

**Appendix A:
EIR Noticing and Public Involvement**

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California Department of General Services
Notice of Preparation and Notice of Public Scoping Meeting
Oak Hill Apartments Project

Date: March 25, 2022

To: State Clearinghouse and Interested Public Agencies, Parties, and Organizations

From: Terry Ash, Senior Environmental Planner, California Department of General Services

Subject: Notice of Preparation of an Environmental Impact Report for the Oak Hill Apartments Project and Notice of Public Scoping Meeting

NOTICE IS HEREBY GIVEN THAT California Department of General Services (Lead Agency and/or California Department of General Services [DGS]) will prepare a Draft Environmental Impact Report (Draft EIR) for the proposed Oak Hill Apartments Project (proposed project). The Draft EIR will address the potential physical and environmental effects of the proposed project for each of the environmental topics outlined in the California Environmental Quality Act (CEQA). DGS will use the Draft EIR when considering approval of the proposed project. Pursuant to CEQA Guidelines Section 15082, the project description, location, and potential environmental effects of the proposed project are described in the attached materials and available on the project website at <https://edenhousing.org/properties/oak-hill-apartments/>.

30-DAY NOP COMMENT PERIOD: DGS is soliciting comments from public agencies, organizations, and members of the public regarding the scope and content of the Draft EIR, and the environmental issues and alternatives to be addressed in the Draft EIR. In accordance with the time limits established by CEQA, the Notice of Preparation (NOP) public review period will begin on **March 25, 2022**, and will end on **April 25, 2022**. Please provide your written/typed comments (including name, affiliation, telephone number, and contact information) to the address or email shown below by **5:00 p.m., Monday, April 25, 2022**. If you wish to be placed on the notification list for this proposed project or need additional information, please contact:

Terry Ash, Senior Environmental Planner, DGS
c/o FirstCarbon Solutions
1350 Treat Blvd, Suite 380
Walnut Creek, CA 94597
Phone: 925.357.2562 ext. 1112
Email: ldavison@fcs-intl.com

PUBLIC SCOPING MEETING: DGS will hold a Public Scoping Meeting to: (1) inform the public and interested agencies about the proposed project; and (2) solicit public comment on the scope of the environmental issues to be addressed in the Draft EIR as well as the range of alternatives to be evaluated. The meeting will be held on **Monday, April 11, 2022**, starting at **4:00 p.m.** via a **Zoom meeting**.

Join Zoom Meeting

<https://fcs-intl.zoom.us/j/92721642915?pwd=MjNzRVBIZk9jN24vZ3pHT3RwZjlGUT09>

Meeting ID: 927 2164 2915

Passcode: 589860

One tap mobile

+16699006833,,92721642915# US (San Jose)

+13462487799,,92721642915# US (Houston)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 346 248 7799 US (Houston)

+1 253 215 8782 US (Tacoma)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

Meeting ID: 927 2164 2915

Find your local number: <https://fcs-intl.zoom.us/j/92721642915?pwd=MjNzRVBIZk9jN24vZ3pHT3RwZjlGUT09>

OAK HILL APARTMENTS PROJECT

Project Location

The project site is located north and west of East Sir Francis Drake Boulevard, east of Drakes Cove Road, and south of Anderson Drive in an unincorporated area of Marin County Exhibit 1 and Exhibit 2). The approximately 8.3-acre site is located on Assessor’s Parcel Number (APN) 018-152-12 on the United States Geological Survey (USGS) *San Rafael and San Quentin, California* 7.5-minute Topographic Quadrangle Maps in the southeastern portion of Marin County. Marin County is bound to the north by Sonoma County, to the east by the San Francisco Bay, to the south by the City and County of San Francisco, and to the west by the Pacific Ocean. Regional access is provided by Interstate 580 (I-580) and by U.S. Route 101 (US-101).

Existing Conditions

The project site is characterized by inward sloping topography from the west, north, and east; however, the center and southwestern portions of the site are relatively flat (Exhibit 3). Previously, the site was used as a pistol gun range. Currently, the project site is vacant with a mixture of tall trees, brush, shrubs, tall grasses, and thicket. There are remnant structures beneath some of the brush. The project site drains direct precipitation from the surrounding slopes through a network of first and second order ephemeral drainage channels. The collected runoff is conveyed through two channels and culverts under East Sir Francis Drake Boulevard to the lagoon at Remillard Park, an artificial impoundment of San Francisco Bay. A sewage junction box, chemical dosing station, and an approximately 11,500-square-foot asphalt pad is located in the southwestern corner of the project site. These structures are associated with an easement agreement between the Central Marin Sanitation Agency (CMSA) and the State of California allowing a wastewater pipeline to enter State property.

Project Description

Eden Housing and Education Housing Partners, Inc. (Applicant) are proposing to develop the proposed project as a 100 percent affordable housing project consisting of up to 250 new apartments. A total of 135 units would be available to Low to Moderate Income educators working in Marin County and employees of the County of Marin, while 115 units would be available to Extremely Low to Low Income residents (Table 1).

The apartments would be clustered into two podium style buildings that are terraced up the hillside with exterior elevations ranging from 3 to 5-stories (Exhibit 4). The proposed project would feature several amenities, including a community terrace, play area, lawn, a fenced dog area, and a community garden. Approximately 1.6 acres of the project site will be preserved as open space.

Table 1: Proposed Housing Unit Mix

Income Level	Unit Type	Area (square feet)	Quantity	Mix (%)
Low to Moderate Income Affordable Units	Junior 1-bedroom	625	20	15
	1-bedroom	725	61	45
	2-bedroom	1,000	41	30
	3-bedroom	1,250	13	10
Total Low to Moderate Income Affordable Units: 135				
Extremely Low to Low Income Affordable Units	Studio	450	28	25
	1-bedroom	615	29	25
	2-bedroom	930	29	25
	3-bedroom	1085	29	25
Total Extremely Low to Low Income Affordable Units: 115				
Total Housing Units: 250				

Vehicular Access, Circulation, and Parking

The project site would be accessed via a 25-foot driveway from East Sir Francis Drake Boulevard, approximately 165 feet east of Drakes Cove Road. A traffic signal on East Sir Francis Drake Boulevard is proposed at the entry to the project site. The driveway would provide access to a two-level garage with approximately 310 parking spaces. In addition, approximately 30 surface parking spaces would be located on-site. Additional project access alternatives are being considered, such as an internal access road connecting the project site to Drakes Cove Road.

Pedestrian Facilities

The proposed project would include pedestrian walkways throughout the project site, as well as a pedestrian crosswalk connecting the project site to the Class I multi-use path on the south side of East Sir Francis Drake Boulevard.

Bicycle Facilities

The proposed project would provide bicycle parking spaces on-site. The proposed pedestrian crosswalk would also allow bicycles to connect from the project site to the Class I multi-use path on the south side of East Sir Francis Drake Boulevard.

Infrastructure and Utilities

The project site is located within the service areas of the following utility service providers and would include on-site and off-site improvements to connect to these services:

- **Water:** The proposed project would obtain water from the Marin Municipal Water District.

- **Wastewater:** The proposed project’s wastewater would be treated by the Central Marin Sanitation Agency.
- **Solid Waste:** Marin Sanitary Service would provide solid waste services to the project site.
- **Electricity:** The project site would be served by Marin Clean Energy. However, should the property owner choose, they could opt out of Marin Clean Energy and be serviced by Pacific Gas & Electric Company (PG&E).
- **Gas:** PG&E would provide gas to the project site.

Required Discretionary and Ministerial Approvals

The proposed project requires the following approvals:

- Approval of Ground Lease and Regulatory Agreement from the Department of General Services.
- Plan Check/Ministerial Building Approvals from the Department of General Services
- Common Interest Development Approvals from the Department of Real Estate.
- Roadway Connection Entitlements for driveway connection to East Sir Frances Drake Boulevard.
- EIR Certification by the Department of General Services.

Annexation into the City of Larkspur will be considered as a project alternative. Comments suggesting other alternatives are welcome, and the final list of alternatives will be determined after receipt of community input and available for public review once the Draft EIR is circulated. Please see the Environmental Review section, below, for more details.

Several other agencies will serve as Responsible and Trustee Agencies, pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15381 and Section 15386, respectively. These agencies may include but are not limited to the following:

- United States Army Corps of Engineers
- United States Fish and Wildlife Service
- California Department of Fish and Wildlife
- San Francisco Bay Regional Water Quality Control Board
- Bay Area Air Quality Management District
- County of Marin
- Marin Municipal Water District
- Central Marin Sanitation Agency
- Pacific Gas & Electric Company

Environmental Review

Following completion of the 30-day NOP public review period, DGS will incorporate relevant information into the Draft EIR, including results of public scoping and technical studies. Subsequently, the Draft EIR will be circulated for public review and comment for a 45-day public review period. Following the Draft EIR 45-day comment period, DGS will consider all comments submitted and will prepare responses to all comments received in a Final EIR.

DGS requests that any potential Responsible or Trustee Agency responding to this notice do so in a manner consistent with CEQA Guidelines Section 15082(b). All parties that have submitted their names and email or mailing addresses will be notified throughout the CEQA review process.

A copy of the NOP (in full color) can be found on the project website at <https://edenhousing.org/properties/oak-hill-apartments/>.

If you wish to be placed on the mailing list or need additional information, please contact Terry Ash, Senior Environmental Planner, DGS, c/o FirstCarbon Solutions, at 925.357.2562 ext. 1112 or ldavison@fcs-intl.com.

Potential Environmental Effects

The Draft EIR will evaluate if there are potentially significant environmental impacts associated with approval and implementation of the proposed project. Consistent with the CEQA Guidelines (Appendix G), the following environmental resource categories will be analyzed in relation to the proposed project:

- **Aesthetics**—The Draft EIR will include an evaluation of aesthetic impacts related to the proposed project.
- **Air Quality**—The Draft EIR will include an evaluation of construction-period toxic air contaminants to assess potential construction-related health risks for off-site residents and employees of San Quentin State Prison and any other nearby businesses. The Draft EIR will also include an evaluation of operational air quality effects.
- **Biological Resources**—The Draft EIR will address direct and indirect impacts to regulated waterways and wetlands, sensitive habitats and mature native trees, sensitive plants and wildlife, and wildlife movement corridors.
- **Cultural Resources and Tribal Cultural Resources**—The Draft EIR will examine potential adverse impacts the proposed project would have on historical resources (or eligible historical resources), archaeological resources, and tribal cultural resources.
- **Energy**—The Draft EIR will include a discussion of the potential energy consumption and/or impacts from implementation of the proposed project, with an emphasis on avoiding or reducing inefficient, wasteful, or unnecessary consumption of energy.
- **Geology and Soils**—The Draft EIR will analyze potential impacts related to geology, soils, seismicity, and paleontological resources resulting from implementation of the proposed project.

- **Greenhouse Gas Emissions**—The Draft EIR will analyze the proposed project’s contribution to greenhouse gas emissions and potential impacts to climate change.
- **Hazards and Hazardous Materials**—The Draft EIR will discuss potential exposure to hazards and hazardous materials from implementation of the proposed project. Emergency response and evacuation impacts will also be discussed. The project site is not on the Department of Toxic Substances Control (DTSC) Hazardous Waste and Substances Sites (Cortese) List.¹
- **Hydrology and Water Quality**—The Draft EIR will analyze impacts of the proposed project on drainage patterns and water quality in the project area.
- **Land Use and Planning**—The Draft EIR will describe the overall land use pattern for the project area and determine the potential environmental effects of the proposed project related to Land Use and Planning.
- **Noise**—The Draft EIR will analyze short-term impacts to noise-sensitive receptors and long-term noise exposure.
- **Transportation**—The Draft EIR will include a comprehensive traffic analysis that considers aspects such as roadway design and safety, as well as other roadways, and analysis of proposed improvements. A Vehicle Miles Traveled (VMT) analysis will also be provided.

Effects Found not to be Significant

Unless specific comments are received during the NOP public comment period that indicate a potential for the proposed project to result in a significant impact, the following issues will be addressed in the Effects Found not to be Significant section of the Draft EIR.

- **Agriculture and Forestry Resources**—According to the California Department of Conservation, the project site does not contain and is not adjacent to lands classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.² The project site is located within an urban environment and no existing agriculture or forestry land use activities occur within the project site boundaries. The project site is zoned Agriculture Limited by the Marin Countywide Plan. However, the site has not historically been used for agricultural purposes and the zoning district allows for affordable housing uses.³ As such, the proposed project would not result in significant effects related to agriculture and forestry resources.
- **Mineral Resources**—No activities related to mineral resources occur within the project site and no portion of the project site is designated as relevant for mineral resources by Marin County⁴ or by the State of California.⁵ As such, the proposed project would not result in significant effects related to mineral resources.

¹ California Department of Toxic Substances Control (DTSC). 2022. Hazardous Waste and Substances Sites (Cortese) List. Website: <https://dtsc.ca.gov/dtscs-cortese-list/>. Accessed February 23, 2022.

² California Important Farmland: 1984-2018. 2018. Website: <https://maps.conservation.ca.gov/dlrp/ciftimeseries/>. Accessed February 9, 2022.

³ Marin County. Marin County Municipal Code. Title 22 Development Code. Website: https://library.municode.com/ca/marin_county/codes/municipal_code?nodeId=TIT22DECO_ARTIIZODIALLAUS_CH22.16DIDEST_22.16.010PUCH. Accessed February 9, 2022.

⁴ Marin County Community Development Agency. 2015. Marin Countywide Plan, Map 3-5, Location of Mineral Resource Preservation Sites. Website: https://www.marincounty.org/-/media/files/departments/cd/planning/currentplanning/publications/county-wide-plan/cwp_2015_update_r.pdf?la=en#page=248&zoom=100,0,0. Accessed February 10, 2022.

⁵ California Department of Conservation, California Geological Survey Information Warehouse: Mineral Land Classification. 2015. Website: <https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>. Accessed February 9, 2022.

- **Population and Housing**—The project site is vacant and does not contain residential units. The proposed project would develop up to 250 housing units. According to the Department of Finance, the average household size in Marin County is 2.38 people.⁶ As such, the proposed project could increase population by approximately 595 people. According to the California Department of Finance, the estimated population in Marin County for 2021 is approximately 257,774.⁷ The 2015-2023 Housing Element predicts that the population of Marin County is expected to steadily increase 0.3 percent to 0.5 percent per year up to the year 2040.⁸ Given this prediction, a population increase of up to 1,289 persons is expected by the Housing Element horizon in the year 2023.⁹ Therefore, the proposed project would not induce substantial population growth within the County of Marin beyond current projections, nor would it displace existing housing. As such, the proposed project would not result in significant effects related to population and housing.
- **Public Services**—The estimated 595-person increase in population resulting from the proposed project would result in an incremental increase in demand for public services such as fire protection, police protection, schools, libraries, parks, and other public facilities. However, it is not expected that the proposed project would adversely affect response times or increase the use of existing public services such that substantial physical deterioration, alteration, or expansion of these facilities would be required, thereby triggering environmental impacts. As such, the proposed project would not result in significant effects related to public services.
- **Recreation**—The proposed project would incorporate recreational features, including a community terrace, play area, fenced dog area, community garden, and lawn areas. The proposed project would include pedestrian walkways throughout the project site and a pedestrian crosswalk connecting the project site to the Class I multi-use path on the south side of East Sir Francis Drake Boulevard, adjacent to Remillard Park. Because the proposed project would not result in a substantial increase in population growth, there would be no need for new or expanded parks or recreational facilities. Similarly, the proposed project would not result in the physical deterioration of existing parks or recreational facilities. As such, the proposed project would not result in significant effects related to parks or recreational facilities.
- **Utilities and Service Systems**—The estimated 595-person increase in population resulting from the proposed project would result in an incremental increase in demand for water, wastewater treatment, stormwater drainage facilities, electric power, natural gas, telecommunications facilities, and solid waste collection services. However, it is not expected that the proposed project would adversely affect water supply, wastewater treatment capacity, stormwater drainage capacity, landfill capacity, or electric power, natural gas, or telecommunications facilities. Nor would the proposed project result in a substantial increase

⁶ California Department of Finance. 2021. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2021 with 2010 Census Benchmark. Website: <https://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-5/>. Accessed February 10, 2022.

⁷ California Department of Finance. 2021. E-1 Population Estimates for Cities, Counties, and the State — January 1, 2020 and 2021. Website: <https://www.dof.ca.gov/forecasting/demographics/estimates/e-1/>. Accessed February 10, 2022.

⁸ Marin County Community Development Agency. 2015. Marin Countywide Plan. Marin County Housing Element 2015-2023. Website: https://www.marincounty.org/-/media/files/departments/cd/planning/currentplanning/publications/county-wide-plan/cwp_2015_update_r.pdf?la=en#page=248&zoom=100,0,0. Accessed February 10, 2022.

⁹ $0.0050 \times 257,774$ persons = 1,289 persons

in the use of existing utilities and service systems such that substantial physical deterioration, alteration, or expansion of these facilities would be required, thereby triggering environmental impacts. As such, the proposed project would not result in significant effects related to utilities and service systems.

- **Wildfire**—The project site is located in a Moderate Fire Hazard Severity Zone within a State Responsibility Area (SRA).¹⁰ The project site is located adjacent to land identified as Moderate Fire Hazard Severity Zone within an SRA,¹¹ as well as land identified as Non-Very High Fire Hazard Severity Zone within a Local Responsibility Area (LRA).¹² The nearest Very High Fire Hazard Severity Zone is located approximately 2.2 miles to the southwest in the City of Larkspur. The project site is mostly surrounded by urbanized uses. The project site is also surrounded by features that provide fuel breaks in the event of a fire, such as East Sir Francis Drake Boulevard, Drakes Cove Road, and the San Francisco Bay. The removal of existing vegetation and trees from the project site would reduce the site’s existing fuel load and the proposed project includes a 25-foot driveway from East Sir Francis Drake Boulevard that would accommodate emergency response vehicles. As such, the proposed project would not result in significant effects related to wildfire.

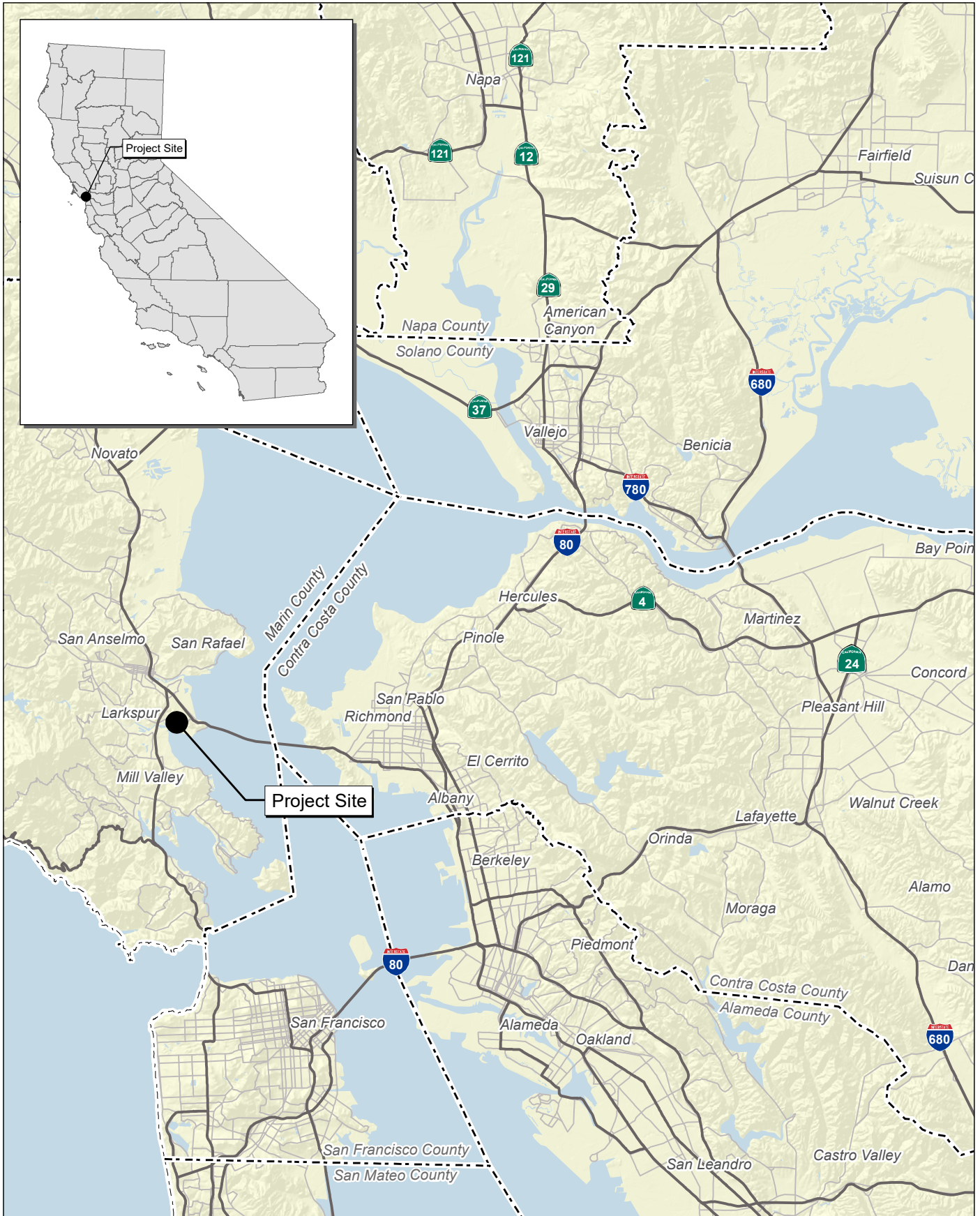
¹⁰ California Department of Fire and Forestry Protection (CAL FIRE). 2007. Marin County Fire Hazard Severity Zones in SRA. Website: https://osfm.fire.ca.gov/media/6707/fhszs_map21.pdf. Accessed February 10, 2022.

¹¹ California Department of Fire and Forestry Protection (CAL FIRE). 2007. Marin County Fire Hazard Severity Zones in SRA. Website: https://osfm.fire.ca.gov/media/6707/fhszs_map21.pdf. Accessed February 10, 2022.

¹² California Department of Fire and Forestry Protection (CAL FIRE). 2008. Marin County Very High Fire Hazard Severity Zones in LRA. Website: https://osfm.fire.ca.gov/media/6709/fhszl_map21.pdf. Accessed February 10, 2022.

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View map description.



Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

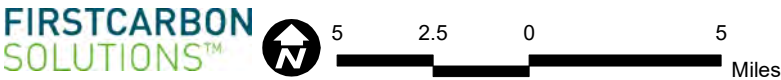
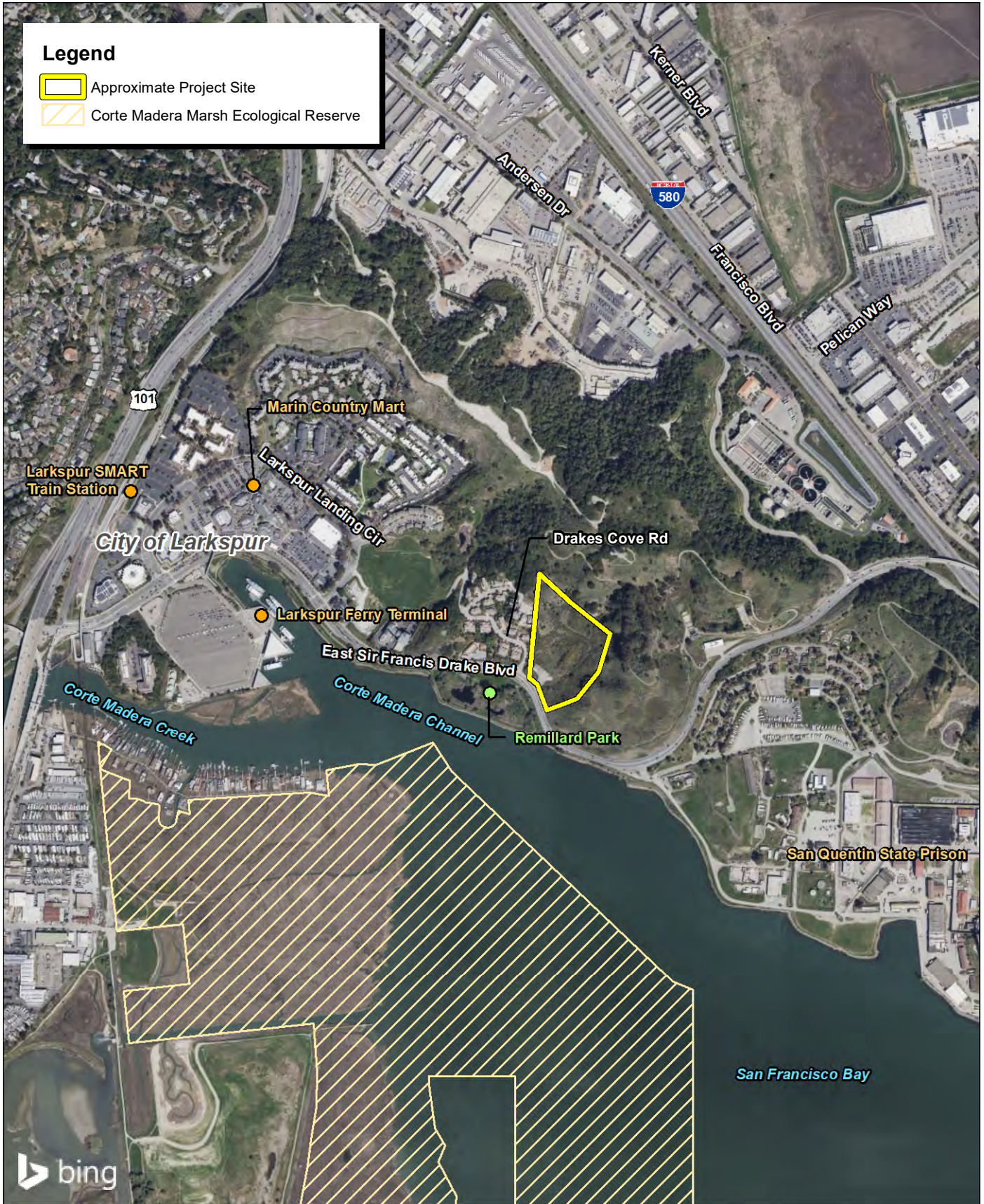


Exhibit 1 Regional Location Map

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View map description.



Source: Bing Aerial Imagery. California Department of Fish and Wildlife

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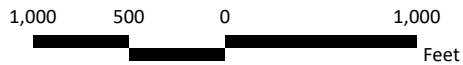


Exhibit 2 Local Vicinity Map

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Source: Bing Aerial Imagery. Elevation contours (5 meters), County of Marin, Berkeley Library GeoData, 2009.

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Exhibit 3 Contour Map

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VIEW FROM ENTRY ROAD

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Figure Descriptions

Accessibility Appendix

Figure 1: This map shows the regional location of the project site within the San Francisco Bay Area. The project site is located in Marin County, east of the City of Larkspur. The project site is located near the San Francisco Bay.

Figure 2: This map shows the project site boundary. The project site is a polygon shape north of Sir Francis Drake Boulevard and Remillard Park. South of Remillard Park is the Corte Madera Channel and the Corte Madera Marsh Ecological Reserve. West of the project site is a residential area along Drakes Cove Road and Larkspur Ferry Terminal. North of the project site is an undeveloped area and Interstate 580. East of the project site is an undeveloped area and San Quentin State Prison.

Figure 3: This map has elevation contours showing elevation at various points of the project site and the surrounding area. The elevation ranges from 20 meters above sea level at the most southern portion of the project site to 160 meters above sea level at the most northern portion of the project site.

Figure 4: This figure shows a cross section of the proposed residential development as viewed from the entry road. The drawing illustrates the proposed seven-story building. A two-story garage is shown on the bottom floors. Podium decks are depicted at the third floor. Residential units are shown throughout all seven floors of the proposed building. Greenery and trees are illustrated behind the proposed building. At the top right corner of the illustration is a birds eye view cross site section cut of the proposed project. It illustrates the proposed driveway, parking, and residential building.

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



April 25, 2022

Ms. Terry Ash, Senior Environmental Planner
Department of General Services
c/o FirstCarbon Solutions
1350 Treat Blvd, Suite 380
Walnut Creek, CA 94597

Dear Ms. Ash:

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

CDCR staff utilize Sir Francis Drake Boulevard to access SQ. The EIR's transportation analysis should evaluate the level of impact temporary construction-related traffic or permanent post-construction traffic will have on access to the institution by CDCR staff, the Department's contract providers, or the vendors that deliver supplies and services to SQ. CDCR concurs with the proposal in the NOP to place a traffic light at the intersection of Sir Francis Drake Boulevard and the entrance/exit to the Project site. In addition to a traffic light, the transportation analysis should evaluate the need to widen Sir Francis Drake Boulevard and/or add an exclusive left turn lane from the southeast-bound lane and a right turn lane from the opposite direction into the Project site for both construction-related traffic and permanent post-construction traffic.

If you have any questions, please contact Peter Connelly, Supervising Environmental Planner, at [REDACTED] or via email at [REDACTED]

Sincerely,

A handwritten signature in blue ink that reads "Dean L. Borg".

DEAN L. BORG
Director
Facility Planning, Construction and Management

cc: Chris Lief, Deputy Director, Facility Planning, Construction and Management
Keith Beland, Associate Director, Project Management Branch, CDCR
Sohail Shaikh, Associate Director, Project Management Branch, CDCR
Peter Connelly, Supervising Environmental Planner, CDCR

David C. Herr, Esq.
CA State Bar No. 196536

April 22, 2022

Terry Ash, Senior Environmental Planner
Department of General Services
c/o FirstCarbon Solutions/Ms. Lisa Davison
1350 Treat Blvd., Suite 380
Walnut Creek, CA 94597

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

Dear Ms Davidson,

My name is David Herr. My wife Rachel Post and I live at 2 Drakes Cove Rd. in Larkspur, just adjacent to the proposed Oak Hill Apartments Development. I am the President of the Drakes Cove Homeowners Association Board of Directors, but comment in my capacity as a Marin County resident and taxpayer affected by the proposed project. The following pages constitute my comments on what the scope of the Oak Hill Apartments EIR should be, and in particular what alternatives should be evaluated.

I am crafting these comments after the April 11 "public meeting" on the NOP. Hopefully, that meeting will be the last Zoom-only meeting for this project. Future meetings should be true public meetings, at public venues, where those who wish to attend in person can do so. A Zoom option can be made available for those who are still concerned about their vulnerability to Covid, but by now the public health crisis is over, and the way that the state conducts legally required public meetings should reflect that fact. Zoom-only meetings do not allow members of the public to interact fully and effectively with each other and the relevant public officials, and in my view, continuing Zoom-only "public meetings" violates the public notice and participation requirements of CEQA and other California laws.



Cove.



This Comment is divided into two portions: Part I addresses the scoping issues contained in the NOP under "Potential Environmental Effects," (pp. 6-7) and Part II addresses Alternatives (other than the "No Development" alternative that DGS must evaluate by law) to the proposed

development that DGS should consider.

Before beginning that analysis, however, a point of order, and a note on the overall theme of this Comment. Exhibit 2 of the NOP, at top left, depicts the "Approximate Project Site" differently than it has been presented up to this point, and in a way that is much closer to the property line with Drakes

Previous documents associated with this development, from the RFP (center left) to the winning submission by Thompson-Dorfman and Eden (bottom left), had something of a buffer between Drakes Cove and the development site

Commenting on the NOP and the EIR would be a lot easier if there was finality on the precise Development Site, and the absolute limit of any building envelope(s).

The overall theme of this Comment is that the proposed project is far too dense for the location. The density theme suffuses all of the specific EIR scope topics. In previous public meetings, whenever the developer has encountered pushback on density, it has replied that its mandate from the state is 230-250 units on the site, as if the topic of density was beyond discussion. I disagree strongly with the notion that density is off the table. The "mandate" from the state was created by the developer's winning RFP proposal, so in effect, the developer has created its own mandate for density, outside of the normal zoning process and General Plan Housing Element EIR process. In effect, the EIR process for this project, is the only opportunity for the public to weigh in on the density question, since Marin County's Housing Element and General Plan specifically exclude the development site from designation due to its current state use. A more appropriate mode of releasing this site for development would have been to release it back to Marin County for General Plan designation and rezoning, a process that would have taken more time, but would also have ensured maximum public input, in the way the public has come to expect regarding development sites. The State's use of the RFP process to set zoning and development standards is atypical, and stretches its privileges as owner of the property to the limit. Further constraining the public's ability to consider density by foreclosing discussion of the 250 unit size of the development would be inappropriate, and could very well spur time consuming litigation against the project, if the density issue is not explored fully in the public EIR process.

PART I: Potential Environmental Effects

A. Aesthetics. In its winning submission, EHP and Eden proposed two potential development styles: a 178 unit "Garden Plan" (below at left) consisting of around 10 low-rise buildings and mostly surface parking across the site, and a 230-250 unit "Podium Plan" (below at right) consisting of one large parking structure and podium deck, atop which modular units would be constructed.



Since the selection of EHP and Eden as the winning developers, almost all of their public presentations of the project have focused on the Podium Plan, presumably for its higher density. My wife and I, along with all other residents of Drakes Cove, are extremely concerned about the aesthetic impact of the proposed Podium Plan. The height and bulk of the Podium structure vastly exceeds anything in the area, particularly the adjacent Drakes Cove development. The Podium structure is taller and more massive than any of the apartments in the Larkspur Landing area. My wife and I feel that such a large structure would be inappropriate for this area, given surrounding building sizes.

The architecture of the proposed Podium building is also much different than the architecture of adjacent Drakes Cove, and the nearby apartment complexes at Larkspur Landing. In addition to its massive size, it also presents a very boxy, austere look. This could be a product of the desire by the developers to use modular construction techniques being pioneered by a company associated with Eden Housing. While new and more efficient construction techniques are laudable, they should not come at the expense of a good aesthetic fit to the surrounding area, particularly adjacent neighborhoods. DGS's RFP (EO N-06-19 RFP No. 3-20) listed "Innovative Housing and Construction Types" as a development principle, but expressly said that "design and construction quality should not be compromised," and that "Innovative Housing and Construction is desirable, but *not* a strict requirement" (emphasis in original). As part of evaluating the proposed Podium Plan and any other alternatives, consideration of

design and aesthetic changes should not be constrained by any desire to use innovative construction types. My wife and I will carefully evaluate the EIR to ensure that aesthetic concerns are given proper consideration and not brushed off.

As I will discuss below when evaluating alternatives, the less dense Garden Plan is a template that is much better suited aesthetically to the surrounding and adjacent neighborhoods, and can accommodate aesthetic changes that the Podium Plan, with its height and bulk, cannot.

B. Air Quality. The NOP seems to limit the discussion of Air Quality to the construction period impacts (lots of heavy truck traffic on the site, dust from grading, etc.). Particular attention should be paid to the former use of the parcel as a shooting range. Since the construction process could stir up a lot of dust from the soils on the site, a full examination of the soil for lead and other contaminants should be performed, to ensure that surrounding residents are not exposed to toxic dust.

In addition, the Air Quality assessment should not be limited to the construction phase. DGS and the developer should evaluate Air Quality impacts for all development alternatives - how air pollution would be generated by 250 occupied units, with the proposed 400 or so cars and each unit's gas appliances, etc. Will the topography of the site, with a tall ridge to the east, create anything like a bowl effect for pollution from gas appliances and idling cars? Air Quality is an EIR topic upon which density has a direct impact.

C. Biological Resources. The proposed project is just across Sir Francis Drake Blvd. from the Bay and the lagoon and marshes at Remillard Park. It has a unique mix of flora and fauna, all of which would be disrupted by construction and occupancy. Coyotes have been known to den down in the brush on the site, and a number of different bird species, such as hawks, nest and/or feed on or near the site. My wife and I, and our neighbors in Drakes Cove, would like to see a comprehensive assessment of flora and fauna on the site, to ensure that the state and its developer can plan for any development to proceed in a way to minimize adverse impacts on the natural environment. Less density on the site would presumably reduce any adverse impacts on the site's biological resources.

D. Cultural Resources and Tribal Cultural Resources. In evaluating this topic for the Draft EIR, the State and its developer should liaise with Miwok Tribal authorities and local archaeological experts, to gain a full appreciation of the history of this parcel. An archeological plan should be developed, in concert with Miwok

officials, to ensure proper care during construction to avoid damaging artifacts, and to ensure proper collection of any artifacts.

E. Energy. The Draft EIR's Energy assessment should include an evaluation of whether going all-electric (as all other construction will in the State within a few years) is feasible for the project, and the gains in energy efficiency from doing so. All-electric could also have an impact on air pollution and GHG emissions. The current development proposal does not speak to that particular issue, but does list PG&E as a gas supplier, implying that gas appliances (water heaters, space heating, cooking) are contemplated for the project.

F. Geology and Soils. Presumably, to assess potential impacts in this area as outlined in the NOP, a comprehensive soils and geological survey will have to be completed, including for toxicity due to the parcel's prior history as a state shooting range. Even to this day, items from that use are being discovered. In the summer of 2021, a landscaping crew hired by a resident of Drakes Cove undertaking some preventative brush clearing on an area of the site directly adjacent to his property, discovered an old riot control gas round, thankfully not armed:



My wife and I feel that it would be irresponsible to proceed without a comprehensive survey of the soil on the site.

In addition to a survey for toxicity and dangerous artifacts, the geology should be carefully evaluated to assess for the feasibility of adding heavy structures to a parcel so close to the bay. The need for extensive piles/foundation work could impact other areas of consideration, such as air quality and noise during construction.

G. Greenhouse Gas Emissions. My wife and I will carefully evaluate the Draft EIR's discussion of climate change and GHG as it relates to this project. If any GHG emissions reductions are claimed, a specific dollar figure for the cost per ton of COE removed would enable the public to compare this project's climate efficiency with that of other carbon reduction and mitigation measures.

H. Hazards and Hazardous Materials. The underpinning of any evaluation of this aspect of the project will require the comprehensive soils survey discussed above in relation to other elements of the project's environmental impact. In addition, it is necessary to evaluate any hazardous materials used during construction.

I. Hydrology and Water Quality. In addition to evaluating hydrological impacts of the finished project, the Draft EIR should also evaluate hydrological issues during construction, when much of the natural landscape that prevents excessive runoff may be cleared.

J. Land Use and Planning. The Draft EIR should also evaluate proposed future uses of San Quentin Prison and the rest of the CDCR Shooting Range, along with other affordable housing developments planned for the Larkspur Landing and Ferry Terminal areas. Given that there are lots of plans afoot for repurposing San Quentin and the Ferry Terminal, how the proposed project fits into those potential plans should be evaluated, perhaps under the alternatives. This would not be a "no development" alternative, so much as waiting to develop this parcel until an overall master plan is worked out for the entirety of San Quentin and CDCR's ancillary uses in the area, or better yet, the entire Larkspur Landing area along East Sir Francis Drake between 101 and 580. It could very well turn out that the project site is best suited as open or very lightly developed space, with the bulk of development and density occurring on the Ross Valley Sanitation District Parcel at Larkspur Landing west of the Oak Hill site, and the prison site and the main portion of the shooting range site, east of the proposed development site.

In addition, I reiterate my comments above about the truncated planning process for this parcel. Zoning by RFP is not how development is supposed to work, since the public meeting process, particularly during the pandemic, does not allow for the type of full public participation and local political accountability that such momentous decisions call for.

K. Noise. Noise is a factor that will require careful analysis. Many of the people in Drakes Cove bought in that location due to the lack of close neighbors to the development. While there is traffic noise during the day, and noise from the continuing operation of the shooting range on the opposite side of the ridge, there is not noise from major construction or the occupants of 250 units simply living their lives. This is an issue directly related to density of the project, since more occupants adjacent to Drakes Cove means more noise. In particular, the height of the proposed project could also impact how far occupant noise travels.

L. Transportation. My wife and I await the traffic study and its technical details. A project of this size requires its own entry and exit from and to Sir Francis Drake Blvd., and that entry would have to be signalized. At this time, the residents of Drakes Cove are not interested in any internal access road that provides project residents with access to Drakes Cove Rd. - we view that as something difficult to engineer given current landscaping layout, and also as something that could really jam up the foot of Drakes Cove Rd. in the mornings and evenings. My wife and I, along with other Drakes Cove residents, will carefully evaluate the traffic study, to ensure that our ingress to and egress from Sir Francis Drake, both turning right and left, is preserved, particularly if what is currently a left turn acceleration lane out of Drakes Cove becomes a left turn lane into the proposed project.

Traffic is perhaps the main density-related concern that my wife and I, and other Drakes Cove residents, have about the Podium Plan and its 230-250 units, parked at nearly 1.5 cars per unit (400 total). That is a lot of cars to move in and out of the project during morning and evening commutes, which already feature very heavy traffic on Sir Francis Drake Blvd. While we await the delayed traffic report and its technical details, common sense dictates that there will be a tremendous bottleneck at this new signalized intersection. Since this is a quasi-public project, with half the units designed to serve moderate income school and public employees, a robust evaluation of public transit and shuttling options should be on the table, including the projected costs of those options to residents and Marin taxpayers at large.

The EIR should also account for how this project's location is not walkable for residents' grocery and other shopping needs. Residents will have to drive to experience urban amenities. The final traffic report should estimate the average daily trips, for both employment and general living needs.

M. Public Services. The NOP designates public services as an area upon which the project will not have much impact, but my wife and I disagree with that assessment. Because this is a quasi-public project for workforce and low-income housing, it will be exempt from most property taxes. The Summer 2020 estimated cost of around \$160 million, and amount that has surely increased mightily since then, would generate ad valorem taxes of around \$2M per year, with more taxes coming from various assessments that have been passed over the years. If the project were generating tax revenues to pay for local services, the state would be correct in assigning minimal impact under this category, but since those taxes will not be forthcoming from this project, a harder look at the cost of necessary public services to residents of the project will be required, to be certain that local services budgets will not be strained.

N. Recreation. The primary recreation area for residents of the development will be Remillard Park and the Class I multi-use trail along the south side of East Sir Francis Drake Blvd. While countywide recreation areas and facilities may not be affected by the incremental addition of 595 people (which is itself an underestimate of the likely occupancy burden, given the targeted economic demographic), the local recreation areas nearest the proposed development may indeed be strained. The issue should at least be evaluated.

In addition, given the proposed density of the project, size and breed limits may need to be placed on canine companions - or, in the alternative, strictly enforced rules requiring that pet owners keep their pets under control at all times and properly dispose of any and all pet waste.

O. Utilities and Service Systems. The scoping proposal asserts that the incremental increase of 595 people will not stress utility and service systems, but while that may be true county-wide, it may not be true for that specific location. Some specific study of the proposal should be made by PG&E, MMWD, and the applicable sewer district to determine if any upgrades are necessary to water delivery, electricity delivery, and sewage systems. Existing neighbors should not have their utilities compromised in any way by the project, particularly as it relates to water pressure and prevention of sewage backups.

PART II: Development Alternatives

In addition to the "No Development" alternative that DGS and the developer must consider by law, there are two other alternatives that the developer should consider to mitigate the potential environmental effects discussed above. First, DGS and the Developer should consider the Garden Plan put forth by the Developer in its successful RFP. Second, DGS and the Developer should consider zoning and grading the land at issue for a market rate townhome development similar to part of neighboring Drakes Cove, with proceeds from land sales dedicated to seeding the development of affordable housing elsewhere in unincorporated Marin County and/or Larkspur (such as the Ross Valley Sanitary District site adjacent to the Country Mart).

A. The Garden Plan. In its successful RFP to win status as the developer for the land at issues, EHP & Eden laid out two alternatives. One was the Podium Plan that is currently the focus of the developer's efforts. But the developer also proposed a "Garden Plan," which consisted of 178 units spread out over a total of 10 buildings, one of which was a community building. I feel that much more consideration should be given to this proposal or something like it, with adjustments to reduce the density to closer to 140 units than 178 (i.e., remove two residential unit buildings, Buildings 8 and 9 as shown on picture at right).



On every issue discussed above, the reduced density would reduce the associated impact, particularly as regards traffic. It would also seem that the lower-rise construction would reduce impacts during the construction process (noise, dust, etc.). Certain aspects of the Garden Plan may need tweaking. Since most of the parking is

surface parking, care will have to be taken regarding drainage. Perhaps this could be dealt with by using permeable interlocking concrete pavers (PICP) for surface hardscape wherever possible, to properly drain rainwater and perhaps store some water for landscape use. Parking areas could be covered, either with trellised greenery and/or solar panels, to partially conceal cars and keep them cooler in the summer months.

Going with a modified version of the Garden Plan would still allow for the addition of a large number of affordable and workforce housing units, while being much more in line aesthetically with the surrounding area. The reduced bulk of the Garden Plan is a big aesthetic advantage, and the covered carport modification would allow for more greenery and solar panels in an excellent south-facing location for the latter. The exterior of the buildings could be designed in a way that is consistent with the neighboring Drakes Cove development, in a way that is impossible with the Podium Plan design. Renderings of the Garden Plan viewed from East (above) and from Sir Francis Drake (below) demonstrate a much less bulky aesthetic intrusion onto the landscape.



Based on the information from the RFP (Section 4, starting at Page 27, and associated addenda), development costs for the Garden Plan run about \$60,000 less per affordable unit and \$40,000 less per workforce unit than for the Podium Plan, although those figures need adjustment for the rise in construction costs since the RFP was developed, and for the lower number of units in this Comment's proposed version of the Garden Plan. The Garden Plan also allows for traditional wood or steel frame construction, which may be less expensive and afford more design and aesthetic flexibility than the proposed modular construction method. In short, the modestly scaled-down Garden Plan Alternative could allow for more resources to be dedicated to affordable and workforce housing development on other sites in Larkspur and unincorporated Marin County.

B. Zoning and Grading for Market Rate Townhome Development Similar to Drakes Cove.

The current Marin County zoning for the shooting range parcel is agricultural, allowing one unit per 20000 feet of land, with adjustments as needed for slope, etc. The General Plan does not make a designation of the parcel, due to its state use and the fact that at the time of the last Marin County General Plan update, no change in that use was contemplated.

An alternative to the current zoning-by-RFP approach could be for the state to do the following with the 16 or so acre portion of the 49 acre shooting range site that it has designated as surplus:

1. Formally split off the 16 acre "surplus" site from the rest of the shooting range.
2. Perform the necessary surveys to determine how much of the new 16 acre parcel is non-buildable due to slope, environmental sensitivity, etc., and then place a non-development conservation easement on that portion of the site.
3. Work with Marin County through the ordinary planning and zoning process to rezone the buildable portion of the site for residential townhouse development (2 unit structures similar to Drakes Cove to maximize window lines) with an appropriate level of density for the buildable portion of the site.
4. Sell the land through a publicly transparent process.
5. Dedicate proceeds to seed affordable housing developments.

Given various legislation regarding surplus state lands being used for affordable housing, specific legislation for this parcel may be necessary, but that should not pose a problem.

Given the values of residential land in Larkspur, this option could yield the state quite a lot of money for relatively minimal effort and risk. The last sale of a townhouse unit in Drakes Cove was for \$2.75 million, and recent appraisals of townhouse lot values in Drakes Cove put each lot's value at around \$700,000. If the entitlement work was all done prior to sale, and all that had to be done was grading and utilities, the state could conservatively net \$400,000 per lot. An 80-unit development would yield the state over \$30 million, compared to the Developers' current estimate of the land being worth \$75,000 per unit, or a value of \$17 million based on the hyper-dense Podium Plan proposal (Eden included a land gift of \$75,000 per unit in its pro forma financing, presumably to increase the base upon which tax credits are granted, but EHP assumed a land value of \$0). Since the Developers would not actually pay anything for the land, the state would be missing out on all \$30M of potential proceeds, and local governments would miss out on transfer taxes on \$30M of land and even more for finished construction, along with annual property taxes on the finished and sold units.

Private market-rate development on the site is not inconsistent with the state's goals for more affordable housing. The vast majority of people have to acquire housing in the market, and something has to be made available to them to temper the massive price increases for owner occupied housing that we have seen in this area. Furthermore, tens of millions of dollars could be made available to seed the development of affordable housing in other areas of Marin County, closer to public transit and urban amenities. Proceeds from land sales at this one site could amount to a substantial portion of the annual state and federal Low Income Housing Tax Credit monies available statewide, and, if restricted to affordable housing development in Marin County, would amount to a massive increase in available seed money that could help affordable housing developers contend with rising construction costs.

It goes without saying that such a development, with a density that would probably max out at 80-100 units, would pose substantially reduced environmental impacts than either the modified Garden Plan above, and the Podium Plan that the Developers are focused on. It is an alternative that should be seriously considered from an environmental impact standpoint, and a housing policy standpoint.

CONCLUSION

While the scoping proposal envisions a pretty comprehensive EIR for the Oak Hill Project, there are a number of areas in which the scope of the EIR needs to be expanded to provide a full public accounting of the impact of the proposed project. There are also two main alternatives that should be considered in addition to the "no development" alternative: a modified Garden Plan, and a market-rate townhouse development plan.

While it is not strictly part of the EIR process, because this land is being developed under an RFP, there has not been much community input into the overall economics of this development, and whether it makes sense from a financial standpoint. The EIR process appears to be the only way to address concerns about whether this project is the best use of the land and state dollars to meet the state's affordable housing goals. DGS might consider adding a specific section to the EIR addressing these issues, since it could be the only chance the public has to effectively weigh in on these issues.

Thank you very much,



**David C. Herr, Esq.
State Bar No. 196536**

Rachel Krusenoski

Subject: RE: EIR Oak Hill Apartments Project

From: Bernie Martin

Sent: Monday, April 25, 2022 4:29 PM

To: Lisa Davison

Subject: EIR Oak Hill Apartments Project

Dear Ms. Ash,

We appreciate the opportunity to comment on the scope of the Draft Environmental Impact Report (EIR) for the proposed Oak Hill Apartments Project. We have reviewed the March 25, 2022 Notice of Preparation (NOP) project description and the proposed topics to be addressed in the EIR and those you have assumed would not be significant and that you will not assess as part of the EIR.

We live in close proximity to the project site. We are concerned about the impacts of the project on our family, our neighbors, and our community. We disagree with your conclusions beginning on page 7 of the NOP that the following topics should be excluded from your analysis.

We believe that there is ample justification that the following topics should be studied and disclosed in the EIR because the proposed project has the potential to cause significant impacts.

Land Use Issues. We understand that the project site is zoned "Agricultural" in the Marin County General Plan, with a residential zoning overlay allowing one lot per 10,000 square feet. Under the current zoning, this would allow amaximum of 36 single-family units on the 8.3- acre site, not accounting for environmental constraints that would likely result in far fewer units. This significant change in the density for the site should be assessed and the alternatives analysis should include development under the current land use designation.

Public Services. The Notice of Preparation claims that "...the proposed project would not adversely affect response times or increase the use of existing public services such that substantial physical deterioration, alteration, or expansion of these facilities would be required, thereby triggering environmental impacts." The project impacts on the ability of Marin County and the City of Larkspur (if the project site were annexed) to provide public services to almost 595 new residents must be examined. At a minimum, the ability to provide adequate police and fire response times should be assessed given the frequent gridlock on Sir Frances Drake Boulevard. Additionally, the project will not be paying any property taxes given it will receive a welfare property tax exemption. As a result, it would be recommended to commission a study on the incremental increase in public services such as fire protection, police, schools and other public facilities, along with the costs that will be absorbed by the City of Larkspur as part of a potential annexation.

Transportation. The assumptions made in the traffic study including the assumptions that the VMT analysis is based upon and the impacts of the possible “internal access road connecting the project site to Drakes Cove Road” must be provided in the EIR. Given Sir Francis Drake is a major thoroughfare from the Richmond Bridge along with Highway 101 with heavy traffic, and hazards to pedestrians, the EIR should commission a report to study pedestrian and bicycle safety for local residents and new residents alike. The study should examine safety and traffic issues of gridlock and backup onto the Richmond bridge and Highway 101 extensively.

Utilities and Service Systems. Given the drought and limited water supplies, the EIR should assess whether there are sufficient water supplies available to serve the project during normal, dry, and multiple dry years. Our water supply in Marin is highly limited. Just a few months ago the Marin Municipal Water District was evaluating whether they should lease a multi-million-dollar desalinization plant or build infrastructure to import water from the East Bay.

Wildfire. We question the assumption that the development would not prevent any effects whatsoever related to wildfire given the recent history of fires in the state. The fire risk of adding 250 housing units to this vacant site must be studied. This is a reasonable concern given what we saw in Santa Rosa and other areas that were not considered high-risk. As mentioned above, emergency response times and the ability to protect 250 new units are also an issue.

Additionally, we have the following health and safety concerns:

1. The EIR should consider studying the noise and emissions **during** construction given adjacency to single family homes. The study should review the impacts of noise and emissions on local residents during the potential construction period and a mitigation plan thereon.
2. The site was a former shooting range and it is understood that the site may have a large quantity of lead in the ground that is a recognized toxic environmental hazard. A study should be commissioned to understand the health and ecological hazards caused by the hazardous substances along with a remediation plan and impact on new residents living at the site. The study should review lead dust that may be airborne during construction along with the environmental and health effects on local residents.
3. The EIR should consider studying the impact on local endangered species and wildlife.

Thank you.
Bernard L. Martin
Drakes Cove Homeowner

Sent from my iPad

Rachel Krusenoski

To: Lisa Davison
Subject: RE: Tenant income maximums

From: Bill Dixon
Sent: Monday, April 11, 2022 5:02 PM
To: Lisa Davison
Subject: Tenant income maximums

What are the Low/mod and Extremely Low to Low Income maximums now published for the area?

Thank you, Bill Dixon

Rachel Krusenoski

To: Lisa Davison
Subject: RE: Oak Hill Apartments Project

From: Bill Dixon
Sent: Monday, April 11, 2022 4:38 PM
To: Lisa Davison
Subject: Oak Hill Apartments Project

Several speakers emphasized the need for supporting educational staff in Marin County and reducing commute times and emissions.

To what extent is it planned or is it possible to concentrate tenancies on educational employees?

Thank you, Bill Dixon (homeowner)

Rachel Krusenoski

To: Lisa Davison
Subject: RE: Tenant income maximums

From: Bill Dixon
Sent: Thursday, April 21, 2022 10:22 AM
To: Lisa Davison **Subject:** FW: Tenant income maximums

What are the Low/mod and Extremely Low to Low Income maximums now published for the area?

To what extent is it intended or do you expect tenancy coming from Marin school employees as was emphasized in the April 11 Public Scoping Meeting?

Please add me to the notification list.

Thank you, Bill Dixon

Terry Ash, Senior Environmental Planner, DGS
% FirstCarbon Solutions
1350 Treat Blvd, Suite 380
Walnut Creek, CA 94597

April 14, 2022

Sent: Registered Mail, Return Receipt Requested, **April 14, 2022**, and electronic copy to the email above.

This communication in writing is to comment on the California Department of General Services Notice of Preparation and Notice of Preparation Scoping Meeting for the Oak Hill Apartments Project dated March 25, 2022. Comments are due by April 25, 2022.

Please make sure that we are on all notification lists:

Patricia and George H. Olsen Jr.

Larkspur, CA

Affiliation: “members of the public - we are homeowners at Drakes Cove, adjacent to the proposed Oak Hill Apartments Project.

Contact information, at the address above and:

Pat:

George:

Please refer to the attached full page satellite photo image at the end of this document which has been marked to show all locations mentioned herein.

We will address the NOP points in particular but first, the Oak Hill Apartments Project is:

- an **uncharacteristically dense residential project for Marin County**: two levels of parking plus five levels of apartments reaching seven stories in some areas: 250 residential units on 8.3 acres; 30 units/acre
- **out of sync with the surrounding areas aesthetically**. Its massive “podium” style block of a building does not exist elsewhere east of Highway 101 in Larkspur (and in very few places in Marin County overall). Drakes Cove, and everything around Larkspur Landing Circle have structures four stories or less and “garden” style versus this proposed “podium” style.
- **poorly located with regard to traffic congestion and pedestrian, bicycle and vehicular safety**. The site is in the middle of one of Marin County’s worst areas of traffic congestion, the connection between Highway 101 and the Richmond Bridge to I-580 along East Sir Francis Drake Blvd (East SFD Blvd). During commute hours this stretch of road is already choked and significant traffic delays are normal. During non-commute hours, westbound traffic off of the Richmond Bridge speeds around the curve in excess of 40 MPH, and is “blind” to the proposed intersection/traffic light at Oak Hill’s proposed location.
- **Not very close to convenient public transportation**, 20 to 30 minute walk each way. The Larkspur Ferry Building is 0.8 miles (to the building entrance) and goes only to the SF Ferry Building, a 35-45

minute trip. The Smart Train, is a 1+ mile walk, with one train approximately every hour to a number of destinations up to the Sonoma Airport. Bus service is limited and located near the Marin Country Mart. Public transit commute times from Oak Hill would likely have to include at least one transfer, adding additional commute time. Ferry Transportation is pricey. Adult fares are \$13.50 each way or \$8.50 each way with a Clipper Card. Monthly transportation costs (5x/week; 4 weeks/month = 20 trips x 2 directions = 40 trips) would be between \$540/month and \$340/month. **A pricey commute that begins and ends with a 20 - 30 minute walk, plus the actual commute time, plus transfer time is not likely to be convenient enough to entice people to forgo a faster, more direct commute in their cars.**

- **home to many varieties of wild life: deer, egrets, coyotes, turkeys and foxes which will be further displaced due to such dense housing.**
- very close to **San Quentin's Shooting Range where significant noise is regularly heard** at Drakes Cove and the Oak Hill location is even closer to the Range. (see photo)
- close to the **Sewage Treatment Plant which regularly emits strong odors** that waft to Drakes Cove and Oak Hill is even closer to this Plant. (see photo)
- must be **considered in combination with the 10.7 acre Ross Valley Sanitary District site, 2000 Larkspur Landing Circle (2000LLC)** located just to the west of Drakes Cove (see photo at end of document). At the RVSD meeting on March 30, 2022, it was reported that the City of Larkspur has a new Land Use Designation for this site as Mixed Use with density of up to 21 units/acre, or 224 residential units, for **a total of 474+ units** including Oak Hill's, but further units could be added with a density bonus for affordable housing.

Issues specific to the NOP, referenced where applicable:

- 1) **Water.** There is not enough water in Marin County now. Until the water problem is solved, development should be halted. The addition of at least 474+ new residential units (Oak Hill 250 plus 224+ residences at 2000LLC) should not proceed. (reference NOP page 8, Utilities and Service Systems)
- 2) **It is wrong to look at this project on its own.** Drakes Cove is wedged between these two very high density developments. While the LLC development was disclosed before we purchased our home in 2015, the Oak Hill Projects land is part of San Quentin and was zoned as Agricultural. That this is now allowed to become extremely high density housing without proper procedures to change the zoning is a most unpleasant surprise. (reference throughout the entire NOP). **Both of these Developments will add traffic, increase pollution and drain water resources among a host of other issues and one development should not be permitted to ignore the other.**
- 3) **The Oak Hill Apartments Project is at the bottleneck for one of Marin County's worst traffic congestion problems.** Please note the location of the Oak Hill Project (attached photo at the end of the document) and where traffic narrows from two lanes to one in each direction just a few hundred yards west. Traffic from 250 Oak Hill apartments plus traffic from the 224+ residences at 2000 LLC and its hotel must be considered together. Traffic delays will increase in both directions with increased noise and pollution from idling cars. ("Potential Environmental Effects": Air Quality, Noise and Transportation)

- 4) **Any traffic studies conducted after March 16, 2020, the beginning date of the Shelter-In-Place order due to Covid-19, are irrelevant.** Nothing is back to normal yet, and certainly not traffic as can be evidenced by looking at the Larkspur Ferry Parking Lot which used to be overflowing and now is never even half full. The main Ferry Parking Lot capacity is 1,800 cars and there is an overflow lot that accommodates an additional 200 cars. People will eventually work in offices again and those cars will certainly return and must be included in traffic counts. (reference Potential Environmental Effects: Transportation)

Larkspur Ferry Parking Lot Photos, Monday, April 4, 2022 9:57 a.m.:



- 5) **Vehicular Access**, excerpted from the NOP, page 4. “The project site would be accessed via a 25-foot driveway from East Sir Francis Drake Boulevard, approximately 165 feet east of Drakes Cove Road. A traffic signal on East Sir Francis Drake Boulevard is proposed at the entry to the project site.” (shown as Project Access Alternative #2, below) Further on it states...”*Additional project access alternatives are being considered, such as an internal access road connecting the project site to Drakes Cove Road.*” (shown as Project Access Alternative #4, below)

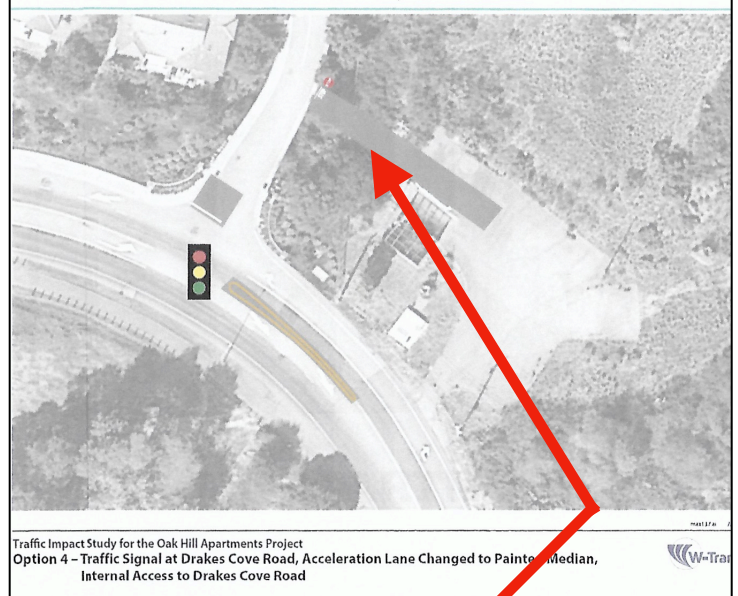
Our comment: No access to Oak Hill through Drakes Cove Road (Project Access Alternative #4, below). Oak Hill must have its own access road separate from Drakes Cove. These “Project Access Alternatives” were presented in a public outreach zoom meeting conducted recently by Thompson Dorfman.

- a. It is unreasonable to have 250 units, and their ancillary traffic (delivery trucks, trash and other service vehicles), to funnel through a road that was built for 23 homes.
- b. An intersection located just after turning onto Drakes Cove Road from East SFD Blvd would completely destroy the aesthetics of the Drakes Cove entrance.
- c. An intersection just after turning onto Drakes Cove Road would be a traffic hazard.
- d. Traffic from 250 Oak Hill units, and their accessory traffic, will cause vehicles trying to exit at peak times to back up onto Drakes Cove Road. This would increase pollution and noise from vehicles waiting to exit especially affecting the Drakes Cove residences nearest to the intersection.
- e. In the case of an evacuation, the cars from 250 Oak Hill units would have to exit through Drakes Cove Road. Because the Oak Hill/Drakes Cove Road intersection would be located closer to East Sir Francis Drakes Blvd than any of the homes in Drakes Cove, this would significantly hinder the 23 homes at Drakes Cove from timely evacuation. This is an unacceptable safety hazard for Drakes Cove.

Project Access Alternative #2



Project Access Alternative #4



**Shows access through
Drakes Cove Road.
Comment: NO to Alternative #4**

6) Infrastructure and Utilities, page 4.

- a. **Water**, as previously stated, there is already insufficient water in Marin County. All development should be halted until reservoirs have been increased and a pipeline in place. All Marin County residents were subject to severe water restrictions recently and, with no significant rainfall expected, we are again being threatened with future severe restrictions. Under these circumstances **how could it be possible that water consumption from 250 Oak Hill plus 224+ 2000LLC units could be deemed “insignificant”?**
- b. **Gas**: We have read that natural gas is no longer allowed in new developments. Why is this development exempt?
- c. **Solar**...why is there no requirement for solar power?

7) Effects Found Not to Be Significant, page 7.

- a. **Public Services** - since this is on leased land and no real estate taxes will be collected, **who will pay** for the increased Public Services necessary such as fire and police?
- b. **Utilities and Service Systems** - “It is not expected that the proposed project would adversely affect water supply,” etc.? How can this be? Please explain where this extra water will be coming from.

8) ALTERNATIVE PLAN: (Reference Page 1, “30-DAY NOP COMMENT PERIOD: DGS is soliciting comments from... members of the public, regarding... *alternatives* to be addressed in the Draft EIR”)

Our comment and recommendation:

- 1) **Build out the RVSD 2000 Larkspur Landing Circle (2000LLC) site** to its maximum residential capacity **absorbing units from Oak Hill** and make it **100% affordable housing**.
- 2) **Abandon development** at the dangerous Oak Hill location forever, or
 - **postpone until after the “Connector to 580” is completed** which should significantly reduce the danger to vehicles, bicycles and pedestrians, or
 - **allow market rate housing development** at Oak Hill site, consistent with normal Larkspur housing density and design requirements.

This strategy provides:

- a. **Better traffic flow**. The 2000LLC site is almost entirely flat and has two access points, one on East Sir Francis Drake Blvd. and one on Larkspur Landing Circle which would allow for better traffic flow than one single access point for 250 units and their ancillary traffic at Oak Hill.
- b. The **proximity of 2000LLC is much closer to public transportation** and thus, makes more sense for 100% affordable housing and would lessen the impact on traffic. Oak Hill is twice the distance from the Ferry Building/public transportation.
- c. **Lower infrastructure costs** because the intersection of Larkspur Landing Circle and East SFD Blvd already has a traffic light, crosswalks and sidewalks. Another traffic light and crosswalk would be necessary for the Oak Hill/East SFD Blvd intersection at a cost of “\$750,000 - \$1,000,000” (as stated by Bruce Dorfman at a recent “Public Outreach” zoom meeting).

d. **Safety.** Oak Hill is located a short distance from a severe curve in the highly trafficked East SFD Blvd which limits the driver's visibility and makes the safety of a stoplight and crosswalk in this location questionable. Access to 2000LLC is safer for pedestrians, bicycles and vehicles. Access to Oak Hill will be hazardous for pedestrians, bicycles and vehicles. This curve can be seen on the attached photo.

e. **Lower construction costs.** Oak Hill's construction is complicated and costly due to extreme topography and the large underground sewer line easement that limits the site design and construction permitted above. **Per the Oak Hill RFP, the Podium Plan Development Costs per unit are \$749,409!** Although we are not developers, this seems like a very expensive "affordable" housing development. Common sense would say that the development costs at LLC would be much less expensive.

In conclusion: **Abandon Oak Hill Apartments Project and build out 2000Larkspur Landing Circle Development.** It is:

- further along in the approval process
- offers a much safer location
- can be built and occupied much more quickly
- closer to public transportation
- less expensive infrastructure (traffic light/crosswalks already exist)
- less expensive to build.

We hope that our concerns to the proposed Oak Hill Project and especially the Alternative suggested in #8 above will receive serious consideration.

Sincerely,

George H. Olsen Jr.

Patricia N. Olsen



Rachel Krusenoski

To: Lisa Davison
Subject: RE: Comment on Oak Hill Apartments

From: Jason Walthall
Sent: Tuesday, March 29, 2022 10:42 AM
To: Lisa Davison
Cc: David Herr; [Kevin Poloncarz](#)
Subject: Comment on Oak Hill Apartments

Dear Sir or Madam:

My spouse and I own and reside at XX. I would like to offer the following comments on the proposed Oak Hill Apartment development.

First, while I am generally supportive of the development to address the community's need for housing, I urge the city and the developers to moderate the number of units at this site to preserve the low-rise nature of the neighborhood. A 5-6 story apartment complex would be the tallest building for miles. It would be out of place and greatly exacerbate traffic along Sir Francis Drake Blvd, which is already congested for many hours of the day.

Second, access to the development must include a traffic signal and crosswalk across SFD. As someone who has waited for long periods of time trying to turn from Drakes Cove Road onto SFD, I can tell you that it's difficult and often dangerous. Adding 200+ residents with cars and a new intersection will make it impossible for everyone.

Similarly, a crosswalk across SFD is essential. Presumably, one of the advantages to this development is that it is walkable to the ferry. Indeed, that's one of the reasons we purchased on Drakes Cove. But there is no sidewalk or shoulder on the north side of SFD after 135. That means to walk to the ferry, one must cross SFD before that. With the number of cars on that road, many of whom speed, it is a dangerous and frightening crossing. A stoplight and pedestrian crosswalk will greatly reduce this danger.

Thank you for considering these comments.

Jason Walthall

Terry Ash, Senior Environmental Planner, DGS
c/o FirstCarbon Solutions
1350 Treat Blvd, Suite 380
Walnut Creek, CA 94597

April 25, 2022

Comments on Notice of Preparation of an Environmental Impact Report for the Oak Hill Apartments Project

Dear Terry Ash:

Cool the Earth is a Marin-based nonprofit organization that was founded in 2006. Our programs run both locally and nationally to prevent climate change. Our current focus is on clean transportation. Transportation is the number one source of greenhouse gas emissions throughout this country, with passenger vehicles as the top contributor here in Marin County. We work with over 100 cities, NGOs and government agencies in the Bay Area to accelerate adoption of electric vehicles (EVs) and other e-mobility options. We are working with more the 3,000 Marin drivers, many who live in multi-family units and are seeking ways to charge their vehicles.

As such, Cool the Earth submits these comments on the proposed Oakhill Apartments Project to be located in the southeastern portion of Marin County. With this new proposed multifamily residential project, there are enormous and cost-effective opportunities to provide electric charging for EVs and e bikes. The transition to EVs will accelerate rapidly in the coming years. Governor Newsom has set a goal that all new cars sold in California be electric by 2035. Currently many EV owners charge at home or the workplace. To ensure that the transition to EVs is equitable, there must be abundant charging in multifamily residences. In fact, access to charging is an amenity that could attract occupants.

We recommend that every unit with access to parking is EV ready and supplied by a circuit with a minimum 20A at 208/240V. Installing conduit and panel capacity is easiest and most cost-effective in new construction. Occupants can purchase their own EV supply equipment to plug into the 240V outlet. This will decrease greenhouse gas emissions associated with this proposed project.

Further we recommend that there is dedicated and secure bike storage in this project. The bike storage locations should have access to 120V outlets to promote the switch to e bikes.

Thank you for this opportunity to comment.

Carleen Cullen
Founder and CEO



Terry Ash, Senior Environmental Planner, DGS
c/o FirstCarbon Solutions
1350 Treat Blvd, Suite 380
Walnut Creek, CA 94597

April 25, 2022

RE: Comments on Notice of Preparation of an Environmental Impact Report for the Oak Hill Apartments Project

Dear Terry Ash:

Thank you for the opportunity to provide comments for consideration during preparation of the draft EIR for the proposed Oakhill Apartments Project (project) located on Assessor's Parcel Number (APN) 018-152-12 on the United States Geological Survey (USGS) San Rafael and San Quentin, California 7.5-minute Topographic Quadrangle Maps in the southeastern portion of Marin County.

These comments are submitted on behalf of the **Marin/Sonoma Building Squad**, a local citizen group which advocates for reducing greenhouse gas (GHG) emissions through building electrification and the **Marin/Sonoma Electric Vehicle Squad**, a second local citizen group which advocates for accelerating the transition to electric vehicles. These two groups combined represent more than sixty residents of Marin County. We have reviewed the project description provided with the *Notice of Preparation of an Environmental Impact Report for the Oak Hill Apartments Project* (Notice) and submit the following comments for consideration in the draft EIR.

Our comments focus on three specific project features identified in the *Project Description* provided in the Notice and summarized immediately below. Exact language from in the Notice is shown in quotations.

- **Vehicular Access, Circulation, and Parking:** The proposed project will include “a two-level garage with approximately 310 parking spaces. In addition, approximately 30 surface parking spaces would be located on-site.”
- **Bicycle Facilities:** “The proposed project would provide bicycle parking spaces on-site.”
- **Infrastructure and Utilities:** “PG&E would provide gas to the project site.”

Our comments address potentially significant environmental impacts of these features associated with approval and implementation of the proposed project in three of the environmental resource categories identified in the Notice and listed immediately below. Exact language from in the Notice is shown in quotations. Underlining is added to emphasize relevant impacts.

- **Air Quality**— “The Draft EIR will include an evaluation of construction-period toxic air contaminants to assess potential construction-related health risks for off-site residents and

employees of San Quentin State Prison and any other nearby businesses. The Draft EIR will also include an evaluation of operational air quality effects.”

- **Greenhouse Gas Emissions**—“The Draft EIR will analyze the proposed project’s contribution to greenhouse gas emissions and potential impacts to climate change.”
- **Hazards and Hazardous Materials**—“The Draft EIR will discuss potential exposure to hazards and hazardous materials from implementation of the proposed project. Emergency response and evacuation impacts will also be discussed. The project site is not on the Department of Toxic Substances Control (DTSC) Hazardous Waste and Substances Sites (Cortese).”

Comment 1: EV Charging. The transition to electric vehicles is expected to accelerate rapidly over the next several years to help meet California’s GHG reduction goals. A potential barrier to this transition is lack of access to “at home” EV charging for residents of multi-unit developments (MUDs) such as the proposed project. To remove this barrier, **100% of units with parking should have access to EV Ready charging supplied by a circuit with a minimum 20A at 208/240V**. This impact should be evaluated in the *Greenhouse Gas Emissions* resource category.

Comment 2: All-Electric: The project should be all-electric with no gas infrastructure. GHG emissions from natural gas (methane) use in buildings (mostly from space and water heating) are responsible for about one-quarter of California’s GHG emissions (second only to the transportation sector). In order to meet the GHG reduction targets of California SB 32 and Executive Order B-55-18 as well as local GHG emissions reduction goals, it is critically important that we not increase our GHG emissions when constructing new buildings. High-efficiency electric heat pump space and water heaters and other electric appliances are readily available as alternatives to gas models. Studies have shown that for new development the construction and operating costs for going all-electric are less than for dual-fuel (electric and gas) developments. Use of GHG in buildings is also a public health and safety hazard due to its inherent flammability and explosion potential, especially in the context of wildfires and earthquakes, and its adverse impacts on indoor air quality when used for cooking. These impacts should be evaluated in the *Air Quality*, *Greenhouse Gas Emissions* and *Hazards and Hazardous Materials* resource categories.

Comment 3: Electric Bicycle Charging. The use of electric bicycles as an alternative to passenger vehicles is increasing rapidly. Lack of access to secure electric bicycle charging and storage facilities for residents of MUDs can be a barrier to adopting this low-impact means of transportation. **The project should provide a sufficient number of convenient and secure electric bicycle charging facilities such that all residents who choose this form of transportation have access to such facilities when needed upon initial occupancy and over the life of the project. Additionally, secure and convenient storage facilities should be provided for both electric and non-electric bicycles such that secure storage is not a limiting factor to bicycle use for any resident upon initial occupancy and over the life of the project.** Promoting bicycle use is especially important given the project’s proximity to bikeways and several modes of public transportation including Golden Gate Transit buses and ferries and SMART. These impacts should be evaluated in the *Greenhouse Gas Emissions* category.

Overall, we support development of additional affordable housing and believe that with our comments addressed the Oak Hill Apartments can be a valuable addition to the local housing stock.

Sincerely,

A handwritten signature in black ink, appearing to read "David Moller". The signature is fluid and cursive, with the first name "David" and last name "Moller" clearly distinguishable.

David Moller, P.E.

Cc: (by email)

Marin County, Director of Community Development

City of Larkspur, Director of Community Development

City of San Rafael, Director of Community Development



April 12th, 2022

Terry Ash, Senior Environmental Planner
% FirstCarbon Solutions
ldavison@frc-intl.com
RE: EIR Scoping for Oak Hill Village

Dear Terry Ash,

I am writing on behalf of Marin Promise Partnership regarding the scoping of the EIR for the Oak Hill Village affordable housing project. This is a statement in support of the consideration of educator commuting and its contribution to greenhouse gas emissions as part of the reporting on the environmental impacts of the project.

Affordable housing for the education workforce is essential for the quality of Marin County's schools, to advance equity in our community, and to improve environmental sustainability by reducing carbon emissions from commuting.

Marin Promise Partnership conducted a survey in Nov/Dec 2021 of 4000 members of Marin's education workforce, spanning early childhood educators through higher education. The survey produced 722 respondents – faculty, staff, and administrators – at educational institutions across Marin with data reflecting their needs for affordable housing. Below are key findings from the survey:

- 57.5% or 1438 of the educators employed by the partner institutions either “probably” or “definitely” would be interested in rental housing at 30% below market rate. Of those, the demographic categories with the highest percentages:
 - BIPOC respondents – 63.8%
 - 18-39 year old respondents – 65.4%
- Of those who probably or definitely would be interested, 30.84% have a one way commute longer than 30 mins and 30.6% live outside of Marin.

Finally, an important note about the survey data. Of those who responded they “probably” or “definitely” would NOT be interested in rental housing at 30% market rate, 40% of respondents said housing at this rate would still be too expensive. This suggests that both the Eden and Thompson | Dorfman sections of the development could serve the affordable housing needs of the education workforce.

These numbers suggest that providing affordable educator housing at the Oak Hill Village site could align with the housing needs of local educators and would result in a significant reduction in their commute times, thus reducing greenhouse gas emissions.

Please consider the environmental impact of commuting among Marin's education workforce when



assessing the Oak Hill Project.

Sincerely,

A handwritten signature in black ink that reads "Robin Pendoley". The signature is fluid and cursive, with the first name and last name clearly legible.

Robin Pendoley
Director of County-wide Collaborative Action
Marin Promise Partnership



GENERAL PLAN CONSISTENCY DETERMINATION

To: Terry Ash, Senior Environmental Planner, California DGS

From: Katrina Braehmer, Planner III

Date: 14 April 2022

Lead Agency/Project Applicant: California Department of General Services/
Eden Housing and Education Housing Partners, Inc.

Project Name: Oak Hill Apartments, Notice of Preparation of an EIR
(County PPR22-0007)

Project Location: Unincorporated Marin County, APN 018-152-120

Project Description: Eden Housing and Education Housing Partners, Inc. (Applicant) are proposing to develop a 100 percent affordable housing project consisting of up to 250 new apartments. A total of 135 units would be available to Low to Moderate Income educators working in Marin County and employees of the County of Marin, and 115 units would be available to Extremely Low to Low Income residents.

General Plan Consistency Determination: Consistent

Discussion

The County’s General Plan emphasizes the importance of a balance between job opportunities and residential growth in order to reduce greenhouse gas emissions from vehicle trips and to improve affordability. The General Plan also encourages the production of affordable housing in areas with adequate utilities and near services and transit.

The Oak Hill Apartments project is a 100 percent affordable housing project that would support the housing needs of low-income residents and employees in Marin County. The project is located near transit, including the SMART station, Larkspur ferry terminal, and several bus routes, and proposes a crosswalk on Sir Francis Drake Boulevard to support pedestrian and bicycle connectivity to transit options. The project is therefore consistent with the Sonoma County General Plan due to its proximity to transit and other services, and provision of affordable and workforce housing.

Applicable General Plan Policies

Policy HE-2f: Consider a variety of sites for higher-density and affordable housing when the following criteria are met:



- site is located within or adjacent to an Urban Service Area (USA);
- adequate utilities are available;
- site is located within 1/2 mile to goods, services and transit; and
- project is consistent with the land use policies of the General Plan.

Policy CT-1k: Encourage development that reduces VMT, decreases distances between jobs and housing, reduces traffic impacts, and improves housing affordability.

Policy CT-1l: Work with the Cities to develop incentives and programs, such as workforce housing, targeted mixed use, etc. that would place housing in close proximity to the place of employment for a household member in order to reduce the need for automobile travel to and from work.

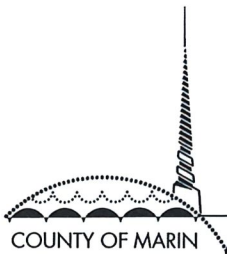
Policy CT-1m: Require development projects contribute a fair share for development of alternative transportation mode facilities, including pedestrian and bicycle facilities along project frontages and links from these to nearby alternative mode facilities. Development near urban boundaries should provide safe access to the urban area.

Policy CT-2j: Support regional and commute bus service from Sonoma County to employment centers in San Francisco and Marin County.



Sonoma County Permit and Resource Management Department
2550 Ventura Avenue Santa Rosa CA 95403-2859 (707) 565-1900
www.PermitSonoma.org





COMMUNITY DEVELOPMENT AGENCY
PLANNING DIVISION

Via Mail & Email to: ldavison@fcs-intl.com

April 25, 2022

Terry Ash, Senior Environmental Planner, DGS
c/o FirstCarbon Solutions
1350 Treat Blvd., Suite 380
Walnut Creek, CA 94597

RE: Oak Hill Apartments (Unincorporated Marin County, Assessor's Parcel 018-152-12)

Dear Terry Ash:

Please accept these comments on the proposed Oak Hill Apartments.

1. The project includes proposed gas service supplied by PG&E. The County of Marin strongly recommends the elimination of the use of gas for this development. The County of Marin's Climate Action Plan 2030 includes several measures that encourage the electrification of existing and new buildings. As part of the 2022 California Buildings Standards code update, the County is considering an all-electric requirement for all new construction, including multifamily. Numerous studies (including studies by the Rocky Mountain Institute and Energy and Environmental Economics) have shown that building electrification in new construction is cost effective for multifamily construction. If approved, the requirements will take effect in early 2023.
2. The project identifies the inclusion of a two-level garage and surface parking lot but does not include any mention of EV charging infrastructure. If the State and Marin County are going to reach their ambitious goals for electrifying the transportation sector, it is critical to include EV charging infrastructure early in the design of any new construction project. It is much more cost effective to include the infrastructure in the initial design and construction of a project rather retrofitting at a later time. The County's existing building code requires that all new multifamily construction "build one electric vehicle charging space 1 per dwelling unit". We strongly recommend that the application be revised to include EV charging infrastructure for future residents.

Please include me on the notification list for this project. Thank you.

Sincerely,

Tom Lai, Director
Marin County Community Development Agency

Cc: Town of Larkspur Community Development Director

Rachel Krusenoski

Subject: RE: Oak Hill Apartments Project

From: Elise Semonian

Sent: Thursday, April 14, 2022 11:50 AM

To: Lisa Davison

Subject: Oak Hill Apartments Project

Hello,

I am the new Community Development Director for Larkspur. Can you please include me on any notification lists for the Oak Hill Apartment project in the County of Marin?

I just noticed there was a meeting on the project on Monday (my first day here). Please let me know if it was recorded and, if so, if that is available to review.

Thanks!

-Elise

[ELISE SEMONIAN](#) | [COMMUNITY DEVELOPMENT DIRECTOR](#)

City of Larkspur | 400 Magnolia Ave | Larkspur, CA 94939

NATIVE AMERICAN HERITAGE COMMISSION

April 14, 2022

Governor's Office of Planning & Research

Apr 15 2022

Lisa Davison, Senior Project Manager
FirstCarbon Solutions
1350 Treat Boulevard, Suite 380
Walnut Creek, CA 94597

STATE CLEARINGHOUSE

Re: 2022030718, Oak Hill Apartments Project, Marin County

Dear Ms. Davison:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.



CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

PARLIAMENTARIAN
Russell Attebery
Karuk

SECRETARY
Sara Dutschke
Miwok

COMMISSIONER
William Mungary
Paiute/White Mountain
Apache

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Buffy McQuillen
Yokayo Pomo, Yuki,
Nomlaki

COMMISSIONER
Wayne Nelson
Luiseño

COMMISSIONER
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NAHC.ca.gov

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a.** A brief description of the project.
 - b.** The lead agency contact information.
 - c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).
 - a.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a.** Alternatives to the project.
 - b.** Recommended mitigation measures.
 - c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).

- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:
 - a.** Type of environmental review necessary.
 - b.** Significance of the tribal cultural resources.
 - c.** Significance of the project's impacts on tribal cultural resources.
 - d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a.** Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address.

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

cc: State Clearinghouse

State of California
Department of Fish and Wildlife



Memorandum

Date: April 22, 2022

To: Terry Ash
Department of General Services
c/o First Carbon Solutions
1350 Treat Boulevard, Suite 380
Walnut Creek, CA 94597



DocuSigned by:

Erin Chappell

From: Erin Chappell, Regional Manager

California Department of Fish and Wildlife-Bay Delta Region, 2825 Cordelia Road, Suite 100, Fairfield, CA 94534

Subject: Oak Hill Apartments Project, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2022030718, Marin County

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) from the Department of General Services (DGS) for the Oak Hill Apartments Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

CDFW is submitting comments on the NOP to inform DGS, as the Lead Agency, of potentially significant impacts to biological resources associated with the Project.

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA) or Native Plant Protection Act (NPPA), a Lake and Streambed Alteration (LSA) Agreement, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

PROJECT DESCRIPTION AND LOCATION

The Project would develop up to 250 affordable housing apartment units on an undeveloped 8.3-acre site. The apartment units would be clustered into two podium style buildings up to five stories tall. The Project would include apartment amenities such as a two-story parking garage, fenced dog area, community garden, lawn, and play area. Approximately 1.6 acres of the Project site would be preserved as open

¹ CEQA is codified in the California Public Resources Code in Section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with Section 15000.

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space. The Project is located approximately 0.33 miles west of the intersection of Sir Francis Drake Boulevard and Andersen Drive in the census-designated place of San Quentin, unincorporated Marin County. The Assessor's Parcel Number is 018-152-12 and the approximate Project centroid is Latitude 37.9456°N, Longitude 122.50084°W. The Project would be completed by fall 2025.

The CEQA Guidelines require that the draft EIR incorporate a full project description, including reasonably foreseeable future phases of the Project, that contains sufficient information to evaluate and review the Project's environmental impact (CEQA Guidelines, §§ 15124 & 15378). Please include a complete description of the following Project components in the Project description, as applicable:

- Footprints of permanent Project features and temporarily impacted areas, such as staging areas and access routes.
- Land use changes that would reduce open space or agricultural land uses and increase residential or other land use involving increased development. Clarify if the land use designation for the proposed 1.6 acres to be preserved as open space would change the types of future activities allowed on the land compared to its existing designation.
- Area and plans for any proposed buildings/structures, ground disturbing activities, fencing, paving, stationary machinery, landscaping, floodwalls or levees, and stormwater systems.
- Operational features of the Project, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise, traffic generation, and other features.
- Construction schedule, activities, equipment, and crew sizes.
- Include the above information for any Project activities proposed on the 1.6 acres to be designated as open space.

REGULATORY REQUIREMENTS

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 take² of plants or animals listed under CESA or NPPA, either during construction or over the life of the Project. If the Project will impact CESA or NPPA listed species, including but not limited to those identified in **Attachment 1: Special-Status Species**, early consultation with CDFW is encouraged, as significant modification to the Project and mitigation measures may be required to

² Take is defined in Fish and Game Code section 86 as hunt, pursue, catch, capture, or kill, or attempt any of those activities.

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obtain an ITP. Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program.

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 Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with CESA.

Lake and Streambed Alteration

CDFW requires a Lake and Streambed Alteration (LSA) Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through hydraulic directional drilling, is also subject to notification. **The Project site appears to overlap with a stream based on a review of the California Aquatic Resources Inventory (CARI) database³. Any impacts to this stream or any other streams would likely require an LSA Notification.** CDFW, as a responsible agency under CEQA, will consider the EIR for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA as the responsible agency.

Nesting Birds

CDFW also has authority over actions that may disturb or destroy active nest sites or take birds. Fish and Game Code sections 3503, 3503.5, and 3513 protect birds, their eggs, and nests. Migratory birds are also protected under the federal Migratory Bird Treaty Act.

Fully Protected Species

Fully Protected species, including those listed in **Attachment 1**, may not be taken or possessed at any time (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

ENVIRONMENTAL SETTING

The draft EIR should provide sufficient information regarding the environmental setting

³ For the CARI database see <https://www.sfei.org/cari>.

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("baseline") to understand the Project's, and its alternative's (if applicable), potentially significant impacts on the environment (CEQA Guidelines, §§ 15125 & 15360).

CDFW recommends that the draft EIR provide baseline habitat assessments for special-status plant, fish, and wildlife species located and potentially located within the Project area and surrounding lands, including but not limited to all rare, threatened, or endangered species (CEQA Guidelines, § 15380). The draft EIR should describe aquatic habitats, such as wetlands, vernal pools, and/or waters of the U.S. or State, and any sensitive natural communities⁴ or riparian habitat occurring on or adjacent to the Project site. Fully protected, threatened or endangered, and other special-status species and sensitive natural communities that are known to occur, or have the potential to occur in or near the Project area, include but are not limited to, those listed in **Attachment 1**.

Habitat descriptions and the potential for species occurrence should include information from multiple sources, such as aerial imagery; historical and recent survey data; field reconnaissance; scientific literature and reports; the U.S. Fish and Wildlife Service's (USFWS) Information, Planning, and Consultation System; findings from positive occurrence databases such as the California Natural Diversity Database (CNDDDB); CARI; and sensitive natural community information available on the Marin County Fine Scale Vegetation Map⁵. Based on the data and information from the habitat assessment, the draft EIR should adequately assess which special-status species are likely to occur on or near the Project site, and whether they could be impacted by the Project.

CDFW recommends that prior to Project implementation, surveys be conducted for special-status species with potential to occur, following recommended survey protocols⁶ if available.

Botanical surveys⁷ for special-status plant species, including those with a California Rare Plant Rank⁸, must be conducted during the blooming period for all species potentially impacted by the Project within the Project area and adjacent habitats that may be indirectly impacted by, for example, changes to hydrology, and require the identification of reference populations. More than one year of surveys may be necessary given environmental conditions.

⁴ For sensitive natural communities see <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities>

⁵ One Tam hosts the Marin Fine Scale Vegetation Web Map at <https://parksconservancy.maps.arcgis.com/apps/webappviewer/index.html?id=4ef2881436bc4365be881b17f69ab067>

⁶ Survey and monitoring protocols and guidelines are available at <https://wildlife.ca.gov/Conservation/Survey-Protocols>.

⁷ Please refer to CDFW protocols for surveying and evaluating impacts to rare plants, and survey report requirements at <https://wildlife.ca.gov/Conservation/Plants>

⁸ <http://www.cnps.org/cnps/rareplants/inventory/>

IMPACT ANALYSIS AND MITIGATION MEASURES

The draft EIR should discuss all direct and indirect impacts (temporary and permanent), including reasonably foreseeable impacts, that may occur with implementation of the Project (CEQA Guidelines, §§ 15126, 15126.2, & 15358). This includes evaluating and describing impacts such as:

- Encroachments into riparian habitats, drainage ditches, wetlands, or other sensitive areas.
- Potential for impacts to special-status species or sensitive natural communities.
- Loss or modification of breeding, nesting, dispersal, and foraging habitat, including vegetation removal, alteration of soils and hydrology, and removal of habitat structural features (e.g., snags, rock outcrops, overhanging banks).
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic, or human presence.
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features.

The draft EIR should also identify reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to the impact (CEQA Guidelines, § 15355). Although a project's impacts may be less than significant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact, e.g., reduction of habitat for a special-status species, should be considered cumulatively considerable.

Based on the comprehensive analysis of the direct, indirect, and cumulative impacts of the Project, the CEQA Guidelines direct the Lead Agency to consider and describe all feasible mitigation measures to avoid potentially significant impacts in the draft EIR, and mitigate potentially significant impacts of the Project on the environment (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.4 & 15370). This includes a discussion of impact avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with CDFW, USFWS, and the National Marine Fisheries Service. Project-specific measures should be incorporated as enforceable Project conditions to reduce impacts to biological resources to less-than-significant levels.

Fully protected species such as those listed in **Attachment 1**, may not be taken or possessed at any time (Fish & G. Code, §§ 3511, 4700, 5050, & 5515). Therefore, the draft EIR should include measures to ensure complete avoidance of these species.

Terry Ash
Department of General Services

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ENVIRONMENTAL DATA

CEQA requires that information developed in EIRs 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 CNDDDB. The CNDDDB online field survey form and other methods for submitting data can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plantsand-Animals>.

FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish & G. Code, § 711.4; Pub. Resources Code, § 21089). 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.

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist DGS in identifying and mitigating Project impacts on biological resources. If you have any questions, please contact Amanda Culpepper, Senior Environmental Scientist (Specialist), or Melanie Day, Senior Environmental Scientist (Supervisory).

Attachment 1: Special-Status Species

ec: State Clearinghouse (SCH No. 2022030718)

Lisa Davison, First Carbon Solutions

Terry Ash
Department of General Services

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Attachment 1: Special-Status Species

Scientific Name	Common Name	Status
Birds		
<i>Rallus obsoletus obsoletus</i>	California Ridgway's rail (formerly California clapper rail)	SE, FE, FP
<i>Laterallus jamaicensis coturniculus</i>	California black rail	ST, FP
<i>Haliaeetus leucocephalus</i>	bald eagle	SE, FP, BGE
<i>Aquila chrysaetos</i>	golden eagle	FP, BGE
<i>Circus hudsonius</i>	northern harrier	SSC
<i>Asio Flammeus</i>	short-eared owl	SSC
<i>Geothlypis trichas sinuosa</i>	saltmarsh common yellowthroat	SSC
<i>Melospiza melodia samuelis</i>	San Pablo song sparrow	SSC
<i>Elanus leucurus</i>	white-tailed kite	FP
Fish		
<i>Spirinchus thaleichthys</i>	longfin smelt	ST, FC
<i>Oncorhynchus kisutch</i> pop. 4	Coho salmon south of Punta Gorda	SE, FE
<i>Oncorhynchus mykiss irideus</i> pop. 8	central California coast steelhead	FT
<i>Culpea pallasii</i>	Pacific herring	CRE
Amphibians		
<i>Rana draytonii</i>	California red-legged frog	FT, SSC
<i>Rana boylei</i>	foothill yellow-legged frog, northwest/north coast clade	SSC
<i>Dicamptodon ensatus</i>	California giant salamander	SSC
Mammals		

Scientific Name	Common Name	Status
<i>Reithrodontomys raviventris</i>	salt-marsh harvest mouse	SE, FE, FP
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	SSC
<i>Antrozous pallidus</i>	pallid bat	SSC
<i>Lasiurus blossevillii</i>	western red bat	SSC
Reptiles		
<i>Emys marmorata</i>	western pond turtle	SSC
Invertebrates		
<i>Danaus plexippus</i> pop. 1	monarch butterfly	FC, ICP ⁹
<i>Bombus caliginosus</i>	obscure bumble bee	ICP
<i>Bombus occidentalis</i>	western bumble bee	ICP
Plants		
<i>Castilleja affinis</i> var. <i>neglecta</i>	Tiburon paintbrush	ST, FE, CRPR ¹⁰ 1B.2
<i>Streptanthus glandulosus</i> ssp. <i>niger</i>	Tiburon jewelflower	SE, FE, CRPR 1B.1
<i>Pentachaeta bellidiflora</i>	White-rayed pentachaeta	SE, FE, CRPR 1B.1
<i>Hesperolinon congestum</i>	Marin western flax	ST, FT, CRPR 1B.1
<i>Trifolium amoenum</i>	two-fork clover	SE, CRPR 1B.1
<i>Amorpha californica</i> var. <i>napensis</i>	Napa false indigo	CRPR 1B.2
<i>Polygonum marinense</i>	Marin knotweed	CRPR 3.1

⁹ The list of California Terrestrial and Vernal Pool Invertebrates of Conservation Priority was collated during CDFW's Scientific Collecting Permit rulemaking process:

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=157415&inline>

¹⁰ CRPR 1B plants are considered rare, threatened, or endangered in California and elsewhere while Further information on CRPR ranks is available in CDFW's *Special Vascular Plants, Bryophytes, and Lichens List* (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109383&inline>) and on the California Native Plant Society website (<https://www.cnps.org/rare-plants/cnps-rare-plant-ranks>).

Scientific Name	Common Name	Status
<i>Natural Communities (Alliances or Associations)¹¹</i>		
<i>Lupinus bicolor</i>	Bicolored lupine association	SNC
<i>Lasthenia californica</i> – <i>Plantago erecta</i> – <i>Hesperervax sparsiflora</i>	California goldfields – dwarf plantain – few flowered evax association	SNC
<i>Lotus humistratus</i> – <i>Plantago erecta</i> – <i>Lomatium</i> spp.	short-podded lotus – dwarf plantain – lomatium association	SNC
<i>Micropus californicus</i>	slender cottonweed association	SNC
<i>Vulpia microstachys</i> – <i>Plantago erecta</i> – <i>Calycadenia (truncata,</i> <i>multiglandulosa)</i>	small fescue – dwarf plantain – calycadenia association	SNC
<i>Nassella</i> spp. – <i>Melica</i> spp.	needle grass – melic grass grassland alliance	SNC
<i>Quercus agrifolia</i> – <i>Quercus kelloggii</i>	coast live oak – California black oak woodland association	SNC
<i>Quercus agrifolia</i> – <i>Arbutus menziesii</i> – <i>Umbellularia californica</i>	coast live oak – madrone – California bay forest association	SNC

FE = federally listed as endangered under the Endangered Species Act (ESA); FT = federally listed as threatened under ESA; FC = candidate for federal listing under ESA; SE = state listed as endangered under CESA; ST = state listed as threatened under CESA; CE = candidate for state listing as threatened or endangered; FP = state fully protected under Fish and Game Code; SSC = state species of special concern; BGE = Bald and Golden Eagle Protection Act; ICP = state invertebrate of conservation priority; CRPR = California rare plant rank; SNC = sensitive natural community; CRE = commercially, recreationally, and ecologically valuable

¹¹ Vegetation Classification of Alliances and Associations in Marin County, California (2021)
https://www.cnps.org/wp-content/uploads/2021/09/marin_co_veg_classification-2021.pdf

Rachel Krusenoski

To: Lisa Davison
Subject: RE: Extension Request Oak Hill Apartments Project CEQA Comment SCH No. 2022030718

From: Culpepper, Amanda(Mandy)@Wildlife
Sent: Friday, April 15, 2022 2:32 PM
To: Lisa Davison, [Ash, Terry@DGS](#)
Subject: RE: Extension Request Oak Hill Apartments Project CEQA Comment SCH No. 2022030718

Hi Lisa,

Much appreciated! Thank you.

Best,

Mandy

Amanda Culpepper ([she](#))
Senior Environmental Scientist (Specialist) | CESA Compliance
California Department of Fish and Wildlife, [Region 3: Bay Delta Region](#)



From: Lisa Davison
Sent: Friday, April 15, 2022 2:31 PM
To: Culpepper, Amanda(Mandy)@Wildlife; [Ash, Terry@DGS](#)
Subject: RE: Extension Request Oak Hill Apartments Project CEQA Comment SCH No. 2022030718

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Hi Mandy,
Yes, we will accept your comments on May 2.

Thanks,
Lisa

From: Culpepper, Amanda(Mandy)@Wildlife

Sent: Friday, April 15, 2022 1:36 PM

To: Lisa Davison; [Ash, Terry@DGS](#) **Subject:** Extension Request Oak Hill Apartments Project
CEQA Comment SCH No. 2022030718

Hello Terry and Lisa,

CDFW is currently short-staffed and we are working to review the NOP for the Oak Hill Apartments Project. Would you be willing to provide us with an extension to May 2 for an NOP comment letter?

Thank You,

Mandy

Amanda Culpepper ([she](#))

Senior Environmental Scientist (Specialist) | CESA Compliance

California Department of Fish and Wildlife, [Region 3: Bay Delta Region](#)



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