

## **APPENDIX B**

### **RESPONSES TO NOP**



EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX  
DIRECTOR

**Notice of Preparation**

November 21, 2012

To: Reviewing Agencies  
Re: Upper Road Land Division  
SCH# 2002092073

Attached for your review and comment is the Notice of Preparation (NOP) for the Upper Road Land Division draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

**Elise Semonian**  
**City of Ross**  
**31 Sir Francis Drake Blvd**  
**Ross, CA 94957**

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Attachments  
cc: Lead Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2002092073  
**Project Title** Upper Road Land Division  
**Lead Agency** Ross, City of

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**Type** **NOP** Notice of Preparation  
**Description** Note: Reference SCH# 1990030617

The proposed project requests approval of a Vesting Tentative Subdivision Map for three residential units, Design Review approvals for grading and retaining wall construction and approvals for a common driveway to serve the site. The proposed Vesting Tentative Subdivision Map would divide the parcel into three new parcels of 11.89, 11.00, and 13.08 acres each. No home designs are proposed currently and the residences would be reviewed by the Town through future development applications. One road would serve the entire site with driveways provided for each new house. Water and sanitary sewer lines are proposed to be installed beneath the new road and driveways, as well as enlargement of the existing Upper Road water main and installation of a new water main and lateral lines to serve the three new residences.

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**Lead Agency Contact**

**Name** Elise Semonian  
**Agency** City of Ross  
**Phone** (415) 453-1453 x121 **Fax**  
**email**  
**Address** 31 Sir Francis Drake Blvd  
**City** Ross **State** CA **Zip** 94957

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**Project Location**

**County** Marin  
**City** Ross  
**Region**  
**Cross Streets** Lagunitas Road  
**Lat / Long** 37° 57' 43.93" N / 122° 34' 21.79" W  
**Parcel No.** 073-011-26

<b>Township</b>	<b>Range</b>	<b>Section</b>	<b>Base</b>
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**Proximity to:**

**Highways** Hwy 101  
**Airports**  
**Railways**  
**Waterways** Ross Creek, Phoenix Lake, Corte Madera Creek  
**Schools** Ross School, Marin, Branson  
**Land Use** R-1:B-10A, Single Family Residential, 10-acre minimum lot size

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**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Other Issues

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**Reviewing Agencies** Resources Agency; Department of Conservation; Cal Fire; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; CA Department of Public Health; Native American Heritage Commission; California Highway Patrol; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 2

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**Date Received** 11/21/2012 **Start of Review** 11/21/2012 **End of Review** 12/20/2012

NOP Distribution List

- Resources Agency  
Madell Gayott
- Dept. of Boating & Waterways  
Nicole Wong
- California Coastal Commission  
Elizabeth A. Fuchs
- Colorado River Board  
Gerald R. Zimmerman
- Dept. of Conservation  
Elizabeth Carpenter
- California Energy Commission  
Eric Knight
- Cal Fire  
Dan Foster
- Central Valley Flood Protection Board  
James Herola
- Office of Historic Preservation  
Ron Patsons
- Dept of Parks & Recreation  
Environmental Stewardship Section
- California Department of Resources, Recycling & Recovery  
Sue O'Leary
- S.F. Bay Conservation & Dev't. Comm.  
Steve McAdams
- Dept. of Water Resources  
Agency  
Madell Gayott
- Fish and Game  
Scott Flint  
Environmental Services Division
- Fish & Game Region 1  
Donald Koch
- Fish & Game Region 1E  
Lauree Harnsheiger
- Fish & Game Region 2  
Jeff Drongetski
- Fish & Game Region 3  
Charles Amor
- Fish & Game Region 4  
Julie Vance
- Fish & Game Region 5  
Leslie Newton Reed
- Habitat Conservation Program  
Gabriela Gatchel
- Fish & Game Region 6  
Brid Henderson
- Fish & Game Region 6 /M  
Inyo/Mono, Habitat Conservation Program
- Dept. of Fish & Game M  
George Isaac  
Marine Region
- Food & Agriculture  
Sandra Schubert  
Dept. of Food and Agriculture
- Dept. of General Services  
Public School Construction
- Dept. of General Services  
Anna Usarbeck  
Environmental Services Section
- Dept. of Public Health  
Jeffery Worth  
Dept. of Health/Drinking Water
- Delta Stewardship Council  
Kevan Samsam
- Independent Commissions/Boards  
Delta Protection Commission  
Michael Machado
- Cal EMA (Emergency Management Agency)  
Denits Castillo
- Native American Heritage Comm.  
Debbie Treadway
- Public Utilities Commission  
Leo Wong
- Santa Monica Bay Restoration  
Guangyu Wang
- State Lands Commission  
Jennifer Deleony
- Tahoe Regional Planning Agency (TRPA)  
Cherry Jacques
- Business, Trans & Housing  
Caltrans - Division of Aeronautics  
Phillip Crimmins
- Caltrans - Planning  
Terri Pencovic
- California Highway Patrol  
Suzann Ikenicht  
Office of Special Projects
- Housing & Community Development  
CEQA Coordinator  
Housing Policy Division
- Dept. of Transportation  
Caltrans, District 1  
Rex Jackman
- Caltrans, District 2  
Marcelino Gonzalez
- Caltrans, District 3  
Gary Arnold
- Caltrans, District 4  
Erik Ahn
- Caltrans, District 5  
David Murray
- Caltrans, District 6  
Michael Haverro
- Caltrans, District 7  
Diana Watson
- Air Resources Board  
Airport/Energy Projects  
Jim Lerner
- Transportation Projects  
Douglas Ito
- Industrial Projects  
Mike Tollstrup
- State Water Resources Control Board  
Regional Programs Unit  
Division of Financial Assistance
- State Water Resources Control Board  
Student Intern, 401 Water Quality Certification Unit  
Division of Water Quality
- State Water Resources Control Board  
Phil Crader  
Division of Water Rights
- Dept. of Toxic Substances Control  
CEQA Tracking Center
- Department of Pesticide Regulation  
CEQA Coordinator
- Caltrans, District 8  
Gayle Rosander
- Caltrans, District 10  
Tom Dumas
- Caltrans, District 11  
Jacob Armstrong
- Caltrans, District 12  
Marlon Regisford
- Caltrans, District 8  
Dan Kopulsky
- Caltrans, District 9  
Gayle Rosander
- Caltrans, District 10  
Tom Dumas
- Caltrans, District 11  
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Division of Water Rights
- Dept. of Toxic Substances Control  
CEQA Tracking Center
- Department of Pesticide Regulation  
CEQA Coordinator
- Regional Water Quality Control Board (RWQCCB)  
RWQCCB 1  
Cathleen Hudson  
North Coast Region (1)
- RWQCCB 2  
Environmental Document Coordinator  
San Francisco Bay Region
- RWQCCB 3  
Central Coast Region (3)
- RWQCCB 4  
Teresa Rodgers  
Los Angeles Region (4)
- RWQCCB 5S  
Central Valley Region (5)
- RWQCCB 5F  
Central Valley Region  
Fresno Branch Office
- RWQCCB 5R  
Central Valley Region  
Redding Branch Office
- RWQCCB 6  
Lahontan Region (6)
- RWQCCB 6V  
Lahontan Region (6)  
Victorville Branch Office
- RWQCCB 7  
Colorado River-Basin Region
- RWQCCB 8  
Santa Ana Region (8)
- RWQCCB 9  
San Diego Region (9)
- Other  
Conservancy

RECEIVED  
Planning Department

DEC 10 2012

Town of Ross

Elise Semonian  
Senior Planner  
Town of Ross  
Ross, CA 94957

Re: Upper Road Land Division Project by Berg Holdings

Thank you for the opportunity to review this project and comment. This project would significantly degrade the aesthetics of the area. Myself and many others hike the Worn Springs trail on Bald Mountain immediately West of this project. This open space is a beautiful unspoiled nature preserve thanks to the MMWD. To be seeing and hearing years of construction and permanent dwellings in close proximity as we hike these now isolated trails would be a travesty. The beauty of this wonderful natural open space would be forever lessened.

Secondly, this project will increase flood potential in this flood prone area. After decades of disastrous floods we now have a plan in place to reduce these flood risks including a detention basin at Phoenix Lake in very close proximity to this project. This project will increase runoff to the same creek which the Phoenix Lake detention project would reduce flow. The proposal may include runoff mitigation plans but these become useless in the very large storms this area experiences. The removal of existing trees and planting of new trees will make the steep slope of this project ripe for landslides especially in the near future.

I strongly oppose this project.



Frank Malin  
6 Fernhill Ave  
Ross, CA 94957

**From:** [Elise Semonian](#)  
**To:** [Geoff Reilly](#)  
**Subject:** FW: Email from Town of Ross Website  
**Date:** Monday, December 17, 2012 3:31:51 PM

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

From: Dain Anderson [<mailto:danderson@marinwater.org>]  
Sent: Monday, December 17, 2012 9:19 AM  
To: Elise Semonian  
Subject: Email from Town of Ross Website

This message was sent from:

[http://www.townofross.org/pages/contact/email\\_semonian.php](http://www.townofross.org/pages/contact/email_semonian.php)

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Name of sender: Dain Anderson  
Email of sender: danderson@marinwater.org Phone of sender: 4159451586

----- MESSAGE -----

Good morning, Our engineer's have looked at the IS for the Upper Road project and suggest the following language revision to the IS (page 55) with respect to water supply and distribution...  
"Regarding potable water, MMWD has confirmed that there is adequate water supply to accommodate the proposed project and that no new or expanded water treatment facilities are required. With respect to potable water distribution, there is a 4-inch diameter water main located in that portion of Upper Road that fronts the proposed project. The MMWD has indicated that replacement of approximately 650 linear feet of water main in Upper Road may be required to provide adequate fire protection flows for the proposed project." Dain Anderson Environmental Services Coordinator MMWD

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December 19, 2012

VIA FACSIMILE AND US MAIL  
(415) 453-1950

Ms. Elise Semonian  
Senior Planner  
Town of Ross  
Planning Department  
31 Sir Francis Drake Boulevard  
Ross, CA 94957

RE: Notice of Preparation of Subsequent Environmental Impact Report – Upper Road Land Division Project

Dear Ms. Semonian:

As a Ross homeowner whose property is directly adjacent to the land in question, I submit the following comments regarding the Notice of Preparation and the Initial Study for a Subsequent Environmental Impact Report (the “SEIR”) regarding the Upper Road Land Division Project (the “Subdivision”), which I received on November 21, 2012.

As noted in the Initial Study, my home shares 769 feet of common boundary with the parcel proposed to be subdivided (the “Site”), a longer common boundary than that with any other privately-owned parcel, and the topographically-dominant position of the Site amplifies as well many impacts to my home from any development of the Site. In addition, having lived on Upper Road for nearly 40 years (since 1974), I am intimately familiar with the particular resource constraints of this neighborhood.

1. Given the extreme slopes of the Site and the very large amount of grading proposed for this three-lot Subdivision, and in light of the numerous areas of potentially significant impacts identified in the Initial Study, the SEIR should include analysis of a one single family home alternative. In order to reduce to the extent feasible the amount of land and tree clearance, as well as cut-and-fill, a building envelope for one single family home located downslope and inside of the first turn in the proposed driveway should be evaluated. It would reduce all earthmoving impacts to locate the building envelope for one single family home in this location. The design of this one single family home building site should incorporate all feasible design features and mitigations to eliminate noise, visual and other impacts on the adjacent residential parcels and public roads and lands.

2. The SEIR should provide a thorough analysis of potential slope stability impacts taking into account local conditions and in light of the very large amount of earthmoving, vegetation (including tree) removal and proposed construction of engineered slopes.
3. The description of the Subdivision does not include the construction of an on-site haul route for transport of fill to the proposed Parcel 1. A description of the location and configuration of the proposed haul route should be included in the SEIR, including the amount of grading (cut and fill) and tree removal involved. The impacts of the construction, use and reclamation of the on-site haul route should be included in the SEIR analysis, and mitigation measures identified. Any haul route required for any alternative must also be described and its impacts analyzed.
4. The project description included in the Initial Study is inconsistent with respect to the proposed water supply, stating on page 7 that the existing water main would be “upsized from the entrance to 7 Upper Road to the project entrance.” However, on page 55 it states that “no off-site upgrades would be required.”
5. The project description and Initial Study also appear to be inconsistent with respect to the agency approvals required, which should include the Ross Valley Fire Department, Kentfield Fire Protection District and the Ross Valley Sanitation District. In addition, the design of the on-site common driveway and hammerhead turn appears to require the approval of the Kentfield Fire Protection District as well as the Ross Valley Fire Department.
6. In addition, with regard to the Subdivision or any alternative that involves the creation of multiple building sites, alternative designs (for both building sites and all access routes) should be analyzed that would eliminate or reduce to the maximum extent possible noise, visual and other impacts on the adjacent residential parcels.
7. The SEIR should analyze the visual impacts of the terraced walls at the buttressed fill, including whether they will be visible from my property (7 Upper Road), other private property or public roads and lands.
8. The terraced walls at the buttressed fill are described as exceeding the Municipal Code’s 18 foot height limit; alternative designs should be analyzed that would comply with the Town’s ordinances.
9. The SEIR’s analysis of fire hazards should include a description and analysis of the defensible space necessary for every home site approved as well as all access routes. The SEIR should also include an analysis of the impacts of the creation and maintenance of such defensible space with respect to vegetation removal, visual impacts, water quality and slope stability.



10. The SEIR should describe and analyze the ongoing maintenance required to mitigate various impacts, for example: a) impacts to water quality from management of (and the potential failure to maintain) storm water facilities, and b) impacts to fire hazard risk from management of (and the potential failure to maintain) defensible space. How will implementation be monitored and what will be the compliance mechanisms? If implementation cannot be effectively monitored and enforced, significant, unmitigated impacts should be identified.
11. The noise analysis in the SEIR must clarify what is meant by “center of the site” for purposes of construction noise; the language on page 45 of the Initial Study is ambiguous as to whether typical hourly noise expected to be 81 to 88 dbA  $L_{eq}$  at 50 feet as measured from the center of the parcel where construction is located, or from the center of the actual construction site within the parcel. Given the proximity of the proposed building envelopes to my home, this would be an important, material distinction.
12. In addition, the SEIR’s noise analysis must address noise generated by construction and post-construction traffic on the on-site roads as well as on Upper Road, including an analysis of sound reflection in light of the extensive retaining walls and cut banks proposed.
13. The analysis of transportation safety impacts in the SEIR should include an analysis of the safety issues presented by the proposed on-site access roads, as well as the safety issues associated with the Upper Road access point near a hairpin curve discussed on page 52 of the Initial Study.
14. The transportation safety impacts analysis should examine as well the impacts of construction-related traffic on the pedestrian use of Upper Road to access public lands and trails in addition to private properties.

Thank you for this opportunity to comment on the Notice of Preparation and Initial Study, please do not hesitate to contact me should you have any questions.

Very truly yours,



Thom Weisel

cc:

Deborah E. Quick, Esq.  
Mr. Irving Schwarz