

“EXHIBIT 2”

**FINDINGS FOR APPROVAL
2008 EASTON POINT RESIDENTIAL DEVELOPMENT
MODIFIED MASTER PLAN**

- I. **WHEREAS**, the Modified Master Plan consists of a proposal to create 43-single family detached residential lots, two public open space parcels (Parcel A - 68.49 acres, Parcel B – 5.86 acres), Parcel C (0.46 acre) for construction of a new 265,000-gallon water storage tank, Parcel D (0.77 acre) to accommodate the possible relocation of the existing MMWD Forest Glen Court water storage tank, a small parcel partially within and adjacent to Parcel C for possible use by the Marin Emergency Radio Authority (MERA), residential roads serving the development, and pedestrian access easements linking adjacent neighborhoods to both existing open space and the two proposed public open space parcels. The master plan also includes limited frontage improvements along Paradise Drive and creation of a temporary construction access road.

Except as modified by the conditions of approval in Exhibit 3, future approvals for the development of the property shall be based on plans that substantially conform to “Exhibit A” of the ordinance approving the Easton Point master plan.

The subject property is an approximately 110 acre parcel located near the eastern tip of the Tiburon peninsula, generally bounded by Paradise Drive on the east, the Hill Haven Estates and Mar East residential neighborhoods to the south, and public open space lands (Old Saint Hilary’s Preserve and Tiburon Uplands Nature Preserve to the west. The subject property is further defined as Assessor’s Parcel 059-251-05).

- II. **WHEREAS**, the Marin County Board of Supervisors held duly noticed public hearings on October 22, 2013, March 11, 2014 and September 19, 2017 to take public testimony and consider certification of the EIR for the project and the merits of the project master plan. The Board of Supervisors certified the Project EIR. Further the Board of Supervisors approved the Easton Point Master Plan with conditions.
- III. **WHEREAS**, the Easton Point Master Plan’s consistency with the 2007 Marin Countywide Plan is discussed in the EIR certified by the Board of Supervisors. The proposed project as conditioned would be consistent with the policies contained in the 2007 Countywide Plan

CONSISTENCY WITH COUNTYWIDE PLAN POLICIES

Natural Systems & Agriculture Element - Biological Resources

Goal BIO-1 Enhanced Native Habitat and Biodiversity. Effectively manage and enhance native habitat, maintain viable native plant and animal populations, and provide for improved biodiversity throughout the County.

Consistent - The 2008 Easton Point Residential Development's consistency with the stated objectives of Goal Bio-1 can be measured by considering the significance of environmental impacts on native habitat and biodiversity after implementation of proposed mitigation measures. The June 6, 2017 Modified Master Plan, as revised and conditioned by the Marin County Board of Supervisors implements the mitigation measures proposed in the EIR.

As stated in EIR **Section 5.6 Biological Resources**, seven different habitat types are located on the project site (see **Exhibit 5.6-1**). An estimated 44.08 acres of habitat that supports native species would potentially be lost upon implementation of the proposed project (see **Exhibit 5.6-5**). Consequently, implementation of the proposed project would result in eight significant impacts on biological resources. This includes impacts that would affect the populations of special status plant and animal species (see *Impact 5.6-1 Impacts to Special Status Plants* and *Impact 5.6-2 Impacts to California Red-Legged Frog*), and impacts to 9.44 acres of serpentine bunchgrass habitat which has the potential to support special status plant species and sustain botanical biodiversity on the project site (see *Impact 5.6-3 Loss of Serpentine Bunchgrass*). Implementation of the proposed mitigation measures reduces these impacts thereby maintaining viable native plant and animal populations that contribute to maintaining biodiversity within the County. The elimination and relocation of Lots 1 – 3 and other lot relocations in the Modified Master Plan as revised and conditioned will preserve viable populations of special status native plant species and help sustain biodiversity on the project site consistent with Goal BIO-1.

Policy BIO-1.1 Protect Wetlands, Habitat for Special-Status Species, Sensitive Natural Communities, and Important Wildlife Nursery Areas and Movement Corridors. Protect sensitive biological resources, wetlands, migratory species of the Pacific flyway, and wildlife movement corridors through careful environmental review of proposed development applications, including consideration of cumulative impacts, participation in comprehensive habitat management programs with other local and resource agencies, and continued acquisition and management of open space lands that provide for permanent protection of important natural habitats

Consistent - The proposed project demonstrate consistency with Policy BIO-1.1. The proposed project would not result in significant impacts to wildlife movement corridors, and there are no wildlife nursery areas located on the project site. The modified project includes a proposal to dedicate 74.75 acres of open space (Parcel A and B), which is consistent with the portion of Policy Bio-1.1 that calls for permanent protection of important natural habitats. Impacts to jurisdictional waters (*Impact 5.6-5*) would be reduced to a less-than-significant level by incorporation of proposed mitigation measures. As noted in the previous discussion the Modified Master Plan as revised and conditioned implements the endangered species recommendations of the EIR consistent with Policy BIO-1.1

Policy BIO-1.2 Acquire Habitat. Continue to acquire areas containing sensitive resources for use as permanent open space, and encourage and support public and private partnerships formed to acquire and manage important natural habitat areas, such as baylands, wetlands, coastal shorelines, wildlife corridors, and other lands linking permanently protected open space lands.

Consistent - The proposed project includes dedication of 68.89 acres of public open space (Parcel A) that contains habitat for Coast Live Oak Woodland, Northern Coyote Brush Scrub, Seasonal Wetlands, native grasslands, Marin Dwarf Flax, and Serpentine Reed Grass.

Policy BIO-1.3 Protect Woodlands, Forests, and Tree Resources. Protect large native trees, trees with historical importance; oak woodlands; healthy and safe eucalyptus groves that support colonies of monarch butterflies, colonial nesting birds, or known raptor sites; and forest habitats. Prevent the untimely removal of trees through implementation of standards in the Development Code and the Native Tree Preservation and Protection Ordinance. Encourage other local agencies to adopt tree preservation ordinances to protect native trees and woodlands, regardless of whether they are located in urban or undeveloped areas. See also Policy SV-1.7.

Consistent - As discussed in EIR *Section 5.6 Biological Resources*, The project would result in significant impacts from the loss of 7.4 to 12.32 acres of coast live oak woodland habitat and removal of an estimated 742 trees (see *Impact 5.6-4 Loss of Coast Live Oak Woodland* and *Impact 5.6-8 Loss of Ordinance-Size Trees*). However, implementation of Mitigation Measures 5.6-4 and 5.6-8 would reduce these impacts to less-than-significant levels. The proposed project includes dedication of a 68.89 acre parcel as public open space (Parcel A). Parcel A would include 35.6 acres of coast live oak woodland habitat that would be preserved in-perpetuity. The permanent protection of these woodlands is consistent with Policy BIO-1.3. Furthermore, Mitigation Measure 5.6-7 includes measures to protect active raptor nests that would otherwise be impacted by the proposed development.

Policy BIO-1.4 Support Vegetation and Wildlife Disease Management Programs. Support agency programs and proven methods to limit the impacts of Sudden Oak Death syndrome and any other diseases harmful to native vegetation and wildlife in Marin County, while addressing any potential adverse effects on sensitive resources.

Consistent - As stated in EIR *Section 5.6 Biological Resources*, it is the opinion of the EIR biologist that Sudden Oak Death (SODS) is likely present on the project site. The proposed project does not conflict with any vegetation and wildlife disease management programs. Mitigation Measure 5.6-4(b) requires disposal of cut down trees be consistent with the University of California Oak Mortality Task Force to reduce the likelihood of the spread of SODS. In addition, proposed mitigation measures support vegetation disease management by requiring fees paid in-lieu of on-site replacement plantings be ear-marked to fund maintenance of preserved woodlands on the project site, including SODS management (see Mitigation Measure 5.6-8).

Policy BIO-1.5 Promote Use of Native Plant Species. Encourage use of a variety of native or compatible non-native, non-invasive plant species indigenous to the site vicinity as part of project landscaping to improve wildlife habitat values.

Consistent. The proposed *Architectural and Landscape Design Guidelines for Easton Point* call for introduced landscaping to utilize primarily native plant species compatible with surrounding natural environment of the project site. The guidelines specify that introduced landscaping should include approximately 80 percent California native species tolerant to drought, fire, and frost.

Policy BIO-1.6 Control Spread of Invasive Exotic Plants. Prohibit use of invasive species in required landscaping as part of the discretionary review of proposed development. Work with landowners, landscapers, the Marin County Open Space District, nurseries, and the multi-agency Weed Management Area to remove and prevent the spread of highly invasive and noxious weeds. Invasive plants are those plants listed in the State's Noxious Weed List, the California Invasive

Plant Council's list of "Exotic Pest Plants of Greatest Ecological Concern in California," and other priority species identified by the agricultural commissioner and California Department of Agriculture. Species of particular concern include the following:

barbed goatgrass (*Aegilops triuncialis*), giant reed (*Arundo donax*), Italian thistle (*Carduus pycnocephalus*), distaff thistle (*Carthamus lanatus*), purple starthistle (*Centaurea calcitrapa*), yellow starthistle (*Centaurea solstitialis*), pampas grass (*Cortaderia selloana*), Scotch broom (*Cytisus scoparius*), Cape ivy (*Delairea odorata*), oblong spurge (*Euphorbia oblongata*), fennel (*Foeniculum vulgare*), French broom (*Genista monspessulana*), salt-water cord grass (*Spartina alternifolia*), Spanish broom (*Spartium junceum*), medusahead (*Taeniatherum caput-medusae*), gorse (*Ulex europaeus*), and periwinkle (*Vinca major*), among others.

Consistent. The project would be consistent with policies to control the spread of invasive exotic plants through the implementation of feasible mitigation measures that require a Resource Management Plan (RMP) to help control invasive exotic species within Parcels A and B (Mitigation Measure 5.6-1(c)), and prohibition of invasive exotic species from use in project landscaping (Mitigation Measure 5.6-6). Furthermore, the proposed *Architectural and Landscape Design Guidelines for Easton Point* prohibit the use of invasive species, including plants listed in the State's *Noxious Weed List*, The California Invasive Plant Council's list of *Exotic Pest Plants of Greatest Ecological Concern in California*, and other priority invasive species as identified by the agricultural commissioner and California Department of Agriculture.

Policy BIO-1.7 Remove Invasive Exotic Plants. Require the removal of invasive exotic species, to the extent feasible, when considering applicable measures in discretionary permit approvals for development projects unrelated to agriculture, and include monitoring to prevent re-establishment unmanaged areas.

Consistent. The proposed *Architectural and Landscape Design Guidelines for Easton Point* state existing invasive species must be removed by the landowner prior to installation of new landscaping.

Policy BIO-1.8 Restrict Use of Herbicides, Insecticides, and Similar Materials. Encourage the use of integrated pest management and organic practices to manage pests with the least possible hazard to the environment. Restrict the use of insecticides, herbicides, or any toxic chemical substance in sensitive habitats, except when an emergency has been declared; the habitat itself is threatened; a substantial risk to public health and safety exists, including maintenance for flood control; or such use is authorized pursuant to a permit issued by the agricultural commissioner. Encourage nontoxic strategies for pest control, such as habitat management using physical and biological controls, as an alternative to chemical treatment, and allow use of toxic chemical substances only after other approaches have been tried and determined unsuccessful. Continue to implement the Integrated Pest Management ordinance for county-related operations.

Consistent - The applicant's Stormwater Control Plan states that landscaping would be designed to minimize the use of pesticides and herbicides. Mitigation Measures for *Impact 5.5-1 Water Quality* contains measures that increase the projects consistency with this policy by requiring a Stormwater Control Plan with source control measures that include:

- Providing residents with a list of specific chemical inputs tested and cleared by the USEPA for application to vegetation.

- Indicate frequency and scheduling of the chemical inputs based on site-specific characteristics (such as soil and vegetative cover and rates of uptake) and the acknowledged sensitivity of downstream receiving waters.
- Include homeowner education information to be incorporated in the project's CC&Rs to instruct both the owners and their landscaping contractors in safe chemical handling and application procedures. (see Mitigation Measure 5.5-1(b))

Policy BIO-1.9 Control Spread of Non-Native Invasive Animal Species. Work with landowners, the Marin County Open Space District, the California Department of Fish and Game, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the National Invasive Species Council, Point Reyes National Seashore, and other agencies and organizations to control and prevent the spread of non-native, invasive animal species. Species of particular concern include: introduced red fox (*Vulpes vulpes*), Chinese mitten crab (*Eriocheir sinensis*), bullfrog (*Rana catesbeiana*), and wild boar (*Sus scrofa*), among others. Wild turkey (*Meleagris gallopavo*) is also a non-native species of increasing abundance and concern in the county, and it requires careful management to prevent adverse impacts on native habitat.

Consistent. None of these species, or signs of these species, were observed on the site during surveys conducted by the EIR Biologist in 2009. Furthermore, there is no indication of these species being observed in past document surveys. Potentially, if California red-legged frog (CRLF) breeding habitat is created on-site through enhancement of existing wetlands, bullfrogs could invade these areas and prey on the CRLF. However, Mitigation Measures 5.6-1(c) requires development and implementation of a Resource Management Plan that includes CRLF predator management, such as for bullfrogs.

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Goal BIO-2 Protection of Sensitive Biological Resources. Require identification of sensitive biological resources and commitment to adequate protection and mitigation, and monitor development trends and resource preservation efforts.

Consistent. None of these species, or signs of these species, were observed on the site during surveys conducted by the EIR Biologist in 2009. Furthermore, there is no indication of these species being observed in past document surveys. Potentially, if California red-legged frog

(CRLF) breeding habitat is created on-site through enhancement of existing wetlands, bullfrogs could invade these areas and prey on the CRLF. However, Mitigation Measures 5.6-1(c) requires development and implementation of a Resource Management Plan that includes CRLF predator management, such as for bullfrogs.

Policy BIO-2.2 Limit Development Impacts. Restrict or modify proposed development in areas that contain essential habitat for special-status species, sensitive natural communities, wetlands, baylands and coastal habitat, and riparian habitats, as necessary to ensure the continued health and survival of these species and sensitive areas. Development projects should preferably be modified to avoid impacts on sensitive resources, or to adequately mitigate impacts by providing on-site or (as a lowest priority) off-site replacement at a higher ratio.

Consistent – The Modified Master Plan as revised and conditioned will avoid impacts to the Marin dwarf flax, serpentine reed grass, and mitigate on-site for impacts to Serpentine Bunchgrass habitat. Therefore the proposed project is consistent with Policy BIO-2.2, which requires impacts be avoided and adequately mitigated.

Policy BIO-2.3 Preserve Ecotones. Condition or modify development permits to ensure that ecotones, or natural transitions between habitat types, are preserved and enhanced because of their importance to wildlife. Ecotones of particular concern include those along the margins of riparian corridors, baylands and marshlands, vernal pools, and woodlands and forests where they transition to grasslands and other habitat types.

Consistent. The most valuable ecotones that occur on the site are the transitions between woodland and grassland habitats, woodland and chaparral habitats, or wetlands/drainageways and surrounding habitats. While some of these ecotones may be impacted, such as within the private use area of Lot 13, the vast majority of such valuable ecotones would be preserved within Parcel A, and / or as a result of buffers that have been incorporated into the PDP around drainageways and wetlands.

Policy BIO-2.4 Protect Wildlife Nursery Areas and Movement Corridors. Ensure that important corridors for wildlife movement and dispersal are protected as a condition of discretionary permits, including consideration of cumulative impacts. Features of particular importance to wildlife for movement may include riparian corridors, shorelines of the coast and bay, and ridgelines. Linkages and corridors shall be provided that connect sensitive habitat areas such as woodlands, forests, wetlands, and essential habitat for special-status species, including an assessment of cumulative impacts.

Consistent - As discussed in EIR *Section 5.6 Biological Resources*, no identified animal corridors presently exist on the project site. Implementation of the project would result in some fragmentation of woodland habitats, however the development of residential uses would not act as a substantial barrier for most if not all wildlife species. The PDP does incorporate a minimum 100-foot setback between the edge of wetlands / drainageways on the project site. There are some encroachments into these setbacks that include the building site and landslide repairs on Lot 16, landslide repairs on Lots 17, 18 and 19, and landslide repairs on Parcel A. Mitigation Measure 5.6-2(a) requires a corridor to preserve area for dispersal movements for the CRLF.

Policy BIO-2.5 Restrict Disturbance in Sensitive Habitat During Nesting Season. Limit construction and other sources of potential disturbance in sensitive riparian corridors, wetlands, and baylands to protect bird nesting activities. Disturbance should generally be set back from sensitive habitat during the nesting season from March 1 through August 1 to protect bird nesting,

rearing, and fledging activities. Preconstruction surveys should be conducted by a qualified professional where development is proposed in sensitive habitat areas during the nesting season, and appropriate restrictions should be defined to protect nests in active use and ensure that any young have fledged before construction proceeds.

Consistent. Mitigation Measure 5.6-7 requires that pre-construction surveys for nesting birds be conducted within 250 feet of potential nesting habitats if construction activities will occur within the bird breeding season. It further requires that appropriate buffers be established around any active nests until it has been determined that all young birds have fledged and are foraging independently.

Policy BIO-2.6 Identify Opportunities for Safe Wildlife Movement. Ensure that existing stream channels and riparian corridors continue to provide for wildlife movement at roadway crossings, preferably through the use of bridges, or through over-sized culverts, while maintaining or restoring a natural channel bottom. Consider the need for wildlife movement in designing and expanding major roadways and other barriers in the county. Of particular concern is the possible widening of Highway 101 north of Novato to the county line, where maintenance of movement opportunities for terrestrial wildlife between the undeveloped habitat on Mount Burdell and the marshlands along the Petaluma River is critical.

Consistent - The PDP does incorporate a minimum 100-foot setback between the edge of wetlands / drainageways on the project site. There are some encroachments into these setbacks that include the building site and landslide repairs on Lot 16, landslide repairs on Lots 17, 18 and 19, and landslide repairs on Parcel A. Mitigation measure 5.6-2(a) requires a corridor to preserve area for dispersal movements for the CRLF. As discussed above (Policy BIO-2.4) and in **Section 5.6 Biological Resources**, the proposed project would not create substantial barriers or other significant impacts to the movement of wildlife that are known to occur on site.

Policy BIO-2.7 Protect Sensitive Coastal Habitat. Protect coastal dunes, streams, and wetlands, and sensitive wildlife habitat from development in accordance with coastal resource management standards in the development code.

Consistent. Wetlands and drainageways identified on the site are primarily located on Parcel A which is proposed for dedication as permanent open space. Additionally, a minimum 100 foot setback from all wetlands and drainageways is required. Although some encroachment would occur within the setback (building site for Lot 16, landslide repairs), Mitigation Measure 5.6-5(b) would reduce these encroachment impacts to a less-than-significant level. The project could also result in some secondary impacts to water quality in wetlands and drainageways downstream from the site, however, water quality mitigations are included to reduce potential secondary impacts to a less-than-significant level. There are no coastal dunes located on the project site.

Policy BIO-2.8 Coordinate with Trustee Agencies. Consult with trustee agencies (the California Department of Fish and Game, U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration Fisheries, U.S. Army Corps of Engineers, Environmental Protection Agency, Regional Water Quality Control Board, and Bay Conservation and Development Commission) during environmental review when special-status species, sensitive natural communities, or wetlands may be adversely affected.

Consistent. Comments received from trustee agencies such as the USFWS, USACE and the RWQCB, as well as guidelines provided by the agencies or derived from recent past experience

by the EIR Biologist were taken into consideration when preparing mitigation measures for sensitive resources.

Mitigation Measures 5.6-1(c) special status plants, 5.6-2(f) CRLF, and 5.6-5(b) wetlands and other jurisdictional waters require consultation with agencies during development of the RMP.

Policy BIO-2.9 Promote Early Consultation with Other Agencies. Require applicants to consult with all agencies with review authority for projects in areas supporting wetlands and special status species at the outset of project planning.

Consistent. All responsible and trustee agencies were sent Notices of Preparation (NOP) of the Draft EIR. Public agencies receiving the NOP included CDF&G, USF&WS and USACOE. Previous to the *2008 Easton Point Residential Development* two separate Draft EIR's were completed for similar development proposals on the same property. These include the *1996 Draft EIR* and the *2001 Draft EIR*. Although these past projects have never been developed there have been substantial efforts to identify and address wetland and special status species issues on the property. Comments from responsible agencies have been received for past projects that contain pertinent information to the current proposal, and have been taken into consideration by the EIR Biologist while developing proposed mitigation measures. Furthermore, as discussed above with Policy BIO 2.8, proposed mitigation measures include requirements to coordinate with responsible agencies for the implementation of mitigation measures.

Goal BIO-3 Wetland Conservation. Require all feasible measures to avoid and minimize potential adverse impacts on existing wetlands and to encourage programs for restoration and enhancement of degraded wetlands.

Consistent. Measures included in Mitigation Measure 5.6-5 would reduce impacts to existing wetlands to mitigate for any loss of wetland.

Policy BIO-3.1 Protect Wetlands. Require development to avoid wetland areas so that the existing wetlands and upland buffers are preserved and opportunities for enhancement are retained (areas within setbacks may contain significant resource values similar to those within wetlands and also provide a transitional protection zone). Establish a Wetland Conservation Area (WCA) for jurisdictional wetlands to be retained, which includes the protected wetland and associated buffer area. Development shall be set back a minimum distance to protect the wetland and provide an upland buffer. Larger setback standards may apply to wetlands supporting special status species or associated with riparian systems and baylands under tidal influence, given the importance of protecting the larger ecosystems for these habitat types as called for under Stream Conservation and Baylands Conservation policies defined in Policy BIO-4.1 and BIO-5.1, respectively. Regardless of parcel size, a site assessment is required either where incursion into a WCA is proposed or where full compliance with all WCA criteria would not be met.

In the City-Centered Corridor:

- For parcels more than 2 acres in size, a minimum 100-foot development setback from wetlands is required.
- For parcels between 2 and 0.5 acres in size, a minimum 50-foot development setback from wetlands is required.

Consistent. As discussed in *Section 5.6 Biological Resources* 0.94 acres of seasonal wetland habitat are located within the project site. The project proposes to preserve 0.87 acres of wetland habitat within Parcel A. The remaining 0.07 acres of wetland would be located within the boundary of Lot 16, approximately 50 feet outside that lot's building site. This policy requires a 100 foot setback from all wetlands. Therefore the building site of Lot 16 would encroach into the mandatory 100-foot setback. Additionally, proposed landslide repairs would result in some minor encroachments within the setback. However, Mitigation Measure 5.6-5(b) would reduce encroachment impacts to a less-than-significant level. As discussed with *Impact 5.6-5*, seasonal wetlands located on the project site would sustain significant impacts from secondary impacts resulting from the installation of landslide remediation. Proposed mitigation measures would reduce these impacts to a less-than-significant level and mitigate for any loss of wetlands.

Policy BIO-3.2 Require Thorough Mitigation. Where avoidance of wetlands is not possible, require provision of replacement habitat on-site through restoration and/or habitat creation at a minimum ration of 2 acres for each acre lost (2:1 replacement ratio) for on-site mitigation and a minimum 3:1 replacement ratio for off-site mitigation. Mitigation wetlands should be of the same type as those lost and provide habitat for the species that use the existing wetland. Mitigation should also be required for incursion within the minimum WCA setback/transition zone.

Consistent – ER Mitigation Measure 5.6-5 requires thorough mitigation of impacts to wetlands by requiring a formal wetland delineation compensation for impacts to wetland and other jurisdictional waters by requiring a Wetland Mitigation and Monitoring Plan that would be included in the Resource Management Program that is first required by Mitigation Measure 5.6-1(c). The Wetland Mitigation and Monitoring Plan would include the following:

- Replacement of lost wetland habitat acreage at a ratio sufficient to retain functions and values. A 2:1 replacement:loss ratio would be expected to off-set wetland resource impacts adequately. Sufficient opportunities appear to be available on-site to carry out this replacement and may be combined with mitigations for a loss of CRLF habitat on-site (see Mitigation Measure 5.6-2).
- The development of quantifiable performance measures and final success criteria and remedial measures to be implemented should wetlands fail to meet performance measures and success criteria.
- Once-annual monitoring for a minimum five-year period (longer should wetlands not meet the final success criteria after five years), until wetlands meet the final success criteria.
- Establishment of undeveloped buffers on both sides of seasonal wetlands or seasonal drainage channels. A minimum buffer of 50 feet would be required around the seasonal wetlands and 100 feet for seasonal drainage channels.

Goal BIO-4 Riparian Conservation. Protect and, where possible, restore the natural structure and function of riparian systems.

Consistent - The project site contains ephemeral drainages that would be impacted by the proposed development. These drainages are included in the discussion of potential jurisdictional waters located on the project site in EIR *Section 5.6 Biological Resources*, and described above. Additionally there are riparian systems located off site that could be potentially affected by the proposed project. Potential impacts include increases and concentration of stormwater runoff,

impacts to water quality, the threat of unrepaired landslide deposits entering the riparian systems, and non-native invasive plant species disturbing the natural ecological function of the riparian habitat. These potential impacts are discussed in EIR *Sections 5.4 Geology and Soils, 5.5 Hydrology and Water Quality, and 5.6 Biological Resources*. Also discussed in these sections are the proposed mitigation measures that would reduce potential impacts to less-than-significant levels.

Policy BIO-4.1 Restrict Land Use in Stream Conservation Areas. A Stream Conservation Area (SCA) is established to protect the active channel, water quality and flood control functions, and associated fish and wildlife habitat values along streams. Development shall be set back to protect the stream and provide an upland buffer, which is important to protect significant resources that may be present and provides a transitional protection zone. Best management practice shall be adhered to in all designated SCAs. Best management practices are also strongly encouraged in ephemeral streams not defined as SCAs.

Consistent. Policy BIO-4.1 contains a minimum 100-foot development setback from the top of bank. As proposed, all lot development would occur outside of this setback, however, some permanent and temporary impacts would occur within this setback as a result of proposed landslide repairs. Mitigation Measure 5.6-5(b) would reduce any such permanent or temporary encroachment impacts to a less-than-significant level by requiring the inclusion in the RMP of a Wetland and Riparian Mitigation and Monitoring Plan for any such encroachments within the 100-foot set-back area. Although the project would adhere to setback requirements it would still have significant impacts upon the riparian systems located on or nearby the project site. As mentioned above with Goal BIO-4, proposed mitigation measures would impose adequate restrictions on the proposed project that would reduce these impacts to less-than-significant levels.

Policy BIO-4.2 Comply with SCA Regulations. Implement established setback criteria for protection of SCAs through established discretionary permit review processes and/or through adoption of new ordinances. Environmental review shall be required where incursion into an SCA is proposed and a discretionary permit is required.

In determining whether allowable uses are compatible with SCA regulations, development applications shall not be permitted if the project does any of the following:

- Adversely alters hydraulic capacity
- Causes a net loss in habitat acreage, value, or function
- Degrades water quality

Consistent - The proposed project complies with the setback requirements contained in Policy BIO-4.1. Impacts to the hydraulic capacity, habitat values, function, and water quality of the ephemeral streams located on the project site, and nearby off site riparian systems would be reduced to less-than-significant levels by proposed mitigation measures.

Policy BIO-4.3 Manage SCAs Effectively. Review proposed land division in SCAs to allow management of a stream by one property owner to the extent possible.

Consistent - The majority of ephemeral drainages located on the project site are located within the 59.60 acre Parcel A, which is proposed to be dedicated as public open space and managed by Marin County.

Policy BIO-4.4 Promote Natural Stream Channel Function. Retain and, where possible, restore the hydraulic capacity and natural functions of stream channels in SCAs. Discourage alteration of the bed or banks of the streams, including filling, grading, excavating, and installation of storm drains and culverts. When feasible, replace impervious surfaces with pervious surfaces. Protect and enhance fish habitat, including through retention of large woody debris, except in cases where removal is essential to protect against property damage or prevent safety hazards. In no case shall alterations that create barriers to fish migration be allowed on streams mapped as historically supporting salmonids. Alteration of natural channels within SCAs for flood control should be designed and constructed in a manner that retains and protects the riparian vegetation, allows for sufficient capacity and natural channel migration, and allows for reestablishment of woody trees and shrubs without compromising the flood flow capacity where avoidance of existing riparian vegetation is not possible.

Consistent - The proposed project would increase impervious surface on the project site. Proposed detention facilities and additional mitigation measures would reduce the amount and turbidity of storm water that enters the ephemeral drainages located on the project site, to a level that matches pre project levels.

Policy BIO-4.6 Control Exotic Vegetation. Remove and replace invasive exotic plants with native plants as part of stream restoration projects and as a condition of site-specific development approval in an SCA, and include monitoring to prevent reestablishment.

Consistent - As discussed in *Section 5.6 Biological Resources*, the applicant proposes to implement measures to reduce the potential escape of invasive exotic landscape plants from lots' landscaped with private use areas by listing in the CC&Rs a list of native species to be planted within the private use areas as well as lists of exotic invasive plants that will be prohibited. Although there are no stream restoration projects proposed on the project site, measures to control the use of invasive plant species would help prevent the dispersal of exotic plant species along ephemeral stream channels located within the project site.

Policy BIO-4.7 Protect Riparian Vegetation. Retain riparian vegetation for stabilization of streambanks and floodplains, moderating water temperatures, trapping and filtering sediments and other water pollutants, providing wildlife habitat, and aesthetic reasons.

Consistent - As discussed in *Section 5.6 Biological Resources*, the project site contains a total of 0.94 acres of freshwater wetland and aquatic habitat containing riparian vegetation. Impacts to riparian vegetation would be reduced to less than significant levels with the implementation of Mitigation Measure 5.6-5.

Policy BIO-4.8 Reclaim Damaged Portions of SCAs. Restore damaged portions of SCAs to their natural state wherever possible, and reestablish as quickly as possible any herbaceous and woody vegetation that must be removed within an SCA, replicating the structure and species composition of indigenous native riparian vegetation.

Consistent – Mitigation Measure 5.6-5(b) requires a Wetland and Riparian Mitigation and Monitoring Plan to mitigate permanent and temporary impacts to drainage habitats on-site.

Policy BIO-4.13 Provide Appropriate Access in SCAs. Ensure that public access to publicly owned land within SCAs respects the environment, and prohibit access if it will degrade or destroy riparian habitat. Acquire public lands adjacent to streams where possible to make resources more accessible and usable for passive recreation, and to protect and enhance streamside habitat.

Consistent - The ephemeral streams located on the project site function as seasonal drainage ways that run along the hillside, and are sometimes located in areas with steep topography. Where the streams are level, and water collects, sensitive habitat can be found that would be susceptible to damage from public access. There are no trails proposed in the areas where ephemeral streams can be found.

Policy BIO-4.14 Reduce Road Impacts in SCAs. Locate new roads and roadfill slopes outside SCAs, except at stream crossings, and consolidate new road crossings wherever possible to minimize disturbance in the SCA. Require spoil from road construction to be deposited outside the SCA, and take special care to stabilize soil surfaces.

Consistent - The proposed project does not include construction of any roads within the areas where ephemeral streams are located.

Policy BIO-4.15 Reduce Wet Weather Impacts. Ensure that development work adjacent to and potentially affecting SCAs is not done during the wet weather or when water is flowing through streams, except for emergency repairs, and that disturbed soils are stabilized and replanted, and areas where woody vegetation has been removed are replanted with suitable species before the beginning of the rainy season.

Consistent - The proposed project includes a stormwater control plan with measures that would reduce wet weather impacts. Furthermore proposed mitigation measures require revegetation (Mitigation Measure 5.5-1(a)) to mitigate erosion and other wet weather impacts.

Policy BIO-4.16 Regulate Channel and Flow Alteration. Allow alteration of stream channels or reduction in flow volumes only after completion of environmental review, commitment to appropriate mitigation measures, and issuance of appropriate permits by jurisdictional agencies based on determination of adequate flows necessary to protect fish habitats, water quality, riparian vegetation, natural dynamics of stream functions, groundwater recharge areas, and downstream users.

Consistent. This Draft EIR contains analysis of how ephemeral streams on the project site may be impacted by the proposed development and includes recommended mitigation measures to reduce the identified impacts.

Policy BIO-4.18 Promote the Use of Permeable Surfaces When Hardscapes Are Unavoidable in the SCA and WCA. Permeable surfaces rather than impermeable surfaces shall be required wherever feasible in the SCA and WCA.

Consistent – With one exception (Lot 16) house construction would occur outside of the SCA's and WCA's that are located on the project site. Use of permeable surfaces for house construction on Lot 16 does not appear to be feasible. Landslide repairs occurring within the SCA and WCA are primarily either permeable or underground (i.e. remove and replace, buried drilled pier, subdrains, etc.). The only non-permeable landslide repairs within the SCA and WCA would include the beam wall on Lot 16.

Policy BIO-4.19 Maintain Channel Stability. Applicants for development projects may be required to prepare a hydraulic and/or geomorphic assessment of on-site and downstream drainageways that are affected by project area runoff. This assessment should be required where evidence that significant current or impending channel instability is present, such as documented channel bed incision, lateral erosion of banks (e.g., sloughing or landsliding), tree collapse due to streambank undermining and/or soil loss, or severe in-channel sedimentation, as determined by the County.

Consistent – The applicant has submitted a pre- and post- construction hydrologic analysis of the project site including runoff calculations and impacts on existing drainage systems. *Impact 5.5-3 Site Drainage Patterns - Erosion and Downstream Sedimentation* discusses the project’s potential to increase erosion of downstream water courses that would receive concentrated stormwater discharges from subdrains and detention facilities. Mitigation measure 5.5-3(c) would require a geomorphic evaluation at each stormwater discharge location to ensure concentrated runoff would not impact either hillslope or drainageway stability.

Policy BIO-4.20 Minimize Runoff. In order to decrease stormwater runoff, the feasibility of developing a peak stormwater management program shall be evaluated to provide mitigation opportunities such as removal of impervious surface or increased stormwater detention in the watershed.

Consistent - As discussed in *Section 5.5 Hydrology and Water Quality (Impact 5.5-7 On-Site Peak Flow Rates, Existing Storm Drain Capacities and Downstream Flood Protection)* the proposed drainage system includes detention facilities which are designed to minimize project runoff by decreasing peak flow rates to match pre-project peak flow conditions.

Natural Systems and Agriculture Element - Water Resources

Goal WR-1 Healthy Watersheds. Achieve and maintain proper ecological functioning of watersheds, including sediment transport, groundwater recharge and filtration, biological processes, and natural flood mitigation, while ensuring high-quality water.

Consistent - As discussed in *Section 5.5 Hydrology and Water Quality*, the proposed project includes installation of subdrain systems that would dewater existing landslides located on the project site. Also, new homes and other impervious surfaces would be constructed in areas that are currently pervious and recharge groundwater levels. As discussed in *Impact 5.5-2 On-Site Drainage Patterns – On-Site and Off-Site Flooding* and *Impact 5.5-4 Groundwater recharge and On-Site Hydrology* impacts to on-site drainage would be reduced to less-than-significant with mitigation and groundwater recharge impacts would be less-than-significant. Therefore the proposed project would be consistent with several objectives of Goal WR-1, as it would not adversely affect the ecological function of the project site’s watersheds, groundwater recharge, and biological processes.

Policy WR-1.1 Protect Watersheds and Aquifer Recharge. Give high priority to the protection of watersheds, aquifer-recharge areas, and natural drainage systems in any consideration of land use.

Consistent - As mentioned above, the proposed project would not adversely affect drainage patterns and groundwater recharge.

Policy WR-1.3 Improve Infiltration. Enhance water infiltration throughout watersheds to decrease accelerated runoff rates and enhance groundwater recharge. Whenever possible,

maintain or increase a site's predevelopment infiltration to reduce downstream erosion and flooding.

Consistent - The proposed project would include installation of subdrain systems to dewater existing landslide areas located at the project site. Impacts to groundwater recharge, as discussed in *Impacts 5.5-4* and *5.5-5*, would be less-than-significant. Therefore the project would be consistent with the objectives of Policy WR-1.3.

Policy WR-1.4 Protect Upland Vegetation. Limit development and grazing on steep slopes and ridgelines in order to protect downslope areas from erosion and to ensure that runoff is dispersed adequately to allow for effective infiltration.

Consistent - The proposed project includes development on visually prominent ridgelines. Although the proposed project would remove upland vegetation, proposed mitigation measures would reduce impacts related to increased erosion to less-than-significant levels (Mitigation Measure 5.5-1).

Policy WR-2.1 Reduce Toxic Runoff. Reduce the volume of urban runoff from pollutants - such as pesticides from homes, golf courses, cleaning agents, swimming pool chemicals, and road oil - and of excess sediments and nutrients from agricultural operations.

Consistent. The proposed stormwater control plan includes best management practices (BMP's) that would be utilized during construction (temporary BMP's) and after construction (Permanent BMP's). Temporary BMP's include silt fencing and jute netting, which would be installed prior to site grading to help ensure exposed sediment would not be transported to drainageway or off site. Permanent BMP's include filtration systems that would be placed within roadway catch basins; the project is designed so that run-off from roofs, streets, and other impervious surfaces would be directed to bioretention areas located throughout the development for remediation of water pollutants. Additionally, project landscaping would be designed to minimize the use of fertilizers and pesticides.

Policy WR-2.3 Avoid Erosion and Sedimentation. Minimize soil erosion and discharge of sediments into surface runoff, drainage systems, and water bodies. Continue to require grading plans that address avoidance of soil erosion and on-site sediment retention. Require developments to include on-site facilities for the retention of sediments, and, if necessary, require continued monitoring and maintenance of these facilities upon project completion.

Consistent - As stated in *Section 5.5 Hydrology and Water Quality* the applicant proposes to use Best Management Practices during construction to reduce erosion and sedimentation. Furthermore, Mitigation Measure 5.5-3 requires a geomorphic evaluation at each discharge location to ensure slope and drainageway stability. Rip rap pads, level spreaders, and other mechanisms used to reduce the velocity and concentration of run-off would also be required with Mitigation Measure 5.5-3.

Goal WR-3 Adequate Water for Wildlife and Humans. Ensure that the available supply of surface and groundwater is used responsibly, so that the needs of both wildlife and human populations are met

Consistent – The project would be required to comply with MMWD's water conservation ordinances. Changes in surface and groundwater flow resulting from the project would impact the seasonal flow of water to the historic gardens on Keil property. Implementation of recommended

mitigation measures would ensure that diverted groundwater is conveyed to the Keil property's water storage tanks and cisterns used to irrigate the gardens. Mr. Keil's refusal to accept the diverted ground water from the project does not make the project as conditioned inconsistent with the policy because the water will be available as required by the policy.

Policy WR-3.1 Conserve Water and Develop New Sustainable Sources. Reduce the waste of potable water through efficient technologies, conservation efforts, and design and management practices, and by better matching the source and quality of water to the user's needs.

Consistent. As stated above the project would be required to comply with the water conservation ordinances of the MMWD, which through ongoing efforts has reduced water demand by 20 percent less than the peak demand of 1987.

Policy WR-3.2 Mitigate Water Demand in New Development. Assess and mitigate the impacts of new development on potable water supplies and water available for wildlife.

Consistent. As discussed in *Section 5.7 Public Services* the MMWD has stated available water supplies would be adequate to serve the project site.

Natural Systems and Agriculture Element - Environmental Hazards

Goal EH-1 Hazard Awareness. Raise public awareness and responses about potential environmental hazards.

Consistent The EIR and the implementation of mitigation measures contained in the EIR would make the proposed project consistent with this goal. The EIR identifies the environmental hazards (landslide, seismic shaking, wildfire, etc.) and contains mitigation measures intended to inform future residents of the environmental hazards that would remain after project completion and how they would need to be monitored and remediated, if necessary. The project would result in a degree of increase to wildfire hazards as it would place new residences in areas surrounded by vegetative fuels (*Impact 5.7-2*). The proposed project would also be located in an area susceptible to geologic and seismic hazards, as discussed in *Section 5.4 Geology and Soils*.

Policy EH-1.3 Identify Evacuation Routes. Provide the public with information identifying accessible evacuation routes for fire, geologic, and other hazards.

Consistent - The proposed project has been designed to comply with the emergency ingress and egress requirements of the Tiburon Fire Protection District. In addition implementation of the traffic mitigation measures contained in the EIR would reduce roadway obstructions to traffic movement during an emergency.

Goal EH-2 Safety from Seismic and Geologic Hazards. Protect people and property from risks associated with seismic activity and geologic activity and geologic conditions.

Consistent- As discussed in *Section 5.4 Geology and Soils* the proposed project includes repair of landslides within 100 feet of a proposed building envelope or public improvement. Other landslide areas are to be avoided. After project completion large portions of the project site will still be subject to landslides, neither the Marin County landslide mitigation policy nor the Miller Pacific policy developed for this project would require landslide outside the proposed development be completely repaired. Compliance with the recommendations of the project geotechnical engineer and implementation of the additional mitigation measures contained in

Section 5.4 Geology and Soils would reduce the hazards risk to people and property associated with the proposed project.

Policy EH-2.1 Avoid Hazard Areas. Require development to avoid or minimize potential hazards from earthquakes and unstable ground conditions.

Consistent - The project site is located in an area that is underlain with 28 landslides. As discussed in **Section 5.4 Geology and Soils** it is proposed to completely repair the portion of landslides that are located within 100 feet of a proposed building envelope or proposed public improvement.

Policy EH-2.2 Comply with the Alquist-Priolo Act. Continue to implement and enforce the Alquist-Priolo Earthquake Fault Zoning Act.

Consistent - The Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. This state law was a direct result of the 1971 San Fernando Earthquake, which was associated with extensive surface fault ruptures that damaged numerous homes, commercial buildings, and other structures. The project site is not located within an Alquist-Priolo earthquake fault zone.

Policy EH-2.3 Ensure Seismic Safety of New Structures. Design and construct all new buildings to be earthquake resistant. The minimum level of design necessary would be in accordance with seismic provisions and criteria contained in the most recent version of the State and County Codes. Construction would require effective oversight and enforcement to ensure adherence to the earthquake design criteria.

Consistent - Mitigation Measure 5.4-3 requires development comply with all applicable seismic design provisions of the most recent County-adopted Uniform Building Code (UBC).

Goal EH-3 Safety from Flooding and Inundation. Protect people and property from risks associated with flooding and inundation.

Consistent - The proposed project is a hillside area that is not susceptible to inundation. However the project has been evaluated for its potential to cause an increase of flood risks to downstream properties from increased stormwater runoff volumes and the accumulation of eroded sediment in downstream stormwater drainage facilities (**Section 5.5 Hydrology and Water Quality**). As discussed with *Impact 5.5-7 On-Site Peak Flow Rates, Existing Storm Drain Capacities and Downstream Flood Protection*, the applicant proposes the use of stormwater detention facilities that would eliminate potential impacts on downstream stormdrain facilities from runoff volumes and protect against downstream flooding. Furthermore, measures to mitigate downstream sedimentation impacts discussed with *Impact 5.5-3 Site Drainage Patterns - Erosion and Downstream Sedimentation* would effectively prevent the accumulation of eroded sediment in downstream stormdrain facilities.

Policy EH-3.2 Retain Natural Conditions. Ensure that flow capacity is maintained in stream channels and floodplains, and achieve flood control using biotechnical techniques instead of storm drains, culverts, riprap, and other forms of structural stabilization.

Partially Inconsistent - The proposed project is a development project and therefore does not retain the natural conditions of the hydrology on the project site. The project proposes a storm drain system, and also includes subdrains that would dewater hillsides (landslide repair).

Therefore the project would significantly alter the natural characteristics of existing stormwater flow on the project site. However, implementation of the hydrologic mitigation measures contained in the hydrology section of the EIR would ensure that there is no downstream flooding and increased peak hour flows would not exceed the existing capacity of culverts under Paradise Drive.

Policy EH-3.3 Monitor Environmental Change Consider cumulative impacts to hydrological conditions, including alterations in drainage patterns and the potential for a rise in sea level, when processing development applications in watersheds with flooding or inundation potential.

Consistent - As discussed in *Section 7.2 Cumulative Impacts*, cumulative impacts to hydrological conditions would result from the anticipated buildout of the Tiburon Planning Area with or without the proposed project. With utilization of proposed stormwater detention facilities and mitigation measures intended to prevent downstream erosion and sedimentation, the project would make a less than cumulatively considerable contribution to cumulative impacts related to flooding and inundation.

Goal EH-4 Safety from Fires. Protect people and property from hazards associated with wildland and structural fires.

Consistent. The project would comply with the requirements of the 2003 Urban Wildland Interface Code, the 2007 California Building Code Chapter 7A, and the Tiburon Fire Protection District. Mitigation Measure 5.1-9 requires proposed roadways to meet TFPD standards for emergency vehicle access and Mitigation Measure 5.7-1(b) would reduce significant emergency radio coverage impacts regarding the existing MERA system.

Policy EH-4.1 Limit Risks to Structures. Ensure that adequate fire protection is provided in new development and when modifications are made to existing structures.

Consistent. As discussed in *Section 5.7 Public Services* the Tiburon Fire Protection District (TFPD) would be able to serve the project site. The TFPD does not anticipate the project would significantly increase service calls. Mitigation Measure 5.7-1(b) would require preparation of an emergency radio coverage improvement plan that shows adequate radio coverage would be provided. The plan would be prepared in cooperation with MERA, and would detail methods to strengthen radio coverage at the lower elevations of the project site (see MERA discussion *Impact 5.7-1 Fire Service Impact*).

Policy EH-4.2 Remove Hazardous Vegetation. Abate the buildup of vegetation around existing structures or on vacant properties that could help fuel fires.

Consistent - The issue of vegetative fuels is discussed with *Impact 5.7-2 Wildland-Building Fire Exposure*. Development on the project site may expose houses and structures to wildland fire risks. The proposed project includes, along with conceptual landscape plans, vegetation management plans proposed for each parcel that include a home ignition zone, defensible space zones, and portions of wildland reduction zones spread throughout the project site including private property and common open space.

Policy EH-4.3 Adopt and Implement a Fire Management Plan. Develop a proactive approach to manage wildfire losses by identifying hazard risks and enacting effective mitigation strategies.

Consistent - The Marin County Fire Department and FIRESafe Marin have collaborated to develop the Community Wildfire Protection Plan in July 2005. The document is based on guidelines of the International Urban-Wildland Code, and contains guidelines for risk assessment and vegetative fuel management.

Policy EH-4.4 Ensure Adequate Emergency Response. Ensure that there is an adequate number of trained and certified emergency medical technicians to address the increase in medical demand.

Consistent - *Section 5.7 Public Services* discusses the service capacity of local emergency services. Both the Tiburon Fire Protection Service and the Marin County Sheriff's Department would be able to serve the proposed project along with cumulative service demand increases within their jurisdictions.

Natural Systems and Agriculture Element - Atmosphere and Climate

Goal AIR-1 Improved Regional Air Quality. Promote planning and programs that result in the reduction of airborne pollutants measured within the county and the Bay Area.

Consistent - The proposed project would not interfere with any planning efforts, or implementation of programs aimed at improving regional air quality, or transportation plans intended to reduce personal vehicle trips by offering alternative modes of transportation.

Policy AIR-1.1 Coordinate Planning and Evaluation Efforts. Coordinate air quality planning efforts with local, regional, and State agencies, and evaluate the air quality impacts of proposed plans and development projects.

Consistent - The proposed project has been evaluated for its potential impacts to air quality. *Section 5.2 Air Quality* discusses Construction-Period Air Pollutant Emissions (*Impact 5.2-1*), generation of airborne asbestos (*Impact 5.2-2*), and greenhouse gas emissions (*Impact 5.2-3*). As discussed in these impacts analyses, the project would not result in any significant impacts to air quality.

Policy AIR-1.2 Meet Air Quality Standards Seek to attain or exceed the more stringent of federal or State Ambient Air Quality Standards for each measured pollutant.

Consistent - As discussed in *Section 5.2 Air Quality*, the Tiburon Peninsula features good air quality and Marin County is not a part of any regional nonattainment of air pollutants. The proposed project would generate air pollutant emissions well below the thresholds of the BAAQMD, and would not lead to nonattainment of any measured pollutant.

Policy AIR-1.3 Require Mitigation of Air Quality Impacts. Require projects that generate potentially significant levels of air pollutants, such as quarry, landfill operations, or large construction projects, to incorporate best available air quality mitigation in the project design.

Consistent - *Section 5.2 Air Quality* identifies potential impacts resulting from construction period air pollutant emissions and proposes mitigation (*Mitigation Measure 5.2-1*). Other impacts discussed are related to the generation of airborne asbestos and greenhouse gas emissions do not require any mitigation.

Policy AIR-3.1 Institute Transportation Control Measures. Support a transportation program that reduces vehicle trips, increases ridesharing, and meets or exceeds the Transportation Control Measures recommended by BAAQMD in the most recent Clean Air Plan to reduce pollutants generated by vehicle use.

Consistent - The proposed project would not interfere with implementation of any transportation plans intended to reduce the number of vehicle trips in the area. Furthermore the proposed project would only make an incremental increase to personal/private vehicle trips in the area.

Goal AIR-4 Minimization of Contributions to Greenhouse Gases. Prepare policies that promote efficient management and use of resources in order to minimize greenhouse gas emissions. Incorporate sea level rise and more extreme weather information into the planning process.

Consistent - The proposed project would not interfere with implementation of planning efforts to reduce greenhouse gas emissions. **Section 5.2 Air Quality** discusses regional efforts to curb greenhouse gas emissions. Carbon Dioxide generation for energy creation and consumption is discussed as one of the issues. The project would be required to comply with Marin County Ordinance No. 3492, which requires structures to exceed state energy preservation requirements by a certain percentage based on the size of the home. For a more detailed discussion of Marin County Ordinance No. 3492 please refer to **Section 5.7 Public Services**.

Policy AIR-4.1 Reduce Greenhouse Gas Emissions. Adopt practices that promote improved efficiency and energy management technologies; shift to low-carbon and renewable fuels and zero emissions technologies.

Consistent - **Section 5.2 Air Quality** discusses regional planning efforts to reduce greenhouse gas emissions. There are not any current or foreseeable requirements the project would negate. As mentioned above the proposed project would comply with stringent energy conservation methods.

Policy AIR-4.2 Foster the Absorption of Greenhouse Gases. Foster and restore forests and other terrestrial ecosystems that offer significant carbon mitigation potential.

Consistent - The proposed project would not interfere with any reforestation plans.

Natural Systems and Agriculture Element - Open Space

Goal OS-1 Sustainable Managed Open Space. Manage open space in a sustainable manner for environmental health and the long-term protection of resources.

Consistent- The modified project proposes to dedicate approximately 74.75 acres (Parcels A and B) of land located on the project site as open space. Parcel A would be 68.89 acres, and essentially encompasses most of the land that is located outside of proposed residential lot areas and contains a mosaic of different habitats including most of the wetlands known to exist on the project site. Parcel B would be 5.86 acres and is intended to be a preserve for the Marin dwarf flax. The Modified Master Plan as revised and conditioned protects existing Marin dwarf flax populations that are currently managed on adjacent Old St. Hilary's open space from secondary impacts resulting from increased human activity, such as increased uses of herbicide and fertilizer use.

Goal OS-2 Preservation of Open Space for the Benefit of the Environment and Marin Residents. Close the gaps in the pattern of protected public open space and private lands where land

acquisition or other methods of preservation would create or enhance community separators, wildlife corridors, watershed and baylands protection, riparian corridors, sensitive habitat, or trail connections.

Consistent - The modified project includes an offer to dedicate a 68.86 acre parcel of land located within the development as public open space. Parcel A is contiguous to existing public open space thereby maintaining and expanding the existing pattern of open space. Enlarged Parcel B is contiguous to Old St. Hilary's open space and would expand the area of protect Marin dwarf flax.

Policy OS-2.2 Continue to acquire or otherwise preserve additional open space countywide. Targeted greenbelts and community separators in the Baylands and City-Centered corridors include the following: Tiburon Peninsula Ridge includes trails to several points along the bay. The Open Space District and the Town of Tiburon have acquired portions of this ridge

Consistent - As stated above, the project includes an offer to dedicate a 59.6 acre open space parcel to the public.

Policy OS-2.4 Support Open Space Efforts Along Streams. Support efforts to restore, enhance, and maintain natural vegetation and other habitat values along streams in the Baylands and City-Centered corridors. Maintain strict controls and high environmental standards in these zones.

Consistent - As proposed, Parcel A contains a variety of habitats and portions of ephemeral streams. However, public access would be limited to reduce the risks of pedestrian impacts on sensitive habitats.

Natural Systems and Agriculture Element – Trails

Goal TRL-1 Trail Network Preservation and Expansion. Preserve existing trail routes designated for public use on the Marin Countywide Trails Plan maps, and expand the public trail network for all user groups, where appropriate. Facilitate connections that can be used for safe routes to school and work.

Inconsistent - As proposed the project does not include trails consistent with the Marin Countywide Trails Plan. See discussion of consistency with Policies TRL-1.2 and TRL-1.4 below for a further explanation.

Policy TRL-1.2 Expand the Countywide Trail System. Acquire additional trails to complete the proposed countywide trail system, providing access to or between public lands and enhancing public trail use opportunities for all user groups, including multi-use trails, as appropriate.

Inconsistent. The Marin Countywide Trails Plan Map depicts a proposed “Bay, Coastal or Ridge Trail” along Paradise Drive at the project site boundary. The map also shows proposed trails within the project site that would provide access to Old St. Hillary's open space, located adjacently west of the project site. As proposed and modified the *2008 Easton Point Residential Development* does not include trails consistent with the Marin Countywide Trails Plan, and therefore is inconsistent with policies to expand the Countywide System.

Policy TRL-1.4 Coordinate Trail Planning. Promote collaboration among public land management agencies, nongovernmental organizations, and private landowners to implement the Marin Countywide Trails Plan and regional trail systems.

Inconsistent. As previously stated in the discussion regarding the project’s inconsistency with Policy TRL-1.2, the project does not include proposed trails that are called for in the Marin Countywide Trails Plan.

Policy TRL-2.2 Respect the Rights of Private Landowners. Design and manage trails to avoid trespass and trail construction impacts on adjacent private land.

Consistent - No formal trails are proposed as part of the development. The pedestrian pathway and public access easement proposed along the extension of Ridge Road and Mt. Tiburon Road would reduce the risk of trespass on private property in the area.

Built Environment Element – Community Development

Policy CD-1.1 Direct Land Uses to Appropriate Areas. Concentrate urban development in the City-Centered Corridor, where infrastructure and facilities can be made available most efficiently. Protect sensitive lands in the Baylands Corridor. Emphasize agricultural uses in the Inland Rural Corridor, along with preservation of resources, habitat, and existing communities. Focus on open space, recreational, and agricultural land uses, as well as preservation of existing communities, in the Coastal Corridor.

Consistent. The project site is located within the City-Centered Corridor, as shown on Map 3-1b “Environmental Features Focusing Development Within The City-Centered Corridor”, in the *Marin Countywide Plan*. The project site is located adjacently north of the Hill Haven subdivision and would connect to existing utility infrastructure. Access to the project site would be provided via existing roadways of Paradise Drive and Ridge Road, which would provide connectivity to the Hill Haven subdivision. Located in an area where nearby public services, such as schools, shopping, and library, the project site is a logical location and provides transition in housing densities from the higher density single family homes in the Hill Haven subdivision into the upland greenbelt area that borders the project site.

Policy CD-1.2 Direct Urban Services. Discourage extension of urban levels of service to serve new development beyond urban service areas.

Consistent. The project location would require minimal extension of urban services. If approved the site would be accessed from the existing roadways of Paradise Drive and Ridge Road. Some utilities already exist at the project site in the form of an existing water storage tank (Paradise Tank) and an eight inch water main located within the Paradise Drive right of way. Existing sewage infrastructure is located nearby and would require the project applicant to install approximately 800 feet of new sewage pipe to facilitate a connection. Gas and electrical can be extended from nearby existing facilities. As designed the project would provide a logical transition in housing density from the higher densities of the Hill Haven subdivision (3 housing units per acre) and the Mar East neighborhood (4.4 housing units per acre). The proposed roadway circulation takes advantage of existing streets (Paradise Drive and Ridge Road) and does not include roadway that could be further extended to promote additional development in the area and result in growth inducing impacts.

Policy CD-1.3 Reduce Potential Impacts. Calculate potential residential densities and commercial floor area ratio (FAR) at the low end of the applicable range on sites with sensitive habitat or within the Ridge and Upland Greenbelt, or properties lacking public water or sewer systems except for multi-family parcels identified in certified Housing Elements.

Consistent - The *Marin Countywide Plan* has two land use designations that overlap the project site. Approximately 4.5 acres fall within the SF6 land use designation, which allows 4-7 housing units per acre. Approximately 104.8 acres are within the Planned Residential (PR) land use designation. Approximately 70 acres of the PR designation is within the Ridge and Upland Greenbelt. Using the low end of the permitted densities for the PR designation would permit ten units. The SF6 designation, which is not sensitive habitat, would permit up to 31 units. So, based on this policy the permitted number of units would be 41.

Policy CD-2.1 Provide a Mix of Housing. The range of housing types, sizes, and prices should accommodate workers employed in Marin County. This includes rental units affordable to lower-wage earners and housing that meets the needs of families, seniors, disabled persons, and homeless individuals and families.

Inconsistent - As proposed the project would increase the local supply of expensive housing. All requested house sizes are large and future home prices are expected to be beyond the affordable price range for workers employed in Marin County. There is no range of housing types proposed.

Policy CD-2.5 Locate Housing Near Activity Centers. Provide housing near jobs, transit routes, schools, shopping areas, and recreation to discourage long commutes and lessen traffic congestions.

Consistent. The project site is located approximately one half mile from downtown Tiburon (as the crow flies), which provides access to shopping, Town Hall, and waterfront recreation.

Policy CD-2.8 Limit Development in Resource or Hazard Areas. Discourage development in areas with high natural resource value or threats to life or property, and restrict development in such areas to minimize adverse impacts.

Consistent. Development of the modified, revised and conditioned project would avoid and mitigate impacts to valuable natural resources. The subject property has significant geologic constraints (landslides) that would continue to pose a risk to property. Implementation of the project's geotechnical engineer's recommendations and the mitigation measures contained in the geology section of the EIR would minimize the adverse impacts of landslides on the portions of the site to be developed.

Goal CD-5 Effective Growth Management. Manage growth so that transportation, water, sewer, wastewater facilities, fire protection, and other infrastructure components remain adequate.

Consistent. The project site would be adequately served by infrastructure components, and would not increase demand to the extent that existing services in surrounding areas would be affected.

Policy CD-5.1 Assign Financial Responsibility for Growth. Require new development to pay its fair share of the cost of public facilities, services, and infrastructure, including but not limited to transportation, incremental water supply, sewer and wastewater treatment, solid waste, flood control and drainage, schools, fire and police protection, and parks and recreation. Allow for individual affordable housing projects to be exempted from the full cost of impact fees, subject to meeting specified criteria.

Consistent. The project site would increase demand on public services. Service capacity and projected demand are analyzed in *Section 5.7 Public Services*. The project applicant would

finance installation of utility infrastructure as needed to provide service to the project site. Implementation of recommended mitigation measures would ensure the proposed project pays its fair share of off-site traffic and roadway improvements.

Policy CD-5.2 Correlate Development and Infrastructure. For health, safety, and general welfare, new development should occur only when adequate infrastructure is available, consistent with the following findings:

- a. Project-related traffic will not cause the level of service established in the circulation element to be exceeded.
- b. Any circulation improvements or programs needed to maintain the established level of service standard have been programmed and funding has been committed.
- c. Environmental review of needed circulation improvements or programs will not cause the established level of service standard to be exceeded.
- d. The time frame for completion of the needed circulation improvements or programs will not cause the established level of service standard to be exceeded.
- e. Wastewater, water (including for adequate fire flows), and other infrastructure improvements will be available to serve new development by the time the development is constructed.

a. Consistent. As discussed in *Impact 5.1-1 Existing-Plus-Project Impacts on Study Intersections* signalized intersections currently are operating acceptably, the addition of project traffic would not result in an unacceptable level of service operation.

b. Consistent. EIR *Section 5.1 Transportation* discusses the planned improvements contained in the *Town of Tiburon Traffic Mitigation Fee Program* and the status of the program. Although the program does not address all areas that would be impacted by the proposed development, the project would not cause an immediate increase to the LOS of key intersection within the program area, and would not create a need for off-site improvements in addition to what is contained in the plan.

c. Consistent. The environmental review of programmed circulation improvements is outside the scope of this Draft EIR. This project does not propose any measures that would immediately affect the LOS of operating intersection located within the planning area.

d. Consistent. As discussed under *Impact 5.1-2 Cumulative Buildout-Plus-Project Impacts to Study Intersections* the proposed project would make a cumulatively considerable contribution towards significant cumulative impact on study intersections resulting from the cumulative buildout of the planning area. However, the proposed project does not obstruct any planning efforts to address these foreseeable cumulative issues.

e. Consistent. The proposed project includes construction of utility infrastructure.

Built Environment Element – Community Design

Goal DES-1 Preservation of Community Character. Perpetuate the unique character of each community, including the essential design characteristics that make it attractive and livable.

Consistent. The project site is located in an area that features quality hillside residential development. Proposed Design Guidelines include criteria to ensure architectural styles would be compatible with surrounding development and blend in with natural features of the hillside.

Policy DES-1.1 Address Design at the Community Level. Use community plans to regulate building design and protect key resources. Encourage cities and towns to address design issues.

Consistent - The proposed project includes Architectural Design Guidelines that demonstrate consistency with the County's Single Family Residential Design Guidelines. For more information please refer to **Exhibit 4.0-4**.

Policy DES-1.2 Protect Rural Character. Ensure that development in rural areas is consistent with local design and scale and does not detract from the open character of the landscape.

Consistent. The project would maintain the existing pattern of low density residential development in the area. Approximately 60 acres of land containing woodlands and other forms of natural vegetation would be dedicated as public open space, which would help maintain the rural character in the southeastern portion of the Tiburon Peninsula. Additionally the proposed Architectural Design Guidelines include design objectives that are intended to govern building bulk, mass, and scale of new residences within the project site, which will help reduce the presence of structure mass associated with the proposed development and help to preserve the rural characteristics of the community.

Policy DES-1.4 Plan Complementary Transition Areas. When planning areas between cities, towns, and unincorporated rural communities, ensure that development provides for a harmonious transition to complement the design characteristics of both areas.

Consistent. The project site is located in an unincorporated pocket located between the Town of Tiburon boundaries.

Goal DES-4 Protection of Scenic Resources. Minimize visual impacts of development and preserve vistas of important natural features.

Inconsistent. The following Modified Master Plan lots would be developed within areas designated by County staff as visually prominent ridgelines:

Ridgeline A - Lot 2 and a portion of Ridge Road.

Ridgeline C – Portions of the development envelopes that cross the ridgeline for Lots 5-9.

Ridgeline D - As proposed the majority of Ridge Road would be constructed along Ridgeline D, which is fronted by Lots 10 through 27.

Ridgelines E and F. Only the portions of these ridges that are located within the Ridge and Upland Greenbelt area are considered to be visually prominent. No lot development is proposed for this area, however the project shows construction of a twelve inch storm drain pipe and a three inch sanitary sewer line that would run through ridgelines E and F.

Furthermore, the project site would have impacts on the scenic quality of the Tiburon Ridge, which is located west of the project site within Old St. Hilary's open space and the Tiburon Uplands Nature Preserve.

Policy DES-4.1 Preserve Visual Quality. Protect scenic quality and views of the natural environment - including ridgelines and upland greenbelts, hillsides, water, and trees from adverse impacts related to development.

Inconsistent. As previously mentioned the proposed and modified project includes Design Guidelines that would help insure the project maintains a high level of residential design if developed. However, as discussed in **Section 5.8 Visual Quality**, the project would result in significant unavoidable visual impacts on natural scenic views from Tiburon Ridge (*Impact 5.8-1*) Heathcliff Drive (*Impact 5.8-2*), and Angel Island (*Impact 5.8-4*). The proposed Modified Master Plan would change the visual impacts of development as viewed from Paradise Drive but would remain less-than significant with implementation of recommended mitigation measures.

Goal DES-5 Attractive and Functional Streets and Parking Areas. Design automobile use areas to fit the character of the community and comfortably accommodate travel by pedestrian and bicyclist, while still meeting health, safety, and emergency access needs.

Consistent. The modified project proposes roads designed to meet MCC standards including a pedestrian sidewalk and on-street parking areas. The on-site roads also comply with Tiburon Fire Protection District standards.

Policy DES-5.1 Achieve Streetscape Compatibility. Ensure that roadways, parking areas, and pedestrian and bike movement are functionally and aesthetically appropriate to the areas they serve.

Consistent: Implementation of recommended traffic and visual quality mitigation measures along with the design guidelines proposed by the applicant would make the proposed project consistent with Policy DES-5.1

Built Environment Element – Energy and Green Building

Goal EN-1 Decrease Energy Use. Reduce total and per-capita nonrenewable energy waste and peak electricity demand through energy efficiency and conservation.

Consistent. As proposed the *2008 Easton Point Residential Design Guidelines* residential design guidelines include energy conservation measures such as passive solar design, active solar energy, geothermal energy, and recycled or recyclable materials. Additionally the project will comply with the requirements of *Marin County Ordinance No. 3492*, which would require the construction of each new residence to exceed the Title 24 energy efficiency requirement by a certain percentage, at least 15 percent, that is determined by the size of the structure.

Policy EN-1.1 Adopt Energy Efficiency Standards. Integrate energy efficiency and conservation requirements that exceed State standards into the development review and building permit process.

Consistent. The project would comply with the requirements of *Marin County Ordinance No. 3492*.

Built Environment Element – Housing

Policy HS-1.3 Hold Neighborhood Meetings. Developers of any major project will be encouraged to have neighborhood meetings with residents early in the process to undertake problem solving and facilitate more informed, faster, and constructive development review.

Consistent - On Thursday, January 29, 2009 Marin County representatives held a public scoping session at the Tiburon Town Hall to receive input on the scope of analysis for this Draft EIR.

Policy HS-2.1 Create an Effective Design Review proposed new housing to achieve excellence in development design in an effective process.

Consistent. Final residential designs have not been submitted at this point in the development review process. Conceptual designs and the project’s proposed design guidelines show consistency with this policy.

Policy HS-2.2 Promote Design That Fits into the Neighborhood Context. Enhance neighborhood identity and sense of community by designing all new housing to be sensitive to and compatible with the scale and form of the surrounding area.

Consistent. As proposed the project would be a low density single family residential development, which is consistent with development in the surrounding area.

Policy HS-2.3 Follow Housing Design Principles. The intent in the design of new housing is to provide stable, safe, and attractive neighborhoods through high-quality architecture, site planning, and amenities that address the following principles:

- a. **Reduce the Perception of Building Bulk.** In multi-unit buildings, require designs that break up the perceived bulk and minimize the apparent height and size of new buildings, including the use of upper-story step-backs and landscaping. Ensure a human scale in new development and, when possible, create multi-family buildings that have the appearance of gracious single-family homes. Windows and doors, for example, are an important element of building design and an indicator of overall building quality.
- b. **Recognize Existing Street Patterns.** Incorporate transitions in height and setbacks from adjacent properties to respect adjacent development character and privacy. Design new housing so that it relates to the existing street pattern and creates a sense of neighborliness with surrounding buildings.
- c. **Enhance the Sense of Place by Incorporating Focal Areas.** Design new housing around natural and/or designed focal points, emphasized through direct pedestrian/pathway connections. Respect existing landforms, paying attention to boundary areas and effects on adjacent properties.
- d. **Minimize the Visual Impact of Parking and Garages.** Discourage home designs in which garages dominate the public façade of the home (i.e., encourage driveways and garages to be located to the side of buildings and recessed, or along rear alleyways or below the building in some higher-density developments).
- e. **Use Quality, Energy Efficient Building Materials.** Building materials should be high quality, long lasting, durable, and energy efficient.

The applicant has not submitted specific design plans for the proposed homes. However the project does include proposed Design Guidelines that include criteria that would help maintain consistency with the design principles of Policy HS-2.3 as follows. Enforcement of the guidelines contained in the proposed *Easton Point Design Guidelines*.

a. *Consistent.* The proposed *Design Guidelines* that would reduce the perception of building mass include keeping the design of proposed homes to primarily one to one-and-a-half stories and limiting second story elements so that their roofline would be below the upper elevation of the lot. The Design Guidelines also include hillside design principles to minimize the prominence of structural height, bulk and massing by incorporating the following: low profile one- and two-story levels stepped down hillsides to conform to the surrounding natural terrain, design that accomplishes a low-slung horizontal silhouette by integrating deck and foundation design into the shape of the building and site topography, and utilization of low pitched and gabled and hip roofs.

b. *Consistent.* The modified project proposed new homes adjacent to existing residences where Ridge Road would be extended to provide access to new lots. The Design Guidelines call for new homes to take into account existing design elements from existing neighborhoods to ensure a seamless transition between neighborhoods. The conditions of master plan approval requires that the design guideline require the size of future homes be consistent with those in existing nearby neighborhoods.

c. *Consistent.* The Design Guidelines call for homes to be designed to visually blend with the surrounding natural topography.

d. *Potentially Consistent.* The Design Guidelines do not specify any criteria that would help ensure consistency with policies to minimize the visual impact of garages. They do call for garages at lower elevations to be sited close to streets for easy vehicle access, and garages at higher elevations to be sited to minimize use of retaining walls and avoid excessive grading. This criterion could result in garages located at a more prominent location on lots, close by the residences façade. The County's design review process will consider the visual impacts of proposed parking areas and garages, and should minimize the visual impact of these features.

e. *Consistent.* The Design Guidelines call for sustainable design methods that include energy conservation design, and the use of recycled or recyclable building materials to the greatest extent possible.

Policy HS-2.4 Conserve Resources. Promote development patterns and construction standards that provide resource conservation by encouraging residential site planning, housing types and designs that use sustainable practices and materials, cost-effective energy conservation measures, and fewer resources (water, electricity, etc.), and therefore cost less to operate over time, supporting long-term housing affordability for occupants.

Consistent - The proposed Architectural Design Guidelines for the project call for the use of sustainable design measures, including passive solar design/ active solar energy where neighbors are not unreasonable affected thereby/ geothermal energy/ energy conservation design/ use of recycled or recyclable building materials; and a prohibition on wood burning stoves.

Policy HS-2.5 Employ Renewable Energy Technologies. Promote the use of sustainable and/or renewable materials and energy technologies (such as solar and wind) in new and rehabilitated housing when possible.

Consistent - As stated above the proposed Architectural Design Guideline call for sustainable development measures including renewable technologies.

Policy HS-3.1 House Local Workers. Strive to provide an adequate supply and variety of housing opportunities to meet the needs of Marin County’s workforce and their families, striving to match housing types and affordability with household income.

Inconsistent - The proposed project would not provide a “variety” of housing opportunities. It is anticipated that custom homes would be designed for each lot, and that the home value would be at the very high end of the housing market.

Policy HS-3.19 Follow an Inclusionary Housing Approach. Require developments with two or more dwellings to provide a percentage of units on-site for very low, low, and moderate income housing; developments with two to four units may pay an in-lieu fee. The units provided through this policy are intended for permanent occupancy and must be deed restricted, including but not limited to single-family housing, multi-family housing, condominiums, townhouses, locally approved licensed care facilities, stock cooperatives, or land subdivisions.

Not Applicable - As stated in the 2007 Judgment Pursuant To Stipulation enforcing the 1976 judgment, the County of Marin will assume responsibility for affordable housing requirements, as there were no such requirements in 1976..

Policy HS-3.21 Meet Inclusionary Requirements. The primary intent of the inclusionary requirement is the construction of new units on-site with the focus being multi-family housing developments with deed restrictions to support long periods of affordability. Second priority for meeting inclusionary requirements shall be the construction of units off-site or the transfer of land and sufficient cash to develop the number of affordable units required within the same community or planning area. If these options are not practical, then other alternatives of equal value, such as in-lieu fees or rehabilitation of existing units, may be considered.

Not Applicable - As stated in the 2007 Judgment Pursuant To Stipulation enforcing the 1976 judgment, the County of Marin will assume responsibility for affordable housing requirements, as there were no such requirements in 1976.

Policy HS-3.23 Require Payment of In-Lieu Fees. Payment of in-lieu fees will be accepted only when it is determined that transfer of land and/or dedication of units would provide fewer affordable housing units than could be obtained by the expenditure of in-lieu fees on affordable housing development within the planning area. Fees will be calculated based on the cost of land and improvements for unit development and evaluated every other year.

Not Applicable - As stated in the 2007 Judgment Pursuant To Stipulation enforcing the 1976 judgment, the County of Marin will assume responsibility for affordable housing requirements, as there were no such requirements in 1976.

Policy HS-3.26 Require Second Units in New Development. Require some second units (unequal duets) and occasional duplexes as part of new single-family subdivision development where four or more new units are proposed.

Potentially Inconsistent - The proposed 2008 Easton Point Residential Development does not indicate any intention to provide second units. Although it should be noted that when plans are submitted for individual residences those may include second units within the floor plans.

Built Environment Element – Transportation

Policy TR-1.4 Share the Costs for Improvements. Require new development to pay or otherwise improve its fair share of the transportation system impacts.

Consistent - The applicant would be required to pay applicable development impact fees and pay the project's fair share of off-site infrastructure improvements.

Policy TR-1.5 Require Necessary Transportation Improvements. Require necessary transportation improvements to be in place, or otherwise guaranteed to result in their timely installation, before or concurrent with new developments. In evaluating whether a transportation improvement is necessary, the County shall consider alternatives to the improvement consistent with Policy TR-1.1, Manage Travel Demand, and the extent to which the improvement will offset the traffic impacts generated by proposed and expected development and restore acceptable traffic levels of service.

Consistent - Section 5.1 Transportation discusses transportation improvements that would be constructed as part of this project. All roads necessary to serve the proposed project would be constructed by the applicant. Impacts to traffic safety are discussed with *Impact 5.1-3 Safety Impact Due to Inadequate Sight Distances Approaching the Unsignalized Intersection of Paradise Drive with Project Access Roads*. Proposed mitigation to reduce this safety impact would be completed by the applicant.

Policy TR-1.8 Reduce Vehicle Miles Traveled (VMT). Reduce the rate of increase for total vehicle miles traveled by single-occupant automobile to not exceed the population growth rate.

Potentially Consistent. Given the location of the project site future residents are expected to rely on private vehicles for local travel trips. The Tiburon Ferry and Golden Gate Transit offer alternative modes of transportation that may be used by future residents for travel to work and some shopping trips. Overall private vehicles are expected to be the primary mode of transportation.

Goal TR-2 Increased Bicycle and Pedestrian Access. Expand bicycle and pedestrian facilities and access in and between neighborhoods, employment centers, shopping areas, schools, and recreational sites.

Consistent: The proposed project does not include any improvements that would facilitate bicycle and pedestrian access. Implementation of recommended traffic mitigation measures would provide a pedestrian path within the project, but bicyclists would have to share proposed residential streets with vehicles. However, there are no bicycle paths serving the project site and Paradise Drive is designated as a Class III bicycle route. Therefore, the use of local streets by bicyclists is consistent with bicycle route classifications in the project area. –.

Policy TR-2.2 Provide New Bicycle and Pedestrian Facilities. Where appropriate, require new development to provide trails or roadways and paths for use by bicycles and/or on-street bicycle and pedestrian facilities. In-lieu fees may be accepted if warranted in certain cases.

Consistent - As mentioned above, the proposed project as mitigated would include pedestrian facilities and the use of new local roads by bicyclists is consistent with the designated Class III bicycle routes on Paradise Drive.

Built Environment Element – Noise

Goal NO-1 Protection from Excessive Noise. Ensure that new land uses, transportation activities, and construction do not create noise levels that impair human health or quality of life.

Inconsistent - As discussed under Impact 5.3-1 Construction Noise, proposed mitigation measures would reduce the effects of construction noise on existing residences in the vicinity of the project site. However, construction noise levels would substantially exceed existing ambient noise levels. Therefore noise levels may impair quality of life during the construction of the site.

Policy NO-1.1 Limit Noise from New Development. Direct the siting, design, and insulation of new development to ensure that acceptable noise levels are not exceeded.

Consistent - The proposed land use would be compatible with the surrounding area. As discussed in ***Section 5.3 Noise***, future use of the proposed residences would not generate noise levels that exceed the ambient noise levels neighboring residences are currently exposed to.

Policy NO-1.3 Regulate Noise Generating Activities. Require measures to minimize noise exposure to neighboring properties, open space, and wildlife habitat from construction-related activities, yard maintenance equipment, and other noise sources, such as amplified music.

Consistent - Although construction noise would result in a significant unavoidable impact, the project would include measures (*Mitigation Measure 5.3-1*) that would reduce the effects of construction noise on adjacent residences.

Built Environment Element – Public Facilities and Services

Policy PFS-1.1 Require Cost-Sharing. Require new development to pay for the infrastructure it requires and the public services it receives.

Consistent - The proposed *2008 Easton Point Residential Development* includes construction of infrastructure, including roads and utilities, needed to serve the project. Additionally, prior to issuance of building permits, the applicant would pay miscellaneous development impact fees including fees for local school districts, fire department, hook-up fees for the Sanitary Sewer District, traffic mitigation fees, fair share of off-site transportation improvements, and meter fees for the Marin Municipal Water District.

Policy PFS-1.4 Reduce Demand on Public Facilities. Reduce per capita and total demand for water and wastewater treatment, and enhance storm water management through integrated and cost-effective design, technology, and demand reduction standards for new development and redevelopment.

Consistent - The proposed *2008 Easton Point Residential Development* would comply with water conservation measures required by the Marin Municipal Water Districts. Sanitary District #5 has adequate capacity available to serve the project. The installation of low flow toilets would reduce wastewater flows.

Policy PFS-2.2 Mitigate Increased Water Demand in New Development. Work with local water agencies to mitigate increases in water demand due to new development by supporting water efficiency programs that decrease demand by a similar amount.

Consistent - The proposed *2008 Easton Point Residential Development* would comply with water conservation measures required by the Marin Municipal Water District. This includes the installation of low flow shower heads and toilets, as well as landscaping with drought tolerant plant species.

Built Environment Element – Planning Areas

Policy PA-6.2 Designate Land Use on the Tiburon Peninsula. Single-Family residential densities shall range from 7 units per acre to 1 unit per 5 acres. Multi-family residential densities shall range from 1 to 4 units per acre. Planned residential density shall range from 1 unit per 1 to 10 acres. Land within Tiburon’s sphere of influence, such as the unincorporated islands along Paradise Drive, should be considered for annexation to the Town prior to development and should be developed in accordance with Town land use policies and densities.

Consistent - The project site has a gross density of one housing unit per 2.55 acres of land (43 housing units). Taking into consideration the density provisions of the Ridge and Upland Greenbelt Area the range of housing units permitted on the PR designated portion of the property (105.5 acres) would be 10 to 42 housing units, the area designated SF6 (4.5 acres) has a density range of 18 to 31 units. The total designated density range for the project site, including the RUG, is 28 to 73 housing units. In addition to residential development 59.92 acres would be designated as open space. While the proposed development does not include annexation into the Town of Tiburon, it should be noted the proposed density of the project is consistent with the prescribed density found in the Town of Tiburon General Plan, which allows a maximum density of 0.4 residences per acre (44 housing units).

Socioeconomic Element – Historical and Archaeological Resources

Policy HAR-1.3 Avoid Impacts to Historical Resources. Ensure that human activity avoids damaging cultural resources.

Inconsistent -There are no known historical resource at the project site. If subsurface resources are unearthed during construction Mitigation Measure 5.9-1 contains mitigation measures that ensure consistency with Policy HAR-1.3. However, the Keil Cove property down slope of the project site appears to have the potential to meet the CEQA definition of a historic resource and is considered a historic resource for the purpose of evaluating cultural resources in the Draft EIR. The Lands of Keil, a private land holding within the project site, contains a spring that is the historic water source for the Keil gardens and pond The proposed project has the potential to eliminate the flow of water from the spring and would reduce the flow of seasonal ground water to the Keil Cove property. Implementation of recommended mitigation measures would assure a continued water supply to the Keil Cove property for landscape irrigation, but the potential loss of water from the spring is an impact on the historic resource.

CONSISTENCY WITH MARIN COUNTY DEVELOPMENT CODE

County zoning of the majority of the project site is Residential, Multiple Planned, 0.2 units per acre (RMP-0.2). The permitted density in the RMP-0.2 district is one unit per five acres. The RMP zoning district is intended for a full range of residential development types within the unincorporated urban areas of the County. Permitted uses in this district include single-family, two-family dwellings, multi-family residential development and limited commercial uses in a suburban setting.

A small portion of the project site (northeast of where Spanish Trail Road intersects the project site) is Residential, Single-family (R1). The R1 zoning district is intended for areas suitable for single-family residential neighborhood development in a suburban setting, along with similar and related compatible uses. The minimum lot area in the R1 zoning district is 7,500 square feet.

An asterisk on the County's zoning map refers to a note on the map that states "this zoning was modified by Court Order".

The proposed project includes an application to rezone the project site to the Residential, Single Family Planned District (RSP). The RSP zoning district is intended for areas suitable for single-family residential neighborhood development in a suburban setting, along with similar and related uses. The proposed rezoning is consistent with the CWP's existing residential land use designation and residential density for the subject property. Therefore the proposed rezoning would not require a CWP amendment.

CHAPTER 22.10 - RESIDENTIAL DISTRICTS

Section 22.10.020(D) RSP (Residential, Single-Family Planned) District. The RSP zoning district is intended for areas suitable for single-family residential neighborhood development in a suburban setting, along with similar and related compatible uses, where site or neighborhood characteristics require the attention to design detail provided through the Master Plan process (Chapter 22.44—Master Plans and Precise Development Plans)). The RSP zoning district is consistent with the Single-Family 1 through 6 land use categories of the Marin Countywide Plan

Consistent - As stated, the RSP zoning district is intended for single-family residential use, where site characteristics require particular attention to design detail through the Master Plan process. The proposed development is consistent with the intention of the RMP zoning district, and includes a proposed Master Plan and Precise Development Plan.

Section 22.10.030 Table 2-3 - Allowed Uses and Permit Requirements for RSP.

Consistent – Only single-family residential uses are proposed. The proposed 2008 Easton Point Residential Development would be consistent with the allowed uses and permit requirements of the RSP district.

Section 22.10.040 Table 2-5 - Residential District Development Standards (RSP) - Minimum Lot Area.

Not applicable

Section 22.10.040 Table 2-5 - Residential District Development Standards (RSP) - Maximum Residential Density. Table 2.5 refers to zoning map A note on the zoning map states “this zoning was modified by Court Order”.

Consistent – A note on the zoning map states “this zoning was modified by Court Order”. The proposed residential density is consistent with the referred Court Order.

Section 22.10.040 Table 2-5 - Residential District Development Standards (RSP) - Minimum Setback Requirements: Front – not applicable, Sides – 30 feet, Rear – 15 feet.

See discussion of section 22.16.030(K) below.

Section 22.10.040 Table 2-5- Residential District Development Standards (RSP)- Height Limits

See discussion of section 22.16.030(K) below.

CHAPTER 22.16 - PLANNED DISTRICT DEVELOPMENT STANDARDS

Section 22.16.030 - Planned District General Standards

Section 22.16.030(C) Subdivision, residential density. The minimum lot area for new subdivisions, and the maximum density for residential projects within the planned districts, shall be evaluated for consistency with the *Marin Countywide Plan* and shall be determined through the processes of Master Plan, Precise Development Plan, and Tentative Map approval, rezoning the site, and shall be shown on the Zoning Map.

Consistent - The project proposes 43 residences on lots that are a half acre or larger. Two separate CWP land use designations overlay the project site. (1) The Planned Residential (PR) land use designation encompasses approximately 105.5 acres, the density range would allow ten to 105 housing units on the site. (2) The Single Family 6 (SF6) land use designation encompasses approximately 4.5 acres, the density range would allow 18 to 31 housing units on the site. Overall the density ranges would allow for 28 to 136 housing units on the site. As discussed in **Section 3.1 Site Location and Land Uses**, approximately 70 acres of the project site is located in the County’s Ridge and Upland Greenbelt Area, where the CWP has programs directing housing densities be calculated at the lowest end of the density range in order to protect views of Ridge and Upland Greenbelt areas. The proposal to construct 43 residences is closer to the midpoint of the allowable density range. Therefore the proposed project is consistent with the density provisions of the CWP. Furthermore, it should be noted the 1976 U.S. District Court Judgment determined the development of 43 single family residences on minimum one-half acre lots would be consistent with the goals of the Marin Countywide Plan.

Section 22.16.030(D). The minimum setback requirements, floor area ratio, maximum site coverage, height limits, and other development standards, applicable to a site in a planned district, shall be determined through Master Plan or Precise Development Plan (Chapter 22.44), or Design Review (Chapter 22.42), as applicable.

Consistent - The proposed *2008 Easton Point Residential Development* includes a Precise Development Plan that would establish a variety of development regulations applicable to the project site. This includes the proposed *Easton Point Design Guidelines*, which provide criteria for design, energy conservation, landscaping, and development standards such as floor area and

building height limits. Each home would be subject to Design Review approval on an individual basis.

Section 22.16.030(E) Access:

1. *Roads.* In ridge land areas designated by the *CWP*, roads shall be designed to rural standards. (Generally, not more than 18 feet pavement width, depending on safety requirements. A minimum of 16 feet may be permitted in certain very low use areas, as provided in the improvements standards established in compliance with Title 24, Sections 24.04.020 et seq. of the County Code (Roads). No new roads shall be developed where the required grade is more than 15 percent unless the review authority determines that the roads can be built without environmental damage, comply with State fire safety regulations, and be used without public inconvenience.
2. *Driveways.* Driveways shall be designed in compliance with Title 24, Sections 24.04.240 et seq. of the County Code (Driveways). Driveway length shall be minimized, consistent with the clustering requirements of following subsection F.1.
 1. **Consistent** - As modified the proposed design of on-site roads would meet certain standards related to the width of proposed roads. The applicant is no longer requesting an exception stating *the nonconforming elements have been proposed in order to minimize the extent of earthwork and impervious surfaces*. Implementation of recommended roadway access mitigation measures would make the proposed project consistent with the Title 24 road standards.
 2. **Consistent** - The Precise Development Plan proposes the use of common driveways, which is encouraged in Section 24.04 of the *County Development Code*. Mountain View Drive would be a 16 feet wide driveway that serves Lots 1, 2, and 3. Two other 16 feet wide common driveways are proposed as access to Lots 7, 8, and 9 (from Ridge Road), and Lots 21, 22, and 23 (from Paradise Drive). The 16 feet driveway widths preclude the need for turnouts, and hammerhead turnarounds are proposed where required by driveway length. Driveway transitions, approaches, and surfacing would be consistent with the requirements of the *County Code*.

Section 22.16.030(F) Building Location:

1. *Clustering Requirement.* Structures shall be clustered in the most accessible, least visually prominent, and most geologically stable portions of the site, consistent with needs for privacy where multiple residential units are proposed. Clustering is especially important on open grassy hillsides; a greater scattering of buildings may be preferable on wooded hillsides to save trees. The prominence of construction shall be minimized by placing buildings so that they will be screened by existing vegetation, rock outcroppings or depressions in topography. In agricultural areas, residential development shall be clustered or sited to minimize possible conflicts with existing or possible future agricultural uses.
2. *Development near ridgelines.* No construction shall occur on top of, or within 300 feet horizontally, or within 100 feet vertically of visually prominent ridgelines, whichever is more restrictive, unless no other suitable locations are available on the site. If structures must be placed within this restricted area because of site constraints, they shall be in locations that are the least visible from adjacent properties and view corridors.

3. *Energy Conservation.* Solar access shall be considered in the location, design, height and setbacks of all buildings. Generally, buildings should be oriented in a north/south fashion with the majority of glazing on the south wall or walls of the buildings.
 4. *Noise Mitigation.* Noise impacts on residents in nearby areas shall be minimized through the placement of buildings, recreation areas, roads and landscaping.
1. ***Inconsistent*** - The project site consists of open grass lands and live oak forest. Generally, grasslands dominate higher elevations and forested areas are located at lower elevations, nearer to Paradise Drive. The project proposes to develop some homes in forested areas where vegetation would provide screening. However, the majority of homes would be located at higher elevations in areas that are visually prominent.
 2. ***Inconsistent*** - The proposed project would result with encroachments into setbacks from visually prominent ridgelines. This would include the Tiburon Ridge, where proposed 1 through 10, where proposed building footprints encroach within the 100-foot vertical setback from Tiburon Ridge. The proposed water tank on Parcel C would encroach within the 300-foot horizontal setback from the Tiburon Ridge. Also, as discussed in ***Section 4.1 Marin Countywide Plan***, there are six visually prominent ridgelines located on the project site with which the proposed development would encroach into setbacks.
 3. ***Consistent*** - The proposed *Easton Point Design Guidelines* call for energy conserving design elements including passive solar design and the use of solar panels. Other energy conserving design elements are encouraged.
 4. ***Consistent*** - The project would result in construction related noise impacts (*Impact 5.3-1*). However, upon completion of construction the proposed residences would be compatible with the quiet setting of surrounding residential neighborhoods.

Section 22.16.030(G) Facilities. Where possible, facilities and design features called for in the *Marin Countywide Plan* shall be provided on the site. These include units with three or more bedrooms, available to households with children; child-care facilities; use of reclaimed waste water; use of materials; siting; and construction techniques to minimize consumption of resources such as energy and water; use of water-conserving appliances; recreation facilities geared to age groups anticipated in the project; bus shelters; design features for bicycle paths to accommodate people with disabilities linked to City-County systems; and facilities for composting and recycling.

Consistent - As proposed the project includes design guidelines to minimize consumption of energy, water, and other materials.

Section 22.16.030(H) Landscaping. Introduced landscaping should be designed to minimally disturb natural areas, and shall be compatible with the native plant setting. Landscaping plans should be prepared in compliance with Chapter 22.26 (Landscaping). Landscaping plans should consider fire protection, solar access, the use of native and drought tolerant plant species and minimal water use. Planting should not block scenic views from adjacent properties or disturb wildlife trails.

Consistent - The proposed *Architectural and Landscape Design Guidelines* include guidelines for landscape design that would be incorporated into the developments CC&R's and enforced by a homeowners association. The proposed guidelines require utilization of native plant species and

the retention of existing trees and native vegetation where possible. The guidelines would prohibit the use of invasive species and require the use of drought tolerant and fire resistant species for new plantings. Furthermore, the CC&R's would remind homeowners that landscape plans should be reviewed by the Tiburon Fire Protection District for conformance to fire safety regulations.

Section 22.16.030(I) Exterior Lighting. Exterior lighting visible from off-site should be allowed for safety purposes only, shall consist of low-wattage fixtures, and should be directed downward and shielded to prevent adverse lighting impacts on nearby properties, subject to the approval of the Director.

Consistent - As stated in Mitigation Measure 5.8-6 all light sources shall be downcast and shielded from off-site view. Low intensity, indirect light sources, and motion-activated lighting systems would be encouraged. Floodlighting shall be prohibited and the use of mercury, sodium vapor, and similar intense and bright lights would be limited.

Section 22.16.030(J) Open Space Areas:

1. *Open space dedication.* Land to be preserved as open space may be dedicated in fee title to the County or other agency designated by the County before issuance of any construction permit, or may remain in private ownership with appropriate scenic and/or open space easements/agreements granted to the County in perpetuity. The County may require reasonable public access across those lands remaining in private ownership, consistent with Federal and State law.
 2. *Maintenance.* The County or other designated public agency will maintain all open space lands accepted in fee title, as well as public access and trail easements across private property. Open space lands that remain in private ownership with scenic easements shall be maintained in compliance with the adopted policies of the Marin County Open Space District and may require the creation of a home owners' association or other organization to maintain the private open space.
 3. *Open space uses.* Uses in open space areas shall be in compliance with policies of the Marin County Open Space District. Generally, uses shall have no or minimal impact on the natural environment. Pedestrian and equestrian access shall be provided where possible and reasonable.
1. **Consistent** - The proposed project includes dedication of 68.89 acre parcel as public open space. An additional 5.86 acre parcel would be dedicated as a Marin dwarf flax preserve, not intended for public access. As proposed the project would include some public access easements, however public access issues can be finalized during the public hearing process for the Precise Development Plan application.
 2. **Consistent** - If accepted Marin County would assume responsibility for maintaining the land in compliance with adopted policies of the Marin County Open Space District. Implementation of mitigation measures contained in the EIR would require the establishment of an applicant or property owner funded open space monitoring and maintenance program to be carried out by or under the direction of the MCOSD or other public or private entity acceptable to the County.

3. **Consistent** - If accepted as public open space or protected under the provisions of an Open Space easement, the Marin County Open Space District would have jurisdiction to enforce their policies for open space management.

Section 22.16.030(K) Project design:

1. **Height limits for structures.**
 - a. 30 feet for primary structures, 15 feet for accessory structures; and
 - b. The floor level of the lowest floor shall not exceed 10 feet above natural grade at the lowest corner.
 - c. Where a ridge lot is too flat to allow placement of the house in compliance with Subsection F.2 above, the maximum height shall be 18 feet.
 - d. Where allowed, agricultural accessory structures located below ridgetops may exceed the above height limits with Design Review approval.
 - e. These requirements may be waived by the Director if the Director determines site terrain features make the above height limits ineffective, or unnecessary in minimizing the visibility of the proposed structures.
2. **Materials and Colors.** Building materials and colors shall be chosen to blend into the natural environment unobtrusively, to the greatest extent possible.
 - 1a. **Consistent** - The proposed *Easton Point Design Guidelines* would limit primary structure heights to 25 feet for residences accessed from the Hill Haven neighborhood and 30 feet for residences accessed from Paradise Drive. Proposed height limits for accessory structures would be 15 feet.
 - 1b. **Consistent** - The applicant has submitted conceptual design schemes that generally depict the appearance the new homes would have. This includes schematic cross-section drawings that show how the homes would be situated on the sites topography. As depicted in the schematic cross-section drawings the proposed residences would utilize a terraced layout, which features structures layered along the topography. Lower levels would be dug into the hillside to reduce the appearance of structure mass. The schematic cross-section show the floor levels of lower story would be within ten feet of natural grade.
 - 1c. **Inconsistent** - The proposed *Easton Point Design Guidelines* do not indicate a structure height reduction where structures would encroach into ridgeline setbacks.
 - 1d. **Consistent** - There are no agricultural structures proposed for this project.
 - 1e. **Can not determine consistency.** This policy refers to discretionary authority of County staff.
2. **Consistent** - The proposed *Easton Point Design Guidelines* encourage the use of materials and colors which visually blend with the natural environment that surrounds the project site. The design guidelines include a sample material and colors board that includes stone colored slate roofing, earth tone stucco plaster and synthetic siding, and stone materials for walls, wall base, curbs, and paved areas.

Section 22.16.030(L) Site preparation:

1. **Grading.** Grading shall occur in compliance with Title 23, Chapter 23.08 (Excavating, Grading and Filling) of the County Code, but shall be held to a minimum. Every reasonable effort shall be made to retain the natural features of the land: skylines and ridgetops, rolling land forms, knolls, native vegetation, trees, rock outcroppings, and watercourses. Where grading is required, it shall not create flat planes and sharp angles of

intersection with natural terrain. Slopes shall be rounded and contoured to blend with existing topography.

2. *Drainage.* Areas adjacent to creeks shall be maintained in their natural state as much as possible. All construction shall ensure drainage into the natural watershed in a manner that will avoid significant erosion or damage to adjacent properties. Impervious surfaces shall be minimized.
3. *Trees and vegetation.* Every effort shall be made to avoid tree removal, or changes or construction that would cause the death of existing trees, rare plant communities, and wildlife habits.
4. *Fire hazards.* Development shall be permitted in areas subject to wildfire threat only where the review authority determines there is adequate access for fire and other emergency vehicles, an adequate water supply, a reliable fire warning system, and fire protection service. Setbacks for firebreaks shall be provided if necessary. Projects shall comply with State fire safe requirements including defensible space and residential construction techniques.
5. *Geologic Hazards.* Construction shall not be permitted on identified seismic or geologic hazard areas such as on slides, on natural springs, on identified fault zones, or on bay mud without approval from the Department of Public Works, based on acceptable soils and geologic reports.
6. *Watershed areas.* All projects within water district watershed areas shall be referred to the affected district for review and comment. Damaging impoundments of water shall be avoided.

1. ***Inconsistent*** - As discussed in ***Section 5.4 Geology and Soils***, it is estimated that the proposed project, along with the requirements of Mitigation Measure 5.4-1 (Landsliding), would require a significant amount of grading. This would include grading on visually prominent ridgelines and other natural features of the hillside. Even if the project grading could avoid creating flat plans and sharp angles, the amount of grading involved would substantially alter the natural features of this hillside, and would be inconsistent with the intent of this policy.
2. ***Consistent*** - There are five ephemeral streams located on the project site. While development avoids most of these watercourses, proposed landslide repairs in the vicinity of proposed Lot 16 would occur within the 100 foot setback requirement called for in the CWP's SCA policies. Mitigation Measures would reduce impacts to water quality, erosion, and sedimentation to less-than-significant levels.
3. ***Inconsistent*** - It is estimated that the proposed project and compliance with required fuel reduction measures to reduce the threat of fire would require the removal of 742 trees and the loss of 7.4 to 12.3 acres of coast live oak woodland.
4. ***Consistent*** - As discussed in ***Section 5.7 Public Services*** emergency vehicle access within the project site would be enhanced by expanded turnout along the proposed residential streets, and also the emergency vehicle access road. Mitigation Measure 5.7-1(b) requires preparation of an emergency radio coverage improvement plan.. The project site falls within the jurisdiction of the Tiburon Fire Protection District (TFPD), which has indicated it would be able to serve the project site. The TFPD and MMWD will review the subdivision improvement plans to insure adequate water supply for fire fighting is available. The project would comply with the 2003 Urban Wildland Code, which requires vegetation management plans and adherence to stronger minimum structure standards.

Vegetation management plans would comply with defensible space requirements for fire safety.

5. **Consistent** - The project site is underlain with 28 landslides. The project's geotechnical engineer has submitted a geotechnical report documenting how existing landslides on the project site would be remediated to adequately protect the proposed development. The proposed landslide remediation program will require approval by the County Department of Public Works.
6. **Consistent** - The project site is not located within a watershed area of the Marin Municipal Water District.

Section 22.16.030(M) Utilities. Street lights in ridge land areas shall be of low intensity and low profile. Power and telephone lines shall be undergrounded in all areas, where feasible.

Consistent – Implementation of Mitigation Measure 5.8-5 would result in street lights consistent with this provision. Power, telephone lines, and other utilities would be undergrounded.

Section 22.16.030(N) Plan consistency. Project approval shall require findings of consistency with the *Marin Countywide Plan* and any applicable Community Plan that may have more restrictive standards than the preceding provisions of this Section.

Consistent - The project applicant has submitted an application requesting approval of a Rezoning, Master Plan, Precise Development Plan, and Tentative Map. During this entitlement review process Marin County will determine whether or not the proposed project is consistent with the *Marin Countywide Plan* and other community plans that apply to the project site.

CHAPTER 22.20 GENERAL PROPERTY DEVELOPMENT AND USE STANDARDS

Section 22.20.030 - Access Standards. Every structure or use shall have frontage upon a public street or permanent means of access to a public street by way of a public or private easement or recorded reciprocal (mutual) access agreement, as determined by the Director. Driveways shall be developed in compliance with the standards contained in Chapter 24.04 (Improvements) of the County Code and applicable fire protection district regulations.

Consistent - As proposed each lot would have permanent access to public streets through driveways on private access easements and the proposed private roads. None of the proposed parcels would be landlocked or potentially landlocked in the future.

Section 22.20.040 - Archaeological and Historic Resources. In the event that archaeological or historic resources are discovered during any construction, construction activities shall cease, and the Agency shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist and disposition of artifacts may occur in compliance with State and Federal law. The disturbance of an Indian midden (a mound or deposit containing shells, animal bones, and other refuse that indicates the site was host to human settlement) may require the issuance of an Excavation Permit by the Department of Public Works, in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.

Consistent - *Mitigation Measure 5.9-1* provides specific measures to follow if prehistoric cultural deposits are discovered during construction activities.

Section 22.20.045 - Energy Efficiency. The following standards shall be applied to development projects requiring discretionary permits for the purpose of incorporating efficient and sustainable energy use in the design and / or location of new buildings and structures:

- A. *Project Design.* The project design includes cost-effective features that foster energy and natural resource conservation while maintaining compatibility with the prevailing architectural character of the area.
- B. *Solar Access.* Solar access shall be considered through appropriate studies or other information verifying that proposed structures are located and/or designed for solar gain.
- A. **Consistent** - The proposed project does not include final design plans for the single family residences. The proposed *Easton Point Design Guidelines* would require, to the greatest extent reasonable, sustainable design features including passive solar design and other energy conserving design elements and use of recycled or recyclable building materials.
- B. **Consistent** - The proposed *Easton Point Design Guidelines* require passive solar design, which reduces heat and lighting energy use by optimizing available solar energy, and active solar energy when neighbors would not be unreasonably affected by solar collector panels.

Section 22.20.060 - Height Measurement and Height Limit Exceptions.

- A. *Maximum height.* The height of any structure shall not exceed the standard established by the applicable zoning district in Article II (Zoning Districts and Allowable Land Uses). Maximum height shall be measured as the vertical distance from grade to an imaginary plane located the allowed number of feet above and parallel to the grade.
- B. *Detached accessory structures.* A detached accessory structure shall not exceed 15 feet in height above grade. However, a detached accessory structure may be constructed to the height allowed for primary structures, by the applicable zoning district, if the accessory structure is located at least 40 feet from all property lines.
- C. *Structures for parking.* A detached parking structure is subject to the height limit required by Section 22.20.060.B (Detached accessory structures), above. Where a garage or other parking structure is located three feet from a front or side property line, in compliance with Section 22.32.130.B.2 (Residential Accessory Uses and Structures), its height shall be measured from the floor level of the parking area.
- D. *Fences.* Height limits for fences are established by Section 22.20.050.A (Fencing and Screening Standards—Height Limitations). In general fences are limited to four to six feet above grade.
- E. Height limit exceptions by Variance or Use Permit:
 - A. **Potentially Inconsistent** - The proposed *Easton Point Design Guidelines* include maximum height limits that would exceed the building height limitation for homes near a ridge. with *Section 22.16.030(K)(1)(c)* which states homes near the ridge shall not exceed 18 feet in height, otherwise the proposed building height limits are in compliance are in compliance with the existing RSP District standard. However, approval of the recommended Design Guidelines would establish a new standard for the subject property and future homes would be in compliance with the new standard.
 - B. **Consistent** - The proposed *Easton Point Design Guidelines* limit accessory building structure heights to 15 feet.
 - C. **Consistent** - As proposed the project does not include garages that would be located three feet from a side or front property line. In the event a future homeowner wishes to construct additional parking within front or side yard setbacks a building permit would be required.
 - D. **Consistent** (- As stated in the proposed *Easton Point Design Guidelines* no fencing of lot boundaries would be permitted, but low fencing to safeguard children and pets in proximity to the home would be allowed. Fences would generally not exceed five feet in height. All fencing would be subject to design review approval.
 - F. **Consistent** - The proposed *Easton Point Design Guidelines* include height limits that would apply to all single family homes within the project site. However, as established by this section of the county code, future residents could request an exception to height limits by applying for a Variance or Use Permit.

Section 22.20.080 - Parking Requirements. Parking standards for new and existing land uses are contained in Sections 24.04.330 through .400 (Parking and Loading) of the County Code. Every

structure or use created or established shall be provided with the minimum number of off-street parking and loading spaces specified in Sections 24.04.330 through .400 (Parking and Loading), and in compliance with Chapter 15.06 (Trip Reduction) of the County Code.

Consistent - Section 24.04.330 requires two parking spaces per residence. The project would comply with this requirement. The proposed *Easton Point Design Guidelines* state *each lot must provide at least two off-street guest parking spaces in addition to two garage parking spaces.*

Section 22.20.090 - Setback Requirements and Exceptions.

Consistent - The project proposes typical minimum setbacks of 25 feet for the front yard, minimum 20 feet side yard setbacks, and minimum rear yard setbacks to equal 25 percent of the lot depth. The proposed setbacks meet the minimum requirements of the RMP and R1 zoning district and would be sufficient to provide for natural light, ventilation, privacy and other benefits of having adequate setbacks.

Section 22.20.110 - Undergrounding of Utilities. Utilities to serve proposed development shall be placed underground except where the Director determines that the cost of undergrounding would be so prohibitive as to deny utility service to the development.

Consistent - As proposed all utilities would be installed underground.

CHAPTER 22.22 - AFFORDABLE HOUSING REGULATIONS

Section 22.22.080 - In-Lieu Participation Fees for Residential Development.

- A. *Purpose.* The purpose of this Section is to provide the means to levy fees for construction of affordable housing, when the inclusion of affordable housing is impractical or unreasonable within a proposed residential development or in cases where the inclusionary requirement includes a decimal fraction of a unit, and a combination of both inclusionary units and in-lieu fees is required.

Not applicable - The 2007 Judgment states that as an action required to implement the 1976 Judgment, “In light of the fact that no affordable housing requirements existed at the time of the 1976 Judgment, any affordable housing requirement or other inclusionary - housing mandate which is required with respect to the Martha project by the *Marin Countywide Plan* or any County ordinance, code, or regulation shall be assumed by the County itself, and Martha shall have no additional obligation whatsoever”.

CHAPTER 22.26 - LANDSCAPING

Section 22.26.020 - Landscaping Plans Required. Landscaping plans shall be required for all discretionary permit application for new development unless waived by the Director.

Consistent - The proposed Master Plan includes a general landscape plan for the entire site, and typical landscape plans for lots proposed on Ridge Road, and Forest Glen Court (Sheet L-3). These landscape plans are conceptual and provide information on the types of plantings that are acceptable at different locations. Each new residence would be subject to Design Review approval by the County and detailed landscape plans for each residence would be required for the Design Review process.

Section 22.26.030 - Landscaping Plan Procedures.

- A. A preliminary landscaping plan shall be submitted as part of the development application, and be reviewed by the Agency concurrent with the land use permit application;
- B. After approval of the development application, a final landscaping plan shall be prepared and submitted concurrent with the application for a Building Permit, and shall be reviewed by the Agency concurrent with the Building Permit application; and
- C. Landscaping plans should be prepared by a landscape professional.

Consistent - Application materials include a preliminary landscape plan for the project site and typical lot landscaping. These plans are professionally prepared. Detailed landscape plans would be required as part of the Design Review process for each single family residence. Therefore, at this point of EIR preparation it appears the *2008 Easton Point Residential Development* would comply with all Landscape Plan Procedures

Section 22.26.040 - Landscaping Objectives.

- A. *Provide visual amenities.* Landscaping should enhance the appearance of new development and surrounding areas by being designed, installed, and maintained to blend new structures into the context of an established community.
- B. *Provide environmental benefits.* Landscaping should be utilized to stabilize soil on hillsides, reduce soil erosion, improve air quality, reduce noise, and provide for appropriate fire protection. To the extent practical, landscaping should also use non-toxic products or integrated pest management techniques in order to minimize impacts to water quality and wildlife habitat.
- C. *Conserve Water.* Landscaping and related irrigation shall comply with the provisions of Chapter 23.10 (*Water Efficiency in Landscaping*) of the Marin County Code.
- D. *Screen incompatible land uses.* Landscaping should be utilized to screen incompatible land uses by creating visual separation, where deemed necessary and appropriate, between land uses.
- E. *Improve safety.* Landscaping should be utilized to improve pedestrian and vehicular safety by providing landscaping in proper proportion to the setting (e.g., reduced heights at intersections, driveways, etc.)
- F. *Preserve the character and integrity of neighborhoods.* Landscaping should be utilized to enhance and preserve the characteristics which give a neighborhood its identity and integrity by providing a prescribed selection of trees and plant materials which are compatible with those existing in the neighborhood.
- G. *Preserve native plant species.* Landscaping should be designed to use native plants as much as possible in order to preserve and/or enhance valuable plant habitats, create suitable habitats for wildlife, and protect endangered or threatened plants and animals.
- H. *Preserve the number of trees in the County.* In compliance with the policies of the Countywide Plan, require the replacement of any trees proposed for removal at a minimum ratio of two new, appropriately sized and installed trees for each tree

designated to be removed, unless a higher or lower replacement ratio is determined to be appropriate.

- I. *Provide for fire safe landscaping.* Landscaping should utilize plant selection, placement and maintenance to provide a fire safe environment for individual structures, ingress, egress routes, and neighborhoods as a whole. Vegetation should not be planted in locations where, when mature, it may contact overhead power lines.
- A. **Consistent** - The proposed *Easton Point Design Guidelines* would require 80 percent of introduced landscaping be California native plant and tree species. Existing trees and native vegetation would be preserved when possible. New landscaping would be designed to avoid blocking scenic views from existing residences while helping screen new residences and soften their presence on the hillside. These landscaping measures would help the proposed development blend in with the surrounding community.
- B. **Consistent** - Measures included in the proposed *Easton Point Design Guidelines* and proposed mitigation measures would utilize landscaping for their environmental benefits. These include revegetation of disturbed areas to reduce soil erosion (*Mitigation Measure 5.5-1(a)*), homeowner education to be incorporated into CC&R's that instructs both the owners and their landscaping contractors in safe chemical handling and application procedures and the use of less toxic pest management procedures, including integrated pest management (*Mitigation Measure 5.5-1(b)*). The proposed design guidelines state landscaping should utilize primarily native plant species which are compatible with the surrounding natural environment of Easton Point. Introduced landscaping shall include approximately 80 percent California native species tolerant to drought, fire, and frost. Use of invasive species is prohibited. Removal of existing invasive species is required prior to installation of new landscaping. Furthermore, all new residential landscaping would be subject to review and approval by the TFPD for consistency with Firewise landscape guidelines.
- C. **Consistent** - As stated in the proposed *Easton Point Design Guidelines* 80 percent of introduced landscaping would be drought tolerant species. However Chapter 23.10 of the Marin County Code contains more detailed requirements such as water efficient irrigation hardware and incorporating Hydrozones into landscape designs. Landscaping plans for each new residence would be reviewed for consistency with Chapter 23.10 of the Marin County Code during the Design Review process.
- D. **Consistent** - Proposed land uses would be consistent with existing residential neighborhoods in the surrounding community. Preliminary landscape plans do show proposed plantings that would help screen new residences, and soften their appearance when viewed from existing neighborhoods.
- E. **Consistent** - As stated in the proposed *Easton Point Design Guidelines* all trees and grasses planted within 20 feet of a street (including sidewalk curb and gutter) would require approval of Marin County Public Works Department. Landscaping would be sited and designed to avoid obstruction of site distance clearance at street corners and between driveways and approaching motorists.
- F. **Consistent** - The proposed *Easton Point Design Guidelines* would require utilization of primarily native plant species and avoidance of invasive species. Existing native trees would be retained when possible, and existing views would be preserved.

- G. **Consistent** - The proposed *Easton Point Design Guidelines* would require 80 percent of introduced landscaping be native species. Invasive plant species would be prohibited.
- H. **Consistent** - *Impact 5.8-8 Loss of Ordinance-Size Trees* discusses consistency with the County's Native Tree Preservation ordinance. With mitigation the proposed project would be consistent with the tree ordinance.
- I. **Consistent** - Proposed landscaping would comply with defensible space requirements. Landscape plans would be subject to review by the Tiburon Fire Protection District.

CHAPTER 22.27 - NATIVE TREE PROTECTION AND PRESERVATION

Section 22.27.030 - Prohibition on Removal of Protected Trees. Protected Trees shall not be removed except in compliance with Section 22.27.050 (Exemptions), and as provided for in Section 22.27.080 (Tree Removal Permits).

Consistent - Implementation of the proposed project would require removal of an estimated 742 trees (*Impact 5.6-8*) and up to 12.3 acres of coast live oak woodland. However consistent with Section 22.27.040 (G), the removal of these trees has been specifically proposed as part of the Master Plan proposal.

Section 22.27.050 - Oak Woodland Management Guidelines. When trees are removed and/or management plans are prepared in compliance with this Chapter, the County's Oak Woodland Management Guidelines provided by the Agency should be taken into consideration.

Consistent. Mitigation Measure 5.6-4(a) would require that the Resource Management Plan required by Mitigation Measure 5.6-1(c) address the preservation of oak woodland habitat remaining on the project site, and be consistent with Marin County's Oak Woodland Voluntary Management Guidelines.

CHAPTER 22.82 - SUBDIVISION DESIGN STANDARDS

Section 22.82.020 - Clustering Required in Planned Districts. Proposed subdivisions within the planned zoning districts should be designed to cluster proposed structures in compliance with Article V and Section 22.08.040 (*Agricultural District Development Standards*).

Not Applicable - The clustering requirements of this section refer to Article V (Coastal Zone) and the Agricultural District Development Standards. The proposed project site is not located in the Coastal Zone or an agriculturally zoned property.

Section 22.82.030 - Drainage Facilities. Subdivision drainage facilities shall be designed and constructed in compliance with Title 24, Sections 24.04.520 (Drainage Facilities) et seq. of the County Code.

Consistent - The Precise Development Plan includes proposed improvements plans that would be subject to review and approval by the Marin County Public Works Department.

Section 22.82.040 - Energy Conservation. The design of a subdivision for which a Tentative and Final Map are required by this Article shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivisions, in compliance with Map Act Section 66473.1.

Consistent - The proposed *Easton Point Design Guidelines* encourages the passive solar design and harnessing active solar energy. The use of geothermal energy and energy conserving materials is also encouraged.

Section 22.82.050 - Hillside Subdivision Design: (C) General Requirements.

1. Proposed subdivisions shall be designed so that each parcel complies with the minimum lot area requirements of this Chapter, in addition to the minimum lot area requirements of Article II (Zoning Districts and Allowable Uses) and Article V established for each zoning district. All parcels created after the effective date of this Development Code shall

be related to the natural ground slope as provided by this Section. In the event of conflict between these provisions and applicable minimum lot area standards of Articles II or V, the larger minimum lot area standards shall be required where a minimum lot area applies.

2. *Minimum lot area based on slope.* The minimum lot area requirements established by Table 6-1 (Minimum Lot Area Based on Slope) shall apply to all parcels in the unincorporated area of the County, unless any of the lot-slope requirements of Subsection D apply. The natural ground slope calculation of a site shall be rounded up to the nearest whole number shown on Table 6-1 (Minimum Area Based on Slope).
3. *Lot design.* Unconventional lot design to meet lot-slope requirements shall not be permitted. All lots shall be developable, buildable, and reasonably accessible. Lots shall not be created which are impractical for improvement due to steepness of terrain, location of water courses, inability to handle waste disposal, or other natural or manmade physical conditions.
2. *Cannot determine consistency at this time.* The applicant has not provided average slope calculations using the formula contained in Section 22.82.050.C.1 ($S = (L \times I \times 100) / A$). The project plans do include an existing slope map (Sheet R-5) that uses a color legend to provide a visual representation of areas within the project site that have a slope of 0-20 percent, 20-30 percent, and above 30 percent. However this does not provide an average slope for the proposed lots. Based on visual observation of Sheet R-5, it appears the proposed project is consistent with the lot area requirements of this section for the following reason: Most of the proposed lots exceed one acre, which is the largest lot area requirement for parcels with an average slope greater than 40 percent. Of the proposed lots under one acre, only a handful (Lots 9, 32, 33, 42, 43) have substantial areas with slopes that are 20 percent and above. However, without the exact average slope calculation for each lot it cannot be confirmed if the proposed project is consistent with this requirement.
3. *Consistent* - None of the proposed lots are of an unconventional design. They would all be developable and reasonably accessible.

Section 22.82.060 - Roadway Landscaping. Subdivision landscaping to enhance the natural environment and appearance of the subdivision shall, at a minimum, be designed and constructed in compliance with Title 24, Sections 24.04.750 et seq. (Trees and Landscaping) of the County Code.

Consistent - Proposed landscape plans would be reviewed for compliance with the Marin County Code during the Design Review process.

Section 22.82.070 - Lot Configuration and Minimum Area. Proposed subdivisions shall be designed so that all lots are in compliance with all applicable minimum lot area requirements of this Development Code. Lots should be designed with configurations that ensure each property owner can easily understand parcel boundaries, and to respect environmental and topographic conditions of the site. Irregular lot configurations that are designed solely to meet minimum lot area standards based on the lot-slope requirements contained in Section 22.82.050 (Hillside Subdivision Design) shall not be permitted. Lots shall not be approved unless they are developable, buildable, and reasonably accessible. Lots shall not be created which are impractical for improvement, due to steepness of terrain, location of water courses, inability to handle waste

disposal, or other natural or manmade physical conditions. Lots which do not comply with minimum lot size requirements can only be approved in conjunction with a rezoning. In addition to the provisions of this Chapter, lot design shall comply with those standards established by:

- A. Article II (Zoning Districts and Allowable Land Uses);
- B. Article V (Coastal Zones – Permit Requirements and Development Standards);
- C. The Zoning Maps (Section 22. 06.030 (Zoning Map Adopted)); and
- D. Title 24, Chapter 24.07 (Lots) of the County Code.

Consistent - As proposed the *2008 Easton Point Residential Development* would exceed the minimum lot area requirements of the *County Development Code* (except where a consistency determination could not be made regarding Section 22.82.050). The proposed design includes lots that area easily identifiable, developable, and accessible.

Section 22.82.080 - Road, Sidewalks, Pathways, Driveways. Subdivision roadways, sidewalks, pedestrian and multipurpose pathways, and individual driveways shall be designed and constructed in compliance with all applicable provisions of the County Code.

Consistent- Proposed roads in the Modified Master Plan comply with the County standards for road width.

Section 22.82.090 - Utilities. Subdivision utilities shall comply with Title 24, Sections 24.04.840 et seq. (Utilities) of the County Code. Utilities to serve proposed development shall be placed underground except where the Director determines that the cost of undergrounding would be so prohibitive as to deny utility service to the development, or the environmental benefit of allowing utilities to be placed above ground outweighs potential visual impacts.

Consistent - Proposed utilities would be installed underground.

CHAPTER 22.98 - DEDICATIONS, RESERVATIONS, EASMENT

Section 22.98.030 - Easement Dedications. Wherever the provisions of this Article Result in requirements for the dedication of easements to the County for the purposes of common driveways, drainage, pedestrian walkways, bicycle or equestrian paths, slopes, public utilities, emergency access, limiting access to specific streets, or other purposes, the dedications shall comply with all applicable provisions of Title 24, Chapters 24.05 (*Easements*) and 24.06 (*Reserved Strips*) of the County Code.

Consistent - All easement dedications would comply with the requirements of the Marin County Code.

Section 22.98.040 - Parkland Dedications and Fees.

Consistent - The proposed project includes dedication of public open space. However, the project would be required to pay parkland dedication in-lieu fees, as no parkland would be dedicated on site.

Section 22.98.060 - Reservation of Land. As a condition of approval of a Tentative Map, the County may require the subdivider to reserve sites appropriate in area and location for parks, recreational facilities, fire stations, libraries or other public uses, in compliance with the standards and formulas in this Chapter.

Consistent - The proposed project includes dedication of public open space. At this time Marin County has not requested other land dedications.

Section 22.98.070 - Right-of-Way Dedication. As a condition of approval of a Parcel or Final Map, the subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land or easements within the subdivision that are needed for streets or alleys.

Consistent - The proposed project includes a combination of public and private access easement that would be dedicated as conditioned for approval of the project.

CHAPTER 22.100 - SUBDIVISION IMPROVEMENT AND AGREEMENTS

Section 22.100.020 - Improvements Required

- A. *Basic improvement requirements*
- B. *Sewage disposal*
- C. *Water Supply*

Consistent - The applicant proposes, as part of the Precise Development Plan, basic infrastructure improvements required to serve the project. As discussed in **Section 5.7 Public Services**, sewer service would be provided by Sanitary District No. 5, and water service would be provided by the Marin Municipal Water District.

Section 22.100.030 - Subdivision Grading, Erosion and Sediment Control. All subdivisions grading and construction operations shall be conducted to provide proper erosion and sediment control, and shall otherwise comply with all applicable provisions of title 23, Chapter 23.08 (Excavation, Grading, and Filling), and Title 24, Sections 24.04.620 et seq. (Grading) of the County Code.

Consistent - **Section 5.4 Geology and Soils** contains an analysis of subdivision grading and proposed mitigation measures to insure adequate erosion and sediment control.

Section 22.100.040 - Soils Reports. Geotechnical reports shall be provided by the subdivider as required by this section.

Consistent - Geotechnical reports have been submitted for the proposed project. **Section 5.4 Geology and Soils** contains an analysis of geology and soils at the project site.