

EXHIBIT 1
FINDINGS
PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
2008 Easton Point Residential Development
(Rezoning, and Master Plan)

I. OVERVIEW

In making a determination on the proposed 2008 Easton Point Residential Development Project, as modified by the applicant's June 6, 2017 revised site plan (the "Project") and the amendment to the revised site plan to provide a larger 265,000 gallon water storage tank and downsize and relocate to elevation 283 the existing 1 million gallon Forest Glen water tank; the Marin County Board of Supervisors (the "Board") makes and adopts the following findings of fact and decisions regarding mitigation measures and alternatives, and adopts a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and under the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq. ("CEQA")) and the Guidelines for CEQA (14 Cal. Code Regs., §§ 15000 et seq. ("CEQA Guidelines")).

A. Purpose of the Findings

The purpose of these findings is to satisfy the requirements of CEQA associated with a decision to approve a project for the Martha Company in Tiburon, California, Assessors Parcel #059-251-05 (see Pub. Resources Code, §§ 21081, 21081.5; CEQA Guidelines, §§ 15091, 15092, 15093.) Specifically, Public Resources Code section 21081 requires that whenever a lead agency approves or carries out a project that has one or more significant effects on the environment (collectively referred to as "impacts"), the agency must make one or more written findings for each of those impacts. These findings provide the written analysis and conclusions of the Marin County Board of Supervisors, which is the lead agency for purposes of CEQA review. These findings are divided into general sections. Each of these sections is further divided into subsections, which separately address a particular impact topic and/or requirement of law. At times, these findings refer to materials in the administrative record, which are available for review at the Marin Community Development Agency - Planning Division office, 3501 Civic Center Drive, Room 308, San Rafael, California 94903, during counter hours (Monday to Thursday, 8am to 4pm).

These findings relate to the 2008 Easton Point Residential Development Project as modified on June 6, 2017 and amended to include a larger water storage tank and relocated Forest Glen water tank, the alternatives to the proposed project described and evaluated in the draft and final environmental impact report (FEIR), and the Board of Supervisors Project. The DEIR, FEIR and its

Amendment are collectively referred to herein as the "EIR". These findings provide the written analysis and conclusions of the Board of Supervisors regarding the proposed Modified Master Plan, the alternatives evaluated in the EIR, and the Project which was found by the Board of Supervisors to result in less environmental impacts to the environment, as mitigated.

B. The Applicant and the Proposed Project

The 110-acre Project site (APN 59-251-05) is located at the southeastern tip of the Tiburon Peninsula in unincorporated Marin County, about five miles southeast of the U.S. Highway 101 ("U.S. 101")/Tiburon Boulevard interchange via Tiburon Boulevard and about eight miles from the U.S. 101/Tamalpais Drive interchange via Paradise Drive. The site is contiguous to the Town of Tiburon's corporate boundary on the south and west where it also is adjacent to the Old Tiburon and Hill Haven residential neighborhoods (south), Old St. Hilary's Open Space Preserve and Tiburon Uplands Nature Preserve (west), and Paradise Drive (north and east).

The applicant, Martha Company, is requesting approval of a Marin Countywide Plan Amendment, Rezoning and Master Plan. The project application includes rezoning the project site from Single Family Residential (R-1) and Residential Multiple Planned District (RMP-0.2) to Residential Single Family Planned (RSP). The Master Plan application proposes to create 43 residential lots for development of single-family homes. The applicant is not proposing to construct any homes at this time, but is requesting approval of a series of design guidelines and standards, including minimum house sizes (square footage) for each lot, that would regulate future home construction on the property. In addition two parcels (Parcel A – 68.89 acres and Parcel B – 5.86) would be offered for dedication to the Marin County Open Space District. Parcel B is proposed as a Marin dwarf flax (a special status plant species) preserve. The application also proposes an 265,000-gallon concrete water tank that would be constructed on Parcel C (0.36 acres), the downsizing and relocation of the exiting 1 million gallon Forest Glen water tank, and a small parcel to be reserved for a possible future Marin Emergency Radio Authority (MERA) facility. The applicant proposes to construct roads and utilities to serve each of the 43 residential lots. The application also includes a proposal to construct a temporary construction access road that would be used for all phases of project construction, including future home construction. The applicant also proposes to remediate or repair some landslides on-site to accommodate proposed development.

Proposed residential lots would range in size from 0.5 to 1.67 acres. The 43-lot project has a gross density of one housing unit per 2.55 acres considering the entire 110-acre site area. Each residential lot includes a designated building site. The building site would include each lot's residence. Conceptual building

footprints are shown for each building site; footprint locations are illustrative only, provided to demonstrate that buildings of the proposed size would fit within the proposed building site for each lot. In addition, it is the intent that all development, including patios, pools, gardening sheds, etc., would be contained within the designated building site. Houses would range in size from 5,000 square feet to 8,750 square feet. Each residential lot would be provided with a minimum of four off-street parking spaces, two of which would be in a garage.

Twenty-seven of the residential lots are contiguous to the Hill Haven neighborhood in the Town of Tiburon, with access via Ridge Road. Four lots are located at the low end of the site adjacent to the Tiburon town limit, and would be accessed via a new driveway from Paradise Drive. The other 12 lots are located in the vicinity of the existing MMWD Paradise Water Tank, and would be accessed via a new residential road that generally follows the existing water tank access road from Paradise Drive. Roadway segments (including driveways) would have grades of up to 18 percent. The temporary construction access road, however, would have a maximum grade of 25 percent

A public pedestrian access easement is proposed along a portion of Ridge Road, up to Tam View Court, and along Tam View Court to provide access from the Hill Haven neighborhood to the existing adjacent public open space (Old St. Hilary's Open Space Preserve and the Tiburon Uplands Nature Preserve). The proposed access easement would also provide access to Parcel A.

The Easton Point Project would require the extension and installation of on-site water facilities, sewer facilities, and other utilities (gas, electricity, telephone, cable television) and on-site installation of drainage facilities. Proposed public facilities would be connected to those of the Marin Municipal Water District (MMWD) and Sanitary District No. 5. All utilities would be constructed underground. The applicant's drainage plan is intended to detain increases in storm water runoff on-site so there would be no increase in peak period storm water flows from the site for events greater than the ten-year storm.

Applicant proposed grading is intended to prepare the project site for residential development by installing roadways and utilities and repairing landslides and unstable areas. The applicant estimates the grading necessary for site development (roadways and utility installation) would result in 22,220 cubic yards of cut material and 11,780 cubic yards of fill. Thus grading for the roadways and utility installation would result in an excess of 10,350 cubic yards to be exported off site. The project site is mapped as being underlain by 28 landslides. The applicant proposes to improve or repair landslides that have a higher potential to affect proposed improvements including residential lots. Landslides with a lower potential to affect existing or proposed improvements are to be avoided or improved. The applicant previously proposed to store these

excess materials on the site in the vicinity of Lots #1 and #27. The material would be available for future development on individual lots.

C. Defined Terms

To provide consistency in the use of terms and to increase readability, these findings often provide short parenthetical terms for certain longer, more encompassing terms or concepts. Unless the context requires a different meaning, any term or phrase used in these findings, which has its first letter capitalized shall have that meaning given to it by these findings. Certain such terms and phrases are referenced below, while others are defined where they appear in the text of these findings.

Applicant - Martha Company

CEQA - The California Environmental Quality Act: Public Resources Code §21000 et seq.

County - The County of Marin.

Countywide Plan - The 2007 Marin Countywide Plan including the 2015 Amendment to the Housing Element, is the County's General Plan indicating land use designations and plan policies.

EIR - The term "EIR" (environmental impact report) is a general reference to the Final Environmental Impact Report, and other documents incorporated by reference into the Final EIR, including the Amendment to the Final EIR, and other documents incorporated by reference into the Final EIR and the Amendment to the Final EIR.

Mitigation Measures - CEQA requires that, where feasible, significant impacts of a project be avoided or mitigated. Measures to avoid or mitigate such impacts are referred to herein as Mitigation Measures.

MMRP - The term "MMRP" (Mitigation Monitoring and Reporting Program) refers to a mitigation monitoring program that is adopted if a project is approved with an EIR that identifies significant environmental impacts pursuant to Public Resources Code §21081.6. The MMRP, derived from Appendix H of the EIR Guidelines and contained in "Attachment 4" of the approved resolutions and incorporated herein by reference, is designed to ensure project compliance with adopted Mitigation Measures during project implementation.

Modified Master Plan – The plans submitted to the Marin Community Development Agency consisting of 6 Sheets, A Landscape Site Plan Assessment

and a Geologic and Geotechnical Site Reconnaissance dated Received on June 6, 2017.

Proposed Project - The 2008 Easton Point Residential Development as described in Section I.B. above. This is the "Project" pursuant to CEQA §21065 and State CEQA Guidelines §15378.

Project: The Project adopted by the Board

State CEQA Guidelines - The State regulations implementing CEQA; California Code of Regulations, Title 14, Chapter 3 §15000 et seq.

Lot – One of the 43 residential lots encompassed by the application.

D. Severability

If any term, provision, or portion of these findings or the application of same to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these findings, or the application of the same to other situations, shall continue in full force and effect unless amended or modified by the County.

E. Project EIR

The EIR was prepared to examine the environmental impacts of a specific development project pursuant to the State CEQA Guidelines §15161. It is intended to serve as the environmental documentation for the Proposed Project as modified by the Marin County Board of Supervisors, consisting of all the discretionary actions necessary for project implementation. The EIR provides a complete evaluation of not only the Project, but also the cumulative impacts of the Project along with other existing and proposed uses, and alternatives to the Project, including the reduced density alternative, which was evaluated at a similar level of detail as the project. The EIR is also intended to serve as the environmental documentation for all County and other public agency actions subsequent to the actions in the resolutions to which these findings are attached, including approvals, permits, or other entitlements granted or issues in connection with the planning, approval, construction, operation, and maintenance of the development contemplated by the Proposed Project.

The planning and project review process of Marin County provides for various development permit applications, including but not limited to Master Plans, Use Permits, Tentative and Final Subdivision Maps, Precise Development Plans, Improvement Plans, and grading and building permits. A project sponsor may file development applications necessary for a project concurrently or in stages at succeeding steps of the planning and development plans, rather than detailed,

specific design-level plans required for a Precise Development Plan application and development applications of later stages of the planning and project review process. Often, design-level plan applications are not prepared and filed until after Master Plan approval. The Applicant has requested approval at this time of a Countywide Plan Amendment, Rezoning and Master Plan. A Precise Development Plan, now referred to as Design Review in the Marin Development Code, and Tentative Map applications will be submitted at a later date following approval of the Master Plan. The EIR was prepared to address all phases of project implementation, including planning, approval, construction operation and maintenance of the development contemplated by the Proposed Project, consistent with provisions of State CEQA Guidelines §15146 for degree of specificity required in the EIR. Therefore, the EIR is written to serve as a project-specific EIR consistent with the provisions of State CEQA Guidelines ' 15161.

II. FINDINGS ARE DETERMINATIVE

The Marin County Board of Supervisors recognizes that there may be differences in and among the different sources of information and opinions offered in the documents and testimony that make up the EIR and the administrative record; that experts can disagree; and that the Board of Supervisors must base its decisions and these findings on the substantial evidence in the record that it finds most compelling. Therefore, by these findings, the Board ratifies, clarifies, and/or makes insignificant modifications to the EIR and resolves that these findings and the MMRP for the project, as implemented by the conditions of project approval, shall control and are determinative of the significant impacts of the Project.

III. POTENTIAL IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT WITHOUT NEED FOR IMPOSITION OF MITIGATION

The Board of Supervisors has reviewed and considered the information in the EIR, including Chapters 4, 5, and 6, addressing environmental effects, mitigation measures, and alternatives, and said chapters identify certain conclusions that the Project would cause environmental impacts that are less-than-significant without imposition of mitigation. Therefore, the Board of Supervisors, relying on the facts and analysis in the EIR concurs with the conclusions of the EIR regarding the less-than-significant environmental impacts of the Proposed Project. The impacts identified as less than significant for the Proposed Project are also deemed to be less-than-significant for the Project, because the Project would further reduce impacts to the natural and visual resources on the site.

IV. MITIGATION MEASURES AND CONDITIONS OF APPROVAL IN FULL

The Board of Supervisors has modified the Modified Master Plan as proposed, by the approval of the Board's Project, and adoption of Conditions of Approval and MMRP and these findings, to avoid or mitigate the significant level environmental

impacts to the extent allowed under the Court Order, and to otherwise consider, address and resolve all of the environmental concerns raised during public review of the EIR.

The discussion that follows under the caption "Facts" for each significant impact recites some of the background environmental impact information related to the Project; the finding made by the Board of Supervisors is set forth under the caption "CEQA §21081(a) Finding;" and the discussion under the caption "Evidence Supporting the Finding" contains substantiating information about what mitigation is provided and how it reduces the significant impact. Therefore, the Board of Supervisors finds that the specific references to Mitigation Measures and Conditions of Approval provided herein are intended to indicate where the particular measure or condition can be found and not to indicate that adoption of the precise mitigation or condition is limited to the information in the findings, where instead, the referenced Mitigation Measures and Conditions of Approval are adopted in full.

V. CEQA §21081(a) FINDINGS REGARDING SIGNIFICANT IMPACTS

The EIR identifies certain significant environmental impacts caused by the Project and recommends specific mitigation measures to reduce these impacts to a less-than-significant level. The Board of Supervisors has exercised its independent judgment, certified the EIR as being adequate according to CEQA and has reviewed and considered the information in the EIR and in the entire record; therefore, the Board of Supervisors makes specific findings, as follows, for each significant impact, pursuant to CEQA §21081(a), based not only on the EIR, but on the evidence in the entire record, including written and oral testimony.

According to CEQA §21081 no public agency shall approve or carry out a project for which an environmental impact report has been certified which identified one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

1. The public agency makes one or more of the following findings with respect to each significant effect:
 - a. Changes or alternations have been required in, or incorporated into, the project, which mitigate or avoid the significant effects on the environment (referred to herein as: "Finding 1: The impact is mitigated to a less-than-significant level.")
 - b. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency (referred to herein as "Finding 2: Another public agency can and should mitigate the impact.")

- c. Specific economic, legal, social, technological, or other considerations, including consideration for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report (referred to herein as: "Finding 3: Specific consideration make mitigation measures or alternatives infeasible." or if the impact is partially mitigated, but not to a less-than-significant level; "Finding 3: The impact would be mitigated, but not to a less-than-significant level. Special considerations make further mitigation measures or alternatives infeasible.")
2. With respect to the significant effects, which were subject to Finding 3 described above, the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

The facts, findings, and substantial evidence supporting the Findings related to significant effects of the Project do not repeat the full analysis of impacts and description of mitigation measures contained in documents making up the administrative record. Instead, the following discussion specifically references particular locations in documents containing such information (e.g., specific pages in the EIR or specific conditions of approval). The referenced documents are either included or attached herein, or are readily available to the public for review at the Marin County Community Development Agency - Planning Division, 3501 Civic Center Drive, Room 308, San Rafael, California (Monday to Thursday 8am to 4pm).

The discussion following the caption "Facts" for each significant impact recites some of the background environmental impact information related to the Project; the finding made by the Board is set forth under the caption "CEQA § 21081(a) Finding"; and the discussion under the caption "Evidence Supporting the Finding" contains substantiating information about what mitigation is provided and how it reduces the significant impact. The numerical assignments used in these facts, findings, and substantial supporting evidence corresponds exactly to the numbering system used in the EIR.

VI. SIGNIFICANT UNAVOIDABLE IMPACTS

The EIR identified a number of significant and potentially significant environmental effects (or impacts) that the Project will cause or contribute to. Most of these significant effects are fully avoided through the adoption of feasible mitigation measures or alternatives. Other effects, however, cannot be avoided by the adoption of feasible mitigation measures or alternatives, and thus will be significant and unavoidable. The Board finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time that would reduce the following impacts to a less than significant level. For reasons set forth in Section IX herein, however, the Board has

determined that overriding economic, social, and other considerations outweigh the significant, unavoidable effects of the Project.

A full explanation of these environmental findings and conclusions can be found in the EIR and other documents within the record, and these findings hereby incorporate by reference the discussion and analysis in those documents supporting the EIR's determinations regarding mitigation measures and the Project's impacts and mitigation measures designed to address those impacts. In making these findings, the Board ratifies, adopts, and incorporates into these findings the analysis and explanation in the EIR, and it ratifies, adopts, and incorporates into these findings the determinations and conclusions of the EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

TRANSPORTATION

IMPACT 5.1-4: IMPACT ON REGIONAL ROADS

Facts:

The EIR found that the Project would generate trips that would travel on Tiburon Boulevard and U.S. 101, which are two facilities that are designated as routes of regional significance as part of the County Congestion Management Program. U.S. 101 would experience a significant impact resulting from regional growth, including growth within Tiburon that includes the proposed Project. This would be a significant cumulative impact. (See DEIR, pp. 237-238.)

CEQA § 21081(a) Finding:

Finding 3: The impact would be mitigated, but not to a less than significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding:

Based on the EIR, this impact is mitigated with imposition of Mitigation Measure 5.1-4, but not to a less than significant level because the identified mitigation measures are the responsibility of another public agency and, even with the mitigation measures, the Project would still add traffic to the U.S. 101 corridor, which already is operating at an unacceptable LOS. Therefore, this cumulative impact would remain significant and unavoidable.

Adopted Mitigation Measure:

5.1-4 explains that the Marin Countywide Plan Final EIR identifies mitigation measures to reduce impacts on U.S. 101 (see Mitigation Measures 4.2-2, 4.2-9, 4.2-10, and 4.2-13). These measures include improved public transportation service countywide, and

additional travel lanes on U.S. 101 to provide additional road capacity. Implementation of these measures is outside the sole jurisdiction of Marin County.

The Board hereby adopts and makes a condition of approval Mitigation Measure 5.1-4.

NOISE

IMPACT 5.3-1: CONSTRUCTION NOISE

Facts:

The EIR found that construction of the Project would temporarily increase ambient noise levels in the site vicinity. Given the potential for substantial increases in noise at nearby residences as a result of Project construction and the likelihood that substantial noise increases would occur intermittently for more than one year, this would be a significant impact. (See DEIR, pp. 308-325.)

CEQA § 21081(a) Finding:

Finding 3: The impact would be mitigated, but not to a less than significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding:

Based on the EIR this impact is mitigated with imposition of Mitigation Measure 5.3-1, but not to a less than significant level because, even with the mitigation measure, noise levels at adjacent homes would continue to substantially exceed existing ambient noise levels and construction is expected to last more than one year.

Adopted Mitigation Measure:

- 5.3-1 requires mitigation of construction noise impacts by implementation of a Construction Management Plan with certain specified modifications, including: (1) modify the construction hours to be consistent with section 6.70.030(5) of the County Code; (2) utilize “quiet” models of air compressors and other stationary noise sources where technology exists; (3) locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area; (4) prohibit unnecessary idling of internal combustion engines; (5) prohibit audible construction workers’ radios on adjoining properties; (6) notify neighbors of the construction schedule prior to the beginning of each phase that would generate substantial noise (i.e., five dBA or more above ambient levels and exceeding 60 dBA L_{eq}).

The Board hereby adopts and makes a condition of approval Mitigation Measure 5.3-1.

HYDROLOGY AND WATER QUALITY

IMPACT 5.5-6: DEPLETED GROUNDWATER SUPPLIES, KEIL SPRING AND THE KEIL PROPERTY SPRING-BASED WATER SUPPLY

Facts:

The EIR found that landslide repair or improvements required to stabilize existing landslide deposits would convert on-site groundwater to surface water. The addition of impervious surfaces in the form of pavement and roof coverage would eliminate areas of existing groundwater recharge. These impacts would reduce the available water supply to Keil Spring and the underground cisterns located on the Keil property. A reduction in the available water supply to Keil Spring and/or the cisterns could result in a reduction in the availability of this historic water supply to the Keil property. A reduction in the amount of groundwater discharge from Keil Spring and/or the Keil property cisterns would result in a reduction to this historically relied upon groundwater supply for irrigation of historically significant gardens and would result in a significant impact. (See DEIR, pp. 395-397.)

CEQA § 21081(a) Finding:

Finding 3: The impact would be mitigated, but not to a less than significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding:

No feasible mitigation is available due to lack of cooperation by the downstream property owner (Keil) and the resulting lack of access to the Keil property water supply system for: (1) installation of a piping system to deliver intercepted upslope groundwater to the Keil storage facilities; or (2) monitoring of Keil Spring and cistern flows vs. irrigation use. Since no feasible mitigation is available, this impact would be a significant and unavoidable impact.

PUBLIC SERVICES AND UTILITIES

IMPACT 5.7-19: OPEN SPACE IMPACTS

Facts:

The EIR found that several aspects of the Project may result in impacts related to pedestrian access, special status plants, and visual impacts on the existing open space owned by the County (both Old St. Hilary's Open Space Preserve and Tiburon Uplands Preserve). Dedication of Parcel A and Parcel B as public open space would increase the land management burden for MCOSD or another public land management agency by increasing demands for management of Parcels A and B and constraining the land management agency's ability to manage existing open space. (See DEIR, pp. 495-497.)

CEQA § 21081(a) Finding:

Finding 3: The impact would be mitigated, but not to a less than significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding:

Based on the EIR this impact is mitigated with imposition of Mitigation Measures 5.7-19(a) and 5.7-19(b), but not to a less than significant level. Even with the mitigation measures, the Project site still would be highly visible from the Old St. Hilary's Open Space Preserve and the specified mitigation measures may not reduce impacts to special status plant species on the open space land. The mitigation measures would, however, reduce impacts to trails to a less than significant level. In addition, implementation of an Open Space Management Plan would reduce impacts to the MCOSD for management of the open space lands to a less than significant impact.

Adopted Mitigation Measures:

5.7-19(a) requires implementation of Mitigation Measures 5.1-7, 5.6-1 and 5.8-1.

5.7-19(b) requires development of an Open Space Management Plan for Parcel A and Parcel B, which will be dedicated as public open space land to the County by the applicant.

The Board hereby adopts and makes a condition of approval Mitigation Measures 5.7-19(a) and 5.7-19(b).

VISUAL QUALITY

IMPACT 5.8-1: VIEW FROM TIBURON RIDGE (VIEWPOINT NO. 1)

Facts:

The EIR found that development on the Project site would be highly visible from the Old St. Hilary's Open Space Preserve. Because this is a public recreation area that offers outstanding scenic vistas and is immediately adjacent to the Project site, views from the open space have a maximum level of sensitivity. Consequently, development on the Project site would need to be invident in order to avoid causing a significant change in visual quality. However, the Project's appearance would be dominant. In this view, implementation of the Project would not substantially damage scenic resources but would substantially affect a scenic vista and would substantially degrade the existing visual quality and visual character of the site. (See DEIR, pp. 510-516.)

CEQA § 21081(a) Finding:

Finding 3: The impact would be mitigated, but not to a less than significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding:

Based on the EIR this impact is mitigated with imposition of Mitigation Measure 5.8-1, but not to a less than significant level because, even with the mitigation measure, Project elements would be within view from the open space preserve and Project contrasts with existing conditions would be evident in a view that has a maximum sensitivity level.

Adopted Mitigation Measure:

5.8-1 requires revisions to the site plan, CC&Rs, and Design Guidelines to incorporate the following measures in order to reduce the visual impact of the Project: (1) limit building height to one story with a maximum of 18 feet on lots that would be visible from the Old St. Hilary's Open Space Preserve in order to minimize view blockage from the silhouetting of rooflines as seen from within the open space; (2) locate certain lots as far from certain ridgelines as possible; (3) limit chimney heights and widths to avoid their silhouette being seen against the sky or San Francisco Bay from within the open space; and (4) plant native trees and shrubs in a manner reflecting natural growth patterns on the site in locations that would screen buildings from views from the open space and integrate them with the landscape.

The Board hereby adopts and makes a condition of approval Mitigation Measures 5.8-1.

IMPACT 5.8-2: VIEW FROM HEATHCLIFF DRIVE (VIEWPOINT NO. 2)

Facts:

The EIR found that development on the Project site would be highly visible from the end of Heathcliff Drive, which provides public access to the Old St. Hilary's Open Space Preserve. Viewpoint No. 2 is at the end of a public street looking across the Old St. Hilary's Open Space Preserve. The view has a maximum level of sensitivity. Therefore, development on the Project site would need to be inevent in order to avoid causing a significant change in visual quality. However, the Project would be a co-dominant feature of the scene. In this view, implementation of the Project would not substantially damage scenic resources but would substantially affect a scenic vista and would substantially degrade the visual quality and visual character of the site. (See DEIR, pp. 517-520.)

CEQA § 21081(a) Finding:

Finding 3: The impact would be mitigated, but not to a less than significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding:

Based on the EIR this impact is mitigated with imposition of Mitigation Measure 5.8-2, but not to a less than significant level because, even with the mitigation measure, Project contrasts with existing conditions would be evident in a view that has a maximum sensitivity level.

Adopted Mitigation Measure:

5.8-2 requires implementation of Mitigation Measure 5.8-1.

The Board hereby adopts and makes a condition of approval Mitigation Measures 5.8-2.

IMPACT 5.8-4: VIEW FROM AYALA COVE ON ANGEL ISLAND (VIEWPOINT NO. 4)

Facts:

The EIR found that development on the Project site would be highly visible from various locations on Angel Island, including Ayala Cove. The view has a maximum level of sensitivity. Therefore, development on the Project site would need to be inevent in order to avoid causing a significant change in visual quality. However, the Project would be a co-dominant feature of the scene. In this view, implementation of the Project would not substantially damage scenic resources but would substantially affect a scenic vista and would substantially degrade the visual quality and visual character of the site. (See DEIR, pp. 525-528.)

CEQA § 21081(a) Finding:

Finding 3: The impact would be mitigated, but not to a less than significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding:

Based on the EIR this impact is mitigated with imposition of Mitigation Measure 5.8-4, but not to a less than significant level because, even with the mitigation measure, Project contrasts with existing conditions would be clearly evident resulting in a significant change in visual quality.

Adopted Mitigation Measure:

5.8-4 requires revisions to the site plan, CC&Rs, and Design Guidelines to incorporate the following measures in order to reduce the visual impact of the Project, including: (1) limit building height on lots seen as protruding above the ridgeline; (2) locate certain lots as far from certain ridgelines as possible; and (3) plant native trees and shrubs in a manner reflecting natural growth patterns on the site in locations that would screen buildings from views from the open space and integrate them with the landscape.

The Board hereby adopts and makes a condition of approval Mitigation Measure 5.8-4.

CULTURAL RESOURCES

IMPACT 5.9-3: HISTORIC SIGNIFICANCE OF KEIL COVE

Facts:

The EIR found that the Project has the potential to cause a substantial adverse change in the historical significance of the Keil Cove property due to: (1) adverse material alteration or loss of Keil Spring due to changes to the hydrology of the Project site; (2) adverse material alteration or loss of vegetation features due to changes to the hydrology of the Project site; or (3) adverse material alteration of Keil Pond due to erosion or sedimentation associated with Project construction activities. (See DEIR, pp. 541-545.)

CEQA § 21081(a) Finding:

Finding 3: The impact would be mitigated, but not to a less than significant level. Special considerations make further mitigation measures or alternatives infeasible.

Evidence Supporting the Finding:

Based on the EIR and the entire record, this cultural resources impact is mitigated with imposition of Mitigation Measure 5.9-3(a), but not to a less than significant level.

Adopted Mitigation Measure:

5.9-3(a) requires implementation of Mitigation Measures 5.5-3(a), (b), and (c).

The Board hereby adopts and makes a condition of approval Mitigation Measure 5.9-3(a).

VII. POTENTIALLY SIGNIFICANT IMPACTS MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

Chapter 5 of the EIR analyzes potentially significant environmental impacts and identifies impacts that can and will be mitigated to a less than significant level or avoided by incorporation of mitigation measures into the Project. The Board has incorporated the mitigation measures described below into the MMRP for the Project. The measures are set forth in full in the MMRP. As explained in the EIR, implementation of the mitigation measures described below would lessen the related impact(s) to less than significant levels.

TRANSPORTATION

IMPACT 5.1-2: Cumulative Buildout – Plus Project Impacts to Study Intersections

Facts

The EIR found that Cumulative-plus-project conditions would increase peak hour traffic volumes at all study intersections. With planned improvements, all but three study intersections would operate acceptably, with or without the project, during the AM and PM peak hours: The signalized Avenida Miraflores / Tiburon Boulevard intersection, The signalized Rock Hill Drive / Tiburon Boulevard intersection, and The un-signalized Reed Ranch Road southbound left turn to Tiburon Boulevard. The impact is discussed on 218 – 227 of the DEIR.

CEQA §21081(a) Finding

Finding #1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based upon the EIR and the entire record, this traffic impact is mitigated to a less-than-significant level by the imposition of Mitigation Measures 5.1-2, 5.1-2(a) & 5.1-2(b) because the applicant would pay a prorated share of planned improvements and payment in full for unplanned improvements to mitigate cumulative traffic impacts at these intersections. Conditions of project approval require the applicant to pay a prorated share of planned lane improvements at the Redwood Highway Frontage Road / Tiburon Boulevard intersection and Trestle Glen / Tiburon Boulevard intersection, and a pro-rated share of the costs for the planned signalization of the Mar West/Tiburon Boulevard intersection consistent with traffic mitigation fees to be determined by the Town of Tiburon and supported by the *Marin Countywide Plan*. The conditions of approval also require the applicant to pay the project's fair share for provision of overlapping phasing for the southbound left turn from Rock Hill Drive to Tiburon Boulevard.

Adopted Mitigation Measures:

5.1-2(a) identifies planned lane improvements at the Redwood Highway Frontage Road/Tiburon Boulevard intersection and Trestle Glen/Tiburon Boulevard intersection that the applicant would contribute to. Also requires the applicant to pay a pro-rated share of the costs for the planned signalization of the Mar West/Tiburon Boulevard intersection consistent with traffic mitigation fees to be determined by the Town of Tiburon and supported by the Marin Countywide Plan.

5.1-2(b) requires the applicant to pay the Project's fair share of provision of overlapping phasing for the southbound left turn from Rock Hill Drive to Tiburon Boulevard.

The Board hereby adopts and makes a condition of approval Mitigation Measures 5.1-2(a) and 5.1-2(b).

IMPACT 5.1-3: Safety Impact Due to Inadequate Distances Approaching the Un-signalized Intersections of Paradise Drive with Project Access Roads.

Facts

The EIR found that visibility for drivers approaching the intersection of Paradise Drive with the proposed driveway to lots #40 - #43 in the Modified Master Plan and the proposed intersection of Forest Glen Court would be subject to the AASHTO standard for stopping sight distance. The Forest Glen Court intersection would, in the opinion of the EIR traffic analyst, result in a potentially unsafe condition. The impact is discussed on pages 234 – 236 of the Draft EIR.

CEQA §21081(a) Finding

Finding #1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based upon the EIR and the entire record, this traffic impact is mitigated to a less-than-significant level by the imposition of Mitigation Measure 5.1-3. The conditions of project approval require the preparation of a right-of-way improvement plan that shows adequate sight distance would be provided at the Forest Glen Court/Paradise Drive intersection to provide a minimum 158 feet of sight distance and widening of Paradise Drive to include four-foot shoulders with minimum 60-foot taper at the proposed Forest Glen Court intersection.

Adopted Mitigation Measure:

5.1-3 requires preparation of a right-of-way improvement plan that shows adequate sight distance would be provided and shall include improvements to the Forest Glen Court/Paradise Drive intersection to provide a minimum 158 feet of sight distance and widening of Paradise Drive to include four-foot shoulders with minimum 60-foot taper at the proposed Forest Glen Court intersection.

The Board hereby adopts and makes a condition of approval Mitigation Measures 5.1-3.

IMPACT 5.1-6: Project Impact on Bicycle Facilities and Bicycle Safety Issues

Facts

Based upon the EIR and the entire record project site residents would contribute to the number of bicyclists using Paradise Drive. The project also would add motor vehicle traffic to the roadway, which has limited areas for motorists to pass bicyclists given the

narrow width and frequent curves. While not significant alone, this additional increment of motor vehicle and bicycle traffic would exacerbate already constrained conditions. This would be a significant cumulative impact. The impact is discussed on pages 239 – 241 of the Draft EIR.

CEQA §21081(a) Finding

Finding #1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based upon the EIR and the entire record; the conditions of project approval will require improvements that would help alleviate cumulative impacts that include: mitigation measure 5.1-6(a) specific lane improvements for Paradise Drive, mitigation measure 5.1-6(b) provision of Class III bike route, Countywide Bicycle Route Guide signs, warning and advisory signs along project frontage, and mitigation measure 5.1-6(c) bike route signs, Countywide Bicycle Route Guide signs, appropriate warning and advisory signs for northbound traffic, along the opposite side of Paradise Drive (east side of the project frontage of Paradise Drive) and also selective widening the shoulder pavement along the east side of the project frontage of Paradise Drive within the public right-of-way would reduce this impact to less-than-significant.

Adopted Mitigation Measures

5.1-6(a) requires specific lane improvements for Paradise Drive.

5.1-6(b) requires provision of Class III bike route signs, Countywide Bicycle Route Guide signs, warning and advisory signs along the Project frontage.

5.1-6(c) requires bike route signs, Countywide Bicycle Route Guide signs, appropriate warning and advisory signs for northbound traffic, along the opposite side of Paradise Drive (east side of the Project frontage of Paradise Drive) and also selective widening of the shoulder pavement along the east side of the Project frontage of Paradise Drive within the public right-of-way.

The Board hereby adopts and makes a condition of approval Mitigation Measures 5.1-6(a), 5.1-6(b), and 5.1-6(c).

IMPACT 5.1-7: Project Impact on Pedestrian Circulation

Facts

The EIR found that Paradise Drive fronting the project site is a roadway considered unsafe for pedestrian use. The project would add traffic to this unsafe existing roadway condition. While not significant alone, this additional increment of motor vehicle and pedestrian traffic would exacerbate already constrained conditions. This would be a

significant cumulative impact. Additionally, the project site provides no pedestrian accommodation (no sidewalks or pathways outside the travel lane) on its proposed roadways, and there is no public access through the site other than an access easement to Old St. Hilary's Open Space along 20-foot wide roadways. The impact is discussed on 242-243 of the Draft EIR.

CEQA §21081(a) Finding

Finding #1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based upon the EIR and the entire record, the conditions of project approval implements mitigation measure 5.1-7(a) by requiring roadway improvements to maximize widening and refuge areas for pedestrians at Forest Glen Court / Paradise Drive (consistent with Mitigation Measure 5.1-3), Design the intersection of the driveway serving Modified Master Plan Lots #40 -#43 with Paradise Drive to provide maximum amount of widening and paved refuge area for pedestrians. Requires shoulder widening as required with Mitigation Measure 5.1-6 (a thru c).

The Modified Master Plan implements mitigation measure 5.1-7(c). The redesigned residential roadways serving the project site comply with Marin County's residential roadways standards and include a pedestrian walk on one side of the roadway. A public access easement is provided along Ridge Road – Tam View Court connecting existing residential development in Tiburon with Old St. Hilary's open space. The access is an all-weather surface consistent with the Marin Countywide Trail Plan.

Adopted Mitigation Measures:

5.1-7(a) requires certain off-site roadway improvements, consistent with Marin County Code section 24.04.510.

5.1-7(b) requires implementation of certain measures along Hill Haven neighborhood streets to improve safety, including posting of signs and restrictions on placement of dumpsters.

5.1-7(c) requires certain on-site road improvements, consistent with Marin County Code sections 24.04.440(b) and (c) regarding sidewalks and section 24.04.490 regarding sidewalk grades.

The Board hereby adopts and makes a condition of approval Mitigation Measures 5.1-7(a), 5.1-7(b), and 5.1-7(c).

IMPACT 5.1-9: Project Impacts Related to Project Site Emergency Access

Facts

The project does not provide adequate internal circulation for vehicles, pedestrians, emergency vehicles and fire trucks. This impact is discussed on 246-249 in the Draft EIR

CEQA §21081(a) Finding

Finding #1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record the conditions of project approval implement mitigation measure 5.1-9 by requiring the precise development plan/tentative map be designed with adequate driveway widths and turnouts per TFPD requirements for driveways as required by the TFPD and “no parking” signs, and closure of the construction access road to all use after cessation of construction, unless specifically approved by the TFPD for emergency use. Implementation of these mitigation measures will reduce the impact to less-than-significant.

Adopted Mitigation Measure:

5.1-9 requires adequate driveway widths and turnouts per TFPD requirements for driveways as required by the TFPD and “no parking” signs, and closure of the construction access road to all use after cessation of construction, unless specifically approved by the TFPD for emergency use.

The Board hereby adopts and makes a condition of approval Mitigation Measure 5.1-9.

IMPACT 5.1-10: Project Traffic Added to Lyford’s Cove / Old Tiburon and Hill Haven Neighborhood Streets - Accident Records, Emergency Access and Traffic Flow

Facts

The EIR found that long-term project traffic (all post-construction traffic) added to Lyford’s Cove / Old Tiburon and Hill Haven neighborhood streets would not result in significant impacts to existing or future roadway capacity. However, emergency vehicles and residents of these existing neighborhoods would be exposed to more frequent unpredictable traffic flow and intermittent safety hazards when traveling on the narrow, winding residential streets. This is a potentially significant impact. The impact is discussed on pages 249=254 of the Draft EIR.

CEQA §21081(a) Finding

Finding 2: Another public agency can and should mitigate the impact.

Evidence Supporting the Finding

The residential streets in the Lyford's Cove / Old Tiburon and Hill Haven neighborhoods are under the jurisdiction of the Town of Tiburon. Mitigation Measure 5.1-10 recommends the Town prohibit the parking of dumpsters along Lyford's Cove/Old Tiburon and Hill Haven neighborhood streets to reduce the interruption of traffic flow on a regular basis and during an emergency. This would effectively prohibit the parking of dumpsters along streets narrower than 28 feet wide. Tiburon's implementation of mitigation measure 5.1-10 would reduce the impact to less-than-significant.

Adopted Mitigation Measure:

5.1-10 prohibits parking dumpsters along Lyford's Cove/Old Tiburon and Hill Haven neighborhood streets.

The Board hereby adopts and makes a condition of approval Mitigation Measure 5.1-10.

IMPACT 5.1-11: Provision of Safe On-Site Roads.

Facts

The EIR found the proposed design of on-site roadways would not meet Marin County minimum standards and raises safety concerns related to road widths and shoulder space. The impact is discussed on pages 255 – 258 of the Draft EIR

CEQA §21081(a) Finding

Finding #1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The modified master plan provides residential streets that comply with Marin County's residential street standards including a pedestrian sidewalk along one side of the street. The conditions of approval require lot driveways along Forest Glen Court be located and designed in the Precise Plan/Tentative Map applications to avoid blind curves. These provisions implement mitigation measure 5.1-11 and reduce the impact to less-than-significant.

Adopted Mitigation Measure:

5.1-11 requires the design of three on-site roads (Ridge Road, Mt. Tiburon Court and Forest Glen Court) that comply with County standards, provide pedestrian sidewalks or all-weathered pathways, and combine proposed access drives for Lots 27 and 28 and Lots 32 and 33 to avoid blind curves.

The Board hereby adopts and makes a condition of approval Mitigation Measure 5.1-11.

IMPACT 5.1-12: Provision of On-Site Parking Space.

Facts

The EIR found the project would create a demand for parking spaces. This would be a less-than-significant impact per Marin County Code requirements, but would raise concerns for roadway safety due to the narrowness and steepness of on-site roadways and the tendency of residents and visitors to park near their destination while ignoring on-street parking prohibitions. This impact is discussed on pages 263-266 of the Draft EIR.

CEQA §21081(a) Finding

Finding #1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The streets in the Modified Master Plan have been redesigned to meet the County's standards and provide for parking on-street along the roadway. The addition of on-street parking combined with the proposal to provide 4 parking spaces on each residential lot (2 covered spaces and 2 spaces in driveway) would reduce the impact to less-than-significant.

Adopted Mitigation Measure

Based on the Modified Master Plan and the forgoing evidence supporting the findings Mitigation Measure 5.1-12 is revised to require 4 off-street parking spaces on each residential lot (2 covered spaces and 2 spaces in driveway), and that on-street parking be provided as depicted in the Modified Master Plan.

The Board hereby adopts and modifies by a condition of approval Mitigation Measure 5.1-12.

IMPACT 5.1-13: Construction Traffic Impacts

Facts

The EIR found that the project could add significant amounts of construction traffic to Paradise Drive, adding to the existing sight distance safety concerns at the Paradise Drive / Forest Glen Court intersection, and raising safety concerns about construction truck use of Paradise Drive (related to tight curves and narrow segments of the roadway where large trucks would wander into the opposite direction travel lane). Construction trips also would damage pavement on affected roads and have the potential to disrupt the residential environment. This impact is discussed on pages 267-262 in the Draft EIR.

CEQA §21081(a) Finding

Finding #1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The conditions of master plan approval require the submittal of a Construction Management Plan with the precise development plan/tentative map application. The Construction Management Plan shall:

- Prohibit construction vehicles / activity within existing residential neighborhoods except as necessary access for development of Lots 1, 2 and 3.
- Control all uses of the proposed temporary construction access roadway as a constant safety precaution.
- Implement all project traffic control elements including consolidation of approved routes, informing residents of construction activities and duration, and using flag persons and flag trucks along construction routes.
- Initial improvements to Paradise Drive and Forest Glen Court to enhance traffic safety during construction.
- Include provisions in contractors' construction contracts to prohibit parking of construction vehicles anywhere other than on-site.
- Precautions in the event of construction traffic queuing on Paradise Drive.
- Repair of any deteriorated pavement along Tiburon Drive - Paradise Drive identified by a before and after pavement evaluation program.
- Obtain County and Town approval for construction truck haul routes and establish haul truck hours for project construction traffic.

The conditions of master plan approval also require the applicant implement all measures regarding the construction access road as proposed by Ghilotti Construction Company and Red Horse Constructors, Incorporated including:

- Installation of some type of barrier (Temporary K-Rail, Metal Beam, Guard Rail, etc.) to be securely anchored to the outboard and downward edges of all road curves.
- Provide for the installation of an emergency stop/crash cushion array located in the center of the Forest Glen cul-de-sac.
- One-way radio controlled access to be maintained during construction activities.
- Erect construction speed limit signs, adopt access protocols and emergency vehicle access procedures.
- Provide a secured and controlled access point to assist in traffic control during construction hours and security of the site in off hours.
- Establish speed limits for construction traffic and penalties for non-compliance in contractor contracts.
- Prohibit construction vehicle queuing in an active travel lane; shoulder areas wide enough for stacking of construction traffic shall be provided prior to commencement of construction activities.

Adopted Mitigation Measures

5.1-13(a) requires the applicant to implement all measures regarding the construction access road as proposed by Ghilotti Construction Company and Red Horse Constructors, Inc., as well as additional safety measures provided in the November 17, 2011 W-Trans report.

5.1-13(b) requires implementation of the Construction Management Plan with certain specified modifications that: (1) prohibit construction vehicles/activity within existing residential neighborhoods except as necessary access for development of Lots 1, 2 and 3; (2) control all uses of the proposed temporary construction access roadway as a constant safety precaution; (3) implement all Project traffic control elements; (4) initial improvements to Paradise Drive and Forest Glen Court to enhance traffic safety during construction; (5) include provisions in contractors' construction contracts to prohibit parking of construction vehicles anywhere other than on-site; (6) precautions in the event of construction traffic queuing on Paradise Drive; (7) repair of any deteriorated pavement along Tiburon Drive-Paradise Drive identified by a before and after pavement evaluation program; (8) obtain County and Town approval for construction truck haul routes and establish haul truck hours for project construction traffic; (9) establish speed limits for construction traffic and strict speed enforcement measures; and (10) prohibit construction vehicle queuing in an active travel lane; shoulder areas wide enough for stacking of construction traffic should be identified prior to commencement of construction activity.

The Board hereby adopts and makes a condition of approval Mitigation Measures 5.1-13(a) and 5.1-13(b).

AIR QUALITY

IMPACT 5.2.1: Construction-Period Air Pollutant Emissions.

Facts

The EIR found that Air pollutants emitted during construction could expose nearby neighbors to unhealthy levels of particulate matter and possibly TACs. This impact is discussed on 288 – 290 of the Draft EIR.

CEQA §21081(a) Finding

Finding #1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

The conditions of project approval implement mitigation measure 5.2-1. Air pollutant emissions will be reduced during construction by requiring implementation of the Construction Management Plan with modifications that:

- Require the use of off road construction equipment greater than 50 horsepower in size to meet U.S. EPA Tier II standards or newer.
- Prohibit the use of diesel- powered equipment that would emit dark smoke (exceeding 40-percent opacity) for more than three minutes of any one-hour of operation.
- Require any diesel equipment standing idle more than five minutes be turned off, with exception to rotating drum concrete trucks.
- Adds PM₁₀ control measures to the Construction Management Plan.

Adopted Mitigation Measure:

5.2-1 requires the applicant to implement the Construction Management Plan with certain specified modifications that: (1) require the use of off road construction equipment that meets stricter air pollutant emission standards; (2) prohibit the use of diesel powered equipment that would emit dark smoke for more than three minutes of any one hour of operation; (3) require any diesel equipment standing idle more than two minutes be turned off, with exception to rotating drum concrete trucks; and (4) adds PM₁₀ control measures to the Construction Management Plan.

The Board hereby adopts and makes a condition of approval Mitigation Measure 5.2-1.

GEOLOGY AND SOILS

IMPACT 5.4-1: Landsliding

Facts

The EIR found numerous landslides present on the project site, some of which are located in or within 100 feet of proposed building sites and public improvements. Other landslides are located in proposed open space areas and on portions of lots over 100 feet from existing landslides. If all of the (dormant or active; Risk Levels A and B) landslides are not improved, mitigated or avoided, some of the landslides could reactivate, causing a potential risk to life and property. This potentially significant impact is discussed on pages 353 – 356 of Draft EIR.

CEQA §21081(a) Finding

Finding #1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this geology and soils impact is mitigated with imposition of Mitigation Measure 5.4-1. With the mitigation measure, this impact would be reduced to a less than significant level because implementing the recommendations of the applicant’s geotechnical consultant and mitigation measures that call for future

stabilization recommendations based on forthcoming detailed lot-specific investigations would provide landslide repair techniques capable of reducing potential slope instability hazards to building sites and public improvements to a less than significant level.

Adopted Mitigation Measure

5.4-1 requires a design level comprehensive geotechnical report to be prepared and submitted to the County prior to issuance of any grading permits. The geotechnical report shall include an engineering geologic and geotechnical investigation on a lot-by-lot basis before development of roadways and utilities and within proposed building envelopes of each individual lot. The report shall include a comprehensive design-level grading plan including a landslide stabilization program on all lots and a long-term maintenance program for the stabilization program. The repair program will be implemented by the applicant.

In addition: (1) all landslides shall be eliminated, repaired, improved, or avoided in accordance with County landslide mitigation policy and the landslide criteria and mitigation policy established for this project by Miller Pacific Engineering Group; (2) for each landslide present on the Project site the limits shall be verified; (3) landslide 9 shall be completely repaired in accordance with Miller Pacific's criteria for landslide repair; (4) the geotechnical report shall include stability calculations for landslides or portions of landslides within 100 feet of the building sites or public improvements to confirm that proposed repair methods would provide a factor of safety of at least 1.5 for static conditions and greater than 1.0 for pseudo-static (seismic conditions); (5) for landslides that shall not be repaired or improved it shall be documented that the Project will not have an adverse impact on the existing landslide and that the Project will either improve or not further exacerbate the landslide; and (6) a long-term maintenance program that provides for periodic inspections and maintenance of the recommended landslide stabilization program during the life of the Project shall be included.

The Board hereby adopts and makes a condition of approval Mitigation Measure 5.4-1.

IMPACT 5.4-2: Slope Stability

Facts

The EIR found that unrepaired areas of colluvial and landslide deposits could erode or fail locally until they reach equilibrium. This impact is discussed on page 357 of the Draft EIR.

CEQA §21081(a) Finding

Finding #1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this geology and soils impact is mitigated with imposition of Mitigation Measure 5.4-2. Adoption of this mitigation measure would reduce the impacts of low shear strength of some fill soil materials and possible erosion of some slopes.

Adopted Mitigation Measure

5.4-2 requires the applicant and individual lot owners (and their respective geotechnical consultants) to implement specified measures to mitigate the impacts of low shear strength of some fill soil materials and possible erosion of some slopes: (1) evaluate the strength and other soil index properties of the on-site earth units. In areas that require removal and replacement to create an earth filled buttress, within 100 feet of a proposed building envelope or public improvement, excavate and replace any loose colluvium or other earth units encountered with certified, engineered compacted fill soil and add proper subdrainage, and (2) design drainage facilities, on cut and fill slopes, to include terrace drains every 30 feet of vertical height on all slopes. The terrace drains shall have a minimum flowline gradient of six percent to make them self-cleaning (a minimal tenet of the Uniform Building Code). They also shall be fitted with down drains every 150 linear feet of terrace length to allow for quick drainage (also UBC).

IMPACT 5.4-3: Seismicity

Facts

The EIR found that strong seismic shaking is expected to occur on the site some time during the effective “life” of development. The impact is discussed on pages 338 – 339 of the Draft EIR.

CEQA §21081(a) Finding

Finding #1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this geology and soils impact is mitigated with imposition of Mitigation Measure 5.4-3. Adoption of this mitigation measure would reduce the impact of seismically induced ground shaking to meet building code criteria

Adopted Mitigation Measure

5.4-3 requires all site development to comply with all applicable seismic design provisions of the most recent County-adopted California Building Code criteria for structures in Seismic Zone 4.

The Board hereby adopts and makes a condition of approval Mitigation Measure 5.4-3.

IMPACT 5.4-5: Artificial Fill Areas.

Facts

The EIR found that new construction on existing artificial fill, if present, could settle unevenly and be damaged or could stimulate or accelerate erosion. Areas of existing artificial fill appear to be limited to access roads, the Paradise Water Tank, and along site boundaries. If such materials are present in the vicinity of proposed grading, they could settle non-uniformly or be subject to erosion. The impact is discussed on page 359 of the Draft EIR.

CEQA §21081(a) Finding

Finding #1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this geology and soils impact is mitigated with imposition of Mitigation Measure 5.4-5. Adoption of this mitigation measure would reduce potential impacts to a less than significant level.

Adopted Mitigation Measure

5.4-5 requires the applicant to implement certain measures and incorporate them in the CC&Rs for implementation by individual lot owners and lot cluster developers in the future: (1) before preparing site-specific designs and receiving building permits, conduct field investigations to determine the presence and limits of such materials in the vicinity of parts of the site proposed for development; and (2) after receiving grading or site alteration permits from the County, remove and recompact artificial fill located in or adjacent to areas of proposed grading under the observation and testing of a registered geotechnical engineer.

The Board hereby adopts and makes a condition of approval Mitigation Measure 5.4-5.

IMPACT 5.4-6: Expansive Soils

Facts

The EIR found that development such as structures, roads, and utilities located on expansive soils could be damaged due to dislocations caused by cyclic shrinking and swelling. (See DEIR, pp. 360-361.)

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this geology and soils impact is mitigated with imposition of Mitigation Measure 5.4-6. Adoption of this mitigation measure would reduce the impacts of expansive soils to a less than significant level.

Adopted Mitigation Measure

5.4-6 requires the applicant and individual lot owners (and their respective geotechnical consultants) to implement certain measures to reduce impacts of the Project site's expansive soils on development:

- (1) perform plasticity index or expansion index testing as part of the design level investigation to determine the specific shrink-swell potential for development sites as deemed appropriate by the respective geotechnical engineer(s);
- (2) identify site-specific mitigation which accounts for conditions present at proposed development sites. Typical measures to treat expansive soils shall include the following (or their equivalent):
 - Pre-saturating fill soils and placing wet fill soils (above optimum moisture content) to expand the soil, thereby reducing potential damage to concrete by allowing room for future shrink / swell movement of the soils.
 - Placing a non-expansive imported soil in the upper part of building footprints.
 - Burying expansive soils deep in fills.
 - Treating soil with lime.
 - Mixing expansive soils with less expansive soils.
 - Designing foundation footing systems to incorporate measured variations of soil swell with effective confinement (dead weight), and
- (3) Design residential development on individual lots to account for each site's expansive soils. Measures typically incorporated in building design shall include (or their equivalent):
 - Strengthening foundations (beam).
 - Using suspended wood floors, drilled pier and grade-beam foundations, floating slabs, or pre-stressed (post-tensioned) slabs on-grade.
 - Treating with chemicals.
 - Combining two or more of these techniques

The Board hereby adopts and makes a condition of approval Mitigation Measure 5.4-6.

HYDROLOGY AND WATER QUALITY

IMPACT 5.5-1: Water Quality

Facts

The EIR found that Project implementation would increase the area devoted both to impervious surfaces (roadways, driveways, and roof tops) and to potentially irrigated landscaping. Suburban automobile traffic can contribute oil, grease, and heavy metals to site impervious surfaces, and thus to stormwater runoff. Residential lot development could be accompanied by applications of fertilizers and chemicals (such as herbicides and pesticides). Over-irrigation, combined with accidental spills or releases of fertilizer or pesticides/herbicides, could result in downstream migration of contaminated runoff to drainageways tributary to Keil Pond and Central San Francisco Bay. These risks to water quality would be a significant impact. Due to the listing of Central San Francisco Bay under the Clean Water Act, section 303(d) list of impaired water bodies as impaired for mercury, polycyclic aromatic hydrocarbons, dioxin compounds, furan compounds PCBs, selenium and several pesticides, including chlordane, DDT and dieldrin, even minor amounts of these substances above ambient watershed levels would result in a significant impact. (See DEIR, pp. 378-385.

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this hydrology and water quality impact is mitigated with imposition of Mitigation Measures 5.5-1(a) and 5.5-1(b). Adoption of these mitigation measures would substantially improve the prospects for minimizing on-site and downstream degradation of water quality and represents the best available practical technology for addressing water quality impacts associated with urbanization

Adopted Mitigation Measures

5.5-1(a) requires requires implementation of construction BMPs shown on the applicant's Stormwater Control Plan as well as preparation of a Stormwater Pollution Prevention Plan to be implemented during construction that pays particular attention to: (1) the construction access road and associated vehicular pollutants; (2) vehicle wash areas to ensure that sediment is not tracked onto Paradise Drive; (3) fuel and other toxic compound storage; (4) BMPs to control sediment and erosion; (5) revegetation; and (6) trash control.

5.5-1(b) requires implementation the post-construction BMPs shown on the applicant's Stormwater Control Plan that detains the post-development increase in peak flow rates, directs roof runoff and runoff from other future residential impervious surfaces to bioretention areas, and installing Filterra Bioretention Systems in roadway catch basins. Also requires preparation of a Stormwater Control Plan as a stand-alone document that details post-project stormwater control measures and utilizes information from the County Code and the County's *Guidance for Applicants, Stormwater Quality Manual for Development Projects in Marin County*.

5.5-1(b) also requires incorporation of site-appropriate BMPs in the project Stormwater Control Plan for short- and long-term implementation in order to comply with the requirements of the Phase II NPDES permit that includes: (1) monthly street sweeping; (2) informative documentation regarding the use of less toxic pest management procedures, including integrated pest management; and (3) bioswales, or other geotechnically appropriate methods for treatment of runoff from the lots' impervious surfaces.

The Board hereby adopts and makes a condition of approval Mitigation Measures 5.5-1(a) and 5.5-1(b).

IMPACT 5.5-2: On-Site Drainage Patterns – On-Site & Off-Site Flooding

Facts

The EIR found that construction of houses, roads, and drainage facilities in Watersheds B, D, C, E, J, L, M, N, O, P, R, S, V, and W would cause a minor transfer of runoff across watershed boundaries. Development in these watersheds would result in the capture of roadway runoff via storm drains, with the release of captured water onto neighboring slopes or into site drainageways. To provide adequate sight distances for drivers entering Paradise Drive in the vicinity of Forest Glen Court and access driveway (Lots 21 through 23) intersections, portions of the adjoining hillslopes would be graded and retaining walls constructed. These Project activities could result in modifications to or obstruction of roadside drainage ditches and cross-roadway culverts not presently incorporated into the proposed Project. Such modifications could decrease the efficiency of local stormwater drainage and increase the risk of episodic nuisance flooding along the insloped, shoulder drainage ditches and along Paradise Drive. (See DEIR, pp. 386-388.)

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this hydrology and water quality impact is mitigated with imposition of Mitigation Measure 5.5-2. Adoption of this mitigation measure would reduce the project's impacts on on-site drainage patterns and off-site flooding along Paradise Drive to less than significant levels.

Adopted Mitigation Measures

5.5-2 requires the applicant to: (1) following the completion of hillslope grading and retaining wall construction for sight distance improvement, clear stormwater ditch segments along Paradise Drive of extraneous cut material and return ditch cross-

sections, slopes and drainage directions and hydraulic capacities to pre-disturbance conditions; and (2) ensure that road culverts are not buried or obstructed by excavation debris.

The Board hereby adopts and makes a condition of approval Mitigation Measure 5.5-2.

IMPACT 5.5-3: On-Site Drainage Patterns – Erosion and Downstream Sedimentation

Facts

The EIR found that construction of impervious surfaces and storm drain systems in the site's watersheds would alter site drainage patterns, concentrate stormwater runoff, increase peak flow rates in on-site drainageways, and increase the risk of incision and instability in receiving drainageways and on hillslopes. In addition, grading of lots and roadways and installing utilities would disturb areas of the site and expose bared soil surfaces to the erosive forces of rainfall and runoff. This could result in downstream sedimentation and obstruction of hydraulic structures (culverts and catch basins), as well as increase the risk of sedimentation in Keil Pond and Railroad Marsh. (See DEIR, pp. 388-392.)

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this hydrology and water quality impact is mitigated with imposition of Mitigation Measures 5.5-3(a), 5.5-3(b), 5.5-3(c), 5.5-3(d), and 5.5-3(e). Adoption of these mitigation measures would reduce the Project's impacts on erosion and downstream sedimentation to a less than significant level and would ensure incorporation of the best practical measures for site erosion control.

Adopted Mitigation Measures

5.5-3(a) requires the applicant to implement those measures in Mitigation Measure 5.5-1(a) that require compliance with NPDES Construction General Permit requirements for construction activities that disturb more than one acre. It also requires the applicant to add a provision to the Project's CC&Rs stating that the Property Owners' Association would be responsible for ensuring that the developer of each lot be required to meet all conditions specified in the NPDES Construction General Permit.

5.5-3(b) requires the applicant to implement Mitigation Measure 5.5-1(a), which requires the applicant to prepare a Stormwater Pollution Prevent Plan (SWPPP), and Mitigation Measure 5.5-1(b), which requires the applicant to prepare a standalone Stormwater Control Plan.

5.5-3(c) requires geomorphic evaluations and installation of rip rap receiving pads and/or velocity reducers at each point discharge location. Also provides specific instruction for the installation of erosion and sedimentation control equipment with respect to the project sites steep topography. Requires maintenance procedures for devices established and transferred to the Property Owners Association.

5.5-3(d) requires implementation of Mitigation Measure 5.5-2.

5.5-3(e) provides standards for final design of site stormwater runoff detention facilities to ensure runoff storage volume sufficient to mitigate for the volume differential between the pre-and post-development, for 100-year rainstorm. In addition, runoff detention facilities serving on-site roadways should be sized to accommodate the increased stormwater runoff volumes generated by the expanded 28-foot roadway width stipulated by Mitigation Measure 5.1-11 and the additional off-lot parking spaces stipulated by Mitigation Measure 5.1-12, rather than the Project's proposed 20-foot roadway width and parking configuration. To the extent feasible, required off-lot parking spaces should be founded on permeable pavers/pavement, gravel, or other permeable materials, in order to minimize required increases in the size of stormwater detention facilities, and to reduce the potential secondary grading and stabilization structure construction impacts that could accrue from expansion of these facilities. Permeable parking spaces should be restricted to areas outside of the recharge area identified for Keil Spring.

The Board hereby adopts and makes a condition of approval Mitigation Measures 5.5-3(a), 5.5-3(b), 5.5-3(c), 5.5-3(d), and 5.5-3(e).

IMPACT 5.5-7: On-Site Peak Flow Rates, Existing Storm Drain Capacities and Downstream Flood Protection

Facts

The EIR found that construction of impervious surfaces would increase the rate and quantity of runoff leaving the Project site. Future development of individual lots would add additional impervious surfaces to the Project, increasing peak flow rates conveyed off-site by the culverts beneath Paradise Road and in the storm drain system beneath the Hill Haven neighborhood. Uncontrolled increases in peak flow rates would result in potentially significant impacts. The applicant has prepared a Drainage Report proposing the use of detention facilities to maintain pre-project peak flow rates for design storms equal to or greater than the ten-year recurrence interval storm, eliminate potential impacts to existing and downstream storm drain capacities, and protect against downstream flooding. However, the proposed facilities would not mitigate for increases in peak flow or runoff volumes associated with storms of lesser recurrence intervals (e.g. two-year storm). These lower magnitude, yet significant, storm events are geomorphically important and can trigger adjustments in the dimensions of receiving drainageways via channel scour. Thus, Project impact on on-site peak flow rates, existing drainage

structures and downstream flooding would remain significant, even with implementation of the detention measures included in Drainage Report. (See DEIR, pp. 398-399.)

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this hydrology and water quality impact is mitigated with imposition of Mitigation Measures 5.5-7(a) and 5.5-7(b). Adoption of these mitigation measures would reduce Project impacts on peak flow rates, existing storm drain capacities and flooding to a less than significant level.

Adopted Mitigation Measures

5.5-7(a) requires implementation of Mitigation Measures 5.5-3(c), 5.5-3(d), and 5.5-3(e) to minimize increases in peak flows and runoff volumes during rainstorms with two-year to ten-year recurrence intervals, and/or to minimize the risk of drainageway instability, downstream sedimentation, culvert blockage, and local flooding.

5.5-7(b) requires the applicant, for certain watersheds, to assess Paradise Drive culverts draining these watersheds for their capacity to convey the ten-year post-project peak flow with a five percent surcharge derived from the capture of deep groundwater and its conversion to surface flow. Where the existing capacity of the culvert is inadequate to pass this augmented design flow without roadway flooding, the Project shall be amended to include replacement of the culvert. Any culvert replacements should be designed to the drainage standards of the County for the contributing watershed size and should include appropriate energy dissipation measures at the culvert outlets.

The Board hereby adopts and makes a condition of approval Mitigation Measures 5.5-7(a) and 5.5-7(b).

BIOLOGICAL RESOURCES

IMPACT 5.6-1: Impacts to Special Status Plants

Facts

The EIR found that development and long-term use on proposed Lots 1 through 4, 6, 7, and 19 would eliminate 1.68 acres of habitat mapped in 2009 for the federally- and state-threatened Marin dwarf flax, which occurs on the site and extends onto the Old St. Hilary's Open Space Preserve. Development and long-term use on proposed Lots 1, 2, 6, and 7 would eliminate 0.06 acres of habitat mapped in 2009 for the serpentine reed grass (CNPS List 4). Landscape irrigation runoff, as well as the downdrift of landscape chemicals (herbicides, fertilizers) and non-serpentine fill and/or topsoils onto Old St.

Hilary's Open Space from the building site of Lot 1 could result in indirect impacts to three special status plant species occurring within 100 feet of the project boundary, including the federally-endangered and state-threatened Tiburon Indian paintbrush, the federally- endangered and state-endangered Tiburon jewel-flower, and the Carlotta Hall's lace fern (CNPS List 4). (See DEIR, pp. 435-439.)

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this biological resources impact is mitigated with imposition of Mitigation Measures 5.6-1(a), 5.6-1(b), and 5.6-1(c). Adoption of these mitigation measures would protect in perpetuity 1.75 acres (78 percent) of the existing on-site dwarf flax population as well as protect in perpetuity the majority of on-site populations of serpentine reed grass. Implementation of all of these mitigation measures combined would reduce the Project's impact to Marin dwarf flax to a less than significant level, as well as reduce impacts to all other special status plants occurring on-site, or in close proximity to the site, to a less than significant level.

Adopted Mitigation Measures

5.6-1(a) requires redesign of the site plan to: (1) preserve on-site populations of Marin dwarf flax and serpentine reed grass within Parcel A or Parcel B at a minimum preservation to loss ratio of 3:1; and (2) provide minimum setbacks from preserved populations of these species occurring on-site or off-site on Old St. Hilary's Open Space Preserve to ensure these populations are not indirectly impacted by landscape irrigation run-off or down drift of landscape chemicals or non-serpentine fill or top soils. The minimum setback for all lots that occur adjacent to and upslope from off-site or on-site populations (as mapped in 2009) shall be 100 feet from the edge of the off-site population or the edge of populations preserved on-site within Parcel A or B to the closest lot building and landscape envelope. The minimum setback for all other adjacent lots shall be 50 feet from the edge of the off-site population or the edge of populations preserved on-site within Parcel A or B to the closest lot building and landscape envelope.

To the extent possible, stockpiling of fill materials during project construction should be done downslope of, or at least a minimum distance of 100 feet away from, sensitive plant habitats. If stockpiling is done upslope of serpentine areas, all fill materials shall be enclosed by debris fencing and/or covered when not actively being utilized to prevent these materials from eroding or down drifting onto and degrading sensitive plant habitats. As evidenced in the Martha Company's June 6, 2017 revised site plan, Mitigation Measure 5.6-1(a) is both feasible and has been incorporated into the Project design.

5.6-1(b) Ensure the in perpetuity preservation of special status plant habitat remaining after Project development.

- The applicant shall dedicate preserved populations of Marin dwarf flax and serpentine reed grass on-site (Parcel A and Parcel B) to the MCOSD. However, should no agreement be reached with the MCOSD regarding such a dedication, then the applicant shall dedicate these parcels to a public agency or non-profit approved by Marin County, as determined in consultation with all applicable resource agencies (CFWS and USFWS) for control and management.
- As an alternative to fee title dedication of all or any portion of Parcel A or Parcel B, and with the approval of the County, the POA may retain ownership of these parcels (or any portion of these parcels) and dedicate a conservation easement to a public agency or non-profit approved by the County, in consultation with all applicable resource agencies (CDFG and USFWS). Any such parcel(s) shall be subject to the same Resource Management Plan as Parcel A and B (see Mitigation Measure 5.6-1(c) below).

5.6-1(c) Ensure the in perpetuity preservation and management of special status plant habitat remaining after project development:

- Develop and implement a Resource Management Plan (RMP) for all sensitive habitats (special status plant habitat, CRLF habitat, native bunchgrass habitat, woodland habitat, and wetlands) preserved within Parcels A and B (or any other parcels created for the purpose of habitat preservation as stated in Mitigation Measure 5.6-1(b)). Marin County CDA – Planning Division shall review and approve the RMP in consultation with the MCOSC and all applicable agencies (CFWS, USFWS, USACE, etc.) The RMP shall be written by a qualified biologist with expertise in the various sensitive resources to be covered by the RMP. At a minimum, the RMP shall include the following:
 - Allowed and prohibited activities on preserved lands.
 - The location and type of any fencing, signs and/or displays to be constructed on preserved lands.
 - A monitoring and management plan for non-native and/or invasive species, or pathogens, considered detrimental to protected resources (weed abatement, invasive species removal, SODS management, CRLF predator control, etc).
 - The types and frequency of any maintenance activities to be conducted on preserved lands (litter removal, fence or sign repairs, etc.).
 - A Fuel Management Plan element to ensure that vegetation on the persevered areas and adjacent private lots within the project site would be maintained consistent with all current and future fire safety guidelines. The plan shall include provisions for mitigating woodland impacts as a result of fuel management activities through woodland enhancement in unaffected areas of the site.
 - A mitigation, monitoring and management plan for any sensitive habitats to be restored, enhanced or created on preserved lands (wetlands, CRLF habitat, etc.)

- as required by the EIR mitigation measures or that may be required as a result of permit conditions of regulating agencies. The plan shall include the extent of the monitoring period, quantifiable performance measures and success criteria; an adaptive management component with remedial measures should performance measures fall short of success criteria; quantifiable final success criteria; and once-annual report of findings to be provided to the County and any applicable resource agencies.
- A monitoring plan to monitor the condition of resources occurring on preserved lands and adjacent private lots within the project site. This monitoring plan would help the responsible public agency or non-profit determine if private landowners are engaging in activities which are prohibited under the CC&Rs and which are having adverse affects on adjacent preserved resources. A component of the monitoring plan would be to ensure that adjacent private lot owners with the project site are managing vegetation on their lots consistent with an current and future fire safety requirements. The plan would include a provisions for a once-annual meeting between the POA and the responsible public agency or non-profit staff to discuss results of these monitoring activities and necessary remedial measures.
 - Clearly stated short-term and long-term responsibilities of the applicant, the POA, and the MCOSD or other approved public agency or non-profit for the implementation and funding of the RMP.
 - Determine a mechanism by which the Resource Management Plan shall be funded in perpetuity in consultation with Marin County, the MCOSD or other approved public agency or non-profit, and all applicable agencies (CFWS, USFWS, USACE, etc.). Such a mechanism would be the establishment by the applicant of a non-wasting endowment, funded by the applicant and/or through monthly POA fees.

The Board hereby adopts and makes a condition of approval Mitigation Measures 5.6-1(a), 5.6-1(b), and 5.6-1(c).

IMPACT 5.6-2: Impacts to the California Red Legged Frog

Facts

The EIR found that, while no suitable breeding habitat exists on-site, the Project would result in a significant impact to foraging habitat and dispersal movements for California red-legged frogs that breed in Keil Pond. Should individual frogs occur on-site during Project construction, such activities could result in mortality or harm to these individuals. Additionally, the Project could result in degradation to downstream waters during Project construction and operation and this could potentially result in impacts to CRLF breeding habitat in Keil Pond. (See DEIR, pp. 439-442.)

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this biological resources impact is mitigated with imposition of Mitigation Measures 5.6-2(a), 5.6-2(b), 5.6-2(c), 5.6-2(d), and 5.6-2(e). Adoption of these mitigation measures would result in the in perpetuity preservation and management of a minimum of 35.6 acres of foraging and dispersal habitat for CRLF to compensate for between 7.4 and 12.8 acres of such habitat that would be lost as a result of the Project, or an approximate minimum preservation to loss ratio of 3:1 (almost 5:1 under the best case scenario and 2.8:1 given the worst case scenario). In addition, adoption would eliminate or reduce the likelihood of individual CRLF being harmed or killed during Project construction. As such, when implemented together, these mitigation measures would reduce impacts to CRLF to a less than significant level.

Adopted Mitigation Measures

5.6-2(a) requires avoidance of CRLF dispersal movements by redesign of the site plan in the Forest Glen area to provide connectivity via a minimum 100-foot wide woodland corridor between preserved woodland habitat in the southern and northern portions of the site. If the 100-foot wide corridor is not feasible, the applicant must create wetland habitat on site or enhance existing wetlands on the Project site so these wetlands function as breeding habitat. The Project, as modified by the Martha Company's June 6, 2017 revised site plan, incorporates the provisions of Mitigation Measure 5.6-2(a) and will create and/or enhance existing wetlands.

5.6-2(b) establishes the preservation requirements for CRLF foraging and dispersal habitat at a minimum 3:1 preservation to loss ratio. Also includes provisions that, in the event a 3:1 ratio of on-site preservation is not feasible, the applicant must make up any difference by purchasing and preserving CRLF habitat off-site in the Project region. This option requires a conservation easement and a CRLF Mitigation Plan. The Project, as modified by the Martha Company's June 6, 2017 revised site plan, incorporates the provisions of Mitigation Measure 5.6-2(b) and will provide a 3.66:1 preservation to loss ratio.

5.6-2(c) ensures the in perpetuity preservation of CRLF habitat remaining after Project development through dedication of Parcel A to the MCOSD or another public agency or non-profit approved by the County. Also requires BMPs that are consistent with Mitigation Measures 5.5-1 and 5.5-3 to maintain water quality in downstream drainage channels and off-site ponds.

5.6-2(d) ensures the in perpetuity preservation and management of CRLF habitat remaining after Project development by developing, implementing, and funding an RMP as set forth in Mitigation Measure 5.6-1(c).

5.6-2(e) requires pre-construction surveys and daily construction monitoring during development within the woodland habitat and occurring within 300 feet of any drainageway to minimize harm or mortality to CRLFs.

The Board hereby adopts and makes a condition of approval Mitigation Measures 5.6-2(a), 5.6-2(b), 5.6-2(c), 5.6-2(d), and 5.6-2(e).

IMPACT 5.6-3: Loss of Serpentine Bunch Grass

Facts

The EIR found that Project implementation would result in the loss of 9.72 acres of serpentine bunchgrass habitat. This would eliminate approximately 86 percent of this habitat on-site. Because this habitat is not abundant regionally, this loss would be a significant impact. Additionally, preserved serpentine bunchgrass habitat remaining after project implementation could be impacted by the indirect effects of irrigation run-off and downdrifting of non-serpentine fill soils and landscape chemicals used on lots located upslope from the preserved habitat. (See DEIR, pp. 442-444.)

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Adopted Mitigation Measures

5.6-3(a) requires redesign of the site plan to preserve serpentine bunchgrass habitat within Parcels A and/or B at a minimum 3:1 preservation to loss ratio. The Project, as modified by the Martha Company's June 6, 2017 revised site plan, incorporates the provisions of Mitigation Measure 5.6-3(a) and will provide a 4.1:1 preservation to loss ratio.

5.6-3(b) ensures the in perpetuity preservation of serpentine bunchgrass habitat remaining after Project development thru dedication of all preserved habitat on site (Parcel A and B) to the MCOSED or public agency or non-profit approved by the County, as determined in consultation with all applicable resource agencies (CDFG and USFWS) for control and management. As an alternative to fee title dedication of all or any portion of Parcel A or Parcel B and with the approval of the County, the POA may retain ownership of these parcels (or any portion of these parcels) and dedicate a conservation easement to a public agency or non-profit approved by the County, in consultation with all applicable resource agencies (CDFG and USFWS). Any such parcel(s) shall be subject to the same Resource Management Plan as Parcel A and B (see Mitigation Measure 5.6-1(c)).

5.6-3(c) requires implementation and funding of an RMP as set forth in Mitigation Measure 5.6-1(c).

5.6-3(d) requires barriers along downslope edges of the building envelopes of Lots 6 and 19 (and Lot 2 if not eliminated or relocated) to prevent landscape chemicals and irrigation from reaching downslope on- and off-site serpentine bunchgrass habitat.

The Board hereby adopts and makes a condition of approval Mitigation Measures 5.6-3(a), 5.6-3(b), 5.6-3(c), and 5.6-3(d).

IMPACT 5.6-4: Loss of Coast Live Oak Woodland

Facts

The EIR found that Project implementation would result in the loss of between 7.9 and 12.8 acres of coast live oak woodland and at least 742 trees as a result of infrastructure and home development, landslide repairs and compliance with Urban-Wildland Interface Restrictions. An unknown number of additional trees would be lost as a result of improvements along Paradise Drive at Forest Glen Court, which may result in up to another estimated 0.5 acres of woodland habitat loss. (See DEIR, pp. 444-448.)

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this biological resources impact is mitigated with imposition of Mitigation Measures 5.6-4(a) and 5.6-4(b). Adoption of these mitigation measures would result in the in perpetuity preservation, enhancement, and management of oak woodlands on-site at an approximate minimum 3:1 preservation to loss ratio (or possibly as high as a 5:1 preservation to loss ratio assuming the best case scenario), and the in perpetuity preservation of trees at an approximate 15:1 preservation to loss ratio. These measures would also eliminate or reduce to a less-than-significant level any indirect impacts to remaining trees on-site.

Adopted Mitigation Measures

5.6-4(a) preserves oak woodland habitat remaining on-site after Project development through preservation of habitat on Parcel A to the MCOSD or public agency or non-profit approved by the County, as determined in consultation with all applicable resource agencies for control and management. Also requires development, implementation, and funding of a Resource Management Program that is consistent with the County's Oak Woodland Voluntary Management Guidelines.

5.6-4(b) reduces or eliminates indirect impacts to preserved native trees and woodlands on- and off-site by requiring appropriate disposal of destroyed trees to prevent spread of Sudden Oak Death syndrome and use of protective fencing around on-site trees that are to be preserved during construction.

The Board hereby adopts and makes a condition of approval Mitigation Measures 5.6-4(a) and 5.6-4(b).

IMPACT 5.6-5: Disturbance to Jurisdictional Waters

Facts

The EIR found that proposed landslide repairs would result in permanent and temporary impacts to areas potentially considered jurisdictional by USACE, RWQCB, and CDFG. (See DEIR, pp. 448-451.)

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this biological resources impact is mitigated with imposition of Mitigation Measures 5.6-5(a) and 5.6-5(b). Adoption of these mitigation measures would reduce impacts to wetlands and other jurisdictional waters to a less-than-significant level and be consistent with wetland and riparian habitat goals and policies contained in the CWP.

Adopted Mitigation Measures

5.6-5(a) requires dedication of Parcel A to preserve wetland and drainage habitats on-site and development and implementation of an RMP as set forth in Mitigation Measure 5.6-1(c).

5.6-5(b) requires wetland delineation, which would be verified by USACE, to calculate permanent and temporary impacts to all jurisdictional areas, and entering into a streambed alteration agreement. Also requires that a Riparian Mitigation and Monitoring plan be included in the RMP.

The Board hereby adopts and makes a condition of approval Mitigation Measures 5.6-5(a) and 5.6-5(b).

IMPACT 5.6-6: Introduction of Invasive Exotics

Facts

The EIR found that non-native plants used throughout the site in landscaping of lots or roads could become established in preserved habitats occurring on- or off-site. (See DEIR, pp. 451-452.)

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this biological resources impact is mitigated with imposition of Mitigation Measures 5.6-6(a) and 5.6-6(b). Adoption of these mitigation measures would reduce potential impacts to a less than significant level.

Adopted Mitigation Measures

5.6-6(a) requires, prior to any Project development activities, a list of all exotic plants known to readily naturalize in habitats similar to those found on the Project site which will be prohibited from use in landscaping. Also requires all applicant and lot owner landscape plans be submitted to the County for approval. Additionally, at the time of the development of their landscape plans, the applicant and individual lot owners, or their landscape professionals, shall check for any new occurrences of invasive exotics with the Bay Area Early Detection Network, or other similar resource dedicated to the identification of such species in the Project region to ensure that no new such species are being utilized in the plans, and, if so, these species shall be removed from the landscape plans.

5.6-6(b) requires, as set forth in Mitigation Measure 5.6-1(c), that the RMP include a monitoring and management plan for non-native and/or invasive species, or pathogens, considered detrimental to protected resources.

The Board hereby adopts and makes a condition of approval Mitigation Measures 5.6-6(a) and 5.6-6(b).

IMPACT 5.6-7: Disturbance to Active Bird Nests

Facts

The EIR found that construction activities could result in incidental impacts on birds of prey (raptors) and other birds that are protected by State and federal statutes should they be nesting on the site during Project implementation. (See DEIR, p. 452.)

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this biological resources impact is mitigated with imposition of Mitigation Measures 5.6-7(a) and 5.6-7(b). Adoption of this mitigation measure would reduce potential impacts to nesting raptors and other birds, and to special status bats, to a less than significant level.

Adopted Mitigation Measures

5.6-7(a) requires pre-construction surveys for active bird nests when project disturbance occurs during the breeding season. Also requires that the following be added to property CC&Rs: (1) within 14 days of beginning construction during the nesting season, have a qualified biologist survey construction areas and their immediate vicinity for active nests; and (2) mark any active nests discovered during the pre-construction survey on a map and determine and establish an appropriate construction-free setback or buffer around each active nest by means of fencing or stakes with conspicuous flagging.

5.6-7(b) requires that the following be added to the property CC&Rs, for implementation by the individual lot owners, developers of cluster lots, and, subsequently, the POA: (1) a qualified biologist shall conduct a habitat assessment for bats six months prior to any construction activities that will result in the removal of trees on site; and (2) should the habitat assessment conclude that trees proposed for removal provide potential hibernation and/or maternity habitat for special status bats, tree removal only will be conducted during seasonal periods of bat activity and under the supervision of a qualified biologist. Tree removal shall occur via a two-phased removal conducted over two consecutive days. In the afternoon of the first day, limbs and branches will be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices, or deep bark fissures would be avoided, and only branch or limbs without those features should be removed. On the second day, the entire tree should be removed.

The Board hereby adopts and makes a condition of approval Mitigation Measures 5.6-7(a) and 5.6-7(b).

IMPACT 5.6-8: Loss of Ordinance Sized Trees

Facts

The EIR found that Project implementation would result in the loss of 742 trees as originally proposed as well as an unknown number of additional trees as a result of road improvements at the intersections of Paradise Drive and Forest Glen Court due to need

to provide adequate sight distance. Many of the trees that would be lost are native species that would be considered ordinance-size by the County. (See DEIR, pp. 453-454.)

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this biological resources impact is mitigated with imposition of Mitigation Measure 5.6-8. Adoption of this mitigation measure, along with Mitigation Measure 5.6-4, would reduce potential impacts to ordinance-size trees to a less than significant level.

Adopted Mitigation Measures

5.6-8 requires mitigation for loss of ordinance-sized trees by implementing the following: (1) the applicant shall provide a report to the County advising the number of ordinance -size trees that would be removed by site preparation, landslide repairs, construction of infrastructure prior to conducting these activities, and individual lot owners shall provide a report to the County advising of the number of ordinance-sized trees that would be removed on their lots prior to development of said lots; (2) fees in the amount of \$500 for each ordinance-size tree that will be removed; (3) these funds will be ear-marked to manage and enhance preserved woodlands on the site in Parcel A through RMP activities such as the removal of non-native invasive plants, Sudden Oak Death syndrome management, replacement of dead or dying trees, etc., as well as to fund the re-establishment of woodland vegetation in areas that will be temporarily impacted as a result of landslide repairs; and (4) the applicant will be responsible for the payment of fees related to the loss of ordinance-size trees as a result of site preparation, landslide repairs, and infrastructure development, while the individual lot owners will be responsible for the payment of these fees related to development on their individual lots.

The Board hereby adopts and makes a condition of approval Mitigation Measure 5.6-8.

PUBLIC SERVICES

IMPACT 5.7-1: Fire Service Impact

Facts

The EIR found that proposed roads and driveways would not comply with all TFPD standards. The TFPD has indicated the Project site is located in an area where there is limited emergency radio coverage, resulting in inadequate communication capabilities for emergency personnel. (See DEIR, pp. 461-463.)

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this public services impact is mitigated with imposition of Mitigation Measures 5.7-1(a) and 5.7-1(b). Adoption of these mitigation measures would provide adequate emergency radio coverage at the lower elevations of the Project site and reduce the impact to a less than significant level.

Adopted Mitigation Measures

5.7-1(a) requires implementation of Mitigation Measure 5.1-9.

5.7-1(b) requires the applicant to participate in preparation of an emergency radio coverage improvement plan, in cooperation with the Marin Emergency Radio Authority, that shows adequate emergency radio coverage can be provided at the lower elevations of the site for Modified Master Plan Lots 28 through 43. The MERA plan should also improve radio coverage along Paradise Drive for emergency response units traveling to the Lots 28 through 43.

The Board hereby adopts and makes a condition of approval Mitigation Measures 5.7-1(a) and 5.7-1(b).

IMPACT 5.7-3: Cumulative Fire Service Impact

Facts

The EIR found that cumulative development in the Tiburon Planning Area could generate additional demand for fire services that may require additional personnel and equipment. (See DEIR, p. 464.)

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this public services impact is mitigated with imposition of Mitigation Measure 5.7-3. Payment of a fire mitigation fee (if adopted by the TFPD) would reduce cumulative impacts to a less than significant level. If no such fee has been adopted this would imply that the cumulative impacts of new development within the TFPD area had not reached the level to warrant collection of such a fee.

Adopted Mitigation Measures

5.7-3 requires payment of any adopted fire mitigation fees when property owners apply for a building permit.

The Board hereby adopts and makes a condition of approval Mitigation Measure 5.7-3.

IMPACT 5.7-7: Water Service Impacts

Facts

The EIR found that the proposed Project includes construction of a new 180,000 gallon water supply tank and distribution lines within the Project site. Due to constraints with the proposed water supply and distribution system and additional constraints with the existing water lines located under Paradise Drive, existing homes in the immediate surroundings would continue not having standard water pressure and some homes within the Projects would not have the standard water pressures required for domestic water service. (See DEIR, pp. 472-475.)

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record that portion of Mitigation Measure 5.7-7 increasing the elevation of the proposed water tank to elevation 590 was deemed infeasible because the MMWD staff would not recommend approval of a water storage tank designed for that elevation. However, in the Modified Master Plan lowering the base elevation of the water storage tank to elevation 570, and relocating the proposed lots and residential roads to lower elevations improved domestic water pressure for lots located at the higher elevations of the site. Replacing the water main in Paradise Drive also reduced the number of homes on the Project site that would have less than standard water pressure. Taken together, the individual components of Mitigation Measure 5.7-7 would reduce water service impacts to a less than significant level.

Adopted Mitigation Measures

5.7-7 requires the applicant to work with MMWD to develop a water supply plan that shows adequate water pressures would be provided and includes the following: (1) increase the base elevation of the proposed water tank to 590 feet; (2) replace the existing six inch water main in Paradise Drive with an eight inch water main from the proposed driveway for Lots 21 through 23 to Forest Glen Court; (3) prior to construction of Forest Glen Court, replace both existing 12-inch water lines that connect to the Paradise Drive Water Tank as needed to meet the requirements of MMWD in order to maintain existing functionality of both water lines and accommodate increased demand resulting from the

Project; and (4) the applicant and/or property owners shall enter into a low pressure agreement with MMWD that serves as a written release from liability for any damage or inconvenience associated with the low pressure domestic water service. The Project, as modified by the Martha Company's June 6, 2017 revised site plan, includes modifications to the Project lot and road locations, thereby allowing improved water pressure to be obtained without raising the base elevation of the water tank to 590 feet.

The Board hereby adopts and makes a condition of approval Mitigation Measure 5.7-7, with the exception that the base elevation of the water tank will remain at 570 feet.

IMPACT 5.7-8: Fire Flow Impacts

Facts

The EIR found that, as designed, the proposed Project would have houses located at elevations where, in relation to the elevation of the proposed water tank, the water pressure would not be adequate to provide minimum fire flow requirements. (See DEIR, pp. 475-476.)

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this public services impact is mitigated with imposition of Mitigation Measures 5.7-8(a), 5.7-8(b), and 5.7-8(c). Adoption of these mitigation measures would reduce the Project's fire flow impacts to a less than significant level through compliance with fire flow requirements by upgrading existing infrastructure to increase available fire flow, using fire resistant building materials, installing automatic fire sprinkler systems, or reducing the proposed building square footage on certain lots to sizes that comply with fire flow calculations. In addition, the Project, as modified by the Martha Company's June 6, 2017 revised site plan, includes modifications to the Project lot and road locations, thereby allowing greater fire flow to be achieved as compared to the original project proposal.

Adopted Mitigation Measures

5.7-8(a) requires approval for reduced fire flow requirements from the TFPD (as permitted in the 2007 California Fire Code) by implementing structural enhancements to proposed residences, including but not limited to: (1) upgrades to building sprinkler systems; and (2) utilizing non-combustible exterior building materials.

5.7-8(b) limits the size of proposed houses (total allowable square footage) as needed to meet fire flow requirements.

5.7-8(c) requires upgrades of the existing water line located in Paradise Drive to an eight-inch line in order to provide adequate water flow and pressure for fire flow requirements.

The Board hereby adopts and makes a condition of approval Mitigation Measures 5.7-8(a), 5.7-8(b), and 5.7-8(c).

VISUAL QUALITY

IMPACT 5.8-3: View From Paradise Drive (Viewpoint No. 3)

Facts

The EIR found that, while most of the proposed homes on the Project site would not be visible from Paradise Drive, at least two of the homes would appear on a ridgeline and be seen against the sky. The view from Paradise Drive has a high level of sensitivity. Project elements would need to be visually subordinate in order to avoid causing a significant change in visual quality. From this viewpoint, implementation of the Project would not substantially affect a scenic vista and would not substantially damage any scenic resources. However, the homes on the ridge in both the original application and the Modified Master Plan would represent a significant change in visual quality.

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this visual quality impact is mitigated with imposition of Mitigation Measure 5.8-3. With implementation of Mitigation Measure 5.8-3, Project contrasts with existing conditions would be reduced to visually subordinate and reduce the change in visual quality to a less than significant level.

Adopted Mitigation Measures

5.8-3 requires revisions to the Project site plan, the CC&Rs, and Design Guidelines to incorporate the following measures in order to reduce the Project's visual impact: (1) locate the building on Lots 19 and 20 in the Modified Master Plan as far down the slope as possible and the building on Lot 17 and 18 as far to the northeast and down the slope as possible so that they do not appear to be on the top of Ridgeline D and their silhouette is not seen against the sky; (2) limit chimney heights and widths to avoid their silhouette being seen against the sky; and (3) plant native trees and shrubs in a manner reflecting natural growth patterns on the site in locations that would specifically screen buildings from views from Paradise Drive and integrate them with the landscape.

IMPACT 5.8-5: Landslide Repair

Facts

The EIR found that long-term visual evidence of landslide repair may persist and be recognizable as an unnatural alteration of the hillside. (See DEIR, pp. 529-530.)

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this visual quality impact is mitigated with imposition of Mitigation Measure 5.8-5. Implementation of Mitigation Measure 5.8-5 would reduce adverse visual effects from landslide repair to a less-than-significant impact.

Adopted Mitigation Measures

5.8-5 requires incorporation of measures as conditions of approval in order to reduce the visual impact of the proposed landslide repair that includes:

- Re-grading of areas where landslides are repaired by removal and replacement methods so that the finished grade mimics the contour of the area immediately adjacent and the surface of the treated area is not unduly uniform or has angular features. Replant or reseed, as appropriate, disturbed areas with species that existed prior to disturbance.
- In areas where subsurface landslide repair is implemented, re-grade disturbed surfaces to match the original grade and replant or reseed, as appropriate, with species that existed prior to disturbance.
- Place debris fences as far back from and as far above Paradise Drive as possible. Retain all vegetation between the road and the debris fence and in the area where the fence is installed so as to provide as much screening of the fence from the road as possible. Specify an appropriate dark color for debris fence material including posts and anchors that will minimize any color contrast with the immediate area where the fence will be installed

The Board hereby adopts and makes a condition of approval Mitigation Measure 5.8-5.

IMPACT 5.8-6: Light Pollution

Facts

The EIR found that implementation of the proposed Project would result in new lighting sources on the Project site that could lead to increased light pollution. (See DEIR, pp. 530-531.)

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this visual quality impact is mitigated with imposition of Mitigation Measure 5.8-6. Implementation of Mitigation Measure 5.8-6 would reduce adverse effects from nighttime lighting to a less than significant impact.

Adopted Mitigation Measures

5.8-6 requires preparation of a lighting plan consisting of measures to minimize unnecessary illumination throughout the Project site.

The Board hereby adopts and makes a condition of approval Mitigation Measure 5.8-6.

IMPACT 5.9-1: Potential Subsurface Resources

Facts

The EIR found that, while no discernible impacts to archaeological resources or human remains are anticipated, the possibility cannot be precluded that prehistoric cultural deposits and features are present below the surface and could be damaged during land alteration activities. (See DEIR, pp. 539-540.)

CEQA §21081(a) Finding

Finding 1: This impact is mitigated to a less-than-significant level.

Evidence Supporting the Finding

Based on the EIR and the entire record, this cultural resources impact is mitigated with imposition of Mitigation Measure 5.9-1. Implementation of Mitigation Measure 5.9-1 would reduce significant impacts to a less than significant level.

Adopted Mitigation Measures

5.9-1 requires training of construction workers for recognition of archaeological resources and measures, in the event that archaeological resources are discovered, that allow for unimpeded evaluation by an archaeologist and consultation with appropriate agencies including the Native American groups and the County Coroner (if skeletal remains are found).

The Board hereby adopts and makes a condition of approval Mitigation Measure 5.9-1.

VIII. GROWTH INDUCING IMPACTS

CEQA requires a discussion of the ways in which a project could be growth inducing. CEQA also requires a discussion of ways in which a project may remove obstacles to growth, as well as ways in which a project may set a precedent for future growth. CEQA Guidelines section 15126.2(d) identifies a project as growth inducing if it fosters economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

There are several ways in which growth-inducing impacts can result from new development projects. For example, a project can have a growth-inducing impact if development of that project removes obstacles to future development by creating and making available infrastructure that fosters future development. These physical, infrastructure improvements can include the construction of roads, water lines, sewer service, and other kinds of urban infrastructure and services into previously non-urban areas.

A second type of impact can be the setting of precedents that could allow similar developments to occur in the future. Examples include a development that allows growth in an area previously closed to development such as an agricultural area or outside an urban service area. A precedent setting project can have growth-inducing impacts by increasing the expectations of adjoining property owners who expect the "highest and best use" of their lands.

The EIR concludes that the Project is not expected to induce growth on adjacent land and, therefore, would not result in a significant growth inducing impact. (See DEIR, pp. 717-718.) Project implementation would generally conform to existing plans for land use and development that apply to the Project site and would not set a precedent by constructing residential development on land otherwise planned for another use. While implementation of the Project would eliminate the potential preservation of the site for open space use, that would not constitute a growth inducing effect.

In addition, there are no vacant and developable lands located adjacent to the Project site. While roads would provide internal circulation through the Project site and connect with Ridge Road and Paradise Drive, road circulation is fragmented and will not

provide for travel through the entire Project site. Likewise, the on-site water and sewer service lines are designed to provide capacity for the Project only and would not be able to accommodate demands from other new developments.

Off-site a four-inch sanitary sewer force main would be constructed in Paradise Drive from Forest Glen Court to approximately 800 feet south of the southern Project boundary. Furthermore, it would be necessary to upsize the existing six-inch water line located within the portion of Paradise Drive right-of-way that runs adjacent to the Project site to an eight-inch line. The new water tank would be operated by the Marin Municipal Water District, which may utilize the tank to improve water service at existing adjacent neighborhoods. However, because there are no adjacent vacant lands that could utilize the water tank, Project infrastructure would not remove obstacles to future development. The CWP (as well as the Tiburon General Plan) designates additional vacant properties in the area for residential development. The off-site sanitary sewer and water line improvements in Paradise Drive could provide improved water and wastewater flows to other properties along Paradise Drive. These infrastructure improvements could have some growth inducing potential although such growth generally would conform to the planned pattern and sequence of growth in the area. Such growth would not represent “premature” development occurring before anticipated by the CWP or the Tiburon General Plan.

IX. MITIGATION MONITORING AND REPORTING PROGRAM

Finding: As required by Public Resources Code section 21081.6 and CEQA Guidelines sections 15091(d) and 15097, the Board, in adopting these findings, also adopts a MMRP.

Evidence Supporting the Finding

- A. The Board adopts a MMRP for the Project that lists each mitigation measure and action to be performed, specifies the responsible party, and specifies timing. The MMRP is designed to ensure that, during all phases of the Project, the Martha Company and any other responsible parties implement the adopted mitigation measures.
- B. The Board finds that the mitigation measures incorporated into and imposed upon the Project, including mitigation measures that were added or revised in the FEIR and the FEIR Amendment, will not have new significant environmental impacts that have not already been analyzed.

X. PROJECT ALTERNATIVES

CEQA Alternatives Analysis

Section 15126.6(f) of the CEQA Guidelines requires that an EIR include “a range of reasonable alternatives to the project, or to the location of the project, which would avoid or substantially lessen any significant effects of the project.” Based on the analysis in the EIR, the Project as proposed was expected to result in significant and unavoidable impacts to transportation, noise, public services, and visual quality. The alternatives to

that Project were designed to avoid or reduce these significant and unavoidable impacts and to further reduce impacts that are found to be less than significant following mitigation. The Board has reviewed the significant impacts associated with a reasonable range of alternatives as compared with the Project as originally proposed, and in evaluating the alternatives has also considered each alternative's feasibility, taking into account economic, environmental, social, legal, and other factors. In evaluating and rejecting the alternatives, the Board has also considered the important factors listed in the Statement of Overriding Considerations, below.

Definition of Feasibility of Alternatives

Public Resources Code section 21081(b)(3) provides that when approving a project for which an EIR has been prepared, a public agency may find that "specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report." Under Public Resources Code section 21061.1, the term "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Environmentally Superior Alternative

The EIR concluded that Alternative 1 (No Project Alternative) would be the environmentally superior alternative as it would avoid the environmental impacts associated with construction and operation of the proposed Project. CEQA Guidelines section 15126.6(e) states that if the environmentally superior alternative is the no project alternative, the EIR also shall identify an environmentally superior alternative among the other alternatives. Of the remaining alternatives, the EIR concluded that Alternative 2 (32-Unit Lower Density Alternative) would be the environmentally superior alternative. Although the significant impacts associated with Alternative 2 would be similar to the Project, the reduced number of housing units would result in less disturbance to the Project site and thus reduce the degree of several impacts. Some of these impacts, however, would remain significant and in need of mitigation measures.

Findings on Feasibility of Alternatives

The EIR examined four alternatives to the proposed Project, including Alternative 1 – No Project Alternative; Alternative 2 – 32-Unit Lower Density Alternative; Alternative 3 – Visual Quality Alternative; and Alternative 4 – Biological Resources Alternative.

For the reasons set forth below, and considering the entire record, the Board hereby determines that, while the EIR presents a reasonable range of alternatives in accordance with CEQA, each of the four alternatives is infeasible within the meaning of CEQA. Each reason set forth below is a separate and independent ground for the Board's determination.

Alternative 1: No Project Alternative

Description of the Alternative

The No Project Alternative assumes that no development would occur on the 110-acre Project site and therefore there would be no environmental impacts resulting from the construction and operation of the proposed Project. (See DEIR, pp. 546-550.) Mountain View Drive and Ridge Road would not be extended onto the Project site. The upper elevations of the Project site would maintain the same visual appearance, and there would be no new water tank constructed on the property. The 0.77-acre parcel owned by MMWD would remain unchanged. There would be no need to construct a new pump house near the existing water tank and the current paved access road to the water tank would remain in its existing alignment. No landslide repair work would be done and there would be no disturbance of the 0.51-acre Lands of Keil parcel and the existing spring from which water is drawn and piped to the Keil Cove property located down slope and southeast of the Project site. Existing drainage-ways on the Project site would continue to operate under natural conditions and the process of groundwater recharge would not be altered. No new development would occur at the Project site and the existing biotic habitats located on-site would not be disturbed. No new streets or driveways would be constructed off Paradise Drive and the existing utility infrastructure would remain as it is today. The No Project Alternative would result in lower environmental impacts overall.

Reasons for Rejecting the Alternative

The Board rejects the No Project Alternative because it would not implement a 43-unit, residential project as required by the Judgments. The No Project Alternative also would not ensure the preservation of a large portion of the Project site in perpetuity as open space. The No Project Alternative also does not provide for a new water tank that improves fire safety for the existing and proposed project. The No Project Alternative would not meet the need for on-site landslides to be remediated and/or repaired. The No Project Alternative also would not accommodate needed housing development as identified in the County Housing Element. Therefore, the No Project Alternative would not meet the basic Project objectives.

Alternative 2: 32-Unit Lower Density Alternative

Description of the Alternative

The 32-Unit Lower Density Alternative was analyzed in detail according to a November 12, 2009 Memorandum of Understanding between the Town of Tiburon and the Martha Company regarding a lower-density, 32-unit Project alternative. (See DEIR, pp. 551-690.) As part of that MOU, the Town of Tiburon and the Martha Company requested that the County evaluate the alternative as a Project alternative in the DEIR. The parties also requested that, if the alternative was found environmentally equal or superior to the 43-

unit Project, that the County approve it and enter into a Development Agreement with the Martha Company substantially in the form provided by the Town of Tiburon. Because the Martha Company had agreed to accept a lower-density, 32-unit project, this alternative was included as a feasible alternative for analysis in the EIR.

The 32-Unit Lower Density Alternative would create 31 residential lots plus one remainder lot for development of single-family homes. In addition, two parcels (Parcel A and Parcel B) would be offered for dedication to the MCOSD. Parcel B is proposed as a Marin dwarf flax (a special status plant species) preserve. A 180,000-gallon concrete water tank would be constructed on Parcel C (0.17 acres). Roads and utilities would be constructed to serve each of the 31 residential lots. On-site landslides would be remediated or repaired to accommodate development. Individual homes would be developed by future owners of residential lots.

The 32-Unit Lower Density Alternative would result in somewhat lower environmental impacts to transportation, air quality, hydrology and water quality, and visual quality. Impacts to special status plant species would be lower while impacts to oak woodland habitat, ordinance-sized trees, and California red-legged frog habitat would be greater. Impacts relative to noise, geology, public services, and cultural resources would be similar.

Reasons for Rejecting the Alternative

The Board rejects the 32-Unit Lower Density Alternative because the MOU between the Martha Company and the Town of Tiburon expired by its own terms. Thus, a 32-unit development no longer is consistent with the requirements of the Judgments and would not implement the basic Project objectives.

Alternative 3: Visual Quality Alternative

Description of the Alternative

The Visual Quality Alternative is a reconfigured development alternative with a lot configuration that is intended to reduce the proposed Project's visual impacts. (See DEIR, pp. 690-697.) The lots would be relocated to reduce the visual presence/prominence of the Project within particular views that constitute significant impacts to visual quality. These significant visual impacts, which are discussed in Section 5.8 of the DEIR, include the views from Tiburon Ridge (Impact 5.8-1 View from Tiburon Ridge), Heathcliff Drive (Impact 5.8-2 View from Heathcliff Drive), Paradise Drive (Impact 5.8-3 View from Paradise Drive) and Angel Island (Impact 5.8-4 View from Ayala Cove on Angel Island).

The same number of residential lots would be developed as the proposed Project. The lots would be smaller but still comply with the minimum lot size contained in the Judgment. The amount of development that would occur at the Project site's higher

elevations would be considerably less than the proposed Project. Twenty-one residential lots would be constructed at higher elevations in the western portion of the Project site whereas the proposed Project would include 30 residential lots. Some impacts related to transportation and biological resources would be somewhat greater, while other transportation and biological resources impacts would be somewhat lower. Although the Visual Quality Alternative would lessen the significant visual impacts of the Project, it would still result in significant and unavoidable visual impacts on views from Tiburon Ridge, Heathcliff Drive, and Angel Island. Views from Paradise Drive would remain less than significant with mitigation. Impacts relative to air quality, noise, geology, hydrology and water quality, public services, and cultural resources would be similar.

Reasons for Rejecting the Alternative

The Board rejects the Visual Quality Alternative because visual quality impacts associated with the Visual Quality Alternative would still be significant and unavoidable. The Visual Quality Alternative also would result in somewhat greater environmental impacts to public services, transportation, and biological resources.

Alternative 4: Biological Resources Alternative

Description of the Alternative

The Biological Resources Alternative is a reconfigured development alternative with the same number of lots as the proposed Project that would include a reconfiguration of the proposed lot plan and smaller lot sizes in an attempt to reduce impacts on biological resources otherwise resulting from the proposed Project. (See DEIR, pp. 697-704.) These impacts are discussed in detail in Section 5.6 of the DEIR and include impacts to Marin dwarf flax and Serpentine reed grass (Impact 5.6-1 Impacts to Special Status Plants), California red-legged frog (Impact 5.6-2 Impacts to the California Red-Legged Frog), serpentine bunchgrass (Impact 5.6-3 Loss of Serpentine Bunchgrass), coast live oak woodland (Impact 5.6-4 Loss of Coast Live Oak Woodland), and disturbance to on-site wetlands (Impact 5.6-5 Disturbance to Jurisdictional Waters).

Overall, the Biological Resources Alternative primarily would result in similar environmental impacts relative to the proposed Project. Some impacts related to transportation would be somewhat greater, while other transportation impacts would be lower. The design of this alternative, however, would significantly reduce disturbance to the western and southern areas of the Project site where Marin dwarf flax and serpentine reed grass populations are known to occur. Although it would still result in significant impacts to these plants, this alternative is designed to ensure that impacts would be mitigated to a less than significant level, whereas the proposed Project could result in significant unavoidable impacts. The Biological Resources Alternative also would implement certain design changes required in Mitigation Measures 5.6-2 and 5.6-3, respectively, thereby insuring that impacts to the California red-legged frog and serpentine bunchgrass habitat would be mitigated to a less than significant level with

implementation of all proposed mitigation measures. All other impacts to biological resources likewise would remain less than significant with implementation of proposed mitigation measures. Impacts relative to air quality, noise, geology, hydrology and water quality, public services, visual quality, and cultural resources would be similar to those of the Project proposal.

Reasons for Rejecting the Alternative

The Board rejects this alternative because the Project, as modified by the Martha Company's June 6, 2017 revised site plan, will further reduce impacts on public services, visual quality, and biological resources as compared to the Biological Resources Alternative while also implementing the requirements of the Judgments.

XI. STATEMENT OF OVERRIDING CONSIDERATIONS

In accordance with CEQA Guidelines section 15083, the Board has weighed the economic, legal, social, technological, and other benefits of the Project against related unavoidable significant environmental impacts in determining whether to approve the Project. The Board has determined that the benefits of the Project outweigh its unavoidable adverse environmental effects so that the adverse environmental effects may be considered "acceptable."

Unavoidable Significant Environmental Impacts

As described in Section VI of these findings, the Project would result in a number of significant and unavoidable impacts, even after incorporation of all feasible mitigation measures.

Overriding Considerations

Based upon the objectives identified in the EIR and through extensive public participation, the Board has determined that a Project should be approved and that any remaining unmitigated environmental impacts attributable to the Project are outweighed by the following specific environmental, economic, fiscal, social, and other overriding considerations, each one being a separate and independent basis upon which to approve the Project. Substantial evidence in the record demonstrates the following benefits that the County would derive from the Project.

Section 1.01 Environmental Considerations and Public Safety Improvements

1. The Project avoids all direct impacts to Marin dwarf flax and serpentine reed grass populations and exceeds the EIR mitigation requirement for a minimum of 3:1 preservation to impact ratio. The Project also exceeds the 3:1 preservation to impact ratio for overall serpentine bunchgrass habitat as well as complies with the EIR mitigation measures for the California red-legged frog.

2. The Project furthers County open space goals through the preservation of approximately 74.75 acres of open space land in perpetuity, which will be managed according to an Open Space Management Plan.
3. The Project, including in particular water tank development as well as road and provisions for possible emergency radio improvements, will significantly benefit existing homes in the immediate area by providing improved fire safety.
4. The Project incorporates all feasible mitigation measures to reduce potential environmental impacts to the greatest extent practicable.

Section 1.02 Legal and Regulatory Considerations

1. The Project will allow for a residential development consistent with the Judgments. Among other things, the Judgments decree that the owners of the Martha Company are entitled to 43 homes on minimum one-half acre residential lots unless the parties subsequently agree otherwise in writing. The 43 residential lots are intended to be located on geologically safe portions of the site without the necessity for extensive landslide repair rather than in the path of known landslides. The Judgments also require the County to allow some development within the Ridge and Upland Greenbelt.
2. The Project balances the protection of ecologically sensitive resources with the protection of property rights and the need for housing. The Project represents the best compromise in terms of satisfying the County's obligations under the Judgments and to social, environmental, and housing considerations, all within the constraints of the County's resources.
3. The Project ensures that the Martha Company will continue to have economically viable use of its property. This promotes economic development, spreads public burdens fairly, and protects the County from regulatory takings challenges.

Section 1.03 Social Considerations

1. The Project seeks to resolve longstanding legal disputes, negotiations, and deliberations regarding the future use of the Project site.
2. The Project supports a balance between housing, environmental preservation and restoration, population growth, and economic development. The Project will expand existing housing within the County, consistent with the CWP, while at the same time maximizing the preservation of open space lands available to public use.
3. The Project provides for public use of portions of the Project site in perpetuity, including connectivity to adjacent Old St. Hilary's Open Space Preserve lands.

4. The Project will substantially improve water supply, fire vehicle access, and possible emergency radio service to a remote Wildland Urban Interface/State of California State Responsibility Area for fire service.

Article II. RECIRCULATION AND SUPPLEMENTAL REVIEW

In the course of responding to comments received during the public review and comment periods on the EIR as described in Section I.D.3 above, certain portions of the EIR were modified and some new information amplifying and clarifying information was added to the FEIR and/or presented to the Board prior to certification. In addition, in June 2017, the Martha Company submitted a modified site plan to the County in response to the Board's request for more specific information regarding the feasibility of certain mitigation measures.

The Board has assessed whether any of these additions, modifications, or information implicate the thresholds for recirculation and/or preparation of supplemental environmental review. (See Pub. Resources Code, §§ 21166, 21092.1, CEQA Guidelines, §§ 15088.5, 15162, 15163, 15164.) The Board's analysis demonstrates that these additions, modifications, and information do not result in any substantial changes in the project, or substantial changes with respect to the circumstances under which the Project would be undertaken that would require major revisions of the EIR due to new or substantially increased significant environmental effects; and there has been no discovery of new information of substantial importance that would trigger or require major revisions to the EIR due to new or substantially increased significant environmental effects.

Specifically, the changes in the Project reflected in the Martha Company's June 6, 2017 revised site plan generally reduce environmental impacts compared to the analysis in the EIR, and do not result in new or substantially more severe significant impacts. For example, the revised Project plan will result in more overall earthwork movement on site but slightly less export of soil, thereby reducing off-site truck trips and associated off-site impacts compared to what was evaluated in the EIR.

The Board also concludes that there is no new information of substantial importance of record that would trigger or require major revisions to the EIR. Therefore, no further circulation or amendment to the EIR is required prior to Project approval.

Evidence

1. In the course of the public review and comment periods, certain portions of the EIR were modified and some new information amplifying and clarifying information in the EIR was added to the EIR and/or presented to the Board.
2. No substantial changes to the EIR or the Project were proposed following release of the DEIR. The Board finds that none of the information contained in the FEIR, the FEIR Amendment, the February 13, 2014 memorandum from Nichols • Berman, the

June 6, 2017 revised site plan, or the public agency and public comments received prior to certification of the EIR necessitated recirculation pursuant to Public Resources Code section 21092.1 and/or CEQA Guidelines section 15088.5.

Article III. RECORD OF PROCEEDINGS

The documents and other materials that constitute the record of proceedings (i.e., those items listed in Public Resources Code section 21167.6(e)) on which these Findings are based are located at the Marin County Community Development Agency, 3501 Civic Center Drive, Suite 308, San Rafael, California 94903. The custodian of these documents is the Community Development Agency – Planning Division. This information is provided in compliance with Public Resources Code section 21081.6(a)(2) and 14 Cal. Code Regs., section 15091(e).

Evidence

1. County of Marin Community Development Agency – Planning Division files, staff reports to the Board of Supervisors, minutes and records of the Planning Commission and Board proceedings, and other documents and materials constitute the record of proceedings upon which the Board bases its actions contained herein.
2. The documents and other material that constitute the record of proceedings are located at County of Marin Community Development Agency, 3501 Civic Center Drive, Suite 308, Monday – Thursday 8am to 5pm, San Rafael, California 94903.

Article IV. FISH AND GAME FEE

Considering the record as a whole, there is evidence that the Project may have the potential for an effect either individually or cumulatively on wildlife resources as defined under Fish and Game Code sections 711.2 and 711.4.

Evidence

1. For the purposes of the Fish and Game Code, the Project will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends.
2. The administrative record as a whole indicates that the Project could result in changes to the resources listed in section 753.5(d) of the Department of Fish and Game regulations
3. Section 5.6 of the EIR discusses specific impacts related to biological resources.
4. Pursuant to Fish and Game code section 711.4(e), the lead agency for this project is the County of Marin, the document filing number is SCH No. 2009012010, and the project name as approved is the 2008 Easton Point Residential Development.

Article V. CONCLUSION

In accordance with Public Resources Code section 21081 and CEQA Guidelines section 15091, the Board finds as follows:

Evidence

The EIR for the 2008 Easton Point Residential Development was prepared pursuant to CEQA, the CEQA Guidelines, and the County’s Environmental Impact Review Guidelines. The Board has exercised its independent judgment and determined that the EIR fully and adequately addresses the impacts of the proposed Project.

The number of project alternatives identified and considered in the EIR meets the test of “reasonable” analysis and provides the Board with important information from which to make an informed decision.

Public hearings were held before the County Planning Commission and the Board of Supervisors. Substantial evidence in the record from those meetings and other sources demonstrates various economic, legal, social, and environmental benefits that the County would achieve from Project implementation.

The Board has balanced these Project benefits and other considerations against the unavoidable environmental risks identified in the EIR and has concluded that those impacts are outweighed by the Project benefits.

In accordance with Public Resources Code section 21081 and CEQA Guidelines section 15091, the Board finds as follows:

Based on the foregoing Findings and the information contained in the record, the Board hereby makes one or more of the following findings with respect to each of the significant environmental effects of the Project:

1. Changes or alterations have been required in, or incorporated into, the Project as conditions of approval as identified in the MMRP which mitigate or avoid the significant effects of the Project; or

2. Specific economic, legal, social, technological, or other considerations, including that some of the mitigation measures are under the jurisdiction of another agency, made infeasible some of the mitigation measures or alternatives identified in the EIR.

B. Based on the foregoing Findings and the information contained in the record, the Board finds that:

1. All significant effects on the environment due to the approval of the Project will be eliminated or substantially lessened where feasible through the incorporation and implementation of mitigation measures.

2. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations above.

C. These findings are based on the DEIR, FEIR, FEIR Amendment, the MMRP, comments from other responsible agencies and the public received on the EIR, information received from the Martha Company, testimony before the Planning Commission and the Board during public hearings, staff analysis and commentary, and the administrative record as a whole.

The Board therefore concludes that the Project should be approved with conditions of approval as contained Exhibit 3, the MMRP, Exhibit 4, and other Project documents