

**MITIGATED NEGATIVE DECLARATION**  
Marin County Environmental Review

Pursuant to Section 21000 et. seq. of the Public Resources Code and Marin County Environmental Impact Review Guidelines and Procedures, a Negative Declaration is hereby granted for the following project.

1. Project Name: O'Donnell Financial Group, LLC. Master Plan Amendment and Design Review
2. Location: 150 Shoreline Highway, Mill Valley, Assessor's Parcel No. 052-371-03
3. Project Summary:

The applicant requests Master Plan Amendment and Design Review approval to construct a two-story, mixed-use building consisting of 10 studio apartment units and 11 studio extended-stay hotel rooms on a vacant lot in Mill Valley.

4. Project Sponsor: O'Donnell Financial Group, LLC.
5. Finding:

Based on the attached Initial Study and without a public hearing, it is my judgment that:

- ☐ The project will not have a significant effect on the environment.
- ☒ The significant effects of the project noted in the Initial Study attached have been mitigated by modifications to the project so that the potential adverse effects are reduced to a point where no significant effects would occur.

*Rachel Reid*

Rachel Reid  
Environmental Planning Manager

Date: January 8, 2021

Based on the attached Initial Study, a Mitigated Negative Declaration is granted.

\_\_\_\_\_  
President  
Board of Supervisors

Date: \_\_\_\_\_

1. Mitigation Measures:

- ☐ No potential adverse impacts were identified; and therefore, no mitigation measures are required.
- ☒ Please refer to the mitigation measure in the attached Initial Study.
- ☐ The potential adverse impacts have been found to be mitigable as noted under the following factors in the Initial Study attached.

All of the mitigation measures for the impacts listed above have been incorporated into the project and are required as conditions of approval.

2. Preparation:

This Mitigated Negative Declaration was prepared by Doug Herring, Environmental Consultant on behalf of the Marin County Community Development Agency - Planning Division. The initial study may be accessed and reviewed online at: <https://www.marincounty.org/depts/cd/divisions/environmental-review>

A hard copy of the Mitigated Negative Declaration and initial study is also on file at the address listed below.

Marin County Community Development Agency  
Planning Division  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903  
(415) 473-6269

COUNTY OF MARIN, CALIFORNIA

# **O'Donnell Financial Group Master Plan Amendment and Design Review**

MITIGATED NEGATIVE DECLARATION

JANUARY 2021



**MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY  
PLANNING DIVISION**

**INITIAL STUDY  
150 SHORELINE HIGHWAY, MILL VALLEY**

**I. BACKGROUND**

- A. Project Sponsor's Name and Address:** **O'Donnell Financial Group LLC**  
1101 5<sup>th</sup> Avenue, Suite 150  
San Rafael, CA 94901-2903
- B. Lead Agency Name and Address:** **Marin County Community Development Agency Planning Division,**  
3501 Civic Center Dr., Suite 308  
San Rafael, CA 94903
- C. Agency Contact:** **Immanuel Bereket, Senior Planner**  
(415) 473-2755  
[lbereket@marincounty.org](mailto:lbereket@marincounty.org)

**II. PROJECT DESCRIPTION**

- A. Project Title:** **O'Donnell Financial Group Master Plan Amendment and Design Review**  
(Project ID P2662)
- B. Type of Application(s):** **Master Plan Amendment, Design Review**
- C. Project Location:** **150 Shoreline Highway**  
Assessor's Parcel No. 052-371-03
- D. General Plan Designation:** GC—General Commercial/Mixed Use
- E. Zoning:** CP-Planned Commercial
- F. Description of Project:**

***ENVIRONMENTAL SETTING***

The 0.59-acre (25,557-square-foot) project site is an undeveloped parcel in the Richardson Bay Planning Area of Marin County, in the unincorporated

area between the cities of Mill Valley and Sausalito (see Figure 1, Project Location). The property is located approximately 700 feet west of the intersection of U.S. Highway 101 and State Highway 1 (Shoreline Highway), near the western shoreline of Richardson Bay.

As shown on Figure 2, the site is 485 feet southeast of Coyote Creek, 580 feet southwest of Richardson Bay, and 150 feet northwest of a small drainage channel subject to tidal influence, shown on Figure 3-a. A Caltrans Corporation Yard, shown on Figure 3-b, is located on the opposite side of this drainage channel. The level project site is low-lying, with an elevation of approximately 9 feet above mean sea level (MSL); it is located within a 100-year flood zone as mapped by the Federal Emergency Management Agency (FEMA).

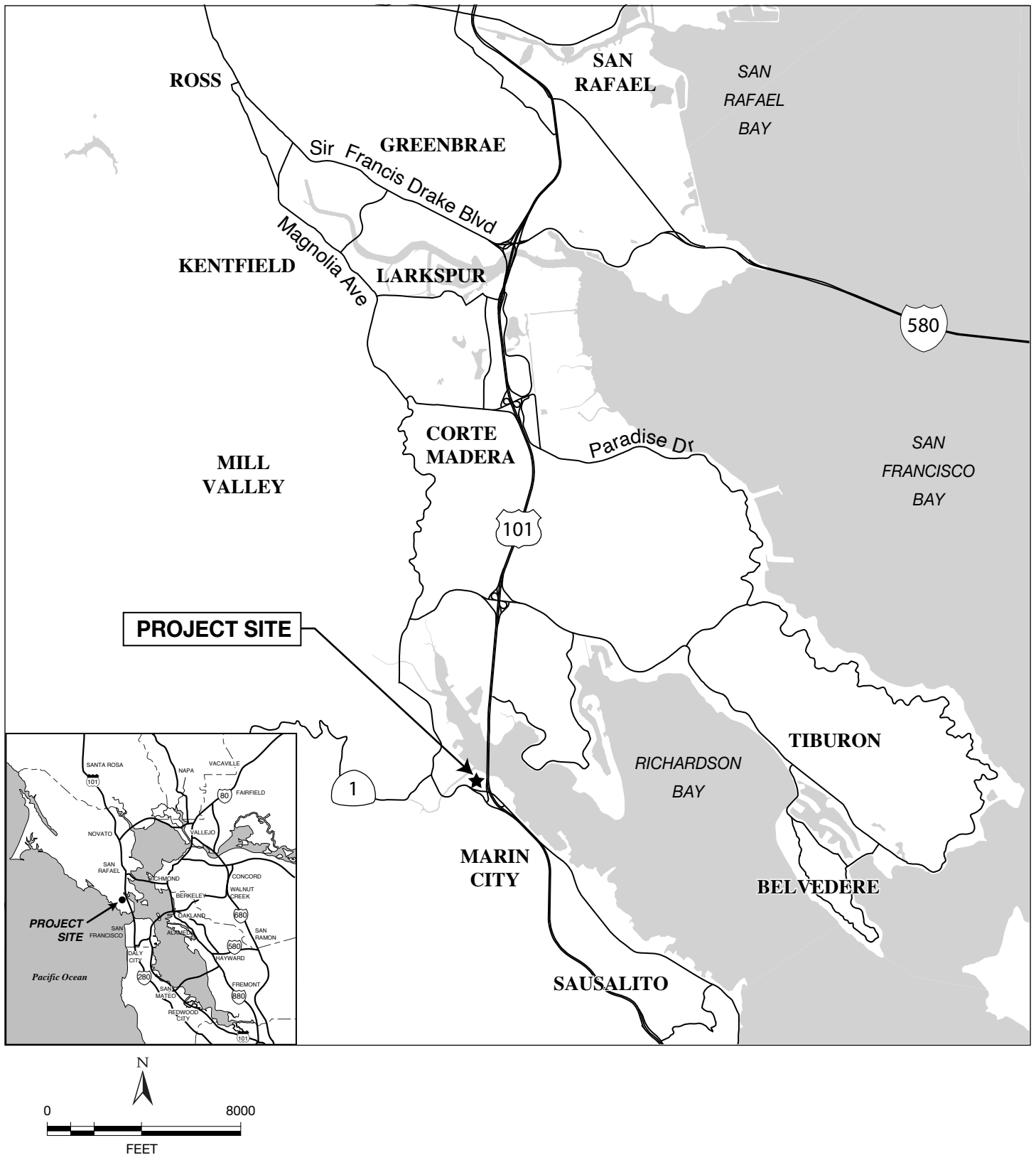
The roughly rectangular project site has a surface of hard-packed dirt and gravel and is enclosed by low cyclone fencing. It is devoid of trees or landscaping. The site is currently used for storage of construction equipment and material, including several storage containers, as shown on Figure 4-a. Access to the site is via a single driveway on Shoreline Highway that is shared by an adjacent motel and all of the other development surrounding the site (see Figure 4-b).

The site is situated in a small area of mixed-use development, and is abutted on the northwest by a Holiday Inn Express and on the northeast and southeast by five small, two-story buildings housing offices and commercial businesses (see Figure 5-a). The 50-unit Fireside affordable housing development and the Muir Woods Lodge are on the opposite side of Shoreline Highway, shown on Figure 5-b. The Manzanita Park & Ride Lot is located about 380 feet southeast of the project site, adjacent to the U.S. 101 overpass (see Figure 4-b). The private Commodore Center Heliport is located just to the east of the Park & Ride Lot, on the margins of Richardson Bay. As shown on Figure 2, tidal marshland extends to the north of the project site, north of Coyote Creek. An undeveloped forested slope extends to the south of the site, beyond the Fireside apartments and motel lining the south side of Shoreline Highway. Further uphill to the south are residential neighborhoods in the unincorporated Marin City community.

The subject parcel is within the boundaries of the Howard Johnson's Master Plan (and Amendments) approved in 1969 and 1973 for the hotel, commercial, and office properties north of Shoreline Highway. The Master Plan designates the subject property for use as a gasoline service station; there was previously a gas station on the site that was removed in 1994.

### ***PROPOSED PROJECT***

The applicant requests Master Plan Amendment and Design Review approval to construct a new two-story, 10,887-square-foot mixed-use development on the 25,557-square-foot property. The State Density Bonus



**Figure 1**

**Project Site Location**

Source: Douglas Herring & Associates



**Figure 2**

**Aerial Overview of Site and Surroundings**

Source: Douglas Herring & Associates; Google Earth



a) Drainage channel located about 150 feet southeast of the project site.



b) Caltrans corporation yard located about 200 feet southeast of the project site.

## Figure 3

### Existing Adjacent Conditions

Source: Douglas Herring & Associates



a) Existing conditions on the project site.



b) Motel and restaurant located adjacent (northwest) to the project site, viewed from the driveway shared between these uses and the project site.

## Figure 4

### Existing Site Conditions

Source: Douglas Herring & Associates



a) One of the two-story office buildings abutting the project site.



b) The Fireside affordable housing development located across Shoreline Highway from the project site.

## Figure 5

### Neighboring Land Uses

Source: Douglas Herring & Associates

would be utilized to increase density and result in a floor area ratio of 0.426. The proposed building would provide eleven extended-stay hotel suites and ten rental apartment units, including two below-market-rate (BMR) units of affordable rental housing. The proposed site plan/first-floor plan is shown on Figure 6 and the second floor plan is shown on Figure 7. An architectural rendering of the proposed building is shown on Figure 8.

The proposed building would be constructed on a raised 3-foot-high concrete plinth base that would protect the building from flooding during the 100-year storm event. The majority of the cement plaster-clad building would have a flat roof topped by a parapet that would obscure an array of photovoltaic solar panels. The building height to the top of the parapet would be 25 feet 2 inches. The front entrance and resident lounge would feature a projecting bay topped by a hipped roof, creating a low tower effect. This building element would have a height of 30 feet above surrounding grade, the maximum building height. A flat-topped roof projection over the rear entrance to the building would add additional articulation to the massing. Both this element and the hipped roof at the front entrance would be covered with a standing-seam painted metal roof system. The flat roof on the majority of the building would have a sealed-membrane non-reflective surface. Horizontal awning roofs would extend over the front porch and rear entrance. The rear awning would be metal, while the front porch awning would be covered by translucent fiberglass panels.

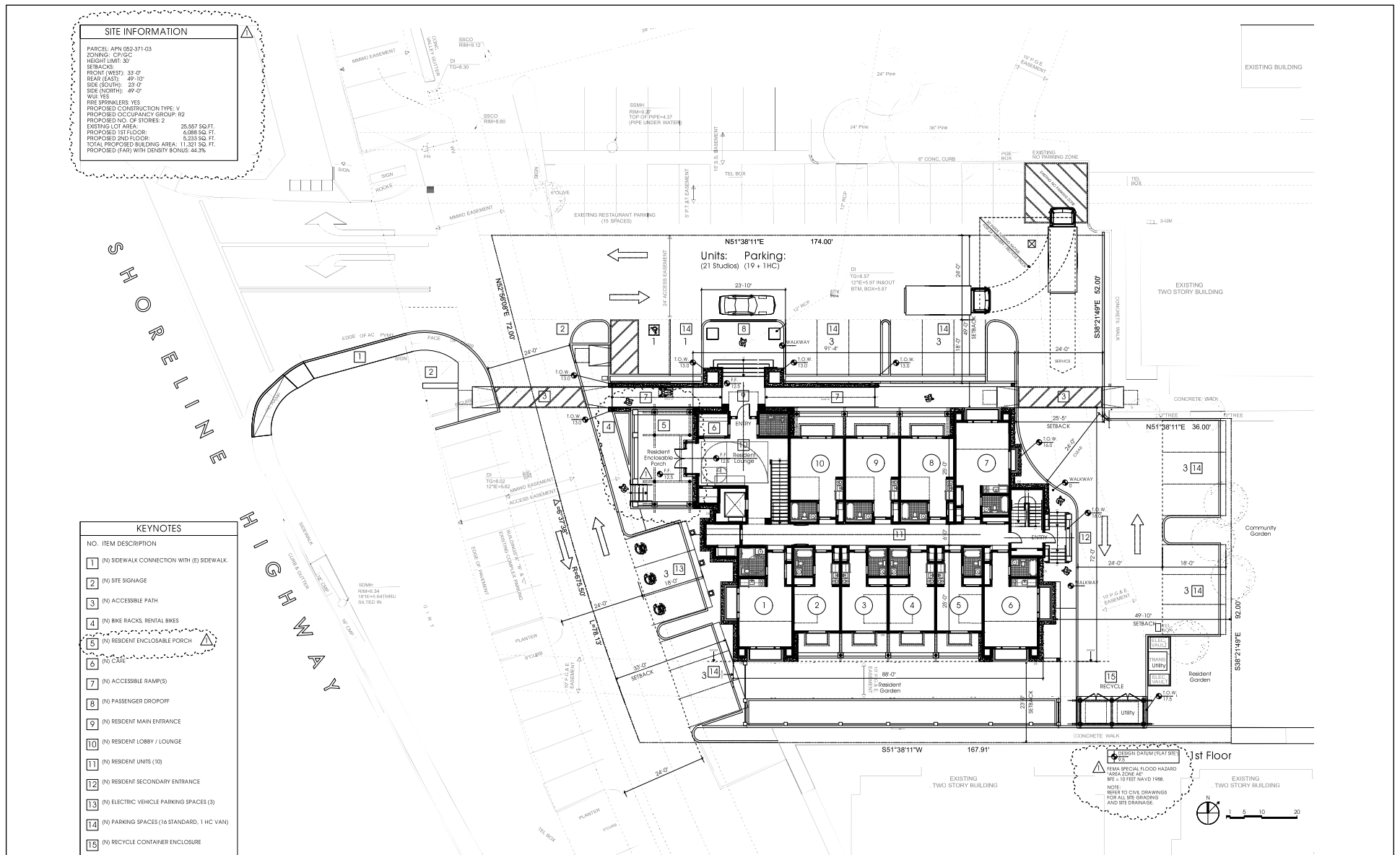
The rental apartments, encompassing 6,088 square feet, would all be studio apartments located on the ground floor. They would be accessed from an interior hallway connecting to the resident lounge at the front entrance and to the rear entrance. Each unit would have a private patio enclosed by a low wall and topped on the north elevation by a horizontal awning roof. On the south elevation, second-floor balconies would provide partial roofs over the patios below.

The hotel rooms would occupy 5,491 square feet of the proposed building. The extended-stay hotel suites would be located on the second floor, directly above the rental apartments and in a similar configuration, with the 11<sup>th</sup> suite being located above the ground-floor resident lounge. Each unit would have a small private balcony enclosed by painted metal posts, handrails, and frames. The metal balconies would be complemented by metal framed and mullioned windows throughout the building.

An enclosable ground-floor front porch at the northwest corner would be accessed from the resident lounge or from exterior concrete steps on the west side of the building.<sup>1</sup> This porch and lounge area would include an

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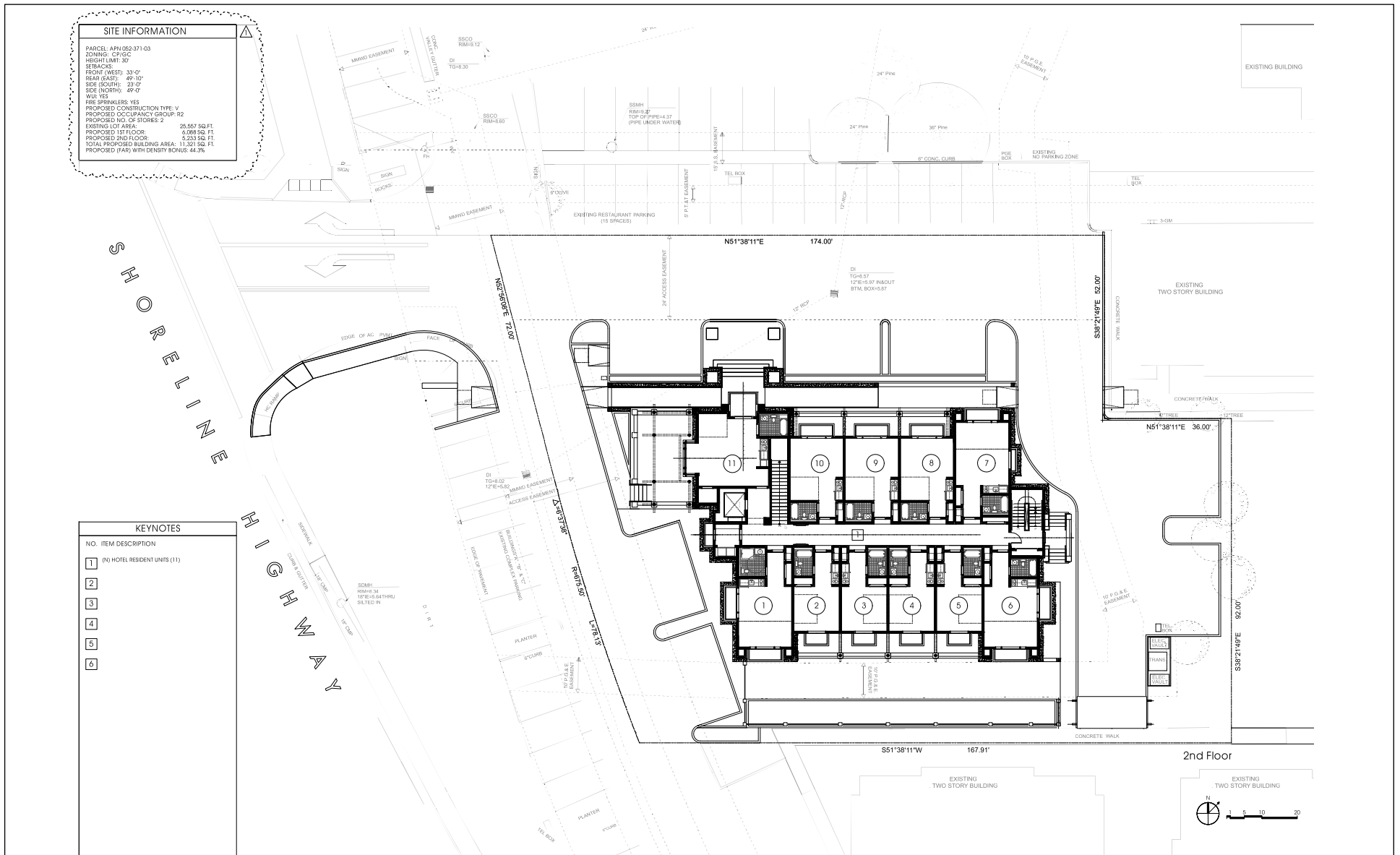
<sup>1</sup> Although the site is aligned on a northeast/southwest axis, for ease of reference, the directional references in this discussion are simplified to north, south, east, and west, and reflect the convention followed on the project plans. Thus, the north elevation of the building is actually a northwest elevation, and all other directional references are adjusted accordingly.



**Figure 6**

## Proposed Site Plan and First Floor Plan

Source: Temenos Architects, 2020



**Figure 7**

## Second Floor Plan

Source: Temenos Architects, 2020



**Figure 8**

Architectural Rendering of the Project

Source: Temenos Architects, 2020

indoor/outdoor café and juice bar that will be open to the public as well as residents and hotel guests. A bicycle parking area would be located at the base of the front porch. Rental bikes would be available here for use by residents, hotel guests, and the public.

An accessible concrete path would extend around the perimeter of the building and would provide access to a resident garden in the southeast corner of the site. Vehicle parking consisting of 16 standard spaces, three electric vehicle spaces, and one handicap van-accessible space would be located on the north and east sides of the site. The parking area on the east side of the site would be surfaced with permeable pavers. There would be a passenger drop-off zone in front of the north-facing main entrance.

The exterior walls of the proposed building would have the following setbacks: 33 feet from the west front property line; 23 feet from the south side property line; 49 feet from the north side property line; and 49 feet 10 inches from the east rear property line.

The conceptual landscape plan is shown on Figure 9. Landscaping would be placed around the proposed building and at the site entrance at Shoreline Highway. A layered landscaping system consisting of trees, vines, and hedges is proposed to screen the building from the adjacent street and parking. Proposed trees would include mayten (*Maytenus boaria*), Italian stone pine (*Pinus pinea*), and Australian tree fern (*Dicksonia antarctica*). Proposed plants would include coffee berry (*Rhamnus californica*), parrots beak (*Lotus maculatus* 'Gold Flash'), creeping fig (*Ficus pumila*), and emerald carpet (*Arctostaphylos* 'Emerald Carpet'). The landscaping would be integrated into an on-site stormwater treatment system consisting of bio-swales and a vegetated bio-retention basin. This treatment system would capture and treat all stormwater runoff from the site's impervious surfaces, including rooftops.

### **Project Construction**

Project construction is expected to take 12 to 14 months to complete, including initial site grading and preparation. There would be up to four workers on site during site preparation, grading, and installation of utilities; these phases would take an estimated 11 weeks to complete. There would be up to 12 workers on site during the initial stages of building construction, which would last for approximately 28 weeks. During the rest of the construction period, it is expected that there would be four workers on the site on any given work day. Anticipated construction equipment for the project would include bulldozers, compactors, motor graders, scrapers, backhoe, paver, water truck, and material haul trucks.

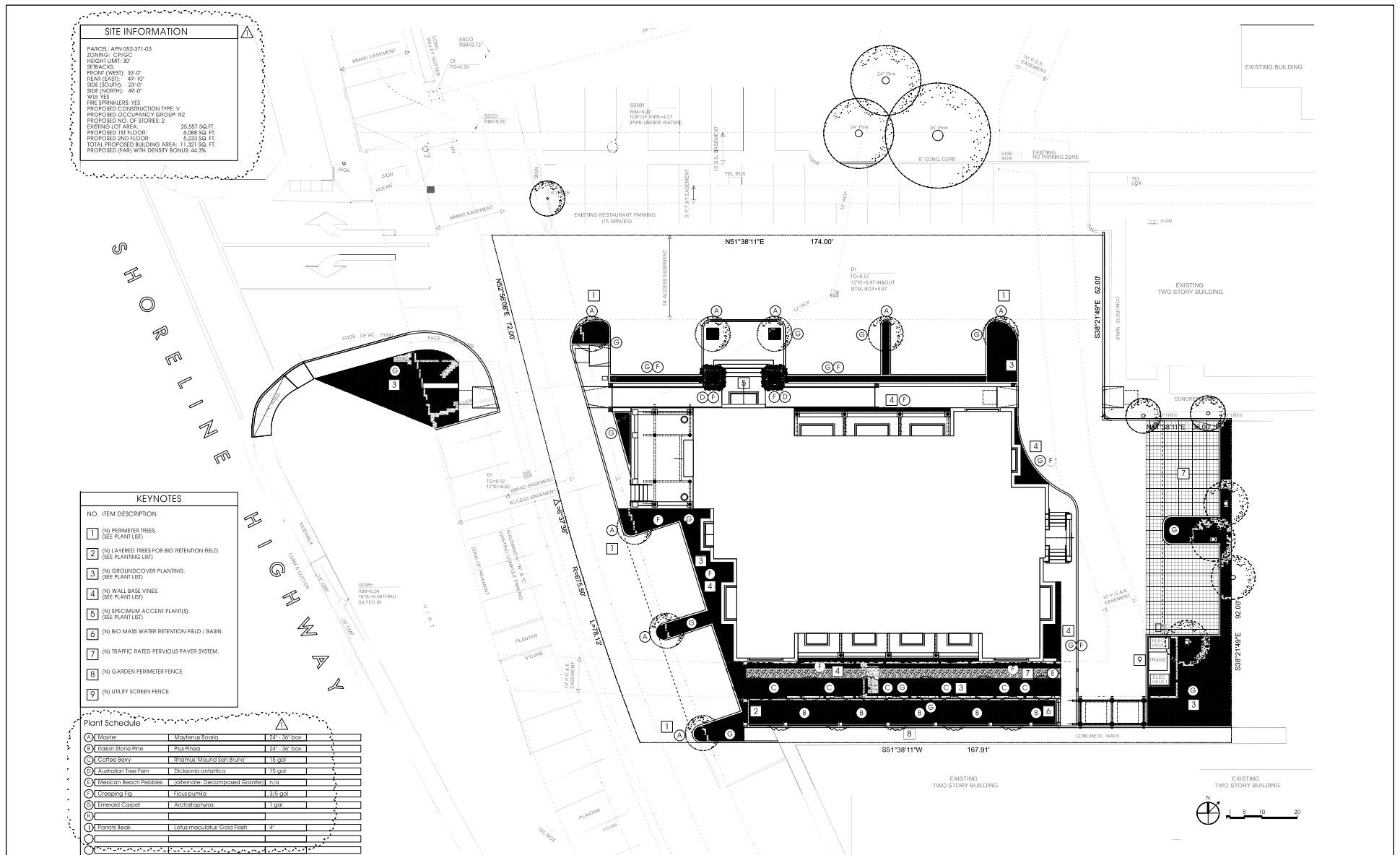


Figure 9

## Conceptual Landscape Plan

Source: Temenos Architects, 2020

During project construction, the site would be enclosed by construction fencing and all staging and contractor parking would occur on site, although some parking spaces on the adjoining properties may be leased from the property owners for additional parking of construction workers' vehicles. All parking and through traffic for existing tenants in the surrounding parcels would be maintained throughout construction. A Disturbance Coordinator, whose name and phone number would be clearly posted on a sign at the construction site, would be designated to respond to complaints about noise or other construction disturbance. While construction hours would be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturdays, noise-generating activities would be restricted to 8:00 a.m. to 5:00 p.m. Monday through Friday only, pursuant to County Code Section 6.70.030(5).

A construction traffic control plan, subject to approval by the Marin County Public Works Department, would be prepared and implemented throughout the construction period. It would schedule delivery of materials and arrival of construction workers to avoid the AM and PM peak hours, encourage workers to carpool, and consolidate materials deliveries to the extent feasible. Other possible components of the construction traffic control plan could include stationing flag persons at intersections along truck routes and shuttling construction workers to the site from a contract parking location in the Mill Valley business district.

A roadway evaluation of pavements on Shoreline Highway and neighboring streets would be performed by the Public Works Department prior to and at the conclusion of project construction. If pavement deterioration due to construction vehicles is identified, the project sponsor would be responsible for making repairs.

### **Required Approvals**

A Master Plan Amendment requiring approval by the Board of Supervisors is required for the proposed project because the project site is covered under an existing Master Plan that would be amended. Design Review is required because the project site is located in a Planned District. Grading, excavation, and hauling permits would be required from the Public Works Department for site development and a building permit would be required from the Building Department for building construction.

### **III. CIRCULATION AND REVIEW**

This Initial Study/Mitigated Negative Declaration is being circulated for a 30-day review and comment period pursuant to State CEQA Guidelines Section 15073. It is being circulated to all agencies that have jurisdiction over the subject property or the natural resources affected by the project and to consultants, community groups, and interested parties to attest to the completeness and adequacy of the information contained in the Initial Study

as it relates to the concerns which are germane to the agency's or organization's jurisdictional authority or to the interested parties' issues.

Marin County Agencies:

- Marin County Department of Public Works (DPW)
- Marin County Fire Department

Trustee and Responsible Agencies:

- San Francisco Bay Conservation and Development Commission
- California Department of Fish and Wildlife
- California Regional Water Quality Control Board

#### **IV. EVALUATION OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

Pursuant to Section 15063 of the State CEQA Guidelines, and the County EIR Guidelines, Marin County will prepare an Initial Study for all projects not categorically exempt from the requirements of CEQA. The Initial Study evaluation is a preliminary analysis of a project which provides the County with information to use as the basis for deciding whether to prepare an Environmental Impact Report (EIR) or Negative Declaration. The points enumerated below describe the primary procedural steps undertaken by the County in completing an Initial Study checklist evaluation and, in particular, the manner in which significant environmental effects of the project are made and recorded.

- A.** The determination of significant environmental effect is to be based on substantial evidence contained in the administrative record and the County's environmental data base consisting of factual information regarding environmental resources and environmental goals and policies relevant to Marin County. As a procedural device for reducing the size of the Initial Study document, relevant information sources cited and discussed in topical sections of the checklist evaluation are incorporated by reference into the checklist (e.g. general plans, zoning ordinances). Each of these information sources has been assigned a number which is shown in parenthesis following each topical question and which corresponds to a number on the data base source list provided herein as Attachment 1. See the sample question below. Other sources used or individuals contacted may also be cited in the discussion of topical issues where appropriate.
- B.** In general, a Negative Declaration shall be prepared for a project subject to CEQA when either the Initial Study demonstrates that there is no substantial evidence that the project may have one or more significant effects on the environment. A Negative Declaration shall also be

prepared if the Initial Study identifies potentially significant effects, but revisions to the project made by or agreed to by the applicant prior to release of the Negative Declaration for public review would avoid or reduce such effects to a level of less than significance, and there is no substantial evidence before the Lead County Department that the project as revised will have a significant effect on the environment. A signature block is provided in Section VII of this Initial Study to verify that the project sponsor has agreed to incorporate mitigation measures into the project in conformance with this requirement.

- C.** All answers to the topical questions must take into account the whole of the action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. Significant unavoidable cumulative impacts shall be identified in Section V of this Initial Study (Mandatory Findings of Significance).
- D.** A brief explanation shall be given for all answers except "Not Applicable" answers that are adequately supported by the information sources the Lead County Department cites in the parenthesis following each question. A "Not Applicable" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "Not Applicable" answer shall be discussed where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- E.** "Less Than Significant Impact" is appropriate if an effect is found to be less than significant based on the project as proposed and without the incorporation of mitigation measures recommended in the Initial Study.
- F.** "Potentially Significant Unless Mitigated" applies where the incorporation of recommended mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The Lead County Department must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section IV, "Earlier Analyses", may be cross-referenced).
- G.** "Significant Impact" is appropriate if an effect is significant or potentially significant, or if the Lead County Department lacks information to make a finding that the effect is less than significant. If there are one or more effects which have been determined to be significant and unavoidable, an EIR shall be required for the project.

- H.** The answers in this checklist have also considered the current State California Environmental Quality Act Guidelines and Appendix G contained in those Guidelines.

## Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “potentially significant impact” as indicated by the checklist on the following pages.

- |   |   |
|---|---|
| <input type="checkbox"/> Aesthetics                         | <input type="checkbox"/> Agriculture and Forestry Resources   |
| <input type="checkbox"/> Air Quality                        | <input type="checkbox"/> Biological Resources                 |
| <input checked="" type="checkbox"/> Cultural Resources      | <input type="checkbox"/> Energy                               |
| <input type="checkbox"/> Geology and Soils                  | <input type="checkbox"/> Greenhouse Gas Emissions             |
| <input type="checkbox"/> Hazards and Hazardous Materials    | <input type="checkbox"/> Hydrology and Water Quality          |
| <input type="checkbox"/> Land Use and Planning              | <input type="checkbox"/> Mineral Resources                    |
| <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population and Housing               |
| <input type="checkbox"/> Public Services                    | <input type="checkbox"/> Recreation                           |
| <input type="checkbox"/> Transportation                     | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities and Service Systems      | <input type="checkbox"/> Wildfire                             |
| <input type="checkbox"/> Mandatory Findings of Significance |   |

# Environmental Impact Checklist

## 1 Aesthetics

<i>Except as provided in Public Resources Code Section 21099, would the project:</i>		Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### a) Have a substantial adverse effect on a scenic vista?

There are no scenic vistas available from the project site, and no scenic vistas available from nearby properties that would be affected by development of the project. Views available from the site frontages include the commercial properties surrounding the site, the nearby U.S. 101 freeway overpass, a tree-covered hillside south of Shoreline Highway with large motel and apartment buildings at its base, and a developed residential hillside to the west. From the front of the site, the upper portions of Mount Tamalpais are just visible in the west over the top of the roofs of the adjacent Holiday Inn. However, this scenic mountain is barely visible from the project site, and it comprises such a tiny portion of the overall viewshed from this location, that it is not considered a scenic vista. Furthermore, development of the proposed project would have no effect on this view, limited though it is. The proposed project would have ***no impact*** on a scenic vista.

### b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Although the project site is not located within or adjacent to a State-designated scenic highway, Highway 1 (Shoreline Highway) from Marin City to Mendocino is designated by the California Department of Transportation (Caltrans) as

Eligible for inclusion in the State Scenic Highway Program.<sup>2</sup> However, while many sections of Highway 1 are highly scenic, the portion that passes by the project site would not be considered scenic by any reasonable measure. Furthermore, there are no scenic resources such as trees, rock outcroppings, or historic buildings present on the project site. Therefore, the proposed project would have *no impact* on scenic resources within a scenic highway.

**c) Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

The existing visual character of the dirt-surfaced project site is quite low by any reasonable standard. The site is currently strewn with materials, pipes, boxes, equipment, storage drums, trucks, storage containers, and other miscellaneous items. There are no trees on the site, no landscaping, and no natural resources that might improve the aesthetics of the site. The visual clutter is partially mitigated by a low cyclone construction fence surrounding the site that is faced with mesh fabric providing partial screening of the site's interior as viewed from nearby public vantage points.

Implementation of the proposed project would result in a substantial improvement to the visual character of the site. The clutter of equipment and material described above would be replaced by an attractively designed building with articulated massing. The building would be screened by the generous placement of trees, vines, and hedges around the sides of the building. The proposed architecture would be consistent and compatible with the architecture of the existing surrounding development. Consequently, implementation of the project would not substantially degrade the existing visual quality of the site or its surroundings, and there would be *no impact*.

**d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

Although a detailed lighting plan was not available at the time of this environmental review, it is presumed that the exterior lighting of the project would be consistent with typical security and courtesy lighting found at motels and multi-family apartment buildings elsewhere in the County. The project would require Design Review approval, which would require the applicant to demonstrate, pursuant to Section 22.42.060 of the County Code, that the project would not result in light pollution and glare. Additionally, the project would be

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<sup>2</sup> California Department of Transportation, Scenic Highways, List of Eligible and Officially Designated State Scenic Highways, August 2019, accessed June 22, 2020 at: <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>.

required to comply with County Code Section 24.04.410, which mandates the use of shielded lighting fixtures so as not to produce obtrusive glare on the public right-of-way or adjoining properties. The luminaries must meet the most recently adopted criteria of the Illuminating Society of North America (IESNA) for “full cut-off luminaries.” Compliance with these existing requirements would ensure that the project would not create a new source of substantial light or glare. This would be a *less-than-significant impact*.

## 2 Agriculture and Forestry Resources

<i>Would the project:</i>	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

The project site is designated “Urban and Built-Up Land” on the map of important farmland in Marin County prepared pursuant to the Farmland Mapping and Monitoring Program (FMMP) by the Department of Conservation (DOC), a department of the California Resources Agency.<sup>3</sup> As implied by the designation, Urban and Built-Up Land is not one of the categories of important farmland mapped by the FMMP. Therefore, implementation of the project would have *no impact* on valuable farmland.

<sup>3</sup> California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program, “Marin County Important Farmland 2016” (map), April 2018.

**b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

The project site is not zoned for agricultural use, and there is no Williamson Act contract applicable to the property.<sup>4</sup> There would be *no impact* due to a conflict with agricultural zoning.

**c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

Neither the project site nor any of the surrounding lands are zoned as forest land.<sup>5</sup> The proposed project would therefore have *no impact* on forest or timber land.

**d) Result in the loss of forest land or conversion of forest land to non-forest use?**

Public Resources Code Section 12220(g) defines forest land as land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. There is no forest land on the project site as defined in Public Resources Code Section 12220(g). Therefore, implementation of the project would have *no impact* on forest land.

**e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

As discussed above, the project site does not contain farmland or forest land, and implementation of the proposed project would therefore have *no impact* on the potential to convert such lands to other uses.

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<sup>4</sup> County of Marin, Community Development Agency, Zoning and Property Information, Accessed June 22, 2020 at: <https://gis.marinpublic.com/lookup/zonegpllookup/>.

<sup>5</sup> *Ibid.*

### 3 Air Quality

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.

<i>Would the project:</i>	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**a) Conflict with or obstruct implementation of the applicable air quality plan?**

The Bay Area Air Quality Management District (BAAQMD) adopted the current *Bay Area Clean Air Plan* (CAP) on April 19, 2017 in accordance with the requirements of the California Clean Air Act (CCAA) to implement all feasible measures to reduce ozone; provide a control strategy to reduce ozone, particulate matter, air toxics, and greenhouse gas (GHG) emissions in a single, integrated plan; and establish emission control measures to be adopted or implemented over the next three to five years.<sup>6</sup> The two closely-related primary goals of the 2017 Bay Area CAP are to protect public health and protect the climate. The plan lays the groundwork for a long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050.

The 2017 Clean Air Plan/Regional Climate Protection Strategy (CAP/RCPS) provides a roadmap for BAAQMD's efforts over the next few years to reduce air pollution and protect public health and the global climate. The CAP/RCPS includes the Bay Area's first-ever comprehensive RCPS, which identifies potential rules, control measures, and strategies that the BAAQMD can pursue to reduce GHG in the Bay Area. Measures of the 2017 CAP addressing the transportation sector are in direct support of *Plan Bay Area 2040*, which was prepared by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) and includes the region's

<sup>6</sup> Bay Area Air Quality Management District, *Final 2017 Clean Air Plan*, adopted April 19, 2017.

Sustainable Communities Strategy and the 2040 Regional Transportation Plan.<sup>7</sup>  
The 2017 Clean Air Plan control strategy is based on four key priorities:

- Reduce emissions of criteria air pollutants and toxic air contaminants from all key sources.
- Reduce emissions of “super-GHGs” such as methane, black carbon, and fluorinated gases.
- Decrease demand for fossil fuels (gasoline, diesel, and natural gas).
  - ☐ Increase efficiency of our industrial processes, energy, and transportation systems.
  - ☐ Reduce demand for vehicle travel, and high-carbon goods and services.
- Decarbonize our energy system.
  - ☐ Make the electricity supply carbon-free.
  - ☐ Electrify the transportation and building sectors.

Targeting three major sectors, the control strategy includes the following key elements:

***Stationary Sources:***

- Decrease emissions of GHGs and criteria air pollutants through a region-wide strategy to reduce combustion and improve combustion efficiency at industrial facilities, beginning with the three largest sources of emissions: oil refineries, power plants, and cements plants.
- Reduce methane emissions from landfills, and from oil and natural gas production and distribution.
- Reduce emissions of toxic air contaminants by adopting more stringent thresholds and methods for evaluating toxic risks at existing and new facilities.

***Transportation:***

- Reduce motor vehicle travel by promoting transit, bicycling, walking, and ridesharing.
- Implement pricing measures to reduce travel demand.
- Direct new development to areas that are well served by transit, and conducive to bicycling and walking.
- Accelerate the widespread adoption of electric vehicles.

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<sup>7</sup> Metropolitan Transportation Commission and Association of Bay Area Governments, *Plan Bay Area 2040*, adopted July 26, 2017, amended March 2018.

- Promote the use of clean fuels and low- or zero-carbon technologies in trucks and heavy-duty equipment.

***Buildings and Energy:***

- Expand the production of low-carbon, renewable energy by promoting on-site technologies such as rooftop solar, wind, and ground-source heat pumps.
- Support the expansion of community choice energy programs throughout the Bay Area.
- Promote energy and water efficiency in both new and existing buildings.
- Promote the switch from natural gas to electricity for space and water heating in Bay Area buildings.

When a public agency contemplates approving a project where an air quality plan consistency determination is required, BAAQMD recommends that the agency analyze the project with respect to the three questions listed below. If the first two questions are concluded in the affirmative and the third question is concluded in the negative, the BAAQMD considers the project consistent with air quality plans prepared for the Bay Area.

*1) Does the project support the primary goals of the air quality plan?*

Any project that would not support the 2017 CAP goals would not be considered consistent with the 2017 CAP. The recommended measure for determining project support of these goals is consistency with BAAQMD CEQA thresholds of significance. As discussed further in the subsequent sections, the proposed project would not exceed the BAAQMD significance thresholds; therefore, the proposed project would support the primary goals of the 2017 CAP.

*2) Does the project include applicable control measures from the air quality plan?*

The 2017 CAP includes 85 control measures to support the control strategy set forth in the plan. The control measures are grouped by the following sectors:

- Stationary Sources
- Transportation
- Energy
- Buildings
- Agriculture
- Natural and Working Lands
- Waste Management

- Water
- Super-GHG Pollutants

All of the CAP control measures were reviewed to identify any that could be adopted by the proposed project. None of the CAP control measures are directly applicable to the project, so none of them have been included as a component of the project.

*3) Does the project disrupt or hinder implementation of any 2017 CAP control measures?*

The project would not disrupt or hinder implementation of any 2017 CAP control measures.

Based on these answers, the proposed project would be consistent with the 2017 CAP. Therefore, the project would not conflict with or obstruct implementation of the applicable air quality plan. There would be *no impact*.

**b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.**

Air quality standards for the San Francisco Bay Area are set by the Bay Area Air Quality Management District (BAAQMD). They are based on the National Ambient Air Quality Standards (NAAQS) established by the U.S. Environmental Protection Agency (USEPA) pursuant to the federal Clean Air Act (CAA), as well as the more stringent California Ambient Air Quality Standards (CAAQS) set by the California Air Resources Board (CARB).

BAAQMD's *CEQA Air Quality Guidelines* establish thresholds of significance for construction emissions of 54 pounds per day (lb./day) for reactive organic gases (ROG), fine particulate matter equal to or less than 2.5 microns (PM<sub>2.5</sub>), and nitrogen oxides (NO<sub>x</sub>), and 82 lb./day for respirable particulate matter equal to or less than 10 microns (PM<sub>10</sub>). The same thresholds apply to operational emissions. The construction particulate matter (PM) thresholds apply to exhaust emissions only, not ground disturbance; emissions from grading and other site disturbance, for which there is no adopted threshold of significance, are addressed through best management practices.

BAAQMD has developed both construction-related and operational screening criteria that provide lead agencies a conservative indication of whether a proposed project could potentially result in an exceedance of any of the thresholds of significance listed above. Because they were developed with very conservative assumptions, a project that falls below the screening criteria can be assumed to have no potential to exceed the adopted air quality thresholds of significance. For

such projects, BAAQMD has determined that a quantified analysis of the project's potential emissions of criteria air pollutants and precursors is not necessary. The construction and operational screening criteria are discussed separately below.

As noted in BAAQMD's *CEQA Air Quality Guidelines*, air pollution is, by its very nature, largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. The BAAQMD *CEQA Air Quality Guidelines* recommend that cumulative air quality effects from criteria air pollutants be addressed by comparison to the project-level daily and annual emission thresholds. These significance thresholds were developed to identify a cumulatively considerable contribution to a significant regional air quality impact. According to the Air Quality Guidelines, if a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant. The Air Quality Guidelines state that a project's emissions would be cumulatively considerable if they would exceed the significance thresholds identified above. Conversely, if a project is determined to have less-than-significant project-level emissions, then it would also have a less-than-significant cumulative air quality impact.

### ***Construction Impacts***

Construction operations for any sizeable project have the potential to result in short-term but significant adverse air quality impacts. The BAAQMD recommends implementation of its Basic Construction Mitigation Measures by all projects subject to environmental review under CEQA.

The BAAQMD *CEQA Air Quality Guidelines* contain screening criteria for construction of a variety of land use development projects. Projects that fall below these thresholds are considered by BAAQMD to have less-than-significant construction-phase air pollutant emissions, provided the following additional conditions are met:

- All Basic Construction Mitigation Measures would be included in the project design and implemented during construction; and
- Construction-related activities would not include any of the following:
  - a. Demolition activities inconsistent with District Regulation 11, Rule 2: Asbestos Demolition, Renovation and Manufacturing;
  - b. Simultaneous occurrence of more than two construction phases (e.g., paving and building construction would occur simultaneously);

- c. Simultaneous construction of more than one land use type (e.g., project would develop residential and commercial uses on the same site) (not applicable to high-density infill development);
- d. Extensive site preparation (i.e., greater than default assumptions used by the Urban Land Use Emissions Model [URBEMIS] for grading, cut/fill, or earth movement); or
- e. Extensive material transport (e.g., greater than 10,000 cubic yards of soil import/export) requiring a considerable amount of haul truck activity.

Project construction would not include any of these exclusionary activities. The BAAQMD construction screening threshold for low- and mid-rise apartment buildings is 240 dwelling units, while the screening threshold for a motel use is 554 rooms. The BAAQMD Guidelines state that for projects that are mixed-use, infill, and/or proximate to transit service and local services, emissions would be less than the greenfield type of project that the screening criteria are based on. All three of these conditions apply to the proposed project, which would be an infill mixed-use project in close proximity to a major transit hub, the Manzanita Transit Hub. The number of apartment units and motel rooms are a small fraction of their respective screening thresholds.

Therefore, there is no potential for construction of the project to violate air quality standards, and quantified modeling of air emissions would not be warranted. Furthermore, County Code mandates implementation by construction projects of construction dust control measures that essentially mirror the requirements of BAAQMD's Basic Construction Mitigation Measures. Section 22.20.040 of the County Code stipulates the following requirements during project construction:

#### **22.20.040 - Outdoor Construction Activities.**

Outdoor construction activities that require Building Permits shall meet the standards enumerated below in addition to any other requirements imposed by Federal, State, or local agencies.

- A. **Construction Signs.** Post a publicly visible sign with the construction supervisor's name, telephone number, and address to contact regarding dust control, noise control, and other complaints about the construction activities. Unless otherwise specified by the conditions of approval for a development project, construction signage shall consist of a single yard sign with a maximum area of six feet and a maximum height of six feet and the sign shall remain on site until the outdoor construction activities are completed.
- B. **Dust Control.** The following dust control measures shall apply to projects involving ground disturbance that are subject to environmental review:

1. All unpaved exposed surfaces (e.g., parking areas, staging areas, soil piles, and graded areas, and unpaved access roads) shall be watered two times a day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to a maximum of 15 miles per hour.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California of Regulations). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified emissions evaluator.

With the required compliance with County Code Section 22.20.040, construction of the project would have a *less-than-significant impact* on air quality.

### ***Operational Impacts***

As noted above, BAAQMD's operational thresholds of significance are the same as the construction thresholds. However, the screening criteria for project operations differ. The operational thresholds are 78 dwelling units for the low-rise apartment category and 87 units for mid-rise apartments. The threshold for motels is 106 rooms. Again, the eleven extended-stay hotel suites and ten rental apartment units proposed by the project would be significantly below BAAQMD's operational screening thresholds for these two land use categories, and there is no potential for the project to exceed BAAQMD operational thresholds of significance. The proposed project's operational emissions from the project would be less than significant and, therefore, the project's emissions would not be cumulatively considerable. Therefore, the project would have a *less-than-significant cumulative impact* on air quality.

**c) Expose sensitive receptors to substantial pollutant concentrations?**

Project impacts related to increased health risk can occur either by introducing a new sensitive receptor, such as a residential use, in proximity to an existing source of toxic air contaminants (TACs) or by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity.

The health effects associated with TACs are quite diverse and generally are assessed locally, rather than regionally. TACs can cause long-term health effects such as cancer, birth defects, neurological damage, asthma, bronchitis or genetic damage; or short-term acute effects such as eye watering, respiratory irritation (a cough), running nose, throat pain, and headaches. For evaluation purposes, TACs are separated into carcinogens and non-carcinogens based on the nature of the physiological effects associated with exposure to the pollutant. Carcinogens are assumed to have no safe threshold below which health impacts would not occur, and cancer risk is expressed as excess cancer cases per one million exposed individuals, typically over a lifetime of exposure. Non-carcinogenic substances differ in that there is generally assumed to be a safe level of exposure below which no negative health impact is believed to occur. These levels are determined on a pollutant-by-pollutant basis. Acute and chronic exposure to non-carcinogens is expressed as a hazard index (HI), which is the ratio of expected exposure level to an acceptable reference exposure level.

Health risk from exposure to air pollutants is evaluated based on the potential for exposure to TACs, including PM<sub>2.5</sub>, which pose the most significant threat to human health. According to BAAQMD, more than 80 percent of the inhalation cancer risk from TACs in the Bay Area is from diesel engine emissions.<sup>8</sup>

The BAAQMD recommends using a 1,000-foot radius around a project site for purposes of identifying community health risk from siting a new sensitive receptor or a new source of TACs. A lead agency should enlarge the radius if an unusually large source or sources of hazardous emissions that might affect a project lies outside the 1,000-foot radius.

The primary source on ongoing emissions of TACs is from mobile emissions along heavily traveled roadways. Freeways and other major roadways are only considered to have a potential cancer risk or chronic health hazard risk if they have a traffic volume of at least 10,000 average annual daily traffic (AADT). Ports, railyards, and truck distribution centers can also be significant sources of PM<sub>2.5</sub> and TACs.

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<sup>8</sup> Bay Area Air Quality Management District (BAAQMD), *California Environmental Quality Act Air Quality Guidelines*, page 5-3, May 2011.

U.S. Highway 101, which is approximately 400 feet to the east of the project site, is considered a significant source of TACs and PM<sub>2.5</sub>. Shoreline Highway (State Highway 1), which runs in an east-west direction immediately to the south of the project site, is also a significant source of TACs and PM<sub>2.5</sub>. These roadways have the following AADT:

Highway 1 at Tamalpais Junction: AADT: 19,400 (2018)

U.S. 1010 at Highway 1: AADT: 133,900 (2018)<sup>9</sup>

BAAQMD previously created a geo-referenced database of highways throughout the San Francisco Bay Area, along with a Highway Screening Analysis Tool and Rail Screening Analysis Tool for estimating cumulative health risks from vehicle traffic on highways and rail lines. These tools are being updated, and the original tools are no longer available for use by the public.<sup>10</sup> Therefore, upon request, the BAAQMD calculated the existing cumulative cancer risk and non-cancer health risk at the proposed project site, based on geographic latitude and longitude coordinates of the approximate center of the site.

The results determined that the estimated average annual concentration of PM<sub>2.5</sub> would be 0.1481 micrograms per cubic meter (µg/m<sup>3</sup>) and the associated non-cancer risk at the proposed apartments would be so close to zero that it was not modeled.<sup>11</sup> The cumulative cancer risk was calculated to be 6.133 cancers per million people. The cancer risk was estimated for the maximally exposed individual (MEI) over a 70-year lifetime exposure starting in 2014 that includes additional sensitivity values for early life exposures, and is based on toxicity values adopted by the California Office of Environmental Health Hazard Assessment (OEHHA) in 2013. It is a worst-case risk estimate that assumes continuous exposure over this 70-year lifespan at the location of highest air concentration of TACs. This is a highly conservative assumption, since most people do not remain at home all day and on average residents change residences every 11 to 12 years. In addition, this assumption assumes that residents are experiencing outdoor concentrations for the entire exposure period, which provides a further overestimate of the exposure.

For cumulative impacts, BAAQMD recommends a threshold of significance of 100 excess cancers per million people and a PM<sub>2.5</sub> average annual concentration of no more than 0.8 µg/m<sup>3</sup>. For chronic non-cancer health impacts, it recommends a significance threshold of a hazard index (HI) of 10. Because the

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<sup>9</sup> California Department of Transportation (Caltrans), Annual Average Daily Traffic (AADT) for ALL Traffic on California Highways [Excel Spreadsheet, 2018], Accessed July 23, 2020 at: <https://dot.ca.gov/programs/traffic-operations/census>.

<sup>10</sup> Areana Flores, Environmental Planner, Bay Area Air Quality Management District, personal communication, July 24, 2020.

<sup>11</sup> Bay Area Air Quality Management District (BAAQMD), Mobile Source Health Risk–YR2014, modeling results by BAAQMD provided July 24, 2020.

cumulative exposure at the project site is estimated to have a cancer risk of 6.133 cancers per million, well below the 100-per-million threshold, and the PM2.5 concentration would also be well below the recommended threshold, the project would have a less-than-significant impact from exposing sensitive receptors to hazardous air pollutants.

The other potential source of TAC exposure is from permitted stationary emissions sources, such as oil refineries, gas stations, dry cleaners, diesel back-up generators, crematories, landfills, wastewater treatment plants, hospitals, and coffee roasters, among many others. BAAQMD has also created a geo-referenced database of permitted stationary emissions sources throughout the San Francisco Bay Area, and has developed the Stationary Source Risk & Hazard Analysis Tool for estimating cumulative health risks from permitted sources.<sup>12</sup> According to this tool, there are no stationary sources of TACs within 1,000 feet of the project site.<sup>13</sup>

Short-term exposure to TACs from construction activity is generally not considered a significant health risk by BAAQMD. The BAAQMD Air Quality Guidelines note that the current models and methodologies for conducting health risk assessments are associated with longer-term exposure periods of 9, 40, and 70 years, which do not correlate well with the temporary and highly variable nature of construction activities. Only when diesel emissions from construction equipment would occur in close proximity to sensitive receptors over a prolonged period of time does the District recommend further evaluation or consultation with the District. Since construction of the project would be short-term, does not encompass a large area, operation of diesel-fueled construction equipment would be quite limited in extent, and there are no existing residential receptors in close proximity to the project site, construction of the proposed project would not expose nearby sensitive receptors to substantial concentrations of pollutants.

Based on all of the foregoing considerations, the project would have a *less-than-significant impact* on human health due to exposure to air pollutants.

**d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?**

Motels and apartment buildings are not typically associated with unpleasant odor emissions, so it is assumed there would be no objectionable odors generated during project operations. However, the exhaust of diesel-fueled equipment

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<sup>12</sup> Bay Area Air Quality Management District (BAAQMD), *Stationary Source Screening Analysis Tool*, updated May 30, 2012.

<sup>13</sup> Bay Area Air Quality Management District (BAAQMD), Permitted Stationary Sources and Risk Hazards [GIS-based database], Accessed July 27, 2020 at: <https://baaqmd.maps.arcgis.com/apps/webappviewer/index.html?id=2387ae674013413f987b1071715daa65>.

exhaust generates odors that many people find objectionable. Construction of the proposed project would therefore generate unpleasant odor emissions during the phases when heavy-duty construction equipment would be operated, such as during site grading and trenching. Workers and guests in the adjacent motel and other surrounding properties could be adversely affected by these odors. However, odors generated by construction equipment are intermittent and short-term sources of odors that are highly subject to atmospheric dispersion and dissipation, especially in areas with higher average wind speeds.

Given the project site's proximity to Richardson Bay and to the mountains extending down the Marin County peninsula, there tends to be light to strong daytime winds throughout much of the year. The average hourly wind speed in adjacent Marin City is over 8 miles per hour (mph) most of the year and even in the calmer months of September through November, the average speed is over 7 mph.<sup>14</sup> These winds or breezes would facilitate atmospheric dispersion and dissipation of construction equipment odors during much of the construction period. Short-term and intermittent construction-related odors are not typically treated as significant impacts under CEQA. Given the amount of dispersion that can be expected at the site, the project would have a *less-than-significant impact* due to the generation of odors during project construction. As noted above, project operations are not expected to generate objectionable odors.

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<sup>14</sup> Weather Spark, Average Weather in Marin City California, United States, Accessed June 23, 2020 at: <https://weatherspark.com/y/529/Average-Weather-in-Marin-City-California-United-States-Year-Round>.

## 4 Biological Resources

<i>Would the project:</i>	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

The project site is devoid of natural habitat that could support special-status plant or wildlife species. While there is habitat to support special-status species within several hundred feet of the project site, as discussed further below, construction and operation of the project would not affect the habitat or the species that depend on or utilize the habitat. There are a few ornamental trees near the rear property line, but they are not expected to be utilized by and special-status species, and

they would be retained. The project would have *no impact* on special-status species.

**b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

Although there is no riparian habitat or other sensitive natural community on or adjacent to the project site, there is a sensitive baylands ecosystem to the north and northwest, within a few hundred feet of the site. The baylands, situated between historic high and low tide elevations, form a complex ecosystem of aquatic and upland habitats, including open water, tidal marshes, mudflats, rocky shoreline, seasonal wetlands, and adjacent uplands. The project site is included in a Baylands Corridor that was established by the County to protect important baylands and large adjacent undeveloped uplands along San Pablo and San Francisco bays and including Richardson Bay, which is located about 1,000 feet to the east of the project site.<sup>15</sup> The Baylands Corridor includes Coyote Creek, which is about 475 feet northwest of the project site.

*Marin Countywide* Plan Policy BIO-5.1 establishes baylands setback requirements for parcels larger than 2 acres in size, and encourages property owners of parcels of 2 acres or smaller to preserve up to 10 feet landward of mean high tide as a species refuge for high water events. The project site is well outside this recommended setback from the nearby baylands.

Although uncontrolled stormwater runoff from the project site during project construction could adversely affect the nearby riparian and tidal marsh habitats by increasing erosion and sedimentation and by adversely affecting water quality through the release of pollutants, the stormwater controls that the project would be required to implement, discussed further in Section 10, would minimize this potential and ensure that project construction would not have a substantial adverse effect on these sensitive habitats or the species dependent on the habitats.

Similarly, once the project is completed and occupied, vehicle activity and parking on the site would deposit pollutants, including oil, grease, and heavy metals, that could adversely affect the nearby sensitive baylands ecosystem. The project would also be required to implement post-construction stormwater controls, described in Section 10, that would provide on-site treatment of the project's stormwater runoff, thereby minimizing the potential to adversely affect the nearby riparian and tidal marsh habitats. Therefore, the project would have a

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<sup>15</sup> Marin County Community Development Agency, *Marin Countywide Plan*, Natural Systems & Agriculture Element, November 6, 2007.

*less-than-significant impact* on riparian habitat and other sensitive natural communities.

**c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

There is tidal marshland to the north and northwest of the project site. A small area is located about 350 feet to the north, while a larger expanse to the northwest comes to within approximately 600 feet of the site. Both the marshland and adjacent tidal waters support special-status plant and/or wildlife species. Some of the special-status bird species that may utilize these habitats include tricolored blackbird (*Agelaius tricolor*), northern harrier (*Circus cyaneus*), saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*), California black rail (*Laterallus jamaicensis coturniculus*), California clapper rail (*Rallus longirostris obsoletus*), and California least tern (*Sterna antillarum brownie*). Potential wildlife species could include salt marsh harvest mouse (*Reithrodontomys raviventris*), green sturgeon (*Acipenser medirostris*), tidewater goby (*Eucyclogorius newberryi*), and southern sea otter (*Enhydra lutris nereis*).<sup>16</sup>

In addition to the required setbacks from sensitive baylands discussed above, *Marin Countywide Plan Policy BIO-3.1* establishes setback requirements to protect wetland areas from new development. For parcels between 0.5 acres and 2 acres, a minimum setback from wetlands of 50 feet is required, while the setback requirement from larger parcels is 100 feet and for parcels smaller than one-half acre, the requirement is 20 feet. The same setback requirements apply to stream channels. The project site is not located within 100 feet of any wetlands or stream channels. For the same reasons discussed in the preceding subsection, the proposed project would have a *less-than-significant impact* on wetlands.

**d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Although green sturgeon, which may utilize the nearby baylands habitats and possibly coyote creek, is a migratory species, there is no potential for the project to interfere with the movement of this or any other migratory species that may be present in these habitats. The proposed infill development would be confined to the property boundaries, and off-site activities during project construction or operation would be confined to travel to and from the site on established roadways. While future residents, guests, and workers may utilize the hiking

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<sup>16</sup> Marin County Community Development Agency, Planning Division, *Biological and Wetland Protection Technical Background Report*, updated November 2005.

pathways that extend alongside the banks of Coyote Creek (the Charles F. McGlashan Pathway) and along the shoreline of Richardson Bay (the Mill Valley-Sausalito Path), such use would have no effect on migratory wildlife. The project would have ***no impact*** on wildlife migration or reproduction.

**e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

Marin County Development Code Chapter 22.27 regulates removal of protected trees, which are generally native species with trunk diameters of either six or ten inches, depending on species. In addition, the Stream Conservation Area policies of the *Marin Countywide Plan* require provision of setbacks from the tops of stream banks and restoration and enhancement as part of development. There are several trees on the rear of the site on or close to the property line. Project plans indicate that these trees would be retained and incorporated into the resident garden and adjacent parking areas. The project would not conflict with any local policies or ordinances protecting biological resources; there would be ***no impact***.

**f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

No Habitat Conservation Plan, Natural Community Conservation Plan or other local, regional, or state habitat conservation plan has been adopted for Marin County. The project would have ***no impact*** due to a conflict with a conservation plan.

## 5 Cultural Resources

<i>Would the project:</i>	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

In order to be considered a significant historical resource as defined in Section 15064.5 of the State *CEQA Guidelines*, a building must be at least 50 years old. In addition, Section 15064.5 defines an historical resource as, "... a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources," properties included in a local register of historical resources, or properties deemed significant pursuant to criteria set forth in *Public Resources Code* Section 5024.1(g). According to State *CEQA Guidelines* Section 15064.5(a)(3), a lead agency can determine that a resource is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided that the determination is supported by substantial evidence in light of the whole record.

In order to be eligible for listing in the California Register of Historical Resources (CRHR), a property must meet at least one of the following criteria:

- Criterion 1: Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- Criterion 2: Is associated with the lives of persons important in our past;
- Criterion 3: Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- Criterion 4: Has yielded, or may be likely to yield, information important in prehistory or history.<sup>17</sup>

<sup>17</sup> California Resources Agency, *CEQA Guidelines*, Section 15064.5(a)(3), as amended December 28, 2018.

In addition, to be eligible for the California Register, the resource must retain enough of its historic integrity to be recognizable as an historical resource, and typically must be at least 50 years old. Following the National Register of Historic Places integrity criteria, California Register regulations specify that integrity is a quality that applies to historic resources in seven ways: location, design, setting, materials, workmanship, feeling, and association.<sup>18</sup>

Based on a review of topographic maps dating to 1897 and aerial photographs dating to 1946, the project site was undeveloped until 1974, when a building extended over the eastern property boundary.<sup>19</sup> The existing motel and restaurant located to the west of the site also appeared at this time. These conditions remained unchanged until 2005, when the building straddling the eastern boundary had been replaced by a new building on the adjoining property, leaving the project site vacant.

Though the property is currently used for vehicle, equipment, and materials storage, no buildings or man-made improvements are present on the project site, and there is no visible evidence of former building foundations. Given these conditions, no historical resources are present on the surface of the site. The archival research of historical and archaeological records discussed in the next subsection did not identify any evidence of historic-period activity at the project site, and researchers associated with the California Historical Resources Information System concluded that there is low potential for historical resources to be present at the project site. However, in the unlikely event that historic resources are present within the subsurface of the site, compliance with existing regulations, discussed in the next subsection, would ensure that impacts to historic resources would be *less than significant*.

**b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?**

The San Francisco Bay area was occupied by Native Americans as far back as 3,000 to 4,000 years ago. Recorded archaeological sites in Marin County indicate that at the time of initial Euroamerican incursion into the project area (circa 1770), the region was occupied by Native Americans who spoke Coastal Miwok. These people were a subset of the Penutian-speaking Ohlone (referred to as “Costanoans” by the Spanish) residing in northern California at the time the Spanish arrived in the region. The Ohlone territory encompassed much of the San Francisco Bay area and extended eastward to the Central Valley and southward through Monterey Bay. Previously undiscovered Native American resources are

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<sup>18</sup> The definition of integrity under the California Register follows National Register of Historic Places criteria. Detailed definitions of the qualities of historic integrity are in National Register Bulletin 15, *How to Apply National Register Criteria for Evaluation*, published by the National Park Service.

<sup>19</sup> Broadbent & Associates, Inc., *Phase I Environmental Site Assessment: 150 Shoreline Highway, Mill Valley, California 94941, Assessor's Parcel Number 052-371-03, Project No.: 15-10-102*, March 16, 2015.

often encountered on the Bay margins and in proximity to historic water sources, among other places.

In order to identify any known archaeological sites in the project vicinity and evaluate the potential for significant archaeological resources to be present on the project site, the County commissioned an archival search that was conducted by the Northwest Information Center (NWIC) at Sonoma State University, which is part of the California Historical Resources Information System (CHRIS).<sup>20</sup> The NWIC reported that Native American resources in the part of Marin County that includes the project site have been found in areas marginal to intermittent and perennial watercourses, near ecotones, and near the base of hills. The project site is located in former saltmarsh lands approximately 180 meters from Richardson Bay at its confluence with Coyote Creek. Given the similarity of these environmental factors to those found at previously discovered archaeological sites, as well as the ethnographic sensitivity of the area, the NWIC concluded that there is a moderately high potential for unrecorded Native American resources to be present within at the project site, and recommended additional investigation by a qualified archaeologist. Accordingly, a cultural resources evaluation was performed by Archaeological Resource Service (ARS), the results of which are summarized here.<sup>21</sup>

The investigation by ARS included additional research at the NWIC, a surface reconnaissance of the accessible parts of the project site, and an inquiry with the Native American Heritage Commission (NAHC) to determine if there are sites listed in the Sacred Lands file located within or near to the current project area. The investigation identified all previously recorded archaeological sites, historic properties, and previously evaluated properties within an approximately one-half-mile radius of the current project site.

Although most of the previous archaeological investigations in the area identified during the archival research were located about one-half mile to one mile away from the project site, one site is located just across Miller Avenue (Shoreline Highway) from the site, under the Fireside Inn. This site, designated by CHRIS as CA-Mrn-05, was originally developed prior to 1906 with a saloon known as Manzanita Villa. It was operated as a saloon and roadhouse, and after renovations in 1926, as the Manzanita Hotel through the 1920's. The Inn was built upon a prehistoric, archaeologically sensitive site that fronts what was once a wagon road that separated the structure from the historic perimeter of the Bothin Marsh to the north. Between the 1930s and 1950s, a single-story motel building was added to the south of the Inn, which was known as the Fireside Lounge and Motel. The

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<sup>20</sup> Northwest Information Center, Sonoma State University, *Record Search Results for the Proposed O'Donnell Master Plan Amendment Project, Marin County*, NWIC File No. 19-2306, July 17, 2020.

<sup>21</sup> Archaeological Resource Service, *A Cultural Resources Evaluation of the O'Donnell Property, 150/156 Miller Avenue, Mill Valley, Marin County, California*, October 7, 2020.

original Fireside Inn has functioned as an inn and restaurant, operating under many different names, including the El Rebozo Restaurant/Cafe, until closing in the late 1990s.

More recent surface and subsurface investigations conducted by ARS confirmed the presence of additional archaeologically sensitive areas beneath the Fireside Inn but found no evidence of any culturally modified soil deposits in the hillside area surrounding the property. The archaeologically sensitive area extends approximately from the current perimeter of the Fireside Inn eastwards for approximately 60 feet, most of which have been paved over as a parking lot.

ARS also performed an historic evaluation of the Fireside structures in 2002 which concluded that although the building did not appear eligible for the California Register or the National Register of Historic Places, it is of local importance for its association with events, being well known for selling alcohol during prohibition and its appearance in several movies.

ARS determined that the proposed mixed-use project is outside the boundaries of CA-Mrn-05, and is also outside of the archaeological site within the marsh belt described by Nels C. Nelson, who recorded approximately 425 shellmound sites around San Francisco and San Pablo bays in 1907, including two in the project vicinity. The project site was once part of the marshes on the margins of Richardson Bay, and was subsequently filled to accommodate the development surrounding the project site. Due to the natural prehistoric condition of the site, ARS concluded that the area appears to have been unsuitable for settlement by Native Americans, and noted that exploitable resources of stone or other material are lacking. The site and vicinity was likely used as a gathering territory, and may have once contained some usable plant or molluscan materials before the area was developed. While there is some potential for the discovery of isolated tools or artifacts that were lost by previous inhabitants of the area beneath the fill material that now covers the site, ARS concluded that the potential for discovery of artifact concentrations is very low and considered unlikely to occur.

Were significant unexpected archaeological resources to be present within the subsurface of the site, excavation or other surface/subsurface disturbance undertaken during the development of the project could damage or destroy the resources, which could result in a significant, adverse impact on archaeological resources. However, Section 22.20.040(D) of the Marin County Code stipulates that in the event that archaeological, historic, or paleontological resources are discovered during any construction activities, such activities must cease, and the Community Development Agency must be notified. The find must be evaluated and recorded by a qualified archaeologist, and disposition of any recovered artifacts must be done in compliance with State and Federal law. The disturbance of an Indian midden may require the issuance of an Excavation Permit by the

Department of Public Works, in compliance with Chapter 5.32 (Excavating Indian Middens) of the County Code.

While compliance with these existing regulations would ensure that potential impacts to archaeological resources would be less than significant, a representative of the Federated Indians of Graton Rancheria (FIGR) expressed concern about potential impacts to tribal cultural resources (TCRs) from project construction. These concerns were expressed during consultation with the County conducted pursuant to Assembly Bill 52, discussed in Section 18 of this Initial Study. FIGR expressed the concern that a known shellmound deposit in the project area may extend to the project site at a subsurface level, and the surface reconnaissance conducted by ARS would not be sufficient to evaluate its presence or absence. To address these concerns, the County is concluding that the proposed subsurface disturbance of the project site could result in a *potentially significant, adverse impact* on buried cultural resources. Implementation of the following mitigation measure would reduce the impact to a less-than-significant level.

**Mitigation Measure CUL-1. Conduct Supplemental Archaeological Testing.** Prior to issuance of a grading permit, the Project Sponsor shall retain the services of a Tribal Preferred Archaeologist, to be approved by the Federated Indians of Graton Rancheria (FIGR), to conduct subsurface exploration of the site to determine whether archaeologically sensitive resources are present within the confines of the site. In the event that archaeologically sensitive resources are confirmed on the site, the Tribal Preferred Archaeologist shall coordinate with FIGR to plan and implement a Tribal Cultural Resources (TCR) testing and recovery program, subject to approval by FIGR, to recover and document the cultural materials encountered. A FIGR representative shall be provided the opportunity to monitor the work performed by the Tribal Preferred Archaeologist in accordance with this mitigation measure. A professional report documenting the findings of the testing and recovery program shall be prepared by the Tribal Preferred Archaeologist and submitted to FIGR and the Marin County Planning Division.

**c) Disturb any human remains, including those interred outside of formal cemeteries?**

Though unlikely, there is a possibility that human remains associated with the possible prehistoric occupation of the site by Native Americans could lie buried within the subsurface of the project site. Such remains are considered sacred by Native Americans tribal groups, and their disturbance or destruction during site grading or other project construction activities would be a potentially significant impact. However, Section 7050.5 of the California Health and Safety Code requires site grading or other subsurface disturbance to be halted in the event human remains are encountered during such activities and the County Coroner

immediately notified. If the coroner determines or has reason to believe that the remains may be those of a Native American, the coroner must notify the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then appoint a “Most Likely Descendant” (MLD). The MLD in consultation with the County, will advise and help formulate an appropriate plan for treatment of the remains, which might include recordation, removal, and scientific study of the remains and any associated artifacts. After completion of analysis and preparation of the report of findings, the remains and associated grave goods must be returned to the MLD for reburial. Compliance with this existing State law would ensure that potential impacts to human remains would be *less than significant*.

## 6 Energy

<i>Would the project:</i>		Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a)	Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?**

Construction of the proposed project would require consumption of gasoline and diesel fuel by construction workers travelling to and from the site, by trucks delivering construction materials and supplies to the site, and by earthmoving, paving, and other construction equipment. Once the project is completed and occupied, gasoline and diesel fuel would continue to be consumed by hotel guests, residents, visitors, delivery and repair vehicles, and service providers traveling to and from the site. Electricity would be consumed for space and water heating and landscape maintenance (i.e., electricity to control irrigation equipment, if installed), as well as the operation of household appliances that the future apartment residents might use. Operation of the café/juice bar would consume electricity, as would the electric vehicle charging stations.

During construction of the project, the building contractor would be required by Section 22.20.040 of the County Code (see Section 3-b) to limit idling time of equipment and vehicles to 5 minutes or less and maintain construction equipment and vehicles in optimal working condition. These requirements would benefit air quality and would also prevent wasteful or inefficient consumption of fuel during project construction. The applicant would also be required to comply with the 2019 edition of the California Green Building Standards Code (CALGreen Code) (California Code of Regulations, Title 24, Part 11), which mandates diversion of at least 65 percent of C&D waste from landfill disposal. Compliance with these regulations would help reduce consumption of energy associated with transport, processing, and disposal of solid waste at landfills.

Marin County requires new development projects to be certified through its Green Building Program, which is a whole-systems approach to construction and building operations intended to reduce energy and water use and ensure healthy, comfortable, and durable new development. The Green Building program requires

compliance with the CALGreen Code, which includes general building energy efficiency standards, also part of Title 24, that require energy-efficient ceiling and rafter roof insulation, walls, floors, windows, doors, luminaires, heating and cooling systems, appliances, water heaters, and pool and spa systems. CALGreen prohibits use of natural gas for space heating in new non-residential construction and in new multi-family residential construction, though it is permitted for ovens, stoves, and gas fireplaces. Consequently, the project would not consume a substantial amount of natural gas.

For new multi-family residential construction, the County requires an independent certified Green Point Rater to verify compliance with CALGreen. For new commercial construction of 5,000 to 49,999 square feet, which is assumed to apply to the proposed hotel use, the County also requires a project to achieve at least 40 points on the Leadership in Energy and Environmental Design (LEED) green building rating system, with verification by a LEED Accredited Professional. Compliance with the CALGreen Code building construction requirements would maximize the project's energy efficiency and ensure that it doesn't consume energy in a wasteful, inefficient, or unnecessary manner. Furthermore, the proposed rooftop array of solar panels would allow much of the project's energy needs to be supplied on site, minimizing consumption of utility-generated electricity.

Once the project is completed and occupied, the County won't have direct control over how residents and hotel guests consume energy, but inefficient operational use of energy would also be minimized through the County's requirement that the project comply with the 2019 edition of the California Green Building Standards Code. Part 6 of Title 24 sets energy and/or water efficiency standards for home appliances, including refrigerators, freezers, dishwashers, clothes washers and dryers, stoves, room and central air conditioners, space heaters, water heaters, pool heaters, plumbing fixtures, incandescent and fluorescent lamps, emergency lighting, luminaires, computers, televisions, audio and video equipment, battery charger systems, and more. There are also federal regulations pertaining to appliance efficiency, and in many cases, the California standards are the same as the federal standards. It should be noted that water efficiency contributes to energy efficiency by reducing energy requirements for treating and pumping domestic water.

Compliance with these required regulations would ensure that construction and operation of the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources. The project would have a *less-than-significant impact* on energy resources.

**a) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?**

Statewide, the Integrated Energy Policy Report prepared by the California Energy Commission provides a blueprint for continuing to grow the California economy while reducing the environmental footprint of its energy system.<sup>22</sup> The State's energy system includes energy extraction, transport, conversion (such as combusting natural gas in power plants to generate electricity or producing gasoline and diesel from crude oil in refineries), and consumption for services (such as electricity for lighting, natural gas use in homes and buildings for space and water heating, pumping water to communities and crops, and gasoline and diesel to fuel cars and trucks), as well as electricity from out-of-State plants serving California.

California's electricity generation capacity is composed of multiple fuel sources, including coal, hydroelectric, natural gas, nuclear, oil, petroleum coke, waste heat, biomass, geothermal, solar photovoltaic, solar thermal, and wind. In 2018, the State had an installed generation capacity from these multiple sources of 194,842 gigawatt hours (GWh).<sup>23</sup> The composition of California's in-State generation capacity has shifted since the 2002 passage of Senate Bill 1078, which required that 20 percent of electric production come from renewable resources by 2017. With the passage of SB X1-2 in 2011, this was increased to 33 percent renewables by 2020; it was raised again to 50 percent renewables by December 31, 2030 by SB 350, passed in 2015.

Because energy consumption is directly tied to the emissions of GHGs, and in fact, is the source of 80 percent of GHG emissions in the State,<sup>24</sup> the *Marin County Climate Action Plan* (CAP), intended to reduce emissions of GHGs, can be viewed as a local plan for energy efficiency, and in fact it contains GHG reduction measures specifically pertaining to building and energy efficiency as well as measures to conserve water.<sup>25</sup> (As noted above, water conservation has a beneficial effect on energy consumption.) As discussed in more detail in Section 8-b, below, the project would not conflict with the County's CAP, and therefore would not conflict with a local plan for energy efficiency.

Because the CEC's Integrated Energy Policy Report is intended to reduce GHG emissions by transitioning the State's energy portfolio to more renewable energy

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<sup>22</sup> California Energy Commission, *2016 Integrated Energy Policy Report Update*, February 28, 2017.

<sup>23</sup> California Energy Commission, *California Energy Almanac*, 2018 Total System Electric Generation, Accessed June 28, 2020 at: <https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/2018-total-system-electric-generation>.

<sup>24</sup> California Energy Commission, *2016 IEPR Update: Integrated Energy Policy Report*, Publication No. CEC-100-2016-003-CMF, Chapter 1: Environmental Performance of the Electricity Generation System, 2016.

<sup>25</sup> Marin County, *Marin County Climate Action Plan* (2015 Update), July 2015.

sources, it can also be viewed as a plan for renewable energy and energy efficiency on the Statewide level. As discussed in Section 6-a, above, the proposed project would be required to comply with a variety of building and appliance energy efficiency standards, which would maximize its energy efficiency. Therefore, the project would not conflict with a State plan for energy efficiency.

## 7 Geology and Soils

<i>Would the project:</i>	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:</b>				
<b>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other</b>				

**substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

No seismically active fault crosses the project site or in proximity to the site. The nearest earthquake faults are the San Andreas fault, located about 5 miles southwest of the project site, and the Hayward fault, located about 11 miles to the northeast.<sup>26</sup> The site is not located within an Alquist-Priolo fault zone as mapped by the State Geologist. Consequently, it is assumed there would be *no impact* related to potential surface rupture at the project site.

**ii) Strong seismic ground shaking?**

Similar to most locations throughout the San Francisco Bay Area, the project site is potentially subject to strong seismic ground shaking during an earthquake on one of the major active earthquake faults that transect the region. The geotechnical investigation report prepared for the project states that a large earthquake centered on any of the active faults in the region, including the San Andrea Fault (approximately 5 miles to the southwest) or Hayward Fault (approximately 11 miles to the northeast), is expected to cause severe ground shaking in the project vicinity.<sup>27</sup> The geotechnical investigation report states that during a major earthquake on the San Andreas or Hayward faults, peak horizontal ground accelerations of 0.5 g or greater can be expected at the site.<sup>28</sup> Although the geotechnical investigation was performed for a previous proposal to develop the site with an office building, the report was recently updated for the current project.<sup>29</sup>

According to a 2014 analysis by the Working Group on California Earthquake Probabilities (WGCEP), an expert panel co-chaired by U.S. Geological Society seismologists, there is a 72 percent probability that an earthquake of magnitude 6.7 or greater will occur in the San Francisco Bay Area in the next 30 years and a 20 percent probability that an RM 7.5 earthquake will occur (starting from 2014).<sup>30</sup> The WGCEP estimates there is a 14.3-percent chance of an RM 6.7 quake occurring on the Hayward fault in the next 30 years. It is therefore likely that a major earthquake will be experienced in the region during the life of the project that could produce strong seismic ground shaking at the project site.

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<sup>26</sup> Association of Bay Area Governments, Bay Area Faults [map], 2003.

<sup>27</sup> John C. Hom & Associates, Inc., *Report: Geotechnical Investigation, Proposed Office Building, 156 Shoreline Highway, Mill Valley, California*, Job Number 1742, July 27, 2009.

<sup>28</sup> *Ibid.*

<sup>29</sup> John C. Hom & Associates, Inc., *Soil Engineering Report Update, Proposed Office Building, 150 Shoreline Highway, Mill Valley, California*, Job Number 1874.1, October 15, 2009.

<sup>30</sup> Edward H. Field and Members of the 2014 Working Group on California Earthquake Probabilities, U.S. Geological Survey, California Geological Survey, *UCERF3: A New Earthquake Forecast for California's Complex Fault System*, USGS Open File Report 2015-3009, 2015.

Given the magnitude of seismic ground shaking and related peak ground acceleration that could be experienced at the site, there is potential for a strong seismic event in the region to result in severe damage or even structural failure of the proposed mixed-use building, with potential to severely injure or kill building occupants. However, in accordance with recent CEQA case law (e.g., *California Building Industry Association v. Bay Area Air Quality Management District* (Aug.12, 2016) 2 Cal.App.5<sup>th</sup> 1057), CEQA generally no longer considers an impact of the environment on a project to be a significant impact. Accordingly, this would be a less-than-significant impact. However, the California Building Code (CBC), as adopted by Marin County, requires design and construction of buildings intended for human occupancy to withstand the anticipated ground motion generated during a large earthquake with minimal damage and without structural collapse. For a project such as the proposed mixed-use building with apartment units and hotel rooms, the CBC requires preparation of a site-specific geotechnical report prepared by a geotechnical engineer that includes recommendations for site preparation and foundation design, and the recommendations must be incorporated into the project design and construction.

The geotechnical report includes recommendations for site preparation and grading, placement and compaction of engineered fill, foundation design, parameters for slabs-on-grade and concrete flatwork, drainage, and more. It is recommended that the building be supported on spread footings founded on compacted fill.

The Marin County Building and Safety Division will ensure that the project design incorporates the recommendations in the geotechnical report and that it complies with the current California Building Standards Code, which includes detailed structural design requirements intended to provide adequate structural integrity to withstand the maximum credible earthquake and the associated ground motion acceleration. Compliance with the applicable building codes will maximize the structural stability of the proposed building and minimize the potential for damage and injury during a strong seismic event.

### **iii) Seismic-related ground failure, including liquefaction?**

Liquefaction occurs when clean, loose, saturated, uniformly graded, fine-grained soils are exposed to strong seismic ground shaking. The soils temporarily lose strength and cohesion, resulting in a loss of ground stability that can cause building foundations to fail. The geotechnical investigation report prepared for the project states that there is essentially no potential for liquefaction at the site because it is not underlain by loose, sandy soils.

Lateral spreading, another form of seismic ground failure, is generally associated with liquefaction; since there is virtually no potential for liquefaction at the site, it is assumed the potential for lateral spreading is very low to none. As noted in

Section 7-a-ii, the geotechnical investigation report prepared for the project includes site and building foundation design recommendations that will ensure the structural stability of the proposed building and pavements. For the reasons set forth in Section VI-a-ii, this would be a *less-than-significant impact*.

#### **iv) Landslides?**

The project site is level and is surrounded by relatively level land with no significant slopes. There is therefore no potential for landslide at the project site.

#### **b) Result in substantial soil erosion or the loss of topsoil?**

Any construction project that exposes surface soils creates a potential for erosion from wind and stormwater runoff. The potential for erosion increases on large, steep, or windy sites; it also increases significantly during rainstorms. The project site is not particularly susceptible to erosion because it is not very large, at 0.59 acre, and is essentially level, with no slopes in the immediate vicinity. The site is also somewhat protected from winds, being surrounded by existing buildings on three sides, with dense shrubs, trees, and other vegetation bordering the site on the northeast.

While the removal of surface vegetation typically increases the potential for soil erosion, the site's surface already consists of exposed soils; consequently, the increased erosion potential that generally occurs when a site is cleared for development would be more limited on this site. Nonetheless, clearing the site of the equipment, material, and storage containers that cover part of the site as well as site grading and excavation would increase the potential for erosion during project construction. Absent appropriate controls, eroded soils could be washed, along with other pollutants, into nearby surface waters. Coyote Creek is located approximately 470 feet to the northwest of the project site, and a small unnamed stream channel that discharges into Coyote Creek is located about 150 feet to the southeast. The gradient of the local topography slopes (very gently) toward this stream channel.

Although the potential discharge of sediment and other pollutants into these surface waters during project construction would be a potentially significant impact on the environment, the project sponsor would be required to prepare and implement an Erosion and Sediment Control Plan (ESCP) during construction, as discussed in more detail in Section 10. Implementation of the ESCP would ensure that impacts from erosion during construction would be *less than significant*.

Following completion of construction, the site would not be especially vulnerable to erosion. The majority of the site would be covered by impervious surfaces: the hotel/apartment building and surrounding pavements. While there would be landscaping around the building perimeter and a community garden in the rear of

the site, these features would provide limited potential for erosion. Landscaped areas would be enclosed by surrounding pavements/curbs and/or structures that would contain and control stormwater runoff. The conceptual landscape plan for the project indicates that the garden and all other landscaped areas would have a groundcover, along with shrubs and trees, that would bind the soil and substantially limit post-construction erosion. Therefore, there would be a *less-than-significant impact* due to post-construction erosion.

**c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?**

The potential for landslide is discussed in Section 7-a-iv, above. The potential for liquefaction and lateral spreading are addressed in Section 7-a-iii. The site is underlain by moist, stiff gravelly sandy clay fill to depths of 12 to 18 feet. Clayey Bay Mud underlies the fill, extending to the depths of the three soil borings conducted during the geotechnical investigation, which ranged from 99 feet to 102.5 feet.<sup>31</sup>

The geotechnical investigation determined that the existing fills at the site are subject to 6 to 12 inches of subsidence over the next 30 to 100 years. The required placement of new fill would induce additional settlement that could also affect adjoining properties and cause differential settlement of adjacent structures. The recommended use of lightweight fill would prevent additional settlement.

No other types of seismically-induced ground failure were identified in the geotechnical investigation report. As previously noted, the applicant will be required to implement the recommendations in the geotechnical report and comply with all applicable building codes and seismic requirements, which would ensure that the proposed homes would not be exposed to unstable ground that could result in structural failure. This would therefore be a *less-than-significant impact*.

**d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?**

The geotechnical investigation prepared for the project did not identify expansive soils on the site. However, with the required compliance with all applicable building codes and seismic requirements, the project would not create substantial risks to life or property as a result of expansive soils. This would be a *less-than-significant impact*.

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<sup>31</sup> John C. Hom & Associates, Inc. (2009), *op cit*.

**e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

The project would connect to the existing sanitary sewer system that serves the area; no septic tanks or alternative wastewater disposal systems would be required. There would be *no impact*.

**f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

Paleontological resources are the fossilized remains of vertebrate or invertebrate organisms from prehistoric environments found in geologic strata. They are valued for the information they yield about the history of the earth and its past ecological settings. They are most typically embedded in sedimentary rock foundations, and may be encountered in surface rock outcroppings or in the subsurface during site grading.

Based on the subsurface geological testing of the project site, no sedimentary rock foundations are present to depths of approximately 100 feet below the ground surface (bgs). Excavation of the site is not expected to exceed 10 feet bgs, and is likely to be less. Because the first 12 to 15 feet of the site's subsurface consists of fill composed primarily of gravelly sandy clay, there appears to be no potential for paleontological resources to be encountered during project construction. The project would have *no impact* on paleontological resources.

## 8 Greenhouse Gas Emissions

<i>Would the project:</i>		Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Greenhouse gases (GHGs) refer to gases that trap heat in the atmosphere and contribute to global warming. The primary GHGs are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (NO<sub>x</sub>), sulfur hexafluoride (SF<sub>6</sub>), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H<sub>2</sub>O). The majority of GHG emissions in the Bay Area come from transportation (39.7 percent), followed by industrial/commercial sources (35.7 percent) and electricity generation (14.0 percent). Construction equipment and other off-road equipment contribute 1.5 percent of the total GHG emissions.<sup>32</sup>

As discussed in more detail in Section 3-b, the BAAQMD CEQA Air Quality Guidelines contain operational screening criteria for a variety of land use development projects. In addition to the screening thresholds for criteria air pollutants discussed in Section 3-b, there are also screening criteria for GHGs. For multi-family residential development, the GHG screening threshold is 78 dwelling units for low-rise apartment buildings and 87 dwelling units for mid-rise apartment buildings. The threshold for motels is 106 rooms. BAAQMD has determined that motel and multi-family residential projects whose size is below these thresholds have no potential to exceed the adopted thresholds of significance for GHGs, and a quantified analysis of the project's potential emissions of GHGs is not necessary. The proposed 10 apartment units and 11 motel rooms would be significantly below the applicable screening criteria. Therefore, the proposed project would have a *less-than-significant impact* from its emissions of GHGs.

<sup>32</sup> Bay Area Air Quality Management District, *Bay Area Emissions Inventory, Summary Report: Greenhouse Gases, Base Year 2011*, Table F: 2011 Bay Area GHG Emissions by Sector, updated January 2015.

**b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

There are a variety of Statewide plans, policies, and regulations that have been adopted since 2002 for the purpose of reducing GHG emissions, as well as the County's *Climate Action Plan* (CAP) adopted in 2015.<sup>33</sup> Most notably, California passed landmark climate change legislation with Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006, which requires Statewide GHG emissions to be reduced to 1990 levels by 2020, a reduction of approximately 15 percent below emissions expected under a "business as usual" scenario. This goal was initially established by former Governor Arnold Schwarzenegger's issuance in 2005 of Executive Order S-3-05, which also set a target of reducing GHG emissions to 80 percent below 1990 levels by 2050.

The State's GHG reduction goals were further focused by Executive Order B-30-15, issued on April 29, 2015 by then-Governor Edmund G. Brown. This order established a mid-term GHG Statewide reduction goal of 40 percent below 1990 levels by 2030. This requirement was codified by the Legislature with the 2016 passage of Senate Bill (SB) 32. The California Air Resources Board (CARB) has developed a Scoping Plan that describes the approach California will take to reduce GHGs to achieve the reduction goals established by these executive orders and legislative acts. The third update to the Scoping Plan, adopted by CARB in late 2017, notes that local governments are essential partners in achieving California's GHG reduction goals.<sup>34</sup>

In November 2015, the County adopted the *Marin County Climate Action Plan* (CAP) to reduce countywide GHG emissions at least 30 percent below 1990 levels by 2020—double the State goal established by AB 32—and to reduce the County's municipal activities by at least 15 percent below 1990 levels by 2020. The CAP is a roadmap for how the County will reduce energy consumption and GHG emissions to meet and exceed State GHG emissions targets established by AB 32 and expanded by SB 32. It is intended to be one of the most ambitious local jurisdiction reduction targets in the United States. Implementing the GHG reduction measures set forth in the CAP is expected to reduce GHG emissions by more than 100,000 metric tons of carbon dioxide equivalent (MTCO<sub>2</sub>E) annually by 2020, the equivalent of removing more than 20,000 passenger vehicles from the road each year. An interim GHG emissions assessment completed by the County in September 2019 showed that the County was on track to meet its GHG

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<sup>33</sup> The County has begun planning for the *Climate Action Plan 2030*, an update to the current Climate Action Plan, but the new document is not currently adopted.

<sup>34</sup> California Air Resources Board, *California's 2017 Climate Change Scoping Plan*, November 2017.

reduction goal; by 2017 it had reduced emissions by 24 percent, leaving another 6 percent to achieve by the 2020 target year.<sup>35</sup>

In addition to adopting State actions, the CAP sets forth 15 local community actions and 8 local municipal actions to reduce GHG emissions that are grouped into the following strategy areas:

- Energy Efficiency and Renewable Energy
- Land Use, Transportation, and Off-Road Equipment (community actions only)
- Vehicle Fleet and Employee Commute (municipal actions only)
- Water Conservation and Wastewater Treatment
- Waste Reduction, Reuse, and Recycling
- Agriculture (community actions only)

The CAP is an update to the 2006 *Marin County Greenhouse Gas Reduction Plan*, which targeted a reduction in GHG emissions from both community and municipal activities in the unincorporated areas of Marin County by at least 15 percent below 1990 levels by 2020. By 2012, the County had achieved this goal 8 years ahead of the 2020 target.

In addition to the CAP, the *Marin Countywide Plan* outlines action items pertaining to sustainability including policies that promote efficient management and use of resources in order to minimize GHG emissions. The community measures for reducing GHGs set forth in the CAP support the implementation of numerous Countywide Plan policies, including AIR-4.1 (Reduce Greenhouse Gas Emissions) and AIR-4.a (Reduce Greenhouse Gas Emissions Resulting from Energy Use in Buildings), among many others.

As previously discussed in Section 6-a, Marin County has also developed residential and commercial green building requirements that would apply to the project that would also contribute to reduced GHG emissions.<sup>36</sup> The *Marin County Climate Action Plan*, *Marin Countywide Plan*, and Residential/Commercial Green Building Requirements are designed to achieve the Statewide goal for GHG emissions reductions (compared to 1990 levels) by 40 percent before 2030 and by 80 percent before 2050 and, thus, adhere to and exceed the AB 32/SB 32 goals.

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<sup>35</sup> County of Marin, *interim Community Greenhouse Gas Emissions Assessment*, September 2019.

<sup>36</sup> Marin County Community Development Agency, *Green Building Requirements Fact Sheet Standards for Compliance*. Accessed June 28, 2020 at [https://www.marincounty.org/~media/files/departments/cd/planning/sustainability/green-building/2016\\_standards\\_for\\_compliance\\_county-of-marin.pdf?la=en](https://www.marincounty.org/~media/files/departments/cd/planning/sustainability/green-building/2016_standards_for_compliance_county-of-marin.pdf?la=en).

With adherence to *Marin County Green Building Requirements* and *Commercial New Construction Green Building Guide*, the proposed project would be consistent with County plans, policies, and regulations for reduction of GHGs, and would therefore also be consistent with AB 32/SB 32 and other Statewide goals for GHG reduction.

State law allows cities and counties to analyze and mitigate significant GHG emissions in a CAP or GHG reduction plan that is adopted following certification of an environmental impact report (EIR) or adoption of another environmental document prepared in accordance with CEQA. Later project-specific CEQA documents may tier from and/or incorporate the CAP or GHG reduction plan environmental document by reference.<sup>37</sup> The Marin County CAP was developed to serve as the County's qualified GHG Reduction Plan and programmatic tiering document—for the purposes of CEQA—for analysis of impacts of GHG emissions and climate change.

Marin County approved the *Marin County 2015 Climate Action Plan Update Addendum to the 2007 Countywide Plan* (Addendum) in November 2015 prior to adopting the CAP, thereby providing the requisite CEQA review of the CAP and facilitating the tiering from this document for future development projects. The Addendum determined that the measures in the 2015 CAP Update are effectively the implementation of the goals, policies, and programs provided in the *Countywide Plan*. The Addendum found the potential for the 2015 CAP Update measures to result in project-level and cumulative impacts to be the same or less as the effects described in the CWP FEIR, and determined that implementation of the 2015 CAP would lower the level of cumulative effects associated with air quality and transportation. The Addendum concluded that the 2015 CAP Update would not result in new significant or substantially more severe contributions to previously identified significant cumulative impacts.

The CAP and its environmental review may be relied upon for the programmatic analysis of GHG emissions and climate change for future proposed projects if the following standards are met:

- The project supports or includes applicable strategies and measures, or advances the actions identified in the CAP.
- The project is consistent with the ABAG population growth projections, which are the basis of the GHG emissions inventory's projections.
- The project would not substantially interfere with implementation of CAP strategies, measures, or actions.

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<sup>37</sup> California Natural Resources Agency, Governor's Office of Planning and Research, *CEQA Guidelines*, Section 15183.5, as amended December 28, 2019.

The proposed project would not substantially interfere with implementation of CAP strategies, measures, or actions; rather, it would support a number of the CAP's Local Community Emissions Reduction Strategies, including the following:

- **Energy 3.2: Solar Installations for Nonresidential Development.** The project includes a rooftop solar array to supply electricity to the proposed apartments, motel suites, and café/juice bar.
- **Trans 1.1: Promote Mixed-Use, Infill, and Transit-Oriented Development.** The proposed project is a mixed-use development on an infill site. Additionally, it is located about 400 feet from a major transit hub.
- **Trans-3: Electric Vehicle Charging Stations.** The proposed project would provide three electric vehicle charging stations with dedicated parking spaces.

The proposed project would also be consistent with the ABAG population growth projections. The project is consistent with the General Commercial/Mixed Use General Plan land use designation for the site, and thus it can be presumed consistent with ABAG projections.

Based on the preceding analysis, the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. There would be *no impact*.

## 9 Hazards and Hazardous Materials

<i>Would the project:</i>	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within 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 result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

The proposed project would not involve the routine transport, use, or disposal of hazardous materials. While construction of the project could entail transport and use of hazardous materials for equipment operation and maintenance, such as motor oil, transmission fluid, or solvents, such use would not be in quantities large enough to pose an environmental hazard, nor would it constitute routine, ongoing use. Such use is typical of most construction projects and does not represent a significant hazard. Once construction is complete and the project is occupied, residential occupants of the apartments would be expected to store and use small containerized quantities of hazardous household, outdoor landscape care, and automotive care products of a wide variety. Similar cleaning and landscape maintenance products would be stored and used by the proposed motel.

This type of usage is typical of all residential and motel development, and would not constitute a significant hazard to the public or the environment. The project would have a *less-than-significant impact* from the transport, use, or disposal of hazardous materials.

**b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

As discussed in Section 9-a above, the proposed project would not introduce hazardous materials beyond those generally found within residential and motel uses, including containerized household, yard care, and automotive products.

A Phase I Environmental Site Assessment (ESA) was performed for the project site to identify the potential for hazardous substances to be present in the site's soil or groundwater, and to identify historical releases of hazardous materials into the environment from other properties in the area surrounding the project site that could pose a health risk to project construction workers and to future project residents, workers, and guests.<sup>38</sup> The Phase I ESA included a search of an extensive list of federal, State, and local regulatory databases to identify known hazardous materials sites in the area.

The Phase I ESA determined that the project site was previously developed with an automobile service and gasoline station that was registered at the address of 156 Shoreline Highway (the current project address listed on the project plans is 150 Shoreline Highway). Historical city directories revealed that the property was identified as "Shoreline Texaco" in 1985, 1980, and 1975 directories. It was listed as "AVCar Rental Bay Area" in a 1992 directory and as "Bay Area Rentals AVCar" in a 1995 directory.

The former/historical address was listed on seven of the searched regulatory databases, including the following:

- **RCRA-SQGs** (Resource Conservation and Recovery Act–Small-Quantity Generators);
- **State & Tribal ASTs & USTs** (Aboveground Storage Tanks and Underground Storage Tanks);
- **State & Tribal LUST** (Leaking Underground Storage Tanks)
- **HIST CORETESE** (Historical Cortese List Sites);

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<sup>38</sup> Broadbent & Associates, Inc., *Phase I Environmental Site Assessment: 150 Shoreline Highway, Mill Valley, California 94941, Assessor's Parcel Number 052-371-03, Project No.: 15-10-102*, March 16, 2015.

- **Register Storage Tanks SWEEPS UST** (Statewide Environmental Evaluation and Planning System Underground Storage Tanks);
- **HIST UST** (Historical Underground Storage Tanks Registered Database); and
- **CA FID** (California UST Facility Inventory Database).

The project property appeared on these databases due to a former leaking underground storage tank associated with the gasoline station. The tank and surrounding contaminated soil were removed in 1993 and 18,000 gallons of contaminated groundwater were removed in 1995. The Phase I ESA did not specify the contaminants; it is presumed they were petroleum hydrocarbons. Remediation of the site was overseen by the San Francisco Bay Regional Water Quality Control Board (RWQCB), which assigned a “Case Closed” status to the cleanup on August 22, 1995.

The regulatory database search also identified four other LUST sites that are within a half-mile radius from the project site. However, the case for the LUST at the project site was previously granted closure by the San Francisco Bay Regional Water Quality Control Board (RWQCB), as were the four LUST sites located within one-half mile of the site. The Phase I ESA reported that there are no known active LUST cases or open investigations in connection with the site or nearby properties.

Although the Phase I ESA was completed more than five years ago, a recent search revealed that there are no active permitted UST facilities, LUST cleanup sites, or other hazardous materials release sites on the project site or within a 1,000-foot radius of the site as tracked by the State Water Resources Control Board (SWRCB) on its GeoTracker database.<sup>39</sup> In addition, there are no hazardous waste or hazardous materials release sites within a 1,000 feet of the project site listed on the California Department of Toxic Substances Control’s EnviroStor database (which includes Federal Superfund Sites, State Response Sites, Voluntary Cleanup Sites, School Cleanup Sites, Corrective Action Sites, Tiered Permit Sites, Permitted Hazardous Waste Facilities, Post Closure and Hazardous Waste Facilities, and Historical Non-Operating Hazardous Waste Facilities).<sup>40</sup>

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<sup>39</sup> California Environmental Protection Agency, State Water Resources Control Board, Groundwater Ambient Monitoring & Assessment Program (GAMA), GeoTracker GAMA Groundwater Data Sources, Accessed August 1, 2020 at: <https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=150+Shoreline+Highway,+Mill+Valley,+CA>.

<sup>40</sup> California Department of Toxic Substances Control, EnviroStor Data Base of Cleanup Sites and Hazardous Waste Permitted Facilities, accessed August 1, 2020 at: <https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=150+Shoreline+Highway,+Mill+Valley,+CA>.

The Phase I ESA included a site inspection that found no hazardous substances, unidentified substances, active USTs or ASTs, or petroleum products containers present on the project site. It concluded that there are no recognized environmental conditions (RECs) on the property. Although a transformer box on a concrete pad, dated July 2012, was observed at the northeast edge of the site, the Phase I ESA concluded that it is unlikely that the unit contains polychlorinated biphenyls (PCBs) because it was installed after the 1979 federal ban on the manufacture of PCBs.

While no RECs were identified on the project property, the Phase I ESA did identify an Historical Recognized Environmental Condition (HREC) due to the historical leaking underground storage tank and associated hydrocarbon-impacted soil and groundwater. Although the environmental impacts were mitigated to the point that the appropriate regulatory agency granted regulatory closure relative to these discovered impacts, and as such, no further investigation was required, the Phase I ESA concluded that residual impacts could still exist.

To further evaluate subsurface conditions at the site and ensure that there is no residual contamination with hazardous materials that could adversely affect project construction workers or future residents and workers on the site, a Phase II ESA was performed that included soil sampling.<sup>41</sup> Test pits were excavated by backhoe at four locations distributed across the project site on April 10, 2015. A total of eight soil samples were collected at depths of 3 and 5 feet below the ground surface (bgs). Groundwater samples were not collected as groundwater was not present at depths reachable with the backhoe. The soil samples were analyzed for total petroleum hydrocarbons (TPH) as diesel, TPH as gasoline, and volatile organic carbons (VOCs) by laboratory methods recommended by the U.S. Environmental Protection Agency (EPA).

The results of the soil sampling indicated limited hydrocarbon impacts in one soil sample (SB-3) collected at 5 feet bgs. This contamination included 130 milligrams per kilogram (mg/kg) of gasoline-range organics, 69 mg/kg of diesel-range organics, 2.8 mg/kg of ethylbenzene, 7.8 mg/kg of total xylenes, and 2.6 mg/kg of naphthylene. Due to the limited extent and low overall concentrations detected, the Phase II ESA concluded that it is highly unlikely that significant risks associated with petroleum impacts remain. Due to the results of the soil sampling, groundwater sampling was determined to not be warranted, reinforced by the RWQCB's previous signoff on the remediation conducted in 1995. Since the site use since 1996 has not changed, it was also presumed that impacts to groundwater have not increased, but rather have continued to decrease due to

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<sup>41</sup> Broadbent & Associates, Inc., *Results of Phase II Soil Sampling and Recommendations for the Property Located at 150 Shoreline Highway, Mill Valley, California*, April 22, 2015.

natural attenuation. Based on these results, the Phase II ESA concluded that no further sampling or investigation was warranted.

Given the results of the Phase I and Phase II ESAs and the recent regulatory database search results, development of the proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. This would be a *less-than-significant impact*.

**c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

There are no schools near the project site. Furthermore, the proposed residential and motel uses would not emit hazardous emissions, handle hazardous materials, or generate hazardous waste. There would be *no impact* on schools related to hazardous materials as a result of project implementation.

**d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

The list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 actually consists of several lists, including:

- A list of hazardous waste sites compiled by the California Department of Toxic Substances Control (DTSC);
- A list of contaminated water wells compiled by the California Department of Health Services (DHS) (subsequently reorganized into the California Department of Health Care Services and the California Department of Public Health);
- A list of leaking underground storage tank sites and solid waste disposal facilities from which there is a migration of hazardous waste, compiled by the State Water Resources Control Board (SWRCB); and
- A list of solid waste disposal facilities from which there is a migration of hazardous waste, compiled by the Local Enforcement Agency (LEA). These lists are consolidated by the Department of Resources Recycling and Recovery (CalRecycle).

Each of these lists must be updated at least annually, and must be submitted to the Secretary for Environmental Protection, the head of the California Environmental Protection Agency (CalEPA). DTSC maintains the EnviroStor database for purposes of complying with Section 65962.5, while the SWRCB maintains the

GeoTracker database. As discussed in Section 8-b, both of these databases were consulted during this environmental review. The project site is not listed on the EnviroStor or GeoTracker databases and there were no hazardous waste sites or facilities identified within 1,000 feet of the project site on either database. There would be ***no impact*** related to hazardous materials sites compiled pursuant to Government Code Section 65962.5.

**e) For a project located within 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 result in a safety hazard or excessive noise for people residing or working in the project area?**

There are no airports near the project site; the nearest public airport is Marin County Airport located more than 18 miles north of the site. The proposed project would not expose people to a safety hazard from public airport operations.

**f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

The *Marin County Local Hazard Mitigation Plan* (LHMP), adopted in April 2005 and updated in 2012, describes strategies for sustaining and building on current mitigation activities to ensure future safety of lives, preservation of property, and protection of the environment during times of disaster. The *Marin Countywide Plan Update Draft Environmental Impact Report* discussed the LHMP but identified no conflicts associated with buildout anticipated under the Countywide Plan. The proposed project is consistent with the Countywide Plan and therefore is assumed consistent with the growth anticipated under the Countywide Plan and accounted for in the development of the LHMP. There are no characteristics of the proposed project that would interfere with or impair implementation of an adopted emergency response plan or emergency evacuation plan. Emergency access to the site is addressed in Section 17-d of this Initial Study.

## 10 Hydrology and Water Quality

<i>Would the project:</i>	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a) Violate any water quality standards or waste discharge requirements, or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would:				
i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### a) **Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?**

#### ***Construction Impacts***

Construction activities could potentially affect water quality as a result of erosion of sediment. In addition, leaks from construction equipment; accidental spills of fuel, oil, or hazardous liquids used for equipment maintenance; and accidental spills of construction materials are all potential sources of pollutants that could degrade water quality during construction. Stormwater runoff from the site is

ultimately discharged, without treatment, to Coyote Creek, which flows into Richardson Bay, which is hydrologically connected to San Francisco Bay.

Coyote Creek is on the list of impaired water bodies compiled by the San Francisco Bay Regional Water Quality Control Board (RWQCB) pursuant to the federal Clean Water Act; it is polluted with diazinon.<sup>42</sup> Richardson Bay is listed as impaired with chlordane, dichlorodiphenyltrichloroethane (DDT), dieldrin, dioxin compounds, furan compounds, indicator bacteria, invasive species, mercury, and polychlorinated biphenyls (PCBs) (both dioxin-like PCBs and non-dioxin-like PCBs).<sup>43</sup> San Francisco Bay is listed as impaired with chlordane, DDT, dieldrin, dioxin compounds, furan compounds, indicator bacteria, invasive species, mercury, and PCBs, selenium, and trash.<sup>44</sup> Because the State is required to develop action plans and establish Total Maximum Daily Loads (TMDLs) to improve water quality within these water bodies, uncontrolled discharge of pollutants into them is considered particularly detrimental. However, projects complying with requirements of the National Pollutant Discharge Elimination System, discussed below, contribute to the EPA's implementation of the TMDLs applicable to the Bay Area.

Generally, new development that entails "land disturbance" of 1 acre or more requires the project sponsor to obtain coverage under Construction General Permit (CGP) Order 2009-0009-DWQ, administered by the RWQCB. Order 2009-0009-DWQ requires project sponsors to implement construction Best Management Practices (BMPs) at the project site and comply with numeric action levels (NALs) in order to achieve minimum federal water quality standards. The CGP requires control of non-stormwater discharges as well as stormwater discharges. Measures to control non-stormwater discharges such as spills, leakage, and dumping must be addressed through structural as well as non-structural BMPs.

With a site area of 0.59 acres, the project would not be required to obtain coverage under the CGP. However, the project would be required to comply with County Code Section 24.04.625, which requires preparation and implementation of an Erosion and Sediment Control Plan (ESCP) throughout project construction. The ESCP must include BMPs to protect all disturbed surfaces—including cut

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<sup>42</sup> State Water Resources Control Board, Final 2014 and 2016 Integrated Report (CWA Section 303(d) List / 305(b) Report), 2014 and 2016 California List Of Water Quality Limited Segments Being Addressed By USEPA Approved TMDLS, Category 4A, October 3, 2017, Accessed August 6, 2020 at: [https://www.waterboards.ca.gov/water\\_issues/programs/tmdl/2014\\_16state\\_ir\\_reports/category4a\\_report.shtml](https://www.waterboards.ca.gov/water_issues/programs/tmdl/2014_16state_ir_reports/category4a_report.shtml).

<sup>43</sup> State Water Resources Control Board, Final 2014 and 2016 Integrated Report (CWA Section 303(d) List / 305(b) Report), 2014 and 2016 California List Of Water Quality Limited Segments Being Addressed By USEPA Approved TMDLS, Category 5, October 3, 2017, Accessed August 6, 2020 at: [https://www.waterboards.ca.gov/water\\_issues/programs/tmdl/2014\\_16state\\_ir\\_reports/category5\\_report.shtml](https://www.waterboards.ca.gov/water_issues/programs/tmdl/2014_16state_ir_reports/category5_report.shtml).

<sup>44</sup> *Ibid.*

and fill slopes, building pads, driveways and areas cleared of vegetation—against erosion and sediment discharges.

Construction stormwater BMPs include erosion and sediment controls and pollution prevention practices. They can include covering soil stockpiles, sweeping soil from streets or other paved areas, performing site-disturbing activities in dry periods, and planting vegetation or landscaping quickly after disturbance to stabilize soils. Other typical stormwater BMPs include erosion-reduction controls such as hay bales, water bars, covers, sediment fences, sensitive area access restrictions (for example, flagging), vehicle mats in wet areas, and retention/settlement ponds. The County will ensure that the BMPs are appropriate to the site, phase of construction, and time of year, and will verify that they have been installed, implemented, and maintained during construction and after final site stabilization.

County Code Section 24.04.625 stipulates that grading operations shall not be conducted during the rainy season (October 15 through April 15) without prior approval from the Community Development Agency. Such approval will only be given upon clear demonstration, to the satisfaction of the agency, that at no stage of the work will there be any substantial risk of increased sediment discharge from the site. When grading operations are permitted during the rainy season, a phasing plan and work schedule will be required to ensure that the smallest practicable area of erodible land is exposed at any one time and the time of exposure is minimized.

The ESCP requirement is also part of the Marin County Stormwater Pollution Prevention Program (MCSTOPPP), adopted in conformance with its Phase II National Pollutant Discharge Elimination System (NPDES) permit for municipal separate storm sewer systems (MS4s), addressed below. The ESCP must include information required in the most recent version of the MCSTOPPP ESCP Standard Template.<sup>45</sup>

Although site grading and other project construction activities could result in a potentially significant impact on water quality, compliance with the established County ESCP requirements described above would ensure that construction impacts on water quality remain *less than significant*.

### ***Operational Impacts***

The primary source of water pollutants from residential and hotel development is from automotive vehicles parked on the site and traveling to, from, and within the site. Moving vehicles deposit oil and grease, fuel residues, heavy metals (e.g. lead, copper, cadmium, and zinc), tire particles, and other pollutants. They emit

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<sup>45</sup> <https://www.marincounty.org/-/media/files/departments/pw/mcstoppp/development/mcstoppp-erosion-and-sediment-control-plan-applicant-package.pdf?la=en>

polycyclic aromatic hydrocarbons (PAHs) from their exhaust, resulting from incomplete combustion of gasoline, which settles to the ground. Parked vehicles can also deposit oil and other pollutants. All of the pollutants described above collect on the impervious pavements, where they can be washed by stormwater into downstream surface waters, thereby degrading water quality. Pesticides that may be used on landscaping or around buildings can potentially contribute to the depletion of dissolved oxygen and/or toxic concentrations of dissolved ammonia in downstream receiving waters, creating acute toxicity for aquatic wildlife.

Buildings and equipment enclosures also provide potential sources of water pollutants because weathered paint and eroded metals from painted and unpainted surfaces can be washed away by stormwater. In addition, mercury and PCBs that get deposited on roofs and other impervious surfaces as airborne pollutants can be washed into surface waters during storm events. Microbial pathogens are yet another pollutant that can be entrained in stormwater coming in contact with poorly protected trash collection areas.

Operational stormwater discharges from new development are regulated under the National Pollutant Discharge Elimination System (NPDES), administered by the RWQCB under authority of the U.S. Environmental Protection Agency. In accordance with the NPDES, the RWQCB regulates stormwater discharges via municipal stormwater permits issued to the cities, counties, water districts, and flood control districts under its jurisdiction in the San Francisco Bay Area. In Marin County, all cities, towns and unincorporated areas must require designated development projects to comply with Provision E.12 of the Phase II NPDES Municipal Stormwater Permit.

Provision E.12 requires site designs for new developments and redevelopments that are defined as Regulated Projects (or where required by the local agency) to minimize the area of new roofs and paving. Where feasible, pervious surfaces should be used instead of paving so that runoff can infiltrate to the underlying soil. Remaining runoff from impervious areas must be captured and used or treated using bioretention. Regulated Projects must also incorporate pollutant source control best management practices into the site design. Projects subject to the E.12 requirements must implement the applicable provisions of the *Post Construction Manual* published by the Bay Area Stormwater Management Agencies Association (BASMAA).

Small projects that create or replace between 2,500 and 5,000 square feet of impervious surface and single-family homes that are not part of a larger plan of development must implement at least one of the following site design measures and must demonstrate a reduction in stormwater runoff from the site:

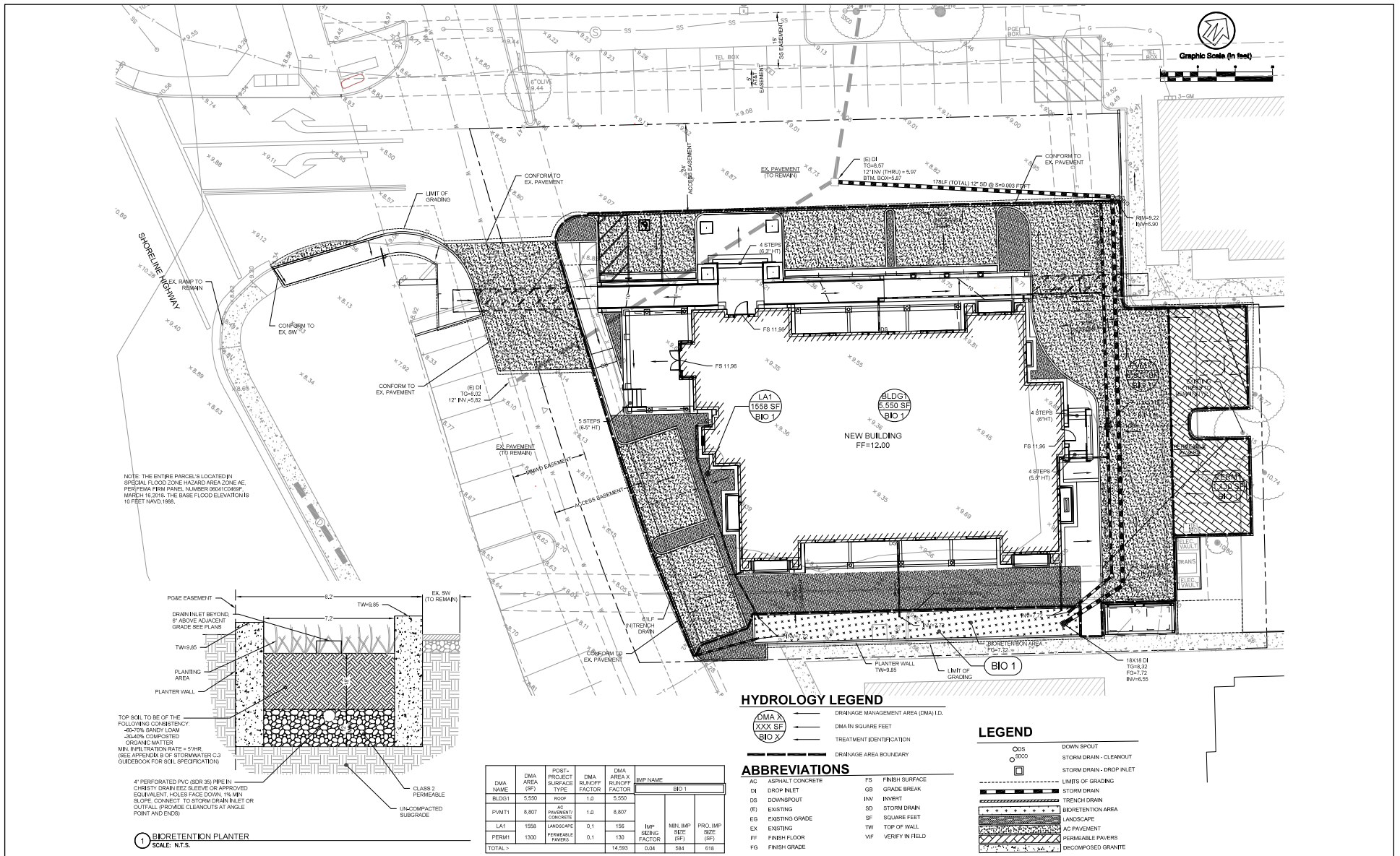
1. Limit clearing, grading and soil compaction
2. Minimize impervious surfaces

3. Reduce runoff, for example by dispensing runoff to landscaping or using pervious pavements
4. Conserve natural areas of the site as much as possible consistent with local General Plan
5. Comply with stream setback ordinances/requirements
6. Protect slopes and channels against erosion

Regulated Projects are projects other than single family homes that create or replace 5,000 square feet or more of impervious surface. They must implement all of the site design measures listed above for small projects and must also capture and route all stormwater runoff to bioretention or other facilities sized and designed according to criteria in Chapter 4 of the BASMAA Post Construction Manual. Regulated Projects must prepare a Stormwater Control Plan (SCP) that identifies potential sources of pollutants from the project and must implement the corresponding source control measures identified in Appendix A of the BASMAA Post Construction Manual. The SCP must incorporate Low-Impact Development (LID) design features to filter and sequester pollutants in site soils while maintaining or mimicking the site's pre-development hydrology to the extent feasible. The required bioretention facilities must be sized to accommodate runoff from the tributary impervious area, which is divided into Drainage Management Areas (DMAs), with separate treatment facilities for each DMA. The surface area of each bioretention facility must be at least 4 percent of the area of the DMA. Provisions for the ongoing maintenance of bioretention facilities must be included in the SCP.

The Provision E.12 requirements of the Phase II Permit described above are administered by MCSTOPPP, which was created in 1993 to prevent stormwater pollution, protect and enhance water quality in creeks and wetlands, preserve beneficial uses of local waterways, and comply with State and federal regulations pertaining to water quality. MCSTOPPP member agencies include Marin County's 11 cities and towns, the County of Marin, and the Marin County Flood Control and Water Conservation District. Both the ESCP and SCP discussed above must be submitted for review and approval to the Marin County Department of Public Works, which administers MCSTOPPP in the unincorporated areas of the County.

The proposed project would create 18,081 square feet of new impervious surfaces and 5,132 square feet of replacement impervious surfaces, and would therefore be a Regulated Project subject to the requirements of Provision E.12 of the Phase II



**Figure 10**

**Stormwater Control Plan**

Permit. The applicant has submitted a Stormwater Control Plan, shown on Figure 10, with an accompanying report.<sup>46</sup> The site has been divided into four DMAs consisting of the building rooftops, pavements, landscaping, and permeable pavers that are proposed for the rear parking areas. The DMAs have a total area of 17,215 square feet, for which a minimum bioretention area of 585 square feet is required; a bioretention area of 618 square feet is proposed along the eastern edge of the property. The only areas on the site that would not drain to a bioretention facility are the self-treating landscape and permeable paver DMAs. The existing offsite impervious drive aisles which are not being replaced drain towards the existing storm drain system and would also not be treated.

The bio-retention facilities would consist of 18 inches of bio-treatment soil mix underlain by 12 inches of Class II permeable rock. The soil mix would be comprised of 60 to 70 percent sandy loam and 30 to 40 percent composted organic matter with a minimum infiltration rate of 5 inches per hour. A 4-inch-diameter perforated pipe would run along the bottom of the drain rock layer to collect filtered rainwater and discharge it to the storm drains serving the site. The bio-treatment area would be vegetated with appropriate water-tolerant plants. The landscape plan indicates the area would be covered by a groundcover of Emerald Carpet and would include five Italian stone pine trees planted in the area. There would be a 6-inch-deep reservoir between top of the soil in the bio-treatment area and an overflow grate that would provide stormwater detention during peak storm events. This would ensure that post-project peak stormwater discharge from the site during the 100-year storm would not exceed existing conditions.<sup>47</sup>

Projects complying with the *BASMAA Post-Construction Manual* are generally considered to have mitigated a project's potential adverse impacts on stormwater quality. The adequacy of the proposed SCP will be verified by the Public Works Department during the entitlement process. With the mandatory compliance with the MCSTOPPP requirements discussed above, operation of the proposed project would have a *less-than-significant impact* on water quality.

**b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?**

The proposed project would not utilize groundwater as a water supply, and would therefore have no impact on groundwater supplies. Although the site may provide some groundwater recharge through percolation of rainwater during winter storm events, the volume is expected to be very small for several reasons. First, there is limited potential for recharge due to the relatively small size of the site. In

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<sup>46</sup> CSW/Stuber-Stroeh Engineering Group, Inc., *Stormwater Control Plan for 150 Shoreline Highway, Mill Valley, CA*, May 6, 2019.

<sup>47</sup> CSW/Stuber-Stroeh Engineering Group, Inc., *Hydrology Study for 150 Shoreline Highway, Mill Valley, CA*, May 6, 2019.

addition, the preliminary grading and drainage plan indicates that 11,508 square feet, or about 45 percent, of the site is currently covered with impervious surfaces, which preclude percolation. Most significantly, three soil borings advanced to depths of approximately 100 feet as part of the geotechnical investigation discussed in Section 7 encountered no groundwater at the site. Below the 5 to 12 feet of sandy clay fill underlying the site is Bay Mud that extends to depths of approximately 85 feet to 101 feet. The Bay Mud has a high clay content that allows for very little percolation of water. While the proposed project would result in an incremental increase in the amount of impervious surfaces on the site, for the reasons set forth above, the project would have a negligible effect on groundwater recharge. Therefore, the project would have a *less-than-significant impact* on groundwater supplies and groundwater recharge.

**c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would:**

**i) result in substantial erosion or siltation on- or off-site;**

Construction-related impacts relating to erosion or siltation both on and off-site are discussed in Sections 7-b and 10-a, above. The proposed project would not alter the course of a stream or river, but it would increase the amount of impervious surfaces on the site, which would result in changes to existing surface drainage patterns. Absent appropriate controls, the additional impervious surface area would result in an increased rate and volume of stormwater discharge from the site, which could increase erosion and siltation in the drainage channels located near the site and in Coyote Creek, where the drainage channels discharge to. However, with implementation of the stormwater treatment and detention features discussed in Section 10-a, above, the project would not cause substantial erosion or siltation on or off the site. This would be a *less-than-significant impact*.

**ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;**

The proposed project would increase the amount of impervious surfaces on the site by 13,705 square feet, which, absent any controls, would result in an increase in both the volume and rate of stormwater discharged from the site during storm events. Because the site is already within a flood zone, as discussed further in Section 10-d, below, development of the project could exacerbate flooding both on- and off-site. However, a hydrology analysis was performed that modeled discharge from the site during the 100-year flood under pre- and post-project conditions, factoring in the appropriate amounts of impervious surfaces on the site. This analysis determined that under existing conditions, runoff from the site

during a 100-year storm would be 2.45 cubic feet per second (cfs). Although this would increase to 2.95 cfs following construction of the project with no stormwater controls, the project would include the stormwater treatment and detention facilities described in Section 10-a, which would reduce the post-project peak runoff to 2.38 cfs.<sup>48</sup> Because the project would reduce the amount of stormwater discharge from the site, the project would have *no impact* related to flooding.

**iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or**

Stormwater runoff from the project site would be discharged into an existing 12-inch-diameter storm drain that extends along the northern and western edges of the project site. Water collected from the project vicinity is discharged into Richardson Bay. As discussed above, the amount and rate of stormwater discharged from the site would be incrementally reduced in comparison to existing conditions, and therefore would not have the potential to exceed the capacity of the existing storm drainage facilities. The on-site treatment of stormwater would ensure that water subsequently discharged from the site would not carry substantial amounts of pollutants. The project would therefore have a *less-than-significant impact* on the stormwater drainage system

**iv) Impede or redirect flood flows?**

The presence of the proposed building would impede and redirect any floodwaters flowing across the site during a flooding event. However, this obstacle would not block upstream floodwaters or prevent them from flowing offsite and into downstream receiving waters. As discussed in Section 10-c(ii), implementation of the project would not increase the potential for or magnitude of flooding on or off the site. This would be a *less-than-significant impact*.

**d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?**

The project site is located within a Special Flood Hazard Area Zone AE, as mapped by the Federal Emergency Management Agency (FEMA).<sup>49</sup> FEMA determined the base flood elevation (BFE) to be 10, feet using the North American Vertical Datum (NAVD) of 1988. While the site is therefore subject to inundation by flooding, implementation of the project would not increase the risk of release of pollutants into flood waters. The stormwater treatment and control measures described in Section 10-a would capture and treat the stormwater runoff

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<sup>48</sup> *Ibid.*

<sup>49</sup> Federal Emergency Management Agency, Flood Insurance Rate Map, Marin County, California and Incorporated Areas, Map Number 06041C0469F, Effective Date March 16, 2016.

from the project's impervious surfaces under normal circumstances and even during the 100-year flood event. While these facilities have not been sized for a 500-year flood event, so there is a remote possibility that the onsite treatment facilities could be overwhelmed during an extreme 500-year event, implementation of the project would not substantially increase the potential for pollutants to be discharged into floodwaters. Under existing conditions, there is no treatment or detention of stormwater from the site. Given the current use of the site for storage of construction equipment and materials, it is likely that pollutants are currently being entrained in stormwater discharged from the site even during average rainstorms. On balance, therefore, implementation of the project would reduce the potential for pollutants to be released into floodwaters occurring on the site.

Given its proximity to Richardson Bay and San Francisco Bay, the project site is located within a potential tsunami runup area, as mapped by the California Emergency Management Agency (CalEMA), the University of Southern California (USC), and the California Geological Survey (CGS).<sup>50</sup> However, for the same reasons enumerated above for flooding, implementation of the proposed project would not increase the potential for pollutants to be discharged into tsunami runup waters were they to inundate the project site.

There is no potential for inundation of the site due to seiche, which is a free or standing wave oscillation(s) of the surface of water in an enclosed or semi-enclosed basin that may be initiated by an earthquake, because there is no enclosed surface water body near the project site.

Based on the above discussion, there would be *no impact* from the release of pollutants into floodwaters or tsunami runup waters.

**e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

***Water Quality Control Plan***

The *Water Quality Control Plan for the San Francisco Bay Basin* (Basin Plan) is the master water quality control planning document adopted by the San Francisco Bay Regional Water Quality Control Board (RWQCB) in accordance with the Porter-Cologne Water Quality Control Act of 1969.<sup>51</sup> It designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. It also includes programs of implementation to achieve water quality objectives. The Basin Plan has been adopted and approved by the State

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<sup>50</sup> California Emergency Management Agency (CalEMA), the University of Southern California (USC), and the California Geological Survey (CGS), Tsunami Inundation Map for Emergency Planning, State of California, County of Marin, San Rafael Quadrangle & San Quentin Quadrangle [map], July 1, 2009.

<sup>51</sup> California Regional Water Quality Control Board, San Francisco Bay Region, *San Francisco Bay Basin (Region 2) Water Quality Control Plan (Basin Plan)*, May 4, 2017.

Water Resources Control Board, U.S. Environmental Protection Agency (USEPA), and the Office of Administrative Law, where required.

Among other provisions, the Basin Plan establishes conditions (discharge prohibitions) that must be met at all times. These include restrictions on discharge of wastewater, wastewater sludge, biocides (i.e., pesticides, herbicides, copper, etc.), oils, and a wide range of solid materials, including silt, sand, and clay. Point source discharges must be made in accordance with waste discharge requirements (WDRs) established by the RWQCB in accordance with the NPDES program described in Section 10-a.

The Basin Plan is a large and complex document with many specific provisions, policies, and implementation plans, all with the overarching goal of protecting water quality for beneficial uses, such as:

- agricultural, municipal, domestic, and industrial supply;
- marine, estuarine, and warm and cold freshwater wildlife habitats;
- commercial and sport fishing;
- navigation;
- preservation of rare and endangered species;
- contact and non-contact water recreation;
- shellfish harvesting;
- fish spawning;
- and more.

Many of the programs and other provisions described in the Basin Plan are not applicable to the proposed project. However, the proposed project would be required to comply with the NPDES regulations pertaining to operation of new development sites, described in detail in Section 10-a, above. And while it would not be required to obtain coverage under the NPDES Construction General Permit, it would be subject to County requirements that would provide the same kinds of water quality controls during project construction. By complying with the applicable provisions of these regulations, potential water pollutants generated by construction and operation of the project would be minimized and would not adversely affect surface or groundwater quality. Therefore, the project would not conflict with or obstruct implementation of the applicable water quality control plan. This would be a *less-than-significant* impact.

### ***Sustainable Groundwater Management Plan***

Despite California's heavy reliance on groundwater, the extraction of groundwater was never regulated until the 2014 passage of a package of bills that collectively formed the Sustainable Groundwater Management Act (SGMA). Senate Bill (SB)

1168, Assembly Bill (AB) 1739, and SB 1319 (which amended AB 1739) established a comprehensive Statewide groundwater management program with the primary goal of achieving sustainable groundwater basins over the next 20 years. Improved groundwater management is intended to provide a water supply buffer during periods of drought.

Rather than regulating groundwater at the State level, the SGMA allocates responsibility for local management of groundwater basins. The basins are to be managed by Groundwater Sustainability Agencies (GSAs), which can be formed by any local agency or coordinated group of agencies for purpose of complying with the SGMA. If no agency is formed, the county is presumed to be the local GSA unless the county explicitly opts out. In some cases, the legislation lists new special districts, which have exclusive authority for managing groundwater within their jurisdictional boundaries.

GSAs have authority to acquire land and water for purposes of recharging the groundwater basin and storing and transporting water. The GSAs must submit annual reports to the California Department of Water Resources (DWR), listing groundwater elevation data, amount of groundwater storage, use of surface water for groundwater recharge (or as water supply), and total use of water within the GSA's boundaries.

The DWR was required by prior legislation to rank the priority of each of the State's 515 groundwater basins and subbasins as either high, medium, low, or very low priority by January 31, 2015. These rankings were made in accordance with the California Statewide Groundwater Elevation Monitoring (CASGEM) program. The CASGEM program considers such factors as the number of public wells in the basin, population served, acreage of land above the basin, reliance on groundwater, history of overdrafting, occurrence of subsidence, degradation in water quality, and other factors.

The SGMA requires Groundwater Sustainability Agencies (GSAs) to form in the State's high- and medium-priority basins and subbasins by June 30, 2017. For groundwater basins designed as medium or high priority, the SGMA requires the responsible GSA to prepare and adopt a Groundwater Sustainability Plan (GSP). Under certain conditions, including where a GSA has performed an analysis that demonstrates the groundwater basin under its purview has been operated within its sustainable yield over a period of at least 10 years, the GSA may prepare an Alternative to a GSP. The GSPs or Alternative GSPs must encompass an entire basin or subbasin and must demonstrate that the basin can achieve sustainable groundwater management within 20 years of adoption of the plan.

There is no regulated groundwater basin underlying the project site identified by the CASGEM program.<sup>52</sup> There are only three mapped groundwater basins in Marin County: the Novato Valley, San Rafael Valley, and Ross Valley basins. Monitoring entities have only been identified for the Novato Valley and San Rafael Valley basins; Marin County Environmental Health Services is identified as the monitoring entity for these two basins. In addition to the three groundwater basins identified by the CASGEM program, the Basin Plan identifies three other subbasins in the northeast and northwest areas of the County: Petaluma Valley, Wilson Grove Formation Highlands, and Sand Point Area.<sup>53</sup> There is no CASGEM Monitoring Plan or Groundwater Management Plan applicable to the project area. Therefore, there is no potential for the project to conflict with or obstruct implementation of a sustainable groundwater management plan or interfere with the management of groundwater supplies. There would be ***no impact***.

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<sup>52</sup> California Statewide Groundwater Elevation Monitoring System, Accessed August 8, 2020 at: [https://www.casgem.water.ca.gov/OSS/\(S\(buugopp2m5amogodllmpsnn4\)\)/GIS/PopViewMap.aspx?Public=Y](https://www.casgem.water.ca.gov/OSS/(S(buugopp2m5amogodllmpsnn4))/GIS/PopViewMap.aspx?Public=Y).

<sup>53</sup> California Regional Water Quality Control Board, San Francisco Bay Region, *San Francisco Bay Basin (Region 2) Water Quality Control Plan (Basin Plan)*, Figure 2-10A: Groundwater Basins: Marin/Sonoma/Napa, as amended December 31, 2011.

# 11 Land Use and Planning

<i>Would the project:</i>		Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a)	Physically divide an established community (including a low-income or minority community)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Result in substantial alteration of the character or functioning of the community, or present planned use of an area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Conflict with applicable Countywide Plan designation or zoning standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**a) Physically divide an established community (including a low-income or minority community)?**

The project would develop a currently vacant parcel surrounded by existing commercial development. It would not create new roads or pathways and would not block or otherwise disrupt any existing roads or pathways. The project would not physically divide an established community; there would be *no impact*.

**b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?**

Table 11-1 identifies *Marin Countywide Plan* policies applicable to the proposed Project and, for each policy, provides a brief determination as to whether or not the Project would be consistent with the policy. This determination is based on Staff's preliminary assessment of Countywide Plan policy consistency, but the final determination of policy consistency will be determined by the Board of Supervisors. Because the project site is located in the Baylands Corridor, as mapped on Map 2-5b of the Countywide Plan, it is subject to Baylands Corridor policies BIO-5.1 through BIO-5.10.

**Table 11-1. Countywide Plan Policies Applicable to the Project**

Countywide Plan Policy	Project Consistency
<b>The Natural Systems and Agricultural Element</b>	
<b>Biological Resources</b>	
<p><b>BIO-1.1 – Protect Wetlands, Habitat for Special-Status Species, Sensitive Natural Communities, and Important Wildlife Nursery Areas and Movement Corridors.</b> Protect sensitive biological resources, wetlands, migratory species of the Pacific flyway, and wildlife movement corridors through careful environmental review of proposed development applications, including consideration of cumulative impacts, 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.</p>	<p><b>Consistent.</b> As summarized in Section 4 of this Environmental Checklist, there is no sensitive habitat on the project site, and the project would not adversely affect off-site habitat.</p>
<p><b>BIO-1.5 – Promote Use of Native Plant Species.</b> Encourage use of a variety of native or compatible non-native, non-invasive plant species indigenous to the site vicinity as part of project landscaping to improve wildlife habitat values.</p>	<p><b>Consistent.</b> Although the trees proposed on the landscape plan are ornamental species, the proposed Emerald carpet groundcover is a natural hybrid species discovered on the coast of California.</p>
<p><b>BIO-1.6 – Control Spread of Invasive Exotic Plants.</b> Prohibit use of invasive species in required landscaping as part of the discretionary review of proposed development. Work with landowners, landscapers, the Marin County Open Space District, nurseries, and the multi-agency Weed Management Area to remove and prevent the spread of highly invasive and noxious weeds. Invasive plants are those plants listed in the State’s Noxious Weed List, the California Invasive Plant Council’s list of “Exotic Pest Plants of Greatest Ecological Concern in California,” and other priority species identified by the agricultural commissioner and California Department of Agriculture. Species of particular concern include the following: barbed goatgrass (<i>Aegilops triuncialis</i>), giant reed (<i>Arundo donax</i>), Italian thistle (<i>Carduus pycnocephalus</i>), distaff thistle (<i>Carthamus lanatus</i>), purple star thistle (<i>Centaurea calcitrapa</i>), yellow star thistle (<i>Centaurea solstitialis</i>), pampas grass (<i>Cortaderia selloana</i>), Scotch broom (<i>Cytisus scoparius</i>), Cape ivy (<i>Delairea odorata</i>), oblong spurge (<i>Euphorbia oblongata</i>), fennel (<i>Foeniculum vulgare</i>), French broom (<i>Genista monspessulana</i>), salt-water cord grass (<i>Spartina alternifolia</i>), Spanish broom (<i>Spartium junceum</i>), medusahead (<i>Taeniatherum caput-medusae</i>), gorse</p>	<p><b>Consistent.</b> No invasive species are included in the species proposed on the Project landscape plans.</p>

Countywide Plan Policy	Project Consistency
(Ulex europaeus), and periwinkle (Vinca major), among others.	
<b>Baylands Corridor</b>	
<p><b>BIO-5.1 – Protect the Baylands Corridor.</b> Ensure that baylands and large, adjacent essential uplands are protected, and encourage enhancement efforts for baylands, including those in the Baylands Corridor. The following criteria shall be used to evaluate proposed development projects that may impact the Baylands Corridor:</p> <ul style="list-style-type: none"> <li>◆ For large parcels (over 2 acres in size), adhere to development setback standards for areas qualifying for protection under the WCA and SCA, but increase setback distances as necessary to ensure that hydrologically isolated features such as seasonal wetlands and freshwater marshes are adequately linked to permanently protected habitat. These additional development setbacks shall serve to prevent fragmentation and preserve essential upland buffers in the Baylands Corridor.</li> <li>◆ For small parcels (2 acres or less in size), encourage property owners where suitable habitat exists to preserve up to 10 feet landward of mean high tide as a species refuge area for high water events. Site constraints, opportunities for avoidance of sensitive biological resources, and options for alternative mitigation, may also be considered.</li> <li>◆ Minor redevelopment involving less than 25% of a structure on a residential or industrial parcel that is already filled and at least 50% developed may be exempted from the requirements for a site assessment, provided that no additional filling or modification to wetlands occurs. (See BIO-5.2.)</li> </ul>	<p><b>Consistent.</b> The project is under 2 acres in size, and the project would maintain a distance of 10 feet landward of mean high tide.</p>
<p><b>BIO-5.2 – Limit Development and Access.</b> Ensure that development does not encroach into sensitive vegetation and wildlife habitats, damage fisheries or aquatic habitats, limit normal wildlife range, or create barriers that cut off access to food, water, or shelter for wildlife. Require an environmental assessment where development is proposed within the Baylands Corridor.</p>	<p><b>Consistent.</b> The project would not encroach into any sensitive habitat. The site is surrounded by existing urban development.</p>
<p><b>BIO-5.3 – Leave Tidelands in Their Natural State.</b> Require that all tidelands be left in their natural state to respect their biological importance to the estuarine ecosystem. Any modifications should be limited to habitat restoration or enhancement plans approved by regulatory agencies.</p>	<p><b>Consistent.</b> The project would not encroach into tidelands. The site is surrounded by existing urban development.</p>

Countywide Plan Policy	Project Consistency
<b>BIO-5.4 – Restore Marshlands.</b> Enhance wildlife and aquatic habitat value of diked bay marshlands, and encourage land uses that provide or protect wetland or wildlife habitat and do not require diking, filling, or dredging.	<b>Consistent.</b> The project would not encroach into marshlands. The site is surrounded by existing urban development.
<b>BIO-5.5 – Protect Freshwater Habitats.</b> Preserve and, where possible, expand habitats associated with freshwater streams, seasonal wetlands, and small former marshes to facilitate the circulation, distribution, and flow of fresh water, and to enhance associated habitat values.	<b>Consistent.</b> The project would not encroach into any freshwater habitat. The site is surrounded by existing urban development. The project would be required to comply with Provision E.12 of the Phase II NPDES Municipal Stormwater Permit, requiring onsite treatment of stormwater runoff from the site, ensuring that its discharge from the site would not adversely affect water quality in Richardson Bay, where it would be discharged, or in the neighboring marshlands.
<b>BIO-5.6 – Use Flood Basins for Seasonal Habitat.</b> Utilize natural or manage manmade flood basins to provide seasonal habitat for waterfowl and shorebirds, and prohibit development in these basins to protect habitat values.	<b>Consistent.</b> There is no natural habitat on the project site, which would be fully developed with an urban use. There is no reason for the project to provide a flood basin, and this policy is not applicable to the project.
<b>BIO-5.7 – Limit Access to Wetlands.</b> Design public access to avoid or minimize disturbance to wetlands, necessary buffer areas, and associated important wildlife habitat while facilitating public use, enjoyment, and appreciation of bayfront lands.	<b>Consistent.</b> The project would not provide access to wetlands. There is an existing public trail about 400 feet northwest of the site that is located on top of a dike adjacent to existing wetlands. The project would not interfere with access to this trail.
<b>BIO-5.8 – Control Shoreline Modification.</b> Ensure that any modifications to the shoreline do not result in a loss of biodiversity or opportunities for wildlife movement. Possible modifications may include construction of revetments, sea walls, and groins, as permitted by State and federal agencies.	<b>Consistent.</b> The project would not include any modifications to the shoreline of Richardson Bay, which is located about 550 feet north of the project site.
<b>BIO-5.9 – Allow Limited Agricultural Use.</b> Encourage only those agricultural uses that are compatible with protection of wetlands and other sensitive resources to remain in baylands. Conversion of non-agricultural lands to agriculture should occur only if wetlands or other sensitive biological resources would not be lost or adversely affected. Where possible, wetlands should be enhanced and restored as part of agricultural use or conversion.	<b>Consistent.</b> The project would not include any agricultural uses.
<b>BIO-5.10 – Encourage Acquisition of Essential Baylands.</b> Continue to acquire large, essential baylands for open space and habitat restoration purposes, and support	<b>Consistent.</b> The project would be developed on an existing urbanized site, surrounded by other urban development. There is no

Countywide Plan Policy	Project Consistency
public and private partnerships working to acquire baylands.	opportunity for the project to include acquisition of essential baylands.
<b>Open Space</b>	
<b>OS-2.h – Protect Watersheds and Aquifer Recharge.</b> Give high priority to the protection of watersheds, aquifer-recharge areas, and natural drainage systems in any consideration of land use. Require Clustered Development. Require clustering to provide effective protection to open space and environmental resources.	<b>Consistent.</b> The project site does not currently function as a watershed or aquifer-recharge area. The proposed redevelopment of the previously developed site would not impair groundwater recharge or adversely affect the local watershed.
<b>Water Resources</b>	
<b>WR-1.1 – Protect Watersheds and Aquifer Recharge.</b> Give high priority to the protection of watersheds, aquifer-recharge areas, and natural drainage systems in any consideration of land use.	<b>Consistent.</b> The project site does not currently function as a watershed or aquifer-recharge area. The proposed redevelopment of the previously developed site would not impair groundwater recharge or adversely affect the local watershed.
<b>WR-1.3 – Improve Infiltration.</b> Enhance water infiltration throughout watersheds to decrease accelerated runoff rates and enhance groundwater recharge. Whenever possible, maintain or increase a site’s predevelopment infiltration to reduce downstream erosion and flooding.	<b>Consistent.</b> As discussed in Section 10-a, the project would be required to provide biofiltration of the stormwater runoff from the site. This would improve the water quality of stormwater discharged from the site in comparison with existing conditions, where runoff is unconstrained and untreated. There would also be structural design features that would reduce the potential for erosion.
<b>WR-2.1 – Reduce Toxic Runoff.</b> Reduce the volume of urban runoff from pollutants — such as pesticides from homes, golf courses, cleaning agents, swimming pool chemicals, and road oil — and of excess sediments and nutrients from agricultural operations.	<b>Consistent.</b> As discussed in Section 10-a, the project would be required to comply with Provision E.12 of the Phase II NPDES Municipal Stormwater Permit, requiring onsite treatment of stormwater runoff from the site, which would include bioretention basins intended to capture and treat on site all stormwater runoff from the project buildings and pavements, removing urban pollutants prior to discharging the stormwater from the site.

Countywide Plan Policy	Project Consistency
<p><b>WR-2.3 – Avoid Erosion and Sedimentation.</b> Minimize soil erosion and discharge of sediments into surface runoff, drainage systems, and water bodies. Continue to require grading plans that address avoidance of soil erosion and on-site sediment retention. Require developments to include on-site facilities for the retention of sediments, and, if necessary, require continued monitoring and maintenance of these facilities upon project completion.</p>	<p><b>Consistent.</b> Implementation of the Erosion and Sediment Control Plan (ESCP) required by the NPDES Construction General Permit described in Section 10-a would include Best Management Practices (BMPs) that would ensure that soil erosion and the discharge of sediments are minimized. As discussed above, onsite bioretention facilities would be required to capture sediment and other pollutants from the site after the completion of construction.</p>
<p><b>WR-3.2 – Mitigate Water Demand in New Development.</b> Assess and mitigate the impacts of new development on potable water supplies and water available for wildlife.</p>	<p><b>Consistent.</b> The analysis of the project's water demand summarized in Section 19-b found that the project would have a less-than-significant impact on water supplies.</p>
<p><b>Environmental Hazards</b></p>	
<p><b>EH-2.1 – Avoid Hazard Areas.</b> Require development to avoid or minimize potential hazards from earthquakes and unstable ground conditions.</p>	<p><b>Consistent.</b> As discussed in Section 7-a(ii), the project design would be required to conform to the current California Building Standards Code, which includes detailed structural design requirements intended to provide adequate structural integrity to withstand the maximum credible earthquake and the associated ground motion acceleration. This would minimize potential hazards to the project from earthquakes and unstable ground conditions.</p>
<p><b>EH-2.3 – Ensure Seismic Safety of New Structures.</b> Design and construct all new buildings to be earthquake resistant. The minimum level of design necessary would be in accordance with seismic provisions and criteria contained in the most recent version of the State and County Codes. Construction would require effective oversight and enforcement to ensure adherence to the earthquake design criteria.</p>	<p><b>Consistent.</b> As discussed in Section 7-a(ii), the project design would be required to conform to the current California Building Standards Code, which includes detailed structural design requirements intended to provide adequate structural integrity to withstand the maximum credible earthquake and the associated ground motion acceleration. This would minimize potential hazards to the project from earthquakes and unstable ground conditions. The Marin County Building and Safety Division will ensure compliance with these requirements.</p>
<p><b>EH-4.1 – Limit Risks to Structures.</b> Ensure that adequate fire protection is provided in new development and when modifications are made to existing structures.</p>	<p><b>Consistent.</b> The Project will be subject to review and approval by the Southern Marin Fire Protection District (SMFPD), which will ensure compliance with applicable fire codes.</p>

Countywide Plan Policy	Project Consistency
<b>Atmosphere and Climate</b>	
<b>AIR-1.1 – Coordinate Planning and Evaluation Efforts.</b> Coordinate air quality planning efforts with local, regional, and State agencies, and evaluate the air quality impacts of proposed plans and development projects.	<b>Consistent.</b> The air quality analysis summarized in this Initial Study was performed in accordance with the State CEQA Guidelines published by the Bay Area Air Quality Management District, the public agency with jurisdiction over air quality in the San Francisco Bay Area.
<b>AIR-2.1 – Buffer Emission Sources and Sensitive Land Uses.</b> Consider potential air pollution and odor impacts from land uses that may emit pollution and/or odors when locating (a) air pollution sources, and (b) residential and other pollution-sensitive land uses in the vicinity of air pollution sources (which may include freeways, manufacturing, extraction, hazardous materials storage, landfill, food processing, wastewater treatment, and other similar uses).	<b>Consistent.</b> Although the proposed project does not include any sources of substantial emissions of air pollutants or odors, it would be located approximately 400 feet west of U.S. Highway 101, which is a potential source of emissions and odors from diesel-fueled trucks and other vehicles. However, this freeway is elevated more than 25 feet above the ground in the vicinity of the project site, which would substantially reduce the potential for diesel emissions and odors to adversely affect future project residents. As discussed in Section 3-d, the site is exposed to light to strong daytime winds throughout much of the year, and this wind serves to rapidly disperse local odors. Emissions and odors from U.S. 101 are not expected to adversely affect future project residents.
<b>The Built Environment Element</b>	
<b>Community Design</b>	
<b>DES-4.1 – Preserve Visual Quality.</b> Protect scenic quality and views of the natural environment — including ridgelines and upland greenbelts, hillsides, water, and trees — from adverse impacts related to development.	<b>Consistent.</b> As discussed in Section 1, The proposed project would have no effect on existing scenic views in the project vicinity.

Based on the analysis summarized in Table 11-1, the proposed project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. There would be *no impact*.

**c) Result in substantial alteration of the character or functioning of the community, or present planned use of an area?**

The proposed project would be consistent and compatible with the existing character of surrounding development both in terms of land use and design. The mixed-use project with an extended-stay hotel and studio apartments would be a similar and compatible use with the Holiday Inn Express motel located less than 100 feet to the northwest and with the Fireside affordable housing development and the Muir Woods Lodge located on the opposite side of Shoreline Highway from the site. The two-story building would be compatible with the massing of the nearby motels and apartments, all of which are two-story buildings. The contemporary architecture with a Mission flavor would be compatible with the similar architecture employed at the adjacent Holiday Inn. Therefore, the project would not result in a substantial alteration of the character or functioning of the existing community and, as discussed above, it would be consistent with the planned use for the area. There would be *no impact*.

**d) Conflict with applicable Countywide Plan designation or zoning standards?**

The Project site has a General Plan land use designation of General Commercial/Mixed Use (GC). This category was established to allow for a wide variety of commercial uses—including retail and service businesses, professional offices, and restaurants—in conjunction with mixed use residential development. The Tamalpais Area Land Use Policy Map, Almonte (Map 6.1.4) of the *Countywide Plan* establishes an allowable floor area ratio (FAR) of 0.05 to 0.35 for the site.

The *Countywide Plan* states that the Development Code identifies permitted and conditional uses and development standards consistent with this designation. The project site is in a CP-Planned Commercial Zoning District, which is listed as a consistent zoning district with the General Commercial/Mixed Use land use designation. Section 22.12.020 of the Development Code allows lower-intensity commercial retail shopping, office facilities, and residential uses in the CP district, provided they are in pleasing and harmonious surroundings, with appropriate control of building coverage, height, parking, and landscaping.

Development Code Table 2-6 lists multi-family dwellings and hotels/motels as principally permitted uses in the CP district. Thus, the proposed uses are permitted by right in the General Commercial/Mixed Use designation.

Section 22.12.150 of the Development Code lists the development standards and other requirements for Commercial/Mixed Use zoning districts, including the CP district. For lots under 2 acres in size, at least 25 percent of the floor area must be developed for new housing. The residential portion of the proposed project would

occupy 6,088 square feet of the total building area of 11,321 square feet, and would comply with this standard.

The combined residential and commercial floor area ratio cannot not exceed the floor area ratio that is established in the *Countywide Plan* land use designation, although the floor area ratio limit does not apply to affordable housing projects. Project plans indicate that the project would have an FAR of 0.443, which would exceed the maximum density permitted by the Tamalpais Area Land Use Policy Map of the *Countywide Plan*. However, the State Density Bonus Law, codified in Government Code Section 65915, allows increased density (the density bonus) over that allowed in a local general plan or zoning ordinance with the provision of specified minimum percentages of affordable units in proposed housing developments. With 20 percent of the apartment units intended as below-market-rate units, the project is eligible for a 35-percent density bonus, in accordance with Government Code Section 65915 and Development Code Table 3-5a. The State Density Bonus Law expressly states that “the granting of a density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.”

With the 35-percent density bonus the project is eligible for, the allowable FAR with density bonus would be 0.558. The project would have an FAR of 0.443 with the density bonus, and therefore would be well within the allowed density for the site.

Section 22.12.150 of the Development Code also requires each dwelling unit to be at least 220 square feet in size, but not more than 1,000 square feet. Each of the proposed apartment units would be within this range. Residential density also should not exceed 30 units per acre. With ten units on a 0.58-acre site, the project would be well within this limit. Properties within the area covered by the *Tamalpais Area Community Plan*, which applies to the project site, cannot be developed with more than 100 residential units. The project would be consistent with this regulation.

Pursuant to Section 22.12.150(B), the project will be subject to the County’s design review process and will need to demonstrate that the site design is compatible with the adjacent community and incorporates design elements such as a vertical mix of uses and usable common/open space areas, where appropriate. It will also need to demonstrate that the residential uses have been designed and sited in a manner that does not conflict with the continuity of store frontages, while maintaining visual interest and a pedestrian orientation.

Based on the preceding analysis, the project appears to be consistent with the *Countywide Plan* land use designation and with the applicable zoning regulations.

There would be ***no impact*** due to a conflict with the applicable land use designation or zoning standards.

## 12 Mineral Resources

<i>Would the project:</i>	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

The project site is located within an area classified as Mineral Resource Zone (MRZ) category MRZ-1 by the California Department of Conservation's Division of Mines and Geology (DMG).<sup>54 55 56</sup> This MRZ classification of the site has been made with respect to asphalt concrete-grade aggregate, Portland cement concrete-grade aggregate, and Class II base-grade aggregate. The MRZ-1 designation is assigned to areas where adequate information is available to make a determination that no significant mineral deposits are present, or where it is judged by DMG that there is little likelihood that they are present. It can therefore be assumed that mineral resources that would be of value to the region and the residents of the State are absent from the site. In addition, the site is located in a developed urbanized area, where extraction of minerals from the site would be impractical and highly disruptive to surrounding established land uses. This is reinforced by a statement in the DMG report published with the MRZ maps for the Bay Area that mineral lands located within areas that have already been urbanized are deemed incompatible, and are not considered viable for extraction.<sup>57</sup> Therefore, the project would have ***no impact*** on the availability of mineral resources.

<sup>54</sup> California Department of Conservation, Division of Mines and Geology, Updated Mineral Land Classification Map for Portland Cement Concrete-Grade Aggregate in the North San Francisco Bay Production-Consumption Region; Marin, Napa, Sonoma, and Southwestern Solano Counties, California Special Report 205, Plate 1A, 2013.

<sup>55</sup> California Department of Conservation, Division of Mines and Geology, Updated Mineral Land Classification Map for Asphalt Concrete-Grade Aggregate in the North San Francisco Bay Production-Consumption Region; Marin, Napa, Sonoma, and Southwestern Solano Counties, California Special Report 205, Plate 1B, 2013.

<sup>56</sup> California Department of Conservation, Division of Mines and Geology, Updated Mineral Land Classification Map for Class II Base-Grade Aggregate in the North San Francisco Bay Production-Consumption Region; Marin, Napa, Sonoma, and Southwestern Solano Counties, California Special Report 205, Plate 1C, 2013.

<sup>57</sup> California Department of Conservation, Division of Mines and Geology, *Update of Mineral Land Classification: Aggregate Materials in the North San Francisco Bay Production-Consumption Region*,

**b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?**

Known locations of mineral resource sites in Marin County are identified on Map 3-5 of the *Countywide Plan*. There is no mineral resource preservation site designated on or near the project site.<sup>58</sup> Therefore, the project would have ***no impact*** due to the loss of availability of a locally important mineral resource recovery site delineated on the *Countywide Plan*.

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Sonoma, Napa, Marin, and Southwestern Solano Counties, California Special Report 205, Concepts Used in Identifying Available Aggregate Resources (page 17), 2013.

<sup>58</sup> Marin County Community Development Agency, *Marin Countywide Plan*, Map 3-5: Location of Mineral Resource Preservation Sites, adopted November 6, 2007.

## 13 Noise

<i>Would the project result in:</i>		Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a)	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **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?**

Similar to most jurisdictions, Marin County's regulation of noise is based on commonly-employed noise parameters that are based on the fundamental metric of a decibel (dB), which is a unit of sound energy intensity caused by rapid fluctuation of air pressure as sound waves travel outward from a source. Decibels are logarithmic units that compare the wide range of sound intensities to which the human ear is sensitive, with 0 dB corresponding roughly to the threshold of hearing.

A frequency weighting measure, which simulates human perception, is commonly used to describe noise environments and to assess impacts on noise-sensitive areas. A-weighting of sound levels best reflects the human ear's reduced sensitivity to low and extremely high frequencies, and correlates well with human perceptions of the annoying aspects of noise. An A-weighted decibel (dBA) is a decibel corrected for the variation in frequency response to the typical human ear at commonly encountered noise levels. The A-weighted decibel scale (dBA) is cited in most noise criteria, including Marin County's *Countywide Plan* standards.

Several time-averaged scales represent noise environments and consequences of human activities. The most commonly used noise descriptors are equivalent A-

weighted sound level over a given time period ( $L_{eq}$ );<sup>59</sup> average day-night 24-hour average sound level ( $L_{dn}$ )<sup>60</sup> with a nighttime increase of 10 dBA to account for sensitivity to noise during the nighttime; and community noise equivalent level (CNEL),<sup>61</sup> also a 24-hour average that includes both an evening and a nighttime weighting. CNEL and  $L_{dn}$  descriptors are similar and are often used interchangeably. Peak noise levels, such as train pass-bys or operation of heavy-duty construction equipment, are often described as the highest instantaneous noise measurement during any measurement period ( $L_{max}$ ).

Noise levels are generally considered low when ambient levels are below 45 dBA, moderate in the 45-60 dBA range, and high above 60 dBA. Outdoor day/night sound levels ( $L_{dn}$ ) vary over 50 dBA, depending on the specific type of land use. The  $L_{dn}$  noise levels average approximately 35 dBA in wilderness areas, 40 to 50 dBA in small towns or wooded residential areas, 75 dBA in major metropolis downtown areas, and 85 dBA near major freeways and airports. Although people often accept the higher levels associated with very noisy urban residential and residential-commercial zones, they nevertheless are considered to be adverse levels of noise with respect to public health.

The proposed multi-family residential development would be considered a noise-sensitive land use, as defined by Implementing Program NO-1.b of the Safety Element of the 2007 *Countywide Plan*. Although not explicitly identified as such in County policy, the proposed hotel use would also be considered a noise-sensitive land use. Implementing Program NO-1.a states that new development should comply with allowable noise levels listed in Figure 3-41 of the *Countywide Plan*. Figure 3-41 establishes a Normally Acceptable noise level of 65 dBA CNEL for both motels and multi-family residential housing, and a Conditionally Acceptable level of 70 dBA CNEL.

As depicted on Map 3-12 of the *Countywide Plan*, the US 101 corridor is flanked by a 65-dBA  $L_{dn}$  noise contour. Since this freeway is located approximately 400 feet to the east of the project site, it is a contributor to the ambient noise environment at the site. Across flat, hardened ground with no obstructions, freeway vehicle noise typically attenuates at the rate of 3 dBA for each doubling of distance, and at the rate of 4.5 dBA when grass or plowed farmland abut the

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<sup>59</sup> The Equivalent Sound Level ( $L_{eq}$ ) is a single value of a constant sound level for the same measurement period duration, which has sound energy equal to the time-varying sound energy in the measurement period.

<sup>60</sup>  $L_{dn}$  is the day-night average sound level that is equal to the 24-hour A-weighted equivalent sound level with a ten-decibel penalty applied to night between 10:00 p.m. and 7:00 a.m.

<sup>61</sup> CNEL is the average A-weighted noise level during a 24-hour day, obtained by addition of 5 decibels in the evening from 7:00 to 10:00 p.m., and an addition of a 10-decibel penalty in the night between 10:00 p.m. and 7:00 a.m.

roadway.<sup>62</sup> Since roadway noise is typically measured at a distance of 50 feet from the roadway—a more conservative approach than the alternative of measuring it from the roadway centerline—the noise level at the project site could be assumed to be 56 dBA. However, U.S. 101 in the vicinity of the project site is elevated more than 25 feet above the ground. Consequently, much of the freeway noise propagates outward in horizontal and upward vertical directions, with less of the noise reaching the project site; the roadbed prevents direct propagation of the noise in the downward direction.

Therefore, it can be assumed that the ambient noise level at the site is lower than 56 dBA. This is reinforced by noise measurements recently conducted at another site in the County where the freeway is also elevated. That site is situated less than 100 feet from U.S. 101, where the ambient noise was measured at 54.4 dBA at one location on the site and at 59.2 dBA at a second location.<sup>63</sup> Given this data, it can be assumed that the project site, located between 400 and 580 feet from the freeway, has an existing noise environment well below the Normally Acceptable noise level of 65 dBA for motels and multi-family residential housing established in the *Countywide Plan*. It is also worth noting that the Federal Highway Administration states that roadway noise is generally not a nuisance to residents living more than 150 meters (apx. 492 feet) from heavily traveled freeways, and that assumes the two uses are on the same horizontal plane.<sup>64</sup>

The foregoing discussion demonstrates that project occupants would not be exposed to excessive noise levels and the project would not conflict with County policy pertaining to acceptable noise environments.

Operation of the project would generate a negligible amount of noise, primarily by passenger vehicles of the residents and their visitors, hotel guests, delivery trucks, and maintenance/service vehicles arriving to and departing from the apartments and hotel. Periodic maintenance of landscaping could generate short-term elevated noise levels, such as during operation of a leaf blower. (The proposed landscaping does not include any turf lawn, so operation of a lawn mower is not anticipated.) These noise sources are common to all residential development, and are not considered noise disturbances subject to regulation.

Regarding traffic noise, the only notable noise that would be generated by the project, the amount of traffic that would be generated by the project would be a miniscule portion of the existing traffic traveling on U.S. 101 and Shoreline Highway. Since it takes a doubling of traffic to result in a barely-perceptible 3-

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<sup>62</sup> U.S. Department of Transportation, Federal Highway Administration, Highway Traffic Noise Analysis and Abatement Policy and Guidance, Accessed August 5, 2020 at: [https://www.fhwa.dot.gov/Environment/noise/regulations\\_and\\_guidance/polguide/polguide02.cfm](https://www.fhwa.dot.gov/Environment/noise/regulations_and_guidance/polguide/polguide02.cfm).

<sup>63</sup> Marin County Community Development Agency, Planning Division, *Albion Monolith Master Plan and Tentative Map Initial Study*, June 18, 2019.

<sup>64</sup> U.S. Department of Transportation, Federal Highway Administration, *Op Cit*.

dBA increase in noise, there is no possibility for project-related traffic to increase existing noise levels in the vicinity of the project.<sup>65</sup> As a new source of noise that could adversely affect existing residents in the area, the project would have no perceptible effect.

In addition to *Countywide Plan* policies pertaining to noise, Marin County regulates noise via the County Code, which addresses excessive noise in general and also includes provisions for construction noise. While operation of the completed project is not expected to result in conflicts with Code provisions for loud and unnecessary noise, construction of the project would generate elevated noise levels, and would be subject to County Code Section 6.70.030(5), which stipulates that hours for construction activities must be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturdays. Noise-generating construction activities are prohibited on Sundays and holidays, including New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. Section 6.70.030(5) also requires loud noise-generating construction equipment (e.g., backhoes, generators, jackhammers) to be operated, maintained, or serviced at a construction site for permits from 8:00 a.m. to 5:00 p.m. Monday through Friday only.

Many types of heavy-duty construction equipment emit maximum sound levels in excess of 83 dBA at a distance of 25 feet. The majority of noise emitted from such equipment originates from their internal combustion engines—typically diesel-fueled—and is emitted during the air intake and exhaust cycles. Although details about the equipment that would be employed during construction of the proposed project were not available during preparation of this Initial Study, typical construction equipment that is likely to be utilized could include rubber-tired dozers, tractors, loaders, backhoes, graders, pneumatic tools, flat-bed trucks, cement and mortar mixers, pavers, rollers, and air compressors. Based on data provided by the Federal Highway Administration, this equipment would emit noise levels of 74 to 85 dBA Lmax at a distance of 50 feet.<sup>66</sup>

Since noise from point sources attenuates at a rate of 6 dBA<sup>67</sup> over hard surfaces and level ground with no obstructions, it can be inferred that at a distance of 200 feet, noise levels from equipment used during project construction would emit noise levels of 62 to 73 dBA, though it would likely be lower, due to variations in terrain and intervening vehicles, equipment, signage, etc. The nearest existing residential receptors are in the Fireside apartments, where the nearest unit is located approximately 260 feet south of the southern edge of the project site, so

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<sup>65</sup> California Department of Transportation, Division of Environmental Analysis, *Technical Noise Supplement*, November 2009.

<sup>66</sup> U.S. Department of Transportation, Federal Highway Administration, *Construction Noise Handbook*, Roadway Construction Noise Model (RCNM) Inventory, Table 9.1: RCNM Default Noise Emission Reference Levels and Usage Factors, August 2006.

<sup>67</sup> California Department of Transportation, Division of Environmental Analysis, *Op. cit.*

peak construction noise at the exterior of the apartments would be lower, particularly given that some portions of the project site are more than 400 feet from the nearest apartment unit. Elevated noise levels could also be experienced during project construction at nearby businesses and the motels located to the west and south of the project. Many if not all hotel guests would likely not be in their rooms during the permitted daytime construction hours, and would thus be unaffected. In any event, the attenuation provided by modern construction materials and methods would reduce exterior noise levels by at least 20 to 25 dBA, resulting in an acceptable interior noise environment.

Construction of the proposed project would be required to comply with County Code Section 6.70.030(5). With this compliance, the project would have a *less-than-significant noise impact*.

**b) Generation of excessive groundborne vibration or groundborne noise levels?**

While vibration generated by construction activity can cause annoyance to nearby receptors, operation of typical construction equipment that would be employed during development of the project is not associated with excessive levels of groundborne vibration or noise. Any vibration generated during project construction would be minimal, intermittent, and would occur only during the short-term grading period or other construction phases involving operation of heavy equipment. Furthermore, groundborne vibration falls off quickly with distance, and at a distance of 25 feet from the equipment, vibration caused by bulldozers and excavators has no potential to cause structural or non-structural damage to buildings. For example, operation of a large bulldozer produces a vibration level at 25 feet of 0.089 inches per second (in/sec) of peak particle velocity (PPV).<sup>68</sup> In comparison, a recommended exposure threshold for more vulnerable older and historic buildings is 0.5 in/sec PPV.<sup>69</sup> All of the existing buildings surrounding the site are of relatively modern construction (constructed after 1975), and would not be vulnerable to the minor vibration that would occur during site grading. Temporary construction-related vibration could be noticeable to some people, but occupants of the nearby buildings would not experience excessive groundborne vibration or groundborne noise during project construction activities. Following completion of construction, there would be no operational generation of vibration. This would be a *less-than-significant* impact.

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<sup>68</sup> Federal Transit Administration (FTA), *Transit Noise and Vibration Impact Assessment Manual*, Table 7-4: Vibration Source Levels for Construction Equipment, FTA Report No. 0123, September 2018.

<sup>69</sup> California Department of Transportation (Caltrans), *Transportation and Construction Vibration Guidance Manual*, Table 14: Dowding Building Structure Vibration Criteria, September 2013.

- c) **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?**

There is no airport or private airstrip located within 2 miles of the project site. There would be ***no impact*** from airport noise.

## 14 Population and Housing

<i>Would the project:</i>	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Increase density that would exceed official population projections for the planning area within which the project site is located as set forth in the Countywide Plan and/or community plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Displace existing housing, especially affordable housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in any physical changes which can be traced through a chain of cause and effect to social or economic impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

The proposed project would directly induce population growth in Marin County by creating ten rental apartment units, including two below-market-rate (BMR) units, with the potential to draw new residents to Marin County. In addition, the proposed hotel would create new jobs that could also induce new workers to move into the County. Hotel guests would be a transient population of visitors who permanently reside outside of the County, and they are not considered factors in this discussion of population effects.

According to the U.S. Census Bureau, in 2018 Marin County had an average household size of 2.40 persons.<sup>70</sup> Thus, the residential portion of the proposed project could theoretically increase the City's population by approximately 24 people, but this is highly unlikely, since all of the apartments would be studio units likely to have just a single occupant each. While some project residents

<sup>70</sup> United States Census Bureau, Quick Facts: Marin County, California, accessed August 8, 2020 at: <https://www.census.gov/quickfacts/marincountycalifornia>.

could be new residents to Marin County and possibly to the greater Bay Area, it is more likely that most of the residents would be existing residents of the County.

The hotel component of the project would create new jobs for hotel clerks, cleaning staff, maintenance staff, and employees for the café/juice bar. Due to the relatively low-paying nature of the majority of jobs that would be created, most of these jobs would likely be filled by existing Marin County residents of the cities or unincorporated areas; they would not be expected to induce many workers to relocate to the County. Therefore, given the type and limited number of jobs that would be created, the project would not be expected to create a significant new demand for housing in the area.

The project applicant did not provide an estimate of the number of employees expected to work at the proposed hotel and café, so a best attempt to estimate project employment was made. According to a 2019 report on the U.S. hotel industry by Oxford Economics, a representative hotel with 100 occupied rooms provides employment for 241 jobs, including 137 direct jobs and 104 indirect and induced jobs.<sup>71</sup> Indirect jobs can be related to the hotel supply chain, including that related to energy production. Induced jobs are related to the spending by hotel employees on things like rent, transportation, food and beverage, and entertainment. If these employment numbers are scaled to the project size, the project would be expected to create approximately 14 direct jobs; this analysis is not concerned with indirect and induced jobs.

If it is conservatively assumed that the residential component of the project would generate 24 new County residents and that all of the estimated 14 hotel employees would relocate to the County for these jobs, the project could result in 38 new residents to the County, though the actual number is expected to be substantially lower. The County's total population was reported by the U.S. Census Bureau to be 258,726 persons as of July 1, 2019.<sup>72</sup> If the project increased the County's population by 38 people, this would represent a 0.0146-percent increase in the County's population, which would not represent substantial growth. Furthermore, the General Commercial/Mixed Use land use designation for the project site permits residential development. Thus, the incremental population growth that could occur on the site would not be considered unplanned growth. Therefore, the proposed project would have a *less-than-significant impact* on population growth.

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<sup>71</sup> Oxford Economics, *Economic Impact of the U.S. Hotel Industry*, August 2019.

<sup>72</sup> U.S. Census Bureau, *Op cit*.

**b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

There is currently no housing or other development on the site, so no people would be displaced by the project. There would be *no impact*.

**c) Increase density that would exceed official population projections for the planning area within which the project site is located as set forth in the Countywide Plan and/or community plan?**

See Section 14-a, above.

**d) Displace existing housing, especially affordable housing?**

e) See Section 14-b, above.

**f) Result in any physical changes which can be traced through a chain of cause and effect to social or economic impacts?**

The primary social and economic impacts of the project would be the creation of new housing and new jobs; these would be minor incremental increases relative to the existing number of housing units and jobs in Marin County. This Initial Study evaluates the physical changes that would be associated with the creation of these new housing units and jobs. See, for example, Section 3, Air Quality; Section 7, Geology and Soils; Section 10, Hydrology and Water Quality; and Section 17, Transportation. Aside from the physical changes described throughout this document, the project would not cause other physical changes that would be significant, adverse impacts to the environment. There would be *no additional impact*.

## 15 Public Services

<i>Would the project:</i>	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities including roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:**

**i) Fire protection?**

The project site is located within the service area of the Southern Marin Fire Protection District (SMFPD), an independent special district established by the Marin County Board of Supervisors in July 1999. The District provides an "All Risk" emergency response capability to the service area through automatic and mutual aid agreements with neighboring agencies.

The SMFPD has 54 full time employees including a Fire Chief, a Deputy Fire Chief, 2 Battalion Chiefs, a Deputy Fire Marshal, 9 Fire Captains, 18 Paramedic Engineers, 18 Engineers, 3 administrative staff and 1 Fire Inspector. The District maintains a daily staffing level of 16 personnel. SMFPD equipment includes three engines, one ladder truck, one rescue squad, and two ambulances respond distributed among three stations.

Each unit responding to a service call is staffed by either a Paramedic (advanced life support) or Emergency Medical Technician (EMT) who is trained in the use of the automatic external defibrillator (AED).

The SMFPD service area is divided into three operational zones; the project site is located within Zone 4 – Tamalpais Valley and Homestead Valley. This zone is serviced by Station No. 4, Tamalpais Valley, located at 309 Poplar Avenue in Mill Valley, about 0.8 miles west of the project site. Given this proximity, first-response time to the site is expected to be well under 5 minutes.

The development of ten new studio apartment residences and an 11-room hotel could result in additional calls for fire protection and/or emergency medical services. However, any minor incremental increase in calls for service would readily be accommodated with the existing staffing and facilities in the SMFPD. There would be no need to construct new fire protection facilities and, therefore, there would be ***no impact*** from the construction of such facilities.

## **ii) Police protection?**

Police protection services would be provided to the project by the Marin County Sheriff's Department, which operates out of headquarters located—along with the County's 911/Communication Center and Emergency Operations Center—at 1600 Los Gatos Drive in San Rafael. The Department is staffed by 202 sworn deputies and 112 other law enforcement personnel. Similar to fire protection, the incremental increase in calls for police protection service that would be generated by ten new studio apartment residences and an 11-room hotel would readily be accommodated with the existing staffing and facilities in the Sheriff's Department. There would be no need to construct new police protection facilities and, therefore, there would be ***no impact*** from the construction of such facilities.

## **iii) Schools?**

Public schools serving the project site are all located in Mill Valley; they include Tamalpais Valley Elementary School (Tam Valley), at 350 Bell Lane; Mill Valley Middle School, at 425 Sycamore Avenue; and Tamalpais High School (Tam High), at 700 Miller Avenue. The high school is one of five high schools in the Tamalpais Union High School District, while the two other schools are part of the Mill Valley School District.

The proposed project would have a less-than-significant impact on schools because it would be required to pay school impact fees and, pursuant to Senate Bill (SB) 50 (1998), the State has determined that proposed development projects would have a less-than-significant impact on schools upon the payment of applicable school impact fees. Level 1 fees, which are set by the State Allocation Board as the maximum fees that can be imposed on new development, are

currently \$4.08 per square foot of new residential construction and \$0.66 per square foot for new commercial or industrial development.<sup>73</sup> Under certain circumstances, a school district may impose higher Level 2 or Level 3 fees only after conducting a Fee Justification Study to establish that a nexus exists between the amount and types of development in a school district and the need for additional school facilities to house students generated by development. School impact fees are levied prior to issuance of a building permit, and certification of payment of the applicable fee by the school district must be provided before the County can issue a building permit.

The proposed project would be required to pay the applicable school impact fees, and would therefore have a *less-than-significant impact* on schools. It is also worth noting that the project is unlikely to generate new students for the school districts because ten studio apartments are unlikely to be occupied by families with children.

#### **iv) Parks?**

Marin County has many local and regional parks, including a significant amount of federal lands, such as the Golden Gate National Recreation Area, a 26,000-acre open space recreation area that is located less than a mile south of the project site. The Countywide Plan EIR reports that Marin County has over 113,807 acres of parks, including 97,590 acres of federal lands, 14,267 acres of State lands, 458 acres of County-owned lands, and 1,490 acres of city parks. While implementation of the proposed project could result in an incremental increase in the use of these parks, the minor amount of usage that could be generated by ten studio apartment residents would be negligible relative to the amount of parkland available and the number of existing users. Similarly, the usage by hotel guests and employees would be minor. There is no potential for project-related demand for parks to exceed existing capacity or require the construction of new park facilities. There would be no need to construct new park facilities and, therefore, there would be *no impact* from the construction of parks.

#### **v) Other public facilities including roads?**

The small number of new residents, hotel guests, and employees that would be generated by the project would utilize existing roads to travel to and from the site. There is no potential for this negligible incremental increase in existing usage to damage or exceed the capacity of these existing roads or require construction of new roads. Similarly, new residents of the project could increase demand for library services, but this would not substantially increase the use of libraries and

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<sup>73</sup> California Department of General Services, Office of Public School Construction, State Allocation Board, Public Meeting Transcript of January 22, 2020 Meeting, Accessed August 10, 2020 at: <https://www.dgs.ca.gov/OPSC/Resources/Page-Content/Office-of-Public-School-Construction-Resources-List-Folder/State-Allocation-Board-Agendas>.

would not require the construction of new library facilities. There would be no need to construct new roads or other facilities and, therefore, there would be ***no impact*** from the construction of such facilities.

## 16 Recreation

<i>Would the project:</i>	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

As discussed in Section 15-a(iv), implementation of the proposed project could result in an incremental increase in the use of parks, but the amount of additional use would be negligible relative to the existing use of parks and other recreational facilities. This incremental increase in usage would not result in substantial physical deterioration of the facilities, so this would be a *less-than-significant impact*.

- b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

The proposed project does not include any recreation facilities, so there would be *no impact* from construction of such facilities.

## 17 Transportation

<i>Would the project:</i>	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with State CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?**

Although the *Countywide Plan* establishes a Level of Service (LOS) standard of LOS D or better for urban and suburban arterials and LOS E or better for freeways and rural expressways (Policy TR-1.e), pursuant to SB 743, passed in 2013, the Governor's Office of Planning and Research (OPR) adopted revisions to the State *CEQA Guidelines* on December 28, 2018 stating that adverse effects on Level of Service will no longer be considered to be a significant environmental impact under CEQA. (The newly-adopted metric of Vehicle Miles Traveled (VMT) for assessing transportation impacts under CEQA is addressed in Section 17-b, below.) Nonetheless, a traffic analysis of the proposed project was prepared by the traffic consulting firm W-Trans, the results of which are summarized here for informational purposes.<sup>74</sup>

Based on the application of trip generation rates for an apartment complex (Land Use #220) and hotel (Land Use #310) provided in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual* (10<sup>th</sup> Edition), the proposed apartment units would generate 73 daily vehicle trips, including 6 trips during the PM peak hour, and the hotel rooms would generate 92 daily vehicle trips, including 7 trips during the PM peak hour. The total project trips would be 165 daily trips and 13 PM peak-hour trips. Because the project site was previously developed with a gas station, the trips generated by the prior use were subtracted to determine the net change in traffic that would occur with implementation of the project. Trip generation from the former gas station was calculated using the ITE trip

<sup>74</sup> W-Trans, *Traffic Study for the 150 Shoreline Highway Mixed-Use Project*, June 3, 2019.

generation rate for gasoline/service station (Land Use #994). This resulted in 1,376 daily trips, but this number was reduced by 56 percent to account for pass-by trips (i.e., trips made to another destination that included a stop at the gas station), resulting in 605 primary daily trips and 51 PM peak-hour trips. Subtracting these trips from the projected project-generated trips resulted in a net reduction in vehicle trips compared to the prior use as well as its currently permitted use. There would be a net reduction of 440 daily trips and a net reduction of 38 PM peak-hour trips. Consequently, the project would result in a beneficial effect on traffic compared to redevelopment under its current zoning and land use, which would allow redevelopment of the site as a gas station with just a building permit. The project would have a *less-than-significant impact* on the circulation system.

**b) Conflict or be inconsistent with State CEQA Guidelines section 15064.3, subdivision (b)?**

Section 15064.3 of the State *CEQA Guidelines*, added to the Guidelines on December 28, 2018, establishes *vehicle miles traveled* (VMT) as the most appropriate measure of potential transportation impacts. The County has not yet adopted a threshold of significance for VMT or identified its preferred methodology for calculating VMT and assessing VMT impacts. However, Section 15064.3 states that projects within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less-than-significant impact on traffic. A “major transit stop” is defined in Public Resources Code Section 21064.3 as an existing rail or bus rapid transit station, a ferry terminal service by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. Public Resources Code Section 21155 defines a “high-quality transit corridor” as a corridor with fixed-route bus service with service intervals no longer than 15 minutes during peak commute hours.

Although the Manzanita Park-and-Ride Lot, which is used as a transit hub by Marin Transit, Golden Gate Transit, and the Marin Airporter, is located less than 400 feet to the southeast of the project site, none of the transit providers run with headways of 15 minutes or less, so it doesn’t meet the definition of major transit stop or high-quality transit corridor. However, Section 15064.3 of the State *CEQA Guidelines* also states that projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less-than-significant transportation impact. As described in the preceding section, the proposed project is expected to result in a substantial reduction in vehicle trips in comparison to the former and currently permitted use for the site. Given the magnitude of the reduction in daily and peak-hour trips, it is reasonable to assume the project would also result in a reduction in VMT. Therefore, the proposed

project would not conflict with Section 15064.3 of the State *CEQA Guidelines*. There would be ***no impact***.

**c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

The traffic study referenced in Section 17-a included an evaluation of sight distance at the project driveway. Given the speed limit on Shoreline Highway of 35 miles per hour in the vicinity of the project, the minimum safe sight distance stipulated in the Caltrans *Highway Design Manual* is 250 feet. This is the distance needed for drivers exiting the project site driveway to avoid conflicts with traffic on Shoreline Highway. W-Trans measured the existing sight distance as more than 300 feet, concluding that the sight distance is adequate to avoid conflicts. There are no aspects of the project that would create new traffic hazards. There would be ***no impact*** due to the creation of a traffic hazard.

**d) Result in inadequate emergency access?**

Shoreline Highway would continue to provide emergency access to the project site via the existing driveway. Emergency vehicle access would be provided alongside the north, east, and west sides of the proposed building. The two-story building would not exceed the height accessible to fire engines. There would be adequate emergency access to the project, which would be confirmed by the Fire Department as part of the entitlement process. There would be ***no impact*** from inadequate emergency access.

## 18 Tribal Cultural Resources

<i>Would the project:</i>	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 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:				
i) 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)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) **Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 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:**

- i) **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)?**

In 2004 the California legislature passed Senate Bill (SB) 18, which requires local governments to contact and consult with California Native American tribes prior to adoption or amendment of a general plan, specific plan, or designation of open space. This requirement was expanded with the passage in 2014 of Assembly Bill (AB) 52, which established a consultation process with all California Native American tribes included on a list maintained by the Native American Heritage

Commission (NAHC). For a specific development project, the consultation must be with a tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.

AB 52 established a new class of cultural resources, Tribal Cultural Resources. A Tribal Cultural Resource (TCR) is a site feature, place, cultural landscape, sacred place, or object that is of cultural value to a Native American tribe and is either on or eligible for the California Register of Historical Resources (CRHR) or a local historic register, or the lead agency chooses, at its discretion, to treat the resource as a TCR.

For any development project application deemed complete by a lead agency after July 1, 2015, the lead agency must provide written notification within 14 days to all tribes that have requested placement on the agency's notification list. The notification must provide the project location, a brief description of the project, the lead agency contact information, and notice that the tribe has 30 days to request consultation. If a tribe requests consultation, it must begin within 30 days.

Pursuant to AB 52, on May 14, 2020 the County sent notification letters to the two Native American tribes who had previously requested consultation on projects occurring in Marin County, the Ione Band of Miwok Indians and the Federated Indians of Graton Rancheria (FIGR). These tribes had been identified by the Native American Heritage Commission (NAHC) as potentially affiliated traditionally and culturally with the geographic area of the County. On July 27, 2020 the County received a letter from FIGR that requested consultation with the County regarding the project's potentially significant effects on TCRs, recommended mitigation measures, and alternatives to the project. (No response was received from the Ione Band of Miwok Indians.) The County subsequently participated in a consultation meeting with FIGR's Tribal Heritage Preservation Officer (THPO), who noted that other archaeological resources have been confirmed on sites in proximity to the project site, and requested that a professional archaeologist be retained to conduct a Phase I Archaeological Site Assessment to further explore whether there may be such resources present on the site.

As summarized in Section 5-b, a cultural resources evaluation was subsequently performed by Archaeological Resource Service (ARS), which found no evidence of cultural resources 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). As noted in the discussion in Section 5-b, Section 22.20.040(D) of the Marin County Code stipulates that in the event that archaeological, historic, or paleontological resources are discovered during any construction activities, such activities must cease, and the Community Development Agency must be notified. The find must be evaluated and recorded by a qualified archaeologist, and disposition of any recovered artifacts must be

done in compliance with State and Federal law. Although compliance with these existing regulations would ensure that potential impacts to tribal cultural resources would be less than significant, FIGR requested additional investigation of the site, including subsurface testing, by a Tribal Preferred Archaeologist, as discussed in Section 5. FIGR is concerned that a known shellmound deposit near the project area may extend into the subsurface of the project site. If the shellmound deposit does extend into the site, construction of the proposed project could damage or destroy the cultural information embodied in the deposit, which would be a *significant impact* on TCRs. Implementation of Mitigation Measure CUL-1, presented in Section 5, would reduce the impact to a less-than-significant level.

- ii) **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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

Public Resources Code Section 5024.1 establishes the California Register of Historical Resources (CRHR) and the criteria for inclusion on the CRHR, which were previously listed in Section 5-a. Section 5024.1 also indicates that a resource listed on the National Register of Historic Places (NRHP) is automatically included on the CRHR. State Historical Landmarks numbered 770 or higher are also automatically included on the CRHR, as are local landmarks or historic properties designated under any municipal or county ordinance.

As discussed in Section 5-b, the cultural resources evaluation performed by Archaeological Resource Service (ARS) found no evidence of cultural resources eligible for listing in the CRHR. In the event such resources were encountered during construction-related site disturbance, compliance with the County Code requirements outlined in Section 5-b would ensure that potential impacts to historic resources that may be of importance to a California Native American tribe would be *less than significant*.

## 19 Utilities and Service Systems

<i>Would the project:</i>	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**a) Require or result in the relocation or construction of new or expanded water, wastewater or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

There are existing water, wastewater, storm drainage, electric power, natural gas, and telecommunications facilities serving the commercial development that surrounds the project. The project would connect to these utilities and, other than the necessary onsite infrastructure, no new construction of utilities would be required. The environmental impacts of onsite construction are addressed throughout this Initial Study, but there would be no other impacts associated with the construction of utilities to serve the project. The project would have *no impact* related to construction or relocation of utilities.

**b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?**

Water would be provided to the project by the Marin Municipal Water District (MMWD), which provides potable water to 191,300 customers in central and southern Marin County in a service area spanning 147 square miles.

Approximately 75 percent of MMWD's water supply comes from the protected watershed on Mt. Tamalpais and in the grassy hills of west Marin, an area of more than 21,600 acres. Rainfall from these watersheds flows into one of MMWD's seven reservoirs and is treated prior to distribution to customers at one of the district's three potable water treatment plants. The remainder of MMWD's water supply is imported from the Sonoma County Water Agency (SCWA). SCWA water originates from rainfall that flows into Lake Sonoma and Lake Mendocino and is released into the Russian River. Local storage of water within the MMWD is provided by 127 storage tanks with a combined capacity of 81.9 million gallons.<sup>75</sup> Groundwater use is limited to small private wells.

The MMWD has contractual entitlements to 14,300 acre-feet per year (AFY) from the SCWA, subject to delivery capacity constraints and seasonal limitations.<sup>76</sup> The District projects that its use of imported SCWA will be 8,460 AFY in 2020, rising to 10,000 AFY in 2030, and remaining at this level until the water supply contract expires in 2040.<sup>77</sup> (The contract has renewal options.) The MMWD's projected use is thus well within the available supply.

The District has an operational safe yield of surface water collected from Marin County drainage basins of 20,000 AFY, but has a Reasonably Available Volume of 141,970 AFY in 2020.<sup>78</sup> Recycled water provides an additional 520 AFY of reliable supply. State law requires water agencies in California serving more than 3,000 customers or supplying more than 3,000 AFY of water to prepare an Urban Water Management Plan (UWMP) every five years that evaluates water supplies and demand under normal rainfall and drought conditions. The latest UWMP prepared by the MMWD in 2015, which provides projections in five-year increments through 2040, found that the District would have more than sufficient supplies to meet demand in all projected years during normal rainfall years, single

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<sup>75</sup> Marin Municipal Water District, *Urban Water Management Plan 2015 Update*, Section 3.0, System Description, June 2016.

<sup>76</sup> An acre-foot is the amount of water necessary to cover 1 acre of land to a depth of 1 foot, and is equivalent to 325,851.43 gallons, or 43,560 cubic feet.

<sup>77</sup> Marin Municipal Water District, *op. cit.*, Table 6-1, Wholesale Supplies – Existing and Planned Sources of Water (AFY).

<sup>78</sup> Marin Municipal Water District, *op. cit.*, Table 6-11, Water Supplies – Projected (AFY) (DWR Table 6-9).

dry years, and multiple dry years.<sup>79</sup> In the worst-case scenario, in the third year of a multi-year drought in 2020, the MMWD projects a supply of 60,442 AF, with demand of 41,940 AF, leaving 18,502 AF of surplus supply. All other modeled years in all scenarios would have a greater amount of surplus supply.

Current combined design capacity of the District's three treatment plants is 71 mgd, with an observed capacity of 58 mgd. In 2015 the MMWD produced an average of 20 mgd of treated potable water.<sup>80</sup> Therefore, based on the MMWD's available water treatment capacity, there is more than adequate water treatment capacity to serve the proposed project.

Water demand from ten studio apartments, eleven extended-stay hotel rooms, and a small café/juice bar would be readily accommodated by the available water supplies described above. The MMWD's water demand projections and associated water supply planning are based on population projections prepared by the Association of Bay Area Governments (ABAG). The proposed land use is consistent with the land use assumed for the site in ABAG's population projections. Based on the analysis presented above, the proposed project would have a *less-than-significant impact* on water supply and water treatment capacity.

**c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

Treatment of the project's wastewater would be provided by the Sausalito-Marín City Sanitary District (SMCSD). The SMCSD treatment plant is located in Fort Baker, just south of Sausalito, at 1 East Road. The treatment plant operates under Waste Discharge Requirements (WDRs) issued by State Water Resources Control Board Order No. 2006-0003.

A major upgrade of the plant was recently completed that increased the treatment capacity of the plant from 6.0 million gallons per day (mgd) to 9.0 mgd. Its tertiary treatment capacity (the third phase of treatment to "polish" water prior to releasing it into San Francisco Bay) was also increased from 1 mgd to 6 mgd. In addition, a 600,000-gallon equalization basin was constructed to temporarily store flow from a peak storm event. This basin can deliver as much as 12.5 mgd to the treatment plant, and allows the SMCSD to maintain treatment capacity during severe winter storms, which in the past sometimes cause influent flows to exceed treatment capacity. New headworks were also installed as part of the plant

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<sup>79</sup> Marin Municipal Water District, *op. cit.*, Tables 7-4, 7-5, and 7-6.

<sup>80</sup> Marin Municipal Water District, *op cit.*

upgrade. Completion of the \$26 million project has resulted in substantial improvements to effluent water quality and plant reliability.<sup>81 82</sup>

SMCSD has prepared and implemented a Sewer System Management Plan (SSMP) intended to prevent Sanitary Sewer Overflows (SSOs) and comply with the treatment plant's WDRs.<sup>83</sup> The SSMP, in conjunction with the District's 10-year Capital Improvement Program (CIP), is intended to ensure that it provides adequate wastewater conveyance and treatment capacity to accommodate wastewater flows from its service area. This is ensured in part through enforcement of the District Code, which requires design and construction of new sewers in the District's jurisdiction, including lateral sewers, to meet the minimum standards of the District's Specifications for Sewer Construction. Lateral sewer design and construction are also subject to the Uniform Plumbing Code.

The proposed project would be required to obtain a sanitary sewer permit from the SMCSD. Prior to approving the permit, the District would confirm that the onsite sewer facilities conform to the District's engineering and design specifications, including appropriate sizing and minimum slope requirements. The additional incremental wastewater flows that would be generated by the project would not have the potential to exceed the SMCSD's wastewater treatment capacity. Therefore, the project would have a *less-than-significant impact* on wastewater treatment capacity.

**d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**

Solid waste generated in Marin County is disposed of at the Redwood Landfill operated by Waste Management, Inc. in Novato. Nearly half of the materials brought to the site are reused, recycled, or composted.<sup>84</sup> The California Department of Resources Recycling and Recovery (CalRecycle), which administers the State's recycling and solid waste management programs, reports that as of December 18, 2008, Redwood Landfill had remaining disposal capacity of 26 million cubic yards.<sup>85</sup> This demonstrates substantial remaining landfill

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<sup>81</sup> Sausalito-Marín City Sanitary District, *Sausalito-Marín City Sanitary District Treatment Plant Upgrade Project Environmental Assessment/Initial Study* (PEPC 40411), November 2013.

<sup>82</sup> Sausalito-Marín City Sanitary District, *Sausalito-Marín City Sanitary District Strategic Plan 2020-2025*, adopted May 4, 2020.

<sup>83</sup> Sausalito-Marín City Sanitary District, *Sausalito-Marín City Sanitary District Sewer System Management Plan*, May 2019.

<sup>84</sup> Waste Management, Inc., Welcome to the Redwood Landfill and Recycling Center, Accessed August 15, 2020 at: <https://redwoodlandfill.wm.com/index.jsp>.

<sup>85</sup> CalRecycle, Solid Waste Information System, SWIS Facility/ Site Activity Details: Redwood Landfill (21-AA-0001), Accessed August 17, 2020 at: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/3054?siteID=1727>.

capacity, and indicates that it could readily accommodate the solid waste generated by the proposed project. Therefore, the project would have a *less-than-significant impact* on solid waste disposal capacity.

**e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?**

Redwood Landfill, which would receive solid waste generated by the proposed project, is operated in compliance with all applicable federal, State, and local statutes and regulations related to solid waste. The project would be required to comply with County regulations pertaining to on-site storage of solid waste and recyclable materials, codified in County Code Section 22.20.100, which is in conformance to the California Solid Waste Reuse and Recycling Access Act (Public Resources Code Sections 42900-42911). Implementation of the proposed project would not conflict with regulations related to solid waste. There would be *no impact*.

## 20 Wildfire

<i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i>	Significant or Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less than Significant	No Impact
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**a) 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?**

The project site is not located within a High or Very High Fire Hazard Severity Zone (VHFHSZ), as mapped by the California Department of Forestry and Fire Protection (CAL FIRE).<sup>86</sup> The site located within a Local Responsibility Area (LRA), with fire protection being the responsibility of the Southern Marin Fire Protection District (SMFPD). However, the forested slopes immediately to the south of the project are designated a VHFHSZ by CAL FIRE.

Were a wildfire to occur on the slopes to the south of the site to occur, the fire would likely spread uphill, away from the project due to both greater radiant heat and greater convective heat. Because flames on the uphill side of a slope are closer to the fuel, they receive more radiant heat, which results in faster igniting of brush and trees uphill of advancing flames. This phenomenon is further

<sup>86</sup> California Department of Forestry and Fire Protection (CAL FIRE), Marin County High Fire Hazard Severity Zones in SRA [map], adopted by CAL FIRE on November 7, 2007.

increased by the convection of the heated air, which rises along the slope creating an updraft that further pulls the fire uphill.

Another factor that would reduce the potential for a wildfire to affect the project is the paved roadway of Shoreline Highway, which would function as a fire break. The roadway width is about 80 feet where the highway passes the project site, and additional pavements to the north and south of this stretch of roadway increase the paved separation to approximately 250 feet. CAL FIRE recommends fire break widths of about 150 feet in grasslands on level ground and 300 feet on forested slopes.<sup>87</sup>

While the forested slope located to the south of the site poses some wildfire risk to the project site, this is an existing condition that would not be exacerbated by the proposed project, which would be constructed of modern fire-resistant materials and would include a fire protection sprinkler system on the interior of the building. Therefore, the project would have a *less-than-significant impact* due to increased risk of wildfire.

**b) 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?**

Existing Shoreline Highway would function as an evacuation route in the event of a wildfire in the project vicinity, and would also provide some utility as a fire break. No new infrastructure is required or proposed to accommodate the proposed project, so there would be no additional environmental impacts from construction of new infrastructure. There are no aspects to the project that would exacerbate fire risk. There would be *no impact*.

**c) 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?**

The proposed building would be constructed on a raised 3-foot-high concrete plinth base that would protect the building from flooding during the 100-year storm event. In the unlikely event that localized flooding occurred as a result of a wildfire in the forested slopes south of the project, this raised foundation would protect both the proposed building and its occupants. It would also provide protection from any soil creep that occurred to slope instability, though the slopes to the south are stabilized by the root structures of the many trees densely covering the slopes, so landslides in the area would be highly unlikely. The project would not expose people or structures to significant risks from drainage

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<sup>87</sup> California Department of Forestry and Fire Protection (CAL FIRE), *CAL FIRE Fuel Breaks and Use During Fire Suppression*, March 21, 2019.

changes, as discussed in more detail in Section 10-c. This would be a *less-than-significant impact*.

- d) **Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?**

See Section 20-a, above.

**21 MANDATORY FINDINGS OF SIGNIFICANCE. Pursuant to Section 15065 of the State EIR Guidelines, a project shall be found to have a significant effect on the environment if any of the following are true:**

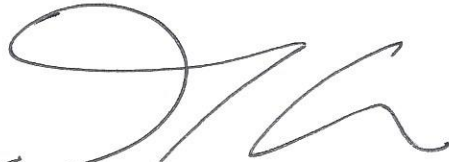
	Yes	No	Maybe
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**V. PROJECT SPONSOR'S INCORPORATION OF MITIGATION MEASURES:**

Acting on behalf of the project sponsor or the authorized agent of the project sponsor, I (undersigned) have reviewed the Initial Study for the O'Donnell Financial Group, LLC. and have particularly reviewed the mitigation measure and monitoring program identified herein. I accept the findings of the Initial Study, including the recommended mitigation measure, and hereby agree to modify the proposed project applications now on file with Marin County to include and incorporate the mitigation measure and monitoring program set out in this Initial Study.

Daniel Chedor

*(Project Sponsor's Name or Representative)*



*(Project Sponsor's signature)*

1/07/21

Date

**VI. DETERMINATION: (Completed by Marin County Environmental Planning Manager). Pursuant to Sections 15081 and 15070 of the State Guidelines, the forgoing Initial Study evaluation, and the entire administrative record for the project:**

- ☐ I find that the proposed project WILL NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measure included in this initial study has been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

*Rachel Reid*

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Rachel Reid, Environmental Planning Manager

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January 8, 2021

Date

**O'Donnell Financial Group Master Plan Amendment and Design Review**  
**DOCUMENTS INCORPORATED BY REFERENCE**

The following is a list of relevant information sources that have been incorporated by reference into the foregoing Initial Study pursuant to Section 15150 of the State CEQA Guidelines. These documents are both a matter of public record and available for public inspection either online or at the Planning Division office of the Marin County Community Development Agency (CDA), Suite 308, 3501 Civic Center Drive, San Rafael. The information incorporated from these documents shall be considered to be set forth fully in the Initial Study.

1. 150 Shoreline Highway plan set, Temenos Architects, November 14, 2019.
2. Broadbent & Associates, Inc., *Phase I Environmental Site Assessment: 150 Shoreline Highway, Mill Valley, California 94941, Assessor's Parcel Number 052-371-03, Project No.: 15-10-102*, March 16, 2015.
3. Archaeological Resource Service, *A Cultural Resources Evaluation of the O'Donnell Property, 150/156 Miller Avenue, Mill Valley, Marin County, California*, October 7, 2020.
4. John C. Hom & Associates, Inc., *Report: Geotechnical Investigation, Proposed Office Building, 156 Shoreline Highway, Mill Valley, California*, Job Number 1742, July 27, 2009.
5. John C. Hom & Associates, Inc., *Soil Engineering Report Update, Proposed Office Building, 150 Shoreline Highway, Mill Valley, California*, Job Number 1874.1, October 15, 2009.
6. Broadbent & Associates, Inc., *Results of Phase II Soil Sampling and Recommendations for the Property Located at 150 Shoreline Highway, Mill Valley, California*, April 22, 2015.
7. CSW/Stuber-Stroeh Engineering Group, Inc., *Stormwater Control Plan for 150 Shoreline Highway, Mill Valley, CA*, May 6, 2019.
8. W-Trans, *Traffic Study for the 150 Shoreline Highway Mixed-Use Project*, June 3, 2019.
9. Marin Countywide Plan, CDA - Planning Division (2007)
10. Marin County Development Code, Title 22, CDA - Planning Division
11. Marin County Development Standards, Title 24, Marin County Department of Public Works - Land Use & Water Resources Division
12. Soil Survey of Marin County, USDA Soil Conservation Service (1985)

13. Flood Insurance Rate Map Series of Marin County, California, prepared by the Federal Emergency Management Agency
14. Association of Bay Area Governments (ABAG), 2013. Marin County Earthquake Hazard Map. Available online:  
<http://gis.abag.ca.gov/website/liquefactionsusceptibility/index.html>
15. California Department of Conservation, (CDC), 2014. Marin County Tsunami Inundation Maps, available online:  
[http://www.conservation.ca.gov/cgs/geologic\\_hazards/Tsunami/Inundation\\_Maps/Marin/Pages/Marin.aspx](http://www.conservation.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/Marin/Pages/Marin.aspx).
16. Alquist –Priolo Special Studies Zone Map (1974)
17. Bay Area Air Quality Management District (BAAQMD), 2009. Revised Draft Options and Justification Report, California Environmental Quality Act Thresholds of Significance, October, 2009.
18. BAAQMD, 2010. CEQA Air Quality Guidelines, Updated May 2010.
19. BAAQMD, 2012. CEQA Air Quality Guidelines, Updated May 2012.
20. BAAQMD, 2014. Air Quality Standards and Attainment Status, obtained online ([http://hank.baaqmd.gov/pln/air\\_quality/ambient\\_air\\_quality.htm](http://hank.baaqmd.gov/pln/air_quality/ambient_air_quality.htm)).
21. Office of Environmental Health Hazard Assessment (OEHHA). 2003. Air Toxics Hot Spots Program Risk Assessment Guidelines: The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. August, 2003.
22. Mineral Resources, CDA - Planning Division (1987)
23. California Department of Fish and Wildlife. Rarefind v. 5. Online version of the California Natural Diversity Database (CNDDDB).
24. California Department of Toxic Substances Control (DTSC), 2014. EnviroStor database. Available online: <http://www.envirostor.dtsc.ca.gov/public/>
25. County of Marin, 2014. Marin Map, Hazard, Fire Hazard Severity Zone. Available online:  
<http://www.marinmap.org/Geocortex/Essentials/Marinmap/Web/Viewer.aspx?Site=MMDataViewer>.
26. State Water Resources Control Board (SWRCB), 2014. GeoTracker database. Available online: <http://geotracker.waterboards.ca.gov/>
27. Marin County Fire Department, Woodacre Fire Station, available online at <http://www.marincounty.org/depts/fr/divisions/operations/stations/woodacre>.

28. Marin County Sheriff Department, official website, available online at <http://www.marinsheriff.org/>.
29. CalRecycle, Facility/Site Summary Details: Redwood Sanitary Landfill (21AA0001), available online at: <http://www.calrecycle.ca.gov/SWFacilities/Directory/21-AA-0001/Detail/>.
30. Marin County Archaeological Sites Inventory Map, CDA - Planning Division (undated) confidential.