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Ms. Rachel Warner
Interim Environmental Coordinator
Planning Department
Marin County Community Development Agency
3501 Civic Center Drive
San Rafael, CA 94903

February 6, 2012

SUBJECT: FINAL SUPPLEMENT TO THE GRADY RANCH/BIG ROCK RANCH MASTER PLAN 1996
DRAFT ENVIRONMENTAL IMPACT REPORT

Dear Ms. Warner:

It is Marin Conservation League's (MCL's) understanding that the Planning Commission hearing on February 27, 2012, will consider both the certification of the subject Final SEIR and the merits of the Grady Ranch Precise Development Plan. Our comments in this letter are directed to the Final SEIR and its adequacy to inform the consideration of merits. The Responses to Comments closes some of the information gaps in the Draft SEIR but leaves some outstanding gaps. These must be amended before the Commission can move on to consideration of merits.

1. General comment. The Final SEIR is just one part of an extensive administrative record, which includes not only the 1996 FEIR on the Grady Ranch/Big Rock Ranch Master Plan, but also some 40 technical reports that are part of the application itself. The Final SEIR fails to provide a sufficiently comprehensive analysis to assure the Planning Commission and the public that all potentially significant impacts have been identified and mitigation measures found to be feasible and reliable, without having to review numerous other technical documents that contain important environmental information. For example, to even begin to understand the creek restoration project, it is necessary to consult technically complex reports and memos by Balance Hydrologics and others (See Item 4, below). *It will be impossible for the Planning Commission or public to evaluate the impacts of the PDP and be assured of adequate mitigation measures without either a more complete analysis in the FSEIR and/or the testimony of objective experts (i.e., not the applicant's consultants) at the hearing on the FSEIR.*
2. The project description continues to lack important details of project components. The FSEIR Response to Comments (8-7) dismisses this comment by quoting CEQA Guidelines 15124: ". . . description of the project . . . should not supply extensive detail beyond that needed for evaluation and review of the environmental impact." The following "project details" are either omitted or are in error, and pose potentially significant impacts:

- Elevations of the Main Building, essential for visual and aesthetic analysis of the PDP, are not provided except as a rough sketch (without towers) in the Master Plan FEIR. Story poles should be replaced prior to the February 27 hearing. Story poles should also show the finished elevation of the proposed knoll.
- Table 2-1: Project Elements and Building Square Footage, appears not to include 27,960 s.f. of circulation area, which would bring the total s.f. to 297,661 rather than 269,701.
- The description of construction activities (FEIR p. 2.35) does not give estimated timing for each phase of the two-and-one-half-year construction period, or list construction equipment or identify staging and stockpile areas, such as for salvaged trees or creek bed materials to be reused. Mitigation measures are little more than standard generalized measures. With such limited information, it is impossible to predict when and for how long nearby receptors who will be most impacted during this lengthy construction period will experience noise and air quality impacts. A more definitive schedule of phases is warranted, with mitigation measures to address each phase.
- The square-foot dimension of the wine cave floor is not sufficient to calculate excavated material to add to the total cubic yards of cut and fill.
- The increased knoll elevation, bringing it to 37 feet above existing grade, is not included in Table 2-2: Changes from Previous Master Plan, and details of its stabilization or salvage and spreading of top soil for revegetation are not provided.

3. The Aesthetics Analysis in the FSEIR Dismisses the Loss of Distant Ridgeline Views as Less-than-Significant. The FSEIR acknowledges that “one or two” residences that were not present at the time of the 1996 Master Plan FEIR (i.e., “change in circumstance”) will have their views of distant ridgelines replaced by a view of the “ridgeline of the more near-ground knoll on the project site.” In other words, by increasing the height of the knoll 37 feet higher than its current elevation (i.e., 12 feet higher than the 1996 proposal), the revised project will impact distant views, even as it attempts to hide views of the 85-foot Main Building structure from Lucas Valley Road and nearby residences. The FSEIR concludes (P. 3-8) that “once the knoll is completed and revegetated, the residences would *retain* (emphasis added) ridgeline views that consist of vegetated hillside without the presence of structures. Consequently, although views would change, they would not result in impacts that are new or in substantially more severe significant impacts.”

Although those impacted will permanently lose distant vistas, no mitigation is offered other than implementing Program DES-4.e in the 2007 Countywide Plan, e.g., by “requiring buildings in Ridge and Upland Greenbelt areas to be screened by wooded areas, etc.”, in this case by constructing the “berm” and replanting native trees that will take many years to achieve the aspect of a mature woodland.

This sophistry suggests that distant views of ridgelines to the west can be replaced easily by a reconstructed and newly vegetated hill, designed to “. . . screen buildings on the project site with vegetation and topographical features” and that this would be “. . . consistent with Countywide Plan policies and programs addressing Ridge and Upland Greenbelt areas, and because the project elements would be similar to what was previously analyzed in the 1996 FEIR, this would remain a less-than-significant impact.” In reality, this is a significant and unavoidable impact of the project that cannot be mitigated, even though relatively few existing residences are affected.

4. The Stream Restoration Impact Analysis is Incomplete in the FSEIR. The most obvious revision to the 1996 Master Plan is the addition of 1.5 miles of stream restoration. The rationale for filling the creek bed and a variety of restoration techniques are summarized in one page of the FSEIR (p. 2-24), followed by a plan view and two cross-sections of the restoration. This is the most extensive change to the Master Plan of 1996, and, according to the FSEIR has inherent risks and could result in significant impacts to biological resources downstream of the site during and post construction.

To find a thorough analysis of this component of the PDP, beyond what is summarized on p. 2-24, one must refer to three different topics in the FSEIR Environmental Checklist, where mitigations are scattered among the Biological Resources, Geology and Soils, and Hydrology and Water Quality sections. In addition, possibly a dozen reports, not all of which are available on line as referenced in Master Response 4.2, must be consulted to begin to grasp the details of this project component. For example, a “Stream Restoration and Monitoring Report” (WRA 2008) is listed but may have been superseded by the “Stream and Valley Floor Restoration Plan” (Balance Hydrologics 2009). Numerous other interim reports are listed that provide more detail. The discussion of Hydrology and Water Quality (FSEIR p. 3-73) states that all stream restoration and hydrology-related materials were peer reviewed by qualified Cbec staff members, including materials submitted for the Joint Aquatic Resource Permit Application (JARPA). However, the JARPA materials are not referenced among Available Documents, so it is impossible to see what materials Cbec reviewed.

In a revealing consultant response, the FSEIR Response to Comment 8-23 (p. 4.8-25) concerning the Wetland Mitigation and Monitoring Plan states that “draft reports were incorporated by reference to streamline the preparation and presentation of the Draft SEIR.” And yet, the reader is promised in these “draft reports” that “engineering-level designs will be prepared *after the restoration concepts and alternatives have been fully assessed within the CEQA process*” (emphasis added). The principal CEQA document – the FSEIR – provides neither a full assessment of impacts nor mitigation assurances in a complete or coherent fashion.

Before moving on to consider the merits of the Grady Ranch project, the Planning Commission and the public must have *one* current and coherent analysis of impacts of the restoration, including both short term construction-related and long-term operational risks, and mitigations measures. The latter should detail five-year performance standards and ensure that bonding will cover the risk of any longer-term failure.

The net effect of the above-referenced deficiencies is that the FSEIR fails to adequately identify the project’s potentially significant environmental impacts, and, more seriously, afford assurances that impacts will be mitigated in a timely manner or that mitigations will be monitored by an independent third party. The Final SEIR must be amended to address these deficiencies before informed decisions on the project’s merits can be made.

Sincerely,
Nona Dennis
Vice President

cc. Susan Adams, Supervisor