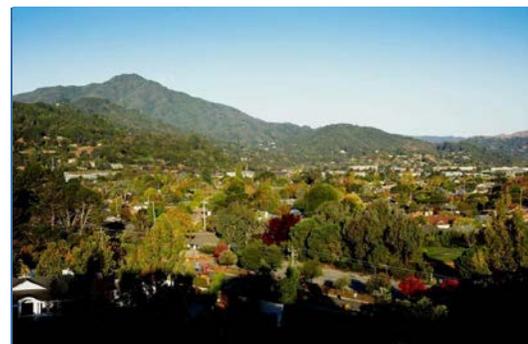
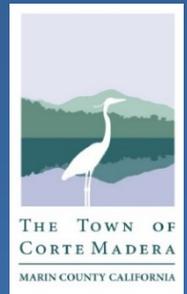


Draft Subsequent EIR

Town of Corte Madera 6th Cycle (2023-2031) Housing Element Update

SCH#2005062023

October 5, 2022



Prepared by
EMC Planning Group

DRAFT SUBSEQUENT EIR

**TOWN OF CORTE MADERA
6TH CYCLE (2023-2031)
HOUSING ELEMENT UPDATE**

Subsequent to the 2009 Town of Corte Madera General Plan EIR

SCH#2005062023

PREPARED FOR

Town of Corte Madera

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October 5, 2022

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1.1 Purpose for Preparing the Subsequent Program EIR

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

The Town of Corte Madera, acting as the lead agency, has determined that the Town of Corte Madera 2023-2031 Housing, Land Use, and Safety Elements Amendments and Zoning Amendments could result in significant adverse environmental impacts and therefore, determined that an environmental impact report (EIR) would be required. This EIR is subsequent to the 2009 *Town of Corte Madera General Plan Revised Final EIR* (general plan EIR), updating existing analysis where appropriate, and presenting new analysis where necessary. This subsequent EIR will evaluate only the change in General Plan buildout resulting from the amendments to the Land Use and Housing Elements. The subsequent EIR will not evaluate total buildout of the amended General Plan.

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

1.2 Methodology

Definition of Project

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

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

Therefore, because amending general plans and zoning ordinances are considered a project under CEQA, the Town of Corte Madera 2023-2031 Housing, Land Use, and Safety Elements Amendments and Zoning Amendments will be referred to in this EIR as the “proposed project.”

Program EIR

Definition

CEQA Guidelines section 15168 defines a project EIR as follows:

- (a) General. A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:
 - (1) Geographically;
 - (2) As logical parts in the chain of contemplated actions;
 - (3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or
 - (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.
- (b) Advantages. Use of a program EIR can provide the following advantages. The program EIR can:
 - (1) Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action;

- (2) Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis;
 - (3) Avoid duplicative reconsideration of basic policy considerations;
 - (4) Allow the Lead Agency to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts; and
 - (5) Allow reduction in paperwork.
- (c) Use with Later Activities. Later activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.
- (1) If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration. That later analysis may tier from the program EIR as provided in Section 15152.
 - (2) If the agency finds that pursuant to Section 15162, no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required. Whether a later activity is within the scope of a program EIR is a factual question that the lead agency determines based on substantial evidence in the record. Factors that an agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the program EIR.
 - (3) An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into later activities in the program.
 - (4) Where the later activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the program EIR.
 - (5) A program EIR will be most helpful in dealing with later activities if it provides a description of planned activities that would implement the program and deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed project description and analysis of the program, many later activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.
- (d) Use with Subsequent EIRs and Negative Declarations. A program EIR can be used to simplify the task of preparing environmental documents on later activities in the program. The program EIR can:

- (1) Provide the basis in an Initial Study for determining whether the later activity may have any significant effects.
 - (2) Be incorporated by reference to deal with regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole.
 - (3) Focus an EIR on a later activity to permit discussion solely of new effects which had not been considered before.
- (e) Notice with Later Activities. When a law other than CEQA requires public notice when the agency later proposes to carry out or approve an activity within the program and to rely on the program EIR for CEQA compliance, the notice for the activity shall include a statement that:
- (1) This activity is within the scope of the program approved earlier; and
 - (2) The program EIR adequately describes the activity for the purposes of CEQA.

Applicability to the Proposed Project

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

Community-level Environmental Review

Definition

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

- (b) “Community-level environmental review” means either of the following:
- (1) An environmental impact report certified on any of the following:
 - (A) A general plan.
 - (B) A revision or update to the general plan that includes at least the land use and circulation elements.
 - (C) An applicable community plan.
 - (D) An applicable specific plan.

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

Applicability to the Proposed Project

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

General

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

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

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

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

Emphasis

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

Forecasting

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

Speculation

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

Degree of Specificity

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

Technical Detail

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

Citation

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

draft subsequent EIR cites all documents used in its preparation including, where appropriate, the page and section number of any technical reports that were used as the basis for any statements in the draft subsequent program EIR.

1.3 EIR Process

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

Notice of Preparation

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

A notice of preparation (NOP) was prepared for the proposed project and circulated for 30 days from March 16, 2022 to April 15, 2022, as required by CEQA. Written responses to the NOP were received from the following:

1. Native American Heritage Commission (NAHC), dated March 17, 2022
2. California Department of Transportation (Caltrans), dated April 12, 2022
3. California Department of Fish & Wildlife, dated April 15, 2022
4. Graham Street Realty II, LLC, dated April 15, 2022

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

As part of the early consultation process and pursuant to CEQA Guidelines Section 15082(c)(1) regarding projects of statewide importance and Section 15083 regarding early public consultation, a scoping meeting was held via Zoom on March 31, 2022 at 6:30 P.M. Town staff along with EMC Planning Group staff made a brief presentation. Two members of the public attended but no comments on the scope of the draft subsequent EIR were provided.

Draft Subsequent EIR

Contents

This subsequent EIR is an informational document which will inform the Town of Corte Madera decision makers and the public generally of the significant environmental effect of the proposed project, identify possible ways to minimize the significant effects, and describe reasonable

alternatives to the project. The Town is required to consider the information in the subsequent EIR along with other information which may be presented to the agency. CEQA Guidelines Article 9 requires a draft EIR contain the following information:

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

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

Public Review

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

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

Final Subsequent EIR

Contents

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

- List of persons, organizations, and public agencies commenting on the draft subsequent EIR;
- Comments received on the draft subsequent EIR;
- Responses to significant environmental points raised in comments; and
- Revisions that may be necessary to the draft subsequent EIR based upon the comments and responses.

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

Certification

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

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

1.4 Terminology

Characterization of Impacts

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

No Impact

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

Adverse Impacts

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

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

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

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

Beneficial Impact

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

Abbreviations and Acronyms

ABAG	Association of Bay Area Governments
AB	Assembly Bill
ADU	Accessory Dwelling Unit
BAAQMD	Bay Area Air Quality Management District
CAP	Climate Action Plan
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CDFW	California Department of Fish and Wildlife
CMSA	Central Marin Sanitation Agency
CNPS	California Native Plant Society
CPUC	California Public Utilities Commission
DSEIR	Draft Subsequent Environmental Impact Report
EPA	Environmental Protection Agency

FSEIR	Final Subsequent Environmental Impact Report
GHG	Greenhouse Gas Emissions
HCD	California Department of Housing and Community Development
JPA	Joint Powers Authority
LOS	Level of Service
Mg/L	Milligrams per Liter
MTC	Metropolitan Transportation Commission
MTCO _{2e}	Metric Tons of Carbon Dioxide Equivalent
MVRS	Mill Valley Refuse Service
NPDES	National Pollutant Discharge Elimination System
OPR	California Office of Planning and Research
ODDS	Objective Design & Development Standards
PRC	Public Resources Code
RHNA	Regional Housing Needs Allocation
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SEMS	Standard Emergency Management System
TAC	Toxic Air Contaminants
TAM	Transportation Authority of Marin
TDS	Total Dissolved Solids
USACE	U.S. Army Corp of Engineers
USFWS	U.S. Fish and Wildlife Service
UMWP	Urban Water Management Plan
VMT	Vehicle Miles Traveled
WUI	Wildland-Urban Interface

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2.1 CEQA Requirements

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

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

2.2 Proposed Project Summary

The proposed project includes amendments to 2009 *Town of Corte Madera General Plan* (general plan) elements, as well as amendments to the Town of Corte Madera Municipal Code. The primary action being taken is the 6th Cycle (2023-2031) Housing Element Update. However, updating the housing element also requires updates to the Safety Element and the Land Use Element of the General Plan along with amending Title 18 (Zoning) of the Town of Corte Madera Municipal Code.

The Housing Element Update identifies opportunity sites appropriate for the development of housing for a range of income levels. The Town would rezone these sites to allow for higher residential densities to meet the requirements of State law. The proposed project would also amend the General Plan Land Use Element to be consistent with the floor area ratio and density changes to opportunity sites specified in the Housing Element Update. Through the community outreach process and ongoing public comment during the course of the drafting of the Housing Element update, Town staff have identified eleven housing opportunity sites to be rezoned to allow more density than currently permitted. Locations of the housing opportunity sites are shown on Figure 4-1, Housing Opportunity Sites in Section 4.0, Project Description.

The proposed project also includes an update to the Town's Safety Element for consistency with Assembly Bills (AB) 747 and 1409 (Levine) and Senate Bills (SB) 1241 (Kehoe), 379 (Jackson) and 99 (Nielsen). The proposed Safety Element Update addresses the requirements of these bills.

Additionally, the proposed project includes amending Title 18 (Zoning) of the Town of Corte Madera Municipal Code to revise the Zoning Map to rezone all of the opportunity sites utilizing overlay districts. Amendments to other sections of the municipal code may be necessary to ensure internal consistency. Additionally, the Town proposes to rezone the housing opportunity sites to increase the allowable density and establish development standards.

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

2.3 Summary of Significant Impacts and Mitigation Measures

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

2.4 Summary of Alternatives

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

Alternative 1 - No Project (Residential Development Consistent with Existing General Plan and Zoning)

Under the No Project Alternative, no changes to the General Plan or Municipal Code would occur. No changes would be made to either the Housing Element, Land Use Element, Safety Element, or Municipal Code in order to meet the requirements of State law. Since adoption of the 2015 Housing Element, the Town has been issued a RHNA target by ABAG of 725 units and is required by State law to address its housing needs in an updated Housing Element. The Housing Element Update and Safety Element Update goals, policies, and programs, as well as the Land Use Element and Title 18 (Zoning Code) would not be updated to address the Town's housing needs under this alternative. The 11 housing opportunity sites would retain their zoning designations. The Safety Element would not be updated to incorporate emergency access route information as required by various state laws that have passed since 2010.

Table 2-1 Summary of Significant Impacts and Mitigation Measures

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
Visual Resources & Aesthetics			
<p>Impact 5-1. The Proposed Project Would Have an Effect on Scenic Resources</p>	<p>Significant</p>	<p>5-1a Implementation Program LU-3.5.a: Infill Compliance. Pending the adoption of Design Guidelines, decision-making bodies for environmental and development review shall include findings determining that infill projects are in substantial compliance with General Plan infill development policies, including:</p> <ol style="list-style-type: none"> 1. Reduces the perception of visible bulk by minimizing the apparent height and size of buildings when located in a transitional land use area. 2. Incorporates transitions in height and setbacks from adjacent properties to maintain development character and privacy. 3. Incorporates natural and/or designed focal points, emphasized by pedestrian/pathway connections, respecting existing landforms, and physical and use boundary areas of adjoining properties. 4. Minimizes the visual impacts of driveways, parking areas and garages through placement of such features and areas to the sides and rear of infill lots, away from public vantage points. 5. Uses high quality building materials that are durable, non-toxic and resource efficient. <p>The extent to which infill projects incorporate green building features and sustainability principles shall also be considered in environmental and development review.</p> <p>5-1b Policy CD-1.5. Preserve the value of the community's night sky and avoid unnecessary light and glare from signage, building and landscape illumination, or other sources of outdoor lighting.</p> <p>5-1c Policy CD-4.7. Development standards shall be drafted to encourage flexible interpretation and application of development standards, to promote the use of innovative site planning and design solutions, and to facilitate renovation of existing commercial centers and mixed land use approaches.</p> <p>5-1d Policy H-3.1 Housing Design Principles. The intent in the design of new housing is to provide stable, safe, and attractive neighborhoods through high quality architecture, site planning, and amenities that address the following principals:</p>	<p>Less than Significant</p>

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		<p>a. Reduce the Perception of Building Bulk. In multi-unit buildings, require designs that break up the perceived bulk and minimize the apparent height and size of new buildings, including the use of upper story step backs and landscaping.</p> <p>b. Recognize Existing Street Patterns. Incorporate transitions in height and setbacks from adjacent properties to ensure development character and privacy. Design new housing so that it relates to the existing street pattern and creates a sense of neighborliness with surrounding buildings.</p> <p>c. Enhance the "Sense of Place" by Incorporating Focal Areas. Design new housing around natural and/or designed focal points, emphasized through direct pedestrian/pathway connections. Respect existing landforms, paying attention to boundary areas and effects on adjacent properties.</p> <p>d. Minimize the Visual Impact of Parking and Garages. Discourage designs in which garages dominate the public facade of the home (e.g., encourage driveways and garages to be located to the side of buildings and recessed, or along rear alleyways or below the building in some higher density developments).</p> <p>e. Use Quality Building Materials. Building materials should be high quality, long lasting, durable and energy efficient.</p> <p>5-1e Implementation Program H-3.1.b: Objective Development and Design Standards. Encourage and require pursuant to the Municipal Code multi-family housing projects to utilize the Objective Development and Design Standards in Title 22 and accompanying architectural standards in developing project designs.</p>	
<p>Impact 5-2. Height Increases Associated with Proposed Zoning at the Housing Opportunity Sites Would Substantially Alter the Allowed Height, Which Could Affect Scenic Quality</p>	<p>Significant</p>	<p>5-2a Implementation Program LU-3.5.a: Infill Compliance. Pending the adoption of Design Guidelines, decision-making bodies for environmental and development review shall include findings determining that infill projects are in substantial compliance with General Plan infill development policies, including:</p> <ol style="list-style-type: none"> 1. Reduces the perception of visible bulk by minimizing the apparent height and size of buildings when located in a transitional land use area. 2. Incorporates transitions in height and setbacks from adjacent properties to maintain development character and privacy. 3. Incorporates natural and/or designed focal points, emphasized by pedestrian/pathway connections, respecting existing landforms, and physical and use boundary areas of adjoining properties. 	<p>Less than Significant</p>

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		<p>4. Minimizes the visual impacts of driveways, parking areas and garages through placement of such features and areas to the sides and rear of infill lots, away from public vantage points.</p> <p>5. Uses high quality building materials that are durable, non-toxic and resource efficient. The extent to which infill projects incorporate green building features and sustainability principles shall also be considered in environmental and development review.</p> <p>5-2b Policy H-3.1 Housing Design Principles. The intent in the design of new housing is to provide stable, safe, and attractive neighborhoods through high quality architecture, site planning, and amenities that address the following principals:</p> <ul style="list-style-type: none"> a. Reduce the Perception of Building Bulk. In multi-unit buildings, require designs that break up the perceived bulk and minimize the apparent height and size of new buildings, including the use of upper story step backs and landscaping. b. Recognize Existing Street Patterns. Incorporate transitions in height and setbacks from adjacent properties to ensure development character and privacy. Design new housing so that it relates to the existing street pattern and creates a sense of neighborliness with surrounding buildings. c. Enhance the "Sense of Place" by Incorporating Focal Areas. Design new housing around natural and/or designed focal points, emphasized through direct pedestrian/pathway connections. Respect existing landforms, paying attention to boundary areas and effects on adjacent properties. d. Minimize the Visual Impact of Parking and Garages. Discourage designs in which garages dominate the public facade of the home (e.g., encourage driveways and garages to be located to the side of buildings and recessed, or along rear alleyways or below the building in some higher density developments). e. Use Quality Building Materials. Building materials should be high quality, long lasting, durable and energy efficient. <p>5-2c Implementation Program H-3.1.a: Incorporate Housing Design Principles into Design Review Process. Incorporate principles of good design from Policy H-3.1 into the Design Review process for multi-family housing. Utilize Title 22 and accompanying architectural standards for guidance.</p> <p>5-2d Implementation Program H-3.1.b: Objective Development and Design Standards. Encourage and require pursuant to the Municipal Code multi-family housing projects to</p>	

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		utilize the Objective Development and Design Standards in Title 22 and accompanying architectural standards in developing project designs.	
Impact 5-3. The Proposed Project Would Introduce New Sources of Light and Glare at Housing Opportunity Sites	Significant	<p>5-3a Policy CD-1.5. Preserve the value of the community's night sky and avoid unnecessary light and glare from signage, building and landscape illumination, or other sources of outdoor lighting.</p> <p>5-3b Implementation Program CD-1.5.a: Reduce Lighting Levels. Revise the Zoning Ordinance and other appropriate sections of the Municipal Code to limit lighting levels, and to establish acceptable types of lighting, fixtures, and the location of lighting in relation to nearby properties. Include the following in the Design Guidelines to reduce lighting levels:</p> <ul style="list-style-type: none"> ▪ a requirement that outdoor lighting of nonresidential uses shall be designed to be turned off when not in use where security and safety are not a concern. ▪ When streetlights are located along the perimeter of the community Plan areas, overhead lighting shall be shielded to minimize lighting of adjacent properties. ▪ Roadway, commercial, and residential lighting shall be limited to the minimum amount needed for public safety and shall be designed to focus light where it is needed. ▪ Street light fixtures should be designed to block illumination of adjoining properties and to prohibit light emitted from the fixtures above the horizontal plane. 	Less than Significant
Air Quality			
Impact 6-1. The Proposed Project may be Inconsistent with the 2017 Clean Air Plan	Significant	See Table 6-7, Potentially Applicable Control Measures (2017 Clean Air Plan), in Section 6.0, Air Quality.	Less than Significant
Impact 6-3. Adverse Effects to Sensitive Receptors from Toxic Air Contaminants During Operations	Significant	<p>6-1 Health risks will be evaluated and mitigated prior to issuance of residential permits located within the following overlay zones: 1,000 feet of 1) existing permitted stationary sources of Toxic Air Contaminants (TACs) that exceed air district thresholds, 2) U.S. Highway 101, or 3) for new development that would be a source of TACs within 1,000 feet of residences or sensitive receptors.</p> <p>6-2 Mitigation will include, but not be limited to, the provision of adequate buffer distances (based on recommendations and requirements of the California Air Resources</p>	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		<p>Board and BAAQMD) or filters or other equipment or solutions to reduce exposure to acceptable levels may be required as determined by the health risk assessment.</p> <p>TAC emission control conditions of approval will be coordinated with BAAQMD best practices and required permit conditions to reduce exposures to TAC emissions and associated cancer risks within these areas, and permit conditions required by BAAQMD.</p>	
Biological Resources			
<p>Impact 7-1. Loss of Special-Status Plant Species or Their Habitats</p>	<p>Significant</p>	<p>7-1a. Policy RCS-6.2. Protect wetlands (as defined herein), other waters of the United States, and essential habitat for special status species, including, but not limited to, other wetland habitat areas, habitat corridors, and sensitive natural communities.</p> <p>a. Implementation Program RCS-6.2a: Resource Protection Protect sensitive biological resources, including wetlands and other waters of the United States and other wetland habitat areas, and habitat corridors, and sensitive natural communities through environmental review of development applications in compliance with CEQA provisions, participation in comprehensive habitat management programs with other local and resource agencies, and continued acquisition and management of open space lands that provide for permanent protection of important natural habitats. Protect wetlands and other waters of the United States in accordance with the regulations of the U.S. Army Corps of Engineers and other appropriate agencies as well as consistent with Implementation Program RCS-8.2.a. Protect other habitat areas, habitat corridors, and sensitive natural communities consistent with program RCS-6.3.a</p> <p>b. Implementation Program RCS-6.2.b: Restoration Objectives. Where feasible (as defined under State CEQA Guidelines Section 15364), restore lost or damaged habitat. Support restoration objectives for local habitat types identified by the California Department of Fish and Game and in other regional environmental planning documents.</p> <p>7-1b. Policy RCS-6.3. Manage the development review process in compliance with CEQA provisions to promote resource conservation and sustainability.</p> <p>a. Implementation Program RCS-6.3.a: Environmental Review Continue to require environmental review of development applications pursuant to CEQA to assess the impact of proposed development on species and habitat diversity, particularly special-status species, sensitive habitat areas, wetlands and other wetland habitats, and habitat connectivity. Require adequate mitigation measures for ensuring the protection of sensitive resources and achieving “no net loss” of sensitive habitat acreage, values and function. Require specific mitigation</p>	<p>Less than Significant</p>

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		<p>measures for wetlands and waters of the United States (see Implementation Program RCS-8.2.a for mitigation standards for wetlands and waters of the U.S.).</p> <p>b. Implementation Program RCS-6.3.b: Early Agency Consultation. Require early consultation with all trustee agencies and agencies with review authority pursuant to CEQA for projects in areas supporting special-status species, sensitive natural communities or wetlands that may be adversely affected by development.</p> <p>7-1c. RCS-7.1 Promote resource conservation, restoration and enhancement in areas containing important habitat, wetlands and special-status species.</p> <p>a. Implementation Program RCS-7.1.a: Protect Biodiversity. Protect areas known to support a high degree of biological diversity and that may contain species known to be rare or protected under the State or Federal Endangered Species Acts. These include the Town's tidal wetlands, freshwater wetlands and hillside oak woodlands.</p> <p>b. The Town will identify the location, habitat, and buffer needs of species listed for protection. The Town will maintain, for public uses, generalize maps showing known locations of listed species.</p> <p>Include standards in the updated Zoning Ordinance limiting development within these areas, and limiting public access to particularly sensitive habitats that contain species known to be rare or protected.</p> <p>7-1d. Policy RCS-7.2. Retain sensitive habitat areas and restore to their natural state, where feasible, and protect from inappropriate development and landscaping.</p> <p>a. Implementation Program RCS-7.2.a: Environmental Assessment. Require applicants to provide an environmental assessment in compliance with CEQA provisions for development proposed on sites that may contain sensitive biological or wetland resources including jurisdictional wetlands, waters of the United States, and other wetland habitats. Require the assessment to be conducted by a qualified professional to determine the presence of any sensitive resources, to assess the potential impacts, and to identify measures for protecting the resource and surrounding habitat (see Implementation Program RCS-8.2.a for mitigation standards for wetlands and waters of the U.S. See Implementation Program RCS- 6.3.a) for mitigation standards for other wetland habitat areas).</p> <p>b. Implementation Program RCS-7.2.c: Limit Impacts As part of the development review process, restrict or modify proposed development in areas that contain essential habitat for special-status species, sensitive habitat areas or wetlands as necessary to ensure the continued health and survival of these species and sensitive areas. Development projects</p>	

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		<p>preferably shall be modified to avoid impacts on sensitive resources, or impacts shall be mitigated by providing on-site or (as a lowest priority) off-site replacement (see Implementation Program RCS-8.2.a for mitigation standards for jurisdictional wetlands and waters of the U.S. See Implementation Program RCS-6.3.a for mitigation standards for other wetland habitat areas).</p> <p>7-1e. Policy RCS-7.5. Require use of native plant species in landscaping plans and reduce spread of invasive species.</p> <p>a. Implementation Program RCS-7.5.a: Landscape Plans. Prepare lists of appropriate native landscape species and inappropriate invasive exotic species for use by property owners in developing landscape plans or enhancing existing landscaping, and include in the Design Guidelines. Prepare the lists with input from the California Department of Fish and Game, Agricultural Commissioner, University of California Cooperative Extension, California Native Plant Society, and other appropriate sources to verify suitability. Provide educational materials with information on how to care for plants included in the lists of appropriate native landscape species.</p> <p>b. Implementation Program RCS-7.5.b: Landscaping Requirements As part of the discretionary review of proposed development, prohibit the use of highly invasive species in landscaping and require the removal of invasive exotic species. Require use of native or compatible nonnative plant species indigenous to the site vicinity as part of the discretionary review of project landscaping. Additionally, require that landscaping improvements for community parks, trails, and other public areas include the use of native plant materials and species that recognize and enhance the natural resource setting of the Town.</p> <p>c. Implementation Program RCS-7.5.c: Invasive Species Removal. Work with public and private landowners to make attempts to contain and prevent the spread of highly invasive and noxious weeds. Cooperate with Marin Municipal Water District's vegetation control activities along the urban/wildland boundary.</p>	
Impact 7-2. Loss of Special-Status Wildlife Species or Their Habitats	Significant	Mitigation Measures 7-1a, 7-1b, 7-1c, 7-1d, and 7-1e discussed above.	Less than Significant
Impact 7-3. Disturbance or Fill of Protected Wetlands	Significant	7-3a. Policy RCS-8.1. Protect wetlands through careful environmental review of proposed development applications.	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
and Sensitive Natural Communities		<p>a. Implementation Program RCS 8.1.a: Wetland Data. Pursuant to CEQA, when sites with potential wetlands (as defined herein), other waters of the U.S., or other wetland habitat areas are proposed for development, require detailed assessments to demonstrate compliance with State and Federal regulations. Assessments shall be conducted by a qualified professional retained by the Town to determine wetland boundaries and the presence of sensitive resources including endangered and special status species and their habitat, to assess the potential impacts, and to identify measures for protecting the resource and surrounding buffer habitat. Assessments will delineate and map jurisdictional wetlands, waters of the United States, other wetland habitat areas open-water habitats, and upland habitats and will make recommendations for avoidance. Delineation studies shall be submitted to the U.S. Army Corps of Engineers and other resource agencies to determine the boundaries of wetlands and waters of the United States.</p> <p>b. Implementation Program RCS 8.1.b: Wetland Avoidance. Restrict or modify proposed development in areas that contain wetlands as defined herein or waters of the United States, as necessary to ensure the continued health and survival of special status species and sensitive habitat areas. Development projects shall preferably be modified to avoid impacts on sensitive resources, or to adequately mitigate impacts by providing on-site replacement or (as a lowest priority) off-site replacement at a higher ratio. Modification in project design shall include adequate avoidance measures to ensure that no net loss of wetland acreage, function, water quality protection, and habitat value occurs. This may include the use of setbacks, buffers, and water quality drainage control features, or other measures to maintain existing habitat and hydrologic functions of retained wetlands and waters of the U.S. (see Implementation Program RCS-8.2.a for mitigation standards for wetlands and waters of the U.S. See Implementation Program RCS-6.3.a for mitigation standards for other wetland habitat areas).</p> <p>c. Implementation Program RCS 8.1.c: Wetland Permits. The Town shall require the project proponent to obtain all necessary permits pertaining to affected waters of the United States, including wetland habitat and stream channel and pond habitat regulated by the California Department of Fish and Game and/or the San Francisco Bay Regional Water Quality Control Board prior to construction. Grading or other construction activities within streambeds or ponds may require streambed alteration agreements from the California Department of Fish and Game. Discharge of fill into waters of the United States will require a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers and Clean Water Act Section 401 certification from the San Francisco Bay Regional Water</p>	

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		<p>Quality Control Board. The permitting process will also require compensation for construction impacts (see Implementation Program RCS-8.2.a for mitigation standards for wetlands and waters of the U.S.).</p> <p>7-3b. Policy RCS-8.2. Establish and implement criteria to mitigate wetland (as defined herein) losses.</p> <p>a. Implementation Program RCS-8.2.a: Wetland Mitigation. Where complete avoidance of wetlands and waters of the United States due to filling is not feasible (as defined under State CEQA Guidelines Section 15364), require provision of replacement habitat on-site through restoration and/or habitat creation at a minimum 2:1 ratio that would ensure no net loss of wetland acreage, function, water quality protection, and habitat values occurs. Allow restoration of wetlands off-site only when an applicant has demonstrated that no net loss of wetlands would occur and that on-site restoration is not feasible. Off-site wetland mitigation preferably will consist of the same habitat type as the wetland area that would be lost.</p>	
Impact 7-4. Disturbance or Removal of Protected Trees	Significant	<p>7-4. Policy RCS-7.4. Protect woodland and tree resources.</p> <p>a. Implementation Program RCS-7.4.a: Tree Protection. Protect large native trees, trees with historical importance, oak woodlands, and forest habitats, and prevent the untimely removal of trees through implementation of standards in the Town's Municipal Code. Evaluate tree protection standards as part of the project to develop Design Guidelines and update the Tree Ordinance accordingly.</p>	Less than Significant
Impact 7-5. Interference with Movement of Wildlife Species or with Established Wildlife Corridors	Significant	<p>7-5. Policy RCS-6.7. Protect migratory corridors.</p> <p>a. Implementation Program RCS-6.7a: Migratory Corridors. Condition approval of development proposals to assure that movement corridors for migratory fish and wildlife species are maintained. Coordinate with Marin County and adjoining jurisdictions, and federal and state agencies such as CalTrans, to assure regional connectivity of open space and wildlife corridors.</p>	Less than Significant
Noise			
Impact 10-1. Traffic Would Result in an Increase in Ambient Noise Levels	Significant	<p>10-1 Policy PSH-4.1. New commercial, residential, and office development and redevelopment projects along the freeway frontage shall include evaluations of methods to reduce Highway 101-related noise impacts.</p> <p>Implementation Program PSH-4.1a: Noise Studies Along 101. Require noise studies for new commercial, residential, and office development along Highway 101, and implement noise</p>	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		attenuation measures. These studies shall be based on traffic volumes commensurate with cumulative build-out conditions within the area and compliance with standards prescribed within the Noise section of the Public Safety and Hazards chapter of the General Plan.	
Impact 10-2. Increases in Noise Associated with Stationary (or non-Transportation) Noise Sources Located Near Sensitive Noise Receptors	Significant	<p>10-2a Policy PSH-5.3. Any Town-required acoustical analysis shall be prepared according to specific standards and practices.</p> <p>Implementation Measure PSH – 5.3.a: Acoustics Analysis. An acoustical analysis may be required by the Town for development projects that are deemed to possibly result in violation of the noise standards outlined in Policies PSH-5.1 and 5.2, above, either in terms of a noise impact created by the new development that could affect nearby properties, or if the new development may be impacted by existing noise sources in the community. Additionally, a noise analysis may be required pursuant to Policy PSH 6.1, below, regarding project proximity to noise sensitive receptors.</p> <p>Where an acoustical analysis is required by the Town, it shall be prepared in accordance with the following provisions:</p> <ul style="list-style-type: none"> ▪ Applicant has the financial responsibility (with the study to be administered by the Town). ▪ Must be prepared by qualified persons experienced in the fields of environmental noise assessment and architectural acoustics. ▪ Include representative noise-level measurements with sufficient sampling periods and locations to adequately describe local conditions. ▪ Estimate existing and projected (cumulative) noise levels in terms of Town noise standards. ▪ Recommend appropriate project-level noise mitigation measures. Where the noise source in question consists of intermittent single events, the report must address the effects of maximum noise levels in sleeping rooms evaluating possible sleep disturbance. ▪ Estimate interior and exterior noise exposure after the prescribed mitigations are implemented. ▪ Describe the post-project assessment program which could be used to evaluate the effectiveness of the proposed mitigations. <p>10-2b Policy PSH-6.1. Reduce noise impacts to sensitive receptors.</p> <p>Implementation Program PSH-6.1.a: Perform Noise Analyses. Require site-specific noise analyses where noise sensitive land uses are proposed in proximity to sensitive noise</p>	

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		sources (such as residences, schools, nursing homes, hospitals and day care operations), or where similar sources are proposed to be located near noise-sensitive land uses. Noise mitigation shall be included where results of the study warrant such actions.	
Impact 10-3. Construction Activities Would Result in a Temporary Noise Increase	Significant	10-3 Future construction activities associated with any development on the 11 housing opportunity sites, shall be required to implement and comply with the Town of Corte Madera Municipal Code Chapter 9.36.030(b), which sets time limits for construction activities (except for federal holidays) from Monday-Friday between 7:00 a.m. and 5:00 p.m. and Saturday and Sunday from 10:00 a.m. to 5:00 p.m. In addition, future construction activities will be required to comply with the following general plan implementation program: Implementation Program PSH – 5.7.b: Muffler Requirements. All internal combustion engines used in conjunction with construction shall be muffled according to the equipment manufacturer's requirements. Town Planning and Public Works staff shall ensure construction noise reduction measures are established prior to issuance of all building permits.	Less than Significant
Public Services			
Impact 11-1. Increased Demand for Fire Protection and Emergency Medical Services Could Result in Adverse Physical Impacts	Potentially Significant	11-1 For development applications or preliminary applications submitted before the Town has updated its public safety impact fee schedule: the Town will obtain from public safety agencies an objective formula for calculating the cost of new or expanded facilities attributable to new development ("Public Safety Impact Formulae"). Using that formula, the Town will impose a condition of approval providing that, prior to obtaining a building permit, the applicant will pay impact fees calculated according to the Public Safety Impact Formulae. The forgoing shall not apply where the Town has updated its public safety impact fee schedule before the applicant applies for a building permit, in which event the applicant will pay the fees determined by said schedule.	Less than Significant
Impact 11-2. Increased Demand for Recreation Opportunities Could Result in Adverse Physical Impacts on Parks and Recreational Facilities	Significant	11-2 Individual development projects shall be required to provide recreational amenities with redevelopment of the site prior to the approval of a planning application.	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
Utilities			
Impact 12-1. Increase Demand for Water of Approximately 273,000 Gallons per Day and may Require Construction of New or Expanded Water Facilities	Significant	<p>12-1 Individual development projects that are proposed prior to approval of an updated Marin Water Urban Water Management Plan that accommodates the 6th Cycle Housing Element RHNA, shall be required to obtain verification from Marin Water prior to approval of planning applications that adequate water supplies exist to support the project.</p> <p>12-2 General Plan Policy LU-6.11 Ensure adequate provision of water supply and treatment to Town residents and businesses.</p> <p>12-3 General Plan Policy LU-6.12 Encourage conservation of water resources throughout the Town.</p> <p>12-4 General Plan Policy RCS-5.1 Minimize waste through reducing, reusing, and recycling. Encourage reduced consumption of non-renewable resources by expanding choices for using and reusing materials, energy, and water in an efficient manner.</p>	Less than Significant
Impact 12-2. Relocation or Construction of New or Expanded Water Connection Facilities for Individual Projects Could Have Environmental Effects	Potentially Significant	Applicable mitigation measures as presented throughout this SEIR.	Less than Significant
Impact 12-3. Increase Wastewater Generation and Require Relocation or Construction of New or Expanded Wastewater Facilities	Significant	12-5 Individual development projects that are proposed prior to approval of an updated Sanitary District No. 2 of Marin County Sewer Master Plan that accommodates the 6th Cycle Housing Element housing numbers, shall be required to obtain verification from the sanitary district and Central Marin Sanitation Agency prior to approval of planning applications that adequate capacity exists to support the.	Less than Significant
Tribal Cultural Resources			
Impact 13-1. Development of One or More of the Housing Opportunity Sites	Significant	13-1 Prior to approval of housing projects pursuant to the 6th Cycle Housing Element, the Town of Corte Madera will offer consultation to the Federated Indians of Graton Rancheria with each proposed housing project in the 6th Cycle Housing Element. Consultation may result in mitigation measures beyond those identified herein. The Planning	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
<p>Could Result in a Significant Adverse Effect on a Tribal Cultural Resource</p>		<p>Department will ensure that all acceptable mitigation measures are implemented prior to issuance of a grading permit.</p> <p>13-2 Prior to approval of housing projects pursuant to the 6th Cycle Housing Element, for project sites that are not completely developed and original surface soils are visible, an archaeological inspection and archaeological records search shall be required prior to approval of the project. The archaeological inspection and records search may result in mitigation measures beyond those identified herein. The Planning Department will ensure that all acceptable mitigation measures are implemented prior to issuance of a grading permit.</p> <p>13-3 Prior to approval of a demolition permit for housing projects pursuant to the 6th Cycle Housing Element, for project sites that are completely developed, a qualified archaeologist shall conduct a records search to determine the presence of known archaeological resources at the site or in the vicinity. The archaeological records search may result in mitigation measures beyond those identified herein. The Planning Department will ensure that all acceptable mitigation measures are implemented prior to issuance of a grading permit.</p> <p>13-4 Prior to approval of housing projects pursuant to the 6th Cycle Housing Element, if the housing project site contains buildings or structures that meet the minimum age requirement, prior to commencement of project activities, this resource shall be assessed by a professional familiar with the architecture and history of Marin County. If the structure or structures are determined to be significant, and the housing project would result in a significant impact to that significant structure, preparation of an EIR would be required.</p> <p>13-5 If potential archaeological resources are uncovered, work shall be halted within 50 feet of the discovery. Construction workers shall avoid altering the materials and their context. Project personnel shall not collect cultural materials. Prehistoric materials might include obsidian and/or chert flaked-stone tools such as projectile points, knives, or scraping implements; the debris from making, sharpening, and using them (“debitage”); culturally darkened soil containing shell, dietary bone, heat-altered rock, and carbonized plant material (“midden”); or stone milling equipment such as mortars, pestles, handstones, or milling slabs. A qualified professional archaeologist shall evaluate the find and provide appropriate recommendations. If the archaeologist determines that the find potentially qualifies as a historic resource or unique archaeological resource for purposes of CEQA (per CEQA Guidelines Section 15064.5), all work must remain stopped in the immediate vicinity to allow the archaeologist to evaluate any materials and recommend appropriate treatment. A Native American monitor shall be present for the investigation, if the local Native American tribe</p>	

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		<p>requests. Avoidance of impacts to the resource are preferable. In considering any suggested measures proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the Town shall determine whether avoidance is feasible in light of factors such as the nature of the find, Project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures as recommended by the archaeologist (e.g., data recovery) shall be instituted. Work may proceed on other parts of the Project while mitigation for the historic resources or unique archaeological resources is being carried out.</p> <p>13-6 If human remains, associated grave goods, or items of cultural patrimony are encountered during construction, the Town shall halt work in the vicinity of the find and notify the County Coroner immediately. The Town shall follow the procedures in Public Resources Code § 5097.9 and Health and Safety Code § 7050.5. If the human remains are determined to be of Native American origin, the Coroner shall notify the Native American Heritage Commission within 24 hours of the determination. The Native American Heritage Commission shall then notify the Most Likely Descendant (MLD), who has 48 hours to make recommendations to the landowner for the disposition of the remains. A qualified archaeologist, the Town and the MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of any human remains and associated or unassociated funerary objects. The agreement would take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, and final disposition of the human remains and associated or unassociated funerary objects.</p> <p>13-7 Identified cultural resources shall be recorded on DPR 523 historic resource recordation forms, prior to issuance of a building permit.</p>	
Transportation			
Impact 14-1. Generate Home-Based VMT per Resident that is Greater than 85 Percent of the Regional Average Home-Based VMT per Resident	Significant	14-1 Residential projects pursuant to the 6th Cycle Housing Element Update shall submit a residential travel demand management plan (TDM), which shall include but not limited to the measures below, which have been identified as potentially VMT reducing in the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (December 2021). Potential VMT reduction estimates are included below and final VMT reduction measure(s) selected by future developers of the housing opportunity sites shall be subject to the review and approval of the Town's Planning & Building Director prior to the issuance of a building permit:	Less than Significant

Significant Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
		<ul style="list-style-type: none"> <li data-bbox="789 326 1591 415">▪ Unbundle parking costs (i.e., sell or lease parking separately from the housing unit). Effectiveness: up to 15.7 percent reduction in GHG from VMT per the CAPCOA Handbook. <li data-bbox="789 423 1629 578">▪ Provide car-sharing, bike sharing, or scooter sharing programs. Effectiveness: 0.15 – 0.18 percent reduction in GHG from VMT for car share, 0.02 – 0.06 percent for bike share, and 0.07 percent for scooter share, per the CAPCOA Handbook. The higher car share and bike share values are for electric car and bike share programs. <li data-bbox="789 586 1608 643">▪ Subsidize transit passes for residents of affordable housing. Effectiveness: up to 5.5 percent reduction in GHG from VMT per the CAPCOA Handbook. <li data-bbox="789 651 1581 708">▪ Integrate affordable and below market rate housing. Effectiveness: up to 28.6 percent reduction in GHG from VMT per the CAPCOA Handbook. 	

SOURCE: EMC Planning Group 2022

The No Project Alternative would result in the continuation of existing conditions and planned development of Corte Madera. As noted in Section 3.0, Environmental Setting (see Table 3-2), existing land use designations and existing zoning would allow up to 300 residential units (or 322 units if a senior housing project were permitted for sites 1-5, 7, 8, 10, and 11) at the housing opportunity sites. The No Project Alternative, therefore, represents a decrease of either 584 or 561 units, or an approximately 65 percentage decrease, from the proposed project. No new significant environmental impacts, or an increased severity of environmental impacts above and beyond those impacts identified in the general plan EIR, would occur under this alternative because it would retain the current general plan land use designations and policy provisions addressing environmental impacts.

The No Project Alternative is the environmentally superior alternative. It would significantly reduce the proposed project's environmental impacts associated with visual resources and aesthetics, air quality, energy, greenhouse gas emissions, noise, public services, utilities, and transportation. However, the "no project" alternative only partially meets the project objectives, as it would allow for up to 322 residential units (27 percent of the Town's RHNA) though at a density and quantity that would not provide for adequate housing stock to accommodate the Town's growing housing needs for a range of income levels. The no project alternative would not meet the housing unit goals set out by the Town's RHNA for the 6th cycle as required by state law. In addition, this alternative would not provide a reasonable residential unit "buffer" of 20 percent above the Town's RHNA minimum target of 725 resulting in a total of 870 residential units. The No Project Alternative is not legally feasible and State law requires the Town to plan for a minimum number of housing units (725).

Alternative 2 6th Cycle Housing Element Limited to RHNA of 725 Residential Units (No Buffer Alternative)

Alternative 2, Residential Buildout Limited to Town's ABAG RHNA target (No Buffer Alternative), would result in the Town planning for a residential buildout equal to the Town's Regional Housing Needs Allocation (RHNA) target of 725 residential units (instead of the 883 units proposed) as provided by the Association of Bay Area Governments (ABAG) in December 2021 in its Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031. This alternative would alter the density permitted for each of the 11 housing opportunity sites so that 610 residential units would be permitted in addition to 115 units (ADUs & single-family homes) that are currently permitted by Town regulations and state law (totaling 725 residential units). This alternative would provide 158 fewer residential units (an 18 percent reduction) compared to the proposed project. This alternative assumes that the reduction of 158 units would be spread across the 11 housing opportunity sites and possibly necessitate some modifications to the proposed general plan land use, zoning, and other municipal code amendments to adjust the density requirements for each site to accommodate less residential units.

Alternative 2 is considered to be the next environmentally superior alternative after Alternative 1. However, this alternative only partially meets the project objectives. The alternative would allow for adequate housing stock to accommodate the Town's growing housing needs for a range of income levels while still meeting the housing unit goals set out by the Town's RHNA. However, this alternative would not meet the project objective which sets a "buffer" of 20 percent above the RHNA target of 725 residential units.

This alternative would also not meet the State's "No Net Loss Law" (Government Code Section 65863) which ensures development opportunities remain available throughout the planning period (i.e., the 6th housing cycle) to accommodate a jurisdiction's RHNA, especially for lower- and moderate- income households. Under the "No Net Loss Law," a jurisdiction must maintain adequate sites to accommodate its remaining unmet RHNA by each income category at all times through the entire planning period. In addition, the jurisdiction may not take any action to reduce a parcel's residential density unless it makes findings that the remaining sites identified in its Housing Element sites inventory can accommodate the jurisdiction's remaining unmet RHNA by each income category, or if it identifies additional sites so that there is no net loss of residential unit capacity. If a jurisdiction approves a development of a parcel identified in its Housing Element sites inventory with fewer units than shown in the Housing Element, it must either make findings that the Housing Element's remaining sites have sufficient capacity to accommodate the remaining unmet RHNA by each income level, or identify and make available sufficient sites to accommodate the remaining unmet RHNA for each income category. A jurisdiction may not disapprove a housing project on the basis that approval of the development would trigger the identification or zoning of additional adequate sites to accommodate the remaining RHNA (HCD 2019).

Alternative 3 20 Percent Buffer Alternative

Alternative 3, 20 Percent Buffer Alternative, proposes a reduction in the total residential unit of 883, as included in the proposed project to match the 20 percent residential buffer total of 870 (discussed above in Alternative 2 and in Section 4.0, Project Description, under "Housing Element Update Objectives") thus representing a reduction of 13 residential units or approximately 1.5 percent. However, instead of reducing the density permitted at each of the housing opportunity sites, this alternative would reduce one or more sites to reduce the number of residential units by 13.

Alternative 3 is considered the least environmentally superior alternative. Under Alternative 3, many of the project's environmental impacts would only be somewhat reduced. However, this alternative meets all project objectives as it would allow the Town to provide adequate housing stock to accommodate Corte Madera's housing needs for a range of income levels, including low and moderate-income households; meet the housing unit goals as set by the Town's Regional Housing Needs Allocation (RHNA); and provides a reasonable residential unit "buffer" of 20 percent above the RHNA minimum target of 725 resulting in a total of 870 residential units.

2.5 Areas of Known Controversy

CEQA Guidelines section 15123, Summary, requires a discussion of areas of controversy known to the lead agency including issues raised by agencies and the public. The Town is aware of general public concern about public services, utilities, and transportation impacts as a result of the proposed project. Three comment letters in response to the notice of preparation were received by public agencies, are included in [Appendix A](#), and are summarized below:

1. Native American Heritage Commission (NAHC), dated March 17, 2022

A response to the notice of preparation was received from the Native American Heritage Commission (dated March 17, 2022). The response is a standard letter about AB 52 and SB 18 consultation and recommended consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed project. Consultation was conducted and the results are presented in Section 13.0, Tribal Cultural Resources.

2. California Department of Transportation (Caltrans), dated April 12, 2022

A comment letter received from the California Department of Transportation (Caltrans) District 4 (dated April 12, 2022) was the only comment received in response to the notice of preparation which addressed transportation issues. The comment letter notes the requirement for a travel demand analysis consistent with SB 743, encourages the Town to contribute its fair share contributions toward multi-modal and regional transit improvements to fully mitigate cumulative impacts to regional transportation, noting the Town's responsibility for all project mitigation, and noting that any Caltrans facilities impacted by the project must meet American Disabilities Act (ADA) Standards after project completion. These issues are addressed in Section 14.0, Transportation.

3. California Department of Fish & Wildlife (CDFW), dated April 15, 2022

A comment letter was received on April 15, 2022, from the CDFW (Bay Delta Region). The department recommended addressing potential impacts to the following: encroachments into riparian habitats, drainage ditches, wetlands, or other sensitive areas; potential for impacts to special-status species or sensitive natural communities; loss or modification of breeding, nesting, dispersal, and foraging habitat, including vegetation removal, alteration of soils and hydrology, and removal of habitat structural features (e.g., snags, rock outcrops, overhanging banks); permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic, or human presence; and obstruction of movement corridors, fish passage, or access to water sources and other core habitat features. These issues are addressed in Section 7.0, Biological Resources.

2.6 Issues to be Resolved

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

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3.0 Environmental Setting

3.1 Town of Corte Madera and Vicinity Setting

Town Location

The Town of Corte Madera (Town) is located in Marin County, approximately eight miles north of San Francisco. Incorporated in 1916, Corte Madera occupies approximately four and a half square miles of land, plus additional area in bay and tidelands. The eastern border of the Town is on San Francisco Bay, and the western edge is bordered by unincorporated Marin County lands, mostly in open space preserves. Corte Madera's regional location is shown in [Figure 3-1, Regional Map](#).

Town Setting

The Town of Corte Madera Planning Area (planning area) consists of approximately 2,500 acres, or four and a half square miles (within the Town limits). However, 1.25 square miles of this area is submerged under bay waters and 0.67 square mile is protected marshland, leaving a net land area of 2.55 square miles. Parks, open space, and flood control areas comprise 0.38 square mile of this net land area. The effective Planning Area boundary for the General Plan is coterminous with the Town's Sphere of Influence, which includes all lands within the incorporated Town limits, as well as a large area within San Francisco Bay (east of the Town limits), lands just beyond the southern Town limit near Tiburon and the Ring Mountain Open Space Preserve, and the area encompassed by the Greenbrae Boardwalk area at the north edge of the Town near Highway 101 and the northern edge of the Corte Madera State Ecological Reserve.

The Town of Corte Madera encompasses several different habitat types and environmental features that divide the Town into distinctive areas. The San Francisco Bay and tidal marsh areas comprise the northern and eastern boundaries of the Town. The San Francisco Bay supports several different habitat types including saline emergent wetland and lacustrine habitats. The San Francisco Bay tidal marshes are protected by state, federal, and local laws that have been enacted to regulate development activities in ecologically valuable areas. The ridgeline and terrestrial areas of the Town comprise the western and southern portions of the Town. These areas support coastal oak woodland and annual grassland, coastal scrub, and montane hardwood-conifer, as well as eucalyptus grove and coastal scrub. The primary ridges are the Corte Madera Ridge, Meadowsweet Ridge, Chapman Hill, Christmas Tree Hill, and the Tiburon Peninsula Ridge. Additional wetland habitats within the Town include open waters such as San Clemente Creek, Corte Madera Creek, and various creeks and seasonal streams which are located throughout the Town.

Regional Setting

Corte Madera is located in Marin County, approximately eight miles north of San Francisco, with its eastern border on the San Francisco Bay and its western edge bordered by unincorporated Marin County lands. Marin County encompasses 520 square miles and is one of the nine Bay Area counties. Marin County includes rural ranching and dairy operations, industry including information technologies and manufacturing, and 141,400 acres of parkland, open space, and recreation lands. Marin County is well known for its recreational resources for Bay Area residents and visitors.

Mount Tamalpais lies immediately west of the Town. Adjacent to Corte Madera are the City of Larkspur to the north, San Francisco Bay to the east, the City of Mill Valley to the south, and the Town of Tiburon to the southeast. Highway 101 bisects the Town and is the major north-south running highway that connects Corte Madera with the rest of Marin and San Francisco further to the south.

General Plan and Zoning Designations

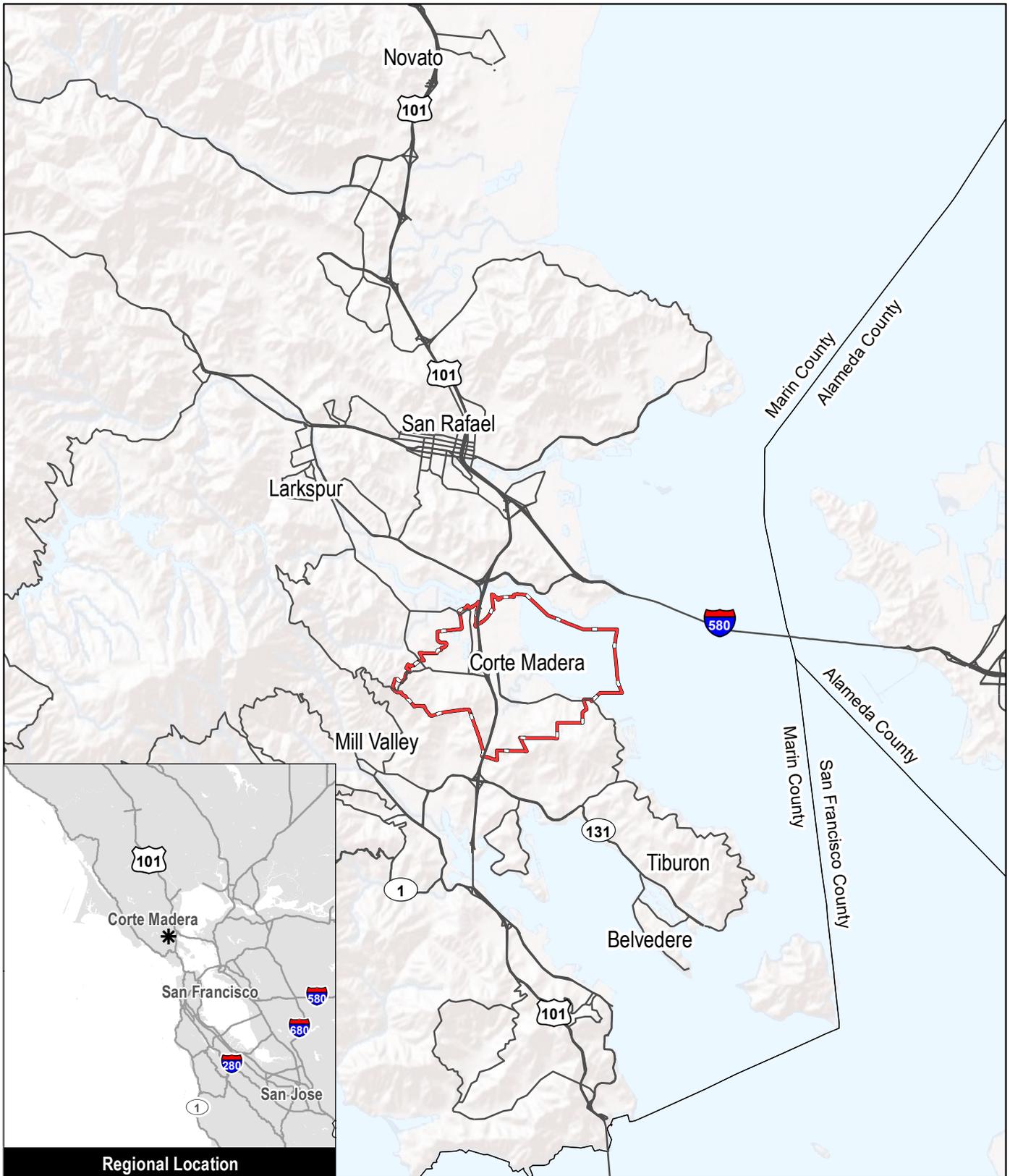
The 2009 *Town of Corte Madera General Plan* (general plan) is a broad framework for planning the future of Corte Madera. It provides the long-term vision for the community and guides development in Corte Madera. The general plan is a long-range planning document that guides decision-making in land use and other important areas of local government.

The Zoning Ordinance is an important tool for implementing the policies of the General Plan and addressing physical development standards and criteria for the Town. Government Code Section 65860 requires municipalities to maintain consistency between their Zoning Ordinance and their adopted General Plan.

3.2 Baseline Conditions

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

This subsequent program EIR evaluates impacts against existing conditions, which are generally conditions existing at the time of the release of the NOP (March 2022). It was determined that a comparison to current, existing baseline conditions would provide the most relevant information for the public, responsible agencies and Town decisionmakers.



 Town Limits

Source: ESRI 2014



Figure 3-1
Regional Map

Town of Corte Madera 6th Cycle (2023-2031) Housing Element Update
Subsequent EIR

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This subsequent program EIR addresses the potential future redevelopment of 11 sites with residential or mixed residential/commercial uses. Redevelopment opportunities of the 11 sites are discussed in detail in Section 4.0, Project Description. [Table 3-1, Existing Conditions \(Opportunity Sites\)](#), below identifies the existing conditions for the 11 sites, and provides information related to their general location, existing zoning and general plan land use designations, and existing use and commercial square footage. Each of the 11 sites are currently developed with commercial uses, and under current general plan and zoning regulations, could be redeveloped with mixed use projects. The locations of the 11 opportunity sites are depicted in Figure 4-1 found in Section 4.0, Project Description.

Table 3-1 Existing Conditions (Opportunity Sites)

Opportunity Sites	Address	Acreage	Existing GP Land Use Designation	Existing Use	Existing Zoning (DU/Acre)	Square Footage
1	601 Tamalpais	0.475	Mixed-Use Commercial	Vacant commercial	C-1 15.1 to 20 du/acre	6,941 SF
2	41 Tamal Vista	2.1	Mixed-Use Commercial	Vacant movie theater	MX-1 15.1 to 20 du/acre	11,040 SF
3	400 & 500 Tamal Plaza	3.0	Mixed-Use Commercial	Commercial building with mix of tenants	M 15.1 to 20 du/acre	59,424 SF
4	2 & 10 Fifer, 110 & 150 Nellen	3.44	Mixed-Use Commercial	Gym, Big-5 & Office	C-3 15.1 to 20 du/acre	43,249 SF
5	111 Lucky	0.99 ¹	Mixed-Use Commercial	Commercial (clothing store)	C-3 15.1 to 20 du/acre	7,517 SF
6	1400 Redwood Highway	7.48	Mixed-Use Regional Serving Retail	Macy's	C-2 5 to 7.5 du/acre	109,920 SF
7	5804 Paradise	1.16	Mixed-Use Commercial	Commercial (dog daycare)	C-4 15.1 to 20 du/acre	7,800 SF
8	5750 Paradise (3 parcels)	1.76	Mixed-Use Commercial	Hertz Rental	C-4 15.1 to 20 du/acre	10,713 SF
9	5651 Paradise (3 parcels)	1.54	Local Serving Commercial	Gym	C-1 ²	14,420 SF
10	100 Tamal Vista Blvd.	1.5	Mixed-Use Commercial	Commercial building with mix tenants	M 15.1 to 20 du/acre	23,330 SF
11	240 Tamal Vista Blvd.	1.66 ³	Mixed-Use Commercial	Office building	O 15.1 to 20 du/acre	25,071 SF
Totals		25.11				319,425 SF

SOURCE: Corte Madera 2022

NOTE:

1. Site 5 is 1.67 acres, including 0.68 Black Kettle Lagoon. Acreage provided in table excludes the lagoon.
2. In accordance with the C-1 zoning district, Site 9 would allow for residential units at densities determined by the Planning Commission to conform with the General Plan.
3. Acreage shown in the table was provided by property owner. Actual acreage of this site is 1.57 acres.

3.3 Redevelopment of Parcels Under Existing Zoning Regulations

As illustrated in [Table 3-2, Development Potential of Parcels under Existing Zoning](#), existing General Plan and/or Zoning Ordinance regulations for ten of the opportunity sites (Sites 1-8, 10-11) could accommodate a maximum of 300 residential units. A maximum of 322 residential units could be accommodated if a senior housing project were built on Sites 1-5, 7-8, and 10-11. Site 9 is zoned C-1, Local Serving Commercial, and the site’s allowable residential density would be determined by the Planning Commission in conformance with the Town’s General Plan as part of a future to-be-determined residential project.

Table 3-2 Development Potential of Parcels under Existing Zoning

Opportunity Site	Acreage	Existing Maximum DU/Acre (Senior Housing) ¹	Maximum Dwelling Units (Senior Housing) ¹
1	0.475	15.1 (20)	7 (10)
2	2.1	15.1 (20)	32 (42)
3	3.0	15.1 (20)	45 (60)
4	3.44	15.1 (20)	52 (69)
5	0.99	15.1 (20)	15 (20)
6	7.48	7.5	56
7	1.16	15.1 (20)	18 (23)
8	1.76	15.1 (20)	27 (35)
9	1.54	²	²
10	1.5	15.1 (2)	23 (30)
11	1.66	15.1 (20)	25 (33)
Totals	25.11		300 (378)

SOURCE: Town of Corte Madera 2018; 2022

NOTE:

1. Sites 1, 2, 3, 4, 5, 7, 8, 10, and 11 allow for up to 20 dwelling units per acre for senior housing projects.
2. In accordance with the C-1 zoning district, Site 9 would allow for residential units at densities determined by the Planning Commission to conform with the General Plan.

4.0 Project Description

4.1 Project Characteristics

The proposed project includes amendments to the 2009 *Town of Corte Madera General Plan* (general plan) elements, as well as amendments to the Town of Corte Madera Municipal Code. A discussion of these amendments is provided below.

General Plan Elements to be Amended

The proposed project is the 6th Cycle Housing Element Update. However, updating the housing element also requires updates to the Safety Element and the Land Use Element of the General Plan. Each is discussed below.

6th Cycle Housing Element Update

The 6th Cycle Housing Element Update public review draft is available for review at: https://static1.squarespace.com/static/6128056f6e1db6564635ee8/t/63056b2938147d4fa68e2cc3/1661299529841/Corte+Madera+Draft+Housing+Element_HCD+Review+Draft.pdf, and incorporated herein by reference.

State Requirements

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

The Housing Element includes the following components, consistent with the requirement of Government Code Section 65583. Please note that the Government Code Section reference to “the City” is applicable to the Town of Corte Madera.

- a. “An assessment of housing needs and an inventory of resources and constraints relevant to meeting these needs”;
- b. “A statement of the community’s goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing”; and
- c. “A program, which sets forth a schedule of actions...to implement the policies and achieve the goals and objectives”.

Furthermore, the Housing Element must:

- (1) Identify adequate sites with appropriate zoning densities and infrastructure to meet the community's share of housing needs;
- (2) Assist in the development of adequate housing to meet housing needs for extremely low, very low, low, and moderate-income households;
- (3) Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to housing development;
- (4) Conserve and improve the condition of the existing affordable housing stock;
- (5) Promote and affirmatively further fair housing opportunities throughout the community for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act;
- (6) Preserve assisted housing developments for lower income households;
- (7) Incentivize and promote the creation of accessory dwelling units that can be offered at affordable rent; and
- (8) Include a diligent effort by the local government to achieve public participation by all economic segments of the community in the development of the housing element.

State law requires that every updated Housing Element be submitted to the State of California's Department of Housing and Community Development (HCD) to ensure compliance with the State's minimum requirements. This 'certification' process is unique among the General Plan elements.

Housing Elements are submitted to HCD for review and comment. The first review period requires a maximum 90 days and must take place prior to adoption by the Corte Madera Town Council. Subsequent reviews may take up to 60 days. During these reviews, HCD will provide comments to the Town regarding compliance of the draft Element with State law requirements and HCD guidelines. Modifications to the draft Housing Element in response to these comments may be necessary. The Town Council must consider HCD's comments prior to adoption of the Housing Element as part of the General Plan. After adoption, HCD will complete a final review of the element and issue written findings regarding compliance to the local jurisdiction.

State law specifically requires the Town to update the Housing Element of its General Plan by January 2023, while making any changes to other elements of the General Plan needed to maintain internal consistency and undertaking any related changes to the Town's Zoning Ordinance (Corte Madera Municipal Code, Title 18). The Town's Housing Element for the 2015-2023 planning period was adopted in May 2015. In accordance with State law, the eight-year planning period for the updated Housing Element will extend from 2023 to 2031; this is also referred to as the 6th Cycle

Housing Element Update. The Town is proposing to update its Housing Element to comply with the requirements of State law by analyzing existing and projected housing needs, and updating goals, policies, objectives, and implementation programs for the preservation, improvement, and development of housing for all income categories.

Regional Housing Needs Allocation (RHNA)

The Housing Element Update addresses any changes that have occurred since adoption of the current (2015-2023) Housing Element. These changes include, among others, updated demographic information, housing needs data, and analysis of the availability of housing sites. The Housing Element map of available housing sites would be updated to identify sites that could accommodate the Town’s Regional Housing Needs Allocation (RHNA) for the 2023-2031 planning period. The final RHNA allocation, broken down by income level, for the Town is shown below in [Table 4-1, Corte Madera 2023-2031 Final RHNA Allocation](#).

Table 4-1 Corte Madera 2023-2031 Final RHNA Allocation

Income Level	Units
Very Low Income (Less than 50 percent of Area Median Income)	213
Low Income (50 to 80 percent of Area Median Income)	123
Moderate Income (80 to 120 percent of Area Median Income)	108
Above Moderate Income (Above 120 percent of Area Median Income)	281
Total Allocation	725

SOURCE: ABAG 2021

Community Outreach

As required by HCD, the Town made a diligent effort to achieve public participation of all segments of the community in the development of the housing element. The Town held seven public workshops, including a six-part Housing Element Workshop series, from October 2021 to March 2022. One of the primary goals of the workshop series was to engage the community in a conversation that focused on identifying varying housing related policy considerations and issues, and methodically developing Corte Madera’s vision and planning framework for addressing regional and local housing needs, and meeting the State-mandated RHNA. Most importantly, the workshop series and public engagement efforts were designed to seek input from the Corte Madera community and create a regular forum to share ideas, raise questions and concerns, and provide feedback on the Town’s housing goals, policies, and programs and selection of housing opportunity sites. [Table 4-2, Public Workshop Series](#), provides a summary of the six-part workshop series held by Town staff during the development of the Housing Element Update. The Town also held several interactive pop-up events in the spring and summer of 2022. In an effort to maximize community participation, pop-up events were held during the day and evenings; weekdays, weekends, and holidays; and at various community gathering places such as shopping centers, parks, and recreational events.

Table 4-2 Public Workshop Series

Workshop Number and Theme	Date Held	Workshop Summary
Workshop 1 Introduction to the Housing Element Update	October 13, 2021	The purpose of Workshop 1 was to provide an overview of the workshop series and its goals, provide background information on the components of a Housing Element, and gather questions and comments from participants about housing concerns, goals, and characteristics. This workshop was attended by approximately 36 members of the public.
Workshop 2 Corte Madera Housing: Existing Conditions, Opportunities & Challenges	November 10, 2021	The purpose of Workshop 2 was to provide an overview of the existing housing conditions in Corte Madera and gather insight from a panel of local housing panelists with experience in navigating the building of housing in Marin County. The panelists included Bianca Neumann, Director of Business Development, EAH; Samantha Hauser, Senior Vice President of Development, City Ventures LLC; Brett Geithman, Superintendent, Larkspur-Corte Madera School District, Carrie Pollard, Water Efficiency Manager, Marin Municipal Water District; and Julie Kritzberger, Executive Director, Corte Madera Chamber of Commerce. This workshop was attended by approximately 45 members of the public.
Workshop 3 Potential Housing Opportunity Sites	December 8, 2021	The purpose of Workshop 3 was to kick-off a discussion around potential housing opportunity sites and to gather feedback from meeting participants on how suitable each of the identified housing opportunity sites were for housing. Staff provided an overview on the planning framework and site selection process for the housing opportunity sites. Several property owners (Craig McClean; Sebastyen Jackovics, President Jackovics Enterprises; and Jon Stoeckly, Assistant Vice President, Macerich) provided insight and perspective about housing opportunities in Corte Madera. This workshop was attended by approximately 40 members of the public.
Workshop 4 Planning for 700+ Homes, Part I	January 12, 2022	The purpose of Workshop 4 was to start the discussion about meeting the Town's RHNA of 700+ units and to gather feedback on the proposed density at each site. One of the Town's consultants, Christine O'Rourke, provided an overview of Corte Madera's RHNA and the Site Inventory Regulations & Guidelines. Staff also discussed the methodology used to determine the proposed number of units that would be suitable for each site. Conceptual site plans and pictures were used to illustrate the proposed density ranges at the various sites. This workshop was attended by approximately 40 members of the public.
Workshop 5 Planning for 700+ Homes, Part 2	February 9, 2022	The purpose of Workshop 5 was to solidify the Town's strategy for meeting its RHNA. This was the second of two meetings to discuss staff's recommended strategy for accommodating 700+ units on the identified housing opportunity sites. Staff also addressed many of the concerns that were expressed by community members at prior workshops and at the pop-up events, including concerns related to traffic, sea level rise, and water availability. This workshop was attended by approximately 30 members of the public.
Joint Planning Commission/Town Council Session	February 15, 2022	The Planning Commission and Town Council held a joint session to discuss and receive feedback related to the opportunity sites. The result of this joint session was an approved list of nine opportunity sites.
Workshop 6 CEQA, Programs & Policies, Safety Element	March 9, 2022	The purpose of Workshop 6 was to provide residents with an overview of the CEQA process as well as discuss some of the programs and policies in consideration for the Housing Element Update. In addition, Town staff discussed amendments required to the Town's Safety Element to address new state laws.

SOURCE: Town of Corte Madera 2022

Housing Opportunity Sites

The Housing Element Update identifies opportunity sites appropriate for the development of housing for a range of income levels. The Town would rezone these sites to allow for higher residential densities to meet the requirements of State law. The proposed project would also amend the General Plan Land Use Element to be consistent with the floor area ratio and density changes to opportunity sites specified in the Housing Element Update. Through the community outreach process described above, and ongoing public comment during the course of the drafting of the Housing Element update, Town staff have identified eleven housing opportunity sites to be rezoned to allow more density than currently permitted. Locations of the housing opportunity sites are shown on [Figure 4-1, Housing Opportunity Sites](#).

Assumptions Required for Environmental Analysis

As discussed in Section 1, Definition of a Project, a project means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Adoption of the Housing Element Update would not have a direct physical change in the environment. However, it would result in a “reasonably foreseeable indirect physical change in the environment” by allowing the eleven opportunity sites to be developed with more housing than is currently allowed for in the existing general plan. In order to evaluate environmental impacts associated with redevelopment of the opportunity sites, Town staff and consultants completed an exercise to determine the maximum number of new housing units and the assumed likely new commercial square footage with redevelopment of the opportunity sites with mixed residential/commercial development.

The existing built commercial development, and a summary of the new residential and commercial development that could be accommodated by the Housing Element Update, is listed in [Table 4-3, Opportunity Sites Existing Development and Development Accommodated by Housing Element Update Summary](#). The redevelopment of the 11 opportunity sites is assumed to result a maximum of 883 new housing units and a loss of 54,728 square feet of commercial uses. A full list of the opportunity sites is included as [Appendix B](#).

Population Projections

Population totals and projections from the State Department of Finance were reviewed to determine Corte Madera’s potential population growth as a result of implementation of the Housing Element Update. Utilizing the State Department of Finance’s 2.47 persons per household figure for Corte Madera, a maximum of 883 new residential units could generate approximately 2,181 new residents by 2031 resulting from the proposed project (DOF 2021).

Employment Projections

Utilizing ABAG employment projections for non-residential uses (500 square feet per employee), the existing commercial businesses are estimated to employ approximately 639 people. The proposed project’s assumed likely commercial square footage of 264,697 square feet is projected to

generate approximately 529 employees (ABAG 2011). However, redevelopment of the housing opportunity sites would result in a decrease of 54,728 square feet of commercial and therefore, an overall decrease of about 110 employees.

Table 4-3 Opportunity Sites Existing Development and Development Accommodated by Housing Element Update Summary

Opportunity Sites	Existing		Housing Element Update	
	Acreage	Existing Commercial Buildings Square Footage ¹	Maximum New Residential Units ^{2,3}	Assumed Likely New Commercial Square Footage ^{1,4}
11 Sites	25.11	319,425 SF	883	264,697 SF
Net Change			+883	<54,728>

Notes:

1. Assumes existing commercial buildings would be replaced by new mixed-use residential/commercial development with a net reduction of 54,728 square feet of commercial (319,425 sf existing minus 264,697 sf new).
2. Assumes net 883 new multi-family residential units.
3. Maximum new residential units shown does not reflect potential for application of density bonus on opportunity sites.
4. Assumed commercial square footage is only an estimate. Actual development at any opportunity site must be consistent with the general plan land use and zoning designations and could include more or less commercial square footage and residential units.

Units Currently Allowed by Town Regulations and State Law

The proposed project will allow development of 883 residential units at the 11 housing opportunity sites. These sites could not be developed under the current general plan. The draft housing element submitted in August 2022 to HCD plans for 1,016 units. The 133-unit delta consists of the following:

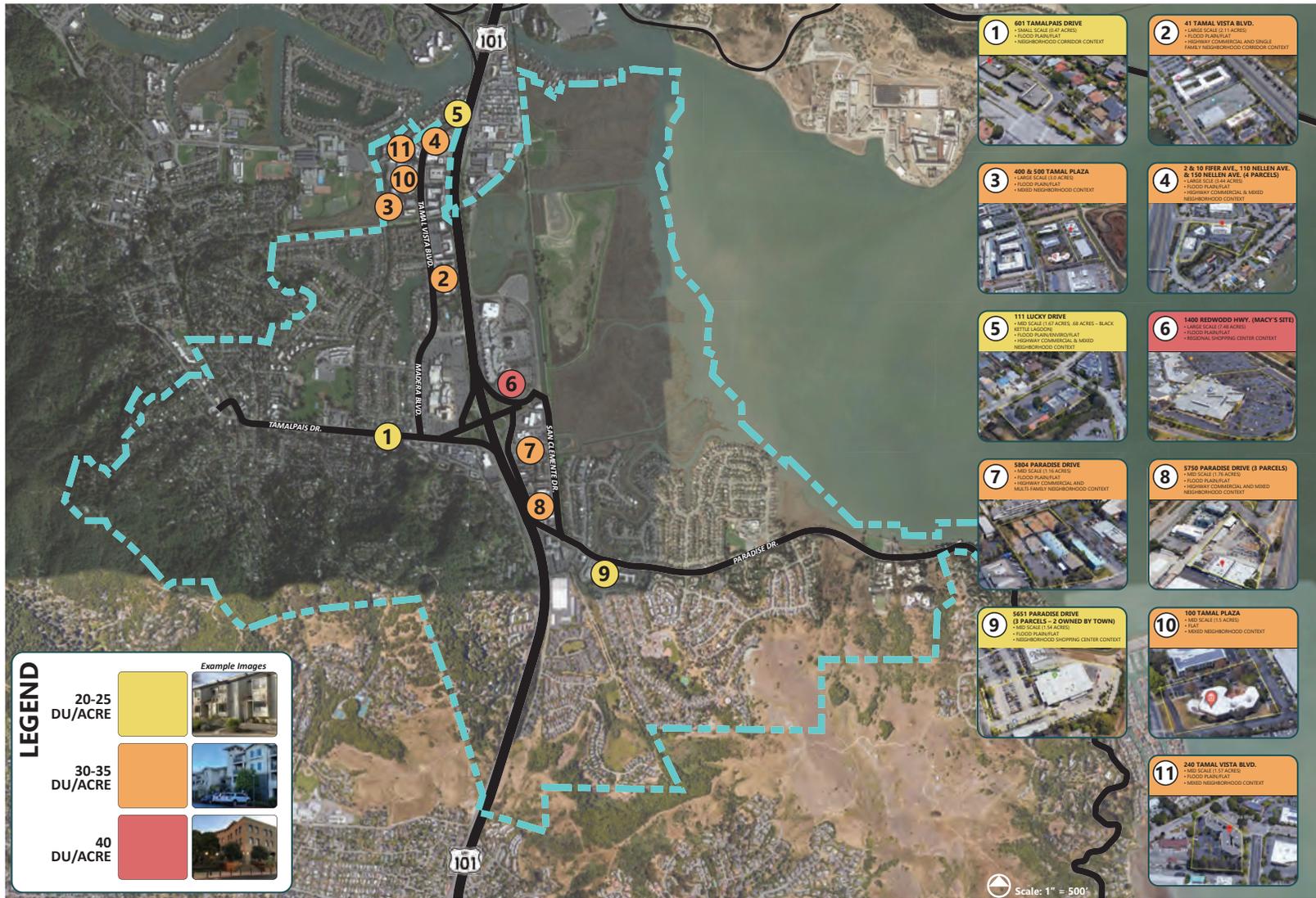
- 100 Accessory Dwelling Units (ADUs);
- 15 additional units (primarily single-family units on undeveloped lots) and SB 9 applications; and
- 18 supportive housing units at Casa Buena (these are already constructed but are counted for 6th Cycle RHNA purposes because the Town issued the certificate of occupancy after July 1, 2022).

The additional 133 units in the draft housing element update are not part of the “project” under review in this subsequent EIR because Town regulations and state law already allow them. In addition, individual single-family homes and ADUs are generally exempt from environmental review under CEQA.

Safety Element Update

The Safety Element Update draft is available for review at:

https://static1.squarespace.com/static/6128056f1db6564635ee8/t/62c87b47415a3d6b72fb9919/1657305950339/Public+Review+Draft+Safety+Element_7.8.22_FINAL.pdf and is incorporated herein by reference.



Source: Town of Corte Madera 2022

Figure 4-1
 Housing Opportunity Sites



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The proposed project also includes an update to the Safety Element for consistency with Assembly Bills (AB) 747 and 1409 (Levine) and Senate Bills (SB) 1241 (Kehoe), 379 (Jackson) and 99 (Nielsen). Senate Bill (SB) 1241 (Kehoe), adopted in 2012, revises safety element requirements for state responsibility areas and very high fire hazard severity zones and requires the safety element to take into account specified considerations, including the most recent version of the Office of Planning and Research’s “Fire Hazard Planning” document. Although this bill won't apply within the Town limits, since areas within the Town limits are considered "local responsibility area," it may apply immediately adjacent in un-incorporated areas (and therefore, potentially within the Town’s planning area). In accordance with SB 379 (Jackson), adopted in 2015, safety elements must also include a climate change vulnerability assessment, measures to address vulnerabilities, and comprehensive hazard mitigation and emergency response strategy. Approved in 2019, AB 747 (Levine) requires jurisdictions to review and update as necessary their safety element to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios. This information must be included by January 1, 2022, or upon approval of the next update to the Local Hazard Mitigation Plan. Also approved in 2019, SB 99 (Nielsen) requires jurisdictions, upon the next revision of the housing element on or after January 1, 2020, to review and update the safety element to include information identifying residential developments in hazard areas that do not have at least two emergency evacuation routes. AB 1409 (Levine), approved in 2021, requires that beginning on or before January 1, 2022, any safety element adopted pursuant to subdivision (g) of Section 65302 shall be reviewed and updated as necessary to identify evacuation routes and their capacity, safety, and viability and evacuation locations under a range of emergency scenarios. The proposed Safety Element Update addresses the requirements of these bills.

Land Use Element Update

The Town will update the existing Land Use Element to modify permitted floor area ratio (FAR) and residential unit density per acre for the eleven opportunity sites. The amendments to the Land Use Element will include a new overlay district with three sub-areas: Mixed-Use Overlay District – Neighborhood, Mixed-Use Overlay District – Corridor, and Mixed-Use Overlay District – Core. The amendments will establish a maximum FAR for the commercial square footage of any mixed-use project. It is anticipated that the maximum allowable FAR for the sites in the Mixed-Use Overlay District – Neighborhood and Mixed-Use Overlay District – Corridor will be 0.2 and the maximum allowable FAR for the site in the Mixed-Use Overlay District – Core will be 0.34.

The overlay districts will also establish a maximum density for each site. If in the event a commercial only project is proposed on one of the housing opportunity sites, then the maximum FAR shall not exceed what is permitted under the existing General Plan land use designation.

- Mixed-Use Overlay District – Neighborhood.
 - Site 1: 601 Tamalpais Drive: 20 du/ac

- Site 5: 111 Lucky Drive: 25 du/ac
- Site 9: 5651 Paradise Drive: 25 du/ac
- Mixed-Use Overlay District – Corridor
 - Site 2: 41 Tamal Vista Boulevard: 30 du/ac
 - Site 3: 400 & 500 Tamal Plaza: 35 du/ac
 - Site 4: 2 & 10 Fifer Avenue, 110 & 150 Nellen Avenue: 35 du/ac
 - Site 7: 5804 Paradise Drive: 35 du/ac
 - Site 8: 5750 Paradise Drive: 35 du/ac
 - Site 10: 100 Tamal Plaza: 35 du/ac
 - Site 11: 240 Tamal Vista Boulevard: 35 du/ac
- Mixed-Use Overlay District– Core.
 - Site 6: 1400 Redwood Highway: 40 du/ac

Municipal Code Amendments

Title 18 (Zoning)

The proposed project includes amending Title 18 (Zoning) of the Town of Corte Madera Municipal Code to revise the Zoning Map to rezone all of the opportunity sites utilizing an overlay district. The amendments include a new Housing Element overlay district that establishes the various development standards for the 11 sites. Amendments to other sections of the municipal code may be necessary to ensure internal consistency.

Additionally, the Town proposes to rezone the housing opportunity sites to increase the allowable density as follows (refer to Figure 4-1 for site coloring references):

- Mixed Use Overlay District – Neighborhood (Yellow) Sites (Sites 1, 5 & 9) – Rezone to allow 20 dwelling units an acre for Site 1 and 25 dwelling units an acre for Sites 5 and 9. These sites are adjacent to, and mostly tucked into residential neighborhoods; therefore, staff is recommending a lower density at these sites.
- Mixed Use Overlay District - Corridor (Orange) Sites (Sites 2, 3, 4, 7, 8, 10 & 11) – Rezone to allow 30 dwelling units an acre for Site 2 and 35 dwelling units an acre for Sites 3, 4, 7, 8, 10 and 11. These sites are generally closer to the highway and located within areas that already have larger buildings of a more significant scale.
- Mixed Use Overlay District – Core (Red) Site (Site 6) – Rezone to allow a maximum of 40 dwelling units an acre. The Village (Macy’s site) is the only site with a recommended density of 40 dwelling units an acre. There are many factors that lend itself to a higher density at this site,

which includes its location away from existing residential areas, proximity to highways and transportation, and the support that such a development could provide the Village Retail Center. This site is also the largest site, at approximately 7½ acres, which allows the Town to meet a significant portion of its RHNA.

The rezoning will include site-specific development and parking standards, which will be informed by the recently adopted Objective Design and Development Standards (ODDS) Toolkit.

4.2 Statement of Project Objectives

Housing Element Update

The objective of the Housing Element Update is to meet the requirements of State law; which include the following:

- Provide adequate housing stock to accommodate the Town’s housing needs for a range of income levels, including low and moderate-income households;
- Meet the housing unit goals as set by the Town’s Regional Housing Needs Allocation (RHNA); and
- Provide a reasonable residential unit “buffer” of 20 percent above the Town’s RHNA minimum target of 725 resulting in a total of 870 residential units.

Generally, a “buffer” is necessary to allow the Town to effectively comply with the “no net loss” provision of the Housing Element Law during the 8-year Housing Element planning period. HCD recommends that jurisdictions create a buffer of at least 15 to 30 percent more capacity than required, especially for capacity to accommodate the lower income RHNA (HCD 2020). The Town has decided to use a 20 percent buffer for purposes of the Housing Element Update.

Land Use Element Update

The objective of the Land Use Element Update is to ensure consistency with densities for those opportunity sites identified in the 2023-2031 Housing Element Update as capable of accommodating residential land uses.

Safety Element Update

The objective of the Safety Element Update is to meet the requirements of several pieces of state legislation that have been passed since 2010 that relate to the requirements of safety elements, including Assembly Bills (AB) 747 and 1409 (Levine) and Senate Bills (SB) 1241 (Kehoe), 379 (Jackson) and 99 (Nielsen).

Municipal Code Amendments

The objective of the Municipal Code amendments is to ensure that the Municipal Code is consistent with the updates to the Housing Element, Land Use Element, and Safety Element.

CEQA Compliance

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

4.3 Intended Uses of the EIR

In accordance with CEQA, this subsequent draft EIR is prepared for review and use by Responsible and Trustee agencies. Responsible Agencies are defined in CEQA Guidelines Section 15381 as those agencies that have discretionary authority over one or more actions involved with project implementation. Trustee Agencies are defined by CEQA Guidelines Section 15386 as state agencies that have jurisdiction by law over natural resources affected by a project that are held in trust for the people of the state of California. A list of the Responsible or Trustee Agencies that may be required to issue permits for future specific development projects is provided below. The Town will identify actual permits required when evaluating specific development projects.

- Association of Bay Area Governments (ABAG);
- California Department of Housing and Urban Development;
- Bay Area Air Quality Management District (BAAQMD);
- California Department of Fish and Wildlife;
- California Department of Transportation (Caltrans) District 4;
- California Public Utilities Commission;
- Regional Water Quality Control Board, Region II;
- Marin Municipal Water District;
- Larkspur-Corte Madera School District;
- Reed Union Elementary School District;
- Tamalpais Union High School District;
- Central Marin Sanitation Agency, Sanitary District No. 2;

- Pacific Gas & Electric;
- U.S. Army Corps of Engineers;
- U.S. Environmental Protection Agency; and
- U.S. Fish and Wildlife Service.

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5.0 Visual Resources and Aesthetics

Unless otherwise noted, the information contained within this section is based on the draft Housing Element Update, the 2009 *Town of Corte Madera General Plan* (general plan), and the 2009 *Town of Corte Madera General Plan EIR* (general plan EIR), the Town's Municipal Code and Zoning Ordinance, as well as the consultant's personal observations utilizing aerial and ground level photography.

No NOP responses were received regarding visual resources and aesthetics.

5.1 Visual Setting

General Visual Character of Corte Madera

As articulated in the 2009 general plan EIR (Section 4.12), Corte Madera features expansive views of the Bay Area with a backdrop of Mount Tamalpais to the west, San Francisco Bay to the east, and rolling hills and open space throughout the Town. In general, the dominant visual features within the Town's Planning Area are its rolling wooded hillsides, the ridge-tops on Mount Tamalpais, and the open waterways and marshlands of the San Francisco Bay. Residents of Corte Madera enjoy a high quality of life due to the natural setting of the Town, which includes areas of open space that weave into the Town's Planning Area as ridges, creeks, and wetlands. Small town character and single-family residences also characterize Corte Madera's more predominant attributes. Neighborhoods in the Town of Corte Madera primarily consist of suburban-type development.

Significant Visual Features

Wetlands

One of the most significant natural features within the Town's Planning Area are the wetlands and bay lands of the San Francisco Bay. The majority of wetlands identified in the Town of Corte Madera are located east of U.S. Highway 101. Wetland resources within Corte Madera include open waters of the San Francisco Bay, Corte Madera Salt Marsh Ecological Reserve, San Clemente Creek, Corte Madera Creek, and various creeks and seasonal streams. Wetland resources have a greater regional significance as a result of the continual loss of wetland areas to development in the San Francisco Bay.

Hillside Areas

The Town's Planning Area contains several areas with heavily wooded hills and ravines, and steeply sloping hillsides that reach elevations of nearly 1,000 feet above sea level. These ridgelines physically and visually separate the Planning Area from surrounding cities and towns. Some of the most significant ridges are the Corte Madera Ridge and the Tiburon Peninsula Ridge. The Corte Madera Ridge runs from northwest to southeast and includes smaller ridges known as Meadowsweet Ridge, Chapman Hill, and Christmas Tree Hill. The Tiburon Peninsula Ridge lies adjacent to the southern end of Corte Madera, culminating in the Ring Mountain Open Space Preserve.

Forestry and Vegetation Resources

The western portions of the Town's Planning Area are dominated by oak-bay woodland and annual grasslands, coastal scrub, and coast redwood. The southern ridges of the Planning Area support extensive grassland areas. The ridgelines, slopes, and canyons support oak-bay woodland, which includes live oak and the California bay, as well as the Pacific madrone and coast redwood. Abundant grasslands are found in the Ring Mountain Preserve, of which 72 acres occur within the Town and its Sphere of Influence.

Historical Visual Resources

Historic visual resources are important features of a community's history, providing a link between the visual landscape of the past and the urbanized landscape that characterizes the present. Examples of historic visual resources include buildings, structures, landmarks, monuments, and other visually prominent features. Under state guidelines (State Office of Historic Preservation), any building constructed more than 45 years ago could possibly be identified as a historic structure. According to the State Office of Historic Preservation's Historic Property Data File for Marin County, several historic properties within Corte Madera are listed in state and federal inventories. Several of these identified historic resources are located within Old Corte Madera Square, including Holy Innocents Church, Moore's Hall, and the Parkside Hotel. The Town, however, does not have a designated historic preservation district. Further discussion on cultural and historic resources is provided in Section 4.9, Cultural Resources, of the 2008 general plan draft EIR.

Light and Glare

A range of sources of daytime and nighttime glare are common in cities and towns, including Corte Madera. Daytime sources of glare typically include reflection of the sun off of buildings, car windshields, and other highly reflective glass or metal surfaces. All of these sources of daytime glare occur within the Town. Natural sources of light and glare such as large bodies of water include San Francisco Bay. Nighttime lighting is the primary source of glare that adversely affects nighttime views and creates sky glow. Typical sources of nighttime glare include high intensity lighting at playfields, lighting of commercial facilities, parking lot lighting, street lighting, and vehicle headlights.

Visual Setting of Housing Opportunity Sites

As indicated in the table included as Appendix B, the 11 housing opportunity sites identified in the Town's Housing Element Update are generally characterized with a variety of commercial uses ranging from vacant commercial (sites 1 and 2), a commercial building with a variety of tenants (site 3 and 4), retail commercial (site 6), single occupant commercial buildings (sites 5, 7, 8, and 9), and multi-occupant office buildings (sites 10 and 11). All of the opportunity sites, with the exception of site 1, are generally located within close proximity to the U.S. Highway 101 corridor which is largely characterized as having a mix of highway commercial uses, regional and local serving commercial uses, and office parks. [Figure 5-1, Opportunity Sites 1-4 Setting Photographs](#), and [Figure 5-2, Opportunity Sites 5-11 Setting Photographs](#), present street view photographs of the eleven opportunity sites in order to highlight the existing visual setting of each site.

5.2 Regulatory Setting

State

California Streets and Highways Code (Section 260)

State scenic highways are officially designated in a two-part process, requiring action by both the state and the local jurisdiction. According to Caltrans, U.S. Highway 101, which bisects Corte Madera, is not designated as a scenic highway in the vicinity of the Town's Planning Area (Caltrans 2022).

Local

Marin County Open Space District

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

2009 Town of Corte Madera General Plan

The 2009 general plan includes policies and programs to address protection of scenic resources and visual character, and to minimize light and glare. A list of these applicable general plan policies are included in [Appendix F](#).

Housing Element Update

The 2023-2031 Housing Element Update includes policies and programs that address the design of new housing to provide stable, safe, and attractive neighborhoods. A list of these policies and programs are included in [Appendix F](#).

Town Municipal Code

Title 15 in the Town of Corte Madera's Municipal Code specifically addresses the value of trees and views in Corte Madera under Chapter 15.50 - Trees. Chapter 15.050.010(c), notes that views, whether of San Francisco Bay, Mount Tamalpais, the surrounding hills, or other natural and man-made landmarks, produce a variety of significant and tangible benefits for both residents and visitors to the town. Chapter 15.50, III. View and Sunlight Preservation, recognizes and establishes the right of persons to preserve views, sunlight, trees, or privacy on their property.

Town Zoning Ordinance

The Town of Corte Madera Zoning Ordinance, Title 18 in the Town's Municipal Code (under Chapter 18.02.030 – Objectives), provides standards for the physical development of the Town in such a manner as to preserve its small town residential character; preserve the natural beauty of the Town's setting and ensure conservation of its scenic, recreation and wildlife resources, particularly the remaining open space, which form the basis of the Town's outstanding quality of life; ensure that uses and structures enhance their sites and harmonize with the surrounding area; and ensure that the present, unique character of the Town's different neighborhoods is protected and enhanced.

Chapter 18.12 of the zoning ordinance provides objectives and development standards for commercial districts while Chapter 18.13 of the zoning ordinance establishes objectives and development standards for the MX-1 (Mixed-Use) district. The maximum heights for the C-1 (Local Shopping) district is 30 feet, while the maximum height in the other commercial districts (C-2, C-3, & C-4) is 35 feet. The maximum permitted heights for the MX-1 ranges from 25 feet (Neighborhood Zone) to 35 feet (Highway Zone). The allowable floor area ratios standards are set to not exceed 34 percent of the net site area, exclusive of the floor area devoted to required parking, for all commercial districts and the MX-1 district.

Section 18.13.030(4) provides exterior lighting standards for all development within the MX-1 district. These standards were developed in 2016 when the MX-1 district was adopted. The objective lighting standards included in Section 18.13.030(4) are as follows:

- All exterior lighting shall be dark sky compliant, and designed, located and lamped in order to prevent overlighting, energy waste, glare, light trespass, and unnecessary skyglow.
- All parking lot area lights shall be full cutoff luminaires, as certified by the manufacturer, with the light source directed downward and away from residences with the fixture level with the horizontal plane.
- Parking lot lights shall not exceed 20 feet in height; shall be equipped with timers and motion sensors that are utilized to reduce energy use when not necessary. Parking area lights are encouraged to be greater in number, lower in height and lower in light level, as opposed to fewer in number, higher in height and higher in light level.



Site 1 - 601 Tamalpais Dr.



Site 2 - 41 Tamal Vista Blvd.



Site 3 - 400 Tamal Plaza



Site 3 - 500 Tamal Plaza



Site 4 - 10 Fifer Ave.



Site 4 - 2 Fifer Ave.



Site 4 - 110 & 150 Nellen Ave.

Photographs: EMC Planning Group 2022, LoopNet 2022

Figure 5-1

Opportunity Sites 1-4 Setting Photographs

Town of Corte Madera 6th Cycle (2023-2031) Housing Element Update Subsequent EIR



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Site 5 - 111 Lucky Dr.



Site 6 - 1400 Redwood Hwy.



Site 7 - 5804 Paradise Dr.



Site 8 - 5750 Paradise Dr.



Site 9 - 5651 Paradise Dr.



Site 10 - 100 Tamal Vista Blvd.



Site 11 - 240 Tamal Vista Blvd.

Photographs: Google Earth Street View 2022

Figure 5-2

Opportunity Sites 5-11 Setting Photographs

Town of Corte Madera 6th Cycle (2023-2031) Housing Element Update Subsequent EIR



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- All other luminaires shall be shielded with an opaque material and located or directed so as to not produce glare or direct illumination across a property line.
- Bollard lighting may be used to light walkways and other landscape features, but shall cast its light downward.

The amendments to Title 18 will include similar objective lighting standards as those described above. The lighting standards will apply to any future residential or mixed-use development at the eleven opportunity sites.

Design Review Guidelines

Design review is addressed in Chapter 18.30 of the Town's Zoning Code and specifies requirements for all development subject to Design Review. The Town's design guidelines contains the following guiding principles related to new development in project area: 1) preservation of natural landforms and trees to the maximum extent possible; minimization of grading; use of high quality materials and earth tone colors are encouraged; the location of off-street parking should be subordinate to the main structure; access drives should be minimum width necessary; 2) preservation of view corridors to the Bay wherever possible; 3) landscaping should be native, low maintenance and have low water demands; 4) new utilities should be placed underground; and 5) specific guidelines for senior housing developments (Town of Corte Madera 1994).

The Town's design review process establishes standard procedures for the review and approval of redevelopment applications with findings required to be made related to compliance with existing plans and zoning, preservation of natural features and natural beauty, impacts on residential views and privacy, building and site design, site orientation, use of quality materials and compatibility, and adequate access for all modes of travel.

Objective Design and Development Standards

In December 2021, the Town adopted Objective Design and Development Standards (ODDS) for qualifying new multi-family projects (see Municipal Code Title 22, "Objective Design and Development Standards"). Title 22 is applied when a proposed development project requests permit streamlining in compliance with State law and for reviewing applications under the Housing Accountability Act. At the onset of a project, an applicant would select to either use the objective standards in Title 18 or in the ODDS Toolkit (Title 22). In both cases however, Design Review, as described above, would still be required.

The Town's ODDS Toolkit serves as a Form-Based Code implementing the general plan vision through the application of zones and standards that reflect a context-specific approach based upon Corte Madera's distinct walkable development patterns. These patterns are described as walkable because of their interconnected streets and blocks; variety of housing choices; and proximity to services, shopping and/or transit. The ODDS Toolkit also addresses the walkable development

patterns, existing or intended, through standards consistent with the general plan. The ODDS Toolkit identifies form-based “zones,” based on the intended physical form and character of the environments that form the basis of the ODDS Toolkit. These zones focus on mixed-use, walkable environments and range in function and intensity from primarily residential areas with a mix of lower intensity building types (T3 Edge Neighborhood), to moderate intensity neighborhoods (T4 Suburban Neighborhood Small), moderate-intensity centers (T4 Suburban Main Street Small), to higher intensity neighborhoods (T4 Core Neighborhood Medium).

As part of the ODDS, the Town also developed "Architectural and Signage Design Guidelines for Multi-family Housing" (Design Guidelines). These guidelines have been incorporated into the multi-family design review process and are to be applied to ensure that future multi-family buildings in Corte Madera reinforce the Town's rich architectural heritage and high-quality construction. The Design Guidelines address two primary topics: Architectural Design and Signage Design. The Design Guidelines supplement the zone standards in Title 18 (Zoning) and Title 22 (Objective Design and Development Standards) to further refine the intended building form and physical character. The various objective standards in the ODDS Toolkit (which include such things as height limits, setbacks, parking, etc.) differ from the standards in the zoning ordinance (Title 18).

In addition, as part of the Town’s Senate Bill (SB) 9 Urgency Ordinance (adopted by the Town Council in January 2022), the Town Council adopted some minor changes to the ODDS Toolkit related to the development standards in the T3 Edge Neighborhood zone. (i.e., height, setbacks, parking). In addition, several new standards related to Fire Department Access & Fire Suppression were added to Chapter 5 of the ODDS Toolkit.

5.3 Thresholds of Significance

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

- Have a substantial adverse effect on a scenic vista;
- Conflict with applicable zoning and other regulations governing scenic quality; and
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Checklist Questions Deemed Not Applicable

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

As previously noted, according to Caltrans, U.S. Highway 101, which bisects Corte Madera, is not designated as a scenic highway in the vicinity of the Town’s Planning Area (Caltrans 2022). No other state designated or eligible scenic highways exist in Corte Madera. Therefore, implementation of the proposed project would not damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

5.4 Analysis, Impacts, and Mitigation Measures

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

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

Adverse Effect on Scenic Resources

IMPACT 5-1	The Proposed Project Would Have an Effect on Scenic Resources	Less than Significant with Mitigation
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2009 General Plan EIR Analysis

According to the general plan EIR, potential impacts to scenic resources as a result of buildout of the 2009 general plan were considered less than significant with the implementation of the policies and implementation programs that would direct the design review process to protect the natural environment in Corte Madera, adopt Design Guidelines, amend the Tree Ordinance of the Municipal Code to address views, protect natural resources in the Town including trees and wetland resources, and require residential design that respects natural areas and ecosystems within Corte Madera. The Town has not prepared or adopted Design Guidelines; however, the Town did prepare and adopt the ODDS Toolkit in 2021, which included architectural guidelines.

Proposed Project

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

The development of new housing of increased density, greater scale, and increased height could result in potentially adverse effects on scenic vistas and could limit views of the natural environment of Corte Madera, including ridgelines, hillside and wetland areas, and trees. While abundant views of these scenic and visual resources would remain with redevelopment of the opportunity sites, the extent of physical change that could occur and the associated alteration and potential blockage of views could still occur. However, implementation of goals, policies, and programs contained in the general plan and Housing Element Update, along with continued compliance with applicable zoning district and the Town's ODDS Toolkit, which are presented as mitigation measures below, would assist to mitigate the change in visual character that could degrade the aesthetic value of panoramic views of the Town's scenic resources. Note that for all general policy/mitigation measures referencing adoption of "Design Guidelines," the Town has already accomplished this through adoption of Title 22 (Objective Design and Development Standards).

Mitigation Measures

- 5-1a Implementation Program LU-3.5.a: Infill Compliance. Pending the adoption of Design Guidelines, decision-making bodies for environmental and development review shall include findings determining that infill projects are in substantial compliance with General Plan infill development policies, including:
1. Reduces the perception of visible bulk by minimizing the apparent height and size of buildings when located in a transitional land use area.
 2. Incorporates transitions in height and setbacks from adjacent properties to maintain development character and privacy.
 3. Incorporates natural and/or designed focal points, emphasized by pedestrian/pathway connections, respecting existing landforms, and physical and use boundary areas of adjoining properties.
 4. Minimizes the visual impacts of driveways, parking areas and garages through placement of such features and areas to the sides and rear of infill lots, away from public vantage points.
 5. Uses high quality building materials that are durable, non-toxic and resource efficient.

The extent to which infill projects incorporate green building features and sustainability principles shall also be considered in environmental and development review.

- 5-1b Policy CD-1.5. Preserve the value of the community's night sky and avoid unnecessary light and glare from signage, building and landscape illumination, or other sources of outdoor lighting.
- 5-1c Policy CD-4.7. Development standards shall be drafted to encourage flexible interpretation and application of development standards, to promote the use of innovative site planning and design solutions, and to facilitate renovation of existing commercial centers and mixed land use approaches.
- 5-1d Policy H-3.1 Housing Design Principles. The intent in the design of new housing is to provide stable, safe, and attractive neighborhoods through high quality architecture, site planning, and amenities that address the following principals:
 - a. Reduce the Perception of Building Bulk. In multi-unit buildings, require designs that break up the perceived bulk and minimize the apparent height and size of new buildings, including the use of upper story step backs and landscaping.
 - b. Recognize Existing Street Patterns. Incorporate transitions in height and setbacks from adjacent properties to ensure development character and privacy. Design new housing so that it relates to the existing street pattern and creates a sense of neighborliness with surrounding buildings.
 - c. Enhance the "Sense of Place" by Incorporating Focal Areas. Design new housing around natural and/or designed focal points, emphasized through direct pedestrian/pathway connections. Respect existing landforms, paying attention to boundary areas and effects on adjacent properties.
 - d. Minimize the Visual Impact of Parking and Garages. Discourage designs in which garages dominate the public facade of the home (e.g., encourage driveways and garages to be located to the side of buildings and recessed, or along rear alleyways or below the building in some higher density developments).
 - e. Use Quality Building Materials. Building materials should be high quality, long lasting, durable and energy efficient.
- 5-1e Implementation Program H-3.1.b: Objective Development and Design Standards. Encourage and require pursuant to the Municipal Code multi-family housing projects to utilize the Objective Development and Design Standards in Title 22 and accompanying architectural standards in developing project designs.

Conflict with Zoning and Other Regulations Governing Scenic Quality

IMPACT 5-2	Height Increases Associated with Proposed Zoning at the Housing Opportunity Sites Would Substantially Alter the Allowed Height, Which Could Affect Scenic Quality	Less than Significant with Mitigation
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2009 General Plan EIR Analysis

According to the general plan EIR, implementation of the 2009 general plan would change the visual character of the Town's Planning Area through new development as well as re-development within the existing Town limits. The proposed policy provisions at the time of adoption of the 2009 general plan re-designated existing commercial and office land uses for mixed-use land use categories that combined residential, commercial, and office uses on a single site, thus permitting both horizontal and vertical mixing. The general plan established land use development standards for all land use designations, including standards contained in the Land Use Element that would limit the floor area ratio and density within a particular land use zone. The Land Use Element established areas for higher density and mixed-use intensification including the Community Plan areas and the regional shopping centers, which could conceivably be out of character with the surrounding neighborhood densities and land uses in the Town's Planning Area.

Proposed Project

The proposed project includes establishing new maximum building heights for each of the three sub-areas within the proposed overlay district. Existing and proposed building heights for each of the 11 housing opportunity sites are presented in [Table 5-1, Existing and Proposed Zoning – Maximum Building Height Increases](#), using the existing and proposed zoning for each site. The middle three columns present the existing and proposed maximum permitted heights based on zoning in terms of the increase in feet and as a percentage of the existing permitted height. The far-right column presents the height increase as a comparison between the existing physical building on each site versus the proposed maximum height allowed after rezoning each housing opportunity site.

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

Opportunity Site # and Address	Existing and Proposed Zoning			Existing Physical Buildings and Proposed Zoning	
	Existing Zoning (Maximum Permitted Height)	Proposed Zoning (Maximum Permitted Height)	Height Increase (Existing and Proposed Zoning)	Approximate Existing Building Height (Existing Use)	Height Increase (Existing Building and Proposed Zoning Maximum)
1 (601 Tamalpais)	C-1 (30 feet)	Mixed Use Overlay District– Neighborhood (35 feet)	+5 feet	20 feet (vacant commercial)	+15 feet (75% increase)
2 (41 Tamal Vista)	MX-1 Neighborhood Zone (25 feet; 30 feet maximum with Planning Commission approval); Freeway Zone (35 feet; 40 feet with Planning Commission approval)	Mixed Use Overlay District– Corridor (50 feet)	MX-1 Neighborhood Zone +25 feet (100% increase) or +20 feet (67% increase) with Planning Commission approval; MX-1 Freeway Zone +15 feet (43% increase) or +10 feet (25% increase) with Planning Commission approval	35 feet (vacant movie theatre)	+15 feet (43% increase)
3 (400 & 500 Tamal Plaza)	M (35 feet)	Mixed Use Overlay District– Corridor (50 feet)	+15 feet (43% increase)	35 feet (commercial building)	+15 feet (43% increase)
4 (2 & 10 Fifer, 110 & 150 Nellen)	C-3 (35 feet)	Mixed Use Overlay District – Corridor (50 feet)	+15 feet (43% increase)	20 and 35 feet (Gym, Big 5 & office – multiple buildings)	+30 feet (150% increase) and +15 feet (43% increase)
5 (111 Lucky)	C-3 (35 feet)	Mixed Use Overlay District– Neighborhood (35 feet)	+0	35 feet (commercial building)	+0 feet

Opportunity Site # and Address	Existing and Proposed Zoning			Existing Physical Buildings and Proposed Zoning	
	Existing Zoning (Maximum Permitted Height)	Proposed Zoning (Maximum Permitted Height)	Height Increase (Existing and Proposed Zoning)	Approximate Existing Building Height (Existing Use)	Height Increase (Existing Building and Proposed Zoning Maximum)
6 (1400 Redwood Highway)	46 feet permitted by approved Preliminary Plan	Mixed Use Overlay District – Core (70 feet)	+24 feet (52% increase)	35 feet (Macy's department store) 46 feet (RH Gallery and Nordstrom – separate parcel) ¹	+35 feet (Macy's) (100% increase) +24 feet (RH Gallery and Nordstrom) (52% increase) ¹
7 (5804 Paradise)	C-4 (35 feet)	Mixed Use Overlay District – Corridor (50 feet)	+15 feet (43% increase)	35 feet (commercial building)	+15 feet (43% increase)
8 (5750 Paradise)	C-4 (35 feet)	Mixed use Overlay District – Corridor (50 feet)	+15 feet (43% increase)	30 feet (Herc Rental)	+20 feet (67% increase)
9 (5651 Paradise)	C-1 (30 feet)	Mixed Use Overlay District – Neighborhood (35 feet)	+5 feet (17% increase)	20 feet (gym)	+15 feet (75% increase)
10 (100 Tamal Vista)	M (35 feet)	Mixed Use Overlay District – Corridor (50 feet)	+15 feet (43% increase)	35 feet (office building)	+15 feet (43% increase)
11 (240 Tamal Vista)	O (35 feet)	Mixed Use Overlay District – Corridor (50 feet)	+15 feet (43% increase)	35 feet (office building)	+15 feet (43% increase)

SOURCE: Town of Corte Madera 2022; Google Earth 2022

NOTE:

1. The Macy's department store is situated at the southern-most portion of The Village Shopping Center, which includes existing 46-foot buildings (RH Gallery and Nordstroms) permitted through approval of a Preliminary Plan. However, these 46-foot-high buildings are located on separate parcels from the Macy's department store building on Site 6.

Each of the eleven housing opportunity sites are located in a largely urbanized area of Corte Madera along the Highway 101 corridor. Development of new housing of increased density, greater scale, and higher height than currently exists with approval of the proposed project could result in potentially adverse effects to the visual character of nine of the eleven housing opportunity sites. Two of the housing opportunity sites (sites 1, 5, and 9) would experience minimal or no change from existing to proposed zoning height limits. Redevelopment of the housing opportunity sites would be denser and taller than most if not all of the existing adjacent development. Implementation of goals, policies, and programs contained in the Housing Element Update and general plan, along with compliance with applicable zoning district, would be required for all future development at each of the housing opportunity sites. The general plan cites the Town's desire to provide a harmonious visual and physical connection between the Town and its surrounding landscape by emphasizing a modestly scaled community made up of a mix of residential neighborhoods and commercial centers. The general plan cites the need to respect the scale and character of nearby structures by minimizing abrupt or excessive difference in appearance or scale policy CD-2.3. In addition, the Town's ODDS Toolkit require that structures are visually harmonious with their sites and with surrounding sites and structures and do not unnecessarily block scenic views from other buildings or tend to dominate the townscape or the natural landscape. The ODDS Toolkit also note that standards and guidance found in the toolkit generate buildings that are scaled to the pedestrian and to existing and future neighboring buildings, and are placed to shape a public realm for pedestrians.

Within the context of both the wider Town character and building scale desired in the general plan as well as in the Town code and other planning documents, the addition of buildings that would be between 15 and 35 feet higher than existing permitted heights would represent a substantial change in the visual character of at least eight of the eleven housing opportunity sites. While meeting the proposed project's objective of providing denser housing opportunities and applicable zoning and other regulations related to scenic quality, the mass and scale of potential new structures at these sites could effect the scenic quality of the housing opportunity sites and their surroundings. However, the Town's Design Review process will be required for all multi-family projects including any and all future development at the housing opportunity sites. An applicant would select either to use the design standards in Title 18 (Zoning) or Title 22 (ODDS Toolkit) for the Town to review their proposed project. Regardless of what standards are selected, the design review process and application of existing general plan policies would help reduce the impact of the visual change by applying either existing zoning or objective design standards that have been adopted by the Town for all residential and commercial development. In addition, proposed Housing Element Update policies H-3.1 (Housing Design Principles) and implementation programs H-3.1.a, b, and c would further ensure future development would minimize visual impacts to the extent feasible. With required adherence to goals and policies in the general plan and Housing Element Update and the Town's other design requirements, which would be assessed during project plan review in

accordance with the Town code and/or the ODDS Toolkit, impacts would be less than significant. These policies are presented below as mitigation measures. Note that for all general policy/mitigation measures referencing adoption of “Design Guidelines,” the Town has already accomplished this through adoption of Title 22 (Objective Design and Development Standards).

Mitigation Measures

5-2a Implementation Program LU-3.5.a: Infill Compliance. Pending the adoption of Design Guidelines, decision-making bodies for environmental and development review shall include findings determining that infill projects are in substantial compliance with General Plan infill development policies, including:

1. Reduces the perception of visible bulk by minimizing the apparent height and size of buildings when located in a transitional land use area.
2. Incorporates transitions in height and setbacks from adjacent properties to maintain development character and privacy.
3. Incorporates natural and/or designed focal points, emphasized by pedestrian/pathway connections, respecting existing landforms, and physical and use boundary areas of adjoining properties.
4. Minimizes the visual impacts of driveways, parking areas and garages through placement of such features and areas to the sides and rear of infill lots, away from public vantage points.
5. Uses high quality building materials that are durable, non-toxic and resource efficient.

The extent to which infill projects incorporate green building features and sustainability principles shall also be considered in environmental and development review.

5-2b Policy H-3.1 Housing Design Principles. The intent in the design of new housing is to provide stable, safe, and attractive neighborhoods through high quality architecture, site planning, and amenities that address the following principals:

- a. Reduce the Perception of Building Bulk. In multi-unit buildings, require designs that break up the perceived bulk and minimize the apparent height and size of new buildings, including the use of upper story step backs and landscaping.
- b. Recognize Existing Street Patterns. Incorporate transitions in height and setbacks from adjacent properties to ensure development character and privacy. Design new housing so that it relates to the existing street pattern and creates a sense of neighborliness with surrounding buildings.

- c. Enhance the "Sense of Place" by Incorporating Focal Areas. Design new housing around natural and/or designed focal points, emphasized through direct pedestrian/pathway connections. Respect existing landforms, paying attention to boundary areas and effects on adjacent properties.
- d. Minimize the Visual Impact of Parking and Garages. Discourage designs in which garages dominate the public facade of the home (e.g., encourage driveways and garages to be located to the side of buildings and recessed, or along rear alleyways or below the building in some higher density developments).
- e. Use Quality Building Materials. Building materials should be high quality, long lasting, durable and energy efficient.

5-2c Implementation Program H-3.1.a: Incorporate Housing Design Principles into Design Review Process. Incorporate principles of good design from Policy H-3.1 into the Design Review process for multi-family housing. Utilize Title 22 and accompanying architectural standards for guidance.

5-2d Implementation Program H-3.1.b: Objective Development and Design Standards. Encourage and require pursuant to the Municipal Code multi-family housing projects to utilize the Objective Development and Design Standards in Title 22 and accompanying architectural standards in developing project designs.

Increase Light and Glare

IMPACT 5-3	The Proposed Project Would Introduce New Sources of Light and Glare at Housing Opportunity Sites	Less than Significant with Mitigation
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2009 General Plan EIR Analysis

According to the 2009 general plan EIR, implementation of the general plan would introduce new sources of daytime glare and may change nighttime lighting and illumination levels. Lighting nuisances, as identified in the general plan EIR, typically are categorized by the following:

1. Glare – Intense light that shines directly, or is reflected from a surface into a person’s eyes.
2. “Skyglow”/Nighttime Illumination – Artificial lighting from urbanized sources that alters the rural landscape in sufficient quantity to cause lighting of the nighttime sky and reduction of visibility of stars and other astronomical features.
3. “Spillover” Lighting – Artificial lighting that spills over onto adjacent properties, which could interrupt sleeping patterns or cause other nuisances to neighboring residents.

The main sources of daytime glare in Corte Madera are from sunlight reflecting from structures with reflective surfaces such as windows. The subsequent development under the general plan was anticipated to include residential, commercial, and office structures and other potential sources of

glare. Building materials (i.e., reflective glass and polished surfaces) are the most substantial sources of glare. The amount of glare depends on the intensity and direction of sunlight, which is more acute at sunrise and sunset because the angle of the sun is lower during these times.

Proposed Project

Redevelopment of the housing opportunity sites could introduce new sources of light and glare, including night lighting for buildings and security lighting. However, the proposed housing opportunity sites would be located in Corte Madera's urbanized areas with similar sources of light in the existing condition. The amendment to Title 18 will include objective lighting standards that will apply to any future residential or mixed-use development project at the opportunity sites. The zoning ordinance amendments will require that all exterior lighting be dark sky compliant, and designed, located and lamped in order to prevent over lighting, energy waste, glare, light trespass, and unnecessary skyglow. Redevelopment of the housing opportunity sites would also be subject to general plan policy CD-1.5 and implementation program CD-1.5.a, which serves to minimize light pollution and trespass in order to preserve dark skies. These policies are presented below as mitigation measures. Therefore, impacts associated with light and glare would be less than significant. Note that for all general policy/mitigation measures referencing adoption of "Design Guidelines," the Town has already accomplished this through adoption of Title 22 (Objective Design and Development Standards).

Mitigation Measures

- 5-3a Policy CD-1.5. Preserve the value of the community's night sky and avoid unnecessary light and glare from signage, building and landscape illumination, or other sources of outdoor lighting.
- 5-3b Implementation Program CD-1.5.a: Reduce Lighting Levels. Revise the Zoning Ordinance and other appropriate sections of the Municipal Code to limit lighting levels, and to establish acceptable types of lighting, fixtures, and the location of lighting in relation to nearby properties. Include the following in the Design Guidelines to reduce lighting levels:
- a requirement that outdoor lighting of nonresidential uses shall be designed to be turned off when not in use where security and safety are not a concern.
 - When streetlights are located along the perimeter of the community Plan areas, overhead lighting shall be shielded to minimize lighting of adjacent properties.
 - Roadway, commercial, and residential lighting shall be limited to the minimum amount needed for public safety and shall be designed to focus light where it is needed.

- Street light fixtures should be designed to block illumination of adjoining properties and to prohibit light emitted from the fixtures above the horizontal plane.

5.5 Cumulative Visual Impacts

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

Geographic Context

Based on the location of the housing opportunity sites, the geographic area for the assessment of cumulative visual impacts includes the entirety of Corte Madera. Future development within the 11 identified housing opportunity sites could have a cumulative impact on visual resources due to changes in the existing visual quality and aesthetics resulting from incremental increases in density and urbanization potential at each of these sites. This growth could gradually alter the visual quality of the geographic area. The following is a summary of the project's contribution to cumulative aesthetic impacts.

Cumulative Analysis

The 2009 general plan EIR concluded that implementation of policies and mitigation measures identified in the visual resources and aesthetic section would ensure that land use activities under buildout of the general plan would avoid significant impacts to visual resources and alteration of visual character and would be less than cumulatively considerable.

As discussed in Section 5.1, the housing opportunity sites are primarily located within Corte Madera's urbanized areas that are surrounded by residential and commercial development. Development of these housing opportunity sites would be required to undergo design review to ensure consistency with Town Municipal Code standards. Additionally, some of the underutilized sites consist of aging structures with poor visual quality, and redevelopment of these structures would result in new residential structures developed consistent with the visual requirements of the general plan and municipal code. However, the proposed project would result in development that may not be consistent with the visual quality and character of surrounding development based on the maximum permitted building heights identified which could add an additional 15 to 35 feet in building heights depending on the site. All of the eleven sites would experience permitted height

increases after rezoning. However, with required adherence to goals and policies in the general plan and Housing Element Update and the Town's other design requirements (presented as mitigation measures throughout this section), which would be assessed during project plan review in accordance with the Town Zoning Code and/or the ODDS Toolkit, impacts would be less than significant both at the individual sites and on a cumulative level. Therefore, the impact would not be cumulatively considerable.

In regard to light pollution, development of the housing opportunity sites would be required to comply with objective lighting standards similar to the existing standards in Section 18.13.040(4) and General Plan policy CD-1.5 and implementation program CD-1.5.a, which serve to minimize light pollution and trespass in order to preserve dark skies.

Development of the Housing Opportunity Sites combined with development within the Town of Corte Madera would not result in a cumulatively significant visual impact due to the urbanized nature of the cumulative study area. Additionally, compliance with the Town Municipal Code and the Town's ODDS Toolkit, would ensure future development within the housing opportunity sites is sensitive to visual resources and views and would not degrade the visual environment. Thus, the project's incremental contribution to visual impacts would not be cumulatively considerable.

6.0 Air Quality

6.1 Environmental Setting

Unless otherwise noted, the information contained within this section is based on the draft Housing Element Update, the *2009 Town of Corte Madera General Plan* (general plan), and the *2009 Town of Corte Madera General Plan EIR* (general plan EIR), the Town's Municipal Code and Zoning Ordinance, the Bay Area Air Quality Management District (air district) *California Environmental Quality Act Air Quality Guidelines* (2017a) and *2017 Clean Air Plan: Spare the Air, Cool the Climate* (2017b).

No NOP responses were received regarding air quality.

Regional Climate and Topography

The Town of Corte Madera is located in the San Francisco Bay Area Air Basin (“air basin”). The air basin encompasses all of Marin County and the counties of Alameda, Contra Costa, Santa Clara, San Francisco, San Mateo, and Napa, and the southern portions of Solano and Sonoma counties. Marin County is bounded on the west by the Pacific Ocean, on the east by San Pablo Bay, on the south by the Golden Gate, and on the north by the Petaluma Gap. Corte Madera is partially sheltered from prevailing northwesterly winds from off the Pacific Ocean by elevated terrain. The topography of the Town varies from just above sea level on the east bordering San Francisco Bay to nearly 1,000 feet at the top of Corte Madera Ridge to the west. The geological terrain of the Town ranges from upland hills and ridges with steep slopes to lowland valley lands and Bay lands. Surface elevation within the Coast Ranges varies from 500 to 3,500 feet (Town of Corte Madera 2008).

Air Basin Characteristics

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

The prevailing wind direction is southwesterly, which is the wind direction when marine breezes flow through the Carquinez Strait. Marine breezes dominate during the spring and summer months and show strong daily variations. Highest average wind speeds occur in the afternoon and evening hours; lightest winds occur in the night and morning hours. During fall and winter, when the sea breeze diminishes, northerly winds occur more frequently, but southwesterly winds still predominate. The eastern side of Marin County has warmer weather than the western side because of its distance from the ocean and because the hills that separate eastern Marin from western Marin occasionally block the flow of marine air. Temperatures in Corte Madera are moderated by the cooling effect of the San Francisco Bay in summer and the warming effect of the Bay in winter. Corte Madera experiences average maximum summer temperatures in the low 80s and average minimum winter temperatures in the low 40s. The Town's general plan EIR reports that Marin County does not have many polluting industries and is located on the up-wind edge of the air basin, so that current air quality is good despite a high climatological pollution potential.

Criteria Air Pollutants and Precursors and Their Effects on Human Health

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

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

Ozone

Ground-level ozone (O₃) is created by complex chemical reactions between nitrogen oxides and volatile organic compounds in the presence of sunlight. Since ground-level O₃ is not emitted directly into the atmosphere, but is formed because of photochemical reactions, it is considered a secondary pollutant.

Table 6-1 Criteria Air Pollutants

Pollutant	Properties	Major Sources	Related Health & Environmental Effects
Ozone	Ground-level ozone is not emitted directly into the air. It results from chemical reactions between nitrogen oxides and volatile organic compounds in presence of sunlight.	<ul style="list-style-type: none"> ▪ Automobiles; ▪ Industrial facilities; ▪ Gasoline vapors; ▪ Chemical solvents; ▪ Electric utilities. 	<ul style="list-style-type: none"> ▪ Chest pain, coughing, throat irritation, and airway inflammation; ▪ Worsens bronchitis, emphysema, and asthma; ▪ Affects sensitive vegetation and ecosystems.
Nitrogen Dioxide	Reddish-brown gas formed during combustion of fuel. Nitrogen dioxide is a part of a group of highly reactive gases known as nitrogen oxides.	<ul style="list-style-type: none"> ▪ Combustion of fuel; ▪ Automobiles; ▪ Power plant; ▪ Off-road Equipment. 	<ul style="list-style-type: none"> ▪ Irritate respiratory system / increase respiratory infections; ▪ Development of asthma; ▪ Forms acid rain – harms sensitive ecosystems; ▪ Creates hazy air; ▪ Contributes to nutrient pollution in coastal waters.
Respirable and Fine Particulate Matter	Mixture of solid particles and liquid droplets found in the air. Some particles, such as dust, soot, dirt, or smoke can be seen with the naked eye. Others are so small that they can only be detected with an electron microscope.	<ul style="list-style-type: none"> ▪ Automobiles; ▪ Power Plants; ▪ Construction sites; ▪ Tilled farm fields; ▪ Unpaved roads; ▪ Smokestacks. 	<ul style="list-style-type: none"> ▪ Aggravated asthma; ▪ Irritation of the airways, coughing, and difficulty breathing; ▪ Decreased lung function; ▪ Premature death; ▪ Reduced visibility.
Carbon Monoxide	Colorless, odorless gas released when something is burned.	<ul style="list-style-type: none"> ▪ Fuel combustion; ▪ Industrial processes; ▪ Highly congested traffic. 	<ul style="list-style-type: none"> ▪ Chest pain for those with heart disease; ▪ Vision problems; ▪ Dizziness, unconsciousness, and death (at high levels).
Sulfur Dioxide	Colorless acid gas with a pungent odor formed during combustion of fuel. In the entire group of sulfur oxides, sulfur dioxide is the component of the greatest concern.	<ul style="list-style-type: none"> ▪ Fuel combustion; ▪ Industrial processes; ▪ Locomotives, ships, and other heavy equipment; ▪ Volcanoes. 	<ul style="list-style-type: none"> ▪ Makes breathing difficult; ▪ Worsens asthma; ▪ Contributes to acid rain; ▪ Reduced visibility; ▪ Damages statues and monuments.
Lead	Lead is a naturally occurring element found in small amounts in the earth's crust.	<ul style="list-style-type: none"> ▪ Ore and metal processing; ▪ Leaded aviation fuel; ▪ Waste Incinerators; ▪ Utilities; ▪ Lead-acid battery manufacturers. 	<ul style="list-style-type: none"> ▪ High blood pressure and heart disease in adults; ▪ Behavioral problems, learning deficits, and lowered IQ in infants and young children; ▪ Decreased plant and animal growth; ▪ Neurological effects in vertebrates.

SOURCE: United States Environmental Protection Agency 2021

O₃ is a strong irritant that attacks the respiratory system, leading to the damage of lung tissue. Asthma, bronchitis, and other respiratory ailments, as well as cardiovascular diseases, are aggravated by exposure to O₃. A healthy person exposed to high concentrations may become nauseated or dizzy, may develop a headache or cough, or may experience a burning sensation in the chest. Research has shown that exposure to O₃ damages the alveoli (the individual air sacs in the lung where the exchange of oxygen and carbon dioxide between the air and blood takes place). Research has shown that O₃ also damages vegetation.

If project-generated concentrations of reactive organic gases and/or nitrogen oxides exceed the applicable thresholds of significance, concentrations of ground-level O₃ resulting from these pollutants could potentially result in significant adverse human health impacts.

Reactive Organic Gases

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

Nitrogen Dioxide

Nitrogen dioxide (NO₂) primarily gets in the air from the combustion of fuel in cars, trucks and buses, power plants, and off-road equipment. NO₂ is a reddish-brown gas that can irritate the lungs and can cause breathing difficulties at high concentrations. NO₂ is one of a group of highly reactive gases known as nitrogen oxides (NO_x). NO₂ is used as the indicator for the larger group of NO_x, which also includes nitrous acid and nitric acid. NO_x is a major contributor to ozone formation. NO_x also contributes to the formation of particulate matter (see discussion below).

Particulate Matter

Particulate matter refers to a wide range of solid or liquid particles in the atmosphere, including smoke, dust, aerosols, and metallic oxides. Particulate matter with diameter of 10 micrometers or less is referred to as PM₁₀. PM_{2.5} includes a subgroup of finer particles that have a diameter of 2.5 micrometers or less. Particulate matter is directly emitted to the atmosphere as a byproduct of fuel combustion, wind erosion of soil and unpaved roads, and from construction or agricultural operations. Small particles are also created in the atmosphere through chemical reactions. Approximately 64 percent of fugitive dust is respirable particulate matter. Minimal grading typically generates about 10 pounds per day per acre on average while excavation and earthmoving activities typically generate about 38 pounds per day per acre.

Although particles greater than 10 micrometers in diameter can cause irritation in the nose, throat, and bronchial tubes, natural mechanisms remove much of these particles. Particles less than 10

micrometers in diameter are able to pass through the body's natural defenses and the mucous membranes of the upper respiratory tract and enter into the lungs. The particles can damage the alveoli. The particles may also carry carcinogens and other toxic compounds, which can adhere to the particle surfaces and enter the lungs.

Carbon Monoxide

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

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

Sulfur Dioxide

Within the larger group of gaseous sulfur oxides (SO_x), sulfur dioxide (SO₂) is the component of greatest concern, and is used as the indicator for the group. Emissions that lead to high concentrations of SO₂ generally also lead to the formation of other SO_x. SO₂ is a colorless acid gas with a pungent odor. SO₂ is produced by the combustion of sulfur-containing fuels, such as oil, coal and diesel. SO₂ dissolves in water vapor to form acid, and interacts with other gases and particles in the air to form sulfates and other products that can be harmful to people and their environment. Health effects of SO₂ include damage to lung tissue and increased risk of acute and chronic respiratory disease.

Lead

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

Sources of Criteria Pollutants

On-road Vehicles

The gasoline and diesel fuels used in most on-road vehicles are mixtures of hydrocarbons, compounds which contain hydrogen and carbon atoms. Hydrocarbon emissions result when fuel

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

Off-road Construction, Industrial, and Agricultural Vehicles

Emissions generated during construction are “short-term” in the sense that they would be limited to periods of site development and construction. Agricultural emissions are frequently seasonal or occur sporadically. Off-road vehicle emissions are typically generated by the use of heavy equipment and the transport of materials. Emissions consist primarily of reactive organic gases, nitrogen oxides, suspended particulate matter, and carbon monoxide. Emissions of reactive organic gases, nitrogen oxides, and carbon monoxide are generated primarily by the operation of gas and diesel-powered motor vehicles. Calculating ROG and NO_x emissions from typical construction equipment is not necessary in air quality analysis of projects because temporary emissions of these ozone precursors have been accommodated in state- and federally-required air quality plans. Construction equipment exhaust PM₁₀ emissions greater than 82 pounds per day or an average of 10 tons per year are considered significant.

Construction, Industrial, and Agricultural Dust

Suspended particulate matter emissions are generated primarily by wind erosion of exposed graded or tilled surfaces. Construction- and agricultural-generated emissions vary substantially from day to day depending on the level of activity, the specific construction equipment used, and weather conditions. Construction- and agricultural-related emissions can cause a substantial increase in localized concentrations of PM₁₀, for which the air basin is currently in nonattainment. Particulate emissions from construction and agricultural activities can lead to adverse health effects, as well as nuisance concerns such as reduced visibility and soiling of exposed surfaces.

The air district has not established a threshold for fugitive dust emissions from grading and other construction activities, but rather relies on best management practices to reduce dust emissions at all construction sites. The initial phases of construction generate the highest emissions of PM₁₀ from fugitive dust because initial site preparation activities typically involve the most intense grading. During other construction phases, additional materials would be imported to the site including base rock, select soil/gravel for trenches and building pads, and asphalt for paving. Without controls, dust from construction would be transported off-site via wind erosion of unpaved surfaces or through soils tracked onto paved roads where PM₁₀ enters the air through the motion of passing cars and trucks.

Area Sources

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

Stationary Sources

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

Toxic Air Contaminants and their Effects on Human Health

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

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

- Benzene (C₆H₆);
- Ethylene Dibromide (BrCH₂CH₂Br, 1,2-dibromoethane);
- Ethylene Dichloride (C₂H₄Cl₂, 1,2-dichloroethane);
- Hexavalent chromium (Cr (VI));
- Asbestos [asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite); cummingtonite-grunerite (amosite), tremolite, actinolite, and anthophyllite];
- Dibenzo-p-dioxins and Dibenzofurans chlorinated in the 2, 3, 7 and 8 positions and containing 4, 5, 6 or 7 chlorine atoms;
- Cadmium (metallic cadmium and cadmium compounds);
- Carbon Tetrachloride (CCl₄, tetrachloromethane);

- Ethylene Oxide (1,2-epoxyethane);
- Methylene Chloride (CH₂Cl₂, Dichloromethane);
- Trichloroethylene (CCl₂CHCl, Trichloroethene);
- Chloroform (CHCl₃);
- Vinyl chloride (C₂H₃Cl, Chloroethylene);
- Inorganic Arsenic;
- Nickel (metallic nickel and inorganic nickel compounds);
- Perchloroethylene (C₂Cl₄, Tetrachloroethylene);
- Formaldehyde (HCHO);
- 1,3-Butadiene (C₄H₆);
- Inorganic Lead;
- Particulate Emissions from Diesel-Fueled Engines; and
- Environmental Tobacco Smoke.

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

Diesel Emissions

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

The EPA regulates diesel engine design and fuel composition at the federal level, and has implemented a series of measures since 1993 to reduce nitrogen oxides and particulate emissions from off-road and highway diesel equipment. Before EPA began regulating sulfur in diesel, diesel

fuel contained as much as 5,000 parts per million (ppm) of sulfur. In 2006, EPA introduced stringent regulations to lower the amount of sulfur in diesel fuels to 15 ppm. This fuel is known as ultra-low sulfur diesel. EPA’s diesel standards target emissions from on-road (or highway) vehicles and non-road engines and equipment. Collectively, diesel standards reduce harmful emissions from both on-road and non-road diesel sources by more than 90 percent (United States Environmental Protection Agency 2021b).

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

Table 6-2 Typical Non-Road Engine Emissions Standards

Engine Tier and Year Introduced	NO _x Emissions			Particulate Emissions		
	100-175 HP	175-300 HP	300-600 HP	100-175 HP	175-300 HP	300-600 HP
Tier 1 (1996)	6.90	6.90	6.90	--	0.40	0.40
Tier 2 (2001)	-- ²	-- ²	-- ²	0.22	0.15	0.15
Tier 3 (2006)	-- ²	-- ²	-- ²	-- † ³	-- † ³	-- † ³
Tier 4 (2014)	0.30	0.30	0.30	0.015	0.015	0.015

SOURCE: DieselNet 2022

NOTES:

1. Expressed in g/bhp-hr, where g/bhp-hr stands for grams per brake horsepower-hour.

2. Tier 1 standards for NO_x remained in effect.

3. † - Not adopted, engines must meet Tier 2 PM standard.

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

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

Asbestos

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

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

Sensitive Receptors

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

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

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

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

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

Sources of Toxic Air Contaminants

Construction Emissions

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

Permitted Stationary Sources

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

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

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

Table 6-3 Existing Stationary Sources of TACs

Facility No.	Facility	Location	Type	Cancer ¹	Hazard	PM _{2.5}
14571	California Highway Patrol	53 San Clemente Drive	Generators	0.03	0	0
16252	Macy's West Corte Madera Store #32	1400 Redwood Highway	Generators ²	0.04	0	0
17474	Marina Village Pump Station	San Clemente Drive	Generators	7.15	0.01	0.01
18067	Sanitary District No 2 of Marin County	5726 San Clemente Drive	Generators	27.24	0.03	0.04
20191	Verizon Wireless (Paradise Drive)	5768 Paradise Drive	Generators	1.22	0	0
21427	Nordstrom Store #423	1870 Redwood Highway	Generators	0.29	0	0
21558	PAG Marin M1 dba MINI of Marin & Marin Collision	5880 Paradise Drive	Contact BAAQMD	0	0	0
23545	Colliers International	100 Corte Madera, Town Center	Generators	0.92	0	0
100267	California Highway Patrol	53 San Clemente Dr	Gas Dispensing Facility	1.44	0.01	0
101763	Chevron Station#94737	90 MADERA BLVD	Gas Dispensing Facility	89.63	0.39	0
109408	Rai Gas #253505	700 Tamalpais Valley Dr	Gas Dispensing Facility	16.88	0.07	0
110576	Herc Rentals ³	5750 Paradise Dr	Gas Dispensing Facility	0.06	0	0
110635	B & W Petroleum 110	516 Tamalpais Valley Dr	Gas Dispensing Facility	22.69	0.1	0
112485	Marin Acura	5860 Paradise Dr	Gas Dispensing Facility	0.4	0	0

SOURCE: BAAQMD 2022

NOTES:

1. The cancer risk factors are defined as number of excess cases resulting from exposure. Acute and chronic exposure to non-carcinogens is expressed as a hazard index, which is the ratio of expected exposure levels to an acceptable reference exposure level. "GDF" is gasoline dispensing facility. "Gen" means a diesel generator is the only source. Type listed as provided by the air district. Shaded entries are over the threshold for individual project single source air district threshold.
2. This generator is located on Opportunity Site #6. It is assumed that this source would be removed if the site is redeveloped.
3. This generator is located on Opportunity Site #8. It is assumed that this source would be removed if the site is redeveloped.

Five of the proposed opportunity sites (one, two, six, eight and nine) are located within 1,000 feet of the stationary sources with emissions exceeding air district thresholds. The locations of permitted stationary-source emitters with TAC emissions that exceed air district thresholds are shown on [Figure 6-1, Stationary Sources of TACs](#). The proposed Housing Element Update identifies property designated with mixed uses and residences in proximity to gasoline stations, although these opportunity sites are currently zoned for mixed use. The project would however, allow for a greater number of residential units at these sites. If the cancer risk of the gasoline station is in excess of 10 cases per one million, there is the potential for adverse effects from toxic air contaminants.

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

High Traffic Roadways

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

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

Air Quality Standards

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

Federal and State Standards for Air Pollutants

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

[Table 6-4, Federal and State Ambient Air Quality Standards](#), lists federal and state ambient air quality standards for common air pollutants.

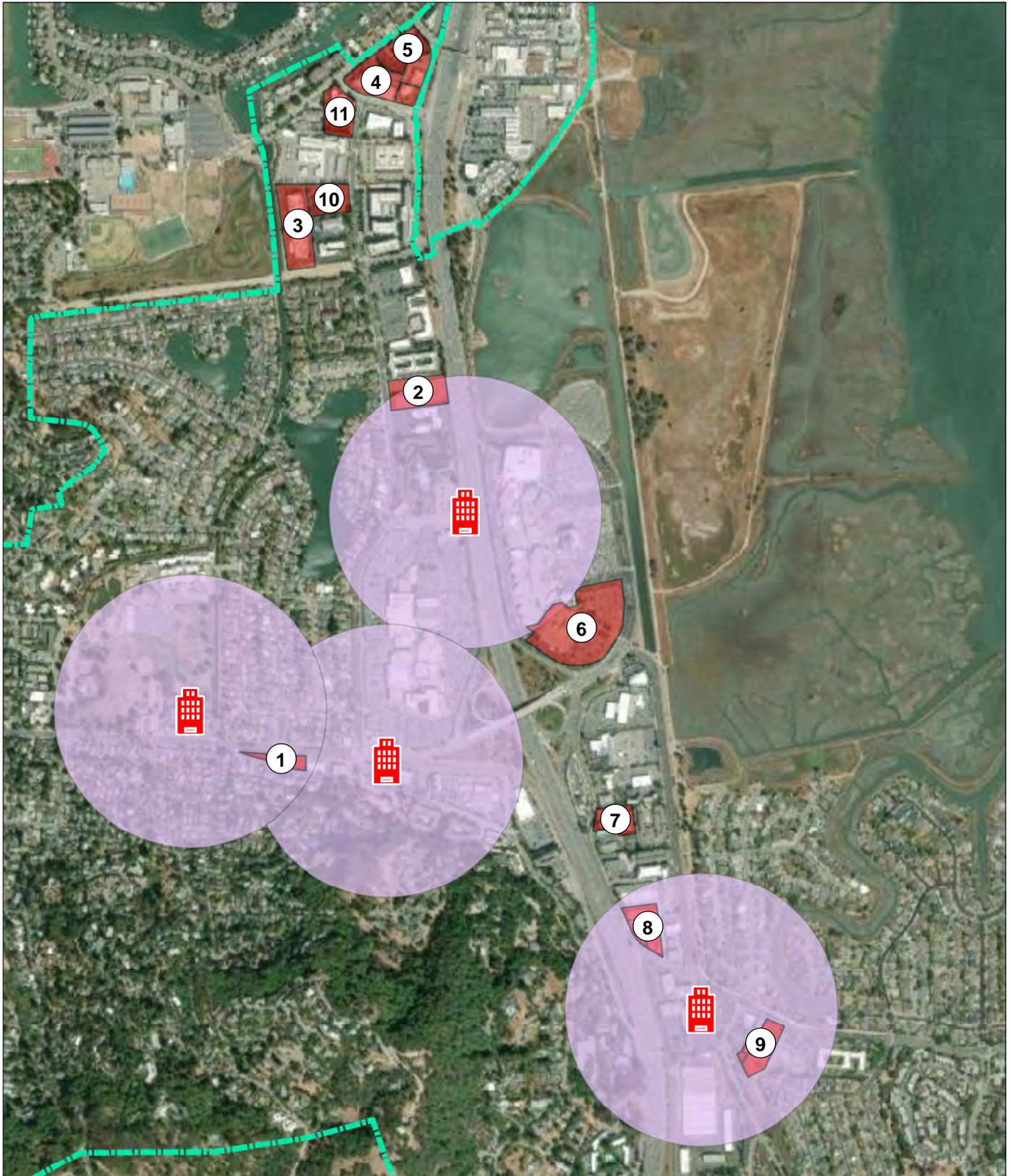
Air Basin Attainment Status

Air pollutants of concern in the air basin are ozone, particulate matter (PM₁₀ and PM_{2.5}), and toxic air contaminants (Bay Area Air Quality Management District 2017a). The CARB is required to designate areas of the state as attainment, non-attainment, or unclassified with regard to its compliance with state standards for criteria air pollutants. An “attainment” designation for an area signifies that pollutant concentrations do not violate the standard for that pollutant in that area. A “non-attainment” designation indicates that a pollutant concentration violated the standard at least once, excluding an “unclassified” designation that signifies available data does not support either an attainment or non-attainment status. A “non-attainment transitional” status is a subcategory of the nonattainment designation and signifies that the area is close to attaining the standard for that pollutant. The California Clean Air Act divides districts into moderate, serious, and severe air pollution non-attainment categories, with increasingly stringent control requirements mandated for each category. [Table 6-5, Air Basin Attainment Status Designations](#), identifies the current status within the air basin for each criteria pollutant.

Ambient Air Quality

Air Quality Monitoring

The air district and California Air Resources Board (CARB) maintain several air quality monitoring sites in the Bay area, including sites in the Cities of San Rafael and Vallejo. The San Rafael monitoring site (534 4th Street) measures O₃, CO, NO_x, and PM₁₀. The nearest monitoring site for SO₂ and PM_{2.5} is at 304 Tuolumne Street in the City of Vallejo. According to the air quality summaries prepared by the air district (Bay Area Air Quality Management District 2022a). No exceedances of CO, NO₂, or SO₂ were recorded during the most recent set of monitoring data (2015-2019). [Table 6-6, Annual Air Quality Standards Violations](#), presents the number of days per year where O₃ and particulate matter levels at one or both monitoring stations exceeded the state/federal ambient air quality standards during the five-year period of 2015 to 2019.



Source: BAAQMD 2018, Google Earth 2016, Corte Madera 2022

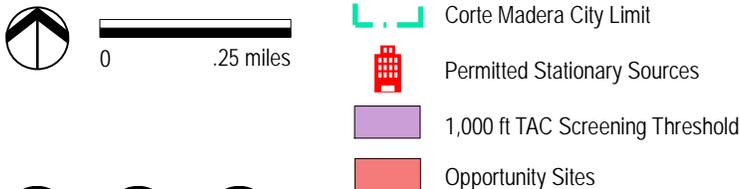
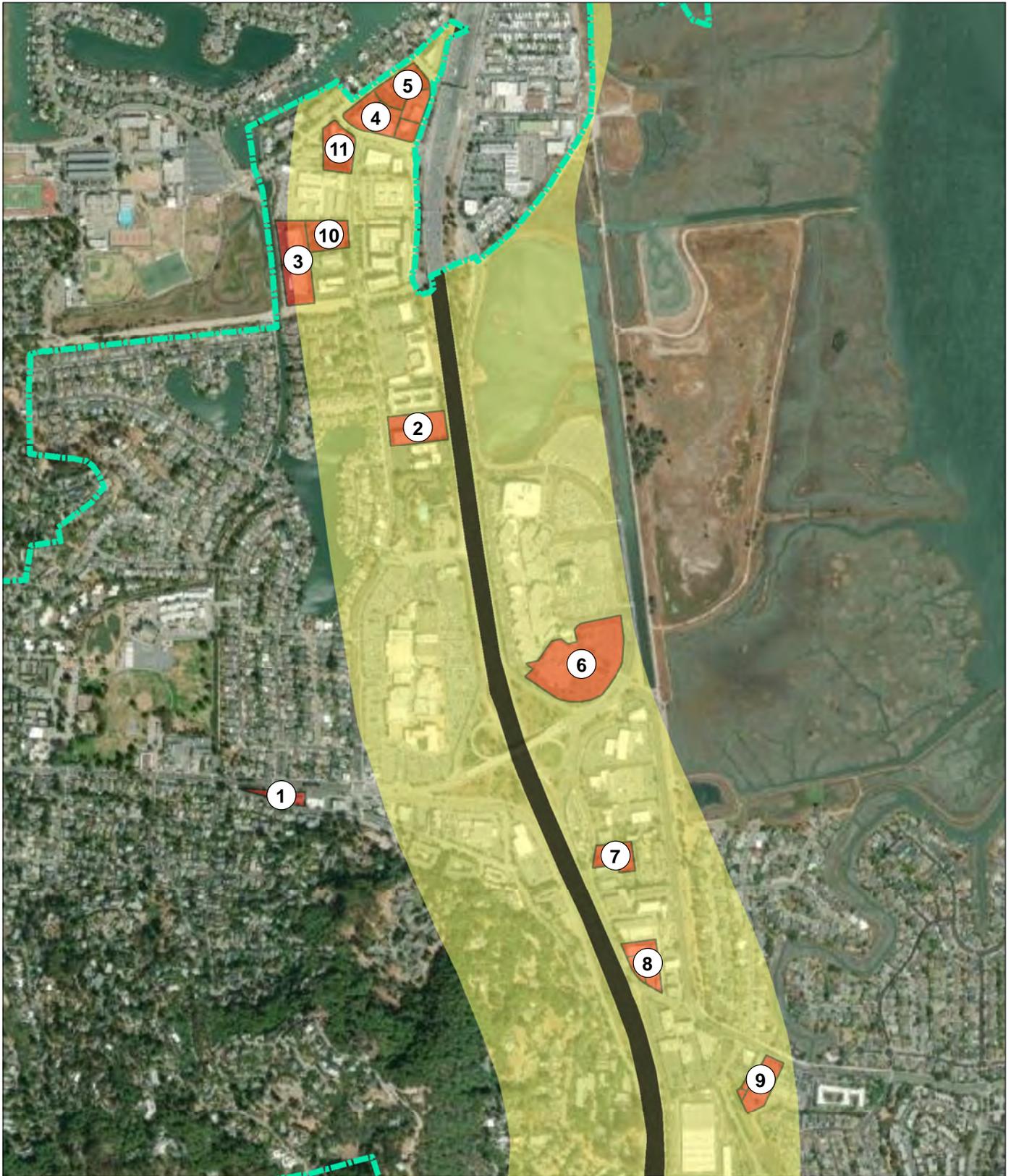


Figure 6-1

Stationary Sources of TACs

Town of Corte Madera 6th Cycle (2023-2031) Housing Element Update
Subsequent EIR

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-  Corte Madera City Limit
-  California US Highway 101
-  1,000 ft TAC Screening Threshold
-  Opportunity Sites

Source: BAAQMD 2018, Google Earth 2016, Corte Madera 2022

Figure 6-2



U.S. Highway 101 TAC Emission Screening

Town of Corte Madera 6th Cycle (2023-2031) Housing Element Update
Subsequent EIR

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Table 6-4 Federal and State Ambient Air Quality Standards

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

SOURCE: California Air Resources Board 2016

NOTES:

- National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM₁₀, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³ is equal to or less than one. For PM_{2.5}, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact EPA for further clarification and current federal policies.
- California standards for ozone, carbon monoxide, sulfur dioxide (1 and 24 hour), nitrogen dioxide, and particulate matter (PM₁₀, PM_{2.5}, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.

3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas (µg/m³).
4. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
5. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
6. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm.
7. On December 14, 2012, the national annual PM_{2.5} primary standard was lowered from 15 µg/m³ to 12.0 µg/m³. The existing national 24-hour PM_{2.5} standards (primary and secondary) were retained at 35 µg/m³, as was the annual secondary standard of 15 µg/m³. The existing 24-hour PM₁₀ standards (primary and secondary) of 150 µg/m³ also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.
8. To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 parts per billion (ppb). Note that the national 1-hour standard is in units of ppb. California standards are in units of ppm. To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
9. On June 2, 2010, a new 1-hour SO₂ standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO₂ national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.
10. The California Air Resources Board has identified lead and vinyl chloride as 'TACs' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
11. The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 µg/m³ as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated non-attainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
12. In 1989, the California Air Resources Board converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

Table 6-5 Air Basin Attainment Status Designations

Pollutant	State	Federal
Ozone (O ₃)	Non-attainment	Non-attainment
Inhalable Particulates (PM ₁₀)	Non-attainment	Unclassified
Fine Particulates (PM _{2.5})	Non-attainment	Non-attainment ¹
Carbon Monoxide (CO)	Attainment	Unclassified/Attainment
Nitrogen Dioxide (NO ₂)	Attainment	Unclassified/Attainment
Sulfur Dioxide (SO ₂)	Attainment	Attainment
Lead (Pb)	Attainment	-

SOURCE Bay Area Air Quality Management District 2017a

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

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

Table 6-6 Annual Air Quality Standards Violations

Year	Ozone			PM ₁₀		PM _{2.5}
	Federal	State		Federal 24-hr	State 24-hr	Federal 24-hr
	8 hr	1 hr	8 hr			
2019	1 ^{1,2}	0	1 ^{1,2}	0	0	0
2018	0	0	0	1 ¹	2 ¹	13 ^{1,2}
2017	2 ²	1 ²	2 ²	0	2 ¹	8 ¹ 9 ²
2016	1 ²	1 ²	1 ²	0 ³	0 ³	0
2015	0	1 ²	0		0 ³	2 ¹ 3 ²
Total	4	3	4	1	4	35

SOURCE: Bay Area Air Quality Management District 2022a

NOTES:

1. San Rafael.

2. Vallejo.

3. San Rafael only. No data reported for Vallejo.

Odors

Odor impacts could result from siting a new odor source near existing sensitive receptors. Odors are generally regarded as an annoyance rather than a health hazard, although some odorous substances can be harmful at higher concentrations. Manifestations of a person’s reaction to odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache). There are no sources of major odors (such as wastewater treatment facilities or other heavy industrial uses) in proximity to the proposed opportunity sites.

6.2 Regulatory Setting

Federal and State Clean Air Acts

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

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

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

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

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

Implementing Agencies

United States Environmental Protection Agency

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

California Air Resources Board

The federal Clean Air Act gives states primary responsibility for directly monitoring, controlling, and preventing air pollution. The CARB is responsible for coordination and oversight of federal, state, and local air pollution control programs in California and for implementing the requirements of the federal Clean Air Act and California Clean Air Act. The duties of the CARB include coordinating air quality attainment efforts, setting standards, conducting research, and creating solutions to air pollution. The CARB is composed of regional districts that are charged with developing attainment plans for their regions.

Bay Area Air Quality Management District

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

Air Quality Management Plans

The federal Clean Air Act requires areas with unhealthful levels of ozone, inhalable particulate matter, carbon monoxide, nitrogen dioxide, and sulfur dioxide to develop plans, known as State Implementation Plans. State Implementation Plans are comprehensive plans that describe how an area will attain national ambient air quality standards. State Implementation Plans are a compilation of new and previously submitted plans, programs (such as monitoring, modeling, permitting, etc.), district rules, state regulations, and federal controls. California grants air districts explicit statutory authority to adopt indirect source regulations and transportation control measures, including measures to encourage the use of ridesharing, flexible work hours, or other measures that reduce the number or length of vehicle trips. Local air districts and other agencies, such as the Bureau of Automotive Repair and the Department of Pesticide Regulation, prepare State Implementation Plan elements and submit them to the CARB for review and approval. The CARB forwards State Implementation Plan revisions to the EPA for approval and publication in the Federal Register. The 1990 amendments to the federal Clean Air Act set deadlines for attainment based on the severity of an area's air pollution problem.

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

The air district has adopted several plans in an attempt to achieve state and federal air quality standards. Because the air basin has been designated as a non-attainment area for the national ozone standard since 1998, the air district has prepared ozone attainment plans in 1999, 2001, and 2005, 2010, and 2016. The *2017 Clean Air Plan: Spare the Air, Cool the Climate* (2017 Clean Air Plan) defines an integrated, multi-pollutant control strategy to reduce emissions of particulate matter, toxic air

contaminants, ozone precursors, and greenhouse gases. The 2017 Clean Air Plan includes a variety of control measures, many of which relate to industrial uses or are for regional implementation. Other control measures relate to residential or commercial development. Refer to Volume 2 of the 2017 Clean Air Plan for full descriptions of the control measures (Bay Area Air Quality Management District 2017b). An analysis of consistency with applicable control measures is presented in Section 6.4.

Air District Rules and Regulations

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

Toxic Air Contaminant Regulations

Toxic air contaminants are regulated by the air district using a risk-based approach. A health risk assessment is an analysis in which human health exposure to toxic substances is estimated, and considered together with information regarding the toxic potency of the substances, to provide quantitative estimates of health risks. In general, a health risk assessment is required if screening suggests that projected emissions of a specific air toxic compound from a proposed new or modified stationary source may pose a public health risk. A health risk assessment evaluates the chronic, long-term health effects, calculating the increased risk of cancer as a result of exposure to one or more toxic air contaminants for the source in question. A cancer risk in excess of ten cases per million population, health risk over 1.0, or PM_{2.5} over 0.3 micrograms (µg)/m³ annual average is considered significant (Bay Area Air Quality Management District 2017a).

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

Air District Best Practices

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

- Plan sensitive land uses as far from local sources of air pollution such as freeways as is feasible;
- Install air filters rated at a minimum efficiency reporting value (MERV) 13 or higher in buildings associated with sensitive land uses (e.g., schools, residences, hospitals);

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

Town of Corte Madera General Plan

General plan policies and implementing actions applicable to future development of the opportunity sites consistent with the proposed Housing Element Update are presented in [Appendix F](#).

Town of Corte Madera General Plan EIR

The general plan EIR addressed air quality impacts from buildout of the general plan land use designations and determined that impacts would be less than significant with mitigation. In addition to general plan policies and implementing actions the following general plan EIR mitigation measures are applicable to the proposed Housing Element Update:

MM 4.5.1a. The Town shall include policy provisions in the General Plan that require dust control measures similar to those identified be applied to discretionary projects as appropriate. These measures are consistent with those recommended for use by the BAAQMD.

- a) For all construction and similar earth disturbing activities:
 - Apply water on all active construction areas at least twice daily and more often when conditions warrant.
 - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites daily as needed to control dust.

- Sweep all paved access roads, parking areas, and staging areas at construction sites and sweep streets daily if visible soil materials are carried onto adjacent public streets.
- b) For sites greater than 4 acres in size:
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas.
 - Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
 - Limit traffic speeds on unpaved roads to 15 miles per hour.
 - Install appropriate erosion control measures to prevent silt runoff to public roadways.
 - Replant soil stabilizing vegetation in disturbed areas as quickly as possible.
- c) For sites that are located adjacent to sensitive receptors or warrant additional controls:
- Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.
 - Suspend grading activities when winds exceed 25 miles per hour (mph) and visible dust clouds cannot be prevented from extending beyond active construction areas.
 - Limit the area subject to excavation, grading, and other construction activities at any one time.

MM 4.5.1b. The Town shall include General Plan policy provisions that require that applicants seeking demolition permits demonstrate compliance with applicable BAAQMD requirements involving lead paint and asbestos-containing materials (ACMs) designed to mitigate exposure to lead paint and asbestos.

MM 4.5.1c. The Town shall include General Plan policy provisions that require the utilization of construction emission control measures recommended by BAAQMD that are appropriate for the specifics of the project (e.g., length of time of construction and distance from sensitive receptors). This may include the utilization of low emission construction equipment, restrictions on the length of time of use of certain heavy-duty construction equipment, and utilization of methods to reduce emissions from construction equipment (alternative fuels, particulate matter traps and diesel particulate filters). These measures (as appropriate and feasible) will be made conditions of approval and/or mitigation to projects to ensure implementation.

MM 4.5.2. The Town shall include General Plan policy provisions that require:

- When new development that would be a source of odors is proposed near residences or sensitive receptors, either adequate buffer distances shall be provided (based on recommendations

and requirements of the California Air Resources Control Board and BAAQMD), or filters or other equipment/solutions shall be provided to reduce the potential exposure to acceptable levels. Potential mitigation associated with this policy requirement will be coordinated with any required permit conditions from BAAQMD.

- When new residential or other sensitive receptors are proposed near existing sources of odors, either adequate buffer distances shall be provided (based on recommendations and requirements of the California Air Resources Control Board and BAAQMD), or filters or other equipment/solutions shall be provided to the source to reduce the potential exposure to acceptable levels.

MM 4.5.3 The Town shall include General Plan policy provisions that require:

- When new development that would be a source of TACs is proposed near residences or sensitive receptors, either adequate buffer distances shall be provided (based on recommendations and requirements of the California Air Resources Control Board and BAAQMD), or filters or other equipment/solutions shall be provided to reduce the potential exposure to acceptable levels. Potential mitigation associated with this policy requirement will be coordinated with any required permit conditions from BAAQMD.
- When new residential or other sensitive receptors are proposed near existing sources of TACs, either adequate buffer distances shall be provided (based on recommendations and requirements of the California Air Resources Control Board and BAAQMD), or filters or other equipment/solutions shall be provided to the source to reduce the potential exposure to acceptable levels.

Town of Corte Madera Municipal Code

Municipal Code Chapter 5.26 provides requirements for employer trip reduction programs. The measures in Chapter 5.26 are required for employers of 100 or more employees and are required in addition to and not in lieu of the Marin County CMA trip reduction requirements.

State Odor Regulation

Statewide standards or regulation of odors is limited to hydrogen sulfide and odors associated with composting operations. In 1969, the CARB adopted a state-wide ambient air quality standard for hydrogen sulfide of 0.03 ppm (30 ppb, 42 mg/m³), averaged over a period of one hour and not to be equaled or exceeded. This standard was adopted to protect the general public against nuisance “rotten egg” smell. In 1999, the California Office of Environmental Health Hazard Assessment adopted the 30-ppb standard as an acute Reference Exposure Level for use in evaluating peak off-site concentrations from industrial facilities subject to requirements in California Health and Safety

Code Section 44300 et seq. In 2000 the California Office of Environmental Health Hazard Assessment adopted a level of 8 ppb (10 mg/m³) as the chronic Reference Exposure Level for use in evaluating long term emissions from Hot Spots facilities. At hydrogen sulfide concentrations exceeding 50 ppm (70 mg/m³), olfactory fatigue prevents detection of odors. At even higher concentrations, hydrogen sulfide can cause illness or death (California Air Resources Board and California Office of Environmental Health Hazard Assessment 2000).

6.3 Thresholds of Significance

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

- Conflict with the 2017 Bay Area Air Quality Management District Clean Air Plan. Significance is based on the air district's methodology. A project is considered consistent with the 2017 Clean Air Plan if it supports the primary goals of the 2017 Clean Air Plan, includes applicable 2017 Clean Air Plan control measures, and would not disrupt or hinder implementation of any 2017 Clean Air Plan control measures.
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation: The air district indicates that any project that would individually have a significant air quality impact would also be considered to have a significant cumulative air quality impact.

The air district's CEQA Guidelines method of criteria air pollutant analysis for plans is based on meeting the following two thresholds:

- Consistency with 2017 Clean Air Plan control measures (as above); and
 - A proposed plan's projected vehicle miles traveled or vehicle trips (either measure may be used) increase is less than or equal to its projected population increase.
- Result in a cumulatively considerable net increase of any criteria pollutant for which the region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors). A project is considered to result in a cumulatively considerable impact if the project individually has a significant air quality impact, or is inconsistent with the 2017 Clean Air Plan.

- Expose sensitive receptors (residential areas, schools, hospitals, nursing homes) to substantial pollutant concentrations. The air district’s CEQA Guidelines provide the following guidance for plans with regard to community risk and hazard impacts:
 - The land use diagram must identify special overlay zones around existing and planned sources of toxic air contaminants, and special overlay zones of at least 1,000 feet (or air district-approved modeled distance) on each side of all freeways and high-volume roadways; and
 - The plan must also identify goals, policies, and objectives to minimize potential impacts and create overlay zones for sources of toxic air contaminants and receptors. Public Resources Code Sections 21151.8, 21159.21, 21159.22, 21159.23, 21159.24, and 21155.1 require consideration of potential effects of hazardous environmental conditions on schools, certain housing, and transit priority projects in order for those projects to qualify for exemptions.
- Create objectionable odors affecting a substantial number of people.

6.4 Analysis, Impacts, and Mitigation Measures

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

Consistency with Applicable Air Quality Plans

IMPACT 6-1	The Proposed Project may be Inconsistent with the 2017 Clean Air Plan	Less-than-Significant with Mitigation
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The air district’s Air Quality CEQA Guidelines (2017) (“air district CEQA guidelines”) Section 9.1 provides guidance on determining if a development project is consistent with the Clean Air Plan. For consistency a project should meet three criteria: 1) support the primary goals of the Clean Air Plan; 2) include applicable Clean Air Plan control measures; and 3) not disrupt or hinder implementation of any Clean Air Plan control measures.

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

There are 81 control measures in the 2017 Clean Air Plan, many of which are applicable only for industrial or regional implementation. The Bay Area Commuter Benefits Program, required under California state law SB 1128, is incorporated into the Clean Air Plan. The Bay Area Commuter Benefits Program is a partnership led by the air district and the Metropolitan Transportation Commission to improve air quality and reduce traffic congestion by promoting the use of alternative commute modes such as transit, ridesharing, bicycling, and walking. Under the Bay Area Commuter Benefits Program, employers in the Bay Area with at least 50 full-time employees are required to provide workers with the option of tax-free transit and vanpool benefits. Project consistency with applicable control measures and the Bay Area Commuter Benefits Program is discussed below, based in part, on the implementation expectations stated in the 2017 Clean Air Plan. Refer to Volume 2 of the Clean Air Plan for full descriptions of the control measures.

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

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

Control Measure Number and Name	Consistency Analysis
SS21 – New Source Review for Toxics	<p>Consistent. This policy is implemented by the air district as part of its permitting procedures for stationary sources of emissions. It is possible that the proposed mixed commercial/residential uses may include fast food restaurants, print shops, dry cleaning operations, and emergency backup generators in new mixed-use buildings, or other uses that require permits from the air district.</p> <p>The general plan EIR analyzed the potential for new land uses that could emit TACs. Mitigation measure 4.5.3 requires provision of buffers between the source and receptors based on air district recommendations/requirements and/or the use of filters or other equipment/solutions to reduce potential exposures to acceptable levels, as determined by the air district permitting. General plan policy RCS-10.3 requires air quality mitigation for development projects and its implementation measure RCS-10.3.a requires buffer zones, setbacks or other site planning approaches to protect existing or future sensitive receptors from sources that generate significant air emissions. Future development consistent with the proposed Housing Element</p>

Control Measure Number and Name	Consistency Analysis
	would be subject to compliance with this measure. Compliance with this policy in addition to the air district's stationary-source permitting requirements ensures that the Housing Element Update will be consistent with this measure.
SS30: Residential Fan Type Furnaces	<p>Consistent. This measure is intended to reduce NO_x emissions from residential fan type central furnaces by reducing allowable NO_x emission limits on new and replacement furnace installations through its Regulation 9, Rule 4 (Rule 9-4). The air district works with local jurisdictions to implement this rule. When it is not feasible to install a non-fossil fuel-based furnace, this control measure ensures that the furnace installed uses best available retrofit control technology (BARCT).</p> <p>General plan Policy RCS-2.4 and Implementation Program RCS-2.4.b call for the provision of renewable energy systems to help meet future energy needs of the community. Policy RCS-10.6 supports the air district's efforts to reduce energy emissions to meet federal and State air quality standards. Implementation Program RCS-10.6.a requires the town to refer projects with potential to generate substantial emissions to the air district and incorporate air district mitigation as conditions of approval. RCS-10.6.c requires the Town to implement any regulations issued by the air district regarding greenhouse gas emissions, including those generated by energy demand. Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to energy appliance emissions. Additionally, future development projects under the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications related to air quality and energy conservation. Because implementation of the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for air quality and related energy conservation.</p>
SS32 Emergency Backup Generators (BUGS)	Consistent. This policy reduces emissions of diesel PM and black carbon from BUGs through Draft Rule 11-18, resulting in reduced health risks to impacted individuals, and in climate protection benefits. See the response to Control Measures SS21, previous.
SS34: Wood Smoke	<p>Consistent. In 2008, the air district adopted Regulation 6, Rule 3 to protect Bay Area residents from the harmful health impacts of wood smoke. In the fall of 2015, the Air District adopted amendments to Regulation 6-3, greatly expanding and tightening the regulation.</p> <p>The Town's general plan policy RCS-10.4 and its related implementation program reduces PM₁₀ emissions from fireplaces and wood stoves by prohibiting them in new development. Compliance with this policy would ensure consistency with this control measure.</p> <p>Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to reducing wood smoke emissions. Additionally, future development projects under the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications related to reducing wood smoke emissions. Because implementation of the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for the control of unhealthy wood smoke emissions that affect local and regional air quality.</p>
SS36 – Particulate Matter from Trackout	<p>Consistent. This measure addresses mud/dirt and other solid track-out from construction, landfills, quarries and other bulk material sites, that result in particulate emissions.</p> <p>The general plan policy RCS-10.3 addresses air quality from development. Implementation program RCS – 10.3.c requires the use of air district dust control measures (refer also to the general plan EIR mitigation measures in Section 6.2) as a condition of approval for discretionary projects. Future development consistent with the Housing Element is subject to compliance with this policy. The general plan EIR analyzed the potential for construction activity that would generate particulate emissions and found air quality impacts to be less than significant with mitigation. Consistent with the air district's recommended dust control measures general plan EIR mitigation measures 4.5.1a and 4.5.1b require new development to</p>

Control Measure Number and Name	Consistency Analysis
	<p>implement dust control measures. Compliance with general plan policy RCS-10.3 in addition to mitigation measures 4.51a-b, will reduce construction dust emissions. Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to construction equipment exhaust and fugitive dust emissions. Additionally, future development projects under the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications related to construction equipment exhaust and fugitive dust emissions. Because implementation of the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for the control of construction equipment exhaust and fugitive dust emissions.</p>
SS38 – Fugitive Dust	<p>Consistent. See response to SS36.</p>
TR2 – Trip Reduction Programs	<p>Consistent. The Trip Reduction measure includes a mandatory and voluntary trip reduction program. The regional Commuter Benefits Program, and similar local programs in jurisdictions with ordinances that require employers to offer pre-tax transit benefits to their employees, are mandatory programs. Voluntary programs include outreach to employers to encourage them to implement strategies that encourage their employees to use alternatives to driving alone.</p> <p>General plan policy CIR-1.8 and implementing program CIR-1.8.b. call for the reduction of vehicle trips and VMT by creating more employment opportunities in proximity to housing. The proposed Housing Element Update would increase residential trips and VMT (refer to Section 14, Transportation); however, implementation of mitigation measure 14.1 requires all development projects associated with the proposed Housing Element Update to prepare and submit a residential travel demand management plan (TDM). Additionally, the Town of Corte Madera Municipal Code Chapter 5.26 sets forth requirements for employer-based trip reduction programs and incorporates by reference the Marin County Congestion Management Agency minimum trip reduction and travel demand requirements. Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to the reduction of vehicle trips (refer also to the discussion in Section 9, Greenhouse Gas Emissions). Additionally, future development projects under the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications related to reductions in vehicle trips and VMT. Implementation of mitigation measure 14.1 and compliance with general plan policies ensure consistency with this measure.</p>
TR3 - Local and Regional Bus Service.	<p>Consistent. This control measure will improve existing transit service on the region's core transit systems.</p> <p>General plan policy CIR-1.8 and its related implementation program CIR-1.8a supports investment and participation in and transportation plans that provide alternatives to automobile-intensive transportation programs. Policy RCS-2.5 and its implementing program RCS2.5.c support municipal and community programs, including transit programs, aimed at reducing fossil fuel-based transportation. Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to local and regional bus service. Additionally, future development projects under the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications related to local and regional transit service. Because implementation of the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for local and regional bus services.</p>
TR5 - Transit Efficiency and Use.	<p>Consistent. This measure will improve transit efficiency and make transit more convenient for riders.</p> <p>General plan policy LU-2.12. requires medium to high density and mixed residential uses to be located in proximity to a range of supporting services and activity centers, including transit stops, schools, commercial centers, employment centers and parks. Policy LU-3.1. Provides for infill development in core Town areas and implementation program LU-3.1.a: encourages redevelopment that provides a diverse mixture of land uses, improves connectivity between</p>

Control Measure Number and Name	Consistency Analysis
	<p>neighborhoods and uses, reduces traffic congestion and provides a greater range of community amenities. In keeping with stated goals, infill development in core areas should also provide for transit-oriented development. Policy LU-3.2. encourages infill projects that are clearly consistent with Town objectives for infill development. Implementation program LU-3.2.a identifies the infill objectives, which include providing convenient access to transportation facilities and public transit. In addition to policy CIR-1.8, policy CIR-4.1 and its corresponding implementation program CIR-4.1b call for the expansion of the number of public transit locations within Corte Madera, and support plans and programs that improve transit services in the Corte Madera area and that may help reduce through-Town traffic, through CIP and other funding efforts and by offering support to such programs, such as Marin County Transit District's Twin Cities Shuttle. Policy CIR-6.2. seeks to provide commuter parking convenient to bus stops; implementation program CIR-6.2.a improves transit parking by requiring coordination with local and regional transit providers to identify needs and fund improvements for public parking and transit shelters.</p> <p>The proposed Housing Element Update opportunity sites are located on sites currently developed with commercial uses and are located in proximity to existing transit facilities consistent with this policy. Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to transit efficiency and use (refer also to the discussion in Section 9, Greenhouse Gas Emissions). Additionally, future development projects under the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications related to transit efficiency. Because implementation of the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for transit efficiency.</p>
TR6: Freeway and Arterial Operations.	<p>Consistent. This measure improves the performance and efficiency of freeway and arterial systems through operational improvements.</p> <p>Refer to the discussion of TR2, TR3, and TR5. The proposed Housing Element Update does not propose any changes to any Caltrans facility (refer to the discussion in Section 14.0, Transportation). Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to freeway and arterial operations. Additionally, future development projects under the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications related to traffic facility operations. Because implementation of the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for freeway and arterial operations.</p>
TR7 - Safe Routes to Schools and Transit	<p>Consistent. This measure facilitates safe route to schools and transit by providing funds and working with transportation agencies, local governments, schools, and communities to implement safe access for pedestrians and cyclists.</p> <p>See also responses to TR3, TR5, and TR9. General plan policy CIR-1.1 calls for the provision of safe and convenient linkages between all modes of travel. Implementation program CIR1.1.c requires new development to incorporate bicycle and pedestrian access and facilities that link the Town with regional bicycle and pedestrian connections. Policy CIR-1.12 encourages public and private schools to implement trip reduction programs and reduce congestion caused by commuting students and staff. Implementation program CIR-1.12.a actively supports efforts to improve upon and expand transportation options for students and reduce school-related traffic congestion. Examples include supporting increased funding of school buses and crossing guards, construction of safe routes to schools, and staggering school hours. Policy CIR-3.2 supports the improvement of bicycle lanes and pedestrian paths as part of the Safe Routes to School program; implementation program CIR-3.2.a: requires coordination with local School Districts to identify those bicycle and pedestrian routes most critical for Safe Routes to School improvements. Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to bicycle, and pedestrian facilities, including Safe</p>

Control Measure Number and Name	Consistency Analysis
	<p>Routes to Schools programs. Additionally, future development projects under the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications related to Safe Routes to School programs and other bicycle or pedestrian facilities. Because implementation of the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs applicable to the provision of Safe Routes to School.</p>
TR8 – Ridesharing and Last-Mile Connections	<p>Consistent. This measure will promote ridesharing services and incentives. See the response to measures TR2, previous.</p>
TR9 – Bicycle and Pedestrian Access and Facilities	<p>Consistent. The bicycle component of this measure will expand bicycle facilities serving employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers. The pedestrian component of this measure will improve pedestrian facilities and encourage walking by funding projects that improve pedestrian access to transit, employment sites, and major activity centers.</p> <p>In addition to the general plan policies and mitigation measures identified in the discussion of TR2, TR3, and TR5, the general plan policy Implementation Program CIR-3.1.d requires proposed development projects adjacent to existing or proposed bikeway routes to include bicycle paths or lanes in their street improvement plans and to construct the bicycle paths or lanes as a condition of project approval Implementation Program CIR-3.1.f requires bicycle circulation to be considered in the review of development projects. Policy CIR-3.3 calls for identifying opportunities to install bicycle and pedestrian paths that provide connections to surrounding communities and regional open spaces.</p> <p>Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to transit, bicycle, and pedestrian facilities. Additionally, future development projects under the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications related to transit, bicycle, or pedestrian facilities. Because implementation of the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for transit, bicycle, or pedestrian facilities.</p>
TR10: Land Use Strategies.	<p>Consistent. This measure supports land use patterns that reduce vehicle miles traveled and associated emissions and exposure to toxic air contaminants, especially within infill locations and impacted communities.</p> <p>General plan policy LU-2.12 requires lands designated for mixed uses to be located in proximity to a range of supporting services and activity centers, including transit stops, schools, commercial centers, employment centers and parks. Policy LU-2.15 and implementation program LU-2.15a provides support for mixed-use development proposals that include residential components, such as live-work combinations or ground-floor retail with upper story residential use. Policy LU-3.1 calls for the provision of infill development in core Town areas. Implementation Program LU-3.1.a encourages redevelopment of other lands in and around commercial and office core areas of the Town. Infill development can help create areas that are more compact with a diverse mixture of land uses, improve connectivity between neighborhoods and uses, reduce traffic congestion and provide a greater range of community amenities. Policy LU-3.2 infill projects consistent with Town objectives identified in its implementing program LU-3.2.a presented previously in this section.</p> <p>Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to ensuring a compact and efficient land use pattern that reduces VMT and mobile-source emissions. Additionally, future development projects under the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications related to reductions in VMT and air pollutant emissions (refer also to the discussion in Section 9, Greenhouse Gas Emissions). Because implementation of the Housing Element Update would be subject to all applicable Town guidelines, standards, and</p>

Control Measure Number and Name	Consistency Analysis
	specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for compact development that reduces VMT and air pollutant emissions.
TR14 – Cars and Light Trucks	<p>Consistent. This measure promotes the use of electric vehicles or alternative fuels to reduce emissions. In addition to vehicle buy-back programs and other funding incentives, the air district continues to partner with private, local, state and federal programs to install and expand public charging infrastructure, and promote existing charging infrastructure.</p> <p>The general plan includes policies that require municipal fleets to be fuel efficient and participate in the air district programs. Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to ensuring a compact and efficient land use pattern that reduces VMT and mobile-source emissions (refer also to the discussion in Section 9, Greenhouse Gas Emissions). Additionally, future development projects under the Housing Element Update may be eligible for these programs.</p>
TR15: Public Outreach	<p>Consistent. This measure includes various public outreach campaigns to educate the public about the health effects of air pollution and the air quality benefits of reducing motor-vehicle trips and choosing transportation modes that reduce motor vehicle emissions. The measure includes outreach and education regarding electric vehicles, smart driving, carpooling, vanpooling, taking public transit, biking, walking, and telecommuting.</p> <p>General plan policy RCS-1.2. requires the involvement of Town residents and businesses in sustainability projects. Implementation program RCS-1.2.a requires routine dissemination of information about community sustainability efforts and plans on the Town's web page, newsletter, and other methods. Policy RCS-2.5 and its related implementation programs require minimization of transportation-related energy consumption through construction fleet and practices, promoting green building design, and implementing municipal and community programs for employee carpooling, transit, walking and biking. Policy RCS-2.7 and its related implementation programs expand public participation in energy conservation and efficiency measures by providing energy conservation information and sources in the Town's newsletter.</p> <p>Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to public outreach practices aimed at reducing energy demand and VMT that contribute emissions affecting air quality. Additionally, future development projects under the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications related to educating the Town's residents of sustainable activities that reduce air pollution (refer also to the discussion in Section 8, Energy). Because implementation of the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for compact development to educate the Town's residents of sustainable activities that reduce air pollution.</p>
TR16: Indirect Source Review	<p>Consistent. This measure reduces emissions of key ozone precursors, ROG and NOx, particulate matter, toxic air contaminants and GHGs by reducing construction and operational emissions associated with new or modified land uses. On-road and off-road mobile emission sources are the main source categories targeted by this measure. However, space heating, landscape maintenance and wood burning emission source categories could also be included. This reduces region-wide population exposure to air pollutants and also reduces localized population exposure to air pollution.</p> <p>For construction and stationary sources of emissions, see responses to SS30, SS32, SS34, SS36, SS38.</p> <p>Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to ensuring a compact and efficient land use pattern that reduces criteria air pollutant and TAC emissions. The Town adopted a ban on gas-powered leaf blowers in March 2020 and CalEEMod emissions modeling conducted for the proposed project assume compliance with State mandates that reduce indirect source emissions including: Title 24 Residential Building Efficiency Standards that require 100 percent of electrical energy</p>

Control Measure Number and Name	Consistency Analysis
	<p>demand from renewable sources for certain residential uses; AB 1346, which phases out gas-powered landscaping equipment by 2024; and AB 341, which targets a 75 percent solid waste diversion (refer to Appendix C). Additionally, future development projects under the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications related to reductions in criteria air pollutant and TAC emissions. Because implementation of the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for compact development that reduces criteria air pollutant and TAC emissions.</p>
<p>TR22: Construction, Freight and Farming Equipment</p>	<p>Consistent. This measure works to reduce emissions from off-road equipment used in the construction, freight handling and farming industries by pursuing the following strategies: 1) offering financial incentives between 2017 and 2030 to retrofit engines with diesel particulate filters or upgrade to equipment with electric or Tier IV off-road engines; 2) work with ARB, the California Energy Commission and others to develop more fuel-efficient off-road engines and drive-trains; and 3) work with local communities, contractors, freight handlers, farmers and developers to encourage the use of renewable electricity and renewable fuels, such as biodiesel from local crops and waste fats and oils, in applicable equipment</p> <p>In addition to the general plan policies and general plan EIR mitigation measures identified previously in the response to SS36 and SS38, the general plan EIR also included MM 4.5.1c, requiring the utilization of project-specific construction emission control measures recommended by the air district including low emission construction equipment, restrictions on the length of time of use of certain heavy-duty construction equipment, and utilization of methods to reduce emissions from construction equipment (alternative fuels, particulate matter traps and diesel particulate filters). These measures (as appropriate and feasible) will be made conditions of approval and/or mitigation to projects to ensure implementation.</p> <p>Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to ensuring the use of low-emissions construction equipment and reduced exposures to equipment exhaust during construction. Additionally, future development projects under the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications related to reduced equipment emissions and exposures to them. Because implementation of the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for reducing equipment emissions and exposures to them.</p>
<p>EN1: Decarbonize Electricity Generation.</p>	<p>Consistent. This measure would promote and expedite a transition away from fossil fuels used in electricity generation (i.e., natural gas) to a greater reliance on renewable energy sources (e.g., wind, solar). In addition, this measure would promote an increase in cogeneration, which results in useful heat in addition to electricity generation from a single fuel source.</p> <p>General plan policy RCS-2.2 requires increased energy conservation and efficiency within Corte Madera; policy RCS-2.4 supports the development and utilization of renewable energy; RCS-2.6 calls for reducing energy consumption in buildings by balancing energy efficient design with good planning principles; policy RCS-5.1 encourages reduced consumption of non-renewable resources by expanding choices for using and reusing materials, energy, and water in an efficient manner; implementation program RCS-5.1.e requires cooperation with local and regional agencies to promote green business that promote energy efficiency and renewable energy. New development is subject to compliance with Title 24 building energy efficiencies, which currently require single-family and low-rise residential development to meet 100 percent of energy demand from renewable sources. See also the response to SS30.</p> <p>Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to ensuring reduced energy demand and reliance on fossil fuels. Additionally, future development projects under the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications related to reductions fossil-fuel-</p>

Control Measure Number and Name	Consistency Analysis
	<p>based energy consumption (refer also to the discussion in Section 8, Energy). Because implementation of the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for compact development that reduces reliance on fossil fuels for energy and transportation needs.</p>
<p>EN2: Decrease Energy Use.</p>	<p>Consistent. This measure focuses on decreasing energy use in the Bay Area by (1) increasing consumer awareness about energy efficiency through education and outreach and (2) tracking electricity use.</p> <p>See also the response to TR15 and EN1, previous. Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to ensuring reduced energy demand through alternative sources and conservation. Additionally, future development projects under the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications related to reduced energy demand through alternative sources and conservation (refer also to the discussion in Section 8, Energy). Because implementation of the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for compact development that reduces energy demand through alternative sources and conservation.</p>
<p>BL1 – Green Buildings</p>	<p>Consistent. This control measure would increase energy efficiency and the use of onsite renewable energy—as well as decarbonize existing end uses—for all types of existing and future buildings. This measure will reduce greenhouse gas (GHG) emissions, criteria pollutants and toxic air contaminants (TACs) associated with the operation of buildings. Decarbonizing buildings by moving away from natural-gas appliances in favor of electric-powered end uses and stimulating the use of onsite renewable energy will help the region contribute to meeting the state’s goal while reducing emissions of GHGs, TACs and criteria pollutants.</p> <p>General plan policy LU 3.5 requires infill development to include high quality design and site planning techniques. The extent to which infill projects incorporate green building features and sustainability principles shall also be considered in environmental and development review. Policy RCS-2.6 and related implementation programs require energy efficient site and building design in all new development projects consistent with the Marin County Green Building Program. Design measures may include building orientation and shading, landscaping, use of active and passive solar heating and hot water system, etc.</p> <p>Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to promote or require green building design. Additionally, future development projects under the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications related to green building design standards. Because implementation of the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for compact development that promote or require green building design.</p>
<p>BL2 Decarbonize Buildings All Pollutants</p>	<p>Consistent. This control measure would reduce greenhouse gas (GHG) emissions, criteria pollutants and toxic air contaminants (TACs) by limiting the installation of space- and water-heating systems and appliances powered by fossil fuels.</p> <p>See responses to SS30, ENV1, ENV2, BL1 and BL4.</p>
<p>BL4: Urban Heat Island Mitigation.</p>	<p>Consistent. This control measure aims to reduce the “urban heat island” phenomenon by increasing the application of “cool roofing” and “cool paving” technologies, as well as increasing the prevalence of urban forests and vegetation, through voluntary approaches and educational outreach.</p> <p>Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to increasing energy conservation and efficiency, including policies and programs that minimize heat islands and energy used for cooling (Policy RCS-2.2;</p>

Control Measure Number and Name	Consistency Analysis
	Implementation Program RCS-2.2f). These policies require avoiding materials that have excessive heat reflection characteristics and by using building orientation and landscape shading. Additionally, future development projects under the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications related to minimizing and mitigating heat islands. Because implementation of the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for minimizing and mitigating heat islands.
NW2 – Urban Tree Planting	<p>Consistent. The control measure promotes the planting of trees in urbanized settings to take advantage of the myriad benefits provided by these trees, including: shading to reduce both the “urban heat island” phenomenon and the need for space cooling, and the absorption of ambient criteria air pollutants as well as carbon dioxide (CO₂). The purpose of this control measure is to reduce criteria pollutants and GHGs by promoting the planting of trees in urban settings. These efforts will also serve to mitigate the urban heat island phenomenon and lower cooling and heating energy costs.</p> <p>See also responses to EN2, BL1, and BL4. Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to landscaping requirements and passive heating and cooling through site design and shaded plantings. Additionally, future development projects under the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications related to urban tree planting. Because implementation of the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for urban tree planting.</p>
WR2 – Support Water Conservation	<p>Consistent. This measure is intended to promote water conservation, including reduced water consumption and increased onsite water recycling, in industrial buildings for the purpose of reducing greenhouse gas (GHG) emissions.</p> <p>Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to increased water conservation and efficiency, including Policy RCS-5.1, which requires reducing consumption and recycling where feasible. Additionally, future development projects under the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications related to increased water conservation and efficiency. Because implementation of the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for increased water conservation and efficiency.</p>
FSM_BL1: Large Residential and Commercial Space Heating	Consistent. The air district's Regulation 9, Rule 4 regulates NO _x emissions from central furnaces in the size range typically found in single-family homes. This measure addresses larger furnaces rated above 175,000 BTU per hour that are found in multi-family residential buildings and large commercial spaces. This measure seeks to reduce NO _x emissions from large residential building central furnaces, and from commercial space heating. See response to BL2.

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

Conclusion

Implementation of the Housing Element Update would be subject to and implement general plan policies and programs, implement and Mitigation Measure 14-1 (Section 14, Transportation) and Mitigation Measures 6-1 and 6-2 (presented later in this section) applicable to air quality and reductions in criteria air pollutant and TAC emissions, consistent with the control measures of the

2017 Clean Air plan. As such, the proposed Housing Element Update supports the 2017 Clean Air Plan. Additionally, future development projects under the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications related to improving air quality and reducing exposures to TAC emissions. Because implementation of the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications, the Housing Element Update would not conflict with adopted policies, plans, or programs for improving air quality and reducing exposures to TAC emissions. Therefore, the proposed Housing Element Update would not conflict with or jeopardize successful implementation of the 2017 Clean Air Plan. No additional mitigation is required.

Increased Operational Criteria Air Pollutants from Vehicle Miles Traveled (VMT)

IMPACT 6-2	Increase in Operational Criteria Air Pollutant Emissions Resulting from an Increase in Vehicle Miles Traveled Will Degrade Air Quality	Less than Significant
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The air district’s analysis methodology was used as the basis in determining significance of criteria air pollutants. For plan level analysis, such as the proposed project, the air district typically does not recommend determinations based on criteria air pollutant emission modeling because site- and project-specific information is typically not available in detail sufficient to accurately estimate emissions volumes. The air district indicates that if a plan’s increase in projected vehicle miles traveled (VMT) or vehicle trips (either measure may be used) is less than or equal to its projected population increase, a plan would have a less-than-significant air quality impact.

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

According to California Department of Finance records (2022), Corte Madera’s population in 2022 was estimated at 10,082 persons. The proposed Housing Element Update would provide housing for an estimated 2,181 new residences, which equates to a 2031 population of 12,263. The change in population equates to a 21.6 percent increase by 2031.

Total VMT estimates were derived from the VMT analysis provided in the transportation analysis prepared by Hexagon Transportation Consultants (2022). The transportation analysis identifies the

countywide existing VMT as an average of 15.8 daily VMT per person, which equates to total existing daily VMT of approximately 159,296 VMT (10,082 X 15.8). The proposed Housing Element Update would have a 14.7 daily VMT per person, with a total VMT of 32,061 (14.7 X 2,181). Townwide daily VMT would be 191,357 VMT (159,296+32,061) at buildout of the proposed Housing Element Update, assumed to be in 2031. The proposed project’s contribution equates to a 20.1 percent increase in townwide VMT. A comparison of the percent increase in total VMT and population resulting from full implementation of the Housing Element Update is presented in [Table 6-8, Housing Element Update VMT and Population Increase](#).

Table 6-8 Housing Element Update VMT and Population Increase

Year	Townwide Daily VMT ¹	Population
2022	159,296	10,082
2031	191,357	12,263
Percent Increase	20.1	21.6

SOURCE: Hexagon Transportation Consultants 2022, California Department of Finance 2022.

NOTE: 2031 VMT is the sum of existing citywide VMT plus project VMT.

Conclusion

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

Exposures to Toxic Air Contaminants

IMPACT 6-3	Adverse Effects to Sensitive Receptors from Toxic Air Contaminants During Operations	Less-Than-Significant with Mitigation
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Corte Madera is not identified in the air district’s Community Air Risk Evaluation (CARE) program as a community impacted by significant levels of toxic air contaminants (Bay Area Air Quality Management District 2022f). Placing residences in infill locations near jobs, transit and other services helps to reduce VMT and GHG emissions, and improve regional air quality. The air district acknowledges that infill development in locations near major sources of air pollution could also result in increased local exposure to unhealthy levels of air pollutants to the people living there unless steps are taken to reduce emissions and minimize exposures to them. Concentrations of TACs including fine PM can be substantially elevated adjacent to and downwind of these sources, putting people who live there at risk of developing adverse health effects. The negative health effects can be greatly reduced when distance is increased between the source of air pollution and sensitive land uses, and/or when measures are taken to reduce to remove air pollution through the use of air filtration and other design considerations (Bay Area Air Quality Management District 2016).

As reported previously in Section 6.1, five of the proposed opportunity sites (one, two, six, eight, and nine) are located within 1,000 feet of permitted stationary sources with emissions exceeding air district single-source health risk thresholds (refer to Figure 6-1). Sites eight and nine are located near a generator operated by Marin County Sanitation District #2. Generators are sources of intermittent emissions and would not be expected to result in prolonged health risk exposures. Sites one, two, and six are located in proximity to gasoline stations. Although the toxic air contaminants effects of gasoline stations diminish with distance, if the cancer risk of the gasoline station is in excess of 10 cases per one million there is the potential for adverse effects from toxic air contaminants. Opportunity sites one, two, and a portion of six are located within the 1,000-foot screening distance within which exposures to significant cancer risks from gasoline station emissions could occur. This is a potentially significant impact.

The air district recommends an assessment of potential exposures to mobile-source TACs that can increase cancer risks when sensitive receptors are proposed to be located within 1,000 feet of a high-volume freeway or roadway. A review of the air district's interactive mapping tool for high-volume roadways shows that the only high-volume roadway with average daily traffic levels greater than 10,000 vehicles per day is U.S. Highway 101 (refer to the discussion in Section 6.1.) As shown in Figure 6-2, previously, all of the proposed opportunity sites with the exception of site #1, are located within 1,000 feet of U.S. Highway 101. Future development of the opportunity sites with residential uses as outlined in the Housing Element Update would increase exposures to TAC emissions from vehicle exhaust, which is a potentially significant impact.

The Town's general plan resource conservation element policies RCS-10.3, RCS-10.6, and related implementation programs (presented in Section 6.2) support air district efforts to meet federal and state air quality standards by incorporating evaluation and mitigation of air quality into the Town's development review process. Implementation program RCS-10.3g, "Toxic Air Contaminants Control," regulates new development that would be a source of TACs near residences or sensitive receptors and requires as a condition of approval for new residential development or other sensitive receptors near existing sources of odor, adequate buffer distances or filters or other equipment or solutions to reduce exposure to acceptable levels. Although not specifically stated, it is presumed that this measure is intended to apply to new residential development in proximity to existing or proposed sources of TAC emissions that can significantly increase cancer and other health risks.

The general plan policies and programs require adequate buffer zones, setbacks, filtration, or other site planning approaches to protect existing or future sensitive receptors from existing and new sources of TAC emissions. Air quality issues are required to be reviewed during the Town's development review process and in amendments to the zoning ordinance, and air quality and health risk reduction measures are required to be incorporated into development projects. Compliance with these policies and programs is required during the Town's process for design review applications required for residential mixed uses and would reduce sensitive receptor exposures to any new sources of TAC emissions.

However, the Town's general plan land use diagram does not identify overlay zones for areas within 1,000 feet of existing sources of substantial TAC emissions and its general plan policies and zoning ordinance do not provide performance objectives for determining unacceptable exposure or applicable emissions reduction measures. Mitigation is needed to meet the air district's significance threshold for the provision of overlay zones wherein significant exposures to TAC emissions and increased health risks may occur, and to evaluate sensitive receptor exposures to existing and new sources of TAC emissions during the Town's development review process. Figure 6-1 and Figure 6-2, presented previously, show the locations of the air district's recommended screening distances for which a health risk assessment would be needed. Implementation of the following mitigation measures, along with Implementation program RCS-10.3g, "Toxic Air Contaminants Control," will ensure that the health risks related to the placement of residential mixed uses would not result in significant impacts related to exposures to existing or new sources of TAC and their associated health risks.

Mitigation Measures

- 6-1 Health risks will be evaluated and mitigated prior to issuance of residential permits located within the following overlay zones: 1,000 feet of 1) existing permitted stationary sources of Toxic Air Contaminants (TACs) that exceed air district thresholds, 2) U.S. Highway 101, or 3) for new development that would be a source of TACs within 1,000 feet of residences or sensitive receptors.
- 6-2 Mitigation will include, but not be limited to, the provision of adequate buffer distances (based on recommendations and requirements of the California Air Resources Board and BAAQMD) or filters or other equipment or solutions to reduce exposure to acceptable levels may be required as determined by the health risk assessment.
- TAC emission control conditions of approval will be coordinated with BAAQMD best practices and required permit conditions to reduce exposures to TAC emissions and associated cancer risks within these areas, and permit conditions required by BAAQMD.

Conclusion

Implementation of the Housing Element Update would be subject to and implement general plan policies applicable to ensuring a compact and efficient land use pattern that reduces VMT and mobile-source emissions. Additionally, future development projects under the Housing Element Update would be subject to all applicable Town guidelines, standards, and specifications related to reductions in VMT and air pollutant emissions. Additionally, implementation of mitigation measure 6-1 and 6-2 would ensure that future development projects associated with the Housing Element Update would be subject to Town standards and programs that reduce exposures to and generation of TAC emissions that lead to increased cancer risks. Implementation of mitigation measures 6-1 and 6-2 in addition to all applicable Town guidelines, standards, and specifications, the Housing

Element Update would not result in significant impacts from an increase in TAC emissions or increased health risks from exposures to them by requiring applicable development proposals to evaluate TAC exposures and where significant, provide appropriate mitigation. The impact is less than significant with mitigation.

Odors

IMPACT 6-4	Adverse Effects to Sensitive Receptors from Odors	No Impact
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The air district CEQA Guidelines identify land uses that typically are associated with the creation of objectionable odors including wastewater treatment plant, sanitary landfill, transfer stations, composting facilities, petroleum refineries, asphalt batch plants, chemical manufacturing, fiberglass manufacturing, auto body shops, rendering plants, coffee roasters, and certain agricultural practices. Impacts resulting from odors can result when sensitive receptors (e.g., new residences) are located near the odor sources. Odors are generally regarded as an annoyance rather than a health hazard. Manifestations of a person’s reaction to odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache).

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

6.5 Cumulative Impacts

Geographic Scope

The geographic scope for this analysis is the air basin. Implementation of the Housing Element Update would generate construction and air emissions that contribute to regional air quality conditions including ozone and PM₁₀ pollutant concentrations for which the air basin is in nonattainment. This is a significant cumulative impact.

Cumulative Impact Analysis

Air district annual thresholds for operational ROG and PM₁₀ emissions are 10 tons per year and 15 tons per year, respectively. Project emissions that exceed the annual threshold would be cumulatively considerable. The Housing Element Update would generate ozone precursor and PM₁₀ emissions that contribute to regional air quality impacts. Therefore, the analysis in this section is inherently cumulative in nature.

Future development on the 11 opportunity sites identified in the Housing Element Update would generate ozone precursors and PM₁₀ emissions during operations. Project emissions in addition to past, present and future project emissions would contribute to cumulative air quality impacts for

ozone precursors (primarily from an increase in VMT and energy demand) and PM₁₀. According to the CalEEMod emissions modeling conducted for the discussion of greenhouse gas (GHG) impacts (refer to Section 9), operational ROG (ozone) and PM₁₀ emissions generated by future development consistent with the Housing Element Update would contribute annual operational emissions of about 10.9 tons of ROG annually, and about 11.9 tons of PM₁₀ annually (See also CalEEMod results in [Appendix C](#)). Operational PM₁₀ emissions resulting from future development would be less than the air district's annual threshold and less than cumulatively considerable.

The proposed uses have the potential to generate ROG emissions that exceed the air district's annual threshold of 10 tons per year. However, existing commercial and office uses on the opportunity sites already contribute operational ROG emissions that affect regional air quality. Operational emissions from existing development would be replaced by the emissions from future development associated with the proposed Housing Element Update. Although existing criteria air pollutant emissions are not quantified in the CalEEMod analysis, existing emissions volumes would be large enough that the net change in ozone precursor emissions from existing to proposed uses would not exceed the air district threshold. Additionally, compliance with general plan policies and programs described in this section would reduce operational area source ozone precursors and PM₁₀ emissions to less than cumulatively considerable. Further, since the Town's population increase resulting from the Housing Element Update would be greater than the increase in VMT (and related vehicle emissions), related increases in operational mobile-source ozone precursors and PM₁₀ emissions would be less than cumulatively considerable.

Construction emissions generated by the Housing Element Update would be mitigated by compliance with general plan policy provisions that require the utilization of construction emission control measures recommended by air district that are appropriate for the specifics of the project (e.g., length of time of construction and distance from sensitive receptors). This may include the utilization of low emission construction equipment, restrictions on the length of time of use of certain heavy-duty construction equipment, and utilization of methods to reduce emissions from construction equipment (alternative fuels, particulate matter traps and diesel particulate filters). General plan policies 10.3 and 10.6 and their related implementation programs require review of air quality issues as part of the Town's development review process, and incorporation of air district recommendations and best practices as conditions of approval. As a result, construction emissions resulting from implementation of the Housing Element Update that contribute to degraded regional air quality would be less than cumulatively considerable.

7.0 Biological Resources

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

Information in this section is derived from various sources including:

- *General Plan for the Town of Corte Madera* (April 2009);
- *Town of Corte Madera General Plan Update Draft Environmental Impact Report* (Corte Madera 2008);
- *Town of Corte Madera General Plan Update Final Environmental Impact Report* (Corte Madera 2009);
- California Department of Fish and Wildlife (CDFW) *California Natural Diversity Database* (CDFW 2022);
- California Native Plant Society (CNPS) *Inventory of Rare and Endangered Plants* (CNPS 2022); and
- U.S. Fish and Wildlife Service (USFWS) *Endangered Species Program* (USFWS 2022a) and *National Wetlands Inventory* (USFWS 2022b).

One comment on the NOP was received on April 15, 2022, from the CDFW (Bay Delta Region). Analysis was recommended to address potential impacts to the following:

- Encroachments into riparian habitats, drainage ditches, wetlands, or other sensitive areas;
- Potential for impacts to special-status species or sensitive natural communities;
- Loss or modification of breeding, nesting, dispersal, and foraging habitat, including vegetation removal, alteration of soils and hydrology, and removal of habitat structural features (e.g., snags, rock outcrops, overhanging banks);
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic, or human presence; and
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features.

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

7.1 Environmental Setting

The Town of Corte Madera encompasses a total area of approximately 4.4 square miles, 1.2 square miles of which is wetlands and waters associated with the San Francisco Bay. Freshwater wetland habitats in the Town include San Clemente Creek, Corte Madera Channel, and various ephemeral and intermittent streams associated with the Corte Madera watershed. Saline and brackish areas include the open waters of the San Francisco Bay, mudflats, and tidal marshes.

As described in the General Plan Update EIR, the San Francisco Bay tidal marshes and areas of undeveloped Bay frontage like those in the Town limits take on greater regional significance as a result of the continued loss of such habitats to development elsewhere in the Bay. Specific state, federal, and local laws have been enacted to regulate development activities in such ecologically valuable areas.

The southern and western Town limits include low portions of the Mt. Tamalpais foothills, and support montane-hardwood conifer forest and coast live oak woodland, with an understory and open areas dominated by annual grassland.

Existing Conditions

The Town of Corte Madera is located on the San Rafael and San Quentin U.S. Geological Survey (USGS) 7.5-minute quadrangle maps, at elevations from sea level to approximately 1,000 feet. The Town is within the Central Coast Bioregion, which encompasses a diversity of plant communities from wet redwood forest to dry oak woodland and chaparral. The climate in the area is Mediterranean, with warm and dry summers, and winters tending to be cool and wet. Most of the annual rainfall occurs between the months of November and March (Western Regional Climate Center 2022).

The eleven sites identified for higher density residential development are generally located along the U.S. Highway 101 corridor and major roads, including Tamalpais Drive, Tamal Vista Boulevard, and Paradise Drive (Figure 4-1, Housing Opportunity Sites). All 11 sites have been previously developed, and vegetation remaining on the sites is limited to trees and ornamental landscaping.

Urban/Ornamental

Within urban/ornamental areas, vegetation consists primarily of introduced ornamental trees and shrubs and manicured lawns as well as invasive weeds in disturbed areas. Wildlife habitat quality is considered low due to the level of development and disturbance. Bird species adapted to disturbance are likely to occur, including rock dove (*Columba livia*), house finch (*Carpodacus mexicanus*), European starling (*Sturnus vulgaris*), and Common mammal species expected to occur include raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), and Virginia opossum (*Didelphis virginiana*); common reptiles may include western fence lizard (*Sceloporus occidentalis*) and common garter snake (*Thamnophis sirtalis*). Species of small rodents including mice (*Mus musculus*, *Reithrodontomys megalotis*, and *Peromyscus maniculatus*) and California vole (*Microtus californicus*) may also occur.

Wetlands and Waterways

As described above, there are a number of freshwater, brackish, and saltwater resources within the town limits. A review of the National Wetlands Inventory shows freshwater emergent wetlands and riverine habitats on site 5, with a connection to the Corte Madera Channel, which is designated as estuarine habitat [(Figure 7-1, National Wetland Inventory Map) USFWS 2022b]. Site 4 is immediately adjacent to these features. In addition, Site 3 is located immediately adjacent to a channel designated as estuarine habitat.

Special-Status Species with Potential to Occur in Vicinity

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

A search of the CDFW California Natural Diversity Database (CDFW 2022) was conducted within five miles of the Town limits in order to update the search conducted for the General Plan Update EIR and to evaluate potentially occurring special-status plant and wildlife species in the vicinity of the 11 proposed housing opportunity sites. Figure 7-2, CNDDDB Map, shows the locations of special-status species recorded in the vicinity of the Town. Records of occurrence for special-status plants were reviewed for the same area in the CNPS Inventory of Rare and Endangered Plants (CNPS 2022). A USFWS Endangered Species Program threatened and endangered species list was also generated for Marin County (USFWS 2022a).

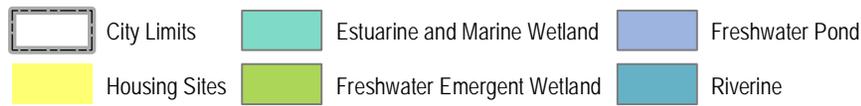
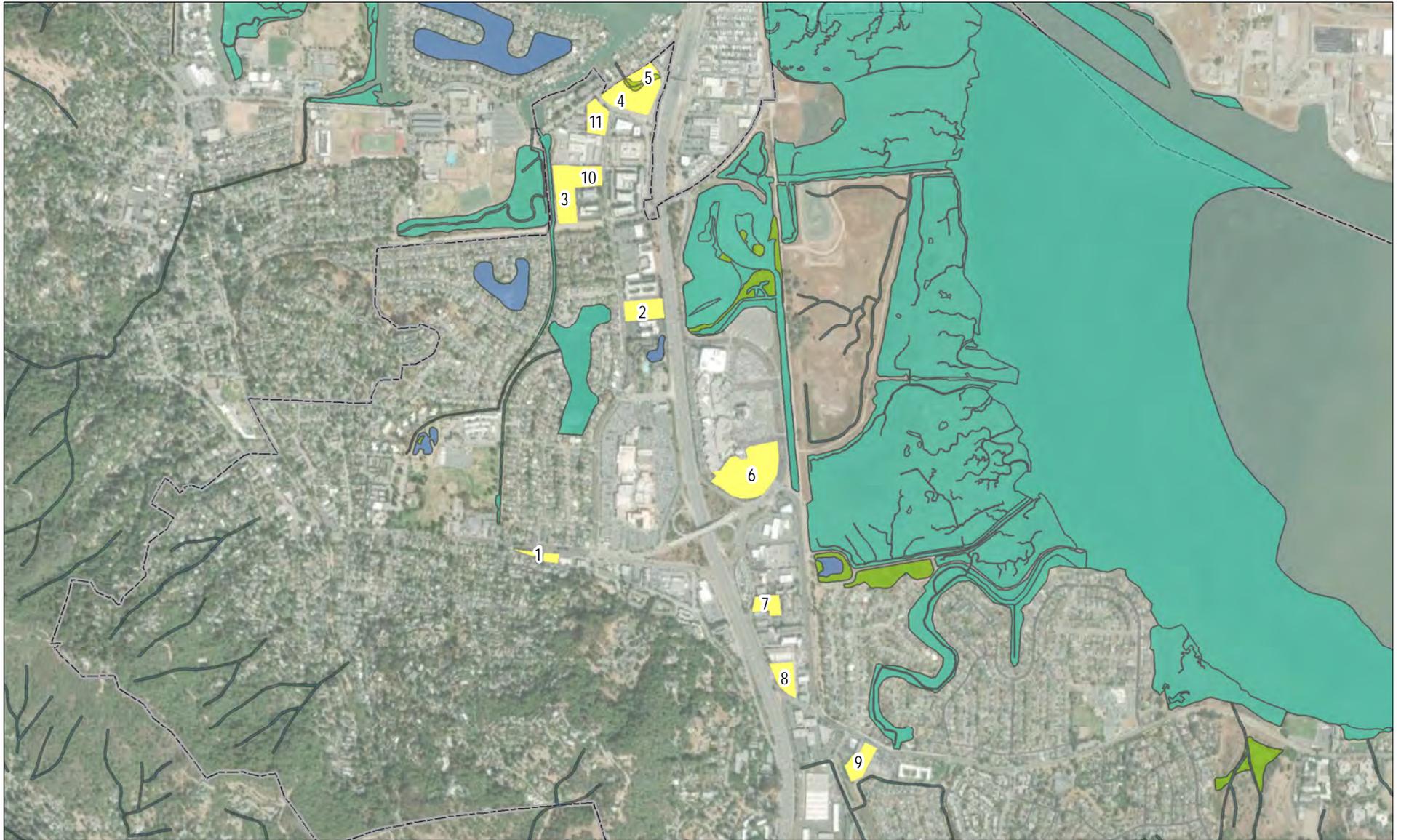
Special-Status Plants

The following special-status plant species were addressed in the General Plan Update EIR and identified in the updated database searches:

- Napa false indigo (*Amorpha californica* var. *napensis*), CNPS list 1B;
- Marin manzanita (*Arctostaphylos virgata*), CNPS list 1B;
- Suisun Marsh aster (*Aster lentus*), CNPS list 1B;
- Tiburon mariposa lily (*Calochortus tiburonensis*), federally listed as threatened, state-listed as threatened, USFWS species of local concern, CNPS list 1B;
- Tiburon Indian paintbrush (*Castilleja affinis* ssp. *Neglecta*), federally listed as endangered, state listed as endangered, USFWS species of local concern, CNPS list 1B;
- San Francisco Bay spineflower (*Chorizanthe cuspidata* var. *cuspidate*), CNPS list 1B;
- Franciscan thistle (*Cirsium andrewsii*), CNPS list 1B;

- Mt. Tamalpais thistle (*Cirsium hydrophilum* var. *vaseyi*), CNPS list 1B;
- Point Reyes bird's-beak (*Cordylanthus maritimus* ssp. *Palustris*), CNPS list 1B;
- Minute pocket-moss (*Fissidens pauperculus*), CNPS list 1B;
- Marin checker lily (*Fritillaria lanceolata* var. *tristulis*), CNPS list 1B;
- Fragrant fritillary (*Fritillaria liliacea*), CNPS list 1B;
- Diablo helianthella (*Helianthella castanea*), CNPS list 1B;
- Marin western flax (*Hesperolinon congestum*), federally listed as threatened, state-listed as threatened, USFWS species of local concern, CNPS list 1B;
- Loma Prieta hoita (*Hoita strobilina*), CNPS list 1B;
- Santa Cruz tarplant (*Holocarpus macradenia*), federally listed as threatened, state-listed as endangered, CNPS list 1B;
- Thin-lobed horkelia (*Horkelia tenuiloba*), CNPS list 1B;
- Tamalpais lessingia (*Lessingia micradenia* var. *micradenia*), CNPS list 1B, USFWS species of local concern;
- Marsh microseris (*Microseris paludosa*) USFWS species of local concern
- Marin County navarretia (*Navarretia rosulata*), CNPS list 1B;
- White-rayed pentachaeta (*Pentachaeta bellidiflora*), federally listed as endangered, state listed as endangered, USFWS species of local concern, CNPS list 1B;
- Hairless popcorn-flower (*Plagiobothrys glaber*), CNPS list 1A;
- North Coast semaphore grass (*Pleuropogon hooverianus*) is state listed as threatened, CNPS list 1B;
- Tamalpais oak (*Quercus parvula* var. *tamalpaisensis*), CNPS list 1B;
- Point Reyes checkerbloom (*Sidalcea calycosa* ssp. *Rhizomata*), CNPS list 1B;
- Santa Cruz microseris (*Stebbinsoseris decipiens*), CNPS list 1B;
- Tamalpais jewel-flower (*Streptanthus batrachopus*), CNPS list 1B;
- Mt. Tamalpais jewel-flower (*Streptanthus glandulosus* ssp. *Pulchellus*), CNPS list 1B;
- Tiburon jewel-flower (*Streptanthus niger*) is federally listed as endangered, state listed as endangered, USFWS species of local concern, CNPS list 1B;
- Showy indian clover (*Trifolium amoenum*) is federally listed as endangered, CNPS list 1B;
- Small groundcone (*Boschniakia hookeri*), CNPS list 2; and
- Marin knotweed (*Polygonum marinese*) CNPS list 3.

Because the housing opportunity sites are mostly developed, the likelihood of special-status plant species of occurring is considered low, however annual grassland and wetland habitats may support listed species.

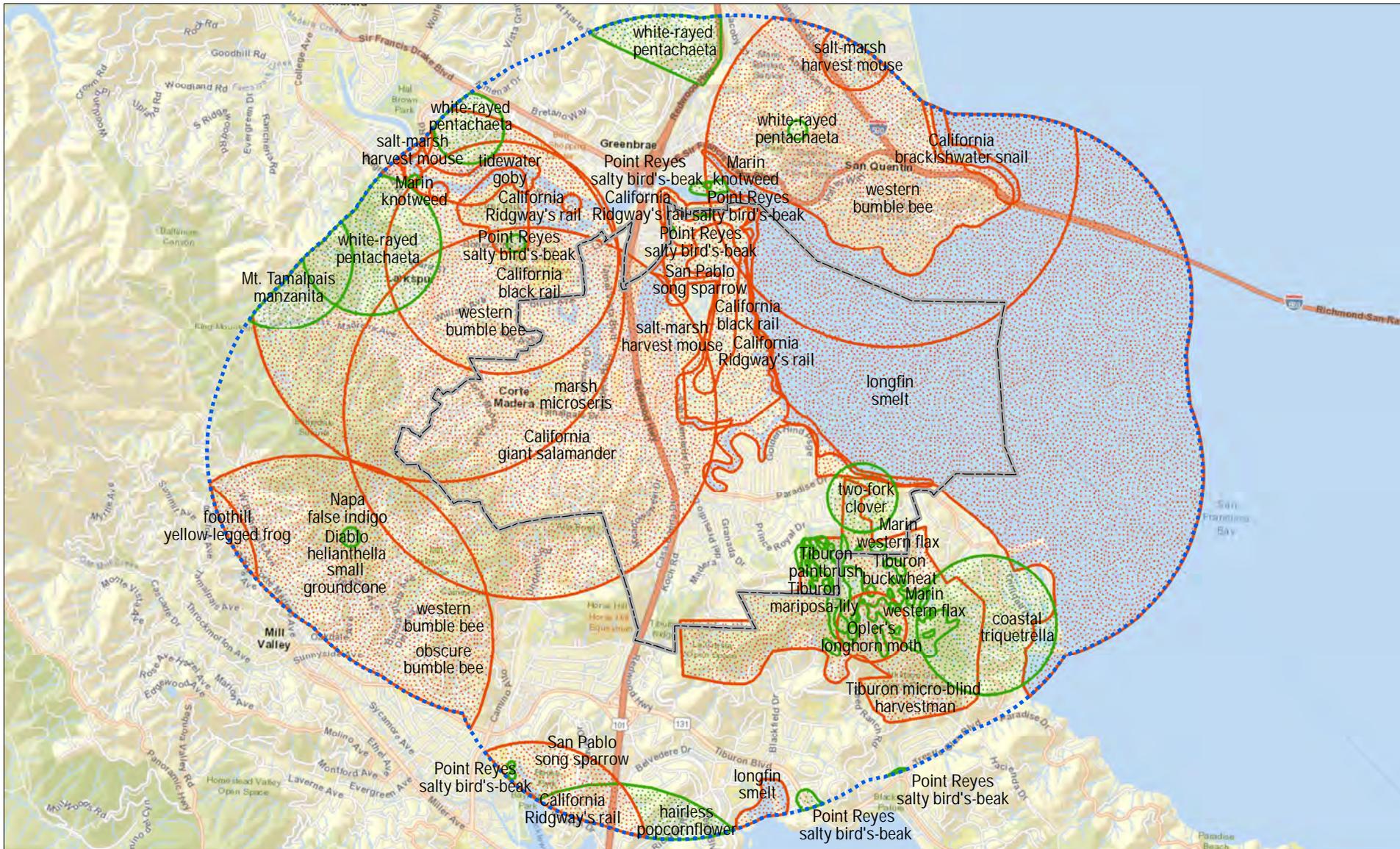


Source: ESRI 2022, USFWS NWI 1998



Figure 7-1
National Wetland Inventory

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Source: ESRI 2022, CNDDDB 2022



Figure 7-2

Recorded Observations of Special-Status Species

Town of Corte Madera 6th Cycle (2023-2031) Housing Element Update Subsequent EIR



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Special-Status Wildlife

The following special-status wildlife species were addressed in the General Plan Update EIR and identified in the updated database searches:

- San Bruno elfin butterfly (*Callophrys [Incisalia] mossii bayensis*), federally listed as endangered;
- Mission blue butterfly (*Plebejus [Icaricia] icarioides missionensis*), federally listed as endangered;
- Western bumble bee (*Bombus occidentalis*), candidate for federal listing;
- Tidewater goby (*Encyclogobius newberryi*), federally listed as endangered;
- Coho Salmon Central California Coast ESU (*Oncorhynchus kisutch*) is federally and state listed as endangered;
- Steelhead Central California Coast DPS (*Oncorhynchus mykiss irideus*), federally listed as threatened;
- California red-legged frog (*Rana aurora draytonii*), federally listed as threatened and a California species of special concern;
- California giant salamander (*Dicamptodon ensatus*), California species of special concern;
- California black rail (*Laterallus jamaicensis*), state listed as threatened, and is a California fully protected species;
- California Ridgway's rail (*Rallus longirostris obsoletus*), state and federally listed as endangered;
- Southern sea otter (*Enhydra lutris nereis*), federally listed as threatened;
- Salt-marsh harvest mouse (*Reithrodontomys raviventris*), federally and state listed as endangered, and a California fully protected species;
- Monarch butterfly (*Danaus plexippus*), candidate for federal listing;
- Tiburon micro-blind harvestman (*Microcina tiburona*), species of local concern;
- Foothill yellow-legged frog (*Rana boylei*), California species of special concern;
- Western pond turtle (*Emys marmorata*), California species of special concern;
- Northern harrier (*Circus cyaneus*), California species of special concern;
- White-tailed kite (*Elanus leucurus*), California species of special concern;
- Saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*), California species of special concern;
- Alameda song sparrow (*Melospiza melodia pusillula*), California species of special concern;
- San Pablo song sparrow (*Melospiza melodia samuelis*), California species of special concern;
- Double-crested cormorant (*Phalacrocorax auritus*), California species of special concern;
- Short-eared owl (*Asio flammeus*), California species of special concern;
- Pallid bat (*Antrozous pallidus*), California species of special concern;
- San Pablo vole (*Microtus californicus sanpabloensis*), California species of special concern;
- Harbor seal (*Phoca vitulina*), protected under the Marine Mammal Protection Act; and
- American badger (*Taxidea taxus*), California species of special concern.

Because the housing opportunity sites are mostly developed, the likelihood of special-status wildlife species of occurring is considered low, however trees, annual grassland, and wetland habitats may support listed species such as California red-legged frog, western pond turtle, California black rail, California Ridgway's rail, roosting special-status bats, and protected nesting birds.

Regulated Trees

The housing opportunity sites contain trees likely protected by the Corte Madera Municipal Code, Chapter 15.50 – Trees. Any applicant requesting to remove, destroy or alter one or more trees as a result of development, except those exempted from permit requirements in Section 15.50.050, will be required to obtain a tree removal permit.

Pursuant to state law, a tree permit is not required for any tree that is altered, removed, or destroyed in conjunction with a project developed under Title 22 (Corte Madera's Objective Design and Development Standards). Replacement planting shall be provided as required in Title 22.

Sensitive Natural Communities

Natural Communities are California vegetation types ranked by their rarity and threat by CDFW. Natural Communities with ranks of S1-S3 are considered Sensitive Natural Communities to be addressed in the environmental review processes of CEQA and its equivalents. As described in more detail above, the site supports one natural community considered sensitive by the CDFW: wetlands/waterways. Sensitive natural communities are protected because they support a diverse assemblage of native species.

Wildlife Movement

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

The housing opportunity sites have been previously developed and are not located in areas that provide connections between habitat areas. Wildlife movement through the Town limits is limited due to the urban nature of the Town and surrounding environs, though the riparian corridor along Corte Madera Creek serves as an aquatic and terrestrial wildlife migration corridor for areas within and surrounding the Town limits.

7.2 Regulatory Setting

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

Federal Plans and Regulations

Endangered Species Act

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

Migratory Bird Treaty Act

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

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

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

Clean Water Act

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

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

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

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

State Plans and Regulations

California Endangered Species Act

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

Nesting Birds and Birds of Prey

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

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

Streambed Alterations

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

California Porter-Cologne Water Quality Control Act

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

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

Local Plans and Regulations

2009 Town of Corte Madera General Plan

General plan policies and implementing actions addressing sensitive biological resources applicable to future development of the opportunity sites consistent with the proposed Housing Element Update are presented in [Appendix F](#).

Corte Madera Municipal Code

Corte Madera Municipal Code, Chapter 15.50 – Trees, states that it is, “unlawful for any person to remove, destroy, alter, or cause to be removed, destroyed, or altered, any tree growing within the Town limits on any property without a permit, as required by this chapter, unless such work is specifically exempted from tree permit requirements by this chapter.” Pursuant to state law, a tree permit is not required for any tree that is altered, removed, or destroyed in conjunction with a project developed under Title 22 (Corte Madera’s Objective Design and Development Standards).

7.3 Thresholds or Standards of Significance

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

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

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

7.4 Analysis, Impacts, and Mitigation Measures

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

Effects on Special-Status Plant and Wildlife Species

IMPACT 7-1	Loss of Special-Status Plant Species or Their Habitats	Less than Significant with Mitigation
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Because the housing opportunity sites are mostly developed, the likelihood of special-status plant species of occurring is considered low; however, annual grassland and wetland habitats may support listed species. However, according to the CNDDDB, the following housing opportunity sites are located within records for marsh microseris: sites 1, 2, 3, 6, 7, 8, 10, and 11 (CDFW 2022).

Marsh microseris. Marsh microseris is listed by the CNPS as a 1B species. This perennial herb in the Asteraceae family is found in closed-cone coniferous forest, cismontane woodland, coastal scrub, valley and foothill grassland between five and 300 meters above mean sea level. The species blooming period is from April to June and sometimes until July. Suitable habitat is present within the Planning Area. There is one recorded occurrence (occurrence number 14) within the Town limits that overlaps the proposed housing opportunity sites. This record is a general location from 1886 and the need for additional field work is included in the record.

Conclusion

If special-status plant species are present on a housing opportunity site, ground disturbance and construction activities could result in the loss of individual plants. This would be a significant adverse environmental impact. General Plan policies RCS-6.2, 6.3, 7.1, and 7.2, along with their associated implementation program measures, address the protection of special-status plants and their habitat, including requiring review on a project-by-project basis. Policy 7.5 includes implementation program measures to require preparation of a landscaping plan using native species, prohibit the use of invasive species, and remove invasive species if present. If special-status plants are identified within the housing opportunity sites during the development review process, policy RCS-6.3 requires adequate mitigation measures to ensure the protection of sensitive resources and a “no net loss” of sensitive habitat acreage, values and function. With the implementation of the general plan policies and implementation program measures, presented as mitigation measures below, impacts to special-status plants are considered less than significant.

Mitigation Measures

- 7-1a Policy RCS-6.2. Protect wetlands (as defined herein), other waters of the United States, and essential habitat for special status species, including, but not limited to, other wetland habitat areas, habitat corridors, and sensitive natural communities.
- a. Implementation Program RCS-6.2a: Resource Protection. Protect sensitive biological resources, including wetlands and other waters of the United States and other wetland habitat areas, and habitat corridors, and sensitive natural communities through environmental review of development applications in compliance with

CEQA provisions, participation in comprehensive habitat management programs with other local and resource agencies, and continued acquisition and management of open space lands that provide for permanent protection of important natural habitats. Protect wetlands and other waters of the United States in accordance with the regulations of the U.S. Army Corps of Engineers and other appropriate agencies as well as consistent with Implementation Program RCS-8.2.a. Protect other habitat areas, habitat corridors, and sensitive natural communities consistent with program RCS-6.3.a

- b. Implementation Program RCS-6.2.b: Restoration Objectives. Where feasible (as defined under State CEQA Guidelines Section 15364), restore lost or damaged habitat. Support restoration objectives for local habitat types identified by the California Department of Fish and Game and in other regional environmental planning documents.

7-1b Policy RCS-6.3. Manage the development review process in compliance with CEQA provisions to promote resource conservation and sustainability.

- a. Implementation Program RCS-6.3.a: Environmental Review. Continue to require environmental review of development applications pursuant to CEQA to assess the impact of proposed development on species and habitat diversity, particularly special-status species, sensitive habitat areas, wetlands and other wetland habitats, and habitat connectivity. Require adequate mitigation measures for ensuring the protection of sensitive resources and achieving “no net loss” of sensitive habitat acreage, values and function. Require specific mitigation measures for wetlands and waters of the United States (see Implementation Program RCS-8.2.a for mitigation standards for wetlands and waters of the U.S.).
- b. Implementation Program RCS-6.3.b: Early Agency Consultation. Require early consultation with all trustee agencies and agencies with review authority pursuant to CEQA for projects in areas supporting special-status species, sensitive natural communities or wetlands that may be adversely affected by development.

7-1c RCS-7.1 Promote resource conservation, restoration and enhancement in areas containing important habitat, wetlands and special-status species.

- a. Implementation Program RCS-7.1.a: Protect Biodiversity. Protect areas known to support a high degree of biological diversity and that may contain species known to be rare or protected under the State or Federal Endangered Species Acts. These include the Town’s tidal wetlands, freshwater wetlands and hillside oak woodlands.
- b. The Town will identify the location, habitat, and buffer needs of species listed for protection. The Town will maintain, for public uses, generalize maps showing known locations of listed species.

Include standards in the updated Zoning Ordinance limiting development within these areas, and limiting public access to particularly sensitive habitats that contain species known to be rare or protected.

- 7-1d Policy RCS-7.2. Retain sensitive habitat areas and restore to their natural state, where feasible, and protect from inappropriate development and landscaping.
- a. Implementation Program RCS-7.2.a: Environmental Assessment. Require applicants to provide an environmental assessment in compliance with CEQA provisions for development proposed on sites that may contain sensitive biological or wetland resources including jurisdictional wetlands, waters of the United States, and other wetland habitats. Require the assessment to be conducted by a qualified professional to determine the presence of any sensitive resources, to assess the potential impacts, and to identify measures for protecting the resource and surrounding habitat (see Implementation Program RCS-8.2.a for mitigation standards for wetlands and waters of the U.S. See Implementation Program RCS- 6.3.a) for mitigation standards for other wetland habitat areas).
 - b. Implementation Program RCS-7.2.c: Limit Impacts. As part of the development review process, restrict or modify proposed development in areas that contain essential habitat for special-status species, sensitive habitat areas or wetlands as necessary to ensure the continued health and survival of these species and sensitive areas. Development projects preferably shall be modified to avoid impacts on sensitive resources, or impacts shall be mitigated by providing on-site or (as a lowest priority) off-site replacement (see Implementation Program RCS-8.2.a for mitigation standards for jurisdictional wetlands and waters of the U.S. See Implementation Program RCS-6.3.a for mitigation standards for other wetland habitat areas).
- 7-1e Policy RCS-7.5. Require use of native plant species in landscaping plans and reduce spread of invasive species.
- a. Implementation Program RCS-7.5.a: Landscape Plans. Prepare lists of appropriate native landscape species and inappropriate invasive exotic species for use by property owners in developing landscape plans or enhancing existing landscaping, and include in the Design Guidelines. Prepare the lists with input from the California Department of Fish and Game, Agricultural Commissioner, University of California Cooperative Extension, California Native Plant Society, and other appropriate sources to verify suitability. Provide educational materials with information on how to care for plants included in the lists of appropriate native landscape species.
 - b. Implementation Program RCS–7.5.b: Landscaping Requirements. As part of the discretionary review of proposed development, prohibit the use of highly invasive species in landscaping and require the removal of invasive exotic species. Require use of native or compatible nonnative plant species indigenous to the site vicinity as part of the discretionary review of project landscaping. Additionally, require that

landscaping improvements for community parks, trails, and other public areas include the use of native plant materials and species that recognize and enhance the natural resource setting of the Town.

- c. Implementation Program RCS-7.5.c: Invasive Species Removal. Work with public and private landowners to make attempts to contain and prevent the spread of highly invasive and noxious weeds. Cooperate with Marin Municipal Water District’s vegetation control activities along the urban/wildland boundary.

IMPACT 7-2	Loss of Special-Status Wildlife Species or Their Habitats	Less than Significant with Mitigation Measures
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Because the housing opportunity sites are mostly developed, the likelihood of special-status wildlife species of occurring is considered low; however, trees, annual grassland, and wetland habitats may support listed species such as California red-legged frog, western pond turtle, California black rail, California Ridgway’s rail, roosting special-status bats, and protected nesting birds. In addition, [Table 7-1, CNDDDB Records for Special-Status Wildlife Species at Each Housing Opportunity Site](#), lists the special-status wildlife species CNDDDB records at each housing opportunity site (CDFW 2022).

Table 7-1 CNDDDB Records for Special-Status Wildlife Species at Each Housing Opportunity Site

Housing Site	Special-Status Species
1	California giant salamander, Western bumble bee
2	California giant salamander, Western bumble bee
3	California giant salamander, Western bumble bee, California black rail
4	Western bumble bee, California black rail
5	Western bumble bee, California black rail
6	California giant salamander
7	California giant salamander
8	California giant salamander
9	None
10	California giant salamander, Western bumble bee, California black rail
11	California giant salamander, Western bumble bee, California black rail

SOURCE: CDFW CNDDDB 2022

Western Bumble Bee. In 2019, western bumble bee was identified as a candidate species for an endangered species listing under CESA (California Fish and Game Commission 2019). Although not yet formally listed, species identified as “candidate” require consideration during CEQA analysis. Although formerly common throughout much of its range, populations from central California to southern British Columbia and west of the Sierra-Cascade Ranges have declined sharply since the late 1990s. Western bumble bees primarily nest in underground cavities such as abandoned burrows or other animal nests on open west-southwest slopes. General habitat requirements include meadows and grasslands with flowering plants, and they may be found in some natural areas within urban environments. Western bumble bees require species that bloom and provide adequate nectar and pollen throughout the colony’s flight period from as early as February to late November. There is one recorded occurrence (occurrence number 198) that overlaps with housing opportunity sites 1, 2, 3, 4, 5, 10, and 11.

California Red-Legged Frog. California red-legged frog is federally listed as threatened and a California species of special concern. This species inhabits lowlands and foothill streams, pools, and marshes in or near permanent or late season sources of deep water with dense, shrubby, riparian, or emergent vegetation (e.g., ponds, perennial drainages, well-developed riparian) below 3,936 feet in elevation. They breed from late December to early April. Suitable habitat is present within the Town limits and could occur in wetland habitats on or adjacent to housing opportunity sites 3, 4, or 5.

Western Pond Turtle. Western pond turtle is a California species of special concern. This species inhabits permanent or nearly permanent water in various habitats (e.g., ponds, streams, perennial drainages). Requires basking sites, particularly in areas vegetated with riparian habitats. Suitable habitat is present within the Town limits and could occur in wetland habitats on or adjacent to housing opportunity sites 3, 4, or 5.

California Black Rail. California black rail is state listed as threatened and is a California fully protected species. The general habitat of this species includes freshwater and saltwater wetlands, marshes, and thickets. Nests with eggs have been documented in the San Francisco Bay Area from March to June. There are six recorded occurrences within five miles of the Town limits, one of which (occurrence number 332) overlaps with housing opportunity sites 3, 4, 5, 10, and 11. An observation of California black rail was last recorded in 2015 along the north bank of Corte Madera Creek. This species is known to use the Corte Madera Ecological Reserve east of the housing opportunity sites, particularly during the winter season.

California Ridgway’s Rail. California Ridgway’s rail is state- and federally listed as an endangered species. The general habitat of this species includes salt water and brackish marshes traversed by tidal sloughs in the vicinity of the San Francisco Bay. This species is typically associated with abundant growths of pickleweed and cordgrass. This species is known to use the Corte Madera Ecological Reserve east of the housing opportunity sites.

California Giant Salamander. California giant salamander is a state listed species of special concern. The general habitat of this species includes wet coastal forests near streams and seeps from Mendocino County south to Monterey County, and east to Napa County. Aquatic larvae can be found in cold, clear streams, occasionally in lakes and ponds. Adults commonly take refuge under rocks and logs near streams and lakes in wet forests. There is one recorded occurrence (occurrence number 76) that overlaps with housing opportunity sites 1, 2, 3, 6, 7, 8, 10, and 11.

Special-Status Roosting Bats. Trees and/or buildings or structures on or adjacent to the project site could provide roosting habitat for state-listed species of special concern pallid bat (*Antrozous pallidus*). Pallid bats roost in rock crevices, tree hollows, mines, caves, and a variety of anthropogenic structures, including vacant and occupied buildings, mines, and natural caves are utilized as roosts. The distribution of bat species in the Marin area is relatively unknown; however, these species have been identified as occurring within five miles of the Town limits (CNDDDB 2022).

Conclusion

If special-status wildlife species are present on a housing opportunity site, ground disturbance and construction activities could result in the loss of individuals. This would be a significant adverse environmental impact. General Plan policies RCS-6.2, 6.3, 7.1, and 7.2, along with their associated implementation program measures, address the protection of special-status wildlife species and their habitats, including requiring review on a project-by-project basis. If special-status wildlife species are identified within the housing opportunity sites during the development review process, policy RCS-6.3 requires adequate mitigation measures to ensure the protection of sensitive resources and a “no net loss” of sensitive habitat acreage, values and function. With the implementation of the general plan policies and implementation program measures, presented above as Mitigation Measures 7-1a, 7-1b, 7-1c, 7-1d, and 7-1e, impacts to special-status wildlife species are considered less than significant.

Protected Wetlands and Sensitive Natural Communities

IMPACT 7-3	Disturbance or Fill of Protected Wetlands and Sensitive Natural Communities	Less than Significant with Mitigation
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Development in wetland habitats on or adjacent to housing opportunity sites 3, 4, or 5 may result in disturbance, degradation, and/or removal of wetland habitats. Wetland habitats are considered to be sensitive natural communities by CDFW. Disturbance and loss of these habitats is considered a potentially significant impact.

Conclusion

If sensitive natural communities (wetlands) are present at a housing opportunity site, ground disturbance and construction activities could result in the loss of these communities. This would be a significant adverse environmental impact. General Plan policies RCS-8.1 and 8.2, along with their

associated implementation program measures, address the protection of sensitive natural communities, including wetlands. If mitigation for the loss of wetlands is necessary, policy RCS-8.2 requires adequate mitigation to ensure “no net loss” of wetland acreage, functions and values. With the implementation of the general plan policies and implementation program measures, presented below as mitigation measures, impacts to wetlands are considered less than significant.

Mitigation Measures

- 7-3a Policy RCS-8.1. Protect wetlands through careful environmental review of proposed development applications.
- a. Implementation Program RCS 8.1.a: Wetland Data. Pursuant to CEQA, when sites with potential wetlands (as defined herein), other waters of the U.S., or other wetland habitat areas are proposed for development, require detailed assessments to demonstrate compliance with State and Federal regulations. Assessments shall be conducted by a qualified professional retained by the Town to determine wetland boundaries and the presence of sensitive resources including endangered and special status species and their habitat, to assess the potential impacts, and to identify measures for protecting the resource and surrounding buffer habitat. Assessments will delineate and map jurisdictional wetlands, waters of the United States, other wetland habitat areas open-water habitats, and upland habitats and will make recommendations for avoidance. Delineation studies shall be submitted to the U.S. Army Corps of Engineers and other resource agencies to determine the boundaries of wetlands and waters of the United States.
 - b. Implementation Program RCS 8.1.b: Wetland Avoidance. Restrict or modify proposed development in areas that contain wetlands as defined herein or waters of the United States, as necessary to ensure the continued health and survival of special status species and sensitive habitat areas. Development projects shall preferably be modified to avoid impacts on sensitive resources, or to adequately mitigate impacts by providing on-site replacement or (as a lowest priority) off-site replacement at a higher ratio. Modification in project design shall include adequate avoidance measures to ensure that no net loss of wetland acreage, function, water quality protection, and habitat value occurs. This may include the use of setbacks, buffers, and water quality drainage control features, or other measures to maintain existing habitat and hydrologic functions of retained wetlands and waters of the U.S. (see Implementation Program RCS-8.2.a for mitigation standards for wetlands and waters of the U.S. See Implementation Program RCS-6.3.a for mitigation standards for other wetland habitat areas).
 - c. Implementation Program RCS 8.1.c: Wetland Permits. The Town shall require the project proponent to obtain all necessary permits pertaining to affected waters of the United States, including wetland habitat and stream channel and pond habitat regulated by the California Department of Fish and Game and/or the San Francisco Bay Regional Water Quality Control Board prior to construction. Grading or other construction activities within streambeds or ponds may require streambed alteration

agreements from the California Department of Fish and Game. Discharge of fill into waters of the United States will require a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers and Clean Water Act Section 401 certification from the San Francisco Bay Regional Water Quality Control Board. The permitting process will also require compensation for construction impacts (see Implementation Program RCS-8.2.a for mitigation standards for wetlands and waters of the U.S.).

- 7-3b Policy RCS-8.2. Establish and implement criteria to mitigate wetland (as defined herein) losses.
- a. Implementation Program RCS-8.2.a: Wetland Mitigation. Where complete avoidance of wetlands and waters of the United States due to filling is not feasible (as defined under State CEQA Guidelines Section 15364), require provision of replacement habitat on-site through restoration and/or habitat creation at a minimum 2:1 ratio that would ensure no net loss of wetland acreage, function, water quality protection, and habitat values occurs. Allow restoration of wetlands off-site only when an applicant has demonstrated that no net loss of wetlands would occur and that on-site restoration is not feasible. Off-site wetland mitigation preferably will consist of the same habitat type as the wetland area that would be lost.

Regulated Trees

IMPACT 7-4	Disturbance or Removal of Protected Trees	Less than Significant with Mitigation
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Development of the housing opportunity sites may result in disturbance, degradation, and/or removal of protected trees. Disturbance and loss of protected trees is considered a potentially significant impact.

Conclusion

Policy RCS-7.4 requires the protection of woodland and tree resources through implementation of the Corte Madera Municipal Code, Chapter 15.50 – Trees. Applicants requesting to remove, destroy or alter one or more trees as a result of development, except those exempted from permit requirements in Section 15.50.050, may need to apply in writing to the planning director for a permit. The application for a tree permit shall contain the precise number, species, size and location of the tree or trees to be removed, destroyed or altered, a detailed description of the work proposed, and a brief statement of the reason for removal or alteration, as well as any other pertinent information the planning director may require. Exceptions to this requirement include projects developed under Title 22 (Corte Madera’s Objective Design and Development Standards), however replacement plantings are still required under Title 22. If a tree removal permit is required, the implementation of Policy RCS-7.4, as presented in the mitigation measure below, would reduce impacts to trees to less than significant.

Mitigation Measure

- 7-4 Policy RCS-7.4. Protect woodland and tree resources.
 - a. Implementation Program RCS-7.4.a: Tree Protection. Protect large native trees, trees with historical importance, oak woodlands, and forest habitats, and prevent the untimely removal of trees through implementation of standards in the Town’s Municipal Code. Evaluate tree protection standards as part of the project to develop Design Guidelines and update the Tree Ordinance accordingly.

Wildlife Movement

IMPACT 7-5	Interference with Movement of Wildlife Species or with Established Wildlife Corridors	Less than Significant with Mitigation
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Because the housing opportunity sites are already mostly developed, the value of the sites for wildlife movement is considered low. Policy RCS-6.7 requires the protection of migratory corridors if present. With the implementation of the general plan policy and implementation program measure, presented as a mitigation measure below, impacts to wildlife movement are considered less than significant.

Mitigation Measure

- 7-5 Policy RCS-6.7. Protect migratory corridors.
 - a. Implementation Program RCS-6.7a: Migratory Corridors. Condition approval of development proposals to assure that movement corridors for migratory fish and wildlife species are maintained. Coordinate with Marin County and adjoining jurisdictions, and federal and state agencies such as CalTrans, to assure regional connectivity of open space and wildlife corridors.

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

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

7.5 Cumulative Biological Impacts

Geographic Scope

The geographic distribution ranges for special-status species vary greatly depending largely on environmental factors such as habitat suitability criteria (e.g., some species may only occur locally while others may range throughout large geographic areas such as the western U.S.). For the purposes of cumulative analysis for special status species and other biological resources, including

jurisdictional wetlands and waterways, the geographic boundary for cumulative impacts includes the entirety of Corte Madera. An analysis at this level is considered adequate for determining whether impacts could affect the sustainability of special status species and their habitats. Within this area, regulatory agencies and conservation organizations including U.S. Fish and Wildlife Service, the California Department of Fish and Wildlife, and California Native Plant Society, work to establish and update critical distribution range information for species thought to be declining within their geographic ranges due to habitat loss and degradation.

Cumulative Impacts

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

Project Contribution to Cumulative Impacts

Implementation of general plan policies and associated implementation measures would reduce potential, significant impacts on special status species, protected wetlands, and regulated trees to a less-than-significant level. Given that the housing opportunity sites are previously developed the historical effectiveness of the general plan policies and associated implementation measures, the impacts of the proposed project on biological resources would not be cumulatively considerable and therefore not cumulatively significant.

8.1 Environmental Setting

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

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

8.2 Regulatory Setting

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

State

California Energy Commission

The California Energy Commission is California's primary energy policy and energy planning agency. Created by the California Legislature in 1974, the California Energy Commission has five major responsibilities: 1) forecasting future energy needs and keeping historical energy data; 2) licensing thermal power plants 50 megawatts or larger; 3) promoting energy efficiency through

appliance and building standards; 4) developing energy technologies and supporting renewable energy; and 5) planning for and directing state response to energy emergencies. Under the requirements of the California Public Resources Code, the California Energy Commission, in conjunction with the Department of Conservation's Division of Oil, Gas, and Geothermal Resources, is required to assess electricity and natural gas resources on an annual basis or as necessary. The Systems Assessment and Facilities Siting Division of the California Energy Commission provides coordination to ensure that needed energy facilities are authorized in an expeditious, safe, and environmentally acceptable manner.

Integrated Energy Policy Report

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

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

California 2008 Energy Action Plan Update

The state adopted the Energy Action Plan in 2003, followed by the Energy Action Plan II in 2005. The current plan, the California 2008 Energy Action Plan Update, is California's principal energy planning and policy document. The updated document examines the state's ongoing actions in the context of global climate change, describes a coordinated implementation plan for state energy policies, and identifies specific action areas to ensure that California's energy resources are adequate, affordable, technologically advanced, and environmentally sound. The California 2008 Energy Action Plan Update establishes energy efficiency and demand response (e.g., reduction of customer energy usage during peak periods) as the first-priority actions to address California's increasing energy demands. Additional priorities include the use of renewable sources of power and distributed generation (e.g., the use of relatively small power plants near or at centers of high demand). To the extent that these actions are unable to satisfy the increasing energy demand and transmission

capacity needs, clean and efficient fossil-fired generation is supported. The California 2008 Energy Action Plan Update examines policy changes in the areas of energy efficiency, demand response, renewable energy, electricity reliability and infrastructure, electricity market structure, natural gas supply and infrastructure, research and development, and climate change (California Energy Commission 2008).

California Building Codes

Building Energy Efficiency Standards

California's Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6) were first established in 1978 to reduce California's energy consumption. The California Energy Code is updated every three years by the California Energy Commission as the Building Energy Efficiency Standards (building standards) to allow consideration and possible incorporation of new energy efficiency technologies and construction methods. The California Energy Commission adopted the 2022 Energy Code in August 2021. In December, it was approved by the California Building Standards Commission for inclusion into the California Building Standards Code. The 2022 standards build on the prior standards (adopted in 2019) in part by encouraging efficient electric heat pumps, establishing electric-ready requirements for new homes, expanding solar photovoltaic and battery storage standards, requiring new prescriptive solar photovoltaic and battery requirements for a range of non-residential building types, requiring that buildings planned for mixed use energy fuel types be constructed to be electric ready, strengthening ventilation standards, etc. Buildings whose permit applications are applied for on or after January 1, 2023, must comply with the 2022 standards.

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

California Green Building Standards

CALGreen is California's first green building code and first in the nation state-mandated green building code. It is formally known as the California Green Building Standards Code, Title 24, Part 11, of the California Code of Regulations. CALGreen was adopted in 2011 and most recently updated in 2019. The purpose is to improve public health, safety, and general welfare through enhanced design and construction of buildings using concepts which reduce negative impacts and promote those principles which have a positive environmental impact and encourage sustainable construction practices. CALGreen was adopted to address the five divisions of building construction:

- Planning and design;
- Energy efficiency;
- Water efficiency and conservation;

- Material conservation and resource efficiency; and
- Environmental quality.

Energy Efficiency Act of 2006

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

California Assembly Bill No. 1493 (“Pavley I Rule”)

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

Advanced Clean Cars

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

Executive Order N-79-20

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

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

Renewable Energy Legislation/Orders

The California Renewable Portfolio Standard Program, which requires electric utilities and other entities under the jurisdiction of the California Public Utilities Commission to meet 20 percent of their retail sales with renewable power by 2017, was established by SB 1078 in 2002. The renewable portfolio standard was accelerated to 20 percent by 2010 by SB 107 in 2006. The program was subsequently expanded by the renewable electricity standard approved by CARB in September 2010, requiring all utilities to meet a 33 percent target by 2020. The Legislature then codified this mandate in 2011 with SB X1-2. SB 350, adopted in September 2015, increases the standard to 50 percent by 2030. This same legislation includes statutes directing the California Energy Commission and California Public Utilities Commission to regulate utilities producing electricity so that they will create electricity-generation capacity sufficient for the widespread electrification of California’s

vehicle fleet, as a means of reducing GHG emissions associated with the combustion of gasoline and other fossil fuels. The Legislature envisioned a dramatic increase in the sales and use of electric cars, which will be recharged with electricity produced with increasingly cleaner power sources.

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

Local

The Town has adopted general plan policies whose implementation would have energy demand reduction benefits. Similarly, the Town has adopted a climate action plan that contains GHG reduction measures that have energy demand reduction benefits. Policies/actions in these documents that are applicable to the proposed project are summarized below.

Currently (2022) a new Town Hall is under construction and will be a net zero energy building. It will also have solar and other efficiency measures.

Corte Madera General Plan

General plan policies and implementing actions in the Resource Conservation and Sustainability Element applicable to future development of the opportunity sites consistent with the proposed Housing Element Update are presented in [Appendix F](#).

Corte Madera Climate Action Plan

The Town adopted their first climate action plan in 2016 and the most recent in 2020. The climate action plan is the Town's plan for reducing GHG emissions generated in the Town to levels that are consistent with statewide GHG reduction targets for 2030 and 2050 established in state legislation and executive orders. Actions the Town will take to reduce GHG emissions include several that would result in reduced electricity and transportation fuel consumption. These include measures aimed at reducing GHG emissions from transportation, residential energy use, non-residential energy use, water and wastewater pumping and treatment, and solid waste disposal. Measures to sequester (capture) GHGs are also included. A number of the measures are applicable specifically to residential development (Town of Corte Madera 2020). More information about the climate action plan can be found in Section 9.0, Greenhouse Gas Emissions.

8.3 Thresholds of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes factual inquiries related to the subject of energy, as it does on a whole series of additional topics. Lead agencies are

under no obligation to use these inquiries in fashioning thresholds of significance on the subject of energy impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The Town of Corte Madera has done so here. Therefore, for purposes of this EIR, a significant energy impact would occur if implementation of the proposed project would:

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

8.4 Analysis, Impacts, and Mitigation Measures

Electricity, natural gas and transportation fuels will be the three primary types of energy used. The sources of demand and relative magnitude of demand are described below for both the construction and operational phases of the project. The thresholds of significance for energy impacts presented earlier are qualitative. There is no quantified level of energy use that constitutes a significance impact, nor definitions of what constitutes “unnecessary”, “wasteful”, or “inefficient” use of energy. In this context, the following discussion of impact significance is qualitative and based on project type/land use and regulatory compliance requirements.

Energy Use

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

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

Electricity

Electricity demand during construction activities commonly is most intensive during later phases of construction when electricity is used for constructing buildings and their interiors. Earlier phases of construction commonly involve earthmoving, trenching, and transporting materials to and from construction sites – activities that typically involve heavy equipment that uses fossil-fuel energy (gas and diesel fuels). Electricity demand during building construction is typically from use of power tools and equipment. That demand is fundamental to the land development process for providing necessary proposed housing and is not considered wasteful. Electricity would be drawn from the

local electrical grid, the source of electricity of which is derived in part from renewable sources consistent with state renewable energy goals. Construction activities would not result in wasteful or unnecessary electricity consumption.

Natural Gas

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

Transportation Energy

Transportation energy use depends on the type and number of vehicle trips, vehicle trip lengths, fuel efficiency of vehicles, and travel mode. Transportation energy use (diesel and gasoline fuels) during construction would come from transporting and using construction equipment, delivery vehicle and haul truck trips, and construction employee vehicles. Construction equipment types include graders, bulldozers, backhoes, trenching equipment, and trucks. Demand would be short-term and moderated by the motivation of construction contractors to minimize fuel costs (e.g., through limiting engine idling and planning construction activities to be completed in the most time efficient manner possible). Further, construction equipment would be required to meet applicable air emissions standards, which is in part achieved by ensuring that equipment engines operate efficiently. Construction activities would not result in wasteful or unnecessary transportation fuel consumption.

Long-Term Operational Energy Use

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

Electricity

According to the California Energy Commission Energy Consumption Data Management System (California Energy Commission 2022), in 2020, total electricity consumption in Marin County was about 1,330,030,056 kilowatt hours per year. Section 5.3, Energy by Land Use – Electricity, in the CalEEMod results in [Appendix C](#) shows the electricity demand from the proposed project would be approximately 3,371,000 kilowatt hours per year. The proposed project electricity consumption at buildout would represent about 0.025 percent of total 2020 Marin County electricity consumption.

Natural Gas

The Energy Consumption Data Management System identifies that in 2020, total natural gas consumption in Marin County was 67,189,097 therms (California Energy Commission 2022a). Table 5.2 Energy by Land Use – Natural Gas, in the CalEEMod results in [Appendix C](#) shows natural gas demand from the proposed project, would total about 9,490,052 BTU/year (94,900 therms/year). This is less than 0.001 percent of countywide natural gas demand in 2020.

Transportation Fuel

The proposed project will generate new traffic trips that increase vehicle miles traveled (VMT). Section 4.2, Trip Summary Information, of the CalEEMod results in [Appendix C](#) show that annual project VMT is projected at 32,214,743 miles. VMT serves as a general proxy for the magnitude of transportation fuel consumption. As VMT from fossil fuel-powered vehicles increases, vehicle fuel consumption increases. The Emissions Factor model was used to estimate the volume of vehicle fuel that would be consumed with the increase in traffic trips and VMT. The results, included in [Appendix D](#), shows total demand of about 1,370,350 gallons of gasoline and diesel fuel per year.

The rate of consumption of transportation fuels has been declining over time in California due to continuing improvements in vehicle fuel efficiency, increases in the percentage of the vehicle fleet comprised of zero emissions vehicles, and technological advances in the formulation and deployment of alternative fuels.

Project Necessity and Project Design

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

The project design functions to reduce transportation fuel demand. The proposed project creates additional housing capacity near existing commercial and office development and potentially adjacent to new commercial development should such development occur in the form of mixed residential/commercial development on one or more of the opportunity sites. This land use design approach commonly results in reduced vehicle trip volumes and reduced VMT. Consequently, transportation fuel demand is reduced relative to placing new residential development on sites designated solely for residential use that dissociated from common residential trip destinations (e.g., commercial uses and employment locations).

Regulatory Compliance

As summarized in the Regulatory Setting, a multitude of state regulations and legislative acts are aimed at improving energy efficiency and conservation, and reducing transportation fuel demand. In the building energy use sector, representative legislation and standards for reducing natural gas and

electricity consumption include, but are not limited to AB 2021, CALGreen, and the California Building Standards Code. The Town enforces CALGreen and California Building Standards Code requirements through the development review process. That enforcement is the primary mechanism through which the project will be required to implement state and locally mandated energy efficiency/conservation measures that are within the control of individual project developers and the Town.

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

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

Plan Consistency (No Impact)

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

The Town does not have its own renewable energy plan. However, measures are included in the CAP for incorporating renewable energy into new development projects.

8.5 Cumulative Impacts

Geographic Scope

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

Cumulative Impacts

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

Project Contribution to Cumulative Impacts

The proposed project impact from unnecessary, wasteful, or inefficient use of energy would be less than significant. This is in large part due to its required conformance with uniformly applied regulations and policies that reduce energy demand from land development projects. The magnitude of energy demand reduction for the project is greater than would have been required of past and present projects not subject to the current and increasingly stringent and deep level of energy reduction requirements being promulgated by the state. These measures would act to ensure that the project contribution to cumulative energy impacts would be less than considerable.

9.0 Greenhouse Gas Emissions

Unless otherwise noted, the information contained within this section is based on the *Town of Corte Madera 2020 Climate Action Plan (CAP)* (O'Rourke & Associates 2020) and on the air quality/greenhouse gas memo ("AQ/GHG memo") and CalEEMod results included in [Appendix C](#).

The CAP was adopted by the Town as a plan for reducing greenhouse gas (GHG) emissions generated by community and municipal activities. It defines actions the Town will take to meet its "fair-share" of GHG reductions needed to support the state's effort to achieve statewide GHG reduction targets identified in state legislation. More information about the CAP can be found in the Regulatory Setting section below.

Because the CAP addresses much of the climate change setting, regulatory setting, and data needed as background to assess the potential GHG impacts of the proposed project, much of the information in this section is taken directly from the CAP.

No NOP responses were received regarding greenhouse gas emissions.

9.1 Environmental Setting

The CAP includes an overview of impacts of climate change at the state, Bay Area, and local scales. The following information is taken primarily from the CAP.

The Earth's climate is warming, mostly due to human activities such as changes in land cover and emissions of certain pollutants. Greenhouse gases are the major human-induced drivers of climate change. These gases warm the Earth's surface by trapping heat in the atmosphere. As temperatures continue to rise, California faces serious climate impacts, including:

- More intense and frequent heat waves;
- More intense and frequent drought;
- More severe and frequent wildfires;
- More severe storms and extreme weather events;
- Greater riverine flows;

- Shrinking snowpack and less overall precipitation;
- Accelerating sea level rise;
- Ocean acidification, hypoxia, and warming;
- Increase in vector-borne diseases and heat-related deaths and illnesses; and
- Increase in harmful impacts to vegetation and wildlife, including algal blooms in marine and freshwater environments, spread of disease-causing pathogens and insects in forests, and invasive agricultural pests.

The Cal-Adapt.org web portal provides resources to help communities understand how climate change will raise temperatures and exacerbate extreme heat events, drought, wildfire, and coastal flooding in their area. The Cal-Adapt tool shows projections for two possible climate futures, one in which greenhouse gas emissions peak around 2040 and then decline (RCP 4.5) and another in which emissions continue to rise strongly through 2050 and plateau around 2100 (RCP 8.5). “RCP” refers to the concentration of carbon dioxide that creates a specific increase in temperature. Both futures are considered possible depending on how successful the world is at reducing emissions and atmospheric carbon dioxide.

Overall temperatures are projected to rise substantially throughout this century. The historical (1990-2005) annual maximum mean temperature for Corte Madera is 70° F. Under the low emissions (RCP 4.5) scenario, the maximum mean temperature in Corte Madera is expected to rise about 4°F by 2100. Under the high emissions (RCP 8.5) scenario, the maximum mean temperature is projected to rise 8°F to about 78°F by 2100 (Cal-Adapt 2022).

As the climate changes, some of the more serious threats to public health will stem from more frequent and intense extreme heat days and longer heat waves. Extreme heat events are likely to increase the risk of mortality and morbidity due to heat-related illness, such as heat stroke and dehydration, and exacerbation of existing chronic health conditions. An extreme heat day is defined as a day in April through October where the maximum temperature exceeds the 98th historical percentile of maximum temperatures based on daily temperature data between 1961-1990. In Corte Madera, the extreme heat threshold is 94.7°F. Cal-Adapt projects a significant increase in the number of extreme heat days for Corte Madera. Between 1990-2005, there was an average of 5 days above 94.7°F. That average is projected to increase to 9 days by 2050 under the low emissions scenario (RCP 4.5). By the end of the century, the average number of extreme heat days is expected to increase to 10 days and could be as many as 27 days under the high emissions scenario (RCP 8.5).

The San Francisco Bay, including the Town coastline, is vulnerable to a range of natural hazards, including storms, extreme high tides, rising sea levels and flooding resulting from global climate change. The sea level in San Francisco Bay has risen about eight inches in the past century

(California Natural Resources Agency - Ocean Protection Council 2018). It is anticipated that sea levels will continue to rise, up to two feet by the 2050s, and potentially as much as seven feet by the end of the century.

The Town prepared *The Corte Madera Climate Adaptation Assessment: A Roadmap to Resilience* (“Climate Adaption Assessment”) (Town of Corte Madera 2021) to identify and evaluate climate change risks and adaptation strategies. As described therein, rising sea levels in Corte Madera have the potential to cause flooding, overtopping and damage to levees, and accelerated erosion along shorelines and marsh edges. Certain parts of the Corte Madera shoreline are subsiding (sinking), essentially doubling the rate of observed sea level rise. Overall, the natural shorelines are eroding today, and marsh edge erosion rates are projected to increase with sea level rise. Other potential risks may include increased stormwater runoff and groundwater seepage and saltwater intrusion. The Climate Adaptation Assessment is described further in the Regulatory Setting section below.

Other broader effects of climate change include increased wildfire risk; reduced snowpack in the Sierra Nevada Mountains with reduced fresh water storage and reduced surface water and groundwater supply needed to support environmental, agricultural, and urban water supply demands; diminished air quality; and ecosystem changes due to temperature, precipitation, and more extreme weather events.

9.2 Regulatory Setting

The CAP includes an overview of climate change regulations at the federal, state and local levels. The following information is taken primarily from the CAP.

Federal

Currently, there is no federal legislation that sets a quantified GHG reduction target for the U.S. However, the U.S. has used its rulemaking authority under the Clean Air Act to begin to regulate greenhouse gas emissions. In 2009, the Environmental Protection Agency made an "endangerment finding" that GHGs threaten the public health and welfare of the American people. This finding provided the statutory prerequisite for regulating GHG emissions from motor vehicles and has led to a number of GHG regulations for stationary sources. In May 2010, the Environmental Protection Agency issued a “tailoring” rule that enables the agency to control GHG emissions from the nation’s largest GHG sources, including power plants, refineries, cement production facilities, industrial manufacturers and solid waste landfills, when these facilities are newly constructed or substantially modified. The Environmental Protection Agency reported that its GHG permitting requirements would address 70 percent of the national GHG emissions from stationary sources. In 2013, the Environmental Protection Agency announced proposed Clean Air Act standards to cut carbon dioxide emissions from power plants.

In 2012, the Obama administration issued new rules that mandate an average fuel economy of 54.5 miles per gallon for cars and light-duty trucks by the 2025 model year, up from the current standard of 35.5 miles per gallon in 2016. The new standards were designed to pressure auto manufacturers to step up development of electric vehicles as well as improve the mileage of conventional passenger cars by producing more efficient engines and lighter car bodies.

In 2013, President Barack Obama released his administration's Climate Action Plan which outlined steps the administration could take to reduce GHG emissions. Actions included: reducing emissions from power plants; accelerating renewable energy production on public lands; expanding and modernizing the electric grid; raising fuel economy standards for passenger vehicles; and accelerating energy efficiency initiatives.

Between 2016 and 2020, the Trump administration rolled back many Obama-era federal environmental regulations and rules, including vehicle fuel efficiency standards and emission limits on coal and natural gas power plants.

In August 2022, President Biden signed into law the Inflation Reduction Act of 2022. Among other spending, the sweeping bill allocates more than \$300 billion to be invested in energy and climate reform. It's the largest federal clean energy investment in U.S. history. It includes \$60 billion for boosting renewable energy infrastructure in manufacturing, like solar panels and wind turbines, and includes tax credits for electric vehicles and measures to make homes more energy efficient.

State

Since 2005, the State of California has responded to growing concerns over the effects of climate change by adopting a comprehensive approach to addressing GHG emissions in the public and private sectors. Executive Order S-3-05, signed by Governor Arnold Schwarzenegger in 2005, established long-term targets to reduce GHG emissions to 1990 levels by 2020 and 80 percent below 1990 levels by 2050. The 2020 GHG reduction target was subsequently codified with the passage of the Global Warming Solutions Act of 2006, more commonly known as Assembly Bill 32 (AB 32). Senate Bill 32 (SB 32), passed in 2016, established a longer-term target to reduce emissions 40 percent below 1990 levels by 2030. Executive Order B-30-15 reaffirmed California's goal to reduce emissions 80 percent below 1990 levels by 2050. California's legislative actions have resulted in two landmark California Air Resources Board initiatives that have significantly reduced industry carbon emissions - the Low Carbon Fuel Standard and the Cap-and-Trade Program.

The California Air Resources Board is responsible for monitoring and reducing GHG emissions set forth in AB 32 and SB 32, and is, therefore, coordinating statewide efforts. The California Air Resources Board adopted its first Scoping Plan in 2008 which outlined the actions required for California to reach its 2020 emission target. The 2017 Climate Change Scoping Plan lays out a strategy to achieve the 2030 target. The Scoping Plan encourages local governments to adopt a

reduction goal for municipal operations emissions and move toward establishing similar goals for community emissions that parallel the State commitment to reduce greenhouse gas emissions. The State encourages local governments to track GHG emissions and adopt a climate action plan that identifies how the local community will meet the reduction target. Corte Madera has tracked both community and government operations GHG emissions since 2005 and has prepared a CAP as discussed below.

The State of California established the Six Pillars framework in 2015. These include 1) reducing today's petroleum use in cars and trucks by up to 50 percent; 2) increasing from one-third to 50 percent our electricity derived from renewable sources; 3) doubling the energy efficiency savings achieved at existing buildings and making heating fuels cleaner; 4) reducing the release of methane, black carbon, and other short-lived climate pollutants; 5) managing farm and rangelands, forests and wetlands so they can store carbon; and 6) periodically updating the state's climate adaptation strategy, Safeguarding California. The measures are designed to support and implement the Six Pillars and the goals of the 2017 Climate Change Scoping Plan on a local level.

SB 375, passed by the State Assembly and Senate in August 2008, is another significant component of California's commitment to GHG reduction. The goal of SB 375 is to reduce emissions from cars and light trucks by promoting compact mixed-use, commercial and residential development. The first step outlined in SB 375 called for the state's 18 metropolitan planning organizations and the California Air Quality Board to establish a region's GHG reduction target for passenger vehicle and light duty truck emissions. Then, the metropolitan planning organization was required to develop a sustainable community's strategy that demonstrates how the region will meet its GHG reduction target. In the Bay Area, four regional government agencies – the Association of Bay Area Governments, the Bay Area Air Quality Management District, the Bay Conservation and Development Commission, and the Metropolitan Transportation Commission, worked together to create Plan Bay Area, the region's sustainable communities strategy. The plan is projected to reduce regional greenhouse gas emissions from passenger vehicles and light duty trucks.

In 2010, the California State Office of Planning and Research adopted revised CEQA Guidelines which allow the Town to streamline project-level analysis of greenhouse gas emissions through compliance with a greenhouse gas reduction plan contained in a general plan, long range development plan, or separate climate action plan. Plans must meet the criteria set forth in section 15183.5 of the CEQA Guidelines, which include requirements for quantifying existing and projected greenhouse gases; identifying a level of cumulative greenhouse gas emissions that would not be considered significant; specifying measures and standards that would ensure achievement of this level; and continued monitoring to track progress. The greenhouse gas reduction plan, once adopted along with applicable CEQA documentation, may be used in the cumulative impact analysis of later projects such as development or infrastructure projects. An environmental document that relies on a

greenhouse gas reduction plan for a cumulative impact analysis must identify those requirements specified in the plan that apply to the project, and, if those requirements are not otherwise binding and enforceable, incorporate those requirements as mitigation measures applicable to the project.

Local

Town of Corte Madera 2020 Climate Action Plan

The Town's most recent CAP was adopted in 2020. The CAP was prepared to guide the Town's effort to reduce GHG emissions from activities within the Town over time. The key CAP components are its GHG emissions forecast, GHG reduction targets, and actions proposed to reduce GHG emissions to meet the reduction target. Future GHG emissions in the absence of Town actions to reduce them were forecast by estimating growth in Town population, number of households, and jobs based on Association of Bay Area Governments projections. Table 5 in the CAP shows how emissions would grow in the years 2030, 2040, and 2050 in the absence of measures to reduce emissions. The CAP establishes GHG reduction targets based on the State's goals to reduce emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. In Corte Madera, that means emissions would need to drop to 61,745 metric tons of carbon dioxide equivalent (MTCO_{2e}) by 2030 and 20,582 MTCO_{2e} by 2050.

Table 8 in the CAP identifies GHG reduction measures that create emissions reductions sufficient to more than meet the 2030 target and put the Town on a trajectory to meet the 2050 goal. These include regulatory, incentive-based and voluntary strategies that would reduce emissions from both existing and new development. These actions are in addition to fundamental State actions and regulations (over which the Town has no control) that will also result in reducing GHG emissions from activities in the town. The reduction strategies address: 1) energy efficiency and renewable energy; 2) transportation; 3) waste reduction, reuse and recycling; 4) water and wastewater; and 5) natural systems and sequestration. The table shows that the Town's measures, in combination with state actions, would reduce GHG emissions by 52,591 MTCO_{2e}, or 49 percent below 1990 levels by 2030. This equates to a reduction of approximately 4,733 MTCO_{2e} in excess of that needed to meet the 2030 CAP emissions reduction target (.09 x 52,591 MTCO_{2e}).

Town of Corte Madera Climate Adaptation Assessment

The Town's goals and efforts to address climate change align closely with various state and regional adaptation and resilience policies including California Executive Order B-30-15 and the Town's CAP, discussed above.

The Town completed its Climate Adaptation Assessment in 2021 to identify climate change vulnerabilities and explore options for building resilience. It identifies the Town's vulnerabilities to climate change impacts, describes potential tools to reduce those vulnerabilities, and provides a roadmap that can guide the Town's future responses and actions over time.

The Climate Adaptation Assessment specifically looks at five climate exposures in Corte Madera as listed below.

- Drought: Continued variability in rainfall and hotter temperatures will mean more drying and result in longer and more intense drought events;
- Wildfire: Wildfire risk is increasing in intensity, duration, and severity with a potential 50 percent increase in area burned annually by the end of the century;
- Extreme Heat: Temperatures are rising and may rise up to 7° F by the end of the century with 2.5 times more extreme heat days;
- Inland Flooding: The largest storms are becoming more intense and by 2100, current 20-year rainfall events may occur every seven years; and
- Sea Level Rise: Sea levels are rising and will continue to rise, up to two feet by the 2050s and potentially as much as seven feet by the end of the century.

The adaptation actions identified in the document are not final and require further analysis and additional community discussion. They do however; provide options that may be considered and that may have the potential to significantly reduce impacts and enhance community resilience.

9.3 Thresholds of Significance

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

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

9.4 Analysis, Impacts, and Mitigation Measures

This section includes information and data regarding GHGs that are relevant to the proposed project based on the threshold of significance described above. The information and data are used as

a basis for determining impact significance and for the mitigation measures. The project does not propose the construction of new housing or other development; rather it provides capacity for future development consistent with housing development projections found in the Housing Element Update. Thus, while adoption of the Housing Element Update does not propose specific development, this analysis assesses the GHG impacts from future development and potential future rezoned sites. Full buildout of the Housing Element sites inventory to accommodate the Town’s 833 housing units under the 6th Cycle Housing Element Update is anticipated to occur by 2031.

Generation of Greenhouse Gas Emissions

IMPACT 9-1	Generate Greenhouse Gas Emissions	Less than Significant
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Project Relationship to the Climate Action Plan

As described in Section 9.2 above, the GHG emissions projections included in the Town CAP were based on ABAG population and housing projections for the Town, prior to ABAG’s assignment of the current RHNA. The new residential growth identified in the Housing Element Update was not anticipated in developing the future GHG emissions projections included in the CAP and did not factor into the GHG reduction action strategy included in the CAP. Nevertheless, information in the CAP is useful for crafting a threshold of significance to evaluate the GHG impacts of the proposed project as described below.

Derivation of a Quantified Threshold of Significance

The GHG impact evaluation methodology used here is to identify a quantified threshold of significance, quantify the project GHG emissions, and compare project emissions to the threshold to determine significance.

A quantified threshold of significance which defines a rate of GHG emissions generation for the project below which the project GHG impact would be less than significant has been crafted based on GHG emissions projection information contained in the CAP. The threshold is a measure of the project’s GHG efficiency represented by the ratio of the GHG emissions volume generated by the project to the “service population” generated by the project. Service population is the sum of the number of residents and jobs created by the project. A project that produces a high volume of GHG emissions relative to its service population is considered less GHG efficient than the same project that produces a lower volume of GHG emissions when the service population is held constant. Stated in another way, the rate of emissions for the first project exceeds the rate of emissions for the second project. A lower rate of emissions indicates a more GHG-efficient project.

The threshold is based on the assumption that all of the new housing capacity identified in the Housing Element Update will be constructed by the end of 2031. The CAP identifies the Town’s GHG reduction target for the year 2030. Information about projected year 2030 population and employment in the Town was obtained from other sources. This data is used to calculate the rate of GHG emissions that would be generated in the Town in 2030 at which the Town would achieve its goal to reduce emissions consistent with the state’s 2030 emissions reduction target of 40 percent below 1990 levels. The proposed project would have a less-than-significant GHG impact if its emissions generation rate does not exceed the 2030 target rate of GHG emissions for the town as a whole.

Table 9-1, *GHG Threshold of Significance*, shows the data needed to craft a town-wide efficiency-based rate of GHG emissions threshold of significance.

Table 9-1 GHG Threshold of Significance

2030 Service Population Threshold of Significance		
Year 2030 GHG Reduction Target Volume	61,745 MT CO ₂ e	Source: CAP Page 21
Year 2030 Town Population Projection	10,115	Source: ABAG 2018, p. 80
Year 2030 Town Employment Projection	6,950	Source: ABAG 2018, p. 85
Year 2030 Town Service Population	10,115 + 6,950 = 17,065	
2030 GHG Threshold of Significance	61,745 MT CO₂e/17,065 SP = 3.62 MT CO₂e/SP	

SOURCE: Town of Corte Madera 2020 Climate Action Plan, Association of Bay Area Governments Plan Bay Area Projections 2040; EMC Planning Group 2022

Analysis of Housing Element Update GHG Emissions Per Service Population

To identify the rate of GHG emissions anticipated for the proposed project in 2030, several pieces of information are required. The first is its net projected GHG emissions, which for the proposed project, is the difference between projected emissions at buildout of the Housing Element Update, minus the sum of the GHG emissions produced by existing activities on the housing opportunity sites. The second is service population that would be generated at buildout of the Housing Element Update. Each of these variables are described below.

Projected GHG Emissions from Implementing the Housing Element Update

Table 9-2, *Projected Unmitigated Greenhouse Gas Emissions*, shows projected annual GHG emissions from operating future development on the housing opportunity sites identified in the Housing Element Update. The results are summarized in the AQ/GHG memo included in [Appendix C](#), with data taken directly from Table 2.2 in the “Proposed Unmitigated” CalEEMod results attached to the memo.

Table 9-2 Projected (2031) Unmitigated Greenhouse Gas Emissions

Emission Sources	GHG Emissions (MT CO ₂ e)
Area	43.16
Energy	824.42
Mobile	8,632.57
Waste	86.07
Water	96.36
Total	9,682.58

SOURCE: EMC Planning Group 2022

Existing and 2031 Baseline GHG Emissions

Operations of existing uses on the housing opportunity sites generate GHG emissions. [Table 9-3, Existing \(2022\) Unmitigated Greenhouse Gas Emissions](#), shows the estimated GHG emissions from these operations. The results are summarized in the AQ/GHG memo in [Appendix C](#), with the data taken directly from Table 2.2 in the “Existing Unmitigated” CalEEMod results attached to the memo.

Table 9-3 Existing (2022) Unmitigated Greenhouse Gas Emissions

Emission Sources	GHG Emissions (MT CO ₂ e)
Area	0.01
Energy	429.87
Mobile	9,496.89
Waste	165.75
Water	43.60
Total	10,136.12

SOURCE: EMC Planning Group 2022

The results in Table 9-3 are presented for informational purposes only because they overestimate emissions that would be generated by existing development in 2031 without implementation of the Housing Element Update. Emissions from the existing uses would decline over time, largely due to continued implementation of state regulations, particularly those that require improved vehicle fuel efficiency and expanded commercialization/market penetration of electric vehicles. As described in the AQ/GHG memo in [Appendix C](#), these reductions were captured by running CalEEMod using the Housing Element Update buildout year of 2031 as the operational year for existing development. The results are shown in [Table 9-4, Baseline \(2031\) Unmitigated Greenhouse Gas Emissions](#). This baseline emissions volume is compared to the proposed project emissions projection to arrive at the net change in GHG emissions.

Table 9-4 Baseline (2031) Unmitigated Greenhouse Gas Emissions

Emission Sources	GHG Emissions (MT CO ₂ e)
Area	.01
Energy	429.87
Mobile	7,192.99
Waste	165.75
Water	43.60
Total	7,832.22

SOURCE: EMC Planning Group 2022

Net Change in GHG Emissions with Housing Element Update

Table 9-5, *Net Change in Greenhouse Gas Emissions*, shows that implementing the Housing Element Update would generate an increase of 1,850.46 MT CO₂e of GHG emissions in the buildout year of 2031.

Table 9-5 Net Change in Greenhouse Gas Emissions

Scenario	Annual GHG Emissions (MT CO ₂ e)
Projected Housing Element Update	9,682.58
Baseline (2031) Emissions	7,832.22
Net Change in GHG Emissions	1,850.46

SOURCE: EMC Planning Group 2022

Proposed Project Service Population

As previously described, the proposed project service population is equivalent to the sum of the population and jobs it would accommodate at buildout. [Table 9-6, Estimated Service Population, summarizes this information.](#) Each of the 833 new housing units is estimated to house an average 2.47 people, for a total population increase of 2,181 people. As described in Table 4-3 in Section 4.0, Project Description, the proposed project would result in a net reduction of 54,728 square feet of commercial retail use (319,425 square feet existing – 264,697 square feet under Housing Element buildout). Job generation under existing conditions has been estimated using a job density of one job per 508 square feet of retail building square footage (Association of Bay Area Governments 2011, Table 2). Total existing commercial jobs would equal 319,425 square feet/508 square feet per job = 629. Under proposed project conditions, total jobs would be 264,697 square feet/508 square feet per job = 521 jobs. The net change is -108 jobs. Table 9-4, *Estimated Service Population*, shows that projected service population for buildout of the Housing Element Update is 2,073.

Table 9-6 Estimated Service Population

Project Service Population	
Population	2,181 ¹
Employment	<108> ²
Service Population (Population + Employment)	2,073

SOURCE: AMBAG 2011, EMC Planning Group 2022

NOTES:

1. Based on 883 dwelling units and 2.47 persons per household.
2. Reflects a reduction in commercial retail employment generation under Housing Element Update buildout conditions. Job density of 508 square feet of commercial retail from ABAG 2011, Table 2.

Proposed Project GHG Emissions Per Service Population and Project Impact

Table 9-7, Proposed Housing Element Update Greenhouse Gas Emissions per Service Population, shows that the projected rate of GHG emissions of .89 MT CO₂e/service population in 2031 for the Housing Element Update is substantially below the threshold of significance. Therefore, the Housing Element Update would have a less-than-significant impact from generating GHGs.

Table 9-7 Proposed Housing Element Update Greenhouse Gas Emissions per Service Population

Project GHG Emissions per Service Population	
Net Project GHG Emissions (MT CO ₂ e/year)	1,850.46
Service Population	2,073
GHG Emissions per Service Population	.89
Service Population Threshold of Significance	3.62
Rate of Proposed Project Emissions Exceeds Threshold?	No

SOURCE: EMC Planning Group 2022

The fact that the proposed project promotes infill development generally on sites that are within the Town’s urban corridors is an important factor in finding the project impact to be less than significant. Infill residential development in locations that are close to existing commercial services commonly can result in reduced vehicle miles traveled relative to such development at greater distance from these services. As described in Section 14, Transportation, the proposed project would have a less than significant vehicle miles traveled impact. GHG emissions from mobile (transportation) sources is often the largest component of a project’s GHG emissions inventory. Consequently, reducing vehicle miles traveled plays a substantial role in reducing total GHG emissions.

Would not Conflict with an Applicable Plan, Policy, or Regulation Adopted to Reduce GHGs (No Impact)

The Town's CAP is the applicable plan for reducing GHG emissions. As described previously, the threshold of significance derived for the proposed project is the rate of GHG emissions per service population at which the Town would achieve its goal of reducing GHG emissions to 40 percent below 1990 levels by 2030, consistent with the state's overall 2030 reduction target as described in the CAP. The rate is based on the 2030 emissions projection for the Town found in the CAP and on population and employment data from ABAG. Because the rate of GHG emissions from implementing the Housing Element Update would be below the threshold, it would not conflict with the CAP.

9.5 Cumulative Impacts

The proposed project would generate GHG emissions that contribute to climate change, an effect which is global in scale. Therefore, the analysis in this section is inherently cumulative in nature. The CAP is the Town's plan for reducing GHG emissions to meet cumulative emissions reductions targets set by the state. Because the proposed project would not conflict with the rate of GHG emissions identified in the CAP for meeting the Town's cumulative GHG reduction targets, the proposed project's contribution to cumulative impacts is less than significant, or less than cumulatively considerable.

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10.0 Noise

Unless otherwise noted, the information contained within this section is based on the draft Housing Element Update, the 2009 *Town of Corte Madera General Plan* (general plan), and the 2009 *Town of Corte Madera General Plan EIR* (general plan EIR), and the Town's Municipal Code.

No NOP responses were received regarding noise.

10.1 Noise Setting

Fundamentals of Noise

Sound is a vibratory disturbance created by a moving or vibrating source, which is capable of being detected by the hearing organs (e.g., the human ear). Noise is defined as sound that is loud, unpleasant, unexpected, or undesired and may therefore be classified as a more specific group of sounds. The effects of noise on people can include general annoyance, interference with speech communication, sleep disturbance, and, in the extreme, hearing impairment (Caltrans 2013). Sound levels are described in units called the decibel (dB). Decibels are measured on a logarithmic scale that quantifies sound intensity in a manner similar to the Richter scale used for earthquake magnitudes. Thus, a doubling of the energy of a noise source, such as doubling of traffic volume, would increase the noise level by 3 dB; a halving of the energy would result in a 3 dB decrease. In terms of human perception, a 5 dB increase or decrease is considered to be a noticeable change in noise levels. Additionally, a 10 dB increase or decrease is perceived by the human ear as half as loud or twice as loud. In terms of perception, generally speaking the human ear cannot perceive an increase (or decrease) in noise levels less than 3 dB (WJV Acoustics 2022).

As described in Section 4.6, Noise, in the general plan EIR, the major noise source in Corte Madera is U.S. Highway 101, with noise generated by traffic on local streets and within neighborhood parks considered secondary. Figure 8.1 in the general plan presents noise contours within Corte Madera. There are no significant sources of railroad, aircraft or industrial noise within the Town. Common noise sources found within Corte Madera are discussed below.

Acoustical Terminology

Common noise terms are defined below to provide context and a better understanding of the technical terms referenced throughout this section (WJV Acoustics 2022).

Ambient Noise Level. The composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.

Community Noise Equivalent Level (CNEL). The average equivalent sound level during a 24-hour day, obtained after addition of approximately five decibels to sound levels in the evening from 7:00 p.m. to 10:00 p.m. and ten decibels to sound levels in the night after 10:00 p.m. and before 7:00 a.m.

Decibel, dB. A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

DNL/ L_{dn} . Day/Night Average Sound Level. The average equivalent sound level during a 24-hour day, obtained after addition of ten decibels to sound levels in the night after 10:00 p.m. and before 7:00 a.m.

L_{eq} . Equivalent Sound Level. The sound level containing the same total energy as a time varying signal over a given sample period. L_{eq} is typically computed over 1, 8 and 24-hour sample periods. Note: The CNEL and DNL represent daily levels of noise exposure averaged on an annual basis, while L_{eq} represents the average noise exposure for a shorter time period, typically one hour.

L_{max} . The maximum noise level recorded during a noise event.

L_n . The sound level exceeded "n" percent of the time during a sample interval (L_{90} , L_{50} , L_{10} , etc.). For example, L_{10} equals the level exceeded 10 percent of the time.

Noise Exposure Contours. Lines drawn about a noise source indicating constant levels of noise exposure. CNEL and DNL contours are frequently utilized to describe community exposure to noise.

Transportation Noise Sources

Roadways

The general plan identified several roadways segments within Town limits where roadway traffic noise was particularly noticeable. These segments included: Fifer Avenue between Tamal Vista Boulevard and Nellen Avenue; Nellen Avenue south of Fifer Avenue; U.S. Highway 101 south of Industrial; U.S. Highway 101 north of Tamalpais Drive; Madera Boulevard north of Mohawk Avenue; Tamalpais Drive east of Eastman Avenue; Tamalpais Drive west of the U.S. Highway 101 southbound off ramp; San Clemente Drive between Tamalpais Drive and Paradise Drive; Tamalpais Drive between the U.S. Highway 101 northbound off ramp and San Clemente Drive; and Paradise Drive west of El Camino Drive. Several of the identified opportunity sites are within close proximity to or within these roadway segments.

Airports

There are no airports or helipads within the general vicinity of Corte Madera. As a result, the existing ambient noise environment is not significantly influenced by aircraft noise.

Non-Transportation Noise Sources

General Service Commercial Uses

As was documented in Section 4.6, Noise, of the general plan EIR, noise sources associated with service commercial uses such as automotive and truck repair facilities, tire installation centers, car washes, loading docks, corporation yards, etc. are found mainly within relatively close proximity to U.S. Highway 101 within Corte Madera. The noise emissions of these types of uses are dependent on many factors, and are therefore, difficult to quantify precisely. Nonetheless, noise generated by these uses contributes to the ambient noise environment in the immediate vicinity of these uses, and should be considered where new noise-sensitive uses, including residential uses at the identified opportunity sites, are proposed nearby or where similar uses are proposed in existing residential areas.

10.2 Regulatory Setting

Federal

Noise Control Act

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

State

General Plan Guidelines (Appendix D: Noise Element Guidelines)

The State of California, through its General Plan Guidelines, discusses how ambient noise should influence land use and development decisions and includes a table (Figure 2 of Appendix D of the 2017 OPR General Plan Guidelines) of normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable uses at different noise levels, expressed in CNEL (OPR 2017). This table provides a tool to gauge the compatibility of land uses relative to existing and future noise levels. It provides land use compatibility guidelines that local jurisdictions can use as a guide for establishing its own General Plan noise compatibility levels that reflect the noise-control goals of the community, the particular community's sensitivity to noise, and the community's assessment of the relative importance of noise pollution. The compatibility guidelines identify

normally acceptable, conditionally acceptable, and clearly unacceptable noise levels for various land uses. A conditionally acceptable designation implies new construction or development should be undertaken only after detailed analysis of the noise reduction requirements for each land use, and needed noise insulation features are incorporated in the design. By comparison, a normally acceptable designation indicates that standard construction can occur with no special noise reduction requirements. Of pertinence to the project, multi-family uses are considered normally acceptable up to 65 CNEL, conditionally acceptable up to 70 CNEL, normally unacceptable from 70 to 75 CNEL, and clearly unacceptable above 75 CNEL.

Title 24 (California Code of Regulations)

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

Local

Town of Corte Madera General Plan Public Safety and Hazards Element

The goals, policies, and actions contained in the Town's general plan Public Safety and Hazards Element focus on establishing and applying criteria for acceptable noise levels for different land uses in order to minimize the negative impacts of noise, especially at sensitive receivers. A list of these applicable noise policies is included in [Appendix F](#).

Corte Madera Municipal Code (Noise Ordinance)

The Town implements and enforces construction and operational noise regulations through Corte Madera Municipal Code Chapter 9.36. Municipal Code Section 9.36.030 limits noise from mechanical devices (including pumps, fans, air conditioning units, or other devices) from emitting noise 25 dBA above the ambient noise level for more than 10 minutes per hour, 30 dBA above the ambient noise level for more than 3 minutes per hour, and 40 dBA above the ambient noise level for any amount of time in residential zoning districts. These standards are not applicable to construction and demolition activities performed on weekdays between 7:00 a.m. and 5:00 p.m. and weekends 10:00 a.m. and 5:00 p.m., provided all powered construction equipment is equipped with intake and exhaust mufflers. The municipal code also requires pavement breakers and jackhammers to be equipped with acoustical attenuating shields or shrouds.

Nighttime noise is limited by Municipal Code Section 9.36.050. Between 10:00 p.m. and 6:00 a.m., excessive or offensive noise that disturbs the peace or quiet of any neighborhood or is unreasonably disturbing to a person of ordinary sensitivities residing in the area is unlawful. This includes mechanical noises that do not exceed the levels set forth in Section 9.36.030.

10.3 Thresholds of Significance

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

- Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Checklist Questions Deemed Not Applicable

- For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.

As identified in the general plan EIR, the Town of Corte Madera is not located within an airport land use plan, within two miles of a public airport, or within the vicinity of a private airstrip, the proposed project would not expose people residing or working in the Town of Corte Madera to excessive noise levels from airport or airstrip operations. No further discussion of this issue is necessary.

10.4 Analysis, Impacts, and Mitigation Measures

This section includes information and data regarding noise that are relevant to the proposed project based on the threshold of significance described above. The information and data are used as a basis for determining impact significance and for the mitigation measures. The project does not propose the construction of new housing or other development; rather it provides capacity for future development consistent with housing development projections found in the Housing Element Update. Thus, while adoption of the Housing Element Update does not propose specific development, this analysis assesses the noise impacts from future development and potential future rezoned sites. Full buildout of the Housing Element sites inventory to accommodate the Town's 883 housing units under the 6th Cycle Housing Element Update is anticipated to occur by 2031.

Transportation Noise

IMPACT 10-1	Traffic Would Result in an Increase in Ambient Noise Levels	Less than Significant with Mitigation
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2009 General Plan EIR Noise Analysis

The 2009 general plan EIR identified that buildout of the general plan would result in anticipated traffic noise increase ranging from 2 dB to 100 dB at 65 Db L_{dn} on Town roadways and highways over existing (2009) conditions. Increased traffic noise levels associated with the general plan were determined to exceed Town Noise Ordinance standards and/or result in a substantial increase in existing noise traffic noise levels along a significant number of roadways within Corte Madera. The 2009 general plan EIR concluded that traffic noise impacts would increase to noise-sensitive land uses such as residential designated areas along Tamalpais Drive and Corte Madera Avenue.

Therefore, despite the proposed policy provisions included in the general plan, potential traffic noise increases were determined to be a significant and unavoidable impact and no additional mitigation measures were identified that would reduce the traffic noise exposure.

The general plan includes policy provisions that require noise studies for new commercial and office development along U.S. Highway 101 and implement noise attenuation measures (Policy PSH-4.1). This policy is being amended as part of the Housing Element Update process to incorporate residential uses as well. Additional policy provisions require the evaluation of new development proposals for compliance with the proposed noise standards in the general plan and where necessary, require preparation of a noise study to determine compliance (Policies PSH-5.4 and PSH-6.1).

Proposed Project

The proposed project's contribution to roadway noise was evaluated through a calculation by comparing existing traffic noise levels to traffic noise levels with redevelopment of the housing opportunity sites. Generally, a doubling of trips (i.e., 100 percent trip increase) would increase noise levels by approximately 3 dBA, which is the human level of perception for an increase in noise (Rincon Consultants 2020). The 2009 general plan EIR traffic report (see Appendix B, Table D-2 of the general plan draft EIR) identified 32,743 daily trips for Corte Madera (as calculated in 2008). The 2,956 daily trips added by the Housing Element Update would therefore result in an approximately nine percent increase in traffic volume within Corte Madera. Using the general plan EIR's projected buildout trip generation for the year 2022 of 48,389, the proposed project's trip generation would result in an approximate six percent increase in the number of vehicles on Corte Madera roadways over what was analyzed in the 2009 general plan EIR.

While there would be an increase in trips as a result of the proposed project, the proposed project would not result in a doubling of trips, or an increase of noise levels by 3 dBA (the perceptible level of noise). Therefore, increase in trips generated by the proposed project would not be perceptible to the human ear. This is considered a less-than-significant impact. However, because this noise increase contributes to the cumulative increase in development within Corte Madera and within the region, implementation of the following mitigation measure (reflecting the proposed revision to general plan Policy PSH-4.1 as presented in the Draft Safety Element Update which adds residential uses along the freeway frontage) is required to ensure that the project’s cumulative transportation noise impact is less than cumulatively considerable.

Mitigation Measure

10-1 Policy PSH-4.1. New commercial, residential, and office development and redevelopment projects along the freeway frontage shall include evaluations of methods to reduce Highway 101-related noise impacts.

Implementation Program PSH-4.1a: Noise Studies Along 101. Require noise studies for new commercial, residential, and office development along Highway 101, and implement noise attenuation measures. These studies shall be based on traffic volumes commensurate with cumulative build-out conditions within the area and compliance with standards prescribed within the Noise section of the Public Safety and Hazards chapter of the General Plan.

Non-Transportation Noise

IMPACT 10-2	Increases in Noise Associated with Stationary (or non-Transportation) Noise Sources Located Near Sensitive Noise Receptors	Less-than-Significant with Mitigation
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2009 General Plan EIR Noise Analysis

The 2009 general plan EIR determined that implementation of the general plan could generate noise levels in excess of applicable Town noise standards for non-transportation noise sources (see Table 10-2). Such land uses include industrial uses, as well as commercial, office, and multi-family residential, and could expose noise sensitive land uses to excessive noise levels. In addition, under general plan buildout, new noise-sensitive land uses would be located in areas of existing stationary noise sources. The 2009 general plan EIR further identified that implementation of Policy PSH 5.7 and Implementation Program PSH-5.7.a would provide noise exposure standards that would ensure the reduction of stationary noise impacts associated buildout of the general plan. In addition, Implementation Programs PSH-5.3.a requires an acoustical analysis for development projects that are deemed to possibly result in violation of the noise standards outlined in Policies PSH-5.1 and 5.2 either in terms of a noise impact created by the new development that could affect nearby

properties, or if the new development may be impacted by existing noise sources in the community. Additionally, a noise analysis may be required pursuant to Policy PSH-6.1 to address a project's proximity to noise sensitive receptors. Finally, the Town requires that noise from new stationary sources comply with the Town's Noise Ordinance (Municipal Code Chapter 9.36), which limits the acceptable noise at the property line of an impacted property to reduce nuisances to sensitive land uses.

Proposed Project

Redevelopment of the housing opportunity sites would result in mixed commercial/residential uses being located in proximity to noise sensitive residential receptors. Stationary noise sources associated with mixed uses could include (but are not limited to) noises associated with loading docks, various mechanical equipment such as heating, ventilating, and air conditioning (HVAC) units, and human activity in parking lots. Such future stationary noise sources may result in a significant noise impact to nearby sensitive noise receptors. With implementation of general plan policies and implementation measures, as well as the Town's noise ordinance, as reflected in the following mitigation measure, this impact would be considered less than significant.

Mitigation Measures

10-2a Policy PSH-5.3. Any Town-required acoustical analysis shall be prepared according to specific standards and practices.

Implementation Measure PSH – 5.3.a: Acoustics Analysis. An acoustical analysis may be required by the Town for development projects that are deemed to possibly result in violation of the noise standards outlined in Policies PSH-5.1 and 5.2, above, either in terms of a noise impact created by the new development that could affect nearby properties, or if the new development may be impacted by existing noise sources in the community. Additionally, a noise analysis may be required pursuant to Policy PSH 6.1, below, regarding project proximity to noise sensitive receptors.

Where an acoustical analysis is required by the Town, it shall be prepared in accordance with the following provisions:

- Applicant has the financial responsibility (with the study to be administered by the Town).
- Must be prepared by qualified persons experienced in the fields of environmental noise assessment and architectural acoustics.
- Include representative noise-level measurements with sufficient sampling periods and locations to adequately describe local conditions.

- Estimate existing and projected (cumulative) noise levels in terms of Town noise standards.
- Recommend appropriate project-level noise mitigation measures. Where the noise source in question consists of intermittent single events, the report must address the effects of maximum noise levels in sleeping rooms evaluating possible sleep disturbance.
- Estimate interior and exterior noise exposure after the prescribed mitigations are implemented.
- Describe the post-project assessment program which could be used to evaluate the effectiveness of the proposed mitigations.

10-2b Policy PSH-6.1. Reduce noise impacts to sensitive receptors.

Implementation Program PSH-6.1.a: Perform Noise Analyses. Require site-specific noise analyses where noise sensitive land uses are proposed in proximity to sensitive noise sources (such as residences, schools, nursing homes, hospitals and day care operations), or where similar sources are proposed to be located near noise-sensitive land uses. Noise mitigation shall be included where results of the study warrant such actions.

Construction Noise Impacts

IMPACT 10-3	Construction Activities Would Result in a Temporary Noise Increase	Less than Significant with Mitigation
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2009 General Plan EIR Noise Analysis

The 2009 general EIR determined that implementation of policy provisions in the general plan would provide construction noise standards that would reduce impacts to sensitive receptors. These standards would include construction time restrictions and muffler requirements for all future construction activities within the Town. To reduce temporary noise during construction, the Municipal Code Chapter 9.36 and general plan (Implementation Programs PSH-5.7a and PSH-5.7b) limits construction hours and requires mufflers and acoustical shielding for construction equipment.

Proposed Project

Redevelopment of the 11 housing opportunity sites would result in demolition and construction noise. Construction noise is not considered to be a significant impact if construction is limited to the daytime hours and construction equipment is adequately maintained and muffled. Construction noise impacts could result in annoyance or sleep disruption for nearby residents if nighttime operations were to occur or if equipment is not properly muffled or maintained. This would be considered a significant, adverse environmental impact. Compliance with Town requirements associated with short-term construction noise, as reflected the mitigation measure listed below,

would ensure construction noise impacts associated with the proposed project would be less than significant.

Mitigation Measure

10-3 Future construction activities associated with any development on the 11 housing opportunity sites, shall be required to implement and comply with the Town of Corte Madera Municipal Code Chapter 9.36.030(b), which sets time limits for construction activities (except for federal holidays) from Monday-Friday between 7:00 a.m. and 5:00 p.m. and Saturday and Sunday from 10:00 a.m. to 5:00 p.m. In addition, future construction activities will be required to comply with the following general plan implementation program:

Implementation Program PSH – 5.7.b: Muffler Requirements. All internal combustion engines used in conjunction with construction shall be muffled according to the equipment manufacturer’s requirements.

Town Planning and Public Works staff shall ensure construction noise reduction measures are established prior to issuance of all building permits.

10.5 Cumulative Noise Impacts

The 2009 general plan EIR determined that implementation of the Town’s general plan would result in cumulative increased traffic noise levels from roadway improvements, resulting from additional vehicle traffic. Despite the proposed policy provisions found in the general plan addressing the reduction of traffic noise exposure, potential traffic noise increases were considered significant and unavoidable, and the general plan’s contribution were considered cumulatively considerable.

This section presents an analysis of the cumulative effects of the Housing Element Update in combination with other past, present, and reasonably foreseeable future projects that could cause cumulatively considerable impacts. Significant cumulative impacts related to noise could occur if the incremental impacts of the Housing Element Update combined with the incremental impacts of one or more cumulative projects, which includes other development allowed by the Town of Corte Madera general plan, including but not limited to 100 accessory dwelling units and 25 new single-family homes. This cumulative noise analysis examines the extent to which the Housing Element Update would cause cumulative noise impacts to increase beyond those cumulative noise impacts identified in the 2009 general plan EIR.

Geographic Context

The geographic context for both transportation and non-transportation noise is buildout of the Town’s general plan. Transportation noise levels are based on cumulative traffic conditions that take

into account cumulative increases in traffic in the region that affects noise in Corte Madera which is described in Section 10.1, Noise Setting.

Cumulative Analysis

2009 General Plan EIR Cumulative Noise Analysis

According to the 2009 general plan EIR, implementation of the general plan would result in cumulative increased traffic noise levels from roadway improvements, resulting from additional vehicle traffic. The anticipated traffic noise increase (2022) would range from 2 dB to 100 dB at 65 Db L_{dn} on Town roadways and highways over existing conditions, with up to 16 roadway segments significantly impacted. Increased traffic noise levels associated with the general plan exceed the Town Noise Ordinance standards and/or result in a substantial increase over 2009 noise traffic noise levels. Despite the proposed policy provisions described in the general plan EIR, potential traffic noise increases under general plan buildout were considered significant and unavoidable, and the general plan's contribution to traffic noise impacts was also considered cumulatively considerable.

Proposed Project Cumulative Noise Analysis

The proposed project would contribute to additional traffic noise, however, traffic noise increases as result of the proposed project were determined to not be perceptible to the human ear and would result in a less-than-significant impact. Therefore, the project's contribution to cumulative traffic noise impacts would not be cumulatively considerable. However, as noted above under Impact 10-1, because this noise increase contributes to the cumulative increase in development within the Town and within the region, implementation of the mitigation measure 10-1 is required to ensure that the project's cumulative transportation noise impact is less than significant.

Redevelopment at the housing opportunity sites could expose sensitive receivers to exterior noise levels that exceed the Town's standards for non-transportation noise sources. Any siting of new noise-sensitive land uses within a noise environment that exceeds the normally acceptable land use compatibility criterion represents a potentially significant impact. For any discretionary projects, potential exposure of sensitive receivers from exterior noise levels would be less than cumulatively considerable based on application of a future discretionary review which requires an acoustic study consistent with general plan Policy PSH-5.3 and Policy PSH-6.1 and the noise ordinance to demonstrate that the stationary noise sources would not exceed Town noise standards at affected noise-sensitive uses. Implementation of the Town's general plan policies and noise ordinance requirements for all future development projects at the housing opportunity sites (as reflected in mitigation measures 10-2 discussed above) would ensure cumulative stationary noise impacts associated with the Housing Element Update would be less than cumulatively considerable.

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11.0 Public Services

This section assesses the potential for the proposed project to increase demand for public services to the extent that existing public facilities must be expanded or new public services facilities must be constructed to meet that demand. The potential environmental effects of constructing those facilities are then examined. The information within this section is based on the Town's general plan EIR and additional sources of information are introduced where applicable.

No comments regarding public services were received in response to the Notice of Preparation.

11.1 Fire Protection and Emergency Medical Services

Physical Setting

In 2018, the Corte Madera Fire Department and Larkspur Fire Department consolidated creating the Central Marin Fire Department. The Central Marin Fire Department provides fire protection services in the Town of Corte Madera as well as the City of Larkspur and unincorporated Greenbrae and several portions of County Service Area 31 inclusive of the Greenbrae Boardwalk, Lucky Dr. and San Quentin. These communities are nestled between the hills and canyons at the base of Mt. Tamalpais and the shoreline of the San Francisco Bay in Marin County, California. The Central Marin Fire Department maintains four fire stations, two of which are in the Town of Corte Madera: Station 14, the main station, located at 342 Tamalpais Drive, and Station 13, located at 5600 Paradise Drive (Central Marin Fire District 2022).

The Central Marin Fire Department provides full-service fire prevention and life safety services including code-enforcement, inspections, public education and hazard abatement. Their primary activity is response to requests for service, particularly medical assistance and structure fires. Central Marin Fire Department personnel conduct fire and life inspections both on an annual and biannual basis. Apartments, hotels/motels, assembly occupancies, and schools are inspected on an annual basis, while the mercantile and businesses are inspected every two years (Ruben Martin, email message, February 7, 2022). Vehicle and equipment maintenance, as well as vigorous vegetation management and fire road maintenance, are high priorities for the Fire Authority. All fire roads within Corte Madera are surveyed annually in the spring in an effort to improve fire protection in the wildland interface and the maintenance of the fire roads is conducted by the Marin County Open Space District (Ruben Martin, email message, February 7, 2022). Marin County is the responsible agency for maintaining all open space lands on County property including Ring Mountain. However,

the maintenance has been conducted by the Central Marin Fire Department for the past two years through CalFire grants, Corte Madera Measure F, and Marin Wildlife Prevention Authority Measure C. Marin County does very little to maintain County lands (Ruben Martin, email message, February 7, 2022).

Fire Suppression Fleet

The Central Marin Fire Department currently has 39 full-time firefighters, 4 fire stations, and 13 emergency apparatus (Ruben Martin, email message, February 7, 2022). Volunteer staff is available for response to supplement paid staff or provide station coverage when requested. Daily staffing consists of 16 firefighters, which includes three fire engines staffed by three firefighters on each, a paramedic ambulance with two firefighters, two battalion chiefs, one fire inspector, one hazard mitigation specialist, and the fire chief. Service area consists of 7.7-square miles (Ruben Martin, email message, February 7, 2022). Both state and local protection is provided to wildland areas.

Response Time and Service Standards

Target response time for fire protection services is five minutes or less 90 percent of the time, with 95 percent of calls responded to within four minutes (Ruben Martin, email message, February 7, 2022). The Insurance Services Office (ISO) rating is the recognized classification for a fire department's or district's ability to defend against major fires. A rating of 10 generally indicates no protection, whereas an ISO rating of 1 indicates high firefighting capability. The Central Marin Fire Department has been given an ISO rating of 2 (Ruben Martin, email message, February 7, 2022).

Funding

The Central Marin Fire Department and emergency medical response service providers are funded through a combination of Town general revenues, service charges, equipment replacement fund, paramedic special tax, and ambulance charges. The total budget for the 2020-2021 year was \$9.9 million (Ruben Martin, email message, February 7, 2022).

Emergency Medical Services

The Central Marin Fire Department provides paramedic response and transport services to the Town using one ambulance. The Central Marin Fire Department has a subcontract with Ross Valley Paramedic Authority through a Joint Powers Agreement. Patients are primarily transported to Marin General Hospital and Kaiser Permanente Medical Center. The Central Marin Fire Department also provides aid to San Rafael Fire, Tiburon Fire, Kentfield Fire, Southern Marin Fire, Mill Valley Fire, and Ross Valley Fire Departments on an as-needed basis through a mutual aid agreement (Ruben Martin, email message, February 7, 2022).

Hospitals

MarinHealth Medical Center in Greenbrae and Kaiser Permanente Medical Center in San Rafael are the two primary medical service providers for Marin County. MarinHealth Medical Center, located

at 250 Bon Air Road in Greenbrae, is the largest acute care hospital in Marin County, with 327 beds and provides primary and secondary levels of care. Its services include a Level III trauma center and receives 70 percent of Marin County’s ambulance traffic. The MarinHealth Medical Center also offers the only hospital-based labor and delivery unit in Marin County. Its service area covers Corte Madera, Kentfield, Larkspur, Mill Valley, and San Rafael. To keep up with the area’s growing population and meet the state’s latest earthquake safety standards, the new 260,000 square foot new Oak Pavilion hospital replacement building was opened in the fall 2020 (Marin Health 2022).

Kaiser Permanente Medical Center provides hospital services and emergency services, and has Kaiser Permanente medical offices available to members. Emergency services and urgent care services are provided at 99 Monticello Road in San Rafael, with satellite clinics in Petaluma, Novato, Downtown San Rafael, Mill Valley, and Novato Hearing Center (Kaiser Permanente 2022).

Regulatory Setting

State

California Occupational Safety and Health Administration

In accordance with California Code of Regulations Title 8 Sections 1270 “Fire Prevention” and 6773 “Fire Protection and Fire Equipment,” the California Occupational Safety and Health Administration has established minimum standards for fire suppression and emergency medical services. The standards include, but are not limited to, guidelines on the handling of highly combustible materials, fire hose sizing requirements, restrictions on the use of compressed air, access roads, and the testing, maintenance, and use of all firefighting and emergency medical equipment.

Emergency Response/Evacuation Plans

The State of California passed legislation authorizing the Office of Emergency Services to prepare a Standard Emergency Management System (SEMS) program, which sets forth measures by which a jurisdiction should handle emergency disasters. Non-compliance with SEMS could result in the state withholding disaster relief from the non-complying jurisdiction in the event of an emergency disaster. The preservation of life, property, and the environment is an inherent responsibility of local, state, and federal government. The Town of Corte Madera prepared its Emergency Operations Plan to ensure the most effective and economical allocation of resources for protection of people and property in time of an emergency. The plan establishes the emergency organization, assigns tasks, specifies policies and general procedures, and provides for coordination of planning efforts of the various emergency staff and service elements utilizing the Standardized Emergency Management System. The objective of the plan is to incorporate and coordinate all the facilities and personnel of the Town into an efficient organization capable of responding effectively to any emergency.

Local

Fire Code

Corte Madera’s Fire Code, Chapter 15.02 of the Town’s Municipal Code, prescribes regulations governing conditions hazardous to life and property from fire or explosion through adoption of the California Fire Code and Uniform Fire Code. The Fire Code includes provisions for vegetation management including cutting and removing all combustible vegetation within 30 feet of structures, up to 200 feet on downhill slopes, removing piles of accumulated dead vegetation on the property, and cutting and removing tree limbs that overhang wood decks and roofs.

General Plan

General plan policies and implementing actions applicable to future development of the opportunity sites consistent with the proposed Housing Element Update are presented in [Appendix F](#).

Thresholds of Significance

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

- Result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection and emergency medical services.

The thresholds for “substantial adverse physical impacts” are presented throughout this SEIR for each environmental issue addressed.

Analysis, Impacts, and Mitigation Measures

IMPACT 11-1	Increased Demand for Fire Protection and Emergency Medical Services Could Result in Adverse Physical Impacts	Less than Significant with Mitigation
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The proposed project could result in an additional 2,181 residents. Therefore, the proposed project would increase fire protection needs at the various housing opportunity sites.

Both Corte Madera Fire Stations 13 and 14 are near the opportunity sites (refer back to Figure 4-1, Housing Opportunity Sites). According to the Central Marin Fire Chief, the target response time for fire protection services is five minutes or less 90 percent of the time, with 95 percent of calls responded to within four minutes. Depending on where the engines or ambulance is responding from, the Central Marin Fire Department may or may not be able to respond to calls within the target response times at buildout of the various housing opportunity sites (Ruben Martin, email message, May 10, 2022). The Central Marin Fire Department is currently conducting a facilities study that will look at the current locations of the stations and determine if they need to be relocated in order to meet the needs of the community (Ruben Martin, email message, May 10, 2022).

The proposed project would contribute to the increase in the demand for fire protection services analyzed in the general plan EIR and could result in the need for new fire protection facilities, the construction of which could cause significant environmental impacts in order to maintain the target response times.

The project is required to comply with the Corte Madera Municipal Code Chapter 15.02, Fire Code, and General Plan Implementation Program LU-6.2.b, which requires all new development to contribute funding toward necessary fire and paramedic facilities and equipment. Further, the Town will be updating its impacts fees and, as part of the update, will require all new development to contribute to funding towards necessary fire protection facilities and equipment (Martha Battaglia, email message, August 30, 2022). However, the timing for when the impact fees will be updated is unknown. Therefore, in the event that development applications are received prior to the Town updating their impact fees, the following mitigation is required.

Mitigation Measure

11-1 For development applications or preliminary applications submitted before the Town has updated its public safety impact fee schedule: the Town will obtain from public safety agencies an objective formula for calculating the cost of new or expanded facilities attributable to new development (“Public Safety Impact Formulae”). Using that formula, the Town will impose a condition of approval providing that, prior to obtaining a building permit, the applicant will pay impact fees calculated according to the Public Safety Impact Formulae. The forgoing shall not apply where the Town has updated its public safety impact fee schedule before the applicant applies for a building permit, in which event the applicant will pay the fees determined by said schedule.

Pursuant to California Government Code Section 65996, payment of impact fees is deemed to fully mitigate cumulative CEQA impacts of new development on public facilities. Therefore, payment of this impact fee for each housing project pursuant to this housing element update would reduce the potentially cumulatively considerable environmental impacts on fire facilities to a less-than-

significant level. Payment of the applicable public facilities impact fees and compliance with Town requirements would ensure that the potential physical impact from the construction of new fire facilities as a result of the project would be less than significant.

Cumulative Impacts

The proposed project, in combination with other past, present and reasonably foreseeable cumulative development within the service area of the fire department, would result in increases in service population, which includes other development allowed by the Town of Corte Madera general plan, including but not limited to 100 accessory dwelling units and 25 new single-family homes. Additional development within the fire department's service area would include approximately 1,000 new housing units in Larkspur (RHNA is 979), as well as possible new housing within the unincorporated County located with the service area. This cumulative development could trigger the need to construct new or expanded fire protection facilities to house the additional staff and equipment needed to serve this additional population, which could result in potentially significant impacts.

As indicated previously, the Town will be updating its impact fees and, as part of the update, will require all new development to contribute to funding towards necessary fire protection facilities and equipment. These fees, in combination with fees collected from other projects, would help to improve or expand fire facilities as may be necessary to accommodate cumulative development consistent with the general plan land use designations throughout the Town. While the project would contribute to this cumulative increase, it would be required to pay the applicable development impact fees and as such, its contribution would not be cumulatively considerable.

11.2 Law Enforcement

Physical Setting

On January 1, 2013, the Twin Cities Police Authority and the San Anselmo Police Department successfully merged agencies and became the Central Marin Police Authority. This sharing of services has allowed each agency to increase the resources available to them while reducing redundancies (Central Marin Police Authority 2022). There is no longer a local public station in Corte Madera (Michael Norton, email message, February 3, 2022), but in January 2012, the construction of the new Central Marin Police Authority Headquarters Facility, located at 250 Doherty Drive in Larkspur, was completed.

The Central Marin Police Authority is a full-service police agency for the communities of Corte Madera, Larkspur, San Anselmo and portions of unincorporated Greenbrae. The Authority was formed under a Joint Powers Agreement between the Town of Corte Madera, City of Larkspur, and the Town of San Anselmo. Two members from each City/Town Council sit on and represent the Central Marin Police Council. Overall management of the Authority is the function of the

management committee comprised of the City and Town Managers of each jurisdiction. The Central Marin Police Authority has an annual budget of \$13.4 million; 52 employees; 42 sworn officers (Michael Norton, email message, February 3, 2022). The Authority also has a State Mutual Aid Agreement with the Marin County Sheriff to provide services in emergency situations.

Service Standards

First priority response time is generally three minutes (emergency calls) and less than 15 minutes for non-emergency calls (Michael Norton, email message, February 3, 2022).

Regulatory Setting

Local

Emergency Responses/Evacuation Plans

The State of California passed legislation authorizing the Office of Emergency Services to prepare a Standard Emergency Management System (SEMS) program, which sets forth measures by which a jurisdiction should handle emergency disasters. Non-compliance with SEMS could result in the state withholding disaster relief from the non-complying jurisdiction in the event of an emergency disaster. The preservation of life, property, and the environment is an inherent responsibility of local, state, and federal government. Marin County, in cooperation with the 11 cities and towns and with special districts, prepared an Emergency Operations Plan to ensure the most effective and economical allocation of resources for protection of people and property in time of an emergency. The plan establishes the emergency organization, assigns tasks, specifies policies and general procedures, and provides for cooperation of planning efforts of the various emergency staff and service elements utilizing the Standardized Emergency Management System. The objective of the plan is to incorporate and coordinate all the facilities and personnel of the County and Operational Area member jurisdictions into an efficient organization capable of responding effectively to any emergency.

General Plan

General plan policies and implementing actions applicable to future development of the opportunity sites consistent with the proposed Housing Element Update are presented in [Appendix F](#).

Thresholds of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes factual inquiries related to the subject of law enforcement services, as it does on a whole series of additional topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of environmental impacts associated with law enforcement services, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning

thresholds. The Town has done so here. Therefore, for purposes of this SEIR, a significant environmental impact would occur if implementation of the proposed project would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered law enforcement facilities, need for new or physically altered law enforcement facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for law enforcement.

The thresholds for “substantial adverse physical impacts” are presented throughout this SEIR for each environmental issue addressed.

Increased Demand for Law Enforcement Services (No Impact)

The proposed project could result in an additional 2,181 residents. Therefore, the proposed project would increase police protection needs at the various housing opportunity.

The Central Marin Police Authority headquarters facility is located within 1.8 miles from the opportunity sites (refer back to Figure 4-1, Housing Opportunity Sites). The standard for first priority (emergency calls) response times are generally 3 minutes and less than 15 minutes for non-emergency calls. According to the Central Marin Police Chief, implementation of the proposed project would not result in adverse impacts to response times (Michael Norton, email message, May 11, 2022).

Therefore, the proposed project would not result in the need for additional staff or new police protection facilities in order to maintain target response times, the construction of which would cause adverse environmental impacts.

Cumulative Impacts

The proposed project, in combination with other past, present and reasonably foreseeable cumulative development within the service area of the police department, would result in increases in service population, which includes other development allowed by the Town of Corte Madera general plan, including but not limited to 100 accessory dwelling units and 25 new single-family homes. Additional development within the police department’s service area would include approximately 1,000 new housing units in Larkspur (RHNA is 979) and approximately 120 new housing units in San Anselmo (RHNA is 833), as well as possible new housing within the unincorporated community of Greenbrae. This cumulative development could trigger the need to construct new or expanded police protection facilities to house the additional staff and equipment needed to serve this additional population, which could result in potentially significant impacts.

The Town will be updating its impact fees and, as part of the update, will require all new development to contribute to funding towards necessary police protection facilities and equipment. These fees, in combination with fees collected from other projects, would help to improve or expand police facilities as may be necessary to accommodate cumulative development consistent

with the general plan land use designations throughout the Town. While the project would contribute to this cumulative increase, it would be required to pay the applicable development impact fees and as such, its contribution would not be cumulatively considerable.

11.3 Public Schools

Physical Setting

The Town of Corte Madera is served by three public school districts: Larkspur-Corte Madera School District, Reed Union School District, and Tamalpais Union High School District. The Larkspur-Corte Madera School District serves the majority of the Town of Corte Madera and some portions of the cities of Larkspur and Mill Valley. The Larkspur-Corte Madera School District includes Neil Cummins Elementary School located in Corte Madera serving kindergarten through fifth grade students, The Cove School Elementary School located in Corte Madera serving kindergarten through fifth grade, and Hall Middle School located in Larkspur serving sixth through eighth grade students. The Reed Union School District serves the eastern portions of Corte Madera, but none of the opportunity sites are located within this school district's boundary. The Tamalpais Union High School District serves the entire Town of Corte Madera and includes several high schools. Redwood High School in Larkspur serves the entire Town of Corte Madera.

Table 11-1, [Public Schools Serving the Opportunity Sites](#), presents schools, school districts, grades, student enrollment, capacity, and excess capacity.

Larkspur-Corte Madera School District

As shown in Table 11-1, the three schools within the Larkspur-Corte Madera School District have the capacity to accept more students as the population grows within the school district attendance boundaries, including Corte Madera and Larkspur.

Tamalpais Union School District

The Tamalpais Union High School District completed their *Tamalpais Union High School District Facilities Master Plan – Draft* in April 2017 to assess the condition of existing school facilities and develop an understanding of anticipated long-range facility's needs. The intention of the master plan is to be a guideline to allow sites to maintain flexibility as enrollment and programs change. The master plan focuses on coordinating the school district's educational program goals with proposal facility improvements. As shown in Table 11-1, Redwood High School has the capacity to accept more students as the population grows within the school district attendance boundaries, which includes Corte Madera and Larkspur.

Table 11-1 Public Schools Serving the Opportunity Sites

School	School District	Grades	Student Enrollment (Year 2021-2022)	Capacity	Excess Capacity
Elementary Schools					
Neil Cummins Elementary	Larkspur-Corte Madera	K-5	503	775	272
The Cove School Elementary	Larkspur-Corte Madera	K-5	364	500	136
<i>Elementary School Totals</i>			867	1,275	408
Middle School					
Hall Middle	Larkspur-Corte Madera	6-8	476	700	224
<i>Middle School Totals</i>			476	700	224
<i>Elementary and Middle School Totals</i>			1,343	1,975	632
High School					
Redwood High	Tamalpais Union	9-12	1,948	3,243	1,295
<i>High School Total</i>			1,948	3,243	1,295

SOURCE: (Corbett Elsen, email message, February 1, 2022), (Nichole Urrea, email message, February 11, 2022)

Regulatory Setting

State

Leroy F. Greene School Facilities Act of 1998 (SB 50)

The Leroy F. Greene School Facilities Act of 1998, also known as Senate Bill No. 50 or SB 50 (Stats. 1998, Ch.407), governs a school district’s authority to levy school impact fees. This comprehensive legislation, together with the \$9.2 billion education bond act approved by the voters in November 1998 as Proposition 1A, reforms methods of school construction financing in California. SB 50 instituted a new school facility program by which school districts can apply for state construction and modernization funds. Government Code Section 65995, as amended by SB 50, establishes the dollar amount school districts may impose on new development. The statute provides that, with limited exceptions, the amount of any fees, charges, dedications, or other requirements may not exceed the levy fees described below. It imposed limitations on the power of cities and counties to require mitigation of school facilities impacts as a condition of approving new development and provided the authority for school districts to levy fees at three different levels.

Level I fees are the current statutory fees allowed under Education Code 17620. This code section provides the basic authority for school districts to levy a fee against residential and commercial construction for the purpose of funding school construction or reconstruction of facilities. These fees vary by district for residential construction and commercial construction and are increased biannually.

Level II developer fees are outlined in Government Code Section 65995.5, allowing school districts to impose a higher fee on residential construction if certain conditions are met. These conditions include having a substantial percentage of students on multi-track year-round scheduling, having an assumed debt equal to 15 to 30 percent of the district's bonding capacity (percentage is based on revenue sources for repayment), having at least 20 percent of the district's teaching stations housed in relocatable classrooms, and having placed a local bond on the ballot in the past four years which received at least 50 percent plus one of the votes cast. A facility needs assessment must demonstrate the need for new school facilities for unhoused pupils is attributable to projected enrollment growth from the construction of new residential units over the next five years.

Level III developer fees are outlined in Government Code Section 655995.7. If state funding becomes unavailable, this code section authorizes a school district that has been approved to collect Level II fees to collect a higher fee on residential construction. This fee is equal to twice the amount of Level II fees. However, if a district eventually receives state funding, this excess fee may be reimbursed to the developers or subtracted from the amount of state funding.

California Department of Education

The California Department of Education (CDE) School Facilities Planning Division (SFPD) has prepared a School Site Selection and Approval Guide that provides criteria for locating appropriate school sites in the State of California.

Specific recommendations for school size are provided in the publication: School Site Analysis and Development. This document suggests a ratio of 1:2 between buildings and land. CDE is aware that in a number of cases, primarily in urban settings, smaller sites cannot accommodate this ratio. In such cases, the SFPD may approve an amount of acreage less than the recommended gross site size and building-to-ground ratio.

Local

General Plan

General plan policies and implementing actions applicable to future development of the opportunity sites consistent with the proposed Housing Element Update are presented in [Appendix F](#).

Thresholds of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes factual inquiries related to the subject of public school facilities, as it does on a whole series of additional topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of environmental impacts associated with the provision of public school facilities, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in

fashioning thresholds. The Town has done so here. Therefore, for purposes of this SEIR, a significant environmental impact would occur if implementation of the proposed project would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered public school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for public schools.

The thresholds for “substantial adverse physical impacts” are presented throughout this SEIR for each environmental issue addressed.

New or Physically Altered School Facilities (No Impact)

Two school districts serve the project site: The Larkspur-Corte Madera School District, which serves kindergarten through eighth grade and Tamalpais Union High School District, which serves grades nine through twelve. The proposed project would result in the generation of new students. Based on the State Allocation Board Office of Public School Construction, the Larkspur-Corte Madera School District would use a student generation factor of 0.5 while the Tamalpais Union High School District would use a student generation factor of 0.2 (State Allocation Board Office of Public School Construction 2009).

Table 11-2, Student Generation, presents an estimate of the number of students that would be generated by the proposed project.

Table 11-2 Student Generation

Proposed Project	Larkspur-Corte Madera School District (K-8)	Tamalpais Union High School District (9-12)	Total Student Generation
883 multi-family units ¹	$883 \times 0.5^2 = 442$	$883 \times 0.2^2 = 177$	619

SOURCE: State Allocation Board Office of Public School Construction 2009

NOTES:

1. The 883 units is the capacity of the 11 housing opportunity sites.

2.. Statewide averages are as follows: Elementary School Districts uses 0.5 students per dwelling unit and High School Districts use 0.2 students per dwelling unit.

As discussed in Section 11.2, Environmental Setting, both school districts are currently operating under capacity and have the ability to accept additional students at all of the schools within each school district without the need to construct new schools or classrooms. The proposed project would generate approximately 442 kindergarten through eighth grade students. Based upon attendance and capacity in the 2021-2022 school year, the Larkspur-Corte Madera School District had excess capacity for 632 students. Therefore, the Larkspur-Corte Madera School District has the capacity to accommodate the project’s generation of students without the need to construct

additional school facilities. The proposed project would also generate approximately 177 ninth through twelfth grade students. Based upon attendance and capacity in the 2021-2022 school year, the Tamalpais Union High School District had excess capacity for 1,295 students. Therefore, the Tamalpais Union High School District has the capacity to accommodate the project's generation of students without the need to construction additional school facilities in order to meet the community's needs.

The proposed project's generation of students would not result in the need for additional school facilities, the construction of which would cause significant adverse environmental impacts.

Cumulative Impacts

The proposed project, in combination with other past, present and reasonably foreseeable cumulative development within the two school districts (Larkspur-Corte Madera and Tamalpais Union), would result in increases in the student population, which could result in the need for new schools or expansion of existing schools. This increase in student population includes other development allowed by the Town of Corte Madera general plan, including but not limited to 100 accessory dwelling units and 25 new single-family homes. Additional development within the two school districts' attendance boundaries would include approximately 1,000 new housing units in Larkspur (RHNA is 979) and approximately 900 new housing units in Mill Valley (RHNA 865). Using the statewide averages (elementary school districts use 0.5 students per dwelling unit and high school districts use 0.2 students per dwelling unit), this could result in the addition of approximately 500 elementary school students and approximately 200 high school students from the City of Larkspur and approximately 450 elementary school students and approximately 180 high school students from the City of Mill Valley. This cumulative development could trigger the need to construct new or expanded school facilities to serve the additional students, which could result in potentially significant impacts.

In accordance with Senate Bill 50, the project developer would be required to pay development impact fees to each affected school district when building permits are issued. The school districts would use collected funds towards new facilities to offset any impacts associated with new the development. "New facilities" could include, but not be limited to, new schools, as well as additional classrooms at existing schools. Pursuant to California Government Code Section 65996, payment of these fees is considered full mitigation of cumulative CEQA impacts of new development on school facilities. Therefore, payment of state-mandated impact fees would ensure the proposed project's contribution to the cumulative impact in not considerable.

11.4 Parks and Recreation

Physical Setting

The Corte Madera Parks and Recreation Department and the Marin County Open Space District oversee the parks and recreational facilities and open space within the Town of Corte Madera. The service area for the Corte Madera Parks and Recreation Department includes the Planning Area of the Town, and the Marin County Open Space District oversees the open space preserves within the Town. The Town of Corte Madera is in the process of updating their *Town Park and Community Center Master Plan* (November 2007); an estimated completion date has not been determined, but staff are hopeful that it would be completed by the end of 2022 (Ashley Howe, email message, February 3, 2022).

The Corte Madera Parks and Recreation Department oversees and manages various recreational programs, parks, and open space preserves within the Town of Corte Madera. The Parks and Recreation Department's facilities include the Town's Recreation Center, which is located in Town Park at 498 Tamalpais Drive. The Town's Recreation Center includes approximately 10,000 square feet of space and includes a main hall, kitchen, classrooms, patio, and offices. In addition to the Town's Recreation Center, other facilities included a Youth Center, which was closed, causing relocation of classes and events to other locations. The Town made arrangements to use other facilities in the area, including the swimming pools at Redwood High School, Larkspur-Corte Madera School District facilities at Neil Cummins, and The Cove School (Ashley Howe, email message, February 25, 2022).

Corte Madera Facilities

The Parks and Recreation Department offers the following recreational programs:

Arts and craft	Sports leagues and sports instruction
Gymnastics	Youth sports coaches and training
Basketball	Art and dance programs
Gardening	Multi-cultural events
Dancing	Parenting skill classes
Organized field trips	Referral services to drug and alcohol treatment
After-school programs for youth	Emergency preparedness and support
Pre-school programs	Health and wellness classes
Teen programs	Nature and outdoor programs
Summer camps	

The Corte Madera Parks and Recreation Department oversees seven neighborhood and community parks varying in size and distributed throughout the Town. Recreational facilities include play equipment, soccer and softball fields, picnic areas, tennis, basketball and volleyball courts, and areas for roller hockey.

Most of the parks in Town are located within walking or biking distance of residential neighborhoods, with the exception of upslope areas in Christmas Tree Hill. Christmas Tree Hill has trail connections that make access to the Town Park more viable. Additionally, these trails provide connections to the Blithedale Summit Open Space Preserve to the west and Camino Alto Open Space preserve to the southwest. Parklands within the Town include a few tot lots and/or open play fields that provide recreational opportunities for residents within the particular subdivision. The seven neighborhood and community parks and the various facilities that they offer are listed below.

Town Park

Located on Tamalpais Drive, Town Park is approximately 22 acres containing numerous picnic areas with barbecues, softball and soccer fields, tennis courts, a basketball court, skate park, and playground equipment at various locations, with restrooms and parking. The Town owns most of the park. The Larkspur-Corte Madera School District owns a portion of the playfields, which are operated under a joint-use agreement. Town Park is host to the Town's Recreation Center.

San Clemente Park

The park site is 8.5 acres, also referred to as Cove Park, with a softball field, picnic area, volleyball area, restroom, and parking lot, located east of Highway 101 just south of San Clemente Creek. San Clemente Park is owned by the Larkspur-Corte Madera School District. A joint use agreement with the Town expires November 20, 2032 (Ashley Howe, email message, February 25, 2022). Like Town Park, it is partially owned by the Town and the Larkspur-Corte Madera School District (Ashley Howe, email message, February 25, 2022).

Granada Park

Granada Park is roughly four acres in size with a tennis court, picnic area, and parking area and is located in the southeastern portion of Town and owned by the Reed School District. A joint-use agreement with the Town expires in 2032. Roughly 0.5 acres of the property is used by the Town (Ashley Howe, email message, February 25, 2022).

Skunk Hollow Mini-Park

A 0.25-acre playground and picnic area, Skunk Hollow Mini-Park is located on the east side of Town with on-street parking. The park is Town-owned.

Menke Park

Menke Park, located on the west side of Town in Old Corte Madera Square, is a 1.0-acre park with a picnic area, bandstand/pavilion, and parking lot. The Town owns the old railroad right-of-way that traverses the site (estimated at 5 percent of the park area) as well as the remainder of the site and conducts all park maintenance operations.

Bayside Trail Park

Located on San Clemente Drive, Bayside Trail Park is a 2.75-acre Town-owned linear park with a 0.5-mile-long trail traversing the park.

Higgins Landing

Higgins Landing, a 0.55-acre Town-owned boathouse and dock, is located on the north edge of Corte Madera by Corte Madera Creek.

Joint-Use Agreements

San Clemente Park, Granada Park, Menke Park, Bayside Trail Park, and portions of Town Park have been developed and maintained under joint-use agreements with the Larkspur and Reed School Districts. These park/school project agreements generally hold the Town responsible for improvements and the cost of maintenance operations, while the school district provides the land.

Other joint-use agreements include the use of the Neil Cummins school gymnasium and The Cove School multi-use room (both Larkspur-Corte Madera School District facilities), as well as Redwood High School Roller Hockey rink (Tamalpais Union High School District facility). The Town has joint-use agreements with both school districts and is responsible for insurance, utilities, and maintenance operations (Ashley Howe, email message, February 25, 2022).

Marin County Open Space District

The Marin County Open Space District, established in 1972, acquires and manages open space lands, with operations funded through an ongoing property tax. These lands provide open space and community separators in the urban corridor of Marin County, as well as passive recreational opportunities for Corte Madera residents. The preserves are open to the public for hiking, horseback riding, mountain biking, picnicking, bird watching, and fishing. Open space acquisition and management protects natural resources and creates green infrastructure that provides relief from urban development.

Open Space Preserves

There are five open space preserves in and adjacent to the Town of Corte Madera. These preserves cover approximately 200 acres in the Town limits. These open space preserves include:

Blithedale Summit

Blithedale Summit Preserve is located just outside the western border of Town and accessed through hiking trails in the Christmas Tree Hill area.

Camino Alto

Camino Alto Preserve is located on the western edge of Town.

Alto Bowl

Alto Bowl Preserve is located just outside the southwestern border of Town.

Tiburon Ridge

Tiburon Ridge Preserve is located in the southern portion of Town.

Ring Mountain

Ring Mountain Preserve is located in the southeastern portion of Town and can be accessed along the Paradise Drive frontage.

The open space preserves managed by the Marin County Open Space District total approximately 200 acres. Additionally, there are another 300 acres of open space lands within Corte Madera managed by various agencies including the approximately 200-acre Corte Madera State Ecological Reserve managed by the California Department of Fish and Wildlife. Additional open space marshes within Corte Madera include Triangular Marsh and Shorebird Marsh Park and the Habitat Site.

Regulatory Setting

State

Quimby Act

The Quimby Act, Government Code Section 66477, allows cities and counties to adopt ordinances requiring the dedication of parkland, fees in lieu of, or a combination of both to be used only for the purpose of acquiring land for park purposes. The Act provides for the conditioning of new development at the tentative map stage to dedicate unimproved parkland at the minimum standard of three acres per 1,000 residents to a maximum of five acres per 1,000 residents. The parkland and/or in lieu fees are to be used for new or existing neighborhood or community parks or recreational facilities to serve the subdivision.

Local

Town Municipal Code Standards

The Corte Madera Municipal Code (Section 17.30.020.B) currently utilizes a standard of 4.0 acres per 1,000 residents, which is applicable to subdivisions of 50 units or more. Dedication of land for park or recreational purposes shall not be required in subdivisions containing fifty parcels or less, but payment of fees in lieu thereof shall be required. Municipal Code standards for provision of parkland must be consistent with those in the general plan.

General Plan

The 2009 general plan (Policy PR-1.4) retained the standard set in the previous iterations of the Town's general plan of 5.0 acres of parkland, and one acre of open space, for every 1,000 Corte

Madera residents. Corte Madera has a total of 35.6 acres of parkland (Ashley Howe, email message, February 25, 2022), which equates to a park ratio of 3.56 acres per 1,000 Town residents. While it falls short of meeting the Town’s general plan desired ratio of 5.0 acres per 1,000 residents, it exceeds the National Recreation Association standard of 2.5 acres per 1,000 residents.

General plan policies and implementing actions applicable to future development of the opportunity sites consistent with the proposed Housing Element Update are presented in [Appendix F](#).

Thresholds of Significance

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

- Result in substantial adverse physical impacts associated with the provision of new or physically altered park and recreation facilities, need for new or physically altered park and recreation facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks and recreation.

The thresholds for “substantial adverse physical impacts” are presented throughout this SEIR for each environmental issue addressed.

Analysis, Impacts, and Mitigation Measures

IMPACT 11-2	Increased Demand for Recreation Opportunities Could Result in Adverse Physical Impacts on Parks and Recreational Facilities	Less than Significant with Mitigation
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The nearest parks to the opportunity sites are within approximately 0.22 miles. As identified in Section 11.2, Environmental Setting, the general plan’s desired ratio is 5.0 acres per 1,000 residents (general plan policy PR-1.4) and the National Recreation Association standard ratio is 2.5 acres per 1,000 residents.

Implementation of the proposed project could result in the population increase of 2,181, requiring approximately 11 acres of parkland to meet the Town’s desired ratio or approximately 5.5 acres of parkland to meet the National Recreation Association standard ratio.

According to Town staff, the Town's large amount of open space within and just outside Corte Madera may not be accounted for in the Town's existing recreational acreages. In addition, larger developments may provide onsite recreational amenities (Adam Wolff, email message, September 8, 2022) through design review/site plan review, which would help offset its impacts to Corte Madera's existing recreational facilities. For example, the 180-unit Tam Ridge (Bell Mt. Tam) provided an on-site gym, swimming pool, and bocce/BBQ area for residents. However, implementation of the following mitigation measure would ensure that impacts on existing parks and recreational facilities as a result of redevelopment of each opportunity site would be less than significant.

Mitigation Measure

11-2 Individual development projects shall be required to provide active and/or passive recreational amenities with redevelopment of the site prior to the approval of a planning application.

Cumulative Impacts

The proposed project, in combination with other past, present and reasonably foreseeable cumulative development would result in increases in population, which includes other development allowed by the Town of Corte Madera general plan, including but not limited to 100 accessory dwelling units and 25 new single-family homes. This cumulative development would result in the increased demand on existing parks and recreational facilities, and potentially result in the need for new or physically altered park and recreation facilities, the construction of which could cause significant environmental impacts.

However, implementation of Mitigation Measure 11-2 would offset the project's impacts on the Town's existing recreational facilities. In addition, Town staff believe that the Town has more open space than what has been accounted for. While the project would contribute to this cumulative increase, it would be less than cumulatively considerable.

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12.0 Utilities

This section of the SEIR assesses the potential for the proposed project to increase demand for utilities to the extent that new utilities must be constructed to meet that demand. The potential environmental effects of constructing and operating those facilities are then examined. The information within this section is based on the Town's 2009 General Plan EIR, the *2020 Urban Water Management Plan*, the *Sanitary District No.2 of Marin County Sewer Master Plan*, and *Sewer System Management Plan*. Additional sources of information are introduced where applicable.

No NOP comments were received regarding utility services.

12.1 Water Supply and Service

Environmental Setting

The Marin Municipal Water District (Marin Water) supplies water to the Town of Corte Madera, as well as the incorporated cities and towns of San Rafael, Mill Valley, Fairfax, San Anselmo, Ross, Larkspur, Tiburon, Belvedere and Sausalito, and some unincorporated areas of Marin County. Marin Water is a public agency that provides drinking water to approximately 191,000 people in a 147-square-mile area, serving central and southern Marin County (Marin Municipal Water District 2017, p. 1-1; Marin Municipal Water District 2021, p. 30). Marin Water is able to supply 75 percent of water usage from local rain fed reservoirs. This supply is augmented with Russian River supplies imported from the Sonoma County Water Agency (Marin Municipal Water District 2021, p. 1-1).

Please note that the discussion of water supply and demand in this environmental setting is based upon Marin Water's 2020 Urban Water Management Plan, which was prepared based upon the Association of Bay Area Governments (ABAG) 2017 population projections, and therefore, does not account for population projections associated with the 6th Cycle Housing Element updates within Marin Water's service area. Marin Water staff have indicated that they are in the early stages of planning to update the 2020 Urban Water Management Plan to accommodate the 6th Cycle Housing Element updates. This process is discussed further in this section of the SEIR.

Reservoirs

Marin Water operates seven reservoirs with a total storage capacity of 79,566 acre-feet (25 billion gallons). One acre-foot, which is 325,851 gallons, is generally considered capable of supplying three households with water for one year. Five of the reservoirs are on Mount Tamalpais and two are in

west Marin County, with the capacity of the reservoirs on Mount Tamalpais corresponding to the average annual runoff from rainfall. The reservoirs in west Marin County comprise more than 40 percent of Marin Water's storage capacity.

Due to the potential for environmental damage, as well as natural limitations, Marin Water will not build any more reservoirs on Mount Tamalpais or in west Marin County.

Russian River and Water Treatment Plants

Additional water supplies are augmented with Russian River supplies imported from the Sonoma County Water Agency. Marin Water began importing water from the Russian River in the mid-1970s, and in 1992 a bond measure was approved to incrementally increase the quantity of water from the Russian River to improve the reliability of this supplemental water source. The current contract allows for Marin Water to purchase up to 14,300 acre-feet; however, Marin Water's ability to accept this volume is currently limited by infrastructure constraints that restrict conveyance capacity to about 10,000 acre-feet per year. To treat this supply, Marin Water operates three water treatment plants, including the Bon Tempe Treatment Plant, the San Geronimo Treatment Plant, and the Ignacio treatment facility (Marin Municipal Water District 2021, p. 5)

Groundwater Supply

Sonoma County Water Agency pumps a portion of its supply from the Santa Rosa Plain Subbasin of the Santa Rosa Valley Basin (DWR Basin 1-55.01). Groundwater is used primarily as a drought period supply, or when Russian River supplies are otherwise constrained. In 2015, groundwater made up less than two percent of the agency's supplies; through 2045, groundwater is projected to make up three percent of the agency's supplies in normal year conditions. It cannot be discerned what specific amount of Sonoma County Water Agency supply provided to Marin Water consists of groundwater; however, it is assumed to be proportionate to the overall percentage of groundwater used within Sonoma County Water Agency's system (Marin Municipal Water District 2021, p. 53). The Santa Rosa Subbasin is not adjudicated, and in its 2019 evaluation of California groundwater basins, the Department of Water Resources determined that the Santa Rosa Subbasin is not in a condition of critical overdraft (Department of Water Resources 2019).

Recycled Water

Marin Water currently provides recycled water year-round to 330 customers in the Terra Linda area of San Rafael for a range of uses including irrigation, industrial cooling, and toilet flushing.

A temporary recycled water filling station operated by Marin Water is also available to Marin County residents. No recycled water is supplied to Corte Madera.

Marin Water is exploring potential opportunities to increase recycled water use for irrigation in areas where it could have the greatest impact on our water supply by replacing potable water use. Marin Water is conducting an alternative analysis for expanding the recycled water system to the Peacock Gap Area.

Desalination

During August of 2010, Marin Water adopted Ordinance 420, which states that Marin Water shall not approve construction, or financing for construction, of a desalination facility unless such construction is approved by a majority of Marin Water voters voting in an election held within the Marin Water's service area for that purpose. Desalination is currently being explored as a possible option for increasing water supplies. See the discussion below under the Regulatory Setting.

Water Demand

Water use within the Marin Water's service area is predominantly associated with residential use, with 54 percent of the water use between 2016 and 2020 from single family residential accounts and 12 percent from multifamily residential accounts (Marin Municipal Water District 2021). Commercial accounts comprised 10 percent of total water use, landscape accounts comprised 5.5 percent, and institutional/governmental comprised 5.3 percent. The total and per capita water use increased from 2011 through 2013, then declined from 2014 through 2016. These trends were likely influenced by the historic drought conditions, mandatory state-wide restrictions in urban water use imposed by the State Water Resources Control Board, and local drought response. Total and per capita water use has remained lower than pre-2014 through 2016 drought conditions, with an increase beginning in 2017, indicating a degree of rebound following the drought. Due to infrastructure upgrades at the recycled water plant, all demands by the recycled water system were met by potable water in 2019 and 2020, resulting in increased potable water use by 661-acre feet in 2019 and 748-acre feet in 2020; potable water is not anticipated to be needed to supplement the recycled water system going forward as plant upgrades were completed in April 2021. Per capita potable and raw water use in 2020 for residential uses was 128 gallons per capita per day, and adjusted potable water use (excluding recycled water system backup) was 125 gallons per capita per day (Marin Municipal Water District 2021).

The reliability of the water supply compared to the demand totals during multiple dry years is presented in [Table 12-1, Multiple Dry Years Supply and Demand Comparison \(2045\)](#). Marin Water is projected to have sufficient supplies to meet projected demands in normal years, single dry years, and multiple dry years through 2045 (Marin Municipal Water District 2021), based upon Association of Bay Area Governments 2017 population projections, which do not include the proposed project.

However, as part of drought supply projection modelling efforts, an alternative drought risk assessment scenario was also explored. Under this scenario, an extreme drought event was assessed for years 2021 through 2025, where supplies would drop to below 14,000 acre-feet per year by 2025. Under this scenario, supply shortfalls would be met by Water Shortage Contingency Plan water use reduction actions through 2024, after which, there would be a supply shortfall of approximately 2,700 acre-feet per year in 2025 (Marin Municipal Water District 2021 p. 96).

Table 12-1 Multiple Dry Years Supply and Demand Comparison (2045)

	Year 1	Year 2	Year 3	Year 4	Year 5
Supply	79,567	84,262	86,530	72, 627	69,328
Demand	38,207	38,207	38,207	38,207	38,207
Difference	41,360	46,055	48,323	35,420	31,121

SOURCE: Marin Municipal Water District 2020 Urban Water Management Plan - Table 7-9

NOTES:

(1) Totals are in acre-feet

Regulatory Setting

State

Urban Water Management Planning Act

In 1983, the State of California Legislature (Legislature) enacted the Urban Water Management Planning Act (Act). The law required an urban water supplier (Supplier), providing water for municipal purposes to more than 3,000 customers or serving more than 3,000 acre-feet annually, to adopt an Urban Water Management Plan (UWMP) every five years demonstrating water supply reliability in normal, single dry, and multiple dry water years. The original Act also required the California Department of Water Resources to provide a report to the California Legislature on the status of water supply planning in California.

Senate Bill 610 (SB 610) and Assembly Bill 901 (AB 901)

During the 2001 regular session of the State Legislature, SB 610 and AB 910 – Water Supply Planning – were signed and became effective January 1, 2002. SB 610 amends Public Resources Code section 21151.0, requiring any EIR, negative declaration, or mitigated negative declaration for a qualifying project to include consultation with affected water supply agencies (current law applies only to NOPs). SB 610 also amends the following: Water Code 10656 and 10657 to restrict state funding for agencies that fail to submit their urban water management plan to the Department of Water Resource’s Water Code Section 10910 to describe the water supply assessment that must be undertaken for projects referred under PRC Section 21151.9.

Water agencies would be given 90 days from the start of consultation in which to provide a water supply assessment of the CEQA lead agency; Water Code Section 10910 would also specify the circumstances under which a project for which a water supply assessment was once prepared would be required to obtain another assessment. AB 910 amends Water Code Section 10631, expanding the contents of the urban water management plans to include further information on future water supply projects and programs.

Local – Marin Municipal Water District

Marin Water is a public agency that provides drinking water to approximately 191,000 people in a 147-square-mile area of south and central Marin County. Marin Water manages the natural resources of the Mount Tamalpais watershed and ensures the fiscal and environmental vitality of the district.

Urban Water Management Plan

The Urban Water Management Plan addresses the water system and provides information about historical and projected water demands, water supplies, supply reliability and potential vulnerabilities, water shortage contingency planning, and demand management programs.

Marin Water's last UWMP was completed in 2020 which was an update to the 2015 UWMP and carries forward information from that plan that remains current and is relevant to the 2020 UWMP and provides additional information as required by amendments to the Urban Water Management Planning Act (UWMP Act; CWC §10610 – 10657).

Strategic Water Supply Assessment

Marin Water is currently conducting a Strategic Water Supply Assessment intended to evaluate the district's current baseline water supply in the context of climate-change-driven droughts and to evaluate the impact of potential future water management alternatives that could improve Marin Water's long term water supply resiliency. These efforts will help Marin Water ultimately determine which options are viable, affordable, and make the most sense for the region. The assessment is currently scheduled to be completed in summer 2023. Upon completion of the Strategic Water Supply Assessment, Marin Water intends to update its UWMP to plan to reflect the Association of Bay Area Governments (ABAG's) 6th Cycle Housing Element Regional Housing Needs Allocation (RHNA) numbers and to ensure sufficient water supplies exist to support the associated increase in residential development throughout the district's service area (Marin Municipal Water District 2022).

On September 13, 2022, Marin Water staff presented an update on the Strategic Water Supply Assessment progress at Board Workshop #7. The presentation addressed an update of the project, a summary of water management alternatives, the alternatives evaluation process, next steps, and questions and answers (Marin Municipal Water District 2022).

Staff is considering the existing water system (baseline) and evaluating the following alternatives:

Water Conservation

Options for water conservation include a Water Conservation Program, and a Regulatory Driven Program.

Sonoma-Marin Partnerships

Sonoma-Marin Partnerships may include the following:

- Maximize Use of Sonoma Water (Existing Facilities);

- Maximize Use of Sonoma Water (Resolve Conveyance Bottlenecks);
- Maximize use of Sonoma Water (Dedicated Conveyance to Nicasio Reservoir);
- Groundwater Well Rehabilitation; and
- Regional Groundwater Bank.

Local Surface Storage

Local surface storage options may include the following:

- Local Surface Storage Enlargement at Soulajule, Nicasio, or Kent;
- New Surface Storage at Devil’s Gulch or Halleck; and
- Adjustable Spillway Gates at Kent, Nicasio, Soulajule, and Alpine.

Water Purchases with Conveyance through Bay Interties

The following are being evaluated:

- EBMUD Intertie (Sac Valley purchases);
- CCWD Intertie (Sac Valley purchases);
- North Bay Aqueduct Intertie (Sac Valley purchases); and
- SFPUC Intertie (Golden Gate Bridge).

Desalination

Desalination options under consideration include:

- Marin Regional Desalination Facility;
- Containerized Desalination Facility;
- Bay Area Regional Desalination Facility; and
- Petaluma Brackish Desalination Facility.

Recycled Water

Water Reuse options under consideration include:

- Recycled Water – expansion of non-potable reuse systems: Peacock Gap and San Quentin;
- Indirect Potable Reuse (IPR): Advanced treatment, conveyance to Kent Lake;
- Direct Potable Reuse (DPR) - Central Marin Sanitation Agency (CMSA) (Raw Water Augmentation – CMSA to Bon Tempe Lake and Treated Water Augmentation - CMSA to distribution system); and
- Direct Potable Reuse (DPR) – Regional (Raw Water Augmentation – CMSA, Las Gallinas Valley, SASM to Bon Tempe Lake).

Additional information regarding the Strategic Water Supply Assessment planning process can be accessed at <https://www.marinwater.org/sites/default/files/2022-09/09-13-2022%20REVISED%20-%20SWSA%20Board%20Working%20Session%20VII%20Water%20Management%20Alternatives%20Summary.pdf>.

Water Shortage Contingency Plan

The Water Shortage Contingency Plan, included as Appendix H of the 2020 UWMP, serves as a standalone document to be engaged in the case of a water shortage event, such as a drought or supply interruption, and defines specific policies and actions that will be implemented at various shortage level scenarios. For example, implementing customer water budgets and surcharges, or restricting landscape irrigation to specific days and/or times. Consistent with the California Department of Water Resources requirements, the Water Shortage Contingency Plan includes six levels to address shortage conditions ranging from up to 10 percent to greater than 50 percent shortage.

Natural Resource Management

The Mt. Tamalpais Watershed Management Policy provides overall guidance for Marin Water’s activities on the Mount Tamalpais Watershed to ensure the ecological health of watershed lands. The 1994 Mt. Tamalpais Vegetation Management Plan provides direction for programs to restore habitat, protect rare plants, reduce fire hazards, and control invasive pest plants. The Mt. Tamalpais Watershed Road and Trail Management Plan implements best management practices to reduce road and trail impacts on water quality. Marin Water’s ongoing programs also monitor special-status plant and animal species.

Water Conservation and Waste Prevention

Marin Water’s Water Conservation Department works to effectively improve the reliability of the district’s water supply by maximizing conservation efforts and encouraging customers to install water-saving devices, as well as by implementing the Water Waste Prevention Program as an overall water supply management strategy. Marin Water adopted the *2007 Water Conservation Master Plan* in June 2007. The plan includes such measures as requiring up to 25 percent mandatory cutbacks in water use after the first summer of dry rain season. Marin Water also adopted the *Water Resources Plan 2040* in March 2017, which evaluates resiliency in the face of a variety of threats to water resources in its service area and to identify options to enhance resiliency for its customers. The *Water Resources Plan 2040* provides valuable information to enable Marin Water to make informed water supply planning decisions in the face of a variety of potential reliability threats.

In May 2022, the Marin Water Board of Director’s adopted Ordinance No. 461, An Ordinance Amending Chapter 13.02 Entitled “Water Conservation and Dry Year Water Use Reduction Program” of Title 13 of the Marin Municipal Water District Code Entitled “Water Service

Conditions and Water Conservation Measures” Adopting Enhanced Water Conservation Measures Pursuant to Water Code Section 375. This ordinance requires the following conservation measures:

No customer of the district shall make, cause, use or permit the use of potable water from the district for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of this section.

- (1) Prohibited Nonessential Uses Applicable to Customers. It is unlawful for any person, firm, partnership, association, corporation, or political entity to use potable water from the district for the following nonessential uses:
 - (A) The washing of sidewalks, walkways, driveways, parking lots and all other hard surfaced areas by direct hosing, except as may be permitted by current regulations pertaining to urban water runoff pollution prevention as defined by the Marin County Stormwater Pollution Prevention Program and other controlling agencies.
 - (B) The escape of water through breaks or leaks within the consumer’s plumbing or private distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of forty-eight hours after the consumer discovers such a leak or break, or receives notice from the district of such leak or break, whichever occurs first, is a reasonable time within which to correct such leak or break.
 - (C) Non-recycling decorative water fountains.
 - (D) Restrictions on Irrigation. Irrigation shall not be conducted in a manner or to an extent that allows water to run off or overspray the areas being watered. Every consumer is required to have his or her water distribution lines and facilities under control at all times to avoid water waste.
 - (E) Any excess water runoff flowing onto the public right-of-way at a rate of one gallon per minute or greater not caused by storm water or naturally occurring groundwater, is prohibited.
 - (F) Using a garden hose without a shut-off nozzle.
 - (G) Landscape irrigation between the hours of 9:00 a.m. and 7:00 p.m.

- (H) Operating outdoor sprinkler irrigation systems delivering overhead spray more than two days within any calendar week and drip irrigation more than three days per week within any calendar week, but excluding hand-watering. For the purpose of this section, “calendar week” shall mean a period running from Monday-Sunday.
 - (I) The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall.
 - (J) Irrigating ornamental turf on public street medians.
- (2) Restrictions on Reverse Osmosis Units. The installation of reverse osmosis water purifying systems not equipped with an automatic shutoff unit is prohibited.
- (3) The following are prohibited for new connections:
- (A) Single pass cooling systems for air conditioning or other cooling system applications unless required for health or safety reasons;
 - (B) Non-recirculating systems for conveyer carwash applications.
- (4) Exemption From Daytime Water Prohibition. Notwithstanding anything contained in this Title 13, testing and repairing irrigation systems for the purpose of eliminating water waste is permitted during the hours of 9:00 a.m. and 7:00 p.m.
- (5) Sewer cleaning/flushing should be done using recycled water when available without hauling by truck and whenever reasonably possible.

Pool and Spa Covers. All recreational pools and spas shall have covers, subject to the variance provisions as set forth in section 13.02.050.

Local - General Plan

General plan policies and implementing actions addressing water and water conservation are presented in [Appendix F](#).

Local - Municipal Code

The Town adopted a water efficient landscape ordinance in 2020 which requires certain new landscape projects to comply with Marin Water requirements for water usage in landscape projects. Regulations for water efficient landscapes in the Town of Corte Madera are located in Chapter 15.55 of the Municipal Code.

Thresholds of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes factual inquiries related to the subject of water supply and service, as it does on a whole series of additional topics.

Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of water supply and service-related impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The Town has done so here.

Therefore, for purposes of this SEIR, a significant environmental impact associated with water supply and service would occur if implementation of the proposed project would have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years and/or result in the need for new water supplies or entitlements, and therefore, result in the need for new or expanded local or regional water treatment or distribution facilities that would result in a physical impact to the environment as well as overall water supply demands within the Marin Water boundaries.

Analysis, Impacts, and Mitigation Measures

Water Demand

IMPACT 12-1	Increase Demand for Water of Approximately 273,000 Gallons per Day	Less than Significant with Mitigation
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The proposed project accommodates future development of 883 new multi-family residential units. Department of Finance population totals were reviewed to determine Corte Madera’s potential population growth as a result of implementation of the Housing Element Update. Utilizing the State Department of Finance’s 2.47 persons per household figure for Corte Madera and it was determined that 883 new residential units could generate approximately 2,181 new residents by 2031 (Department of Finance 2021). Per capita potable and raw water use in 2020 for residential uses was 128 gallons per capita per day, and adjusted potable water use (excluding recycled water system backup) was 125 gallons per capita per day (Marin Municipal Water District 2021). Using 125 gallons per capita per day water demand factor, the proposed project could result in an increased demand of approximately 273,000 gallons per day.

As presented earlier in [Table 12-1, Multiple Dry Years Supply and Demand Comparison \(2045\)](#) of the *2020 Urban Water Management Plan (UWMP)*, Marin Water is projected to have sufficient water supplies to meet projected demands for its service area, including Corte Madera, in normal years, single dry years, and multiple dry years through 2045 using ABAG 2040 projections (adopted in July of 2017) population projections. However, under an extreme drought scenario, where supplies would drop to below 14,000 acre-feet per year by 2025, there would continue to be a supply shortfall of approximately 2,700 acre-feet per year in 2025. Additionally, the *Water Demand Analysis and Water*

Conservation Measure Update calculated growth assumptions based on the regional population growth projections available prior to release of ABAG's current Regional Housing Needs Allocation (RHNA). The RHNA would result in significantly more residential units within Marin Water's service area than what was considered in the UWMP.

Implementation of general plan, presented as mitigation measures below, as well as Marin Water's UWMP policies and conservation ordinance requiring utilization of conservation measures, and encouraging the use of recycled water and drought-resistant landscaping to reduce water supply impacts, in conjunction with the following mitigation measure would ensure impacts would be less than significant.

Mitigation Measures

- 12-1 Individual development projects that are proposed prior to approval of an updated Marin Water Urban Water Management Plan that accommodates the 6th Cycle Housing Element RHNA, shall be required to obtain verification from Marin Water prior to approval of planning applications that adequate water supplies exist to support the project.
- 12-2 General Plan Policy LU-6.11 Ensure adequate provision of water supply and treatment to Town residents and businesses.
- 12-3 General Plan Policy LU-6.12 Encourage conservation of water resources throughout the Town.
- 12-4 General Plan Policy RCS-5.1 Minimize waste through reducing, reusing, and recycling. Encourage reduced consumption of non-renewable resources by expanding choices for using and reusing materials, energy, and water in an efficient manner.

Water Supply, Treatment, and Distribution

As discussed above in the Regulatory Section, Marin Water is currently conducting a Strategic Water Supply Assessment, scheduled to be completed in summer 2023, intended to evaluate Marin Water's current baseline water supply in the context of climate-change-driven droughts and to evaluate the impact of potential future water management alternatives that could improve Marin Water's long term water supply resiliency. These alternatives include Water Conservation, Sonoma-Marín Partnerships, Local Surface Storage, Water Purchases with Conveyance through Bay Interties, Desalination, and Recycled Water. These efforts will help Marin Water ultimately determine which options are viable, affordable, and make the most sense for the region. Upon completion of the Strategic Water Supply Assessment, Marin Water intends to update its *2020 Urban Water Management Plan* to reflect the RHNA numbers and to ensure sufficient water supplies exist to support the anticipated increase in residential development. District staff have indicated that the *2020 Urban Water Management Plan* could be updated prior to 2025, when the next update is due.

Marin Water is proceeding with the water supply planning process; however, at this time, it would be speculative to guess which alternative or alternatives (none of which are at the design stage) Marin Water will choose to develop additional water supplies. Additionally, it would be speculative to attempt to evaluate the environmental impacts of the alternatives. CEQA Guidelines Section 15145 states, “If, after thorough investigation, the report preparers in consultation with the lead agency determined that a particular impact is too speculative for evaluation, the conclusion is noted and the issue is not discussed further.”

Additionally, the provision of water is not the responsibility of the Town of Corte Madera, the lead agency, for preparation of this SEIR. When Marin Water makes a decision about which alternative or alternatives to pursue, Marin Water will be required to evaluate, and mitigate, the environmental impacts of implementing the water supply alternatives.

Water Connections for Individual Projects

IMPACT 12-2	Relocation or Construction of New or Expanded Water Connection Facilities for Individual Projects	Less than Significant with Mitigation
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Corte Madera is served by existing Marin Water conveyance and connection facilities. Reasonably foreseeable development resulting from implementation of the proposed project would increase water demand and may require new or expanded water facilities. Infrastructure improvements are constructed as needed through Marin Water’s Capital Improvement Program (CIP) to support and enhance Marin Water’s service capabilities (Town of Corte Madera 2008 p. 4.11-20). Water facilities would be installed during individual project construction and would not result in significant environmental effects beyond those identified throughout this SEIR. Future development would be subject to Corte Madera general plan policies related to the provision of adequate water services and facilities.

Additionally, each of the 11 opportunity sites identified for redevelopment in the Housing Element Update are currently developed with commercial uses served by existing utilities, and under current general plan and zoning regulations, allow for mixed use development projects. Therefore, these sites were already anticipated in the general plan for mixed use development and were evaluated as such in the general plan EIR.

Therefore, the Housing Element Update would not require or result in the relocation or construction of new or expanded water conveyance and connection facilities, the construction or relocation of which could cause significant environmental effects beyond those already identified throughout this EIR.

Cumulative Water Impacts

Geographic Scope

The geographic scope of the cumulative analysis is the service area of Marin Water, which includes Belvedere, Corte Madera, Fairfax, Larkspur, Ross, San Anselmo, San Rafael, Sausalito, Tiburon, and 76 percent of the population in unincorporated Marin County (Marin Municipal Water District 2020, page 15). Buildout of Corte Madera includes, but is not limited to, 100 accessory dwelling units and 25 new single-family homes, which is allowed under the existing general plan and housing element.

Cumulative Analysis

A review and comparison of the 2017 ABAG population projections (2020 to 2030) with the current RHNA (2023 to 2031) for those jurisdictions within Marin Water’s service area is presented in [Table 12-2, Increase in ABAG Population Projections](#).

Table 12-2 Increase in ABAG Population Projections

2017 Population Projections 2020 to 2030	2022 RHNA Population Projections 2023 to 2031	Increase
2,260	11,458	+ 9,198

SOURCE: (Association of Bay Area Governments 2017), (Association of Bay Area Governments 2021), (Marin LAFCO 2022)

NOTES

1. 76% of the unincorporated County is served by Marin Water (2020 UWMP page 15)
2. Analysis based upon RHNA number – not on the actual numbers that will be in the jurisdictions’ housing elements, many of which may include more housing numbers in order to provide a buffer. Final numbers are unknown at this time.
3. Corte Madera’s RHNA is 725 or approximately 6.3% of the total RHNA within the district’s service area.

Marin Water’s existing service population is approximately 191,000. The cumulative increase in population (11,458) within the service area over the next eight years consistent with the RHNA allocations, represents a 6.0 percent increase. All future Marin Water customers would be subject to the water conservation measures adopted by the Board of Directors, as presented earlier in this section.

However, the cumulative additional water demand could trigger the need for additional water supplies, which may require water infrastructure construction projects that could result in significant environmental impacts. Marin Water’s development of additional infrastructure to deliver new water supplies are unknown at this time, although as previously discussed, Marin Water is in the process of conducting a Strategic Water Supply Assessment intended to evaluate the district’s current baseline water supply in the context of climate-change-driven droughts and to evaluate the impact of potential future water management alternatives that could improve Marin Water’s long term water supply resiliency. These efforts will help Marin Water ultimately determine which options are viable, affordable, and make the most sense for the region. Upon completion of the Strategic Water Supply

Assessment, Marin Water intends to update its UWMP to plan to reflect the Association of Bay Area Governments (ABAG's) 6th Cycle Housing Element Regional Housing Needs Allocation (RHNA) numbers and to ensure sufficient water supplies exist to support associated increase in residential development throughout the district's service area.

The need and type of new water service infrastructure that would be required to serve cumulative development is unknown; however, construction of such infrastructure could result in environmental impacts associated with resources including, but not limited to, air quality, biological resources, cultural and tribal resources, and greenhouse gas emissions. In accordance with CEQA Guidelines Section 15144, preparing this draft subsequent EIR necessarily involved some degree of forecasting, specifically because it is a program EIR evaluating a long-term housing plan, and not a specific development project. While foreseeing the unforeseeable is not possible, the report preparers and technical experts used best available efforts to find out and disclose all that it reasonably can. However, as Marin Water's strategic planning for increasing long-term water supply is in its early stage, projecting the precise environmental impacts associated with providing the future, potentially necessary infrastructure may be speculative in this program EIR. CEQA Guidelines section 15145 states that if, after thorough investigation, the report preparers in consultation with the lead agency determined that a particular impact is too speculative for evaluation, the conclusion is noted and the issue is not discussed further. Finally, Marin Water will be required to comply with CEQA prior to approval and construction of any water infrastructure project they determine to be necessary in order to provide long term water supply to housing projects in Corte Madera, as well as throughout the district's service area.

Project's Contribution to the Cumulative Effect

As presented in Table 12-2 above, Corte Madera's RHNA is approximately 6.3 percent of the total RHNA within Marin Water service area. As discussed above, it is speculative to determine the actual environmental impacts that may occur with construction of future, undetermined, water supply projects, and therefore, it would be speculative to determine whether the proposed project's contribution to the cumulative effect is considerable.

12.2 Wastewater

Environmental Setting

Central Marin Sanitation Agency

Sanitary District No. 2 of Marin County, a member of the Central Marin Sanitation Agency (CMSA), provides wastewater services to the Town of Corte Madera. CMSA, formed in 1979, is a public joint powers agency of Sanitary District No. 2, the Ross Valley Sanitary District, and the San Rafael Sanitation District. Sanitary District No. 2 serves the Town of Corte Madera and portions of the Tiburon peninsula, Greenbrae boardwalk, Larkspur, and unincorporated areas of the County, for a total area served of about 3.84 square miles (Town of Corte Madera 2008, p 4.11-29).

CMSA owns and operates the CMSA wastewater treatment plant, located off of Interstate 580 in San Rafael, which treats sewage from member districts and the San Quentin State Prison via conveyance from several remote pump stations. The treatment plant produces clean effluent, which is treated to an advanced secondary treatment level and then discharged into the depths of the San Francisco Bay through an outfall structure owned and maintained by CMSA. Biosolids from the treatment process are either applied as soil enhancement for agriculture in Sonoma County or taken to Redwood Landfill in Novato where they are processed for compost, used for alternative daily cover, or directly disposed to the landfill. Some of the treated wastewater is recycled and used for washdown and irrigation at the plant site and also for sewer cleaning and street sweeping where possible (Town of Corte Madera 2008, p 4.11-29, Suokko 2022).

The treatment plant has a hydraulic capacity of 125 million gallons of sewage per day during peak rainfall periods. The average dry weather flow is 10 million gallons per day, and the maximum peak wet weather flow is 90 million gallons per day. The treatment plant has an additional hydraulic capacity of 35 million gallons during maximum peak wet weather flow periods (Town of Corte Madera 2008, p 4.11-29).

The treatment plant is controlled by a supervisory control and data acquisition system, which is linked to both the plant and to the remote pump stations. CMSA staff automatically control operations and monitor performance to ensure compliance with state wastewater discharge limits.

The Sanitary District No. 2 operates a sanitary sewer system that serves an estimated population of 10,400 as of 2020 in a 4.4 square mile service area. The sewer system serves 5,665 service connections. The sewer system consists of 43.2 miles of gravity sewers (approximately 1,415-line segments), approximately 1,470 access points (manholes, rodding holes, etc.), approximately 5.2 miles of force mains, and pump station. The sewer lines range in size from four inches to 36 inches in diameter. It is not known exactly how many feet of private lines and laterals are in the district privately owned, it is estimated approximately 40 miles of private main and lines may exist (R.J. Suokko 2022).

Regulatory Setting

Sanitary District No. 2 of Marin County – Sewer Master Plan

A sewer master plan was completed in 2009 and a revised master plan effort was initiated in 2022 for Sanitary District. The sewer master plan includes the following information:

- A review of design criteria for the district, including a review of General Plans for proposed land uses within the district, wastewater flow projections, and flow monitoring activities;
- A hydraulic evaluation of the trunk sewers, including development of a GIS-based hydraulic model;
- Initiation of asset management;

- Review of existing conditions within the system, including review of maintenance reports and inspection of pump stations; and
- Development of a Capital Improvement Plan (CIP) to address hydraulic or condition issues

General Plan

General plan policies and implementing actions addressing wastewater conveyance and treatment are presented in [Appendix F](#).

Thresholds of Significance

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

- Result in the need for new systems or supplies, or a substantial expansion or alteration to the wastewater treatment and disposal systems that could result in physical effects to the environment; or
- Result in a substantial increase in wastewater flows over current conditions and treatment capacity.

Analysis, Impacts, and Mitigation Measures

Wastewater Generation and Treatment Facilities

IMPACT 12-3	Increase Wastewater Generation and Require Relocation or Construction of New or Expanded Wastewater Facilities	Less than Significant with Mitigation
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Wastewater Connections for Individual Projects

Corte Madera is served by existing Central Marin Sanitation Agency, Sanitary District No. 2 facilities. Reasonably foreseeable development resulting from implementation of the proposed project would increase wastewater generation and may require new or expanded facilities. Wastewater facilities would be installed during individual project construction and would not result in significant environmental effects beyond those identified throughout this SEIR. Future development would be subject to the Town’s general plan policies related to the provision of adequate wastewater services and facilities.

Additionally, each of the 11 sites identified for redevelopment in the housing element update are currently developed with commercial uses served by existing utilities, and under current general plan and zoning regulations, allow for mixed use development projects. Therefore, these sites were already anticipated in the general plan for mixed use development and were evaluated as such in the general plan EIR.

Therefore, the Housing Element Update would not require or result in the relocation or construction of new or expanded wastewater facilities, the construction or relocation of which could cause significant environmental effects beyond those already identified throughout this EIR.

Wastewater Treatment Capacity and New or Expanded Wastewater Treatment Facilities

Future development would be served by the sanitary district and wastewater would be treated at the wastewater treatment plant. The sanitary district contributes approximately 10-12 percent of the average daily flow to the wastewater treatment plant.

The implementation of the proposed project could result in the buildout of an additional 883 residential units and decrease of 54,728 square feet of commercial and therefore, an overall decrease of about 110 employees. The *2009 Sanitary District No. 2 of Marin County Sewer Master Plan* provides Wastewater Generation Factors for various land uses. Residential wastewater was estimated on a per capita basis and wastewater from commercial and office zones, parks, public and semi-public facilities was estimated based on gross land area. Residential generation rates are 80 gallons per day per capita (GPDPC). With an estimated population increase of 2,181 residents, wastewater generation would be increased by 174,480 GPD. The commercial square footage would be reduced by 54,728 square feet, which would likely provide some reduction in wastewater generation. However, because the commercial generation rate factors are based on type of land use, calculating the baseline wastewater generation versus the unknown new commercial uses would be speculative. Overall, implementation of the proposed project would require increased wastewater conveyance capacity in sanitary district to accommodate future residential within Corte Madera. The sanitary district has indicated that the growth associated with the proposed project would likely trigger some capital improvement projects due to current capacity issues, but it is unclear at this time to what extent (R.J. Suokko 2022).

Capacity issues exist within the sanitary district's pipelines on Meadowsweet that convey the bulk of the effluent from west of 101, Koch Road, and others. Furthermore, over the coming decades the sanitary district expects the water table elevation to increase with sea level rise, which would likely create some challenges for the district relating to infiltration and inflow. The CMSA and sanitary district will continue to maintain compliance with wastewater discharge requirements of the RWQCB and the state. The CMSA wastewater treatment plant spends, on average, one million dollars per year on changes that improve reliability, increase safety, anticipate change, encourage efficiency, control costs, and minimize environmental impacts. Additionally, general plan policies

ensure that the Town's Capital Improvement Program would be reviewed annually to propose public improvements. Additionally, the sanitary district is in the process of a sewer master plan update, which would allow for the district to plan for and accommodate future growth through wastewater facility improvements.

Implementation of the following mitigation measure would ensure impacts would be less than significant.

Mitigation Measure

12-5 Individual development projects that are proposed prior to approval of an updated Sanitary District No. 2 of Marin County Sewer Master Plan that accommodates the 6th Cycle Housing Element housing numbers, shall be required to obtain verification from the sanitary district and Central Marin Sanitation Agency prior to approval of planning applications that adequate capacity exists to support the project.

Cumulative Wastewater Analysis

Geographic Scope

The geographic scope of the cumulative analysis is the service area of the Sanitary District No 2., which includes the Town of Corte Madera, limited areas of the surrounding communities of Larkspur and Tiburon, and certain unincorporated land within Marin County (Sanitary District No. 2 of Marin County 2009, p. 1). Buildout of Corte Madera includes, but is not limited to, 100 accessory dwelling units and 25 new single-family homes, which is allowed under the existing general plan and housing element.

Cumulative Analysis

The proposed project, in combination with other past, present and reasonably foreseeable cumulative development within the service area of the sanitary district, (i.e., buildout of ABAG's RHNA) would result in an increase in service population. A review and comparison of the sewer master plan with the current RHNA (2023 to 2031) for those jurisdictions within the sanitary district's service area shows the potential for a significant population increase beyond what was considered in the sewer master plan that would likely trigger the need for additional wastewater treatment capacity, which may require wastewater infrastructure construction projects that could result in significant environmental impacts.

The 2009 sewer master plan projected a population increase in the Town of Corte Madera of 725 residents. The sewer master plan did not anticipate any population increase for Tiburon or Larkspur as none of the residential development opportunity sites identified within their respective general plans were within the sanitary district's service area (Sanitary Sewer District No 2. of Marin County 2009). As previously discussed, Corte Madera is projected to add 2,181 residents through the housing element update. Additionally, the 2023-2031 Regional Housing Needs Allocation for

Tiburon is 639, Larkspur is 979, and unincorporated Marin County is 3,569 (Association of Bay Area Governments 2021). It is not clear at this time whether any of this development would occur within the sanitary district service boundaries.

The additional wastewater treatment infrastructure to support the increase in development is unknown at this time, although as previously discussed, the district is expected to soon begin an update of the sewer water master plan to determine necessary infrastructure and ensure sufficient wastewater capacity exists to support the associated increase in residential development throughout the district's service area.

The need and type of new infrastructure that would be required to serve cumulative development is unknown; however, construction of such infrastructure could result in environmental impacts associated with resources including, but not limited to, air quality, biological resources, cultural and tribal resources, and greenhouse gas emissions. In accordance with CEQA Guidelines Section 15144, preparing this EIR necessarily involves some degree of forecasting, specifically because it is a program EIR evaluating a long-term housing plan, and not a specific development project. While foreseeing the unforeseeable is not possible, the report preparers and technical experts used best available efforts to find out and disclose all that it reasonably can. Typical sanitary sewer infrastructure improvements consist of replacing existing sewer mains and lines with larger sized piping and replacement or modification of existing pump and lift stations to increase sewer capacity, projects which would not be anticipated to result in significant environmental impacts. However, as the sanitary district has not yet completed its sewer master plan update, projecting the precise environmental impacts associated with providing the future, potentially necessary infrastructure may be speculative in this program EIR. CEQA Guidelines section 15145 states that if, after thorough investigation, the report preparers in consultation with the lead agency determined that a particular impact is too speculative for evaluation, the conclusion is noted and the issue is not discussed further. Finally, the sanitary district will be required to comply with CEQA prior to approval and construction of any wastewater infrastructure project they determine to be necessary in order to provide long term wastewater treatment to housing projects in Corte Madera, as well as throughout the district's service area.

Project's Contribution to the Cumulative Effect

As discussed above, it is speculative to determine the actual environmental impacts that may occur with construction of future, undetermined, wastewater infrastructure projects, and therefore, it would be speculative to determine whether the proposed project's contribution to the cumulative effect is considerable.

12.3 Solid Waste

Environmental Setting

Mill Valley Refuse Service

Mill Valley Refuse Service (MVRS), a privately owned waste hauler, provides solid waste collection service to Corte Madera and has served the Marin County area for over 100 years. They offer a variety of residential and commercial services, including collection service of trash, recycling, compost collection, and debris boxes to Corte Madera, Mill Valley, Tiburon, Belvedere, and surrounding unincorporated areas. Residential service includes weekly refuse and compost collection and weekly service for recycling through a dual-stream system (paper collected one week and bottles and cans collected the other). All garbage and compost waste materials are hauled to the Redwood Landfill site in Novato, where garbage is landfilled and food and yard waste are composted. Recycled materials are hauled to Marin Sanitary Service in San Rafael.

Redwood Landfill

Redwood Landfill, a fully permitted Class III disposal site located approximately 3.5 miles north of Novato, is used for more than 95 percent of Marin County's solid waste disposal, including solid waste from the Town of Corte Madera. A variety of wastes is accepted at the Redwood Landfill including petroleum-contaminated soils. Redwood Landfill also engages in recycling efforts for a variety of materials including metals, concrete, and glass.

The most recent 5-year review of the solid waste facility permit was in 2019. Current closure estimate is 2036 (McCutcheon 2022). The landfill is currently in discussions with Marin County about a vertical expansion which could extend the life of the facility (McCutcheon 2022). Both MVRS and the Redwood Landfill meet applicable federal, state, and local laws related to handling and disposal of solid waste. (Town of Corte Madera 2008 p. 3-18).

Regulatory Setting

State

California Integrated Waste Management Act

The California Integrated Waste Management Act of 1989 (AB 939) requires every city, town, and county in the state to prepare a Source Reduction and Recycling Element to its Solid Waste Management Plan that identifies how each jurisdiction will meet the mandatory state waste diversion goals of 25 percent by 1995 and 50 percent by 2000. The purpose of AB 939 is to “reduce, recycle, and re-use solid waste generated in the State to the maximum extent feasible.” The term “integrated waste management” refers to the use of a variety of waste management practices to safely and effectively handle the municipal solid waste stream with the least adverse impact on human health and the environment. The Act has established a waste management hierarchy, as follows:

- Source Reduction;

- Recycling;
- Composting;
- Transformation; and
- Disposal.

California Integrated Waste Management Board Model Ordinance

Subsequent to the Integrated Waste Management Act, additional legislation was passed to assist local jurisdictions in accomplishing the goals of AB 939. The California Solid Waste Re-use and Recycling Access Act of 1991 (Section 42900-42911 of the Public Resources Code) directs the California Integrated Waste Management Board to draft a “model ordinance” (which Marin County has adopted) relating to adequate areas for collecting and loading recyclable materials in development projects.

The model ordinance is used by the County as the basis for imposing recycling conditions on new development projects and on existing projects that add 30 percent or more to their existing floor area. The model ordinance requires that any new development project, for which an application is submitted on or after September 1, 1994, include “adequate, accessible, and convenient areas for collecting and loading recyclable materials.” For subdivisions of single-family detached homes, recycling areas are required to serve only the needs of each home within that subdivision.

Senate Bill 1383

In 2016, Governor Brown signed Senate Bill 1383 into law to keep food and other compostable materials (“organics”) out of landfills in order to reduce the emissions that contribute to climate change. All California residents and businesses are required to compost all organic waste. Landfill, recycling, and compostables all need to be sorted correctly. This bill aims to reduce organic waste disposal to landfill by 75 percent by 2025, from the 2014 level.

Local

Marin County Hazardous and Solid Waste Joint Powers Authority

The Marin Hazardous and Solid Waste Joint Powers Authority (JPA) provides hazardous waste collection, recycling, and disposal information to ensure compliance with state recycling mandates. The Marin County Department of Public Works/Waste Management administers the JPA. The JPA comprises the cities and towns of Belvedere, Corte Madera, Fairfax, Larkspur, Mill Valley, Novato, Ross, San Anselmo, San Rafael, Sausalito, and Tiburon, and the County of Marin. The JPA’s purpose is to ensure Marin’s compliance with the California Integrated Waste Management Act and its waste reduction mandates. The JPA surpassed the state’s 50 percent mandate by posting a 62.3 percent diversion rate for Marin in the year 2000. The year 2002 brought a 71 percent diversion rate, 2014 was 75 percent; and 2018 was 66 percent.

General Plan

General plan policies and implementing actions addressing solid waste and recycling are presented in [Appendix F](#).

Thresholds of Significance

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

- Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impact the attainment of solid waste reduction goals; or
- Not comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

Analysis, Impacts, and Mitigation Measures

Solid Waste Generation (No Impact)

Corte Madera is served by MVRs and all garbage and compost is disposed of at Redwood Landfill, while recycling is disposed of at Marin Sanitary Service in San Rafael. All 11 sites identified for redevelopment in the Housing Element Update are currently developed and served by MVRs, and under current general plan and zoning regulations, allow for mixed use development projects. Therefore, these sites were already anticipated in the general plan for mixed use development and were evaluated as such in the general plan EIR. However, development facilitated by the proposed project would allow for an increase in the number of units allowed on each site. This would increase solid waste generation in excess of what was considered in the general plan and would increase the demand for waste collecting and recycling services from the MVRs. The Redwood Landfill has a permitted capacity of 19,100,000 cubic yards. As of 2001, the remaining capacity of the landfill was 12,900,000 cubic yards. As previously noted, this facility may be further expanded and there is currently landfill capacity available in other parts of the state and in the state of Nevada (Town of Corte Madera 2008). The Redwood Landfill is permitted to accept 2,310 tons of material daily (Waste Management 2022). The MVRs has indicated that the growth associated with the proposed project would could be accommodated (Gene Della Zoppa 2022).

State and Local Solid Waste Reduction Goals

MVRS meet applicable federal, state and local laws related to handling and disposal of solid waste (Town of Corte Madera 2008). The Town would continue to implement the Source Reduction and Recycling Element (SRRE) that is included in Marin County's Integrated Waste Management Plan, which would ensure continued compliance with AB 939 under the proposed project.

According to the General Plan EIR, Redwood Landfill was issued a Solid Waste Facility permit, which extended the landfill site life to the year 2039. Redwood Landfill is a Class III disposal facility for non-hazardous materials and meets or exceeds all federal, state, and local requirements for landfill management and is regulated by the California State Water Quality Control Board, Bay Area Air Quality Management District, CalRecycle and the Marin County Environmental Health Services Division (Waste Management 2022).

Cumulative Solid Waste Impacts

Geographic Context

The geographic context for solid waste includes development within the area serviced by the Redwood Landfill.

Cumulative Analysis

Implementation of the proposed project as well as anticipated growth projected in surrounding communities served by Redwood Landfill would result in population increases, which would contribute to a cumulative impact on solid waste collection and disposal and related facilities. The Mill Valley Refuse Service has indicated that it could accommodate the population growth associated with the proposed Housing Element Update; however, cumulative development within the landfill's service area may accelerate the need for expanded landfill capacity. Any necessary expansion of landfill capacity will be determined by the landfill operator and will require environmental review in accordance with CEQA at the time of expansion, if necessary. Therefore, because the landfill operator has indicated they have the capacity to serve buildout of the Housing Element Update, and any expansion that may be necessary due to cumulative development is speculative, the proposed project's contribution to cumulative impacts would not be considerable.

12.4 Electric Power, Natural Gas, and Telecommunications Services

Environmental Setting

Pacific Gas and Electric (PG&E) provides electricity and natural gas to the Town of Corte Madera. The existing electric facilities in the area are 12- to 69-kV transmission lines. The Town of Corte Madera does not contain any substations (Pacific Gas and Electric 2021). AT&T provides local telephone service to the Town of Corte Madera, while cable television service is provided through Comcast.

Regulatory Setting

State

California Public Utilities Commission (CPUC)

The CPUC regulates privately owned electric, telecommunications, natural gas, water, and transportation companies.

Local

Wireless Communications Facilities Ordinance

The Town of Corte Madera adopted a Wireless Communications Facility Ordinance (No. 866) in July 2001. The ordinance established development standards regulating the design, placement, and construction of wireless communication facilities in the Town. It places particular emphasis on the appearance, including visibility, of such facilities, seeking screening of new facilities or design compatibility with existing structures on the project site.

As part of the Town's ongoing efforts to comply with federal regulations consistent with recent court decisions, and provide Town staff with the ability to exercise control over the placement and aesthetics of small cell wireless facilities, the Town adopted policies regulating wireless communication facilities in the public right of way on April 20, 2021. The amendments are intended to avoid obvious contradictions to the Federal Communications Commission's declaratory rules in order to reduce the likelihood of legal challenge from the wireless industry; reinforce the Town's ability to regulate aesthetics of small cell wireless facilities; and clarify and simplify certain provisions of the policy related to application requirements to aid both applicants and staff in policy implementation.

General Plan

General plan policies and implementing actions addressing electric power, natural gas, and telecommunications services are presented in [Appendix F](#).

Thresholds of Significance

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

- Require or result in the relocation or construction of new or expanded electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects.

Analysis, Impacts, and Mitigation Measures

Natural Gas and Electric Power Services to Individual Projects

Most of the development facilitated by the Housing Element Update sites would occur within already developed sites within areas of the Town that are already served by existing natural gas and electric power utility infrastructure. Although future housing sites would require connection to these existing facilities, and the undergrounding of electrical lines will be required, individual utility infrastructure improvements and relocations would not result in environmental impacts beyond those identified throughout this SEIR and would be further evaluated in their respective subsequent environmental documents for discretionary projects.

Cumulative Natural Gas and Electric Power Services Impacts

Development of new housing in Corte Madera, as well as anticipated growth projected throughout Marin County, would be served by PG&E and would contribute to a cumulative increase in demand for electric power, natural gas, and related facilities.

PG&E was contacted to determine if the cumulative development may require relocation or construction or expanded natural gas and electric facilities. PG&E stated that currently, there's capacity to support RHNA development in Fairfax, Novato, Ross, San Anselmo, San Rafael and Sausalito. PG&E is limited on capacity, but should be able to support the majority of the development in Belvedere, Corte Madera, Larkspur, Mill Valley and Tiburon. PG&E indicated that this analysis is very high-level and a snapshot of what's available today. Capacity is allocated to each customer based on first come first serve basis when an actual application is filed with PG&E. In other words, depending on when the application is filed and the exact location of the project, upgrades could be required.

Without specific information from PG&E regarding when and where cumulative development may require relocation or construction of new or expanded natural gas and electric facilities, it would be speculative to attempt to evaluate the environmental impacts of facility relocation or expansion. CEQA Guidelines Section 15145 states, "If, after thorough investigation, the report preparers in consultation with the lead agency determined that a particular impact is too speculative for evaluation, the conclusion is noted and the issue is not discussed further."

Additionally, the provision of natural gas and electricity is not in the purview of the Town of Corte Madera, the lead agency for preparation of this EIR. When PG&E makes a decision about whether physical changes to their facilities are required, PG&E will be required to evaluate the environmental impacts of implementing those physical changes.

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13.0 Tribal Cultural Resources

A response to the notice of preparation was received from the Native American Heritage Commission (dated March 17, 2022). The notice of preparation and responses are included as [Appendix A](#). The response is a standard letter about AB 52 and SB 18 consultation and recommended consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed project. Consultation was conducted and the results are presented herein.

13.1 Setting

Ethnographic History

The U.S. Census reports no Native American people living in Corte Madera and that the Native American population is less than one percent throughout Marin County. Nonetheless, the Native American population has roots in Marin County as its native inhabitants. According to U.S. Department of Interior, the Coast Miwok first settled the Tomales Bay area between 2,000 and 4,000 years ago (Avery 2009). Evidence of villages and smaller settlements along the Bay are concentrated within Point Reyes National Seashore. The Coast Miwok are believed to have located their settlements on coves along the bay and to live a semisedentary lifestyle. Southern Pomo people are also known to have inhabited Marin before colonization. The Coast Miwok community also had ancestral land in Corte Madera, as well as Larkspur, Mill Valley, Strawberry, Tiburon, Belvedere, Angel Island, Sausalito, Marin City, San Rafael, Fairfax, Nicasio, San Geronimo, Novato, and Olompali (Coast Miwoks). In fact, Marin County's namesake comes from Chief Marin, a Miwok leader whose name was Huicmuse but was later given the name Marino by missionaries after he was baptized at Mission Dolores in 1801 (Wilson, 2021).

The Federated Indians of Graton Rancheria are a federally recognized tribe, consisting of members from the Coast Miwok and Southern Pomo tribes (Federated Indians Graton Rancheria 2022). The Coast Miwok have a tradition of making baskets, flint knapping, making clamshell beads, making cordage, fishing, and caring for their ancestral lands (Land Acknowledgment 2022). Sir Francis Drake's Chaplain, Mr. Francis Fletcher, wrote about the Coast Miwok in 1579 when Drake's ship landed in Marin County. During the Mission Period, the Coast Miwok and Southern Pomo people were used as labor at the Mission San Francisco de Asis, Mission San Rafael Archangel, and Mission San Francisco Solano (Federated Indians Graton Rancheria 2022). The Tomales Bay area and other

areas in what is now Marin County was changed dramatically by the Spanish colonization and Missionaries. In the late 1700s, Coast Miwok were interned in four San Francisco Bay area missions and by the end of the Spanish occupation, Coast Miwok population had fallen from 3,000 to between 300 and 500. After Mexico gained its independence from Spain it began the process of secularizing the California Missions in 1833 (Milliken, Shoup, Ortiz 2009).

During this secularization period, Camilo Ynitia was a Coast Miwok Native American, procured a land grant. The land grant was for Olompali which was the site of a Coast Miwok village that was established before European contact. 80,000 acres were initially given to the San Rafael Christian Indians in 1835, but by 1850 due to land seizures from non-Native people that 80,000 acres was reduced to 4,000 acres. The Federated Indians of Graton Rancheria's website describes what happened to the group in 1920, "the Bureau of Indian Affairs purchased a 15.45-acre tract of land in Graton, CA for the 'village home' of the Marshall, Bodega, Tomales, and Sebastopol Indians. Through the purchase of this land, which was put into federal trust, the federal government consolidated these neighboring, traditionally interactive groups into one recognized entity, Graton Rancheria; thus, establishing them as a federally recognized tribe of American Indians."

In 1958, Congress passed the California Rancheria Act. This act included the termination of Graton Rancheria and the land the tribe was on was removed from federal trust and established as private property. When this occurred, the tribe was no longer on the list of federally recognized tribes. It was not until the year 2000, when President Clinton signed into law, "legislation restoring federal recognition to the Federated Indians of Graton Rancheria" (Federated Indians Graton Rancheria 2022). Today, Native American communities are represented by the Federated Indian of Graton Rancheria as well as by active organizations such as the Coast Miwok Tribal Council of Marin- a core group of lineal Marin Coast Miwok descendants and the Marin American Indian Alliance - longstanding Marin County 501c3 non-profit organization connecting American Indians living in Marin and the San Francisco Bay Area at large.

History

The town of Corte Madera's history is traced back to a Mexican land grant in 1834 that transferred an area known as Rancho Corte Madera del Presidio to Irish immigrant John Reed. In 1850, before California joined the United States, California's first legislature created twenty-seven counties. This included the creation of Marin County. On September 16, 1850 Marin County divided into four townships, which included Sausalito, Bolinas, San Rafael, and Novato. When the San Francisco earthquake struck in 1906, 10,000 people left San Francisco for Marin. Marin County was the first county government in California to create a municipal water district which became operational in 1917. During the 1930s, Marin County residents approved a bond measure to help build the Golden Gate Bridge, which opened to motorists in 1937 (Marin Independent Journal 2022). The Town of Corte Madera "was part of the original Rancho Corte Madera del Presidio land grant given to John Reed in 1836." Mr. Reed established a wood-cutting mill and provided lumber for the Presidio. The

lumber industry grew until numerous redwood trees were harvested and the local industry switched to ranching and agriculture. The Town became incorporated in 1916 and its population grew during World War Two as thousands of people moved to the area to work at the shipyards (Corte Madera 2022).

13.2 Regulatory Setting

State

California Environmental Quality Act

Public Resources Code § 21074 states:

- (a) “Tribal cultural resources” are either of the following:
 - (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - (B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
 - (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- (b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- (c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

Public Resources Code § 21080.3.1 states:

- (a) The Legislature finds and declares that California Native American tribes traditionally and culturally affiliated with a geographic area may have expertise concerning their tribal cultural resources.

(b) Prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project, the lead agency shall begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation. When responding to the lead agency, the California Native American tribe shall designate a lead contact person. If the California Native American tribe does not designate a lead contact person, or designates multiple lead contact people, the lead agency shall defer to the individual listed on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004. For purposes of this section and Section 21080.3.2, “consultation” shall have the same meaning as provided in Section 65352.4 of the Government Code.

(c) To expedite the requirements of this section, the Native American Heritage Commission shall assist the lead agency in identifying the California Native American tribes that are traditionally and culturally affiliated with the project area.

(d) Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section.

(e) The lead agency shall begin the consultation process within 30 days of receiving a California Native American tribe’s request for consultation.

Public Resources Code § 21080.3.2 states:

(a) As a part of the consultation pursuant to Section 21080.3.1, the parties may propose mitigation measures, including, but not limited to, those recommended in Section 21084.3, capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource. If the California Native American tribe requests consultation regarding alternatives to the project, recommended mitigation measures, or significant effects, the consultation shall include those topics. The consultation may include discussion concerning the type of environmental review necessary, the significance of tribal cultural resources, the significance of the project’s impacts on the tribal cultural resources, and, if necessary, project alternatives or the appropriate measures for preservation or mitigation that the California Native American tribe may recommended to the lead agency.

- (b) The consultation shall be considered concluded when either of the following occurs:
 - (1) The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource.
 - (2) A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.
- (c) (1) This section does not limit the ability of a California Native American tribe or the public to submit information to the lead agency regarding the significance of the tribal cultural resources, the significance of the project's impact on tribal cultural resources, or any appropriate measures to mitigate the impact.
 - (2) This section does not limit the ability of the lead agency or project proponent to incorporate changes and additions to the project as a result of the consultation, even if not legally required.
- (d) If the project proponent or its consultants participate in the consultation, those parties shall respect the principles set forth in this section.

Public Resources Code § 21084.2 states:

A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.

Public Resources Code § 21084.3 states:

- (a) Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.
- (b) If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process provided in Section 21080.3.2, the following are examples of mitigation measures that, if feasible, may be considered to avoid or minimize the significant adverse impacts:
 - (1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - (2) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - (A) Protecting the cultural character and integrity of the resource.
 - (B) Protecting the traditional use of the resource.
 - (C) Protecting the confidentiality of the resource.

- (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- (4) Protecting the resource.

Public Resources Code § 21082.3 states:

- (a) Any mitigation measures agreed upon in the consultation conducted pursuant to Section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to paragraph (2) of subdivision (b), and shall be fully enforceable.
- (b) If a project may have a significant impact on a tribal cultural resource, the lead agency’s environmental document shall discuss both of the following:
 - (1) Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - (2) Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource.
- (c) (1) Any information, including, but not limited to, the location, description, and use of the tribal cultural resources, that is submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with subdivision (r) of Section 6254 of, and Section 6254.10 of, Sections 7927.000 and 7927.005 of the Government Code, and subdivision (d) of Section 15120 of Title 14 of the California Code of Regulations, without the prior consent of the tribe that provided the information. If the lead agency publishes any information submitted by a California Native American tribe during the consultation or environmental review process, that information shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. This subdivision does not prohibit the confidential exchange of the submitted information between public agencies that have lawful jurisdiction over the preparation of the environmental document.
 - (2) (A) This subdivision does not prohibit the confidential exchange of information regarding tribal cultural resources submitted by a California Native American tribe during the consultation or environmental review process among the lead agency, the California Native American tribe, the project applicant, or the project applicant’s agent. Except as provided in subparagraph (B) or unless the California Native American tribe providing the information consents, in writing, to public disclosure, the project applicant or the project applicant’s legal

advisers, using a reasonable degree of care, shall maintain the confidentiality of the information exchanged for the purposes of preventing looting, vandalism, or damage to a tribal cultural resources and shall not disclose to a third party confidential information regarding tribal cultural resources.

- (B) This paragraph does not apply to data or information that are or become publicly available, are already in the lawful possession of the project applicant before the provision of the information by the California Native American tribe, are independently developed by the project applicant or the project applicant's agents, or are lawfully obtained by the project applicant from a third party that is not the lead agency, a California Native American tribe, or another public agency.
- (3) This subdivision does not affect or alter the application of subdivision (r) of Section 6254 Section 7927.000 or 7927.005 of the Government Code, Section 6254.10 of the Government Code, or subdivision (d) of Section 15120 of Title 14 of the California Code of Regulations.
- (4) This subdivision does not prevent a lead agency or other public agency from describing the information in general terms in the environmental document so as to inform the public of the basis of the lead agency's or other public agency's decision without breaching the confidentiality required by this subdivision.
- (d) In addition to other provisions of this division, the lead agency may certify an environmental impact report or adopt a mitigated negative declaration for a project with a significant impact on an identified tribal cultural resource only if one of the following occurs:
 - (1) The consultation process between the California Native American tribe and the lead agency has occurred as provided in Sections 21080.3.1 and 21080.3.2 and concluded pursuant to subdivision (b) of Section 21080.3.2.
 - (2) The California Native American tribe has requested consultation pursuant to Section 21080.3.1 and has failed to provide comments to the lead agency, or otherwise failed to engage, in the consultation process.
 - (3) The lead agency has complied with subdivision (d) of Section 21080.3.1 and the California Native American tribe has failed to request consultation within 30 days.
- (e) If the mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of the consultation or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to subdivision (b) of Section 21084.3.

- (f) Consistent with subdivision (c), the lead agency shall publish confidential information obtained from a California Native American tribe during the consultation process in a confidential appendix to the environmental document and shall include a general description of the information, as provided in paragraph (4) of subdivision (c) in the environmental document for public review during the public comment period provided pursuant to this division.
- (g) This section is not intended, and may not be construed, to limit consultation between the state and tribal governments, existing confidentiality provisions, or the protection of religious exercise to the fullest extent permitted under state and federal law.

13.3 Thresholds of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of tribal cultural resources, as it does on a whole series of additional topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of tribal cultural resource impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The Town of Corte Madera has done so here. Therefore, for purposes of this subsequent EIR, a significant tribal cultural resource impact would occur if implementation of the proposed project would cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

13.4 Analysis, Impacts, and Mitigation Measures

Tribal Cultural Resources

IMPACT 13-1	Development of One or More of the Housing Opportunity Sites Could Result in a Significant Adverse Effect on a Tribal Cultural Resource	Less-than-Significant with Mitigation
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Tribal Consultation

Under SB 18 Government Code 65352.3 (a) it requires consultation with Native Americans on general plan proposals for the purposes of preserving or mitigating impacts to places, features, and objects described 5097.9 and 5091.993 of the Public Resources Code that are located within the Town or county's jurisdiction. Government Code 65560 (a), (b), and (c) provides consultation with Native American tribes on the open-space element of a county or city general plan for the purposes of protecting places, features, and objects described in Sections 5097.9 and 5097.933 of the Public resources Code. It is important to collaborate with Native American tribes in order to protect sacred sites and tribal cultural resources. Through collaboration mitigation measures may be written in order to ensure the protection of these valuable resources.

On March 17, 2022, the Town of Corte Madera sent offers of consultation pursuant to AB 52 and SB 18 to the following tribes: Federated Indians of Graton Rancheria, Guidiville Indian Rancheria, and Wuksache Indian Tribe/Eshom Valley Band. On March 29, 2022, the Town received a formal request for consultation pursuant to both AB 52 and SB 18 from Ms. Buffy McQuillen from the Federated Indians of Graton Rancheria. A tribal consultation meeting occurred on September 27th. In attendance were representatives from the Federated Indians of Graton Rancheria, Town staff, and Town consultants. The Tribal representatives expressed concern about development occurring in the region that has impacted Tribal cultural resources. The representatives requested that the Town take the Tribes concerns into consideration when approving development projects.

Background – July 2021 Records Search

In July 2021, the Town obtained a records search from the Northwest Information Center associated with a proposed 149-room Residence Inn at 56 Madera Blvd, which is located in the immediate vicinity of Housing Opportunity Site #2 and in the general vicinity of the remaining 10 housing opportunity sites. Review of this information indicates that there has been one cultural resource study that covers approximately 10 percent of the Residence Inn Corte Madera Hotel project area (Byrd 2011: S-38999). This Residence Inn Corte Madera Hotel project area contains no recorded archaeological resources.

The Northwest Information Center concluded, “Based on an evaluation of the environmental setting and features associated with known sites, Native American resources in this part of Marin County have been found in areas marginal to the San Francisco bayshore and inland in valleys, near

intermittent and perennial watercourses and near areas populated by oak, buckeye, manzanita, and pine, as well as near a variety of plant and animal resources. The Residence Inn Corte Madera Hotel project area is located in the Corte Madera area west of the Corte Madera Marsh State Ecological Reserve, adjacent to the west side of Highway 101. Historic Bayshore margins indicates the project area was within marshlands and bisected by a creek. Aerial maps indicate a large hotel complex building, parking lot, trees with inlet of water. Given the similarity of these environmental factors, there is a moderate to high potential for unrecorded buried Native American resources to be within the proposed Residence Inn Corte Madera Hotel project area.”

The report concluded that there is a moderate to high potential of identifying buried Native American archaeological resources and a low potential of identifying historic-period archaeological resources in the project area. The proposed project area, however, has been highly developed and is presently covered with asphalt, buildings, or fill that obscures the visibility of original surface soils, which negates the feasibility of an adequate surface inspection.

That report included the following recommendations:

- 1) Prior to demolition or other ground disturbance, we recommend a qualified archaeologist conduct further archival and field study of the unsurveyed portion of the project area to identify archaeological resources. Field study may include, but is not limited to, hand auger sampling, shovel test units, or geoarchaeological analyses as well as other common methods used to identify the presence of buried archaeological resources. Please refer to the list of consultants who meet the Secretary of Interior’s Standards at <http://www.chrisinfo.org>.
- 2) We recommend the lead agency contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at 916/373-3710.
- 3) If the proposed project area contains buildings or structures that meet the minimum age requirement, prior to commencement of project activities, it is recommended that this resource be assessed by a professional familiar with the architecture and history of Marin County. Please refer to the list of consultants who meet the Secretary of Interior’s Standards at <http://www.chrisinfo.org>.
- 4) Review for possible historic-period buildings or structures has included only those sources listed in the attached bibliography and should not be considered comprehensive.
- 5) If archaeological resources are encountered during construction, work should be temporarily halted in the vicinity of the discovered materials and workers should avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel should not collect cultural resources. Native American resources include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or

human burials. Historic-period resources include stone or adobe foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.

- 6) It is recommended that any identified cultural resources be recorded on DPR 523 historic resource recordation forms, available online from the Office of Historic Preservation's website: https://ohp.parks.ca.gov/?page_id=28351.

Proposed Project Potential Impacts

The proposed project includes 11 housing opportunity sites in the immediately and/or general vicinity of 56 Madera Boulevard. Therefore, the housing opportunity sites are located in an area with a moderate to high potential of identifying buried Native American archaeological resources and a low potential of identifying historic-period archaeological resources in the project area. All of the housing opportunity sites are currently developed, which may obscure the visibility of original surface soils, which negates the feasibility of an adequate surface inspection. Therefore, the following mitigation measures shall be implemented to ensure that development of the housing opportunity sites would not result in significant impacts to Tribal cultural resources.

Mitigation Measures

- 13-1 Prior to approval of housing projects pursuant to the 6th Cycle Housing Element, the Town of Corte Madera will offer consultation to the Federated Indians of Graton Rancheria with each proposed housing project in the 6th Cycle Housing Element. Consultation may result in mitigation measures beyond those identified herein. The Planning Department will ensure that all acceptable mitigation measures are implemented prior to issuance of a grading permit.
- 13-2 Prior to approval of housing projects pursuant to the 6th Cycle Housing Element, for project sites that are not completely developed and original surface soils are visible, an archaeological inspection and archaeological records search shall be required prior to approval of the project. The archaeological inspection and records search may result in mitigation measures beyond those identified herein. The Planning Department will ensure that all acceptable mitigation measures are implemented prior to issuance of a grading permit.
- 13-3 Prior to approval of a demolition permit for housing projects pursuant to the 6th Cycle Housing Element, for project sites that are completely developed, a qualified archaeologist shall conduct a records search to determine the presence of known archaeological resources at the site or in the vicinity. The archaeological records search may result in mitigation measures beyond those identified herein. The Planning Department will ensure that all acceptable mitigation measures are implemented prior to issuance of a grading permit.

- 13-4 Prior to approval of housing projects pursuant to the 6th Cycle Housing Element, if the housing project site contains buildings or structures that meet the minimum age requirement, prior to commencement of project activities, this resource shall be assessed by a professional familiar with the architecture and history of Marin County. If the structure or structures are determined to be significant, and the housing project would result in a significant impact to that significant structure, preparation of an EIR would be required.
- 13-5 If potential archaeological resources are uncovered, work shall be halted within 50 feet of the discovery. Construction workers shall avoid altering the materials and their context. Project personnel shall not collect cultural materials. Prehistoric materials might include obsidian and/or chert flaked-stone tools such as projectile points, knives, or scraping implements; the debris from making, sharpening, and using them (“debitage”); culturally darkened soil containing shell, dietary bone, heat-altered rock, and carbonized plant material (“midden”); or stone milling equipment such as mortars, pestles, handstones, or milling slabs. A qualified professional archaeologist shall evaluate the find and provide appropriate recommendations. If the archaeologist determines that the find potentially qualifies as a historic resource or unique archaeological resource for purposes of CEQA (per CEQA Guidelines Section 15064.5), all work must remain stopped in the immediate vicinity to allow the archaeologist to evaluate any materials and recommend appropriate treatment. A Native American monitor shall be present for the investigation, if the local Native American tribe requests. Avoidance of impacts to the resource are preferable. In considering any suggested measures proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the Town shall determine whether avoidance is feasible in light of factors such as the nature of the find, Project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures as recommended by the archaeologist (e.g., data recovery) shall be instituted. Work may proceed on other parts of the Project while mitigation for the historic resources or unique archaeological resources is being carried out.
- 13-6 If human remains, associated grave goods, or items of cultural patrimony are encountered during construction, the Town shall halt work in the vicinity of the find and notify the County Coroner immediately. The Town shall follow the procedures in Public Resources Code § 5097.9 and Health and Safety Code § 7050.5. If the human remains are determined to be of Native American origin, the Coroner shall notify the Native American Heritage Commission within 24 hours of the determination. The Native American Heritage Commission shall then notify the Most Likely Descendant (MLD), who has 48 hours to make recommendations to the landowner for the disposition of the

remains. A qualified archaeologist, the Town and the MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of any human remains and associated or unassociated funerary objects. The agreement would take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, and final disposition of the human remains and associated or unassociated funerary objects.

- 13-7 Identified cultural resources shall be recorded on DPR 523 historic resource recordation forms, prior to issuance of a building permit.

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14.0 Transportation

This section describes the applicable state regulations and policies related to CEQA transportation analysis; discusses the existing roadway network and transportation facilities in the project area; describes existing transportation conditions within project area; and analyzes the potential impacts from implementation of the project on transportation.

The information in this section is based on *Corte Madera Housing Element Update Transportation Analysis* (Hexagon transportation analysis) prepared by Hexagon Transportation Consultants, dated September 12, 2022 (see [Appendix E](#) for a copy of this report). Additional sources of information are introduced where applicable. Note – the Hexagon transportation analysis utilized a residential unit total of 884; subsequently, it was determined that there was a minor calculation error and the residential unit total was decreased by one unit to 883 total units (which the rest of the analysis of this subsequent EIR is based upon). Since the difference is insignificant, the Hexagon transportation analysis was not modified to reflect this calculation change and still reflects a total of 884 units.

A comment letter received from the California Department of Transportation (Caltrans) District 4 (dated April 12, 2022) was the only comment received in response to the notice of preparation which addressed transportation issues. The comment letter notes the requirement for a travel demand analysis consistent with SB 743, encourages the Town to contribute its fair share contributions toward multi-modal and regional transit improvements to fully mitigate cumulative impacts to regional transportation, noting the Town’s responsibility for all project mitigation, and noting that any Caltrans facilities impacted by the project must meet American Disabilities Act (ADA) Standards after project completion.

The notice of preparation and comment letters on the notice are included in [Appendix A](#).

14.1 Environmental Setting

Local Roadway Network

Regional access to Corte Madera is provided via U.S. Highway 101. Major streets providing access to the housing sites include Tamal Vista Boulevard, Madera Boulevard, Redwood Highway, Paradise Drive, San Clemente Drive, Tamalpais Drive, Fifer Avenue, and Lucky Drive.

U.S. Highway 101 is an eight-lane freeway with three mixed-flow lanes and one high-occupancy vehicle (HOV) lane in each direction in the vicinity of the site. It extends north through San Francisco and south through Gilroy. Regional access to the Town is provided via its interchanges with Fifer Avenue, Madera Boulevard, and Tamalpais Drive.

Tamal Vista Boulevard is a north-south two-lane collector that extends from Fifer Avenue in the north to Madera Boulevard in the south, where it transitions into Madera Boulevard. Tamal Vista Boulevard has a two-way left turn lane with left turn pockets at intersections. Tamal Vista Boulevard has a posted speed limit of 30 mph. Sidewalks are provided on both sides of the street and new pedestrian crossings and Class II bike facilities were recently completed in 2020 as part of a “complete streets” rehabilitation. On-street parking is prohibited on both sides of the street.

Madera Boulevard is a north-south two-lane arterial that transitions from Casa Buena Drive at Tamalpais Drive and continues northward to the Council Crest Drive/Tamal Vista Boulevard intersection. At Council Crest Drive/Tamal Vista Boulevard, Madera Boulevard is a four-lane arterial that continues eastward to U.S. Highway 101. Between Council Crest Drive and Mohawk Avenue, Madera Boulevard has a southbound frontage street accessing the residential dwellings. Madera Boulevard has a landscaped median with left-turn pockets at intersections, a posted speed limit of 30 mph, and sidewalks on both sides of the street. On-street parking is prohibited on both sides of the street.

Redwood Highway is a north-south two to four lane collector that runs in the north-south direction between Greenbrae Boardwalk and San Clemente Drive, where it transitions into Tamalpais Drive. Redwood Highway north of Wornum Drive is in the City of Larkspur. Redwood Highway has four lanes and a landscaped median with left turn pockets south of the north village entrance driveway, after which it transitions to a two-lane street. South of Industrial Way, Redwood Highway has a posted speed limit of 30 mph. North of Industrial Way, there is a posted speed limit of 25 mph. There is a Class I bicycle and pedestrian path along the east side of the street south of Wornum Drive. Redwood Highway has Class II bike lanes between Wornum Drive and Industrial Way. North of Industrial Way, Redwood Highway is a designated bike route. On-street parking is located on the west side of the street.

Paradise Drive is an east-west two- to four-lane collector between Tamalpais Drive and Tiburon city limits. Between Tamalpais Drive and San Clemente Drive, Paradise Drive has two lanes and a posted speed limit of 25 mph. A sidewalk is provided along the east side of the street along this entire section. On street parking is permitted along the east side of the street for the entire section. A small section of sidewalk and on-street parking, adjacent to Amy’s Drive Thru, is provided along the west side of the street. Between San Clemente Drive and Prince Royal Drive, Paradise Drive has four lanes with a landscaped median and left turn pockets at intersections. There is a posted speed

limit of 30 mph and parking is prohibited along both sides of the street. There are sidewalks along both sides of the street between San Clemente Drive and Seawolf Passage. East of Seawolf Passage, there are sidewalks along the south side of the street. East of Prince Royal Drive, Paradise Drive has two lanes with a separated bike/pedestrian path along the south side of the street until Westward Drive.

San Clemente Drive is a north-south four-lane arterial between Tamalpais Drive/Redwood Highway in the north and Paradise Drive in the south with a northbound left turn center lane. San Clemente Drive has a posted speed limit of 35 mph. There is a sidewalk along the west side of the street and a pedestrian/bicycle path along the east side of the street, separated by a landscaped median. On-street parking is prohibited on both sides of the street.

Tamalpais Drive is an east-west two-to-four lane arterial that transitions from Redwood Avenue in the west to San Clemente Drive in the east, where it transitions into Redwood Highway. Tamalpais Drive has a posted speed limit of 30 mph. There are sidewalks along both sides of the street between Redwood Avenue and the U.S. Highway 101 southbound off ramp. East of the U.S. Highway 101 southbound off ramp, there is a sidewalk on the south side of the street over the U.S. Highway 101 overpass. On-street parking is prohibited on both sides of the street west of Madera Boulevard. A bike route is designated west of Madera Boulevard.

Existing Pedestrian Facilities

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. The housing opportunity sites are proposed near the major streets in Corte Madera that have pedestrian facilities: Tamal Vista Boulevard, Madera Boulevard, Redwood Highway, Paradise Drive, San Clemente Drive, and Tamalpais Drive. Continuous sidewalks are present on at least one side of these major streets.

Most of the signalized study intersections have crosswalks along at least two of the legs. Two of the study intersections have only one crosswalk: the U.S. Highway 101 northbound off ramp and Tamalpais Drive intersection, and the Redwood Highway and Village south entrance intersection.

Highway 101 geographically divides the Town, and connectivity between the east and west sides of the Town is limited to the Tamalpais Drive interchange, the Wornum Drive underpass, and the pedestrian overcrossing north of Wornum Drive. At the U.S. Highway 101 ramps at Tamalpais Drive, the sidewalk merges into a pathway that brings pedestrians down from the overcrossing and provides access to bus stops near the Tamalpais Drive / U.S. Highway 101 ramp intersections. Caltrans is currently in the planning phase to upgrade the structure over U.S. Highway 101 at the Tamalpais Drive overcrossing by replacing the existing nonstandard pedestrian facilities with Americans with Disabilities Act (ADA) compliant features. Improvements at the Tamalpais Drive

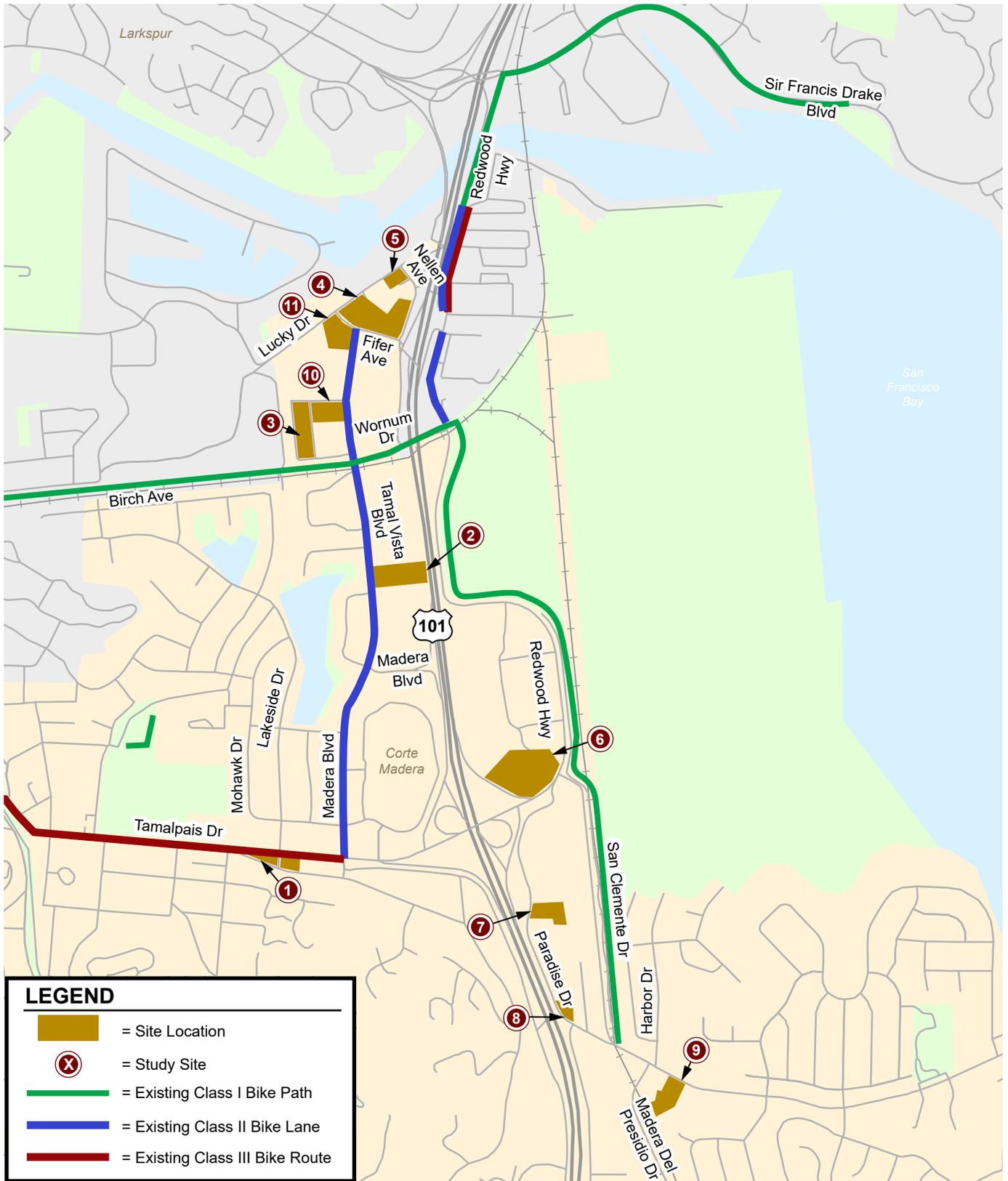
overcrossing also includes seismic structural improvements, intersection modifications, reconfiguration of the U.S. Highway 101 on/off-ramps, and repairs and maintenance of the existing structure (Caltrans 2022).

Existing Bicycle Facilities

Bicycle facilities in Corte Madera include bike paths, bike lanes, and bike routes. Bike paths (Class I facilities) separate pedestrians and bicyclists from motor vehicle traffic; however, pedestrians and bicyclists may have to share the path with other active transportation users. Bike lanes (Class II facilities) are lanes on roadways designated for use by bicycles with special lane markings, pavement legends, and signage. Bike routes (Class III facilities) are roadways shared between bicycles and vehicles. Bike routes are often designated for use by bicycles with “sharrow” pavement markings and signage. The existing bicycle facilities within the study area are described below and are shown on [Figure 14-1, Existing Bicycle Facilities](#). A new Class I bicycle facility bridging over the Corte Madera Creek and connecting Sir Francis Drake Boulevard and Larkspur Landing to Redwood Highway was completed in July 2022, improving the multi-modal connection to the SMART Train and Larkspur ferry public transit facilities. A Class I bike path is located along the east side of Redwood Highway between Wornum Drive and San Clemente Drive and was recently rehabilitated. Additional Class I bike facilities exist on the east side of San Clemente Drive and along the former railroad right of way between Wornum Drive and Menke Park. The bike path on the south side of Wornum Drive continues into the Sandra Marker Trail and connects to the north-south path parallel to Holcomb Avenue. Striped bike lanes (Class II bikeway) are present on Tamal Vista Boulevard for the entire street and Redwood Highway north of Wornum Drive to the US 101 northbound off-ramp. Along Redwood Highway, north of Industrial Way, in the City of Larkspur, a bike lane is present on the west side of the street and the east side of the street is signed as a bike route (Class III bikeway). Bike routes also exist along Tamalpais Drive west of Madera Boulevard. A new Class I bicycle facility bridging over the San Clemente Creek and connecting Sir Francis Drake Blvd. and Larkspur Landing to Redwood Hwy. was completed in July 2022, improving the multi-modal connection to the SMART Train and Larkspur ferry public transit facilities. A Class I bike path is located along the east side of Redwood Highway between Wornum Drive and San Clemente Drive and was recently rehabilitated. Additional Class I bike facilities exist on the east side of San Clemente Drive and along the former railroad right of way between Wornum Drive and Menke Park.

Existing Transit Services

Existing transit service to Corte Madera is provided by Marin Transit and Golden Gate Transit as shown in [Figure 14-2, Existing Transit Services](#). Six Marin Transit bus routes (Route 17, 22, 36, 71, 613, 619) and three Golden Gate Transit (130, 132, 150) routes serve the Town. The Sonoma Marin Area Rapid Transit (SMART) train and Golden Gate Ferry provide regional access to cities to the north in Marin and Sonoma counties, and to San Francisco.



Source: Hexagon Transportation Consultants 2022

Figure 14-1

Existing Bicycle Facilities



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Source: Hexagon Transportation Consultants 2022

Figure 14-2

Existing Transit Services



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14.2 Regulatory Setting

State

Senate Bill (SB) 743

Historically, transportation analyses for development projects being evaluated under CEQA have utilized vehicle delay and congestion on the roadway system as the primary metric for identifying traffic impacts. However, the State of California has recognized the limitations of measuring and mitigating only vehicle delay at intersections and in 2013 passed Senate Bill (SB) 743, which requires jurisdictions to end the practice of using congestion and delay metrics, such as level of service, as the metric for evaluating impacts of new development in Transit Priority Areas.

SB 743 also directed the California Office of Planning and Research (OPR) to establish new criteria for determining the significance of transportation impacts that “promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses.” OPR has updated the CEQA Guidelines for this purpose by adding a new Section 15064.3 to the Guidelines. Beginning July 1, 2020, the provisions of SB 743 apply statewide to all projects, even those outside of Transit Priority Areas. VMT is generally defined as the total miles of travel by personal motorized vehicles a project is expected to generate in a day.

In response to revising the CEQA Guidelines pursuant to SB 743, OPR issued the 2018 *Technical Advisory on Evaluating Transportation Impacts in CEQA* (“technical advisory”), which provides guidance on how agencies can evaluate VMT in CEQA documents. While the advisory provides guidance on evaluating operational VMT impacts and recommends thresholds of significance, it is silent on thresholds for construction impacts, as SB 743 does not address construction VMT impacts.

The Town of Corte Madera, at the time of this report, have not yet adopted any analysis procedures, standards, or guidelines consistent with SB 743. In the absence of an adopted, or even draft, policy with numeric thresholds, this assessment relies on guidelines published by the OPR in analyzing the project’s effects on VMT.

Assembly Bill 1358 (California Complete Streets Act)

Assembly Bill 1358, also known as the California Complete Streets Act of 2008, requires cities and counties to include “Complete Street” policies in their general plans. These policies address the safe accommodation of all users, including bicyclists, pedestrians, motorists, public transit vehicles and riders, children, the elderly, and the disabled. These policies can apply to new streets as well as the redesign of corridors. The Town of Corte Madera adopted a “Complete Street” policy in 2016.

Caltrans

Caltrans issued the VMT-Focused Transportation Impact Study Guide (TISG) in May 2020, providing the process by which Caltrans will review and assess VMT impacts of land development projects. The TISG generally aligns with the guidance in the OPR Technical Advisory.

Caltrans also issued the Transportation Analysis Framework (TAF) in September 2020, which details methodology for calculating induced travel demand for capacity increasing transportation projects on the State Highway System. Caltrans also issued the Transportation Analysis Under CEQA (TAC) guidance in September 2020 which describes significance determinations for capacity increasing projects on the State Highway System. The proposed project does not propose any changes to the Caltrans owned and operated network.

Caltrans also issued Traffic Safety Bulletin 20-02-R1: Interim Local Development Intergovernmental Review Safety Review Practitioner Guidance in December 2020, describing the methods with which Caltrans will assess the safety impacts of projects on the Caltrans owned and operated network. This guidance states that Caltrans will provide its safety assessment to lead agencies for inclusion in environmental documents.

Finally, Caltrans has adopted procedures to oversee construction activities on and around its facilities. The Caltrans Construction Manual (Caltrans, 2020b) describes best practices for construction activities, including personnel and equipment safety requirements, temporary traffic control, signage, and other requirements aimed at reducing construction-related hazards and constructing projects safely and efficiently. Any work proposed on Caltrans facilities would be required to abide by these requirements.

Local

2009 Town of Corte Madera General Plan

The 2009 general plan includes policies and programs to address transportation. A list of these applicable general plan policies is included in [Appendix F](#).

Draft Safety Element Update

The draft Safety Element Update includes one new implementation program addressing traffic flows during evacuation events (Implementation Program PSH – 2.4.b: Streamline Traffic Flow for Evacuation).

Town of Corte Madera Bicycle/Pedestrian Plan (2016)

In 2016, the Town adopted a Bicycle/Pedestrian Plan, which establishes the Town's vision for a network of bicycle and pedestrian facilities to encourage bicycling and walking as viable modes of travel around the Town. The plan identifies specific improvement projects around the Town to improve the walking and bicycling environment. The plan proposes new or upgraded bicycle facilities and intersection improvements along major roads in Corte Madera including Tamal Vista Boulevard, Madera Boulevard, Wornum Drive, Paradise Drive, San Clemente Drive, and Tamalpais Drive near which the proposed housing sites are located.

14.3 Thresholds of Significance

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

- Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities;
- Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b);
- Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- Result in inadequate emergency access.

14.4 Analysis, Impacts, and Mitigation Measures

Vehicle Miles Traveled

IMPACT 14-1	Generate Home-Based VMT per Resident that is Greater than 85 Percent of the Regional Average Home-Based VMT per Resident	Less than Significant with Mitigation
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Pursuant to SB 743, the California Natural Resources Agency finalized updates to the CEQA Guidelines in late 2018. The guidelines state that level of service will no longer be considered to be an environmental impact under CEQA and consider VMT most appropriate measure of transportation impact. VMT is defined as the total distance traveled by vehicles traveling to and from a land use over a typical day. The 2009 general plan EIR did not address VMT as it was not previously required to be addressed per CEQA Guidelines. In addition, the Town has not formally adopted a VMT policy to guide the Town's environmental review of development projects for transportation impacts. Since the Town has not formally adopted a VMT policy, the VMT analysis contained in the Hexagon transportation analysis and this subsequent EIR is based on OPR's guidelines.

Per OPR, a project's VMT is compared to the appropriate thresholds of significance based on the project location and type of development. When assessing a residential project, the project's VMT is

divided by the number of residents expected to occupy the project to determine the VMT per capita. When assessing an office project, the project's VMT is divided by the number of employees. When assessing a retail project, the project's total VMT, as opposed to a per-capita or per-employee VMT metric, is measured. The total VMT for the region (County) with and without the project is calculated. The difference between the two scenarios is the net change in total VMT that is attributable to the project.

If the proposed project is mixed-use, OPR recommends each component of the mixed-use project be evaluated independently and the significance threshold applied for each project type.

Furthermore, if the proposed project is a redevelopment project and replaces VMT-generating land uses, and if the replacement leads to a net overall increase in VMT, then the thresholds described above for the proposed project uses should be applied.

VMT Thresholds of Significance

The proposed project would result in an increase in Corte Madera's housing allocation by 883 dwelling units and a reduction in the Town's commercial/office uses by 54,728 square feet.

Although there would be a reduction in the Town's commercial/office uses, the increase in housing allocation would lead to a net overall increase in VMT, and the VMT threshold for the project uses (residential and commercial) would apply.

Since there is a reduction in commercial/office square footage, the VMT impact would be less than significant for these uses, and no additional VMT analysis is required for commercial/office uses. OPR's guidelines state that for residential developments, the VMT analysis should be based on homebased VMT per resident. Consistent with OPR's guidelines, this analysis assumes 85 percent of the existing County average VMT per resident as the threshold of significance for residential development. Therefore, the proposed project would generate a significant VMT impact if the project sites' average home-based VMT per resident would exceed the existing County VMT per resident threshold.

Residential VMT Analysis

The 2009 general plan EIR did not previously address VMT as a transportation impact as at the time CEQA Guidelines did not require that VMT impacts be evaluated. In order to estimate the County VMT threshold and the proposed project's VMT, the Transportation Authority of Marin Demand Model (TAMDM) forecast model was used. The TAMDM model is the best available model to represent travel within the Town of Corte Madera and serves as the primary forecasting tool for Marin County and Corte Madera. The model is a mathematical representation of travel within the nine Bay Area counties. The base model structure was developed by the Metropolitan Transportation Commission (MTC) and further refined by the Transportation Authority of Marin (TAM) for use within Marin County. The model uses socioeconomic inputs (i.e., population,

income, employment) aggregated into geographic areas, called transportation analysis zones (TAZs) and further refined micro analysis zones (MAZ) to estimate travel within the model area. For residential land uses, the VMT threshold is expressed in terms of home-based vehicle-miles travelled per resident. As estimated by the TAMDM model, the existing (2015) Marin County average residential VMT is estimated at 15.8 daily VMT per resident. Therefore, the VMT threshold for this project is 13.4 daily VMT per resident.

Table 6 of the Hexagon transportation analysis shows the existing (2015) VMT per resident for each MAZ in which a proposed housing site is located. For MAZ's that do not have any existing residential uses, it is assumed that their VMT per resident would be similar to adjacent MAZ's with similar housing characteristics. The proposed project VMT per resident was evaluated by conducting a weighted average of the VMT per resident and proposed housing for all project MAZs. The average VMT per resident for the proposed project would be 14.7, which is 8.3 percent above the VMT threshold of 13.4 per capita. Therefore, the proposed project would cause a significant VMT impact.

Mitigation Measure 14-1, presents measures that would reduce the proposed project's VMT to below the 13.4 daily VMT per capita. With the implementation of a residential travel demand management plan to include the below measures, the proposed project's VMT impact would be less than significant.

Mitigation Measure

14-1 Residential projects pursuant to the 6th Cycle Housing Element Update shall submit a residential travel demand management plan (TDM), which shall include but not limited to the measures below, which have been identified as potentially VMT reducing in the *California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity* (December 2021). Potential VMT reduction estimates are included below and final VMT reduction measure(s) selected by future developers of the housing opportunity sites shall be subject to the review and approval of the Town's Planning & Building Director prior to the issuance of a building permit:

- Unbundle parking costs (i.e., sell or lease parking separately from the housing unit). Effectiveness: up to 15.7 percent reduction in GHG from VMT per the CAPCOA Handbook.
- Provide car-sharing, bike sharing, or scooter sharing programs. Effectiveness: 0.15 – 0.18 percent reduction in GHG from VMT for car share, 0.02 – 0.06 percent for bike share, and 0.07 percent for scooter share, per the CAPCOA Handbook. The higher car share and bike share values are for electric car and bike share programs.

- Subsidize transit passes for residents of affordable housing. Effectiveness: up to 5.5 percent reduction in GHG from VMT per the CAPCOA Handbook.
- Integrate affordable and below market rate housing. Effectiveness: up to 28.6 percent reduction in GHG from VMT per the CAPCOA Handbook.

Consistent with Transportation Programs, Plans, Ordinance, or Policy Leading to Adverse Impacts (No Impact)

Implementation of the proposed project would be subject to and implement general plan policies applicable to transit, bicycle, and pedestrian facilities. Additionally, future development projects under the proposed project would be subject to all applicable Town guidelines, standards, and specifications related to transit, bicycle, or pedestrian facilities. Because implementation of the proposed project would be subject to all applicable Town guidelines, standards, and specifications, the proposed project would not conflict with adopted policies, plans, or programs for transit, bicycle, or pedestrian facilities.

In order to assess consistency with General Plan Policy CIR-1.2 and Implementation Program CIR-1.[2].a, Hexagon Transportation Consultants performed a Level of Service analysis for the Town to understand the potential additional intersection delay that may be caused by the proposed project. The analysis assumed the completion of an existing traffic mitigation measure – an intersection reconfiguration at San Clemente Drive and Redwood Highway – that would be required in conjunction with the proposed project. Based on this analysis, it was determined that based on the Town of Corte Madera’s intersection operations analysis criteria, the added project trips would cause adverse operations effects at the all-way stop controlled intersection of Tamal Vista Boulevard and Madera Boulevard. The results of the peak-hour signal warrant check indicates that the PM peak-hour volumes at this intersection would warrant signalization under existing plus project, cumulative, and cumulative plus project conditions. Hexagon recommended that the intersection be monitored as growth in the Town occurs, and if warranted in the future, the intersection should be signalized or a roundabout should be installed if feasible, to improve the traffic operations to meet the Town’s level of service standard (D).

No Hazards Due to a Geometric Design Feature (No Impact)

Subsequent projects under the proposed project at each of the eleven housing opportunity sites, including any new roadway, bicycle, pedestrian, and transit infrastructure improvements, would be subject to, and designed in accordance with Town standards and specifications that address potential design hazards including sight distance, driveway placement, and signage and striping. Additionally, any new transportation facilities, or improvements to such facilities associated with subsequent projects would be constructed based on industry design standards and best practices consistent with the Town’s zoning code and building design and inspection requirements. The Town’s evaluation of projects’ access and circulation will incorporate analysis with respect to Town standards for

vehicular level of service and queueing, as well as for service to pedestrians, bicyclists, and transit users. Therefore, the proposed project would not result in a design feature that would increase hazards.

Adequate Emergency Access (No Impact)

There are no specific development projects associated with the proposed project; therefore, specific housing sites developed under the proposed project cannot be analyzed for adequacy of emergency access at this time. However, the Town maintains the roadway network that provides access to new development sites in accordance with industry design standards, which ensures that the physical network would be free of obstructions to emergency responders. Emergency access to new development sites proposed under the proposed project would be subject to review by the Town and responsible emergency service agencies, thus ensuring the projects would be designed to meet all emergency access and design standards. The Town also requires the preparation of construction management plans that minimize temporary obstruction of traffic during site construction.

Additional vehicles associated with new development sites could increase delays for emergency response vehicles during peak commute hours. However, emergency responders maintain response plans which include use of alternate routes, sirens, and other methods to bypass congestion and minimize response times. In addition, California law requires drivers to yield the right-of-way to emergency vehicles and remain stopped until the emergency vehicle passes to ensure the safe and timely passage of emergency vehicles. Based on the above considerations, adequate emergency access would be provided to the housing opportunity sites.

Secondary Environmental Impacts

The transportation analysis indicated that the all way stop controlled intersection of Tamal Vista Boulevard and Madera Boulevard would operate at a substandard LOS E during the PM peak hour with redevelopment of all of the housing opportunity sites. The Town's general plan includes Implementation Program CIR-1.3.c, which recommends signalizing the Tamal Vista Boulevard and Madera Boulevard intersection to meet the Town traffic level of service standard. A 2012 traffic memorandum prepared Fehr and Peers memo noted that this intersection did not require signalization (Fehr & Peers 2012). Hexagon further recommended that this intersection be signalized per the general plan, or a roundabout, or other geometric design modification, be implemented if feasible to improve the traffic operations to meet the Town's level of service standard. If the Town implements any of these improvements, there would likely be no environmental impacts. If the Town were to choose to install a traffic roundabout at Tamal Vista Boulevard and Madera Boulevard, secondary environmental impacts may result from construction of the improvement including, but not limited to the following: aesthetics, cultural resources, energy, greenhouse gas emissions, and noise. However, because of the small size of this type of roadway improvement and its location in a developed area, these types of impacts would be less than significant or less than

significant with implementation of mitigation measures and/or standard conditions of approval. Precisely evaluating the impacts would be speculative at this time, as this improvement is not required now and has not been designed. The Town will need to comply with CEQA prior to implementing the improvement.

14.5 Cumulative Transportation (VMT) Impacts

In accordance with the OPR's technical advisory, metrics such as VMT per capita or VMT per employee, i.e., metrics framed in terms of efficiency (as OPR recommends for use on residential and office projects), cannot be summed because they employ a denominator. A project that falls below an efficiency-based threshold that is aligned with long-term environmental goals and relevant plans would have no cumulative impact distinct from the project impact. Accordingly, a finding of a less-than-significant project impact would imply a less than significant cumulative impact, and vice versa. As detailed in the VMT analysis contained above in Section 14.4, the average VMT per resident for the proposed project would be 14.7, which is 8.3 percent above the existing regional VMT per capita threshold of 13.4 which would result in a significant VMT impact and would be considered cumulatively considerable. However, with implementation of mitigation measure 14-1, the proposed project's VMT impact would be less than significant and therefore, the project's contribution to cumulative VMT impacts would not be cumulatively considerable.

15.0 Wildfire

Unless otherwise noted, the information contained within this section is based on the draft Housing Element Update and the draft Safety Element Update, the 2009 *Town of Corte Madera General Plan* (general plan), the 2009 *Town of Corte Madera General Plan EIR* (general plan EIR), and the Town's Municipal Code and Zoning Ordinance.

No NOP responses regarding wildfire were received.

15.1 Setting

Wildfire poses the greatest risk to human life and property in Marin County's densely populated Wildland-Urban Interface. Marin County is home to 23 communities listed on the California Department of Forestry and Fire Protection's (CAL FIRE) Communities at Risk list, with approximately 80 percent of the total land area in the county designated as having moderate to very high fire hazard severity ratings (County of Marin 2018). The county has a long fire history with many large fires over the past decades, several of which have occurred in the Wildland-Urban Interface. To compound the issue, national fire suppression policies and practices have contributed to the continuous growth (and overgrowth) of vegetation resulting in dangerous fuel loads.

Areas under State jurisdiction for fire protection are referred to as State Responsibility Areas. Within the vicinity of the Town, these State Responsibility Areas are primarily found to the west of the Corte Madera town limits within the unincorporated area. Areas under the jurisdiction of local entities are referred to as Local Responsibility Areas. Corte Madera is located entirely within a Local Responsibility Areas. Refer to [Figure 15-1, Marin County Fire Hazard Safety Zone Map](#).

CAL FIRE identifies fire hazard severity zones based on the severity of the fire hazard expected to prevail there. These areas are based on factors such as fuel type (vegetation that is fire prone), slope, and fire weather. There are three zones, based on increasing fire hazard: moderate, high, and very high. Corte Madera does not contain any very high fire hazard severity zones; however, at the Town's western boundary, portions of Mill Valley and Larkspur are within a Local Responsibility Area high fire hazard severity zone as shown on Figure 15-1.

Additional fire concerns to the south prompted the Corte Madera Town Council on March 18, 2008 to classify areas along the western and southern border as Wildland-Urban Interface areas, see [Figure 15-2, Corte Madera Wildland-Urban Interface Fire Areas](#).

Fire hazard in Corte Madera is significant due to several important factors: its unique climatic, topographic, and geologic attributes; ongoing longer and more severe droughts; current and historical fire-suppression policy in California; County-level environmental policies that support vegetation growth in Marin County; population growth in the Wildland-Urban Interface; and, the exacerbation of the frequency, intensity, and severity of wildfires across California due to climate change (Town of Corte Madera 2021). Wildfires are also exacerbated by factors such as a reduction in annual snowpack, decreasing water supply, and rising temperatures across the region.

According to *The Corte Madera Climate Adaptation Assessment* (2021), wildfire risk is increasing in intensity, duration, and severity with a potential 50 percent increase in area burned annually by the end of the century. A wildfire in the Corte Madera community would put lives at risk and likely destroy homes and other infrastructure. Additional adverse impacts to the community include poor to hazardous air quality, public safety power shutoffs, and economic impacts from reduced retail visits. Research shows that there is a limited projected increase in the fire risk for Corte Madera until 2050 but a large increase in fire risk between 2050 and 2085 (page 28).

Disruptions to the transportation network from wildfire events limit the ability of people to evacuate and move away from danger, decrease access to hospitals and medical care facilities, and reduce the ability of emergency first responders to protect residents. Indirect effects, such as degraded air quality from regional wildfire smoke and ash also threaten the health and wellness of those living and working in Corte Madera.

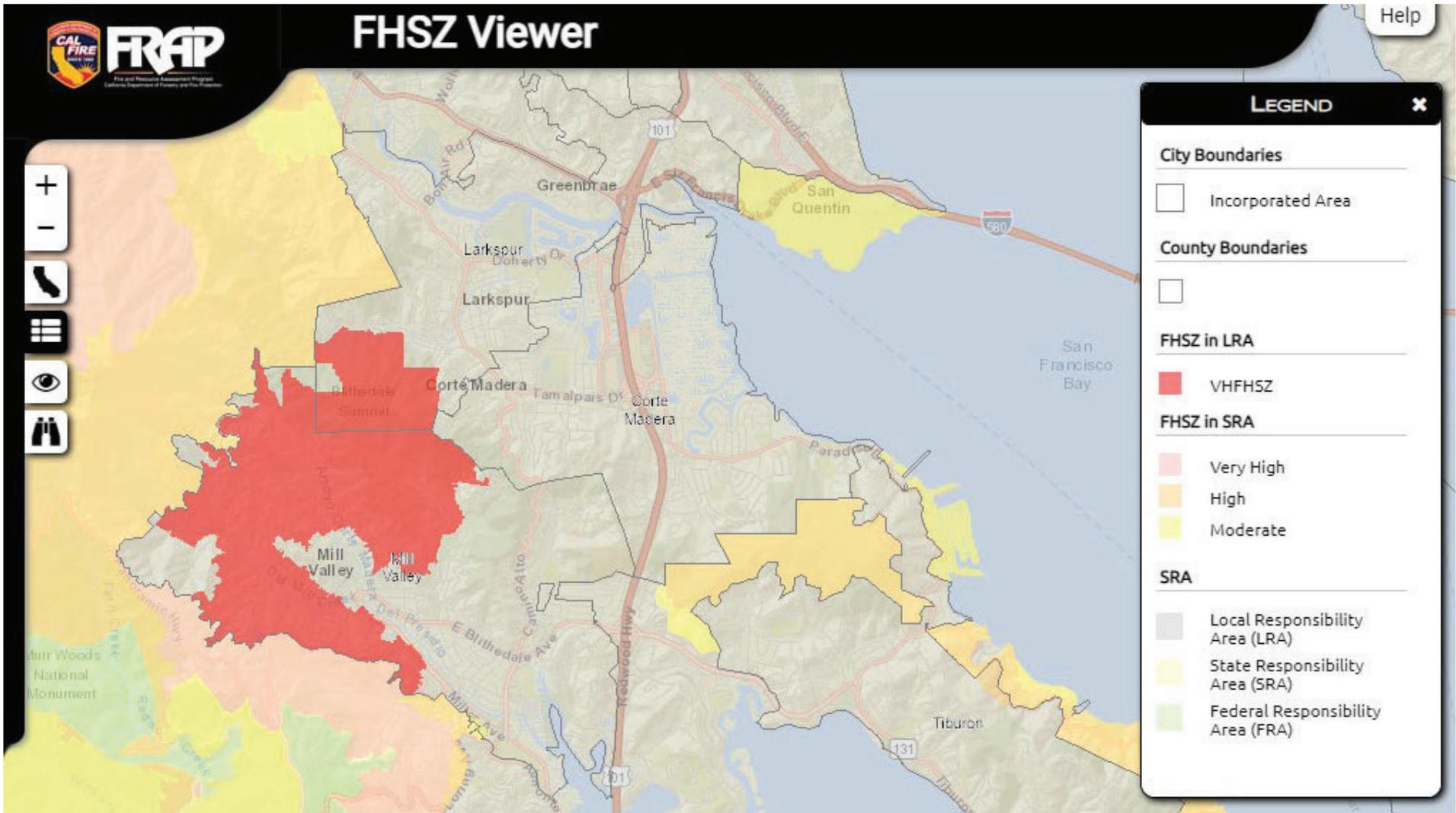
15.2 Regulatory Setting

State

California Building Code

The California Building Standards Code (CBC) (California Code of Regulations, Title 24) provides minimum standards for the design and construction of buildings and structures in California. Minimum standards are organized under Part 1 to 12 and include code standards for buildings, mechanical, plumbing, energy, historical buildings, fire safety, and green building standards. State law mandates that local government enforce these regulations, or local ordinances, with qualified reasonably necessary and generally more restrictive building standards than provided in the CBC. Title 24 is applicable to all occupancies, or structures, throughout California, whether or not the local government takes an affirmative action to adopt Title 24.

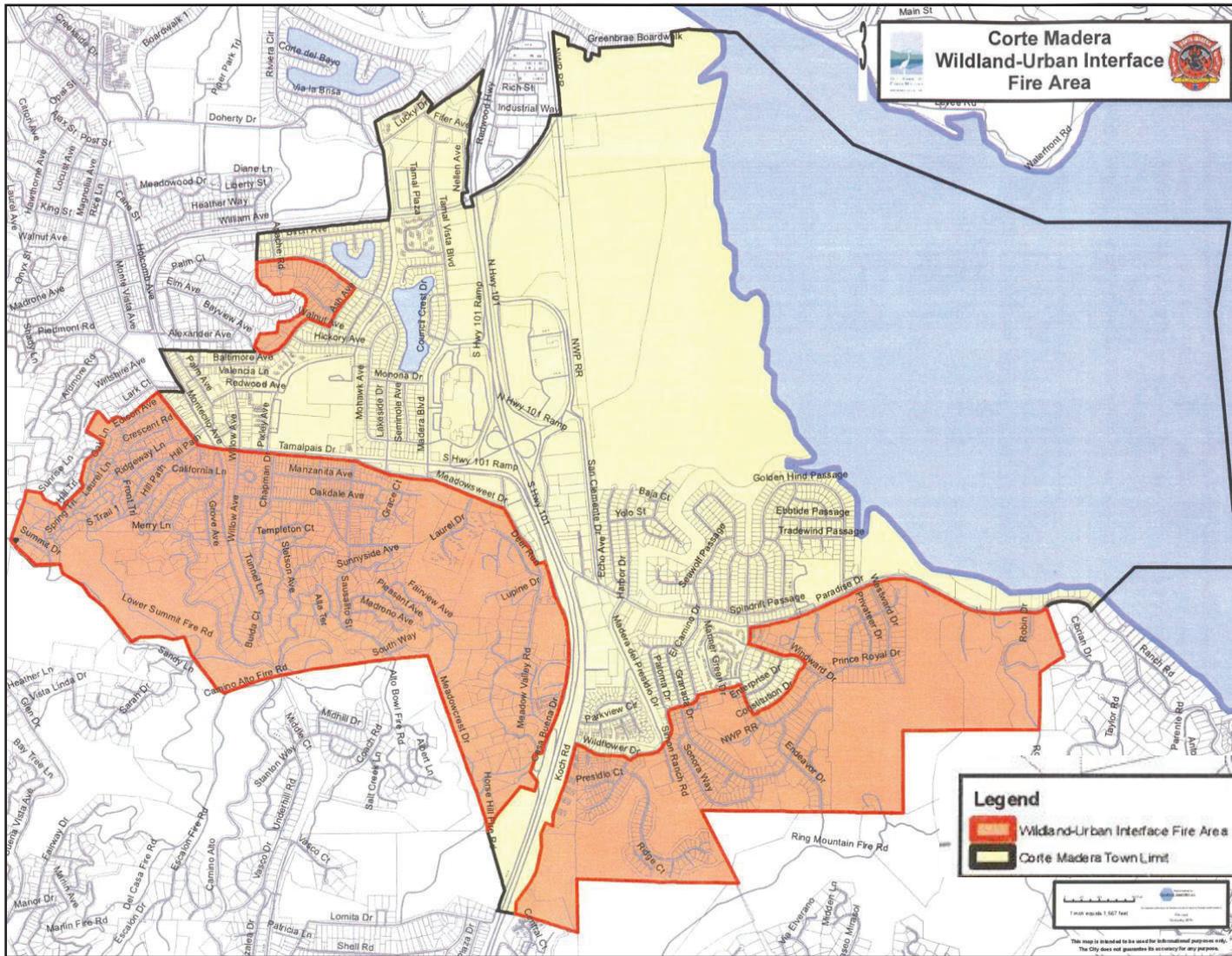
On September 20, 2005, the California Building Standards Commission approved the Office of the State Fire Marshal's emergency regulations amending the CBC (Code of Regulations Title 24, Part 2). The California Wildland-Urban Interface Code contains standards associated with the construction of buildings in wildfire prone areas.



Source: Town of Corte Madera Draft Safety Element Update 2022, Cal Fire Fire Hazard Severity Zone Map 2022

Figure 15-1
Marin County Fire Hazard Safety Zone Map

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Source: Town of Corte Madera Draft Safety Element Update 2022



Corte Madera Wildland-Urban Interface Fire Areas

Town of Corte Madera 6th Cycle (2023-2031) Housing Element Update Subsequent EIR

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California Fire Code (2019; 2022 version effective January 1, 2023)

The California Fire Code is Chapter 9 of Title 24 of the California Code of Regulations (CCR). It establishes regulations to safeguard against the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The Fire Code also establishes requirements intended to provide safety for and assistance to firefighters and emergency responders during emergency operations. The provisions of the Fire Code apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure throughout California. The Fire Code includes regulations regarding fire-resistance-rated construction, fire protection systems such as alarm and sprinkler systems, fire service features such as fire apparatus access roads, means of egress, fire safety during construction and demolition, and Wildland-Urban Interface areas. The fire code was most recently updated and published on July 1, 2022, with an effective date of January 1, 2023.

Fire Hazard Severity Zone is a mapped area designated by CAL FIRE where wildfire hazards are likely to be more severe (based on factors such as fuel, slope, and fire weather) using varying degrees of fire hazard (i.e., moderate, high, and very high). CAL FIRE uses the fire hazard severity zone designations to dictate its responsibilities for fire protection and/or mitigation work across the State. To ensure that these safety measures are met for construction, the fire code employs a permit system based on hazard classification.

Fire code chapter 49 provides minimum standards to increase building resistance to the intrusion of flame or burning embers projected by a vegetation fire and identifies performance and prescriptive requirements. Section 4906 provides hazardous vegetation fuel management requirements for buildings and structures located on land in a very high fire hazard severity zone in Local Responsibility Areas and land in a moderate fire hazard severity zone, high fire hazard severity zone, or very high fire hazard severity zone in State Responsibility Areas. In addition, Section 4907 requires the local entity with jurisdictional authority over areas designated very high fire hazard severity zone in Local Responsibility Areas to maintain defensible space near buildings and structures.

Emergency Response/Evacuation Plans

The State of California passed legislation authorizing the Office of Emergency Services to prepare a standard emergency management system program, which sets forth measures by which a jurisdiction should handle emergency disasters. Non-compliance with standard emergency management system could result in the state withholding disaster relief from the non-complying jurisdiction in the event of an emergency disaster.

Fire Hazard Zoning Field Guides (Currently Being Updated)

California has enacted statewide laws aimed at reducing wildfire hazards in Wildland-Urban Interface areas. These regulations cover topics such as fire prevention, vegetation management, notification and penalties, fire hazard severity zones, defensible space, setbacks, and exemptions. The *Fire Hazard Zoning Field Guide* is prepared and distributed by the Office of the State Fire Marshal. The objective of publishing and distributing the *Fire Hazard Zoning Field Guide* is to help reduce and prevent losses of life, property and natural resources from wildfire in the Wildland-Urban Interface. Loss reduction can be achieved partly through proper implementation and enforcement of fire hazard zoning and mitigation laws. This document discusses those types of laws that are state mandated. As of September 2022, the Office of the State Fire Marshal's fire safety planning website located at <https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildfire-preparedness/prevention-field-guides> indicates that the guide is being updated and will be available soon.

Local

Marin County Emergency Operations Plan (2014)

The *Marin Operational Area Emergency Operations Plan* (Marin County Sheriff's Office of Emergency Services 2014) addresses the planned response to extraordinary emergency situations associated with large-scale disasters affecting Marin County. The plan includes the cities/towns, special districts, and the unincorporated areas within the county. The plan also addresses integration and coordination with other governmental agencies when required.

The plan was established to ensure the effective and economical emergency management organization required to mitigate any significant emergency or disaster affecting the county, and provide overall operational concepts associated with Marin County's Emergency Operations Center activities and the recovery process. The plan is not intended to address the normal day-to-day emergency or well-established emergency procedures.

Marin County Multi-Jurisdictional Hazard Mitigation Plan (2018)

In 2018, Marin County and its partners published the *Marin County Multi-Jurisdictional Local Hazard Mitigation Plan* (County of Marin 2018) to assess risks posed by natural hazards and to develop a mitigation strategy for reducing the County's risks. The County prepared the plan in accordance with the requirements of the Disaster Mitigation Act of 2000. The Marin County Sheriff's Office of Emergency Services, in conjunction with the Marin County Local Hazard Mitigation Team, coordinated the preparation of the plan in cooperation with municipalities and special district partners.

The 2018 plan serves as the current local hazard mitigation plan for all participating jurisdictions, including Corte Madera. The county is in the process of updating the plan, and is anticipated to be completed by spring 2023.

Marin County California Wildfire Protection Plan (2016)

The Marin County Fire Department in collaboration with FIRESafe Marin finalized the Community Wildfire Protection Plan in July 2016. The full wildfire protection plan is incorporated by reference into the Marin County Multi-Jurisdictional Local Hazard Mitigation Plan discussed above. The wildfire protection plan provides a scientifically based assessment of wildfire threat in the Wildland-Urban Interface of Marin County, California. This wildfire protection plan was developed through a collaborative process involving Marin County fire agencies, county officials, county, state, and federal land management agencies, and community members. It is intended to be a living document that will be updated periodically by FIRESafe MARIN and the Marin County Fire Department in collaboration with a broader group of county stakeholders. The wildfire protection plan is also intended to support the California Fire Plan and CAL FIRE's Unit Strategic Fire Plan. The wildfire protection plan provides a framework for future collaboration that can be used to identify, prioritize, implement, and monitor hazard reduction activities throughout the county. While the wildfire protection plan broadly covers the entire county, it supports and encourages more focused plans for wildfire protection at the city, community, and neighborhood scales.

Town of Corte Madera General Plan (2009)

Applicable policy provisions to address the risk of wildland fires and the emergency response plan are included in [Appendix F](#).

Town Municipal Code

Fire Code (Chapter 15.02)

The Corte Madera Municipal Code has a Building and Construction Fire Code for all development and construction activities within Corte Madera. The Fire Code requires compliance with California Fire Code and Uniform Fire Code and was adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion. The Town adopted the 2019 California Fire Code, the 2018 International Fire Code, and Appendix A of the 2018 International Wildland-Urban Interface Code, with local amendments to address climatic, topographic, and geological conditions in Corte Madera (Title 15, Chapter 15.02 Fire Code).

Wildland-Urban Interface Code (Chapter 15.04)

The Corte Madera Town Council adopted the Wildland-Urban Interface Code and the Wildland-Urban Interface Fire Area on March 18, 2008 (Chapter 15.04). The code imposes certain regulations for exterior building materials, vegetation, firefighting water supply, and fire apparatus access on new construction projects and on remodeled existing structures where more than 50 percent of the exterior surface area is affected. Any new materials on the exterior of any structure in the Wildland-Urban Interface Fire Area will also need to comply with the regulations.

Town Zoning Ordinance (Title 18)

The Zoning Ordinance is a primary tool for implementing the policies of the General Plan and addresses physical development standards and criteria for Corte Madera. Government Code Section 65860 requires municipalities to maintain consistency between their Zoning Ordinance and their adopted General Plan.

Town of Corte Madera Climate Adaptation Assessment (2021)

In June 2018 the Town received a grant from Caltrans to develop a climate adaptation assessment to identify climate change vulnerabilities and explore options for building resilience. *The Corte Madera Climate Adaptation Assessment: A Roadmap to Resilience* (Town of Corte Madera 2021) was completed in May 2021. The assessment identifies Corte Madera’s vulnerabilities to climate change impacts, describes potential tools to reduce those vulnerabilities, and provides a roadmap that can guide future responses and actions over time. Intended to be a “living document” the assessment may be modified as new information about the changing climate and its local implications becomes available in the future.

The assessment identifies five climate exposures (defined as an extreme weather event or changing climate conditions that can adversely affect people, livelihoods, species, ecosystems, environmental functions, services, resources, infrastructure and economic, social, and cultural assets) including wildfire. Wildfire risk is increasing in intensity, duration, and severity with a potential 50 percent increase in area burned annually by the end of the century.

Adaption actions include emergency preparedness, resilient infrastructure, and education and collaboration. The adaptation actions that are identified in the document to respond to these climate exposures are not final and require further analysis and additional community discussion. They do however; provide options that may have the potential to significantly reduce impacts and enhance community resilience.

Town of Corte Madera Emergency Operations Plan (2019)

In coordination with the other agencies in Marin County, the Town has a set of plans, known as the *Town of Corte Madera Emergency Operations Plan* (April 2009), that meets the state’s framework requirements for a standardized emergency management system.

The objective of the plan is to incorporate and coordinate all the Town’s facilities and personnel into an efficient organization capable of responding to any emergency. The emergency operations plan is an extension of the Marin Operational Area Emergency Operations Plan. In addition, the Town of Corte Madera Disaster Council works directly with residents to raise the level of community preparedness for major catastrophic events, and is credited with implementing the following programs:

- The Town of Corte Madera Disaster Preparedness Book, a handbook for residents distributed to all homes in the community;
- AM 1330, a Town-owned radio broadcast station used to give residents vital information during an emergency;
- The Town’s emergency siren, used in a sudden emergency to alert residents to tune in AM 1330;
- Donation and installation of Automated External Defibrillators at various locations throughout Corte Madera;
- Installation of emergency generators at each of the Town’s principal facilities assuring safety services will continue during power outages; and
- Contracts with businesses making resources available during an emergency.

15.3 Thresholds of Significance

CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of wildfire, as it does on a whole series of additional topics. Lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of wildfire impacts, or on any subject addressed in the checklist. Rather, with few exceptions, CEQA grants agencies discretion to develop their own thresholds of significance. Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The Town of Corte Madera has done so here. Therefore, for purposes of this subsequent EIR, a significant wildfire impact would occur if any of the housing opportunity sites are located in or near state responsibility areas or lands classified as very high fire hazard severity zones, and redevelopment of those sites would:

- Substantially impair an adopted emergency response plan or emergency evacuation plan;
- Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire;
- Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

In addition, CEQA Guidelines Appendix G includes a question under “IX. Hazards and Hazardous Materials,” which states a project would result in a significant impact if it would:

- Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

15.4 Analysis, Impacts, and Mitigation Measures

This section includes information and data regarding wildfire that are relevant to the proposed project based on the thresholds of significance described above. The information and data are used as a basis for determining impact significance and for the mitigation measures.

Compatibility with Adopted Emergency Response and Evacuation Plans (No Impacts)

As mentioned previously, in coordination with the other agencies in Marin County, the Town of Corte Madera has an adopted emergency operations plan that meets the state's framework requirements for a standardized emergency management system. The emergency operations plan is an extension of the *Marin Operational Area Emergency Operations Plan*. The emergency operations plan along with the 2018 *Marin County Multi-Jurisdictional Local Hazard Mitigation Plan* comprise the entirety of emergency planning activities that governs emergency response and evacuation on and around Corte Madera.

Implementation of the proposed project could result in an additional 883 new residential units and additional 2,181 residents. The opportunity sites are consistent with the overall land use patterns of Corte Madera (refer to [Figure 4-1, Housing Opportunity Sites](#), presented in Section 4.0, Project Description, of this draft subsequent EIR).

Although redevelopment at the housing sites would increase population and increase demand on emergency response and evacuation, the housing sites are located within existing developed areas and along major transportation corridors that will allow for evacuation and response. The proposed project would not alter Corte Madera's overall land use patterns or land use designations to such an extent that they would conflict with the Town's adopted emergency response plan. Development at the housing sites would not physically interfere with any emergency response or evacuation plans because they would not prevent continued implementation of these plans.

Development allowed by the proposed Housing Element Update, including the increase in housing units, increase in residents, and the potential for impacts to emergency response are addressed in Section 11.0, Public Services.

Regarding the proposed Safety Element Update, the proposed revisions include a new policy (PSH - 1.2) which requires the Town to establish and maintain an effective emergency response program that anticipates the potential for disasters and (PSH - 1.5) that requires the Town continue to coordinate neighborhood disaster response preparedness planning efforts through fire programs and coordination with emergency response agencies. New policy PSH -2.1 would require the Town to establish safe and viable evacuation routes. Implementation measures for this policy include identification, improvement, and evaluation of evacuation routes for effectiveness (Implementation Programs PSH 2.1a-d).

Therefore, implementation of the Safety Element update would provide for additional opportunities for coordinated planning and improvement of an effective emergency response program and evacuation routes in the Town.

Implementation of the project would not physically interfere with any emergency response or evacuation plans because the project does not include any features that would prevent continued implementation of these plans. Additionally, applicable General Plan policies would continue to be implemented to ensure adequate emergency response and preparedness. Proposed new Safety Element policies serve to improve planning, preparation, and execution of emergency response and evacuation. Therefore, the project would not impair an adopted emergency response plan or emergency evacuation plan, and there would be no impact.

Installation or Maintenance of Associated Infrastructure That May Exacerbate Fire Risk (No Impacts)

As described in Section 11.0, no significant utility infrastructure improvements are anticipated to serve future development at the housing sites as existing infrastructure would be available to serve the development. All of the housing opportunity sites are currently developed and have utility service. Sites with existing overhead lines from the public right-of-way to the existing development will be required to underground the lines with the redevelopment. Therefore, there will be no new overhead utility lines.

The proposed project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment, and therefore, there would be no impact.

Exposure to Pollutant Concentrations from a Wildfire

IMPACT 15-1	<p>Due to Slope, Prevailing Winds, and Other Factors, the Proposed Project Could Exacerbate Wildfire Risks, and Thereby Expose Project Occupants to Pollutant Concentrations from a Wildfire or the Uncontrolled Spread of a Wildfire</p>	Less than Significant
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Corte Madera is not located in a very high fire hazards area; however, portions of Mill Valley and Larkspur located adjacent to Corte Madera are within a high fire hazard severity zone. Secondary impacts, such as smoke from wildfire, have impacted the health of Corte Madera residents. *The Corte Madera Climate Adaptation Assessment* addresses increased wildfire threat due to climate change in the hillside neighborhoods and identifies a suite of adaptation actions that the Town can take to reduce risk, prepare for wildfire and evacuation, and rebuild after a disaster.

The proposed project would result in an additional 883 new residential units and additional 2,181 residents. The identified opportunity sites are outside of the Corte Madera Wildland-Urban Interface; however, sites 1,7, 8, and 9 are in close proximity to this area (refer back [Figure 4-1, Housing Opportunity Sites](#), presented in Chapter 4.0 of this EIR and [Figure 15-2](#), presented earlier).

The proposed housing sites are located within existing developed areas that would not exacerbate wildfire risk or expose occupants to pollutant concentrations from a wildfire beyond existing risk. Any area in Corte Madera could be exposed to substantial pollutant concentrations from wildfire and the proposed location of housing sites would not uniquely increase potential exposure due to their location, slope or other factors.

The project includes an update to the Town's General Plan Safety Element. Policy PSH-3.2 requires that the Town encourage landscaping maintenance programs to reduce potential fire hazards in the hills, wildland areas and urban interface. New proposed implementation measures require the Town to update Wildland-Urban Interface codes and regulations to include the "0-5' non-combustible zone" or "Zone Zero" rule (PSH – 3.2.e) and expand the goat and sheep grazing program as a fuel reduction strategy (PSH – 3.2f).

The housing sites are within existing developed areas outside of fire hazard areas; however, some of the sites are in close proximity to the Town's Wildland-Urban Interface. Existing building and fire code regulations are in place that would ensure future development is constructed in a manner that would minimize adverse fire risk and potential exposure to wildfire pollutants.

Redevelopment of the housing opportunity sites especially a in close proximity to the Wildland-Urban Interface (sites 1,7, 8, and 9), could result in impacts related to wildfire. Future ministerial and discretionary development at housing sites would be required to adhere to all regulatory requirements in place to minimize wildfire hazards including applicable sections of the Corte Madera Municipal Code, fire and building codes, and requirements from the fire chief that would be identified during future building permit reviews. Additionally, implementation of the proposed Safety Element policies supports implementation of measures that will enhance wildfire safety. Therefore, although future project occupants may potentially be exposed to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, impacts for development on the proposed housing sites are considered to be less than significant.

Exposure to Risks as a Result of Runoff, Post-Fire Slope Instability, or Drainage Changes

IMPACT 15-2	Expose People or Structures to Risks, including Downslope or Downstream Flooding or Landslides, as a Result of Runoff, Post-Fire Slope Instability, or Drainage Changes	Less than Significant
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Redevelopment of the housing opportunity sites especially adjacent to the Wildland-Urban Interface, could result in exposure of people or structures risk as a result of post-fire slope instability or drainage changes. However, redevelopment of the housing opportunity sites would be required to comply with applicable regulations and policies related to flooding, drainage patterns, and landslides which would reduce risks to the extent feasible. Therefore, the project could expose people or structures to some risk, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes; however, these impacts would be less than significant.

Expose People or Structures to a Significant Risk of Loss, Injury or Death Involving Wildland Fires

IMPACT 15-3	Expose People or Structures to Significant Risks Associated with Wildland Fires	Less than Significant
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Much of the western and southern portions of Corte Madera are areas designated by an ordinance of the Town Council to be a "Wildland-Urban Interface Fire Area" (refer to [Figure 15-2, Corte Madera Wildland-Urban Interface Fire Areas](#), presented earlier). The housing sites are outside of the designated Wildland-Urban Interface however, some of the sites are adjacent to the Wildland-Urban Interface and all areas in Corte Madera are subject to some risk of wildfire due to proximity to wildfire risk areas.

To avoid the risk from wildland fire, future development would be required to adhere to the Town's building and fire codes. The Fire Chief may also use their authority to require additional building, planning, or landscaping requirements that provide enhanced fire protection (Fire Code Section 104.1.1).

Development of the housing sites, especially adjacent to Wildland-Urban Interface, could result in impacts related to wildfire. Future ministerial and discretionary development at the housing opportunity sites would be required to adhere to all regulatory requirements in place to minimize wildfire hazards including applicable sections of the Town of Corte Madera Municipal Code, fire and building codes, and requirements from the Fire Chief that would be identified during future building permit reviews. Additionally, implementation of policies proposed in the Town's Safety Element Update would further reduce fire hazards Town-wide by requiring fire safe construction

practices (Policy PSH - 3.1), encouraging landscaping maintenance programs to reduce potential fire hazards in the hills, wildland areas and the urban interface (Policy PSH - 3.2), reducing fire hazard risks in existing developments (Policy PSH - 3.3), and adopting and regularly updating Standards of Coverage for the Town (Policy PSH - 3.4). Impacts for both ministerial and discretionary development on housing opportunity sites would be less than significant.

15.5 Cumulative Wildfire Impacts

Geographic Context

The geographic context for the assessment of cumulative impacts related to wildfire is buildout of the Town's general plan.

Cumulative Analysis

Redevelopment at the housing opportunity sites, in combination with other past, present and reasonably foreseeable cumulative development within Corte Madera would not physically interfere with any emergency response or evacuation plans because they would not include any features that would prevent continued implementation of these plans. Additionally, applicable General Plan policies would continue to be implemented to ensure adequate Town-wide emergency response and preparedness.

As discussed above, policies proposed in the Town's Safety Element Update would further reduce fire hazards Town-wide by requiring fire safe construction practices (Policy PSH - 3.1), encouraging landscaping maintenance programs to reduce potential fire hazards in the hills, wildland areas and the urban interface (Policy 3.2), reducing fire hazard risks in existing developments (Policy PSH - 3.3), and adopting and regularly updating Standards of Coverage for the Town (Policy PSH - 3.4).

Discretionary development at Housing Sites would be required to adhere to all regulatory requirements in place to minimize wildfire hazards including applicable sections of the Town of Corte Madera Municipal Code (including fire and building codes), and requirements from the Fire Chief that would be identified during future building permit reviews. Additionally, implementation of the Town's General Plan Safety Element policies support implementation of measures that enhance wildfire safety.

All impacts associated with infrastructure improvements including any required measures to address fire safety would be evaluated in their respective subsequent environmental documents for discretionary projects.

Redevelopment of the housing opportunity sites would be required to comply with applicable regulations and policies related to flooding, drainage patterns, and landslides, and thereby avoid significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

All future development in the Town, including that associated with the project, would be required to comply with applicable Town of Corte Madera Municipal Code (including fire and building codes) regulations that would reduce the potential for cumulative impacts.

For the reasons above, the project's incremental contribution to impacts related to wildfire would not be cumulatively considerable.

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Effects Adequately Addressed in the General Plan EIR

The following environmental effects have been determined to be adequately addressed in the 2009 *Town of Corte Madera General Plan Revised Final EIR* (general plan EIR) for purposes of the proposed project. CEQA allows a lead agency to limit the detail of discussion of environmental effects that are not potentially significant (PRC Section 21100, CCR Section 15128). Accordingly, the following issue areas are not addressed further in this draft subsequent program EIR.

16.1 Agriculture and Forestry Resources

According to the initial study prepared to accompany the Notice of Preparation for the general plan EIR, no areas within the Town's Planning Area that are classified as "Prime Farmland" and "Farmland of Statewide Importance" by the California Department of Conservation. Therefore, the proposed project would not result in the conversion of important farmland to other uses. In addition, no parcels under Williamson Act contract exist within the Town's Planning Area and no areas within the Town's Planning Area are identified as containing timberland or forest land. Each of the 11 housing opportunity sites are located within the Town limits and Planning Area. Therefore, the proposed project would not result in impacts associated with agriculture and forestry resources.

16.2 Cultural Resources

The general plan EIR (section 4.10 Cultural and Paleontological Resources) identified one significant cultural resource impact associated with buildout of the general plan (the potential disturbance of cultural resources (i.e., prehistoric sites, historic sites, and isolated artifacts and features and human remains). General plan policies and implementation programs along with mitigation measures were identified which were determined to reduce this cultural resource impact to a less-than-significant level. Implementation of the proposed project would not alter the conclusions of the general plan EIR as each of the 11 housing opportunity sites are currently developed sites and redevelopment of those sites with higher density residential uses would not increase cultural resource impacts identified in the general plan EIR. However, future development applications at the housing opportunity sites would still be subject to general plan policies, implementation programs, and mitigation measures addressing cultural resources identified in the general plan EIR.

Additionally, impacts associated with tribal cultural resources are addressed in Section 13.0, Tribal Cultural Resources, of this subsequent EIR.

16.3 Geology and Soils

The general plan EIR (section 4.7 Geology and Soils) identified a significant geologic and soils impact as a result of buildout of the general plan (exposure of people, structures, and development to slow or rapidly occurring down slope earth movement triggered seismically or by seasonal saturation of soils, erosion, or grading activities, resulting in the risk of loss, injury or death). This impact was determined to be reduced to a less-than-significant level through the implementation of general plan policies, implementation programs, and several mitigation measures.

In addition, an impact associated with paleontological resources were identified in the general plan EIR in section 4.10, Cultural and Paleontological Resources. Paleontological resources were previously identified under cultural resource thresholds at the time of preparation of the general plan EIR and now are associated with thresholds associated with geology and soils. The general plan EIR determined that the potential disturbance of paleontological resources (i.e., fossils and fossil formations) would be a less than significant impact with implementation of a mitigation measure.

Implementation of the proposed project would not alter the conclusions of the general plan EIR as each of the 11 housing opportunity sites are currently developed sites and redevelopment of those sites with higher density residential uses would not increase geologic, soil hazard, or paleontological resource impacts identified in the general plan EIR. However, future development applications at the housing opportunity sites would still be subject to general plan policies, implementation programs, and mitigation measures addressing geology and soils identified in the general plan EIR.

16.4 Human Health/Risk of Upset (Hazards and Hazardous Materials)

The general plan EIR (section 4.3 Human Health/Risk of Upset) identified a potentially significant impact associated with exposure of persons to known and unknown hazardous materials in areas identified for development and through the routine transport, use, or disposal of hazardous materials which may result in the accidental release of hazardous materials. This impact was determined to be reduced to a less-than-significant level through the implementation of several mitigation measures. Implementation of the proposed project would not alter the conclusions of the general plan EIR as each of the 11 housing opportunity sites are currently developed sites and redevelopment of those sites with higher density residential uses would not increase hazardous materials impacts identified in the general plan EIR. However, future development applications at the housing opportunity sites would still be subject to general plan policies, implementation programs, and mitigation measures addressing hazardous materials identified in the general plan EIR.

Additionally, the risk of wildland fire and potential impairment of implementing an existing emergency response plan were addressed in this section of the general plan EIR. These topics are addressed in Section 15.0, Wildfire, of this subsequent EIR.

16.5 Hydrology and Water Quality

The general plan EIR (section 4.8 Hydrology and Water Quality) identified a potentially significant impact associated with construction activities leading to exposing soil to erosion during storm events, causing degradation of water quality; and a significant impact as a result of exposure of additional people and/or structures to potential risks from flooding hazards and sea level rise. Both of these impacts were reduced to a less than significant level throughout implementation of general plan policies, implementation programs, and mitigation measures.

Implementation of the proposed project would not alter the conclusions of the general plan EIR as each of the 11 housing opportunity sites are currently developed sites and redevelopment of those sites with higher density residential uses would not increase hydrology and water quality impacts identified in the general plan EIR. However, future development applications at the housing opportunity sites would still be subject to general plan policies, implementation programs, and mitigation measures addressing hydrology and water quality identified in the general plan EIR.

16.6 Mineral Resources

According to the initial study prepared to accompany the Notice of Preparation for the general plan EIR, no areas within the Town's Planning Area that contain significant mineral deposits or resource recovery sites delineated in any local general plan, specific plans, or local use plan. Each of the 11 housing opportunity sites are located within the Town limits and Planning Area. Therefore, the proposed project would not result in impacts associated with mineral resources.

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17.1 CEQA Requirements

CEQA Guidelines Section 15126.6(a) requires a description of a range of reasonable alternatives to the proposed project, or to the location of the project, which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. It also requires an evaluation of the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project, but must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.

CEQA Guidelines Section 15126.6(b) further requires that the discussion of alternatives focus on those alternatives capable of eliminating any significant adverse environmental impacts or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly. The EIR must present enough information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed.

17.2 Project Objectives and Significant Effects

As discussed above, alternatives must be able to meet most of the basic objectives of the project and avoid or substantially lessen any of the significant effects of the project. The project objectives are presented in Section 4.2, Statement of Project Objectives, and significant and unavoidable effects are presented in Section 17.2, Significant and Unavoidable Effects.

17.3 Alternatives Considered but Rejected

CEQA Guidelines Section 15126.6(c) states in part that an EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the determination. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

Reduction of Housing Opportunity Sites

An alternative reducing the total number of housing opportunity sites or total number of housing units could present a number of scenarios to reduce the total number of sites. This could include reduction of the total number of sites or units by half or by another percentage interval to further reduce environmental impacts associated with the proposed project. Reducing the number of sites or units would reduce the number of residential units available in order for the Town to meet its Regional Housing Needs Allocation (RHNA) target of 725 residential units. Preparation of a Housing Element Update that does not meet the Town's RHNA target would not be consistent with the requirements of State law, and therefore, does not meet the basic project objectives. Meeting the State-mandated RHNA is the primary objective of the proposed project. Based upon these considerations, this alternative was rejected from further consideration and no further analysis is required.

17.4 Alternatives Considered

The following alternatives to the project were considered:

1. Alternative 1 No Project (Residential Development Consistent with Existing General Plan and Zoning);
2. Alternative 2 6th Cycle Housing Element Limited to RHNA of 725 Residential Units (No Buffer Alternative); and
3. Alternative 3 20 Percent Buffer Alternative.

Each of these alternatives is described below, followed by an analysis of how each alternative may reduce impacts associated with the proposed project.

Alternative 1 No Project (Residential Development Consistent with Existing General Plan and Zoning)

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

Alternative Description

Under the No Project Alternative, no changes to the General Plan or Municipal Code would occur. No changes would be made to either the Housing Element, Land Use Element, Safety Element, or Municipal Code in order meet the requirements of State law. Since adoption of the 2015 Housing Element, the Town has been issued a RHNA target of 725 units by the ABAG and is required by State law to address its housing needs in an updated Housing Element. The Housing Element

Update and Safety Element Update goals, policies, and programs, as well as the Land Use Element and Title 18 (Zoning Code) would not be updated to address the Town's housing needs under this alternative. The 11 housing opportunity sites would retain their zoning designations and the Land Use Element would not be amended to increase the density. The Safety Element would not be updated to incorporate emergency access route information as required by various state laws that have passed since 2010.

The No Project Alternative would result in the continuation of existing conditions and planned development of Corte Madera. As noted in Section 3.0, Environmental Setting (see Table 3-2), existing land use designations and existing zoning would allow up to 300 residential units (or 378 units if a senior housing project were permitted for sites 1-5, 7, 8, 10, and 11) at the housing opportunity sites. The No Project Alternative, therefore, represents a decrease of either 584 or 561 units, or an approximately 65 percentage decrease, from the proposed project. No new significant environmental impacts, or an increased severity of environmental impacts above and beyond those impacts identified in the general plan EIR, would occur under this alternative because it would retain the current general plan land use designations and policy provisions addressing environmental impacts.

Alternative's Attainment of Project Objectives

This alternative only partially meets the project objectives, as it would allow for up to 322 residential units though at a density and quantity that would not provide for adequate housing stock to accommodate the Town's growing housing needs for a range of income levels. The no project alternative would not meet the housing unit goals established by the Town's RHNA for the 6th cycle as required by state law. In addition, this alternative would not provide a reasonable residential unit "buffer" of 20 percent above the Town's RHNA minimum target of 725 resulting in a total of 870 residential units. The No Project Alternative is not legally feasible and State law requires the Town to plan for a minimum number of housing units (725).

No Project (Residential Development Consistent with Existing General Plan and Zoning) Alternative Impacts Comparison

This analysis identifies potential impacts associated with this alternative and compares it with the significant, but mitigable impacts of the proposed project. The environmental effects of this alternative as compared to the proposed project are summarized by topic area below.

Visual Resources & Aesthetics

The "no project alternative" would not increase the height allowed by current zoning regulations. Redevelopment of the housing opportunity sites would likely be greater in height than existing development of the sites, but would not be higher than allowed by the current zoning regulations. While redevelopment of the sites under the no project alternative would result in a visual impact, the

impact would be less than significant, as the height and design would be in conformance with existing height regulations. Therefore, this alternative would result in reduced visual impacts than the proposed project.

Air Quality

The “no project alternative” would result in an approximate 65 percent reduction in air quality impacts as redevelopment at the housing opportunity sites would occur only at the size and scale anticipated by the existing general plan and zoning.

Biological Resources

The “no project alternative” would result in redevelopment of the housing opportunity sites and could result in similar impacts to the disturbance of special-status plant and wildlife species and native habitat, protected wetlands, and removal of regulated trees on the housing opportunities sites. Therefore, this alternative would result in similar impacts to biological resources.

Energy

The “no project alternative” would result in an approximate 65 percent reduction in energy impacts as construction and operation of new development at the housing opportunity sites would occur only at the size and scale anticipated by the existing general plan and zoning. Therefore, this alternative would result in fewer energy impacts than would the proposed project.

Greenhouse Gas Emissions

The “no project alternative” would result in an approximate 65 percent reduction in greenhouse gas emissions impacts as demolition of existing development and construction and operation of new development at the housing opportunity sites would occur only at the size and scale anticipated by the existing general plan and zoning. Therefore, this alternative would result in fewer greenhouse gas emissions impacts than would the proposed project.

Noise

The “no project alternative” would result in an approximate 65 percent reduction in vehicular noise as redevelopment of the housing opportunity sites would occur only at the size and scale anticipated by the existing general plan and zoning. Therefore, this alternative would result in fewer vehicular noise impacts than would the proposed project.

Public Services

The “no project alternative” would result in an approximate 65 percent reduction in environmental impacts associated with the provision of public services as redevelopment of the housing opportunity sites would occur only at the size and scale anticipated by the existing general plan and zoning. Therefore, this alternative would result in fewer environmental impacts associated with public services facilities than would the proposed project.

Utilities

The “no project alternative” would result in an approximate 65 percent reduction in environmental impacts associated with the provision of public utilities as redevelopment of the housing opportunity sites would occur only at the size and scale anticipated by the existing general plan and zoning. Therefore, this alternative would result in fewer environmental impacts associated with utilities than the proposed project.

Tribal Cultural Resources

The “no project alternative” would result in redevelopment of the housing opportunity sites and could result in similar impacts to the potential disturbance of tribal cultural resources that may be accidentally discovered during construction activities. Therefore, this alternative would result in similar impacts to tribal cultural resources.

Transportation

The “no project alternative” would result in an approximate 65 percent reduction in vehicle miles traveled as redevelopment of the housing opportunity sites would occur only at the size and scale anticipated by the existing general plan and zoning. Therefore, this alternative would result in fewer vehicle miles traveled than the proposed project.

Wildfire

The “no project alternative” would result in redevelopment of the housing opportunity sites and could result in similar impacts associated with wildfire hazards. Therefore, this alternative would result in similar impacts to wildfire hazards.

Alternative 2 6th Cycle Housing Element Limited to RHNA of 725 Residential Units (No Buffer Alternative)

Alternative Description

Alternative 2, Residential Buildout Limited to Town’s ABAG RHNA target (No Buffer Alternative), would result in the Town planning for a residential buildout equal to the Town’s Regional Housing Needs Allocation (RHNA) target of 725 residential units (instead of the 883 units proposed) as provided by the Association of Bay Area Governments (ABAG) in December 2021 in its *Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031*. This alternative would alter the density permitted for each of the 11 housing opportunity sites so that 610 residential units would be permitted in addition to 115 units (ADUs & single-family homes) that are currently permitted by Town regulations and state law (totaling 725 residential units). This alternative would provide 158 fewer residential units (an 18 percent reduction) compared to the proposed project. This alternative assumes that the reduction of 158 units would be spread across the 11 housing opportunity sites and possibly necessitate some modifications to the proposed general plan land use, zoning, and other municipal code amendments to adjust the density requirements for each site to accommodate less residential units.

Alternative's Attainment of Project Objectives

This alternative only partially meets the project objectives. The alternative would allow for adequate housing stock to accommodate the Town's growing housing needs for a range of income levels while still meeting the housing unit goals established by the Town's RHNA. However, this alternative would not meet the project objective which sets a "buffer" of 20 percent above the RHNA target of 725 residential units. This alternative would also not meet the State's "No Net Loss Law" (Government Code Section 65863) which ensures development opportunities remain available throughout the planning period (i.e., the 6th housing cycle) to accommodate a jurisdiction's RHNA, especially for lower- and moderate- income households. Under the "No Net Loss Law," a jurisdiction must maintain adequate sites to accommodate its remaining unmet RHNA by each income category at all times through the entire planning period. In addition, the jurisdiction may not take any action to reduce a parcel's residential density unless it makes findings that the remaining sites identified in its Housing Element sites inventory can accommodate the jurisdiction's remaining unmet RHNA by each income category, or if it identifies additional sites so that there is no net loss of residential unit capacity. If a jurisdiction approves a development of a parcel identified in its Housing Element sites inventory with fewer units than shown in the Housing Element, it must either make findings that the Housing Element's remaining sites have sufficient capacity to accommodate the remaining unmet RHNA by each income level, or identify and make available sufficient sites to accommodate the remaining unmet RHNA for each income category. A jurisdiction may not disapprove a housing project on the basis that approval of the development would trigger the identification or zoning of additional adequate sites to accommodate the remaining RHNA (HCD 2019).

No Buffer Alternative Impacts Comparison

This analysis identifies potential impacts associated with this alternative and compares it with the significant, mitigable impacts of the proposed project. The environmental effects of this alternative as compared to the proposed project are summarized by topic area below.

Visual Resources & Aesthetics

The No Buffer Alternative would result in an 18 percent decrease in residential units compared to the proposed project. Although an increase in maximum building height would still be necessary, the proposed new maximum height could be reduced somewhat. The proposed project's significant but mitigatable visual impacts would be further reduced. Therefore, this alternative's visual and aesthetic impact would be somewhat less than the proposed project and would be less than significant with mitigation.

Air Quality

The No Buffer Alternative would result in an 18 percent reduction in air quality impacts compared to the proposed project. Therefore, this alternative would result in fewer air quality impacts compared to the proposed project.

Biological Resources

The No Buffer Alternative would result in redevelopment of the housing opportunity sites and could result in similar impacts to the disturbance of special-status plant and wildlife species and native habitat, protected wetlands, and removal of regulated trees on the housing opportunities sites. Therefore, this alternative would result in similar impacts to biological resources.

Energy

The No Buffer Alternative would result in an 18 percent reduction in energy impacts. Therefore, this alternative would result in fewer energy impacts compare to the proposed project.

Greenhouse Gas Emissions

The No Buffer Alternative would result in an 18 percent reduction in greenhouse gas emissions impacts. Therefore, this alternative would result in fewer greenhouse gas emissions impacts compared to the proposed project.

Noise

The No Buffer Alternative would result in an 18 percent reduction in transportation noise impacts. The significant but mitigatable noise impacts as a result of the proposed project would be further reduced. Therefore, this alternative would result in somewhat fewer vehicular noise impacts compared to the proposed project.

Public Services

The No Buffer Alternative would result in an 18 percent reduction in environmental impacts associated with the provision of public services. The significant but mitigatable impact associated with recreational facilities as a result of the proposed project would be further reduced. Therefore, this alternative would result in somewhat fewer environmental impacts associated with public services facilities compared to the proposed project.

Utilities

The No Buffer Alternative would result in an 18 percent reduction in environmental impacts associated with the provision of utilities. The significant but mitigatable impacts associated with water supply and wastewater as a result of the proposed project would be further reduced. Therefore, this alternative would result in somewhat fewer environmental impacts associated with public services facilities compared to the proposed project.

Tribal Cultural Resources

The No Buffer Alternative would result in redevelopment of the housing opportunity sites and could result in similar impacts to the potential disturbance of tribal cultural resources that may be accidentally discovered during construction activities. Therefore, this alternative would result in similar impacts to tribal cultural resources.

Transportation

The No Buffer Alternative would result in 18 percent reduction in transportation (VMT) impacts as compared to the proposed project. The significant but mitigatable VMT impact as a result of the proposed project would be further reduced. Therefore, this alternative would result in fewer vehicle miles traveled compared to the proposed project.

Wildfire

The No Buffer Alternative would result in redevelopment of the housing opportunity sites and could result in similar impacts associated with wildfire hazards. Therefore, this alternative would result in similar impacts to wildfire hazards.

Alternative 3 20 Percent Buffer Alternative

Alternative Description

Alternative 3, 20 Percent Buffer Alternative, proposes a reduction in the total residential unit of 883, as included in the proposed project to match the 20 percent residential buffer total of 870 (discussed above in Alternative 2 and in Section 4.0, Project Description, under “Housing Element Update Objectives”) thus representing a reduction of 13 residential units or approximately 1.5 percent. However, instead of reducing the density permitted at each of the housing opportunity sites, this alternative would reduce one or more sites to reduce the number of residential units by 13.

Alternative’s Attainment of Project Objectives

This alternative meets all project objectives as it would allow the Town to provide adequate housing stock to accommodate Corte Madera’s housing needs for a range of income levels, including low and moderate-income households; meet the housing unit goals as set by the Town’s Regional Housing Needs Allocation (RHNA); and provides a reasonable residential unit “buffer” of 20 percent above the RHNA minimum target of 725 resulting in a total of 870 residential units.

20 Percent Buffer Alternative Impacts Comparison

This analysis identifies potential impacts associated with this alternative and compares it with the significant, but mitigable impacts of the proposed project. The environmental effects of this alternative as compared to the proposed project are summarized by topic area below.

Visual Resources & Aesthetics

The 20 Percent Buffer Alternative would result in a 1.5 percent decrease in residential units compared to the proposed project. Although an increase in maximum building height would still be necessary across the remaining sites, potential height increases at the one site eliminated from the opportunity site list would be governed by existing zoning requirements, which are generally lower than proposed height increases associated with the Housing Element Update. However, the significant but mitigatable visual impacts as a result of the proposed project would be somewhat reduced. Therefore, this alternative's visual and aesthetic impact would be somewhat less than the proposed project and remain less than significant with mitigation.

Air Quality

The 20 Percent Buffer Alternative would result in a 1.5 percent reduction in air quality impacts compared to the proposed project. Therefore, the significant but mitigatable air quality impacts as a result of the proposed project would be further reduced and this alternative would result in slightly fewer air quality impacts compared to the proposed project.

Biological Resources

The 20 Percent Buffer Alternative would result in redevelopment of the housing opportunity sites minus one site (though that site may be redeveloped in the future) and could result in similar impacts to the disturbance of special-status plant and wildlife species and native habitat, protected wetlands, and removal of regulated trees on the housing opportunities sites. Therefore, this alternative would result in similar impacts to biological resources.

Energy

The 20 Percent Buffer Alternative would result in a 1.5 percent reduction in energy impacts. Therefore, this alternative would result in slightly fewer energy impacts compared to the proposed project.

Greenhouse Gas Emissions

The 20 Percent Buffer Alternative would result in a 1.5 percent reduction in greenhouse gas emissions impacts. Therefore, this alternative would result in slightly fewer greenhouse gas emissions impacts compared to the proposed project.

Noise

The 20 Percent Buffer Alternative would result in a 1.5 percent reduction in transportation noise impacts. Therefore, this alternative would result in somewhat fewer vehicular noise impacts compared to the proposed project.

Public Services

The 20 Percent Buffer Alternative would result in a 1.5 percent reduction in environmental impacts associated with the provision of public services. The significant but mitigatable impact associated with recreational facilities as a result of the proposed project would be further reduced. Therefore, this alternative would result in somewhat fewer environmental impacts associated with public services facilities compared to the proposed project.

Utilities

The 20 Percent Buffer Alternative would result in a 1.5 percent reduction in environmental impacts associated with the provision of utilities. The significant but mitigatable impacts associated with water supply and wastewater as a result of the proposed project would be further reduced. Therefore, this alternative would result in somewhat fewer environmental impacts associated with public services facilities compared to the proposed project.

Tribal Cultural Resources

The 20 Percent Buffer Alternative would result in redevelopment of the housing opportunity sites minus one site (though that one site may be redeveloped in the future) and could result in similar impacts to the potential disturbance of tribal cultural resources that may be accidentally discovered during construction activities. Therefore, this alternative would result in similar impacts to tribal cultural resources.

Transportation

The No Buffer Alternative would result in a 1.5 percent reduction in transportation (VMT) impacts as compared to the proposed project. Therefore, this alternative would result in slightly fewer vehicle miles traveled compared to the proposed project.

Wildfire

The No Buffer Alternative would result in redevelopment of the housing opportunity sites and could result in similar impacts associated with wildfire hazards. Therefore, this alternative would result in similar impacts to wildfire hazards.

17.5 Comparison of Alternatives

The alternatives are summarized and compared in a matrix format in [Table 17-1, Comparison of Project Alternatives to the Proposed Project](#).

Table 17-1 Comparison of Project Alternatives to the Proposed Project

Environmental Impact	Proposed Project Level of Impact	Alternative #1 No Project (Residential Development Consistent with Existing General Plan and Zoning)	Alternative #2 6th Cycle Housing Element Limited to RHNA of 725 Residential Units (No Buffer Alternative)	Alternative #3 20 Percent Buffer Alternative
Visual Resources & Aesthetics				
Impact 5-1. The Proposed Project Would Have an Effect on Scenic Resources	LTSM	LTS Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project
Impact 5-2. Height Increases Associated with Proposed Zoning at the Housing Opportunity Sites Would Substantially Alter the Allowed Height, Which Could Affect Scenic Quality	LTSM	LTS Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project
Impact 5-3. The Proposed Project Would Introduce New Sources of Light and Glare at Housing Opportunity Sites	LTSM	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project
Air Quality				
Impact 6-1. The Proposed Project may be Inconsistent with the 2017 Clean Air Plan	LTSM	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project
Impact 6-2. Increase in Operational Criteria Air Pollutant Emissions Resulting from an Increase in Vehicle Miles Traveled Will Degrade Air Quality	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Impact 6-3. Adverse Effects to Sensitive Receptors from Toxic Air Contaminants During Operations	LTSM	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project
Biological Resources				
Impact 7-1. Loss of Special-Status Plant Species or Their Habitats	LTSM	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project
Impact 7-2. Loss of Special-Status Wildlife Species or Their Habitats	LTSM	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project

Environmental Impact	Proposed Project Level of Impact	Alternative #1 No Project (Residential Development Consistent with Existing General Plan and Zoning)	Alternative #2 6th Cycle Housing Element Limited to RHNA of 725 Residential Units (No Buffer Alternative)	Alternative #3 20 Percent Buffer Alternative
Impact 7-3. Disturbance or Fill of Protected Wetlands and Sensitive Natural Communities	LTSM	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project
Impact 7-4. Disturbance or Removal of Protected Trees	LTSM	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project
Impact 7-5. Interference with Movement of Wildlife Species or with Established Wildlife Corridors	LTSM	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project
Energy				
Impact 8-1. Unnecessary, Wasteful, or Inefficient Use of Energy Resources	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Greenhouse Gas Emissions				
Impact 9-1. Generate Greenhouse Gas Emissions	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Noise				
Impact 10-1. Traffic Would Result in an Increase in Ambient Noise Levels	LTSM	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project
Impact 10-2. Increases in Noise Associated with Stationary (or non-Transportation) Noise Sources Located Near Sensitive Noise Receptors	LTSM	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project
Impact 10-3. Construction Activities Would Result in a Temporary Noise Increase	LTSM	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project
Public Services				
Impact 11-1. Increased Demand for Fire Protection and Emergency Medical Services Could Result in Adverse Physical Impacts	LTSM	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project

Environmental Impact	Proposed Project Level of Impact	Alternative #1 No Project (Residential Development Consistent with Existing General Plan and Zoning)	Alternative #2 6th Cycle Housing Element Limited to RHNA of 725 Residential Units (No Buffer Alternative)	Alternative #3 20 Percent Buffer Alternative
Impact 11-2. Increased Demand for Recreation Opportunities Could Result in Adverse Physical Impacts on Parks and Recreational Facilities	LTSM	LTS Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project
Utilities				
Impact 12-1. Increase Demand for Water of Approximately 273,000 Gallons per Day and may Require Construction of New or Expanded Water Facilities	LTSM	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project
Impact 12-2. Increase Wastewater Generation and Require Relocation or Construction of New or Expanded Wastewater Facilities	LTSM	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project
Impact 12-4. New Development May Require Relocation or Construction of New or Expanded Electric, Gas, and Telecommunication Facilities	LTS	LTS Less than Proposed Project	LTS Less than Proposed Project	LTS Less than Proposed Project
Tribal Cultural Resources				
Impact 13-1. Development of One or More of the Housing Opportunity Sites Could Result in a Significant Adverse Effect on a Tribal Cultural Resource	LTSM	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project	LTSM Similar to Proposed Project
Transportation				
Impact 14-1. Generate Home-Based VMT per Resident that is Greater than 85 Percent of the Regional Average Home-Based VMT per Resident	LTSM	LTSM Less than Proposed Project	LTSM Less than Proposed Project	LTSM Less than Proposed Project
Wildfire				

Environmental Impact	Proposed Project Level of Impact	Alternative #1 No Project (Residential Development Consistent with Existing General Plan and Zoning)	Alternative #2 6th Cycle Housing Element Limited to RHNA of 725 Residential Units (No Buffer Alternative)	Alternative #3 20 Percent Buffer Alternative
Impact 15-1. Due to Slope, Prevailing Winds, and Other Factors Exacerbate Wildfire Risks, and Thereby Expose Project Occupants to Pollutant Concentrations from a Wildfire or the Uncontrolled Spread of a Wildfire	LTS	LTS Similar to Proposed Project	LTS Similar to Proposed Project	LTS Similar to Proposed Project
Impact 15-2. Expose People or Structures to Risks, including Downslope or Downstream Flooding or Landslides, as a Result of Runoff, Post-Fire Slope Instability, or Drainage Changes	LTS	LTS Similar to Proposed Project	LTS Similar to Proposed Project	LTS Similar to Proposed Project
Impact 15-3. Expose People or Structures to Significant Risks Associated with Wildland Fires	LTS	LTS Similar to Proposed Project	LTS Similar to Proposed Project	LTS Similar to Proposed Project
Project Objectives	Met	Partially Met	Partially Met	Met

SOURCE: EMC Planning Group 2022

NOTE: LTS – Less Than Significant; LTSM – Less-Than-Significant with Mitigation; SU – Significant and Unavoidable

17.6 Environmentally Superior Alternative

The no project alternative is the environmentally superior alternative. It would significantly reduce the proposed project’s environmental impacts associated with visual resources and aesthetics, air quality, energy, greenhouse gas emissions, noise, public services, utilities, and transportation.

However, the “no project” alternative only partially meets the Town’s objectives, as it meets only 27 percent of the Town’s RHNA.

CEQA Guidelines section 15126.6(e)(2) states that if the environmentally superior alternative is the “no project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Alternative 2, the 6th Cycle Housing Element Limited to RHNA of 725 Residential Units (No Buffer Alternative), is considered to be the next environmentally superior alternative. This alternative would result in reduced impacts associated with visual resources and

aesthetics, air quality, energy, greenhouse gas emissions, noise, public services, utilities, and transportation. However, this alternative only partially meets the project objectives and would result in a decrease of 158 residential units (an 18 percent reduction). Additionally, Alternative 3 would also only just meet the Town's RHNA without providing a buffer of at least 15 percent as recommended by HCD.

Alternative 3, the 20 Percent Buffer Alternative, is considered the least environmentally superior alternative. Under Alternative 3, many of the project's environmental impacts would only be somewhat reduced including those impacts associated with visual resources and aesthetics, air quality, energy, greenhouse gas emissions, noise, public services, utilities, and transportation. However, these impacts would not be reduced to the degree that Alternative 2 would reduce impacts given the scale of potential development being reduced (18 percent for Alternative 2 compared to 1.5 percent for Alternative 3). Alternative 3 does, however, meet all of the project's objectives and Alternative 3 would result in a minimal decrease in residential units (13 units or 1.5 percent).

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18.0 Long-Term Implications of the Project

18.1 Growth Inducing Impacts

CEQA Requirements

CEQA Guidelines section 15126.2(d) requires an EIR to include a discussion of the growth-inducing impacts of a project. Growth inducement refers to the likelihood that the proposed project will foster growth in the surrounding area, either directly or indirectly. Growth inducement can be the direct result of development proposals, or indirect, such as through the provision of services infrastructure or removal of growth barriers. The most common factor in fostering growth is the removal of obstacles to population or economic growth. Potential growth-inducing impacts must be discussed in relation to both the potential impacts on existing community service facilities (police or fire stations, utility infrastructure, etc.) and the way a project may encourage and facilitate other activities that could significantly affect the environment. It must not be assumed that growth in any area is necessarily beneficial, detrimental or of little significance to the environment.

Housing Element Update Effects

A project can have direct and/or indirect growth-inducement potential. Direct growth inducement could result if a project involved construction of new housing. A project can have indirect growth-inducement potential if it would establish substantial new permanent employment opportunities (e.g., commercial, industrial or governmental enterprises) or if it would involve a substantial construction effort with substantial short-term employment opportunities and indirectly stimulate the need for additional housing and services to support the new employment demand. Similarly, under CEQA, a project would indirectly induce growth if it would remove an obstacle to additional growth and development, such as removing a constraint on a required public service. Increases in population could tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. The CEQA Guidelines also require analysis of the characteristics of projects that may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

The following discussion is based on an analysis of the proposed project's impacts in regards to growth inducing conditions.

Population and Housing Growth

The proposed project does not propose the construction of new housing or other development; rather it provides capacity for future development consistent with State Housing Element Law. Implementation of the project would not induce direct population and housing growth in Corte Madera because the project is intended to accommodate housing development, in order to meet existing and projected housing needs as established through the Regional Housing Needs Assessment (RHNA) process.

The California Department of Finance is responsible for developing the total statewide housing demand projection. With the state Department of Housing and Community Development, this demand is apportioned to each of the state's regions. The Association of Bay Area Governments (ABAG) is the regional planning organization responsible for developing and adopting regional population and housing growth forecasts for nine Bay Area counties, including Marin County. The 6th Cycle for the Bay Area region covers an eight-year period from 2023 to 2031. The Town's RHNA allocation for the 6th Cycle Housing Element Update is a total of 725 units of total new construction, allocated by income level categories as detailed in the Section 4.0, Project Description Table 4-1.

State law requires the Town to plan for housing opportunities to meet its fair share of the regional housing needs distribution made by ABAG. The growth in potential residential units identified in the project would allow the Town to address its regional fair-share housing obligations. Thus, adoption of the Housing Element Update would not directly induce population growth; rather it provides a means to meet existing and projected future housing needs in the community. All future development at housing opportunity sites would be located in areas that are already served by infrastructure and would be reviewed by the appropriate service or utility provider in conjunction with their application to ensure adequate services and utilities are available. Therefore, the project would not directly or indirectly induce substantial unplanned population growth.

Removal of Impediment to Growth

The proposed project does not propose the construction or expansion of new housing into unserved areas, services, or other infrastructure development; rather it provides for future development consistent with State Housing Element Law. A vast majority of the potential future residential units and mixed uses would occur as infill development and redevelopment within urbanized areas already served by essential roads, utilities, and public services. The project includes an evaluation of potential future rezones needed to accommodate higher density development, which would allow for an increase in housing units at certain sites. Additionally, some housing developments that meet specified affordability criteria would be allowed to develop with a ministerial process, which could support growth and is intended to remove obstacles to developing housing, especially affordable housing. Therefore, the project supports removal of impediments to growth consistent with the Housing Element and particularly for development that incorporates an affordable housing component.

Foster Economic or Employment Growth

As noted in Section 4.0, Project Description (under “Employment Projections”), the existing commercial businesses at the 11 housing opportunity sites are estimated to employ approximately 639 people. The proposed project’s assumed likely commercial square footage of 264,697 square feet is projected to generate approximately 529 employees (ABAG 2011). However, redevelopment of the housing opportunity sites would result in a decrease of 54,728 square feet of commercial and therefore, an overall decrease of about 110 employees. Therefore, the project would not be considered growth inducing in regards to significant economic or employment growth for the Town. Furthermore, the project does not propose or provide direct development rights to new major retail, commercial or employment centers that would encourage substantial economic or employment growth.

18.2 Significant Irreversible Environmental Effects

CEQA Requirements

CEQA Guidelines section 15126.2(d) requires a discussion of significant and irreversible changes that would be caused by the project if implemented. The use of non-renewable resources during the initial and continued phases of the project may be irreversible, since a large commitment of such resources makes removal or nonuse in the future unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement that provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with implementation of some development projects. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

Housing Element Update Effects

Resources that would be permanently and continually consumed by implementation of the proposed project include water, electricity, natural gas, and fossil fuels; however, the amount and rate of consumption of these resources would not result in significant environmental impacts or the unnecessary, inefficient, or wasteful use of resources. Construction activities related to the various development projects that could result from implementation of the proposed project, though analyzed in the applicable sections of this SEIR, would result in the irretrievable commitment of nonrenewable energy resources, primarily in the form of fossil fuels, natural gas, and gasoline for automobiles and construction equipment. With respect to the operational activities associated with the proposed project’s implementation, compliance with all applicable building codes, as well as SEIR mitigation measures, would ensure that all natural resources are conserved to the maximum extent practicable. It is also possible that new technologies or systems would emerge, or would become more cost-effective or user-friendly, and would further reduce reliance upon nonrenewable energy resources.

The CEQA Guidelines also require a discussion of the potential for irreversible environmental damage caused by an accident associated with proposed projects. During the construction phase of the various development projects that could result from implementation of the proposed project, construction equipment and materials would include fuels, oils and lubricants, solvents and cleaners, cements and adhesives, paints and thinners, degreasers, cement and concrete, and asphalt mixtures, which are all commonly used in construction. Once constructed, the completed structures would use and store small quantities of chemicals typical in residences, such as household cleaning solutions, paints and thinners, and motor fuel (e.g., motor vehicles and lawn mowers). As stated in Section 4.3, Human Health/Risk of Upset, of the 2009 general plan EIR, these materials are regulated through a series of federal, state, and local laws and regulations. Compliance with these existing requirements would ensure that the potential to cause significant irreversible environmental damage from an accident or upset of hazardous materials would be less than significant.

18.3 Significant and Unavoidable Impacts

CEQA Requirements

A significant adverse unavoidable environmental impact is a significant adverse impact that cannot be reduced to a less than significant level through the implementation of mitigation measures. In some cases, adequate mitigation for a significant unavoidable impact cannot be assured because implementation of that mitigation is outside the jurisdiction of the lead agency. CEQA Guidelines section 15093 requires that a lead agency make findings of overriding considerations for unavoidable significant adverse environmental impacts before approving a project.

CEQA Guidelines section 15093(a) requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.” CEQA Guidelines section 15093(b) states that when the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

Summary of Significant and Unavoidable Impacts

The environmental analysis contained in this draft subsequent EIR has concluded that the proposed project would result in no significant and unavoidable impacts.

19.0 Sources and Report Preparers

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