

AMENDMENT TO THE FINAL

CEQA ENVIRONMENTAL IMPACT REPORT

SIR FRANCIS DRAKE BOULEVARD REHABILITATION PROJECT

MARIN COUNTY, CALIFORNIA

STATE CLEARINGHOUSE # 2016122032

Submitted to:

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April 2018

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1.0 INTRODUCTION

1.1 PURPOSE OF THIS DOCUMENT

This document has been prepared as an amendment to the Final Environmental Impact Report (EIR) prepared for the proposed *Sir Francis Drake Boulevard Rehabilitation Project* (proposed project) and circulated to public agencies and the public for a two-week period starting on March 26, 2018, and ending on April 9, 2018. Four comments were received during the review period for the Final EIR.

The purpose of this Amendment is to respond to points raised in the additional comments received on the Final EIR regarding the adequacy of the responses previously prepared on the Draft EIR. This process is consistent with the requirements of the California Environmental Quality Act (CEQA) and the Marin County Environmental Impact Review Guidelines for implementation of CEQA. The Environmental Impact Review Guidelines require, as part of the EIR certification procedure, a minimum 10-day review period of a Final EIR prior to any action to certify it. The review of a Final EIR shall exclusively focus on the adequacy of the responses to comments on the Draft EIR.

Written comments received on the Final EIR response to comments that were received within the review period deadline will be considered, together with any written or oral response from staff or the EIR preparer, at the time action is taken by certifying the Final EIR. This document will be included as an Amendment to the Final EIR. It will be considered, together with the Final EIR, when Marin County determines whether the EIR will be certified as being adequately prepared in compliance with CEQA, which occurs prior to the County's consideration of the merits of the project.

1.2 SUMMARY OF EIR PROCESSES AND EVENTS

On October 11, 2017, the County of Marin (County) distributed to public agencies and the general public a Draft EIR for the Sir Francis Drake Boulevard Rehabilitation Project (project). The project would rehabilitate approximately two miles of Sir Francis Drake Boulevard (SFDB) between Highway 101 and the Ross Town limits in Marin County. The proposed project would include several elements to reduce traffic congestion, improve pavement condition, and enhance safety for motorists, bicyclists, pedestrians, and transit users. Furthermore, the project would upgrade the public water main operated by Marin Municipal Water District (MMWD) along SFDB.

The Draft EIR evaluates how environmental conditions would be expected to change as a result of implementation of the project. The EIR addresses both the impacts resulting from construction and operation of proposed improvements, and a cumulative evaluation of the project's contribution to environmental impacts from other projects in the region. Section 15025(d) of the *CEQA Guidelines* requires a 45-day review period for the Draft EIR. An extended 57-day period began on October 11, 2017, and ended on December 6, 2017. State and local agencies and members of the public commented on issues evaluated in the Draft EIR during the review period and written comments were received from 43 commenters. In addition, a public hearing was held at the Marin County Civic Center on November 7, 2017, during which oral comments were received on the adequacy of the Draft EIR.

Following the close of the public review period on the Draft EIR, written responses were prepared to all comments received. Those comments and the responses were included in Volume II of the Final EIR, *Response to Comments*. As noted above, the Final EIR was released for a two-week public review period, in accordance with Marin County Environmental Review Guidelines.

2.0 COMMENTS AND RESPONSES ON THE FINAL EIR

The Final EIR was circulated for a 14-day public review and comment period, as required by the Marin County Environmental Impact Review Guidelines. A total of three (3) comment letters¹ were received on the Final EIR during the public comment period. This section of the Final EIR Amendment contains those comments and responses to the comments.

As stated in Chapter 1, according to Marin County Environmental Impact Review Guidelines, the review of a Final EIR shall exclusively focus on the adequacy of the responses to comments on the Draft EIR. Several of the comment letters received on the Final EIR raised questions or concerns similar to those raised in comments on the Draft EIR. In those cases, the responses in this Amendment refer to previous responses presented in the Final EIR. The comment letters and responses to comments on the adequacy of the previously prepared responses to comments on the Draft EIR are presented in this Chapter.

2.1 LIST OF COMMENTERS

A list of commenters on the Final EIR, along with the subject of each comment, is found in Table 2-1. Each letter and comment has a number/number designation for cross-referencing purposes. This list represents all written comments received during the comment period.

Table 2-1: List of Commenters

Letter	Commenter	Date	Comment Number	Comment Topic
A	Bob Silvestri, Community Venture Partners	4/9/18	A-1	Project Description
			A-2	Traffic Analysis
			A-3	General Comments/CEQA Process
B	Geoffrey H. Hornek, Environmental Air Quality and Acoustical Consulting	4/9/18	B-1	Air Quality Analysis
			B-2	Air Quality Analysis
			B-3	Air Quality Analysis
			B-4	Air Quality Analysis
C	Edward E. Yates, Legal Representative of Community Venture Partners	4/9/18	C-1	Project Description
			C-2	Inadequate Detail in Response
			C-3	Inadequate Detail in Response
			C-4	Air Quality Analysis
			C-5	Project Description
			C-6	Recirculation
D	David Kessell	4/9/18	D-1	Project Merits
			D-2	At-Grade Crossing

¹ The letter from Edward Yates was submitted as an attachment to the letter from Bob Silvestri and as a stand-alone letter.

2.2 COMMENTS ON THE FINAL EIR AND RESPONSES

The written comments received on the Final EIR and the responses to those comments are provided in this section of the Final EIR Amendment. Each comment letter is reproduced in its entirety and is followed by the response(s) to the letter. Where a commenter has provided multiple comments, each comment is indicated by a line bracket and an identifying number in the margin of the comment letter.

April 9, 2018

Dan Dawson
Principal Transportation Planner
Marin County DPW
Box 4186
San Rafael, CA 94913-4186
By email: DDawson@marincounty.org

Re: Comment on Sir Francis Drake Boulevard Rehabilitation Project FEIR

Dear Mr. Dawson:

Attached please find comment letters by Edward Yates, our legal counsel, and by air quality expert Geoffrey Hornek, regarding the Final Environmental Impact Report for the Sir Francis Drake Boulevard Rehabilitation Project. Letters previously submitted by Mr. Yates, Geoffrey Hornek, and traffic consultant, Robert Harrison, in December of 2017, are hereby incorporated by reference.

1 We find the county's FEIR responses to each of these comment letters evasive, non-responsive and / or otherwise failing to address the key legal issues raised, and instead simply restating the EIR's incorrect assertions and assumptions.

2 For example, as we have repeatedly noted, the project information provided about lane narrowing is not specific to each lane on each section of the street. The county's responses are circular and refer to the Parisi's study which notes that lanes will be 11' and 12,' however, we don't know where that actually occurs. This is important because many lanes are now 15' wide.

3 *More importantly*, there is no analysis that includes the new narrowed lanes. As noted by our traffic expert, Robert Harrison, the only analysis Parisi did *was of the existing traffic on the existing street configuration and lane widths*.

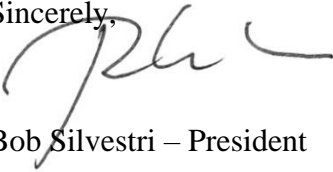
4 The county's attempt to conceal this is dishonest and in violation of the fundamental requirements of the California Environmental Quality Act (CEQA): its obligation to provide the public with specific project information and adequate analysis of a proposed design, and provide adequate time for public comment, prior to the agency making its decision on a proposal.

Community Venture Partners, Inc. has done its best to alert the Marin County Public Works Department that their DEIR and now their FEIR are inadequate in addressing the agency's responsibilities to the public and the requirements for analysis of potentially significant impacts, under CEQA. We have done this diligently and in a timely manner in the hopes that the County would undertake such analysis and disclosures of information, as required.

Unfortunately, as we have experienced in every other instance in dealing with Marin County agencies in the past four years, our respectful requests and the evidence we have produced on behalf of the public's interest, has been summarily ignored or refuted without any supporting evidence, analysis or citation of legal authorities.

In all previous instances, the courts have supported our clear and simple arguments that the county's actions are in violation of state law, which has resulted in considerable costs to Marin taxpayers. It is with the sincere intention of avoiding this outcome and in the hope that the County will act responsibly this time, that we are submitting these comments, today.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Silvestri', with a stylized flourish at the end.

Bob Silvestri – President

Cc: Matthew H. Hymel, Katie Rice, Dennis Rodoni, Edward Yates

Commenter A

Bob Silvestri, Community Venture Partners, Inc. (April 9, 2018)

- A-1:** This commenter expresses the opinion that the responses to comments provided in the Final EIR are inadequate; however, no specifics are provided on how the analysis or responses are inadequate. Therefore, no further response can be provided. Regarding comments related to the project description and the traffic analysis, please refer to responses to comments A-2 and A-3 below.
- A-2:** The commenter asserts that the project information provided about lane widths is not sufficient. This comment was raised previously on comments submitted on the Draft EIR, was responded to adequately and no new environmental issues are presented.

Generally, an adequate EIR must be “prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences” (*Dry Creek Citizens Coalition v County of Tulare* (1999) 70 CA4th 20, 26). However, the project description “should not supply extensive detail beyond that needed for evaluation and review of the environmental impacts” (State CEQA Guidelines Section 15124; *Save Round Valley Alliance v. County of Inyo* (2007) 157 CA4th 1437). In other words, the EIR must describe the main features of a project, rather than all of the details or particulars.

An EIR’s description of the project should identify the project’s main features and other information needed for an assessment of the project’s environmental impacts. As long as these requirements are met, a project description may allow for the flexibility needed to respond to unforeseeable events and changing conditions that could affect the project’s final design (*Citizens for a Sustainable Treasure Island v City & County of San Francisco* (2014) 227 CA4th 1036, 1053). An EIR’s project description may describe some project components in greater detail than others and need not include information irrelevant to the analysis of significant impacts. *California Oak Found. v Regents of Univ. of Cal.* (2010) 188 CA4th 227, 269.

As described in Master Response #2 (Final EIR, Volume II, pp. 10), Section 15124 of the *CEQA Guidelines* states:

The description of the project shall contain the following information but should not supply excessive detail beyond that needed for evaluation and review of the environmental impact.

(a) The precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic.

(b) A statement of the objectives sought by the project.

(c) A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals, if any and supporting public service facilities.

(d) A statement briefly describing the intended uses of the EIR.

The project description must contain sufficient specific information about the project to allow an evaluation and review of its environmental impacts. An EIR need not contain a design-level description of the project; a conceptual description of project components is sufficient, as long as the description contains sufficient detail to enable decision-makers and the public to understand the environmental impacts of the proposed project.

Master Response #2 of the Final EIR provides clarification on proposed use of 11-foot wide lanes along the project corridor. Some vehicular travel lanes would be 11 feet wide along many segments of SFDB, including in the eastbound direction between El Portal Drive and the on-ramp to southbound Highway 101 between Bon Air Road and Laurel Grove Avenue, and at several intersections throughout the corridor.

The use of 11-foot wide lanes would allow for the provision of project features, such as a third eastbound travel lane between El Portal Drive and Highway 101, and an additional left-turn lane from westbound SFDB onto southbound College Avenue. These lane widths are consistent with the *California Highway Design Manual*²³ and national guidance adopted by Caltrans.

As part of the design process, the County will determine the final lane widths. However, proposed lane widths would be consistent with adopted design standards (between 11 and 12 feet), which, as further described in Master Response #2, provide the same roadway capacity with no measurable decrease in urban street capacity whether lanes are 12 or 11 feet wide. The analysis provided in the Draft EIR included the use of 11-foot wide lanes as part of the proposed project improvements. Therefore, the assertion that the County failed to include the use of 11-foot lanes as part of the project description is incorrect.

A-3: This comment states that Parisi Transportation Consulting did not evaluate the proposed traffic configuration, and references the letter prepared by Robert Harrison, which was submitted previously. This comment was raised previously on comments submitted on the Draft EIR, was responded to adequately and no new environmental issues are presented.

Traffic analysis was conducted in the Draft EIR for existing traffic and existing street configurations (Existing Conditions), year 2020 projected traffic volumes and existing street configurations (2020 No Project), year 2020 projected traffic volumes and proposed street configurations (2020 Project), year 2040 projected traffic volumes and existing street configurations (2040 No Project), and year 2040 projected traffic volumes and proposed street configurations (2040 Project).

As discussed in Master Response #2, the same roadway capacity is provided at intersections with travel lanes that are between 10 feet wide and 13 feet wide. In other words, there is no measurable decrease in urban street capacity when lanes are between 10 and 13 feet wide. Throughout the Sir Francis Drake Boulevard corridor, most effective lane widths are currently within this range, except in some locations where the effective width of an individual lane may currently be between 13 and 14 feet wide. For capacity and level-of-service calculations, however, the average lane width of an approaching “lane group” is used to assess level-of-service and delays. As shown in Tables 2-2 and 2-3 below, the average lane widths for each lane group, under both existing/no project and project conditions, are between 10 feet and 13 feet. Therefore, no analysis was necessary to evaluate lane widths that were lower than 10 feet or higher than 13 feet. Thus, the Draft EIR’s level of service assessments are valid.

Table 2-2: Existing and No Project Conditions

Approach to Intersection	Effective Width (ft) of EB Through Lanes				Effective Width (ft) of WB Through Lanes			
	Inside Lane	Outside Lane	Lane Group		Inside Lane	Outside Lane	Lane Group	
			Average	>10' & <13'?			Average	>10' & <13'?
Eliseo	13.4	12.5	12.95	YES	11.0	12.5	11.75	YES
La Cuesta	11.6	12.5	12.05	YES	11.0	12.5	11.75	YES
El Portal	12.9	12.5	12.7	YES	11.0	12.5	11.75	YES
Bon Air	10.3	10.3	10.3	YES	11.0	11.0	11.0	YES
Wolfe Grade	12.3	12.0	12.15	YES	11.0	11.0	11.0	YES
Laurel Grove	11.3	12.1	11.7	YES	11.0	11.0	11.0	YES
College	12.3	12.0	12.15	YES	13.0	12.0	12.5	YES

Source: Parisi Transportation Consulting, 2018

Table 2-3: Proposed Project Conditions

Approach to Intersection	Effective Width (ft) of EB Through Lanes				Effective Width (ft) of WB Through Lanes			
	Inside Lane	Outside Lane	Lane Group		Inside Lane	Outside Lane	Lane Group	
			Average	>10' & <13'?			Average	>10' & <13'?
Eliseo	12.2	11.4	11.8	YES	11.0	11.0	11.0	YES
La Cuesta	11.9	13.4	12.65	YES	12.0	13.0	12.5	YES
El Portal	11.7	13.7	12.7	YES	11.0	13.5	12.25	YES
Bon Air	9.9	12.3	11.1	YES	11.0	11.0	11.0	YES
Wolfe Grade	11.6	10.1	10.85	YES	11.0	11.0	11.0	YES
Laurel Grove	13.6	12.4	13.0	YES	11.0	11.0	11.0	YES
College	11.8	13.5	12.65	YES	11.0	11.0	11.0	YES

Source: Parisi Transportation Consulting, 2018

It should be noted that if an intersection’s lane group currently has an average width greater than 13 feet, the level-of-service results would only marginally change, as compared to those reported in the Draft EIR. This marginal change is insubstantial and insignificant for the purposes of CEQA. The conclusions stated in the EIR would remain unchanged. For example, if the average lane widths on Sir Francis Drake Boulevard approaching La Cuesta

Drive averaged 14 feet in each direction (instead of 12.05 feet in the eastbound direction and 11.75 feet in the westbound direction), under year 2020 No Project conditions the intersection would be estimated to operate with less than two fewer seconds of average motorist delay, but would still function at the predicted LOS D conditions during the AM peak hour and LOS E conditions during the PM peak hour. The proposed project would continue to be expected to improve conditions to LOS C and LOS D conditions, respectively, as shown in Table 4.12.E of the EIR.

- A-4:** The commenter expresses the opinion that the County is in violation of the California Environmental Quality Act by failing to provide the public with specific project information, adequate analysis of the proposed design, and adequate time for public comment prior to the agency making a decision on the project. As described in Response A-2 above, Master Response #2 of the Final EIR provides clarification on proposed use of 11-foot wide lanes along the project corridor and the analysis provided in the Draft EIR included the use of 11-foot wide lanes as part of the proposed project improvements. Further, as described in Final EIR Response to Comment C41-7, the impact analyses included in the Final EIR appropriately identify the level of impact associated with the proposed project, including proposed lane widths along the project corridor. Potentially significant impacts resulting from implementation of the proposed project have been identified and mitigated to less-than-significant levels with mitigation measures included in the Draft EIR. The environmental analysis included in the Draft EIR has been conducted by technical experts based on technical expertise, factual evidence, standard industry practices and adopted regulatory guidance.

Regarding the public review process, the County has provided sufficient time for the public to review and comment on the project and the EIR. Since the start of the planning process in 2014, the public has had extensive opportunities to provide input on the proposed project. The County has conducted five community workshops to solicit community input on the proposed project elements, including the most recent open house conducted on January 30, 2018, to prioritize the various project components. Additionally, as part of the CEQA environmental review process, the County held a scoping session on January 10, 2017, to gather input on the environmental issues to be addressed in the EIR. A public hearing was held before the Marin County Board of Supervisors on November 7, 2017, to receive comments on the adequacy of the Draft EIR. The County provided a 57-day public review period to gather comments on the Draft EIR and 14 days for review of the Final EIR, consistent with the Marin County Environmental Guidelines and exceeding requirements of the State *CEQA Guidelines*.

GEOFFREY H. HORNEK

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B

April 9, 2018

Bob Silvestri
Community Venture Partners, Inc.
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Subject: Comments on the adequacy of responses to air quality issues in the *Sir Francis Drake Boulevard Rehabilitation Project Final Environmental Impact Report Volume II (Response to DEIR Comments)*.

Dear Mr. Silvestri:

Thank you for asking me to review the EIR consultant's responses to my letter (November 29, 2017) on the air quality analysis in the *Sir Francis Drake Boulevard Rehabilitation* DEIR. I find that the important deficiencies in the DEIR have not been corrected. Below I quote the full text of their air quality responses with **bolding** and underline added to text where the errors are most apparent, then I explain the reasons for my disagreement.

1

"C36-20: The commenter contends the Draft EIR did not substantiate the ambient air quality consequences of construction or operation of the project. Construction emissions were estimated for the proposed project and the results are shown in Table 4.2.E of the Draft EIR. Per BAAQMD Guidance, no single project is sufficient in size to by itself to result in an exceedance of ambient air quality standards. In developing the thresholds of significance for air pollutants, the BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively conservable [sic] and would potentially contribute to ambient air quality impacts. As shown in Table 4.2.E of the Draft EIR, construction emissions associated with the project would be less than the significance threshold established by the BAAQMD, therefore, the project would not impact ambient air quality. Also, as identified on page 125 of the Draft EIR, once constructed, the project would not result in an increase in operational emissions. The project consists of roadway improvements that would reduce vehicle delay, which would improve air quality. The project consists of roadway improvements, including repaving

***and installation of pedestrian and bicyclist features. Once operational these project features would not have any effect on the ambient air quality.** The project features that promote pedestrian and bicyclist travel and reduce intersection delay are recognized by the BAAQMD as beneficial to air quality and such projects are part of the BAAQMD's strategy to improve ambient air quality within the San Francisco Bay Area Air Basin."*

The EIR air quality consultants are interpreting the BAAQMD CEQA Guidelines very selectively to justify their limited approach to the project air quality analysis – focusing on project overall construction and operational emissions, and not on local ambient impacts by project CO and PM2.5 or project TACs on local health risks/hazards. Meeting the BAAQMD regional emission limits does not guarantee that significant local ambient air quality impacts will not happen. The BAAQMD has significance thresholds for local ambient impacts from PM2.5 and TACs that can only be addressed by BAAQMD screening methodologies or by applying dispersion models where appropriate due to project complexity.

2

The EIR air quality consultants misinterpret the BAAQMD's views on the connection between project emissions and ambient air quality impacts. On page 2-1 of the CEQA Guidelines the BAAQMD makes the following statement (underline emphasis added):

"Past, present and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards."

The BAAQMD means that emissions from individual projects are too small to affect an air basin's official attainment status as determined by the EPA or CARB with respect to federal/state ambient air quality standards. An individual project's pollutant emissions, even if they are below the daily/annual limits set in the CEQA Guidelines, could still adversely impact local ambient air quality.

The CEQA Guidelines also include incremental limits on ambient PM2.5 levels and on TAC risk/hazard, and screening methodologies to assure that project emissions would not cause local exceedances of the ambient and risk/hazard thresholds. The EIR air quality analysis has not addressed the local ambient impacts of project construction PM2.5 and DPM at all. And except for applying the BAAQMD risk/PM2.5 screening spreadsheet to an added eastbound lane proposed for a section of SFDB, it has not employed the CAL3QHCR model to address other project design features (e.g., lane narrowing, traffic flow speeds, etc.) that could affect local air quality.

It may be that some project design features would lead to improvements in local air quality. But the residents living along SFDB deserve to have this demonstrated by the application of an accepted dispersion model incorporating project design features as specified in the EIR Project

Description and traffic analysis, rather than by the consultant's conclusory statements.

3

"C36-21: The comment states that the BAAQMD provides guidance for evaluating project impacts in their CEQA Guidelines. The County agrees and as noted on page 103 of the Draft EIR, the BAAQMD CEQA Guidelines were followed in the preparation of the Air Quality Analysis presented in the Draft EIR."

The BAAQMD CEQA Guidelines were selectively followed to include only estimation of project overall construction emissions. The EIR mistakenly concluded that since these construction emissions were below the BAAQMD daily/annual thresholds, there could/would not be any potential for local air quality standard violations or exceedance of TAC risk/hazard thresholds. There needs to be a quantitative evaluation of project construction ambient PM2.5 impacts and of TAC risk/hazard by applying BAAQMD screening methodology (i.e., the SCREEN3 model). For operational aspects, the EIR only considered addition of a strait section eastbound travel lane using a BAAQMD screening spreadsheet. There needs to be a more complete quantitative modeling of all aspect of SFDB changes (i.e., roadway configuration changes including lane narrowing, intersection traffic flows, etc.) using the full CAL3QHCR model.

This is a complex project affecting a major traffic arterial in Marin County, which justifies a more elaborate treatment of project ambient air quality impacts by an accepted roadway air quality model that is recommended by the BAAQMD.

4

"C36-22: Mitigation Measure AIR-1 as outlined in the Draft EIR would reduce fugitive dust as well as PM2.5 emissions associated with diesel engine exhaust. Mitigation Measure AIR-1 requires idling times to be minimized and all construction equipment would be required to be properly tuned and maintained which would reduce PM2.5 exhaust emissions. As shown in Table 4.2.E of the Draft EIR, average daily PM2.5 exhaust emissions associated with construction would be 2.0 pounds per day which is well below the BAAQMD significance threshold of 54 pounds per day. The commenter refers to the BAAQMD guidance document recommended methods for Screening and Modeling Local Risks and Hazards. The guidance document recognizes that the user should apply a screening process to determine whether air quality modeling is necessary. As shown in Table 4.2.E of the Draft EIR, the PM2.5 emissions are well below the significance thresholds; therefore, dispersion modeling is not required to determine health risks associated with construction of the project."

There is no necessary connection between the project's meeting the BAAQMD daily emission thresholds during construction and the assurance that the BAAQMD incremental annual PM2.5 concentration threshold or the cancer risk threshold will also be met at local sensitive receptors. This is not only true for CEQA analysis, but for all aspects of air pollutant regulation and control. For example, in consideration of granting an operating permit for a new stationary source, the BAAQMD regulations not only impose limits on daily/annual pollutant emissions,

but also require demonstration by dispersion modeling that a source meeting these emissions limits would not exceed air quality or health risk standards locally. The EIR analysis must show by accepted CEQA screening methodologies that local sensitive receptors will not be adversely affected by PM_{2.5} or TACs during project construction.

*"The project would add a **third eastbound travel lane on Sir Francis Drake just west of US 101**. This additional travel lane would be adjacent to commercial land uses, but would move the roadway closer to residential uses located approximately 120 feet from the roadway. **The BAAQMD has provided a Roadway Screening Analysis Calculator** for determining county specific estimates of risk and hazard impacts from roadways in the Bay Area.²⁸ If the screening tool shows a potential exceedance of the BAAQMD thresholds, air dispersion modeling as suggested by the commenter would be required. Using the BAAQMD roadway screening tables, the effect of the project locating the roadway 12 feet closer to a residence would result in an increase in cancer risk associated with roadway emissions of 0.12 cancer risk per million, which is well below the BAAQMD threshold of 10 in 1 million. The average annual PM_{2.5} concentration change would be 0.002 micrograms per cubic meter which would also be well below the BAAQMD threshold of 0.2 micrograms per cubic meter. The screening output is shown in Attachment A. The project passes the screening and additional modeling is not required."*

The project's addition of a 3rd eastbound travel lane is an important aspect of project plans and the use of the BAAQMD screening analysis calculator is a step toward a complete evaluation of operational air quality impacts. It would be sufficient if SFDB were a simple, straight, two-lane roadway and addition of a straight eastbound lane were the only design change under the project. But the planned improvements to SFDB are much more complex and require the full CAL3QHCR model to evaluate their local air quality impacts.

*"This comment goes on to describe the BAAQMD's modeling process for new roadway projects, which is noted. However, the project would add sidewalks, curb ramps, crosswalks, and other roadway modifications as described in Section 3.0 Project Description of the Draft EIR. As shown Figure 3.11, Sir Francis Drake is an existing roadway. **The project would not change the annual average daily traffic or roadway configuration other than the additional lane described above; therefore, as stated on page 127 of the Draft EIR, the project would not be expected to result in a significant impact.** Following the screening procedures outlined in the referenced BAAQMD document, the project would screen out of additional modeling analysis requirements because the project would not result in a new roadway source of emissions. Dispersion modeling is not required."*

*"The commenter indicates that idling times at intersections were not included. Table 4.12.E of the Draft EIR includes intersection delay with and without the project. As shown in Table 4.23.E, **the project would reduce delay at intersections in the project vicinity.**"*

As stated on page 126 of the Draft EIR, implementation of the project would reduce traffic congestion and improve LOS, which would contribute to a reduction in CO concentrations at intersections."

According to the description and diagrams given in the EIR's Project Description and Traffic sections, the project would incorporate many configurational and traffic flow changes to SFDB in addition to the third eastbound travel lane. The BAAQMD roadway screening calculator is not capable of evaluating these more complex design features. Only CAL3QHCR can do that. Such modeling may demonstrate that some project changes (e.g., delay reduction at intersections) may have beneficial impacts. But there must be a demonstration of benefit by modeling before the EIR can make this finding.

*"The commenter indicates that the Draft EIR must conduct dispersion modeling studies of project construction and operational ambient impacts. However, as presented in the Draft EIR and as outlined above, the project would **not result in a change in operational emissions** and the **project construction emissions would be well below the BAAQMD significance criteria**. Therefore, the project would not result in significant health risks during operation or construction."*

It remains to be conclusively demonstrated that the SFDB project would not have significant ambient air quality impacts during its construction and operation for all the reasons given above.

Sincerely,

A handwritten signature in black ink, appearing to read "Geoffrey Hornek", written over a horizontal line.

Geoffrey Hornek

Commenter B**Geoffrey H. Hornek, Environmental Air Quality and Acoustical Consulting (April 9, 2018)**

- B-1:** This letter raises similar issues to the previously prepared letter from Geoffrey Hornek on the Draft EIR, dated November 29, 2017, which was submitted as an attachment to Bob Silvestri's letter. The Air Quality section of the EIR was prepared by Amy Fischer, Principal with LSA. Amy has over 19 years of experience in environmental studies, and has performed principal-level review or conducted over more than 200 CEQA/NEPA related and/or stand-alone air quality and greenhouse gas impact studies for community plans, development projects, and infrastructure improvements. Specific responses are provided below.

The commenter indicates that localized impacts were improperly assessed because "meeting the BAAQMD regional emission limits does not guarantee that significant local ambient air quality impacts will not happen." The commenter goes on to state that "The BAAQMD has significance thresholds for local ambient impacts from PM_{2.5} and TACs that can only be addressed by BAAQMD screening methodologies or by applying dispersion models where appropriate..." The County agrees with this statement and the analysis was prepared accordingly. The numeric significance thresholds for PM_{2.5} are identified on page 121 of the Draft EIR. The analysis of localized CO concentrations were evaluated using the BAAQMD screening criteria on pages 125 and 126 of the Draft EIR, and using the screening criteria, results indicate the proposed project would not result in localized CO concentrations that exceed State of federal standards, resulting in a less than significant impact.

Further, localized impacts from PM_{2.5} were evaluated on pages 126 and 127 of the Draft EIR using screening methodology established by the BAAMQD for potential impacts, which indicates sensitive receptors are not expected to be exposed to substantial pollutant concentrations during project construction or operation.

Additional screening of localized impacts was provided in response to comment C36-22, which provides an analysis of the project using the BAAQMD Roadway Screening Analysis Calculator for determining county specific estimates of risk and hazard impacts from roadways in the Bay Area. As previously noted, if the screening tool shows a potential exceedance of the BAAQMD thresholds, air dispersion modeling as suggested by the commenter would be required. Using the BAAQMD roadway screening tables, the effect of the project would result in an increase in cancer risk associated with roadway emissions of 0.12 cancer risk per million, which is well below the BAAQMD threshold of 10 in 1 million. The average annual PM_{2.5} concentration change would be 0.002 micrograms per cubic meter which would also be well below the BAAQMD threshold of 0.2 micrograms per cubic meter. The project passes the screening level assessment and additional modeling is not required. Therefore, the project would not result in significant local ambient air quality impacts or significant regional emission impacts.

- B-2:** This comment presents text from the BAAQMD CEQA Guidelines related to project level emission contribution to cumulative impacts. The commenter states that individual project's

pollutant emissions, even if they are below the daily/annual limits set in the CEQA Guidelines, could still adversely impact local air quality. The County does not disagree with this point and had included a localized analysis of CO impacts and PM2.5 in the Draft EIR on pages 125-127.

As shown in Table 4.2.E of the Draft EIR, emission of exhaust PM2.5 are minimal, averaging 2.0 pounds per day which is well below the BAAQMD regional thresholds of 54.0 pounds per day. Based on the minimal emissions associated with the project, and due to the linear nature of the project, which would not concentrate emissions in any one area for an extended period of time, as stated on page 127 of the Draft EIR, the project would not result in substantial pollutant concentrations that would exceed BAAQMD standards. Therefore, modeling using the CAL3QHC is not required. The project would improve traffic operations, which based on the BAAQMD screening guidelines would result in lower localized pollutant concentrations. Therefore, impacts would be less than significant and further analysis is not necessary. Operational screening analysis was provided in response C36-21 and in response B-1 above.

B-3: The commenter also states that there needs to be quantitative evaluation of project construction ambient PM2.5 impacts and of TAC risk by applying the BAAQMD screening methodology. The commenter suggests that the SCREEN3 model be used. However, the SCREEN3 model has been replaced by the AERSCREEN model. Although, as shown in Table 4.2.E of the Draft EIR, emissions would be minimal, a screening level model assessment was conducted in response to this comment, as described below, and as documented in Attachment A. As described further below, the results of this assessment concur with the findings in the Final EIR that the proposed project would not have a significant ambient air quality impact during construction and operation, with implementation of Mitigation Measure AIR-1. This additional analysis does not represent new information of the type that the CEQA Guidelines refer to when discussing the need for recirculation of the EIR. The analysis does not set forth a new significant environmental impact, nor an impact that would be more severe than set forth in the Draft EIR, nor a feasible project alternative or mitigation measure that would lessen environmental impacts of the project. Rather, the information provided herein clarifies, amplifies and/or makes insignificant modifications to the EIR. Therefore recirculation of the EIR would not be required.

To estimate the potential localized impacts associated with project construction equipment diesel engine exhaust, the screening level air dispersion model was used to translate the emissions from construction to receptors in the project vicinity. This assessment was conducted using the EPA dispersion model AERSCREEN (the update to SCREEN3). This model provides conservative estimates of emission concentrations considering site and source geometry, source strength, distance to receptor, and building wake effects on plume distribution. The AERSCREEN model was developed to provide an easy-to-use method of obtaining pollutant concentration estimates where upper-bound estimates are required or where meteorological data is unavailable. It is a useful tool in proving that an impact is not significant (i.e., if a screening-level analysis demonstrates an impact not significant, its conservative nature provides confidence in this conclusion). When a screening-level analysis

indicates a significant impact, this conclusion normally points to the need for a more sophisticated (and less conservative) method of analysis using a model such as CAL3QHCR or AERMOD.

Emissions from the RoadMod analysis conducted for the project (See Appendix E of the Draft EIR) were used in the model. The model only allows for a single emission rate for the entire 70-year health risk evaluation period. Table 2-4 shows the AERSCREEN PM10 concentrations at a range of locations. The nearest sensitive receptors are residences located approximately 120 feet from the project site. Results of the analysis indicate that the maximum exposed individual inhalation cancer risk associated with the closest residence would be 0.022 in 1 million which is well below the threshold of 10 in 1 million. The maximum chronic hazard index would be 0.036 which is below the threshold of 1.0.

Table 2-4 also shows that the peak annual concentration of PM2.5 from the equipment exhaust of construction operations is 0.16 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), which is below the BAAQMD significance threshold of $0.3 \mu\text{g}/\text{m}^3$. The exposure to the nearby residences of project construction emissions would result in a maximum risk level that is below the BAAQMD's carcinogenic criteria of significance (10 in 1 million). Implementation of Mitigation Measure AIR-1, for construction-related air pollution controls, would further reduce localized construction emission impacts; the measure includes all feasible emission reduction measures recommended by BAAQMD and project construction toxic air impacts would be less than significant.

Table 2-4: Construction PM10 and PM2.5 Concentrations and Resulting Health Risk Levels

Distance	PM10 Annual Conc.	Dose					Cancer Risk	Chronic HI	PM2.5 Annual Conc.
		3rd Trimester	0<2 years	2<9 years	2<16 years	16<30 years			
75	0.201	1.01E-05	3.37E-05	2.25E-05	1.95E-05	1.22E-05	0.025	0.040	0.18
80	0.201	1.02E-05	3.37E-05	2.26E-05	1.95E-05	1.22E-05	0.025	0.040	0.18
85	0.195	9.84E-06	3.27E-05	2.19E-05	1.89E-05	1.18E-05	0.024	0.039	0.18
90	0.191	9.64E-06	3.20E-05	2.14E-05	1.85E-05	1.16E-05	0.024	0.038	0.17
95	0.186	9.38E-06	3.11E-05	2.08E-05	1.80E-05	1.13E-05	0.023	0.037	0.17
100	0.186	9.38E-06	3.11E-05	2.08E-05	1.80E-05	1.13E-05	0.023	0.037	0.17
105	0.187	9.44E-06	3.14E-05	2.10E-05	1.82E-05	1.13E-05	0.023	0.037	0.17
110	0.185	9.33E-06	3.10E-05	2.07E-05	1.79E-05	1.12E-05	0.023	0.037	0.17
115	0.182	9.20E-06	3.06E-05	2.05E-05	1.77E-05	1.11E-05	0.023	0.036	0.17
120	0.179	9.04E-06	3.00E-05	2.01E-05	1.74E-05	1.09E-05	0.022	0.036	0.16
125	0.175	8.85E-06	2.94E-05	1.97E-05	1.70E-05	1.06E-05	0.022	0.035	0.16
130	0.171	8.65E-06	2.87E-05	1.92E-05	1.66E-05	1.04E-05	0.021	0.034	0.16
135	0.167	8.43E-06	2.80E-05	1.87E-05	1.62E-05	1.01E-05	0.021	0.033	0.15
140	0.163	8.21E-06	2.73E-05	1.82E-05	1.58E-05	9.86E-06	0.020	0.033	0.15

B-4: See response to comments B-1 through B-3. This comment also suggests that CEQA screening methodologies be used to evaluate sensitive receptors for PM2.5 and TACs during project construction. As shown in Response to Comment B-3 above, using the screening

level model AERSCREEN, emissions generated during construction would not result in a substantial health risk related to PM_{2.5} emissions or TACs.

- B-5:** As noted on page 7, and Chapter 3.0 Project Description of the Draft EIR, the project includes: roadway repaving; intersection geometry and striping modifications; installation of pedestrian, bicyclist, and ADA improvements; installation of drainage improvements and replacement of installation of water supply mains in conjunction with MMWD.

The project's addition of a 3rd eastbound travel lane is the only aspect of the project, that once completed, would have any potential air quality effect due to the moving of the travel lane closer to receptors. An evaluation of this effect was included in Response C36-21 and in Response B-1 above. Results of the analysis indicate that this change would not result in a significant impact. The installation of pedestrian, bicyclist, and ADA improvements would not result in air quality emissions once operational. These improvements support the goals of the BAAQMD's Clean Air Plan, as documented on pages 122 and 123 of the Draft EIR. The BAAQMD's 2017 Clean Air Plan is the roadmap for the BAAQMD to reduce air pollution and protect public health and the global climate. The project promotes the BAAQMD's initiatives to reduce vehicle trips and vehicle miles traveled by providing the infrastructure necessary to support alternate modes of transportation.

The comment states that given the configurational and traffic flow changes to SFDB, the BAAQMD roadway screening calculator is not capable of evaluating the project. However, the potential effects of CO concentrations were evaluated using screening criteria provided by the BAAQMD, as shown on pages 125 and 126 of the Draft EIR. Using the BAAQMD screening criteria, ambient air quality would not result in localized concentrations that exceed State or federal standards and the impact would be less than significant. The project passes the screening level analysis, and further modeling analysis, such as use of the CAL3QHCR is not required.

Based on the analysis in the responses above, it is conclusive that the SFDB would not have a significant ambient air quality impact during its construction and operation.

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C

April 9, 2018

Dan Dawson
Principal Transportation Planner
Marin County DPW
Box 4186
San Rafael, CA 94913-4186
By email: DDawson@marincounty.org

Re: Final CEQA Environmental Impact Report: Sir Francis Drake Boulevard Rehabilitation Project, Marin County CA

Dear Mr. Dawson:

I represent Community Ventures Partners in regard to California Environmental Quality Act ("CEQA") compliance for the Sir Francis Drake Boulevard Rehabilitation Project ("SFD Project").

1

First, per my November 2 and November 27, 2017 letters to you, the SFD Project Environmental Impact Report ("EIR") continues to improperly exclude basic project description information regarding narrowing lane widths. At its most basic, CEQA mandates that analysis of impacts must be comprehensive enough to properly evaluate and assess whether the physical changes result in significant impacts that require mitigation, and/or if those impacts can be mitigated; Pub. Res. Code § 21000 et seq.; 14 CCR 1500 et seq. The County does not seem to understand this basic CEQA policy and intent. This seems apparent because of the lack of project information, and the fact the EIR also fails to provide required data and analysis regarding impacts to traffic and circulation and air quality.

For example, the CEQA Guidelines require that the project description contain a description of the projects' technical characteristics and "consider the engineering proposals." 14 Cal. Code Regs §15124(c) ("CEQA Guidelines.") The change in lane width is both a technical characteristic and an engineering proposal and must be included in the Draft EIR so that the public can understand the project. The EIR, however, does not provide specific diagrams or text that identify lanes width. Instead the Final EIR

vaguely references potential 11-12 foot widths and provides traffic modeling on **existing** configurations but doesn't provide the public or the decision maker with the location or configuration of the **proposed** project.

2

Second, the Final EIR Responses do not include the detail required by CEQA. The Final EIR Responses rarely reference a page or figure number in EIR or other parts of the record or provided any detailed answers. Instead, the Responses generally reference the Draft EIR claim the Draft EIR was adequate and then conclude that the County has no intentions of modifying the analysis. Unfortunately, those non-specific Final EIR responses to our comments on the Draft EIR do not meet CEQA's requirements for response to comments. CEQA requires that the responses be "*detailed*" so that public participation is meaningful. Pub. Res. Code § 20191(d)(2)(B); CEQA Guidelines § 15088(c); *City of Long Beach v. Los Angeles Unified Sch. Distr.* (2009) 176 Cal. App. 4th 889, 904.

CEQA is clear; public agencies must state reasons for rejecting suggestions and objections: "conclusory statements unsupported by factual information" are not an adequate response and questions raised about significant environmental issues must be addressed in "*detail*." *City of Maywood v. Los Angeles Unified Sch. Distr.* (2012) 208 Cal. App. 4th 362, 391. The need for reasoned, factual responses is particularly acute when critical comments have been made by experts. See *Berkeley Keep Jets Over the Bay Comm. V. Board of Port Comm'rs* (2001) 91 Cal. App. 4th 1367, 1371.

Regarding my comments regarding lack of analysis of circulation and air quality impacts because of the lack of project description specificity, the County's response is to simply double down by saying the EIR is adequate, without providing any references to the EIR, the record or any actual studies. No detail is provided, and no references to relevant analysis or modeling is provided. Thus, the County's does not comply with CEQA's basic requirements for detailed response to comments and violates its prohibitions against "conclusory statements unsupported by factual information." See supra *City of Maywood* at 391.

3

Many of the Final EIR responses lack such detail and its conclusions lack any support. For instance, the County responds in Response C35-2 that:

The comment asks if the proposed project would reduce the width of existing vehicle travel lanes and if so, along which portions of the project corridor would this occur. Please see Master Response 2.... As described in Master Response 2, Section 4.12 of the Draft EIR identifies current traffic conditions, future traffic conditions (2020) and plus project conditions (2040), including the proposed narrower lane widths. For additional information related to the lane widths proposed as part of the project, please see Master Response 2.

This is inaccurate. The DEIR does not include specific project description for the proposed action but instead generally responds there *can be* 11 or 12 foot wide lanes. The

Draft EIR nor Master Response #2 also do not provide any text or diagrams identifying where lanes would have 11 or 12 feet widths or greater or smaller widths. Instead, Master Response #2, which supposedly clears up this project description detail, further obfuscates the project description as a *potential* description. Master Response #2 in the Final EIR (page 10) states only that: "However, as described above and further clarified below, the potential for 11- and 12-foot travel lanes through the project corridor was included in the traffic analysis conducted for the proposed project and analyzed as part of the Draft EIR." Such a "potential" project description is not the complete or detailed project description required by CEQA. Nor is a range of widths a complete or accurate project description. The only way for the County or the public to assess the circulation and air quality impacts are for the EIR to provide an accurate and stable projection stating exactly what the lane widths will be and where they will be and the EIR lacks that basic description.

There are also numerous examples of such non-responsive comments made to my client and to my client's technical experts throughout the FEIR. For example, CVP's comment letter of December 1, 2017 states that

In reviewing the DEIR document and its attachments, we find two diagrams that show the dimensioned cross-sections of the existing street. These are noted on the diagrams following pages 44 through 48 (Figure 3.3 and Figure 3.4) - which show lane widths at typical existing street sections--typically 14' to 12' wide.

However, we do not find any corresponding engineering drawings, plans, cross-sections or other dimensioning data for the proposed plans, "modifications," or alternatives, in the documents published on the County website for the DEIR (i.e., before and after conditions compared).

If I am in error and those engineering plans, cross-sections or other dimensioning data do exist for the proposed plan

The FEIR response follows:

C35-1: The comment requests engineering drawings, plans, cross-sections or other dimensional diagrams showing the proposed project and the alternatives. Detailed plans and cross sections are a part of design phase. Concept plans and sections were presented at community meetings and can be found in the project documents available on the County website.²¹

This response is completely not responsive to the comment. The comment asked for dimensioned cross-sections of the existing street which, *in addition* to the existing drawings, would show more detailed figures relied upon by the County in the design phase. While the County is not required to provide all figures it relies on, it should include those figures that are most central to potential significant impacts, here, circulation and air quality.

4

The Final EIR is similarly not responsive to comments by CVP consultant, stating that project CO and PM2.5 or project TACs on local health risks/hazards were not assessed. The County response, C 36-21, in essence, says that the County followed the BAAQMD CEQA guidelines by assessing Bay Area attainment issues. This response is not accurate as area wide attainment does not address toxics and hazards and the response simply begs the question: whether the Final EIR adequately modeled and analyzed local toxics emissions and hazards. This response clearly violates CEQA's requirement that responses to experts be detailed and factual.

5

Third, in its response to comments in the Final EIR, the County dismissed my legal comments and CVP's consultant's technical comments by making unsupported conclusions that the EIR is adequate. One reason the County contends this is because it contends it can simply rely on general non project specific "manuals" and generally refer the public to thousands of pages of technical documents on its website. (See email of Dan Dawson to Bob Silvestri, 10/30/2017.) Again, I know of no authority that allows such reliance on general manuals in place of project description nor is there authority that allows an agency to rely on deferred project descriptions. All required CEQA analysis must be completed and disclosed prior to a decision by the agency, and may not rely on general engineering manuals to determine environmental impacts.

For example, the County continues to adhere to the meritless position that its use of a "Highway Capacity Manual" allows the County to not provide specific project description and impact assessment in the EIR. The County in its Draft EIR response to comment, claims that this is so because the Manual is old and many engineers use this Manual in designing highways. (Draft EIR Response C-41-8.) This argument has no support in law as demonstrated in my previous letters and is apparently a poor excuse for the County refusing to pay for and conduct specific project modeling and analysis **before** the Board of Supervisors approves the project. All required CEQA analysis must be completed prior to a decision by the agency, not **after** the Agency approves the project. Pub. Res. Code § 21081; 14 CCR 15090(a)(2).

6

Fourth, the Final EIR's response to my comments regarding recirculation is a non sequitur. I commented that the EIR case law decisions on project description hold that where the project description is so fundamentally flawed that it makes public participation difficult and not meaningful, the EIR is not legally adequate and must be recirculated (CEQA Guidelines, §15088.5(a)(4); *Mountain Lion Coalition v. Fish & Game Com.*(1989) 214 Cal.App.3d 1043; *San Joaquin Raptor Rescue Center v. County of Merced*) (2007) 149 Cal.App.4th 645, 656).

Response C-41-8 states: "The information contained in this Response to Comments document clarifies that the proposed project analyzed in the Draft EIR includes all of the proposed improvements, including the potential narrowing of lane widths throughout the project corridor."

Yet the response ignores this criteria for recirculation that I cited and instead cites other criteria (from other subsections of § 15088.5) in Response C 41-8:

“In no case do the revisions represent new information of the type that the CEQA Guidelines refer to when discussing the need for recirculation of the EIR. They do not set forth a new significant environmental impact, nor an impact that would be more severe than set forth in the Draft EIR, nor a feasible project alternative or mitigation measure that would lessen environmental impacts of the project.”

This response consists of cherry picked selections from other Section 15088.5 subsections that don't respond to my contentions regarding inadequacy and public participation under Section 15088.5(a)(4).

In conclusion, because these errors are so essential the Final EIR must be revised and recirculated to provide the decision maker and the public the opportunity to examine reasonable alternatives as required by CEQA.

CVP may have further comments before the Board of Supervisors meets on May 8, 2018 and CVP will forward those comments to you, individual Board Members, and the public at that time.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Yates", with a long horizontal flourish extending to the right.

Edward Yates

Commenter C

Edward E. Yates, Legal Representative of Community Venture Partners (April 9, 2018)

- C-1:** The commenter states that the Final EIR improperly excludes project description information regarding proposed lane widths. This comment was raised previously in comments submitted on the Draft EIR, was responded to adequately and no new environmental issues are presented. Please see Response to Comment A-2.
- C-2:** The commenter states that the Final EIR responses do not include the detail required by CEQA. The assertion is that the EIR responses do not provide detailed answers or reference a page or figure number in the EIR or other parts of the record. With regard to the response to comments, Section 15088 of the *State CEQA Guidelines*, indicates that “there must be good faith, reasoned, analysis in response. Conclusory statements unsupported by factual information will not suffice.” The information contained in the Final EIR provides additional clarifying information related to the proposed project analyzed in the Draft EIR, as well as the environmental analyses contained in the Draft EIR in response to comments provided by the public. The Final EIR also includes revisions to the Draft EIR that derive from comments provided by the public or minor corrections observed to be necessary by County staff or members of the EIR consultant team. As appropriate, the Final EIR responses include references to pages and/or sections of the Draft EIR where analysis is provided or conclusions are made. Consistent with Section 15088 of the *State CEQA Guidelines*, the responses include clarifications and minor revisions to the Draft EIR that derive from comments provided by the public or minor corrections observed to be necessary by County staff, or members of the EIR consultant team. In no case do the revisions represent new information of the type that the CEQA Guidelines refer to when discussing the need for recirculation of the EIR. They do not set forth a new significant environmental impact, nor an impact that would be more severe than set forth in the Draft EIR, nor a feasible project alternative or mitigation measure that would lessen environmental impacts of the project. Rather, the information contained in this Response to Comments document clarifies, amplifies and/or makes insignificant modifications to the Draft EIR. Therefore recirculation of the Draft EIR would not be required. Without more specifics on how or where the analysis or responses are inadequate, further response cannot be provided.

The commenter references Response C35-2 and states that it is inadequate due to a lack of detail regarding the project description information provided in the Draft EIR and Master Response #2. This comment restates the opinion that the County has failed to provide an adequate project description for analysis in the EIR. This comment has been raised previously on comments submitted on the Draft EIR, was responded to adequately and no new environmental issues are presented. Please see Response to Comment C.

- C-3:** The commenter restates the opinion that the Final EIR does not sufficiently respond to the comment that requests engineering drawings of the proposed project. This comment was raised previously on comments submitted on the Draft EIR, was responded to adequately, and no new environmental issues are presented.

As described in Master Response #2 in the Final EIR and Response to Comment C in this Final EIR Amendment, detailed plans and cross sections will be prepared as part of the design phase. Concept plans and sections were presented at community meetings and can be found in the project documents available on the County website.²

Section 3.0 of the Draft EIR, Project Description, includes numerous drawings and diagrams showing the roadway modifications proposed as part of the project. These figures are adequate for evaluating the environmental impacts of the proposed project. More detailed plans and cross sections are not necessary for inclusion in the EIR.

- C-4:** The commenter states that the Final EIR is not responsive to comments by Geoffrey Hornek, the air quality consultant retained by Community Venture Partners. Please see the responses to letter B above, which address the specific comments made by Mr. Hornek related to air quality emissions.
- C-5:** The commenter restates the opinion that the Final EIR does not adequately respond to comments on the Draft EIR, specifically that the County relies on the Highway Capacity Manual rather than conducting specific project analysis and modeling. This comment was raised previously on comments submitted on the Draft EIR, was responded to adequately and no new environmental issues are presented.

As stated in Response C41-9 (not C41-8 as referenced by the commenter), the Draft EIR's level of service analysis was performed using methodologies from the Transportation Research Board of the National Academies of Science's *Highway Capacity Manual*, which is the standard level of service tool used in the traffic engineering profession. The commenter's assertion that the County, in using this methodology, has not conducted specific project modeling and analysis is incorrect. As described in Response to Comment A-3, the traffic analysis conducted for the EIR addressed existing traffic and existing street configurations (Existing Conditions), year 2020 projected traffic volumes and existing street configurations (2020 No Project), year 2020 projected traffic volumes and proposed street configurations (2020 Project), year 2040 projected traffic volumes and existing street configurations (2040 No Project), and year 2040 projected traffic volumes and proposed street configurations (2040 Project). Project conditions include all roadway improvements proposed as part of the project (e.g., intersection configuration, lane widths, and additional lanes). Response C36-18 further clarifies Parisi's methodology in accounting for the change in lane widths.

- C-6:** The commenter asserts that the County's response regarding recirculation of the EIR is inadequate and that recirculation is required pursuant to Section 15088.5(a)(4) of the State CEQA Guidelines: "'Significant new information' requiring recirculation includes for example a disclosure showing that: (4) the Draft EIR was so fundamentally and basically inadequate

² County of Marin. 2018. Sir Francis Drake Boulevard Rehabilitation (Highway 101 to Ross) project website. Available online at: <https://www.marincounty.org/depts/pw/divisions/transportation/transportation/sir-francis-drake-boulevard-rehabilitation>

and conclusory in nature that meaningful public review and comment were precluded.” The County disagrees with the commenter’s assertion. The County, as the lead agency has prepared an adequate and complete CEQA document at the level of detail required for consideration of the proposed project. The analysis provided in the Draft EIR, combined with the additional information/clarification provided in the Final EIR responses, provides sufficient detail for meaningful public review and comment, and for consideration by the decision-makers. Therefore, recirculation is not required. Please see Response to Comment A-2 for additional information regarding the project description.

From: sfrakeimprovements <sfrakeimprovements@marincounty.org>
Sent: Monday, April 09, 2018 6:15 PM
To: April Malvino (amalvino@bkf.com); Laura Lafler; Shanna Guiler
Cc: Goralka, Robert; Reid, Rachel; Taylor, Tammy
Subject: FW: Comments on SFDB rehabilitation Project EIR Due by April 9, 2018
Attachments: Pedestrian bridge Piscataway.JPG

This is the third of three separate comments received.

From: David Kessell [<mailto:kessell@gmail.com>]
Sent: Sunday, April 08, 2018 7:04 PM
To: sfrakeimprovements
Subject: Comments on SFDB rehabilitation Project EIR Due by April 9, 2018

I have two inputs on the report:

1 #1 I find no inaccuracies with the finding that there is no negative emission levels for both noxious gases and Green House Gas (GHG) materials from the project as proposed. This however, fails to highlight the very high impact that a decision to not reduce the traffic congestion by implementing the traffic congestion reduction in the project would have on the very positive reductions that would come from a decision to implement these portions of the project. So, in the spirit of the EIR, but possibly not by the construed meaning of the statute, the staff and supervisors should take into account the highly negative impact of NOT implementing the project.

2 #2 I believe the EIR does not adequately highlight the negative health and safety impact of the decision by staff, possibly with telegraphed support of the supervisors, to take the easy way of implementing a surface crossing at Wolfe Grade, requiring hundreds of students per day to cross a busy thoroughfare and causing more congestion than necessary for auto and bicycle traffic. The weak excuse is that with the conventional ADA pedestrian overpass options explored would require more right of way than is presently available. I believe the EIR report should recommend and supervisors should exhaustively pursue innovative designs that can be done within the current right of way and designs that might require minimal acquisition of a small amount of additional right of way. It is quite possible, that a solution can be found, even with acquisition of a small amount of right of way which would provide a safe ADA compliant crossing at reasonable cost. Certainly much less than the same bodies have been willing to spend on the 'signature' crossing just east of Highway 101. Eminent domain for the public good can be judiciously used when it is needed for public health and safety. And could have minimal private property impact if the landing were on the Bacich school property on the South side of SFDB.

There are many design ideas that could be explored. One of thousands is the mounting of the walkway on piers that consume a minimal amount of space as in the attached picture of a modern crossing in Piscataway NJ. And sacrifice of some of the desired width or the walkway compared to the boulevard like 10 or 12' walkways currently favored would be a reasonable tradeoff to make the overpass possible.

David Kessell

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Commenter D

David Kessell, Local Resident (April 9, 2018)

D-1: The commenter states that he agrees with the EIR findings related to noxious gases and greenhouse gas emissions from the proposed project, and expresses support for the proposed project, particularly the elements of the proposed project aimed at reducing traffic congestion. This comment relates primarily to the merits of the proposed project. The merits of the project will be considered by the Board of Supervisors in the decision of what action to take on the proposed project. If the Final EIR is certified as adequate and complete, the County will consider the recommendations in these comment letters as well as information presented in the EIR and the rest of the record, when it makes its decision regarding whether to approve the project as proposed, adopt one of the project alternatives described in the Draft EIR, or agree to some combination thereof. These comments are included in the EIR to be available for consideration by the decision-makers at the merits stage of the process. This comment does not address the adequacy of the Responses to Comments in the Final EIR. This information will be provided to Marin County decision makers for consideration.

In addition, the commenter requests that the County take into account the potential negative impact of NOT implementing the project. The alternatives analysis provided in Section 5.0 of the Draft EIR evaluates the potential impacts of implementing a range of alternatives to the proposed project, including the No Project Alternative. As described in the EIR, implementation of the No Project Alternative would lessen or avoid some of the environmental impacts associated with the proposed project (e.g., biological resources, cultural resource), but some of the project's public benefits would not be achieved, such as enhancing pedestrian safety, improving transit and bicycle access, and reducing traffic congestion. Vehicle travel times would continue to worsen if traffic flow improvements are not implemented. The No Project Alternative would not provide a long-term solution for rehabilitating damaged sections of the roadway, and would not improve traffic flow through the project corridor.

D-2: The commenter states that the EIR does not adequately address the negative health and safety impacts associated with the at-grade crossing at Wolfe Grade Road and suggests that additional overcrossing design options be explored. This issue was raised previously on comments submitted on the Draft EIR, was responded to adequately and no new environmental issues are presented.

As stated in Master Response 4 in Volume II of the Final EIR, the existing overcrossing at Wolfe Grade would remain in place for those wishing to avoid crossing SFDB at-grade. Therefore, the commenter's assertion that the surface crossing at Wolfe Grade would require "hundreds of students per day to cross a busy thoroughfare" is inaccurate. The proposed at-grade crosswalk provides an accessible alternative route for those individuals who make an informed choice to use it. The proposed at-grade crossing would occur at a signalized intersection, which incorporates pedestrians crossing into the signal timing, to provide ample time for pedestrians to cross. Pedestrian crossings at signalized intersections

are common along the SFDB corridor. Therefore, the proposed project would not result in a significant new pedestrian safety impact compared to existing conditions.

3.0 TEXT CHANGES TO THE FINAL EIR

This chapter identifies changes that have been made to the Final EIR. Exact text from the Final EIR is shown and modified as necessary. Omitted text is shown in ~~striketrough~~ mode and new text is double underlined.

3.1 TEXT CHANGES TO FINAL EIR VOLUME I – REVISIONS TO THE DRAFT ENVIRONMENTAL IMPACT REPORT

Page 134, footnote 40 is revised as follows:

~~California Native Plant Society. 2017. Inventory of rare and endangered plants in California (online edition, v7-09a). Website: www.cnps.org/inventory (accessed June 6, 2017).~~ California Native Plant Society, Rare Plant Program. 2018. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website <http://www.rareplants.cnps.org> [last accessed 18 April 2018].

Page 146, footnote 1 is revised as follows:

~~Shuford, W.D., 1993, op. cit.~~ The Marin County Breeding Bird Atlas: A Distribution and natural History of Coastal California Birds; and Nelson, S.K. 1997.

Page 149, footnote 53 is revised as follows:

~~California Department of Fish and Wildlife (CDFW). 200318. List of California Terrestrial-Natural Communities Recognized by the California Natural Diversity Database. Wildlife and Habitat Biogeographic Data Analysis Branch, Vegetation Classification and Mapping Program, California Department of Fish and Game, Sacramento.~~

Page 187, footnote 76 is revised as follows:

~~NRCS, 20167.~~ Web Soil Survey, <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>. Accessed 6/19/17.

Page 191, footnote 87 is revised as follows:

~~ABAG, 2001. Liquefaction Hazard Map. Available online at: <http://gis.abag.ca.gov/website/Hazards/?hlyr=liqSusceptibility> (Last accessed 04/18/18) Accessed 10/5/09 at: quake.abag.ca.gov.~~

Page 195, footnote 86 is revised as follows:

~~California Department of Conservation (CDC), 1987. Mineral Land Classification Special Report 146, Map Plate 2-14, Livermore Quadrangle.~~ California State Mining and Geology Board. 2014. Surface Mining and

Reclamation Act (SMARA) Regulations. October. Available online at:
http://www.conservation.ca.gov/smgf/Regulations/Documents/SMARA_Regulations_101314.pdf (Last
accessed April 24, 2018)

Page 195, footnote 87 is revised as follows:

County of Marin, 2009~~8~~. Public Works: Uniform Construction Standards, All cities and County of Marin.
Accessed at: www.co.marin.ca.us/depts/pw/main/pdfs/uniform_standards/UCS-compiled.pdf
<https://www.marincounty.org/~media/files/departments/pw/engineering/ucscompiled.pdf>

Page 386, footnote 224 is revised as follows:

~~Town of Corte Madera website: <http://www.ci.corte-madera.ca.us/528/Active-Projects> (last accessed on~~
~~October 6, 2017).~~ Town of Ross. Town of Ross Winship Bridge Replacement Project website. Available
online at: <https://www.townofross.org/publicworks/page/winship-bridge-replacement-project> (last
accessed on April 24, 2018).

The list of references in Section 7.2, *References*, on pages 397-406 of the Final EIR is revised as follows:

ABAG, 2001. Liquefaction Hazard Map. Available online at:
<http://gis.abag.ca.gov/website/Hazards/?hlyr=liqSusceptibility> (Last accessed
04/18/18)~~Accessed 10/5/09 at: quake.abag.ca.gov.~~

~~CARB, 2013. Update of Mineral Land Classification: Aggregate Materials in the North San Francisco Bay Production Region, Sonoma, Marin, and Southwestern Solano Counties, California, California Geological Survey.~~

~~California Department of Fish and Wildlife (CDFW). 2003~~18~~. List of California Terrestrial-Natural Communities Recognized by the California Natural Diversity Database. Wildlife and Habitat Biogeographic Data Analysis Branch, Vegetation Classification and Mapping Program, California Department of Fish and Game, Sacramento.~~

California Geological Survey 2002. How Earthquakes and Their Effects are Measured: Note 32.

~~California Native Plant Society. 2017. Inventory of rare and endangered plants in California (online edition, v7-09a). Website: www.cnps.org/inventory (accessed June 6, 2017).~~ California Native Plant Society, Rare Plant Program. 2018. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website <http://www.rareplants.cnps.org> [last accessed 18 April 2018].

~~California Department of Conservation (CDC), 1987. Mineral Land Classification Special Report 146, Map Plate 2.14, Livermore Quadrangle.~~

California State Mining and Geology Board. 2014. Surface Mining and Reclamation Act (SMARA) Regulations. October. Available online at: http://www.conservation.ca.gov/smgf/Regulations/Documents/SMARA_Regulations_101314.pdf (Last accessed April 24, 2018)

Coastal and Ocean Working Group of the California Climate Action Team (CO-CAT), 2013. State of California Sea-Level Rise Guidance Document. March.

Gilbane, 2017. Full Schedule as of November 30, 2017. Available online at: <http://measurebcom.org/wp-content/uploads/2017/12/COM-Schedule-11.30.17-Roll-Up.pdf> (Accessed February 19, 2018).

Marin, County of, 2009. Public Works: Uniform Construction Standards, All cities and County of Marin. Accessed at: www.co.marin.ca.us/depts/pw/main/pdfs/uniform_standards/UCS-compiled.pdf https://www.marincounty.org/~media/files/departments/pw/engineering/uc_scompiled.pdf

Marin Municipal Water District. n.d. Water. Website: <https://www.marinwater.org/31/Water> (Accessed June 14, 2017).

National Resource Conservation Service, 2016. Web Soil Survey, <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>. Accessed 6/19/17.

San Francisco Bay Conservation and Development Commission, 2007. San Francisco Bay Conservation and Development Commission Climate Change Planning website: http://www.bcdc.ca.gov/planning/climate_change/climate_change.shtml (last accessed March 15, 2015).

Shuford, W.D. 1993. The Marin County Breeding Bird Atlas: A Distribution and natural History of Coastal California Birds; and Nelson, S.K. 1997.

Town of Ross, 2013. Ross Emergency Operations Plan.

Town of Ross. Town of Ross Winship Bridge Replacement Project website. Available online at: <https://www.townofross.org/publicworks/page/winship-bridge-replacement-project> (last accessed on April 24, 2018).

3.2 TEXT CHANGES TO FINAL EIR VOLUME II – RESPONSE TO COMMENTS

Page 8-9 is revised as follows:

As part of the project, some vehicular travel lanes may be 11 feet wide along ~~specific~~many segments of Sir Francis Drake Boulevard (SFDB), including in the eastbound direction between El Portal Drive and the on-ramp to southbound Highway 101, between Bon Air Road and Laurel Grove Avenue, and at several intersections throughout the corridor ~~and in the westbound direction between Ash Avenue and College Avenue~~. The use of 11-foot wide lanes would enable provision of

project features such as a third eastbound travel lane between El Portal Drive and Highway 101 and an additional left-turn lane from westbound SFDB onto southbound College Avenue.

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4.1 EIR PREPARERS

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4.2 REFERENCES

County of Marin. 2018. Sir Francis Drake Boulevard Rehabilitation (Highway 101 to Ross) project website. Available online at:

<https://www.marincounty.org/depts/pw/divisions/transportation/transportation/sir-francis-drake-boulevard-rehabilitation>

Transportation Research Board. 2010. *HCM 2010: Highway Capacity Manual*.

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ATTACHMENT A AIR MODELING RESULTS

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HRA Worksheet

Construction Parameters

60 days duration
 8 hrs/day
 5 days/week
 50 weeks/year
 2.2 PM10 emissions lbs/day
 2.0 PM2.5 emissions lbs/day
 0.08 1hr-An Scaler

		Dose									
	Unitized	PM10 1-Hr Cair	PM10 Annual Cair								PM2.5 Annual Cair
Distance	Concentration			3rdTrimester	0<2years	2<9years	2<16years	l6<30years	Cancer Risk	Chronic	
75	953.15	11.01	0.201	1.01E-05	3.37E-05	2.25E-05	1.95E-05	1.22E-05	0.025	0.040	0.18
80	954.50	11.02	0.201	1.02E-05	3.37E-05	2.26E-05	1.95E-05	1.22E-05	0.025	0.040	0.18
85	924.97	10.68	0.195	9.84E-06	3.27E-05	2.19E-05	1.89E-05	1.18E-05	0.024	0.039	0.18
90	905.72	10.46	0.191	9.64E-06	3.20E-05	2.14E-05	1.85E-05	1.16E-05	0.024	0.038	0.17
95	881.23	10.18	0.186	9.38E-06	3.11E-05	2.08E-05	1.80E-05	1.13E-05	0.023	0.037	0.17
100	881.14	10.18	0.186	9.38E-06	3.11E-05	2.08E-05	1.80E-05	1.13E-05	0.023	0.037	0.17
105	887.46	10.25	0.187	9.44E-06	3.14E-05	2.10E-05	1.82E-05	1.13E-05	0.023	0.037	0.17
110	877.24	10.13	0.185	9.33E-06	3.10E-05	2.07E-05	1.79E-05	1.12E-05	0.023	0.037	0.17
115	864.81	9.99	0.182	9.20E-06	3.06E-05	2.05E-05	1.77E-05	1.11E-05	0.023	0.036	0.17
120	849.30	9.81	0.179	9.04E-06	3.00E-05	2.01E-05	1.74E-05	1.09E-05	0.022	0.036	0.16
125	831.69	9.61	0.175	8.85E-06	2.94E-05	1.97E-05	1.70E-05	1.06E-05	0.022	0.035	0.16
130	812.54	9.38	0.171	8.65E-06	2.87E-05	1.92E-05	1.66E-05	1.04E-05	0.021	0.034	0.16
135	792.21	9.15	0.167	8.43E-06	2.80E-05	1.87E-05	1.62E-05	1.01E-05	0.021	0.033	0.15
140	771.38	8.91	0.163	8.21E-06	2.73E-05	1.82E-05	1.58E-05	9.86E-06	0.020	0.033	0.15

$$\text{RISKair} = (\text{Cair} \times [\text{BR}/\text{BW}] \times \text{A} \times \text{EF}) \times (1 \times 10^{-6}) \times \text{CPF} \times \text{ED}/\text{AT}$$

Cair = concentration of contaminant in air (ug/m³)

[BR/BW] = daily breathing rate normalized to body weight (L/kg BW-day)

A = inhalation absorption factor 1

EF = exposure frequency (days/365 days) 0.164384

ED = exposure duration 60 days

AT 25,550

DPM Risk factor 1.1 (mg/kg-day)-1

DPM Inhalation Chronic REL 5.0 (ug/m³)

Table 5.6 Point Estimates of Residential Daily Breathing Rates for 3rd trimester, 0<2, 2<9, 2<16, 16<30 and 16-70 years (L/kg BW-day)

	3rd Trimester	0<2 years	2<9 years	2<16 years	16<30 years	16<70 years
	L/kg-day					
Mean	225	658	535	452	210	185
95th Percentile	361	1090	861	745	335	290

Source: OEHHA Hotspots Guidance Manual, 2015