

May 1, 2023

By E-Mail

Rebecca Markwick, Director of Planning and Building
Town of Ross
P.O. Box 320
Ross, CA 94957
Email: rmarkwick@townofross.org

**Re: Draft EIR for Town of Ross 2023-2031 Housing Element Update
[SCH # 2022110593]**

Dear Ms. Markwick:

Please accept the following comments on the above-referenced draft environmental impact report (DEIR) for the Town of Ross Housing Element Update, submitted on behalf of Ross resident Thomas Weisel.

Consistent with State housing law, the DEIR and proposed Housing Element identify available for housing development in the Town, together with an “inventory of realistic capacity.” (DEIR, p. 2-9; Figure 2.4-1.) The first site identified in the DEIR’s inventory is the 53-acre “Berg Site” on Upper Road. (DEIR, p. 2-13.) Both the DEIR and proposed Housing Element state that under the existing zoning, the currently vacant Berg Site could be developed to accommodate six units of above moderate-income housing. This represents a significant contribution towards achieving the Town’s RHNA allocation of 41 above moderate-income units with a 5-unit buffer.

As the Town is aware, property owners have sought to subdivide and develop the Berg Site for over twenty-five years. An application for a five-lot subdivision was submitted to the Town in 1991. The Town Council certified an EIR, but then denied the project. Applicants submitted a revised plan in 1995, but that too was denied. Subsequent applications for a three-lot subdivision were submitted in 2000, with additional CEQA review occurring in 2002, 2006, and 2014-2017. However, none of these applications was ultimately approved by the Town.

A draft EIR prepared in 2014 for the previously proposed three-lot subdivision identified several significant impacts with respect to biological resources, landslides, and seismic safety that required extensive, technically complex mitigation measures, even as the earlier proposal was for half the number of residential units now described in the current DEIR. The 2014 DEIR disclosed that substantial volumes soil excavation would be required, that over 400 trees would be removed, and that various retaining walls, spread footing foundations, drilled concrete piers, and other engineered solutions would be required to mitigate landslide and seismic safety risks at the site. The 2014 EIR also found significant unavoidable impacts in the areas of aesthetics and noise.¹

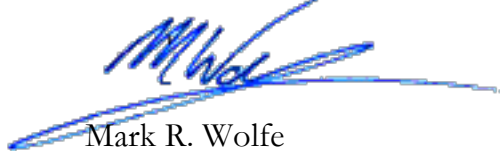
To its credit, the current DEIR acknowledges that special-status species may be present at the Berg Site, that the site is susceptible to landslide hazards, and that it is situated in part in a Very High Fire Hazard Severity Zone. (DEIR, pp. 3.1-14; 3.3-21; 3.7-16.) However, the DEIR does not reference or discuss in any manner the prior efforts to develop the Site for housing, nor does it describe the environmental review processes undertaken by the Town between 1991 and 2017. Those reviews found a variety of significant impacts requiring substantial mitigation, the feasibility of which were in many cases questioned in public comments.

The Town should acknowledge in any Final EIR for the Housing Element Update that future development of the Berg Site for housing may involve significant environmental impacts requiring extensive mitigation beyond what is disclosed and evaluated in the current DEIR, and that further in-depth environmental review under CEQA will be required before specific development applications are approved.

Thank you for your consideration of these comments.

Most sincerely,

M. R. WOLFE & ASSOCIATES, P.C



Mark R. Wolfe
On behalf of Thomas Weisel

MRW:sa

¹ We presume the Town maintains files containing these applications and CEQA documents, and accordingly are not submitting them here. We are, however, incorporating them by reference into this letter, and we respectfully ask that they be included in the administrative record for the current DEIR and Housing Element update.