

## **EXHIBIT 4**

### **2008 EASTON POINT RESIDENTIAL DEVELOPMENT PROJECT MITIGATION MONITORING AND REPORTING PROGRAM**

This Mitigation Monitoring and Reporting Program (MMRP) was formulated based on the findings of the Environmental Impact Report (EIR) prepared for the 2008 Easton Point Residential Development project. The purpose of the MMRP is to ensure the implementation of mitigation measures identified as part of the environmental review for the project.

The MMRP lists mitigation measures recommended in the EIR and identifies mitigation monitoring requirements. Each mitigation measure is numbered according to the topical section to which it pertains in the EIR. As an example, Mitigation Measure 5.1-2 is the first mitigation measure identified in Chapter 5.1 Transportation, of the EIR. The column entitled “Implemented by” identifies the party responsible for carrying out the required actions. The column entitled “Monitoring or Reporting Action” identify the party ultimately responsible for ensuring that the mitigation measure is implemented and the approximate timeframe for the oversight agency to ensure implementation of the mitigation measure. The column entitled “When Implemented” will be used by the County of Marin to document the person who verified the implementation of the mitigation measure and the date on which this verification occurred.

The County of Marin must adopt a MMRP or an equally effective program, if it approves the proposed project with the mitigation measures included in the EIR. Public Resources Code, Section 21081.6(a) requires an agency to adopt a program for reporting or monitoring mitigation measures that were adopted or made conditions of project approval

<i>Mitigation Measure</i>	<i>Implemented by</i>	<i>When Implemented</i>	<i>Monitoring or Reporting Action</i>
<b>Transportation</b>			
<b>Mitigation Measure 5.1-2</b> Mitigation of cumulative traffic impacts to study intersections would require payment of a prorated share of planned improvements and payment in full for mitigation of the unplanned improvements.			
<b>Mitigation Measure 5.1-2(a)</b> The applicant shall pay the project's prorated share of planned lane improvements at the Redwood Highway Frontage Road / Tiburon Boulevard intersection and Trestle Glen / Tiburon Boulevard intersection, consistent with traffic mitigation fees to be determined by the Town of Tiburon and supported by the CWP. Additionally, the applicant shall pay the project's prorated share of planned signalization of the Mar West / Tiburon Boulevard intersection, consistent with traffic mitigation fees to be determined by the Town of Tiburon and supported by the CWP. The resulting acceptable LOS is shown in <b>Exhibits 5.1-36</b> and <b>5.1-37</b> for these three intersections.			
<b>Mitigation Measure 5.1-2(b)</b> The applicant shall pay the project's fair share for provision of overlapping phasing for the southbound left turn from <del>both Avenida Miraflores and Rock Hill Drive</del> to Tiburon Boulevard. The fair share calculation shall be done by the Town of Tiburon. Resulting mitigated intersection LOS for <del>these two intersections</del> <u>this intersection</u> is shown in <b>Exhibits 5.1-39</b> and <b>5.1-40</b> .			
<b>Mitigation Measure 5.1-3</b> In order to reduce the significant access driveway safety impacts for the Paradise Drive / Forest Glen Court intersection (providing access to Lots 28 through 39), the applicant shall prepare a right-of-way improvement plan. The improvement plan shall clearly show that adequate sight distance would be provided and shall include the following measures:			

<i>Mitigation Measure</i>	<i>Implemented by</i>	<i>When Implemented</i>	<i>Monitoring or Reporting Action</i>
<ul style="list-style-type: none"> <li>• Improve the Forest Glen Court / Paradise Drive intersection to provide a minimum of 158 feet of sight distance in both directions for outbound vehicles. This would slightly exceed the 150 feet of sight distance, as recommended by the applicant’s traffic engineer, and is used to comply with the stopping site distance standard cited in <b>Exhibit 5.1-41</b>.</li> <li>• Widen Paradise Drive to include four-foot shoulders with minimum 60-foot taper at the proposed Forest Glen Court intersection.</li> </ul>			
<p><b>Mitigation Measure 5.1-4</b> The <i>Marin Countywide Plan Final EIR</i> identifies mitigation measures to reduce impacts on U.S. 101, see Mitigation Measures 4.2-2, 4.2-9, 4.2-10, and 4.2-13. These measures include improved public transportation service countywide, and additional travel lanes on U.S. 101 to provide additional road capacity. Implementation of these measures is outside the sole jurisdiction of Marin County.</p>			
<p><b>Mitigation Measure 5.1-6</b> The applicant shall implement the following mitigation measures to reduce impacts on bicyclists on Paradise Drive:</p>			
<p><b>Mitigation Measure 5.1-6(a)</b> The applicant shall improve Paradise Drive along the frontage of the project site beginning at least 60 feet south of the proposed Lots 40 to 43 driveway, and extending at least 60 feet north of the proposed Forest Glen Court intersection. Selectively widen the shoulder pavement along the project frontage of Paradise Drive within the public right-of-way.</p>			

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<b><i>Mitigation Measure 5.1-6(b)</i></b> Provide Class III bike route signs, Countywide Bicycle Route Guide Signs, and appropriate warning and advisory signs along the project frontage.			
<b><i>Mitigation Measure 5.1-6(c)</i></b> Provide Class III bike route signs, Countywide Bicycle Route Guide Signs, and appropriate warning and advisory signs for northbound traffic, along the opposite side of Paradise Drive (east side of the project frontage of Paradise Drive). To improve conditions for northbound traffic, wherever possible, selectively widen the shoulder pavement along the east side of the project frontage of Paradise Drive within the public right-of-way. Improvements shall be coordinated with the improvements proposed along the frontage of the Swahn property.			
<b><i>Mitigation Measure 5.1-7</i></b> The following measures would be required to reduce pedestrian circulation impacts.			

<b><i>Mitigation Measure</i></b>	<b><i>Implemented by</i></b>	<b><i>When Implemented</i></b>	<b><i>Monitoring or Reporting Action</i></b>
<p><b><i>Mitigation Measure 5.1-7(a)</i></b>  The applicant shall make the following off-site road improvements, consistent with MCC Section 24.04.510:</p> <ul style="list-style-type: none"> <li>• Consistent with the project description, the applicant shall improve the Forest Glen Court / Paradise Drive intersection. Consistent with Mitigation Measure 5.1-3 improvements shall provide the maximum amount of widening and paved refuge area for pedestrians.</li> <li>• The applicant shall design the Lots 40 to 43 driveway / Paradise Drive intersection to provide the maximum amount of widening and paved refuge area for pedestrians.</li> <li>• The applicant shall provide paved shoulder widening along both sides of Paradise Drive along the project frontage of Paradise Drive within the public right of way, to address traffic added by the project to both sides of the road. Improvements shall be as described in Mitigation Measure 5.1-6(a), (b), and (c). These intersections and widened shoulders would provide additional refuge areas for pedestrians consistent with the safety improvements described in Marin County and Town of Tiburon planning documents for Paradise Drive.</li> </ul>			
<p><b><i>Mitigation Measure 5.1-7(b)</i></b>  The applicant shall implement project proposed measures along Hill Haven neighborhood streets to improve safety. These include:</p>			

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<ul style="list-style-type: none"> <li>• Post signs prohibiting parking along both sides of Diviso Street and along other residential streets narrower than 20 feet wide.</li> <li>• Provide stop or yield sign control for the side streets intersecting Ridge Road.</li> <li>• Prohibit placement of dumpsters along Lyford's Cove / Old Tiburon and Hill Haven neighborhood streets if the dumpster would intrude into the travel lanes. This would effectively prohibit the placement of dumpsters along streets narrower than 28 feet wide.</li> </ul> <p>Although these measures would not address pedestrian safety for all segments of the Lyford's Cove / Old Tiburon and Hill Haven neighborhood streets, conditions in these neighborhoods would be improved due to the project. Implementation of Mitigation Measure 5.1-7(b) would address many sections of the narrow, winding roads that would be used by project traffic, and would be considered to reduce project impacts to a less-than-significant level; implementation of these measures would improve existing pedestrian safety by maximizing the width of the travel way on Lyford's Cove / Old Tiburon and Hill Haven neighborhood streets.</p>			
<p><b><i>Mitigation Measure 5.1-7(c)</i></b>  The applicant shall make the following on-site road improvements, consistent with MCC sections 24.04.440(b) and (c) regarding sidewalks and 24.04.490 regarding sidewalk grades.</p> <ul style="list-style-type: none"> <li>• The applicant shall provide sidewalks or all-weather surface pathways on one side of each road.</li> </ul>			

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<ul style="list-style-type: none"> <li>• The applicant shall provide a public pathway connecting the Mt. Tiburon Court sidewalk to Old St. Hilary’s Open Space Preserve.</li> <li>• All-weather surface pathways shall be consistent with the CWP trail plan.</li> </ul>			
<p><b><i>Mitigation Measure 5.1-9</i></b> Revise the PDP to provide turnouts per TFPD requirements for driveways. Post all turnouts with “no parking” signs. Close the temporary construction access road to all use after cessation of construction, unless specifically approved by the TFPD for emergency use.</p>			
<p><b><i>Mitigation Measure 5.1-10</i></b> In addition to the measures proposed by the applicant, the following additional measure would be required:</p> <ul style="list-style-type: none"> <li>• Prohibit parking of dumpsters along Lyford’s Cove / Old Tiburon and Hill Haven neighborhood streets if the dumpster would intrude into the travel way. This would effectively prohibit the parking of dumpsters along streets narrower than 28 feet wide.</li> </ul>			
<p><b><i>Mitigation Measure 5.1-11</i></b> In order to reduce these significant road design impacts, the PDP shall be revised to incorporate the following measures:</p> <ul style="list-style-type: none"> <li>• Design the three on-site roads (Ridge Road, Mt. Tiburon Court and Forest Glen Court) in compliance with county standards. The Marin County standard for minor residential roads is a minimum 28 foot paved width including four-foot shoulders on each side, unless</li> </ul>			

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<p>narrower dimensions are allowed by the County based on its review of specific road segments.</p> <ul style="list-style-type: none"> <li>• Provide pedestrian sidewalks or all-weather pathways on one side of all roads.</li> </ul>			
<p><b><i>Mitigation Measure 5.1-12</i></b> The proposed project shall provide additional on-site parking to accommodate anticipated parking demands. Each residential site shall provide four on-site parking spaces as required by the MCC, plus four additional spaces through the use of parking areas within the building site and on-lot driveway space. As an alternative, the PDP could be revised to provide on-street parking bays or a combination of parking bays plus on-lot spaces. Developers of individual lots shall show that in addition to the four on-lot spaces required by the MCC, each lot has adequate space for four additional on-lot parking spaces or an equivalent number of parking spaces in parking bays within a three-minute walking distance (850 feet) of each residence.</p>			
<p><b><i>Mitigation Measure 5.1-13(a)</i></b> The applicant shall implement all measures regarding the construction access road as proposed by Ghilotti Construction Company, <del>and</del> Red Horse Constructors, Incorporated, <u>and</u> the additional safety measures provided in the November 17, 2011 W-Trans report.</p> <p><b>Please note:</b> Revised Mitigation Measure 5.1-13(a) refers to safety measures recommended by three different parties, listed as follows:  <i>Ghilotti Construction Company (Included in Draft EIR page 267):</i></p> <ul style="list-style-type: none"> <li>• The actual construction of this 1,600 foot road may require staging points every 400-500 feet, which may encroach beyond the dashed</li> </ul>			



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<p>lines shown on Sheet C-10 and may require initially utilizing Ridge Road for access.</p> <ul style="list-style-type: none"> <li>• Installation of some type of barrier (Temporary K-Rail, Metal Beam Guard Rail, etc.) to be securely anchored on the outboard and downward edges of all road curves.</li> <li>• As a precautionary measure, provide for the installation of an emergency stop / crash cushion array located in the center of the Forest Glen Court cul-de-sac.</li> <li>• One-way radio controlled access to be maintained during construction activity.</li> </ul> <p><i>Red Horse Constructors, Inc.(Included in Draft EIR page 268):</i></p> <ul style="list-style-type: none"> <li>• Upon review of the CSW Stuber-Stroeh design documents and Ghilotti letter of April 9, 2009, the construction access road as designed appears to be suitable for use as access to the upper areas of the site from Forest Glen Court for the purposes of individual lot development and residence construction. The care and custody of the road as outlined in the Ghilotti letter would be mimicked, i.e., radio controlled access, stop / crash cushions, etc., and we would <i>also institute construction speed limit signs, access protocols and emergency vehicle access procedures as part of the overall site safety program.</i> The fact that the road will be paved will provide an all-weather access and not require dust [suppression]. The traffic control and construction access management plan that will be drafted for the project's construction will be greatly served by this road access off of Paradise which avoids sensitive neighborhood streets.</li> </ul>			

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<ul style="list-style-type: none"> <li>• Another desirable aspect of this road is the ability to have a secured and controlled access point during buildout which will assist in site traffic control during construction hours and security of the site in off hours.</li> </ul> <p><i>W-Trans (additional recommendations provided in November 17, 2011 report not included in Draft EIR):</i></p> <ul style="list-style-type: none"> <li>• <u>Establish speed limits for construction traffic, and strict speed enforcement measures</u></li> <li>• <u>Prohibit construction vehicle queuing in an active travel lane; shoulder areas wide enough for stacking of construction traffic should be identified prior to commencement of construction activity.</u></li> </ul>			
<p><b><i>Mitigation Measure 5.1-13(b)</i></b> Implement the Construction Management Plan as set forth in the Precise Development Plan and as modified as follows</p> <ul style="list-style-type: none"> <li>• Prohibit construction worker, construction vehicle and all other construction activity through existing residential neighborhoods, <del>with the exception of access to Lots 1, 2, and 3 which require use of the upper elevations of Ridge Road and Mountain View Drive.</del></li> <li>• Control all uses of the temporary construction access road as a constant safety precaution.</li> <li>• Implement all project traffic control elements including</li> </ul>			

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<p>consolidating delivery of construction materials using routes approved by Marin County and Town of Tiburon, informing Town of Tiburon residents of construction activities and duration, and providing a comprehensive network of flag persons along construction routes. Specifically, care shall be taken to insure safe passage of trucks along designated routes (such as Paradise Drive) by use of flag trucks traveling in front of and behind wide trucks (trucks which may intrude into the opposite direction travel lane). Flag persons shall be stationed along all road segments which may require stopping through traffic for safe truck passage or guiding trucks through existing streets.</p> <ul style="list-style-type: none"> <li>• During the project’s initial construction phase, construct a Paradise Drive northbound left-turn lane, widen the Forest Glen Court eastbound intersection approach, and grade back the hillside to provide adequate sight distances (minimum 158 feet in each direction). Throughout this phase, flag persons shall be used to insure safety and optimize the flow of through traffic along Paradise Drive.</li> <li>• Include provisions in contractors’ construction contracts to prohibit parking of construction vehicles anywhere other than on-site.</li> <li>• In the unlikely event that construction vehicles arrive at the proposed Forest Glen Court site access in sufficient numbers to result in trucks queuing (stacking) in the Paradise Drive through traffic lane, post flagmen on both sides of the queue to coordinate the safe flow of through traffic past the Forest Glen Court site entrance.</li> <li>• Repair any deteriorated pavement along Tiburon Drive - Paradise</li> </ul>			

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<p>Drive identified in cooperation with the Town of Tiburon and Marin County by a before and after pavement evaluation program which shall determine if project-generated truck traffic caused any additional pavement deterioration.</p> <ul style="list-style-type: none"> <li>Obtain County and Town approval for construction truck haul routes and establish haul truck hours for project construction traffic.</li> </ul>			
<b><i>Air Quality</i></b>			
<p><b><i>Mitigation Measure 5.2-1</i></b> The applicant shall mitigate construction air quality impacts by implementing the Construction Management Plan as set forth in the Precise Development Plan and as modified as follows:</p> <ul style="list-style-type: none"> <li>The Construction Management Plan shall be modified to require use of off-road construction equipment <u>greater than 50 horsepower in size to meet U.S. EPA Tier II standards or newer, that was manufactured during or after 1996 meeting the California Tier I emissions standard or is equipped with diesel particulate filters or uses alternative fuels (e.g., biodiesel) that result in lower particulate matter emissions that are at least 20 percent lower than the statewide fleet average reported by the California Air Resources Board.</u></li> <li>The Construction Management Plan shall be modified to prohibit the use of “dirty” equipment. Opacity is an indicator of exhaust particulate emissions from off-road diesel-powered equipment. The project shall ensure that emissions from all construction diesel-powered equipment used on the project site do not exceed 40-percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40-percent opacity (or Ringelmann 2.0)</li> </ul>			

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<p>shall be repaired immediately. In essence, any piece of equipment that emits dark smoke for more than three minutes would be in violation of this mitigation measure.</p> <ul style="list-style-type: none"> <li>• The Construction Management Plan shall be modified to ensure that diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were on-site.</li> <li>• The Construction Management Plan shall be revised to include the following PM<sub>10</sub> control measures: <ul style="list-style-type: none"> <li>▫ Prevent visible tracking of mud or dirt on to public roadways or immediately sweep dirt or mud tracked on to roadways.</li> <li>▫ Sweep public streets daily (with water sweepers) if visible soil material is carried onto public streets.</li> <li>▫ Install sandbags or other erosion control measures to prevent silt runoff to public roadways.</li> <li>▫ <u>All haul trucks transporting soil, sand or other loose material shall be covered.</u></li> <li>▫ <u>All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</u></li> </ul> </li> </ul>			

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<ul style="list-style-type: none"> <li>▫ <u>All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.</u></li> <li>▫ <u>Post a publicly visible sign with the telephone number and person to contact at the County regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.</u></li> </ul>			
<i>Noise</i>			
<p><b><i>Mitigation Measure 5.3-1</i></b> The applicant shall mitigate construction noise impacts by implementing the Construction Management Plan (including planned mitigation of construction traffic impacts) as set forth in the Precise Development Plan and as modified as follows:</p> <ul style="list-style-type: none"> <li>• Modify the construction hours to be consistent with Section 6.70.030(5) of the Marin County Code. Construction hours shall be: <ul style="list-style-type: none"> <li>▫ Hours for construction activities and other work undertaken in connection with building, plumbing, electrical, and other permits issued by the Community Development Agency shall be limited to the following:</li> <li>▫ Monday – Friday:       7:00 AM to 6:00 PM</li> <li>▫ Saturday:                 9:00 AM to 5:00 PM</li> <li>▫ Prohibited on Sundays and holidays (New Year’s Day,</li> </ul> </li> </ul>			

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<p>President’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day).</p> <ul style="list-style-type: none"> <li>▫ Loud noise-generation construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at a construction site for permits administered by the Community Development Agency from 8:00 AM to 5:00 PM Monday to Friday only.</li> <li>• Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.</li> <li>• Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.</li> <li>• Prohibit unnecessary idling of internal combustion engines.</li> <li>• Prohibit audible construction workers’ radios on adjoining properties.</li> <li>• Notify neighbors of the construction schedule prior to the beginning of each phase that would generate substantial noise (i.e., five dBA or more above ambient levels and exceeding 60 dBA <math>L_{eq}</math>).</li> </ul>			
<b><i>Geology</i></b>			
<p><b><i>Mitigation Measure 5.4-1</i></b> The following mitigation measure would be required to mitigate significant impacts related to landsliding: Prior to the issuance of any grading permit a design level comprehensive geotechnical report shall be prepared and submitted to Marin County CDA-Building &amp; Safety Division or Marin County Department of Public</p>			

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<p>Works. The geotechnical report shall include an engineering geologic and geotechnical investigation on a lot-by-lot basis before development of roadways and utilities and within proposed building sites of each individual lot. The report shall include a comprehensive design-level grading plan including a landslide stabilization program on all lots and a long-term maintenance program for the stabilization program. The repair program shall be implemented by the applicant. Furthermore:</p> <ul style="list-style-type: none"> <li>• All landslides shall be eliminated, repaired, improved, or avoided in accordance with Marin County landslide mitigation policy and the landslide criteria and mitigation policy established for this project by Miller Pacific Engineering Group.</li> <li>• For each landslide present on the project site the limits shall be verified.</li> <li>• Landslide 9 shall be completely repaired in accordance with Miller Pacific’s criteria for landslide repair. Landslide 9 is less than 100 feet from the proposed building site for Lot 42. This landslide is only scheduled for improvement. This would be inconsistent with the project’s landslide mitigation policy. Stabilizing this small landslide would eliminate the inconsistencies present in the conceptual repair plan. <u>Considering the topographic conditions, the direction of potential movement of Landslide 9 is not toward the development. The closest portion of the landslide is about 75 feet from the planned structure and risk of damage from reactivated landslide movement is low. The landslide is within a natural drainage ravine and construction damage for repair could be significant. Consider pier and grade beam stabilization that would improve stability to “repair” level and minimize disturbance.</u></li> </ul>			



<i>Mitigation Measure</i>	<i>Implemented by</i>	<i>When Implemented</i>	<i>Monitoring or Reporting Action</i>
<ul style="list-style-type: none"> <li>• The geotechnical report shall include stability calculations for landslides or portions of landslides within 100 feet of the building sites or public improvements to confirm that proposed repair methods would provide a factor of safety of at least 1.5 for static conditions and greater than 1.0 for pseudo-static (seismic conditions).</li> <li>• For landslides that shall not be repaired or improved it shall be documented that the proposed project will not have an adverse impact on the existing landslide and that the project will either improve or not further exacerbate the landslide.</li> <li>• A long-term maintenance program that provides for periodic inspections and maintenance of the recommended landslide stabilization program during the life of the project shall be included. The maintenance program shall provide for: <ul style="list-style-type: none"> <li>▫ Periodic geologic inspections</li> <li>▫ Monitoring of geotechnical and hydrologic mitigation measures to assure effectiveness.</li> <li>▫ A schedule for routine cleaning and maintenance of drainage devices.</li> <li>▫ Provisions to provide recommendations for additional erosion control or mitigation of any unforeseen hazards which develop in the future.</li> <li>▫ Provision for a regular reporting schedule.</li> </ul> </li> </ul>			

<i>Mitigation Measure</i>	<i>Implemented by</i>	<i>When Implemented</i>	<i>Monitoring or Reporting Action</i>
<p>▫ <del>Identification of an entity responsible to implement the maintenance program.</del> <u>The property owner's association shall be responsible for implementation of the long-term maintenance program. This requirement shall also be incorporated into the CC&amp;Rs. Marin County shall be named a third party beneficiary to the CC&amp;Rs with the right, but not the legal obligation, to enforce its terms.</u></p>			
<p><b>Mitigation Measure 5.4-2</b> The applicant and individual lot owners and their respective geotechnical consultants shall implement the following measures in order to mitigate the impacts of low shear strength of some fill soil materials and possible erosion of some slopes.</p> <ul style="list-style-type: none"> <li>• Evaluate the strength and other soil index properties of the on-site earth units. In areas that require removal and replacement to create an earth filled buttress, within 100 feet of a proposed building site or public improvement, excavate and replace any loose colluvium or other earth units encountered with certified, engineered compacted fill soil and add proper subdrainage.</li> <li>• Design drainage facilities, on cut and fill slopes, to include terrace drains every 30 feet of vertical height on all slopes. The terrace drains shall have a minimum flowline gradient of six percent to make them self-cleaning (a minimal tenet of the Uniform Building Code). They also shall be fitted with downdrains every 150 linear feet of terrace length to allow for quick drainage (also UBC).</li> </ul>			
<p><b>Mitigation Measure 5.4-3</b> All site development shall comply with all applicable seismic design provisions of the most recent County-adopted <u>Uniform California Building Code</u> criteria for structures in Seismic Zone</p>			

<b>Mitigation Measure</b>	<b>Implemented by</b>	<b>When Implemented</b>	<b>Monitoring or Reporting Action</b>
4.			
<p><b>Mitigation Measure 5.4-5</b> In order to mitigate this impact, the applicant shall implement the following measures and incorporate them in the CC&amp;Rs for implementation by individual lot owners and lot cluster developers in the future:</p> <ul style="list-style-type: none"> <li>• Before preparing site-specific designs and receiving building permits, conduct field investigations to determine the presence and limits of such materials in the vicinity of parts of the site proposed for development.</li> <li>• After receiving grading or site alteration permits from the County, remove and recompact artificial fill located in or adjacent to areas of proposed grading under the observation and testing of a registered geotechnical engineer.</li> </ul>			
<p><b>Mitigation Measure 5.4-6</b> The applicant and individual lot owners and their respective geotechnical consultants shall implement the following measures to reduce impacts of the site's expansive soils on development to a less-than-significant level:</p> <ul style="list-style-type: none"> <li>• Perform plasticity index or expansion index testing <del>after grading</del> <u>as part of the design level investigation</u> to determine the specific shrink-swell potential for development sites as deemed appropriate by the respective geotechnical engineer(s).</li> <li>• Identify site-specific mitigation which accounts for conditions present at proposed development sites. Typical measures to treat expansive soils shall include the following (or their equivalent):</li> </ul>			

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<ul style="list-style-type: none"> <li>▫ Pre-saturating fill soils and placing wet fill soils (above optimum moisture content) to expand the soil, thereby reducing potential damage to concrete by allowing room for future shrink / swell movement of the soils.</li> <li>▫ Placing a non-expansive imported soil in the upper part of building sites.</li> <li>▫ Burying expansive soils deep in fills.</li> <li>▫ Treating soil with lime.</li> <li>▫ Mixing expansive soils with less expansive soils.</li> <li>▫ Designing foundation footing systems to incorporate measured variations of soil swell with effective confinement (dead weight).</li> </ul> <ul style="list-style-type: none"> <li>• Design residential development on individual lots to account for each site's expansive soils. Measures typically incorporated in building design shall include (or their equivalent): <ul style="list-style-type: none"> <li>▫ Strengthening foundations (beam).</li> <li>▫ Using suspended wood floors, drilled pier and grade-beam foundations, floating slabs, or pre-stressed (post-tensioned) slabs on-grade.</li> <li>▫ Treating with chemicals.</li> <li>▫ Combining two or more of these techniques.</li> </ul> </li> </ul>			
<b><i>Hydrology</i></b>			
<b><i>Mitigation Measure 5.5-1(a)</i></b> Implement the construction BMPs shown on the applicant's Stormwater Control Plan. This includes the silt control devices and jute netting. In addition, the applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP) to be implemented			

<b><i>Mitigation Measure</i></b>	<b><i>Implemented by</i></b>	<b><i>When Implemented</i></b>	<b><i>Monitoring or Reporting Action</i></b>
<p>during construction to ensure adequate measures would be taken to protect water quality. The SWPPP shall pay particular attention to the following:</p> <ul style="list-style-type: none"> <li>• The construction road and associated vehicular pollutants.</li> <li>• Vehicle wash areas to ensure that sediment is not tracked onto Paradise Drive.</li> <li>• Fuel and other toxic compound storage.</li> <li>• BMPs (best management practices) to control sediment and erosion.</li> <li>• Revegetation.</li> <li>• Trash control.</li> </ul> <p>Marin County Code Section 24.04.627, provides additional information on SWPPP requirements. Preparation and implementation of a SWPPP is required for approval of coverage under the Construction Activities Stormwater General Permit issued by the San Francisco Bay Regional Water Quality Control Board. Construction General Permit coverage would be required for the <i>2008 Easton Point Residential Development</i> project since it would disturb more than one acre.</p>			
<p><b><i>Mitigation Measure 5.5-1(b)</i></b> Implement the post-construction BMPs shown on the applicant's Stormwater Control Plan including: detaining the post development increase in peak flow rates, directing roof runoff and runoff from other future residential impervious surfaces to bioretention areas, and installing Filterra Bioretention Systems in road catch basins. In addition, the applicant shall prepare a Stormwater Control Plan as a stand alone document, detailing post-project stormwater control measures. A Stormwater Control Plan is required for</p>			

<b><i>Mitigation Measure</i></b>	<b><i>Implemented by</i></b>	<b><i>When Implemented</i></b>	<b><i>Monitoring or Reporting Action</i></b>
<p>new residential subdivisions with ten or more lots to comply with Marin County's Phase II Municipal Stormwater NPDES permit. Marin County Code Section 23.18.093, provides additional information on Stormwater Control Plan requirements. The Marin County document, <i>Guidance for Applicants, Stormwater Quality Manual for Development Projects in Marin County</i> should be utilized during preparation of the Stormwater Control Plan. The document provides a Stormwater Control Plan checklist to be utilized during plan preparation. Particular attention should be paid to identify pollutant sources related to lawn care, and for each pollutant source, a source control measure(s) should be identified for use during the development of each lot to reduce identified pollutants to the maximum extent practicable. Source control measures include:</p> <ul style="list-style-type: none"> <li>• An irrigation schedule linked to typical seasonal soil moisture levels.</li> <li>• Provide residents with a list of specific chemical inputs tested and cleared by the USEPA for application to vegetation.</li> <li>• 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.</li> <li>• Include homeowner education information to be incorporated in the project's CC&amp;Rs to instruct both the owners and their landscaping contractors in safe chemical handling and application procedures.</li> </ul> <p>In addition to requirements outlined in the <i>Guidance for Applicants, Stormwater Quality Manual for Development Projects in Marin County</i> the applicant shall incorporate the following site-appropriate BMPs or</p>			

<b><i>Mitigation Measure</i></b>	<b><i>Implemented by</i></b>	<b><i>When Implemented</i></b>	<b><i>Monitoring or Reporting Action</i></b>
<p>their equivalents, in the project Stormwater Control Plan for short- and long-term implementation by the applicant and individual lot owners, in order to comply with the requirements of the Phase II NPDES permit:</p> <ul style="list-style-type: none"> <li>• The Property Owners' Association (POA) shall privately contract with Mill Valley Refuse Service (MVRS) or its equivalent to undertake monthly street sweeping. MVRS already serves numerous areas on the Tiburon Peninsula.</li> <li>• The POA shall provide each homeowner with pamphlets or other informative documentation regarding the use of less toxic pest management procedures, including integrated pest management. MCSTOPP.org has related on-line information which also includes descriptions of less toxic pest control products and procedures, the effectiveness of which has been proven in the scientific literature (e.g. see <a href="http://www.ourwaterourworld.org/">www.ourwaterourworld.org/</a>). The TMDL study on pesticides in urban creeks in the San Francisco Bay Region also references significant recent research into pesticide practices and alternatives to limit their migration to surface waters and San Francisco Bay.</li> <li>• Each residence shall incorporate a bioswale, or other geotechnically appropriate methods for treatment of runoff from the lot's impervious surfaces. The swale shown on each lot's Conceptual Grading Plan can be used for guidance. Guidelines shall be incorporated into the Stormwater Control Plan from the <i>Stormwater Quality Manual for Development Projects in Marin County</i> for sizing treatment facilities (e.g. bioswales).</li> </ul>			

<b><i>Mitigation Measure</i></b>	<b><i>Implemented by</i></b>	<b><i>When Implemented</i></b>	<b><i>Monitoring or Reporting Action</i></b>
<p><b><i>Mitigation Measure 5.5-2</i></b> The applicant shall implement the following mitigation measures in order to reduce the project’s impacts on on-site drainage patterns and off-site flooding along Paradise Drive to less-than-significant levels:</p> <ul style="list-style-type: none"> <li>• Following the completion of hillslope grading and retaining wall construction for sight distance improvement, clear stormwater ditch segments along Paradise Drive of extraneous cut material and return ditch cross-sections, slopes and drainage directions and hydraulic capacities to pre-disturbance conditions. Ensure that road culverts are not buried or obstructed by excavation debris.</li> </ul>			
<p><b><i>Mitigation Measure 5.5-3(a)</i></b> The applicant shall implement Mitigation Measure 5.5-1(a) which includes applying for coverage under the NPDES Construction General Permit for construction activities that disturb more than one acre. The applicant shall add a provision to the project’s CC&amp;Rs stating that the Property Owners’ Association would be responsible for ensuring that the developer of each lot be required to meet all conditions specified in the General Permit. This would ensure that appropriate erosion control and water quality mitigation measures are implemented at the time each lot is developed.</p>			
<p><b><i>Mitigation Measure 5.5-3(b)</i></b> The applicant shall implement Mitigation Measure 5.5-1(a), which requires the applicant to prepare a Stormwater Pollution Prevent Plan (SWPPP), and Mitigation Measure 5.5-1(b), which requires the applicant to prepare a stand alone Stormwater Control Plan. The SWPPP would include specific measures to reduce the potential for erosion and downstream sedimentation during construction, paying particular attention to the construction road. The Stormwater Control Plan shall include specific measures to reduce the potential for</p>			



<b><i>Mitigation Measure</i></b>	<b><i>Implemented by</i></b>	<b><i>When Implemented</i></b>	<b><i>Monitoring or Reporting Action</i></b>
<p>erosion and downstream sedimentation once the project is constructed. See Mitigation Measures 5.5-1(a) and 5.5-1(b) for additional information regarding the necessary measures to reduce the potential for erosion and sedimentation during construction and after project completion.</p>			
<p><b><i>Mitigation Measure 5.5-3(c)</i></b> Any areas receiving point discharge from subdrains or detention facilities shall be protected by means of appropriately sized rip rap receiving pads and / or velocity reducers to control the discharge and protect against slope erosion. A geomorphic evaluation shall be conducted for each point discharge location to ensure that increased peak flow rates, up to the ten-year storm event, would not impact hillslope or drainageway stability at the point of discharge and downslope / downstream. Rip rap may be required around bubble-up boxes to prevent erosion. Level spreaders shall be installed with as little disturbance of downslope areas as possible and installed in a manner to ensure proper distribution of flow across the spreader. Due to the steep site slopes leading down to and below the proposed location of level spreaders, the level spreaders would likely need to be composed of a pipe with evenly placed weep holes drilled through the pipe. The spreader pipe would be placed on contour for even discharge onto the hillslope. Maintenance procedures for clearing sediment from the spreaders shall be established and transferred to the Property Owners' Association for its reference in maintaining these erosion control measures.</p>			
<p><b><i>Mitigation Measure 5.5-3(d)</i></b> Implement Mitigation Measure 5.5-2 to ensure the drainage integrity of inslope roadside ditch segments along Paradise Drive following the completion of hillslope grading for sight-line improvement.</p>			

<b><i>Mitigation Measure</i></b>	<b><i>Implemented by</i></b>	<b><i>When Implemented</i></b>	<b><i>Monitoring or Reporting Action</i></b>
<p><b><i>Mitigation Measure 5.5-3(e)</i></b> For final design of site stormwater runoff detention facilities, position the outlet to provide a runoff storage volume sufficient to mitigate for the volume differential between the pre- and post-development, two-year rainstorm, i.e. before any outlet flow occurs. This feature would expand the detention function, but would not substantially change the overall design of the structure, since the outlet capacity would remain the targeted ten-year, pre-development peak flow and the total volumetric storage would satisfy the 100-year storm requirement. <u>In addition, runoff detention facilities serving on-site roadways should be sized to accommodate the increased stormwater runoff volumes generated by the expanded 28-foot roadway width stipulated by Mitigation Measure 5.1-11 (Traffic) and the additional off-lot parking spaces stipulated by Mitigation Measure 5.1-12 (Traffic), rather than the project’s proposed 20-foot roadway width and parking configuration. To the extent feasible, required off-lot parking spaces should be founded on permeable pavers / pavement, gravel or other permeable materials, in order to minimize required increases in the size of stormwater detention facilities, and to reduce the potential secondary grading and stabilization structure construction impacts that could accrue from expansion of these facilities. Permeable parking spaces should be restricted to areas outside of the recharge area identified for Keil Spring.</u></p>			
<p><b><i>Mitigation Measure 5.5-6</i></b> <u>No feasible mitigation is available due to lack of cooperation by the downstream property owner (Keil) and the resulting lack of access to the Keil property water supply system for: a) installation of a piping system to deliver intercepted upslope groundwater to the Keil storage facilities or b) monitoring of Keil Spring and cistern flows vs. irrigation use. The applicant shall install a water conveyance system to link the landslide improvement area subdrains to the water storage system on the Keil property. Depending on hydraulic</u></p>			

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constraints, this converted drain water could be conveyed to either the upslope redwood storage tank or the cisterns. Since all Keil property water system components are linked by piping and pumps, the link could be constructed to the upper redwood storage tank. Implementation of this mitigation measure would require the agreement and cooperation of the owners of the Keil property.			
<b><i>Mitigation Measure 5.5-7 (a)</i></b> Implement Mitigation Measures 5.5-3(c) (d) and (e) to minimize increases in peak flows and runoff volumes during rainstorms with two-year to ten-year recurrence intervals, and / or to minimize the risk of drainageway instability, downstream sedimentation, culvert blockage and local flooding.			
<b><i>Mitigation Measure 5.5-7(b)</i></b> <u>For site watersheds E (Drainageway 1), H, J (Drainageway 2), L (Drainageway 3), and N, the applicant shall assess Paradise Drive culverts draining these watersheds for their capacity to convey the ten-year post-project peak flow with a five percent surcharge derived from the capture of deep groundwater and its conversion to surface flow. Where the existing capacity of the culvert is inadequate to pass this augmented design flow without roadway flooding, the project shall be amended to include replacement of the culvert. Any culvert replacements should be designed to the drainage standards of Marin County for the contributing watershed size and should include appropriate energy dissipation measures at the culvert outlets.</u>			
<b><i>Biological Resources</i></b>			
<b><i>Mitigation Measure 5.6-1(a)</i></b> Avoid impacts to special status plants:			
<ul style="list-style-type: none"> <li>Redesign the PDP site plan to preserve on-site populations of Marin</li> </ul>			

<b><i>Mitigation Measure</i></b>	<b><i>Implemented by</i></b>	<b><i>When Implemented</i></b>	<b><i>Monitoring or Reporting Action</i></b>
<p>dwarf flax and serpentine reed grass within Parcel A or Parcel B at a minimum preservation:loss ratio of 3:1, and to provide minimum setbacks from preserved populations of these species occurring on-site or off-site on Old St. Hilary’s Open Space Preserve to ensure these populations are not indirectly impacted by landscape irrigation run-off, or downdrift of landscape chemicals or non-serpentine fill or top soils. The minimum setback for all lots that occur adjacent to and upslope from off-site or on-site populations (as mapped in 2009) shall be 100 feet from the edge of the off-site population or the edge of populations preserved on-site within Parcel A or B to the closest lot building and landscape envelope. The minimum setback for all other adjacent lots shall be 50 feet from the edge of the off-site population or the edge of populations preserved on-site within Parcel A or B to the closest lot building and landscape envelope.</p> <ul style="list-style-type: none"> <li>• <u>To the extent possible, stockpiling of fill materials during project construction should be done downslope of, or at least a minimum distance of 100 feet away from, sensitive plant habitats. If stockpiling is done upslope of serpentine areas, all fill materials shall be enclosed by debris fencing and/or covered when not actively being utilized to prevent these materials from eroding or downdrifting onto and degrading sensitive plant habitats.</u></li> </ul>			
<p><b><i>Mitigation Measure 5.6-1(b)</i></b> Ensure the in perpetuity preservation of special status plant habitat remaining after project development:</p> <ul style="list-style-type: none"> <li>• The applicant shall dedicate preserved populations of Marin dwarf flax and serpentine reed grass on-site (Parcel A and Parcel B) to the MCOSSD. However, should no agreement be reached with the</li> </ul>			

<b><i>Mitigation Measure</i></b>	<b><i>Implemented by</i></b>	<b><i>When Implemented</i></b>	<b><i>Monitoring or Reporting Action</i></b>
<p>MCOSD regarding such a dedication, then the applicant shall dedicate these parcels to public agency or non-profit approved by Marin County, as determined in consultation with all applicable resource agencies (CDFG and USFWS) for control and management.</p> <ul style="list-style-type: none"> <li>As an alternative to fee title dedication of all or any portion of Parcel A or Parcel B and with the approval of Marin County, the POA may retain ownership of these parcels, or any portion of these parcels and dedicate a conservation easement to a public agency or non-profit approved by Marin County, in consultation with all applicable resource agencies (CDFG and USFWS). Any such parcel(s) shall be subject to the same Resource Management Plan as Parcel A and B (see Mitigation Measure 5.6-1(c) below).</li> </ul>			
<p><b><i>Mitigation Measure 5.6-1(c)</i></b> Ensure the in perpetuity preservation and management of special status plant habitat remaining after project development:</p> <ul style="list-style-type: none"> <li>Develop and implement a Resource Management Plan (RMP) for all sensitive habitats (special status plant habitat, CRLF habitat, native bunchgrass habitat, woodland habitat, and wetlands) preserved within Parcels A and B (or any other parcels created for the purpose of habitat preservation as stated in Mitigation Measure 5.6-1(b)). Marin County CDA Planning Division shall review and approve the RMP in consultation with the MCOSD and all applicable agencies (CDFG, USFWS, USACE, etc.). The RMP shall be written by a qualified biologist with expertise in the various sensitive resources to be covered by the RMP. At a minimum, the RMP shall include the following:</li> </ul>			

<i>Mitigation Measure</i>	<i>Implemented by</i>	<i>When Implemented</i>	<i>Monitoring or Reporting Action</i>
<ul style="list-style-type: none"> <li>▫ Allowed and prohibited activities on preserved lands.</li> <li>▫ The locations and types of any fencing, signs and / or displays to be constructed on preserved lands.</li> <li>▫ A monitoring and management plan for non-native and / or invasive species, or pathogens, considered detrimental to protected resources (weed abatement, invasive species removal, SODS management, CRLF predator control, etc.).</li> <li>▫ The types and frequency of any maintenance activities to be conducted on preserved lands (litter removal, fence or sign repairs, etc.).</li> <li>▫ A Fuel Management Plan element to ensure that vegetation on preserved areas and adjacent private lots within the project site would be maintained consistent with all current and future fire safety guidelines. The plan shall include provisions for mitigating woodland impacts as a result of fuel management activities through woodland enhancement in unaffected areas of the site.</li> <li>▫ A mitigation, monitoring and management plan for any sensitive habitats to be restored, enhanced or created on preserved lands (wetlands, CRLF habitat, etc.) as required by the EIR mitigation measures or that may be required as a result of permit conditions of regulating agencies. The plan shall include the extent of the monitoring period, quantifiable performance measures and success criteria; an adaptive management component with remedial measures should performance measures fall short of</li> </ul>			

<i>Mitigation Measure</i>	<i>Implemented by</i>	<i>When Implemented</i>	<i>Monitoring or Reporting Action</i>
<p>success criteria; quantifiable final success criteria; and a once-annual report of findings to be provided to the County and any applicable resource agencies.</p> <ul style="list-style-type: none"> <li>▫ A monitoring plan to monitor the condition of resources occurring on preserved lands and adjacent private lots within the project site. This monitoring plan would help the responsible public agency or non-profit determine if private landowners are engaging in activities which are prohibited under the CC&amp;Rs, and which are having adverse affects on adjacent preserved resources. A component of the monitoring plan would be to ensure that adjacent private lot owners within the project site are managing vegetation on their lots consistent with any current and future fire safety requirements. The plan would include a provision for a once-annual meeting between the POA and the responsible public agency or non-profit staff to discuss results of these monitoring activities and necessary remedial measures.</li> <li>▫ Clearly stated short-term and long-term responsibilities of the applicant, the POA, and the MCOSED or other approved public agency or non-profit for the implementation and funding of the RMP.</li> <li>• Determine a mechanism by which the Resource Management Plan shall be funded in perpetuity in consultation with Marin County, the MCOSED or other approved public agency or non-profit, and all applicable agencies (CDFG, USFWS, USACE, etc.). Such a mechanism would be the establishment by the applicant of a non-wasting endowment, funded by the applicant and / or through monthly POA fees.</li> </ul>			

<b><i>Mitigation Measure</i></b>	<b><i>Implemented by</i></b>	<b><i>When Implemented</i></b>	<b><i>Monitoring or Reporting Action</i></b>
<p><b><i>Mitigation Measure 5.6-2(a)</i></b> Avoid impacts to CRLF dispersal movements:</p> <ul style="list-style-type: none"> <li>• Redesign the PDP to remove, relocate, reduce or reconfigure lots within the Forest Glen area to provide in perpetuity connectivity via a minimum 100-foot wide woodland corridor between preserved woodland habitat in the southern and northern portions of the site. The corridor area could be contained within the private use area of individual lots outside of any building site areas with a permanent conservation easement established and granted to the MCOSED or other public agency or non-profit; or could be incorporated into Parcel A for dedication to the MCOSED or other public agency or non-profit. Under either option, the corridor shall be monitored and managed pursuant to the RMP.</li> <li>• If the redesign of the PDP to provide for a 100-foot corridor is not feasible, then the applicant shall create wetland habitat on-site, or enhance the existing wetland near the top of Drainageway 2, such that these wetland habitats function as on-site breeding habitat for CRLF. The project would result in impacts to drainageways that likely would be considered jurisdictional waters of the U.S. and State as the result of the installation of subdrains and debris fences; as well as to wetlands as the result of the installation of a buried pier and grade beam wall on Lot 16 and the de-watering of the spring on Lot 8 (see <i>Impact 5.6-5 Disturbance to Jurisdictional Waters</i>). Creating or enhancing habitat at a minimum of a 2:1 ratio to mitigate impacts to jurisdictional waters simultaneously could contribute towards alleviating impacts on California red-legged frogs via the exchange of lesser quality foraging and dispersal habitat occurring on the northern portion of the site for higher quality breeding habitat.</li> </ul>			



<b><i>Mitigation Measure</i></b>	<b><i>Implemented by</i></b>	<b><i>When Implemented</i></b>	<b><i>Monitoring or Reporting Action</i></b>
<p><b><i>Mitigation Measure 5.6-2(b)</i></b> Compensate for a loss of CRLF habitat:</p> <ul style="list-style-type: none"> <li>• Preserve CRLF foraging and dispersal habitat on-site at a minimum 3:1 preservation:loss ratio.</li> <li>• If the on-site preservation of CRLF habitat at a 3:1 (preservation:loss) ratio is not feasible, the applicant shall make up any difference in the ratio by purchasing and preserving CRLF habitat off-site in the project region and establishing a conservation easement on the site. A CRLF Mitigation Plan would need to be developed, implemented and funded for the off-site preserved lands as per the same requirements contained in Mitigation Measure 5.6-1(c). This area should be of sufficient acreage and suitable for the frog and would need to be approved by Marin County and the applicable resource agencies (USFWS, CDFG) as suitable for replacing lost foraging and dispersal habitat.</li> </ul>			
<p><b><i>Mitigation Measure 5.6-2(c)</i></b> Ensure the in perpetuity preservation of CRLF habitat remaining after project development:</p> <ul style="list-style-type: none"> <li>• The applicant shall dedicate all preserved CRLF habitat on-site (Parcel A) to the MCOSD. Should no agreement be reached with the MCOSD regarding such a dedication, the applicant shall dedicate the parcel to another public agency or non-profit approved by Marin County, as determined in consultation with all applicable resource agencies (CDFG and USFWS) for control and management.</li> <li>• Design, build, and operate the project in order to maintain the water quality in downstream drainage channels and off-site ponds by</li> </ul>			

<b><i>Mitigation Measure</i></b>	<b><i>Implemented by</i></b>	<b><i>When Implemented</i></b>	<b><i>Monitoring or Reporting Action</i></b>
developing Best Management Practices (BMPs) appropriate for the project (including and consistent with Mitigation Measure 5.5-1 and 5.5-3), which are designed to reduce project impacts to downstream waters to a less-than-significant level.			
<b><i>Mitigation Measure 5.6-2(d)</i></b> Ensure the in perpetuity preservation and management of CRLF habitat remaining after project development by developing, implementing and funding an RMP as set forth in Mitigation Measure 5.6-1(c).			
<b><i>Mitigation Measure 5.6-2(e)</i></b> Ensure that individual CRLFs are not harmed or killed during project construction by preceding development within the woodland habitats and occurring within 300 feet of any drainageway by pre-construction surveys conducted within 48 hours of initial disturbance activities. For all activities occurring within the bed or bank of drainageways, daily construction monitoring by a qualified biologist will be required to ensure that CRLFs are not harmed or killed.			
<b><i>Mitigation Measure 5.6-3(a)</i></b> Avoid direct impacts to serpentine bunchgrass habitat:  <ul style="list-style-type: none"> <li>• Redesign the PDP to preserve serpentine bunchgrass habitat within Parcels A and / or B at a minimum 3:1 preservation:loss ratio.</li> </ul>			
<b><i>Mitigation Measure 5.6-3(b)</i></b> Ensure the in perpetuity preservation of			

<b><i>Mitigation Measure</i></b>	<b><i>Implemented by</i></b>	<b><i>When Implemented</i></b>	<b><i>Monitoring or Reporting Action</i></b>
<p>serpentine bunchgrass habitat remaining after project development:</p> <ul style="list-style-type: none"> <li>• The applicant shall dedicate all preserved serpentine bunchgrass habitat on-site (Parcel A and B) to the MCOSD. Should no agreement be reached with the MCOSD regarding such a dedication, the applicant shall dedicate the parcel to another public agency or non-profit approved by Marin County, as determined in consultation with all applicable resource agencies (CDFG and USFWS) for control and management.</li> <li>• As an alternative to fee title dedication of all or any portion of Parcel A or Parcel B and with the approval of Marin County, the POA may retain ownership of these parcels, or any portion of these parcels and dedicate a conservation easement to a public agency or non-profit approved by Marin County, in consultation with all applicable resource agencies (CDFG and USFWS). Any such parcel(s) shall be subject to the same Resource Management Plan as Parcel A and B (see Mitigation Measure 5.6-1(c) below).</li> </ul>			
<p><b><i>Mitigation Measure 5.6-3(c)</i></b> Ensure the in perpetuity preservation and management of serpentine bunchgrass habitat remaining after project development by developing, implementing and funding an RMP as set forth in Mitigation Measure 5.6-1(c).</p>			
<p><b><i>Mitigation Measure 5.6-3(d)</i></b> Avoid indirect impacts to preserved serpentine bunchgrass habitat:</p>			

<i>Mitigation Measure</i>	<i>Implemented by</i>	<i>When Implemented</i>	<i>Monitoring or Reporting Action</i>
<ul style="list-style-type: none"> <li>Incorporate barriers such as retaining walls along the downslope edges of the building envelopes of Lots 25 and 27 in the Modified Master Plan to preclude irrigation and landscape chemicals from making their way downslope onto on-site and off-site preserved serpentine bunchgrass habitats.</li> </ul>			
<p><b>Mitigation Measure 5.6-4(a)</b> Ensure the in perpetuity preservation, enhancement and management of oak woodland habitat remaining on-site after project development:</p> <ul style="list-style-type: none"> <li>The applicant shall dedicate all preserved woodland habitat on-site (Parcel A) to the MCOSD. Should no agreement be reached with the MCOSD regarding such a dedication, the applicant shall dedicate Parcel A to another public agency or non-profit approved by Marin County, as determined in consultation with all applicable resource agencies for control and management.</li> <li>Develop, implement and fund an RMP as set forth in Mitigation Measure 5.6-1(c). The RMP shall be developed to be consistent with Marin County’s Oak Woodland Voluntary Management Guidelines. The RMP shall also contain a Fuel Management Plan element to ensure that vegetation on preserved areas and adjacent private lots with the project site is maintained consistent with all current and future fire safety guidelines. The plan will include provisions for mitigating woodland impacts as a result of fuel management activities through woodland enhancement in unaffected areas of the site.</li> </ul>			

<i>Mitigation Measure</i>	<i>Implemented by</i>	<i>When Implemented</i>	<i>Monitoring or Reporting Action</i>
<p><b><i>Mitigation Measure 5.6-4(b)</i></b> Reduce or eliminate indirect impacts to preserved native trees and woodlands on-site or off-site as a result of project construction or long-term use of individual lots:</p> <ul style="list-style-type: none"> <li>• Dispose of cut down trees in ways consistent with the most current recommendations of the University of California Oak Mortality Task Force <sup>1</sup> to reduce the likelihood of the spread of SODS to unaffected areas in the region, or to any potentially unaffected areas of the site (although it is likely that all woodland areas on-site and adjacent to the site are already infected). The applicant shall consult with the Oak Mortality Task Force to obtain a list of their recommendations, and these will be written into the CC&amp;Rs.</li> <li>• During project construction, the applicant or individual lot owners shall be responsible for protecting native trees and other woodland vegetation to be retained by erecting exclusionary fencing around the root zones of trees that will be retained or at the edge of woodland vegetation that will be retained to ensure that retained woodland trees and other vegetation are not removed or indirectly impacted by soil compaction at the root zone by heavy equipment. The applicant shall ensure that these requirements are written into the CC&amp;Rs.</li> </ul>			
<p><b><i>Mitigation Measure 5.6-5(a)</i></b> Ensure the in perpetuity preservation of wetlands and drainages remaining after project development:</p> <ul style="list-style-type: none"> <li>• The applicant shall dedicate all preserved wetland and drainage habitats on-site (Parcel A) to the MCOCD. Should no agreement be</li> </ul>			

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<sup>1</sup> Current recommendations for the management of SODS is available on-line at <http://www.suddenoakdeath.org>

<b><i>Mitigation Measure</i></b>	<b><i>Implemented by</i></b>	<b><i>When Implemented</i></b>	<b><i>Monitoring or Reporting Action</i></b>
<p>reached with the MCOSD regarding such a dedication, the applicant shall dedicate Parcel A to another public agency or non-profit approved by Marin County, as determined in consultation with all applicable resource agencies (USACE, RWQCB, and CDFG) for control and management.</p> <ul style="list-style-type: none"> <li>• Develop, implement and fund an RMP for preserved wetland and drainage habitats as set forth in Mitigation Measure 5.6-1(c).</li> </ul>			
<p><b><i>Mitigation Measure 5.6-5(b)</i></b> Compensate for impacts to wetlands and other jurisdictional waters as a result of project development:</p> <ul style="list-style-type: none"> <li>• Conduct a formal wetland delineation of the site and have it verified by USACE. The applicant shall further calculate the extent of all permanent and temporary impacts to jurisdictional areas and apply to USACE for a Clean Water Act permit to comply with Section 404 of the Clean Water Act, shall obtain a Section 401 Water Quality Certification (or waiver) from the Regional Water Quality Control Board (RWQCB), and shall enter into a Streambed Alteration Agreement with the California Department of Fish and Game (CDFG) to comply with Section 1601 of the California Fish and Game Code.</li> <li>• Prepare a Wetland and Riparian Mitigation and Monitoring Plan to be included in the RMP. The Plan shall include, at a minimum, the following requirements: <ul style="list-style-type: none"> <li>▫ Replacement of lost wetland habitat acreage, including wetland habitat that would be lost as a result of the de-watering of the spring on Lot 8, at a ratio sufficient to retain functions and</li> </ul> </li> </ul>			

<b><i>Mitigation Measure</i></b>	<b><i>Implemented by</i></b>	<b><i>When Implemented</i></b>	<b><i>Monitoring or Reporting Action</i></b>
<p>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).</p> <ul style="list-style-type: none"> <li>▫ Establishment of a minimum 100-foot setback between all drainageways and wetlands from proposed lot building sites and infrastructure development; and the development of a plan to mitigate for all temporary or permanent impacts that encroach within the setback, such as for landslide repairs. Temporary encroachments shall be mitigated through the development of a restoration plan to re-vegetate disturbed areas; while permanent encroachments shall be mitigated through the enhancement of habitat at a minimum 2:1 ratio.</li> <li>▫ The development of quantifiable performance measures and final success criteria and remedial measures to be implemented should created, restored or enhanced wetland and drainageway habitats fail to meet performance measures and success criteria.</li> <li>▫ Once-annual monitoring of created, restored or enhanced wetland and drainageway habitats for a minimum five-year period (longer should they not meet the final success criteria after five years), until they meet the final success criteria.</li> </ul>			
<p><b><i>Mitigation Measure 5.6-6(a)</i></b> <u>Prior to any project development activities,</u> the applicant shall have a qualified botanist or horticulturist develop a list of all exotic plants which are known to readily naturalize in habitats similar to those found on the project site. Black locust, blue gum, various brooms, periwinkle, pampas grass, non-native annual grasses and</p>			

<b><i>Mitigation Measure</i></b>	<b><i>Implemented by</i></b>	<b><i>When Implemented</i></b>	<b><i>Monitoring or Reporting Action</i></b>
<p>other species known to be invasive and difficult to eradicate shall be placed on this list and shall be prohibited from use in landscaping by applicant or individual lot owners by way of CC&amp;R restrictions. <u>Additionally, at the time of the development of their landscape plans, the applicant and individual lot owners, or their landscape professionals, shall check for any new occurrences of invasive exotics with the Bay Area Early Detection Network, or other similar resource dedicated to the identification of such species in the project region to ensure that no new such species are being utilized in the plans, and, if so, these species shall be removed from the landscape plans.</u> All applicant or lot owner landscaping plans shall be submitted to Marin County CDA-Planning Division for approval.</p>			
<p><b><i>Mitigation Measure 5.6-6(b)</i></b> As set forth in Mitigation Measure 5.6-1(c), the RMP shall include a monitoring and management plan for non-native and / or invasive species, or pathogens, considered detrimental to protected resources (weed abatement, SODS management, CRLF predator control, etc.).</p>			
<p><b><i>Mitigation Measure 5.6-7 (a)</i></b> Construction (roads, buildings, etc.) within 250 feet of trees or scrub habitats (the standard construction buffer) shall require a pre-construction survey for active bird nests if such project disturbance occurs during the breeding season. The applicant shall implement and add to the project's CC&amp;Rs, for implementation by the individual lot owners, developers of lot clusters, and, subsequently, the POA, the following measures to reduce impacts to nesting birds:</p> <ul style="list-style-type: none"> <li>• Within <del>30</del> <u>14</u> days of beginning construction during the nesting</li> </ul>			



<i>Mitigation Measure</i>	<i>Implemented by</i>	<i>When Implemented</i>	<i>Monitoring or Reporting Action</i>
<p>season (<del>February</del> <u>March 1st to August 31st</u>), have a qualified biologist survey construction areas and their immediate vicinity (within 250 feet) for active nests. Surveys shall be conducted according to a protocol developed in consultation with the <u>CDFGDFW</u>.</p> <ul style="list-style-type: none"> <li>• Mark any active nests discovered during the pre-construction survey on a map and determine and establish an appropriate construction-free setback or buffer around each active nest by means of fencing or stakes with conspicuous flagging. The appropriate size of the buffer will be determined by the biologist based on the species and topography <u>and determined in consultation with DFW</u>. No construction activities shall be permitted within the buffer area until all young have fledged and are observed by a qualified biologist to be foraging independently of the parents, <u>or until the nest fails and the birds do not re-nest</u>.</li> </ul> <p><u><i>Mitigation Measure 5.6-7(b)</i></u> The applicant shall implement and add to the project's CC&amp;Rs, for implementation by the individual lot owners, developers of lot clusters, and, subsequently, the POA, the following measures to reduce impacts to special status bats:</p> <ul style="list-style-type: none"> <li>• <u>A qualified biologist shall conduct a habitat assessment for bats six months prior to any construction activities that will result in the removal of trees on-site.</u></li> <li>• <u>Should the habitat assessment conclude that trees proposed for removal provide potential hibernation and/or maternity habitat for special status bats, tree removal will only be conducted during seasonal periods of bat activity, i.e. September through mid-October and March through mid-April, under the supervision of a qualified</u></li> </ul>			

<i>Mitigation Measure</i>	<i>Implemented by</i>	<i>When Implemented</i>	<i>Monitoring or Reporting Action</i>
<p><u>biologist. Tree removals shall occur via a two-phased removal conducted over two consecutive days. In the afternoon of the first day, limbs and branches will be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures would be avoided, and only branch or limbs without those features should be removed. On the second day, the entire tree should be removed.</u></p>			
<p><b><i>Mitigation Measure 5.6-8</i></b> The loss of ordinance-size trees shall be mitigated by implementing the following mitigations measures.</p> <ul style="list-style-type: none"> <li>• Prior to site preparation, landslide repairs, and the construction of infrastructure, the applicant shall be responsible for submitting a report to the County advising on the number of ordinance-size trees to be removed by these activities. Prior to the development of their individual lots, individual lot owners would also be responsible for submitting a report to the County with the number of ordinance size trees that would be removed on their private lots. The requirement that individual lot owners provide this information shall be written into the CC&amp;Rs by the applicant. Currently, it is unknown how many of the 742 trees that would be lost would be considered ordinance-size; however it would not necessarily be required that additional tree surveys are completed as this information can be easily extracted from data collected by the applicant’s arborist in 2008 to supplement the original tree survey report.</li> <li>• The applicant and individual lot owners shall be allowed to mitigate up to 25 percent of lost ordinance-size trees by incorporating tree plantings into their landscape plans for approval by the County, consistent with provisions contained in the Marin County Code</li> </ul>			

<i>Mitigation Measure</i>	<i>Implemented by</i>	<i>When Implemented</i>	<i>Monitoring or Reporting Action</i>
<p>Chapter 22.27 (Native Tree Protection and Preservation). Any replacement plantings shall consist of SODS-resistant tree species native to Marin County for the remaining 75 percent of ordinance-size trees to be removed, the applicant or individual lot owner shall pay a fee in the amount of \$500 for each ordinance-size tree that will be removed <del>into the RMP endowment fund. These funds shall be ear marked to manage and enhance preserved woodlands on the site through RMP activities such as the removal of non native invasive plants, SODS management, replacement of dead or dying trees, etc., as well as to fund the re-establishment of woodland vegetation in areas that will be temporarily impacted as a result of landslide repairs.</del></p> <ul style="list-style-type: none"> <li>The applicant shall be responsible for mitigating the loss of ordinance-size trees as a result of site preparation, landslide repairs and infrastructure development; while the individual lot owners shall be responsible for mitigating the loss of ordinance-size trees as a result of development on their individual lots.</li> </ul>			
<b>Public Services</b>			
<i>Mitigation Measure 5.7-1(a)</i> Same as Mitigation Measure 5.1-9.			
<p><b>Please note:</b> This is Mitigation Measure 5.7-1(b) as revised in Response to Comment 1-1 (Final EIR page 55). Response to Comment 1-7 also contains revisions to Mitigation Measure 5.7-1(b), which are somewhat redundant. This issue will be sorted out at a later time. For now please make note that a further change is coming.</p> <p><i>Mitigation Measure 5.7-1(b)</i> In order to reduce the significant emergency radio coverage impacts at lower elevations on the project site,</p>			

<i>Mitigation Measure</i>	<i>Implemented by</i>	<i>When Implemented</i>	<i>Monitoring or Reporting Action</i>
<p>the applicant shall prepare an emergency radio coverage improvement plan. <del>The improvement plan shall clearly show that adequate emergency radio coverage can be provided for Lots 21 through 23 and Lots 25 through 34. The improvement plan shall be prepared in cooperation with the MERA. One possible method to provide the necessary radio coverage would include the following: and access easements, subject to approval of County Department of Public Works Operations Officer for MERA that shows acceptable emergency radio coverage can be provided for Modified Master Plan Lots 40 through 43 and Lots 28 through 39 and coverage along Paradise Drive for emergency response units travelling to those lots, prior to recordation of the final subdivision map. Upon approval by County Department of Public Works Operations Officer for MERA and prior to issuance of first grading or building permit, the applicant shall construct all required communications equipment, including a 10 by 18 foot equipment building, a 45 KW emergency generator and fuel tank, a 65 foot antenna support structure capable of supporting two-six foot microwave dish antennas and three-two way radio whip antennas. These facilities shall be located on a parcel adjacent to the proposed water tank Parcel C.</del></p> <ul style="list-style-type: none"> <li>• <del>Locate a new emergency radio facility in the vicinity of the existing MMWD's Paradise Water Tank. The facility could be located either on the project site or possibly on the water tank site with MMWD permission. The facility design might consist of a new tapered monopole as high as the existing water tank with the two antennae extending above the tank. There would also be one microwave dish, a small radio building (approximately ten feet by 18 feet) and an emergency generator. A free and unobstructed access to the base station site shall be provided from Paradise Drive, or any other feasible access alternative.</del></li> </ul>			

<i>Mitigation Measure</i>	<i>Implemented by</i>	<i>When Implemented</i>	<i>Monitoring or Reporting Action</i>
<p><b>Mitigation Measure 5.7-3</b> At the time future property owners apply for a building permit they shall pay any fire mitigation fee if such a fee is adopted by the TFPD.</p>			
<p><b>Mitigation Measure 5.7-7</b> In order to reduce water service impacts the applicant shall work with the MMWD to develop a water supply plan. The water supply plan shall clearly show that adequate water pressures would be provided to the new houses on the project site. The plan shall include the following:</p> <ul style="list-style-type: none"> <li>• Increase the base elevation of the proposed water tank to 590 feet.</li> <li>• Replace the existing six-inch water main in Paradise Drive with an eight-inch water main from the proposed driveway for Lots 21 through 23 to Forest Glen Court. The length of the pipe replacement would be approximately 3,750 feet.</li> <li>• <u>Prior to construction of Forest Glen Court: Replace both existing 12-inch water lines that connect to the Paradise Drive Water Tank as needed to meet the requirements of the MMWD in order to maintain existing functionality of both water lines and accommodate increased demand resulting from the proposed project.</u></li> <li>• The applicant and/or property owners shall enter into a low pressure agreement with the MMWD that serves as a written release from liability for any damage or inconvenience associated with the low pressure domestic water service. If necessary the applicant or property owner must install a low pressure pump to provide</li> </ul>			

<b><i>Mitigation Measure</i></b>	<b><i>Implemented by</i></b>	<b><i>When Implemented</i></b>	<b><i>Monitoring or Reporting Action</i></b>
adequate water pressure for the residence.			
<p><b><i>Mitigation Measure 5.7-8 (a)</i></b> Acquire approval of reduced fire flow requirements from the TFPD (as permitted in the 2007 California Fire Code) by implementing structural enhancements to proposed residences including but not limited to:</p> <ul style="list-style-type: none"> <li>• Upgrades to building sprinkler systems</li> <li>• Utilizing non-combustible exterior building materials</li> </ul>			
<p><b><i>Mitigation Measure 5.7-8 (b)</i></b> Limit the size of proposed houses (total allowable square footage) as needed to meet fire flow requirements.</p>			
<p><b><i>Mitigation Measure 5.7-8 (c)</i></b> Upgrade existing water line located in Paradise Drive to an eight-inch line in order to provide adequate water flow and pressure for fire flow requirements.</p>			
<p><b><i>Mitigation Measure 5.7-19(a)</i></b> Mitigation Measures 5.1-7, 5.6-1 and 5.8-1 would be required to mitigate project impacts to the adjacent Marin County Open Space District's open space.</p> <p>Mitigation Measure 5.1-7 would require improvements to pedestrian circulation. This would include paved shoulders along Paradise Drive, on-site sidewalks consistent with MCC sections 24.04.440(b) and (c) and all-weather surface pathways consistent with the <i>CWP</i> trail plan.</p> <p>Mitigation Measure 5.6-1 would require measures to avoid impacts to special-status plants.</p>			

<b><i>Mitigation Measure</i></b>	<b><i>Implemented by</i></b>	<b><i>When Implemented</i></b>	<b><i>Monitoring or Reporting Action</i></b>
<p>Mitigation Measure 5.8-1 would include measures to reduce the visual impact of the proposed project as viewed from Tiburon Ridge in the Old St. Hilary's Open Space Preserve.</p>			
<p><b><i>Mitigation Measure 5.7-19(b)</i></b> Develop and implement an Open Space Management Plan for parcels A and B. At a minimum the Open Space Management Plan shall include the following elements:</p> <ul style="list-style-type: none"> <li>• A description of the maintenance and management methods for the upkeep of the open space.</li> <li>• Collusion with the mandatory requirements for sensitive habitats Resource Management Plan required in Mitigation Measure 5.6-1.</li> <li>• Determine a mechanism by which the Open Space Management Plan shall be funded in perpetuity in consultation with Marin County and the MCOSD. Such a mechanism would be the establishment by the applicant of a non-wasting endowment, funded by the applicant and / or through monthly POA fees.</li> </ul>			
<b><i>Visual Quality</i></b>			
<p><b><i>Mitigation Measure 5.8-1</i></b> The applicant shall incorporate the following measures as a condition of approval: revise the PDP, the project's CC&amp;Rs and Design Guidelines to incorporate the following measures in order to reduce the visual impact of the project as viewed from the adjacent public open space lands:</p> <ul style="list-style-type: none"> <li>• Limit building height to one story with a maximum of 18 feet on lots that would be visible from the Old St. Hilary's Open Space</li> </ul>			

<i>Mitigation Measure</i>	<i>Implemented by</i>	<i>When Implemented</i>	<i>Monitoring or Reporting Action</i>
<p>Preserve in order to minimize view blockage the silhouetting of rooflines as seen from within the open space. A secondary impact of lower building heights would be a larger building footprint or a smaller housing unit.</p> <ul style="list-style-type: none"> <li>• In the Modified Master Plan locate buildings on Lots 5 through 10 as far from the spine of Ridgeline C as possible. Locate buildings on Lots 11 through 25 as far from the spine of Ridgeline D as possible.</li> <li>• Limit chimney heights and widths to avoid their silhouette being seen against the sky or San Francisco Bay from within the open space.</li> <li>• Plant native trees and shrubs in a manner reflecting natural growth patterns on the site in locations that would specifically screen buildings from views from the open space and integrate them with the landscape. While this may reduce the impact of building appearance, it should be noted that over-planting with trees in a formerly grassland landscape would itself create a significant, man-induced visual change. Additionally, urban-wildland interface restrictions would limit the proximity of plantings to homes and other structures.</li> </ul> <p>This mitigation measure states that buildings on Modified Master Plan Lots 5 through 10 should be located as far from the spine of Ridgeline C as possible. In addition buildings on Lots 11 through 25 should be located as far from the spine of Ridgeline D as possible. Based on the landslide mitigation policy prepared for the proposed project by Miller Pacific Engineering Group all fill buttresses must be within 100 feet of the proposed building site. In order for the proposed buttresses not to be</p>			



<b><i>Mitigation Measure</i></b>	<b><i>Implemented by</i></b>	<b><i>When Implemented</i></b>	<b><i>Monitoring or Reporting Action</i></b>
<p>located within the proposed open space (Parcel A) the amount of flexibility of where to locate the homes along the ridges is very limited.</p> <p>Nevertheless it appears that buildings on Lots 5 through 10 could feasibly be located further down the slope. These lots are not near any on-site landslides. The nearest landslide, Landslide 2, is proposed for complete repair. However, on Lots 11 through 25 either additional buttress fill slope repairs and / or buried pile walls would be required to stabilize the landslides. Lowering the elevations of the buildings on these lots would be feasible, however, it would result in a substantial increase in the depth and size of the buttresses and buried walls that would be necessary to create safe building sites. The surplus grading materials and resulting larger areas of disturbance could also cause secondary impacts.</p>			
<p><b><i>Mitigation Measure 5.8-2</i></b> In order to mitigate impacts from this viewpoint, implement Mitigation Measure 5.8-1.</p>			
<p><b><i>Mitigation Measure 5.8-3</i></b> The applicant shall incorporate the following measures as a condition of approval: revise the PDP, the project’s <i>CC&amp;Rs</i> and <i>Design Guidelines</i> to incorporate the following measures in order to reduce the visual impact of the project:</p> <ul style="list-style-type: none"> <li>• Locate the building on Modified Master Plan Lots 19 and 20 as far down the slope as possible and the building on Lots 17 and 18 as far to the northeast and down the slope as possible so that they do not appear to be on the top of Ridgeline D and their silhouette is not seen against the sky.</li> <li>• Limit chimney heights and widths to avoid their silhouette being seen against the sky.</li> </ul>			

<b><i>Mitigation Measure</i></b>	<b><i>Implemented by</i></b>	<b><i>When Implemented</i></b>	<b><i>Monitoring or Reporting Action</i></b>
<ul style="list-style-type: none"> <li>• Plant native trees and shrubs in a manner reflecting natural growth patterns on the site in locations that would specifically screen buildings from views from Paradise Drive and integrate them with the landscape. While this may reduce the impact of building appearance, it should be noted that over-planting with trees in a formerly grassland landscape would itself create a significant, man-induced visual change. Additionally, urban-wildland interface restrictions would limit the proximity of plantings to homes and other structures.</li> </ul> <p>As discussed for Mitigation Measure 5.8-1, locating buildings on Modified Master Plan Lots 18 through 20 further down the slope would likely require either additional buttress fill slope repairs and / or buried pile walls to stabilize the landslides. Lowering the elevations of the buildings on these lots would be feasible, however, it would result in a substantial increase in the depth and size of the buttresses and buried walls that would be necessary to create safe building sites. The surplus grading materials and resulting larger areas of disturbance could also cause secondary impacts.</p>			
<p><b><i>Mitigation Measure 5.8-4</i></b> The applicant shall incorporate the following measures as a condition of approval: revise the PDP, the project’s <i>CC&amp;Rs</i> and <i>Design Guidelines</i> to incorporate the following measures in order to reduce the visual impact of the project:</p> <ul style="list-style-type: none"> <li>• Limit building height of homes seen as protruding above the ridgeline and against the sky to one story with a maximum of 18 feet. A secondary impact of lower building heights would be a larger building footprint or a smaller housing unit.</li> </ul>			

<i>Mitigation Measure</i>	<i>Implemented by</i>	<i>When Implemented</i>	<i>Monitoring or Reporting Action</i>
<ul style="list-style-type: none"> <li>• Locate buildings on Modified Master Plan Lots 5 through 10 as far from the spine of the Ridgeline C as possible. Locate buildings on Lots 11 through 25 as far from the spine of the Ridgeline D as possible.</li> <li>• Plant native trees and shrubs in a manner reflecting natural growth patterns on the site in locations that would specifically screen buildings from view and integrate them with the landscape. While this may reduce the impact of building appearance, it should be noted that over-planting with trees in a formerly grassland landscape would itself create a significant, man-induced visual change. Additionally, urban-wildland interface restrictions would limit the proximity of plantings to homes and other structures.</li> </ul> <p>As discussed for Mitigation Measure 5.8-1, locating buildings on Modified Master Plan Lots 11 through 25 further down the slope would likely require either additional buttress fill slope repairs and / or buried pile walls to stabilize the landslides. Lowering the elevations of the buildings on these lots would be feasible, however, it would result in a substantial increase in the depth and size of the buttresses and buried walls that would be necessary to create safe building sites. The surplus grading materials and resulting larger areas of disturbance could also cause secondary impacts.</p>			
<p><b>Mitigation Measure 5.8-5</b> The applicant shall incorporate the following measures as a condition of approval: revise the PDP to incorporate the following measures in order to reduce the visual impact of the proposed landslide repair:</p>			

<i>Mitigation Measure</i>	<i>Implemented by</i>	<i>When Implemented</i>	<i>Monitoring or Reporting Action</i>
<ul style="list-style-type: none"> <li>• Re-grade areas where landslides are repaired by removal and replacement methods so that the finished grade mimics the contour of the area immediately adjacent and the surface of the treated area is not unduly uniform or has angular features. Replant or reseed, as appropriate, disturbed areas with species that existed prior to disturbance.</li> <li>• In areas where subsurface landslide repair is implemented, re-grade disturbed surfaces to match the original grade and replant or reseed, as appropriate, with species that existed prior to disturbance.</li> <li>• Place debris fences as far back from and as far above Paradise Drive as possible. Retain all vegetation between the road and the debris fence and in the area where the fence is installed so as to provide as much screening of the fence from the road as possible. Specify an appropriate dark color for debris fence material including posts and anchors that will minimize any color contrast with the immediate area where the fence will be installed.</li> </ul> <p><b>Significance After Mitigation</b> Implementation of Mitigation Measure 5.8-5 would reduce adverse visual effects from landslide repair to a less-than-significant impact.</p> <p><b>Responsibility and Monitoring</b> The applicant would be responsible to incorporate the measures into the PDP. Marin County would monitor implementation.</p>			

<i>Mitigation Measure</i>	<i>Implemented by</i>	<i>When Implemented</i>	<i>Monitoring or Reporting Action</i>
<p><b><i>Mitigation Measure 5.8-6</i></b> The applicant shall prepare a Lighting Plan to incorporate into the Precise Development Plan. The lighting plan shall require:</p> <ul style="list-style-type: none"> <li>• All light sources shall be shielded from off-site view;</li> <li>• All lights shall be downcast;</li> <li>• Escape of light to the atmosphere shall be minimized;</li> <li>• Low intensity, indirect light sources shall be encouraged.</li> <li>• Motion-activated lighting systems shall be encouraged.</li> <li>• Security lighting of driveways, parking areas, and garages shall use low-level bollards with shielded light unless this poses a safety hazard (as determined by Marin County), in which case the area shall be lit using as few as possible, motion-activated shielded lights.</li> <li>• Lighting of outdoor use areas and walkways shall be mounted on low-level elevation bollards or posts.</li> <li>• Floodlighting shall be prohibited.</li> <li>• Lighting of outdoor recreation areas, such as tennis courts, sports courts, and other similar outdoor recreational activity areas, shall be prohibited.</li> <li>• Mercury, sodium vapor, and similar intense and bright lights shall not be permitted except where their need is specifically approved</li> </ul>			

<b><i>Mitigation Measure</i></b>	<b><i>Implemented by</i></b>	<b><i>When Implemented</i></b>	<b><i>Monitoring or Reporting Action</i></b>
<p>and their source of light is restricted.</p> <ul style="list-style-type: none"> <li>• Submittals for Site Plan and Architectural Review shall include information on the location, types, intensity, and design of exterior lighting consistent with the Lighting Plan.</li> </ul>			
<b><i>Cultural Resources</i></b>			
<p><b><i>Mitigation Measure 5.9-1</i></b> The following mitigation measure would be required to mitigate significant impacts to cultural resources:</p> <ul style="list-style-type: none"> <li>• Workers involved in ground disturbing activities shall be trained in the recognition of archaeological resources (e.g., historic and prehistoric artifacts typical of the general area), procedures to report such discoveries, and other appropriate protocols to ensure that construction activities avoid or minimize impacts to potentially significant cultural resources;</li> <li>• In the event that archaeological artifacts, features or other cultural deposits are encountered during future grading, excavation, or other land alteration efforts, all work in the immediate vicinity of the find must be terminated until the discovery can be evaluated by an archaeologist. These discoveries may include prehistoric and / or historic materials. Depending on the extent and cultural composition of the materials, it may be advisable for subsequent excavations to be monitored by an archaeologist who would be ready to record, recover, and / or protect significant cultural materials from further damage. In the case of prehistoric resources, consultation with interested Native American groups is advised; and</li> </ul>			

<b><i>Mitigation Measure</i></b>	<b><i>Implemented by</i></b>	<b><i>When Implemented</i></b>	<b><i>Monitoring or Reporting Action</i></b>
<ul style="list-style-type: none"> <li>In the event that human skeletal remains are discovered anywhere on the site, work in the vicinity of the discovery must be discontinued and the Marin County Coroner must be contacted. If skeletal remains are found to be prehistoric Native American (not modern), the Coroner will call the Native American Heritage Commission in Sacramento within 24 hours; they in turn will identify the person(s) believed to be the "Most Likely Descendant" of the deceased Native American. The Most Likely Descendant would be responsible for recommending the disposition and treatment of the remains. The Most Likely Descendant may make recommendations to the landowner or the person responsible for the excavation work regarding the appropriate treatment and disposition of the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.</li> </ul>			
<p><b><i>Mitigation Measure 5.9-3(a)</i></b> Mitigation Measures 5.5-3(a), (b), and (c), designed to reduce impacts associated with potential erosion and downstream sedimentation that could impact sensitive off-site habitats, including Keil Pond, to a less-than-significant level, would also be required to reduce the physical impacts that downstream sedimentation would have on Keil Pond which is a key component of the Keil Cove property (an historical resource) to a less-than-significant level.</p>			
<p><b><i>Mitigation Measure 5.9-3(b)</i></b> <u>Mitigation Measure 5.5-6 is not feasible due to lack of cooperation by the downstream property owner (Keil) and the resulting lack of access to the Keil property water supply system for:</u>  <u>a) installation of a piping system to deliver intercepted upslope groundwater to the Keil storage facilities or b) monitoring of Keil Spring, cistern flows, and irrigation use.</u> <del>Mitigation Measure 5.5-6 is</del></p>			

<i>Mitigation Measure</i>	<i>Implemented by</i>	<i>When Implemented</i>	<i>Monitoring or Reporting Action</i>
<p>designed to reduce the project's impact on groundwater supplies, Keil Spring and the Keil property spring-based water supply to a less than-significant level would also be required to reduce impacts on the Keil Cove property (an historical resource) to a less than significant level. As noted in <i>Section 5.5 Hydrology and Water Quality</i> implementation of Mitigation Measure 5.5-6 would require agreement and cooperation of the Keil Cove property owners.</p>			

Source: Nichols - Berman