

Mr. Dave Hogan  
City of San Rafael Project Manager  
1400 Fifth Avenue San Rafael, CA  
[Dave.hogan@cityofsanrafael.org](mailto:Dave.hogan@cityofsanrafael.org).

November 29, 2021

Re: Initial Study/Mitigated Negative Declaration for the Coby Friedman Two-house project  
Located on APN: 012-141-59, APN: 012-141-60, and Ross Street Terrace - dated  
October 26, 2021

Good Day Dave,

We are the current owners of the 62 Woods Street which is adjacent to the entire southern boundary of APN: 12-41-59 and portion of the western boundary of Ross Terrace Road, immediately south of the southern boundary of APN: 12-41-59. The 62 Woods Street property has been owned by our family for over 50 years.

These comments are based on our review of the proposed Mitigated Negative Declaration. The finding that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent is not justified. The following project's significant environmental impacts were not identified and addressed.

IV. BIOLOGIC RESOURCES Would the Project:

a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Determination - Less Than Significant Impact with Mitigate Incorporated.

The required mitigation only applies to the existing tree's nesting habitat for bird species whose nesting activities are protected by Federal and State regulations. The project parcels, area of Clayton Street below the parcels, and Ross Street Terrace provide habitat and food sources for various hawks, owls, and falcons.

The project would have a substantial adverse effect by permanently modifying approximately  $\frac{3}{4}$  acre of their habitat. This is a significant unavoidable environmental impact.

IV. BIOLOGIC RESOURCES Would the Project:

d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Determination - Less Than Significant Impact

The evaluation of Environmental Impacts states "At present there is ongoing, year-round, human activity in the area which make use of the site for nursery sites for medium and large native species unlikely. However, the use by very small and small native and non-native species for nursery purposes is expected to occur. Though unlikely, it possible that portions of the site could potentially be used for some of those purposes, particularly by smaller species. The site lacks the potential to be a wildlife corridor since it does not connect natural or open space areas. With this limited potential for use, the project will not have a significant adverse impact the wildlife migration or nursery"

This statement is inaccurate. Although there is ongoing, year round, human activity in the area, the vacant parcels to the north and west of the project, the project parcels, the area of Clayton Street below the project parcels, and Ross Street Terrace have never been developed. According to the Gray Geotechnical Report, dated April 1, 2020, submitted as part of the project application, "The initial grading to form Ross Terrace road may have occurred sometime between 1946 and 1952." Ross Street Terrace has not improved since then.

The vacant parcels to the north and west of the project, the project parcels, the area of Clayton Street below the project parcels, and Ross Street Terrace have extremely limited access, and have remained isolated. This has allowed smaller and larger native/resident wildlife to flourish in these areas. Larger species, such as coyote and several deer families, travel between the vacant lots to the north and west of the project parcels, the project parcels, the area of Clayton Street below the project parcels, and Ross Street Terrace. The native/resident wildlife also utilize all of these undeveloped isolated areas as nursery sites.

The project would interfere substantially with the movement of native/resident wildlife between the project parcels, the area of Clayton Street below the project parcels, and Ross Street Terrace, and the vacant parcels to the north and west of the project parcels. The project would also impede the use of these undeveloped areas as wildlife nursery sites. This is a significant unavoidable environmental impact.

IV. BIOLOGIC RESOURCES Would the Project:

e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Determination: Less Than Significant Impact.

The removal of 37 significant mature trees from the project area and only replacing them with 20 partially developed 24" box trees creates significant and unavoidable impact. The project construction will also critically damage or destroy many trees located on near the boundaries of parcels adjoining the project area. Replacement of the damaged or destroyed trees with suitably sized should be addressed in order to mitigate this significant environment impact.



## VII. GEOLOGY AND SOILS

The Environmental Impact Assessment states "A Soil Investigation was prepared for the site by Reese & Associates, Consulting Geotechnical Engineers (2019) and was used in the assessment of onsite soil and geotechnical conditions." This report was not submitted with the current application.

A Geotechnical Report Update prepared by Gray Geotech, dated April 1, 2020 was submitted with the current application. The purpose the Gray Geotech Report was to update the 2016 Geotechnical Engineering Inc report to address changes to the proposed access to the two lots, and to provide updated design parameters, primarily related to implementation of the new 2019 California Building Code. The Gray Geotech Report was also based on site reconnaissance to visually observe the ground surface and subsurface exploration consisting of three borings. The Geology and Soils Environmental Impact Assessment is incomplete until the Gray Geotech report is reviewed.

### XVII. TRANSPORTATION - Would the project:

- a. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Determination: Less Than Significant Impact

The project involves the construction of a 500-foot-long private drive. The Evaluation of Environmental Impacts states "the access drive near the connection to Ross Street will be steep but consistent with City standards. As a result, the project will not create or increase transportation hazards to the public road network. Therefore, the project will not create new roadway design hazards and any impacts will be less than significant." These statements are inaccurate. Portions of the driveway on APN: 012-141-59 and the Ross Street Terrace private driveway are in excess of the 18% maximum grade requirement. The sight lines at the APN: 012-141-59 driveway/Ross Street Terrace intersection and the Ross Street Terrace private driveway/Ross Street intersection have impaired sightlines. The unsafe grades and impaired intersection sightlines substantially increase hazards due to their design features. This is a significant and unavoidable environmental impact.

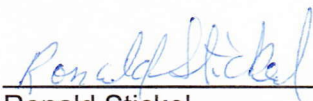
- c. Result in inadequate emergency access?

Determination: Less Than Significant Impact.

The Evaluation of Environmental Impacts states "The project includes the construction of an access drive which complies with the requirements of the San Rafael Fire Department." During the last project Design Review Board Meeting, comments by a civil engineer stating the proposed private access drive design did not meet the San Rafael Fire Department requirements. Until a letter from the San Rafael Fire Department stating the proposed private access drive meets all of the San Rafael Fire Department design requirements is provided, the Determination of the significance of the environmental impact should not be assessed.



Lori Stickle



Ronald Stickle

December 2, 2021

Dave Hogan, Project Planner  
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**RE: Initial Study/Mitigated Negative Declaration, dated October 26, 2021,  
for 33/41 Ross Street Terrace**

I have the following comments:

#### **IV. BIOLOGIC RESOURCES**

*e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

This project requests an Environmental and Design Review Permit which requires design consistency with the Hillside Residential Design Guidelines (HDG). The HDG includes tree protection and preservation criteria, as follows:

##### IV.Site Design:

- A project should display sensitivity to the natural hillside setting
- Preserve or protect unique or special natural features of the site, such as mature trees
- Mature Trees should be retained and integrated into new hillside residential development.
- Existing trees over 12 inches (measured at 4'6" above the root crown) in trunk diameter are considered significant resources to be preserved.
- Identify significant or unique vegetation grouping which contributes to the character of the site

##### IV.A2. Preservation of Significant Trees

- "Significant Tree" shall mean any tree which is in good health and form and is more than 12 inches in diameter as measured 4'6" above the root crown is considered a "significant tree."
- Site development plans should demonstrate that a **diligent effort** (emphasis added) has been made to retain as many significant trees as possible.
- Criteria for Removal includes:
  1. The necessity to remove a significant tree in order to construct proposed improvements to prevent **extreme economic hardship** (emphasis added) to the owner of the property.
  2. The topography of the land and the effect of the significant tree removal on erosion, soil retention, and the diversion or increased flow of surface waters.

##### IV.A8. Planting Design for Hillside Residential Development

"Efforts should be made to retain existing tree groupings and specimen trees to incorporate them into new development.

The applicant has NOT shown that a diligent effort has been made to retain as many significant trees as possible, as required by the Hillside Design Guidelines. In fact, quite the opposite, the applicant



proposes removing all but one oak tree on lot 59 and removing all existing trees on lot 60. No existing trees will be retained along the proposed access drive, as well, resulting in approximately 58 trees over 6" in diameter being removed, according to the WRA Environmental Consultants report, dated March 27, 2020, as submitted by the applicant.

The applicant has NOT proposed a plan for tree replacement that includes a 3:1 ratio as required. If approved, this project will have the unfortunate outcome of clearing the land and changing the natural environment, completely opposite of the Hillside Guidelines objective to preserve the inherent characteristics of the hillside and display sensitivity to the natural setting.

## **IX. LAND USE AND PLANNING**

*b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

You fail to include the Hillside Residential Design Guidelines and specify the Hillside Development Overlay, SRMC 14.12, both which apply to this project.

The applicant is requesting an Exception to the Natural State Requirement, reducing it by almost 50% of what is required, for each lot (see SRMC 14.12.030-C). This shows a blatant disregard of this important hillside protection. Approving the requested Exception to the Natural State will set an undesirable precedent, undermining current and future protection of our hillsides and purpose of the Hillside Development Overlay (SRMC 14.12.010) as follows:

- A. To protect public health and safety by minimizing hazards, including seismic and landslide risks, soil erosion and fire danger associated with development on steep and/or unstable slopes;
- B. To encourage preservation of natural hillside features;
- C. To ensure adequate emergency access by providing on-site parking;
- D. To implement the residential site design policies of the general plan and the Hillside Residential Design Guidelines Manual.

The applicant has NOT demonstrated a superior project with greater sensitivity to the natural setting and compatibility with nearby hillside neighbors. In fact, this application replaces the natural setting with concrete driveways, building footprints and retaining walls.

Nor does this project preserve the inherent characteristics of the site. In fact, both lots are completely stripped of all trees, except for one oak tree and replaced with small slivers of ornamental landscaping. This project does NOT comply with the Hillside Residential Design Guidelines or the Hillside Development Overlay, per SRMC 14.12) and creates environmental destruction to the natural setting and mature trees.

Thank you for your consideration of my comments.

Sincerely,

Victoria DeWitt

To: Dave Hogan,  
Planning Department,  
City of San Rafael.  
Transmitted by email  
To: [Dave.Hogan@cityofsanrafael.org](mailto:Dave.Hogan@cityofsanrafael.org)  
cc: [Leslie.Mendez@cityofsanrafael.org](mailto:Leslie.Mendez@cityofsanrafael.org)

From: Victor and Maria Kunin  
XX Marin Street  
San Rafael, CA 94901

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Phone:

**RE: Proposed amendments to**  
Ross Street Terrace Residential  
Assessor's Parcel Nos.: 012-141-59 and 012-141-60  
Initial Study/Mitigated Negative Declaration  
Dated October 26, 2021

Dave,

This letter is a response to the "Initial Study/Mitigated Negative Declaration" mentioned above, which we herein call "CEQA report".

We are the owners of the 7-unit multi-family property at 211 Marin St. We live on the property with our 3 children, alongside our tenants. This property is located immediately adjacent to and downhill from the proposed development site.

We believe that the CEQA report is missing or omitting important facts regarding Environmental Factors Potentially Affected. We hereby kindly request to amend the declaration to reflect "Potentially Significant Impact" on multiple sections, as specified below. Please pay special attention to sections VII, IX, X, XVII and XX that highlight grave safety hazards created by the proposed development plan.

Finally, we received a mailed notification advising of the CEQA report only on Wed Nov 24th, leaving us with a scant 5 business days to respond. For a heavily impactful project like this one, this is a woefully insufficient time to prepare a detailed analysis of the environmental impact.

We kindly request that adequate mitigation measures to the Environmental Factors Potentially Affected mentioned above be established prior to the approval of the project. Please do not hesitate to reach out to us if you need more information.

Sincerely,  
Victor and Maria Kunin.

December 2, 2021



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# I. AESTHETICS

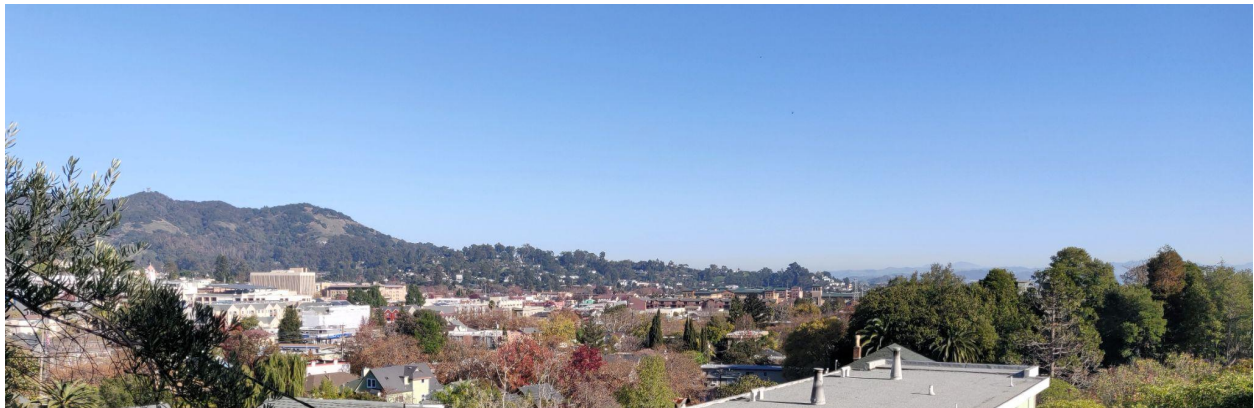
*Would the project:*

*a. Have a substantial adverse effect on a scenic vista?*

**Please change to *Significant Impact***

## Ross Street Terrace is a scenic vista

The scenic vista point directly above our property, that we legally own, offers expansive views of the downtown City of San Rafael, the San Francisco Bay and East Bay, all the way to Mt. Diablo some 35 miles away. See Figure 1. The applicant is requesting the current privately owned public scenic path to be taken away from the owners and the public and given to the exclusive use of the applicant. This will effectively remove a scenic vista point from the use of both Ross Street Terrace owners and the public.



**Figure 1.** A view from a Scenic Vista point on Ross Street terrace.

## High visibility site

The site is clearly seen from many locations in San Rafael and beyond. From a distance, the site currently appears as a green undisturbed hill, covered by vegetation. The plans as drafted propose the removal of virtually all trees without proper replacement, installing retaining walls 17' 5" high that will be clearly visible from large distances, and turning the area into a concrete jungle while sidestepping the city's Natural State requirements. This will irreversibly change the character of the neighborhood as it is seen from both near and far.

## Violation of city's hillside development guidelines

City of San Rafael Hillside Design Guidelines to All Hillside Residential Development Projects dated Nov 14 2016, page 37 states:

- *Retaining walls and pony walls visible from off site should be of minimum height.*

The retaining walls are proposed on a highly visible slope clearly visible from miles away. In the past, we have been witnesses to meetings of the Planning Commission and the Design Review

Board of the City of San Rafael discussing retaining walls on owner's land of just 4 feet high. This shows an appreciation and dedication to the city's character. Meanwhile, the height of the retaining walls of this project in this submission is not only in a completely different scope, but the retaining walls are also the highest in this submission than any previous plans for this project. The project envisions using landfill to make the retaining walls higher. On the northern side of Ross Street Terrace, the project proposes highly visible, 17' 5" high retaining walls to support a landfill. The height of the retaining walls on the Northern end of Ross Street Terrace development is not specified, but can be inferred to be at least 8ft high.

## Significant Impact

Based on the discussion above we kindly request that the CEQA assessment for I(a) be changed to **Significant Impact**.

## IV. BIOLOGIC RESOURCES

*Would the Project:*

*d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

**Please change to Significant Impact**

### Ross Street Terrace is an established wildlife corridor

Wildlife corridor is defined as an area of habitat connecting wildlife populations separated by human activities or structures. Ross Street Terrace is an essential part of a forested ring that on the Southern end extends across properties on Woods Street to the Western side of the Reservoir road where it connects to the Open Space on the hill that separates downtown San Rafael from Ross Valley (Figure 2). On the Northern side, Ross Street Terrace provides a connection to the wooded hills of Miramar Ave, which in turn connects to the Open Space. There are no alternatives to this essential wildlife corridor, in that the terrain between Ross Street Terrace and San Francisco Bay is mostly flat and too developed for wildlife to use.





**1112.** *A transfer of land, bounded by a highway, passes the title of the person whose estate is transferred to the soil of the highway in front to the center thereof, unless a different intent appears from the grant.*

A different intent does not appear in the grants, and the contrary has not otherwise been shown. Hence abutting property owners own Ross Street Terrace from the abutting property line up to the center of the Ross Street Terrace. As our property abuts Ross Street Terrace, we own a part of Ross Street Terrace that abuts our property.

## Removal of trees will be against the will of tree owners

The project requires the removal of 37 significant trees and 12 additional trees. Most of those trees are located on private land of Ross Street Terrace and are privately owned by abutting property owners and not the applicant. See California civil code section 833.

*833. Trees whose trunks stand wholly upon the land of one owner belong exclusively to him, although their roots grow into the land of another.*

The trees marked for removal are located on a private property on Ross Street Terrace. Any removal of trees would be done without owners consent and therefore illegal.

## Violations of city's Guidelines for tree removal

According to Chapter 14.12 of the San Rafael Municipal Code, the project must comply with the adopted Hillside Development Design Guidelines. The Guidelines, dated Nov 14, 2016 can be accessed here:

<https://www.cityofsanrafael.org/documents/hillside-design-guidelines-hillside-residential-development-projects/>. On page 29 the Guidelines specify

*Site development plans should demonstrate that a diligent effort has been made to retain as many significant trees as possible.*

The developer's plan fails to follow this guideline, planning to remove almost all significant trees on site without replacing them.

On page 30, section 2a, the guidelines specify the criteria for tree removal. The developer fails to demonstrate that tree removal is justified under any of the specified criteria.

## Violation of city mandatory replacement requirement for removed significant trees

On page 30, section 2b, the guidelines specify

*h. when Significant Trees Must Be Removed*

- *Trees **shall** be replaced at a ratio of 3 new trees for every tree removed.*

On page 23, the Guidelines clarify

- *the word "shall" is used to express what is mandatory*

Therefore the replacement is not merely encouraged, but is mandatory. This is contrary to the assertion in the CEQA report that the Guidelines do not require replacement.

The project requires removal of 37 of the existing 41 significant trees. To be compliant with the 3:1 ratio, the applicant needs to replace them by planting 111 trees. Yet the applicant is seeking to plant only 20 trees, less than a fifth of the requirement.

## Tree replacement is not viable during drought and a ban on outdoor irrigation

Page L-1.1 states that *ALL SHRUB, PERENNIAL, AND GROWDCOVERS SHALL BE DRIP IRRIGATED. ALL TREES SHALL BE IRRIGATED BY A BUBBLER SYSTEM.*

As of the time of writing, Marin county is classified to be in an Extreme Drought. See <https://www.drought.gov/states/california>. Effective December 1st, 2021 Marin Water District prohibits outdoor irrigation. See <https://www.marinwater.org/waterrules>. According to plans, the replacement vegetation will NOT be viable without irrigation. In contrast, the existing trees and vegetation do not require irrigation. The existing vegetation will be replaced with a barren landscape, as none of the planned new vegetation is expected to survive without irrigation.

## Tree removal will likely cause landslides

Section 2a, "Criteria For Removal" of significant trees states

- *In assessing the number of trees and specific trees that may be removed, the applicant and Design Review Board should consider the following criteria:*
  - 3) *The topography of the land and the effect of the significant tree removal on erosion, soil retention, and the diversion or increased flow of surface waters.*

See p. 30 of the Design Guidelines Applicable To All Hillside Residential Development Projects dated Nov 14 2016,

<https://www.cityofsanrafael.org/documents/hillside-design-guidelines-hillside-residential-development-projects/>

Several of the trees planned for removal contribute to strengthening the slopes of the edge of our property, with roots visibly holding the hill from eroding further. Removal of those trees will leave the slopes barren of supporting vegetation and highly prone to collapse, creating a danger of property damage and bodily injury for our family and our tenants.

## City's criteria for preservation of hillside sites are not met

The plans as proposed stand in conflict with multiple city ordinances. The developer is requesting exceptions to the Natural State and Driveway Grade requirements. Chapter 14.12.040 of San Rafael Municipal code reads:

*14.12.040 - Exceptions to property development standards*

*City Council Exception Required. Exceptions to the property development standards of this chapter may be approved by the city council, upon the recommendation of the design review board and the planning commission, when the applicant has*

*demonstrated that alternative design concepts carry out the objectives of this chapter and are consistent with the general plan based on the following criteria:*

*A. The project design alternative meets the stated objectives of the hillside design guidelines to **preserve the inherent characteristics of hillside sites, display sensitivity to the natural hillside setting and compatibility with nearby hillside neighborhoods, and maintain a strong relationship to the natural setting;** and  
B. Alternative design solutions which **minimize grading, retain more of the project site in its natural state, minimize visual impacts, protect significant trees, or protect natural resources result in a demonstrably superior project** with greater sensitivity to the natural setting and compatibility with and sensitivity to nearby structures.*

In contrast to the city's requirements, the developer

- Failed to obtain Design Review Board recommendation.
- Fails to *minimize grading*, instead moving 2,030 cubic yards of material.
- Fails to *preserve the inherent characteristics of hillside sites*, instead proposing excessive grading, landfill, excessive retaining walls, and avoiding the Natural State requirements.
- Fails to *display sensitivity to the natural hillside setting*. The development will lead to the destruction of an established wildlife corridor. Natural state requirements are not met.
- Fails to *maintain a strong relationship to the natural setting*. See above.
- Fails to *retain more of the project site in its natural state*. Instead the developer proposes to retain less of the project site in its Natural State.
- Fails to *minimize visual impacts*. Instead, the project will destroy a public scenic vista, remove trees and install gigantic retaining walls.
- Fails to *protect significant trees*, instead removing all but 3 significant trees on site.
- Fails to demonstrate a *superior project* as the applicant disregards a multitude of city's guidelines and requirements and creates a significant adverse impact on the people and the environment.

## Significant Impact

Based on the discussion above we kindly request that the CEQA assessment for IV(d) and IV(e) be changed to **Significant Impact**.

## VII. GEOLOGY AND SOILS

*Would the Project:*

- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*
  - Strong seismic ground shaking?*
  - Landslides?*

Please change to **Significant Impact**



## The Geotechnical Report misses landslides, erosion and soil creep

The CEQA report states

*The Geotechnical Report evaluated the presence of historic landslides in and around the site. While historic landslides have been identified in the surrounding area, no landslides or earthflows were identified onsite. The closest identified historic landslide is located approximately 400 feet to the west of the site on the other side of the hill.*

The Geotechnical Report fails to identify landslides that happened in the immediate vicinity of and directly on the project site. In fact, residents of the adjacent lots remember multiple such landslides. Prior to us taking possession of our property, a retaining wall on the property failed, resulting in a landslide towards our neighbors. A permit issued to former owners of our property by The Department of Public Works on 11.29.1990 documents a repair of this retaining wall. Multiple historic landslides have happened on our own lot and immediately north of our lot on Clayton street lots. Landslide scars are clearly visible directly on the project site (Figure 3). Soil erosion is obvious with large soil cracks observable on the project site. Soil creep and subsidence are readily observed (Figure 4). The failure of the Geotechnical Report to report landslides, soil erosion, creep and subsidence make the entire Report not credible.



**Figure 3.** Evidence of a historic landslide located directly on the site. The landslide began at Ross Street Terrace and continued through 56 Clayton Street on to 64 Clayton Street.



**Figure 4.** Soil subsidence and creep. The picture is taken where Ross Street Terrace, lot 45 (62 Woods Street), and the proposed driveway of lot #59 intersect. Note that the old utility pole and the cyprus tree are leaning in parallel to one another, while the new utility pole stands upright. Tree trunks of nearby oak trees are leaning in the same direction as the pole and the cyprus, demonstrating soil subsidence and creep. While only one location is shown here, indications of subsidence and creep can be seen in multiple locations on and surrounding the project site.

### Project will destabilize the slopes

The proposed construction will erect retaining walls as high as 17' 5" (page A-2.3). Some of the retaining walls will support a part of the slope. Some retaining walls will support areas of landfill designed to elevate the lots. See p. A-2.1, North (Side) Elevation. Large sections of the slopes will remain unsupported (see p. L-1.1). Those sections already show signs of erosion and instability. Existing cracks are currently obscured by vegetation, but are clearly visible in the summer. Every year we observe erosion and movement of topsoil on the section of Ross Street Terrace that meets our property.

### Tree removal will destabilize the slopes

As described in the Biological Resources section, virtually all trees are planned for removal. Several of the trees planned for removal contribute to strengthening the slopes of the edge of our property, with roots visibly holding the hill from eroding further. Removal of those trees will leave the slopes barren of supporting vegetation and highly prone to collapse, creating a danger of property damage and bodily injury for our family and our tenants.

## Danger of landslides during construction

We understand that the existing dirt road will have to be substantially widened and strengthened before it will be capable of safely supporting the on-going transit of construction vehicles such as bulldozers and dump trucks carrying heavy loads. Such a road will depend upon retaining walls sufficient to support and stabilize it. This presents a "catch-22" situation, in that 1) heavy construction equipment will be required to construct retaining walls sufficient to support and stabilize a roadway that will 2) support the heavy construction equipment required to construct the retaining walls. The presence of heavy construction equipment on the road will drastically increase the danger of landslides.

## Maintenance

### Retaining walls require maintenance

A malfunction of tall retaining walls on the edge of our back yard would unleash huge landslides. The slope towards our house ensures that our property will be directly in the line of such landslides, and it is entirely foreseeable that this would cause significant property damage as well as potential bodily harm. Because of the severe consequences of retaining wall failure, a proper inspection schedule and a binding agreement addressing maintenance of the walls is of paramount importance. No provision has been made for either one.

### Timing and costs of maintenance are unpredictable

In some cases maintenance is required even in the immediate aftermath of a construction project. For example, in 2015, a scant 2 years after the 2013 completion of the Eastern span of Bay Bridge, steel rod cracks were identified requiring immediate repair. See <https://www.sfgate.com/bayarea/article/Fears-of-failure-grow-for-rods-on-Bay-Bridge-6588743.php>. Also the San Francisco Millennium Tower was tilted and sinking within 7 years of completion. See [https://en.wikipedia.org/wiki/Millennium\\_Tower\\_\(San\\_Francisco\)#Sinking\\_and\\_tilting\\_problem](https://en.wikipedia.org/wiki/Millennium_Tower_(San_Francisco)#Sinking_and_tilting_problem). Expensive repairs had to be performed in both cases, causing expenses to far exceed the construction budget of these projects.

### Lack of legal clarity will cause deferred maintenance, increase landslide danger

Maintaining large retaining walls is an expensive undertaking. City planners have made it clear that the City will not take responsibility for the maintenance of these walls. It is important to note that maintenance of and liability for these retaining walls will affect the homeowners who live below the walls to a far greater extent than they will affect the owners of the proposed houses, which will be located above the walls. The collapse of the retaining walls will not directly endanger those living in the proposed new houses. However, the collapse of the same walls has the potential to cause significant damage to our home as well as serious bodily harm to our family and our tenants. With no maintenance and liability agreement between ourselves and the future homeowners, this imbalance of the potential impact of retaining wall failure will make it easy for the new homeowners to defer, or completely ignore, any needed maintenance and



repairs. This would be particularly true if they are not in a financial position to pay for costly repairs on hundreds of feet of retaining walls. It is well established that deferred maintenance will hasten the failure of retaining walls. Thus, the burden for maintenance and repair of the walls will fall on the abutting property owners who are most affected by the retaining wall failures. This is certain to lead to disputes among neighbors and will undoubtedly create a legal nightmare. Thus, it is likely that issues will not be addressed in a timely manner, maintenance will be deferred, and malfunction of the walls will cause landslides. The best way to ensure timely maintenance is a legal agreement accepted by all sides.

#### The developer's record of putting the neighborhood in danger

The developer has not proposed any solution for the above scenario, and when these issues have been raised in his presence they have been completely ignored. Moreover, the developer has already demonstrated utter disregard for the neighbors' property and safety. For example, on July 6-8, 2020, surveyors hired by the developer cut vegetation on Ross Street Terrace and dumped it in heaps on the road, creating a fire hazard in the middle of the fire season. The developer stonewalled our repeated requests to remove the vegetation, even with the fire and police departments' involvement. Only after the involvement of the city planners several months later did the developer remove a portion of the dry vegetation. Over a year later, in December 2021, much of the dry vegetation still remains on Ross Street Terrace where it was dumped by developer's surveyors, and the fire danger persists (Figure 5). Further, the heavy rains in October 2021 revealed that some of the vegetation was dumped in a drainage ditch, blocking an established water escape route and redirecting floodwater towards neighboring properties and residences. Only last minute ditch digging by ourselves and residents of 56 Clayton Street averted the flooding of residential structures. Incidents such as this cast serious doubt on the developer's reliability and any representations he might make that maintenance concerns will be promptly addressed. This exacerbates the danger that maintenance will not be timely performed and malfunction of retaining walls will cause landslides, property damage and bodily injury.



**Figure 5.** Vegetation dumped by the developer's contractor in July 2020. Pictured in November 2021.



## Seismic factors enhance the danger of landslides

As correctly noted in the CEQA report, the site is located in a seismically active region and would experience ground shaking from a major earthquake on any of the active Bay Area faults. The potential for strong seismic shaking at the project site is high. The expected failure of slopes and retaining walls described above is even more likely during strong seismic shaking. This greatly increases the danger this project presents to us, our children and our tenants.

## Significant Impact

In aggregate the above factors are likely to cause landslides both during construction and after its completion. We therefore kindly request that the CEQA assessment for VII(ii) and VII(iv) be changed to **Significant Impact**.

## IX. HAZARDS AND HAZARDOUS MATERIALS

*Would the Project:*

*f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

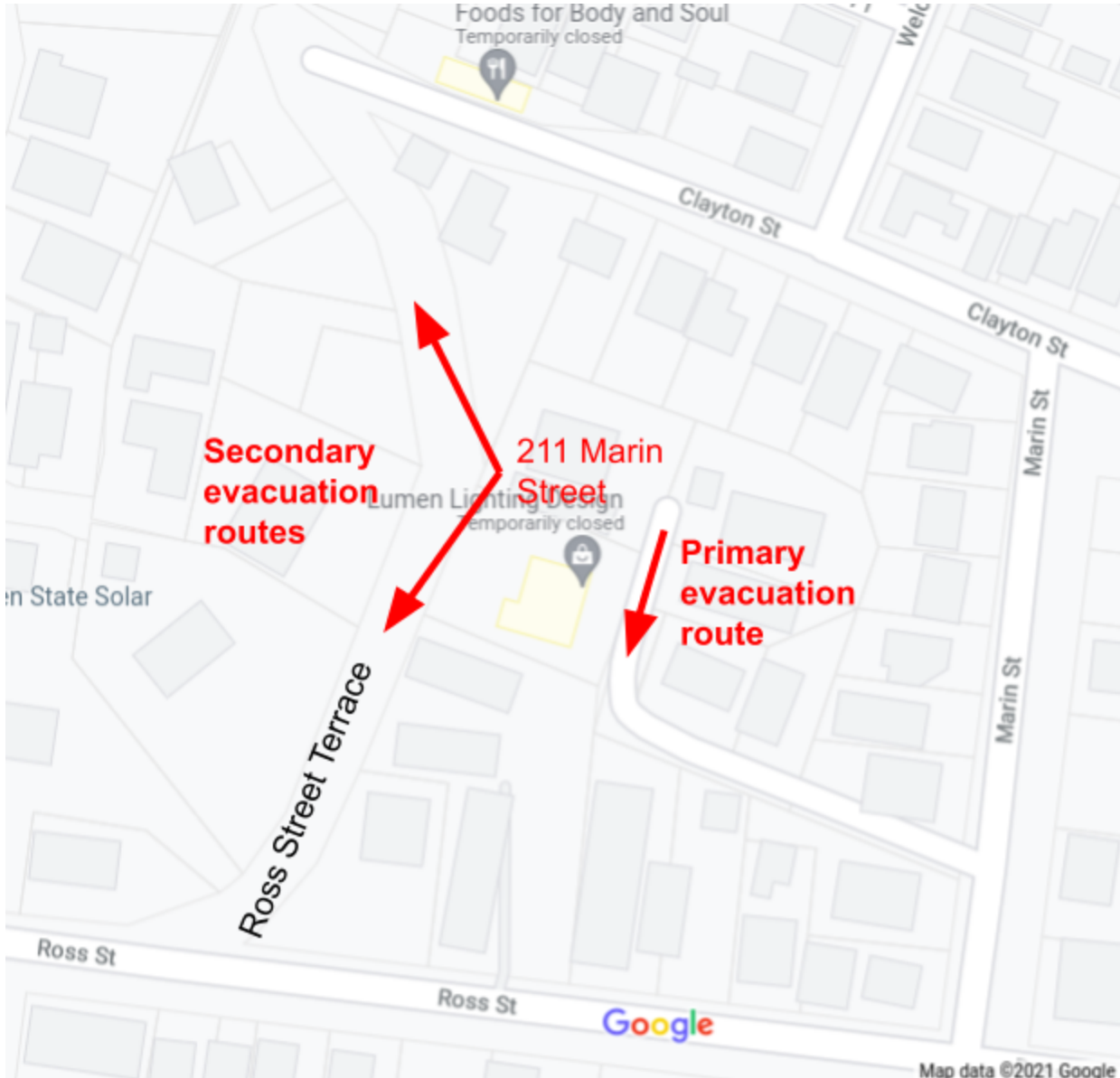
*g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

**Please change to Significant Impact**

## Retaining walls will physically interfere with an emergency evacuation

High retaining walls deny access to an escape route. Exceedingly high retaining walls, as proposed, will prevent the access to Ross Street Terrace from our property, depriving us of access to the portion of Ross Street Terrace that we legally own, and that we have used almost daily for the last 8 years, and that we continue to use.

**The emergency evacuation plan** for our multi-unit property incorporates the use of Ross Street Terrace as a secondary escape route. This route becomes crucial in the event a fire or other disaster blocks the main access to our property. The main access to our property is through a 400-foot long private driveway with a single exit to Marin Street. The developer's proposed retaining walls will create barriers that will block our family, as well as our tenants, from using this vital secondary escape route, potentially trapping us all in the event of a fire or other disaster. Please recall the tragic events of the Camp Fire of 2018, where inadequate escape routes were a major factor in the loss of 85 lives. If the existing developer's plans are approved, it is foreseeable that such a scenario could be repeated in San Rafael.



**Figure 6.** Evacuation plans for our property at 211 Marin Street are shown. The development will deny access to our secondary evacuation route.

**Significant risk of injury or death involving fires**

The project is located on a south-facing slope of Moore Hill and is in an area identified by the City as a Wildland Urban Interface (WUI). The entire project area is within the WUI and any future occupants of the two new residences will be exposed to an additional risk from a fire in this area. The additional risk of fire in the area, coupled with the proposed removal of emergency escape routes, makes it clear that the project will expose people to a significant risk of injury or death involving wildfires.

## Significant Impact

Based on the discussion above we kindly request that the CEQA assessment for IX(f) and IX(g) be changed to **Significant Impact**.

## X. HYDROLOGY AND WATER QUALITY

*Would the Project:*

*ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;*

*Please change to Significant Impact*

### The project will result in increased water runoff

The plans propose to replace an undeveloped hillside into a built-up and paved area. The developer is asking for an exemption from the Natural State requirement, leaving a fraction of the required natural state on lots #59 and #60. Less than 0.03% of either lot is planned to be allocated for bioretention. No calculation of Natural State is provided for the Ross Street Terrace. This excessive removal of water-absorbing soil is expected to drastically increase water runoff from the lots.

### The project will dump concentrated water on private property

Page 28 of the plans shows an “outlet dissipater” on the east side of Ross Street Terrace directly above #56 Clayton Street (Figure 7). Please note that Ross Street Terrace next to #56 Clayton Street is a private property, owned by the abutting property owner. The project, as designed, will dump concentrated water directly on the private property owned by #56 Clayton Street. No provisions are made to extend the drainage to public roads.

### The project will result in flooding of residential structures

The water exiting the “outlet dissipater” located next above #56 Clayton Street has only one direction to flow - straight to the #56 Clayton Street residence (Figure 7). This guarantees that #56 Clayton Street will be flooded every time the “outlet dissipater” discharges water.



**Figure 7.** Proposed “outlet dissipater” location will flood #56 Clayton Street. **A.** The “outlet dissipater” as it appears on page 28 on the plans, with projected water flow overlaid. **B.** The existing terrain, showing the proposed “outlet dissipater” location, its proximity to #56 Clayton Street and the steep slope that the water will follow towards #56 Clayton Street residential structures.

Our experience with rains of October 2021 and interviews with residents of #56 Clayton Street confirms that

- Water accumulated on the East side of Ross Street Terrace causes flooding at #56 Clayton Street.
- Clayton Street does not provide infrastructure for any increased water flow, and residents on the Northern side of Clayton Street will likely experience flooding.
- The excessive water will be prone to cause damage to the hill at #56 Clayton Street leading to landslides.

### Significant Impact

Based on the discussion above we kindly request that the CEQA assessment for X(ii) be changed to **Significant Impact**.

## XI. LAND USE AND PLANNING

*Would the Project:*

*a. Physically divide an established community?*

*Please change to Significant Impact*

The project will physically divide an established community

As demonstrated on page 6 of this document, Ross Street Terrace is owned by abutting property owners. Ross Street Terrace is a public right of way with free and unrestricted access



for the owners and the public. The abutting property owners and residents, including us, use it to access their homes. Ross Street Terrace can be accessed by foot, bicycles, wheelchair or other small wheeled transport. For the visitors it offers a scenic vista with expansive views up to 35 miles to the east, and a wildlife corridor where sightings of wildlife are common. For residents of #56 Clayton Street, Ross Street Terrace is the only access to their home. The nearby owners and residents team up to maintain the area, meet and interact with each other. We, along with our children, routinely use Ross Street Terrace to access our parents who reside in the immediate vicinity of Ross Street Terrace.

#### Uncompensated taking of property from owners and the public

The proposed project will take access rights away from the owners and the public. The development plan envisions this property to be given for free for the exclusive use of the developer. Existing access from Clayton street will be blocked for wheeled or disabled access. The existing users, including legal owners and the public, will be expected to pay for using the Ross Street Terrace, as specified in the "Maintenance agreement". The legal mechanism for the process of taking the property from the owners and the public is not specified and is unknown.

#### Significant Impact

Based on the discussion above we kindly request that the CEQA assessment for **XI(a)** be changed to **Significant Impact**.

### XIII. NOISE

#### *Would the Project:*

*a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

*Please change to Significant Impact*

#### The project will cause a drastic increase in noise

The CEQA Report notes that *The primary noise from vehicular traffic in the downtown area (approximately 700 feet to the north) though some noise from US101 is also perceptible.*

*[...] the closest major roadway, 2nd Street with average traffic volumes of between 22,000 and 24,000 trips per day, is about six hundred feet away from the site of the two new residences.*

At present, the noise from the vehicular traffic is absorbed by the trees, vegetation and the soft topsoil on site. The project proposes removal of trees and replacing the topsoil and vegetation with buildings and concrete. Retaining walls as high as 17' 5" (page A-2.3) are to be constructed. The vegetation is planned for removal, trees not replaced at the required ratio, and soft topsoil to be paved over, all while sidestepping the city's Natural State requirements. The retaining walls are planned to be built with concrete, which is a material with poor sound

absorption and high sound reflection properties. Sound waves hitting solid concrete retaining walls will be bounced back. Geometrical configuration of the walls will cause sound to be redirected towards our property and possibly concentrated and amplified.

Our property, located directly below these walls, will experience a drastic elevation in noise. Due to the high number of vehicles traveling on 2nd Street, the noise is expected to be constant. This will make quiet enjoyment of our property impossible.

## Significant Impact

Based on the discussion above we kindly request that the CEQA assessment for XII(a) be changed to **Significant Impact**.

## XVII. TRANSPORTATION

*Would the Project:*

*c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

*Please change to Significant Impact*

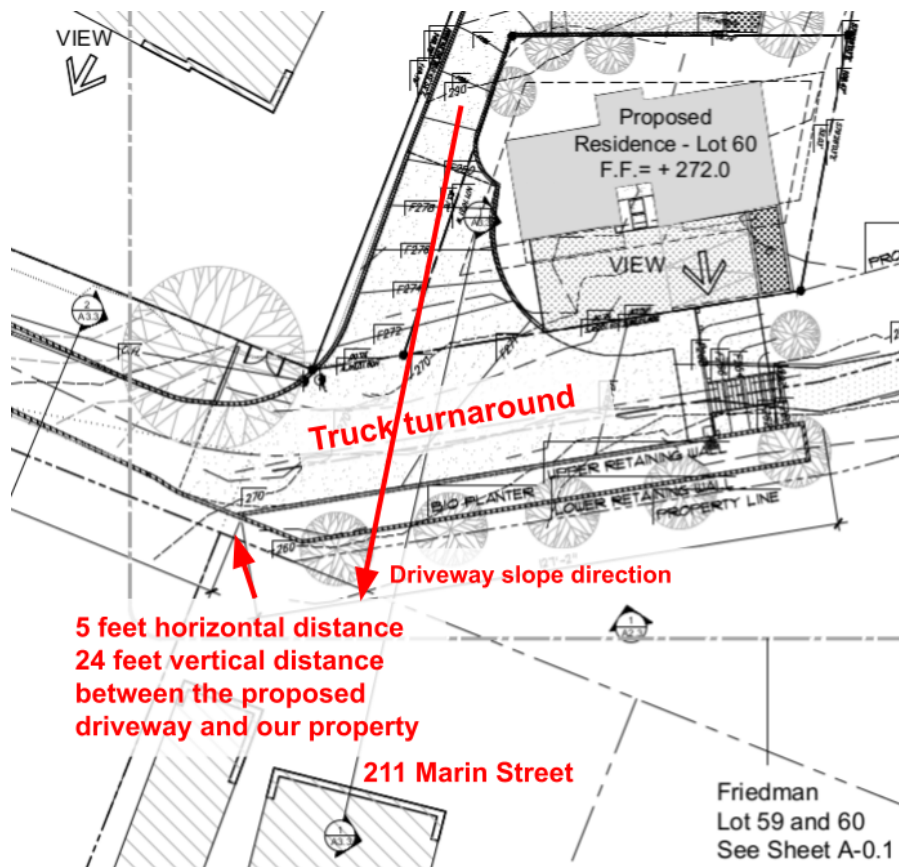
The proposed road is dangerous

Proposed lot line adjustment creates hazards

The applicant proposes a lot line adjustment. At present the Lot #59 can be accessed via a dedicated area connecting it to the Ross Street Terrace on the northern side of Lot #60. The applicant proposes to adjust lot boundaries to transfer the access to Lot #59 the southern side of lot #60. The planned driveway's grade is not specified on the plans. The driveway starts at the bottom point and ends at the top point of lot #60 tracking along the lot line. The average slope of lot #60 is specified at 40.3% and the driveway is expected to have a very steep grade. This proposed driveway will point directly towards our property (Figure 8). This is in contrast to the existing arrangement in which the access to lot #59 does not point towards any structure on the neighboring lot.

Road turn and truck turnaround 24ft above the children's play area

The plans propose to construct a road on Ross Street Terrace. The road is shown on the plan to bend on the section of Ross Street Terrace that is located behind our back yard (Figure 8). This bend on the proposed road is followed by a truck turnaround. This road, along with a truck turnaround, will be separated from our back yard only by retaining walls of about 11 ft high (see Section 1 on p. A-3.3). The exact heights of the retaining walls are obscured by graphics that make it unreadable. Following the retaining wall is a steep cliff, resulting in a total of 24 feet drop from the road to our property. **The road turn and the truck turnaround are planned directly above residential structures and a children's play area on our property.**



**Figure 8.** The proposed road and truck turnaround in relation to our property.

### Accident potential

The plans for the road are drafted to accommodate a load of 75,000 pounds, i.e. a 53-foot semi-trailer truck. Should a truck of this size roll out of control from the Lot #59 driveway or the truck turnaround, or should a driver lose control on Ross Street Terrace, an out of control vehicle will have no opportunity to stop before crashing into our backyard, children’s play area, our tenants’ homes and possibly into our house. Nothing in the proposed plans will stop large out of control vehicles. This directly threatens our safety, our three small children and our tenants.

Accidents involving out of control vehicles happen for a number of reasons (e.g., road or weather conditions, mechanical failure, driver’s carelessness/distraction/health or mental condition/inexperience/impairment due to alcohol or other substances, etc.). Such accidents are not uncommon as you can see in the references below. In just a single week we had three such accidents right here in Marin County, two of them on Sep 26th alone. It is entirely foreseeable that an accident such as this could take place as a result of the proposed Lot #59 driveway and/or the proposed path of Ross Street Terrace, resulting in property damage, severe injury and even loss of life to our family and others.

## Relevant historical accidents

Here are some links to relevant accidents:

Car plunges 80 feet into Tiburon backyard, Aug 30 2017:

<http://www.mercurynews.com/2017/08/31/marin-crash-hurts-teen-brothers-as-car-falls-80-feet-in-6to-backyard>

Car going through home in Novato, Sep 26 2017:

<http://www.marini.com/article/NO/20170829/NEWS/170829768>

Car crashing into Mill Valley shopping center, Sep 26 2017:

<http://www.mercurynews.com/2017/09/26/8-hurt-in-marin-county-wreck-after-truck-hurtles-off-highway-101/>

## Significant Impact

Geometric design features of this plan make loss of property and bodily harm in an accident certain. If the plans are approved, the only question will be when, rather than if, these accidents will happen. Such foreseeably dangerous conditions will deprive us of peace of mind and the quiet enjoyment of our property.

We therefore kindly request that the CEQA assessment for XVII(c) be changed to **Significant Impact**.

## XX. WILDFIRE

*Does the project:*

*a. Substantially impair an adopted emergency response plan or emergency evacuation plan?*

*Please change to Significant Impact*

### The project will impair emergency evacuation

As noted in the section IX describing Hazards and Hazardous Materials, the retaining walls proposed by this project will eliminate our emergency evacuation route (Figure 6).

The project is located on a south-facing slope of Moore Hill and is in an area identified by the City as a Wildland Urban Interface (WUI). The entire project area is within the WUI and any future occupants of the two new residences will be exposed to an additional risk from a fire in this area. The additional risk of fire in the area, coupled with the proposed removal of emergency escape routes (Figure 6), makes it clear that the project will expose people to a significant risk of injury or death involving wildfires.

## Significant Impact

Based on the discussion above we kindly request that the CEQA assessment for XX(a) be changed to **Significant Impact**.



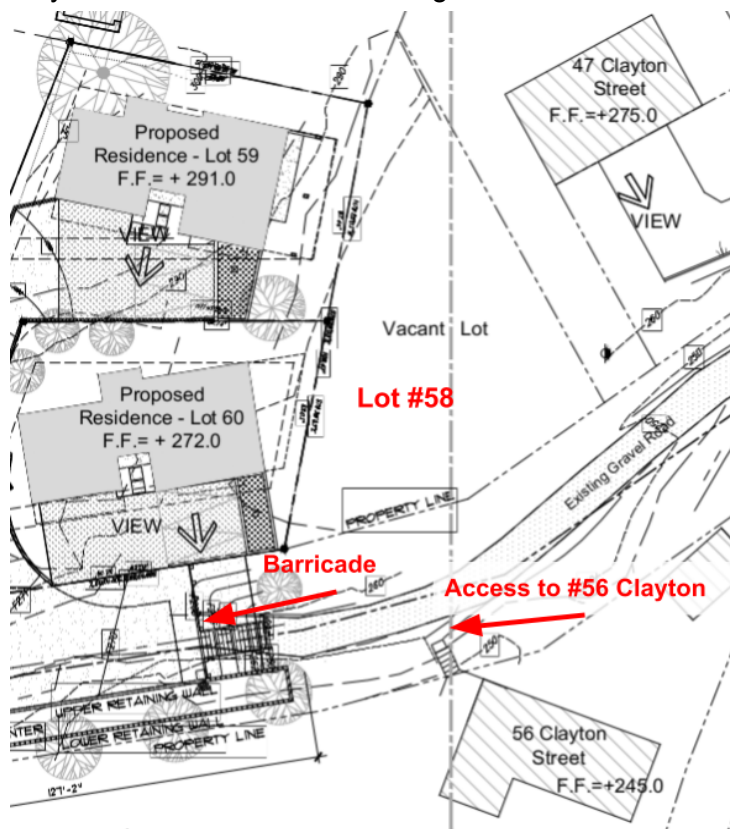
## XXI. MANDATORY FINDINGS OF SIGNIFICANCE

*Does the project:*

*b. Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

The project will impede a future development of an adjacent lot

This project showed that developing access from Clayton Street is not feasible due to the sharp turn between Clayton and Ross Street Terrace. For the same reason future access to the lot #56 must rely on the road developed by this project. However, this project is proposing to block Ross Street Terrace at the developer's property (Figure 9). The north end of the developed road will be elevated above the access point to Lot #56. The proposed barricade is at least 8ft high (page 23), with the exact height not specified. This will prevent and deny a future development of the lot #58. The proposed landfill-supported elevation of Ross Street Terrace cannot be extended along the lot #58 as it will interfere with access to the existing residence at #56 Clayton street. This will have a significant effect on future development projects of the lot #58.



**Figure 9.** The proposed project will barricade Ross Street Terrace, preventing future development of lot #58. The height of the barricade can be inferred to be at least 8ft, the exact height not shown on plans.

*c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

Please change to *Significant Impact*

## Substantial adverse effects on human beings

The discussion in this document demonstrated a long list of expected substantial adverse effects on human beings. To name a few, the emergency evacuation route will be removed, exposing nearby residents to harm and bodily injury in an event of a disaster, such as fire. The proposed development contains geometrical features that threaten bodily injury and property damage. Residents will be exposed to a newly created danger of retaining wall malfunction, exacerbated by legal issues created by this project. Nearby residences will be subjected to flooding. The project will remove features absorbing noise and will erect structures that reflect and concentrate noise, exposing nearby residents to constant noise. The removal of trees and vegetation and replacing them with concrete and dust will pollute the air we breathe. Finally, the project requires property to be illegally taken from the public and owners and given for free to the developer.

## Significant Impact

Based on the discussion above we kindly request that the CEQA assessment for **XXI(b)** and **XXI(c)** be changed to **Significant Impact**.

## Dave Hogan

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**From:** Liza <>  
**Sent:** Wednesday, December 1, 2021 2:47 PM  
**To:** Dave Hogan  
**Cc:** Leslie Mendez  
**Subject:** Public comment Ross Street Terrace ED19-090/ED19-091/LLA19-008, EX20-006

Dear Mr. Hogan,

I am a neighbor of the proposed Ross Street Terrace project. The project, similar to the 52/54 Fremont project in the West End, proposes a lot line adjustment to cram large (2,600+ sq. ft) homes into undersized, steep hillside lots, in violation of both the hillside design and natural space exception rules. The city appears to favor these hazardous exemptions. The Initial Study must address the impacts of these hillside and natural space exceptions (increased erosion and potential for flooding, increased tree removal, etc.).

The IS should include how many significant and city trees will be lost by inclusion of a 16 foot wide driveway, rather than a standard ten foot one. Many legal street roads in San Rafael (e.g., Fremont St.) are narrower than 16 feet.

The Initial Study fails to mention tree replacement measures for the 14 significant trees scheduled for removal on the property. The IS also fails to include any of the tree protection measures included in the Arborist report for the site.

The Initial Study mentions an ephemeral channel "adjacent" to the site. This channel was never mentioned nor mapped in the Biological Resource Assessment. Where is this channel - how close to the grading limits? How might it be impacted by tree removal and ground disturbance associated with development of these homes, their driveway and retaining wall? Such impacts must be disclosed. Ephemeral channels are protected under the Clean Water Act as Waters of the US (<https://www.epa.gov/wotus/final-rule-navigable-waters-protection-rule>), and in California as Waters of the State, and potentially as streambeds (Sec. 1602), requiring permits for any deposition of material or impacts within the banks.

The Initial Study biological resources section and Biological Resource Assessment fail to mention the potential for tree-roosting bat species to be present in the mature trees scheduled for removal on the site. Hoary bat, pallid bat, and Townsend's big-eared bat have all been recorded in the vicinity of the site and have the potential to roost in trees. Disclosure of impacts and appropriate mitigation for protection of roosting bats during tree cutting (seasonal restrictions and two-stage removal) must be included in the Initial Study.

Please acknowledge receipt of my comment, and thank you for your consideration.

Elizabeth Ryan  
San Rafael CA

## Dave Hogan

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**From:** Dan Kelly <>  
**Sent:** Wednesday, December 1, 2021 8:55 PM  
**To:** Dave Hogan  
**Subject:** Ross Street Terrace Project

Dear Mr. Hogan,

I am writing to you as the project planner listed for the the "Ross Street Terrace" project in Gerstle Park (project numbers ED19-090/ED19-091/LLA19-008, EX20-006). My wife and I are the owners of 135 Ross Street, which is directly across the street from the proposed outlet for Ross Street Terrace onto Ross Street. I wanted to alert you to the financial and personal hardship that this project is causing for our young family.

We purchased 135 Ross Street in May, 2021 while my wife was pregnant with our first child. With how aggressive the housing market has been over the last few years, we were lucky to find a house. I grew up in San Rafael and Novato where my family still lives. My wife and I are very happy to be returning to Marin in a house where we can enjoy downtown San Rafael on top of being close to family and everything else Marin has to offer.

I believe the main reason 135 Ross Street did not turn into a bidding war is because it was tenant-occupied at the time of the sale. We planned to move in to the house in August, 2022 when the existing tenant's lease ran out. This worked out perfectly for us because it gave us time after the purchase to rebuild our savings account and to save up for a second car that can fit a carseat, which we will need after moving. My wife works as a project manager and I am a police officer in the Tenderloin District in San Francisco. Suffice to say this house was more of a stretch for us to buy than many people moving to Marin in the last few years.

Unfortunately, our tenants received an international work-transfer and will be leaving this month. It is unlikely we would find tenants for the 8 months after which we planned on moving. We therefore made the difficult decision to further delay our move to San Rafael and instead attempt leasing the house for another year. Applicants frequently ask about the possible construction on Ross Street Terrace and the applicant we planned on leasing to backed-out only after she learned of the Ross Street Terrace project. She wrote us an email to that effect that I am happy to forward to you. We have no backup applicants, meaning we will likely have to move into the house in January if we cannot find a last-minute tenant.

The total amount of rent we would have made from that lease is \$66,000 which we have now lost due to the Ross Street Terrace project. As stated above, we are not a high income family that can easily sustain this kind of loss. In addition to that loss, we now face substantial difficulty saving up for a second car as our housing expenses will be increasing far early than anticipated. As a result, we will be reminded of this loss daily as we shuffle the one car that can transport our infant son between the two of us to transport him to daycare so we can both work. If the project goes forward, we will additionally have what is certain to be a constant stream of construction vehicles and equipment directly in front of our house to remind us of the loss.

I would not be writing this message for a typical construction project as those are simply part of living in any neighborhood. After reviewing the plans though, I find myself puzzled regarding why this new private road had to be built connecting to Ross Street when Clayton Street is closer to the proposed lots and when the plans themselves show an "existing gravel road" leading from Clayton Street to the project's doorstep. I would surely appreciate if you could provide any clarification on that issue. Ross Street is already so crowded with cars that two-way traffic cannot pass



unless one car finds a rare place to pull over. It is effectively no wider than Clayton Street. In fact, Clayton Street seems to be the obvious choice to access the project as it is virtually devoid of cars at the point where it meets that gravel road.

My wife and I strongly oppose the current plans which have already impacted us financially and will continue to do so for years to come. These plans put our family this position due to the construction of a road that made little sense from the very beginning. I welcome the opportunity to discuss the issue with you going forward. My contact information is below.

Sincerely,

Dan Kelly

cell:

email: \_\_\_\_\_

To: Dave Hogan [dave.hogan@cityofsanrafael.org](mailto:dave.hogan@cityofsanrafael.org)

Leslie Mendez [leslie.mendez@cityofsanrafael.org](mailto:leslie.mendez@cityofsanrafael.org)

City of San Rafael

Date: December 1, 2021

Re: Objection to October 26, 2021 CEQA Initial Study/Mitigated Negative Declaration

Dear Mr. Hogan and Ms. Mendez,

We, the undersigned residents of Gerstle Park hereby formally object to the analysis, findings, and determinations of the October 26, 2021 CEQA Initial Study/Mitigated Negative Declaration based upon multiple grounds, as follows:

#### **IV BIOLOGIC RESOURCES**

Would the project:

*d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

THIS DETERMINATION SHOULD BE “SIGNIFICANT IMPACT” BASED UPON THE FOLLOWING

The facts presented in the CEQA Discussion on this issue are incorrect. The CEQA report states that the site “lacks the potential to be a wildlife corridor.” In fact, Ross Street Terrace and the lots to be developed are located right in the midst of a long-established Wildlife Corridor, as confirmed by Wildcare in San Rafael. This Established Wildlife Corridor has been in existence for decades at a minimum, and it has provided vital food, shelter, and nursery sites to generations of animals over the years, including but not limited to deer, fox, racoons, skunks, coyotes, opossums, squirrels, and lizards. Many of us whose names appear on this Objection have personally witnessed the birth and nurturing of baby deer year after year.

The CEQA report states that “ongoing, year-round, human activity in the area” makes “use of the site for nursery sites for medium and large native species unlikely”. This could not be further from the truth, and the source of that information is not provided by the report. Any human activity in this Established Wildlife Corridor is extremely limited in scope and is extremely respectful of the animals. The little human activity that does exist there is quite obviously not a deterrent to the abundant wildlife that we see. We witness families of deer on a daily basis as they move through this Established Wildlife Corridor...babies that still have their spots, yearlings, mature does, and stags with multiple-pointed antlers.

The fact that the area surrounding this Established Wildlife Corridor contains roads and residential structures, as the CEQA Report states, is all the more reason that this Established Wildlife Corridor is essential to provide food, shelter, and nursery activity to the wildlife that currently exists here. It is well-settled that Wildlife Corridors drastically reduce wildlife-vehicle collisions. Contrary to the CEQA Determination on this issue, this project will have a significant and devastating impact on wildlife migration and nursery activities.

2.

*e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

THIS DETERMINATION SHOULD BE “SIGNIFICANT IMPACT” BASED UPON THE FOLLOWING

This project requires the removal of 49 trees, 37 of which are significant trees. Many of these significant trees are 40 or more feet in height and have enormous canopies. Removal of this vast number of significant trees conflicts with the Sustainable San Rafael Climate Change Action Plan (CCAP), approved by the City Council on May 20, 2019 as follows: In a focused effort to increase carbon sequestration and improve air quality through increasing tree cover in San Rafael, The City proposes to regulate and minimize removal of large trees and require planting of replacement trees, and to require that the site planning, construction and maintenance of new developments preserve existing healthy trees and native vegetation. (CCAP 2030, Sequestration and Adaptation Plan, “What is the City of San Rafael Going to Do to Help?”)

Beyond the above, removal of this vast number of trees conflicts with policies and information set forth on the City of San Rafael website, which advises that San Rafael is a Tree City USA community, and promotes maintaining trees, enumerating their benefits. According to the website: (1) Evaporation from a single tree can produce the cooling effect of 10 room-size air conditioners operating 20 hours a day, translating to lower energy consumption and reducing carbon footprint and greenhouse gases. (2) Trees release oxygen and sequester carbon from the atmosphere, further reducing greenhouse gases. Reducing greenhouse gases is a major goal of the City and is highly significant to our community, which is already experiencing effects of climate change. (3) Trees reduce runoff and erosion from stormwater by about 7%. (Miller, Albin L. et al.). Reducing runoff means less pollution and less need to install stormwater pipes. Stormwater runoff is a major concern with this project. (4) Trees intercept rain, absorb it through their root systems, and release it back into the air through transpiration.

Trees also provide ongoing year-round habitat for birds, wildlife, and insects, many of which are pollinating insects. Once these trees are gone, they’re forever gone. And gone, along with the trees and the habitat they have provided, is the wildlife that Gerstle Park residents have enjoyed for as many decades as it took those significant trees to reach their now-impressive size.

## **VII GEOLOGY AND SOILS**

Would the Project:

- a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*
  - ii) Strong seismic ground shaking*

THIS DETERMINATION SHOULD BE “SIGNIFICANT IMPACT” BASED UPON THE FOLLOWING

The Geotechnical Report indicates a 63% probability that a magnitude 6.7 or greater earthquake will occur in the Bay Area within the next 22-23 years, and that the Hayward fault, which is only 8-9 miles from the project, is one of two faults that are “particularly ready”. Considering the vast destruction

3.

caused by the 6.9 magnitude Loma Prieta earthquake in 1989, it should be clear that unless the proposed retaining walls up to 17.5 feet in height are engineered to withstand such a severe and not improbable earthquake, they will likely collapse, unleashing landslides, causing destruction to property, and endangering human lives.

- c. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on, or off, site landslide, lateral spreading, subsidence, liquefaction, or collapse?*

THIS DETERMINATION SHOULD BE “SIGNIFICANT IMPACT” BASED UPON THE FOLLOWING

The Geotechnical Report places the slope stability of the project in Zone 2, which states that the project site includes narrow ridge and spur crests that are underlain by relatively competent bedrock, but are flanked by steep, potentially unstable slopes.

## VIII GREENHOUSE GAS EMISSIONS

Would the project:

- b. Conflict with an applicable plan, policy, or regulation for the purpose of reducing the emissions of greenhouse gases?*

THIS DETERMINATION SHOULD BE “SIGNIFICANT IMPACT” BASED UPON THE FOLLOWING

As addressed in section **IVe** above:

This project requires the removal of 49 trees, 37 of which are significant trees. Many of these significant trees are 40 or more feet in height and have enormous canopies. Removal of this vast number of significant trees conflicts with the Sustainable San Rafael Climate Change Action Plan (CCAP), approved by the City Council on May 20, 2019 as follows: In a focused effort to increase carbon sequestration and improve air quality through increasing tree cover in San Rafael, The City proposes to regulate and minimize removal of large trees and require planting of replacement trees, and to require that the site planning, construction and maintenance of new development preserve existing healthy trees and native vegetation. (CCAP 2030, Sequestration and Adaptation Plan, “What is the City of San Rafael Going to Do to Help?”)

Beyond the above, removal of this vast number of trees conflicts with policies and information set forth on the City of San Rafael website, which advises that San Rafael is a Tree City USA community, and promotes maintaining trees, enumerating their benefits. According to the website: (1) Evaporation from a single tree can produce the cooling effect of 10 room-size air conditioners operating 20 hours a day, translating to lower energy consumption and reducing carbon footprint and greenhouse gases. (2) Trees release oxygen and sequester carbon from the atmosphere, further reducing greenhouse gases. Reducing greenhouse gases is a major goal of the City and is highly significant to our community, which is already experiencing effects of climate change.



## IX HAZARDS AND HAZARDOUS MATERIALS

Would the project:

*f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

*g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

THE DETERMINATION FOR BOTH OF THESE INQUIRIES SHOULD BE "SIGNIFICANT IMPACT" BASED UPON THE FOLLOWING

The San Rafael Emergency Evacuation Plan includes the provision that each individual should take the responsibility to identify emergency escape routes available to him or her in the event of a wildfire or other disaster. One such emergency escape route has always been Ross Street Terrace. The CEQA report states that the project would not alter the existing road network in and around the site and would not impair or physically interfere with an adopted emergency response or evacuation plan. However, this is clearly not the case. Construction of the proposed high retaining walls will prevent access to the Ross Street Terrace emergency escape route that many Gerstle Park residents have relied upon for years. Eliminating this important emergency escape route could result in residents being trapped and unable to escape to safety from a wildfire or other disaster. Please recall that lack of adequate escape routes has caused many lives to be lost in past historic California wildfires. A project that eliminates Ross Street Terrace as an important emergency evacuation route for multiple San Rafael residents should not go forward as proposed.

## X HYDROLOGY AND WATER QUALITY

Would the project:

*c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

- i) Result in substantial erosion or siltation on- or off-site?*
- ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*
- iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial sources of polluted runoff; or*
- iv) Impede or redirect flood flows?*

THE DETERMINATION FOR ALL OF THESE INQUIRIES SHOULD BE "SIGNIFICANT IMPACT" BASED UPON THE FOLLOWING

The project will substantially alter the existing drainage pattern in that 480 linear feet of Ross Street Terrace, which is currently a public right of way consisting of a dirt road, will be developed to provide driveway access to the two new proposed residences. Accordingly, the existing natural surface of Ross

5.

Street Terrace, which is dirt that absorbs water, will be paved over with a non-absorbent material as part of this project. This will substantially increase the amount and rate of runoff in a way that has not existed prior to this project. The substantial increase in the amount and rate of runoff will be exacerbated by additional run-off from the two residential lots to be developed. Those two lots will, according to the plans, consist largely of hard, paved-over surfaces, in that the project requests a significant exception to the Natural State Requirement for both lots. If the Natural State Requirement exceptions are approved, the resulting runoff water from the two lots will increase the runoff from Ross Street Terrace, to the extent that it would likely exceed the capacity of the planned stormwater drainage system and result in flooding of nearby properties.

## **XI LAND USE AND PLANNING**

Would the project:

- a. *Physically divide an established community?*

THIS DETERMINATION SHOULD BE “SIGNIFICANT IMPACT” BASED UPON THE FOLLOWING

Currently, adjacent property owners as well as other Gerstle Park residents have free access to use Ross Street Terrace to walk to and from downtown San Rafael. Ross Street Terrace has existed as a dedicated public right of way for more than 140 years, according to the Dedication recorded in the 1880s. This public right of way has benefitted the Gerstle Park community by providing a safe and scenic way to connect with downtown San Rafael. If this project goes forward as proposed, this historic public right of way and community asset will be converted to a 480 foot private driveway for the benefit of the developer, with high retaining walls that will physically divide an established community. It will cut the Gerstle Park community off from their long-enjoyed access to the retail, merchant, and dining community in downtown San Rafael. Moreover, the high retaining walls will deprive the owners of properties abutting Ross Street Terrace of their separate, enhanced easement rights on Ross Street Terrace. The City Attorney’s office agrees that these easement rights exist. However, this project will strip these easement rights away,

## **XVII TRANSPORTATION**

Would the project:

- c. *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

THIS DETERMINATION SHOULD BE “SIGNIFICANT IMPACT” BASED UPON THE FOLLOWING

The proposed Ross Street Terrace entrance coming off Ross Street will eliminate several parking spaces on Ross Street, which already lacks sufficient parking even for those who live on Ross Street. In addition, this project will greatly increase traffic on Ross Street: residents of the proposed new houses, their guests and visitors, delivery trucks, service trucks, mail trucks, vehicles belonging to household

6.

personnel (e.g., housecleaners and gardeners). With cars parked on both sides of the street, It is already difficult to travel along Ross Street, which is so narrow that cars going in opposite directions are typically unable to pass each other unless one of them can find space to pull over and let the other one go by. The increased traffic on Ross Street due to this project will only exacerbate this situation. With the increase in traffic will come an increase in noise, especially from large trucks, as well an increase in the danger inherent in an overcrowded, narrow street. In addition, vehicles exiting Ross Street Terrace onto Ross Street will have poor visibility as they enter Ross street, due to the proliferation of parked cars. This situation will create an additional hazard.

## **XX WILDFIRE**

Would the project:

- a. Substantially impair an adapted emergency response plan or emergency evacuation plan?*

THIS DETERMINATION SHOULD BE "SUBSTANTIAL IMPACT" BASED UPON THE FOLLOWING

As discussed regarding **IXf** and **IXg** above, the San Rafael Emergency Evacuation Plan includes the provision that each individual take the responsibility to identify emergency escape routes available to him or her in the event of a wildfire or other disaster. One such emergency escape route has always been Ross Street Terrace. The CEQA report states that the project would not alter the existing road network in and around the site and would not impair or physically interfere with an adopted emergency response or evacuation plan. However, this is clearly not the case. Construction of the proposed high retaining walls will prevent access to the Ross Street Terrace emergency escape route that so many Gerstle Park residents have relied upon for years. Eliminating this important emergency escape route could result in residents being trapped and unable to escape to safety from a wildfire or other disaster. Please recall that lack of adequate escape routes has caused many lives to be lost in past historic California wildfires. A project that eliminates Ross Street Terrace as an important emergency evacuation route for multiple San Rafael residents should not go forward as proposed.

WHEREBY, we the undersigned, respectfully request that an Environmental Impact Report be ordered before this project moves further forward.

Valerie Lels, Gerstle Park  
Grant Gildroy, Gerstle Park  
Lori Stickel, Gerstle Park  
Ronald Stickel, Gerstle Park  
Peter Marks, Gerstle Park  
Leslie Marks, Gerstle Park  
Victor Kunin, Gerstle Park

Names continued on page 7...

7.

Maria Kunin , Gerstle Park  
Jeanne Cronis Campbell, Gerstle Park  
David Campbell, Gerstle Park  
Michele Killian, Gerstle Park  
Patrick Killian, Gerstle Park  
Gina Silvestri, Gerstle Park  
Jennifer Kerr, Gerstle Park  
Philip Milner, Gerstle Park  
Dylan Johnson, Gerstle Park  
Jonathan Steel, Gerstle Park  
Wilfried Kruse, Gerstle Park  
Michael Irusalimsky, Gerstle Park  
Jonathan Toste, Gerstle Park  
Jason Chan, Gerstle Park  
Jamie Chan, Gerstle Park  
Lucina Callaway, Gerstle Park  
Larry Sneddon, Gerstle Park  
Lauren McCarthy, Gerstle Park  
Dan Kelly, Gerstle Park  
Tom Heinz, Gerstle Park  
Denise Van Horn, Gerstle Park  
Michael Naklicki, Gerstle Park  
John Paul, Gerstle Park  
Katherine Foehr, Gerstle Park  
Katherine Chamberlin, Gerstle Park  
David Lammel, Gerstle Park  
David Simon, Gerstle Park  
Lisa Gerick, Gerstle Park  
Lisa Nelson, Gerstle Park  
Donna J Pierce, Gerstle Park  
George Presson, Gerstle Park  
Kurt Scheidt, Gerstle Park  
Jessica Yarnall Loarie, Gerstle Park  
Scott Loarie, Gerstle Park  
Emese Wood, Gerstle Park  
Amy Likover, Gerstle Park  
Joe Likover, Gerstle Park  
Emily Foehr, Gerstle Park  
Sandy Baker, Gerstle Park  
Bill Baker, Gerstle Park  
Kaylin Mordock, Gerstle Park  
Thomas Sadzeck, Gerstle Park





## Dave Hogan

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**From:** AM E <>  
**Sent:** Friday, December 3, 2021 4:44 PM  
**To:** Dave Hogan  
**Cc:** andrea eneidi  
**Subject:** 33/41 Ross Street Terrace Project

Dear Mr. Hogan,

I am writing to express my concern for the proposed project at 33/41 Ross Street Terrace in San Rafael. I live in the Gerstle Park Neighborhood and I am a homeowner on Ross and Marin Streets. I also own another home near the intersection of 1st and C Streets. The planning documents and CEQA report seemed to gloss over my concerns which are listed below:

- Storm water runoff - the Creek in the neighborhood is poorly maintained by the City and has already overflowed twice in 15 years. The Creek continues to collect additional run-off from new construction. Although the last storm was excessive the creek must be dealt with to absorb the additional runoff. This is not addressed in the project or by the City. Two new large scale homes on the hillside will contribute greatly to storm runoff.
- The maximum 17' 5" high concrete retaining wall is excessive with no mention of maintenance - who will be responsible to ensure the integrity of the retaining wall? How will the owners have incentive to ensure safe retaining walls? This is not addressed by the project.
- Our neighbors, including children, enjoy the wildlife and their established paths down from the proposed project to Marin, Ross and Clayton Streets. Our opinions, desires or concerns regarding the natural habitat were not included in the reports. Although your report says there will be no impact to important species and that this is not a wildlife corridor I would like to know where the coyotes, fox, skunk, deer and hawks will habitat? How was this determined? This is not addressed in the project. Same goes for all of the trees that will be removed.
- Additional housing will hamper evacuation in an emergency in our already congested neighborhood, especially on Ross and Clayton - what is the plan for evacuation in an emergency? This is not addressed in the project.
- The project is out of scale for the neighborhood and will cause additional loss of night sky and noise - this is not addressed by the Project or the City.
- The existing lots are smaller than the minimum size requirement for a lot. The line adjustment will create new boundaries, newly approved and are non-conforming to today's requirements. Once again, a variance that suits the City and the developer - why is this allowed?

Thank you for considering my comments - I hope that the project size will be greatly reduced and that the impact to our neighborhood will be minimized.

Sincerely,  
Andrea Eneidi  
XXX Marin Street

## **Dave Hogan**

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**From:** David Campbell <>  
**Sent:** Friday, December 3, 2021 10:23 AM  
**To:** Dave Hogan; Leslie Mendez  
**Cc:** Jeanne Cronis Campbell; Rick Wheatley  
**Subject:** Objections to October 26, 2021 CEQA Initial Study/Mitigated Negative Declaration

Dear Mr. Hogan and Ms. Mendez,

Below please find our objections to the 10/26/2021 CEQA Initial Report.

Please confirm receipt of this email.

Thank you.

Jeanne and David Campbell

XX Clayton Street

### **RE: Proposed Amendments to Ross Street Terrace Residential Assessor's Parcel Nos.: 012-141-59 and 012-141-60 Initial Study/Mitigated Negative Declaration**

#### **CEQA Report on Proposed Ross St. Terrace Project—Items that should be reclassified as “Significant”**

#### **SOIL STABILITY**

Past mudslides are a significant part of recent history on slopes below the property in question at three visually identifiable locations, all the result of uncontrolled excessive water flows from this property during major storms. I would be happy to identify the locations of these slide zones to the authors of the CEQA report who apparently overlooked them. The scars are all readily visible. Numerous trees and older utility poles on the property and surrounding areas are tilted down-slope, indicating past general creep of supporting soils. Past and probable future soils migration and deleterious moisture drainage conditions that have historically beset the general area remain an urgent concern to the immediate community.

#### **HYDROLOGY/ DRAINAGE**

Clayton St. has an ongoing history of dysfunctional storm water drainage on the unpaved portion adjacent to 56 Clayton, and then all the way down the paved slope to the flat surfaces below. Existing drain ditches are primitive or non-existent, and subject to blockage by sloughing soils and vegetative debris accumulation. The building project proposed will significantly reduce the potential absorbency of currently exposed soil areas on the lots by covering them with structures and hardscape, thus increasing the amount of run-off to be expected from the project property during periods of heavy rain.

Any project approval must include a plan for moisture control to properly direct excessive run-off water into the city storm drain system. Current plans, as posted, show no provision for directing run-off moisture into the city maintained drain system, but rather indicate directing such waters for dispersal onto the steep slope on our property directly above our residence at 56 Clayton St. This is an unacceptable plan detail that cannot be tolerated. The

notion that water from these lots can be arbitrarily disposed of onto neighboring properties is fraught with impropriety and generally contrary to property drainage codes.

Storm water run-off from the proposed project property in question during the recent heavy rain in October caused significant degradation to the gravel portion of the Clayton St. road surface despite the efforts of local residents to channel the excess moisture into the primitive ditch system. The excessive uncontrolled water condition was clearly exacerbated by the significant vegetation removal recently conducted on the proposed building site, but no representative from the developer showed up to monitor the situation or assist with our emergency response efforts. Having lived here for 40 years, we can attest that the city, nor anyone other than ourselves, has ever provided any maintenance or exercised authority over deteriorating conditions on this unimproved road. This road cut is only drivable adjacent to our 56 Clayton St address as result of our personal efforts to make it so.

## **ACCESS**

It appears that much of the building plan involves access to neighboring private property and mutually owned publicly accessible easements, not only for performing planned installations, but for permanent placement of those installations on the private properties or on the easements. By what process is it justified for the city of San Rafael to grant a private developer control over private property owned by others and historically established public rights of way? Further, if the city is not to be responsible or liable for these installations, who is, and who is to be held accountable for difficulties that may arise? The developer? Future unknown owners of the new structures?

We are told that the developer has a right to build. Nonetheless, those rights may not infringe upon the rights of the property owners whose properties abut the proposed project. All these lot owners have historical easement rights. The developer's rights do not supersede those of the property owners or the public's right to freely access the existing dedicated easement. The developer's easement rights are not greater than those of abutting property owners. How does the City justify giving those rights to a private developer?

We have no reason to believe that any damages likely to be inflicted on the dirt / gravel roadway by construction project vehicles will be properly repaired by the responsible parties. The developer has already demonstrated irresponsible and disrespectful behavior in the process of conducting his land survey, during which large piles of dry brush were left for weeks on the property during peak fire season, and then, after we reported the hazard to the fire department, calling the police on us because a resident did not move his vehicle out of the way fast enough at 8 AM on a Sunday morning (after we had already agreed the previous day to move vehicles at 10 a.m.) for his crew to finally remove the hazardous brush piles.

This unimproved section of roadway serves as sole and primary entry access for the residents of our upper duplex apartment (56B), and also as entry to our driveway access for 56A. Our usage of this portion of the road is not informal as the report states. It is essential to our daily lives. We cannot tolerate any unsafe conditions likely to be imposed by construction traffic and obstructive parking of vehicles impeding proper and safe access to our residence entries. The viability of subjecting the paved and unpaved length of Clayton Street on this steep hill to the rigors of construction traffic with large trucks and heavy equipment is clearly and foreseeably unsafe. This is a narrow, dead end one lane road with a sharp and steep hairpin turn, not suitable for the volume or impact intense construction activity brings.

It is imperative, should this project go forward, that all vehicle and equipment access to the proposed building site be provided by the Ross Street access and not from Clayton St.

## **NATURAL STATE EXCEPTION**

Destruction of natural wildlife habitat is what the Natural State building policy was designed to prevent. It is far from being an "antiquated" policy, as one member of the design review board brazenly stated at the most recent public meeting concerning this project. Marin County is a population of nature lovers. This project destroys natural habitat and interrupts the viability of an existing wildlife corridor by deforestation. Far more trees are being removed than will be replaced, contrary to existing replant standards. We have witnessed abundant wild animal activity living here for decades, and noticed a sudden drop off in activity as soon as the vegetation clearing on the property ensued. Once the project building starts, we anticipate an even greater reduction of activity. It is simply too much structural development on too little land. Granting exception to the Natural state Requirement, on top of granting the



other questionable exceptions in allowing this project to move forward, is contrary to your duty to uphold the laws and rules which you are charged to uphold. Please reconsider granting this, and all proposed exceptions, in honor of the trust the public has placed in you.

## **NOISE**

Vegetation and soft earth absorb noise volume. Hard surfaces such as massive retaining walls and large structures reflect and can amplify ambient noise. Of course there will be a significant increase in ambient noise levels for the entire immediate community. It's ludicrous to suggest otherwise.

## **IN CONCLUSION**

We believe a three dimensional topographical model of the project is essential to understand the impact of the resulting differential levels of driveways and walkways, and the planes of driveways, walkways, and retaining walls that will significantly impact and affect this proposed development and the surrounding properties. Until such model is created to illustrate how high the retaining walls will be, the resulting different levels, and the substantial reconfiguration of topography of the area, there is insufficient information to make a proper assessment and decision on the feasibility and permanent effects the proposed project will have on the entire neighborhood. Therefore such a model is essential to understand the gravity and consequences of the proposed development. We respectfully request that such a model or reasonable facsimile be created at the earliest opportunity before the Planning Commissions considers whether or not to grant approval of this project. It is a critical component for both the affected property owners as well as the public's ability to assess the accurate and true impact of this project.

For the foregoing reasons, we believe there are numerous Significant Impacts imposed by the proposed project and the CEQA needs to be corrected to reflect those Significant Impact items.

## Dave Hogan

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**From:** george presson <>  
**Sent:** Friday, December 3, 2021 9:58 AM  
**To:** Dave Hogan  
**Subject:** Ross Street Terrace Friedman Residences  
**Attachments:** 9D2AFCAF-D91A-4510-8F2E-5BEF5397B160.jpeg

Hello Dave. I wanted to make you aware of a situation that occurred last summer before the Design Review Board meeting, scheduled around the captioned project. I was returning home to XXX Ross Street, near the proposed project, and as I entered the driveway, I noticed a gentleman in a dark colored hybrid vehicle parked in our lot. Although it seemed unusual, I deduced that this was a DRB member monitoring traffic on Ross Street. I thought that was a very good “hands on” approach. What was not good was the time of the surveillance. Early afternoon, say 1:30-2:00. Traffic is at a low ebb during this time, so that was not the best time to monitor it. A morning or pm commute would offer a better measurement. I was going to enter the zoom meeting to mention this, but time was running short in the lengthy meeting.

Any resident who lives on Ross Street, or the neighborhood above, knows that the narrow street is fraught with peril, at busier hours. In fact, after living in the neighborhood for over 20 years, I myself had a sideswipe adventure recently. I pulled over and stopped to let a car pass (a daily occurrence) and hit the “curbed” tires of a large parked truck, causing some extensive damage to my vehicle. I have attached the picture.

This is the type of thing that can occur at any time, to anyone traveling the street. It is tight and congested, and can be stressful to negotiate. So a few minutes of observation at the time referenced above would not give an accurate representation.

Please pass this correspondence along to the DRB. Bottom line, this street is already a tight mess without any new construction. Safety vehicles should be well aware of the peril.

Thanks Dave, and have a good holiday.

George Presson  
XXX Ross Street  
Gerstle Park, San Rafael