory care facility and the Robin Drive subdivision (16 residential units and eight accessory dwelling residential units), both in the town of Corte Madera. Overall, the growth in population and housing associated with these projects would not be cumulatively significant.

Displacement of Substantial Numbers of People or Homes, Necessitating the Construction of Replacement Housing

As discussed in Section 3.12.3, "Environmental Impacts and Mitigation Measures," implementation of the project involves demolition of 139 residential units and 66 dormitory rooms, which would result in the displacement of approximately 320 people. A recent estimate indicates that more than 3,000 housing units are available in unincorporated Marin County (DOF 2023).

REVISED:

CUMULATIVE EFFECTS OF PAST, PRESENT, AND PROBABLE FUTURE PROJECTS

In general, population growth in Marin County overall has been considerably slower than predicted. Past projections from ABAG presented in the 2005 Marin Countywide Plan Update and in the 2023 Housing & Safety Element Update to the Marin Countywide Plan Final EIR assume thousands more residents in the county than the California Department of Finance currently projects for 2030. Additionally, the 2022 Housing & Safety Element Update to the Marin Countywide Plan Draft EIR, relying on 2018 projections from ABAG, did not identify any significant cumulative impact related to population and housing and buildout of the Housing

Element would not result in a cumulative considerable contribution (Marin County 2022). In January 20~~23~~25, the number of housing units in Marin County overall was estimated to b~~e 112,18~~3 113,062, with nearly three-quarters of those units single attached or single detached homes (DOF 20~~2~~3 2025a). The remainder are multifamily units and mobile homes. The vacancy rate for the county overall was estimated (January ~~20~~23~~2~~5) to be 6.8 percent (D~~OF 2~~023 2025a). In the unincorporated portion of the cou~~nty, 24~~,447 24,573 o~~f the~~ 29,341 29,541 units, or 83 percent, are single attached or single detached homes, and the vacancy ~~r~~ate is 10.52 ~~perce~~nt (DOF 2023 2025a).

Cumulative projects considered in this analysis are listed in Table 4-2. The most substantial project in the cumulative context in terms of increased population is the Oak Hill Apartments project, in unincorporated Larkspur, which is under review. It involves construction of 250 apartments. The closest other residential projects of note are the Richardson Terrace project (25 residential units and two houses) and the 500 Miller Avenue project (nine single-family units), in Mill Valley, and the 71-bedroom memory care facility and the Robin Drive subdivision (16 residential units and eight accessory dwelling residential units), both in the town of Corte Madera. Additionally, updates made to Table 4-2 as part of preparation of the Final EIR, included the addition of the Nijjar Living Trust Housing Compliance Review in Strawberry which would construct a 72-unit assisted living/memory care facility; the Pacific West Communities development in Tamalpais Valley which would construct 32-residential units; and the Bayfront Terrance in Mill Valley which would construct a 45-unit apartment complex. Overall, the growth in population and housing associated with these projects is consistent with projected growth for the County and the Countywide Plan and would not be cumulatively significant.

Displacement of Substantial Numbers of People or Homes, Necessitating the Construction of Replacement Housing

As discussed in Section 3.12.3, "Environmental Impacts and Mitigation Measures," implementation of the project involves demolition of 139 residential units and 66 dormitory rooms, which would result in the displacement of approximately 320 people. A recent estimate indicates that more than 3,000 housing units are available in unincorporated Marin County (DOF 202~~3~~5a).

To reflect the updates to Table 4-2, Figure 4-1 and Mitigation Measure 3.14-4, the cumulative impacts discussion in Section 4.3.13, "Public Services and Recreation," on page 4-34 of the Draft EIR is revised as follows.

ORIGINAL:

CUMULATIVE EFFECTS OF PAST, PRESENT AND PROBABLE FUTURE PROJECTS

Cumulative projects considered in this analysis are listed in Table 4-2. In general, impacts on public services and recreation are related to increases in population. As the population in an area increases, so, too, does demand for particular facilities and services. The most substantial project in the cumulative context in terms of increased population is the Oak Hill Apartments project, in the city of San Rafael, which is under review. It involves construction of 250 apartments. The closest other residential projects of note are the Richardson Terrace project (25 residential units and two houses) and the 500 Miller Avenue project (nine single-family units), in Mill Valley, and the 71-bedroom memory care facility and the Robin Drive subdivision (16 residential units and eight accessory dwelling residential units), both in the town of Corte Madera. Overall, the growth in population that would be associated with these projects would not be substantial.

In general, the incremental impacts of the project would not combine with those of the other development that would occur in the cumulative context to produce cumulatively significant impacts, because future development projects, like the proposed project, would be site specific; and if the evaluation of the projects indicates that physical environmental impacts associated with constructing new or expanded public services infrastructure or recreational facilities would occur, the project applicants would likely pay fair share impact fees, which would allow the service providers to oversee the expansion of their facilities, or the construction

of new facilities, as needed. As appropriate, other feasible mitigation would be required to reduce the significance of potential impacts such that they would not be cumulatively considerable.

In general, the incremental impacts of the project would not combine with those of the other development that would occur in the cumulative context to produce cumulatively significant impacts, because future development projects, like the proposed project, would be site specific; and if the evaluation of the projects indicates that physical environmental impacts associated with constructing new or expanded public services infrastructure or recreational facilities would occur, the project applicants would likely pay fair share impact fees, which would allow the service providers to oversee the expansion of their facilities, or the construction of new facilities, as needed. As appropriate, other feasible mitigation would be required to reduce the significance of potential impacts such that they would not be cumulatively considerable.

PROJECT CONTRIBUTION

Fire Protection Facilities and Services

As discussed in Section 3.13.3, "Environmental Impacts and Mitigation Measures," implementation of the project would increase the population on the site by approximately 530 residents, increasing demand for fire protection and emergency services on-site. The Southern Marin Fire Protection District (SMFD) is the first provider of fire protection and emergency services to the project site, and additional emergency response to the project site could be provided by other agencies that joined SMFD in entering the *Southern Marin Emergency Medical-Paramedic System Revised Joint Powers Agreement to Establish, Operate and Maintain in Southern Marin County an Emergency Medical Care-Paramedic System*. The project would be designed and operated according to applicable federal, state, and local requirements; the project applicant would be required to pay a fire prevention fee to offset the impact of the project on the provision of fire protection services; and implementation of the project would not necessitate the construction of new or expanded fire service facilities. However, SMFD has expressed concern that traffic associated with the increase in population under the project might cause delays in emergency response in the area (Hilliard, pers. comms., 2022, 2023). Implementation of Mitigation Measure 3.14-4 (Implement Mitigation Measure 3.14-4 [Construct a Traffic Signal at the Intersection of Seminary Drive/Ricardo Road/Vista Del Sol]) would reduce this impact to less than significant.

REVISED:

CUMULATIVE EFFECTS OF PAST, PRESENT AND PROBABLE FUTURE PROJECTS

Cumulative projects considered in this analysis are listed in Table 4-2. In general, impacts on public services and recreation are related to increases in population. As the population in an area increases, so, too, does demand for particular facilities and services. The most substantial project in the cumulative context in terms of increased population is the Oak Hill Apartments project, in unincorporated Larkspur, which is under review. It involves construction of 250 apartments. The closest other residential projects of note are the Richardson Terrace project (25 residential units and two houses) and the 500 Miller Avenue project (nine single-family units), in Mill Valley, and the 71-bedroom memory care facility and the Robin Drive subdivision (16 residential units and eight accessory dwelling residential units), both in the town of Corte Madera. Additionally, updates made to Table 4-2 as part of preparation of the Final EIR, included the addition of the Nijjar Living Trust Housing Compliance Review in Strawberry which would construct a 72-unit assisted living/memory care facility; the Pacific West Communities development in Tamalpais Valley which would construct 32-residential units; and the Bayfront Terrance in Mill Valley which would construct a 45-unit apartment complex. Overall, the growth in population that would be associated with these projects is consistent with projected growth for the County and the Countywide Plan and would not be substantial.

In general, the incremental impacts of the project would not combine with those of the other development that would occur in the cumulative context to produce cumulatively significant impacts, because future development projects, like the proposed project, would be site specific; and if the evaluation of the projects indicates that physical environmental impacts associated with constructing new or expanded public services

infrastructure or recreational facilities would occur, the project applicants would likely pay fair share impact fees, which would allow the service providers to oversee the expansion of their facilities, or the construction of new facilities, as needed. As appropriate, other feasible mitigation would be required to reduce the significance of potential impacts such that they would not be cumulatively considerable.

PROJECT CONTRIBUTION

Fire Protection Facilities and Services

As discussed in Section 3.13.3, "Environmental Impacts and Mitigation Measures," implementation of the project would increase the population on the site by approximately 530 residents, increasing demand for fire protection and emergency services on-site. The Southern Marin Fire Protection District (SMFD) is the first provider of fire protection and emergency services to the project site, and additional emergency response to the project site could be provided by other agencies that joined SMFD in entering the *Southern Marin Emergency Medical-Paramedic System Revised Joint Powers Agreement to Establish, Operate and Maintain in Southern Marin County an Emergency Medical Care-Paramedic System*. The project would be designed and operated according to applicable federal, state, and local requirements; the project applicant would be required to pay a fire prevention fee to offset the impact of the project on the provision of fire protection services; and implementation of the project would not necessitate the construction of new or expanded fire service facilities. However, SMFD has expressed concern that traffic associated with the increase in population under the project might cause delays in emergency response in the area (Hilliard, pers. comms., 2022, 2023). Implementation of Mitigation Measure 3.14-4 (Implement Mitigation Measure 3.14-4 [~~Construct a Traffic Signal at the Intersection of Seminary Drive/Ricardo Road/Vista Del Sol~~] Install and Activate Emergency Vehicle Preemption Devices) would reduce this impact to less than significant.

4.17 REVISIONS TO CHAPTER 5 ALTERNATIVES

To provide clarification on air quality emissions, the second paragraph under the heading, "Air Quality," on page 5-9 the Draft EIR is revised as follows:

ORIGINAL:

For long-term operational-related emissions, the No Project/No Build Alternative would not generate any new emissions beyond what is already generated on the existing campus and would be allowed under plans, zoning, and entitlements. Therefore, similar to the proposed project, this alternative assumes enrollment at the university would increase to 1,000 students. However, under this alternative, no additional housing opportunities would be provided in close proximity to existing facilities and students would be resigned to find housing elsewhere in the County or the larger East Bay/San Francisco region. The proposed project would have increased construction and operational emissions compared to existing conditions due to the development of new housing and facilities and increased vehicle trips. See Appendix C for air quality emissions associated with the operation of existing uses. On the other hand, the long-term emissions generated by Alternative 1 would be incrementally lower than those of the proposed project because it would not generate long-term operational emissions associated with additional residential uses on the project site. Thus, air quality impacts under the No Project/No Build Alternative would be less than under the proposed project and no mitigation would be required to reduce any potentially significant impacts.

REVISED:

For long-term operational-related emissions, the No Project/No Build Alternative would not generate any new emissions beyond what is already generated on the existing campus and would be allowed under plans, zoning, and entitlements. Therefore, similar to the proposed project, this alternative assumes enrollment at the university would increase to 1,000 students. However, under this alternative, no additional housing opportunities would be provided in close proximity to existing facilities and students would be resigned to find housing elsewhere in the County or the larger East Bay/San Francisco region. The proposed project

would have increased construction and operational emissions compared to existing conditions due to the development of new housing and facilities and increased vehicle trips. See Appendix C for air quality emissions associated with the increase in development as compared to baseline conditions. ~~See Appendix C for air quality emissions associated with the operation of existing uses.~~ On the other hand, the long-term emissions generated by Alternative 1 would be incrementally lower than those of the proposed project because it would not generate long-term operational emissions associated with additional residential uses on the project site. Thus, air quality impacts under the No Project/No Build Alternative would be less than under the proposed project and no mitigation would be required to reduce any potentially significant impacts.

To provide a correction to the location of Alternative 2, Site 2 - St. Vincent's School for Boys located in San Rafael, page 5-14 of the Draft EIR is revised as follows:

ORIGINAL:

Site 2 – St. Vincent's School for Boys. This property is located in Santa Venetia off U.S. Highway 101 (U.S. 101) and St. Vincent Drive and encompasses approximately 315 acres on APNs 155-011-28, -29, and -30.

REVISED:

Site 2 – St. Vincent's School for Boys. This property is located in ~~Santa Venetia~~ San Rafael off U.S. Highway 101 (U.S. 101) and St. Vincent Drive and encompasses approximately 315 acres on APNs 155-011-28, -29, and -30.

To provide further clarification on what elements of the proposed project would still be developed and reflect the changes to Mitigation Measure 3.14-4, the description of Alternative 4, Mitigated Plan Alternative, under section 5.4.4, Alternative 4: Mitigated Plan Alternative, on page 5-20 of the Draft EIR is revised as follows:

ORIGINAL:

In light of state housing laws (also discussed above in Section 5.3.2, Reduced Development Alternative [Seminary Tomorrow Process Outcome]) and the 1953 CUP, the County has considered and determined it is legally infeasible to mandate reducing residential development or student enrollment at the project site. Thus, under the Mitigated Plan Alternative, modifications of the proposed plan (e.g., configuration of uses) would be offered for consideration by the County to reduce environmental impacts. Based on the environmental impact analysis contained in Sections 3.1 through 3.15 of the Draft EIR, the proposed project would result in potentially significant impacts on aesthetics, air quality, archaeological and tribal cultural resources, biological resources, geology and soils, greenhouse gas emissions, noise, public services, and transportation. Moreover, with the implementation of mitigation measures, the proposed project would result in significant and unavoidable impacts related to GHG emissions, construction noise, and VMT. Because the mitigated plan alternative focuses on reconfiguration of the proposed layout, it addresses impacts related to direct physical landscape alteration, rather than operational impacts (i.e., GHG emissions and VMT).

To address potentially significant impacts related to aesthetics, the proposed residential units on Chapel Hill would be located to lower elevations within the project site to reduce local ridgeline visual impacts. These units could possibly be relocated to the Hodges/Shuck Planning Area near the proposed three six-story residential buildings. It should be noted that while the movement of these units to an alternate area on the project site would reduce visual impacts, such a change could result in impacts for other resource areas such as hydrology and water quality and stormwater impacts. Redesign of the residential care facility by reducing the size and lowering the elevation of buildings would also reduce local ridgeline impacts as compared to the proposed project. In addition, to conform with County policies related to visual resources, this alternative would, as part of the project design, incorporate planting of evergreen shrubs and trees along the north side of Chapel Drive, including the south slopes of Chapel Hill extending from Mission Drive to Willis Drive, to buffer views into the project from adjacent streets. Similarly, this alternative would incorporate planting of

native shade trees and a naturalistic hedgerow of screening shrubs to screen views of the residential care facility, as well as a variety of fast-growing trees to mitigate the sky-lining effects of the facility. The design of these landscaping features would comply with all County defensible space and landscape plan requirements. This alternative would also incorporate the use of light and slightly darker-valued earth-toned materials that are flat and non-reflective (either integral to the material or painted) to reduce color contrast with the surrounding natural landscape and community setting. All albedo surfaces would have a maximum reflectance coefficient of 0.6 under this alternative.

To address potentially significant impacts related to disturbance or loss of monarch butterfly (should pre-construction surveys find the project site is used for monarch butterfly overwintering in the Shuck Drive Knoll and Seminary Point Planning Areas) this alternative would avoid removal of healthy live overstory Monterey Pine that may contribute to suitable overwintering habitat. If this restriction prohibits construction of residential dwellings in these planning areas, the dwelling units would be relocated to any other planning area. To address potentially significant impacts related to slope stability and landslide hazards, development would be relocated and focused within Slope Stability Zone 1 with its generally gentler slopes, as identified in Figure 3.6-2, "Relative Slope Stability." While further geotechnical engineering would be required to confirm development and design-level stability requirements, this zone is recognized to be the most stable areas on the project site. To address potentially significant impacts related to safety hazards and emergency access, this alternative would also widen Gilbert Drive and Hodges Drive to County standards and construct a roundabout at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol.

Additionally, this alternative would require a minimum of 90 and a maximum of 100 housing units to be reserved for student housing to serve the University student population onsite. Lastly, this alternative would include a new onsite gym that would be exclusively available for use by university students and faculty. These requirements are consistent with the existing Strawberry Community Plan. Figure 5-1, "Mitigated Plan Alternative," identifies the location of the conceptual elements outlined for this alternative.

REVISED:

In light of state housing laws (also discussed above in Section 5.3.2, Reduced Development Alternative [Seminary Tomorrow Process Outcome]) and the 1953 CUP, the County has considered and determined it is legally infeasible to mandate reducing residential development or student enrollment at the project site. Thus, under the Mitigated Plan Alternative, modifications of the proposed plan (e.g., configuration of the conceptual layout of planned land uses) would be offered for consideration by the County to reduce environmental impacts and illustrate the incorporation of recommended mitigation measures. The modifications are based on the analysis of the impacts of the project as proposed, County policy interpretation, where potentially significant impacts are identified for the proposed project, and recommended mitigation measures in the Draft EIR. These modifications include alternative actions that may be different than the mitigation measures proposed for the project. Similar to the proposed project, development under this alternative would include renovation of existing academic buildings, relocation of an existing daycare center, construction of a new fitness center, construction of a new residential care facility, upgrades to existing housing and construction of new housing, retention of and access improvements to existing open space and recreation areas, and creation of new bicycle and pedestrian paths within the property. Based on the environmental impact analysis contained in Sections 3.1 through 3.15 of the Draft EIR, the proposed project would result in potentially significant impacts on aesthetics, air quality, archaeological and tribal cultural resources, biological resources, geology and soils, greenhouse gas emissions, noise, public services, and transportation. Moreover, with the implementation of mitigation measures, the proposed project would result in significant and unavoidable impacts related to GHG emissions, construction noise, and VMT. Because the mitigated plan alternative focuses on reconfiguration of the proposed layout, it addresses impacts related to direct physical landscape alteration, rather than operational impacts (i.e., GHG emissions and VMT).

Not all of the reconfigurations considered in Alternative 4 originate from recommended mitigation measures. For instance, a land use configuration change may be considered as an option in lieu of or in conjunction with the recommended mitigation approach. For example, to address potentially significant impacts related to aesthetics, the proposed residential units on Chapel Hill would be located to lower elevations within the project site to reduce local ridgeline visual impacts in lieu of or in conjunction with recommended screening views of Chapel Hill units with vegetation (Mitigation Measure 3.1-1a). These units could possibly be relocated to the Hodges/Shuck Planning Area near the proposed three six-story residential buildings. It should be noted that while the movement of these units to an alternate area on the project site would reduce visual impacts, such a change could result in impacts for other resource areas such as hydrology and water quality and stormwater impacts. Redesign of the residential care facility by reducing the size and lowering the elevation of buildings would also reduce local ridgeline impacts as compared to the proposed project. In addition, to conform with County policies related to visual resources, this alternative would~~,~~ incorporate Draft EIR Mitigation Measures 3.1-1a through 3.1-1d and 3.1-2 as part of the project design~~,~~. Thus, this alternative would incorporate planting of evergreen shrubs and trees along the north side of Chapel Drive, including the south slopes of Chapel Hill extending from Mission Drive to Willis Drive, to buffer views into the project from adjacent streets. Similarly, this alternative would incorporate planting of native shade trees and a naturalistic hedgerow of screening shrubs to screen views of the residential care facility, as well as a variety of fast-growing trees to mitigate the sky-lining effects of the facility. The design of these landscaping features would comply with all County defensible space and landscape plan requirements. This alternative would also incorporate the use of light and slightly darker-valued earth-toned materials that are flat and non-reflective (either integral to the material or painted) to reduce color contrast with the surrounding natural landscape and community setting. All albedo surfaces would have a maximum reflectance coefficient of 0.6 under this alternative.

To address potentially significant impacts related to disturbance or loss of monarch butterfly (should pre-construction surveys find the project site is used for monarch butterfly overwintering in the Shuck Drive Knoll and Seminary Point Planning Areas) this alternative would incorporate Draft EIR Mitigation Measures 3.4-2a and 3.4-2b as part of the project design and avoid removal of healthy live overstory Monterey Pine that may contribute to suitable overwintering habitat. If this restriction prohibits construction of residential dwellings in these planning areas, the dwelling units would be relocated to any other planning area. Another modification proposed in this alternative that is different than the recommended mitigation measures would be ~~I~~to address potentially significant impacts related to slope stability and landslide hazards, development would be relocated and focused within Slope Stability Zone 1 with its generally gentler slopes, as identified in Figure 3.6-2, "Relative Slope Stability." While further geotechnical engineering would be required to confirm development and design-level stability requirements, this zone is recognized to be the most stable areas on the project site. To address potentially significant impacts related to safety hazards and emergency access, this alternative would incorporate Draft EIR Mitigation Measure 3.14-4 as part of the project design and would ~~also~~ widen Gilbert Drive and Hodges Drive to County standards, install and activate emergency preemption detection technology in the traffic signals at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive, and install and activate emergency vehicle preemption emitting devices in seven fire station vehicles housed at Strawberry Fire Station 9~~construct a roundabout at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol~~.

Additionally, this alternative would require a minimum of 90 and a maximum of 100 housing units to be reserved for student housing to serve the University student population onsite. Similar to the proposed project, 13 existing housing units would be retained on site. Lastly, this alternative would include a new onsite gym that would be exclusively available for use by university students and faculty. These requirements are consistent with the existing Strawberry Community Plan. All other components of the proposed project would be developed under this alternative. Figure 5-1, "Mitigated Plan Alternative," identifies the location of the conceptual elements outlined for this alternative.

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5 REFERENCES

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No references were used in this chapter.

Chapter 2, "Project Updates"

No references were used in this chapter.

Chapter 3, "Responses to Comments"

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