

# Notice of Preparation and Responses







THE TOWN OF  
CORTE MADERA  
MARIN COUNTY CALIFORNIA

240 Tamal Vista Blvd.  
Suite 110  
Corte Madera, CA 94925

[www.townofcortemadera.org](http://www.townofcortemadera.org)

Town Manager  
Town Council  
415-927-5050

Town Clerk  
415-927-5085

Finance Department  
415-927-5055

Central Marin Fire Department  
415-927-5077

Planning Department  
415-927-5064

Building Department  
415-927-5062

Public works Department  
628-258-0294

Parks and Recreation Department  
415-927-5072

Sanitary District No. 2  
628-258-0294

Central Marin Police Authority  
415-927-5150

## Notice of Preparation

**To:** Interested Parties

**Date:** March 15, 2022

**Subject:** Notice of Preparation of Draft Supplemental Environmental Impact Report

Town of Corte Madera 2023-2031 General Plan Housing, Land Use, and Safety Elements Amendments and Zoning Amendments

**Lead Agency:** Town of Corte Madera

**NOTICE IS HEREBY GIVEN THAT** the Town of Corte Madera will be the Lead Agency under the California Environmental Quality Act (CEQA) and will prepare a Draft Supplemental Environmental Impact Report (DSEIR) for the proposed project. This NOP includes a project description and an overview of the potential impacts that will be addressed in the DSEIR.

**Project Title:** Town of Corte Madera 2023-2031 General Plan Housing, Land Use, and Safety Elements Amendments and Zoning Amendments

**Project Applicant:** Town of Corte Madera

**Project Location:** Town of Corte Madera

The project description, location map, and the potential environmental effects are contained in the attached document.

**The purpose of this notice is:** (1) to serve as the Notice of Preparation to potential Responsible Agencies, agencies involved in funding or approving the project, and Trustee Agencies responsible for natural resources affected by the project, pursuant to Section 15082 of the CEQA Guidelines; and (2) to advise and solicit comments and suggestions regarding the preparation of the DSEIR, environmental issues to be addressed in the DSEIR, and any related issues, from interested parties in addition to those noted above, including interested or affected members of the public. The Town of Corte Madera requests that any potential Responsible or Trustee Agency responding to this notice do so in a manner consistent with CEQA Guidelines Section 15082(b).

All parties that have submitted their names and mailing addresses will be notified as part of the project's CEQA review process. If you wish to be placed on the mailing list or have any questions or need additional information, please contact the person identified below. A copy of the NOP and attachment document is on the Town's website (<https://www.townofcortemadera.org/>), on the Town's Housing website (<https://www.cortemaderahousing.org/>) and is on file at the Town Hall offices, located at 240 Tamal Vista Blvd, Suite 110, Corte Madera, CA 94925.

**Scoping Meeting:**

Date: March 31, 2022

Time: 6:30 PM

Location: Via teleconference meeting via Zoom.

Link: <https://us06web.zoom.us/j/88395259464>

Meeting ID: 883 9525 9464

Information on how to participate in the meeting will also be posted on the Town's website (<https://www.townofcortemadera.org>) and on the Town's Housing website (<https://www.cortemaderahousing.org>) three days prior to the scheduled meeting.

**30-Day NOP Review Period:** In accordance with CEQA, should your agency have any comments, it is requested to provide a written response to this NOP within the 30-day NOP review period between March 16, 2022 and April 15, 2022. Written comments must be received via email or at the mailing address below no later than 5:00 p.m. on April 15, 2022.

Please indicate a contact person in your response and send your comments to the following contact:

Adam Wolff, Director of Planning and Building  
Town of Corte Madera  
PO Box 159  
Corte Madera, CA 94976-0159  
[awolff@tcmmail.org](mailto:awolff@tcmmail.org)



March 15, 2022

Date Adam Wolff, Director of Planning and Building

# Town of Corte Madera 2023-2031 Housing, Land Use, and Safety Elements Amendments, and Zoning Amendments Notice of Preparation

## 2023-2031 Housing Element Update Overview

The Town of Corte Madera (Town) has begun the process of updating its Housing Element in order to update the Town's housing policies and programs through 2031 and to accommodate the Regional Housing Needs Allocation (RHNA) for the Town as determined by the California Department of Housing and Development and the Association of Bay Area Governments. The Housing Element update also requires amendments to the General Plan Land Use Element and Safety Element, as well as the Town's Municipal Code, including the Zoning Ordinance.

### Setting/Project Location

The Town of Corte Madera is located in Marin County, approximately eight miles north of the Golden Gate Bridge. Incorporated in 1916, the Town of Corte Madera encompasses approximately 4.5 square miles in total. However, 1.25 square miles of this area is submerged under bay waters and .67 square mile is protected marshland, leaving a net land area of 2.55 square miles. Parks, open space, and flood control areas comprise 0.38 square mile of this net land area. The eastern border of the Town is on San Francisco Bay; the western edge is bordered by unincorporated Marin County lands, mostly in open space preserves. Mount Tamalpais lies immediately west of the Town. Adjacent to Corte Madera are the City of Larkspur to the north, the City of Mill Valley to the south, and the Town of Tiburon to the southeast. Corte Madera's regional location is shown in [Figure 1, Regional Map](#).

### General Plan Elements to be Amended

#### Housing Element

State law requires the Town to have and maintain a general plan with specific contents in order to provide a vision for the Town's future, and inform local decisions about land use and development, including issues such as circulation, conservation, and safety. The Housing Element is one of the state-mandated elements of the General Plan. State law specifically requires the Town to update the Housing Element of its General Plan by January 15, 2023, while making any changes to other elements of the General Plan needed to maintain internal consistency and undertaking any related changes to the Town's Municipal Code (including the Town's Zoning Ordinance).

The Town’s Housing Element for the 2015-2023 planning period was adopted in May 2015. In accordance with State law, the eight-year planning period for the updated Housing Element will extend from 2023 to 2031; this is also referred to as the 6th Cycle Housing Element Update. The Town is updating its Housing Element to comply with the requirements of State law by analyzing existing and projected housing needs, and updating goals, policies, objectives, and implementation programs for the preservation, improvement, and development of housing for all income categories.

***Regional Housing Needs Allocation (RHNA)***

The Housing Element Update addresses any changes that have occurred since adoption of the current (2015-2023) Housing Element. These changes include, among others, updated demographic information, housing needs data, and analysis of the availability of housing sites. The Housing Element map of available housing sites would be updated to identify sites that could accommodate the Town’s Regional Housing Needs Allocation (RHNA) for the 2023-2031 planning period. The final RHNA allocation, broken down by income level, for the Town is shown below in [Table 1, Corte Madera 2023-2031 Final RHNA Allocation](#).

**Table 1      Corte Madera 2023-2031 Final RHNA Allocation**

Income Level	Units
Very Low Income (Less than 50 percent of Area Median Income)	213
Low Income (50 to 80 percent of Area Median Income)	123
Moderate Income (80 to 120 percent of Area Median Income)	108
Above Moderate Income (Above 120 percent of Area Median Income)	281
<b>Total Allocation</b>	<b>725</b>

SOURCE: ABAG 2021

***Community Outreach***

Over the last 6 months, the Town has held seven public workshops, including a six-part Housing Element Workshop series. One of the primary goals of the workshop series was to engage the community in a conversation that focused on identifying varying housing-related policy considerations and issues, and methodically developing Corte Madera’s vision and planning framework for addressing regional and local housing needs, and meeting the State-mandated RHNA. Workshops were held on the following dates:

- October 13, 2021      Introduction to the Housing Element Update
- November 10, 2021      Corte Madera Housing: Existing Conditions, Opportunities & Challenges
- December 8, 2021      Potential Housing Opportunity Sites
- January 12, 2022      Planning for 700+ Homes, Part 1

- February 9, 2022      Planning for 700+ Homes, Part 2
- February 15, 2022    Planning Commission and Town Council Joint Meeting
- March 9, 2022        Next Steps: CEQA, Programs & Policies, Safety Element

***Housing Opportunity Sites***

The Housing Element Update will identify specific sites appropriate for the development of multifamily housing (including affordable units), and the Town would rezone those sites as necessary to meet the requirements of State law. The preliminary list of existing and proposed sites that can accommodate development of multifamily housing includes sites that are located throughout Corte Madera, and is subject to refinement based on additional public input and review of the draft Housing Element by Town’s Planning Commission and Town Council, and HCD. A summary of the development potential for all nine opportunity sites is included below in [Table 2 Housing Opportunity Sites Potential Development Summary](#). Locations of the potential housing opportunity sites are shown on [Figure 2, Housing Opportunity Sites](#).

**Table 2      Housing Opportunity Sites Potential Development Summary**

Opportunity Sites	Existing		Housing Element Update	
	Acreage	Existing Commercial Buildings Square Footage	Maximum New Residential Units	Assumed Likely New Commercial Square Footage
9 Sites	21.95	271,024 SF	773	237,167 SF

Notes:

1. Assumes existing commercial buildings would be replaced by new mixed-use residential/commercial development.
2. Assumes net 773 new multi-family residential units.
3. Assumes net reduction of 33,857 square feet of commercial (271,024 sf existing minus 237,167 sf proposed).
4. Assumed likely new residential units and assumed likely commercial square footage are only estimates. Actual development at any opportunity site must be consistent with the general plan land use and zoning designations and could include more or less commercial square footage and residential units.
5. Maximum new residential units shown does not reflect potential for application of density bonus on opportunity sites.

**Safety Element Update**

The Safety Element is also a state-mandated component of a General Plan. The Safety Element focuses on the protection of the community from risks associated with climate change, earthquakes, floods, fires, toxic waste, and other hazards. The Safety Element is the means by which the Town defines what measures will be undertaken to reduce potential risk of personal injury, property damage, and economic and social dislocation resulting from natural and human-made hazards. The extent of a hazard depends on local conditions since most hazards are confined to a particular area or site. Various health and safety hazards should be considered in planning the location, design, intensity, density, and type of land uses in a given area. Long-term costs to the Town, such as maintenance, liability exposure, and emergency services, are potentially greater where high hazards exist.

The Town is required to update the General Plan Safety Element to address climate change resiliency. Senate Bill (SB) 379 requires all cities to review and update their General Plan Safety Elements with climate change adaptation measures. The required review and update of the Safety Element consists of the following three components:

- A vulnerability assessment that identifies the risks climate change poses to the local jurisdictions;
- Identification of adaptation and resiliency goals, policies, and objectives; and
- Feasible implementation measures.

The Safety Element update will also address other legislative mandates to reduce fire risk, plan for emergency evacuation, and reduce risks from flooding. The update will occur simultaneously and in conjunction with the Housing Element Update.

### Land Use Element Update

The Town will update the existing Land Use Element to address revised land use designations, acreages, and housing unit numbers to reflect changes made to the Housing Element. The supplemental EIR will evaluate only the change in General Plan buildout resulting from the amendments to the Land Use and Housing Elements. The EIR will not evaluate total buildout of the amended General Plan.

### Municipal Code Amendments

The proposed project includes amending Title 18 (Zoning) of the Town of Corte Madera Municipal Code to revise the Zoning Map to rezone all of the opportunity sites. Amendments to other sections of the municipal code may be necessary.

### Supplemental EIR Approach

Consistent with CEQA Guidelines Section 15163, the EIR will be supplemental to the 2009 *Town of Corte Madera General Plan Revised Final EIR* (general plan EIR), updating existing analysis where appropriate, and presenting new analysis where necessary. This supplemental EIR will evaluate only the change in General Plan buildout resulting from the amendments to the general plan elements. The supplemental EIR will not evaluate total buildout of the amended General Plan.

CEQA Guidelines section 15146 states that, “The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.” The underlying activity is adoption of the 2023-2031 Housing Element and associated general plan and zoning amendments. Therefore, the supplemental EIR will evaluate the environmental impacts of the 2023-2031 Housing Element to the greatest degree feasible; however, additional environmental review in compliance with CEQA may be required when development proposals requiring discretionary action are proposed. This process is called “tiering.” “Tiering” or “tier”



means the coverage of general matters and environmental effects in an EIR prepared for a policy, plan, program or ordinance followed by narrower or site-specific EIRs or negative declaration that incorporate by reference the discussion in any prior EIR and which concentrate on the environmental effects that (a) are capable of being mitigated, or (b) were not analyzed as significant effects on the environment in the prior EIR.

## Probable Environmental Effects

Based on a review of the general plan EIR, the following environmental issues have been determined to be adequately addressed in the general plan EIR and will not be addressed further in the supplemental EIR:

- Agricultural and Forestry Resources;
- Cultural Resources (with the exception of Tribal Cultural Resources);
- Geology and Soils (including Paleontological Resources);
- Human Health/Risk of Upset (with the exception of Wildfire);
- Hydrology and Water Quality; and
- Mineral Resources.

Environmental effects to be addressed in the supplemental EIR will be based on a review of the environmental analysis contained in the general plan EIR and an understanding of current conditions in the Town. Probable environmental effects associated with adoption of the 2023-2031 Housing Element and associated updates to the Town's Safety and Land Use Elements and Zoning Ordinance will be addressed in the supplemental EIR and are briefly discussed below.

## Aesthetics and Visual Resources

The aesthetics discussion and analysis in the general plan EIR will be utilized in this section, and updated where necessary to address the proposed project. For example, the project may include increasing the allowed heights of buildings. This section will address both project-level and cumulative visual resource impacts.

## Air Quality

The air quality section of the general plan EIR addressed greenhouse gas emissions and energy in addition to air quality. This section of the supplemental EIR will reflect current air quality analyses, as well as current federal, state, regional, and local regulations. The proposed project could result in an increase in operational criteria air emissions through new vehicle trips generated by additional housing. The proposed project may also increase community health risks and hazards by placing sensitive receptors near existing or planned sources of toxic air contaminants (TACs) or other hazardous emissions.

## Biological Resources

The biological resources section of the supplemental EIR will utilize the California Natural Diversity Database (CNDDDB) to determine whether there have been any status changes to special status plant and wildlife species, and whether the general plan EIR adequately addresses sensitive biological resources to current standards.

## Energy

The proposed project is presumed to create new development capacity that would result in increased energy demand. The three primary sources of energy demand would likely be fuel use in vehicles, and electricity and natural gas use in buildings. The net change in demand for these types of energy will be modeled in CalEEMod and EMFAC. Because the threshold of significance for energy impacts is qualitative, the impact discussion and analysis will also be qualitative.

## Greenhouse Gas Emissions

The Town adopted an updated climate action plan (CAP) in 2020. The CAP includes GHG emissions projections for the years 2030 and 2050 based on projected residential and non-residential growth in Corte Madera. Measures to reduce GHG emissions are then defined based on the emissions reduction volume needed to meet the CAP GHG emission reduction target for 2030 of 40 percent below 1990 levels. With implementation of the reduction measures, GHG emissions in Corte Madera would be reduced approximately 49 percent, or nine percent more than needed to meet the 2030 target.

The proposed GHG impact analysis approach is to determine whether the proposed project could be considered consistent with the 2020 CAP, and if so, to streamline the GHG emissions analysis pursuant to CEQA Guidelines section 15183.5. If GHG emissions produced from implementing development consistent with the proposed project do not increase projected 2030 emissions by more than nine percent, the proposed project could be found to be consistent with the CAP. In this case, the proposed project could be considered consistent with the CAP. Pursuant to CEQA Guidelines section 15183.5, the proposed project GHG impact would be less than significant provided each new future individual project made possible by the proposed project is conditioned to implement applicable GHG reduction measures included in the CAP.

## Noise

This section will address whether the proposed project would result in an increase in the noise levels identified in the general plan EIR with implementation of the proposed project.

## Public Services

This section will address whether the proposed project would require new or expanded public services facilities, and whether those facilities would result in significant environmental impacts.

Public services to be addressed include fire protection and emergency medical services, law enforcement, public schools, water supply and service, wastewater service, solid waste service, and electrical, natural gas, and telephone services, and parks and recreation. Cumulative project impacts to public services will also be discussed.

## Sea Level Rise

CEQA does not require the evaluation of the environment's impact on a project, but does require an analysis if a project contributes to an environmental effect that could have an effect on a project.

The Town's 2020 Climate Action Plan documents projected flooding impacts on Corte Madera from sea level rise. The general plan EIR also addresses sea level rise. Existing documentation will be used in this section of the supplemental EIR to present the anticipated flooding impacts of sea level rise, and a qualitative discussion as to how the project could exacerbate these flooding issues.

## Transportation

The transportation section of the supplemental EIR will address the vehicle miles traveled (VMT) impacts of the project. VMT was not a required component of a CEQA transportation impact analysis when the general plan EIR was prepared. The transportation section will also include an analysis of local transportation operational effects of increased housing based on level of service (LOS). The study intersections will be primarily located at US 101 ramps, Tamalpais Boulevard, Corte Madera Avenue, Madera Boulevard/Tamal Vista Boulevard, and Paradise Drive, which are the major roads to and through Corte Madera.

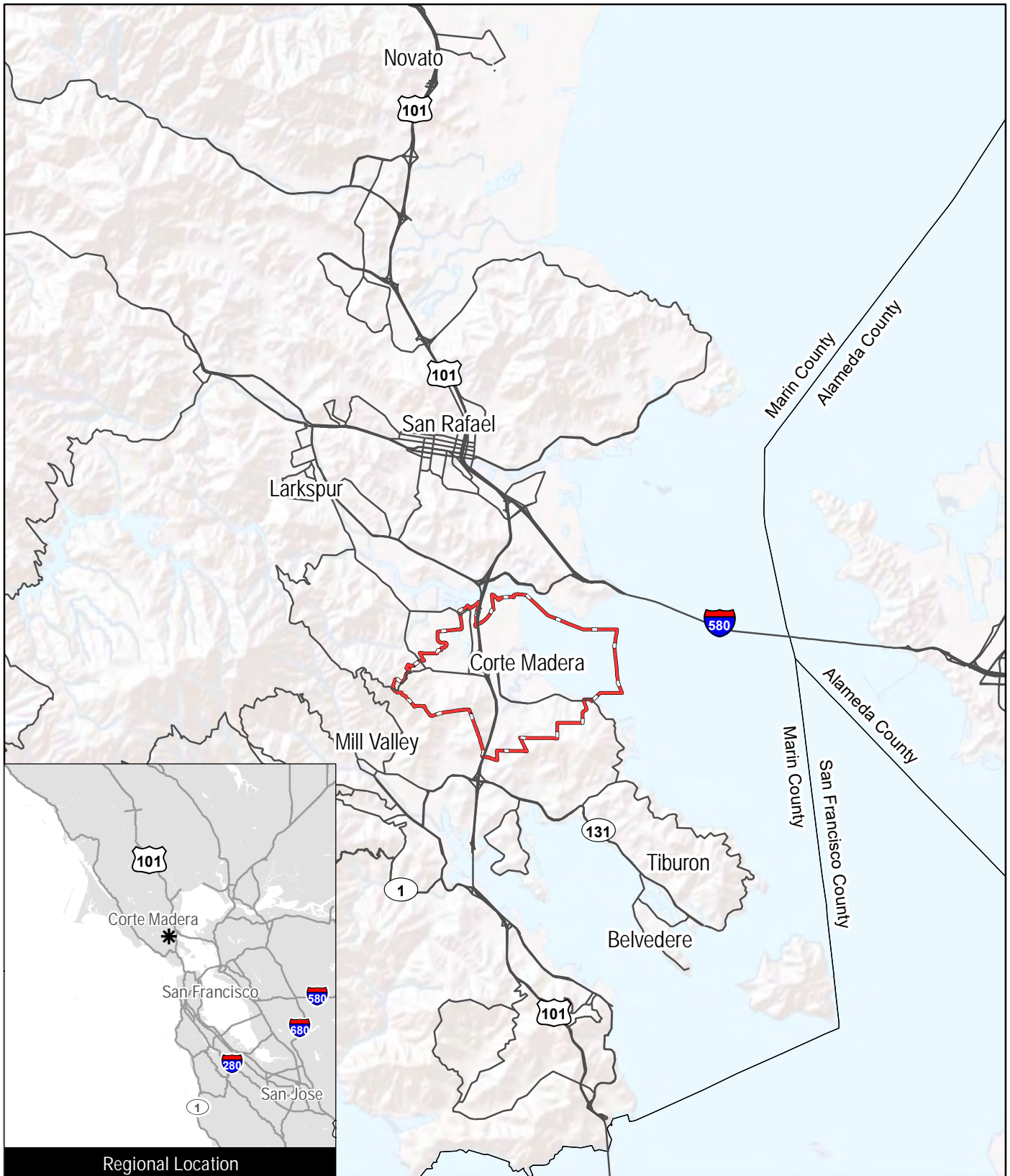
## Tribal Cultural Resources

This section of the supplemental EIR will report on the Town's SB 18 and AB 52 Tribal Consultation process. If consultation does occur, this section will address whether the proposed project may have an adverse change on the significance of a tribal cultural resource.

## Wildfire

This section of the supplemental EIR will address whether the project would substantially impair an adopted emergency response plan or emergency evacuation plan; expose people to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; require installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or expose people or structures to significant risks, including downslope of downstream flooding or landslides as a result of runoff, postfire slope instability, or drainage changes. Cumulative project impacts associated with wildfire hazards will also be discussed.

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0 2 mile

 Town Limits

Source: ESRI 2014

Figure 1

# Regional Map



Town of Corte Madera General Plan Housing, Land Use, and Safety Elements Amendments and Zoning Amendments NOP

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Source: Town of Corte Madera 2022

Figure 2  
 Housing Opportunity Sites



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## NATIVE AMERICAN HERITAGE COMMISSION

March 17, 2022

Adam Wolff  
Town of Corte Madera  
P.O. Box 159  
Corte Madera, CA 94976

CHAIRPERSON  
**Laura Miranda**  
Luiseño

VICE CHAIRPERSON  
**Reginald Pagaling**  
Chumash

PARLIAMENTARIAN  
**Russell Attebery**  
Karuk

SECRETARY  
**Sara Dutschke**  
Miwok

COMMISSIONER  
**William Mungary**  
Paiute/White Mountain  
Apache

COMMISSIONER  
**Isaac Bojorquez**  
Ohlone-Costanoan

COMMISSIONER  
**Buffy McQuillen**  
Yokayo Pomo, Yuki,  
Nomlaki

COMMISSIONER  
**Wayne Nelson**  
Luiseño

COMMISSIONER  
**Stanley Rodriguez**  
Kumeyaay

EXECUTIVE SECRETARY  
**Christina Snider**  
Pomo

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)

**Re: 2005062023, Town of Corte Madera 2023-2031 Housing, Land Use, & Safety Elements Amendments & Zoning Amendments Project, Marin County**

Dear Mr. Wolff:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

**1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:**

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

**2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:**

A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

**3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

**4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

**5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

**6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
    - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i.** Protecting the cultural character and integrity of the resource.
    - ii.** Protecting the traditional use of the resource.
    - iii.** Protecting the confidentiality of the resource.
  - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPA.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPA.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

## NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

- b.** The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
- 3.** Contact the NAHC for:
- a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- 4.** Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
- a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:  
[Cody.Campagne@nahc.ca.gov](mailto:Cody.Campagne@nahc.ca.gov).

Sincerely,

*Cody Campagne*

Cody Campagne  
Cultural Resources Analyst

cc: State Clearinghouse

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## California Department of Transportation

DISTRICT 4  
OFFICE OF TRANSIT AND COMMUNITY PLANNING  
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660  
[www.dot.ca.gov](http://www.dot.ca.gov)



April 12, 2022

SCH #: 2005062023  
GTS #: 04-MRN-2022-00232  
GTS ID: 25867  
Co/Rt/Pm: MRN/101/7.4

Adam Wolff, Director of Planning and Building  
Town of Corte Madera  
P.O. Box 159  
Corte Madera, CA 94976

### **Re: Town of Corte Madera 2023-2031 Housing, Land Use, and Safety Elements Amendments, and Zoning Amendments Notice of Preparation (NOP) for Draft Environmental Impact Report (DEIR)**

Dear Adam Wolff:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for this project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the March 2022 NOP.

#### **Project Understanding**

The Town of Corte Madera will be preparing an update to its Housing Element in order to accommodate the housing numbers allocated to the Town by the California Department of Housing and Development and the Association of Bay Area Governments. In accordance with State law, the eight-year planning period for the updated Housing Element will extend from 2023 to 2031; this is also referred to as the 6th Cycle Housing Element Update. The Housing Element update also requires amendments to the General Plan Land Use Element and Safety Element, as well as the Town's Zoning Code.

#### **Travel Demand Analysis**

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Transportation Impact Studies, please review Caltrans' Transportation Impact Study

Guide ([link](#)). Please note that current and future land use projects proposed near and adjacent to the State Transportation Network (STN) shall be assessed, in part, through the TISG.

### **Transportation Impact Fees**

We encourage a sufficient allocation of fair share contributions toward multi-modal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT. Caltrans welcomes the opportunity to work with the City and local partners to secure the funding for needed mitigation. Traffic mitigation or cooperative agreements are examples of such measures.

### **Lead Agency**

As the Lead Agency, the Town of Corte Madera is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

### **Equitable Access**

If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email [LDR-D4@dot.ca.gov](mailto:LDR-D4@dot.ca.gov).

Sincerely,



MARK LEONG  
District Branch Chief  
Local Development Review

c: State Clearinghouse





State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Bay Delta Region  
2825 Cordelia Road, Suite 100  
Fairfield, CA 94534  
(707) 428-2002  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



April 15, 2022

Mr. Adam Wolff  
Town of Corte Madera  
Post Office Box 159  
Corte Madera, CA 94976  
[awolff@tcmmail.org](mailto:awolff@tcmmail.org)

Subject: Town of Corte Madera 2023-2031 General Plan Housing, Land Use, and Safety Elements Amendments and Zoning Amendments, Notice of Preparation of a Draft Supplemental Environmental Impact Report, SCH No. 2005062023, Marin County

Dear Mr. Wolff:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) of a draft supplemental Environmental Impact Report (EIR) from the Town of Corte Madera (Town) for the Town of Corte Madera 2023-2031 General Plan Housing, Land Use, and Safety Elements Amendments and Zoning Amendments (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup> CDFW previously submitted comments in response to the NOP and Initial Study for a draft EIR for the Town of Corte Madera General Plan in a letter date June 21, 2005.

CDFW is submitting comments on the NOP 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, a Lake or Streambed Alteration Agreement, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

## **PROJECT DESCRIPTION AND LOCATION**

The Project would update the Housing Element within the Town's General Plan, as well as amend and update associated portions of the General Plan Land Use Element,

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<sup>1</sup> 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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Town of Corte Madera  
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Safety Element, and zoning map. The Housing Element would identify locations in the Town to meet the need for a maximum of 773 housing units and a minimum of 725 housing units. The timeframe for the Housing Element update would be 2023 through 2031. The Project is located in the Town of Corte Madera.

The CEQA Guidelines require that the draft EIR incorporate a full project description, including reasonably foreseeable future phases of the Project, that contains sufficient information to evaluate and review the Project's environmental impact (CEQA Guidelines, §§ 15124 & 15378). Please include a complete description of the following Project components in the Project description, as applicable:

- Footprints of permanent Project features and temporarily impacted areas, such as staging areas and access routes.
- Land use changes that would reduce open space or agricultural land uses and increase residential or other land use involving increased development.
- Area and plans for any proposed buildings/structures, ground disturbing activities, fencing, paving, stationary machinery, landscaping, floodwalls or levees, and stormwater systems.
- Operational features of the Project, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise, traffic generation, and other features.
- Construction schedule, activities, equipment, and crew sizes.



The NOP states that the Project is consistent with the Town of Corte Madera General Plan (April 2009) certified Environmental Impact Report (EIR) and that the Project may tier its analysis from that EIR (NOP pages 4-5). CDFW recommends that the Project clearly identify the analyses and information from the General Plan EIR that the Project will rely upon. The CEQA Guidelines direct program EIRs to provide a clear process and checklist for evaluation of subsequent projects; for example, the CEQA Guidelines section 15168, subdivision (c)(4) states, "Where the later activities involve site-specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the program EIR." If the Town implemented a checklist or procedure based on CEQA Guidelines section 15183.3 and associated *Appendix N Checklist*, CDFW recommends providing that procedure or checklist as an appendix to the draft supplemental EIR. Whether a formal checklist or procedure was implemented, the Project should clearly cite the specific portions of the General Plan EIR, including page and section references, containing the analysis of the Project

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activities' significant effects and indicate whether it incorporates all applicable mitigation measures from the General Plan EIR.

## **REGULATORY REQUIREMENTS**

### **California Endangered Species Act and Native Plant Protection Act**

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in take<sup>2</sup> of plants or animals listed under CESA or NPPA, either during construction or over the life of the Project. If the Project will impact CESA or NPPA listed species, including but not limited to those identified in **Attachment 1: Special-Status Species**, early consultation with CDFW is encouraged, as significant modification to the Project and mitigation measures may be required to obtain an ITP. Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program.

CEQA requires a Mandatory Finding of Significance if a Project is likely to substantially restrict the range or reduce the population of a threatened or endangered species (Pub. Resources Code, §§ 21001, subd. (c), 21083; CEQA Guidelines, §§ 15380, 15064, & 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with CESA.

### **Lake and Streambed Alteration**

CDFW requires a Lake and Streambed Alteration (LSA) Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through hydraulic directional drilling, is also subject to notification. CDFW, as a responsible agency under CEQA, will consider the EIR for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA as the responsible agency.

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<sup>2</sup> Take is defined in Fish and Game Code section 86 as hunt, pursue, catch, capture, or kill, or attempt any of those activities.

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## Nesting Birds

CDFW also has authority over actions that may disturb or destroy active nest sites or take birds. Fish and Game Code sections 3503, 3503.5, and 3513 protect birds, their eggs, and nests. Migratory birds are also protected under the federal Migratory Bird Treaty Act.

## Fully Protected Species

Fully Protected species, including those listed in **Attachment 1**, may not be taken or possessed at any time (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

## ENVIRONMENTAL SETTING

The draft supplemental EIR should provide sufficient information regarding the environmental setting (“baseline”) to understand the Project’s, and its alternative’s (if applicable), potentially significant impacts on the environment (CEQA Guidelines, §§ 15125 & 15360).

CDFW recommends that the draft EIR provide baseline habitat assessments for special-status plant, fish, and wildlife species located and potentially located within the Project area and surrounding lands, including but not limited to all rare, threatened, or endangered species (CEQA Guidelines, § 15380). The draft EIR should describe aquatic habitats, such as wetlands, vernal pools, and/or waters of the U.S. or State, and any sensitive natural communities<sup>3</sup> or riparian habitat occurring on or adjacent to the Project site. Fully protected, threatened or endangered, and other special-status species that are known to occur, or have the potential to occur in or near the Project area, include but are not limited to, those listed in **Attachment 1**.

Habitat descriptions and the potential for species occurrence should include information from multiple sources, such as aerial imagery; historical and recent survey data; field reconnaissance; scientific literature and reports; the U.S. Fish and Wildlife Service’s (USFWS) Information, Planning, and Consultation System; findings from positive occurrence databases such as the California Natural Diversity Database (CNDDDB); and sensitive natural community information available on the Marin County Fine Scale Vegetation Map<sup>4</sup>. Based on the data and information from the habitat assessment, the draft supplemental EIR should adequately assess which special-status species are likely to occur on or near the Project site, and whether they could be impacted by the Project.

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<sup>3</sup> For sensitive natural communities see <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities>

<sup>4</sup> One Tam hosts the Marin Fine Scale Vegetation Web Map at <https://parksconservancy.maps.arcgis.com/apps/webappviewer/index.html?id=4ef2881436bc4365be881b17f69ab067>

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CDFW recommends that prior to Project implementation, surveys be conducted for special-status species with potential to occur, following recommended survey protocols<sup>5</sup> if available.

Botanical surveys<sup>6</sup> for special-status plant species, including those with a California Rare Plant Rank<sup>7</sup>, must be conducted during the blooming period for all species potentially impacted by the Project within the Project area and adjacent habitats that may be indirectly impacted by, for example, changes to hydrology, and require the identification of reference populations. More than one year of surveys may be necessary given environmental conditions.

## **IMPACT ANALYSIS AND MITIGATION MEASURES**

The draft EIR should discuss all direct and indirect impacts (temporary and permanent), including reasonably foreseeable impacts, that may occur with implementation of the Project (CEQA Guidelines, §§ 15126, 15126.2, & 15358). This includes evaluating and describing impacts such as:

- Encroachments into riparian habitats, drainage ditches, wetlands, or other sensitive areas.
- Potential for impacts to special-status species or sensitive natural communities.
- Loss or modification of breeding, nesting, dispersal, and foraging habitat, including vegetation removal, alteration of soils and hydrology, and removal of habitat structural features (e.g., snags, rock outcrops, overhanging banks).
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic, or human presence.
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features.

The draft supplemental EIR should also identify reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to the impact (CEQA Guidelines, § 15355). Although a project's impacts may be less-than-significant individually, its contributions to a

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<sup>5</sup> Survey and monitoring protocols and guidelines are available at <https://wildlife.ca.gov/Conservation/Survey-Protocols>.

<sup>6</sup> Please refer to CDFW protocols for surveying and evaluating impacts to rare plants, and survey report requirements at <https://wildlife.ca.gov/Conservation/Plants>

<sup>7</sup> <http://www.cnps.org/cnps/rareplants/inventory/>

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cumulative impact may be considerable; a contribution to a significant cumulative impact, e.g., reduction of habitat for a special-status species, should be considered cumulatively considerable.

Based on the comprehensive analysis of the direct, indirect, and cumulative impacts of the Project, the CEQA Guidelines direct the Lead Agency to consider and describe all feasible mitigation measures to avoid potentially significant impacts in the draft EIR, and mitigate potentially significant impacts of the Project on the environment (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.4 & 15370). This includes a discussion of impact avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with CDFW, USFWS, and the National Marine Fisheries Service. Project-specific measures should be incorporated as enforceable Project conditions to reduce impacts to biological resources to less-than-significant levels.

Fully protected species such as those listed in **Attachment 1**, may not be taken or possessed at any time (Fish & G. Code, §§ 3511, 4700, 5050, & 5515). Therefore, the draft supplemental EIR should include measures to ensure complete avoidance of these species.

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in EIRs 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 CNDDB<sup>8</sup>.

## **FILING FEES**

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish & G. Code, § 711.4; Pub. Resources Code, § 21089). 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.

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<sup>8</sup> The CNDDB online field survey form and other methods for submitting data can be found at <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDB can be found at <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.


Mr. Adam Wolff  
Town of Corte Madera  
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## CONCLUSION

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

If you have any questions, please contact Amanda Culpepper, Senior Environmental Scientist (Specialist), at [amanda.culpepper@wildlife.ca.gov](mailto:amanda.culpepper@wildlife.ca.gov), or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or [melanie.day@wildlife.ca.gov](mailto:melanie.day@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
Erin Chappell  
Regional Manager  
Bay Delta Region

Attachment 1: Special-Status Species

ec: State Clearinghouse (SCH No. 2005062023)

Mr. Adam Wolff  
 Town of Corte Madera  
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### Attachment 1: Special-Status Species

Scientific Name	Common Name	Status
<b>Birds</b>		
<i>Rallus obsoletus obsoletus</i>	California Ridgway's rail (formerly California clapper rail)	SE, FE, FP
<i>Laterallus jamaicensis coturniculus</i>	California black rail	ST, FP
<i>Strix occidentalis caurina</i>	northern spotted owl	ST, FT
<i>Haliaeetus leucocephalus</i>	bald eagle	SE, FP, BGE
<i>Aquila chrysaetos</i>	golden eagle	FP, BGE
<i>Circus hudsonius</i>	northern harrier	SSC
<i>Asio Flammeus</i>	short-eared owl	SSC
<i>Geothlypis trichas sinuosa</i>	saltmarsh common yellowthroat	SSC
<i>Melospiza melodia samuelis</i>	San Pablo song sparrow	SSC
<i>Elanus leucurus</i>	white-tailed kite	FP
<b>Fish</b>		
<i>Spirinchus thaleichthys</i>	longfin smelt	ST, FC
<i>Oncorhynchus kisutch</i> pop. 4	Coho salmon south of Punta Gorda	SE, FE
<i>Oncorhynchus mykiss irideus</i> pop. 8	central California coast steelhead	FT
<b>Amphibians</b>		
<i>Rana draytonii</i>	California red-legged frog	FT, SSC
<i>Rana boylei</i>	foothill yellow-legged frog, northwest/north coast clade	SSC



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<i>Dicamptodon ensatus</i>	California giant salamander	SSC
<b>Mammals</b>		
<i>Reithrodontomys raviventris</i>	salt-marsh harvest mouse	SE, FE, FP
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	SSC
<i>Antrozous pallidus</i>	pallid bat	SSC
<i>Lasiurus blossevillii</i>	western red bat	SSC
<i>Taxidea taxus</i>	American badger	SSC
<b>Reptiles</b>		
<i>Emys marmorata</i>	western pond turtle	SSC
<b>Invertebrates</b>		
<i>Danaus plexippus</i> pop. 1	monarch butterfly	FC, ICP <sup>9</sup>
<i>Bombus caliginosus</i>	obscure bumble bee	ICP
<i>Bombus occidentalis</i>	western bumble bee	ICP
<b>Plants</b>		
<i>Castilleja affinis</i> var. <i>neglecta</i>	Tiburon paintbrush	ST, FE, CRPR <sup>10</sup> 1B.2
<i>Streptanthus glandulosus</i> ssp. <i>niger</i>	Tiburon jewelflower	SE, FE, CRPR 1B.1
<i>Pentachaeta bellidiflora</i>	White-rayed pentachaeta	SE, FE, CRPR 1B.1
<i>Calochortus tiburonensis</i>	Tiburon mariposa-lily	ST, FT, CRPR 1B.1

<sup>9</sup> The list of California Terrestrial and Vernal Pool Invertebrates of Conservation Priority was collated during CDFW's Scientific Collecting Permit rulemaking process:

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=157415&inline>

<sup>10</sup> CRPR 1B plants are considered rare, threatened, or endangered in California and elsewhere while Further information on CRPR ranks is available in CDFW's *Special Vascular Plants, Bryophytes, and Lichens List* (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109383&inline>) and on the California Native Plant Society website (<https://www.cnps.org/rare-plants/cnps-rare-plant-ranks>).

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 April 15, 2022  
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<i>Hesperolinon congestum</i>	Marin western flax	ST, FT, CRPR 1B.1
<i>Trifolium amoenum</i>	two-fork clover	SE, CRPR 1B.1
<i>Amorpha californica</i> var. <i>napensis</i>	Napa false indigo	CRPR 1B.2
<i>Polygonum marinense</i>	Marin knotweed	CRPR 3.1

FE = federally listed as endangered under the Endangered Species Act (ESA); FT = federally listed as threatened under ESA; FC = candidate for federal listing under ESA; SE = state listed as endangered under CESA; ST = state listed as threatened under CESA; CE = candidate for state listing as threatened or endangered; SFP = state fully protected under Fish and Game Code; SSC = state species of special concern; BGE = Bald and Golden Eagle Protection Act; ICP = state invertebrate of conservation priority; CRPR = California rare plant rank

*VIA ELECTRONIC MAIL* [[AWOLFF@TCMAIL.ORG](mailto:AWOLFF@TCMAIL.ORG)]

April 15, 2022

Adam Wolff  
Director of Planning and Building  
Town of Corte Madera  
P.O. Box 159  
Corte Madera, CA 94976-0159

Re: Town of Corte Madera Housing Element — 100 and 240 Tamal Vista Boulevard

Good afternoon,

We represent the owners of certain properties located at 100 and 240 Tamal Vista Boulevard in the Town of Corte Madera (together, “Properties”), and are responding to the Notice of Preparation of Draft Supplemental Environmental Impact Report for the Housing Element, dated March 15, 2022.

The transaction by which the Properties were acquired on or about December 15, 2021 and, in connection therewith, we recently learned that the Town of Corte Madera (“Town”) is updating its Housing Element. As you know, part of the update includes the Town identifying various properties as Housing Opportunity Sites.

Recognizing that the Town has been engaged in its process for several months, and that we have only just learned of the update, we respectfully request that these Properties be included on the list of Housing Opportunity Sites because we believe the Properties are relevant as potential housing sites. 100 Tamal Vista Boulevard (approximately 1.5 acres) is adjacent to and contiguous with 2 other sites already identified — 400 and 500 Tamal Vista Boulevard. 100 Tamal Vista is a flat site with a mixed neighborhood context, and access to both 400 and 500 Tamal Vista Boulevard is partially via 100 Tamal Vista for both ingress and egress. In addition, 100, 400, and 500 Tamal Vista Boulevard all share parking, trash, and other services, being operated cooperatively as part of a contiguous complex. Expanding the available housing footprint to include an additional 1.5 acres at 100 Tamal Vista Boulevard would result in a more compatible adjacency with 400 and 500 Tamal Vista Boulevard, whereby residents at future 400 and 500 homes would not have to travel through a commercial property to gain access to their homes. Furthermore, allowing for some of the housing to be built along the street frontage (especially for rental units) provides for a more commercially viable housing product.

240 Tamal Vista Boulevard (approximately 1.66 acres) is also a relatively flat site with a mixed neighborhood context. It is located across Lucky Drive from existing residential, and is separated from 100, 400, and 500 Tamal Vista Boulevard by just one other property. Including 240 Tamal Vista Boulevard would also expand the residential context of the neighborhood and provide a

location for much needed housing in an area already contemplated for it. 240 Tamal Vista Boulevard is relatively obsolete office stock in its current configuration, and is less than 50% occupied. Based in part on all of the foregoing reasons, we believe 240 Tamal Vista Boulevard could better serve the community as a housing site. If the same density ranges indicated for 400 and 500 Tamal Vista Boulevard were applied to the additional 3.1 acres at the Properties, the end result could yield approximately 93-108 new dwelling units.

We respectfully request that these Properties be included on the Housing Opportunity Sites list and studied as part of the Environmental Review process. Should they prove out as feasible, at the conclusion of the Housing Element update, and assuming an appropriate allocation and mix of market rate and affordable units, Property ownership would, as soon as practicable, pursue redevelopment at each of these locations.

Please contact me if you would like to further discuss any of these matters.

Very truly yours,



Graham Street Realty II, LLC  
Todd Williams, General Counsel