

**Law Office of Edward E. Yates**

20 Skylark Drive, Suite 12

Larkspur, CA 94939

Ph: 415-990-4805 Fax: 415-891-8999

eyates@marinlandlaw.com

November 2, 2017

Daniel Dawson  
Marin County Public Works Department  
County of Marin  
San Rafael, CA

By email: DDawson@marincounty.org

Dear Mr. Mr. Dawson,

I represent Community Ventures Partners. In email correspondence between you and Bob Silvestri, you stated on Monday, October 30 that:

“The current lane widths, which vary throughout the corridor, and the multiple proposed lane modifications are both within adopted standards, do not alter vehicle throughput, and are (sic) thus analysis is not necessary under CEQA.”

I am not aware of any such authority under the California Environmental Quality Act (“CEQA) Pub. Res. Code § 21000 et seq. Specifically, CEQA provides no such exemption to omit either: 1) a project description for a project component; or 2) environmental analysis, based on adherence to an adopted technical standard. CEQA Guidelines 15064.7(c) allows agencies to establish thresholds of significance which consider previously adopted or recommended public agency environmental standards provided there is evidence to support that standard.

First, a state lane width standard is not an air quality, safety, circulation or any other standard related to environmental review. It is a technical standard for transportation planning and thus, does not qualify for the allowance in Section 15064.7 related to "environmental" effects. (See Citizens for Responsible Equitable Environmental Development v. City of Chula Vista (2011) 197 Cal.App.4th 327, 334.)

Second, the DEIR does not provide or rely on any such threshold of significance – even for traffic transportation planning - but instead simply fails CEQA’s basic mandate to provide project description detail and environmental analysis.

Page 2  
Dan Dawson  
Marin County DPW

Please provide me with legal authority for the County's position that where a project's proposed lane widths are within Caltrans or other agency adopted standards, project description and environmental analysis are not required by CEQA.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Yates", with a horizontal line extending to the right.

Edward Yates

Cc: Raul Rojas