



FINAL
Environmental Impact Report
Mill Valley 2040 General Plan
City of Mill Valley, Marin County, California

State Clearinghouse No. 2013052005

Prepared for:



City of Mill Valley
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Prepared by:

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Contact: Mary Bean, Project Director
Grant Gruber, Project Manager

September 12, 2013

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September 12, 2013

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SECTION 1: INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Mill Valley has evaluated the comments received on the Mill Valley 2040 General Plan Draft Environmental Impact Report (EIR). The responses to the comments and errata, which are included in this document, together with the Mitigation Monitoring and Reporting Program, comprise the Final EIR for use by the City of Mill Valley in its review.

This document is organized into four sections:

- **Section 1 - Introduction.**
- **Section 2 - Responses to Public Meeting Comments:** Provides a summary of comments received at three public meetings and provides written responses.
- **Section 3 - Responses to Written Comments:** Provides a list of the agencies, organizations, and individuals that commented on the Draft EIR. Copies of all of the letters received regarding the Draft EIR and responses thereto are included in this section.
- **Section 4 - Errata:** Includes an addendum listing refinements and clarifications on the Draft EIR, which have been incorporated.

The Final EIR includes the following contents:

- Draft EIR (provided under separate cover)
- Draft EIR appendices (provided under separate cover)
- Responses to Written Comments on the Draft EIR and Errata (Sections 3 and 4 of this document)
- Mitigation Monitoring and Reporting Program (provided under separate cover)

SECTION 2: RESPONSES TO PUBLIC MEETING COMMENTS

2.1 - Introduction

The City of Mill Valley received oral public comments on the Mill Valley 2040 General Plan Draft Environmental Impact Report (Draft EIR) (State Clearinghouse No. 2013052005) at three public meetings in July 2013. The three meetings consisted of a tribal consultation meeting on July 16, 2013 and two Planning Commission meetings held on July 22, 2013 and July 24, 2013.

Although the City of Mill Valley is not obligated under the California Environmental Quality Act (CEQA) to respond to oral comments, the City has nonetheless elected to respond to the comments made at the meetings in order to address concerns and questions related to the evaluation of the proposed project's environmental impacts in the Draft EIR. These written responses become part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.

This section is organized as follows:

- Section 2.1 - Introduction: Provides an overview of the section.
- Section 2.2 – July 16, 2013 Tribal Consultation Meeting: Provides a summary of comments made at this meeting and responses to those comments.
- Section 2.3 – July 22, 2013 Planning Commission Meeting: Provides a summary of comments made at this meeting and responses to those comments.
- Section 2.4 – July 24, 2013 Planning Commission Meeting: Provides a summary of comments made at this meeting and responses to those comments.

2.2 - July 16, 2013 Tribal Consultation Meeting

Mill Valley City Staff met with Nick Tipon, Sacred Sites Protected Committee Vice Chair of the Federated Indians of Graton Rancheria, at Mill Valley City Hall on July 16, 2013.

2.2.1 - Summary of Nick Tipon Comments

Mr. Tipon referenced a statement on Draft EIR page 3.4-7 reading “it is doubtful that undiscovered paleontological resources would be encountered as part of development,” and stated that it should be modified to read there is a possibility that paleontological resources may be discovered, as paleontological resources continue to be discovered in Mill Valley.

2.2.2 - Response to Nick Tipon Comments

The full context of the statement on Draft EIR pages 3.4-7 and 3.4-8 is reproduced below:

Paleontological resources (i.e., fossils) are most commonly found in areas that have not been previously disturbed such as undeveloped areas. The Mill Valley city limits are mostly developed and have been previously disturbed by earthwork activities. Thus, it is doubtful that undiscovered paleontological resources would be encountered as part of development and land use activities that occur within the city limits.

The 2040 General Plan sets forth a goal and three policies that concern protection of paleontological resources. Goal LU.4 and Policies LU-6, LU-7, and LU-8 call for preserving and protecting potential and listed historic and archaeological resources, working with the Mill Valley Historical Society to develop a comprehensive inventory of potential historic and archaeological resources, protecting the values of historic and cultural resources, and promoting education about historic preservation. In addition, as a standard condition of approval for development projects that occur in known paleontological areas, the City requires applicants to implement inadvertent discovery mitigation procedures in the event fossils are encountered.

Therefore, based on the existing regulatory requirement and the policies contained within the proposed 2040 General Plan, there is certainty that future development and land use activities contemplated by the 2040 General Plan would not have significant impacts on undiscovered paleontological resources. Impacts would be less than significant.

In summary, paleontological resources are unlikely to be discovered within Mill Valley because past development activities have involved grading and soil engineering activities that have caused substantial disturbance to soil layers. However, there is always the possibility that undiscovered paleontological resources may be encountered and compliance with standard inadvertent discovery procedures would serve to reduce impacts to a level of less than significant.

2.3 - July 22, 2013 Planning Commission Meeting

The City of Mill Valley Planning Commission solicited public comments on the 2040 General Plan and EIR on July 22, 2013. Three individuals provided comments, which are summarized below.

2.3.1 - Summary of Laura Chariton Comments

Ms. Chariton stated that there was not enough time to read the Draft EIR prior to meeting and stated that there was not enough time to prepare a comprehensive response. She also stated that the 1989 General Plan EIR mentions 50-foot setback and, therefore, the proposed 30-foot setback is in conflict with the existing General Plan.

2.3.2 - Response to Laura Chariton Comments

Please note that Ms. Chariton submitted written comments on August 26, 2013, which are addressed in Section 3, Responses to Written Comments.

Regarding the stream setback, neither the 1989 General Plan nor the 2040 General Plan identifies a specific setback requirement from creek centerlines. The Mill Valley Municipal Code Chapter 20.76 establishes a minimum 30-foot setback from various creeks; therefore, this is an existing requirement. As such, there is no factual evidence to support the claim that the 2040 General Plan is reducing the minimum required setback from 50 feet to 30 feet.

Moreover, as stated on Draft EIR page 3.3-13, future projects that involve disturbance to riparian areas (e.g., creeks) are subject to California Department of Fish and Wildlife (CDFW) permitting requirements. As part of the permitting process, CDFW typically requires minimum setback requirements, often in excess of 30 feet.

2.3.3 - Summary of Joyce Britt Comments

Ms. Britt prefaced her remarks by noting that they are preliminary and written comments will be submitted later. She noted that Mill Valley Stream Keepers submitted a comment letter in response to the Notice of Preparation (NOP), which mentioned specific enforcement mitigation measures to mitigate for development in hillsides and floodplain. Ms. Britt also expressed disagreement with the Draft EIR's conclusion that the 2040 General Plan would not have significant impacts on forests. Additionally, she indicated that the cumulative impact analysis was missing and alluded to the "Stetson Report" and "Miller Avenue" as cumulative projects that would have significant impacts. MS. Britt stated that the Program EIR does not exclude additional environmental reviews for specific projects. Finally, she stated that Draft EIR does not mention the decline of steelhead salmon.

2.3.4 - Response to Joyce Britt Comments

Each comment will be responded to separately below.

Hillside/Floodplains

The Mill Valley Stream Keepers NOP comment letter included various suggested narratives that were proposed for addition to the text of the NOP, involving excessively detailed discussions of natural resources such as biological species and waterways, differences in mapping technologies, criticisms of the 2040 General Plan, and discussions of tangential items that did not materially alter basic underlying conclusions. Many of these items simply represent a difference of opinion in terms of how to characterize or describe various resources. Ultimately, the City of Mill Valley, as the lead agency overseeing preparation of the Draft EIR, has the discretion to determine the scope and content of the document and is not obligated to include every suggested narrative or passage into the EIR.

Finally, regarding the proposed mitigation measures, CEQA Guidelines Section 15126.4(a)(3) establishes that mitigation is not required for effects that are not significant. In this case, the Draft

EIR concluded that the 2040 General Plan's goals and policies serve to reduce impacts to a level of less than significant and, therefore, mitigation is not required.

Forest Impacts

CEQA Guidelines Section 15128 indicates that EIRs "shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR." In this case, the Draft EIR determined that "Conversion of Forest Land to Non-Forest Use" would not be a significant impact of implementation of the 2040 General Plan because forested areas were located in publicly owned areas such as County open space preserves, Mount Tamalpais State Park, and Muir Woods National Monument. These areas are outside of the jurisdictional control of the City of Mill Valley and, thus, the 2040 General Plan cannot alter land use activities within these lands. Thus, the Draft EIR appropriately concluded that conversion of forest land to non-forest use was not a foreseeable consequence of the 2040 General Plan.

Cumulative Impacts

Cumulative Impacts were addressed in Section 4, Cumulative Effects. As noted on Draft EIR page 4-1, the cumulative impact analysis employed the "summary of projections" approach in accordance with CEQA Guidelines Section 15130(b)(1)(B). This approach relies on growth projections from a regional area—Marin County in this case—and assesses the proposed 2040 General Plan's cumulative effects in conjunction with this regional growth. This approach is distinct and separate from the "list approach" in which individual projects are cited by name. Moreover, because the 2040 General Plan accounts for previously approved projects in growth numbers, those projects are captured within the buildout numbers.

Program EIR

The Draft EIR does not exclude additional environmental review for specific projects and acknowledges in a number of places that development proposals that occur pursuant to the 2040 General Plan are subject to project-level review, including by the City of Mill Valley and federal, state, or local agencies. Examples of such statements include:

- Page 3.1-2: "New development applications with each zoning district are assessed against the applicant development standards."
- Page 3.3-13: "Finally, development and land use activities that involve potentially impacts to federally and state protected species would be subject to applicable statutes and regulatory policies, including but not limited to the Federal Endangered Species Act, the Migratory Bird Treaty Act, the California Endangered Species Act, and the Fish and Game Code."
- Page 3.11-27: "Proposed development and land use activities that occur pursuant to the 2040 General Plan would be reviewed for compliance with state and local requirements for adequacy of vehicular access points, site distance, and similar issues, as relevant."

Thus, it is incorrect to assert that the Draft EIR contained statements indicated that only programmatic analysis is necessary for future development activities.

Decline of Steelhead Salmon

Steelhead salmon is discussed on Draft EIR pages 3.3-2 and 3.3-12, and suitable habitat is shown on Draft EIR Exhibit 3.3-2. The intent of Section 3.3, Biological Resources was to provide a General Plan-level summary of special-status biological resources that are known to occur with the Mill Valley Planning Area and identify relevant 2040 General Plan policies and federal and state statutes and regulations that would serve to protect such species.

As stated on Draft EIR page 3.3-1, by definition, “special status” species are those that “warrant special consideration” in the CEQA process. Examples include federal and state listed “threatened” and “endangered” species. Thus, because steelhead salmon is classified as a “special status” species, it is implicitly recognized that it has experienced detrimental impacts and, therefore, warrants special protection measures. However, the EIR need not provide a detailed history of the decline of the species, as this delves into issues that are outside the scope of the EIR.

2.3.5 - Summary of Nonna Dennis Comments

Ms. Dennis indicated that there is no mention of Sudden Oak Death in the Draft EIR.

2.3.6 - Response to Nonna Dennis Comments

The CEQA Guidelines establish that EIRs are to evaluate the physical impacts on the environment from proposed plans and projects. In this case, the 2040 General Plan would serve as the comprehensive planning document for the City of Mill Valley. Thus, the EIR addresses impacts associated with implementation of the 2040 General Plan such as impacts on air quality, biological resources, noise, public services, and transportation.

Sudden Oak Death is caused by a plant pathogen that is found in moist climates. As such, it is best characterized as a natural phenomenon that would be unlikely to be influenced by implementation of the 2040 General Plan. As such, it would be speculative for the Draft EIR to discuss Sudden Oak Death in the context of the 2040 General Plan, since there is no apparent nexus between the two.

2.4 - July 24, 2013 Planning Commission Meeting

The City of Mill Valley Planning Commission provided comments on the 2040 General Plan and EIR on July 24, 2013. Four Planning Commissioners provided comments, which are summarized below.

2.4.1 - Summary of Steve Geiszler Comments

Commissioner Geiszler requested more explanation of Level of Service (LOS) and why the proposed lowering of minimum acceptable LOS levels by the 2040 General Plan is justified. He also requested more background on traffic volumes and how they relate to population growth.

2.4.2 - Responses to Steve Geiszler Comments

As indicated on Draft EIR pages 3.11-22 through 3.11-25, LOS is intended to measure traffic congestion, based on the relationship between the number of vehicles traveling on a given segment of a roadway or through an intersection during a given period of time and the estimated capacity of the facility based on the number of lanes and other roadway design factors. LOS is measured on an “A to F” scale—LOS A signifies free-flowing traffic conditions and LOS F signifies heavily congested conditions.

The 1989 General Plan includes LOS policies that require the City to maintain LOS C or better at all major signalized intersections, with the exception of the E. Blithedale Avenue/Camino Alto intersection, which should be maintained at LOS D or better. In order to just maintain compliance with the 1989 General Plan LOS policies for signalized intersections, immediate capacity enhancements—that is, additional through and turn lanes—would be required at the East Blithedale Avenue/Lomita Drive-Roque Moraes Drive and Miller Avenue/Camino Alto intersections. Taking into account expected traffic growth through 2035, additional capacity enhancements would be required at the East Blithedale Avenue/Camino Alto and Camino Alto/Sycamore Avenue intersections. Furthermore, application of the current LOS policy would require additional through travel lanes along East Blithedale Avenue, and added turning lanes on Lomita Drive, Sycamore Avenue, and Camino Alto. These additional enhancements not only are physically and financially infeasible, but they would dramatically alter the character of Mill Valley.

There are several quirks about LOS that contradict the development and performance of the balanced, multimodal transportation system called for by this General Plan. For example, LOS delay is measured at peak traffic hours. The concept reflects the belief that a street’s or intersection’s design should be based on its most congested hour(s), rather than configured to handle a wide range of travel modes throughout the day. In addition, mitigating LOS by increasing roadway capacity (i.e., street widening) degrades environmental quality by increasing vehicle trips and, consequently, increasing air pollution and greenhouse gas emissions. Finally, the use of LOS measures ostensibly favors preserving motor vehicle LOS at the expense of transit, bicycle, and pedestrian movements and safety; and ultimately designing roadways and intersections that could negatively change Mill Valley’s character by requiring roadway improvements that are incompatible with existing development and land use patterns.

Consistent with the community’s desire to create a safe and sustainable transportation network that balances the needs of all modes of travel (see Goal M.3), the 2040 General Plan amends the automobile Level of Service policy originally adopted in the 1989 General Plan to accept LOS E-plus conditions at the East Blithedale Avenue/Camino Alto intersection, and LOS D at all other signalized intersections. Use of LOS E-plus, which would be unique to Mill Valley, would enable average motorist delays of between 55 and 65 seconds but not delays between 65 and 80 seconds (LOS E is defined as average delays between 55 and 80 seconds). These conditions would be deemed acceptable during the morning, after-school, and evening one-hour peak traffic periods on weekdays, as well as during peak periods on weekends. These standards align with the other General Plan mobility goals and policies that focus on the creation of a balanced transportation

network, and they support the concept of replacing traditional motor vehicle LOS with a multi-modal assessment of capacity (see Program M.9-10).

Regarding traffic volumes, the City of Mill Valley developed forecasts of project volumes for the year 2035 along Mill Valley’s arterial roadways and at key intersections. The forecasts were developed assuming vehicle trips generated from projected residential growth are consistent with the City’s 2009–2014 Housing Element. The 2035 forecasts also assume that there will be some additional increase in “background” traffic volumes associated with new non-residential development, other potential changes in land use, and general traffic increases of one-quarter of one percent (0.25 percent) per year. Altogether, these assumptions equate to about a 6-percent increase in background (non-residential) traffic volumes over the next 22 years. These assumptions are consistent with the stable-to-low growth in Mill Valley traffic volumes since 2000.

2.4.3 - Summary of Chris Skelton Comments

Commissioner Skelton referenced a bullet item on Draft EIR page 3.2-17 about how proposed plans must show that the projected change in Vehicle Miles Traveled (VMT) is less than or equal to the projected increase. He then noted that there is a statement in the last paragraph of page 3.2-17 indicated that there is a 12.4-percent increase in VMT and a growth rate of 7.1 percent and requested clarification of this apparent discrepancy.

2.4.4 - Responses to Chris Skelton Comments

As indicated in the final paragraph on page 3.2-17 and shown in Table 3.2-5, the annual growth rate of population growth compared with VMT per capita for Mill Valley between 2005 and 2020 is 0.46 percent or 7.1 percent over the 15-year period. For comparison purposes, the annual growth rate of population growth compared with VMT per capita for Marin County between 2005 and 2020 is 0.78 percent or 12.4 percent over the 15-year period. Thus, the Draft EIR correctly indicated that the project increase in VMT would be less than or equal to projected population growth. As such, there is no discrepancy.

2.4.5 - Summary of John McCauley Comments

Commissioner McCauley referenced the Draft EIR’s discussion of increase in population with land use, services, and evacuation routes and noted that the analysis appeared to rely on policies contained in the 2040 General Plan to mitigate potential need for additional services, emergency response, land use, and natural resources. He suggested that it may be worth explaining a bit more in the Executive Summary.

2.4.6 - Responses to John McCauley Comments

CEQA Guidelines Section 15123 indicates that the Executive Summary “shall contain a brief summary of the proposed actions and its consequences” and indicates that the suggested page length should be no more than 15 pages. In this case, the 14-page Draft EIR Executive Summary provides a project summary, a list of the significant unavoidable impacts, and the required matrix identifying each impact and any corresponding mitigation measures.

A detailed description of each 2040 General Plan Element is provided in Section 2, Project Description and relevant aspects of the various elements are discussed in the various topical sections. Thus, the Draft EIR provides a discussion of how the policies set forth in the 2040 General Plan serve to reduce or avoid potential impacts associated with growth anticipated to occur over the life of the General Plan. As such, expanding the Executive Summary to reiterate the discussion of General Plan policies provided elsewhere in the Draft EIR would be contrary to CEQA Guidelines requirements.

2.4.7 - Summary of Ricardo Capretta Comments

Commissioner Capretta referenced Draft EIR Exhibit 2-3 and inquired about the land use designation for the Scott Valley Tennis Club. He also stated that water should be correctly identified on the exhibit. Commissioner Capretta also inquired if onsite wells are allowed by the 2040 General Plan and the environmental impacts of new well drilling. Finally, he proposed two wording changes to the discussion of the City's Residential Design Guidelines on Draft EIR page 3.1-2.

2.4.8 - Responses to Ricardo Capretta Comments

Each of Commissioner Capretta's comments is addressed separately.

Exhibit 2-3

The image in Draft EIR Exhibit 2-3 is identical to 2040 General Plan Figure 2.4 (General Plan Land Use). The Scott Valley Tennis Club is intended to be mapped as "Community Facilities," although it appears a portion of this site is mapped as "Open Space." The City of Mill Valley intends to revise 2040 General Plan Figure 2.4 prior to publication of the final version of the document to correct mapping errors and improve the quality of the image.

Onsite Wells

The 2040 General Plan does not contain any prohibitions regarding onsite wells. Such wells are subject to county and state permitting requirements.

As noted on page Draft EIR 3.7-5, there is very limited published information about groundwater in Mill Valley, most likely because surface water is the principal water supply source in southern Marin County. Regardless, because the 2040 General Plan maintains existing land use patterns and densities, it would not be expected to cause an increase in well drilling in Mill Valley. Moreover, any new development or redevelopment of existing properties within Mill Valley would be conditioned on connecting to the Marin Municipal Water District potable water system unless exceptional circumstances warrant the use of wells.

Residential Design Guidelines Wording Changes

Commissioner Capretta's proposed wording changes are reflected in Section 4, Errata.

SECTION 3: RESPONSES TO WRITTEN COMMENTS

3.1 - List of Authors

The public agencies and private organizations that provided comments on the Draft EIR are identified below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Author	Author Code
Public Agencies	
California Department of Transportation, District 4.....	CALTRANS
Bay Area Air Quality Management District.....	BAAQMD
Private Organizations	
Watershed Alliance of Marin (Laura Chariton).....	CHARITON
Audubon Society	AUDUBON

3.2 - Responses to Comments

3.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Mill Valley, as the lead agency, evaluated the comments received on the Draft EIR (State Clearinghouse No. 2013052005) for the Mill Valley 2040 General Plan Project, and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.

3.2.2 - Comment Letters and Responses

The comment letters reproduced on the following pages follow the same organization as used in the List of Authors.

RECEIVED
Planning Department

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P.O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-6053
FAX (510) 286-5559
TTY 711
www.dot.ca.gov

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City of Mill Valley



*Flex your power!
Be energy efficient!*

August 23, 2013

CALTRANS
Page 1 of 2

Mr. Mike Moore
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, CA 94941

MRNGEN076
SCH# 2013052005

Dear Mr. Moore:

MV 2040 General Plan and 2009-2014 Housing Element / Draft Environmental Impact Report

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. We have reviewed the Draft Environmental Impact Report (DEIR) and have the following comments to offer:

1

Traffic Operations

The intersection of US 101 / State Route 131 should also be included in the Traffic Impact Analysis (TIS). Please include level-of-service, delays, and Existing, Existing + Projects, Cumulative, and Cumulative + Project.

2

Forecasting

The existing traffic volume in the DEIR on page 3.11-2 seems to have been conducted in the year 2001. Please update the TIS to accurately include 2013 conditions.

3

In Appendix F, Traffic Analysis, the DEIR should reflect long-term / 2040 traffic impacts. Please update the TIS to include turning traffic per study intersection under Project Only, 2040 Cumulative, 2040 Cumulative + Project Conditions.

4

Should you have any questions regarding this letter, please contact Keith Wayne of my staff by telephone at (510) 286-5737, or by email at keith_wayne@dot.ca.gov.

5

Mr. Mike Moore / City of Mill Valley
August 23, 2013
Page 2

CALTRANS
Page 2 of 2

Sincerely,

A handwritten signature in black ink, appearing to read 'ERIK ALM', is written over the printed name.

ERIK ALM, AICP
District Branch Chief
Local Development – Intergovernmental Review

c: Scott Morgan, State Clearinghouse

Public Agencies

California Department of Transportation, District 4

Response to CALTRANS-1

The agency provided introductory remarks to open the letter. No response is necessary.

Response to CALTRANS-2

The agency stated that the intersection of US 101/State Route 131 (Tiburon Boulevard) should be included in the Traffic Impact Analysis. The agency stated that the intersection should be evaluated for level of service and delays under Existing, Existing Plus Project, Cumulative, and Cumulative Plus Project Conditions.

Although the Draft EIR did not evaluate the intersection of US 101/State Route 131 (Tiburon Boulevard), the ramp intersections were previously evaluated in Caltrans’ Project Study Report (PSR) for the “Ultimate Route 101 Interchange Improvements at E. Blithedale Avenue/Tiburon Boulevard.”

The intersections were evaluated considering 25-year forecast conditions. Caltrans did not evaluate existing conditions. Intersection analysis was performed based on volume-to-capacity ratios. The PSR’s results are shown in Table 3-1.

Table 3-1: Volume-to-Capacity Ratios – 25-Year Forecasts

Order of Construction	Southbound Off-Ramp/ E. Blithedale Avenue		Northbound Off-Ramp/ Tiburon Boulevard	
	AM Peak	PM Peak	AM Peak	PM Peak
No Build	1.15	1.01	0.98	1.03
Build Phase 1	1.15	1.01	0.98	1.03
Build Phase 2	1.15	1.01	0.98	1.03
Build Phase 3	1.15	1.01	0.62	0.68
Build Phase 4	0.80	0.73	0.62	0.74
Build Phase 5	0.80	0.73	0.62	0.74

Source: California Department of Transportation, 2004.

The 25-year traffic forecasts were developed using Metropolitan Transportation Commission’s travel demand model, which accounted for substantially more traffic growth than is forecast by the City of Mill Valley. The PSR’s forecasts assumed 33 percent traffic growth over the next 25 years, whereas Mill Valley’s current forecasts, used in the General Plan update, estimate traffic increases of 7 to 10 percent through the ramp intersections. Thus, Caltrans’s forecasts are conservative, or “worst-case,” for cumulative and cumulative plus project conditions.

Response to CALTRANS-3

The agency referenced a statement on Draft EIR page 3.11-2 about the year 2001 in a discussion of existing traffic volumes and stated that the Traffic Impact Analysis should be updated to accurately reflect 2013 conditions.

The statement in question pertained to a transportation study prepared by the City of Mill Valley by 2001. This study was mentioned because it provided insight into traffic patterns and land use activities that result in period spikes in traffic volumes.

Moreover, Table 3.11-3 provided 2013 weekday and Saturday traffic volumes for major roadways in Mill Valley. Thus, 2013 volumes were used in the Draft EIR traffic analysis.

Response to CALTRANS-4

The agency requested that the Traffic Impact Analysis be updated to include turn traffic per study intersection under Project Only, 2040 Cumulative, and 2040 Cumulative Plus Project Conditions.

The land use forecasts in Marin, as well as the Countywide travel demand model, were developed for year 2035 conditions. Year 2035 is the furthest horizon year where land use and traffic forecasts are available.

Response to CALTRANS-5

The agency provided closing remarks to conclude the letter. No response is necessary.



**BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT**

September 4, 2013

Mike Moore
Planning and Building Director
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, CA 94941

Subject: Mill Valley Climate Action Plan

Dear Mr. Moore,

Bay Area Air Quality Management District (District) staff has reviewed the City of Mill Valley's (City) 2040 General Plan (Plan) and Draft Environmental Impact Report (DEIR). The Plan will serve as the long term strategic document to guide and direct the City's policies, programs, and resources including planning for land use, transportation, and housing. We understand that the City is utilizing the Plan as its Climate Action Plan (CAP) as well.

1

The District commends the City for addressing GHG emissions in its 2040 Plan and supports the City's efforts in developing a Climate Action Plan. The District has the following comments specific to Mill Valley's Climate Action Plan.

GHG Reduction Measures

We support the City for including local actions, that when coupled with state actions, will help Mill Valley achieve its GHG reduction targets. However, the District recommends that the City strengthen its local actions to ensure the estimated reductions in GHG emissions are achieved; to protect against potential shortfalls from state actions; and to better place the City on the trajectory to achieve the State's 2050 climate stabilization goal of an 80 percent reduction below 1990 GHG emissions (Executive Order S-3-05).

2

We strongly encourage the City to include more mandatory, versus voluntary, measures in the CAP to increase the likelihood that the City's GHG reduction target will be met. In specific, the CAP contains a number of voluntary measures for energy efficiency (ERM 17, 18, 22, and 23) where the emission reductions anticipated are based on unjustified assumptions or no implementation mechanisms. The noted measures should be amended to mandatory measures with implementation programs that ensure GHG emission reductions occur. Without such assurances the estimated emission reductions should not be credited toward meeting the City's emission target goals.

3

We also recommend for the CAP to include additional measures to reduce GHG emissions from transportation and the existing built environment. The CAP notes that half of the City's GHG emissions are related to transportation, however, the CAP's transportation reduction measures contribute less than 10 percent to the City's total emission reductions. In regard to existing buildings, the DEIR, page 1-1, acknowledges that the City "is essentially built out," and does not anticipate significant new residential construction. Therefore, we recommend that the City target GHG reductions from the existing building stock. The City's Housing Needs

4

ALAMEDA COUNTY
Tom Bates
Scott Haggerty
Nate Miley
(Vice-Chair)
Tim Sbranti

CONTRA COSTA COUNTY
John Gioia
David Hudson
Mary Piepho
Mark Ross

MARIN COUNTY
Susan Adams

NAPA COUNTY
Brad Wagenknecht

SAN FRANCISCO COUNTY
John Avalos
Edwin M. Lee
Eric Mar

SAN MATEO COUNTY
Carole Groom
(Secretary)
Carol Klatt

SANTA CLARA COUNTY
Ash Kalra
(Chair)
Liz Kniss
Jan Pepper
Ken Yeager

SOLANO COUNTY
James Spering

SONOMA COUNTY
Teresa Barrett
Shirlee Zane

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

Mr. Moore

September 4, 2013

Assessment indicates that 80 percent of the City's residential buildings were constructed before 1978, prior to Title 24 energy efficiency standards (Table A-17, Age of Housing Stock 2010). Adopting a mandatory program to increase energy efficiency in the existing building stock could capture substantial GHG reductions.

4
CONT

District staff recommends that the CAP strengthen its GHG reduction approach as follows:

- Strengthen ERM. 29, Public Transportation, to include an implementation plan for increasing public transportation mode share to more than the stated goal of 10 percent from the current 8 percent by 2020. Additional programs may include expanding park and ride lots, working with transit providers to improve service, providing real-time transit information, and enhancing bicycle and pedestrian connections to transit.
- Add a time of sale energy efficiency upgrade requirement to residential and commercial buildings, such as a residential/commercial energy conservation ordinance (RECO/CECO).
- Amend ERM.17, Energy Efficiency Reductions Beyond Title 24, to be a mandatory measure requiring new construction projects meet energy efficiency reductions at least 25 percent beyond Title 24.
- Amend ERM. 22, Energy Efficiency, to be a mandatory measure requiring existing commercial and residential buildings meet CALGreen Tier 1 standards for energy efficiency by 2025, or other stated timeframe as appropriate.

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Two of the largest GHG emission reduction measures included in the CAP call for reducing indoor water use by 20 percent in 2020 and 30 percent in 2040 (ERM.7) and for diverting 90 percent of paper waste from landfills in 2020 and 100 percent in 2040. However, the CAP does not justify how improvements in water efficiency and waste diversion will occur. We recommend that the CAP specify the policies, programs, and timelines for how all the stated goals in the emission reduction measures will be implemented, or the estimated reductions should not be credited toward meeting the City's goal.

6

Monitoring and Implementation

The CAP contains a monitoring policy stating that the City will monitor and update the CAP as necessary to meet Mill Valley's GHG reduction targets (CL.3, page 116). Ongoing and adequate monitoring of the CAP is necessary for determining whether the CAP is achieving its implementation goals and reduction targets; and whether the CAP can serve as a potentially tierable document for future projects. We recommend that the CAP include a more specific monitoring plan that outlines procedures for annual reports that monitor whether local and state measures included in the CAP are being updated; and for updating the City's GHG inventory and reduction measures every 2-3 years.

7

Emissions Inventory

The GHG emissions data in the CAP (Table 6.1, Projected Growth in GHG Emissions by Sector for business as usual) does not match the emissions data in the Appendix. The emissions table in the Appendix shows a 2005 baseline emissions of 90,806 MTCO_{2e}/year; while Table 6.1, page

8

Mr. Moore

September 4, 2013

110, shows a 2005 baseline emissions of 94,880 MTCO₂e/year. This difference should be explained or corrected. In addition, to ensure transparency and to understand how the City's emissions inventory was developed, we recommend that the City provide detailed explanations and references for all emissions data.

8
CONT

We commend the City for addressing the critical issue of climate change through local action. By addressing the issues in this letter, we believe that the City's Climate Action Plan would more likely achieve its GHG reduction target and that the City would be in a good position to use the CAP as a tierable document under CEQA.

9

District staff is available to assist Mill Valley in addressing these comments. If you have any questions, please contact Sigalle Michael, Senior Planner, at (415) 749-4683 or smichael@baaqmd.gov.

10

Sincerely,



Jean Roggenkamp
Deputy Air Pollution Control Officer

cc: BAAQMD Director Susan Adams

Bay Area Air Quality Management District (BAAQMD)

Response to BAAQMD-1

The agency provided introductory remarks to open the letter. No response is necessary.

Response to BAAQMD-2

The agency recommended that the City of Mill Valley strengthen its local actions to ensure that the estimated reductions in greenhouse gas emissions described in the Climate Action Element¹ can be achieved.

The City of Mill Valley 2040 General Plan is an aspirational, policy-setting document that includes a number of goals and policies for implementation in the future. Subsequent analysis can be provided as part of implementation of the 2040 General Plan and required annual reporting on the 2040 General Plan. Thus, goals and policies are worded in a manner that identifies desired outcomes, but allows for discretion and flexibility in implementation.

The agency's specific comments on actions that can be strengthened are addressed in Response to BAAQMD-5 and Response to BAAQMD-6.

Response to BAAQMD-3

The agency recommended that the City of Mill Valley include more mandatory measures in the Climate Action Element to increase the likelihood that it will achieve its greenhouse gas reduction target. The agency stated that there are several voluntary measures for energy efficiency (ERM 17, 18, 22, and 23) where the emissions reductions anticipated are based on unjustified assumptions or no implementation mechanisms. The agency stated that these measures should be amended to mandatory measures with implementation programs to ensure that greenhouse gas reductions occur.

By adopting the Climate Action Plan, the City of Mill Valley is committing to the emissions reductions. The City has already committed to some of the measures such as participation in Marin Clean Energy. If after study, the City decides not to implement certain measures, then the City would have to revisit the Climate Action Plan to determine how to achieve those same emissions reductions. Various measures are worded in a manner that allows discretion and flexibility with implementation, but describing them as "voluntary" is not an accurate characterization. The agency's specific comments on actions that can be strengthened are addressed in Response to BAAQMD-5 and Response to BAAQMD-6.

Response to BAAQMD-4

The agency recommended that the City of Mill Valley include additional measures to reduce greenhouse gas emissions from transportation and the existing built environment. The agency noted that half the City's emissions are associated with transportation, but the Climate Action Element contributes less than 10 percent to the City's total emissions reductions. The agency also recommended that the City target greenhouse gas emissions reductions from the existing building stock, particularly since 80 percent of the City's residential buildings were constructed prior to 1978.

¹ Note the 2040 General Plan Climate Action Element is the City's Climate Action Plan. The term "Climate Action Element" will be used in this context since it is the term recognized by the 2040 General Plan.

The agencies specific comments on actions that can be strengthened are addressed in Response to BAAQMD-5 and Response to BAAQMD-6.

Response to BAAQMD-5

The agency recommended changes to Emissions Reduction Measure (ERM) 29 to include an implementation plan for increase public transportation mode to more than 10 percent by 2020 through programs such as expanding park-and-ride lots, working with transit providers to improve service, providing real-time transit information, and enhancing bicycle and pedestrian connections to transit. The agency recommended a policy requiring energy efficiency upgrades at the time-of-sale of residential and commercial buildings. The agency recommended amending ERM 17 to make it a mandatory requirement that new buildings exceed Title 24 energy efficiency standards by at least 25 percent. The agency recommended amending ERM 22 to make it a mandatory requirement that existing commercial and residential buildings meet CALGreen Tier 1 standards by 2025 or other appropriate time frame.

To preface this response, the City of Mill Valley 2040 General Plan is an aspirational, policy-setting document that includes a number of goals and policies for implementation in the future. As such, the environmental review is a “programmatic” in nature, and additional environmental review can occur as policies and programs are further defined and implemented. Similarly, the Climate Action Plan represents analysis based on goals, policies and programs within the 2040 General Plan. Subsequent analysis on meeting emission targets will occur through benchmark studies and additional emission reduction analysis on an annual basis as part of the General Plan implementation process and as programs are implemented (see page 155 of the General Plan).

Each recommendation will be address separately. Note that the ERMs identified in the Climate Action Element Appendix cross reference 2040 General Plan goals, policies, and implementing programs.

Emissions Reduction Measure 29

The 2040 General Plan has policies and implementing programs that promote the use of public transportation, which are reproduced below:

- 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.
- Implementing Program M.11-1 Maintain an up-to-date Bicycle and Pedestrian Master Plan to ensure eligibility for regional funding and coordination with the County of Marin and other Marin cities and towns.
- Implementing Program M.11-2: Continue to seek grants and other funding to support the implementation of the Bicycle and Pedestrian Master Plan.
- Implementing Program M.11-3: Use the Bicycle and Pedestrian Master Plan as a guide in setting priorities for bicycle and pedestrian improvements that are consistent with network and facility programs and improvements for other modes of transportation.

- Implementing Program M.11-4: Develop guidelines for crosswalk treatments such as paving and striping, along with guidelines for using these treatments in both controlled and uncontrolled crossing locations.
- Implementing Program M.11-5: Develop a pedestrian and bicycle count program and collect counts every two years.
- Implementing Program M.11-6: Implement the Miller Avenue Streetscape Plan to provide pedestrian and bicycle connections between downtown and the County bike lane and multi-use path.
- Policy M.12: Pedestrian and Bicycle Safety, Education and Outreach. Foster a common understanding among cyclists, pedestrians, and the police about the California Motor Vehicle Code and the rights and duties of all road users.
- Implementing Program M.12-1: Encourage bicyclists and drivers to share the road by offering education, by providing public service announcements through various media, and through connections with local bike clubs and bike shops.
- Implementing Program M.12-2: Promote three-way collaboration among Safe Routes to School, the Bicycle and Pedestrian Advisory Committee (BPAC), and the Mill Valley Police Department to advance education, safety, and enforcement programs that encourage more walking and cycling.
- Implementing Program M.12-3: Establish a page on the City website, linked to the BPAC page, that provides evidence-based information for parents, educators, and the general public about bicycle and pedestrian safety and access. Ensure that this page is exclusive and is not duplicated or contradicted elsewhere on the website.
- Implementing Program M.12-4: Ensure that educational content is updated regularly and is consistent both with current law and with current research and best-practice recommendations from professional fields including transportation and injury prevention.
- Implementing Program M.12-5: Evaluate and improve street lighting in areas of high pedestrian or bicycle traffic.
- Policy M.13: Improved Transit Network. Work with Marin Transit to support the continued development of and improvements to safe, efficient, and reliable transit service.
- Implementing Program M.13-1: Improve public transit infrastructure (e.g., benches, shelters, trash cans, safe and convenient bike racks and lockers, park and ride, news racks, realtime transit arrival information, etc.).
- Implementing Program M.13-2: Consider incorporating local art, heritage, and education into the design of transit stops.
- Implementing Program M.13-3: Coordinate with the regional transit providers and the Transportation Authority of Marin to pursue funding opportunities to expand local and regional bus routes and frequency.
- Implementing Program M.13-4: Meet regularly with Marin Transit to provide efficient and adequate commuter service for Mill Valley residents and employees.
- Implementing Program M.13-5: Support the creation of a “Safe Routes to Transit” program that is modeled on the same principles and practices of Safe Routes to School.
- Implementing Program M.13-6: Work with the Mill Valley Library, community center, and local businesses and hotels to provide information pamphlets and maps on transit alternatives available within the city.

These policies and implementing are functionally equivalent to many of the agency’s suggestions and, furthermore, reflect strategies that are readily achievable in Mill Valley. By adopting the Climate Action Plan, the City of Mill Valley is committing to the emissions reductions. The City has already committed to some of the measures such as participation in Marin Clean Energy. If after study, the City decides not to implement certain measures, then the City would have to revisit the Climate Action Plan to determine how to achieve those same emissions reductions. As such, there is a reasonable degree of certainty that the emissions reduction targets will be achieved and, therefore, there is no basis to require additional emissions reduction measures.

Energy Efficiency Upgrades

Regarding the suggestion that the City require energy efficiency upgrades at the time-of-sale of residential and commercial buildings, the Climate Action Element contains the following goal and implementing programs that are relevant to this issue:

- Policy CL.1: Clean Energy & Energy Efficiency. Support and provide incentives for utilizing and investing in clean energy end energy efficiency solutions.
- Implementing Program CL.1-1: Update the City’s green building ordinance to support the highest available standards to conserve energy and resources, including:
 - Design guidelines and development standards 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; and
 - “Solar-ready” guidelines such as optimal roof orientation, clear access without obstructions, roof framing and design, installation of electrical conduit to accept solar 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.
- Implementing Program CL.1-2 Require the performance of energy audits for residential and commercial building prior to completion of sale, and that audit results and information about opportunities for energy improvement be presented to potential buyers.
- Implementing Program CL.1-3 Replace street and public parking lot lights with more energy-efficient lamps as technology creates more efficient and better quality lighting.
- Implementing Program CL.1-4 Participate in opportunities such as those provided by Assembly Bill 811 and other public financing programs that support the installation of renewable energy systems and other energy-efficient upgrades for public agencies and private property owners.

Energy upgrades are specifically mentioned by Implementing Programs CL.1-2 and CL.1-4. However, making energy upgrades mandatory at the time-of-sale may not be realistic, practical, or timely for all real estate transactions and, thus, the City has elected to retain flexibility in this regard. Moreover, by adopting the Climate Action Plan, the City of Mill Valley is committing to the emissions reductions. The City has already committed to some of the measures such as participation in Marin Clean Energy. If after study, the City decides not to implement certain measures, then the City would have to revisit the Climate Action Plan to determine how to achieve those same emissions

reductions. As such, there is a reasonable degree of certainty that the emissions reduction targets will be achieved and, therefore, there is no basis to require additional emissions reduction measures.

Emissions Reduction Measure 17

As for the suggestion that ERM be amended to make it a mandatory requirement that new buildings exceed Title 24 energy efficiency standards by at least 25 percent, there are concerns that this is not an achievable objective for many projects. The minimum Title 24 energy efficiency standards are regarded as among the most stringent in the United States and, thus, compliance with these standards is a widely accepted greenhouse gas reduction strategy. Requiring that all new buildings exceed Title 24 energy efficiency standards by at least 25 percent is not realistic and, thus, the City has elected not to make this a mandatory requirement.

Moreover, by adopting the Climate Action Plan, the City of Mill Valley is committing to the emissions reductions. The City has already committed to some of the measures such as participation in Marin Clean Energy. If after study, the City decides not to implement certain measures, then the City would have to revisit the Climate Action Plan to determine how to achieve those same emissions reductions. As such, there is a reasonable degree of certainty that the emissions reduction targets will be achieved and, therefore, there is no basis to require additional emissions reduction measures.

Emissions Reduction Measure 22

Regarding the suggestion that ERM 22 be amended to make it a mandatory requirement that existing commercial and residential buildings meet CALGreen Tier 1 standards by 2025 or other appropriate time frame, there are concerns that there may be no legal mechanism that allows the City to enforce this requirement, as existing buildings are typically “grandfathered in” when new building codes are adopted.

Moreover, by adopting the Climate Action Plan, the City of Mill Valley is committing to the emissions reductions. The City has already committed to some of the measures such as participation in Marin Clean Energy. If after study, the City decides not to implement certain measures, then the City would have to revisit the Climate Action Plan to determine how to achieve those same emissions reductions. As such, there is a reasonable degree of certainty that the emissions reduction targets will be achieved and, therefore, there is no basis to require additional emissions reduction measures.

Response to BAAQMD-6

The agency noted that the two largest greenhouse gas emissions measures included in the Climate Action Element call for reducing indoor water use by 20 percent in 2020 and 30 percent in 20140 and for diverting 90 percent of paper waste from landfills in 2020 and 100 percent in 2040. The agency stated that the Climate Action Element does not justify how improvements in water efficiency and waste diversion will occur and recommended that the Climate Action Element specify the policy, programs, and timelines for how all the stated goals in the emissions reduction measures will be implemented.

The City of Mill Valley 2040 General Plan is an aspirational, policy-setting document that includes a number of goals and policies for implementation in the future. As such, the environmental review is a “programmatic” in nature, and additional environmental review can occur as policies and programs

are further defined and implemented. Similarly, the Climate Action Plan represents analysis based on goals, policies and programs within the 2040 General Plan. Subsequent analysis on meeting emission targets will occur through benchmark studies and additional emission reduction analysis on an annual basis as part of the General Plan implementation process and as programs are implemented (see page 155 of the General Plan). Additionally, the Mitigation Monitoring and Reporting Program will be used by the City to track the implementation of the various goals, policies and programs set forth in the 2040 General Plan.

Additionally, many of these goals, policies, and implementing programs are cross referenced in the Climate Action Element. Refer to Response to BAAQMD-5 for examples of this.

Regarding the two examples cited by the agency, the following implementing programs pertain to water conservation and waste diversion:

- Implementing Program NE. 4-1: Reduce water use in City buildings:
 - Assess, maintain, and repair existing plumbing fixtures, pipes, and irrigation systems in all City buildings and facilities, including building and parking lot landscaping, public restrooms, parks, golf courses, and other recreational facilities, to minimize water use.
 - Upgrade City plumbing and irrigation systems with water-conserving technology.
 - Audit the City’s water and wastewater pumps and motors to evaluate equipment efficiency.
 - Develop and implement a motor/pump efficiency cycling schedule to use the most efficient water or wastewater motors/pumps first and least efficient ones last.
 - Replace the least efficient motors and pumps with more efficient units.
 - Implement methane capture for energy production at the wastewater treatment plant.
 - Use recycled water for City facilities and operations where appropriate.
 - Retrofit existing City buildings and facilities to meet water efficiency standards of the Leadership in Energy and Environmental Design (LEED) rating system for “Existing Buildings.”

- Implementing Program NE. 4-2: Reduce Water in the Community:
 - Partner 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 promote existing and proven water conservation measures through educational programs and other initiatives.
 - Partner with MMWD, conservation organizations, installers, and manufacturers to promote the installation of rainwater catchment and greywater systems.
 - Require water efficiency audits at point of sale for commercial and residential properties.
 - Adopt a retrofit program to encourage or require installation of water conservation measures in existing businesses and homes.
 - Consistent with upgrades to the SASM wastewater treatment facility to provide advanced wastewater treatment and supply, require dual plumbing for use of recycled water for new commercial and/or residential developments.
 - Use 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.

- Review 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.
- Implementing Program CL.5-1: Develop a Zero Waste strategic plan for Mill Valley that would address:
 - Establishing a Zero Waste goal and timeframe;
 - Supporting and promoting ongoing green waste recycling and composting opportunities for Mill Valley residents and businesses;
 - Requiring all events needing a special events permit from the City to provide adequate recycling facilities and compostable materials;
 - Scheduling periodic workshops on composting and providing starter kits to interested residents;
 - Revising and updating the City’s solid waste ordinance and construction and demolition ordinance to stay current with best practices and waste reduction policies; and
 - Encouraging school-, business-, and neighborhood-based litter contests with prizes of local goods and services provided by local merchants.
- Implementing Program CL.5-2: Adopt new City waste reduction policies and strengthen existing policies in association with the Zero Waste Strategic Plan, as follows:
 - Revise and update Mill Valley’s existing solid waste ordinance to keep pace with changes in the solid waste industry.
 - Modify the construction and demolition ordinance to comply with the Marin Hazardous and Solid Waste Joint Powers Authority (JPA) model ordinance to ensure consistency among member agencies and help haulers comply.
 - Adopt an ordinance that addresses deconstruction/salvage/resale of construction and demolition materials.
 - Adopt and enforce a multi-family dwelling and business recycling ordinance.

Response to BAAQMD-7

The agency noted that the Climate Action Element contains a monitoring policy stating that the City will monitor and update the plan as necessary to meet its greenhouse gas reduction targets. The agency recommended that the City will include a more specific monitoring plan that outlines procedures for annual reports that monitor whether local and state measures included in the Climate Action Element are being updated.

The Climate Action Element contains the following policy and implementing programs that concern monitoring:

- Policy CL.3: Monitoring. Establish a baseline and monitor the City and community contribution to greenhouse gas emissions.
- Implementing Program CL.3-1 Monitor and update, as necessary, the City Council adopted a GHG emission reduction target of 20% below 2000 levels by 2020 for internal government operations, and 15% below 2000 levels communitywide by 2020.

- Implementing Program CL.3-2 Collaborate with the community to identify emission reduction measures that will successfully meet adopted emission reduction targets.

The Policy obligates the City to monitor greenhouse gas emissions and the implementing programs provide specificity about methods to achieve this objective. It is not necessary for the policy or implementing programs to describe the day-to-day practices that will be employed; rather, that is more appropriately an administrative decision made at the staff level.

Moreover, subsequent analysis on meeting emission targets will occur through benchmark studies and additional emission reduction analysis on an annual basis as part of the General Plan implementation process and as programs are implemented (see page 155 of the General Plan). Additionally, the Mitigation Monitoring and Reporting Program will be used by the City to track the implementation of the various goals, policies and programs set forth in the 2040 General Plan.

Response to BAAQMD-8

The agency stated that there was a discrepancy between Table 6.1 in the Climate Action Element and a similar table in the Appendix and stated that this should be explained or corrected.

Table 6.1 incorrectly lists total 2005 emissions as 94,880 metric tons of CO₂, while the Appendix provides the correct value of 90,806 metric tons of CO₂. The final version of the Climate Action Element will show the correct value.

Response to BAAQMD-9

The agency commended the City for its Climate Action Element and indicated that addresses the issues it identified would put the City in a good position to allow the Climate Action Element to be used as a tierable document under CEQA.

The City of Mill Valley has provided responses to all of BAAQMD's comments on the Climate Action Element. Note that the City does not intend for future CEQA documents to tier off the Climate Action Element.

Response to BAAQMD-10

The agency provided closing remarks to conclude the letter. No response is necessary.

Watershed Alliance of Marin
Laura Chariton
August 26, 2013, 2:45 PM

Mr. Mike Moore, Director of Planning & Building
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, CA 94941

Email: mmoore@cityofmillvalley.org

Dear Mr. Moore;

The Watershed Alliance of Marin commented on the Notice of Preparation. The DEIR responded to some comments and apparently did no further investigation based on those comments, current environmental knowledge standards, and did not use the benchmarks of best practices and policies regarding special status species and sensitive habitat. There was also little change based on current facts and knowledge within the DEIR's purview. Those categories that we comment on include: Biological Resources, Natural Environment, Tidal Marsh Light and Glare, Green House Gas , Land Use, and Hydrology. The DEIR defers responsibilities to state, federal and other local agencies where it should be the City of Mill Valley that needs to set policy in those extensive policy gaps of environmental protection.

1

The DEIR should note that Mill Valley General Plan lacks a glossary or definitions that would inform it better.

2

Bio-1 The City exempts itself from any criteria for measuring itself against state, federal and other local laws and whether or not is compliant under CEQA by giving itself a categorical exemption. It therefore allows no public scrutiny of either best practices or compliance to these overriding codes and prevents the adoption of current best practices by entrenching the city in potential litigation. It fails to set the standard by for its citizens and businesses. As an example, the City and County of Santa Cruz holds itself to the same standard that it would require of private property owners. However, this is not to suggest that Mill Valley's standards are reasonable by current best management practices, or scientific knowledge with respect to stream conservation areas, since there is a complete lack of mapping, no slope variants in protections where they should be increased according to the steepness of a property and should be utilizing a watershed approach in this regard. Even more disconcerting is the City's willingness to withhold a potentially property and life saving document , the Stetson Report, paid for by the taxpayers and regrettably withheld for 5 years.

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The State Water Board's widely accepted protocols for assessing and protection of streams is not considered by the MV General Plan.

"A Watershed Approach -means taking into account when considering any development project that the whole stream system (perennial, intermittent,

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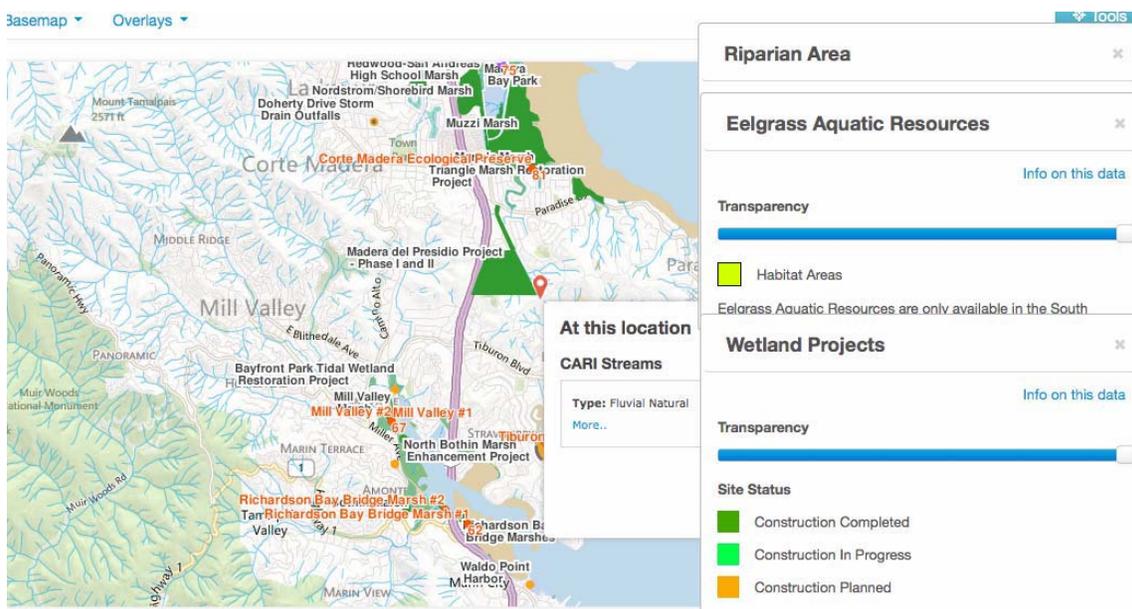
ephemeral) is connected through hydrology, geomorphology, vegetation, species and riparian corridors. Account must be taken for how a project will impact the multitude of factors that are inherent within the watershed system such as downstream erosion, sediment transport, aquatic and terrestrial species habitat, upstream headcutting, water quality, stormwater runoff and infiltration, habitat contiguity, stream migration, capacity, resilience.” Ann Riley, PhD, SFRWQB.

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CONT

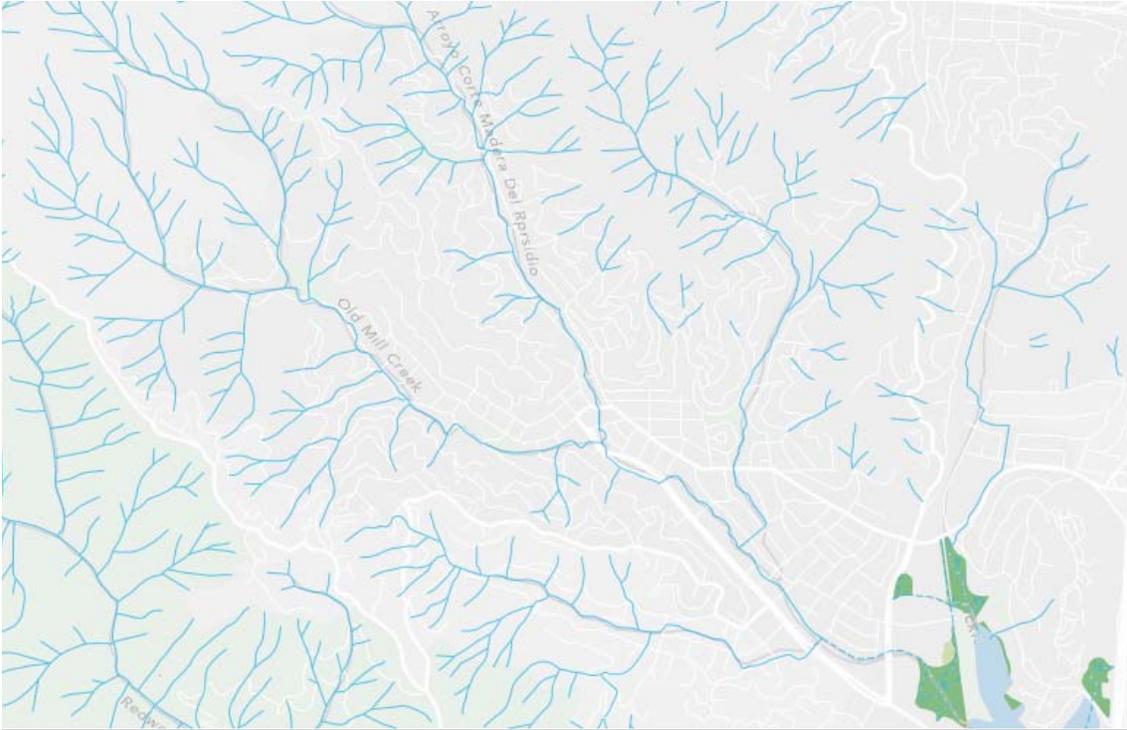
It therefore would include the headwater, ephemeral, intermittent and perennial streams of Muir Woods Park, Reed Creek, Warner Creek, Sutton Manor, Arroyo Corte Madera Del Presidio, Cascade Creek, Old Mill Creek and the tidal marshes and eel grass beds of Richardson Bay.

B-1, 3.1.2, Aesthetic Character; Regional Setting and Local Setting:

From an DEIR perspective the General Plan fails to provide the most basic available mapping that includes scientific assessment for aquatic resources geology, hydrology and slope and state agency acceptance for existing conditions and basic information the most important aspects of the City’s land use, existing resources hydrology and topography. <http://www.ecoatlas.org/regions/waterboard/san-francisco-bay-area>



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Mill Valley's Aquatic Resources

Bay Area Aquatic Resources Mapping (BAARI):

<http://gis.sfei.org/geofetch/catalog/main/home.page> provides even more specific and up to date Aquatic Resources and Land data mapping from 2005.

www.californiawetlands.net (<http://www.californiawetlands.net/tracker/ba/map>)

and does not incorporate the accepted protocols and Best Management Practices by incorporating the "Bay Area Aquatic Resources Inventory (BAARI) STANDARDS AND METHODOLOGY FOR STREAM NETWORK, WETLAND AND RIPARIAN MAPPING WETLAND REGIONAL MONITORING PROGRAM (WRMP) San Francisco Estuary Institute, Revised April 20, 2011

Instead, the General Plan provides a very flat and generalized, rudimentary view, cartoon like, of the confirmed facts from multiple federal, state and local agencies. It opens the door for a lack of protections for special status listed species, aquatic resources, hydrology, slope, geology, vegetation and plant communities (biomes and ecotones) and geomorphology. The DEIR fails to point out this extensive flaw in basic planning that cannot be utilized for anything other than mere suggestion of the facts since it doesn't carry the specific and relevant data that is available regarding the environment. Therefore, the misrepresentation of mapping has the potential to have a significant impact on the environment. The lack of referential mapping can lead to significant impacts and misinterpretation of the existing environmental conditions. The DEIR fails to acknowledge this simple fact. Merely calling the mapping programmatic when there is exponentially more information available to the general public is not a feasible or relevant conclusion.

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CONT

The plan does not take into account the most important geographic feature, its watersheds. By not taking the watershed approach for planning as recommended by the State Water Board, the City is effectively creating policies for biologic, hydrologic, cultural and geologic in a piecemeal fashion and creating arbitrary policy boundaries with no basis in science or geomorphology. This is not acknowledged in the DEIR and is, what we consider to be a serious flaw in the general plan and out of step with important local general plan policies. Further, the creek mapping is so insufficient that only a mere fraction of the existing creeks are shown (see attached maps). We have pointed this out repeatedly and no corrections have been made. Therefore, we are attaching and recommending maps, made by either Marin county or Eco Atlas, that are used by planners throughout the area that elucidate these inaccuracies.

The answers provided in the DEIR are insufficient and do not explain how levels are insignificant and require no mitigation when the problems pointed out actually are significant and require mitigation, such as at least a 2:1 mitigation recommended by state and 3:1 by federal regulators for streamside riparian areas subjected to development.

Watersheds contain three recognized levels of creeks: ephemeral, intermittent and perennials. All of them are important to water supplies and quality and all have subsurface flows that maintain function year round. By not protecting ephemerals and intermittent streams, damage is being done to the watershed and therefore critical habitat for special status species. These may also need mitigation where hydrology is damaged.

Throughout the 2040 General Plan, the DEIR lists everything, except noise levels, as having no substantial adverse impacts, no mitigation necessary and less than significant impacts. This assessment by the DEIR is false considering the facts.

The General plan fails to acknowledge that development projects on flood plains, and hillsides (comprising our entire region) within the watershed, that allows further alterations through excessive development, will cause potential significant impacts to hydrology, critical habitat, water quality and quantity. It fails to provide minimal protections that were in the previous and more protective 1989 plan such as a creek setback that is 50 feet from the center of the creek. This current plan will have significant and cumulative impact on the environment because it is less protective. There are no stipulations for either mitigation or setbacks with regards to streams or wetlands.

Impact AES-3, 3.1.5 Thresholds of Significance

The Thresholds of Significance section of lights does not mention impacts on special status or other species. Implementation of the General plan will have a significant impact on biological functions of endangered and threatened animals. Light in creeks will make federally protected steelhead more susceptible to being hunted at

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night by birds and mammals. Owls and nightjars that need certain darkness levels in their ability to hunt and rear young will be further impacted from increased light levels from development.

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CONT

Impact Bio -1 Because the General Plan lacks any specific requirements to protect riparian zones through development and land use setbacks from streams, cumulative and further significant impacts on special status plant and wildlife species will be occur. The General Plan lacks programs and lacks protections for plant communities especially Riparian and Wetland Plant communities and steep slopes. The City should be aware that it will be in violation of the State Water Board Resolution 2008-0026 requiring no net loss of wetlands or riparian areas and would be advised to write this into the Plan. The Plan lacks protections for critical habitat plant communities, stream bank stabilization, water quality and quantity and adherence to basic Stormwater Pollution Regulations and the Clean Water Act.

There are absent, provisions or programs for incentives or mitigations for creek and riparian retention or enhancements and therefore will not adhere to the Clean Water Act nor the Endangered Species Act. The results of these failures will raise the level to significant impacts to special status and wildlife species. There is no mitigation built into the General Plan for damaged streamside property nor is a development project required to mitigate damage. Therefore, without mitigation the impacts to the environment and special status species will be cumulative and significant, having no mitigations inherent in the plan. This was evidenced and not corrected at the 15 La Goma site, where despite failing and toxic banks on a deeply incised portion of the creek the city did not require any mitigations despite a federally listed species on site. Projected losses to either the fish or the integrity of the stream banks where toxins were found does not bode well for the city's attitude towards either the special status species, downstream neighborhoods, or water quality.

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The continued categorical exemptions given to properties that have endangered and threatened species on them will continue to have the city exposed to litigation because they are not following state and federal laws and further endangering special status listed species.

Bio -2 The DEIR does not fully assess the lack of protections inherent in the Natural Resources and Land Use categories of the General Plan update. Implementation of the 2040 General Plan will have a substantial adverse and cumulative effect on riparian habitat because there is no specificity regarding plant and animal communities and special status species that are interdependent on one another.

It neither acknowledges or maps sensitive habitat or listed special status species for protections. This sets up the city for violations under the Endangered Species Act.

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The Plan has not considered mitigation for riparian or other sensitive natural communities identified such as anadromous streams, or groups of heritage trees that are necessary for listed spotted owls and marbled murrelets where there are

known legacy nesting sites. The Plan should, according to all State and Federal Salmonid Recovery plan have at least a 2:1 to 3:1 replacement ration for losses to riparian habitat that are caused by any development project whether it be on private or public lands.

The Plan does not allow for restoration and re-introduction of recently extirpated species such as coho salmon, California fresh water shrimp and red-legged frogs. The plan does not acknowledge or protect the habitats or the listed special status species. Almost all of Mill Valley's streams have anadromous fish in them as identified by the National Marine Fisheries Service, U.S. fish and Wildlife Service and the California Department of Fish and Wildlife. Mill Valley is in violation of the Clean Water and Endangered Species Acts by allowing further degradation of the critical habitat and not utilizing the cumulative impacts approach to assessment. By not requiring mitigation in any of its development projects, Mill Valley is also not acknowledging the State Water board resolution of no net loss of riparian habitat or wetlands.

9
CONT

Bio – 2 The General Plan lacks sufficient protections for trees that are part of plant communities, riparian, oak woodland, etc. that support special status species or provide a diversity of important ecosystem services. Because only four species of trees are protected where 37 native trees occur in Marin County and many of them in Mill Valley, their status as potentially disrupting ecosystem and critical habitat function will continue to be a significant issue. The DEIR does not acknowledge this inadequacy within the General Plan and this lack of protection is significant impact on the environment.

10

The prevalence of riparian and redwood forest within the city limits and the associated with special species critical habitat is not even mentioned in the GP. Again, the county's Marinmap.org and Eco Atlas identify these vegetation patterns.

2.3 There is no mention of the objectives of wanting to retain the aesthetics of Mill Valley for future generations in the objectives of the General Plan when they were in the previous Plan.

11

Allowing development where appropriate is overdeveloping the steep hillsides and will exacerbate downstream flooding.

The environmentally superior alternative is:

12

3.1.3 Regulatory Framework Local

The DEIR does not acknowledge that the Goals and Policies of the Regulatory Framework fails to include the health of the watershed, ecosystem or sensitive species protections as either a policy or a goal. The character of a town has

13

historically been linked to its natural beauty, conservation and aesthetic setting that is reliant upon and inclusive of its wildlife, vegetation communities of Coastal Scrub, Redwoods, Tidal Marshes and Oak Woodlands all including streams and watershed. By merely mentioning that residential development will be “subordinate to the natural setting” no tools or prescriptions for protection are provided within the Regulatory Framework and therefore represent a significant impact on the environment.

13
CONT

Exhibit 3.1-1 fails to represent the Coastal Scrub, Redwoods, Tidal Marshes and Oak Woodlands, steep slopes, including all streams and watersheds that would all be considered protected under either federal or state regulations. Through this lack of protected lands in the form of Stream Conservation area setbacks, the populace of Mill Valley will be further subjected to flooding, erosion and catastrophic natural events without having much resilience. This is and will continue to have a significant impact on the environment, including public health and safety. Further not mentioned in the DEIR are the failure of Mill Valley in the General Plan to stop further development on steep slopes and limiting increase to development which will have this significant same or similar adverse affect on the environment and particularly in areas that are slide prone or downstream in the FEMA flood plains of Sycamore and Downtown flood areas.

14

Visual Character Impact AES-2 In the last year I have witnessed the veritable scourge of enormous homes on the Middle Ridge. Not only have these been built on extremely steep slopes, they are destroying the only view of the hills from my house. I would consider this a significant impact on my property and views.

15

AES – 3 The amount of light emitted from the numerous large mansions that have popped up all over middle ridge have degraded night sky astronomy, a sense of calm and connectivity to open space and impeded biological patterns of night hunting birds, including special status species: Northern Spotted Owls and other night hunting birds of prey. Additionally, the tidal marshes have excessive lights on them which should be mitigated because there is irrefutable proof that these lights can disorient migrating birds that may be special status species and therefore significantly impacting.

16

Therefore, the effect of development impacts would be significant and mitigation would be necessary.

In Table 3.2-6 The 2040 General Plan fails to acknowledge quantifiable natural ecosystems conservation and enhancement of existing resources that includes plant communities that function for free in achieving Greenhouse Gas Reductions (GHG). Native perennial grasslands, redwood forests and tidal marsh wetlands all sequester carbon naturally. Without utilizing these natural systems by protecting them, the effects on the environment can become more significant. One way to protect them is to put them into conservation and provide enhancements, such as restoration, where ever possible, including within residential and commercial projects. The General Plan fails to do this and therefore may inadvertently allow diminishment of

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these systems, therefore creating a potential significant effect on the environment. Therefore the DEIR is erroneous in concluding that only man-made reductions are successful in mitigating the extent of GHG.

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CONT

3.3-2 Environmental Setting Instead it merely points out potential areas of open space, when in fact, the listed species are prevalent throughout the planning area and in peoples yards. Therefore, we find the mapping inaccurate and insufficient to protect any biotic or aquatic resources.

18

The statement Exhibit 3.3-2 Sensitive Species provides the areas that provide suitable habitat for these species within the Planning Area assumes that animals do not exist outside these area. Mill Valley StreamKeepers and the Watershed Alliance of Marin have conducted studies, can provide documentation and have supplies the City and federal and state agencies that refute this claim. Further, "Within Mill Valley, wildlife movement corridors are limited to the waterways that link the hillsides with Richardson Bay. Because of the characteristics of these features, they are generally suitable for fish and small mammals adapted to urban environments (raccoons, possums, etc.)" i This is a misleading and a fallacy. Within the planning area and City Limits, where none is shown, there are known nests of Northern spotted owls and steelhead that are not in the mapped areas. Erroneously the streams aren't shown on that map. Additionally, we have seen numerous documented cases within the planning area are also not mapped as habitat, the ubiquitous presence of black tailed deer, plus fox, mountain lions, coyote.

19

3.3.2 Biological Resources – The maps for Special Status Species within the Planning Area are wholly inaccurate and the DEIR fails to find this a significant obstacle to recovery of listed special status species. The purpose of listing is for recovery plans to be developed and implemented. In almost all cases, this is true, specifically to the steelhead (*Oncorhynchus mykiss*). However, the maps fail to include any or all of the creeks which have been assessed and listed as habitat through the National Marine Fisheries Service as well as the California Department of Fish and Wildlife. There was a comprehensive anadromous fish habitat assessment conducted by the CDFW in 2009.

20

3.3.3 Regulatory Framework: Endangered Species Act. – In the 20 year recovery plans for Salmonids, National Oceanographic and Atmospheric Administration lists urban development as the number one cause salmonid population collapse and the DEIR fails to acknowledge this but mentions that Section 7 of the ESA.

21

Page: 3.3.11 Under Local City of Mill Valley – goals and policies, none of them have implementation programs with deadlines for accomplishing either the goals or the programs. Without these, the gestures are unenforceable. Words like: collaborate, identify, increase, ensure, support, utilize, etc..... do not hold any legal bearing and put the entire environment at risk of being damaged because there is no protection, accountability and or recourse. Therefore, the entire biological section under scrutiny and compared with numerous other general plans, lacks any characteristics

22

that would work for the environment. What is missing from the thresholds of Significance below is the fact that cumulative impacts caused by Mill Valley's building codes, lack of general plan protections and other policies have already caused extirpations of local and legacy coho salmon, California fresh water shrimp and red-legged frogs. Therefore cumulative impacts play a significant role and should have been included below in this section.

“ 3.3.5 - Thresholds of Significance

According to Appendix G, Environmental Checklist, of the CEQA Guidelines, biological resources impacts resulting from the implementation of the proposed project would be considered significant if the project would:

- a) 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 Game or U.S. Fish and Wildlife Service?
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- c) 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?
- d) 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 wildlife nursery sites?
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Refer to Section 7, Effects Found Not To Be Significant.)”

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CONT

3.3.6 Impact Analysis, Regarding unenforceable words and without time frames for implementation, see page 3.3.11 above. - None of these Goals and Policies below are enforceable or have any real protection capability and no mitigations have been required; therefore there will be significant adverse affects to special status species in Mill Valley: as per Goals NE.1, NE.2, and NE.6 and Policies NE.1, NE.2, and NE.7

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“Therefore, based on the existing regulatory requirements and the policies contained within the proposed 2040 General Plan, there is certainty that future development and land use activities contemplated by the 2040 General Plan would not have significant impacts on special-status species. Impacts would be less than significant.”

Wetlands (tidal marshes) and their ecosystem services are protected from having no net loss and Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) (Clean Water Act) to protect wetlands and riparian areas for water quality goals.

Pages 3-.3.2 Despite the conclusions of the DEIR that the State would step in and mitigate these issues – this is erroneous. Almost none of these agencies, such as the Porter Cologne or Regional Water board, will step in on small residential properties,

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therefore, the assumption should be that further cumulative impacts to the riparian zones, and sensitive habitats will occur. It is up to the City to set policies in alignment with those state and federal agencies and that, in theory, are supportive. No mitigation regimes have been proposed in the general plan. Therefore, the potential impacts to the riparian habitat and sensitive species within it may be significant.

The General Plan Natural Environment fails to provide a watershed approach to planning and consider all the facets necessary to achieve watershed and water quality health. It fails to incorporate streams that supply the Main Stream of the Arroyo Corte Madera del Presidio such as Reed Creek that has steelhead in it and could be impacted by Mill Valley's lack of protections. The plan also fails to provide any funding mechanism or incentives to accomplish either the goals or the policies and lacks programs to do so. Therefore the continued impacts on the environment will continue to be significant.

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CONT

Biological Resources, Riparian Habitat, Sensitive Natural Communities, Tidal Marsh Wetlands, Sea Level Rise, Climate Change all have Potentially Significant impacts

•Proposed plan will potentially have an adverse effect on sensitive or endangered species, inhibit restoration of historic wetlands “and eelgrass beds” and preclude ability to allow for migration inland as sea level rises. The jurisdiction falls within wetland (WCA) or stream (SCA) conservation areas.

“The tidal-terrestrial transition zone (T-zone) occupies the gradient between the intertidal zone and terrestrial (i.e., levee faces, valleys, hillsides, alluvial fans, and bluffs) and/or fluvial (i.e., rivers and streams) environments. The T-zone provides a number of valuable ecosystem functions and services, and also serves as accommodation space for estuarine transgression and floodwater dispersal/storage as sea level rises in the future. The T-zone is also one of the most heavily impacted areas of the Bay ecosystem, and emerging plans call for the conservation and reconnection of a T-zone where tidal marshes and their terrestrial connections can be created or allowed to naturally evolve. (http://www.sfei.org/TZone_SouthSFBay. Downloaded 5/13/2003)

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“San Francisco Bay wetland managers are looking landward for ways to accommodate accelerated sea level rise due to climate change. A major concern is that sea level rise will drown existing tidal marshes except for a narrow ring of marshland between the Bay and the built environment. This would eliminate many of the Bay's ecological services, as well as many of the ecological connections to the terrestrial environment upon which these services depend. Emerging plans therefore call for the conservation and reconnection of a tidal-terrestrial transition zone (T-zone) where tidal marshes and their terrestrial connections can be created or allowed to naturally evolve.” **An Assessment of the South Bay Historical Tidal-Terrestrial Transition Zone** Erin Beller, Micha Salomon, Robin Grossinger • San Francisco Estuary Institute •

Publication #693 • May 2013 produced for the U.S. Fish & Wildlife Service Coastal Program

When wetlands are defined in accordance with the federal definition, the wetlands themselves are "waters of the state." California Water Board - Draft Water Quality Control Policy for Wetland Area Protection and Dredged or fill Permitting

See 40 C.F.R. § 230.3(s)-(t) ("waters" include "wetlands"); Wat. Code, § 13050, subd. (e) (defining "waters of the state" more broadly than EPA defines "waters of the United States").

“Tidal marsh studies indicate that they are an important defense against sea level rise in vulnerable communities. “[T]he research forecasts that under faster sea-level rise rates, salt marshes could bury up to four times as much carbon as they do now.” (United States Geological Survey 2012 *Salt Marshes May Slow Climate Warming* . . . *For A While* Categories: Ecosystems, Featured Posted on September 26, 2012 at 11:00 am Last update 12:57 pm By: Catherine Puckett cpuckett@usgs.gov & Hannah Hamilton hhamilton@usgs.gov).

Tidal marsh development depends upon healthy supplies of plant communities, nutrients and alluvial deposition. This would be immitigable and the negative and associative costs, to the environment and the community, of losing tidal marsh wetlands far exceeds benefits derived from the project.

Diverse Upland transition areas tidal-terrestrial transition zones (T zones) above wetlands, known as ecotones, would be absent without tidal marshes and would be impacted by sea level rise adversely should tidal marsh plant community accretion not keep pace with the rising sea level. Thus the project would ultimately make human communities more vulnerable to flooding, CO2 release into the atmosphere, pollutants, loss of biodiversity and resilience. The T transition zone and habitat would be lost. Tidal marsh vegetation community regimes, sediment deposition from creeks, fluvial geomorphologic evolution and habitats would be unable to adapt to projected sea level rise conditions. This would damage and potentially obliterate remnant Endangered Species Act protected Critical Habitat should this project go through. Examples of this are occurring today and documented in Bothin Marsh, Richardson Bay terminus during the King tides of 2012/2013 (San Francisco Estuary Partnership, California Coastal Commission)

Wetlands (tidal marshes) and their ecosystem services are protected from having no net loss and Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) (Clean Water Act) to protect wetlands and riparian areas for water quality goals.

With impacts of sea level rise already manifesting, mitigation of wetland losses may only be possible through tidal marsh natural enhancements (such as the horizontal levee (the Bay Institute 2013) and inland migration. Storm water run off currently filtered by the tidal marshes will flow straight into the bay off further

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impermeable hardscaping and pollute the Bay waters further as a result of this project. The proposed plan will significantly impact the tidal marsh by preventing adaptation of the tidal marsh through natural processes rendering compliance inmitigable.”

Eelgrass beds in Richardson bay deprived of natural sediments and nutrients would be impacted without proper protections that are lacking in the riparian and watersheds of Mill Valley.. Eelgrass beds right off shore of the marshes are hatching grounds for keystone species of herring that support bird, fish and marine mammal populations.

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Both Eelgrass beds and tidal marshes are considered important for habitat, food sources, biodiversity and carbon sequestration. Those significant functions would be significantly impacted by this project. Tidal marsh biodiversity and resilience would be lost from the disconnection of nutrient and natural sediment deposition. “ Upland erosion and construction activities can increase sedimentation which can smother eelgrass. Shoreline structures built over the water prevent eelgrass from getting enough light for growth. Excessive nutrients can accelerate algae growth on eelgrass blades, blocking out light. Within San Francisco Estuary, Richardson Bay stands out as a particularly unique location for eelgrass restoration. It harbors the second largest extant eelgrass bed in the estuary, and plants with the most genetic diversity of six beds sampled. Further, a model of environmental conditions in the estuary has identified Richardson Bay as the area with the greatest area suitable for restoration (Merkel and Associates 2004). Hence, Richardson Bay is highly valued both for its existing eelgrass resources and its potential for restoration.”(<http://richardsonbay.audubon.org/all-about-eelgrass>) <http://sfep.sfei.org/our-projects/fish-and-wildlife-recovery/eelgrasshabitat/> (Laura Chariton, M.A. Riparian Policy and Restoration)

- Impact

Implementation of the proposed General Plan, that fails to truly protect anything could have a substantial adverse effect, either directly or through habitat modifications, **on species identified as candidate, sensitive, or special-status** in local or regional plans, policies, or regulations, “or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service and the National Audubon Society. Impacted animals include steelhead, salt marsh harvest mouse, tide water goby, clapper rail, and Point Reyes bird’s beak. Given the extensive list of species utilizing the subject property area it is advised to be certain that no other species is a candidate or listed species. The lessened observance of certain species would necessitate this comprehensive inquiry” (Laura Chariton, MA Riparian Policy.

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Focused surveys to determine the locations and extent of special-status species populations have not been conducted in support of this programmatic DEIR; detailed and site-specific surveys are more appropriately conducted when project level detail is available. Analysis in this EIR therefore conservatively **assumes that special-status species would be present** within the impact footprint of regional growth/land use changes or a transportation project if the project is mapped as occurring within or transecting a known species occurrence.

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The tidal marsh area includes acres which are home to known Federally and State listed endangered species such as the Pt. Reyes Bird's Beak plant, Salt Marsh Harvest Mouse, Tide Water Goby (*Eucyclogobius newberryi*), Clapper Rail and listed threatened Steelhead (*Oncorhynchus Mykiss*) and provides habitat for both a resident and Pacific Flyway migratory bird population as well as many other species. Development in or adjacent to this habitat will have significant unavoidable adverse impacts.

“The San Francisco Bay estuary, though severely fragmented and modified, represents the largest extent of tidal marsh in the western United States. Projected sea-level rise of 0.3-1.5m poses further threat to several endemic tidal marsh species such as the salt marsh harvest mouse, California clapper rail, and California black rail that are listed as federally endangered or state threatened species.” (USGS website, <http://www.werc.usgs.gov/Project.aspx?ProjectID=88>, downloaded 5/13/2003)

“Until and unless it is determined that each species does not carry potentially new information regarding endangered species status comprehensive biological studies need to occur.

It is listed as a migration corridor that includes (125 Birds Species, 75 Species of Butterfly,). Under the National Audubon Society, Bothin Marsh is also listed as an Important Bird Area. Greater and Lesser Scaup, Bufflehead and Ruddy Duck also are found during the migration period. Hundreds of shorebirds, especially Western Sandpiper, utilize the exposed mudflats of Bothin Marsh and the greater Richardson Bay daily during migration. “Bothin Marsh, is managed by Marin County Open Space District. This wetland, along with the wetlands of Corte Madera, represents the majority of the tidal marsh habitat of west-central San Francisco Bay. The estuarine wetlands of San Francisco (which includes Richardson) and San Pablo Bays are recognized together as a Western Hemisphere Shorebird Reserve Network (WHSRN) Site of Hemispheric Importance for shorebirds - the highest possible ranking.” (National Audubon Society website, <http://netapp.audubon.org/iba/Site/148>, downloaded 5/14/2003)

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Bothin Marsh shared by Mill Valley and Marin County Open Space area lists these species present that will be affected by environmental changes:

Bird Species:

Allen's Hummingbird, American Avocet American coot, American Crow American Kestrel, American Pipit, American White Pelican, American Wigeon, Anna's Hummingbird, Barn Owl, Barn Swallow, Barrow's Goldeneye, Belted kingfisher, Black Phoebe, Black Scoter, Black-bellied Plover, Black-crowned Night Heron, Black-necked Stilt, Blue winged Teal, Bonaparte's Gull, Brandts's cormorant, Brant, Brewer's Blackbirds, Brown Pelican, Brown-headed Cowbird, Bufflehead, Burrowing Owl, California Gull, Canada Goose, Canvasback, Caspian Tern, Cinnamon Teal, Clapper Rail, Clark's Grebe, Cliff Swallow, Common Goldeneye, Common Loon, Common Raven, Common Yellowthroat, Cooper's Hawk, Double-crested Cormorant, Dunlin, Eared Grebe, Eurasian Wigeon, European Starling, Forster's Tern, Gadwall, Glaucous-winged Gull, Golden-crowned Sparrow, Great Blue Heron, Great Egret, Greater Scaup, Greater White-fronted Goose, Greater yellowlegs, Green Heron, Green-winged Teal, Heermann's Gull, Herring Gull, Hooded Merganser, Horned Grebe, House Finch, House Sparrow, Killdeer, Least Sandpiper, Lesser Scaup, Lesser Yellowlegs, Lincoln's Sparrow, Loggerhead Shrike, Long-billed Curlew, Long-billed Dowitcher, Mallard, Marbled Godwit, Marsh Wren, Merlin, Mew Gull, Mourning dove, Northern Harrier, Northern Mockingbird, Northern Pintail, Northern Rough-winged Swallow, Northern Shoveler, Osprey, Pacific Loon, Peregrine Falcon, Pied-billed Grebe, Red Know, Red-breasted Merganser, Red-necked Grebe, Red-necked Phalarope, Red-tailed Hawk, Red-throated Loon, Red-winged Blackbird, Redhead, Ring-billed Gull, Ring-necked Duck, Rock Pigeon, Ruddy Duck, Ruddy Turnstone, Rufous Hummingbird, Sanderling, Savannah Sparrow, Say's Phoebe, Semi-palmated Plover, Semi-palmated Sandpiper, Sharp-shinned Hawk, Short-billed Dowitcher, Short-eared Owl, Snowy Egret, Song Sparrow, Sora, Surf Scoter, Tree Swallow, Turkey Vulture, Violet-green Swallow, Virginia Rail, Western Grebe, Western Gull, Western Meadowlark, Western Sandpiper, Whimbrel, White-crowned Sparrow, White-tailed Kite, White-throated Swift, White-winged Scoter, Willet

Butterfly Species:

Acmon Bue, American Lady, Anise Swallowtail, Arrowhead Blue, Blue Copper, Boisduval's Blue Bramble Hairstreak, Brown Elfin, Cabbage White, California Dogface, California Sister, California Tortoiseshell, Calliope Fritillary, Checkered White, Cloudless Sulphur, common Branded Skipper, Common Buckeye, Common Checkered-Skipper, common Ringlet, common Sootywing, common Wood-Nymph, Coronis Fritillary, Dotted Blue, Eastern Tailed-Blue, Edith's Checkerspot, Eufala Skipper, Field Crescent, Fiery Skipper Gorgon Copper Gray Haristreak, Great Basin Wood-Nymph, Great Purple Hairstreak, Gulf Fritillary, Hoary Comma, Large Marble, Marin Blue, Milbert's Tortoiseshell, Monarch, Mormon Metalmark, Mountain Mahogany Haristreak, Mournful Duskywing, Mourning Cloak, Mylitta Crescent, Northern Checkerspot, Northern Cloudywing, Orange Sulphur, Pacuvius Duskywing, Painted Lady, Pale Swallowtail, Persius Duskywing, Pipevine Swallowtail, Propertius Duskywing, Purplish Copper, Red Admiral, Rural Skipper, Sachem, Sandhill Skipper, Sara Orangetip, Satyr Comma, Silver-spotted Skipper, Silvery Blue, Small Checkered Skipper, Spring Azure,

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Sylvan Hairstreak, Tailed Copper, Two-tailed Swallowtail, Umber Skipper, Variable Checkerspot, West Coast Lady, Western Pine Elfin, Western Pygmy-Blue, Western Tailed-Blue, Western Tiger Swallowtail, Woodland Skipper

Mammals:

Big Brown Bat, Common Gray Fox, Harbor Seal, Black-tailed Jackrabbit, Little Brown Bat, Yuma Myotis (Bat) Salt Marsh Harvest Mouse, Northern River Otter, Striped Skunk, Raccoon, Opossum

Reptiles/ Amphibians – Pacific Tree Frog

Numerous Mollusks and Invertebrates including

New sightings of Pacific Ocean Otters in the are need to also be considered.

Restoration of Oyster Beds and retention of Eel grass bed in the vicinity are critical to herring and forage fish, steelhead and chinook, green sturgeon and will provide cleaner water and carbon sequestration potential.

D. Potential regional effects on special-status species could occur as a result lack of protections resulting in habitat fragmentation, increased human intrusion into wildland areas, introduction of invasive species, disruption of migratory corridors, and a resulting regional reduction in biological diversity. Potential localized effects on special-status species include the temporary and permanent removal or conversion of vegetation and habitat necessary for species breeding, feeding, dispersal or sheltering. Because land use changes under the proposed Plan may result in adverse effects on special-status plants and wildlife at the regional level, these impacts are considered potentially significant (PS). Listed affected species would include: salt marsh harvest mouse, California clapper rail, Tidewater Goby, Pt. Reyes Bird Beak and Steelhead.

E. Construction and/or ongoing operations could result in direct mortality of special-status plants and wildlife, entrapment in open trenches, and general disturbance “light pollution” due to noise or vibration during pile- driving, earthmoving, and other construction activities. Construction-generated fugitive dust accumulation on surrounding vegetation and construction-related erosion, runoff, and sedimentation could degrade the quality of adjacent vegetation communities, affecting their ability to support special-status plants and wildlife. “Affected species would include:

Mammals: Big Brown Bat, Common Gray Fox, Harbor Seal, Black-tailed Jackrabbit, Little Brown Bat, Yuma Myotis (Bat) Salt Marsh Harvest Mouse, Northern River Otter, Striped Skunk, Raccoon, Opossum”

Fish – Steelhead, Tidewater Goby, pacific herring, bat rays, sculpin, three-spined stickleback, California Roach

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Implementation of the proposed General Plan could interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridor, or impede the use of native wildlife nursery sites. “Some of those impacted species may include: Bivalves/ Mollusks/ Invertebrates- native oysters, clams polychaete worms, sea snail (*Littorina planaxis*) bivalves (*Macoma balthica*), (*Mya arenaria*) and (*Mytilus edulis*)

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Fish – Steelhead, Tidewater Goby, pacific herring, bat rays, sculpin, three-spined stickleback, California Roach.

Crustaceans – Crab (*Hemigrapsis oregonensis*)

Mammals: Big Brown Bat, Common Gray Fox, Harbor Seal, Black-tailed Jackrabbit, Little Brown Bat, Yuma Myotis (Bat) Salt Marsh Harvest Mouse, Northern River Otter, Striped Skunk, Raccoon, Opossum”

G. The fact stated in the DEIR that many migratory corridors have already been fragmented or degraded to the point that their function as linkages is limited creates **an additional reason to protect existing corridors from continued degradation by the General Plan.**

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“Most of the contiguous migration corridors have been lost to development. The remaining corridors are more critical than ever in supporting biologic and habitat processes to occur. Therefore, further degradation would be equivalent to a taking of species that rely on those corridors and violates of State and Federal Fish and Wildlife Codes. (Laura Chariton, M.A. Riparian Policy)

Recommend Adding: 1.2.1 Existing Conditions:

The City of Mill Valley is located within 3 main watersheds.- Arroyo Corte Madera del Presidio (ACMdP), (Salt Creek) Sutton Manor and Warner Creek. However, the Reed Creek sub-watershed is part of the ACMdP system and is an impacting system that empties into the ACMdP at the south end of the ACMdP at Miller and Reed Aves. In the past it is this confluence that has caused known flooding problems. These watersheds all empty into extensive tidal marsh estuary of Richardson Bay. Therefore, as resolved by the State Water Board it is prudent to incorporate Reed Creek in the MV 2040 Plan for the potential to impact habitat of listed threatened steelhead and increased flooding potential in Mill Valley.

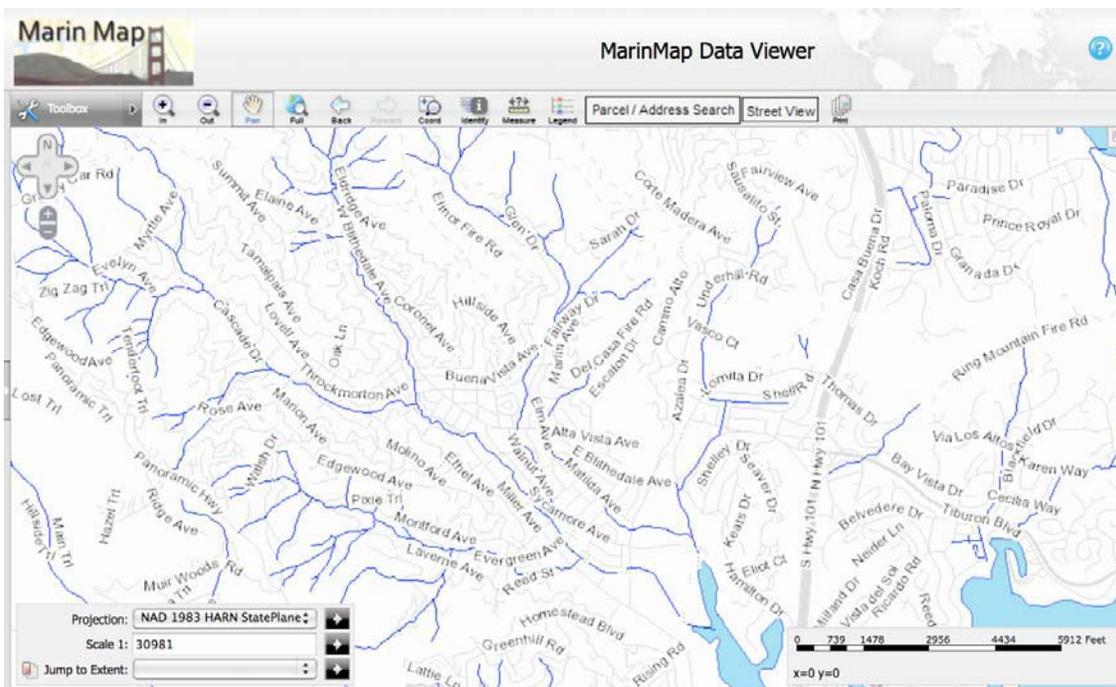
32

Another Existing Condition is several special-status endangered and threatened species within the city limits that are protected under state and federal laws. The habitat that they need to survive is also protected. There should be a list in the Natural Environment Appendix. Federal and State laws regulate wetlands, stream channels, and plant and animal species vulnerable to change or threatened with extinction. The creek setbacks and a new riparian ordinance must reflect these regulations and protections. Ecosystem mapping should be part of this general plan. Using the Bay area lands maps that only deal with open space does not address the existing habitat and ecosystems that are part of residential and commercial Mill Valley. It would be prudent to incorporate the latest data as determined in the MV 2040 GP as per the California Natural Diversity Database website. This site tracks spotted owls and other rare species. The California Department of Fish and Wildlife maintains this data. <http://www.dfg.ca.gov/biogeodata/cnddb/> This website requires a subscription for access to the current data regarding special status species.

Unincorporated areas considered under the sphere of influence of LAFCO, such as Muir Woods Park that has its own community association and center and that could potentially be served by SASM, should be treated within the scope that it is more than a 100 year old existing community that could be harmed and divided by annexation. This area has been under the Tam Plan of the County with its own design review, history, culture, community and community center and development protocols based on the unique character and topography of the region. Basic tenets respecting this legacy of the existing community must be considered first.

The map of Creeks provided by the Natural Environment section is insufficient on Page 83 and recommends the use of Page 90 mapping of the GP, NE 1-3, Marin Maps or best available because it only includes a few of the main tributaries far exceeded in detail and comprehensiveness by the County government mapping (below) that has already mapped the perennial, intermittent and ephemeral streams. Therefore, it is recommended that the City use the county Watershed maps from <http://www.marinwatersheds.org> replacing figure 5.3 page 83. Mill Valley's extensive creek system is also shown on www.marinmaps.org. This would accurately align the County's mapping system referred to in the Natural Environment Section with the data currently used for its information and greater accuracy. For instance, numerous creeks on the steep Panoramic ridge side of Mill Valley contain numerous perennial streams that are not shown on the City map yet they are on the County maps and were originally mapped in 1828 by Mr. Beechy. Even certain blueline creeks have been omitted from the Figure 5.3.

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Recommend Adding 1.3 Project Description:

In the face of climate change and sea level rise as well as State and Federal mandates, a watershed wide approach to planning is required as a primary change in how the MV2040 plan addresses land use, and the natural environment. However, the MV2040 Plan does not address the headwaters, ridges or County properties that impact the City. These should include environmental protections, water quality under the EPA Clean Water Act and should not diminish ecosystem services that are part of a larger biological system. Even within the City limits, these systems: hydrologic, biologic, geologic, morphologic, transpiration, carbon sequestration etc., if damaged have the capability of impacting public health and safety through fire, landslides, wildlife, flooding, etc. . These systems do not adhere to city limits but are within the envelope of the watershed.

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Although, as stated, [the City of Mill Valley intends to use the 2040 General Plan as a Climate Action Plan] the plan does not provide protections of existing vegetation that quantifiably sequester carbon and reduce green house gases (GHG) such as: redwood forests and other biomes within the community, tidal marsh, eel grass beds, native grasslands and existing native and non-native forests. These need descriptions and mapping and should be shown throughout neighborhoods. Carbon sequestration and other ecosystem services that are quantified scientifically may be improved with programs goals such restoration and rehabilitation of these

biomes. The only use of these natural systems is mentioned in “tree planting.” In the current document there is no quantification of ecosystem services, one of which includes GHG reductions and carbon sequestration. MV could work towards positive cumulative reversals by improving these natural systems utilizing natural systems to improve GHG emissions. This needs to be included in the MV2040 plan.. It is not covered in the Appendix section.

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CONT

Recommend Adding: 1.5.2 Effects Found Not to Be Significant

Much of the Planning Area contains forested areas that may meet the definition of “forest land” throughout residential and even commercial neighborhoods in Mill Valley that serve as ecologically important groves of either redwood, bay laurel, madrone, Douglas fir and oak woodlands. The current iteration of the draft does not incorporate the 37 trees (36 listed by Marin County for protection from 6 -10” diameters) and native to Marin County and critical to maintaining biodiversity and resilience, a purported hallmark of the MV 2040 GP. These native biomes, with or without residences on them are not protected even though they have environmental significance. Critical habitat for endangered Spotted Owls that have been documented in two canyon’s in neighborhoods in Mill Valley are reliant on large redwood trees and thus these regions are considered “Critical Habitat” protected under the California Department of Fish and Wildlife and EPA Endangered Species Act laws. Protections for young native trees guarantee replenishment of species in perpetuity.

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Further, as per carbon and GHG reduction targets are laid out, it will be critical to add to the palette of natural ecosystem services provided especially known benefits of redwood forests, tidal marsh wetlands, eel grass beds and native grasslands. Surmising that these effects are “not significant” is erroneous. There would need to be quantifiable mitigations that would protect and replace quantified natural services in kind reaching those service levels after 5 years for them to not be significant. Sea level rise already is causing damage to tidal marsh habitat where carbon sequestration and critical habitat will be lost. Thus, cumulative impacts are already occurring rendering certain projects immitigable.

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As long as the Planning Department and Commission believes that their primary goal is to protect the interests of real estate development over the environment their will not be proper protections in place.

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Sincerely,

Laura Chariton, MA Riparian Policy and Restoration

Director, Watershed Alliance of Marin.

Private Organizations

Watershed Alliance of Marin (Laura Chariton)

Response to CHARITON-1

The author noted that the Watershed Alliance of Marin commented on the Notice of Preparation (NOP) and asserted that some of the comments were addressed but others were not investigated. The author specifically listed biological resources, natural environment, tidal marsh light and glare, greenhouse gases, land use, and hydrology as topics that were commented on and asserted that the Draft EIR defers responsibility to federal, state, and other local agencies instead of the City of Mill Valley.

The City of Mill Valley did investigate and consider the NOP comments submitted by the Watershed Alliance of Marin and determined that the impacts of the 2040 General Plan would not be significant with the exception of noise. As such, there was no legal basis to require the mitigation proposed by the Watershed Alliance of Marin.

Additionally, the proposed narratives suggested by the Watershed Alliance of Marin involved excessively detailed discussions of natural resources such as biological species and waterways, differences in mapping technologies, criticisms of the 2040 General Plan, and discussions of tangential items that did not materially alter basic underlying conclusions. Many of these items simply represent a difference of opinion in terms of how to characterize or describe various resources. Ultimately, the City of Mill Valley, as the lead agency overseeing preparation of the Draft EIR, has the discretion to determine the scope and content of the document and is not obligated to include every suggested narrative or passage into the EIR.

Regarding the claims that the Draft EIR deferred responsibility to federal, state, and other local agencies instead of the City of Mill Valley, the CEQA Guidelines implicitly recognize that the environmental review process will inevitably interface with other statutes, regulations, and case law. As such, it is entirely appropriate for CEQA documents to acknowledge and describe how project compliance with other statutes, regulations, and case law would serve to avoid or minimize any significant impacts. In the case of biological resources and hydrology and water quality, federal and state regulations are most often the prevailing standards and, thus, the Draft EIR appropriately referenced these requirements.

Response to CHARITON-2

The author stated that the Draft EIR should note that the 2040 General Plan lacks a glossary or definitions that would inform it better.

The 2040 General Plan Appendix contains a glossary that provides definitions of terms used in the document. In addition, the Draft EIR provided an Acronyms and Abbreviations section at the beginning of the document. Regardless, the presence or absence of a glossary or definitions section within a General Plan does not have physical impacts on the environment and, therefore, is outside the scope of the environmental review process.

Response to CHARITON-3

The author stated that the City of Mill Valley is exempting “itself from any criteria for measuring itself against state, federal and other laws and whether or not is compliance under CEQA by giving itself a categorical exemption.” The author asserted that the City standards are inadequate in terms of stream conservation, slope protection, and watershed management. The author stated that the City is withholding a report (Stetson Report) that is a “potentially property and life saving document.”

The City of Mill Valley prepared an EIR for the 2040 General Plan. An EIR is the highest form of CEQA documentation, whereas a Categorical Exemption indicates that a project is exempt from CEQA review. Thus, contrary to the author’s allegation, the City of Mill Valley is not relying upon a Categorical Exemption to satisfy CEQA requirements for the 2040 General Plan.

The author’s specific claims regarding inadequacy of City standards for stream conservation, slope protection, and watershed management will be addressed in Response to CHARITON-4 through Response to CHARITON-31.

Finally, the Stetson Report has not been presented to the City Council for public review and action at the time of this writing. ~~is still in the process of being prepared at the time of this writing. As such, it has no material bearing on the conclusions contained in the 2040 General Plan EIR.~~

Response to CHARITON-4

The author stated that the State Water Resources Control Board’s widely accepted protocols for assessment and protection of streams are not considered by the 2040 General Plan and included a quote regarding the definition of a “Watershed Approach.” The author stated that this approach would include the headwater, ephemeral, intermittent, and perennial streams of Muir Woods National Monument, Reed Creek, Warner Creek, Sutton Manor, Arroyo Corte Madera Del Presidio, Cascade Creek, Old Mill Creek, and the Richardson bay tidal marshes and eel grass beds.

The 2040 General Plan contains the following policy that pertains to watersheds:

- **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.

As should be clear, the City’s intent is to use a “Watershed Approach” for assessing impacts to waterways within Mill Valley.

It should be noted that the City of Mill Valley’s jurisdictional authority is limited to the Mill Valley city limits. Within the city limits, federal and state agencies have the ability to take jurisdiction over resources such as creeks and tidal areas, thereby preempting the City authority. For these reasons, the 2040 General Plan appropriately limits the scope of its development and land use regulations to

areas within the Mill Valley city limits and likewise does not attempt to regulate areas outside of Mill Valley, as it has no legal basis to do so.

Response to CHARITON-5

The author stated that the Draft EIR failed to provide appropriate mapping for aquatic resources, geology, hydrology, and slopes. The author stated that the mapping does not incorporate the accepted protocols and Best Management Practices set forth by the Bay Area Aquatic Resources Inventory. The author criticized the 2040 General Plan mapping as “very flat and generalized, rudimentary view, cartoon like,” and “opens the door for a lack of protections for special-status listed species, aquatic resources, hydrology, slope, geology, vegetation, and plant communities.” The author asserted that this “misrepresentation of mapping has the potential to have a significant impact on the environment” and claimed that “merely calling mapping programmatic when there is exponentially more information available to the general public is not a feasible or relevant conclusion.”

The Governor’s Office of Planning and Research General Plan Guidelines note that General Plan diagrams should be treated more as a “general guide to land use distribution rather than a parcel specific map” (General Plan Guidelines, pg. 50). Thus, providing General Plan mapping at a citywide level is entirely appropriate. Likewise, because the General Plan is a citywide planning document, providing detailed mapping on a neighborhood or parcel basis would delve into a level of detail that is unnecessary for this type of planning document. Should one need or desire to obtain this level of mapping, there are many widely available sources that provide this information.

In this case, the mapping contained in the 2040 General Plan and EIR was developed by the City of Mill Valley using available Geographical Information Systems (GIS) data provided by state, regional, and local agencies. These are widely used sources for General Plan mapping. Note that the City of Mill Valley will update and revise various General Plan figures prior to publication of the final document to correct mapping errors and improve image quality.

Additionally, the Bay Area Aquatic Resources Inventory mentioned by the author is sponsored by the San Francisco Estuary Institute, a private organization. As such, its protocols and Best Management Practices in terms of GIS mapping are non-binding. Moreover, the GIS mapping used by the City of Mill Valley follows widely accepted protocols and practices for this type of mapping.

In summary, the mapping contained in the 2040 General Plan and EIR provide appropriate, citywide depictions of various land use features and natural resources. Although the author has expressed criticism regarding the quality of the images, she has not presented substantial evidence to support her claims that the mapping has the potential to have a significant impact on the environment.

Response to CHARITON-6

The author reiterated prior comments about the Draft EIR not employing a Watershed Approach. The author that the “answers provided in the Draft EIR are insufficient and do not explain how levels are insignificant and require no mitigation.” The author asserted that watershed impacts are significant and require mitigation at 2:1 or 3:1 ratios. The author claimed that the 2040 General Plan will promote further development on floodplains and hillsides will cause potentially significant

impacts to watersheds (including hydrology, critical habitat, water quality, etc.) and fails to include the minimal protections contained in the 1989 General Plan, specifically the 50-foot creek setback requirement.

The Draft EIR's discussion of sensitive natural communities and riparian habitat impacts from pages 3.3-13 and 3.3-14 is reproduced below:

The 2040 General Plan sets forth several goals and policies that address potential impacts on riparian habitat and sensitive natural communities. Goals NE.1, NE.2, and NE.6 and Policies NE.1, NE.2, and NE.7 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.

Finally, development and land use activities that involve potential impacts to riparian habitat and sensitive natural communities would be subject to applicable statutes and regulatory policies, including but not limited to the Federal Clean Water Act, the Porter-Cologne Water Quality Act, and the Fish and Game Code.

Therefore, based on the existing regulatory requirements and the policies contained within the proposed 2040 General Plan, there is certainty that future development and land use activities contemplated by the 2040 General Plan would not have significant impacts on riparian habitat and sensitive natural communities. Impacts would be less than significant.

The Draft EIR cited 2040 General Plan goals and policies—which provide a framework for protection of watershed resources—and federal and state statutes and regulations that pertain to these resources and concluded that compliance would result in a less than significant impact. Thus, mitigation is not required.

As previously discussed, the CEQA Guidelines implicitly recognize that the environmental review process will inevitably interface with other statutes, regulations, and case law. As such, it is entirely appropriate for CEQA documents to acknowledge and describe how project compliance with other statutes, regulations, and case law would serve to avoid or minimize any significant impacts. In the case of biological resources and hydrology and water quality, federal and state regulations are most often the prevailing standards; thus, the Draft EIR appropriately referenced these requirements.

As noted on Draft EIR page 2-9, the 2040 General Plan acknowledges that Mill Valley is essentially built out and maintains the land use designations and allowable densities set forth in the 1989 General Plan. To the extent that new development or redevelopment of existing developed properties occurs on hillsides or within floodplains pursuant to the land use designations set forth in the 2040 General Plan, this would not represent a change from what is currently contemplated and, therefore, does not represent a new impact to the environment. Furthermore, the aforementioned 2040 General Plan goals and policies, Mill Valley Municipal Code development standards, and federal

and state statutes and regulations would be applied to these development applications (as applicable) to reduce or avoid impacts.

Finally, regarding creek setbacks, neither the 1989 General Plan nor the 2040 General Plan identifies a specific setback requirement from creek centerlines. The Mill Valley Municipal Code Chapter 20.76 establishes a minimum 30-foot setback from various creeks; therefore, this is an existing requirement. As such, there is no factual evidence to support the claim that the 2040 General Plan is reducing the minimum required setback from 50 feet to 30 feet.

Refer to Response to CHARITON-4 for discussion of the watershed approach.

Response to CHARITON-7

The author referenced the CEQA Guidelines thresholds of significance for aesthetics, light, and glare and stated that they do not mention impacts on special-status or other species. The author stated that implementation of the 2040 General Plan will have a significant impact on biological functions of special-status species by increasing lighting impacts. The author cited examples of increases in light in creeks making steelhead salmon more susceptible to predation and detrimental impacts to owls and night jays in terms of their ability to hunt and raise their young.

The Draft EIR's analysis of light and glare impacts from page 3.1-7 is reproduced below:

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. The undeveloped portions of the Planning Area contain few, if any sources of light and glare.

The 2040 General Plan maintains existing land use patterns and designations within the existing City limits. No changes in planned land use would occur within any of the areas designated as resources on Exhibit 3.1-1. As such, no new substantial sources of light and glare would be introduced into protected areas.

Furthermore, the 2040 General Plan establishes several 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.

Therefore, based on existing regulatory requirement and the policies contained within the proposed 2040 General Plan and the preservation of existing land use patterns, there is certainty that future development and land use activities that occur within Mill Valley would not have significant adverse impacts associated with light and glare. Impacts would be less than significant.

As noted in the preceding passage, no significant increase in illumination levels within Mill Valley is anticipated due to the 2040 General Plan maintaining existing land use patterns and allowable densities set forth by the 1989 General Plan. To the extent that new development occurs (or redevelopment of existing developed properties), such proposals would be subject to the various 2040 General Plan policies.

Regarding the author's specific examples of light impacts to fish and bird species, the 2040 General Plan would be unlikely to increase the severity of such impacts beyond what currently exists. For example, steelhead salmon occurs in two creeks in Mill Valley (Old Mill Creek and Arroyo Corte Madera Del Presidio), both of which traverse existing developed portions of the City. Because the 2040 General Plan maintains the existing land use patterns and densities along these creek corridors, no significant increase in lighting would occur.

As for bird species (such as the northern spotted owl), these generally prefer the forested areas that are located within areas designated as "Open Space" by the 2040 General Plan. As previously mentioned, these areas are owned and managed by public agencies such as the County of Marin and thus would not experience any change in land use as a result of implementation of the 2040 General Plan.

Response to CHARITON-8

The author asserted that the 2040 General Plan lacks any specific requirements to protect riparian zones through development and land use setbacks and, thus, significant impacts on special-status plant and wildlife species will occur. The author claimed that the City was in violation of State Water Board Resolution 2008-0026, which requires no net loss of wetlands or riparian areas, and stated that the City would be advised to include this in the 2040 General Plan. The author claimed that there is no mitigation for creek or riparian areas and, thus, development that occurs pursuant to the 2040 General Plan would violate the Clean Water Act and Endangered Species Act, which would also result in significant impacts on special-status species. The author referenced past problems at the 15 La Goma property as an example of this. The author stated that the City's practice of issuing categorical exemptions to properties that have special-status species on them will continue to expose the City to litigation.

State Water Resources Control Board Resolution 2008-0026 is a policy setting resolution for the State Water Boards. These agencies do not approve or permit City of County General Plans and, thus, the referenced resolution does not apply to the 2040 General Plan.

As a practical matter, if a development project in Mill Valley requires a discretionary approval from the State Water Resources Control Board or Regional Water Quality Control Board, those agencies would apply the provisions of Resolution 2008-0026, if applicable and warranted. Regardless, this is outside of the scope of the City of Mill Valley's authority and, therefore, the 2040 General Plan appropriately refrains from speculating about the types of mitigation requirements the State Water Resources Control Board or Regional Water Quality Control Board may apply to future development proposals.

Refer to Response to CHARITON-6 for further discussion of specific 2040 General Plan policies that protect riparian habitat and sensitive natural communities.

Regarding the City’s practice of issuing categorical exemptions, CEQA Guidelines Sections 15300 to 15332 identify various activities that are exempt from environmental review. For example, the construction of a new single-family residence or a second dwelling unit in a residential zoning district is typically categorically exempt from CEQA². However, such projects are not exempt from compliance with federal or state statutes that pertain to special-status species or water quality protection to the extent that they apply. Thus, it is incorrect to state that processing a categorical exemption under CEQA exempts projects from compliance with other federal or state resource protection statutes.

Response to CHARITON-9

The author reiterated prior comments about the 2040 General Plan lacking protections for riparian habitat, thereby resulting in significant impacts on special-status plant and wildlife species. The author stated that the Draft EIR neither acknowledges nor maps sensitive habitat or listed special-status species for protection, which “sets up the City for violations under the Endangered Species Act.” The author reiterated prior comments about mitigation ratios and purported violations of the Clean Water Act and Endangered Species Act. The author stated that the 2040 General Plan does not allow for restoration or reintroduction of species such as Coho salmon, California fresh water shrimp, and red-legged frogs.

Regarding mapping, the Draft EIR includes Exhibit 3.3-2, which depicts the known locations of sensitive species and habitat. (This image is also provided in the 2040 General Plan as Figure 5.4). Refer to Response to CHARITON-5 for further discussion of mapping.

Moreover, the 2040 General Plan does not authorize the taking of any protected species and in fact outlines measures to protect special status species. Thus, it is neither subject to nor in violation of the provisions of the Endangered Species Act.

Regarding the claims that the 2040 General Plan does not allow for restoration or reintroduction of species such as Coho salmon, California fresh water shrimp, and red-legged frogs, there is no language in the document that prohibits or discourages these activities. Furthermore, because federal and state resource agencies are most often the entities that carry out these activities, their jurisdiction would preempt that of local government.

Refer to Response to CHARITON-6, Response to CHARITON-7, and Response to CHARITON-8 for further discussion of riparian habitat, mitigation ratios, and the 2040 General Plan’s relationship with federal and state resource protection statutes.

Response to CHARITON-10

The author stated that the 2040 General Plan lacks sufficient protection for trees that are part of plant communities such as riparian and oak woodland that support special-status species. The

² Note that CEQA Guidelines Section 15300.2 establishes that an exception to a categorical exemption would apply if there is a reasonable possibility that the activity will have a significant effect on the environment due to the unique or unusual circumstances of a particular project.

author asserted that because the City only protects four tree species out of 37 native tree species in Marin County, this has the potential to disrupt ecosystem and critical habitat function. The author also stated that the prevalence of riparian and redwood forest within the Mill Valley city limits is not mentioned in the 2040 General Plan.

The 2040 General Plan sets forth goals and policies intended to create a framework for protection of biological resources. For example, the various goals and policies set forth on Draft EIR 3.3-11 identify general, citywide approaches for protection of resources. The Draft EIR notes that compliance with other federal and state statutes and regulations would serve to avoid or minimize any significant impacts.

Regarding the author's statement about protected tree species, it should be clarified that that this pertains to Municipal Code Chapter 20.67. Again, this is an existing requirement that is not being altered by the 2040 General Plan. Furthermore, this portion of the Municipal Code only applies to specific tree species located within the city limits and is not intended to serve as a means for compliance with federal or state statutes concerning special-status species or water resources.

Finally, Draft EIR Exhibit 3.3-1 (General Plan Figure 5.1) depicts vegetative communities and Draft EIR Exhibit 3.3-2 (General Plan Figure 5.4) illustrates sensitive natural resources. Redwood forest is shown on both exhibits and waterways (which provide the general location of riparian habitat) are depicted on Exhibit 3.3-2. Refer to Response to CHARITON-5 for further discussion of mapping.

Response to CHARITON-11

The author stated that the 2040 General Plan does not mention the 1989 General Plan's objectives of wanting to retain the aesthetics of Mill Valley for future generations. The author also stated that "Allowing development where appropriate is overdeveloping the steep hillsides and will exacerbate downstream flooding."

The Draft EIR relied upon the 2040 General Plan goals and policies as the basis for evaluating whether impacts on the environment would be significant. The goals, policies, and objectives contained in the 1989 General Plan were not used in this context.

The 2040 General Plan sets forth goals and policies that identify general, citywide approaches for protection of resources such as slopes, waterways, vegetation, and visual features. Actual proposals for hillside development are assessed against the development standards set forth in Municipal Code Chapter 20, Zoning. As part of this process, development applications would be assessed for compliance with standards that pertain to storm drainage to ensure that impacts to downstream properties are mitigated.

Response to CHARITON-12

The comment consists of a statement reading "The environmentally superior alternative is:."

Because the statement appears to be incomplete and unrelated to the paragraph that follows, no response is necessary.

Response to CHARITON-13

The author asserted that the Draft EIR does not acknowledge that 2040 General Plan goals and policies fail to include the health of the watershed, ecosystem, or sensitive protections. The author listed examples of vegetative communities, including Coastal Scrub, Redwoods, Tidal Marshes, Oak Woodlands, and streams. The author asserted that this represents a significant impact on the environment.

As previously discussed, the 2040 General Plan sets forth goals and policies intended to create a framework for protection of biological resources. For example, the various goals and policies set forth on Draft EIR 3.3-11 identify general, citywide approaches for protection of resources. Given the citywide nature of the 2040 General Plan, delving into specific mitigation requirements is neither necessary nor practical given the unique circumstances of individual sites or the characteristics of development applications. Moreover, as previously discussed, the Draft EIR notes that compliance with other federal and state statutes and regulations would serve to avoid or minimize any significant impacts. Finally, many of the resources identified by the author—Coastal Scrub, Redwoods, Tidal Marshes, Oak Woodlands, and streams—are located in areas designated “Open Space” or “Community Facilities” and, thus, would remain protected from development for the life of the 2040 General Plan.

Response to CHARITON-14

The author asserted that Exhibit 3.1-1 fails to represent Coastal Scrub, Redwoods, Tidal Marshes, Oak Woodlands, and all streams and watersheds that would be considered protected under state or federal regulations. The author reiterated prior comments about stream setbacks and the potential for significant impacts on slopes and waterways.

Refer to Response to CHARITON-5 for discussion of mapping and Response to CHARITON-6 for discussion of riparian habitat.

Response to CHARITON-15

The author referenced the Impact AES-2 analysis and stated that she had witnessed the “veritable scourge of enormous homes on the Middle Ridge.” The author stated that these homes have destroyed the views of the hills from her residence and, therefore, she considers it to be a significant impact on her property and views.

This comment pertains largely to existing development that predates the 2040 General Plan. Regardless, to the extent that new residential development may occur on hillsides within Mill Valley, such proposals would be reviewed against the goals and policies contained in the 2040 General Plan; the development standards set forth in Municipal Code Chapter 20, Zoning; and the City’s Residential Design Guidelines. In particular, Municipal Code Chapter 20.66 requires design review of all new significantly sized residential structures or additions. As such, this process would be used to review compliance with applicable provisions of the General Plan, Municipal Code, and Residential Design Guidelines.

Response to CHARITON-16

The author referenced the Impact AES-3 analysis and stated that the amount of light emitted from numerous large mansions on Middle Ridge have degraded night sky astronomy and adversely

impacted special-status species such as the Northern Spotted Owl. The author also stated that tidal marshes have excessive lights on them and “there is irrefutable proof that these lights can disorient migrating birds.” The author reiterated a prior statement that this represents a significant impact.

The 2040 General Plan set forth Policies LU-1 and Policy LU-4 that pertain to light and glare. Refer to Response to CHARITON-7 for further discussion of light and glare impacts on special-status biological resources.

The balance of this comment pertains to existing development that predates the 2040 General Plan. Refer to Response to CHARITON-15 for further discussion.

Response to CHARITON-17

The author referenced Draft EIR Table 3.2-6 and asserted that it fails to acknowledge quantifiable natural ecosystems and enhancement of existing resources in achieving greenhouse gas emissions. The author stated that protection of various plant communities allows for natural carbon sequestration and asserted that the 2040 General Plan fails to do this and, therefore, may “inadvertently allow diminishment of these systems,” leading to a significant impact on the environment. The author stated that the Draft EIR is erroneous in concluding that only man-made reductions are successful in mitigation greenhouse gas emissions.

The California Global Warming Solutions Act of 2006 and the California Air Resources Board Scoping Plan do not account for natural carbon sequestration in their emissions reduction strategies. Instead, the focus is on reductions of anthropogenic sources of greenhouse gas emissions such as transportation, electric power generation, industrial activities, solid waste, and other sources. As such, the Draft EIR conservatively did not account for natural sequestration.

In summary, omitting natural carbon sequestration provides for a conservative analysis of greenhouse gas emissions and is consistent with accepted guidance for evaluating such impacts.

Response to CHARITON-18

The author noted that the Section 3.3, Biological Resources setting section only “points out potential areas of open space, when in fact, the listed species are prevalent throughout the planning area and in peoples [sic] yards.” The author stated that the mapping is inaccurate and insufficient to protect any biotic or aquatic resources.

The discussion of vegetative communities from Draft EIR page 3.3-1 is reproduced below:

Vegetative Communities

The majority of the Planning Area contains urban development, rural residential development, undeveloped areas, and open space areas. Vegetative communities consist of California Bay Forest, Coast Live Oak Forest/Woodland, Coastal Salt Marsh/Coastal Brackish Marsh, Coastal Scrub, Cool Grasslands, Douglas Fir Forest, Eucalyptus, Mixed Montane Chaparral, Moderate Grasslands, Montane Hardwoods, Non-Native Ornamental Conifer-Hardwood Mixture, Non-Native/Ornamental Grass, and Redwood Forest. Exhibit 3.3-1 depicts the vegetative communities within Mill Valley.

As indicated in the preceding paragraph, there is first a general description of land use activities within the Planning Area and then a listing of specific vegetation communities. Exhibit 3.3-1 corresponds to this discussion to provide a graphical illustration of the general location of these features. The purpose of the image is to identify the location and extent of vegetative communities; it is not intended to identify specific locations of known occurrences of special-status species. Regardless, the 2040 General Plan's goals and policies that pertain to protection of biological resources apply regardless of where the within the Planning Area the resource is located. Refer to Response to CHARITON-5 for further discussion of mapping.

Response to CHARITON-19

The author referenced Draft EIR Exhibit 3.3-2 and stated that the images identify the areas that provide suitable habitat for these species within the Planning Area and assume that they do not exist outside of this area. The author stated that Mill Valley Stream Keepers and Watershed Alliance of Marin have conducted studies that refute this claim. The author also cited the discussion of wildlife movement impacts and stated that it failed to account for avian species such as the northern spotted owl, steelhead salmon in creeks not shown on Exhibit 3.3-2, black tailed deer, fox, mountain lions, and coyote.

The image boundaries shown on Exhibit 3.3-2 correspond to the Mill Valley 2040 General Plan boundaries. Because the 2040 General Plan only has land use authority within Mill Valley, it is appropriate to limit the extent of images to this area. Moreover, contrary to the author's claims, there are no statements in either the 2040 General Plan or the Draft EIR that special-status plant and wildlife species do not occur outside the Planning Area. Refer to Response to CHARITON-5 for further discussion of mapping.

Regarding wildlife movement, the discussion from Draft EIR page 3.3-2 follows below:

Wildlife Movement Corridors

Wildlife movement corridors link together areas of suitable habitat that are otherwise separated by rugged terrain, changes in vegetation, or human disturbance. The fragmentation of open space areas by urbanization creates isolated "islands" of wildlife habitat. In short, a wildlife movement corridor is a "choke point" that serves to link larger areas of biological activity. Generally, these corridors are linear features such as waterways, canyons, and passes.

Within Mill Valley, wildlife movement corridors are limited to the waterways that link the hillsides with Richardson Bay. Because of the characteristics of these features, they are generally suitable for fish and small mammals adapted to urban environments (raccoons, possums, etc.).

As should be evident from this discussion, terrestrial and aquatic species are the relevant species in this context. In contrast, avian species such as the northern spotted owl have the ability to fly and movement of these species is not constrained by urban development. Additionally, this discussion

did not specify creeks by name; thus, the author’s claims that it failed to account for steelhead salmon present in creeks not shown on Exhibit 3.3-2 is incorrect.

Regarding species such as black tailed deer, fox, mountain lions, and coyote, these species may forage or hunt at the periphery of urban areas but would be unlikely to routinely traverse an urban environment such as Mill Valley. Again, a “wildlife movement corridor” is a choke point that serves to link larger areas of biological activity; the mere presence of wildlife at the edge of an urban area does not signify the presence of a movement corridor.

Response to CHARITON-20

The author reiterated prior comments about the inadequacies of maps for special-status species and asserted that this constitutes a significant obstacle to recovery of listed species, including steelhead salmon. The author stated that the maps fail to include any or all of the creeks that have been assessed and listed as habitat by the National Marine Fisheries Service and California Department of Fish and Wildlife.

Note that Draft EIR Exhibit 3.3-2 depicted major waterways within Mill Valley. Refer to Response to CHARITON-5 and Response to CHARITON-9 for further discussion of mapping and riparian habitat.

Response to CHARITON-21

The author referenced the discussion of the Endangered Species Act on Draft EIR page 3.3-2 and noted that the “National Oceanographic [sic] and Atmospheric Administration” lists urban development as the number one cause of salmonid population collapse. The author asserted that the Draft EIR fails to acknowledge this “but mentions Section 7” of the Endangered Species Act.

The discussion of the federal Endangered Species Act on Draft EIR pages 3.3-2 and 3.3-7 provides a summary of its relevant provisions that may apply to actions that occur pursuant to the 2040 General Plan, including Section 7. It does not delve into the characteristics of individual species protected by the act, since that is not the purpose of the passage. Thus, the omission of the National Oceanic and Atmospheric Administration’s statements about salmonids does not have any materially bearing on the adequacy of this passage. Refer to Response to CHARITON-9 for further discussion of the 2040 General Plan’s relationship to the Endangered Species Act.

Response to CHARITON-22

The author referenced the Impact BIO-5 discussion, which pertains to local biological ordinances and policies, and claimed that none of the 2040 General Plan goals or policies have implementation programs with deadlines, making them unenforceable. The author stated that the CEQA Guidelines Appendix G Biological Resources checklist omits the fact that cumulative impacts caused by Mill Valley’s building codes, lack of general plan protections, and other policies have already caused detrimental impacts on Coho salmon, California fresh water shrimp, and red-legged frogs. The author stated that cumulative effects should have been included in the Biological Resources section.

Public Resource Code Section 21081.6(d) establishes that in cases where the project consists of adoption of a plan or policy, measures to mitigate or avoid significant effects on the environment may be incorporated into the plan or policy. As such, the 2040 General Plan employs this approach in its goals, policies, and implementing programs. (Note that the Mitigation Monitoring and

Reporting Program also outlines how the 2040 General Plan goals and policies would be implemented). For example, Policy NE.2 Resource Preservation and Restoration sets forth the following implementation program:

- 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.

Such actions may occur as part of a comprehensive Municipal Code update or on an as-needed basis to address changes to federal and state statutes and regulations. Thus, the absence of deadlines does not render the accompanying 2040 General Plan goals and policies to be unenforceable.

Regarding cumulative biological impacts, this subject was addressed in Section 4, Cumulative Effects. Note that Section 3.3, Biological Resources addressed the specific CEQA Guidelines Appendix G checklist items that pertained to biological resources. Cumulative effects were addressed in a separate EIR section in recognition that this subject is addressed separately in the CEQA Guidelines.

Response to CHARITON-23

The author reiterated prior comments about the 2040 General Plan containing unenforceable words and omitting time frames for implementation. The author listed Goals NE.1, NE.2, and NE.6 and Policies NE.1, NE.2, and NE.7 as having no real protection capability.

Refer to Response to CHARITON-10 and Response to CHARITON-22.

Response to CHARITON-24

The author claimed a statement in the Draft EIR that “the State would step in and mitigate these issues” is erroneous because the State Water Resources Control Board and Regional Water Quality Control Board will not “step in on small properties.” The author asserted that it is the City’s responsibility to set policies in alignment with federal and state agencies. In the absence of this, impacts to riparian habitat and sensitive species may be significant. The author reiterated prior comments about the 2040 General Plan failing to provide a “Watershed Approach” to planning.

The Draft EIR stated that future development projects would be subject to federal and state water quality requirements, such as being required to implement Stormwater Pollution Prevention Plans during construction; refer to Section 3.7, Hydrology. The Draft EIR did not claim that State agencies “would step in and mitigate these issues.” Note that the author has not provided any evidence that the State Water Resources Control Board or Regional Water Quality Control Board do not regulate single residential development proposals. Refer to Response to CHARITON-4, Response to CHARITON-9, and Response to CHARITON-10 for further discussion.

Response to CHARITON-25

The author’s comment consisted of several lengthy excerpts from various publications regarding tidal marsh wetlands. No response is necessary.

Response to CHARITON-26

The author reiterated previous comments about implementation of the 2040 General Plan having significant impacts on special-status species. The author stated that focused surveys to determine the locations and extent of special-status species populations have not been conducted as part of the Draft EIR. The author made the following statement: “Analysis in this EIR therefore conservatively assumes that special-status species would be present within the impact footprint of regional growth/land use changes or a transportation project if the project is mapped as occurring with or transecting a known species occurrence.”

The Draft EIR provides a program-level environmental evaluation of the 2040 General Plan, which is a citywide planning document. Focused or protocol-level surveys would not be conducted for this type of environmental analysis because such studies would be undertaken to identify specific species at specific locations during specific times (e.g., the breeding season). Moreover, such surveys have a limited “shelf life” and typically would need to be performed again within 12 months. As such, focused surveys are most commonly conducted prior to significant modification of a particular site (e.g., grading). For these reasons, focused surveys are neither necessary nor warranted for the 2040 General Plan. Individual development projects that are proposed within areas where special-status species are known to occur would be required—at a minimum— to perform a reconnaissance-level survey, which would then determine if focused surveys are necessary.

Regarding the author’s quoted statement that “this EIR” assumes that special-status species would be present within the impact footprint, the statement is not contained within the 2040 General Plan Draft EIR and appears to have been taken from a separate and unrelated EIR. No further response is necessary.

Refer to Response to CHARITON-7, Response to CHARITON-9, and Response to CHARITON-10 for discussion of special-status species.

Response to CHARITON-27

The author’s comment consisted of several lengthy excerpts from various publications regarding tidal marsh wetlands and special-status species that may occur within these areas. The author stated that restoration of oyster beds and eel grass beds are critical to fish forage, will improve water quality, and enhance carbon sequestration potential. No response is necessary.

Response to CHARITON-28

The author asserted that the 2040 General Plan could result in land use changes that cause detrimental impacts to special-status species such as the salt marsh harvest mouse, California clapper rail, Tidewater goby, Point Reyes bird beak, and steelhead salmon.

As noted on Draft EIR page 2-9, the 2040 General Plan acknowledges that Mill Valley is essentially built out and maintains the land use designations and allowable densities set forth in the 1989 General Plan. Thus, there is no evidence to support the author’s claims that the 2040 General Plan would result in significant land use changes that have the potential to the various special-status species listed by the author.

Refer to Draft EIR Impact BIO-1 for further discussion of impacts to special-status species.

Response to CHARITON-29

The author stated that construction and operations could result in detrimental impacts to various mammal and fish special-status species from entrapment in trenches, light and glare, construction vibration, fugitive dust emissions, and runoff.

As noted on Draft EIR page 2-9, the 2040 General Plan acknowledges that Mill Valley is essentially built out and maintains the land use designations and allowable densities set forth in the 1989 General Plan. To the extent that new development or redevelopment occurs within the Mill Valley city limits pursuant to the 2040 General Plan, it would be subject to the goals and policies of the General Plan, Municipal Code standards, and federal and state statutes and regulations.

For example, construction activities in Mill Valley are subject to the 2040 General Plan's provisions regarding limits on such activities (Draft EIR pages 3.9-15 and 3.9-16), which include limiting construction activities to daytime hours on weekdays and Saturdays, prohibiting construction on Sundays and holidays, use of noise reduction features such as mufflers, and locating stationary equipment as far as possible from nearby residences.

Refer to Draft EIR Impact BIO-1 for further discussion of impacts to special-status species.

Response to CHARITON-30

The author stated that implementation of the 2040 General Plan could interfere with fish and wildlife movement for various fish, crustacean, and mammal species.

The Draft EIR addressed fish and wildlife movement on page 3.3-15, which is reproduced below:

Examples of wildlife movement corridors include waterways, arroyos, and ridgelines. Within Mill Valley, creek corridors are the most common wildlife movement corridor. Additionally, Old Mill Creek, Cascade Creek, Galena Creek, and Arroyo Corte Madera Del Presidio provide suitable habitat for fish species.

The 2040 General Plan sets forth several goals and policies that address potential impacts on fish and wildlife movement. Goals NE.1, NE.2, and NE.6 and Policies NE.1, NE.2, and NE.7 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.

Finally, development and land use activities that involve potentially impacts to federally and state protected species would be subject to applicable statutes and regulatory policies, including but not limited to the Federal Endangered Species Act, the Migratory Bird Treaty Act, the California Endangered Species Act, and the Fish and Game Code.

Therefore, based on the existing regulatory requirements and the policies contained within the proposed 2040 General Plan, there is certainty that future development and land use activities contemplated by the 2040 General Plan would not have

significant impacts on fish and wildlife movement. Impacts would be less than significant.

As indicated above, both 2040 General Plan goals and policies and federal and state statutes and regulations would serve to minimize or avoid fish and wildlife movement impacts. Additionally, the 2040 General Plan maintains existing land use patterns and densities and, thus, would not be expected to result in land use changes that create new obstacles to wildlife movement. Refer to Response to CHARITON-19 for further discussion.

Response to CHARITON-31

The author claimed that the Draft EIR states that “many migratory corridors have already been fragmented or degraded to the point that their function as linkages is limited” and asserted that this is an additional reason to protect existing corridors from continued degradation by the 2040 General Plan.

To clarify, there are no statements in the Draft EIR that read, “many migratory corridors have already been fragmented or degraded to the point that their function as linkages is limited.” Rather, as discussed in Response to CHARITON-19, the Draft EIR simply states that wildlife movement corridors within Mill Valley are limited to the waterways that link the hillsides with Richardson Bay.

Refer to Response to CHARITON-19 and Response to CHARITON-30 for further discussion.

Response to CHARITON-32

The comment consists of a verbatim reiteration of comments submitted by the Watershed Alliance of Marin in response to the NOP. This comment concerns a proposed narrative addition to the NOP’s discussion of Existing Conditions.

The proposed narratives suggested by the Watershed Alliance involved excessively detailed discussions of natural resources such as biological species and waterways, differences in mapping technologies, criticisms of the 2040 General Plan, and discussions of tangential items that did not materially alter basic underlying conclusions. Many of these items simply represent a difference of opinion in terms of how to characterize or describe various resources. Ultimately, the City of Mill Valley, as the lead agency overseeing preparation of the Draft EIR, has the discretion to determine the scope and content of the document and is not obligated to include every suggested narrative or passage into the EIR.

Refer to Response to CHARITON-1 and Response to CHARITON-3 through Response to CHARITON-30 for specific discussion of these issues.

Response to CHARITON-33

The comment consists of a verbatim reiteration of comments submitted by the Watershed Alliance of Marin in response to the NOP. This comment concerns a proposed narrative addition to the NOP’s discussion of the Project Description.

Refer to Response to CHARITON-32.

Response to CHARITON-34

The comment consists of a verbatim reiteration of comments submitted by the Watershed Alliance of Marin in response to the NOP. This comment concerns a proposed narrative addition to the NOP's discussion of Effects Found Not To Be Significant.

The Draft EIR Effects Found Not To Be Significant section discusses the effects of the 2040 General Plan that were not found to cause potentially significant impacts on the environment. Thus, this section would not be the appropriate place to discuss “natural carbon sequestration” as a potential mitigation measure. Moreover, because the Draft EIR concluded that greenhouse gas emissions impacts would be less than significant, there is no need to adopt mitigation for this issue. Refer to Response to CHARITON-32.

Response to CHARITON-35

The author referenced the Effects Found Not To be Significant portion of the Draft EIR and stated it is erroneous to identify the natural carbon sequestration benefits provided by ecosystems such as redwood forests, tidal marsh wetlands, eel grass beds, and native grasslands as “not significant.” The author stated that there would need to be quantifiable mitigations that would protect and replace quantified natural services in kind reaching those service levels after 5 years. The author stated that sea level rise is already causing damage to tidal marsh habitat where carbon sequestration and critical habitat will be lost.

To clarify, Draft EIR Section 7, Effects Found Not To be Significant does not discuss carbon sequestration or sea level rise and, therefore, did not identify these topics as “not significant.”

Refer to Response to CHARITON-17 for further discussion of carbon sequestration.

Response to CHARITON-36

The author stated that “As long as the Planning Department and Commission believes that their primary goal is to protect the interests of real estate development over the environment their [sic] will not proper protections in place.”

No response is necessary.



Marin Audubon Society

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Planning Department

AUG 28 2013

City of Mill Valley

August 27, 2013

Danielle Staude
Planning Department
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, CA 94941

RE: Mill Valley General Plan

Dear Ms Staude:

Thank you for considering Marin Audubon Society's comments on the MV2040 General Plan. Our comments focus on chapter 5, Natural Environment, of the Plan.

We applaud the intended preservation of the remaining natural habitats in Mill Valley. The initial list of intended purposes (page 80) is all laudable with a caution about bullet 5: promoting vistas of natural areas. Certainly enjoying views of natural habitats is one of the many benefits of protecting them, but providing for views should not require or result in impacts to the resources themselves. People sometimes want to remove trees to improve their views and access trails near wetlands which can impact the habitats and wildlife that depend on them.

We agree with the Open Space resource discussion on page 82 that the shoreline habitats are part of the town's natural heritage and is ever narrowing due largely to urban encroachment. Sea level rise would further reduce the important tidal marsh habitat along the bayfront. We note that Marin Audubon owns the tidal section of Arroyo Corte Madera up to Camino Alto.

The discussion of tidal and seasonal marshes should also address transition zones. These areas of high marsh and adjacent upland are important as high tide refugia habitat for species such as endangered Clapper Rail and Salt Marsh Harvest Mouse. Transition zones also serve to filter pollutants thereby improving water quality and buffer wildlife using the habitats from impacts of nearby human activities.

We also support the Natural Resource, Management, Conservation and Enhancement Opportunities, noted on pages 95 and 96, with the caution that maintenance procedures for fire control activities, such as cutting fuelbreaks through natural vegetation communities, have adverse impacts on habitats.

Concerning Resource Preservation and Restoration Policy NE 2, planning for preservation on a watershed basis is important, but in the end restoration and protections through acquisition must

be done on a parcel by parcel basis. We support the acknowledgment in NE-42.4 that public access corridors be consistent with preserving habitats. There is already too much intrusion into the marsh habitats with the trail along the old railroad right of way and the unfenced dog park. It should be clear that no more access should intrude into habitats. We recommend that the dog park be fenced in order to protect the adjacent marshes and wildlife that depend on them from the impacts of dogs running into the marshes.

6
CONT

NE-2.7. Preserving Wetland resources must be followed up with policies and programs that assure that will happen. We are aware that there are at least two privately-owned parcels of tidal marsh in Mill Valley. A list or map showing all privately-owned parcels should be provided. Policies should be included that address what would be expected of applications for development of these parcels. The policies should: address the need to protect the wetland itself; circumstances under which wetlands could be filled – e.g. for a project that is water dependent; require a vegetated habitat transition zone/buffer that should be at least 100 feet wide; provide for mitigating the loss of wetlands, which should be at minimum a ratio of two acres (or portion thereof) of replacement wetlands for every one acre of wetland lost, that the mitigation be located near the site of loss, be of the same habitat type; and be constructed prior to the wetlands loss.

7

Policy NE 2.8. We are concerned that revisions to the Town's Heritage Tree ordinance not weaken protections to accommodate fire control strategies. Trees provide many benefits for people and these must be heeded when considering fire safety measures. Fire safety should focus on improving response time and not allowing any more development adjacent to natural areas. Also, the tree ordinance should recognize that there need to be replacement trees for the heritage size trees because most of them will die eventually (except redwoods) and the ordinances should provide for preservation of native trees that are not just heritage size.

8

We have several comments on sections of the Climate Action Plan:

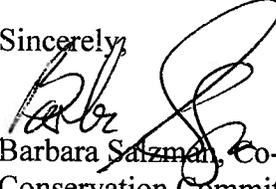
- Tree Planting – Potential conflicts of this program with the fire control program should be addressed. Also, we recommend that only native trees be planted as part of this program.
- Solar – We recommend including policies that address encouraging solar power generation systems on roofs and large parking lots. In parking lots of shopping centers, for example, such facilities also provide shade and rain protection for the public.

9

Again, thank you for considering Marin Audubon Society's comments.

10

Sincerely,


Barbara Salzman, Co-chair
Conservation Committee


Phil Peterson, Co-chair
Conservation Committee

Audubon Society

Response to AUDUBON-1

The organization provided introductory remarks to open the letter. No response is necessary.

Response to AUDUBON-2

The organization expressed support for the 2040 General Plan’s statements concerning preservation of natural habitats. The organization referenced a statement from 2040 General Plan about promoting vistas of natural areas and stated that providing views via methods such as tree removal should not require or result in impacts to the resources themselves.

The statement in question occurs within a discussion of “Natural Resource Management, Conservation, Restoration and Enhancement Opportunities” on 2040 General Plan pages 86 and 87. In this discussion, the 2040 General Plan outlines its natural resource objectives (preserving and enhancing wildlife corridors, planning for climate change, controlling invasive species, restoration of creeks and wetlands, acquisition and management of open space lands, and reducing the impacts of fire, flood, erosion, and landslides) and identifies considerations involved in accomplishing each one. The passage includes statements about protecting old growth and heritage trees, which serves to indicate that the 2040 General Plan does not encourage or implicitly condone tree removal for the purpose of creating views.

Response to AUDUBON-3

The organization expressed support for the 2040 General Plan’s statements concerning open space resources. The organization stated sea level rise would further reduce tidal marsh habitat along the bayfront. No response is necessary.

Response to AUDUBON-4

The organization stated that the 2040 General Plan’s discussion of tidal and seasonal marshes should also address transition zones, which serve as high-tide refugia habitat for special-status species and also serve to filter pollutants.

The 2040 General Plan provides a three-page narrative discussion of “Shoreline and Tidal Marsh” resources on pages 76 through 78. This level of discussion meets and exceeds the minimum standards set forth in California Government Code Sections 65302(d) and 65563 and the Governor’s Office of Planning and Research General Plan Guidelines for the Conservation Element. Moreover, the passage emphasizes the significance of tidal marshes in terms of providing suitable habitat for special status species and protecting water quality. As such, it is not necessary to amend the discussion to include the organization’s preferred wording in this context.

Response to AUDUBON-5

The organization expressed support for the 2040 General Plan’s statements concerning fire control activities, but expressed concern that maintenance activities associated with fire control activities may have adverse impacts on habitats.

As previously discussed, the statement in question occurs within a discussion of “Natural Resource Management, Conservation, Restoration and Enhancement Opportunities,” specifically, the bullet concerning reducing the impacts of fire, flood, erosion, and landslides. The passage includes a

statement about removing invasive species such as French broom and eucalyptus trees, both of which are especially prone to fire. As invasive species, they often compromise the quality of native habitat and removal of these species would be considered beneficial from a biological perspective.

Response to AUDUBON-6

The organization referenced Policy NE 2 and Implementing Policy NE 2-3, which concern resource protection and preservation, and stated that there is too much intrusion into the marsh habitats along the Mill Valley-Sausalito Path and the unfenced dog park. The organization stated that there should be no more intrusion into the marsh habitat and recommended that the dog park be fenced.

Both the City of Mill Valley and County of Marin require dogs to be leashed within its waterfront parks and trail facilities, including Bayfront Park, Bothin Marsh, and the Mill Valley-Sausalito Path. There is signage posted throughout these park facilities advising users of this requirement. Should park users violate this rule, they are subject to citation. For these reasons, fencing the dog park is not necessary.

Response to AUDUBON-7

The organization referenced Implementing Program NE 2.7 and stated that preserving wetland resources must be followed up with policies and programs that assure it will happen. The organization stated that it is aware of at least two privately owned parcels of tidal marsh and stated that a list or map should be included to address what would be expected of applications for development of these parcels. The organization stated that policies should address protection of wetlands, circumstances by which wetlands could be filled, restoration of habitat, mitigating loss of wetlands, and similar issues.

At the time of this writing, the City of Mill Valley has not received any applications for development proposals within tidal marsh. Thus, it would be speculative to make any statements about what specific requirements would be made of such proposals.

On a more general note, any development within a tidal marsh area would fall under the jurisdiction of the City of Mill Valley, as well as California Bay Development Conservation, the California Department of Fish and Wildlife, the San Francisco Bay Regional Water Quality Control Board, the United States Army Corps of Engineers, the United States Fish and Wildlife Service, or the National Marine Fisheries Service. Collectively, these agencies would likely make determinations about permitting requirements; the City of Mill Valley would not have sole jurisdiction over this issue.

Response to AUDUBON-8

The organization referenced Implementing Program NE 2.8 and stated that it is concerned that revisions to the Heritage Tree Ordinance to address fire control strategies may weaken it. The organization stated that fire safety should focus on improving response times and not allowing any more development adjacent to natural areas. The organization also stated that there needs to be replacement trees for heritage-sized trees and protections for native tree species of any size.

Municipal Code Chapter 12.04 sets forth the City's tree protection ordinance. The ordinance currently applies to any tree species that is 20 inches or greater in diameter as measured at 4 feet above the ground. (Note that it does not distinguish between native and non-native tree species).

Implementing Program NE 2.8 calls for revising the tree ordinance to address various items such as tree protection in riparian zones, street tree planting and maintenance, reducing infrastructure conflicts, vegetation management, and root pruning; it is not solely being revised to address fire protection.

Response to AUDUBON-9

The organization referenced the Climate Action Element and stated that it should address potential conflicts with tree planning and fire control, including policies that encourage solar power generation systems on roofs and large parking lots.

Implementing Program CL.2-2 states that City shall create a formula to allow additional tree planting on- or offsite as a carbon offset for new development. Such tree planting would be expected occur pursuant to a landscaping plan that would be subject to City review, including for compliance with various building and safety codes (to the extent they are applicable).

As previously noted, Policy CL.1 and Implementing Program CL.1-1 call for increased use of renewable energy such as solar and identify methods by which to accomplish this objective. Thus, the Climate Action Element currently contains policies that encourage solar installation.

Response to AUDUBON-10

The organization provided closing remarks to conclude the letter. No response is necessary.

SECTION 5: ERRATA

The following are revisions to the Draft EIR for the Mill Valley 2040 General Plan. These revisions are minor modifications and clarifications to the document and do not change the significance of any of the environmental issue conclusions within the Draft EIR. The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

5.1 - Changes to EIR Text

Section ES, Executive Summary

Page ES-3, Increased Population Growth Alternative

The description of the Increased Population Growth Alternative has been revised.

Increased Population Growth Alternative

Under the Increased Population Growth Alternative, policies would be added to the 2009-2014 Housing Element and Mill Valley 2040 General Plan ~~to incentivize the development of second units and senior housing units~~ in order to accommodate increased anticipated population growth resulting that results from demographic shifts in Mill Valley.

Section 3.1, Aesthetics, Light, and Glare

Page 3.1-2, Zoning Ordinance

A typographical error has been corrected.

Zoning Ordinance

The Zoning Ordinance, 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.

Page 3.1-2, Residential Design Guidelines

A typographical error has been corrected, and a reference to “remodels” has been added.

Residential Design Guidelines

The City of Mill Valley has adopted Residential Design Guidelines that facilitate appropriate and environmentally sensitive 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.

Section 3.2, Air Quality/Greenhouse Gas Emissions

Page 3.2-12, Regulatory Framework

An erroneous reference has been corrected.

3.2.2 - Regulatory Framework

Air pollutants are regulated at the national, state, and air basin level; each agency has a different level of regulatory responsibility. The United States Environmental Protection Agency (EPA) regulates at the national level. The California Air Resources Board (ARB) regulates at the state level and BAAQMD SJVAPCD regulates at the air basin level.

Page 3.2-17, After Bulleted Items

Additional discussion of the 2040 General Plan’s consistency with the Bay Area Air Quality Management District Air Quality Plan (AQP) has been provided.

AQP Primary Goals

As discussed in this Draft EIR, the 2040 General Plan has a less than significant impact on all air quality and greenhouse gas emissions impacts. As such, it would not hinder regional efforts to attain air quality standards.

Additionally, the 2040 General Plan does not have any characteristics that would increase population exposure to public health risks. Moreover, because the 2040 General Plan maintains existing land use patterns and densities within Mill Valley, there would not be any change in risk exposure levels.

Finally, as discussed in Impact AIR-6, the 2040 General Plan contains a Climate Change Element, which would serve as City of Mill Valley’s Climate Action Plan. The Climate Change Element has an adopted greenhouse gas emissions reduction target of 20 percent below 2005 levels by 2020 for internal government operations and 15 percent below 2005 levels communitywide by 2020.

In summary, the 2040 General Plan furthers the primary goals of the AQP.

Page 3.2-20, Impact AIR-3

A typographical error has been corrected.

Cumulative Criteria Pollutants

Impact AIR-3: Implementation of the 2040 General Plan would not ~~may~~ result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors).

Page 3.2-23, After Third Paragraph

A paragraph has been added describing the current disposition of a legal challenge to the BAAQMD’s 2010 CEQA Guidelines.

Due to recent litigation, the quantitative thresholds of significance for greenhouse gases contained in the BAAQMD’s 2010 CEQA Guidelines are not currently in effect. However, this

does not affect the analysis contained in the Mill Valley 2040 General Plan, which relied on the Climate Action Plan approach.

Section 3.8, Land Use

Page 3.8-5, After Last Paragraph

A discussion of consistency with The San Francisco Bay Plan Transportation Policy 4 has been added to Impact LU-2.

The San Francisco Bay Plan

The San Francisco Bay Plan contains the following policy that is relevant to Mill Valley:

- **Transportation Policy 4:** Transportation projects on the Bay shoreline and bridges over the Bay or certain waterways should include pedestrian and bicycle paths that will either be a part of the Bay Trail or connect the Bay Trail with other regional and community trails. Transportation projects should be designed to maintain and enhance visual and physical access to the Bay and along the Bay shoreline.

The Bay Trail traverses Mill Valley in a north-south direction using a combination of off-street (Class I) paths and on-street segments. The 2040 General Plan recognizes the Bay Trail and identifies it as part of the City’s bicycle and pedestrian network. The 2040 General Plan contains a goal and policies (Goal M.3; Policies M.10, M.11, and M.12) that call for maintaining a safe and convenient bicycle and pedestrian network and, thus, further Transportation Policy 4. Impacts would be less than significant.

Section 3.11, Transportation

Page 3.11-27, Impact TRANS-3

Two typographical errors have been corrected.

The 2040 General Plan acknowledges that Mill Valley is essentially built out and, thus, maintains the land use designations and allowable densities set forth within the 1989 General Plan. As such, the Mobility Element of the 2040 General Plan does not propose any significant changes to the roadway network in terms of new roads, new intersections, additional lanes, or similar improvements. Proposed development and land use activities that occur pursuant to the 2040 General Plan would be reviewed for compliance with state and local requirements for ~~of~~ adequacy of vehicular access points, site distance, and similar issues, as relevant. As such, development and land use activities contemplated by the 2040 General Plan would not substantially increase hazards due to a design feature or incompatible uses. Impacts would be less than significant.

Section 5, Alternatives to the Proposed Project

Page 5-2, Alternatives to the Proposed Project

The description of the Increased Population Growth Alternative has been revised.

- **Increased Population Growth Alternative:** Under the Increased Population Growth Alternative, policies would be added to the 2009-2014 Housing Element and Mill Valley 2040 General Plan to ~~incentivize the development of second units and senior housing units~~ in order to accommodate increased anticipated population growth resulting that ~~results from demographic shifts in Mill Valley.~~

Page 5-6, Conclusion

The discussion of the No Project/1989 General Plan Alternative has been amended to provide additional support for the conclusion.

5.3.2 - Conclusion

The No Project/1989 General Plan Alternative lessens the severity of transportation impacts relative to the 2040 General Plan, but it increases the severity of air quality and greenhouse gas impacts; for all other topical areas, impacts would be similar. The severity of transportation impacts would be lessened because higher LOS standards would be required to be achieved, while the severity of air quality and greenhouse gas impacts would be increased because a Climate Action Element would not be adopted. However, the absence of a Climate Action Element would not be expected to result in the disclosure of a new significant impact because it would be expected that the City would be able to demonstrate greenhouse gas reductions via other methods.

The No Project/1989 General Plan Alternative would advance two of the project objectives to the same degree as the 2040 General Plan (Objectives No. 1 and No. 4) but does not advance the other four objectives (Objective Nos. 2, 3, 5, and 6). Moreover, this alternative would be inconsistent with state law, which calls for cities and counties to undertake periodic updates of their General Plans on a regular basis.

Page 5-6, Alternative 2 – Increased Population Growth Alternative

The description of the Increased Population Growth Alternative has been revised.

The Increased Population Growth Alternative is based upon economic and demographic projections for Mill Valley that are anticipated to result in higher population growth than what is reflected in data from the U.S. Census and the Association of Bay Area Governments (ABAG). Both the 2040 General Plan and the 2009–2014 Housing Element identify an increasing percentage of single-person households (primarily seniors) and a recent influx of families with school-age children (~~estimated to be 200 households~~) as significant contributors to the City’s demographic mix through 2040. However, the Increased Population Growth Alternative anticipates that older, single-occupant households will continue to turn over to younger households with school-aged children over the long term and at a greater rate, thereby yielding a significant net increase in population growth—as much as ~~12~~ 16 percent (or more than ~~1,500~~ 2,400 persons) over the next 30 years—that is more than the regional projections for Mill Valley.

In recognition of these trends, this alternative would entail adding policies to the 2009–2014 Housing Element and Mill Valley 2040 General Plan to ~~facilitate the development of second units and senior housing units closer to services and transit within the city limits. Incentives~~

~~would take the form of density bonuses and more flexible development standards (setbacks, height limits, parking, etc.), and other measures that would promote the development of 1- and 2-person dwelling units~~ address potential impacts to the existing transportation network, housing demand and public services from the anticipated demographic shift. This alternative differs from the 2040 General Plan and the 2009–2014 Housing Element in that the incentives are intended to ~~facilitate the development of new dwelling unit types and facilities for seniors as soon as possible in order to~~ accommodate the long-term anticipated growth pressures from younger families with school-aged children seeking to locate in Mill Valley over the life of the General Plan.

Page 5-9, Conclusion

The discussion of the Increased Population Growth Alternative has been amended to provide additional support for the conclusion.

5.4.2 - Conclusion

The Increased Population Growth Alternative would increase the severity of air quality, noise, public service (e.g., schools), recreation, and utility and transportation impacts relative to the 2040 General Plan; for all other topical areas, impacts would be similar. However, this alternative would not be expected to result in the disclosure of new significant impacts because population growth would not be significantly greater than what was contemplated by the 2040 General Plan.

The Increased Population Growth Alternative would advance all of the six project objectives to the same degree as the 2040 General Plan.

Section 6, Other CEQA Considerations

Page 6-3, After Last Paragraph

Discussion of Significant Irreversible Changes has been added.

6.4 - Significant Irreversible Changes

The environmental effects of the proposed 2040 General Plan are summarized in Section ES, Executive Summary and are analyzed in detail in Section 3, Environmental Impact Analysis of this EIR.

As mandated by the CEQA Guidelines, the EIR must address any significant irreversible environmental change that would result from implementation of the proposed project. Specifically, pursuant to the CEQA Guidelines (Section 15126.2(c)), such an impact would occur if:

- The project would involve a large commitment of nonrenewable resources;
- Irreversible damage can result from environmental accidents associated with the project; and

- The proposed consumption of resources is not justified (e.g., the project results in the wasteful use of energy).

The proposed project consists of the Mill Valley 2040 General Plan, which would serve as the comprehensive planning document for the City of Mill Valley. The 2040 General Plan acknowledges that Mill Valley is essentially built-out and maintains existing land use patterns and densities. Thus, it would not be expected facilitate significant changes in land use patterns that result in the types of significant irreversible environmental change outlined by the CEQA Guidelines.

Although the 2040 General Plan itself does not result in an irretrievable commitment of non-renewable resources, cause irreversible damage from environmental accidents, or result in unjustified consumption of resources, development and land use activities that occur pursuant to the plan have the potential to do so. For example, new construction activities would use non-renewable resources such as petroleum products, aggregate, metals, and other construction-related materials. Day-to-day activities would involve the use of non-renewable resources such as petroleum and natural gas during operations. New development projects would be required to adhere to the latest adopted edition of the California Building Standards Code, which includes a number of standards that would reduce energy demand, water consumption, wastewater generation, and solid waste generation that would collectively reduce the demand for resources. This would result in the emission and generation of less pollution and effluent and lessen the severity of corresponding environmental effects. Although development activities that occur pursuant to the 2040 General Plan would result in an irretrievable commitment of non-renewable resources, the commitment of these resources would not be significantly inefficient, unnecessary, or wasteful.

Mill Valley is primarily a residential community and has a limited number of commercial/ industrial/public facility land uses that have the potential to cause significant environmental accidents through releases into the environment. Those facilities that handle large quantities of hazardous materials are required to comply with federal and state statutes and regulations concerning transport, use, handling, storage, and disposal of these materials. Thus, compliance with applicable requirements would make the likelihood of hazardous materials release very low.