

December 12, 2024

**By Email**

Micah Hinkle, Community Development Director  
Margaret Kavanaugh-Lynch, Planning Manager  
City of San Rafael  
1400 Fifth Avenue, Top Floor  
San Rafael, CA 94901  
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**Re: Dominican Valley Residential Development Application  
(File No. PLAN23-081; TS23-001; and ED 23-62)  
Compliance with CEQA**

Dear Mr. Hinkle and Ms. Kavanaugh-Lynch:

This office continues to represent Save Dominican Valley, LLC (“SDV”), an association of over 350 San Rafael residents and property owners living in the City’s Dominican Valley area, all of whom will be directly impacted by the proposed Dominican Valley Residential Development (“Project”).

We understand that following the Community Development Department’s October 8, 2024 determination that the Project’s formal application was complete, the Department is now, among other tasks, undertaking a preliminary review of the application to determine the mode of compliance with the environmental review provisions of the California Environmental Quality Act (“CEQA”). As explained further below, SDV urges the Department to immediately require preparation of a full environmental impact report (“EIR”), thereby avoiding unnecessary staff time and resources pursuing an initial study.

The state’s CEQA Guidelines provide that if a lead agency “can determine that an EIR will be clearly required for a project, the agency may skip further initial review of the project [an initial study] and begin work directly on the EIR process.” (Guidelines §§ 15060(d), 15063(a).) In this case, the Project will clearly require an EIR

given its unprecedented scope and scale, and its situation on undeveloped land in a very high hazard fire zone containing habitat, streams, wetlands and other biological resources. Details concerning the natural resources present at the site that the Project will significantly affect were presented to the City in SDV's letter dated September 8, 2023 concerning the Project's preliminary application. That letter is attached for reference, and its key points summarized as follows:

### **Wildland Urban Interface (WUI) and Fire Hazard Risks**

- **Fire Risk Designation:** The development site is in the San Rafael Wildland Urban Interface (WUI), a very high fire hazard severity zone. CEQA requires thorough analysis of the Project's potential impacts on wildfire risks. (*See People ex Rel. Bonta v. County of Lake* (2024) 105 Cal.App.5th 1222.) An EIR is required for this purpose.
- **Inadequate Road Infrastructure:** Narrow roads and lack of proper shoulders (e.g., Deer Park Avenue and Gold Hill Grade) hinder emergency access and evacuation, worsening the fire risks. This was previously acknowledged by local fire officials. CEQA requires thorough analysis of the Project's potential impacts on fire emergency evacuation routes. (*See League to Save Lake Tahoe v. County of Placer* (2022) 75 Cal.App.5th 63.) An EIR is required for this purpose.

### **Wetlands and Waterways**

- **Undisclosed Wetlands:** The site is traversed by multiple riverine wetlands and intermittent streams (e.g., Sisters Creek and its tributaries), as indicated by authoritative sources like the U.S. Fish and Wildlife Service and the California ECOAtlas.
- **Impact on Water Quality:** Increased impervious surfaces, such as roads and buildings, will increase runoff and sedimentation, negatively affecting the watershed and local ecosystems. These potential impacts must be evaluated in an EIR.

### Historical Dump Sites

- Portions of the site were historically used as informal dump areas, potentially containing hazardous materials such as batteries, paint, and motor oil.
- Excavation or disturbance of these areas without proper environmental assessment in an EIR risks releasing toxins into the soil, air, and water.

### Wildlife and Habitat Preservation

- **Protected Species:** The area may host Northern Spotted Owls, a federally threatened species, and other sensitive species like the Olive-Sided Flycatcher. A recent Northern Spotted Owl nest was documented less than half a mile away.
- **Habitat Impact:** Removal of vegetation and alteration of the landscape could disrupt critical habitats. Canopy cover, important for maintaining biodiversity and water conservation, would be lost due to planned clear-cutting.
- Potential impacts to these species and habitat must be evaluated in an EIR.

In sum, it can be clearly seen that the Project will require an EIR. The Department should accordingly proceed to initiate the process for preparing one.

Thank you for your consideration of this recommendation.

Most sincerely,

M. R. WOLFE & ASSOCIATES, P.C



Mark R. Wolfe

On behalf of Save Dominican Valley

Attachment

cc: Mayor & City Council  
City Attorney