



COMMUNITY DEVELOPMENT AGENCY

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Board of Supervisors
County of Marin
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RE: Certification of the 2008 Easton Point Residential Development (Rezoning, Master Plan, Precise Development Plan, Tentative Subdivision Map) Final Environmental Impact Report (Final EIR).

Building and Safety
Environmental Health Services
Planning
Environmental Review
Housing
Sustainability
Code Enforcement
GIS
Federal Grants

Dear Board Members:

RECOMMENDATION:

1. Staff recommends that the Board of Supervisors, review and consider the Final EIR documents and the EIR administrative record, conduct a public hearing on the adequacy of the Final EIR for certification, and
2. Move to approve the attached Resolution to certify the 2008 Easton Point Residential Development Final EIR as adequate and complete pursuant to CEQA, the State EIR Guidelines and the Marin County Environmental Review Guidelines and Procedures. (Draft Board Resolution included as staff report Attachment No. 1).

www.marincounty.org/cda

After certification of the Final EIR by the Board of Supervisors, the Rezoning, Master Plan, Precise Development Plan, and Tentative Subdivision Map applications will be scheduled for hearing by the Planning Commission to consider their recommendation to the Board on the merits of the project for approval or disapproval and then subsequently scheduled for final action on the project at a separate later hearing by the Board.

BACKGROUND:

On October 22, 2013 your Board conducted a noticed public hearing on the Easton Point Final EIR and at that hearing provided an opportunity for the public to comment on the adequacy of the Final EIR. After receiving public comment the Board closed the public hearing and discussed the content of the Final EIR in light of the written and oral public comments received. The Board then directed staff and the environmental consultant to provide clarification on a limited number of environmental issues. The Board directed clarification on the following:

1. Expand the discussion of traffic conditions on Tiburon Boulevard during the school morning drop-off and afternoon pick-up peak. Compare traffic conditions and impacts during the school morning and afternoon peak with the corresponding morning and afternoon peak on Tiburon Boulevard. Describe traffic conditions and

driver experience during the school mid day peak and the impacts of the proposed project on mid-day school peak.

2. Clarify the number of workers anticipated at the project site during home construction. Provide an estimate of the number of workers on site assuming more than one home constructed at a time.
3. Expand the discussion of traffic impacts in the Lyford's Cove/Old Tiburon and Hill Haven neighborhoods under the Alternative 2 development agreement provision that the construction access road would not be built in lots 1-8 or 9-17 would be dedicated for non-residential use in the lower density alternative (32-dwelling units).
4. Compare the potential impacts on domestic water pressure and fire flow under the proposed 43-unit project and the 32-unit lower density alternative with water tank construction at three different elevations on the site (mean sea level 570, 580 and 590).
5. Describe impacts of emergency evacuation from the proposed project on adjacent neighborhoods during a possible disaster scenario.
6. Clarify the number of truck trips generated during project construction due to the truck size limitation on the construction access road assumed in the W-trans report. Also provide a graphic that shows more clearly the construction access road improvements recommended in the w-trans report and the increase in grading associated with the additional road width recommended in the W-trans report.

The County's environmental consultant for the Easton Point Project has submitted a memorandum providing the additional clarification and analysis requested by your Board. Please see Attachment 2 to this staff report.

EIR REQUIREMENT

The Draft and Final EIR for the 2008 Easton Point Residential Development Project were prepared in accordance with the California Environmental Quality Act (CEQA), including the CEQA Statutes (Public Resources Code §§21000-21178.1), State CEQA Guidelines (Code of Regulations, Title 14, §§ 15000-15387), the Marin County Environmental Impact Review Guidelines and relevant court decisions including the 1976 Judgment and the 2007 Judgment Pursuant to Stipulation. A more detailed discussion of the County's compliance with State CEQA statues and the County's own CEQA procedures is discussed in more detail in the October 22, 2013 staff report prepared for the Board.

The Notice of Availability (NOA) of the Final EIR Responses to Comments and the notice of date and place of the Board of Supervisors public hearing was published in a newspaper of general circulation to begin a 30-day public review and written comment period that ended on **July 29, 2013**.

As discussed in the October 22, 2013 staff report the County received 46 written letters and e-mail messages commenting on the 'Final EIR Responses to Comments'. In accordance with the Marin County *Environmental Impact Review Guidelines*, master written responses have been prepared for the major environmental issues raised in the comment letters received on the Final EIR. The written comments received and master responses were appended to your October 22, 2013 staff report and constitute an amendment to the Final EIR. The information

contained in the Amendment did not raise new or substantially more severe significant impacts or new mitigation measures or alternatives not considered in the EIR and therefore do not require recirculation for further review and comment in accordance with *State CEQA Guidelines* Section 15088.5.

On October 22, 2013 your Board requested clarification on the limited environmental issues outlined in the preceding Background section of this staff report. The summation of issues and the corresponding responses contained in the February 13, 2014 Memorandum (Exhibit 1) from the environmental consultant, Nichols-Berman do not raise new or substantially more severe significant impacts or new mitigation measures or alternatives not considered in the EIR, and do not require recirculation for further review and comment in accordance with State CEQA Guidelines Section 15088.5.

Furthermore, since the public comment period on the Final EIR ended on July 29, 2013 and the County took no action to extend the public comment period, any correspondence or comments received by the County following the close of the public comment period and the October 22, 2013 hearing does not require a written response per the State and County's adopted CEQA statutes and guidelines. However, all correspondence and comments related to the 2008 Easton Point Residential Project Environmental Impact Report are and will be included in the EIR administrative record for review and consideration.

CONCLUSION:

As discussed in the October 22, 2013 staff report; State CEQA Guidelines Section 15151 "Standards for Adequacy of an EIR" provides that an EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision that intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The Courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

An EIR is not inadequate for example, when it provides a program level of analysis commensurate with the underlying detail of the project application, or uses an environmental setting baseline that incorporates existing on-site uses. Nor is it inadequate if it doesn't resolve differences of opinion on impact conclusions in the EIR or resolve all matters related to the decision on the merits of the project for approval or disapproval. An EIR is not required to consider in detail each and every conceivable variation of the alternatives stated; nor is it required to evaluate alternatives to components of a project.

The State Supreme Court has stated that "the purpose of CEQA is to compel government at all levels to make decisions with environmental consequences in mind. CEQA does not, indeed cannot, guarantee that these decisions will always be those which favor environmental considerations, nor does it require absolute perfection in an EIR".

The Final EIR for the 2008 Easton Point Residential Development Project has undergone rigorous preparation and processing in full compliance with CEQA, State EIR Guidelines, and County Environmental Review Procedures. Substantial opportunity and time for public participation in the EIR process and review and comment on the EIR documents has been provided which meets and exceeds the requirements of CEQA and County Environmental Review Procedures. The Easton Point Final EIR provides thorough discussion and analysis

of impacts and alternatives consistent with what is reasonably feasible, and is now adequate and complete to be acceptable for certification as the environmental review for the project. The Final EIR provides sufficient information to make an informed decision on the environmental effects, project mitigations and alternatives, and to proceed to reviewing the merits of the Easton Point project.

REVIEWED BY:

<input type="checkbox"/> Department of Finance	<input checked="" type="checkbox"/> N/A
<input checked="" type="checkbox"/> County Counsel	<input type="checkbox"/> N/A
<input type="checkbox"/> Human Resources	<input checked="" type="checkbox"/> N/A

SIGNATURE:

	
John E. Roberto Contract Planner	Brian C. Crawford Director, CDA

- Attachments:
1. Draft Resolution Recommending Certification of Final EIR
 2. Nichols-Berman, Memorandum - Regarding Easton Point Residential Development Final EIR, February 13, 2014