

Summary Form for Electronic Document Submittal

Form F

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH # 2013052005

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

Lead Agency: City of Mill Valley

Contact Name: Danielle Staude, Senior Planner

Email: dstaude@cityofmillvalley.org

Phone Number: 415-384-4812

Project Location: Mill Valley
City

Marin
County

Project Description (Proposed actions, location, and/or consequences).

The City of Mill Valley (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. 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 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. The Housing Element Update, related General Plan amendments, Zoning Code amendments, and various map amendments, are intended to meet the requirements of State law.

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

Air Quality

Impact 6-3. Adverse Effects to Sensitive Receptors from Toxic Air Contaminants During Operations

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.

Biological Resources

Impact 7-1. Loss of Special-Status Plant Species or Their Habitats

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 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;
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

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.

Impact 7-3. Disturbance or Fill of Protected Wetlands, Waters of the U.S. and Sensitive Natural Communities

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.

Impact 7-5. Interference with Movement of Wildlife Species or with Established Wildlife Corridors

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.

Greenhouse Gas Emissions

Impact 9-1. Generate Greenhouse Gas Emissions

Mitigation Measure 9-1 The City of Mill Valley shall impose the following standard condition of approval for all new individual development projects proposed to implement the 6th Cycle Housing Element deemed complete by the City prior to the City adopting an updated, qualified climate action plan: such projects shall incorporate the following 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.

Impact 9-2. Conflict with GHG Reduction Plans

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.

Noise

Impact 10-2. Construction Activities Would Result in a Temporary Noise Increase

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.

Impact 10-3. Groundborne Vibration Intensity from Construction and Operation Activities Associated with the Proposed Project May Be Perceptible at Sensitive Receptors

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.

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

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.

Tribal Cultural Resources

Impact 13-1. Potential Adverse Impact to Tribal Cultural Resources

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.

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 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

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.

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.

Impact 14-2. Relocation or Construction of New or Expanded Water Connection Facilities for Individual Projects

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.

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

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.

continued

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

Responses to the Notice of Preparation (NOP) from public agencies include:

A response to the notice of preparation was received from the Native American Heritage Commission (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 the Tribal Cultural Resources section (13.0) of this DSEIR.

One comment on the NOP was received on August 11, 2022, from the California Department of Fish & Wildlife (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.

A comment letter received from the California Department of Transportation (Caltrans) District 4 (dated August 19, 2022) was the only comment received in response to the notice of preparation which addressed transportation issues. The comment letter is a boilerplate letter addressing the department's methodology for addressing vehicle miles traveled and concerns regarding possible impacts to the state highway system.

These comments are addressed throughout the DSEIR. The notice of preparation and comment letters on the notice are included in Appendix A of the DSEIR.

Provide a list of the responsible or trustee agencies for the project.

- 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 (CDFW);
- 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.