



**MEMORANDUM**

**TO:** Climate Action Plan (CAP) Task Force  
**FROM:** Danielle Staude, Senior Planner  
**SUBJECT:** Background Material for CAP Meeting 7 (April 19, 2022)  
**DATE:** April 13, 2022

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2 **Old Business:** At the March 2, 2022 meeting the Climate Action Plan (CAP) Task Force  
3 discussed implementing programs and actions to include in the “Waste and Water”  
4 section of the CAP. Several topics related to waste and water were discussed, which are  
5 summarized in **ATTACHMENT 1**. The summary also includes recommendations of  
6 staff and CAP consultant, Christine O’Rourke, in terms of any modifications to the Draft  
7 Water and Waste CAP programs contained in **ATTACHMENT 2**. At the meeting, Task  
8 Force members will be asked to confirm and approve the revised waste and water CAP  
9 programs.

10  
11 **New Business:** The Task Force will hear several presentations related to community  
12 engagement and then begin its discussion of the remaining programs in the CAP. Staff  
13 has included all the remaining programs (community engagement, adaptation,  
14 sequestration, monitoring and implementation). Staff suggests focusing on community  
15 engagement as a first item of discussion after hearing the various presentations. The Draft  
16 CAP programs and actions are listed in **ATTACHMENT 3** (based on Larkspur and  
17 Marin County CAPs). The Task Force should be prepared to review and provide  
18 guidance to staff on those actions and programs that should be added; removed; and/or  
19 modified.

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21 If time remains, the Task Force may choose to discuss the remaining topics of adaptation,  
22 sequestration, monitoring and implementation contained in **ATTACHMENT 4**.

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24 **Next Steps:** In terms of working toward the Task Force’s goal of assembling a Draft  
25 CAP document for Planning Commission review and City Council approval, staff  
26 recommends the following:

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28
  - **Meeting 8--May 18, 2022:** Chris Choo, Principal Watershed Planner for the  
29 County of Marin, will discuss a variety of County-led adaptation projects. The  
30 Task Force can utilize this meeting to ask questions and finalize the remaining  
31 sections of the CAP.

**Preparation for Meeting #6  
March 2, 2022**

- 32       • **Meeting 9:** This meeting will focus on providing final recommendations from the  
33       Task Force on the Draft CAP.  
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- 35       • **Community Outreach/Input on the Draft CAP:** Staff suggests utilizing the  
36       Memorial Day Pancake Breakfast as a means of outreach to the community about  
37       the Climate Action Plan Update, including advertising Meeting 9. The Planning  
38       Commission meeting can then serve as a venue for public input on the Draft CAP  
39       document.  
40

41       **Attachments:**

- 42       1. Discussion Topics at March 2, 2022 Meeting on Waste and Water
- 43       2. Revised CAP Programs/Actions: Waste and Water
- 44       3. Draft CAP Programs/Actions: Community Engagement
- 45       4. Draft CAP Programs/Actions: Sequestration, Adaptation, Implementation and  
46       Monitoring

## ATTACHMENT 1:

### OVERVIEW OF TOPICS DISCUSSED AT THE MARCH 2, 2022 MEETING

#### Plastic Bag Ban

On November 8, 2016, California voters approved Proposition 67, the statewide Single-Use Carryout Bag Ban. As a result, [SB 270](#) is in effect and most grocery stores, retail stores with a pharmacy, convenience stores, food marts, and liquor stores are prohibited from providing single-use plastic carryout bags to their customers. Instead, these stores may provide a reusable grocery bag or recycled paper bag to a customer at the point of sale at a charge of at least 10 cents. Cities and counties that had adopted an ordinance prior to September 1, 2014, like Mill Valley, and met certain preemption requirements were not subject to the new law. However, local governments are not permitted to amend their ordinances. If they do, they must implement the state law.

See edit to WR-7c.

#### Sustainable Bamboo

Marin County's model Reusable Foodware Ordinance encourages reusable foodware and compostable fiber foodware for take-out. The County's list of [Foodware Materials Alternatives](#) includes bamboo products and links to potential vendors. Dana Armanino, Principal Planner for the County of Marin and lead contact for the Reusable Foodware Ordinance, reports that the issue of sustainable bamboo has not previously been raised and is not currently addressed in the proposed ordinance.

Since the Reusable Foodware Ordinance will need to be adopted without amendment for the County to enforce it in Mill Valley, staff does not recommend revising it. Instead, staff proposes working with the County to encourage and/or require sustainably sourced of foodware items.

See proposed edit to WR-7b.

#### Recycled Water

According to Matt Sagues, Legislative and Grant Program Coordinator at Marin Municipal Water District, MMWD only distributes recycled water from the Las Galinas wastewater treatment plant because it is the only facility in their district that produces tertiary treated water. SASM would need to upgrade their facility to produce tertiary treated water beyond the recycled water provided at athletic fields and Hauke Park. The upgrade is a multi-million dollar project, and the City continued to discuss and explore the approach with MMWD about possible partnerships.

High irrigation water users near SASM include the athletic fields and landscaping at Hauke Park, which is currently treated with recycled water. Federal money is available to upgrade wastewater treatment plants to tertiary treatment. If possible, MMWD would prioritize upgrading CMSA and sending recycled water to San Quentin, the biggest water user in Marin County.

See proposed new program to WC-C2.

## ATTACHMENT 1:

### Water Retention

The 2019 CalGreen Code includes rainwater catchment systems for residential buildings (Section A4.304.1) in its checklist for Tier 1 compliance. The rainwater catchment system must capture rainwater generated by at least 65% of the available roof area. The City requires Tier 1 compliance for new residential and nonresidential construction and renovations (single and two-family homes with additions and alterations 1,200 square feet or greater and all nonresidential additions and alterations).

See proposed edit to WC-C1.e.

### Compostable Toilets

The 2019 CalGreen Code includes nonwater urinals and composting toilets for residential buildings (Section A4.303.4) and nonwater urinals for non-residential buildings (Section A5.303.4.1) in its checklists for Tier 1 compliance. The City requires Tier 1 compliance for new residential and nonresidential construction and renovations (single and two-family homes with additions and alterations 1,200 square feet or greater and all nonresidential additions and alterations).

No edit is proposed.

### Wood-Burning Devices

The Bay Area Air Quality Management District regulates wood burning devices. Staff does not recommend adopting regulations that exceed the Air District regulations. The [Wood-Burning Device Rule](#) (adopted in 2008 and revised in 2015 and 2019) are as follows:

- Makes it illegal to use any wood-burning devices indoors and outdoors (such as fireplaces, woodstoves, or pellet stoves) when fine particulate pollution is forecast to exceed federal health standards and a Spare the Air Alert is in effect.
- No wood-burning devices of any kind may be installed in new homes or buildings being constructed in the Bay Area.
- Bay Area residents who begin a chimney or fireplace remodeling project that costs over \$15,000 and requires a building permit will only be allowed to install a gas-fueled, electric, or EPA-certified device.
- Requires anyone whose sole source of heat is a wood-burning device to utilize an [EPA-certified device](#) that is registered with the Air District for an exemption from the burn ban. An open hearth fireplace does not qualify for an exemption.
- Limits excessive smoke when burning is allowed.
- Bans burning of garbage, plastics, and other toxic materials.
- Requires labeling on firewood and other solid fuels sold in the Bay Area and requires anyone, selling, renting, or leasing a property in the Bay Area to disclose the potential health impacts from air pollution caused by burning wood.

More information is available in the [Wood-Burning Devices Rule Frequently Asked Questions](#).

## Draft Waste and Water Actions

### WASTE

#### WR-1: Commercial Organic Waste

Work with Zero Waste Marin, the City's waste hauler, and nongovernmental agencies such as ExtraFood to divert commercial organic waste from the landfill through recycling, composting, and participation in waste-to-energy and food recovery programs.

- a. Conduct outreach and education to businesses subject to State organic waste recycling mandates (AB 1826 and SB 1383) and encourage or enforce compliance with the law.
- b. Refer new and major remodel commercial and multi-family residential project proposals to the City's waste hauler for review and comment and require projects to provide adequate waste and recycling facilities and access as feasible.
- c. Encourage and facilitate commercial and multifamily property owners to require responsible use of on-site recycling facilities in lease and rental agreements and to train and regularly evaluate janitorial, landscape, and other property management services.
- d. Assess capacity of existing food recovery programs, expand existing food recovery infrastructure if needed, monitor commercial generators for compliance, and conduct education and outreach.

#### WR-2: Residential Organic Waste

Work with Zero Waste Marin, the City's waste hauler, and other organizations to educate and motivate residents to utilize curbside collection services and home composting for food waste.

#### WR-3: Construction & Demolition Debris and Self-Haul Waste

Require all loads of construction & demolition debris and self-haul waste to be processed for recovery of materials as feasible. Investigate creation of an ordinance requiring deconstruction of buildings proposed for demolition or remodeling when materials of significant historical, cultural, aesthetic, functional or reuse value, including redwood, can be salvaged.

#### WR-4: Mandatory Waste Diversion

In compliance with SB 1383, adopt an ordinance requiring mandatory subscription to and participation in waste diversion activities, including recycling and organics collection. Consider including phased implementation of the ordinance, penalties, and practical enforcement mechanisms.

#### WR-5: Waste Processing Infrastructure

- a. Review and revise the City's franchise agreement with its waste hauler to ensure waste reduction and diversion targets are met.
- b. Ensure organic waste collection service (including green waste, food waste, fibers, and manure) that complies with SB 1383 regulations is provided to all residents and businesses.
- c. Conduct a feasibility study and consider investing in new solid waste processing infrastructure to remove recoverable materials (recycling and organics) from the waste stream and reduce contamination.

## ATTACHMENT 2

- d. Require regular residential and commercial waste audits and waste characterization studies to identify opportunities for increased diversion and to track progress in meeting targets.

### **WR-6: Extended Producer Responsibility**

- a. Encourage the State to regulate the production and packaging of consumer goods and take-back programs.
- b. Encourage on-demand product and food delivery services to reduce packaging waste and investigate requirements and incentives for same through ordinance and/or engagement campaigns.

### **WR-7: Inorganic Waste**

Promote reuse, repair, and recycling of inorganic materials, and encourage reduced use of packaging and single use items through engagement campaigns.

- a. Investigate supporting a local building material reuse center.
- b. Consider adopting a Reusable Foodware Ordinance based on the Marin County model ordinance. Work with the County to encourage and/or require the use of sustainably sourced foodware materials.
- b-c. Consider revising the City's Single-Use Disposable Bag Prohibitions and Regulations Ordinance to cover plastic bags that meet the Ordinance's definition of reusable bag but are often discarded, if feasible and legally permissible.

### **WR-8: Waste from Public Containers and City Operations**

- a. Embark on an educational and social marketing-based campaign to increase recycling, composting, reuse, and waste reduction within municipal operations at public facilities.
- b. Conduct periodic waste audits of City facilities to understand where opportunities for increased diversion lie and to track progress in meeting state requirements under SB 1383.

## ATTACHMENT 2

### WATER

#### WC-C1: Community Water Use

Reduce indoor and outdoor water use in residential and commercial buildings and landscaping.

- a. Work with Marin Municipal Water District (MMWD) and other organizations to promote water conservation programs and incentives.
- b. Educate residents and businesses about local and State laws requiring retrofit of non-compliant plumbing fixtures during remodeling and at resale.
- c. Ensure all projects requiring building permits, plan check, or design review use water-efficient landscaping in compliance with State and MMWD regulations.
- d. Ensure all new projects requiring new or enlarged water service install a graywater system as required by MMWD.
- ~~e.~~ Consider a mandatory requirement as part of the CalGreen checklist for water retention and recycling systems for new construction and major remodels as feasible.
- ~~d.f.~~ Encourage the installation of graywater and rainwater collection systems ~~and the use of recycled water where available~~ through ~~ordinance~~ or engagement campaigns.

#### WC-C2: Recycled Water

Work with the Sewerage Agency of Southern Marin (SASM) to explore an upgrade to the wastewater treatment plant to provide tertiary treated recycled water suitable for irrigation, and work with Marin Municipal Water District to provide a distribution system for recycled water from the SASM facility to nearby high-water use locations, such as athletic fields and landscaping at Hauke Park, Tamalpais High School, and the Mill Valley Community Center.

#### WC-M1: Municipal Water Use

Reduce indoor and outdoor water use in municipal facilities and operations.

- a. Replace high water use plants and inefficient irrigation systems with water-efficient landscaping.
- b. Replace inefficient plumbing fixtures with high-efficiency fixtures.
- c. Use recycled water as available and practicable for parks and outdoor landscaping.

## ATTACHMENT 2:

### Draft Community Engagement Actions

#### COMMUNITY ENGAGEMENT ACTIONS

##### **CE-C1: Community Education**

Work with community-based organizations, such as Resilient Neighborhoods, to educate and motivate community members to start or continue to reduce GHG emissions in their homes, businesses, transportation mode choices, and other activities, and increase community resilience through community-building activities.

##### **CE-C2: Community Outreach**

Implement a communitywide public outreach and behavior change campaign to engage residents, businesses, and consumers around the impacts of climate change and the ways individuals and organizations can reduce their GHG emissions and create a more sustainable, resilient, and healthier community. Emphasize and encourage citizens' involvement in reaching the community's climate goals, including innovative means of tracking milestones and comparing Mill Valley's performance with other communities and with state, national, and global benchmarks.

1. Conduct outreach to a wide variety of neighborhood, business, educational, faith, service, and social organizations.
2. Inform the public about the benefits of installing energy and water efficient appliances and fixtures, electrifying homes and commercial buildings, installing solar energy systems, and purchasing 100% renewable electricity.
3. Inform the public about the benefits of using carbon-free and low-carbon transportation modes, such as driving electric vehicles, walking, bicycling, taking public transportation, and ridesharing.
4. Partner with MCE, PG&E, MMWD, Mill Valley Refuse, Transportation Authority of Marin, Marin Transit, Golden Gate Transit, and other entities to promote available financing, audits, rebates, incentives, and services to the Mill Valley community.
5. Utilize the City's website, newsletter, recognition programs, and other forms of public outreach.
6. Participate in countywide outreach and education efforts.

##### **CE-C3: Advocacy**

Advocate at the state and federal levels for policies and actions that support the rapid transition to GHG-free energy sources, electrification of buildings and the transportation fleet, and other impactful measures to sharply reduce greenhouse gas emissions.

##### **CE-C4: Green Businesses**

Encourage local businesses to participate in the Marin County Green Business Program.

##### **CE-C5: Innovation and Economic Development**

Participate in local economic development and innovation working groups to explore public-private partnerships and to develop ways to decarbonize the local economy while spurring sustainable enterprise and equitable employment.

## Draft Sequestration & Adaptation and Implementation & Monitoring Actions

### SEQUESTRATION & ADAPTATION

#### **SA-C1: Urban Forest**

Increase carbon sequestration and improve air quality and natural cooling through expansion and enhancement of green spaces and increasing appropriate (e.g., native, drought-resistant, fire resilient) tree cover, other vegetation, and healthy soils in Mill Valley.

1. Plant and maintain additional trees on City-owned land, including public parks, open space, medians, and rights of way, where feasible.
2. Review parking lot landscape standards to maximize tree cover, size, growth, and sequestration potential.
3. Regulate and minimize removal of large (heritage) trees and require planting of replacement trees and or sufficient fees to support mitigation planting in Mill Valley's parks and open spaces.
4. Require that the site planning, construction, and maintenance of new development preserve existing healthy trees and native vegetation on site to the maximum extent feasible. Replace trees and vegetation not able to be saved with native/appropriate species.
5. Encourage community members to plant native/appropriate trees on private land. Consider creating a tree giveaway program or providing lower-cost trees to the public through a bulk purchasing program.
6. Encourage the creation of no-till community gardens and healthy soil management on public lands by community groups and on private lands by individual households.
7. Provide information to the public, including landscape companies, gardeners, and nurseries, on carbon sequestration rates, drought tolerance, and fire resistance of different tree and vegetation species, as well as healthy soil management.
8. Collaborate with fire agencies, Marin County Open Space District, Marin Municipal Water District, and private property owners, to manage fire-prone trees and invasive species in the open space for forest health, water cycling, soil organic matter, and reduction of fuel load.
9. Require new development, redevelopment, and infrastructure projects to implement best management practices as feasible, including low-impact development techniques, the minimal use of non-pervious surfaces in landscape design, and the integration of natural features into the project design, to naturally filter and biodegrade contaminants and to minimize surface runoff into drainage systems and creeks.

#### **SA-C2: Carbon Sequestration**

Increase carbon sequestration in developed landscapes and open/natural areas.

1. Encourage and support composting to develop healthy, carbon-rich soils.

## ATTACHMENT 4

2. Manage parks and open spaces to steadily increase carbon in vegetation and soil.
3. Manage trees and invasive species in the open space for forest health, water cycling, and organic soil matter, as well as reduction of fuel load.
4. Work with the County to explore opportunities for carbon drawdown in aquatic environments, such as tidal wetlands and bay.

### **SA-C3: Carbon Offsets**

Reduce the impact of greenhouse gas emissions through the purchase of high quality, well-vetted and verifiable carbon offsets.

1. Identify and partner with local non-profit organizations and/or businesses that actively sequester carbon in their activities (e.g., climate-smart habitat restoration or regenerative agriculture like the Marin Carbon Project) to promote a carbon offset program.
2. Encourage community members to purchase high quality carbon offsets that have been vetted and can be verified by credible authorities or organizations to reduce their carbon footprint through engagement campaigns.
3. Consider partnering with a local non-profit organization to promote an effective and reliable carbon offset program.
4. Focus on offsetting emissions that are difficult to mitigate otherwise, such as airplane travel.

### **SA-C4: Climate Change and Sea Level Rise Adaptation**

Prepare for and adapt to a rising sea level and climate change impacts such as extreme heat and wildfire.

- a. Support and integrate Climate Action Planning and implementation with the ongoing adaptation efforts of BayWAVE.
- b. Coordinate and integrate climate adaptation planning consistently throughout related City plans, including but not limited to the General Plan and its Safety Element, Local Hazard Mitigation Plan (LHMP), sea level rise adaptation plans, Community Wildfire Protection Plan, and emergency and capital improvement plans.
- c. Ensure fair and robust inclusion of lower-income households and diverse communities in the planning and response to climate change impacts, including sea level rise, wildfire, public health, and emergency preparedness.
- d. Collaborate with Marin cities and towns, the County of Marin, the Marin Wildfire Prevention Authority, special districts, and regional bodies such as the Transportation Authority of Marin to coordinate and integrate planning.
- e. Adopt a comprehensive climate change adaptation plan that prepares for and responds to the expected impacts of climate change, including the identification of populations and neighborhoods most vulnerable to these impacts.

## ATTACHMENT 4

### IMPLEMENTATION & MONITORING

#### **IM-C1: Annual Monitoring**

Monitor and report on the City's progress annually. Create an annual priorities list for implementation.

#### **IM-C2: Update GHG Emissions Inventories**

Update and report the greenhouse gas emissions inventory for community emissions annually and every five years for government operations.

#### **IM-C3: Funding Sources**

Identify funding sources for recommended actions, and pursue local, regional, State, and federal grants as appropriate. Investigate creation of a local carbon fund or other permanent source of revenue to implement the Climate Action Plan.

#### **IM-C4: Update the Climate Action Plan**

Update the Climate Action Plan regularly to incorporate new long-term reduction targets and strategies to meet those targets.