



## SIERRA CLUB MARIN GROUP

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July 25, 2006

Neal Osborne, Planner Community Development Agency  
3501 Civic Center Dr Rm 308, San Rafael, CA 94903 Fax 499-7880

Re: Champagne (APN 170-021-05) UP -6-49 / DR 06-51 / VR 06-28

Dear Mr. Osborne:

We have reviewed the 7/18/06 Notice of Project Status and have the following comments:

It appears to us that roughly 4000 sq ft of this parcel is outside both the Stream Conservation Area (SCA) and the Flood Hazard Zone. This is adequately sized for construction, thus we urge that development occur only within this non-SCA building envelope. Any development within the SCA will trigger an Initial Study (IS) per the California Environmental Quality Act (CEQA). The IS should include an analysis of the cumulative impacts not only from the maximum Floor-Area-Ratio (FAR) development of every undeveloped parcel along this highly sensitive coho creek but also from the projected future buildout of existing development to their maximum FAR.

Department of Public Works request #14 notes that Marin County Code (MCC) §24.04.560 requires a minimum 20-foot setback from the "previously culverted (existing conditions)" natural watercourse. We fully support the minimum setback requirement, but wish to inquire as to what evidence has been provided that the natural watercourse was previously culverted in accord with all the appropriate laws in force at the time of the culverting. If there is no evidence that the creek was culverted legally, then we urge that it be treated as any other illegal structure: i.e. non-existent rather than existing conditions. Absent evidence of the culvert's legality, we urge that the illegal culvert be removed and the creek restored to its original daylight condition.

Even if the culvert is determined as legal, we urge that the project consider voluntarily daylighting this culverted natural watercourse. Since the Project Status did not indicate the location of the culvert, we cannot determine to what extent any proposed daylighting may impact the non-SCA building envelope. The CEQA IS could determine if some incursion into the SCA may be an acceptable trade-off for the value of daylighting this portion of the creek

DPW request numbers 15 and 16 appear inconsistent in regard to Base Flood Elevation (BFE) if construction occurs in the flood zone. Number 15 states "Per MCC §23.09.039, all new construction in a flood hazard zone shall have the lowest horizontal portion of the structural members of the lowest floor (excluding pilings or columns) to or above the BFE." Number 16 states "Construction of floor joists, floor insulation, and HVAC components below BFE shall meet the requirements of FEMA Technical bulletins." We believe construction (excluding pilings or columns) in the flood zone should follow number 15 and provide a minimum of 2 feet of freeboard above the BFE to allow for storm debris passage beneath the home during floods.

Sincerely,

Gordon Bennett, Chair