DRAFT

California Environmental Quality Act Findings of Fact and Statement of Overriding Considerations for the North Coast Land Holdings Project Master Plan and Community Plan Amendment

State Clearinghouse No. 2020090488

Prepared for:

County of Marin
3501 Civic Center Dr, Suite 308
San Rafael, CA 94903

April 2026

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LIST OF ABBREVIATIONS

AB	Assembly Bill
ADA	American Disabilities Act
applicant	North Coast Land Holdings, LLC
APN	Assessor's Parcel Number
BAAQMD	Bay Area Air Quality Management District
CalGreen code	Part 11 of the Title 24 California Building Code
Cal-IPC	California Invasive Plant Council
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Code
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CNPS	California Native Plant Society
County	County of Marin
CUP	Conditional Use Permit
dB	decibel
dBA	A-weighted decibel
EV	electric vehicle
EVCS	electric vehicle charging stations
Final EIR	final environmental impact report
GHG	greenhouse gas
hp	horsepower
HVAC	heating, ventilation and air conditioning
L_{eq}	equivalent continuous sound level
MMRP	mitigation monitoring and reporting program
$MTCO_2e$	metric tons of carbon dioxide equivalent
NOP	notice of preparation
North Coast	North Coast Land Holdings, LLC
NO_X	nitrogen oxide
NPPA	California Native Plant Protection Act
OPR	California Governor's Office of Planning and Research
PM_{10}	respirable particulate matter with an aerodynamic diameter of 10 micrometers or less

$PM_{2.5}$	fine particulate matter with an aerodynamic diameter of 2.5 micrometers or less
PRA	Purcell, Rhodes & Associates
PROWAG	Public Right-of-Way Accessibility Guidelines
RMP	Residential Multiple Planned
SB	Senate Bill
sf	square feet
SMFD	Southern Marin Fire Protection District
SR 131	State Route 131
TAC	toxic air contaminant
TCP	Traffic Control Plan
TDM	Transportation Demand Management
US 101	US Highway 101
USACE	US Army Corps of Engineers
USFWS	US Fish and Wildlife Service
VMT	vehicle miles traveled

1 OVERVIEW

1.1 PURPOSE OF THE FINDINGS

The County of Marin (County), as lead agency under the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., has prepared the Final Environmental Impact Report for the North Coast Land Holdings Master Plan and Community Plan Amendment Project (State Clearinghouse No. 2020090488) (proposed project). The Final Environmental Impact Report ("Final EIR") consists of the Draft EIR (published on July 16, 2024); the Final EIR Volume (published on December 12, 2025), which includes responses to comments on the Draft EIR and text revisions to the Draft EIR; a Final EIR Amendment (published on February 27, 2026), which includes further text revisions to the Draft EIR and Final EIR Volume and responses to comments on the Final EIR relevant to CEQA compliance; and a second Final EIR Amendment (published on March 27, 2026), which provides an EIR consistency assessment that covers the Environmental Settlement Agreement (ESA) that was settled on March 1, 2026 between the applicant and the Seminary Neighborhood Association; and all documents incorporated therein. No modifications to the project description were made as a result of the ESA, including to proposed land uses or development intensity. The applicant's commitments in the ESA have been incorporated into the Master Plan application as Conditions of Approval.

In determining whether to certify the Final EIR for the proposed project, the County makes and adopts the following findings of fact and a statement of overriding considerations, and adopts and makes conditions of project approval the mitigation measures identified in the Final EIR, all of which is based on substantial evidence in the whole record of this proceeding (administrative record). Pursuant to Section 15090(a) of the State CEQA Guidelines, the Final EIR was presented to the Marin County Board of Supervisors, the Board of Supervisors reviewed and considered the information contained in the Final EIR prior to making the findings in Sections 5 through 9, below, and the Board of Supervisors determined that the Final EIR reflects the independent judgment of the County. The conclusions presented in these findings are based on the Final EIR and other evidence in the administrative record.

1.2 BACKGROUND

The Golden Gate Baptist Theological Seminary originally developed the project site pursuant to a 1953 Conditional Use Permit (1953 CUP or CUP), which governs the development and operation of the seminary. The 1953 CUP allows for a campus operation with up to 1,000 students supported by faculty and staff. By 1982, 132 student apartments, 19 faculty/staff apartments and 60 dormitory rooms were constructed, as well as the administration building, library, cafeteria, and academic classrooms. In 1984, the Board of Supervisors approved a Master Plan for the campus; however, additional buildings and residential units approved under the 1984 Master Plan were never developed. Use of the site as the Golden Gate Baptist Theological Seminary peaked with enrollment of 910 students in 1987, with most students, faculty, and staff living nearby in the surrounding community. In 2014, after the Seminary relocated to Southern California, the applicant acquired the project site. The 1984 Master Plan expired on January 1, 2018.

North Coast Land Holdings, LLC (North Coast or applicant) first submitted an application in 2015 and provided a revised application in early 2020 with plan modifications in response to community input. The Strawberry Design Review Board reviewed the 2020 application and recommended denial. In late 2020, a decision by the County Environmental Planning Manager to proceed with an EIR was appealed to the Board of Supervisors by the community group, Seminary Neighborhood Association. The Board accepted the Environmental Planning Manager's decision and denied the appeal, allowing the EIR to proceed (Marin County 2020).

As described in the Final EIR, the applicant is requesting approvals from the County for development on the former Golden Gate Baptist Seminary property on the Strawberry Peninsula in Mill Valley. The proposed project includes construction of a new residential care facility with up to 100 independent and 50 assisted living and memory care apartments for senior citizens and 336 single- and multi-family residential units that would replace a majority of the existing residential housing. Seventy of the proposed residential units would be reserved as below market rate

housing. In addition, a pre-school (3,000 square feet [sf]) and fitness center (17,000 sf) that would both be open to the public are proposed, and an existing maintenance building would be replaced. More than 70 percent of the 127-acre campus would be preserved as open space, athletic fields, paths and plazas. No change to the scope of the existing use permit allowing up to a maximum of 1,000 students for higher educational use is being proposed. A 15,800-sf addition is proposed as part of the renovation of the Administration Building, resulting in a 41,000-sf building.

2 PROJECT DESCRIPTION

2.1 OVERVIEW

The North Coast Land Holdings, LLC (North Coast or applicant) has applied for entitlements to renovate and redevelop the former Golden Gate Baptist Theological Seminary property on the Strawberry Peninsula in unincorporated Marin County. The proposed development would include renovation of existing academic buildings, relocation of an existing daycare center, construction of a new fitness center, construction of a new residential care facility, upgrades to existing housing and construction of new housing, retention of and access improvements to existing open space and recreation areas, and creation of new bicycle and pedestrian paths within the property.

2.2 PROJECT LOCATION

The project site is located on the former Golden Gate Baptist Theological Seminary campus property in the community of Strawberry, a census-designated place in unincorporated Marin County, California (Figure 2-1, "Regional Location"), next to the City of Mill Valley. The campus address is 201 Seminary Drive on the Strawberry Peninsula. The campus consists of ten Assessor's Parcels, two of which have boundaries that extend into Richardson Bay (the "Richardson Bay Parcels").

The campus encompasses approximately 127 acres, generally bounded by Richardson Drive, Seminary Drive, and East Strawberry Drive (Figure 2-2, "Project Site"). The properties composing the project site total approximately 101 acres and include Assessor's Parcel Numbers (APN) 043-261-25, 043-261-26, 043-401-05, 043-401-10, 043-401-16, 043-402-03, 043-402-05, and 043-402-06. No development is proposed on the Richardson Bay Parcels (APN 043-262-03 and 043-262-06) and, thus, they are not included as part of the project. Furthermore, because the Richardson Bay Parcels consist of submerged lands and other undeveloped areas that are not publicly accessible, it is not anticipated that the project will result in increased use of the Richardson Bay Parcels.

Regional access to the project site is available from US Highway 101 (US 101) and State Route 131 (SR 131; Tiburon Boulevard). From US 101 off-ramps, ingress to the project site is available through the Redwood Highway Frontage Road to Seminary Drive and egress returning to the freeway on-ramps is available through Seminary Drive and the Highway Frontage Road to US 101 on-ramp. The project site is accessible from Seminary Drive, both at Hodges Drive and Gilbert Drive. Other access points to the project site include Mission Drive, East Strawberry Drive, Chapel Drive, and Reed Boulevard.

2.3 PROJECT OBJECTIVES

The purpose of the project is to redevelop the property under a new Master Plan focused on supporting an academic institution, providing amenities to the surrounding community, and developing a diversity of housing types. The basic objectives of the proposed project are to:

- create an intergenerational community for residents to live, work, and learn;
- support a thriving campus use that offers amenities to the surrounding community and academic value for the region;
- continue to provide undisturbed views and visual access to the Bay through retainment of undeveloped open space areas within the project site and preservation of existing viewsheds and local ridgelines;
- support a housing balance in the Strawberry community while creating a unique space with the potential to improve and transform the social fabric of the site and local community;
- support implementation of Countywide Plan Housing Element goals and policies (including Housing Goal 1 and supporting policies 1.1 through 1.3 as well as Housing Goal 2 and supporting policies 2.1, 2.4 and 2.5) to provide a

mix of housing units, including affordable units, that contribute to meeting the housing goals outlined in the Countywide Plan Housing Element and consistent with the Association of Bay Area Governments' Regional Housing Needs Allocation for Marin County;

- develop the project site sensitive to and compatible with the scale and form of the surrounding area; and
- provide improvements to circulation systems serving the Strawberry community in the form of enhanced trails, bicycle facilities, and pedestrian enhancements on the project site.

2.4 PROJECT APPROVALS

The following discretionary and non-discretionary actions would be taken by the County to approve the project:

- certification of the Final EIR;
- adoption of the Mitigation Monitoring and Reporting Program;
- approval of the Amendment to the Strawberry Community Plan;
  - The proposed amendment would revise the residential unit count and would also remove the restriction that requires that residential and other site uses be dedicated exclusively to students, faculty, and staff of the academic campus.
- approval of Master Plan for large scale development and Design Review for new construction in a planned zoning district;
  - The following elements require Master Plan and/or Design Review approval pursuant to Marin County Development Code Section 22.44.020: daycare and fitness center, residential development, residential care facility, administration building renovation, maintenance building replacement, landscape and hardscape improvements, and open space
- approval of Vesting Tentative Map application;
  - This approval would be required to allow future condominium conversion at the site pursuant to County Code Section 22.84.110. No changes to the existing lot line configuration are proposed.
- issuance of a Master Use Permit;
  - This permit would be required to allow multiple conditional uses on the site in addition to the existing educational use pursuant to County Code Section 22.49.010. The conditional uses include a fitness center open to the public as well as allowing the existing daycare on the site to accept children that are not affiliated with the existing academic campus.
- issuance of Tree Removal Permit;
  - This permit would be required for the removal of protected trees pursuant to County Code Section 22.62.020.
- encroachment permit; and
  - This permit would be required for roadway tie-in and other project-related work that may encroach within County right-of-way.
- building permit(s);
  - Building permit(s) would be required for construction of proposed project structures.

2.4.1 Other Agency Actions

The term "responsible agency" includes all state, regional, and local public agencies other than the lead agency that may have discretionary approvals associated with the implementation of some aspect of the project (State CEQA Guidelines Section 15381). The Final EIR will also be used by CEQA responsible agencies to assist in meeting their requirements under CEQA before deciding whether to approve or permit project elements over which they have jurisdiction. In order to carry out the project, the Regional Water Quality Control Board (Region 2) would need to issue a Clean Water Act Section 401 permit for activities that may result in discharges to waters of the United States as well as a National Pollutant Discharge Elimination System Construction General Permit for all construction activities and preparation of a storm water pollution prevention plan.

While it is expected the following permits will not be needed, isolated wet areas on the project have not been formally delineated and permits from the Regional Water Quality Control Board (Region 2) and US Army Corps of Engineers (USACE) could potentially be required should discharge of fill materials to waters of the state or waters of the United States be determined to be necessary. The required permits would be a Porter-Cologne Act Discharge of Dredge or Fill Materials Permit from the regional water quality control board (Region 2) and a Clean Water Act Section 404 Permit from USACE.

The Final EIR may also be used by other state, regional, and local agencies that may have an interest in resources that could be affected by the project.

Other interested agencies may include:

- California Department of Fish and Wildlife (CDFW),
- USACE,
- California Native American Heritage Commission,
- Bay Conservation and Development Commission,
- California Department of Transportation (Caltrans), District 4,
- California Department of Toxic Substances Control, and
- City of Mill Valley.

3 ENVIRONMENTAL REVIEW PROCESS

3.1 NOTICE OF PREPARATION

A notice of preparation (NOP) was first distributed on September 25, 2020, to responsible agencies, interested parties and organizations, and private organizations and individuals that could have interest in the project. The NOP was available online at the environmental and planning project webpages, and availability of the NOP was advertised in the Marin Independent Journal, a local newspaper. On November 20, 2020, notice was given that the NOP comment period had been extended to February 1, 2021. On April 23, 2021, notice was given that a public scoping meeting would be held on May 18, 2021, and the NOP and comment period was extended to May 25, 2021. The purpose of the NOP was to provide notification that an EIR for the project was being prepared and to solicit input from responsible agencies and trustee agencies on the scope and content of the document.

3.2 DRAFT EIR

On July 16, 2024, the County released the Draft EIR for a 60-day public review and comment period. The Draft EIR was submitted to the State Clearinghouse for distribution to reviewing agencies and posted on the County's website (https://www.marincounty.gov/departments/cda/planning/environmental-planning). A notice of availability of the Draft EIR was distributed by the County to responsible agencies, interested parties and organizations, and private organizations and individuals that could have interest in the project. A public hearing was held on September 9, 2024 during a regular meeting of the County of Marin Planning Commission, to receive input from agencies and the public on the Draft EIR. The public review and comment period for the Draft EIR concluded on September 16, 2024.

The County received written and verbal comments from three state agencies (California Department of Toxic Substances Control, California Department of Fish and Wildlife, and Caltrans), one regional agency (San Francisco Bay Conservation and Development Commission), and one local agency (City of Mill Valley), organizations, and individuals on the content of the Draft EIR. None of the comments received, or the responses provided, constitute "significant new information" by CEQA standards requiring recirculation of the Draft EIR (State CEQA Guidelines CCR Section 15088.5).

3.3 FINAL EIR

The Final EIR was issued for public review on December 12, 2025 and transmitted to agencies, commenters on the Draft EIR including agencies that commented on the Draft EIR, and other interested groups and individuals. Chapter 3 of the Final EIR provides responses to the comments received during the public comment period on the Draft EIR.

3.4 CERTIFICATION OF THE FINAL EIR

On March 30, 2026, the Marin County Planning Commission held a duly noticed public hearing for the proposed project and Final EIR. At the conclusion of the hearing, the Marin County Planning Commission adopted resolutions recommending certification of the Final EIR and approval of the project. On June 9, 2026, the Marin County Board of Supervisors held a public hearing for the project and Final EIR. At the conclusion of the hearing, the Board of Supervisors adopted resolutions (1) certifying the Final EIR as adequate and complete and (2) approving the project. To support such approval, the Board of Supervisors makes the following findings of fact and adopts a statement of overriding considerations (collectively the "Findings"). These Findings contain the Board of Supervisors' written analysis and conclusions regarding the project's potentially significant environmental effects and mitigation measures and alternatives to the project to avoid or substantially lessen the significant effects. These Findings are based upon the entire record of proceedings for the Final EIR, as described below.

3.5 RECIRCULATION

State CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when "significant new information" is added to the EIR after public notice is given of the availability of the Draft EIR but before certification. "Significant new information" requiring recirculation incudes a disclosure showing a new significant environmental impact, a substantial increase in the severity of an environmental impact, a feasible project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the project but the project proponent declines to adopt it, or the Draft EIR was so fundamentally inadequate and conclusory that it precluded meaningful public review and comment. Recirculation is not required where new information added to an EIR merely clarifies or amplifies or makes insignificant modifications in an otherwise adequate EIR.

One or more public comments on the Draft EIR requested recirculation. The County has evaluated and responded to these comments in Chapter 3, "Responses to Comments," of the Final EIR. Based on the County's review of the Final EIR, Final EIR Amendments, and substantial evidence in the administrative record, the County hereby finds that recirculation of the Draft EIR is not required because no significant new information was added to the Draft EIR as a result of the public comment process. The Final EIR responds to public comments, and clarifies, amplifies and makes insignificant modifications to the Draft EIR.

These revisions do not constitute significant new information regarding the project description, environmental and regulatory setting, conclusions of the environmental analysis, or in the mitigation measures or requirements incorporated into the project to mitigate impacts, or otherwise provide significant new information that would require recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5. The Final EIR does not identify any new significant effects on the environment or a substantial increase in the severity of an environmental impact. Therefore, recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5 is not required.

Additionally, the County has considered the project commitments outlined in the March 1, 2026 ESA in a consistency assessment Final EIR Amendment that was prepared and released on March 27, 2026. The consistency assessment found that none of the circumstances described in Section 15088.5 of the State CEQA Guidelines have occurred, so recirculation of the Draft EIR is not warranted.

4 RECORD OF PROCEEDINGS

Various documents and other materials related to the project constitute the record of proceedings upon which the County bases its findings and decisions contained herein. Those documents and materials are located in the offices of the custodian for the documents and materials, which is the County of Marin Community Development Agency – Planning Division, 3501 Civic Center Drive, Suite 308, San Rafael, California 94903. In accordance with Public Resources Code Section 21167.6, subdivision (e), the record of proceedings for the County's decision concerning certification of the Final EIR and approval of the project include the following documents:

- the NOP dated September 25, 2020 and November 20, 2020, and all other public notices issued by the County in conjunction with the project, including the Notices of Completion and Availability issued on September 24, 2021, providing notice that the DEIR had been completed and was available for public review and comment;
- all comments submitted by agencies or members of the public during the comment period for the NOP;
- the Draft EIR, including all technical appendices;
- all comments submitted by agencies or members of the public during the comment period for the Draft EIR;
- the Final EIR, including comments received on the Draft EIR, responses to those comments, and revisions to the Draft EIR and technical appendices (November 2025);
- all documents cited or referenced in the Draft and Final EIRs, including but not limited to the materials identified in Chapter 5, "References," of the Final EIR;
- the Mitigation Monitoring and Reporting Program for the project;
- all findings and resolutions adopted by the County in connection with the project, and all documents cited or referred to therein;
- all reports, studies, memoranda, maps, staff reports, or other planning documents in the County's possession related to the project, including those prepared by the County, consultants to the County, and responsible or trustee agencies with respect to the County's compliance with the requirements of CEQA and with respect to the County's actions on project;
- all documents submitted to the County by other public agencies or members of the public in connection with the project, through the close of the Marin County Boad of Supervisors public hearing on June 9, 2026;
- any minutes and/or verbatim transcripts of all information sessions, public meetings and public hearings held by the County in connection with the project;
- any documentary or other evidence submitted to the County at such information sessions, public meetings and public hearings;
- the Marin Countywide Plan and all environmental documents prepared in connection with the adoption of the Countywide Plan;
- provisions of the County's Zoning Code cited in materials prepared by or submitted to the County;
- any and all resolutions adopted by the County regarding the project, and all staff reports, analyses and summaries related to the adoption of those resolutions;
- any documents expressly cited in these Findings, in addition to those cited above; and
- any other materials required to be in the record of proceedings by Public Resources Code section 21167.6, subdivision (e) and any other applicable law.

5 FINDINGS

5.1 PURPOSE

Pursuant to State CEQA Guidelines Section 15091, the County is required to make written Findings of Fact for each significant environmental impact identified in the Final EIR. The Findings set forth below are made and adopted by the Marin County Board of Supervisors as the County's findings under CEQA and the State CEQA Guidelines for the project. The Findings provide the written analysis and conclusions of the Board of Supervisors regarding the project's potentially significant environmental effects, mitigation measures and alternatives that avoid or substantially lessen those significant effects, and the overriding considerations that support approval of the project despite any remaining significant environmental effects after the incorporation of mitigation measures and alternatives.

These Findings summarize the environmental determinations in the Final EIR regarding project impacts before and after mitigation, and do not attempt to repeat the full analysis of each environmental impact contained in the Final EIR. Instead, these findings provide a summary description of and basis for each impact conclusion identified in the Final EIR, describe the applicable mitigation measures identified in the Final EIR, and state the County's findings and rationale about the significance of each impact following the adoption of mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Final EIR, and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the determinations therein regarding mitigation measures and the project's impacts.

Chapters 6 and 7, below, provide brief descriptions of the impacts that the Final EIR identifies as either significant and unavoidable or less than significant with adopted mitigation. These descriptions also reproduce the full text of the mitigation measures identified in the Final EIR for each significant impact.

5.2 TERMINOLOGY

A Finding is a written statement made by the County explaining how each significant impact and alternative identified in the Final EIR is addressed. Each finding contains a conclusion regarding each significant impact, substantial evidence supporting the conclusion, and an explanation of how substantial evidence supports the conclusion.

For each significant effect identified in the Final EIR, the District is required by State CEQA Guidelines Section 15091(a) to make a written finding reaching one or more of the following conclusions:

(1) Changes or alterations have been required in, or incorporated into, the project, which mitigate or avoid the significant effect identified in the Final EIR;

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; or

(3) Specific legal, economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

A mitigation measure or alternative is considered "feasible" if it is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors (State CEQA Guidelines Section 15364). The concept of feasibility also encompasses the question whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417). "[F]easibility under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715).

A proposed mitigation measure or alternative is not feasible if the mitigation measure or alternative is not legally permissible. (See *Kenneth Mebane Ranches v. Superior Court* (1992) 10 Cal.App.4th 276, 289-292 [flood control district lacked the statutory authority to purchase property outside its boundaries for rare plant mitigation]; *City of Marina v. Board of Trustees of California State University* (2006) 39 Cal.4th 341, 356-360 [payment of fair share fees to mitigate off-site transportation impacts was not legally infeasible]; and *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal. App. 4th 704, 715 [city council "found that requiring a decrease in project density would be legally infeasible in that it would be prohibited by Government Code section 65589.5, subdivision (j)"] (original italics).)

The State CEQA Guidelines do not define the difference between "avoiding" a significant environmental effect and "substantially lessening" such an effect. The County must therefore glean the meaning of these terms from the other context in which the terms are used. Public Resources Code section 21081, on which State CEQA Guidelines Section 15091 is based, uses the term "mitigate" rather than "substantially lessen." The State CEQA Guidelines therefore equate "mitigating" with "substantially lessening." Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." (Public Resources Code Section 21002.)

For purposes of these findings, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term "substantially lessen" refers to the effectiveness of such a measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level. These interpretations appear to be mandated by the holding in *Laurel Hills Homeowners Assn. v. City Council* (1978) 83 Cal.App.3d 515, 519-521, in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question to less than significant.

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency decision-maker, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency decision-maker found that the project's "benefits" outweigh its "unavoidable adverse environmental effects" and on that basis consider the adverse environmental effects acceptable'' under CEQA (State CEQA Guidelines Sections 15093 and 15043(d); see also Pub. Res. Code § 21080(b).) The California Supreme Court has stated, "(t)he wisdom of approving [any] development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore, balanced." (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576.)

5.3 MITIGATION MONITORING AND REPORTING PROGRAM

In adopting these findings, the County also adopts a mitigation monitoring and reporting program (MMRP) pursuant to Public Resources Code Section 21081.6 and State CEQA Guidelines Section 15097. The MMRP is designed to ensure that the County and other parties comply with the mitigation measures identified below and in the Final EIR during implementation of the project. The MMRP will remain available for public review during the compliance period. The Final MMRP is attached to and incorporated into the Final EIR and is adopted in conjunction with these findings and certification of the Final EIR.

In the event a mitigation measure identified in the Final EIR has been inadvertently omitted from these findings, such mitigation measure is hereby adopted and incorporated into the project in the findings below by reference. In addition, in the event the language of a mitigation measure set forth below fails to accurately reflect the mitigation measure in the Final EIR due to a clerical error, the language of the mitigation measure as set forth in the Final EIR shall control unless the language of the mitigation measure has been specifically and expressly modified by these Findings.

6 SIGNIFICANT AND UNAVOIDABLE ADVERSE IMPACTS

The Final EIR identifies the following significant and unavoidable adverse impacts associated with the approval of the project, some of which can be reduced, although not to a less-than-significant level, through implementation of mitigation measures identified in the Final EIR (Public Resources Code Section 21081(a)(1)). Therefore, as explained below, some impacts will remain significant and unavoidable notwithstanding adoption of feasible mitigation measures. To the extent that these mitigation measures will not mitigate or avoid all significant effects on the environment, it is hereby determined that any remaining significant and unavoidable adverse impacts are acceptable for the reasons specified in Chapter 11, "Statement of Overriding Considerations," below (Public Resources Code Section 21081(a)(3)). As explained in Chapter 10, "Incorporation by Reference," below, these findings are based on the Final EIR, the discussion and analysis of which is hereby incorporated in full by this reference.

6.1 GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE VULNERABILITY

Impact 3.7-1: Generate GHG Emissions, Either Directly or Indirectly, that May Have a Significant Impact on the Environment

Implementation of the proposed project would result in construction- and operation-related GHG emissions that could contribute to climate change on a cumulative basis. Construction emissions would total approximately 6,643 $MTCO_2e$ over the project's four-year construction period. The project would emit an additional approximately 2,378 $MTCO_2e$ for the first full year of operations in 2027 when compared against the project's existing baseline emissions, which include natural gas usage at existing buildings that would be retained as a component of project implementation. BAAQMD's guidance recommends various project design features to conclude less-than-significant GHG impacts under CEQA. These include meeting OPR's reduction targets as mandated by SB 743 (i.e., a 15 percent reduction from a regional average for residential and nonresidential development, and a no net increase for retail development), all electric development with the exception of permitted sources, and adhering to the Tier 2 requirements of the most recent CalGreen code as it related to EV charging. As discussed in Section 3.15, "Transportation," of the Draft EIR, with the addition of the project's estimated VMT, the residential components of the project would not meet OPR's reduction target for Marin County; however, the nonresidential components of the project would result in a 30 percent decrease from regional VMT. Because the project's residential components would not meet OPR's 15 percent reduction target, the project would not be considered a VMT efficient project. Additionally, while compliance with Section 19.04.135 of the Marin County Code would require the proposed multi-family residential development to comply with the Tier 2 requirements of the CalGreen Code, Section 19.04.135 does not meet the Tier 2 requirements of the CalGreen Code as it pertains to nonresidential development. Moreover, the project has not been designed to be fully electric per BAAQMD's recommendations or CARB's recommendations in Appendix D of the 2022 Scoping Plan. Therefore, because the project would allow for natural gas infrastructure, the nonresidential components of the project would not include BAAQMD's recommended standards for EV charging meeting the Tier 2 requirements of the CalGreen Code, and the project would not meet the VMT reduction targets of SB 743, the project does not demonstrate that it would be doing its "fair share" in assisting the state in meeting its long-term goal of carbon neutrality by 2045. For this reason, the project's emissions of GHGs would be potentially significant.

MITIGATION MEASURES

Mitigation Measure 3.7-1a: Installation of EV Charging Stations Meeting the Tier 2 Requirements of the Most Recent CALGreen Code

Prior to the issuance of construction permits, the project applicant shall incorporate the appropriate number of EV chargers to meet the Tier 2 requirements of Part 11 of the Title 24 California Building Code (CalGreen code) in effect at the time of project construction.

The Tier 2 requirements of the 2022 CalGreen code require that nonresidential projects (which includes academic land uses) introducing more than 201 parking spaces require 45 percent of all parking spaces be EV capable and 33 percent be EV Charging Stations (EVCS) – EV capable with installed chargers. Furthermore, EVCS parking spaces count towards EV Capable Spaces. Considering the project's proposed 241 spaces for academic uses, the project shall install 109 EV capable spaces (spaces equipped with the electrical infrastructure to support an EV charger), 80 of which shall have EVSE. In other words, the project shall install 109 EV capable spaces, 80 of which shall have EVCS.

Mitigation 3.7-1b: Mitigation Measure 3.7-1b: Decarbonize Buildings or Purchase Offsets If Marin County Has an Adopted GHG Offset Policy and Program

The applicant shall reduce GHG emissions from buildings to the maximum extent feasible. As one option, the applicant may voluntarily commit to the County that the new buildings in the project will be constructed entirely without natural gas infrastructure or, if not fully avoiding natural gas infrastructure, new buildings will use all-electric appliances (e.g., heating and cooling systems, stoves/ovens, dishwashers, and water heaters) to the extent feasible. The applicant shall provide the information necessary for the County to confirm that the applicant has met this voluntary commitment prior to the issuance of occupancy permits, as demonstrated by constructed buildings or approved design plans.

If new buildings in the project will rely on natural gas, which contributes to GHG emissions, the applicant shall provide other GHG-reducing measures consistent with BAAQMD and CARB recommendations to reduce building-related GHG emissions to the maximum extent feasible. The Bay Area Air Quality Management District (BAAQMD) and California Air Resources Board (CARB) recommend that lead agencies prioritize on-site design features, such as those listed under Mitigation Measure 3.7-1a and Mitigation Measure 3.14-2, and direct investments in GHG reductions within the communities surrounding the project site to provide potential local air quality and economic co-benefits. While emissions of GHGs and their contribution to climate change is a global problem, emissions of air pollutants, which have an adverse localized effect, are often emitted from similar activities that generate GHG emissions (i.e., mobile, energy, and area sources), so reductions in GHG emissions can also result in the accessory benefit of reduced local air pollutant emissions. For example, direct investment in a local building retrofit program in existing nearby Marin County communities could pay for cool roofs, solar panels, solar water heaters, smart meters, energy efficient lighting, energy efficient appliances, energy efficient windows, insulation, and water conservation measures for homes within the vicinity of the project. Directing local investments to low-income and middle-income households can address equity in the investments. Other examples of local direct investments include financing the installation of regional EV charging stations, paying for electrification of public school buses, and investing in local urban forests. These investments would help achieve GHG reductions as well as improve regional and local ambient air quality. The actions to reduce GHG emissions must meet the criteria of being real, quantifiable, permanent, verifiable, enforceable, and in addition to any GHG emission reductions otherwise required by law or regulation, consistent with the standards set forth in Health and Safety Code section 38562, subdivisions (d)(1) and (d)(2).

At this time, Marin County has no identifiable GHG emission off-set policy or program that has been codified and/or adopted for development purposes. However, if at the time of the project's consideration for approval by the Board of Supervisors, if Marin County has adopted a GHG offset policy and implementation program, the applicant shall define offsets that feasibly meet the County program requirements and state protocols and standards. If a County policy and implementation program do not exist at the time of project consideration for approval, use of GHG offsets would be administratively infeasible to monitor and enforce. Such credits shall comply with protocols approved by

CARB, consistent with Section 95972 of Title 17 of the California Code of Regulations. Credits must be purchased through one of the following: (i) a CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard; (ii) any registry approved by CARB to act as a registry under the California Cap and Trade program; or (iii) through the California Air Pollution Control Officers Association's (CAPCOA's) GHG Rx and BAAQMD, if available.

FINDINGS

The Marin County Board of Supervisors finds that implementation of the above mitigation measures will reduce operation-related GHG emissions that would conflict with the 2022 Scoping Plan. Pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required or incorporated into the project which will mitigate, in part, the significant environmental effect related to GHG emissions identified in the Final EIR as Impact 3.7-1. The Board of Supervisors also finds, pursuant to State CEQA Guidelines Section 15091(a)(3) that factors make further mitigation infeasible to reduce the impact to less than significant. Impact 3.7-1 would therefore remain significant and unavoidable after the adoption of all feasible mitigation measures and alternatives identified in the Final EIR. No additional feasible measures are available to reduce this impact below a level of significance (Public Resources Code Section 21002; State CEQA Guidelines Section 15091, 15126.4, subd. (a)(2)). The Marin County Board of Supervisors has been presented with no persuasive substantial evidence to contradict its conclusion in this regard. To the extent that this adverse impact will not be avoided or eliminated, the Marin County Board of Supervisors finds that specific economic, social, and other considerations identified in the Statement of Overriding Considerations support the approval of the project.

FACTS IN SUPPORT OF FINDINGS

Implementation of Mitigation Measure 3.7-1a would provide the necessary EV charging infrastructure for the electrification of the state's mobile source sector. This measure is necessary to demonstrate that a project is doing its "fair share" in assisting the state in meeting its long-term GHG reduction goals of carbon neutrality by 2045 as mandated by AB 1279. CARB has identified mobile source electrification as a key action needed in the 2022 Scoping Plan to reduce the state's GHG emissions and implementation of Mitigation Measure 3.7-1a would provide the infrastructure possible to facilitate the deployment of EVs. Mitigation Measure 3.7-1b would provide the applicant with the flexibility to either construct the project without natural gas infrastructure (i.e., fully electric), or at a minimum have all-electric appliances and, under specific circumstances as noted above, rely on carbon offsets as a mechanism to close the gap of GHG emissions generated from natural gas combustion through a qualified offset registry. If all-electric development is infeasible and the County has adopted an offset policy and implementation program, the purchasing of sufficient GHG offsets would demonstrate that the project would be aligned with the carbon neutrality goal of AB 1279. However, it cannot be assured at this time that Mitigation Measure 3.7-1b is feasible. For instance, the cost or availability of offsets that meet the criteria of being real, quantifiable, permanent, verifiable, enforceable, and in addition to any GHG emission reductions otherwise required by law or regulation is unknown.

In addition, Mitigation Measure 3.14-2a would require the project applicant to implement a Transportation Demand Management (TDM) Program for the proposed market rate residential uses to achieve a 39 percent reduction in weekday home-based VMT per capita. Furthermore, Mitigation Measure 3.14-2b would require the dedication of housing to campus-affiliated residents to further reduce vehicle trips and associated VMT associated with the residential uses of the project. However, it cannot be assured that implementation of these mitigation measures would be sufficient to achieve the required VMT reduction target. Thus, while implementation of Mitigation Measure 3.7-1a would satisfy BAAQMD's qualitative thresholds with respect to the electrification of the mobile source sector, implementation of Mitigation Measures 3.7-1b, 3.14-2a, and 3.14-2b would not be sufficient to meet BAAQMD's VMT reduction requirements or building decarbonization goals. As such, the project's contribution of GHGs would conflict with the 2022 Scoping Plan. Therefore, Impact 3.7-1 is considered significant and unavoidable after mitigation and a Statement of Overriding Considerations pursuant to State CEQA Guidelines Section 15093 is required.

Cumulative Greenhouse Gas Emissions and Climate Change Vulnerability Impacts

The project would not fully satisfy BAAQMD's VMT reduction requirements or building decarbonization goals, and the project's contribution of GHGs would conflict with the 2022 Scoping Plan. Therefore, the project, in conjunction with worldwide cumulative GHG impacts from past, present, and probable future projects, would be significant, and the impacts of the project itself, even with mitigation, would be cumulatively considerable.

MITIGATION MEASURES

Implement Mitigation Measures 3.7-2a and 3.7-2b, as described above.

FINDINGS

The Marin County Board of Supervisors finds that implementation of the above mitigation measures will reduce operation-related GHG emissions that would conflict with the 2022 Scoping Plan and contribute to climate change on a cumulative basis. Pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required or incorporated into the project which will mitigate, in part, the cumulatively significant environmental effect related to GHG emissions identified in the Final EIR. The Board of Supervisors also finds, pursuant to State CEQA Guidelines Section 15091(a)(3) that factors make further mitigation infeasible to reduce the impact to less than significant. The project would therefore have a cumulatively considerable significant and unavoidable GHG impact after the adoption of all feasible mitigation measures and alternatives identified in the Final EIR. No additional feasible measures are available to reduce this impact below a level of significance (Public Resources Code Section 21002; State CEQA Guidelines Section 15091, 15126.4, subd. (a)(2)). The Marin County Board of Supervisors has been presented with no persuasive substantial evidence to contradict its conclusion in this regard. To the extent that this adverse impact will not be avoided or eliminated, the Marin County Board of Supervisors finds that specific economic, social, and other considerations identified in the Statement of Overriding Considerations support the approval of the project.

FACTS IN SUPPORT OF FINDINGS

As described in Section 3.7, "Greenhouse Gas Emissions and Climate Change Vulnerability," of the Draft EIR, the discussion of GHG emissions in Impact 3.7-1 is inherently a cumulative impact analysis. GHG emissions from one project cannot, on their own, result in changes in climatic conditions; therefore, the emissions from one project must be considered in the context of their contribution to cumulative global emissions. Impact 3.7-1 is therefore a cumulative impact analysis and, with implementation of Mitigation Measure 3.7-1a impacts related to satisfying BAAQMD's qualitative thresholds with respect to the electrification of the mobile source sector would be reduced to a less-than-significant level. Mitigation Measure 3.7-1b would provide the applicant with the flexibility to either construct the project without natural gas infrastructure (i.e., fully electric), or at a minimum have all-electric appliances and rely on carbon offsets as a mechanism to close the gap of GHG emissions generated from natural gas combustion through a qualified offset registry. If all-electric development is infeasible and the County has adopted an offset policy and implementation program, the purchasing of sufficient GHG offsets would demonstrate that the project would be aligned with the carbon neutrality goal of AB 1279. However, it cannot be assured at this time that Mitigation Measure 3.7-1b is feasible. In addition, implementation of Mitigation Measure 3.14-2a and Mitigation Measure 3.14-2b would require the development of a TDM program and the dedication of housing to campus-affiliated residents, respectively, to reduce vehicle trips and, therefore, VMT associated with the residential uses of the project. However, even with implementation of Mitigation Measures 3.7-b, 3.14-2a, and 3.14-2b, the project would not fully satisfy BAAQMD's VMT reduction requirements or building decarbonization goals, and the project's contribution of GHGs would conflict with the 2022 Scoping Plan. Therefore, the project, in conjunction with worldwide cumulative GHG impacts from past, present, and probable future projects, would be significant, and the

impacts of the project itself, even with mitigation, would be cumulatively considerable and unavoidable. Therefore, a Statement of Overriding Considerations pursuant to State CEQA Guidelines Section 15093 is required.

6.2 NOISE AND VIBRATION

Impact 3.11-1: General Substantial Temporary Construction Noise

Hourly noise levels during construction activities would range from approximately 77 dBA to 86 dBA L_{eq} at adjacent residential receptors. Based on available existing noise level data for the project site, hourly noise levels closest to the nearest sensitive receivers are quiet, at approximately 47 dBA L_{eq}. Considering that noise levels at the nearest receivers could reach as high as 86 dBA L_{eq}, (i.e., as much as 39 dBA over existing levels), construction noise would intermittently constitute a substantial increase (perceived more than doubling of the existing noise levels) for an extended period of construction time (estimated to be four years). With this combination of temporary noise level increase at nearby receivers and extended period of intermittent construction noise impacts would be significant.

MITIGATION MEASURES

Mitigation Measure 3.11-1: Prepare and Implement a Construction Noise Control Plan

Prior to commencement of any construction activities and in consultation with an acoustic professional, the applicant shall prepare a construction noise control plan that demonstrates with substantial evidence, based on finalized project-specific information (e.g., specific equipment profiles, location of construction activities, precise construction durations), that construction noise would not exceed existing daytime noise levels at nearby residences by more than 5 dBA, if feasible. If it is determined infeasible to reduce construction noise to more than 5 dBA above existing daytime noise levels at nearby residents, based on the distance to sensitive receptors and construction site topography, the construction noise control plan shall provide substantial evidence of infeasibility and inclusion of all feasible measures to reduce construction noise. The construction noise control plan shall be provided to County Community Development Agency staff prior to the start of project construction to document achievement of the following standards and measures. The plan shall include, at a minimum, the following measures:

- All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturer recommendations. Equipment engine shrouds shall be closed during equipment operation.
- All construction equipment with back-up alarms shall be equipped with either audible self-adjusting backup alarms or alarms that only sound when an object is detected. The self-adjusting backup alarms shall automatically adjust to 5 dBA over the surrounding background levels. All non-self-adjusting backup alarms shall be set to the lowest setting required to be audible above the surrounding noise levels.
- All construction equipment and equipment staging areas shall be located as far as possible from nearby noise-sensitive land uses, and/or located to the extent feasible such that existing or constructed noise attenuating features (e.g., temporary noise wall or blankets) block line-of-site between affected noise-sensitive land uses and construction staging areas.
- The construction contractor shall use noise reducing operation measures, techniques, and equipment. This requirement shall be enforced through its inclusion on all construction bid specifications for construction contractors hired within the project site. The bid specifications shall require that construction contractors provide an equipment inventory list for all equipment within the fleet with greater than 50 horsepower engines, that includes (at a minimum), make, model, and horsepower of equipment; operating noise levels at 50 feet, available noise control device that are installed on each piece of equipment; and associated noise reduction from the installed technology. Control devices shall include, but are not limited to, high-efficiency mufflers, acoustic dampening and protected internal noise absorption layers to vibrating panels, enclosures, and electric motors. In

addition, the contractor shall specify how proposed alternative construction procedures shall be employed to reduce noise at sensitive receptors compared to other more traditional methods. Examples include, but are not limited to, welding instead of riveting, mixing concrete off-site instead of on-site, and the use of thermal lance instead of drive motors and bits. In all cases, the requirement is that the best commercially available noise-reducing technology and noise-reducing alternative construction method shall be used, provided that there are no safety concerns, engineering limits, or environmental constraints preventing it from being used. If a unique circumstance does exist that prevents an alternative quieter construction method to be used, the contractor shall provide evidence to support their proposal. The noise reduction elements of construction bid submittals shall be approved by the County of Marin, in coordination with a qualified acoustical professional.

- Combine noisy operations (e.g., riveting, cutting, hammering) to occur in the same time period (e.g., day or construction phase), such that the overall duration of these activities is reduced to the extent feasible. By performing the noisiest operations together within the same time period, the overall duration that excessive noise would occur is reduced, minimizing the disturbing effects of exposure to prolonged increased noise levels.
- Stationary noise sources such as generators or pumps shall be located as far away from noise-sensitive uses as feasible.
- Based on the site-specific construction parameters and anticipated construction noise levels, temporary noise curtains or other similar barriers may also be considered to achieve further noise reduction. Should these measures be required, they must meet the following minimum requirements:
  - Install temporary noise curtains as close as possible to the boundary of the construction site within the direct line of sight path of the nearby sensitive receptor(s).
  - Temporary noise curtains shall consist of durable, flexible composite material featuring a noise barrier layer bounded to sound-absorptive material on one side. The noise barrier layer shall consist of rugged, impervious, material with a surface weight of at least one pound per square foot.
- No less than 1 week prior to the start of construction activities at a particular location, the construction contractor shall provide notification to nearby noise-sensitive land uses (e.g., residential uses) that are located within 1,200 feet (0.23 mile) of the construction site (i.e., based on the construction noise modeling, distance at which noise-sensitive receivers would experience noise levels of 5 dBA over existing ambient levels).
- The contractor shall designate a disturbance coordinator and post that person's telephone number conspicuously around the construction site and provide it to nearby residences. The disturbance coordinator shall receive all public complaints and be responsible for determining the cause of the complaint and implementing any feasible measures to alleviate the problem.

FINDINGS

The Marin County Board of Supervisors finds that implementation of the above mitigation measure will reduce construction-related noise impacts. Pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required or incorporated into the project which will mitigate, in part, the significant environmental effect related to construction noise identified in the Final EIR as Impact 3.11-1. The Board of Supervisors also finds, pursuant to State CEQA Guidelines Section 15091(a)(3) that factors make further mitigation infeasible to reduce the impact to less than significant. Impact 3.11-1 would therefore remain significant and unavoidable after the adoption of all feasible mitigation measures and alternatives identified in the Final EIR. No additional feasible measures are available to reduce this impact below a level of significance (Public Resources Code Section 21002; State CEQA Guidelines Sections 15091, 15126.4, subd. (a)(2)). The Marin County Board of Supervisors has been presented with no persuasive substantial evidence to contradict its conclusion in this regard. To the extent that this adverse impact will not be avoided or eliminated, the Marin County Board of Supervisors finds that specific economic, social, and other considerations identified in the Statement of Overriding Considerations support the approval of the project.

FACTS IN SUPPORT OF FINDINGS

Mitigation Measure 3.11-1 would reduce noise by locating equipment as far away from receivers as possible, requiring the proper use of available noise-reduction equipment, including use of alternatively powered equipment, exhaust mufflers, engine shrouds, equipment enclosures, and barriers for activities in the vicinity of noise-sensitive uses. Implementation of these noise-reduction features can reduce construction noise levels by approximately 10 dBA, or more (NCCHP 1999). With mitigation, construction-generated noise levels would be substantially reduced. However, due to the large scale of construction for the project it cannot be assured that construction noise levels could be reduced by up to 39 dBA at nearby residences. A reduction in noise of 10 dBA, the minimum amount of noise reduction achieved by Mitigation Measure 3.11-1, would still result in an increase in noise by 29 dBA, which would exceed 5 dBA above existing conditions and is considered distinctly perceptible by most people and therefore a substantial temporary increase in noise. Thus, even with implementation of all feasible mitigation, construction noise could still result in significant noise impacts intermittently for sensitive receptors. Therefore, Impact 3.11-1 is considered significant and unavoidable after mitigation and a Statement of Overriding Considerations pursuant to State CEQA Guidelines Section 15093 is required.

6.3 TRANSPORTATION

Impact 3.14-2: Conflict or be Inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b) Regarding Vehicle Miles Traveled

Construction activities would be short-term and temporary in nature and thus are not expected to result in a significant increase in vehicle miles traveled (VMT). Based on the modeling of operational VMT, the project would exceed the threshold of significance for residential projects as established in the Transportation Impact Study. Therefore, the project's impact related to VMT would be significant.

MITIGATION MEASURES

Mitigation Measure 3.14-2a: Develop and Implement a Transportation Demand Management Program for Market Rate Residential Uses

Prior to the issuance of the first building permit in the first phase of development, the project applicant shall develop a Transportation Demand Management (TDM) program for the proposed market rate residential units, including any anticipated phasing, and shall submit the draft TDM program to the County of Marin Public Works for review and approval. The performance goal of the TDM program shall be a 39 percent reduction in weekday home-based VMT per capita generated by the proposed market rate single family and multi-family residential uses to reduce impacts to a less-than-significant level.

The project applicant shall be responsible for preparing and implementing the TDM Program. The project applicant shall be responsible for funding and overseeing the delivery of trip reduction/TDM proposed programs and strategies to achieve the maximum feasible trip reduction as determined in collaboration with County of Marin Public Works staff, which may include, but are not limited to, the following:

- dedicated shuttle for residents of market units and/or academic campus employees and/or students;
- establishment of carpool, buspool, or vanpool programs in coordination with Marin Transit;
- vanpool purchase incentives;
- cash allowances, passes or other public transit subsidies and purchase incentives;
- parking fees set at levels sufficient to incentivize alternative modes;

- full or partial parking subsidies for ride-sharing vehicles (i.e., any form of carpooling or vanpooling where additional passengers are carried on the trip);
- bicycle programs including bike purchase incentives, storage, maintenance program, and on-site education program;
- on-site bike share program;
- dedicated employee or student housing for adjacent campus;
- designation of an on-site transportation coordinator for the project;
- coordination with Golden Gate Transit and Marin Transit to increase transit service in the project area.

The project applicant shall be responsible for preparing and submitting annual monitoring reports to the County in order to inform the County on the effectiveness of the approved TDM program.

Mitigation Measure 3.14-2b: Dedicate a Portion of Residential Units to Campus-Affiliated Residents

The County of Marin Board of Supervisors shall require a permanent dedication of a portion of the project's market rate residential units, within the limits of feasibility, to campus-affiliated residents (i.e., students, staff, and/or faculty) as a condition of approval.

FINDINGS

The Marin County Board of Supervisors finds that implementation of the above mitigation measures will reduce operation-related VMT that would exceed the threshold of significance for residential projects. Pursuant to CEQA State Guidelines Section 15091(a)(1), changes or alterations have been required or incorporated into the project which will mitigate, in part, the significant environmental effect related to transportation identified in the Final EIR as Impact 3.14-2. The Board of Supervisors also finds, pursuant to State CEQA Guidelines Section 15091(a)(3) that factors make further mitigation infeasible to reduce the impact to less than significant. Impact 3.14-2 would therefore remain significant and unavoidable after the adoption of all feasible mitigation measures and alternatives identified in the Final EIR. No additional feasible measures are available to reduce this impact below a level of significance (Public Resources Code Section 21002; State CEQA Guidelines Sections 15091, 15126.4, subd. (a)(2)). The Marin County Board of Supervisors has been presented with no persuasive substantial evidence to contradict its conclusion in this regard. To the extent that this adverse impact will not be avoided or eliminated, the Marin County Board of Supervisors finds that specific economic, social, and other considerations identified in the Statement of Overriding Considerations support the approval of the project.

FACTS IN SUPPORT OF FINDINGS

Absent a countywide VMT reduction program, it likely would be infeasible for any individual residential project in high VMT generating areas, such as the Strawberry community, to achieve the VMT reduction target of more than 30 percent through typical levels of investment in transit, bike, or walk strategies, especially considering the uncertainty about still evolving patterns of remote work from home (which data indicates is resulting in increased VMT because of more frequent non-work vehicle trips) will play out over time.

Recognizing the high incomes necessary for residents of the market rate units with the attendant pattern of reliance on private vehicles and the distance to transit stops, traditional TDM measures to encourage increased use of transit, bicycle or pedestrian travel to the campus could reduce VMT to a degree, but would not likely be feasibly in reducing VMT to the 30 percent decrease in per capita VMT target. The establishment of a dedicated level of remote/virtual course work and office hours may also reduce VMT depending on how schedules are structured. The most likely to be effective VMT reduction measure would be a firm dedication of a substantial share of the housing units to campus faculty and staff, which would reliably reduce the number and shorten the length of trips between home and the university.

Although implementation of Mitigation Measure 3.14-2a and Mitigation Measure 3.14-2b would require the development of a TDM program and the dedication of housing to campus-affiliated residents, respectively, to reduce vehicle trips and, therefore, VMT associated with the residential uses of the project, the effectiveness of potential VMT reduction strategies cannot be reliably quantified nor assured at this time. Traditional TDM measures could reasonably reduce VMT by 5 percent, based on typical performance; however, a significant number of housing units would need to be dedicated to campus employee or student housing for the project's campus to result in more substantial VMT reductions. Thus, the proposed residential uses would likely not achieve the required VMT reduction level to meet the threshold of 30 percent below existing average regional VMT per capita. Therefore, Impact 3.14-2 is considered significant and unavoidable after mitigation and a Statement of Overriding Considerations pursuant to State CEQA Guidelines Section 15093 is required.

Cumulative Transportation Impacts

The proposed campus uses would result in VMT per service population that is 30 percent below the VMT per service population for existing campus uses. Therefore, the project's cumulative impacts related to VMT from campus uses would not be cumulatively considerable. However, VMT per capita for the residential uses of the project would not meet the 30 percent below existing regional average threshold. Accordingly, the project's contribution to cumulative impacts related to VMT from residential uses would be cumulatively considerable.

MITIGATION MEASURES

Implement Mitigation Measures 3.14-2a and 3.14-2b, as described above.

FINDINGS

The Marin County Board of Supervisors finds that implementation of the above mitigation measures will reduce operation-related cumulative VMT impacts. Pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required or incorporated into the project which will mitigate, in part, the cumulatively significant environmental effect related to transportation identified in the Final EIR. The Board of Supervisors also finds, pursuant to State CEQA Guidelines Section 15091(a)(3) that factors make further mitigation infeasible to reduce the impact to less than significant. The project would therefore have a cumulatively considerable significant and unavoidable transportation impact after the adoption of all feasible mitigation measures and alternatives identified in the Final EIR. No additional feasible measures are available to reduce this impact below a level of significance (Public Resources Code Section 21002; State CEQA Guidelines Section 15091, 15126.4, subd. (a)(2)). The Marin County Board of Supervisors has been presented with no persuasive substantial evidence to contradict its conclusion in this regard. To the extent that this adverse impact will not be avoided or eliminated, the Marin County Board of Supervisors finds that specific economic, social, and other considerations identified in the Statement of Overriding Considerations support the approval of the project.

FACTS IN SUPPORT OF FINDINGS

According to the OPR Technical Advisory, a project that falls below an efficiency-based threshold that is aligned with long-term environmental goals and relevant plans would have no cumulative impact distinct from the project-level impact. Accordingly, a finding of a less-than-significant project-level impact would imply a less than significant cumulative impact, and vice versa (OPR 2018: 6). Thus, VMT analyses are cumulative by nature, and the significance of a potential cumulative impact is determined based on the project's individual VMT contribution to cumulative regional VMT impacts. Consequently, the project-level VMT analysis in Impact 3.14-2 in Section 3.14, "Transportation," of the Draft EIR is also a cumulative impact analysis. The VMT analysis considers whether the proposed project would either result in VMT per service population (for campus uses) or VMT per capita (for residential uses) that exceeds the efficiency-based threshold (i.e., 30 percent below the 2040 regional average). Therefore, if the VMT per capita or VMT

per service population of the proposed uses (i.e., residential and/or campus) would not be 30 percent below the 2040 regional average, it would result in significant project-level and cumulative impacts.

As discussed in Impact 3.14-2, the proposed campus uses would result in an Existing plus Project VMT per service population that is 30 percent below the VMT per service population for existing campus uses, resulting in a less-than-significant project-level impact. Accordingly, the project's cumulative impacts related to VMT from campus uses would not be cumulatively considerable.

Similarly, the residential component of the project could rely on the project-level analysis found in Impact 3.14-2. However, to supplement that analysis, the Transportation Impact Study (TIS) prepared for the project found that regionwide and countywide VMT per capita is forecast to decline by approximately 5 percent between the years 2015 and 2040. Therefore, the VMT threshold under cumulative conditions would be lower than it is at the project level. As discussed in Impact 3.14-2, VMT per capita for the project under Existing plus Project conditions would not meet the 30 percent below existing regional average threshold, and would therefore result in a significant project-level impact. Accordingly, the project's contribution to cumulative impacts related to VMT from residential uses would be cumulatively considerable and unavoidable. Therefore, a Statement of Overriding Considerations pursuant to State CEQA Guidelines Section 15093 is required.

7 POTENTIALLY SIGNIFICANT ADVERSE IMPACTS THAT ARE REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL BY MITIGATION MEASURES

The Final EIR identifies the following significant impacts associated with the project. It is hereby determined that the impacts addressed by these mitigation measures will be mitigated to a less-than-significant level or avoided by adopting and incorporating these mitigation measures into the project pursuant to Public Resources Code Section 21081(a)(1). As explained in Chapter 9, below, the findings in this chapter are based on the Final EIR, the discussion and analysis in which is hereby incorporated fully by reference.

7.1 AESTHETICS

Impact 3.1-1: Conflict with Applicable Zoning and other Regulations Governing Scenic Quality

Key elements of the project's development that would affect its ability to conform to County policies are development color palette, bulk, and relationship to the project site's local ridgelines as seen from lower elevations. This impact would be potentially significant.

MITIGATION MEASURES

Mitigation Measure 3.1-1a: Buffer Views

To visually buffer views into the project from adjacent streets, in compliance with County defensible space and landscape plan requirements, project plans shall specify evergreen shrubs and trees along the north side of Chapel Drive, including the south slopes of Chapel Hill extending from Mission Drive to Willis Drive that:

- Screen and/or block views of the project housing on the sides of Chapel Hill when driving along Chapel Drive.
- Screen and/or block views into the central area of the project on the south side of Chapel Drive west of Chapel Hill.
- Maintain a view corridor to Richardson and San Francisco Bays from Chapel Hill.

Figure 3.1-27, "Mitigation Planning Areas," identifies planting areas where this measure shall be implemented.

Mitigation Measure 3.1-1b: Screen Views

To screen views of the residential care facility as seen from Seminary Drive (KOP #3), project plans, in compliance with County defensible space and landscape plan requirements, shall specify native shade trees on the hillside created by fill placement immediately adjacent to Seminary Drive to extend over the top of the fill and onto the playing field level. Project plans shall also specify a naturalistic hedgerow of screening shrubs along the top edge of the slope to further block views uphill. Figure 3.1-27, Mitigation Planning Areas, identifies planting areas where this measure shall be implemented.

Mitigation Measure 3.1-1c: Specify Fast-Growing Trees

To mitigate the sky-lining effects of the residential care facility as seen from the west and southwest, project plans, in compliance with County defensible space and landscape plan requirements, shall specify a variety of fast-growing trees planted on the north and east sides of the facility so that, with time, a natural-appearing backdrop is created.

Mitigation Measure 3.1-1d: Reduce Color Contrast

To reduce the color contrast with the surrounding natural landscape and community setting created by the use of only light-valued cement plaster building material, project building materials shall use a variety of light and slightly darker-valued earth-toned materials that are flat and non-reflective (either integral to the material or painted).

FINDINGS

The Marin County Board of Supervisors finds that implementation of the above mitigation measures are appropriate and feasible, will reduce the project's potential conflicts with applicable zoning and other regulations governing scenic quality to less-than-significant levels, and are adopted by the Marin County Board of Supervisors. The Marin County Board of Supervisors has been presented with no persuasive substantial evidence to contradict its conclusion in this regard. Accordingly, the Marin County Board of Supervisors finds that, pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant environmental effect related to aesthetics identified as Impact 3.1-1 in the Final EIR.

FACTS IN SUPPORT OF FINDINGS

Views into the project site from surrounding streets and trails, the color of the structures, and the bulk and sky-lining effect of the residential care facility associated with the proposed project would conflict with applicable zoning and other regulations governing scenic quality. Implementation of Mitigation Measures 3.1-1a through 3.1-1d would ensure that the project would not conflict with applicable zoning and other regulations governing scenic quality by requiring the planting of vegetation to buffer and screen views, planting of fast-growing trees to mitigate sky-lining effects, and the use of light and slightly darker-valued earth-toned materials to reduce color contrast. These mitigation measures would reduce the impact to less than significant.

Impact 3.1-2: Create a New Source of Substantial Light or Glare that would Adversely Affect Day or Nighttime Views in the Area

Project implementation would result in an incremental increase in the amount of light and glare on the project site which would affect nighttime views in the area. However, the project would adhere to the County's outdoor lighting standards which require that lighting sources be designed and constructed in a manner that is consistent with Marin County's Design Review Standards and Development Code to avoid light spillage and glare on adjacent properties and in private spaces. Further, implementation of Mitigation Measure 3.1-2 would ensure that the project would not create a new source of substantial glare that would adversely affect day or nighttime views in the area. This impact would be potentially significant.

MITIGATION MEASURES

Mitigation Measure 3.1-2: Reflectance Coefficients for Albedo Surfaces

The reflectance coefficients for albedo surfaces (streets, pedestrian walks and plazas, and roofs) used for the project shall not exceed a maximum coefficient of 0.6 as higher values would entail glare issues. Compliance with this maximum coefficient shall be verified by the Architect of Record as part of the design review process.

FINDINGS

The Marin County Board of Supervisors finds that the above mitigation measure is appropriate and feasible, will reduce the project's potential impacts related to glare to less-than-significant levels, and is adopted by the Marin County Board of Supervisors. The Marin County Board of Supervisors has been presented with no persuasive substantial evidence to contradict its conclusion in this regard. Accordingly, the Marin County Board of Supervisors

finds that, pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant environmental effect related to aesthetics identified as Impact 3.1-2 in the Final EIR.

FACTS IN SUPPORT OF FINDINGS

The implementation of Mitigation Measure 3.1-2 would ensure that the reflectance coefficients for albedo materials would not exceed a maximum of 0.6, as verified by the Architect of Record as part of the design review process. Implementation of Mitigation Measure 3.1-2 would reduce new sources of substantial glare that would otherwise adversely affect day or nighttime views in the area and would therefore reduce this impact to less than significant.

7.2 AIR QUALITY

Impact 3.2-1: Generate Short-Term Construction-Related Emissions of ROG, NO_x, CO, SO_X, PM_{10}, and $PM_{2.5}$

Considering the Bay Area Air Quality Management District's (BAAQMD) guidance, average daily construction-generated emissions were quantified for the project. The project would not generate construction emissions of reactive organic gases (ROG), particulate matter ten microns in diameter or less (PM_{10}), particulate matter 2.5 microns in diameter or less ($PM_{2.5}$), and exhaust exceeding BAAQMD's average daily mass emissions thresholds of significance. However, the project would emit nitrogen oxide (NO_X) emissions exceeding BAAQMD's mass emissions thresholds. These thresholds are inherently tied to long-term regional air quality planning (i.e., BAAQMD's 2017 Spare the Air AQMP), which demonstrates that the project could conflict with the applicable air quality plans for ozone generation. The project would incorporate BAAQMD's Basic Best Management Practices (BMPs) for Construction-Related Fugitive Dust Emissions as required by Section 22.20.040 of Title 22 of the Marin County Code. Nevertheless, the project's NO_X emissions would exceed BAAQMD's average daily mass emissions thresholds. Therefore, this impact would be potentially significant.

MITIGATION MEASURES

Mitigation 3.2-1: Apply Tier-4 Final Emission Standards to all Diesel-Powered Off-Road Equipment

The project applicant shall require the construction contractor to only use off-road construction equipment that meet EPA's Tier 4 final emission standards as defined in 40 CFR 1039 and to comply with the appropriate test procedures and provisions as contained in 40 CFR Parts 1065 and 1068. This measure can also be achieved by using battery-electric off-road equipment as it becomes available. Implementation of this measure shall be required in the contract the project applicant establishes with its construction contractors. The applicant shall demonstrate its plan to fulfill the requirements of this measure in a report or in project improvement plan details submitted to the County prior to the use of any off-road, diesel-powered construction equipment on the site.

FINDINGS

The Marin County Board of Supervisors finds that the above mitigation measure is appropriate and feasible, will reduce the project's potential impacts related to criteria pollutant emissions to less-than-significant levels, and is adopted by the Marin County Board of Supervisors. The Marin County Board of Supervisors has been presented with no persuasive substantial evidence to contradict its conclusion in this regard. Accordingly, the Marin County Board of Supervisors finds that, pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant environmental effect related to air quality identified as Impact 3.2-1 in the Final EIR.

FACTS IN SUPPORT OF FINDINGS

Implementation of Mitigation Measure 3.2-1 would reduce the project's emissions of NO_X exhaust by requiring the use of Tier 4 engines for construction equipment exceeding 50 horsepower (hp). The degree of emissions reductions following implementation of Mitigation Measure 3.2-1 are provided in Table 3.2-5 in Section 3.2 of the Draft EIR. Implementation of Mitigation Measure 3.2-1 would be sufficient to reduce NO_X exhaust below BAAQMD's thresholds of significance. Because BAAQMD's thresholds of significance are tied to long-term regional planning, the construction of the project, as mitigated, would not interfere with BAAQMD's future attainment of the CAAQS and NAAQS for ozone, PM_{10}, or $PM_{2.5}$. Therefore, the project's mitigated construction emissions would not individually result in an adverse health outcome from exposure to air pollution and Mitigation Measure 3.2-1 would reduce this impact to less than significant.

Impact 3.2-3: Expose Receptors to TAC Concentrations Adversely Affecting a Substantial Number of People

Based on the health risk assessment (HRA) prepared for the project, construction of the project would produce significant diesel PM or other toxic air contaminants (TACs) such that BAAQMD's thresholds for TAC cancer risk exposure of 10 in 1 million or an acute or chronic Hazard Index of 1 for the Maximally Exposed Individual (MEI) for non-carcinogens would be exceeded. Using these numerical thresholds established by BAAQMD, the project would generate substantial emissions of TACs causing an adverse health impact from TAC exposure. This impact would be potentially significant.

MITIGATION MEASURES

Implement Mitigation Measure 3.2-1, as described above.

FINDINGS

The Marin County Board of Supervisors finds that the above mitigation measure is appropriate and feasible, will reduce the project's potential impacts related to TAC emissions to less-than-significant levels, and is adopted by the Marin County Board of Supervisors. The Marin County Board of Supervisors has been presented with no persuasive substantial evidence to contradict its conclusion in this regard. Accordingly, the Marin County Board of Supervisors finds that, pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant environmental effect related to air quality identified as Impact 3.2-3 in the Final EIR.

FACTS IN SUPPORT OF FINDINGS

Implementation of Mitigation Measure 3.2-1 would reduce the project's emissions of diesel PM by requiring the use of Tier 4 engines for construction equipment exceeding 50 hp. The degree of emissions reductions following implementation of Mitigation Measure 3.2-1 are provided in Table 3.2-8 in Section 3.2 of the Draft EIR. Implementation of Mitigation Measure 3.2-1 would reduce the project's incremental cancer risk to 5.69 in one million, which is below BAAQMD's recommended threshold of 10 in one million. This would reduce the impact to a less-than-significant level.

7.3 ARCHAEOLOGICAL, HISTORICAL AND TRIBAL CULTURAL RESOURCES

Impact 3.3-2: Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources or Historical Resource of an Archaeological Nature

Based on the records search, pedestrian survey, and subsurface testing, one unique precontact archaeological site is located in the project site. Although project activities would avoid this site, it is possible that ground-disturbing activities could result in discovery or damage of yet undiscovered archaeological resources as defined in State CEQA Guidelines Section 15064.5. This would be a potentially significant impact.

MITIGATION MEASURES

Mitigation Measure 3.3-2: For All Ground-Disturbing Construction Activities, Halt Ground Disturbance Upon Discovery of Subsurface Archaeological Features

Consistent with Marin County Code Chapter 22.20.040 Section E, if any precontact or historic-era subsurface archaeological features or deposits (e.g., ceramic shard, trash scatters), including locally darkened soil ("midden"), which may conceal cultural deposits, are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted, and a qualified professional archaeologist (one who meets the Secretary of the Interior's Professional Qualification Standards for archaeology) shall be retained to assess the significance of the find (i.e., whether the find may contain unique archaeological resources, historical resources of an archaeological nature, or tribal cultural resources). If the qualified archaeologist determines the archaeological material to be Native American in nature, the archaeologist under contract to North Coast Land Holdings shall contact the Federated Indians of Graton Rancheria. A tribal representative from Federated Indians of Graton Rancheria may make recommendations for further evaluation and treatment as necessary and provide input on the preferred treatment of the find. If the find is determined to be significant by the archaeologist or the tribal representative (i.e., because it is determined to constitute a unique archaeological resource, an historical resource of an archaeological nature, or a tribal cultural resource, as appropriate), the archaeologist and tribal representative, as appropriate, shall develop, for consideration and approval (possibly with modifications) by the Director of Marin County Community Development Agency (Director) or his or her designee, appropriate mitigation procedures to protect the integrity of the resource and ensure that no additional resources are affected.

(a) Where the find is determined to be a tribal cultural resource, the Director or designee shall obtain the approval of the representative from Federated Indians of Graton Rancheria, or provide a reasonable opportunity to solicit and obtain such approval, before approving the proposed mitigation procedures and requiring North Coast Land Holdings or another appropriate party to implement them.

(b) Where the find is a unique archaeological resource but not an historical resource of an archaeological character, mitigation procedures shall be developed and implemented in accordance with PRC Section 21083.2, subdivisions (b) through (f), except as provided below.

(c) Where the find is an historical resource of an archaeological character, mitigation procedures shall be developed and implemented consistent with Section 15126.4(b) of the State CEQA Guidelines, with a preference for preservation in place. Avoidance or preservation of unique archaeological resources or historical resources of an archaeological nature shall not be required where such avoidance or preservation in place would preclude the construction of important structures or infrastructure or require exorbitant expenditures, as determined by the Director or designee. Where avoidance or preservation are not appropriate for these reasons, the professional archaeologist, in consultation with the Director or designee, shall prepare a detailed recommended a treatment plan for consideration and approval by the Director or designee, which may include data recovery. Work may not resume within the no-work radius until

the Director or designee, in consultation with the professional archaeologist, determines that the site either: 1) does not contain unique archaeological resources or historical resources of an archaeological nature; or 2) that the preservation and/or treatment measures have been completed to the satisfaction of the Director or designee.

FINDINGS

The Marin County Board of Supervisors finds that the above mitigation measure is appropriate and feasible, will reduce the project's potential impacts related to archaeological resources to less-than-significant levels, and is adopted by the Marin County Board of Supervisors. The Marin County Board of Supervisors has been presented with no persuasive substantial evidence to contradict its conclusion in this regard. Accordingly, the Marin County Board of Supervisors finds that, pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant environmental effect related to archaeological resources identified as Impact 3.3-2 in the Final EIR.

FACTS IN SUPPORT OF FINDINGS

Mitigation Measure 3.3-2 would require the performance of professionally accepted and legally compliant procedures for the discovery and protection of previously undocumented significant archaeological resources (i.e., tribal cultural resources, unique archaeological resources, and historical resources of an archaeological nature). Implementation of Mitigation Measure 3.3-2 would reduce this impact to less than significant.

Impact 3.3-3: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource

Tribal consultation under AB 52 has not resulted in the identification of tribal cultural resources on the project site; however, precontact archaeological resources are located on the project site. Additionally, excavation activities associated with project construction may disturb or destroy previously undiscovered significant subsurface tribal cultural resources. This impact would be potentially significant.

MITIGATION MEASURES

Implement Mitigation Measure 3.3-2, as described above.

Mitigation Measure 3.3-3: Retain Archaeological and Tribal Monitors for Culturally Sensitive Areas

A minimum of three weeks prior to ground disturbance within 100 feet of the precontact archaeological sites identified within the project site (the Culturally Sensitive Areas), North Coast Land Holdings shall retain and compensate for the services of an archaeological monitor. This archaeological monitor shall contract directly with the Federated Indians of Graton Rancheria for tribal monitoring services. The archaeological monitor shall contact the Tribal representatives a minimum of 14 days prior to beginning earthwork or other ground disturbing activities within the Culturally Sensitive Areas; construction activities shall proceed if no response is received from the Federated Indians of Graton Rancheria 48 hours prior to ground disturbing activities. The monitors shall only be present onsite during the construction phases that involve ground disturbing activities within the Culturally Sensitive Areas. The monitors shall complete daily monitoring logs that describe each day's activities, including construction activities, locations, soil, and any cultural materials identified.

FINDINGS

The Marin County Board of Supervisors finds that the above mitigation measures are appropriate and feasible, will reduce the project's potential impacts related to archaeological resources to less-than-significant levels, and are

adopted by the Marin County Board of Supervisors. The Marin County Board of Supervisors has been presented with no persuasive substantial evidence to contradict its conclusion in this regard. Accordingly, the Marin County Board of Supervisors finds that, pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant environmental effect related to tribal cultural resources identified as Impact 3.3-3 in the Final EIR.

FACTS IN SUPPORT OF FINDINGS

Mitigation Measures 3.3-2 and 3.3-3 would require monitoring of known sensitive areas and the performance of professionally accepted and legally compliant procedures for the discovery and protection of previously undocumented significant resources. Implementation of Mitigation Measures 3.3-2 and 3.3-3 would reduce this impact to less than significant.

7.4 BIOLOGICAL RESOURCES

Impact 3.4-1: Potential Disturbance or Loss of Special-Status Plants

Project construction activities would result in ground disturbance in habitat potentially suitable for special-status plants, which could result in the crushing or removal of individual plants or damage to special-status plants due to construction dust, if these species are present. Additionally, ground disturbance for project components could cause the introduction and spread of invasive plants that could outcompete special-status plants for resources. Furthermore, construction of project components and associated landscaping would result in a loss of habitat suitable for special-status plants. The crushing, removal, and damage of special-status plants, introduction and spread of invasive plants, and loss of habitat due to implementation of the project would have the potential to substantially reduce the number of individuals and range of these species, which would be a potentially substantial adverse effect on the local and regional populations, and therefore this impact would be potentially significant.

MITIGATION MEASURES

Mitigation 3.4-1a: Avoid and Minimize Impacts to Special-Status Plants

To avoid and minimize potential impacts to special-status botanical species, prior to construction, the applicant shall implement the following measures.

- Prior to site preparation, vegetation removal, or construction, a qualified botanist shall conduct surveys following the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (current version dated March 20, 2018) (CDFW 2018) during the blooming period for the species shown in Table 3.4-1 in areas where potentially suitable habitat for these species would be disturbed by project activities (e.g., perennial and annual grasslands, coastal scrub, coastal oak woodland, closed-cone pine-cypress) (Figure 3.4-1, "Land Cover on the Project Site"). Surveys are not required in habitat that does not have the potential to support special-status plants (i.e., developed, disturbed, and landscaped areas).
- If special-status botanical species are found on the project site but are located outside of work areas or can be avoided, the applicant shall establish and maintain a 15-foot buffer around special-status plants to be retained, to prevent direct and indirect disturbance to the plants. The size of the buffer may be modified by a qualified botanist considering the species present, the work to be performed adjacent to the plants, and other appropriate variables.
- If special-status plants are found during rare plant surveys and cannot be avoided, the applicant's qualified botanist shall make a formal recommendation in writing to the County of Marin and CDFW for review, regarding the appropriate compensation to offset the loss of occupied habitat or individuals. If direct or indirect impacts to CESA or NPPA listed plants are identified, the applicant will consult with CDFW to learn whether CDFW asserts

that an Incidental Take Permit is required notwithstanding the exceptions found in CDFG Section 1913. Regardless of whether an ITP is required, mitigation measures shall be required if CESA or NPPA listed plants are found on site. These measures, which shall be required by the County in the absence of an ITP, shall be sufficient to ensure the avoidance of any net loss of such plants. Measures may include, but are not limited to, preserving and enhancing existing populations in portions of the project site outside of the development footprint (the Woodland Buffer [Figure 2-3, "Project Site Planning Areas"]), creating off-site populations on mitigation sites through seed collection or transplantation at a 1:1 ratio, and restoring or creating suitable habitat in sufficient quantities to achieve a minimum of a no net loss 1:1 replacement of occupied habitat and individuals. Potential mitigation sites could include suitable locations within or outside of the project site. The implementing party shall develop and implement a site-specific mitigation strategy describing how unavoidable losses of special-status plants shall be compensated. Success criteria for preserved and compensatory populations shall include:

- The extent of occupied area and plant density (number of plants per unit area) in compensatory populations shall be equal to or greater than the affected occupied habitat for a no net loss of occupied habitat.

  Compensatory and preserved populations shall be self-producing. Populations shall be considered self-producing when:

  - plants reestablish annually for a minimum of five years with no human intervention such as supplemental seeding; and
  - reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the Project vicinity.

  If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures shall be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as those listed above and other details, as appropriate to target the preservation of long-term viable populations.

  The applicant shall provide the County of Marin and CDFW with the results of surveys conducted. If special-status plants are found during surveys and measures are taken to avoid or compensate for removal of these plants, the applicant shall send a report detailing the measures taken to the County of Marin and CDFW.

Mitigation 3.4-1b: Avoid and Minimize Introduction and Spread of Invasive Plants

To avoid and minimize potential impacts from the introduction and spread of invasive plants on special-status plants, the applicant shall implement the following measures.

- Prior to project implementation, a qualified biologist will conduct training with construction and forestry crews on the methods to be implemented to avoid the introduction and spread of invasive plants.
- Construction crews shall inspect all heavy equipment, vehicles, and tools for sand, mud, or other signs that invasive plant seeds or propagules could be present prior to use on the project site. If equipment is clean, then it may be used off road on the project site.
- Pressure wash or otherwise decontaminate all heavy equipment, vehicles and tools at a designated weed-cleaning station prior to use on the project site unless the equipment has been inspected and determined to be clean and fee of sand, mud or other signs that invasive plant seeds or propagules could be present.
- Prior to project implementation, a qualified biologist shall identify and map significant infestations of invasive plant species (i.e., those rated as invasive by Cal-IPC or designated as noxious weeds by the California Department of Food and Agriculture). A report detailing the locations of any significant infestations of invasive plant species shall be provided to the County of Marin prior to project implementation.
- Stage equipment in areas free of invasive plant infestations identified and mapped by the qualified biologist unless there are no uninfested areas present on the project site.

FINDINGS

The Marin County Board of Supervisors finds that the above mitigation measures are appropriate and feasible, will reduce the project's potential impacts related to special-status plants to less-than-significant levels, and are adopted by the Marin County Board of Supervisors. The Marin County Board of Supervisors has been presented with no persuasive substantial evidence to contradict its conclusion in this regard. Accordingly, the Marin County Board of Supervisors finds that, pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant environmental effect related to biological resources identified as Impact 3.4-1 in the Final EIR.

FACTS IN SUPPORT OF FINDINGS

The implementation of Mitigation Measures 3.4-1a and 3.4-1b would avoid and minimize adverse effects on special-status plants from the implementation of the proposed project. Mitigation Measure 3.4-1a requires protocol surveys prior to construction; avoidance of special-status plants when present on the project site; or if removal of special-status plants is unavoidable, the implementation of other measures to compensate for loss individual plants in a manner that avoids any net loss of sensitive habitat. Mitigation Measure 3.4-1b requires implementing measures to prevent the introduction and spread of invasive plants on the project site. Therefore, with the implementation of Mitigation Measures 3.4-1a and 3.4-1b, the impact to special-status plants would be reduced to less than significant.

Impact 3.4-2: Potential Disturbance or Loss of Monarch Butterfly

Construction of the project and related activities may result in the injury, mortality, or disruption of reproduction of monarch butterfly. In addition, the modification of habitat used for overwintering by monarch butterfly may result in loss of this habitat suitability. This could substantially reduce the habitat for this species, cause the local populations of monarch butterfly to be reduced below locally self-sustaining levels, and substantially reduce the numbers of monarch butterfly. Therefore, the impact on monarch butterfly would be potentially significant.

MITIGATION MEASURES

Mitigation 3.4-2a: Avoid Disturbance of Overwintering Monarch Butterflies

To avoid or minimize impacts to monarch butterflies, the applicant shall implement the following measures.

- Prior to site preparation and vegetation removal, the applicant shall retain a qualified biologist to conduct monitoring within the stands of mature trees along the Woodland Buffer and within the Seminary Point Planning Area for monarch butterflies during the overwintering period (October through March) (Xerces Society 2017) to determine use of the site by the species. The results of monitoring shall be documented and submitted to the County prior to any vegetation removal.
- If monarch butterflies are found to be using stands on the project site, the applicant shall avoid vegetation removal within occupied stands during the overwintering period (October through March).

Mitigation 3.4-2b: Minimize Loss of Monarch Butterfly Overwintering Stands

To minimize impacts to monarch butterfly overwintering habitat, the applicant shall implement the following measures.

- If monarch butterflies are detected during monitoring pursuant to Mitigation 3.4-2a, prior to any site preparation or vegetation removal within suitable monarch overwintering stands, the applicant shall, in coordination with the County and USFWS (upon formal listing of the monarch butterfly under the Endangered Species Act), follow the guidelines in *Protecting California's Butterfly Groves, Management Guidelines for Monarch Butterfly Overwintering Habitat* (Xerces 2017) to maintain or improve the suitability of stands within undeveloped portions of the project site for overwintering monarchs.

- These actions shall include requirements and specifications for maintaining or improving key habitat variables, removal or trimming of trees to facilitate solar radiation within the stand and to remove hazards, and the planting of trees where appropriate, and shall maintain or improve habitat structure for overwintering monarchs within undeveloped portions of the Woodland Buffer and within the Seminary Point Planning Area on the project site.

FINDINGS

The Marin County Board of Supervisors finds that the above mitigation measures are appropriate and feasible, will reduce the project's potential impacts related to monarch butterfly to less-than-significant levels, and are adopted by the Marin County Board of Supervisors. The Marin County Board of Supervisors has been presented with no persuasive substantial evidence to contradict its conclusion in this regard. Accordingly, the Marin County Board of Supervisors finds that, pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant environmental effect related to biological resources identified as Impact 3.4-2 in the Final EIR.

FACTS IN SUPPORT OF FINDINGS

The implementation of Mitigation Measure 3.4-2a and Mitigation Measure 3.4-2b would avoid and minimize adverse effects on monarch butterfly from the implementation of the proposed project by conducting monitoring for monarchs prior to construction, avoiding disturbance of overwintering monarch habitat during the overwintering period, and maintaining or improving the suitability of stands outside of the development footprint on the project site for overwintering monarchs. Therefore, with the implementation of Mitigation Measure 3.4-2a and Mitigation Measure 3.4-2b, the impact to monarch butterfly would be reduced to less than significant.

Impact 3.4-4: Potential Disturbance or Loss of Special-Status Birds and Other Common Nesting Birds

The adverse effects of project construction on common nesting birds would be avoided by the requirements of Marin County Code Section 22.20.040, which includes nesting season surveys, and non-disturbance buffers around nests. However, construction of the project and related activities may result in the injury, mortality, or disruption of reproduction of special-status birds. The nesting season for bald Eagle, California Ridgway's rail, and White-tailed kite extends beyond the nesting season requirements of Section 22.20.040, and the disturbance of bald eagle, California Ridgway's rail, and white-tailed kite nests may still occur with the implementation of the avoidance measures in the section. The loss of eggs and young would be a potentially substantial adverse effect on bald eagle, California Ridgway's rail, and white-tailed kite. Therefore, the impact of the project on special-status birds would be potentially significant.

MITIGATION MEASURES

Mitigation 3.4-4: Avoid Disturbance of Special-Status Birds

To avoid or minimize impacts to nests of bald eagle and white-tailed kite, the applicant shall implement the following measures.

- The applicant may choose to schedule site preparation, construction, demolition, grading, or vegetation clearing after October 31 or before February 1 to avoid the nesting period for bald eagle and white-tailed kite within or adjacent to suitable nesting habitat for the species (e.g., the Woodland Buffer and along Seminary Drive).
- If work is required during the bald eagle nesting season (February 1 to August 31) or white-tailed kite nesting season (February 1 to October 31), a qualified biologist, retained by the applicant, shall conduct a pre-

construction survey prior to site preparation, demolition, grading, or vegetation clearing to identify bald eagle nests within 0.5 mile of the project site or white-tailed kite nests within 500 feet of work area as access allows. The survey shall be conducted no more than 7 calendar days before the beginning of construction demolition, grading, or vegetation clearing. If project activity ceases for 7 days or longer, resurveying shall be conducted prior to restarting activities.

- If bald eagle nests are located, no site preparation, construction, demolition, grading, or vegetation clearing shall occur within 0.5 mile of the nest during the nesting season or until the young have fledged, as determined by a qualified biologist. The distance of this buffer may be reduced by a qualified biologist based on topographic and vegetative screening, existing land use between the activity and the nest, the nature of the proposed development activities potentially affecting the nest, the nest occupants' habituation to existing or ongoing activity, nest concealment (i.e., whether there are visual or acoustic barriers between the proposed activity and the nest), what (if any) nest monitoring is proposed, and other factors.
- If white-tailed kite nests are located, no site preparation, construction, demolition, grading, or vegetation clearing shall occur within 500 feet of the nest during the nesting season or until the young have fledged, as determined by a qualified biologist.

To avoid impacts to nests of California black rail and California Ridgway's rail, the applicant shall implement the following measures.

- The applicant may choose to schedule site preparation, outside construction, demolition, grading, or vegetation clearing within 700 feet of marsh habitat potentially suitable for nesting by California black rail and California Ridgway's rail after August 31 or before January 15 to avoid the nesting period for these species.
- If work is required during the California black rail and California Ridgway's rail nesting season (January 15 to August 31), a qualified biologist, retained by the applicant, shall conduct a pre-construction survey prior to site preparation, demolition, grading, or vegetation clearing to identify California black rail and California Ridgway's rail nests within 700 feet of the project site. The survey shall be conducted no more than 7 calendar days before the beginning of construction demolition, grading, or vegetation clearing. If project activity ceases for 7 days or longer, resurvey shall be conducted prior to restarting activities.
- If California black rail and California Ridgway's rail nests are located, no site preparation, construction, demolition, grading, or vegetation clearing shall occur within 700 feet of the nest during the nesting season or until the young have fledged, as determined by a qualified biologist. The distance of this buffer may be reduced to an adequately protective distance by a qualified biologist in contact with CDFW based on topographic and vegetative screening, use of a temporary noise curtain between the activity and the nest, the nature of the proposed development activities potentially affecting the nest, the nest occupants' habituation to existing or ongoing activity, nest concealment (i.e., whether there are visual or acoustic barriers between the proposed activity and the nest), what (if any) nest monitoring is proposed, and other factors.

A report describing the methods and results of any nest pre-construction surveys conducted, and any nest buffers implemented shall be submitted to the County.

FINDINGS

The Marin County Board of Supervisors finds that the above mitigation measure is appropriate and feasible, will reduce the project's potential impacts related to special-status birds and other common nesting birds to less-than-significant levels, and is adopted by the Marin County Board of Supervisors. The Marin County Board of Supervisors has been presented with no persuasive substantial evidence to contradict its conclusion in this regard. Accordingly, the Marin County Board of Supervisors finds that, pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant environmental effect related to biological resources identified as Impact 3.4-4 in the Final EIR.

FACTS IN SUPPORT OF FINDINGS

The implementation of Mitigation Measure 3.4-4 would avoid and minimize adverse effects on special-status birds, from project implementation by avoiding the nesting season or conducting nest surveys and establishing non-disturbance buffers around active nests. Therefore, with the implementation of Mitigation Measure 3.4-4, the potential impact to special-status birds would be reduced to less than significant.

Impact 3.4-5: Potential Disturbance or Loss of Special-Status and Common Bat Maternity and Hibernation Roosts

Construction of the project and related activities may result in the injury, mortality, or disruption of reproduction of special-status and common bat species through disturbance or loss of maternity and hibernation roosts. The loss of adult bats and pups may cause local bat populations to drop below self-sustaining levels, and may result in a substantial reduction in the local populations of special-status bat species. Therefore, the impact of the project on special-status and common bats would be potentially significant.

MITIGATION MEASURES

Mitigation 3.4-5: Avoid Disturbance of Special-Status and Common Bat Maternity and Hibernation Roosts

To avoid and minimize impacts to special-status and common bats the applicant shall implement the following measures which meet and exceed the protections in Marin County Code Section 22.20.040(F).

- Within 14 days prior to initiating site preparation, demolition, grading, or vegetation clearing, a qualified bat biologist shall inspect the area of disturbance and areas adjacent (within 50 feet) for bat roosts (most likely buildings and mature trees with crevices, cavities and dense vegetation of broad leaves). Surveys shall consist of a daytime pedestrian survey by a qualified bat biologist looking for evidence of bat use (e.g., guano) and/or an evening emergence survey to note the presence or absence of bats. If no bat roosts are found, then no further study is required. If evidence of bat use is observed, the approximate number and species of bats using the roost would be determined. Acoustic bat detectors may be used to supplement survey efforts but are not required.
- If roosts of bats are determined to be present within buildings and other structures, direct disturbance to the roost, such as demolition or renovation of buildings, shall be avoided during the maternity season (April 15 through August 31) and hibernation season (October 15 to February 28). Eviction and exclusion of bats may be implemented using daytime installation of one-way exits and blocking material during the period of March 1 through April 15, or September 1 through October 15 outside of the maternity season and hibernation season.
- If roosts of bats are determined to be present within trees on the project site, any project-related removal or pruning of trees occupied by bats shall occur during the period of March 1 through April 15, or September 1 through October 15 outside of the maternity season and hibernation season, and consistent with scoping comments provided by CDFW. To remove whole trees, pruning of branches and limbs that do not provide habitat shall occur the day prior to removal of the bole of the tree; this initial planned disturbance may prompt and allow bats to leave the tree during the night between limb and bole removal. The bole of the tree may be removed the following day.
- A report describing the methods and results of any bat surveys conducted, and any nest buffers implemented shall be submitted to the County.

FINDINGS

The Marin County Board of Supervisors finds that the above mitigation measure is appropriate and feasible, will reduce the project's potential impacts related to special-status and common bats to less-than-significant levels, and is

adopted by the Marin County Board of Supervisors. The Marin County Board of Supervisors has been presented with no persuasive substantial evidence to contradict its conclusion in this regard. Accordingly, the Marin County Board of Supervisors finds that, pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant environmental effect related to biological resources identified as Impact 3.2-3 in the Final EIR.

FACTS IN SUPPORT OF FINDINGS

Implementation of Mitigation Measure 3.4-5 would avoid and minimize potential project-related disturbance to special-status and common bats by avoiding the maternity roosting and hibernation roosting seasons or conducting roost surveys and avoiding disturbance around active roosts (e.g., removal or pruning of trees, demolition of structures). Therefore, with implementation of Mitigation Measure 3.4-5, consistent with the scoping comments provided by CDFW the potential impact to special-status bats would be reduced to less than significant.

Impact 3.4-7: Potential Degradation or Loss of Oak Woodlands

Fuels management, grading, construction of new buildings, roads, trails, and other project components could spread sudden oak death into the project site and result in substantial loss of oak woodland, and threatens to locally eliminate this plant community, which would be a potentially significant impact.

MITIGATION MEASURES

Mitigation 3.4-7: Avoid and Minimize Introduction and Spread of Sudden Oak Death

To avoid loss of oak woodland by avoiding or minimizing the introduction and spread of sudden oak death, when working in oak woodlands on the project site, the applicant shall implement the following best management practices.

- Clean and sanitize vehicles, equipment, tools, footwear, and clothes before arriving at the project site.
- Include training on sudden oak death by a qualified biologist or certified arborist in worker awareness training.
- Minimize soil disturbance as much as possible by limiting the number of vehicles, avoiding off-road travel as much as possible, and limiting use of mechanized equipment for forest management activities.
- Follow the relevant procedures listed in the *Guidelines to Minimize Phytophthora Contamination in Restoration Projects* (Working Group for Phytopthoras in Native Habitats 2016) when working within oak woodlands on the project site.
- A report detailing the procedures implemented to prevent the introduction of sudden oak death shall be submitted to the County on an annual basis.

FINDINGS

The Marin County Board of Supervisors finds that the above mitigation measure is appropriate and feasible, will reduce the project's potential impacts related to loss of oak woodlands to less-than-significant levels, and is adopted by the Marin County Board of Supervisors. The Marin County Board of Supervisors has been presented with no persuasive substantial evidence to contradict its conclusion in this regard. Accordingly, the Marin County Board of Supervisors finds that, pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant environmental effect related to biological resources identified as Impact 3.2-3 in the Final EIR.

FACTS IN SUPPORT OF FINDINGS

The implementation of Mitigation Measure 3.4-7 would avoid and minimize adverse effects on oak woodlands from the implementation of the proposed project by reducing the likelihood that sudden oak death would be introduced into the oak woodlands on the project site. Therefore, with the implementation of Mitigation Measure 3.4-3, the impact to oak woodlands would be reduced to less than significant.

7.5 GEOLOGY AND SOILS

Impact 3.6-2: Directly or Indirectly Cause Potential Substantial Adverse Impacts to People or Structures, Including the Risk of Loss, Injury, or Death, Through Seismically Induced Ground/Structural Failure Including Slope Instability, Liquefaction, and Lateral Spreading

Due to the presence of areas mapped within the project site as "fill," "colluvium," and "earthflows," as well as, areas regionally mapped with steep slopes, bay mud, or as potentially liquefiable, seismically-induced ground failure is an existing environmental condition and has the potential to occur within the effective design life of the project, which would expose structures and occupants to adverse effects potentially including risk of loss, injury, or death. Several active fault systems, including the San Andreas, San Gregorio, Hayward-Rodgers Creek, and others, lie in close proximity to the project site and have the potential to induce ground failure during the expected design life of the project. The construction of the new playfield and bioretention and stormwater dissipation facilities would be located within or proximal to previously mapped areas of instability (Figure 3.6-2, "Relative Slope Stability"), and thus could exacerbate potential risks associated with this instability from seismically induced ground failure. Additionally, new cut and fill slopes, as well as the discharge of additional storm water can reduce slope stability which would increase the potential for seismically induced instability and lateral displacements. Thus, the proposed project could exacerbate existing environmental hazards related to seismically induced ground failure resulting in exposure of structures and occupants to risk of loss, injury, or death. Impacts would be potentially significant.

MITIGATION MEASURES

Mitigation Measure 3.6-2: Geotechnical Engineering to Address Seismically Induced Ground/Structural Failure

The PRA reports recommended that geotechnical engineering of potential seismic induced slope instability areas be included in the design-level geotechnical report to be prepared as part of compliance with Marin County Code, Section 23.08. These additional engineering measures shall include exploration and laboratory testing of soil samples in or near mapped potentially liquefiable areas or areas mapped as underlain by bay mud. Geotechnical engineering shall be performed to confirm a factor of safety above 1.0 is achieved for the design level seismic acceleration calculated at the project site. If the calculated factor of safety is less than 1.0, seismic displacement analyses shall be performed as part of geotechnical engineering to confirm seismic induce displacements are equal or less than pre-construction conditions, and will not affect planned or existing improvements. If the calculated displacement caused by the project exceeds the pre-project condition, engineering improvements shall be implemented to reduce seismic deformations to acceptable levels. For CEQA purposes, the performance standard for the engineering improvements to mitigate the impact would be to maintain risks of lateral spreading and instability at the same or less than existing conditions. The engineering improvements must also meet building codes for safety and structural integrity, which would provide an additional margin of safety for avoiding lateral spreading and instability. The design-level geotechnical engineering shall include geotechnical seismic design recommendations and criteria per the most recent version of the CBC for structures in Seismic Zone 4. In addition, the geotechnical report shall include seismic surcharge

loads for retaining structures over 7 feet. While the specific engineering improvements to reduce the risk of lateral spreading and instability would be determined based on project site conditions, typical examples of design features potentially effective in meeting the performance standard could include: retaining walls to hold back spreading soil or downslope movement; surface and subsurface drainage features to direct stormwater away from areas of instability; soil stabilization techniques like surcharging, compaction, or geosynthetic reinforcement; creating terraces or stepped slopes with gabion or retaining wall support; slope contouring to reduce slope angle or profile; and replanting of stabilizing vegetation.

FINDINGS

The Marin County Board of Supervisors finds that the above mitigation measure is appropriate and feasible, will reduce the project's potential impacts related to geologic hazards to less-than-significant levels, and is adopted by the Marin County Board of Supervisors. The Marin County Board of Supervisors has been presented with no persuasive substantial evidence to contradict its conclusion in this regard. Accordingly, the Marin County Board of Supervisors finds that, pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant environmental effect related to geology and soils identified as Impact 3.6-2 in the Final EIR.

FACTS IN SUPPORT OF FINDINGS

Implementation of Mitigation Measure 3.6-2 would at least maintain the risk of seismically induced ground failure resulting from potential lateral spreading or greater instability caused by the project at pre-project levels and may reduce the risk. The measure would also result in definition of construction requirements needed to meet building code criteria and the recommendations outlined in the 2010 and 2016 PRA reports, which are intended to prevent structural collapse and risk of loss, safety, and death. The basic requirement is that new structures should withstand ground movement from a minor earthquake without damage; from a moderate earthquake without structural damage; and from a major earthquake without collapse. It is acknowledged that the potential for seismically induced ground failure impacts cannot be entirely eliminated even with site-specific geotechnical investigations and building requirements. Repairing or improving areas of instability by incorporating design features such as those mentioned in Mitigation Measure 3.6-2 (retaining walls, surface and subsurface drainage features, soil stabilization techniques, creating terraces or stepped slopes, slope contouring, and replanting of stabilizing vegetation) would reduce the project's potential to exacerbate existing environmental hazards related to seismically induced ground failure. Therefore, implementation of Mitigation Measure 3.6-2 would reduce impacts related to seismically induced ground failure to a less-than-significant level.

Impact 3.6-4: Directly or Indirectly Cause Potential Substantial Adverse Impacts to People or Structures, Including the Risk of Loss, Injury, or Death Through Slope Instability / Landsliding

Due to the presence of areas mapped within the project site as "fill," "colluvium," and "earthflows," as well as, areas regionally mapped with steep slopes, bay mud, or as potentially liquefiable, seismically induced ground failure is an existing environmental condition and has the potential to occur within the effective design life of the project, which would expose structures and occupants to adverse effects potentially including risk of loss, injury, or death. Several active fault systems, including the San Andreas, San Gregorio, Hayward-Rodgers Creek, and others, lie in close proximity to the project site and have the potential to induce ground failure during the expected design life of the project. The construction of the new playfield and bioretention and stormwater dissipation facilities would be located within or proximal to previously mapped areas of instability (Figure 3.6-2, "Relative Slope Stability"), and thus could exacerbate potential risks associated with this instability from seismically induced ground failure. Additionally, new cut and fill slopes, as well as the discharge of additional storm water can reduce slope stability which would increase the

potential for seismically induced instability and lateral displacements. Thus, the proposed project could exacerbate existing environmental hazards related to seismically induced ground failure resulting in exposure of structures and occupants to risk of loss, injury, or death. Impacts would be potentially significant.

MITIGATION MEASURES

Mitigation Measure 3.6-4: Geotechnical Engineering to Address Slope Instability and Landsliding

To minimize potential risks of the project exacerbating existing hazards related to slope instability and landsliding, the project shall be designed and constructed in accordance with the geotechnical engineering design requirements as part of compliance with Marin County Code, Section 22.100.040, as well as all applicable provisions of the PRA report and latest edition of the California Building Code (or any superseding local code in effect) at the time of building permit application. Currently, the 2023 CBC is the latest applicable site grading design code including setback distances from graded slopes, and drainage terraces for taller slopes. The geotechnical engineering design shall provide grading requirements for keying, benching, fill compaction, subsurface drainage, and maximum inclinations of both temporary and permanent cut and fill slopes. Specific foundation design shall be provided for structures on fill or weak soils. The project Civil Engineer shall provide surface drainage collection and/or drainage terraces above and on graded slopes.

An updated, site-specific geologic map shall be prepared and included in the geotechnical engineering design that clearly identifies and delineates the limits of the geologic materials present at the site, including all existing landslides, colluvial deposits, undocumented fills, or other areas of instability. The applicant's geotechnical engineer shall also individually catalogue and evaluate mapped areas of instability and undocumented fills and assign each a "Risk Level" in the geotechnical engineering design.

Risk level A landslides would include active and dormant landslides within 100 feet of a building envelope, debris flow source areas, and flow paths that crosses building envelopes / residential use areas, or active landslides that could impact public or private property. Risk Level B landslides would present a lower risk of damage and include all active, dormant or potential landslide areas on the property that do not have the potential to significantly damage property or improvements within or outside the property. In most instances, Risk Level B landslides would be located in proposed open space areas or in areas outside of any building envelope and any residential-use area. The risk level assignments shall guide site-specific geotechnical engineering design.

The geotechnical consultant shall perform supplemental subsurface exploration, laboratory testing, and engineering analyses to define the slope stabilization and landslide avoidance, improvement, or repair required in the design of project features in each catalogued area of instability. In general, landslides that have a higher potential of being mobilized by construction (Risk Level A landslides) should be improved or repaired, while Level B landslides should be improved or avoided in accordance with the definitions below:

- Landslide Avoidance - requires locating structures and improvements an adequate distance from an existing landslide so that any future movement of the landslide would not affect the structures or improvements.
- Landslide Improvement - requires increasing the slope stability to a level such that the calculated factor of safety is at least 1.2 for static conditions. Improvement may also include the construction of protective structures below the landslide to protect down slope improvements.
- Landslide Repair – shall improve the slope stability of the landslide area such that the calculated factor of safety defined as the ratio of the resisting forces to the driving forces) is at least 1.3 for static conditions (a factor of safety less than 1.5 is often utilized for landslide repair due to the ability to better define subsurface conditions and residual soil strength through a combination of exploration, laboratory testing and back-calculation of the original failure. If landslide specific exploration, laboratory testing and back-calculation is not performed, the factor of safety should be 1.5.) and greater than 1.0 for pseudo-static (seismic) conditions using the calculated design level acceleration at the project site. If the calculated pseudo-static factor of safety is less than 1.0, displacement analyses should be performed to determine if acceptable for the landslide specific conditions and if

displacements could adversely impact existing or proposed improvements. The improved stability may be accomplished by various methods including: (1) excavation of unstable material, installation of subsurface drainage and construction of a compacted earth fill buttress; (2) design and construction of retaining structures; (3) de-watering with subsurface drainage; (4) removal of the entire unstable landslide mass; or (5) other methods for landslide stabilization acceptable to the County of Marin.

Examples of repair and/or improvement of landslides may include one or a combination of the following methods, or other engineering strategies defined during geotechnical engineering design:

- excavation of unstable material, installation of subsurface drainage and construction of a compact earth fill buttress;
- design and construction of retaining structures (above and below ground pile walls and shear keys);
- de-watering with subsurface drainage;
- removal of the entire unstable landslide mass; or
- other methods as deemed acceptable to Marin County.

Design drainage facilities shall also be documented during geotechnical engineering. On cut and fill slopes, terrace drains shall be included at intervals necessary to adequately drain slopes, such as every 30 feet of vertical height. The terrace drains shall have a minimum flowline gradient of 6 percent to make them self-cleaning (per the California Building Code). Storm drainage facilities shall convey surface water away from areas of instability and discharge into the storm drainage system. The Geotechnical Engineer shall review the planned storm water discharge locations (bio-swales and dissipators) and identify design requirements to avoid the potential for this water to exacerbate any existing areas of mapped instability or induce new instability as confirmed during Marin County engineering review of the applicant's geotechnical engineering design.

FINDINGS

The Marin County Board of Supervisors finds that the above mitigation measure is appropriate and feasible, will reduce the project's potential impacts related to slope instability/landslides to less-than-significant levels, and is adopted by the Marin County Board of Supervisors. The Marin County Board of Supervisors has been presented with no persuasive substantial evidence to contradict its conclusion in this regard. Accordingly, the Marin County Board of Supervisors finds that, pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant environmental effect related to geology and soils identified as Impact 3.6-4 in the Final EIR.

FACTS IN SUPPORT OF FINDINGS

Implementation of Mitigation Measure 3.6-4 would at least maintain the risk of slope instability/landsliding resulting from project implementation to pre-project levels and may reduce the risk. The measure would also define the geotechnical design requirements needed to meet the goals and policies of the Marin Countywide Plan's Environmental Hazards Element, and requirements of the Marin County Code, Section 22.100.040, which are intended to prevent structural collapse and protect life safety. Repairing or improving areas of instability by incorporating design features such as those mentioned in Mitigation Measure 3.6-4 (excavation of unstable material, construction of retaining structures, de-watering with subsurface drainage) would reduce slope instability/landsliding impacts to a less-than-significant level.

7.6 LAND USE AND PLANNING

Impact 3.10-1: Conflict with Land Use Plans, Policies, or Regulations Adopted to Avoid or Mitigate Environmental Effects

Potentially significant land use impacts would result when inconsistencies with goals and policies adopted to avoid or mitigate environmental effects would occur where such inconsistencies would result in a potentially significant physical impact on the environment. Inconsistencies identified as resulting in potentially significant environmental impact are noted as "potentially inconsistent unless mitigated" in Table 3.10-1. Because these policy inconsistencies could indicate or result in significant environmental impacts, the proposed project's land use impact related to these inconsistencies would be potentially significant.

MITIGATION MEASURES

- Implement Mitigation Measure 3.2-1 (Apply Tier-4 Emission Standards to All Diesel-Powered Off-Road Equipment), as described in Section 7.2 of these Findings.
- Implement Mitigation Measure 3.4-1a (Avoid and Minimize Impacts to Special-Status Plants), Mitigation Measure 3.4-1b (Avoid and Minimize Introduction and Spread of Invasive Plants), Mitigation Measure 3.4-2a (Avoid Disturbance of Overwintering Monarch Butterflies), Mitigation Measure 3.4-2b (Minimize Loss of Monarch Butterfly Overwintering Stands), Mitigation Measure 3.4-4 (Avoid Disturbance of White-Tailed Kite and Common Bird Nests), Mitigation Measure 3.4-5 (Avoid Disturbance of Special-Status and Common Bat Maternity and Hibernation Roosts), and Mitigation Measure 3.4-7 (Avoid and Minimize Introduction and Spread of Sudden Oak Death), as described in Section 7.4 of these Findings.
- Implement Mitigation Measure 3.6-2 (Geotechnical Engineering to Address Seismically Induced Ground/Structural Failure) and Mitigation Measure 3.6-4 (Geotechnical Engineering to Address Slope Instability and Landsliding), as described in Section 7.6 of these Findings.
- Implement Mitigation Measure 3.11-1 (Prepare and Implement a Construction Noise Control Plan) and Mitigation Measure 3.11-4 (Reduce Operational Stationary Source Noise), as described in Section 7.7 of these Findings.

FINDINGS

The Marin County Board of Supervisors finds that the above mitigation measures are appropriate and feasible, will reduce the project's potential impacts related to land use conflicts to less-than-significant levels, and are adopted by the Marin County Board of Supervisors. The Marin County Board of Supervisors has been presented with no persuasive substantial evidence to contradict its conclusion in this regard. Accordingly, the Marin County Board of Supervisors finds that, pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant environmental effect related to land use and planning identified as Impact 3.10-1 in the Final EIR.

FACTS IN SUPPORT OF FINDINGS

As discussed in Sections 7.2, 7.4, 7.6, and 7.7 of these Findings and Sections 3.2, 3.4, 3.6, and 3.11 of the Draft EIR, the implementation of mitigation measures would reduce impacts on air quality, biological resources, geology and soils, and noise (operations) to less than significant. However, as discussed in Section 6.2 of these Findings and Section 3.11 of the Draft EIR, the implementation of mitigation measures would reduce construction-related noise impacts, but not below a level of significance. Thus, even with implementation of all feasible mitigation, construction noise could still result in significant noise impacts intermittently for sensitive receptors. Although the project would result in a significant and unavoidable project-level construction noise impact, the proposed project would incorporate all

feasible mitigation measures to minimize and reduce construction noise, consistent with Countywide Plan Policy NO-1.3. The proposed project would be consistent with all applicable policies of the Countywide Plan and Strawberry Community Plan, as well as the overall general intent of these plans. Therefore, with the implementation of mitigation measures, land use and planning impacts would be less than significant.

7.7 NOISE AND VIBRATION

Impact 3.11-4: Generate Substantial Long-Term Increase in Stationary Source Noise Levels

Noise generated by building mechanical equipment, parking lot activity, and the playing field would not exceed established noise standards for sensitive receivers exposed to stationary noise sources. However, the operation of new building HVAC equipment could potentially result in a substantial increase in noise during the more sensitive times of the night. Mitigation would be required to provide shielding to reduce noise from HVAC equipment and this impact would be potentially significant.

MITIGATION MEASURES

Mitigation Measure 3.11-4: Reduce Operational Stationary Source Noise

For all new stationary equipment associated with newly constructed buildings (e.g., HVAC equipment, back-up generators), the applicant shall retain an acoustical professional to ensure compliance with the following standards:

- All equipment shall be located and designed such that noise generated would not exceed the County's stationary noise source criteria established in this analysis (noise standards for single family residential uses of 50 dB L_{eq} between the hours of 7:00 a.m. and 10:00 p.m. or 45 dB L_{eq} between the hours of 10:00 p.m. to 7:00 a.m.) at any nearby sensitive receptor.
- All equipment shall be located and designed such that noise generated at adjacent properties does not exceed the existing ambient noise levels (i.e., 36.1 dBA) by more than 5 dB. Examples of methods to reduce stationary source noise include the following: locating equipment as far away as possible from noise sensitive land uses, constructing noise barriers between the equipment and noise-sensitive land uses, or using buildings and topographic features to provide acoustic shielding for noise-sensitive land uses. Final design, location, and orientation, as well as compliance with County Code shall be shown in a noise report prepared by the acoustic professional and submitted to the County to confirm compliance, prior to issuance of occupancy permit.

FINDINGS

The Marin County Board of Supervisors finds that the above mitigation measure is appropriate and feasible, will reduce the project's potential impacts related to long-term noise sources to less-than-significant levels, and is adopted by the Marin County Board of Supervisors. The Marin County Board of Supervisors has been presented with no persuasive substantial evidence to contradict its conclusion in this regard. Accordingly, the Marin County Board of Supervisors finds that, pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant environmental effect related to noise and vibration identified as Impact 3.11-4 in the Final EIR.

FACTS IN SUPPORT OF FINDINGS

Mitigation Measure 3.11-4 would reduce noise by requiring compliance with the County's stationary noise source criteria and ensuring mechanical equipment noise would not exceed ambient noise by more than 5 dBA by placing equipment as far away as possible from sensitive land uses, placing noise barriers around mechanical equipment, and

using buildings and topographic features for acoustic shielding. Implementation of these noise-reduction features can reduce mechanical equipment noise levels by 5 dBA, or more (FTA 2018). With mitigation, mechanical equipment noise levels would be reduced by at least 5 dBA, as required to be demonstrated in the specialized noise study for mechanical equipment. Therefore, mechanical equipment noise would be reduced to less than 5 dBA above ambient noise levels. Impacts would be less than significant.

7.8 PUBLIC SERVICES AND RECREATION

Impact 3.13-1: Result in Increased Demand for Fire Protection Facilities and Services

Implementation of the proposed project would increase the number of housing units on the project site by 185 (including the residential care facility) and increase the population on-site by approximately 530 residents, increasing demand for fire protection and emergency services on-site. Operation of the residential care facility is expected to increase the demand for emergency services on the project site. The project would adhere to all applicable standards and fire codes, the project applicant would be required to pay a fire prevention fee to offset the impact of the project on the provision of fire protection services, and implementation of the project would not necessitate the construction of new or expanded fire service facilities. However, SMFD has expressed concern that traffic associated with the increase in population under the project may cause delays in emergency response in the area. Therefore, this impact would be potentially significant.

MITIGATION MEASURES

Implement Mitigation Measure 3.14-4 (Install and Activate Emergency Vehicle Preemption Devices), as described in Section 7.9 of these Findings.

FINDINGS

The Marin County Board of Supervisors finds that the above mitigation measure is appropriate and feasible, will reduce the project's potential impacts related to emergency response to less-than-significant levels, and is adopted by the Marin County Board of Supervisors. The Marin County Board of Supervisors has been presented with no persuasive substantial evidence to contradict its conclusion in this regard. Accordingly, the Marin County Board of Supervisors finds that, pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant environmental effect related to public services and recreation identified as Impact 3.13-1 in the Final EIR.

FACTS IN SUPPORT OF FINDINGS

Mitigation Measure 3.14-4 would require the project applicant to purchase, install, and activate emergency vehicle preemption devices in the traffic signals at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive as well as seven fire station vehicles housed at Southern Marin Fire District Strawberry Fire Station 9. Mitigation Measure 3.14-4 would help maintain vehicular flow during emergency response by prioritizing right-of-way for emergency vehicles traveling from Fire Station 9 to US 101. Implementing Mitigation Measure 3.14-4 would reduce the impact related to increased demand for fire protection services to less than significant.

7.9 TRANSPORTATION

Impact 3.14-3: Substantially Increase Hazards due to a Geometric Design Feature (e.g., Sharp Curves or Dangerous Intersections) or Incompatible Uses (e.g., farm equipment)

Construction activities may temporarily degrade the surrounding transportation network inconveniencing pedestrians, bicyclists, and drivers and potentially increasing the risk of safety hazards. Additionally, the streets within the project site do not meet County design standards regarding roadway widths. As currently planned, the project would not provide adequate parking supply for the academic campus, which could result in parking spill over on surrounding streets where sidewalks and crosswalks do not exist, thus, resulting in potential conflicts between pedestrians and vehicles. For these reasons, the project could substantially increase hazards due to a geometric design feature or incompatible uses. Therefore, this impact would be potentially significant.

MITIGATION MEASURES

Mitigation Measure 3.14-3a: Develop a Construction Traffic Control Plan

Prior to construction activities for the proposed project, the applicant shall prepare a detailed Construction Traffic Control Plan (TCP) and submit it for review and approval by the County of Marin (County) Department of Public Works. The applicant and the County shall consult with the California Department of Transportation (Caltrans), Golden Gate Transit (GGT), Marin Transit, Southern Marin Fire Protection District (SMFD) Headquarters staff, and other local emergency service providers for their input prior to approval of the TCP. Additionally, the fire district shall be notified prior to any short- or long-term obstruction of fire access roads that would potentially slow response times or require alternative routes for emergencies. At a minimum, the plan shall include:

- The number of truck trips, time, and day of street closures.
- Time of day of arrival and departure of trucks.
- Limitations on the size and type of trucks, provision of a staging area with a limitation on the number of trucks that can be waiting.
- Provision of a truck circulation pattern.
- Provision of a driveway access plan so that safe vehicular, pedestrian, and bicycle movements are maintained (e.g., steel plates, minimum distances of open trenches, and private vehicle pick-up and drop-off areas).
- Maintain safe and efficient access routes for emergency vehicles.
- Maintain safe and efficient access routes for vehicles.
- Manual traffic control when necessary.
- Proper advance warning and posted signage concerning street closures.
- Provisions for pedestrian safety.
- Contractor parking.
- Maintaining existing parking needs.

A copy of the TCP shall be submitted to local emergency response agencies. Additionally, the local emergency response agencies shall be notified at least 14 days prior to the commencement of construction that would partially or fully obstruct roadways.

Mitigation Measure 3.14-3b: Widen Roads to Meet County of Marin Roadway Standards and ADA and PROWAG Guidelines for Transportation Accessibility

The project applicant shall provide roadway, parking, and pedestrian facilities that meet ADA and PROWAG guidelines. The project applicant shall incorporate into the project the widening of both public and private roads to meet County of Marin road design standards as identified in Marin County Code Section 24.04.110. The project shall be subject to review by County of Marin Public Works staff to ensure all federal and County requirements and regulations are met and ensure the safe movement of all modes of transportation navigating the project site. The project applicant shall submit a waiver request for any existing or planned road, pedestrian, bicycle, transit, or parking facilities or services on the site that will not meet County roadway, ADA, or PROWAG standards.

Mitigation Measure 3.14-3c: Implement Measures to Reduce Parking Demand and/or Increase Supply for the Academic Campus

The project applicant shall prioritize implementation of parking demand reduction measures for faculty, staff, and students of the academic campus to address the estimated parking deficit of 144 parking spaces. Prior to achieving 50 percent enrollment of the academic campus, the project applicant shall submit a parking report that documents academic campus parking usage and any parking overflow onto adjacent residential streets (based on surveys conducted by an independent professional transportation consultant approved by County of Marin Public Works staff), as well as the status of all parking demand reduction measures. The report shall verify that campus parking occupancy levels do not exceed 90 percent and be submitted to County of Marin Public Works. Should there be excess parking occupancy and overflow conditions, the project applicant shall implement additional parking demand reduction measures and/or new parking supply improvements to address parking shortfalls before any additional enrollment could occur beyond 50 percent. All parking shall be located on the project site and within the vicinity of the facility that it serves. Off-site overflow parking shall not be an acceptable strategy.

FINDINGS

The Marin County Board of Supervisors finds that the above mitigation measures are appropriate and feasible, will reduce the project's potential impacts related to safety hazards to less-than-significant levels, and are adopted by the Marin County Board of Supervisors. The Marin County Board of Supervisors has been presented with no persuasive substantial evidence to contradict its conclusion in this regard. Accordingly, the Marin County Board of Supervisors finds that, pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant environmental effect related to transportation identified as Impact 3.14-3 in the Final EIR.

FACTS IN SUPPORT OF FINDINGS

Implementation of Mitigation Measure 3.14-3a would require the construction contractor to develop and implement a construction traffic control plan to reduce transportation safety impacts during project construction. Mitigation Measure 3.14-3b requires the project applicant to design internal roadways to meet County of Marin design standards, and Mitigation Measure 3.14-3c requires the project applicant to implement parking demand reduction and/or supply measures to meet anticipated demand of the academic campus otherwise campus enrollment could not occur beyond 50 percent. The implementation of the mitigation measures identified above would reduce safety impacts exacerbated by the project to less than significant.

Impact 3.14-14: Result in Inadequate Emergency Access

In the event of an emergency scenario where evacuation would be necessary, it is anticipated that Seminary Drive and East Strawberry Drive would have the capacity to accommodate vehicles under both existing conditions and with implementation of the project. The project would be designed in compliance with County of Marin design standards

and would be subject to review by County staff and emergency service agencies to ensure the project would provide access to emergency vehicles in regard to physical design. The project would also generate trips in the vicinity of the project site resulting in potential delays to vehicles, including emergency response, and potentially impacting emergency access. Therefore, this impact would be potentially significant.

MITIGATION MEASURES

Implement Mitigation Measure 3.14-3b (Widen Roads to Meet County of Marin Roadway Standards and ADA and PROWAG Guidelines for Transportation Accessibility), as described above.

Mitigation Measure 3.14-4: Install and Activate Emergency Vehicle Preemption Devices

The project applicant shall be responsible for designing, obtaining permits for, installing, and activating emergency vehicle preemption equipment subject to agency approvals and oversight. This includes emergency vehicle preemption detection technology in the traffic signals at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive. The project applicant shall also be responsible for purchasing, installing, and activating emergency vehicle preemption emitting devices in seven fire station vehicles housed at Strawberry Fire Station 9 (Southern Marin Fire District). The measures shall be in place and activated prior to increasing the student enrollment above 100 or the number of occupied residential units above 145. The emergency preemption vehicle technology shall be reviewed and approved by the Southern Marin Fire Protection District, County Transportation Division, and Caltrans prior to installation.

FINDINGS

The Marin County Board of Supervisors finds that the above mitigation measures are appropriate and feasible, will reduce the project's potential impacts related to emergency access and response to less-than-significant levels, and are adopted by the Marin County Board of Supervisors. The Marin County Board of Supervisors has been presented with no persuasive substantial evidence to contradict its conclusion in this regard. Accordingly, the Marin County Board of Supervisors finds that, pursuant to State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant environmental effect related to transportation identified as Impact 3.14-4 in the Final EIR.

FACTS IN SUPPORT OF FINDINGS

Mitigation Measure 3.14-3b would require the project applicant to widen any internal roadways that do not currently meet County roadway width standards. Implementation of Mitigation Measure 3.14-4 would require the project applicant to purchase, install, and activate emergency vehicle preemption devices in the traffic signals at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive as well as seven fire station vehicles housed at Southern Marin Fire District Strawberry Fire Station 9. Mitigation Measure 3.14-4 would help maintain vehicular flow during emergency response by prioritizing right-of-way for emergency vehicles traveling from Fire Station 9 to US 101. Mitigation Measures 3.14-3b and 3.14-4 would reduce impacts on emergency access and response to less than significant.

8 GROWTH INDUCING IMPACTS

An EIR is required to discuss growth inducing impacts, which consist of the ways in which the project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment (State CEQA Guidelines Section 15126.2(d); Public Resources Code Section 21100(b)(5)). Direct growth inducement would result, for example, if a project involves the construction of substantial new housing that would support increased population in a community or establishes substantial new permanent employment opportunities. This additional population could, in turn, increase demands for public utilities, public services, roads, and other infrastructure. Indirect growth inducement would result if a project stimulates economic activity that requires physical development or removes an obstacle to growth and development (e.g., increasing infrastructure capacity that would enable new or additional development). It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment (State CEQA Guidelines Section 15126.2(d)). Section 6.2 of the Draft EIR analyzes the growth inducing impacts of the project. As explained below, the findings in this section are based on the Final EIR, the discussion and analysis of which is hereby incorporated in full by reference.

Implementation of the project would foster short-term and long-term economic growth in the County as a result of new construction and operational employment opportunities and residences. Construction would be reasonably expected to begin in 2024 and take an estimated 4 years to complete. During construction, the estimated peak level of construction workers would be 160 and could range from 10 to 160 workers depending on project component and phase. As described in Section 3.12, "Population and Housing," of the Draft EIR, because most of the labor force would likely be drawn from the large pool of construction workers already living in the region, a substantial number of construction workers would not be reasonably expected to relocate to the area for a temporary job. During operation, up to 530 new residents (for a total of 850 residents, including an estimated number of current residents) would occupy the on-site residences, including the residential care facility, with an additional 253 jobs with full enrollment of the university (216 new campus jobs, 34 jobs for the new residential care facility, and three jobs for the new fitness center). Some of these employees could relocate to the area from outside the region; however, because of the size of the population within the southern portion of Marin County, most of the jobs would likely be filled by people already living in the area, because of the substantial labor pool in the county and region. For this reason, a substantial number of students and other individuals are not expected to relocate to the area in response to implementation of the project.

The project does not involve the extension of roads or other infrastructure that would induce substantial unplanned population growth or remove any additional barriers to population growth. Vehicular access to the project site from US 101 and State Route 131/Tiburon Boulevard and from various local roadways would not be altered for the project; however, the project includes mitigation to construct either a traffic signal or roundabout at the intersection of Seminary Drive/Ricardo Road/Vistal Del Sol and widen the roadways within the project site to meet County of Marin roadway standards. The project would also include the construction of new trails and sidewalks throughout the project site's academic campus and residential areas. The project proposes new pedestrian facilities along several roadways in the project site, thus providing connections between the project's land uses and the Seminary Drive Bus Pad and bus stops at the US 101/Seminary Drive interchange. There are currently pedestrian facilities between these bus stops along US 101 and the entrance to the project site. The new trails and walkways within the project site would provide continuous pedestrian facilities between the US 101 bus hub and the academic campus area as well as the new residential units. Moreover, the project would develop new Class III bicycle routes throughout the internal roadway network as presented in Draft EIR Chapter 2, "Project Description," in Figure 2-8, "Regional Bicycle Access Diagram."

The project site includes existing infrastructure for potable water, sanitary sewer, gas, electricity, and stormwater. Buildout of the project would include retention of this infrastructure, as well as installation of new utility lines and infrastructure to serve development proposed in the various planning areas on-site. All the utility and infrastructure improvements would be installed within the boundaries of the project site and would be scaled to support the

growth proposed under the project. While the project would reduce the overall extent of open space on the project site, it also involves making recreation-related improvements on the site, including improvements to existing trails and establishing new trails and pathways (see Draft EIR Figure 2-7, "Pedestrian and Bus Access Diagram"). Additionally, the project would comply with the Marin County Development Code requirement that new residential developments provide developed park and recreational land and/or pay a fee in lieu of parkland dedication to help mitigate the impacts of the new residential demand on existing parkland and recreational facilities. As a result, the project would not be considered to remove a barrier to future growth within the region.

Although the project would foster some economic and population growth associated with new employment and housing opportunities on the project site, the growth would not substantially affect the ability of public service and utility providers to serve their existing customers, as shown in Section 4.13, "Public Services and Recreation," and Section 4.15, "Utilities and Service Systems," of the Draft EIR. The project would require the construction of either a traffic signal or roundabout at the intersection of Seminary Drive/Ricardo Road/Vista Del Sol as well as widening the roadways within the project site to meet County of Marin roadway standards to facilitate the movement of vehicles when emergency response is needed in the area; no additional police or fire protection staff or facilities would be needed.

The population and employment growth expected with project implementation would be minor and would not exceed the projections of the Marin Countywide Plan. Additionally, the project would not extend infrastructure and public services to serve areas outside of the project site. In conclusion, the project has the potential to stimulate the economy both directly (by providing jobs and housing) and indirectly (by creating a demand for local services) in the region. However, the project would help contribute towards addressing anticipated housing needs and improving the jobs housing balance in the region (refer to Section 4.12, "Population and Housing," of the Draft EIR). Therefore, the project would not contribute to substantial population growth beyond that anticipated as a direct result of the project, and there is no need to analyze impacts of growth beyond those included and evaluated in Chapter 4, "Cumulative Impacts," of the Draft EIR.

9 FINDINGS REGARDING PROJECT ALTERNATIVES

As required by State CEQA Guidelines Section 15126.6, the Draft EIR included an evaluation of a range of reasonable potentially feasible alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of its significant effects. The EIR also included the mandatory No Project Alternative. The Marin County Board of Supervisors makes the findings set forth below to support its rejection of (i) alternatives that were considered and eliminated from further analysis in the Draft EIR, and (ii) the four alternatives that were fully analyzed in the Draft EIR.

Section 15091(a)(3) of the State CEQA Guidelines describes that one of the findings that a lead agency can make concerning significant project impacts is that specific economic, legal, social, technological, or other considerations make infeasible the project alternatives identified in the EIR.

With respect to project alternatives, "[t]he issue of feasibility arises at two different junctures: (1) in the assessment of alternatives in the EIR and (2) during the agency's later consideration of whether to approve the project." (CNPS, supra, 177 Cal.App.4th at p. 981, citing *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 489 (Mira Mar).) "But 'differing factors come into play at each stage.'" (CNPS, supra, 177 Cal.App.4th at p. 981, citing Kostka, Section 15.9, p. 740.) "For the first phase—inclusion in the EIR—the standard is whether the alternative is potentially feasible." (CNPS, supra, 177 Cal.App.4th at p. 981, citing Mira Mar, supra, 119 Cal.App.4th at p. 489; State CEQA Guidelines, Section 15126.6, subd. (a).) "By contrast, at the second phase—the final decision on project approval—the decision-making body evaluates whether the alternatives are actually feasible." (CNPS, supra, 177 Cal.App.4th at p. 981, citing State CEQA Guidelines, Section 15091, subd. (a)(3).) "At that juncture, the decisionmakers may reject as infeasible alternatives that were identified in the EIR as potentially feasible." (CNPS, supra, 177 Cal.App.4th at p. 981, citing Mira Mar, supra, 119 Cal.App.4th at p. 489.)

"While it is up to the EIR preparer to identify alternatives as potentially feasible, the decision-making body 'may or may not reject those alternatives as being infeasible' when it comes to project approval." (CNPS, supra, 177 Cal.App.4th at p. 999, quoting Sierra Club v. County of Napa, supra, 121 Cal.App.4th at p. 1504.) "Rejection by the decision makers does not undermine the validity of the EIR's alternatives analysis." (CNPS, supra, 177 Cal.App.4th at p. 999, citing Mira Mar, supra, 119 Cal.App.4th at p. 489.) "Like mitigation measures, potentially feasible alternatives 'are suggestions which may or may not be adopted by the decisionmakers.'" (CNPS, supra, 177 Cal.App.4th at p. 999, quoting No Slo Transit, Inc. v. City of Long Beach (1987) 197 Cal.App.3d 241, 256.)

"When it comes time to decide on project approval, the public agency's decision-making body evaluates whether the alternatives are actually feasible." (CNPS, supra, 177 Cal.App.4th at p. 999, citing Mira Mar, supra, 119 Cal.App.4th at p. 489, and State CEQA Guidelines, Section 15091, subd. (a)(3).) "While staff may draft the necessary findings, the decision-making body is responsible for the ultimate determination of feasibility, which cannot be delegated." (CNPS, supra, 177 Cal.App.4th at p. 999, citing State CEQA Guidelines, Section 15025, subd. (b)(2), Section 15091, subd. (a)(3).) "At this final stage of project approval, the agency considers whether "[s]pecific economic, legal, social, technological, or other considerations ... make infeasible the mitigation measures or alternatives identified in the environmental impact report." (CNPS, supra, 177 Cal.App.4th at p. 1000, citing Pub. Resources Code, Section 21081, subd. (a)(3).) "Broader considerations of policy thus come into play when the decision-making body is considering actual feasibility than when the EIR preparer is assessing potential feasibility of the alternatives." (CNPS, supra, 177 Cal.App.4th at p. 1000.) Thus, "it does not subvert the CEQA environmental review process for the ultimate decision maker to reject as infeasible alternatives identified in the EIR." (Ibid.)

As explained earlier, at the decision-making stage "'feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*City of Del Mar v. City of San Diego*, supra, 133 Cal.App.3d at p. 417; CNPS, supra, 177 Cal.App.4th at p. 1001; *San Diego Citizenry Group v. County of San Diego*, supra, 219 Cal.App.4th at p. 17.) Relatedly, the concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*Sierra Club v. County of Napa*, supra, 121 Cal.App.4th at

pp. 1506-1509; CNPS, supra, 177 Cal. App. 4th 957, 1001; *Citizens for Open Government v. City of Lodi*, supra, 296 Cal.App.4th at pp. 314-315; Sequoyah Hills, supra, 23 Cal.App.4th at p. 715; and Bay-Delta, supra, 43 Cal.4th at pp. 1165, 1166.) In addition, a proposed alternative may also be legally infeasible. (Sequoyah Hills, supra, 23 Cal.App.4th at p. 715.)

In preparing the EIR, County staff screened the alternatives for technical, logistical, and financial feasibility, but the alternatives were not evaluated for all economic, legal, social or other considerations that make up the broader definition of "feasibility" in Section 15091(a)(3). Consistent with CEQA, staff gave primary consideration to alternatives that could reduce significant impacts of the project while still meeting most of the basic project objectives. Any alternative that would have impacts identical to or more severe than the proposed project, or that would not meet any or most of the project objectives were dismissed from further consideration. Three alternatives were considered but dismissed in the Draft EIR. For the reasons discussed above, the use of the term "infeasible" in the findings below concerning the alternatives is more expansive than references to "potentially feasible" or "feasible" in the EIR's discussion of alternatives, which was limited to technical, logistical, and financial feasibility. An alternative may have been determined to be technically, logistically, and financially "feasible" by County staff in the EIR and still ultimately be concluded by the Marin County Board of Supervisors, as the ultimate decisionmaker on the project, to meet the definition of "infeasibility" per State CEQA Guidelines Section 15091(a)(3) as interpreted in case law, when all considerations are taken into account.

9.1 ALTERNATIVES CONSIDERED BUT REJECTED IN THE EIR

State CEQA Guidelines Section 15126.6(c) provides that the range of potential alternatives for the project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. Alternatives that fail to meet the fundamental project purpose need not be addressed in detail in an EIR. (In re *Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1165-1167.)

In determining what alternatives should be considered in the EIR, it is important to acknowledge the objectives of the project, the project's significant effects, and unique project considerations. These factors are crucial to the development of alternatives that meet the criteria specified in Section 15126.6(a). Although, as noted above, EIRs must contain a discussion of "potentially feasible" alternatives, the ultimate determination as to whether an alternative is feasible or infeasible is made by lead agency decision-maker(s). (See Pub. Resources Code, Section 21081(a)(3).) At the time of action on the project, the decision-maker(s) may consider evidence beyond that found in this EIR in addressing such determinations. The decision-maker(s), for example, may conclude that a particular alternative is infeasible (i.e., undesirable) from a policy standpoint, and may reject an alternative on that basis provided that the decision-maker(s) adopts a finding, supported by substantial evidence, to that effect, and provided that such a finding reflects a reasonable balancing of the relevant economic, environmental, social, and other considerations supported by substantial evidence. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 998.)

The EIR should also identify any alternatives that were considered by the lead agency but were rejected during the planning or scoping process and briefly explain the reasons underlying the lead agency's determination.

The following alternatives were considered by the County but were not evaluated in detail in the Draft EIR.

9.1.1 No Project/No Build (Conservation) Alternative

An appellate court decision in *Save the Hill Group v. City of Livermore*, 76 Cal. App. 5th 1092 (2022) confirmed that an EIR's discussion of project alternatives, specifically the No Project Alternative, may sometimes need to consider the potential that public funds could be used to acquire an undeveloped project site for open space. The project at the subject of this case was a residential development on a hilly, undeveloped 31.7-acre site, referred to as the Garaventa Hills Project. The site, along with the nearby publicly owned Garaventa Wetlands Preserve, provides habitat for

several special-status species. To address the project's impacts on biological resources, the EIR for the project included a mitigation measure requiring acquisition of 85 acres of habitat for compensatory mitigation. Following City Council approval of the project, Save the Hill filed a petition for writ of mandate challenging the City of Livermore's approval of the project and certification of the EIR. The trial court upheld the City's EIR; however, the Court of Appeal reversed that decision. The Court held that the City's evaluation of the no project alternative was deficient because it had not considered the potential to purchase the site for preservation and conservation purposes, as requested by Save the Hill during the hearing process for the project. Additionally, the EIR's discussion of the no project alternative did not consider the conservation funds that were already available from two unrelated settlement agreements to finance such purchases. Lastly, even though the project site was zoned for residential uses, the Court held that zoning changes are within the City's police power and that the EIR should have therefore discussed the feasibility of rezoning the site as permanent open space. For these reasons, the Court held that the City's evaluation of the no project alternative was inadequate. In consideration of this appellate court decision, the No Project/No Build (Conservation) Alternative considers the feasibility of acquiring the campus and undeveloped portions of the project site by the public for conservation purposes. Under this hypothetical alternative, no development or redevelopment of the project site would occur, and the remaining undeveloped portions of the site would be conserved as open space. The use and disposition of the existing university facilities under this alternative would need to be decided. Their continued existence would preclude the conversion of the entire project site to an open space preserve, but their destruction and elimination would represent the loss of valuable economic and social resources that currently benefit the community.

There are several facts that distinguish the Garaventa Hills Project from the proposed project. In that case, the biological sensitivity of the subject site, which provided habitat for several special-status species, is greater than the proposed project site. Additionally, the site was fully undeveloped and adjacent to another biologically sensitive area, the publicly owned Garaventa Wetlands Preserve. Another difference is the existing availability of public conservation funds for the Garaventa Hills Project. The City in that case had access to an existing program to purchase land for preservation purposes. Given the biological sensitivity of the Livermore site, its proximity to the publicly owned Garaventa Wetlands Preserve, and the availability of public conservation funds, a no project alternative aimed at preservation was found to be potentially feasible in that scenario. No such funding is available here.

While the site for the proposed project provides habitat for special-status species, other facts applicable to the Livermore case are different from the proposed project. Unlike the site in the Garaventa Hills Project, which is entirely undeveloped, the proposed project site is partially developed with an existing university, housing, roadways, and other development ancillary to the university. Additionally, the proposed project site is in a primarily residential area with privately-owned condominiums and single- and multi-family homes surrounding the site, not abutting a publicly owned preserve. Also, there is not a program for acquisition of conservation lands applicable to the Strawberry peninsula. For the reasons described above, the County has determined that the No Project/No Build (Conservation) Alternative is clearly infeasible and therefore was not discussed in detail in the EIR.

9.1.2 Reduced Development Alternative (Seminary Tomorrow Process Outcome)

In 2019, the applicant and a group of Strawberry community representatives formed a working group, collectively called "Seminary Tomorrow," and entered into professionally facilitated discussions regarding the redevelopment of the project site. The stated goal of Seminary Tomorrow was to collaborate on alterations to the redevelopment plan for the site and to reach a consensus or qualified consensus on a new, reimagined plan. The Reduced Development Alternative reflects the outcome of the Seminary Tomorrow process that occurred with the Strawberry community. Through the Seminary Tomorrow process, this alternative would reduce the base zoning of the site (Residential Multiple Planned [RMP]-2.47) from 2.47 dwelling units/acre to 2.31 dwelling units/acre, thereby reducing the number of dwelling units that could be developed on the site. As such, this alternative would allow for up to 234 total units to be developed. This would include 233 housing units, of which 47 would be affordable units (i.e., 20 percent), as well as a Residential Care Facility (counting as one unit). The Residential Care Facility would include:

- 50 memory and assisted living residences;
- 100 independent living residences; and
- meeting and other activity rooms, dining facilities, and administrative offices.

In addition, this alternative would include preservation of several open space areas and viewsheds, a long-term landscaping plan, as well as new public trails and pedestrian pathways. This alternative also includes an elevated playfield moved away from Seminary Drive, a fitness center for onsite residents and the Strawberry community, and daycare with a maximum enrollment of 60 students. Lastly, this alternative assumes that the university enrollment would increase up to 1,000 students consistent with the 1953 CUP, but no physical improvements to the existing academic facilities would occur.

Recent changes in State housing law limit the discretion of local governments to reduce the amount of housing that can be developed within their jurisdictions. Senate Bill (SB) 330 prohibits local jurisdictions from limiting housing development through downzoning (unless an equivalent amount is upzoned elsewhere within their boundaries) or by delaying new housing via administrative or other regulatory barriers. Additionally, the State Density Bonus Law (Cal. Gov. Code Sections 65915 – 65918) prescribes that a developer who meets the requirements of the state law is entitled to receive the density bonus and other benefits as a matter of right. Therefore, in light of these state housing laws, the County has determined that the Reduced Development Alternative is legally infeasible. Accordingly, this alternative was not evaluated in detail in the EIR.

9.1.3 Maximum Countywide Plan Density Alternative

The Maximum Countywide Plan Density Alternative involves denial of the proposed Community Plan Amendment and approval of a new Master Plan. This assumes that development of the site could occur consistent with the currently approved Strawberry Community Plan, as outlined below. However, for qualifying density bonus projects, State density bonus law requires the County to apply the Countywide Plan land use designation density for the site rather than the zoning or Community Plan density. As such, applying the 2.1 dwelling units/acre density from the Community Plan would be inconsistent with State density bonus law. Per the Countywide Plan, the project site has a land use designation density range of 2-4 dwelling units/acre. Therefore, as required by State density bonus law and consistent with the Countywide Plan, this alternative assumes development of the site at a maximum density of 4 dwelling units per acre, which would allow for development of 393 new/replacement residential units on the project site. Under this alternative, the applicant would retain 13 existing residential units within the project site, which, when combined with the new/replacement units, would result in a total of 406 residential units on the site. Because the 1984 Master Plan for the Seminary property expired in 2018, a new Master Plan would be required under this alternative that reflects development according to the currently approved Strawberry Community Plan. This alternative assumes that Olivet University (or an equivalent college) would remain on the site because the existing facilities are suitable for this use, the facilities could be upgraded consistent with existing plans and zoning and the new Master Plan, and lease renewal would be reasonably foreseeable. In addition, Alternative 3 also assumes that the university enrollment would increase up to 1,000 students consistent with the 1953 CUP. This alternative would allow for the following development, consistent with the Strawberry Community Plan.

- Up to an additional 393 residential units consisting of new and replacement units, according to a new Master Plan, including a minimum of 90 and maximum of 100 student housing units and a Residential Care Facility (counting as one unit). Similar to the proposed project, 13 existing housing units would be retained on site.
- Some additional development related to the educational use of the university. The only new development specifically discussed as part of the 1982 Community Plan Amendment was a chapel. Other potential development includes a student union building and additional classrooms (shown in the 1955 Use Permit) and a gymnasium (new use). Any such development should be located within or adjacent to the existing campus development and would be exclusively available for use by university students and faculty, as required by the existing Community Plan. The extent of additions to the campus should be determined in a new Master Plan.

The existing Strawberry Community Plan also allows for up to 24 detached single-family residences and 36 attached residential units to be developed on the project site. However, these residential units have already been developed on the Seminary property and therefore are considered to be part of the existing conditions on the site.

CEQA requires an EIR's discussion of alternatives to focus on those alternatives that are capable of avoiding or substantially lessening significant effects of the project. As part of the reasonable range of potential alternatives to the project, the selection must include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR include the inability to avoid significant environmental impacts. The Maximum Countywide Plan Density Alternative would allow for a total of 393 new/replacement residential units to be developed on the site, which is an increase of 69 units compared to the proposed project. Because of the increased development potential under this alternative, it would likely result in greater air pollutant and GHG emissions, energy consumption, noise, and vehicle trips than the proposed project. However, it is not anticipated that these increases would result in a noticeable change in the significance of impacts compared to the proposed project such that a less than significant impact would become significant, or a significant impact would be substantially more severe. Therefore, this alternative was not included in the range of reasonable alternatives selected for detailed analysis pursuant to CEQA legal principles.

9.2 ALTERNATIVES CONSIDERED IN THE EIR

A total of four alternatives representing a range of reasonable alternatives to the proposed project were selected for detailed analysis in the Draft EIR. Detailed information and analysis concerning these alternatives are set forth in Chapter 5, "Alternatives," of the Draft EIR. This section of the Findings summarizes these alternatives and their feasibility and effectiveness in avoiding or substantially lessening any of the significant impacts of the project.

9.2.1 Alternative 1: No Project/No Build Alternative

SUMMARY OF ALTERNATIVE

CEQA requires a "no project" alternative to be evaluated in an EIR. Alternative 1, No Project/No Build Alternative, assumes that the proposed project would not be approved and that no new development would occur on the project site in the future; the existing physical conditions of the project site would not change.

This alternative assumes the continuation of baseline conditions with no development or redevelopment of the project site. The project site would remain in its current condition and existing uses would continue. Under this alternative, it is assumed that Olivet University (or an equivalent college) would remain on the project site because the existing facilities are suitable. In addition, this alternative assumes that the university enrollment would increase to up to 1,000 students consistent with the 1953 CUP.

RELATIONSHIP OF ALTERNATIVE TO PROJECT OBJECTIVES

The No Project/No Build Alternative would only achieve one project objective but would not meet the remaining project objectives. Because no development would occur under Alternative 1, it would not achieve the following objectives:

- create an intergenerational community for residents to live, work, and learn;
- support a thriving campus use that offers amenities to the surrounding community and academic value for the region;
- support a housing balance in the Strawberry community while creating a unique space with the potential to improve and transform the social fabric of the site and local community;

- support implementation of Countywide Plan Housing Element goals and policies (including Housing Goal 1 and supporting policies 1.1 through 1.3 as well as Housing Goal 2 and supporting policies 2.1, 2.4 and 2.5) to provide housing units, including affordable units, that contribute to meeting the housing goals outlined in the Countywide Plan Housing Element and consistent with the Association of Bay Area Governments' Regional Housing Needs Allocation for Marin County;
- develop the project site sensitive to and compatible with the scale and form of the surrounding area; and
- provide improvements to circulation systems serving the Strawberry community in the form of enhanced trails, bicycle facilities, and pedestrian enhancements on the project site.

However, because no development or redevelopment of the project site, Alternative 1 would fully meet the project objective to continue providing undisturbed views and visual access to the Bay through retainment of undeveloped open space areas within the project site and preservation of existing viewsheds and local ridgelines.

ENVIRONMENTAL ANALYSIS

The potential impacts of the No Project/No Build Alternative are discussed in detail in Chapter 5, "Alternatives," of the Draft EIR. As indicated in Table 5-1, "Summary of Environmental Effects of the Alternatives Relative to the Proposed North Coast Land Holdings Project," of the Draft EIR, the No Project/No Build Alternative would avoid or substantially lessen the project's significant impacts on Aesthetics; Air Quality; Archaeological, Historical, and Tribal Cultural Resources; Biological Resources; Energy; Geology and Mineral Resources; Greenhouse Gas Emissions and Climate Change Vulnerability; Hazards, Hazardous Materials, and Wildfire; Hydrology; Land Use and Planning; Noise; Public Services and Recreation; Transportation; and Utilities and Service Systems. The No Project/No Build Alternative would result in greater impacts on Population and Housing than the project.

FINDINGS

The Marin County Board of Supervisors rejects the No Project/No Build Alternative as undesirable as it fails the project's fundamental purpose and does not achieve any of the project objectives. Therefore, pursuant to State CEQA Guidelines Section 15091(a)(3), the Marin County Board of Supervisors finds that specific economic, legal, social, technological or other considerations make the No Project/No Build Alternative infeasible.

FACTS IN SUPPORT OF FINDINGS

The No Project/No Build Alternative would avoid or substantially lessen the significant impacts of the project on all resources except for Population and Housing, which would have greater impacts under Alternative 1 compared to the project.

However, the No Project/No Build Alternative would only fully meet one project objective and would not meet the remaining project objectives. The No Project/No Build Alternative assumes the continuation of baseline conditions with no development or redevelopment of the project site. Therefore, the No Project/No Build Alternative would not meet the project objectives related to creating an intergenerational community for residents; supporting a thriving campus use; supporting a housing balance in the Strawberry community; supporting implementation of the Countywide Plan Housing Element goals and policies to provide a mix of housing units, including affordable units; developing the project site sensitive and compatible with the scale and form of the surrounding area; and providing improvements to circulation systems serving the Strawberry community. The No Project/No Build Alternative would fully meet the project objective related to continuing to provide undisturbed views and visual access to the Bay through retainment of undeveloped open space areas within the project site and preservation of existing viewsheds and local ridgelines.

9.2.2 Alternative 2: Potential Alternative Locations

SUMMARY OF ALTERNATIVE

Under Alternative 2, potential alternative locations for implementing the project within unincorporated Marin County were evaluated. The review of potential alternative sites included consideration of several criteria related to the project's characteristics and objectives that would be necessary to develop comparable components to the proposed project, including an academic campus, daycare center, fitness center, residential care facility, market-rate and affordable housing, stormwater retention, similar proportion of open space and recreation areas, and new bicycle and pedestrian paths within the property. The criteria considered for this alternative includes sites with similar size, zoning, Countywide Plan land use designations, roadway/highway access, availability of utilities, and market availability (i.e., whether the site can be reasonably acquired by the project applicant). Based on these criteria, the County identified the following three potential alternative sites:

- Site 1 – Buck Center for Research in Aging Vacant Property. This property is located in north Novato off Redwood Highway and encompasses approximately 234 acres on APNs 125-180-79 and -85 of which 36.5 acres could be developed with 249 above moderate-income dwelling units per the County Housing Element's Sites Inventory (Marin County 2023). The site is currently vacant property with an existing Countywide Plan land use designation of AG1 – Agriculture and zoned as A60 – Agriculture and Conservation. While the site provides the opportunity to develop 249 dwelling units, it is vacant land with no existing roadway access, utilities, or infrastructure. Thus, this site would not meet the development criteria for this alternative. It would also not meet some of the project's basic objectives, such as supporting a thriving campus use that offers amenities to the surrounding community and academic value for the region. Due to the undeveloped nature of the project site, potential to cause potentially greater environmental impacts, and the inability to meet development criteria and basic project objectives, this alternative site location has been eliminated from further review.
- Site 2 – St. Vincent's School for Boys. This property is located in San Rafael off US 101 and St. Vincent Drive and encompasses approximately 315 acres on APNs 155-011-28, -29, and -30. Based on an evaluation of site conditions, the County has estimated that approximately 34 acres could be developed with up to 680 units (440 lower income units and 240 above moderate-income units) per the County Housing Element's Sites Inventory (Marin County 2023).

  The site is currently developed with a Catholic school campus and also includes vacant and unimproved areas. Owned by the human services agency Catholic Charities, the school operates as a 52-bed licensed short-term residential therapeutic program for boys who are referred from in-patient psychiatric facilities and county agencies throughout Northern California (Catholic Charities 2023). In addition, Winston Preparatory School began operating a private day school in August 2020 for students through twelfth grade with learning differences such as dyslexia, nonverbal learning disabilities, and executive functioning difficulties. Winston Preparatory School is also in the early stages of planning a separate transitions program for young adults 18-21 years old who are college capable but may benefit from additional growth in skills and confidence (Winston Preparatory School 2023). According to the County Housing Element's Sites Inventory (Marin County 2023), large parts of the property are constrained by sea-level rise and a floodplain along Miller Creek. The existing Catholic school facilities setback from US 101 and the surrounding hillside terrain also limit the developable areas on this site. The existing Countywide Plan land use designation is PD (Planned Development) – Agriculture and Environmental Resource and zoned as A2 – Agriculture Limited. While the site provides the opportunity to develop a comparable number of housing units comparable to the proposed project, development of this site as an alternative to the proposed project would not meet some of the basic project objectives. Examples of unmet project objectives are supporting a thriving college campus use that offers amenities to the surrounding community and academic value for the region; providing outstanding, long-distance vistas, such as visual access to the San Francisco Bay (or another elevated vista, perhaps); and creating a unique space with the potential to improve and transform the social fabric of the site and local community. In addition, the applicant maintains an

existing lease agreement with Olivet University and there are no plans to sell the proposed project site or move the university to another location. Likewise, it is unknown if Catholic Charities or Winston Preparatory School have any plans to sell this alternative site location or move both school operations to another location. In addition, the applicant does not own other land, have a current lease, or any other type of agreement with any other property owners (including the St. Vincent's School for Boys) to accommodate the proposed project. Because this alternative site location would not meet some of the basic project objectives and legal and logistical constraints related to lease agreements with current tenants and land owners, this alternative site location would not be feasible and has been eliminated from further review.

- Site 3 – San Domenico School. This property is located in Sleepy Hollow at 1500 Butterfield Road and encompasses approximately 522 acres on APN 176-300-30 of which 2.4 acres would be developed with 50 lower income dwelling units per the County Housing Element's Sites Inventory (Marin County 2023). The majority of the school campus consists of school facilities and steep hillside terrain. However, there are a few areas of the school, each over one acre and less than 10 acres (totaling 2.4 acres), that could allow for housing opportunities (Marin County 2023). The existing Countywide Plan land use designation is PR (Planned Residential) and zoned as RMP-0.1 – Residential Multiple Planned. While the site provides the opportunity to develop housing units, it is limited to 50 dwelling units on 2.4 acres of noncontiguous land which would not be enough to accommodate a development comparable to the proposed project. Furthermore, the site provides one roadway for ingress and egress and thus has constraints on emergency access and evacuation. Therefore, this alternative site location would not meet some of the project's basic project objectives and has been eliminated from further review.

FINDINGS

The Marin County Board of Supervisors rejects the Potential Alternative Locations Alternative as undesirable because no feasible alternative locations exist to implement the project. Therefore, pursuant to State CEQA Guidelines Section 15091(a)(3), the Marin County Board of Supervisors finds that specific economic, legal, social, technological or other considerations make the Potential Alternative Locations Alternative infeasible.

FACTS IN SUPPORT OF FINDINGS

CEQA sometimes requires that a legally adequate range of alternatives include an alternative location, but such alternatives are not always required. The facts surrounding particular projects should be considered in determining whether to include offsite alternatives. Relevant factors to consider are set forth in State CEQA Guidelines Section 15126.6(f)(2). Section 15126.6(f) further explains, more generally that, "[a]mong the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; see *Save Our Residential Environment v. City of West Hollywood* (1992) 9 Cal.App.4th 1745, 1753, fn. 1)."

In the *Citizens of Goleta Valley* decision, twice mentioned in Section 15126.6, the California Supreme Court focused on the factor of whether, for a private project, the proponent can reasonably acquire, control or otherwise have access to an alternative site where development could occur with fewer or diminished significant environmental impacts.

With all of these considerations and factors in mind, the County conducted a detailed and thorough review of potentially feasible alternative sites within the unincorporated County for developing the proposed project. The review of potential alternative sites included consideration of several criteria related to the project's characteristics and objectives that would be necessary to develop comparable components to the proposed project, including an academic campus, daycare center, fitness center, residential care facility, market-rate and affordable housing, stormwater retention, similar proportion of open space and recreation areas, and new bicycle and pedestrian paths

within the property. The criteria considered for potential alternative sites included locations with similar size, zoning, Countywide Plan land use designations, roadway/highway access, availability of utilities, and market availability (i.e., whether the site can be reasonably acquired by the project applicant). Based on these criteria, the County identified the three potential alternative sites specified above.

Regarding Site 1 (Buck Center for Research in Aging Vacant Property), while the site provides the opportunity to develop 249 dwelling units, it is vacant land with no existing roadway access, utilities, or infrastructure. Thus, this site would not meet the development criteria for this alternative. It would also not meet some of the project's basic objectives, such as supporting a thriving campus use that offers amenities to the surrounding community and academic value for the region. Due to the undeveloped nature of the project site, potential to cause potentially greater environmental impacts, and the inability to meet development criteria and basic project objectives, this alternative site location has been eliminated from further review.

Regarding Site 2 (St. Vincent's School for Boys), while the site provides the opportunity to develop a comparable number of housing units comparable to the proposed project, development of this site as an alternative to the proposed project would not meet some of the basic project objectives. Examples of unmet project objectives are supporting a thriving college campus use that offers amenities to the surrounding community and academic value for the region; providing outstanding, long-distance vistas, such as visual access to the San Francisco Bay (or another elevated vista, perhaps); and creating a unique space with the potential to improve and transform the social fabric of the site and local community. In addition, the applicant maintains an existing lease agreement with Olivet University and there are no plans to sell the proposed project site or move the university to another location. Likewise, it is unknown if Catholic Charities or Winston Preparatory School have any plans to sell this alternative site location or move both school operations to another location. In addition, the applicant does not own other land, have a current lease, or any other type of agreement with any other property owners (including the St. Vincent's School for Boys) to accommodate the proposed project. Because this alternative site location would not meet some of the basic project objectives and legal and logistical constraints related to lease agreements with current tenants and land owners, this alternative site location would not be feasible and has been eliminated from further review.

Regarding Site 3 (San Domenico School), while the site provides the opportunity to develop housing units, it is limited to 50 dwelling units on 2.4 acres of noncontiguous land which would not be enough to accommodate a development comparable to the proposed project. Furthermore, the site provides one roadway for ingress and egress and thus has constraints on emergency access and evacuation. Therefore, this alternative site location would not meet some of the project's basic project objectives and has been eliminated from further review.

Although Sites 1, 2 and 3 were identified as potential alternative site locations and could be developed at varying densities with residential dwelling units, they either did not meet the alternate site development criteria outlined above, would not fulfill most of the basic project objectives, had the potential to cause potentially greater environmental impacts, or were not feasibly available. Therefore, this alternative has been determined to be infeasible and thus was not discussed in further detail in the EIR.

9.2.3 Alternative 3: Community Plan Consistent Alternative

SUMMARY OF ALTERNATIVE

Alternative 3 involves denial of the proposed Community Plan Amendment and approval of a new Master Plan, and assumes that development of the site could occur consistent with the currently adopted Strawberry Community Plan and the same number of units would be developed as the proposed project (i.e., 324 new/replacement units and 3.3 dwelling units per acre). Because the 1984 Master Plan for the Seminary property expired in 2018, a new Master Plan would be required. This alternative assumes that Olivet University (or an equivalent college) would remain on the site because the existing facilities are suitable for this use, the facilities could be upgraded consistent with existing plans

and zoning and the new Master Plan, and lease renewal would be reasonably foreseeable. In addition, Alternative 3 also assumes that university enrollment would increase up to 1,000 students consistent with the 1953 CUP.

RELATIONSHIP OF ALTERNATIVE TO PROJECT OBJECTIVES

The Community Plan Consistent Alternative would fully meet most of the project objectives. Alternative 3 would achieve the following objectives:

- create an intergenerational community for residents to live, work, and learn;
- support a thriving campus use that offers amenities to the surrounding community and academic value for the region;
- continue to provide undisturbed views and visual access to the Bay through retainment of undeveloped open space areas within the project site and preservation of existing viewsheds and local ridgelines;
- support a housing balance in the Strawberry community while creating a unique space with the potential to improve and transform the social fabric of the site and local community;
- support implementation of Countywide Plan Housing Element goals and policies (including Housing Goal 1 and supporting policies 1.1 through 1.3 as well as Housing Goal 2 and supporting policies 2.1, 2.4 and 2.5) to provide housing units, including affordable units, that contribute to meeting the housing goals outlined in the Countywide Plan Housing Element and consistent with the Association of Bay Area Governments' Regional Housing Needs Allocation for Marin County; and
- develop the project site sensitive to and compatible with the scale and form of the surrounding area.

However, the Community Plan Consistent Alternative would not meet the project objective to provide improvements to the circulation systems serving the Strawberry community including enhanced trails, bicycle facilities, and pedestrian enhancements on the project site.

ENVIRONMENTAL ANALYSIS

The potential impacts of the Community Plan Consistent Alternative are discussed in detail in Chapter 5, "Alternatives," of the Draft EIR. As indicated in Table 5-1, "Summary of Environmental Effects of the Alternatives Relative to the Proposed North Coast Land Holdings Project," of the Draft EIR, the Community Plan Consistent Alternative would not avoid or substantially lessen the project's significant impacts and would result in similar impacts on Aesthetics; Air Quality; Archaeological, Historical, and Tribal Cultural Resources; Biological Resources; Energy; Geology and Mineral Resources; Greenhouse Gas Emissions and Climate Change Vulnerability; Hazards, Hazardous Materials, and Wildfire; Hydrology; Land Use and Planning; Noise; Population and Housing; Public Services and Recreation; Transportation; and Utilities and Service Systems.

FINDINGS

The Marin County Board of Supervisors rejects the Community Plan Consistent Alternative as undesirable because, although it would achieve most of the project objectives, it would not avoid or substantially lessen any of the significant impacts of the project and would not attain the project objectives to the same extent as the project. Therefore, pursuant to State CEQA Guidelines Section 15091(a)(3), the Marin County Board of Supervisors finds that specific economic, legal, social, technological or other considerations make the Community Plan Consistent Alternative infeasible.

FACTS IN SUPPORT OF FINDINGS

The Community Plan Consistent Alternative would not avoid or substantially lessen the project's significant impacts and would result in similar impacts on all resources.

The Community Plan Consistent Alternative would fully meet most of the project objectives because it would still allow for the development of the site in accordance with the currently approved Strawberry Community Plan, as well as the development of the same number of units as the proposed project (i.e., 324 new/replacement units). Under this alternative, Olivet University (or an equivalent college) would remain on the site because the existing facilities are suitable for this use, the facilities could be upgraded consistent with existing plans and zoning and the new Master Plan, and lease renewal would be reasonably foreseeable. Therefore, the Community Plan Consistent Alternative would fully meet the project objectives related to creating an intergenerational community for residents; supporting a thriving campus use; continuing to provide undisturbed views and visual access to the Bay through retainment of undeveloped open space areas within the project site and preservation of existing viewsheds and local ridgelines; supporting a housing balance in the Strawberry community; supporting implementation of the Countywide Plan Housing Element goals and policies to provide a mix of housing units, including affordable units; and developing the project site sensitive and compatible with the scale and form of the surrounding area. However, the Community Plan Consistent Alternative would not meet the project objective to provide improvements to the circulation systems serving the Strawberry community including enhanced trails, bicycle facilities, and pedestrian enhancements on the project site.

9.2.4 Alternative 4: Mitigated Plan Alternative

SUMMARY OF ALTERNATIVE

The purpose of the Mitigated Plan Alternative is to consider modifications to the development plan (e.g., configuration of the conceptual layout planned land uses) to reduce environmental impacts and illustrate the incorporation of recommended mitigation measures. The modifications are based on the analysis of the impacts of the project as proposed, County policy interpretation, where potentially significant impacts are identified for the proposed project, and recommended mitigation measures in the Draft EIR. These modifications include alternative actions that may be different than the mitigation measures proposed for the project itself. Similar to the proposed project, development under this alternative would include renovation of existing academic buildings, relocation of an existing daycare center, construction of a new fitness center, construction of a new residential care facility, upgrades to existing housing and construction of new housing, retention of and access improvements to existing open space and recreation areas, and creation of new bicycle and pedestrian paths within the property. Based on the environmental impact analysis contained in Sections 3.1 through 3.15 of the Draft EIR, the proposed project would result in potentially significant impacts on aesthetics, air quality, archaeological and tribal cultural resources, biological resources, geology and soils, greenhouse gas emissions, noise, public services, and transportation. Moreover, with the implementation of mitigation measures, the proposed project would result in significant and unavoidable impacts related to GHG emissions, construction noise, and VMT. Because the mitigated plan alternative focuses on reconfiguration of the proposed layout, it addresses impacts related to direct physical landscape alteration, rather than operational impacts (i.e., GHG emissions and VMT).

Not all of the reconfigurations considered in Alternative 4 originate from recommended mitigation measures. For instance, a land use configuration change may be considered in addition to the recommended mitigation approach. An example is the Alternative 4 feature of relocating units off Chapel Hill in an alternative land use configuration, as an option that may be implemented in lieu of or in conjunction with recommended screening views of Chapel Hill units with vegetation (Mitigation Measure 3.1-1a). Alternative 4 proposes relocating the proposed residential units on Chapel Hill to lower elevations within the project site to reduce local ridgeline visual impacts. Other modifications proposed in this alternative that are different than the recommended mitigation measures include redesign of the residential care facility by reducing the size and lowering the elevation of buildings to reduce local ridgeline impacts.

Also, relocating and focusing development within Slope Stability Zone 1 with its generally gentler slopes, as identified in Draft EIR Figure 3.6-2, "Relative Slope Stability," to address potentially significant impacts related to slope stability and landslide hazards.

Features of the alternative that involve incorporating elements of mitigation measures recommended in the Draft EIR include design features to achieve conformance with County policies related to visual resources and reduce color contrast and glare impacts, including the incorporation of light and slightly darker-valued earth-toned building materials that are flat and non-reflective, use of albedo surfaces that maximum reflectance coefficient of 0.6, and planting of screening shrubs and trees. To address potentially significant impacts related to disturbance or loss of monarch butterfly (should pre-construction surveys find the project site is used for monarch butterfly overwintering in the Shuck Drive Knoll and Seminary Point Planning Areas) Alternative 4 would avoid removal of healthy live overstory Monterey Pine that may contribute to suitable overwintering habitat. If this restriction prohibits construction of residential dwellings in these planning areas, the dwelling units would be relocated to any other planning area. To address potentially significant impacts related to safety hazards and emergency access, this alternative would also widen Gilbert Drive and Hodges Drive to County standards, install and activate emergency preemption detection technology in the traffic signals at the intersections of Redwood Highway Frontage Road/Seminary Drive and Redwood Highway Frontage Road/US 101 northbound ramps/De Silva Island Drive, and install and activate emergency vehicle preemption emitting devices in seven fire station vehicles housed at Strawberry Fire Station 9.

Similar to the proposed project, 13 existing housing units would be retained on site. All other components of the proposed project would be developed under this alternative. Alternative 4 would also require a minimum of 90 and a maximum of 100 housing units to be reserved for student housing to serve the University student population onsite. Lastly, this alternative would include a new onsite gym that would be exclusively available for use by university students and faculty. These requirements are consistent with the existing Strawberry Community Plan.

RELATIONSHIP OF ALTERNATIVE TO PROJECT OBJECTIVES

The Mitigated Plan Alternative would fully meet all of the project objectives, which include the following:

- create an intergenerational community for residents to live, work, and learn;
- support a thriving campus use that offers amenities to the surrounding community and academic value for the region;
- continue to provide undisturbed views and visual access to the Bay through retainment of undeveloped open space areas within the project site and preservation of existing viewsheds and local ridgelines;
- support a housing balance in the Strawberry community while creating a unique space with the potential to improve and transform the social fabric of the site and local community;
- support implementation of Countywide Plan Housing Element goals and policies (including Housing Goal 1 and supporting policies 1.1 through 1.3 as well as Housing Goal 2 and supporting policies 2.1, 2.4 and 2.5) to provide housing units, including affordable units, that contribute to meeting the housing goals outlined in the Countywide Plan Housing Element and consistent with the Association of Bay Area Governments' Regional Housing Needs Allocation for Marin County;
- develop the project site sensitive to and compatible with the scale and form of the surrounding area; and
- provide improvements to circulation systems serving the Strawberry community in the form of enhanced trails, bicycle facilities, and pedestrian enhancements on the project site.

ENVIRONMENTAL ANALYSIS

The potential impacts of the Mitigated Plan Alternative are discussed in detail in Chapter 5, "Alternatives," of the Draft EIR. As indicated in Table 5-1, "Summary of Environmental Effects of the Alternatives Relative to the Proposed North

Coast Land Holdings Project," of the Draft EIR, the Mitigated Plan Alternative would avoid or substantially lessen the project's significant impacts on Aesthetics; Biological Resources; Geology and Mineral Resources; Greenhouse Gas Emissions and Climate Change Vulnerability; and Transportation. Additionally, the Mitigated Plan Alternative would have similar impacts as the project on Air Quality; Archaeological, Historical, and Tribal Cultural Resources; Hazards, Hazardous Materials, and Wildfire; Land Use and Planning; Noise; Population and Housing; and Public Services and Recreation. Finally, the Mitigated Plan Alternative would have greater impacts than the project on Energy; Greenhouse Gas Emissions and Climate Change Vulnerability; Hydrology; and Utilities and Service Systems.

FINDINGS

The Marin County Board of Supervisors rejects the Mitigated Plan Alternative as undesirable because, although it would achieve all of the project objectives, it would not avoid or substantially lessen any of the significant impacts of the project and would not attain the project objectives to the same extent as the project. Therefore, pursuant to State CEQA Guidelines Section 15091(a)(3), the Marin County Board of Supervisors finds that specific economic, legal, social, technological or other considerations make the Mitigated Plan Alternative infeasible.

FACTS IN SUPPORT OF FINDINGS

The Mitigated Plan Alternative would avoid or substantially lessen the project's significant impacts avoid or substantially lessen the project's significant impacts on Aesthetics; Biological Resources; Geology and Mineral Resources; Greenhouse Gas Emissions and Climate Change Vulnerability; and Transportation. Additionally, the Mitigated Plan Alternative would have similar impacts as the project on Air Quality; Archaeological, Historical, and Tribal Cultural Resources; Hazards, Hazardous Materials, and Wildfire; Land Use and Planning; Noise; Population and Housing; and Public Services and Recreation. Finally, the Mitigated Plan Alternative would have greater impacts than the project on Energy; Greenhouse Gas Emissions and Climate Change Vulnerability; Hydrology; and Utilities and Service Systems.

The Mitigated Plan Alternative would include all the same components as the proposed project but would be in a different configuration on the project site to address location-specific impacts (i.e., those related to direct physical landscape alteration). Under this alternative, no operation-related changes would occur compared to the proposed project, nor would there be any reduction in the number of residential development or student enrollment on the site. As such, because this alternative would still include all of the same project components, albeit in a different configuration on the site, the Mitigated Plan Alternative would fully meet all of the project objectives, including creating an intergenerational community for residents; supporting a thriving campus use; continuing to provide undisturbed views and visual access to the Bay through retainment of undeveloped open space areas within the project site and preservation of existing viewsheds and local ridgelines; supporting a housing balance in the Strawberry community; supporting implementation of the Countywide Plan Housing Element goals and policies to provide a mix of housing units, including affordable units; developing the project site sensitive and compatible with the scale and form of the surrounding area; and providing improvements to circulation systems serving the Strawberry community.

9.2.5 Environmentally Superior Alternative

As required by State CEQA Guidelines Section 15126.6, one of the alternatives must be identified as the Environmentally Superior Alternative. Because the No Project/No Build Alternative (described above in Section 9.2.1) would avoid almost all adverse impacts resulting from construction and operation of the proposed project analyzed in Chapter 3, with the exception of transportation impacts which would be greater, it is the environmentally superior alternative. However, the No Project/No Build Alternative would not meet most of the project objectives.

When the environmentally superior alternative is the No Project Alternative, State CEQA Guidelines Section 15126(d)(2) requires selection of an environmentally superior alternative other than the No Project Alternative from

among the other action alternatives evaluated. The Mitigated Plan Alternative would be the environmentally superior action alternative because although the majority of environmental impacts would be similar to those of the proposed project, and no significant and unavoidable impacts would be completely rendered less than significant, the proposed modified development plan would reduce potentially significant impacts related to visual resources, biological resources, slope stability and landslide hazards, and safety hazards and emergency access. It should be noted that further geotechnical engineering would be required to confirm development and design level stability requirements. In addition, while impacts overall would be reduced, Alternative 4 would result in potentially greater impacts related to water quality and stormwater drainage. In addition, impacts would be incrementally higher for energy and GHGs as a result of construction and operation of the onsite gym. Thus, while Alternative 4, on balance, is environmentally superior to the proposed project, both Alternative 4 and the project represent different environmental tradeoffs, with some being greater, and some being lesser, for each policy choice. The Board of Supervisors, when considering the proposed project, will have to weigh and balance these tradeoffs.

10 INCORPORATION BY REFERENCE

These findings incorporate the text of the Final EIR for the project, the MMRP, County staff reports related to the project, and other documents relating to public hearings on the project, by reference, in their entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, project and cumulative impacts, the basis for determining the significance of impacts, the comparison of the alternatives to the project, the determination of the environmentally superior alternative, and the reasons for approving the project.

11 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Code Section 21081(b) and State CEQA Guidelines section 15093(a) and (b), the Marin County Board of Supervisors is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of the project, including region-wide or statewide environmental benefits, outweigh the unavoidable adverse environmental effects, those effects may be considered "acceptable" (State CEQA Guidelines, Section 15093 (a)). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (State CEQA Guidelines, Section 15093(b)).

Courts have upheld overriding considerations that were based on a variety of policy considerations including, but not limited to, new jobs, stronger tax base, and implementation of an agency's economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to community plan, and provision of construction jobs (See *Towards Responsibility in Planning v. City Council* (1988) 200 Cal App. 3d 671; *Dusek v. Redevelopment Agency* (1985) 173 Cal App. 3d 1029; *City of Poway v. City of San Diego* (1984) 155 Cal App. 3d 1037; *Markley v. City Council* (1982) 131 Cal App.3d 656). In accordance with the requirements of CEQA and the State CEQA Guidelines, the Marin County Board of Supervisors finds that the mitigation measures identified in the Final EIR and the MMRP, when implemented, will avoid or substantially lessen many of the significant effects of the project. However, as set forth above, the County has found that the project will result in project-level and/or cumulative significant adverse environmental impacts that cannot be avoided following adoption, incorporation into the project, and implementation of mitigation measures described in the EIR. In addition, there are no feasible project alternatives that would mitigate or avoid all of the project's significant environmental impacts. Significant and unavoidable project impacts include:

- Impact 3.7-1: Generate GHG Emissions, Either Directly or Indirectly, that May Have a Significant Impact on the Environment;
- Impact 3.11-1: General Substantial Temporary Construction Noise;
- Impact 3.14-2: Conflict or be Inconsistent with State CEQA Guidelines Section 15064.3, Subdivision (b) Regarding Vehicle Miles Traveled;
- Contribute to Cumulative Greenhouse Gas Emissions and Climate Change Impacts; and
- Contribute to Cumulative Impacts on Vehicle Miles Traveled.

The following statement identifies the reasons why, in the County's judgment based on substantial evidence, specific benefits of the project outweigh these significant and unavoidable effects of the project. The substantial evidence supporting the benefits of the project can be found in the preceding sections of these Findings, in the project itself, and in the record of proceedings as defined in Chapter 4, above. The County further finds that each of the project's benefits discussed below is a separate and independent basis for these findings. The reasons set forth below are based on the Final EIR and other information in the administrative record. Pursuant to State CEQA Guidelines Section 15093, the County hereby finds that the project would have the following economic, social, technological, and environmental benefits and that each of the following benefits is sufficient, on its own, to justify adoption of the project:

- The project will provide additional housing opportunities that would accommodate anticipated population growth in unincorporated Marin County, thereby helping to lessen upward pressure on housing costs. As set forth in legislative findings supporting SB 330, California is facing a housing emergency. By adding a net increase of 184 new residential units to the unincorporated County, the project directly addresses this crisis, thereby furthering state housing policy while providing additional places for Marin County residents to live. The additional

housing provided by the project would also help the County meet its Regional Housing Needs Allocation (RHNA) prescribed in its 6th Cycle Housing Element.

- The project responds to the broad range of housing needs in Marin County and enables development of an adequate supply of housing for Marin's workforce, residents, and special needs populations by supporting a mix of housing types, densities, and affordability levels. Among the likely beneficiaries of the new housing from the project will be students attending Olivet University as well as faculty and others employed by the university. Importantly, the project includes an affordable housing component that will provide subsidized housing to individuals and families with limited means.
- The project will create an intergenerational community for residents to live, work, and learn by providing a mix of market rate and affordable housing units, senior housing in the residential care facility, and community amenities including a daycare, fitness center, and trails.
- The project will provide improvements to circulation systems serving the Strawberry community in the form of enhanced trails, bicycle facilities, and pedestrian enhancements on the project site.

Considering all the factors, the Marin County Board of Supervisors finds that there are specific economic, legal, social, technological, and other considerations associated with the project that serve to override and outweigh the project's significant unavoidable effects and, thus, the adverse effects are considered acceptable. Therefore, the Marin County Board of Supervisors hereby adopts this Statement of Overriding Considerations.

12 SUMMARY

Based on the foregoing Findings and the information contained in the record, the County has made one or more of the following Findings with respect to each of the significant environmental effects of the project:

a. Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects identified in the Final EIR.

b. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other public agency.

c. Specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or alternatives identified in the Final EIR that would otherwise avoid or substantially lessen the identified significant environmental effects of the project.

Based on the foregoing Findings and the information contained in the record, the County determines that:

a. All significant effects on the environment due to the approval of the Project have been eliminated or substantially lessened where feasible.

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

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