Draft Subsequent EIR

City of Mill Valley 2023-2031 General Plan Housing and Land Use Element Update and Zoning Amendments

SCH#2013052005

January 13, 2023

Prepared by

EMC Planning Group

DRAFT SUBSEQUENT EIR

CITY OF MILL VALLEY 2023-2031 GENERAL PLAN HOUSING AND LAND USE ELEMENT UPDATE AND ZONING AMENDMENTS

Subsequent to the 2013 City of Mill Valley 2040 General Plan EIR

SCH# 2013052005

PREPARED FOR

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1.0 Introduction

1.1 Purpose for Preparing the Subsequent Program EIR

The City of Mill Valley (City) is updating its Housing Element consistent with the requirements under California State law. Part of the Housing Element update requires that the City identify adequate housing sites to accommodate the Regional Housing Needs Allocation (RHNA) assigned to the City by the California Department of Housing and Development (HCD) and the Association of Bay Area Governments/Metropolitan Transportation Authority (ABAG/MTC). In order to implement the Housing Element update, the City will need to amend its General Plan Land Use Element and the City's Municipal Code, including the Zoning Ordinance.

The City of Mill Valley, acting as the lead agency, has determined that the City of Mill Valley 2023-2031 Housing and Land Use Amendments and Zoning Amendments project could result in significant adverse environmental impacts, and therefore, determined that preparation of an environmental impact report (EIR) will be required. This EIR is subsequent to the 2013 *Final - Certified Environmental Impact Report Mill Valley 2040 General Plan* (general plan EIR), updating existing analysis where appropriate, and presenting new analysis where necessary. This subsequent program EIR will evaluate only the change in General Plan buildout resulting from the amendments to the Land Use and Housing Elements. The subsequent program EIR will not evaluate total buildout of the amended General Plan.

This subsequent program EIR has been prepared in compliance with the California Environmental Quality Act (CEQA) of 1970, as amended, to inform public decision makers and their constituents of the environmental impacts of the proposed project. In accordance with CEQA guidelines, this report describes both beneficial and adverse environmental impacts generated by the proposed project and suggests measures for mitigating significant adverse environmental impacts resulting from the proposed project.

1.2 Methodology

Definition of Project

CEQA Guidelines Section 15378 defines a project as follows: "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:

1. An activity directly undertaken by any public agency including but not limited to public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100–65700.
2. An activity undertaken by a person which is supported in whole or in part through public agency contacts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.
3. An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

Therefore, because amending general plans and zoning ordinances are considered a project under CEQA, the City of Mill Valley 2023-2031 Housing and Land Use Amendments and Zoning Amendments will be referred to in this EIR as the "proposed project."

Program EIR

Definition

CEQA Guidelines section 15168 defines a project EIR as follows:

(a) General. A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:

(1) Geographically;

(2) As logical parts in the chain of contemplated actions;

(3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or

(4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

(b) Advantages. Use of a program EIR can provide the following advantages. The program EIR can:

(1) Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action;

(2) Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis;

(3) Avoid duplicative reconsideration of basic policy considerations;

(4) Allow the Lead Agency to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts; and

(5) Allow reduction in paperwork.

(c) Use with Later Activities. Later activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.

(1) If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration. That later analysis may tier from the program EIR as provided in Section 15152.

(2) If the agency finds that pursuant to Section 15162, no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required. Whether a later activity is within the scope of a program EIR is a factual question that the lead agency determines based on substantial evidence in the record. Factors that an agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the program EIR.

(3) An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into later activities in the program.

(4) Where the later activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the program EIR.

(5) A program EIR will be most helpful in dealing with later activities if it provides a description of planned activities that would implement the program and deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed project description and analysis of the program, many later activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.

(d) Use with Subsequent EIRs and Negative Declarations. A program EIR can be used to simplify the task of preparing environmental documents on later activities in the program. The program EIR can:

(1) Provide the basis in an Initial Study for determining whether the later activity may have any significant effects.

(2) Be incorporated by reference to deal with regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole.

(3) Focus an EIR on a later activity to permit discussion solely of new effects which had not been considered before.

(e) Notice with Later Activities. When a law other than CEQA requires public notice when the agency later proposes to carry out or approve an activity within the program and to rely on the program EIR for CEQA compliance, the notice for the activity shall include a statement that:

(1) This activity is within the scope of the program approved earlier; and

(2) The program EIR adequately describes the activity for the purposes of CEQA.

Applicability to the Proposed Project

Therefore, this EIR is a program EIR, because it is prepared on a series of actions that can be characterized as one large project and are related geographically (all within the City of Mill Valley), as logical parts in the chain of contemplated actions (all housing projects pursuant to the proposed housing element update require future actions to be taken by the City), in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program (future housing projects consistent with the housing element [program]), and each housing project in the City would be carried out under the same authorizing statutory or regulatory authority and will have generally similar environmental effects which can be mitigated in similar ways.

Community-level Environmental Review

Definition

Public Resources Code (CEQA) § 21159.20 defines community-level environmental review as follows:

(b) "Community-level environmental review" means either of the following:

(1) An environmental impact report certified on any of the following:

(A) A general plan.

(B) A revision or update to the general plan that includes at least the land use and circulation elements.

(C) An applicable community plan.

(D) An applicable specific plan.

(E) A housing element of the general plan, if the environmental impact report analyzed the environmental effects of the density of the proposed project.

(2) Pursuant to this division and the implementing guidelines adopted pursuant to this division that govern subsequent review following a program environmental impact report, or pursuant to Section 21157.1, 21157.5, or 21166, a negative declaration or mitigated negative declaration was adopted as a subsequent environmental review document, following and based upon an environmental impact report on any of the projects listed in subparagraphs (A), (C), or (D) of paragraph (1).

Applicability to the Proposed Project

This EIR is a community-level EIR because it analyzes the environmental effects of the density of the proposed housing element update. This EIR specifically analyzes the density of the housing element update in the following areas: aesthetics, air quality, biological resources, energy, greenhouse gas emissions, noise, vehicle miles traveled, tribal cultural resources, wildfire and public services and utilities.

General

This subsequent program EIR has been prepared by EMC Planning Group in accordance with CEQA and its implementing guidelines, using an interdisciplinary approach. This EIR is an informational document that is intended to inform the decision makers and their constituents, as well as responsible and trustee agencies of the environmental impacts of the proposed project and to identify feasible mitigation measures that would avoid or reduce the severity of the impacts. The lead agency is required to consider the information contained in this EIR prior to taking any discretionary action to approve the proposed project.

This EIR has been prepared using available information from private and public sources noted herein, as well as information generated through field investigation by EMC Planning Group and other technical experts.

The purpose of an EIR is to identify a project's significant environmental effects, to indicate the manner in which those significant effects can be mitigated or avoided, and to identify alternatives to the proposed project.

An EIR is an objective public disclosure document that takes no position on the merits of the proposed project. Therefore, the findings of this EIR do not advocate a position "for" or "against" the proposed project. Instead, the EIR provides information on which decisions about the proposed project can be based. This EIR has been prepared according to professional standards and in conformance with legal requirements.

Emphasis

This draft subsequent program EIR focuses on the significant effects on the environment in accordance with CEQA Guidelines Section 15143. The significant effects are discussed with emphasis in proportion to their severity and probability of occurrence.

Forecasting

In accordance with CEQA Guidelines Section 15144, preparing this draft subsequent program EIR necessarily involved some degree of forecasting. While foreseeing the unforeseeable is not possible, the report preparers and technical experts used best available efforts to find out and disclose all that it reasonably can.

Speculation

If, after thorough investigation, the report preparers in consultation with the lead agency determined that a particular impact is too speculative for evaluation, the conclusion is noted and the issue is not discussed further (CEQA Guidelines Section 15145).

Degree of Specificity

In accordance with CEQA Guidelines Section 15146, the degree of specificity in this draft subsequent program EIR corresponds to the degree of specificity involved in the proposed project. An EIR on a project such as the adoption or amendment of a general plan or zoning ordinance (e.g., the proposed project) should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.

Technical Detail

The information contained in this draft subsequent program EIR includes summarized technical data, maps, plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public, pursuant to CEQA Guidelines Section 15147. Placement of highly technical and specialized analysis and data is included as appendices to the main body of the draft subsequent program EIR. Appendices to this draft subsequent program EIR are provided on the City's website through the following link: www.cityofmillvalley.org/housingelement.

Citation

In accordance with CEQA Guidelines Section 15148, preparation of this draft subsequent program EIR was dependent upon information from many sources, including technical reports and scientific documents relating to environmental features. If the document was prepared specifically for the proposed project, the document is included in the technical appendices discussed above. Documents that were not prepared specifically for the proposed project, but contain information relevant to the environmental analysis of the proposed project, are cited but not included in the appendices. This draft subsequent program EIR cites all documents used in its preparation including, where appropriate, the page and section number of any technical reports that were used as the basis for any statements in the draft subsequent program EIR.

1.3 EIR Process

There are several steps required in an EIR process. The major steps are briefly discussed below.

Notice of Preparation

CEQA Guidelines Section 15082 describes the purpose, content and process for preparing, circulating and facilitating early public and public agency input on the scope of an EIR. A notice of preparation is a brief notice sent by the Lead Agency to notify the Responsible Agencies, Trustee Agencies, the Office of Planning and Research, involved federal agencies that the Lead Agency plans to prepare an EIR for the project. The notice must be filed with the County Clerk. The purpose of the notice is to solicit guidance from those agencies as to the scope and content of the environmental information to be included in the EIR.

A notice of preparation (NOP) was prepared for the proposed project and circulated for 30 days from July 22, 2022 to August 22, 2022, as required by CEQA. Written responses to the NOP were received from the following:

1. Native American Heritage Commission (NAHC), dated July 27, 2022;
2. California Department of Fish & Wildlife, dated August 12, 2022;
3. Soluri Meserve on behalf of Friends of Hauke Park, dated August 15, 2022;
4. California Department of Transportation (Caltrans) District 4, dated August 19, 2022;
5. Carlos Montalvan, e-mail dated August 22, 2022;
6. Gabrielle Tierney, e-mail dated August 22, 2022;
7. Carolyn Heyder, e-mail dated August 22, 2022;
8. Eric Bindelglass, e-mail dated August 22, 2022;
9. Grant Morris, e-mail dated August 22, 2022;
10. David Wygant, e-mail dated August 22, 2022;
11. Paula Weaver McGrath, e-mail dated August 22, 2022; and
12. Soluri Meserve on behalf of Friends of Hauke Park, dated August 22, 2022.

The notice of preparation, as well as comments received from agencies, organizations, and private individuals are included in Appendix A.

As part of the early consultation process and pursuant to CEQA Guidelines Section 15082(c)(1) regarding projects of statewide importance and Section 15083 regarding early public consultation, a scoping meeting was held via Zoom on August 4, 2022 at 6:30 P.M. City staff along with EMC Planning Group staff made a brief presentation. Two members of the public attended and provided comments on the scope of the subsequent EIR. The first commenter addressed the 1 Hamilton Drive project and the separate CEQA review process for that project as relates to the Housing Element Update. The second commenter addressed the following concerns as relates to the proposed project: water availability for new development; emergency response/access and services impacts; traffic and circulation impacts; wildfire hazards; and questions about the status of the City's Safety Element Update.

The comment letter from the Native American Heritage Commission is a boilerplate letter addressing tribal and cultural resources. Tribal and cultural resources are addressed in Section 13.0 of this draft SEIR. The comment letter from the California Department of Fish and Wildlife is also a boilerplate letter addressing sensitive biological resources. Biological resources are addressed in Section 7.0 of this draft SEIR. The comment letter from the California Department of Transportation is also a boilerplate letter addressing the department's methodology for addressing vehicle miles traveled and concerns regarding possible impacts to the state highway system. Transportation-related impacts are addressed in Section 12.0 of this draft SEIR.

The comments from members of the public are regarding the 1 Hamilton Drive project, which is a proposed 50-unit housing project currently under review by the City of Mill Valley. The 1 Hamilton Drive property is included in the Housing Element Update and therefore, the number of residential units assigned to the property by the Housing Element Update is included in the evaluation in this program EIR, which evaluates build-out of the Housing Element Update with a degree of specificity required for evaluation of a housing element (see Degree of Specificity discussion presented earlier).

The City anticipates that the project-level CEQA analysis for the 1 Hamilton Drive project will be an EIR or focused EIR with a degree of specificity required for a development project (see Degree of Specificity discussion presented earlier), and that it will be circulated for public review and comment after publication of this City of Mill Valley 6th Cycle (2023-2031) Housing Element and Land Use Element Amendment and Zoning Amendment Subsequent Draft EIR (and Council action to certify the EIR and approve the Housing Element), but (as required by law) before final approval of the rezoning, ground lease, and other approvals associated with the development of the 1 Hamilton Drive property.

Draft Subsequent Program EIR

Contents

This subsequent program EIR is an informational document which will inform the City of Mill Valley decision makers and the public generally of the significant environmental effect of the proposed project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The City is required to consider the information in the subsequent program EIR along with other information which may be presented to the agency. CEQA Guidelines Article 9 requires a draft EIR contain the following information:

- Table of Contents;
- Summary;
- Project Description;
- Environmental Setting;
- Consideration and Discussion of Environmental Impacts;

- Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects;
- Consideration and Discussion of Alternatives to the Proposed Project;
- Effects not found to be Significant;
- Growth-Inducing Impacts;
- Unavoidable Impacts;
- Long-term Implications (Growth-Inducing Impacts, Significant Irreversible Environmental Effects, and Significant and Unavoidable Environmental Effects);
- Organization and Persons Consulted; and
- Discussion of Cumulative Impacts.

The detailed contents of this draft subsequent program EIR are outlined in the table of contents.

Public Review

This draft subsequent program EIR will be circulated for a 45-day public review period. All comments addressing environmental issues received on the draft subsequent program EIR will be addressed in the final EIR. CEQA Guidelines Section 15204(a) states that in reviewing a draft subsequent program EIR, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters.

CEQA Guidelines Section 15204(c) states that reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

Final Subsequent Program EIR

Contents

In accordance with CEQA Guidelines Section 15132, the final subsequent EIR will provide the following:

- List of persons, organizations, and public agencies commenting on the draft subsequent EIR;

- Comments received on the draft subsequent EIR;
- Responses to significant environmental points raised in comments; and
- Revisions that may be necessary to the draft subsequent EIR based upon the comments and responses.

According to CEQA Guidelines Section 15204(a), when responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR. The final subsequent EIR and the draft subsequent EIR will constitute the entire EIR.

Certification

CEQA Guidelines Section 15088 requires the lead agency to provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an EIR.

CEQA Guidelines Section 15090 requires lead agencies to certify the final EIR prior to approving a project. The lead agency shall certify that the final EIR has been completed in compliance with CEQA, the final EIR was presented to the decision-making body of the lead agency and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project, and that the final EIR reflects the lead agency's independent judgment and analysis.

1.4 Terminology

Characterization of Impacts

This EIR uses the following terminology to denote the significance of environmental impacts.

No Impact

"No impact" means that no change from existing conditions is expected to occur.

Adverse Impacts

A "less-than-significant impact" is an adverse impact, but would not cause a substantial adverse change in the physical environment, and no mitigation is required.

A "significant impact" or "potentially significant impact" would, or would potentially, cause a substantial adverse change in the physical environment, and mitigation is required.

A "less-than-significant impact with implementation of mitigation measures" means that the impact would cause no substantial adverse change in the physical environment if identified mitigation measures are implemented.

A "significant and unavoidable impact" would cause a substantial change in the physical environment and cannot be avoided if the project is implemented; mitigation may be recommended, but will not reduce the impact to less-than-significant levels.

Beneficial Impact

A "beneficial impact" is an impact that would result in a decrease in existing adverse conditions in the physical environment if the project is implemented.

Abbreviations and Acronyms

ABAG	Association of Bay Area Governments
AB	Assembly Bill
BEES	Building Energy Efficiency Standards
CAP	Climate Action Plan
CalEEMod	California Emissions Estimator Model
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
DSEIR	Draft Subsequent Environmental Impact Report
FSEIR	Final Subsequent Environmental Impact Report
GHG	Greenhouse Gases
HCD	California Department of Housing and Community Development
$MTCO_2e$	Metric Tons of Carbon Dioxide Equivalent
RHNA	Regional Housing Needs Allocation
SB	Senate Bill
VMT	Vehicle Miles Traveled

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2.0 Summary

2.1 CEQA Requirements

CEQA Guidelines Section 15123 requires an EIR to contain a brief summary of the proposed project and its consequences. This section includes a brief summary of the project description. Detailed project description information, including figures illustrating the project location and components, is included in Section 4.0, Project Description.

This summary also identifies each significant effect and the proposed mitigation measures and alternatives to reduce or avoid that effect; areas of controversy known to the lead agency; and issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects.

2.2 Proposed Project Summary

The primary action being taken is the 6th Cycle (2023-2031) Housing Element Update. However, updating the Housing Element to address the goals, policies and programs contained in the Housing Element also requires updates to the Land Use Element of the General Plan along with amending Title 20 (Zoning) of the City of Mill Valley Municipal Code. The proposed project includes amendments to the *City of Mill Valley 2040 General Plan* (general plan) elements (including amending the Housing Element and Land Use Element); map amendments, (including the General Plan Land Use Map and Zoning Map); and amend the City of Mill Valley Municipal Code (including Title 20, "Zoning") based on the supporting information below.

The Housing Element Update identifies 265 parcels or "sites" appropriate for the development of housing for a range of income levels. Of the 265 sites analyzed in this SEIR, 170 sites are identified in the Housing Element sites inventory, which is required by state law to illustrate that the City has enough sites to accommodate at least 865 new housing units at a range of income levels. See Chapter 4, project description for more details.

The following summarizes the proposed modifications included as part of the proposed project:

- Amending the General Plan Housing Element, including policies and programs to implement during the 8-year housing cycle.

- Establish three new Housing Overlay Zoning Districts (small lot, office conversion, opportunity site) on 73 parcels identified as part of the sites inventory list and proposed for rezoning (Housing Program 20) to accommodate regional housing goals. Implementation of this program requires: 1) amending the General Plan Land Use Element, including the Land Use and Density categories, to ensure consistency with the three new overlay zoning districts and revise the General Plan Land Use Map to identify the land use designations for the overlay zoning districts. And 2) amending to the Zoning Code create the three overlay zoning districts that will increase densities from 29 to 40 units/acre with modified development standards to facilitate redevelopment opportunities on sites.
- Amend the General Plan Land Use Element and Land Use Map, including the Land Use and Density categories for the thee housing overlays (mentioned above), 1 Hamilton Drive, 300 East Blithedale and the Presidio Neighborhood.
- Amend the Zoning Map to rezone 300 East Blithedale and the Presidio Neighborhood and establish three housing overlay districts.
- Amending other sections of the municipal code to ensure internal consistency and establish development standards based on draft programs established in the Housing Element.
- Establishing policies to execute housing programs contained in the Housing Element.

The objective of this subsequent EIR is to evaluate buildout of the housing element with the degree of specificity that corresponds to the degree of specificity in the proposed project (housing opportunities provided in the Housing Element Update) in order to streamline the environmental review process when development applications are received. CEQA and its corresponding Guidelines provide many opportunities to streamline environmental review for construction projects when such applications are submitted to the City for review and processing.

2.3 Summary of Significant Impacts and Mitigation Measures

The proposed project would result in significant or potentially significant impacts. Each significant impact is identified in Table 2-1, Summary of Significant Impacts and Mitigation Measures, located on the following page. The table lists each significant impact by topic area, mitigation measures to avoid or substantially minimize each impact, and the level of significance of each impact after implementation of the mitigation measures. Less-than-significant impacts are not included in the summary table.

Table 2-1 Summary of Significant Impacts and Mitigation Measures

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
Air Quality			
Impact 6-3. Adverse Effects to Sensitive Receptors from Toxic Air Contaminants During Operations	Significant	Mitigation Measure 6-3a The City of Mill Valley will impose a standard condition of approval sites in the zoning overlay districts that are: 1,000 feet of 1) existing permitted stationary sources of Toxic Air Contaminants (TACs) that exceed air district thresholds, 2) U.S. Highway 101, or 3) for new development that would be a source of TACs within 1,000 feet of residences or sensitive receptors. All such sites shall include a standard condition of approval as part of the issuance of a residential building permit, requiring that such sites conduct a health risk assessment to identify health risks. Mitigation Measure 6-3b Mitigation of health risks shall be required as a standard condition of approval for the above-referenced development projects, including, but not limited to, the provision of adequate buffer distances (based on recommendations and requirements of the California Air Resources Board and BAAQMD) or filters or other equipment or solutions to reduce exposure to acceptable levels as determined by the health risk assessment. TAC emission control conditions of approval shall be a standard condition of approval for sites in the zoning overlay districts and shall be coordinated and signed off by BAAQMD. Such conditions may include but are not limited to best practices; and required permit conditions to reduce exposures to TAC emissions and associated cancer risks within these areas; and/or permit conditions required by BAAQMD.	Less than Significant
Biological Resources			
Impact 7-1. Loss of Special-Status Plant Species or Their Habitats	Significant	Mitigation Measure 7-1 The City of Mill Valley will impose a standard condition of approval to be complied with prior to the approval of project plans for: 1) undeveloped housing sites, 2) housing sites within 100 feet of aquatic habitat, or 3) housing sites supporting native vegetation or trees, requiring that applicants of such sites submit a biological resources assessment prepared by a qualified biologist to the City of Mill Valley Planning and Building Department for review and approval. The biological resource assessment shall include the following information as necessary to determine whether special status species are likely to be on the site: a. Database searches to determine if special-status species have been recorded as occurring within the general vicinity. Databases include the California Department of Fish and Wildlife's California Natural Diversity Database, the California Native Plant Society Rare and Endangered Plant	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		Inventory, the US Fish and Wildlife Service Endangered Species Program, the US Fish and Wildlife Service National Wetland Inventory; and other biological studies conducted in the vicinity of the housing site, if available. b. Field surveys to: i. Identify and map the principal plant communities; ii. Determine the potential for special-status species and their habitats, wildlife movement corridors, potentially jurisdictional wetlands and waterways, regulated trees, and other significant biological resources to occur; and iii. Identify and map any observed locations of special-status species and/or habitats. c. The biological resources assessment report shall include a description of existing habitats and plant and animal species found on the housing site, and the occurrence of and/or potential for special-status species and their habitats. One or more figures shall be prepared to illustrate habitat types and the location(s) of special-status species occurring on or in the vicinity of the housing site. If potential impacts to biological resources are identified, the applicant shall be required to work with the appropriate local, regional, state, or federal agency to determine what measures are required in order to minimize or avoid impacts to special-status species and incorporate those measures into the project. Mitigation Measure 7-2 The City shall require, prior to construction of the housing sites identified above in mitigation measure 7-1, measures for the protection of biological resources identified in the biological resources assessment report or by another regional, state, or federal agency with jurisdiction shall be incorporated into the project design and documentation of compliance shall be submitted to the City of Mill Valley's Planning and Building Department prior to the issuance of building permits. Measures may include, but are not be limited to: 1. Focused plant surveys conducted during the appropriate time of year; 2. Protocol-level wildlife surveys; 3. Preconstruction surveys; 4. Incidental take permits from the California Department of Fish and Wildlife and/or U.S. Fish and Wildlife Service;	

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		5. Permits from the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, and/or Regional Water Quality Control Board for impacts to jurisdictional aquatic features; and/or 6. Arborist or forestry reports for projects requiring tree removal or the protection of trees adjacent to an impact area.	
Impact 7-2. Loss of Special-Status Wildlife Species or Their Habitats	Significant	General Plan goals NE.1, NE.2, and NE.6 and Policies NE.1, NE.2, and NE.6 call for regularly updating inventories of biological resources, collaborating with resource agencies, preserving ecological sensitive natural communities and habitats, utilizing a watershed approach for assessing impacts on species, and considering biological resource impacts as part of the planning and decision-making processes. Mill Valley Municipal Code, Chapter 6.16 – Injuring Wild Birds and Animals, provides protection to both listed and unlisted wildlife species. Implementation of the general plan goals and policies and Chapter 6.16 of the Mill Valley Municipal Code, in addition to mitigation measures 7-1 and 7-2, presented earlier, specific to development of certain housing sites would reduce impacts to special-status wildlife species to less than significant.	Less than Significant
Impact 7-3. Disturbance or Fill of Protected Wetlands, Waters of the U.S. and Sensitive Natural Communities	Significant	General Plan goals NE.1, NE.2, and NE.6 and Policies NE.1, NE.2, and NE.6 call for regularly updating inventories of biological resources, collaborating with resource agencies, preserving ecological sensitive natural communities and habitats, utilizing a watershed approach for assessing impacts on species, and considering biological resource impacts as part of the planning and decision-making processes. Mill Valley Zoning Ordinance, Chapter 20.76 – Creek Setback Ordinance, requires a 30-foot setback from the top of bank of Warner Canyon, Corte Madera Del Presidio, Sutton Manor Creek, Cascade Creek, Old Mill Creek, and Reed Creek. Implementation of the general plan goals and policies, chapter 20.76 of the Mill Valley Zoning Ordinance, and mitigation measures 7-1 and 7-2 specific to development of the housing sites would reduce impacts to protected aquatic habitats or sensitive natural communities to less than significant.	Less than Significant
Impact 7-5. Interference with Movement of Wildlife Species or with Established Wildlife Corridors	Significant	General Plan goals NE.1, NE.2, and NE.6 and Policies NE.1, NE.2, and NE.6 call for regularly updating inventories of biological resources, collaborating with resource agencies, preserving ecological sensitive natural communities and habitats, utilizing a watershed approach for assessing impacts on species, and considering biological resource impacts as part of the planning and decision-making processes. Implementation of the general plan goals and policies in addition to mitigation measures 7-1 and 7-2 specific to development of the housing sites would reduce impacts to wildlife movement to less than significant.	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
Greenhouse Gas Emissions			
Impact 9-1. Generate Greenhouse Gas Emissions	Significant	Mitigation Measure 9-1 Applicants for all new individual development projects proposed to implement the 6th Cycle Housing Element and for which applications are deemed complete by the City prior to the City adopting an updated, qualified climate action plan, incorporate the project design performance standards identified in items "a" and "b": a. No permanent natural gas infrastructure shall be permitted as part of the improvement plans for individual development projects. Individual projects shall be all electric; and b. Electric vehicle infrastructure (e.g., electric vehicle parking spaces, charging station infrastructure, chargers, etc.) consistent with CALGreen Tier 2 mandatory standards in effect at the time individual building permits are issued shall be installed in all individual development projects. However, because VMT impacts of the proposed project are potentially significant and unavoidable, even with implementation of "a" and "b" above, greenhouse gas emissions impacts would also be potentially significant and unavoidable. Mitigation measure 9-1 will not apply once the City adopts an updated, qualified CAP and for which individual projects that implement the 6th Cycle Housing Element are found to be consistent.	Significant and Potentially Unavoidable
Impact 9-2. Conflict with GHG Reduction Plans	Significant	Implementation of performance standards in mitigation measure 9-1 that are feasible would lessen any unavoidable impacts that may occur, but not to a less-than-significant level.	Significant and Potentially Unavoidable
Noise			
Impact 10-2. Construction Activities Would Result in a Temporary Noise Increase	Significant	Mitigation Measure 10-2 The City of Mill Valley shall impose the following standard condition of approval for all sites identified in the Housing Element Update: a Construction Noise Management Plan shall be prepared by the construction contractor and implemented prior to the start of and throughout construction to reduce noise impacts on the nearby existing land uses. The plan will rely on project-level calculations of construction noise and achievable noise level reduction. The plan will establish the procedures the contractor will take to reasonably minimize construction noise at the nearby existing land uses. Additionally, consistent with City of Mill Valley Municipal Code Section 7.16.090(D), the plan would include, but not be limited to, the following measures to reduce construction noise levels as low as practical: ▪ Limit construction to the hours of 7:00 AM to 6:00 PM on weekdays. No noise generating construction activities shall occur on weekends or holidays.	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		▪ Limit noise from construction workers' radios to the point where they are not audible at existing residences that border the project site. ▪ Locate stationary noise-generating equipment and staging areas as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area. ▪ Prohibit unnecessary idling of internal combustion engines. ▪ Consider temporary noise barriers during construction phases involving earth moving equipment (e.g., grading operations) where they would be effective in reducing the construction noise impact, when directly adjoining sensitive receptors. An eight-foot plywood noise barrier could reduce noise levels by at least 5 dBA. ▪ Notify residents adjacent to the project site of the construction schedule in writing. ▪ Post the project's approved construction management plan on the site, which shall include the address, project information, allowable truck route, carpooling requirements, allowable construction hours, site supervisor, and emergency contact.	
Impact 10-3. Groundborne Vibration Intensity from Construction and Operation Activities Associated with the Proposed Project May Be Perceptible at Sensitive Receptors	Significant	Mitigation Measure 10-3 The City of Mill Valley shall impose the following standard condition of approval for all sites identified as part of the Housing Element Update that conduct work with heavy construction activities involving significant site grading, underground, or foundation work will occur within 25 feet of properties listed in the Mill Valley Historic Resources Inventory (HRI) Survey Report: a groundborne vibration study shall be prepared by qualified professionals in accordance with industry-accepted methodologies and shall include the recommended vibration assessment procedure and thresholds provided by public agencies such as Caltrans or the Federal Highway Administration. The study shall identify necessary construction vibration controls to reduce both human annoyance and the possibility of cosmetic damage. Controls shall include, but not be limited to, the following measures: ▪ A list of all heavy construction equipment to be used for this project known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort for reducing vibration levels below the thresholds. ▪ Place operating equipment on the construction site as far as possible from vibration-sensitive receptors.	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		▪ Use smaller equipment to minimize vibration levels below the limits. ▪ Avoid using vibratory rollers and tampers near sensitive areas. ▪ Select demolition methods not involving impact tools. ▪ Modify/design or identify alternative construction methods to reduce vibration levels below the limits. ▪ Avoid dropping heavy objects or materials.	
Transportation			
Impact 12-1. Generate Home-Based VMT per Resident that is Greater than 85 Percent of the Regional Average Home-Based VMT per Resident	Significant	Mitigation Measure 12-1 The City of Mill Valley shall include a program in the final Housing Element Update as part of Goal 8.0 "promote a healthy and sustainable Mill Valley through support of existing and new housing which minimizes reliance on natural resources and automobile use" to further evaluate the City's vehicle miles traveled (VMT) policies for new residential development and address appropriate residential travel demand management plan (TDM) measures identified as potentially reducing VMT by the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (December 2021). Examples of TDM measures could include, but are not limited to, the following: ▪ Unbundle parking costs (i.e., sell or lease parking separately from the housing unit); ▪ Provide car-sharing, bike sharing, or scooter sharing program; ▪ Subsidize transit passes for residents; ▪ Integrate affordable and below market rate housing; ▪ Provide trip planning resources; ▪ Provide pedestrian network improvements; ▪ Construct or improve bike facilities; and ▪ Implement a school pool program.	Significant and Unavoidable
Tribal Cultural Resources			
Impact 13-1. Potential Adverse Impact to Tribal Cultural Resources	Significant	Mitigation Measure 13-1 Consultation with the Federated Indians of Graton Rancheria is required for each proposed housing project in the 6th Cycle Housing Element. Consultation may result in mitigation measures beyond those identified herein. The Planning Department will ensure that all acceptable mitigation measures are implemented prior to issuance of a grading permit.	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		Mitigation Measure 13-2 The City of Mill Valley shall impose the following standard condition of approval for all sites identified in the Housing Element Update that are: 1) not completely developed and 2) original surface soils are visible: an archaeological inspection and archaeological records search shall be required prior to approval of the project. The archaeological inspection and records search may result in mitigation measures beyond those identified herein. The Planning Department will ensure that acceptable mitigation measures are implemented prior to issuance of a grading permit. Mitigation Measure 13-3 The City of Mill Valley shall impose the following standard condition of approval for all sites identified in the Housing Element Update that are completely developed: Prior to approval of a demolition permit a qualified archaeologist shall conduct a records search to determine the presence of known archaeological resources at the site or in the vicinity. The archaeological records search may result in mitigation measure beyond those identified herein. The Planning Department will ensure that all acceptable mitigation measures are implemented prior to issuance of a grading permit. Mitigation Measure 13-4 The City of Mill Valley shall impose the following standard condition of approval for all sites identified in the Housing Element Update that a contains buildings or structures that meet the minimum age requirement of 45 years: prior to commencement of project activities, the buildings or structures shall be assessed by a professional familiar with the architecture and history of Marin County. If the structure or structures are determined to be significant, and the housing project would result in a significant impact to that significant structure, preparation of an EIR will be required. Mitigation Measure 13-5 The City of Mill Valley shall impose the following standard condition of approval for all sites identified in the Housing Element Update: work shall be halted within 50 feet of potential archaeological resources when uncovered or discovered. Construction workers shall avoid altering the materials and their context. Project personnel shall not collect cultural materials. Prehistoric materials might include obsidian and/or chert flaked-stone tools such as projectile points, knives, or scraping implements, the debris from making, sharpening, and using them ("debitage"); culturally darkened soil containing shell, dietary bone, heat-altered rock, and carbonized plant material ("midden"); or stone milling equipment such as mortars, pestles, handstones, or milling slabs. A qualified professional archaeologist shall evaluate the find and provide appropriate recommendations. If the archaeologist determines that the find potentially qualifies as a historic resource or unique archaeological resource for purposes of CEQA (per CEQA Guidelines Section 15064.5), all work must remain stopped in the immediate vicinity to allow the archaeologist to evaluate any materials and recommend appropriate treatment. A Native American monitor shall be present for	

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		the investigation, if the local Native American tribe request. Avoidance of impacts to the resource are preferable. In considering any suggested measures proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the City shall determine whether avoidance is feasible in light of factors such as the nature of the find, Project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures are recommended by the archaeologist (e.g., data recovery) shall be instituted. Work may proceed on other parts of the Project while mitigation for the historic resources or unique archaeological resources is being carried out. Mitigation Measure 13-6 The City of Mill Valley shall impose the following standard condition of approval for all sites identified in the Housing Element Update: If human remains, associated grave goods, or items of cultural patrimony are encountered during construction, the City shall halt work in the vicinity of the find and notify the County Coroner immediately. The City shall follow the procedures in Public Resources Code § 5097.9 and Health and Safety Code § 7050.5. If the human remains are determined to be of Native American origin, the Coroner shall notify the Native American Heritage Commission within 24 hours of the determination. The Native American Heritage Commission shall then notify the Most Likely Descendant (MLD), who has 48 hours to make recommendations to the landowners for the disposition of the remains. A qualified archaeologist, the City and the MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of any human remains and associated or unassociated funerary objects. The agreement would take into consideration the appropriate excavation, removal recordation, analysis, custodianship, and final disposition of the human remains and associated or unassociated funerary objects. Mitigation Measure 13-7 Identified cultural resources shall be recorded on DPR 523 historic resource recordation forms, prior to issuance of a building permit.	
Utilities			
Impact 14-1. Increased Water Demand of Approximately 332,000 Gallons per Day	Significant	Mitigation Measure 14-1 The City of Mill Valley shall impose the following standard condition of approval for all sites identified in the Housing Element Update are proposed prior to approval of an updated Marin Municipal Water District Urban Water Management Plan, shall be required to obtain verification from Marin Municipal Water District prior to approval of planning applications that adequate water supplies exist to support the project. The City shall also work to continue to address water demand through standard conditions of approval to implement General Plan mitigation measures listed below.	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		Mitigation Measure 14-2 Policy NE.3 Water Quality, System Supply, and Integrity. Improve water quality and expand and diversify water supply. Mitigation Measure 14-3 Program NE.3-1 Work with Marin Municipal Water District (MMWD) to optimize storage, transmission, and distribution capacities and efficiencies and to minimize water outages due to drought, emergencies, or other disasters. Mitigation Measure 14-4 Program NE.4-2 Reduce water consumption in the community by: ▪ Partnering with the Marin Municipal Water District (MMWD) to highlight the existence of rebates for the installation of indoor and outdoor water efficiency fixtures and appliances, and promoting existing and proven water conservation measures through educational programs and other initiatives; ▪ Partnering with MMWD, conservation organizations, installers, and manufacturers to promote the installation of greywater systems and rainwater catchment; ▪ Exploring incentives for promoting the installation of greywater systems and/or water efficient landscaping at commercial and residential properties; ▪ Requiring water efficiency audits at point of sale for commercial and residential properties; ▪ Adopting a retrofit program to encourage or require installation of water conservation measures in existing businesses and homes; ▪ Consistent with upgrades to the Sewerage Agency of Southern Marin (SASM) wastewater treatment facility to provide advanced wastewater treatment and supply, requiring dual plumbing for use of recycled water for new commercial and/or residential developments; ▪ Using bay-friendly landscaping and gardening guidelines developed by StopWaste.Org or other similar best practices in the design, construction, and maintenance of residential and commercial landscapes; and ▪ Reviewing the City's zoning regulations and design guidelines to address lot coverage standards and increase the use of pervious paving for driveways, patios, walkways, and other hardscape features. Mitigation Measure 14-5 Program NE.4-5 Work with the Marin Municipal Water District (MMWD) to establish and promote incentives for water conservation.	

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
Impact 14-2. Relocation or Construction of New or Expanded Water Connection Facilities for Individual Projects	Significant	Mill Valley is served by existing Marin Water conveyance and connection facilities. Reasonably foreseeable development resulting from implementation of the proposed project would increase water demand and may require new or expanded water connection facilities. Water connections would be installed during individual project construction and would not result in significant environmental effects beyond those identified throughout this SEIR. Future development would be subject to Mill Valley General Plan policies related to the provision of adequate water services and facilities. The housing sites are currently served by existing utilities, although some projects may require replacement, extension, or expansion of water conveyance and connection facilities. This would be determined when individual project applications are submitted to the City. However, any replacement, extension, or expansion of water conveyance and connection facilities would not be expected to result in significant environmental effects beyond those already identified throughout this EIR associated with development of the housing sites.	Less than Significant
Wildfire			
Impact 15-1. The Proposed Project Would Result in Traffic Activity That Has the Potential to Impair an Adopted Emergency Response Plan or Emergency Evacuation Plan	Significant	Mitigation Measure 15-1 The City of Mill Valley shall prepare and adopt an update to the City's Safety Element of the General Plan, which shall incorporate a full evacuation traffic analysis in compliance with SB 1241 and 99 and AB 1241, 747 and 1409. The evacuation traffic analysis shall be prepared to the satisfaction of the City's Fire Chief and Public Works Director and shall be prepared and approved prior to final adoption of the Safety Element update.	Less than Significant

SOURCE: EMC Planning Group 2022

2.4 Summary of Alternatives

This SEIR evaluates the environmental impacts of the following four alternatives to the proposed project.

Alternative 1 No Project (Continued Implementation of the City's 5th Cycle Housing Element Adopted in 2015, Resulting in Residential Development Consistent with Existing General Plan Elements, Land Use and Zoning)

CEQA Guidelines section 15126.6 (e) requires the "No Project" alternative be evaluated along with its impacts. The "No Project" alternative analysis must discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

Under the No Project Alternative, the City would continue to implement the existing 2015-2023 Housing Element adopted in 2015. No changes would be made to the General Plan, Municipal Code, Land Use Map or Zoning Map. However, this alternative would result in a lack of compliance with state requirements for the 6th cycle, 2023-2031 Housing Element Update, including but not limited to identifying sufficient sites and implementing programs to satisfy the City's new RHNA target of 865 units for the 6th cycle Housing Element Update. The Housing Element Update goals, policies, and programs, as well as the Land Use Element and Title 20 (Zoning Code) would not be updated to address the City's housing needs under this alternative.

The No Project Alternative would result in the continuation of existing conditions and planned development of Mill Valley. As noted in Section 4.0, Project Description (see Table 4-2), existing land use designations and existing zoning would allow up to 602 residential units at the proposed housing sites. The No Project Alternative, therefore, represents a decrease of 554 units (from 1,156 units as proposed under the Housing Element Update), or an approximately 48 percentage decrease, from the proposed project. No new significant environmental impacts, or an increased severity of environmental impacts above and beyond those impacts identified in the general plan EIR, would occur under this alternative because it would retain the currently general plan land use designations and policy provisions addressing environmental impacts.

This alternative does not satisfy the project objectives and only allows 602 residential units at a density and quantity that does not provide for adequate housing stock to accommodate the City's growing housing needs for a range of income levels and housing types that are suited to residents of varying lifestyle needs. The no project alternative does not meet the housing unit goals established by the City's RHNA for the 6th cycle as required by state law nor provide a reasonable residential unit "buffer" recommended and described above. The No Project Alternative therefore is not legally feasible as State law requires the City to plan for a minimum number of housing units (865) to satisfy its RHNA allocation for the 6th Housing Element cycle.

Alternative 2 Fewer Housing Sites in the Sites Inventory (Utilizing Anticipated Density Range Identified in the Housing Element)

Alternative 2 works to identify only enough sites to accommodate the City's RHNA target by: 1) assuming the mid-range of units anticipated for sites, as explained in Appendix C of the Draft Housing Element Update and 2) reducing the number of housing units by 452 units based on the following:

- Office Conversion Housing Overlay: Remove housing sites that do not result in 5 or more new units on the sites inventory list (results in the removal of 8 sites and 136 units from the proposed project).
- Small Lot (1/2 acre or less) Housing Overlay: Remove housing sites that do not result in 5 or more new units as part of the sites inventory list (results in the removal of 13 sites and 143 units from the proposed project).
- SB 9 lot splits: Remove approximately 1/3 of the sites identified as part of the sites inventory list (results in the removal of 3 sites and 12 units from the proposed project).
- Opportunity Sites Housing Overlay: Remove the private parking lot across from Whole Foods on Miller Avenue, requiring the consolidation of four separate parcels to gain 15 units (results in the removal of 4 sites and 151 units from the proposed project).
- 1 Hamilton: a reduction of 10 units from the proposed project.

This alternative would result in the elimination of 452 new units or 39 percent below the proposed project. Those sites removed from the sites inventory list would not have the relevant overlays applied to them.

This alternative only partially meets the project objectives. The alternative would allow for adequate housing stock to accommodate the City's growing housing needs for a range of income levels. However, this alternative would not meet the City's RHNA target of 865 residential units and would not meet the project objective which sets a "buffer" of at least 15 percent above the RHNA target. This alternative also would hinder the City's efforts to comply with the State's "No Net Loss Law" (Government Code Section 65863) which ensures development opportunities remain available throughout the planning period (i.e., the 6th housing cycle) to accommodate a jurisdiction's RHNA, especially for lower- and moderate- income households.

Alternative 3 Remove SB 9 Sites from Sites Inventory

The environmental analysis includes the identification of nine specific sites identified in the sites analysis that likely would result in a lot split in a single-family zoning district based on site conditions, essentially creating the opportunity for up to four units on the two newly created parcels. However, it is important to note that such lot splits may currently occur throughout the City in

single-family zoned areas based on state law. Alternative 3 modifies the sites analysis contained in the sites inventory and eliminates the specific sites that are assumed to have Senate Bill (SB) 9 lot splits (eight sites in total), thereby reducing the number of units by a total of 378 units. This alternative represents approximately a 33 percent reduction and eliminates the RHNA buffer to accommodate the City's above-moderate RHNA allocation. With the removal of the 378 units associated with the SB 9 lot split assumption, the City would rely solely on vacant single-family sites to satisfy its above-moderate RHNA allocation and assume that the one remaining above-moderate unit be satisfied based on the other additional sites identified as part of the RHNA buffer for low and moderate income, and as allowed under state law.

Like with Alternative 2, this alternative only partially meets the project objectives. The alternative would allow for adequate housing stock to accommodate the City's growing housing needs for a range of income levels. However, this alternative would not meet the City's RHNA target of 865 residential units and would not meet the project objective which sets a "buffer" of at least 15 percent above the RHNA target. This alternative also would hinder the City's efforts to comply with the State's "No Net Loss Law" (Government Code Section 65863) which ensures development opportunities remain available throughout the planning period (i.e., the 6th housing cycle) to accommodate a jurisdiction's RHNA, especially for lower- and moderate- income households.

Alternative 4 Reduced Density Alternative, Decreasing Maximum Allowable Density for the Three Housing Overlay Zoning Districts to 35 units/acre (Reduces Maximum Build Out while Maintaining RHNA Buffer)

Alternative 4, the "Reduced Density" Alternative, proposes to modify the maximum allowable density standard for the three proposed housing overlay zoning districts from 40 units/acre to 35 units/acre, resulting in a reduction of 98 total units. This alternative represents approximately a nine percent reduction in total units.

This alternative meets all project objectives as it would allow the City to provide adequate housing stock to accommodate the City's housing needs for a range of income levels, including low and moderate-income households; meet the housing unit goals as set by the City's RHNA target of 865 residential units. To satisfy state law and HCD sites inventory guidance, the Draft Housing Element sites analysis utilizes a midpoint of 22-25 units acre to quantify the number of units sites anticipated as part of the sites inventory. As such, this alternative reduces maximum density standards while also maintaining the proposed project's RHNA buffer of at least 15 percent for low and moderate RHNA income categories, as noted in state law and guidance. Alternative 4 also provides a 22 percent resident buffer, which meets HCD's recommended minimum for cities to provide at least 15 percent buffer. However, this alternative does also reduce potential opportunities for housing units that are gained through increased density and will require the development of more sites to satisfy RHNA requirements.

2.5 Areas of Controversy

CEQA Guidelines section 15123, Summary, requires a discussion of areas of controversy known to the lead agency including issues raised by agencies and the public. The City is aware of general public concern about the 1 Hamilton Drive site (which is undergoing its own separate environmental review process under CEQA). In addition, the City is aware of public concern regarding public services, utilities, wildfire, and transportation impacts as a result of the proposed project. Three comment letters in response to the notice of preparation were received by public agencies, are included in Appendix A, and are summarized below:

1. Native American Heritage Commission (NAHC), dated July 22, 2022;

The response is a standard letter about AB 52 and SB 18 consultation and recommended consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed project. Consultation was conducted and the results are presented in Section 13.0, Tribal Cultural Resources, of this draft SEIR.

2. California Department of Fish and Wildlife (CDFW), Bay Delta Region, dated August 11, 2022;

CDFW recommended that the CEQA document provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located at the housing inventory sites and surrounding lands, including but not limited to all rare, threatened, or endangered species. The EIR should describe aquatic habitats, such as wetlands or waters of the U.S. or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the housing inventory sites, and any stream or wetland set back distances the city may require.

Analysis was recommended to address potential impacts to the following:

- Land use changes that would reduce open space or agricultural land uses and increase residential or other land use involving increased development;
- Encroachments into riparian habitats, wetlands or other sensitive areas;
- Potential for impacts to special-status species;
- Loss or modification of breeding, nesting, dispersal and foraging habitat, including vegetation removal, alternation of soils and hydrology, and removal of habitat structural features (e.g., snags, roosts, vegetation overhanging banks);
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence; and
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features.

These comments are addressed in Section 7.0, Biological Resources, of this draft SEIR.

3. California Department of Transportation (Caltrans) District 4, dated August 19, 2022.

The comment letter from the California Department of Transportation is a boilerplate letter addressing the department's methodology for addressing vehicle miles traveled and concerns regarding possible impacts to the state highway system. Transportation impacts are addressed in Section 12.0, Transportation, of this draft SEIR.

2.6 Issues to be Resolved

CEQA Guidelines Section 15123 requires an EIR summary to discuss issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects. As discussed throughout this draft SEIR, several significant impacts are identified that require implementation of mitigation measures if the City Council decides to approve the proposed project or one of the alternatives. The City Council will be required to consider the analysis in this subsequent EIR, and make a decision whether to approve the proposed project, or one of the four alternatives discussed and evaluated herein.

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3.0 Environmental Setting

3.1 City of Mill Valley and Vicinity Setting

Regional Setting

The City of Mill Valley is located in Marin County, approximately 14 miles north of San Francisco. Marin County encompasses 520 square miles and is one of the nine Bay Area counties. Marin County includes rural ranching and dairy operations, industry including information technologies and manufacturing, and 141,400 acres of parkland, open space, and recreation lands. Marin County is well known for its recreational resources for Bay Area residents and visitors.

Mount Tamalpais is located northwest of Mill Valley and Muir Woods National Monument is located to the southwest. U.S. Highway 101 borders Mill Valley to the east and is the major north-south running highway that connects Mill Valley with the rest of Marin and San Francisco further to the south. Mill Valley and its relationship to surrounding cities and communities are illustrated in Figure 3-1, Regional Map.

City Location

Incorporated in 1900, Mill Valley occupies approximately 4.8 square miles of land. It is bounded on the east by U.S. Highway 101 and the unincorporated neighborhoods of Strawberry and Alto; on the north by the Town of Corte Madera and the City of Larkspur; on the northwest by Mount Tamalpais; and on the south by the unincorporated neighborhoods of Homestead and Almonte, and Richardson Bay.

City Setting

Mill Valley is surrounded by the hillsides and steep ridges of the coastal mountains and the water of Richardson Bay, which form natural edges to urban growth. Many of the ridgelines that create the dominant visual backdrop for the community are now preserved as permanent open space. Much of the bayfront land has been preserved as park and open space, providing important habitat as well as visual and physical access to Richardson Bay and the greater San Francisco Bay beyond. Creeks, marshes, redwood groves, heavily forested and grass-covered hillsides, and chaparral are commonplace. Single-family residential neighborhoods are located in the valleys and on the hillsides, with commercial and more intensive residential uses clustered on the flat low lands, in close proximity to transit and along the main arterial roadways. Topographic and geological conditions limit Mill Valley access via two main arterial roadways (Miller Avenue and East Blithedale Avenue).

The combination of natural conditions – Mount Tamalpais, with its ridges, valleys, and waterways, and the bay marshlands – composes the physical and aesthetic setting for the community. The merging of Mill Valley with the flatlands and shoreline of Richardson Bay links Mill Valley and the unincorporated Tam Junction area to the greater San Francisco Bay region, with its diversity of topology and vegetation types, micro-environments, and habitats, from open bay water to steep, dry, chaparral ridges and deep, moist redwood ravines (City of Mill Valley 2013).

General Plan and Zoning Designations

The *2040 Mill Valley General Plan* (general plan) is a broad framework for planning the future of Mill Valley. It provides the long-term vision for the community and guides development in the city. The general plan is a long-range planning document that guides decision-making in land use and other important areas of local government. The land use element of the general plan identifies the distribution of various land uses in the community through the land use map (or plan) and provide policies and programs to guide future land use decisions and development patterns to ensure that Mill Valley retains its renowned character and charm. Figure 3-2, General Plan Land Use Plan, presents the existing general plan Land Use Plan.

The Zoning Code is a primary tool for implementing the policies of the general plan and addresses physical development standards and criteria for the City. Government Code Section 65860 requires municipalities to maintain consistency between their Zoning Code and their adopted general plan. Figure 3-3, Zoning Map, presents a current City zoning map.

3.2 Existing/Baseline Conditions

CEQA Guidelines Section 15125 states that an EIR "must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation [NOP] is published." Section 15125 states that this approach "normally constitute[s] the baseline physical conditions by which a lead agency determines whether an impact is significant."

This subsequent EIR evaluates impacts against existing conditions, which are generally conditions existing at the time of the release of the NOP (July 2022). A comparison to current, existing baseline conditions provides the most relevant information for the public, responsible agencies and City decisionmakers.

This subsequent EIR addresses the potential future redevelopment of 265 sites with residential or mixed residential/commercial uses. Redevelopment opportunities of the 265 sites are discussed in detail in Section 4.0, Project Description. Table 3-1, Existing Conditions (Housing Sites), below identifies the existing conditions for the 265 sites, and provides information related to their location, acreage, existing general plan land use designation, existing use, and existing zoning designation. The locations of the 265 opportunity sites are depicted in Figure 4-1 and Figure 4-2 found in Section 4.0, Project Description.

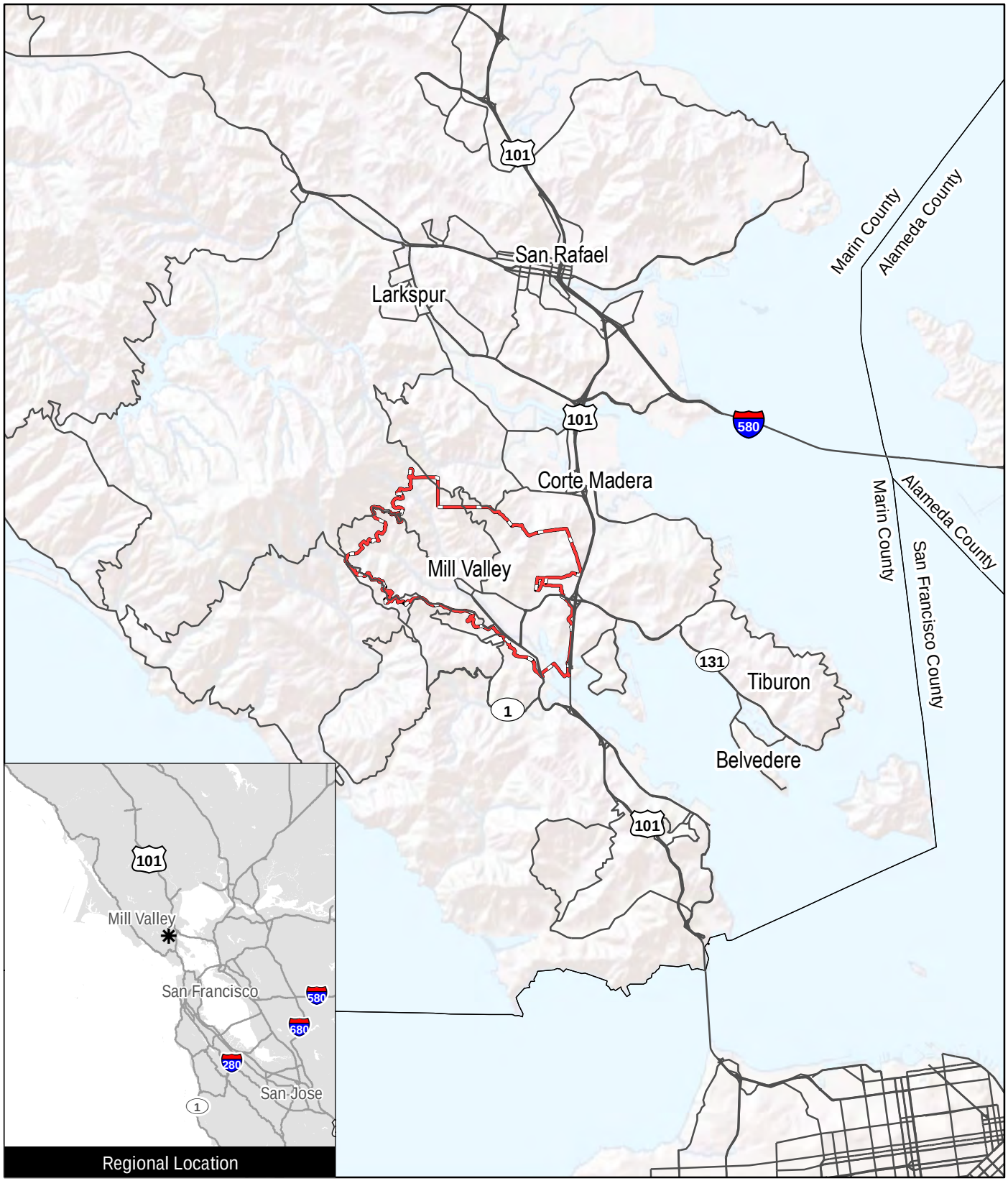

Figure 3-1

Regional Map

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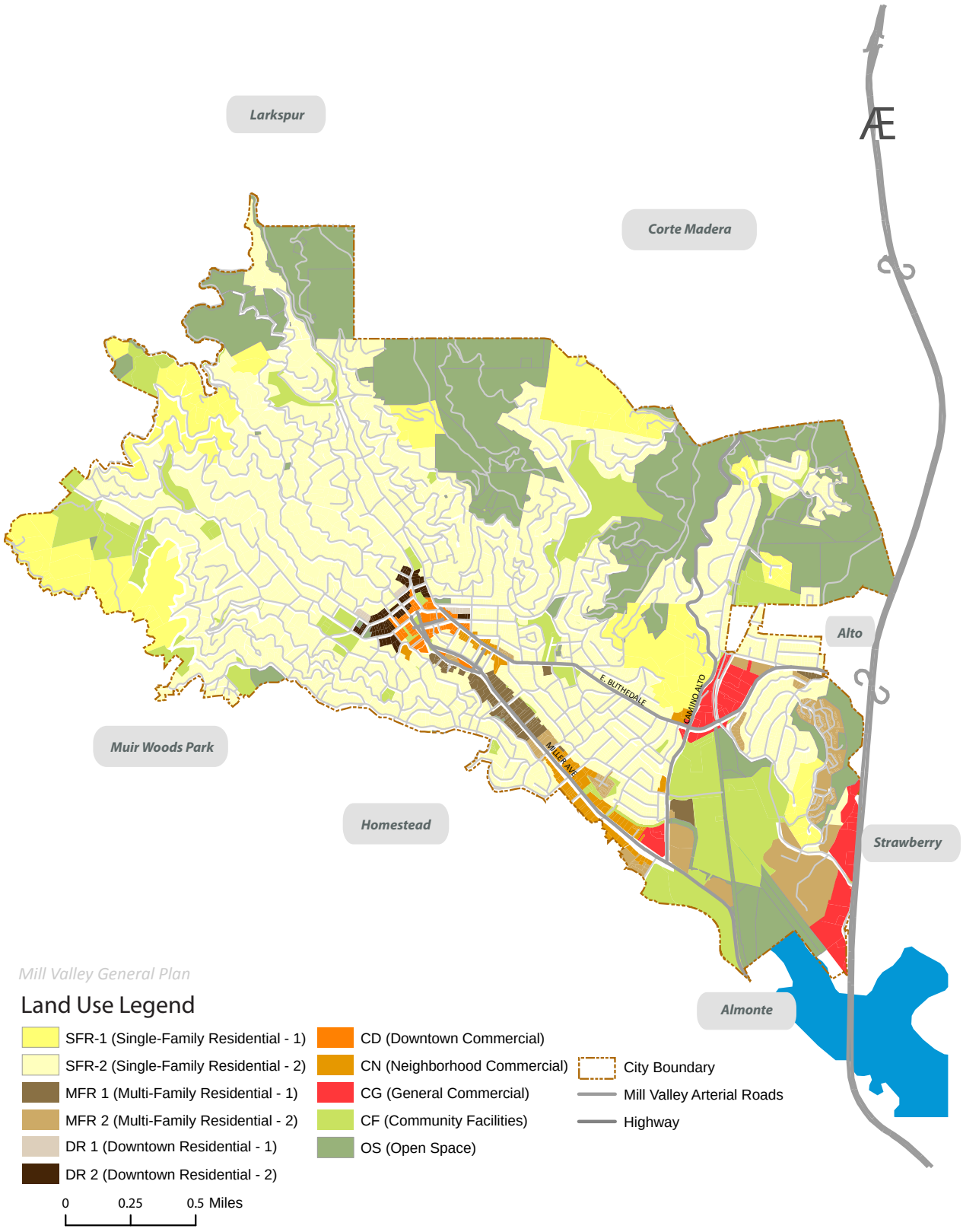

Source: Marin County GIS 2022, City of Mill Valley 2014

Figure 3-2

General Plan Land Use Plan

City of Mill Valley 2023-2031 General Plan Housing and Land Use Element Update and Zoning Amendments Draft Subsequent EIR

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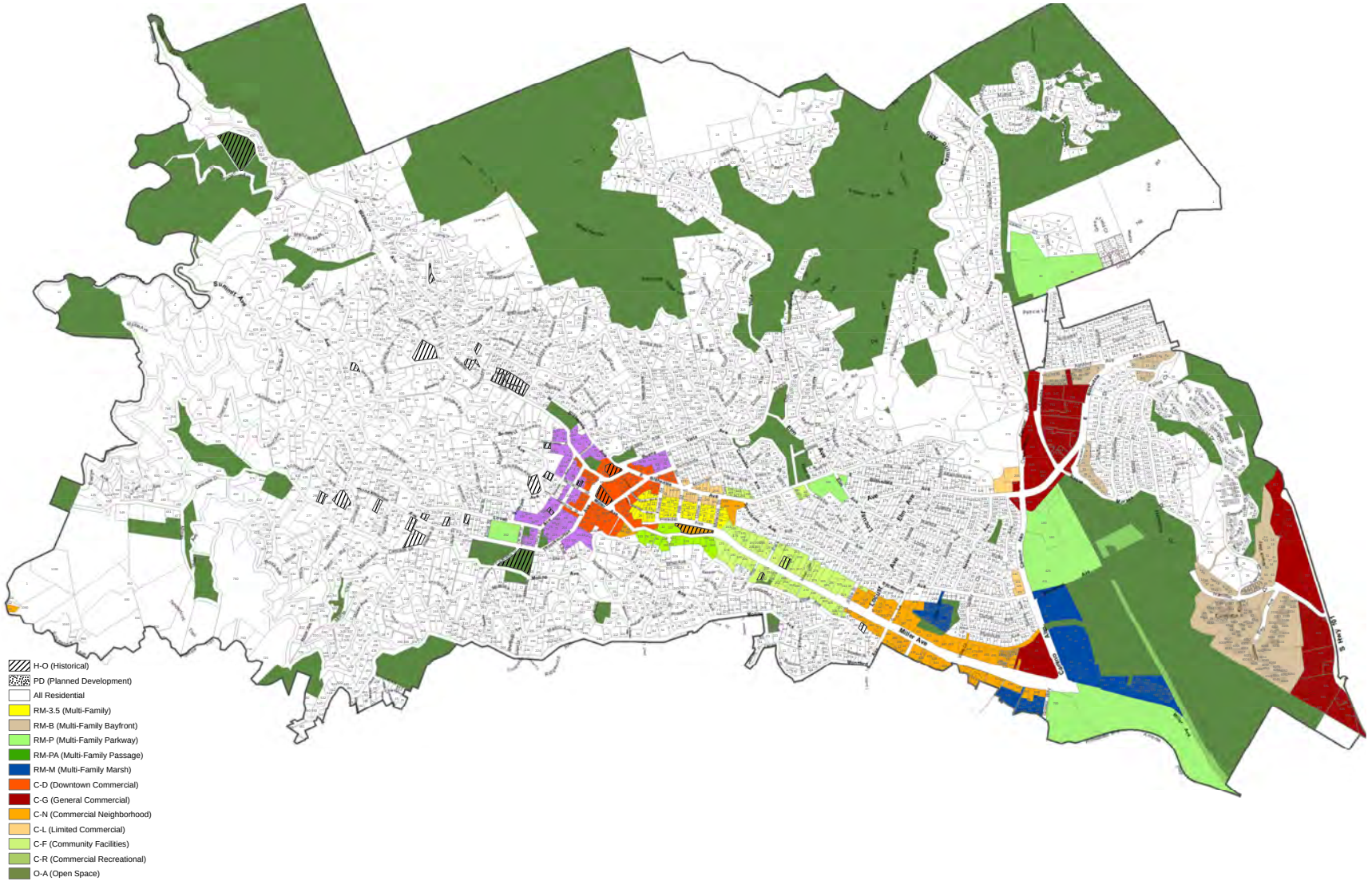

Source: City of Mill Valley 2022

Figure 3-3
Zoning Map

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Table 3-1 Existing Conditions (Housing Sites)

Site Number	Address	Acreage	Existing General Plan Land Use Designation	Existing Use	Existing Zoning (DU/Acre)
Publicly-Owned Site (1 site)					
1	1 Hamilton Drive	1.7 (approx.)	OS (Open Space)	City-owned public parking lot and restroom	O-A (Open Area)
Small Lot/"Underutilized Sites": Commercial and Multi-Family Zoned Sites under 0.5 Acres (33 sites)					
2	10 Willow Street	0.33	CN (Neighborhood Commercial)	Office building	C-N (17 to 29 units per acre for mixed use development with residential)
3	124-130 Throckmorton	0.30	CD (Downtown Commercial)	Citibank	C-D (17 to 29 units per acre for mixed use development with residential)
4	15 Locust	0.11	CN (Neighborhood Commercial)	Latitude 38 (Magazine Office)	C-N (17 to 29 units per acre for mixed use development with residential)
5	19 Sunnyside	0.22	CD (Downtown Commercial)	Bank of Marin	C-D (17 to 29 units per acre for mixed use development with residential)
6	340 Miller	0.15	CN (Neighborhood Commercial)	Chevron Gas Station	C-N (17 to 29 units per acre for mixed use development with residential)
7	35 Corte Madera	0.21	CD (Downtown Commercial)	Office building	C-D (17 to 29 units per acre for mixed use development with residential)
8	270 Miller	0.60	MFR 1 (Multi-Family Residential -1)	Currently vacant - previously Guidepost Montessori (school)	RM-P (8 to 15 units per acre)
9	310 Miller	0.35	MFR 2 (Multi-Family Residential – 2)	Hair & Joy (beauty salon)	RM-P (17 to 29 units per acre)
10	338 Miller	0.17	CN (Neighborhood Commercial)	Tamalpais Paint & Color (paint store)	C-N (17 to 29 units per acre for mixed use development with residential)
11	374 Miller	0.29	CN (Neighborhood Commercial)	Jiffy Lube (for sale)	C-N (17 to 29 units per acre for mixed use development with residential)
12	380-384 Miller/ 9 Montford	0.45	CN (Neighborhood Commercial)	2AM Club, Joe's Taco Lounge, back building (vacant previously car repair)	C-N (17 to 29 units per acre for mixed use development with residential)

Site Number	Address	Acreage	Existing General Plan Land Use Designation	Existing Use	Existing Zoning (DU/Acre)
13	390 Miller	0.15	CN (Neighborhood Commercial)	Buddhist Temple	C-N (17 to 29 units per acre for mixed use development with residential)
14	433 Miller	0.40	CN (Neighborhood Commercial)	Upper Cervical Chiropractic	C-N (17 to 29 units per acre for mixed use development with residential)
15	438 Miller	0.17	CN (Neighborhood Commercial)	Red Dragon Yoga	C-N (17 to 29 units per acre for mixed use development with residential)
16	458 Miller	0.31	CN (Neighborhood Commercial)	Gas Station and adjacent lot	C-N (17 to 29 units per acre for mixed use development with residential)
17	465 Miller	0.10	CN (Neighborhood Commercial)	Café of Life Chiropractic Center	C-N (17 to 29 units per acre for mixed use development with residential)
18	493 Miller	0.40	CN (Neighborhood Commercial)	Grilly's Mexican Restaurant/Malugani Tire	C-N (17 to 29 units per acre for mixed use development with residential)
19	524 Miller	0.11	CN (Neighborhood Commercial)	Symmetry of Movement (yoga studio)	C-N (17 to 29 units per acre for mixed use development with residential)
20	530 Miller	0.29	CN (Neighborhood Commercial)	PH Studio (graphic design office)	C-N (17 to 29 units per acre for mixed use development with residential)
21	546 Miller	0.31	CN (Neighborhood Commercial)	Pet Clinic	C-N (17 to 29 units per acre for mixed use development with residential)
22	554 Miller	0.19	CN (Neighborhood Commercial)	LifeWorks Learning Center (tutoring office)	C-N (17 to 29 units per acre for mixed use development with residential)
23	600 Miller	0.25	CN (Neighborhood Commercial)	Mt. Tam Sport and Spine (chiropractor office)	C-N (17 to 29 units per acre for mixed use development with residential)
24	64 East Blithedale	0.40	CD (Downtown Commercial)	West America Bank	C-D (17 to 29 units per acre for mixed use development with residential)
25	71 Throckmorton	0.04	CD (Downtown Commercial)	U.S. Bank (for sale and vacant)	C-D (17 to 29 units per acre for mixed use development with residential)
26	60 Throckmorton	0.12	CD (Downtown Commercial)	Bank of America (for sale and vacant)	C-D (17 to 29 units per acre for mixed use development with residential)

Site Number	Address	Acreage	Existing General Plan Land Use Designation	Existing Use	Existing Zoning (DU/Acre)
27	19 Madrona	0.15	CD (Downtown Commercial)	Private parking lot	C-D (17 to 29 units per acre for mixed use development with residential)
28	No Site Address (APN: 028-212-10)	0.08	CN (Neighborhood Commercial)	Private parking lot for 14 Locust	C-N (17 to 29 units per acre for mixed use development with residential)
29	No Site Address (APN: 028-211-06)	0.08	CN (Neighborhood Commercial)	Private parking lot for 21 Locust	C-N (17 to 29 units per acre for mixed use development with residential)
30	No Site Address (APN: 0030-073-09)	0.08	CN (Neighborhood Commercial)	Private parking lot for 458 Miller	C-N (17 to 29 units per acre for mixed use development with residential)
31	12 Evergreen	0.13	CN (Neighborhood Commercial)	Single Family home	C-N (17 to 29 units per acre for mixed use development with residential)
32	91 E Blithedale	0.11	CD (Downtown Commercial)	Office	C-D (17 to 29 units per acre for mixed use development with residential)
33	39 Forrest	0.18	CD (Downtown Commercial)	Private parking lot	C-D (17 to 29 units per acre for mixed use development with residential)
34	18 Miller	0.14	CD (Downtown Commercial)	Wells Fargo Bank (for sale and vacant)	C-D (17 to 29 units per acre for mixed use development with residential)
"Opportunity Sites": Underutilized Commercial Sites 0.5 Acres or More (27 sites)					
35	430 Miller	0.52	CN (Neighborhood Commercial)	Super Duper Burger	C-N (17 to 29 units per acre for mixed use development with residential)
36	765 Redwood Highway	0.37	CG (General Commercial)	Goodman's Lumber (combined lots)	C-G (17 to 29 units per acre for mixed use development with residential)
37	775 Redwood Highway	0.53	CG (General Commercial)	Food and Stuff – Goodman (combined lots)	C-G (17 to 29 units per acre for mixed use development with residential)
38	777 Redwood Highway	0.34	CG (General Commercial)	Goodman Building Supply (combined lots)	C-G (17 to 29 units per acre for mixed use development with residential)
39	No Site Address (APN: 030-222-07)	0.69	CG (General Commercial)	Goodman Building Supply (combined lots)	C-G (17 to 29 units per acre for mixed use development with residential)

Site Number	Address	Acreage	Existing General Plan Land Use Designation	Existing Use	Existing Zoning (DU/Acre)
40	61 Camino Alto	0.79	CG (General Commercial)	Behind Starbucks buildings, adjacent to Safeway (reduced vacancy)	C-G (17 to 29 units per acre for mixed use development with residential)
41	45 Camino Alto	0.70	CG (General Commercial)	Starbucks building, adjacent to Safeway	C-G (17 to 29 units per acre for mixed use development with residential)
42	250 Camino Alto	0.81	CG (General Commercial)	Office Center/Building	C-G (17 to 29 units per acre for mixed use development with residential)
43	653 E Blithedale	0.88	CG (General Commercial)	Urban Farmer Store/Sloat (garden center)	C-G (17 to 29 units per acre for mixed use development with residential)
44	16 La Goma	0.67	CN (Neighborhood Commercial)	Jolly King Liquor Store/Shapiro (combined lots)	C-N (17 to 29 units per acre for mixed use development with residential)
45	401 Miller	0.23	CN (Neighborhood Commercial)	Eggar Plaza/Sloat Garden Center (combined lots)	C-N (17 to 29 units per acre for mixed use development with residential)
46	707 Redwood Highway	1.03	CG (General Commercial)	Travelodge Hotel	C-G (17 to 29 units per acre for mixed use development with residential)
47	392 Miller	0.15	CN (Neighborhood Commercial)	Private Parking Lot across from Whole Foods (combined lots)	C-N (17 to 29 units per acre for mixed use development with residential)
48	398 Miller	0.15	CN (Neighborhood Commercial)	Private Parking Lot across from Whole Foods (combined lots)	C-N (17 to 29 units per acre for mixed use development with residential)
49	400 Miller	0.14	CN (Neighborhood Commercial)	Private Parking Lot across from Whole Foods (combined lots)	C-N (17 to 29 units per acre for mixed use development with residential)
50	42 Miller	0.56	CD (Downtown Commercial)	Law Offices	C-D (17 to 29 units per acre for mixed use development with residential)
51	363 Miller	0.39	CN (Neighborhood Commercial)	Tea Foundation/Office Building (combined lots)	C-N (17 to 29 units per acre for mixed use development with residential)

Site Number	Address	Acreage	Existing General Plan Land Use Designation	Existing Use	Existing Zoning (DU/Acre)
52	55 La Goma	0.60	CN (Neighborhood Commercial)	Tea Foundation/Office Building (combined lots)	C-N (17 to 29 units per acre for mixed use development with residential)
53	413 Miller	0.60	CN (Neighborhood Commercial)	Trio Salon/Swirl Frozen Yogurt	C-N (17 to 29 units per acre for mixed use development with residential)
54	510 Miller	0.66	CN (Neighborhood Commercial)	KFC/Taco Bell (vacant)	C-N (17 to 29 units per acre for mixed use development with residential)
55	38 Miller	0.83	CD (Downtown Commercial)	Mill Creek Plaza (restaurants, shops and offices)	C-D (17 to 29 units per acre for mixed use development with residential)
56	No Site Address (APN: 030-057-16)	0.16	SFR-2 (Single Family Residential 2)	Sloat Garden Center	RS-6
57	No Site Address (APN: 030-071-01)	0.18	CN (Neighborhood Commercial)	Sloat Garden Center	C-N (17 to 29 units per acre for mixed use development with residential
58	No Site Address (APN: 030-071-33)	0.18	CN (Neighborhood Commercial)	same owner as 16 La Goma	C-N (17 to 29 units per acre for mixed use development with residential)
59	No Site Address (APN: 030-071-37)	0.19	CN (Neighborhood Commercial)	same owner as 16 La Goma	C-N (17 to 29 units per acre for mixed use development with residential)
60	No Site Address (APN: 030-071-42)	0.29	CN (Neighborhood Commercial)	Eggar Plaza/Sloat Garden Center (combined lots)	C-N (17 to 29 units per acre for mixed use development with residential)
61	10 Evergreen	0.15	CN (Neighborhood Commercial)	Private Parking Lot across from Whole Foods (combined lots)	C-N (17 to 29 units per acre for mixed use development with residential)
Office (Upper Floor) Conversion (13 sites)					
62	103 E Blithedale Ave	0.17	CD (Downtown Commercial)	Office Building	C-D (17 to 29 units per acre for mixed use development with residential)
63	125 Camino Alto	0.48	CL (Limited Commercial)	Camino Alto Vet Hospital	C-N (17 to 29 units per acre for mixed use development with residential)
64	141 Camino Alto	0.34	CN (Neighborhood Commercial)	Office Building	C-L (Commercial Limited) (17 to 29 units per acre for mixed use development with residential)

Site Number	Address	Acreage	Existing General Plan Land Use Designation	Existing Use	Existing Zoning (DU/Acre)
65	163 Miller Ave	0.31	MFR 1 (Multi-Family Residential-1)	Office in MFR Zone	RM-P (Residential Multi-Family – Parkway) (8 to 15 units per acre)
66	20 Sunnyside Ave	0.26	CD (Downtown Commercial)	Office Building	C-D (17 to 29 units per acre for mixed use development with residential)
67	225 Miller Ave	0.64	MFR 1 (Multi-Family Residential-1)	Office in MFR Zone	RM-P (Residential Multi-Family – Parkway) (8 to 15 units per acre)
68	238 E Blithedale Ave	0.54	CN (Neighborhood Commercial)	Pharmaca	C-N (17 to 29 units per acre for mixed use development with residential)
69	24 Sunnyside Ave	0.11	CD (Downtown Commercial)	Prabh Indian Restaurant	C-D (17 to 29 units per acre for mixed use development with residential)
70	30 Sunnyside Ave	0.09	CD (Downtown Commercial)	Lower Office Space in SFR Building	C-D (17 to 29 units per acre for mixed use development with residential)
71	55 Sunnyside Ave	0.38	CD (Downtown Commercial)	Old Post Office	C-D (17 to 29 units per acre for mixed use development with residential)
72	650 E Blithedale Ave	0.67	CG (General Commercial)	Dentist/Yoga Studio	C-G (17 to 29 units per acre for mixed use development with residential)
73	78 E Blithedale Ave	0.12	CD (Downtown Commercial)	Sotheby's Realty office	C-D (17 to 29 units per acre for mixed use development with residential)
74	8 E Blithedale Ave	0.31	CD (Downtown Commercial)	Phyllis' Burgers Restaurant	C-D (17 to 29 units per acre for mixed use development with residential)
75-162 (88 sites)	*Vacant Sites in Single-Family Zoning Districts*	*63.74*	*SFR-1 and SFR-2*	*Vacant*	*RS*
163-170 (8 sites)	*Anticipated New Units Allowed under Senate Bill 9*	*6.66*	*SFR-1 and SFR-2*	*Vacant*	*RS*
Other Rezoned Sites					
171 (1 site)	*300 E. Blithedale*	*0.50*	*SFR-2 (Single-Family Residential)*	*Comcast Server Building*	*RS-6 (Single-Family Residential, minimum lot size of 6,000 sq. ft.)*

Site Number	Address	Acreage	Existing General Plan Land Use Designation	Existing Use	Existing Zoning (DU/Acre)
172-265 (94 sites)	*Presidio Neighborhood*	*7.27*	*SFR-2 (Single-Family Residential)*	*Residential homes*	*RM-3.5 (Multi-Family Residential minimum lot 3,5000 sq. ft.)*

SOURCE: City of Mill Valley, March 22, 2022 PC/CC Agenda Packet; MarinMap 2022; City of Mill Valley staff

3.3 Development or Redevelopment of Parcels Under Existing Regulations

As illustrated in Table 3-2, Development or Redevelopment Potential of Parcels under Existing Regulations, existing Zoning Code regulations and maximum allowable land use density standards currently allow for the subject 265 parcels to be developed with up to 602 dwelling units.

Table 3-2 Development or Redevelopment Sites under Existing Regulations

Type of Site	Number of Sites	Number of Units (Allowed by Existing Rezoning)
Vacant Single-Family Zoned Sites	88	88
Projected SB 9 Lot Splits (currently zoned Single-Family)	8	36
City-Owned Site (1 Hamilton, currently zoned open area)	1	0
Underutilized Sites: Commercial and Multi-Family Zoned Sites under ½ acre	33	138
Opportunity Sites: Commercial Zoned Sites over ½ acre	27	258
Office Conversions, Commercial Zoned Sites	13	65
300 E. Blithedale (Single-Family zoned site)	1	2
Presidio Neighborhood (RM-3.5 – Multi-Family zoned sites)	94	15
Totals	265	602

SOURCE: City of Mill Valley 2022

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4.0
Project Description

4.1 Project Characteristics

The City will adopt a new Housing Element for the Housing Element planning period that extends from January 31, 2023 through January 31, 2031, known as the "6th cycle Housing Element" to comply with State Law. The proposed project includes amendments to the *Mill Valley 2040 (MV2040) General Plan* (general plan) Housing and Land Use Elements, General Plan Land Use Map, and Zoning Map, as well as amendments to the City of Mill Valley Municipal Code. A discussion of these amendments is provided below.

General Plan Elements to be Amended

The proposed project includes updating the Housing Element based on the 6th cycle Housing Element requirements, and making changes to the General Plan Land Use Element and the Mill Valley Municipal Code (MVMC), including the Zoning Code (MVMC, Title 20) necessary to implement the Housing Element and provide internal consistency with the General Plan update.

6th Cycle Housing Element Update (2023-2031)

The City is updating its Housing Element to address any changes that have occurred since adoption of the current 5th cycle (2015-2023) Housing Element, including but not limited to:

- updating data (demographic, housing needs, furthering fair housing)
- reviewing programs and the status of implementation for the 5th Housing Element cycle
- identifying policies and programs for implementation through 2031
- identifying sites sufficient to accommodate the Regional Housing Needs Allocation (RHNA)
- incorporating new regulations, as required by State Law

The 6th Cycle Housing Element Update public review draft is available for review at: https://www.cityofmillvalley.org/748/Housing-Element-Update-2023-2031 and incorporated herein by reference.

State Requirements

State law requires the City of Mill Valley to have and maintain a general plan with specific contents in order to provide a vision for the City's future, and inform local decisions about land use and development, including issues such as circulation, conservation, and safety. The Housing Element is one of the state-mandated elements of the General Plan.

State law specifically requires the City to update the Housing Element of its General Plan by January 31, 2023, while making any changes to other elements of the General Plan needed to maintain internal consistency and undertaking any related changes to the City's Municipal Code (including the City's Zoning Code). The City's Housing Element for the 2015-2023 planning period was adopted in May 2015. In accordance with State law, the eight-year planning period for the updated Housing Element will extend from 2023 to 2031; this is also referred to as the 6th Cycle Housing Element Update. The City is updating its Housing Element to comply with the requirements of State law by analyzing existing and projected housing needs, and updating goals, policies, objectives, and implementation programs for the preservation, improvement, and development of housing for all income categories.

Regional Housing Needs Allocation (RHNA)

In addition to housing goals, policies and implementing programs, the Housing Element Update must include a list of housing sites that can accommodate the amount of housing units assigned to the City by the Association of Bay Area Governments (ABAG), otherwise known as the Regional Housing Needs Allocation (RHNA). RHNA is broken down by income level, shown below in Table 4-1, Mill Valley 2023-2031 RHNA. The map of housing sites identified to accommodate the City's RHNA is updated for the 2023-2031 planning period.

Table 4-1 Mill Valley 2023-2031 RHNA

Income Level	Units
Very Low Income (Less than 50 percent of Area Median Income)	262
Low Income (50 to 80 percent of Area Median Income)	151
Moderate Income (80 to 120 percent of Area Median Income)	126
Above Moderate Income (Above 120 percent of Area Median Income)	326
Total Allocation	865

SOURCE: ABAG 2021

Housing Units (Sites Inventory & Rezoned Sites)

The Housing Element Update identifies specific sites appropriate for the development of multifamily housing (including affordable units), and the rezoning necessary to meet the requirements of State law. The preliminary sites inventory list of existing and proposed sites that can accommodate development of multifamily housing includes sites that are located throughout Mill Valley, and is subject to refinement based on additional public input and review of the draft Housing Element by City's Planning Commission and City Council, and the California Department of Housing and Community Development. A summary of the maximum development potential for all sites is included below in Table 4-2, Housing Units Summary. Locations of the potential housing sites are shown on Figure 4-1, Sites Inventory Map, as well as Figure 4-2, 300 East Blithedale Ave and Presidio Neighborhood. A full list of housing units is included as Appendix B.

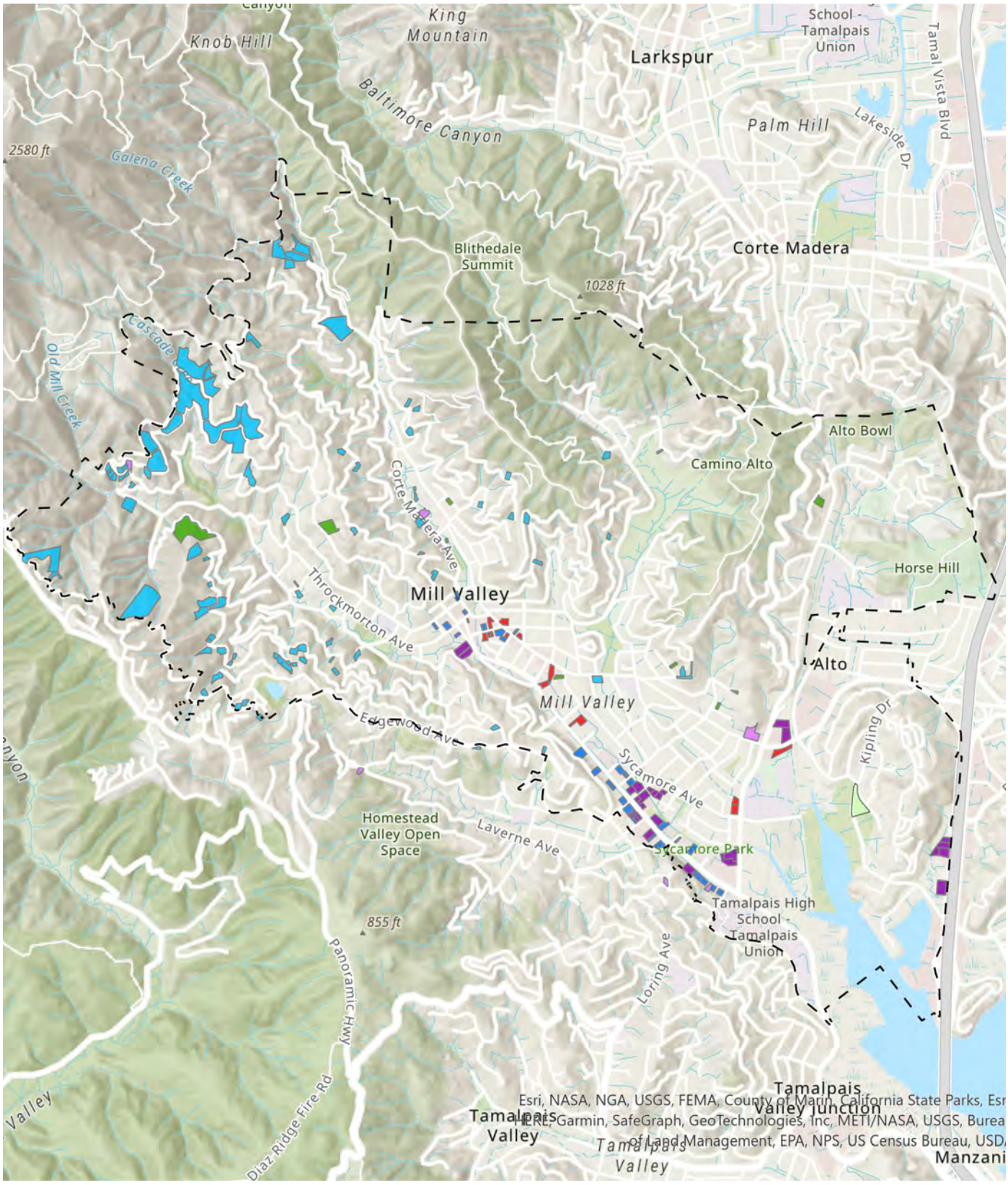

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Table A
Site Category
- City-Owned Site
- Pipeline Projects
- Vacant SF (Not SB9)
- Vacant SF (SB9)

Table B
Site Category
- Office Conversion
- Opportunity Sites (>0.5 acre)
- Underutilized Sites (<0.5 acres)
- City Boundary

Source: City of Mill Valley 2022

Figure 4-1

Site Inventory Map

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Source: Marin County GIS 2022, Google Earth 2022

Figure 4-2

300 East Blithedale Ave and Presidio Neighborhood

City of Mill Valley 2023-2031 General Plan Housing and Land Use Element Update and Zoning Amendments Draft Subsequent EIR

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Table 4-2 Housing Units Summary

Type of Site	Number of Sites	Number of Units (Anticipated Based on Existing Zoning)	Number of Units (Maximum Based on Allowable Density After Application of Housing Overlay or Rezoning)[3]
Sites Inventory Summary			
Vacant Single-Family Zoned Sites	88	88	88
Projected SB 9 Lot Splits	8	36	36
Publicly-Owned Site (1 Hamilton)[6]	1	0	50
Underutilized Sites: Commercial and Multi-Family Zoned Sites under ½ acre with Housing Overlay[1, 2]	33	138	294
Opportunity Sites: Commercial Zoned Sites over ½ acre with Housing Overlay[1, 2]	27	258	492
Office Conversions with Housing Overlay [1, 2]	13	65	173
Sites Inventory Subtotal	*170*	*585*	*1,133*
Other Rezoned Sites (Not in Sites Inventory)[4]			
300 E. Blithedale (RS-6 to RM-P)	1	2	8
Presidio Neighborhood (RM-3.5 to DR)[5]	94	15	15
Other Rezoned Sites Subtotal	*95*	*17*	*23*
Grand Totals	265	602	1,156

SOURCE: City of Mill Valley 2022

NOTE:

1. The City anticipates no change in the existing commercial square footage on each of the sites with existing commercial uses
2. Base zoning is not changing. An overlay district will be applied.
3. The "number of units" identified in this table is a conservative estimate of the number of units that will be built on these sites based on maximum density. In most instances the number of anticipated units indicated in this table will be larger than the number of units estimated as part of the City's sites analysis contained in Chapter 3 and Appendix C of the Housing Element. For the purposes of satisfying RHNA and sites inventory requirements, the number of units estimated for a site is based on a capacity analysis, contained in Appendix C, which takes into account site constraints, environmental constraints, and market trends to devise an estimate of the realistic number of units that will be built on-site. The number of units used for CEQA purposes takes into account maximum build-out to ensure that the City has analyzed potential environmental impacts adequately.
4. Base zoning would change from RS-6 to RM-P (300 E. Blithedale) and from RM-3.5 to DR (Presidio Neighborhood).
5. Assumes an additional 15 units, excluding Accessory Dwelling Units or Duplexes permitted by-right under State Law. See Table 4-5, footnote 1, for details.
6. 1 Hamilton Drive is surplus city-owned property, which will require further project level analysis with the approval of the rezoning of a portion of the property from Open Area (OA) to Multi-Family Residential - Bayfront (RM-B).

In addition to the Sites Inventory, the City anticipates an additional 160 Accessory Dwelling Units (ADUs) during the 6th cycle planning period based on the City's four-year trend of issuing over 20 new ADU building permits per year.

Assumptions Required for Environmental Analysis

As discussed in Section 1.0, Introduction, Definition of Project, a project means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Adoption of the Housing Element Update would not have a direct physical change in the environment. However, it would result in a "reasonably foreseeable indirect physical change in the environment" by allowing the 265 sites to be developed with more housing than is currently allowed for in the existing housing element. In order to evaluate environmental impacts associated with development or redevelopment of the housing sites, City staff and consultants completed an exercise to determine the maximum number of new housing units, which is contained in Appendix C of the Draft Housing Element, and summarized in Table 4-3 above. The City anticipates no change in the existing commercial square footage on each of the sites with existing commercial uses; however, if upper floor space offices are converted there may be some reduction in commercial square footage. For purposes of this environmental analysis in this Draft SEIR, there will be no credit taken for reducing commercial square footage.

Population Projections

Population totals and projections from the State Department of Finance were reviewed to determine Mill Valley's potential population growth as a result of implementation of the Housing Element Update. Utilizing the State Department of Finance's 2.30 persons per household for Mill Valley, a maximum of 1,156 residential units as a result of the proposed project could generate approximately 2,659 new residents by 2031 (DOF 2022).

Land Use Element Update

The Land Use Element will be amended to redesignate land use designations on the Land Use Map and Land Use Categories Table contained in the General Plan based on proposed rezoning for the parcels and areas discussed below.

Amendments to Land Use/Zoning

The proposed project includes amending the general plan land use designations and changing the zoning district for several parcels in Mill Valley in order to create consistent land use and zoning designations and accommodate the City's RHNA allocation. The sites identified by City staff requiring amendments to land use designations and zoning amendments include the following locations.

1 Hamilton Drive

Mill Valley City Council has declared the northern portion of 1 Hamilton Drive (030-250-01) as "exempt surplus land" for the sole purpose of building affordable rental housing on the site. The 1 Hamilton parcel is approximately 11 acres in size and is zoned Open Area (O-A) with a land use designation of Community Facility (C-F) containing the Bayfront and Hauke Park, Public Safety

Building, Hauke Park and Public Safety Building parking lots, electric vehicle charging stations, ground-mounted solar panels and community garden. The surplus land is identified as the northern portion of 1 Hamilton ("the site") and is approximately 1.6 - 1.73 acres in size, pending additional survey, topographical and preliminary site planning required to determine the feasibility of relocating existing facilities that are on the site. In order to build affordable housing on the site, the City will create a separate parcel and amend the General Plan Land use designation and zoning for the site. For purposes of this draft subsequent EIR, zoning and land use amendments are assumed to be similar as those multi-family residences in the surrounding area, which are zoned Multi-Family Residential Bayfront (RM-B) with a land use designation of Multi-family (MFR-2) allowing up to 29 units/acre. Table 4-3, 1 Hamilton Drive Existing and Proposed Conditions, presents a breakdown of existing and proposed land use and zoning conditions at the site.

Table 4-3 1 Hamilton Drive Existing and Proposed Conditions

	Existing	Proposed
General Plan Land Use Designation	Community Facility (CF)	Multi-Family Residential (MFR-2)
Zoning District	Open Space (O-A)	Multi-Family Residential Bayfront (RM-B)[1]
Density Range	Zero (0) dwelling units per acre	Up to 29 units per acre
Total Units Allowed (excluding Accessory Dwelling Units permitted by-right under State law)	0	50

SOURCE: City of Mill Valley 2022

NOTE: 1. 1 Hamilton Drive is surplus city-owned property, which will require further project level analysis with the approval of the rezoning of a portion of the property from Open Area (OA) to Multi-Family Residential - Bayfront (RM-B).

300 East Blithedale Avenue

The 0.5-acre site, located at 300 East Blithedale Avenue, is currently operating as a server building for Comcast inside an existing building. The parcel is currently zoned for single-family use. Amending the General Plan designation and rezoning the property to multi-family would result in a maximum of eight units. Table 4-4, 300 East Blithedale Existing and Proposed Conditions, presents a breakdown of existing and proposed land use and zoning conditions at the site.

Presidio Neighborhood (Properties Currently Zoned RM-3.5)

Currently the Presidio neighborhood, located in close proximity to Downtown between Forrest Street and Millwood Street, consists of 64 parcels in which the Single-Family land use designation in the General Plan does not align with the RM-3.5 zoning designation. As part of the Housing Element Update, the land use and zoning for these properties will be updated to ensure General Plan and zoning consistency. The General Plan land use designation for these properties will be amended from Single Family to "Downtown Residential (DR-1)" and the "RM 3.5" zoning will be

modified to "Downtown Residential" with maximum densities increasing from 15 units/acre to 16 units/acre because the average size parcel in this neighborhood is less than 5,000 square feet, the number of additional units expected under allowable and proposed densities is 15 units (excluding Accessory Dwelling and Duplex Units permitted by right under State Law). Table 4-5, Presidio Neighborhood Existing and Proposed Conditions, presents a breakdown of existing and proposed land use and zoning conditions at the site.

Table 4-4 300 East Blithedale Existing and Proposed Conditions

	Existing	Proposed
General Plan Land Use Designation	Single Family Residential (SFR-2)	Multi-Family Residential (MFR-2)
Zoning District	Single-Family Residential, minimum lot size of 6,000 square feet (RS-6)	Multi-Family Residential Parkway (RM-P)
Density Range	One (1) dwelling units per acre to seven (7) dwelling units per acre	Nine (9) dwelling units per acre to 15 dwelling units per acre
Total Units (excluding Accessory Dwelling Units permitted by-right under State law)	0 Existing 2 Allowed	8 Allowed (+8 units)

SOURCE: City of Mill Valley 2022

Table 4-5 Presidio Neighborhood Existing and Proposed Conditions

	Existing	Proposed
General Plan Land Use Designation	Single Family Residential (SFR-2)	Downtown Residential (DR-1)
Zoning District	Multi-Family Residential minimum lot 3,500 square feet (RM-3.5)	Downtown Residential (DR)
Density Range	Per SFR 2 Land Use: One (1) dwelling unit per acre to seven (7) dwelling units per acre Per RM 3.5 Zoning: up to 15 units per acre	Eight (8) dwelling units per acre to 16 dwelling units per acre
Units (excluding Accessory Dwelling Units or Duplexes permitted by-right under State Law)	94 Existing 109 Allowed	116 Allowed (+15 Units)[1]

SOURCE: City of Mill Valley 2022

NOTE: 1. Due to small parcel sizes and the discretionary review processes for new units under the proposed DR zoning district, it is anticipated that most new units generated in this neighborhood will be Accessory Dwelling Units or Duplexes permitted by right under State Law. Therefore, this analysis assumes an additional 15 units under the proposed zoning conditions.

In the Presidio Neighborhood, assessor data indicates one (1) parcel operating as commercial use; 22 parcels operating as multi-family use and 41 parcels operating as single-family use. Modification of the zoning designation to Downtown Residential allows all existing uses to remain, and permits the redevelopment and use of property as either single-family or multi-family.

Site Inventory Housing Overlays

To accommodate its regional housing numbers and to facilitate the development of housing in Mill Valley, the following three Overlay Zoning Districts will be created by amending the Zoning Code and Zoning Map to be adopted in conjunction with the Housing Element Update process. The following housing overlays will apply to those properties identified on the City's Sites Inventory list under the categories of office conversion; underutilized "small lot" sites and opportunity sites.

- **Underutilized/Small Lot Housing Overlay:**

  The "small lot overlay zone" will apply to those parcels that are less than ½ acre as identified on the sites inventory list.

  The following modified standards will apply to projects seeking to develop a parcel through this overlay district:

  1. reduced parking (1 space per unit for units less than 1,000 square feet);
  2. increased height up to 40-feet for buildings being raised to address the floodplain management requirements or to provide higher ceiling heights on the first floor of a mixed-use building;
  3. increased density up to 40 units/acre;
  4. modified Floor Area as allowed under State Law SB 478); and
  5. exemption to the inclusionary housing requirement for those projects that provide units that are 1,000 square feet or less.

- **Opportunity Site Housing Overlay:** The "opportunity site housing overlay" will apply to those parcels identified on the sites inventory that are ½ acre or more. The following modified standards will apply to projects seeking to develop a parcel through this overlay district:

  1. reduced parking (1 parking space for units less than 1,000 square feet);
  2. increased height up to 40-feet for buildings being raised to address the floodplain or to provide higher ceiling heights on the first floor of a mixed use building;
  3. revised density standards: minimum density of 20 units/acre and maximum density of 40 units/acre;
  4. full residential projects permitted;
  5. mixed use projects must have at least 50% of the floor area for residential uses;
  6. lot consolidation permitted to facilitate proposed development;
  7. modified Floor Area as allowed under State Law (SB 478);
  8. subject to inclusionary requirements, established in MVMC 20.80, with the following incentives: a) projects subject to the inclusionary regulations must include six or more new units, b) waiving the maximum micro-unit standards in MVMC 20.24.040(B)(1) for those

projects that allocate 25% of the inclusionary units as low income, and 3) waiving one affordable inclusionary unit for projects that provide one three-bedroom unit as a low-income inclusionary unit; and

9. those redevelopment projects that designate 20% of the units as affordable to lower income households are subject to by-right ministerial approval by the Planning Director (not subject to a hearing or discretionary review) as required by state law.

- **Office Conversion Overlay:** The "office conversion overlay zone" will apply to those parcels identified on the sites inventory that currently utilize upper floor space as office space.

  The following modified standards will apply to projects seeking to develop a parcel through this overlay district:

  1. grandfathering parking based on existing parking on site so long as the proposed units are 1,000 square feet or less and the footprint of the building is not expanded;
  2. modified density standard, up to 40 units/acre;
  3. exemption to the inclusionary housing requirement for those projects that provide units that are 1,000 square feet or less; and
  4. ministerial approval (no hearing) based on objective standards to streamline approval.

Other Zoning Code Amendments

In addition to the above referenced actions, there are various amendments to the zoning code that are required to address the proposed Housing programs identified in Chapter 4 of the Draft Housing Element, including:

- Modifications to Design Review (20.66), as discussed above;
- Removal of the Conditional Use Permit requirement for residential use in commercial zoned districts (20.26 through 20.48);
- Modification of Development Standards based on state law, including but not limited to State Density Bonus and creating objective standards and guidelines (20.24 through 20.48);
- Modification of parking standards based on state law and creating objective standards and guidelines (20.60); and
- Modification of allowable uses and development standards based on state law, including but not limited to emergency shelters, residential care facilities and low barrier navigation centers.

Summary of Land Use Map and Zoning Map Amendments

The proposed project includes amending the Zoning Ordinance as referenced above. In doing so, as reflected in Table 4-6, Summary of Land Use Map and Zoning Map Amendments, the following amendments will be made to the Zoning Map and General Plan Land Use Map and Land Use Categories Table.

Table 4-6 Summary of Land Use Map and Zoning Map Amendments

Site/Location	Proposed Zoning Amendment	Proposed Land Use Map	Proposed Land Use Density Category
1 Hamilton Drive	Multi-Family Residential Bayfront (RM-B)[1]	Multi-Family Residential (MFR-2)	17 dwelling units per acre to 29 dwelling units per acre
300 East Blithedale Avenue	Multi-Family Residential Parkway (RM-P)	Multi-Family Residential (MFR-2)	Nine (9) dwelling units per acre to 15 dwelling units per acre
Presidio Neighborhood (RM3.5 Zoning District)	Downtown Residential (DR)	Downtown Residential (DR-1)	Eight (8) dwelling units per acre to 16 dwelling units per acre
Small Lot Overlay Zoning District	Overlay district applied to sites identified in Table 4-3 and Figure 4-1	Overlay district applied to sites identified Table 4-3and Figure 4-1	17 dwelling units per acre to 40 dwelling units per acre
Office Conversion Overlay Zoning District	Overlay district applied to sites identified in Table 4-3 and Figure 4-1	Overlay district applied to sites identified Table 4-3 and Figure 2	17 dwelling units per acre to 40 dwelling units per acre
Opportunity Site Overlay Zoning District	Overlay district applied to sites identified in Table 4-3 and Figure 4-1	Overlay district applied to sites identified Table 4-3 and Figure 4-1	20 dwelling units per acre to 40 dwelling units per acre

SOURCE: Mill Valley 2022
NOTE: 1. Rezoning will occur as part of a project-level development review application.

4.2 Statement of Project Objectives

The Housing Element Update, related General Plan amendments, Zoning Code amendments, and various map amendments, are intended to meet the requirements of State law as well as accomplish the following:

- Provide adequate housing stock to accommodate the City's housing needs for a range of income levels, including low and moderate-income households;
- Meet the housing unit goals as set by the City's Regional Housing Needs Allocation (RHNA);
- Maintain and enhance the quality and affordability of existing housing;
- Provide opportunities for a range of housing types suited to residents of varying lifestyle needs;
- Provide a sufficient amount of land appropriately zoned to accommodate regional housing needs and ensure that new development is compatible with Mill Valley's small-town character and many of its environmental, community, neighborhood and scenic attributes;
- Address governmental constraints and identify regulatory incentives for the maintenance, improvement and development of housing while maintaining community character;
- Promote a racially diverse, equitable and inclusive community;

- Promote fair housing opportunities for all residents, including Mill Valley's Special Needs Populations;
- Promote a healthy and sustainable Mill Valley through support of existing and new housing which minimizes reliance on natural resources and automobile use;
- Coordinate with citizens, community groups, and governmental agencies to help address Mill Valley's housing needs;
- Ensure consistency with the Land Use Element and densities for those housing sites identified in the 2023-2031 Housing Element Update as capable of accommodating residential land uses; and
- Ensure that the Municipal Code is consistent with the updates to the Housing Element and Land Use Element.

CEQA Compliance

The objective of this draft subsequent EIR is to evaluate buildout of the housing element with the degree of specificity that corresponds to the degree of specificity in the proposed project (housing opportunities provided in the Housing Element Update) in order to streamline the environmental review process when development applications are received. CEQA and its corresponding Guidelines provide many opportunities to streamline environmental review for construction projects when such applications are submitted to the City for review and processing.

4.3 Other Government Agency Approvals

As the Lead Agency and in accordance with CEQA, the City intends for the draft subsequent EIR to serve as the CEQA-required environmental documentation for consideration of the Housing Element Update by other Responsible Agencies and Trustee Agencies that may have discretionary approval authority over the Housing Element Update. Responsible Agencies are defined in CEQA Guidelines Section 15381 as those agencies that have discretionary authority over one or more actions involved with project implementation. Trustee Agencies are defined by CEQA Guidelines Section 15386 as state agencies that have jurisdiction by law over natural resources affected by a project that are held in trust for the people of the state of California. A list of the Responsible or Trustee Agencies that may be required to issues permits for future specific development projects is provided below. The City will identify actual permits required when evaluating specific development projects.

- Association of Bay Area Governments (ABAG);
- California Department of Housing and Community Development (HCD);
- Bay Area Air Quality Management District (BAAQMD);

- California Department of Fish and Wildlife;
- California Department of Transportation (Caltrans) District 4;
- California Public Utilities Commission;
- Regional Water Quality Control Board, Region II;
- Marin Municipal Water District;
- Mill Valley School District;
- Tamalpais Union High School District;
- Southern Marin Fire District;
- Sewerage Agency of Southern Marin;
- Pacific Gas & Electric;
- U.S. Army Corps of Engineers;
- U.S. Environmental Protection Agency; and
- U.S. Fish and Wildlife Service.

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5.0
Aesthetics, Light, and Glare

This section describes the existing aesthetics, light, and glare setting and potential effects from the City of Mill Valley Housing Element Update on the city and its surroundings.

No NOP comments were received addressing aesthetics.

5.1 Environmental Setting

Regional Setting

Mill Valley is located in Marin County, which is part of the larger nine-county San Francisco Bay Area region. A relatively small portion of the county is devoted to urban uses (approximately 11 percent as of 2018 according to the California Department of Conservation). The balance of the area is committed to agricultural, grazing land, or open space use. Topographically, Marin County is characterized by coastal and inland valleys and foothills ranging from 1,000 to 3,000 feet in elevation. Mt. Tamalpais, protected as a California State Park, is the most prominent topographical feature in Marin County, reaching 2,574 feet above mean sea level. A significant amount of undeveloped land (including ridgelines) within Marin County is in public ownership, of which the National Park Service, State of California, and Marin County Water District are three of the largest landowners (Mill Valley 2013b).

Local Setting

Mill Valley is 4.8 square miles with a population of approximately 14,121 residents (California Department of Finance 2022). Mill Valley is bounded by the hillsides and steep ridges of the coastal mountains and the water of Richardson Bay, which form natural edges to urban growth. Many of the ridgelines that create the dominant visual backdrop for the community are preserved as open space. Similarly, much of the bayfront lands have been preserved as park and open space. Creeks, marshes, redwood groves, heavily forested and grass-covered hillsides, and chaparral are commonplace. Single-family residential neighborhoods are located in the valleys and on the hillsides, with commercial and more intensive residential uses clustered on the flat low lands. Overall, the compact urban footprint and natural setting that forms the edges of the community serve to create a small-town character.

Light and Glare

The Mill Valley city limits contain numerous sources of light and glare. Examples of light and glare include streetlights, freestanding lights, building-mounted lights, illuminated signage, reflective building materials, and vehicular headlights.

Visual Setting of Housing Sites

The proposed project includes 265 housing sites, which, for purposes of this analysis, are categorized and described below. In order to highlight the existing visual setting of the potential housing sites identified in the Housing Element Update, a series of figures are presented starting on the following page. Figure 5-1, Sites Inventory Visual Setting Photographs, present existing street view photographs of a sampling of the sites inventory housing sites. Figure 5-2, 1 Hamilton Drive Visual Setting Photographs, represents the existing visual setting for the 1 Hamilton Drive site from various vantage points surrounding the site. Figure 5-3, 300 E. Blithedale and Presidio Neighborhood Visual Setting Photographs, presents the two rezoned sites (300 E. Blithedale and the Presidio neighborhood).

Sites Inventory

The sites inventory includes 170 sites (see Appendix C – Sites Inventory Methodology of the Housing Element Update) and are generally characterized as having less than 50 percent slope, have structures older than 40 years, and are outside of the City's designated Historic Overlay Zone. Those that are zoned commercial and multi-family are also outside of any "Very High Fire Severity Zones" (as designated by CAL FIRE), and are within 0.5 miles of transit and walkable within 0.5 mile of local amenities. These sites are spread throughout Mill Valley including in the hillside neighborhoods to the west, the downtown area along Miller Avenue and E. Blithedale Avenue with a handful of sites to the east between Camino Alto and U.S. Highway 101.

Other Sites

An additional 95 sites identified for rezoning include one site located at 300 E. Blithedale Avenue and the other 94 parcels located within the Presidio Neighborhood, which is in close proximity to downtown Mill Valley between Forrest Street and Millwood Street. Of these 64 parcels in the Presidio Neighborhood, there is one (1) parcel operating as commercial use, 22 parcels operating as multi-family use and 41 parcels operating as single-family use. This neighborhood is located along the main roadway arterials and commercial corridors, including Miller Avenue, East Blithedale, and Camino Alto. In addition, the City has identified the northern portion of 1 Hamilton Drive as "exempt surplus land" for the sole purpose of building affordable rental housing on the site. The 1 Hamilton parcel is approximately 11 acres in size and is zoned O-A (Open Area) with a land use designation of (OS) Open Space containing the Bayfront and Hauke Park, Public Safety Building, Hauke Park and Public Safety Building parking lots, electric vehicle charging stations, ground-mounted solar panels and community garden.

1 Small Lot/"Underutilized Site" #12
(380-384 Miller/ 9 Montford)

3 Office Conversion Site #72 (650 E. Blithedale Ave)

2 Opportunity Site" #40 (61 Camino Alto)

4 SB 9 Vacant Site (16 Stanton Way)

Source: Google Earth 2022

Photographs: Google Earth 2022

Figure 5-1

Sites Inventory Visual Setting Photographs

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1 Publicly-Owned Site looking southeast (1 Hamilton Drive)

2 Publicly-Owned Site looking northeast (1 Hamilton Drive)

3 Publicly-Owned Site looking northwest (1 Hamilton Drive)

Source: Google Earth 2022

Photographs: Google Earth 2022

Figure 5-2

1 Hamilton Drive Visual Setting Photographs

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1 300 E. Blithedale Avenue

2 Presido Neighborhood (from Hill Street and Presidio Avenue)

Photographs: Google Earth 2022

Figure 5-3

300 E. Blithedale and Presidio Neighborhood Visual Setting Photographs

This side intentionally left blank.

Vacant Single-family Zoned Sites

Eighty-eight sites are identified as vacant single family zoned sites largely located in hillside (non-urbanized) neighborhoods to the west, as well as nine vacant, eligible SB 9 parcels.

5.2 Regulatory Setting

Regional

Marin County Open Space District

The Marin County Open Space District is the local government agency responsible for preserving public open space in Marin County. Through the acquisition, protection, and responsible stewardship of ridgelands, baylands, and environmentally sensitive lands, the district's mission is to enhance the quality of life in Marin County.

Local

City of Mill Valley 2040 General Plan

The City's general plan sets forth the following goals and policies that are relevant to aesthetics, light, and glare:

> **Goal LU.1 Community Character**: Protect and enhance the natural beauty and small-town character of Mill Valley.
>
> **Policy LU.1 Residential Development:** Residential development shall be compatible with, integrated into, and subordinate to its natural setting.
>
> > **LU.1-1** Regularly evaluate and update residential development standards, construction management oversight, and single-family and multi-family design guidelines to ensure that new development and residential remodels are compatible with their natural surroundings and character of the adjoining neighborhood.
> >
> > **LU.1-2** New residential development or remodels should avoid a design approach or architectural features that exaggerate height, bulk or mass and create incompatibilities in relation to neighboring properties, distant public views from across a canyon or other parts of the City, or views from the public right-of-way.
>
> **Policy LU.2 Commercial Development:** Provide commercial services in a convenient, safe and attractive environment that complements the residential character of Mill Valley, supports local business development and growth, and strengthens the sense of community.
>
> **Goal LU.3 Commercial Areas:** Enhance the city's principal commercial areas (Downtown, Miller Avenue, Highway 101, East Blithedale/Alto Center).

Policy LU.4 Good Neighbor Policy: Address potential conflicts between businesses and residents in or adjacent to commercial areas by recognizing the need for responsible business operations and practices; by acknowledging that residents who enjoy the value and convenience of living in or near commercial areas may also experience noise, odors, parking constraints, and other issues not typically found in traditional residential areas; and by recognizing that the resolution of any conflict with adjacent residents should take into account reasonable concerns and consider the importance of maintaining a vibrant commercial area.

LU.4-1 Establish specific, project-related good neighbor conditions of approval as part of granting Conditional Use Permits (CUPs). For those uses that may not be subject to a CUP, establish good neighbor policies by resolution of the City Council.

LU.4-2 Encourage neighbors to use neutral mediation services to resolve potential conflicts among neighbors for matters that may involve the City but do not relate to enforceable City regulations or conditions of approval.

LU.4-3 Strengthen the City's code enforcement program and annually report to the community on the progress toward resolving outstanding code violations.

LU.4-4 Establish clear and consistent "good neighbor" practices (e.g., for noise, litter, waste disposal, customer conduct, etc.) for all businesses operating adjacent to established residential uses and make sure that property owners, business owners, and residents acknowledge those practices and the operational commitment they represent.

Policy LU.5 Coordinated Strategy: Create and implement a commercial development strategy for the City's principal commercial areas that makes the most of their distinctive locations, amenities, and uses and results in a complete and complementary range of goods and services in the community.

LU.5-1 Establish regulatory and aesthetic standards to ensure attractive, pleasant, safe, clean, and accessible commercial areas and adjacent public realm by:

- Updating the City's sign regulations to make them consistent with changes in state and federal law and related case law, to ensure that they recognize and regulate new sign technologies where necessary, and to reflect changes in community values;
- Updating the City's zoning and regulations and development standards to maintain the distinctive mix of commercial uses, building setbacks, building heights, and other development characteristics of the principal commercial areas;

- Adopting commercial design guidelines using the guidelines in the 1989 General Plan for the four principal commercial areas as a starting point;
- Establishing and implementing commercial development and public improvement standards (e.g., for sidewalks, street lights and furniture, landscaping, parking and circulation, traffic signals, etc.); and
- Encouraging public/private partnerships for long-term maintenance and improvements beyond public standards.

Policy CV.6 Consistent Public Improvements: Improve Mill Valley's appearance and charm through City policies, regulations, and standards that promote consistently high-quality design and construction.

CV.6-1 Establish and maintain public improvement and development standards that emphasize the City's attention to detail and design excellence and result in an aesthetically consistent appearance and quality of materials for public roads, sidewalks, pathways, street lights, street furniture, and other features of the public realm.

CV.6-2 Update and expand the City's design guidelines to address all types of new development (not just single-family residential), redevelopment, and public improvements.

Housing Element Update

The 2023-2031 Housing Element Update includes policies and programs that address the design of new housing to provide stable, safe, and attractive neighborhoods.

Goal 4.0: Provide a sufficient amount of land appropriately zoned to accommodate regional housing needs and ensure that new development is compatible with Mill Valley's small-town character including environmental, community and neighborhood and scenic attributes.

Policy 4.1 Facilitate Quality Design through Development Standards and Design Principles. Assure that new housing is well-designed and based on sustainable development principles to enhance our neighborhoods and community.

Housing Program 18. Objective Design and Development Standards (Program Objective): Continue to implement a design review process to ensure that new single and multi-family development and substantial modifications to existing structures are compatible with Mill Valley's small-town character, unique environmental, community and scenic attributes. By 2023, develop and adopt objective Multi-Family and Mixed-Use Development Standards and Guidelines and accept the county-wide collaborative "ODDS toolkit" as a reference to continue the discussion of how to creatively apply standards to facilitate infill development. Also clarify design review thresholds based on various streamlining allowed under State Law.

Housing Program 22A. Redevelopment Process (Program Objective): In 2023, incorporate objective standards and guidelines into the Mixed Use Development Standards. By 2025 update design review thresholds established in the City's Zoning Code based on state law and further streamline those housing projects of interest, including but not limited to single family residential remodels and small-scale, infill development that satisfies objective development and design guidelines (Program 18) and consider the removal of the conditional use requirement for mixed use housing in commercial areas (Program 5).

Zoning Code

The Zoning Code, Title 20 of the Mill Valley Municipal Code, establishes development standards for each zoning district. Development standards include lot size standards, height limits, setbacks, building coverage standards, parking requirements, and landscaping requirements. New development applications within each zoning districts are assessed against the applicable development standards.

Chapter 20.66 of the City's Zoning Code establishes the City's Design Review process requirements. According to the Design Review criteria as established in Chapter 20.66.020, all new structures or changes in use of an existing structure of 150 square feet or more of gross floor area in any zoning district, physical improvements and all additions, extensions, changes in color, and other exterior changes of or to existing buildings, structures and physical improvements shall be subject to design review.

Single-Family Residential Design Guidelines

In 2019, the City of Mill Valley adopted Single-Family Residential Design Guidelines that facilitate appropriate and environmentally sensitive residential development. The Single-Family Design Guidelines implement goals and policies of the *Mill Valley 2040 General Plan* and complement the development standards in the Mill Valley Municipal Code related to single-family residential development. Although the Design Guidelines are not legally binding, applicants proposing new residential development or remodels are encouraged to review them in order to better communicate concerns; set expectations; and meet goals within organized, clear, and balanced parameters.

In 2021, the City adopted an Addendum to the Single-Family Residential Design Guidelines, which applies to two-unit projects on parcels located in the RS Zoning Districts, pursuant to Chapter 20.91 of the City's Municipal Code, as well as any ministerial permitted applications subject to satisfying objective design guidelines.

Multi-Family and Mixed-Use Development Standards

In 2016, the City adopted Multi-Family and Mixed-Use Development Standards and Guidelines, which include principles for sustainable site planning, slope design, soils grading and drainage design, landscaping and home hardening, and green building design. These standards and guidelines

have provided more direction to applicants and for the community to understand as part of the application review and approval process. As a result, most commercial redevelopment projects now include mixed use opportunities as part of redevelopment.

Objective Design and Development Standards (Not Yet Adopted)

The City is partnering with Marin County and nine other Marin County cities to create Objective Design and Development Standards (ODDS or ODDS "toolkit") that can be used by the City for the review and development of new multi-family housing projects. This County-wide planning effort is being funded by State planning grants to help cities streamline the approval of new housing units by creating "objective" (as opposed to subjective) design and development standards. The application and use of ODDS toolkit are becoming increasingly important based on new State housing laws that limit local control and discretion over housing projects. City staff are currently in the planning phase for the ODDS toolkit and anticipate incorporating the final ODDS toolkit into the City's design review process over the next several years (Danielle Staude, e-mail communication, September 21, 2022).

5.3 Thresholds of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of aesthetics, as it does on a whole series of additional topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of aesthetic impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The City of Mill Valley has done so here. Therefore, for purposes of this SEIR, a significant aesthetic impact would occur if implementation of the proposed project would:

- Have a substantial adverse effect on a scenic vista;
- In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality; and
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Checklist Questions Deemed Not Applicable

- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

According to the California Department of Transportation, U.S. Highway 101, which is adjacent to the eastern border of the City limits, is not designated as a scenic highway (Caltrans 2022). No other state-designated or eligible scenic highways exist in Mill Valley; the nearest being State Route 1 approximately 0.3 miles south of the City at its closest point. Therefore, implementation of the proposed project would not damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

5.4 Analysis, Impacts, and Mitigation Measures

This section evaluates whether the proposed project would result in significant impacts on scenic vistas, scenic quality, and light and glare. The significance criteria above were used to evaluate the proposed project's effects on aesthetic resources relative to the existing baseline condition (both regulatory and physical). The visual analysis is based on aerial and ground-based photographs of the opportunity sites and locations and consideration of City policies and guidelines related to visual resources.

Actions with long-term visual effects, such as constructing new buildings, grading, vegetation removal, and introducing new sources of nighttime light and daytime glare, can permanently alter the landscape in a manner that could affect existing scenic resources and the visual character or quality of an area, depending on the perspective of the viewer and the visual sensitivity of an area.

Adverse Effect on Scenic Resources

IMPACT 5-1	The Proposed Project Would Have an Effect on Scenic Resources When Viewed from Public Areas	Less than Significant

2013 General Plan EIR Analysis

According to the general plan EIR (section 3.1, Aesthetics, Light, and Glare), potential impacts to scenic vistas and resources as a result of buildout of the 2013 general plan were considered less than significant based on existing regulatory requirements and policies contained in the general plan along with preservation of existing land use patterns.

Proposed Project

The Housing Element Update identifies specific opportunity sites appropriate for development of single-family houses and redevelopment with mixed uses, including multi-family housing, and the Town would rezone the mixed-use sites to meet the requirements of State law.

Mill Valley, and the majority of the proposed housing sites, are located within a largely urbanized (or suburban) setting. The development of single-family homes in this urbanized setting would not result in an adverse impact to scenic resources; therefore, this analysis focuses on the redevelopment of properties with new housing of increased density, greater scale, and increased height that could

result in potentially adverse effects on scenic vistas and could limit views of the natural environment of Mill Valley, including ridgelines (for example Mount Tamalpais), hillside and wetland areas, and trees. While abundant views of these scenic and visual resources would remain with redevelopment of the housing sites, the extent of physical change that could occur and the associated alteration and potential blockage of views could still occur. The City does not have any ordinances or regulations associated with or protecting scenic vistas or scenic quality. Implementation of goals, policies, and programs contained in the general plan and Housing Element Update, along with continued compliance with applicable zoning district and the City's multi-family/mixed-use residential design guidelines would assist to mitigate the change in visual character that could degrade the aesthetic value of panoramic views of the City's scenic resources when viewed from public areas.

Visual Character and Quality of Public Views/Conflict with Applicable Zoning and Other Regulations Governing Scenic Quality

IMPACT 5-2	Height Increases Associated with Proposed Zoning at Certain Housing Sites Could Affect Visual Character or the Scenic Quality of Public Views	Less than Significant

2013 General Plan EIR Analysis

According to the general plan EIR (section 3.1, Aesthetics, Light, and Glare), potential impacts to the visual character of the City's Planning Area and its surroundings as a result of buildout of the 2013 general plan were considered less than significant. This determination was based on the fact that the general plan maintains existing land use patterns and designations within the existing City limits, as well as general plan goals and policies that pertain to the protection of visual resources. Goals LU-1 through LU-3 and Policies LU-1 through LU-5 establish objectives associated with protection of natural beauty and resources, compatibility between residential development and its natural surroundings, promoting a visually appealing and vibrant downtown area, and enhancing the visual quality of commercial development.

Proposed Project

This section includes an analysis of visual impacts at a high programmatic level across all proposed housing sites, based upon density and height allowed by proposed zoning.

The proposed project includes establishing new maximum building heights for two of the housing overlay districts proposed (Small Lot/ "Underutilized Sites" and "Opportunity Sites"), and at 1 Hamilton Drive. Existing and proposed building heights for each of the proposed housing sites are presented in Table 5-1, Existing and Proposed Zoning – Maximum Building Height Increases, using the existing and proposed zoning for each site. Maximum permitted heights will not change for the single family zoned sites (vacant single family residential and SB 9 sites) office conversion sites, 300 E. Blithedale site or Presidio Neighborhood sites. The City is also undertaking environmental review

in a project-level EIR for the proposed 1 Hamilton Drive project, which will address the specific visual impacts of that project, and therefore, this analysis does not address the project-level visual impacts of the proposed 1 Hamilton Drive project.

Table 5-1 Existing and Proposed Zoning – Maximum Building Height Increases

Type of Site	Existing and Proposed Zoning Heights		
	Existing Zoning (Maximum Permitted Height)	Proposed Zoning (Maximum Permitted Height)	Height Increase (Existing and Proposed Zoning)
Sites Inventory			
Vacant Single-Family Zoned Sites	Various single-family zoning districts (35 feet)	No change	No change
Projected SB 9 Lot Splits	Various single-family zoning districts (35 feet)	No change	No change
Publicly-Owned Site (1 Hamilton)	0 feet (Open Area)	35 feet (RM-B)	+35 feet (100% increase)[3]
Underutilized Sites: Commercial and Multi-Family Zoned Sites under ½ acre with Housing Overlay	Various commercial and multi-family zoning districts (35 feet)	Up to 40 feet	+5 feet (14% increase)
Opportunity Sites: Commercial Zoned Sites over ½ acre with Housing Overlay	Various commercial zoning districts (35 feet)[1]	Up to 40 feet	+5 (14% increase)
Office Conversions with Housing Overlay[2]	Various commercial zoning districts (35 feet)	No change[2]	No change
Other Rezoned Sites			
300 E. Blithedale (RS-6 to RM-P)	35 feet (RS-6)	35 feet (RM-P)	No change
Presidio Neighborhood (RM-3.5 to DR)	35 feet (RM-3.5)	35 feet (DR)	No change

SOURCE: City of Mill Valley 2022; Google Earth 2022

NOTE:

1. One opportunity site is currently zoned "RS-6". 35 feet may be permitted at RS-6 sites if the site has more than twice all required yard setbacks.
2. No change in permitted heights will occur at Office Conversion sites as permitted heights at these sites are based on existing building footprints and volume of the building.
3. The proposed 35 foot height limit at 1 Hamilton Drive is consistent with the zoning code's allowed heights for other multi-family uses.

As previously mentioned, the proposed housing sites are located in both non-urbanized and urbanized areas of the City. As demonstrated by Table 5-1, the proposed project would result in development that may not be consistent with the visual quality and character of surrounding development based on the maximum permitted building heights identified which could add an additional 5 to 35 feet in building heights depending on the site (or between a 14 percent to 40

percent increase in maximum permitted height). A total of 61of the 265 sites (23 percent of all proposed housing sites) would result in maximum permitted height increases after rezoning.

Redevelopment at these 156 proposed housing sites could be denser and taller than most if not all of the existing adjacent development. However, implementation of goals, policies, and programs contained in the Housing Element Update and general plan, along with compliance with applicable zoning district and adopted residential design guidelines, would be required for all future development at each of the proposed housing sites. With required adherence to goals and policies in the general plan and Housing Element Update and the City's other design requirements, which would be assessed during project plan review in accordance with the City's municipal code and/or any future modified objective design and development standards, project impacts associated with visual character and quality of public views would be less than significant. In addition, the proposed project would not conflict with applicable zoning and other regulations governing scenic quality.

Light and Glare

IMPACT 5-3	The Proposed Project Would Introduce New Sources of Light and Glare at Housing Sites	Less than Significant

2013 General Plan EIR Analysis

According to the general plan EIR (section 3.1, Aesthetics, Light, and Glare), potential impacts associated with light and glare were determined to be less than significant. This determination was based on the fact that the general plan maintains existing land use patterns and designations within the existing City limits as well as general plan goals and policies that pertain to the protection of visual resources. Policies LU-1 and Policy LU-4 establish objectives associated with compatibility between residential development and its natural surroundings and promoting land use compatibility between commercial and residential land uses within the downtown area. Land use compatibility includes appropriate levels of lighting; thus, these policies would serve to minimize adverse impacts associated with the introduction of new sources of light and glare.

Proposed Project

Development and redevelopment of the housing sites could introduce new sources of light and glare, including night lighting for buildings and security lighting. However, the proposed housing sites would be located in Mill Valley's existing residential neighborhoods and downtown core with similar sources of light in the existing condition. Development and redevelopment of the housing sites would also be subject to general plan policies LU-1 and Policy LU-4, as well as proposed Housing Element Update policy 4.1 and programs 18 and 22a, which collectively ensure implementation of the City's resident development standards related to lighting, "Good Neighbor Policy," and all future projects at the housing sites will be subject to lighting standards established in either the City's 2016 Multi-Family and Mixed-Use Development Standards (see Chapter 4.A.

Lighting) or the City's 2019 Single-Family Residential Design Guidelines (see guidelines applicable to lighting including Guideline 11 – Windows, Roofs, and Skylights and Roof Mounted Equipment; Guideline 14 – Exterior Lighting; and Guideline 16 – Landscaping to Maximize Privacy and Views) as well as the City's Design Review process as outlined in City Municipal Code Section 20.66. All of the City's lighting standards collectively serve to minimize light pollution and trespass in order to respect privacy and ensure safe nighttime conditions. With implementation of the combined policies, programs, and design guidelines referenced above, future development associated with the proposed project would have a less-than-significant impact associated with light and glare.

5.5 Cumulative Visual Impacts

This section presents an analysis of the cumulative effects of the Housing Element Update in combination with other past, present, and reasonably foreseeable future projects that could cause cumulatively considerable impacts. Significant cumulative impacts related to aesthetics and light and glare occur if the incremental impacts of the proposed project combined with the incremental impacts of one or more cumulative projects. The cumulative visual analysis only considers the change in general plan buildout resulting from the amendments to the Housing and Land Use Element amendments and zoning amendments. The cumulative analysis evaluates total buildout of the amended General Plan.

Geographic Context

Based on the location of the housing sites, the geographic area for the assessment of cumulative visual impacts includes the entirety of Mill Valley. Future development within the 265 identified housing sites could have a cumulative impact on visual resources due to changes in the existing visual quality and aesthetics resulting from incremental increases in density and urbanization potential at each of these sites. This growth could gradually alter the visual quality of the geographic area. The following is a summary of the project's contribution to cumulative aesthetic impacts.

Cumulative Analysis

The 2013 general plan EIR concluded that implementation of policies and programs identified in the aesthetics, light, and glare section of the general plan EIR would ensure that land use activities under buildout of the general plan would avoid significant impacts to visual resources and light and glare and would be less than cumulative considerable.

As discussed in Section 5.1, the housing sites are located throughout Mill Valley including a mix of urbanized and non-urbanized areas from the residential hillside areas to the west, the downtown core, and some sites near U.S. Highway 101 to the east. All of these sites are surrounded by either existing residential and commercial development. Development of these housing sites would be required to undergo design review to ensure consistency with City Municipal Code standards.

Additionally, some of the underutilized sites consist of aging structures with poor visual quality, and redevelopment of these structures would result in new residential structures developed consistent with the visual requirements of the general plan and municipal code. However, the proposed project would result in development that may not be consistent with the visual quality and character of surrounding development based on the maximum permitted building heights identified which could add an additional 5 to 35 feet in building heights depending on the site. 156 of the 265 sites would experience maximum permitted height increases after rezoning. However, with required adherence to goals and policies in the general plan and Housing Element Update and the City's other design requirements presented through this section, which would be assessed during project plan review in accordance with the City's adopted residential design guidelines as well as the City's Design Review process as outlined in City Municipal Code Section 20.66, the project's visual impacts would be less than significant both at the individual sites and on a cumulative level. Therefore, the project's visual impact would not be cumulatively considerable.

In regard to light pollution, development of the housing opportunity sites would be required to comply with general plan policies LU-1 and Policy LU-4, as well as proposed Housing Element Update policy 4.1 and programs 18 and 22a, which collectively ensure implementation of the City's resident development standards related to lighting, "Good Neighbor Policy," and all future projects at the housing sites will be subject to lighting standards established in either the City's adopted residential design guidelines as well as the City's Design Review process as outlined in City Municipal Code Section 20.66. All of the City's lighting standards collectively serve to minimize light pollution and trespass in order to respect privacy and ensure safe nighttime conditions.

Development of the housing sites combined with development within the City of Mill Valley would not result in a cumulatively significant visual impact due to the location of the sites spread across a range of existing residential and commercial areas of Mill Valley. Additionally, compliance with the City's Municipal Code, existing residential design requirements would ensure future development within the housing sites is sensitive to visual resources and views and would not degrade the visual environment. Thus, the project's incremental contribution to visual impacts would not be cumulatively considerable.

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6.0 Air Quality

6.1 Environmental Setting

Unless otherwise noted, the information contained within this section is based on the draft Housing Element Update, the *2013 City of Mill Valley 2040 General Plan* (general plan), and the *2013 City of Mill Valley 2040 General Plan EIR* (general plan EIR), the City's Municipal Code and Zoning Code, the Bay Area Air Quality Management District (air district) *California Environmental Quality Act Air Quality Guidelines* (2017) and *2017 Clean Air: Spare the Air, Cool the Climate* (2017b).

No NOP responses were received regarding air quality.

Regional Climate and Topography

The City of Mill Valley is located in the San Francisco Bay Area Air Basin ("air basin"). The air basin encompasses all of Marin County and the counties of Alameda, Contra Costa, Santa Clara, San Francisco, San Mateo, and Napa, and the southern portions of Solano and Sonoma counties. Marin County is bounded on the west by the Pacific Ocean, on the east by San Pablo Bay, on the south by the Golden Gate, and on the north by the Petaluma Gap. Mill Valley is partially sheltered from prevailing northwesterly winds from off the Pacific Ocean by elevated terrain. The topography of Mill Valley varies from just above sea level on the east bordering San Francisco Bay to nearly 1,000 feet at the top of Mount Tamalpais to the west. The geological terrain of Mill Valley ranges from upland hills and ridges with steep slopes to lowland valley lands and Bay lands. Surface elevation within the Coast Ranges varies from 1,000 to 3,000 feet (City of Mill Valley 2013).

Air Basin Characteristics

The air basin is characterized by complex terrain, consisting of coastal mountain ranges, inland valleys, and bays, which distort normal wind flow patterns. The Coast Range splits resulting in a western coast gap, Golden Gate, and an eastern coast gap, Carquinez Strait, which allow air to flow in and out of the air basin and the Central Valley to the east. The climate is dominated by the strength and location of a semi-permanent, subtropical high-pressure cell. During the summer, the Pacific high-pressure cell is centered over the northeastern Pacific Ocean resulting in stable meteorological conditions and a steady northwesterly wind flow. Upwelling of cold ocean water from below to the surface because of the northwesterly flow produces a band of cold water off the California coast. The cool and moisture-laden air approaching the coast from the Pacific Ocean is further cooled by the presence of the cold-water band resulting in condensation and the presence of fog and stratus clouds along the Northern California coast.

The prevailing wind direction is southwesterly, which is the wind direction when marine breezes flow through the Carquinez Strait. Marine breezes dominate during the spring and summer months and show strong daily variations. Highest average wind speeds occur in the afternoon and evening hours; lightest winds occur in the night and morning hours. During fall and winter, when the sea breeze diminishes, northerly winds occur more frequently, but southwesterly winds still predominate. The eastern side of Marin County has warmer weather than the western side because of its distance from the ocean and because the hills that separate eastern Marin from western Marin occasionally block the flow of marine air. Temperatures in Mill Valley are moderated by the cooling effect of the San Francisco Bay in summer and the warming effect of the Bay in winter. Temperatures range between 45 to 70.5 degrees Fahrenheit (Western Regional Climate Center 2022).

Criteria Air Pollutants and Precursors and Their Effects on Human Health

The six most common and widespread air pollutants of concern, or "criteria air pollutants," are ground-level ozone, nitrogen dioxide, particulate matter, carbon monoxide, sulfur dioxide, and lead. In addition, reactive organic gases are a key contributor to the criteria pollutants because they react with other substances to form ground-level ozone. The common properties, sources, and related health and environmental effects of these pollutants are summarized in Table 6-1, Criteria Air Pollutants.

Health effects of criteria air pollutants include, but are not limited to, asthma, bronchitis, chest pain, coughing, throat irritation, and airway inflammation. Currently available modeling tools are not equipped to provide a meaningful analysis of the correlation between an individual development project's criteria air pollutant emissions and specific human health impacts. Consequently, the Bay Area Air Quality Management District's thresholds of significance for criteria air pollutants are not intended to address regional impacts, but address localized human health impacts that may result from an individual project's criteria air pollutant emissions.

Ozone

Ground-level ozone (O_3) is created by complex chemical reactions between nitrogen oxides and volatile organic compounds in the presence of sunlight. Since ground-level O_3 is not emitted directly into the atmosphere, but is formed because of photochemical reactions, it is considered a secondary pollutant.

O_3 is a strong irritant that attacks the respiratory system, leading to the damage of lung tissue. Asthma, bronchitis, and other respiratory ailments, as well as cardiovascular diseases, are aggravated by exposure to O_3. A healthy person exposed to high concentrations may become nauseated or dizzy, may develop a headache or cough, or may experience a burning sensation in the chest. Research has shown that exposure to O_3 damages the alveoli (the individual air sacs in the lung where the exchange of oxygen and carbon dioxide between the air and blood takes place). Research has shown that O_3 also damages vegetation.

Table 6-1 Criteria Air Pollutants

Pollutant	Properties	Major Sources	Related Health & Environmental Effects
Ozone	Ground-level ozone is not emitted directly into the air. It results from chemical reactions between nitrogen oxides and volatile organic compounds in presence of sunlight.	▪ Automobiles; ▪ Industrial facilities; ▪ Gasoline vapors; ▪ Chemical solvents; ▪ Electric utilities.	▪ Chest pain, coughing, throat irritation, and airway inflammation; ▪ Worsens bronchitis, emphysema, and asthma; ▪ Affects sensitive vegetation and ecosystems.
Nitrogen Dioxide	Reddish-brown gas formed during combustion of fuel. Nitrogen dioxide is a part of a group of highly reactive gases known as nitrogen oxides.	▪ Combustion of fuel; ▪ Automobiles; ▪ Power plant; ▪ Off-road Equipment.	▪ Irritate respiratory system / increase respiratory infections; ▪ Development of asthma; ▪ Forms acid rain – harms sensitive ecosystems; ▪ Creates hazy air; ▪ Contributes to nutrient pollution in coastal waters.
Respirable and Fine Particulate Matter	Mixture of solid particles and liquid droplets found in the air. Some particles, such as dust, soot, dirt, or smoke can be seen with the naked eye. Others are so small that they can only be detected with an electron microscope.	▪ Automobiles; ▪ Power Plants; ▪ Construction sites; ▪ Tilled farm fields; ▪ Unpaved roads; ▪ Smokestacks.	▪ Aggravated asthma; ▪ Irritation of the airways, coughing, and difficulty breathing; ▪ Decreased lung function; ▪ Premature death; ▪ Reduced visibility.
Carbon Monoxide	Colorless, odorless gas released when something is burned.	▪ Fuel combustion; ▪ Industrial processes; ▪Highly congested traffic.	▪ Chest pain for those with heart disease; ▪ Vision problems; ▪ Dizziness, unconsciousness, and death (at high levels).
Sulfur Dioxide	Colorless acid gas with a pungent odor formed during combustion of fuel. In the entire group of sulfur oxides, sulfur dioxide is the component of the greatest concern.	▪ Fuel combustion; ▪ Industrial processes; ▪ Locomotives, ships, and other heavy equipment; ▪ Volcanoes.	▪ Makes breathing difficult; ▪ Worsens asthma; ▪ Contributes to acid rain; ▪ Reduced visibility; ▪ Damages statues and monuments.
Lead	Lead is a naturally occurring element found in small amounts in the earth's crust.	▪ Ore and metal processing; ▪ Leaded aviation fuel; ▪ Waste Incinerators; ▪ Utilities; ▪ Lead-acid battery manufacturers.	▪ High blood pressure and heart disease in adults; ▪ Behavioral problems, learning deficits, and lowered IQ in infants and young children; ▪ Decreased plant and animal growth; ▪ Neurological effects in vertebrates.

SOURCE: United States Environmental Protection Agency 2021

If project-generated concentrations of reactive organic gases and/or nitrogen oxides exceed the applicable thresholds of significance, concentrations of ground-level O_3 resulting from these pollutants could potentially result in significant adverse human health impacts.

Reactive Organic Gases

Reactive organic gases (ROGs) are emitted from a variety of sources, including liquid and solid fuel combustion, evaporation of organic solvents, and waste disposal. ROGs are any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, as well as a list of compounds specifically excluded by the California Air Resources Board or the United States Environmental Protection Agency.

Nitrogen Dioxide

Nitrogen dioxide (NO_2) primarily gets in the air from the combustion of fuel in cars, trucks and buses, power plants, and off-road equipment. NO_2 is a reddish-brown gas that can irritate the lungs and can cause breathing difficulties at high concentrations. NO_2 is one of a group of highly reactive gases known as nitrogen oxides (NO_X). NO_2 is used as the indicator for the larger group of NO_X, which also includes nitrous acid and nitric acid. NO_X is a major contributor to ozone formation. NO_X also contributes to the formation of particulate matter (see discussion below).

Particulate Matter

Particulate matter refers to a wide range of solid or liquid particles in the atmosphere, including smoke, dust, aerosols, and metallic oxides. Particulate matter with diameter of 10 micrometers or less is referred to as PM_{10}. $PM_{2.5}$ includes a subgroup of finer particles that have a diameter of 2.5 micrometers or less. Particulate matter is directly emitted to the atmosphere as a byproduct of fuel combustion, wind erosion of soil and unpaved roads, and from construction or agricultural operations. Small particles are also created in the atmosphere through chemical reactions. Approximately 64 percent of fugitive dust is respirable particulate matter. Minimal grading typically generates about 10 pounds per day per acre on average while excavation and earthmoving activities typically generate about 38 pounds per day per acre.

Although particles greater than 10 micrometers in diameter can cause irritation in the nose, throat, and bronchial tubes, natural mechanisms remove much of these particles. Particles less than 10 micrometers in diameter are able to pass through the body's natural defenses and the mucous membranes of the upper respiratory tract and enter into the lungs. The particles can damage the alveoli. The particles may also carry carcinogens and other toxic compounds, which can adhere to the particle surfaces and enter the lungs.

Carbon Monoxide

Carbon monoxide (CO) is an odorless, colorless gas that is released when fuel is burned. The greatest sources of CO to outdoor air are cars, trucks and other vehicles or machinery that burn fossil fuels. A variety of household items such as gas space heaters, furnaces, fireplaces, lanterns, gas stoves, grills, and lawn equipment also release CO and can affect air quality indoors.

When inhaled at high concentrations, CO combines with hemoglobin in the blood and reduces the oxygen-carrying capacity of the blood. This results in reduced oxygen reaching the brain, heart and other body tissues. This condition is especially critical for people with cardiovascular diseases, chronic lung disease or anemia, as well as fetuses. Even healthy people exposed to high CO concentrations can experience headaches, dizziness, fatigue, unconsciousness, and even death.

Sulfur Dioxide

Within the larger group of gaseous sulfur oxides (SO_X), sulfur dioxide (SO_2) is the component of greatest concern, and is used as the indicator for the group. Emissions that lead to high concentrations of SO_2 generally also lead to the formation of other SO_X. SO_2 is a colorless acid gas with a pungent odor. SO_2 is produced by the combustion of sulfur-containing fuels, such as oil, coal and diesel. SO_2 dissolves in water vapor to form acid, and interacts with other gases and particles in the air to form sulfates and other products that can be harmful to people and their environment. Health effects of SO_2 include damage to lung tissue and increased risk of acute and chronic respiratory disease.

Lead

Lead (Pb) is a metal found naturally in the environment as well as in manufactured products. Thirty years ago, mobile sources were the main contributor to ambient Pb concentrations in the air. Pb was phased out of on-road vehicle gasoline between 1975 and 1996. Consequently, levels of Pb in the air decreased 98 percent between 1980 and 2014 (United States Environmental Protection Agency 2021). As a result of the phase-out of leaded gasoline, metal processing is currently the primary source of lead emissions. The highest levels of Pb in air are generally found near Pb smelters. Other stationary sources are waste incinerators, utilities, and lead-acid battery manufacturers.

Sources of Criteria Pollutants

On-road Vehicles

The gasoline and diesel fuels used in most on-road vehicles are mixtures of hydrocarbons, compounds which contain hydrogen and carbon atoms. Hydrocarbon emissions result when fuel molecules in the engine do not burn or burn only partially. Hydrocarbon pollutants also escape into the air through fuel evaporation. On-road cars, trucks, motorcycles, and buses are a major source of criteria pollutants. Approximately 57 percent of ROG emissions and 63 percent of NO_X emissions in the air basin are attributed to vehicular traffic. Off-road mobile sources contribute approximately 9 percent of ROG emissions and 18 percent of NO_X emissions (Bay Area Air Quality Management District 2017b, Figures 2-4 and 2-5). Cars and trucks produce air pollution throughout their life, including pollution emitted during vehicle operation, refueling, manufacturing, and disposal. Additional emissions are associated with the refining and distribution of vehicle fuel.

Off-road Construction, Industrial, and Agricultural Vehicles

Emissions generated during construction are "short-term" in the sense that they would be limited to periods of site development and construction. Agricultural emissions are frequently seasonal or occur sporadically. Off-road vehicle emissions are typically generated by the use of heavy equipment and the transport of materials. Emissions consist primarily of reactive organic gases, nitrogen oxides, suspended particulate matter, and carbon monoxide. Emissions of reactive organic gases, nitrogen oxides, and carbon monoxide are generated primarily by the operation of gas and diesel-powered motor vehicles. Calculating ROG and NO_X emissions from typical construction equipment is not necessary in air quality analysis of projects because temporary emissions of these ozone precursors have been accommodated in state- and federally-required air quality plans. Construction equipment exhaust PM_{10} emissions greater than 82 pounds per day or an average of 10 tons per year are considered significant.

Construction, Industrial, and Agricultural Dust

Suspended particulate matter emissions are generated primarily by wind erosion of exposed graded or tilled surfaces. Construction- and agricultural-generated emissions vary substantially from day to day depending on the level of activity, the specific construction equipment used, and weather conditions. Construction- and agricultural-related emissions can cause a substantial increase in localized concentrations of PM_{10}, for which the air basin is currently in nonattainment. Particulate emissions from construction and agricultural activities can lead to adverse health effects, as well as nuisance concerns such as reduced visibility and soiling of exposed surfaces.

The air district has not established a threshold for fugitive dust emissions from grading and other construction activities, but rather relies on best management practices to reduce dust emissions at all construction sites. The initial phases of construction generate the highest emissions of PM_{10} from fugitive dust because initial site preparation activities typically involve the most intense grading. During other construction phases, additional materials would be imported to the site including base rock, select soil/gravel for trenches and building pads, and asphalt for paving. Without controls, dust from construction would be transported off-site via wind erosion of unpaved surfaces or through soils tracked onto paved roads where PM_{10} enters the air through the motion of passing cars and trucks.

Area Sources

Area sources are fixed or local pollution sources that are not issued individual operating permits by the air district. Area sources include fuel combustion from space and water heating, landscape maintenance equipment, and fireplaces/stoves, evaporative emissions from asphalt paving activities, architectural coatings, and consumer products (e.g., adhesives, cleaners, hair spray). Area sources also include those criteria emissions from stationary sources that do not fall under air district permitting.

Stationary Sources

Stationary sources are primarily considered a source of toxic air contaminants, but many stationary sources do emit particulate matter, which is classified as a criteria pollutant as well. Many of the stationary sources emitting significant volumes of particulate matter are involved in industrial processes such as quarrying or processing of earth materials.

Toxic Air Contaminants and their Effects on Human Health

Toxic air contaminants ("TACs") are pollutants that may lead to serious illness or increased mortality, even when present in relatively low concentrations. Potential human health effects of toxic air contaminants include birth defects, neurological damage, cancer, and death. There are hundreds of different types of toxic air contaminants with varying degrees of toxicity. Individual toxic air contaminants vary greatly in the health risk they present. At a given level of exposure, one toxic air contaminant may pose a hazard that is many times greater than another. TACs can be classified as either carcinogens or non-carcinogens.

Toxic air contaminants are defined in California Health and Safety Code section 39655. Based on the California Health and Safety Code definition, the State establishes a list of toxic air contaminants in California Code of Regulations section 93000. The list was most recently revised in 2007 and includes the following substances:

- Benzene (C_6H_6);
- Ethylene Dibromide ($BrCH_2CH_2Br$, 1,2-dibromoethane);
- Ethylene Dichloride ($C_lCH_2CH_2Cl$, 1,2-dichloroethane);
- Hexavalent chromium (Cr (VI));
- Asbestos [asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite (amosite), tremolite, actinolite, and anthophyllite];
- Dibenzo-p-dioxins and Dibenzofurans chlorinated in the 2, 3, 7 and 8 positions and containing 4, 5, 6 or 7 chlorine atoms;
- Cadmium (metallic cadmium and cadmium compounds);
- Carbon Tetrachloride (CCl_4, tetrachloromethane);
- Ethylene Oxide (1,2-epoxyethane);
- Methylene Chloride (CH_2Cl_2, Dichloromethane);
- Trichloroethylene ($CC_{l2}CHCl$, Trichloroethene);
- Chloroform ($CHCl_3$);
- Vinyl chloride (C_2H_3Cl, Chloroethylene);

- Inorganic Arsenic;
- Nickel (metallic nickel and inorganic nickel compounds);
- Perchloroethylene ($C2Cl_4$, Tetrachloroethylene);
- Formaldehyde (HCHO);
- 1,3-Butadiene (C_4H_6);
- Inorganic Lead;
- Particulate Emissions from Diesel-Fueled Engines; and
- Environmental Tobacco Smoke.

California Code of Regulations section 93001 establishes a much longer list of "hazardous air pollutants," derived from the Clean Air Act. Some of these substances are duplicative of the section 93000 list. Two types of toxic air contaminants are more common or more relevant to land use planning: diesel particulate matter and asbestos.

Diesel Emissions

Diesel exhaust is especially common during the grading stage of construction (when most of the heavy equipment is used), and adjacent to heavily trafficked roadways where diesel trucks are common. Diesel exhaust is the predominant TAC in urban air and is estimated to represent about two-thirds of the cancer risk from TACs. Diesel engines emit a complex mix of pollutants including nitrogen oxides, particulate matter, and TACs. The most visible constituents of diesel exhaust are very small carbon particles or soot, known as diesel particulate matter (DPM). Diesel exhaust also contains over 40 cancer-causing substances, most of which are readily adsorbed on the soot particles. Among the TACs contained in diesel exhaust are dioxin, lead, polycyclic organic matter, and acrolein. Diesel engine emissions are responsible for about 70 percent of California's estimated cancer risk attributable to TACs (Bay Area Air Quality Management District 2022b). As a significant fraction of particulate pollution, diesel particulate matter contributes to numerous health impacts, including increased hospital admissions, particularly for heart disease, but also for respiratory illness, and even premature death.

The EPA regulates diesel engine design and fuel composition at the federal level, and has implemented a series of measures since 1993 to reduce nitrogen oxides and particulate emissions from off-road and highway diesel equipment. Before EPA began regulating sulfur in diesel, diesel fuel contained as much as 5,000 parts per million (ppm) of sulfur. In 2006, EPA introduced stringent regulations to lower the amount of sulfur in diesel fuels to 15 ppm. This fuel is known as ultra-low sulfur diesel. EPA's diesel standards target emissions from on-road (or highway) vehicles and non-road engines and equipment. Collectively, diesel standards reduce harmful emissions from both on-road and non-road diesel sources by more than 90 percent (United States Environmental Protection Agency 2021b).

EPA Tier 1 non-road diesel engine standards were introduced in 1996, Tier 2 in 2001, Tier 3 in 2006, with final Tier 4 in 2014 (DieselNet 2022). The California Air Resources Board held the first public workshop on the development of Tier 5 emissions standards that seek to further reduce NO_x and particulate matter in a 2028-2030 timeframe. Table 6-2, Typical Non-Road Engine Emissions Standards, compares emissions standards for NO_X and particulate matter from non-road engine Tier 1 through Tier 4 for typical engine sizes.

Table 6-2 Typical Non-Road Engine Emissions Standards

Engine Tier and Year Introduced	NOx Emissions			Particulate Emissions		
	100-175 HP	175-300 HP	300-600 HP	100-175 HP	175-300 HP	300-600 HP
Tier 1 (1996)	6.90	6.90	6.90	--	0.40	0.40
Tier 2 (2001)	--[2]	--[2]	--[2]	0.22	0.15	0.15
Tier 3 (2006)	--[2]	--[2]	--[2]	-- †[3]	-- †[3]	-- †[3]
Tier 4 (2014)	0.30	0.30	0.30	0.015	0.015	0.015

SOURCE: DieselNet 2022
NOTES:
1. Expressed in g/bhp-hr, where g/bhp-hr stands for grams per brake horsepower-hour.
2. Tier 1 standards for NOX remained in effect.
3. † - Not adopted, engines must meet Tier 2 PM standard.

As illustrated in the table, emissions for these pollutants have decreased significantly for construction equipment manufactured over the past 20 years, and especially for construction equipment manufactured in the past five years.

In California, non-road equipment fleets can retain older equipment, but fleets must meet averaged emissions limits. As of January 2018, new equipment for large and medium fleets must be Tier 3 or better; by January 2023 small fleets must meet the Tier 3 or better standard; and over time the older equipment must be fitted with particulate filters. Large and medium fleets have increasingly strict fleet compliance targets through 2023 and small fleets through 2029. A small fleet has total horse power of 2,500 or less, and a medium fleet has total horsepower of between 2,500 and 5,000. Owners or operators of portable engines and other types of equipment can register their units under the California Air Resources Board's (CARB) statewide Portable Equipment Registration Program in order to operate their equipment throughout California without having to obtain individual permits from local air districts (California Air Resources Board 2022b).

Asbestos

Asbestos handling and disposal are regulated by Federal and State law. Asbestos is found in several kinds of building materials. Asbestos is generally not harmful when asbestos-containing materials are left undisturbed, but when disturbed, microscopic fibers can be dislodged and remain in the air for long periods. If asbestos fibers are inhaled, they can become lodged in body tissues and pose a serious health threat, in particular lung disease.

Naturally-occurring asbestos has sometimes been used for unpaved gravel roads, landscaping, and fill. Asbestos may be released to the atmosphere due to vehicular traffic on unpaved roads, during grading for development projects, and at quarry operations. While it is present all over the state of California — in 42 of 58 counties — naturally occurring asbestos can be found most abundantly in and around Humboldt County, in areas of San Benito and Monterey counties, and in western El Dorado County. Marin County is not identified by the EPA as an area of high risk for naturally occurring asbestos exposures (Environmental Protection Agency 2022).

Sensitive Receptors

Although air pollution can affect all segments of the population, certain groups are more susceptible to its adverse effects than others. Children, the elderly, and the chronically or acutely ill are the most sensitive population groups. These sensitive receptors are commonly associated with specific land uses such as residential areas, schools, retirement homes, and hospitals. In addition, certain air pollutants, such as carbon monoxide, only have significant effects if they directly affect a sensitive population.

The CARB's Air Quality and Land Use Handbook: A Community Health Perspective (2005) (handbook) encourages local land use agencies to consider the risks from air pollution prior to making decisions that approve the siting of new sensitive receptors (e.g., schools, homes, or daycare centers) near sources of concentrated air pollution. A supplement to the handbook, *Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways*, was adopted by CARB in 2017 and provides guidance on methods to reduce exposures to mobile-source emissions through congestion management and site design that improves emissions dispersion. The CARB also has adopted and implemented a number of regulations for stationary and mobile sources to reduce emissions of diesel particulate matter. Several of these regulatory programs affect medium and heavy-duty diesel trucks that represent the bulk of diesel particulate matter emissions from California highways, and a number of others apply to off-road vehicles and construction equipment. The CARB and air district recommend that local planning agencies consider proximity of sensitive receptors to high-volume roadways. Both agencies make recommendations regarding the siting of new sensitive land uses near freeways, truck distribution centers, dry cleaners, gasoline dispensing stations, and other air pollution sources including the following locations:

- Within 500 feet of a freeway, urban roads with 100,000 vehicles/day or rural roads with 50,000 vehicles/day (the air district defines high-volume roadways as those with more than an average of 10,000 vehicles per day);
- Within 1,000 feet of a major service and maintenance rail yard, including distribution centers with 100 or more daily truck trips or 40 daily truck trips that use refrigeration units;
- Within 300 feet of any dry-cleaning operation (for operations with two or more machines, provide 500 feet); and
- Within 50-300 feet of a large gas station.

The air district also recommends local agencies consider the siting of new sensitive land uses within the district's screening distance of 1,000 feet of permitted stationary sources that exceed the air district's health risk standards.

Siting of new sensitive land uses within these recommendation distances may be possible, but only after site-specific studies are conducted to identify site- and project-specific health risks. The air district and CARB recommendations acknowledge that land use agencies have to balance other siting considerations such as housing and transportation needs, economic development priorities, and other quality of life issues.

Sources of Toxic Air Contaminants

Construction Emissions

Emissions generated during construction are "short-term" in the sense that they would be limited to the actual periods of site development and construction. Short-term construction emissions are typically generated by the use of heavy equipment, the transport of materials, and construction employee commute trips. Construction-related emissions consist primarily of volatile organic compounds, nitrogen oxides, diesel particulate matter, suspended particulate matter, and carbon monoxide. Emissions of volatile organic compounds, nitrogen oxides, DPM, and carbon monoxide are generated primarily by the operation of gas and diesel-powered motor vehicles, asphalt paving activities, and the application of architectural coatings. Suspended particulate matter emissions are generated primarily by wind erosion of exposed graded surfaces.

Permitted Stationary Sources

The air district issues permits for stationary equipment that would result in the emission of toxic air contaminants, and maintains a database of these sources. Generally, if a sensitive land use is proposed within 1,000 feet of an existing source, or if a new source is proposed within 1,000 feet of a sensitive receptor, the potential effects must be considered.

Table 6-3, Stationary Sources of TACs, shows the locations of existing permitted sources of TACs. These include generators, gasoline stations, and several other uses. Of these, eight are generators, which are generally expected to operate only intermittently, and not result in long-term exposure

risk, three are gasoline dispensing facilities with varying potential for significant emissions, and one source is a miscellaneous source that requires individual consideration. The toxic air contaminants effects of gasoline dispensing facilities diminish with distance in accordance with the air district's GDF Distance Multiplier Tool.

Table 6-3 Existing Stationary Sources of TACs

Number	Facility ID	Name	Address	Type	Cancer	Hazard	PM_{25}
1	1345	Sewerage Agency of South Marin	450 Sycamore Avenue	Contact BAAQMD	99.47	0.27	0.17
2	480	Quality Auto Body	18 La Goma Street	Contact BAAQMD	0	0	0
3	1547	Sewerage Agency of S Marin/City of Mill Valley	6000 Shelter Bay Avenue	Contact BAAQMD	0	0	0
4	2181	Sewerage Agency of Southern Marin	Camino Alto Ave & Miller Ave	Generators	0.65	0	0
5	2217	Pacific Bell	300 E Blithedale Avenue	Generators	89.5	0.14	0.11
6	2694	City of Mill Valley	Sycmr Prk North Circle	Generators	2.03	0	0
7	3118	Verizon Wireless	417 Summit Drive	Generators	0	0	0
8	3887	County of Marin, Ryan Creek Pump Station	425 Sycamore Avenue	Generators	0.61	0	0
9	4038	City of Mill Valley	1 Hamilton Drive	Generators	3.15	0	0
10	4039	City of Mill Valley	450 Sycamore Avenue	Contact BAAQMD	0	0	0.07
11	4040	City of Mill Valley	26 Corte Madera Avenue	Generators	0.03	0	0
12	5275	Sewage Agency of S Marin/City of Mill Valley	655 Redwood Hwy, Frontage Road	Generators	0	0	0
13	6074	Safeway Inc	1 Camino Alto	Contact BAAQMD	0	0	0
14	6737	Chevron Gas Station	5 Ashford Ave	Gas Dispensing Facility	12.14	0.05	0
15	6880	Xtra Oil Company	340 Miller Ave	Gas Dispensing Facility	44.19	0.19	0
16	7034	City of Mill Valley	450 Sycamore Ave	Gas Dispensing Facility	1.04	0	0

SOURCE: BAAQMD 2022

NOTE: The cancer risk factors are defined as number of excess cases resulting from exposure. Acute and chronic exposure to non-carcinogens is expressed as a hazard index, which is the ratio of expected exposure levels to an acceptable reference exposure level. "GDF" is gasoline dispensing facility. "Gen" means a diesel generator is the only source. Type listed as provided by the air district. Shaded entries are over the threshold for individual project single source air district threshold.

Many of the proposed housing sites are located within 1,000 feet of the stationary sources with emissions exceeding air district thresholds. The locations of permitted stationary-source emitters with TAC emissions that exceed air district thresholds are shown and compared with the locations of proposed housing opportunity sites in Figure 6-1, Stationary Sources of TACs. A comparison of Figure 6-1 with the information in Table 6-3 shows that several housing opportunity sites are located within 1,000 feet of a gas station located at 340 Miller Avenue (stationary sources # 15), and within 1,000 feet of the gas pumps at the municipal wastewater treatment plant located at 450 Sycamore Road (stationary source # 16).

The health risk screening factors are conservative numbers that assume a 24-hour exposure every day for 70 years. A screening factor that is below the level of significance has no chance of a significant effect, and screening factors that are above the level of significance should be further investigated. Screening factors may be adjusted to reflect distance of the source from the receptor, climate, or other factors that influence exposure.

High Traffic Roadways

Unlike industrial or stationary sources of air pollution, siting of new sensitive receptors does not require air quality permits or approval by air districts, but could increase risks of air pollution-related health problems. The risks of exposure to diesel exhaust and potential health effects resulting from prolonged exposure are greater near high-volume freeways. On-road diesel-fueled vehicles contribute about 26 percent of statewide diesel particulate matter emissions, and on a typical urban freeway (truck traffic of 10,000—20,000 per day), diesel particulate matter represents about 70 percent of the potential cancer risk from the vehicle traffic.

The air district recommends an assessment of potential exposures to mobile-source TACs that can increase cancer risks when sensitive receptors are proposed to be located within 1,000 feet of a high-volume freeway or roadway. For Mill Valley the air district identifies U.S. Highway 101 as the only roadway with greater than 10,000 Average Annual Daily Traffic (Bay Area Air Quality Management District 2022c). U.S. Highway 101 is located along the eastern city boundary of Mill Valley and, according to information on the Caltrans Traffic Census webpage, in 2020 carried between 146,000 and 159,000 trips per day on average, with as many as 123,000 trips per day during the peak month. In 2017, prior to the COVID pandemic, U.S. Highway 101 carried between 168,000 and 194,000 average trips per day (California Department of Transportation 2022). Figure 6-2, U.S. Highway 101 TAC Emission Screening Distance presents an overlay of the air district's 1,000-foot screening distance and the locations of the proposed Housing Element Update housing sites.

Air Quality Standards

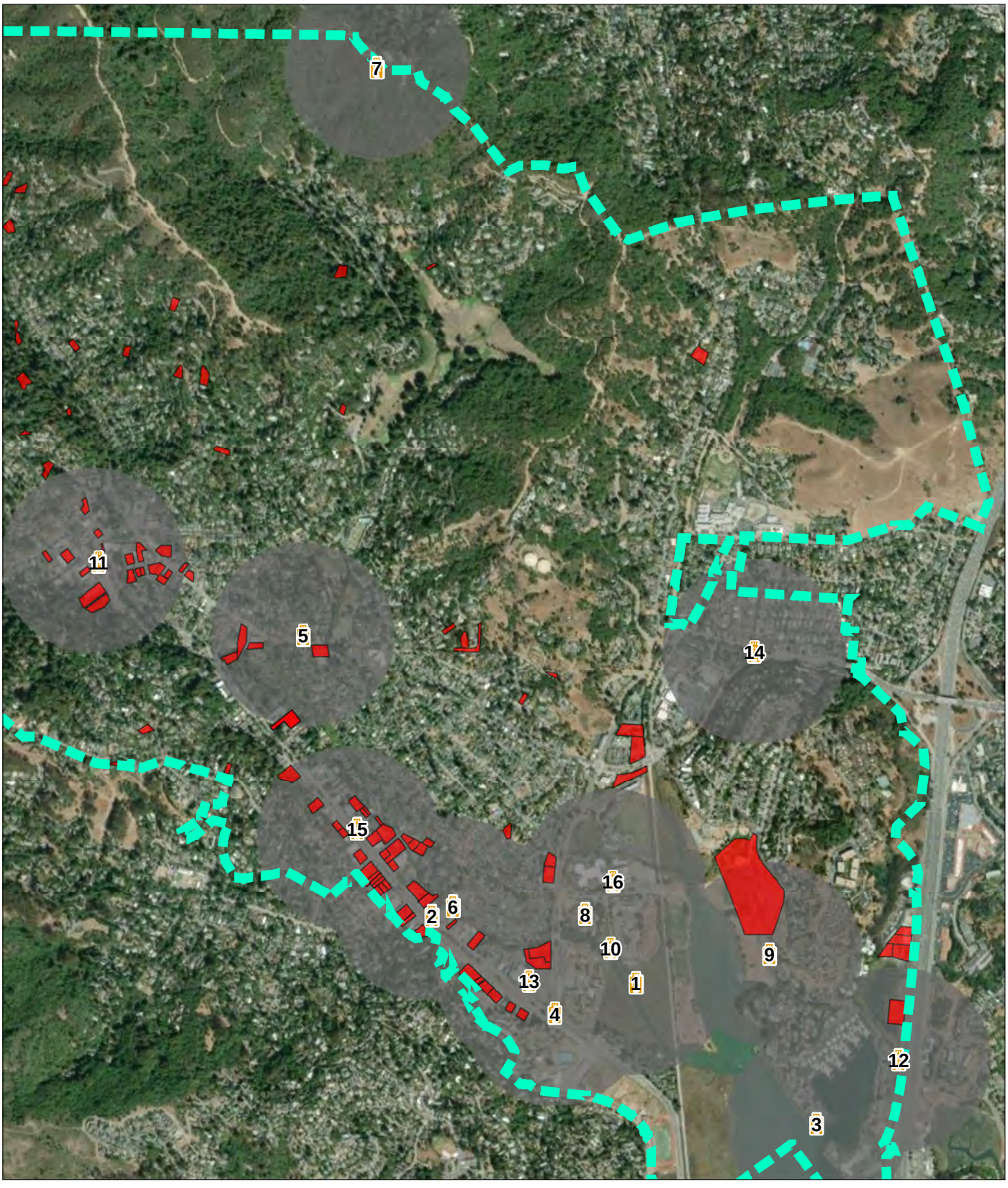
Both the U.S. Environmental Protection Agency and the California Air Resources Board have established ambient air quality standards for common pollutants. These ambient air quality standards are levels of contaminants that represent safe levels that avoid specific adverse health effects associated with each pollutant.

Federal and State Standards for Air Pollutants

Ambient air quality is described in terms of compliance with the federal and state standards. Both the federal and state governments have developed ambient air quality standards for the most prevalent pollutants, which include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, suspended particulate matter, and fine particulate matter. The state standards generally have lower thresholds than the federal standards, yet both are applicable to the Housing Element Update. When thresholds are exceeded at regional monitoring stations, an "attainment plan" must be prepared that outlines how an air district will achieve compliance. Generally, these plans must provide for district-wide emission reductions of five percent per year averaged over consecutive three-year periods. Table 6-4, Federal and State Ambient Air Quality Standards, lists federal and state ambient air quality standards for common air pollutants.

Air Basin Attainment Status

Air pollutants of concern in the air basin are ozone, particulate matter (PM_{10} and $PM_{2.5}$), and toxic air contaminants (Bay Area Air Quality Management District 2017a). The CARB is required to designate areas of the state as attainment, non-attainment, or unclassified with regard to its compliance with state standards for criteria air pollutants. An "attainment" designation for an area signifies that pollutant concentrations do not violate the standard for that pollutant in that area. A "non-attainment" designation indicates that a pollutant concentration violated the standard at least once, excluding an "unclassified" designation that signifies available data does not support either an attainment or non-attainment status. A "non-attainment transitional" status is a subcategory of the nonattainment designation and signifies that the area is close to attaining the standard for that pollutant. The California Clean Air Act divides districts into moderate, serious, and severe air pollution non-attainment categories, with increasingly stringent control requirements mandated for each category. Table 6-5, Air Basin Attainment Status Designations, identifies the current status within the air basin for each criteria pollutant.



0 1,500 feet

Mill Valley City Limits
Housing Sites
Permitted Stationary Sources
1,000-ft Stationary Source Buffer

Source: BAAQMD 2018, ESRI 2016, Google Earth 2016

Figure 6-1
Stationary Sources of TACs

City of Mill Valley 2023-2031 General Plan Housing and Land Use Element Update and Zoning Amendments Draft Subsequent EIR

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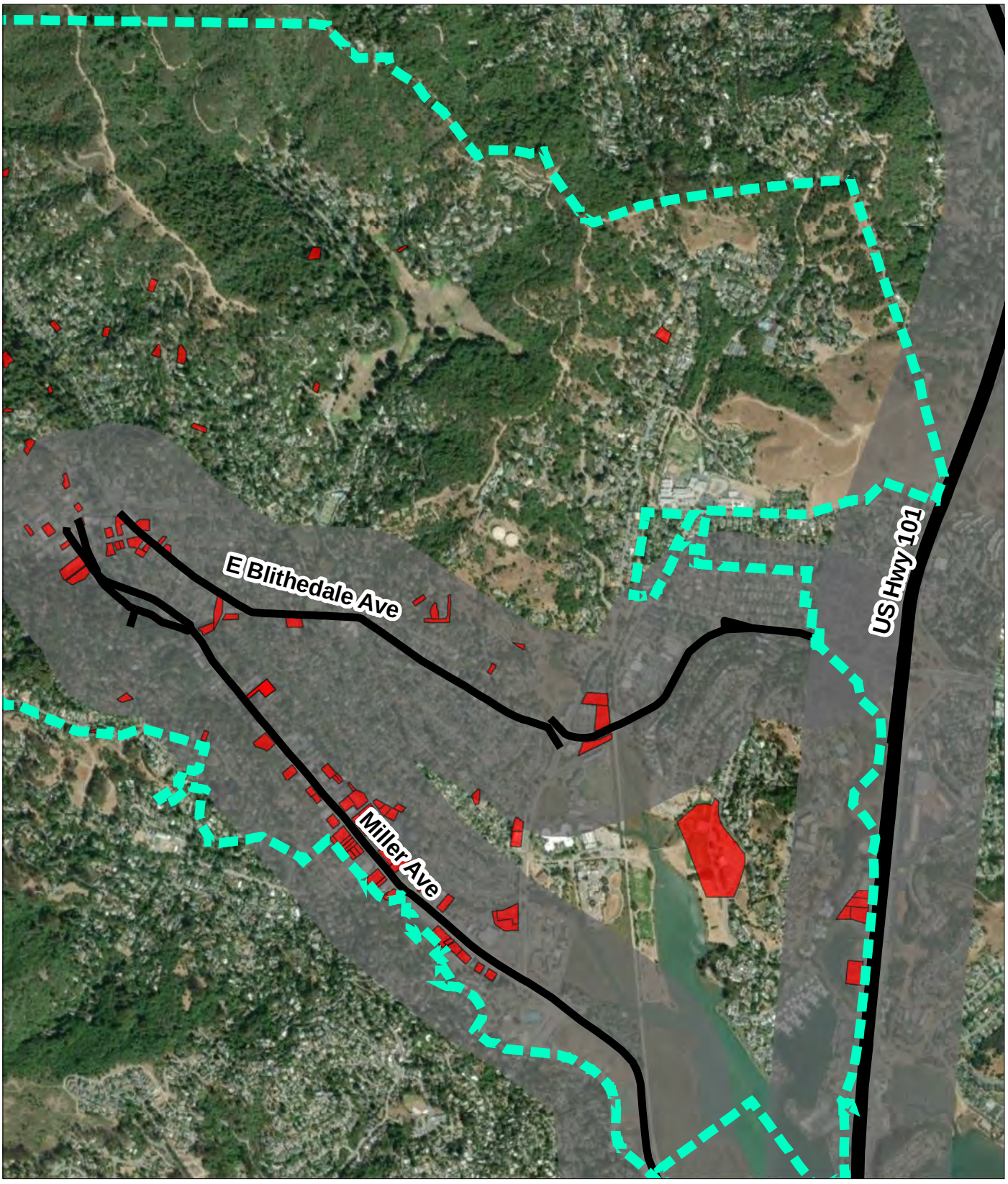

0 1,500 feet

Mill Valley City Limits
Housing Sites
High Volume Roadway
1,000-ft Roadway Buffer

Source: Tiger/Lines 2022, BAAQMD 2018, ESRI 2016, Google Earth 2016

Figure 6-2
Mobile Sources of TACs

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Table 6-4 Federal and State Ambient Air Quality Standards

Pollutant	Averaging Time	National Standards[1]				California Standards[2]	
		Primary[3,4]		Secondary[3,5]		Concentration[3]	
		ppm	µg/m³	ppm	µg/m³	ppm	µg/m³
O_3[6]	1 Hour	-	-	-	-	0.09	180
	8 Hour	0.07	137	0.07	137	0.07	137
PM_{10}[7]	24 Hour	-	150	-	150	-	50
	Annual	-	-	-	-	-	20
$PM_{2.5}$[7]	24 Hour	-	35	-	35	-	-
	Annual	-	12	-	15	-	12
CO	8 Hour	9	10	-	-	9.0	10
	1 Hour	35	40	-	-	20.0	23
NO_2[8]	Annual	0.053	100	0.053	100	0.03	57
	1 Hour	0.10	188	-	-	0.18	339
SO_2[9]	Annual	0.03	See note 9	-	-	-	-
	24 Hour	0.14	See note 9	-	-	0.04	105
	3 Hour	-	-	0.5	1,300	-	-
	1 Hour	0.075	196	-	-	0.25	655
Pb[10,11]	30 Day Average	-	-	-	-	-	1.5
	Rolling 3-month Average	-	0.15	-	0.15	-	-
	Calendar Quarter	See note 10	1.5	See note 10	1.5	-	-
Visibility Reducing Particles[12]	8 Hour	No Federal Standards				See note 12	
Sulfates	24 Hour					-	25
Hydrogen Sulfide	1 Hour					0.03	42
Vinyl Chloride[10]	24 Hour					0.01	26

SOURCE: California Air Resources Board 2016

NOTES:

1. National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM_{10}, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³ is equal to or less than one. For $PM_{2.5}$, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact EPA for further clarification and current federal policies.
2. California standards for ozone, carbon monoxide, sulfur dioxide (1 and 24 hour), nitrogen dioxide, and particulate matter (PM_{10}, $PM_{2.5}$, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.

3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas (mg/m^3).
4. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
5. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
6. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm.
7. On December 14, 2012, the national annual $PM_{2.5}$ primary standard was lowered from 15 $\mu g/m^3$ to 12.0 $\mu g/m^3$. The existing national 24-hour $PM_{2.5}$ standards (primary and secondary) were retained at 35 $\mu g/m^3$, as was the annual secondary standard of 15 $\mu g/m^3$. The existing 24-hour PM_{10} standards (primary and secondary) of 150 $\mu g/m^3$ also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.
8. To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 parts per billion (ppb). Note that the national 1-hour standard is in units of ppb. California standards are in units of ppm. To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
9. On June 2, 2010, a new 1-hour SO_2 standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO_2 national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.
10. The California Air Resources Board has identified lead and vinyl chloride as 'TACs' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
11. The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 $\mu g/m^3$ as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated non-attainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
12. In 1989, the California Air Resources Board converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

Table 6-5 Air Basin Attainment Status Designations

Pollutant	State	Federal
Ozone (O_3)	Non-attainment	Non-attainment
Inhalable Particulates (PM_{10})	Non-attainment	Unclassified
Fine Particulates ($PM_{2.5}$)	Non-attainment	Non-attainment[1]
Carbon Monoxide (CO)	Attainment	Unclassified/Attainment
Nitrogen Dioxide (NO_2)	Attainment	Unclassified/Attainment
Sulfur Dioxide (SO_2)	Attainment	Attainment
Lead (Pb)	Attainment	-

SOURCE Bay Area Air Quality Management District 2017a

NOTE: On January 9, 2013, EPA issued a final rule to determine that the Bay Area attains the 24-hour $PM_{2.5}$ national standard. This EPA rule suspends key State Implementation Plan requirements as long as monitoring data continues to show that the air district attains the standard. Despite this EPA action, the Bay Area will continue to be designated as "non-attainment" for the national 24-hour $PM_{2.5}$ standard until such time as the air district submits a "re-designation request" and a "maintenance plan" to EPA and EPA approves the proposed re-designation.

Ambient Air Quality

Air Quality Monitoring

The air district and California Air Resources Board (CARB) maintain several air quality monitoring sites in the Bay area, including sites in San Rafael and Vallejo. The San Rafael monitoring site (534 4th Street) measures O_3, CO, NO_x, and PM_{10}. The nearest monitoring site for SO_2 and $PM_{2.5}$ is at 304 Tuolumne Street in Vallejo. According to the air quality summaries prepared by the air district

(Bay Area Air Quality Management District 2022a), no exceedances of CO, NO_2, or SO_2 were recorded during the most recent set of monitoring data (2015-2019). Table 6-6, Annual Air Quality Standards Violations, presents the number of days per year where O_3 and particulate matter levels at one or both monitoring stations exceeded the state/federal ambient air quality standards during the five-year period of 2015 to 2019.

Table 6-6 Annual Air Quality Standards Violations

Year	Ozone			PM_{10}		$PM_{2.5}$
	Federal	State		Federal 24-hr	State 24-hr	Federal 24-hr
	8 hr	1 hr	8 hr			
2019	1[1,2]	0	1[1,2]	0	0	0
2018	0	0	0	1[1]	2[1]	13[1,2]
2017	2[2]	1[2]	2[2]	0	2[1]	8[1] 9[2]
2016	1[2]	1[2]	1[2]	0[3]	0[3]	0
2015	0	1[2]	0		0[3]	2[1] 3[2]
Total	4	3	4	1	4	35

SOURCE: Bay Area Air Quality Management District 2022a
NOTES:
1. San Rafael.
2. Vallejo.
3. San Rafael only. No data reported for Vallejo.

Monitoring data collected in recent years indicate that air quality in the air basin is predominantly good. However, the data does appear to reflect increased particulates in 2017 and 2018 that may reflect significant woodsmoke from wildfires that occurred north of San Francisco in October 2017 and November 2018.

Odors

Odor impacts could result from siting a new odor source near existing sensitive receptors. Odors are generally regarded as an annoyance rather than a health hazard, although some odorous substances can be harmful at higher concentrations. Manifestations of a person's reaction to odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache). The wastewater treatment plant, operated by the Sewerage Agency of Southern Marin, is located at 450 Sycamore Avenue and is in proximity to existing residential areas and schools and, as noted previously, several of the proposed housing opportunity sites (refer to Figure 6-1).

6.2 Regulatory Setting

Federal and State Clean Air Acts

Air quality is regulated on the state and federal level. The Clean Air Act, adopted in 1970 and amended in 1990, set federal standards for air quality. The California Clean Air Act was adopted by the California legislature in 1988 and amended in 1992.

The federal Clean Air Act provides the basis for federal air quality standards (refer to Table 6-4). The federal Clean Air Act required the EPA to set National Ambient Air Quality Standards for several air pollutants on the basis of human health and welfare criteria. The Clean Air Act also set deadlines for the attainment of these standards. Two types of national air standards, primary and secondary standards, are established by the Clean Air Act. Primary standards set limits to protect public health, including the health of sensitive persons such as asthmatics, children, and the elderly. Secondary standards set limits to protect public welfare, including protection against decreased visibility, damage to animals, crops, vegetation, and buildings.

In general, the Clean Air Act creates a partnership between state and federal governments for implementation of the Clean Air Act provisions. The federal Clean Air Act requires states to prepare an air quality control plan known as a State Implementation Plan. California's State Implementation Plan contains the strategies and control measures California will use to attain the National Ambient Air Quality Standards. If, when reviewing the State Implementation Plan for conformity with Clean Air Act Amendments mandates, the EPA determines a State Implementation Plan to be inadequate, it may prepare a Federal Implementation Plan for the non-attainment area and may impose additional control measures.

The Lewis-Presley Air Quality Management Act, adopted in 1976 and amended in 1987, and the California Clean Air Act, provide the basis for air quality regulation in California. The California Clean Air Act requires that all air districts in the state endeavor to achieve and maintain California Ambient Air Quality Standards for ozone, carbon monoxide, sulfur dioxide, nitrogen dioxide, and particulate matter. The California Clean Air Act specifies that air districts focus particular attention on reducing the emissions from transportation and area-wide emission sources, and the California Clean Air Act provides districts with authority to regulate indirect sources.

National Emissions Standards for Hazardous Air Pollutants are emissions standards set by the EPA for an air pollutant not covered by National Ambient Air Quality Standards that may cause an increase in fatalities or in serious, irreversible, or incapacitating illness. The standards for a particular source category require the maximum degree of emission reduction that the EPA determines to be achievable, which is known as the Maximum Achievable Control Technology.

Implementing Agencies

United States Environmental Protection Agency

The EPA was established in 1970, the same year the federal Clean Air Act was passed, and has primary responsibility for establishing the standards the states must enforce, conducting research, and providing financial and technical assistance to the states. When necessary, the EPA steps in to aid the states in implementation and enforcement of clean air regulations.

California Air Resources Board

The federal Clean Air Act gives states primary responsibility for directly monitoring, controlling, and preventing air pollution. The CARB is responsible for coordination and oversight of federal, state, and local air pollution control programs in California and for implementing the requirements of the federal Clean Air Act and California Clean Air Act. The duties of the CARB include coordinating air quality attainment efforts, setting standards, conducting research, and creating solutions to air pollution. The CARB is composed of regional districts that are charged with developing attainment plans for their regions. The CARB grants regional air districts explicit statutory authority to adopt indirect source regulations and transportation control measures, including measures to encourage the use of ridesharing, flexible work hours, or other measures that reduce the number or length of vehicle trips.

Bay Area Air Quality Management District

The air district is the agency with primary responsibility for assuring that federal and state ambient air quality standards are attained and maintained in the air basin. The air basin encompasses all of seven counties: Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara and Napa, and portions of two others: southwestern Solano and southern Sonoma. The air district is charged with regulatory authority over stationary sources of air emissions, monitoring air quality within the air basin, providing guidelines for analysis of air quality impacts pursuant to CEQA, and preparing an air quality management plan to maintain or improve air quality in the air basin.

Air Quality Management Plans

The federal Clean Air Act requires areas with unhealthful levels of ozone, inhalable particulate matter, carbon monoxide, nitrogen dioxide, and sulfur dioxide to develop plans, known as State Implementation Plans. State Implementation Plans are comprehensive plans that describe how an area will attain national ambient air quality standards. State Implementation Plans are a compilation of new and previously submitted plans, programs (such as monitoring, modeling, permitting, etc.), district rules, state regulations, and federal controls. California grants air districts explicit statutory authority to adopt indirect source regulations and transportation control measures, including measures to encourage the use of ridesharing, flexible work hours, or other measures that reduce the number or length of vehicle trips. Local air districts and other agencies, such as the Bureau of Automotive Repair and the Department of Pesticide Regulation, prepare State Implementation Plan

elements and submit them to the CARB for review and approval. The CARB forwards State Implementation Plan revisions to the EPA for approval and publication in the Federal Register. The 1990 amendments to the federal Clean Air Act set deadlines for attainment based on the severity of an area's air pollution problem.

The air district is delegated with the responsibility at the local level to implement both federal and state mandates for improving air quality in the air basin through an air quality plan. When thresholds are exceeded at regional monitoring stations on consecutive accounts, an attainment plan must be prepared that outlines how an air quality district will achieve compliance. Generally, these plans must provide for district-wide emission reductions of five percent per year averaged over consecutive three-year periods. The air district periodically prepares and updates plans in order to attain state and national air quality standards, comply with air quality planning requirements, and achieve the goal of clean and healthful air. These plans also report on progress in improving air quality and provide a road map to guide the air district's future activities.

The air district has adopted several plans in an attempt to achieve state and federal air quality standards. Because the air basin has been designated as a non-attainment area for the national ozone standard since 1998, the air district has prepared ozone attainment plans in 1999, 2001, and 2005, 2010, and 2016. The *2017 Clean Air Plan: Spare the Air, Cool the Climate* (2017 Clean Air Plan) defines an integrated, multi-pollutant control strategy to reduce emissions of particulate matter, toxic air contaminants, ozone precursors, and greenhouse gases. The 2017 Clean Air Plan includes a variety of control measures, many of which relate to industrial uses or are for regional implementation. Other control measures relate to residential or commercial development. Refer to Volume 2 of the 2017 Clean Air Plan for full descriptions of the control measures (Bay Area Air Quality Management District 2017b). An analysis of consistency with applicable control measures is presented in Section 6.4.

Air District Rules and Regulations

The air district promulgates a variety of rules and regulations to further its goals of reducing air pollutants and hazardous air emissions. Rules cover a range of topics, including permitting for stationary air emissions sources, control of a variety of industrial operations, wood and waste burning regulation, odor control, the VOC content of architectural coatings, off-road diesel emissions regulations, and incentives for reduced emissions from vehicles.

Toxic Air Contaminant Regulations

Toxic air contaminants are regulated by the air district using a risk-based approach. A health risk assessment is an analysis in which human health exposure to toxic substances is estimated, and considered together with information regarding the toxic potency of the substances, to provide quantitative estimates of health risks. In general, a health risk assessment is required if screening suggests that projected emissions of a specific air toxic compound from a proposed new or modified

stationary source may pose a public health risk. A health risk assessment evaluates the chronic, long-term health effects, calculating the increased risk of cancer as a result of exposure to one or more toxic air contaminants for the source in question. A cancer risk in excess of ten cases per million population, health risk over 1.0, or $PM_{2.5}$ over 0.3 micrograms (µg)/m^3 annual average is considered significant (Bay Area Air Quality Management District 2017a).

Through its Community Air Risk Evaluation Program, the air district has identified six communities within the air basin that are at especially high risk from toxic air contaminants. Mill Valley is not identified as an at-risk community (Bay Area Air Quality Management District 2022d).

Air District Best Practices

The air district CEQA thresholds for plan level impacts call for the provision of a 1,000-foot overlay zone on general plan land use diagrams. The air district further recommends several best practices to reduce exposures to TAC emissions and associated cancer risks within overlay zones including the following measures:

- Plan sensitive land uses as far from local sources of air pollution such as freeways as is feasible;
- Install air filters rated at a minimum efficiency reporting value (MERV) 13 or higher in buildings associated with sensitive land uses (e.g., schools, residences, hospitals);
- Place sensitive land uses as far away from emission sources (including loading docks, busy roads, etc.) as is feasible. Place open space, commercial buildings, or parking garages between sensitive land uses and air pollution sources. This will help to create a "buffer" separating housing and other sensitive land uses away from air pollutants. Locate operable windows, balconies, and building air intakes as far away from any emission source as is feasible;
- Consider incorporating solid barriers into site design, similar to a sound wall, between buildings and sources of air pollution;
- Plant dense rows of trees and other vegetation between sensitive land uses and emission source(s). Large, evergreen trees with long life spans work best in trapping air pollution, including: Pine, Cypress, Hybrid Poplar, and Redwoods; and
- Consider limiting sensitive land uses on the ground floor units of buildings near non-elevated sources, e.g., ground level heavily traveled roadways and freeways. (Bay Area Air Quality Management District 2016).

City of Mill Valley General Plan

The following general plan policies and implementing actions are applicable to air quality (emission reduction) and the future development of the housing sites consistent with the proposed Housing Element Update:

Mobility

Goal MOB.2 Sustainable Transportation. Reduce transportation-related emissions by reducing traffic congestion and vehicle miles traveled while promoting the use of lower emission vehicles and non-automotive modes of travel.

Policy M.7 Low and Zero Emission Vehicles. Encourage ownership of low and zero emission vehicles.

City of Mill Valley General Plan EIR

The general plan EIR addressed air quality impacts from buildout of the general plan land use designations and determined that impacts would be less than significant. Therefore, no mitigation measures for air quality were include in the general plan EIR.

State Odor Regulation

Statewide standards or regulation of odors is limited to hydrogen sulfide and odors associated with composting operations. In 1969, the CARB adopted a state-wide ambient air quality standard for hydrogen sulfide of 0.03 ppm (30 ppb, 42 mg/m^3), averaged over a period of one hour and not to be equaled or exceeded. This standard was adopted to protect the general public against nuisance "rotten egg" smell. In 1999, the California Office of Environmental Health Hazard Assessment adopted the 30-ppb standard as an acute Reference Exposure Level for use in evaluating peak off-site concentrations from industrial facilities subject to requirements in California Health and Safety Code Section 44300 et seq. In 2000 the California Office of Environmental Health Hazard Assessment adopted a level of 8 ppb (10 mg/m^3) as the chronic Reference Exposure Level for use in evaluating long term emissions from Hot Spots facilities. At hydrogen sulfide concentrations exceeding 50 ppm (70 mg/m^3), olfactory fatigue prevents detection of odors. At even higher concentrations, hydrogen sulfide can cause illness or death (California Air Resources Board and California Office of Environmental Health Hazard Assessment 2000).

6.3 Thresholds of Significance

Thresholds of significance for air quality impacts are found in CEQA Guidelines Appendix G and in the air district CEQA Guidelines (2017). The air district's CEQA Guidelines method of criteria air pollutant analysis for plans is based on meeting the following two thresholds:

- Consistency with 2017 Clean Air Plan control measures (as above); and
- A proposed plan's projected vehicle miles traveled or vehicle trips (either measure may be used) increase is less than or equal to its projected population increase.

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of air quality, as it does on a whole series of additional topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on

the subject of air quality impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The City of Mill Valley has done so here. Therefore, for purposes of this subsequent EIR, a significant air quality impact would occur if implementation of the Housing Element Update would:

- Conflict with the 2017 Bay Area Air Quality Management District Clean Air Plan.
    - Air district CEQA Guidelines. A project is considered consistent with the 2017 Clean Air Plan if it supports the primary goals of the 2017 Clean Air Plan, includes applicable 2017 Clean Air Plan control measures, and would not disrupt or hinder implementation of any 2017 Clean Air Plan control measures.
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation:
    - Air district CEQA Guidelines. The air district standard for determining significance is whether a proposed plan's projected vehicle miles traveled or vehicle trips (either measure may be used) increase is less than or equal to its projected population increase.
- Result in a cumulatively considerable net increase of any criteria pollutant for which the region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors).
    - Air district CEQA Guidelines. The air district standard for determining significance is whether a proposed plan's projected vehicle miles traveled or vehicle trips (either measure may be used) increase is less than or equal to its projected population increase.
- Expose sensitive receptors (residential areas, schools, hospitals, nursing homes) to substantial pollutant concentrations.
    - The air district's CEQA Guidelines provide the following guidance for plans with regard to community risk and hazard impacts:
        - The land use diagram must identify special overlay zones around existing and planned sources of toxic air contaminants, and special overlay zones of at least 1,000 feet (or air district-approved modeled distance) on each side of all freeways and high-volume roadways; and
        - The plan must also identify goals, policies, and objectives to minimize potential impacts and create overlay zones for sources of toxic air contaminants and receptors.
- Create objectionable odors affecting a substantial number of people.
    - Air district CEQA Guidelines. Identify locations of odor sources in plan; identify goals, policies, and objectives to minimize potentially adverse impacts.

6.4 Analysis, Impacts, and Mitigation Measures

This section evaluates whether the Housing Element Update would result in significant impacts to air quality, or would result in significant health risks associated with exposures to TACs. The significance criteria above were used to evaluate the Housing Element Update's effects on air quality and receptor exposures. The air district CEQA Guidelines (2017b) provide the following guidance for evaluating air quality impacts from future development consistent with the land use designations of general or area plans. Impacts can be divided into construction-related impacts and operational-related impacts. Construction-related impacts are associated with construction activities likely to occur in conjunction with future development allocated by the plan and would be subject to the City's development review process and standard conditions of approval to reduce construction emissions (refer to Section 6.2). Operational-related impacts are associated with future operation of developed land uses consistent with the Housing Element Update, including increased vehicle trips and energy use.

Consistency with Applicable Air Quality Plans

IMPACT 6-1	The Proposed Project Would Not Conflict with the 2017 Clean Air Plan	No Impact

The air district's Air Quality CEQA Guidelines (2017) ("air district CEQA guidelines") Section 9.1 provides guidance on determining if a development project is consistent with the Clean Air Plan. For consistency a project should meet three criteria: 1) support the primary goals of the Clean Air Plan; 2) include applicable Clean Air Plan control measures; and 3) not disrupt or hinder implementation of any Clean Air Plan control measures.

The primary goals of the Clean Air Plan are to attain air quality standards; to reduce population exposure to pollutants and protect public health in the Bay Area; and to reduce greenhouse gas (GHG) emissions and protect the climate. This is considered to have been accomplished if there are no project-level significant impacts, or if significant impacts are mitigated to a less-than-significant level.

There are 81 control measures in the 2017 Clean Air Plan, many of which are applicable only for industrial or regional implementation. The Bay Area Commuter Benefits Program, required under California state law SB 1128, is incorporated into the Clean Air Plan. The Bay Area Commuter Benefits Program is a partnership led by the air district and the Metropolitan Transportation Commission to improve air quality and reduce traffic congestion by promoting the use of alternative commute modes such as transit, ridesharing, bicycling, and walking. Under the Bay Area Commuter Benefits Program, employers in the Bay Area with at least 50 full-time employees are required to provide workers with the option of tax-free transit and vanpool benefits. Project consistency with

applicable control measures and the Bay Area Commuter Benefits Program is discussed below, based in part, on the implementation expectations stated in the 2017 Clean Air Plan. Refer to Volume 2 of the Clean Air Plan for full descriptions of the control measures.

Control measures from the 2017 Clean Air Plan potentially applicable to the Housing Element Update are presented below in Table 6-7, Potentially Applicable Control Measures (2017 Clean Air Plan) along with a brief consistency analysis of how the Housing Element Update either does or does not implement the measure. Included in the analysis are relevant general plan policies and general plan EIR mitigation measures that promote compact mixed-use development that will reduce air emissions and lead to improved air quality and fewer exposures to TACs, which is consistent with, and does not interfere with implementation of the 2017 Clean Air Plan control measures.

Table 6-7 Potentially Applicable Control Measures (2017 Clean Air Plan)

Control Measure Number and Name	Consistency Analysis
SS21 – New Source Review for Toxics	Consistent. This policy is implemented by the air district as part of its permitting procedures for stationary sources of emissions. It is possible that the proposed mixed residential/commercial uses may include fast food restaurants, print shops, dry cleaning operations, and emergency backup generators in new mixed-use buildings, or other uses that require permits from the air district. Compliance with the air district's stationary-source permitting requirements ensures that the Housing Element Update will be consistent with this measure.
SS30: Residential Fan Type Furnaces	Consistent. This measure is intended to reduce NO_x emissions from residential fan type central furnaces by reducing allowable NO_x emission limits on new and replacement furnace installations through its Regulation 9, Rule 4 (Rule 9-4). The air district works with local jurisdictions to implement this rule. When it is not feasible to install a non-fossil fuel-based furnace, this control measure ensures that the furnace installed uses best available retrofit control technology (BARCT). General plan Policy CL.1-5 calls for the provision of renewable energy systems to further conserve energy and resources. Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to energy appliance emissions. Additionally, future development projects under the Housing Element Update would be subject to all applicable City guidelines, standards, and specifications related to air quality and energy conservation. Because implementation of the Housing Element Update would be subject to all applicable City guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for air quality and related energy conservation.
SS32 Emergency Backup Generators (BUGS)	Consistent. This policy reduces emissions of diesel PM and black carbon from BUGs through Draft Rule 11-18, resulting in reduced health risks to impacted individuals, and in climate protection benefits. See the response to Control Measures SS21, previous.
SS34: Wood Smoke	Consistent. In 2008, the air district adopted Regulation 6, Rule 3 to protect Bay Area residents from the harmful health impacts of wood smoke. In the fall of 2015, the Air District adopted amendments to Regulation 6-3, greatly expanding and tightening the regulation.

Control Measure Number and Name	Consistency Analysis
	The City's general plan policy CL.1-9 discourages wood burning and provides incentives to replace exiting inefficient wood-burning devices. Compliance with this policy would ensure consistency with this control measure. Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to reducing wood smoke emissions. Additionally, future development projects under the Housing Element Update would be subject to all applicable City guidelines, standards, and specifications related to reducing wood smoke emissions. Because implementation of the Housing Element Update would be subject to all applicable City guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for the control of unhealthy wood smoke emissions that affect local and regional air quality.
SS36 – Particulate Matter from Trackout	Consistent. This measure addresses mud/dirt and other solid track-out from construction, landfills, quarries and other bulk material sites, that result in particulate emissions. Implementation of the Housing Element Update would be subject to and implement BAAQMD Regulation 6 Rule 6 applicable to construction equipment exhaust and fugitive dust emissions, which controls trackout of solid materials onto paved public roads outside the boundaries of Large Bulk Material Sites, Large Construction Sites, and Large Disturbed Surface sites including landfill. Because implementation of the Housing Element Update would be subject to all applicable district guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for the control of construction equipment exhaust and fugitive dust emissions.
SS38 – Fugitive Dust	Consistent. See response to SS36.
TR2 – Trip Reduction Programs	Consistent. The Trip Reduction measure includes a mandatory and voluntary trip reduction program. The regional Commuter Benefits Program, and similar local programs in jurisdictions with ordinances that require employers to offer pre-tax transit benefits to their employees, are mandatory programs. Voluntary programs include outreach to employers to encourage them to implement strategies that encourage their employees to use alternatives to driving alone. The City of Mill Valley Municipal Code Chapter 5.26 sets forth requirements for employer-based trip reduction programs and incorporates by reference the Marin County Congestion Management Agency minimum trip reduction and travel demand requirements. Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to the reduction of vehicle trips (refer also to the discussion in Section 9, Greenhouse Gas Emissions). Additionally, future development projects under the Housing Element Update would be subject to all applicable City guidelines, standards, and specifications related to reductions in vehicle trips and VMT.
TR5 - Transit Efficiency and Use.	Consistent. This measure will improve transit efficiency and make transit more convenient for riders. General plan policy MOB.3 aims to create a safe and sustainable transportation network that balances the needs of pedestrians, bicyclists, motorists, and transit users. Policy M.14 states to work with Marin Transit to support the continued development of and improvements to safe, efficient, and reliable transit. Most of the proposed housing sites are located on sites currently developed with commercial uses and are located in proximity to existing transit facilities consistent with this policy. Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to transit efficiency and use (refer also to the discussion in Section 9, Greenhouse Gas Emissions). Additionally, future development projects under the Housing Element Update would be subject to all applicable City guidelines, standards, and specifications related to transit efficiency. Because implementation of the Housing Element Update would be subject to all applicable City guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for transit efficiency.

Control Measure Number and Name	Consistency Analysis
TR7 - Safe Routes to Schools and Transit	Consistent. This measure facilitates safe route to schools and transit by providing funds and working with transportation agencies, local governments, schools, and communities to implement safe access for pedestrians and cyclists. General plan policy MOB.3 calls for a safe and sustainable transportation network that balances the needs of pedestrians, bicyclists, motorists, and transit users. the provision of safe and convenient linkages between all modes of travel. Policy M.9 requires the City to maintain a well-functioning roadway network that provides for the safe and efficient flow of vehicular traffic. Policy M.10 supports a consistent standard of pedestrian and bicycle access within the roadway network. Policy M.11 establishes and maintain a well-connected pedestrian and bicycle system that is accessible, easy to navigate, and comfortable for all types of users. Policy M.12 maintains, preserve and restore Mill Valley's network of steps, lanes and paths. Policy M.13 fosters a common understanding among cyclists, pedestrians, and the police about the California Motor Vehicle Code and the rights and duties of all road users. Policy M.14 works with Marin Transit to support the continued development of and improvements to safe, efficient, and reliable transit service. Policy M.15 Local Shuttle Service implements a shuttle system that connects local neighborhoods, facilities, services, and adjacent communities. Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to bicycle, and pedestrian facilities, including Safe Routes to Schools programs. Additionally, future development projects under the Housing Element Update would be subject to all applicable City guidelines, standards, and specifications related to Safe Routes to School programs and other bicycle or pedestrian facilities. Because implementation of the Housing Element Update would be subject to all applicable City guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs applicable to the provision of Safe Routes to School.
TR8 – Ridesharing and Last-Mile Connections	Consistent. This measure will promote ridesharing services and incentives. See the response to measures TR2, previous.
TR9 – Bicycle and Pedestrian Access and Facilities	Consistent. The bicycle component of this measure will expand bicycle facilities serving employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers. The pedestrian component of this measure will improve pedestrian facilities and encourage walking by funding projects that improve pedestrian access to transit, employment sites, and major activity centers. In addition to the general plan policies and mitigation measures identified in the discussion of TR2, TR3, and TR7, the general plan policy Goal MOB-3.1.d requires proposed development projects adjacent to existing or proposed bikeway routes to include bicycle paths or lanes in their street improvement plans and to construct the bicycle paths or lanes as a condition of project approval Implementation Program CIR-3.1.f requires bicycle circulation to be considered in the review of development projects. Policy CIR-3.3 calls for identifying opportunities to install bicycle and pedestrian paths that provide connections to surrounding communities and regional open spaces. Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to transit, bicycle, and pedestrian facilities. Additionally, future development projects under the Housing Element Update would be subject to all applicable City guidelines, standards, and specifications related to transit, bicycle, or pedestrian facilities. Because implementation of the Housing Element Update would be subject to all applicable City guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for transit, bicycle, or pedestrian facilities.
TR14 – Cars and Light Trucks	Consistent. This measure promotes the use of electric vehicles or alternative fuels to reduce emissions. In addition to vehicle buy-back programs and other funding incentives, the air district continues to partner with private, local, state and federal programs to install and expand public charging infrastructure, and promote existing charging infrastructure.

Control Measure Number and Name	Consistency Analysis
	The general plan includes policies that reduce the number of city vehicles and encourage ownership of low- and zero emission vehicles. Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to ensuring a compact and efficient land use pattern that reduces VMT and mobile-source emissions (refer also to the discussion in Section 9, Greenhouse Gas Emissions). Additionally, future development projects under the Housing Element Update may be eligible for these programs.
TR15: Public Outreach	Consistent. This measure includes various public outreach campaigns to educate the public about the health effects of air pollution and the air quality benefits of reducing motor-vehicle trips and choosing transportation modes that reduce motor vehicle emissions. The measure includes outreach and education regarding electric vehicles, smart driving, carpooling, vanpooling, taking public transit, biking, walking, and telecommuting. General plan policy M.5-1 requires the promotion of alternate travel modes (walking, cycling, public transit, ride sharing), through education and outreach including provision of accessible information about bus schedules, pedestrian pathways, trails, the 511 Rideshare Program, and related vanpool incentive programs. Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to public outreach practices aimed at reducing energy demand and VMT that contribute emissions affecting air quality. Additionally, future development projects under the Housing Element Update would be subject to all applicable City guidelines, standards, and specifications related to educating the City's residents of sustainable activities that reduce air pollution (refer also to the discussion in Section 8, Energy). Because implementation of the Housing Element Update would be subject to all applicable City guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for compact development to educate the City's residents of sustainable activities that reduce air pollution.
TR16: Indirect Source Review	Consistent. This measure reduces emissions of key ozone precursors, ROG and NOx, particulate matter, toxic air contaminants and GHGs by reducing construction and operational emissions associated with new or modified land uses. On-road and off-road mobile emission sources are the main source categories targeted by this measure. However, space heating, landscape maintenance and wood burning emission source categories could also be included. This reduces region-wide population exposure to air pollutants and also reduces localized population exposure to air pollution. For construction and stationary sources of emissions, see responses to SS30, SS32, SS34, SS36, SS38. Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to ensuring a compact and efficient land use pattern that reduces criteria air pollutant and TAC emissions. Additionally, future development projects under the Housing Element Update would be subject to all applicable City guidelines, standards, and specifications related to reductions in criteria air pollutant and TAC emissions. Because implementation of the Housing Element Update would be subject to all applicable City guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for compact development that reduces criteria air pollutant and TAC emissions.
TR22: Construction, Freight and Farming Equipment	Consistent. This measure works to reduce emissions from off-road equipment used in the construction, freight handling and farming industries by pursuing the following strategies: 1) offering financial incentives between 2017 and 2030 to retrofit engines with diesel particulate filters or upgrade to equipment with electric or Tier IV off-road engines; 2) work with ARB, the California Energy Commission and others to develop more fuel-efficient off-road engines and drive-trains; and 3) work with local communities, contractors, freight handlers, farmers and developers to encourage the use of renewable electricity and renewable fuels, such as biodiesel from local crops and waste fats and oils, in applicable equipment.

Control Measure Number and Name	Consistency Analysis
	The EIR mitigation measures identified previously in the response to SS36 and SS38 would be applicable to TR22. Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to ensuring the use of low-emissions construction equipment and reduced exposures to equipment exhaust during construction. Additionally, future development projects under the Housing Element Update would be subject to all applicable City guidelines, standards, and specifications related to reduced equipment emissions and exposures to them. Because implementation of the Housing Element Update would be subject to all applicable City guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for reducing equipment emissions and exposures to them.
EN1: Decarbonize Electricity Generation.	Consistent. This measure would promote and expedite a transition away from fossil fuels used in electricity generation (i.e., natural gas) to a greater reliance on renewable energy sources (e.g., wind, solar). In addition, this measure would promote an increase in cogeneration, which results in useful heat in addition to electricity generation from a single fuel source. General plan policy CL.1-1 requires increased energy conservation and efficiency within Mill Valley; policy CL.1-2 calls for working with local energy providers such as Marin Clean Energy and PG&E to encourage greater resident participation and use of greener energy supplies; CL.1-3 calls for monitoring and continuing efforts to reduce energy consumption and waste throughout all facilities; policy CL1.-4 encourages efforts at the Sewerage Agency of Southern Marin (SASM) to pursue sustainability efforts such as exploring the use of solar applications, capturing and reusing methane, and generating electricity through waste to energy technology; policy CL.1-5 requires updates with the City's green building ordinance to support best practices and other available green building standards to conserve energy and resource; Cl.1-7 calls for replacing street and public parking lot lights with more energy-efficient lamps as technology creates more efficient and better quality lighting. New development is subject to compliance with Title 24 building energy efficiencies, which currently require single-family and low-rise residential development to meet 100 percent of energy demand from renewable sources. See also the response to SS30. Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to ensuring reduced energy demand and reliance on fossil fuels. Additionally, future development projects under the Housing Element Update would be subject to all applicable City guidelines, standards, and specifications related to reductions fossil-fuel-based energy consumption (refer also to the discussion in Section 8, Energy). Because implementation of the Housing Element Update would be subject to all applicable City guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for compact development that reduces reliance on fossil fuels for energy and transportation needs.
EN2: Decrease Energy Use.	Consistent. This measure focuses on decreasing energy use in the Bay Area by (1) increasing consumer awareness about energy efficiency through education and outreach and (2) tracking electricity use. See also the response to TR15 and EN1, previous. Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to ensuring reduced energy demand through alternative sources and conservation. Additionally, future development projects under the Housing Element Update would be subject to all applicable City guidelines, standards, and specifications related to reduced energy demand through alternative sources and conservation (refer also to the discussion in Section 8, Energy). Because implementation of the Housing Element Update would be subject to all applicable City guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for compact development that reduces energy demand through alternative sources and conservation.

Control Measure Number and Name	Consistency Analysis
BL1 – Green Buildings	Consistent. This control measure would increase energy efficiency and the use of onsite renewable energy—as well as decarbonize existing end uses—for all types of existing and future buildings. This measure will reduce greenhouse gas (GHG) emissions, criteria pollutants and toxic air contaminants (TACs) associated with the operation of buildings. Decarbonizing buildings by moving away from natural-gas appliances in favor of electric-powered end uses and stimulating the use of onsite renewable energy will help the region contribute to meeting the state's goal while reducing emissions of GHGs, TACs and criteria pollutants. General plan policy CL.1-5 requires updates with the City's green building ordinance to support best practices and other available green building standards to conserve energy and resource. This includes Design guidelines, development standards, and permitting procedures to encourage emerging green building technologies; Outdoor lighting standards that prevent light levels in all new development, parking lots, and street lighting from exceeding state standards; Guidelines for residential solar and wind energy systems such as optimal roof orientation, clear access without obstructions, roof framing and design, installation of electrical conduit to accept electric system wiring, installation of plumbing to support a solar hot water system, and provision of space for a solar hot water storage tank in locations where a solar electric or hot water system will be cost-effective; and guidelines to encourage new development to include wiring and staging to allow for solar- and/or electric-ready technologies and to achieve net zero building efficiency. Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to promote or require green building design. Additionally, future development projects under the Housing Element Update would be subject to all applicable City guidelines, standards, and specifications related to green building design standards. Because implementation of the Housing Element Update would be subject to all applicable City guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for compact development that promote or require green building design.
BL2 Decarbonize Buildings All Pollutants	Consistent. This control measure would reduce greenhouse gas (GHG) emissions, criteria pollutants and toxic air contaminants (TACs) by limiting the installation of space- and water-heating systems and appliances powered by fossil fuels. See responses to SS30, ENV1, ENV2, BL1 and BL4.
WR2 – Support Water Conservation	Consistent. This measure is intended to promote water conservation, including reduced water consumption and increased onsite water recycling, in industrial buildings for the purpose of reducing greenhouse gas (GHG) emissions. Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to increased water conservation and efficiency, including Policy CL.5, which requires reducing consumption and recycling where feasible. Additionally, future development projects under the Housing Element Update would be subject to all applicable City guidelines, standards, and specifications related to increased water conservation and efficiency. Because implementation of the Housing Element Update would be subject to all applicable City guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for increased water conservation and efficiency.
FSM_BL1: Large Residential and Commercial Space Heating	Consistent. The air district's Regulation 9, Rule 4 regulates NO_X emissions from central furnaces in the size range typically found in single-family homes. This measure addresses larger furnaces rated above 175,000 BTU per hour that are found in multi-family residential buildings and large commercial spaces. This measure seeks to reduce NO_X emissions from large residential building central furnaces, and from commercial space heating. See response to BL2.

SOURCE: BAAQMD 2017 (See Tables 5-1 through 5-10)

Conclusion

Implementation of the Housing Element Update would be subject to and implement general plan policies and programs, implement Mitigation Measure 14-1 (Section 14, Transportation) and Mitigation Measures 6-3a and 6-3b (presented later in this section) applicable to air quality and reductions in criteria air pollutant and TAC emissions, consistent with the control measures of the 2017 Clean Air plan. As such, the proposed Housing Element Update supports the 2017 Clean Air Plan. Additionally, future development projects under the Housing Element Update would be subject to all applicable City guidelines, standards, and specifications related to improving air quality and reducing exposures to TAC emissions. Because implementation of the Housing Element Update would be subject to all applicable City guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for improving air quality and reducing exposures to TAC emissions. Therefore, the proposed Housing Element Update would not conflict with or jeopardize successful implementation of the 2017 Clean Air Plan. No additional mitigation is required.

Increased Operational Criteria Air Pollutants From VMT

IMPACT 6-2	Increase in Operational Criteria Air Pollutant Emissions Resulting from an Increase in Vehicle Miles Traveled Will Negatively Impact Air Quality	Less than Significant

The air district's analysis methodology was used as the basis in determining significance of criteria air pollutants. For plan level analysis, such as the proposed project, the air district typically does not recommend determinations based on criteria air pollutant emission modeling because site- and project-specific information is typically not available in detail sufficient to accurately estimate emissions volumes. The air district indicates that if a plan's increase in projected VMT or vehicle trips (either measure may be used) is less than or equal to its projected population increase, a plan would have a less-than-significant air quality impact.

This EIR utilizes VMT as a general proxy for operational emissions to determine air quality impacts. If the percentage increase in VMT at buildout of the proposed Housing Element Update is less than or equal to the percentage increase in population at buildout of the Housing Element Update, the Housing Element Update would result in a less-than-significant air quality impact. Conversely, if the percentage increase in VMT at buildout of the Housing Element Update exceeds the percentage increase in population at buildout of the Housing Element Update, the proposed project would result in a significant air quality impact.

According to California Department of Finance records (2022), Mill Valley's population in 2022 was estimated at 13,850 persons. The proposed Housing Element Update would provide housing for an estimated 2,659 new residents, which equates to a 2031 population of 16,509. The change in population equates to a 19.2 percent increase by 2031.

Total VMT estimates were derived from the VMT analysis provided in the transportation analysis prepared by Hexagon Transportation Consultants (2022), and in Section 12.0, Transportation of this EIR. The transportation analysis identifies the countywide existing VMT as an average of 15.8 daily VMT per person, which equates to total existing VMT of approximately 218,830 VMT (13,850 X 15.8). The proposed Housing Element Update would have an average 14.5 VMT per person, with a total VMT of 38,556 VMT (14.5 X 2,659). Citywide daily VMT would be 257,386 (218,830 + 38,556) at buildout of the proposed Housing Element Update (2031). The VMT analysis is discussed in greater detail in Section 12, Transportation. The proposed project's contribution equates to a 17.7 percent increase in citywide VMT (38,556 / 218,830). A comparison of the percent increase in total VMT and population resulting from full implementation of the Housing Element Update is presented in Table 6-8, Housing Element Update VMT and Population Increase.

Table 6-8 Housing Element Update VMT and Population Increase

Year	Citywide Daily VMT[1]	Population
2022	218,830	13,850
2031	257,486	16,509
Percent Increase	17.7	19.2

SOURCE: Hexagon Transportation Consultants 2022, California Department of Finance 2022.
NOTE: 2031 VMT is the sum of existing citywide VMT plus project VMT.

Conclusion

As shown in Table 6-8, at buildout in 2031, the percentage increase in VMT would not be greater than the percentage increase in population. Therefore, emissions generated by implementation of the Housing Element Update would be less than significant.

Exposures to Toxic Air Contaminants

IMPACT 6-3	Adverse Effects to Sensitive Receptors from Toxic Air Contaminants During Operations	Less-Than-Significant with Mitigation

Mill Valley is not identified in the air district's Community Air Risk Evaluation (CARE) program as a community impacted by significant levels of toxic air contaminants (Bay Area Air Quality Management District 2022d). Placing residences in infill locations near jobs, transit and other services helps to reduce VMT and GHG emissions, and improve regional air quality. The air district acknowledges that infill development in locations near major sources of air pollution could also result in increased local exposure to unhealthy levels of air pollutants to the people living there unless steps are taken to reduce emissions and minimize exposures to them. Concentrations of TACs including fine particulate matter can be substantially elevated adjacent to and downwind of these sources, putting people who live there at risk of developing adverse health effects. The

negative health effects can be greatly reduced when distance is increased between the source of air pollution and sensitive land uses, and/or when measures are taken to reduce to reduce air pollution through the use of air filtration and other design considerations (Bay Area Air Quality Management District 2016).

As reported previously in Section 6.1, many of the proposed housing sites are located within 1,000 feet of permitted stationary sources with emissions exceeding air district single-source health risk thresholds (refer to Figure 6-1). Some housing sites are located near generators and gasoline dispensing facilities. Generators are sources of intermittent emissions and would not be expected to result in prolonged health risk exposures. Development within the housing sites located within the 1,000feet of the gasoline dispensing facilities source #15 and source #16 (refer to Table 6-3 and Figure 6-1) have the greatest potential for increased cancer risks from exposures to gasoline station emissions. Although the toxic air contaminants effects of gasoline stations diminish with distance, if the cancer risks within 1,000 feet of the gasoline dispensing facility are in excess of 10 cases per one million, there is the potential for significant health risk impacts to occur. This is a potentially significant impact. The air district recommends an assessment of potential exposures to mobile-source TACs that can increase cancer risks when sensitive receptors are proposed to be located within 1,000 feet of a high-volume freeway or roadway. A review of the air district's interactive mapping tool for high-volume roadways shows that the only high-volume roadway with average daily traffic levels greater than 10,000 vehicles per day is U.S. Highway 101 (refer to the discussion in Section 6.1). As shown in Figure 6-2, five of the proposed housing sites are located within 1,000 feet of U.S. Highway 101. Future development of the housing sites with residential uses as outlined in the Housing Element Update would increase exposures to TAC emissions from vehicle exhaust, which is a potentially significant impact. Implementation of the following mitigation measures would ensure this potentially significant impact is less than significant.

Mitigation Measures

6-3a The City of Mill Valley will impose a standard condition of approval sites in the zoning overlay districts that are: 1,000 feet of 1) existing permitted stationary sources of Toxic Air Contaminants (TACs) that exceed air district thresholds, 2) U.S. Highway 101, or 3) for new development that would be a source of TACs within 1,000 feet of residences or sensitive receptors. All such sites shall include a standard condition of approval as part of the issuance of a residential building permit, requiring that such sites conduct a health risk assessment to identify health risks.

6-3b Mitigation of health risks shall be required as a standard condition of approval for the above-referenced development projects, including, but not limited to, the provision of adequate buffer distances (based on recommendations and requirements of the

California Air Resources Board and BAAQMD) or filters or other equipment or solutions to reduce exposure to acceptable levels as determined by the health risk assessment.

TAC emission control conditions of approval shall be a standard condition of approval for sites in the zoning overlay districts and shall be coordinated and signed off by BAAQMD. Such conditions may include but are not limited to best practices; and required permit conditions to reduce exposures to TAC emissions and associated cancer risks within these areas; and/or permit conditions required by BAAQMD.

Conclusion

Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to ensuring a compact and efficient land use pattern that reduces VMT and mobile-source emissions. Additionally, future development projects under the Housing Element Update would be subject to all applicable City guidelines, standards, and specifications related to reductions in VMT and air pollutant emissions. Additionally, implementation of mitigation measure 6-3a and 6-3b would ensure that future development projects associated with the Housing Element Update would be subject to City standards and programs that reduce exposures to and generation of TAC emissions that lead to increased cancer risks. Implementation of mitigation measures 6-3a and 6-3b in addition to all applicable City guidelines, standards, and specifications, the Housing Element Update would not result in significant impacts from an increase in TAC emissions or increased health risks from exposures to them. by requiring applicable development proposals to evaluate TAC exposures and where significant, provide appropriate mitigation. The impact is less than significant with mitigation.

Odors

IMPACT 6-4	Adverse Effects to Sensitive Receptors from Odors	No Impact

The air district CEQA Guidelines identify land uses that typically are associated with the creation of objectionable odors including wastewater treatment plant, sanitary landfill, transfer stations, composting facilities, petroleum refineries, asphalt batch plants, chemical manufacturing, fiberglass manufacturing, auto body shops, rendering plants, coffee roasters, and certain agricultural practices. Impacts resulting from odors can result when sensitive receptors (e.g., new residences) are located near the odor sources. Odors are generally regarded as an annoyance rather than a health hazard. Manifestations of a person's reaction to odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache).

Development and /or redevelopment of the housing sites with residential and mixed-use development would not include the types of odor-generating land uses presented above. Therefore, the proposed project would not create objectionable odors affecting a substantial number of people.

6.5 Cumulative Impacts

Geographic Scope

The geographic scope for this analysis is the air basin. Implementation of the Housing Element Update would generate construction and air emissions that contribute to regional air quality conditions including ozone and PM_{10} pollutant concentrations for which the air basin is in nonattainment. This is a significant cumulative impact.

Cumulative Impact Analysis

Air district annual thresholds for operational ROG and PM_{10} emissions are 10 tons per year and 15 tons per year, respectively. Project emissions that exceed the annual threshold would be cumulatively considerable. The Housing Element Update would generate ozone precursor and PM_{10} emissions that contribute to regional air quality impacts. Therefore, the analysis in this section is inherently cumulative in nature.

Future development on the housing sites identified in the Housing Element Update would generate ozone precursors and PM_{10} emissions during operations. Project emissions in addition to past, present and future project emissions would contribute to cumulative air quality impacts for ozone precursors (primarily from an increase in VMT and energy demand) and PM_{10}. According to the CalEEMod emissions modeling conducted for the discussion of greenhouse gas (GHG) impacts (refer to Section 9), operational ROG (ozone) and PM_{10} emissions generated by future development consistent with the Housing Element Update would contribute annual operational emissions of about 20 tons of ROG annually, and about 11 tons of PM_{10} annually (See also CalEEMod results in Appendix E). Operational PM_{10} emissions resulting from future development would be less than the air district's annual threshold and less than cumulatively considerable.

The proposed uses have the potential to generate ROG emissions that exceed the air district's annual threshold of 10 tons per year. However, existing commercial and office uses on the housing sites already contribute operational ROG emissions that affect regional air quality. Operational emissions from existing development would be replaced by the emissions from future development associated with the proposed Housing Element Update. Although existing criteria air pollutant emissions are not quantified in the CalEEMod analysis, existing emissions volumes would be large enough that the net change in ozone precursor emissions from existing to proposed uses would not exceed the air district threshold. Additionally, compliance with general plan policies and programs described in this section would reduce operational area source ozone precursors and PM_{10} emissions

to less than cumulatively considerable. Further, since the City's population increase resulting from the Housing Element Update would be greater than the increase in VMT (and related vehicle emissions), related increases in operational mobile-source ozone precursors and PM_{10} emissions would be less than cumulatively considerable.

Construction emissions generated by the Housing Element Update would be mitigated by compliance with general plan policy provisions that require the utilization of construction emission control measures recommended by air district that are appropriate for the specifics of the project (e.g., length of time of construction and distance from sensitive receptors). This may include the utilization of low emission construction equipment, restrictions on the length of time of use of certain heavy-duty construction equipment, and utilization of methods to reduce emissions from construction equipment (alternative fuels, particulate matter traps and diesel particulate filters). General plan policies and their related implementation programs require review of air quality issues as part of the City's development review process, and incorporation of air district recommendations and best practices as conditions of approval. As a result, construction emissions resulting from implementation of the Housing Element Update that contribute to degraded regional air quality would be less than cumulatively considerable.

7.0 Biological Resources

This section addresses existing biological resources in the vicinity of the housing sites; the federal, state, and regional/local regulatory framework pertaining to biological resources; and anticipated impacts to biological resources as a result of the proposed project. This evaluation is based on a review of existing scientific literature, aerial photographs, technical background information, and policies applicable to projects located in the City of Mill Valley.

Information in this section is derived from various sources including:

- *Mill Valley General Plan* (2014);
- *Final – Certified Environmental Impact Report, Mill Valley 2040 General Plan, City of Mill Valley, Marin County, California* (Corte Madera 2013);
- California Department of Fish and Wildlife (CDFW) *California Natural Diversity Database* (CDFW 2022);
- California Native Plant Society (CNPS) *Inventory of Rare and Endangered Plants* (CNPS 2022); and
- U.S. Fish and Wildlife Service (USFWS) *Endangered Species Program* (USFWS 2022a) and *National Wetlands Inventory* (USFWS 2022b).

One comment on the NOP was received on August 11, 2022, from the CDFW (Bay Delta Region). CDFW recommended that the CEQA document provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located at the housing inventory sites and surrounding lands, including but not limited to all rare, threatened, or endangered species. The EIR should describe aquatic habitats, such as wetlands or waters of the U.S. or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the housing inventory sites, and any stream or wetland set back distances the city may require.

Analysis was recommended to address potential impacts to the following:

- Land use changes that would reduce open space or agricultural land uses and increase residential or other land use involving increased development;
- Encroachments into riparian habitats, wetlands or other sensitive areas;
- Potential for impacts to special-status species;

- Loss or modification of breeding, nesting, dispersal and foraging habitat, including vegetation removal, alternation of soils and hydrology, and removal of habitat structural features (e.g., snags, roosts, vegetation overhanging banks);
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence; and
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features.

These comments are addressed in this section of the EIR. The notice of preparation and comment letters on the notice are included in Appendix A.

7.1 Environmental Setting

Mill Valley encompasses approximately 4.85 square miles between Mt. Tamalpais on the west, the city of Tiburon on the east, the Town of Corte Madera to the north, and the Golden Gate National Recreational Area on the south.

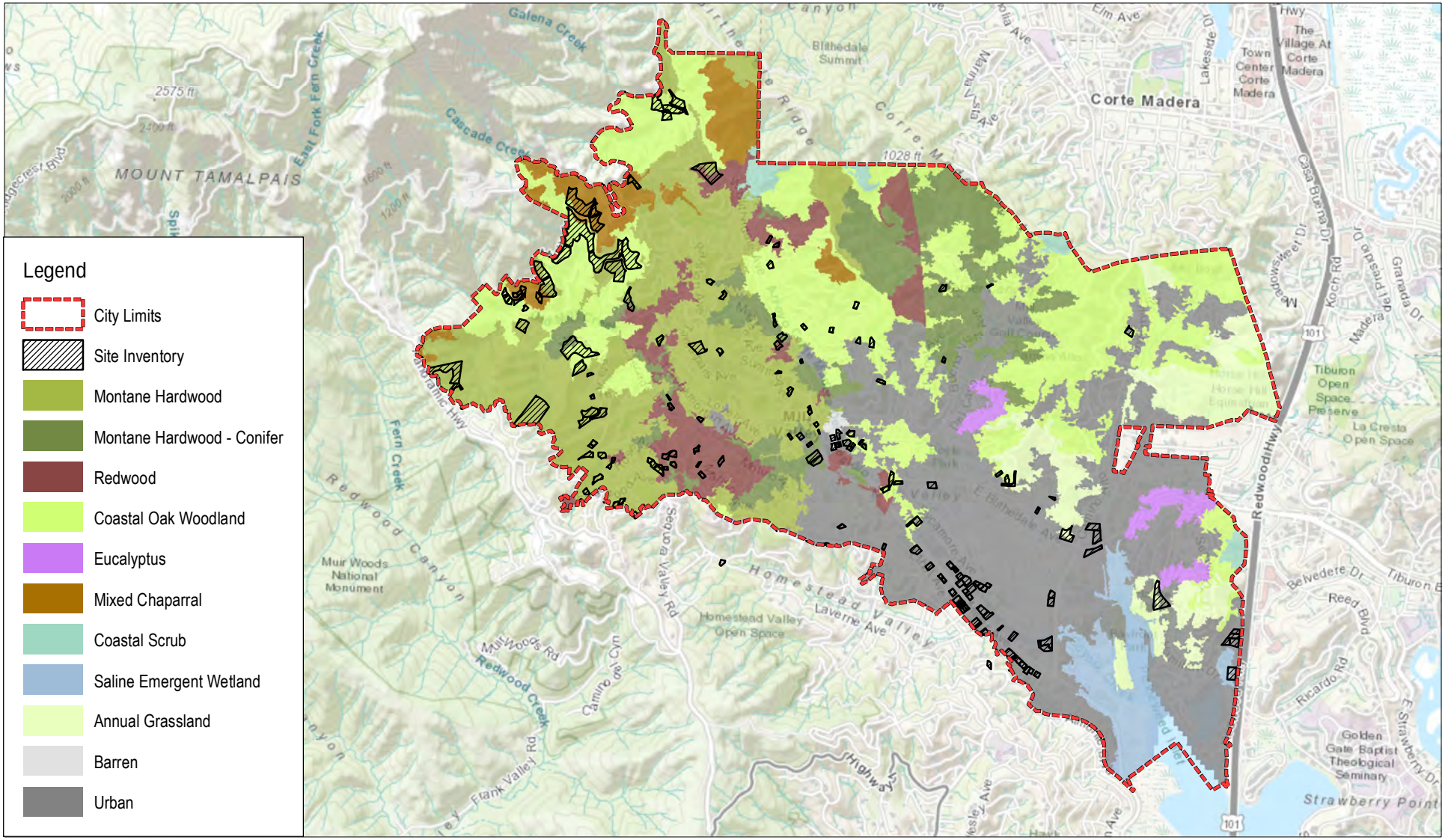
Existing Conditions

Mill Valley is located on the western and northern shores of Richardson Bay and the eastern slopes of Mount Tamalpais. Beyond the flat coastal area and marshlands, it occupies narrow wooded canyons, mostly of second-growth redwoods, on the southeastern slopes of Mount Tamalpais. Two streams flow from the slopes of Mt. Tamalpais through Mill Valley to the bay: the Arroyo Corte Madera del Presidio and Cascade Creek. Mill Valley is surrounded by state, federal, and county park lands.

Mill Valley is located on the San Rafael U.S. Geological Survey (USGS) 7.5-minute quadrangle maps, at elevations from 79 feet to approximately 1,100 feet. Mill Valley is within the Central Coast Bioregion, which encompasses a diversity of plant communities from wet redwood forest to dry oak woodland and chaparral. The climate in the area is Mediterranean, with warm and dry summers, and winters tending to be cool and wet. Average annual rainfall is approximately 47.4 inches, which occurs between the months of November and March. Temperatures range between 45 to 70.5 degrees Fahrenheit (Western Regional Climate Center 2022).

Vegetation

As described in the General Plan EIR, the majority of the city limits contain urban development, rural residential development, undeveloped areas, and open space areas. Vegetative communities consist of: montane hardwood, montane hardwood-conifer, redwood, coastal oak woodland, eucalyptus, mixed chaparral, coastal scrub, saline emergent wetland, annual grassland, barren and urban. Figure 7-1, Vegetation Map, shows the vegetation types within the city limits mapped in the CalVEG database (USFS 2018).



Source: ESRI 2022, USFS 2018, Mill Valley 2022

Figure 7-1

Vegetation Map

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The sites identified for residential development are generally located in the foothills of Mt. Tamalpais to the west, with some higher density opportunities located closer to U.S. Highway 101 (Figure 4-1, Sites Inventory Map). Most sites have been previously developed at a low density or solely as commercial sites. Based on Figure7-1, Vegetation Map, the following vegetative communities overlap with the housing sites: annual grassland, barren, coastal oak woodland, eucalyptus, mixed chaparral, montane hardwood – conifer, montane hardwood, redwood, saline emergent wetland, and urban.

Wetlands and Waterways

There are a number of riverine, riparian, pond, freshwater wetland, and estuarine resources within the city limits. A review of the National Wetlands Inventory shows that many of the housing sites are located on or adjacent to aquatic resources [(Figure 7-2, National Wetland Inventory Map) USFWS 2022b].

Special-Status Species with Potential to Occur in Vicinity

Special-status species are those listed as Endangered, Threatened, or Rare, or as Candidates for listing by the USFWS or CDFW under the state and/or federal Endangered Species Acts. The special-status designation also includes CDFW Species of Special Concern and Fully Protected species, California Native Plant Society (CNPS) Rare Plant Rank 1B and 2B species, and other locally rare species that meet the criteria for listing as described in Section 15380 of CEQA Guidelines. Special-status species are generally rare, restricted in distribution, declining throughout their range, or have a critical, vulnerable stage in their life cycle that warrants monitoring.

A search of the CDFW California Natural Diversity Database (CDFW 2022) was conducted within one mile of the city limits in order to update the search conducted for the General Plan EIR and to evaluate potentially occurring special-status plant and wildlife species in the vicinity of the proposed housing sites. Figure 7-3, CNDDB Map, shows the observations of special-status species recorded at the housing sites. Records of occurrence for special-status plants were reviewed for the same area in the CNPS Inventory of Rare and Endangered Plants (CNPS 2022). A USFWS Endangered Species Program threatened and endangered species list was also generated for Marin County (USFWS 2022a).

Special-Status Plants

Database search results and the potential for special-status plants to occur on the inventory sites and vicinity are presented in Table 7-1, Special-Status Plant Species with Potential to Occur within the Vicinity of Mill Valley, and are discussed in in the Impacts and Mitigation Measures section, below.

Special-Status Wildlife

Special-status wildlife species potentially occurring in the project vicinity were evaluated for their potential to occur on the housing sites. Database search results and the potential for special-status

wildlife to occur on the housing sites and within the vicinity are presented in Table 7-2, Special-Status Wildlife Species with Potential to Occur within the Vicinity of Mill Valley, and are discussed in in the Impacts and Mitigation Measures section, below.

Regulated Trees

Mill Valley places a high value on the maintenance and protection of its tree and forest resources. The inventoried sites contain trees likely protected by the Mill Valley Municipal Code, Chapter 20.67 – Trees on Privately Owned Property. Any applicant requesting to remove, destroy or alter one or more protected trees as a result of development, is required to obtain a tree removal permit.

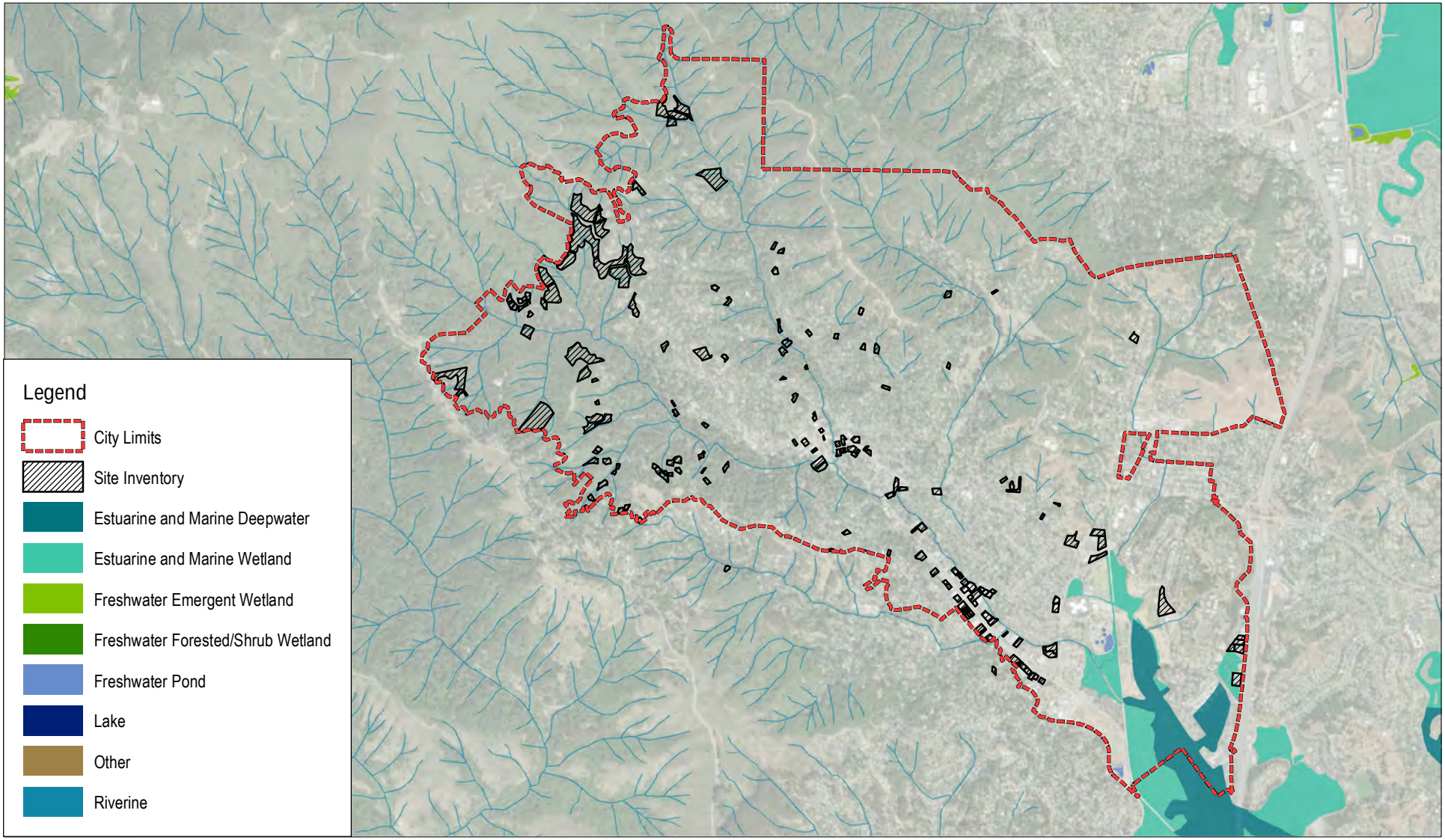
Sensitive Natural Communities

Natural Communities are California vegetation types ranked by their rarity and threat by CDFW. Natural Communities with ranks of S1-S3 are considered Sensitive Natural Communities to be addressed in the environmental review processes of CEQA and its equivalents. Sensitive natural communities are protected because they support a diverse assemblage of native species. Sensitive natural communities known to occur within the city limits and have the potential to occur within one of the inventoried sites include the following: California bay forest, coast live oak forest/woodland, coastal salt marsh/coastal brackish marsh, coastal scrub, cool grasslands, Douglas fir forest, mixed montane chaparral, moderate grasslands, montane hardwoods, and redwood forest.

Wildlife Movement

Wildlife movement includes migration (usually movement one way per season), inter-population movement (long-term dispersal and genetic flow), and small travel pathways (daily movement within an animal's territory). While small travel pathways usually facilitate movement for daily home range activities, such as foraging or escape from predators, they also provide connection between outlying populations and the main populations, permitting an increase in gene flow among populations. These habitat linkages can extend for miles and occur on a large scale throughout the greater region. Habitat linkages facilitate movement between populations located in discrete locales and populations located within larger habitat areas.

Large scale habitat linkages have been identified throughout California. Habitat linkages/corridors facilitate wildlife movement between populations located in discrete locales. Habitat fragmentation due to development and the creation of human-made impassable barriers can impede wildlife movement. The CDFW and California Department of Transportation commissioned the *California Essential Habitat Connectivity Project* to produce a statewide assessment of essential habitat connectivity using the best available science, data sets, spatial analyses and modeling techniques. Riparian corridors along Arroyo Corte Madera del Presidio, Cascade Creek, and their tributaries serve as local aquatic and terrestrial wildlife migration corridors for areas within and surrounding the city limits. However, the housing sites are not within or adjacent to designated corridors. Therefore, impacts to wildlife movement as a result of development of the housing sites is considered negligible.



Source: ESRI 2022, USFWS 2022, Mill Valley 2022

Figure 7-2

National Wetland Inventory

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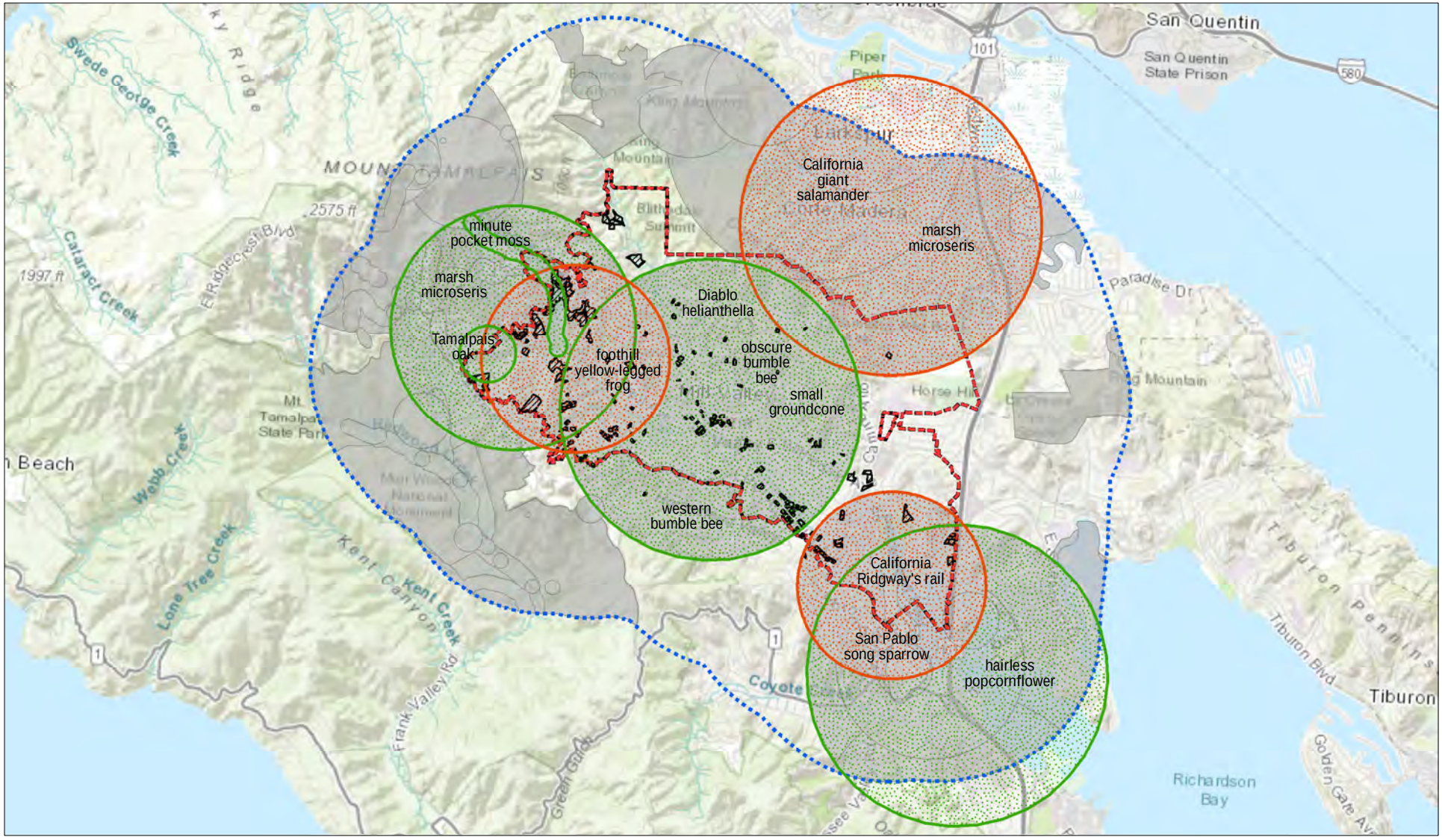

Source: ESRI 2022, CDFW CNDDB 2022, Mill Valley 2022

Figure 7-3

Special-Status Species Recorded at Site Inventory Locations

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Table 7-1 Special-Status Plant Species with Potential to Occur within the Vicinity of Mill Valley

Species	Status (Federal/State/ CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
Adobe sanicle *(Sanicula maritima)*	--/Rare/1B.1	Moist clay or ultramafic soils within meadows and seeps, valley and foothill grassland, chaparral, coastal prairie; elevation 15-215m. Blooming Period: February - May	Low Potential. Species not known from within one mile of the city limits.
Alkali milk-vetch *(Astragalus tener* var. *tener)*	--/--/1B.2	Alkaline sites in playas, valley and foothill grassland (on adobe clay), and vernal pools; elevation 1-60m. Blooming Period: March - June	Low Potential. Species not known from within one mile of the city limits.
Beach layia *(Layia carnosa)*	FE/SE/1B.1	Coastal dunes, hugely reduced in range along California's north coast dunes, on sparsely vegetated semi-stabilized dunes, usually behind foredunes; elevation 0-75m. Blooming Period: March - July	Low Potential. Species not known from within one mile of the city limits.
Bent-flowered fiddleneck *(Amsinckia lunaris)*	--/--/1B.2	Coastal bluff scrub, cismontane woodland, and valley and foothill grassland, on decomposed shale soils; elevation 3-500m. Blooming Period: March - June	Low Potential. Species not known from within one mile of the city limits.
Blue coast gilia *(Gilia capitata* ssp. *chamissonis)*	--/--/1B.1	Coastal dunes, coastal scrub; elevation 3-200m. Blooming Period: April to July	Low Potential. Species not known from within one mile of the city limits.
Bristly sedge *(Carex comosa)*	--/--/2B.1	Coastal prairie, marshes and swamps (lake margins), and valley and foothill grassland; elevation 0-625m. Blooming Period: May - September	Low Potential. Species not known from within one mile of the city limits.
Choris' popcorn-flower *(Plagiobothrys chorisianus* var. *chorisianus)*	--/--/1B.2	Chaparral, coastal scrub, coastal prairie, mesic sites; elevation 15-100m. Blooming Period: March - June	Low Potential. Species not known from within one mile of the city limits.
Coast triquetrella *(Triquetrella californica)*	--/--/1B.2	Coastal bluff scrub, coastal scrub. Grows within 30m from the coast in coastal scrub, grasslands and in open gravels on roadsides, hillsides, rocky slopes, and fields. On gravel or thin soil over outcrops; elevation 20-1175 m. Evergreen (moss)	Low Potential. Species not known from within one mile of the city limits.
Coastal bluff morning glory *(Calystegia pururata* ssp. *saxicola)*	--/--1B.2	Coastal dunes, coastal scrub, coastal bluff scrub, north coast coniferous forest; elevation 4-165m. Blooming Period: May - September	Low Potential. Species not known from within one mile of the city limits.

Species	Status (Federal/State/ CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
Coastal marsh milk-vetch *(Astragalus pycnostachyus var. pycnostachyus)*	--/--/1B.2	Coastal dunes, marshes and swamps, coastal scrub. Known to occur in mesic sites in dunes or along streams or coastal salt marshes; elevation 0-155m. Blooming April - October	Low Potential. Species not known from within one mile of the city limits.
Congested-headed hayfield tarplant *(Hemizonia congesta* ssp. *congesta)*	--/--/1B.2	Valley and foothill grassland. Occurs in grassy valleys and hills, often in fallow fields; sometimes along roadsides; elevation 5-520m. Blooming Period: April - November	Moderate potential. Species known to occur within one mile of the Mill Valley city limits.
Dark-eyed gilia *(Gilia millefoliata)*	--/--/1B.2	Coastal dunes; elevation 1-60m. Blooming Period: April - July	Moderate potential. Species known to occur within one mile of the Mill Valley city limits.
Diablo helianthella *(Helianthella castanea)*	--/--/1B.2	Broadleaved upland forest, chaparral, cismontane woodland, coastal scrub, riparian woodland, valley and foothill grassland. Usually found in chaparral/oak woodland interface in rocky, azonal soils, often in partial shade; elevation 25-1150m. Blooming Period: April - June	Moderate potential. Occurrence records overlap one or more housing sites.
Fragrant fritillary *(Fritillaria liliacea)*	--/--/1B.2	Coastal scrub, valley and foothill grassland, and coastal prairie. Often on serpentine; various soils reported though usually clay in grassland; elevation 3-410m. Blooming Period: February - April	Low Potential. Species not known from within one mile of the city limits.
Franciscan manzanita *(Arctostaphylos franciscana)*	FE/--/1B.1	Chaparral, serpentine outcrops in chaparral; elevation 30-215m. Blooming Period: February - April	Low Potential. Species not known from within one mile of the city limits.
Franciscan thistle (*Cirsium andrewsii)*	--/--/1B.2	Coastal bluff scrub, broadleaf upland forest, coastal scrub, coastal prairie, sometimes serpentine seeps; elevation 0-295m. Blooming Period: March - July	Low Potential. Species not known from within one mile of the city limits.
Hairless popcorn flower *(Plagiobothrys glaber)*	--/--/1A	Meadows and seeps (alkaline), marshes and swamps (coastal salt); elevation 15-180m. Blooming Period: March - May	Moderate potential. Occurrence records overlap one or more housing sites.
Island tube lichen *(Hypogymnia schizidiata)*	--/--/1B.3	Chaparral, closed-cone coniferous forest. On bark and wood of hardwoods and conifers; elevation 255-545m. Evergreen	Low Potential. Species not known from within one mile of the city limits.
Kellogg's horkelia *(Horkelia cuneata* ssp. *sericea)*	--/--/1B.1	Closed-cone coniferous forest, maritime chaparral, coastal scrub, sandy or gravelly openings; elevation 10-200m. Blooming Period: April - September	Low Potential. Species not known from within one mile of the city limits.
Koch's cord moss *(Entosthodon kochii)*	--/--/1B.3	Cismontane woodland, moss growing on soil on river banks; elevation 185-365m. Evergreen	Low Potential. Species not known from within one mile of the city limits.

Species	Status (Federal/State/ CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
Long-styled sand-spurrey *(Spergularia macrotheca* var. *longistyla)*	--/--/1B.2	Marshes and swamps, meadows and seeps, alkaline; elevation 0-220m. Blooming Period: February - May	Low Potential. Species not known from within one mile of the city limits.
Lyngbye's sedge *(Carex lyngbyei)*	--/--/2B.2	Marshes and swamps (brackish or freshwater); elevation 0-200m. Blooming Period: April - August	Low Potential. Species not known from within one mile of the city limits.
Marin checker lily (*Fritillaria lanceolata* var. *tristulis*)	--/--/1B.1	Coastal bluff scrub, coastal scrub, coastal prairie. Occurrences reported from canyons and riparian areas as well as rock outcrops; often on serpentine; elevation 5-305m. Blooming Period: February - May	Low Potential. Species not known from within one mile of the city limits.
Marin checkerbloom (*Sidalcea hickmanii* ssp. *viridis*)	--/--/1B.1	Chaparral, serpentine or volcanic soils; sometimes appears after burns; elevation 1-425m. Blooming Period: May - June	Low Potential. Species not known from within one mile of the city limits.
Marin County navarretia *(Navarretia rosulata)*	--/--/1B.2	Closed-cone coniferous forest, chaparral. Dry, open rocky places, can occur on serpentine; elevation 185-640m. Blooming Period: May - July	Moderate potential. Species known to occur within one mile of the Mill Valley city limits.
Marin manzanita *(Arctostaphylos virgata)*	--/--/1B.2	Broadleaf upland forest, closed-cone coniferous forest, chaparral, north coast coniferous forest. On sandstone or granitic soils; elevation 1-800m. Blooming Period: January - March	Moderate potential. Species known to occur within one mile of the Mill Valley city limits.
Marin western flax *(Hesperolinon congestum)*	FT/ST/1B.1	Chaparral, valley and foothill grassland, in serpentine barrens and in serpentine grassland and chaparral; elevation 60-400m. Blooming Period: April - July	Moderate potential. Species known to occur within one mile of the Mill Valley city limits.
Marsh microseris *(Microseris paludosa)*	--/--/1B.2	Closed-cone coniferous forest, cismontane woodland, coastal scrub, valley and foothill grassland; elevation 5-300m. Blooming Period: April - June	Moderate potential. Occurrence records overlap one or more housing sites.
Marsh sandwort *(Arenaria paludicola)*	FE/SE/1B.1	Sandy openings in freshwater or brackish marshes and swamps; elevation 3-170m. Blooming Period: May - August	Low Potential. Species not known from within one mile of the city limits.
Mason's ceanothus *(Ceanothus masonii)*	--/Rare/1B.2	Chaparral, serpentine ridges or slopes in chaparral or transition zones; elevation 180-460m. Blooming Period: March - April	Low Potential. Species not known from within one mile of the city limits.
Minute pocket moss *(Fissidens pauperculus)*	--/--/1B.2	North coast coniferous forest. Moss growing on damp soil along the coast; elevation 10-100m. Evergreen	Moderate potential. Occurrence records overlap one or more housing sites.

Species	Status (Federal/State/ CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
Mt. Tamalpais bristly jewelflower *(Streptanthus glandulosus ssp. pulchellus)*	--/--/1B.2	Chaparral, valley and foothill grassland. Serpentine slopes; elevation 125-670m. Blooming Period: May - July	Low Potential. Species not known from within one mile of the city limits.
Mt. Tamalpais manzanita *(Arctostaphylos montana ssp. montana)*	--/--/1B.3	Chaparral, valley and foothill grassland. Serpentine slopes in chaparral and grassland; elevation 150-680m. Blooming Period: February - April	Moderate potential. Species known to occur within one mile of the Mill Valley city limits.
Mt. Tamalpais thistle *(Cirsium hydrophilum var. vaseyi)*	--/--/1B.2	Broadleaf upland forest, chaparral, meadows and seeps. Serpentine seeps and streams in chaparral and woodland; elevation 180-610m. Blooming Period: May - August	Moderate potential. Species known to occur within one mile of the Mill Valley city limits.
Napa false indigo *(Amorpha californica* var. *napensis)*	PT/SSC/1B	Broadleaved upland forest, chaparral, cismontane woodland, openings in forest or woodland or in chaparral; elevation 150-2000m. Blooming Period: April - July	Moderate potential. Species known to occur within one mile of the Mill Valley city limits.
Nicasio ceanothus *(Ceanothus decornutus)*	--/--/1B.2	Chaparral, maritime chaparral, serpentinite, rocky, sometimes clay; elevation 235-290m. Blooming Period: March - May	Low Potential. Species not known from within one mile of the city limits.
North Coast semaphore grass *(Pleuropogon hooverianus)*	--/ST/1B.1	Broadleaf upland forest, meadows and seeps, north coast coniferous forest. Wet, grassy, usually shady areas, sometimes freshwater marsh, associated with forest environments; elevation 45-1160m. Blooming Period: April - June	Moderate potential. Species known to occur within one mile of the Mill Valley city limits.
Northern meadow sedge *(Carex praticola)*	--/--/2B.2	Meadows and seeps, moist to wet meadows; elevation 15-3200m. Blooming Period: May - July	Low Potential. Species not known from within one mile of the city limits.
Oregon polemonium *(Polemonium carneum)*	--/--/2B.2	Coastal prairie, coastal scrub, lower montane coniferous forest; elevation 0-1830m. Blooming Period: April - September	Low Potential. Species not known from within one mile of the city limits.
Point Reyes checkerbloom *(Sidalcea calycosa ssp. rhizomata)*	--/--/1B.2	Marshes and swamps, freshwater marshes near the coast; elevation 5-95m. Blooming Period: April - September	Low Potential. Species not known from within one mile of the city limits.
Point Reyes horkelia *(Horkelia marinensis)*	--/--/1B.2	Sandy sites in coastal dunes, coastal prairie, and coastal scrub; elevation 5-755m. Blooming Period: May - September	Low Potential. Species not known from within one mile of the city limits.
Point Reyes salty bird's-beak *(Chloropyron maritimum* ssp. *palustre)*	--/--/1B.2	Coastal salt marshes, usually with *Salicornia*, *Distichlis*, *Jaumea*, and *Spartina*; elevation 0-15m. Blooming Period: June - October	Moderate potential. Species known to occur within one mile of the Mill Valley city limits.

Species	Status (Federal/State/ CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
Presidio clarkia *(Clarkia franciscana)*	FE/SE/1B.1	Coastal scrub, valley and foothill grassland, serpentine outcrops in grassland or scrub; elevation 20-305m. Blooming Period: May - July	Low Potential. Species not known from within one mile of the city limits.
Presidio manzanita *(Arctostaphylos montana ssp. ravenii)*	FE/SE/1B.1	Chaparral, coastal prairie, coastal scrub. Open, rocky serpentine slopes, elevation 20-215m. Blooming Period: February - March	Low Potential. Species not known from within one mile of the city limits.
Rose leptosiphon *(Leptosiphon rosaceus)*	--/--/1B.1	Coastal bluff scrub; elevation 10-140m. Blooming Period: April - July	Low Potential. Species not known from within one mile of the city limits.
Round-headed Chinese-houses *(Collinsia corymbosa)*	--/--/1B.2	Coastal dunes; elevation 0-30m. Blooming Period: April - June	Low Potential. Species not known from within one mile of the city limits.
Saline clover *(Trifolium hydrophilum)*	--/--/1B.2	Marshes and swamps, valley and foothill grassland, and vernal pools. Prefers wet, alkaline sites; elevation 0-300m. Blooming Period: April - June	Low Potential. Species not known from within one mile of the city limits.
San Francisco Bay spineflower (*Chorizanthe cuspidata* var. *cuspidata*)	--/--/1B.2	Coastal bluff scrub, coastal dunes, coastal prairie, coastal scrub. Closely related to C. pungens. Sandy soil on terraces and slopes; elevation 2-550m. Blooming Period: April - July	Moderate potential. Species known to occur within one mile of the Mill Valley city limits.
San Francisco campion *(Silene verecunda* ssp. *verecunda)*	--/--/1B.2	Coastal scrub, valley and foothill grassland, coastal bluff scrub, chaparral, and coastal prairie on mudstone/shale and serpentine substrates; elevation 30-645m. Blooming Period: March - August	Low Potential. Species not known from within one mile of the city limits.
San Francisco collinsia *(Collinsia multicolor)*	--/--/1B.2	Serpentine sites in closed cone coniferous forest and coastal scrub. Prefers decomposed shale (mudstone) mixed with humus; elevation 30-250m. Blooming Period: March - May	Low Potential. Species not known from within one mile of the city limits.
San Francisco lessingia *(Lessingia germanorum)*	FE/SE/1B.1	Coastal scrub. On remnant dunes, open sandy soils relatively free of competing plants; elevation 3-155m. Blooming Period: July - November	Low Potential. Species not known from within one mile of the city limits.
San Francisco owl's clover (*Triphysaria floribunda*)	--/--/1B.2	Coastal prairie, coastal scrub, valley and foothill grassland. Serpentine and non-serpentine substrate (such as at Point Reyes); elevation 1-150m. Blooming Period: April - June	Low Potential. Species not known from within one mile of the city limits.
San Francisco popcornflower *(Plagiobothrys diffusus)*	--/SE/1B.1	Valley and foothill grassland, and coastal prairie. Historically from grassy slopes with marine influence; elevation 60-485m. Blooming Period: March - June	Low Potential. Species not known from within one mile of the city limits.

Species	Status (Federal/State/ CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
Santa Cruz microseris *(Stebbinsoseris decipiens)*	--/--/1B	Broadleaved upland forest, closed-cone coniferous forest, chaparral, coastal prairie, coastal scrub, valley and foothill grassland, open areas, sometimes serpentine; elevation 10-500m. Blooming Period: April - May	Low Potential. Species not known from within one mile of the city limits.
Santa Cruz tarplant *(Holocarpha macradenia)*	FT/SE/1B.1	Coastal prairie, coastal scrub, and valley and foothill grassland; often on clay or sandy soils; elevation 10-220m. Blooming Period: June - October	Moderate potential. Species known to occur within one mile of the Mill Valley city limits.
Scouler's catchfly (*Silene scouleri* ssp. *scouleri*)	--/--/2B.2	Coastal bluff scrub, coastal prairie, valley and foothill grassland; elevation 5-315m. Blooming Period: March - May	Low Potential. Species not known from within one mile of the city limits.
Seaside bittercress *(Cardamine angulata)*	--/--/2B.1	North coast coniferous forest, lower montane coniferous forest, wet areas, streambanks; elevation 5-515m. Blooming Period: April - June	Low Potential. Species not known from within one mile of the city limits.
Small groundcone *(Kopsiopsis hookeri)*	--/--/2B.3	North coast coniferous forest. Parasitic plant found in open woods, shrubby places, generally on *Gaultheria shallon*; elevation 120-1435m. Blooming Period: April - August	Moderate potential. Occurrence records overlap one or more housing sites.
Sonoma alopecurus *(Alopecurus aequalis* var. *sonomensis)*	FE/--/1B.1	Freshwater marshes and swamps, riparian scrub. Wet areas, marshes, and riparian banks, with other wetland species; elevation 3-360m. Blooming Period: May - July	Low Potential. Species not known from within one mile of the city limits.
Suisun Marsh aster *(Symphyotrichum lentum)*	--/--/1B.2	Marshes and swamps (brackish and freshwater). Most often seen along sloughs with Phragmites, *Scirpus*, blackberry, *Typha*, etc.; elevation 0-15m. Blooming Period: May - November	Low Potential. Species not known from within one mile of the city limits.
Tamalpais jewelflower *(Streptanthus batrachopus)*	--/--1B.3	Closed-cone coniferous forest, chaparral, talus serpentine outcrops; elevation 335-670m. Blooming Period: April - July	1 mile of mill valley
Tamalpais lessingia *(Lessingia micradenia* var. *micradenia)*	--/--/1B.2	Chaparral, valley and foothill grassland, usually on serpentine, in serpentine grassland, or serpentine chaparral, often on roadsides; elevation 60-305m. Blooming Period: July - October	Low Potential. Species not known from within one mile of the city limits.
Tamalpais oak *(Quercus parvula* var. *tamalpaisensis)*	--/--1B.3	Lower montane coniferous forest, cismontane woodland; elevation 200-640m. Evergreen	Moderate potential. Occurrence records overlap one or more housing sites.
Thin-lobed horkelia *(Horkelia tenuiloba)*	--/--/1B.2	Broadleaf upland forest, chaparral, valley and foothill grassland. Sandy soils, mesic openings; elevation 45-640m. Blooming Period: May - July	Moderate potential. Species known to occur within one mile of the Mill Valley city limits.
Thurber's reed grass *(Calamagrostis crassiglumis)*	--/--/2B.1	Coastal scrub, marshes and swamps. Usually in marshy swales surrounded by grassland or coastal scrub; elevation 5-50m. Blooming Period: May - July	Moderate potential. Species known to occur within one mile of the Mill Valley city limits.

Species	Status (Federal/State/ CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
Tiburon buckwheat *(Eriogonum luteolum* var. *caninum)*	--/--/1B.2	Chaparral, valley and foothill grassland, cismontane woodland, coastal prairie. Serpentine soils, sandy to gravelly sites; elevation 60-640m. Blooming Period: May - September	Moderate potential. Species known to occur within one mile of the Mill Valley city limits.
Tiburon jewelflower *(Streptanthus glandulosus* ssp. *niger)*	FE/SE/1B.1	Valley and foothill grassland, shallow, rocky serpentine slopes; 30-150m. Blooming Period: May - June	Low Potential. Species not known from within one mile of the city limits.
Tiburon mariposa-lily *(Calochortus tiburonensis)*	FT/ST/1B.1	Valley and foothill grassland. Open, rocky slopes in serpentine grassland; elevation 50-150m. Blooming Period: March - June	Moderate potential. Species known to occur within one mile of the Mill Valley city limits.
Tiburon paintbrush *(Castilleja affinis* ssp. *neglecta)*	FE/ST/1B.2	Valley and foothill grassland (serpentine); elevation 60-400m. Blooming Period: April - June	Moderate potential. Species known to occur within one mile of the Mill Valley city limits.
Two-fork clover *(Trifolium amoenum)*	--/--/1B.1	Coastal bluff scrub, valley and foothill grassland, sometimes serpentinite; elevation 5-415m. Blooming Period: April - June	Low Potential. Species not known from within one mile of the city limits.
Water star-grass *(Heteranthera dubia)*	--/--/2B.2	Marshes and swamps. Alkaline, still or slow-moving water. Requires a pH of 7 or higher, usually in slightly eutrophic waters. Blooming Period: July - August	Low Potential. Species not known from within one mile of the city limits.
Western leatherwood *(Dirca occidentalis)*	--/--/1B.2	Broadleaf upland forest, chaparral, closed cone coniferous forest, cismontane woodland, North Coast coniferous forest, riparian forest, and riparian woodland. Found on brushy slopes, in mesic sites, mostly in mixed evergreen and foothill woodland communities; elevation 30-550m. Blooming Period: January - April	Low Potential. Species not known from within one mile of the city limits.
White-rayed pentachaeta *(Pentachaeta bellidiflora)*	FE/SE/1B.1	Valley and foothill grassland. Open dry, rocky slopes and grassy areas, often on soils derived from serpentine bedrock; elevation 35-620m. Blooming Period: March - May	Moderate potential. Species known to occur within one mile of the Mill Valley city limits.
Woolly-headed gilia *(Gilia capitata* ssp. *tomentosa)*	--/--1B.1	Coastal bluff scrub, valley and foothill grassland, riparian woodland. Rocky outcrops, sometimes serpentine; elevation 6-290m. Blooming Period: May - July	Low Potential. Species not known from within one mile of the city limits.

SOURCE: CDFW 2022, CNPS 2022, USFWS 2022

NOTE: Status Codes:

Federal (USFWS)

FE: Listed as Endangered under the Federal Endangered Species Act.

FT: Listed as Threatened under the Federal Endangered Species Act.

FC: A Candidate for listing as Threatened or Endangered under the Federal Endangered Species Act.
FSC: Species of Special Concern.
FD: Delisted under the Federal Endangered Species Act.

State (CDFW)
SE: Listed as Endangered under the California Endangered Species Act.
ST: Listed as Threatened under the California Endangered Species Act.
SR: Listed as Rare under the California Endangered Species Act.
SC: A Candidate for listing as Threatened or Endangered under the California Endangered Species Act.
SSC: Species of Special Concern.
SFP: Fully Protected species under the California Fish and Game Code.
SD: Delisted under the California Endangered Species Act.

CNPS Rare Plant Ranks and Threat Code Extensions
1B: Plants that are considered Rare, Threatened, or Endangered in California and elsewhere.
2B: Plants that are considered Rare, Threatened, or Endangered in California, but more common elsewhere.
.1: Seriously endangered in California (over 80% of occurrences threatened/high degree and immediacy of threat).
.2: Fairly endangered in California (20-80% occurrences threatened).
.3: Not very endangered in California (<20% of occurrences threatened or no current threats known).

Table 7-2 Special-Status Wildlife Species with Potential to Occur within the Vicinity of Mill Valley

Species	Status (Federal/State/ CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
Alameda song sparrow *(Melospiza melodia pusillula)*	--/SSC	Resident of salt marshes bordering south arm of San Francisco Bay. Inhabits *Salicornia* marshes; nests low in *Grindelia* bushes (high enough to escape high tides) and in *Salicornia*.	Low Potential. Species not known from within one mile of the city limits.
American badger *(Taxidea taxus)*	--/SSC	Most abundant in drier, open stages of most shrub, forest, and herbaceous habitats. Need sufficient food and open, uncultivated ground with friable soils to dig burrows. Prey on burrowing rodents.	Low Potential. Species not known from within one mile of the city limits.
American peregrine falcon *(Falco peregrinus anatum)*	FD/SD, SFP	Occurs near wetlands, lakes, rivers, or other waters on cliffs, banks, dunes, mounds, and human-made structures. Nest consists of a scrape on a depression or ledge in an open site.	Low Potential. Species not known from within one mile of the city limits.
Bank swallow *(Riparia riparia)*	--/ST	Highly colonial species that nests in alluvial soils along rivers, streams, lakes, and ocean coasts. Nesting colonies only occur in vertical banks or bluffs of friable soils at least one meter tall, suitable for burrowing with some predator deterrence values. Breeding colony present in Salinas River.	Low Potential. Species not known from within one mile of the city limits.
Bay checkerspot butterfly *(Euphydryas editha bayensis)*	FT/--	Restricted to native grasslands on outcrops of serpentine soil in the vicinity of San Francisco Bay. *Plantago erecta* is the primary host plant; *Castilleja densiflora* and *C. exserta* are secondary host plants.	Low Potential. Species not known from within one mile of the city limits.
Black swift *(Cypseloides niger)*	--/SSC	Breeds in small colonies on cliffs behind or adjacent to waterfalls in deep canyons and sea bluffs above surf; forages widely.	Low Potential. Species not known from within one mile of the city limits.
Burrowing owl *(Athene cunicularia)*	--/SSC	Open, dry, annual or perennial grasslands, desert, or scrubland, with available small mammal burrows.	Low Potential. Species not known from within one mile of the city limits.
California black rail *(Laterallus jamaicensis coturniculus)*	--/ST	Inhabits freshwater marshes, wet meadows, and shallow margins of saltwater marshes bordering larger bays. Needs water depth of about 1 inch that does not fluctuate during the year and dense vegetation for nesting.	Moderate potential. Species known to occur within one mile of the Mill Valley city limits.
California brackishwater snail *(mimic tryonia)* *(Tryonia imitator)*	--/SSC	Aquatic, found on rocks and in gravel of riffles in cool, swift, clear streams.	Low Potential. Species not known from within one mile of the city limits.
California freshwater shrimp *(Syncaris pacifica)*	FE/SE	Endemic to Marin, Napa, and Sonoma Counties. Found at low elevation, low gradient streams where riparia cover is moderate to heavy. Prefers shallow pools away from the main streamflow. Winters within undercut banks with exposed roots. Found near leafy branches touching water in summer.	Low Potential. Species not known from within one mile of the city limits.

Species	Status (Federal/State/ CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
California giant salamander *(Anodonta californiensis)*	--/SSC	Known from wet coastal forests near streams ad seeps from Mendocino County south to Monterey County and east to Napa County. Aquatic larvae found in cold, clear streams, occasionally in lakes and ponds. Adults known from wet forests under rocks and logs near streams and lakes.	Moderate potential. Occurrence records overlap one or more housing sites.
California red-legged frog *(Rana draytonii)*	FT/SSC	Rivers, creeks, and stock ponds with pools and overhanging vegetation. Requires dense, shrubby or emergent riparian vegetation, and prefers short riffles and pools with slow-moving, well-oxygenated water. Needs upland habitat to aestivate (remain dormant during dry months) in small mammal burrows, cracks in the soil, or moist leaf litter.	Low Potential. Species not known from within one mile of the city limits.
California Ridgway's rail *(Rallus obsoletus obsoletus)*	FE/SE	Found in saltwater and brackish marshes, traversed by tidal sloughs in the vicinity of San Francisco Bay. Associated with abundant growths of pickleweed, but feeds away from cover on invertebrates from mud-bottomed sloughs.	Moderate potential. Occurrence records overlap one or more housing sites.
Callippe silverspot butterfly *(Speyeria callippe callippe)*	FE/--	Restricted to northern coastal scrub of the San Francisco Peninsula. Host plant is *Viola pedunculata*. Most adults are found on east-facing slopes. Males congregate on hilltops in search of females.	Low Potential. Species not known from within one mile of the city limits.
Coho salmon *(Oncorhynchus kisutch)*	FE/SE	Freshwater habitats; requires beds of loose, silt-free, coarse gravel for spawning, covered cool water, and sufficient oxygen levels.	Moderate potential. Species known to occur within one mile of the Mill Valley city limits.
Cooper's hawk *(Accipter cooperii)*	--/WL	Oak or riparian woodlands.	
Double-crested cormorant *(Nannopterum auritum)*	--/WL	Colonial nester on coastal cliffs, offshore islands, and along lake margins in the interior of the state. Nests along coast on sequestered islets, usually on ground with a sloping surface or in tall trees along lake margins.	Low Potential. Species not known from within one mile of the city limits.
Eulachon *(Thaleichthys pacificus)*	FT/--	Found in Klamath River, Mad River, Redwood Creek, and in small numbers in Smith River and Humboldt Bay tributaries. Spawns in lower reaches of coastal rivers with moderate water velocities with bottoms dominated by pea-sized gravel, sand, and woody debris.	Low Potential. Species not known from within one mile of the city limits.
Foothill yellow-legged frog *(Rana boylii)*	--/SE	Partly shaded, shallow streams and riffles with rocky substrate in a variety of habitats. Requires at least some cobble-sized substrate for egg-laying and 15 weeks of available water to attain metamorphosis.	Moderate potential. Occurrence records overlap one or more housing sites.

Species	Status (Federal/State/ CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
Golden eagle *(Aquila chrysaetos)*	--/SFP	Rolling foothill mountain areas, sage-juniper flats, and desert. Cliff-walled canyons provide nesting habitat in most parts of range. Also uses large trees in open areas.	Low Potential. Species not known from within one mile of the city limits.
Green sturgeon – southern DPS *(Acipenser medirostris* pop. 1*)*	FT/--	Spawns in the Sacramento, Feather, and Yuba Rivers. Presence in upper Stanislaus and San Joaquin Rivers may indicate spawning. Non-spawning adults occupy marine/estuarine waters. Delta estuary is important for rearing juveniles. Spawning occurs primarily in cool (11-15C) sections of mainstem rivers in deep pools (8-9m) with substrate containing small to medium-sized sand, gravel, cobble, or boulders.	Moderate potential. Species known to occur within one mile of the Mill Valley city limits.
Hoary bat *(Lasiurus cinereus)*	--/SSC	Prefers open habitats or habitat mosaics, with access to trees for cover and open areas or habitat edges for feeding. Roosts in dense foliage of medium to large trees. Feeds primarily on moths. Requires water.	Low Potential. Species not known from within one mile of the city limits.
Longfin smelt *(Spirinchus thaleichthys)*	FC/ST	Euryhaline, nektonic and anadromous fish found in open waters of estuaries, mostly in middle or bottom of water column. Prefers salinities of 15-30 ppt, but can be found in completely freshwater to almost pure seawater.	Moderate potential. Species known to occur within one mile of the Mill Valley city limits.
Mission blue butterfly *(Icaricia icarioides missionensis)*	FE/--	Inhabits grasslands of the San Francisco Peninsula. Three larval host plants: *Lupinus albifrons, L. variicolor, and L. formosus,* of which *L. albifrons* is favored.	Low Potential. Species not known from within one mile of the city limits.
Monarch butterfly *(Danaus plexippus)*	FC/--	Winter roost sites. Wind protected tree groves (Eucalyptus, Monterey pine, cypress) with nectar and water sources nearby.	Low Potential. Species not known from within one mile of the city limits.
Northern harrier *(Circus cyaneus)*	--/SSC	Found near coastal salt and freshwater marshes. Nests and forages in grasslands. Nests on ground in shrubby vegetation, usually at marsh edge; nest built of a large mound of sticks in wet areas.	Low Potential. Species not known from within one mile of the city limits.
Northern spotted owl *(Strix occidentalis caurina)*	FT/ST	Old-growth forests or mixed stands of old-growth and mature trees. Occasionally in younger forests with patches of big trees. High, multistory canopy dominated by big trees, many trees with cavities or broken tops, woody debris, and space under canopy.	Moderate potential. Occurrence records overlap one or more housing sites.
Obscure bumble bee *(Bombus caliginosus)*	--/SCE	Coastal areas from Santa Barbara County to north to Washington state. Food plant genera include *Baccharis, Cirsium, Lupinus, Lotus, Grindelia* and *Phacelia*.	Moderate potential. Occurrence records overlap one or more housing sites.

Species	Status (Federal/State/ CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
Pallid bat *(Antrozous pallidus)*	--/SSC	Deserts, grasslands, scrublands, woodlands, and forests. Most common in open, dry habitats with rocky areas for roosting. Roosts must protect bats from high temperatures.	Low Potential. Species not known from within one mile of the city limits.
Point Reyes jumping mouse *(Zapus trinotatus orarius)*	--/SSC	Primarily found in bunch grass marshes on the uplands of Point Reyes. Also present in coastal scrub, grassland, and meadows. Eats mainly grass seeds with some insects and fruit. Builds grassy nests on ground under vegetation, burrows in winter.	Low Potential. Species not known from within one mile of the city limits.
Point Reyes mountain beaver *(Aplodontia rufa phaea)*	--/SSC	Coastal area of Point Reyes in areas of springs or seepages. North-facing slopes of hills and gullies in areas overgrown with sword ferns and thimbleberries.	Low Potential. Species not known from within one mile of the city limits.
Sacramento splittail *(Pogonichthys macrolepidotus)*	--/SSC	Endemic to the lakes and rivers of the Central Valley, but now confined to the Delta, Suisun Bay, and associated marshes. Slow moving river sections, dead end sloughs, requires flooded vegetation for spawning and foraging for young.	Low Potential. Species not known from within one mile of the city limits.
Saltmarsh common yellowthroat *(Geothlypis trichas sinuosa)*	--/SSC	Fresh and saltwater marshes; requires thick continuous cover down to water surface for foraging, tall grasses, tule patches, and willows for nesting.	Low Potential. Species not known from within one mile of the city limits.
Salt-marsh harvest mouse *(Reithrodontomys raviventris)*	FE/SE/SFP	Found only in the saline emergent wetlands of San Francisco Bay and its tributaries. Pickleweed is the primary habitat. Species does not burrow, but builds loosely organized nests. Requires higher areas for flood escape.	Moderate potential. Species known to occur within one mile of the Mill Valley city limits.
Salt-marsh wandering shrew *(Sorex vagrans halicoetes)*	--/SSC	Salt marshes of the southern arm of San Francisco Bay. Found in medium high marsh, 6-8 feet above sea level where abundant driftwood is scattered among *Salicornia*.	Low Potential. Species not known from within one mile of the city limits.
San Pablo song sparrow *(Melospiza melodia samuelis)*	--/SSC	Resident of salt marshes along the north side of San Francisco and San Pablo Bays. Inhabits tidal sloughs in the *Salicornia* marshes; nests in *Grindelia* bordering slough channels.	Moderate potential. Occurrence records overlap one or more housing sites.
San Pablo vole *(Microtus californicus sanpabloensis)*	--/SSC	Salt marshes of San Pablo Creek, on the south shore of San Pablo Bay. Constructs burrow in soft soil. Feeds on grasses, sedges, and herbs. Forms a network of runways leading from the burrow.	Low Potential. Species not known from within one mile of the city limits.
Short-eared owl *(Asio flammeus)*	--/SSC	(Nesting) Found in swamp lands, both fresh and salt; lowland meadows; irrigated alfalfa fields. Tule patches/tall grass needed for nesting/daytime seclusion. Nests on dry ground in depression concealed in vegetation.	Low Potential. Species not known from within one mile of the city limits.

Species	Status (Federal/State/ CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
Southern coastal roach *(Hesperoleucus venustus subditus)*	--/SSC	Found in the drainages of Tomales Bay and northern San Francisco Bay in the north, and drainages of Monterey Bay in the south.	Low Potential. Species not known from within one mile of the city limits.
Southern sea otter *(Enhydra lutris nereis)*	FT/FP	Nearshore marine environments from about Ano Nuevo, San Mateo County, to Point Sal, Santa Barbara County. Needs canopies of giant kelp and bull kelp for rafting and feeding. Prefers marine environments with rocky substrates with abundant invertebrates.	Low Potential. Species not known from within one mile of the city limits.
Steelhead *(Oncorhynchus mykiss irideus)*	FT/--	Coastal stream with clean spawning gravel. Requires cool water and pools. Needs migratory access between natal stream and ocean.	Low Potential. Species not known from within one mile of the city limits.
Steller sea lion *(Eumetopias jubatus)*	DE/--	Breeds on Ano Nuevo, San Miguel, and Farallon Islands, Point St. George, and Sugarloaf. Hauls out on islands and rocks. Needs haul out and breeding sites with unrestricted access to water, near aquatic food supply and with no human disturbance.	Low Potential. Species not known from within one mile of the city limits.
Suisun shrew *(Sorex ornatus sinuosus)*	--/SSC	Tidal marshes of the northern shores of San Pablo and Suisun Bays. Requires dense low-lying cover and driftweed and other litter above the mean hightide line for nesting and foraging.	Low Potential. Species not known from within one mile of the city limits.
Tidewater goby *(Eucyclogobius newberryi)*	FE/SSC	Brackish water habitats, found in shallow lagoons and lower stream reaches, still but not stagnant water with high oxygen levels.	Low Potential. Species not known from within one mile of the city limits.
Townsend's big-eared bat *(Corynorhinus townsendii)*	--/SSC	Inhabits a wide variety of habitats. Most common in mesic sites. Roosts in the open, hanging from walls and ceilings. Roosting sites limiting. Extremely sensitive to human disturbance.	Moderate potential. Species known to occur within one mile of the Mill Valley city limits.
Western bumble bee (*Bombus occidentalis*)	--/SCE	Historically known to occur throughout the mountains and northern coast of California. Prefers meadows and grasslands with abundant floral resources, including those from Fabaceae, Asteraceae, Rhamnaceae and Rosaceae families.	Moderate potential. Occurrence records overlap one or more housing sites.
Western pond turtle *(Emys marmorata)*	--/SSC	Ponds, marshes, rivers, streams, and irrigation ditches with aquatic vegetation. Needs basking sites (such as rocks or partially submerged logs) and suitable upland habitat for egg-laying (sandy banks or grassy open fields).	Low Potential. Species not known from within one mile of the city limits.

Species	Status (Federal/State/ CNPS)	Suitable Habitat Description	Potential to Occur on Project Site
Western red bat *(Lasiurus blossevillii)*	--/SSC	Roosts primarily in trees, 2-40 feet above the ground, from sea level up through mixed conifer forests. Prefers habitat edges and mosaics with trees that are protected from above and open below with open areas for foraging.	Low Potential. Species not known from within one mile of the city limits.
Western snowy plover *(Charadrius alexandrinus nivosus)*	FT/SSC	Sandy beaches, salt pond levees, shores of large alkali lakes; sandy, gravelly, or friable soils for nesting.	Low Potential. Species not known from within one mile of the city limits.
White-tailed kite *(Elanus leucurus)*	--/SFP	Rolling foothills and valley margins with scattered oaks, and river bottomlands or marshes next to deciduous woodlands. Open grasslands, meadows, or marshes for foraging close to isolated, dense-topped trees for nesting and perching.	Low Potential. Species not known from within one mile of the city limits.

SOURCE: CDFW 2022, CNPS 2022, USFWS 2022
NOTE: Status Codes:
Federal (USFWS)
FE: Listed as Endangered under the Federal Endangered Species Act.
FT: Listed as Threatened under the Federal Endangered Species Act.
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SR: Listed as Rare under the California Endangered Species Act.
SC: A Candidate for listing as Threatened or Endangered under the California Endangered Species Act.
SSC: Species of Special Concern.
SFP: Fully Protected species under the California Fish and Game Code.
SD: Delisted under the California Endangered Species Act.

7.2 Regulatory Setting

This section briefly describes federal, state, and local regulations, permits, and policies pertaining to biological resources and wetlands as they apply to the project.

Federal Plans and Regulations

Endangered Species Act

The federal Endangered Species Act of 1973 (known hereafter as the "Act") protects species that the USFWS has listed as "Endangered" or "Threatened." Permits may be required from USFWS if activities associated with a proposed project would result in the "take" of a federally listed species or its habitat. Under the Act, the definition of "take" is to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." USFWS has also interpreted the definition of "harm" to include significant habitat modification that could result in "take." "Take" of a listed species is prohibited unless (1) a Section 10(a) permit has been issued by the USFWS or (2) an Incidental Take Statement has been obtained through formal consultation between a federal agency and the USFWS pursuant to Section 7 of the Act.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act of 1918 prohibits killing, possessing, or trading in migratory birds, and protects the nesting activities of native birds including common species, except in accordance with certain regulations prescribed by the Secretary of the Interior. Over 1,000 native nesting bird species are currently protected under the federal law. This Act encompasses whole birds, parts of birds, bird nests, and eggs.

The USFWS published a proposed rule to clarify prohibitions governing the "take" of birds under the Migratory Bird Treaty Act on February 3, 2020. This proposed rule clarifies that the scope of the Migratory Bird Treaty Act applies only to intentional injuring or killing of birds. Conduct that results in the unintentional (incidental) injury or death of migratory birds is not prohibited under the Act. On January 7, 2021, the final regulation defining the scope of the Migratory Bird Treaty Act was published in the Federal Register. The rule goes went into effect on February 8, 2021.

The USFWS announced a proposed rule to revoke the January 7, 2021, final regulation that limited the scope of the Act. The public comment period closed on June 7, 2021, however publication of the final rule in the Federal Register has not yet occurred. Although the status of the revised rule is unknown, compliance with the new interpretation of the law, which prohibits the intentional and unintentional take of migratory birds, is recommended.

Clean Water Act

Section 404 of the Clean Water Act of 1972 regulates the discharge of dredge and fill material into "Waters of the U.S.". "Waters of the U.S." are waters such as oceans, rivers, streams, lakes, ponds, and wetlands subject to U.S. Army Corps of Engineers (USACE) Regulatory Program jurisdiction

under Section 404 of the Clean Water Act. Certain artificial drainage channels, ditches and wetlands are also considered jurisdictional "Waters of the U.S." On June 22, 2020, the Environmental Protection Agency and the Department of the Army's Navigable Waters Protection Rule: Definition of "Waters of the United States" (NWPR) became effective in 49 states and in all US territories. The San Francisco USACE District uses the NWPR definitions of "Waters of the U.S." when making permit decisions and providing landowners written determinations of the limits of federal jurisdiction on their property.

The USACE determines the extent of its jurisdiction as defined by ordinary high-water marks on channel banks, wetland boundaries, and/or connectivity to a navigable water. Wetlands are habitats with soils that are intermittently or permanently saturated or inundated. The resulting anaerobic conditions naturally select for plant species known as hydrophytes that show a high degree of fidelity to such soils. Wetlands are identified by the presence of hydrophytic vegetation, hydric soils (soils intermittently or permanently saturated by water), and wetland hydrology according to methodologies outlined in the 1987 Corps of Engineers Wetlands Delineation Manual and the 2008 Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0).

Activities that involve the discharge of fill into jurisdictional wetlands or waters are subject to the permit requirements of the USACE. Discharge permits are typically issued on the condition that the project proponent agrees to provide compensatory mitigation which results in no net loss of area, function, or value, either through wetland creation, restoration, or the purchase of credits through an approved mitigation bank. In addition to individual discharge permits, the USACE also issues nationwide permits applicable for certain activities.

State Plans and Regulations

California Endangered Species Act

Pursuant to the California Endangered Species Act and Section 2081 of the California Fish and Game Code, an Incidental Take Permit from the CDFW is required for projects that could result in the "take" of a state-listed Threatened or Endangered species. "Take" is defined under these laws as an activity that would directly or indirectly kill an individual of a species. If a project would result in the "take" of a state-listed species, then a CDFW Incidental Take Permit, including the preparation of a conservation plan, would be required.

Nesting Birds and Birds of Prey

Sections 3505, 3503.5, and 3800 of the California Fish and Game Code prohibit the take, possession, or destruction of birds, including their nests or eggs. Birds of prey (the orders Falconiformes and Strigiformes) are specifically protected in California under provisions of the California Fish and Game Code, Section 3503.5. This section of the Code establishes that it is

unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this Code. Disturbance that causes nest abandonment and/or loss of reproductive effort, such as construction during the breeding season, is considered take by the CDFW.

Streambed Alterations

The CDFW has jurisdiction over the bed and bank of natural drainages according to provisions of Sections 1601 through 1603 of the California Fish and Game Code. Diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake in California that support wildlife resources and/or riparian vegetation are subject to CDFW regulations. Activities that would disturb these drainages are regulated by the CDFW; authorization is required in the form of a Streambed Alteration Agreement. Such an agreement typically stipulates measures that will protect the habitat values of the drainage in question.

California Porter-Cologne Water Quality Control Act

Under the California Porter-Cologne Water Quality Control Act, the applicable Regional Water Quality Control Board (regional board) may necessitate Waste Discharge Requirements for the fill or alteration of "Waters of the State," which according to California Water Code Section 13050 includes "any surface water or groundwater, including saline waters, within the boundaries of the state." The regional board may, therefore, necessitate Waste Discharge Requirements even if the affected waters are not under USACE jurisdiction.

Also, under Section 401 of the Clean Water Act, any activity requiring a USACE Section 404 permit must also obtain a state Water Quality Certification (or waiver thereof) to ensure that the proposed activity will meet state water quality standards. The applicable state regional board is responsible for administering the water quality certification program and enforcing National Pollutant Discharge Elimination System permits.

Local Plans and Regulations

Mill Valley General Plan

The 2040 General Plan establishes the following goals and policies associated with biological resources:

> **Goal NE.1 Understanding & Sustaining the Ecosystem:** Identify, map and inventory natural resources and potential natural hazards, with regular updates.
>
> > **Policy NE.1 Data and Mapping:** Collaborate with regional, state, and federal agencies to continually update and assess information on ecologically sensitive and significant natural communities. NE.1-1 Create a comprehensive natural resources inventory and map of the data as described below to guide goals and strategies for local

resource conservation and management; identify resource conservation priorities, evaluate current and identify new resource management practices, guide resource-related regulatory standards, and provide a basis for resource preservation, protection, and rehabilitation planning. At a minimum, the inventory should include the following, but the final scope will depend on community outreach and recommendations:

- Existing land cover (i.e., forest [including public trees], wetlands, other vegetation, impervious surfaces, etc.)
- Significant and sensitive native plant communities
- Endangered, threatened and special concern species
- Wildlife habitat
- Wetlands and streams
- Surface and groundwater quantity and quality
- Soil types
- Landforms (i.e., watershed, severe slopes, wetlands, streams, etc.)
- Greenways and habitat connections between sensitive areas
- Status of land conservation (open space, parks, easements, etc.)
- Existing trails and public access
- Invasive species
- Fire, flood, earthquake, and other hazard areas
- Human population distribution
- Solar access (see Figure 5.9 of the General Plan)

NE.1-2 Review and compare the "baseline" inventory with updated data and information at least every ten years to assess potential changes in conditions and to ensure the information stays current and remains a valuable resource for the community and decisionmakers.

NE.1-3 Use "best available" science and technology, such as "Marin Maps" or other Geographic Information System (GIS) or technical resources, to make critical natural resource and hazard data and mapping accessible to the community and to reinforce the links between residents and the surrounding natural environment.

NE.1-4 Identify and continually update mapping data showing areas of the City that are vulnerable to the effects of climate change-related hazards, including landslides, sea level rise, flooding, loss of barrier habitats (e.g., wetlands), changing storm cycles and increased rainfall, and extended periods of excessive heat.

NE.1-5 Continue to train City employees to remain up-to-date on the latest science and technology and best practices associated with the natural environment and ecology.

Goal NE.2 Understanding & Sustaining the Ecosystem: Preserve, restore or rehabilitate the integrity, function, productivity and long-term viability and resiliency of the ecosystem and its ecologically sensitive and significant natural communities and wildlife habitats.

Policy NE.2 Resource Preservation and Restoration: Utilize a watershed approach (as compared to a parcel-by-parcel approach) to identifying, preserving or rehabilitating natural resources in a consistent manner that support applicable flood control, storm drainage, water quality and public access values, and as a basis for identifying and applying best practices for the continued contribution of the community's native plant and wildlife species value and aesthetic character to Mill Valley.

NE.2-1 Revise City standards and regulations as necessary to consider the effects of development and redevelopment on areas identified as natural resources areas in the "baseline" inventory and develop mitigation strategies for any proposed development or redevelopment of property in these areas.

NE.2-2 Use best practices for restoring and rehabilitating the ecosystem to balance needs of the community and ecosystem.

NE.2-3 Provide access to designated open space areas along Richardson Bay and creek corridors consistent with preserving habitat and protecting threatened or endangered species.

NE.2-4 Retain plant and wildlife habitat areas, including those that contain known sensitive resources (e.g., sensitive habitats; special-status, threatened, endangered, or candidate species; and species of concern) and that are contiguous with other existing natural areas and/or wildlife movement corridors.

NE.2-5 Preserve the ecological integrity of watersheds and creek corridors that support riparian resources by preserving or restoring native plants and removing invasive non-native plants; developing "pools," "riffles," "cover," and "slow flow" areas; and removing or providing alternatives to barriers to fish movements.

NE.2-6 Develop a Creek Master Plan and management guidelines for maintaining and enhancing all identified creeks within the city limits, identify flood control measures, determine preferred stream bank protection techniques, establish a more precise and functional "creek setback" and related development standards, and identify public access and park development opportunities.

NE.2-7 Preserve and protect wetland resources in compliance with applicable regional, state, and federal regulations and to provide a buffer to sea level rise.

NE.2-8 Revise the City's heritage tree regulations and related education programs to protect populations, stands (groves), and heritage specimens of native tree species consistent with the City's fire and flood prevention strategies and programs and considering the following:

- Tree protection and planting in riparian zones
- Street tree planting and maintenance
- Reduction of tree/public infrastructure conflicts
- Vegetation management
- Root pruning

NE.2-9 Review and update the 2002 Site Priority Report and collaborate with the Marin Open Space District, property owners, and other open space acquisition agencies to identify and acquire additional open space resources for recreation, habitat protection, watershed management and flood control, and emergency evacuation purposes.

Goal NE.5 Leadership & Education: Increase the community's knowledge and understanding of ecologically significant and sensitive natural communities, natural processes, and any corresponding hazards in areas where the natural environment and human settlement meet.

Policy NE.5 Community Outreach and Education: Support educational programs for residents and visitors about the uniqueness and value of Mill Valley's natural resources and ways to appreciate, enjoy, and protect those resources.

NE.5-1 Coordinate with the Mill Valley Library, Recreation Department, and local public and private schools to integrate sustainability and local natural resource appreciation and engagement into educational and recreation programs.

NE.5-2 Encourage the use of environmental monitoring applications and other technology to engage the community in resource protection and preservation.

NE.5-3 Use Mill Valley's commitment to volunteerism and environmental stewardship to help protect and rehabilitate the area's natural resources, seek funding for outreach and improvements, and facilitate open communication on issues that may affect those resources.

NE.5-4 Use the City of Mill Valley website or other technologies to highlight sustainability and local natural resource activities and accomplishments made within the community.

NE.5-5 Build community support for sustainability through engaging and fun activities and challenges such as the "Low Carbon Diet," "Resilient Neighborhoods," and other programs.

NE.5-6 Create walking tour maps and programs on natural resource areas and demonstration homes, gardens and businesses led by "sustainability docents". Develop self-guided walking tours that include various aspects of the community, such as local and historic landmarks and other arts, cultural and environmental features. Consider arts and culture walking tours.

NE.5-7 Identify and designate publicly accessible scenic vistas of natural areas, including Richardson Bay, Mount Tamalpais, and existing creek corridors.

NE.5-8 Create an easy-to-use and readily identifiable system of directional and informational signs along paths, trails, and creekside locations. Post signs that indicate prohibited activities (such as swimming, fishing, dogs off leash) due to the presence of threatened or endangered species. Limit public access during spawning and early development stages of young fish.

NE.5-9 Encourage litter reduction programs and promote individual responsibility for helping to maintain park, recreation and natural areas.

NE.5-10 Provide information to residents on local sustainability efforts, surrounding natural environment, potential hazards, and emergency preparedness.

Goal NE.6 Considering the Ecosystem in City Decision-Making: Ensure that all planning and decision-making processes integrate sustainability and resource conservation.

Policy NE.6 Leadership and Coordination: Collaborate with local, state and federal agencies and private organizations to initiate and implement sustainable policies and programs. Develop and promote sustainable practices and using an ecosystem and watershed approach to solving resource related issues that goes beyond political boundaries.

NE.6-1 Use the City's website and notification systems to disseminate best practices associated with resource management programs and practices and hazard mitigation to the community.

NE.6-2 Consider creating a "Sustainability Coordinator" City staff position or a Sustainability Commission to initiate, coordinate, and implement sustainable policies and programs as well as researching and writing successful grant applications to support sustainability efforts.

NE.6-3 Continue coordination efforts with Marin County and other jurisdictions to jointly create and implement common sustainability practices.

NE.6-4 Adopt purchasing practices and standards that support climate action policies and reductions in greenhouse gas emissions.

NE.6-5 Encourage application of new technologies that are environmentally beneficial.

Mill Valley Municipal Code

Injuring Wild Birds and Animals

Mill Valley Municipal Code, Chapter 6.16 – Injuring Wild Birds and Animals, states that it is "unlawful for anyone to shoot, trap, or in any way intentionally destroy or injure any wild birds and/or animals, with the exception of mice, rats, gophers, and moles, within the limits of the City of Mill Valley."

Trees

Mill Valley Municipal Code, Chapter 20.67 – Trees on Privately Owned Property, states that, "No person may cause the removal of a heritage tree or protected tree on privately owned property

without first obtaining a tree removal permit from the City." Chapter 12.04.050 -- General Tree and Shrub Regulations, regulates public and private trees. Injury to trees and shrubs is prohibited, trees are to be kept trimmed, obstructions of views at intersections are prohibited, and authority over private trees, shrubs, or plantings is granted to the Parks Superintendent.

Creek Setback Ordinance

Mill Valley Zoning Ordinance, Chapter 20.76 – Creek Setback Ordinance, protects, maintains, enhances and restores Mill Valley's streams and waterways and adjacent riparian habitat and wetlands. "No structures are permitted within 30 feet of the top bank of the following creeks within the City of Mill Valley: Warner Canyon, Corte Madera Del Presidio, Sutton Manor Creek, Cascade Creek, Old Mill Creek, Reed Creek (the "Creek Setback Area")."

7.3 Thresholds or Standards of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of biological resources, as it does on a whole series of additional topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of biological resources impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The City of Mill Valley has done so here. Therefore, for purposes of this subsequent EIR, a significant biological resources impact would occur if implementation of the proposed project would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;

- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

No habitat conservation plans apply to the project area. No further discussion of this topic is required. The applicable issues for the proposed project are evaluated in the impact analysis below.

7.4 Analysis, Impacts, and Mitigation Measures

This evaluation is based a review of existing scientific literature, aerial photographs, technical background information; relevant documents addressing biological resources at the housing sites; and policies applicable to projects located in Mill Valley. See the beginning of this EIR section for a list of relevant documents used in this analysis.

Effects on Special-Status Plant and Wildlife Species

IMPACT 7-1	Loss of Special-Status Plant Species or Their Habitats	Less than Significant with Mitigation

Based on the results of the CNDDB search, a number of recorded observations of special-status plant species were identified within the city limits, and within one mile of the city limits. These species are listed in Table 7-1, Special-Status Plant Species with Potential to Occur within the Vicinity of Mill Valley. Six of these species have recorded occurrences overlapping one or more proposed housing sites; these are discussed further, below.

Diablo Helianthella. Diablo helianthella is listed by the CNPS as 1B.2 species. This species is typically found in broadleaf upland forest, chaparral, cismontane woodland, coastal scrub, riparian woodland, valley and foothill grassland between 45 and 1,070 meters above mean sea level. The species' blooming period is from April to June. Suitable habitat is present within the city limits. There is one recorded occurrence (occurrence number 16) within the city limits that overlaps some of the proposed housing sites. This record is a general location from 1938 and the need for additional field work is included in the record (CDFW 2022).

Hairless Popcornflower. Hairless popcornflower is listed by the CNPS as a 1A species. This species is found in meadows and seeps, marshes and swamps, in particular coastal salt marshes and alkaline meadows. The species' blooming period is from March to May. Suitable habitat is present within the city limits. There is one recorded occurrence (occurrence number 8) within the city limits that overlaps some of the proposed housing sites. This record is a general location from 1924 (CDFW 2022).

Marsh microseris. Marsh microseris is listed by the CNPS as a 1B species. This perennial herb in the Asteraceae family is found in closed-cone coniferous forest, cismontane woodland, coastal scrub, valley and foothill grassland between five and 300 meters above mean sea level. The species blooming period is from April to June and sometimes until July. There is one recorded occurrence (occurrence number 13) within the city limits that overlaps the proposed housing sites. This record is a general location to encompass the vicinity of Summit Avenue and Pipeline Trail from 1944 and the need for additional field work is included in the record (CDFW 2022).

Minute Pocket Moss. Minute pocket moss is listed by the CNPS as a 1B.2 species. This species is a moss growing on damp soil along the coast in dry streambeds and on stream banks in north coast coniferous forest. Suitable habitat is present within the city limits. There is one recorded occurrence (occurrence number 1) within the city limits along Cascade Creek that overlaps some of the proposed housing sites. This record is a general location from 1949 and the need for additional field work is included in the record (CDFW 2022).

Small Groundcone. Small groundcone is listed by the CNPS as a 2B.3 species. This species is a parasitic plant found in north coast coniferous forest, particularly within open woods, shrubby places, generally on *Gaultheria shallon*. There is one recorded occurrence (occurrence number 3) within the city limits that overlaps some of the proposed housing sites. This record is a general location from 1970 (CDFW 2022).

Tamalpais Oak. Tamalpais oak is listed by the CNPS as a 1B.3 species. This species is an oak found in lower montane coniferous forest and cismontane woodland. There is one recorded occurrence (occurrence number 5) within the city limits that overlaps some of the proposed housing sites. This record is on the north side of Zigzag Trail, about 0.3 miles east of Mountain Home, on a ridge west of Mill Valley. The exact location is unknown, however it was located within shady woods on a steep hillside. This record is a general location from 1993 and the need for additional field work is included in the record (CDFW 2022).

Conclusion

If special-status plant species are present on a housing site, ground disturbance and construction activities could result in the loss of individual plants. This would be a significant adverse environmental impact. General Plan goals NE.1, NE.2, and NE.6 and Policies NE.1, NE.2, and NE.6, and associated implementation programs, call for regularly updating inventories of biological resources, collaborating with resource agencies, preserving ecological sensitive natural communities and habitats, utilizing a watershed approach for assessing impacts on species, and considering biological resource impacts as part of the planning and decision-making processes. Implementation of the general plan goals and policies in addition to the following mitigation measures specific to development of the housing sites would reduce potential impacts to special-status plant species to less than significant.

Mitigation Measures

7-1 The City of Mill Valley will impose a standard condition of approval to be complied with prior to the approval of project plans for: 1) undeveloped housing sites, 2) housing sites within 100 feet of aquatic habitat, or 3) housing sites supporting native vegetation or trees, requiring that applicants of such sites submit a biological resources assessment prepared by a qualified biologist to the City of Mill Valley Planning and Building Department for review and approval. The biological resource assessment shall include the following information as necessary to determine whether special status species are likely to be on the site:

a. Database searches to determine if special-status species have been recorded as occurring within the general vicinity. Databases include the California Department of Fish and Wildlife's California Natural Diversity Database, the California Native Plant Society Rare and Endangered Plant Inventory, the US Fish and Wildlife Service Endangered Species Program, the US Fish and Wildlife Service National Wetland Inventory; and other biological studies conducted in the vicinity of the housing site, if available.

b. Field surveys to:

   i. Identify and map the principal plant communities;

   ii. Determine the potential for special-status species and their habitats, wildlife movement corridors, potentially jurisdictional wetlands and waterways, regulated trees, and other significant biological resources to occur; and

   iii. Identify and map any observed locations of special-status species and/or habitats.

c. The biological resources assessment report shall include a description of existing habitats and plant and animal species found on the housing site, and the occurrence of and/or potential for special-status species and their habitats. One or more figures shall be prepared to illustrate habitat types and the location(s) of special-status species occurring on or in the vicinity of the housing site. If potential impacts to biological resources are identified, the applicant shall be required to work with the appropriate local, regional, state, or federal agency to determine what measures are required in order to minimize or avoid impacts to special-status species and incorporate those measures into the project.

7-2 The City shall require, prior to construction of the housing sites identified above in mitigation measure 7-1, measures for the protection of biological resources identified in the biological resources assessment report or by another regional, state, or federal agency with jurisdiction shall be incorporated into the project design and documentation of

compliance shall be submitted to the City of Mill Valley's Planning and Building Department prior to the issuance of building permits. Measures may include, but are not be limited to:

1. Focused plant surveys conducted during the appropriate time of year;
2. Protocol-level wildlife surveys;
3. Preconstruction surveys;
4. Incidental take permits from the California Department of Fish and Wildlife and/or U.S. Fish and Wildlife Service;
5. Permits from the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, and/or Regional Water Quality Control Board for impacts to jurisdictional aquatic features; and/or
6. Arborist or forestry reports for projects requiring tree removal or the protection of trees adjacent to an impact area.

IMPACT 7-2	Loss of Special-Status Wildlife Species or Their Habitats	Less than Significant with Mitigation Measures

Based on the results of the CNDDB search, a number of recorded observations of special-status wildlife species were identified within the city limits, and within one mile of the city limits. These species are listed in Table 7-2, Special-Status Wildlife Species with Potential to Occur within the Vicinity of Mill Valley. Six of these species have recorded occurrences overlapping one or more proposed housing sites; these are discussed further, below.

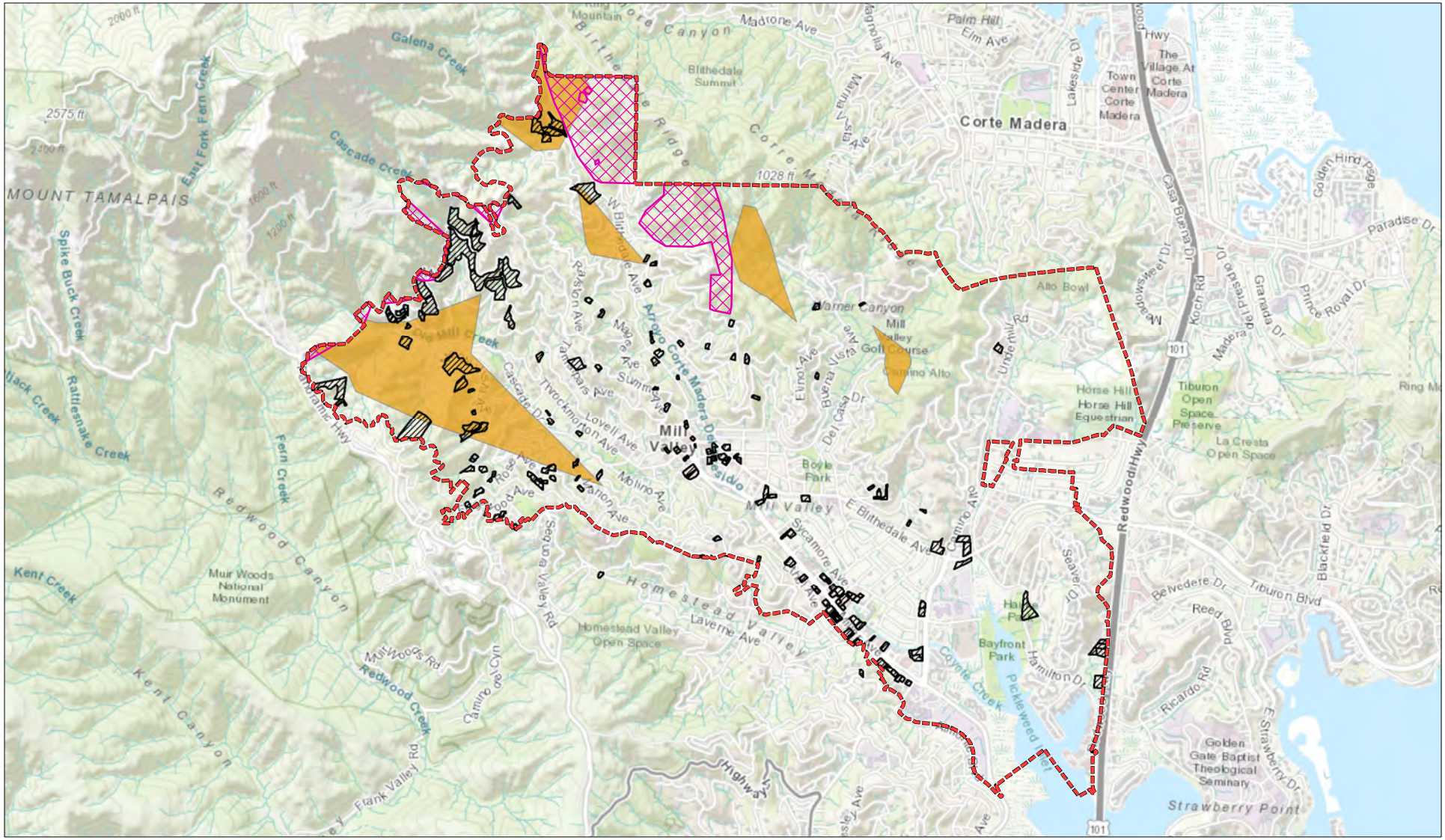
California Giant Salamander. California giant salamander is a state listed species of special concern. The general habitat of this species includes wet coastal forests near streams and seeps from Mendocino County south to Monterey County, and east to Napa County. Aquatic larvae can be found in cold, clear streams, occasionally in lakes and ponds. Adults commonly take refuge under rocks and logs near streams and lakes in wet forests. There is one recorded occurrence within the city limits (occurrence number 84) that overlaps with housing sites. The occurrence was recorded in 1995 along Fern Creek, just north of Panoramic Highway, on a southeast slope of Mount Tamalpais.

California Ridgway's Rail. California Ridgway's rail is state- and federally listed as an endangered species. The general habitat of this species includes salt water and brackish marshes traversed by tidal sloughs in the vicinity of the San Francisco Bay. This species is typically associated with abundant growths of pickleweed and cordgrass. There is one recorded occurrence within the city limits (occurrence number 3) that overlaps with housing sites. The occurrence was recorded in 1967 in Richardson Bay within marshes near Mill Valley and Tamalpais Valley.

Foothill Yellow-Legged Frog. Foothill yellow-legged frog is state listed as an endangered species. The foothill yellow-legged frog ranges from the Oregon border to Los Angeles County along the Coast Ranges, in Northern California west of the Cascade Crest, and along the Sierras to Kern County at elevations ranging from near sea level to 6,370 feet. This species prefers a variety of habitats in or near rocky streams, including valley foothill riparian, mixed chaparral, mixed conifer, and wet meadow habitats. Within aquatic habitats, this species uses submerged rock or sediment as cover when disturbed and seeks cover under rocks instream or near water during periods of inactivity. The foothill yellow-legged frog is rarely found away from a permanent water source, and tadpoles require a permanent water source for up to four months during development. Breeding and egg-laying typically occur from mid-March to May following spring flooding. There is one recorded occurrence within the city limits (occurrence number 2370) that overlaps with housing sites. The occurrence was first recorded in 1905 in the vicinity of Old Mill Creek and Cascade Creek.

Northern Spotted Owl. Northern spotted owl is a federally and state listed threatened species. Critical habitat was first designated in 2012 by the USFWS, and the latest revised designation was published in 2021. Northern spotted owls are distributed in forested regions from southern British Columbia through Washington, Oregon, and northwestern California. The southern limits of their range is found in coastal California north of San Francisco Bay, where they occur in Golden Gate National Recreation Area, Muir Woods National Monument, Point Reyes National Seashore, and other parts of Marin County. Preferred habitat includes Douglas fir (*Pseudotsuga menziesii*), coast redwood (*Sequoia sempervirens*), bishop pine (*Pinus muricata*), mixed conifer-hardwood, and evergreen hardwood forests. Nesting activity is typically one of two types: platform or cavity. Platform nesting structures include tree forks, large limbs, broken top trees with lateral branches, old raptor, crow, squirrel, and woodrat nests, debris piles, poison oak tangles (*Toxicodendron diversilobum*) and dwarf mistletoe infestations (*Arceuthobium* spp.). Spotted owl nests have been documented in a variety of tree species including coast redwood, Douglas fir, bishop pine, California bay (*Umbellularia californica*), tanbark oak (*Lithocarpus densiflorus*) and coast live oak (*Quercus agrifolia*). Northern spotted owls in Marin County have been documented foraging primarily on dusky-footed woodrats (*Neotoma fuscipes*), as well assmall mammals such as deer mice (*Peromyscus maniculatus*), California meadow vole (*Microtus californicus*), and brush rabbit (*Sylvilagus bachmani*) as well as a variety of birds.

The CDFW maintains a database of northern spotted owl observations separate from the CNDDB. Historical (starting in 1971) and current observations in Mill Valley have been included in the database and modeled to include cluster areas where owls are known to occur. Known occupied territories areas within Mill Valley are shown on Figure 7-4, Northern Spotted Owl Locations. Please note that locational data has been generalized for protection of the species. Critical habitat for the species has been designated in the northwestern corner of the city limits. Northern spotted owl is known to occur at some housing site locations and potentially occurs within sites supporting mixed conifer-hardwood and evergreen hardwood forests.



0 3,000 feet

City Limits
Site Inventory
Northern Spotted Owl Critical Habitat
Known Occupied Territory

Source: ESRI 2022, CDFW CNDDB 2022, USFWS 2022, Mill Valley 2022
* Locations Generalized for Species Protection

Figure 7-4

Northern Spotted Owl Locations

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Obscure Bumble Bee. Obscure bumble bee is not currently listed by CDFW or USFWS, however the population is being monitored and occurrence records are included in the CNDDB. Obscure bumble bee is a species of bumblebee native to the West Coast of the United States, where its distribution extends from Washington through Oregon to Southern California, as far south as the San Jacinto Mountains. This bumblebee has been noted on 19 families of plants. The workers are most often seen on Fabaceae, the legume family, while queens are most often seen on Ericaceae, the heath family, and males have been noted most often on Asteraceae, the aster family. Common plants visited by the workers in a sample included ceanothus, thistles, sweet peas, lupines, rhododendrons, coffeeberry, willows, and clovers. Queens emerge from hibernation in late January, the first workers appear in early March, and the males follow by the end of April. The colony dissolves in late October, when all the inhabitants die except the new queens. There is one recorded occurrence within the city limits (occurrence number 97) that overlaps with housing sites. The occurrence was recorded in 1959 in the general vicinity of Mill Valley.

San Pablo Song Sparrow. San Pablo song sparrow is listed as a state species of special concern. This subspecies of song sparrow inhabits tidally influenced marshes, brackish wetlands, and fringe areas such as the edges of dikes, landfills, and other areas of higher ground that border salt or brackish waters. The range of this subspecies is limited to the edges of San Pablo Bay and along parts of the Petaluma River. The breeding season begins in approximately February and March and extends through June, and it nests on the ground, in clumps of pickleweed, among stalks of cordgrass, or in the axes of gumplant. There is one recorded occurrence within the city limits (occurrence number 32) that overlaps with housing sites. The occurrence was recorded in 1947 in the Richardson Bay Salt Marsh.

Western Bumble Bee. In 2019, western bumble bee was identified as a candidate species for an endangered species listing under CESA (California Fish and Game Commission 2019). Although not yet formally listed, species identified as "candidate" require consideration during CEQA analysis. Although formerly common throughout much of its range, populations from central California to southern British Columbia and west of the Sierra-Cascade Ranges have declined sharply since the late 1990s. Western bumble bees primarily nest in underground cavities such as abandoned burrows or other animal nests on open west-southwest slopes. General habitat requirements include meadows and grasslands with flowering plants, and they may be found in some natural areas within urban environments. Western bumble bees require species that bloom and provide adequate nectar and pollen throughout the colony's flight period from as early as February to late November. There is one recorded occurrence within the city limits (occurrence number 199) that overlaps with housing sites. The occurrence was last recorded in 1943 in the general vicinity of Mill Valley.

Special-Status Roosting Bats. Trees and/or buildings or structures on or adjacent to the housing site could provide roosting habitat for state-listed species of special concern pallid bat (*Antrozous pallidus*). Pallid bats roost in rock crevices, tree hollows, mines, caves, and a variety of anthropogenic

structures, including vacant and occupied buildings and buildings, mines, and natural caves are utilized as roosts. The distribution of bat species in the Marin area is relatively unknown, however these species have been identified as occurring within five miles of the Town limits (CNDDB 2022).

Nesting Birds and Raptors. Numerous bird species nest throughout Mill Valley, including in buildings, on open ground, or in any type of vegetation. Many bird species are migratory and fall under the jurisdiction of the Migratory Bird Treaty Act, protections for birds of prey, and/or are considered Fully Protected Species.

Conclusion

If special-status wildlife species are present on a housing site, ground disturbance and construction activities could result in the loss of individuals. This would be a significant adverse environmental impact. General Plan goals NE.1, NE.2, and NE.6 and Policies NE.1, NE.2, and NE.6 call for regularly updating inventories of biological resources, collaborating with resource agencies, preserving ecological sensitive natural communities and habitats, utilizing a watershed approach for assessing impacts on species, and considering biological resource impacts as part of the planning and decision-making processes. Mill Valley Municipal Code, Chapter 6.16 – Injuring Wild Birds and Animals, provides protection to both listed and unlisted wildlife species. Implementation of the general plan goals and policies and Chapter 6.16 of the Mill Valley Municipal Code, in addition to mitigation measures 7-1 and 7-2, presented earlier, specific to development of certain housing sites would reduce impacts to special-status wildlife species to less than significant.

Protected Wetlands, Waters of the U.S., and Sensitive Natural Communities

IMPACT 7-3	Disturbance or Fill of Protected Wetlands, Waters of the U.S. and Sensitive Natural Communities	Less than Significant with Mitigation

Development of housing sites in or adjacent protected aquatic habitats, such as freshwater, brackish or saltwater wetlands, ponds, streams, creeks, or riparian areas, may result in disturbance, degradation, and/or removal of protected aquatic habitats. Aquatic habitats could be considered jurisdictional by the USACE, CDFW, and/or RWQCB. Wetland, stream and riparian habitats are also considered to be sensitive natural communities by CDFW. Disturbance and loss of these habitats is considered a potentially significant impact.

Conclusion

If protected aquatic habitats or sensitive natural communities are present at or adjacent to a housing site, ground disturbance and construction activities could result in the loss of these protected aquatic habitats. This would be a significant adverse environmental impact. General Plan goals NE.1, NE.2, and NE.6 and Policies NE.1, NE.2, and NE.6 call for regularly updating inventories of biological

resources, collaborating with resource agencies, preserving ecological sensitive natural communities and habitats, utilizing a watershed approach for assessing impacts on species, and considering biological resource impacts as part of the planning and decision-making processes. Mill Valley Zoning Ordinance, Chapter 20.76 – Creek Setback Ordinance, requires a 30-foot setback from the top of bank of Warner Canyon, Corte Madera Del Presidio, Sutton Manor Creek, Cascade Creek, Old Mill Creek, and Reed Creek. Implementation of the general plan goals and policies, chapter 20.76 of the Mill Valley Zoning Ordinance, and mitigation measures 7-1 and 7-2 specific to development of the housing sites would reduce impacts to protected aquatic habitats or sensitive natural communities to less than significant.

Protected Trees

IMPACT 7-4	Disturbance or Removal of Protected Trees	Less than Significant

Development of the housing sites may result in disturbance, degradation, and/or removal of protected trees. Disturbance and loss of protected trees is considered a potentially significant impact. The inventoried sites contain trees likely protected by the Mill Valley Municipal Code, Chapter 20.67 – Trees on Privately Owned Property, and Chapter 12.04.050 - General Tree and Shrub Regulations. Any applicant requesting to remove, destroy or alter one or more protected trees as a result of development, will be required to obtain a tree removal permit. Once a tree permit has been obtained, impacts to protected trees would be considered less than significant.

Wildlife Movement

IMPACT 7-5	Interference with Movement of Wildlife Species or with Established Wildlife Corridors	Less than Significant with Mitigation

No regional wildlife corridors have been designated within the city limits. Examples of local wildlife movement corridors include waterways, arroyos, and ridgelines. Within Mill Valley, creek corridors are the most common wildlife movement corridor, including Old Mill Creek, Cascade Creek, Galena Creek, and Arroyo Corte Madera Del. General Plan goals NE.1, NE.2, and NE.6 and Policies NE.1, NE.2, and NE.6 call for regularly updating inventories of biological resources, collaborating with resource agencies, preserving ecological sensitive natural communities and habitats, utilizing a watershed approach for assessing impacts on species, and considering biological resource impacts as part of the planning and decision-making processes. Implementation of the general plan goals and policies in addition to mitigation measures 7-1 and 7-2 specific to development of the housing sites would reduce impacts to wildlife movement to less than significant.

Local, Regional, or State Habitat Conservation Plans (No Impact)

There are no critical habitat boundaries, habitat conservation plans, natural community conservation plans, or other approved local, regional, or state habitat conservation plans applicable to projects within the city limits.

7.5 Cumulative Biological Impacts

Geographic Scope

The geographic distribution ranges for special-status species vary greatly depending largely on environmental factors such as habitat suitability criteria (e.g., some species may only occur locally while others may range throughout large geographic areas such as the western U.S.). For the purposes of cumulative analysis for special status species and other biological resources, including jurisdictional wetlands and waterways, the geographic boundary for cumulative impacts includes the entirety of the City of Mill Valley. An analysis at this level is considered adequate for determining whether impacts could affect the sustainability of special status species and their habitats. Within this area, regulatory agencies and conservation organizations including the USFWS, the CDFW, and the CNPS, work to establish and update critical distribution range information for species thought to be declining within their geographic ranges due to habitat loss and degradation.

Cumulative Impacts

Past and present projects within the geographic boundary identified above have permanently removed plant and wildlife habitats to varying degrees. This development has reduced the range and number of multiple plant and wildlife species and contributed to threats to their continued viability. The fact that federal and state agencies recognize numerous plant and wildlife species with special status, which requires that the species be given specific consideration and protection, reflects the agencies' concern that the species are declining in number and range relative to their historic occurrences. Special-status species are generally considered rare, restricted in distribution, declining throughout their range, and/or to have a critical, vulnerable stage in their life cycle, that warrants their protection and monitoring. Such development has also caused the loss and decline of sensitive natural plant communities including riparian, woodlands, and wetland communities; constrained wildlife movement; and reduced nesting and foraging habitat for resident and migratory avian species. The impacts of past and present projects on special-status species and protected habitat communities are cumulatively significant.

Project Contribution to Cumulative Impacts

Implementation of general plan policies and associated implementation measures would reduce potential, significant impacts on special status species, protected wetlands, and regulated trees to a

less-than-significant level. Given that the housing sites are developed and/or are already designated for development in the General Plan and the historical effectiveness of the general plan policies and the mitigation measures presented in this section, the impacts of the proposed project on biological resources would not be cumulatively considerable and therefore not cumulatively significant.

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8.0 Energy

This section of the SEIR includes analysis of projected operational and construction energy demand for the proposed project and a determination about whether that demand could be considered wasteful or inefficient. Applicable uniform regulations for energy efficiency and conservation are also reviewed.

No comments regarding energy were received in response to the NOP.

8.1 Environmental Setting

For several decades, federal, state, and regional energy agencies and energy providers have been focused on reducing growth in fossil fuel-based energy demand, especially in the form of electricity and transportation fuels. Key related environmental goals have been to reduce air pollutants and greenhouse gas (GHG) emissions. Public and private investments in a range of energy efficiency, energy conservation, and transportation fuel efficiency and alternative transportation technologies to reduce energy demand have been increasing, as has the focus on land use planning as a tool to reduce vehicle trips/lengths and transportation-related energy use.

To minimize the need for additional fossil-fuel powered electricity generation facilities, both the state and regional energy purveyors have focused investments on energy conservation and efficiency. Energy purveyors have also focused on obtaining larger shares of retail power from renewable sources. California has been a dynamic force for transitioning to sustainable, renewable energy sources and promoting energy efficiency across its economy.

8.2 Regulatory Setting

Energy efficiency, energy conservation, transportation fuel efficiency and demand reduction, and transportation technology transformation goals of the federal and state governments are embodied in many federal, state, and local statutes and policies. Because California has been a national leader in this regard, its suite of policies and regulations is generally more comprehensive and stringent than is the Federal government's. Therefore, this regulatory setting section includes review of fundamental state energy and transportation regulations as context. Additional related regulations and legislation are found in the Regulatory Setting section of Section 9.0, Greenhouse Gas Emissions.

State

California Energy Commission

The California Energy Commission is California's primary energy policy and energy planning agency. Created by the California Legislature in 1974, the California Energy Commission has five major responsibilities: 1) forecasting future energy needs and keeping historical energy data; 2) licensing thermal power plants 50 megawatts or larger; 3) promoting energy efficiency through appliance and building standards; 4) developing energy technologies and supporting renewable energy; and 5) planning for and directing state response to energy emergencies. Under the requirements of the California Public Resources Code, the California Energy Commission, in conjunction with the Department of Conservation's Division of Oil, Gas, and Geothermal Resources, is required to assess electricity and natural gas resources on an annual basis or as necessary. The Systems Assessment and Facilities Siting Division of the California Energy Commission provides coordination to ensure that needed energy facilities are authorized in an expeditious, safe, and environmentally acceptable manner.

Integrated Energy Policy Report

Senate Bill (SB) 1389 required the California Energy Commission to conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices. The information is to be used to develop energy policies that conserve resources, protect the environment, ensure energy reliability, enhance the state's economy, and protect public health and safety. This work culminated in preparation of the first Integrated Energy Policy Report.

The California Energy Commission regularly updates the report. The most recent report summarizes priority state energy issues, and provides strategies and recommendations to further the state goals of ensuring reliable, affordable, and environmentally responsible energy sources. The report addresses progress toward statewide renewable energy targets and issues facing future renewable development; efforts to increase energy efficiency in existing and new buildings; progress by utilities in achieving energy efficiency targets and potential; improving coordination among the state's energy agencies; streamlining power plant licensing processes; results of preliminary forecasts of electricity, natural gas, and transportation fuel supply and demand; future energy infrastructure needs; the need for research and development efforts to statewide energy policies; and issues facing California's nuclear power plants (California Energy Commission 2019).

California 2008 Energy Action Plan Update

The state adopted the Energy Action Plan in 2003, followed by the Energy Action Plan II in 2005. The current plan, the California 2008 Energy Action Plan Update, is California's principal energy planning and policy document. The updated document examines the state's ongoing actions in the context of global climate change, describes a coordinated implementation plan for state energy policies, and identifies specific action areas to ensure that California's energy resources are adequate,

affordable, technologically advanced, and environmentally sound. The California 2008 Energy Action Plan Update establishes energy efficiency and demand response (e.g., reduction of customer energy usage during peak periods) as the first-priority actions to address California's increasing energy demands. Additional priorities include the use of renewable sources of power and distributed generation (e.g., the use of relatively small power plants near or at centers of high demand). To the extent that these actions are unable to satisfy the increasing energy demand and transmission capacity needs, clean and efficient fossil-fired generation is supported. The California 2008 Energy Action Plan Update examines policy changes in the areas of energy efficiency, demand response, renewable energy, electricity reliability and infrastructure, electricity market structure, natural gas supply and infrastructure, research and development, and climate change (California Energy Commission 2008).

California Building Codes

Building Energy Efficiency Standards

California's Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6) were first established in 1978 to reduce California's energy consumption. The California Energy Code is updated every three years by the California Energy Commission as the Building Energy Efficiency Standards (building standards) to allow consideration and possible incorporation of new energy efficiency technologies and construction methods.

The California Energy Commission adopted the 2022 Energy Code in August 2021. In December, it was approved by the California Building Standards Commission for inclusion into the California Building Standards Code. The 2022 standards build on the prior standards (adopted in 2019) in part by encouraging efficient electric heat pumps, establishing electric-ready requirements for new homes, expanding solar photovoltaic and battery storage standards, requiring new prescriptive solar photovoltaic and battery requirements for a range of non-residential building types, requiring that buildings planned for mixed use energy fuel types be constructed to be electric ready, strengthening ventilation standards, etc. Buildings whose permit applications are applied for on or after January 1, 2023, must comply with the 2022 standards.

The standards are structured to achieve the state's goal that all new low-rise residential buildings (single-family and multi-family homes) be zero net energy (California Energy Commission 2021).

California Green Building Standards

CALGreen is California's first green building code and first in the nation state-mandated green building code. It is formally known as the California Green Building Standards Code, Title 24, Part 11, of the California Code of Regulations. CALGreen was initially adopted in 2011. The purpose of CALGreen is to improve public health, safety, and general welfare through enhanced design and construction of buildings using concepts which reduce negative impacts and promote those principles which have a positive environmental impact and encourage sustainable construction practices. CALGreen was adopted to address the five divisions of building construction:

- Planning and design;
- Energy efficiency;
- Water efficiency and conservation;
- Material conservation and resource efficiency; and
- Environmental quality.

The current 2019 CALGreen code is in effect until December 31, 2022. The code was updated in 2022 and takes effect January 1, 2023.

The 2022 update encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, strengthens ventilation standards, and promote electrification of the vehicle fleet by expanding standards for electric vehicle infrastructure (e.g., electric vehicle charging stations) for residential and non-residential development. These electric vehicle changes promote electrification of the vehicle fleet by expanding standards for electric vehicle infrastructure (e.g., electric vehicle charging stations) for residential and non-residential development.

Energy Efficiency Act of 2006

Assembly Bill (AB) 2021 encourages all investor-owned and municipal utilities to aggressively invest in achievable, cost-effective, energy efficiency programs in their service territories.

California Assembly Bill No. 1493 ("Pavley I Rule")

AB 1493 was enacted on July 22, 2002. It requires the California Air Resources Board (CARB) to develop and adopt regulations that improve fuel efficiency of vehicles and light-duty trucks. Pavley I requirements apply to these vehicles in the model years 2009 to 2016.

Advanced Clean Cars

In January 2012, CARB adopted an Advanced Clean Cars program, which is aimed at increasing the number of plug-in hybrid cars and zero-emission vehicles in the vehicle fleet and on making fuels such as electricity and hydrogen readily available for these vehicle technologies.

Executive Order N-79-20

On September 23, 2020 Governor Newsom signed Executive Order N-79-20 requiring sales of all new passenger vehicles to be zero-emission by 2035 and additional measures to eliminate harmful emissions from the transportation sector, with the following goals: that 100 percent of in-state sales of new passenger cars and trucks will be zero-emission by 2035; that 100 percent of medium- and heavy-duty vehicles in the State be zero-emission by 2045 for all operations where feasible and by 2035 for drayage trucks; and that the State to transition to 100 percent zero-emission off-road vehicles and equipment by 2035 where feasible.

On August 25, 2022, the California Air Resources Board adopted the Advanced Clean Cars II Regulations, with a plan that by 2035 all new passenger cars, trucks and SUVs sold in California will be zero emissions.

Renewable Energy Legislation/Orders

The California Renewable Portfolio Standard Program, which requires electric utilities and other entities under the jurisdiction of the California Public Utilities Commission to meet 20 percent of their retail sales with renewable power by 2017, was established by SB 1078 in 2002. The renewable portfolio standard was accelerated to 20 percent by 2010 by SB 107 in 2006. The program was subsequently expanded by the renewable electricity standard approved by CARB in September 2010, requiring all utilities to meet a 33 percent target by 2020. The Legislature then codified this mandate in 2011 with SB X1-2. SB 350, adopted in September 2015, increases the standard to 50 percent by 2030. This same legislation includes statutes directing the California Energy Commission and California Public Utilities Commission to regulate utilities producing electricity so that they will create electricity-generation capacity sufficient for the widespread electrification of California's vehicle fleet, as a means of reducing GHG emissions associated with the combustion of gasoline and other fossil fuels. The Legislature envisioned a dramatic increase in the sales and use of electric cars, which will be recharged with electricity produced with increasingly cleaner power sources.

On September 10, 2018, former Governor Brown signed into law SB 100 and Executive Order B-55-18. SB 100 raises California's Renewable Portfolio Standard requirement to 50 percent renewable resources target by December 31, 2026, and to a 60 percent target by December 31, 2030. Executive Order B-55-18 establishes a carbon neutrality goal for California by 2045, and sets a goal to maintain net negative emissions thereafter.

Local

The City has adopted a number of general plan policies whose implementation would have energy demand reduction benefits. Similarly, the City adopted a climate action plan in 2013 that contains GHG reduction measures that have energy demand reduction benefits. That plan is currently being updated.

Mill Valley General Plan

The general plan includes a multitude of policies whose implementation would reduce energy demand. Such policies are found primarily in the Mobility and Climate elements. The mobility policies focus on promoting alternative transportation (bicycle, pedestrian and transit modes, as well as shuttle services), low emission vehicles, and compact development to reduce vehicle use. Climate change policies support clen energy and energy efficiency, offsetting carbon emissions, and managing organic and other solid waste.

City of Mill Valley Climate Action Planning

The City adopted its first climate action plan in 2013 as part of the Mill Valley 2030 General Plan. The City is currently in the process of updating the plan to reflect its goal to achieve deeper GHG emissions reductions consistent with the State's effort to do the same over time. Several measures are included in the draft plan whose purpose is to reduce energy demand. More information about the climate action plan process can be found in Section 9.0, Greenhouse Gas Emissions.

City of Mill Valley Energy Efficiency and Conservation Measures

The City has adopted a range of energy efficiency and conservation measures as "reach code" standards included in Chapter 14.48.040 of the Municipal Code as green building measures. These include standards requiring that individual projects incorporate Tier 1 measures defined in the California Green Building Code. Tier 1 standards are more stringent than the mandatory measures included in the California Green Building Code. They address planning and design, energy efficiency, water efficiency and conservation, material conservation, resource efficiency and environmental quality. The reach code also includes standards that require new residential development and major remodels to exceed California Green Building Code requirements for installing electric vehicle support infrastructure. The City also encourages all-electric buildings, whose electricity supply will increasingly be generated from renewable sources.

8.3 Thresholds of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes factual inquiries related to the subject of energy, as it does on a whole series of additional topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of energy impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The City of Mill Valley has done so here. Therefore, for purposes of this SEIR, a significant energy impact would occur if implementation of the proposed project would:

- Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or
- Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

8.4 Analysis, Impacts, and Mitigation Measures

Electricity, natural gas and transportation fuels will be the three primary types of energy used for future housing projects. The sources of demand and relative magnitude of demand are described below for both the construction and operational phases of each project. The thresholds of significance for energy impacts presented earlier are qualitative. There is no quantified level of

energy use that constitutes a significance impact, nor definitions of what constitutes "unnecessary", "wasteful", or "inefficient" use of energy. In this context, the following discussion of impact significance is qualitative and based on project type/land use and regulatory compliance requirements.

Energy Use

IMPACT 8-1	Unnecessary, Wasteful, or Inefficient Use of Energy Resources	Less than Significant

Short-Term Construction Energy Use

Constructing new housing would create demand for energy on a short-term, temporary basis. Associated activities, their energy demand characteristics, and actions that would moderate such energy use are summarized below.

Electricity

Electricity demand during construction activities commonly is most intensive during later phases of construction when electricity is used for constructing buildings and their interiors. Earlier phases of construction commonly involve earthmoving, trenching, and transporting materials to and from construction sites – activities that typically involve heavy equipment that uses fossil-fuel energy (gas and diesel fuels). Electricity demand during building construction is typically from use of power tools and equipment. That demand is fundamental to the land development process for providing necessary proposed housing and is not considered wasteful. Electricity would be drawn from the local electrical grid, the source of electricity of which is derived in part from renewable sources consistent with state renewable energy goals. Construction activities would not result in wasteful or unnecessary electricity consumption.

Natural Gas

Construction activities typically do not involve significant demand for natural gas. It is not anticipated that construction equipment would be powered by natural gas. Consequently, construction activities would not result in wasteful or unnecessary natural gas consumption.

Transportation Energy

Transportation energy use depends on the type and number of vehicle trips, vehicle trip lengths, fuel efficiency of vehicles, and travel mode. Transportation energy use (diesel and gasoline fuels) during construction would come from transporting and using construction equipment, delivery vehicle and haul truck trips, and construction employee vehicles. Construction equipment types include graders, bulldozers, backhoes, trenching equipment, and trucks. Demand would be short-term and moderated by the motivation of construction contractors to minimize fuel costs (e.g., through limiting engine idling and planning construction activities to be completed in the most time efficient manner possible). Further, construction equipment would be required to meet applicable air

emissions standards, which is in part achieved by ensuring that equipment engines operate efficiently. Construction activities would not result in wasteful or unnecessary transportation fuel consumption.

Long-Term Operational Energy Use

Operations of future development on the housing opportunity sites would increase long-term demand for energy. Building energy use for space heating, cooling, and ventilation; water heating; on-site equipment and appliances; and indoor, outdoor, perimeter, and parking lot lighting would be the primary sources of electricity and natural gas demand. Increased transportation fuel use from increases in vehicle miles traveled generated by the increase in population would also occur. These sources and related demand are summarized below.

Electricity

According to the California Energy Commission Energy Consumption Data Management System (California Energy Commission 2022), in 2020, total electricity consumption in Marin County was about 1,330,030,056 kilowatt hours per year. Section 5.3, Energy by Land Use – Electricity, in the CalEEMod results in Appendix C shows the electricity demand from implementing the 6th Cycle Housing Element would be approximately 9,020,000 kilowatt hours per year. This represents about less than one percent of total 2020 Marin County electricity consumption.

Natural Gas

The Energy Consumption Data Management System identifies that in 2020, total natural gas consumption in Marin County was 67,189,097 therms (California Energy Commission 2022a). Table 5.2 Energy by Land Use – Natural Gas, in the CalEEMod results in Appendix C shows natural gas demand from the proposed project, would total about 44,600,000 BTU/year (446 therms/year). This represents less than 0.0001 percent of countywide natural gas demand in 2020.

Transportation Fuel

The proposed project will generate new traffic trips that increase vehicle miles traveled (VMT). Section 4.2, Trip Summary Information, of the CalEEMod results in Appendix C show that annual project VMT is projected at 24,903,000 miles. VMT serves as a general proxy for the magnitude of transportation fuel consumption. As VMT from fossil fuel-powered vehicles increases, vehicle fuel consumption increases. The Emissions Factor model was used to estimate the volume of vehicle fuel that would be consumed with the increase in traffic trips and VMT. The results, included in Appendix C, shows total demand of about 663,931 gallons of gasoline and diesel fuel per year. The rate of consumption of transportation fuels has been declining over time in California due to continuing improvements in vehicle fuel efficiency, increases in the percentage of the vehicle fleet comprised of zero emissions vehicles, and technological advances in the formulation and deployment of alternative fuels.

Project Necessity and Project Design

Regarding whether the estimated project energy use is unnecessary, the proposed residential uses are a common land use type and common source of energy demand. The project is being proposed to meet mandated state requirements for the City to grow its housing supply consistent with RHNA requirements. From this perspective, the project energy demand is necessary, and has the additional benefit of supporting local land use, economic, and social needs.

The project design functions to reduce transportation fuel demand. As illustrated in Table 4-3, Housing Units Summary and Figure 4-1, Sites Inventory Map, approximately 85 percent of the new housing capacity identified in the 6th Cycle Housing Element is located within or directly adjacent to the commercial urban core of the City (capacity projected for Underutilized Sites, Opportunity Sites, and Office Conversion Sites). This land use design approach commonly results in reduced vehicle trip volumes and reduced VMT by reducing the need for vehicle travel to access services and/or reducing the length of vehicle trips for the same purpose. Consequently, transportation fuel demand is reduced relative to placing new residential development on sites designated solely for residential use that are further from common residential trip destinations (e.g., commercial uses and employment centers).

Regulatory Compliance

As summarized in the Regulatory Setting, a multitude of state regulations and legislative acts are aimed at improving energy efficiency and conservation, and reducing transportation fuel demand. In the building energy use sector, representative legislation and standards for reducing natural gas and electricity consumption include, but are not limited to AB 2021, CALGreen, and the California Building Standards Code. The City enforces CALGreen and California Building Standards Code requirements through the development review process and building permit process. That enforcement is the primary mechanism through which the project will be required to implement state and locally mandated energy efficiency/conservation measures that are within the control of individual project developers and the City.

In the renewable energy use sector, representative legislation for the use of renewable energy includes, but is not limited to SB 350 and Executive Order B-16-12. In the transportation sector, examples include the Pavley I standards focus on transportation fuel efficiency and legislation that facilitates the transition from fossil-fuel powered to electricity powered vehicles. According to the State of California, VMT is expected to decline with the continuing implementation of SB 743, resulting in less vehicle travel and less fuel consumption.

For the reasons described above, the proposed project would have a less-than-significant impact from the unnecessary, wasteful, or inefficient use of energy resources.

Plan Consistency (No Impact)

As stated under the Impact 8-1 discussion, new development will be required to comply with development standards and regulations contained in CALGreen and the California Building Standards Code. Together, these tools function as a fundamental mechanism for ensuring that new development is designed to implement building and building site energy efficiency and energy demand reduction measures. The current version of the California Building Standards Code includes requirements that mandate integrating renewable energy into new residential development of the type proposed.

The City does not have its own renewable energy plan.

8.5 Cumulative Impacts

Geographic Scope

The geographic scope for this effect is cumulative development in California. This broad scope is reflective of the rigorous state effort, as expressed through multitude of legislative acts and regulations, to reduce energy consumption across energy consumptive uses and sectors. The state effort has and continues to focus on the benefits of energy conservation with specific regard to addressing air quality, climate change and natural resource conservation.

Cumulative Impacts

There is no codified or single CEQA analysis practice standard for determining what constitutes a significant impact relative to guidance provided in Appendix G of the CEQA Guidelines regarding wasteful or inefficient use of energy. However, it can be assumed that past cumulative projects have been less energy efficient with regard to electricity and natural gas use and that older transportation technologies have been less efficient with regard to fuel use than would be current and future projects and technologies. As California continues to implement more and more rigorous legislation and regulations to reduce energy use through improved energy efficiency, energy conservation, land use planning, transportation technology changes, and improved transportation fuel efficiency, it can be assumed that current and future land use projects will not be sources of wasteful or inefficient energy use. Nevertheless, given the large geographic scope considered for this impact and the broad scale of past economic development in the City and region, the cumulative impact is considered to be significant.

Project Contribution to Cumulative Impacts

The proposed project impact from unnecessary, wasteful, or inefficient use of energy would be less than significant. This is in large part due to its required conformance with uniformly applied regulations and policies that reduce energy demand from land development projects. The magnitude

of energy demand reduction for the project is greater than would have been required of past and present projects not subject to the current and increasingly stringent and deep level of energy reduction requirements being promulgated by the state. These measures would act to ensure that the project contribution to cumulative energy impacts would be less than considerable.

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9.0 Greenhouse Gas Emissions

This section assesses the effects of greenhouse gases (GHG) that would be generated with implementation of the 6th Cycle Housing Element. The analysis includes projections of GHG emissions that would be generated by future development and identifies their significance in the context of the City's climate action planning activities and guidance provided by the Bay Area Air Quality Management District.

Information in this section is derived primarily from the following sources:

- City of Mill Valley. 2022. *Administrative Review Draft Climate Action Plan 2020*; and
- Bay Area Air Quality Management District. 2022. *Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans.*

No comments were received on the NOP that raised concerns regarding environmental impacts from GHG emissions.

9.1 Environmental Setting

This section provides a general overview of climate change science and climate change issues in California.

Climate Change Science

The international scientific community has concluded with a high degree of confidence that human activities are causing an accelerated warming of the atmosphere. The resulting change in climate has serious global implications and consequently, human activities that contribute to climate change may have a potentially significant effect on the environment. In recent years, concern about climate change and its potential impacts has risen dramatically. That concern has translated into a range of international treaties and national and regional agreements aimed at diminishing the rate at which global warming is occurring. Over time, the federal government has been tackling concerns about climate change to varying degrees through a range of initiatives and regulatory actions. Many states and local agencies, private sector interests, and other public and private interests have also taken initiative to combat climate change. At the state level, California has taken a leadership role in tackling climate change, as evidenced by the programs outlined in the Regulatory Setting section below.

Effects of Climate Change

Rising Temperatures

The Intergovernmental Panel on Climate Change, which includes more than 1,300 scientists from the United States and other countries, estimated that over the last century, global temperatures have increased by about 3.6 degrees Fahrenheit (°F) (NASA 2019). The Intergovernmental Panel on Climate Change forecasts indicate that global temperatures can be expected to continue to rise between 2.5 and 10°F over the next century.

Cal-Adapt, a climate change projection modeling tool developed by California Energy Commission, includes information on environmental change projections resulting from global warming. The model indicates that temperatures in the City have historically (1961-1990) averaged about 67.9°F. Under a high GHG emissions projection scenario, temperatures are projected to rise to an average of 74.6°F by 2099 (Cal-Adapt 2022). Mill Valley has historically experienced an average of four extreme heat days per year (1961-1990). The model projections fluctuate on an annual basis. Under a high GHG emissions scenario, the number of extreme heat days per year is expected to increase to an average of 24 by 2099.

Reduced Snowpack

The Sierra Nevada snowpack acts as a large natural reservoir that stores water during the winter and releases it into rivers and reservoirs in the spring and summer. It is expected that there will be less snowfall in the Sierra Nevada and that the elevations at which snow falls will rise. Similarly, there will be less snowpack water storage to supply runoff water in the warmer months. It has already been documented that California's snow line is rising. More precipitation is expected to fall as rain instead of snow, and the snow that does fall will melt earlier, reducing the Sierra Nevada spring snowpack. The Sierra Nevada snowpack provides approximately 80 percent of California's annual water supply. The rapid decrease in snowpack and spring melt poses a threat to groundwater resources in many parts of the state where rivers that recharge groundwater with melt water from the Sierra Nevada will have reduced groundwater recharge potential.

Water Supply

Climate change is expected to increase pressure on and competition for water resources, further exacerbating already stretched water supplies. Decreasing snowpack and spring stream flows and increasing demand for water from a growing population and hotter climate could lead to increasing water shortages. Water supplies are also at risk from rising sea levels. Competition for water between cities, farmers, and the environment is expected to increase.

Anticipated changes to source water conditions including more intense storm events, longer drought periods, reduced snowpack at lower elevations, and earlier spring runoff will likely impact the quality of the source waters. Changes in source water quantity and quality may result in increased treatment needs and increased treatment costs.

Precipitation Levels

Precipitation levels are difficult to predict compared to other indicators of climate change. Annual rain and snowfall patterns vary widely from year to year, especially in California. Generally, higher temperatures increase evaporation and decrease snowfall, resulting in a drier climate. On average, Cal-Adapt projections show little change in total annual precipitation in California. Furthermore, among several models, precipitation projections do not show a consistent trend during the next century. The Mediterranean seasonal precipitation pattern is expected to continue, with most precipitation falling during winter from North Pacific storms. One of the four climate models projects slightly wetter winters, while a second projects slightly drier winters with a 10 to 20 percent decrease in total annual precipitation. However, even modest changes would have a significant impact because California ecosystems are conditioned to historical precipitation levels and water resources are nearly fully utilized.

Mill Valley has historically averaged about 41.7 inches of rainfall per year (1961-1990). Under a high GHG emissions scenario, that number is forecast to increase to about 44.1 inches by the end of the century (Cal-Adapt 2022).

More Frequent and Extreme Storm Events

Extreme weather is expected to become more common throughout California. More extreme storm events are expected to increase water runoff to streams and rivers during the winter months, heightening flood risks. Warmer ocean surface temperatures have caused warmer and wetter conditions in the Sierra Nevada, increasing flood risk. Strong winter storms may produce atmospheric rivers that transport large amounts of water vapor from the Pacific Ocean to the California coast. These often last for days and drop heavy rain or snow. Storms involving such atmospheric rivers occurred during the winter of 2016-2017. As the strength of these storms increases, the risk of flooding increases.

Sea Level Rise

Sea level rise is one of the most significant effects of climate change. Sea level has been rising over the past century, and the rate has increased in recent decades. Globally, sea levels are rising due to two main reasons: thermal expansion of warming ocean water and melting of ice from glaciers and ice sheets. Rising sea levels amplify the threat and magnitude of storm surges in coastal areas. The threat of flooding will continue to increase over time as sea levels rise and the magnitude of storms increase. Rising sea levels will create stress on coastal ecosystems that provide recreation, protection from storms, and habitat for fish and wildlife, including commercially valuable fisheries. Rising sea levels can also introduce new, or exacerbate existing, saltwater intrusion into freshwater resources.

Diminished Air Quality

Climate change is expected to exacerbate air quality problems by increasing the frequency, duration, and intensity of conditions conducive to air pollution formation. Higher temperatures and increased ultraviolet radiation from climate change are expected to facilitate the chemical formation of more

secondary air pollutants from ground-level sources. Conversely, decreased precipitation is expected to reduce the volume of particulates cleansed from the air. Incidents of wildfires are expected to increase due to climate change, further contributing to air quality problems. For further discussion about wildlife issues, see Section 15.0, Wildfire.

Ecosystem Changes

Climate change effects will have broad impacts on local and regional ecosystems, habitats, and wildlife as average temperatures increase, precipitation patterns change, and more extreme weather events occur. Species that cannot rapidly adapt are at risk of extinction. As temperatures increase, California vegetation is expected to change. Desert and grassland vegetation is projected to increase while forest vegetation is projected to generally decline. The natural cycle of plant flowering and pollination, as well as the temperature conditions necessary for a thriving locally adapted agriculture, may also be affected. Perennial crops, such as grapes, may take years to recover. Increased temperatures also provide a foothold for invasive species of weeds, insects, and animals.

Social Vulnerability to Climate Change

The impacts of climate change will not affect people equally. People exposed to the most severe climate-related hazards are often those least able to cope with the associated impacts, due to their limited resources and adaptive capacity. Climate change is expected to have a greater impact on larger populations living in poorer and developing countries with lower incomes that rely on natural resources and agricultural systems that will likely be affected by changing climates.

Certain groups in developed countries like the United States will also experience more impacts from climate change than others. People in rural areas are more likely to be affected by climate change related droughts or severe storms compared to their urban counterparts. However, certain groups living in cities will also be at higher risk than others. Place of residence is another vulnerability indicator, as renters, households without air conditioning, households lacking access to grocery stores, households in treeless areas, and households on impervious land cover are also more vulnerable to climate change impacts.

Area residents who are at greatest risk include children, the elderly, those with existing health problems, the socially and/or economically disadvantaged, those who are less mobile, and those who work outdoors. Place of residence is another vulnerability indicator, as renters, households without air conditioning, households lacking access to grocery stores, households in treeless areas, and households on impervious land cover are also more vulnerable to climate change impacts.

Health Effects/Illness

As temperatures rise from global warming, the frequency and severity of heat waves will grow and increase the potential for bad air days, which can lead to increases in illness and death due to dehydration, heart attack, stroke, and respiratory disease. Additionally, dry conditions can lead to a greater number of wildfires producing smoke that puts people with asthma and respiratory conditions at risk of illness or death.

Higher temperatures and the increased frequency of heat waves are expected to significantly increase heat-related illnesses, such as heat exhaustion and heat stroke, while also exacerbating conditions associated with cardiovascular and respiratory diseases, diabetes, nervous system disorders, emphysema, and epilepsy. An increase of 10°F in average daily temperature is associated with a 2.3 percent increase in mortality. During heat waves mortality rates can increase to about nine percent. As temperatures in the area increase, vulnerable populations such as children, the elderly, people with existing illnesses, and people who work outdoors will face the greatest risk of heat-related illness.

As climate change affects the temperature, humidity, and rainfall levels across California, some areas could become more suitable habitats for insects (especially mosquitoes), ticks, and mites that may carry diseases. Wetter regions are typically more susceptible to vector-borne diseases, especially human hantavirus cardiopulmonary syndrome, Lyme disease, and West Nile virus.

Greenhouse Gas Types

GHGs are emitted by natural processes and human activities. The human-produced GHGs most responsible for global warming and their relative contribution to it are carbon dioxide, methane, nitrous oxide, and chlorofluorocarbons. The contribution of these GHGs to global warming based on the U.S. inventory of GHGs in 2019 (United States Environmental Protection Agency 2021) is summarized in Table 9-1, GHG Types and Their Contribution to Global Warming.

Table 9-1 GHG Types and Their Contribution to Global Warming

Greenhouse Gas	Percent of all GHG	Typical Sources
Carbon dioxide	81.6 percent	Combustion of fuels, solid waste, wood
Methane (CH_4)	10.2 percent	Fuel production/combustion; livestock, decay of organic materials
Nitrous Oxide (N_2O)	5.6 percent	Combustion of fuels, solid waste, agricultural/industrial processes
Chlorofluorocarbons (CFCs)	2.6 percent	Industrial processes

SOURCE: United States Environmental Protection Agency 2021
NOTE: Percentages reflect weighting for global warming potential

Greenhouse Gas Global Warming Potentials

Each type of GHG has a different capacity to trap heat in the atmosphere and each type remains in the atmosphere for a particular length of time. The ability of a GHG to trap heat is measured by an index called the global warming potential expressed as carbon dioxide equivalent. Carbon dioxide is considered the baseline GHG in this index and has a global warming potential of one.

The GHG volume produced by a particular source is often expressed in terms of carbon dioxide equivalent (CO_2e). Carbon dioxide equivalent describes how much global warming a given type of GHG will cause, with the global warming potential of CO_2 as the base reference. Carbon dioxide equivalent is useful because it allows comparisons of the impact from many different GHGs, such as methane, perfluorocarbons, or nitrous oxide. If a project is a source of several types of GHGs, their individual global warming potential can be standardized and expressed in terms of CO_2e. Table 9-2, GHG Global Warming Potentials presents a summary of the global warming potential of various GHGs.

Table 9-2 GHG Global Warming Potentials

GHG	Atmospheric Lifetime (Years)	Global Warming Potential (100-Year Time Horizon)
Carbon Dioxide CO_2	50-200	1
Methane CH_4	12 (+/- 3)	21
Nitrous Oxide N_2O	120	310
HFC-23	264	11,700
HFC-134a	14.6	1,300
HFC-152a	1.5	140
PFC Tetrafluoromethane CF_4	50,000	6,500
PFC Hexafluoroethane C_2F_6	10,000	9,200
Sulfur Hexafluoride SF_6	3,200	23,900

SOURCE: United Nations Framework Convention on Climate Change 2019

Methane has a global warming potential of 21 times that of carbon dioxide, and nitrous oxide has a global warming potential of 310 times that of CO_2. The families of chlorofluorocarbons, hydrofluorocarbons, and perfluorocarbons have a substantially greater global warming potential than other GHGs, generally ranging from approximately 1,300 to over 10,000 times that of CO_2. While CO_2 represents the vast majority of the total volume of GHGs released into the atmosphere, the release of even small quantities of other types of GHGs can be significant for their contribution to climate change.

Greenhouse Gas Inventories

California GHG Emissions Inventory

California is a substantial contributor of global greenhouse gases. Based on the California Air Resources Board's most recent state GHG inventory, a net of 418.2 million metric tons of carbon dioxide equivalent GHG emissions (CO_2e) were generated in 2019 (California Air Resources Board 2022). In 2019, 41.0 percent of all GHG gases emitted in the state came from the transportation sector. Industrial uses and electric power generation (in state generation and out of state generation

for imported electricity) were the second and third largest categories at 24.0 percent and 14.0 percent, respectively. The commercial and residential use sectors combined to generate about 14.0 percent of the 2019 emissions, while the agricultural sector contributed 7.0 percent.

9.2 Regulatory Setting

State, regional, and local policies and regulations pertaining to climate change are summarized below. The Federal government has also adopted policies and regulations to address climate change. However, because California has been at the forefront of addressing climate change, its suite of policies and regulations is generally more comprehensive and stringent than is the Federal government's. Therefore, this regulatory setting section focuses on California's climate change regulatory framework. This framework provides context for how climate change is being addressed and identifies policy and regulatory actions whose implementation would lessen the contribution of the proposed project to climate change.

State

Overall Statutory Framework

The California Legislature has enacted a series of statutes addressing the need to reduce GHG emissions across the State. These statutes can be categorized into four broad categories: (i) statutes setting numerical statewide targets for GHG reductions, and authorizing California Air Resources Board to enact regulations to achieve such targets; (ii) statutes setting separate targets for increasing the use of renewable energy for the generation of electricity throughout the state; (iii) statutes addressing the carbon intensity of vehicle fuels, which prompted the adoption of regulations by California Air Resources Board; and (iv) statutes intended to facilitate land use planning consistent with statewide climate objectives. The discussion below will address each of these key sets of statutes, as well as California Air Resources Board "Scoping Plans" intended to achieve GHG reductions under the first set of statutes and recent building code requirements intended to reduce energy consumption.

Statutes Setting Statewide GHG Reduction Targets

Assembly Bill 32 (Global Warming Solutions Act)

In September 2006, the California State Legislature enacted the California Global Warming Solutions Act of 2006, also known as Assembly Bill (AB) 32. AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and a cap on statewide GHG emissions. AB 32 requires that statewide GHG emissions be reduced to 1990 levels by 2020. This reduction will be accomplished through an enforceable statewide cap on GHG emissions that was phased in starting in 2012. To effectively implement the cap, AB 32 directs CARB to develop and implement regulations to reduce statewide GHG emissions from stationary sources.

Senate Bill 32

Effective January 1, 2017, Senate Bill (SB) 32 added a new section to the Health and Safety Code. It provides that "[i]n adopting rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions authorized by [Division 25.5 of the Health and Safety Code], [CARB] shall ensure that statewide greenhouse gas emissions are reduced to at least 40 percent below the statewide greenhouse gas emissions limit no later than December 31, 2030." In other words, SB 32 requires California, by the year 2030, to reduce its statewide GHG emissions so that they are 40 percent below those that occurred in 1990.

Between AB 32 (2006) and SB 32 (2016), the Legislature has codified some of the ambitious GHG reduction targets included within certain high-profile Executive Orders issued by the last two governors. The 2020 statewide GHG reduction target in AB 32 was consistent with the second of three statewide emissions reduction targets set forth in former Governor Arnold Schwarzenegger's 2005 Executive Order known as S-3-05, which is expressly mentioned in AB 32. That Executive Branch document included the following GHG emission reduction targets: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; by 2050, reduce GHG emissions to 80 percent below 1990 levels. To meet the targets, the Governor directed several state agencies to cooperate in the development of a climate action plan. The Secretary of Cal-EPA leads the Climate Action Team, whose goal is to implement global warming emission reduction programs identified in the Climate Action Plan and to report on the progress made toward meeting the emission reduction targets established in the executive order.

In 2015, former Governor Brown issued another Executive Order, B-30-15, which created a "new interim statewide greenhouse gas emission reduction target to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030 to ensure California meets its target of reducing greenhouse gas emissions to 80 percent below 1990 levels by 2050." SB 32 codified this target.

The Legislature has not yet set a 2050 target in the manner done for 2020 and 2030 through AB 32 and SB 32, though references to a 2050 target can be found in statutes outside the Health and Safety Code. In the 2015 legislative session, the Legislature passed Senate Bill 350 (SB 350), which is discussed in more detail below. This legislation added to the Public Utilities Code language that essentially puts into statute the 2050 GHG reduction target already identified in Executive Order S-3-05, albeit in the limited context of new state policies (i) increasing the overall share of electricity that must be produced through renewable energy sources and (ii) directing certain state agencies to begin planning for the widespread electrification of the California vehicle fleet. Section 740.12(a)(1)(D) of the Public Utilities Code now states that "[t]he Legislature finds and declares [that] … [r]educing emissions of [GHGs] to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050 will require widespread transportation electrification." Furthermore, Section 740.12(b) now states that the California Public Utilities Commission, in consultation with California Air Resources Board and the California Energy Commission, must "direct electrical

corporations to file applications for programs and investments to accelerate widespread transportation electrification to reduce dependence on petroleum, meet air quality standards, and reduce emissions of greenhouse gases to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050."

In 2018, Governor Brown issued Executive Order B-55-18. This order establishes a statewide goal to achieved carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter. This goal is in addition to the existing statewide targets of reducing GHGs, including meeting the 80 percent below 1990 levels by 2050 target. The carbon neutrality goal assumes that later than 2045, remaining emissions be offset by equivalent net removals of carbon dioxide from the atmosphere, including through sequestration in forests, soils and other natural landscapes.

Targets for the Use of Renewable Energy for the Generation of Electricity

California Renewables Portfolio Standard

In September 2002, the Legislature enacted Senate Bill 1078, which established the Renewables Portfolio Standard program, requiring retail sellers of electricity, including electrical corporations, community choice aggregators, and electric service providers, to purchase a specified minimum percentage of electricity generated by eligible renewable energy resources such as wind, solar, geothermal, small hydroelectric, biomass, anaerobic digestion, and landfill gas. The legislation set a target by which 20 percent of the State's electricity would be generated by renewable sources.

In September 2006, the Legislature enacted Senate Bill 107, which modified the Renewables Portfolio Standard to require that at least 20 percent of electricity retail sales be served by renewable energy resources by year 2010. In April 2011, the Legislature enacted Senate Bill X1-2, which set even a more aggressive statutory targets for renewable electricity of 33 percent by 2020.

In 2015, the Legislature enacted Senate Bill 350 that increased Renewable Portfolio Standard to require 50 percent of electricity generated to be from renewables by 2030. On September 10, 2018, former Governor Brown signed into law SB 100. SB 100 raises California's Renewable Portfolio Standard requirement to 50 percent renewable resources target by December 31, 2026, and 60 percent target by December 31, 2030.

Actions to Reducing Carbon Intensity of Vehicle Fuels

Assembly Bill 1493, Pavley Clean Cars Standards

In July 2002, the Legislature enacted Assembly Bill 1493 ("Pavley Bill"), which directed CARB to develop and adopt regulations that achieve the maximum feasible reduction of GHGs emitted by passenger vehicles and light-duty trucks beginning with model year 2009. In September 2004, CARB approved regulations to reduce GHG emissions from new motor vehicles beginning with the 2009 model year. These regulations created what are commonly known as the "Pavley standards." In

September 2009, CARB adopted amendments to the Pavley standards to reduce GHG emissions from new motor vehicles through the 2016 model year. These regulations created what are commonly known as the "Pavley II standards."

In January 2012, CARB adopted an Advanced Clean Cars program aimed at reducing both smog-causing pollutants and GHG emissions for vehicles model years 2017-2025. This historic program combined the control of smog-causing (criteria) pollutants and GHG emissions into a single coordinated set of requirements. The regulations focus on substantially increasing the number of plug-in hybrid cars and zero-emission vehicles in the vehicle fleet and on making fuels such as electricity and hydrogen readily available for these vehicle technologies. The components of the Advanced Clean Cars program are the low-emission vehicle regulations that reduce criteria pollutants and GHG emissions from light- and medium-duty vehicles, and the zero-emission vehicle regulation, which requires manufacturers to produce an increasing number of pure zero-emission vehicles (meaning battery electric and fuel cell electric vehicles), with provisions to also produce plug-in hybrid electric vehicles in the 2018 through 2025 model years.

It is expected that the Advanced Clean Car regulations will reduce GHG emissions from California passenger vehicles by about 34 percent below 2016 levels by 2025, all while improving fuel efficiency and reducing motorists' costs.

Executive Order S-01-07

This order establishes a statewide goal to reduce the carbon intensity of California's transportation fuels by at least 10 percent by 2020. In 2018, CARB passed amendments to the Low Carbon Fuel Standard that set a target to reduce fuel carbon intensity by 20 percent by 2030, compared to a 2010 baseline

Actions for Increasing Electric Vehicle Use

Executive Order B-16-12

In March 2012, former Governor Brown issued an Executive Order, B-16-12, which embodied a vision of a future in which zero-emission vehicles will play a big part in helping the state meet its GHG reduction targets. Executive Order B-16-12 directed state government to accelerate the market for electric vehicles in California through fleet replacement and electric vehicle infrastructure. The Executive Order set the following targets that by 2050, would result in virtually all personal transportation in the State being zero-emission vehicles.

Executive Order B-48-18

In January 2018, former Governor Brown issued Executive Order B-48-18. This executive order requires that all state entities work with the private sector and all appropriate levels of government to put at least five million zero-emission vehicles on California roads by 2030. It also requires all State entities to work with the private sector and all appropriate levels of government to spur the construction and installation of 200 hydrogen fueling stations and 250,000 zero-emission vehicle chargers, including 10,000 direct current fast chargers, by 2025.

Senate Bill 350

In addition to setting increased renewable energy portfolio targets, this bill indirectly promotes electrification of the transportation fleet by promoting actions to enhance availability of renewable energy as a vehicle transportation energy source.

Executive Order N-79-20

On September 23, 2020 Governor Newsom signed Executive Order N-79-20 requiring sales of all new passenger vehicles to be zero-emission by 2035 and additional measures to eliminate harmful emissions from the transportation sector, with the following goals: that 100 percent of in-state sales of new passenger cars and trucks will be zero-emission by 2035; that 100 percent of medium- and heavy-duty vehicles in the State be zero-emission by 2045 for all operations where feasible and by 2035 for drayage trucks; and that the State to transition to 100 percent zero-emission off-road vehicles and equipment by 2035 where feasible.

On August 25, 2022, the California Air Resources Board adopted the Advanced Clean Cars II Regulations, with a plan that by 2035 all new passenger cars, trucks and SUVs sold in California will be zero emissions.

Cap and Trade Program

On October 20, 2011, in a related action, CARB adopted the final cap-and-trade program for California. The California cap-and-trade program creates a market-based system with an overall emissions limit for affected sectors. The program is intended to regulate more than 85 percent of California's emissions and staggers compliance requirements according to the following schedule: (1) electricity generation and large industrial sources (2012); (2) fuel combustion and transportation (2015). The statewide cap for GHG emissions from major sources commenced in 2013. This cap declines over time, achieving GHG emission reductions throughout the program's duration. The program expanded in 2015 to include fuel distributors (natural gas and propane fuel providers and transportation fuel providers) to address emissions from transportation fuels, and from combustion of other fossil fuels not directly covered at large sources in the program's initial phase.

In early 2017, former Governor Brown signed AB 398, which extended the life of the existing Cap and Trade Program through December 2030.

Statutes Intended to Facilitate Land Use Planning Consistent with Statewide Climate Objectives

California Senate Bill 375 (Sustainable Communities Strategy)

This 2008 legislation built on AB 32 by setting forth a mechanism for coordinating land use and transportation on a regional level for the purpose of reducing GHGs. The focus is to reduce miles traveled by passenger vehicles and light trucks. CARB is required to set GHG reduction targets for each metropolitan region. Each of California's metropolitan planning organizations then prepares a sustainable communities strategy that demonstrates how the region will meet its GHG reduction

target through integrated land use, housing, and transportation planning. Once adopted by the metropolitan planning organizations, the sustainable communities strategy is to be incorporated into that region's federally enforceable regional transportation plan. If a metropolitan planning organization is unable to meet the targets through the sustainable communities strategy, then an alternative planning strategy must be developed that demonstrates how targets could be achieved, even if meeting the targets is deemed to be infeasible.

Local agencies that adopt land use, housing, and transportation policies that are consistent with and facilitate implementation of the related GHG reduction strategies in a sustainable communities strategy benefit through potential CEQA streamlining for qualifying projects proposed within their boundaries.

Climate Change Scoping Plans

Under AB 32 as described above, CARB must release an updated Climate Change Scoping Plan at least every five years. Each scoping plan must identify the strategies the state is implementing to meet its GHG reduction targets and report on the progress made in meeting the targets.

Early Scoping Plans

The first 2008 Scoping Plan laid out the goal of reducing GHG emissions back down to 1990 levels by 2020. The 2013 update measured progress and fine-tuned programs toward the 2020 goal and highlighted the need to focus on short-lived climate pollutants. The 2017 update shifted focus to the SB 32 goal of a 40 percent reduction below 1990 levels by 2030 by laying out a detailed cost-effective and technologically feasible path to this target and assessed progress towards achieving the AB 32 goal. The 2020 goal was ultimately reached in 2016 - four years ahead of the schedule called for under AB 32.

2022 Scoping Plan

The most current draft 2022 Scoping Plan update assesses progress toward achieving the statutory 2030 target identified in SB 32, while laying out a path to achieving carbon neutrality no later than 2045 as identified in Executive Order B-55-18. The 2022 Scoping Plan update focuses on outcomes needed to achieve carbon neutrality by assessing paths for clean technology, energy deployment, natural and working lands, and others, and is designed to meet the State's long-term climate objectives and support a range of economic, environmental, energy security, environmental justice, and public health priorities.

This is the first Scoping Plan that adds carbon neutrality as a science-based guide beyond statutorily established emission reduction targets. Previous plans focused on specific GHG reduction targets for the industrial, energy, and transportation sectors—to meet 1990 levels by 2020, and then the more aggressive 40 percent below that for the 2030 target. Carbon neutrality takes it one step further by expanding actions to capture and store carbon including through natural and working lands and mechanical technologies, while drastically reducing anthropogenic sources of carbon pollution.

Building Code Requirements Intended to Reduce GHG Emissions

California Energy Code

The California Energy Code (California Code of Regulations, Title 24, Part 6), which is incorporated into the California Building Standards Code, was first established in 1978 in response to a legislative mandate to reduce California's energy consumption. The California Energy Code is updated every three years by the California Energy Commission as the Building Energy Efficiency Standards (BEES) to allow consideration and possible incorporation of new energy efficiency technologies and construction methods. Although the BEES were not originally intended to reduce GHG emissions, increased energy efficiency results in decreased GHG emissions because energy efficient buildings require less electricity. The California Building Standards Code is enforceable at the project-level. Energy standards have supported California's long-term strategy to meet energy demand, and conserve resources. The Energy Code governs window and door materials, lighting, electrical panels, insulation, faucets and additional building features. The requirements vary between home and business buildings, as well as among climate zones in which they are implemented. The current 2022 Energy Code updates the prior 2019 code by requiring actions/features that continue to support California's gradual transition away from use of fossil fuels, and improve environmental quality.

California Green Building Standards Code

The purpose of the California Green Building Standards Code (California Code of Regulations Title 24, Part 11) ("CALGreen") is to improve public health and safety and to promote the general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices in the following categories: 1) planning and design; 2) energy efficiency; 3) water efficiency and conservation; 4) material conservation and resource efficiency; and 5) environmental quality. The code, which requires all new buildings in the state to be more energy efficient and environmentally responsible, was most recently updated in July 2022 with the update to take effect on January 1, 2023.

These comprehensive regulations are intended to achieve major reductions in interior and exterior building energy consumption. CALGreen institutes mandatory minimum environmental performance standards for all ground-up new construction of commercial, residential, and state-owned buildings, as well as schools and hospitals. CALGreen includes mandatory standards that address:

- Planning and Design (e.g., stormwater, bicycle facilities, clean air vehicles, EV support infrastructure, light pollution and grading and paving);
- Water Efficiency (metering, conserving fixtures, landscaping, outdoor recycle water supply);

- Materials Conservation and Efficiency (moisture control, construction waste management, soil and debris management, recycling, systems commissioning, etc.); and
- Environmental Quality (fireplaces and woodstoves, ducting, paints, carpets, flooring, interior air quality, noise, ozone and refrigerants, etc.).

The current 2019 CALGreen code is in effect until December 31, 2022. Updates were adopted in July 2022, with the update to take effect on January 1, 2023. The primary changes in the 2022 code are to planning and design standards. The 2022 update encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, strengthens ventilation standards, and promote electrification of the vehicle fleet by expanding standards for electric vehicle infrastructure (e.g., electric vehicle charging stations) for residential and non-residential development. Changes in the water efficiency, materials conservations, and environmental quality standards were limited.

CALGreen includes two tiers (Tier I and Tier II) of voluntary standards. Each is additive to the mandatory performance standards above and provides additional elective measures, with Tier 2 measures being the most expansive.

Local

City of Mill Valley Adopted Climate Action Plan

Local land use agencies such as cities and counties have the discretion to adopt plans for reducing GHGs from GHG emissions sources and activities within their boundaries over which the local land use agency has control. Such plans are a tool to demonstrate an agency's efforts to support climate change planning and mitigation and are commonly known as climate action plans (CAP).

Adopting a CAP can also have benefits from a CEQA perspective. CEQA Guidelines Section 15183.5, Tiering and Streamlining the Analysis of Greenhouse Gas Emissions, identifies criteria for preparing GHG reduction plans, which can be used to streamline the GHG impact analysis in CEQA documents for projects that are consistent with the GHG reduction plan. Per CEQA Guidelines sections 15064(h)(3) and 15130(d), which address analysis of cumulative impacts, if a project is consistent with the requirements of an adopted plan, such as a CAP, that is prepared consistent with content and process requirements in CEQA Guidelines section 15183.5(b), the lead agency may determine that the project's GHG impacts are less than significant and no further analysis is required. Such plans are considered to be "qualified" for streamlining the review of GHG impacts of projects subject to the plan. If it is determined that a proposed project is not consistent with the CAP, further analysis would be required to determine if the GHG impact of the project is significant.

The City first adopted a CAP in 2013 as part of the Mill Valley 2040 General Plan. The CAP established a goal to reduce communitywide GHG emissions to 15 percent below 2005 levels by

2020 and an internal goal to reduce GHG emissions from government operations 20 percent below 2005 levels. The CAP included a number of GHG reduction strategies whose implementation enabled the City to exceed these targets by 2020.

City of Mill Valley Draft Climate Action Plan Update

The existing CAP identified actions to reduce to 1990 levels by the year 2020, consistent with the State's goal to reduce statewide emissions to 20 percent below 1990 levels as embodied in AB 32. In 2016, the Governor signed SB 32 into law, which set a statewide GHG reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030. CAPs adopted by local agencies, including the City, that had set GHG reduction targets based on AB 32 (20 percent below 1990 levels by 2020), thus would not be applicable after 2020 for streamlining CEQA analyses, as those CAPs would not reflect the deeper GHG reductions needed within local communities to help meet the more aggressive 2030 state target.

The City is in the process of updating its existing CAP. The purpose is to set a new emissions reduction target for 2030 that, at a minimum, is equivalent to the State's 2030 target. The City is also considering a post-2030 emissions reduction target that would set the City on the path to meeting the State's 2045 net zero GHG emissions target as embodied in Executive Order B-55-18. As part of the update process, the City is considering a range of GHG reduction strategies to achieve the selected target(s). These may include, but may not be limited to: 1) increasing the percentage of vehicles registered in the City to be plug-in electric vehicles; 2) adopting ordinances to promote electrification of residential and commercial buildings; 3) implementing energy efficiency and conservation programs; and 4) reducing organic waste delivered to landfills (City of Mill Valley 2022).

The City anticipates that it will adopt the draft CAP in early 2023. The City also anticipates that the update will meet the provisions of CEQA Guidelines section 15193.5(b). As a qualified CAP, the plan can then be used to streamline the analysis of GHG impacts of individual development projects that are proposed after the update is adopted, including projects that are proposed to implement the 6th Cycle Housing Element, provided housing element related development capacity is assumed in the draft CAP as part of the emissions projections included in that document.

City of Mill Valley Energy Efficiency and Conservation Measures

The City has adopted a range of energy efficiency and conservation measures as "reach code" standards included in Chapter 14.48.040 of the Municipal Code as green building measures. These include standards requiring that individual projects incorporate Tier 1 measures defined in the California Green Building Code. Tier 1 standards are more stringent than the mandatory measures included in the California Green Building Code. They address planning and design, energy efficiency, water efficiency and conservation, material conservation, resource efficiency and environmental quality. The reach code also includes standards that require new residential

development and major remodels to exceed California Green Building Code requirements for installing electric vehicle support infrastructure. The City also encourages all-electric buildings, whose electricity supply will increasingly be generated from renewable sources.

9.3 Thresholds of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of GHGs, as it does on a whole series of additional environmental topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of GHG impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The City has done so here. Therefore, for purposes of this SEIR, a significant impact would occur if implementation of the proposed project would:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

As described above, the City does not currently have a qualified CAP in place that can be used to streamline the analysis of GHG impacts of implementing the 6th Cycle Housing Element. Further, the City does not anticipate adopting an updated CAP that could be used for CEQA streamlining until early 2023, which may occur prior to, at the same time, or after adoption of the 6th Cycle Housing Element. Consequently, until the draft CAP is adopted as a qualified GHG reduction plan that incorporates growth projections identified in the 6th Cycle Housing Element, the City is relying on the Bay Area Air Quality Management District ("air district") for guidance regarding GHG thresholds of significance. The air district manages air quality in the San Francisco Bay Area Air Basin within which the city is located. The air district's guidance is commonly used by local lead agencies that have not adopted their own qualified CAPs.

The air district's guidance for GHG emissions thresholds is found in the *Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans* (Bay Area Air Quality Management District 2022) ("BAAQMD guidance"). The thresholds of significance have been crafted to apply to land use development projects, including residential, commercial and office developments. The thresholds are performance-based project design elements. Individual projects that incorporate the design measures are deemed to contribute their fair share towards reducing GHG emissions consistent with the Executive Order B-55-18 goal of achieving carbon neutrality no later than 2045 as described in the Regulatory Setting section above. The air district guidance includes the substantial evidence to support the thresholds.

The air district analyzed what will be required of new land use development projects to achieve California's carbon neutrality goal. New land use development projects must be designed to achieve *either* A or B as listed below:

A. Projects must include, at a minimum, the following project design elements:

1. Buildings:

    a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).

    b. The project will not result in wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.

2. Transportation:

    a. The project will achieve a reduction in project-generated VMT below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA:

        i. Residential projects: 15 percent below the existing VMT per capita.

        ii. Office projects: 15 percent below the existing VMT per employee.

        iii. Retail projects: no net increase in existing VMT.

    b. The project will achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.

    (Note: The CALGreen Tier 2 EV requirements address design elements that include designating EV charging parking spaces, installing EV charging station electrical infrastructure, and installing EV charging stations).

OR

B. Projects must be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).

The air district concludes that if a project is designed and built to incorporate these design elements, then an agency reviewing the project under CEQA can conclude that the project will not make a cumulatively considerable contribution to global climate change. If the project does not incorporate these design elements, then it should be found to make a significant climate impact because it will hinder California's efforts to address climate change.

9.4 Analysis, Impacts, and Mitigation Measures

This analysis focuses on quantifying project GHG emissions, identifying impact significance based on the thresholds of significance identified above, and identifying mitigation where impacts are found to be significant.

Generation of Greenhouse Gas Emissions

IMPACT 9-1	Generate Greenhouse Gas Emissions	Significant and Potentially Unavoidable

Projected GHG Emissions from the Proposed Project

As described in Section 9.3 above, the significance of GHG impacts from implementing the proposed 6th Cycle Housing Element are assessed based on the performance standards identified by the air district, rather than on a quantified threshold of significance. Nevertheless, for informational purposes, the projected GHG emissions resulting from the new housing planned in the 6th Cycle Housing Element is summarized here.

Projected GHG emissions have been quantified using California Emissions Estimator Model (CalEEMod). The modeling results and a memo description modeling assumptions and results can be found in Appendix C. This emissions volume is termed "unmitigated" because it represents the total emissions volume before measures (e.g., uniformly applied regulations/policies or mitigation measures) are applied to reduce emissions. The unmitigated project results do, however, account for several emissions reductions that would accrue from a number of state regulatory requirements that are applicable to land use development projects. These requirements are described in Appendix C.

GHG emissions would be generated by mobile (transportation), area, energy, waste, and water-related sources. These are summarized in Table 9-3, Annual Operational Greenhouse Gas Emissions, and total 11,007 metric tons of carbon dioxide equivalent (MT CO_2e) per year.

Table 9-3 Annual Operational Greenhouse Gas Emissions

Emission Sources	GHG Emissions (MT CO_2e)
Area	207
Energy	3,238
Mobile	6,707
Waste	698
Water	156
Total	11,007

SOURCE: EMC Planning Group 2022

Consistency with GHG Reduction Performance Standards

As described in Section 9.3 above, until such time as the City adopts an updated, qualified CAP (which is expected in early 2023) that can be used to streamline the GHG impacts of individual projects that implement the 6th Cycle Housing Element, air district guidance is being used to assess GHG impacts of those projects. Based on that guidance, individual projects proposed before the CAP is updated must meet specific GHG reduction standards for their GHG impact to be determined less than significant. Project consistency with the noted performance standards is summarized in Table 9-4, Consistency with GHG Reduction Performance Standards is the basis for determining the significance of GHG impacts.

Table 9-4 Consistency with GHG Reduction Performance Standards

Performance Standard	Project Status	Consistent?
Buildings		
No Natural Gas Appliances or Plumbing	Project description does not include prohibition on all sources of natural gas use in new residential development	No
No wasteful, inefficient or unnecessary energy use	Energy use will be minimal and not wasteful, inefficient or unnecessary (see EIR Section 8.0)	Yes
Transportation		
VMT Impact is Less than Significant	Transportation analysis concludes VMT impact is less than significant (See EIR Section 12.0)	No
Comply with CALGreen Tier 2 EV Standards	Project description does not include electric vehicle infrastructure improvements consistent with CALGreen Tier 2 standards	No

Source: EMC Planning Group 2022

Table 9-4 shows that the project is not consistent with three of the four GHG performance standards. Consequently, the 6th Cycle Housing Element would have a significant impact from generating GHGs.

The following mitigation measure would ensure that each project which implements the 6th Cycle Housing Element, prior to the City's adoption of their updated CAP, meets the two performance standards regarding natural gas and EV infrastructure. For individual projects to demonstrate consistency with the third VMT performance standard, each respective project applicant would be required to provide evidence to the City that the VMT impact of their individual project is less than significant based on the Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA or other subsequent guidance if adopted by the City. The ability of individual project applicants to demonstrate that VMT impacts are less than significant will be contingent on a number of individual project variables, including project size, location, and the feasibility of VMT reduction measures. Due to the uncertainty about whether individual projects can demonstrate a less than significant VMT impact, the GHG impact is considered significant and potentially unavoidable for projects proposed to implement the 6th Cycle Housing Element before the CAP is updated, and adopted.

Mitigation Measure

9-1 Applicants for all new individual development projects proposed to implement the 6th Cycle Housing Element and for which applications are deemed complete by the City prior to the City adopting an updated, qualified climate action plan, incorporate the project design performance standards identified in items "a" and "b":

a. No permanent natural gas infrastructure shall be permitted as part of the improvement plans for individual development projects. Individual projects shall be all electric; and

b. Electric vehicle infrastructure (e.g., electric vehicle parking spaces, charging station infrastructure, chargers, etc.) consistent with CALGreen Tier 2 mandatory standards in effect at the time individual building permits are issued shall be installed in all individual development projects.

However, because VMT impacts of the proposed project are potentially significant and unavoidable, even with implementation of "a" and "b" above, greenhouse gas emissions impacts would also be potentially significant and unavoidable. Mitigation measure 9-1 will not apply once the City adopts an updated, qualified CAP and for which individual projects that implement the 6th Cycle Housing Element are found to be consistent.

Conflict with Plans for Reducing Greenhouse Gas Emissions

IMPACT 9-2	Conflict with GHG Reduction Plans	Significant and Potentially Unavoidable

The GHG guidance provided by the air district is designed to ensure that new land use development projects located within the air district boundary (which includes Mill Valley) contribute their fair share of GHG reductions needed to achieve the state's 2045 carbon neutrality goal as embodied in Executive Order B-55-18. In the absence of the City having an updated, qualified CAP in place, the air district guidance is, therefore, considered to be an applicable plan for reducing GHG emissions.

As described in the analysis for impact 9-1 above, in the interim period before an updated, qualified CAP is adopted, it is possible that one or more individual projects proposed to implement the 6th Cycle Housing Element could have a significant, unavoidable GHG impact if any one or more of the GHG reduction performance standards specified in mitigation measures 9-1 above cannot be met. Therefore, the proposed project could have a significant and potentially unavoidable impact from conflict with the GHG reduction plan in effect until the City adopts an updated, qualified CAP. Implementation of performance standards in mitigation measure 9-1 that are feasible would lessen any unavoidable impacts that may occur, but not to a less-than-significant level.

9.5 Cumulative Impacts

The proposed project would generate GHG emissions that contribute to climate change, an effect which is global in scale. Therefore, the analysis in this section is inherently cumulative in nature. The air district's plan for reducing GHG emissions within the air basin is referenced as the applicable plan for reducing GHG emissions. It was developed to ensure that cumulative development within the air basin, including Mill Valley, contributes its fair share to meeting GHG reduction goals of the State. With required conformance of future projects that implement the proposed project with mitigation measure 9-1, the contribution of the proposed project to cumulative GHG emissions impacts would be less than significant, or less than cumulatively considerable.

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10.0 Noise

This section examines project-generated noise sources and their impacts on both on- and off-site sensitive receptors, as well as major off-site noise sources (which the proposed project may contribute to) and their impact on future sensitive receptors within the City of Mill Valley. Noise sensitive receptors generally include residential development, schools, hospitals, nursing homes, churches and libraries. The significance of noise impacts is primarily determined based on whether noise exposure levels at sensitive receptors exceed noise standards identified in the general plan EIR and the municipal code.

The information within this section is largely sourced from the *Housing Element Update Noise and Vibration Assessment, Mill Valley, California* (Illingworth & Rodkin 2022) ("noise report") and attached as Appendix E. Additional sources of information are introduced where applicable.

There were no responses to the NOP that are germane to this section of the EIR.

10.1 Noise Setting

This environmental setting section incorporates information provided in the general plan EIR where applicable, new information that was not available at the time the general plan EIR was certified that is pertinent to assessing potential project impacts, and information specific to the proposed project in the noise report.

Noise Fundamentals

Sound is a vibratory disturbance created by a moving or vibrating source, which is capable of being detected by the hearing organs (e.g., the human ear). Noise is defined as sound that is loud, unpleasant, unexpected, or undesired and may therefore be classified as a more specific group of sounds. The effects of noise on people can include general annoyance, interference with speech communication, sleep disturbance, and, in the extreme, hearing impairment (Caltrans 2013). In addition to the concepts of pitch and loudness, there are several noise measurement scales which are used to describe noise in a particular location. A decibel (dB) is a unit of measurement which indicates the relative amplitude of a sound. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. An increase of 10 decibels represents a ten-fold increase in acoustic energy, while 20 decibels is 100 times more intense, 30 decibels is 1,000 times more intense, etc.

There is a relationship between the subjective noisiness or loudness of a sound and its intensity. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness over a fairly wide range of intensities. Technical terms are defined in Table 1 in the noise report.

There are several methods of characterizing sound. The most common in California is the A-weighted sound level (dBA). This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Representative outdoor and indoor noise levels in units of dBA are shown in Table 2 of the noise report. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This energy-equivalent sound/noise descriptor is called L_{eq}. The most common averaging period is hourly, but L_{eq} can describe any series of noise events of arbitrary duration.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can accurately measure environmental noise levels to within about plus or minus 1 dBA. Various computer models are used to predict environmental noise levels from sources, such as roadways and airports. The accuracy of the predicted models depends upon the distance the receptor is from the noise source. Close to the noise source, the models are accurate to within about plus or minus 1 to 2 dBA.

Since the sensitivity to noise increases during the evening and at night -- because excessive noise interferes with the ability to sleep -- 24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The Community Noise Equivalent Level (CNEL) is a measure of the cumulative noise exposure in a community, with a 5 dB penalty added to evening (7:00 pm - 10:00 pm) and a 10 dB addition to nocturnal (10:00 pm - 7:00 am) noise levels. The Day/Night Average Sound Level (L_{dn} or DNL) is essentially the same as CNEL, with the exception that the evening time period is dropped and all occurrences during this three-hour period are grouped into the daytime period.

Mill Valley Noise Setting

As described in the noise report, the major noise source in Mill Valley is U.S. Highway 101, with noise generated by traffic on local streets and within neighborhood parks considered secondary. The U.S. Highway 101 (West) Corridor, East Blithedale Avenue Corridor, Miller Avenue Corridor, and Camino Alto Corridor are all identified in the noise report as where project-related noise generation would occur. The noise report identifies existing, ambient noise levels along these corridors. Figure 8.6 in the general plan presents noise contours within Mill Valley. There are no significant sources of railroad, aircraft or industrial noise within the City.

10.2 Regulatory Setting

Federal

Noise Control Act

In 1974, in response to the requirements of the Federal Noise Control Act of 1972 (Public Law 92-574), the U.S. Environmental Protection Agency (EPA) identified indoor and outdoor noise limits to protect public health and welfare. L_{dn} limits of 55 db outdoors and 45 db indoors are identified as desirable to protect against speech interference and sleep disturbance for residential, educational, and healthcare areas. Sound-level criteria identified to protect against hearing damage in commercial and industrial areas are 24-hour L_{eq} values of 70 dB (both indoors and outdoors).

State

General Plan Guidelines (Appendix D: Noise Element Guidelines)

The State of California, through its General Plan Guidelines, discusses how ambient noise should influence land use and development decisions and includes a table (Figure 2 of Appendix D of the 2017 OPR General Plan Guidelines) of normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable uses at different noise levels, expressed in CNEL (OPR 2017). This table provides a tool to gauge the compatibility of land uses relative to existing and future noise levels. It provides land use compatibility guidelines that local jurisdictions can use as a guide for establishing its own General Plan noise compatibility levels that reflect the noise-control goals of the community, the particular community's sensitivity to noise, and the community's assessment of the relative importance of noise pollution. The compatibility guidelines identify normally acceptable, conditionally acceptable, and clearly unacceptable noise levels for various land uses. A conditionally acceptable designation implies new construction or development should be undertaken only after detailed analysis of the noise reduction requirements for each land use, and needed noise insulation features are incorporated in the design. By comparison, a normally acceptable designation indicates that standard construction can occur with no special noise reduction requirements.

Title 24 (California Code of Regulations)

Title 24 of the California Code of Regulations codifies Sound Transmission Control requirements, which establishes uniform minimum noise insulation performance standards for new hotels, motels, dormitories, apartment houses, and dwellings other than detached single-family dwellings. Specifically, Title 24 states that interior noise levels attributable to exterior sources shall not exceed 45 dBA CNEL in any habitable room of new dwellings.

Local

City of Mill Valley General Plan

The goals, policies, and actions contained in the City of Mill Valley's General Plan Noise Element focus on establishing and applying criteria for acceptable noise levels for different land uses in order to minimize the negative impacts of noise, especially at sensitive receivers.

N.1 Interior and Exterior Noise. Ensure that interior noise levels do not exceed 45 L_{dn} in all new residential units (single- and multi-family). Analyze residential development sites exposed to noise levels exceeding 60 L_{dn} following protocols in the most recent adopted version of the California Building Code.

N.1-1 Maintain a pattern of land uses that separates noise-sensitive land uses from major traffic noise sources to the extent feasible.

N.1-2 Use the noise contours in Figure 8.7 and noise/land use compatibility standards in Figure 8.8 to ensure that new development and major redevelopment meet required interior and exterior noise standards.

N.1-3 Do not allow noise-sensitive land uses in noise-impacted areas unless effective mitigation measures are incorporated into the project design to reduce noise levels in outdoor activity areas to 60 dBA L_{dn} or less

N.2 Roadway Noise. Reduce noise from traffic.

N.2-1 Use "quieter" pavement technologies that also meet other criteria established by the City for pavements when resurfacing roadways.

N.2-2 Control the sound of vehicle amplification systems (e.g., loud stereos) by encouraging the enforcement of Section 27007 of the California Motor Vehicle Code. This section prohibits amplified sound that can be heard 50 or more feet from a vehicle.

N.2-3 Control excessive exhaust noise by encouraging the enforcement of Section 27150 of the California Motor Vehicle Code.

N.3 Acoustical Environment. Maintain the current quality of the acoustical environment.

N.3-1 Require an acoustical analysis to mitigate noise-generating projects that would cause the following criteria to be exceeded or would cause a significant adverse community response in locations where there is greater sensitivity to excess noise:

- Cause the Ldn at noise-sensitive uses to increase by 3 dBA or more and exceed the "normally acceptable" level.
- Cause the Ldn at noise-sensitive uses to increase 5 dBA or more and remain "normally acceptable.

Locations subject to this program would include but are not limited to hospitals, nursing homes, theaters, auditoriums, churches, meeting halls, schools, libraries, museums, and parks.

N.3-2 Ensure that all acoustical analyses required by the City:

- Are prepared by a qualified person or firm experienced in the fields of environmental noise assessment and architectural acoustics as selected or pre-approved by the City.
- Include representative noise level measurements with sufficient sampling periods and locations to adequately describe local conditions.
- Estimate existing and projected (20-year) noise levels in terms of L_{dn} and/or the standards of the noise ordinance, and compare those levels to the policies of this Noise Element.
- Recommend appropriate mitigation to achieve compliance with the adopted policies and standards of this Noise Element. Where the noise source in question consists of intermittent single events, the report shall address the effects of maximum noise levels in sleeping rooms in terms of possible sleep disturbance.
- Describe a post-project assessment program that could be used to evaluate the effectiveness of the proposed mitigation measures.

The full cost of any such studies shall be the responsibility of the project applicant.

N.4 Construction Noise. Manage noise from construction.

N.4-1 Implement appropriate standard noise controls for all construction projects.

N.4-2 Require detailed construction noise management plans.

Mill Valley Municipal Code (Noise Ordinance)

The City of Mill Valley implements and enforces construction (temporary) and operational (permanent) noise regulations through Mill Valley Municipal Code Chapter 7.16.090. Municipal Code Section 7.16.090 prohibits temporary noise between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or at any time on Saturday, Sunday, or a legal holiday without issuance of a special permit.

The City of Mill Valley Municipal Code Chapter 7.16.090(F) lists regulations for noise occurring from residential activities. For noise arising in residential activities, Table A-4 suggests noise levels for certain source types during specified periods of time. Musical activity indoors would be allowed at a noise level increase of 10 dB for each land use during the hours of 12:00 p.m. to 9:00 p.m. on Sundays and legal holidays. People during outdoor activities would be allowed at a noise level of 70

dBA during the hours of 12:00 p.m. to 9:00 p.m. on Sundays and legal holidays. Power garden equipment at noise levels up to 80 dBA would be allowed between the hours of 7:00 a.m. and 9:00 p.m. on Sundays and legal holidays.

10.3 Thresholds of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of noise, as it does on a whole series of additional topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of noise impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The City of Mill Valley has done so here, and has incorporated additional relevant thresholds in the City Code associated with noise, as well as generally-accepted thresholds for groundborne vibration. Therefore, for purposes of this EIR, a significant noise impact would occur if implementation of the proposed project would result in:

- Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? A significant impact would be identified if project construction or operations would result in a substantial temporary or permanent increase in ambient noise levels at sensitive receivers in excess of the local noise standards contained in the Mill Valley General Plan or Municipal Code, as follows:

  1. Temporary Noise Increase. A significant temporary noise impact would be identified if construction would occur outside of the hours specified in the Municipal Code (Section 7.16.090) or if construction noise levels would increase ambient noise levels resulting in measurable annoyance. The noise increase threshold adjusts based on the ambient noise level with the expectation that communities already exposed to high levels of noise can only tolerate a small increase. In contrast, if the existing noise levels are low, it is reasonable to allow a greater change in the community noise.

  2. Permanent Noise Increase. A significant impact would be identified if traffic or school activity noise generated by the project would substantially increase noise levels at sensitive receivers in the vicinity. A substantial increase would occur if: a) the noise level increase is 5 dBA Ldn or greater, with a future noise level of less than 60 dBA Ldn, or b) the noise level increase is 3 dBA Ldn or greater, with a future noise level of 60 dBA Ldn or greater (Policy N.3 Acoustical Environment).

- Generation of excessive groundborne vibration or groundborne noise levels? A significant impact would be identified if the construction of the project would generate excessive vibration levels. Groundborne vibration levels exceeding 0.25 in/sec PPV would be considered excessive as such levels would have the potential to result in cosmetic damage to historic and some old buildings. Groundborne vibration levels exceeding 0.3 in/sec PPV would have the potential to result in cosmetic damage to buildings that are found to be structurally sound but where structural damage is a major concern, and groundborne vibration levels exceeding 0.5 in/sec PPV would have the potential to result in cosmetic damage to buildings that are structurally sound and designed to modern engineering standards.
- For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

10.4 Analysis, Impacts, and Mitigation Measures

This section includes information and data regarding noise that are relevant to the proposed project based on the threshold of significance described above. The information and data are used as a basis for determining impact significance and for the mitigation measures. The project does not propose the construction of new housing or other development; rather it provides capacity for future development consistent with housing development projections found in the Housing Element Update. Thus, while adoption of the Housing Element Update does not propose specific development, this analysis assesses the noise impacts from future development and potential future rezoned sites. Full buildout of the Housing Element sites inventory to accommodate the City's 1,156 housing units under the 6th Cycle Housing Element Update is anticipated to occur by 2031.

Transportation Noise

IMPACT 10-1	Traffic Would Result in a Less-than-Perceptible Increase in Ambient Noise Levels	Less than Significant

2013 General Plan EIR Analysis

According to the general plan EIR (section 3.9, Noise), single-family residential land uses along major roadways within Mill Valley are exposed to exterior noise levels in excess of the "normally acceptable" exterior noise level standard of 60 dBA L_{dn}. The 2040 General Plan acknowledges this condition and sets forth a policy requiring that new residential development within these areas employ noise attenuating measures to achieve an interior noise standard of no more than 45 L_{dn}, which is the most effective means of minimizing sensitive receptor exposure to excessive noise. However, there was no feasible mitigation to reduce exterior noise levels at new residential development sites to "normally acceptable" levels; therefore, the residual significance of this impact is significant and unavoidable.

Proposed Project

The noise report evaluated the noise and land use compatibility of proposed housing sites per the City's general plan noise standards. The noise report compared the cumulative scenario (general plan buildout) to existing conditions and the cumulative plus project scenario (general plan buildout + the proposed project) to existing conditions, and then the relative difference between the two cumulative scenarios. In all cases, the noise increases are calculated to be 0.4 dBA, which was rounded to 0 dBA due to measurement/modeling accuracy limits. Increases in traffic noise gradually degrade the environment in areas sensitive to noise. According to CEQA, "a substantial increase" is necessary to cause a significant environmental impact. An increase of 3 dBA L_{dn} is considered substantial as it would represent a just-noticeable difference. Vehicular traffic on roadways throughout Mill Valley would increase as development occurs and the City's population increases. These projected increases in traffic would, over time, increase noise levels throughout the community.

The results presented in Table 5 of the noise report indicate that project-generated traffic noise levels would not measurably increase due to anticipated traffic volume increases along major roadways in Mill Valley. The traffic noise increases attributable to the implementation of the HEU would not result in a substantial permanent increase noise levels in the community. This is a less-than-significant impact.

Construction Noise Impacts

IMPACT 10-2	Construction Activities Would Result in a Temporary Noise Increase	Less than Significant with Mitigation

2013 General Plan EIR Analysis

According to the general plan EIR (Impact NOI-1), because construction noise is temporary and applicants would be required to implement noise abatement measures, construction noise would not expose persons to noise levels in excess of adopted standards.

Proposed Project

The general plan EIR determined that implementation of noise abatement measures identified in the general plan would minimize the adverse effects of construction noise. These noise abatement measures would be implemented through a Construction Management Plan, which would ensure consistency with and implementation of General Plan Policy N.4 as reflected in the mitigation measure presented below:

Mitigation Measure

10-2 The City of Mill Valley shall impose the following standard condition of approval for all sites identified in the Housing Element Update: a Construction Noise Management Plan shall be prepared by the construction contractor and implemented prior to the start of and throughout construction to reduce noise impacts on the nearby existing land uses. The plan will rely on project-level calculations of construction noise and achievable noise level reduction. The plan will establish the procedures the contractor will take to reasonably minimize construction noise at the nearby existing land uses. Additionally, consistent with City of Mill Valley Municipal Code Section 7.16.090(D), the plan would include, but not be limited to, the following measures to reduce construction noise levels as low as practical:

- Limit construction to the hours of 7:00 AM to 6:00 PM on weekdays. No noise generating construction activities shall occur on weekends or holidays.
- Limit noise from construction workers' radios to the point where they are not audible at existing residences that border the project site.
- Locate stationary noise-generating equipment and staging areas as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- Prohibit unnecessary idling of internal combustion engines.
- Consider temporary noise barriers during construction phases involving earth moving equipment (e.g., grading operations) where they would be effective in reducing the construction noise impact, when directly adjoining sensitive receptors. An eight-foot plywood noise barrier could reduce noise levels by at least 5 dBA.
- Notify residents adjacent to the project site of the construction schedule in writing.
- Post the project's approved construction management plan on the site, which shall include the address, project information, allowable truck route, carpooling requirements, allowable construction hours, site supervisor, and emergency contact.

Compliance with these requirements associated with short-term construction noise, would ensure construction noise impacts associated with the proposed project would be less than significant.

Groundborne Vibration

IMPACT 10-3	Groundborne Vibration Intensity from Construction and Operation Activities Associated with the Proposed Project May Be Perceptible at Sensitive Receptors	Less than Significant with Mitigation

2013 General Plan EIR Analysis

According to the general plan EIR (Impact NOI-2), development and land use activities contemplated by the 2040 General Plan would not expose persons to excessive vibration levels. Impacts associated with short-term construction and operational vibration were determined to be less than significant.

Proposed Project

The dominant sources of man-made vibration are sonic booms, blasting, pile driving, pavement breaking, demolition, diesel locomotives, and rail-car coupling. None of these activities are anticipated to occur with construction or operation of the proposed Housing Element Update, with the exception of demolition of on-site structures. Vibration from construction activities could be detected at the closest sensitive land uses, especially during movements by heavy equipment or loaded trucks and during some paving activities. According to the noise report, these levels would be expected to exceed significant threshold thresholds at adjacent properties indicated in the Mill Valley Historic Resources Inventory (HRI) Survey Report. Other developments outside of the listed noise levels in the noise report would consist of noise levels attenuating lower than the applicable thresholds, which would result in less than significant impacts. For adjacent properties where noise levels would exceed construction noise thresholds, Mitigation Measure 10-2 would be required to reduce noise levels to less than significant impact.

Mitigation Measure

10-3 The City of Mill Valley shall impose the following standard condition of approval for all sites identified as part of the Housing Element Update that conduct work with heavy construction activities involving significant site grading, underground, or foundation work will occur within 25 feet of properties listed in the Mill Valley Historic Resources Inventory (HRI) Survey Report: a groundborne vibration study shall be prepared by qualified professionals in accordance with industry-accepted methodologies and shall include the recommended vibration assessment procedure and thresholds provided by public agencies such as Caltrans or the Federal Highway Administration. The study shall identify necessary construction vibration controls to reduce both human annoyance and the possibility of cosmetic damage. Controls shall include, but not be limited to, the following measures:

- A list of all heavy construction equipment to be used for this project known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort for reducing vibration levels below the thresholds.

- Place operating equipment on the construction site as far as possible from vibration-sensitive receptors.

- Use smaller equipment to minimize vibration levels below the limits.

- Avoid using vibratory rollers and tampers near sensitive areas.

- Select demolition methods not involving impact tools.

- Modify/design or identify alternative construction methods to reduce vibration levels below the limits.

- Avoid dropping heavy objects or materials.

After full project build out, it is not expected that on-going operational activities would result in vibration impacts at nearby sensitive uses. Activities involved in trash bin collection could result in minor on-site vibrations as the bin is placed back onto the ground. Such vibrations would not be expected to be felt at the closest off-site sensitive uses. Consequently, the proposed project is not expected to be a source of excessive operational groundborne vibration.

Excessive Aircraft Noise

IMPACT 10-4	Aircraft Noise from Nearby Private Airstrips or Public Use Airports	Less than Significant

Two airports were identified in the noise report. San Rafael Airport and Richardson Bay Heliport. Per the provided noise report, San Rafael Airport is a private use airport located east of U.S. Highway 101 and south of Smith Ranch Road. San Rafael Airport would not be located within two miles of the proposed housing sites, and would not expose residents to excessive aircraft noise exceeding 65 dBA CNEL. Richardson Bay Heliport is located northeast of U.S. Highway 101 at the terminus of Bolinas Street. Although proposed housing sites would be located within two miles of the heliport, aircraft operations would not expose residents to noise levels above 65 dBA CNEL. Thus, impacts would be less than significant.

10.5 Cumulative Noise Impacts

As presented in the project analysis above, the noise analysis is a cumulative analysis and therefore, no additional analysis is required. The project's contribution to cumulative traffic noise impacts would not be cumulatively considerable.

The development or redevelopment of the proposed housing sites could expose sensitive receptors to exterior noise levels that exceed the City's standards for non-transportation noise sources. Any siting of new noise-sensitive land uses within a noise environment that exceeds the normally acceptable land use compatibility criterion represents a potentially significant impact. For any discretionary projects, potential exposure of sensitive receivers from exterior noise levels would be less than cumulatively considerable based on application of a future discretionary review which requires an acoustic study consistent with general plan Policy N.4. and the noise ordinance to demonstrate that the stationary noise sources would not exceed City noise standards at affected noise-sensitive uses. Implementation of the City's general plan policies and noise ordinance requirements for all future development projects at the housing opportunity sites would ensure cumulative stationary noise impacts associated with the Housing Element Update would be less than cumulatively considerable.

Groundborne vibration would cause significant impacts during construction. This would be due to the distance of construction equipment operating at distances adjacent to nearby sensitive receivers. With the implementation of Mitigation Measure N-2, setbacks would be needed in order to reduce construction noise to a less than significant level.

11.0 Public Services

11.1 Introduction

This section describes the existing public services and recreation setting and potential effects from the Mill Valley Housing Element Update. There were no comments on the NOP that were related to public services.

11.2 Environmental Setting

Fire Protection and Emergency Medical Services

The Mill Valley Fire Department provides fire protection to the City of Mill Valley. Mill Valley Fire Department members are specialized in a wide range of skills in addition to firefighting and emergency medicine. Most members have additional expertise in such skills as fire investigations, high-angle cliff rescue, Neighborhood Emergency Response Teams, CPR, and first aid instruction, to name a few. The main concern remains the threat of a major wild fire in Mill Valley. Heavily wooded canyons and the steep terrain create a dangerous combination in the event of a wildfire.

Fire Stations

The Mill Valley Fire Department operates two fire stations: Station #6 at 26 Corte Madera Avenue, which houses two Type 1 Engines, and Station #7 at 1 Hamilton Avenue, which houses one Type 1 Engine and one Type 3 Engine.

Staffing

All firefighters and line personnel are trained in firefighting and emergency medicine, and some possess additional expertise in such skills as fire investigations, high-angle cliff rescue, Neighborhood Emergency Response Teams, Cardio Pulmonary Resuscitation (CPR), and first aid instruction.

Station #6 is staffed with three firefighters and Station #7 is staffed with 3 firefighters and the Mill Valley Fire Department is staffed with a total of 26 line personnel, excluding the Deputy Chief, Defensible Space Inspector and two part-time employees (Chris Tubbs, email message, August 10, 2022).

ISO Rating

Insurance Services Office (ISO) is an independent organization that serves insurance companies, fire departments, insurance regulators and others by providing information about risk. ISO collects information about municipal fire protection efforts and assigns a rating on a 1 to 10 scale. Class 1 represents exemplary fire protection and a Class 10 indicates the fire suppression program does not meet minimum criteria. The Mill Valley Fire Department is rated Class 2 (Chris Tubbs, email message, August 10, 2022).

Mutual Aid Agreements

The Mill Valley Fire Department participates with other local and state fire agencies to respond to fires that occur within Mount Tamalpais Mutual Threat Zone. The Fire Department, along with other nearby local Fire Departments and Fire Districts, are assigned Local Responsibility Areas, while the Marin County Fire Department—a Contract County for Cal Fire—is responsible for the State Response Area. Incident Commanders have the ability to draw upon local and state resources to respond to fires that occur within the Mount Tamalpais Mutual Threat Zone.

Southern Marin Fire District

On October 3, 2022, the City Council approved a joint resolution with Southern Marin Fire District authorizing the City Manager and Fire Chief to submit an application to the Marin Local Agency Formation Commission for consolidation of the fire departments and annexing fire and emergency services to the Southern Marin Fire District (Patrick Kelly, November 4, 2022).

Southern Marin Emergency Medical Paramedic System

The Southern Marin Emergency Medical Paramedic System (SMEMPS) provides emergency medical services to Mill Valley, Sausalito, Belvedere, Tiburon, and nearby portions of unincorporated Marin County. SMEMPS is a joint-powers agency comprising the agencies include the Southern Marin Fire Protection District, City of Mill Valley, Tiburon Fire Protection District, and Marin County Fire, and is headquartered at 1679 Tiburon Boulevard, Tiburon.

Mill Valley Fire Department operates an advanced life support ambulance (Medic 6), but it is a reserve unit that is only up-staffed when service demands require it (Chris Tubbs, email message, August 10, 2022).

Police Protection

The Mill Valley Police Department provides police protection to Mill Valley. The Police Department is headquartered in the Public Safety Building at 1 Hamilton Drive.

Staffing

The Police Department is staffed by 22 sworn positions, including one chief, one captain, one lieutenant, four patrol sergeants, one detective sergeant, one detective/SRO, four corporals, and nine patrol officers (including one motorcycle officer). Non-sworn personnel include two parking

enforcement officers, one full time and one half time community services officers, one records specialist, one senior administrative assistant, and two cadets (Jacqueline Graf-Reis, email message, August 10, 2022).

Schools

Two school districts serve Mill Valley: Mill Valley Elementary School District and Tamalpais Union High School District. Each is described separately.

Mill Valley Elementary School District

The Mill Valley Elementary School District provides K–8 education to Mill Valley and the surrounding unincorporated areas including Homestead, Tam Valley, Almonte, and Strawberry. During Academic Year 2020–2021, the District's enrollment was 2,634 (Mill Valley Elementary School District 2021).

Table 11-1, Mill Valley Elementary School District Summary, provides a breakdown of each school within the District, grade levels, enrollment, capacity, average class size, and full-time equivalent teachers.

Table 11-1 Mill Valley Elementary School District Summary

School	Grade Level	Enrollment[1]	Capacity[1]	Average Class Size[2]	Full Time Equivalent Teachers[2]
Edna Maguire Elementary	K-5	477	679	21.2	28.8
Old Mill Elementary	K-5	278	363	21.5	16.0
Park Elementary	K-5	259	403	21.7	16.9
Strawberry Point Elementary	K-5	260	403	21.2	16.8
Tamalpais Valley Elementary	K-5	419	571	21.9	24.0
Mill Valley Middle	6-8	941	1,404	15.1	54.0
Totals	-	2,634	3,823	-	-

SOURCE: (Mill Valley Elementary School District 2021), (Sue Murphy, email message, August 23, 2022), (Michele Rollins, email message, August 11, 2022)
(1) This information is associated with the 2020-2021 school year.
(2) This information is associated with the 2021-2022 school year.

Facilities Modernization

According to the District's Accountant, the schools have not been recently remodeled or expanded. However, the District did pass a $194 million bond measure in June of 2022 and this will be used to conduct the work outlined in the most recent facilities master plan (Sue Murphy, email message, September 7, 2022).

Tamalpais Union High School District

Tamalpais Union High School District provides 9–12 education to Mill Valley, Larkspur, San Anselmo, and surrounding unincorporated areas including Homestead, Tam Valley, Almonte, and Strawberry. During Academic Year 2021–2022, the High School District's enrollment was 5,093 (Corbett Elsen, email message, August 9, 2022).

The High School District operates three comprehensive high schools (Tamalpais, Redwood, and Archie Williams High School) and two alternative high schools (San Andreas and Tamiscal). Tamalpais High School serves Mill Valley and is summarized in Table 11-2, Tamalpais High School Summary (2021-2022).

Table 11-2 Tamalpais High School Summary (2021-2022)

School	Grade Level	Enrollment	Capacity	Average Class Size	Full Time Equivalent Teachers
Tamalpais High	9-12	1,567	2,569	20.6	85.2

SOURCE: Corbett Elsen, email message, August 9, 2022

Facilities Modernization

The Tamalpais Union High School District approved its *Long-Range Facility Master Plan* in April 2022, which provides updated information about its plans to address educational facility needs that meet the changing needs of the community as well as changes in enrollment and educational pedagogy. According to the *Long-Range Facility Master Plan*, no recent bonds have been given to the Tamalpais Union High School District for its facilities. However, a recently approved November 2020 Parcel Tax would require $469 per parcel for nine years to maintain hands-on science, technology, engineering, math, reading and writing instruction, support music and art, and attract/retain highly qualified teachers.

Parks and Recreation

The City of Mill Valley, the County of Marin, the State of California, and the National Park Service own and maintain park and recreational facilities within and adjacent to Mill Valley. Each agency's facilities are discussed separately.

City of Mill Valley

The City of Mill Valley owns and maintains the following park and recreational facilities:

> Bay Front Park (including Hauke Playground, Hauke North and South Fields, Bayfront Community Garden, Bayfront Meadow, Bayfront Field, Bell Ropers Field, Mill Valley Dog Run, and Mill Valley Boat Dock)

Blithedale Canyon	Depot Plaza
Ernest Block Memorial	R.C. Community Garden
Boyle Park	Sycamore Park
Cascade Falls	Freeman Park
Old Mill Park	Scott Highlands Park Friends Field
Molino Park	Alto Field

To meet the community's recreation needs, the City of Mill Valley provides approximately 110 acres of parks, open space, and recreational facilities, including 44 acres of improved parkland, 24 acres of natural areas, and the 42-acre municipal golf course. With a current City population of 13,850 (California Department of Finance 2022), the City's total parkland area represents 7.94 acres of parkland per 1,000 residents, which is below the 10 acres of park space per 1,000 residents recommended by the National Recreation and Parks Association, but considerably higher than the amount of parkland provided by many communities. The City does not have a parkland ratio goal (Danielle Staude, email message, August 16, 2022).

County of Marin

The County of Marin owns and maintains several open space preserves and a trail within and adjacent to Mill Valley, which provide Mill Valley residents will significant additional recreational opportunities.

Bothin Marsh Preserve

Bothin Marsh Preserve encompasses 106 acres on the eastside of US 101 along Richardson Bay. Bothin Marsh provides trails for hiking and biking.

Baltimore Canyon, Blithedale Summit, Camino Alto, and King Mountain Preserves

Baltimore Canyon (193 acres), Blithedale Summit (639 acres) (Marin County Parks Preservation Recreation 2022), Camino Alto (170 acres), and King Mountain Preserves (108 acres) are four contiguous open space preserves along the northern ridgeline of Mill Valley. A network of fire roads and trails links the four preserves to each other as well as to Mount Tamalpais State Park and city streets in Mill Valley and Corte Madera.

Horse Hill Open Space Preserve

Horse Hill is an 87-acre preserve located adjacent to Lomita Drive and U.S. Highway 101 in the northeastern corner of Mill Valley. The preserve features a trail connection between Lomita Drive and the Alto Bowl Open Space preserve in Corte Madera.

Mill Valley-Sausalito Path

The Mill Valley-Sausalito Path extends 3.5 miles along a former railroad right-of-way between the Scott Valley Swimming and Tennis Club in Mill Valley and Gate 5 Road in Sausalito. The Class I paved trail is part of the San Francisco Bay Trail network and provides access to Bayfront Park and Bothin Marsh.

State of California

Mount Tamalpais State Park

Mount Tamalpais State Park encompasses approximately 6,300 acres adjacent to the western boundary of the City of Mill Valley. The park contains more than 50 miles of trails, three campgrounds, and a mountain theatre.

National Park Service

Muir Woods National Monument

Muir Woods National Monument encompasses 554 acres and is wholly surrounded by Mount Tamalpais State Park. The park features 6 miles of trails, including 1.5 miles of boarded trails.

11.3 Regulatory Setting

Local

City of Mill Valley

General Plan

The General Plan establishes the following policies and programs associated with public services and recreation:

> **Program CV.4-3** Encourage new development, particularly in infill areas, to provide small plazas, pocket parks, civic spaces, and other gathering places that are available to the public to help meet recreational demands.
>
> **Policy HZ.2 Administrative and Equipment Capacity**: Maintain adequate concentration and distribution of staff, facilities, materials, and equipment to provide a timely disaster response consistent with the needs of a demographically changing community and a challenging natural environment, while recognizing the difficulties of maintaining these systems on a daily basis.
>
> **Program PS.1-6** Incorporate crime reduction and public safety response features in the design and planning of private and public development.

11.4 Thresholds of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes factual inquiries related to the subject of public services and recreation, as it does on a whole series of additional topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of

significance on the subject of environmental impacts associated with public services and recreation, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The City of Mill Valley has done so here. Therefore, for purposes of this SEIR, a significant environmental impact would occur if implementation of the proposed project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a. Fire Protection?

b. Police Protection?

c. Schools?

d. Parks?

11.5 Project Impacts and Mitigation Measures

Increased Demand for Fire Protection Services Resulting in Construction of New or Physically Altered Facilities (No Impact)

The proposed project could result in an additional 2,659 residents. Therefore, the proposed project would increase fire protection needs at the various housing opportunity sites.

According to the Mill Valley Fire Department's Fire Chief, it is not anticipated that the addition of 2,659 residents would result in any significant impact to the Mill Valley Fire Department's services. The Fire Chief states that with the potential consolidation of Southern Marin Fire and Mill Valley Fire, the Mill Valley Fire Department anticipates that the resulting combined population within the service area will be approximately 40,900 and a total square mileage service area of 25.3 square miles. Therefore, the project's addition of residents to the population is less than ten percent (Chris Tubbs, email message, August 10, 2022).

Therefore, the proposed project would not result in the need for new fire protection facilities in order to maintain target response times.

Cumulative Impacts

The proposed project, in combination with other past, present and reasonably foreseeable cumulative development within the service area of the Mill Valley Fire Department and Southern

Marin Fire, would result in increases in service population. This could trigger the need to construct new or expanded fire protection facilities to house the additional staff and equipment needed to serve this additional population, which could result in potentially significant impacts.

However, development within the service area of the Mill Valley Fire Department is responsible for payment of impact fees as calculated by the City of Mill Valley, to improve or expand fire facilities as may be necessary to accommodate cumulative development consistent with the General Plan land use designations throughout the City. While the project would contribute to this cumulative increase, it would be required to pay the applicable development impact fees and as such, its contribution would not be cumulatively considerable.

Increased Demand for Police Protection Services Resulting in Construction of New or Physically Altered Facilities (No Impact)

The proposed project could result in an additional 2,659 residents. Therefore, the proposed project would increase police protection needs at the various housing opportunity sites.

According to the Police Chief, increased demands on the City's police facilities as a result of the project would require the addition of two officers, but no new building or extension (Jacqueline Graf-Reis, email message, August 10, 2022). Therefore, the proposed project would not result in need for new or physically altered police facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives.

Cumulative Impacts

The proposed project, in combination with other past, present and reasonably foreseeable cumulative development within the geographic scope for police protection impacts, would result in increases in service population. This could trigger the need to construct new or expanded police protection facilities to house the additional staff and equipment needed to serve this additional cumulative population, which could result in potentially significant impacts.

However, development within the service area of the Mill Valley Police Department is responsible for payment of impact fees as calculated by the City of Mill Valley, to improve or expand police facilities as may be necessary to accommodate cumulative development consistent with the General Plan land use designations throughout the City. While the project would contribute to this cumulative increase, it would be required to pay the applicable development impact fees and as such, its contribution would not be cumulatively considerable.

New or Physically Altered School Facilities (No Impact)

Two school districts serve the project site: the Mill Valley Elementary School District, which serves kindergarten through eighth grade, and the Tamalpais Union High School District, which serves grades nine through twelve. The proposed project would result in the generation of new students.

Based on the State Allocation Board Office of Public School Construction, the Tamalpais Union High School District would use a student generation factor of 0.2 (State Allocation Board Office of Public School Construction 2009). Mill Valley Elementary School District will use a student generation factor of 0.5 pursuant to its recently approved *Level I Developer Fee Study for Mill Valley Elementary School District* (May 2022) (Michele Rollins, email message, August 11, 2022).

Table 11-3, Student Generation, presents an estimate of the number of students that would be generated by the proposed project.

Table 11-3 Student Generation

Proposed Project	Mill Valley Elementary School District (K-8)	Tamalpais Union High School District (9-12)
124 single-family units	124 x 0.5 = 62	124 x 0.2 = 25
1,032 multi-family units	1,032 x 0.5 = 516	1,032 x 0.2 = 207
Total Student Generation	578	232

SOURCE: (State Allocation Board Office of Public School Construction 2009), (Michele Rollins, email message, August 11, 2022)

As identified in Section 11.2, Environmental Setting, both school districts are currently operating under capacity and have the ability to accept additional students at all of the schools within both school districts without the need to construct new schools or classrooms. The proposed project would generate approximately 578 kindergarten through eighth grade students and the Mill Valley Elementary School District has the capacity to take in up to 1,189 students. Therefore, the Mill Valley Elementary School District has the capacity to accommodate the project's generation of students without the need to construct additional school facilities in order to meet the community's needs. The proposed project would also generate approximately 232 ninth through twelfth grade students and the Tamalpais Union High School District has the capacity to take in up to 1,002 students; therefore, the Tamalpais Union High School District has the capacity to accommodate the project's generation of students without the need to construction additional school facilities in order to meet the community's needs.

The proposed project's generation of students would not result in the need for additional school facilities, the construction of which would cause significant adverse environmental impacts.

Cumulative Impacts

Cumulative development within the school districts' boundaries could result in the need for new schools or expansion of existing schools. This includes other jurisdictions within the school districts' service areas that are also in the process of updating their housing elements. In accordance with Senate Bill 50, the project developer would be required to pay development impact fees to each affected school district when building permits are issued. The school districts would use collected funds towards new facilities to offset any impacts associated with new development. "New facilities"

could include, but not be limited to, new schools, as well as additional classrooms at existing schools. Pursuant to California Government Code Section 65996, payment of these fees is deemed to fully mitigate cumulative CEQA impacts of new development on school facilities. Therefore, payment of state-mandated impact fees would reduce the project's potentially cumulatively considerable environmental impacts on school facilities to a less-than-significant level.

Parks and Recreation

IMPACT 11-1	Project Would Increase Population Thereby Increasing Demand on Parks and Recreational Facilities	Less than Significant

As identified in Section 11.2, Environmental Setting, the City does not have a desired ratio for parkland acreage and instead references the recommended ratio by the National Recreation and Parks Association, which is 10.0 acres per 1,000 residents (City of Mill Valley 2014). Implementation of the proposed project would result in the population increase of 2,659 people, requiring approximately 27 acres of parkland to meet the recommended by the National Recreation and Parks Association's recommended ratio.

Housing projects pursuant to the housing element update would not include the dedication of parklands to the City but would result in an increase in the demand for public parks. Therefore, the housing projects would be responsible for paying in-lieu fees to the City pursuant to Chapter 21.50, Dedication for Park and Recreational Purposes, that would be used to improve or expand existing park facilities to offset the increase in demand. Payment of the applicable park and recreation fees would reduce the impact of the proposed project's increased demand on parks to a less-than-significant level.

Cumulative Impacts

The proposed project, in combination with other past, present and reasonably foreseeable cumulative development within the geographic scope for parks and recreation impacts, would result in increases in demand on the City's parks and recreational facilities. This could trigger the need to construct new or expanded park and recreational facilities as a result of deterioration from the increased demand, which could result in potentially significant impacts.

However, future housing projects associated with the proposed project would be responsible for paying in-lieu fees to the City pursuant to Chapter 21.50, Dedication for Park and Recreational Purposes, that would be used to improve or expand existing park facilities to offset the increase in demand. While the project would contribute to this cumulative increase, future housing projects would be required to pay the applicable development impact fees and as such, its contribution would not be cumulatively considerable.

12.0 Transportation

12.1 Introduction

This section describes the existing transportation setting and potential effects from the City of Mill Valley Housing Element Update on the Planning Area and surroundings. Descriptions and analysis in this section are based on the *Mill Valley Housing Element Update Transportation Analysis* (transportation analysis) prepared by Hexagon Transportation Consultants on October 5, 2022. This report is included in Appendix F.

Notice of Preparation comments received regarding transportation included a verbal comment from the public, which was given at the August 4, 2022 virtual scoping meeting, and a written letter from the California Department of Transportation on August 19, 2022. The member of the public expressed concerns related to the proposed project's emergency response/access and services impacts as well as traffic and circulation impacts. The comment letter from the California Department of Transportation is a boilerplate letter addressing the department's methodology for addressing vehicle miles traveled and concerns regarding possible impacts to the state highway system.

12.2 Environmental Setting

Roadway Network

Regional and local roadways serving the City of Mill Valley where housing is proposed in the Housing Element Update are described below.

Regional Access

U.S. Highway 101 is an eight-lane (three mixed lane and one high-occupancy vehicle lane in each direction) north-south freeway adjacent to and immediately east of the city limits. Freeway ramps connect to Mill Valley via Tiburon Boulevard/Blithedale Avenue and Miller Avenue via the unincorporated areas of Homestead and Tam Valley. Access into Mill Valley is also provided the Redwood Highway Frontage Road (inbound only).

Local Access

Local access in Mill Valley is provided by arterials and collectors. These streets provide access to the project's opportunity sites. The roadway network serving Mill Valley, including classifications from the 2040 General Plan, is shown in Figure 12-1, Mill Valley Roadway Classifications.

Existing Pedestrian and Bicycle Facilities

Bicycle Facilities

Bicycle facilities in Mill Valley include bike paths, bike lanes, and bike routes. Bike paths (Class I facilities) separate pedestrians and bicyclists from motor vehicle traffic; however, pedestrians and bicyclists may have to share the path with other active transportation users. Bike lanes (Class II facilities) are lanes on roadways designated for use by bicycles with special lane markings, pavement legends, and signage. Bike routes (Class III facilities) are roadways shared between bicycles and vehicles. Bike routes are often designated for use by bicycles with "sharrow" pavement markings and signage

Class I bike paths include the Mill Valley-Sausalito Pathway between the City limits and Vasco Court, Bayfront Park Pathway between the Mill Valley-Sausalito Pathway and Hamilton Drive, Camino Alto Sidepath between Sycamore Avenue and Mill Valley Recreation driveway, Edna Maguire Spur Pathway between Mill Valley-Sausalito Pathway and Lomita Drive, Freeman Park Pathway between Nelson Avenue and Ryan Avenue, Hamilton Drive Pathway between Bayfront Park Pathway and Shelter Bay Avenue, and Sycamore Avenue Pathway between Camino Alto and Mill Valley-Sausalito Pathway.

Striped bike lanes (Class II bikeway) are present along the following roadways:

- Camino Alto between Chapman Drive and E. Blithedale Avenue
- Lomita Drive between Edna Maguire Elementary and the City Limit
- Miller Avenue between Sunnyside Drive and Park Avenue
- Westbound Miller Avenue between Willow Street and Locust Avenue
- Miller Avenue between Evergreen Avenue and Almonte Boulevard

Bike routes (Class III bikeway) are present along the following roadways:

- Ashford Avenue between Lomita Drive and E. Blithedale Avenue
- E. Blithedale Avenue between Ashford Avenue and Kipling Drive/Tower Drive
- Hamilton Drive between Shelter Bay Avenue and Redwood Highway Frontage Road
- Janes Street between Molino Avenue and Montford Avenue
- Meadow Drive between Ashford Avenue and City Limit

Not to scale

Source: Hexagon 2022

Figure 12-1

Mill Valley Roadway Classifications

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- Miller Avenue between Park Avenue and Valley Circle
- Locust Avenue between Miller Avenue and Sycamore Avenue
- Montford Avenue between Miller Avenue and Janes Avenue
- Molino Avenue between Janes Avenue and Montford Avenue
- Redwood Highway Frontage Road between Hamilton Drive and City Limit
- Sycamore Avenue between Locust Avenue and Camino Alto
- La Goma Street between Miller Avenue and Sycamore Avenue

The existing bicycle facilities within Mill Valley are shown on Figure 12-2, Existing Mill Valley Bicycle Facilities.

Pedestrian Facilities

Pedestrian facilities in the City of Mill Valley consist of Class I paths, sidewalks, crosswalks, and pedestrian signals at signalized intersections.

Existing Class I paths include the Mill Valley-Sausalito Pathway, Bayfront Park Pathway, Edna Maguire Spur Pathway, Freeman Park Pathway, Hamilton Drive Pathway, and paths adjacent to Sycamore Avenue and Camino Alto as described previously.

Residential areas comprised of single-family homes generally lack pedestrian facilities like sidewalks and crosswalks. These areas contain steps, lanes, and paths that function as sidewalks in the City's hillside neighborhoods, providing a path of travel for pedestrians from the hillsides to key destinations such as schools, transit stops, and commercial and recreational areas. Most single-family housing sites proposed in the Housing Element Update are located in these areas.

The multi-family housing sites are proposed near the major streets that have pedestrian facilities: E. Blithedale Avenue, Miller Avenue, Camino Alto, Sunnyside Avenue, and Throckmorton Avenue. Continuous sidewalks are present on at least one side of these major streets. All signalized study intersections have crosswalks along at least two of the legs.

U.S. Highway 101 is located east of Mill Valley, and bus stops for several bus routes are located along Tiburon Boulevard at the U.S. Highway 101/E. Blithedale Avenue/Tiburon Boulevard interchange. A sidewalk is provided on the north side of E. Blithedale Avenue/Tiburon Boulevard, which provides access to the bus stop on the north side of Tiburon Boulevard. The bus stop on the south side on Tiburon Boulevard can be accessed via crosswalks at U.S. Highway 101 southbound off ramp and Tiburon Boulevard. Additionally, there are pedestrian paths that connect Tiburon Way to the bus stops located at the Tiburon Way Bus Pads located at the interchange.

Existing Transit Services

Existing transit service in Mill Valley is provided by Marin Transit and Golden Gate Transit. Five Marin Transit bus routes (Routes 17, 22, 36, 61, and 71) and four Golden Gate Transit routes (Routes 114, 130, 132, and 150) serve Mill Valley. Figure 12-3, Existing Mill Valley Transit Services, shows the City's existing transit services.

12.3 Regulatory Setting

State

California Department of Transportation

The California Department of Transportation manages California's highway and freeway system. In the vicinity of Mill Valley, California Department of Transportation owns and maintains U.S. Highway 101 and State Route 1, the two primary regional routes providing access to Mill Valley.

Regional

Metropolitan Transportation Commission

The majority of federal, state, and local financing available for transportation projects is allocated at the regional level by the Metropolitan Transportation Commission, the transportation planning, coordinating, and financing agency for the Bay Area.

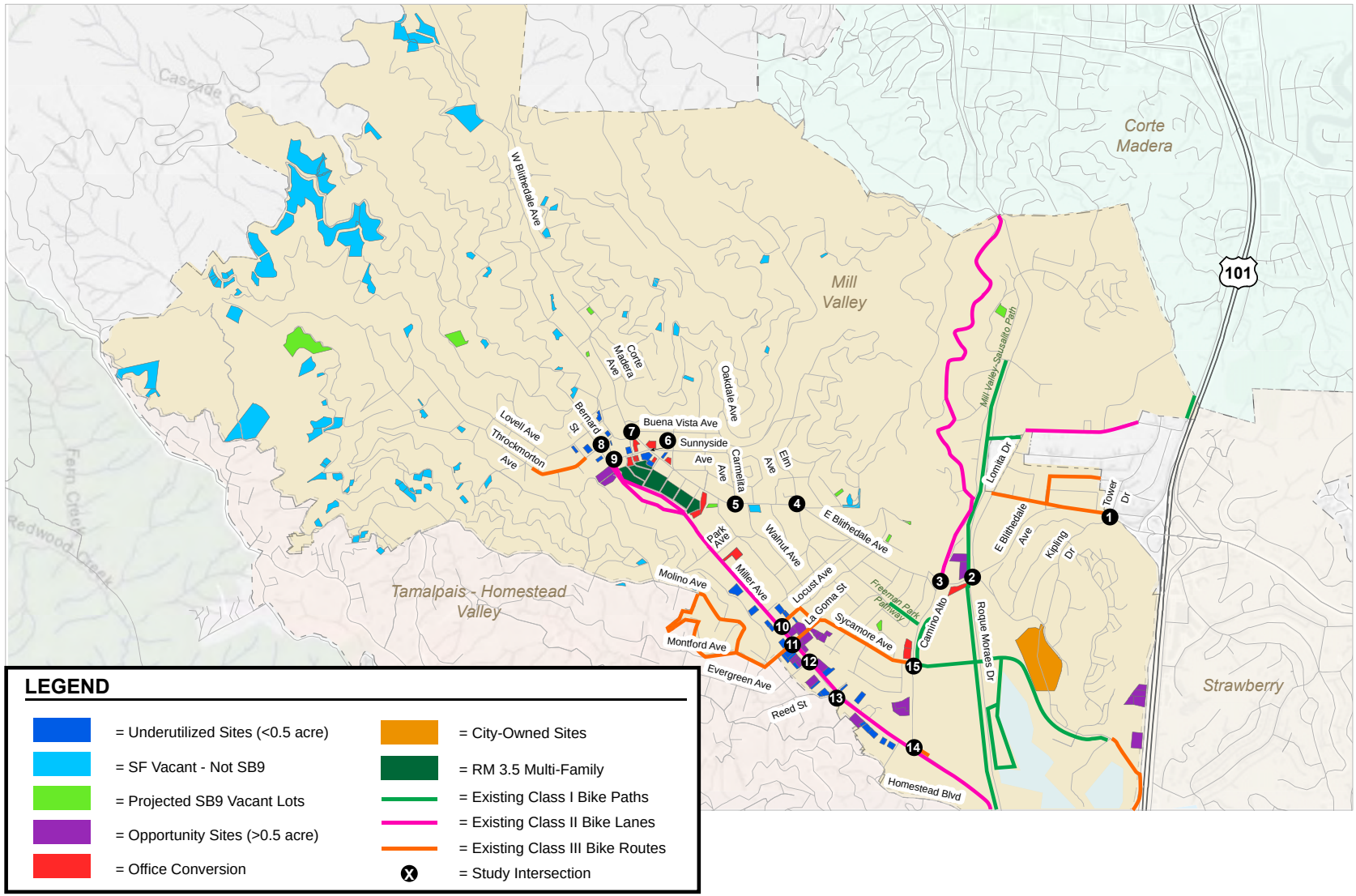
Transportation Authority of Marin

The Transportation Authority of Marin is Marin County's Congestion Management Agency and is responsible for programming funding for all transportation programs in Marin County. It also administers the Transportation Sales Tax Expenditure Plan funded by Measure A, a 20-year, half-cent sales tax. Mill Valley benefits from Measure A-funded projects such as expanded bus service in Marin, completion of the U.S. Highway 101 carpool lane through San Rafael, the provision of regional and local roadway improvements such as the Miller Avenue Streetscape Plan, and improvements that enable safer multi-modal access to schools.

The Transportation Authority of Marin Board includes representatives from each city and town in Marin County, plus five members of the County's Board of Supervisors.

Golden Gate Bridge, Highway and Transportation District

The Golden Gate Bridge, Highway and Transportation District operates the Golden Gate Bridge and two public transit systems: Golden Gate Transit buses and the Golden Gate Ferry. Several Golden Gate Transit routes connect Mill Valley with regional centers, including destinations within Marin and in San Francisco.



Not to Scale

Source: Hexagon 2022

Figure 12-2

Existing Mill Valley Bicycle Facilities

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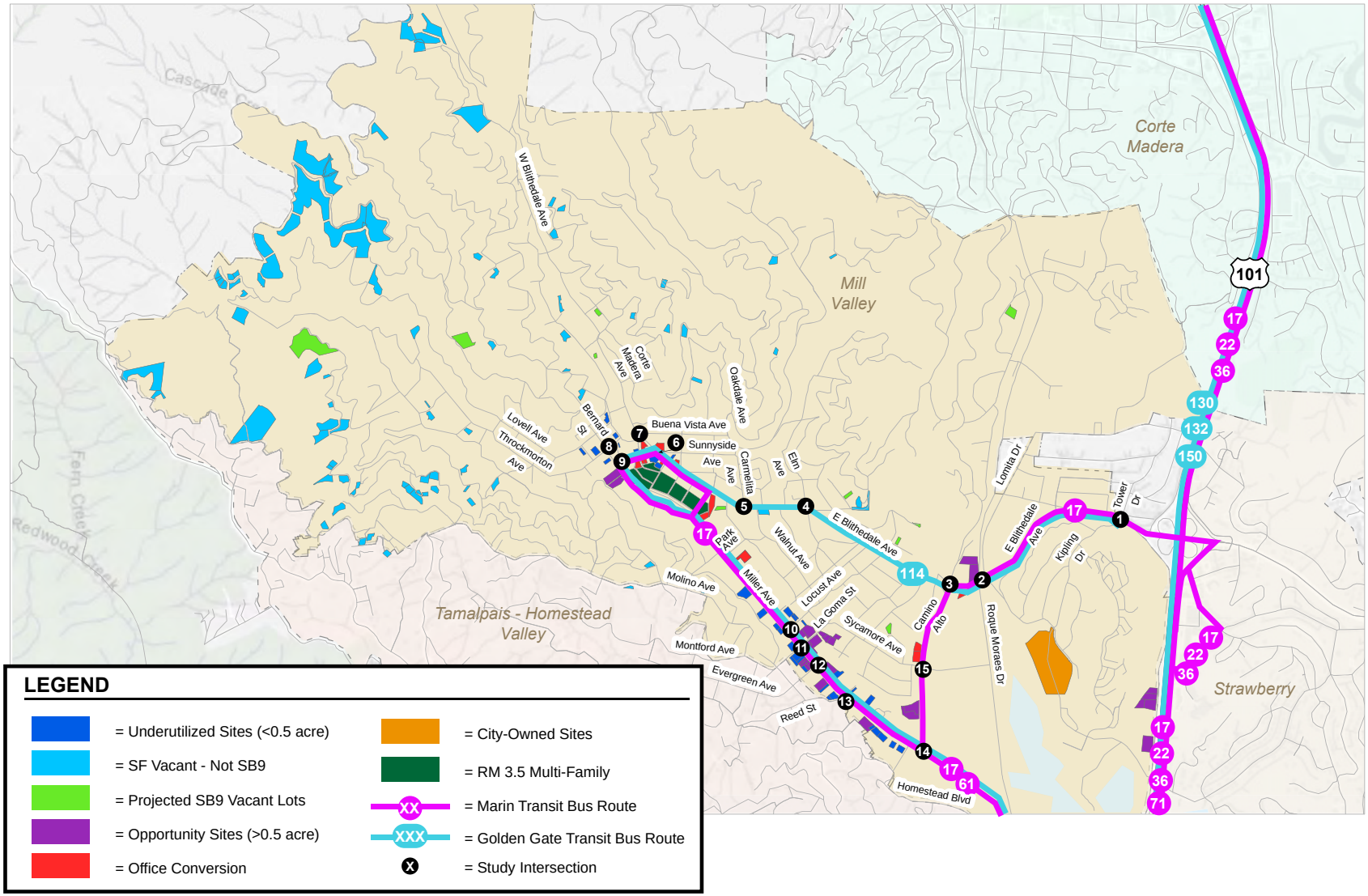

Not to Scale

Source: Hexagon 2022

Figure 12-3

Existing Mill Valley Transit Services

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Marin County Transit District

The Marin County Transit District (MCTD) provides local transit service within Marin County. Although Marin County Transit District has responsibility for local services, it does not own any buses or facilities and does not employ its own drivers. Instead, Marin County Transit District contracts with other providers, including Golden Gate Transit and Whistlestop Wheels, for local bus and paratransit services.

Local

City of Mill Valley 2040 General Plan

The 2040 General Plan establishes the following goals and policies that are relevant to transportation:

> **Goal M.2 Sustainable Transportation:** Reduce transportation-related emissions by reducing traffic congestion and vehicle miles traveled while promoting the use of lower emission vehicles and non-automotive modes of travel.
>
> **Policy M.4 Interconnected Transportation Network:** Foster an interconnected transportation system that allows for the safe and efficient transport of goods and people, as well as easy and effective transitions between modes of travel.
>
> **Policy M.5 Education and Technology:** Encourage sustainable transportation and educate the community on ways to reduce vehicle miles traveled.
>
> **Goal M.3 Sustainable Transportation:** Create a safe and sustainable transportation network that balances the needs of pedestrians, bicyclists, motorists, and transit users.
>
> **Policy M.8 Compact Development:** Support new development and redevelopment of existing buildings through regulations and design guidelines that encourage alternative modes of transportation and/or discourage reliance on single-occupancy vehicle use.
>
> **Policy M.9 Traffic Management:** Maintain a well-functioning roadway network that provides for the safe and efficient flow of vehicular traffic.
>
> **Policy M.10 Bicycle and Pedestrian Access:** Provide a consistent standard of pedestrian and bicycle access within the roadway network.
>
> **Policy M.11 Improved Pedestrian and Bicycle Network:** Establish and maintain a well-connected pedestrian and bicycle system that is accessible, easy to navigate, and comfortable for all types of users.
>
> **Goal M.4 Parking:** Recognize on- and off-street parking as a finite resource and effectively manage parking demand and capacity for all uses.

12.4 Thresholds of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes factual inquiries related to the subject of transportation, as it does on a whole series of additional topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of environmental impacts associated with transportation, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The City of Mill Valley has done so here. Therefore, for purposes of this SEIR, a significant environmental impact would occur if implementation of the proposed project would:

- Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities;
- Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b);
- Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- Result in inadequate emergency access.

12.5 Project Impacts and Mitigation Measures

Vehicle Miles Traveled

IMPACT 12-1	Generate Home-Based VMT per Resident that is Greater than 85 Percent of the Regional Average Home-Based VMT per Resident	Significant and Unavoidable

Pursuant to SB 743, the California Natural Resources Agency finalized updates to the CEQA Guidelines in late 2018. The guidelines state that level of service will no longer be considered to be an environmental impact under CEQA and consider vehicle miles traveled (VMT) most appropriate measure of transportation impact. VMT is defined as the total distance traveled by vehicles traveling to and from a land use over a typical day. Since the City of Mill Valley has not formally adopted a VMT policy, the VMT analysis is based on the Governor's Office of Planning and Research's (OPR) guidelines.

Per OPR, a project's VMT is compared to the appropriate thresholds of significance based on the project location and type of development. When assessing a residential project, the project's VMT is divided by the number of residents expected to occupy the project to determine the VMT per capita.

VMT Thresholds of Significance

The proposed project would result in an increase in Mill Valley's housing allocation by 1,156 dwelling units. OPR's guidelines state that for residential developments, the VMT analysis should be based on home-based VMT per resident. Consistent with OPR's guidelines, this analysis assumes 85 percent of the existing County average VMT per resident as the threshold of significance for residential development. Therefore, the proposed project is considered to generate a significant VMT impact if the project sites' average home-based VMT per resident would exceed the existing County VMT per resident threshold.

VMT Analysis

In order to estimate the County VMT threshold and the proposed project's VMT, the Transportation Authority of Marin Demand Model forecast model was used. The model is the best available model to represent travel within the City of Mill Valley and serves as the primary forecasting tool for Marin County and the City. The model is a mathematical representation of travel within the nine Bay Area counties. The base model structure was developed by the Metropolitan Transportation Commission and further refined by the Transportation Authority of Marin for use within Marin County. The model uses socioeconomic inputs (i.e., population, income, employment) aggregated into geographic areas, called transportation analysis zones to estimate travel within the model area. For residential land uses, the VMT threshold is expressed in terms of home-based vehicle-miles traveled per resident. As estimated by the model, the existing (2015) Marin County average residential VMT is estimated at 15.8 daily VMT per resident. Pursuant to OPR guidelines, the transportation analysis used a VMT threshold of 85 percent for the County's residential VMT per capita. Since Marin County's average residential VMT is estimated at 15.8 daily VMT per capita, the VMT per capita threshold for Mill Valley is 13.4 (0.85 x 15.8 = 13.4) (Shikha Jain, email message, November 7, 2022). Therefore, the VMT threshold for this project is 13.4 daily VMT per resident.

The average VMT for the proposed project would be 14.5 per resident, which is above the VMT threshold of 13.4. Therefore, development associated with the proposed project would cause a significant impact on VMT and require implementation of the following mitigation measure to assist with reducing VMT.

Mitigation Measure

12-1 The City of Mill Valley shall include a program in the final Housing Element Update as part of Goal 8.0 "promote a healthy and sustainable Mill Valley through support of existing and new housing which minimizes reliance on natural resources and automobile use" to further evaluate the City's vehicle miles traveled (VMT) policies for new residential development and address appropriate residential travel demand management plan (TDM) measures identified as potentially reducing VMT by the California Air

Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (December 2021). Examples of TDM measures could include, but are not limited to, the following:

- Unbundle parking costs (i.e., sell or lease parking separately from the housing unit);
- Provide car-sharing, bike sharing, or scooter sharing program;
- Subsidize transit passes for residents;
- Integrate affordable and below market rate housing;
- Provide trip planning resources;
- Provide pedestrian network improvements;
- Construct or improve bike facilities; and
- Implement a school pool program.

A large number of the opportunity sites propose single-family homes or multi-family developments with a small number of units. TDM measures are typically not applicable to single-family homes and have limited effectiveness for smaller developments and owner-occupied units. The transportation analysis recommends that the individual developments as part of the proposed project should evaluate their VMT impacts and incorporate VMT reduction measures that are feasible for the individual development's circumstance (including ownership status).

However, it is not known whether TDM measures would be sufficient to entirely offset the VMT impact of the proposed project even with implementation of the above-mentioned mitigation. Therefore, the VMT impact analysis for the proposed project would conservatively remain significant and unavoidable with mitigation.

Consistent with Transportation Programs, Plans, Ordinance, or Policy Leading to Adverse Impacts (No Impact)

Implementation of the proposed project would be subject to and implement General Plan policies applicable to transit, bicycle, and pedestrian facilities. Additionally, future development projects under the proposed project would be subject to all applicable City guidelines, standards, and specifications related to transit, bicycle, or pedestrian facilities.

Any modifications or new transit, bicycle, and pedestrian facilities would be subject to and designed in accordance with all applicable General Plan policies. In particular, Mobility Plan Program M.4-2 supports safe and efficient transportation links for cars, transit, bicycles, and pedestrians from Mill

Valley to regional transportation services and facilities, such as the implementation of the Miller Avenue Streetscape Plan; Program M.4-4 requires implementation of bicycle, transit, and pedestrian connections, pavement markings, and signage that increase the use, safety, and convenience of these transportation modes; Program M.4-7 considers establishing a transportation mitigation fee, requiring all new projects to pay a pro rata share of needed multi-modal access improvements (a transportation mitigation fee) in accordance with the burden created by such new projects; Program M.5-1 promotes alternate travel modes (walking, cycling, public transit, ride sharing), through education and outreach including provision of accessible information about bus schedules, pedestrian pathways, trails, the 511 Rideshare Program, and related vanpool incentive programs; Program M.10-2 requires establishment of a sidewalk and public right-of-way inspection, maintenance, and repair program that includes a requirement for sidewalk installation, repair, or replacement where sidewalks already exist or where identified gaps in the existing sidewalk network can be closed; Program M.10-4 continues to review all projects for access for the physically disabled and require the installation of ramps and curb cuts in accordance with Title 24 of the California Administrative Code and the Americans with Disabilities Act of 1991; Program M.12-4 requires project developers to construct, and if appropriate, maintain the new facilities where new steps, lanes, or paths are created as a result of new development; Program M.14-1 requires improvement to public transit infrastructure (e.g., lighting, benches, shelters, trash cans, safe and convenient bike racks and lockers, park and ride areas, news racks, real-time transit arrival information, etc.).

In November 2017 the City adopted a Bicycle/Pedestrian Plan that establishes the City's vision for a network of bicycle and pedestrian facilities to encourage bicycling and walking as viable modes of travel around the City. The Plan identifies specific improvement projects around the City to improve the walking and bicycling environment. The plan proposes new or upgraded bicycle facilities and intersection improvements along major roads in the City including Blithedale Avenue, Miller Avenue, Roque Morales Drive, Kipling Drive, and Sycamore Avenue where several of the proposed housing opportunity sites are located.

As mentioned previously, the City is served by the following bus routes: five Marin Transit bus routes (Route 17, 22, 36, 61, 71) and four Golden Gate Transit (114, 130, 132, 150) bus routes; several of the opportunity sites are located near these services.

Because implementation of the proposed project would be subject to all applicable City guidelines, standards, and specifications, the proposed project would not conflict with adopted policies, plans, or programs for transit, bicycle, or pedestrian facilities.

No Hazards Due to a Geometric Design Feature (No Impact)

Subsequent projects under the proposed project, including any new roadway, bicycle, pedestrian, and transit infrastructure improvements, would be subject to, and designed in accordance with Town standards and specifications that address potential design hazards including sight distance, driveway placement, and signage and striping. Additionally, any new transportation facilities, or improvements

to such facilities associated with subsequent projects would be constructed based on industry design standards and best practices consistent with the City's zoning code and building design and inspection requirements. The City's evaluation of projects' access and circulation will incorporate analysis with respect to City standards for vehicular level of service and queueing, as well as for service to pedestrians, bicyclists, and transit users. Therefore, the proposed project would not result in a design feature that would increase hazards.

Adequate Emergency Access (No Impact)

There are no specific development projects associated with the proposed project; therefore, specific housing sites developed under the proposed project cannot be analyzed for adequacy of emergency access at this time. However, the City maintains the roadway network that provides access to new development sites in accordance with industry design standards, which ensures that the physical network would be free of obstructions to emergency responders. Emergency access to new development sites proposed under the proposed would be subject to review by the City and responsible emergency service agencies, thus ensuring the projects would be designed to meet all emergency access and design standards. The City also requires the preparation of construction management plans that minimize temporary obstruction of traffic during site construction.

Additional vehicles associated with new development sites could increase delays for emergency response vehicles during peak commute hours. However, emergency responders maintain response plans that include use of alternate routes, sirens, and other methods to bypass congestion and minimize response times. In addition, California law requires drivers to yield the right-of-way to emergency vehicles and remain stopped until the emergency vehicle passes to ensure the safe and timely passage of emergency vehicles. Based on the above considerations, adequate emergency access would be provided to the housing opportunity sites.

Local Transportation Analysis

Although not specifically required by CEQA, the City chose to conduct a local transportation analysis, or level of service analysis, to determine if buildout of the Housing Element Update would result in unacceptable levels of service at intersections within Mill Valley. The following is a summary of the analysis conclusions. The full analysis is included in Appendix F.

Project Trip Generation

Based on the Institute of Transportation Engineers trip generation rates and applicable reductions, it is estimated that the proposed project would generate 6,293 new daily trips at an assumed buildout in 2031, including 332 net new trips (0 net new inbound and 332 net new outbound) during the AM peak hour, 243 net new trips (155 net new inbound and 89 net new outbound) during the mid-afternoon peak hour, and 435 net new trips (332 net new inbound and 103 net new outbound) during the PM peak hour.

Intersection Traffic Operations

Based on the intersection level of service analysis, all signalized study intersections are operating at acceptable levels of service during the AM, mid-afternoon, and PM peak hours of traffic under existing conditions and would continue to do so under cumulative conditions. The results of the analysis show that the added project trips would not cause an adverse operational effect, as defined by Mill Valley, at any of the signalized study intersections.

The City of Mill Valley has not adopted a level of service standard for unsignalized intersections. Based on the intersection level of service analysis, the added project trips would increase the delay at the one-way stop-controlled intersection of Carmelita Avenue & E. Blithedale Avenue, the all-way stop controlled intersection of Montford Avenue/La Goma Street & Miller Avenue, and the two-way stop-controlled intersection of Reed Street/Valley Circle & Miller Avenue. The results of the peak-hour signal warrant checks indicate that peak-hour volumes at these intersections would warrant signalization under existing, existing plus project, cumulative, and cumulative plus project conditions. With the addition of a traffic signal, the intersections would be expected to operate at acceptable levels of service under project conditions.

12.6 Cumulative Transportation (VMT) Impacts

In accordance with the OPR's technical advisory, metrics such as VMT per capita (as OPR recommends for use on residential and office projects), cannot be summed because they employ a denominator. 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 impact. Accordingly, a finding of a less-than-significant project impact would imply a less than significant cumulative impact, and vice versa. As detailed in the VMT analysis discussed above, the average VMT per resident for the proposed project would be 14.5, which is above the existing VMT per capita threshold of 13.4. Therefore, the project would result in a significant VMT impact and would be considered cumulatively considerable.

Although the proposed project would be required to implement Mitigation Measure 12-1 to help reduce VMT to below the threshold, it is not known whether the TDM measures identified in Mitigation Measure 12-1 would be sufficient to entirely offset the VMT impact of the proposed project. Therefore, the project's contribution to cumulative VMT impacts would remain cumulatively considerable.

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13.0 Tribal Cultural Resources

This section of the EIR assesses existing tribal cultural resources in the vicinity of the housing sites; the federal, state, and local regulatory framework pertaining to tribal cultural resources; and anticipated impacts to tribal cultural resources as a result of the proposed project. A response to the notice of preparation was received from the Native American Heritage Commission (dated July 22, 2022). The notice of preparation and responses are included as Appendix A. The response is a standard letter about AB 52 and SB 18 consultation and recommended consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed project. Consultation was conducted and the results are presented herein.

13.1 Setting

Ethnographic History

The Federated Indians of Graton Rancheria are a federally recognized tribe, consisting of members from the Coast Miwok and Southern Pomo tribes (History | Federated Indians Graton Rancheria, 2022). The Coast Miwok have a tradition of making baskets, flint knapping, making clamshell beads, making cordage, fishing, and caring for their ancestral lands (The Museum of the American Indian, 2022). Sir Francis Drake's Chaplin, Mr. Francis Fletcher, wrote about the Coast Miwok in 1579 when Drake's ship landed in Marin County (History | Federated Indians Graton Rancheria, 2022). During the Mission Period, the Coast Miwok and Southern Pomo people were used as labor at the Mission San Francisco de Asis, Mission San Rafael Archangel, and Mission San Francisco Solano (History | Federated Indians Graton Rancheria, 2022). After Mexico gained its independence from Spain it began the process of secularizing the California Missions in 1833 (Milliken, Shoup, Ortiz, 2009). During this secularization period, Camilo Ynitia was a Coast Miwok Native American, procured a land grant. The land grant was for Olompali which was the site of a Coast Miwok village that was established before European contact (History | Federated Indians Graton Rancheria, 2022). 80,000 acres were initially given to the San Rafael Christian Indians in 1835, but by 1850 due to land seizures from non-Native people that 80,000 acres was reduced to 4,000 acres (History | Federated Indians Graton Rancheria, 2022). The Federated Indians of Graton Rancheria's website describes what happen to the group in 1920, "the Bureau of Indian Affairs purchased a 15.45-acre tract of land in Graton, CA for the "village home" of the Marshall, Bodega, Tomales, and Sebastopol Indians. Through the purchase of this land, which was put into federal trust, the federal

government consolidated these neighboring, traditionally interactive groups into one recognized entity, Graton Rancheria; thus establishing them as a federally recognized tribe of American Indians" (History | Federated Indians Graton Rancheria, 2022). However, in 1958 Congress passed the California Rancheria Act. This act included the termination of Graton Rancheria and the land the tribe was on was removed from federal trust and established as private property. When this occurred, the tribe was no longer on the list of federally recognized tribes (History | Federated Indians Graton Rancheria, 2022). It was not until the year 2000, when President Clinton signed into law, "legislation restoring federal recognition to the Federated Indians of Graton Rancheria" (History | Federated Indians Graton Rancheria, 2022).

13.2 Regulatory Setting

Federal

National Historic Preservation Act (1966)

This Act was passed into law in 1966. The purpose of the Act is to establish systems and standards for coordinating historic preservation efforts between the federal government and state, local, and tribal governments. This Act includes Title I, Historic Preservation Programs, Section 101, which states the Secretary may expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture. Additional information about this Act can be found under Title 54 U.S.C. Chapter 3021-National Register of Historic Places, 54 U.S.C. 302101 (National Park Service 2018).

Native American Graves Protection and Repatriation Act (NAGPRA) (1990)

This Act was passed into law on November 16, 1990 and has been amended twice. This Act describes the rights of Native American lineal descendants, Indian tribes, and Native Hawaiian organizations with respect to the treatment, repatriation, and disposition of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony, referred to collectively in the statute as cultural items, with which they can show a relationship of lineal descent or cultural affiliation. Additional information about this Act can be found under Public Law 101-601; 54 U.S.C. (National Park Service 2018).

State

California Environmental Quality Act

Public Resources Code § 21074 states:

(a) "Tribal cultural resources" are either of the following:

(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

(A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.

(B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

(b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

(c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

Public Resources Code § 21080.3.1 states:

(a) The Legislature finds and declares that California Native American tribes traditionally and culturally affiliated with a geographic area may have expertise concerning their tribal cultural resources.

(b) Prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project, the lead agency shall begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation. When responding to the lead agency, the California Native American tribe shall designate a lead contact person. If the California Native American tribe does not designate a lead contact person, or designates multiple lead contact people, the lead agency shall defer to the individual listed on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004. For purposes of this section and Section 21080.3.2, "consultation" shall have the same meaning as provided in Section 65352.4 of the Government Code.

(c) To expedite the requirements of this section, the Native American Heritage Commission shall assist the lead agency in identifying the California Native American tribes that are traditionally and culturally affiliated with the project area.

(d) Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section.

(e) The lead agency shall begin the consultation process within 30 days of receiving a California Native American tribe's request for consultation.

Public Resources Code § 21080.3.2 states:

(a) As a part of the consultation pursuant to Section 21080.3.1, the parties may propose mitigation measures, including, but not limited to, those recommended in Section 21084.3, capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource. If the California Native American tribe requests consultation regarding alternatives to the project, recommended mitigation measures, or significant effects, the consultation shall include those topics. The consultation may include discussion concerning the type of environmental review necessary, the significance of tribal cultural resources, the significance of the project's impacts on the tribal cultural resources, and, if necessary, project alternatives or the appropriate measures for preservation or mitigation that the California Native American tribe may recommended to the lead agency.

(b) The consultation shall be considered concluded when either of the following occurs:

(1) The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource.

(2) A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

(c) (1) This section does not limit the ability of a California Native American tribe or the public to submit information to the lead agency regarding the significance of the tribal cultural resources, the significance of the project's impact on tribal cultural resources, or any appropriate measures to mitigate the impact.

(2) This section does not limit the ability of the lead agency or project proponent to incorporate changes and additions to the project as a result of the consultation, even if not legally required.

(d) If the project proponent or its consultants participate in the consultation, those parties shall respect the principles set forth in this section.

Public Resources Code § 21084.2 states:

A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.

Public Resources Code § 21084.3 states:

(a) Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.

(b) If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process provided in Section 21080.3.2, the following are examples of mitigation measures that, if feasible, may be considered to avoid or minimize the significant adverse impacts:

(1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

(2) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:

(A) Protecting the cultural character and integrity of the resource.

(B) Protecting the traditional use of the resource.

(C) Protecting the confidentiality of the resource.

(3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

(4) Protecting the resource.

Public Resources Code § 21082.3 states:

(a) Any mitigation measures agreed upon in the consultation conducted pursuant to Section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to paragraph (2) of subdivision (b), and shall be fully enforceable.

(b) If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

(1) Whether the proposed project has a significant impact on an identified tribal cultural resource.

(2) Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource.

(c) (1) Any information, including, but not limited to, the location, description, and use of the tribal cultural resources, that is submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with subdivision (r) of Section 6254 of, and Section 6254.10 of, Sections 7927.000 and 7927.005 of the Government Code, and subdivision (d) of Section 15120 of Title 14 of the California Code of Regulations, without the prior consent of the tribe that provided the information. If the lead agency publishes any information submitted by a California Native American tribe during the consultation or environmental review process, that information shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, inwriting, to the disclosure of some or all of the information to the public. This subdivision does not prohibit the confidential exchange of the submitted information between public agencies that have lawful jurisdiction over the preparation of the environmental document.

(2) (A) This subdivision does not prohibit the confidential exchange of information regarding tribal cultural resources submitted by a California Native American tribe during the consultation or environmental review process among the lead agency, the California Native American tribe, the project applicant, or the project applicant's agent. Except as provided in subparagraph (B) or unless the California Native American tribe providing the information consents, in writing, to public disclosure, the project applicant or the project applicant's legal advisers, using a reasonable degree of care, shall maintain the confidentiality of the information exchanged for the purposes of preventing looting, vandalism, or damage to a tribal cultural resources and shall not disclose to a third party confidential information regarding tribal cultural resources.

(B) This paragraph does not apply to data or information that are or become publicly available, are already in the lawful possession of the project applicant before the provision of the information by the California Native American tribe, are independently developed by the project applicant or the project applicant's agents, or are lawfully obtained by the project applicant from a third party that is not the lead agency, a California Native American tribe, or another public agency.

(3) This subdivision does not affect or alter the application of subdivision (r) of Section 6254 Section 7927.000 or 7927.005 of the Government Code, Section 6254.10 of the Government Code, or subdivision (d) of Section 15120 of Title 14 of the California Code of Regulations.

(4) This subdivision does not prevent a lead agency or other public agency from describing the information in general terms in the environmental document so as to inform the public of the basis of the lead agency's or other public agency's decision without breaching the confidentiality required by this subdivision.

(d) In addition to other provisions of this division, the lead agency may certify an environmental impact report or adopt a mitigated negative declaration for a project with a significant impact on an identified tribal cultural resource only if one of the following occurs:

(1) The consultation process between the California Native American tribe and the lead agency has occurred as provided in Sections 21080.3.1 and 21080.3.2 and concluded pursuant to subdivision (b) of Section 21080.3.2.

(2) The California Native American tribe has requested consultation pursuant to Section 21080.3.1 and has failed to provide comments to the lead agency, or otherwise failed to engage, in the consultation process.

(3) The lead agency has complied with subdivision (d) of Section 21080.3.1 and the California Native American tribe has failed to request consultation within 30 days.

(e) If the mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of the consultation or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to subdivision (b) of Section 21084.3.

(f) Consistent with subdivision (c), the lead agency shall publish confidential information obtained from a California Native American tribe during the consultation process in a confidential appendix to the environmental document and shall include a general description of the information, as provided in paragraph (4) of subdivision (c) in the environmental document for public review during the public comment period provided pursuant to this division.

(g) This section is not intended, and may not be construed, to limit consultation between the state and tribal governments, existing confidentiality provisions, or the protection of religious exercise to the fullest extent permitted under state and federal law.

Local

City of Mill Valley 2040 General Plan

The City's general plan sets forth the following goals and policies that are relevant to cultural and tribal cultural resources

> **Goal LU.4: Historic and Archaeological Resources**: Identify, preserve and protect potential and listed historic and archaeological resources citywide.
>
> > **Policy LU.6 Resources Inventory:** Work with the Mill Valley Historical Society to develop and implement a comprehensive inventory of potential historic and archaeological resources.

Policy LU.7 Protection of Historic and Cultural Resources: Protect the historical and cultural value, architectural appearance, aesthetics, and unique character of historic and cultural resources.

Policy LU.8 Education and Appreciation: Promote education about and greater appreciation of historic preservation and efforts to protect historic and cultural resources.

13.3 Thresholds of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of tribal cultural resources, as it does on a whole series of additional topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of tribal cultural resource impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The City of Mill Valley has done so here. Therefore, for purposes of this subsequent EIR, a significant tribal cultural resource impact would occur if implementation of the proposed project would cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

13.4 Analysis, Impacts, and Mitigation Measures

This section summarizes the tribal consultation process and presents potential tribal cultural resources impacts and mitigation measures.

Tribal Cultural Resources

IMPACT 13-1	Potential Adverse Impact to Tribal Cultural Resources	Less than Significant with Mitigation

Consultation

Tribal consultation letters were sent out to the following tribes on April 22, 2022:

- Federated Indians of Graton Rancheria; and
- Guidiville Indian Rancheria Wuksache Indian Tribe/Eshom Valley Band.

The Federated Indians of Graton Rancheria responded with a formal request for tribal consultation on May 31, 2022. Tribal consultation took place on September 26, 2022. In attendance were representatives from the Federated Indians of Graton Rancheria, City staff, and City consultants. The Tribal representatives expressed concern about development occurring in the region that has impacted Tribal cultural resources. The representatives requested that the City take the Tribe's concerns into consideration when approving development projects and conduct a records search with the Northwest Information Center (NWIC) to identify any potential sensitive tribal cultural resources on or near proposed housing sites associated with the Housing Element Update.

Records Search

The Federated Indians of Graton Rancheria requested that the City conduct an archival database search through the California Historical Resources Information System. The request for a record search was sent to the Northwest Information Center on September 30, 2022. The results of the record search were received on October 10, 2022. City staff forwarded the records search result to the Federated Indians of Graton Rancheria. The following is a summary of the archival database search results. There are a total of 35 resources and 51 reports in Mill Valley proper. There are numerous prehistoric resources within Mill Valley, which include burials, shell middens, lithic scatters, habitation debris, and bedrock milling features. There are also numerous historic resources located within Mill Valley which include multiple historic buildings and refuse scatters. The prehistoric and historic sites are spread out throughout the City of Mill Valley and are not concentrated in any one area.

Proposed Project Potential Impacts

The proposed project includes 265 proposed housing sites spread throughout the City of Mill Valley. Therefore, the proposed housing sites are located in an area with a moderate to high potential of identifying buried Native American archaeological resources and a low potential of identifying historic-period archaeological resources in the project area. A large portion of the proposed housing sites are currently developed, which may obscure the visibility of original surface soils, which negates the feasibility of an adequate surface inspection. Therefore, the following mitigation measures shall be implemented to ensure that development of the proposed housing sites would not result in significant impacts to tribal cultural resources.

Mitigation Measures

13-1 Consultation with the Federated Indians of Graton Rancheria is required for each proposed housing project in the 6th Cycle Housing Element. Consultation may result in mitigation measures beyond those identified herein. The Planning Department will ensure that all acceptable mitigation measures are implemented prior to issuance of a grading permit.

13-2 The City of Mill Valley shall impose the following standard condition of approval for all sites identified in the Housing Element Update that are: 1) not completely developed and 2) original surface soils are visible: an archaeological inspection and archaeological records search shall be required prior to approval of the project. The archaeological inspection and records search may result in mitigation measures beyond those identified herein. The Planning Department will ensure that acceptable mitigation measures are implemented prior to issuance of a grading permit.

13-3 The City of Mill Valley shall impose the following standard condition of approval for all sites identified in the Housing Element Update that are completely developed: Prior to approval of a demolition permit a qualified archaeologist shall conduct a records search to determine the presence of known archaeological resources at the site or in the vicinity. The archaeological records search may result in mitigation measure beyond those identified herein. The Planning Department will ensure that all acceptable mitigation measures are implemented prior to issuance of a grading permit.

13-4 The City of Mill Valley shall impose the following standard condition of approval for all sites identified in the Housing Element Update that a contains buildings or structures that meet the minimum age requirement of 45 years: prior to commencement of project activities, the buildings or structures shall be assessed by a professional familiar with the architecture and history of Marin County. If the structure or structures are determined to be significant, and the housing project would result in a significant impact to that significant structure, preparation of an EIR will be required.

13-5 The City of Mill Valley shall impose the following standard condition of approval for all sites identified in the Housing Element Update: work shall be halted within 50 feet of potential archaeological resources when uncovered or discovered. Construction workers shall avoid altering the materials and their context. Project personnel shall not collect cultural materials. Prehistoric materials might include obsidian and/or chert flaked-stone tools such as projectile points, knives, or scraping implements, the debris from making, sharpening, and using them ("debitage"); culturally darkened soil containing shell, dietary bone, heat-altered rock, and carbonized plant material ("midden"); or stone milling equipment such as mortars, pestles, handstones, or milling slabs. A qualified professional

archaeologist shall evaluate the find and provide appropriate recommendations. If the archaeologist determines that the find potentially qualifies as a historic resource or unique archaeological resource for purposes of CEQA (per CEQA Guidelines Section 15064.5), all work must remain stopped in the immediate vicinity to allow the archaeologist to evaluate any materials and recommend appropriate treatment. A Native American monitor shall be present for the investigation, if the local Native American tribe request. Avoidance of impacts to the resource are preferable. In considering any suggested measures proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the City shall determine whether avoidance is feasible in light of factors such as the nature of the find, Project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures are recommended by the archaeologist (e.g., data recovery) shall be instituted. Work may proceed on other parts of the Project while mitigation for the historic resources or unique archaeological resources is being carried out.

13-6 The City of Mill Valley shall impose the following standard condition of approval for all sites identified in the Housing Element Update: If human remains, associated grave goods, or items of cultural patrimony are encountered during construction, the City shall halt work in the vicinity of the find and notify the County Coroner immediately. The City shall follow the procedures in Public Resources Code § 5097.9 and Health and Safety Code § 7050.5. If the human remains are determined to be of Native American origin, the Coroner shall notify the Native American Heritage Commission within 24 hours of the determination. The Native American Heritage Commission shall then notify the Most Likely Descendant (MLD), who has 48 hours to make recommendations to the landowners for the disposition of the remains. A qualified archaeologist, the City and the MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of any human remains and associated or unassociated funerary objects. The agreement would take into consideration the appropriate excavation, removal recordation, analysis, custodianship, and final disposition of the human remains and associated or unassociated funerary objects.

13-7 Identified cultural resources shall be recorded on DPR 523 historic resource recordation forms, prior to issuance of a building permit.

13.5 Cumulative Tribal Cultural Resources Impacts

This section presents an analysis of the cumulative effects of the Housing Element Update in combination with other past, present, and reasonably foreseeable future projects that could cause cumulatively considerable impacts. Significant cumulative impacts related to tribal cultural resources would occur if the incremental impacts of the proposed project combined with the incremental impacts of one or more cumulative projects are significant.

Geographic Context

The geographic context for this cumulative analysis is Marin County. The Federated Indians of Graton Rancheria tribal representatives provided information documenting past impacts to significant tribal cultural resources in the region.

Cumulative Analysis

The tribal representatives have requested that the City continue to consult with them on development projects. Implementation of the mitigation measures presented above would ensure that the proposed project's contribution to cultural tribal resources would not be cumulatively considerable.

14.0 Utilities

This section of the SEIR assesses the potential for the proposed project to increase demand for utilities to the extent that new utilities must be constructed to meet that demand. The potential environmental effects of constructing and operating those facilities are then examined. The information within this section is based on the City's 2013 General Plan EIR, the *2020 Urban Water Management Plan*, the *Sewerage Agency of Southern Marin Wastewater Treatment Plant Master Plan Report – December 2014*, and the *Mill Valley Sewer System Management Plan*. Additional sources of information are introduced where applicable.

During the scoping meeting held on August 4, 2022, one member of the public raised the issue about whether the Marin Municipal Water District had sufficient water supplies to serve the new housing developments.

No NOP responses were received regarding utilities.

14.1 Water Supply and Service

Environmental Setting

The Marin Municipal Water District (Marin Water) supplies water to the City of Mill Valley, as well as the incorporated cities and towns of San Rafael, Fairfax, San Anselmo, Ross, Larkspur, Corte Madera, Tiburon, Belvedere and Sausalito, and some unincorporated areas of Marin County. Marin Water is a public agency that provides drinking water to a population of approximately 191,269 in Marin County and its water supply comes from local runoff and the Russian River, which is dependent on local rainfall (Marin Municipal Water District 2021).

Please note that the discussion of water supply and demand in this environmental setting is based upon Marin Water's *2020 Urban Water Management Plan*, which was prepared based upon the Association of Bay Area Governments (ABAG) 2017 population projections, and therefore, does not account for population projections associated with the 6th Cycle Housing Element updates within Marin Water's service area. Marin Water staff have indicated that they are in the early stages of planning to update the *2020 Urban Water Management Plan* to accommodate the 6th Cycle Housing Element updates within their service area. This process is discussed further in this section of the SEIR.

Reservoirs

Marin Water operates seven reservoirs with a total storage capacity of 79,566 acre-feet (25 billion gallons). One acre-foot, which is 325,851 gallons, is generally considered capable of supplying three households with water for one year. Five of the reservoirs are on Mount Tamalpais and two are in west Marin County, with the capacity of the reservoirs on Mount Tamalpais corresponding to the average annual runoff from rainfall. The reservoirs in west Marin County comprise more than 40 percent of Marin Water's storage capacity.

Due to the potential for environmental damage, as well as natural limitations, Marin Water will not build any more reservoirs on Mount Tamalpais or in west Marin County.

Russian River and Water Treatment Plants

Additional water supplies are augmented with Russian River supplies imported from the Sonoma County Water Agency. Marin Water began importing water from the Russian River in the mid-1970s, and in 1992 a bond measure was approved to incrementally increase the quantity of water from the Russian River to improve the reliability of this supplemental water source. The current contract allows for Marin Water to purchase up to 14,300-acre feet; however, Marin Water's ability to accept this volume is currently limited by infrastructure constraints that restrict conveyance capacity to about 10,000 acre-feet per year. To treat this supply, Marin Water operates three water treatment plants, including the Bon Tempe Treatment Plant, the San Geronimo Treatment Plant, and the Ignacio treatment facility (Marin Municipal Water District 2021, p. 5)

Groundwater Supply

The Marin Water does not pump groundwater and does not plan to use groundwater as a supply source in the future (Marin Municipal Water District 2021, p. 53) Sonoma County Water Agency pumps a portion of its supply from the Santa Rosa Plain Subbasin of the Santa Rosa Valley Basin (DWR Basin 1-55.01). Groundwater is used primarily as a drought period supply, or when Russian River supplies are otherwise constrained. In 2015, groundwater made up less than two percent of the agency's supplies; through 2045, groundwater is projected to make up three percent of the agency's supplies in normal year conditions. It cannot be discerned what specific amount of Sonoma County Water Agency supply provided to the Marin Water consists of groundwater; however, it is assumed to be proportionate to the overall percentage of groundwater used within Sonoma County Water Agency's system (Marin Municipal Water District 2021, p. 53). The Santa Rosa Subbasin is not adjudicated, and in its 2019 evaluation of California groundwater basins, the Department of Water Resources determined that the Santa Rosa Subbasin is not in a condition of critical overdraft (Department of Water Resources 2019).

Recycled Water

Marin Water currently provides recycled water year-round to 330 customers in the Terra Linda area of San Rafael for a range of uses including irrigation, industrial cooling, and toilet flushing. A temporary recycled water filling station operated by Marin Water is also available to Marin County residents. No recycled water is provided to the City of Mill Valley.

Marin Water is exploring potential opportunities to increase recycled water use for irrigation in areas where it could have the greatest impact on our water supply by replacing potable water use. Marin Water is conducting an alternative analysis for expanding the recycled water system to the Peacock Gap Area.

Desalination

During August of 2010, Marin Water adopted Ordinance 420, which states that Marin Water shall not approve construction, or financing for construction, of a desalination facility unless such construction is approved by a majority of Marin Water voters voting in an election held within the Marin Water's service area for that purpose. Desalination is currently being explored as a possible option for increasing water supplies. See the discussion below under the Regulatory Setting.

Water Demand

Water use within the Marin Water's service area is predominantly associated with residential use, with 54 percent of the water use between 2016 and 2020 from single family residential accounts and 12 percent from multifamily residential accounts (Marin Municipal Water District 2021). Commercial accounts comprised 10 percent of total water use, landscape accounts comprised 5.5 percent, and institutional/governmental comprised 5.3 percent. The total and per capita water use increased from 2011 through 2013, then declined from 2014 through 2016. These trends were likely influenced by the historic drought conditions, mandatory state-wide restrictions in urban water use imposed by the State Water Resources Control Board, and local drought response. Total and per capita water use has remained lower than pre-2014 through 2016 drought conditions, with an increase beginning in 2017, indicating a degree of rebound following the drought. Due to infrastructure upgrades at the recycled water plant, all demands by the recycled water system were met by potable water in 2019 and 2020, resulting in increased potable water use by 661-acre feet in 2019 and 748-acre feet in 2020; potable water is not anticipated to be needed to supplement the recycled water system going forward as plant upgrades were completed in April 2021. Per capita potable and raw water use in 2020 for residential uses was 128 gallons per capita per day, and adjusted potable water use (excluding recycled water system backup) was 125 gallons per capita per day (Marin Municipal Water District 2021).

The reliability of water supply compared to the demand totals during multiple dry years is presented in Table 14-1, Multiple Dry Years Supply and Demand Comparison (2045). Marin Water is

projected to have sufficient supplies to meet projected demands in normal years, single dry years, and multiple dry years through 2045 (Marin Municipal Water District 2021), based upon Association of Bay Area Governments 2017 population projections, which do not include the proposed project.

Table 14-1 Multiple Dry Years Supply and Demand Comparison (2045)

	Year 1	Year 2	Year 3	Year 4	Year 5
Supply	79,567	84,262	86,530	72, 627	69,328
Demand	38,207	38,207	38,207	38,207	38,207
Difference	41,360	46,055	48,323	35,420	31,121

SOURCE: Marin Municipal Water District 2021, Table 7-9
NOTES:
(1) Totals are in acre-feet.

However, as part of drought supply projection modelling efforts, an alternative drought risk assessment scenario was also explored. Under this scenario, an extreme drought event was assessed for years 2021 through 2025, where supplies would drop to below 14,000 acre-feet per year by 2025. Under this scenario, supply shortfalls would be met by Water Shortage Contingency Plan water use reduction actions through 2024, after which, there would be a supply shortfall of approximately 2,700 acre-feet per year in 2025 (Marin Municipal Water District 2021 p. 96).

Regulatory Setting

State

Urban Water Management Planning Act

In 1983, the State of California Legislature (Legislature) enacted the Urban Water Management Planning Act (Act). The law required an urban water supplier (Supplier), providing water for municipal purposes to more than 3,000 customers or serving more than 3,000 acre-feet annually, to adopt an Urban Water Management Plan every five years demonstrating water supply reliability in normal, single dry, and multiple dry water years. The original Act also required the California Department of Water Resources to provide a report to the California Legislature on the status of water supply planning in California.

Senate Bill 610 (SB 610) and Assembly Bill 901 (AB 901)

During the 2001 regular session of the State Legislature, SB 610 and AB 910 – Water Supply Planning – were signed and became effective January 1, 2002. SB 610 amends Public Resources Code section 21151.0, requiring any EIR, negative declaration, or mitigated negative declaration for a qualifying project to include consultation with affected water supply agencies (current law applies only to NOPs). SB 610 also amends the following: Water Code 10656 and 10657 to restrict state funding for agencies that fail to submit their urban water management plan to the Department of Water Resource's Water Code section 10910 to describe the water supply assessment that must be undertaken for projects referred under PRC Section 21151.9.

Water agencies would be given 90 days from the start of consultation in which to provide a water supply assessment of the CEQA lead agency; Water Code section 10910 would also specify the circumstances under which a project for which a water supply assessment was once prepared would be required to obtain another assessment. AB 910 amends Water Code section 10631, expanding the contents of the urban water management plans to include further information on future water supply projects and programs.

Senate Bill (SB) 221

SB 221 adds Government Code section 66455.3, requiring that the local water agency be sent a copy of any proposed residential subdivision of more than 500 dwelling units within five days of the subdivision application being accepted as complete for processing by the city or county. It adds Government Code section 66473.7, establishing detailed requirements for determining whether a "sufficient water supply" exists to support any proposed residential subdivisions of more than 500 dwellings, including any such subdivision involving a development agreement.

When approving a qualifying subdivision tentative map, the city or county must include a condition requiring a sufficient water supply to be available. Proof of availability must be requested of and provided by the applicable public water system. If there is no public water system, the city or county must undertake the analysis described in section 66473.7. The analysis must include consideration of effects on other users of water and groundwater.

Local - Marin Municipal Water District

Marin Water is a public agency that provides drinking water to approximately 191,000 people in a 147-square-mile area of south and central Marin County. Marin Water manages the natural resources of the Mount Tamalpais watershed and ensures the fiscal and environmental vitality of the district.

Urban Water Management Plan

The Urban Water Management Plan addresses the Marin Municipal Water District (Marin Water) water system and provides information about historical and projected water demands, water supplies, supply reliability and potential vulnerabilities, water shortage contingency planning, and demand management programs.

The Marin Water's last urban water management plan was completed in 2020 which was an update to the *2015 Urban Water Management Plan* and carries forward information from that plan that remains current and is relevant to the *2020 Urban Water Management Plan* and provides additional information as required by amendments to the Urban Water Management Planning Act (Urban Water Management Plan Act; CWC §10610 – 10657).

Strategic Water Supply Assessment

The Marin Water is currently conducting a Strategic Water Supply Assessment intended to evaluate the district's current baseline water supply in the context of climate-change-driven droughts and to

evaluate the impact of potential future water management alternatives that could improve Marin Water's long term water supply resiliency. These efforts will help Marin Water ultimately determine which options are viable, affordable, and make the most sense for the region. The assessment is currently scheduled to be completed in summer 2023. Upon completion of the Strategic Water Supply Assessment, Marin Water intends to update its *2020 Urban Water Management Plan* to plan to reflect the Association of Bay Area Governments (ABAG's) 6th Cycle Housing Element Regional Housing Needs Allocation (RHNA) numbers and to ensure sufficient water supplies exist to support the associated increase in residential development throughout the district's service area (Marin Municipal Water District 2022).

On September 13, 2022, Marin Water staff presented an update on the Strategic Water Supply Assessment progress at Board Workshop #7. The presentation addressed an update of the project, a summary of water management alternatives, the alternatives evaluation process, next steps, and questions and answers (Marin Municipal Water District 2022).

Staff is considering the existing water system (baseline) and evaluating the following alternatives:

Water Conservation

Options for water conservation include a Water Conservation Program, and a Regulatory Driven Program.

Sonoma-Marin Partnerships

Sonoma-Marin Partnerships may include the following:

- Maximize Use of Sonoma Water (Existing Facilities);
- Maximize Use of Sonoma Water (Resolve Conveyance Bottlenecks);
- Maximize use of Sonoma Water (Dedicated Conveyance to Nicasio Reservoir);
- Groundwater Well Rehabilitation; and
- Regional Groundwater Bank.

Local Surface Storage

Local surface storage options may include the following:

- Local Surface Storage Enlargement at Soulajule, Nicasio, or Kent;
- New Surface Storage at Devil's Gulch or Halleck; and
- Adjustable Spillway Gates at Kent, Nicasio, Soulajule, and Alpine.

Water Purchases with Conveyance through Bay Interties

The following are being evaluated:

- EBMUD Intertie (Sac Valley purchases);

- CCWD Intertie (Sac Valley purchases);
- North Bay Aqueduct Intertie (Sac Valley purchases); and
- SFPUC Intertie (Golden Gate Bridge).

Desalination; and

Desalination options under consideration include:

- Marin Regional Desalination Facility;
- Containerized Desalination Facility;
- Bay Area Regional Desalination Facility; and
- Petaluma Brackish Desalination Facility.

Recycled Water

Water Reuse options under consideration include:

- Recycled Water – expansion of non-potable reuse systems: Peacock Gap and San Quentin;
- Indirect Potable Reuse (IPR): Advanced treatment, conveyance to Kent Lake;
- Direct Potable Reuse (DPR) - Central Marin Sanitation Agency (CMSA) (Raw Water Augmentation – CMSA to Bon Tempe Lake and Treated Water Augmentation - CMSA to distribution system); and
- Direct Potable Reuse (DPR) – Regional (Raw Water Augmentation – CMSA, Las Gallinas Valley, SASM to Bon Tempe Lake).

Additional information regarding the Strategic Water Supply Assessment planning process can be accessed at https://www.marinwater.org/sites/default/files/2022-09/09-13-2022%20REVISED%20-%20SWSA%20Board%20Working%20Session%20VII%20Water%20Management%20Alternatives%20Summary.pdf.

Water Shortage Contingency Plan

The Water Shortage Contingency Plan, included as Appendix H of the *2020 Urban Water Management Plan*, serves as a standalone document to be engaged in the case of a water shortage event, such as a drought or supply interruption, and defines specific policies and actions that will be implemented at various shortage level scenarios. For example, implementing customer water budgets and surcharges, or restricting landscape irrigation to specific days and/or times. Consistent with the California Department of Water Resources requirements, the Water Shortage Contingency Plan includes six levels to address shortage conditions ranging from up to 10 percent to greater than 50 percent shortage.

Natural Resource Management

The Mt. Tamalpais Watershed Management Policy provides overall guidance for Marin Water's activities on the Mount Tamalpais Watershed to ensure the ecological health of watershed lands. The 1994 Mt. Tamalpais Vegetation Management Plan provides direction for programs to restore habitat, protect rare plants, reduce fire hazards, and control invasive pest plants. The Mt. Tamalpais Watershed Road and Trail Management Plan implements best management practices to reduce road and trail impacts on water quality. Marin Water's ongoing programs also monitor special-status plant and animal species.

Water Conservation and Waste Prevention

Marin Water's Water Conservation Department works to effectively improve the reliability of the district's water supply by maximizing conservation efforts and encouraging customers to install water-saving devices, as well as by implementing the Water Waste Prevention Program as an overall water supply management strategy. Marin Water adopted the *2007 Water Conservation Master Plan* in June 2007. The plan includes such measures as requiring up to 25 percent mandatory cutbacks in water use after the first summer of dry rain season. Marin Water also adopted the *Water Resources Plan 2040* in March 2017, which evaluates resiliency in the face of a variety of threats to water resources in its service area and to identify options to enhance resiliency for its customers. The *Water Resources Plan 2040* provides valuable information to enable Marin Water to make informed water supply planning decisions in the face of a variety of potential reliability threats.

In May 2022, the Marin Water Board of Director's adopted Ordinance No. 461, An Ordinance Amending Chapter 13.02 Entitled "Water Conservation and Dry Year Water Use Reduction Program" of Title 13 of the Marin Municipal Water District Code Entitled "Water Service Conditions and Water Conservation Measures" Adopting Enhanced Water Conservation Measures Pursuant to Water Code Section 375. This ordinance requires the following conservation measures:

> No customer of the district shall make, cause, use or permit the use of potable water from the district for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of this section.
>
> (1) Prohibited Nonessential Uses Applicable to Customers. It is unlawful for any person, firm, partnership, association, corporation, or political entity to use potable water from the district for the following nonessential uses:
>
> (A) The washing of sidewalks, walkways, driveways, parking lots and all other hard surfaced areas by direct hosing, except as may be permitted by current regulations pertaining to urban water runoff pollution prevention as defined by the Marin County Stormwater Pollution Prevention Program and other controlling agencies.

(B) The escape of water through breaks or leaks within the consumer's plumbing or private distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of forty-eight hours after the consumer discovers such a leak or break, or receives notice from the district of such leak or break, whichever occurs first, is a reasonable time within which to correct such leak or break.

(C) Non-recycling decorative water fountains.

(D) Restrictions on Irrigation. Irrigation shall not be conducted in a manner or to an extent that allows water to run off or overspray the areas being watered. Every consumer is required to have his or her water distribution lines and facilities under control at all times to avoid water waste.

(E) Any excess water runoff flowing onto the public right-of-way at a rate of one gallon per minute or greater not caused by storm water or naturally occurring groundwater, is prohibited.

(F) Using a garden hose without a shut-off nozzle.

(G) Landscape irrigation between the hours of 9:00 a.m. and 7:00 p.m.

(H) Operating outdoor sprinkler irrigation systems delivering overhead spray more than two days within any calendar week and drip irrigation more than three days per week within any calendar week, but excluding hand-watering. For the purpose of this section, "calendar week" shall mean a period running from Monday-Sunday.

(I) The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall.

(J) Irrigating ornamental turf on public street medians.

(2) Restrictions on Reverse Osmosis Units. The installation of reverse osmosis water purifying systems not equipped with an automatic shutoff unit is prohibited.

(3) The following are prohibited for new connections:

(A) Single pass cooling systems for air conditioning or other cooling system applications unless required for health or safety reasons; and

(B) Non-recirculating systems for conveyer carwash applications.

(4) Exemption From Daytime Water Prohibition. Notwithstanding anything contained in this Title 13, testing and repairing irrigation systems for the purpose of eliminating water waste is permitted during the hours of 9:00 a.m. and 7:00 p.m.

(5) Sewer cleaning/flushing should be done using recycled water when available without hauling by truck and whenever reasonably possible.

Local - General Plan

The following policy and program provisions of the General Plan address water supply provisions.

Policy NE.3 Water Quality, System Supply, and Integrity. Improve water quality and expand and diversify water supply.

Program NE.3-1 Work with Marin Municipal Water District (MMWD) to optimize storage, transmission, and distribution capacities and efficiencies and to minimize water outages due to drought, emergencies, or other disasters.

Program NE.4-2 Reduce water consumption in the community by:

- Partnering with the Marin Municipal Water District (MMWD) to highlight the existence of rebates for the installation of indoor and outdoor water efficiency fixtures and appliances, and promoting existing and proven water conservation measures through educational programs and other initiatives;
- Partnering with MMWD, conservation organizations, installers, and manufacturers to promote the installation of greywater systems and rainwater catchment;
- Exploring incentives for promoting the installation of greywater systems and/or water efficient landscaping at commercial and residential properties;
- Requiring water efficiency audits at point of sale for commercial and residential properties;
- Adopting a retrofit program to encourage or require installation of water conservation measures in existing businesses and homes;
- Consistent with upgrades to the Sewerage Agency of Southern Marin (SASM) wastewater treatment facility to provide advanced wastewater treatment and supply, requiring dual plumbing for use of recycled water for new commercial and/or residential developments;
- Using bay-friendly landscaping and gardening guidelines developed by StopWaste.Org or other similar best practices in the design, construction, and maintenance of residential and commercial landscapes; and
- Reviewing the City's zoning regulations and design guidelines to address lot coverage standards and increase the use of pervious paving for driveways, patios, walkways, and other hardscape features.

Program NE.4-5 Work with the Marin Municipal Water District (MMWD) to establish and promote incentives for water conservation.

Thresholds of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes factual inquiries related to the subject of water supply and service, as it does on a whole series of additional topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of water supply and service-related impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The City has done so here.

Therefore, for purposes of this SEIR, a significant environmental impact associated with water supply and service would occur if implementation of the proposed project would have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years and/or result in the need for new water supplies or entitlements, or result in the need for new or expanded local or regional water treatment or distribution facilities that would result in a physical impact to the environment as well as overall water supply demands within the Marin Water boundaries.

Analysis, Impacts, and Mitigation Measures

Water Demand

IMPACT 14-1	Increased Water Demand of Approximately 332,000 Gallons per Day	Less than Significant with Mitigation

The proposed project accommodates future development of 1,156 new residential units, which could generate approximately 2,659 residents. Per capita potable and raw water use in 2020 for residential uses was 128 gallons per capita per day, and adjusted potable water use (excluding recycled water system backup) was 125 gallons per capita per day (Marin Municipal Water District 2021). Using the 125 gallons per capita per day water demand factor, the proposed project could result in an increased demand of approximately 332,000 gallons per day.

As presented earlier in Table 14-1, Multiple Dry Years Supply and Demand Comparison (2045), Marin Water is projected to have sufficient water supplies to meet projected demands for its service area, including Mill Valley, in normal years, single dry years, and multiple dry years through 2045 using ABAG 2040 projections (adopted in July of 2017) population projections. However, under an extreme drought scenario, where supplies would drop to below 14,000 acre-feet per year by 2025, there would be a supply shortfall of approximately 2,700 acre-feet per year in 2025. Additionally, the *Water Demand Analysis and Water Conservation Measure Update* calculated growth assumptions based on the regional population growth projections available prior to release of ABAG's current Regional

Housing Needs Allocation (RHNA). The RHNA would result in significantly more residential units within Marin Water's service area than what was considered in the *2020 Urban Water Management Plan*.

Implementation of General Plan policies, presented as mitigation measures below, as well as the *2020 Urban Water Management Plan's* policies and conservation ordinance requiring utilization of conservation measures, and encouraging the use of recycled water and drought-resistant landscaping to reduce water supply impacts, in conjunction with the following mitigation measure would ensure impacts would be less than significant. This conclusion assumes that Marin Water will develop additional water supplies to serve growth within their service area, and that the residential growth accommodated by the Housing Element Update could not be constructed without an adequate water supply.

Mitigation Measures

14-1 The City of Mill Valley shall impose the following standard condition of approval for all sites identified in the Housing Element Update are proposed prior to approval of an updated Marin Municipal Water District Urban Water Management Plan, shall be required to obtain verification from Marin Municipal Water District prior to approval of planning applications that adequate water supplies exist to support the project.

The City shall also work to continue to address water demand through standard conditions of approval to implement General Plan mitigation measures listed below.

14-2 Policy NE.3 Water Quality, System Supply, and Integrity. Improve water quality and expand and diversify water supply.

14-3 Program NE.3-1 Work with Marin Municipal Water District (MMWD) to optimize storage, transmission, and distribution capacities and efficiencies and to minimize water outages due to drought, emergencies, or other disasters.

14-4 Program NE.4-2 Reduce water consumption in the community by:

- Partnering with the Marin Municipal Water District (MMWD) to highlight the existence of rebates for the installation of indoor and outdoor water efficiency fixtures and appliances, and promoting existing and proven water conservation measures through educational programs and other initiatives;
- Partnering with MMWD, conservation organizations, installers, and manufacturers to promote the installation of greywater systems and rainwater catchment;
- Exploring incentives for promoting the installation of greywater systems and/or water efficient landscaping at commercial and residential properties;

- Requiring water efficiency audits at point of sale for commercial and residential properties;
- Adopting a retrofit program to encourage or require installation of water conservation measures in existing businesses and homes;
- Consistent with upgrades to the Sewerage Agency of Southern Marin (SASM) wastewater treatment facility to provide advanced wastewater treatment and supply, requiring dual plumbing for use of recycled water for new commercial and/or residential developments;
- Using bay-friendly landscaping and gardening guidelines developed by StopWaste.Org or other similar best practices in the design, construction, and maintenance of residential and commercial landscapes; and
- Reviewing the City's zoning regulations and design guidelines to address lot coverage standards and increase the use of pervious paving for driveways, patios, walkways, and other hardscape features.

14-5 Program NE.4-5 Work with the Marin Municipal Water District (MMWD) to establish and promote incentives for water conservation.

Water Supply, Treatment, and Distribution

As discussed above in the Regulatory Section, Marin Water is currently conducting a Strategic Water Supply Assessment, scheduled to be completed in summer 2023, intended to evaluate Marin Water's current baseline water supply in the context of climate-change-driven droughts and to evaluate the impact of potential future water management alternatives that could improve Marin Water's long term water supply resiliency. These alternatives include Water Conservation, Somona-Marin Partnerships, Local Surface Storage, Water Purchases with Conveyance through Bay Interties, Desalination, and Recycled Water. These efforts will help Marin Water ultimately determine which options are viable, affordable, and make the most sense for the region. Upon completion of the Strategic Water Supply Assessment, Marin Water intends to update its *2020 Urban Water Management Plan* to reflect the RHNA numbers and to ensure sufficient water supplies exist to support the anticipated increase in residential development. District staff have indicated that the *2020 Urban Water Management Plan* could be updated prior to 2025, when the next update is due.

Marin Water is proceeding with the water supply planning process; however, at this time, it would be speculative to guess which alternative or alternatives (none of which are at the design stage) Marin Water will choose to develop additional water supplies. Additionally, it would be speculative to attempt to evaluate the environmental impacts of the alternatives. CEQA Guidelines Section 15145 states, "If, after thorough investigation, the report preparers in consultation with the lead agency determined that a particular impact is too speculative for evaluation, the conclusion is noted and the issue is not discussed further."

Additionally, the provision of water is not the responsibility of the City of Mill Valley, the lead agency, for preparation of this SEIR. When Marin Water makes a decision about which alternative or alternatives to pursue, Marin Water will be required to evaluate, and mitigate, the environmental impacts of implementing the water supply alternatives.

Water Connections for Individual Projects

IMPACT 14-2	Relocation or Construction of New or Expanded Water Connection Facilities for Individual Projects	Less than Significant with Mitigation

Mill Valley is served by existing Marin Water conveyance and connection facilities. Reasonably foreseeable development resulting from implementation of the proposed project would increase water demand and may require new or expanded water connection facilities. Water connections would be installed during individual project construction and would not result in significant environmental effects beyond those identified throughout this SEIR. Future development would be subject to Mill Valley General Plan policies related to the provision of adequate water services and facilities.

The housing sites are currently served by existing utilities, although some projects may require replacement, extension, or expansion of water conveyance and connection facilities. This would be determined when individual project applications are submitted to the City. However, any replacement, extension, or expansion of water conveyance and connection facilities would not be expected to result in significant environmental effects beyond those already identified throughout this EIR associated with development of the housing sites.

Cumulative Water Impacts

Geographic Scope

The geographic scope of the cumulative analysis is the service area of Marin Water, which includes the incorporated cities and towns of San Rafael, Mill Valley, Fairfax, San Anselmo, Ross, Larkspur, Corte Madera, Tiburon, Belvedere and Sausalito, and 76 percent of the population in unincorporated Marin County (Marin Municipal Water District 2020, page 15).

Cumulative Analysis

A review and comparison of the 2017 ABAG population projects (2020 to 2030) with the current RHNA (2023-2031) for those jurisdictions within Marin Water's service area is presented in Table 14-2, Increase in ABAG Population Projections.

Table 14-2 Increase in ABAG Population Projections

2017 Population Projections 2020 to 2030	2022 RHNA Population Projections 2023 to 2031	Increase
2,260	11,458	+ 9,198

SOURCE: (Association of Bay Area Governments 2017), (Association of Bay Area Governments 2021), (Marin LAFCO 2022)
NOTES
1. 76% of the unincorporated County is served by Marin Water (Marin Municipal Water District 2021, p. 15)
2. Analysis based upon RHNA number – not on the actual numbers that will be in the jurisdictions' housing elements, many of which may include more housing numbers in order to provide a buffer. Final numbers are unknown at this time.
3. Mill Valley's RHNA is 865 or approximately 7.5% of the total RHNA within the district's service area.

Marin Water's existing service population is approximately 191,000. The cumulative increase in population (11,458) within the service area over the next eight years consistent with the RHNA allocations, represents a six percent increase. All future Marin Water customers would be subject to the water conservation measures adopted by the Board of Directors, as presented earlier in this section.

However, the cumulative additional water demand could trigger the need for additional water supplies, which may require water infrastructure construction projects that could result in significant environmental impacts. The Marin Water's development of additional infrastructure to deliver new water supplies are unknown at this time, although as previously discussed, Marin Water is in the process of conducting a Strategic Water Supply Assessment intended to evaluate the its current baseline water supply in the context of climate-change-driven droughts and to evaluate the impact of potential future water management alternatives that could improve Marin Water's long term water supply resiliency. These efforts will help Marin Water ultimately determine which options are viable, affordable, and make the most sense for the region. Upon completion of the Strategic Water Supply Assessment, Marin Water intends to update its *2020 Urban Water Management Plan* to plan to reflect the Association of Bay Area Governments (ABAG's) 6th Cycle Housing Element Regional Housing Needs Allocation (RHNA) numbers and to ensure sufficient water supplies exist to support associated increase in residential development throughout Marin Water's service area.

The need and type of new water service infrastructure that would be required to serve cumulative development is unknown; however, construction of such infrastructure could result in environmental impacts associated with resources including, but not limited to, air quality, biological resources, cultural and tribal resources, and greenhouse gas emissions. In accordance with CEQA Guidelines Section 15144, preparing this draft subsequent EIR necessarily involved some degree of forecasting, specifically because it is a program EIR evaluating a long-term housing plan, and not a specific development project. While foreseeing the unforeseeable is not possible, the report preparers and technical experts used best available efforts to find out and disclose all that it reasonably can. However, as Marin Water's strategic planning for increasing long-term water supply is in its early stage, projecting the precise environmental impacts associated with providing the future, potentially necessary infrastructure may be speculative in this program EIR. CEQA

Guidelines section 15145 states that if, after thorough investigation, the report preparers in consultation with the lead agency determined that a particular impact is too speculative for evaluation, the conclusion is noted and the issue is not discussed further. Finally, Marin Water will be required to comply with CEQA prior to approval and construction of any water infrastructure project they determine to be necessary in order to provide long term water supply to housing projects in Mill Valley, as well as throughout Marin Water's service area.

Project's Contribution to the Cumulative Effect

As presented in Table 14-2 above, Mill Valley's RHNA is approximately 7.5 percent of the total RHNA within Marin Water's service area. As discussed above, it is speculative to determine the actual environmental impacts that may occur with construction of future, undetermined, water supply projects, and therefore, it would be speculative to determine whether the proposed project's contribution to the cumulative effect is considerable.

14.2 Wastewater

Environmental Setting

Sewerage Agency of Southern Marin

The Sewerage Agency of Southern Marin (sewer agency) is a Joint Powers Agency formed in 1979 to consolidate the wastewater collection, treatment, water reclamation and disposal needs of about 29,500 residents in Southern Marin County, which includes the City of Mill Valley. The sewer agency is made up of six member agencies: the City of Mill Valley, Tamalpais Community Services District, Almonte Sanitary District, Homestead Valley Sanitary District, and the Richardson Bay Sanitary District. Each member agency owns, operates, and maintains a sanitary sewer system. The wastewater treatment plant for the sewer agency can be found within the City of Mill Valley; an agreement between the City and the sewer agency is in effect where the City provides the staffing and staff executes all main functions of the sewer agency (Mark Grushayev, email message, September 12, 2022).

These sewer systems connect to the main sewer lines owned by the sewer agency, which carry the wastewater to the wastewater treatment plant. At the wastewater treatment plant, the water flows through several treatment units which reduce and remove a variety of pollutants and organic materials. The processed wastewater is disinfected and pumped 6 miles to Racoon Straits in Tiburon for deep water discharge into the San Francisco Bay. Processed wastewater is further treated, or reclaimed, and used for landscape irrigation. The City of Mill Valley Parks Department uses reclaimed water throughout Bay Front Park. Use of reclaimed water for landscape irrigation saves precious fresh water supplies for domestic use (Sewerage Agency Southern Marin 2022a).

The Mill Valley sewer system includes approximately 58.5 miles of gravity sewer pipelines, 0.5 miles of force main pipelines, and two pump stations. The City and the sewer agency have continued

efforts to repair and strengthen their respective sanitary sewer systems. Recent rate increases help provide the funds necessary to maintain and upgrade the collection system and treatment facilities. Annual capital improvement projects continue to improve the efficiency and reliability of both the City's collection system and the sewer agency's treatment plant. In July of 2020 the City Council adopted a new 5 Year Capital Improvement Plan, budgeting $12.6 million of sewer projects in Fiscal Year 2021-2026. Additionally, the City typically holds a reserve of approximately $3 million to address potential emergencies. For the City's 2021 reporting period, completed sewer improvement activities include: cleaning 26.4 miles of underground pipe, 33,637 linear feet of CCTV inspection, 14 new or rehabilitated manholes, 12 new or rehabilitated lamphole/rodding inlets, 12 spot repairs, 205 linear feet of open trench repairs, and 5,590 linear feet of pipe lining. The City has also mandated and inspected the private party repair and replacement of 197 privately owned sewer laterals (Danielle Staude, email message, June 24, 2022).

The wastewater treatment plant has a facility capacity of 3.6 million gallons per day for average dry weather flow and 24.7 million gallons per day for peak hour wet weather flow. However, the influent pump station has a capacity of 32.8 million gallons per day and when flows exceed 24.7 million gallons per day, excess wastewater flows are diverted to the equalization basins for treatment after the event. The hydraulic analysis estimated that the wastewater treatment plant and outfall have a firm hydraulic capacity of 23.5-25.2 million gallons per day during wet weather events. The process analysis showed that the wastewater treatment plant can adequately treat an average dry weather flow of up to 2.77 million gallons per day under maximum month load conditions to current discharge standards when all units are in service (Sewerage Agency of Southern Marin 2014, p. ES.5).

The wastewater treatment plant is in the process of being updated and discussed in more detail in the Regulatory Setting below. According to the Sewerage Agency of Southern Marin Wastewater Treatment Plant Director/General Manager for the City of Mill Valley, the first phase in the plant upgrades and improvements has been completed and the second phase of upgrades and improvements are now in process (Mark Grushayev, email message, September 12, 2022). There are no projects planned to increase capacity of the plant (Mark Grushayev, email message, September 13, 2022).

Regulatory Setting

Sewerage Agency of Southern Marin– Sewer Master Plan

A sewer master plan was prepared in 2014 for the Sewerage Agency of Southern Marin (sewer agency). The sewer agency provides wastewater treatment and effluent disposal for the six member agencies. The purpose of the sewer master plan was to develop a "road map" for the next 25 years of wastewater treatment plant improvements, including a list of necessary projects, an implementation schedule, and cost estimates.

In 2018 the first phase of the wastewater treatment plant master plan implementation began. The primary goal in this phase was to help ensure reliable treatment of wastewater, as well as compliance with regional, state, and federal regulations. As indicated previously, the first phase has been completed and the second phase of upgrades and improvements are now in process (Mark Grushayev, email message, September 12, 2022).

Sewerage Agency of Southern Marin - Sewer System Management Plan

The City of Mill Valley prepared its sewer system management plan in December 2019. It was prepared with the intent to meet the requirements of the General Waste Discharge Requirements of the State Water Resources Control Board. The objectives of the plan are to accomplish the following:

- Establish goals that align the City's sewer collection system operations, management, and capacity assurance activities in a manner that achieves the intended purpose of this plan; and
- Comply with the General Waste Discharge Requirements of the State Water Resources Control Board though provision of the following:
  - Elements I though XI, following the outline of the General Waste Discharge Requirements, including a description of the regulatory requirements and a summary of existing and planned documents and plans related to each element; and
  - Appendices that are amended over time to reflect changes in contact personnel, job descriptions, policies, procedures and programs.

General Plan

The following policy provision from the General Plan addresses wastewater service:

> **Goal NE.3** Water: Protect and Improve Water Quality, System Supply and System Integrity.
>
> **Policy NE.3** Water Quality, System Supply and Integrity: Improve water quality, and expand and diversify water supply.
>
> **Policy NE.4** Conservation of Water Resources: Promote the increased use of pervious paving, rainwater storage and greywater systems to improve water quality and conserve potable water.
>
> **Program NE.3-3** In conjunction with the Sewerage Agency of Southern Marin (SASM) Board, assess the SASM treatment plant to attain greater efficiency, including advanced wastewater treatment capacity for water recycling and reuse on public and private properties.
>
> **Policy HZ.2** Administrative and Equipment Capacity: Maintain adequate concentration and distribution of staff, facilities, materials, and equipment to provide a timely disaster response consistent with the needs of a demographically changing community and a challenging natural environment, while recognizing the difficulties of maintaining these systems on a daily basis.

Thresholds of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes factual inquiries related to the subject of wastewater, as it does on a whole series of additional topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of wastewater-related impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The City has done so here. Therefore, for purposes of this SEIR, a significant environmental impact would occur associated with wastewater service if implementation of the proposed project would:

- Result in the need for new systems or supplies, or a substantial expansion or alteration to the wastewater treatment and disposal systems that could result in physical effects to the environment; or
- Result in a substantial increase in wastewater flows over current conditions and treatment capacity.

Analysis, Impacts, and Mitigation Measures

Wastewater Generation and Treatment Facilities

IMPACT 14-3	Increase Wastewater Generation and Require Relocation or Construction of New or Expanded Wastewater Facilities	Less than Significant

Wastewater Connections for Individual Projects

Mill Valley is served by existing Sewerage Agency of Southern Marin facilities. Reasonably foreseeable development resulting from implementation of the proposed project would increase wastewater generation and may require new or expanded facilities. Wastewater facilities would be installed during individual project construction and would not result in significant environmental effects beyond those identified throughout this SEIR. Future development would be subject to the City's General Plan goals, policies, and programs related to the provision of adequate wastewater services and facilities.

Additionally, the majority of housing sites identified for redevelopment in the housing element update are served by existing utilities (save a few sites currently developed as a parking lot) and under current General Plan and zoning regulations that allow for mixed use development projects (only one housing site is currently designated for open space, which does not currently allow for mixed-use development). Therefore, the majority of these sites were already anticipated in the General Plan for mixed use development and were evaluated as such in the General Plan EIR.

The Housing Element Update would not require or result in the relocation or construction of new or expanded wastewater facilities, the construction or relocation of which could cause significant environmental effects beyond those already identified throughout this EIR.

Wastewater Treatment Capacity and New or Expanded Wastewater Treatment Facilities

Future development would be served by the Sewerage Agency of Southern Marin and wastewater would be treated at the wastewater treatment plant. The implementation of the proposed project could result in the buildout of an additional 1,156 new residential units, which could generate approximately 2,659 residents. The Sewerage Agency of Southern Marin does not use generation rates per capita, but rather equivalent dwelling units for allocating the treatment capacity for its members. Currently, one equivalent dwelling unit is equated to 190 gallons per day (Mark Grushayev, email message September 12, 2022). With an estimated residential unit increase of 1,156, wastewater generation would be increased by 219,640 gallons per day as a result of the proposed project. Therefore, implementation of the proposed project would require increased wastewater conveyance capacity to the Sewerage Agency of Southern Marin to accommodate future residential within Mill Valley.

However, the wastewater treatment plant has undergone numerous, recent upgrades and rehabilitation of existing infrastructure to ensure reliable treatment of wastewater and compliance with state and regional water quality requirements. In addition, over the past several years, the Sewerage Agency of Southern Marin and City staff have worked to address and clarify annual calculations and to quality control the number of equivalent dwelling units provided by each of the six member agencies. As of yet, the collection system or treatment plant capacity has not been identified as a constraint to future development for this Housing Element cycle. However, it is likely to be an issue in future Housing Element Updates, should the 865 designated RHNA units be built. Based on a review of recently submitted equivalent dwelling units, Mill Valley has approximately 1,900 equivalent dwelling units in reserved sewer capacity at the sewer treatment plant (Danielle Staude, email message, June 24, 2022). Further, the Sewerage Agency of Southern Marin Wastewater Treatment Plant Director/General Manager for the City of Mill Valley stated that the wastewater treatment plant can handle the additional flow of wastewater generated by the project especially considering current water usage practices/conservation requirements (Mark Grushayev, email message, September 12, 2022).

Therefore, the wastewater treatment plant has the capacity to accommodate the Housing Element Update and the Update would not require or result in the relocation or construction of new or expanded wastewater facilities, the construction or relocation of which could cause significant environmental effects.

Cumulative Wastewater Analysis

Geographic Scope

The geographic scope of the cumulative analysis is the service area of the Sewerage Agency of Southern Marin, which includes the City of Mill Valley, a portion of the City of Tiburon, and portions of unincorporated Marin County.

Cumulative Analysis

The proposed project, in combination with other past, present and reasonably foreseeable cumulative development within the service area of the Sewerage Agency of Southern Marin, (i.e., buildout of ABAG's RHNA) would result in an increase in service population. The Sewerage Agency of Southern Marin Wastewater Treatment Plant Director/General Manager for the City of Mill Valley provided the current equivalent dwelling unit numbers for the Sewerage Agency of Southern Marin's member agencies for the years 2021 and 2022. As stated previously, the Sewerage Agency of Southern Marin does not use generation rates per capita, but rather equivalent dwelling units for allocating the treatment capacity for its members. Currently, one equivalent dwelling unit is equated to 190 gallons per day (Mark Grushayev, email message September 12, 2022). Based on the information provided by Mr. Grushayev, the wastewater treatment plant in its entirety has an excess capacity for approximately 3,900 equivalent dwelling units, or approximately 734,749 gallons per day.

A review and comparison of this information with the current RHNA (2023 to 2031) for those jurisdictions within the Sewerage Agency of Southern Marin's service area (i.e., Mill Valley, a portion of Tiburon, and a portion of unincorporated Marin County) shows the potential for a population increase beyond what is considered in the *Sewerage Agency of Southern Marin Wastewater Treatment Plant Master Plan Report – December 2014* that could trigger the need for additional wastewater treatment capacity, which may require water infrastructure construction projects that could result in significant environmental impacts. Mill Valley is projected to add 1,156 residential units through the housing element update and the 2023-2031 Regional Housing Needs Allocation for Tiburon is 639 and unincorporated Marin County is 3,569 (Association of Bay Area Governments 2021). However, it is unknown how much of Tiburon and Marin County's RHNA housing would be served by the sewer agency.

The *Sewerage Agency of Southern Marin Wastewater Treatment Plant Master Plan Report – December 2014* identified numerous rehabilitation and replacement projects need to maintain the wastewater treatment plant at "status quo" (Sewerage Agency of Southern Marin 2014). As previously discussed, the sewer agency has begun rehabilitation and replacement projects at the wastewater treatment plant that were identified and is currently undergoing the second phase, which involves numerous upgrades of major equipment and rehabilitation of existing infrastructure. The project elements of this second phase are anticipated to be completed by November 2022 (Sewerage Agency of Southern Marin 2022b). However, there are no projects planned to increase capacity of the plant (Mark Grushayev, email message, September 13, 2022).

The need and type of new wastewater service infrastructure that would be required to serve cumulative development is unknown; however, construction of such infrastructure could result in environmental impacts associated with resources including, but not limited to, air quality, biological resources, cultural and tribal resources, and greenhouse gas emissions. In accordance with CEQA Guidelines Section 15144, preparing this draft subsequent EIR necessarily involved some degree of forecasting, specifically because it is a program EIR evaluating a long-term housing plan, and not a specific development project. While foreseeing the unforeseeable is not possible, the report preparers and technical experts used best available efforts to find out and disclose all that it reasonably can. However, projecting the precise environmental impacts associated with providing the future, potentially necessary infrastructure may be speculative in this program EIR. CEQA Guidelines section 15145 states that if, after thorough investigation, the report preparers in consultation with the lead agency determined that a particular impact is too speculative for evaluation, the conclusion is noted and the issue is not discussed further. Finally, the sewer agency will be required to comply with CEQA prior to approval and construction of any wastewater infrastructure project they determine to be necessary in order to provide long term wastewater treatment to housing projects in Mill Valley, as well as throughout the sewer agency's service area.

Project's Contribution to the Cumulative Effect

As discussed above, it is speculative to determine the actual environmental impacts that may occur with construction of future, undetermined, wastewater infrastructure projects for the purpose of increasing capacity at the wastewater treatment plant, and, therefore, it would be speculative to determine whether the proposed project's contribution to the cumulative effect is considerable.

14.3 Solid Waste

Environmental Setting

Mill Valley Refuse Service

Mill Valley Refuse Service (MVRS), a privately owned waste hauler, provides solid waste collection service to Mill Valley and has served the Marin County area for over 100 years. They offer a variety of residential and commercial services, including a collection service of trash, recycling, compost collection, and debris boxes to Mill Valley, Corte Madera, Tiburon, Belvedere, and surrounding unincorporated areas. Residential service includes weekly refuse and compost collection and weekly service for recycling through a dual-stream system (paper collected one week and bottles and cans collected the other). All garbage and compost waste materials are hauled to the Redwood Landfill site in Novato, where garbage is landfilled and food and yard waste are composted. Recycled materials are hauled to Marin Sanitary Service in San Rafael.

Redwood Landfill

Redwood Landfill, a fully permitted Class III disposal site located approximately 3.5 miles north of Novato, is used for more than 95 percent of Marin County's solid waste disposal, including solid waste from the City of Mill Valley. A variety of wastes is accepted at the Redwood Landfill including petroleum-contaminated soils. Redwood Landfill also engages in recycling efforts for a variety of materials including metals, concrete, and glass.

The Redwood Landfill had an estimated 4,615,000 tons of remaining capacity at the 2021 survey date of March 30; the 2022 capacity calculations are not yet complete (Alisha McCutcheon, email message, June 7, 2022).

The Redwood Landfill has an additional 30 to 50 tons per day capacity to receive green waste for composting today; "we are also submitting our draft application to the LEA [local enforcement agency] in September for an upcoming expansion. The expansion will increase our organic processing capacity (residential and commercial food waste processing as well as increasing out composing through-put) and capability by 60 percent in relationship to what we do today" (Alisha McCutcheon, email message, August 11, 2022).

Regulatory Setting

State

California Integrated Waste Management Act

The California Integrated Waste Management Act of 1989 (AB 939) requires every city, town, and county in the state to prepare a Source Reduction and Recycling Element to its Solid Waste Management Plan that identifies how each jurisdiction will meet the mandatory state waste diversion goals of 25 percent by 1995 and 50 percent by 2000. The purpose of AB 939 is to "reduce, recycle, and re-use solid waste generated in the State to the maximum extent feasible." The term "integrated waste management" refers to the use of a variety of waste management practices to safely and effectively handle the municipal solid waste stream with the least adverse impact on human health and the environment. The Act has established a waste management hierarchy, as follows:

- Source Reduction;
- Recycling;
- Composting;
- Transformation; and
- Disposal.

California Integrated Waste Management Board Model Ordinance

Subsequent to the Integrated Waste Management Act, additional legislation was passed to assist local jurisdictions in accomplishing the goals of AB 939. The California Solid Waste Re-use and Recycling

Access Act of 1991 (Section 42900-42911 of the Public Resources Code) directs the California Integrated Waste Management Board to draft a "model ordinance" (which Marin County has adopted) relating to adequate areas for collecting and loading recyclable materials in development projects.

The model ordinance is used by the County as the basis for imposing recycling conditions on new development projects and on existing projects that add 30 percent or more to their existing floor area. The model ordinance requires that any new development project, for which an application is submitted on or after September 1, 1994, include "adequate, accessible, and convenient areas for collecting and loading recyclable materials." For subdivisions of single-family detached homes, recycling areas are required to serve only the needs of each home within that subdivision.

Senate Bill 1383

In 2016, Governor Brown signed Senate Bill 1383 into law to keep food and other compostable materials ("organics") out of landfills in order to reduce the emissions that contribute to climate change. All California residents and businesses are required to compost all organic waste. Landfill, recycling, and compostables all need to be sorted correctly. This bill aims to reduce organic waste disposal to landfill by 75 percent by 2025, from the 2014 level.

Local

Marin County Hazardous and Solid Waste Joint Powers Authority

The Marin Hazardous and Solid Waste Joint Powers Authority (JPA) provides hazardous waste collection, recycling, and disposal information to ensure compliance with state recycling mandates. The Marin County Department of Public Works/Waste Management administers the JPA. The JPA comprises the cities and towns of Mill Valley, Belvedere, Corte Madera, Fairfax, Larkspur, Novato, Ross, San Anselmo, San Rafael, Sausalito, and Tiburon, and the County of Marin. The JPA's purpose is to ensure Marin's compliance with the California Integrated Waste Management Act and its waste reduction mandates. The JPA surpassed the state's 50 percent mandate by posting a 62.3 percent diversion rate for Marin in the year 2000. The year 2002 brought a 71 percent diversion rate, 2014 was 75 percent, and 2018 was 66 percent.

General Plan

The following policy provisions from the General Plan address solid waste services:

> **Goal CL.3** Zero Waste: Implement Zero Waste Strategies for Solid Waste Management.
>
> **Policy CL.5** Recycling and Waste Management: Reduce the volume of the waste stream by encouraging recycling and composting and moving toward Zero Waste objectives that minimize or eliminate waste sent to landfills.

Thresholds of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes factual inquiries related to the subject of solid waste, as it does on a whole series of additional topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of solid waste-related impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The City has done so here. Therefore, for purposes of this SEIR, a significant environmental impact associated with solid waste would occur if implementation of the proposed project would:

- Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impact the attainment of solid waste reduction goals; or
- Not comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

Analysis, Impacts, and Mitigation Measures

Solid Waste Generation (No Impact)

Mill Valley is served by MVRS and all garbage and compost is disposed of at Redwood Landfill, while recycling is disposed of at Marin Sanitary Service in San Rafael. The development facilitated by the proposed project would allow for an increase in the number of units allowed on each housing site. This would increase solid waste generation in excess of what was considered in the City's General Plan and would increase the demand for waste collecting and recycling services from the MVRS. The Redwood Landfill had an estimated 4,615,000 tons of remaining capacity in March 2021 (Alisha McCutcheon, email message, June 7, 2022) and is permitted to accept 2,310 tons of material daily (Waste Management 2022). However, as indicated previously, this facility is planned to be expanded. In addition, the MVRS has indicated that the growth associated with the proposed project would be accommodated (Gene Della Zoppa, email message, June 8, 2022).

State and Local Solid Waste Reduction Goals

The City of Mill Valley would continue to implement the Source Reduction and Recycling Element that is included in Marin County's Integrated Waste Management Plan, which would ensure continued compliance with AB 939 under the proposed project. The Redwood Landfill was issued a Solid Waste Facility permit in 2019 with a closure date estimate of 2036 (Alisha McCutcheon, email message, September 12, 2022). Redwood Landfill is a Class III disposal facility for non-hazardous materials and meets or exceeds all federal, state, and local requirements for landfill management and is regulated by the California State Water Quality Control Board, Bay Area Air Quality Management District, CalRecycle and the Marin County Environmental Health Services Division (Waste Management 2022).

Cumulative Solid Waste Impacts

Geographic Context

The geographic context for solid waste includes development within the area serviced by the Redwood Landfill, which includes Mill Valley, Almonte, Alto, Belvedere, Corte Madera, Homestead, Strawberry, Tiburon and several unincorporated areas of Marin County.

Cumulative Analysis

Implementation of the proposed project as well as anticipated growth projected in surrounding communities served by Redwood Landfill would result in population increases, which would contribute to a cumulative impact on solid waste collection and disposal and related facilities. The MVRS has indicated that it would have the capacity to serve new potential housing from the cities it operates in, which includes Mill Valley (Gene Della Zoppa, email message, September 13, 2022). However, cumulative development within the Redwood Landfill's service area may accelerate the need for expanded landfill capacity. As discussed earlier, the Redwood Landfill is in the beginning stages of preparing for an expansion that will increase its organic processing capacity and capability by 60 percent in relationship to what it does today. Any expansion that may be necessary due to cumulative development, beyond what is already being proposed by Redwood Landfill, is speculative. Therefore, the proposed project's contribution to cumulative impacts would not be considerable.

14.4 Natural Gas and Electric Power Services

Environmental Setting

Pacific Gas and Electric (PG&E) provides electricity and natural gas to the City of Mill Valley. The existing electric facilities in the area are 12- to 69-kV transmission lines. The City of Mill Valley contains one substation (Pacific Gas and Electric 2021).

Regulatory Setting

State

California Public Utilities Commission (CPUC)

The CPUC regulates privately owned electric, telecommunications, natural gas, water, and transportation companies.

Local

General Plan

The following policy provisions from the General Plan address utility services.

> **Policy CL.1** Clean Energy and Energy Efficiency Support and provide incentives for using and investing in clean energy and energy efficiency solutions.

Program CL.1-2 Continue to work with Marin Clean Energy (MCE), PG&E, or other clean energy providers to encourage greater resident participation and use of greener energy supplies.

Thresholds of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes factual inquiries related to the subject of natural gas and electric power services, as it does on a whole series of additional topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of natural gas and electric power services -related impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The City has done so here. Therefore, for purposes of this SEIR, a significant impact associated with natural gas and electric power services would occur if implementation of the proposed project would:

- Require or result in the relocation or construction of new or expanded electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects.

Analysis, Impacts, and Mitigation Measures

Natural Gas and Electric Power Services

IMPACT 14-4	New Development May Require Relocation or Construction of New or Expanded Natural Gas and Electric Facilities	Less than Significant

Most of the development facilitated by the Housing Element Update sites would occur within already developed sites within areas of the City that are already served by existing natural gas and electric power utility infrastructure. Although future housing sites would require connection to these existing facilities, and the undergrounding of electrical lines will be required, utility infrastructure improvements and relocations would not result in environmental impacts beyond those identified throughout this SEIR and would be further evaluated in their respective subsequent environmental documents for discretionary projects.

Cumulative Natural Gas and Electric Power Services Impacts

Development of new housing in Mill Valley, as well as anticipated growth projected throughout Marin County, would be served by PG&E and would contribute to a cumulative increase in demand for electric power, natural gas, and related facilities.

PG&E was contacted to determine if the cumulative development may require relocation or construction or expanded natural gas and electric facilities; however, no response was received.

Without information from PG&E, it would be speculative to attempt to evaluate the environmental impacts facility relocation or expansion. CEQA Guidelines Section 15145 states, "If, after thorough investigation, the report preparers in consultation with the lead agency determined that a particular impact is too speculative for evaluation, the conclusion is noted and the issue is not discussed further."

Additionally, the provision of natural gas and electricity is not in the purview of the City of Mill Valley, the lead agency for preparation of this EIR. When PG&E makes a decision about whether physical changes to their facilities are required, PG&E will be required to evaluate the environmental impacts of implementing those physical changes.

15.0 Wildfire

This section addresses environmental effects associated with wildfire. Unless otherwise noted, the information contained within this section is based on the draft Housing Element Update, the 2013 *Mill Valley 2040 General Plan* (general plan), the 2013 *Mill Valley 2040 General Plan EIR* (general plan EIR), and the City's Municipal Code and Zoning Ordinance.

A verbal comment regarding wildfire was provided at the August 4, 2022 virtual scoping meeting. A member of the public expressed concerns regarding emergency response access, and wildfire hazards.

No NOP responses were received regarding wildfire.

15.1 Environmental Setting

Wildfire poses the greatest risk to human life and property in Marin County's densely populated Wildland-Urban Interface (WUI). Marin County is home to 23 communities listed on the California Department of Forestry and Fire Protection (CAL FIRE) Communities at Risk list, with approximately 80 percent of the total land area in the county designated as having moderate to very high fire hazard severity ratings (County of Marin 2018). The county has a long fire history with many large fires over the past decades, several of which have occurred in the WUI. To compound the issue, national fire suppression policies and practices have contributed to the continuous growth (and overgrowth) of vegetation resulting in dangerous fuel loads.

According to Mill Valley's 2040 General Plan, wildland fire hazards exist in varying degrees throughout Mill Valley and probably pose the greatest threat to public safety and property of all potential hazards. The fire season generally lasts from five to six months. The wildland fire hazard is caused by a combination of factors including weather, topography, highly flammable vegetation/ fuel loading, and human activity. Many homes have been built on steep slopes with vegetation in close proximity. These slopes are often steep, located in rugged terrain, and have very few access routes. The onset of sudden oak death has significantly increased the number of dead or weakened trees, which serves as potential fuel for fires. In several areas, an "urban interface" fire hazard is created as older neighborhoods directly border parks or open space. These areas often have mature vegetation and large tree canopies which could contribute to the quick spread of fires (Mill Valley 2013a).

Mill Valley is located in a very high fire hazards area within a state-mandated local responsibility area and is bordered on the south and west by very high and high fire hazard zones in state responsibility areas as shown in Figure 15-1, Mill Valley Very High Fire Hazard Severity Zones in Local and State Responsibility Areas. In Mill Valley, significant portions of the community are within designated WUI areas as shown in Figure 15-2, Mill Valley Wildland-Urban Interface (WUI) Zone taken from Figure 7.4 of the general plan. These areas include Warner Canyon, Mill Valley Ridge, Blithedale Canyon, Blithedale Ridge, Cascade Canyon, Fern Canyon, Summit Ridge, Scott Valley, and the southeast face of Mount Tamalpais. These areas are characterized by steep slopes and are covered by dense stands of vegetation that burn explosively and cause fire to spread rapidly. A major fire has not occurred in these areas since 1929, and, as a result, the density of dry vegetation has increased (Mill Valley 2013a). Evacuation routes throughout Mill Valley have also been identified by the Southern Marin Fire Protection District, which provides fire protection services for the City, as reflected in Figure 15-3, Mill Valley Evacuation Routes.

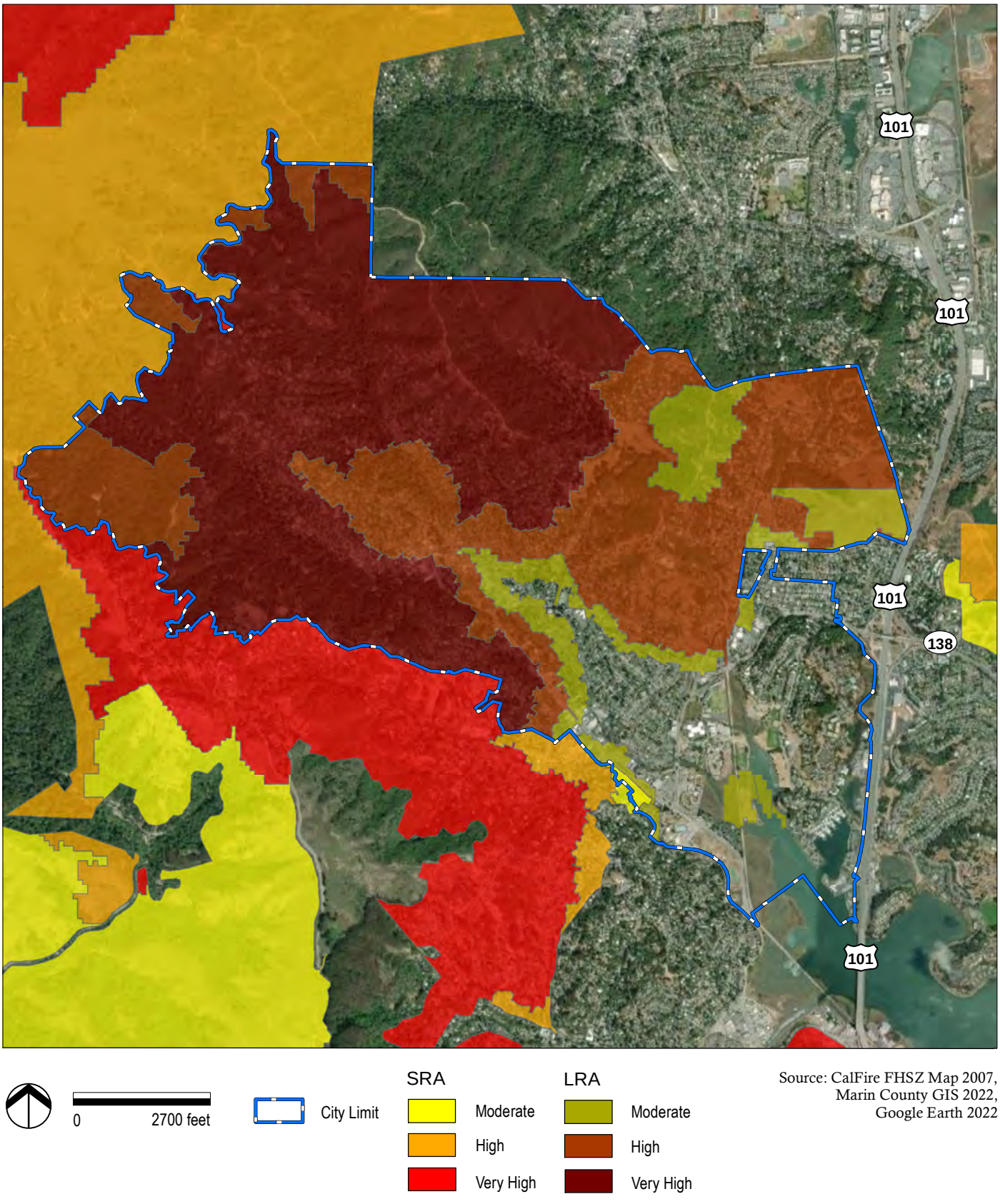
According to the administrative review draft (dated July 29, 2022) of the *City of Mill Valley Climate Action Plan 2030*, the areas burned by wildfire each year has been increasing, as warming temperatures extend the fire season and low precipitation and snowpack create conditions for extreme, high severity wildfires to spread rapidly. In addition, disruptions to the transportation network from wildfire events limit the ability of people to evacuate and move away from danger, decrease access to hospitals and medical care facilities, and reduce the ability of emergency first responders to protect residents. Indirect effects, such as degraded air quality from regional wildfire smoke and ash also threaten the health and wellness of those living and working in Mill Valley.

15.2 Regulatory Setting

State

California Board of Forestry and Fire Protection

The California Board of Forestry and Fire Protection (the Board) is a government-appointed body within the California Department of Forestry and Fire Protection (CAL FIRE). It is responsible for developing the general forest policy of the state, determining the guidance policies of CAL FIRE, and representing the state's interest in federal forestland in California. Together, the Board and CAL FIRE work to carry out the California Legislature's mandate to protect and enhance the state's unique forest and wildland resources (Board of Forestry and Fire Protection 2022).



Source: CalFire FHSZ Map 2007, Marin County GIS 2022, Google Earth 2022

Figure 15-1

Mill Valley Very High Fire Hazard Severity Zones in Local and State Responsibility Areas

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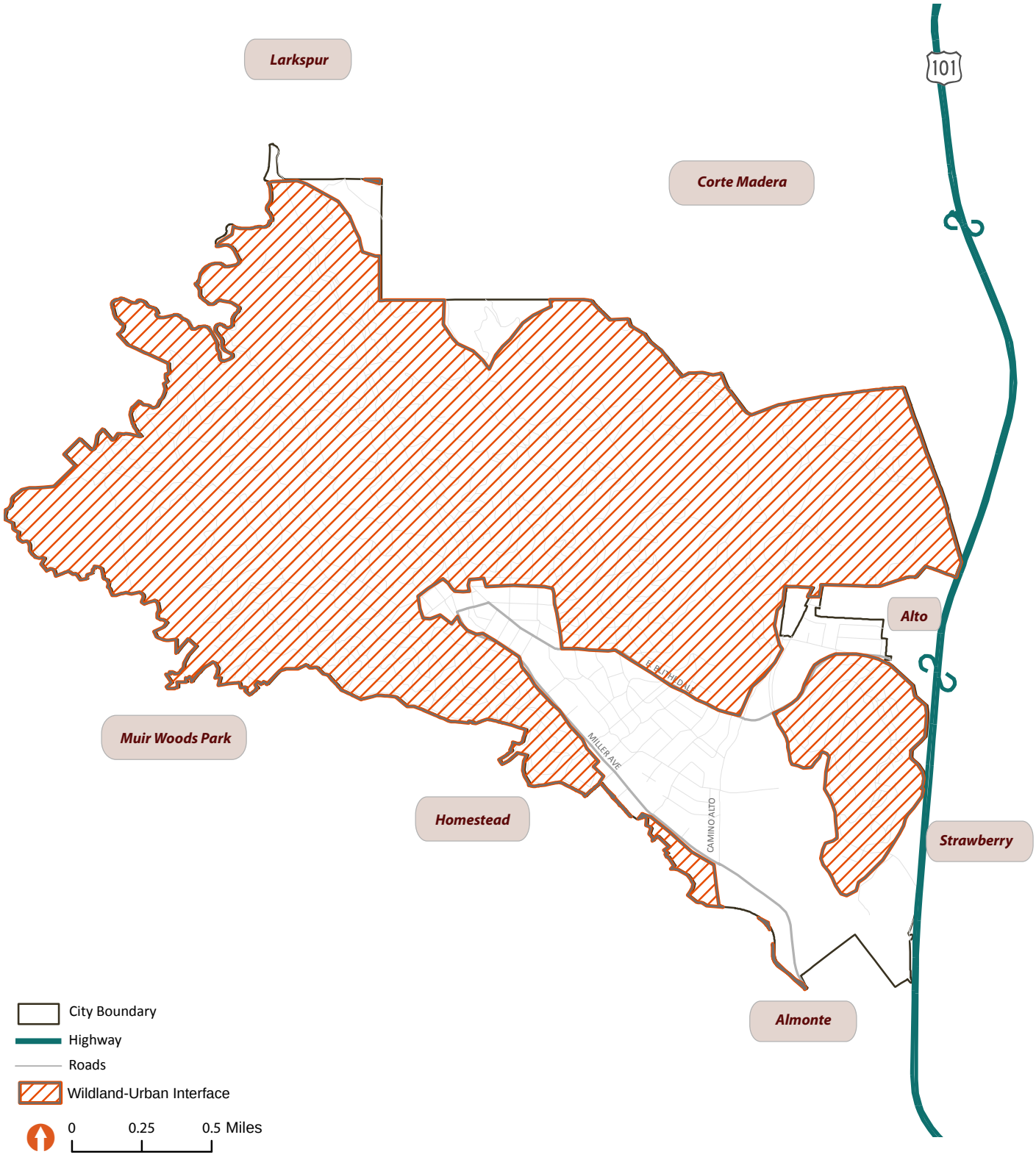

Source: City of Mill Valley 2013,
Marin County GIS 2012

Figure 15-2

Mill Valley Wildland-Urban Interface Fire (WUI) Zone

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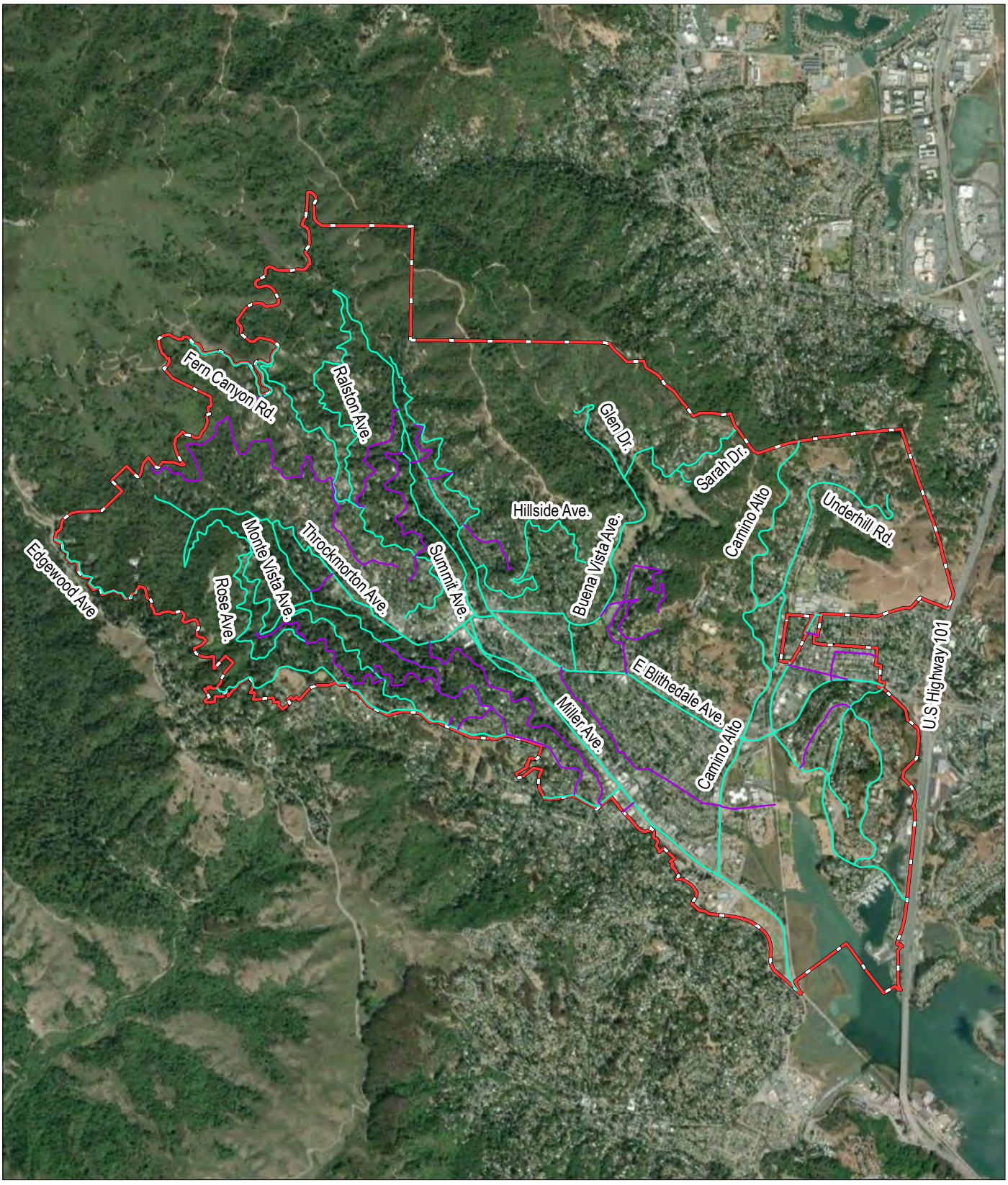

Source: Marin County GIS 2022, Google Earth 2022, Southern Marin Fire Protection District 2022

Figure 15-3

Mill Valley Evacuation Routes

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The Board is charged with protecting all wildland forest resources in California that are not under federal jurisdiction. These resources include major commercial and non-commercial stands of timber, areas reserved for parks and recreation, woodlands, brush-range watersheds, and all private and state lands that contribute to California's forest resource wealth. The Board maintains fire safe road regulations, as part of CCR Title 14. This includes requirements for road width, surface treatments, grade, radius, turnarounds, turnouts, structures, driveways, and gate entrances. These regulations are intended to ensure safe access for emergency wildland fire equipment and civilian evacuation.

California Department of Forestry and Fire Protection (CAL FIRE)

The California Department of Forestry and Fire Protection (CAL FIRE) is an emergency response and resource protection department. CAL FIRE protects lives, property and natural resources from fire; responds to emergencies of all types; and protects and preserves timberlands, wildlands, and urban forests. The department's various programs work together using ongoing assessments of the condition of natural resources, while considering the challenges of an increasing population, to plan protection strategies for California. Department personnel and equipment are a familiar sight throughout the state with responsibility for protecting more than 31 million acres of California's privately owned wildlands and providing emergency services across the state to local government cooperators through agreements with districts, cities, and counties (CAL FIRE 2022b).

California Building Code

The California Building Standards Code (CBC) (California Code of Regulations, Title 24) provides minimum standards for the design and construction of buildings and structures in California. Minimum standards are organized under Part 1 to 12 and include code standards for buildings, mechanical, plumbing, energy, historical buildings, fire safety, and green building standards. State law mandates that local government enforce these regulations, or local ordinances, with qualified reasonably necessary and generally more restrictive building standards than provided in the CBC. Title 24 is applicable to all occupancies, or structures, throughout California, whether or not the local government takes an affirmative action to adopt Title 24.

On September 20, 2005, the California Building Standards Commission approved the Office of the State Fire Marshal's emergency regulations amending the CBC (Code of Regulations Title 24, Part 2). The California Wildland-Urban Interface Code contains standards associated with the construction of buildings in wildfire prone areas.

California Fire Code (2019; 2022 version effective January 1, 2023)

The California Fire Code is Chapter 9 of Title 24 of the California Code of Regulations (CCR). It establishes regulations to safeguard against the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The Fire Code also establishes requirements intended to provide safety for and assistance to firefighters and emergency responders during

emergency operations. The provisions of the Fire Code apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure throughout California. The Fire Code includes regulations regarding fire-resistance-rated construction, fire protection systems such as alarm and sprinkler systems, fire service features such as fire apparatus access roads, means of egress, fire safety during construction and demolition, and Wildland-Urban Interface areas. The fire code was most recently updated and published on July 1, 2022, with an effective date of January 1, 2023.

Fire Hazard Severity Zone is a mapped area designated by CAL FIRE where wildfire hazards are likely to be more severe (based on factors such as fuel, slope, and fire weather) using varying degrees of fire hazard (i.e., moderate, high, and very high). CAL FIRE uses the fire hazard severity zone designations to dictate its responsibilities for fire protection and/or mitigation work across the State. To ensure that these safety measures are met for construction, the fire code employs a permit system based on hazard classification.

Fire code chapter 49 provides minimum standards to increase building resistance to the intrusion of flame or burning embers projected by a vegetation fire and identifies performance and prescriptive requirements. Section 4906 provides hazardous vegetation fuel management requirements for buildings and structures located on land in a very high fire hazard severity zone in Local Responsibility Areas and land in a moderate fire hazard severity zone, high fire hazard severity zone, or very high fire hazard severity zone in State Responsibility Areas. In addition, Section 4907 requires the local entity with jurisdictional authority over areas designated very high fire hazard severity zone in Local Responsibility Areas to maintain defensible space near buildings and structures.

Wildland-Urban Interface Building Standards

The California Building Standards Code (CBSC) (CCR, Title 24) contains minimum building design and construction regulations for the state, including standards for building in defined WUI areas, fire hazard safety zones, and state responsibility areas. Wildfire requirements in the CBSC are designed to establish minimum standards for the protection of life and property by increasing the ability of buildings to resist the intrusion of flames or burning embers projected by a vegetation fire and reducing structure losses.

Minimum wildfire requirements and referenced performance-based test standards for building construction are found in different parts of the CBSC: Part 2 - California Building Code, Chapter 7A Materials and Construction Methods for Exterior Wildfire Exposure (typically referred to as "Chapter 7A") and Chapter 15 Roof Assemblies and Rooftop Structures; Part 2.5 – California Residential Code; Part 9 - California Fire Code; and Part 12 - California Referenced Standards Code. Similar wildfire protection requirements for mobile homes and other types of manufactured buildings are regulated by the California Department of Housing and Community Development (HCD) (CCR Title 25).

The Office of the State Fire Marshal (State Fire Marshal) is responsible for promulgating wildfire safety regulations based on Health and Safety Code § 13108.5. State law designates where CBSC wildfire requirements shall apply based on fire hazard severity zone classifications in the state responsibility area and local responsibility area. Recent legislation (SB 63, 2021) requires the State Fire Marshal and HCD, in consultation with interested stakeholders, to consider expanding the application of WUI building standards to moderate fire hazard severity zones, as defined in GC § 51178. Cities and counties may adopt local ordinances and code amendments that exceed the state's WUI building code minimum standards (OPR 2022b). The City of Mill Valley has done so in Chapter 15.06 of the Municipal Code (discussed further below).

Emergency Response/Evacuation Plans

The State of California passed legislation authorizing the Office of Emergency Services to prepare a Standard Emergency Management System program, which sets forth measures by which a jurisdiction should handle emergency disasters. Non-compliance with Standard Emergency Management System Program could result in the state withholding disaster relief from the non-complying jurisdiction in the event of an emergency disaster.

Fire Hazard Zoning Field Guides (Currently Being Updated)

California has enacted statewide laws aimed at reducing wildfire hazards in Wildland-Urban Interface areas. These regulations cover topics such as fire prevention, vegetation management, notification and penalties, fire hazard severity zones, defensible space, setbacks, and exemptions. *The Fire Hazard Zoning Field Guide* is prepared and distributed by the Office of the State Fire Marshal. The objective of publishing and distributing the Fire Hazard Zoning Field Guide is to help reduce and prevent losses of life, property and natural resources from wildfire in the Wildland-Urban Interface. Loss reduction can be achieved partly through proper implementation and enforcement of fire hazard zoning and mitigation laws. This document discusses those types of laws that are state mandated. As of September 2022, the Office of the State Fire Marshal's fire safety planning website located at https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildfire-preparedness/prevention-field-guides indicates that the guide is being updated and will be available soon.

Regional

Marin Operational Area Emergency Operations Plan (2014)

The 2014 *Marin Operational Area Emergency Operations Plan* addresses the planned response to extraordinary emergency situations associated with large-scale disasters affecting Marin County. The plan includes the cities/towns, special districts, and the unincorporated areas within the county. The plan also addresses integration and coordination with other governmental agencies when required.

The plan was established to ensure the effective and economical emergency management organization required to mitigate any significant emergency or disaster affecting the county, and

provide overall operational concepts associated with Marin County's Emergency Operations Center activities and the recovery process. The plan is not intended to address the normal day-to-day emergency or well-established emergency procedures.

Marin County Multi-Jurisdictional Hazard Mitigation Plan (2018)

In 2018, Marin County and its partners, including the City of Mill Valley, published a *Multi-Jurisdictional Local Hazard Mitigation Plan* (MCM LHMP) to assess risks posed by natural hazards and to develop a mitigation strategy for reducing the County's risks. The County prepared the MCM LHMP in accordance with the requirements of the Disaster Mitigation Act of 2000. The Marin County Sheriff's Office of Emergency Services (OES), in conjunction with the Marin County Local Hazard Mitigation Team, coordinated the preparation of the MCM LHMP in cooperation with municipalities and special district partners.

The 2018 MCM LHMP serves as the current LHMP for all participating jurisdictions, including Mill Valley. The plan is anticipated to be updated in 2023.

Marin County Community Wildfire Protection Plan (2016; updated 2020)

The Marin County Fire Department in collaboration with FIRESafe Marin finalized the *Community Wildfire Protection Plan* in July 2016 and updated in December 2020. The full wildfire protection plan is incorporated by reference into the Marin County Multi-Jurisdictional Local Hazard Mitigation Plan discussed above. The wildfire protection plan provides a scientifically based assessment of wildfire threat in the Wildland-Urban Interface of Marin County, California. This wildfire protection plan was developed through a collaborative process involving Marin County fire agencies, county officials, county, state, and federal land management agencies, and community members. It is intended to be a living document that will be updated periodically by FIRESafe MARIN and the Marin County Fire Department in collaboration with a broader group of county stakeholders. The wildfire protection plan is also intended to support the California Fire Plan and CAL FIRE's Unit Strategic Fire Plan. The wildfire protection plan provides a framework for future collaboration that can be used to identify, prioritize, implement, and monitor hazard reduction activities throughout the county. While the wildfire protection plan broadly covers the entire county, it supports and encourages more focused plans for wildfire protection at the city, community, and neighborhood scales.

Local

City of Mill Valley 2040 General Plan

The 2040 General Plan (Chapter 7, Hazards and Public Safety Element) sets forth the following goals and policies that are relevant to wildfires:

> **Goal HZ-1 Community Hazard Resilience:** Minimize loss of life, property, and important elements of the natural ecosystem and maximize Mill Valley's ability to prepare for, respond to, and recover from disaster.

Policy HZ.1 Hazard Identification and Mitigation: Identify all hazards that threaten the city as either "sudden onset" disasters (e.g., earthquakes, wildfire) or "slow onset" disasters/phenomena (e.g., drought, extreme heat, sea level rise) and strengthen hazard mitigation policies and regulations.

> **HZ.1-3.** Strengthen requirements for public right-of-way improvements, fire sprinklers, vegetation management, fire-resistive construction, and other hazard mitigation programs and ensure that regulations are regularly and consistently enforced through adequate code enforcement staffing and procedures to minimize threats to life and property. Ensure, however, that these mitigation efforts are not done at the expense of good design or community character.
>
> **HZ.1-5.** Identify and expand preparations for potential hazards through the identification and use of the emergency management lifecycle (prevention, mitigation, preparedness, response and recovery).

Policy HZ.2 Administrative and Equipment Capacity: Maintain adequate concentration and distribution of staff, facilities, materials, and equipment to provide a timely disaster response consistent with the needs of a demographically changing community and a challenging natural environment, while recognizing the difficulties of maintaining these systems on a daily basis.

Policy HZ.3 Critical Infrastructure: Develop strategies for critical facilities and services (local and regional) that will minimize problems during post-disaster evacuations, rescues, and major clean-up operations following a major disaster.

Policy HZ.4 Civic Duty and Responsibility: Promote education and events that reinforce the personal responsibility of all residents, business owners, and City staff to plan for, respond to, and recover from disasters.

Policy HZ.5 Emergency Response and Evacuation Routes: Maintain and expand the network of anticipated emergency response routes and regularly exercise evacuation protocols and procedures.

> **HZ.5-2.** Support measures to designate, create, maintain, resurrect, and enhance those Steps, Lanes and Paths that also serve as evacuation routes.
>
> **HZ.5-3.** Continue to maintain and clearly identify those facilities and networks that serve as emergency response and evacuation routes.

Policy HZ.6 Prevention and Protection: Reduce injury and damage from hazards.

> **HZ.6-1.** Maintain an ongoing fire inspection program to reduce fire hazards associated with commercial and multi-family residential buildings, older buildings, critical facilities, public assembly facilities, and residential parcels in high-risk areas.

Housing Element Update

The 2023-2031 Housing Element Update includes one program that addresses natural hazards mitigation planning and wildfire risk.

> **Housing Program 34. Addressing Natural Hazards (Program Objective):** Continue to work with local jurisdictions and through the Multi-Jurisdictional Local Hazard Mitigation Plan and the MV2040 General Plan to address and mitigate natural hazards, including fire and flood protection and mitigation. Support redevelopment in the commercial and multi-family zoning districts that are outside of the hazard zones, as illustrated in Chapter 1, Figure I-2 through incentives such as Density Bonus, Senate Bill 9, State Streamlining (SB 330), reduced fees available through MVMC 5.32 and local housing overlays created through Housing Program 20.

City Municipal Code

Fire Code (Title 15, Chapter 15.04)

The Mill Valley Municipal Code has a Building and Construction Fire Code for all development and construction activities within Mill Valley. The Fire Code (Title 15) requires compliance with California Fire Code and Uniform Fire Code and was adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion. The City adopted the 2019 California Fire Code, the 2018 International Fire Code, and Appendix A of the 2018 International Wildland-Urban Interface Code, with local amendments to address climatic, topographic, and geological conditions in Mill Valley (Ord. 1312, December 2, 2019).

Wildland-Urban Interface Code (Chapter 15.06)

The Mill Valley City Council adopted the Wildland-Urban Interface Code and the Wildland-Urban Interface Fire Area on December 3, 2007 (Ord. 1228). The code imposes certain regulations for exterior building materials, vegetation, firefighting water supply, and fire apparatus access on new construction projects and on remodeled existing structures where more than 50 percent of the exterior surface area is affected. Any new materials on the exterior of any structure in the Wildland-Urban Interface Fire Area will also need to comply with the regulations.

City of Mill Valley Climate Action Plan (Administrative Draft)

Climate Action Plan 2030 (draft climate action plan) is an update to the City's first Climate Action Plan (CAP) which was adopted in 2013. As of September 2022, the City was reviewing the administrative draft of the plan and anticipates adopting the plan in early 2023. The currently adopted plan identified actions to reduce greenhouse gas (GHG) emissions to 1990 levels by the year 2020, consistent with the State's goal to reduce statewide emissions. Mill Valley achieved that goal eight years early. The draft climate action plan identifies as the increased severity and frequency of wildfires to the city as a result of climate change. The draft climate action plan also identifies several policies that directly or indirectly address wildfire risk and mitigation:

SA-C1: Urban Forest

Increase carbon sequestration and improve air quality and natural cooling through expansion and enhancement of green spaces and increasing appropriate (e.g., native, drought-resistant, fire resilient) tree cover, other vegetation, and healthy soils in Mill Valley.

1. Plant and maintain additional trees on City-owned land, including public parks, open space, medians, and rights of way outside of fire-prone areas, where feasible.
2. Review parking lot landscape standards to maximize tree cover, size, growth, and sequestration potential.
3. Regulate and minimize removal of large (heritage) trees and require planting of replacement trees and or sufficient fees to support mitigation planting in Mill Valley's parks and open spaces.
4. Require that the site planning, construction, and maintenance of new development preserve existing healthy trees and native vegetation on site to the maximum extent feasible. Replace trees and vegetation not able to be saved with native/appropriate species.
5. Encourage community members to plant native/appropriate trees on private land. Consider creating a tree giveaway program or providing lower-cost trees to the public through a bulk purchasing program.
6. Encourage the creation of no-till community gardens and healthy soil management on public lands by community groups and on private lands by individual households.
7. Provide information to the public, including landscape companies, gardeners, and nurseries, on carbon sequestration rates, drought tolerance, and fire resistance of different tree and vegetation species, as well as healthy soil management.
8. Collaborate with fire agencies, Marin County Open Space District, Marin Municipal Water District, and private property owners, to manage fire-prone trees and invasive species in the open space for forest health, water cycling, soil organic matter, and reduction of fuel load.
9. Require new development, redevelopment, and infrastructure projects to implement best management practices as feasible, including low-impact development techniques, the minimal use of non-pervious surfaces in landscape design, and the integration of natural features into the project design, to naturally filter and biodegrade contaminants and to minimize surface runoff into drainage systems and creeks.

SA-C4: Climate Change and Sea Level Rise Adaptation

Prepare for and adapt to a rising sea level and climate change impacts such as extreme heat and wildfire.

a. Support and integrate Climate Action Planning and implementation with the ongoing adaptation efforts of BayWAVE.

b. Coordinate and integrate climate adaptation planning consistently throughout related City plans, including but not limited to the General Plan and its Safety Element, Local Hazard Mitigation Plan (LHMP), sea level rise adaptation plans, Community Wildfire Protection Plan, and emergency and capital improvement plans.

c. Ensure fair and robust inclusion of lower-income households and diverse communities in the planning and response to climate change impacts, including sea level rise, wildfire, public health, and emergency preparedness.

d. Collaborate with Marin cities and towns, the County of Marin, the Marin Wildfire Prevention Authority, special districts, and regional bodies such as the Transportation Authority of Marin to coordinate and integrate planning.

e. Adopt a comprehensive climate change adaptation plan that prepares for and responds to the expected impacts of climate change, including the identification of populations and neighborhoods most vulnerable to these impacts.

15.3 Thresholds of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of wildfire, as it does on a whole series of additional topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of wildfire impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The City of Mill Valley has done so here. Therefore, for purposes of this SEIR, a significant wildfire impact would occur if any of the housing sites are located in or near state responsibility areas or lands classified as very high fire hazard severity zones, and redevelopment of those sites would:

- Substantially impair an adopted emergency response plan or emergency evacuation plan;
- Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire;

- Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

In addition, CEQA Guidelines Appendix G includes a question under "IX. Hazards and Hazardous Materials," which states a project would result in a significant impact if it would:

- Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

15.4 Analysis, Impacts, and Mitigation Measures

This section includes information and data regarding wildfire that are relevant to the proposed project based on the thresholds of significance described above. The information and data are used as a basis for determining impact significance and for the mitigation measures.

Compatibility with Adopted Emergency Response and Evacuation Plans

IMPACT 15-1	The Proposed Project Would Result in Traffic Activity That Has the Potential to Impair an Adopted Emergency Response Plan or Emergency Evacuation Plan	Less than Significant with Mitigation

As mentioned previously, in coordination with the other agencies in Marin County, the City of Mill Valley has an adopted emergency operations plan that meets the state's framework requirements for a standardized emergency management system. The emergency operations plan is an extension of the *Marin Operational Area Emergency Operations Plan*. The emergency operations plan along with the 2018 *Marin County Multi-Jurisdictional Local Hazard Mitigation Plan* comprise the entirety of emergency planning activities that governs emergency response and evacuation on and around Mill Valley. In addition, the Southern Marin Fire Protection District has identified primary and secondary evacuation routes through Mill Valley as reflected in Figure 15-3.

Implementation of the proposed project could result in an additional 1,156 new residential units and additional 2,659 residents. The proposed housing sites are consistent with the overall land use patterns of Mill Valley (refer to Figure 4-1, Sites Inventory Map, presented in Section 4.0, Project Description, of this draft subsequent EIR). Although development and redevelopment at the proposed housing sites would increase population and increase demand on emergency response and evacuation, the proposed housing sites are located within existing developed areas and along major transportation corridors that will allow for evacuation and response. The proposed project would not alter Mill Valley's overall land use patterns or land use designations to such an extent that they

would conflict with the City's adopted emergency response plan. However, the proposed project would generate an increase in daily trips by 6,293 throughout Mill Valley resulting in very minor increases in delays at most intersections, but in a 12- to 23-second increase in delay at the Carmelita Avenue and E. Blithedale Avenue intersection (Hexagon 2022), which may have an impact on emergency access and may conflict with the City's adopted emergency response and evacuation plans.

The City will be updating its General Plan Safety Element at a later date. This Safety Element update will be required to address recent state legislation including Senate Bill (SB) 1241 (Kehoe), which revises safety element requirements for state responsibility areas and very high fire hazard severity zones and requires the safety element to take into account specified considerations, including the most recent version of the Office of Planning and Research's "Fire Hazard Planning" document. Although this bill won't apply within the City limits, since areas within the City limits are considered "local responsibility area," it may apply immediately adjacent in un-incorporated areas (and therefore, potentially within the City's sphere of influence). In accordance with SB 379 (Jackson), adopted in 2015, safety elements must also include a climate change vulnerability assessment, measures to address vulnerabilities, and comprehensive hazard mitigation and emergency response strategy. Approved in 2019, AB 747 (Levine) requires jurisdictions to review and update as necessary their safety element to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios. This information must be included by January 1, 2022, or upon approval of the next update to the Local Hazard Mitigation Plan. Also approved in 2019, SB 99 (Nielsen) requires jurisdictions, upon the next revision of the housing element on or after January 1, 2020, to review and update the safety element to include information identifying residential developments in hazard areas that do not have at least two emergency evacuation routes. AB 1409 (Levine), approved in 2021, requires upon the next revision of a local hazard mitigation plan on or after January 1, 2022, or beginning on or before January 1, 2022, if a local jurisdiction has not adopted a local hazard mitigation plan, requires the safety element to be reviewed and updated as necessary to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios.

When the City does undertake an update to its Safety Element, the City will be required to address all of the requirements of these bills. Compliance with these requirements, as reflected in the mitigation measure reflected below, will ensure that development at the proposed housing sites would not physically interfere with any emergency response or evacuation plans because they would not prevent continued implementation of the City's adopted emergency response and evacuation plans.

Mitigation Measure

15-1 The City of Mill Valley shall prepare and adopt an update to the City's Safety Element of the General Plan, which shall incorporate a full evacuation traffic analysis in compliance

with SB 1241 and 99 and AB 1241, 747 and 1409. The evacuation traffic analysis shall be prepared to the satisfaction of the City's Fire Chief and Public Works Director and shall be prepared and approved prior to final adoption of the Safety Element update.

Development and redevelopment allowed by the proposed Housing Element Update, including the increase in housing units, increase in residents, and the potential for impacts to emergency response and fire services are addressed in Section 11.0, Public Services.

Installation or Maintenance of Associated Infrastructure That May Exacerbate Fire Risk (No Impacts)

As described in Section 14.0, Utilities, no significant utility infrastructure improvements are anticipated to serve future development at the proposed housing sites as existing infrastructure would be available to serve the development. A majority of the proposed housing sites are currently developed and have utility service. Sites with existing overhead lines from the public right-of-way to the existing development will be required to underground the lines with the redevelopment. Therefore, there will be no new overhead utility lines.

The proposed project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment, and therefore, there would be no impact.

Exposure to Pollutant Concentrations from a Wildfire

IMPACT 15-2	Due to Slope, Prevailing Winds, and Other Factors, the Proposed Project Could Exacerbate Wildfire Risks, and Thereby Expose Project Occupants to Pollutant Concentrations from a Wildfire or the Uncontrolled Spread of a Wildfire	Less than Significant

Many of the housing sites are located within the WUI (refer to Figure 4-1 and Figure 15-2) and are located within "Very High" or "High" fire hazard severity zones (Local Responsibility Area) and adjacent to "Very High" or "High" fire hazard severity zones (State Responsibility Area) as designated by CAL FIRE. However, the majority of this sites are currently vacant single-family zoned sites, and the housing element update does not change that. The housing sites in these areas vary in terms of wildfire-related risk exposure; however, because they are all currently zoned for development, implementation of the project would not exacerbate identified wildfire-related risks or increase the likelihood of their occurrence. New construction associated with the proposed housing sites within the WUI or within or adjacent to "Very High" or "High" fire hazards severity zones (LRA or SRA), would be subject to the California Fire Code, which includes safety measures to minimize the threat of fire, including ignition-resistant construction with exterior walls of noncombustible or ignition-resistant material from the surface of the ground to the roof system and

sealing any gaps around doors, windows, eaves, and vents to prevent intrusion by flame or embers. Fire sprinklers would be required in residential developments pursuant to the Title 15 (Chapter 15.04) the Mill Valley City Code. Construction would also be required to meet CBC requirements, including CCR Title 24, Part 2, which includes specific requirements related to exterior wildfire exposure. In addition, the Board of Forestry, via CCR Title 14, sets forth the minimum development standards for emergency access, fuel modification, setback, signage, and water supply, which help prevent loss of structures or life by reducing wildfire hazards. Because these particular proposed housing sites are all currently zoned for development, implementation of the project would not exacerbate identified wildfire-related risks or increase the likelihood of their occurrence.

As for those proposed housing sites closer to the Mill Valley downtown area and U.S. Highway 101 corridor, all but one of these sites are currently developed and/or zoned for development and are subject to the development/building requirements noted above. Therefore, the project would not exacerbate impacts related to the development of these proposed housing sites or increase the likelihood that project occupants or structures would be affected by wildfires in the form of exacerbated pollution concentrations; the uncontrolled spread of wildfires; or flooding or landslides resulting from runoff, post-fire slope instability, or drainage changes. Therefore, impacts would be less than significant.

Exposure to Risks as a Result of Runoff, Post-Fire Slope Instability, or Drainage Changes

IMPACT 15-3	Expose People or Structures to Risks, including Downslope or Downstream Flooding or Landslides, as a Result of Runoff, Post-Fire Slope Instability, or Drainage Changes	Less than Significant

Redevelopment of the proposed housing sites, especially adjacent to or within the WUI, could result in exposure of people or structures risk as a result of post-fire slope instability or drainage changes. However, redevelopment of the housing opportunity sites would be required to comply with applicable regulations and policies related to flooding, drainage patterns, and landslides which would reduce risks to the extent feasible. Therefore, the project could expose people or structures to some risk, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes; however, these impacts would be less than significant.

Expose People or Structures to a Significant Risk of Loss, Injury or Death Involving Wildland Fires

IMPACT 15-4	Expose People or Structures to Significant Risks Associated with Wildland Fires	Less than Significant

As previously noted, new construction associated with the proposed project would be subject to the California Fire Code, which includes safety measures to minimize the threat of fire, including

ignition-resistant construction with exterior walls of noncombustible or ignition resistant material from the surface of the ground to the roof system and sealing any gaps around doors, windows, eaves, and vents to prevent intrusion by flame or embers. Fire sprinklers would be required in residential developments pursuant to the Title 15 (Chapter 15.04) the Mill Valley City Code. Construction would also be required to meet CBC requirements, including CCR Title 24, Part 2, which includes specific requirements related to exterior wildfire exposure. The Board of Forestry, via CCR Title 14, sets forth the minimum development standards for emergency access, fuel modification, setback, signage, and water supply, which help prevent loss of structures or life by reducing wildfire hazards. As previously noted under the analysis for Impact 15-2 above, many of the housing sites are located within the WUI (refer to Figure 4-1 and Figure 15-2) and are located within "Very High" or "High" fire hazard severity zones (Local Responsibility Area) and adjacent to "Very High" or "High" fire hazard severity zones (State Responsibility Area) as designated by CAL FIRE. However, the majority of this sites are currently vacant single-family zoned sites, and the housing element update does not change that. The housing sites in these areas vary in terms of wildland fire-related risk exposure; however, because they are all currently zoned for development, implementation of the project would not exacerbate identified wildland fire-related risks or increase the likelihood of their occurrence. Because these particular proposed housing sites are all currently zoned for development, implementation of the project would not exacerbate identified wildland fire-related risks or increase the likelihood of their occurrence.

Furthermore, general plan policies HZ.1-3, HZ.6, HZ.5, HZ.6-1 address identifying and mitigating natural hazards including wildfires, providing adequate emergency services including fire response, and identifying and maintaining evacuation routes. Implementation of these policies would further reduce impacts associated with wildfires. In addition, the Housing Element Update includes a program which encourages the City's continued involvement in the development of the *Marin County Multi-Jurisdictional Local Hazard Mitigation Plan*. Implementation of and compliance with these policies, programs, codes and regulations would further reduce the risk of loss, injury, or death from wildland fire for new or redeveloped residential sites identified in the Housing Element Update. Additionally, while the proposed housing sites vary in terms of location within the city limits and wildfire-related risk exposure, they are all currently zoned for development. Therefore, project impacts associated with exposure of people or structure to a significant risk of loss, injury or death involving wildland fires would be less than significant.

15.5 Cumulative Impacts

Geographic Context

The geographic context for the assessment of cumulative impacts related to wildfire is buildout of the City's general plan.

Cumulative Analysis

Development and redevelopment at the housing sites, in combination with other past, present and reasonably foreseeable cumulative development within Mill Valley would not physically interfere with any emergency response or evacuation plans because they would not include any features that would prevent continued implementation of these plans with implementation of the mitigation measure (15-1) identified above. Additionally, applicable general plan policies would continue to be implemented to ensure adequate citywide emergency response and preparedness.

As discussed above, City general plan and Housing Element Update policies and programs would further reduce wildfire hazards City-wide and for all future development associated with the proposed project. Future ministerial and discretionary development at proposed housing sites would be required to adhere to all regulatory requirements in place to minimize wildfire hazards including applicable sections of the Mill Valley Municipal Code (including fire and building codes), and requirements from the fire chief that would be identified during future building permit reviews.

All impacts associated with infrastructure improvements including any required measures to address fire safety would be evaluated in their respective subsequent environmental documents for discretionary projects, or as part of the ministerial review that will be implemented through an overlay zone that includes objective standards and requirements to reduce physical impacts to the extent feasible.

Development and redevelopment of the housing sites would be required to comply with applicable regulations and policies related to flooding, drainage patterns, and landslides, and thereby avoid significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. All future development in Mill Valley, including that associated with the project, would be required to comply with applicable Mill Valley Municipal Code (including fire and building codes) regulations that would reduce the potential for cumulative impacts. For the reasons above, the project's incremental contribution to impacts related to wildfire would not be cumulatively considerable.

16.0 Effects Adequately Addressed in the General Plan EIR

The following environmental effects have been determined to be adequately addressed in the 2013 *Final – Certified Environmental Impact Report Mill Valley 2040 General Plan* (general plan EIR) for purposes of the proposed project. CEQA allows a lead agency to limit the detail of discussion of environmental effects that are not potentially significant (PRC Section 21100, CCR Section 15128). Accordingly, the following issue areas are not addressed further in this draft subsequent program EIR.

16.1 Agricultural and Forestry Resources

According to the general plan EIR, the California Department of Conservation Farmland Mapping and Monitoring Program indicates that the City's Planning Area does not contain Prime Farmland, Farmland of Statewide Importance, or Unique Farmland, which fall under "Important Farmland" umbrella. This condition precludes the possibility of development and land use activities contemplated by the 2040 General Plan from converting Important Farmland to non-agricultural use. In addition, the general plan EIR notes that there is not active farmland or grazing land within the City's Planning Area and the Mill Valley Zoning Ordinance does not establish agricultural zoning districts. This condition precludes the possibility of development and land use activities contemplated by the 2040 General Plan from conflicting with Williamson Act contracts or agricultural zoning.

With regards to impacts associated with forestry resources, the general plan EIR notes that the upper slopes of the western and northern portions of the Planning Area contain forested areas that may meet state definitions of "forest land." However, these areas are controlled by public agencies and the 2040 General Plan designates these areas as "Publicly Owned"; thus, urban development is not contemplated within these areas. This condition precludes the conversion of forest land to non-forest use.

Each of the 265 housing sites outlined in the Housing Element Update are located within the Mill Valley city limits and the City's Planning Area. Therefore, the proposed project would not result in impacts associated with agriculture and forestry resources.

16.2 Cultural Resources

The general plan EIR (section 3.4 Cultural Resources) identified less than significant impacts associated with cultural resources and no mitigation measures were deemed necessary. General plan goals and policies were identified which were determined to further reduce the potential for cultural resource impacts as a result of buildout of the general plan. Implementation of the proposed project would not alter the conclusions of the general plan EIR as each of the 265 housing sites are a combination of developed and undeveloped sites whereby development or redevelopment of those sites with higher density residential uses would not increase cultural resource impacts identified in the general plan EIR. However, future development or redevelopment applications at the housing sites would still be subject to general plan policies and implementation programs addressing cultural resources identified in the general plan EIR. Compliance with these general plan policies and implementation programs would ensure cultural resources impacts associated with the proposed project would remain less than significant.

Additionally, impacts associated with tribal cultural resources are addressed in Section 13.0, Tribal Cultural Resources, of this subsequent EIR.

16.3 Geology and Soils

The general plan EIR (section 3.5 Geology and Soils) identified less than significant impacts associated with geology and soils and no mitigation measures were deemed necessary. General plan goals and policies were identified which were determined to further reduce the potential for geology and soils impacts as a result of buildout of the general plan. Implementation of the proposed project would not alter the conclusions of the general plan EIR as each of the 265 housing sites are a combination of developed and undeveloped sites whereby development or redevelopment of those sites with higher density residential uses would not increase geology and soils impacts identified in the general plan EIR. However, future development or redevelopment applications at the housing sites would still be subject to general plan policies and implementation programs addressing geology and soils identified in the general plan EIR. Compliance with these general plan policies and implementation programs would ensure geology and soils impacts associated with the proposed project would remain less than significant.

16.4 Hazards and Hazardous Materials

The general plan EIR (section 3.6 Hazards and Hazardous Materials) identified less than significant impacts associated with hazards and hazardous materials and no mitigation measures were deemed necessary. General plan goals and policies were identified which were determined to further reduce the potential for hazards and hazardous materials impacts as a result of buildout of the general plan. Page 3.6-11 of the general plan EIR states that as of 2013, "The State Water Resources Control

Board Geotracker Database indicates that there are 21 sites within Mill Valley have had reported releases of hazardous materials. (These sites are included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.) The majority of these sites are associated with leaking underground storage tanks. Seventeen of the 21 cases are listed as "Closed," indicating that they have been remediated to the satisfaction of the San Francisco Bay Regional Water Quality Control Board (RWQCB). Of the remaining four sites, three are listed as "inactive," while the fourth is identified as in the process of remediation."

A review of the current (as of November 2022) Geotracker Database, indicates that there are now 39 sites within Mill Valley that have had reported releases of hazardous materials. 33 of these sites are listed as "Closed," with two being listed as "Open – Inactive," three listed as "Open – Site Assessment," and one listed as "Open – Verification Monitoring" (State Water Resources Control Board 2022).

One site with an "Open – Site Assessment" designation is included in the sites inventory list for the Housing Element Update (374 Miller Avenue). This site is currently the site of a Jiffy Lube service station and the original case to address the removal of 2,000 gallon waste oil underground storage tank at the site was opened in 1998 by the San Francisco RWQCB. The current property owner and operator has been undergoing review and consultation with the San Francisco RWQCB since the end of 2021 to address the remaining remediation requirements for the site. A site assessment report and Phase I assessment report were submitted to the RWQCB by the property owner in August 2022 and a source investigation workplan was requested by RWQCB staff in November 2022 (to be completed by March 2023). No cleanup activities have occurred at the site as of November 2022. This site will continue to undergo hazardous materials remediation and clean-up requirements pursuant to applicable local, regional, state, and federal regulations. The site will not be permitted to redevelop unless all such remediation requirements are adhered to and the site is determined to be adequately cleared of all hazardous materials.

Implementation of the proposed project would not alter the conclusions of the general plan EIR as each of the 265 housing sites are a combination of developed and undeveloped sites whereby development or redevelopment of those sites with higher density residential uses would not increase hazards and hazardous materials impacts identified in the general plan EIR. However, future development or redevelopment applications at the housing sites would still be subject to general plan policies and implementation programs addressing hazards and hazardous materials identified in the general plan EIR. Compliance with these general plan policies and implementation programs, as well as the 2018 *Marin County Multi-Jurisdictional Hazard Mitigation Plan*, would ensure hazards and hazardous materials associated with the proposed project would remain less than significant.

Additionally, the risk of wildland fire and potential impairment of implementing an existing emergency response plan were addressed in this section of the general plan EIR. These topics are addressed in Section 15.0, Wildfire, of this subsequent EIR.

16.5 Hydrology and Water Quality

The general plan EIR (section 3.7 Hydrology and Water Quality) identified less than significant impacts associated with hydrology and water quality and no mitigation measures were deemed necessary. General plan goals and policies were identified which were determined to further reduce the potential for hydrology and water quality impacts as a result of buildout of the general plan. Implementation of the proposed project would not alter the conclusions of the general plan EIR as each of the 265 housing sites are a combination of developed and undeveloped sites whereby development or redevelopment of those sites with higher density residential uses would not increase hydrology and water quality impacts identified in the general plan EIR. However, future development or redevelopment applications at the housing sites would still be subject to general plan policies and implementation programs addressing hydrology and water quality identified in the general plan EIR.

With regards to tsunami risk within Mill Valley, as noted in the general plan EIR, although Mill Valley does not have a direct exposure to ocean waters, there remains a threat from tsunami due to the "bathtub" effect on the waters of the San Francisco Bay. This effect, caused by the atypical draining and filling of the bay that is due to the effects of tsunami waves, may cause a sloshing effect that can create water swells on the bay that exceed the heights of levees and other tidal barriers. The result of this would lead to flooding of low-lying areas, similar to a winter storm related slow rise flood, but much more rapid and less predictable. Exhibit 3.7-3 of the general plan EIR depicts the portions of Mill Valley susceptible to tsunami hazards (Mill Valley 2013b). Although many of the housing sites along the U.S. Highway 101 corridor and along portions of Miller Avenue and Camino Alto are in a California Geological Survey-identified tsunami zone (CGS 2022), housing projects are generally not releasing significant pollutants if inundated, as would an industrial or (some) commercial projects that use large amounts of hazardous materials. 2040 General Plan establishes a goal and several policies that concern mitigation of hazards, including tsunami inundation. Goal HZ-1 and Policies HZ.1 through HZ.6 call for emergency preparedness, identification of hazards, equipping emergency responses with adequate resources, protected critical infrastructure, maintaining emergency response and evacuation routes, and reducing injury and damage from hazards.

Compliance with these general plan policies and implementation programs, as well as compliance with the applicable Mill Valley Municipal Code sections addressing stormwater control, erosion control, and creek setback requirements, would ensure hydrology and water quality associated with the proposed project would remain less than significant.

16.6 Mineral Resources

According to the general plan EIR, the California Department of Conservation Division of Oil, Gas, and Geothermal Resources indicates that the City's Planning Area does not contain any known mineral deposits or active mineral extraction operations. This condition precludes the possibility of the loss of important mineral resources as a result of development and land use activities contemplated by the general plan. Each of the 265 housing sites are located within the Mill Valley city limits and Planning Area. Therefore, the proposed project would not result in impacts associated with mineral resources.

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17.0 Alternatives

17.1 CEQA Requirements

CEQA Guidelines section 15126.6(a) requires a description of a range of reasonable alternatives to the proposed project, or to the location of the project, which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. It also requires an evaluation of the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project, but must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.

CEQA Guidelines section 15126.6(b) further requires that the discussion of alternatives focus on those alternatives capable of eliminating any significant adverse environmental impacts or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly. The EIR must present enough information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed.

17.2 Project Objectives and Significant Effects

As discussed above, alternatives must be able to meet most of the basic objectives of the project and avoid or substantially lessen any of the significant effects of the project. The project objectives are presented in Section 4.2, Statement of Project Objectives, and significant and unavoidable effects are presented in Section 17.2, Significant and Unavoidable Effects.

17.3 Alternatives Considered but Rejected

CEQA Guidelines section 15126.6(c) states in part that an EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the determination. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

A number of scenarios reducing the total number of housing opportunity sites or decreasing the residential density allowed on those sites would reduce the environmental impacts associated with the proposed project. However, a Housing Element Update must satisfy the City's Regional Housing Needs Allocation (RHNA) of at least 865 new residential units ranging in affordability levels to be consistent with the requirements of State law. As a result, alternatives that reduce opportunity sites and/or allowable densities to a level that fails to satisfy state requirements and the City's RHNA are not further analyzed in the SEIR, including the following scenarios:

- **Maintaining existing density standards for the sites in the Sites Inventory List.** As noted in Chapter 3 of the Housing Element, the City cannot adequately meet its RHNA allocation based on existing land use and zoning designations and therefore must rezone sites to satisfy RHNA. Additionally, the proposed housing overlay districts contain a number of sites that were identified in the previously adopted Housing Element that have not been developed. State law requires these sites to be rezoned at higher densities in order to place the sites on the Sites Inventory list. Based on such criteria, an alternative maintaining existing density standards for the sites included in the Sites Inventory List was rejected from further consideration because such a scenario does not satisfy Housing Element objectives.
- **Removal of one or more proposed overlay zoning districts.** An alternative eliminating one or more of the proposed zoning overlay districts was rejected from further consideration because such a scenario would result in a deficit of units required to satisfy RHNA at various income levels, as required by state law. If the City were to proceed with only the Small Lot Overlay and the Housing Opportunity Sites Overlay (removing the Office Conversion Overlay), the City would not be able to meet its Above Moderate Income RHNA. If the City were to proceed with only the Office Conversion Overlay and the Housing Opportunity Sites Overlay (removing the Small Lot Overlay), the City would not be able to meet its Moderate Income RHNA. If the City were to proceed with only the Office Conversion Overlay and the Small Lot Overlay, the City would not be able to meet its Lower Income RHNA.
- **Removal or modification of site locations.** Alternatives that considered removing and replacing privately owned parcels or "sites" was rejected from further consideration due to state law requirements and HCD site analysis guidelines that identify specific criteria required to allow sites to be listed in the Sites Inventory list. In addition, the City has evaluated the ability to construct low-income housing on City-owned sites and has deemed that there currently is not a suitable alternative location to the 1 Hamilton site based on analysis conducted to date, including a third-party analysis of sites indicating that a parcel at least 0.75 acres is required to finance the construction of a development that is fully affordable to lower income households; existing barriers to housing that exist on specific sites such as floodway designations, existing land lease agreements and easements; and Council direction in site evaluation, which include focusing on

sites at least 0.75 acres in size that can accommodate at least 40 units on site that can replace existing facilities, if any, on site and do not include sites that displace active recreation.

Based upon the above-referenced considerations, those alternatives that were rejected require no further analysis.

17.4 Alternatives Considered

As described in the Project Description, Section 4.0, the proposed project includes a "RHNA buffer" or margin of safety by identifying additional sites to generate additional units beyond the City's RHNA allocation. State guidance recommends that a jurisdiction's housing element sites inventory include a buffer of at least 15 percent beyond the City's RHNA allocation for the lower and moderate-income categories to ensure compliance with the State's "No Net Loss" requirements as the 8-year housing element cycle proceeds. Under the "No Net Loss Law," a jurisdiction must maintain adequate sites to accommodate its remaining unmet RHNA by each income category at all times through the entire planning period. In addition, the jurisdiction may not take any action to reduce a parcel's residential density unless it makes findings that the remaining sites identified in its Housing Element sites inventory can accommodate the jurisdiction's remaining unmet RHNA by each income category, or if it identifies additional sites so that there is no net loss of residential unit capacity. If a jurisdiction approves a development of a parcel identified in its Housing Element sites inventory with fewer units than shown in the Housing Element, it must either make findings that the Housing Element's remaining sites have sufficient capacity to accommodate the remaining unmet RHNA by each income level, or identify and make available sufficient sites to accommodate the remaining unmet RHNA for each income category. A jurisdiction may not disapprove a housing project on the basis that approval of the development would trigger the identification or zoning of additional adequate sites to accommodate the remaining RHNA (HCD 2019). "No Net Loss" requires cities to demonstrate that capacity is available for affordable units throughout the 8-year planning period, including when a proposed development on a specific site would result in fewer units than were assumed to be possible on that site in the Housing Element Sites Inventory (Government Code Section 65863, "No Net Loss" requirements). For the City of Mill Valley, a 15 percent buffer requires capacity for 81 additional units above the City's RHNA allocation. The City's RHNA allocation for the lower and moderate income categories totals 539 units.

Outside of the No Project Alternative (Alternative 1), alternatives considered include scenarios that modify the number of units anticipated while continuing to comply with state law and project objectives. The following alternatives to the project were considered:

1. Alternative 1. No Project (Continued Implementation of the City's 5th Cycle Housing Element Adopted in 2015, Resulting in Residential Development Consistent with Existing General Plan Elements, Land Use and Zoning);

2. Alternative 2. Fewer Housing Sites in the Sites Inventory (Utilizing Anticipated Density Range Identified in the Housing Element);
3. Alternative 3. Remove SB 9 Sites from Sites Inventory; and
4. Alternative 4. Decrease the Maximum Allowable Density for the Three Housing Overlay Zoning Districts to 35 units/acre (Reduced Density while Maintaining Existing RHNA Buffer).

Each of these alternatives is described below, followed by an analysis of how each alternative may reduce impacts associated with the proposed project.

Alternative 1 No Project (Continued Implementation of the City's 5th Cycle Housing Element Adopted in 2015, Resulting in Residential Development Consistent with Existing General Plan Elements, Land Use and Zoning)

CEQA Guidelines section 15126.6 (e) requires the "No Project" alternative be evaluated along with its impacts. The "No Project" alternative analysis must discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

Alternative Description

Under the No Project Alternative, the City would continue to implement the existing 2015-2023 Housing Element adopted in 2015. No changes would be made to the General Plan, Municipal Code, Land Use Map or Zoning Map. However, this alternative would result in a lack of compliance with state requirements for the 6th cycle, 2023-2031 Housing Element Update, including but not limited to identifying sufficient sites and implementing programs to satisfy the City's new RHNA target of 865 units for the 6th cycle Housing Element Update. The Housing Element Update goals, policies, and programs, as well as the Land Use Element and Title 20 (Zoning Code) would not be updated to address the City's housing needs under this alternative.

The No Project Alternative would result in the continuation of existing conditions and planned development of Mill Valley. As noted in Section 4.0, Project Description (see Table 4-2), existing land use designations and existing zoning would allow up to 602 residential units at the proposed housing sites. The No Project Alternative, therefore, represents a decrease of 554 units (from 1,156 units as proposed under the Housing Element Update), or an approximately 48 percentage decrease, from the proposed project. No new significant environmental impacts, or an increased severity of environmental impacts above and beyond those impacts identified in the general plan EIR, would occur under this alternative because it would retain the currently general plan land use designations and policy provisions addressing environmental impacts.

Alternative's Attainment of Project Objectives

This alternative does not satisfy the project objectives and only allows 602 residential units at a density and quantity that does not provide for adequate housing stock to accommodate the City's growing housing needs for a range of income levels and housing types that are suited to residents of varying lifestyle needs. The no project alternative does not meet the housing unit goals established by the City's RHNA for the 6th cycle as required by state law nor provide a reasonable residential unit "buffer" recommended and described above. The No Project Alternative therefore is not legally feasible as State law requires the City to plan for a minimum number of housing units (865) to satisfy its RHNA allocation for the 6th Housing Element cycle.

No Project -Residential Development Consistent with Existing General Plan (Housing Element) and Zoning Alternative Impacts Comparison

This analysis identifies potential impacts associated with this alternative and compares it with the impacts of the proposed project. The environmental effects of this alternative as compared to the proposed project are summarized by topic area below.

Aesthetics, Light & Glare

The "no project alternative" would not increase the height allowed by current zoning regulations. Redevelopment of the housing opportunity sites could be greater in height than existing development of the sites, but would not be higher than allowed by the current zoning regulations. While development and redevelopment of the sites under the no project alternative would result in a visual impact, the impact would be less than significant, as the height and design would be in conformance with existing height regulations. Therefore, this alternative would result in reduced visual impacts than the proposed project.

Air Quality

The "no project alternative" would result in an approximate 48 percent reduction in air quality impacts as development and redevelopment at the proposed housing sites would occur only at the size and scale anticipated by the existing housing element, general plan, and zoning.

Biological Resources

The "no project alternative" would still result in redevelopment of the housing sites, although the density would be less, and could result in similar impacts to the disturbance of special-status plant and wildlife species and native habitat, protected wetlands, and interference with movement of wildlife species or with established wildlife corridors on or near the proposed housing sites. Therefore, this alternative would result in similar impacts to biological resources.

Energy

The "no project alternative" would result in an approximate 48 percent reduction in energy impacts as construction and operation of new development at the proposed housing sites would occur only at the size and scale anticipated by the existing housing element, general plan, and zoning. Therefore, this alternative would result in fewer energy impacts than would the proposed project.

Greenhouse Gas Emissions

The "no project alternative" would result in an approximate 48 percent reduction in greenhouse gas emissions impacts as demolition of existing development and construction and operation of new development at the proposed housing sites would occur only at the size and scale anticipated by the existing housing element, general plan, and zoning. The significant and potentially unavoidable greenhouse gas impact as a result of the proposed project would be reduced, but would likely still be significant and potentially unavoidable. However, this alternative would result in fewer greenhouse gas emissions compared to the proposed project.

Noise

The "no project alternative" would result in an approximate 48 percent reduction in traffic, and therefore a reduction in traffic noise, as development and redevelopment of the proposed housing sites would occur only at the size and scale anticipated by the existing housing element, general plan, and zoning. Therefore, this alternative would result in fewer vehicular noise impacts than would the proposed project.

Public Services

Fire Protection Facilities

The proposed project would not result in the need for new or physically altered fire protection facilities in order to maintain target response times and therefore would not result in environmental impact associated with the provision of new or physically altered fire protection facilities. Under the "no project alternative" the development potential of the proposed housing sites, consistent with the City's existing housing element, general plan, and zoning, would be reduced and therefore, like the proposed project, would not result in environmental impacts associated with the provision of new or physically altered fire protection facilities.

Police Protection

The proposed project would not result in the need for new or physically altered police protection facilities in order to maintain target response times and therefore would not result in environmental impact associated with the provision of new or physically altered police protection facilities. Under the "no project alternative" the development potential of the proposed housing sites, consistent with the City's housing element, general plan and existing zoning, would be reduced and therefore, like the proposed project, would not result in environmental impacts associated with the provision of new or physically altered police protection facilities.

School Facilities

The proposed project's generation of students would not result in the need for new or physically altered school facilities, the construction of which would cause significant adverse environmental impacts. Under the "no project alternative" the development potential of the proposed housing

sites, consistent with the City's existing housing element, general plan, and zoning, would be reduced and therefore would result in no environmental impacts associated with the provision of new or physically altered school facilities.

Parks and Recreation Facilities

Housing projects pursuant to the housing element update would not include the dedication of parklands to the City but would result in an increase in the demand for public parks. Payment of the applicable park and recreation fees would reduce the impact of the proposed project's increased demand on parks to a less-than-significant level. The "no project alternative" would reduce the development potential for the proposed housing sites consistent with the City's existing housing element, general plan, and zoning for each of the proposed housing sites. Therefore, demand for parks and recreation facilities would be further reduced under this alternative and would result in reduced environmental impacts associated with the development of new parks and recreation facilities.

Transportation

The "no project alternative" would result in an approximate 48 percent reduction in overall vehicle miles traveled as development and redevelopment of the proposed housing sites would occur only at the size and scale anticipated by the existing housing element, general plan, and zoning. The significant and unavoidable VMT impact as a result of the proposed project would be reduced, but would likely still be significant and unavoidable. However, this alternative would result in fewer total vehicle miles traveled compared to the proposed project.

Tribal Cultural Resources

The "no project alternative" would result in development and redevelopment of the proposed housing sites and could result in similar impacts to the potential disturbance of tribal cultural resources that may be accidentally discovered during construction activities. Therefore, this alternative would result in similar, potential impacts to tribal cultural resources.

Utilities

Water Supply and Service

Implementation of General Plan policies, presented as mitigation measures in Section 14.1 of this Draft SEIR, as well as the *2020 Urban Water Management Plan's* policies and conservation ordinance requiring utilization of conservation measures, and encouraging the use of recycled water and drought-resistant landscaping to reduce water supply impacts would ensure water supply and service impacts would be less than significant. Under the "no project alternative" the development potential of the proposed housing sites, consistent with the City's existing housing element, general plan, and zoning, would be reduced and therefore would even further reduce environmental impacts associated with water supply and service impacts.

Wastewater

The wastewater treatment plant serving Mill Valley has the capacity to accommodate the Housing Element Update and the proposed project would not require or result in the relocation or construction of new or expanded wastewater facilities, the construction or relocation of which could cause significant environmental effects. Environmental impacts associated with new or expanded wastewater facilities were determined to be less than significant. Under the "no project alternative" the development potential of the proposed housing sites, consistent with the City's existing housing element, general plan, and zoning, would be reduced and therefore would even further reduce environmental impacts associated with the expansion or alteration to wastewater treatment facilities serving Mill Valley and/or the substantial increase in wastewater flows over current conditions and treatment capacity.

Solid Waste

The proposed project would not result in environmental impacts associated with an increase in solid waste generation and/or state and local solid waste reduction goals at the Redwood Landfill because of the already planned landfill expansion. Under the "no project alternative" the development potential of the proposed housing sites, consistent with the City's existing housing element, general plan, and zoning, would be reduced and therefore would result in no environmental impacts associated with an increase in solid waste generation.

Natural Gas and Electric Power Services

Under the proposed project, natural gas and electric power utility infrastructure improvements and relocations would not result in environmental impacts beyond those identified throughout this SEIR and would be further evaluated in their respective subsequent environmental documents for discretionary projects. Environmental impacts associated with natural gas and electric power utility infrastructure improvements were determined to be less than significant. Under the "no project alternative" the development potential of the proposed housing sites, consistent with the City's existing housing element, general plan. and zoning, would be reduced and therefore would even further reduce environmental impacts associated with natural gas and electric power utility infrastructure improvements and relocations.

Wildfire

The "no project alternative" would result in development and redevelopment of the proposed housing sites at a reduced size and scale of residential units as compared to the proposed project. Project impacts associated with wildfire hazards, including a significant but mitigable impact associated with increased traffic activity that has the potential to impact an adopted emergency response plan or emergency evacuation plan, would be further reduced under the "no project alternative" given the alternative would result in fewer residential units and fewer residents residing in wildfire hazard areas. Therefore, this alternative would result in reduced environmental impacts associated with wildfire hazards.

Alternative 2 Fewer Housing Sites in the Sites Inventory (Utilizing Anticipated Density Range Identified in the Housing Element)

Alternative Description

Alternative 2 works to identify only enough sites to accommodate the City's RHNA target by: 1) assuming the mid-range of units anticipated for sites, as explained in Appendix C of the Draft Housing Element Update and 2) reducing the number of housing units by 452 units based on the following:

- Office Conversion Housing Overlay: Remove housing sites that do not result in 5 or more new units on the sites inventory list (results in the removal of 8 sites and 136 units from the proposed project).
- Small Lot (1/2 acre or less) Housing Overlay: Remove housing sites that do not result in 5 or more new units as part of the sites inventory list (results in the removal of 13 sites and 143 units from the proposed project).
- SB 9 lot splits: Remove approximately 1/3 of the sites identified as part of the sites inventory list (results in the removal of 3 sites and 12 units from the proposed project).
- Opportunity Sites Housing Overlay: Remove the private parking lot across from Whole Foods on Miller Avenue, requiring the consolidation of four separate parcels to gain 15 units (results in the removal of 4 sites and 151 units from the proposed project).
- 1 Hamilton: a reduction of 10 units from the proposed project.

As illustrated in Table 17-1, Alternative 2 Development Scenario, this alternative would result in the elimination of 452 new units or 39 percent below the proposed project. Those sites removed from the sites inventory list would not have the relevant overlays applied to them.

Alternative's Attainment of Project Objectives

This alternative only partially meets the project objectives. The alternative would allow for adequate housing stock to accommodate the City's growing housing needs for a range of income levels. However, this alternative would not meet the City's RHNA target of 865 residential units and would not meet the project objective which sets a "buffer" of at least 15 percent above the RHNA target. This alternative also would hinder the City's efforts to comply with the State's "No Net Loss Law" (Government Code Section 65863) which ensures development opportunities remain available throughout the planning period (i.e., the 6th housing cycle) to accommodate a jurisdiction's RHNA, especially for lower- and moderate- income households.

Table 17-1 Alternative 2 Development Scenario

Modified Sites Inventory Alternative 2	Very Low Income (30-50% AMI[1])	Low Income (50-80% AMI)	Moderate Income (81-120% AMI)	Above Moderate Income (Over 120% AMI)	Total
Sites Inventory (Units)	222	129	53	277	681
Vacant Single-Family Zoned Sites	0	0	0	88	88
Reduced Number of Projected SB 9 Lot Splits	0	0	0	24	24
City-owned site (1 Hamilton)	20	20	0	0	40
Office Conversion (Net 5 or more, 5 sites total)	0	0	5	32	37
Underutilized/Small Lot: Commercial and Multi-Family Zoned Sites Under ½ acre (net 5 or more)	0	0	18	133	151
Opportunity Sites: Commercial Zoned Sites over ½ acre (reduced sites)	202	109	30	0	341
300 E. Blithedale (RS-6 to RM-P)[2]	-	-	-	-	8
Presidio Neighborhood (RM-3.5 to DR)[2]	-	-	-	-	15
Total Units	270	181	110	325	704 (-452 units or 39 percent below proposed project)

SOURCE: City of Mill Valley 2022
NOTES: 1. AMI = Area Median Income
2. Sites Inventory total does not include 300 E. Blithedale or Presidio Neighborhood (calculated separately and unit totals do not change).

Alternative 2 Impacts Comparison

This analysis identifies potential impacts associated with this alternative and compares it with the impacts of the proposed project. The environmental effects of this alternative as compared to the proposed project are summarized by topic area below.

Aesthetics, Light & Glare

Alternative 2 would result in a 39 percent decrease in residential units compared to the proposed project. Although an increase in maximum building height would still be necessary, the proposed new maximum height could be reduced somewhat. The proposed project's less-than-significant visual impacts would be further reduced. Therefore, this alternative's aesthetic and light and glare impact would be somewhat less than the proposed project and would remain less than significant.

Air Quality

Alternative 2 would result in a 39 percent reduction in air quality impacts compared to the proposed project. Therefore, this alternative would result in fewer air quality impacts compared to the proposed project.

Biological Resources

Alternative 2 would result in development and redevelopment of the proposed housing sites and could result in similar impacts to the disturbance of special-status plant and wildlife species and native habitat, protected wetlands, and interference with movement of wildlife species or with established wildlife corridors on or near the proposed housing sites. Therefore, this alternative would result in similar impacts to biological resources.

Energy

Alternative 2 would result in a 39 percent reduction in energy impacts. Therefore, this alternative would result in fewer energy impacts compare to the proposed project.

Greenhouse Gas Emissions

Alternative 2 would result in a 39 percent reduction in greenhouse gas emissions impacts. The significant and potentially unavoidable greenhouse gas impact as a result of the proposed project would be reduced, but would likely still be significant and potentially unavoidable. However, this alternative would result in fewer greenhouse gas emissions compared to the proposed project.

Noise

Alternative 2 would result in a 39 percent reduction in transportation, and therefore a reduction in transportation noise. Therefore, this alternative would result in somewhat fewer vehicular noise impacts compared to the proposed project.

Public Services

Fire Protection Facilities

The proposed project would not result in the need for new fire protection facilities in order to maintain target response times and therefore would not result in environmental impact associated with the provision of new or physically altered fire protection facilities. Under Alternative 2, the development potential of the proposed housing sites would be reduced by 452 residential units. Therefore, this alternative, like the proposed project, would not result in environmental impacts associated with the provision of new or physically altered fire protection facilities.

Police Protection

The proposed project would not result in the need for new police protection facilities in order to maintain target response times and therefore would not result in environmental impact associated with the provision of new or physically altered police protection facilities. Under Alternative 2 the development potential of the proposed housing sites would be reduced by 452 residential units. Therefore, this alternative, like the proposed project, would not result in environmental impacts associated with the provision of new or physically altered police protection facilities.

School Facilities

The proposed project's generation of students would not result in the need for additional school facilities, the construction of which would cause significant adverse environmental impacts. Under Alternative 2, the development potential of the proposed housing sites would be reduced by 452 residential units. Therefore, Alternative 2 would result in no environmental impacts associated with the provision of new or physically altered school facilities.

Parks and Recreation Facilities

Housing projects pursuant to the housing element update would not include the dedication of parklands to the City but would result in an increase in the demand for public parks. Payment of the applicable park and recreation fees would reduce the impact of the proposed project's increased demand on parks to a less-than-significant level. Alternative 2 would reduce the development potential for the proposed housing sites by 452 residential units. Therefore, demand for parks and recreation facilities would be further reduced under this alternative and would result in reduced environmental impacts associated with the development of new parks and recreation facilities.

Transportation

Alternative 2 would result in a 39 percent reduction in total transportation (VMT) as compared to the proposed project. The significant and unavoidable VMT impact as a result of the proposed project would be reduced, but would likely still be significant and unavoidable. Therefore, this alternative would result in fewer total vehicle miles traveled compared to the proposed project.

Tribal Cultural Resources

Alternative 2 would result in development and redevelopment of the proposed housing sites and could result in similar impacts to the potential disturbance of tribal cultural resources that may be accidentally discovered during construction activities. Therefore, this alternative would result in similar impacts to tribal cultural resources.

Utilities

Water Supply and Service

Implementation of General Plan policies, presented as mitigation measures in Section 14.1 of this Draft SEIR, as well as the *2020 Urban Water Management Plan's* policies and conservation ordinance requiring utilization of conservation measures, and encouraging the use of recycled water and

drought-resistant landscaping to reduce water supply impacts would ensure water supply and service impacts would be less than significant. Under Alternative 2, the development potential of the proposed housing sites would be reduced by 452 residential units. Therefore, this alternative would even further reduce environmental impacts associated with water supply and service impacts.

Wastewater

The wastewater treatment plant serving Mill Valley has the capacity to accommodate the Housing Element Update and the proposed project would not require or result in the relocation or construction of new or expanded wastewater facilities, the construction or relocation of which could cause significant environmental effects. Environmental impacts associated with new or expanded wastewater facilities were determined to be less than significant. Under Alternative 2, the development potential of the proposed housing sites would be reduced by 452 residential units. Therefore, this alternative would even further reduce environmental impacts associated with the expansion or alteration to wastewater treatment facilities serving Mill Valley and/or the substantial increase in wastewater flows over current conditions and treatment capacity.

Solid Waste

The proposed project would not result in impacts associated with an increase in solid waste generation and/or state and local solid waste reduction goals at the Redwood Landfill because of the already planned landfill expansion. Under Alternative 2, the development potential of the proposed housing sites would be reduced by 452 residential units. Therefore, this alternative would result in no environmental impacts associated with an increase in solid waste generation.

Natural Gas and Electric Power Services

Under the proposed project, natural gas and electric power utility infrastructure improvements and relocations would not result in environmental impacts beyond those identified throughout this SEIR and would be further evaluated in their respective subsequent environmental documents for discretionary projects. Environmental impacts associated with natural gas and electric power utility infrastructure improvements were determined to be less than significant. Under Alternative 2, the development potential of the proposed housing sites would be reduced by 452 residential units. Therefore, this alternative would even further reduce environmental impacts associated with natural gas and electric power utility infrastructure improvements and relocations.

Wildfire

Alternative 2 would result in redevelopment of fewer proposed housing sites as part of the designated housing overlays compared to the proposed project. Project impacts associated with wildfire hazards, including a significant but mitigable impact associated with increased traffic activity that has the potential to impact an adopted emergency response plan or emergency evacuation plan, would be further reduced under Alternative 2, given the alternative would result in fewer residential units and fewer residents being located in wildfire hazard areas. Therefore, this alternative would result in reduced environmental impacts associated with wildfire hazards.

Alternative 3 Remove SB 9 Sites from Sites Inventory

Alternative Description

The environmental analysis includes the identification of nine specific sites identified in the sites analysis that likely would result in a lot split in a single-family zoning district based on site conditions, essentially creating the opportunity for up to four units on the two newly created parcels. However, it is important to note that such lot splits may currently occur throughout the City in single-family zoned areas based on state law. As illustrated in Table 17-2, Alternative 3 Development Scenario, Alternative 3 modifies the sites analysis contained in the sites inventory and eliminates the specific sites that are assumed to have Senate Bill (SB) 9 lot splits (eight sites in total), thereby reducing the number of units by a total of 378 units. This alternative represents approximately a 33 percent reduction and eliminates the RHNA buffer to accommodate the City's above-moderate RHNA allocation. With the removal of the 378 units associated with the SB 9 lot split assumption, the City would rely solely on vacant single-family sites to satisfy its above-moderate RHNA allocation and assume that the one remaining above-moderate unit be satisfied based on the other additional sites identified as part of the RHNA buffer for low and moderate income, and as allowed under state law.

Alternative's Attainment of Project Objectives

Like with Alternative 2, this alternative only partially meets the project objectives. The alternative would allow for adequate housing stock to accommodate the City's growing housing needs for a range of income levels. However, this alternative would not meet the City's RHNA target of 865 residential units and would not meet the project objective which sets a "buffer" of at least 15 percent above the RHNA target. This alternative also would hinder the City's efforts to comply with the State's "No Net Loss Law" (Government Code Section 65863) which ensures development opportunities remain available throughout the planning period (i.e., the 6th housing cycle) to accommodate a jurisdiction's RHNA, especially for lower- and moderate- income households.

Reduced Buffer Alternative Impacts Comparison

This analysis identifies potential impacts associated with this alternative and compares it with the impacts of the proposed project. The environmental effects of this alternative as compared to the proposed project are summarized by topic area below.

Aesthetics, Light & Glare

The Reduced Buffer Alternative would result in a 33 percent decrease in residential units compared to the proposed project. Although an increase in maximum building height would still be necessary across the remaining sites, potential height increases at the one site or more eliminated from the housing site list would be governed by existing zoning requirements, which are generally lower than proposed height increases associated with the Housing Element Update. Additionally, the less-than-

significant visual impacts as a result of the proposed project would be further reduced. Therefore, this alternative's aesthetic and light and glare impact would be somewhat less than the proposed project and remain less than significant.

Table 17-2 Alternative 3 Development Scenario

Modified Sites Inventory Alternative 2	Very Low Income (30-50% AMI)	Low Income (50-80% AMI)	Moderate Income (81-120% AMI)	Above Moderate Income (Over 120% AMI)	Total
Sites Inventory	245	138	96	276	755
Vacant Single-Family Zoned Sites	0	0	0	88	88
Projected SB 9 Lot Splits	0	0	0	0	0
City-owned site (1 Hamilton)	20	20	0	0	40
Office Conversion (adaptive reuse)	0	0	10	55	65
Underutilized/Small Lot: Commercial and Multi-Family Zoned Sites Under ½ acre	8	9	56	133	206
Opportunity Sites: Commercial Zoned Sites over ½ acre	217	109	30	0	356
300 E. Blithedale (RS-6 to RM-P)[2]	-	-	-	-	8
Presidio Neighborhood (RM-3.5 to DR)[2]	-	-	-	-	15
Total Units	270	181	110	325	778 (-378 units or 33 percent below proposed project)

SOURCE: City of Mill Valley 2022
NOTES: 1. AMI = Area Median Income
2. Sites Inventory total does not include 300 E. Blithedale or Presidio Neighborhood (calculated separately and unit totals do not change).

Air Quality

The Reduced Buffer Alternative would result in a 33 percent reduction in air quality impacts compared to the proposed project. Therefore, the significant but mitigatable air quality impacts as a result of the proposed project would be further reduced and this alternative would result in 33 percent fewer air quality impacts compared to the proposed project.

Biological Resources

The Reduced Buffer Alternative would result in development and redevelopment of the proposed housing sites and could result in similar impacts to the disturbance of special-status plant and wildlife species and native habitat, protected wetlands, and interference with movement of wildlife species or with established wildlife corridors on or near the proposed housing sites. Therefore, this alternative would result in similar impacts to biological resources.

Energy

The Reduced Buffer Alternative would result in a 33 percent reduction in energy impacts. Therefore, this alternative would result in in 33 percent fewer energy impacts compared to the proposed project.

Greenhouse Gas Emissions

The Reduced Buffer Alternative would result in a 33 percent reduction in greenhouse gas emissions impacts. The significant and potentially unavoidable greenhouse gas impact as a result of the proposed project would be reduced, but would likely still be significant and potentially unavoidable. However, this alternative would result in fewer greenhouse gas emissions compared to the proposed project.

Noise

The Reduced Buffer Alternative would result in a 33 percent reduction in transportation noise impacts. Therefore, this alternative would result in somewhat fewer vehicular noise impacts compared to the proposed project.

Public Services

Fire Protection Facilities

The proposed project would not result in the need for new fire protection facilities in order to maintain target response times and therefore would not result in environmental impact associated with the provision of new or physically altered fire protection facilities. Under the Reduced Buffer alternative, the development potential of the proposed housing sites would be reduced by 33 percent. Therefore, like the proposed project, this alternative would not result in environmental impacts associated with the provision of new or physically altered fire protection facilities.

Police Protection

The proposed project would not result in the need for new police protection facilities in order to maintain target response times and therefore would not result in environmental impact associated with the provision of new or physically altered police protection facilities. Under the Reduced Buffer alternative, the development potential of the proposed housing sites would be reduced by 33 percent. Therefore, like the proposed project, this alternative would not result in environmental impacts associated with the provision of new or physically altered police protection facilities.

School Facilities

The proposed project's generation of students would not result in the need for additional school facilities, the construction of which would cause significant adverse environmental impacts. Under the Reduced Buffer alternative, the development potential of the proposed housing sites would be reduced by 33 percent and therefore would result in no environmental impacts associated with the provision of new or physically altered school facilities.

Parks and Recreation Facilities

Housing projects pursuant to the housing element update would not include the dedication of parklands to the City but would result in an increase in the demand for public parks. Payment of the applicable park and recreation fees would reduce the impact of the proposed project's increased demand on parks to a less-than-significant level. The Reduced Buffer alternative would reduce the development potential for the proposed housing sites by 33 percent. Therefore, demand for parks and recreation facilities would be further reduced under this alternative and would result in reduced environmental impacts associated with the development of new parks and recreation facilities.

Transportation

The Reduced Buffer Alternative would result in a 33 percent reduction in transportation (VMT) impacts as compared to the proposed project. Therefore, this alternative would result in 33 percent fewer vehicle miles traveled compared to the proposed project but would remain significant and unavoidable.

Tribal Cultural Resources

The Reduced Buffer Alternative would result in development and redevelopment of the proposed housing sites and could result in similar impacts to the potential disturbance of tribal cultural resources that may be accidentally discovered during construction activities. Therefore, this alternative would result in similar impacts to tribal cultural resources.

Utilities

Water Supply and Service

Implementation of General Plan policies, presented as mitigation measures in Section 14.1 of this DSEIR, as well as the *2020 Urban Water Management Plan's* policies and conservation ordinance requiring utilization of conservation measures, and encouraging the use of recycled water and drought-resistant landscaping to reduce water supply impacts would ensure water supply and service impacts would be less than significant. Under the Reduced Buffer alternative, the development potential of the proposed housing sites would be reduced by 33 percent. Therefore, this alternative would even further reduce environmental impacts associated with water supply and service impacts.

Wastewater

The wastewater treatment plant serving Mill Valley has the capacity to accommodate the Housing Element Update and the proposed project would not require or result in the relocation or construction of new or expanded wastewater facilities, the construction or relocation of which could cause significant environmental effects. Environmental impacts associated with new or expanded wastewater facilities were determined to be less than significant. Under the Reduced Buffer alternative, the development potential of the proposed housing sites would be reduced by 33 percent. Therefore, this alternative would even further reduce environmental impacts associated with the expansion or alteration to wastewater treatment facilities serving Mill Valley and/or the substantial increase in wastewater flows over current conditions and treatment capacity.

Solid Waste

The proposed project would not result in environmental impacts associated with an increase in solid waste generation and/or state and local solid waste reduction goals at the Redwood Landfill because of the already planned landfill expansion. Under the Reduced Buffer alternative, the development potential of the proposed housing sites would be reduced by 33 percent. Therefore, this alternative would result in no environmental impacts associated with an increase in solid waste generation.

Natural Gas and Electric Power Services

Under the proposed project, natural gas and electric power utility infrastructure improvements and relocations would not result in environmental impacts beyond those identified throughout this SEIR and would be further evaluated in their respective subsequent environmental documents for discretionary projects. Environmental impacts associated with natural gas and electric power utility infrastructure improvements were determined to be less than significant. Under the Reduced Buffer alternative, the development potential of the proposed housing sites would be reduced by 33 percent. Therefore, this alternative would even further reduce environmental impacts associated with natural gas and electric power utility infrastructure improvements and relocations.

Wildfire

The Reduced Buffer alternative would result in development and redevelopment of the proposed housing sites at a reduced size and scale of residential units equating to 33 percent below the development capacity of the proposed project. Project impacts associated with wildfire hazards, including a significant but mitigable impact associated with increased traffic activity that has the potential to impact an adopted emergency response plan or emergency evacuation plan, would be further reduced under the Reduced Buffer alternative given the alternative would result in fewer residential units and fewer residents being located in wildfire hazard areas. Therefore, this alternative would result in reduced environmental impacts associated with wildfire hazards.

Alternative 4 Reduced Density Alternative, Decreasing Maximum Allowable Density for the Three Housing Overlay Zoning Districts to 35 units/acre (Reduces Maximum Build Out while Maintaining RHNA Buffer)

Alternative Description

Alternative 4, the "Reduced Density" Alternative, as illustrated in Table 17-3, Alternative 4 Development Scenario, proposes to modify the maximum allowable density standard for the three proposed housing overlay zoning districts from 40 units/acre to 35 units/acre, resulting in a reduction of 98 total units. This alternative represents approximately a nine percent reduction in total units.

Table 17-3 Alternative 4 Development Scenario

Modified Sites Inventory Alternative 2	Very Low Income (30-50% AMI)	Low Income (50-80% AMI)	Moderate Income (81-120% AMI)	Above Moderate Income (Over 120% AMI)	Total
Sites Inventory	249	249	264	273	1,035
Vacant Single-Family Zoned Sites	0	0	0	88	88
Projected SB 9 Lot Splits	0	0	0	36	36
City-owned site (1 Hamilton)	25	25	0	0	50
Office Conversion (adaptive reuse)	0	0	6	149	155
Underutilized/Small Lot: Commercial and Multi-Family Zoned Sites Under ½ acre	0	0	258	0	258
Opportunity Sites: Commercial Zoned Sites over ½ acre	224	224	0	0	448
300 E. Blithedale (RS-6 to RM-P)[2]	-	-	-	-	8
Presidio Neighborhood (RM-3.5 to DR)[2]	-	-	-	-	15
Total Units	249	249	264	273	1,058 (-98 units or 9 percent below proposed project)

SOURCE: City of Mill Valley 2022

NOTE: 1. AMI = Area Median Income

2. Sites Inventory total does not include 300 E. Blithedale or Presidio Neighborhood (calculated separately and unit totals do not change).

Alternative's Attainment of Project Objectives

This alternative meets all project objectives as it would allow the City to provide adequate housing stock to accommodate the City's housing needs for a range of income levels, including low and moderate-income households; meet the housing unit goals as set by the City's RHNA target of 865 residential units. To satisfy state law and HCD sites inventory guidance, the Draft Housing Element sites analysis utilizes a midpoint of 22-25 units acre to quantify the number of units sites anticipated as part of the sites inventory. As such, this alternative reduces maximum density standards while also maintaining the proposed project's RHNA buffer of at least 15 percent for low and moderate RHNA income categories, as noted in state law and guidance. Alternative 4 also provides a 22 percent resident buffer, which meets HCD's recommended minimum for cities to provide at least 15 percent buffer. However, this alternative does also reduce potential opportunities for housing units that are gained through increased density and will require the development of more sites to satisfy RHNA requirements.

Reduced Density Alternative Impacts Comparison

This analysis identifies potential impacts associated with this alternative and compares it with the impacts of the proposed project. The environmental effects of this alternative as compared to the proposed project are summarized by topic area below.

Aesthetics, Light & Glare

The Reduced Density Alternative would result in a nine percent decrease in residential units compared to the proposed project. Although an increase in maximum building height would still be necessary across the remaining sites, potential height increases at the one site or more eliminated from the housing site list would be governed by existing zoning requirements, which are generally lower than proposed height increases associated with the Housing Element Update. Additionally, the less-than-significant visual impacts as a result of the proposed project would be further reduced. Therefore, this alternative's aesthetic and light and glare impact would be somewhat less than the proposed project and remain less than significant.

Air Quality

The Reduced Density Alternative would result in a nine percent reduction in air quality impacts compared to the proposed project. Therefore, the significant but mitigatable air quality impacts as a result of the proposed project would be further reduced and this alternative would result in nine percent fewer air quality impacts compared to the proposed project.

Biological Resources

The Reduced Density Alternative would result in development and redevelopment of the proposed housing sites and could result in similar impacts to the disturbance of special-status plant and wildlife species and native habitat, protected wetlands, and interference with movement of wildlife species or with established wildlife corridors on or near the proposed housing sites. Therefore, this alternative would result in similar impacts to biological resources.

Energy

The Reduced Density Alternative would result in a nine percent reduction in energy impacts. Therefore, this alternative would result in in nine percent fewer energy impacts compared to the proposed project.

Greenhouse Gas Emissions

The Reduced Density Alternative would result in a nine percent reduction in greenhouse gas emissions impacts. The significant and potentially unavoidable greenhouse gas impact as a result of the proposed project would be reduced, but would likely still be significant and potentially unavoidable. However, this alternative would result in fewer greenhouse gas emissions compared to the proposed project.

Noise

The Reduced Density Alternative would result in a nine percent reduction in transportation, and therefore a reduction in transportation noise. Therefore, this alternative would result in somewhat fewer vehicular noise impacts compared to the proposed project.

Public Services

Fire Protection Facilities

The proposed project would not result in the need for new fire protection facilities in order to maintain target response times and therefore would not result in environmental impact associated with the provision of new or physically altered fire protection facilities. Under the Reduced Density alternative, the development potential of the proposed housing sites would be reduced by nine percent. Therefore, like the proposed project, this alternative would not result in environmental impacts associated with the provision of new or physically altered fire protection facilities.

Police Protection

The proposed project would not result in the need for new police protection facilities in order to maintain target response times and therefore would not result in environmental impact associated with the provision of new or physically altered police protection facilities. Under the Reduced Density alternative, the development potential of the proposed housing sites would be reduced by nine percent. Therefore, like the proposed project, this alternative would not result in environmental impacts associated with the provision of new or physically altered police protection facilities.

School Facilities

The proposed project's generation of students would not result in the need for additional school facilities, the construction of which would cause significant adverse environmental impacts. Under the Reduced Density alternative, the development potential of the proposed housing sites would be reduced by nine percent and therefore would result in no environmental impacts associated with the provision of new or physically altered school facilities.

Parks and Recreation Facilities

Housing projects pursuant to the housing element update would not include the dedication of parklands to the City but would result in an increase in the demand for public parks. Payment of the applicable park and recreation fees would reduce the impact of the proposed project's increased demand on parks to a less-than-significant level. The Reduced Density alternative would reduce the development potential for the proposed housing sites by nine percent. Therefore, demand for parks and recreation facilities would be further reduced under this alternative and would result in reduced environmental impacts associated with the development of new parks and recreation facilities.

Transportation

The Reduced Density Alternative would result in a nine percent reduction in total transportation (VMT) impacts as compared to the proposed project. The significant and unavoidable VMT impact as a result of the proposed project would be reduced, but would likely still be significant and unavoidable. Therefore, this alternative would result in fewer total vehicle miles traveled compared to the proposed project.

Tribal Cultural Resources

The Reduced Density Alternative would result in development and redevelopment of the proposed housing sites and could result in similar impacts to the potential disturbance of tribal cultural resources that may be accidentally discovered during construction activities. Therefore, this alternative would result in similar impacts to tribal cultural resources.

Utilities

Water Supply and Service

Implementation of General Plan policies, presented as mitigation measures in Section 14.1 of this DSEIR, as well as the *2020 Urban Water Management Plan's* policies and conservation ordinance requiring utilization of conservation measures, and encouraging the use of recycled water and drought-resistant landscaping to reduce water supply impacts would ensure water supply and service impacts would be less than significant. Under the Reduced Density alternative, the development potential of the proposed housing sites would be reduced by nine percent. Therefore, this alternative would even further reduce environmental impacts associated with water supply and service impacts.

Wastewater

The wastewater treatment plant serving Mill Valley has the capacity to accommodate the Housing Element Update and the proposed project would not require or result in the relocation or construction of new or expanded wastewater facilities, the construction or relocation of which could cause significant environmental effects. Environmental impacts associated with new or expanded wastewater facilities were determined to be less than significant. Under the Reduced Density alternative, the development potential of the proposed housing sites would be reduced by nine percent. Therefore, this alternative would even further reduce environmental impacts associated

with the expansion or alteration to wastewater treatment facilities serving Mill Valley and/or the substantial increase in wastewater flows over current conditions and treatment capacity.

Solid Waste

The proposed project would not result in environmental impacts associated with an increase in solid waste generation and/or state and local solid waste reduction goals at the Redwood Landfill because of the already planned landfill expansion. Under the Reduced Density alternative, the development potential of the proposed housing sites would be reduced by nine percent. Therefore, this alternative would result in no environmental impacts associated with an increase in solid waste generation.

Natural Gas and Electric Power Services

Under the proposed project, natural gas and electric power utility infrastructure improvements and relocations would not result in environmental impacts beyond those identified throughout this SEIR and would be further evaluated in their respective subsequent environmental documents for discretionary projects. Environmental impacts associated with natural gas and electric power utility infrastructure improvements were determined to be less than significant. Under the Reduced Density alternative, the development potential of the proposed housing sites would be reduced by nine percent. Therefore, this alternative would even further reduce environmental impacts associated with natural gas and electric power utility infrastructure improvements and relocations.

Wildfire

The Reduced Density alternative would result in development and redevelopment of the proposed housing sites at a reduced size and scale of residential units equating to nine percent below the development capacity of the proposed project. Project impacts associated with wildfire hazards, including a significant but mitigable impact associated with increased traffic activity that has the potential to impact an adopted emergency response plan or emergency evacuation plan, would be further reduced under the Reduced Density alternative given the alternative would result in fewer residential units and fewer residents being located in wildfire hazard areas. Therefore, this alternative would result in reduced environmental impacts associated with wildfire hazards.

17.5 Comparison of Alternatives

The alternatives are summarized and compared in a matrix format in Table 17-4, Comparison of Project Alternatives to the Proposed Project.

Table 17-4 Comparison of Project Alternatives to the Proposed Project

Environmental Impact	Proposed Project Level of Impact	Alternative #1 No Project	Alternative #2 Fewer Housing Sites in the Sites Inventory	Alternative #3 Remove SB 9 Sites from Sites Inventory	Alternative #4 Reduced Density Alternative
Aesthetics, Light & Glare					
Impact 5-1. The Proposed Project Would Have an Effect on Scenic Resources	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Impact 5-2. Height Increases Associated with Proposed Zoning at the Housing Sites Would Substantially Alter the Allowed Height, Which Could Affect Visual Character or the Scenic Quality of Public Views	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Impact 5-3. The Proposed Project Would Introduce New Sources of Light and Glare at Housing Sites	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Air Quality					
Impact 6-1. The Proposed Project may be Inconsistent with the 2017 Clean Air Plan	LTSM	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project
Impact 6-2. Increase in Operational Criteria Air Pollutant Emissions Resulting from an Increase in Vehicle Miles Traveled Will Degrade Air Quality	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Impact 6-3. Adverse Effects to Sensitive Receptors from Toxic Air Contaminants During Operations	LTSM	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project

Environmental Impact	Proposed Project Level of Impact	Alternative #1 No Project	Alternative #2 Fewer Housing Sites in the Sites Inventory	Alternative #3 Remove SB 9 Sites from Sites Inventory	Alternative #4 Reduced Density Alternative
Biological Resources					
Impact 7-1. Loss of Special-Status Plant Species or Their Habitats	LTSM	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project
Impact 7-2. Loss of Special-Status Wildlife Species or Their Habitats	LTSM	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project
Impact 7-3. Disturbance or Fill of Protected Wetlands and Sensitive Natural Communities	LTSM	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project
Impact 7-4. Disturbance or Removal of Protected Trees	LTSM	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project
Impact 7-5. Interference with Movement of Wildlife Species or with Established Wildlife Corridors	LTSM	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project
Energy					
Impact 8-1. Unnecessary, Wasteful, or Inefficient Use of Energy Resources	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Greenhouse Gas Emissions					
Impact 9-1. Generate Greenhouse Gas Emissions	SU	SU Less than Proposed Project	SU Less than Proposed Project	SU Less than Proposed Project	SU Less than Proposed Project
Noise					
Impact 10-1. Traffic Would Result in a Less-than-Perceptible Increase in Ambient Noise Levels	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Impact 10-2. Construction Activities Would Result in a Temporary Noise Increase	LTSM	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project

Environmental Impact	Proposed Project Level of Impact	Alternative #1 No Project	Alternative #2 Fewer Housing Sites in the Sites Inventory	Alternative #3 Remove SB 9 Sites from Sites Inventory	Alternative #4 Reduced Density Alternative
Impact 10-3. Groundborne Vibration Intensity from Construction and Operation Activities Associated with the Proposed Project May Be Perceptible at Sensitive Receptors	LTSM	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project
Impact 10-4. Aircraft Noise From Nearby Private Airstrips or Public Use Airports	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Public Services					
Impact 11-1. Increased Demand for Police Protection Would Not Result in Significant, Adverse Physical Impacts	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Impact 11-2. Project Would Increase Population Thereby Increasing Demand on Parks and Recreational Facilities	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Transportation					
Impact 12-1. Generate Home-Based VMT per Resident that is Greater than 85 Percent of the Regional Average Home-Based VMT per Resident	SU	SU Less than Proposed Project	SU Less than Proposed Project	SU Less than Proposed Project	SU Less than Proposed Project
Tribal Cultural Resources					
Impact 13-1. Potential Adverse Impact to Tribal Cultural Resources	LTSM	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project

Environmental Impact	Proposed Project Level of Impact	Alternative #1 No Project	Alternative #2 Fewer Housing Sites in the Sites Inventory	Alternative #3 Remove SB 9 Sites from Sites Inventory	Alternative #4 Reduced Density Alternative
Utilities					
Impact 14-1. Increased Water Demand of Approximately 332,000 Gallons per Day	LTSM	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project
Impact 14-2. Increase Wastewater Generation and Require Relocation or Construction of New or Expanded Wastewater Facilities	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Impact 14-3. New Development May Require Relocation or Construction of New or Expanded Natural Gas and Electric Facilities	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Wildfire					
Impact 15-1. The Proposed Project Would Result in Traffic Activity That Has the Potential to Impair an Adopted Emergency Response Plan or Emergency Evacuation Plan	LTSM	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project
Impact 15-2. Due to Slope, Prevailing Winds, and Other Factors, the Proposed Project Could Exacerbate Wildfire Risks, and Thereby Expose Project Occupants to Pollutant Concentrations from a Wildfire or the Uncontrolled Spread of a Wildfire	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project

Environmental Impact	Proposed Project Level of Impact	Alternative #1 No Project	Alternative #2 Fewer Housing Sites in the Sites Inventory	Alternative #3 Remove SB 9 Sites from Sites Inventory	Alternative #4 Reduced Density Alternative
Impact 15-3. Expose People or Structures to Risks, including Downslope or Downstream Flooding or Landslides, as a Result of Runoff, Post-Fire Slope Instability, or Drainage Changes	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Impact 15-4. Expose People or Structures to Significant Risks Associated with Wildland Fires	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Environmental Superiority		1	2	3	4
Project Objectives	Met	Partially Met	Partially Met	Partially Met	Met

SOURCE: EMC Planning Group 2022
NOTE: LTS – Less Than Significant; LTSM – Less-Than-Significant with Mitigation; SU – Significant and Unavoidable

17.6 Environmentally Superior Alternative

The no project alternative (Alternative 1) is the environmentally superior alternative as this alternative would result in a decrease of 554 units (from 1,156 units as proposed under the Housing Element Update), or an approximately 48 percentage decrease, from the proposed project. It would significantly reduce the proposed project's environmental impacts associated with aesthetics, light and glare, air quality, energy, greenhouse gas emissions, noise, public services, utilities, and transportation. However, the "no project" alternative only partially meets the City's objectives, as it meets only 70 percent of the City's RHNA, and would not meet the State requirement for the 6th Cycle Housing Element.

CEQA Guidelines section 15126.6(e)(2) states that if the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Alternative 2, Fewer Housing Sites in the Sites Inventory, is considered to be the next environmentally superior alternative. This alternative would result in reduced impacts associated with aesthetics, light and glare, air quality, energy, greenhouse gas emissions, noise, public services, utilities, and transportation. However, this alternative only partially meets the project objectives and would result in a decrease of 452 residential units (a 33 percent reduction).

Alternative 3, Remove SB 9 Sites from Sites Inventory, is considered the next environmentally superior alternative after Alternatives 1 and 2. Under Alternative 3, many of the project's environmental impacts would be reduced given that 378 units would be eliminated. Environmental impacts reduced under Alternative 3 include those impacts associated with aesthetics, light and glare, air quality, energy, greenhouse gas emissions, noise, public services, utilities, transportation, and wildfire. However, these impacts would not be reduced to the degree that Alternatives 1 and 2 would reduce impacts given the scale of potential development being reduced (48 percent reduction of units for Alternative 1, 39 percent reduction of units for Alternative 2 and 33 percent reduction of units for Alternative 3). Alternative 3 also only partially meets the project objectives.

Alternative 4, the Reduced Density Alternative, Decreasing Maximum Allowable Density for the Three Housing Overlay Zoning Districts to 35 units/acre (Reduces Maximum Build Out while Maintaining RHNA Buffer), is considered the least environmentally superior alternative. Alternative 4 proposes to modify the maximum allowable density standard for the three proposed housing overlay zoning districts from 40 units/acre to 35 units/acre, resulting in a reduction of 98 total units. This alternative represents approximately a nine percent reduction in total units and therefore, would reduce the project's impacts but far less than Alternatives 1, 2, and 3. However, Alternative 4 does meet all project objectives as it would provide adequate housing stock to accommodate the City's housing needs for a range of income levels, including low and moderate-income households

and meet the housing unit goals as set by the City's RHNA target of 865 units combined with providing a 22 percent resident buffer which meets HCD's recommended minimum of 15 percent buffer.

18.0
Other CEQA Considerations

18.1 Growth Inducing Impacts

CEQA Requirements

CEQA Guidelines section 15126.2(d) requires an EIR to include a discussion of the growth-inducing impacts of a project. Growth inducement refers to the likelihood that the proposed project will foster growth in the surrounding area, either directly or indirectly. Growth inducement can be the direct result of development proposals, or indirect, such as through the provision of services infrastructure or removal of growth barriers. The most common factor in fostering growth is the removal of obstacles to population or economic growth. Potential growth-inducing impacts must be discussed in relation to both the potential impacts on existing community service facilities (police or fire stations, utility infrastructure, etc.) and the way a project may encourage and facilitate other activities that could significantly affect the environment. It must not be assumed that growth in any area is necessarily beneficial, detrimental or of little significance to the environment.

Housing Element Update Effects

A project can have direct and/or indirect growth-inducement potential. Direct growth inducement could result if a project involved construction of new housing. A project can have indirect growth-inducement potential if it would establish substantial new permanent employment opportunities (e.g., commercial, industrial or governmental enterprises) or if it would involve a substantial construction effort with substantial short-term employment opportunities and indirectly stimulate the need for additional housing and services to support the new employment demand. Similarly, under CEQA, a project would indirectly induce growth if it would remove an obstacle to additional growth and development, such as removing a constraint on a required public service. Increases in population could tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. The CEQA Guidelines also require analysis of the characteristics of projects that may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

The following discussion is based on an analysis of the proposed project's impacts in regards to growth inducing conditions.

Population and Housing Growth

The proposed project does not propose the construction of new housing or other development; rather it provides capacity for future development consistent with State Housing Element Law. Implementation of the project would not induce direct population and housing growth in Mill Valley because the project is intended to accommodate housing development, in order to meet existing and projected housing needs as established through the Regional Housing Needs Assessment (RHNA) process.

The California Department of Finance is responsible for developing the total statewide housing demand projection. With the state Department of Housing and Community Development, this demand is apportioned to each of the state's regions. The Association of Bay Area Governments (ABAG) is the regional planning organization responsible for developing and adopting regional population and housing growth forecasts for nine Bay Area counties, including Marin County. The 6th Cycle for the Bay Area region covers an eight-year period from 2023 to 2031. The City's RHNA allocation for the 6th Cycle Housing Element Update is a total of 865 units of total new construction, allocated by income level categories as detailed in the Section 4.0, Project Description Table 4-1.

State law requires the City to plan for housing opportunities to meet its fair share of the regional housing needs distribution made by ABAG. The growth in potential residential units identified in the project would allow the City to address its regional fair-share housing obligations. Thus, adoption of the Housing Element Update would not directly induce population growth; rather it provides a means to meet existing and projected future housing needs in the community. All future development at housing opportunity sites would be located in areas that are already served by infrastructure and would be reviewed by the appropriate service or utility provider in conjunction with their application to ensure adequate services and utilities are available. Therefore, the project would not directly or indirectly induce substantial unplanned population growth.

Removal of Impediment to Growth

The proposed project does not propose the construction or expansion of new housing into unserved areas, services, or other infrastructure development; rather it provides for future development consistent with State Housing Element Law. A vast majority of the potential future residential units and mixed uses would occur as infill development and redevelopment within urbanized areas already served by essential roads, utilities, and public services. The project includes an evaluation of potential future rezones needed to accommodate higher density development, which would allow for an increase in housing units at certain sites. Additionally, some housing developments that meet specified affordability criteria would be allowed to develop with a ministerial process, which could support growth and is intended to remove obstacles to developing housing, especially affordable housing. Therefore, the project supports removal of impediments to growth consistent with the Housing Element and particularly for development that incorporates an affordable housing component.

18.2 Significant Irreversible Changes

CEQA Requirements

CEQA Guidelines section 15126.2(d) requires a discussion of significant and irreversible changes that would be caused by the project if implemented. The use of non-renewable resources during the initial and continued phases of the project may be irreversible, since a large commitment of such resources makes removal or nonuse in the future unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement that provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with implementation of some development projects. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

Housing Element Update Effects

Resources that would be permanently and continually consumed by implementation of the proposed project include water, electricity, natural gas, and fossil fuels; however, the amount and rate of consumption of these resources would not result in significant environmental impacts or the unnecessary, inefficient, or wasteful use of resources. Construction activities related to the various development projects that could result from implementation of the proposed project, though analyzed in the applicable sections of this SEIR, would result in the irretrievable commitment of nonrenewable energy resources, primarily in the form of fossil fuels, natural gas, and gasoline for automobiles and construction equipment. With respect to the operational activities associated with the proposed project's implementation, compliance with all applicable building codes, as well as SEIR mitigation measures, would ensure that all natural resources are conserved to the maximum extent practicable. It is also possible that new technologies or systems would emerge, or would become more cost-effective or user-friendly, and would further reduce reliance upon nonrenewable energy resources.

The CEQA Guidelines also require a discussion of the potential for irreversible environmental damage caused by an accident associated with proposed projects. During the construction phase of the various development projects that could result from implementation of the proposed project, construction equipment and materials would include fuels, oils and lubricants, solvents and cleaners, cements and adhesives, paints and thinners, degreasers, cement and concrete, and asphalt mixtures, which are all commonly used in construction. Once constructed, the completed structures would use and store small quantities of chemicals typical in residences, such as household cleaning solutions, paints and thinners, and motor fuel (e.g., motor vehicles and lawn mowers). As stated in Section 3.6, Hazards and Hazardous Materials, of the City's General Plan EIR, these materials are regulated through a series of federal, state, and local laws and regulations. Compliance with these existing requirements would ensure that the potential to cause significant irreversible environmental damage from an accident or upset of hazardous materials would be less than significant.

18.3 Significant Unavoidable Impacts

CEQA Requirements

A significant adverse unavoidable environmental impact is a significant adverse impact that cannot be reduced to a less than significant level through the implementation of mitigation measures. In some cases, adequate mitigation for a significant and unavoidable impact cannot be assured because implementation of that mitigation is outside the jurisdiction of the lead agency. CEQA Guidelines section 15093 requires that a lead agency make findings of overriding considerations for unavoidable significant adverse environmental impacts before approving a project.

CEQA Guidelines section 15093(a) requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable." CEQA Guidelines section 15093(b) states that when the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

Summary of Significant and Unavoidable Impacts

Transportation

This subsequent EIR has determined that the average vehicle miles traveled (VMT) for the proposed project would be 14.5 per resident, which is above the County's VMT threshold of 13.4 and, therefore, result in a significant VMT impact. The *Mill Valley Housing Element Update Transportation Analysis* (transportation analysis) prepared by Hexagon Transportation Consultants recommended mitigation that would require each individual project pursuant to the 6th Cycle Housing Element Update to submit a residential travel demand management plan. The residential travel demand management plan would include measures such as unbundling parking costs, providing car-sharing or bike-sharing programs, and subsidizing transit passes for residents, among others. These measures have been identified as potentially VMT reducing in the *California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity*. However, the transportation analysis concluded that it is not known whether the residential transportation demand management measures would be sufficient to entirely offset the VMT impact of the proposed project even with implementation of the above-mentioned mitigation. Therefore, the VMT impact analysis for the proposed project would conservatively remain significant and unavoidable with mitigation.

Additionally, the project's contribution to the cumulative impacts to transportation (VMT) impacts is also considerable due to the project's VMT per resident exceeding the County's VMT threshold. As described above, it is unknown whether implementation of the residential transportation demand management measures would entirely offset the VMT impact of the proposed project and, therefore, significant and unavoidable. The City Council would be required to adopt a statement of overriding considerations if they decide to approve the proposed project.

Greenhouse Gas Emissions

This subsequent EIR has determined that the proposed project is not consistent with three of the four greenhouse gas (GHG) performance standards. Therefore, implementation of Mitigation Measure 9-1 would be required to ensure that each project that implements the 6th Cycle Housing Element, prior to the City's adoption to their updated Clean Air Plan, meets the two performance standards regarding natural gas and electric vehicle infrastructure. As discussed in Section 9.0, Greenhouse Gas Emissions, for individual projects to demonstrate consistency with the third VMT performance standard, each respective project applicant would be required to provide evidence to the City that the VMT impact of their individual project is less than significant based on the Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA or other subsequent guidance if adopted by the City. The ability of individual project applicants to demonstrate that VMT impacts are less than significant will be contingent on a number of individual project variables, including project size, location, and the feasibility of VMT reduction measures. Due to the uncertainty about whether individual projects can demonstrate a less than significant VMT impact, the GHG impact is considered significant and potentially unavoidable for projects proposed to implement the 6th Cycle Housing Element before the Clean Air Plan is updated, and adopted.

This subsequent EIR has also determined that the proposed project would conflict with GHG reduction plans. As discussed in Section 9.0, Greenhouse Gas Emissions, the GHG guidance provided by the air district is designed to ensure that new land use development projects located within the air district boundary (which includes Mill Valley) contribute their fair share of GHG reductions needed to achieve the state's 2045 carbon neutrality goal as embodied in Executive Order B-55-18. In the absence of the City having an updated, qualified CAP in place, the air district guidance is, therefore, considered to be an applicable plan for reducing GHG emissions. It is possible that one or more individual projects proposed to implement the 6th Cycle Housing Element could have a significant, unavoidable GHG impact if any one or more of the GHG reduction performance standards specific in Mitigation Measure 9-1 cannot be met. Therefore, the proposed project could have a significant and potentially unavoidable impact from conflict with the GHG reduction plan in effect until the City adopts an updated, qualified CAP. Implementation of performance standards in Mitigation Measure 9-1 that are feasible would lessen any unavoidable impacts that may occur, but not to a less-than-significant level. The City Council would be required to adopt a statement of overriding considerations if they decide to approve the proposed project.

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19.0
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