



MARIN COUNTY
PARKS
PRESERVATION • RECREATION



OPEN SPACE DISTRICT
REGIONAL PARKS & PATHWAYS
COMMUNITY PARKS
LANDSCAPE SERVICES

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DIRECTOR AND
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Adam Wolff, Director of Planning and Building
Town of Corte Madera
300 Tamalpais Drive
Corte Madera, CA 94925

December 14, 2018 (via email)

RE: RESIDENCES AT PRESERVE MITIGATED NEGATIVE DECLARATION

Mr. Wolff,

The Marin County Parks and Open Space District (District) appreciates the opportunity to review and comment on the Initial Study and Mitigated Negative Declaration (IS/MND) for the "Residences at Preserve" project (Project). The District's comments pertain to the "public access easement placed for public trail access to Ring Mountain." Ring Mountain Open Space Preserve includes native grassland and serpentine soils, and is home to rare and endangered plant species.

- The IS/MND should include a graphic to show the location of Ring Mountain relative to the Project and the location of the public access easement/trail to Ring Mountain on the lower (northern) parcel, including how this access would enter Ring Mountain.
- The IS/MND should describe the physical characteristics and management of the public access easement/trail in the project description and should include the public access easement/trail in the impact analysis.
- The IS/MND should clarify if the access to Ring Mountain is adequate or if new facilities, such as trail improvement or development, would be required on the Project site and/or on Ring Mountain.
- The IS/MND should identify who would be responsible for management of the public access easement/trail.
- The IS/MND should include public access easement/trail and the entire lower (northern) parcel in the impact analysis and in Mitigation Measure BIO-4: Protect Needlegrass Grassland. It is possible that foot traffic, on and off the public access easement/trail, could affect needlegrass grassland and populations of Marin dwarf flax (*Hesperolinon congestum*) on the lower (northern) parcel.

- The IS/MND should likewise consider potential impacts to Oakland mariposa lily (*Calochortus umbellatus*) and Tiburon mariposa lily (*Calochortus tiburonensis*) from public use of the public access easement/trail and the entire lower (northern) parcel, as these species are known to grow at this location.
- The IS/MND misidentifies Marin dwarf flax on Table 2 in Appendix A as Marin western flax.

Please contact Michelle Julene, Regulatory Open Space Planner at mjulene@marincounty.org or (415)473-5283 if you would like to discuss these comments or would like additional information about Ring Mountain Open Space Preserve.

Sincerely,



Michelle Julene, Regulatory Open Space Planner

Cc: Amanda Magallanes, Ring Mountain Stewardship Coordinator

Marin Chapter

P.O. Box 1408



California Native Plant Society

Mill Valley, CA 94942-1408

Tiburon, December 13, 2018

Town of Corte Madera
300 Tamalpais Drive
Corte Madera, CA 94925

Contact: Adam Wolff, Director of Planning and Building awolff@tcmmail.org

Re: Robin Drive – The Preserve Phase II
IS/MND

Dear Mr. Wolff,

The following comments on the IS/MND for the above-referenced project, located in the Town of Corte Madera, are submitted on behalf of the Marin Chapter of California Native Plant Society (CNPS), a State-wide organization working to protect and preserve native vegetation.

The project site is described as consisting of two parcels – a southern, upper portion abutting the Ring Mountain preserve (MCOSED parcel) and a coast live oak (*Quercus agrifolia*) woodland on an adjacent Town of Tiburon parcel, and a northern, lower portion abutting developed areas and oak woodland. Only the lower portion of the site will be developed. The upper parcel will remain undeveloped; however, portions of it are currently maintained as part of a Vegetation Management Plan for the adjacent Marin Apartments project preserve.

The biological surveys were performed by LSA Associates, Inc. in 2013 and 2014, thus the results are 4-5 years old. Two special-status species were observed during the surveys: the federal- and State-listed threatened species - Marin dwarf flax (*Hesperolinon congestum*), which requires a relatively shallow serpentine soil, and the California Rare Plant Rank 4 species - Oakland star-tulip (*Calochortus umbellatus*), which grows in open, mostly native bunchgrass grassland in deeper soils. The latter species was also found in the shade under trees in the northern parcel.

The Marin chapter of California Native Plant Society has three concerns with respect to vegetation on the Robin Drive site:

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Tiburon, December 13, 2018

Town of Corte Madera
300 Tamalpais Drive
Corte Madera, CA 94925

Contact: Adam Wolff, Director of Planning and Building awolff@tcmmail.org

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The Marin chapter of California Native Plant Society has three concerns with respect to vegetation on the Robin Drive site:

- Protection of habitat and individuals of Marin dwarf flax, federal- and State-listed as threatened;
- Protection of habitat and individuals of Oakland star-tulip, a California Plant Rank 4 species;
- Protection of open grassland, some of which consists of bunchgrasses considered a sensitive community.

It is commendable that the Town will attempt to create communities that “accentuate the existing native habitat remnants on the site” [VMPN (Vegetation Management Plan Narrative), Carducci Associates 2018]. This plan includes the removal of non-native, invasive species deleterious to the environment.

Marin dwarf flax

As vegetation including special-status species may vary from year to year depending on environmental conditions and the potential establishment of new populations, **additional surveys to agency protocol should be conducted on the southern parcel. This parcel abuts the Ring Mountain preserve supporting federal- and State-listed endangered and threatened species - Tiburon mariposa (*Calochortus tiburonensis*) and Marin dwarf flax.** Foot traffic (including pets) will likely increase from the development when completed into the Ring Mountain preserve via the Robin Drive fire road and a narrower trail. The trail traverses serpentine habitat where Marin dwarf flax was documented by LSA in 2014. **Therefore, surveys in this area should be updated and, if found, the distribution of Marin dwarf flax, and any other special-status species should be mapped to indicate where and how avoidance measures need to be implemented in the future.**

Oakland star-tulip

As habitat for Oakland star-tulip is present on the lower parcel (LSA 2014), the plant could potentially occur within the development envelope. The document states that a “qualified biologist” will survey this parcel within 12 months of the start of construction. **CNPS recommends that a botanist familiar with all developmental stages conduct the surveys in order to positively establish its presence/absence.**

Mitigation Measure Bio-1 outlines the protection of Oakland star-tulip during construction of the project and within its foot-print. As mentioned above, this action proposes to conduct seasonally appropriate surveys for Oakland star-tulip and if found, and avoidance is feasible, temporary fencing will be installed to protect the plants during construction activities and remain in place for two years with appropriately-timed monitoring events. **It is not clear what conditions would be present if “avoidance is feasible.”** CNPS contends that rare plants that grow within,

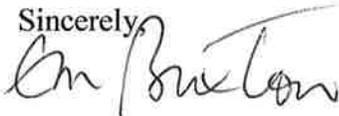
or in the immediate vicinity of a development do not survive over time, as a result of impacts from trampling by people and pets, the use of fertilizer and irrigation in private gardens/yards that spread throughout the substrate, the introduction of non-native, invasive species that results from disturbance of the soil, etc. **CNPS recommends that if Oakland star-tulip is found during surveys within the development envelope, the bulbs be dug up and moved to appropriate grassland habitat on the southern portion of the site at the time they are observed, i.e., not as a contingency measure if the plants do not do well after attempts to protect them where found, as suggested in the VPN.**

Grasslands

It is to be expected that non-native plants will invade areas around the periphery of the construction sites and plans to remove such species are in place. Grasslands on the eastern side of Ring Mountain are being invaded by coyote brush (*Baccharis pilularis*), a native shrub. Without wildfire, coyote brush scrub is eliminating grasslands, as can be seen when looking uphill from the Paradise Drive entrance to the Ring Mountain preserve. **Associated with the removal of non-native species on the southern parcel, and as a general mitigation measure to preserve the habitat for Marin dwarf flax and Oakland star-tulip, CNPS recommends maintaining open grassland habitat, some of which is bunchgrass grassland - a sensitive community - by removing coyote brush, an invasive native species.**

Thank you for the opportunity to comment on the IS/MND for the Robin Drive Project, Phase II.

Sincerely,



Eva Buxton

Conservation chair

From: [Waller, Deborah@Wildlife](mailto:Waller,Deborah@Wildlife)
To: [Adam Wolff](mailto:Adam.Wolff)
Cc: [Weiss, Karen@Wildlife](mailto:Weiss,Karen@Wildlife)
Subject: Robin Drive - The Preserve Phase II Project SCH 2018112032
Date: Friday, December 14, 2018 10:15:03 AM

Dear Mr. Wolf,

Thank you for giving California Department of Fish and Wildlife (CDFW) the opportunity to review and provide comments on the Mitigated Negative Declaration (MND) for the Robin Drive – The Preserve Phase II project (Project).

CDFW has done a quick, limited review and is submitting informal comments to be incorporated into the MND as provided below.

Section 1.4.4 Landscaping and Tree Removal

Comment 1 The Project would result in the removal of approximately 68 trees including 28 coast live oaks (*Quercus agrifolia*), 25 California bay (*Umbellularia californica*), 6 Coulter pine (*Pinus coulteri*), 5 arroyo willow (*Salix lasiolepis*), 1 toyon (*Heteromeles arbutifolia*) and 3 non-native trees.

CDFW recommends that all trees be avoided to the maximum extent possible. CDFW believes that replanting native and non-native trees at a 1.6:1 ratio as proposed in Mitigation Measure BIO-3 is insufficient to address the loss of canopy cover and habitat provided by the trees proposed for removal.

Recommended Mitigation: To reduce impacts to less-than-significant, CDFW recommends avoiding tree removal to the greatest extent feasible and replacement of trees that cannot be avoided at a minimum 3:1 ratio for natives and a 1:1 ratio for non-natives greater than 12 inches diameter at breast height (dbh). Due to the high-quality habitat provided by oaks, individual oak trees that cannot be avoided should be replanted at a minimum 10:1 ratio; oak trees greater than 15-inches in dbh should be mitigated at a ratio of 15:1. Preference should be given to on-site restoration and mitigation. Off-site mitigation ratios may be higher.

Replacement plantings should consist of locally-collected seeds, stakes, or other suitable nursery stock, and should be native species to the area adapted to the lighting, soil, and hydrological conditions at the replanting site. Replacement oaks should come from nursery stock grown from locally-sourced acorns, or from acorns gathered locally, preferably from the same watershed in which they are planted.

Section 3.4 Biological Resources

Mitigation Measure BIO-1: Protect Oakland Star-tulip during Construction

Comment 2: Results from 2014 Rare Plant Surveys identified two special-status plant species on the Project site including the Marin dwarf flax (*Hesperolinon congestum*), state listed as threatened and a

California Native Plant Society (CNPS) List 1B species, and the Oakland star-tulip (*Calochortus umbellatus*), a CNPS List 4 species.

Mitigation Measure BIO-1 indicates that prior to construction, the applicant shall retain a qualified biologist to conduct seasonally appropriate surveys for Oakland star-tulip within the construction footprint on the lower parcel, recommend location-specific avoidance measures and monitor protected plants for two years after construction. If plants cannot be avoided, bulbs of the plants would be moved and monitored for two years. The MND states that the expert opinion of a qualified biologist will suffice in-lieu of performing plant surveys. CDFW believes these measures are insufficient to protect special-status plants at the Project site.

Recommended Mitigation: CDFW recommends that plant surveys be conducted prior to construction following CDFW *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* (CDFW, 2018) located here: [CDFW Special Status Plant Survey Protocols](#). Surveys should be floristic in nature and include the entire Project site, including the upper parcel which includes a proposed public access easement through private open space.

Botanical surveys should be conducted during the blooming period for all sensitive plant species potentially occurring within the Project area using reference populations, as feasible. “Focused surveys” that are limited to habitats known to support special-status plants or that are restricted to lists of likely potential special-status plants are not considered floristic in nature and are not adequate to identify all plants in a project area.

In order to adequately avoid impacts to this species, CDFW requests the Mitigation Measure BIO-1 measures be updated to include:

1. Establishment of a construction buffer distance for Marin dwarf flax of a minimum of 500 feet. The U.S. Fish and Wildlife Service (USFWS) recovery strategy for Marin dwarf flax (USFWS, 1998) suggests at least a 500-foot buffer to reduce human impacts and allow for population expansion (refer to the [Recovery Plan for Serpentine Soil Species of the San Francisco Bay Area](#) (USFWS, 1998) and the Marin dwarf flax [5-year Review: Summary and Evaluation](#) (USFWS, 2011).
2. In instances where a 500-foot buffer cannot be accomplished, the Project botanist should consult with CDFW on appropriate buffer distances and any potential additional protective measures such as additional species monitoring or installation of fences and signage to dissuade users from going off trail. Direct impacts to Marin western (dwarf) flax, including seed collection, require a CESA take permit (pursuant to Fish and Game Code § 2080 et seq.).

Please be advised that a California Endangered Species Act (CESA) permit must be obtained if the project has the potential to result in “take” of plants or animals listed under CESA, either during construction or over the life of the project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation

is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

In order to address impacts to special-status plant species, CDFW requests that Mitigation Measure BIO-1 be expanded to include the following:

1. A mitigation and monitoring plan should include all special-status species affected by this Project, including minimizing impacts and potential loss of habitat.
2. Transplantation methods be completed with as little physical disturbance as possible to the individual, and at a time when the individual is photosynthetically inactive or dormant; the transplantation site shall be of the same quality habitat, free of weeds, and having similar physical characteristics and soil type.
3. Require that >75% of the mitigation propagules established reproducing population, and that monitoring and adaptive management techniques be employed until this standard is achieved.

Pursuant to Fish and Game Code §§ 1600 et. seq. for Project-related activities within any 1600-jurisdictional waters within the proposed Project area, the Project proponent notified CDFW for a Lake and Streambed Alteration Agreement (LSAA) (Notification Number 1600-2018-0348-R3) and an incomplete letter was sent on November 16, 2018. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute the final LSAA until it has complied with CEQA (Public Resources Code § 21000 et seq.) as the responsible agency.

Please contact me at deborah.waller@wildlife.ca.gov if you have any additional questions.

Thank you,

Deborah Waller

Deborah Waller

Environmental Scientist
Habitat Conservation and Planning Branch
Bay-Delta Region
California Department of Fish and Wildlife
Phone: 707 576 2880
Deborah.Waller@wildlife.ca.gov

Don't let your permit get lost in the mail:





Marin Audubon Society

P.O. BOX 599 | MILL VALLEY, CA 94942-0599 | MARINAUDUBON.ORG

December 13, 2018

Adam Wolff, Planning Director
Town of Corte Madera
Tamalpais Avenue
Corte Madera, CA 94925

RE: COMMENTS ON INITIAL STUDY FOR ROBIN DRIVE PROJECT

Dear Mr. Wolff,

Thank you for considering Marin Audubon's comments on the Initial Study (IS) for the Robin Drive residential project. This project is of interest to Marin Audubon because the property supports multiple sensitive habitats: needlegrass grass (sp?), wetlands and native oak woodlands along with a special status plants. The site is adjacent to the Ring Mountain Open Space Preserve which increases its value as habitat. The IS does not provide adequate information for the public or decision-makers to take informed positions.

We recognize that the project would protect oak woodland habitat, but our most significant concern is the number of native trees that are proposed for removal, sixty-eight. Sixty trees slated for removal are natives, 28 of which are oaks - a large number in this day and age when the benefits of trees are broadly known. While removal of any native trees is a concern, the loss of mature native oaks is of particular concern. Not only are 800 species known to be supported by oaks, but the value of each mature native oak is increased because of the ongoing and extensive loss of Marin's oak population to Phytophthora (SOD). Such significant losses, make the protection of remaining healthy trees even more important. And oaks sequester carbon thereby combating climate change, and moderating climate. Oaks are also beautiful and increase the economic value of property.

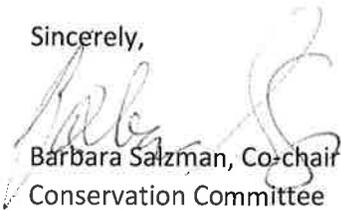
We request that the following information be provided:

1. The proposed mitigation for loss of trees, 1.6 trees planted per tree cut down, is inadequate and the proposed location adjacent to the street is also unacceptable. To plant mitigation trees adjacent to Paradise Drive ignores the fact that the trees that will be lost are currently part of an oak woodland-grassland ecosystem together with the Ring Mountain Preserve land. Mitigation should replace not just the quantity of trees, but the habitat value and functions of the mixed oak woodland/grassland which the housing development would destroy. A more suitable location to restore native woodland so that it retains its habitat values, not just as landscaping for the project, is adjacent to the open space areas. A more acceptable ratio would be 3:1.
2. Include a figure showing the proposed houses superimposed on the biological resources identified in the IS – streams 1 and 2, wetlands, native trees and native grasslands. We can't evaluate options for eliminating or reducing losses without this information.

3. Discuss provisions that should be in the Vegetation Management Plan related to habitat, such as: length of time and frequency of plant maintenance and tasks that would be required, including weeding, watering, and plant replacement.
4. Discuss alternatives to removing oak trees. Discuss whether the size, design, number or location of the units could be modified to save oaks.
5. Discuss the potential for invasive species to colonize the disturbed areas and how this would be addressed. We would expect broom, Harding Grass, and thistle to be problems because they are problems on Marin Audubon's property, a short distance away, and on Ring Mountain Preserve.
6. Would a conservation easement be placed on the public and private open space? Only an access easement is mentioned.
7. Has the Marin County Open Space District been consulted about providing an access to the Ring Mountain Preserve? A major problem in this Preserve is the spider-web of unauthorized access trails made by users. The District has been working to reduce/eliminate these trails. Having another entrance from an adjacent development would not appear to comply with the District's efforts to protect the Ring Mountain resources.
8. Native needlegrass would be impacted by the project. How would the loss of needlegrass be mitigated? Discuss avoiding the needlegrass. Discuss the impact of planting mitigation oaks in needlegrass patches.
9. The nesting bird impact evaluation should also address ground dwelling birds that depend on understory for nesting and foraging.
10. Contrary to the IS, street and roads are not necessarily impediments to wildlife movement. In fact, in some locations roads are used by wildlife for moving between habitats. However, structures and fences are impediments. Revisit this discussion with this information.
11. Show the wetlands on a figure, including the area that would be enlarged, and discuss the Regional Water Board's requirements for avoidance and mitigation. How would the wetlands and streams be protected during construction and post-construction? What width of buffer will be required to protect the wetlands and provide an essential habitat component?
12. What size buffer would be provided along the stream that would be surrounded by development and how would it be vegetated? Uplands adjacent to streams are needed to provide streamside habitat and buffer the impacts of the protect.
13. Discuss whether any oaks or bays are infected with Phytophthora? If yes, what measures have been taken to address the infections? Surveys should be done now if they haven't been already.
14. An environmentally superior alternative, that eliminates or significantly reduces the loss of native oaks and impacts on other sensitive habitats, should be provided. We realize an alternatives analysis is not required in an IS, however, in this case it is warranted. Otherwise, we recommend that a Focused EIR be prepared.

Thank you for addressing our concerns.

Sincerely,



Barbara Salzman, Co-chair
Conservation Committee

Cc: MCOSD