October 22, 2013

Board of Supervisors
County of Marin
3501 Civic Center Drive
San Rafael, CA 94903


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).

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 one public 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 merits at a separate later hearing by the Board.

PROJECT OVERVIEW:

Proposed Project (43 Dwelling Units)

The applicant, Martha Company, is requesting approval of a Master Plan, Precise Development Plan, Tentative Subdivision Map (Tentative Map), Rezoning, and Exceptions to Marin County Subdivision Standards (paved road width). The project application includes rezoning the project site from Single Family Residential (R-1) and Residential Multiple Planned District (RMP-0.2) to Residential Single Family Planned (RSP). The Master Plan, Precise Development Plan, and Tentative Map applications propose to create 43 residential lots (49.61 acres) for development of single-family homes. The applicant is not proposing to construct any homes at this time, but is requesting approval of design guidelines and standards, including
minimum house sizes (square footage) for each lot, that would regulate future home
construction on the property. In addition, two parcels (Parcel A - 59.60 acres and
Parcel B - 0.33 acres) would be offered for dedication to the Marin County Open
Space District. Parcel B is proposed as a Marin dwarf flax (a special status plant
species) preserve. The application also proposes an 180,000-gallon concrete water
tank that would be constructed on Parcel C (0.25 acres). The applicant proposes to
construct roads and utilities to serve each of the 43 residential lots. However, the
applicant is requesting an exception to the County’s road width standard for the
roads serving the proposed 43-lots subdivision. The applicant is proposing 20 foot
wide paved roadways with no shoulders or sidewalk. Title 24 requires a 28 foot
paved road width and 4 foot shoulders on each side. The application also includes a
proposal to construct a temporary construction access road that would be used for all
phases of project construction, including future home construction. The applicant
also proposes to remediate or repair some landslides on-site to accommodate
proposed development.

Proposed residential lots would range in size from 0.55 to 2.25 acres with an
average lot size of 1.1 acres. The 43-lot project has a gross density of one housing
unit per 2.55 acres considering the entire 110-acre site area, and a net density of
one housing unit per 1.15 acres within the 49.61-acre proposed residential
development area. Each residential lot includes a designated building site. The
building site would include each lot’s residence. Conceptual building footprints are
shown for each building site; footprint locations are illustrative only, provided to
demonstrate that buildings of the proposed size would fit within the proposed building
site for each lot. In addition, it is the intent that all development, including patios,
pools, gardening sheds, etc., would be contained within the designated building site.
Houses would range in size from 5,000 square feet to 8,750 square feet. The
building footprints range in size from 2,500 square feet to 4,050 square feet. Each
residential lot would be provided with a minimum of four off-street parking spaces,
two of which would be in a garage.

Thirty of the residential lots are contiguous to the Hill Haven neighborhood in the
Town of Tiburon, with access via Mountain View Drive and Ridge Road. Three lots
are located at the low end of the site adjacent to the Tiburon town limit, and would be
accessed via a new driveway from Paradise Drive. The other 10 lots are located in
the vicinity of the existing MMWD Paradise Water Tank, and would be accessed via
a new residential road that generally follows the existing water tank access road from
Paradise Drive. Roadway segments (including driveways) would have grades of up
to 18 percent. The temporary construction access road, however, would have a
maximum grade of 25 percent.

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

The Precise Development Plan (PDP) includes a Utility Plan. Project
implementation would involve the extension and installation of on-site water facilities,
sewer facilities, and other utilities (gas, electricity, telephone, cable television) and
on-site installation of drainage facilities. Proposed public facilities would be
connected to those of the Marin Municipal Water District (MMWD) and Sanitary
District No. 5. All utilities would be constructed underground. The PDP includes a Grading and Drainage Plan, plus a Stormwater Control Plan. The proposed drainage plan is intended to detain increases in storm water runoff on-site so there would be no increase in peak period storm water flows from the site for events greater than the ten-year storm.

The proposed grading is intended to prepare the project site for residential development by installing roadways and utilities and repairing landslides and unstable areas. The applicant estimates that the grading necessary for site development (roadways and utility installation) would result in 13,580 cubic yards of cut material and the need for 2,866 cubic yards of fill material. Thus grading for the roadways and utility installation would result in an excess of 10,714 cubic yards. The project site is mapped as being undertaken by 28 landslides. The applicant proposes to improve or repair landslides that have a higher potential to affect proposed improvements including residential lots. Landslides with a lower potential to affect existing or proposed improvements are to be avoided or improved. The applicant estimates that the landslide stabilization would result in 1,444 cubic yards of cut and the need for 5,659 cubic yards of fill material. Thus landslide stabilization would result in the need for 4,215 cubic yards of fill material. It is estimated, therefore, that site development (roadways, utility installation, and landslide stabilization) would generate 6,499 cubic yards of cut material. The applicant proposes to store these excess materials on the site in the vicinity of Lots 20 and 24. The material would be available for future development on individual lots.

The applicant estimates that the development of the 43 individual lots would result in 8,625 cubic yards of cut and the need for 11,488 cubic yards of fill material. This would result in the need for an additional 2,863 yards of fill material. Assuming that this total amount would be available from the material stored in the vicinity of Lots 20 and 24 development of the project site would result in an excess of 3,636 cubic yards material. This material would need to be transported off the site.

_Tiburon Lower Density Alternative (32 Dwelling Units)_

On November 12, 2009 the Town of Tiburon and the Easton Point project applicant (the Martha Company) signed a Memorandum of Understanding (MOU) regarding a 32-Unit Lower Density Alternative (LDA) for the Easton Point project site. As a part of the MOU it has been requested that Marin County evaluate the LDA as a project alternative in the EIR. It is also requested that if the LDA is found environmentally equal or superior to the 43-unit project submitted to Marin County, the County approve a Master Plan, Tentative Subdivision Map, and Precise Development Plan for the LDA, and enter into a Development Agreement with the Martha Company substantially in the form provided by the Town of Tiburon.

Since the Martha Company agreed in writing to accept a lower density, 32-unit project, if the terms of the MOU and draft Development Agreement are satisfied, the LDA has been included as a feasible alternative for analysis in this EIR. In order to complete a full scope environmental impact analysis of the LDA the County required the applicant (Martha Company) to submit information on the LDA at the same level of detail as that submitted for the Proposed Project. On January 21, 2010 the applicant submitted the requested information and the County undertook a full scope environmental analysis of the LDA within the context of the EIR. The applicant, Martha Company, informed the County of Marin in writing that the Tiburon LDA is not
intended to, and does not, replace Martha’s 43-unit project. Instead the drawings and reports submitted in support of the LDA are to be studied as an Easton Point Project alternative in the course of the County’s CEQA review of the Martha’s 43-unit project.

BACKGROUND:

Project History

The 2008 Easton Point Residential Development Project applications were filed with Marin County in reliance on a U.S. District Court decision resulting from a 1975 lawsuit that determined development of the project site with a minimum of 43 residential units on minimum one-half acre lots would be consistent with the goals of the Marin Countywide Plan. The project site is within the Town of Tiburon’s Urban Service Area and Sphere of Influence. However, it is not proposed to annex the project site to the Town of Tiburon. The applicant will apply for annexation to Sanitary District #5.

As previously mentioned, on November 12, 2009 the Town of Tiburon and the property owner (Martha Company) signed a Memorandum of Understanding (MOU) regarding a 32-Unit Lower Density Alternative (LDA) for the Easton Point project site and requested that Marin County evaluate the LDA as a project alternative in the EIR. In order to complete a full scope environmental impact analysis of the LDA the County required the applicant (Martha Company) to submit information on the LDA at the same level of detail as that submitted for the Proposed Project. On January 21, 2010 the applicant submitted the requested information and the County completed a full scope environmental analysis of the LDA within the context of the draft and prepared written responses to comments received on the LDA in the final EIR.

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.

EIR process

In accordance with the State CEQA Guidelines, no Initial Study was prepared since the preliminary review determined that an EIR would be required. While no Initial Study was prepared by Marin County for this EIR effort, an Initial Study was prepared for a 34 unit single-family residential project on the 110 acre project site in May 2000 for a 2001 Draft EIR prepared for the Town of Tiburon. The May 2000 Initial Study was reviewed while preparing the scope for the 2008 Easton Point Residential Development Project.

In compliance with CEQA, on January 9, 2009 Marin County published and distributed a Notice of Preparation (NOP) to members of the Board of Supervisors, Planning Commission, State Clearinghouse, Federal, State and local agencies and special districts, surrounding property owners, and other interested groups and
individuals. The NOP was published in a newspaper of general circulation for a 30-
day comment period. A public scoping session was conducted at an evening
meeting in the Tiburon Town Hall on January 29, 2009 to further identify
environmental issues and concerns of the public for evaluation in the EIR. A list of
those who submitted comment letters or made verbal comments at the public
scoping session on the NOP is included in the appendix of the Draft EIR. A
summary of the comments received during public scoping can be found in Section
2.3 of the Draft EIR. Responses to the NOP and scoping meeting comments are
part of the public record for the project. They are on file and available for public
review at the Marin County Community Development Agency, Marin Civic Center,
Suite 308.

The Draft EIR was completed in March 2011. On March 10, 2011, copies of the
Draft EIR, and a notice of the date and place of the public hearing on the adequacy
of the Draft EIR were distributed to members of the Planning Commission, Board of
Supervisors, State Clearinghouse, Federal, State and local agencies and special
districts, surrounding property owners, and other interested groups and individuals.
A Notice of Completion (NOC) was published in a newspaper of general circulation
to begin an extended fifty-one (51) day public review and comment period, which
concluded on April 29, 2011.

The Planning Commission held a public hearing on the Draft EIR on April 25, 2011.
At that hearing, the Planning Commission received testimony from public agency
representatives and members of the public on the analysis provided in the Draft EIR.
In some cases, comments were also received on the merits of the project. After the
hearing and after considering the comments received, the Planning Commission
directed staff and the environmental consultant to prepare written responses to all
the written and oral comments received on the Draft EIR.

Under the provisions of the 2007 Judgment Pursuant to Stipulation, the County was
restricted to holding one Planning Commission hearing on the proposed project.
Subsequently, the applicant's (Martha Company) representative verbally agreed to
one additional merit's hearing before the Marin County Planning Commission. Since
the Planning Commission held a public hearing on the Draft EIR, there was no
hearing before the Planning Commission on the Final EIR. The Planning
Commission public meeting of July 22, 2013, to review the Easton Point Final EIR
was outside the provisions of the Settlement Agreement and therefore the discussion
and public testimony at that meeting are not part of the formal CEQA process for the
Easton Point project. The contract planner responsible for processing the Easton
Point project and the environmental consultant responsible for preparing the EIR did
not attend the Planning Commission meeting and therefore did not participate in the
issues discussed. Accordingly, the correspondence submitted and testimony taken
at the Planning Commission meeting to review the Final EIR is not part of the public
record and is not incorporated into the Final EIR. However, the Planning
Commission did submit a written comment letter on the Final EIR Responses to
comments and the Commission's comment letter is part of the public record on the
Final EIR.

The Final EIR Responses to Comments was completed in June 2013. On June 28,
2013, copies of the Final EIR Responses to Comments, and a notice of the date and
place of a Board of Supervisors public hearing to consider certification of the Final
EIR were distributed to the Board of Supervisors, Planning Commission, State
Clearing house, and Federal, State and local agencies and special districts, surrounding property owners, and other interested groups and individuals. All public agencies that submitted comments on the Draft EIR received written responses to their comments in the Final EIR Responses to Comments as required in Section 15088(b) of the CEQA Guidelines. A 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 concluded on July 29, 2013.

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 present amplifications, clarifications and / or additional information that in some cases may result in minor and insignificant modifications to the EIR. They do not, however, 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. The written master responses together with the written comments received on the Responses to Comments are incorporated as a minor amendment to the Final EIR.

SUMMARY OF THE MAJOR CONCLUSIONS IN FINAL EIR

Identified Impacts:

The Final EIR identified a total of 48 project impacts, including 5 cumulative impacts, as significant. Most of the significant impacts are under the categories of (1) biological resources; (2) geology and soils; (3) hydrology; (4) traffic and (5) visual. As identified in Table 2.0-1 of the Draft EIR, feasible mitigation measures are available to eliminate or reduce the great majority of the significant project impacts to a less-than-significant level. However, 7 of the project specific significant impacts could not be mitigated to less-than-significant and will remain significant unavoidable impacts even after the implementation of recommended mitigation measures. Three of the unavoidable significant impacts are visual and there is one significant unavoidable impact each related to traffic, noise, hydrology and public service. The proposed project combined with other approved and foreseeable projects in the surrounding area will result in 5 additional cumulative significant unavoidable impacts. The cumulative unavoidable impacts are (1) traffic – impacts on US Highway 101; (2) air quality and greenhouse gas emissions; (3) construction noise; (4) biological – loss and fragmentation of natural undeveloped habitat; and (5) visual – associated with build-out of Tiburon Planning Area. An expanded summary of the major impacts and mitigation contained in the Final EIR is provided in Attachment #2.
Plan Consistency

The Draft EIR evaluated the project's consistency with the 2007 Marin Countywide Plan, the Marin County Development Code (Zoning and Subdivision Regulations), Marin County Single Family Residential Design Guidelines, Local Agency Formation Commission (LAFCo) Sphere of Influence policies, Marin County Code Title 24 (Development Standards), and the Paradise Drive Visioning Plan. The consistency discussion in the Draft EIR is based, in part, on applicant prepared information submitted to Marin County with the applications. The discussion is the EIR consultant's best judgment of the policies examined, but recognizes that the County of Marin decision makers will make the final determination of consistency. The analysis concludes that the proposed project is consistent with a great majority of the applicable policies and regulations (see Section 4.0 of the Draft EIR for details). However, the project was found to be potentially inconsistent with biological resource goals and policies calling for the protection and enhancement of habitat and biodiversity including wetlands and special status species habitat and limiting the impact of development on these resources. Implementation of mitigation measures calling for the relocation of lots and reconfiguration of the proposed site plan would make the project consistent with the biological resource goals and policies. The project was found to be inconsistent with County planning goals and policies calling for sustainable managed open space and preservation of open space for the benefit of the environment. The open space inconsistency is directly related to the applicant's offer to dedicate Parcel B as open space. Parcel B was found to be too small in size to protect the larger area of dwarf flax population on the project site and Parcel B is not contiguous to adjacent public open space land that also has a dwarf flax population. Other noted inconsistencies include the failure to provide trails and trail connections called for in the Marin Countywide Plan and inconsistency with community design goals and policies due to the proposed projects visual impacts on open space and the views from existing public open space land.

The proposed project was also found to be inconsistent with guidelines and standards contained in the County Development Code calling for clustering of development, avoidance of ridgeline development, and failure to locate more of the proposed development near existing woodlands that would screen homes from off-site views. The analysis also found that the location of proposed home sites and the proposed design guidelines, especially proposed building heights, would result in home heights that would exceed the building height limitations for homes constructed near ridgelines. Title 24 inconsistencies include roads that do not meet the County's minimum width standards for minor residential streets and failure to provide adequate on-street parking and sidewalks. It is recognized that some of these inconsistencies could be resolved in the Master Plan and Precise Development Plan review process.

Alternatives:

The Draft EIR examines several alternatives to the project as presently proposed. These alternatives include one on-site No Project alternative and three on-site development alternatives that are designed to reduce identified impacts. Alternative 2 is a 32-unit lower density alternative. Alternative 3 has been designed to reduce visual impacts and Alternative 4 has been designed to reduce impacts to biological resources. The alternatives analysis also considered potential off-site locations.
These alternatives were developed to provide a realistic and representative range of potential uses and development strategies for the site. The principal criterion for selecting the alternatives studied in this Draft EIR was to ensure that the range of concepts evaluated would be sufficient to provide information to the public and public officials to make decisions about the project.

CEQA directs EIRs to analyze a reasonable range of alternatives to the project or project location that would feasibly attain most of the basic project objectives but would avoid or substantially lessen any of the significant effects of the project. The range of alternatives included in the Draft EIR focus on those that are feasible and capable of attaining the basic objectives of the proposed project. The applicant’s objectives and goals for the project are provided in Section 3.2 Project Description. In addition to the stated objectives of the proposed project, the three development alternatives should maintain consistency with the court order and decree contained in the 1976 and 2007 Judgments. The Judgments decree that the owners of the Martha Property are entitled to 43 homes on minimum one-half acre residential lots unless the parties subsequently agree otherwise in writing. The 43 residential lots are intended to be located on geologically safe portions of the site without the necessity for extensive landslide repair rather than in the path of known landslides. The 1976 and 2007 Judgments also state the County will allow some development within the Ridge and Upland Greenbelt.

As previously discussed, on November 12, 2009 the Town of Tiburon and the Easton Point project applicant (the Martha Company) signed a Memorandum of Understanding (MOU) regarding a 32-Unit Lower Density Alternative (LDA) for the Easton Point project site. As a part of the MOU it has been requested that Marin County evaluate the LDA as a project alternative in the Draft EIR. It is also requested that if the LDA is found environmentally equal or superior to the 43-unit project submitted to Marin County that the County approve the master plan, tentative subdivision map, and precise development plan for the LDA, and enter into a Development Agreement with the Martha Company substantially in the form provided by the Town of Tiburon.

Since the property owner agreed in writing to accept a lower density, 32-unit project, if the terms of the MOU and draft Development Agreement are satisfied, the LDA has been included as a feasible alternative for analysis in this Draft EIR. The environmental impact analysis of Alternative 2 was of a similar scope and depth as that of the proposed project. The applicant was required to submit information on the LDA at the same level of that of the Proposed Project. The information was then analyzed to determine the differences in environmental impact, if any, between the LDA and the Proposed Project.

The State CEQA Guidelines require that an EIR’s analysis of alternatives identify the “Environmentally Superior Alternative” among all of those considered. Based on a comparison of impacts among alternatives analyzed, the Draft EIR finds that of the build alternatives, Alternative 2 (32-Unit Lower Density Alternative) would be the environmentally superior alternative. Although the significant impacts associated with Alternative 2 would be similar to the proposed project, the reduced number of housing units (32 versus 43) would result in less disturbance to the project site and thus reduce the degree of several impacts. These impacts, however, would remain significant and in need of mitigation measures.
The Draft EIR identified five properties within the Tiburon Planning Area that either have or approach the necessary acreage to accommodate the proposed project, but have been ruled out due to density restrictions contained in applicable general plans, availability of the property, or physical characteristics that constrain the feasibility of the property to become an alternative site. The five sites include: (1) Tiburon Glen – 26 acres, (2) Slater – 26.1 acres, (3) BRC – 50.2 acres, (4) Keil – 30.8 acres, and (5) SODA/Rabin – 50.95 acres. All five alternate sites were deemed infeasible alternate locations for the project due to density limitations imposed by applicable plans and zoning and/or environmental characteristics that would limit the feasibility of developing the property with 43 dwelling units.

Final EIR Responses to Comments – Modified Mitigation Measures

Based on the comments received on the Draft EIR, a number of mitigation measures contained in the Draft EIR were modified in the Final EIR Responses to Comments. The mitigation measures modified in the Final EIR Responses to Comments are scattered throughout the approximately 800-page document. For ease of reference, the staff thought it would be helpful if the Board had a single document that contained the mitigation measures modified in the Final EIR. Attachment #3 to this staff report is a memorandum from the environmental consultant that compiles all the mitigation measures modified in the Final EIR Responses to Comments.

Summary of Environmental Issues Raised in Written Comments Received on Final EIR

As mentioned previously in the staff-report the County received 46 written comments (letters and e-mail messages) on the Final Environmental Impact Report Responses to Comments. Many of the comments received on the Responses to Comments address similar issues and are grouped into several categories:

- Request clarification on of some environmental impacts and recommended mitigation;
- Questions concerning feasibility of some recommended mitigation measures;
- Request for analysis of additional potentially feasible alternatives;
- Request for expanded traffic analysis;
- Can court judgment legally limit range of alternatives analyzed in EIR;
- Feasibility and operational safety of the proposed construction access road;
- Public health and safety concerns; and
- Opinions that the proposed project fails to comply with the provisions of the Stipulated Judgment.

In accordance with Marin County’s Environmental Impact Review Guidelines written master 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 to those comments are in Attachment #4 — 'Response to Comments to the Draft Environmental Impact Report Amendment'.

The master responses contained in the Amendment provide responses and clarification on a number of issues including: the environmental impacts associated with the design of the proposed and mitigated water tank and the adjacent emergency radio facilities; suggestions to mitigate impacts by limiting house and lot size and/or project redesign; and the level of environmental analysis required for Alternatives 3 and 4, and the remainder parcel in Alternative #2. There are master responses to comments requesting the analysis of additional potentially feasible alternatives to the proposed project; the feasibility of some recommended mitigation measures in the EIR; requests for expanding the traffic impact analysis to include peak school drop-off and pick-up hours, some local residential intersections, and contactor vehicle traffic impacts; the feasibility and operational safety of the construction access road; and the public health and safety issues associated with construction traffic, domestic water pressure and fire flow, and water required to suppress potential fires during project construction. Other master responses address comments questioning whether the Stipulated Judgment can legally limit the range of alternatives analyzed in the EIR and whether or not the proposed project complies with provisions of the Stipulated Judgment related to extent of required landslide repair and protection of protected species.

The information contained in the written comments and master responses contained in the attached Amendment do not result in any 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 15068.5. The written master responses together with the written comments received on the Responses to Comments are incorporated as a minor amendment to the Final EIR.

CONCLUSION:

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.

In furtherance of this the State Appellate Court has held that "analysis must be specific enough to permit informed decision making and public participation. The need for thorough discussion and analysis is not to be construed unreasonably, however, to serve as an easy way of defeating projects. What is required is the production of information sufficient to understand the environmental impacts of the proposed project and to permit a reasonable choice of alternatives so far as environmental aspects are concerned."
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 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 the County’s Environmental Impact 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:

[X] Department of Finance  [X] N/A
[X] County Counsel  [ ] N/A
[ ] Human Resources  [X] N/A

SIGNATURES:

John E. Roberto  
Contract Planner

Brian C. Crawford  
Director, CDA

Attachments:

1. Draft Resolution recommending certification of Final EIR
2. Expanded Summary of Major Impacts and Mitigations Contained in the 2008 Easton Point Residential Project Final EIR
3. Memorandum – List of Mitigation Measures Modified in Final EIR
4. Response to Comments to the Draft Environmental Impact Report Amendment