

Town of Tiburon

Final Environmental Impact Report for the General Plan 2040



MAY 2023

Prepared for:

*Town of Tiburon
1505 Tiburon Boulevard
Tiburon, CA 94920*

Prepared by:

*De Novo Planning Group
1020 Suncast Lane, Suite 106
El Dorado Hills, CA 95762*



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1.0 INTRODUCTION AND LIST OF COMMENTERS

1.1 PURPOSE OF THIS DOCUMENT

This document includes all agency and public comments received on the Draft Environmental Impact Report (Draft EIR, SCH #2022100473) for the Tiburon General Plan 2040 (proposed Project). Written comments were received by the Town of Tiburon during the public comment period from March 16, 2023 through May 1, 2023. This document includes written responses to each comment received on the Draft EIR. The responses correct, clarify, and amplify text in the Draft EIR, as appropriate. These changes do not alter the conclusions of the Draft EIR.

This Final EIR document has been prepared in accordance with the California Environmental Quality Act (CEQA) and together with the Draft EIR (and Appendices) constitutes the EIR for the General Plan 2040 that will be used by the decision-makers during project hearings.

1.2 SUMMARY OF THE PROPOSED PROJECT

The Town is preparing a comprehensive update to its existing General Plan, which was prepared in 2005 (with updates to the Circulation Element in 2016 and adoption of the updated Housing Element in 2014). The General Plan 2040 will guide the Town's development and conservation of its resources. The Plan is intended to be an expression of the community's vision for the Town and Planning Area and constitutes the policy and regulatory framework by which future development projects will be reviewed and public improvements will be implemented. The Town will implement the Plan by requiring development, infrastructure improvements, and other projects to be consistent with its policies and by implementing the actions included in the Plan. The key components of the General Plan 2040 will include broad goals for the future of Tiburon, and specific policies and actions that will help implement the stated goals.

State law requires the Town to adopt a comprehensive, long-term general plan for the physical development of its planning area. The Plan must include land use, circulation, housing, conservation, open space, noise, and safety elements, as specified in Government Code Section 65302, to the extent that the issues identified by State law exist in the Town's planning area. Additional elements that relate to the physical development of the Town may also be addressed in the Plan. The degree of specificity and level of detail of the discussion of each Plan element need only reflect local conditions and circumstances. The Plan has been prepared to address the requirements of State law and the relevant items addressed in Government Code Section 65300 et seq.

This Draft EIR analyzed potential impacts to the environment associated with implementation and buildout of the General Plan 2040, which includes future development

projects, infrastructure improvements, and the implementation of policies and actions included in the General Plan 2040.

1.2.1 PROJECT ACTIONS

Adoption and implementation of the General Plan 2040 would require a series of interrelated planning and regulatory approvals by the Town, as lead agency. Specifically, the Town would take the following approval actions:

- Certification of the EIR pursuant to CEQA;
- Adoption of a resolution to update the 2020 General Plan;
- Adoption of an ordinance (two readings) amending the Town's zoning ordinance and the Town's zoning map to reflect the location and density of land uses permitted by the General Plan 2040.

All of these proposed actions would require review and recommendation by the Planning Commission, followed by consideration and action by the Town Council.

As the Lead Agency and as appropriate under CEQA, the Town also intends the EIR to serve as the CEQA-required environmental documentation for consideration of the Project by Responsible Agencies, Trustee Agencies, and other agencies which may include, but are not limited to, the following:

- California Department of Fish and Wildlife (CDFW);
- California Department of Transportation (Caltrans) District 4;
- Golden Gate Bridge, Highway, and Transportation District;
- San Francisco Bay Conservation and Development Commission (BCDC);
- San Francisco Bay Regional Water Quality Control Board (RWQCB);
- Marin Local Agency Formation Commission (LAFCo);
- United States Army Corps of Engineers (USACE); or
- United States Fish and Wildlife Service (USFWS).

1.3 ORGANIZATION OF THE FINAL EIR

The Final EIR is organized as follows:

Chapter 1 – Introduction and List of Commenters: This chapter summarizes the project under consideration and describes the contents of the Final EIR. This chapter also contains a list of all of the agencies or persons who submitted comments on the Draft EIR during the public review period, presented in order by agency, organization, individual and date received.

Chapter 2 – Revisions to the Draft EIR: This chapter summarizes text changes made to the Draft EIR in response to comments made on the Draft EIR and/or staff-initiated text changes. Changes to the text of the Draft EIR are shown by either a line through the text that has been

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deleted or double underlined where new text has been inserted. The revisions contain clarification, amplification, and corrections that have been identified since publication of the Draft EIR. The text revisions do not change the analysis and conclusions presented in the Draft EIR.

Chapter 3 – Comments and Responses: This chapter contains the comment letters received on the Draft EIR followed by responses to individual comments. Each comment letter is presented with brackets indicating how the letter has been divided into individual comments. Each comment is given a binomial with the letter number appearing first, followed by the comment number. For example, comments in Letter A1 are numbered A1-1, A1-2, A1-3, and so on. Immediately following the letter are responses, each with binomials that correspond to the bracketed comments.

If the subject matter of one letter overlaps that of another letter, the reader may be referred to more than one group of comments and responses to review all information on a given subject. Where this occurs, cross-references to other comments are provided.

Some comments that were submitted to the Town do not pertain to CEQA environmental issues nor address the adequacy of the analysis contained in the Draft EIR. Responses to such comments, though not required, are included to provide additional information. When a comment does not directly pertain to environmental issues analyzed in the Draft EIR, does not ask a question about the adequacy of the analysis contained in the Draft EIR, expresses an opinion related to the merits of the project, or does not question an element of or conclusion of the Draft EIR, the response notes the comment and may provide additional information where appropriate. The intent is to recognize the comment. Many comments express opinions about the merits or specific aspects of the General Plan 2040 and these are included in the Final EIR for consideration by the decision-makers.

Chapter 4 – Mitigation Monitoring Plan: This chapter contains the Mitigation Monitoring and Reporting Plan (MMRP) to aid the Town in its implementation and monitoring of measures adopted in the EIR, and to comply with the requirements of Public Resources Code Section 21081.6(a).

1.4 PUBLIC PARTICIPATION AND REVIEW

The Town of Tiburon has complied with all noticing and public review requirements of CEQA. This compliance included notification of all responsible and trustee agencies and interested groups, organizations, and individuals that the Draft EIR was available for review. The following list of actions took place during the preparation, distribution, and review of the Draft EIR:

- A Notice of Preparation (NOP) for the EIR was filed with the State Clearinghouse on October 21, 2022. The 30-day public review comment period for the NOP ended on November 28, 2022. The NOP was distributed in particular to governmental agencies,

November 28, 2022. The NOP was distributed in particular to governmental agencies, organizations, and persons interested in the proposed Project. The Town sent the NOP to agencies with statutory responsibilities in connection with the proposed Project with the request for their input on the scope and content of the environmental information that should be addressed in the EIR. The NOP was also published on the City's website and filed at the County Clerk's office.

- A public scoping meeting for the EIR was held via Zoom on October 27, 2022.
- A Notice of Completion (NOC) and copies of the Draft EIR were filed with the State Clearinghouse on March 16, 2023. An official 45-day public review period for the Draft EIR was established by the State Clearinghouse, ending on May 1, 2023. A Notice of Availability (NOA) for the Draft EIR was published in The Ark on March 22, 2023 and sent to appropriate public agencies. The Draft EIR was also published on the General Plan 2040 website, <https://createtiburon2040.org>.
- Copies of the Draft EIR were available for review at the following locations:
 - Town of Tiburon, Community Development Department, 1505 Tiburon Boulevard, Tiburon, CA 94920
 - Belvedere Tiburon Library, 1501 Tiburon Boulevard, Tiburon, CA 94920

1.5 LIST OF COMMENTERS

The Town of Tiburon received 68 comment letters during the comment period on the Draft EIR for the proposed Project. Table 1-1 below indicates the numerical designation for each comment letter, the author of the comment letter, and the date of the comment letter.

TABLE 1-1 COMMENT LETTERS REGARDING THE DRAFT EIR

LETTER #	ENTITY	AUTHOR(S) OF COMMENT LETTER / EMAIL	DATE RECEIVED
Agencies - Federal, State, Local			
A1	Marin Local Agency Formation Commission (LAFCo)	Jason Fried, Executive Officer	April 25, 2023
A2	California Geological Survey (CGS)	Dr. Eric Frost, Senior Engineering Geologist, Seismic Hazards Program	April 26, 2023
A3	California Department of Fish and Wildlife (CDFW)	Erin Chappell, Regional Manager, Bay Delta Region	April 27, 2023
Organizations			
O1	Marin Chapter of the California Native Plant Society (CNPS)	Eva Buxton	May 1, 2023
Individuals			
I1		Ilkcan Cokgor, MD	April 13, 2023
I2		Anne Libben	April 27, 2023
I3		Annie Bilder	April 14, 2023

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LETTER #	ENTITY	AUTHOR(S) OF COMMENT LETTER / EMAIL	DATE RECEIVED
I4		Anthony Vidergauz	April 17, 2023
I5		Barbara and Gary Velasquez	April 29, 2023
I6		Brad Hoover	May 1, 2023
I7		Brooke Kruger	April 17, 2023
I8		Bruce and Lynne Munroe	April 25, 2023
I9		Cesare Rotundo	May 1, 2023
I10		Courtney Fitzpatrick and Jim Morrone	April 17, 2023
I11		Daniel Edelman	April 13, 2023
I12		David and Sally Paulsen	May 1, 2023
I13		David Parke	April 13, 2023
I14		Deborah DeComo	April 26, 2023
I15		Dorene Curtis	April 19, 2023
I16		Edward Deregowski	April 22, 2023
I17		Giovanna Kampmeyer	April 15, 2023
I18		Goldfarb Lipman Attorneys	May 1, 2023
I19		Inger Bruce and Dennis Gibson	April 17, 2023
I20		James and Cynthia Massey-Kim	April 27, 2023
I21		James Walker	April 21, 2023
I22		Jeff Kruger	April 17, 2023
I23		Jessica Etchevers	April 28, 2023
I24		Joan Foedisch	April 19, 2023
I25		Joy Graustark	April 28, 2023
I26		Julie Jacobs 1	No date
I27		Julie Jacobs 2	No date
I28		Julie Jacobs 3	April 19, 2023
I29		Kanika Mehta Rankin	May 1, 2023
I30		Kathy Silverfield 1	April 14, 2023
I31		Kathleen Silverfield 2	April 19, 2023
I32		Ken Huang	May 1, 2023
I33		Kenneth Romley	April 20, 2023
I34		Kristi Larson	April 29, 2023
I35		Lauren Selmeier	April 15, 2023
I36		Leslie M. Lava	April 27, 2023
I37		Lillian Zhao	May 1, 2023
I38		Mahalia Gabriel	April 26, 2023
I39		Marshall Foster	April 27, 2023
I40		Mary Ann Chanin	May 1, 2023
I41		Melissa DiVita	April 19, 2023
I42		Michael G. DiVita	April 19, 2023
I43		Michael O'Donnell	April 14, 2023
I44		Racheal Turner	May 1, 2023
I45		Richard Colonno and Barbara Cupper	April 29, 2023
I46		Richard Selmeier	April 15, 2023

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LETTER #	ENTITY	AUTHOR(S) OF COMMENT LETTER / EMAIL	DATE RECEIVED
I47		Richard Schwach	April 29, 2023
I48		Rita Stewart	April 27, 2023
I49		Robert Walsh and Marianne Fogarty	April 29, 2023
I50		Rodney Schmitt	April 16, 2023
I51		Shelby Gross	April 29, 2023
I52		Sheri Neuman	April 26, 2023
I53		Soyoung Yang	April 15, 2023
I54		Stacey and Chris Irving	April 23, 2023
I55		Terry Kessler and Francine Halberg	April 30, 2023
I56		The Kirwins	April 17, 2023
I57		Todd Steeves	April 12, 2023
I58		Tom Struttman 1	May 1, 2023
I59		Tom Struttman 2	May 1, 2023
I60		Unnamed	No date
I61		Ann-Eve Hazen	April 17, 2023
I62		Trip Ames	April 19, 2023
I63		Sophia Kingman	April 19, 2023
I64		Sita Sherman	April 19, 2023
I65	Public Comments from Open House		April 29, 2023



2.0 REVISIONS TO THE DRAFT EIR

2.1 INTRODUCTION

This chapter describes text changes made to the Draft EIR either in response to a comment letter or initiated by Town staff or in response to a modification to the proposed Project.

Under CEQA, an EIR can require recirculation if significant new information is added after public review and prior to certification. According to CEQA Guidelines section 15088.5(a), new information is not considered significant “unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.” More specifically, the Guidelines define significant new information as including:

- A new significant environmental impact resulting from the project or from a new mitigation measure;
- A substantial increase in the severity of an environmental impact that would not be reduced to insignificance by adopted mitigation measures;
- A feasible project alternative or mitigation measure considerably different from those analyzed in the Draft EIR that would clearly lessen the environmental impacts of the project and which the project proponents decline to adopt; and
- A Draft EIR that is so fundamentally and basically inadequate and conclusory that meaningful public review and comment were precluded.

The text changes to the Draft EIR text described below update, refine, amplify, and correct the information and analyses presented in the Draft EIR. No new significant impacts are identified, and no information is provided that would reflect a substantial increase in severity of a significant impact that would not be mitigated by measures identified in the Draft EIR. In addition, no new or considerably different project alternatives or mitigation measures have been identified. Finally, there are no changes or set of changes that would reflect fundamental inadequacies in the Draft EIR. Recirculation of any part of the EIR therefore is not required.

2.2 TEXT CHANGES TO THE DRAFT EIR

This section summarizes text changes made to the Draft EIR either in response to a comment letter or initiated by Town staff or in response to a modification to the General Plan 2040. New text is indicated in double underline and text to be deleted is reflected by a strike through. Text changes are presented in the page order in which they appear in the Draft EIR.

The text revisions provide clarification, amplification, and corrections that have been identified since publication of the Draft EIR. The text changes do not result in a change in the analysis or conclusions of the Draft EIR.

Executive Summary

Page ES-6, Impact 3.2-1 and Impact 3.2-3 are revised to read:

Impact 3.2-1: Implementation of the General Plan could conflict with or obstruct implementation of the applicable air quality plan.	None <u>Feasible</u> Required	Potentially Significant	Significant and Unavoidable
Impact 3.2-2: General Plan implementation would not result in a cumulatively considerable net increase of a criteria pollutant for which the project region is in nonattainment under applicable federal or State ambient air quality standard.	None Required	Less than Significant	Less than Significant
Impact 3.2-3: General Plan implementation could expose sensitive receptors to substantial pollutant concentrations.	MM 3.2-1 MM 3.2-3: Health Risk Assessments: Developers of individual development projects within the Planning Area that could result in significant toxic air contaminants during operation and/or construction that are located within 1,000 feet of a sensitive receptors(s), shall implement BAAQMD Guidelines and State Office of Environmental Health Hazard Assessment policies and procedures requiring Health Risk Assessments (HRAs) for residential development and other sensitive receptors. Screening area distances may be increased on a case-by-case basis if an unusually large source or sources of hazardous emissions are proposed or currently exist. Based on the results of the HRA, individual project applicants shall identify and implement measures (such as air filtration systems) to reduce potential exposure to particulate matter, carbon monoxide, diesel fumes, and other potential health hazards. Measures identified in HRAs shall be included into the site development plan as a component of each applicable individual development project.	Potentially Significant	Less than Significant

Page ES-8, second and third rows, Impacts 3.2-5 and 3.2-6 are revised to read:

Impact 3.2-5: General Plan implementation, in combination with other cumulative development, would not conflict with or obstruct implementation of the applicable air quality plan, or result in a cumulatively considerable net increase of criteria pollutants.	None <u>Feasible</u> Required	Potentially Significant	Significant and Unavoidable
Impact 3.2-6: General Plan implementation, in combination with other cumulative development, would	Implement MM 3.2-1 MM 3.2-3	Potentially Significant	Less than Significant

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not expose sensitive receptors to substantial pollutant concentrations.			
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Pages ES-18 and ES-19, impacts under Section 3.15 Utilities and Service Systems are revised to read:

SECTION 3.15—UTILITIES AND SERVICE SYSTEMS			
Impact 3.15-1 3.15-1: General Plan 2040 implementation may result in insufficient water supplies available to serve the Town and reasonably foreseeable future development during normal, dry and multiple dry years.	None Required <u>None Available</u>	Potentially Significant	Significant and Unavoidable
Impact 13.15-2 3.15-2: General Plan 2040 implementation may require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	None Required <u>None Available</u>	Potentially Significant	Significant and Unavoidable
Impact 3.15-3: Project and Cumulative Need for System Infrastructure. Impact 3.15-3: General Plan 2040 implementation, combined with other cumulative development, may result in insufficient water infrastructure available to serve the Town and reasonably foreseeable future development during normal, dry and multiple dry years.	None Required <u>None Available</u>	Potentially Significant	Significant and unavoidable and cumulatively considerable
Impact 13.15-4 3.15-4: General Plan 2040 implementation along with cumulative development could result in insufficient water supplies available to serve the Town and reasonably foreseeable future development during normal, dry and multiple dry years.	None Required <u>None Available</u>	Potentially Significant	Significant and unavoidable and cumulatively considerable
Impact 13.15-5 3.15-5: General Plan 2040 implementation would not <u>could</u> have the potential to result in a determination by the wastewater treatment provider which serves or may serve the Project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	None Required <u>None Available</u>	Potentially Significant	Significant and Unavoidable
Impact 13.15-6 3.15-6: General Plan 2040 implementation may require or result in the relocation or construction of new or expanded wastewater facilities, the construction or relocation of which could cause significant environmental effects.	None Required <u>None Available</u>	Potentially Significant	Significant and Unavoidable
Impact 13.15-7 3.15-7: Project and Cumulative Need for System Infrastructure and Facilities: General Plan 2040 implementation, combined with other cumulative development, may result in new or expanded wastewater infrastructure, the construction or relocation of which could cause significant environmental effects.	None Required <u>None Available</u>	Potentially Significant	Significant and unavoidable and cumulatively considerable
Impact 13.15-8 3.15-8: General Plan 2040 implementation along with cumulative development could result in insufficient wastewater treatment capacities available to serve the Town and reasonably foreseeable future development.	None Required <u>None Available</u>	Potentially Significant	Significant and unavoidable and cumulatively considerable
Impact 13.15-9 3.15-9: General Plan 2040 implementation would not require or result in the relocation or construction of new or expanded storm water drainage facilities, the construction or relocation of which could cause significant environmental effects.	None Required	Less than Significant	Less than Significant

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Impact 13.15-10 3.15-10: Project and Cumulative Need for System Infrastructure and facilities including relocation or construction of new or expanded storm water drainage facilities.	None Required	Less than Significant	Less than significant and less than cumulatively considerable.
Impact 13.15-11 3.15-11: General Plan 2040 implementation would comply with federal, state, and local management and reduction statutes and regulations related to solid waste, would not generate solid waste in excess of State or local standards or otherwise impair the attainment of solid waste reduction goals, and would not exceed of the capacity of local infrastructure.	None Required	Less than Significant	Less than Significant
Impact 13.15-12 3.15-12: Under cumulative conditions the Project would not generate solid waste in excess of State or local standards or otherwise impair the attainment of solid waste reduction goals, and would not exceed of the capacity of local infrastructure.	None Required	Less than Significant	Less than significant and less than cumulatively considerable.

Chapter 2.0, Project Description

Page 2-5, end of the list under Project Objectives, the following objectives are added:

Housing Element. Update the General Plan’s Housing Element to comply with State-mandated housing requirement and to address the maintenance, preservation, improvement, and development of housing in the Town between 2023 and 2031.

Housing Inventory. Include an adequate inventory of housing sites and rezone the sites as necessary to meet the required Regional Housing Needs Allocation and to provide and appropriate buffer.

Fair Housing. To affirmatively further fair housing (AFFH), and in particular, integrate AFFH into the process of site selection, outreach, and policy/program development.

Page 2-9, Table 2-2, General Plan 2040 Land Use Acreage is revised to read:

TABLE 2-2 GENERAL PLAN 2040 LAND USE ACREAGE

LAND USE DESIGNATION	TOWN	SOI	PLANNING AREA	TOTAL
Residential Designations				
Low Density Residential	3.8	15.1	--	18.9
Planned Development - Residential	139.5 <u>130.2</u>	303.8	--	443.3 <u>434.0</u>
Medium Low Density Residential	264.5	75.6	--	340.1
Medium Density Residential	545.7 <u>547.8</u>	36.7 <u>34.5</u>	--	582.3
Medium High Density Residential	247.0	106.4	--	353.4
High Density Residential	51.8	7.9	--	59.7
Very High Density Residential	93.2 <u>102.5</u>	9.6	--	102.9 <u>112.2</u>
Very High Density-25 Residential	2.7	--	--	2.7
Subtotal Residential	1,348.2 <u>1,350.2</u>	555.10 <u>553.0</u>	-	1,903.2 <u>1,903.2</u>
Mixed Use And Commercial Designations				
Mixed Use	13.0 <u>13.1</u>	--	--	12.6 <u>13.1</u>

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LAND USE DESIGNATION	TOWN	SOI	PLANNING AREA	TOTAL
Main Street	0.1 <u>2.3</u>	--	--	0.1 <u>2.3</u>
Neighborhood Commercial	9.7 <u>9.6</u>	--	--	10.1 <u>9.6</u>
Neighborhood Commercial/Affordable Housing Overlay	1.0	--	--	1.0
Village Commercial	5.4 <u>3.2</u>	--	--	5.4 <u>3.2</u>
Shopping Commercial	--	3.3	--	3.3
Subtotal Mixed Use and Commercial	29.1 <u>29.2</u>	3.3	-	32.4
Community And Natural Resource Designations				
Marine	6,781.0 <u>6,789.5</u>	450.3 <u>141.7</u>	--	6,931.3 <u>6,931.2</u>
Public/Quasi-Public	810.7 <u>810.6</u>	41.4	--	852.0
Open Space	408.1 <u>402.5</u>	84.7	308.6 <u>314.2</u>	801.5
Parks and Recreation	64.7	12.1	--	76.9
Not zoned/Right-of-way	0.2	--	--	0.2
Subtotal Other	8,064.7 <u>8,067.5</u>	288.5 <u>280.0</u>	308.6 <u>314.2</u>	8,661.9 <u>8,661.8</u>
Grand Total	9,442.1 <u>9,446.9</u>	846.9 <u>836.3</u>	308.6 <u>314.2</u>	10,597.5 <u>10,597.4</u>

SOURCE: Marin County GIS/Assessor Data, Town of Tiburon, De Novo Planning Group, 2022 and 2023

Revisions to the acreages in Table 2-2 were necessary to reflect small corrections in the GIS mapping data, and the text changes do not result in a change in the analysis or conclusions of the Draft EIR.

Section 3.2, Air Quality

Page 3.2-50, Impact 3.2-5 is revised to read:

Impact 3.2-5: General Plan 2040 implementation, in combination with other cumulative development, would not conflict with or obstruct implementation of the applicable air quality plan, or result in a cumulatively considerable net increase of criteria pollutants.

Section 3.6, Geology and Soils

Page 3.6-5, Table 3.6-2 is revised to read:

TABLE 3.6-2: FAULT ACTIVITY RATING

Fault Activity Rating	Geologic Period of last Rupture	Time Interval (years)
Active (A)	Holocene	Within last 11,000 years
Potentially Active (PA) <u>Holocene-active faults</u>	Quaternary	11,000-1.6 Million Years
Inactive (I) <u>Pre-Holocene faults</u>	Pre-Quaternary	Greater than 1.6 Million

SOURCE: De Novo Planning Group, 2022. Existing Conditions Report; California Geological Survey, Special Publication 42, 2018.

Page 3.6-7, the last sentence is revised to read:

The California Geologic Survey (CGS) evaluates faults with available geologic and seismologic data and determines if a fault should be zoned as active, ~~potentially active~~ Holocine-active, or ~~inactive~~ Pre-Holocene.

Section 3.9, Hydrology and Water Quality

Page 3.9-5, second paragraph, first sentence is revised to read:

Figure 3.9-3 and Appendix C ~~identify~~ identifies portions of the Planning Area located within a tsunami inundation zone.

Section 3.12, Population and Housing

Page 3.12-14, first paragraph, first sentence is revised to read:

As described above, ABAG projects that ~~population~~ the number of households of Marin County will increase from approximately 35% ~~to~~ from 109,000 in 2015 to 146,000 in 2050, an increase of approximately ~~91,200~~ 88,800 people based on the County average household size of 2.40 persons.

Section 3.13, Public Services and Recreation

Page 3.13-4, third paragraph is revised to read:

As previously stated, the SMFPD is an independent fire district that provides fire protection and emergency medical services to the City of Sausalito, Tamalpais Valley, Homestead Valley, Almonte, Alto Bowl, Strawberry, the western 1/4 of the Town of Tiburon (Bel Aire/Blackfield/Reed Heights), and the National Park areas of Fort Baker and the Marin Headlands.⁵ The SMFPD expanded to include downtown Mill Valley and portions of the Redwood Highway Frontage Road and other major roads in its service area.^{FN} The SMFPD divides their operational service area into ~~three~~ five zones: Zone 1 (City of Sausalito, Golden Gate National Recreation Area Headlands) served by Southern Marin Fire Station 1, Zone 4 (Tamalpais Valley and Homestead Valley) served by Southern Marin Fire Station 4, Zone 6 (City of Mill Valley) served by Southern Marin Fire Station 6, Zone 7 (City of Mill Valley, portions of the Redwood Highway Frontage Rd and major roads that contain portions of E. Blithedale, Camino Alto, and Miller Ave.) served by Southern Marin Fire Station 7, and Zone 9 (Alto/Strawberry/Tiburon Area) served by Southern Marin Fire Station 9. Each of these zones are protected by one type I engine with each of the zones cross-staffing at least one specialty piece of equipment such as a Rescue, Fire Boat, and Ladder Truck. Additionally, the SMFPD operates one administrative and prevention office.

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Footnote 5: Southern Marin Fire Protection District. 2022. Final Budget Fiscal Year 2022/2023. Available at: <https://www.smfd.org/our-district/finance/financials-budget>

FN: Chris Tubbs, MS, MA, CFO, EFO, CFC, MIFireE. Fire Chief, Southern Marin Fire District, Mill Valley Fire Department. Written communication via email March 21, 2023.

Section 3.15, Utilities and Service Systems

Page 3.15-39, Impact 3.15-5 is revised to read:

Impact 3.15-5: **General Plan 2040 implementation ~~would not~~ could have the potential to result in a determination by the wastewater treatment provider which serves or may serve the Project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments (~~Less than Significant~~) (Significant and Unavoidable)**

The changes to the wording of this impact statement do not alter the analysis of wastewater systems provided on pages 3.15-39 through 3.15-41 of the Draft EIR. The analysis correctly identifies that this impact would be significant and unavoidable, with no mitigation available to reduce the impact. The text changes provided in the impact statement clarify and correct typographical errors and the text changes do not result in a change in the analysis or conclusions of the Draft EIR.

Page 3.15-43, Impact 3.15-7 is revised to read:

Impact 3.15-7: ~~Project and Cumulative Need for System Infrastructure and Facilities: General Plan 2040 implementation, combined with other cumulative development, may result in new or expanded wastewater infrastructure, the construction or relocation of which could cause significant environmental effects.~~

The changes to the wording of this impact statement do not alter the analysis of wastewater infrastructure provided on pages 3.15-43 and 3.15-44 of the Draft EIR. The text changes provided in the impact statement clarify and correct typographical errors and the text changes do not result in a change in the analysis or conclusions of the Draft EIR.

Section 3.16, Wildfire

Page 3.16-11, third paragraph, last sentence is revised to read:

For impacts related to emergency response and evacuation see Chapter 3.8 (Hazards) Impact ~~HAZ-6~~ 3.8-6. For impacts related to the exposure of people or structures to ~~wildland fires~~ wildfires see Impact ~~HAZ-7~~ 3.8-7.

Chapter 4, Alternatives to the General Plan 2040

Page 4-4, the last bullet is deleted, and additional text is added, to maintain consistency with the Project Objectives stated in Chapter 2, Project Description.

- ~~Incorporate and address new requirements of State law and State of California General Plan Guidelines (2017).~~
- **Housing Element.** Update the General Plan’s Housing Element to comply with State-mandated housing requirement and to address the maintenance, preservation, improvement, and development of housing in the Town between 2023 and 2031.
- **Housing Inventory.** Include an adequate inventory of housing sites and rezone the sites as necessary to meet the required Regional Housing Needs Allocation and to provide and appropriate buffer.
- **Fair Housing.** To affirmatively further fair housing (AFFH), and in particular, integrate AFFH into the process of site selection, outreach, and policy/program development.

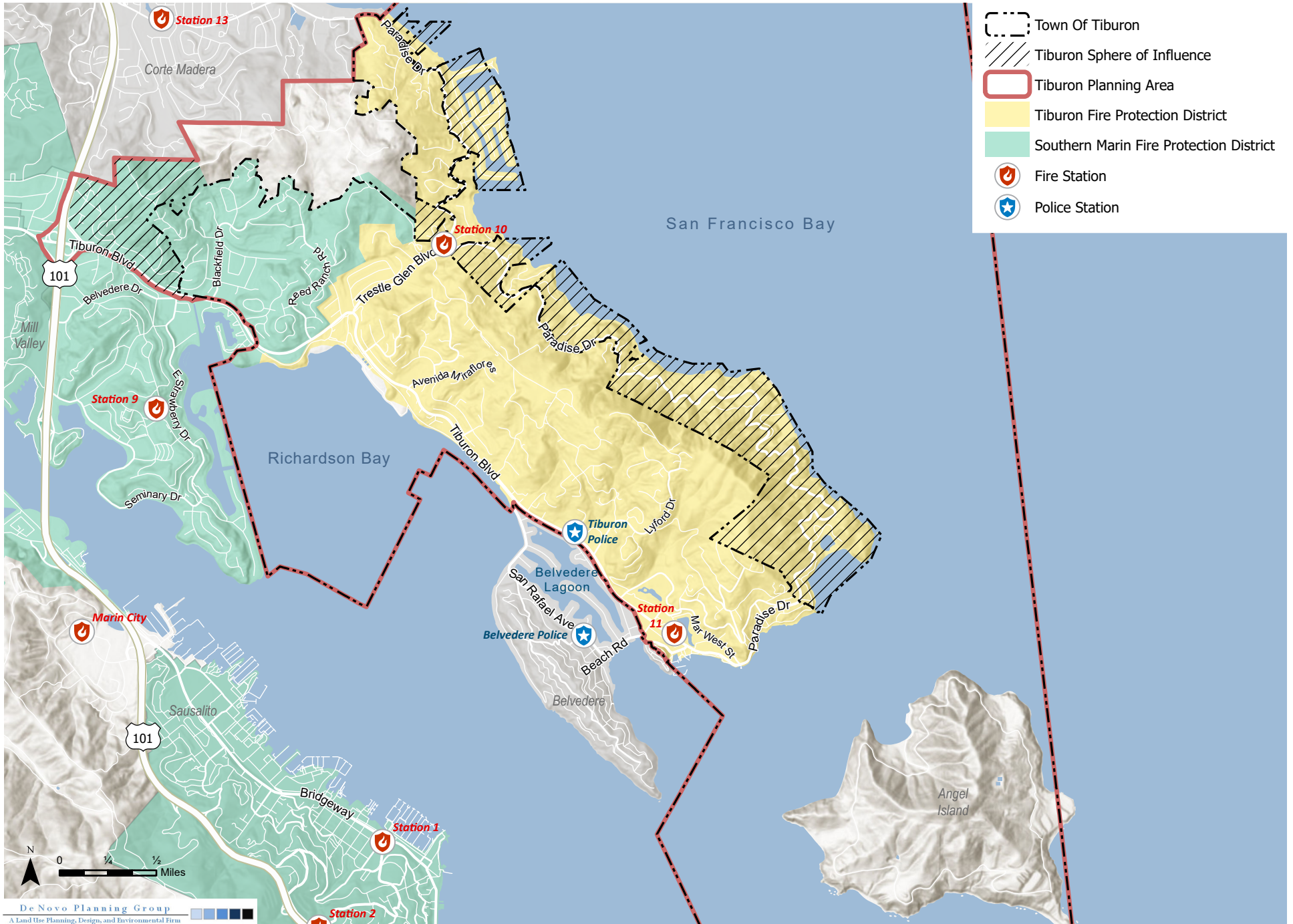
Changes to Figures

Figure 3.13-1, Fire Districts is revised to show a larger service area for the Southern Marin Fire Protection District. The service area extends farther to the west, west of Highway 101 into the community of Mill Valley.

Changes to Appendices

Appendix C, Tsunami Hazard Zones, is added to provide clarification regarding potential tsunami inundation areas within the Planning Area. This information supplements the information provided in Figure 3.9-3 of the Draft EIR.





Figure 3.13-1. Fire Districts



Appendix C. Tsunami Hazard Zones

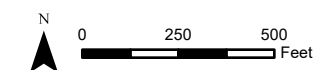
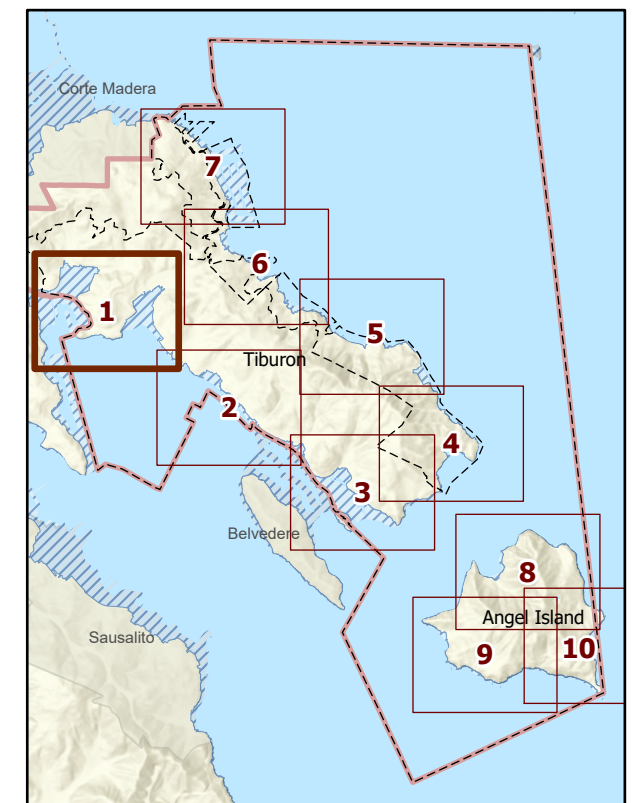
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LEGEND

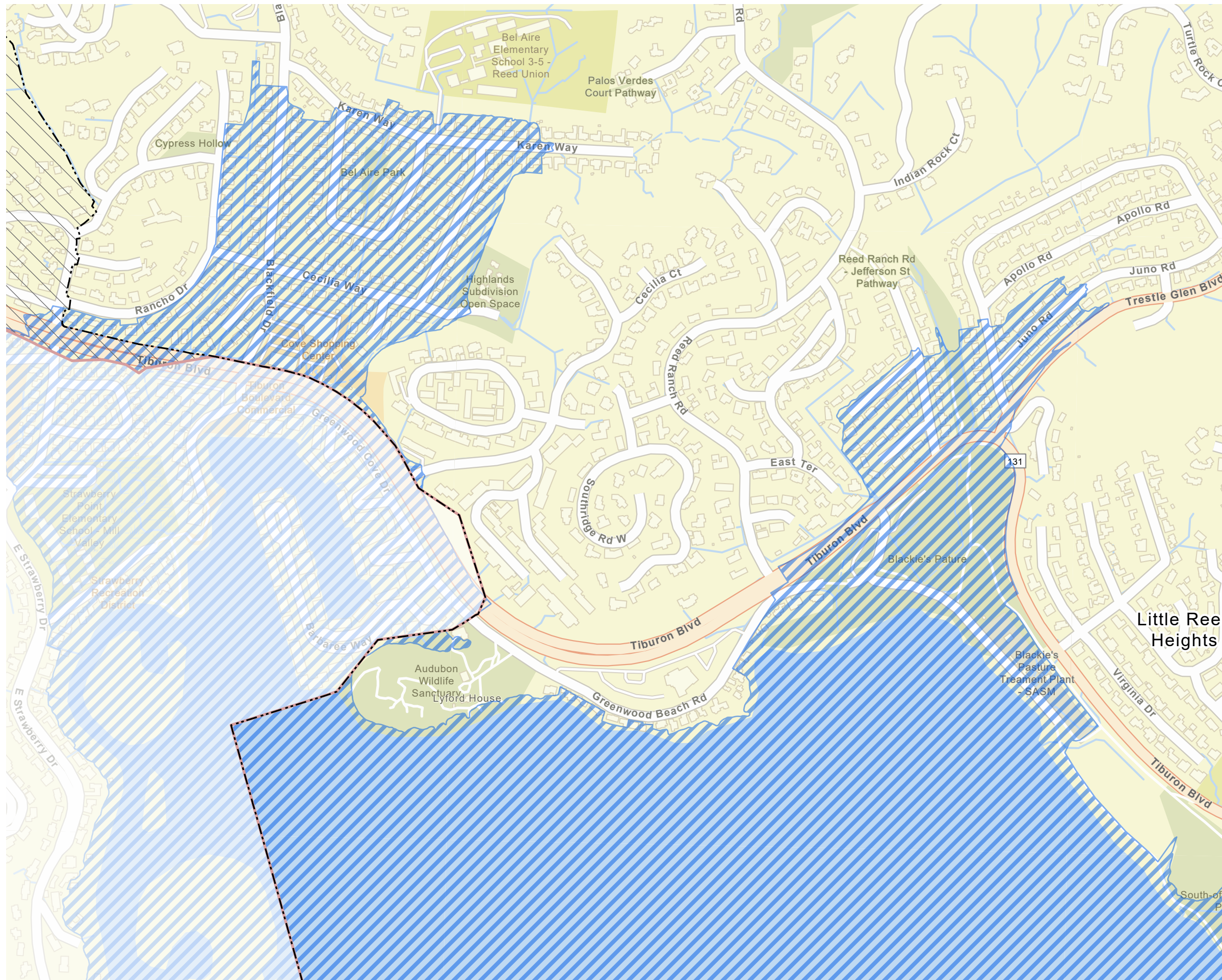
-  Tiburon Town Boundary
-  Tiburon Sphere of Influence
-  Planning Area*
-  Tsunami Hazard Zone

*All areas outside of the Planning Area have been faded for cartographic effect.

INDEX MAP







Sources: ArcGIS Online World Street Map Service; Marin County GIS; CGS Information Warehouse; Tsunami Hazard Area, produced by the California Geological Survey and the California Governor's Office of Emergency Services, State of California, 2022. Map date: January 10, 2023.



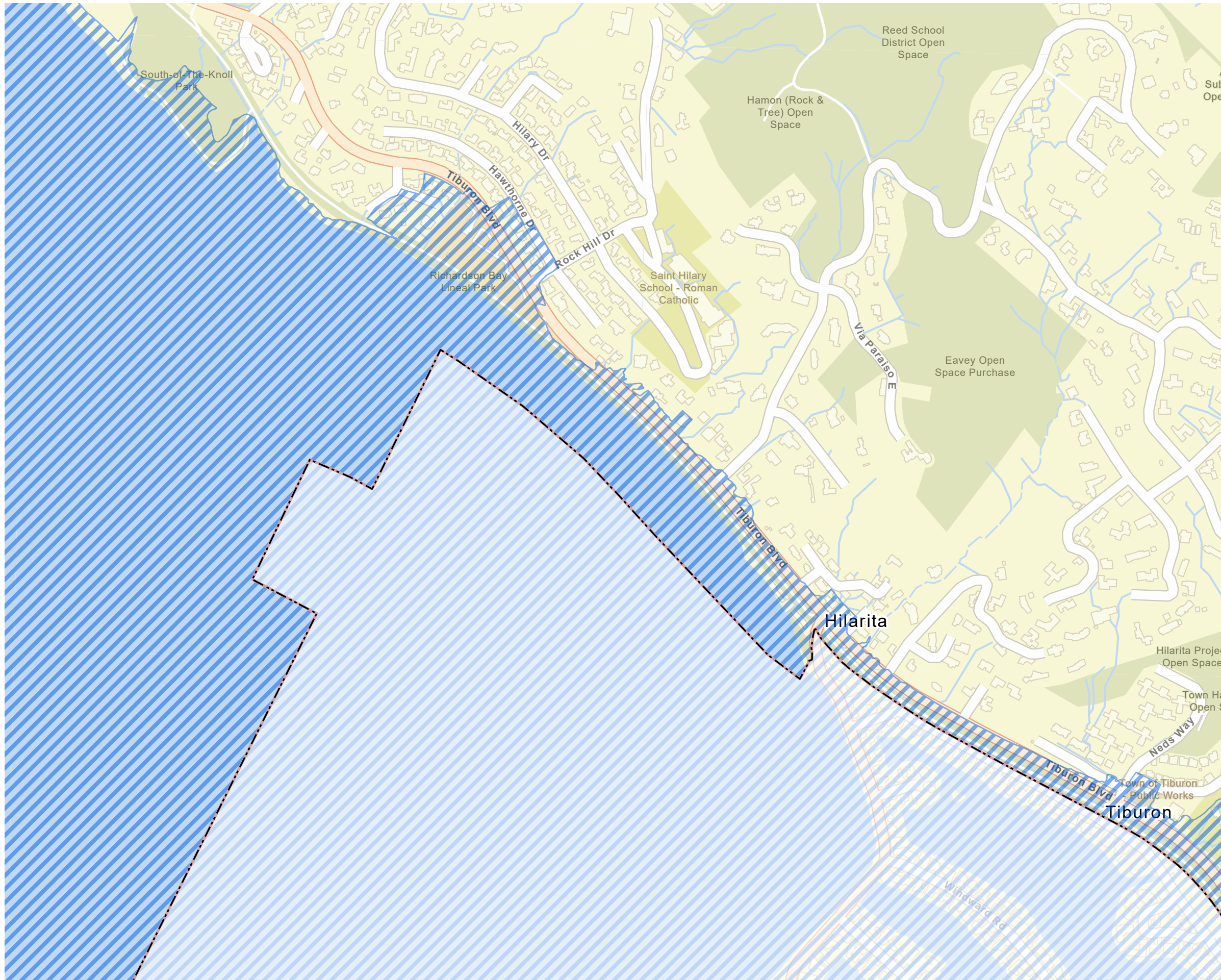
Appendix C. Tsunami Hazard Zones

Grid 2

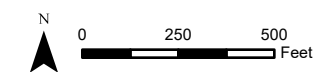
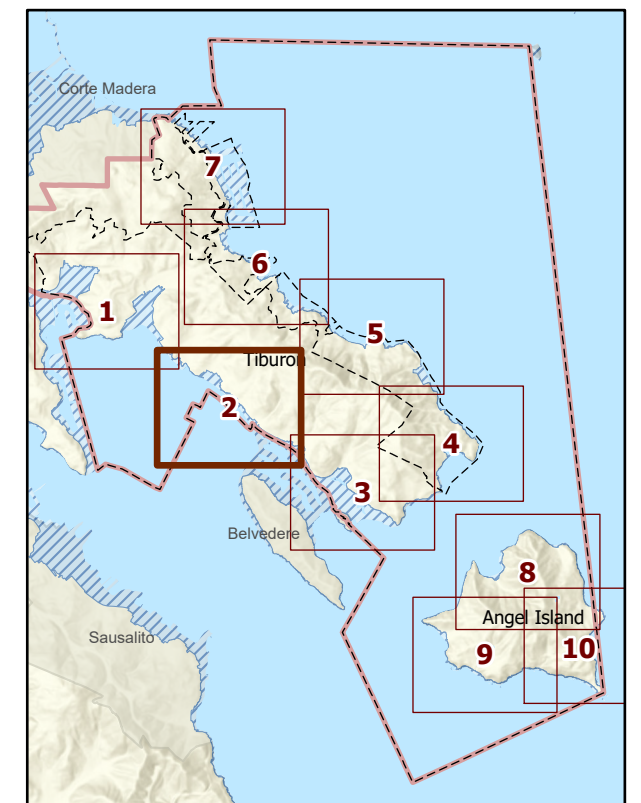
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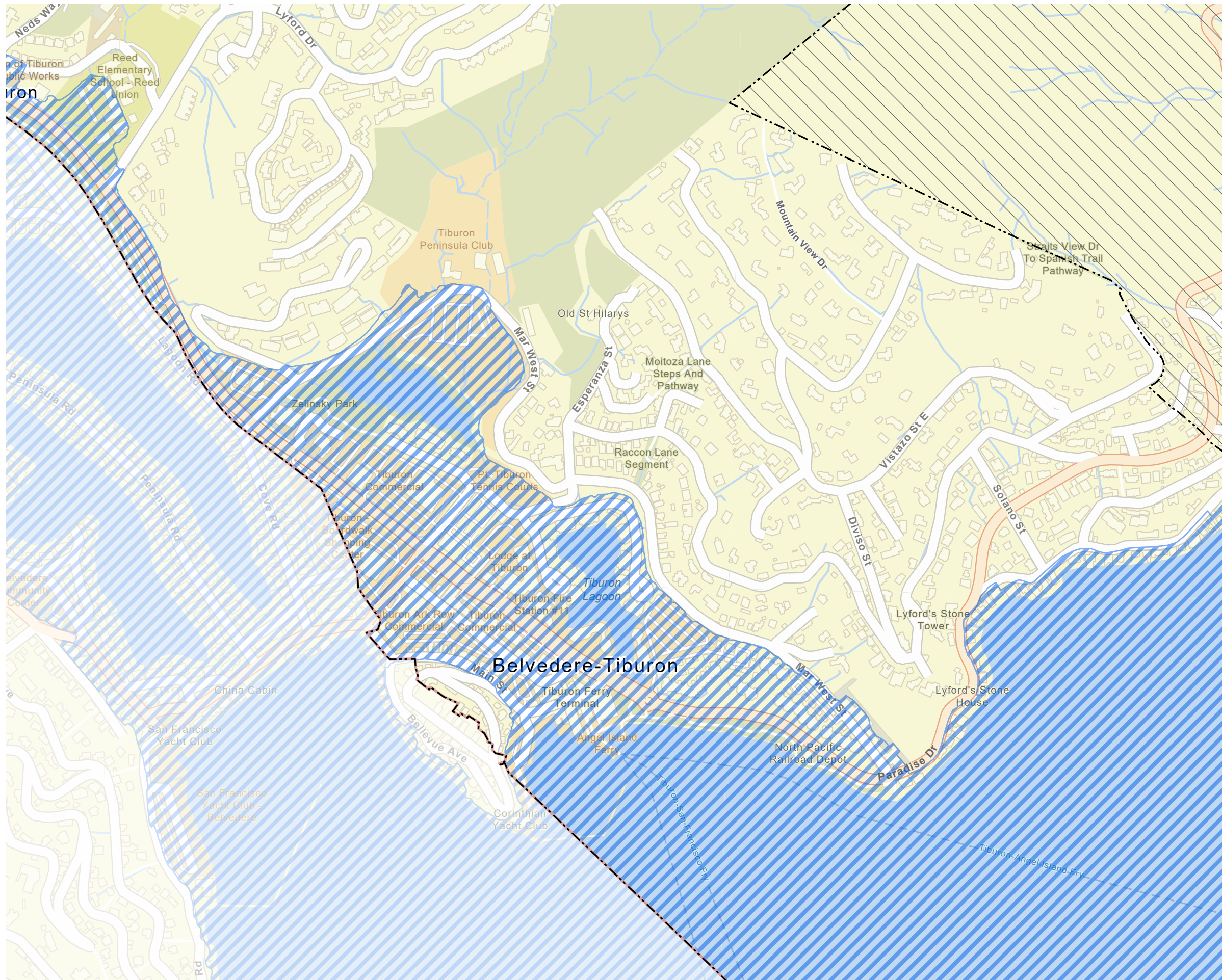
Appendix C. Tsunami Hazard Zones

Grid 3

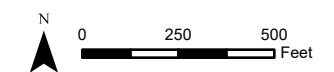
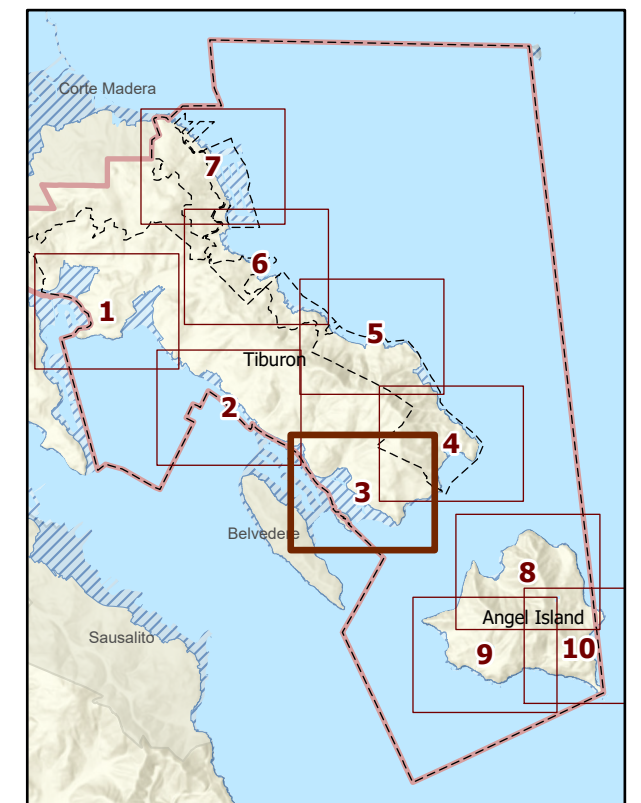
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




Sources: ArcGIS Online World Street Map Service; Marin County GIS; CGS Information Warehouse; Tsunami Hazard Area, produced by the California Geological Survey and the California Governor's Office of Emergency Services, State of California, 2022. Map date: January 10, 2023.

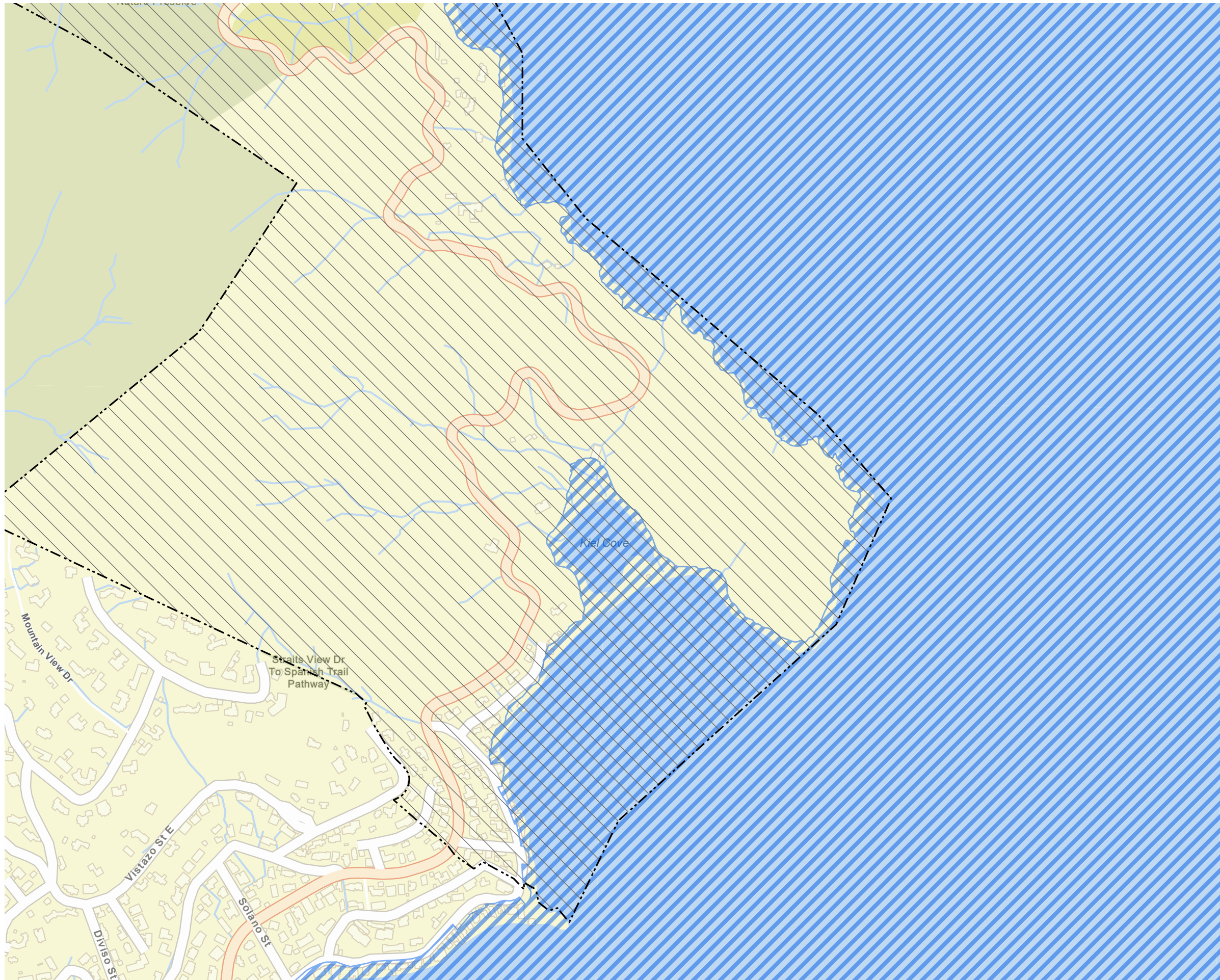
Appendix C. Tsunami Hazard Zones

Grid 4

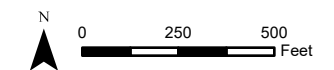
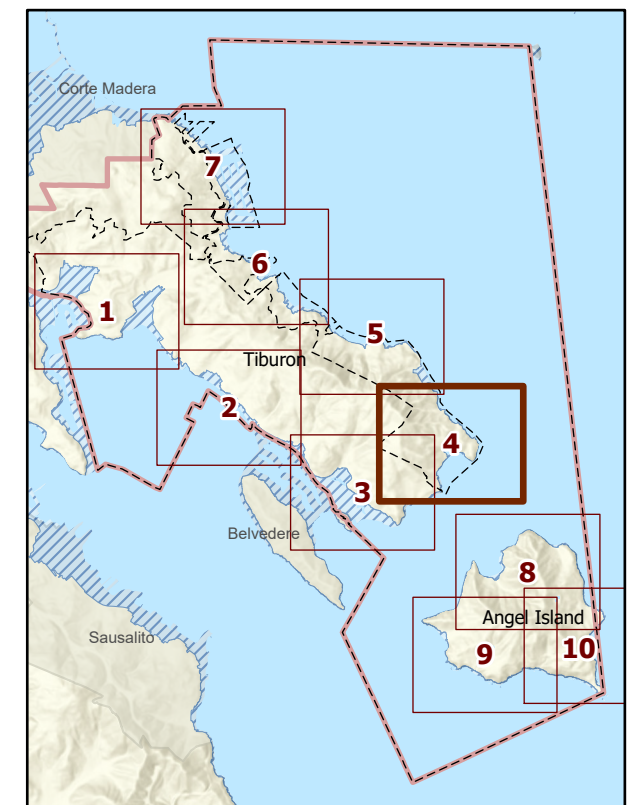
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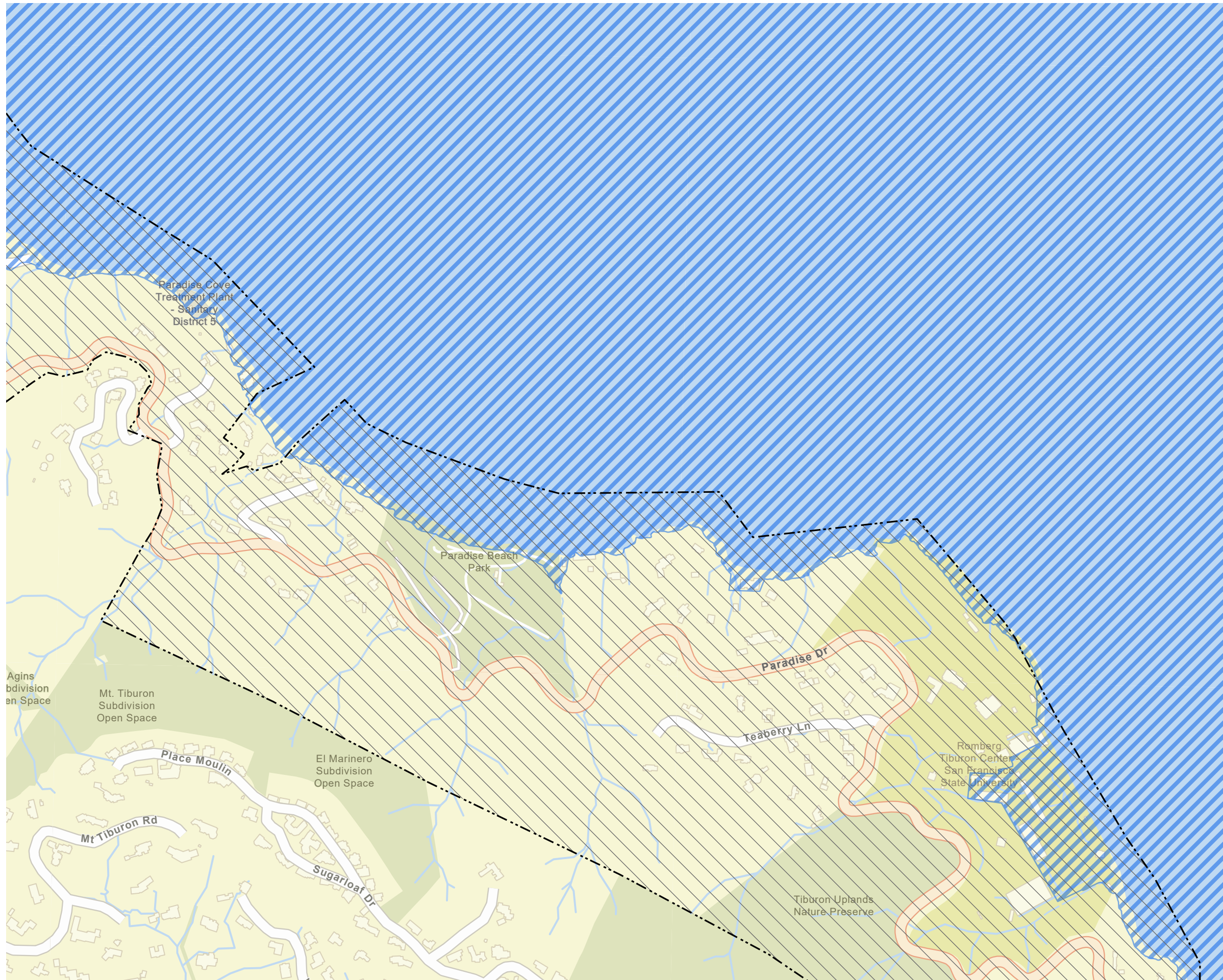
Appendix C. Tsunami Hazard Zones

Grid 5

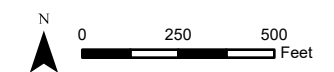
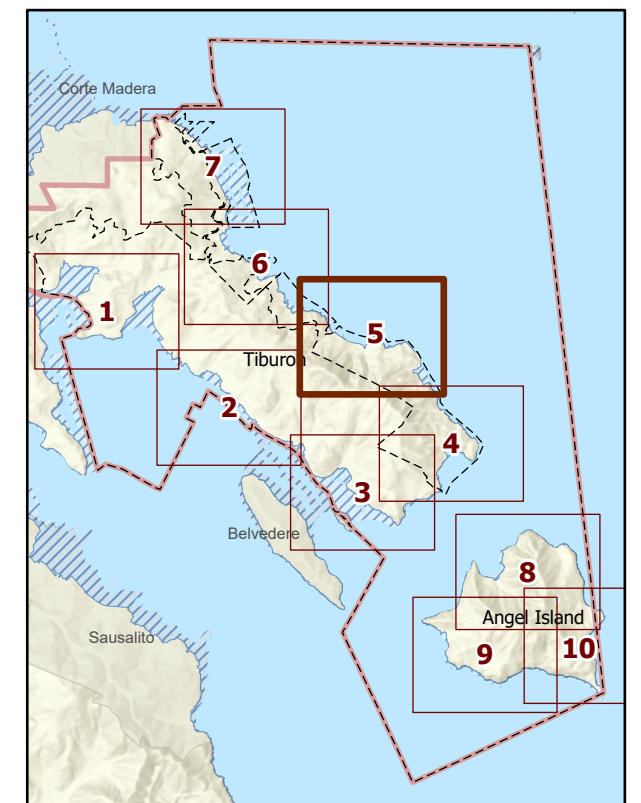
LEGEND

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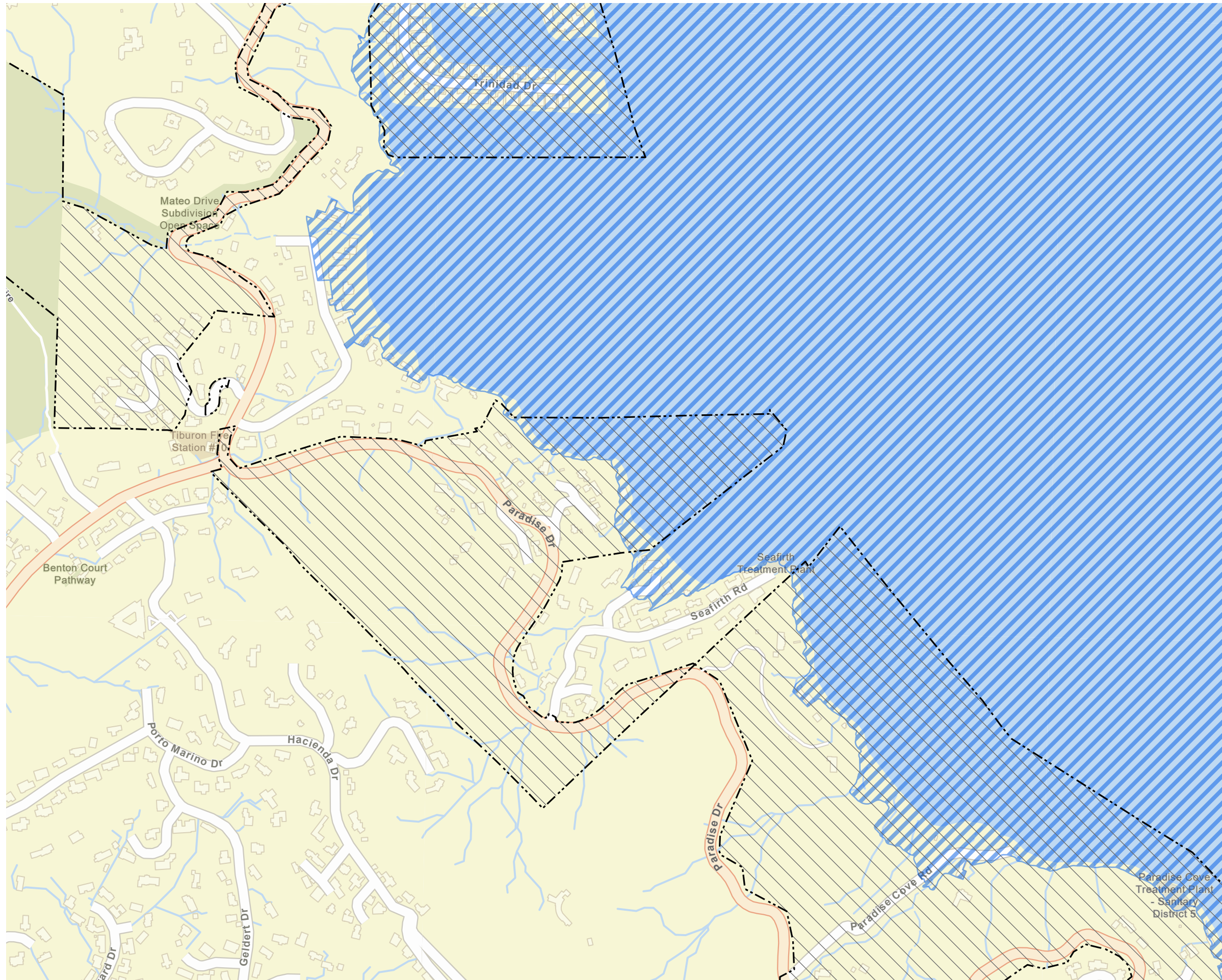
Appendix C. Tsunami Hazard Zones

Grid 6

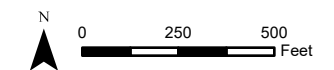
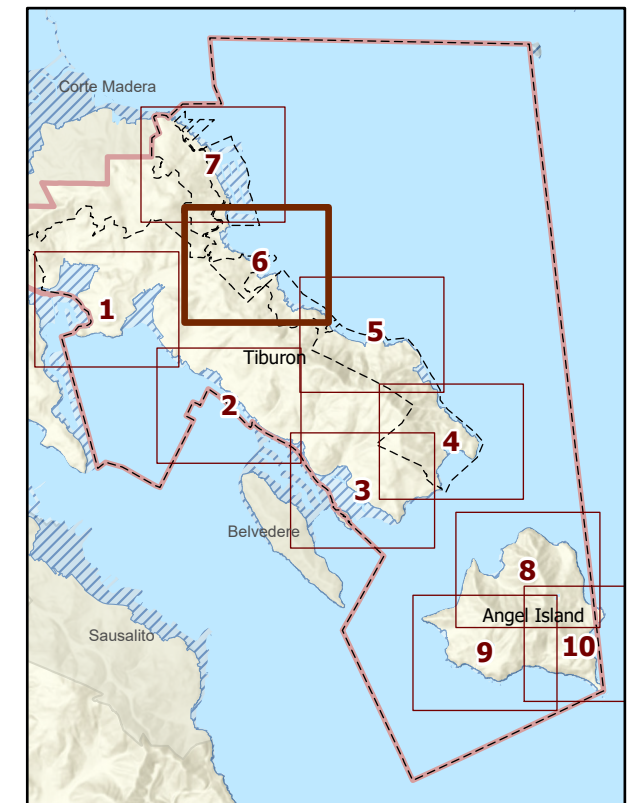
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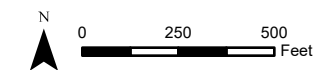
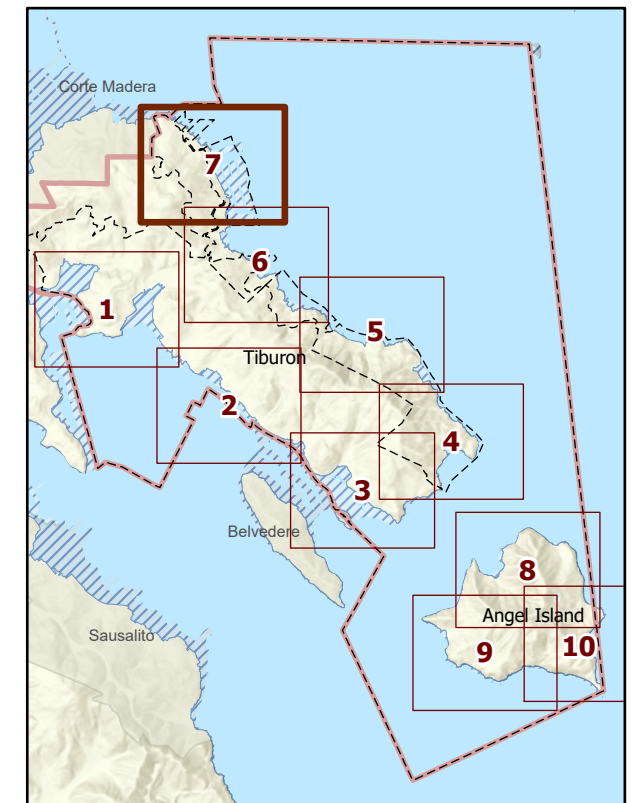
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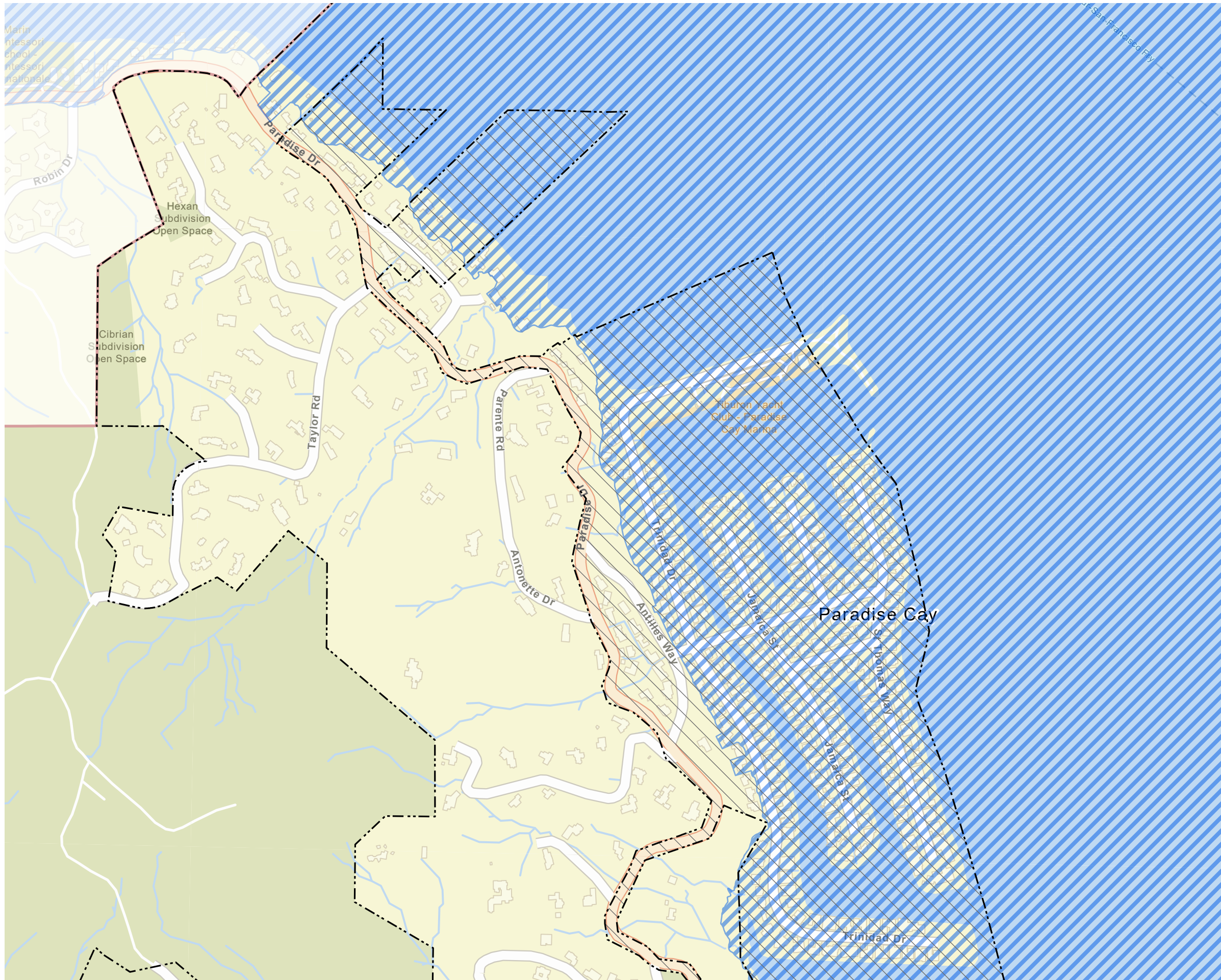
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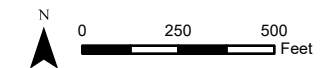
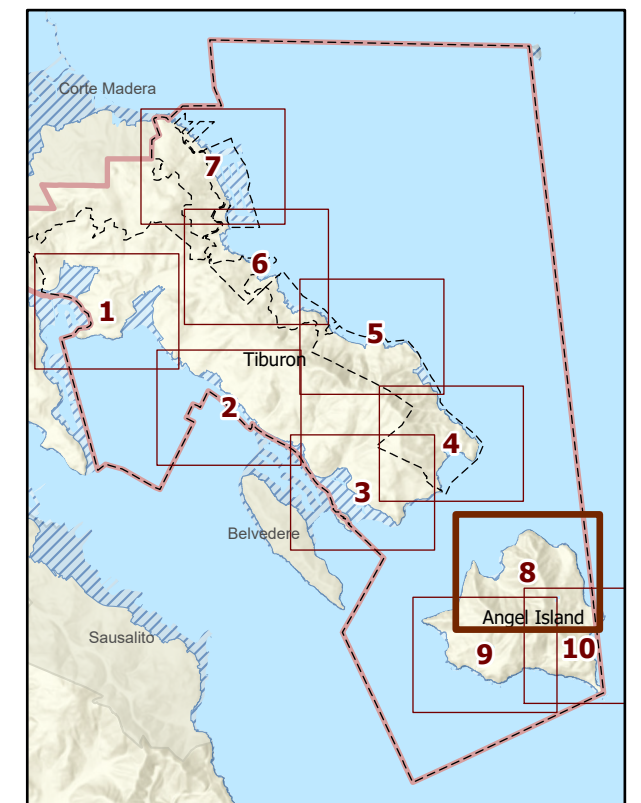
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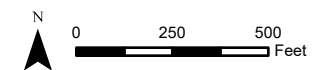
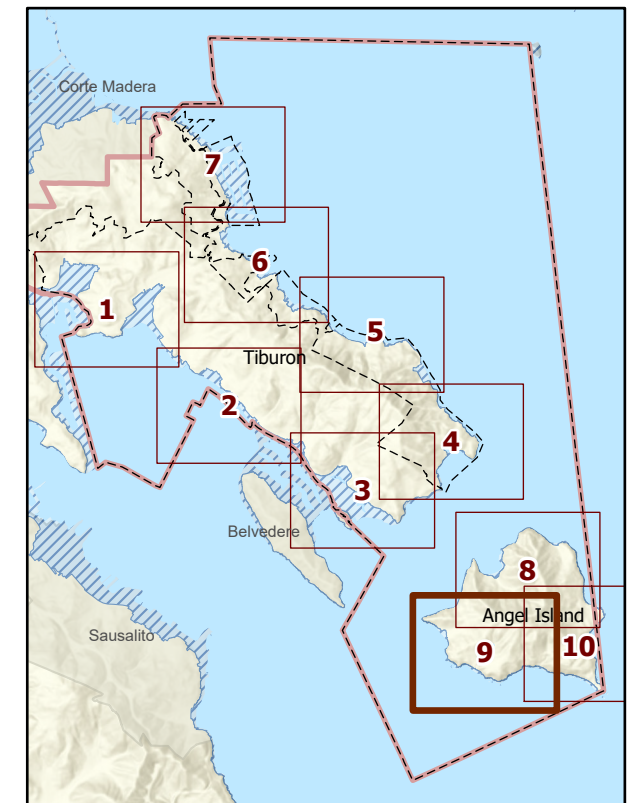
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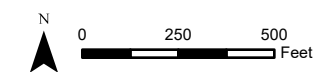
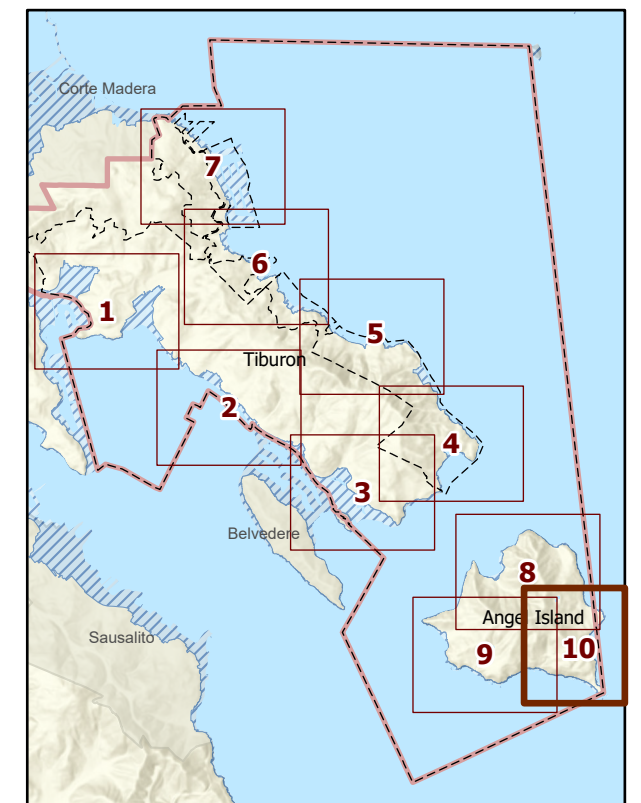
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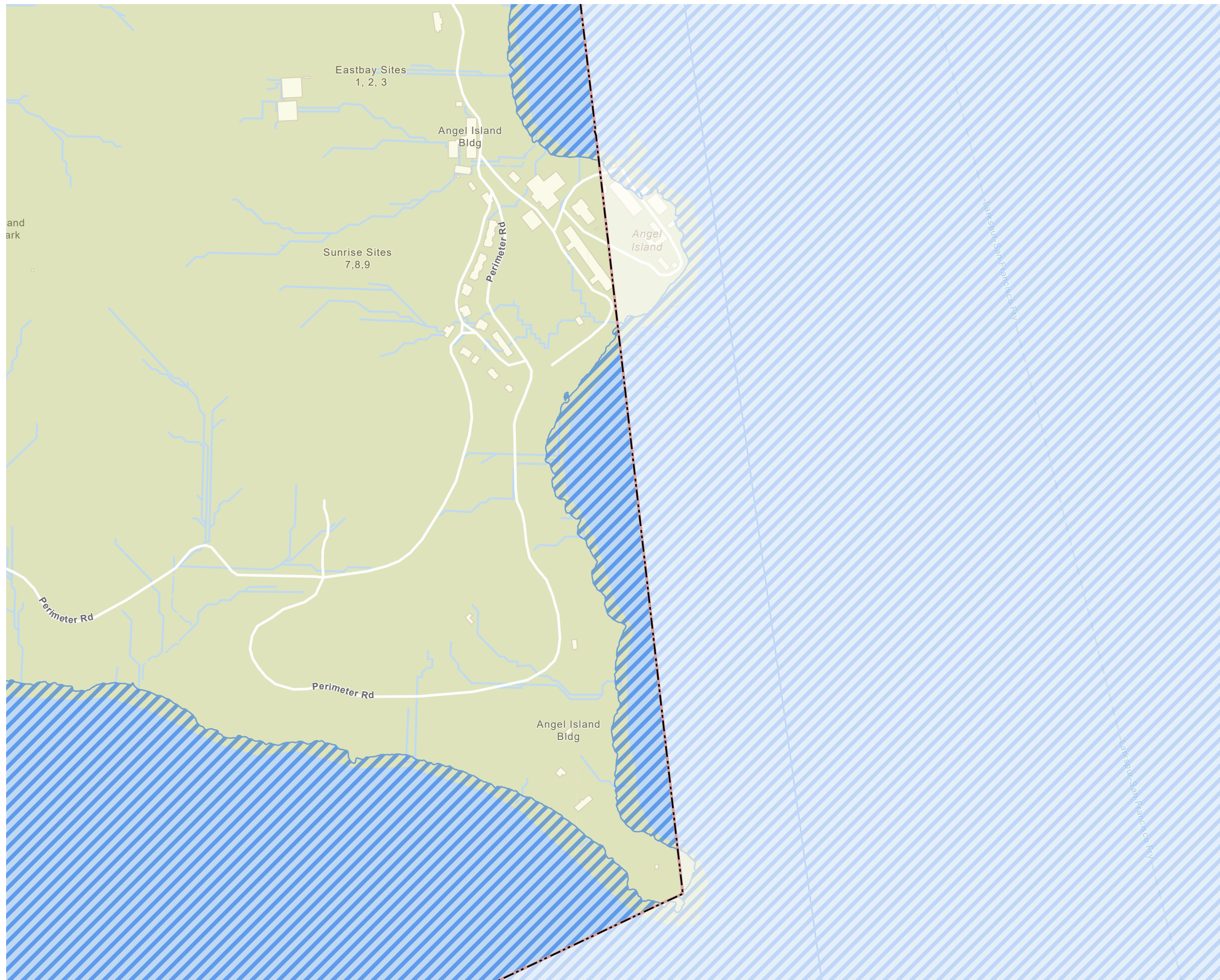
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3.0 COMMENTS AND RESPONSES

3.1 INTRODUCTION

This section contains the comment letters that were received on the Draft EIR. Following each comment letter is a response by the Town intended to supplement, clarify, or amend information provided in the Draft EIR or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues may be discussed or noted for the record. Where text changes in the Draft EIR are warranted based upon comments on the Draft EIR, those changes are generally included following the response to comment. However, in some cases when the text change is extensive, the reader is instead referred to Chapter 2.0, Text Changes to the Draft EIR, where all the text changes can be found.

Occasionally, a response to a comment provides a cross-reference to another response to comment. This occurs when the same, or very similar, comment was made or question asked, and an appropriate response was included elsewhere.

3.2 MASTER RESPONSE – 4576 PARADISE DRIVE

There were many comments received regarding anticipated plans for increased residential density at Site H, 4576 Paradise Drive. The General Plan 2040 identifies this 9.58-acre site as one that could accommodate approximately 93 residential units at a minimum density of 10 units per acre. This Master Response addresses CEQA-related topics that were raised by more than one commenter in a consolidated format to avoid repetition.

Comments objected to including the site as one for planned increased density, and called for removal of the site from the Housing Element. Reasons cited included the narrow and curvy nature of Paradise Drive; concerns regarding ingress and egress; use of Paradise Drive by bicyclists, especially on weekends and holidays; effects of increased traffic; construction-related effects; emergency safety concerns; sewage system problems; onsite slopes that may pose a challenge for site development and cause downhill problems; potential loss of onsite trees; loss of privacy; failure to consider the need to widen Paradise Drive; and general concern with the number of units anticipated for the site.

As described on pages 2-12 and 2-13 in the Draft EIR, State law requires the Housing Element to, among other things, "Identify 'adequate sites; that are zoned and available within the 8-year housing cycle to meet the local government's fair share of regional housing needs at all income levels." Following Town outreach to the 4576 Paradise Drive property owner, it was determined that the property owner had an interest in allowing residential uses to develop on the currently underutilized site. Therefore, Implementation Program H-II was included in the Housing Element and included for analysis in the Draft EIR.

At this time, however, there is not a specific proposal to develop 4576 Paradise Drive. Neither a development application nor a proposed site plan have been submitted to the Town for review. Therefore, key details about development of the site cannot be known at this time, and would be speculative to project. If a development application is submitted to the Town for review and approval, additional information would need to be included such as the type of use proposed, the precise number of units proposed, locations of driveways and emergency access points, a grading plan, and building heights and locations. The Town would conduct site plan and design review of specific development proposals that are submitted for consideration.

As explained on pages 1-2 and 1-3 in the Draft EIR, CEQA authorizes preparation of a “program” EIR to evaluate proposed planning regulations such as General Plan 2040. The “project” studied by a program EIR is the planning document and its general and broad environmental effects, not specific development that may occur on individual sites. Due to the programmatic nature of the Draft EIR, environmental analysis of the carrying capacity of the site was analyzed as part of potential overall implementation of the General Plan 2040; however, no site-specific analysis was conducted for development of 4576 Paradise Drive or any other site identified in the General Plan 2040 for increased residential density on underutilized parcels, and it would be premature and overly speculative to attempt to evaluate the potential effects raised by the comments at this time. As discussed on pages 1-2 and 1-3 in the Draft EIR, any development application submitted for the property will undergo site-specific CEQA review to the extent deemed necessary.

Comments objecting generally to increased density housing development at 4576 Paradise Drive are not comments on the adequacy of the Draft EIR, and the topics raised are premature for consideration as part of CEQA review of General Plan 2040. However, comments of this nature are noted and will be forwarded to the decision makers for consideration.



Marin Local Agency Formation Commission
Regional Service Planning | Subdivision of the State of California

April 25, 2023

Delivered by E-Mail

Dina Tasini, Director of Community Development
Town of Tiburon
1505 Tiburon Boulevard
Tiburon, California 94920
dtasini@townoftiburon.org

SUBJECT: Comments on Draft General Plan 2040

Director Tasini:

The Marin Local Agency Formation Commission (LAFCo) has received the Town of Tiburon's invitation to review and comment on the Town's Draft General Plan 2040. The following comments, accordingly, are respectfully provided by Marin LAFCo staff for your consideration as the Town of Tiburon looks to continue to refine this meaningful document.

1. Within the Land Use Element of the Town's 2020 General Plan on page 2-21 is item LU-36, which states, "The Town supports the LAFCO's Dual Annexation Policy, including implementation through future annexation agreements when immediate annexation is not appropriate." As best we can tell, this sentiment from the Town has been completely omitted from the Draft General Plan 2040. With the area of Paradise Drive presenting such a significantly sized unincorporated island, Marin LAFCo's dual annexation policy is a crucial tool in the continued effort to clean up what is at best a fairly erratic boundary between the Town and the County. Marin LAFCo would request that language from LU-36 be included in the Draft General Plan 2040.
2. On Page 37 of the Draft General Plan 2040 is Program LU-N LAFCO Planning Area which states, "Encourage LAFCO to update and adopt Urban Service Area and annexation policies for the Tiburon Planning Area that are consistent with General Plan policies." First, Marin LAFCo would request clarifying language within this statement to ensure that there is no confusion for readers between the terms Urban Service Area (USA) and Sphere of Influence (SOI). Marin LAFCo does not directly oversee local USAs but does directly oversee the SOIs for agencies throughout Marin County. When Marin LAFCo performed its last Municipal Service Review including the Town in 2020, LAFCo was not informed of any desire for changes to the SOI. If that has changed please let us know. Second, Marin LAFCo would request clarifying language regarding what, specifically, the Town deems to be annexation policies that are consistent with the General Plan policies.

A1-1



Administrative Office
Jason Fied, Executive Officer
1401 Los Carros Drive, Suite 220
San Rafael, California 94903
T: 415-448-5872 E: staff@marinlafco.org
www.marinlafco.org

Eric Lucan, Regular
County of Marin
Dennis Rodoni, Regular
County of Marin
Stephanie Madigan Peters,
Alternate County of Marin

Barbara Coler, Vice-Chair
Town of Fairfax
Steve Burdo, Regular
Town of San Anselmo
Stephen Burko, Alternate
City of Mill Valley

Lew Kious, Chair
Alameda Sanitary District
Craig K. Munay, Regular
Las Gallinas Valley Sanitary
Cathryn Hilliard, Alternate
Southern Marin Fire

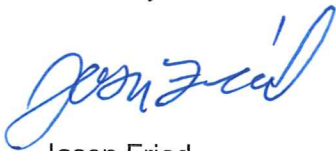
Vacant, Regular
Public Member
Richard Savel, Alternate
Public Member

3. On Page 37 of the Draft General Plan 2040 is Policy LU-12 Annexation. Marin LAFCo would request a language edit within that paragraph to include considerations of annexation proposals that work towards eliminating areas of unincorporated islands in the interest of the orderly provision of government services.
4. On Page 37 of the Draft General Plan 2040 is Program LU-I. Marin LAFCo would request the inclusion of language specific to the dual annexation policy when considering annexation applications.
5. On Page 2-20 of the Land Use Element within the 2020 General Plan, LU-29 states, "The Town recognizes the unincorporated Paradise Drive area is an 'island' completely surrounded by the Town of Tiburon and that the area is functionally a part of Tiburon, and therefore supports the annexation of the area into Tiburon at such time as annexation is economically, procedurally, and otherwise viable.". On page 147 of the Draft General Plan 2040 is Policy M-31 which, in part, states, "Due to the very high maintenance costs associated with Paradise Drive, the Town will avoid taking on the burden of maintaining additional portions of Paradise Drive unless a suitable and stable ongoing source of funding is established." While, granted, these documents are now nearly 20 years apart from each other, these two statements seem to be in conflict with one another as the Town now stating that it will "avoid taking on the burden of maintaining additional portions of Paradise Drive" does not lend itself to the previously stated intention of "supports the annexation of the area into Tiburon...". As the issue of Paradise Drive has been one that Marin LAFCo has made numerous attempts to discuss with both the Town and the County, Marin LAFCo would request additional policy language within the Paradise Drive section on page 147 of the Draft General Plan 2040 stating that the Town will make a good faith effort to work collaboratively with Marin LAFCo and the County of Marin to further explore a mutually beneficial path towards a more sensibly constructed boundary throughout the Paradise Drive area in an effort to ensure the efficient provision of municipal services throughout the area.

A1-1
con't

Thank you for your time and consideration in this matter. Please feel free to contact me should you have any questions regarding Marin LAFCo's position.

Sincerely,



Jason Fried
Executive Officer
Marin Local Agency Formation Commission

Town of Tiburon

General Plan 2040 EIR

Letter A1 **Jason Fried, Executive Director, Marin Local Agency Formation**
Response **Commission (LAFCo)**
April 25, 2023

A1-1 The General Plan 2040 considers development both within the Town limits and in unincorporated areas within Tiburon's sphere of influence. At this time, Tiburon does not anticipate annexing land from the county to the town. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



Christina Erwin <cerwin@denovoplanning.com>

FW: Town of Tiburon Draft General Plan 2040 and Draft EIR (SCH #2022100473) - CGS comments

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:19 PM

From: Dina Tasini <dtasini@townoftiburon.org>
Sent: Wednesday, April 26, 2023 4:25 PM
To: christine.o@comcast.net; 'Christina Erwin' <cerwin@denovoplanning.com>; Beth Thompson <bthompson@denovoplanning.com>
Subject: FW: Town of Tiburon Draft General Plan 2040 and Draft EIR (SCH #2022100473) - CGS comments

Dina Tasini
Director of Community Development
Town Of Tiburon
[1505 Tiburon Blvd.](#)
[Tiburon, CA 94920](#)
(415) 435-7393
www.townoftiburon.org

From: Frost, Erik@DOC <Erik.Frost@conservation.ca.gov>
Sent: Wednesday, April 26, 2023 3:56 PM
To: Dina Tasini <dtasini@townoftiburon.org>
Cc: OPR State Clearinghouse <State.Clearinghouse@opr.ca.gov>; OLRA@DOC <OLRA@conservation.ca.gov>
Subject: Town of Tiburon Draft General Plan 2040 and Draft EIR (SCH #2022100473) - CGS comments

You don't often get email from erik.frost@conservation.ca.gov. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Dina Tasini,

The California Geological Survey (CGS) has received a Notice of Availability for the Tiburon General Plan 2040 Draft Environmental Impact Report (DEIR). This email conveys the following recommendations from CGS to the Town of Tiburon (the Town) concerning geologic issues related to the planning area:

1. Fault Rupture

The DEIR includes a discussion of fault activity on page 3.6-5, and a discussion of the Alquist-Priolo Special Studies Zone Act on pages 3.6-7 to 3.6-8. In both discussions, the Town should consider updating terminology based on guidance from CGS Special Publication 42 (see pages 27-28). Specifically, CGS recommends categorizing faults based on the age of their most recent movement: Holocene-active, pre-Holocene, and age-undetermined.

A2-1

2. Seismic Hazards

The DEIR includes a discussion of liquefaction on page 3.6-9 and provides an associated map in Figure 3.6-4. However, the Town should differentiate between liquefaction *susceptibility* and liquefaction *potential*. Liquefaction susceptibility only considers geologic material and groundwater depth, whereas liquefaction potential additionally considers anticipated earthquake ground motion. As currently written, the discussion on page 3.6-9 describes liquefaction susceptibility. Figure 3.6-4 also appears to only depict liquefaction susceptibility. CGS maps zones of required investigation for liquefaction based on an analysis of liquefaction potential, but no such map has been prepared for the Tiburon area to date.

A2-2

Please let me know if you have any questions.

Erik

Dr. Erik Frost

Senior Engineering Geologist | Seismic Hazards Program

California Geological Survey

715 P Street, MS 1901, Sacramento, CA 95814

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Letter A2 Response **Dr. Eric Frost, Senior Engineering Geologist, Seismic Hazards Program, California Geological Survey (CGS)**
April 26, 2023

A2-1 To update the terminology in the Draft EIR to reflect CGS’s newest terminology, the following text changes (also reflect in Chapter 2 of this Final EIR) are made:

Page 3.6-5, Table 3.6-2 is revised to read:

TABLE 3.6-2: FAULT ACTIVITY RATING

Fault Activity Rating	Geologic Period of last Rupture	Time Interval (years)
Active (A)	Holocene	Within last 11,000 years
Potentially Active (PA) <u>Holocene-active faults</u>	Quaternary	11,000-1.6 Million Years
Inactive (I) <u>Pre-Holocene faults</u>	Pre-Quaternary	Greater than 1.6 Million
SOURCE: De Novo Planning Group, 2022. Existing Conditions Report; <u>California Geological Survey, Special Publication 42, 2018.</u>		

Page 3.6-7, the last sentence is revised to read:

The California Geologic Survey (CGS) evaluates faults with available geologic and seismologic data and determines if a fault should be zoned as active, ~~potentially active~~ Holocene-active, or ~~inactive~~ Pre-Holocene.

A2-2 Page 3.6-9 and Figure 3.6-4 of the Draft EIR describe the liquefaction susceptibility of the Tiburon planning area. As noted in the Draft EIR, liquefaction susceptibility considers geologic material and groundwater depth. The text and the map reflect the information available on the USGS Earthquake Hazards Program Liquefaction Susceptibility webpage.¹ Further investigation, including on the MTC/ABAG Hazard Viewer Map² does not provide information regarding liquefaction potential, which additionally considers anticipated earthquake ground motion.

¹ US Geological Survey, 2022. Earthquake Hazards Program, Liquefaction Susceptibility. Available: <https://earthquake.usgs.gov/education/geologicmaps/liquefaction.php>; Accessed May 5, 2023.

² Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), 2023. Available: <https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8>. Accessed May 5, 2023.



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
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(707) 428-2002
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



April 27, 2023

Dina Tasini, Director of Community Development
Town of Tiburon
1505 Tiburon Boulevard
Tiburon, CA 94920
Dtasini@townoftiburon.org

Subject: Tiburon General Plan 2040, Draft Environmental Impact Report,
SCH No. 2022100473, Town of Tiburon, Marin County

Dear Ms. Tasini:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Draft Environmental Impact Report (DEIR) from the Town of Tiburon (Town) for the Tiburon General Plan 2040 Update Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW previously submitted comments in response to the Notice of Preparation (NOP) of the DEIR in a letter dated November 16, 2022.

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

CDFW ROLE

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

PROJECT DESCRIPTION SUMMARY

Description: Adopt a comprehensive, long-term general plan (Plan) for the physical development of the Town’s planning area. The Plan will include land use, circulation, housing, conservation, open space, noise, and safety elements, and address environmental justice and climate adaptation. The Town will implement the General Plan by requiring development, infrastructure improvements, and other projects to be

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



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consistent with its policies and by implementing the actions included in the Plan, including subsequent project-level environmental review, as required under CEQA. The Plan includes 20 lots that would be rezoned to accommodate housing development.

Location: The Town of Tiburon is located in Marin County on the Tiburon Peninsula and Angel Island. In addition to the lands within the Town boundaries, state law requires that a municipality adopt a General Plan that addresses “any land outside its boundaries which in the planning agency’s judgment bears relation to its planning (Gov. Code, § 65300).” The Town’s Planning Area is defined as all lands within the Town limits and Tiburon Sphere of Influence (SOI), as well as the Highway 101 Tiburon Boulevard/East Blithedale Avenue interchange west of the northwestern SOI boundary and the open space land to the north of the northern SOI boundary on Ring Mountain.

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REGULATORY REQUIREMENTS

Lake and Streambed Alteration

An LSA Notification, pursuant to Fish and Game Code section 1600 et seq., is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank; or deposit or dispose of material where it may pass into a river, lake, or stream including associated riparian or wetland resources. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to LSA Notification requirements. **The DEIR identifies 4576 Paradise Drive as a site which would be rezoned to increase housing density. This site contains two ephemeral streams which may be impacted by subsequent development. The DEIR also identifies 1199 Tiburon Boulevard as a site which would be subdivided and partially rezoned to increase housing density. This site may contain two streams which may be impacted by subsequent Project development. If any streams are impacted, an LSA Notification pursuant to Fish and Game Code section 1602 would be required, as further described below.** CDFW would consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

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COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the Town in adequately identifying and/or mitigating the Project’s significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions are also included to improve the document. Based on the Project’s avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends below and in **Attachment 1**, CDFW concludes that an EIR is appropriate for the Project.

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I. Subsequent Project CEQA Evaluation, Page 3.3-27

Comment 1: The DEIR identifies that “Subsequent development under the Project could result in the direct and/or indirect loss or indirect disturbance of special-status plant or animal species or their habitats that are known to occur, or have potential to occur, in the region” (3.3-27). It is not clear from the DEIR what level of environmental review future Projects would receive. CDFW provided comments on the DEIR’s NOP in a letter dated November 16, 2022, and recommended providing a clear checklist or procedure for evaluating subsequent Project impacts and potentially significant effects. This checklist should be included as an attachment to the EIR.

Recommended Mitigation Measure: To ensure impacts to fish and wildlife resources are appropriately evaluated in compliance with CEQA and reduce subsequent Project impacts to fish and wildlife resources to less-than-significant, CDFW recommends including the below mitigation measure.

Mitigation Measure BIO-1: Subsequent Project CEQA Evaluation. A procedure or checklist for evaluating subsequent Project impacts on biological resources shall be prepared to determine if the impacts are within the scope of the Program EIR or if an additional environmental document is warranted. Future analysis shall include all special-status species and sensitive habitats including, but not limited to, species considered rare, threatened, or endangered species pursuant to CEQA Guidelines, section 15380.

The checklist shall be accompanied by enough relevant information and reasonable inferences to support a “within the scope” of the EIR conclusion. For subsequent Project activities that may affect sensitive biological resources, a site-specific analysis shall be prepared by a Qualified Biologist to provide the necessary supporting information. In addition, the checklist shall cite the specific portions of the EIR, including page and section references, containing the analysis of the subsequent Project activities’ significant effects and indicate whether it incorporates all applicable mitigation measures from the EIR.

II. Environmental Setting and Project Description Shortcomings

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or U.S Fish and Wildlife Service (USFWS)?

Comment 2: Bat Species of Special Concern, Pages 2-14, 3.3-27 and 3.3-28

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Issue: The Project is within the range of pallid bat (*Antrozous pallidus*), western red bat (*Lasiurus blossevillii*), and Townsend's big-eared bat (*Corynorhinus townsendii*).² All of these bat species are known to roost in tree bark, hollows, or foliage; and pallid bat and Townsend's big-eared bat are known to roost in structures including buildings (Johnston 2004). Buildings, especially buildings not currently in use such as the building at 1601 Tiburon Boulevard, are identified at the various parcels to be rezoned and trees may be removed by subsequent Projects which may be occupied by bats.

Specific impacts, why they may occur and be potentially significant: The above bat species are California Species of Special Concern (SSC). CDFW designates certain vertebrate species as SSC because declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction or extirpation in California. Removing a roost tree or building during breeding or hibernating seasons could kill many bats as they roost together in a colony. Bats are unusual for small mammals because they are long-lived and have a low reproductive rate (Johnston 2004). Lifespans of 15 years are not uncommon, and most species have only one young per year (Johnston 2004). The long lifespan of bats means that each mortality will have a protracted effect. Bats also aggregate in colonies, some of which contain all the bats of a species from a wide area (Johnston 2004). The combination of these three factors (long lifespan, few young per year, and aggregation into colonies) means that by impacting bat roosts, projects may cause a substantial adverse effect to the regional population of bat species.

Recommended Mitigation Measures: To reduce any potential impact to SSC bat species to less-than-significant, CDFW recommends including the below mitigation measures.

Mitigation Measure BIO-2: Roosting Bat Habitat Assessment and Surveys: Prior to Project activities that would remove trees or modify buildings or bridges, a Qualified Biologist shall conduct a habitat assessment for bats. A Qualified Biologist shall have: 1) at least two years of experience conducting bat surveys that resulted in detections for relevant species, such as pallid bat, with verified project names, dates, and references, and 2) experience with relevant equipment used to conduct bat surveys. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to the beginning of Project activities.

For tree removal, the habitat assessment shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species, and anthropogenic structures such as buildings, bridges, and culverts). If suitable habitat is found, it shall be flagged or

² CDFW maintains range maps for all terrestrial wildlife species in California, available at <https://wildlife.ca.gov/Data/CWHR/Life-History-and-Range>.

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otherwise clearly marked. Trees shall be removed only if: a) presence of bats is presumed, or documented during the surveys described below, in trees with suitable habitat, and removal using the two-step removal process detailed below occurs only during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified biologist conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices, or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed.

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For modification of buildings or bridges, the Qualified Biologist shall conduct a survey for roosting bats. If roosting bats are detected, a bat avoidance and exclusion plan shall be implemented. The plan shall recognize that both maternity and winter roosting seasons are vulnerable times for bats and require exclusion outside of these times, generally between March 1 and April 15 or September 1 and October 15 when temperatures are sufficiently warm. Work operations shall cease if bats are found roosting within the Project area and CDFW shall be consulted.

III. Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by CDFW or USFWS?

Comment 3: Impacts to Sensitive Natural Communities, Riparian Habitat, Wetlands, LSA Notification and Clean Water Act compliance, Pages 3.3-15, 3.3-28 to 3.3-30, and figure 3.3-3

Issue, specific impacts, why they may occur and be potentially significant: The DEIR identifies that development facilitated by the Project “could have a substantial adverse effect on riparian habitats, other sensitive natural communities, federally protected wetlands, or waters of the United States and/or State, through direct removal, filling, or hydrological interruption” (3.3-28 and 3.3-29), and may impact the streams described above.

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The DEIR does not include mitigation measures to mitigate potential impacts to riparian habitats, sensitive natural communities, wetlands, and waters of the State. The DEIR relies on General Plan policies and on requirements that subsequent Projects, if necessary, obtain an LSA Agreement from CDFW and a water quality certification from the Regional Water Quality Control Board (RWQCB), to ensure that the level of significance would be less-than-significant (3.3-29). In addition, the DEIR cites a Stream

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Conservation Area Ordinance that would provide additional protection to stream and riparian function in unincorporated areas (3.3-30).

The DEIR does not provide certainty that impacts to riparian habitats, sensitive natural communities, wetlands, and waters of the State would be reduced to less-than-significant. Without specific mitigation measures containing performance standards CDFW considers impacts to these resources as potentially significant (CEQA Guidelines, §§ 15065, 15380).

Recommended Mitigation Measures: If impacts to streams, riparian habitat, or other sensitive natural communities may occur, to reduce potential impacts to less-than-significant and comply with Fish and Game Code section 1600 et seq. for LSA, CDFW recommends including the below mitigation measures.

Mitigation Measure BIO-3: LSA Notification and other Resource Agency Permits. The Project shall notify CDFW pursuant to Fish and Game Code section 1600 et seq. using the Environmental Permit Information Management System (see: <https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS>) for Project activities affecting lakes or streams, associated riparian or otherwise hydrologically connected habitat, and any connected wetlands, and shall comply with the LSA Agreement, if issued. Projects shall also obtain and comply with applicable permits from the RWQCB and U.S. Army Corps of Engineers (USACE) pursuant to the Clean Water Act and Porter-Cologne Water Quality Control Act.

Mitigation Measure BIO-4: Habitat Restoration and Compensation. The Project shall implement restoration on-site or off-site to mitigate temporary or permanent impacts to sensitive natural communities, riparian habitat, and wetlands at a minimum 1:1 (restore on-site temporary impacts) or 3:1 (permanent impacts) mitigation to impact ratio for acres and linear feet of impacts, or habitat compensation including permanent protection of habitat at the same ratio through a conservation easement and preparing and funding implementation of a long-term management plan, unless otherwise approved in writing by CDFW.

IV. Editorial Comments and/or Suggestions

Comment 4: Foothill Yellow-Legged Frog Status

The northwest/north coast clade of foothill yellow-legged frog, the only clade occurring near the Project site, is not listed under CESA but is a California SSC.

Please be advised that the LSA Agreement, if issued, would likely include the above recommended mitigation measures, as applicable, in addition to other avoidance and minimization measures to protect fish and wildlife.



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ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

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ENVIRONMENTAL DOCUMENT FILING FEES

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

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CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the Town in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Alex Single, Environmental Scientist, at (707) 799-4210 or Alex.Single@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Erin Chappell

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Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1. Draft Mitigation and Monitoring Reporting Plan

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2022100473)

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REFERENCES

CDFW. 2023. California Natural Diversity Database (CNDDDB) Management Framework. California Department of Fish and Wildlife. Sacramento, CA. Website <https://wildlife.ca.gov/Data/BIOS> [accessed 27 February 2023].

Johnston, D, Tartarian, G, and Poerson, E. (2004). California Bat Mitigation Techniques, Solutions, and Effectiveness. Sacramento, CA.

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ATTACHMENT 1

Draft Mitigation and Monitoring Reporting Plan

Biological Resources (BIO)			
Mitigation Measure (MM)	Description	Timing	Responsible Party
BIO-1	<p><i>Subsequent Project CEQA Evaluation.</i> A procedure or checklist for evaluating subsequent Project impacts on biological resources shall be prepared to determine if the impacts are within the scope of the Program EIR or if an additional environmental document is warranted. Future analysis shall include all special-status species and sensitive habitats including, but not limited to, species considered rare, threatened, or endangered species pursuant to CEQA Guidelines, section 15380.</p> <p>The checklist shall be accompanied by enough relevant information and reasonable inferences to support a “within the scope” of the EIR conclusion. For subsequent Project activities that may affect sensitive biological resources, a site-specific analysis shall be prepared by a Qualified Biologist to provide the necessary supporting information. In addition, the checklist shall cite the specific portions of the EIR, including page and section references, containing the analysis of the subsequent Project activities’ significant effects and indicate whether it incorporates all applicable mitigation measures from the EIR.</p>	Prior to Adopting the Final EIR	Lead Agency
BIO-2	<p><i>Roosting Bat Habitat Assessment and Surveys:</i> Prior to Project activities that would remove trees or modify buildings or bridges, a Qualified Biologist shall conduct a habitat assessment for bats. A Qualified Biologist shall have: 1) at least two years of experience conducting bat surveys that resulted in detections for relevant species, such as pallid bat, with verified project names, dates, and references, and 2) experience with relevant equipment used to conduct bat surveys.</p>	Prior to Ground Disturbance	Project Applicant

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	<p>The habitat assessment shall be conducted a minimum of 30 to 90 days prior to the beginning of Project activities.</p> <p>For tree removal, the habitat assessment shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species, and anthropogenic structures such as buildings, bridges, and culverts). If suitable habitat is found, it shall be flagged or otherwise clearly marked. Trees shall be removed only if: a) presence of bats is presumed, or documented during the surveys described below, in trees with suitable habitat, and removal using the two-step removal process detailed below occurs only during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified biologist conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices, or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed.</p> <p>For modification of buildings or bridges, the Qualified Biologist shall conduct a survey for roosting bats. If roosting bats are detected, a bat avoidance and exclusion plan shall be implemented. The plan shall recognize that both maternity and winter roosting seasons are vulnerable times for bats and require exclusion outside of these times, generally between March 1 and April 15 or September 1 and October 15 when temperatures are sufficiently warm. Work operations shall cease if bats are found roosting within the Project area and CDFW shall be consulted.</p>		
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<p>BIO-3</p>	<p><i>Habitat Restoration and Compensation.</i> The Project shall implement restoration on-site or off-site to mitigate temporary or permanent impacts to sensitive natural communities, riparian habitat, and wetlands at a minimum 1:1 (restore on-site temporary impacts) or 3:1 (permanent impacts) mitigation to impact ratio for acres and linear feet of impacts, or habitat compensation including permanent protection of habitat at the same ratio through a conservation easement and preparing and funding implementation of a long-term management plan, unless otherwise approved in writing by CDFW.</p>	<p>Prior to Ground Disturbance</p>	<p>Project Applicant</p>
<p>BIO-4</p>	<p><i>LSA Notification and other Resource Agency Permits.</i> The Project shall notify CDFW pursuant to Fish and Game Code section 1600 et seq. using the Environmental Permit Information Management System (see: https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS) for Project activities affecting lakes or streams, associated riparian or otherwise hydrologically connected habitat, and any connected wetlands, and shall comply with the LSA Agreement, if issued. Projects shall also obtain and comply with applicable permits from the RWQCB and USACE pursuant to the Clean Water Act and Porter-Cologne Water Quality Control Act.</p>	<p>Prior to Ground Disturbance</p>	<p>Project Applicant</p>

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Letter A3 Response **Erin Chappell, Regional Manager, Bay Delta Region, California**
Department of Fish and Wildlife (CDFW)
April 27, 2023

- A3-1 The comment cites factual information about CDFW’s role as a Trustee Agency and as a Responsible Agency. The project is then briefly described. No further response is necessary.
- A3-2 If development is proposed on properties that may contain ephemeral streams, a Lake and Streambed Alteration Agreement may be required by CDFW. No further response is necessary.
- A3-3 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- A3-4 The Draft EIR determined that impacts to biological resources would be less than significant, and no mitigation is required. Jurisdictions are already required to evaluate development proposals for subsequent CEQA evaluation. It is possible that the General Plan 2040 EIR may be used as an overarching evaluation of environmental impacts, but it does not preclude a jurisdiction from further evaluating specific development proposals or site-specific impacts. No mitigation is added to the General Plan 2040 EIR.
- A3-5 Please see response to Comment A3-4.
- A3-6 Please see response to Comment A3-4.
- A3-7 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- A3-8 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- A3-9 In compliance with State law, the Town of Tiburon will pay appropriate environmental document filing fees for the General Plan 2040 EIR.

Tiburon, May 1, 2023

Dina Tasini, Director
Town of Tiburon Department of Community Development
1505 Tiburon Boulevard
Tiburon, CA 94920

Email: dtasini@townoftiburon.org

Dear Ms. Tasini,

Thank you for the opportunity to review and submit comments on the Town of Tiburon Draft General Plan 1940, a long-range policy document that guides future development and conservation related to a multitude of aspects of the town.

This comment letter, written on behalf of the Marin Chapter of the California Native Plant Society (CNPS), is limited to the protection of one of Tiburon’s several open space parcels – the **Middle Ridge Preserve**. This preserve is the biologically most valuable open space due to its serpentine substrate that support a diminishing (in California) native grassland community and plant species protected under ESA (Federal Endangered Species Act), CESA (California Endangered Species Act), and CNPS regulations.

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Middle Ridge Open Space Parcel

The DEIR for the General Plan 2040 states that the “*General Plan 2020 addresses the Town’s existing biological resources and institutes resource protection measures in several chapters. The Open Space, Parks, and Recreation Chapter preserves existing resources by requiring development proposals include environmental assessment on sites that may contain sensitive biological resources, including wetlands, occurrences of special-status species and sensitive natural communities..... The Conservation Chapter aims to preserve and improve the quality of the environment through resource restoration and conservation, management, and pollution control*” (emphasis added). (Municipal Code (Codified Ordinances); 3- Open Space and Conservation Element)

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An updated General Plan’s analysis should not only identify potential direct and indirect impacts to biological resources from “*construction, operation and maintenance activities related to future development,*” but should, in our opinion, include damage done by other activities, and rectify the transgressions that have occurred to rare and unusual vegetation, while the General Plan 2020 has been operational. The most important actions in regard to the Middle Ridge that should be included in the General Plan 2040 are:

- **Elimination or control of commercial dog-walking;**
- **Removal and control of a recently introduced, invasive plant species – Tower of Madeira**

Commercial Dog-walking

After striving to maneuver and comprehend the various chapters of the Tiburon Municipal Code regarding dogs, I am unable to reach a conclusion about what the Town permits. I have annotated the sections and paragraphs from the Municipal Code and the various ordinances below. ((Ord. No. 505 N.S., § 2 (part)); (Ord. No. 519 N.S., § 4E., 3-17-2010; Ord. No. 544, § 3A, 6-19-2013; Ord. No. 595 N.S., § 3A, 2-16-2022)

"Town open space" means any town-owned public place that is protected from development by state or local law, easement, grant deed or other legally binding instrument. Town-owned public places include land that the town owns outright or in which the town holds an easement, leasehold, or other real property interest. Town open space lands are generally zoned "OS—Open Space" on the Tiburon Zoning Map." **The Middle Ridge Open Space (MR) parcel is such an area.**

"Trail" means a readily-identifiable and often incised unpaved passageway in town open space that is generally single-track and generally allows users to walk not more than two abreast. Trails are not permitted to have vehicles on them and are generally not more than two to three feet wide. **Social trails up to 18 feet wide have been created on the MR parcel.**

"Public place" means any and all areas that are open for public use whether or not such area is in public or private ownership. The term "public place" as used in this chapter shall include, without limitation and without regard to whether such property is publicly or privately owned, streets, sidewalks, pathways, parks, pedestrian ways, schoolyards, beaches, and parking lots. **The MR parcel is such an area.**

"Biologically sensitive area" means an area where biologically sensitive flora or fauna are known or believed to exist, and which is identified by appropriate signage or other demarcation as an area not to be entered." **The MR parcel has signs to such areas that have been ignored.**

"Commercial district" means any property zoned for commercial and/or office uses as set forth on the town of Tiburon zoning map pursuant to title IV, chapter 16, of the Code." **The MR is shown as an OS on the map.**

"Dog" means any animal that is a member of species canis familiaris four months old or older. **A myriad of dogs is walked and exercised several times a day, urinating and defecating (not always picked up) in the grassland.**

"Dog license" means the license required to be annually issued for each individual dog. **Does this apply to the dogs being walked on the MR parcel? If so, how is the requirement monitored?**

"Dog running at large" means a dog that is not under the immediate control and direction of a competent, responsible person who is capable of controlling the dog. **Commercial dog-walkers with six dogs - three off leash – are not capable of**

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controlling the dogs as they wander into the grassland next to trails and the fire road in a wide-open grassland environment (pers. observation).

"Dog walker" means a person who brings more than three dogs into a public place at any one time. **All (or most) dog-walkers bring more than three dogs as six dogs are allowed, according to the sign at the entrances to the fire road. In most cases, dogs are brought to the preserve two times a day. The sign doesn't specify how many dogs are allowed off-leash.**

"Dog walking permit" means a permit issued by the Tiburon Public Works Department authorizing a dog walker to walk a maximum of six dogs at any one time on town open space. Permits will be valid for one year from the date of issuance. **Are these permits renewed every year? How did the Town arrive at "six dogs allowed" when this rule was established?**

"Fire road" means a readily identifiable and generally twin-track or graded passageway in town open space capable of providing vehicular use, specifically for emergency and maintenance vehicles. Fire roads are generally at least eight feet wide. **The Hacienda fire road is a distinct and well-worn, 8-10-foot-wide fire road that makes an open-ended loop on the MR parcel. All wide social trails created in the sensitive grassland and along the bluff (escarpment) have been created through commercial dog-walking.**

"Identification vest" means a numbered vest issued by the Tiburon Public Works Department to dog walking permit holders." **Most dog-walkers wear a vest; however, some walkers do not and likely lack a permit from the Town.**

"Licensed dog" means any dog for which the license for the current year has been issued and to which the tag is properly displayed." **Do all dogs being walked on the MR parcel need to be licensed each year? If so, who checks this requirement?**

"It's unlawful for the owner/guardian or person having control of any dog to permit the dog to run at large in any public place, including without limitation, parks, school grounds, commercial districts, wildlife preserves or game refuges, or in any public watershed area; *except where the town council by ordinance or resolution has specifically permitted dogs to run at large* (emphasis added); and where signs acknowledging such permission have been erected by the town. Every dog found running at large in violation of the provisions of this section shall be immediately seized and impounded. Any duly authorized peace officer or person exercising peace officer powers shall be entitled to such action as may be reasonably necessary for the protection of public health and safety. **It is not clear what the Town has permitted in terms of dogs running at large on the MR parcel. This needs to be clarified and posted at the beginning of the fire road, i.e., has the Town council by ordinance or resolution specifically permitted dogs to run at large on the MR parcel?**

I was instrumental in recommending issuance of a "Dog Ordinance" (Ord. No. 505 N. S.), a local law adopted by the Town Council in 2016, but it has become evident during my present review and research that an ordinance controlling **professional dog-walking** on the Middle Ridge does not exist. 'No

O1-3
cont

enforcement' of an "ordinance" has resulted in impacts to the Middle Ridge's sensitive serpentine grassland community and some of its rare plant species. Dog-walkers with six dogs have NOT stayed on the Hacienda fire road as stipulated (Ord. No. 595 N.S.; 20-2.160), but instead have created 10-16-foot-wide "highways" throughout the grassland. The Federally and State-listed Marin Dwarf Flax (*Hesperolinon congestum*) is no longer present in the sparse grassland, likely due to dogs continuously trampling its habitat.

O1-3
con't

I have learned that five or six dog-walkers' permits have been issued to owners of **companies** that employ dog-walkers (Pat Pickett, pers. comm.). I was also told that there is *no restriction* on the number of employees (dog-walkers) a company can have! In the biological world, the term "carrying capacity" is used to refer to how many animals, for ex., an area can sustain. Such a concept applied to the Middle Ridge and its vegetation by dogs is not possible; however, the destruction of vegetation, the wide trails that used to be 2-foot-wide footpaths, the disappearance of the Marin Dwarf flax, and impacts to the Federal and State-listed species, Tiburon paintbrush (*Castilleja affinis* ssp. *neglecta*), Tiburon jewel flower *Streptanthus glandulosus* ssp. *niger*), and Tiburon buckwheat (*Erigonum luteolum* ssp. *caninum*), a plant considered rare and endangered by CNPS, are all signs of habitat degradation due to overuse by permitted dog-walkers and their dogs. This trend must be reversed!

It should be mentioned that in the last couple of years, invasive vegetation has been removed by the Tiburon Public Works Department (PWD) and within the last three months, the PWD has put up temporary signs (a wooden stake and a plastic-covered picture of the Tiburon jewel flower) reminding dog-walkers that they need to stay on the fire road. However, the signs were immediately knocked down (but restaked) and the message portion was either ripped apart by angry dog-walkers or perhaps damaged in the very strong winds a month ago.

O1-4

Although the DEIR for the General plan 2040 repeatedly refers to sensitive "habitats" and "special-status species" and their protection (for ex.- The California Department of Fish and Wildlife (CDFW) considers sensitive natural communities to have significant biotic value, with species of plants and animals unique to each community), there is no mention of protecting the Middle Ridge that exhibits both features, from dogs handled by permitted dog-walkers.

CNPS believes that allowing and supporting commercial interests on a Town of Tiburon Open Space parcel has not been in accordance with the 2020 General Plan's intention (protecting sensitive biological resources, including wetlands, occurrences of special-status species and sensitive natural communities) and should not be part of the General Plan 2040. Instead, an official dog park needs to be created in Tiburon.

The goal, as expressed in GOAL OS-B in the Draft General Plan 2040 (10.5 GOALS, POLICIES, AND PROGRAMS) to "*Permanently preserve as much open space as possible to protect shorelines, open water, wetlands, significant ridgelines, streams, drainageways, riparian corridors, steep slopes, rock outcroppings, special status species and their habitat, woodlands, cultural and historic resources, and areas of visual importance, such as views of and views from open space*" cannot be reconciled with professional dogwalking.

O1-5

The Middle Ridge Open Space parcel should be off-limits for commercial interests such as professional dog-walking. If not deemed feasible, a rigorous ordinance or separate section of one needs to be created and enforced by the Tiburon Police Department.

Recommendations:

CNPS proposes that the following actions be included in the **General Plan 2040**:

- **Creation of a dog park;**
- Creation of a stringent **dog ordinance** applicable to the Middle Ridge Open Space parcel with its sensitive vegetation, if a dog park is deemed infeasible;
- Evaluation of unrestricted use by dog-walkers from all over the County. The **number of permits issued** by the Town, as well as the **number of employees allowed** under a single permit, must be limited. A reputable source for evaluating such data should be required;
- **Revision** of the language in section 20-2.160*wildlife preserves or game refuges, or in any public watershed area for the protection of public health and safety.* –_to include ***open space preserves that support rare, threatened, and endangered plant species.***
- **Enforcement** of a dog ordinance by the Tiburon Police Department or other entities. (What good is an ordinance without enforcement?) The police department now has an officer, who patrols Gilmartin Drive on a motorcycle (pers. comm. with officer). It seems plausible that he could occasionally also survey the entire fire road to observe potential lawbreakers. If there is occasional police presence, word will spread that it is not OK to break rules outlined in a potential ordinance.
- Considering **hiring a ranger** like Marin County Parks personnel, who could oversee the use and abuse by dogs (dog owners) throughout green areas in Tiburon such as the Middle Ridge, Blackies pasture, McKegney Green, et al.

O1-5
con't

Invasive Plant

As a botanist and Tiburon resident, I have been involved over the last several decades in weed removal on the Middle Ridge open space parcel. At the time of the publication of the *Town of Tiburon Vegetation Management Plan* (LSA 2010), of which I was a co-author, **Tower of Madeira (*Echium candicans*, syn. *E. fastuosum*)** had not yet become the invasive shrub it is today. Presently, there is hardly a public or private street or property in Tiburon that doesn't support large individuals or colonies of this extremely invasive plant. Each up to 8-foot-tall and wide shrubs has thousands of flowers developing into viable seeds.

I have on several occasions spoken about its rampant spread all over Tiburon (and other areas of Marin County) with David Eshoo of PWD and have also addressed the POST commission about the invasiveness and threat to native vegetation of this species. It has spread up Gilmartin Drive, likely from the planting in the CalTrans right-of-way along Tiburon Boulevard, and is now part of ornamental plantings at the upper portion of Gilmartin, adjacent to the Middle Ridge open space parcel. The spread onto the Middle Ridge was noted in about 2018 and was addressed in the later vegetation management publication (LSA 2019?). The PWD removed a large stand on the bank of lower Gilmartin a few years ago; however, shrubs in the same area have come back and need removal.

O1-6

Control on Middle Ridge Open Space

CNPS proposes that homeowners with land adjacent to open space in general, and the Middle Ridge in particular, be notified and required to remove Tower of Madeira plants on their properties. Several of the homes along the north-northwest side of Gilmartin have large shrubs, whose seeds/seedlings have spread onto the preserve. (I alerted PWD that jubata grass has also spread onto the preserve in one location and must be removed.) It appears that if no action is taken by the property owner after a Town notice, the PWD MUST remove the mature shrubs presently growing on the preserve and be required to keep the Middle Ridge parcel free of this species in perpetuity.

Recommendation:

The General Plan 2040 should include a **mandate to keep Tower of Madeira (*Echium candicans*) from invading the Middle Ridge preserve.**

Sincerely yours,



Eva Buxton
Botanist
Conservation & Invasive Species Chair
California Native Plant Society, Marin Chapter
415 215-1774



O1-6
con't

Town of Tiburon

General Plan 2040 EIR

Letter O1 **Eva Buxton, Marin Chapter of the California Native Plant Society**
Response **(CNPS)**
 May1, 2023

- O1-1 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- O2-2 As explained in CEQA Guidelines section 15002(a)(1), the purpose of CEQA is to, "Inform governmental decision makers and the public about the potential, significant, environmental effects of proposed activities." CEQA Guidelines section 15064(d)(3) further explains that, "An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable." It is not the purpose of CEQA to rectify previous environmental impacts unless the proposed project could foreseeably contribute to such impacts. The Draft EIR Biological Resources analysis describes ways in which the General Plan 2040 may affect biological resources, including sensitive habitats. Please see Section 3.3, Biological Resources for a full discussion.
- O3-3 The comment refers to enforcement of various parts of the Tiburon Municipal Code. This comment does not refer to the adequacy of the Draft EIR. Additionally, an EIR need not identify all speculative activities that could occur. Environmental analyses necessarily assume that existing laws, such as remaining on marked trails and not trespassing or littering, are followed. Assuming that people will disobey the law and behave in a manner contrary to established regulations would be speculative. The comment is noted and will be forwarded to the decision makers for consideration.
- O3-4 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. Please also see response to Comment O3-3. The comment is noted and will be forwarded to the decision makers for consideration.
- O3-5 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- O3-6 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



Christina Erwin <cerwin@denovoplanning.com>

Fwd: I am opposed to ruining our neighborhood!!

1 message

Dina Tasini <dtasini@townoftiburon.org> Thu, Apr 13, 2023 at 8:54 AM
To: Christine O'Rourke <christine.o@comcast.net>, Christina Erwin <cerwin@denovoplanning.com>

FYI
Sent from my iPhone
Begin forwarded message:

From: Ilkcan Cokgor <[REDACTED]>
Date: April 13, 2023 at 8:16:02 AM PDT
To: Dina Tasini <dtasini@townoftiburon.org>
Subject: I am opposed to ruining our neighborhood!!

You don't often get email from [REDACTED]. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Tasini,

Paradise drive is already full of bicycles, cars, people and one lane only road which is dangerous due to multiple curves. I understand for some insane reason (most likely making more money) town of Tiburon will be building 90 unit property there. This means 400 extra people and cars and bicycles. This means more pollution, more accidents, more dirt, more, crowd and more insanity in our lives.

11-1

WE are humans and already pay extremely outrageous prices to live in Paradise drive. UNless you will drop our living costs, you don't have any right to cause us a sardine living style. This is should not be just because you guys " want a different place to build buildings". YOu should stop building more and mote in Tiburon altogether.

11-2

I am opposed to your new development!!!

Ilkcan Cokgor, MD
[201 Taylor rd, Tiburon](#)



Town of Tiburon

General Plan 2040 EIR

Letter I1 **Ilkcan Cokgor, MD**
Response April 13, 2023

I1-1 The Paradise Drive parcel (4576 Paradise Drive, APN 038-142-02) was identified in the Housing Element of the General Plan 2040 as a location where increased housing density could be provided. The Town of Tiburon, however, is not proposing a specific housing project on that parcel nor is it currently processing a development application for that site. The purpose of the Housing Element is to plan for how a city or county will grow and address changing needs for development.

The Town met with the property owner in August 2022 and January 2023 who expressed interest in redeveloping the site with housing if the Town would allow residential use on the site at a sufficient density. The site will be rezoned to allow multifamily residential use with a minimum density up to 10 du/ac pursuant to Program H-II. The property owner's interest and underutilized nature of the parcel makes this site suitable for redevelopment during the planning period. Based on a minimum density of 10 du/ac, the site is projected to yield a minimum of 93 above moderate income units after deducting the existing two houses.

The environmental impacts of developing this parcel were analyzed and disclosed in the Draft EIR, including potential impacts to transportation and circulation, safety, and air quality.

I1-2 This comment is not a comment on the adequacy of the Draft EIR. The comment will be forwarded to the decisionmakers for consideration.



Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:20 PM

From: Anne Libbin <[REDACTED]>
Sent: Thursday, April 27, 2023 11:37 AM
To: Dina Tasini <dtasini@townoftiburon.org>
Subject: Re: Paradise Drive housing

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I should have added my full name and address

Anne Libbin

[18 Mateo Dr, Tiburon, CA 94920](#)

On Thu, Apr 27, 2023 at 11:34 AM Anne Libbin <libbin18@gmail.com> wrote:

I support the proposal to add housing to the acreage at [4576 Paradise Drive](#). With 225 or so houses in Paradise Cay, this is already a fairly densely developed suburban area. [4576 Paradise Drive](#) is the only arguably rural pocket in the area.

However, given the steep slopes on parts of the acreage at [4576 Paradise Drive](#), I suspect that the Town is being disingenuous with the state in attributing 90+ houses to the site. If the Town expects to get state approval of its housing element, there needs to be an explanation of how that much housing could go on that site, or else a more realistic number.

Thanks

Anne

--

Sent from Gmail Mobile

I2-1

Town of Tiburon

General Plan 2040 EIR

Letter I2 **Anne Libben**
Response April 27, 2023

I2-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



Christina Erwin <cerwin@denovoplanning.com>

FW: NO to 90 Units on Paradise Drive

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:15 PM

From: Annie Bilder <[REDACTED]>
Date: April 14, 2023 at 12:09:21 AM EDT
To: Dina Tasini <dtasini@townoftiburon.org>
Subject: NO to 90 Units on Paradise Drive

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I have owned my home on Paradise Drive for over 30 years. Between the parents in a hurry to collect and deposit kids at school, kids driving their parents expensive cars way too fast, adults putting fancy cars through their paces, the hot rod-ers who have confused Paradise Drive for a speedway, the ever-present bike riders, the people in a hurry to pass same bike riders, the multitude of large construction vehicles, and the many, many, many blind driveways, it is a miracle that there have not been more horrific accidents on this narrow windy, windy road. Adding more homes means not only more cars for the homeowners, but for the people they employ, have visit them etc. etc. This road is already very dangerous. It will be made even more treacherous by guaranteeing a significant influx of cars traveling on it. I am strongly opposed to the addition of 90 units.

Annie Bilder
4726 Paradise Drive

I3-1

Town of Tiburon

General Plan 2040 EIR

Letter I3 **Anne Bilder**
Response April 14, 2023

I3-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



Christina Erwin <cerwin@denovoplanning.com>

FW: 4576 Paradise Drive

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:16 PM

From: Anthony Vidergauz <[REDACTED]>

Date: April 17, 2023 at 12:12:17 AM EDT

To: Dina Tasini <dtasini@townoftiburon.org>

Subject: 4576 Paradise Drive

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Dear Dina,

I live on Paradise Drive close to the proposed development of a 93 unit low/moderate income housing project. I am absolutely appalled about this development on our otherwise quiet, safe and beautiful neighborhood. It is unconscionable that this could happen and the dire consequences it will entail for the residents on and around Paradise Drive. 93 units means a possible 180 to 200 cars, not to talk of visiting guests with the associated traffic, noise and safety concerns on a windy road filled with cyclists and school traffic. Respectfully, this is about as thoughtless and unfair a proposal as one can imagine.

I4-1

One would assume there are other more suitable sites and I sincerely hope you and the planners will reconsider and dramatically change course on this outlandish proposal.

Sincerely,

Anthony Vidergauz

Town of Tiburon

General Plan 2040 EIR

Letter I4 **Anthony Vidergauz**
Response April 17, 2023

I4-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



Christina Erwin <cerwin@denovoplanning.com>

FW: 4576 Paradise Drive

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Mon, May 1, 2023 at 10:49 AM

-----Original Message-----

From: Barbara Velasquez <[REDACTED]>
Sent: Saturday, April 29, 2023 6:59 AM
To: Town <town@townoftiburon.org>
Subject: 4576 Paradise Drive

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Tiburon council members,

As long time residents of Paradise Cay and Tiburon we are opposed to the proposed development of 4576 Paradise Drive for the purpose of multi unit high density housing.
We are opposed to this development due to short term and long term environmental impacts specifically air contaminants and traffic congestion.

Sincerely,
Barbara and Gary Velasquez

I5-1

Town of Tiburon

General Plan 2040 EIR

Letter I5 **Barbara and Gary Velasquez**
Response April 29, 2023

I5-1 The potential air quality effects of the General Plan 2040 are addressed in Section 3.2, Air Quality of the Draft EIR. Please see Master Response – 4576 Paradise Drive.



Christina Erwin <cerwin@denovoplanning.com>

FW: Opposing 4576 Paradise Drive planned development

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Mon, May 1, 2023 at 4:40 PM

From: Brad Hoover <[REDACTED]>
Sent: Monday, May 1, 2023 12:53 PM
To: Town <town@townoftiburon.org>
Subject: Opposing 4576 Paradise Drive planned development

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To whom it concerns,

I'm writing to express our opposition to the planned development at [4576 Paradise Drive](#). High density housing in this location presents two insurmountable issues:

- 1. Safety: Paradise drive is already too narrow and underdeveloped for the current footprint. As an avid biker, the stretch of Paradise drive between Paradise Cay and Trestle Glenn is quite dangerous, and adding significant additional traffic to this road isn't an option.
- 2. Environmental impact: Wildlife in this area will be impacted (including Blue Heron nesting ground), not to mention the runoff into the bay given the steep slopes.

I6-1

I6-2

If you'd like to discuss please let me know, and keep me informed on any developments.

Thanks,

Brad Hoover

Town of Tiburon

General Plan 2040 EIR

Letter I6 **Brad Hoover**
Response May 1, 2023

- I6-1 A roadway operational analysis of Paradise Drive has not been prepared as there is no specific development proposal for 4576 Paradise Drive. Therefore, it is premature to speculate exactly how much vehicle volume could be added to adjacent roadways and the interactions between vehicles and bicyclists. Please see Master Response – 4576 Paradise Drive.
- I6-2 Potential environmental effects on biological resources are discussed in Section 3.3, Biological Resources of the Draft EIR. The potential for stormwater runoff and changes to hydrology are discussed in Section 3.9, Hydrology and Water Quality of the Draft EIR. In both cases, site-specific environmental analyses for the 4576 Paradise Drive site have not been performed as there is not a specific project proposed for that site. Further environmental review may be needed for that particular site prior to development. Please see Master Response – 4576 Paradise Drive.



FW: Strong NO for to 90 Unit Development at 4576 Paradise Drive

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:17 PM

From: Brooke Kruger <[REDACTED]>

Date: April 17, 2023 at 2:03:56 PM EDT

To: Dina Tasini <dtasini@townoftiburon.org>

Subject: Strong NO for to 90 Unit Development at 4576 Paradise Drive

Hi Dina,

We are Tiburon residents and live on 4690 Paradise Drive. I strongly oppose the 90 Unit Development at 4576 Paradise Drive.

This is a huge safety concern for the residents, children, drivers and cyclists. There is not an infrastructure set up to support this development. It will be a safety hazard for all around as well as cause a terrible environmental impact to the area.

We are very unhappy about this development and the danger it will put our family and neighbors in. Please say NO to 4576 Paradise Drive.

Thank you,

Brooke Kruger

415 308 6320.

17-1

Town of Tiburon

General Plan 2040 EIR

Letter I7 **Brooke Kruger**
Response April 17, 2023

I7-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



Christina Erwin <cerwin@denovoplanning.com>

FW: Housing Proposal for 4576 Paradise Drive

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:19 PM

-----Original Message-----

From: brucemunro <[REDACTED]>
Sent: Tuesday, April 25, 2023 12:26 PM
To: Town <town@townoftiburon.org>
Subject: Housing Proposal for 4576 Paradise Drive

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To the Tiburon Town Council:

It is my understanding that you are considering the approval of a proposed housing plan at 4576 Paradise Drive that would include 90 new housing units and associated parking facilities. My wife and I live at 217 Jamaica St. in Paradise Cay. We are totally opposed to this plan for additional housing at this location. It is our understanding that 4576 Paradise Drive is within the town of Tiburon and borders on Paradise Cay which is not within the town's boundaries. Never the less, we are directly affected by this decision because of its close proximity to our property and the access to Paradise Cay on Paradise Drive.

18-1

The site in question is hilly and semi-rural property as is much of Southern Marin County. 90 new housing units at this site would destroy this environment and dramatically impair the desirability of this neighborhood . Also, the only access to this property and our property is via Paradise Drive. Paradise Drive is very a very winding roadway that attracts many bike riders. We see them all the time and avoiding them is a challenge. The increased traffic that would result on Paradise Drive from this property would increase the danger to the bike riders and ourselves. We strongly request that you reject this proposal as out of character to our neighborhood and unsafe for vehicular and bike traffic.

18-2

Bruce and Lynne Munro
217 Jamaica St., Tiburon

Town of Tiburon

General Plan 2040 EIR

Letter I8 **Bruce and Lynne Munroe**
Response April 25, 2023

18-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.

18-2 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.

CESARE ROTUNDO

151 Trinidad Drive – Tiburon, CA | (650)504-2355 | cesarer@gmail.com

May 1, 2023

Ms. Dina Tasini
Director of Community Development
Town of Tiburon

CC: Town of Tiburon, Paradise Cay Homeowner Association Board

Dear Ms. Dina Tasini:

As California residents, we realize the need for more affordable housing, especially in a town like Tiburon, 99% more expensive than the national average and 45% more expensive to live in than the average city in California.

At the same time, we can't ignore the impact on the specific population and orographic characteristics of proposed development projects, and we count on your responsibility in Community Development, rather than housing project development, to consider these dimensions.

Your actions will no doubt have an impact on the real estate value, on the environment, and may disrupt what makes the Tiburon Community the place we all chose to live in. Those are all elements to be considered in your choice, however I'd like to report a specific item that may not be apparent by just looking at numbers: our life and health.

Paradise Drive is a road carved on the side of the mountain. Given its connective nature, the 1.5 mile Tiburon section between Trestle Glen Blvd and Corte Madera is particularly dangerous. As residents, we walk, run, bike and drive it every day, sharing it with many others. Hundreds bike it for leisure, especially during the weekend. My son bikes it almost every morning to the Tiburon ferry to get to his college in San Francisco. It's a series of blind turns and there is no space for cars to pass even a bike or a pedestrian. Accidents are frequent, and near-accidents are a daily occurrence.

The planned development on 4576 Paradise Drive is right in the middle of that segment. Adding 90 families, hence likely 180 cars, is going to require expansion of at least that 1.5 mile Paradise Drive stretch, which should include bike lanes, possibly two lanes for each direction. Failing to do that will surely cause traffic standstill during peak times and weekends; most importantly it will increase the number of accidents exponentially and possibly involve deaths.

In short, we see providing permits to build 90 units without considering the feasibility of a Paradise Drive widening project as irresponsible, since it impacts our health and safety as well as that of all families impacted. Such road widening project should include at a minimum:

I9-1

I9-2



- Removal of existing retaining walls and construction of new retaining walls (with drainage) set further into the hillside above and/or below Paradise Drive
- Curb and gutter
- Bike and pedestrian lanes
- Safety guardrails
- Drainage facilities, striping, signage and concrete barriers throughout the project's length
- Environmental impact of the project

19-2
con't

Please let us know whether you're planning for such a project assessment in the context of your evaluation of the 4576 Paradise Drive development evaluation, and eventually complete the road expansion project before any construction work starts. As someone that experiences that 1.5 stretch every day, I can't stress enough how dangerous is having hundreds more cars competing for the current blind asphalt strip every day will be.

I feel it's my responsibility to inform you and the Town of Tiburon of the possible consequences of your decisions. Should an accident occur to anyone on my family, in lack of consideration for a Paradise Drive widening project, I'll consider you and the Town liable for any damages, and pursue legal action. I've also proposed to retain legal counsel to Paradise Cay (where I reside) in case the project is approved, so that our families can collectively be better prepared to front health emergencies. Please do not see this as a threat, but as a strong recommendation to evaluate a Paradise Drive enlargement as part of your evaluation before unintended, yet clearly foreseeable, consequences happen, and a measure to save lives.

19-3

I'd also strongly recommend you and other decision makers involved drive that 1.5 mile stretch around school opening and closing time, and on a Sunday morning.

Finally, I've heard that the Town would like to avoid concentration of housing close to the town center. While I can see why the State is trying to distribute affordable housing across the territory and avoid concentration, I think that locating 90 families on a mountain road, forcing them to drive to get to any other form of transportation, is not aligned with the spirit of the mandate.

19-4

Sincerely,



Cesare Rotundo

Letter I9 **Cesare Rotundo**
Response May 1, 2023

- I9-1 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I9-2 Please see Master Response – 4576 Paradise Drive.
- I9-3 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I9-4 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: NO to 4576 Paradise Drive

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:17 PM

From: Jim.Morrone [REDACTED]
Date: April 17, 2023 at 3:03:07 PM EDT
To: Dina Tasini <dtasini@townoftiburon.org>
Cc: [REDACTED]
Subject: NO to 4576 Paradise Drive

Dina,

We are Tiburon residents and live at [1 Antonette Drive](#), just off Paradise Drive near Paradise Cay. We just only today heard about a proposed 90 Unit Development at [4576 Paradise Drive](#), and were shocked to learn that this is under consideration. The area of Paradise Drive is a residential area with a very windy two-lane road in and out of the area. The proposed development is roughly at the halfway point between Trestle Glen and Redwood Highway, and would create a great deal of additional traffic on an already difficult road. We think this would create unacceptable additional safety concerns for residents and the many cyclists who frequently utilize this road, not to mention the children and other drivers. The infrastructure on the backside is simply not sufficient, nor can it be due to the landscape, to support this type of development. It will be a safety hazard for all around as well as cause a terrible environmental impact to the area.

I10-1

We are very unhappy about this development and the danger it will put our family and neighbors in. Please say NO to [4576 Paradise Drive](#).

Thank you,

Courtney Fitzpatrick and Jim Morrone

(415) 559-8639 and (415) 516-2559

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Letter I10 **Courtney Fitzpatrick and Jim Morrone**
Response April 17, 2023

I10-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



Christina Erwin <cerwin@denovoplanning.com>

FW: proposed 90 unit development at 4576 Paradise Drive

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:15 PM

From: Daniel Edelman <[REDACTED]>
Date: April 13, 2023 at 8:02:18 PM EDT
To: Dina Tasini <dtasini@townoftiburon.org>
Subject: proposed 90 unit development at 4576 Paradise Drive

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Dina Tasini,

We are owners of a home on this stretch of Paradise Drive - the immediate area above and adjoining Paradise Cay. My parents moved here in 1978, so I am familiar with the community, traffic and changes over that 45 year period.

The winding nature of Paradise Drive, with blind curve after blind curve, home to bicycle riders each and every day, with no room for passing vehicles, and a fragile infrastructure is not a safe place for increased density of housing or the accompanying increase in traffic.

I taught my son to drive in Corte Madera and Tiburon, and the return trip home was the most challenging for him, as it often is for me despite decades of driving experience.

This is a very peaceful, nature- and wildlife- filled part of our town. There are other sites that can better accommodate these housing needs, where increased density, stress on infrastructure and threat to safety would be marginal.

Thank you for considering our concerns.

Yours,

Daniel Edelman

I11-1

Letter I11 **Daniel Edelman**
Response April 13, 2023

I11-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



Christina Erwin <cerwin@denovoplanning.com>

FW: Development of 4576 Paradise Drive

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Mon, May 1, 2023 at 4:39 PM

From: David Paulsen <[REDACTED]>
Sent: Monday, May 1, 2023 2:52 PM
To: Town <town@townoftiburon.org>
Subject: Development of [4576 Paradise Drive](#)

We are very concerned about the wide range of problems (e.g., air quality, water supplies and treatment, traffic issues) that may be caused by the development of [4576 Paradise Drive](#). As of now, we are opposed to the development until these and other problems are resolved.

I12-1

David and Sally Paulsen

75 Trinidad Drive

Letter I12 **David and Sally Paulsen**
Response May 1, 2023

I12-1 The comment generally expresses concerns regarding air quality, water supplies and treatment, and traffic issues, specifically as they relate to development of 4576 Paradise Drive. Although the comment is nonspecific, these topics are addressed in the following sections of the Draft EIR: 3.2, Air Quality; 3.14, Transportation; and 3.15, Utilities and Service Systems. Please also see Master Response – 4576 Paradise Drive.



FW: 4576 Paradise Drive proposed development

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:15 PM

From: "David W. Parke II MD" <[REDACTED]>
Date: April 13, 2023 at 7:48:17 PM EDT
To: Dina Tasini <dtasini@townoftiburon.org>
Subject: **4576 Paradise Drive proposed development**

Dear Ms. Tasini:

I live at [23 Old Landing Road](#) in Tiburon, off Paradise Drive just south of its intersection with Trestle Glen Blvd. I'm writing to express some concerns about the proposed 90+ unit development at [4576 Paradise Drive](#).

I certainly understand and support the need for adequate housing in parts of Marin County. And I understand that the site could support some housing. My concern is one of Paradise Drive itself and the impact of significantly increased construction and ultimately residential traffic.

Paradise Drive is itself a wonderful road, carved in many places into the hillside. It is already too heavily used at times for the challenges inherent in a winding road without in most places any guardrails. In my decade-plus of living on this road, I've been witness to far too many accidents and near-accidents around corners that simply don't safely permit a speed over 15 miles an hour (for most cars and drivers), near intersections with limited visibility (including the one at Old Landing Road), and most significantly between cars and bicycles. As you probably are aware, bikes are a big issue on Paradise, particularly on weekends and in the summer. People come from all over the Bay Area to bike there, and it is part of the charm and attraction of our town. As a physician, I've treated more than one person whose bike went down on Paradise Drive. With increased traffic I fear we will see more such accidents brought on by increased car traffic.

I hope that the Town of Tiburon will appropriately weigh in the issues of roads and safety in its assessment of alternatives. It will impact not only Paradise Drive but even the intersection of Trestle Glen and Tiburon Blvd. Surely there are less potentially dangerous alternatives.

Thank you for your consideration.
--David Parke

I13-1

David W. Parke II MD

CEO Advisor

American Academy of Ophthalmology
655 Beach Street, San Francisco, CA 94109

O: +1 415.561.8500

dparke@aao.org | aao.org



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Town of Tiburon

General Plan 2040 EIR

Letter I13 **David Parke**
Response April 13, 2023

I13-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: Paradise Drive Units

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:19 PM

From: deborah decomo <[REDACTED]>
Sent: Wednesday, April 26, 2023 12:27 PM
To: Dina Tasini <dtasini@townoftiburon.org>
Subject: Paradise Drive Units

Dear Dina,

It is obvious that Tiburon needs to add more housing. In fact, we have tried to build an ADU at [4579 Paradise Drive](#) for 4 years and have had nothing but delays.. One reason has been that when I started working on the unit Tiburon was not cooperating and then there was a change in personnel.

Paradise Drive cannot handle the traffic and congestion that 93 units would cause but 20 units may be more desirable. In fact I live right across the street (4579 paradise) from Mr. Crandall (4576 paradise) and would split my lot and build two units immediately. The ferry is downtown and seems like the perfect spot but why not build 50 units in the town and cooperate with homeowners on 20 units and allow Mr. Crandal to build 20 units. I do not understand how he can propose 93 units on three acres when I cannot get approval to build one or two units on one acre?

114-1

Deborah DeComo

[4579 Paradise Drive](#)[Tiburon, California](#)

415-515-9655

Town of Tiburon

General Plan 2040 EIR

Letter I14 **Deborah DeComo**
Response April 26, 2023

I14-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



Christina Erwin <cerwin@denovoplanning.com>

FW: Comments on the Draft General Plan

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:17 PM

From: Dorene Curtis <[REDACTED]>
Sent: Wednesday, April 19, 2023 1:56 PM
To: Jack Ryan <jryan@townoftiburon.org>; [REDACTED]; Jon Welner <jwelner@townoftiburon.org>; Alice Fredericks USA.net <[REDACTED]>; Dina Tasini <dtasini@townoftiburon.org>; Holli Thier <hthier@townoftiburon.org>
Cc: JULIE JACOBS <[REDACTED]>; [REDACTED]; Kathy and Gerry Silverfield <[REDACTED]>
Subject: Re: Comments on the Draft General Plan

Town Council Members and Tiburon Town Staff,

I too concur with Julie's comments as well as those added by Kathy.

I have noticed that the group of residents who live near the newly annexed property that was added to the HE are now actively protesting and requesting that their area be removed from the HE, citing the action taken by nearby residents of the Cove that resulted in it being removed.

I feel I need to reiterate that ALL of the complaints made by the residents both near the Cove and near the newly annexed property apply EVEN MORE SO to Downtown Tiburon, and it is both inequitable and dangerous to try and overload our Downtown area.

I urge the Town Council to do the right thing and maintain the inclusion of the annexed property in the HE, AS WELL AS PURSUE FURTHER WHETHER IT MIGHT BE VIABLE TO INCLUDE LOW INCOME HOUSING IN THAT AREA. I also urge the Town Council to re-zone the Cove NOW so that when a change of ownership occurs the area will be ready to accept housing proposals in what is one of the most sensible areas of Tiburon to add more housing, given the 4 lane road and close proximity to the freeway.

Thank you for your time.

Dorene

Sent from my iPad

I15-1

On Apr 14, 2023, at 5:46 PM, Kathy and Gerry Silverfield [REDACTED] wrote:

Julie (and all other recipients of this email) -

Your comments are excellent and thorough. I concur with your comments and especially want to emphasize that your suggestion to rezone the Cove now instead of waiting for a change in ownership can and should be done when the other areas of Tiburon are rezoned. There is no excuse not to do it now since the intention to rezone the CVS site is being proposed even though the current owner has shown a similar reluctance as the Cove owner.

I hope that the Town Council and Dina Tasini will read your comments carefully. It took many hours to review and try to understand the General Plan.

Thank you,

Kathy Silverfield

On Friday, April 14, 2023 at 04:32:22 PM PDT, JULIE JACOBS [REDACTED] wrote:

Letter I15 **Dorene Curtis**
Response April 19, 2023

I15-1 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: Proposed Development at 4576 Paradise Drive

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:18 PM

From: Ed Deregowski <[REDACTED]>
Date: April 22, 2023 at 11:23:12 AM PDT
To: Dina Tasini <dtasini@townoftiburon.org>
Subject: Proposed Development at 4576 Paradise Drive

To: Dina Tasini
Director of Community Development

Dear Dina,

I am Edward Deregowski, residing at [4420 Paradise Drive, Tiburon](#). I have just become aware of the proposal for the construction of 90+ units at the very near [4576 Paradise Drive site](#).

I definitely am against this proposal for the following reasons:

1. [Paradise Drive](#) is a multi-use, auto, bicycle, pedestrian and dog walking roadway. Not only is Paradise extremely windy/curvy, it is very narrow, with no dedicated bike lanes nor any sidewalks. Everyone shares the main section of the road with little to no easement.

2. The sheer amount of bicyclists on the road, particularly on the weekends when residents are coming and going, is staggering. The route is very popular among cyclists throughout the bay area. And, more often than not, cyclists travel together in groups and it is rare that they are single file. Passing them can be treacherous. There are many blind curves, no stop signs, street lights or lighting.

3. There are several schools on Paradise Drive and school bus pick ups. Again, with no sidewalks and minimal shoulders, Paradise Drive isn't the safest roadway for our kids.

Simply put, Paradise Drive is extremely poor choice for such a dense development. The 2-lane, winding, narrow road cannot accommodate the additional traffic. I fear that an increase in automobile traffic will most definitely jeopardize the safety of cyclists, walkers, children and all of us residents.

I appreciate you taking my point of view into consideration—it is something that will affect so many people.

Edward Deregowski
[4420 Paradise Drive](#)
[Tiburon, CA 94920](#)

I16-1

Letter I16 **Edward Deregowski**
Response April 22, 2023

I16-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



Christina Erwin <cerwin@denovoplanning.com>

FW: PARADISE DRIVE 10 ACRES

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:16 PM

From: GIOVANNA KAMPMEYER <[REDACTED]>
Date: April 15, 2023 at 2:24:18 PM EDT
To: Dina Tasini <dtasini@townoftiburon.org>
Subject: PARADISE DRIVE 10 ACRES

To all this may concern,

First of all I am NOT a NIMBY. In 1999 I built the first stand alone cottage in Tiburon on my property at 4741 Paradise. I was turned down when I first applied because "I was adding one more car to the road"!!! Since then the traffic is so bad that it is hard to exit my driveway especially at school and commute times. I cannot even guess what our narrow drive would be with all of the additional cars that this project would create.

I17-1

Please reconsider.

Giovanna Kampmeyer

415-435-0269

Letter I17 **Giovanna Kampmeyer**
Response April 15, 2023

I17-1 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.

goldfarb
lipman
attorneys

1300 Clay Street, Eleventh Floor
Oakland, California 94612
510 836-6336

via electronic mail

M David Kroot
Lynn Hutchins
Karen M. Tiedemann
Thomas H. Webber
Dianne Jackson McLean
Robert C. Mills
Isabel L. Brown
James T. Diamond, Jr.
Margaret F. Jung
Heather J. Gould
William F. DiCamillo
Amy DeVaudreuil
Barbara E. Kautz
Rafael Yaquián
Celia W. Lee
Dolores Bastian Dalton
Joshua J. Mason
Jeffrey A. Streiffer
Elizabeth R. Klueck
Jhaila R. Brown
Gabrielle B. Janssens
Rye P. Murphy
Marc A. Bentzen
Benjamin Funk
Aileen T. Nguyen
Katie Dahlinghaus
Matthew S. Heaton
Nazanin Salehi
Erin C. Lapeyrolerie
Minda Bautista Hickey
Connor T. Kratz
Colleen A. Wisel
Thomas J. Levendosky

May 1, 2023

Town of Tiburon
Dina Tasini, Director of Community Development
1505 Tiburon Boulevard
Tiburon, CA 94920
dtasini@townoftiburon.org

Re: **Comments on DEIR for the General Plan 2040**

Dear Ms. Tasini:

We represent Sierra Pines Group, LLC, owner of the 9.58-acre site located at 4576 Paradise Drive (“Paradise Drive Site”), within the incorporated area of the Town of Tiburon (the “Town”). The Paradise Drive Site is currently included in the Revised Draft 2023-2031 Housing Element for the Town of Tiburon and identified as a site that could provide a total of 95 residential units (2 existing residential units and 93 additional residential units).

I18-1

We thank you for the opportunity to review the Draft Environmental Review for the General Plan 2040 (the “DEIR”) and by this letter submit our comments.

Project Objectives

CEQA Guidelines section 15124(b) states that the project description must include a statement of objectives sought by the proposed project. “A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project and may discuss the project benefits.”

I18-2

Ten objectives are identified for the General Plan 2040 (the “Project”) in Section 2.3 of the DEIR. Section 4.3 of the DEIR Alternatives discussion also lists the Project objectives and adds an eleventh objective: “Incorporate and address new requirements of State law and State of California General Plan Guidelines (2017).” To minimize confusion, this objective should also be included in DEIR Section 2.3 so that both areas include the same set of Project objectives.

The Project objectives do not adequately describe the requirements to comply with State Housing Element Law (Government Code §65580 et seq), which requires the Town to adopt an updated housing element that specifies how it will achieve the requirements

Los Angeles
213 627-6336
San Diego
619 239-6336
Goldfarb & Lipman LLP



and identify specific sites to accommodate the Town’s regional housing needs allocation. The project objective related to housing states only: “Protect and enhance residential neighborhoods’ quality of life, and support the development of more diverse and affordable housing opportunities.” This objective ignores the Town’s statutory obligation to comply with State Housing Element Law. To ensure that the EIR and its alternatives further the Town’s compliance with state law, a Project objective must be added to include compliance with State Housing Element Law, meeting the Town’s regional housing needs allocation (the “RHNA”), and affirmatively furthering fair housing. The additional objective should specifically state that the General Plan must substantially comply with Housing Element Law, identify sufficient adequate sites to meet the Town’s RHNA, and comply with the Town’s duty to affirmatively further fair housing in all of its community development activities, as required by Government Code Section 8899.50.

118-2
con't

Project Alternatives

CEQA requires an EIR to describe a range of potentially feasible alternatives that could accomplish most of the basic objectives of the project and avoid or substantially lessen one or more of the significant effects. (CEQA Guidelines §15126.6.) The DEIR identifies three alternatives: (1) the existing general plan/no project alternative; (2) the village centers alternative; and (3) the downtown density alternative. The DEIR finds that the No Project alternative fails to meet several of the basic Project objectives and thus rejects it from further consideration as a CEQA alternative. Alternative 2 focuses more new development of housing near a local shopping area within the Town, accommodating development of 49 units at Cove Shopping Center and reducing the development potential at the Paradise Drive Site to a maximum of 49 units (though this may be a typo, since the maximum number of units is 39 based on the land use table included in this alternative) on only 3 acres of the site. Alternative 3 increases the development potential in the downtown area to allow 40-45 units per acre on all mixed use zoned sites and reduces the development potential on the Paradise Drive Site to the current zoning (7 residential units).

118-3

Alternative 2 is not a feasible alternative and thus should be removed from the analysis, or at a minimum identified as not being feasible. The owner of the Cove Shopping Center has expressed to the Town that it does not intend to develop the property and has requested its property be removed from the housing site inventory and not be rezoned to accommodate residential development. (February 8, 2023 Revised Draft Town of Tiburon Housing Element, page 70.) The Town must have substantial evidence that this non-vacant site will be available for housing development in the next eight years, and the owner’s opposition demonstrates that the site is not available for housing.

Alternative 3 maintains the current development potential on the Paradise Drive Site (7 residential units) and does not increase it as proposed in the General Plan 2040. This will further concentrate almost all multifamily residential development in the downtown and require increased densities and increased height limits. The Paradise Drive Site under the 2040 General Plan is the only significant multifamily site outside the downtown, and the Town’s inclusionary housing ordinance requires that at least 20 percent of the units be affordable to very low, low, or moderate-income households. Continuing to designate the Paradise Drive Site for single-family housing would not

118-4

meet the Project objective of developing more diverse and affordable housing opportunities nor would it assist the Town in meeting the objective of addressing new state law requirements that will result in a housing element consistent with State law. Further, it would not meet the Town's statutory obligation to affirmatively further fair housing.

HCD's April 17, 2023 review of the draft housing element already criticizes the element for isolating sites suitable for lower income households in the downtown. Alternative 3 would further isolate multifamily housing in the downtown. HCD stated that the Town must add programs to promote housing mobility, increase housing choice and affordability, and result in an equitable quality of life throughout the Town. The Paradise Drive Site provides a site for multifamily units and at least 18 affordable units outside the downtown, which will increase housing choice and affordability throughout the Town. Multifamily housing on the Paradise Drive Site is critical for the Town to meet its obligations to affirmatively further fair housing, as required by Housing Element Law, and distribute multifamily housing throughout the Town.

I18-4
con't

Because Alternative 3 will not result in a Housing Element consistent with state law, it is not a feasible alternative.

Mitigation Measures

Transportation Impact 3.14-2 analyzes whether the General Plan 2040 is in conflict or inconsistent with CEQA Guidelines Section 15064.3(b), which requires an analysis of transportation impacts based on vehicle miles traveled ("VMT"). The analysis concludes that the impacts are significant and unavoidable, but also identifies a mitigation measure that may reduce impacts. The proposed mitigation measure involves applying a screening threshold to determine if a proposed project will exceed the numeric threshold of significance and, if the proposed project will exceed the threshold, require preparation of a VMT Reduction Plan. The DEIR provides no evidence that this mitigation measure would reduce VMT to a level that is less than significant for a residential project such as the multifamily project identified in the Housing Element for the Paradise Drive Site. To the contrary, the DEIR acknowledges that TDM and VMT reduction programs are challenging to implement and monitor for residential developments, and the impact will remain significant and unavoidable.

I18-5

Many of the VMT reduction measures suggested in MM 3.14-2, such as a TDM program, telecommuting, and alternative work schedules, are not feasibly implemented by a residential project. The EIR states that it is "unlikely that VMT Reduction Plans or other similar measures would be effective in significantly lowering the VMT rates for residential development on sites located outside of Downtown Tiburon." (page 3.14-35.)

Because it is unlikely MM 3.14-2 would lower VMT rates for residential development outside of the downtown area to a level of insignificance, this mitigation measure could render infeasible the development of a multifamily project outside the downtown, leaving the Town with insufficient sites to accommodate its RHNA obligations. The mitigation measure should be limited to non-residential development, or modified to provide that only feasible mitigation measures need be adopted for residential site outside the downtown. If the Town is unwilling to limit this mitigation

measure to non-residential projects outside the downtown, the following revision, in underlined text, should be made to the mitigation measure, which recognizes the possible infeasibility of reducing VMT below the specified standard on multifamily sites outside of the downtown:

When the Town receives an application for a project located outside of Downtown Tiburon and subject to CEQA, it shall apply the “Screening Thresholds for Land Use Projects” set forth in OPR’s Technical Advisory on Evaluating Transportation Impacts in CEQA. If the project would exceed the screening thresholds, or other evidence demonstrates a potentially significant VMT impact, the Town shall require the applicant to prepare a quantitative, project-level VMT analysis. If the analysis shows that the project would exceed the applicable numeric threshold of significance, the Town shall require the applicant to prepare and submit a VMT Reduction Plan for Town review and approval. The VMT Reduction Plan shall incorporate mandatory measures sufficient to reduce project VMT below the applicable numeric threshold of significance and, for residential development, shall indicate which of those measures, if any, can be feasibly implemented by the proposed project. The VMT Reduction Plan may include, without limitation, a TDM program; pedestrian, bicycle, or transit network improvements; car sharing or ride sharing programs; transit subsidies; telecommuting or alternative work schedules; and/or any other measures sufficient to reduce VMT below the applicable threshold.

The following revisions, in underline and strikethrough, are also needed to the text that appears immediately after MM 3.14-2:

Mitigation Measure 3.14-2 requires applicants for projects subject to CEQA that are located outside of Downtown Tiburon to prepare a quantitative project-specific VMT analysis. If that analysis shows that the project will exceed the numeric threshold of significance, Mitigation Measure 3.14-2 will further require the applicant to prepare a VMT Reduction Plan for Town review and approval. The VMT Reduction Plan must include specific measures demonstrating ~~that~~ how VMT ~~will~~ may be reduced below the numeric level of significance, which shall be considered a performance standard.

However, since most of the residential development outside of Downtown Tiburon would consist of single-family residential development and accessory dwelling units (ADUs) and may include projects subject to a ministerial, streamlined review process, much development outside of Downtown Tiburon may not be subject to CEQA. Therefore, Mitigation Measure 3.14-2 would have limited use. In addition: most successful TDM programs focus on employment sites (not residences), while TDM and VMT reduction programs focusing on residential development are challenging to implement and monitor and may make planned housing development needed to comply with State law infeasible outside of Downtown Tiburon. Therefore, VMT reduction

118-5
con't

Dina Tasini, Town of Tiburon

May 1, 2023

Page 5

programs for residential projects can be implemented only to the extent that they are feasible, and it is unlikely that VMT Reduction Plans or other similar measures would be effective in significantly lowering the VMT rates for residential development on sites located outside of Downtown Tiburon.

Therefore, even with implementation of Mitigation Measure 3.14-2, the General Plan 2040 would exceed the applicable VMT threshold and would therefore conflict or be inconsistent with Section 15064.3, and impacts would be ***significant and unavoidable***.

The EIR already recognizes VMT as a significant and unavoidable impact, and these minor revisions to MM 3.14-2 would address the possible infeasibility of reducing VMT below the specified standard on residential sites outside the downtown, including the Paradise Drive Site.

Thank you for considering these comments and suggested revisions to the EIR.

Sincerely,



BARBARA E. KAUTZ

BEK:gbj



118-5
con't

Letter I18 **Goldfarb Lipman Attorneys**
Response May 1, 2023

- I118-1 This comment does not refer to the adequacy of the Draft EIR, and no further response is required.
- I118-2 Page 4-4, the last bullet is deleted, and additional text is added, to maintain consistency with the Project Objectives stated in Chapter 2, Project Description.
- ~~Incorporate and address new requirements of State law and State of California General Plan Guidelines (2017).~~
- Housing Element.** Update the General Plan’s Housing Element to comply with State-mandated housing requirement and to address the maintenance, preservation, improvement, and development of housing in the Town between 2023 and 2031.
- Housing Inventory.** Include an adequate inventory of housing sites and rezone the sites as necessary to meet the required Regional Housing Needs Allocation and to provide an appropriate buffer.
- Fair Housing.** To affirmatively further fair housing (AFFH), and in particular, integrate AFFH into the process of site selection, outreach, and policy/program development.
- I118-3 Alternative 2 describes potential development at the Cove Shopping Center, a potential housing site that was considered previously as part of the development of the General Plan 2040. It was not selected for inclusion as part of the General Plan 2040 proposed Project, but is still considered a viable alternative that was previously considered. As described in CEQA Guidelines section 15126.6(f)(1), various factors may be considered when determining whether an alternative is considered “feasible.” However, no one factor, including whether a proponent can acquire a site, establishes a fixed limit on the scope of reasonable alternatives. Because the Cove Shopping Center is a potentially viable site for intensification of housing density, it was included in the analysis of Alternative 2.
- I118-4 Various sites throughout Tiburon were considered for housing intensification. Due to the nature of Downtown being close to services and transit options, the Town included many sites in that area that could be considered for housing densification. Alternative 3 would designate Site H for single-family development. CEQA Guidelines section 15126.6(b) states that, “the discussion of alternatives shall focus on alternatives to the project or its location which

Town of Tiburon

General Plan 2040 EIR

are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” In this case, Alternative 3 would lessen some of the significant effects of the proposed Project, even if it would fail to meet one or more of the stated Project objectives.

- 118-5 The comment recommends edits to Mitigation Measure 3.14-2. CEQA requires a project to implement all feasible mitigation measures. The mitigation measure, as written, includes identification of a performance standard for VMT, and requires project applicants to incorporate mandatory measures sufficient to reduce VMT below the established numeric threshold.



FW: 4576 Paradise dr

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:16 PM

From: Dennis Gibson <[REDACTED]>
Date: April 17, 2023 at 2:07:25 PM EDT
To: Dina Tasini <dtasini@townoftiburon.org>
Cc: [REDACTED]
Subject: 4576 Paradise dr

Ms. Tahini

As homeowners at 4680 Paradise dr., we were just made aware of the/our town of Tiburon's proposed 90 unit development at 4576 Paradise dr.

This goes way beyond a "not in my backyard" issue, even though, as you can see it pretty much is in our backyard. We are reaching out to you regarding our safety, and our neighbors safety, and the safety of the many Marin County citizens that travel Paradise dr. Just entering and exiting our residence is already hazardous at any time day or night. The road as you know is very winding and narrow, and already heavily used by motorists, and is already very crowded with cyclists from all over the Bay Area enjoying the famous "Tiburon Loop".

The notion of significantly adding more traffic on a daily basis to this already "challenging" road is irresponsible and frankly dangerous.

We do understand Tiburons requirement to provide more housing units. We feel however that there has to be a safer alternative to the proposed 4576 Paradise dr project.

Thank you,

Inger Bruce & Dennis Gibson
4680 Paradise dr.

I19-1

Town of Tiburon

General Plan 2040 EIR

Letter I19 **Inger Bruce and Dennis Gibson**
Response April 17, 2023

I19-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.

April 27, 2023

Dina Tasini, Director of Community Development
Town of Tiburon
1505 Tiburon Boulevard
Tiburon, CA 94920

Dear Ms. Tasini and Members of the Town Council:

We are writing to you today to provide feedback and voice concern over some of the topics addressed in Tiburon’s General Plan and recent EIR findings. Unfortunately, we are unable to attend the April 29th meeting, so we kindly request you review our comments for consideration.

Our main concerns are as follows:

- **Safety concerns.** Safety for our young children is of utmost importance. Tiburon residents including children are always seen cycling and walking on Paradise Dr; “share the road” concept will be that much harder, especially around the quick and windy turns (with blind spots) that currently exist along Paradise Dr. If you have not noticed, many cars pass the numerous cyclists and pedestrians nearly colliding onto oncoming traffic. This increase of traffic due to construction and overall number of cars will inhibit recreational and quality of lifestyle that Tiburon prides itself in for their communities. But more importantly this becomes a safety hazard. We fear that there will be an increase in accidents and serious injuries, and possibly deaths.
- **Traffic/Stress/Environmental impacts:** Paradise Dr. is a two-lane narrow and windy road; construction and development will add (a) considerable amount of stress for both commuters and students to and from work/school (b) increase noise pollution and raise air quality issues and (c) the community’s usage of resources (water/electricity) will be impacted with possible shortages and increase in utility fees. Said differently adding 93 units or ~400+ residents in such a finite ecosystem may further limit usage and allowance of resources (water, electricity/power).
- **Preservation of views.** Adding 4576 Paradise Dr. to the General Plan seems to conflict with the Town’s Municipal Codes on protecting views. There were several meetings held by the Town to approve the removal of trees to protect the views of the homeowners above 4576 Paradise Dr. How does an apartment building support the Town’s codes to preserve and protect views, especially for the homes located uphill?
- **Significant reduction of Privacy.** The Paradise Cay residents who live below 4576 will likely lose an immense amount of privacy due to construction, taking down of

I20-1

I20-2

I20-3

I20-4



trees, and the residents of 93 units who will look directly into the homes of the downhill residents (some possibly facing bathrooms and other intimate/exposed rooms).

I20-4
con't

- **How will “Best Management Practices” be handled, maintained, and corrected at 4576 Paradise Dr. regarding the existing issues below?**
 1. Erosion further caused by construction.
 2. Surface water quality (as noted on page 5-6 in the EIR) caused by run off from the property and into the Bay (Tiburon Municipal Code Title VI, Chapter 20A).
 3. Will the Town collaborate with Public Works to fix the water culverts and drainage on the property? (Neighboring residents witness ‘rivers’ draining into the Bay from the property. Issues today include cow waste, but what happens when there is construction? What else will drain into the Bay?)

I20-5

Please consider the above concerns when approaching the final General Plan to include 4576 Paradise Drive. I have read that the Town appreciates the property since it serves as an “alternative to downtown density,” but is the engineering of the lot appropriate for a 93-unit building, given the actual location off Paradise Dr.? Has the Town investigated how much of the nearly 10-acre lot is appropriate and usable?

I20-6

Thank you for your time and consideration.

Sincerely,

James and Cynthia Massey-Kim
103 Trinidad Drive, Tiburon.

Cc: town@townoftiburon.org

Letter I20 **James and Cynthia Massey-Kim**
Response April 27, 2023

- I20-1 Please see Master Response – 4576 Paradise Drive.
- I20-2 Please see Master Response – 4576 Paradise Drive.
- I20-3 Please see Master Response – 4576 Paradise Drive.
- I20-4 Please see Master Response – 4576 Paradise Drive.
- I20-5 Stormwater runoff, erosion, and water quality are discussed in Section 3.9, Hydrology and Water Quality of the Draft EIR. When a specific development proposal is introduced for the site, the Town will conduct a site plan and design review of the specific proposal and put forth specific site improvements necessary to comply with State and local law. Please also see Master Response – 4576 Paradise Drive.
- I20-6 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



Christina Erwin <cerwin@denovoplanning.com>

FW: No on Proposed Development at 4576 Paradise

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:18 PM

From: James Walker <[REDACTED]>
Date: April 21, 2023 at 2:24:21 PM PDT
To: Dina Tasini <dtasini@townoftiburon.org>
Cc: Rebecca Walker <[REDACTED]>
Subject: No on Proposed Development at 4576 Paradise

Hi There,

I'm writing today as a concerned resident. My wife and I live at 4655 Paradise Drive with our infant son and a dog. It has come to our attention that there is a planned development at 4576 Paradise for a possible 90+ units.

We think this is a mistake. Paradise Drive is a two lane winding road that already has a serious amount of automobile and bike traffic. There is already a significantly sized community in Paradise Cay and increasing the population in our neighborhood by a few hundred vehicles would create a hazardous environment for us and our young son. The "back side" of Tiburon may lack some of the amenities of the South shore, but it compensates with a relative level of quiet and space. Jamming these new units in the middle of our community would take this benefit away.

We hope you'll consider the voice of those in this community when making your decision.

Best,

James

I21-1

Letter I21 **James Walker**
Response April 21, 2023

I21-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



Christina Erwin <cerwin@denovoplanning.com>

FW: Strong NO for to 90 Unit Development at 4576 Paradise Drive

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:17 PM

From: Jeff Kruger <[REDACTED]>
Date: April 17, 2023 at 3:52:57 PM EDT
To: Dina Tasini <dtasini@townoftiburon.org>
Subject: Strong NO for to 90 Unit Development at [4576 Paradise Drive](#)

Dina,

Hope all is well. I am writing as a concerned resident to voice my strong opposition to the 90 Unit Development being proposed at [4576 Paradise Drive](#).

Please reply to confirm receipt of this email

We are relatively new residents of Tiburon. We bought a home here about a year ago at [4690 Paradise Drive](#) and moved from San Francisco with our two boys (aged 8 and 12)

The development being proposed on Paradise Drive would be a huge safety hazard for the residents, children, drivers and cyclists on our two lane winding road (with no sidewalks). The infrastructure does not exist to support this and I can't imagine how it could even be created. The direct impact to the natural environment, surrounding areas and neighborhood would be terrible. Honestly, I can't believe it would be given serious consideration versus other options, but am still writing this letter nonetheless and will be attending Town Hall and Planning Commission Meetings in April and May.

We are very unhappy and concerned about this proposed development, please say NO to [4576 Paradise Drive](#).

Thank you,

Jeff Kruger

650-315-7377

I22-1

Letter I22 **Jeff Kruger**
Response April 17, 2023

I22-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: Strong Opposition to Development of 4576 Paradise Drive

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:20 PM

From: Jessica Etchevers <[REDACTED]>

Date: April 28, 2023 at 9:29:29 AM PDT

To: Jack Ryan <jryan@townoftiburon.org>, Alice Fredericks <afredericks@townoftiburon.org>, Holli Thier <hollithiertiburontowncouncil@gmail.com>, Jon Welner <jwelner@townoftiburon.org>, Dina Tasini <dtasini@townoftiburon.org>

Subject: Strong Opposition to Development of 4576 Paradise Drive

Dear Town Council,

I am writing once again to express my adamant opposition to the potential development of 4576 Paradise Drive, especially now considering the results from the Environmental Impact Report that was recently published. I'm not sure if any of you have had the opportunity to visit the property, but much of it is unusable as it is extremely steep. One would think that if the trees and plants were removed much of the hillside would slide into the Bay. I don't know if the state makes any effort to view these properties before they approve them (I doubt they do) but again, this property simply cannot support that level of development.

I23-1

In addition to this, the EIR stated that the traffic and other significantly negative environmental impacts would be unavoidable. What are we doing to our town? There has to be a way to stop this. I know that the town has requirements but I would again like to express my desire that the town explore the possibility of legal action against the state. Other towns (some in our own backyard) are going this route and I suggest that the town look seriously into it, especially considering the response that was recently received from the state. If they are allowed to take control Tiburon will be changed forever, and this is simply unacceptable to residents.

Every person I have spoken to about this is vehemently against it. You were elected to represent our voices, and to be completely honest most people are extremely upset about this and the perception is that this particular property was added to the plan without any effort to involve the neighbors, i.e. the people most affected by it. I understand that the bare minimum legal requirements of notification were met, but many people are wondering why we get noticed when a neighbor three blocks away wants to trim one of their trees but no one was notified about this. It has left a very bad feeling among many residents and frankly most people are very disappointed and feel like we are not represented.

I23-2

This development simply cannot happen for so many reasons. Please represent our voices, as you swore to do upon election, and stop this. Thank you.

Jessica Etchevers

Letter I23 **Jessica Etchevers**
Response April 28, 2023

- I23-1 Please see Master Response – 4576 Paradise Drive.
- I23-2 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: Paradise dr 90 apts

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:18 PM

-----Original Message-----

From: Joan <[REDACTED]>
Sent: Wednesday, April 19, 2023 11:46 PM
To: Town <town@townoftiburon.org>
Subject: Paradise dr 90 apts

Hello,

I am out of town 4/29 , for the Tiburon meeting to oppose the possible development proposition in person.
The possibility of 90 apartments plus additional parking spaces is a terrible idea for the community, the traffic , the bikers , tourists, and the wildlife that has already been destabilized with the many trees that have come down.
I am highly against the development.
Joan Foedisch

I24-1

Letter I24 **Joan Foedisch**
Response April 19, 2023

I24-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.

Joy Graustark
119 Trinidad Drive, Tiburon, Ca 94920

April 28, 2023

Dear Town Council of Tiburon,

I am very concerned about the potential development of 4576 Paradise Drive property.

Paradise Cay has been my home for 36 years and I have enjoyed living here appreciating the peace and wildlife that surrounds me.

I25-1

Please consider what will happen as congestion and traffic endangers the safety of pedestrians, bikers, drivers and wildlife on Paradise Drive if this development gets approved. Driving is already treacherous on Paradise Drive - what will happen after adding 93 plus more vehicles?

Don't forget the inevitable pollution to the water caused by sewage and erosion into the bay plus other possible problems caused by this inappropriate land use.

I25-2

Please take the time to seriously review and find a safer, more appropriate location to accommodate the state of California's housing requirement- once the decision is made there is no going back.

I25-3

Thank you for seriously addressing this issue- your actions effect all of us .

Sincerely yours,

Joy Graustark

Letter I25 **Joy Graustark**
Response April 28, 2023

- I25-1 Please see Master Response – 4576 Paradise Drive.
- I25-2 Please see Master Response – 4576 Paradise Drive.
- I25-3 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.

COMMENTS ON TOWN OF TIBURON EIR FOR DRAFT GENERAL PLAN

Page ES-10 Executive Summary

Impact 3.6-1: Development facilitated by the General Plan would not directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death from rupture of an earthquake fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides.

MITIGATION MEASURES	LEVEL OF SIGNIFICANCE BEFORE MITIGATION	LEVEL OF SIGNIFICANCE AFTER MITIGATION
None Required	Less than Significant	Less than Significant

I26-1

*** I strongly disagree with this assessment that the risk of loss, injury, or death from an earthquake, ground shaking, and seismic-related ground failure in Development facilitated by the General Plan is less than significant. Rezoning for placing over 400 units of high density housing, at least 3 stories high, in a liquefaction zone, Tsunami Hazard and Evacuation Zone, 100 Year Flood Plain, climate-change-related sea level rise and inundation zone, king tide flooding zone, immediately adjacent to an urban-wildlands-interface fire hazard zone, with only one lane of traffic in and out on the primary route for emergency evacuations and emergency vehicle access would certainly seem highly likely to create a significant level of risk of loss, injury or death. It is hard to see how any mitigation can address all of these issues, especially without widening Tiburon Boulevard, and spreading the new housing to other areas in town so that the new high density housing is not all stacked and packed downtown. Inviting our new residents into this high risk situation seems inconsistent with common sense, common decency, and safe housing development practices. It is also inconsistent with Federal Law discouraging development in high risk flood zones.

Executive Summary Page ES-13

Impact 3.8-6: Development facilitated by the Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	None Required	Less than Significant	Less than Significant

I26-2

***I strongly disagree with this assessment. Absent significant widening of Tiburon Boulevard between Mar West and Trestle Glen, it is impossible to understand how emergency evacuations and emergency vehicle access could fail to be significantly affected by adding 400+ units to downtown Tiburon from Tiburon and 200 units to the Boardwalk shopping center downtown from Belvedere. Please correct or explain adequately.

Impact 3.8-7: Development facilitated by the Project has the potential to expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.	None Required	Less than Significant	Less than Significant

I26-3

***I strongly disagree with this assessment. With choke points and serious congestion already present on Tiburon Boulevard during school and work commute times, it is impossible to understand how adding at least 600 more units downtown would fail to directly expose people and property to a significant risk of loss, injury or death in case of a wildfire requiring emergency evacuation. Please refer to the town of Paradise, CA tragedy during the past decade for clear illustration of this risk.

Impact 3.9-2: Development facilitated by the Project would not decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.	None Required	Less than Significant	Less than Significant

I26-4

***I disagree with this assessment. Our groundwater usage from reservoirs has been restricted in the past few years because of threats to the adequacy of the water supply. It is not possible to understand how Marin and Tiburon can comply with the ABAG and HCD housing allocations mandated by state law without threatening the water supply even more in the future.

ES Page 16 SECTION 3.14—TRANSPORTATION

Impact 3.14-1: Implementation of General Plan would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.	None Required	No Impact	No Impact
Impact 3.14-2: Development facilitated by the General Plan would not conflict or be inconsistent with CEQA Guidelines Section 15064.3 subdivision (b).	MM 3.14-2: When the Town receives an application for a project subject to CEQA, it shall apply the "Screening Thresholds for Land Use Projects" set forth in OPR's Technical Advisory on Evaluating Transportation Impacts in CEQA. If the project would exceed the screening thresholds, or other evidence demonstrates a potentially	Potentially Significant	Significant and Unavoidable

I26-5

*** I disagree with this assessment that adding 400+ units downtown would not conflict with policy promoting safe circulation between downtown and other destinations in Tiburon or the county. It would be impossible to avoid adding to and expanding the chokepoints on Tiburon Boulevard with more units added downtown, unless additional lanes are added to Tiburon Boulevard between Trestle Glen and Mar West.

Impact 3.14-4: Implementation of the General Plan would not result in inadequate emergency access. None Required Less than Significant Less than Significant

***I disagree with this assessment for the reasons set forth above relating to chokepoints on Tiburon Boulevard and the single lanes of roadway in and out of downtown.

Page ES-18

IMPACTS	MITIGATION MEASURES	LEVEL OF SIGNIFICANCE BEFORE MITIGATION	LEVEL OF SIGNIFICANCE AFTER MITIGATION
Impact 3.14-5: Development facilitated by the General Plan, in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to transportation.	None Required	Significant and Unavoidable	Significant and unavoidable and cumulatively considerable.

*** I disagree that this significant impact is unavoidable, in that widening Tiburon Boulevard and spreading rezoning for new units to The Cove Shopping Center and Paradise Drive will help to mitigate these impacts.

SECTION 3.15—UTILITIES AND SERVICE SYSTEMS

Impact 13.15-1: General Plan 2040 implementation may result in insufficient water supplies available to serve the Town and reasonably foreseeable future development during normal, dry and multiple dry years.	None Required	Potentially Significant	Significant and Unavoidable

***This could be mitigated with additions of new water supplies through construction of desalination plants or connection to new sources of water.

Impact 13.15-4: General Plan 2040 implementation along with cumulative development could result in insufficient water supplies available to serve the Town and reasonably foreseeable future development during normal, dry and multiple dry years.	None Required	Potentially Significant	Significant and unavoidable and cumulatively considerable

Page ES-19

SECTION 3.16—WILDFIRE

Impact 3.16-1: Development allowed under the General Plan 2040 in or near State responsibility areas or lands classified as very high fire hazard severity zones would not substantially impair an adopted emergency response plan or emergency evacuation plan.	None Required	Less than Significant	Less than Significant

Julie Jacobs

126-6

126-7

126-8

126-9

Town of Tiburon

General Plan 2040 EIR

Letter I26 **Julie Jacobs 1**
Response No date

- I26-1 The comment states a disagreement with the significance conclusion of Impact 3.6-1, but offers no substantial evidence. No further response is necessary.
- I26-2 The comment states a disagreement with the significance conclusion of Impact 3.8-6, but offers no substantial evidence. No further response is necessary.
- I26-3 The comment states a disagreement with the significance conclusion of Impact 3.8-7, but offers no substantial evidence. No further response is necessary.
- I26-4 The comment states a disagreement with the significance conclusion of Impact 3.9-2 but offers no substantial evidence. Water supply is discussed in Section 3.15, Utilities and Service Systems of the Draft EIR. No further response is necessary.
- I26-5 The comment states a disagreement with the significance conclusion of Impact 3.14-1, but offers no substantial evidence. No further response is necessary.
- I26-6 The comment states a disagreement with the significance conclusion of Impact 3.14-1, but offers no substantial evidence. Emergency access is discussed in Section 3.14, Transportation of the Draft EIR. No further response is necessary.
- I26-7 The comment states a disagreement with the significance conclusion of Impact 3.14-5, but offers no substantial evidence. No further response is necessary.
- I26-8 The comment suggests mitigation to provide additional water supplies. However, the suggested mitigation is not “roughly proportional” to the impacts of the Project (CEQA Guidelines section 15126.4((a)(4)(B)). No further response is necessary.
- I26-9 No comment is provided, and no response is necessary.

COMMENTS ON TOWN OF TIBURON EIR FOR DRAFT GENERAL PLAN

Page ES-10 Executive Summary

Impact 3.6-1: Development facilitated by the General Plan would not directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death from rupture of an earthquake fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides.

MITIGATION MEASURES	LEVEL OF SIGNIFICANCE BEFORE MITIGATION	LEVEL OF SIGNIFICANCE AFTER MITIGATION
None Required	Less than Significant	Less than Significant

127-1

*** I strongly disagree with this assessment that the risk of loss, injury, or death from an earthquake, ground shaking, and seismic-related ground failure in Development facilitated by the General Plan is less than significant. Rezoning for placing over 400 units of high density housing in at least 3 stories high in a liquefaction zone, Tsunami Hazard and Evacuation Zone, 100 Year Flood Plain, climate-change-related sea level rise and inundation zone, king tide flooding zone, immediately adjacent to an urban-wildlands-interface fire hazard zone, with only one lane of traffic in and out on the primary route for emergency evacuations and emergency vehicle access would certainly seem highly likely to create a significant level of risk of loss, injury or death. It is hard to see how any mitigation can address all of these issues, especially without widening Tiburon Boulevard, and spreading the new housing to other areas in town so that the new high density housing is not all stacked and packed downtown. Inviting our new residents into this high risk situation seems inconsistent with common sense, common decency, and safe housing development practices. It is also inconsistent with Federal Law discouraging development in high risk flood zones.

Executive Summary Page ES-13

Impact 3.8-6: Development facilitated by the Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	None Required	Less than Significant	Less than Significant
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127-2

***I strongly disagree with this assessment. Absent significant widening of Tiburon Boulevard between Mar West and Trestle Glen, it is impossible to understand how emergency evacuations and emergency vehicle access could fail to be significantly affected by adding 400+ units to downtown Tiburon from Tiburon and 200 units to the Boardwalk shopping center downtown from Belvedere. Please correct or explain adequately.

Impact 3.8-7: Development facilitated by the Project has the potential to expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.	None Required	Less than Significant	Less than Significant
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127-3

***I strongly disagree with this assessment. With choke points and serious congestion already present on Tiburon Boulevard during school and work commute times, it is impossible to understand how adding at least 600 more units downtown would fail to directly expose people and property to a significant risk of loss, injury or death in case of a wildfire requiring emergency evacuation. Please refer to the town of Paradise, CA tragedy during the past decade for clear illustration of this risk.

Impact 3.9-2: Development facilitated by the Project would not decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.	None Required	Less than Significant	Less than Significant
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127-4

***I disagree with this assessment. Our groundwater usage from reservoirs has been restricted in the past few years because of threats to the adequacy of the water supply. It is not possible to understand how Marin and Tiburon can comply with the ABAG and HCD housing allocations mandated by state law without threatening the water supply even more in the future.

ES Page 16 SECTION 3.14—TRANSPORTATION

Impact 3.14-1: Implementation of General Plan would not conflict with a program, plan, ordinance, or policy addressing the	None Required	No Impact	No Impact
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127-5

circulation system, including transit, roadway, bicycle, and pedestrian facilities.			
Impact 3.14-2: Development facilitated by the General Plan would not conflict or be inconsistent with CEQA Guidelines Section 15064.3 subdivision (b).	MM 3.14-2: When the Town receives an application for a project subject to CEQA, it shall apply the "Screening Thresholds for Land Use Projects" set forth in OPR's Technical Advisory on Evaluating Transportation Impacts in CEQA. If the project would exceed the screening thresholds, or other evidence demonstrates a potentially	Potentially Significant	Significant and Unavoidable

127-5
cont

*** I disagree with this assessment that adding 400+ units downtown would not conflict with policy promoting safe circulation between downtown and other destinations in Tiburon or the county. It would be impossible to avoid adding to and expanding the chokepoints on Tiburon Boulevard with more units added downtown.

Page ES-17

Boulevard were significantly widened to add lanes and new units were moved from downtown to the Cove

Impact 3.14-4: Implementation of the General Plan would not result in inadequate emergency access. None Required Less than Significant Less than Significant

***I disagree with this assessment for the reasons set forth above relating to chokepoints on Tiburon Boulevard and the single lanes of roadway in and out of downtown.

127-6

Page ES-18

IMPACTS	MITIGATION MEASURES	LEVEL OF SIGNIFICANCE BEFORE MITIGATION	LEVEL OF SIGNIFICANCE AFTER MITIGATION
Impact 3.14-5: Development facilitated by the General Plan, in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to transportation.	None Required	Significant and Unavoidable	Significant and unavoidable and cumulatively considerable.

127-7

*** I disagree that this significant impact is unavoidable, in that widening Tiburon Boulevard and spreading rezoning for new units to The Cove Shopping Center and Paradise Drive will help to mitigate these impacts.

SECTION 3.15—UTILITIES AND SERVICE SYSTEMS

Impact 13.15-1: General Plan 2040 implementation may result in insufficient water supplies available to serve the Town and reasonably foreseeable future development during normal, dry and multiple dry years.	None Required	Potentially Significant	Significant and Unavoidable
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***This could be mitigated with additions of new water supplies through construction of desalination plants or connection to new sources of water.

127-8

Impact 13.15-4: General Plan 2040 implementation along with cumulative development could result in insufficient water supplies available to serve the Town and reasonably foreseeable future development during normal, dry and multiple dry years.	None Required	Potentially Significant	Significant and unavoidable and cumulatively considerable
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Page ES-19

SECTION 3.16—WILDFIRE

Impact 3.16-1: Development allowed under the General Plan 2040 in or near State responsibility areas or lands classified as very high fire hazard severity zones would not substantially impair an adopted emergency response plan or emergency evacuation plan.	None Required	Less than Significant	Less than Significant
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127-9

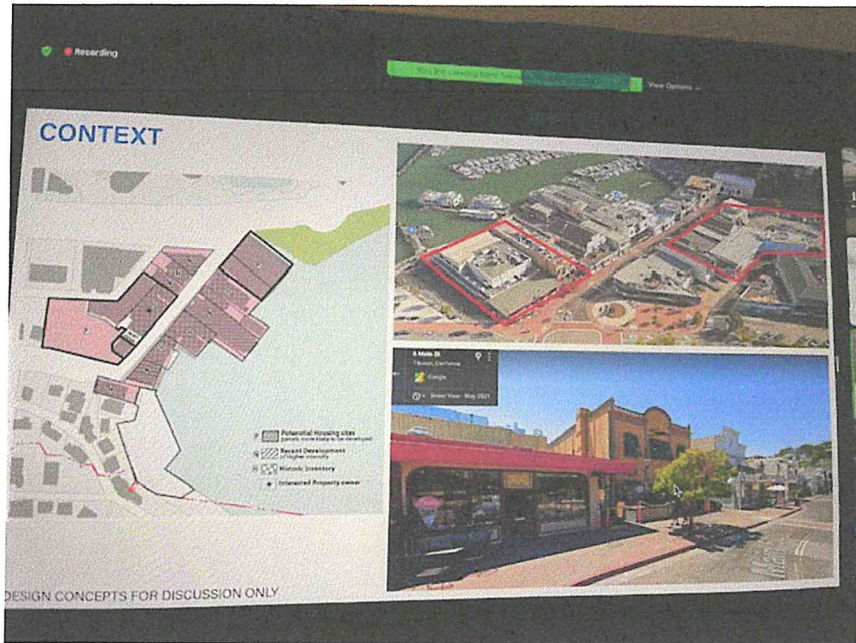
Disagree

Comments for
downtown concept

From: Julie Jacobs jsj13@aol.com
Subject: Re: List of Questions for Open House
Date: Apr 27, 2023 at 5:08:03 PM
To: Dorene Curtis dcurtisemail@gmail.com

One more...

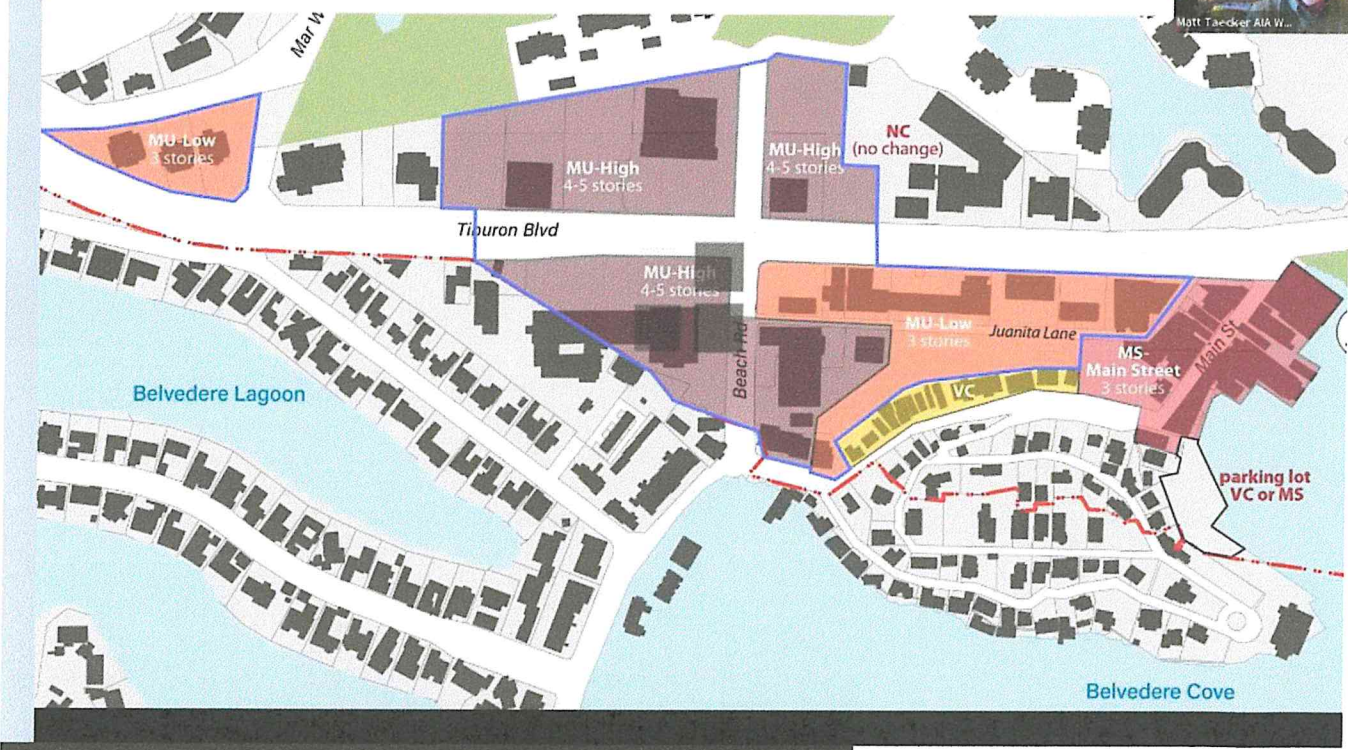
Are these designs proposed by the architect at the June 30, 2022 Design Review Board Meeting still under consideration?



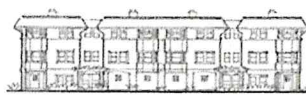
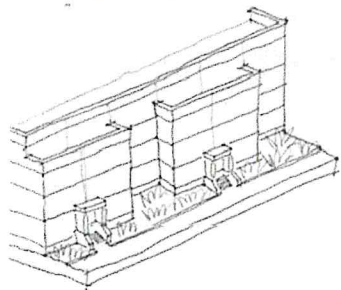
127-10



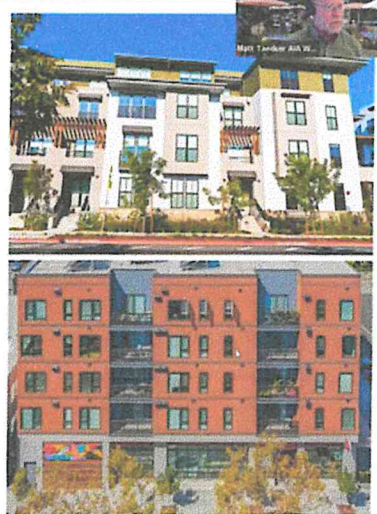
TIBURON BOULEVARD: PROPOSED MIXED-USE AREA



DULATE MASS



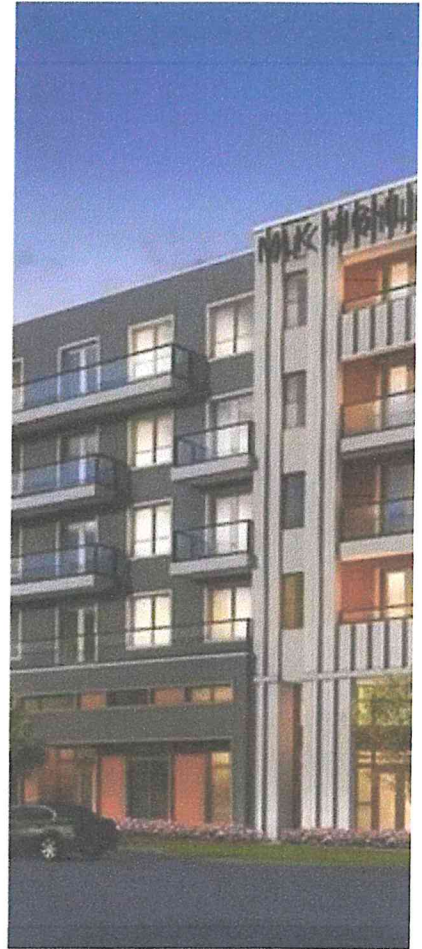
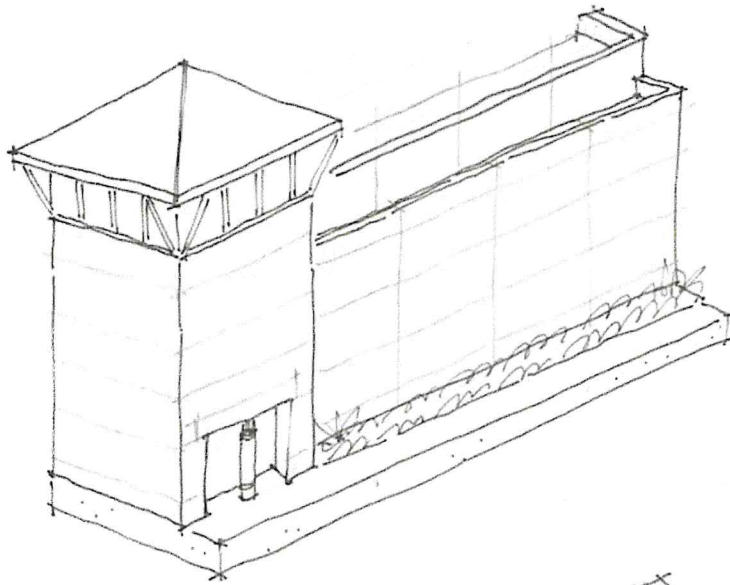
Apparent Width



ONCEPTS FOR DISCUSSION ONLY

I27-10
con't

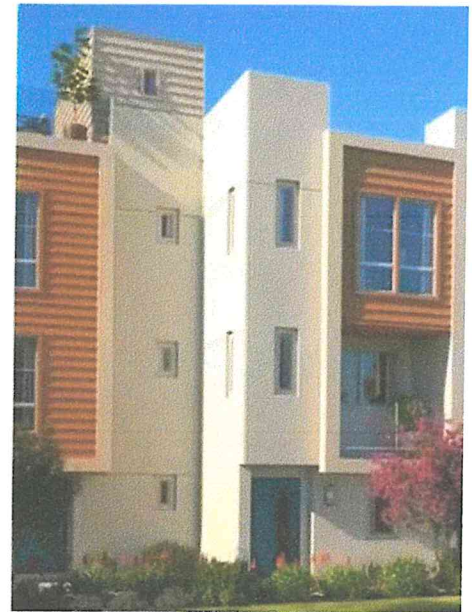
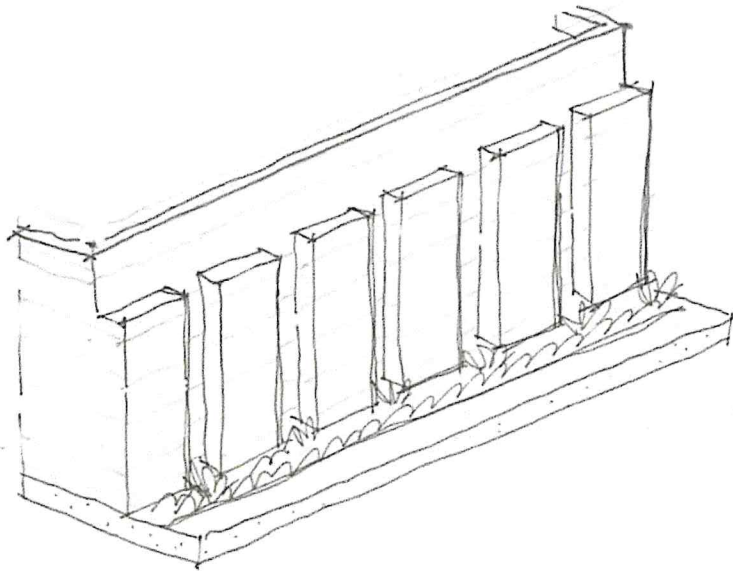
HEIGHT AT CORNER



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VERTICAL BAYS



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In these locations?

With any height restrictions? If so, what? Where is that written in the revised, draft General Plan and Housing Element a

On Apr 27, 2023, at 1:12 PM, Dorene Curtis <dcurtisemail@gmail.com> wrote:

I am resending the list of questions with some new ones added Re the EIR and FEMA

Julie...I seem to have lost my latest list so I am not sure if I worded your question about FEMA correctly....see last bullet

Sent from my iPad

On Apr 21, 2023, at 1:21 PM, Dorene Curtis <dcurtisemail@gmail.com> wrote:

Letter I27 **Julie Jacobs 2**
Response No date

- I27-1 Please see response to Comment I26-1.
- I27-2 Please see response to Comment I26-1.
- I27-3 Please see response to Comment I26-1.
- I27-4 Please see response to Comment I26-1.
- I27-5 Please see response to Comment I26-1.
- I27-6 Please see response to Comment I26-1.
- I27-7 Please see response to Comment I26-1.
- I27-8 Please see response to Comment I26-1.
- I27-9 The comment states a disagreement with the significance conclusion of Impact 3.16-1, but offers no substantial evidence. No further response is necessary.
- I27-10 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: Comments on the Draft General Plan

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:18 PM

-----Original Message-----

From: JULIE JACOBS <[REDACTED]>
Sent: Wednesday, April 19, 2023 2:24 PM
To: Lea Dilena <ldilena@townoftiburon.org>
Subject: Comments on the Draft General Plan

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



DRAFT GENERAL PLAN COMMENTS.docx
65K

Comments on the Draft General Plan

The following is my summary of and comments regarding the Draft General Plan. It includes references to and quotations of sections of the Draft General Plan and the page numbers on which they may be found. My comments, which are indicated by a group of asterisks and inserts in bold, are sometimes in all caps, and italicized. These comments are specifically focused on the Housing Element. The original document is 250 pages, and requires a major investment of time to digest it all. It also includes many broad statements and generalizations. I hope that the selection of specific sections of the General Plan which I have included in the summary and these comments will help to save you time. I hope that they will also draw attention to ways in which Tiburon's Housing Element conflicts with Tiburon's proposed general plan, and that both documents may be modified for consistency and safety. Finally, I hope that you will consider whether our state housing laws, as applied to Tiburon's unique liquefaction, flooding, earthquake, tsunami, wildfire, climate change-related sea level, and storm-related flooding risks, as well as emergency evacuation and emergency vehicle access issues on our narrow peninsula with one lane in and one lane out may give rise to a challenge based on Federal Preemption. Thank you for your hard work, patience, and kind consideration throughout this major project which has such a significant influence on the future of our town.

128-1

The Create Tiburon 2040 Project Description (Dina's message, dated March 16th, paragraph 2):

The proposed Land Use Map would accommodate approximately 916 new residential units and a reduction of approximately 120,042 square feet of non-residential uses under General Plan buildout conditions. new residential new growth would result in a population increase of approximately 2,235 persons.

128-2

*****THIS IS A BIGGER NUMBER THAN I RECALL AS BEING PREVIOUSLY DISCUSSED, and VERY SIGNIFICANTLY LARGER THAN THE RHNA ALLOCATION. Please explain the difference in numbers of new residential units.**

Page 34 of Draft General Plan 1 regarding development projections, see 2nd table and description

Page 35:

GOAL LU-A

Manage growth and land use changes **to preserve the health, safety, welfare, and natural beauty of the community.** (emphasis added)

GOAL LU-B

Ensure that new development is sensitive to on-site and surrounding environmental resources and hazards and can be adequately served by public infrastructure. (emphasis added)

GOAL LU-C

Address regional issues, such as transportation, infrastructure, housing, and adaptation to climate change, in coordination with neighboring cities, the county, and other governmental entities.

POLICY LU-1 DIVERSITY OF LAND USES.

Allow for a diversity of land uses that provide convenient services to residents and maintain a vital local economy. Assure that sewer, water, and other essential infrastructure improvements must be available to the developer to serve new development by the time of completion of construction and that anticipated traffic levels are consistent with adopted Vehicle Miles Traveled (VMT) standards. New development shall pay its fair share of essential expanded infrastructure to the maximum extent allowed by law.

Program LU-e Infrastructure Capacity.

Analyze project impacts on infrastructure capacity and services as part of CEQA review and require mitigation measures as needed in consultation with provider agencies.

128-3

Pg. 36:

POLICY LU-6 RESIDENTIAL NEIGHBORHOODS.

Maintain and enhance the residential character of neighborhoods. **Require that new development, remodels, and additions be of a scale, intensity and design that integrates with the immediate neighborhood and natural surroundings.** (emphasis added)

Pg. 37:

POLICY LU-7 VIEW Preservation

Minimize the reduction of views, privacy, and solar access for neighboring properties. Locate and limit the height of new development and associated landscaping to interfere minimally with existing primary views.

POLICY LU-9 RETAIL AND SERVICES USES.

Encourage the addition of under- represented and local-serving retail and service businesses to **enhance shopping and service opportunities. (emphasis added)**

POLICY LU-11 MIXED-USE DEVELOPMENT.

Encourage mixed-use development (combining housing and commercial uses) in Downtown and along Tiburon Boulevard to create opportunities for pedestrian-oriented lifestyles.

***** “and at the Cove Shopping Center” should be added here to comply with state directives to spread affordable housing throughout town, and to take advantage of access to the 4 lanes of Tiburon Boulevard there for emergency evacuations and emergency vehicle access.**

POLICY LU-12 ANNEXATION.

Consider annexation and rezoning proposals which materially enhance the community, further the goals and policies of the General Plan, are supported by residents, and where the costs of providing public services and infrastructure are fiscally responsible for the Town and do not adversely affect levels of service for existing Town residents.

Program LU-m Rezoning

Consider use of overlay zones or other zoning techniques to ensure that rezoning and annexation of existing established neighborhoods do not result in excessive creation of non-conforming structures, nor unreasonably disrupt the existing pattern of development of such a neighborhood.

POLICY LU-13 COORDINATED PLANNING.

Coordinate the Town’s land use and zoning plans with the County of Marin, Strawberry Community, the City of Belvedere, Town of Corte Madera, LAFCO, and other agencies and jurisdictions to provide for more effective comprehensive planning.

PAGE 38-

POLICY LU-16 GENERAL PLAN MAINTENANCE

Update the General Plan as needed to ensure compliance with state law and continued relevance of its goals, policies, and programs. Monitor progress of the implementation of General Plan programs and overall effectiveness of the plan.

*****WHO WILL DO THIS? PLEASE EXPLAIN FURTHER.**

PAGE 42 DOWNTOWN PURPOSE OF THE CHAPTER:

3.2 Downtown Setting.

The chapter begins by describing Downtown’s geographic setting and historic development, the distinct subareas within Downtown, and an introduction to key issues: historic resources, circulation, shoreline access and views, and vulnerability to sea level rise.

3.3 Vision for Downtown.

The setting is followed by a presentation of the vision for a better Downtown, developed through community engagement in the planning process. Downtown is envisioned as a center of community life, a walkable district, a place resilient to environmental and economic change, and a great neighborhood with a connection to its past.

PAGE 44:

Tiburon Boulevard leads into Downtown from the northwest, **a wide arterial with an auto-oriented development pattern**, with buildings set back from the street behind parking and landscaped areas. This part of downtown now offers an opportunity for pedestrian-oriented infill development. This is a principal consideration of the General Plan. (EMPHASIS ADDED)

*****THIS IS INCORRECT. HOW CAN TIBURON BOULEVARD BE ACCURATELY DESCRIBED AS A “WIDE ARTERIAL” BETWEEN TRESTLE GLEN AND MAR WEST AT THE CAPRICE, AND BEYOND ON PARADISE DRIVE?? THEREIN LIES THE CRITICAL SAFETY PROBLEM WITH FOCUSING DEVELOPMENT DOWNTOWN.**

Page 47:

MAIN STREET

Recent construction in Downtown Tiburon has maintained Main Street’s historic scale and character (Above).

******(Photos show new construction within same height limitations as existing structures, while proposed new additions would be higher than existing structures)**

Page 49:

TIBURON BOULEVARD

The largest of Downtown’s subareas, Tiburon Boulevard features shopping centers, office buildings, banks, and a hotel, in a linear auto-oriented development pattern. Much of the subarea is comprised of parcels an acre or greater

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in size, although lots are smaller near Main Street. Single-story commercial buildings with large parking lots present significant opportunities for new investment and redevelopment.

The existing development pattern is also characterized by 1-2 stories and surface parking lots that separate buildings from street sidewalks and buildings from other buildings. While buildings are larger than in the Main Street and Ark Row subarea, Tiburon Boulevard development is at a lower intensity. Because the intensity of development is lower in the Tiburon Boulevard subarea, private investment in redevelopment in the subarea can be expected in the future.

TIBURON BOULEVARD

PAGE 53 Historic Resources:

***** HOPING This section should provide protection for historical downtown buildings on Main Street. PLEASE CONFIRM.**

The remaining resources listed in the local historic inventory are officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution. Thus, the exception would be applicable to the buildings currently listed on Tiburon's Local Historic Inventory.

*****The exception they're referring to is with respect to state law preempting local zoning. They're saying that the locally designated historic buildings on Main Street will be protected from the state laws. Please confirm.**

Page 54:

DOWNTOWN CIRCULATION

Downtown's network of streets and paths offer relatively direct connections by car, bicycle, and on foot within Downtown and other parts of the community. Tiburon Boulevard (State Highway 131) provides access to Downtown from US Highway 101 and other parts of Marin County, while ferry service to San Francisco provides a direct connection to the region.

Tiburon Boulevard's enhanced streetscape supports traffic flow while also providing continuous sidewalks and bicycle lanes, landscaped medians, and paving and special lighting. Still, the wide right-of-way may offer further opportunities for pedestrians, as well as green infrastructure. (EMPHASIS ADDED)

****** This is Not credible. What enhanced streetscape? CHOKE POINTS AND TRAFFIC CONGESTION DISRUPTING FLOW ON TIBURON BOULEVARD ARE SERIOUS SAFETY PROBLEMS. What Wide right-of-way????**

There is no dedicated ferry parking; ferry users use nearby parking lots, are picked up and dropped off, or arrive on bus, bike, or foot. (emphasis added)

*****Some of THE NEARBY PARKING LOTS will be eliminated to make space for new high-density housing, MUCH OF WHICH WILL BE BUILT WITHOUT dedicated parking.**

Page 56

SHORELINE ACCESS AND VIEWS

Downtown is also framed by views^{SEP} to Corinthian Hill to the south behind Ark Row, and to the Tiburon peninsula upland neighborhoods and open spaces to the north. These northern views also take in the low-lying parks, open spaces, and lagoons at the base of the ridge.

*****VIEWS WHICH WILL BE BLOCKED FOR MOST OF DOWNTOWN BY THE NEW HIGH DENSITY HOUSING IN THE HOUSING ELEMENT**

Page 58

VULNERABILITY TO SEA LEVEL RISE

Downtown Tiburon's low elevation, high water table and proximity to the Bay and the Belvedere Lagoon make it vulnerable to flooding today. **Much of Downtown is within the 100-year flood zone, including the Boardwalk Shopping Center, Town Hall, and the Fire Station.** During heavy rainfall conditions, and especially when combined with high tides, certain areas are known to flood, including the area around Beach Road and Tiburon Boulevard. (emphasis added)

This vulnerability will become more acute as time goes on due to sea level rise resulting from climate change. Marin County established the Bay Waterfront Adaptation & Vulnerability Evaluation (BayWAVE) program to study and address sea level rise. In June 2017, the BayWAVE program delivered the Marin Shoreline Sea Level Rise

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Vulnerability Assessment. This Assessment seeks to provide context and estimates of the physical and fiscal impacts across the County's bayside shoreline over the coming decades. (emphasis added)

Based on BayWAVE models, **about 50 acres in Downtown are likely to be vulnerable in the near- and medium-term, including buildings along Main Street as well as portions of Bay Road and the Boardwalk shopping center. In the long-term, much of Downtown Tiburon may be vulnerable to inundation.** Vulnerable downtown assets include Tiburon Boulevard and other streets; the Bay Trail; the Ferry Terminal; the Tiburon Fire Department, library, and post office; historic buildings along Main Street; hotels, shops, businesses, and housing. (Marin County Department of Public Works, June 2017). (emphasis added)

While these projections are critical to our ability to prepare and adapt, **these projections may not present a complete picture of rising water levels in specific locations. Sea level rise will be accompanied by rising groundwater levels, fluvial flooding, and shoreline erosion. The interaction of these factors – as well as the potential for liquefaction associated with seismic events—will create localized conditions that are as yet not fully understood.** (emphasis added)

The Safety + Resilience chapter (Chapter 11) provides more detail on flooding and sea level rise.

See maps of inundation on Page 59

Page 68

POLICY DT-MIX OF BUILDING HEIGHTS.

Enable a mix of building heights for new construction, creating variety and accommodating a vibrant mix of uses.

Both public and private ferry operators provide service between the privately- owned Tiburon ferry terminal, San Francisco, and Angel Island. There is no dedicated ferry parking; ferry users use nearby parking lots, are picked up and dropped off, or arrive on bus, bike, or foot.

Pg. 69 ACCESS CIRCULATION AND PARKING

GOAL DT-F

Improve and enhance access to and movement through Downtown for all modes of travel, with an emphasis on pedestrian comfort and safety.

GOAL DT-G

Provide parking, electric vehicle charging stations, bike parking, pick-up/drop- off and loading areas that optimize use of the curbside and access for all.

POLICY DT-17 ACCESS FOR ALL MODES.

Pursue potential circulation and design changes to Main Street, Tiburon Boulevard, and other downtown Streets that would enhance multimodal access and visibility. Work to calm and minimize traffic.

Program DT-e Main Street Pilot Program.

Initiate a pilot program to test the feasibility of converting lower Main Street to a pedestrian-priority space. Study long-term design options, including the feasibility of a one-way couplet involving Main Street and Juanita Lane if deemed necessary. Redesign of Main Street should emphasize creating a high-quality pedestrian environment, address flood hazards, and respond to the need to adapt to sea level rise.

*****GOAL DT-F IMPROVE ACCESS TO DOWNTOWN –

****THE SUCCESS OF THE GENERAL PLAN, HOUSING ELEMENT, TIBURON 2040 AND MEETING THE RHNA ALLOCATION AS WELL AS CURRENT SAFE EMERGENCY EVACUATION, AND SAFE EMERGENCY VEHICLE INGRESS AND EGRESS DEPEND ON IMPROVING ACCESS TO DOWNTOWN, BUT THERE ARE NO PLANS INCLUDED TO ADDRESS THE CHOKE POINTS AND SEVERE CONGESTION CREATED BY THE SINGLE LANE OF TIBURON BOULEVARD IN AND OUT OF DOWNTOWN. LIVES MAY BE LOST UNDER CURRENT CONDITIONS ON TIBURON BOULEVARD IF RESIDENTS OF DOWNTOWN OR OTHER RESIDENTS REQUIRING EMS TRANSPORT SHOULD BE SO UNFORTUNATE AS TO SUFFER A STROKE, HEART ATTACK, OR TRAUMATIC INJURY DURING THE SCHOOL AND COMMUTE RUSH HOUR BACKUPS. ADDING OVER 500 ADDITIONAL UNITS TO DOWNTOWN TIBURON AND 200 TO BELVEDERE WILL MAKE THIS EXTRAORDINARY SAFETY ISSUE EVEN WORSE. **THIS IS THE BIGGEST WEAKNESS IN THE GENERAL PLAN, THE HOUSING ELEMENT AND THE EIR.** THE BROAD ASPIRATIONS IN THE GENERAL PLAN WILL NOT AVERT A CATASTROPHE. ONLY SPECIFIC ACTIONS TO ADDRESS THIS FUNDAMENTAL WEAKNESS WILL. REZONING THE COVE TO MIXED USE RESIDENTIAL NOW IN CASE OWNERSHIP SHOULD CHANGE HANDS OR THE CURRENT OWNER SHOULD CHANGE HIS MIND WOULD BE A SMART FIRST STEP. IT WOULD ENABLE TIBURON TO COMPLY WITH ABAG's and HCD's **DIRECTIVES THAT AFFORDABLE HOUSING SITES SHOULD BE SPREAD THROUGHOUT TOWN AND NOT CLUSTERED IN ONE PLACE, and REZONING NOW WOULD address safety issues by permitting the placement of some housing sites where**

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128-4

there is access to THE WIDER PART OF TIBURON BLVD - the location WHERE TIBURON BOULEVARD IS MORE CAPABLE OF ACCOMODATING EMERGENCY VEHICLE ACCESS AND EMERGENCY EVACUATIONS.

This strikes me so strongly as being contrary to the values of our town. How can we place many, many lives at risk by planning and rezoning to build high density housing in a single location which includes all of the major threats of death and injury which mother nature presents in our area with only one lane in and out? If there is a viable Preemption argument which we may make after having our Housing Element approved so as to cut off the opportunity for Builder's remedy construction without regard to safety, I think that it is imperative that we do so.

I understand that the state is mandating zoning for the addition of many new residential units. THE STATE IS SAYING THAT THE AFFORDABLE UNITS SHOULD NOT BE CONCENTRATED IN ONE LOCATION. As we scramble to rezone now to achieve certification of our Housing Element, we should spread rezoning for new housing throughout town, as required by state law, rather than concentrating and stacking and packing all of it downtown, where all of the above-noted risks are present, including liquefaction which could cause multi-story buildings to collapse in an earthquake. Single story commercial buildings in such a location present far lower risks, in that they are vacant for many hours, occupants are awake and alert when occupying them and more able to escape quickly, and they are not subject to risks of pancaking in an earthquake. Even re-zoning for single or two-story residential or multi-use units spread through downtown, the Cove, and the Paradise Drive locations would be far less dangerous than what our town is currently planning. The state is mandating re-zoning, but not selecting the sites. Please protect our current and future citizens by spreading the re-zoning for higher density residential units throughout our town.

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Page 70

Program DT-f Tiburon Boulevard Design.

Plan, design and implement streetscape improvements to Tiburon Boulevard's public right-of-way to create a balanced transportation environment. These improvements may include, but are not limited to, traffic calming; widening sidewalks; providing pedestrian amenities; installing new street trees and vegetation; upgrading bike infrastructure; providing vehicle and transit access, on-street parking, and electric vehicle charging; and incorporating stormwater management and flood hazard mitigation.

*******NONE OF THIS WILL WORK TO CALM TRAFFIC WITHOUT WIDENING TIBURON BOULEVARD, AND THERE IS NO ADDITIONAL SPACE TO DO SO FOR MUCH OF IT WITHOUT TAKING PRIVATE PROPERTY AND EXCAVATING INTO HILLSIDES.**

PG. 71

Program DT-i Transit Improvements.

Actively monitor changes to transit service, advocate for service optimization for Tiburon, and support enhanced transit infrastructure as part of downtown streetscape improvements.

POLICY DT-20 FERRY SERVICE.

Support ferry service and encourage the use of ferries to create a unique and enjoyable travel option for Tiburon residents and visitors while reducing visitor vehicle traffic and parking demand.

Program DT-j Ferry Service Improvements.

Actively monitor the San Francisco Bay Area Water Transit Authority process and advocate for improved ferry service and facilities.

*******THIS ASPIRATION IS IN DIRECT CONFLICT WITH THE CURRENT REALITY OF TRANSIT TO THE FERRY BEING CUT**

128-5

PG. 72

POLICY DT-28 PARKING.

Provide adequate on- and off-street public and commercial parking areas to support downtown businesses, destinations, and events, and share parking resources.

Program DT-n Public Parking.

Explore the desirability and feasibility of a public parking facility in Downtown.

POLICY DT-29 PARKING

Establish parking requirements for new development that ensure that parking demand generated by new uses is met, helping to facilitate downtown revitalization and without detracting from a cohesive built environment.

PG. 78-79

4.3 HOUSING OPPORTUNITY SITES

Most of the sites within residential zones in the Town are built out or are not viable for high-density development due to environmental or topographic constraints and therefore offer very limited new housing opportunities. Where there

are sites that can accommodate higher residential density, residents have expressed concerns about impacts that may result from the addition of a substantial number of new housing units, including impacts to the water supply, evacuation and emergency vehicle access, and traffic, as well as the threat of environmental hazards such as flooding, tsunami, sea level rise, and wildfire for new development in flood zones and the wildland-urban interface zone. Nonetheless, the Town recognizes that it must provide opportunities to meet its RHNA. To achieve this goal, the Town increased allowable residential densities on certain housing opportunity sites and identified mixed-use zones in the Downtown along Tiburon Boulevard, Beach Road, and Main Street where new housing can be mixed in with ground-floor commercial uses (see Table H-1). These sites were chosen for their proximity to transit and services, as well as their potential to help revitalize Downtown through careful planning and design standards. In addition to these mixed-use sites, multifamily development is identified for the vacant portion of the Reed School property and the 9.6-acre parcel at 4576 Paradise Drive. Table H-1 also includes a limited number of new single family, duplex, and accessory dwelling units as may be counted per HCD guidelines.

While the development capacities shown in Table H-1 reflect the allowable density ranges, it is important to note that realistic capacities for RHNA purposes are calculated at the lowest end of the range. Also, development capacities do not include additional residential development that may be required under State density bonus law for developers that choose to include specified levels of affordable housing.

*****IT IS OBVIOUS THAT WE FAILED TO MEET STATE DEADLINES AND NEED TO GET OUR HOUSING ELEMENT APPROVED TO END OUR VULNERABILITY TO BUILDER'S REMEDY APPLICATIONS. HOWEVER, THE HOUSING ELEMENT AND GENERAL PLAN CONTINUE TO BE INCONSISTENT IN THE WAYS IN WHICH THEY APPROACH OWNER DISINTEREST IN DEVELOPMENT AS DISQUALIFYING (CVS VS. THE COVE), AND IN TREATMENT OF ACCESS TO AMENITIES AS TRUMPING CONCERNS ABOUT FLOODING, TSUNAMI, LIQUEFACTION AND GROUND WATER INTRUSION SAFETY CONCERNS (DOWNTOWN VS. THE COVE). IF DOWNTOWN CAN BE AN ACCEPTABLE DEVELOPMENT SITE FOR MIXED USE AND HIGH DENSITY AND LOW INCOME HOUSING DESPITE CURRENT OWNER OPPOSITION OR NEIGHBOR OPPOSITION BASED ON SAFE EMERGENCY EVACUATION AND EMERGENCY VEHICLE ACCESS OR NATURAL ENVIRONMENTAL HAZARDS FOR BUILDING AND MIXED USE HIGH DENSITY DEVELOPMENT, THEN THE COVE, WHICH DOES NOT HAVE THE EMERGENCY EVACUATION AND EMERGENCY VEHICLE ACCESS ISSUES WITH ITS LOCATION ON THE BROADER SECTION OF TIBURON BOULEVARD SHOULD ALSO BE RE-ZONED NOW FOR MIXED USE. THIS IS ESSENTIAL TO MEET THE REQUIREMENTS UNDER STATE HOUSING LAW THAT AFFORDABLE HOUSING BE SPREAD THROUGHOUT TOWN, AND NOT CONCENTRATED IN ONE AREA, AS IT IS CURRENTLY CONCENTRATED DOWNTOWN IN TIBURON'S HOUSING ELEMENT.**

PG 86 POLICY H-B3 DENSITY BONUSES FOR SPECIAL NEEDS HOUSING.

The Town will use density bonuses to assist in meeting special housing needs, housing for lower-income elderly and disabled.

******IS TIBURON PLANNING TO SEEK THE USE OF DENSITY BONUSES TO UNDERMINE A 3-STORY HEIGHT CAP (WHICH WOULD BE REQUIRED TO MAKE NEW DEVELOPMENT AT LEAST SOMEWHAT CONSISTENT WITH THE REST OF DOWNTOWN BUILDINGS THAT ARE MOSTLY ONE OR TWO STORIES) FOR DOWNTOWN RESIDENTIAL DEVELOPMENT?**

PG 87 **PLEASE SPECIFY THAT EMERGENCY SHELTERS MAY BE LOCATED THROUGHOUT TOWN AND IN THE COVE COMMERCIAL AREA AS WELL AS IN THE DOWNTOWN COMMERCIAL AREA.**

PG. 89 POLICY H-C6 RECONSTRUCTION AT EXISTING DENSITIES.

Protect and preserve housing units by granting density bonuses that allow the re-establishment of housing developments containing affordable housing units (regardless of the current General Plan density limit for the site) at the pre-existing density, in the event that such developments are damaged or destroyed by fire, earthquake, or similar disaster.

*****WOULD THIS ALSO UNDERMINE HEIGHT LIMITATIONS DOWNTOWN?**

PG. 92 GOAL H-D

Facilitate the development of new infill housing in Downtown Tiburon and on identified underutilized sites throughout the Town that are close to services and transit. Continue to encourage accessory dwelling units to provide additional housing opportunities throughout established neighborhoods.

POLICY H-D2 NEW AFFORDABLE HOUSING

Facilitate the design, approval, and construction of affordable housing projects using a variety of mechanisms, including mixed-use development incentives, inclusionary Zoning, density bonus programs, affordable housing overlay zones, and creation of accessory dwelling units.

POLICY H-D4 MIXED USE INFILL HOUSING The Town will encourage well-designed mixed-use developments (residential mixed with other uses) where residential use is appropriate to the setting and development impacts can be mitigated. The Town will develop incentives to encourage mixed-use development in appropriate locations, such

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as in and near to the downtown **{AND THE COVE- MY ADDITION}** that are in proximity to transit and services and would support downtown businesses. **{***DELETE "DOWNTOWN" HERE- WHY NOT TRY TO SUPPORT ALL TIBURON BUSINESS, INCLUDING THE COVE}}**

*****THIS WOULD BE A GOOD PLACE TO INCLUDE THE COVE AS AN APPROPRIATE SITE FOR MIXED USE INFILL HOUSING AND AFFORDABLE HOUSING**

PG. 93 POLICY H-D5 REDEVELOPMENT OF COMMERCIAL SHOPPING AREAS AND SITES.

The Town will encourage the development of housing in conjunction with the redevelopment of commercial shopping areas and sites when it occurs.

POLICY H-D6 DENSITY BONUSES AND OTHER INCENTIVES FOR AFFORDABLE HOUSING DEVELOPMENTS.

The Town will use density bonuses and other incentives to help achieve housing goals, including provisions consistent with State Density Bonus Law.6

POLICY H-D7 RETENTION AND EXPANSION OF MULTIFAMILY SITES AT MEDIUM AND HIGHER DENSITY.

The Town will strive to protect and expand the supply and availability of multifamily and mixed-use infill housing sites for housing. The Town will not re-designate or rezone residential land for other uses or to lower densities without re-designating equivalent land for higher density multifamily development.

******ANOTHER GOOD PLACE TO MENTION THE COVE**

PG. 94-

Program H-ee Bonuses for Affordable Housing Projects Consistent with State Density Bonus Law.

Offer density bonuses consistent with the State Density Bonus Law.

PG. 95 Program H-ii Rezone Housing Opportunity Sites.

Establish new Mixed Use, Main Street, and R-4 zoning districts and objective design and development standards for those districts that facilitate development at the realistic unit capacities and densities established in Housing Element Table 11 for each site.

Housing Opportunity Sites.

In compliance with the No Net Loss Law and Government Code 65863, the Town will identify new housing opportunity sites as development occurs in order to ensure the remaining site as reflected in Housing Element sites are sufficient to accommodate the ^{Table 11, Sites 1-9} remaining RHNA at all income levels. accommodate a portion of the lower- In addition, the Town will consider

*******THIS IS WHERE IT MENTIONS POSSIBLY RE-ZONING THE COVE IF THE OWNER SHOULD EXPRESS INTEREST. THE COVE SHOULD BE RE-ZONED NOW, ALONG WITH ALL OF THE OTHER PROPERTIES IN THE HOUSING ELEMENT, SO IF THE COVE OWNER SHOULD SELL OR EXPRESS INTEREST, IT WILL BE READY TO GO TO ENABLE US TO MEET THE RHNA ALLOCATION REQUIREMENTS WITHOUT RESORTING TO STACKING AND PACKING DOWNTOWN!**

PG. 114

EMERGENCY HOUSING SERVICES.

Support community organizations and groups that provide emergency housing, shelter, and other essential services to vulnerable communities. This includes temporary housing for displaced and unsheltered individuals.

*****PLEASE SPECIFY THAT THESE SERVICES SHOULD BE AVAILABLE THROUGHOUT TOWN, as they have been in the past, AND NOT JUST DOWNTOWN.**

Pg. 120 MOBILITY

The Tiburon Peninsula possesses unique constraints and opportunities for circulation. The constraints are largely a function of the relative isolation that results from being a lengthy peninsula and from topography that is dominated by relatively steep hillsides.

Pg. 122 Complete Streets

GUIDING PRINCIPLES

To support the vision statement, several principles guide the Mobility Element:

CONGESTION

Automobile traffic volumes along major corridors—especially Tiburon Boulevard—should be reduced to improve traffic flow and enhance quality of life and safety. In particular, the Town shall address growing school and contractor traffic on weekdays, and visitor traffic on weekends.

128-5
con't

**** *How do 2 towns which share a single lane road in and out add a total of 700-800 units for new residents while REDUCING traffic volume on that vital thoroughfare??? It is impossible. Add to this that dense downtown housing is intended for elders and disabled and low income residents, and that the only downtown grocery is an expensive one, and the only downtown pharmacy, banks, post office and grocery may be replaced by high density housing so that all residents will need to drive long distances to use these services, and the ferry is a very expensive method of commuting, out of reach financially for low income residents, and there is even greater likelihood that traffic volume will expand greatly, instead of being reduced. Downtown residents will need to drive long distances to get to these essential services. Wishing to reduce traffic will not make it happen while adding many new residents.*

Pg. 123
ECONOMY

The Town's transportation system should support economic development in the Town **as well as access to other destinations**, which is essential to maintaining the Town's appeal as a place to live. (emphasis added)

CHOICE

Residents and visitors in Tiburon should have the choice to travel by different modes as they see fit, safely, and with convenience and flexibility. Driving is likely to remain the most common mode of travel for the foreseeable future in Tiburon....

*****ACKNOWLEDGING THAT DRIVING WILL REMAIN THE MOST COMMON MODE OF TRAVEL FOR THE FORESEEABLE FUTURE**

MANAGEMENT AND MEASUREMENT

Roadway and circulation network performance metrics—encompassing all modes of travel—should be **established and measured**. The transportation network should be **managed** to achieve set targets, such as reducing the number of collisions, **improving parking availability, or reducing automobile congestion.** (EMPHASIS ADDED)

*****Good reasons to proceed with ARP-funded traffic congestion reduction study, to focus on parking availability issues, and impact of adding 600+ more residences downtown upon Tiburon Blvd congestion.**

Pg. 140 Circulation improvements

*****These improvements do not include adding lanes to Tiburon Blvd between Trestle Glen and Main Street, which is the only honest, though extraordinarily difficult way to reduce congestion. They include adding additional traffic roundabouts, which may help with circulation and safety, but not with reducing congestion.**

Pg. 142 **6.5 GOALS, POLICIES AND PROGRAMS**

EMERGENCY SERVICES.

Prioritize emergency service needs when developing transportation plans and making transportation network changes.

POLICY M-4 PROPOSED MOBILITY IMPROVEMENTS.

Use Table M-4 as the basis for transportation network improvements over the next 20 years, enabling the roadway system to operate safely and efficiently while accommodating future growth consistent with the General Plan.

Prioritize construction of roadway improvements based on consideration of relevant factors including, but not limited to, funding availability, periodic analysis of traffic service levels, the location and timing of new development and safety considerations.

*****No mention of possible addition of a new lane in and a new lane out on Tiburon Blvd between Trestle Glen and Main Street**

Pg. 151 **POLICY M-61 PARKING FOR NEW USES.**

Provide for alternative parking solutions such as **mechanical stackers (emphasis added)**

****** This should be popular as there is great consternation about noise pollution from Pickleball.**

Page 185. Section 9.4:

Every five years Marin Water prepares an Urban Water Management Plan (UWMP) to ensure the efficient use of available water supplies. The 2020 UWMP determines the existing baseline water consumption;

...

128-5
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According to Marin Water's 2020 UWMP, projected water supplies are sufficient to meet projected water demand through 2045 in a normal year as well as in multiple dry years.

However, the 2020 UWMP does not take into account increases in population that would result if all jurisdictions within Marin Water's service area meet the Regional Housing Need Allocation assigned to them for the 2023-2031 planning period. The next update of the UWMP will address this issue. (emphasis added)

***** The additional housing units in the RHNA allocation would shorten the period for which Marin's Water service could meet the needs of the jurisdiction. The UWMP will not be updated until 2025.**

Page 193

Table C-2

LOCAL HISTORIC INVENTORY FOR DOWNTOWN TIBURON

Page 195

POLICY C-10 FLOOD HAZARD ZONE.

Avoid construction on lands that are shown to be within the 100-year flood hazard zone as shown on the current FEMA Flood Rate Insurance Map

****** THE DOWNTOWN HOUSING ELEMENT SITES TO BE RE-ZONED FOR HIGH DENSITY HOUSING ARE IN THE 100 YEAR FLOOD HAZARD ZONE IN VIOLATION OF THIS POLICY.***

PAGE 196

POLICY C-17 STRUCTURES OF HISTORIC AND CULTURAL SIGNIFICANCE.

Preserve and protect structures and properties which have historical, cultural, aesthetic, or other special character or interest to the Town.

Program C-d Historic Building Overlay.

Consider adopting an overlay zone for the area containing the Town's Inventory of Local Historical Buildings and adopting additional protection measures for the structures identified in the Inventory.

***** THIS WOULD APPEAR TO APPLY TO MANY MAIN STREET BUILDINGS. PLEASE CONFIRM.**

POLICY C-19 WATER CONSERVATION.

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POLICY C-19 WATER SUPPLY PLANNING

Coordinate planning activities with Marin Water to ensure that both the Town and Marin Water have the latest information with respect to land use and water supply planning.

*****Who will monitor this to ensure that we do not overbuild our water supply capacity?**

Page 204 Scenic Resources, Section 10.3

Open Space policies call for the protection and preservation of view corridors and open space views from key roadways, including Tiburon Boulevard,

*****How will it be possible to preserve the Tiburon Boulevard view corridors of SF Bay, the SF skyline, Angel Island, and the Tiburon and Belvedere Hills if the setbacks currently containing parking lots in front of CVS and at Beach Road and Tiburon Boulevard are removed, and 3 story (and possibly more with the density bonus) high density buildings are constructed in those locations, extending to the sidewalk next to the street?**

Page 208 Open Space

POLICY OS-6 DEVELOPMENT REVIEW

Ensure that new development respects the ecological, visual, and safety benefits of hillsides, ridgelines, and other natural areas that serve as habitat and erosion protection as well as visual backdrops to the community. Use the development review process to retain the visual character and environmental attributes of the planning area.

Program OS-a Environmental Constraints Assessment.

Require applicants to demonstrate that proposals for development minimize environmental impacts and comply with the General Plan and applicable regulations, ordinances, and guidelines. Require preparation of an assessment of environmental constraints that addresses applicable topics identified by California Environmental Quality Act and open space characteristics, including those associated with aesthetics, biological resources, and cultural and tribal cultural resources, prior to the submittal of Precise Development Plan applications for large undeveloped parcels.

Program OS-c Environmental Assessment.

Require an environmental assessment for development proposed on sites that may contain sensitive biological resources, including wetlands, occurrences of special-status species and sensitive natural communities, native wildlife nurseries and nesting locations, and native wildlife movement corridors. The assessment shall be conducted by a qualified professional to determine the presence, potential presence, or absence of any sensitive resources which could be affected by proposed

128-5
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development, shall provide an assessment of the potential impacts, and shall define measures to avoid significant adverse impacts to the resource. The development project shall be required to implement feasible measures to avoid or, if avoidance is not feasible, reduce significant adverse impacts.

***** Would someone please explain whether these kinds of reasonable, important, and laudable environmental assessments are permitted to be considered under state housing law? If not, does this perhaps give rise to claims of Federal Preemption, if there are federal laws and policies to protect biological resources and species?**

Page 211 Policy OS-23 WATER VIEWS

Protect visual access to the bayfront and scenic vistas of water and distinct shorelines through land use and development review procedures to the greatest extent feasible.

*** Do the plans for the four corners on Tiburon Boulevard including at CVS comply with this policy? Will eliminating setbacks and building out to the roadside on all corners permit visual access to the bayfront and scenic vistas?

Page 218, Chapter 11, Safety and Resilience

Page 219 Chapter 11.2 Hazard Mitigation and Emergency Preparedness

In January 2022 a [Vulnerability Assessment](#) was prepared for the Marin Countywide Plan Safety Element Update that will be incorporated into the updated LHMP (Local Hazard Mitigation Plan). The Vulnerability Assessment addresses the adaptation and resilience requirements of Gov't. Code § 65302(g)(4)(A) for Marin County, including the Town of Tiburon, by:

- Identifying exposures to climate change hazards, including drought, extreme heat, flooding, and landslides, debris flows, and post- fire debris flows,
- Identifying population groups and community assets that are sensitive to localized climate change effects,
- Evaluating the adapting capacity of identified populations and assets, &
- Conducting vulnerability scoring to describe the degree to which natural, built, and human systems are at risk of exposure to climate change impacts.

Adaptation and resilience goals, policies, and programs in compliance with Gov't. Code § 65302(g)(4)(B) and (C) are contained in Section 11.8.

Page 220 **EVACUATION ROUTES**

Tiburon's location on a peninsula and topography of steep hillsides poses challenging constraints for emergency response and evacuation. One of the major problems

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Tiburon faces during any emergency is the possibility of becoming isolated from surrounding cities or counties and any subsequent resources or help. The Tiburon Peninsula has one major road (Tiburon Boulevard) and one minor road (Paradise Drive) which provide primary access to the entire planning area. Additionally, there is a second minor road (Trestle Glen Boulevard) connecting Tiburon Boulevard and Paradise Drive in the northern portion of the planning area; however, the remaining transportation network consists of narrow local streets within the hillsides. Therefore, the susceptibility to road blockages is high and delays during evacuations will be inevitable. During an emergency, some areas could be inaccessible to emergency service personnel and vehicles due to the limited access to the area.

*****THIS IS PRECISELY WHY THE PLAN TO PUT ALL HIGH DENSITY HOUSING TO MEET THE RHNA FOR TIBURON AND BELVEDERE IN DOWNTOWN TIBURON, AT THE END OF THE PENINSULA, SERVED BY ONE LANE OF TIBURON BOULEVARD IN AND OUT, IS SO TERRIFYING.**

In the event of an area-wide emergency, evacuation of the Tiburon planning area would be difficult. Evacuation traffic on Tiburon Boulevard (Highway 131) would cause severe congestion since that is the only major access route for most of the planning area. As residents use the Highway 101 Tiburon Boulevard/East Blithedale Avenue interchange to evacuate out of Marin County, key choke points would occur causing massive delays for Tiburon residents, especially those located in residential areas in the southern portion of the peninsula. During an evacuation of the Tiburon Peninsula area, it is anticipated that over 17,000 residents from Tiburon, Belvedere, and Strawberry would potentially utilize this interchange as the main evacuation route since it is the closest interchange to all three communities.

PAGE 222 -223 **11.3 SEISMIC AND GEOLOGIC HAZARDS**

Structures built in areas of water- saturated granular sediment or fill material are susceptible to liquefaction. The ground shaking from an earthquake transforms the material from a solid state to a temporarily liquid state. Liquefaction is a serious hazard because buildings in areas that experience liquefaction may sink or suffer major structural damage. Most single and multifamily homes under ten stories are unlikely to have foundations stable enough to withstand liquefaction even if they can withstand ground shaking.

Liquefaction potential in the planning area includes designation of "Very Low" to "Very High" as shown in Figure SR-2. **Areas in Tiburon designated with very high potential for liquefaction are generally located in the Downtown from the bay to Mar West Street,** including Town Hall and the Tiburon Fire Station # 11; the Blackie's Pasture area and Tiburon Ridge and Belveron neighborhoods; and the Cove Shopping Center and Bel Aire neighborhood. (emphasis added)

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*****It is my understanding that Downtown and the Cove are the only areas where there is commercial property in Tiburon, and Downtown's location in a liquefaction zone with very high risk for catastrophic collapse in case of a major earthquake is precisely the site selected in the Housing Element and as envisioned in the General Plan where all of the high density, multi-story, low income housing for Tiburon will be located in an attempt to comply with the RHNA allocation under state law. This especially hazardous situation is even more dangerous, as it is also where there is only one lane of Tiburon Boulevard for evacuations and for emergency vehicle access. At least for the potential mixed use site at the Cove shopping area, Tiburon Boulevard is wider and closer to highway 101, making emergency evacuation, emergency vehicle access and speedy hospital transport easier.**

PAGES 224-226 TSUNAMI

1. A tsunami is a series of traveling ocean waves caused by underwater earthquakes, volcanic eruptions, or landslides. Out in the ocean, tsunami waves do not dramatically increase in height. But as the waves travel inland, they build up to higher and higher heights as the depth of the ocean decreases. As the tsunami enters the shallow water of coastlines, waves can reach heights of over 100 feet and strike with devastating force. Depending on the location of an incident, a tsunami can reach the California coast in as little as ten minutes for a local source earthquake or take from 5 to 14 hours for a distant source earthquake. Areas at greater risk if they are less than 25 feet above sea level and within a mile of the shoreline Figure SR-3 shows the tsunami inundation areas within the Tiburon Peninsula. **Vulnerable areas are Downtown**, including Town Hall and the Tiburon Fire Station #11; Blackie's Pasture; the Cove Shopping Center; and waterfront properties along Paradise Drive. (emphasis added)

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Page 228 Flooding Hazards

Tiburon is subject to flooding problems due to periodic heavy winter rainfalls, tidal fluctuations, and the potential for tsunamis and sea level rise. Impacted areas are the low-lying areas adjacent to the San Francisco Bay, Belvedere Cove, Belvedere Lagoon, and Richardson Bay. During heavy rainfall conditions, and especially when combined with high tides, certain areas are known to flood, **including Beach Road at Tiburon Boulevard**.

***** This is one of the many risks of locating all high density and low income housing for Tiburon and Belvedere at the downtown site designated in the Housing Element. At the very least, it should be spread throughout town, as directed by the state housing law, to mitigate these risks.**

...

The intent of the National Flood Insurance Program, which was established by the 1968 Act, is to reduce the need for large, publicly funded flood control structures and disaster relief by restricting development on floodplains.

*****Our state housing law may conflict with Federal law and policy if the only available areas for development in Tiburon are located on floodplains, and the state is requiring such development, nonetheless! When combined with the wildfire risks as these sites are adjacent to Urban-Wildland-Interface areas, are within liquefaction zones under the new map, are in tsunami risk and evacuation zones, and at risk of flooding from inundation resulting from sea level rise and atmospheric rivers, it is clear that building at the Downtown Housing Element sites selected to meet the RHNA allocation for High Density Housing (and the Cove) risks loss of many lives and the need for huge investments from the federal government for publicly funded disaster relief. It is my understanding that these are the only commercial sites available in Tiburon for rezoning to Residential to meet the RHNA Allocation as required by our state housing laws. This leads me to wonder whether those laws may be ****PREEMPTED BY FEDERAL LAW AND POLICY **** as they apply to our town? May we please explore this with our legal counsel?**

...

Improvements, construction, and developments within Special Flood Hazard Areas are generally subject to the following standards:

• **All new construction and substantial improvements of residential building must have the lowest floor (including basement) elevated to or above the base flood elevation (BFE).** (emphasis added)

• All new construction and substantial improvements of non-residential buildings must either have the lowest floor (including basement) elevated to or above the BFE or dry-floodproofed to the BFE.

• Buildings can be elevated to or above the BFE using fill, or they can be elevated on extended foundation walls or other enclosure walls, on piles, or on columns.

• Extended foundation or other enclosure walls must be designed and constructed to withstand hydrostatic pressure and be constructed with flood-resistant materials and contain openings that will permit the automatic entry and exit of floodwaters. Any enclosed area below the BFE can only be used for the parking of vehicles, building access, or storage.

Page 229

The Town's Floodplain Management Regulations are contained in Title IV, Chapter 13D of the Tiburon Municipal Code. These regulations implement the FEMA standards for construction and development within Special Hazard Zones in Tiburon. The Town requires new construction and substantial improvement of any structure to have the lowest floor, including the basement, elevated at least two feet above the base flood elevation.

128-5
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...

The 100-year floodplain is largely confined to the Boardwalk Shopping Center and Downtown Tiburon Area.

*****The Downtown sites designated for high density and affordable housing are within the 100 year flood zone at Tiburon Boulevard and Beach Road**

Page 230

The Town has robust maintenance and capital improvement programs to help manage and mitigate flood risk. Despite flood control efforts, Tiburon will experience local flooding in future years. During the winter months, Marin County experiences “atmospheric river” storms that can deliver over one inch of rain per hour over extended time frames, causing localized flooding. Scientists warn that climate change could increase the frequency and intensity of atmospheric river storms in California, mostly in the form of occasional years with more extreme storms. These tendencies could produce more frequent and severe flooding.

Page 231 **11.5 SEA LEVEL RISE**

Page 233

As shown in in Figures SR-7 through SR-9, **very limited areas** of Tiburon (about 50 acres) **are likely to be vulnerable in the near- and medium-term. However, this includes highly valued shoreline shops and restaurants on Main Street as well as portions of Bay Road and the Boardwalk shopping center** and low-lying natural areas in the Greenwood Beach area. **Access to Tiburon from Highway 101 and Corte Madera could also flood in the medium-term, potentially cutting off residents from critical services and destinations.**

*****MAIN STREET AND BOARDWALK SHOPPING CENTER ARE LIKELY TO BE VULNERABLE TO FLOODING IN THE NEAR FUTURE FROM SEA LEVEL RISE. WHILE NEIGHBORS’ EXPRESSED CONCERNS ABOUT THIS WERE TAKEN INTO ACCOUNT IN EXCLUDING THE COVE SHOPPING CENTER FROM CONSIDERATION FOR MIXED USE HIGH DENSITY AND LOW COST HOUSING, THE TOWN WAS INCONSISTENT WHEN CONSIDERING NEIGHBORS’ LEGITIMATE CONCERNS ABOUT FLOODING WITH RESPECT TO THE DOWNTOWN BEACH ROAD, TIBURON BOULEVARD INTERSECTION, AND DESIGNATED THOSE FOUR CORNERS, INCLUDING THE BOARDWALK SHOPPING CENTER, AND ALSO MAIN STREET PROPERTIES FOR HIGH DENSITY HOUSING TO MEET THE RHNA ALLOCATION FOR RESIDENTIAL UNITS BY REZONING FOR MULTI-STORY SITES. THIS INCONSISTENCY COULD BE CORRECTED BY REZONING THE COVE FOR MIXED USE AT THE SAME TIME WHEN THE DOWNTOWN PROPERTIES ARE REZONED IN ACCORDANCE WITH THE HOUSING ELEMENT. THIS INCONSISTENCY COULD ALSO BE ADDRESSED BY EXCLUDING THE DOWNTOWN, MAIN STREET, AND BOARDWALK COMMERCIAL PROPERTIES FROM REZONING FOR RESIDENTIAL DEVELOPMENT.**

Also on Page 233, regarding long term vulnerability:

128-5
con't



Vulnerable downtown assets include Tiburon Boulevard and other streets; the Bay Trail; the Ferry Terminal; the Tiburon Fire Department, library, and post office; historic buildings along Main Street; hotels, shops, businesses, and housing.

...

SEA LEVEL RISE AND OTHER FACTORS

While these projections are critical to our ability to prepare and adapt, these projections may not present a complete picture of rising water levels in specific locations. Sea level rise will be accompanied by rising groundwater levels, fluvial flooding, and shoreline erosion. The interaction of these factors – as well as the potential for liquefaction associated with seismic events—will create localized conditions that are as yet not fully understood.

*****While not yet fully understood, these additional localized water-related conditions only render the sites selected for high density housing in downtown, at the Boardwalk shopping Center, and on Main Street even more inappropriate and unsafe for residential development.**

Page 238 **11.6 FIRE HAZARDS**

Page 245 **11.8 GOALS, POLICIES, AND PROGRAMS**

GOAL SR-A

Encourage disaster preparedness planning for effective emergency response and to protect public safety.

...

GOAL SR-C

Identify hazardous areas & discourage to the maximum extent feasible development of areas subject to hazards including, but not limited to... flood- prone areas.

HAZARD MITIGATION AND EMERGENCY PREPAREDNESS

POLICY SR-1 EMERGENCY PREPAREDNESS.

128-5
con't

Ensure that the Town is prepared to effectively respond to any emergency or disaster, including hazardous material releases, in cooperation with other public agencies and appropriate organizations.

*****This must include providing safe and speedy emergency vehicle access and emergency evacuation**

Page 246 **Program SR-e Evaluate Evacuation Routes.**

Work with the Tiburon Fire Protection District, the Southern Marin Fire Protection District, the Marin Wildfire Prevention Authority, and the Tiburon Police Department to evaluate evacuation routes for their capacity, safety, and viability under a range of emergency scenarios.

Program SR-f Improve Evacuation Routes.

.... Assess the feasibility of adding additional evacuation routes.

Page 247 **SEISMIC AND GEOLOGIC HAZARDS**

POLICY SR-5 SEISMIC AND GEOLOGIC HAZARDS. *Reduce the risk of loss of life, personal injury, and property damage resulting from seismic and geologic hazards including ground shaking, land sliding, liquefaction and slope failure. (emphasis added)*

*****It seems clear that zoning for building new high density multi-story residential structures in a liquefaction, tsunami, and flood zone, adjacent to a fire prone area, near the end of a peninsula, with only one lane in and one lane out, with choke points along that road, would violate this policy.**

Page 248

POLICY SR-11 SEA LEVEL RISE PROJECTIONS.

Integrate flooding and sea level rise projections into policies and regulations to inform the public of the future hazard areas, assess and **address potential impacts to future development**, inform future planning and building requirements, plan for opportunity areas for adaptation, and inform funding and financing decisions about short- and long-term adaptation projects. (emphasis added)

...

Program SR-r Sea Level Rise Adaptation Plan.

...

128-5
con't



Prepare and adopt an adaptation plan addressing increased flooding and sea level rise. The adaptation plan shall include the following components:

...

PAGES 250-251 **Program SR-w Coordination with Caltrans and Other Roadway Partners.**

Coordinate with Caltrans and other partners to ensure roadway improvements in vulnerable areas are consistent with the Town's goals, and that infrastructure projects address and plan for increased flooding and sea level rise. This includes Tiburon Boulevard, Paradise Drive, and Main Street.

*****Further acknowledgement that Tiburon Boulevard and Main Street are vulnerable areas with regard to increased flooding and sea level rise.**

POLICY SR-14 FLOOD- RESISTANT NEW DEVELOPMENT.

Ensure new development is resilient to flooding and sea level rise. (emphasis added)

Program SR-y Special Flood Hazard Areas.

Require new development and/or construction, where feasible, to be outside Special Flood Hazard Areas, which are defined by FEMA as areas that would be inundated by a flood having a 1% chance of occurring in any given year. Construction proposed within Special Flood Hazard Areas shall comply with the Town's Flood Damage Prevention Ordinance (Municipal Code Chapter 13D). (emphasis added)

*****The downtown sites for high density housing in the Housing Element are a violation of this Policy and Program in the General Plan.**

Program SR-aa Development Projects.

Require new development, including substantial alterations, **to consider and address increased flooding and sea level rise impacts** and to integrate resilience and adaptation measures into project design as warranted. (emphasis added)

Program SR-bb Code Amendments for Minimum Floor Elevation.

Study amendment of the Town's Flood Damage Prevention Ordinance to establish a minimum finished floor elevation requirement of +3 feet above the FEMA 100-year flood elevation to protect new development against future sea level rise. (emphasis added)

*****The clearest message of these provisions, combined with the provisions on Liquefaction, Tsunami, Fire, and Flood Plains, is that the Downtown sites for the Housing Element are not suitable for new development into high density, multistory, residential**

128-5
con't

properties. If state law conflicts with Federal law and policy and the General Plan in this regard, the state law should be challenged as preempted.

Page 252 **FIRE HAZARDS**

POLICY SR-17 FIRE RISK REDUCTION.

Reduce the risk of loss of life, personal injury, and property damage resulting from wildfire and urban fire hazards through code enforcement and coordination the local Fire Districts and other agencies to ensure the safe delivery of emergency services and the effective evacuation of the community in the event of a disaster. (emphasis added)

***Adding high density housing Downtown to meet Tiburon's and Belvedere's RHNA allocations violates this policy as the additional pressure on Tiburon Boulevard and added congestion at chokepoints greatly increases the risk of loss of life in the event of the need for delivery of emergency services or a disaster requiring evacuation.

Thank you so much for your kind consideration of these serious safety concerns associated with the General Plan.

128-5
con't

Town of Tiburon

General Plan 2040 EIR

Letter I28 **Julie Jacobs 3**
Response April 19, 2023

- I28-1 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I28-2 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I28-3 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I28-4 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I28-5 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: Comments on Draft Impact Report and General Plan

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Mon, May 1, 2023 at 5:29 PM

From: Kanika Rankin <[REDACTED]>
Sent: Monday, May 1, 2023 10:12 AM
To: Dina Tasini <dtasini@townoftiburon.org>; Tim Rankin <[REDACTED]>
Subject: Comments on Draft Impact Report and General Plan

May 1, 2023

Tiburon Town Council
1505 Tiburon Boulevard
Tiburon, CA 94920

Dear Tiburon Town Council Members,

We are writing to express our opposition to the inclusion of the 10 acre parcel at [4576 Paradise Drive](#) in the town's eight year plan for housing. This property was added to Tiburon's plan at the last minute, without any hearing or forum, and without consideration, let alone adequate consideration, of the impact of the proposed construction of 93 housing units on that property.

We wholeheartedly oppose the proposed inclusion of this property in the housing plan to enable rezoning for high density housing in an area that is severely lacking in the infrastructure needed to support such a project.

The proposed construction of 93 high density housing units in this area, will create numerous issues the Town has not addressed in its Impact Report.

Education:

Our public school system is already taxed to the point that each family is being asked to donate sufficient funds per child to ensure our education system can support our youth. In addition to the costly property taxes we pay, we are contributing an additional \$5,000-\$10,000/year to support our children. The addition of 93 homes with any number of children per, is not sustainable and will be detrimental beyond repair.

I29-1

Safety:

- In the “short term”, during the construction phase - which could take years - the construction equipment necessary for this project will create safety problems as they drive on the road, create blockages throughout the day as they enter or leave the property - to the extent they are even able to get down the steep slopes to buildable land. There is limited space for those vehicles to pull over. All of which will exacerbate the traffic and safety issues already in existence, especially during morning and afternoon school rush, with children on the road from school buses or on bicycles traveling to and from school.

- The construction project will require the use of large, heavy construction vehicles and equipment on a daily basis on a road that is already taxed.

- The property is located on a windy section of road with no section with extensive visibility in either direction, raising concerns about ingress and egress from the property. While the Town’s Impact Report states that there will be one central driveway to reduce issues, a visit to the site makes clear there is no safe place for a highly trafficked driveway, and the addition of a driveway in the area with low visibility will make it more dangerous for every car on the road, especially those living around the property, including cars entering and exiting Paradise Cay.

- Bicycle traffic, already a challenge on Paradise Drive, will increase, exacerbating existing safety issues. The vague proposal to add provisions for bicycle traffic on a small segment of the narrow and windy Paradise Drive does not alleviate this concern. Is this bicycle accommodation to be implemented before construction begins? Bikers use the entire road, during the week and on weekends as it is a highly trafficked and popular scenic route.

- Children ride bikes to school heading in both directions, not just toward Trestle Glen Blvd., but toward Corte Madera as well. The Impact Report notably contains no traffic figures for traffic going toward Corte Madera. Increased traffic combined with increased bicycle traffic, without adequate remediation, will lead to increased accidents. Paradise Drive already has a disproportionate number of accidents.

- During morning and afternoon school rush (involving schools in Tiburon *and* Corte Madera) or during the many construction projects on the road, or during commuter rush hour when people are looking for alternatives to 101, traffic can get heavy, which can lead to people taking risks. An increase of 150-200 cars on the road will only exacerbate this. What is the plan to address this? Based on the Impact Report, there is none. Please be aware that many residents on Paradise Drive frequent the grocery and retail centers in that direction. Unless residents of this new construction project are prohibited from taking Paradise Drive toward Corte Madera - a ludicrous suggestion - Tiburon should be measuring and assessing the impact and developing appropriate remediation plans in that direction as well.

- The increase in the number of cars can and will impact the response times of emergency vehicles - police, fire, ambulance - in times of crisis. In such circumstances even a minute can mean the difference between life and death. This is a particular issue for those in unincorporated Marin reliant on Marin Sheriff, rather than Tiburon Police, where response times are already hindered by low staffing. Is Tiburon going to provide emergency services to areas negatively impacted by this project?

- While there is a possibility of adding public transportation here where there currently is none, the fact that the property is to accommodate all above median income residents makes it unlikely that a bus would be the preferred mode of transport. Thus the addition of some form of public transit is unlikely to improve safety or traffic concerns.

I29-2

I29-3

I29-4

Road Maintenance / Evacuation Route Issues / Infrastructure

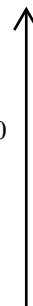
- Paradise Drive is expensive to maintain, as recognized by the Town of Tiburon in its Impact Report. It is narrow, windy and dangerous with a disproportionate number of accidents. Adding 150-200 additional cars dependent on the road will only increase wear and tear on the road and increase risk of accidents. Yet the Town of Tiburon made clear in its Impact Report that despite the tolls of construction and an increase in traffic, *there is no intention to increase funding for road maintenance* precisely because it is expensive to maintain. This makes no sense and puts at risk all those dependent on the stability of Paradise Drive for daily use. 129-5
- The construction vehicles are likely to overtax an already high maintenance road - any sinkage, slippage or slides will create longer term safety issues for all communities reliant on the road for ingress and egress.
- Paradise Dr. is one lane in each direction with frequent flooding and slides. Those living on or off of Paradise Drive between Trestle Glen and Corte Madera have no alternative means of egress. Adding 150-200 more cars will measurably increase the risk to every person reliant on that route in an emergency.
- There are no provisions in the Town Plan to address the added demands on the sewer systems in an area with already limited infrastructure. Issues, breakages, would lead to potentially tragic environmental damage given the property's waterfront location. 129-6

Environmental

- Flooding and runoff during inclement weather will negatively impact the bay and houses located below this property. If the construction project of high density housing in the Corte Madera section of Paradise Drive is any indication, slides, road blockages, etc., are all predictable. Here those slides will not just block a road, they will impact people's homes and the bay itself. The Impact Report does not address environmental concerns associated with developing the property at all. 129-7
- The construction project will require the clearing of many trees that are home to various forms of wildlife and nesting birds. The current property owner has already been called out for his impermissible tree removal that has already impacted nesting birds. 129-8
- The construction project will impact all of the homes and neighborhoods surrounding the property with noise pollution, likely for years. Given the shifts in working since the pandemic, many people work at home and the construction noise and trucks and clearing, etc. will negatively affect their work environment. 129-9
- Virtually all sense of privacy held by the homeowners living below this project will be lost - people who bought with the expectation that the property would be developed consistent with extant zoning provisions. Indeed, even as the 10 acre lot was annexed to Tiburon in 2021, homeowners raised concerns about privacy but were told the appropriate time to raise them was if the property owner sought permits to build homes, which would be subject to Tiburon's strict regulations. Now these homeowners are faced with the loss of their constitutional right to privacy by the prospect of several stories of high density housing peering into their windows and back yards. 129-10

In sum, we oppose the proposed inclusion of this property in the housing plan to enable rezoning for high density housing in an area that is severely lacking in the infrastructure needed to support such a project. Town of Tiburon is making decisions that will negatively impact quality of life and devalue properties of non-Tiburon residents. The





I29-10
cont

inclusion of the property in the plan is ill thought out, dismissive of local residents and treats those neighboring the 10 acre parcel like cannon fodder to satisfy the state's requirements.

We do not take the position that this property cannot be developed in any way. It is the rezoning and authorization of development without adequate consideration of the impacts, without addressing the concerns of those to be affected - many of whom do not live in Tiburon, that is the issue.

Thank you for your consideration.

Regards,

Tim, Kanika, Anika, Arya, Rohan, and Amara Rankin

kindbody

Kanika Mehta Rankin, Esq.

SVP, Deputy General Counsel
Interim Compliance and Privacy Officer

m. [949.573.3636](tel:949.573.3636)
w. www.kindbody.com
a. [120 Fifth Avenue, 5th](#)
[Fl, New York, NY 10011](#)

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Letter I29 **Kanika Mehta Rankin**
Response May 1, 2023

- I29-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I29-2 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I29-3 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I29-4 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I29-5 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I29-6 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I29-7 Please see Master Response – 4576 Paradise Drive. A discussion regarding stormwater runoff is included in Section 3.9, Hydrology and Water Quality and Section 3.15, Utilities and Service Systems of the Draft EIR.
- I29-8 Please see Master Response – 4576 Paradise Drive. A discussion regarding biological resources is included in Section 3.3, Biological Resources of the Draft EIR.
- I29-9 Please see Master Response – 4576 Paradise Drive. A discussion regarding construction noise is included in Section 3.11, Noise of the Draft EIR.
- I29-10 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required.

Town of Tiburon

General Plan 2040 EIR

The comment is noted and will be forwarded to the decision makers for consideration.



FW: Comments on the Draft General Plan

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:15 PM

From: Kathy and Gerry Silverfield [REDACTED] >
Date: April 14, 2023 at 8:46:57 PM EDT
To: [REDACTED], Jon Welner <jwelner@townoftiburon.org>, "Alice Fredericks USA.net" <[REDACTED]@[REDACTED]>, Jack Ryan <jryan@townoftiburon.org>, Holli Thier <hthier@townoftiburon.org>, Dina Tasini <dtasini@townoftiburon.org>, JULIE JACOBS <[REDACTED]>
Cc: Dorene Curtis <[REDACTED]>, [REDACTED]
Subject: Re: Comments on the Draft General Plan

Julie (and all other recipients of this email) -

Your comments are excellent and thorough. I concur with your comments and especially want to emphasize that your suggestion to rezone the Cove now instead of waiting for a change in ownership can and should be done when the other areas of Tiburon are rezoned. There is no excuse not to do it now since the intention to rezone the CVS site is being proposed even though the current owner has shown a similar reluctance as the Cove owner.

I30-1

I hope that the Town Council and Dina Tasini will read your comments carefully. It took many hours to review and try to understand the General Plan.

Thank you,

Kathy Silverfield

On Friday, April 14, 2023 at 04:32:22 PM PDT, JULIE JACOBS [REDACTED] wrote:

Town of Tiburon

General Plan 2040 EIR

Letter I30 **Kathy Silverfield 1**
Response April 14, 2023

I30-1 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: Comments for Discussion Item DI-1 General Plan Adoption Study Session

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:18 PM

From: Kathy and Gerry Silverfield <[REDACTED]>
Sent: Wednesday, April 19, 2023 2:09 PM
To: Lea Dilena <ldilena@townoftiburon.org>; Jon Welner <jwelner@townoftiburon.org>; Jack Ryan <jryan@townoftiburon.org>; Holli Thier <hollithiertiburontowncouncil@gmail.com>; Alice Fredericks USA.net <[REDACTED]>; Dina Tasini <dtasini@townoftiburon.org>; Lea Dilena <ldilena@townoftiburon.org>; Greg Chanis <gchanis@townoftiburon.org>
Cc: Dorene Curtis <[REDACTED]>; Esq. <[REDACTED]>; Julie Jacobs <[REDACTED]>
Subject: Comments for Discussion Item DI-1 General Plan Adoption Study Session

Some comments on the "TIBURON GENERAL PLAN 2040 PUBLIC REVIEW DRAFT | MARCH 2023"

The General Plan has general goals, policies, and programs but does not seem to lay the foundation upon which Tiburon can build its future.

For example, in its discussion of Downtown Tiburon, the General Plan presents the following vision for the retail element of Downtown Tiburon "Downtown should be a retail destination with thriving businesses that offer diverse goods and services, from basics like groceries to specialties like galleries, boutiques, cafes, and restaurants. Downtown's retail experience should be connected by beautiful pedestrian environments that extend along Main Street and Tiburon Boulevard. Downtown also provides space for the professionals, local artisans, and service providers that make a place thrive." (Page 60)

This vision is supported by 2 policies and 1 program (page 65). These policies and program are:

- POLICY DT-2 MIX OF COMMERCIAL USES. Encourage commercial land uses Downtown, including a mix of businesses serving residents & visitors.
- POLICY DT-7 ECONOMIC VITALITY. Actively promote the economic vitality of Downtown, in partnership with local businesses and organizations.
- Program DT-b Chamber of Commerce. Sustain partnerships with the Chamber of Commerce to improve the business climate and support local businesses.

I31-1

However, to meet the vision these general policies and programs are not enough. There are specific subjects that the General Plan should explore. If the General Plan does not discuss these subjects in detail, it should at least plan for further study. Examples of subjects are :

- Address why there are so many empty storefronts in the downtown area today? Many of these locations were empty before COVID so that is not the reason. We need to understand why these sites are empty so that we do not keep repeating the same circumstances. In talking to one person who lived near the Cove shopping center, she said she and her family rarely came to Downtown Tiburon for several reasons: one, it was more convenient to do shopping when she did other errands such as taking her children to school; two, the traffic along Tiburon Boulevard between the Cove and Downtown was a deterrent; three, the available shopping in Downtown Tiburon did not fit the needs of her family either in content or budget. There may be many other reasons, but we had a short conversation.
- Address the type of retail that will be needed with a change in demographics. With a projected 24% increase in population – an increase of 2235 persons from the Create Tiburon 2040 Project Description, but the percentage increase is much more in the Downtown Tiburon area – will the retail needs be different from the current retail environment.
- Address how everything will fit in Downtown Tiburon – additional 400+ residences, commercial entities, paseos, walkways, sidewalk cafes, residential and commercial parking, trees to hide the parking, additional bike facilities, additional pedestrian walkways. A visual model would be a valuable illustration because it is difficult to visualize everything in two square blocks plus one linear block. It is very difficult to see the Downtown area of “create 2040 Tiburon” as continuing to be unique, charming and village-like with blocks of 3 story buildings and 1000+ more residents (as stated in documents, the average is 2.4 people per residential unit)
- Address how the Post Office, current Bank (Wells Fargo), and other current commercial entities will be relocated permanently or temporarily during the building period.
- Discuss why traffic into the Downtown Area and along Tiburon Boulevard will be reduced and not increased with 1000+ new residents. For example, how many residents who live around Downtown Tiburon drive to do their shopping or get their hair cut or eat at a local restaurant and how many of these residents will switch to bikes, walking or public transportation. How many would go elsewhere to do their shopping if there is limited parking.
- Address what changes need to be made to public transportation with usage projections for the current and new demographics so that arguments can be made as to the viability of increasing service and/or adding new routes. For example, if someone wants to take the Tiburon ferry to the Giants baseball game on the weekend, a person has to take the 10:25 ferry to make a 1:05 first pitch and will probably miss the 3:05 ferry to Tiburon and will have to wait for the 4:55pm ferry. The Larkspur ferry directly to the ballpark is a more convenient alternative but you need to drive to the Larkspur ferry terminal.

I am sure this list is not complete for the Downtown Tiburon area. Also, this list is for the retail Downtown area only and does not include the rest of Tiburon.

Kathleen K. Silverfield

Concerned Tiburon Resident

Letter I31 **Kathleen Silverfield 2**
Response April 19, 2023

I31-1 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.

115 Trinidad Drive, Tiburon, CA 94920

May 1, 2023
Town of Tiburon

Re: Potential Development of 4576 Drive Property

We are very concerned about the potential development on 4576 Paradise property.

Please seriously examine the following consequences the development will have to us all:

- traffic endangering cyclists, walkers and runners on Paradise Drive
- environmental damage to California's natural habitat (wildlife and ocean life)
- pollution during and post construction (erosion, litter to SF/Richmond Bay)
- sewage
- evacuation difficulties in case of emergencies (fire, earthquake, storms)

I32-1

Please find a safer and more appropriate location to accommodate the state of California's house requirements. Your actions affect all of us.

Sincerely,



Ken Huang

Letter I32 **Ken Huang**
Response May 1, 2023

I32-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



Christina Erwin <cerwin@denovoplanning.com>

FW: Development of 4576 Paradise Drive.

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:19 PM

From: Ken Romley <kromley1@comcast.net>
Sent: Thursday, April 20, 2023 9:37 AM
To: Town <town@townoftiburon.org>
Cc: admin@paradisecay.org
Subject: Re: Development of 4576 Paradise Drive.

Dear Council Members,

While I can appreciate the good intentions that are encumbered in the development of 4576 Paradise Dr proposal, I would like to remind the council that by recent survey, 98.6% of the property owners who live nearby oppose this development proposal. Both my wife and I are not arguing against it for NIMBY reasons. Rather for the reality the infrastructure limitations that make the development impractical if not actually dangerous.

I33-1

If Tiburon wants to add to housing density, it first needs to ensure that the water district has modified its storage capacity so that it can support the population growth. We have lived in Paradise Cay since 1979 and have grown weary of the seemingly bi-annual water warnings, restrictions and actual rationing events that have occurred over the entire period and seem to be coming more frequently. Second, Paradise Dr. is at the limit of its ability to safely handle current traffic loads and is outright dangerous on the weekends when also visited by bicycle riders. Another 180 units with 1-2 cars per unit making 2 or more trips a day is simply a not reasonable condition to expect this road to be able to safely accommodate especially when schools are in session.

I33-2

I33-3

We urge you to give this proposal a commonsense consideration, give the existing nearby property owners the benefit of the doubt and vote to reject this proposal.

I33-4

Respectfully,

Kenneth Romley

Letter I33 **Kenneth Romley**
Response April 20, 2023

- I33-1 Please see Master Response – 4576 Paradise Drive.
- I33-2 A discussion of water supply is included in Section 3.15, Utilities and Service Systems of the Draft EIR. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I33-3 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I33-4 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: Opposing the proposed 4576 Paradise Drive Development project

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Mon, May 1, 2023 at 10:49 AM

-----Original Message-----

From: Kristi Larson <[REDACTED]>

Sent: Saturday, April 29, 2023 8:50 AM

To: Town <town@townoftiburon.org>

Subject: Opposing the proposed 4576 Paradise Drive Development project

[Some people who received this message don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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I own a home at 82 Trinidad Drive in Tiburon which is in Paradise Cay. I have lived at that address for 9 years. I am writing to you since I am opposed to the project. I am not opposed to a few houses being built there but it sounds like they can build up to 90 units with 180 parking spaces. The environmental impact of such a large project will be vast and the impact on the traffic in the area will be astounding. What if there is a massive fire in our area like what happened in the Oakland Hills years ago? There is only one way out of the area and that is Paradise Drive. Please put an end to this project.

Thank you

Kristi Larson
82 Trinidad Drive
Tiburon, CA

Sent from my iPhone

I34-1

Letter I34 **Kristi Larson**
Response April 29, 2023

I34-1 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



Letter 135

Christina Erwin <cerwin@denovoplanning.com>

FW: STRONGLY OPPOSED to the proposed development of 93 homes at 4576 Paradise Drive

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:15 PM

From: [REDACTED]
Date: April 15, 2023 at 5:30:32 PM EDT
To: Dina Tasini <dtasini@townoftiburon.org>
Cc: Dick [REDACTED]
Subject: RE: STRONGLY OPPOSED to the proposed development of 93 homes at [4576 Paradise Drive](#)

Sorry Dina to make a typo on your name...

From: [REDACTED]
Sent: Saturday, April 15, 2023 1:21 PM
To: dtasini@townoftiburon.org
Cc: 'Lauren Selmeier' [REDACTED]; 'Dick' [REDACTED]
Subject: STRONGLY OPPOSED to the proposed development of 93 homes at [4576 Paradise Drive](#)

Dear Tina,

I would like to express my **strong opposition to the proposed development of 93 homes at 4576 Paradise Drive**. We have been homeowners at [4670 Paradise Drive](#) since 1976 and have seen many changes over the years, which have added significant traffic and noise to Paradise Drive.

As you know, Paradise Drive is a winding two lane road, not designed for extensive traffic. Over the years, it's become increasingly difficult to safely exit our driveway, due to the increasing traffic from both bikers and cars. They come around the curve at speeds, which make it extremely difficult to see them, until they are on top of you. Last year I had a conversation with the County to see if anything could be done and was told "no", including they did not approve of mirrors or could endorse them. Given the "current" traffic situation, we are able to manage, being as careful as we can be, but certainly you are aware of the fact that numerous accidents do occur as cars pass bikers, without another lane or bike lane to safely do so. This road is not designed for extensive traffic. In my mind, it's unconscionable, that the city would consider a proposal to add 93 homes to this property, knowing it would add significant traffic and noise to a road not designed for this amount of traffic. Also, without allowing the Paradise Drive community a chance to voice their opinion in this decision, just to fill a spot in a plan, without consideration to the homeowners who have lived in this beautiful area for more than 46 + years.

l35-1

We love the beauty of the area and the relationships we've formed in Tiburon, and we know, no one in this area, is in support of this development. We do not want to see the tranquility of the area changed, by the town of Tiburon making decisions which will significantly impact the serenity of the area and cause massive congestion on Paradise Drive. All of us who have driveways exiting directly onto Paradise Drive will be severely impacted by this development and resulting increase in traffic. **We also feel strongly this will significantly adversely impact our property values, as buyers will not want to purchase property, without a safe way of exiting their driveways.**

l35-2

Thank you for giving strong consideration to our opposition, as we would be severely impacted as a result of this decision and subsequent development.

Kind regards,

Lauren

Lauren Selmeier
4670 Paradises Drive
Tiburon, CA 94920
Cell: 415-990-6552

Town of Tiburon

General Plan 2040 EIR

Letter I35 **Lauren Selmeier**
Response April 15, 2023

- I35-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I35-2 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: NO on Proposed 93 Unit Development at 4576 Paradise Drive, Tiburon

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:20 PM

-----Original Message-----

From: Leslie Lava [REDACTED]
Sent: Thursday, April 27, 2023 1:52 PM
To: Jack Ryan <jryan@townoftiburon.org>; Alice Fredericks <afredericks@townoftiburon.org>; Holli Thier <hollithiertiburontowncouncil@gmail.com>; jweiner@townoftiburon.org
Cc: Dina Tasini <dtasini@townoftiburon.org>; Benjamin Stock <bstock@townoftiburon.org>; [REDACTED]; Leslie Lava [REDACTED]
Subject: NO on Proposed 93 Unit Development at 4576 Paradise Drive, Tiburon

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Mayor Ryan, Vice Mayor Fredericks and Councilmembers Thier and Weiner:

I have been a resident of Tiburon and the property owner of 11 Mateo Drive, Tiburon, for the last 31 years, during which time I have enjoyed the peaceful, quiet and scenic possession and use of my property. This will all come to a crashing end if the proposed 93 unit development at 4576 Paradise Drive is allowed to proceed. Therefore, I strongly oppose this development and urge you to site this development in a different location.

The Town of Tiburon General Plan 2040 EIR sites various objectives including, among others:

1. Focusing new development in Downtown and in areas adjacent to Tiburon Boulevard while preserving existing neighborhoods and open space
2. Protecting and enhancing residential neighborhoods' quality of life
3. Protecting natural resources that contribute to Tiburon's unique identify and scenic beauty and
4. Reducing greenhouse gas emissions.

I36-1





None of these objectives would be met by this proposed development, which is located miles from Downton and Tiburon Boulevard. Instead, the quality of life for the adjacent residential neighborhoods, including without limitation, the 17 Mateo Drive residences located above this proposed development, would be severely detrimentally impacted by this development.

I36-1
con't

In fact, the Draft EIR on page ES-3 points out their will be "significant impacts" on the environment related to:
• Aesthetics, Light, and Glare • Air Quality • Biological Resources • Cultural and Tribal Cultural Resources • Energy • Geology, Soils, and Seismicity • Greenhouse Gas Emissions • Hazards and Hazardous Materials • Hydrology and Water Quality • Land Use • Noise • Population and Housing • Public Services and Recreation • Transportation • Utilities and Service Systems • Wildfire

I36-2

How can you allow such a development to proceed in the face of these environmental problems? How will it preseve existing neighborhoods, enhance residential neighborhoods' quality of life, protect Tiburon's scenic beauty and reduce greenhouse has emissions, all objectives of the Town's General Plan?
It won't. Instead, it will do the exact opposite.

In addition to the problems I listed above, this proposed development would be located In an area that is accessible via a very winding two-lane road (Paradise Drive) that has no lights. As it currently exists, over time in the past, I have heard from my bedroom window at least a dozen times cars racing and screeching around the curvy Paradise Drive road with the inevitable bang as they hit a hillside along the road or even crashed down the hillside, as was the case in 2017 (<https://www.marinij.com/2017/09/30/teen-seriously-hurt-in-tiburon-crash-on-way-to-recovery/>). With 93 additional homes and their accompanying home owners and cars added to the equation, this danger, not to mention other traffic and safety issues would only be exacerbated.

I36-3

I urge you to please reconsider your decision to move forward with this proposed development. It would be a disaster in all respects and ruin the lives of many Tiburon residents in the process which should not be goals of the Tiburon Town Council.

Thank you for your time.

Sincerely,
Leslie M. Lava, Esq.
11 Mateo Drive
Tiburon, California 94920
(415) 331-6464
lava@pacbell.net

Letter I36 **Leslie M. Lava**
Response April 27, 2023

- I36-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I36-2 The comment correctly identifies that the Draft EIR concludes there would be potentially significant impacts to several topical areas as a result of General Plan 2040 implementation. Some of those impacts would be reduced to a less-than-significant level through implementation of identified mitigation measures. Some impacts related to air quality, greenhouse gas emissions, transportation, and utilities and service systems would not be mitigated to a less-than-significant level, and would remain significant and unavoidable. The Town prepared a Statement of Overriding Considerations which explains the rationale of why the Town is willing to accept some level of environmental impact. Please see the Statement of Overriding Considerations and the Staff Report associated with the General Plan 2040.
- I36-3 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: Opposing 4576 Paradise Drive planned development

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Mon, May 1, 2023 at 5:29 PM

From: Lillian Zhao <[REDACTED]>
Sent: Monday, May 1, 2023 3:41 PM
To: Town <town@townoftiburon.org>
Subject: Opposing [4576 Paradise Drive](#) planned development

To whom it concerns:

I'm writing to express my opposition to the planned development at [4576 Paradise Drive](#). High density housing in this location presents two insurmountable issues:

- 1. Safety: Paradise drive is already too narrow and underdeveloped for the current footprint. As an avid biker, the stretch of Paradise drive between Paradise Cay and Trestle Glenn is quite dangerous, and adding significant additional traffic to this road isn't an option.
- 2. Environmental impact: Wildlife in this area will be impacted (including Blue Heron nesting ground), not to mention the runoff into the bay given the steep slopes.

I37-1

I37-2

If you'd like to discuss please let me know, and keep me informed on any developments.

Thanks, Lillian Zhao

Letter I37 **Lillian Zhao**
Response May 1, 2023

I37-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.

I37-2 Potential impacts to biological resources, including wildlife habitats, are described in Section 3.3, Biological Resources of the Draft EIR. Stormwater runoff is described in Section 3.9, Hydrology and Water Quality of the Draft EIR. No further response is necessary.



FW: 93 Units of New Housing on Paradise Drive

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:19 PM

-----Original Message-----

From: Mahalia Gabriel <[REDACTED]>

Sent: Wednesday, April 26, 2023 10:58 AM

To: Town <town@townoftiburon.org>

Subject: 93 Units of New Housing on Paradise Drive

Hello,

I am a long time resident of Tiburon. My husband and I have owned 3 homes here, one on the Corte Madera side of the Peninsula and two on the San Francisco side, and have experienced a lot traffic and back ups on both ingress and egress routes. We are particularly disturbed by the possibility of 93 units being built along Paradise Drive which is a windy two lane road with a lot of bicyclists, pets, and wild animals, along with all of us who already live here who are commuting to work or going back and forth to the freeway.

We are for middle and low income housing, but not on an already crowded and somewhat dangerous windy road, not to mention how congested it will be during the years of construction.

If you try to push these units through, I already know that many Tiburon residents will unite to work on stopping the project. Please find another location that makes more sense. Thank you.

Mahalia Gabriel
233 Jamaica Street, Tiburon

I38-1

Letter I38 **Mahalia Gabriel**
Response April 26, 2023

I38-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.

April 27, 2023

To whom it may concern

I am writing to you to strongly object to the change in the designation of "Site H" in the Town of Tiburon Housing Element Plan. The site is located on Paradise Drive, which is a one lane winding road in each direction that is very popular with bicyclists. Due to the winding nature of the road and the large number of bicyclists, drivers need to exert a large degree of caution and patience. We do not want to discourage bike riding at a time when we are attempting to cut down on fossil fuel emissions and encourage healthy life habits.

I39-1

In addition, the backside of the Tiburon Peninsula is its rural side, there are no stores or commercial businesses along the roadway and and walkers on the road are common. There are no sidewalks to accommodate walkers or their dogs and neither are there any bike lanes so the road is shared by all.

The location of site H is also on the route to Ring Mountain, a recreational spot that taxpayers have protected by purchase of the property. In addition, Site H, according to September 2005 Land Use Element for the 2020 Town of Tiburon General Plan, has eight of the nine criteria for Prime Open Space Characteristics. (See attached table 2.2-2)

Finally, on page 9 of the September 2005 Land Use Element for the 2020 Town of Tiburon General Plan (also attached) maximum allowable density for this site would be .5 dwelling units per acre or a maximum of 5 units rounded up.

I39-2

As this Site H proposal would have a huge negative impact on the environment and the people who live in this area I ask that you reconsider any development of Site H

Thank You



Marshall Foster
34 Old Landing Road

Table 2.2-2 Planned Development Residential - Undeveloped Properties and Prime Open Space Characteristics

Planned Development - Residential Properties (see Diagram 2.2-1)	Prime Open Space Characteristics (see Open Space & Conservation Element)								
	Significant Ridgelines	Water and Shoreline Areas	Wetlands	Streams and Riparian Corridors	Flood-Prone Areas	Special-Status Species/Special Communities	Steep Slopes (> 40%)	Inboard/Outboard Views	Tree Stands
a - Rabin	■					■	■	■	■
b - Tiburon Court			■	■		■	■	■	
c - Trestle Glen Lower	■		■	■			■	■	■
d - Tiburon Glen	■		■	■		■	■	■	■
e - Amerippon	■					■	■	■	
f - Pourian						■	■	■	■
g - Ring Mtn. Parcel G						■		■	
h - Sorokko*	■	■	■	■	■		■	■	■
i - SODA LLC*	■		■	■		■	■	■	■
j - Lerner/Winter*	■					■	■	■	
k - Traeger*		■			■		■	■	■
l - BRC*	■			■		■	■	■	■
m - Keil*	■	■	■		■	■	■	■	■
n - Martha Company*	■		■	■		■	■	■	■
o - Swahn*	■	■		■	■	■	■	■	■
p - Pan Pacific Ocean*	■						■	■	■
q - Oloumi*							■	■	
r - O'Connor*						■	■	■	■
s - Robbins/Adams*		■			■	■	■	■	■
t - Drever*		■			■	■	■	■	■
u - Ling	■						■	■	
<p>■ - The prime open space characteristic is likely to occur on the property. * - Outside of Town of Tiburon corporate limits, but within the Town's Sphere of Influence, as of September 7, 2005.</p> <p>Policies relating to the Prime Open Space Characteristics are located in the Open Space & Conservation Element.</p> <p>This table is not a substitute for thorough site analysis that is required for development review applications.</p>									

139-2
con't

grove of toyon, California bay, and live oak. The property owners are currently in the process of applying for a 4-lot Precise Development Plan approval. An EIR certified in 2004 concluded that a 5-lot project would result in significant unavoidable impacts.

Maximum allowable density: 0.5 du/acre

Approximate maximum units: 5

PD-R-f (Pourian): This approximately 5.6 acre site has poor access, is very steep and wooded, and has limited potential for development.

Maximum allowable density: 0.5 du/acre

Approximate maximum units: 3

PD-R-g (Ring Mountain Parcel G): Approximately 4.8 acres in size, this property is adjacent to the Ring Mountain Open Space Preserve. It consists mainly of grassland with slopes ranging from approximately 20% to 50%. It has an approved Precise Development Plan for one residence.

Maximum allowable density: 0.2 du/acre

Maximum units: 1

PD-R-h (Sorokko)*: Extending from Paradise Drive to San Francisco Bay, this approximately 16.4 acre property is heavily wooded and most of the property is fairly steep. The topography of the existing undeveloped property is characterized by three easterly projecting promontories with intervening swales, and a small portion of relatively flat beachfront area along a portion of San Francisco Bay (Paradise Cove). A development application for 5 lots has been filed with the County of Marin, indicating that the maximum density is unlikely to be achieved with a large lot project.

Maximum allowable density: 0.5 du/acre

Approximate maximum units: 8

PD-R-i (SODA LLC)*: The 20.95-acre property slopes up from Paradise Drive. The property consists mainly of non-native grasslands and coast live oak woodland. Elevations range from 160 to 345 feet. Significant ridgelines cross the property. An application for an 8-lot project has been filed with the County of Marin.

Maximum allowable density: 0.4 du/acre

Approximate maximum units: 8

139-2
cont

Letter I39 **Marshall Foster**
Response April 27, 2023

I39-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.

I39-2 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: Tiburon Resident's Comment on Tiburon's Housing Element

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Mon, May 1, 2023 at 4:46 PM

From: Mary Ann M. Chanin <[REDACTED]>
Sent: Monday, May 1, 2023 4:28 PM
To: Dina Tasini <dtasini@townoftiburon.org>
Subject: Tiburon Resident's Comment on Tiburon's Housing Element

Dear Dina Tasini,

Thank you for considering community input from Tiburon residents!

I am a resident of Tiburon, and I was happy to participate in the surveys and workshops offered by Tiburon, including workshops for Tiburon's housing element 11/9/21 & 2/22/22. I support the development of additional fair housing at all of the sites I saw presented for review/comment during the workshops and surveys. I believe this additional housing will benefit Tiburon, especially by helping to revitalize the downtown area and increasing diversity for the Town, while meeting the State's requirement for fair housing. In the surveys/workshops, we (the community participants) were asked to review the sites and the thoughtful, detailed plans developed for each of the sites. Plans were included for downtown sites, as well as for the Baptist Church and Cove Shopping Center sites. These last two sites were identified as excellent locations for housing, and we -- the community (and 'others') -- spent considerable time reviewing and commenting on the plans and designs for all the sites presented.

[A side query, regarding the surveys and workshops: I am curious why 'others' were allowed to weigh in on matters that relate to Tiburon residents and property/business owners? Many naysayers were likely these 'others, who may have been recruited as part of an effort to thwart development of certain specific sites?]

However, I strongly oppose the inclusion of Site H, for the reasons I SET FORTH BELOW.

Please reconsider The Cove Shopping Center and Baptist Church, by offering owners strong incentives to participate in their development, or by acquiring the properties through any means, including (if all else fails) through Eminent Domain:

Regarding the Cove and the Baptist Church sites, please re-engage the owners, by offering them new incentives to redevelop these sites. Or, if that has been tried already, shift gears and find means to acquire the properties at Town (or third party) expense, and then rezone the properties for housing element development (including through eminent domain, if appropriate) so that the location(s) can be included in, and substituted for Site H in the Housing Plan. The Cove and Baptist Church were identified early as excellent sites, due to size and proximity to services/transportation. The community had opportunities to review the sites and designs proposed (much opposition came from the current narrow entry/exit to the Cove Shopping Center, but updated traffic-flow and parking designs could likely be configured to improve traffic flow, while keeping the Nugget grocery store open during construction). These two sites have the potential to provide a significant portion of Mixed Income housing required by the State, and development in this area would distribute Mixed Income housing throughout the town, instead of being concentrated in downtown, as noted by the State.

I OPPOSE the zoning and development of 93 units at Site H !

The Paradise Drive site (Site H) was *never* presented to the community for review or consideration as a possible site during the community workshops. If the site must be included for the State, or for self-certification counts, I request that the final Zoning of that site be postponed. If it is rezoned at the 'minimum of 10 du/ac', then nothing will prevent that site from being built to that minimum (at least?!), only to maximize profits to the owner and developer, and without regard to the surrounding community or the needs of the Town to meet Tiburon's affordable housing requirements. If possible, the town should wait to rezone this site until all other sites have been rezoned, construction started elsewhere, especially for "mixed income" sites, and not rezone until the Town has done everything in its power to find other viable sites to make up the required numbers.

If the Town determines that it "must" rezone by May 31, or within the next few months, please only conditionally rezone Site H, subject to reversion to its current zoning. The conditions should be 1) after two years, or such longer period of time as will still reasonably permit completion of the 93 units by 2031, the Town's inability after making good faith efforts to identify or procure a suitable alternative (including through the purchase, rezoning, and subsequent resale of a more suitable site from an uninterested owner, such as the Tiburon Baptist Church and/or Cove Shopping Center) and 2) the Town's preparation and approval of a Site H-specific Environmental Impact Report that assesses, in addition to all CEQA mandated factors, the impacts of a 93 unit, multi-family development on i) the birdlife, fauna and flora of Site H and the adjacent lagoon, ii) the safe, current and future use of Paradise Drive and Trestle Glen by cyclists, pedestrians, school children, school buses, and pedestrians, and 3) only after conditions 1 and 2 are satisfied, a good faith determination by the Town Council that no reasonable alternative to the rezoning and redevelopment of Site H exists.

↑
I40-1
con't

Site H does not meet the Town's objectives of being within walking distance of public transit facilities and services; it contains steep slopes; it is subject to flooding; the site has numerous other environmental constraints; and the site is a safety hazard for cars and cyclists, due to the blind curve / 2-lane nature of Paradise Drive at that location (93 units will add 200+ cars to the road!). Adding Site H for units designated "greater than moderate income" does not help Tiburon to meet its State goals for building affordable housing units -- and adding a handful of units that might be designated as 'lower than above moderate income' does too little to warrant such an enormous development at that site.

Thank you,

Mary Ann Chanin

Town of Tiburon

General Plan 2040 EIR

Letter I40 **Mary Ann Chanin**
Response May 1, 2023

I40-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: 4576 Paradise Drive - Oppose housing plan

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:18 PM

From: Melissa DiVita <[REDACTED]>
Sent: Wednesday, April 19, 2023 1:55 PM
To: Town <town@townoftiburon.org>
Subject: [4576 Paradise Drive](#) - Oppose housing plan

I am home owner in Paradise Cay and oppose the proposed development at the [4576 Paradise drive](#) address.

I41-1

Melissa DiVita

--

Melissa DiVita
Compass
c. 415.860.9337
Lic. #01387955

Town of Tiburon

General Plan 2040 EIR

Letter I41 **Melissa DiVita**
Response April 19, 2023

I41-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: 4576 Paradise Drive - Housing Element Plan

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:17 PM

From: Michael DiVita <[REDACTED]>
Sent: Wednesday, April 19, 2023 9:55 AM
To: Town <town@townoftiburon.org>
Subject: 4576 Paradise Drive - Housing Element Plan

I am a homeowner in the Paradise Cay community and I oppose any development on the Paradise Drive property referenced in the subject of this email.

I42-1

Best,

Michael G DiVita

President / Broker of Record

DiVita Home Finance, Inc. NMLS # 323700

SF Bay Area

(800) 239- 1103 Direct

(858) 490 - 4903 FAX

CA DRE #01372066 / NMLS #241655

[Click here to apply](#)

Town of Tiburon

General Plan 2040 EIR

Letter I42 **Michael G. DiVita**
Response April 19, 2023

I42-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: Paradise Drive 93 unit Proposal

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:14 PM

From: J Michael O'Donnell <[REDACTED]>
Sent: Friday, April 14, 2023 8:43 AM
To: dtasini@townoftiburon.orf <dtasini@townoftiburon.orf>
Subject: Paradise Drive 93 unit Proposal

For Diana Tasini

Director of Town Development

It was brought to my attention yesterday of the plans to build 93 apartments on a piece of land on Paradise Drive near San Mateo.

This is a dangerous idea.

It's obvious that the folks who are being dictated to by the folks in Sacramento who looked on aerial maps for any and all pieces of open land in the Tiburon Peninsula and found this site.

I have lived on Paradise Drive near this site for 40+ years and this is not a practical choice.

It is a 2 land road flanked by two blind curves and would be a logistical nightmare.

It would add as many as 372 humans and as many as 186 new vehicles and the egress of this project would be a dangerous addition.

I understand this site was chosen over sites on 4-5 lane Tiburon Blvd. near the Cove and The Baptist church areas, both near commercial areas and both of which make sense.

The Paradise Drive project is an ill conceived idea.

Michael O'Donnell

4879 Paradise Drive

I43-1

Town of Tiburon

General Plan 2040 EIR

Letter I43 **Michael O'Donnell**
Response April 14, 2023

I43-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: Feedback - General Plan and EIR

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Mon, May 1, 2023 at 4:45 PM

From: Racheal Turner <[REDACTED]>
Sent: Monday, May 1, 2023 4:32 PM
To: Town <town@townoftiburon.org>; Dina Tasini <dtasini@townoftiburon.org>; Jack Ryan <jryan@townoftiburon.org>; Alice Fredericks <afredericks@townoftiburon.org>; Holli Thier <hollithiertiburontowncouncil@gmail.com>; Jon Welner <jwelner@townoftiburon.org>
Subject: Feedback - General Plan and EIR

Dear Ms. Tasini and Town Counsel,

I am very concerned about the plan to add 93 housing units at [4576 Paradise Drive](#) for the reasons expressed in James and Cynthia Massey-Kim's April 27 letter (attached below), as well as the reasons expressed in the letters of many of my other Paradise Cay and Paradise Drive neighbors. To avoid repeating all of their points, I will simply state that I share in their concerns for the reasons stated.

I44-1

We trust that you will address our concerns and look forward to hearing your response.

Thank you,

Racheal Turner

[111 Trinidad Dr., Tiburon](#)

From: Cynthia Massey-Kim <[REDACTED]>
Date: April 27, 2023 at 4:12:12 PM PDT
To: Town <town@townoftiburon.org>, Dina Tasini <dtasini@townoftiburon.org>, Jack Ryan <jryan@townoftiburon.org>, afredericks@townoftiburon.org, Mayor Holli Thier <hollithiertiburontowncouncil@gmail.com>, Jon Welner <jwelner@townoftiburon.org>
Cc: James <[REDACTED]>
Subject: Feedback - General Plan and EIR

Dear Dina and Members of the Town Council:

Please see attached letter - which includes our feedback of the General Plan and EIR.

Unfortunately, we are unable to attend this Saturday's Open House. We would sincerely appreciate your consideration of our concerns.

Thank you for your time in advance.

Sincerely,

Cynthia & James Massey-Kim

[103 Trinidad Dr. Tiburon.](#)

I44-2

GeneralPlan_4576_Letter.docx
54K

April 27, 2023

Dina Tasini, Director of Community Development
Town of Tiburon
1505 Tiburon Boulevard
Tiburon, CA 94920

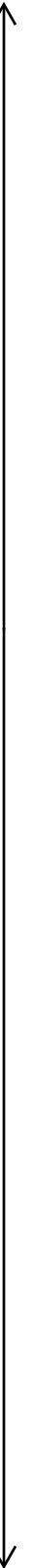
Dear Ms. Tasini and Members of the Town Council:

We are writing to you today to provide feedback and voice concern over some of the topics addressed in Tiburon’s General Plan and recent EIR findings. Unfortunately, we are unable to attend the April 29th meeting, so we kindly request you review our comments for consideration.

Our main concerns are as follows:

- **Safety concerns.** Safety for our young children is of utmost importance. Tiburon residents including children are always seen cycling and walking on Paradise Dr; “share the road” concept will be that much harder, especially around the quick and windy turns (with blind spots) that currently exist along Paradise Dr. If you have not noticed, many cars pass the numerous cyclists and pedestrians nearly colliding onto oncoming traffic. This increase of traffic due to construction and overall number of cars will inhibit recreational and quality of lifestyle that Tiburon prides itself in for their communities. But more importantly this becomes a safety hazard. We fear that there will be an increase in accidents and serious injuries, and possibly deaths.
- **Traffic/Stress/Environmental impacts:** Paradise Dr. is a two-lane narrow and windy road; construction and development will add (a) considerable amount of stress for both commuters and students to and from work/school (b) increase noise pollution and raise air quality issues and (c) the community’s usage of resources (water/electricity) will be impacted with possible shortages and increase in utility fees. Said differently adding 93 units or ~400+ residents in such a finite ecosystem may further limit usage and allowance of resources (water, electricity/power).
- **Preservation of views.** Adding 4576 Paradise Dr. to the General Plan seems to conflict with the Town’s Municipal Codes on protecting views. There were several meetings held by the Town to approve the removal of trees to protect the views of the homeowners above 4576 Paradise Dr. How does an apartment building support the Town’s codes to preserve and protect views, especially for the homes located uphill?
- **Significant reduction of Privacy.** The Paradise Cay residents who live below 4576 will likely lose an immense amount of privacy due to construction, taking down of

I44-2
con't



trees, and the residents of 93 units who will look directly into the homes of the downhill residents (some possibly facing bathrooms and other intimate/exposed rooms).

- **How will “Best Management Practices” be handled, maintained, and corrected at 4576 Paradise Dr. regarding the existing issues below?**
 1. Erosion further caused by construction.
 2. Surface water quality (as noted on page 5-6 in the EIR) caused by run off from the property and into the Bay (Tiburon Municipal Code Title VI, Chapter 20A).
 3. Will the Town collaborate with Public Works to fix the water culverts and drainage on the property? (Neighboring residents witness ‘rivers’ draining into the Bay from the property. Issues today include cow waste, but what happens when there is construction? What else will drain into the Bay?)

Please consider the above concerns when approaching the final General Plan to include 4576 Paradise Drive. I have read that the Town appreciates the property since it serves as an “alternative to downtown density,” but is the engineering of the lot appropriate for a 93-unit building, given the actual location off Paradise Dr.? Has the Town investigated how much of the nearly 10-acre lot is appropriate and usable?

Thank you for your time and consideration.

Sincerely,

James and Cynthia Massey-Kim
103 Trinidad Drive, Tiburon.

Cc: town@townoftiburon.org

Town of Tiburon

General Plan 2040 EIR

Letter I44 **Racheal Turner**
Response May 1, 2023

I44-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.

I44-2 Please see responses to Comments I20-1 through I20-6.

To: Dina Tasini and Tiburon Town Council Members
From: Richard Colonno & Barbara Cupper (91 Trinidad Drive)
Date: April 29, 2023
Subject: Development of 4576 Paradise Drive

We reside in Paradise Cay and are adamantly opposed to the proposed high-density development of the 4576 Paradise Drive property to accommodate 90+ residency units and 180 parking spaces. It is simply an inappropriate and impractical location for such a development given a myriad of factors including environmental, emergency escape routing, severe traffic concerns, and the absence of walkways, stores and transportation services.

Road Capacity and Traffic: Access to the property is solely from Paradise Drive, a single lane, curvy road already shared by many cars and bikers. Most importantly, this road serves as the ONLY escape route for all residents living on the eastern side of Tiburon in case of wildfires and tsunamis. I doubt anyone who lives in this area wants to experience trying to escape an incoming tsunami or "Oakland Hills 1991" like wildfire here in Marin. In that fire, many people died trying to escape using a limited number of roads that became "parking lots" and prevented their getaway. This could easily happen on this section of Paradise Drive with this high-density development. Also, entrance to the 4576 Paradise Drive property is right next to the single road entrance to Paradise Cay, a neighborhood of over 200 homes and hundreds of cars. While you may not concern yourselves with Paradise Cay because it is part of the county, rather than Tiburon, the daily addition of another 180 cars trafficking that section of Paradise Road would be a true nightmare for those living in Paradise Cay.

I45-1

Property Topography: Has anyone actually visited this proposed site and walked the property? If so, then it is clear the property resides on a severe downward grade, making it a highly likely that construction costs would exceed those needed to ensure affordability of moderate-income buyers who are the target market for this plan to generate more affordable housing. What is the minimal number of buildable acres required for so many units? What a disaster it would be to have to clear all of the trees from this beautiful and tranquil hillside property just to provide enough space for all of these residences!

I45-2

Infrastructure: The property currently utilizes septic tank system and there are no existing sewers or sewer lines. Can the existing lines up on Paradise Drive and below in Paradise Cay actually support the added burden of 90+ residences?

I45-3

Property Values: We have attended several recent Zoom council meetings and observed that the topic of negatively impacted property values by individual housing projects that you approve seems to be a concern of yours. We ask that you please accurately assess the impact on all neighboring property values when analyzing this proposal and how such a location for high-density housing would be completely out of place in a predominantly rural area with no sidewalks stores or access to public transportation.

I45-4

We thank for taking the time to read and understand our concerns and hope you will agree that this is an inappropriate use for this particular property. Thanks.


Rich Colonno



Barbara Cupper


Town of Tiburon

General Plan 2040 EIR

Letter I45 **Richard Colonno and Barbara Cupper**
Response April 29, 2023

- I45-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I45-2 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I45-3 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I45-4 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: Strong Objection to Proposed Development at 4576 Paradise Drive

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:16 PM

From: Richard Selmeier <[REDACTED]>
Date: April 15, 2023 at 4:23:29 PM EDT
To: Dina Tasini <dtasini@townoftiburon.org>
Cc: Selmeier Lauri <[REDACTED]>
Subject: Strong Objection to Proposed Development at 4576 Paradise Drive

We've lived in our home on Paradise Drive for nearly 47 years. I'm writing to express my strong objection to the proposed 90 Unit Development at 4576 Paradise Drive:

- 1. Impact on traffic. Paradise Drive is a winding two lane road with many dangerously sharp curves and blind driveways. Dramatically adding to the current traffic saturation will substantially increase safety problems. Since our house is on a steep driveway at a curve in the road, this traffic increase will no doubt result in multiple disastrous accidents. I46-1
- 2. Impact on Property Values: The natural environment of the back side of Tiburon has encouraged our family to undertake substantial investment in our property. The effect of adding 93 units inconsistent with the surroundings homes will significantly undermine our investment and that of our neighbors, in addition to increasing the danger in getting out of our driveway due to much greater traffic. I46-2
- 3. Noise and Tranquility: During and following the construction process and the increased noise of trucks and equipment and population increased near our home will be most unsettling. We are both retired and plan to spend the remainder of our days in the home we've loved for 46 years. Don't discriminate on your elders. I46-3

Please give this careful consideration on our behalf and that of our neighborhood.

Sincerely yours,

Richard J. Selmeier
4670 Paradise Drive
415-706-7373

Town of Tiburon

General Plan 2040 EIR

Letter I46 **Richard Selmeier**
Response April 15, 2023

- I46-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I46-2 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I46-3 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



Fwd: Proposal for 4576 Paradise Drive housing development

1 message

Dina Tasini <dtasini@townoftiburon.org>

Sat, Apr 29, 2023 at 3:52 PM

To: Christine O'Rourke <christine.o@comcast.net>, Christina Erwin <cerwin@denovoplanning.com>

From: Richard Schwach <[REDACTED]>
Date: April 29, 2023 at 12:21:40 PM PDT
To: Dina Tasini <dtasini@townoftiburon.org>, Town <town@townoftiburon.org>
Subject: Proposal for 4576 Paradise Drive housing development

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dina and members of town council,

My wife Julie and I attended your open house on Saturday.

Your station was clearly the busiest with interest...mostly with concerns over the [4576 Paradise Drive](#) proposal!

Placing post-its on a wall did not seem like a very effective method of communicating and so I am sending this email.

I47-1

As neighbors and long time residents living off Paradise Drive for 24 years we are very, very concerned about the impact this proposal of 93(minimum) moderate income condo units will have on the community as a whole.

I will list the concerns as efficiently as possible as I can only imagine how many emails you must be getting from others affected by this proposed housing development!

1) [Paradise drive](#) is a very narrow two lane road as you know and presents many issues when considering an additional 200 cars per day.

It cannot be widened to provide a bike lane which will make it a nightmare. We passed 25 bikers just this morning on the way to the open house! This road will be so dangerous on the weekends with the additional traffic!

Currently the road is so overwhelmed with traffic after morning drop-off and afternoon pick up from MCDS and Marin Montessori schools! Many times the traffic trying to get back on the freeway can be backed up 200

I47-2

cars and a 20 minute wait in traffic. Add 200 cars to the mix and we have a real serious problem!

The additional traffic makes for a very serious danger of course in the face of an emergency exit in case of fire or other catastrophic events!! Access to the area by emergency vehicles will be impossible to say the least!!

2) Is it even possible to provide dramatic increase in public transportation to these condos for those that rely on this method of transportation?

I47-3

3) Property values of course will be significantly affected! Since the news of this proposal has hit the papers...many people have pulled their offers on homes here in Paradise Cay! It has not been good news!!

I47-4

4) The location of the project is clearly at some of the most dangerous curves and turns on Paradise Drive...making access in and out of this project a driving risk and biking risk to all! The thought of the huge construction trucks for a very long time is a nightmare

147-5

We have been told it is now in the hands of the state and they can do whatever they want and push things through fast...But because of the uniquely inappropriate location of [4576 Paradise Drive](#) to build these housing units it is more important than ever that extensive EIR studies be done to prove it is just not right. Is there something we can do to make sure proper studies are being done? Is there someone at the state level that we should be contacting and sharing our concerns?

147-6

In closing Dina...we are adamantly opposed to this housing project along with hundreds of others along Paradise drive whose lives will be negatively impacted. Hopefully someone will at least listen to the long list of concerns of this site choice and decide on an alternative location. We have no issue with the owners putting several houses on the site in a responsible manner...it is the magnitude of this proposal that is of serious concern to all of us!

Thanks for listening,

Rick Schwach
99 Trinidad Dr., Tiburon
415-298-3451

Letter I47 **Richard Schwach**
Response April 29, 2023

- I47-1 Thank you for attending the Open House on April 29, 2023. No further response is necessary.
- I47-2 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I47-3 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I47-4 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I47-5 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I47-6 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: Plan

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:20 PM

-----Original Message-----

From: Rita Stewart <[REDACTED]>
Sent: Thursday, April 27, 2023 1:32 PM
To: Dina Tasini <dtasini@townoftiburon.org>
Subject: Plan

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Traffic???

| I48-1

Sent from my iPhone

Letter I48 **Rita Stewart**
Response April 27, 2023

I48-1 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: Comments on Draft Impact Report and General Plan

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:21 PM

From: Marianne Fogarty <[REDACTED]>
Date: April 29, 2023 at 9:03:08 AM PDT
To: Dina Tasini <dtasini@townoftiburon.org>
Cc: Bob Walsh <[REDACTED]>
Subject: Re: Comments on Draft Impact Report and General Plan

Corrected Version to reflect annexation of property in 2021 rather than 2022.

I49-1

[9 Saba Lane](#)
[Tiburon, CA 94920](#)

April 28, 2023

Tiburon Town Council
[1505 Tiburon Boulevard](#)
[Tiburon, CA 94920](#)

Dear Tiburon Town Council Members,

We are writing to express our opposition to the inclusion of the 10 acre parcel at [4576 Paradise Drive](#) in the town's eight year plan for housing. This property was added to Tiburon's plan at the last minute, without any hearing or forum, and without consideration, let alone adequate consideration, of the impact of the proposed construction of 93 housing units on that property.

Absent the proposed rezoning of the property to address the town's plan deficiencies, the property is zoned for 10 single family homes; at the time the property became part of Tiburon late in 2021, the property owner expressed an intent to build no more than six units on the property. When Tiburon's initial housing plan failed to satisfy the state, it was reported that the property owner offered up 3 acres of the property for rezoning and building, expressing his desire to continue to live on the property and raise his family there. Now it appears the entire 10 acre parcel is included in the plan, the property owner apparently having conceded that the construction will dramatically change the nature of the property and its surroundings, making it a far less desirable place to live.

The proposed construction of 93 high density housing units in this area, will create numerous issues the Town has not addressed in its Impact Report.

Safety:

- In the "short term", during the construction phase - which could take years - the construction equipment necessary for this project will create safety problems as they drive on the road, create blockages throughout the day as they enter or leave the property - to the extent they are even able to get down the steep slopes to buildable land. There is limited space for those vehicles to pull over. All of which will exacerbate the traffic and safety issues already in existence, especially during morning and afternoon school rush, with children on the road from school buses or on bicycles traveling to and from school.
- The construction project will require the use of large, heavy construction vehicles and equipment on a daily basis on a road that is already taxed.
- The property is located on a windy section of road with no section with extensive visibility in either direction, raising concerns about ingress and egress from the property. While the Town's Impact Report states that there will be one central driveway to reduce issues, a visit to the site makes clear there is no safe place for a highly trafficked driveway, and the addition of a driveway in the area with low visibility will make it more dangerous for every car on the road, especially those living around the property, including cars entering and exiting Paradise Cay.
- Bicycle traffic, already a challenge on Paradise Drive, will increase, exacerbating existing safety issues. The vague proposal to add provisions for bicycle traffic on a small segment of the narrow and windy Paradise Drive does not alleviate this concern. Is this bicycle accommodation to be implemented before construction begins? Bikers use the entire road, during the week and on weekends as it is a highly trafficked and popular scenic route.
 - Children ride bikes to school heading in both directions, not just toward Trestle Glen Blvd., but toward Corte Madera as well. The Impact Report notably contains no traffic figures for traffic going toward Corte Madera. Increased traffic combined with increased bicycle traffic, without adequate remediation, will lead to increased accidents. Paradise Drive already has a disproportionate number of accidents.
- During morning and afternoon school rush (involving schools in Tiburon *and* Corte Madera) or during the many construction projects on the road, or during commuter rush hour when people are looking for alternatives to 101, traffic can get heavy, which can lead to people taking risks. An increase of 150-200 cars on the road will only exacerbate this. What is the plan to address this? Based on the Impact Report, there is none. Please be aware that many residents on Paradise Drive frequent the grocery and retail centers in that direction. Unless residents of this new construction project are prohibited from taking Paradise Drive toward Corte Madera - a ludicrous suggestion - Tiburon should be measuring and assessing the impact and developing appropriate remediation plans in that direction as well.
- The increase in the number of cars can and will impact the response times of emergency vehicles - police, fire, ambulance - in times of crisis. In such circumstances even a minute can mean the difference between life and death. This is a particular issue for those in unincorporated Marin reliant on Marin Sheriff, rather than Tiburon Police, where response times are already hindered by low staffing. Is Tiburon going to provide emergency services to areas negatively impacted by this project?
- While there is a possibility of adding public transportation here where there currently is none, the fact that the property is to accommodate all above median income residents makes it unlikely that a bus would be the preferred mode of transport. Thus the addition of some form of public transit is unlikely to improve safety or traffic concerns.

149-2

149-3

149-4

149-5

Road Maintenance / Evacuation Route Issues / Infrastructure

- Paradise Drive is expensive to maintain, as recognized by the Town of Tiburon in its Impact Report. It is narrow, windy and dangerous with a disproportionate number of accidents. Adding 150-200 additional cars dependent on the road will only increase wear and tear on the road and increase risk of accidents. Yet the Town of Tiburon made clear in its Impact Report that despite the tolls of construction and an increase in traffic, *there is no intention to increase funding for road maintenance* precisely because it is expensive to maintain. This makes no sense and puts at risk all those dependent on the stability of Paradise Drive for daily use. 149-6
- The construction vehicles are likely to overtax an already high maintenance road - any sinkage, slippage or slides will create longer term safety issues for all communities reliant on the road for ingress and egress.
- Paradise Dr. is one lane in each direction with frequent flooding and slides. Those living on or off of Paradise Drive between Trestle Glen and Corte Madera have no alternative means of egress. Adding 150-200 more cars will measurably increase the risk to every person reliant on that route in an emergency. 149-7
- There are no provisions in the Town Plan to address the added demands on the sewer systems in an area with already limited infrastructure. Issues, breakages, would lead to potentially tragic environmental damage given the property's waterfront location.

Environmental

- Flooding and runoff during inclement weather will negatively impact the bay and houses located below this property. If the construction project of high density housing in the Corte Madera section of Paradise Drive is any indication, slides, road blockages, etc., are all predictable. Here those slides will not just block a road, they will impact people's homes and the bay itself. The Impact Report does not address environmental concerns associated with developing the property at all. 149-8
- The construction project will require the clearing of many trees that are home to various forms of wildlife and nesting birds. The current property owner has already been called out for his impermissible tree removal that has already impacted nesting birds. 149-9
- The construction project will impact all of the homes and neighborhoods surrounding the property with noise pollution, likely for years. Given the shifts in working since the pandemic, many people work at home and the construction noise and trucks and clearing, etc. will negatively affect their work environment. 149-10
- Virtually all sense of privacy held by the homeowners living below this project will be lost - people who bought with the expectation that the property would be developed consistent with extant zoning provisions. Indeed, even as the 10 acre lot was annexed to Tiburon in 2021, homeowners raised concerns about privacy but were told the appropriate time to raise them was if the property owner sought permits to build homes, which would be subject to Tiburon's strict regulations. Now these homeowners are faced with the loss of their constitutional right to privacy by the prospect of several stories of high density housing peering into their windows and back yards. 149-11

In sum, we oppose the proposed inclusion of this property in the housing plan to enable rezoning for high density housing in an area that is severely lacking in the infrastructure needed to support such a project.. Town of Tiburon is making decisions that will negatively impact quality of life and devalue properties of non-Tiburon residents. The inclusion of the property in the plan is ill thought out, dismissive of local residents and treats those neighboring the 10 acre parcel like cannon fodder to satisfy the state's requirements.

We do not take the position that this property cannot be developed in any way. It is the rezoning and authorization of development without adequate consideration of the impacts, without addressing the concerns of those to be affected - most of whom do not live in Tiburon, that is the issue.

Thank you for your consideration.

Sincerely

Robert Walsh and Marianne Fogarty

On Saturday, April 29, 2023 at 08:58:57 AM PDT, Marianne Fogarty <[REDACTED]> wrote:

9 Saba Lane
Tiburon, CA 94920

April 29, 2023

Tiburon Town Council
1505 Tiburon Boulevard
Tiburon, CA 94920

Dear Tiburon Town Council Members,

We are writing to express our opposition to the inclusion of the 10 acre parcel at [4576 Paradise Drive](#) in the town's eight year plan for housing. This property was added to Tiburon's plan at the last minute, without any hearing or forum, and without consideration, let alone adequate consideration, of the impact of the proposed construction of 93 housing units on that property.

Absent the proposed rezoning of the property to address the town's plan deficiencies, the property is zoned for 10 single family homes; at the time the property became part of Tiburon late in 2022, the property owner expressed an intent to build no more than six units on the property. When Tiburon's initial housing plan failed to satisfy the state, it was reported that the property owner offered up 3 acres of the property for rezoning and building, expressing his desire to continue to live on the property and raise his family there. Now it appears the entire 10 acre parcel is included in the plan, the property owner apparently having conceded that the construction will dramatically change the nature of the property and its surroundings, making it a far less desirable place to live.

The proposed construction of 93 high density housing units in this area, will create numerous issues the Town has not addressed in its Impact Report.

Safety: In the "short term", during the construction phase - which could take years - the construction equipment necessary for this project will create safety problems as they drive on the road, create blockages throughout the day as they enter or leave the property - to the extent they are even able to get down the steep slopes to buildable land. There is limited space for those vehicles to pull over. All of which will exacerbate the traffic and safety issues already in existence, especially during morning and afternoon school rush, with children on the road from school buses or on bicycles traveling to and from school.

- The construction project will require the use of large, heavy construction vehicles and equipment on a daily basis on a road that is already taxed.
- The property is located on a windy section of road with no section with extensive visibility in either direction, raising concerns about ingress and egress from the property. While the Town's Impact Report states that there will be one central driveway to reduce issues, a visit to the site makes clear there is no safe place for a highly trafficked driveway, and the addition of a driveway in the area with low visibility will make it more dangerous for every car on the road, especially those living around the property, including cars entering and exiting Paradise Cay.
- Bicycle traffic, already a challenge on Paradise Drive, will increase, exacerbating existing safety issues. The vague proposal to add provisions for bicycle traffic on a small segment of the narrow and windy Paradise Drive does not alleviate this concern. Is this bicycle accommodation to be implemented before construction begins? Bikers use the entire road, during the week and on weekends as it is a highly trafficked and popular scenic route.
 - Children ride bikes to school heading in both directions, not just toward Trestle Glen Blvd., but toward Corte Madera as well. The Impact Report notably contains no traffic figures for traffic going toward Corte Madera. Increased traffic combined with increased bicycle traffic, without adequate remediation, will lead to increased accidents. Paradise Drive already has a disproportionate number of accidents.
- During morning and afternoon school rush (involving schools in Tiburon *and* Corte Madera) or during the many construction projects on the road, or during commuter rush hour when people are looking for alternatives to 101, traffic can get heavy, which can lead to people taking risks. An increase of 150-200 cars on the road will only exacerbate this. What is the plan to address this? Based on the Impact Report, there is none. Please be aware that many residents on Paradise Drive frequent the grocery and retail centers in that direction. Unless residents of this new construction project are prohibited from taking Paradise Drive toward Corte

149-12

Madera - a ludicrous suggestion - Tiburon should be measuring and assessing the impact and developing appropriate remediation plans in that direction as well.

- The increase in the number of cars can and will impact the response times of emergency vehicles - police, fire, ambulance - in times of crisis. In such circumstances even a minute can mean the difference between life and death. This is a particular issue for those in unincorporated Marin reliant on Marin Sheriff, rather than Tiburon Police, where response times are already hindered by low staffing. Is Tiburon going to provide emergency services to areas negatively impacted by this project?
- While there is a possibility of adding public transportation here where there currently is none, the fact that the property is to accommodate all above median income residents makes it unlikely that a bus would be the preferred mode of transport. Thus the addition of some form of public transit is unlikely to improve safety or traffic concerns.

Road Maintenance / Evacuation Route Issues / Infrastructure

- Paradise Drive is expensive to maintain, as recognized by the Town of Tiburon in its Impact Report. It is narrow, windy and dangerous with a disproportionate number of accidents. Adding 150-200 additional cars dependent on the road will only increase wear and tear on the road and increase risk of accidents. Yet the Town of Tiburon made clear in its Impact Report that despite the tolls of construction and an increase in traffic, *there is no intention to increase funding for road maintenance* precisely because it is expensive to maintain. This makes no sense and puts at risk all those dependent on the stability of Paradise Drive for daily use.
- The construction vehicles are likely to overtax an already high maintenance road - any sinkage, slippage or slides will create longer term safety issues for all communities reliant on the road for ingress and egress.
- Paradise Dr. is one lane in each direction with frequent flooding and slides. Those living on or off of Paradise Drive between Trestle Glen and Corte Madera have no alternative means of egress. Adding 150-200 more cars will measurably increase the risk to every person reliant on that route in an emergency.
- There are no provisions in the Town Plan to address the added demands on the sewer systems in an area with already limited infrastructure. Issues, breakages, would lead to potentially tragic environmental damage given the property's waterfront location.

Environmental

- Flooding and runoff during inclement weather will negatively impact the bay and houses located below this property. If the construction project of high density housing in the Corte Madera section of Paradise Drive is any indication, slides, road blockages, etc., are all predictable. Here those slides will not just block a road, they will impact people's homes and the bay itself. The Impact Report does not address environmental concerns associated with developing the property at all.
- The construction project will require the clearing of many trees that are home to various forms of wildlife and nesting birds. The current property owner has already been called out for his impermissible tree removal (to reduce ticks in areas where his children played, he claimed at the time) that has already impacted nesting birds.
- The construction project will impact all of the homes and neighborhoods surrounding the property with noise pollution, likely for years. Given the shifts in working since the pandemic, many people work at home and the construction noise and trucks and clearing, etc. will negatively affect their work environment.
- Virtually all sense of privacy held by the homeowners living below this project will be lost - people who bought with the expectation that the property would be developed consistent with extant zoning provisions. Indeed, even as the 10 acre lot was annexed to Tiburon in 2022, homeowners raised concerns about privacy but were told the appropriate time to raise them was if the property owner sought permits to build homes, which would be subject to Tiburon's strict regulations. Now these homeowners are faced with the loss of their constitutional right to privacy by the prospect of several stories of high density housing peering into their windows and back yards.

In sum, we oppose the proposed inclusion of this property in the housing plan to enable rezoning for high density housing in an area that is severely lacking in the infrastructure needed to support such a project.. Town of Tiburon is making decisions that will negatively impact quality of life and devalue properties of non-Tiburon residents. The inclusion of the property in the plan is ill thought out, dismissive of local residents and treats those neighboring the 10 acre parcel like cannon fodder to satisfy the state's requirements.

We do not take the position that this property cannot be developed in any way. It is the rezoning and authorization of development without adequate consideration of the impacts, without addressing the concerns of those to be affected - most of whom do not live in Tiburon, that is the issue.

Thank you for your consideration.

I49-12
con't

5/1/23, 11:01 AM

De Novo Planning Group Mail - FW: Comments on Draft Impact Report and General Plan

Sincerely

Robert Walsh and Marianne Fogarty

Town of Tiburon

General Plan 2040 EIR

Letter I49 **Robert Walsh and Marianne Fogarty**
Response April 29, 2023

- I49-1 The comment is noted and no further response is necessary.
- I49-2 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I49-3 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I49-4 The provision of emergency services, including law enforcement services, is discussed in Section 3.13, Public Services of the Draft EIR.
- I49-5 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I49-6 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I49-7 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I49-8 Please see Master Response – 4576 Paradise Drive. A discussion regarding stormwater runoff is included in Section 3.9, Hydrology and Water Quality and Section 3.15, Utilities and Service Systems of the Draft EIR.
- I49-9 Please see Master Response – 4576 Paradise Drive. A discussion regarding biological resources is included in Section 3.3, Biological Resources of the Draft EIR.
- I49-10 Please see Master Response – 4576 Paradise Drive. A discussion regarding construction noise is included in Section 3.11, Noise of the Draft EIR.
- I49-11 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required.

The comment is noted and will be forwarded to the decision makers for consideration.



FW: Site H Proposal concerns

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:15 PM

From: [redacted]@aol.com
Date: April 16, 2023 at 3:10:30 PM EDT
To: Dina Tasini <dtasini@townoftiburon.org>
Cc: [redacted]@gmail.com
Subject: Site H Proposal concerns
Reply-To: [redacted]@aol.com

Dina,

Please remove the proposal to include site H as an element of the Tiburon housing plan . The proposed multi unit complex at [4546 paradise drive](#) is unsuited due to hazardous traffic congestion on a narrow two lane curvy road already shared with bikers.

This community would be better served with lot splits and ADU'S in our neighborhood. We all agree more affordable housing is required but not this way.

Thanks,

Rodney Schmitt

Homeowner

[4579 Paradise Drive](#)

[Tiburon Ca 94920](#)

I50-1

Letter I50 **Rodney Schmitt**
Response April 16, 2023

I50-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: General Plan 2040

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Mon, May 1, 2023 at 10:49 AM

From: Shelby Gross <[REDACTED]>
Sent: Saturday, April 29, 2023 2:34 PM
To: Town <town@townoftiburon.org>
Subject: General Plan 2040

Dina Tasini
Community Development Director
Town of Tiburon

Dear Dina,

I attended the open house held on April 29, 2023 to learn more about the Housing Element Plan. As I live in Paradise Cay I am very concerned about the proposed density of the potential development of [4576 Paradise Drive](#). The number of units proposed would put an enormous strain on the land, add hundreds of additional vehicles on a difficult two-lane road, and create a logistical nightmare in an emergency evacuation.

I strongly oppose the proposed high density development.

Thank you for a very informative open house.

Sincerely,
Shelby Gross
94 Trinidad Drive

I51-1

Letter I51 **Shelby Gross**
Response April 29, 2023

I51-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: Paradise Drive Project concerns

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:19 PM

-----Original Message-----

From: Sheri3776 <[REDACTED]>
Sent: Wednesday, April 26, 2023 11:51 AM
To: Dina Tasini <dtasini@townoftiburon.org>
Subject: Paradise Drive Project concerns

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello

I have been reading about the giant proposed project that will be just below my home. I am not against growth but I am against forced overpopulation of an area that goes against the flow of the area and the reason we love our home and neighborhood. We look down from our house to the water and want assurance that our and our neighbors Blue Water Rights will be taken into consideration when planning this project. It would be a violation of our rights to allow a building to be constructed that would block our view of the water that we paid extra to live near and to see.

I52-1

The massive project will also make our road more dangerous than it already is. There are so many bikes and cars on the road now it is very scared at times when bikes feel they have right of way and cars constantly cross the double yellow line to pass.

I52-2

You also need to take into account the air quality that is already poor. taking out all of the trees on that lot will decrease it even further. A huge building with more cars will just add to the poor quality of our air. Tiburon is full of condos and apartments that fit into the landscape of the area. This is not the place to put this project. If the Paradise Drive

I52-3

property is developed it should fit into the established community Sheri Neuman

I52-4

Letter I52 **Sheri Neuman**
Response April 26, 2023

- I52-1 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I52-2 Please see Master Response – 4576 Paradise Drive.
- I52-3 Please see Master Response – 4576 Paradise Drive. A discussion of air quality is included in Section 3.2, Air Quality in the Draft EIR. Effects of General Plan 2040 on biological resources is included in Section 3.3, Biological Resources of the Draft EIR.
- I52-4 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: Tiburon 90 unit development

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:15 PM

From: Soyoung Yang <[REDACTED]>
Date: April 15, 2023 at 5:37:53 PM EDT
To: Dina Tasini <dtasini@townoftiburon.org>
Subject: Tiburon 90 unit development

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear miss Dina,

I am writing to express my opposition to the proposed 90 unit development in Tiburon. While I appreciate the need for development and growth, I believe that this particular project will have a detrimental impact on our beloved town.

Aside from concerns around increased traffic, noise, and pollution, my greatest concern is the impact such a development would have on our sense of community. Tiburon is a tight-knit and unique community, and I fear that such a large-scale development would disrupt its character and charm.

I urge you to reconsider this proposal and work towards a solution that takes into account the concerns of the community. Thank you for allowing me the opportunity to voice my opinion.

Sincerely,

Soyoung Yang
[5000 Paradise Drive](#)
[Tiburon, CA](#)

Sent from my iPhone

I53-1

Letter I53 **Soyoung Yang**
Response April 15, 2023

I53-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: STRONG OBJECTION to 4576 Paradise Drive.

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:18 PM

-----Original Message-----

From: Stacey Irving <[REDACTED]>
Sent: Sunday, April 23, 2023 2:49 PM
To: Town <town@townoftiburon.org>
Cc: Chris Irving <[REDACTED]>
Subject: STRONG OBJECTION to 4576 Paradise Drive.

[Some people who received this message don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

We are writing to express our STRONG objections to the plans to develop 4576 Paradise Drive in the proposed manner. Most notably the environmental impact is totally unacceptable -- water, air quality, waste treatment and of course traffic. Paradise drive is already dangerous AND crowded. This particularly is already a very precarious spot in the road that cannot under any circumstances 180 new cars....especially with the buses, bikers (including my children who use the road to get to school)

In addition to the long term impact to changing Paradise Cay (this will impact our way of life, our property values and much more), the impact to our community and our access to our neighborhood will be a complete nightmare during construction.

I cannot under any circumstances understand how you possibly think that this dense of a development in our little area of Tiburon. I am outraged and incredibly disappointed in our town leaders that this size development is even being considered. Please change course IMMEDIATELY.

Stacey & Chris Irving
415 336 4840

I54-1

Letter I54 **Stacey and Chris Irving**
Response April 23, 2023

I54-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



Fwd: Please eliminate 4576 Paradise Drive proposed housing site, it would be truly dangerous for children, bicyclists and commuters, locates units away from all services, makes no sense, and is bad for the town

1 message

Dina Tasini <dtasini@townoftiburon.org>

Sun, Apr 30, 2023 at 12:33 PM

To: Christine O'Rourke <christine.o@comcast.net>, Christina Erwin <cerwin@denovoplanning.com>

From: Francine Halberg <[REDACTED]>**Date:** April 30, 2023 at 11:07:01 AM PDT**To:** Dina Tasini <dtasini@townoftiburon.org>**Subject: Please eliminate 4576 Paradise Drive proposed housing site, it would be truly dangerous for children, bicyclists and commuters, locates units away from all services, makes no sense, and is bad for the town**

Dear Ms Tasini

We acknowledge that Tiburon is in a difficult position, needing to comply quickly with the California Housing Mandate, and we do need more affordable housing. However, it makes no sense to place the additional housing units on an already overburdened one lane road, which will create almost impossible conditions when trying to leave for work in the morning. Even more important, this is the time that children walk to their bus stops, again on an already dangerous one lane road. In addition this road already poses severe dangers to the large number of bicyclers. Adding up to 90 units at 4576 Paradise drive would be EXTREMELY DANGEROUS.

Moreover, affordable housing units need to be accessible to public transportation, and other services. The town needs to revisit more practical locations that do not pose such dangers, and that do not completely change the character of the neighborhood.

The Baptist Church, Reed Elementary, Cove Shopping Center are all much much much more logical sites than the backside of Paradise drive.

Although concern has been expressed about too many units downtown, developing and revitalizing downtown would be a wonderful opportunity for the town.

Paradise Drive on the other hand, makes no sense at all, and is a poor and dangerous choice.

We appreciate all that you are doing to make Tiburon a better place. (Really we do). Thank you for asking for our input. We are writing because we were unable to attend the Town Hall Meeting or the upcoming Planning Commission Meeting.

Many thanks, and all the best

Terry Kessler and
Francine Halberg
[24 Old Landing Rd](#)

I55-1

Letter I55 **Terry Kessler and Francine Halberg**
Response April 30, 2023

I55-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: Tiburon 90 units

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:16 PM

From: May C <[REDACTED]>
Date: April 17, 2023 at 2:41:22 PM EDT
To: Dina Tasini <dtasini@townoftiburon.org>
Subject: Tiburon 90 units

We are protesting the development at:

Strong NO for to 90 Unit Development at [4576 Paradise Drive](#).

Please let us know how best to proceed.

Thank you.

The Kirwan's

4709 Paradise Dr, Tiburon

--

Together we can stop the Bear Bile farming.
Please visit www.animalsasia.org

I56-1

Letter I56 **The Kirwins**
Response April 17, 2023

I56-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: Hi Dina

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Sat, Apr 29, 2023 at 7:14 PM

From: Todd Steeves <[REDACTED]>
Date: April 12, 2023 at 7:40:25 PM PDT
To: Dina Tasini <dtasini@townoftiburon.org>
Subject: Hi Dina

I live on Paradise Drive and have done so for 12 years. When we moved here there was little traffic on Paradise Drive.

Lately traffic has not only become more common but with drivers frequently speeding well into the 50's.

Additional housing units on our two lane road will make this little road unsafe and paralyzed with traffic.

I understand that housing is in shortage but it should be built where there is adequate roadways to accommodate further housing.

I will do whatever it takes to protect our little town from speeding and dangerous traffic.

I will also attend the sessions on April 29 and May 10th.

Thank you,

Todd

--

Todd Steeves Cell 917-353-3834 [REDACTED]@gmail.com

I57-1

Letter I57 **Todd Steeves**
Response April 12, 2023

I57-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: General Plan 2040 - No on 90 Paradise Drive

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Mon, May 1, 2023 at 12:29 PM

From: Tom Stuttmann <[REDACTED]>
Sent: Monday, May 1, 2023 9:25 AM
To: Jack Ryan <jryan@townoftiburon.org>
Cc: Dina Tasini <dtasini@townoftiburon.org>
Subject: General Plan 2040 - No on [90 Paradise Drive](#)

Hi Jack,

It was nice meeting you on Saturday.

Thank you for explaining the last-minute entry for Paradise Drive. This happened limited time for public comment.

We surveyed our community and have informed you that 99.8% of the Paradise Cay Homeowners are opposed to this development. There are many reasons including safety, transportation, density,. Initially this property had proposed 6 units which is more in keeping with the character of the area and does not have the impact that 90 units or 180 more cars. If a fire occurred during peak traffic, then it would be nearly impossible to safely leave Paradise Cay by car.

158-1

Please let me know if you have any questions.

Tom Struttmann

President Paradise Cay Homeowners Association

Letter I58 **Tom Struttman 1**
Response May 1, 2023

I58-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: General Plan 2040 - Open House

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Mon, May 1, 2023 at 12:31 PM

From: Tom Struttman <[REDACTED]>
Sent: Monday, May 1, 2023 9:38 AM
To: Jack Ryan <jryan@townoftiburon.org>
Cc: Dina Tasini <dtasini@townoftiburon.org>
Subject: General Plan 2040 - Open House

Hi Holli,

It was nice meeting you on Saturday.

As you know many residents in Tiburon are upset about the proposed housing programs being forced on the communities by the State of California.

I thought the town did a good job of attempting to cover the various topics. While this was a good effort when asking the consultants about mobility (Transportation) Housing or Environmental I did not find logical explanations. It seems the details have been removed at this stage to eliminate any resistance. For example, when I spoke with the transportation lead, he said the road from Trestle glen to Tiburon has sufficient capacity, I informed this can be a 30-minute trip one way if you are heading there during peak traffic periods. His response is we don't calculate it that way. I find this horribly unacceptable.

159-1

Recapping Paradise Cay when the Town Council submitted the property on Paradise Drive for 90 units, we surveyed our community Paradise Cay. The Board submitted the response 99.8% of the residents are opposed for various reasons including safety, security, transportation, and difficulty traveling. Further the area is rural and low density and is not suited for multifamily housing.

159-2

I am also curious what the next steps are regarding the State feedback and follow on community feedback. Could you please provide.

Best regards,

Tom Struttman

President Paradise Cay Homeowners Association

925-330-8360

Letter I59 **Tom Struttman 2**
Response May 1, 2023

I59-1 Thank you for attending the Open House on April 29, 2023. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.

I59-2 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.

As a concern, Tiburon resident, I wish to voice my opinion that iI am against the development at 4576 Paradise Dr.

Letter I60 **Unnamed**
Response No Date

I60-1 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



Letter I61

Christina Erwin <cerwin@denovoplanning.com>

FW: Town of Tiburon- Notice of Availability for the Draft General Plan 2040 and Draft EIR

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Tue, May 2, 2023 at 8:48 AM

From: ann-eve hazen <ahazen1945@gmail.com>
Date: April 17, 2023 at 10:33:10 PM EDT
To: Dina Tasini <dtasini@townoftiburon.org>
Subject: Re: Town of Tiburon- Notice of Availability for the Draft General Plan 2040 and Draft EIR

Hello. I am out of town until July. My main concern with the plan and requiring additional homes is that the traffic on Tiburon Boulevard is already unbearable and not safe in case of an emergency. It seems to me that there are many places on 101 where they could put more homes. I believe the county and the state should reconsider this whole idea of putting more congestion along these small roads going into Tiburon, or Mill Valley, or Sir Francis Drake.

I61-1

Thank you. Ann-Eve Hazen, [20 Spring lane, Tiburon.](#)

On Thu, Mar 16, 2023 at 5:27 PM Dina Tasini <dtasini@townoftiburon.org> wrote:

To all interested parties please find the attached Notice of Availability and link to both the General Plan 2040 and Environmental Impact Report on the Create Tiburon 2024. The draft documents can be found at this direct link: <https://createtiburon2040.org/draft-general-plan/>. The draft documents can also be found on the Town of Tiburon website.

Your comments on the contents of the Draft EIR must be sent at the earliest possible date, but no later than 5:00 p.m. on May 1, 2023. Comments on the contents of the Draft EIR can be made to:

Dina Tasini, Director of Community Development

Town of Tiburon

[1505 Tiburon Boulevard](#)

[Tiburon, CA 94920](#)

Email: dtasini@townoftiburon.org

Letter I61 **Ann-Eve Hazen**
Response April 17, 2023

I61-1 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: Tiburon Housing Element - 4576 Paradise Drive

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Tue, May 2, 2023 at 1:13 PM

-----Original Message-----

From: Trip <[REDACTED]>
Sent: Wednesday, April 19, 2023 9:12 AM
To: Town <town@townoftiburon.org>
Cc: Dina Tasini <dtasini@townoftiburon.org>
Subject: Tiburon Housing Element - 4576 Paradise Drive

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Tiburon Town Council

I, along with 98.8% (survey previously sent to Dina Tasini) of the residents of Paradise Cay community appose development of the (Crandall) 4576 Paradise Drive property, which is in the Housing Element proposal. There is a long list of reasons why this proposed development makes no sense, including:

- Location
- Slope
- Street access
- Traffic
- Density
- Environmental
- Infrastructure

Anyone who has seen this property recognizes that a 90+ unit multi story, multi family project, as proposed would not be acceptable on any basis, therefore I request it be deleted from Tiburon's Housing Element plan. I speak for myself, but am sure you will be hearing from many of the 200 Paradise Cay residents, and also from the homeowners on Paradise Drive.

Trip Ames
216 Jamaica St.
Tiburon
415 987-3343

I62-1

Letter I62 **Trip Ames**
Response April 19, 2023

I62-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: 4576 Paradise Drive

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Tue, May 2, 2023 at 1:22 PM

From: Sophia Kingman <[REDACTED]>
Date: April 19, 2023 at 6:32:37 PM PDT
To: Dina Tasini <dtasini@townoftiburon.org>
Subject: 4576 Paradise Drive

Dear Ms. Tasini,

We recently discovered that the owners of 4576 Paradise Drive is interested in building 93 units.

I have lived nearby on Hillcrest Rd most of my life. I grew up at 25 Hillcrest, which I now own. For the last 20 years, I have lived at 19 Hillcrest Rd, which my husband and I currently own. We love this area, are actively part of the community, and are raising our children here.

I63-1

4576 Paradise is visible from the living room of 19 Hillcrest. We purchased this house mostly because of the nature of Paradise Drive. The density of housing is low, and the neighborhood is quiet in this spectacularly beautiful area.

While the property owner should have a right to build, 93 units on 9 acres is completely out of character for the area and will decrease our property values significantly.

Paradise Drive is a two-lane curvy road. It serves as an emergency exit of sorts if there is excess traffic on Tiburon Boulevard. Adding so many extra vehicles to the safety valve of the Tiburon Peninsula is not a good idea. As we saw when there was construction on Tiburon Boulevard a couple of years ago, it doesn't take much to create a difficult situation for emergency services.

I63-2

How do we oppose this? Are there upcoming meetings planned?

I63-3

Sincerely,

Sophia Kingman

415.272.4322

Letter I63 **Sophia Kingman**
Response April 19, 2023

- I63-1 This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I63-2 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.
- I63-3 The Town Planning Commission and Town Council will consider adoption of the General Plan 2040 during their public meetings. Public attendance and participation at these meetings is welcome. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.



FW: Proposed Development of 4576 Paradise Dr.

1 message

christine.o@comcast.net <christine.o@comcast.net>
To: Christina Erwin <cerwin@denovoplanning.com>

Tue, May 2, 2023 at 1:23 PM

-----Original Message-----

From: sita sherman <[REDACTED]>
Sent: Wednesday, April 19, 2023 2:10 PM
To: Town <town@townoftiburon.org>
Subject: Proposed Development of 4576 Paradise Dr.

[Some people who received this message don't often get email from sita@campsherman.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the Members of Tiburon's Town Council...

I am a resident of Paradise Cay living on Trinidad Dr. directly down the hill from the proposed 90 unit housing project. I have lived on Paradise Cay for thirty three years and have seen a lot of development not only on the Cay, but also along Paradise Dr. during those years. There needs to be no more development. There is plenty of housing and as the number of homes has increased through the years so has the traffic. Traffic not only from residents, but also from delivery trucks (as more and more people today rely on delivery services), as well as, construction/contractor traffic. Some one is always up grading their property. Tiburon Blvd.'s traffic is already bad enough at certain times of the day and we do not need Paradise Dr. to have increased traffic as well.

I64-1

We live on the east side of the Tiburon peninsula because it is quiet and more rural. We do not need to become like the more densely populated west side of the Tiburon peninsula. The road ways on Paradise Dr. are more narrow with much greater foliage protecting owners properties. Adding 90 units with parking associated with those units is too much for Paradise drive to take on.

I64-2

I cannot be at the open house on Sat., April 29th as we have a prior family commitment. Hence my letter.

I am not in favor of this proposed housing unit.

Thank you..... Sita Sherman

Letter I64 **Sita Sherman**
Response April 19, 2023

I64-1 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.

I64-2 Please see Master Response – 4576 Paradise Drive. This comment does not refer to the adequacy of the Draft EIR, and no further response is required. The comment is noted and will be forwarded to the decision makers for consideration.

Public Comments Received at Open House, April 29, 2023

COMMENT BOARDS

LAND USE

- We need Paradise Drive development in housing element
- The Paradise Dr development plan is a disaster
- From Rod?? Schnitt?? 4579 Paradise 4/29/23 I live directly across Paradise Drive from proposed site at 4576 Paradise. The north side of the road has a blind curve that causes accidents, especially between bikes and cars. The proposed housing would make a bad, dangerous [illegible] into a **DISASTER**. Omit this spot from plan!
- Paradise Drive site proposal is total madness! Outrageous.

DOWNTOWN

- Addition of housing, to help revitalize downtown.
- Develop Ring mountain
- Downtown merchants & restaurants need parking, and parking lots are being eliminated in Housing element
- Paradise Drive site does not provide access to [illegible] sites. Can't walk, no public transport.
- The downtown vision is unrealistic and naive given the housing element. We need much clearer plans for traffic and critical infrastructure.
- How enforceable is 3 story height limit Downtown with density bonus 100% residential and Builder's Remedy?

- Welcome new residents safely, please. Emergency evacuation, emergency vehicle access, tsunami risk
- TOT - RE: Circulation improvement that improves heavy infrastructure pertains to private (local) & public [illegible]. Including electrical [illegible] for ferry
- Under - mobility key polices last add and for ferry [difficult to read]

OBJECTIVE DESIGN STANDARDS

- There are no ODDs that could make so much new housing downtown and retain the current look and feel of downtown. It isn't possible.
- Are these enforceable with Builder's Remedy, Density Bonus, 100% Residential?

HOUSING

- The Town should join litigation to reduce our RHNA allocation and restore local control of zoning
- Develop Ring mountain for housing
- Comment: Re-zone the Cove for high density multi-use now even though it can't be counted in the RHNA now. Do it to permit development.
- As residents of Paradise Cay, we oppose the proposed construction on Paradise drive. Additional of high density housing will have irreversible adverse effects on our schools, roads, water supply, and waste. - Anika, Arya, Rohan, Amara, Tim, & Karika [illegible]
- We reside in Paradise Cay and have huge concerns about the proposed site down on Paradise Drive. That spot has a huge blind spot. Is a tentative [illegible] for [illegible] added traffic and infrastructure. The current roads [illegible] have cars and bikes. We strongly oppose this. [illegible]

- Taylor Rd + Paradise Drive | Interested to see a traffic flow mapping for entry & exit at 4576 Paradise given the amount of engineering & shoving that will be required on that unstable site for a safe traffic pattern
- Housing | Environmental, [illegible]
- There is enough diversity - market allows already
- This was pushed through without any REAL public notice - I get notices [illegible] a cow or tree. NOT THIS - who reads your [illegible] on a [illegible]
- The objections to the Paradise site apply to many other sites and don't justify removing the Paradise site from the HE.
- There is no alternative to the 4576 Paradise Dr site that will be accepted by HCD. Can't just say "no."
- We need affordable housing spread throughout town.
- Downtown housing is over-burdened - must include new annexed property
- 4576 - Does not meet objectives! No transit. DANGEROUS
- 4576 Paradise Drive has been granted a density that is entirely inappropriate for that location. There is no safe way to mitigate the traffic impact. Nor could a site with its physical attributes support a development of that scale without impairing the nature of the area. I strongly oppose this concoctable project. John M Willoch 162 St Thomas Way
- More low income housing & how to get on list
- Housing should be spread across Tiburon not just downtown
- Site H is shortsighted and fails to meet the Towns state objectives for the housing element. Very few - 9-18 affordable units would be added, and these would not be accessible to public transport, mkts, etc... JRC 28 OLR

- I am in favor of downtown housing, to revitalize downtown & all sites, exclude site H
- There has been NO notification to local residents about Paradise Drive site. As people learn of this they are outraged and organising with resources to oppose [illegible]
- Polling was performed by Paradise Cay HOA. The development of 4576 Paradise is opposed by 98% of Homeowners. The “vetting process” was failed” This project will endanger our infrastructure, environment, and our schools. Tim Rankin - 229 [illegible] Ave
- We were never notified before it was approved. [name illegible] 4670 Paradise Dr.
- 4576 Paradise - Not feasible Traffic Environment Roadways Does not would not belong Terrible idea
- The HE sites use inconsistent logic regarding owner interest in development. Some sites were rejected due to lack of interest and others included.
- Lack of Community Input: [illegible]. From Redlined Revised Draft: 1.0 Intro “[this statement is misleading]”: The proposed housing sites were extensively vetted with the community as they required either allowing housing where none was previously permitted or increasing the existing residential densities from a maximum of 20.7 units per acre to maximums of 25-45 units per acre depending on the site. Twenty parcels were ultimately identified as appropriate for multifamily housing. Surveys conducted immediately after the workshops showed majority support for these housing sites (see Appendix A).” p. 9. April 17, 2023 HCD Comment Letter: “Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the Town should continue to engage the community, including organizations that represent lower-income

and special needs households, by making information regularly available and considering and incorporating comments where appropriate. Please be aware: any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before resubmitting to HCD."

- 4576 Paradise - what a HORRIBLE idea!!
- Julie Jacobs - not safe to concentrate density in downtown (exclusive) - why not rezone the Cove even though it's not ID as housing site & what owner interest
- The Paradise site has better traffic access than the downtown sites and should be included in the HE
- What is our plan for improving traffic Downtown to/from Hwy 101? Is there any widening plan to accommodate more housing downtown?
- HCD seems to doubt the credibility of the downtown sites in the HE (leases, historical sites, existing development plans, etc.). What is our "plan" if HCD continues to doubt many of these sites?
- 4576 Paradise Drive (93-116 units) is a total fiasco - logistically...
- No - 4576 Paradise Drive - this is a rural [illegible]
- We are very much against the project at 4576 Paradise Dr. It is a dangerous and irresponsible project that will have terrible repercussions. Harry & Sandra Blake Paradise Cay
- Multi-unit housing is completely wrong for Paradise Drive. It's a narrow country road - very popular for biking - hundreds more car trips will ruin it

- Very concerning about the 4576 Paradise Dr. 93 units - very poor location, dangerous, doesn't make sense. M O'Donnell 4879 Paradise drive
- Paradise Dr site is completely unsuitable for this level of development. Please remove it from plan.
- [illegible] Paradise Cay HOA - To [illegible]
- Jon Larson President Mateo Drive HOA 16 of 17 owners are strongly against devel. Of the 10 acres destroys the rural density, we were not informed or represented in the proposed plan.
- High density housing - not [illegible] on Paradise Drive. 4576 Paradise Drive is not the right location to house multi-unit development due to safety, noise, traffic, & removing rural environment - please remove it
- I am a Tiburon resident & I was happy to participate in the workshops. Site "H" was never discussed, analyzed, etc. The Town wrote (in intro 1.0 from redlined revised draft) "The proposed sites were extensively vetted by the community..." For Site "H", this is not true. The site needs to have the same analysis & opportunity for community to comment, site H did /does not have "majority support."
- We believe its reckless to add 93 homes to Paradise Dr. It's dangerous and will put all homeowners in jeporady. We were never notified before it was approved. Laurin Selmeia 4670 Paradise Dr.

Diversity, Equity, + Inclusion

- There is evidence supporting diversity and inclusion and equity at this time. ENOUGH
- We value and welcome diversity (socioeconomic, racial, religious, age, national origin) for Tiburon. We need it.

- There is enough Diversity, Equity + inclusion

Sustainability + Conservation

- We don't have the infrastructure to meet our aspirations. We need to improve infrastructure.
- Community garden space please
- Paradise Drive site not suitable marshes, wildlife etc.
- Paradise drive location is crazy idea, please take off plan
- Tiburon already is well represented as being conservation bent.
- Paradise Dr. site would be terrible for the environment - Bay, traffic, pollution, fire danger, etc. etc.

Open Space, Parks + Recreation

- Not enough on arts & culture for Town
- Already enough open space
- Would like a community garden!
- Angel Island is primarily w/in TOT boundaries include it & utilize it

Safety & Resilience

- Cyclists & residents & motorists safety on Paradise Drive is in jeopardy if 4576 Paradise is included. This site needs to be removed from the plan for multiple safety concerns.
 - I agree there are many accidents on Paradise Dr. already!
- Projected sea level rise in the Bay by 2040 is 1.4 inches. Far below the nonsense, alarmist scenarios being portrayed. Scientific [illegible]
- Sea level Rise are pure scare mongering fantasies. Most likely the bay sea level will rise about 4 inches over the next 50 yrs. Why was this "scenario" not included?

- Adding the housing in the HE to downtown will be unsafe due to traffic, earthquake, tsunami, flood, etc.
- Paradise drive location would be dangerous
- Very worried about liquefaction, tsunami, sea level rise, 100 year flood plain, emergency evacuation & emergency vehicle access for
- Proposed 4576 Paradise Drive site would be massively reckless. Highly utilized bike route with NO footfalls! Madness to pursue
- Consider local ferry operators ability to provide emergency services - essential service i.e. 2008 Angel Island fire
- Cove & Witness the traffic on Paradise Drive during the school hours, weekend bikers, 2 accidents this week on Paradise dr this week

MOBILITY

- Not enough capacity in existing infrastructure to add more housing
- 4670 Paradise | Paradise Dr is dangerous drive for more housing | more traffic 40-50% is not acceptable | need to improve mobility safety
- Go back to prior plan
- Not a single mention anywhere on resealing Tiburon Blvd.
- Have you considered the taper on Paradise Dr. The accidents, the school buses, 180 extra cars on Paradise Drive. Erosion from the building equipment
- Use some common sense. Scrap the entire General Plan 2040 & stay with current General Plan
- Any consideration of widening Tiburon Blvd? Between Trestle Glen & Mar West?

- 4576 Paradise Drive | Development here will ruin one of Marin's greatest assets - a beautiful quiet country road full of bicycles. Bicyclists will be injured or die will hundreds more trips
- Walking & biking on Paradise Dr. are dangerous. Town needs to work with County to improve
- 4670 Paradise - never notify to people who live in County
- Re: 90 units above P. Cay sharing Paradise Dr w/ bicyclists will be more dangerous for cyclist without major investment in widening Paradise Dr., especially now the Firehouse & the opposite side now Montessori School
- Operational analysis [illegible] in EIR | Traffic capacity not adequate today
- 4576 Paradise Drive site ridiculous for mobility. No access for public transport, walking very dangerous!
- Why is a roundabout not being planned for Trestle Glen intersection - the biggest choke point on Tiburon Blvd?

DRAFT EIR

- EIR does not accurately reflect the traffic, noise, harm to nature that the site at 4576 Paradise will cause if developed. This site needs to be removed asap from the plan!
- The housing laws seem to make the EIR meaningless. So much bad environmental impact from the HE.
- Incomplete - does not address operation review - not realistic!
- Disaster
- The development as proposed would be a disaster!

- 4576 proposed site is ridiculous idea. Completely impractical, dangerous, not fit for purpose
- The proposed Paradise housing site in the HE is appropriate and necessary

COMMENT LETTER

Page ES-10 Executive Summary

Impact 3.6-1

I strongly disagree with this assessment that the risk of loss, injury, or death from an earthquake, ground shaking, and seismic-related ground failure in Development facilitated by the General Plan is less than significant. Rezoning for placing over 400 units of high density housing, at least 3 stories high, in a liquefaction zone, Tsunami Hazard and Evacuation Zone, 100 Year Flood Plain, climate-change-related sea level rise and inundation zone, king tide flooding zone, immediately adjacent to an urban-wildlands-interface fire hazard zone, with only one lane of traffic in and out on the primary route for emergency evacuations and emergency vehicle access would certainly seem highly likely to create a significant level of risk of loss, injury or death. It is hard to see how any mitigation can address all of these issues, especially without widening Tiburon Boulevard, and spreading the new housing to other areas in town so that the new high density housing is not all stacked and packed downtown. Inviting our new residents into this high risk situation seems inconsistent with common sense, common decency, and safe housing development practices. It is also inconsistent with Federal Law discouraging development in high risk flood zones.

Page ES-13

Impact 3.8-6

I strongly disagree with this assessment. Absent significant widening of Tiburon Boulevard between Mar West and Trestle Glen, it is impossible to understand how emergency evacuations and emergency vehicle access could fail to be significantly affected by adding 400+ units to downtown Tiburon from Tiburon and ~~200~~ 160 units to the Boardwalk shopping center downtown from Belvedere. Please correct or explain adequately.

Impact 3.8-7

I strongly disagree with this assessment. With choke points and serious congestion already present on Tiburon Boulevard during school and work commute times, it is impossible to understand how adding at least 600 more units downtown would fail to directly expose people and property to a significant risk of loss, injury or death in case of a wildfire requiring emergency evacuation. Please refer to the town of Paradise, CA tragedy during the past decade for clear illustration of this risk.

Impact 3.9-2

I disagree with this assessment. Our groundwater usage from reservoirs has been restricted in the past few years because of threats to the adequacy of water supply. It is not possible to understand how Marin and Tiburon can comply with the ABAG and HCD housing allocations mandated by state law without threatening the water supply even more in the future.

Page ES 16

Impact 3.14-1 and 3.14-2

- 1. I disagree with this assessment that adding 400+ units downtown would not conflict with policy promoting safe circulation between downtown and other destinations in Tiburon*

or the county. It would be impossible to avoid adding to and expanding the chokepoints on Tiburon Boulevard with more units added downtown, unless additional lanes are added to Tiburon Boulevard between Trestle Glen and Mar West.

- 2. I disagree with this assessment that adding 400+ units downtown would not conflict with policy promoting safe circulation between downtown and other destinations in Tiburon or the county. It would be impossible to avoid adding to and expanding the chokepoints on Tiburon Boulevard with more units added downtown, unless Tiburon Boulevard were significantly widened to add lanes and new units were moved from downtown to the Cove.*

Impact 3.14-4

I disagree with this assessment for the reasons set forth above relating to chokepoints on Tiburon Boulevard and the single lanes of roadway in and out of downtown.

Page ES-18

Impact 3.14-5

I disagree that this significant impact is unavoidable, in that widening Tiburon Boulevard and spreading rezoning for new units to The Cove Shopping Center and Paradise Drive will help to mitigate these impacts.

Impact 13.15-1

This could be mitigated with additions of new water supplies through construction of desalination plants or connection to new sources of water.

Page ES-19

Impact 3.16-1

Disagree

Letter I65 **Public Comments from Open House**
Response April 29, 2023

Public comments were gathered during the General Plan 2040 Open House on April 29, 2023. Participants provided comments on post-its and attached them to identified topical areas including Land Use; Downtown; Objective Design Standards; Housing, Diversity, Equity + Inclusion; Sustainability + Conservation; Open Space, Parks + Recreation; Mobility; and Draft EIR. Additionally, a printed letter was provided to the Town Community Development Director. All of those comments are included here for informational purposes. The comments reflect those provided in comment letters received during the Draft EIR public comment period, and are responded to in this chapter. For brevity, responses will not be repeated here.



4.0 MITIGATION MONITORING PLAN

4.1 INTRODUCTION

Section 15097 of the California Environmental Quality Act (CEQA) Guidelines requires public agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a “mitigated negative declaration” or specified environmental findings related to environmental impact reports.

The following is the Mitigation Monitoring Plan (MMP) for the General Plan 2040. The intent of the MMP is to prescribe and enforce a means for properly and successfully implementing the mitigation measures identified within the Draft EIR for this project.

4.2 MITIGATION MEASURES

The mitigation measures are taken from the General Plan 2040 Draft EIR and are assigned the same number as in the Draft EIR. The MMP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions.

4.3 MMP COMPONENTS

The components of the attached table, which contains applicable mitigation measures, are addressed briefly, below.

Impact: This column summarizes the impact stated in the Draft EIR.

Mitigation Measure: All mitigation measures that were identified in the General Plan 2040 Draft EIR are presented, as revised in the Final EIR, and numbered accordingly.

Action(s): For every mitigation measure, one or more actions are described. The actions delineate the means by which the mitigation measures will be implemented, and, in some instances, the criteria for determining whether a measure has been successfully implemented. Where mitigation measures are particularly detailed, the action may refer back to the measure.

Implementing Party: This item identifies the entity that will undertake the required action.

Timing: Implementation of the action must occur prior to or during some part of project approval, project design or construction or on an ongoing basis. The timing for each measure is identified.

Monitoring Party: The Town of Tiburon is primarily responsible for ensuring that mitigation measures are successfully implemented. Within the Town, a number of departments and divisions would have responsibility for monitoring some aspect of the overall project.

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TOWN OF TIBURON

General Plan 2040 EIR

TABLE 4-1: GENERAL PLAN 2040 MITIGATION MONITORING PLAN

IMPACT	MITIGATION MEASURE	ACTION(S)	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
SECTION 3.2—AIR QUALITY					
<p>Impact 3.2-3: General Plan implementation could expose sensitive receptors to substantial pollutant concentrations.</p>	<p>MM 3.2-1: Health Risk Assessments: Developers of individual development projects within the Planning Area that could result in significant toxic air contaminants during operation and/or construction that are located within 1,000 feet of a sensitive receptors(s), shall implement BAAQMD Guidelines and State Office of Environmental Health Hazard Assessment policies and procedures requiring Health Risk Assessments (HRAs) for residential development and other sensitive receptors. Screening area distances may be increased on a case-by-case basis if an unusually large source or sources of hazardous emissions are proposed or currently exist. Based on the results of the HRA, individual project applicants shall identify and implement measures (such as air filtration systems) to reduce potential exposure to particulate matter, carbon monoxide, diesel fumes, and other potential health hazards. Measures identified in HRAs shall be included into the site development plan as a component of each applicable individual development project.</p>	<p>Screen proposed projects for potential creation of toxic air contaminants. Implement BAAQMD Guidelines and State Office of Environmental Health Hazard Assessment policies and procedures and require Health Risk Assessments (HRAs) for development projects.</p>	<p>Project Applicant</p>	<p>During all onsite ground disturbing and construction activities, and during project operation.</p>	<p>Bay Area Air Quality Management District (BAAQMD), Town of Tiburon Community Development Department</p>
<p>Impact 3.2-6: General Plan implementation, in combination with other cumulative development, would</p>	<p>MM 3.2-6: Implement MM 3.2-1</p>	<p>Screen proposed projects for potential creation of toxic air contaminants.</p>	<p>Project Applicant</p>	<p>During all onsite ground disturbing and construction activities,</p>	<p>Bay Area Air Quality Management District (BAAQMD), Town of</p>

IMPACT	MITIGATION MEASURE	ACTION(S)	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
not expose sensitive receptors to substantial pollutant concentrations.		Implement BAAQMD Guidelines and State Office of Environmental Health Hazard Assessment policies and procedures and require Health Risk Assessments (HRAs) for development projects.		and during project operation.	Tiburon Community Development Department
SECTION 3.6—GEOLOGY, SOILS, AND SEISMICITY					
Impact 3.6-6: Development facilitated by the General Plan could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	MM 3.6-6: If any paleontological resources (fossils) or unique geologic features are discovered during grading or construction activities within the project area, work shall be halted immediately within 50 feet of the discovery, and the Town Planning Division shall be immediately notified. The project applicant will retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines (SVP 2010). The recovery plan may include but is not limited to a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by the Town to be necessary and feasible will be implemented by the applicant before construction activities resume in the area where the paleontological resources were discovered.	Halt ground disturbing activities if resources are discovered during construction, notify the Town Planning Division, and consult with a qualified paleontologist according to the protocols outlined in Mitigation Measure 3.6-6.	Project Applicant	During onsite and offsite ground disturbing activities.	Town of Tiburon Planning Division

Town of Tiburon

General Plan 2040 EIR

IMPACT	MITIGATION MEASURE	ACTION(S)	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
<p>Impact 3.6-7: Development facilitated by the General Plan, in combination with past, present, and reasonably foreseeable projects, would not result in significant cumulative impacts with respect to geology, soils, seismicity, or paleontological resources.</p>	<p>MM 3.6-7: Implement Mitigation Measure 3.6-1</p>	<p>Halt ground disturbing activities if resources are discovered during construction, notify the Town Planning Division, and consult with a qualified paleontologist according to the protocols outlined in Mitigation Measure 3.6-6.</p>	<p>Project Applicant</p>	<p>During onsite and offsite ground disturbing activities</p>	<p>Town of Tiburon Planning Division</p>
<p>SECTION 3.11—NOISE</p>					
<p>Impact 3.11-2: Development facilitated by the General Plan 2040 would not generate excessive groundborne vibration or groundborne noise levels.</p>	<p>MM 3.11-2: Construction Vibration: Prior to issuance of grading permits for any project that is located within 150 feet of a historic structure that is depicted in Figure DT-3 of the General Plan and, if construction activities will require either: (1) pile driving within 150 feet; or (2) utilization of mobile construction equipment within 50 feet of the historic structure, the property owner/developer shall retain an acoustical engineer to prepare a vibration plan for Town review and approval. The vibration plan shall determine the vibration levels created by construction activities at the historic structure. If necessary, the vibration plan shall require the developer to implement specific measures to reduce the vibration levels to meet Caltrans thresholds.</p>	<p>Prepare and implement a vibration reduction plan for any project that is located within 150 feet of a historic structure. The vibration reduction plan shall determine the vibration levels created by construction activities at the historic structure and identify mitigation measures, as necessary.</p>	<p>Project Applicant</p>	<p>Prior to issuance of grading permits</p>	<p>Town of Tiburon Planning Division</p>

IMPACT	MITIGATION MEASURE	ACTION(S)	IMPLEMENTING PARTY	TIMING	MONITORING PARTY
SECTION 3.14—TRANSPORTATION					
<p>Impact 3.14-2: Development facilitated by the General Plan would not conflict or be inconsistent with CEQA Guidelines Section 15064.3 subdivision (b).</p>	<p>MM 3.14-2: When the Town receives an application for a project subject to CEQA, it shall apply the “Screening Thresholds for Land Use Projects” set forth in OPR’s Technical Advisory on Evaluating Transportation Impacts in CEQA. If the project would exceed the screening thresholds, or other evidence demonstrates a potentially significant VMT impact, the Town shall require the applicant to prepare a quantitative, project-level VMT analysis. If the analysis shows that the project would exceed the applicable numeric threshold of significance, the Town shall require the applicant to prepare and submit a VMT Reduction Plan for Town review and approval. The VMT Reduction Plan shall incorporate mandatory measures sufficient to reduce project VMT below the applicable numeric threshold of significance. The VMT Reduction Plan may include, without limitation, a TDM program; pedestrian, bicycle, or transit network improvements; car sharing or ride sharing programs; transit subsidies; telecommuting or alternative work schedules; and/or any other measures sufficient to reduce VMT below the applicable threshold.</p>	<p>Implement “Screening Thresholds for Projects.” If necessary, prepare and implement a VMT Reduction Plan. The VMT Reduction Plan shall incorporate mandatory measures sufficient to reduce project VMT below the applicable numeric threshold of significance.</p>	<p>Project Applicant</p>	<p>Prior to issuance of grading permits</p>	<p>Town of Tiburon Planning Division</p>